



**Loudoun County**  
VIRGINIA

**REPORT OF THE LOUDOUN COUNTY HERITAGE COMMISSION**

*The History of the County Courthouse  
and Its Role in the Path  
to Freedom, Justice and Racial Equality  
in Loudoun County*

**Prepared by the Heritage Commission's Courthouse Grounds Subcommittee**

**PRESENTED TO THE LOUDOUN COUNTY BOARD OF SUPERVISORS**

**JUNE 4, 2019**



Second Leesburg Courthouse, 1815

**REPORT OF THE LOUDOUN COUNTY HERITAGE COMMISSION**  
**THE HISTORY OF THE COUNTY COURTHOUSE AND ITS ROLE**  
**IN THE PATH TO FREEDOM, JUSTICE AND RACIAL EQUALITY**  
**IN LOUDOUN COUNTY**

**March 1, 2019**

**Robert A. Pollard, Editor**

*This report is not intended to be a complete history of the Loudoun County Courthouse, but contains a series of vignettes, representations of specific events and people, selected statistics, reprints of published articles, original articles by Commissioners, copies of historic documents and other materials that help illustrate its role in the almost three century struggle to find justice for all people in Loudoun County.*

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## **PROLOGUE**

As Virginia historian James Hershman has noted,

*The courthouse is the symbol of the presence and power of the Commonwealth of Virginia in Loudoun County. . . . It was the state that could execute you, imprison you, or take your property -- all of that was done in that building. It was under Virginia's Constitution and the state laws it authorized that race was defined and segregation was mandated. . . . Justice, under state authority, was meted out--in unequal fashion -- in that courthouse to the black and white citizens of Loudoun County. [Email to Mitch Diamond]*

In its nearly three century history, the Courthouse has been the center of life in our County -- witness not only to acts of honor and bravery, justice and freedom, but also to acts of tyranny and injustice, humiliation and suffering.

The Courthouse represents the long path from the promise of “All Men Are Created Equal” in the Declaration of Independence read from its steps, to the delay of that promise through brutal acts of enslavement and punishment, to the horrors of a Civil War that pitted brother against brother, to the incomplete work of Reconstruction, to the restrictions and entanglements of Jim Crow segregation, and, finally, to events and actions moving us step-by-step toward the long overdue fulfillment of the Declaration’s promise of equal justice for all.

In this report we have presented some glimpses into that history, some vignettes of the people who have participated in our struggle to find justice, and some moments that capture the evolution of our thinking and our behavior over the centuries.

We hope that this history, and the memorials we have proposed, provide the opportunity for all our citizens and visitors to better understand this long and difficult path toward freedom, and inspire all of us to continue on that path toward an even better future.

\* \* \* \* \*

## **OVERVIEW**

### **TIME LINE**

#### **LOUDOUN COUNTY AND THE COURTHOUSE**

**1692** -- The first known European explorers come to Loudoun County via the Potomac River and Sugarland Run.

**1722** -- Treaty of Albany signed with the Iroquois Nation. Immigration into Loudoun begins.

**1757** -- Loudoun established as a separate county, with Leesburg named as seat. Population estimated at 3,500 including 550 enslaved people.

**1758** -- **First Loudoun County courthouse** erected at Market and King Streets.

**1768** -- **First public execution** in Loudoun County, consisting of three black enslaved persons. “Mercer” hung and dismembered (quartered) following murder conviction.

**1774** -- **Loudoun Resolves** adopted. Population estimated at 11,000 including 1,950 enslaved

#### **1775-1783 -- Revolutionary War**

**1776** -- **Declaration of Independence** read from Courthouse steps.

**1778** -- Virginia bans importation of enslaved people.

**1782** -- Virginia law makes it possible for county courts to grant manumission to the enslaved, leading over time to a large growth in the free black population.

**1790** -- First United States census – Loudoun population 18,962 including 4,213 enslaved.

**1806** -- Virginia General Assembly decrees that any African American person emancipated after May 1806 has 12 months to leave Virginia or face re-enslavement.

**1808** -- U.S. ends importation of enslaved people.

**1811** -- **First courthouse burns down** –**second courthouse** erected on the same site.

#### **1812-1815 -- War of 1812**

**1816** -- **American Colonization Chapter** established in Loudoun, with strong support from prominent citizens including Charles Fenton Mercer and President James Monroe (1817-1825).

**1825** -- **Revolutionary War hero Marquis de Lafayette** visits the courthouse accompanied by U.S. Presidents James Monroe and John Quincy Adams.

**1828** -- Quaker **Yardley Taylor** convicted and fined for helping an enslaved man try to escape. Loudoun population 21,936 total, including 5,363 enslaved and 1,029 free blacks.

**1831** -- **Nat Turner Rebellion** (August) in Southampton County, Virginia, results in deaths of 50+ whites, followed by violent suppression of uprising and public execution of Turner and killing of 100-200 blacks.

**1831** -- (November) Virginia General Assembly passes laws that forbid African Americans in Virginia to assemble, learn to read or write, or preach.

**1831** -- Large-scale sales and subsequent movement of enslaved people out of Loudoun begin in response to growing cotton production in Deep South; continue until Civil War.

**1836** -- **County Attorney petitions the State legislature to expel 36 free African Americans** in Loudoun to Africa.

**1840** -- **Trial of Leonard Grimes** for aiding enslaved people to escape results in light sentence.

**1846** -- **Trial of Nelson Talbot Gant** for stealing his enslaved wife results in dismissal of charges.

**1850** -- **Samuel Janney** tried in Courthouse for “inciting slaves to revolt” in his letters to editor criticizing slavery; acquitted on grounds of First Amendment right to free speech.

**1852** -- **Joseph Trammell** issued “Freedom Paper”.

**1857** -- U.S. Supreme Court in **Dred Scott case** says enslaved people were not and never could be citizens.

**1859** -- On October 17, local militia companies mustered on Courthouse lawn and marched via Hillsboro to Harpers Ferry in response to John Brown’s raid on federal armory and arsenal.

### **1861-1865 -- Civil War**

**1861** -- On October 21, local citizens taunt 553 captured Union troops held on the Courthouse grounds after the **Battle of Ball’s Bluff**; at midnight, the captured troops were led out of town.

**1862** -- During Battle of Antietam, Union artillery bombards Confederate troops near the Courthouse, forcing their withdrawal from Leesburg.

### **1865-1877 -- Reconstruction**

**1865** -- **13th Amendment** to Constitution abolishes slavery; Congress creates **Freedmen’s Bureaus** to give food, clothing and fuel to Freedmen.

**1866 -- Freedman's Bureau** established in Loudoun; first public elementary schools for African American children built in Lincoln (1866) and Waterford (1867), with help from Quakers, Baptists, and Freedmen's Bureau. In 1867, Carolyn Thomas, Quaker, teaches at Freedmen's Bureau school in Leesburg; also the instructor for Edwin Washington.

**1866 -- First Civil Rights Act** guarantees equal rights in the courts, property, and contracts, but not the vote.

**1867-1870 -- Reconstruction Acts** impose Army rule on South, including First Military District in Virginia. Military-appointed Governors, Republicans and Unionists control state government.

**1868 -- 14th Amendment** enshrines civil rights for all U.S. citizens, including "due process" and "equal protection" under the law. **Freedmen's Bureau** closes Loudoun offices.

**1870 -- 15th Amendment ratified**, guaranteeing the right to vote.

**1870 -- Virginia re-enters Union, civilian government restored.**

**1870-1871 -- Enforcement Acts** (including Ku Klux Klan Act) passed by Congress to suppress white violence against Freedmen, protect right of blacks to vote. President Grant sends federal troops to crush KKK in South Carolina.

**1873 -- First elected African American official** in Loudoun: V. Cook Nickens, Constable of Leesburg Magisterial District.

**1873 -- Democrats capture Virginia statehouse** (governorship and legislature).

**1873 -- U.S. Supreme Court** rules that states, not federal government, have power to enforce civil rights guaranteed under 14th Amendment.

**1875 -- Second Civil Rights Act** prohibits discrimination in public places, transport, and jury selection (but not schools), yet at same time, **U.S. Supreme Court** sharply curtails ability of federal government to stop mob violence against blacks in the South.

**1877 -- End of Reconstruction**; all former Confederate states now under Democratic rule; withdrawal of federal troops from Virginia.

**1880 -- Lynching** of Page Wallace, an African American accused of raping a white woman, at McKimney's Landing at Furnace Mountain. He had earlier escaped from the Loudoun County jail in Leesburg.

**1883 -- Mass meeting of African American leaders** petitions Courthouse to protest lack of rights.

**1883 -- U.S. Supreme Court** strikes down main provisions of 1875 Civil Rights Act.

**1884 – First multi-room elementary school** for African American children in Loudoun (four rooms on Union Street in Leesburg).

**1889 -- Lynching** of Orion (sometimes Owen) Anderson at quarry near Leesburg railroad station for scaring a white girl. A mob broke into the Leesburg jail, overpowered the sheriff and deputy, and dragged Anderson down Church Street before hanging him from a quarry derrick.

**1894 -- Second Courthouse razed; construction of current (third) Courthouse** at same site (first occupied in February 1895).

**1896 --** U.S. Supreme Court in *Plessy v. Ferguson* legitimizes “separate but equal” doctrine.

**1902 --** New **Virginia Constitution** restricts voting rights of blacks and poor whites while adding the requirement for segregated schools in the state’s organic law.

**1902 -- Lynching** of Charles Craven. A mob seized him from the Leesburg Jail and lynched him at Potter’s Field, near the intersection of Market St. and Catoctin Circle.

**1908 -- Confederate Soldier statue** unveiled at Courthouse.

**1914-1918 -- World War I** (U.S. enters war in 1917).

**1921 -- World War I memorial** erected on Courthouse grounds.

**1921 --** African American students participate for the first time in the annual school fair, held that year in Leesburg.

**1930 -- First secondary school for African Americans** established at Union Street facility. (Some high school courses may have been offered at this facility as early as 1920.)

**1933 -- Charles Hamilton Houston** and an all-African American defense team argue the **Crawford case** in the Courthouse.

**1935 --** African American families form **County-Wide League** to press for better schools.

**1939-1945 -- World War II** (U.S. enters war in 1941).

**1940 --** The Loudoun chapter of the **NAACP** is formed.

**1941 -- Frederick Douglass High School** for African Americans is opened and accredited.

**1942 --** African Americans students join white students on the Middleburg school grounds to celebrate learning how to manage Victory Gardens.

**1950-1953 -- Korean War**



**1954 -- *Brown v. Board of Education*:** U.S. Supreme Court declares segregated schools unconstitutional, calls for desegregation of public schools “with all deliberate speed.”

**1956 -- World War II and Korean War memorial** erected on Courthouse grounds.

**1956-1959 --** Senator Harry F. Byrd, Sr. leads “**Massive Resistance**” campaign against school integration in Virginia. State and federal courts overturn Virginia laws and order desegregation to proceed, but delayed in Loudoun and elsewhere.

**1957 -- Loudoun County public library** in Purcellville is first to be integrated.

**1959-1975 -- Vietnam War**

**1961 --** Integration of lunch counters and restaurants begins in Middleburg (and later, Leesburg) as the Kennedys come into town.

**1964 -- Civil Rights Act**

**1965 --** African Americans demonstrate for integration of Fireman’s Field swimming pool and Tally-Ho Theater in Leesburg.

**1965 -- Voting Rights Act**

**1969 -- Loudoun County public schools** fully integrated.

**1970 -- All Loudoun restaurants** serve African Americans.

**1992 -- Martin Luther King memorial** installed on Courthouse grounds.

**2000 --** Establishment of **Black History Committee** of the Friends of the Thomas Balch Library.

**2003 --** National Park Service designates Courthouse as “**Underground Railroad Network to Freedom Site.**”

**2015 -- Revolutionary War Memorial** erected on Courthouse grounds.

**2015 -- Board of Supervisors reserves \$50,000 toward a memorial** “to honor and remember the enslaved that were sold on the courthouse steps and those individuals from Loudoun County who fought for the Union during the Civil War.”

**2016 --** Loudoun County Schools commissions the **Edwin Washington Project** to document the experiences of African Americans in segregated schools.

**2016 -- Joseph Trammell** papers and tin box placed in “Slavery and Freedom” exhibit at National Museum of African American History and Culture in Washington, DC

*During the controversy over Confederate monuments after the violence in Charlottesville in 2017, the Planning and Zoning Department prepared a history of the Loudoun Courthouse grounds for the use by County Administration and the Board of Supervisors.*

## **BRIEF HISTORY OF THE COURTHOUSE AND THE CONFEDERATE MONUMENT**

**Heidi Siebentritt**

### **Courthouse History and Construction**

The Loudoun County Court convened for the first time on July 12, 1757, approximately three months after the April 1757 designation of Loudoun as a county, separate from Fairfax County. The court met at the property of Nicholas Minor of Leesburg until the construction of a formal courthouse structure\* was completed in 1761 on land that was deeded to Francis Lightfoot Lee (the appointed Lieutenant of the County Militia) by Nicholas Minor for County use<sup>i</sup>. Loudoun's first Sheriff, Aneas Campbell, was awarded the contract (as the lowest bidder) to construct the courthouse, receiving 50,000 pounds of tobacco as payment<sup>ii</sup>. The courthouse grounds contained a whipping post and stocks.

Citing the insufficiency of the jail constructed with the new courthouse, a new jail was erected on the property of Aneas Campbell (known now as Raspberry Plain). This jail burned down by 1767 and another jail was constructed again, near the courthouse<sup>iii</sup>.

Historic court records show that in 1779, the Court Justices granted a request to build a school on the courthouse grounds. This appears to be the first school constructed in the County<sup>iv</sup>.

The second courthouse building was constructed on the site of the original courthouse between 1809 and 1811. At the same time, a new clerk's office and jail were constructed at the cost of \$10,500. This courthouse was in use until 1895 when the Justices decided that the building was inadequate to the needs of the court<sup>v</sup>.

The building was razed and the third and current courthouse was constructed in 1895. William West, a Richmond architect designed the structure and Leesburg's own Norris Brothers were contracted to build the structure. At that time, the clerks' office was housed in the former Leesburg Academy, constructed in the early 1800's and sold to the County for that purpose in 1879<sup>vi</sup>.

Throughout its history the courthouse grounds has been the center of community activity including trials, public displays of corporal punishment, daily markets, Court Day celebrations and Memorial Day celebrations. On September 17, 1862 (the same day as the Battle of Antietam) a small battle was fought on the courthouse green<sup>vii</sup>.

## Confederate Statue

The first discussions about the erection of a Confederate Monument were reported in 1901 at a meeting of the Clinton Hatcher Camp Confederate Veterans and Sons (now the Clinton Hatcher Camp of the Sons of the Confederate Veterans <http://www.scv.org>) and the Loudoun Chapter of the Daughters of the Confederacy (now the United Daughters of the Confederacy <http://www.hqudc.org>). In 1906, at the request of these groups, the Loudoun County Board of Supervisors (Board) allotted \$500 for the erection of a Confederate Monument on the courthouse grounds with the caveat that the Sons and Daughters raise the remaining \$2,500<sup>viii</sup>. The statue was formally unveiled on May 28, 1908<sup>ix</sup>.

The “Silent Sentinel” created by Frederick William Sievers, is a bronze statue of a young Confederate soldier cocking his musket. Sievers was a Richmond based sculptor who also sculpted the Virginia Memorial in Gettysburg in 1910<sup>x</sup>. As a work by the highly regarded artist, the statue may have inherent artistic value separate from its symbolic value.

In 2006, the statue was cleaned and restored by a conservator selected and paid for by the Lee Chapter of the United Daughters of the Confederacy (UDC). The UDC also funded the cleaning of the World War I and the World War II/Korean War memorials at that time. In 2008, the UDC requested financial assistance from the Board for the 100<sup>th</sup> anniversary celebration of the “Silent Sentinel,” the county’s oldest monument. At the April 15, 2008 Board meeting, the Board voted to approve funds in the amount of \$3,300 to support the event<sup>xi</sup>.

## Other Monuments

In addition to the Confederate statue, the courthouse grounds contain a World War I Soldiers and Sailors Memorial erected in 1921 and a Monument to the Heroic Dead of Loudoun County erected in 1956 to memorialize the veterans of World War II and the Korean War. In 1992, the Dr. Martin Luther King Marker was placed on the Courthouse grounds by the “I Have a Dream Committee” to commemorate Dr. King’s Civil Rights leadership<sup>xii</sup>. In 2013, the Board allocated \$50,000 to the Patriot Project for the “Spirit of Loudoun” to be distributed after the remainder of the funds were raised. The sculpture was unveiled in 2015 as a memorial to the Loudoun families who fought and sacrificed during the Revolutionary War<sup>xiii</sup>.

On September 2, 2015, the Board approved the allocation of \$50,000 for the construction of a memorial on the courthouse grounds to be held in reserve until the remainder of the necessary funds are raised, “to honor and remember the enslaved that were sold on the courthouse steps and those individuals from Loudoun County who fought for the Union during the Civil War.<sup>xiv</sup>” (Note: Over 250 free and self-emancipated African Americans, claiming Loudoun County as their place of birth, served in the Union Army<sup>xv</sup>.)

## The Courthouse and African American History

### *The Enslaved Population*

The Courthouse and the Courthouse grounds, as stated previously, were central to the lives of Loudoun residents, both white, black, free and enslaved. Evident from local advertisements,

market days and Court Days provided peak opportunities to inspect enslaved men, women and children for purchase at auction. Advertisements stated that the sale would occur “in front of the Courthouse<sup>xvi</sup>.” Suspected runaways were held in the County jail until their owners retrieved them<sup>xvii</sup>. If not claimed, the prisoners could also be sold at auction with twenty-five percent of the sale going to the County as provided under state law<sup>xviii</sup>.

### *Freedom Seekers*

In 2003, the National Park Service designated the Loudoun County Courthouse (Courthouse) as an “Underground Railroad Network to Freedom Site.” Two important trials in the 1840’s were held at the Courthouse, those of Leonard Grimes and Nelson Talbot Gant. These free black men were charged with assisting enslaved people escape to freedom via the Underground Railroad. Gant was accused of stealing his own enslaved wife and was later acquitted. Leonard Grimes was sent to prison in Richmond<sup>xix</sup>.

### *Jim Crow Era*

During the late 19<sup>th</sup> century to the mid-20<sup>th</sup> century, African Americans in Loudoun County lived under the cloud of Jim Crow laws and segregation. However, in 1933, Charles Hamilton Houston, mentor to Thurgood Marshall, became the first African American to argue a major case in a southern courtroom – the Loudoun County Courthouse<sup>xx</sup>.

Tuskegee University in Alabama has documented known lynchings of black people in the United States between 1882 and 1968<sup>xxi</sup>. The Equal Justice Initiative completed a similar study for the years between 1877 and 1950<sup>xxii</sup>. These sources document 83 and 84 known lynchings in Virginia respectively.<sup>xxiii</sup> Three occurred in Loudoun County: Page Wallace in 1880<sup>xxiv</sup>, Orion Anderson in 1889 and Charles Craven in 1902<sup>xxv</sup>. The Richmond Dispatch reported that a mob broke into the Leesburg Jail, overpowered the Sheriff and Deputy, dragged Orion Anderson down Church Street and hung him at the depot. Charles Craven was taken from the Leesburg Jail by a mob and lynched at Potter’s Field, now the site of the Leesburg Wendy’s<sup>xxvi</sup>. To date, there are no documented cases of lynchings having occurred on the county courthouse grounds. Virginia passed its anti-lynching law in 1928<sup>xxvii</sup>. Federal anti-lynching legislation was first introduced in 1918 and was reintroduced well into the 1950s. However, no federal law ever passed the Senate to become law<sup>xxviii</sup>.

