

1991

Cumberland County, Virginia, in the late antebellum period, 1840-1860

William Maphis Whitworth Jr.

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ABSTRACT

"Cumberland County, Virginia, in the Late Antebellum Period, 1840-1860," by William M. Whitworth, Jr., University of Richmond, M.A. in History, 1991, directed by Dr. W. Harrison Daniel.

The purpose of this thesis is to examine and describe the lives of the citizens of a rural, agricultural Virginia County which had a social and economic order based on the institution of slavery. This system was dominated by a wealthy white minority which had the ability to use the existing components of government to perpetuate itself. All aspects of the county were explored, including its origins, geography, population, county court system, representation in state and federal government, economy, transportation, communication, religion, education, and health care.

There was an abundance of available primary sources which gave insights into the county's internal functioning including county court order books, overseer of the poor reports, registers of free Negroes, land tax and property tax books, and license returns. Also, reports of internal improvement companies to the Board of Public Works and other sources gave insights into the available means of transportation. In addition, the reports of the school commissioners provided information on the county's educational situation. Also available were the journals of the Virginia General Assembly, legislative petitions from the county, poll returns, and the

Congressional Globe, all of which mirrored the county's attempts to externally influence matters of importance.

Insights into religion were drawn from the more numerous records of the Baptist and Presbyterian churches. Newspapers from Richmond and Petersburg were also used.

This study illustrates a county which was economically and politically secure. All indications suggested that it would have continued for many years with little change in the absence of the catalyst of the Civil War.

I certify that I have read this thesis and find that, in scope and quality, it satisfies the requirements for the degree of Master of Arts.

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CUMBERLAND COUNTY, VIRGINIA, IN THE
LATE ANTEBELLUM PERIOD, 1840-1860

By

WILLIAM MAPHIS WHITWORTH, JR.

B.A., University of Richmond, 1968

A Thesis

Submitted to the Graduate Faculty
of the University of Richmond
in Candidacy
for the Degree of
Master Of Arts
in
History

December, 1991

Richmond, Virginia

ACKNOWLEDGEMENTS

Several people have contributed to this thesis and deserve my special thanks. Foremost among them was Professor W. Harrison Daniel who inspired my interest in its subject matter and was my guide on this project, as well as in several other research seminars on antebellum southern and Virginia history. Professors William H. Thorn, III and R. Barry Westin, under whom I was privileged to study, also read and offered advice on this thesis. In addition, I am grateful to another of my professors, Dr. Harry M. Ward, and also to Dean Hugh A. West, who encouraged my undertaking graduate study at the University of Richmond.

The staffs of the Virginia State Library, Virginia Historical Society, National Archives, Baptist Historical Society, Union Theological Seminary, McGraw Page Library of Randolph Macon College, and Boatwright Memorial Library were also immensely helpful.

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Vita

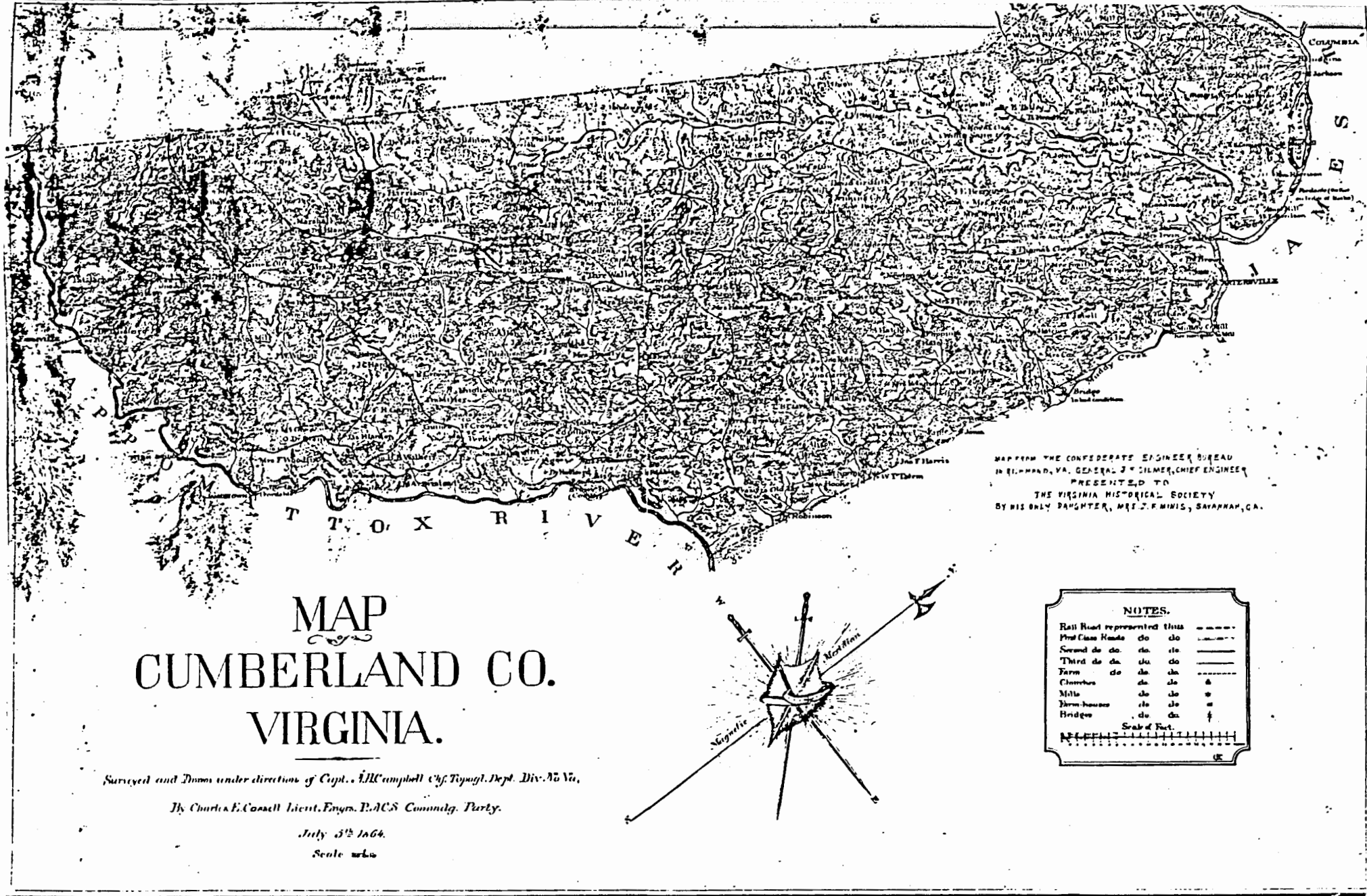
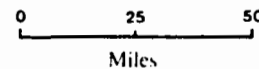


Figure 1.
 Confederate Engineers' Maps. Jeremy Francis Gilmer Collection
 (Richmond: Virginia Historical Society, 1989), p. 29.

Virginia Counties

1851-1860



Newly-formed
Counties

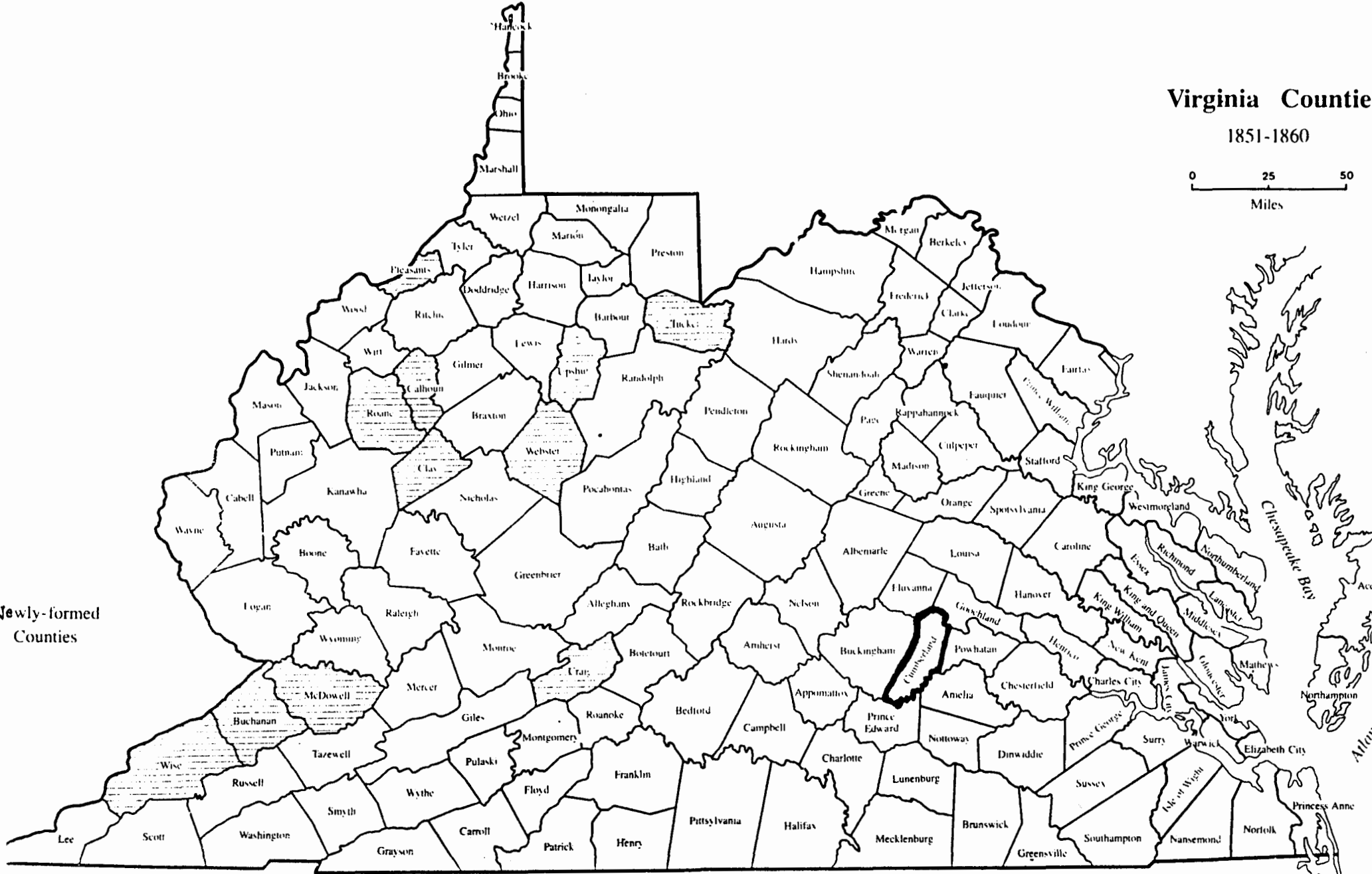


Figure 2.
Michael F. Doran, Atlas of County Boundry Changes in Virginia, 1634-1895
(Athens: Iberian Publishing Company, 1987), p. 49.

CHAPTER I ORIGINS AND GEOGRAPHY

In 1749 Cumberland was formed from a portion of Goochland County establishing it as the forty-second county in Virginia. ¹ It was located approximately fifty miles west of the City of Richmond. It had a rectangular shape with its longest sides running in a northeasterly direction, each approximately thirty miles long. The county's width averaged ten miles, and covered 323 square miles. ²

The northern border of the county was formed by the winding course of the James River for a distance of thirty miles. Across the river to the north was Goochland County, to the northwest, Fluvanna County, and to the western corner, Buckingham County. The Appomattox River separated Cumberland from Prince Edward County, which was situated to its south, and from Amelia County, which was located to the southeast of the county. The northeastern border was formed by Powhatan County. ³

The James River, which provided an important avenue of transportation for the county, from 1840 to 1860, was the most

¹ R. Bennett Bean, The Peopling of Virginia (Boston: Chapman and Grimes, Inc. 1938), p. 127.

² Garland Evans Hopkins, The Story of Cumberland County, Virginia (Cumberland: by the author, 1942), p. 12; Joseph Martin, A New and Comprehensive Gazetteer of Virginia (Charlottesville: Moseley and Thompkins, 1835), p. 160.

³ Martin, Gazetteer of Virginia, p. 160.

important river with its entire 335 miles totally within Virginia. ⁴ It flowed in an easterly direction, beginning as a stream in the far western portion of the state, gradually dropping in elevation from its apex of 2,498 feet at Craig's Creek to 806 feet at Pattonsburg and down to 500 feet at Lynchburg, and eventually to 178 feet at Cumberland County. ⁵

The Appomattox River flowed to Cumberland in a southeasterly direction beginning in Buckingham County. It had a curvaceous ninety-mile, eastern course which eventually passed through Petersburg and emptied into the James River. ⁶ In addition to the James and the Appomattox Rivers, Cumberland was traversed by the Willis River beginning in the southwestern part of the county, flowing northeast, emptying into the James River near Cartersville. The county also had four large creeks, all of which had inception in the southern central part of the county near Rains Tavern. One of these, the Great Guinea Creek ran twenty miles before it emptied into Angle Creek which eventually merged with the Appomattox River. ⁷

⁴ Wayland Fuller Dunaway, History of the James River and Kanawha Company (New York: Columbia University Press, 1922; reprint, AMS Press, Inc. New York, 1969), pp. 21-22.

⁵ Martin, Gazetteer of Virginia, p. 44.

⁶ Ibid., pp. 36-37.

⁷ Ibid., p. 160.

Even today, Cumberland's topography is well suited for agriculture and much of the county is entirely flat; there are moderate hills but no mountains. The soil is largely composed of a grey loam, underlaid by a red clay subsoil. Coal is deposited in the southern part of the county, however, its concentration is not large enough to facilitate its commercial exploitation. ⁸

There were three major towns in antebellum Cumberland, one of which was Ca Ira, located on the northern bank of the Willis River and situated seventy-two miles southwest of Richmond and forty-five miles northeast of Lynchburg. ⁹ It was large by Cumberland's standards with approximately forty dwellings, a tobacco warehouse, a mill and a few stores. Cumberland Court House was the county seat and was located fifty-five miles from Richmond and 140 miles from Washington, D.C. There were only five dwellings, one store, and two taverns. Cartersville was situated on the southern bank of the James River forty-seven miles west of Richmond and 122 miles from Washington, D. C. It was the largest population center with fifty houses, a flour mill, five dry goods stores, and three groceries. Considerable trade was conducted in the town due to its strategic location on the James. ¹⁰

⁸ Hopkins, The Story of Cumberland, p. 12.

⁹ Ca Ira is now deserted, however, Ca Ira Mill Pond has more recently been a popular fishing spot, Richmond Times Dispatch (Richmond, Virginia) November 27, 1955.

¹⁰ Martin, Gazetteer of Virginia, pp. 160-161.

There were several smaller locations, such as Stoney Point Mills, which was located sixty-one miles southwest from Richmond. It was a postal village with a flour mill, twenty dwellings and two merchants.¹¹ Langhorn's Tavern and Rains were two other smaller locations.¹² Although not in Cumberland, Farmville, which was located south of the Appomattox River in Prince Edward County, was an important trade center for Cumberland's residents. It was sixty-eight miles, southwest from Richmond with three churches, a bank, and a newspaper office, as well as tobacco factories.¹³

¹¹ Richard Edwards, editor, Statistical Gazetteer of the United States: Virginia and North Carolina (Richmond: published for the proprietor, 1856), p. 389.

¹² Martin, Gazetteer of Virginia, pp. 161.

¹³ Edwards, Statistical Gazetteer, p. 233

CHAPTER II POPULATION

Cumberland County was named for William Augustus, Duke of Cumberland, who was the third son of the English King George II. ¹ Many of the early settlers were English, and it is not surprising that the county was given an English name. ²

An analysis of the most common surnames in the county during the year 1837 gives an indication of national origin. Forty percent were English, 18.8 percent were German, 17.7 percent were Scots, and 14 percent were Welsh. The two remaining groups with a notable percentage were the French and Irish, each having a 3.7 percent representation in the population. ³

During the period from 1840 to 1860, Cumberland had a slave population that was almost twice as large as its white population. In 1840, out of a total population of 10,402, Cumberland had 6,784 slaves, 3,263 whites and 355 free blacks. ⁴ Over the twenty-year period, there was a slight decline in total population, with a loss of 227 by 1850, and an additional loss of 439 by 1860, which left a combined total of

¹ Emily J. Salmon, editor, A Hornbook of Virginia History, third edition (Richmond: Virginia State Library, 1983), p. 108.

² Bean, Peopling of Virginia, p. 137.

³ Ibid., p. 138.

⁴ United States Census, 1840, population schedule (microfilm in Virginia State Library, Richmond, Virginia).

9,736. The slave population fluctuated, dropping to 6,329 by 1850, but rising in the next decade to 6,488. Free blacks were the only group which displayed a steady decline, falling to 340 in 1850, and then to 311 in 1860. Whites showed an increase to 3,506 in 1850 but registered a decrease to 2,937 in 1860. During the decade between 1840 and 1850, slaves fell from 65 percent to 62 percent of the population, but increased in the next ten years and comprised 67 percent of Cumberland's population.⁵ In 1860, slaves made up a substantially higher portion of Cumberland's population than the 40 percent average which prevailed for the entire state of Virginia.⁶

The white residents of Cumberland engaged in a variety of occupations; all but one of the 411 farmers listed on the 1850 census were white. Whites dominated other positions, such as, overseers, physicians, wheelwrights, millwrights, tailors, merchants, preachers, teachers, toll gatherers, peddlers, lawyers, and saddlers. The county's few free blacks were mostly laborers and boatmen.⁷

In 1850, there were 404 slave owners; 118 owned four or less, 70 held between five and nine, 111 owned between ten and

⁵ United States Census, 1840, population schedule; United States Census, 1850, population schedule (microfilm in Virginia State Library, Richmond, Virginia); United States Census, 1860, population schedule (microfilm in Virginia State Library, Richmond, Virginia).

⁶ Salmon, A Hornbook of Virginia History, p. 36.

⁷ United States Census, 1850, population schedule.

nineteen, 97 owned twenty to fifty, 7 owned fifty to one hundred, and 1 person owned more than one hundred.⁸ In the next decade, the total number of slave owners increased by 14 to 418, and the largest rate of change was in the category of five to nine slaves, which increased by 27 owners to a total of 97. The group that held between ten and nineteen fell by 1 to 110. The owners of twenty to fifty slaves dropped by 6, to a total of 91, and those with fifty or more increased from 7 to 15.⁹

In 1860, no one owned as many as one hundred slaves although County Court Justice Richard C. Thornton came close with 96.¹⁰ He was the son of Justice and former Delegate to the House William M. Thornton, and he had assumed much of his father's estate, including 225 $\frac{5}{8}$ acres of the elder Thornton's original estate.¹¹ In 1850, slaves were owned by both men and women, with Nancy Clark owning 25 and Elizabeth W. Samuels owning 42.¹²

Only one person in Cumberland County owned more than one

⁸ United States Census, 1850, slave schedule (microfilm in Virginia State Library, Richmond, Virginia).

⁹ United States Census, 1860, slave schedule (microfilm in Virginia State Library, Richmond, Virginia).

¹⁰ United States Census, 1860, slave schedule. Register of Justices and County Officers, 1793-1865 (microfilm in Virginia State Library, Richmond, Virginia).

¹¹ Land Tax Book, Cumberland County, 1860 (manuscript in Virginia State Library, Richmond, Virginia).

¹² United States Census, 1850, slave schedule.

hundred slaves in 1850, is consistent with the tendency to view the concentration of more than one hundred on a single plantation as inefficient. ¹³ In other parts of the south, owners of large estates often divided their holdings into separate establishments, each with its own overseer supervision. ¹⁴

The slave population of Cumberland suffered a decrease of 455 between 1840 and 1850, but increased by 159 in the decade from 1850 to 1860. This is consistent with the experience of the rest of the state which was an exporter of its surplus slave population. Between 1830 and 1860, there were 281,142 slaves sold out-of-state. ¹⁵

The fact that Cumberland's slave population began to rise in the final antebellum decade may have been an indication of the increasing vigor of its agricultural economy. This was greatly enhanced by improved modes of transportation and more scientific farming methods. Had Cumberland's plantation owners been less dependent on cultivation by slave labor, they could have made handsome sums selling their slaves to the lower south which was gripped in the throes of a "Negro fever." This phenomenon drove the demand and prices for

¹³ Kenneth M. Stamp, The Peculiar Institution: Slavery in the Ante-Bellum South (New York: Alfred A. Knopf, 1969), p. 42.

¹⁴ Ibid.

¹⁵ Philip J. Schwarz, Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865 (Louisiana: Louisiana State University Press, 1988), pp. 284-85.

slaves higher than could be justified by the expected short-term economic returns on crop production. In addition to speculation, some of the buying frenzy in the lower south may have been associated with the prestige of slaveholding. ¹⁶

The African slave trade was banned by an act of Congress in 1808. This cessation of importation, coupled with the rise in demand for bondsmen, forced slave values to new highs. ¹⁷ Slaves became the most valuable component of the capital investment in plantations; their combined value was usually more than that of the planter's home, land, animals and farm implements. In addition, they could generate cash for the slave holder through direct sale or be held as collateral, or mortgaged, much as a piece of real estate. ¹⁸ After suffering a slight decline in value from \$750 in 1840 to \$550 in 1845, prime male field hands with no special skills consistently increased in value until 1860. They generally could be sold for \$650 in 1850, \$950 in 1855, and \$1,200 in 1860. ¹⁹ The Richmond Enquirer advertised a sale which was

¹⁶ Clement Eaton, The Growth of Southern Civilization, 1790-1860 (New York: Harper and Brothers, 1961; reprint, Harper and Rowe, Inc. 1963), p. 54.

¹⁷ Clement Eaton, A History of the Old South, third edition (New York: MacMillan. 1975), p. 233, 235.

¹⁸ Frederic Bancroft, Slave Trading in the Old South (American Classic Series, 1931; reprint, New York: Frederick Ungar Publishing Company, 1959), p. 181.

¹⁹ Ulrich Bonnell Phillips, American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime (D. Appleton and Company,

to take place on February 6, 1841, in Cumberland County at the residence of Mrs. Mary Daniel, widow of Abraham Daniel. The offerings included 266 acres of land and nine "young slaves," which were to be sold on a cash-only basis.²⁰

Often slaves were not sold at the death of their owner, but were evaluated by the court justices or their appointed commissioners. This procedure involved placing a value on the slaves and dividing them among the heirs of the deceased. On January 21, 1840, the Justices William Wilson, Valentine Parrish, Hezekiah Ford, and Nathaniel Penick approved of the evaluation and division of the slave property of the recently deceased Daniel Mayo. The evaluations and ownership transfers included the slaves, Joe and Winney, jointly valued at \$1,000, and transferred to John Mayo. Sam, Maria and Matt, collectively appraised at \$1,100, were given to William Mayo; Tom and Betty, together worth \$1,050, were passed to William and Martha Bass. The bondsmen Viney and Arch, considered to be collectively worth \$1,050, were given to Fred W. and Lucy Bass; Ben and Peters, worth \$1,100, went to James and Susan Carter; Randall and Jane, jointly valued at \$1,100, were given to Mary Mayo; Rose and Ned, together valued at \$1,050, went to Elizabeth Mayo; Georgie, Joyce and Federick, priced at \$1,050

1918; reprint, Baton Rouge, Louisiana State University Press, 1966), p. 370.

²⁰ Richmond Enquirer (Richmond, Virginia) February 6, 1841.

for all three, went to Robert Mayo, and Reuben, Patty, Lucy and Old George were given a combined value of \$1,025 and transferred to Henry Mayo. ²¹

The Richmond Enquirer also carried a notice of the sale of the property of Stephen Cooke, which was to be held at Cumberland Courthouse on February 20, 1840. Five hundred acres of land on Davenport Road, described as an "excellent farming plantation," including three slaves named Merrit, Maurice, and Martha, were to be auctioned. The sale was to satisfy a judgement against Cooke and would terminate when any combination of slaves or land equaling \$1,300 had been sold. ²² Another example appeared in the county court order book and revealed that on March 22, 1847, the slaves of the estate of the deceased Robert Sanderson were to be divided under the future supervision of the court. ²³

Slave marriages were not legally binding in the antebellum south, but were often encouraged by slave owners as a means of control. Often a simple ceremony, such as reciting

²¹ Order Book #34, Cumberland County, 1840-1843 (microfilm in Virginia State Library, Richmond, Virginia), January 27, 1840.

²² Richmond Enquirer, January 25, 1840.

²³ Order Book #35, March 22, 1847.

a vow or stepping over a broomstick, signified marriage.²⁴ The lack of legal recognition probably did not lessen the emotional ties fostered by such a union.

Slaves sold in Cumberland County could have been taken to a city such as Richmond, which had a substantial slave market. There dealers, such as, Dickenson, Hill and Company, Pulliam Betts and Company, Hector Davis and others, plied their trade. These specialized firms sold family units, but more often sold individuals. Men in the age groups of twelve to twenty-six were more in demand and often sold singly; and the corresponding ages for women were twelve to twenty. The highest prices were obtained for men between the ages of twenty and twenty-six and for women seventeen to twenty.²⁵ Most eyewitness accounts of public sales recant scenes of sorrow and grief displayed by bondsmen sold away from their loved ones.²⁶

There were 463 mulatto slaves in Cumberland in 1850 and, by 1860, they had increased to 645.²⁷ The Virginia code defined a person with one or more Negro grandparents as a

²⁴ Eugene D. Genovese, Roll, Jordan, Roll: The World the Slaves Made (New York: Random House, 1974), p. 480.

²⁵ Bancroft, Slave Trading, p. 117.

²⁶ Ibid., 116.

²⁷ United States Census, 1850, slave schedule.

mulatto, and every mulatto was legally considered to be a Negro. ²⁸ In addition, free mulattoes occupied the same legal status as free blacks. ²⁹

There was a universal legal prohibition in the antebellum south that forbade the intermarriage of whites with blacks and mulattoes. However, there was considerable sexual contact between the races. This is evidenced by the 1860 census which listed over one-half million mulatto slaves in the southern states. ³⁰

During the period under study, American women could not vote. In Virginia, after the new state constitution of 1851, the property ownership requirement was dropped and white males, twenty-one years and older, with a history of two years' residence in the state and twelve months' residence in their respective county, were enfranchised. ³¹ In addition, there were no female office holders in the county; however, women were active in the economic sphere. In 1850, thirty-

²⁸ James Curtis Ballagh, A History of Slavery in Virginia (Baltimore: The Johns Hopkins Press, 1902, reprint, New York: Johnson Reprint Corporation, 1968)., p. 61.

²⁹ Ibid., p. 58.

³⁰ Stamp, Peculiar Institution, p. 351.

³¹ Albert Ogden Porter, County Government in Virginia: A Legislative History, 1607-1904 (New York: AMS Press, 1966), p. 233.

nine women owned their own farms, ³² one of whom was Mary S. Bailey. In 1860, the same number of women owned slaves. ³³

Women also operated their own businesses. Mary Riddle owned a substantial flour and meal mill in which she had \$3,000 invested. In 1850, it had two employees whom she paid an average combined salary of \$24 per month. Over a period of a year, it used water power to grind 1,000 bushels of wheat, worth \$400, into 200 barrels of flour which were sold for \$1,000. After wages and the cost of the wheat were deducted, she had a balance of \$312. ³⁴ Likewise, Nancy Blanton owned a blacksmith shop which had one employee who earned \$25 per year. ³⁵

In 1860, women constituted 1,427 of the total 2,937 white population, and 169 of the total 311 free black population. ³⁶ However, judging from their large total numbers and their small representation as land, slave, and business owners, the majority of the women of Cumberland were

³² United States Census, 1850, agricultural schedule (microfilm in Virginia State Library, Richmond, Virginia).

³³ United States Census, 1860, slave schedule.

³⁴ United States Census, 1850, industrial schedule (microfilm in Virginia State Library, Richmond, Virginia).

³⁵ United States Census, 1860, industrial schedule (microfilm in Virginia State Library, Richmond, Virginia).

³⁶ United States Census, 1860, population.

denied full participation in society.

Birth and death records were not kept in Cumberland County until 1853, and in that year, 261 blacks were born; of these, 256 were slaves and five were born free. Total births, including those of both races, were 322; six infants whose race was not indicated, were born dead.³⁷ In 1860, births of slaves and free blacks declined to 197 and 3 respectively, while whites also declined to a figure of 54.³⁸ This is reflective of the overall decline in the white population.

The 43 white deaths and 110 combined slave and free black deaths in 1860 reveal a mortality rate of 17 percent for blacks and 14.67 percent for whites.³⁹ Slaves especially were exposed to harder conditions through greater exposure to the elements, generally longer hours spent at more arduous tasks, poor nutrition, inadequate housing, and clothing.⁴⁰ Often, in Virginia, free blacks faced a more difficult situation, for instance, if they became ill and were unable to work, they could not buy food. They also generally received less professional medical care than any group and

³⁷ Commonwealth of Virginia, Department of Health and Bureau of Vital Statistics, Deaths, Cumberland County, 1853-1871 (microfilm in Virginia State Library, Richmond, Virginia), 1853.

