

From the first, settlement in Loudoun County was intertwined with the institution of slavery. The initial white settlers in Loudoun in the 1720s brought enslaved African Americans with them. Compared with the rest of the Virginia, however, Loudoun County was sparsely settled during the colonial period, and plantation agriculture was slow to take hold. In 1749, for instance, there were only 138 enslaved persons, with no establishment exceeding 20 enslaved individuals. This changed in the immediate pre-Revolutionary period as settlement accelerated. Newcomers, some of them absentee owners, sought to establish larger plantations based on tobacco cultivation, mostly in the southern and eastern parts of the county, which required larger numbers of workers. By 1760, the enslaved population had multiplied more than seven times to 1,012. As elsewhere in the Commonwealth, control of the enslaved was embedded in the system of law and order. *[Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South*, pp. 172-173.]*

LAW AND ORDER IN COLONIAL LOUDOUN (1768)

Robert A. Pollard

Some enslaved persons undertook great risks trying to flee to freedom. One such individual was Peter Deadfoot -- “a Mulatto slave belonging to Samuel Selden” -- who apparently escaped in April 1768 while working at the Loudoun property of Thomson Mason.[1] Deadfoot was last seen boarding a ferry headed for Philadelphia bearing forged papers, a false name, and possibly a disguise. Four months had already passed when Mason -- a distinguished attorney, member of the House of Burgesses representing Loudoun and Stafford counties, and the younger brother of George Mason IV -- submitted this notice to a Williamsburg newspaper in August 1768. Ironically, in offering a reward for the fugitive’s apprehension, Mason admiringly testified to Deadfoot’s extraordinary skills, “ingenious” character, and intelligence -- making it seem more likely than not that he may have won his freedom by this time.

Virginia Gazette, Williamsburg, September 22, 1768*

STAFFORD County, August 20, 1768. RAN away last April, from one of the subscriber's quarters in Loudoun, (where he had been a short time sawing) a Mulatto slave belonging to Samuel Selden, jun. named Peter Deadfoot, though it is supposed he has changed his name, as he the day before attempted to pass for a freeman, and had got as far as Noland's ferry, on his way to Philadelphia, by a forged pass, in which he was called William Swann. He is a tall, slim, clean limbed, active, genteel, handsome fellow, with broad shoulders; about 22 years of age, a dark Mulatto, with a nose rather flat than otherwise, very sensible, and smooth tongued; but is apt to speak quick, swear, and with dreadful curses upon himself, in defence of his innocence, if taxed with a fault, even when guilty; which may be easily discovered, by any person's taxing him with being run away. He is an indifferent shoemaker, a good butcher, ploughman, and carter; an excellent sawyer, and waterman, understands breaking oxen well, and is one of the best scythemen, either with or without a cradle, in America; in short, he is so ingenious a fellow, that he can turn his hand to anything; he has a great share of pride, though he is very obliging, is extremely fond of dress; and though his holiday clothes were taken from him, when he first attempted to get off, yet, as he has probably passed for a freeman, I make no doubt he has supplied himself with others, as such a fellow would readily get employment; it has been reported that he was seen on board a vessel in York river, near York town; but for my own part, I suspect that he is either in Prince William county, Charles county in Maryland (in both which places he has relations) or in the neighbourhood of Winchester. Whoever apprehends the said slave, and conveys him to me in Stafford county, shall receive, if taken within ten miles of my house, Five Pounds; if above fifty miles, Ten Pounds; and if above one hundred miles, Twenty Pounds reward, besides what the law allows. THOMSON MASON.

*[With thanks to Deborah A. Lee for her insights on this document.]

Coincidentally, during the same month in 1768, another “*Negro man slave belonging to Samuel Selden of the County of Stafford*”-- an individual named “Mercer” -- was brought to trial at the first Loudoun Courthouse, on the same grounds as today’s Courthouse. Court records indicate that Mercer was convicted of murder in late July, with a public hanging set for August 12. The sentence itself was not unusual for those times, but the manner of his execution most certainly was: the Loudoun sheriff was ordered to “*sever his head from his body and place the same on a pole near the gallows, and also set up his four Quarters*” (dismembered body) for public display at four separate locations in the County:

Loudoun County Courthouse, Order Book D, 8 August 1768, page 90

At a court of Oyer and Terminer held Thursday the 28th of July 1768 for the trial of Mercer a Negro man slave belonging to Samuel Selden of the County of Stafford for murder upon an information exhibited against for that purpose. Before James Hamilton, William Douglass, Stephen Donaldson & Fleming Patterson, Gent. Justices. Defendant plead guilty of the murder and ordered to be hanged by the neck until he be dead, and that the Sheriff on Friday the 12th of August next drag the said Mercer to the gallows and there hang him pursuant to the judgment, and then sever his head from his body and place the same on a pole near the gallows, and also set up his four Quarters, viz. one at Thompson Mason Esqr. his Mill, another at the forks of the roads at John Griffith's, one other at the place where the Ox road leaves Alexandria Road below Goose Creek, and the last at the fork of the road Moss' and Sorrell's. And the Court values the slave at L70 [pounds] and ordered that the Clerk do certify the same to the General Assembly. The Court then dissolved. Signed by Jas. Hamilton. Truly recorded p. Chas. Binns Cl. Cur.

Even by the standards of frontier justice, this grisly practice seems extreme, yet it was the law of the land in colonial Virginia. “Drawing and quartering” was the punishment for treason, including for whites. The difference was that for *enslaved* persons, the penalty was also applied for serious crimes like rape or murder because such actions were considered a form of rebellion, hence treason.[2]

So what was the common tie between these two, seemingly discrete, events? In both cases, it was Thomson Mason. First, notice that one of the places where Mercer’s remains were to be displayed was the mill belonging to “*Thompson [sic] Mason*” (at his Raspberry Plain plantation). It is hard to imagine that the public authorities would have conveyed Mercer’s disjointed corpse for display at the property of so eminent a personage as Mason without his permission. And why would he care about Mercer in the first place? It turns out that Samuel Selden -- the named “owner” of both enslaved individuals, Mercer and Deadfoot -- was the *brother-in-law* of Thomson Mason and George Mason IV.[3]

Curiously, Thomson Mason had announced Peter Deadfoot’s escape *just eight days* after Mercer’s execution and dismemberment. Mason or Selden had almost surely advertised Deadfoot’s escape earlier, closer to the event in April, but for some reason, Thomson decided to repeat his appeal for Deadfoot’s apprehension in August. Here’s a clue: Thomson had hired him from Samuel to work on his Raspberry Plain property just before he disappeared. Perhaps the incident with Mercer prompted Thomson Mason’s renewed interest in capturing Peter Deadfoot; after all, it had happened on Thomson’s watch, and he likely felt responsible for the loss of his brother-in-law’s very capable worker. That would explain Thomson’s interest in both cases.

The gruesome treatment of Mercer was surely meant to send a chilling warning to the enslaved and free black population of Loudoun County, just one more example of the lengths that white citizens would go to intimidate African Americans.[4] We can only speculate what punishment awaited Peter Deadfoot had he been captured. Given his value as a worker, his life most likely would have been spared. Yet in colonial Loudoun, the odds are that his penalty would have been harsh indeed.

(1) Thomson Mason bought Raspberry Plain in Loudoun in 1760 and built a mansion there in 1771.

(2) Virginia historian James Hershman, Jr. adds that “[w]hen Thomas Jefferson and his Committee of Revisers in the General Assembly rewrote and updated the new state's criminal code in 1778, they removed ‘drawing and quartering’ for white persons but left it as a punishment for slave rebellion (considered treason). Several of the participants in Nat Turner's slave insurrection in Southampton County in 1831 had a form of that punishment inflicted upon them (their severed heads displaced in various parts of the county). Slave rebellion or fomenting slave rebellion remained a capital offense (treason) for both blacks and whites until after the Civil War. John Brown was tried and hanged in Charles Town, Virginia in 1859 under that act (commission of treason against the Commonwealth of Virginia).” [Email to author, 1-31-2019]

Lee Lawrence notes that critics often charged Quaker abolitionists with “treason” for allegedly inciting the enslaved to rebellion. In examining the Revised Codes of the Laws of Virginia (1819), she observes that the death sentence for insurrection was to be carried out “without benefit of clergy,” and that Virginia law permitted jurisdictions to supplement such executions with punishments “as they see fit.” [Emails to author, 1-31-2019 and 2-3-2019]

(3) Samuel had married their sister. For Samuel Selden’s family tree, see

<https://www.colonial-settlers-md-va.us/familychart.php?personID=I020336&tree=Tree1>

The *Virginia Gazette* advertisement lists Deadfoot as “belonging to Samuel Selden, jun.” (Jr.?) -- the son of Samuel Selden -- but he was only 12 years old at the time, so real “ownership” remained with the father.