\*[It is quite possible that enslaved workers helped build the first and second courthouses and adjoining structures, but additional research would be necessary to confirm this.]

# [The Craven lynching took place on Emancipation Day. As the lynch mob gathered, the Emancipation Day parade marched nearby, singing “America the Beautiful.” Undeterred, one of the mob yelled, “This is an Emancipation Day hanging!” -- *Washington Post*, August 1, 1902.]

<sup>i</sup> *The Story of Loudoun County Court and its Buildings*, undated, hard files, Thomas Balch Library

<sup>ii</sup> Poland Charles P. Jr., *From Frontier to Suburbia*, Heritage Press, 1976, 2005

<sup>iii</sup> Ibid

<sup>iv</sup> Ibid

<sup>v</sup> C.O. Vandevanter, *The History of Loudoun County Courthouses*, The Loudoun-Fauquier Magazine, Vol.3 No. 1, hard files, Thomas Balch Library

<sup>vi</sup> Ibid

<sup>vii</sup> Scheel, Eugene, *With Antietam Days Away, Young Leesburg Girl Bore Witness to History: The 1862 Skirmish at Leesburg*, The History of Loudoun County, Virginia, <http://www.loudounhistory.org/history/loudoun-cw-chronology.htm>

- viii Loudoun County Board of Supervisors Minute Book, July, 1906, hard files, Thomas Balch Library
- ix Flemming, Becky Hackney, *The Story of Loudoun's Silent Sentinel Unfolded*, The Bulletin of the Loudoun County Historical Society, 2008-2009 Edition
- x Ibid
- xi Loudoun County Board of Supervisors Meeting Minutes, April 15, 2008, accessible via <https://www.loudoun.gov/index.aspx?NID=3426>
- xii Loudoun County Courtyard Walking Tour, Gary Clemens, Clerk of the Circuit Court, 2016-2017
- xiii Loudoun County Board of Supervisors Meeting Minutes, December 4, 2013 accessible via <https://www.loudoun.gov/index.aspx?NID=3426>
- xiv Loudoun County Board of Supervisors Meeting Minutes, September 2, 2015 Business Meeting accessible via <https://lfportal.loudoun.gov/LFPortalinternet/0/edoc/199659/09-02-15%20Minutes.pdf>
- xv Grigsby, Kevin Dulany, *From Loudoun to Glory, The Role of African-Americans from Loudoun County in the Civil War*, 2012, Kevin D. Grigsby
- xvi Lori Kimball, *The Courthouse and its Connection to Slavery*, hard files, Thomas Balch Library
- xvii Friends of the Thomas Balch Library, *A Glimpse into Loudoun County's African American History* <http://balchfriends.org/glimpse>
- xxiii *Black Laws of Virginia, A Summary of Legislative Acts of Virginia Concerning Negroes Form Earliest Time to Present*, by June Purcell Guild, LL.M with permission from the Afro-American Historical Association
- xix Lori Kimball, *The Courthouse and its Connection to Slavery*, hard files, Thomas Balch Library
- xx Friends of the Thomas Balch Library, *A Glimpse into Loudoun County's African American History* <http://balchfriends.org/glimpse>
- xxi <http://archive.tuskegee.edu/archive/handle/123456789/511>
- xxii <https://lynchinginamerica.eji.org/explore>
- xxiii Ibid
- xxiv [https://www.encyclopediavirginia.org/Lynching\\_in\\_Virginia](https://www.encyclopediavirginia.org/Lynching_in_Virginia)
- xxv Ibid
- xxvi Ibid
- xxvii *Black Laws of Virginia, A Summary of Legislative Acts of Virginia Concerning Negroes Form Earliest Time to Present*, by June Purcell Guild, LL.M with permission from the Afro-American Historical Association
- xxviii <http://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Anti-Lynching-Legislation/>

\* \* \* \* \*

## **I. THE ERA OF ENSLAVEMENT**

*European settlement came late to Loudoun County, with the first non-indigenous population appearing a full century after the initial colonization of the Commonwealth. From its beginning, Loudoun was different: in addition to Virginia plantation owners who came in search of new lands to cultivate tobacco, the County hosted a large number of non-slaveholding small farmers (Quakers, Germans, and Scots-Irish) who had migrated from the North. This population generated a small but vocal abolitionist movement in the County that challenged the institution of slavery and opposed secession from the Union on the eve of the Civil War.*

*The County's racial balance was also distinctive. The relatively small number of enslaved people (about one fourth of the total population), as well as a significant number of free blacks, set Loudoun and other counties in northern Virginia apart from much of the antebellum South. Economic factors had a profound impact on demography: over time, tobacco cultivation depleted soils in Loudoun, and the unsuitability of lands in the hilly northwest of the county to plantation agriculture led to an excess of the enslaved population relative to demand. This in turn led to the sale of some 7,000 enslaved persons outside the County,\* many to the Deep South where the focus of plantation agriculture (especially cotton) had shifted. In numerous cases, the slavery trade led to the brutal break-up of families.*

*\*[Brenda E. Stevenson, Life in Black and White: Family and Community in the Slave South, p. 206]*

### **ENSLAVEMENT, FREEDOM, AND THE COURTHOUSE, 1757-1861**

#### **Bronwen Souders**

The Courthouse, embodying the legal system of a Southern county since Loudoun's separation from Fairfax County in 1757, framed relations between the races from colonial times. Pro-and anti-slavery elements of the white community, as well as the enslaved and free black populations, have all left their mark at this place in ways that deserve remembrance.

#### **Origins: Early Immigration into Loudoun County**

The first non-native settlement of what is now Loudoun began on the heels of the Treaty of Albany in 1722, which essentially excluded indigenous tribes from that portion of the Northern Neck of Virginia east of the Blue Ridge and south of the Potomac. Speculators arrived from the Tidewater area to develop thousands of acres of land -- eventually resulting in large landholdings by enslaving, often absentee, Englishmen -- although actual settlement in Loudoun proceeded slowly at first.

Additional white settlement came from Pennsylvania, New Jersey and Maryland as German immigrants and Quakers took up land in the Loudoun Valley in the western half of the County. They farmed relatively small holdings and built mills around which grew villages and hamlets. The Quakers opposed slavery, military service and swearing oaths, setting them apart from their Cavalier neighbors. The Germans had no tradition of slavery and were relatively apolitical.

Further white settlement came in the mid-18<sup>th</sup> century as the Scots-Irish arrived in substantial numbers. These were farmers, craftsmen, and small business owners, most non-slaveholding. As these several groups prospered and grew, so did the divide between those who used the labor of enslaved individuals and those who did not.

The County has from the earliest white settlement also been home to African Americans, most of them enslaved, but notably, some free. By 1860, the federal census for the County showed roughly 15,000 whites, 5,500 enslaved, and 1,250 free black residents.

<b>Year</b>	<b>Total Population</b>	<b>White</b>	<b>Enslaved</b>	<b>Free Blacks</b>
1790	18,962	14,749	4,030 (21%)	183 (1%)
1800	20,523	15,200	4,990 (24%)	333 (2%)
1810	21,338	15,577	5,157 (24%)	604 (3%)
1820	22,702	16,144	5,729 (25%)	819 (4%)
1830	21,939	15,497	5,363 (24%)	1,079 (5%)
1840	20,431	13,840	5,273 (26%)	1,318 (6%)
1850	22,079	15,066	5,641 (26%)	1,373 (6%)
1860	21,774	15,021	5,501 (25%)	1,251 (6%)

**Population of whites, enslaved and free blacks in Loudoun County, 1790-1860**

### **The Courthouse and Loudoun's White Populace**

The white community's shifting alliances evolved in the mid-19th century into a secessionist faction (small at first) and a Unionist element comprised of (mostly) non-slaveholding Quaker and German settlements. From 1757 until 1861 when Virginia left the Union, there was a white elite that owned large plantations employing many enslaved people. There were white yeomen of more modest means who might employ one or two enslaved individuals; and there were poor whites with no enslaved at all. Finally, there were the anti-slavery Quakers and other abolitionist minorities.

Professor Brenda E. Stevenson characterizes Loudoun in her book *Life in Black and White: Family and Community in the Slave South* as:

“. . . both an exceptional and typical Upper South site. Within its borders lived important branches of some of the South’s most illustrious and influential families: Carters, Byrds, Harrisons, Janneys, Lees, Masons, Mercers, Peytons and Powells. Their presence alone guaranteed Loudoun’s role in important state and national events.” [*Preface, ix-x.*]

Moreover, Loudoun was exceptional in the diversity of its population -- not just in race, but also class, place of origin, religion, political ideals, and social customs.

### The Slaveholders

Yet slavery and race left an indelible stamp on Loudoun society. Many of Loudoun’s leading families, including President Monroe, were major enslavers. While Loudoun had relatively modest plantations compared to those of the Deep South, there were a few dozen plantations of several hundred or more acres and a proportionate number of enslaved individuals. They were concentrated along present Route 50 and along what is now the county’s Route 15 corridor, the Old Carolina Road. These men (as they usually were), some of whom owned a number of plantations both within and outside of Loudoun, were businessmen first: they sought to maximize their profits from their land. As one consequence, many enslaved families were broken up by work assignment—a wife and daughters might be needed at the main house, husband or sons were needed in another field on another property—or were separated by sale.

<p style="text-align: center;"><b>FOR SALE,</b></p> <p style="text-align: center;"><b>A Mulatto Woman and three Children.</b></p> <p><i>The Woman aged about thirty-two years; — One Boy between five and six; one Girl between three and four; and one Boy about two years old.</i></p> <p><b>C</b>ASH, or good bonds, will be taken in payment. The owner would prefer selling them in the county or state, but would not object to sell them to some person residing out of the state, if satisfied of his respectability, and assured he would prove a humane master.</p> <p style="text-align: right;"><i>Reference to the Printer.</i></p> <p style="text-align: center;">May 21, 1822.—19 6t.</p>	<p style="text-align: center;"><b>Sale of Slaves.</b></p> <p><b>B</b>Y virtue of a deed of trust given to me by John A. Washington, to secure Eli Offutt certain sums of money therein specified, and dated the 10th day of July, 1822, I shall, on the 5th day of April next, expose for sale the SLAVES in said deed mentioned, for Cash, to the highest bidder.</p> <p>☞ The sale will take place before the front door of the Court house in Leesburg, at 12 o'clock, for the sums in the deed specified, and the expences of the trust.</p> <p style="text-align: right;"><i>Richard H. Henderson.</i></p> <p style="text-align: center;">March 16, 1824.—10 ts</p>
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Advertisements for Sale of Enslaved Persons, from the *Genius of Liberty* newspaper, Leesburg, Virginia: May 21, 1822 and March 16, 1824

More compassionate owners specified their enslaved persons must be sold within the County; others had no compunction in selling them South for the best price. Indeed, some 7,000 of Loudoun’s enslaved individuals left the County, many bound for the Deep South, as part of the interstate trade. This practice shattered families, friendships, and whole communities. Heart-rending stories about family break-ups included one of a middle-aged woman near Hillsborough (Hillsboro) who reportedly killed herself in 1829 rather than face separation from kin and community when she was sold. [Stevenson, p. 206]



## Slavery's "Trail of Tears": The Forced Exodus of 450,000 Enslaved People from Virginia

Robert A. Pollard

In a remarkable essay on the slavery trade, Edward Ball describes the horrific forced migration of enslaved persons who were "sold down the river":

*The Slave Trail of Tears is the great missing migration -- a thousand-mile-long river of people, all of them black, reaching from Virginia to Louisiana. During the 50 years before the Civil War, about a million enslaved people moved from the Upper South -- Virginia, Maryland, Kentucky -- to the Deep South -- Louisiana, Mississippi, Alabama. They were made to go, deported, you could say, having been sold.* ("Retracing Slavery's Trail of Tears," *Smithsonian Magazine*, November 2015)

<https://www.smithsonianmag.com/history/slavery-trail-of-tears-180956968>

Virginia was the largest source -- an estimated 450,000 -- of these unfortunates, Ball reports. Enslavers parted with their chattel for a variety of reasons. Some were hard up for money or had tired of plantation life, looking for an easy way to cash in on the family fortune. Others had more enslaved workers than they could profitably employ, and found it hard to resist the prices offered by the slavery traders, who could sell them for an even higher price in New Orleans or Natchez. Whatever the reason, enslavers, including some of the Commonwealth's finest families, readily supplied the human cargo that would go on to work in the cotton, sugar, rice, and tobacco plantations in the newly opened lands of the Deep South. Although we may not have comprehensive data on the destination of enslaved people who were sold on the Courthouse steps in Leesburg, there is anecdotal evidence that many were in fact transported outside the County, most likely to points south.

Half the Virginia migrants were boarded on ships to New Orleans from the ports of Alexandria and Richmond; the other half were forced to march in overland "coffles" (caravans) some 1,100 miles westward to ports where riverboats took them down the Mississippi River to slavery markets in Mississippi and Louisiana. During each step of this brutal trade, from Virginia plantations to the point of sale down South, numerous families were broken apart, a traumatizing and searing experience.

Ball describes a coffle of 300 enslaved people that departed Alexandria in August 1834 on the way to the riverboats in Tennessee and points west, where they arrived a couple of months later, after covering up to 20 miles a day by foot. White men armed with guns and whips guarded

*200 men and boys lined up in twos, their wrists handcuffed together, a chain running the length of 100 pairs of hands. Behind the men were the women and girls, another hundred. They were not handcuffed, although they may have been tied with rope.*

Early in its journey, the coffle passed through the village of Aldie in western Loudoun while trudging along the Little River Turnpike (now Route 50). From there they headed west through Ashby's Gap to Winchester. The pitiful sight of such coffles along with the cruelty of the slavery markets touched the hearts of numerous eyewitnesses and formed one of the powerful images that abolitionists would evoke in building popular support in the North to end slavery once and for all.

### The Non-Slaveholders and Abolitionists

Not all countenanced this evil institution. From the County's earliest days of settlement, its rolling hills and meandering creeks in the north and central Loudoun Valley enticed Germans, Quakers and Scots-Irish to settle in and around Lovettsville, Waterford, Hillsboro, the Waters community (Neersville), Taylorstown and Goose Creek (now Lincoln). The area proved ideal for cereal grains

—wheat, corn, oats and barley. The land was fertile and there was abundant water power to process them. Relatively modest acreages, sound practices and large family size enabled these farmers to flourish with little or no need of enslaved labor.

The Quakers had long been in the forefront of active opposition to slavery. They abolished the practice throughout their multi-state ministry in 1776, but as late as the 1850s Waterford's and Goose Creek's Meetings were disciplining a few foot-draggers who owned or rented enslaved, "contrary to discipline." Quaker abolitionists such as Samuel M. Janney and Yardley Taylor publicly advocated freedom for the oppressed. In several cases, they bought the enslaved themselves and then set them free, either providing employment or assisting them to move to a free state. Janney provided significant help to one "Armistead," a Loudoun escapee to Pennsylvania, by writing letters of introduction and providing maps and mileages for the man. This came to light when the fugitive was captured, jailed in Leesburg and tried.

Quakers William Tate and William B. Steer played a major role in the story of enslaved Kitty Payne and her three children after her owner freed them and took them to Pennsylvania to live free with her. The owner's jealous nephew, fearing a loss of his eventual inheritance, kidnapped the family and returned them to Rappahannock County, Virginia, with the intention of re-enslaving them. Tate and Steer raised money for Kitty's defense and escorted her to freedom again.

Waterford's and Goose Creek's Quakers played a quiet but nevertheless active role in the support and nurturing of their free black communities, many of whom remained in the county throughout the ante-bellum period, in spite of a state law requiring the expulsion of blacks emancipated after 1806 from the state (see article below).

Many Quakers from the North, and a few from meetings in the Carolinas, visited their coreligionists in Loudoun. One such was prominent Philadelphia abolitionist Lucretia Mott, who visited Waterford and Goose Creek. She also managed to speak to a broader audience at the courthouse, before meeting with President Tyler in Washington.

By the time of the Civil War, anti-slavery sentiment in the Quaker and German settlements was clear: the Secession Vote of May 1861 produced anti-secession margins in Waterford of 220-31 and in Lovettsville of 325-46, compared to a pro-secession tally of 1,628-726 in the County as a whole. That sentiment enabled a Waterford miller to raise the only cavalry unit in present day Virginia to fight for the Union. In another instance of defiance, Waterford's Amasa Hough Jr. assisted 16 "colored men" to freedom under cover of darkness in 1862 while on a scouting mission for the Union in Loudoun County.

## **THE COURTHOUSE AND LOUDOUN'S AFRICAN AMERICANS**

### **The Enslaved**

From the County's founding in 1757 to Virginia's secession from the Union in April 1861, the Courthouse was the embodiment of the legal framework that underpinned brutal enforcement of the institution of slavery.

The site witnessed:

- Sales of enslaved individuals from the courthouse steps (see ad below);
- Jailing of enslaved who were caught while attempting to escape. Others were interned for offenses from petty theft to murder (see ad below);
- Legal orders for “patrollers” named from every neighborhood to seek out and jail any enslaved person found “abroad”—i.e., not at home.

<p style="text-align: center;"><b>PUBLIC SALE.</b></p> <p><b>I</b> WILL sell, at auction, on <i>Thursday the 28th of the present month</i>, if fair, if not, the first fair day thereafter, all the</p> <p style="text-align: center;"><b>HOUSEHOLD &amp; KITCHEN FURNITURE</b></p> <p>of the late Mrs. Julia A. Wilson, at her late residence in Leesburg. And</p> <p style="text-align: center;"><b>On Monday 8th of August next,</b></p> <p>(August Court,) in front of the Court-house, I will sell, to the highest bidder, several</p> <p style="text-align: center;"><b>VALUABLE SLAVES,</b></p> <p>Likewise the property of the said Mrs. Wilson, to wit: a likely <b>WOMAN</b> 30 years of age, a good spinner and seamstress and her two children, both girls, one at the breast and the other about two years old—a likely young <b>WOMAN</b> 20 years of age, a good cook and house servant—<b>HENRY</b>, twelve years old—and <b>OSCAR</b>, seven years of age.</p> <p>A credit of six months will be given on all sums above ten dollars, on that and less, the cash will be required—no property to be removed until the terms of sale are complied with.</p> <p style="text-align: right;">T. ROGERS, Deputy Sheriff.</p> <p style="text-align: left;">July 16—ts</p>	<p style="text-align: center;"><b>\$20 Reward.</b></p> <p><b>L</b> EFT home on the 11th inst. a Negro Man, named</p> <p style="text-align: center;"><b>DENNIS,</b></p> <p>About 40 years of age, supposed to be about 5 feet 10 inches high, stout and strong, and not very black. Prominent upper lip, with rather a down look; when sober has but little to say. Has a plain scar over his left eye, and a very black mark across his nose. Scars on his back, having been publicly whipped. Had on a brown coat with a velvet collar, white linen shirt, pantaloons, and waistcoat.</p> <p>If said negro is secured 50 miles from home, so that the subscriber gets him again, the above reward will be given; if 30 miles Ten Dollars; and if 15 miles Five Dollars, with all reasonable charges.</p> <p style="text-align: right;"><i>Wm. Gilmore.</i></p> <p style="text-align: center;">Leesburg, June 26, 1821.—24 if.</p>
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Advertisements from the *Genius of Liberty*, Leesburg:  
Sale of “valuable slaves” (July 16, 1842) and runaway (June 26, 1821)

There were also notable court cases:

- In 1840, Leonard Grimes, a former enslaved man who had formed a carriage business in the nation’s capital to transport travelers in the region — enabled a mother and her children to escape from Loudoun to Washington. He was captured, returned to Loudoun, and could have received a severe penalty for the theft and transport of enslaved. Instead, ably represented by attorneys from Washington, D.C., and Loudoun County, he was sentenced to “only” two years in the state penitentiary, the lightest punishment possible. He moved north and continued his abolition work. (See article on “The Leonard Grimes Trial,” below.)
- Nelson Talbot Gant was freed by his master John Nixon in 1847, and tried unsuccessfully to buy the freedom of his wife before leaving for the safety of Ohio. When he returned to buy her at a higher price and was again refused, he stole her, but the two were captured and tried. Unexpectedly, the case was dismissed. (See article on “Trial for Wife Stealing,” below.)