³⁸ Ibid., 1860.

³⁹ Ibid.

⁴⁰ Stamp, Peculiar Institution, p. 318

very few of them could afford to pay a physician. Consequently, they were treated only when extremely ill or not at all. ⁴¹ Slaves generally received better medical care than that of free blacks. Most slave owners were interested in the uninterrupted work performance of their slaves and were, therefore, inclined to call a physician immediately when they suspected that a bondsman had a legitimate illness. ⁴²

Forty-six persons listed their occupations as physicians in Cumberland in 1850, and another four were listed as dentists. ⁴³ In spite of their availability, health care was poor due to the primitive knowledge of medicine. In 1860, bloodletting and violent purging were standard treatments. ⁴⁴ However, some medications were available, such as calomel, castor oil, ipecac, jalap, laudanum, camphor, quinine, and opium. ⁴⁵ These had questionable medical values, for instance, calomel was used primarily to purge the digestive

⁴¹ Todd L. Savitt, Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia (Chicago: University of Illinois Press, 1978), pp. 208-210.

⁴² Ibid., p. 150-52.

⁴³ United States Census, 1850, population.

⁴⁴ Stamp, Peculiar Institution, p. 360.

⁴⁵ Savitt, Medicine and Slavery, pp. 208-210.

tract and as a fungicide; ⁴⁶ ipecac was a purgative made from the roots of a south American plant; ⁴⁷ and Jalap, also a purgative was also made from plant roots. ⁴⁸ Laudanum was primarily composed of the pain-killing narcotic, opium; ⁴⁹ and camphor had some effect on infections and in the relief of pain and itching. ⁵⁰ Fortunately, quinine was available to treat malaria. ⁵¹

In addition to these standard medications, often prescribed by physicians, there were commercially prepared medicines, some of which promised to cure a wide range of dissimilar maladies. The Daily Richmond Enquirer carried an advertisement for one such product on May 5, 1845. It was called "Dr. Dyott's Anti-Billious Pills" and, although it was described as a purgative and blood cleansing agent, the product was credited with the ability to cure colic;

⁴⁶ The Random House Dictionary of the English Language, second edition unabridged (New York: Random House, 1987), p. 299.

⁴⁷ Ibid., p. 1006.

⁴⁸ Ibid., p. 1022.

⁴⁹ Ibid., p. 1088, 1358.

⁵⁰ Ibid., p. 302.

⁵¹ Ibid., p. 1586.

dysentery; spring, fall and yellow fever, pleurisy, and worms. According to its promoters, it worked "by cleansing the bowels and stomach from all impurities, they restore loss of appetite, remove flatulency, cure the headache, colds, coughs, asthma, epileptic fits, hypochondria, hysterical complaints, gravel, etc." Also, cures were claimed for "rheumatism, and gout, lumbago or pain in the back." ⁵²

In 1853, medical diagnosis was imprecise and fifty-three persons died in Cumberland County from unknown causes. The primary identifiable cause of death was from pneumonia which took fifteen lives. ⁵³ Cumberland County's experience with pneumonia is consistent with other parts of rural antebellum Virginia where it was considered to be the most serious respiratory illness. At times, the disease afflicted a majority of the inhabitants of a single plantation and, at other times, an entire community was affected. ⁵⁴ Other maladies listed as fatal were, "congestion of the brain," "intemperance," "consumption," "cold," "scarlet fever," and "typhoid fever." ⁵⁵

⁵² Daily Richmond Enquirer, May 3, 1845.

⁵³ Commonwealth of Virginia, Department of Health and Bureau of Vital Statistics, Deaths, 1853.

⁵⁴ Savitt, Medicine and Slavery, p. 53.

⁵⁵ Commonwealth of Virginia, Department of Health and Bureau of Vital Statistics, Deaths, 1853.

An example of the imprecision of diagnosis and the inability to effect a cure appeared in the August 3, 1848, Religious Herald. It was an emotion-laden account of the death of seventeen year-old Locina Marshall Adams, who died of "protracted constitutional disease" on June 9, 1848, at the home of her parents, John E. and Lucy Adams, on their plantation in Cumberland County. Prior to her death, she was confined to bed rest for eight months and during that time she hoped to get well but feared her failure to heal was an indication of her lack of perfection as a Christian. The end came with her "struggling about one hour in death, with a rattling in the throat," and "during this hour" she spoke, saying, "Come Lord, come Lord," and "raised her hands." The article had a melodramatic tone and was written as a testimony to the unfortunate victim's Christian faith. It also managed to convey the sense of helplessness and profound grief that this family felt, due to the lack of a medical remedy and its sad consequence. In all likelihood, this young woman could have been cured by twentieth century medical techniques.⁵⁶

"Worms" killed a two year-old slave named Henry; his owner was listed as Peyton Harrison.⁵⁷ In fact, worms were a problem for slaves, who were often forced to live in crowded and unsanitary conditions. They, and whites as well, were

⁵⁶ Religious Herald (Richmond, Virginia) August 3, 1848.

⁵⁷ Commonwealth of Virginia, Department of Health and Bureau of Vital Statistics, Deaths, 1853.

afflicted by roundworms, threadworms, fish tapeworms, and beef and pork tapeworms, as well as other varieties. The treatment was often a purgative for these parasites, and it was impossible to prevent them in antebellum rural Virginia because their means of transmission was unknown at the time. ⁵⁸

Siddall's Indian Vermifuge, advertised in the Daily Richmond Enquirer, specifically targeted the problem of worms. The preparation claimed to initially expel the worms by a purgative action which was followed by a strengthening of the digestive track. In addition, long-lasting results were said to have accrued from the product's ability to "remove the superabundant mucus or slime existing in the stomach of children in bad health and which forms the bed or nest in which the worms produce their young." Potential customers were invited to purchase the "medicine" at drug stores in Richmond, Petersburg, Norfolk, and Fredericksburg. ⁵⁹

Childbearing was difficult for both black and white women in the antebellum period and, in 1853, Clay, a slave owned by Thomas Palmore in Cumberland, died of a miscarriage. ⁶⁰ Problems with childbirth, including lack of medical knowledge,

⁵⁸ Savitt, Medicine and Slavery, p. 63-64.

⁵⁹ Daily Richmond Enquirer, May 3, 1845.

⁶⁰ Commonwealth of Virginia, Department of Health and Bureau of Vital Statistics, Deaths, 1853.

primitive medicines, and outright quackery, made the maintenance of good health and longevity elusive during the mid-nineteenth century in Cumberland County.

CHAPTER III COUNTY COURT SYSTEM

The county court was an important institution in the counties of Virginia, in the 1840's and 1850's, and Cumberland was no exception. The Virginia Constitution of 1851 changed many aspects of the State government, including the county court, especially in the area of county personnel appointments. However, the jurisdiction of these local lower courts was left unchanged.

The applicable statutes of both 1849 and 1860 gave the county courts broad powers with certain limitations. They were to have authority in all criminal cases involving slaves and in all cases involving free blacks, except those where the charge carried a potential death penalty. In criminal cases, whites were subject to the county court only if they were not charged with a felony which could result in a state penitentiary sentence or execution. There was no limit to the amount of money that could be pursued in a civil case in the county court but, in some instances, actions involving less than twenty dollars were excluded.¹

Cases which were beyond the purview of the county court were tried in the circuit court. The circuit court system

¹ The Code of Virginia with the Declaration of Independence and Constitution of the United States and the Declaration of Rights and Constitution of Virginia (Richmond: William F. Ritchie, 1849), p.616; The Code of Virginia, Second Edition, Including Legislation to the Year 1860 (Richmond: Ritchie Dunnavant and Company, 1860), pp. 663-664.

began when the Act of 1818 was passed, and it established an organization which divided the state into fifteen districts. The courts operated in the different counties, within their districts, on a rotating basis. The result gave each county a circuit court that met twice per year. ²

State law mandated that the county court was to meet each month, both before and after the Constitution of 1851 went into effect. Four of these monthly sessions were to last no more than twelve days and were to coincide with the quarters of the calendar. The remaining sessions were to exceed no more than six business days. ³

Prior to the Constitution of 1851, county court justices were nominated by the current court and then approved by the governor. On June 24, 1844, sixteen of the current justices attested that they had summoned all of their colleagues in order to propose the appointment of three new justices. All sixteen men voted in favor of all three candidates, who were Willis Sanderson, Mayo B. Carrington, and Benjamin F. Frayser, and all of them were recommended by the court. ⁴ In effect, the court chose its own members, as the governor routinely selected one of three nominees. The appointment was for life,

² Porter, County Government in Virginia, pp. 161, 163.

³ The Code of Virginia (1849), p. 616; The Code of Virginia (1860), p. 663.

⁴ Order Book, #35, June 24, 1844.

but there were circumstances which could dislodge a justice. The Virginia Code of 1849 listed several reasons for disqualification which included: 1) failure to maintain residence in the county, 2) failure to take a formal oath of office for more than six months, and 3) the assumption of any federal office other than congressman. A justice could not simultaneously hold the office of county court clerk, but he could be the county sheriff. ⁵ There were to be twelve justices sworn to duty, but in many counties the number of justices exceeded twelve. ⁶

After the Constitution of 1851, the justices of the county courts became elected officials, as did several other functionaries. ⁷ The justices term of office was to last four years. ⁸ In addition, after 1851, the justices were paid three dollars for each day they appeared in court. They were also allowed to collect fees on a level similar to those charged by a notary public when they took depositions, certified a deed, or any legal document. ⁹

Cumberland's justices appeared to have been unhappy with their payment scale which was promulgated by the state government. On December 19, 1857, they petitioned for relief

⁵ Porter, County Government, pp. 164-167.

⁶ Ibid.

⁷ Ibid., p. 232.

⁸ Order Book, #35, July 26, 1852.

⁹ The Code of Virginia (1860), p. 277.

to the Virginia General Assembly through their representative to the House of Delegates, William Pope Dabney. Eleven of the justices, including Valentine Parrish, Vincent C. Ryals, John C. England, Ferdinand G. Coleman, William Lee, Daniel Booker, James D. Isbell, Willis Sanderson, George W. Palmore, Mayo B. Carrington and William Holman, signed the petition. ¹⁰

The petition expressed their dissatisfaction with the Constitution of 1851 which instituted a new fee schedule for justices which they found to be inadequate. The petition contained the allegation that only a few of their duties provided any financial compensation and that fewer individuals, especially those residing in commercial areas, were willing to become justices. Thirteen duties were listed for which Cumberland's justices alleged to receive no pay. Among these were: 1) the issuance of warrants and presiding over both civil and criminal cases; 2) the authorization of the capture of runaway slaves; 3) the conducting of sanity hearings; 4) the issuance of warrants for the insane; 5) the requirement of making extra appearance in court for special sessions; 6) and the interviewing of citizens who wished to file formal complaints with the court. ¹¹ It would appear that some of these duties would have been compensated by the three dollar per day court appearance fee, but apparently the

¹⁰ Legislative Petitions, Cumberland County, 1836-1862 (manuscript in Virginia State Library, Richmond, Virginia), December 19, 1857.

¹¹ Ibid.

justices found this to be inadequate.

Prior to the passage of the Constitution of 1851, in order to hold court, state law required the presence of four county court justices. However, after its passage, the routine business of the court could be handled by any three of them.¹² After 1851, there were instances which required more justices to be present. For instance, to decide the felony cases of both slaves and free blacks, required the presence of five justices.¹³ As previously mentioned, free blacks who faced a charge with a potential death sentence were remanded to the circuit court.

There were other changes in the county courts after the passage of the Constitution of 1851, one of which reduced the period of time that a justice had to qualify and claim his seat from six months to thirty days. Newly-elected justices were to assume office on the first day of August following their election.¹⁴ County commissioners were required to divide the respective counties into districts, each of which was to elect four justices.¹⁵

In 1840, there were twenty-nine county court justices in

¹² The Code of Virginia (1849), pp. 615-616: The Code of Virginia (1860), p. 663.

¹³ Ibid., (1860) p. 847.

¹⁴ Ibid.

¹⁵ Ibid., p. 81.

Cumberland County. One of them, Nathaniel Penick, was both a justice and the county sheriff. He owned ten slaves and 371 acres of land. The other justices were William Wilson, William Lee, John Trent, Vincent C. Ryals, John T. McAshan, Codrington Carrington, William Montague, William N. Page, William Cocks, Samuel Hobson, Valentine Parrish, William B. Smith, James M. Austin, James D. Isbell, William M. Thornton (who was the largest land and slave owner in the county), John P. Wilson, William R. Bradley, John C. Page, William C. Carrington, James Hobson, Edward J. Carrington, William B. Hobson, Ferdinand G. Coleman, Nelson Page, Hezekiah Ford, John Miller, Edward Walton, and Allen Wilson. ¹⁶

The terms planter and plantation owner have been given a precise definition by the historian Clement Eaton. They refer to a person who owned twenty or more slaves and 500 to 1,000 acres of land, with 200 acres improved for farming. ¹⁷ There was no federal agricultural land use schedule in 1840. The land ownership figures presented in this study are drawn from Cumberland County's land tax book, which did not differentiate between improved and unimproved acres of land. In the period under study, the federal government published slave schedules only in the years 1850 and 1860. Therefore, the slave

¹⁶ Order Book #34, January through December 1840.

¹⁷ Clement Eaton, A History of the Old South, third edition (New York: MacMillan, 1975), p. 390.

ownership figures used herein are derived from the county's personal property tax records, which listed only the number of slaves over the age of twelve years. To achieve consistency of comparison, the same sources were used for the 1850, 1851, and 1860 counts. Therefore, a comparison of the justices with the general population in regard to slave and land ownership was made possible by the use of the United States Census. The figures for the general population appear in the chapters on the economy and population. ¹⁸

Of the twenty-nine justices of the 1840 court, 67.85 percent owned more than 500 acres and 35.71 percent owned more than twenty slaves. Thus, a substantial portion qualified as planters under Eaton's criteria. Although only 3.57 percent of the justices owned more than 2,000 acres, 28.57 percent owned from 1,000 to 2,000 acres, 35.71 percent owned 500 to 1,000 acres, 14.29 percent owned 200 to 500 acres and 17.85 percent owned 200 or less acres. ¹⁹ It is obvious that the 1840's justices were wealthier by far than the majority of the

¹⁸ Personal Property Tax Book, Cumberland County, 1840 (manuscript in Virginia State Library, Richmond, Virginia); Personal Property Tax Book, Cumberland County 1850 (manuscript in Virginia State Library, Richmond, Virginia); Personal Property Tax Book, Cumberland County, 1860 (manuscript in Virginia State Library, Richmond, Virginia); Land Tax Book, Cumberland County, 1840 (manuscript in Virginia State Library, Richmond, Virginia); Land Tax Book, Cumberland County, 1850 (manuscript in Virginia State Library, Richmond, Virginia); Land Tax Book, Cumberland County, 1860 (manuscript in Virginia State Library, Richmond, Virginia)

¹⁹ Land Tax Book, 1840.

county's citizens.

By 1850, the number of justices had decreased, primarily due to death to twenty-three. However, fifteen members of the 1840 court were still justices, which was an indication of the durability and concentration of Cumberland's ruling elite. The fifteen holdovers were Samuel Hobson, Codrington Carrington, Nelson Page, John Miller, William A. Cocke, James Hobson, John P. Wilson, Valentine Parrish, William B. Hobson, William N. Page, Vincent C. Ryals, William Lee, James M. Austin, Ferdinand G. Coleman, and Hezekiah Ford. The new members were Creed Taylor, Dr. Thomas D. Armistead, Willis Sanderson, Dr. Richard P. Walton, Ambrose Ford, Johnathan H. Davis, James D. Isbell, William H. Hobson, and James Blanton.²⁰

The 1850 court was slightly less wealthy than its 1840 counterpart. The number of justices who owned more than 500 acres of land declined from 67.85 percent in 1840 to 60.86 percent in 1850, but the number of them who owned twenty or more slaves declined from 35.71 to 34.78 percent. In 1850, none of the justices owned over 2,000 acres of land. Instead, 21.73 percent owned from 1,000 to 2,000 acres, 39.13 percent owned from 500 to 1,000 acres, an additional 30.43 percent owned from 200 to 500 acres, and 8.69 percent owned 200 or less acres. Ten to twenty slaves were owned by 26.08 percent of the justices in 1850, 30.43 percent owned five to ten and,

²⁰ Order Book, #35 January through December 1850.

8.69 percent owned less than five. ²¹

In accordance with the constitution of 1851, Cumberland County held an election, and the winning members of the court met on July 26, 1852. They elected Valentine Parrish, who had been a member of the court since 1840, presiding justice of the court. The remainder of the justices were divided into classes which were responsible for meeting at certain court sessions. Parrish was considered to be a member of all classes and was to attend all sessions of the court. The first class consisted of William Holman, Willis Sanderson, a member of the 1850 court, James D. Isbell, also a member of the 1850 court, and William Lee, who had been a continuous member since 1840. The group was responsible for the February quarterly, or extended session, and the June and September monthly terms. ²²

The second class group was comprised of Samuel Booker, William D. Price, Samuel Hobson, and Codrington Carrington, both of whom were members of the 1840 court. This group was to serve on the May quarterly session and during the March and December monthly terms. The third class was composed of Johnathan H. Davis, an 1850 court member, Vincent C. Ryals, and Ferdinand G. Coleman, both of whom were continuous members of the court since 1840. They were to preside over the July

²¹ Land Tax Book, 1850; Personal Property Tax Book, 1850.

²² Order Book, #35, July 26, 1852.

quarterly and the April and November monthly terms. The last group was the fourth class whose members were Mayo B. Carrington, William D. Talley, Henry Scuggs and Creed Taylor, who had been on the 1850 court. These men were to hold court at the October quarterly session and during the August and January meetings. ²³

Ten justices, or 43.47 percent of the 1850 and six or 20.68 percent of the 1840 court, remained after the constitutionally-mandated change to selection by popular vote. This shows that Cumberland oligarchy was able to sustain itself, to some extent, even when exposed to selection by the eligible voters. ²⁴

However, the new members of the 1852 court tended to have less total wealth, as the number of justices who owned 500 or more acres of land declined from the 1850 figure of 60.86 percent to 43.75 percent. Also, the category which owned twenty or more slaves declined from the 34.78 percent of 1850 to 25 percent. The number who owned from 1,000 to 2,000 acres of land rose to 25 percent, which exceeded the 1850 figure of 21.73 percent. A loss occurred on the 500 to 1,000 acre group, which declined from 39.13 percent in 1850 to 18.75 percent in 1852. The 200 to 500 acre category remained nearly consistent with 30.43 percent in 1850 and 31.25 percent in

²³ Ibid.

²⁴ Ibid.

1852. Those with 200 or less acres rose with 25 percent in that category in 1852, as opposed to the 8.69 percent in 1850. In addition, 1852's roster of justices contained one man, Henry Scuggs, who was not a slave owner. The presiding justice, Valentine Parrish, was a wealthy man who owned thirty slaves over twenty years of age, 1,317 acres of land on the Willis River, and eight lots in the town of Ca Ira where he maintained a law practice. However, a strict focus on land ownership as a criteria of wealth is somewhat misleading as Mayo Carrington, who owned nine slaves, lived in Cartersville where he owned two lots.²⁵ He was not an agriculturalist but a lawyer, who had appeared before the county court and was licensed to practice in Cumberland and the Commonwealth of Virginia on January 25, 1841.²⁶

Fifty percent of the sixteen members of the 1860 county court were members of the first elected court of 1852. In addition, six of these were present on the pre-elected 1850 court and three of them had been court members since 1840.²⁷ Perhaps this ability to endure in spite of the elective process was an indication of Cumberland County's conservative

²⁵ Order Book, #35, January 1850, December 1851, July 26, 1852; Personal Property Tax Book, 1850; Land Tax Book 1850.

²⁶ Order Book, #34, January 25, 1841.

²⁷ Order Book, # 36, Cumberland County, 1852-1860, July 23, 1860 (microfilm in Virginia State Library, Richmond, Virginia).

nature and its resistance to change.

The percentage of 1860 court members, who owned 500 or more acres of land, was consistent with 1852's figure of 43.75 percent. However, in 1860, the percentage, with twenty or more slaves rose to 37.5 percent, which exceeded 1852's 25 percent and also exceeded that of 1850, which was 34.78 percent. The largest category, or 43.75 percent of slave owners in 1860, possessed between ten and twenty slaves. Another 18.75 percent owned five to ten and none of the 1860 members owned less than five slaves. Estates of 1,000 to 2,000 acres were owned by 12.5 percent of the justices, 25 percent owned 500 to 1000 acres, 50 percent owned 200 to 500 acres and the remaining 6.25 percent owned 200 or less acres. ²⁸

The 1860 court consisted of Presiding Justice Valentine Parrish, William Holman, Willis Sanderson, James D. Isbell, William Lee, Edward S. Harrison, Tarlton H. Woodson, John E. Crowder, William L. Daniel, Isaiah C. England. William R. Crowder, William M. Toler, Richard C. Thornton and Creed Taylor. ²⁹

Prior to the Constitution of 1851, the county court had appointed all county officials with the exception of the

²⁸ Personal Property Tax Book, 1860; Land Tax Book, 1860.

²⁹ Order Book, #36, August 27, 1860; September 24, 1860; October 22, 1860.

overseers of the poor. The only one still appointed by the court, after the Constitution of 1851, was the coroner. Before this time, all officials, including the surveyor, commonwealth's attorney, sheriff, constables, and overseers of the poor, had been court appointees.³⁰ An example was the nomination by the county court of James D. Isbell, who was a member of the court, to the position of sheriff of Cumberland. He had been one of three men nominated for the position from which the governor made the final selection. His commission was to last a single year. Isbell appeared in the county court on February 27, 1843, and had bonds posted in his behalf by nine individuals on the same day he appointed his deputy sheriffs who were Charles L. Palmore, John P. Woodson and Charles D. Palmore.³¹

In fact, prior to the Constitution of 1851, the position of sheriff appeared to have been occupied consistently in Cumberland County by men who were county court justices. One of these men was Justice Samuel Hobson who was the sheriff in 1840.³² In contrast to Isbell's appointment was John P. Woodson, who was elected sheriff of Cumberland, and on June 28, 1852, appeared in the court and nominated former Justice

³⁰ Porter, County Government, p. 232.

³¹ Order Book, #34, February 27, 1843.

³² *Ibid.*, July 27, 1840.

Richard B. Trent as his deputy sheriff. The court passed its pronouncement that Trent was an honest man, and administered several oaths to him. However, Woodson was required to post a \$90,000 bond backed by nine men, several of whom were justices of the court.³³ This was the maximum bond allowable by state law which provided counties with the option of having required a smaller bond of \$30,000.³⁴

After the Constitution of 1851, the sheriffs who won election were to serve for a period of two years.³⁵ The high bond required seemed reasonable when considering that the sheriff held a powerful position in which his duties were to collect taxes, to oversee elections, and to enforce the laws of the state and county.³⁶

Another position of power was held by the clerk of the county court. Prior to the Constitution of 1851, this position was filled by appointment from the justices of the court. The selection did not require the approval of the governor, and the appointment was for a seven-year term with no limit as to the number of successive terms. The bond required was to be set at the discretion of the county court

³³ Order Book, #35, June 28, 1852.

³⁴ Code of Virginia (1860), p. 297.

³⁵ Ibid., p. 94.

³⁶ Code of Virginia (1860), p. 212, 919.

within a \$3,000 to \$10,000 range. ³⁷ B. B. Woodson, who was the clerk of Cumberland County's court in 1850, ³⁸ managed to retain his position after the Constitution of 1851. He was elected by the county's voters to a six-year term and took the oath of office on June 28, 1852. He and three securities posted his \$5,000 bond, ³⁹ which could have been set between \$3,000 and \$10,000. ⁴⁰

The clerk's duties were extensive and consisted of maintaining a hand-written record of Cumberland County's court sessions and, in addition, he kept all records and fee books associated with the duties of the court and the county's register of free blacks. At the court's direction, the clerk issued subpoenas to be served by the sheriff. He also issued marriage licenses, registered deeds, wills, and impaneled juries. He was required by law to maintain an office in the county courthouse, if the court provided one, and if not he was to be located at a place approved by the justices. This office was to be the repository of the official county records

³⁷ The Code of Virginia (1849), pp. 630-631.

³⁸ Order Book #35, June 24, 1850.

³⁹ A security was any person approved by the court who was financially able to pay the bond required by state law and set by the court. *Ibid.*, June 28, 1852.

⁴⁰ The Code of Virginia (1860), p. 695.

which were to be open to the public for viewing.⁴¹

Although not as significant as the sheriff and court clerk, constables also played a role in county government. Prior to the Constitution of 1851, Cumberland had two constables, and they were chosen by the county court and served for a period of two years. On June 26, 1843, the justices elected Peter J. Phillips to be the constable of the "upper district," and Randolph H. Montague as the constable for the "lower district." They were both required to post bonds of \$2,000.⁴² After the Constitution of 1851, Cumberland had four constables who were elected from the county's four districts. These districts were structured in accordance with an act passed by the General Assembly on April 2, 1852. Each county was required to be divided into districts, and each of these districts were to elect four justices of the peace, one constable, and at least one overseer of the poor. The constables were to have authority to act in all areas of the county, not just in their respective districts.⁴³

On July 28, 1852, the four men elected from each district appeared in the county court, took oaths, posted a \$3,000 bond

⁴¹ Ibid., p. 520, 692-698.

⁴² Order Book, #34, June 26, 1843.

⁴³ The Code of Virginia (1860), p. 81.

and promised to serve as constables for two years. William P. Seay was elected in district number one; John D. Jenkins was elected in district number two; Carter H. Trent was elected in district number three; and Rowen Stone was elected in district number four. ⁴⁴ Cumberland set its bond on the lower end of the scale as the state required constables to post bonds ranging from \$2,000 to \$10,000. Constables were second in line to coroners in performing all the duties of a sheriff in his absence, except the collection of taxes. ⁴⁵ They received fees for many services, including one dollar per head to kill and bury any stray or distempered cattle in the county. They were also eligible to receive one dollar for each mad dog they killed and buried. ⁴⁶

Another example of the longevity of the influence exerted by Cumberland County's ruling elite can be seen in the person of Hezekiah Ford. He occupied the position of county court justice continuously, from his appointment on August 26, 1825, until he was displaced by the elections which selected the 1852 court members. ⁴⁷ He also held the influential position

⁴⁴ Order Book, #35, July 28, 1852.

⁴⁵ The Code of Virginia (1860), pp. 282-283.

⁴⁶ Ibid., p. 507.

⁴⁷ Register of Justices and Court Officers, 1793-1865; Order Book #34, January through December 1840; Order Book #35, January through December, 1850; #36, July 26, 1852.

of county commissioner of revenue and was an overseer of the poor. He was appointed commissioner of the revenue by the county court on November 25, 1840, to replace the recently deceased George C. Walton. The commissioner of revenue's position did not require the approval of the governor, but it did call for a bond of \$1,000.⁴⁸ Prior to the Constitution of 1851, the commissioner was appointed annually by the county court⁴⁹ but, after 1851 he was chosen by popular vote. In spite of the fact that Ford lost his position as county court justice, he retained his commissioner's job by winning the election in 1852. His bond remained unchanged at \$1,000 and he was subject to reelection every two years.⁵⁰

Ford was a man of above average wealth. He owned two relatively small estates, which totalled 358 acres, located within 3/4 miles from the county courthouse. He also owned ten slaves over the age of twelve; however, agriculture was not his primary occupation.⁵¹

Ford was occupied as a justice, and his position of commissioner of the revenue was also time-consuming. On June

⁴⁸ Order Book #34, September 27, 1840, November 26, 1840.

⁴⁹ The Code of Virginia (1849), p. 178.

⁵⁰ Order Book #35, June 28, 1852; Order Book #36, June 1, 1857.

⁵¹ Personal Property Tax Book, 1850, Land Tax Book 1840.

28, 1841, Ford submitted evidence to the county court that indicated he spent 100 days performing his commissioner's duties. The court certified this information to the auditor of Public Accounts in order to secure payment for his services.⁵² In addition, the Virginia Code of 1860 enumerated fees for many of his duties, such as the three cents that he received for each new voter that he registered, plus an amount ranging from 1.5 percent to 2.5 percent of the total amount of taxes assessed in the county.⁵³ Ford's duties as commissioner of the revenue included the listing of all privately-owned land and buildings, as well as all taxable personal property. This included watches, carriages, money, gold, jewelry, horses, mules, and slaves over the age of twelve years. He was required to keep a land tax book and a separate personal property tax book. He was also required to list all free persons subject to taxes and levies, including all white and free black males over twenty-one years of age.⁵⁴

Hezekiah Ford was not happy with the amount of compensation that he received for the performance of his duties as commissioner. A petition dated January 24, 1854,

⁵² Order Book #34, January 28, 1841.

⁵³ The Code of Virginia (1860), pp. 79, 207-208.