(4) Such penalties may have encouraged and sanctioned the tightening of white controls on African Americans, including more brutal punishment for unlawful or disorderly behavior, in subsequent years. A year later, in October 1769, an enslaved man convicted of rape received a similar sentence in the Courthouse. After being hanged, his head was severed and “set up near the gallows.” Lesser offences were also punished severely. In 1760, for instance, an enslaved person in Loudoun convicted of theft was sentenced to a public whipping “of thirty-nine Lashes on his bare back well laid on.” Poland, *From Frontier to Suburbia*, p. 22. Yet the cruelty of such punishments may have repelled other whites, in particular the non-slaveholding Quaker and German population in the County, and heightened their opposition to slavery.

Loudoun was quick to embrace the movement toward independence, and the County contributed more fighting men to the Revolutionary cause than any other in Virginia. As in the rest of the South, however, Revolutionary ideals of freedom and liberty did not extend to enslaved persons. Although slavery still existed in all of the colonies in 1776, there was by then a considerable free black population in the North, and 5,000 free African Americans, mostly from the North, fought on the Patriot side. (On the other hand, large numbers of blacks in the South, promised freedom by the British, sided with the Loyalists.) Slavery was abolished in four northern states by 1787, and in all of them by the 1820s.

Yet slavery remain entrenched, and in fact flourished, in the South after Independence. In 1778, Virginia banned the importation of enslaved people; the federal government followed suit in 1808. Ironically, this led to a dramatic increase in the value of enslaved people and spurred the domestic slave trade between the Upper South states, such as Virginia, and the Deep South, where demand was higher. Virginia was no exception, but manumission led over time to a sizeable “free colored” community in Loudoun County.

LOUDOUN AND THE REVOLUTION, 1774-1776

Mitch Diamond

Perhaps the most important thing to happen at the Courthouse before the Revolution was the drafting of the Loudoun Resolves in 1774. Here on a sultry Wednesday evening, June 14, 1774, hundreds of “free-holders” (landowners) gathered in response to the closing of the port of Boston and the city’s occupation by government troops coming in the wake of the Boston Tea Party. Northern Virginians could sympathize: they had cowed British sailors at our main port, Alexandria, causing them to leave without unloading the tea.

Prominent citizens like Leven Powell and Francis Peyton created a resolution of protest for their fellow citizens. At this meeting outside the Courthouse, Loudoun citizens affirmed their loyalty to the king but denounced Parliament’s actions as “unconstitutional.” They also cautioned parliament that continued abuse would undoubtedly lead to civil war. In concluding, they pledged not to buy any tea or trade with Britain until the taxes were repealed. They sent these resolves directly to the First Continental Congress at Philadelphia, meeting in September.

In August 1776, the Declaration of Independence was read on the Courthouse steps. A printed copy of the Declaration of Independence reached Leesburg on August 12, 1776. According to the court order book, on that day, a bell at the Leesburg courthouse was rung, and by the order of Virginia Gov. Patrick Henry, the declaration was read at the Courthouse door by the county sheriff, Philip Noland, a strong advocate of independence.

At the time of the Revolutionary War, Loudoun had the largest militia of any county in Virginia - 1,600 men in 1776, rising to 1,746 by the end of the war. [Poland, *From Frontier to Suburbia*, p. 53] According to the colony’s law, every free (white) man between sixteen and fifty had to serve.

When they mustered in, they came to the Courthouse grounds and drilled. They frequently lacked both discipline and weapons. Yet despite this, their patriotic devotion was palpable.

When Governor Dunmore seized the colony's gunpowder stores in Williamsburg, Loudoun's militia immediately set off for the capital to take them back. They made it all the way to Fredericksburg before the president of the House of Burgesses, Peyton Randolph, told them to stand down.

Many of these same men later joined Washington's Continental Army to fight for the freedom of their new nation. None of the fighting in the Revolutionary War occurred in Loudoun, but it was one of the largest contributors of men to fight in that struggle.

Sources

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