## The Free Black Community

The Courthouse was the source of deeds of emancipation from 1793 onward. Newly freed black individuals (through emancipation or free birth) were required to register with the Clerk of Court every three years, with the attestation of a white person, although the requirement was evidently not strictly enforced.

Free blacks almost always fared better than those enslaved. Eight such men and women in the Waterford area, for example, told the federal census taker they could read and write, and it is likely that others in the area (including some enslaved persons) were at least partially literate. Some ran ferry boats (see Bazil Newman account below), owned businesses, and apparently in a number of suspected cases gave assistance to runaways “following the North Star.” Still, many were little more than “slaves without masters,” as historian Ira Berlin has put it. Each individual was required to carry a “freedom paper” as legal proof of his or her status at any time they were away from home.

The 1850 and 1860 censuses—and later still—record that their “real” and “personal” property values considerably lagged those of the white community. But they could and did own land, for instance, in the Waterford and Lincoln areas. As a Waterford descendant put it, in her 95<sup>th</sup> year, “[Grandfather’s] house wasn’t much, but it was HIS.”

## Conclusion

At the northern edge of the American South, Loudoun County’s social history still belies simplistic 18<sup>th</sup> and 19<sup>th</sup> century categories: North versus South, Confederate versus Union, free versus enslaved, farmer versus businessman. From the earliest days, some blacks were free and some whites were indentured. Some Quakers owned enslaved and— non-violent though their tenets were—several fought in the Revolutionary and Civil Wars. A number of free black men fought for the Union (as did a battalion of white men), and only a minority of white people held bondsmen. Looking ahead, the County in the 21<sup>st</sup> century has both an opportunity and a responsibility to preserve and learn from our complicated collective history, celebrating the good without burying the regrettable.

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*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.

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\* \* \* \* \*

*The presence of free African Americans posed thorny legal and social questions everywhere in the slavery states. They were “free” in a sense, but did not enjoy the basic rights of white citizens, such as to vote and to trial by a jury of their peers. They could own some property, but faced harsh discrimination in every walk of life. For various motives, certain white (but few black) leaders endorsed the idea of sending free blacks “back” to Africa, primarily to what is now Liberia.*

*The Loudoun County Auxiliary of the American Colonization Society, formed in 1817, sought to free enslaved persons and then transport them out of the country to form their own society. By 1830 free blacks had established Liberia on the west coast of Africa. Prominent Loudoun citizens supported colonization, including President James Monroe, for whom the capital of Liberia, Monrovia, was named. Through the extended family of Dr. James Heaton, a founding member of the Loudoun group, two enslaved men, Jesse and Mars Lucas, were emancipated. The colonization society in Loudoun made it possible for the Lucas family to migrate to Liberia in January 1830.[1]*

*Some who supported colonization - including prominent Loudoun enslavers -- did so primarily in order to rid the country of free blacks who might threaten the viability of slavery societies (see Loudoun Court Petition in 1836, below). Other, more well-meaning anti-slavery individuals advocated colonization as a humane solution for a dispossessed people, both enslaved and liberated. They raised funds to offer transportation and provisions for free African Americans who wished to leave America for their ancestral home.*

*Nonetheless, the two pro-colonization groups shared certain views. Like most Americans at the time, they believed that free blacks did not quite qualify as “Americans” or even perhaps belong here even though many had lived in Virginia for generations. Supporters of colonization on both sides also held the dubious conviction that free blacks, by virtue of their race, would readily re-adapt to their ancestors’ way of life once resettled in Africa, while propagating Christianity, western civilization, and trade in Africa. The reality on the ground in Liberia was considerably harsher. After an initial burst of enthusiasm in the 1820s, the movement waned. In all, only about 15,000 African Americans migrated from the United States to Africa.[2]*

1. Lucas-Heaton Letters: Between 1830 and 1836, the Lucas brothers corresponded with their Loudoun County family, both “white and colored.” Two letters, courtesy of the Loudoun Museum, can be read here. One is from Mars Lucas, and the other is to both brothers from the Lucas’ former owner, Albert Heaton. An original letter from the Lucas-Heaton collection is part of the Loudoun Museum collection of artifacts.

2. David Emory Shi, *America, A Narrative History, Volume I*, 11th edition (2019), New York: W.W. Norton & Co., pp. 252-254, 280, 558-59. Also, see Stevenson, *Life in Black and White*, pp. 278-285. Out of a group of 30 Loudouners who migrated to Liberia in 1830, only four remained in Liberia by 1843. Twenty others -- including Mars Lucas and Albert Heaton -- had died while two had returned to the U.S. and four others had settled elsewhere in West Africa. *Ibid*, pp. 283-285.

## **LUDWELL LEE, MARGARET MERCER, AND THE AUXILIARY COLONIZATION SOCIETY OF LOUDOUN COUNTY**

## Kacey Young

The American Colonization Society (ACS), also known as the American Society for Colonizing the Free People of Color in the United States, was founded in 1816 in Washington, D.C. One of its founding members was the Reverend Robert Finley, a Presbyterian minister from New Jersey. Finley believed the rising tensions between European descendants and the enslaved African Americans could not be reconciled, and the safest and most expedient means of solving the issue was to send all African Americans, enslaved or free, to the colony of Liberia located on the west coast of Africa. Late in 1816 Finley arrived in Virginia to promote his society and message, and following a December 21, 1816 meeting of Virginia's most influential men, auxiliary chapters began opening throughout Virginia, including Loudoun County.

Ludwell Lee (son of Richard Henry Lee, the seventh son of Thomas Lee), gained ownership of Belmont Plantation through his marriage to his first cousin, Flora. Lee's enslaved workforce broke ground on the plantation in the late 1790's and completed it by the turn of the century. For several decades Belmont, like most of the properties that relied on an enslaved workforce, invested in tobacco and the road systems needed to bring that crop to the eastern markets along the Potomac, such as Georgetown. But the soil was ill suited for the crop and a series of successive crop failures had plantation owners seeking other means of livelihood and prosperity. Several succeeded in switching to grains, while others, such as Ludwell, struggled instead with the looming demise of an agricultural system that could no longer easily support the enslaving of a large workforce.

In 1819 Ludwell became one of the founding members and acting president of the Loudoun Auxiliary chapter of the American Colonization Society. Little is known of Ludwell outside of Belmont. Slightly more is known of the auxiliary society he helped found. The Society's goals began broadly: to help free blacks relocate from Virginia to a new colony on the west coast of Africa. At the outset, abolitionists within the group sought to educate the enslaved who were going to return to Africa, specifically, Liberia, in the hopes these efforts would ease their way into a new society that would then spread Christianity to the new region. It is unlikely that Ludwell sympathized with these efforts; he did not free any of the enslaved at Belmont for the journey to Liberia while he was alive, or in his will. It may be that he agreed in principle with abolition, but like many plantation owners was unable to reconcile his financial and social advantages by ending his practice of enslavement.

Margaret Mercer, however, truly believed in the effort. A single woman and avowed Colonization supporter, she purchased a vast section of Belmont from Ludwell Lee's second wife after he had died in 1836. How did Mercer, a former resident of the Annapolis region, find her way to Belmont? Her cousin, Charles Fenton Mercer,\* who notified her of the property's sale, observed that Ludwell had been a member of the Colonization Society, so it is possible Mercer may have taken interest in owning the property of a fellow Colonizer. Also, the price was right. The property was in serious disrepair and thus fairly inexpensive for a property and house of its size. This suited her needs and the intended use of the manor house.

Mercer was trying to raise money to get out of the debt that she had inherited from her father, without having to sell the 16 enslaved persons conveyed to her in his will. Her goal was to open a second all-girls' school at Belmont (the first was located at Cedar Hill near Annapolis), in part to raise funds that would pay for the passage to Liberia of the enslaved in her household.

It took years, but Mercer finally freed the enslaved in her charge and purchased their passage to Africa. She reportedly allowed several enslaved children to take lessons from her at Belmont. Mercer died at Belmont in 1846 of tuberculosis. In 1847 the Liberian Colony declared independence from the Colonization Society.

\*[Charles Fenton Mercer -- Princeton graduate, senior officer in the War of 1812, mill owner and founder of the town of Aldie, first president of the B&O Canal, and member of the U.S. Congress for over two decades -- served as vice president of the ACS for several years. He was among those who favored colonization as a means to rid the country of free blacks.]

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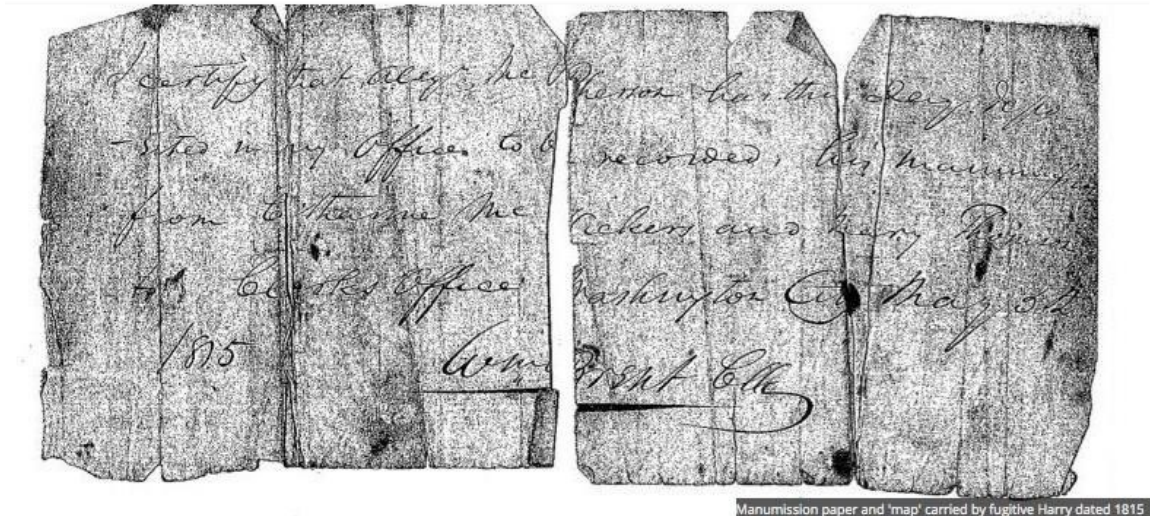
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Stratford Hall: Home of the Lees of Virginia. <https://www.stratfordhall.org/meet-the-lee-family/thomas-ludwell-lee/>

\* \* \* \* \*

*Free blacks in Loudoun County had to carry legal documents proving their freedom. Loss of such documents could put their own liberty at risk. Yet one such African American man, Alex McPherson, took this risk by loaning his “freedom document” to an enslaved man named Harry, who feared that he was about to be sold and sent down South. With the help of an anti-slavery Quaker couple in Lincoln, Yardley and Hannah Taylor, Harry initially escaped using the papers but was then caught and returned to his owners. Yardley Taylor spent some time in Leesburg’s jail for his unlawful aid to Harry, but eventually was released after paying a fine. Alex and Harry presumably did not fare as well.*



Manumission paper and "map" carried by fugitive Harry dated 1815

**Freedom Document that Harry borrowed from Alex McPherson**

**LOUDOUN, SLAVERY AND THREE BRAVE MEN (1828)**

[Slightly amended from *Loudoun Now*, October 26, 2017]

**Lee Lawrence**

Harry was in a terrible situation: it was 1828 and Harry was an enslaved man in Loudoun County, rented by his owner to Samuel Cox. Because Harry was chattel (personal property), he had no recognized surname, as was common among slaves in Loudoun before 1860. On learning that his owner, a “Miss Allison” of Stafford County, was planning to sell him to slave traders who would take him further south, Harry decided to escape.

He approached a free black man named Alex McPherson and asked to borrow his “freedom paper,” a document carried by all free blacks verifying the person’s freed status. McPherson, at great risk to his own safety and liberty, agreed to lend Harry his paper, but insisted it be returned to him as soon as possible. Harry would carry the paper north. If he was stopped and questioned along the way, he would show the paper and claim to be legally free.

Before leaving Loudoun, Harry needed to learn the best route north. Once safely in a free state, he would need a job and place to live. For this help, Harry turned to some Loudoun County Quakers, many of whom were abolitionists. It was common knowledge where the Quaker communities were located, including Waterford, Hillsboro, Goose Creek (now called Lincoln) and other villages.

On January 23, 1828, Harry approached the Quaker home of Yardley and Hannah Taylor on Lincoln Road near Lincoln and asked for help. Yardley Taylor listened to Harry's plight and agreed to help him. He wrote a letter for Harry to carry north to Quaker Jonathan Jessop of York, Pennsylvania, a man active in helping slaves escape bondage. This type of activity would become known as the Underground Railroad, a name that didn't become common until the 1840s.

Yardley's letter to Jessop explained that Harry was "*a man of good character,*" who was to be sold to slave traders. Yardley wrote Harry would be "*forced to the south by a set of men who to say the least of them their mercies are cruel.*" Yardley asked Jessop to return McPherson's freedom paper quickly. He warned that the paper must not be mailed back, but sent in person by "*safe conveyance.*" Yardley Taylor possibly thought his own mail was under surveillance.

Yardley also gave Harry a small piece of paper which listed six towns through which Harry would pass on his journey to York: "*From Frederick to Woodborough 13 miles Taneytown 14 miles....*" This information would be important help, allowing Harry to follow the right roads as he walked from town to town heading to freedom.

However, the envelope Yardley addressed to Jessop, containing Yardley's letter, also bears other handwriting: "*This Taken by me from Negro slave named Harry the 28<sup>th</sup> day 1828 January, belonging or as he says to Pa [Pennsylvania] ... Jonas Dixon.*"

Dixon's notation explains a tragedy: Harry got caught. Five days after receiving Yardley's help on January 23rd, Harry was stopped and questioned by Dixon, who possibly was a slave catcher on Maryland roads. When stopped, Harry would have shown the freedom paper he was carrying, claiming to be Alex McPherson. But that ruse didn't work. Once Harry's pockets were searched and Yardley Taylor's letter was found and read, the desperate gamble was lost.

Harry was brought back to Loudoun County and put in the Leesburg jail. Punishment for an attempted slavery escape was lashing; the courthouse grounds had a public whipping post for just these occasions. Public punishment was intended to set an example and serve as warning to other slaves. Harry's owner was contacted to come to Leesburg and pick up her property. Either she or her farm overseer would have come for Harry, taking him back to Stafford County. He was likely punished again at his home farm. Then what Harry most feared, being sold to slave traders and forced south, would have happened. After all, that is what his owner had intended for him all along. Now she had all the more reason to sell Harry: he had proven himself to be troublesome. "*Their mercies are cruel.*"

Alex McPherson, by loaning out his freedom papers, would now find his own freedom in jeopardy. Slave codes at the time provided that freedmen could lose their liberty if they were involved in

helping people flee bondage. McPherson would not be able to assert that his papers had been lost or stolen because Yardley Taylor's letter laid out McPherson's involvement. Knowing Alex was vulnerable to harsh punishment would have added to the misery felt by Harry and Yardley when the escape effort failed.

Yardley was a mail carrier for Loudoun County, and ran a plant nursery in the village of Lincoln. However, he also gave public speeches against slavery and wrote abolitionist articles and letters to Leesburg newspapers. He was president of various anti-slavery societies until those societies were outlawed by the state of Virginia. (In 1853, Yardley Taylor drew a detailed map of Loudoun County used by both armies during the Civil War. He is best known for that map.)

What happened to Yardley for his role in Harry's escape? Shortly after Harry's capture, Yardley Taylor was arrested for "*enticing, persuading and advising a certain negro slave named Harry...*" Yardley was put in jail in Leesburg. Neighbor and fellow Quaker Daniel Cockrill posted his \$300 bail. Yardley pled not guilty. The case dragged on for two years. Finally, Yardley changed his plea to guilty, and paid a \$20 fine. He continued with his outspoken abolitionist opinions, but was never again arrested for helping slaves escape.

The documents mentioned here: the McPherson freedom paper, Yardley's letter, the paper listing towns/mileage, and the envelope, are in our Loudoun County Courthouse Historic Records and Deeds Research Division; anyone can request to see them. A thin file will be brought to you. When you open the file you will hold some of the most emotionally wrenching and significant pieces of history to be found in our shared American story. You will know of three brave Loudoun men: Yardley Taylor, Alex McPherson, and Harry (no last name).

*This article is derived from an address Lee Lawrence delivered at Oatlands October 1, 2017. Ms. Lawrence, who lives in Lincoln, VA, serves on the Boards of the Mosby Heritage Area Association and Friends of Thomas Balch Library. For more information about the Loudoun County Courthouse Historic Records and Deeds Research Division, go to [Loudoun.gov/clerk/archives](http://Loudoun.gov/clerk/archives). The "In Our Backyard" series is compiled by the Loudoun County Preservation and Conservation Coalition.*

\* \* \* \* \*





Photo from NMAAHC website

### Joseph Trammell's Tin Box

*Gift to the National Museum of African American History and Culture (NMAAHC)  
by local Loudoun County historian, the late Elaine E. Thompson.*

### Donna Bohanon

*“State of Virginia to wit*

*I Charles G. Eskridge Clerk of the County Court of Loudoun do certify that Joseph Trammell is a free man of dark complexion twenty one years of age 5 feet 7 inches high, said man has a small scar in the forehead and one on his left arm 6 or 7 inches above the wrist whose freedom was proved by the oath of Thomas S. Dorrell was this day registered in my office pursuant to an order of Court made the 10th day of May 1852”*

The above words are from the Certificate of Freedom, also known as Freedom Papers, issued to Joseph Trammell. As a free person of color, Trammell had to register with the Loudoun County court every two years as required by Virginia Law. He continued to register until 1865.

This certificate, issued in May 1852, gives a physical description of Joseph Trammell, including the scars that appeared on his body. It was critical for free African Americans to have freedom papers on their personal possession so as not to be mistaken as a fugitive and risk being enslaved.

Trammell had the presence of mind to make a tin box to carry and protect the papers and subsequently his freedom. Consequently, this copy of the original papers has been preserved, passed down through generations by the family of local historian Elaine Thompson. Shortly before her death, Elaine donated the tin and papers of her maternal great-great-great-grandfather to the Smithsonian Institute's National Museum of African American History and Culture, where they are prominently displayed in the Slavery and Freedom exhibit.