⁵⁴ Ibid., pp. 188, 195-197.

was presented on Ford's behalf to the Virginia General Assembly by Cumberland County's delegate to the House of Representatives, Edward S. Brown. In the petition, he sought additional payment for his labors, and suggested an additional amount equal to the \$1.50 per day, or fifty dollars per year, for an assistant to the commissioner, who had been authorized by the General Assembly. Ford argued that he did not hire the assistant and that "he labored assiduously day and night and succeeded in discharging, as he believes, all the duties of his office." He alleged that Cumberland County's court justices were in agreement that he should receive the fifty dollars payable to an assistant. However, they were powerless to act without the approval of the General Assembly. He further asserted that the duties of the county's commissioner had expanded "four fold" over the previous twenty years. The petition was signed by Ford only. ⁵⁵

Ford was correct in his assessment of the rising number of duties required to be performed by the county commissioner of the revenue. Although his petition dealt with a period that was previous to the Acts passed by the General Assembly on April 1, 1853, and April 11, 1853. These acts required the commissioners to begin the registration of all births and deaths in their respective counties, as well as the duty to

⁵⁵ Legislative Petition, January 24, 1854.

enroll the militia. ⁵⁶

The county coroner was nominated by the court both before and after the Constitution of 1851. The justices were required to send two names to the governor from which he selected one coroner. ⁵⁷

Notary Publics were also appointed by the governor, with the recommendation of the court. Their bonds were set at \$200 to \$1,000. ⁵⁸ John D. Reynolds was appointed a notary on December 29, 1856, and Mayo B. Carrington, the lawyer who served as county court justice in the early 1850's was similarly appointed in 1860. ⁵⁹

Jailers were not elected either before or after the constitution of 1851. ⁶⁰ The Virginia Code of 1860 was specific in the requirements that it imposed on the respective counties in regard to their duties to maintain a jail. It was required to be situated at the same location as the county court and the clerk's office. To accomplish this goal,

⁵⁶ Journal of the House of Delegates of the State of Virginia for the Session 1853-54 (Richmond: William F. Ritchie, 1853-54) p. 186-87.

⁵⁷ The Code of Virginia (1860), pp. 281-282.

⁵⁸ Ibid., p. 568.

⁵⁹ Register of Justices and County Officers, 1793-1865

⁶⁰ The Code of Virginia (1860), p. 81.

counties were authorized to purchase enough land to provide an area of two acres when combined with any previously owned plot. Trees were to be planted to allow a congenial meeting place outside of the official buildings. The jailor was to keep his premises clean and have its cells whitewashed twice per year. Clean bedding, heat, wholesome food, and medical attention were to be amply provided to the prisoners. To ensure conformity with state law, the county court was required to appoint a commission to inspect the jail annually, and the state further required that convicts be kept separately from incarcerated slaves. ⁶¹

These state laws regarding jails had all been passed by the General Assembly prior to 1833. ⁶² To comply with the statutes, Presiding Justice Valentine Parrish, Sheriff R. B. Trent, and Clerk B. B. Woodson were instructed by the court to purchase a "furnace or stove" to provide heat for the jail and also to acquire an "iron cage" for it. ⁶³ The same statute which pertained to jails designated the county sheriff to be the "keeper of the jail." However, in Cumberland County, the jailor, was distinct from the sheriff who perhaps had supervisory capacity over the jail. For instance, in 1856,

⁶¹ Ibid., pp. 288-289.

⁶² Ibid.

⁶³ Order Book #36, July 28, 1856.

James Blanton was the county's jailor and Richard B. Trent was the sheriff. ⁶⁴

After the Constitution of 1851, the commonwealth's attorneys were chosen for a four year term by the voters. Prior to that time, they had been court appointees. ⁶⁵ George H. Matthews was Cumberland County's commonwealth's attorney in 1840, at which time he was paid \$300 for a full year's service. He persisted in the position until 1851 and was elected to a four-year term in 1852. After his election, he was not required to post a bond. An examination of the county's annual budget presented on May 21, 1851, showed Matthew to have been the highest paid county official. He received \$300 for the previous year's work which was considerably more than the \$100 paid to B.B. Woodson, the court clerk. ⁶⁶ However, this is misleading, as the applicable state statute promulgated before 1844 imposed no limit on the salary of the county court's commonwealth attorney. Instead, it forbade his taking any compensation other than the salary paid to him by the court. However, the

⁶⁴ The Code of Virginia (1860), pp. 288-289; Order Book # 35, June 26, 1854, July 28, 1856.

⁶⁵ The Code of Virginia (1860), p. 81.

⁶⁶ Order Book #34, July 27, 1840; Order Book #35, May 21, 1851; June 28, 1852.

clerk was free to augment his salary with fees. ⁶⁷

The county court's attorney for the commonwealth was to confer with commissioners of the revenue, sheriffs, constables, and other county officials to determine the probability of the violation of state laws and local ordinances. If he believed a probable violation had occurred, he was to initiate prosecution. ⁶⁸

Although not county officials, lawyers flourished in Cumberland County during the twenty-year period under study. In 1850, fourteen of them paid their five-dollar license fee in the county. ⁶⁹ Lawyers were required to make a personal appearance before the justices in order to obtain their licenses to practice law and on July 25, 1853, William H. Clark was granted such a request by the justices. He met the requirements; he was at least twenty-one years of age, he had maintained a county residence for at least twelve months, and he had established a reputation as "a person of honest demeanor." ⁷⁰ A lawyer was not limited to practicing in the county in which he had obtained his license and paid his fee.

⁶⁷ The Code of Virginia (1860), p. 701.

⁶⁸ Ibid.

⁶⁹ Personal Property Tax Book 1850 (containing summary of license fees for lawyers and doctors).

⁷⁰ Order Book #36, July 25, 1853.

An example was Cumberland resident, Henry T. Parrish who, along with an attorney identified only as Mr. Powell, placed an advertisement in the Richmond Daily Whig on October 10, 1859. In it, they notified the public that they maintained their office at Cumberland Courthouse, Virginia, and that their practice was divided geographically. Parrish represented clients in the county and circuit courts of the city of Richmond and Henrico County, and Mr. Powell concentrated on the counties of Cumberland, Buckingham, Prince Edward, and Powhatan.⁷¹ Another such advertisement appeared on October 25, 1850, in the Richmond Weekly Examiner. In it, William C. Nash, who was based at nearby Powhatan Courthouse, Virginia, announced his practice would include both the circuit and lower courts of Cumberland, Powhatan, and Amelia Counties.⁷² Several men who served as county court justices were also attorneys. Among them were Richard C. Thornton who appeared before the county court to be licensed on September 27, 1847,⁷³ Creed D. Coleman, and Mayo B. Carrington,⁷⁴

⁷¹ Richmond Daily Whig (Richmond, Virginia) October 10, 1859.

⁷² Richmond Weekly Examiner (Richmond, Virginia) October 25, 1850.

⁷³ Order Book, #35 September 27, 1847.

⁷⁴ Auditor of Public Accounts, License Returns, Cumberland County, 1853-54 (manuscript in Virginia State Library, Richmond, Virginia).

However, Virginia law forbade a justice to practice in any court where he was a current member.⁷⁵ Virginia law allowed the practice of attorneys who were licensed in any state "adjoining" Virginia or in the District of Columbia, who could show proof that they were licensed.⁷⁶

Antebellum Virginia law was less restrictive than in the twentieth century, perhaps due in part to the absence of the requirement that all attorneys pass a comprehensive bar examination. However, no attorney convicted of a felony was allowed to keep his professional practice.⁷⁷

After the Constitution of 1851 went into effect, county surveyors also became elected officials,⁷⁸ and Obadiah J. Reynolds was the first one elected for a six-year term. He appeared in county court on June 28, 1852, posted a \$3,000 bond and "took several oaths."⁷⁹ The surveyor had as one of his responsibilities the establishment of the boundary lines if, and when, a new county was established and if a dispute

⁷⁵ The Code of Virginia (1860), p. 700.

⁷⁶ Ibid., pp. 699-700.

⁷⁷ Ibid

⁷⁸ Ibid., p. 81.

⁷⁹ Order Book #35, June 28, 1852.

arose with a neighboring county over boundaries.⁸⁰

A different function was performed by county citizens who had a similar title. They were the surveyors of the roads and they were appointed by the county court, both before, and after the Constitution of 1851. The counties were divided into precincts in which the appointees were required to give service. The duties had to be discharged by the surveyor designate for two years. After that time, he was free to quit the position, and was not eligible for another appointment for at least two years. It was this surveyor's job to supervise, repair, and keep the roads in his precinct free of debris. In addition, he had to maintain road signs, and bridges large enough to accommodate "foot passengers." All males in the county between the ages of sixteen and sixty were obliged to work on the roads under the direction of the surveyors. In addition, this work was to be performed whenever the surveyor requested it, and state law did not set a maximum number of required days of service. Exceptions to the roadwork requirement were those employed in transportation enterprises, such as ferries, turnpikes, canals, and railroads. Also excepted were lunatics and "the officers of literary institutions." The county was able to name specific persons to work on large road projects and they were compelled to

⁸⁰ The Code of Virginia (1860), pp. 274-275.

labor under these road surveyors. ⁸¹

The road surveyors were allowed reimbursement for their expenses, including wages paid to laborers, if they could convince the court the extra workers were necessary. The surveyor was allowed to order those who had been chosen by the court to provide labor on the roads to use their carriages, ploughs, oxen and horses. The road surveyor was compensated by the court at a rate of \$1.50 per day and was subject to a fine of \$5.00 to \$30.00 if he failed to perform his duty. ⁸²

The court's record revealed the consequences which befell those surveyors who neglected their duties. For example, Benjamin Bradley was charged with having failed, during the last six months, to keep the highway which connected the house of County Justice Hezekiah Ford to its intersection with Fork of the Road in an acceptable state of repair. Charges were brought by two justices, Samuel Wilson and Willis Sanderson, and a jury of inquest consisting of nineteen persons heard and confirmed the charges. ⁸³

On May 25, 1840, Cumberland's justices ordered that John Hughes be "appointed surveyor of the road." He was to have replaced Thomas H. Isbell and was to have had the laboring assistance of Lewis M. Isbell, Thomas W. Crowder, James

⁸¹ Ibid., pp. 301-302.

⁸² Ibid., p. 303.

⁸³ Order Book # 34, August 22, 1844.

Hobson, Daniel Flippen, and John Anders, Sr.⁸⁴ On May 26, 1851, the county court directed Shelbert Smith, Claiborne Lipscomb, and John Lipscomb to work on the road under the surveyorship of James Meadows.⁸⁵

Road claims for labor and materials expended were usually the most numerous items in the county's budget. The one presented to the county court on July 27, 1840, listed forty individuals with claims which varied from \$2.50 to \$14.88.⁸⁶

Cumberland's citizens were also free to petition the court to have the county construct a new road. On February 25, 1850, the court received the report of William A. Trent, John Hammondtree, Alexander Trent, and Richard A. Phillips. They had been requested by the court to inspect the proposed path of a new road.⁸⁷

They were in agreement that the petitioner for this improvement, Thomas Dowdy, had no other access by public road to his property. In addition, no other area landowners would be adversely affected by the proposed construction. After considering the report, the court ordered Thomas Dowdy, his wife and children, Hezekiah Ford, and William Thornton to appear and offer protests, if any.⁸⁸

⁸⁴ Order Book # 34, May 25, 1840.

⁸⁵ Order Book # 35, May 26, 1851.

⁸⁶ Order Book # 34, July 27, 1840.

⁸⁷ Order Book 35, February, 1850.

⁸⁸ Ibid.

The Constitution of 1851 continued the practice of electing the overseers of the poor and these important county officials are discussed later in this chapter. The commissioners of schools composed another group of county officials and they will be discussed fully under the heading of education. However, their method of selection was not altered by the Constitution of 1851. ⁸⁹

The county court controlled situations in which the desire of one citizen to alter his property had the potential to damage the real estate of another. For instance, in June 1852, William Holman wanted to erect a mill dam across Deep Run Creek, which would have raised the water level and could have affected his neighbors. The court ordered the sheriff to impanel a jury of twelve persons to inspect the site. ⁹⁰ They reported at the next session of the court that although no houses, gardens, orchards or yards would be damaged, three-fourths of an acre of land belonging to County Court Justice Ambrose Ford would be flooded. The proposed remedy was a twenty dollar payment to Mr. Ford, which the court approved. ⁹¹

A second incident involving a mill prompted the court on March 26, 1849, to order the sheriff "to take twelve good men"

⁸⁹ The Code of Virginia (1860), p.81.

⁹⁰ Order Book # 35, June 28, 1852.

⁹¹ Ibid., July 26, 1852.

and meet at Harrison Jones' mill, which was located two miles to the east of the courthouse, to decide what damage would result if Jones were to raise his mill dam to a higher level.⁹² After the inspection, Jones was allowed to raise his mill dam an additional five feet. The sheriff reported that the "stagnation will not harm the neighborhood."⁹³

On September 28, 1840, the county court undertook a process that was referred to as a procession of all the lands of the county. Twenty-four regions were created in an effort to ascertain the exact boundaries and the ownership of each parcel of land. The men were assigned to make the inspections and then give a full report to the court, including the absence or presence of the land's owner at the time the boundary inspection was made. The first region was referred to as "procession number one" and consisted of Thomas Clarke, John Isbell, and John Bransford. They were to "procession all the lands located between the Appomattox River, Burton's Brook, Hobson's Mill Path, Deep Creek, and the county line." The rest of the assignments were of a similar nature.⁹⁴

United States citizenship was granted to immigrants by the county court and, on April 28, 1856, John C.L. Mahr, from Saxony in Germany, satisfied the court that he had been a resident of the United States in excess of five years and a

⁹² Order Book # 35, March 26, 1849.

⁹³ Ibid., June 25, 1849.

⁹⁴ Order Book # 34, September 28, 1840.

resident of Cumberland County longer than two years. An additional requirement was his promise to the court that he would never show allegiance to any foreign power, and especially not to the King of Saxony in Germany. ⁹⁵

During the decade 1840 to 1860, there was no federal income tax but there was a levy which was to pay Cumberland's general operating expenses and support the indigent of the county. In addition to this, there was the state tax on real estate and personal property, an income tax, and a business and professional license fee. ⁹⁶

The justices of the county court compiled the county's expenses for the previous year, and divided that figure by the number of tithable persons in order to determine the amount of the levy to be collected from each. ⁹⁷ These tithables were all white males and female slaves who had attained the age of sixteen years. ⁹⁸

Cumberland County's justices usually reviewed the county's expenses for the entire year in the month of July. Once the expenses were officially recorded, they empowered the sheriff to collect enough money from each tithable to pay all of the county's expenses. From 1840 to 1850, the court

⁹⁵ Order Book # 36, April 28, 1856.

⁹⁶ Order Book # 35, May 26, 1851; Edgar Sydenstricker, A Brief History of Taxation in Virginia (Richmond: Davis Bottom, 1915), pp. 15, 50, 59-60.

⁹⁷ Order Book # 35, May 26, 1851.

⁹⁸ The Virginia Code (1860), pp. 307, 309.

considered these expenses exclusive of the budget for the care of the poor. However, after 1851, the overseer of the poor expense request was included in the county budget.⁹⁹

Prior to this, in the time period under study, the overseers of the poor personally directed the sheriff to levy the necessary funds to support their program. For example, on June 1, 1850, they collected, through the efforts of the sheriff, \$1,318.10 from 3,766 tithable who were assessed at \$.35 each. Another 137 tithables were delinquent and were considered to be "insolvent"¹⁰⁰

The general operating expenses of the county rose over the years. The expense categories were similar from year to year and 1840's budget is indicative of the usual costs. In that year, salaries were the single largest expense, and Attorney for the Commonwealth, George H. Mathews, headed the list at \$300; followed by the County Court Clerk Miller Woodson with \$100; Sheriff, Samuel Hobson, with \$75; and the jailor, L.H. Penick, with \$40. The firm of Smith and Palmore was paid \$36 for providing the county's stationery and forty-six individuals were paid amounts which ranged from a low of \$3 to a high of \$8 for their work on the county's roads. Justice Valentine Parrish was paid \$28.50 to repair the

⁹⁹ Order Book # 34, July 27, 1840; Order Book # 35, May 26, 1851.

¹⁰⁰ Overseers of the Poor, Annual Reports and Checklist, Cumberland County, 1851 (manuscript in Virginia State Library, Richmond, Virginia)

courthouse and John Daniel earned \$10 when he leveled its yard. The sheriff was instructed to collect \$.25 from each of 3,898 tithable to cover the total budget of \$991.15. He received 5 percent, or \$49.55 for his efforts. ¹⁰¹

In 1843, the county's basic operating budget rose to \$1,527.07, and the levy charged to 4,233 tithable rose to \$.38. The excess amount collected was held by the county and used the following year. ¹⁰² On June 29, 1849, the county's expenses had risen to the point that \$.50 was required of each of 3,746 tithables. ¹⁰³ When combined in 1851, the county's operating budget was \$1,277.69, with the overseers of the poor's needs \$1,964.00. This \$3,241.69 total was met with a \$.93 levy charged against 3,836 tithables. Again, the sheriff, John Trent, was paid his 5 per cent collection fee and the surplus was carried forward to the next year. ¹⁰⁴ In 1855, the overseers of the poor expense fell to \$1,713.53, and the general budget dropped to \$1,155.30. The levy fell along with it to \$.80 for each of 3,852 tithable. In 1860, the levy rose by \$.02 for each of the 4,146 tithables who paid for a reduced overseer of the poors' budget of \$1,158.54 and an enlarged general operating expense of \$1,947.22. ¹⁰⁵ The

¹⁰¹ Order Book # 34, July 27, 1840.

¹⁰² Ibid., July 24, 1843.

¹⁰³ Order Book # 35, June 25, 1849.

¹⁰⁴ Ibid., June 29, 1851.

¹⁰⁵ Order Book # 36, July 23, 1855, June 25, 1860.

reasons for the declining overseer's budget will follow shortly.

There was no direct federal taxation, but Cumberland County's citizens were required to pay various taxes imposed by the State of Virginia, and the county government officials were involved in its collection. One form was the real estate tax. As previously mentioned, the Commissioner of the Revenue, Hezekiah Ford, was required to keep land tax books listing all owned real estate and its value. Prior to the changes made by the Constitution of 1851, expanses of land as opposed to comparatively small town lots were taxed differently.¹⁰⁶ In addition, the tax rates tended to vary. The rate was expressed in mills which were units of measurement equal to one tenth of one cent.¹⁰⁷ The tax rate fluctuated from one mill per \$100 in 1838, to 1.2 mills in 1848, to 1.5 mills in 1843, to 2 mills in 1853 and, finally, to 4 mills per \$100 of assessed value of real estate in 1854. This rate held throughout the remainder of the decade. Town lots were assessed at \$2.50 per \$100 rental value from 1838 until 1841, at which time the rate rose to \$3 per \$100 and remained unchanged until 1851.¹⁰⁸

In 1840, the county's residents were assessed \$1,471.46

¹⁰⁶ Sydenstricker, A Brief History of Taxation, p. 59.

¹⁰⁷ The Random House Dictionary of the English Language, second edition, unabridged (New York, Random House, 1987), P. 1221.

¹⁰⁸ Sydenstricker, A Brief History of Taxation, pp. 58-59.

on land and \$53.56 on town lots, for a total of \$1,525.02. In 1850, there was a rise in the land tax to \$1,578.74, and a drop in the tax on town lots to \$53.56, for a total of \$1,632.30. In 1860, farm and town lots were taxed at the same rate, but continued to be listed separately. The tax rate was applied both to land and buildings on farms throughout the twenty-year period under study. However, town lots with their appurtenant structures were not taxed on a value basis until after the passage of the Constitution of 1851. All of the taxable town lots were located in Ca Ira and Cartersville. In 1860, Cumberland County's land and buildings were valued at \$2,118,175.08 and its lots were valued at \$13,060. The land tax was \$8,472.70 and the tax on the lots was \$52.24 for a total of \$8,524.94. This was an explosive jump from the figures of both 1840 and 1850 and represents a 422 percent increase from 1850. Part of this increase was due to the 2.5 mills on the dollar tax rate increase which took place between 1850 and 1860. Additional factors may have been the rise in land values, due to improved transportation, the flourishing of the tobacco industry, and the rising state debt. ¹⁰⁹

Cumberland County's officials were also involved in the state's personal property tax. The commissioner of revenue had to carefully prepare the personal property tax books. Prior to 1843, the state had a restricted list of items considered to be taxable "personal property". Among them

¹⁰⁹ Land Tax Book, 1840, 1850, 1860.

were slaves over the age of twelve whose owners were required to pay an annual tax of \$.30 in 1840, \$.41 in 1841, and \$.46 in 1843. In addition to slaves, horses, mules, coaches, stages, and gigs were taxable personal property.¹¹⁰ In 1840, Cumberland County's citizens had 3,898 slaves who were of taxable age and \$1,079.70 was paid on them. Ordinary horses raised another \$159.44, stud horses \$70.00, and \$367.50 was generated by horsedrawn vehicles for a total of \$1,673.89.¹¹¹

In 1842, the General Assembly expanded the list of taxable personal property to include watches, pianos, clocks, gold, and silver plate.¹¹² Also included was a 2 1/2 percent tax on all interest income. In spite of the additional items, Cumberland experienced only a modest 22 percent increase in its personal property tax revenues which rose to \$2,046.93. The collections for the items taxed in 1840 rose slightly and the new items made only a small addition. For instance, pianos were taxed \$70.74, gold watches \$79.00, and "other clocks" \$18.37. However, \$19.72 was raised on interest, and \$7.00 on income.¹¹³

The tax on interest began in 1843 at the same time that an income tax of 1 percent of all income earned in excess of

¹¹⁰ Sydenstricker, A Brief History of Taxation, p. 64.

¹¹¹ Personal Property Tax Book, 1840.

¹¹² Sydenstricker, A Brief History of Taxation, p. 64.

¹¹³ Personal Property Tax Book, 1850.

\$400 was established. In 1850, it was modified to include only income earned from salaries. The Act of 1853-54 later changed this income tax structure to a progressive graduated tax. All those earning up to \$250 annually paid .25 percent; all those who earned \$250 to \$500 were to pay .50 percent; those earning \$500 to \$1,000 annual income paid .75 percent; all over \$1,000 paid 1 percent; and the highest rate was reserved for interest on stock, which was 3.5 percent. These percentages were increased 100 percent by the Act of 1855-56. ¹¹⁴

In 1860, Cumberland's personal property tax collections rose by 273 percent to \$9,535.07. Very little of it came from income taxes which were \$377.89 but interest yielded \$1,932.97. However, the collections on slaves rose to \$4,678.80 and was, no doubt, a reflection of the increased rate of \$.60 per slave enacted by the 1853-54 Virginia General Assembly. An additional \$699.00 came from the capitation tax passed in 1851 that required a per head payment on each adult white male. Originally, half of the proceeds from this tax went to the Literary Fund for use in education. However, on Friday, March 25, 1853, a measure passed the General Assembly that allowed all of the proceeds from this tax to go to education. ¹¹⁵

¹¹⁴ Sydenstricker, A Brief History of Taxation, pp. 50-51.

¹¹⁵ Personal Property Tax Book, 1860; Journal of the House of Delegates of the State of Virginia for the Adjourned Session, 1852-1853 (Richmond: William F. Ritchie, 1852), p.

The final category of taxes were mandated by the state government, but were the administrative responsibility of the county court. They were business licenses and they were discussed in the chapter on the economy. Cumberland County's business and professional license records have not survived intact and a year-by-year comparative analysis was impossible. However, from September, 1853, through August, 1854, the county's citizens paid a total of \$869.49 for business licenses. ¹¹⁶

Another duty of the court was the listing of the conveyances of property. All transfers of real estate that had occurred since the court's last meeting were listed and then recorded. The sales involved land, buildings, and slaves. ¹¹⁷ Another type of property transfers handled by the court involved the disposition of the estates of the deceased. Often, they were done with no disagreement or dispute, as when a husband either established a trust for his wife, in anticipation of his death, or left her his property after his death. An example of this took place on January 28, 1850, when a deed of trust was recorded in which Edward B. Simms appointed Hezekiah Ford executor of his estate which was

492; William Arthur Maddox, The Free School Idea in Virginia Before the Civil War (New York: Teacher's College, Columbia University, 1918), p. 193.

¹¹⁶ Auditor of Public Accounts, License Returns, Cumberland County, 1853-1854 (manuscript in Virginia State Library, Richmond, Virginia)

¹¹⁷ Order Book # 35, April 22, 1850.

to be held in trust for his wife, Ann L. Simms. Included in the property were 200 acres of land, personal effects, household furniture, and kitchen utensils, and the slaves Sam, Bob, Archer, John, Sarah, Henry, Cate, Caroline, Amy, Indy, and Lucy Ann. ¹¹⁸

At times, estates had to be divided among several surviving heirs and often the court appointed a panel consisting of three of its justices who appraised and distributed the property. This method was used on January 24, 1842, when Philip J. Dunford and William H. Dunford made an appearance before the justices and agreed to accept the property division that was to be made of their father, William Dunford, Sr.'s estate. Justices Joseph R. Woodson, William A. Trent, N.J. McAshan, Hezekiah Ford, and Ferdinand Coleman, "or any three of them," were to appraise and divide Dunforth's land and slaves equally among the two sons and report the results of their efforts to the court. ¹¹⁹ Other instances of this type of activity were reported in the chapter dealing with population.

Some of Cumberland's residents were unable to pay their debts and they, too, fell under the authority of the court. On August 24, 1854, the sheriff, Richard B. Trent, was ordered to seize and sell certain property belonging to William B.

¹¹⁸ Ibid., January 28, 1850.

¹¹⁹ Order Book # 34, January 24, 1842.

Anderson, which included three bedsteads, three feather beds, two trundle beds, one robe, a clock, desk, table, four carpets, and two cows. Anderson was alleged to have either left the county or to be in hiding in order to escape his debt of \$343.33 to a man named Roderick Fraiser.¹²⁰ Another debtor was incarcerated as a result of an action titled *Armstead V. McAshan v. Joseph Starkey*. McAshan sought relief through the court for money owed to him by Starkey. On May 26, 1845, the court freed Starkey as a result of his having provided the court with a schedule of his estate. The justices declared that he would be allowed to "take benefit of the Act for the Relief of Insolvent Debtors."¹²¹

The county court was the arbiter of social welfare problems. Some of these it handled exclusively and others, such as the county's indigent population, it shared with the overseers of the poor. The decision as to the guardianship of orphans was the court's responsibility. On July 26, 1852, Archibald C. Page was appointed guardian for Lucy Daniel and Arthur Daniel, who were the orphans of John Daniel. Page was required to post a \$15,000 bond with the court.¹²²

The welfare of children was also reflected in the court's handling of paternity cases. On August 27, 1855, the court required Allen Flippen to post a \$150 bond which was to

¹²⁰ Order Book # 36, August 24, 1854.

¹²¹ Order Book # 35, May 26, 1845.

¹²² *Ibid.*, July 26, 1852.

guarantee his appearance at its next session to answer the charge that he was the father of a male bastard child born to Rebecca Wheeler. ¹²³ When the testimony was given by the defendant Flippen, Allen Wheeler, and Rebecca Wheeler, Flippen was exonerated. ¹²⁴

The court also had occasion to provide protection to women who were victimized by their husband's aggressive or violent behavior. One such incident involved Sally Edwards and her husband, John Edwards. She and several witnesses convinced the court that he was guilty of a breach of the peace. He was required to leave thirty dollars with the court and provide two securities, each of whom put up an additional fifteen dollars. This was to assure that Edwards would refrain from violence toward his wife and all of Cumberland's residents. ¹²⁵

The court also supervised the handling of insane persons. An example of this, in addition to the one appearing in the chapter on State and federal government, occurred on April 28, 1856. The county jailor, James Blanton, appeared before the court and presented a bill in the amount of \$51.70 which was the cost of holding a lunatic, Thomas Anderson, in jail. The justices sent the bill to the auditor of public accounts for the Commonwealth of Virginia to seek reimbursement. In

¹²³ Order Book # 36, August 27, 1855.

¹²⁴ Ibid., September 24, 1855.

¹²⁵ Order Book # 35, September 27, 1844.

addition, they made application to the lunatic asylum in behalf of Thomas Anderson. ¹²⁶

Matters relating to African-Americans were often before the county court. In 1840, Cumberland's total population was 10,402 and there were 355 free blacks. In 1850, free blacks comprised 340 members of the total population of 10,175 and 311 of 1860's 9,736 population. ¹²⁷ These free blacks were required to appear before the court to register and renew their registrations every five years. ¹²⁸ They were described in the record as to skin color, age and height, and if they were mulatto, it was noted. Also, the manner in which they acquired their freedom was mentioned. ¹²⁹

Some days found the court registering a large number of free blacks. On February 24, 1851, fifty appeared and were registered. One of them was Jordan Brumskill. He was born of a free woman who had been emancipated prior to 1806. His complexion was described as yellow, he was 5'3 1/4" tall, and he was forty-four years old. Also, Kitty Lipscomb was described as having a "bright mulatto complexion". Her mother, Betty Lipscomb, who was fifty-three years old, had

¹²⁶ Order Book # 36, April 28, 1856.