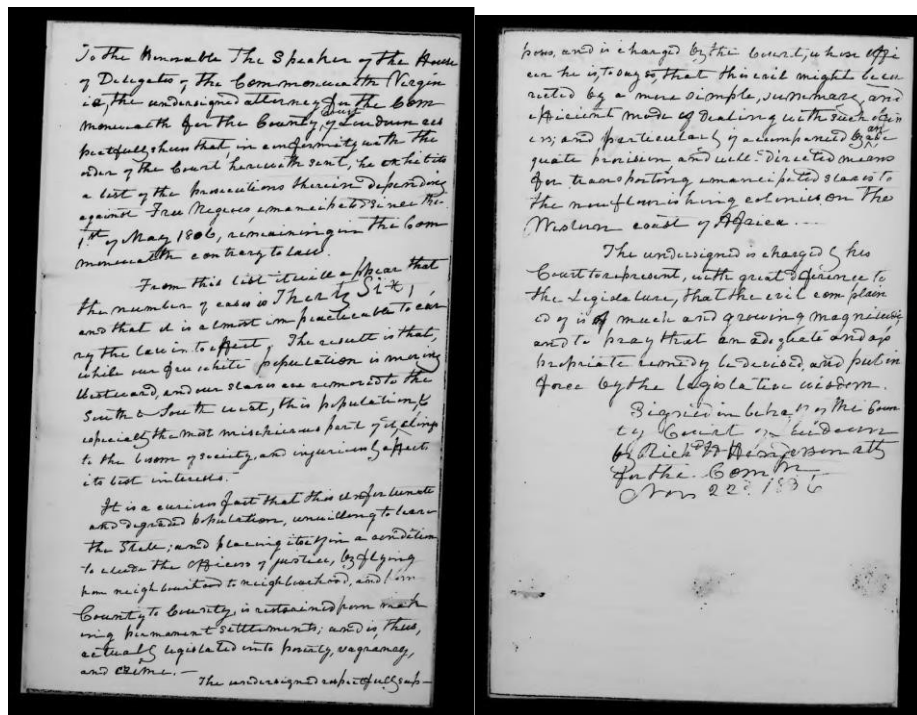
The original copy retained by the Loudoun County courthouse can be found there while Trammell's copy can be viewed online at Friends of the Thomas Balch Library website:

<https://static1.squarespace.com/static/559ec31fe4b0550458945194/t/563e31b0e4b057fc122e2f08/1446916528005/Certificate+of+Freedom+for+Joseph+Trammell.pdf>

See also Marcia Davis, “The Artifacts and Stories that brought the African American Museum to Life,” *Washington Post Magazine*, September 15, 2016:

[https://www.washingtonpost.com/lifestyle/magazine/the-artifacts-and-stories-that-brought-the-african-american-museum-to-life/2016/09/14/a7348fa6-648d-11e6-be4e-23fc4d4d12b4\\_story.html?utm\\_term=.69890796c089](https://www.washingtonpost.com/lifestyle/magazine/the-artifacts-and-stories-that-brought-the-african-american-museum-to-life/2016/09/14/a7348fa6-648d-11e6-be4e-23fc4d4d12b4_story.html?utm_term=.69890796c089)

*The Nat Turner rebellion of 1831 in Virginia's Southampton County, which took the lives of 50+ whites and resulted in the execution or lynching of 100-200 African Americans, generated mass hysteria among Southern whites. The threat of mass insurrections by the enslaved, especially in isolated plantations or communities where whites were in a distinct minority, terrified enslaving and non-enslaving whites alike. In response to cries for stricter controls on the African American population, the Commonwealth passed a series of laws severely limiting the activities of both the enslaved and free people of color. Among other things, teaching free and enslaved blacks to read and write and preaching by black ministers were banned. (Turner had learned to read and write while enslaved and incited insurrection based in part on his reading of the Bible.) Literacy among free black children declined as a result.*



### 1836 Petition

## PETITION FROM COUNTY COURT TO EXPEL "FREE NEGROES" TO AFRICA (1836)

**Robert A. Pollard**

Leading citizens of Loudoun County were alarmed. The presence of many free blacks in the County, some of them of no fixed address, seemed to threaten public order. As evidence, the Loudoun County Court in 1836 attached a list to the Virginia General Assembly of 36 such individuals to a petition asking that the state expel them to Africa:

*To the Honorable the Speaker of the House of Delegates of the Commonwealth of Virginia, the undersigned attorney for the Commonwealth for the County Court of Loudoun respectfully submits that, in conformity with the order of the Court herewith sent, he exhibits a list of the prosecutions therein depending against Free Negroes emancipated since the 1<sup>st</sup> of May 1806, remaining in the Commonwealth contrary to law.*

What was their offense? In order to curb a spike in manumission of the enslaved that had occurred after 1790, the Virginia General Assembly had decreed that any African American who was emancipated after May 1806 had 12 months to leave Virginia or face re-enslavement. Although the free blacks on the list allegedly fit that description, the County had found it “almost impracticable to carry the law into effect.”

So what danger exactly did these individuals pose by remaining in Loudoun? The petitioners feared that as the free black population multiplied, the demographic balance would shift against whites, perhaps raising the risk of a Nat Turner-like rebellion. For some years, the depletion of local soils, the availability of richer land further west, and the explosive growth of new cotton plantations in the Deep South had contributed to a relative decline of agriculture in Loudoun. Meanwhile, for various reasons, an estimated 3,000 whites had emigrated from the County in the 1830s alone.\* If whites could not control the free African American population, their insubordination might spread to the enslaved.

*The result is that while our free white population is moving westward and our slaves are removed to the South and to the West, this population [of free blacks], especially the most mischievous part of it, clings to the bosom of society and injuriously affects its best interests.*

The County cloaked its advocacy for expulsion in humanitarian grounds, arguing that the inability of “this unfortunate and degraded population” to support itself condemned free blacks to a life of “poverty, vagrancy, and crime.”

*It is a curious fact that this unfortunate and degraded population, unwilling to leave the State and placing itself in a condition to elude the officers of justice, by flying from neighborhood to neighborhood and from County to County is restrained from making permanent settlements and is thus actually legislated into poverty, vagrancy and crime.*

The petition concludes with a plea for the state to implement and pay for their removal:

*[T]his evil might be corrected by a more simple, summary and efficient mode of dealing with such offenders and particularly if accompanied by adequate provision and well directed means of transporting emancipated slaves to the new flourishing colonies on the Western coast of Africa.*

*The undersigned is charged by his Court to represent, with great deference to the Legislature, that the evil complained of is of much and growing magnitude and to pray that an adequate and appropriate remedy be devised and put in place by the Legislative wisdom.*

Signing the petition was the County's Commonwealth Attorney, Richard Henderson, whose property in Loudoun included many enslaved. Ironically, Henderson had briefly flirted with abolition. In December 1831, months after the Nat Turner rebellion, he had chaired a committee that petitioned Loudoun delegates to the General Assembly to abolish slavery in Virginia.

The state legislature had rejected that proposal, and likewise turned down the 1836 petition. It did, however, appropriate \$18,000 annually for five years to support voluntary emigration (each adult would receive only \$30), and larger sums (\$30,000 annually for five years) in the early 1850s. Yet reports of the conditions in Liberia from the few African Americans from Loudoun who had emigrated there discouraged others from following their example. As harsh as their lives were, the great majority of Loudoun's free blacks elected to remain in the land of their birth.

\*For information on the 1806 law, reaction to the Nat Turner rebellion, and the petitions regarding free African Americans to the General Assembly, see Stevenson, *Life in Black and White*, pp. 25, 264-268, 275-276, 280-282, 286, 290, 410(ftn37); also, Poland, *From Frontier to Suburbia*, pp. 143-146.

\* \* \* \* \*

*The “Underground Railroad” that helped many enslaved escape to freedom in the North involved substantial risk, not just to the enslaved if they were captured, but also to those who abetted them. One such person was Leonard Grimes, a free black hackney (carriage) driver based in Washington who was charged with helping a family escape from Loudoun County and subsequently sentenced to two years in the state penitentiary. But this did not deter him: after moving North, he continued to help the enslaved find the path to freedom. The trials of Leonard Grimes (1840) and Nelson Talbot Gant (1846, see below) were the basis for the National Park Service’s designation of the Loudoun Courthouse in 2003 as part of its Underground Railroad Network To Freedom Program.*

## THE LEONARD GRIMES TRIAL (1840)\*

**Deborah A. Lee**

\*[This account is a nearly verbatim excerpt from an article, “Leonard Grimes, 1814?-1874” by Deborah A. Lee, in *The Essence of a People II, African Americans Who Made Their World Anew in Loudoun County, Virginia, and Beyond*, Edited by Kendra Hamilton, published in Leesburg, Virginia, by the Black History Committee of the Friends of Thomas Balch Library, 2002, pp. 21-25.]

Leonard Andrew Grimes was a twelve-year-old “very bright mulatto boy” when his parents Andrew and Polly Grimes registered their status as free Negroes in 1826 at the Loudoun County Courthouse in Leesburg. The boy had been born free in Leesburg. As a youth, Grimes worked for a butcher and apothecary in Washington, D.C. but maintained his ties to Loudoun. And in 1834, when he would have been about twenty years of age, he registered his free status at the courthouse in Leesburg.

For a time he worked for a slaveholder, traveling with him to the Deep South. There he witnessed slavery at its harshest and vowed to combat the institution. Returning to Washington in the middle or late 1830s, he established himself as a hackney carriage driver, providing transportation for politicians, professionals, and others in the national capital and well beyond the capital’s environs. He married, fathered two children, purchased property at the corner of H and 22<sup>nd</sup> Streets and earned the respect of the blacks and whites who knew him.

But Grimes was also leading a secret life. At great risk to himself and his family, he became a part of the Underground Railroad, a network of assistance given to slaves escaping to the North. He served as a conductor, a role for which his job as a hackney driver gave him the perfect cover.

It is unknown how many rescue missions Grimes participated in, but in 1839 his luck ran out. Engaged by a free black man to rescue his wife and six children—all being held in slavery in Loudoun by Joseph Meade—Grimes carried off the rescue without a hitch. But he was spotted by Harriet Hardy, the daughter of William Hardy, who kept a coach stop on the Georgetown and Leesburg Turnpike [now Route 7] at Dranesville.

Ann Farr, a friend of Hardy's, later claimed that Hardy said she saw Grimes and his carriage approaching around dusk one day in late October. Assuming Grimes would stop as usual to give his passengers rest and refreshment, Hardy ordered the candles lit in the front room. But, to her surprise, Grimes continued past, and Farr claimed Hardy "distinctly saw the head of a person, with a hat on, through the small side light in the curtain of the barouche." At the time, Hardy is said to have presumed that the passenger preferred another stop further down the road, but later she suspected that Grimes was transporting fugitive slaves. It was rumored that the family of refugees made it to freedom in Canada.

Eventually Meade heard that Grimes was rumored to have assisted the runaways. On January 20, 1840, Meade swore out a warrant against him, and by March 2<sup>nd</sup>, Grimes was arrested without bail and taken to Leesburg for trial. As the court convened on March 10<sup>th</sup>, the courthouse was packed, and people watched with "breathless attention."

Grimes's able defense team—headed by General Walter Jones of Washington D.C. with assistance from John Janney and B.W. Harrison of Loudoun County—decried the evidence as purely circumstantial and, highlighting Grimes's sterling reputation, argued eloquently on his behalf. Nonetheless, Grimes was convicted and sentenced to two years in the state prison in Richmond plus a \$100 fine. This was the lightest penalty possible and credited to "the former good character of the Prisoner."

The day after the trial, Grimes signed an indenture for his real and personal property so that his wife and children would have money to live on. His attorneys and friends twice petitioned the governor for a pardon, but to no avail. After he was freed, Grimes moved his family to New Bedford, Massachusetts. The whaling community—which included many African Americans—was a center of antislavery activity, and Grimes became a part of this network of providing assistance to fugitive slaves . . . .

\* \* \* \* \*

*A sensational trial at the Loudoun Courthouse in December 1846 posed some of the most difficult questions regarding the legal rights of free blacks and the enslaved. The case concerned a formerly enslaved man, Nelson “Talbot” Gant, who had tried to buy his enslaved wife Maria from her mistress, but that failing, abducted and took her to Washington, DC, where they were soon arrested. The prosecution argued the accused’s effort to reunite with his spouse was illegal because she “could not be considered the lawful wife of the prisoner, because she was a slave, and the law regards slaves not as persons, but as property.”*

*The defense team led by noted anti-slavery attorney John Janney countered that the marriage was valid -- they had received permission from her mistress to be married by a minister of the Gospel -- and that God’s law superseded any law of man that did not recognize the marriage of enslaved people. As Robert P. Swann, one of Gant’s attorneys, put it in the courtroom, “Although his skin wears a different hue from ours, we cannot doubt that the feelings of his heart are the same. Their vows have been registered in the chancery of heaven and shall we attempt to set the laws of man above the Divine law by separating those whom God has joined?” Further, the defense contended, since they were lawfully married, Maria -- the only eyewitness whom the prosecution was able to produce -- could not be compelled to testify against her husband, who was facing time in the penitentiary if convicted.*

*Remarkably, the court dismissed the charges and released the prisoner. Soon after the trial, Talbot was able to buy his wife’s freedom. They left Loudoun in 1850 and eventually settled in Ohio, where they became respected members of the community. The trials of Leonard Grimes (1840, above) and Nelson Talbot Gant (1846) were the basis for the National Park Service’s designation of the Loudoun Courthouse in 2003 as part of its Underground Railroad Network To Freedom Program.*

### **TRIAL FOR WIFE STEALING (1846)\***

\*[Transcription of trial at Leesburg Courthouse by Bronwen Souders: From the Baltimore Visitor [sic], reproduced from *The Emancipator and Republican* (published as *The Emancipator*) from Boston, issue 41, volume XI, February 3, 1847. Thanks to Dr. Sheri Ann Huerta for bringing this document to our attention.]

The Loudoun County, (Va.) “Chronicle,” contains a report of a trial before the court of that county, during its recent term, whose features are at once so novel and indicative, that we are induced to transfer the details to the Visitor [sic].

“Talbot,” a slave liberated by the will of the late John Nixon of Loudoun County, was charged with aiding the escape of his wife, Maria who is the property [of] Miss Jane Russell, a resident of Leesburg. It seems that the prisoner, after his liberation, being by the law of Virginia compelled to leave the State, desired to purchase his wife of her mistress, but could not pay the amount demanded. He then went to Ohio, and after some months returned, and made another effort to purchase. Failing in this attempt also he again left the State, and his wife disappeared about the same time. The prisoner and his wife were taken in Washington city, and confined in jail, whence the woman was taken by order of her mistress, and brought home, and the prisoner was claimed by the Governor of Virginia, and taken to Leesburg for trial.

The Commonwealth's attorney being absent, the prosecution was conducted by his son, Matthew Harrison Esq, and the defence [sic] by John Janney, Robert P. Swann and James S. Carper, Esqrs.

The "*information*" being read, the prisoner pleaded "not guilty", and the prosecuting attorney opened the case. He stated that the person was charged with felony, in abducting and carrying away out of the State, Maria, the slave of Mrs. Jane Russell, of this county, and he read the laws applicable to such cases. He contended that it was right and just that these cases should be brought under notice of the law; otherwise there would be no security for slave property. Every individual owning slaves was interested in the punishment of such offences [sic] and justice was demanded by the Commonwealth.

R. P Swann Esq., then addressed the Court, in substance as follows:

"I need not inform your worships of the extreme irritability of the public feeling under an apprehension of improper meddling with this species of property, either at home or abroad; nor of the morbid sensibility existing at such times. Neither do I propose to counsel you, but merely to remind you that it is necessary you should divest yourself of such feelings, if any should exist, in a case like this, involving as it does, the administration of laws that are in themselves abhorrent to the best feelings of our nature. This man has been united in holy wedlock to a woman for whom he has evinced the strongest feelings of attachment.

"Although his skin wears a different hue from ours, we cannot doubt that the feelings of his heart are the same. Their vows have been registered in the chancery of heaven and shall we attempt to set the laws of man above the Divine law by separating those whom God has joined? "The Ethiopian may not change his skin nor the leopard his spots," but if it were possible for the prisoner at the bar to step forth in the complexion and lineaments of the Anglo-Saxon race, there is not a man on that bench, nor in this assembly, who would not applaud the deed for which he now stands arraigned as a felon!

"In stating these views, I would not be understood to desire the Court to depart from the duty which devolves upon them as judges in this case; but as the prosecuting attorney has made a claim at your hands for justice toward the Commonwealth, we also have a claim for justice not toward a soulless body like the Commonwealth but toward that poor creature, who has a heart beating within his body, and a soul that is capable of the tenderest emotions!

"This is a grave and important case,—a case which interests the whole human family. It must be within the recollection of some now present, that the State of South Carolina was arraigned at the bar of public opinion for condemning a free man to be hung for attempting to carry off a slave woman, to whom he was betrothed. The conduct of the judge, in that case, and the character of the law, was denounced by Lord Brougham, in the British Parliament, and the proud Star of South Carolina had to employ in her defence [sic] the talents of her ablest sons."

A motion was here made by the prosecuting attorney to have the trial postponed to the next court, in order to secure the attendance of certain witnesses from Washington city. He stated that these



witnesses could not be compelled to attend, as they were beyond the limits of the State, and the compensation allowed in such cases being insufficient, it would be necessary to raise funds for the purpose, and he supposed they were persons in the community who would be willing to contribute. He said it behooved everyone interested in this species of property to see that the lines are enforced, otherwise there would be no security against the continual abduction of slaves.

This motion was resisted by Mr. Janney, of counsel for the prisoner. He thought the grounds on which the motion was based were not sufficient to sustain it. Here is a man, says he, whose trial has already been delayed since last court, on the same plea. We were then promised that efforts would be made to have all the evidence ready at this term; and now what do we hear? A proposition for further delay, in order that a pony-purse may be raised to procure the attendance of witnesses. Yes, in order to take the purse and say to those witnesses, here is gold to pay for your services! Would the Court receive the evidence of witnesses who could be suborned to appear against the prisoner by such means? Would it be consistent with the law, which expressly forbids any interference of this kind?

This motion being rejected by the Court the trial proceeded, and the witnesses were called. It was here discovered that two other witnesses were absent, and the Commonwealth's attorney moved for a postponement on that ground. Mr. Janney objected that it was too late. The Commonwealth's attorney said that if Mr. Janney would affirm that that was his real and bona fide opinion of the law, he would say no more on that point. Mr. Janney said that it was his opinion. The Court overruled the motion.

The first witness sworn was Maria, the prisoner's wife. She was sworn in chief. [sic]

Question by Mr. Janney. Maria have you been married to Talbott, the prisoner at the bar?

Yes, Sir.

How long?

About three years, Sir.

Where were you married?

At my mistress's house.

Did she consent to your marriage?

Yes, Sir.

Were you married by a minister of the Gospel?

Yes, Sir, by the Reverend Mr. \_\_[blank in newspaper].

The attorney for the Commonwealth then asked Maria where she had got that paper? (presenting a paper purporting to be a certificate of her freedom.) She answered,

I got it from a gentleman.

This was immediately objected to by the prisoner's counsel, and J. S. Carper Esq. addressed the court in an able argument in opposition to her testimony being received. He stated that it was a point well settled in law, that the testimony of husband and wife cannot be taken either for or against each other, because the law regards them as so identified in feeling and interest that their evidence cannot be relied upon. In this case, he thought, the objections to receiving her testimony were unusually strong.

She not only stands related to the prisoner at the bar as his wife, but she is a slave under the power and control of her mistress. Suppose that mistress should say to her, if you do not give evidence to convict your husband, I will sell you to the traders, and you will be carried to the Southern States. I do not say the mistress would use such a threat, but we know it is in her power, and we know too how great is the dread these people have of being sold to the Southern traders. Taking these considerations into view, I trust the Court will not allow her evidence to be taken.

The prosecuting attorney objected to these views, and insisted that Maria was a good and competent witness against the prisoner. He thought the objection was too late, after the witness was sworn in chief [sic]. He read the law which declares that negroes [sic] and mulattoes, whether bound or free, although not competent witnesses against a white person, may give evidence against a person of their own color. He said that it was a matter of every day's practice to admit the evidence of negro [sic] women slaves against those they termed their husbands.

Mr. Janney denied that it was, and said that in the whole course of his practice he had never known an instance.

Mr. Hanson [sic—Harrison] then pointed to a case just a year ago, in which Mr. Janney was counsel for the prisoner, and the regular attorney for the Commonwealth was present.

Mr. Janney said that the point was not raised in that case.

Mr. Hanson [sic—Harrison] said the witness could not be considered the lawful wife of the prisoner, because she was a slave, and the law regards slaves not as persons, but as property. It would, he said, be manifestly absurd to recognize a relation of this kind, which interferes with the legal rights of the master, and sets at naught all the provisions which are made for the security of his property. He took the position that there is no lawful marriage for slaves and that they can make no contract that their owners may not annul, and referred to a case in *S.COWEN*, 396.

His argument on this last point was ably answered by Mr. Janney, who took the ground that Maria was the lawful wife of the prisoner, married with the consent of her mistress, at her mistress's

house, and with the implied consent of the prisoner's master--united in the bands [sic] of matrimony by a minister of the Gospel, and he would repeat what had been said by his colleague in the opening of this case, that their marriage was registered in the chancery of heaven. The opinion expressed by our opponent, that slaves cannot be married according to law, would tend to the general corruption of morals and the most enormous abuse. Can it be possible that the whole colored population of Virginia are living in a state of concubinage?

No, it is the intention of the law to promote public morals and not to degrade them. It is intended to throw a shield around innocence and to punish only the perpetrators of crime. Maria is the lawful wife of the prisoner, and it is a point well established that in a case like this the testimony of a wife cannot be taken either for or against her husband. The reason is obvious – it would present so great an inducement to perjury that no court would be justifiable and subjecting a human being to so strong a temptation.

The court decided to reject the witness, and she left the stand evidently much delighted.

The next witness called to the stand was Eden Fouche.

Question by counsel for the Commonwealth.

Mr. Fouche, can you inform the Court whether the prisoner was taken in Washington city, in company with Maria, who claims to be his wife?

I can only say that I saw them both in jail. I did not see them apprehended.

Have you any knowledge of this document, purporting to be the free papers of Maria?

Yes, it [sic] was given to me in Washington, by the jailor.

Did Maria acknowledge or admit that she received it from the prisoner?

This question was objected to by the counsel for the prisoner, on the ground that it would be only "hear-say" evidence.

The prosecuting attorney contended that, as the testimony of Maria had been rejected on account of her being identified in interest and feeling with her husband, it would certainly be proper to take her admissions before the trial, made in the presence of a white witness. He said it was important to show that these forged free-papers have been furnished by the prisoner, and brought with him from Ohio. The number of the paper was the same as that of his own freedom papers and the Clerk's name being spelled wrong was strong presumptive evidence that they have not been copied in the county of Loudoun where everybody knows how to spell "Eskridge."

He was answered briefly by Mr. Janney, who showed that the evidence of Maria, when on oath before the Court, had been rejected, and therefore it would be highly improper to take the “hear-say” evidence of another as to what she said when not under oath.

The court determined that such evidence could not be admitted and the witness was released.

The next witness called was a jet-black Negro who appeared in some trepidation at the prospect before him.

Question by the prosecuting attorney. Will you tell us what you know about this case?

Yes, Massa. As George Jones and me was gwyen long de road one mornen-- it was bery early just daylight—we was gwyen out to chop wood—George say, do you know Talbott and Maria gone way? I say Yes.

Counsel for the prisoner. Stop, we don’t want to hear anything about your talk with George Jones. What did you see?

I see a man dat mornen; and I say to George—

We have nothing to do with what you said to George. Tell us what you saw.

Well, Massa, if you don’t let me tell what George say I can’t tell nothen. I see a man comen into de road as we was gwyen long the road. I speak to him and he no speak to me.

Who was the man? Was he Talbott?

I say to George I think it was Talbott but when he no speak to me I don’t know whether he was Talbott or not. Bein airy in the morning, not fairly light, I could not tell whether it was a black man or a yellow man. Dat’s all I know about it.

The witness was discharged and Mr. \_\_\_\_\_ was called up.

Question. What do you know of this case?

I know nothing about it.

Did you not see the prisoner in Leesburg the morning that Maria was missing?

I saw some person in the dark of the morning that I thought was he, but I am not certain who it was.

[The owner was here introduced to negative consent] sic

No other witness being offered on the part of the prosecution, the counsel for the prisoner stated that, as there was no evidence against him, they deemed it unnecessary to bring forward any witnesses in his favor and they submitted the case to the Court without further argument.

The Court, after a short consultation, *discharged the prisoner* which appeared to give general satisfaction.

\* \* \* \* \*



**Register of Free Negroes: 1844-1861**  
**from the Office of Clerk of the Loudoun County Circuit Court**

*Despite the 1806 Virginia mandate requiring African Americans emancipated after that date to vacate the state, it appears that the law was irregularly enforced in Loudoun, contributing to a large free black presence before the Civil War. Gaining legal residence in Virginia for free African Americans was another matter, however, as the story of Harriet Cook demonstrated. Interestingly, 93 white citizens, including elite members of society, vouched for her high character and valuable contribution to the community in a petition on her behalf to the state legislature.*

**HARRIET COOK (1850)\***  
**1802? - UNKNOWN**

**Allison Meyer**

\*[From *The Essence of a People II, African Americans Who Made Their World Anew in Loudoun County, Virginia, and Beyond*, edited by Kendra Hamilton, published in Leesburg, Virginia, by the Black History Committee of the Friends of Thomas Balch Library, 2002, pp. 17-20.]

Harriet Cook, a free black woman of Leesburg, was a valued and well-regarded member of her community. Emancipated in about 1838, when she was approximately 32 years old, Cook supported herself by working as a washerwoman, and she may have also served as the community's midwife.<sup>1</sup> She appears to have led a quiet life, gaining considerable respect as a skilled, trustworthy, and honest worker—until an 1850 case made her name one of the best known in the county.

Cook had been living in Leesburg as a free woman of color for about twelve years before turning to the network of white residents who valued her skills to ask for their help. She wanted something that white citizens of the state could take completely for granted: to be a legal resident of the state of Virginia.

Cook's apparently stable life in Leesburg was, in fact, built on a foundation of sand. An 1806 law stipulated that manumitted slaves were to leave the state within twelve months of gaining their freedom. Thus, Cook—along with [almost] every other free black in the state—could at any moment be forced to leave the state, losing her home, her family and friends, the respected position in the community that she had worked so hard to earn and maintain, indeed, everything that made life worth living.

Cook had weathered at least one crisis, in 1842, managing to maintain her residency despite a determined effort by a group of Loudoun County citizens who petitioned the General Assembly for stiffer enforcement of the 1806 law. It is not known what prompted her to act on her own defense in 1850, but we can make an educated guess.

She may have feared another campaign by the forces who so strongly opposed allowing free blacks to live in the county. The political debates over slavery in the territories that resulted in the Compromise of 1850, whose most salient provision was a toughened version of the Fugitive Slave Act, stirred the passions on both sides of the slavery issue to a fever pitch. Circumstances of a more personal nature may have contributed to her decision, but it seems likely that the precarious political climate may have played a role in making her wish for the security that legal permission to remain in the state would provide. In any case, Cook had evidently put years of work into network building, so when she made here appeal, she had plenty of support from prominent white citizens of Leesburg.

In January of 1850, ninety-three white citizens of Loudoun County filed a petition with the General Assembly on Cook's behalf. The petitioners were a veritable "who's who" for the county, including seven justices of the peace, five executive council members, sixteen merchants, six lawyers, and the postmaster.

The petition stressed the fact that Cook was an upstanding member of the community, "sustaining a high character as a religious, honest and valuable member of Society."<sup>2</sup> It noted that "serious inconvenience" would result if she were not permitted to remain in Leesburg; the document stressed that it would be a great hardship were the petitioners "to be deprived of her services as a washerwoman and in other capacities, in which in consequence of her gentility, trustworthiness and skill she is exceedingly useful."<sup>3</sup>

The petition did not go unanswered. Sixteen Leesburg and Loudoun County residents filed a counter-petition, requesting that the General Assembly deny Cook's petition on the grounds that residency of free blacks was not a matter for the General Assembly to decide. "[T]he law places the remedy in such cases where it ought to be, in the county and corporation courts,"<sup>4</sup> the document read.

The counter-petition's strategy—relying on a simple argument of jurisdiction, leaving off any arguments about the "great and growing evil arising from the residence of the Free Black population"<sup>5</sup> that surfaced in earlier agitation against free blacks—was an intriguing one. It may well have been that the anti-Cook forces sought to avoid a direct confrontation with the well-to-do citizens who had so solidly thrown their support behind such a valuable and upstanding member of the community.

No documents have survived confirming the legislature's decision in the matter. The General Assembly could have denied Cook's petition, sending the matter to the local courts. But it's worth noting that the legislature rarely denied such petitions on behalf of free blacks; in the one documented instance of a rejection, the circumstances were extraordinary.<sup>6</sup>

Census records for Loudoun County do not answer the question either. Cook is listed nowhere in the Loudoun County rolls for 1850 and 1860. But that offers no proof that she was forced to leave, as she failed to be recorded in the 1840 Census as well, when she was proven by other means to be living in Leesburg.

Tax records are often the surest measure, and "Harriet Cook" appears in those documents through 1857. No record of her is found after 1857. And so, after writing a remarkable chapter in Loudoun County's history, Harriet Cook disappears from the written record. But she leaves behind her a tantalizing glimpse of the trials and triumphs of life as a free black in antebellum Virginia.

#### **End Notes**

- <sup>1</sup> Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press 1996), 295
- <sup>2</sup> LCLP, 25 January 1850, Virginia State Library.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> LCLP, 19 January 1850, Virginia State Library.
- <sup>5</sup> Stevenson 268. <sup>6</sup> Stevenson 273.



*Given the difficult conditions that free blacks faced in Loudoun County, it is worth asking why so many remained before the Civil War and Emancipation. After all, even independent African American farmers and artisans faced extreme discrimination, arbitrary acts of violence, and barriers to advancement that are too many to enumerate. Maryland was still a slavery state, but Pennsylvania and other free states were only a few days' journey away for those who wished to leave Loudoun.*

*In fact, many free African Americans apparently did head North in search of a better life, and yet many stayed. Why? An attachment to the land, family and community ties, jobs and perhaps a suspicion that things were not all that much better up North may be part of the answer. Also, while few free African Americans got rich in Loudoun, there were noteworthy exceptions. Bazil Newman was one of them. His extraordinary rise as a respected boatman, farmer, and entrepreneur was due to a combination of business acumen and excellent people skills. It is quite possible that he and his family used their riverboats to help the enslaved to escape across the Potomac.*

*Interestingly, although Virginia law prohibited interracial marriage, Bazil Newman and several members of his family co-habited and had children with whites, and some of the Newman clan passed themselves off as whites in the census. Interracial procreation was not uncommon in Loudoun. The 1860 census showed that one quarter of the enslaved and one half of the free black population were classified as "mulatto."*

## **BAZIL NEWMAN, 1779-1852\***

### **Bronwen Souders**

\*[Amended from *The Essence of a People II, African Americans Who Made Their World Anew in Loudoun County, Virginia, and Beyond*, edited by Kendra Hamilton, published in Leesburg, Virginia, by the Black History Committee of the Friends of Thomas Balch Library, 2002, pp. 3-6.]

The extended Newman family lived the full range of the African American experience in 18th and 19th century Loudoun County. Some were enslaved; others were free. Several married across the color line; some listed their families as white in the public record. One of the more intriguing members of this clan was Bazil Newman, a farmer, businessman, and possibly a conductor on the Underground Railroad.

Bazil Newman was born in Loudoun County in November 1779. By 1820, he headed a free household that included three children -- two boys and a girl -- under the age of ten; an unnamed white woman, apparently their mother; and a male slave older than 45. He eventually had three sons: Basil, Benjamin, and Robert. By 1836, he had begun living with another white woman "in quality of a wife," as he would later say in his will, by whom he appears to have had a daughter, Sophy, in 1840. In so doing, he followed the lead of four other free Newman men of his generation who had also taken white wives. With few exceptions, the Newman family lived in the Furnace

Mountain area of the county, across the Potomac River from present-day Point of Rocks. Several members of the family worked on the river as boatmen.

In the aftermath of the Nat Turner Rebellion of 1831, the Virginia General Assembly targeted free black entrepreneurs like Newman. In 1834, for example, free persons of color were prohibited from selling goods or working as barbers, among other restrictions. Two years later, the assemblymen enacted legislation that “forced boatmen, long suspected of aiding runaways and shipping stolen goods, to obtain certificates from ‘respectable white persons,’ to verify that their shipping manifests were accurate.” [Stevenson, *Life in Black and White*, p.290]

In spite of this persecution, the Newmans persevered. Tax records as late as the early 1850s described several members of the family working as “boatmen” or “ferryman.” Both Basil and his younger brother, Hezekiah -- a bachelor who lived with his older brother for much of his life -- pursued the occupation. Census records indicate numerous other Newmans living along the shores of the Potomac.

At Edwards Ferry, a Potomac River crossing established in 1791 where Goose Creek enters the river, one William Shreve, a white man, built a warehouse in late 1839, on or near land Newman had purchased in 1835. Shreve immediately placed several ads in Leesburg’s weekly *Genius of Liberty*, “soliciting a share of the public favor” and advertising “Basil Newman, well known as an old and experienced boatman, [who] will attend at the warehouse to receive and forward goods.”

By spring of the following year, Newman himself had placed numerous ads informing the public that he had purchased Shreve’s “commodious warehouse.” He added that he had a “superior BOAT, and may always be found at his post and the most careful attention will be given to all Merchandize and Flour or Grain entrusted to his care.” Very few black entrepreneurs advertised in this paper during its period of publication.

We will probably never know with certainty if Newman was a conductor of the Underground Railroad. If one wished to make an argument to that effect, however, one might note that Newman was well positioned to assist slaves fleeing north to freedom: he was an experienced waterman, owned his own boat, and possessed a keen knowledge of the river at all seasons and in all weather. Certainly some Loudoun slaves managed to make the trip north. Philadelphia abolitionists recorded names of Loudoun slaves in that city. In fact, a memoir by a white Loudoun resident refers to an (unsuccessful) plot in 1855 to entice a group of enslaved workers in Loudoun to flee northward via the suspected “Underground Railroad” link from Edwards Ferry to Pennsylvania:

It afterwards came to be known that the ferryman at Edward’s Ferry, on the Potomac, was the underground agent of these organized thieves, at the ferry, and the Chesapeake and Ohio Canal was a part of the route which received, on certain boats, fugitives brought over the river by the ferryman.

[Mason Graham Ellzey, *The Cause We Lost and the Land We Love*, memoir ca. 1910, typed copy at Virginia Historical Society, Mss5:1EL599:1, pp. 6-7.]

A few months before his death in July 1852, Bazil made out his will, leaving his 67-acre farm to Cornelia E. Harris, who “has lived with me for the past sixteen years . . . and who has been to me a faithful bosom companion and obedient housekeeper.” At her death the farm was to go to his three sons. This and another property he owned at Edwards Ferry was valued at \$1,000. Son Benjamin and Benjamin’s wife, Eliza, who eventually acquired some of the land, had a son, Benjamin Jr., who in 1870 was earning a living as a “boatman,” continuing the family tradition.

The accounting of Bazil Newman’s estate shows that a generous \$62.52 was spent for his coffin, grave, tombstone, and for “enclosing the graveyard.” The gravesite is visible at the 13th hole of the River Creek Golf Course, part of a gated community three miles northeast of Leesburg.

*[The contribution of Pastor Michelle Thomas to this article is appreciated.]*

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## II. THE CIVIL WAR IN LOUDOUN COUNTY



Loudoun Rangers Reunion, Waterford, 17 Sept 1910

*Like the neighboring northern counties of Virginia that would soon break away to form West Virginia, Loudoun was bitterly split over secession. In some northern and western areas (Waterford, Lovettsville, Hamilton), support for the Union remained strong, but after Fort Sumter, over two-thirds of the County voted to ratify secession in May 1861 (1,626-726). The scene was set for internecine warfare as communities and families fractured over competing loyalties to North and South.*

*Although none of the Civil War's major battles took place in Loudoun County, one of the first significant clashes between the Blue and the Gray occurred at Ball's Bluff in October 1861. A botched incursion by poorly led Union troops across the Potomac near Leesburg resulted in a humiliating defeat at the hands of local and Mississippi Confederate units; one-half of the approximately 2,000 Union troops were killed, missing, wounded, or captured. Loudoun's strategic location as a transportation hub and its proximity to Washington meant that far larger Union forces would soon return, occupying Leesburg and sizeable sections of the County for much of the war.*

*Their presence, however, did not go uncontested, as Confederate armies occasionally swept through Loudoun, notably to and from Antietam (September 1862) and Gettysburg (July 1863), as well as during Gen. Jubal A. Early's retreat from Washington in July 1864. During Antietam, Union artillery bombarded Leesburg to drive out rebel units in the area of the Courthouse, and Confederate cavalry under Maj. Gen. J.E.B. Stuart battled with Union troops in Unison to protect the rebel retreat from the Shenandoah Valley. Likewise, on the way to Gettysburg, Stuart's forces ran into Union troopers in some of the war's largest cavalry battles*

*near Aldie, Middleburg, and Upperville, resulting in several hundred casualties. Moreover, active partisan units, notably Mosby's Rangers, continuously harassed and raided Union positions in Loudoun and neighboring counties.*

*The war devastated much of Loudoun County. Troops on both sides regularly requisitioned or plundered local farms, running away with cattle, horses, sheep, hogs, corn, hay and other crops at will. Early in the war, in June 1861, Confederate troops under Stonewall Jackson burned the County's three bridges spanning the Potomac to Harper's Ferry (a major Union garrison, armory, and transportation junction), Brunswick (then Berlin), and Point of Rocks, cutting major trading arteries. Railroads were also torn up. Worse, in November 1864 Union cavalry units under orders of Gen. Ulysses S. Grant, in retribution for Mosby's raids, invaded Loudoun and commenced a five-day "burning raid" that culminated in the slaughter or confiscation of more than 10,000 cattle, sheep, hogs and horses, and the burning of 230 barns, eight mills, 10,000 tons of hay and 25,000 bushels of grain.*

*The engagement of Loudoun's rebel soldiers is commemorated in several historical accounts, local battlefields, cemeteries, and memorials. Less well known is the role of Loudoun's sons, both black and white, who fought for the Union. As Union armies invaded the County, numerous enslaved individuals fled for freedom. About 250 of the formerly enslaved and free blacks born in Loudoun joined the Union Army or Navy, and similar numbers of white Loudouners who were loyal to the Union entered the Loudoun Rangers and Potomac Home Brigade to attack Confederate troops and partisans.*



**Gravestone of William Taylor, First U.S. Colored Infantry,  
one of four African American Civil War Veterans buried in Leesburg's Mt. Zion Cemetery**

## **LOUDOUN'S UNION SOLDIERS: THE COLORED TROOPS, THE LOUDOUN RANGERS, AND THE POTOMAC HOME BRIGADE**

**William E. Wilkin**

Evidence exists to support the participation of Loudoun residents in the Union Army and Navy during the American Civil War. The three major groups include African Americans, the Loudoun Rangers, and the Potomac Home Brigade.