¹²⁷ United States Census, 1840, 1850, 1860, population schedule.

¹²⁸ W. Harrison Daniel, Bedford County, Virginia, 1840-1860: The History of an Upper Piedmont County in the Late Antebellum Era (Bedford: The Print Shop, 1985), p. 120.

¹²⁹ Order Book # 35, March 25, 1850.

been emancipated before 1806 by the will of Henry Lipscomb. Her daughter, Ann Lipscomb, 29, was present in court to register on the same day. ¹³⁰

Two of the free blacks were the children of white women; one was William Dunkan, a mulatto who was 5'5" tall and twenty-one years of age. His mother was Sabra Dunkan. The other was Martha Lipscomb, who was "born free". She was forty years old, 5'5" tall, and the daughter of Nancy Caldwell. ¹³¹

Cumberland County kept a "register of free Negroes," but it appeared that they did not use it to record all of those free blacks who appeared in court to register. Only Alina Lynch, who was described as a twenty-one year old mulatto, 5'5" tall, and had been born free, was registered in 1840. Only three entries were made in 1841, and one was made in 1844, 1847, and 1848. However, there were 138 in 1851. The entire 1851 listing was composed of individuals with six different surnames. The name Mayo appeared forty-nine times, Lipscomb appeared twenty-two times, Jenkins and Brown each appeared eight times, Cato, nine times and Jackson, sixteen times. Fifty-nine of them listed their occupations as field laborers. ¹³²

Many of these free African-Americans assumed the last

¹³⁰ Ibid., February 24, 1851.

¹³¹ Ibid.

¹³² Register of Free Negroes, Cumberland County, 1840-1860 (manuscript in Virginia State Library, Richmond, Virginia).

names of their former owner. One of these was Kitty Lipscomb who appeared in court to renew her registration on February 24, 1851. She was fifty-three years old and had been emancipated by Henry Lipscomb. Seven other Lipscombs appeared that day to register, and they were all related to each other. ¹³³

The county court also played a role in the emancipation of Cumberland's slaves. The act of freeing a slave was known as manumission, and it could be accomplished by recording a deed in the county court, or by granting a slave's freedom in a last will and testament. ¹³⁴ However, after 1806, any slave emancipated, who had attained the age of twenty-one, was required to get the court's permission to remain in the state. ¹³⁵

Cumberland's justices took very seriously the obligation to decide whether or not to allow a freed slave the opportunity to remain in the Commonwealth of Virginia and live in the county. When a black woman, identified only as Tamera, was granted permission to stay, a majority of the justices were present and three-fourths of them voted in favor of the applicant. She had been freed by the last will and testament of Charles Womack. The court's decision indicated that "she is a person of good character, industrious, peaceable,

¹³³ Order Book # 35, February 24, 1851.

¹³⁴ The Code Of Virginia (1860), p. 511.

¹³⁵ Ibid., p. 520.

orderly, not addicted to drunkenness, gaming or any other vice." ¹³⁶

Free blacks, who had been registered, were given a document referred to as their "free papers." A free black who was from another locality, or even a county resident, could be jailed and perhaps returned to slavery, if he were unable to produce this registration paper. Cumberland's justices released William Riley from jail once they had been convinced that he was a free man who had lost his papers. The record is silent in regard to the man's legal residence. However, as a condition of his release, he was subjected to further indignation by being hired out by the sheriff for a period that was not to exceed two years. During this time of forced employment, his wages were to be used to reimburse the county for the expense of his incarceration. He was additionally bound by a \$1,000 bond, secured by Isaiah Hill. ¹³⁷

Virginia's law in regard to slave ownership by free blacks was restrictive, and the Code of 1860 stated that "no free Negro shall be able to acquire (except by descent) any slave." ¹³⁸ In 1860, three of Cumberland's free blacks were slave owners; two of them owned only one slave and Frank

¹³⁶ Order Book # 34, November 23, 1840.

¹³⁷ Order Book # 35, April 28, 1845.

¹³⁸ This meant that a free black was restricted to the purchase or ownership of a blood relative. Ibid.

Lipscomb owned three who were over twelve years of age. ¹³⁹

In Cumberland County, just as in the rest of slaveholding antebellum Virginia, there was a fear of the potential loss of ability to control both the slave and free black population. This need to control them manifested itself in several ways. One was a state law which made it a crime punishable by six months in jail and a \$100 fine to "assemble with Negroes for the purpose of instructing them to read or write," or to associate with them "in an unlawful assembly" ¹⁴⁰ In addition, any person who allowed a slave to remain on his "plantation, lot or tenement," for more than four hours, without first obtaining the consent of the slave's owner or manager, would suffer a \$3 fine. If five slaves were allowed to linger in the same situation, the malefactor would have received a \$1 per slave fine for each slave in excess of five. More significantly, this latter situation would have constituted "an unlawful assembly." In addition, free blacks and slaves were guilty of "unlawful assembly" if they gathered without whites present for religious services conducted by a black, or if they congregated to learn to read or write, or if they got together at night for any purpose. ¹⁴¹

The result of this fear of the slave and free black

¹³⁹ Personal Property Tax Book, 1860.

¹⁴⁰ The Code of Virginia, p. 811.

¹⁴¹ Ibid., p. 810.

population's potential to rise up was the establishment of the patrol system. State law allowed the county court to appoint patrols for periods not to exceed three months. Each patrol was to have at least one captain and an unspecified number of privates. These patrols were empowered to visit on any property that contained the residences of blacks, both free and slave. Their mission was to prevent any "unlawful assemblies," to check any slave who traveled from one plantation to another without the express permission of his or her master, and to search for weapons. The patrollers were to arrest offenders and when, in possession of a warrant from any justice, patrollers were empowered to enter the homes of slaves and free blacks. ¹⁴²

On December 22, 1856, the court appointed James M. Blanton, John D. Wilson, Thomas M. Blanton, James Amos, Richard Amos, Ronald Wilson, Archer Wilson, W.C. Bradshaw, Branch Overton, Henry Budd, and William Anderson to a patrol. Two of the men were to serve as captains for the group, and the assignment was to last one month. They were to confine their activities to the fourth magisterial district. ¹⁴³

State law mandated the salary of patrollers whose captains were to receive \$1.00 and privates \$.75 for each twelve hour period they worked. ¹⁴⁴ A typical patrol expense

¹⁴² Ibid., p. 491.

¹⁴³ Order Book # 36, December 22, 1856.

¹⁴⁴ The Code of Virginia (1860), p. 491.

claim appeared on the June 1848 budget. The following patrollers and their claims were; R.J. Scott, \$3.44; William M. Miller, \$3.31; Isaiah Brightwell, \$5.25; Samuel C. Hughes, \$4.68; Benjamin Allen, \$3.44; Singleton Swann, \$1.56; Sampson Pollard, \$3.12; Lewis A. Evans, \$4.25; Thomas C. Whitworth, \$4.25; Nelson Wright, \$4.25; Thomas J. Stegar, \$3.88; Steven C. Stinson, \$4.31; Charles Wheeler, \$4.31; Sterling Cook, \$4.31; Sam Osborne, \$1.56; and William G. Farmer, \$.56.¹⁴⁵

Cumberland's slaves, free blacks, and whites appeared before the county court charged with a variety of crimes. Cases involving slaves and free blacks appeared more frequently than those concerning whites. This is probably the result of the previously mentioned fact that the county court had authority in all cases involving slaves, and all cases involving free blacks, except those where the charge carried a potential death penalty. In criminal cases, whites were subject to the county court only if they were not charged with a felony, which could result in a state penitentiary sentence, or their execution. Other reasons could have been the intense scrutiny accorded to the actions of slaves and free blacks or the desperation of the black population or the fact that the black population was larger than the white one.

The institution of slavery lent an unusual flavor to some of the cases, and in crimes involving the participation of both blacks and whites, blacks were punished more harshly.

¹⁴⁵ Order Book # 35, June, 1848.

This can be seen in the state law which forbade both slaves and free blacks from independently selling any farm or agricultural product. Perhaps this reflected a fear that they might be tempted to steal the items they sold. In order to sell produce, free blacks had to have "a certification in writing from one respectable white person of the county of his belief that he raised or came by same honestly." The offense carried a penalty of flogging for the black and was chargeable as a misdemeanor to any white who purchased the items. ¹⁴⁶

An example of this involving a slave occurred in Cumberland on May 27, 1850. George W. Murray, a white man was accused of buying chickens from a slave without obtaining approval from the man's owner. The case was tried before a jury and the defendant was represented by an attorney. The testimonies of the witnesses were not recorded in this case nor in the other criminal cases recorded in the county court order books during the twenty-year period under study. Murray was found guilty, fined \$10, and ordered to pay the \$11.99 cost of court. His attorney requested a new trial and it was refused. ¹⁴⁷

One method of punishing both slaves and free blacks in Cumberland County and in the rest of antebellum Virginia was through the administration of a whip to the bare back. The 1849 Code of Virginia listed several acts that qualified for

¹⁴⁶ The Code of Virginia (1860), p. 811.

¹⁴⁷ Order Book # 35, May 27, 1850.

this treatment. Both slaves and free blacks were included in this section of the code. Floggings were referred to as "punishment with stripes" and could be received by any African-American for several reasons.¹⁴⁸

Some of the infractions of blacks punishable by flogging were: to have provided a slave with a forged pass to leave his master's estate; to have used any hostile words or gestures to a white person; to have possessed any item that could have been considered a weapon; to have participated in a riot or an unlawful assembly; to have given any medicine to a slave or a master; and to have given any medicine to a free Negro or a white, unless the administration was authorized by the slave's owner, or the free black used the medication to treat family members. The decision to administer stripes and the number, which were not to exceed thirty-nine at one time, belonged to the court justices.¹⁴⁹

Several instances can of the flogging of blacks can be found in the court's order books. One involved Robert T. Geedman's slave, Creed, who was charged with a felony resulting from the wounding of James A. Meador. When the case was heard on April 27, 1857, Edward T. Brown, Creed's court assigned lawyer, offered the plea of not guilty. However, Creed was convicted and was sentenced to be given thirty-nine

¹⁴⁸ The Code of Virginia, (1849),p.754; The Code of Virginia, (1860),p.817.

¹⁴⁹ Ibid.

lashes on his bare back, and the sheriff was assigned to the task which was to have been performed without delay. ¹⁵⁰

A free black named Robert Jennings also received the lash for his conviction of a crime which he committed with a slave, who was punished in a way that was unique to the period. The penalty involved the sale and deportation of slaves convicted of a felony out of Virginia. On June 28, 1859, Delaware, who was owned by William J. Powers, and Jennings were both tried in Cumberland county Court for the felony of breaking and entering. ¹⁵¹

Delaware's trial came first. He was provided by the court with an attorney, John J. Thornton. The charge was forcibly breaking into the home of Ellis Abrams at midnight. Four business coats, eight linen coats, three pairs of boots, one lady's cloth coat, fifty silk and fifty linen handkerchiefs cumulatively, valued at \$140, were alleged to have been stolen. ¹⁵²

In spite of his "not guilty" plea, Delaware was convicted and the justices ordered that he be sold and removed from the United States. ¹⁵³ State law provided for reimbursement to the owner of a slave executed or deported due to his or her conviction of a crime. The amount of reimbursement was to be

¹⁵⁰ Order Book # 36, April 27, 1857.

¹⁵¹ Ibid., June 28, 1859.

¹⁵² Ibid.

¹⁵³ Ibid.

determined by the court and the funds were to be provided by the state treasury. In addition, the governor received a transcript of all cases involving the death penalty administered to slaves. He was empowered to commute a death sentence to one of exportation beyond the state's boundaries. In those cases, the same reimbursement mechanism was to apply.¹⁵⁴

To compensate Delaware's owner, each of the five justices present gave an estimate of the man's market value as a slave. Valentine Parrish and James D. Isbell both valued him at \$1,200. William Lee and John C. Harris selected a figure of \$1,300 and Samuel Booker was the highest with \$1,350. William Powers was given \$1,270; Delaware was incarcerated; and preparations were made for his deportation. The record is silent as to his ultimate destination.¹⁵⁵

After Delaware's case was decided, the free black, Robert Jennings, was tried and convicted and sentenced "to receive thirty lashes on his bare back and be imprisoned in the county jail for one hour."¹⁵⁶

A similar crime to Delaware's with a similar sentence was received by Joe, who was a slave owned by John Blanton. He was convicted of a 10 P.M. break-in, which occurred on July 28, 1856, at the home of Richard Nesbitt. The court provided

¹⁵⁴ The Code of Virginia (1860), p. 816, 848.

¹⁵⁵ Order Book # 36, June 28, 1859.

¹⁵⁶ Ibid.

Henry L. Parrish as Joe's attorney, but in spite of this, the court ordered "that the slave Joe be sold and transmitted beyond the limits of the United States." The five justices evaluated his market value, as required by state law as follows: Samuel Booker, \$1,000; Creed Taylor, \$900; Ferdinand C. Coleman, \$1,050; Vincent C. Ryals, \$1,000; and, finally, William Lee at \$1,000. The result was a \$990 payment owed by the Commonwealth of Virginia to John Blanton, and the immediate placement of Joe in the county jail to await his deportation. ¹⁵⁷

One historian has suggested that despite being sentenced to deportation out of the United States, these slaves were sold in the lower south. ¹⁵⁸

Virginia law mandated that any slave charged and tried for a felony was to be provided by the court with an attorney, who was to be paid twenty-five dollars by the slave's owner. ¹⁵⁹ Cumberland County's justices observed this rule and, in addition, they appeared to have been willing to give a slave a fair trial. On March 22, 1858, Peter B. Foster's slave, William, was tried and acquitted for assaulting a white man. The court provided the attorney, T.T. Thornton, who entered a plea of not guilty. After hearing the

¹⁵⁷ Ibid., July 28, 1856.

¹⁵⁸ Craig M. Simpson, A Good Southerner: The Life of Henry A. Wise of Virginia (Chapel Hill: University of North Carolina, 1985), p. 151.

¹⁵⁹ The Code of Virginia (1860), p. 647.

evidence, William was exonerated by the court. ¹⁶⁰

Further evidence of the Cumberland County Court's willingness to give a slave a fair trial can be illustrated with three cases which seemed to involve an area of special concern for Cumberland's white population. The fear of being poisoned by a slave was evident when the court tried Chilo, the slave of James D. Garrett. She was charged with having both threatened and intended to poison Mortimer Cloptin, who was the infant son of William D. Cloptin. The justices, Valentine Parrish, John C. Page, James Hobson, Vincent C. Ryals, and Willis Sanderson discharged her after the attorney for the commonwealth declined to prosecute the case. ¹⁶¹

Another poisoning case, which resulted in an acquittal involved Martha, who was owned by William H. Dowdy. She was charged with placing poison in turnip salad and attempting to poison John L. England and his family. England's testimony was heard by the court but was insufficient to convict her. ¹⁶² The third such case involved the slave George, who was the property of John W. Wilson. He was not convicted of the charge of "attempting to administer poison to Billy, a Negro man slave, the property of John D. Wilson." ¹⁶³

In Cumberland County, whites charged with felonies often

¹⁶⁰ Order Book # 36, March 22, 1858.

¹⁶¹ Order Book # 35, April 23, 1849.

¹⁶² Ibid., May 28, 1849; July 23, 1849.

¹⁶³ Ibid., October 27, 1851.

first had their cases heard in the county court. William Trent was charged with the attempted murder of Bernard Obeindorfor, whom he allegedly stabbed on March 26, 1860.¹⁶⁴ Obeindorfor was a German immigrant who had utilized the county court's power to grant United States citizenship on May 24, 1858.¹⁶⁵ This same man is also discussed in the chapter on the economy, as he first obtained a peddler's license and later opened a general merchandise store. After hearing the evidence in the case, the justices remanded Trent's case to the Cumberland Circuit Court. They refused his request for bail and placed him in the county jail.¹⁶⁶

In another instance, a white man, William R. Hazelgrove, was charged with the "felonious murder of Tom, a Negro man slave the property of James Isbell." He was freed after he posted a \$1,000 bond. The next day, testimony was taken on his case, and he was found innocent. During the period under study, there were no whites convicted of crimes against blacks.¹⁶⁷

Social welfare activities were shared by the county court and the overseers of the poor. As previously illustrated, the court administered cases involving insane persons. Prior to the Constitution of 1851, the overseers of the poor determined

¹⁶⁴ Order Book # 36, July 23, 1860.

¹⁶⁵ Ibid., May 24, 1858.

¹⁶⁶ Ibid., July 23, 1860.

¹⁶⁷ Order Book # 35, May 23, 1844.

their own financial needs and set the amount which was to be collected by the sheriff from each of the county's tithable. In 1841, the record indicated that \$1,651.41 was raised from the county's tithables, but it does not indicate the amount collected from each. In fact, a compilation for the years 1841 through 1846 was made by Hezekiah Ford, the county court justice and commissioner of revenue who, in 1846, assumed the position of clerk of the overseers of the poor. His report contained an apology which stated that the records had not been properly kept in the county, and he pledged to ensure their future compliance with the Overseer of the Poor Act of 1829. He indicated that during the five years which ended in 1846, \$3,651 was the total expense for in-poorhouse residents, \$1,256 for those aided on the outside, and \$778 was spent on doctor's bills and coffins. The original reports to the auditor of public accounts did not survive. Ford's composite report disclosed that in 1841, there were twenty-three whites, and seven free blacks maintained at county expense. Of these, fourteen were residents of the poorhouse and seven were subsidized by the county and lived in private homes. ¹⁶⁸

As previously mentioned, on June 1, 1851, the overseers reported a collection of \$1,318.10 from 3,766 tithables who were assessed at \$.35 each. Another 137 tithables were

¹⁶⁸ Annual Report of the Overseers of the Poor to the State Auditor, Cumberland County, 1841-1846, inclusive in one report, (manuscript in Virginia State Library, Richmond, Virginia)

delinquent and were considered to be "insolvent" The sheriff's commission for collecting the levy was \$63.50. During 1850-51, eighteen paupers resided in the poorhouse. The annual report listed three white males described as "old men." They were Osborne Morris, Jack Edmonds, and John M. Peck. Thomas Edwards and Robert North, also white, were listed as "small boys." Polly Morris, Sally Edwards, Molly Brown, and Minnie Maze were under the category of "white women," and Nancy Ranson and Calley were considered "old women." There were two "young diseased women," Nancy and Martha Ellington, and one "small girl," Melissa Edwards. In addition, there were four colored females," Gwinn, Betty, Lucky and Sally Brown. ¹⁶⁹

In the same year, additional funds were provided for the support of thirteen other people who resided with friends or relatives, rather than in the county poorhouse. Ten were white and three were black. Another fifteen were given support while they remained in their own homes. Medical attention was provided, and the physician who attended at the poorhouse was paid \$40. The manager or steward of the house received \$175 for the year's work and the clerk of the overseers of the poor was paid \$20 for his efforts. ¹⁷⁰

The trend in collection was down for the period 1840 to 1860. The amount used by the overseers of the poor in 1860

¹⁶⁹ Overseers of the Poor, 1851.

¹⁷⁰ Ibid.

was \$1,203.61. In that year, ten white women and seven white men, along with three free blacks, named Dick Dangerfield, Nancy and Betty Hatcher, and the slave, Amy, were residents in the poorhouse. Also, several others received a total of \$449.45 in aid and resided in private homes away from the poorhouse. The report included an additional comment to the effect that none of the full time residents of the poorhouse were required to perform any labor. ¹⁷¹

State law prevented slave owners from escaping the responsibility of providing for slaves who were too old or sick to work by granting them freedom. However, for those elderly slaves who had been freed and were indigent, the counties had to provide for their sustenance through the overseers of the poor. The former owners were then forced to reimburse the county. ¹⁷²

Prior to the Constitution of 1851, Cumberland County's overseers of the poor had been elected by popular vote. ¹⁷³ The county was divided into four districts in 1852 and, on June 28, 1852, the first overseers to be elected from these districts appeared in the county court and took their required oaths. They were Matthew W. Robertson from district one; William D. Clopton and Harrison Jones in district two; Thomas

¹⁷¹ Annual Report of the Overseers of the Poor, Cumberland County, 1860 (manuscript in Virginia State Library, Richmond, Virginia)

¹⁷² The Code of Virginia, p. 510-511.

¹⁷³ Order Book # 34, June 28, 1841.

Caldwell and Thomas M. Powers in district three; and John W. Wilson in district four. ¹⁷⁴ Harrison Jones became the new president of the overseers when he replaced the county court justice and Baptist elder, Vincent C. Ryals. ¹⁷⁵ The other newly-elected overseers replaced all but one of the members of the non-elected group that included: Justice Willis Sanderson, James B. Anderson, John G. Adams, John M. Overton, J.H. Davis, George W. Wilson, and Thomas B. Henderson. Only Matthew W. Robinson remained from the original 1851 overseers of the poor. ¹⁷⁶

State law required that the overseers meet at least once each year, but they were authorized to meet as often as they wished. It also empowered the locality with making the determination as to how many were to be elected. ¹⁷⁷ In 1860, Cumberland's county court decided to limit the number of overseers to one in the first and fourth districts, and two in the second and third. ¹⁷⁸

There were three methods by which a person or family could be placed on the rolls of the overseers of the poor,

¹⁷⁴ Order Book # 36, June 28, 1852.

¹⁷⁵ Annual Report of the Overseers of the Poor, Cumberland County, 1852 (manuscript in Virginia State Library, Richmond, Virginia).

¹⁷⁶ Annual Report of the Overseers of the Poor, Cumberland County, 1851 (manuscript in Virginia State Library, Richmond, Virginia)

¹⁷⁷ The Code of Virginia (1860), p. 292-93.

¹⁷⁸ Order Book # 36, September 24, 1860.

one was by an edict of the county court. On September 22, 1851, the court instructed the overseers to provide \$1.50 per month to Henry Hulcher in order that he might maintain himself independently of the poorhouse.¹⁷⁹ In addition, county citizens were allowed to directly request assistance provided they had completed a one year residency in the county and three years in the state. The latter requirement could be waived if the applicant could prove that he was self-supporting at the time of his arrival in the state. Any person who entered a county in a condition that would likely lead to his or her becoming dependent on the overseers for support could be forcibly returned to his county of origin. To effect this procedure, any overseer could petition the court to remove the person. If too ill to be moved, the individual was allowed to stay until well enough to leave, and then any expenses incurred by the county were sought from his home locality. The same procedure was to be followed if the indigent person died.¹⁸⁰

The third method of initiating assistance was the responsibility of the overseers themselves. They were charged with the removal of public beggars. They were authorized by state law to issue a warrant to a constable in order to have any such person taken immediately to the county poorhouse. If he were not a legal resident of the county, the overseers were

¹⁷⁹ Order Book # 35, September 22, 1851.

¹⁸⁰ The Code of Virginia (1860), p. 293.

empowered to arrange to have the beggar returned to his home state or to his county.¹⁸¹ However, no indication appeared in either the county court records or overseers reports that anyone was deported for that reason.

The expense to the county of maintaining children was minimized by the court's ability to bind them out to county residents as apprentices. On February 22, 1841, the county court ordered the overseers of the poor to "bind out Isaac Clarke, a free boy of color, to Matthew Robinson according to law."¹⁸² On Wednesday, January 11, 1860, the Virginia House of Delegates sought to broaden the power of the overseers in regard to indigent children. This effort was undertaken with a resolution to instruct the committee of courts to examine the prospect of amending the existing law. Its goal was to enable the overseers of the poor to bind out the children of indigent fund recipient parents without the parent's consent.¹⁸³

The county court was by far the most influential force in the lives of Cumberland's citizens, and its justices were the most powerful, respected, and among the wealthiest citizens. Their influence and office-holding overlapped into other areas of county government and even extended into positions in the

¹⁸¹ Ibid., p. 294.

¹⁸² Order Book # 34, February 22, 1841.

¹⁸³ Journal of the House of Delegates of the State of Virginia for the Session of 1859-1860 (Richmond: William F. Ritchie, 1859), p. 188.

Virginia General Assembly. After the Constitution of 1851, and selection by popular vote was introduced, they were still able to retain their positions to a remarkable degree. This concentration of power, in the hands of a few men, which endured even after the Constitution of 1851, demonstrated Cumberland County's ability to endure as an oligarchy.

CHAPTER IV STATE AND FEDERAL GOVERNMENT

Cumberland county was fully voiced in the governing of the Commonwealth of Virginia through its elected representatives to the Virginia House of Delegates and Senate. The Constitution of 1830 provided a system of representation in the House of Delegates that favored the state's eastern counties. In 1840, the western counties, with a white population of 371,570, had 56 delegates to the House, and the eastern counties, with a population of 369,390, had 78. ¹ While this constitution was in effect, Cumberland had its own representative to the House of Delegates. However, the Constitution of 1851 reapportioned the state and increased the number of representatives to 150, with 69 coming from the east and 63 from the west. For the remainder of the decade, Cumberland shared its delegates with Powhatan County. ² The state's senators continued to be selected on a basis that afforded unequal representation. The east was allowed to have thirty senators and the west twenty. ³

The Constitution of 1851 was the result of a convention which consisted of various meetings held in Richmond from

¹ Porter, County Government in Virginia, p. 228.

² Porter,, County Government in Virginia, p. 230; Leonard, The General Assembly, p. 464.

³ Porter, County Government in Virginia, p. 230.

October, 1850, until August, 1851. ⁴ Prior to this convention, a statewide referendum was held to consider the proposal to hold a convention which was to amend the existing State Constitution. Justices Valentine Parrish, Richard B. Trent and County Clerk B.B. Woodson supervised Cumberland's polls at the county courthouse on April 25, 1851. Eighty-nine of the county's residents were in favor of a convention and five were opposed. ⁵ Once the convention was approved, Cumberland joined with Amelia, Powhatan, and Buckingham Counties and jointly sent John Hill, Joseph Fuqua, and Henry L. Hopkins as delegates to the convention in Richmond. ⁶ After the convention, Cumberland's residents were given three days in which to accept or reject the Constitution. The voting ended on October 23, 1851, with 163 in favor of the Constitution of 1851 and 139 against it. Justice Creed Taylor attested to the validity of the results. ⁷

This chapter attempts to give a chronological overview of Cumberland's representatives and senators to the Virginia General Assembly, its representatives to the United States Congress, and its other state and national political

⁴ Emily J. Salmon, ed., A Hornbook of Virginia History, Third Edition, (Richmond: Virginia State Library, 1983), p. 69.

⁵ Special Election, Convention, Cumberland County, 1850-1851 (manuscript in Virginia State Library, Richmond, Virginia)

⁶ Leonard, The General Assembly, p. 411.

⁷ Special Election, Convention, 1850-51.

activities. It begins in 1840 with the county's representative to the Virginia House of Delegates and continues through most of the following twenty years.

Allen Wilson, who had previously been a justice of the county court,⁸ was Cumberland County's representative to the House of Delegates in its session of December 2, 1839, through May 19, 1840.⁹ He was replaced by Henry P. Irving who served two sessions from December 1, 1840, until March 26, 1843.¹⁰ He was the owner of six slaves over the ages of twelve years.¹¹

The legislative petition was a device which enabled the citizens of Virginia's counties to make requests directly to the General Assembly through their representatives in the House of Delegates. From 1840 to 1860, Cumberland sent twenty-five of these documents which dealt with a variety of problems to its representatives. The petitions' signers varied in number from 1 to 150, and many of them were Cumberland's most prominent citizens.¹² On March 1, 1842, Irving presented the first of two such petitions, which was a request of several of the residents of the Willis River's

⁸ Registers of Justices and County Officers, 1793-1865.

⁹ Cynthia Miller Leonard, The General Assembly of Virginia: July 30, 1619-January 11, 1978: A Bicentennial Register of Members (Richmond: Virginia State Library, 1978), p. 392.

¹⁰ Ibid., pp. 396, 400.

¹¹ Personal Property Tax Book, 1840.

¹² Legislative Petitions, 1836-1862.

shoreline. They asked to be allowed to navigate the James River and Kanawha Canal with their own boats. ¹³

Irving next introduced a petition on March 7, 1843, which embodied the protest of several of Cumberland's citizens who were against the increase of tolls on the James River and Kanawha Canal. However, Irving formally withdrew this protestation on the following day. ¹⁴

James Hobson, who was appointed a Cumberland County court justice on April 26, 1825, ¹⁵ owned thirteen slaves over the age of twelve, nine horses, ¹⁶ and a 361 acre estate on Guinea Creek valued for tax purposes at \$ 3,610. ¹⁷ He served Cumberland in the Virginia House of Delegates for three sessions, beginning on December 4, 1843, and ending on March 6, 1846. ¹⁸

The durability of Cumberland's leadership was evidenced by the return to the House of Delegates of Henry P. Irving for the December 7, 1846, through the March 23, 1847 session. ¹⁹ He introduced a petition on December 19, 1846, signed by fifty

¹³ Journal of the House of Delegates of Virginia for the Session 1841-1842 (Richmond: Samuel Shepherd, 1841), P. 184.