First, research by Kevin D. Grigsby indicates 248 African Americans born in Loudoun County served in the Union Army and 11 served in the Union Navy. [*From Loudoun to Glory: The Role of African-Americans from Loudoun County in the Civil War*, (2012).] Proof of linkage to Loudoun County may be drawn from three sources. First, the military record of the individual may state his place of birth, as may pension documents or widow's claims. Second, the Clerk of Court of Loudoun County maintained an official document, the Register of Free Negroes. If an individual soldier or sailor had been listed in the Register before the war, his link to Loudoun is clear. [*Register of Free Negroes: 1844-1861*; also *Abstracts of Loudoun Virginia: Register of Free Negroes 1844-1861*, edited by Patricia B. Duncan] Third, several Union veterans are buried in Loudoun County with gravestones issued by the War Department. The process of awarding that honor was in itself an administrative finding of honorable service.

Second, research by Taylor Chamberlin and John Souders established that Loudoun County men served in the Loudoun Rangers, a unit of the Union Army. [*Between Reb and Yank*, Waterford Foundation (2011)] Lee Stone compiled a roster of 249 members of the unit showing place of birth. [*The Independent Loudoun Virginia Rangers: The Roster of Virginia's Only Union Cavalry Unit*, Waterford Foundation (2016)]

Third, research by Travis Shaw, librarian at the Thomas Balch Library, has identified 42 men from Loudoun County who served in the Union Army's Potomac Home Brigade. [*Archives at Thomas Balch Library*]

As background, African Americans were not allowed to join the Union Army until the effective date of the Emancipation Proclamation, January 1, 1863. Several states formed regiments of African Americans such as the famous 54<sup>th</sup> and 55<sup>th</sup> Massachusetts. The national government formed other regiments which were known as United States Colored Troops (USCT). Loudoun men served in both state regiments and the USCT. There was no one unit for Loudoun African Americans; the Loudoun men served in various regiments with different roles in the war. If listed together, Loudoun men were in campaigns and battles from the Carolina coast to the Mississippi valley, from Florida to the taking of Richmond.

The years leading up to the War were marked by the sale and forced migration of thousands of enslaved men, women and children from Virginia to enslavers in the Deep South. The enslaved, largely American-born, were torn from their places of birth, shattering lives and families at great profit to their sellers. This mass-migration has been coined "The Second Middle Passage" by author Ira Berlin, underscoring the sheer numbers of people affected and the resulting devastation to individuals, families and communities. Thus, it is not surprising that the service records of these

Union African American veterans attest to enlistment far from Loudoun. Some veterans did return to Loudoun County and actively contributed to the new communities of freedmen.

The Loudoun Rangers were a unit formed by Union sympathizers who resided in Loudoun County. The unit was authorized by the War Department on June 8, 1862. Their commanding officer was Captain Samuel C. Means, a resident of Waterford. Though the county was evacuated by Confederate forces in February 1862, the Army of Northern Virginia operated in the county during the Maryland campaign of 1862, the Gettysburg campaign of 1863 and Early's campaign of 1864. Means' Loudoun Rangers were also confronted by the commands of John S. Mosby and Elijah White, which operated in the area with considerable local support. Their service is a long list of hard fights and ambushes on both sides of the Potomac. The Loudoun Rangers had a notorious fight in Waterford on August 27, 1862 at the Baptist Church losing against Elijah White's cavalry. The Loudoun Rangers were based several times at Point-of-Rocks. Most valuable as scouts, the Loudoun Rangers also fought at Monocacy. Many left Loudoun County after the war. They and their families gave up a great deal for their decision to stand with the Union.

The Potomac Home Brigade was a predominantly Maryland unit formed to guard the Baltimore & Ohio Railroad in late 1861. Some Loudoun Union men who had fled the county due to threats from their pro-Confederate neighbors enlisted in the Potomac Home Brigade. The unit was trapped at Harpers Ferry during the Maryland campaign and was exchanged. The unit fought at Culp's Hill during the battle of Gettysburg. They also fought at Monocacy on July 9, 1864. Like the Loudoun Rangers, the elements of the Potomac Home Brigade (especially Cole's Cavalry) had hard fights against Mosby, White and other Confederate units. Some members of the Potomac Home Brigade did return to the county after the war.

\* \* \* \* \*

### **III. RECONSTRUCTION AND THE ERA OF SEGREGATION**

*After defeating the Confederacy in a bloody and protracted Civil War, the North resolved to transform Southern society. Following Lincoln's assassination, however, President Andrew Johnson defied the Republican-controlled Congress by strongly opposing measures to ensure equal rights for black citizens. Indeed, Johnson sought to restore white supremacy in the South and pardoned thousands of Confederate officials and sympathizers, leading to his near impeachment.*

*By the time Ulysses S. Grant was elected President in 1868, Radical Republicans in the Congress had transformed the political and legal landscape of the South. The 14th Amendment guaranteed the same rights and liberties to the Freedmen as were enjoyed by other American citizens while the 15th Amendment extended the vote to every (male adult) citizen. Equally important, Congressional Reconstruction Acts imposed martial law in most of the former Confederacy (at one point, crushing the Ku Klux Klan), set up newly constituted state governments that included over a thousand elected or appointed black officeholders, and sought to protect the Freedmen against political violence and discrimination in the courts. With the temporary disfranchisement of many former Confederates, Republicans comprising both black and white voters captured Southern statehouses in the 1860s and early 1870s.*

*These sweeping changes showed up in Virginia at both the state and local levels, yet Loudoun County was slower to witness reform. Black citizens could now vote, but their representation in government was virtually non-existent. One can see a distinct improvement in the lives of the formerly enslaved, notably in labor and property rights, but whites clearly enjoyed greater liberties, security, and well-being.*

*Unfortunately, research on Reconstruction and its aftermath in Loudoun remains limited. Gaps in the archives make it difficult to reach conclusive judgments about this important era in the County. Still, without question, Loudoun's black population registered significant gains in education, property ownership, and community organization (schools, mutual aid societies, and churches). Despite its hardships, the African America community in Loudoun County built a vibrant civil society that helped it survive and ultimately overcome the rollback of civil rights that followed Reconstruction.*



**DEMOCRACY DEFERRED:  
LOUDOUN COUNTY VOTING RIGHTS, 1865-1902**

**Lori Kimball**

The Conservative (Democratic) Party took power in Loudoun immediately after the war and dominated County politics for decades. Most members of the party, including many enslavers, had been pro-secessionist and opposed racial equality after the war. During the first postwar election for local offices, historian Charles Poland writes, "Local politicians during October 1865 attempted to hurt each other's chances of winning the election by accusing each other of being in favor of Negro suffrage." [Poland, p. 239, original from *The Mirror*, 12 October 1865] For several years after the war, editorials and letters from white citizens supported exclusion of African Americans from the political process due to their alleged inferiority and lack of intelligence. [Poland, p. 239, original from *The Mirror*, 28 November 1866]

Nevertheless, even before ratification of the 15th Amendment, African Americans in Loudoun County voted for the first time in the state election of 1869, and most probably supported the Republican Party, which championed progressive causes, including equal rights for African Americans. But with the Conservative Democrats' strong hold at both the local and state level, Republicans in Virginia were marginalized well into the 20<sup>th</sup> century.

An 1869 edition of *The Washingtonian*, a Leesburg newspaper, listed the following statistics of registered voters:

Whites	3,336
Colored	1,200
Total	4,536

As local historian Wynne Saffer points out, "This statistic demonstrates that negro suffrage was a fact in Loudoun, but black voters were clearly in a minority and could not determine the outcome of any election divided on racial lines." [Saffer, p. 10]

African Americans from Loudoun County did not participate in Virginia's constitutional conventions in the 1860s, nor was an African American elected in Loudoun County to serve in the General Assembly. (Note: Nonetheless, William H. Ash, born into slavery in Loudoun, represented Nottoway and Amelia Counties in the General Assembly in 1887.) [Journey Through Time, p. 15] Instead, the representatives whom Loudoun County sent to the state constitutional conventions were white men from the Conservative Party. According to Saffer, the Conservative Party occasionally sought out African Americans to serve in office. In 1873, a Leesburg barber, J. Cook Nickens, was elected district constable. He served for one year. [Saffer, p. 20] No other African American served in political office in Loudoun until John W. Tolbert Jr. was elected to the Leesburg Town Council in 1976. [Essence, p. 59]

Despite lacking a place in the predominant political party, Loudoun's African Americans were active politically. Remarkably, considering challenges that their counterparts elsewhere in the South faced after Reconstruction, they appear to have voted without confrontation or challenges until Virginia's constitution was changed in 1902. In September 1876, for instance, they held meetings in Leesburg during which they discussed the history of slavery and criticized the Democratic (Conservative) party's policies as "detrimental to the welfare of the colored man." [Poland, pp. 274-275]

Loudoun's African Americans acknowledged that they were indebted to the Republican Party for their freedom and rights, but when they felt excluded from the local white Republican group, they formed the Invincible Republican Club of Leesburg in 1876. Their motto was "May God help us to be invincible." Ex-Confederates considered the Club to be a "menace to the white people." Sheetz, the editor of *The Mirror*, criticized the Club as ungrateful to the white community because they held their meetings in a chapel that had been mostly constructed by Democrats. [Poland pp. 274-275]

Perhaps the best description of African American life during this time period, describing both the progress that the community had witnessed and the challenges they still faced, can be found in the petition made to Judge James B. McCabe by the Delegates of the Mass Meeting in 1883 (see article below). In their own words, African Americans described with pride how diligently they had worked to establish communities, educate themselves and their children, and become a part of society with the same hopes and dreams and patriotism as white citizens of Loudoun County.

Even as their voice was muted, African Americans in Loudoun tried to work within the Republican Party to advance their interests. An article from an 1889 edition of the Washington newspaper, *The Leader*, covered the convention of the Colored Republicans of the Eighth Congressional District. They met for the purpose of electing two delegates to represent the district at the National Colored Convention in Washington, D.C. Representing Loudoun at the District convention were George H. Russ, Robert Jordan, and Isaiah Allen.

In addition to electing delegates, the convention passed four resolutions, including a recommendation to Republican President-elect Harrison to name William Mahone to a cabinet position. They endorsed Mahone for his "zealous advocacy of Republican principles, devotion to State interests, and the interest he displayed in advancing the rights of the Negro, politically and educationally." (George H. Russ was born into slavery at Oatlands ca. 1859. William Mahone was a civil engineer, railroad executive and a pro-secessionist who was a Confederate general during the war. He led the Readjuster Party in Virginia. One of the items supported by the party was education for African American children.)

In summary, African Americans in Loudoun appear to have voted without challenge until the changes to the state's constitution in 1902 significantly curtailed their voting rights. Until that time, they were not deprived of their right to vote, but they were certainly marginalized politically. Former pro-secessionists, Confederate supporters, and enslavers formed the Conservative party and regained local control immediately after war's end. Unlike African Americans elsewhere in Virginia, Loudoun's African Americans barely held local office (one man, for one year) and never

held state office. While the Conservative party had to accept that slavery had ended, it did not accept racial equality. The 1883 Mass Meeting petition shows that African Americans' right to serve on juries and as election judges was not enforced, even after the judge acknowledged their right to serve on a jury. As Wynne Saffer states, "A society that had treated negroes as property in 1860 was slow to accept them as equal citizens after the war. Acceptance as social equals was still being fought for by Loudoun's negroes in 1966." [Saffer, p. 1]

#### Sources

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- *The Leader* newspaper, 1889, page number unknown. From the Edwin Washington Project. Copy in Kimball's files.
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*Americans tend to see their country's history as one of continuous progress and enlightenment, but there are cases when the reverse was true. The period after Reconstruction was one of them. There were numerous reasons for Reconstruction's decline: weaknesses of the southern Republican state governments; northern Republican fatigue over Reconstruction as attention shifted to westward settlement, economic development, and concerns about immigration and labor strife; divided government in Washington; a series of Supreme Court decisions beginning in the 1870s that all but gutted the federal government's power to enforce civil and voting rights; and a sharp rise in white supremacy movements and violence against African Americans in the South.*

*Following the disputed 1876 presidential election, Republicans struck an informal deal with Southern Democrats to put Rutherford B. Hayes, the Republican candidate, in the White House. In return, federal troops would be withdrawn from the South. The so-called Compromise of 1877 ended Reconstruction and set in motion the eventual loss of rights for African Americans in the South.*

*By this time, Democrats/ Conservatives had captured all of the Southern state statehouses. This did not mean that black political participation ended overnight, but the signs were already on the wall when delegates from the African American community petitioned the Loudoun County Court in May 1883. No one knew it at the time, but the 1896 Supreme Court decision in Plessy v. Ferguson would legitimize the Jim Crow doctrine of separate but equal. What is more, changes in the 1902 Virginia constitution would strip the right to vote from most blacks (and many poor whites) in Virginia.*

**RECONSTRUCTION AND JIM CROW:  
PETITION FROM DELEGATES OF THE MASS MEETING TO  
JUDGE JAMES B. MCCABE OF THE LOUDOUN COUNTY COURT (1883)**

**Robert A. Pollard**

*We the undersigned colored citizens of said County would respectfully call your Honor's attention to the following facts, namely, that twenty years have elapsed since the bondage of our people in the South was removed: Then we were a people comparatively without property, without the means of acquiring it and business capacity to manage it. Then we were uneducated and but few of us could read or write. Time has changed and improved our condition. Under the guarantees of the National and State Constitutions, and laws made in execution thereof our people have made advances: our children are being educated, and knowledge is supplanting ignorance, and the little homes [we own] show we are acquiring property. Thus we have become identified with the material interests of our State, we have homes to defend, lives and liberty to protect, children educated and to be educated, and in all that pertains to the order, peace and prosperity of society, we have a common interest in the general welfare.<sup>1</sup>*

Thus began the petition to the Loudoun Court from a group of 17 prominent African American citizens led by Joseph Waters.<sup>2</sup> Several of the delegates owned their own businesses or served as

leaders in local churches, schools, and the many influential mutual aid societies that proliferated after the Civil War.

The context of the petition is clear: despite major legal advances with the 13th Amendment (ending slavery), 14th Amendment (conferring equal rights to all citizens), and 15th Amendment (adding the right to vote), as well as two major Civil Rights Acts, in practice civil liberties for African Americans in Loudoun County were limited.<sup>3</sup> The collapse of Reconstruction in 1877 had ended federal enforcement of the law, and the gradual erosion of voting and other rights had undermined the political power of Loudoun's black community.<sup>4</sup>

The petitioners granted that the African American community had perhaps not been ready for that full exercise of their rights immediately following emancipation, but asserted that times had dramatically changed since then:

*We were in a sad condition to have conferred upon us citizenship, but we are now much better prepared to appreciate it and meet its responsibilities. We disclaim any reflection upon the administration of justice; we know that hitherto we were in such a condition as not to expect to participate in the administration of either. But we respectfully submit that that time has passed.*

Thus, the Mass Meeting was pressing Judge James B. McCabe to grant the same fundamental rights to African Americans as those that white citizens already exercised, in particular, to serve as jurors in the County court and as observers of elections -- steps that would significantly improve their political and legal status in society:

*Political society enjoins on us the same duties and requires of us the same that is exacted from its other members. For twenty years we have been trying to qualify ourselves for the duties of citizenship, we trust it is not presumption in us, to say, our efforts have not been unfailing; we desire in the future a fuller recognition of our rights and privileges which the laws of the land have guaranteed to us, hence we respectfully petition your Honor in the future, to recognize our rights, to serve as Jurors and Judges of Election.*

Judge McCabe reportedly granted the right to serve on juries, but not that pertaining to election judges. For all practical purposes, even the right to serve as jurors was not honored for over half a century; the first African American citizen was not entered into a Loudoun jury pool until 1935.<sup>5</sup>

The record then goes cold, but the 1883 Mass Meeting illustrates several significant developments about **race relations in Loudoun County during Reconstruction and its aftermath**:

- As the 1883 petition noted, the black community had sought to take full advantage of **Reconstruction** -- equal protection under the law, voting rights, public education -- and measurably progressed after the war. Families were reunited and began to accumulate land and homes. Literacy sharply improved.
- Responding to their intense desire for education, the **Freedmen's Bureau** helped African Americans build **nine schools**. The Bureau also provided limited social welfare benefits and

sometimes intervened to protect African Americans' rights in the Loudoun courts, most importantly in disputes over labor contracts.<sup>6</sup>

- Whites in Loudoun deeply resented the activities of the Freedmen's Bureau, and continued to discriminate against blacks. Nonetheless, African Americans successfully exercised **political power** and resisted attempts to restore the *status quo ante* through much of Reconstruction. On occasion, federal troops moved into the County to suppress residual Confederate elements, precluding the rise of a local Ku Klux Klan.<sup>7</sup>
- Indeed, blacks in Loudoun County exercised their **right to vote** in large numbers during Reconstruction, and to some extent thereafter. In 1872, Ulysses S. Grant -- the very Union commander who had ordered the notorious "burning" of western Loudoun County just eight years before -- narrowly carried Loudoun in the presidential election.<sup>8</sup> Though there appears to be no data breaking down the vote by race, Grant's victory would have been inconceivable without black support.
- African Americans had also strengthened the sinews of **community** by building **30 churches** and establishing **10 fraternal societies** by 1900. It is noteworthy that one of the delegates of the 1883 meeting, James R. Hicks, later became the first president of the Loudoun County Emancipation Society (1890), which sustained community pride and planted the seeds of later desegregation efforts in the County.<sup>9</sup>
- The fact remains, however, that by 1883 the political pendulum had decisively swung in the direction of **white supremacy**, systematic racial **segregation and discrimination** against African Americans in Loudoun County. Indeed, conditions throughout the South would sharply deteriorate in the 1890s, as various laws and court decisions at the state and national level would mandate enforced segregation in almost every aspect of society.
- White extremists sometimes used political violence and intimidation to discourage black political participation during the Jim Crow era. Although this was less true in the Upper South than in the Deep South, **three African American men were lynched in Loudoun** in 1880, 1889, and 1902.<sup>10</sup>
- Nor did many African Americans in Loudoun necessarily prosper. Indeed, few realized the promise of "40 acres and a mule." Only a small minority of black farmers owned **land**, for instance, with "colored" people possessing just 1% of the County's total acreage in 1900. Consequently, most worked as tenant farmers or as laborers on white-owned farms.<sup>11</sup>
- A final crushing blow came with the **1902 Virginia constitution**, which formalized numerous restrictions on voting rights, such as poll taxes and literacy tests, effectively shutting out most blacks (and many poor whites) from the political system.
- Faced with intense discrimination and intimidation, many African Americans, especially in rural areas, chose to congregate in **predominantly black villages** scattered across the County.

- Many others chose to leave. As **mechanized agriculture** drove people, both black and white, off the land, the total population of Loudoun remained stable (around 20,000 for over 150 years) while the U.S. population as a whole was growing by leaps and bounds.<sup>12</sup> This phenomenon would disproportionately hit the African American populace, which was largely tied to the land, resulting in a steady **fall in the black percentage of the County's total population**. The lure of better opportunities elsewhere presumably accelerated the out-migration.

What then can we say about the **1883 Mass Meeting**? It shows that even in the face of growing adversity, leaders of the African American community retained their thirst for freedom and were willing to stand up to the political establishment to assert their rights to equality as citizens. Through their mutual aid societies, businesses, churches and schools, Loudoun's African Americans kept alive the promise and hope of Reconstruction and demonstrated that rights and freedoms once granted may be curtailed, but never extinguished.

### Footnotes

<sup>1</sup>The petition was dated May 17, 1883. For the full text, see *The Essence of a People: Portraits of African Americans Who Made a Difference in Loudoun County, Virginia*, Black History Committee of the Friends of Thomas Balch Library (hereafter BHC-FTBL), Leesburg, Virginia (2001), pp. 28-31.

<sup>2</sup>Waters had served in the 5th Massachusetts Cavalry (Colored) during the Civil War. Another petitioner was James R. Hicks, who later served as the first President of the Loudoun County Emancipation Association (1890). This and other biographical information from *Essence of a People*, pp. 29-31. See also, Elaine E. Thompson, "James Hicks, 1845-1933," *The Essence of a People II*, pp. 41-45.

<sup>3</sup>Although *The Washingtonian* newspaper of Leesburg in 1869 reported that 1,200 of Loudoun's 4,536 voters were black, the Conservative (later Democratic) Party -- led by white supremacists, some of them former enslavers -- captured the County government in elections that year and continued to dominate local politics for decades thereafter. Unlike other counties in Virginia, Loudoun did not send African American representatives to the Virginia constitutional convention or the legislature during Reconstruction (1865-1877). Wynne Safer, *Loudoun Votes: A Civil War Legacy*, p. 18-20.

<sup>4</sup>In fact, five months after the Mass Meeting petition, the U.S. Supreme Court would strike down the public accommodations clause of the 1875 Civil Rights Act, which had promised equal treatment for African Americans in restaurants, hotels, streetcars and the like. This was one of a series of Court decisions that set the legal foundation for the highly discriminatory Jim Crow laws of the late 19e.

<sup>5</sup>BHC-FTBL, *Journey Through Time: Loudoun County's African American Communities* (2006), p. 19.

In 1873, a black Leesburg barber, D. Cook Nickens, was elected district constable and served for a year.

<sup>6</sup>On Freedmen's Bureau, see Betty Morefield, "The Freedmen's Bureau in Loudoun County: Getting Started," *Loudoun County Historical Society Bulletin* for 2007, pages 36-72. See also the Smithsonian's website for information on Freedmen's Bureaus in each state they operated: <https://sova.si.edu/details/NMAAHC.FB.M1048#ref133>

On aid to Freedmen, see Charles P. Poland, *From Frontier to Suburbia: Loudoun County Virginia, One of America's Fastest Growing Counties* (Heritage Books, 2005), pp. 244-245. See also *Journey Through Time*, pp. 9-12. In December 1865, the military command in Richmond ordered that "[t]he late owners will be required to provide for their former slaves, who are helpless and dependent on them for subsistence, until the overseers of the poor of the counties to which they belong shall have made arrangements for their care and support." *Loudoun Times Mirror*, January 3, 1866. Meanwhile, traditional plantation agriculture went into steep decline in Loudoun in part because Freedmen (including women) refused to return to work under the old conditions, instead favoring tenant farming, while some left the County for better working conditions in nearby towns and cities. See Poland, pp. 222-228, and *Loudoun Times Mirror*, June 17, June 20, and September 21, 1865.

<sup>7</sup>Poland, pp. 238-239, 256, 260-61. Poland contends that Reconstruction in Loudoun was less traumatic in Loudoun than elsewhere in the South because of the relative moderation of both the U.S. military commander

and the Republican-controlled government in Richmond, and the presence of many Unionists (notably Quakers) in the County who won favor with the federal occupation authorities.

- <sup>8</sup>In 1872, Grant defeated the lackluster Democratic candidate, Horace Greely, by just 33 votes (1,549 to 1516) in Loudoun; see Poland, p. 273. One reason for Grant's victory was that many former rebels remembered his lenient surrender terms at Appomattox Courthouse and voted for him as the lesser of two evils. In fact, the former rebel leader John Mosby helped run Grant's campaign in Virginia. Still, given the narrow margin by which Grant won in Loudoun County, the black vote was clearly decisive. Southern whites in Loudoun, however, would turn sharply against the Republican Party in 1876. *Email from Richard T. Gillespie, Emeritus Historian of the Mosby Heritage Area, to author, May 10, 2018.*
- <sup>9</sup>Elaine E. Thompson, *In the Watchfires: The Loudoun County Emancipation Association, 1890-1971*, BHC-FTBL. On Hicks, see footnote #2, above.
- <sup>10</sup>Even if individual local communities did not necessarily favor it, for example, Virginia law would *require* separate schools for white and black school children, a state of affairs that did not change until the U.S. Supreme Court ruled otherwise in its 1954 *Brown v. Board of Education* decision. On Leesburg lynchings, see Heidi Siebentritt, "Brief History of the Courthouse and the Confederate Monument" (article under Overview, above).
- <sup>11</sup>The statistics for 1891 and 1910 were 0.97% and 1.62%, respectively, according to Wynne Saffer. In 1920, a U.S. Department of Commerce study showed that "colored farmers" *operated* (not necessarily owned) 6.2% (121 of 1,962) of Loudoun's farms, and many were small. A fourth of County farms were run by (black and white) *tenants*, not owners. According to Noel Grove and Charles P. Poland, Jr., 4.6% of Loudoun's 1,962 farms in 1920 -- about 90 -- were black-owned. See *The Lure of Loudoun: Centuries of Change in Virginia's Emerald County* (2007), p. 166.
- <sup>12</sup>After peaking in 1880 at 23,634, Loudoun's population steadily decreased over the next 50 years to just 19,852 in 1930. Interestingly, from 1790 to 1950, Loudoun's total population remained nearly stable, around 20,000. Even in 1960, the population of 24,549 barely exceeded that of 1880. Given the tremendous population increase elsewhere in the country, due to both high birthrates and immigration, this suggests that the County experienced heavy net emigration throughout much of its history. See Poland, pp. 65, 363-364.

\* \* \* \* \*



*A fatal weakness of Reconstruction, historians agree, was the virtual lack of land redistribution in the South after the Civil War. In August 1865, Loudouners heard an announcement that the Freedmen's Bureau would seize 15,000 acres from former Confederates in Loudoun County and distribute the land to the African American population under the wartime Confiscation Acts, but the order was quickly rescinded. [See Poland, From Frontier to Suburbia, pp. 229-230.] Whatever its merits in hindsight, the confiscation of land and other personal assets in peacetime would have been a draconian act; even Radical Republicans opposed the measure. (Also, although the Bureau did provide some food and provisions to indigent and elderly African Americans, the concept of social "welfare" from the federal government in the modern sense was virtually unknown at the time.)*

*The difficulty in acquiring land was a crippling blow to the hopes of the many Freedmen. In that era, land ownership was considered a key to self-reliance and prosperity. Land, however, was expensive, and many Loudoun whites refused to sell to the Freedmen. As a consequence, blacks owned only about 2% of the farmland in Loudoun as late as 1910, a half century after the Civil War. They were more successful in accumulating property in the towns, however.*

*In 1891, a law went into effect requiring land tax records in Virginia to be recorded by race. This practice continued into the 1960s.*

### LAND TAX RECORDS, LOUDOUN COUNTY: 1891, 1900, 1910

Loudoun County Courthouse, Leesburg, Virginia

Lori Kimball and Wynne Saffer

<b>1891</b>	<b>Total Loudoun</b>	<b>White</b>	<b>White % of total</b>	<b>Colored</b>	<b>Colored % of total</b>
Acres	276,276	273,603	99.03%	2,673	0.97%
Value of land & buildings (\$)	6,607,654	6,545,696	98.76%	81,958	1.24%
Value of town lots (\$)	634,555	614,000	96.76%	20,555	3.24%
<b>1900</b>					
Acres	389,787	385,904	99.0%	3883	1.0%
Value of land & buildings (\$)	6,307,705	6,196,847	98.24%	110,858	1.76%
Value of town lots & bldgs (\$)	579,740	552,325	95.27%	27,415	4.73%
<b>1910</b>					
Acres	323,144	317,906	98.38%	5,239	1.62%
Value of land & buildings (\$)	7,309,695	7,157,213	97.91%	152,481	2.09%
Value of town lots & bldgs (\$)	743,554	702,823	94.52%	40,731	5.48%

\* \* \* \* \*

#### **IV. THE CIVIL RIGHTS MOVEMENT IN LOUDOUN, 1930-1970**

*In 1932, Loudoun County was a sleepy rural place. There were small upscale equestrian communities around Middleburg, Upperville, and Leesburg, but for the most part, Loudoun was sparsely populated by farmers and small tradespeople and its economy based on agriculture – mostly dairy and beef cattle plus wheat, corn and hay. The railroad still ran from Washington out to Leesburg and Purcellville and back every day carrying a few passengers and fresh milk for the processing plants in Washington. Most of the roads were dirt, except for some paved roads in the towns and improved two lane paved roads, including Routes 7, 15 and 50. There was not yet a Dulles airport, nor the suburban development and rapid population growth that would characterize the County beginning in the 1970s. The population of 19,800 in 1932 was actually lower than it had been a hundred years earlier, and the African American share of that population had shrunk from nearly 25% to less than 10%, in part due to the growing mechanization of agriculture and out-migration of small farmers and their families.*

*The community was strictly segregated despite earlier efforts by black mutual aid societies to challenge discriminatory practices in Loudoun. African Americans did not attend school with whites, serve on juries, or eat or live in the same places. When African American people took the train, they had to wait in a separate room, use separate restrooms, and sit in separate sections of the small train. Restrictions on voting meant there were very few African American voters in the County. The very first secondary school for African Americans in Loudoun County had been set up in Leesburg in 1930, but the first accredited high school for African Americans was more than a decade away. The first modern-day African American physician in Loudoun established his practice in Leesburg in 1933. Yet no African American attorney had ever practiced in the Loudoun County Court, and there is no record of any African American sitting as a juror.*

*But as Loudoun suffered through the Depression years, things began to change.*



**Legal Team representing George Crawford in 1933 Loudoun Courthouse trial.  
Charles Hamilton Houston is second from the left.**

## **CHARLES HAMILTON HOUSTON AND THE CRAWFORD CASE – A MOMENT OF GREAT SIGNIFICANCE AT THE LOUDOUN COUNTY COURTHOUSE (1933)**

### **Mitch Diamond**

In 1933, Loudoun County and its Courthouse became the center of the newly emerging struggle for equal justice and civil rights in the United States. The foremost African American attorney in the nation, Charles Hamilton Houston, led the first all-black legal team in a major case in a southern courthouse, challenging the segregated process for jury selection while cross examining prominent white officials. In this first ever major case conducted by African American attorneys in the South, the defendant was saved from almost certain death, the biased jury selection process was clearly exposed, laying the groundwork for a major U.S. Supreme Court case a few years later, and an entire generation of civil rights attorneys, including Howard University Law School's two leading students, Thurgood Marshall and Oliver Hill, were inspired to pursue their illustrious careers.

### **The Situation**

In January 1932, a black man, George Crawford, was accused of murdering a Middleburg socialite, Agnes Ilsley, and her maid Mina Buckner, both white – and things began to change. The case resounded throughout the nation, was widely reported in the news of the day, involved the Federal Courts in Boston and the U.S. Supreme Court, led to calls for the impeachment of a Federal judge, and was a critical early opening to the modern era of civil rights jurisprudence

### **Charles Houston**

The young and brilliant legal counsel to the NAACP and Dean of Howard University's Law School accepted the case when urged to do so by the head of the NAACP. Houston, only 37 years old at the time, was one of the most well-known African American lawyers and legal scholars in the United States. Houston was already acclaimed for turning a mediocre school into one of the premier law schools in the country. For the Crawford case he assembled an impressive group of African American lawyers and aides. This highly qualified team, the first black attorneys to ever appear in the Loudoun Courthouse, was praised by all sides for their high competence and professionalism.

However, despite their impressive degrees, their obvious ability, and the praise they received in the press and from all their colleagues in the Courthouse, the Crawford legal team could not find any lodging or public place to eat in Leesburg, and had to take their meals in the back of a small black-owned barbershop.

## The Case and its Significance

The first order of business was to get Crawford back from Boston where he had fled fearing for his life. He had been charged in Loudoun, but a federal judge in Massachusetts had refused to extradite him on the grounds that he could not get a fair trial in Virginia. The extradition case went all the way to the U.S. Supreme Court, and some members of Congress threatened to impeach the federal judge before it was agreed to return Crawford to Virginia jurisdiction.

Then, back in Loudoun, Houston decided during preparation for the case that there was too much evidence pointing to the defendant's guilt, and instead determined to save his life. Houston and his team developed a strategy that included a challenge to the basic fairness of the court and, especially, the jury selection process. In a careful and professional manner Houston and his team worked to build an understanding of the process in Loudoun that led to the systematic exclusion of black people from selection for either grand or trial juries. They relentlessly but politely and professionally questioned the senior judge and other officials who were responsible for selecting people for Loudoun's jury list, creating an official record that clearly demonstrated the entire biased process. Houston and his colleagues' combination of deep research and scholarship, eloquence and professionalism led to praise from parties on both sides.

Crawford was found guilty, but his life was spared and he was sentenced to life in prison. This was considered to be a major step forward and an important victory, not just because he was a black man tried and judged by a white judge and jurors in a southern courthouse who was given a rare lesser sentence, but also because Houston and his team had successfully exposed the biased process of jury selection and other procedural issues as a major element of their case. A couple years later the U.S. Supreme Court finally ruled that biased jury selection was unconstitutional.

The cause of basic justice was advanced, Houston and the NAACP's national strategy was advanced, the credibility and reputation of Howard law school was advanced, the opportunities for African American attorneys to actually practice in courtrooms were advanced, the potential for civil rights justice was advanced, and Houston's plan to create and empower an entire generation of civil rights attorneys was substantially advanced.

In particular, two of Houston's best students at Howard Law School were inspired toward lives of profound accomplishment in civil rights jurisprudence. A young **Thurgood Marshall**, the future Supreme Court justice who participated in the case as a researcher, later described this experience as a watershed moment in his life. The very reason he changed direction and dedicated his career to civil rights, he said, was because the Crawford case proved to him that was possible for a black man to find justice in a southern court. Famed African American attorney **Oliver Hill**, second only to Marshall in class standing at Howard, told interviewers later in life that the Crawford case was a particular inspiration for his own significant career pursuing equal justice in Virginia and elsewhere in the United States.

And, in a footnote, Gus Valentine became the very first African American juror to be formally added to the Loudoun County rolls a year later with the strong support of Charles Houston. Unfortunately, Mr. Valentine was never called to actually serve.

After the Crawford case, the small African American community in Loudoun County asked Mr. Houston to help them again by joining the local organized effort in Loudoun for a long sought high school for black students. This was an opportunity for Houston to advance his strategy of challenging “separate but equal” school systems. And with his help, they succeeded -- Frederick Douglass High School was constructed, equipped, fully accredited and opened by 1941 on a plot of land identified and bought with the hard earned resources of the local African American community (see articles below).

Historians see the Crawford case in Loudoun County as a critical and significant foundation in the struggle for civil rights in the United States. It led to and supported other cases seeking equal justice in court proceedings and jury selection and inspired a whole generation of civil rights attorneys. Houston, the NAACP and the attorneys mentored and inspired by Houston went on to many other cases all across the South and elsewhere fighting for equal justice and against segregated education. It took decades before the major breakthrough in *Brown v. Board of Education* was actually decided in the U.S. Supreme Court, but the door to this success was opened here in the Loudoun County Courthouse.

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- The Majesty of the Law – Sandra Day O’Conner
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**Frederick Douglass High School, opened in 1941**

*The fight for equal rights took decades. Not until the 1930s and 1940s did the County begin to improve schools for black children, and that was against stiff white resistance. Even after the U.S. Supreme Court in **Brown v. Board of Education (1954)** finally shattered the legal basis for segregated public schools, the Loudoun County government initially followed the lead of Virginia Sen. Harry F. Byrd, Sr. in his “Massive Resistance” campaign against school integration. Despite repeated court orders the County did not fully desegregate its schools until 1968-1969. The vestiges of Jim Crow discrimination persisted in other areas of everyday life, such as theaters and restaurants, but passage of the 1964 Civil Rights Act and 1965 Voting Rights Act -- a full century after the Civil War -- at last guaranteed federal protection of these privileges for all of Loudoun’s citizens.*

## **THE AFRICAN AMERICAN COMMUNITY’S FIGHT FOR BETTER SCHOOLS IN LOUDOUN COUNTY -- PART I**

**Mitch Diamond**

In the mid-1930's, as the County and the nation struggled through the Great Depression, Loudoun's African American residents continued their tradition of organizing to press for the rights and privileges they had been denied for so long. Their first target was education and their strategy was to press for the “equal” part of “separate but equal” facilities as required under the 1896 *Plessy v. Ferguson* ruling of the U.S. Supreme Court. This was in keeping with a national strategy promoted by the NAACP to press for equalization of salaries and facilities, assuming that the costs of “equality” would soon lead to acceptance of integration as a better option.

In 1935 the various Loudoun County African American PTAs merged into the County Wide League to fight for equal education for Loudoun’s black residents. And, in 1940 a local chapter

of the NAACP organized in Loudoun to add to the effort for better quality education for African Americans in Loudoun. Their initial goal was an accredited high school for Loudoun's African American students.

### **Frederick Douglass School –First Accredited High School for African Americans**

Any education for either enslaved or free African Americans in all of Virginia was legally banned in the 1830s after the Nat Turner rebellion. After emancipation and the Civil War, educational programs for African Americans began in Loudoun County, sponsored by a combination of private organizations and the federal Freedmen's Bureau. However, in 1930, a full 65 years after the Civil War ended, Loudoun's education for black students still did not extend beyond the sixth grade.

Finally, in 1930 the first secondary school for black students was established in two rooms above the elementary school on Union Street in Leesburg and became known as the Loudoun County Training School. However the building was in poor condition and unsafe, had little equipment and offered limited subject matter. And, because the instruction was unaccredited by the state, students could not qualify for higher education.

In the mid-1930s the black families of Loudoun decided to organize and begin pressing for a better alternative. They formed the County-Wide League to petition the School Superintendent and Board and the Board of Supervisors (BOS) about the unsafe and unsatisfactory situation at the Training School and to ask for a fully qualified high school for black students.\* They were aided and encouraged in their efforts by Gertrude Alexander who had recently been hired by the County as the Supervisor for African American Education.

### **Community Action**

On November 4, 1939, a land transfer of eight acres just east of Leesburg was registered in the County Courthouse. That simple transaction, resulting from years of effort to raise funds, months of secret negotiations and the intervention of America's most prominent civil rights attorney, Charles Hamilton Houston, was a major milestone in the struggle of Loudoun's African American community to gain equal rights.

The school board and the BOS put up obstacle after obstacle and found all sorts of ways to avoid taking any useful action. They first argued that there was no suitable land available for such a school. The County-Wide League then launched a program of fund raising using rummage sales, dances, ball games, bake sales and donations to accumulate the funds to actually find and buy a piece of suitable land. In a series of secret transactions, and aided by a loan secured by a black contractor, in late 1939 they secured 8 acres of land on the outskirts of Leesburg for \$4,000.