¹⁴ Journal of the House of Delegates of Virginia for the Session 1842-1843 (Richmond: Samuel Shepherd, 1843), p. 194.

¹⁵ Registers of Justices and County Officers, 1793-1865.

¹⁶ Personal Property Tax Book, 1840.

¹⁷ Land Tax Book, 1840.

¹⁸ Leonard, The General Assembly, pp. 408, 412, 416.

¹⁹ Ibid., p. 425.

county residents, including the county court justices, Hezekiah Ford, and Ferdinand G. Coleman. The petition begged relief from the high tolls and poor maintenance which existed on the Manchester Turnpike, used by Cumberland's citizens to travel with wagons and carts to Richmond. ²⁰

A further indication that antebellum Cumberland was a plantation, slave-based society, controlled by an oligarchy, is evidenced by the election of William M. Thornton as Cumberland's delegate to the Virginia House of Delegates for the 1847-48 session.²¹

He was a long-time county court justice, appointed on October 3, 1807, and was Cumberland's largest landowner with 2,166 acres on the north side of the Willis River, located five miles west of Cumberland Courthouse. ²² In addition, he was also the largest slave owner in the county in 1840, with a total of forty-nine slaves over the age of twelve. He also owned twenty-four horses and mules. ²³

Nelson Page, was appointed a justice of the county court in 1836, and served continuously until his death. ²⁴ He died in December, 1850, at the age of forty-nine and was buried in

²⁰ Legislative Petitions, Cumberland County, 1836-1862.

²¹ Leonard, The General Assembly, p. 425.

²² Land Tax Book, 1840.

²³ Personal Property Tax Book, 1840.

²⁴ Registers of Justices and County Officers 1793-1865.

the Fork Cemetery in Cumberland County.²⁵ In addition, he served as a school commissioner for the county in 1847²⁶ and was elected to the House of Delegates to represent Cumberland in the session of December 3, 1849, to March 22, 1850.²⁷ His property holdings were extensive and consisted of seventeen slaves over the age of twelve, with fifteen of these having exceeded their sixteenth birthdays. In addition, he owned twelve horses and mules, and a coach valued at \$200,²⁸ and a 774-acre estate that was located on both sides of the Willis River, six miles south of Cumberland Court House, valued at \$8,738.46.²⁹

On Saturday, January 5, 1850, Nelson Page submitted a petition signed by 113 of Cumberland's residents,³⁰ including men who served as county court justices, such as, Vincent C. Ryals, Valentine Parrish, John C. Page, Creed Taylor, William M. Thornton, John Trent, and James Isbell.³¹ The petition reflected the county's agricultural interests and

²⁵ Virginia Historical Inventory (microfilm in Virginia State Library, Richmond, Virginia)

²⁶ Second Auditor's Report on the State of the Literary Fund for the Year 1848, and Proceedings Of the School Commissioners in the Different Counties for the Year Ending September 30, 1847. p. 40.

²⁷ Leonard, The General Assembly p. 430.

²⁸ Personal Property Tax Book, 1840.

²⁹ Land Tax Book, 1840.

³⁰ Legislative Petitions, January 5, 1850.

³¹ Registers of Justices and County Officers, 1793-1865.

it lamented "that a staple article is damaged to an extent by multitudes of that well known Bird, the Crow that frequents our fields from planting time, to the time of harvesting, Corn." The relief sought by the petitioners was the passage of an act by the General Assembly which would empower the county court to pay a bounty, of five cents, for the "scalp" of each crow submitted, along with an oath affirming that the bird had been killed within the borders of Cumberland County. ³²

On January 11, 1850, the petition came out of the Committee on Agriculture and Manufacturing marked as bill number 213. ³³ It received its first reading on February 6, 1850, ³⁴ was engrossed on March 7, 1850, ³⁵ was amended to include Appomattox County and was passed by the House of Delegates on March 8, 1850. ³⁶ It was passed by the Senate shortly thereafter. ³⁷

After Nelson Page's death in December, 1850, Phillip A. Bolling was elected his successor and he served through 1851. ³⁸ His activities indicated that the issues of slavery and slave

³² Legislative Petitions, January 5, 1850.

³³ Journal of the House of Delegates of Virginia for the Session of 1849-50 (Richmond: William F. Ritchie, 1849), p. 140.

³⁴ Ibid, p. 328.

³⁵ Ibid, p. 360.

³⁶ Ibid. p. 362.

³⁷ Ibid. p. 392.

³⁸ Leonard, The General Assembly, p. 443.

control were paramount in the minds of many of Cumberland's citizens. The use of alcohol by the county's large slave population was of special concern and was reflected by Bolling's submission of a petition signed by fifteen citizens, several of whom were county court justices, such as Ambrose Ford. The petition stated that "frequent violation of the law prohibiting the sale of ardent spirits to slaves without the consent of the owner, and the great injuries resulting therefrom induce them to ask for more effective prevention." The proposal would have required the retailers of intoxicants to post a bond or to swear that they would not violate the liquor laws.³⁹ The measure was referred to the Committee on Finance for further discussion.⁴⁰

The county's concern with the issue of slavery was further evidenced by Bolling's speech in the House of Delegates on January 18, 1851. In it, he expressed approval of the Compromise of 1850, which had been recently enacted in the United States Congress. He spoke of Virginia's desire to maintain the Union, and then issued a stern warning by requesting that the House issue a preamble and resolutions

³⁹ Legislative Petitions, January 1, 1851.

⁴⁰ Journal of the House of Delegates of Virginia for the Session of 1850-51 (Richmond: William F. Ritchie, 1851), p. 123.

stating Virginia's position. ⁴¹

The wording of the resolutions suggested that Virginia would tolerate no violation to the measures. A repeal of the fugitive slave law would be justification for withdrawal from the Union. The same action would follow if slavery were abolished in Washington, D.C., or if the slave trade were abolished between the states. Bolling's measure was indefinitely postponed by a close vote of fifty-nine in favor and fifty-eight against. ⁴²

Bolling was replaced by William Old, Jr. in January 1852. He was elected by the new combined House district which included both Cumberland and Powhatan counties; and he was a resident of Powhatan. On February 6, 1852, Old introduced a joint petition, signed by sixty-five citizens of his two constituent counties, which requested a reduction in the toll rates on the James River and Kanawha Canal. ⁴³

Cumberland County shared Representative Edward S. Brown with Powhatan County in the 1853 to 1854 session of the General Assembly. ⁴⁴ He was a Cumberland citizen and the

⁴¹ Ibid., pp. 193-94.

⁴² Ibid., p. 194; Richmond Enquirer, November 5, 1851.

⁴³ Legislative Petitions, February 6, 1852.

⁴⁴ Leonard, The General Assembly, p. 454.

owner of five slaves over the age of twelve,⁴⁵ and 199 acres of land.⁴⁶ Alcohol and transportation were Brown's chief concerns. On February 11, 1854, he introduced a joint petition signed by thirty-three people, including Cumberland County Court Justice William Holman, which called for strict control of alcohol. There was to be no sale or trade of alcohol except for that which was to have a "medicinal or mechanical use," and all other spirits were to be destroyed. The petitioners suggested a law which would allow each county and city to decide by vote whether or not it would subscribe to the ban.⁴⁷

During 1853 and 1854, Cumberland was one of several counties submitting legislative petitions requesting anti-liquor legislation. In 1854, the House of Delegates established a special committee to consider them, however, action on these petitions were delayed by the committee and a vote was never taken by the House.⁴⁸ Cumberland's desire for easier access to agricultural markets was reflected in its exclusive petition submitted by Brown on January 16, 1854. It

⁴⁵ Personal Property Tax Book, 1860.

⁴⁶ Land Tax Book, 1860.

⁴⁷ Legislative Petition, Cumberland County, 1836-62.

⁴⁸ C.C. Pearson and J. Edwin Hendricks, Liquor and Anti-Liquor in Virginia 1616-1919 (Durham: Duke University Press, 1967), p. 139.

was also submitted to the Committee of Roads and Internal Navigation, and it called for the construction of a railroad.⁴⁹

The proposed route of the railroad had an inception point at Lynchburg or some other unspecified point on the Virginia and Tennessee Railroad line. It would traverse the counties of Buckingham, Cumberland, and Powhatan and connect with the City of Richmond, or with the Richmond and Danville rail line. The petition carried 153 signatures, including such prominent citizens as the County Court Justices William M. Thornton, William D. Talley, and James D. Isbell. However, no legislation resulted from this petition.⁵⁰

Brown attended a meeting with his fellow Democrats on February 26, 1855, at Cumberland Court House and informed the gathering he would not run for reelection due to his health problems and those of family members. He pledged his support to the future Democratic candidate. The meeting was attended by several leading citizens of Cumberland, including the County Court Justices John E. Crowder, William Holman, Willis Sanderson, Vincent C. Ryals, James D. Isbell, Ambrose Ford, Mayo B. Carrington, William Talley, Dr. William S. Daniel and others.⁵¹

⁴⁹ Journal of the House of Delegates of the State of Virginia for the Session 1853-54, p. 308.

⁵⁰ Legislative Petitions, January 16, 1854.

⁵¹ Richmond Enquirer, March 2, 1855.

Cumberland and Powhatan Counties sent William Pope Dabney, a Democrat ⁵² who was not a citizen of Cumberland, to the 1855-1856 session of the Virginia House of Delegates. He reflected Cumberland's expanding economy by requesting the Committee on Banks to consider the incorporation of a savings bank at Ca Ira. ⁵³ Dabney also served in the 1857-1858 session. ⁵⁴ He was followed in the 1859-1860 session by Creed D. Coleman, a Democrat, ⁵⁵ who spoke for both Powhatan and Cumberland Counties. ⁵⁶

Cumberland County's senatorial representatives to the Virginia General Assembly enjoyed greater longevity of service than did its delegates to the House of Representatives. For instance, Thomas M. Bondurant served from December 2, 1839, until April 5, 1848, though he was not a resident of Cumberland County. From 1840 to 1860, the political districts shifted, and consequently, Cumberland shared its state senators with a slightly-altered configuration of counties. In the 1839- 1840 session, Cumberland shared Bondurant with

⁵² Richmond Enquirer, June 8, 1855.

⁵³ Journal of the House of Delegates of Virginia for the Session of 1855-56, p. 229.

⁵⁴ Leonard, The General Assembly, p. 464.

⁵⁵ Richmond Enquirer, March 2, 1855.

⁵⁶ Leonard, The General Assembly, p. 472.

Buckingham and Campbell counties. However, during the session which began December 1, 1845, and continued until January 12, 1851, Appomattox was included in the district. ⁵⁷

In December of 1840, Bondurant was assigned to the Committee of Internal Improvements, along with Senators Anderson, Cocke, Scott, Thompson, McIlhaney, Baptist, McMullan and Willey. Among other duties, this committee was assigned to examine the Penitentiary Institution, jointly with a corresponding committee from the house of Delegates. ⁵⁸

During this period, Virginia's two United States senators were chosen by the Virginia General Assembly, rather than by popular vote. On March 3, 1841, the Senate undertook a joint vote with the House of Delegates in order to elect a replacement for William H. Roane, whose term was about to expire. On the first ballot, Bondurant voted for William S. Archer. The other candidates were William H. Roane, John Robertson, Thomas Gilmer, and James Pegram. The initial balloting failed to produce a majority, but the second effort produced the winner, William S. Archer. ⁵⁹

The Constitution of 1851 limited, for the first time, the

⁵⁷ Ibid., pp. 395, 399, 411, 415, 419, 424, 428, 446.

⁵⁸ Journal of the Senate of the Commonwealth of Virginia, (Richmond: John Warrock, 1840), p. 39.

⁵⁹ Ibid., pp. 125-26.

General Assembly's ability to create new counties.⁶⁰ However, on February 8, 1845, a bill that was to create Appomattox County out of the existing counties of Buckingham, Prince Edward, Charlotte and Campbell, was given a third reading in the Senate. Bondurant attempted to defeat the measure by moving that the consideration of the bill be postponed indefinitely. His apparent motivation was to prevent two of his constituent counties, Buckingham and Campbell, from losing territory. A vote was taken on this issue which resulted in the defeat of Bondurant's measure. Subsequently, the bill was passed by the Senate and the House of Delegates was so informed.⁶¹

On February 18, 1845, Bondurant, who appears to have been a proponent of internal improvements, voted for an amendment to a bill that authorized the Baltimore and Ohio Railroad Company to complete their road through Virginia in order to connect with the Ohio River. The amendment required that the railroad establish a depot at the Chesapeake and Ohio Canal Basin between lock number thirty-two and the Shenandoah outlet, within six months of the passage of the bill. In addition, the company was to transfer items of commerce from the canal onto rail lines and was to abstain from charging toll rates in

⁶⁰ Porter, County Government in Virginia, p. 230.

⁶¹ Journal of the Senate of the Commonwealth of Virginia, (Richmond: John Warrock, 1844), p. 91.

excess of those charged at any of its other locations. ⁶²

Divorce actions originated with petitions to the House of Delegates but had to be voted on by the Senate. On February 21, 1845, Bondurant's motion to vote on a bill to grant George B. Thurman a divorce from his wife was passed, with eighteen Senators in favor and fourteen opposed. ⁶³ On the same day, Bondurant twice attempted to have a Senate committee appointed to examine the facilities and condition of the James River and Kanawha Canal Company. ⁶⁴

Bondurant was concerned with banking issues, and he offered an amendment on February 12, 1846, to a resolution that was to require the presidents of the Bank of Virginia, Farmer's Bank of Virginia and the Exchange Bank of Virginia to advise the Senate as to whether or not, and for what purpose, they had exchanged their notes with those of other banks. Bondurant's amendment added the additional requirement that these banks must disclose the number of out-of-state bank notes, in denominations of less than five dollars, which they had circulated in Virginia. ⁶⁵

Tobacco was the mainstay of Cumberland's agricultural

⁶² Ibid, pp. 121-122.

⁶³ Ibid, p. 153.

⁶⁴ Ibid., p. 147.

⁶⁵ Journal of the Senate of the Commonwealth of Virginia, (Richmond: John Warrock, 1845), p. 122.

production and, on Saturday, February 26, 1846, Bondurant reported a bill which would establish an official tobacco inspection station in Ca Ira on the property of Edward Sims.⁶⁶ The bill was read a third time and passed on March 2, 1846.⁶⁷ Bondurant continued with the Committee of Internal Improvements, and the assignments listed in the Journal of the Senate on December 9, 1847, revealed that he was also a member of the Committee on the Militia and the Committee to Examine the Clerk's Office.⁶⁸ The Committee of Internal Improvement was very active and, on March 2, 1848, Bondurant reported several bills to the Senate, including one to extend the Howardsville and Rockfish Turnpike and another to examine the Guyandotte and Kanawha Road. In addition, one of the measures proposed to give consideration to the construction of the Western and Fairmont Turnpike, and yet another considered a proposal to incorporate the Clarksburg and Buchanan Turnpike Company. Also included were bills to construct the Little Stone Gap Road, and to incorporate the Estelleville Turnpike Company. There were proposals to build the Jackson River and Warm Springs Turnpike, and, to

⁶⁶ Ibid., p. 189.

⁶⁷ Ibid., p. 196.

⁶⁸ Journal of the Senate of the Commonwealth of Virginia (Richmond: John Warrock, 1847), pp. 34-35.

incorporate the Mawberry's Gap Turnpike Company. ⁶⁹ The next day Bondurant reported another series of bills from committee, including one to incorporate the Cheat River Navigation Company and another to authorize a survey to determine the feasibility of building a turnpike road which would extend from the Northwestern Road, near Clarksburg, to Fishing Creek in Wetzel County. ⁷⁰

Bondurant was granted an early leave from his senatorial duties on March 13, 1848, by an order that released him for the remainder of the Senate's session. ⁷¹ Thus, his senatorial career ended, and he was replaced by a Cumberland resident, Thomas M. Isbell, a Democrat, ⁷² who served continuously until April 1853. Originally, Isbell's constituent counties consisted of Buckingham, Appomattox, Cumberland, and Campbell. However, in January 1852, his district was altered to comprise Powhatan, Cumberland, and Chesterfield counties. ⁷³ He practiced law in association with John R. Wilson in the courts of Cumberland, Buckingham, Prince Edward, Amelia, and Powhatan Counties, with an office

⁶⁹ Ibid., p. 133-134.

⁷⁰ Ibid., p. 135.

⁷¹ Ibid., p. 163.

⁷² Richmond Enquirer, March 2, 1855.

⁷³ Leonard, The General Assembly, pp. 433, 438, 446, 457, 458.

located at Cumberland Court House. ⁷⁴ In addition, Isbell owned nine slaves over the age of twelve years, ⁷⁵ which he kept on a 222.5 acre estate, six miles west of the Cumberland Courthouse. His land and buildings were valued at \$1,609.12. ⁷⁶ He served on the Committee of Courts of Justice. ⁷⁷

Prior to the adoption of the Constitution of 1851, Virginia's governors were elected jointly by the Senate and the House of Delegates, rather than by popular vote. Balloting was held on Tuesday, December 12, 1848, and the candidates were William Daniel, George W. Thompson, Green B. Samuels, and John B. Floyd. Isbell voted for Floyd who won with ninety-six votes. ⁷⁸

Isbell again won reelection in 1851 after the passage of the new Virginia Constitution of 1851. This time he had competition from another Democrat, and this was reflected in an advertisement which appeared in a November, 1851, issue of the Richmond Enquirer. The voters of Cumberland, Powhatan, and Chesterfield Counties were encouraged to select William

⁷⁴ Richmond Enquirer, November 18, 1851.

⁷⁵ Personal Property Tax Book, 1850.

⁷⁶ Land Tax Book, 1850.

⁷⁷ Journal of the Senate of the Commonwealth of Virginia, (Richmond: John Warrock, 1848), p. 31.

⁷⁸ Ibid., pp. 33-36.

Old, Jr., as a candidate for state senator. He was a Powhatan resident and lifelong Jeffersonian Democrat who was purported to have been active in the Democratic party for several years.⁷⁹

After his reelection, Isbell was again active on transportation matters, and, on January 28, 1853, he voted for an appropriation to complete the Huttonsville and Huntersville Turnpike.⁸⁰ On the same day, he voted for a bill to appropriate \$1,400 to extend the Alleghany and Huntersville Turnpike to its destination at Covington, Virginia.⁸¹ On March 10, 1853, he voted to incorporate a joint stock company which was to build a turnpike from Franklin to Circlesville in Pendleton County.⁸²

In addition, Isbell was instrumental in the establishment of a special senate committee which would determine if additional legislation would be needed to remove free Negroes and mulattoes from the state.⁸³ On March 10, 1853, this committee reported a bill to provide more effective action.⁸⁴ On April 4, 1853, after having received a House

⁷⁹ Richmond Enquirer, November 18, 1851.

⁸⁰ Journal of the Senate of the Commonwealth of Virginia, 1852-53 (Richmond: John Warrock, 1852), p. 152.

⁸¹ Ibid., p. 159.

⁸² Ibid., p. 325.

⁸³ Ibid., p. 213.

⁸⁴ Ibid., p. 323.

bill on the subject, the Senate passed an act creating a colonization board which was to effect the removal of free blacks and mulattoes from the Commonwealth of Virginia.⁸⁵ Perhaps Isbell's keen interest in the removal of free blacks and mulattoes was stimulated by his ownership of slaves and by the slave ownership of many of his constituents.

William Old, Jr. replaced Thomas M. Isbell in the Virginia Senate on December 5, 1853, and continued to represent Powhatan, Cumberland and Chesterfield Counties until 1860. He was from Powhatan and represented the county, along with Cumberland, in the 1852 session of the House of Delegates.⁸⁶

On February 15, 1855, Old presented a bill to make it more difficult for slaves to escape.⁸⁷ His concern for slavery issues was further evidenced by his having voted against postponing consideration on a House bill to outlaw the practice of freeing slaves by will. The majority prevailed, and the measure was effectively killed.⁸⁸

In 1855, Old was the keynote speaker at a Fourth of July

⁸⁵ Ibid., p. 485.

⁸⁶ Leonard, The General Assembly, p. 457, 462, 467, 472.

⁸⁷ Journal of the Senate of the Commonwealth of Virginia (Richmond: John Warrock, 1855), p. 261.

⁸⁸ Journal of the Senate of the Commonwealth of Virginia (Richmond: John Warrock, 1857), p. 668.

celebration. It was a Democratic party function organized by Dr. John Trent and was held at Trent's Mill in Cumberland County. The festivities began with a reading by Goodrich Wilson of the Declaration of Independence. The Richmond Enquirer described a speech given by John C. Page, which followed Wilson's reading, as "replete with thought, beauty and eloquence" and another presented by State Senator Old as, "highly gratifying to all present."⁸⁹ Unfortunately, the newspaper failed to supply the contents of either man's discourse. Several toasts were made, including one to "the memory of George Washington;" another to "the memory of the signers of the Declaration of Independence;" a third to "the memory of Thomas Jefferson;" one "to Virginia, mother of states and statesmen;" as well as one to "the memory of Madison, Monroe and Jackson." Music, dancing, a feast, and an exceptionally good time followed the serious political business.⁹⁰

Aside from slavery issues, Old had another interest in common with Thomas M. Isbell, which was transportation. He voted for several turnpike bills and similar projects.⁹¹ Finally, a bill, solely in the interest of Cumberland County,

⁸⁹ Richmond Enquirer, July 13, 1855.

⁹⁰ Ibid.

⁹¹ Journal of the Senate of the Commonwealth of Virginia, 1857-58, p. 236.

was championed by Old in 1858.⁹² It had originated in the House of Delegates in the form of a petition presented by William Pope Dabney in behalf of a group of Cumberland's citizens, including Justice Valentine Parrish. Its goal was to provide reimbursement by the Commonwealth of Virginia, to the Cumberland County government for the expense of housing E. Pritchett who had been declared a lunatic and who was then residing in the county's jail.⁹³ The bill passed the House on March 1, 1858,⁹⁴ and was passed by the Senate on March 6, 1858.⁹⁵

The passage of the Kansas Nebraska Act in 1854 led to the decline of the Whig party in Virginia.⁹⁶ This left a void that was filled for many former whigs by the American or Know-Nothing party. It was first established in Virginia in 1854 and, by September of the same year, there were at least ten Know-Nothing societies in the state.⁹⁷ In the southern states, Know-Nothings tended to be less fervently anti-

⁹² Ibid., p. 463.

⁹³ Journal of the House of Delegates of Virginia, for the Session 1857-1858.

⁹⁴ Ibid., p. 371.

⁹⁵ Ibid., p. 393.

⁹⁶ Craig M. Simpson, A Good Southerner, The Life of Henry A. Wise of Virginia (Chapell Hill, The University of North Carolina Press, 1985), p. 106.

⁹⁷ Daniel, Bedford County, Virginia, p. 59.

Catholic than their northern counterparts, but they were equally as disturbed by immigrants, and especially their potential for fraudulent voting.⁹⁸ The Know-Nothings nominated their gubernatorial candidate, the former Whig, Thomas S. Flournoy, at their Winchester convention on March 13, 1855. He differed from many southern Know-Nothings, and produced a vehement indictment of Roman Catholicism in his acceptance letter. In addition, he called for Virginia to prevent the growth of a large immigrant population, similar to the one which had established itself in the north.⁹⁹

Henry A. Wise was the Democratic candidate for governor of Virginia in 1855, and he traveled extensively, speaking to over 100,000 Virginians.¹⁰⁰ Wise attacked the Know-Nothing party's aspect of secrecy and religious bigotry and accused the party and its candidate of having been in alliance with northern abolitionists.¹⁰¹ Wise's statewide vote of 83,424 gave him the governorship over Flournoy who received 73,244 votes.¹⁰²

⁹⁸ Clement Eaton, The Growth of Southern Civilization, 1790-1860 (New York: Harper and Brothers, 1961, reprint, Harper and Rowe, Inc., 1963). p. 182.

⁹⁹ Simpson, A Good Southerner, pp. 109-110.

¹⁰⁰ Ibid., p. 110.

¹⁰¹ Eaton, A History of the Old South, p. 478.

¹⁰² Simpson, A Good Southerner, p. 114.

Cumberland's whig voters gave a majority to Flournoy and to the American party's candidates for lieutenant governor and attorney general. They were James M.W. Beale and John M. Patton, respectively. ¹⁰³ In Cumberland, Wise received 277 votes to Flournoy's 306, while Beale's 295 votes exceeded those of his Democratic rival; Elisha W. McComas and Patton's 296 votes put him ahead of Willis P. Bocock, who was the Democratic candidate for attorney general. ¹⁰⁴

In 1858, Virginia's Whigs had again rallied themselves and made one last effort to occupy the governor's mansion. They called themselves the opposition and in February 1859, they put their hopes behind William L. Goggin of Bedford County for governor and Waitman T. Willey of Monongalia County for lieutenant governor. ¹⁰⁵ The Democrats met in Petersburg and nominated John Letcher of Rockbridge County for governor and Robert L. Montague of Middlesex for lieutenant governor. ¹⁰⁶

On May 26, 1859, Cumberland's citizens cast their votes and gave Goggin 252 votes and Letcher 204 votes. They

¹⁰³ Election Record, Cumberland County, governor, lieutenant governor, attorney general 1855, (manuscript in Virginia State Library, Richmond, Virginia).

¹⁰⁴ Election Record, Governor, Lieutenant Governor, Attorney general, 1855.

¹⁰⁵ F. N. Boney, John Letcher of Virginia: The Story of Virginia's Civil War Governor (University, Alabama: University of Alabama Press, 1966), p. 83.

¹⁰⁶ Ibid., p. 81.

preferred the ex-Whig Willey with 229 votes over the Democrat Montague with 202 votes. ¹⁰⁷

An examination of the surviving presidential results for Cumberland shows that the county's citizens voted Whig in every election from 1840 until 1852, the last year a Whig presidential candidate participated. The voting was often close between the two majority candidates, for example: 1840, Democratic 228, Whig 262; 1844, Democratic 207, Whig 274; 1848, Democratic 162, Whig 235.

Cumberland's residents went to the polls on April 17, 1861, and cast their votes in what was perhaps the most momentous choice in the county's history. They recorded an unanimous 523 to 0 vote in favor of the ratification of "An ordinance to repeal the ratification of the Constitution of the United States, by the State of Virginia and to resume all the rights and powers granted under said constitution." ¹⁰⁸ Thus, Cumberland's voters chose to approve the state's Secession Ordinance.

During the decades of 1840 to 1860, Cumberland County had two main areas of contact with the United States Government. One was through its elected representatives to the Congress of

¹⁰⁷ Election Abstracts, Cumberland County, 1859 (manuscript in Virginia State Library, Richmond, Virginia).

¹⁰⁸ Convention Election Record, Cumberland County, 1861 (manuscript in Virginia State Library, Richmond, Virginia).

the United States and the other was the United States Post Office. Each state had two United States senators who were chosen by their respective state legislatures. Representatives to the House were chosen by popular vote. The Twenty-sixth Congress of the United States was in session from March 4, 1839, until March 3, 1841. During that period and during the Twenty-seventh Congress, which covered the period of March 4, 1841, to March 3, 1843, Cumberland was in the fifth Congressional district, along with the counties of Buckingham, Charlotte, and Prince Edward. During the Twenty-eighth and Twenty-ninth Congresses, the list expanded, and in addition to the original four counties, the district contained Campbell, Fluvanna, and Luenburg. The Thirtieth Congress contained the same configuration as did the Twenty-eighth and Twenty-ninth Congresses. ¹⁰⁹

Cumberland County's congressional district sent John Hill, a Whig, to the House of Representatives during the Twenty-sixth Congress. ¹¹⁰ He was a native of Buckingham County, was born on July 18, 1800, and was a graduate of Washington Academy, which is now Washington and Lee

¹⁰⁹ Kenneth C. Martis, editor, The Historical Atlas of United States Congressional Districts 1789-1983 (New York: Free Press, 1982), p. 275. Kenneth C. Martis, editor, The Historical Atlas of United States Congressional Districts 1789-1987, (New York: Free Press, 1987), p. 95-96.

¹¹⁰ Martis, The Historical Atlas, p. 95.

University. Later, he studied law, and passed the bar and began his law practice in 1821. After failing to win reelection in 1840, he returned as a lawyer to Buckingham and later served in the Virginia Constitutional Convention of 1850-51. ¹¹¹ Hill's Congressional assignment was to the Committee of Roads and Canals, but he was extremely inactive and generated no recorded initiatives of his own. ¹¹²

Hill was defeated at the polls by Edmund Wilcox Hubbard, a Democrat, of Buckingham County. Hubbard was educated at the University of Virginia, was a justice of the Buckingham County Court, and served Cumberland's district in the in the Twenty-seventh, Twenty-eighth, and twenty-ninth Congresses, which ran from March 4, 1841, until March 3, 1847. He made his living from agriculture. ¹¹³

The United States faced a dilemma in regard to the role of the federal government in the nation's banking system. In early 1841, the Whig Senator, Henry Clay, introduced into Congress and engineered the passage of a "Fiscal Bank" measure which would have allowed for the establishment of a new

¹¹¹ Biographical Directory of the United States Congress: 1774-1989, Bicentennial Edition, (Washington, D.C.: Government Printing Office, 1989), p. 1186.