The School Board and BOS continued to resist and enacted a series of local ordinances that thwarted efforts to establish the new school, including rejection of the site now owned by the County Wide-League. This culminated in a large public meeting at the County Courthouse in 1939 where African American residents insisted that the problematic ordinances be reversed and the school be constructed. And, they argued, we can provide the land for it. The school board and

BOS then argued that there was no construction funding available from the State Literacy Fund, the source for school construction funding, so the parents would just have to wait.

## **Success**

Finally, in 1940, the County-Wide League was tired of waiting and engaged famed black attorney Charles Houston (former dean of the Howard Law school, legal counsel to the NAACP and well known in Loudoun from the Crawford case a few years earlier) to lead their efforts. He drafted and sent a series of pointed letters to the Superintendent of Loudoun Schools fully describing the safety and accreditation problems with the existing Training School and the clear legal requirements on the School Board and County to provide an adequate high school. And, he threatened to sue if action was not taken. His threat was taken very seriously since he and his NAACP legal team had been winning “school equalization” suits in federal courts around Virginia and the Loudoun school board did not look forward to facing Mr. Houston and his team in federal court.

At last, under combined community and legal pressure, the BOS, the School Board and the State Literacy Fund relented and came up with \$30,000 to construct the new school. The County-Wide League then transferred ownership of their property to the County for just \$1, a construction contract was awarded, and the long sought school was, at last, actually built. It was named in honor of Fredrick Douglass, the great pioneer in seeking freedom and rights for African Americans.

But the problems did not end there. The Loudoun County School Board had built the school, but they had furnished it minimally. The community and the County Wide League once again began fund-raising, they were able to provide the school with the additional furniture and other supplies it needed to begin operations.

In 1941 the school began full operations. It received its letter of full state accreditation in 1942. The Frederick Douglass School, the only high school for African Americans in Loudoun until desegregation in 1968, still stands at 408 E Market Street in Leesburg. The school was added to the Virginia Landmarks Register and the U.S. National Register of Historic Places in 1992.

The Frederick Douglass School is a great monument to the desire of Loudoun County’s African American community for good education, and to their extraordinary efforts to work together to actually get the education they sought in spite of the many obstacles put in their path. After Douglass High School was established, the community and Loudoun County continued the County program for providing segregated but better quality educational facilities. The first modern elementary school for African Americans, George Washington Carver, opened in Purcellville in 1946. And in 1948, a second new elementary school for African Americans, Benjamin Banneker, opened in St. Louis in western Loudoun. The campaign to gain these needed new schools had been ongoing since 1927.



## The Struggle for School Integration in the 1950s and 1960s

Up to now, the black community was working under the confines of the “separate but equal” doctrine of *Plessy v. Ferguson* as it applied to public schools. In 1954, however, the U.S. Supreme Court ruled in *Brown v. Board of Education* that racial segregation in public schools was inherently unequal and hence unconstitutional.

In the late 1950s and early 1960s, school and government officials in the county generally followed the lead of other Virginia politicians who opposed racial integration of the public schools and other public accommodations; their responses ranged from quiet inaction to open defiance of the U.S. Supreme Court’s 1954 ruling. Local and state officials increased funding to build and equip segregated schools and tried to pressure the African American community to accept these resources in exchange for dropping their demand that schools be integrated. In 1956 the Loudoun Board of Supervisors, falling in line with the state-wide anti-integration campaign called “Massive Resistance,” voted to withhold funds and even close the schools unless they remained segregated.

Pressured to respond by continued community and legal pressure, in 1963 the County instituted token desegregation of some of its public schools using a Freedom-of-Choice plan that required African American students to apply to transfer to schools intended for whites. Only four of the twelve Loudoun African American students who applied to the three-man Pupil Placement Board were approved and hardly any African American students were actually admitted under this plan. No white students attended any of Loudoun’s schools for African Americans, and teaching staffs remained strictly segregated. The great majority of African American students could not attend nearby schools and were still bused long distances to attend the few schools designated strictly for black students.

In 1963 black parents represented by the NAACP filed suit in Federal Court against the Pupil Placement Board. Finally, in 1967, Federal Judge Oren R. Lewis ruled that the Loudoun freedom-of-choice plan did not meet the requirement that schools be freely and fully integrated, and ordered the county to establish geographical attendance zones, integrate the faculty and staff, and desegregate school bus routes.

By the end of the 1968-1969 school year, school officials in Loudoun County had at last implemented these reforms and fully integrated all school facilities.

### Note:

\* Virginia historian James Hershman, Jr. notes that County-wide Leagues had begun operating in various Virginia counties in the 1930s as part of the NAACP’s campaign to improve African American public schools, prompting the state to launch a frantic effort to “equalize” school buildings in order to head off the courts. After the 1954 *Brown v. Board of Education* ruling, black parents began to petition local school boards in Virginia for desegregation. *Email to Mitch Diamond, 1-31-2019.*

### Sources:

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- “Douglass High School”, Virginia Foundation for the Humanities, African American Historic Sites Database
- Douglass High School: Legacy of a Changing Era” Elaine Thompson, February 2004, Friends of the Thomas Balch Library

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**THE AFRICAN AMERICAN COMMUNITY'S FIGHT  
FOR BETTER SCHOOLS IN LOUDOUN COUNTY -- PART II**

**Kacey Young**

Well into the 20<sup>th</sup> century, the Supreme Court's formula of "separate but equal" in Loudoun County's public school system was implemented solely as "separate"; anything built for African Americans was considered "equal" even if buildings and transportation services were actually subpar or non-existent. Unequal facilities were often blamed on a general lack of funding, but even when monies became available, they were usually reserved for the white community.

In response, African Americans formed local, community-based associations. They started at the beginning: they had to find places to build schools, and then build them. One of the most influential groups was the County-Wide League, "made up of parent-teacher associations throughout the county and anyone else interested in helping" end the unequal treatment of African Americans in the Loudoun school system.[1]

The effort was costly and difficult. Rosa Lee Carter recalled the poor conditions at Middleburg's Grant School. She and her students would huddle around a single pot-bellied stove, many with frost bitten digits earned while walking instead of being bussed to school. And "when it rained the roof leaked." The community League asked the school board for repairs, but they "said the League would have to raise half the money. So the adults of the community put on a play to raise their half...[B]y this endeavor the money was raised and sent to the school board." [2]

The difficulties were the same across the County. The Loudoun County Training Facility, which was the only facility offering secondary education to African Americans in Loudoun, "was full of safety hazards, like windows that wouldn't open to fire escapes and an open oil drum stored under the stairs. Only a very sparse curriculum was offered and there wasn't any transportation provided to students." Frederick Douglass High School was built in 1941, but the existing Training Facility remained open as an elementary school for another 17 years until the County built an appropriate, safe elementary school in Leesburg.[3]

Meanwhile, the communities of Purcellville and Middleburg worked toward securing land and building for graded schools in their towns. Each community had to purchase land and building materials, raise funds for construction, and then supplement the County's meager allotted funds for furniture and texts. And yet, in 1946 the George Washington Carver School opened in Purcellville, followed by Benjamin Banneker in St. Louis in 1948.

Reacting to the desegregation mandate of *Brown v. Board of Education* (1954), Virginia Sen. Harry Byrd, Sr. penned his "Massive Resistance" manifesto of 1956. Based on a platform of states' rights, he argued the state government should "interpose" itself between the federal courts and the citizens of Virginia. Byrd assumed the schools would remain segregated, with whites turning toward private and semi-private ventures to side-step federal law.[4] What he did not take into account was how integral public education had become; private schools were not affordable for most white families. In just four years the state-wide Massive Resistance campaign crumbled

under pressure to keep public schools open, but the legacy that Sen. Byrd set delayed full desegregation of Loudoun schools for another 12 years.

Local support for “separate but equal” remained strong. The School Board and Superintendent O. L. Emerick attempted to withhold funds for new and improved schools for African American children:

In January 1956, the Loudoun County School Board and the Board of Supervisors attempted to use their control over funds for school construction to persuade African-American parents to accept segregated public education. At a joint session, members of the two boards threatened to abandon a proposed bond issue to cover the costs of new and improved schools for African Americans unless parents expressed support for “our considerate opinion that their education can be promoted better by their continued school attendance on a segregated basis.”[5]

The tactic, however, failed to intimidate activist groups and their communities. On February 4th, 1956, the local NAACP sent a letter to the School Board requesting funding for a new elementary school in Leesburg. After supervisors claimed the funds again were unavailable, the County-Wide League, the Loudoun County Branch of the NAACP, and the PTAs for Banneker and Bull Run Elementary Schools protested that it “is another effort by them [School Board and Board of Supervisors] to intimidate Negro parents, teachers and children into continuing to accept discriminatory educational practices currently existing in this county.” Funding was found shortly thereafter, and the new Frederick Douglass Elementary school opened in 1958.[6]

Funding no longer the barrier it had been, school choice became the next hurdle. The school board sought to make schools slated for desegregation as unappealing as possible for Caucasians and African Americans alike. African American parents wanting to send their children to integrated schools had to submit their student’s name to the newly minted, state-wide Student Pupil Placement Board (SPPB) for review. The SPPB accepted only those African American students who had proven their elementary training was sufficient for them to excel in a “white” school. Since the most up-to-date classroom tools were withheld from African American students, it was easy for the board to find inadequacies in the candidates. Even if accepted, students had to face entering a building dominated by a white community that was still largely opposed to desegregation.

At this point, the African American communities, now led by NAACP president William McKinley Jackson and the County-Wide League, decided to focus on pushing the system to open the Caucasian-dedicated schools to everyone. In 1962, the SPPB reviewed the applications of 12 African American children for admission to either Loudoun Valley High School in Purcellville or Loudoun County High School in Leesburg. The SPPB granted permission to only four.

The remaining eight filed suit later that year. The verdict by Judge Oren R. Lewis in 1963 concluded that race should not be a factor in school assignments; rather, the student should be permitted to attend the nearest available facility.[7] During the trial the SPPB announced its intention to “eradicate segregation, effective for the 1963-64 school year,” and took the extraordinary measure of disbanding as a board.[8] Full desegregation of the Loudoun County’s public school system finally began in 1968.

## Notes

1. *The Essence of a People: Portraits of African Americans Who Made a Difference in Loudoun County, Virginia*, p. 64.
  2. Ms. Carter stayed on as a teacher in Middleburg for 40 years despite the uncomfortable and dangerous condition of the buildings in which she worked. *Ibid*, pp. 19-20.
  3. See [https://www.loudountimes.com/news/celebratingthe-quiet-tenacity-that-built-loudoun-s-first-black/article\\_24e5db18-c0ce-55bf-beb0cdeb86fe6731.html](https://www.loudountimes.com/news/celebratingthe-quiet-tenacity-that-built-loudoun-s-first-black/article_24e5db18-c0ce-55bf-beb0cdeb86fe6731.html)
  4. At one point, the state created tuition grants for private education. James Hershman, Jr. comments on the Byrd organization's response to NAACP challenges in Virginia in the early 1950's as follows: "Their initial response was to allocate considerable state funds to a program constructing new black schools, perhaps the program could persuade the courts of 'equality in education,' or, failing that, it was hoped that black parents would be hesitant to pull their children from new schools to accept the perils of attending white schools. If that failed, the next strategy was for whites to create a system of private schools subsidized by public funds, using public school facilities obtained by leasing or favorably priced purchase." *Hershman e-mail to Mitch Diamond, 1-31-2019*.
  5. From *Desegregation in Loudoun County Public Schools, 1954-1970 Timeline of Events Associated with Douglass Elementary School (55 Plaza Street, SE, Leesburg) People Associated with Douglass Elementary School, 1954-1970*, p. 6. Hershman recounts that when he spoke with NAACP leaders in Loudoun about the 1956 incident 20 years later, they characterized the Loudoun authorities' position as "basically a carrot and stick approach: we'll pass a \$700,000 bond issue for the black schools if you don't bring the NAACP lawyers in; we'll close the schools if you bring them in." The local NAACP did not back down, but Oliver Hill, the NAACP lawyer handling such cases was so overwhelmed that he could not take the Loudoun case until 1962. *Hershman e-mail to Diamond, 1-31-2019*.
  6. Frank Raflo, *Within The Iron Gates Loudoun: Stories Remembered (1925-1975)*, pp.381.
  7. Upon appeal, Judge Lewis on August 29, 1967 affirmed his original 1963 order to end the "dual school" system in Loudoun County and ordered its immediate implementation in the 1967-1968 school year; see <https://www.leagle.com/decision/1967343283fsupp601335>
- Although they had the opportunity to transfer, most seniors elected to remain at Douglass High School, graduating just before it closed in 1969. *Richard Gillespie email to Robert Pollard, 1-30-2019*. The School Board's decision to close Douglass H.S. rather than integrate it, and its subsequent conversion first to a special-needs, then to an "alternative" school, angered some African Americans in Loudoun, because they regarded the high school as the heart of their community. See Kevin Dulany Grigsby, *Howardsville: The Journey of an African-American Community in Loudoun County, Virginia* (2008), pp. 264-265.
8. *Desegregation in Loudoun County*, p. 8. The Civil Rights Act of 1964 had brought the U.S. Department of Health, Education, and Welfare (HEW) into play. The state told HEW that it was working out its "Freedom of Choice" plan for desegregation, and used that as the reason to delay the appeal of Judge Lewis' 1963 order for another four years. *Hershman e-mail to Diamond, 1-31-2019*.

\* \* \* \* \*

## **GAINING EQUAL ACCESS TO OTHER PUBLIC FACILITIES**

### **Mitch Diamond**

Despite progress in the schools, resistance to integration in other parts of life remained strong.

#### **Access to the Library: A Key Milestone**

The public library in Purcellville, the only one of its kind in the County, had not been open to African American residents since it was first opened in 1937. If a black person wanted a book, the only recourse was to ask a white person to borrow it.

However, in December of 1956, two African American upholsterers, Samuel Cardoza Murray and his wife, Josie Cook Murray, went to the library to get a book they needed for their business. When they were refused permission to check out the book, they decided to sue. No local attorney would take the case, but Oliver Ellis Stone, a Washington lawyer, agreed to take it on. It was clear from state law that so long as the library received government funds it had to be open to all – and the library Board of Trustees agreed. But, local segregationists petitioned to make the library private so it could remain for whites only. Protesters demonstrated outside the Murray's home and business, but they persevered.

On April 8, 1957, by a 4-to-3 vote, the Loudoun County Board of Supervisors decided that they would continue to fund the library, and it would be open to all. It is remembered as the first public facility to be integrated in the County.

#### **Leesburg Firemen Refuse to Integrate Swimming Pool**

On June 23, 1965, four African American children went to Leesburg's swimming pool, operated by the Leesburg Volunteer Fire Department, and were refused entry. A suit was filed on their behalf, and in May 1966 the court ruled in their favor. But the pool remained closed, and the firemen filled it with rock and cement rather than integrate. Leesburg did not have a public swimming pool until 1990.

#### **Eating Together in Restaurants - The Kennedys Play a Role**

In 1961 there still were no public restaurants anywhere in Loudoun where an African American could be served. There were several that would provide take out service to standees or through a back door, but no African American could eat sitting down in any public facility in the County. But before the year was half over that would change completely, and it was all due to the coming of the Kennedys.

The young President and his wife planned to spend time in Middleburg and attended their first local Mass at the Middleburg Community Center in February. Several black activists began appearing at the local drug store in April asking for service, which was refused. They proposed inviting in a delegation of activists to protest in Middleburg. The local community, including the head of the Loudoun NAACP, did not wish to embarrass the President and sought to avoid the

confrontation. After some discussion, local merchants agreed, and within weeks local African Americans joined other local residents eating and drinking together in Middleburg restaurants for the first time ever.

A local priest, Father Pereira, who had helped peacefully organize desegregation of Middleburg's restaurants, worked with Loudoun's black and white leaders to do the same in Leesburg. In just a matter of months, their lunch counters and restaurants were integrated. When a month later, several busloads of protesters arrived in Leesburg to "test" local restaurants and lunch counters, they found no problems.

Other areas took a bit longer. Integration did not come to Purcellville's lunch counters until 1966, but by 1970 all of Loudoun's restaurants served blacks and whites equally.

### **Changes up to the Present Day**

In 1950 the first African American in modern times to run for local public office in Loudoun placed his name on the ballot for town council in Middleburg, but lost. Yet by 1966 African Americans gained and continued to hold seats on both the Middleburg and Purcellville Councils.

The '60s and '70s were major periods of change in Loudoun. Dulles Airport had opened, and land that had been farmed for centuries began to give way to houses. In 1953 the first small subdivisions Aspen Hill and Leith Village had covenants barring those of African descent from living there. By 1965, however, when the large new subdivision at Sterling Park opened, African American families were among the first to move there and live in an integrated Loudoun community. And, in 1965, African Americans sat for the first time in the "whites only" section of the Tally Ho Theater in Leesburg.

Change was slow in coming, but unstoppable. By 1970, Loudoun's population, just beginning to grow after decades of stagnation, had reached 37,417 - nearly double that of 1930. Loudoun had finally thrown off most of the public and legal vestiges of the Jim Crow era and was about to grow more than ten times over the next 50 years.

This massive influx of population transformed the County in numerous ways, including changes in interpretations of the County's history. Today, there is growing awareness and recognition of the major contribution that the African American community played in shaping Loudoun's heritage.

## **ACKNOWLEDGEMENTS**

A good portion of the material in this study was previously published by the Black History Committee of the Friends of the Thomas Balch Library. We were fortunate that many individuals with expertise in Loudoun County history were willing to review this study and provide comments, criticisms, corrections, and supplementary information that significantly improved the end result. Our reviewers, however, are in no way responsible for any errors or omissions on our part, and their participation does not mean that they agree with all of this study's interpretations or conclusions. We are deeply grateful for the assistance and encouragement that we received from the following:

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## Action Report of the September 20, 2017, Board of Supervisors Business Meeting

### 11. **Board Member Initiative: Request for Heritage Commission Review of Courthouse Grounds**

Supervisor Higgins moved that the Board of Supervisors direct the Heritage Commission to review the full historic significance of the Loudoun County Courthouse grounds and its statues, and to determine what additional memorials, monuments, statues or interpretative context would be appropriate to fully reflect the history of the grounds, the County and its citizens. The Commission shall provide recommendations to the Board of Supervisors and include an identification of appropriate community sponsors and cost estimates for recommended modifications. (Seconded by Supervisor Buffington.)

Supervisor Higgins did not accept Chairman Randall's Friendly Amendment to add "in conjunction with the Thomas Balch Library Black History Committee" after the words "Heritage Commission."

Chairman Randall moved a Substitute motion that the Board of Supervisors direct the Heritage Commission in conjunction with the Thomas Balch Library Black History Committee to review the full historic significance of the Loudoun County Courthouse grounds and its statues, and to determine what additional memorials, monuments, statues or interpretative context would be appropriate to fully reflect the history of the grounds, the County and its citizens. The Commission shall provide recommendations to the Board of Supervisors and include an identification of appropriate community sponsors and cost estimates for recommended modifications. (Seconded by Supervisor Saines. The motion FAILED 3-6: Supervisors Buffington, Buona, Higgins, Letourneau, Meyer, and Volpe opposed.)

Supervisor Higgins' motion passed 7-2: Supervisors Randall and Saines opposed.

Staff Contact: Stacy Carey, Legislative Aide to Supervisor Higgins