¹¹² The Congressional Globe: Second Session: Twenty-sixth Congress (City of Washington, Blair and Rives, 1841), p. 16; Martis, The Historical Atlas, p. 96.

¹¹³ Biographical Directory, p. 1222.

National Bank. Eventually, President John Tyler vetoed the bill ¹¹⁴ but, prior to this, Hubbard exerted himself strenuously in preventing the House of Representative's approval of it. On Tuesday, August 3, 1841, Hubard presented a petition from a select committee of citizens from Cumberland County who had held a public meeting on July 26, 1841, to draft their opposition to the "Fiscal Bank Bill" Among others, the select committee was composed of John C. Page, the justice of the county court who represented Cumberland in the Virginia House of Delegates in 1850, and Samuel Hobson, also a justice of the county court. The meeting was presided over by another court justice, James Isbell. ¹¹⁵ The group resolved that the creation of a national bank would be unconstitutional and that a "national bank is an institution of hostility to the principles of free government." They further refuted the notion that the presidential victory of William Henry Harrison was an endorsement for a national bank. ¹¹⁶

The following day, Hubard gave a lengthy speech in which he traced and analyzed the history of the federal government's

¹¹⁴ Thomas A. Bailey and David M. Kennedy, American Pageant: A History of the Republic (Lexington, D.C. Heath, 1987), pp. 270-271.

¹¹⁵ Registers of Justices and County Officers, 1793-1865; The Congressional Globe: First Session: Twenty-seventh Congress (City of Washington, Blair and Rives, 1841) p. 288.

¹¹⁶ The Congressional Globe: First Session: Twenty-seventh Congress, p. 288.

role in banking. He was vehemently against the "Fiscal Bank Bill" but acknowledged the need for a sound national system of currency. Hubard blamed the nation's money problems on the printing of paper money during the Revolutionary War. This "bank-paper" was based on credit rather than on "specie" and led to the financial disasters of 1819 and 1826, as well as to more recent episodes. Hubard alleged that the Constitution did not allow for the establishment of a national bank, instead, it gave Congress power to coin money. To Hubard, this meant only the right to establish a mint to produce coins and not to issue paper money as a substitute. ¹¹⁷

Hubard accused supporters of the bank of using the "doctrine of implication" to give Congress powers not allowed by the Constitution. At this point, he digressed and enumerated several other areas that were a threat to the interests of his constituents. He declared that Congress might use this "doctrine of implication" in order to get power over internal improvements and, in fact, had used it in order to establish a protective tariff. He feared its use for the federal purchase of slaves who would be freed and placed in African colonies and, ultimately, to declare abolition. He concluded by urging the defeat of the current bill because, in the past, the National Bank had failed to regulate the

¹¹⁷ Ibid., pp. 272-275.

currency. ¹¹⁸

The petition presented by Hubbard from the Cumberland Democrats also contained their protests to two other major Whig proposals of 1841: one was a protective tariff and the other was a scheme to sell federal public lands in the west and distribute the proceeds to the states. The Cumberland petitioners considered the sale of public lands and the distribution of proceeds to be unconstitutional, and to be an attempt by the federal government to assume the debts of the individual states. Furthermore, they were outraged by the increases in the protective tariff. ¹¹⁹

On May 1, 1844, Hubbard again spoke to the Senate and gave his reasons for requesting the repeal of the tariff of 1842. In its place, he wanted the lower rates proposed by the tariff bill under consideration. He asserted his opinion that tariffs and bounties, enacted by law, resulted in a distortion of the natural behavior of the economy. Pursuits which were less efficient and profitable were given an artificial advantage over other more successful ventures. Hubbard blamed this desire of legislators to upset the natural order on a misunderstanding of the principles of free trade, and more insidiously, on a desire to favor the special interests of

¹¹⁸ Ibid.

¹¹⁹ Ibid., p. 288.

certain groups. He claimed that allowing American manufacturers protection from being undersold by their foreign competition would result in a reduction in the volume of all types of commercial activity, including exportation. Consequently, Hubbard's agricultural-producing constituents would have been less likely to sell their produce abroad. Thus, to aid manufacturing, most of which was in the North, southern agriculture would suffer. Hubbard condemned high tariffs and described them as a form of indirect taxation which resulted from higher prices on domestic products. Surely, Hubbard had Cumberland and his other tobacco-producing constituent counties in mind when he described the expected detrimental effect on American tobacco exports.¹²⁰

Thomas S. Bocock, a Democrat, was elected to the Thirtieth Congress, which began on March 4, 1847, and again to both the Thirty-first and Thirty-second Congresses by the voters in Cumberland County's District. Cumberland remained in the same district with the same fellow constituent counties during these sessions. However, in the Thirty-third through the Thirty-fifth sessions, Cumberland was placed in the Fourth Congressional District, along with Nottoway, Prince Edward, Dinwiddie, Brunswick, Amelia, Lunenburg, Charlotte,

¹²⁰ Appendix to the Congressional Globe: First Session: Twenty-eighth Congress (City of Washington, Blair and Rives, 1844), pp. 423-429.

Mecklenberg, Powhatan, and the City of Petersburg. Bocock continued his congressional service through the Thirty-fifth Congress, but Cumberland was no longer one of his constituent counties. ¹²¹

Bocock was born near Buckingham Courthouse on May 15, 1815. He graduated from Hampden-Sydney College in 1838, studied law, and was admitted to the Bar in 1840. ¹²² He and his law partner, William C. Flournoy, placed an advertisement in the Richmond Enquirer on June 3, 1845, advising that they maintained a law practice in all of the courts of Buckingham, Cumberland, Prince Edward, and Appomattox Counties. Bocock, who was the attorney for the Commonwealth of Appomattox County, announced his inability to defend criminal clients in that specific court. ¹²³

The United States acquired western territories in its war with Mexico and, in 1846, Representative David Wilmont, a Democrat from Pennsylvania, proposed an amendment known as the "Wilmont Proviso," to bar slavery in any of the new territories. ¹²⁴ On February 26, 1849, Bocock made a speech

¹²¹ Martis, Historical Atlas, p. 275; Martis, Historical Atlas, vol. 2, p. 100, 101, 102, 104, 105, 108, 109, 110, 112.

¹²² Biographical Directory, pp. 636-637.

¹²³ Richmond Enquirer, June 3, 1845.

¹²⁴ Bailey and Kennedy, American Pageant, p. 287.

on the floor of the House of Representatives, in which he denounced the bills under consideration which would establish territorial governments in California and New Mexico, and which were to carry the "Wilmont Proviso" and, thus, bar slavery from these new territories. He also criticized substitute bills, such as one suggested by Representative Preston that would establish one state composed of both of the territories of New Mexico and California. Bocock faulted this plan as an attempt to combine two areas which were neither geographically nor commercially compatible. He especially condemned the seven hundred mile "howling wilderness" that formed an impediment to travel between the two regions. Protestations of geographic and commercial conditions aside, Bocock's primary disdain was directed at the numerical imbalance which would result from the addition of two additional non-slave states.¹²⁵

Bocock gave a defense of the institution of slavery in the House on June 10, 1850, with the words "It is now asserted that slavery is a moral evil, in other words, a sin, and consequently that those who hold slaves, are guilty therefore." He vigorously denied that slave ownership was a

¹²⁵ The Congressional Globe: Second Session of Thirty Second Congress (City of Washington: Blair and Rives, 1849) pp. 181-183.

dishonorable condition and rebuked its critics.¹²⁶

Bocock and his attempts to defend slavery in Congress received considerable press attention. On February 4, 1851, a letter to the editor signed "Cumberland" appeared in the Richmond Enquirer, which was a Democratic newspaper. It was in answer to an editorial which had appeared in the Richmond Whig in response to the Whig's suggestion that Bocock's constituent counties should look for a new representative. The Whig editorial stated that Bocock might not support slavery as strongly in the future if he thought it was a threat to the maintenance of the Union. The author of the letter, signed Cumberland, expressed his thoughts that the criticism was motivated by Bocock's being a Democrat rather than a Whig. Furthermore, he told of the approval and confidence Cumberland's voters felt for Bocock. The letter expressed the belief that Bocock would continue to support the district's "peculiar institution" of slavery.¹²⁷ In addition, the January 31, 1851, issue carried an editorial that purported to answer an editorial in the Richmond Whig which suggested that Bocock, in his zeal to preserve the Union, might vote to repeal the compromise of 1850. The Enquirer dismissed this

¹²⁶ Appendix to the Congressional Globe: First Session, Thirty-first Congress (City of Washington, John C. Rives, 1850), p. 729.

¹²⁷ Richmond Enquirer, February 4, 1851.

notion as having no basis in fact. ¹²⁸

During the first session of the Thirty-second Congress, which met in 1852, Bocock seemed to have been primarily concerned with matters related to his committee work. He reported a bill from committee to give financial aid in connection with their past naval service to Gustavus A. DeRussey and James McCormick. ¹²⁹ Bocock also made a similar gesture on behalf of General Roger Jones, ¹³⁰ and he voted to restore a pension to the heirs of John Jackson, an Englishman who served John Paul Jones as a pilot. ¹³¹ In an unrelated matter Bocock voted against an alteration of the Tariff of 1846, which would have protected American producers of iron. ¹³² Cumberland was moved to the Fourth Congressional District and therefore acquired William O. Goode as its representative in the Thirty-third through the Thirty-fifth sessions. Born in Mecklenburg County on September 16, 1798, Goode graduated from William and Mary College in 1819, studied law, was admitted to the bar in 1821, and practiced in his

¹²⁸ Ibid., January 31, 1851.

¹²⁹ The Congressional Globe: First Session, Thirty-second Congress (Washington, D.C. : John C. Rives, 1850), p. 154.

¹³⁰ Ibid., p. 216.

¹³¹ Ibid., p. 292.

¹³² Ibid., p. 506.

native Mecklenburg County.¹³³ Goode was a member of the Committee for the District of Columbia and the majority of his activities in the House reflected that assignment. During the Thirty-fifth Congress, in 1858, he reported a bill from his committee that would reimburse the corporation of Georgetown for its having built the Little Falls Bridge.¹³⁴

Goode was especially concerned with violence and the need for police protection in Washington, D.C., and on April 5, 1858, he called for the creation of an auxiliary police force to augment the regular city police force.¹³⁵ Two weeks later, he made a lengthy speech on the House floor decrying the criminal threat. He blamed the increase in population, occasioned by the large contingent of federal employees and support personnel, on the rise in crime. In addition, he urged the elimination of the delay between arrest and trial.¹³⁶

Throughout the period under study, Cumberland County was able to effectively use its representatives to the Virginia General Assembly and the United States Congress assert its interests. Moreover, the county's ruling elite was able to

¹³³ Biographical Directory, p. 1072.

¹³⁴ The Congressional Globe: First Session, Thirty-fifth Congress, (Washington, D.C.: John C. Rives, 1858), p. 637.

¹³⁵ Ibid., p. 1591.

¹³⁶ Ibid., p. 1670.

send several men who had served as county court justices to fill these positions.

CHAPTER V ECONOMY

The mainstay of Cumberland County's economy from 1840 to 1860 was agriculture; one indication of this is the disproportionately large slave population. In addition, the county's relatively flat landscape lent itself to farming. In 1840, there were 424 individual farmsteads in Cumberland County. However, in that year, the federal census did not include a land use schedule. Therefore, the only available agricultural land use information consisted of the county land tax books, which did not differentiate between improved acreage suitable for farming and unimproved which was not.¹

Only William M. Thornton, the county court justice who was a representative to the Virginia House of Delegates during the 1847-48 session, owned more than 2,000 acres.² All of the county's remaining land owners possessed less land, with 3 percent owning from 1,000 to 2,000 acres, 21 percent with 500 to 1,000 acres, 44 percent with 200 to 500 acres and 32 percent with less than 200 acres.³

In 1850 and 1860, the United States Census listed improved and unimproved farmland separately. Cumberland County again had a total of 424 farms in 1850. Analyzing

¹ United States Census, 1840, agricultural schedule (microfilm in National Archives, Washington, D.C.)

² Leonard, The General Assembly, p. 392.

³ Land Tax Book, 1840.

improved acreage as distinct from total acreage created an impression of smaller landholdings, especially when compared with 1840's figures. The improved acreage breakdown was as follows: no one possessed more than 2,000 acres; 2 percent 1,000 and 2,000 acres; 7 percent 500 to 1,000 acres; 36 percent 200 and 500 acres; 17 percent 100 to 200 acres; 13 percent 50 to 100 acres; and 25 percent less than 50 acres. ⁴ Cumberland's residents farmed larger units of improved land during the period than the majority of the state's farmers, 66 percent of whom utilized less than 200 improved acres. ⁵

In 1850, Cumberland County had farm land with a total value of \$1,595,939, or \$3,764 per farm, and farm implements worth \$45,950 or \$108.37 per farm. By 1860, the farm land had increased in value to \$2,305,268. ⁶

The historian Clement Eaton's previously mentioned definition of plantation owner included the ownership of more than twenty slaves as one of its criteria. ⁷ Using this criteria to analyze the 1850's data, it showed that 105 of Cumberland's 404 slave owners met the slave requirement. ⁸

⁴ United States Census, 1850 agricultural schedule.

⁵ Clement Eaton, The Growth of Southern, p. 182.

⁶ United States Census, 1850, agricultural schedule, United States Census 1860, agricultural schedule (microfilm in Virginia State Library, Richmond, Virginia).

⁷ Eaton, A History of the Old South, p. 390.

⁸ United State Census, 1850, schedule.

From the 1760's to the 1860's, tobacco was Cumberland's most important crop.⁹ Cumberland's slave owning farmers were poised on the brink of a new prosperity; and this was due to the cultivation of bright tobacco in the late antebellum period.¹⁰ The new strain was discovered on a farm in Caswell County, North Carolina in 1839. It was capable of being grown in poor soil, whereas the darker varieties were not.¹¹ From 1849 to 1859, Virginia experienced a great resurgence in the production of tobacco, with 56,803,227 pounds produced in the state in 1849 and 123,968,312 pounds produced in 1859.¹² Cumberland also increased its tobacco production during the same years. In 1850, the county produced 2,486,157 pounds, and it doubled production by 1860 with 5,184,131 pounds produced.¹³

One explanation for Cumberland County's emphasis on tobacco was given by W.S. Morton, president of the Agricultural Society of Cumberland, in his speech at the

⁹ Evans, The Story of Cumberland County, p. 12.

¹⁰ Nannie May Tilley, The Bright Tobacco Industry, 1860-1829 (Chapel Hill: University of North Carolina Press, 1948), p. 3.

¹¹ Eaton, A History of the Old South, p. 216.

¹² Lewis Cecil Gray, History of Agriculture in the Southern United States to 1860, vol. 2 (Washington, D. C. : Carnegie Institute of Washington, 1933), pp. 757-758.

¹³ United States Census, 1840, agricultural schedule; United States Census, 1860, agricultural schedule.

organization's annual meeting on October 12, 1838. He lamented Cumberland's lack of a railroad connection or a turnpike wide enough to allow the passage of teams capable of pulling wagons with 10,000 pounds of cargo. Morton argued that with such facilities, butter, cheese, tallow, wool, honey, and domestic linen might have been produced and exported from the county in much greater quantity. Due to this lack of transportation capacity, the county's farmers were forced to concentrate on tobacco it being the most labor intensive crop and one requiring a disproportionate amount of manuring. ¹⁴ Prior to 1860, tobacco was transported predominately by waterway and, as early as 1800, it was moved on unimproved rivers and streams. Bateaux, which were small, open, flat bottomed boats were used to carry five to eight hogsheads of tobacco at a time. ¹⁵

Most of the tobacco grown for market was prized or pressed into hogsheads with the use of a series of wooden levers, great care was taken in this final production process. When the hogsheads were opened in a tobacco warehouse, the appearance and ultimate value was enhanced if they were

¹⁴ Farmers' Register (Petersburg, Virginia), November 29, 1838.

¹⁵ Joseph Clarke Robert, The Tobacco Kingdom: Plantation, Market and Factory in Virginia and North Carolina, 1800-1860 (Duke University Press, 1938; reprint, Gloucester, Peter Smith, 1965), p. 55.

properly packed. ¹⁶ The average hogshead in Virginia weighed 1,400 pounds and was no larger than fifty-four inches in length and thirty-eight inches in width. The maximum size was standardized in 1796 and remained uniform throughout the period under study. This simplified shipping charges which were based on the number of units transported rather than on total weight. ¹⁷

Tobacco cultivation was labor intensive and it required one full time worker to cultivate two to three acres. With this formula, each acre would yield from 650 to 700 pounds of tobacco. ¹⁸ The work began with the preparation of the seed beds which were first burned in order to sterilize the soil; once rooted and with enough top growth to withstand transplantation, the seedlings were moved to the open field. Here, frequent weeding was important to eliminate competition for the soil's nurture. Worms had to be removed; the tops of the plants had to be cut to insure a robust plant; and excess lower leaves were "suckered" or removed to allow the full development of the best leaves. ¹⁹ When ripe, the plants were harvested and cured in the tobacco houses, which were

¹⁶ Ibid., p. 47.

¹⁷ Ibid., p. 235-236.

¹⁸ Ibid., p. 215.

¹⁹ Eaton, A History of the Old South, p. 215.

scattered about the plantation. There were three predominant methods: air-curing with natural ventilation, fire-curing with open fires, or flue-curing with heat introduced into the tobacco leaves using flues; however, flue-curing was rarely employed.²⁰ Once seasoned, the tobacco was most often prized into hogsheads and marketed, usually in May, June and July.²¹

Most often, the work of a tobacco plantation was done by slaves who were supervised either by their owner or by an overseer. The work was done by men, women, and children since it rarely called for great strength, but careful supervision of workers engaged in a series of routine, tedious tasks was necessary.²² The overseer was considered by some to be the most crucial element in the success or failure of a plantation. His job was to serve as the catalyst that combined land, slaves, livestock, and farm tools, as well as to set up the method and time of planting and harvesting. He was responsible for tobacco and other crops as well.²³

Cumberland County had over fifty men employed in 1850 as

²⁰ Robert, Tobacco Kingdom, p. 17, 39.

²¹ Ibid., p. 49.

²² Ibid., p. 20.

²³ William Kauffman Scarborough, The Overseer: Plantation Management in the Old South (Baton Rouge: Louisiana State University Press, 1966), p. ix.

overseers.²⁴ This was a difficult occupation that usually carried low status and pay. Overseers were required to reside on the plantation on which they worked and were usually given a one-year contract of employment. They frequently became the scapegoats for problems and were often terminated at the end of one year. One of the inherent problems was the need to get maximum production without having abused the slaves and farm animals, and without damaging farm implements through improper use. Many overseers were irresponsible drifters, but most were hard-working, some saved their wages, and later became landowners.²⁵

An indication of the low esteem in which many planters in Cumberland held overseers was apparent in the remarks made at the Cumberland Agricultural Society on October 8, 1841, by its president, W. S. Morton. He deplored the habit of gentlemen planters who lacked extreme wealth and held no public offices nor practiced in the professions yet hired overseers to manage their plantations. Morton said that the name "overseer" was improper because "they often need more to be overseen than the negroes. An industrious, attentive, faithful overseer, is an honorable man, too seldom found." He further complained that few men wanted to enter the field.²⁶

²⁴ United States Census, 1850, population schedule.

²⁵ Scarborough, The Overseer, pp. 196-201.

²⁶ Farmers' Register, November 28, 1841.

In some rural areas, small producers of tobacco traded tobacco at local stores for merchandise and made outright sales of small amounts. ²⁷ However, the majority of the tobacco sold in the State of Virginia passed through official state inspection warehouses. To be official, these warehouses had to be approved by the General Assembly. ²⁸

On March 2, 1846, a bill passed the Senate and ultimately was enacted into law, to establish an official inspection station on the property of Edward Sims in Ca Ira on the Willis River. ²⁹ By 1849, there were twenty-three official inspection stations in addition to the one in Cumberland. There were four of these stations in Richmond, four in Petersburg, five in Lynchburg, and two in Farmville. ³⁰

Prior to 1852, the two tobacco inspectors required for each official warehouse were appointed by the governor. His two appointees were selected from a list of four candidates submitted by the various county courts and, in addition, he could appoint two additional inspectors to resolve disputes, or to serve as substitutes. After 1852, the state's chief

²⁷ Robert, The Tobacco Kingdom, p. 108.

²⁸ Ibid., p. 77.

²⁹ Journal of the Senate of the Commonwealth of Virginia (1845) p. 189.

³⁰ Robert, The Tobacco Kingdom, p. 78.

executive made his choices independently of the county justices. ³¹ On March 26, 1846, Governor William Smith received a letter from B. B. Woodson, the clerk of Cumberland County's Court which listed the names of the justices' four nominees, along with the endorsements given to each. Each appointee was nominated by all four justices, which seemed to indicate a routine endorsement was expected. ³² In fact, all four appointees had served the previous year, since they took the oath of office on April 27, 1845, in the county court; each was required to post a bond in the amount of \$4,000 ³³ The nominees were Richard I. Phillips, Joshua Smith, David Henrick and William Maxey. Justices James M. Austin, John Miller, Vincent C. Ryals, and Willis Sanderson approved each man. ³⁴

Inspection of tobacco was important because there was a wide disparity between the more carefully grown and processed high quality grades and those of lower quality. ³⁵ Therefore, to insure a standard of uniform quality, both for

³¹ Ibid., p. 80-81.

³² Executive Papers, January-March, 1846 (manuscript in Virginia State Library, Richmond, Virginia).

³³ Order Book, #35, Cumberland County, April 27, 1845 (microfilm in Virginia State Library, Richmond, Virginia).

³⁴ Executive Papers, January-March, 1846.

³⁵ Robert, the Tobacco Kingdom, p. 18.

exports and for the American market, governmentally-supervised inspections were necessary. Inspections were made when the hogsheads were opened inside the official warehouses. ³⁶ Unfortunately, during the peak seasons, there was often a backlog of tobacco to be inspected in the warehouses and, thus, new shipments could not be accommodated, be inspected or be sold. ³⁷

This issue was addressed in a legislative petition dated December 15, 1857, and signed by fifty-two Cumberland citizens, among whom were the county court justices, Valentine Parish and John Wilson. ³⁸ The petition was introduced by Cumberland's delegate to the House, William Pope Dabney, and it requested relief from the inadequate warehouse space and lack of tobacco inspectors that resulted in delays during the peak shipment months of May, June, and July. The petitioners alleged that their tobacco could not get into the warehouse immediately and, when it did, it took several weeks to be inspected. Therefore, it could not be sold, and a financial burden was placed on the planters who were delayed in paying their debts. According to these citizens, many thousand pounds of tobacco were sent annually from Cumberland to Richmond and, more specifically, 36,600 hogsheads had reached

³⁶ Ibid., p. 76.

³⁷ Ibid., p. 88.

³⁸ Legislative Petitions, December 15, 1857.

Richmond during the fiscal year which ended on September 30, 1856.³⁹

Richmond was the largest tobacco market, and its dealers purchased more than half of all the tobacco grown in Virginia and North Carolina; Petersburg was second in importance, followed by Lynchburg with minor markets in Farmville and Clarksville.⁴⁰ The Richmond newspapers quoted various commodity prices which fluctuated daily, on February the Richmond Enquirer reported that there was considerable trading in the tobacco market. However, there were small periods of inactivity at the warehouses which had light receipts.⁴¹

Much of the tobacco sold in Richmond was consumed by its fifty-two tobacco factories, which in the 1850's employed a small number of whites and a slave labor force of 3,400. Petersburg had twenty factories employing both whites and slaves, and Lynchburg had forty-seven such establishments.⁴² There was no tobacco factory in Cumberland in 1840, however, there was one by the year 1850 but, by 1860, it had ceased to

³⁹ Ibid.

⁴⁰ Robert, The Tobacco Kingdom, p. 72.

⁴¹ Richmond Enquirer, February 9, 1855.

⁴² Robert S. Starobin, Industrial Slavery in the Old South (New York: Oxford University Press, 1970), p. 16.

operate. ⁴³ In 1850, the tobacco manufacturer, John R. Palmore and Son, had the largest industrial operation in Cumberland. It employed thirty workers, twenty men and ten women. This company processed 200,000 pounds of raw tobacco worth \$8,000, and sold it for \$15,000; water was its power source. The total average monthly wage was \$200. During the same year, Palmore also operated a flour mill with \$13,000 invested in capital equipment. This business purchased 19,000 bushels of wheat worth \$18,000, using water power to operate and employed three male workers whom it jointly paid \$125 per month to produce 4,000 barrels of flour, valued at \$21,000. This flour mill was still operating in 1860. ⁴⁴

In 1849, Palmore and Son purchased a business license for \$600, which indicated he sold merchandise worth less than \$15,000. ⁴⁵ It is possible that this company ran a general merchandise store, as well as the tobacco factory and flour mill.

Agricultural societies such as the Cumberland Agricultural Society and periodicals, such as the Farmers'

⁴³ United States Census, 1840, industrial schedule (microfilm in National Archives, Washington, D.C.); United States Census, 1850, industrial schedule; United States Census, 1860, industrial schedule.

⁴⁴ United States Census, 1850, industrial schedule.

⁴⁵ Auditor of Public Accounts, License Returns, Cumberland County, 1848-1849 (manuscript in Virginia State Library, Richmond, Virginia).

Register published in Petersburg by Edward Ruffin, were effective disseminators of more productive farming techniques. In one of his lectures in 1838, Cumberland Agricultural Society President W.S. Morton singled out manure as the most important single ingredient in farming. He stated that both land and crops would steadily improve with its use. He used the term manure to denote not only animal droppings but other substances, such as, leaves, ashes, "marsh mud," refuse water, and foodstuffs from the kitchen. These various ingredients were to be allowed to ferment and partially decompose in a "manure pen;" then the mixture was to be covered with ashes in order to prevent its festering with diseases. ⁴⁶

Morton further suggested that charcoal be added to manure being decomposed, especially in hot weather. Otherwise, he feared the production of mold, which might have rendered the material impotent. In addition to manure, he endorsed the use of lime but noted that its high cost made it impractical to use except in restricted areas. Along with the fertilizer, Morton cited crop rotation and the management of cattle as important factors relating to successful farming. He also cited that field rotation would allow for the raising of cattle feed and for the development of fields suitable for grazing. ⁴⁷

⁴⁶ Farmers' Register, November 29, 1838.

⁴⁷ Ibid.

Crop rotation was a subject of much debate during the period under discussion, and the Farmers' Register reflected ideas on a variety of different variations on the practice. One such letter to the editor, signed with the initials "J. S.," appeared on October 31, 1841. The author contended that crop rotation was the most expedient method of agricultural improvement, citing: "Certain juices or substances contained in the soils, either in liquid or gaseous form, that are taken up or consumed as food by certain plants, while these same substances would be rejected by other plants," made rotation necessary. He argued that while farmers used this principle in the feeding of livestock, they were slow to understand its relationship to crops. For instance, hogs ate the ears of the corn plant but refused to eat its leaves. However, the leaves were eagerly devoured by the cattle which converted them to manure to enrich the soil and aid in further corn production.⁴⁸

A five-crop rotation method was favored by "J.S." He credited it with having allowed his crop to double production within the previous seven years. Indian corn, liberally fertilized with manure, began the cycle. It was followed by peas, then a combination of either wheat and clover or oats and clover. Next, the land was converted for a season to pasturage and grazed by cattle. Unfortunately, "J.S."'

⁴⁸ Farmer's Register, October 31, 1841.

manuscript rendered the fifth step illegible to the editor of the Farmers' Register and was thus unavailable for analysis. ⁴⁹

An additional formula was endorsed in the Farmers' Register by W.C. Nichols, the vice-president of the Society of Virginia for Promoting Agriculture. He discussed several variations but endorsed the five-year plan for farms with fertile land. He cited the excellent results of a Mr. Wickham who lived on the James River and who used this method. The first year's recommended crop was corn or tobacco, followed the next year by wheat, the third by clover, and the fourth by wheat; the cycle ended with a fifth-year planting of clover. He further suggested that tobacco be planted as a first crop on new land but that it subsequently must be rotated. ⁵⁰

In Virginia, cotton production began to increase with 3,057 bales, each weighing 400 pounds, produced in 1839, with 4,000 bales produced in 1849; and 13,000 bales in 1859. ⁵¹ Cumberland experienced a similar rise in cotton production from 25,143 pounds in 1840 to 670 bales, or 268,000 pounds, in 1860. ⁵² Cumberland County's production in 1859 represented 5 percent of the state's total crop, thus Cumberland produced

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Gray, History of Agriculture, p. 889.

⁵² United States Census, 1840, 1850 agricultural schedule.

1 percent more of the state's cotton crop than it produced of the tobacco crop. However, the state produced much less cotton than it did tobacco, and thus tobacco production was far more important to Cumberland's economy. In 1859, the production of bright tobacco was the largest economic activity in southern Virginia, and the state far out-produced the other major tobacco producing states. For instance, North Carolina with 32,853,250 pounds, and Kentucky with 108,126,840, were surpassed by Virginia's 1860 census figure of 123,968,312 pounds of tobacco. ⁵³

Wheat was an important crop in Cumberland where 61,217 bushels were grown in 1840, 125,508 in 1850, and 74,277 in 1860. ⁵⁴ In 1850, 11,212,616 bushels of wheat were harvested statewide, with Cumberland contributing only 1 percent during its most productive reporting period. ⁵⁵ Indian corn, useful as food for humans and livestock and significant in volume of production, showed a twenty-year decline from 247,203 bushels in 1840 to 210,360 bushels in 1850 and, in 1860, reached a low of 191,953 bushels. ⁵⁶

⁵³ Gray, History of Agriculture, p. 757.

⁵⁴ United States Census, 1840, 1850, 1860, agricultural schedule.

⁵⁵ Gray, History of Agriculture, p. 1040.

⁵⁶ United States Census, 1840, 1850, 1860 agricultural schedule.

Oats had a fluctuating production record in the county. In 1840, 121,507 bushels were produced; in 1850, the crop declined to 79,718 bushels; and, in 1860, rose again to 96,507 bushels.⁵⁷ Oats were grown as a bread and cereal grain for humans and as feed for horses. No rice was grown in Cumberland during the period under study. There were 264 bushels of rye produced in 1840 and none during the next two decades. Only two bushels of barley and twenty bushels of buckwheat were produced 1840. In Cumberland County, these two cereal grains had declined to such disfavor by 1860 that there was no reportable production.⁵⁸

The hay crop fluctuated and exhibited a downward trend. It started with 400 tons in 1840, declined to sixty-seven tons in 1850, and declined again to sixty tons in 1860. Peas and beans increased from 6,185 pounds in 1850 to 10,950 in 1860, but they were not reported in the 1840 records.⁵⁹

The 1840 federal census listed only "Irish potatoes," of which Cumberland's farmers produced 9,240 bushels. However, beginning in 1850, both Irish and sweet potatoes were listed, with 17,034 bushels of the former and 8,932 bushels of the latter produced. There was a drop by 1860 in both varieties, and especially reduced was the Irish potato which declined to

⁵⁷ Ibid.

⁵⁸ United States Census, 1840, 1850, 1860, agricultural schedule.

⁵⁹ Ibid.

6,111 pounds, while the sweet potato dropped to 8,072 pounds. Butter was not listed in 1840, but it increased from 48,444 pounds in 1850 to 54,300 pounds in 1860. ⁶⁰

Wool declined steadily from 14,972 pounds in 1840 to 17,507 pounds in 1850 and, finally, to 9,093 in 1860. This is consistent with the sheep population which declined steadily from 9,705 in 1840 to 9,611 in 1850, and finally, to 5,666 in 1860. ⁶¹

Recommendation was given by W.S. Morton, in an address to the Agricultural Society of Cumberland, stressing that a single sheep would have provided enough wool to meet the clothing needs of a person for an entire year. Therefore, he recommended one animal per person on each farm or plantation, provided that a salable surplus was not intended. He further advised that the appearance of a crack between the front teeth usually coincided with the animal's fifth birthday. At that point, he recommended converting it into mutton since a herd made up of older sheep was unprofitable. He advised sheltering these animals from severe winter weather and providing for a diet of beets, turnips, and cabbages during their protective confinement. ⁶²

The United States Census of 1840 did not distinguish

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Farmer's Register, February 28, 1841.

between "milch" and "other cattle" as did the 1850 and 1860 editions. Cumberland County was shown to have had 5,855 cattle in 1840, 1,193 "milch" cows and 2,944 "other cattle" in 1850; the 1860 figures listed 1,309 "milch" and 2,282 "other cattle." Asses and mules were listed jointly in the 1840 census numbering 2,073, while the 1850 census' figures showed 1,193, horses along with 330 asses and mules, which compared with 1860's 1,444 horses and 588 asses and mules. Pork appeared to have gradually lost favor over the twenty year-period under study as there were 10,151 swine in 1840, and 9,611 in 1850, with a decline in 1860 to 7,006. In fact, in 1860, the number was less than one animal for each county resident. ⁶³ The federal census did not provide a financial evaluation of livestock in 1840, but did so in 1850 when Cumberland had \$221,120 invested and, in 1860, had \$331,121 invested. ⁶⁴

In addition to its large agricultural economy, Cumberland County had a small industrial base as well. The 1840 United States Census, industrial schedule did not identify by name the owners of businesses, as did its 1850 and 1860 counterparts. In 1840, there were two tanneries in Cumberland, which jointly tanned 130 sides of sole leather and

⁶³ United States Census, 1840, 1850, 1860 agricultural schedule.

⁶⁴ Ibid.

820 sides of upper leather, with an investment of \$800, employing eight men. In addition, the products of the tanneries were made into saddles and other finished leather products by ten separate manufacturers who used a capital investment of \$3,480 to produce \$7,600 worth of articles. Only one tannery, James Allen and Son was productive enough in 1850 to be counted in the census, and it employed four workers who converted 700 raw hides, worth \$1,000, into finished leather valued at \$2,000; however none qualified in 1860. ⁶⁵

In spite of the temperance sentiment in the county, especially in the churches, there was one distiller. He employed one man, with a capital investment of \$50, and produced 200 gallons of liquor in 1840; none were listed in 1850 and 1860. ⁶⁶

The county's abundance of rivers, creeks, and streams were ideal for the use of water-driven mills. In 1840, there were twelve flour mills, fifteen grist or corn mills, and seven saw mills which, combined, employed thirty-two people, with \$91,200 capital investment to produce \$76,650 worth of products for the year, including 13,310 barrels of flour. The various mills are listed on the 1840 federal census as a group and rendered individual comparisons impossible. ⁶⁷

⁶⁵ United States Census, 1840, 1850, 1860, industrial schedule.

⁶⁶ Ibid.

⁶⁷ United States Census, 1840, industrial schedule.

Only business grossing more than \$500 per year were included on the 1850 and 1860 federal industrial schedules, and each was listed separately. In 1850, there were six flour mills, the largest of which was Chalmer and Sims with a capital investment of \$24,000. It employed six male workers and processed 20,000 bushels of buckwheat, worth \$18,000, and produced 4,000 barrels of flour, worth \$22,000. In 1860, five wheat mills produced over \$500 worth of flour and four corn or grist mills were included in that category. The largest manufacturer was J.A. Abraham who had a combination corn and wheat grinding business with \$6,000 capital invested. With the aid of two employees, this business processed 4,000 bushels of crops which were worth \$4,000 into 800 barrels of finished flour and meal valued at \$5,284. The previously mentioned J.R. Palmore produced 400 barrels of flour worth \$2,640. ⁶⁸

One flour mill was located on the northeastern side of the county at Muddy Creek on the northeastern side of the county which emptied into the James River about one mile east of Cartersville. In 1847, it was operated by Benjamin H. Powell and was known as "Muddy Creek Mill". Flour was shipped by various owners of small boats to Cartersville. One of these was Billy Mayo who carried barrels of flour during August, 1847, in the following amounts: August 16, twenty-one

⁶⁸ United States Census, 1850, 1860, industrial schedule.

barrels; August 17, thirteen barrels, August 22, nine barrels; and August 25, twenty barrels. On September 1, 1847, another boat owner, Irvin Cooper, carried fifty-five barrels and, on September 8, he transported sixty-five more. Tom Bird, also a boat owner, alternated with Billy Mayo and Irvin Cooper during the month of October, carrying fifty-five barrels by boat on October 11, sixty barrels on October 14, and fifty-one barrels on October 19, 1847.⁶⁹ In addition, Flippen Mill's property, built in 1767, was located on both sides of Muddy Creek with a water wheel mill, houses, and an orchard situated on sixty acres. It is not known whether the original structure was standing in 1860 or not, but it was operated by John P. Flippen, who ground a small volume of wheat with only one employee.⁷⁰

The manufacturing of carriages and wagons was a major occupation in Cumberland. In 1840, there were seven such businesses employing forty-two men and producing \$22,690 worth of products annually; the largest one was an employer of nine men and produced \$4,000 of the gross output. Only James Blanton and Son appeared on the 1850 schedule, with six employees producing \$2,500 worth of wagons. Ten years later,

⁶⁹ Account Book, Benjamin H. Powell 1847-49, Muddy Creek Mill Book (manuscript in Virginia State Library, Richmond, Virginia).

⁷⁰ United States Census, 1860, industrial schedule; The Cumberland County Historical Society, Cumberland County, Virginia p. 32.

six wheelwrights, or coachmakers, who had an annual output of over \$500 were listed. The 1850 industrial return may have under-reported firms in this category and a comparison of company names from 1840 to 1860 was impossible due to their absence on the 1840 census. In 1860, Blanton's business had dropped to two employees with a gross volume of \$800, but his was still the largest of six similar establishments. ⁷¹

Wood was the favored construction material and was used to erect forty-five houses in 1840, however, two were built of brick by the construction industry which employed ninety-nine men. All forty-seven structures had a combined value of \$11,555. Unfortunately for comparison's sake, construction was not reported on the 1840 and 1850 censuses. ⁷²

Total industrial activity in Cumberland in 1840 generated \$106,725 and employed 193 men (no women), and operated on a base of \$120,375 of invested capital. Exact comparisons of the census for the years 1840, 1850 and 1860 are impossible, as the industrial schedule is more inclusive in 1840 than in the latter two years. It not only listed housing construction and other businesses, but reported economic activities with less than \$500 in gross sales. However, Cumberland had eleven industrial operations in 1850, each with an annual production

⁷¹ United Stats Census, 1840, 1850, 1860, industrial schedule.

⁷² Ibid.

value of over \$500. These employed fifty-eight persons and generated \$93,525 in production, using a capital investment of \$100,400. ⁷³ Perhaps the less-inclusive reporting in 1850 accounted for the overall drop.

In 1860, in spite of the rise of the number of businesses, to twenty-three, with at least a \$500 annual production, some loss in Cumberland's industrial base did occur. However, this proliferation was the result of the addition of twelve blacksmiths, and each was small and typically employed one or two people. There were only forty-one men and no women employed in 1860 due to the tobacco manufacturer, J. R. Palmore and Son, and the flour miller, Chalmer and Sims, no longer being in operation. These and other losses resulted in a large drop in the amount of capital invested, which was reduced to \$48,704, with total production also declining to \$40,882. ⁷⁴

Of the three federal censuses under consideration, only the 1840 industrial schedule enumerated "retail dry goods, grocery and other stores." In 1840, Cumberland had thirty-six such establishments with a net volume of \$32,500 invested. The numbers varied and in, 1846, there were twenty-eight

⁷³ Ibid.

⁷⁴ Ibid.

licenses granted for sellers of merchandise. ⁷⁵

On May 25, 1846, a group of eighteen merchants appeared before the court, to get an additional license to sell alcoholic beverages at their stores. They were Benjamin H. Powell, Charles H. Black, Palmore and Daniels, Vincent C. Ryals, William C. Harris and Company, Robert F. Gibson, Charles R. Carrington, Frances B. Deane, John Noel and Company, Hudgins and Sanderson, Smith and Miller, John Murray, Jr., J. G. Meador, Fleming Cayce, Thomas Ellis and Company, Walton and Brooks, Chasin and Burns, and Taylor and Sanderson. They were all granted their request to "sell by retail, spiritous liquors at their store houses in this county." Furthermore, the court pronounced them to be "persons of honesty, probity, and good demeanor," and further proclaimed, "that their store houses are fit and convenient to the respective neighborhoods for sale of liquor." ⁷⁶ One such merchant was Vincent Ryals, who was also a county court justice, a large land and slave owner, and a prominent Baptist leader. Another was Benjamin H. Powell, who also operated the Muddy Creek Mill. ⁷⁷

⁷⁵ United States Census, 1840, industrial schedule; Auditor of Public Accounts License Returns, Cumberland County, 1846-47, (manuscript in Virginia State Library, Richmond, Virginia).

⁷⁶ Order Book, #35, May 25, 1846.

⁷⁷ Account Book, Benjamin H. Powell, Day Book, 1852-1854 (manuscript in Virginia State Library, Richmond, Virginia).

An insight into the wide variety of merchandise sold in the county was gained by examining the day book or account book of Charles R. Carrington, who paid a \$40-license fee in 1847 for the privilege of operating his store. The name of each customer, and the amount and price of all merchandise, was carefully recorded by Carrington. Perhaps he extended credit to some or all of his patrons. On September 8, 1842, William E. Bradley purchased a coffee pot for \$.38, a pocket knife for \$.87, two silk-netting pins for \$.13, two rolls of tape for \$.25 cents, and one stick of alum for \$.13. On September 27, 1842, Samuel Hatcher purchased two bales of cotton for \$2.50, one chamber pot for \$.38, one wash basin for \$.37 and sixty pounds of sugar for \$7.50. Other items sold were: a "twist of tobacco," one pair of gloves, some silk, gingham, "red flannels," buttons, and combs. ⁷⁸

In addition to the general stores, Cumberland's residents were able to shop in the convenience of their homes with the aid of Abram Obendorfer, who paid \$60 for a peddlers license in 1848 and 1849. There may have been other peddlers, especially transient ones traveling from county to county, but Obendorfer was the only one who paid the license fee. Apparently, he aspired to earn enough money as a peddler to open his own general merchandising establishment. This is

⁷⁸ Account Book, Charles R. Carrington, Day Book, 1842-1843 (manuscript in Virginia State Library, Richmond, Virginia).

reflected by the 1853 license returns which indicated that he purchased a merchant's rather than a peddler's license.⁷⁹ A license was granted to John R. Miller to sell books, but there is no indication as to whether he made these sales from a store or traveling about the county in the manner of Obendorfer. However, Miller did not have a license to operate a general merchandise establishment.⁸⁰

As many as twelve individuals annually, including County Commissioner of the Revenue Hezekiah Ford, purchased a "private entertainment license."⁸¹ This enabled licensees to provide a bed, and often meals, but no alcoholic beverages to commercial guests. Ordinaries were taverns which could expand their licenses to include the retail sale of liquor, and there were three such taverns licensed in Cumberland in 1846 and two in 1849.⁸²

There was no bank in Cumberland County but there was one in nearby Farmville. Perhaps many of Cumberland's citizens relied on it for their banking needs, as did Thomas W. Crowder. His correspondence to William Grey, an operator of

⁷⁹ Auditor of Public Accounts, License Returns, 1846-1847, 1848-1849, 1853-1854, Cumberland County.

⁸⁰ Ibid., 1853-1854.

⁸¹ Auditor of Public Accounts, License Returns, 1847-1848, (manuscript in Virginia State Library, Richmond, Virginia); License Returns, 1848-1849, 1853-1854.

⁸² Daniel, Bedford County, Virginia, p. 90; License Return, 1846-1847, 1848-1849.

the Shockoe Warehouse in Richmond, revealed that he negotiated a draft from Grey at the Bank of Virginia at Farmville. Also, the letter indicated the draft was payment for Crowder's tobacco and he solicited advice from Grey as to what "color of tobacco" he should grow during the coming year.⁸³

Although the county's large slave labor force was concentrated on agriculture, there was a full range of economic activities. This provided a diversity of employment for whites and enabled the county to provide essential goods and services to its residents.

⁸³ William Grey, Letters, William B. Crowder to William Grey, September 18, 1846 (manuscript in Virginia Historical Society, Richmond, Virginia).

CHAPTER VI TRANSPORTATION AND COMMUNICATION

Cumberland County was fortunate enough to have access to ample modes of transportation which aided in the export of its agricultural products, in the importation of manufactured products, and other staples necessary for survival. In addition, several types of commercial passenger travel were available.

There was no turnpike within the borders of the county. However, on March 1, 1852, Prince Edward County's representative to the House of Delegates, James H. Wilson, presented a petition by the citizens of Cumberland County, Prince Edward County, and the Town of Farmville. They sought the incorporation of a company which would connect the Town of Farmville with an undetermined point in Buckingham County by means of a plank road. ¹

Cumberland was fortunate to have the James River as a substantial part of its northern-most border, especially after 1840, when the James River and Kanawha Canal opened the section from Richmond to Lynchburg, which passed Cumberland. On October 4, 1840, an iron packet boat, belonging to two men, identified only as "Messrs. Boyd and Edmonds of Richmond", carried passengers on the Canal from Columbia, which was located in Fluvanna County, across the James River to the

¹ Journal of the House of Delegates of the State of Virginia for the Session of 1852 (Richmond: William F. Ritchie, 1852), p. 197.

north of Cumberland and then to Richmond. ²

The act to incorporate the James River and Kanawha Canal Company passed the General Assembly on March 16, 1832. It superseded the James River Company and had as its goal the completion of a canal system which would connect the Tidewater portion of the James River (located east of Richmond) with the Ohio River. The new corporation was a joint stock company which was funded by investments from the state and private individuals. It assumed the property and rights of the old James River Company which had been unable to complete such a large project. ³ From 1840 to 1860, the canal was the largest carrier of freight in Virginia. ⁴

The canal was constructed with a surface width of fifty feet, a bottom width of thirty feet, and a depth of five feet. Boats were pulled by horses with men walking alongside each other on a twelve-foot towpath. ⁵ Three and one half days were required to ship freight from Richmond upstream to Lynchburg and three days for the downstream trip. The canal's freight activity level was heavy; in 1854, there were 195 boats registered with the canal authorities which were powered

² Twenty-Sixth Annual Report of the Board of Public Works to the General Assembly of Virginia (Richmond, Samuel Shepherd, 1841), p. 42.

³ Dunaway, James River and Kanawha Company, pp. 95-96.

⁴ Ibid., p. 184-92; Robert, The Tobacco Kingdom, p. 59-60.

⁵ Dunaway, James River and Kanawha Company, p. 95-96.

by 423 horses and 867 men. ⁶

Customers of the canal had to pay tolls to the canal company in addition to the shipping charge of the commercial carriers. The canal company posted notice of its toll collection procedure in the February 9, 1841, issue of the Richmond Enquirer. Collection was made at Richmond, Scottsville, Lynchburg, and at locks located at various intervals along the route. If the inception point of the shipment was at a location without a collection agent, it was then collectable at the first official toll station on the route. To ensure compliance, all shipments were accompanied by bills of lading, jointly signed by the boat's master and the consignor of goods. These documents identified the quantity, weight, point of shipment, destination, and description of the freight. Goods taken on board at intermittent locations were required to carry duplicate bills of lading, one of which was given to the keeper of the first lock in the path of travel. ⁷

Cumberland's use of the canal is reflected in an announcement which appeared in the February 15, 1845, issue of the Daily Richmond Enquirer. The Metamora, mastered by George Newberry, which carried 7.5 tons of unspecified merchandise, arrived in Richmond from Cartersville with its entire cargo intended for Bridge, McKinney and Company. The same

⁶ Ibid., p. 170-71.

⁷ Daily Richmond Enquirer, March 12, 1845.

announcement mentioned that the "boat" named Holker, mastered by N. Mayo, with 23.5 tons of merchandise, was cleared to leave for Cartersville and Scottsville. ⁸

In 1854, the canal was a busy commercial throughway, and the cumulative amounts of some of the items sent eastward on its waters were: 18,985 hogsheads of tobacco, 17,158 boxes of manufactured tobacco, 717 hogsheads of stems, 63,886 barrels of flour, 281,703 bushels of wheat, 2,609 bushels of corn, 1,777 bushels of oats, 2,366 tons of pig iron, 54 tons of bar iron, and 3 tons of stone. Among the primary articles carried west or up the canal were 18,205 sacks of salt, 1,010 tons of plaster, and 130 tons of coal. ⁹

Freight shipments dominated the canal which had much less passenger traffic. ¹⁰ Advertisements, such as the one appearing in the March 12, 1845, issue of the Daily Richmond Enquirer, invited prospective passengers to travel the canal by packet boat. They left Richmond every day, except Sunday, at 5 P.M. and arrived in Scottsville at 10 A.M. the following morning, with the final stop at Lynchburg on the next morning at 1 A.M. After arrival in Lynchburg, passengers were allowed to sleep until 5 A.M. before disembarkation. ¹¹ An

⁸ Daily Richmond Enquirer, February 15, 1845.

⁹ Annual Report of the Internal Improvement Companies to the Board of Public Works (Richmond, John Warrock, 1854), p. 345.

¹⁰ Dunaway, James River and Kanawha Company, p. 172.

¹¹ Daily Richmond Enquirer, March 12, 1845.

additional line of boats ran the fifty-seven miles from Richmond to Columbia. ¹²

The original charter of the James River and Kanawha Canal Company authorized construction of connectors, known as the "southside connection," which would link the canal located on the northern shore of the river with the cities and towns on the southern shore. In addition, construction was to be undertaken that would link the canal with the deeper portion of the James River below Richmond, known as the "tidewater." Both projects had been deferred and both became the subject of petitions from the citizens of Cumberland. ¹³

A joint petition, dated January 24, 1849, from the citizens of Cumberland, Buckingham, Appomattox, and Campbell Counties, was presented to the House of Delegates. It carried twelve signatures, including those of Cumberland County Court Justices John P. Wilson and John C. Page. ¹⁴ The petition was a request that no further public money be spent on the canal until the "southside connections" were completed. The petitioners stated their original investments in the company's stock were made in anticipation of these improvements. ¹⁵ The request was granted, but not put into effect until the 1854-1855 period when the "southside connections" were built.

¹² Dunaway, James River and Kanawha Company, p. 171.

¹³ Ibid., pp. 132-45.

¹⁴ Register of Justices and Officers, 1793-1865.

¹⁵ Legislative Petition, January 24, 1849.

They consisted of linkages to the canal on the north side of the river to the south side. Cartersville, which already had a bridge spanning the James River, received a dam with a river lock and lateral canal. ¹⁶

During the antebellum period, most large ocean-going vessels were able to travel up the James River from the eastern coast of Virginia to a point 4.5 miles below the City of Richmond. The river had an average depth of fourteen feet and could accommodate the general ocean-going vessels of the time. ¹⁷

Connecting this capacity to allow passage of large vessels to the upper stretches of the canal was the motivation that led to the canal company's 1841 purchase and reconstruction of the Richmond Dock. However, the necessary canal connections were postponed until later. ¹⁸ A legislative petition dated December 13, 1848, was reported to the House of Delegates in January 17, 1849. It carried 113 Signatures from Cumberland and Powhatan, including Cumberland Court Justice Ambrose Ford and future Justice Codrington Carrington. ¹⁹ The petitioners sought to convince the

¹⁶ Dunaway, History of the James River and Kanawha Company, p. 161.

¹⁷ Philip Morrison Rice, "Internal Improvements in Virginia, 1775-1860," (Ph. D. dissertation: University of North Carolina, Chapel Hill, 1948), p. 8.

¹⁸ Dunaway, James River and Kanawha Canal, p. 145.

¹⁹ Register of Justices and County Officers, 1793-1865.

General Assembly to require the James River and Kanawha Canal Company to supply a direct linkage from the canal to the large merchant vessels which docked in the tidewater portion of the James River. ²⁰

The petition stated that wheat farmers and wheat millers were forced to sell their products for less in Richmond than was obtainable in the seaport of Baltimore. The upper James River farmers had no choice but to sell to middlemen in Richmond, who made an exorbitant profit as a result of their monopoly. The petitioners estimated that, during 1846 130,370 barrels of flour and 1,189,009 bushels of wheat were shipped east on the canal to Richmond. They claimed to have lost \$198,928 on wheat and flour due to the absence of a tidewater connection. ²¹

The legislature received other entreaties for a tidewater connection and in March 9, 1849, it guaranteed bonds in the amount of \$350,000 for this improvement. The work took an additional \$240,000 and a full five years to complete, but it proved to be a successful adjunct to the canal. ²² The dock and its tidewater connection consisted of a mile-long series of locks which connected the canal to the main dock. In addition, a ship canal connected the dock with the river at

²⁰ Legislative Petition, December 13, 1848.

²¹ Ibid.

²² Dunaway, James River and Kanawha Company, p. 159.

its tidewater terminus known as "Rocketts." ²³

Slave labor was used on the canal as could be observed by an advertisement which appeared on March 6, 1855. It announced that the James River and Kanawha Canal's superintendent wished to hire twenty-five slaves to engage in repair work on the canal on its line from Richmond to Columbia. The period of hire was to be from March until the following December, and the company promised to provide and pay the expense of medical care in an apparent attempt to assure the slave owners their valuable property would be protected. ²⁴

In addition to the canal, Cumberland residents were able to travel on a stagecoach line which ran from Richmond. The October 12, 1859, issue of the Richmond Whig advertised that a stage line departed Richmond at 5 P.M. and traveled the forty-seven miles to Cartersville, with an arrival time of 4:30 A.M. Its next stop was two hours later in Columbia which, according to the advertisement, was 57 miles from Richmond. The line's ultimate destination was Lynchburg, purported to be 146 miles from Richmond. ²⁵ On another occasion, the proprietors of the canal temporarily added supplemental stage transportation to allow for its closing for repairs. A pattern of Monday, Wednesday, and Friday stages

²³ Ibid., p. 164.

²⁴ Richmond Enquirer, February 6, 1855.

²⁵ Richmond Whig, October 12, 1859.

left Richmond at 3 A.M. and arrived in Scottsville at 8 P.M. Passengers destined for Cartersville were to connect at George's Tavern. ²⁶

In 1822, the Cartersville Bridge was completed connecting Cartersville in Cumberland County with Goochland County, which was located on the northern side of the James. ²⁷ The future importance of this bridge was accurately predicted by its president, Thomas Miller, in his letter of September 6, 1836, to the president and directors of the Board of Public Works of Virginia. He expressed his expectation that the bridge would have an immense value because produce grown in Cumberland would need to be taken north across this bridge in order to reach the James River Canal when it became operational. Also Miller's letter was an attempt to secure another contribution from the Commonwealth of Virginia whose last expenditure for the bridge was a contribution toward its construction. ²⁸

In the same letter, Miller described the bridge's difficulty in withstanding the periodic flooding of the James River. "Several years ago", it had succumbed to the waters and had to be rebuilt. He wrote that during the previous year, the wooden structure had lost one of its arches in a

²⁶ The Daily Richmond Enquirer, January 6, 1845.

²⁷ The Cumberland County Historical Society, Cumberland County p. 52.

²⁸ Twentieth Annual Report of the Board of Public Works to the General Assembly of Virginia (Richmond: Shepherd and Colin, 1836), p. 200.

fire and, due to a recent episode of turbulent waters it had lost an abutment and was in danger of total collapse. ²⁹ The problems mentioned in Miller's letter were corrected when Joseph N. Carrington was authorized by the stockholders to rebuild the Cartersville Bridge in 1842, at a cost of \$8,000. He was allowed to keep all collections made on this toll bridge until his work had been compensated. ³⁰

In 1843, there was a dispute between the then Cartersville Bridge President, Cumberland Court Justice Mayo B. Carrington, ³¹ and the directors of the James River and Kanawha Canal Company. The bridge was closed to all persons crossing it for the purpose of commerce with the canal. This was done in a successful effort to force the canal operators to pay a fee to the bridge owners equal to 50 percent of the regular bridge toll for each person. ³²

The Willis River had a bridge located at the town of Ca Ira in the western part of the county. It was owned by the county and, on November 27, 1843, the court ordered justices William Thornton, Nelson Page, and two others to act as

²⁹ Ibid.

³⁰ Thirtieth and Thirty-first Annual Reports of the Board of Public Works to the General Assembly of Virginia, (Richmond: Samuel Shepherd, 1847) pp. 286-87.

³¹ Register of Justices and County Officers, 1793-1865.

³² Thirtieth and Thirty-first Annual Report of the Board of Public Works to the General Assembly of Virginia (Richmond: Samuel Shepherd, 1847), pp. 286-87.

commissioners to oversee its reconstruction. ³³

The Willis River, which extended almost the entire length of Cumberland County, began near its western border at Buckingham County. As the river moved north, it bent in an easterly direction and terminated in the James River approximately two miles upstream from Cartersville. ³⁴

The 1816 General Assembly authorized the incorporation of the Willis River Company, after which time, shares were sold to private individuals. Enough money was raised to construct a series of locks and make other improvements which opened the entire length of the Willis River to small boats from its inception at Curdsville in Buckingham County to its James River outlet. These small flat-bottomed boats drew only one foot of water and were known as bateaux. They were able to carry loads consisting of eight to ten hogsheads of tobacco, or 250 to 300 bushels of grain. ³⁵

This river was the subject of a petition by Cumberland's residents to the General Assembly dated, March 1, 1842. It protested the information received by its authors which indicated the users of the Willis River would no longer be able to access the James River Canal at its locks at Maiden's Adventure. The petitioners explained their use of this route

³³ Order Book #34, November 27, 1843.

³⁴ Commonwealth of Virginia, Department of Transportation, Official State Map, 1987.

³⁵ Legislative Petition, March 1, 1842.

to transport their produce to Richmond, fearing they would be forced to transfer their produce onto commercial canal boats destined for Richmond. ³⁶

On Tuesday, March 1, 1847, the House referred this matter to the committee of roads and internal navigation. On March 5, 1842, the petition was reported to the House, however, it did not result in the passage of a bill. ³⁷

Cumberland was further blessed with transportation opportunities by virtue of the Appomattox River, which bordered on its southeast and southern sides and formed the border with Prince Edward and Amelia Counties. In addition, two pedestrian bridges crossed this river; a covered one at Farmville and another three miles east of the city, which was the previously mentioned Jamestown Bridge. ³⁸ Small boats were able to pass from Petersburg, ninety miles downstream, to Farmville, but they were restricted to the river's deepest areas. ³⁹ During the 1840's, locks were constructed on this same stretch of river, and they further facilitated the shipment of hogsheads of tobacco to Petersburg. ⁴⁰ However,

³⁶ Ibid.

³⁷ Journal of the House of Delegates, 1841-1842 (Richmond: Samuel Shepherd, 1841), p. 180, 194.

³⁸ Map of Cumberland County, Virginia, 1864, Jeremy Francis Gilmer Collection (Virginia Historical Society, Richmond, Virginia).

³⁹ Rice, "Internal Improvements in Virginia," p. 23.

⁴⁰ Robert, The Tobacco Kingdom, p. 61.

despite this availability, most of the evidence suggested that Cumberland's residents favored the markets of Richmond.

The South Side Railroad passed through the southern tip of Cumberland County and crossed the Appomattox River at two points; one of these points was the High Bridge about four miles east of Farmville, and the other was the Farmville Bridge which was located about one-quarter mile east of the town.⁴¹ However, Cumberland residents had to use the depot at Farmville.⁴² The railroad was chartered on March 4, 1846, with the goal of operating a rail line from Petersburg to a point in Nottoway County, although later, its length was expanded.⁴³ The first section, which ran from Petersburg to its junction with the Richmond and Danville Railroad, had a projected completion date of March, 1852. The second division was to pass over the Appomattox River at the High Bridge by October 1, 1852.⁴⁴ By October 1854, the line had been extended from Lynchburg to beyond Petersburg at City Point, a

⁴¹ Annual Report of Railroad Companies Made to the Board of Public Works for the Year Ending September 3, 1859 (n.p., n.p., n.d.) p. 48.

⁴² Thirty-ninth Annual Report of the Board of Public Works to the General Assembly of Virginia, 1855, (n.p., n.p., n.d.).

⁴³ Rice, "Internal Improvements in Virginia," p. 324.

⁴⁴ Thirty-sixth Annual Report of the Board of Public Works to the General Assembly of Virginia, (n.p., n.p., n.d.), p. 207.

total distance of 132.25 miles. ⁴⁵ Only two railway lines completed more construction than the South Side Railroad in Virginia in the decade of 1850-1859. They were the Virginia and Tennessee, with 213.66 miles of track laid, and the Richmond and Danville, with 145.20 miles constructed. The total railroad milage added in the state during that period was 970.18 miles. ⁴⁶

Travel on antebellum railroads was much slower than on modern trains, and the South Side Railroad was no exception. Its average passenger train could travel 26 1/2 miles per hour fully loaded. However, when its routine stops were considered, its true rate of travel was only 18 1/2 miles per hour. The South Side's freight trains were slower, and averaged 15 miles per hour in motion and 10 miles per hour when stops were considered. Of course, freight trains were larger and heavier and averaged eighteen cars, while passenger trains typically carried three cars. Passengers riding first-class paid four cents per mile, while second-class paid three cents. Freight rates varied from \$.08 per mile per ton for first-class to \$03.60 cents per miles per ton for fourth-class. ⁴⁷

⁴⁵ Charles Conrad Wright, "The Development of Railroad Transportation in Virginia." (Ph.D. dissertation: University of Virginia, 1930), pp.60-61.

⁴⁶ Ibid., pp.62-63.

⁴⁷ Annual Report of the Railroad Companies Made to the Board of Public Works, Year ending September 30, 1895 p. 390.

The Richmond Daily Whig published an advertisement on May 7, 1859, which announced a Petersburg departure time for passenger trains at 5:30 A.M. with arrival in Farmville at 9:25 A.M., and a final stop in Lynchburg at 12:30 P.M. The return trip east began at 9:30 A.M. in Lynchburg, arrived at Farmville at 1 P.M., and at Petersburg at 5:30 P.M. Freight trains, which were slower, took more than twelve hours, leaving Petersburg at 6 A.M. and arriving in Lynchburg at 6:25 P.M. The much shorter trip north from Petersburg to City Point on the James River took from 6 A.M. to 6:45 A.M., where one could take passage on a steam ship which traveled east to Norfolk. ⁴⁸

The South Side Railroad hired its slave laborers from owners at an average annual expense of \$136.50 per slave. According to their annual report of 1859, the operators of the South Side Railroad preferred to rent their slave laborers rather than own them. The report indicated that over the previous twelve months they had used 240 slaves over the entire course of the road; some worked at depots and others on the rail beds. ⁴⁹

Cumberland County was not isolated due to the Willis River, Appomattox River, and the James River and Kanawha Canal. After 1854, the railroad depot opened in nearby

⁴⁸ Richmond Whig, May 5, 1895.

⁴⁹ Annual Report of Railroad Companies Made to the Board of Public Works for the Year Ending September 3, 1859 (n.p., n.p., n.d.), p.597.

Farmville. Thus, the county had connections to its most important market, Richmond, and also to Lynchburg and Petersburg. This could explain the increase in tobacco production which occurred from 1840 to 1860.

In Cumberland, communication was dependent on the United States Post Office because there was no newspaper nor telegraph lines. However, the Farmville Journal was located in Farmville, Virginia, however none of its copies have survived from the period under study. The county's residents also used the various Richmond and Petersburg newspapers. In 1859, there were nine post offices in Cumberland County, which were located at Ca Ira, Cartersville, Cumberland Courthouse, Oak Forest, Royal Oaks, Stoney Point Mills, Sunny Side and Woodson.⁵⁰ The mail had to be claimed at a designated post office within four weeks of its arrival, if not, it was to be taken to a central location and considered to be "unclaimed."⁵¹

In 1854, John F. Palmore purchased a two-story, sixteen room frame building facing the James River in Cartersville. There he operated a general store and the post office and his wife, Mary, operated an inn in the building known as "Palmore

⁵⁰ Virginius Cornick Hall, Jr., "Virginia Post Offices, 1798-1859," The Virginia Magazine of History and Biography (January 1973), pp. 57-97.

⁵¹ Daniel, Bedford County, Virginia, p. 67.

House." ⁵² The post office most recently established was Sunny Side, which began operating in 1857. ⁵³

⁵² The Cumberland County Historical Society, Cumberland County, p. 167.

⁵³ Hall, "Virginia Post Offices", p. 63

CHAPTER VII RELIGION

Organized religion played an important role in the lives of many of the citizens of Cumberland. The four predominant denominations were Episcopalian, Methodist, Presbyterian, and Baptist. ¹ There were no other organized protestant groups nor were there Catholic or Jewish congregations.

An indication of the respect accorded by most of Cumberland's citizens toward church services is seen in the case of Austin Martin, Jr. On February 23, 1852, he appeared in the county court charged with "willfully interrupting and disturbing an assembly of persons met for the worship of God." The act occurred at the Fork of Willis church and was mentioned in the county court's order book without reference to denomination. The case was ordered continued until the next court. ² Fork of Willis was one of three Baptist churches existent in the county at the time. ³

Cumberland County was not peculiar in its willingness to criminally prosecute anyone who purposely disrupted a worship service. State law provided for a maximum six-month jail

¹ United States Census, 1850, social schedule (microfilm in Virginia State Library, Richmond, Virginia); United States Census, 1860, social schedule (microfilm in Virginia State Library, Richmond, Virginia)

² Order Book # 35, February, 1852.

³ Minutes of the James River Baptist Association: Eighteenth Session, Pine Grove Meeting House, Buckingham County, July 27-30, 1850 (Charlottesville: James Alexander, 1850), p. 2.

sentence and a \$100 fine for any white, or free black person, who committed a purposefully, disruptive act during a church service. ⁴ The sanctity of the Sabbath was also ensured by a state law which directed its two-dollar per day fine at the free population. They were forbidden to labor, or to allow their slaves, apprentices, or other servants to labor at any trade or occupation on Sunday. The only exceptions were charity work, household chores, and occupations which involved transportation and the mail. The law recognized the state's diversity of religion by excluding from punishment those who observed Saturday as the Sabbath day. ⁵

The antebellum Baptist churches were organized into various associations which were often based on geographical locations. Cumberland County's Baptist churches belonged to the James River Association, whose nine member churches organized themselves in 1832. By 1854, the association had grown large enough to embrace twenty-nine churches, with a total membership of 4,434. ⁶

The minute book of the James River Association reveals that the Cumberland Baptist Church was the only one of its denomination in Cumberland County in 1840. It had a large membership, consisting of 482 people with Joseph Jenkins as

⁴ The Code of Virginia (1849), p. 741.

⁵ Ibid.

⁶ Encyclopedia of Southern Baptists: Ker-Yu (Nashville, Broadman Press, 1950), p. 1461.

its ordained minister. Jenkins was chosen moderator for the association's annual meeting which was held at Buckingham Baptist Church in Buckingham County in July of 1840. There, one of Cumberland's delegates gave a oral report on his church. He extolled its harmonious Christian fellowship and reported an increase in Baptisms, with no rise in total membership.⁷

The Reverend Joseph Jenkins had been the original pastor of Cumberland Baptist Church since it was built in 1810 and remained its pastor throughout 1850. He was also a carpenter and had worked on the construction of the church, which was located seven miles north of Cumberland Courthouse.⁸

On July 24, 1841, the James River Association opened its annual meeting at Enon Church in Buckingham County and Joseph Jenkins again served as moderator. At this session, Fork of Willis Baptist Church of Cumberland County was acknowledged by the association as newly formed, and was admitted as a member to the association. Its pastor was Poindexter P. Smith and it had 41 members as compared to Cumberland Baptist Church's 502

⁷ James River Association Minute Book, 1832-1850, Eighth Annual Session, Held at Buckingham Church, Buckingham County, Virginia, July 25, 1840 (manuscript located in Baptist Historical Society, University of Richmond, Richmond, Virginia)

⁸ The Cumberland County Historical Society, Cumberland County _p. 140

members.⁹

Poindexter P. Smith was born on August 14, 1793, in Buckingham County. At age twenty, he served under the command of General Andrew Jackson, and participated in combat against the British. Smith experienced a need to redirect his life in 1814 when he attended a Baptist camp meeting. At that time, he wrote that he was "overwhelmed with a sense of guilt, misspent time, broken vows, manifold and grievous sins."¹⁰ After his ordination, Smith serviced congregations in Fluvanna and Buckingham counties, in addition to Fork of Willis in Cumberland. He is reputed to have traveled on horseback for distances of eighty miles to deliver sermons, which numbered as many as 300 in a single year.¹¹

In 1843, Tar Wallet Baptist Church, with fifty-four members, was formed and admitted to the James River Association. Joseph Jenkins served as the pastor of this new church and continued his duties at Cumberland Baptist Church.¹²

⁹ James River Association, Minute Book, 1832-50, Ninth Annual Session, Held at Enon Church, Buckingham County, Virginia, July 24, 1841 (manuscript located in Baptist Historical Society, University of Richmond, Richmond, Virginia).

¹⁰ James B. Taylor, Virginia Baptist Ministers, Series II (Philadelphia, J.B. Lippencott and Company, 1859), pp. 461-462.

¹¹ Ibid., p. 463.

¹² James River Association, Minute Book, 1832-1850, Eleventh Annual Session, Held at Buckingham Church, Buckingham County, Virginia, July 23, 1843 (manuscript in Baptist

The 1857 annual James River Association meeting admitted Lebanon Baptist Church as a member. It became the fourth Baptist church to exist in Cumberland County between 1840 and 1860; its initial membership was thirty-five. Its pastor was William Moore.¹³ He had been the pastor of Tar Wallet Baptist Church, prior to the establishment of Lebanon Church, and he continued through 1860 as the pastor of both churches. He died in 1868 at the age of seventy-three after a fifty-year career as a Baptist minister.¹⁴

African-Americans were admitted as members of Cumberland County's Baptist churches. Unfortunately, only one of Cumberland Baptist Church's minute books have survived from the period, and the James River Association did not give a breakdown as to black and white members until 1850. In that year, Cumberland Baptist Church had 136 black and 49 white members; Tar Wallet Baptist church had 113 black and 54 white members; and Fork of Willis had 90 black and 53 white members.¹⁵ It appeared that the congregation of Cumberland Baptist which had been 482 in 1840 dispersed and joined the newer Baptist churches as the county's combined Baptist

Historical Society, University of Richmond, Richmond, Virginia).

¹³ Minutes of the James River Baptist Association: Twenty-fifth Session: Enon Church, Buckingham Virginia, July 27-30, 1857 (Richmond: Religious Herald, 1857), P. 1.

¹⁴ Taylor, Virginia Baptist Ministers, p. 279.

¹⁵ Minutes of James River Baptist Association, July 27-30, 1850.

membership was 495 in 1850.

The issue of slavery was rarely discussed at the meetings of the James River Association. However, on Monday, July 29, 1844, a delegate from Enon church asked for a policy ruling, in regard to the church's attitude toward those persons who bought and sold slaves for a profit. The official answer was highly critical and condemned the practice as reprehensible, both from a social and religious viewpoint. The association's churches were invited to examine the conduct of any of its members engaged in such a practice and, only if they maintained lives that were circumspect in all other regards, were they to be allowed to remain members of the church. ¹⁶

Temperance issues were one of the dominant concerns of the James River Association, especially in the decade of 1840 to 1850. The 1841 associational meeting resolved that the use, sale, or manufacture of alcoholic beverages was evil and that these activities were not acceptable for a Christian. However, the resolution did not call for the excommunication of any of the members who violated this standard of behavior. ¹⁷ The next year's associational meeting urged the member churches to establish their own temperance societies. These were to take an uncompromising stand and promote total

¹⁶ James River Association, Minute Book, 1832-1850, Twelfth Annual Session, Held at New Hope Church, Buckingham, Virginia, July 29, 1844 (manuscript located in Baptist Historical Society, University of Richmond, Richmond, Virginia), p. 1.

¹⁷ James River Association, Minute Book, July 24, 1841.

abstinence from the use and sale of alcoholic beverages. ¹⁸

Cumberland County's Baptist churches were especially aggressive in their temperance efforts. At the 1843 associational meeting, Cumberland Baptist Church reported an effective temperance society whose 160 members had managed to encourage a neighboring store and tavern to dispense with the sale of alcoholic beverages. At that same session, the Fork Of Willis Baptist Church reported 60 temperance society members and proudly boasted that "nearly all the white members are "teetotalers." Fork of Willis' delegation also asked the association to do something to halt the rise in alcohol use by the "colored members." In response, the association's delegates resolved that pastors should increase their efforts to preach a gospel of temperance to their black church members. ¹⁹

County Court Justice Vincent C. Ryals, who was a member of Cumberland Baptist Church for the entire decade prior to 1850 was the moderator of the James River Association's 1850 meeting. At that session, a decline was noted in the total abstinence societies. However, the Sons of Temperance had renewed the battle against alcohol by establishing a new

¹⁸ James River Association Minute Book, 1832-1850, Tenth Annual Session, Held at Fork of Willis Church, Cumberland County, July 23-25, 1842 (manuscript located in Baptist Historical Society, University of Richmond, Richmond, Virginia)

¹⁹ James River Association, Minute Book, 1832-1850.

division within the association.²⁰ As the decade 1850 to 1860 progressed, the reports on the temperance movement became increasingly pessimistic. The 1857 associational minutes reflected that during the previous two to three years, alcohol abuse had risen among church members. Again, the association urged total abstinence among the membership.²¹

Foreign missionary activity also concerned the association. At the 1846 annual meeting, the delegates were informed by the Committee on Foreign Missions that China, with its population of 360 million people, had been selected as a site for concentration by the Southern Baptist Mission Board. Already, a Brother Roberts had mastered enough of the Chinese language to communicate effectively and had established himself in the City of Canton. In this city of one million inhabitants, he had appointed four native Chinese preachers and was attempting to build a church. The report stated that "the teeming millions of Chinese stand as the wild harvest waiting for the sickle."²²

Richmond College was a recurrent subject of the James River Association's meetings in the 1850's. Robert Finch, an

²⁰ Minutes of the James River Baptist Association, July 27-30, 1850, p. 8.

²¹ Minutes of the James River Baptist Association, July 27-30, 1857., p. 1.

²² James River Association, Minute Book, 1832-1850, Fourteenth Annual Session, Held at Fork Union Meeting House, Fluvanna, Virginia, July 25-27, 1846 (manuscript in Baptist Historical Society, University of Richmond, Virginia)

agent of Richmond College, was introduced to the July 21, 1851, meeting. He spoke of the school's need for financial aid from the association, and it was resolved by the delegates that an endowment was to be considered for its permanent support.²³

The session meeting of July 21, 1855, heard an announcement from the Committee on Education, which proclaimed Richmond College to be second only in excellence to the University of Virginia. The committee predicted that the school would furnish an ample supply of Baptist pastors. Also mentioned was the Richmond Female College which had been established the previous September.²⁴ The 1857 associational meeting's Committee on Education reported that Richmond College "was built by Baptists, endowed by Baptists, and sustained by Baptists."²⁵ The student body was reportedly increasing, and two of its members were recently ordained as Baptist ministers.²⁶

Individual Baptist churches in Cumberland County

²³ Minutes of the James River Baptist Association: Nineteenth Session, July 27-28, 1851, Booker's Meeting House, Cumberland County, Virginia (Charlottesville; James Alexander Printer, 1851), p. 4.

²⁴ Minutes of the James River Baptist Association: Twenty-third Session, Mount Zion Church, Buckingham County, Virginia, July 21-23, 1855 (Richmond: Printed at Herald Office, 1855), p. 7.

²⁵ Minutes of the James River Baptist Association, July 27-30, 1857, p. 3.

²⁶ Ibid., p. 4.

attempted to exert control over the lives of their members. An example occurred in May, 1841, when Vincent C. Ryals and Byrd Farmer were appointed to deal with the case of Sister Susanner Meador and report back to the next meeting. They complied and reported that Meador had refused to cooperate during their meeting. Therefore, acting in behalf of the church, they "declared nonfellowship with her." Unfortunately, the record did not disclose the woman's alleged transgression.²⁷ On another occasion, a meeting was held in which the participants helped the pastor, Joseph Jenkins, and James W. Reynolds "quash some unpleasant feeling" which had arisen between them.²⁸

The decision to start Tar Wallet Baptist Church arose during a meeting when Brother Vincent C. Ryals resolved that a new church be established in Tar Wallet. The membership in the new church was to be composed of Cumberland church's communicants, who lived near Tar Wallet.²⁹

There were two Presbyterian churches in Cumberland County between 1840 and 1860. One was the Cartersville Presbyterian Church located at the far northern part of the county. It was also known as Trinity Presbyterian Church, and was founded on

²⁷ Cumberland Baptist Church, Minute Book, 1836-1856, March 1843 (manuscript located at Virginia State Library, Richmond, Virginia).

²⁸ Ibid., August, 1841.

²⁹ Ibid., March 1843.

August 11, 1827 by the Reverend W.J. Armstrong.³⁰ In 1841, this church had fifty-one members, and in 1842, William S. Thompson replaced C. Wilson McPhail as its pastor and he remained in this position until 1859.³¹ In 1855, this Cartersville church lost part of its membership when a new church was formed at New Canton in Buckingham County. Thompson served as the pastor of both churches and, by the time of the division, Cartersville's membership had reached fifty people and rose to seventy by the end of the decade. Among its members were community leaders, such as Ambrose Ford who had served as a county court justice.³²

Cartersville Presbyterian Church was as concerned with the behavior of its members as were Cumberland's other churches. An active effort was made to control behavior through expulsion and public shaming. On February 29, 1849, a member, William E. Smith, was "reported addicted to the use of intoxicating spirits." The sessional minutes revealed that Smith had admitted his problem and received a private chastisement from the pastor, all to no avail. It was resolved that the clerk of the session was to have formally

³⁰ Historical Sketch, Cartersville Presbyterian Church, Virginia Reel 13 (microfilm in Union Theological Seminary Library, Richmond, Virginia).

³¹ Cartersville Presbyterian Church, Cumberland County, Sessional Record, 1827-1878, April 1, 1841, Fall 1842, May 16, 1843 (manuscript in Virginia State Library Archives, Richmond, Virginia)

³² Ibid., April 8, 1855; March 3, 1859.

charged Smith with public drunkenness and to order him to appear before the elders on March 6, 1849, for the offenses which were alleged to have occurred in the City of Cartersville. Smith did not appear and, as a consequence, was suspended from the church. The Reverend Thompson was instructed by the members to read the charges against Smith and the resultant sentence from the pulpit of the church. ³³

Cumberland Presbyterian Church was located three miles northeast of Farmville and the Reverend J.S. Armstead served the congregation as pastor from 1842 to 1864. ³⁴ When installed on October 21, 1842, Reverend Armstead requested half of his \$800 salary in advance. His wish was granted and he was given an additional \$200 to house himself and his family until his parsonage was built. In addition, he established his itinerant schedule which allowed him to preach in several different churches within the county. This practice called for the sharing of church buildings with other denominations and relieved the membership from the arduous travel necessary to reach worship services. ³⁵

Cumberland Church had a membership of 84 in 1846, 96 in

³³ Ibid., February 29, 1849; March 6, 1849; April 3, 1849.

³⁴ F. Sidney Anderson, Jr., Historical Sketch of Cumberland Presbyterian Church, Virginia Reel 20 (microfilm in Union Theological Seminary Library, Richmond, Virginia)

³⁵ Minutes of the Cumberland Presbyterian Church, 1840-1866, October 21, 1842, Virginia Reel 20 (microfilm in Virginia Union Theological Seminary Library, Richmond, Virginia)

1849, and 97 in April, 1851. The total number of communicants remained fairly constant throughout the decade and the final role showed 132 members. The sessional report of April 1854, listed 2 black members but, prior to this date, none were apparent on the membership reports. ³⁶

Virginia law had an section which applied to African-American churches. Any church service, which was composed entirely of blacks and was also led by a black preacher, constituted "an unlawful assembly." Any county court justice, acting alone, had the authority to issue a warrant to an officer or to "any person." The possessor of the warrant was then empowered to enter the meeting and arrest the participants. The punishment, which could be ordered by the same justice who originally issued the warrant, was the infliction of "stripes." ³⁷ Therefore, it behooved blacks to join white churches.

The Cumberland Presbyterian Church prosecuted the deviant behavior of its flock. The minutes of the meeting held on June 8, 1850, charged several persons with crimes. Citations were served by church officials and the accused were to appear on the Saturday before the first Sabbath in July to answer the charges. ³⁸

³⁶ Ibid., 1850-1860.

³⁷ The Code of Virginia (1860), p. 810.

³⁸ Minutes of Cumberland Presbyterian Church, June 8, 1850.

Anderson Blanton was charged with habitual intemperance, and witnesses were called to testify against him. Maria W. Seay, charged with fornication, was alleged to have been pregnant and unmarried. The minutes of the July 6, 1850, meeting mentioned that neither person came forward to answer the charges. On August 7, 1850, both were suspended from the church and they were not to be reinstated without submitting proof of repentance.³⁹

The Protestant Episcopal Church had a relatively small representation in Cumberland County between 1840 and 1860. The records of the two churches that have survived are rather sketchy and incomplete. Grace Episcopal Church was situated in Ca Ira, and St. James Episcopal Church was located twenty-three miles away, near Cartersville. The earliest records for the period indicate that Alcott Buckley was originally the rector of both churches.⁴⁰

Buckley appeared in Cumberland County Court on December 26, 1843, and satisfied the court that he was ordained by the Protestant Episcopal Church. He and other ministers of the day were required to give an oath of allegiance to the Commonwealth of Virginia, and he and his two securities were

³⁹ Ibid; June 8, 1850; July 6, 1850; August 7, 1850.

⁴⁰ Bishop Meade, "Old Churches, Ministers and Families in Virginia," (unpublished, in folder marked "Protestant Episcopal Church, Cumberland County, Virginia," Virginia Historical Society, Richmond, Virginia), pp. 1-2.

also made to post a \$1,500 bond with the court. ⁴¹

Alcott Buckley continued his duties at Grace church, but he was relieved at St. James on the first Sunday in 1852 when the Reverend W.C. Meredith became its minister. Buckley was finally replaced in 1855 at Grace Church by the Reverend Thomas M. Ambler. ⁴²

The combined membership of the two churches in 1851 was only thirty-six communicants. Although an exact breakdown of black and white members is unavailable, there were black members at St. James Church. On October 7, 1857, Virginia Dean, a free black, and Betsy, a slave owned by a Mrs. Williams, were both baptized. St. James had some prominent members, such as, one-time Justices Tarlton Woodson, Codrington Carrington, and Mayo B. Carrington. ⁴³

Cumberland County was in the Lynchburg District of the Methodist Episcopal Church. Unfortunately, only minimal records have survived the period under study. ⁴⁴

There were 366 white and 13 "colored" members of the Methodist Episcopal Church in Cumberland County in 1840, and

⁴¹ Order Book # 34, December 26, 1843.

⁴² Meade, "Old Churches," p. 2; Littleton Parish, Cumberland County Records, 1840-1899 (manuscript in Virginia State Library, Richmond, Virginia)

⁴³ St. James Episcopal Church, Leighton Parish, Cumberland County, Registers, 1856-1975, (microfilm located in Virginia State Library, Richmond, Virginia)

⁴⁴ Minutes of the Annual Conference of the Methodist Episcopal Church for The Years 1839-1840 (New York: T. Mason and Lane, 1840), p. 35.

there were probably at least two separate churches, as there were two pastors listed, Martan A. Dunn and William E. Lee.⁴⁵ There was an instability in regard to pastoral appointments which changed often. Two years later, in 1842, two new pastors, John W. Childs and Thomas H. Jones, replaced Dunn and Lee. In that year, the white membership rose to 535 and the black to 16;⁴⁶ in 1847, the membership declined slightly to 528 whites and 11 blacks. At this time, the pastorate passed to Jacob Shough.⁴⁷

By 1850, there had been a decline in Methodist membership in the county to 275 white and 10 black members; the pastor was John W. Howard.⁴⁸ A further decline in white membership occurred in 1856, with 250 whites, however, there was an increase to 20 African-Americans.⁴⁹ The decade ended for the Methodists with a partial recovery to 280 whites and 30

⁴⁵ Ibid., pp. 35-36.

⁴⁶ Minutes of the Annual Conference of the Methodist Episcopal Church for The Years 1842-1843 (New York: G. Lane and P.P. Sandford, 1842), p. 220.

⁴⁷ Minutes of The Annual Conference of the Methodist Episcopal Church, South for the Years 1847-1848 (n.p., John Early, n.d.), p 115..

⁴⁸ Minutes of the Annual Conference of the Methodist Episcopal Church, South for The Years 1850-1851 (n.p., John Early, n.d.), pp. 284, 286.

⁴⁹ Minutes of the Annual Conference of the Methodist Episcopal Church, South for The Years 1856-1857 (Nashville: E. Stewart and F. Owen, 1857), pp.688-689.

black members under the Reverend Cyrus Dogett.⁵⁰

During the decades under study, Cumberland County had a small but enduring portion of its population actively engaged in organized religion. In 1850, there were 3,506 whites and 6,669 African-Americans, including both free black and slave populations in the county. The addition of the church membership figures closest to the year 1850 revealed that there were 913 church members, 349 of whom were black and 614 of whom were white. Therefore, 17.5 percent of the county's whites and .03 percent of its black citizens were church members.

⁵⁰ Minutes of the Annual Conference of the Methodist Episcopal Church, South for the Year 1860 (Nashville, Southern Methodist Publishing House, 1861), p.241.

CHAPTER VIII EDUCATION

Free public schools in Virginia were not required until the adoption of the Constitution of 1869.¹ Prior to this, a mixed system of private schools for the affluent and public support for indigent white students existed.² Public support for schools began on February 2, 1810, when the Virginia General Assembly passed the act establishing the Literary Fund. Its revenue sources consisted of the entire amount collected by the state for escheats, confiscations, penalties, and forfeitures of personal property.³ This was the first time the state had taken responsibility for the education of its citizens. Only white children, whose parents were unable to pay for their educations, were eligible, and the money was distributed to each county in proportion to the size of its population.⁴ Once in the county, the money was apportioned by school commissioners who were county court appointees.⁵

The system was expanded on February 25, 1829, with the

¹ Emily J. Salmon, editor, A Hornbook of Virginia History, third edition (Richmond: Virginia State Library, 1983) p. 70.

² J. L. Blair Buck, The Development of Public Schools in Virginia, 1607-1952, (Richmond, State Board of Education, 1952), p. 42.

³ A. J. Morrison, The Beginning of Public Education in Virginia, 1776-1860, (Richmond, Davis Bottom, 1917), p. 25.

⁴ Maddox, The Free School Idea, pp. 28-29.

⁵ Buck, Development of Public Schools, pp. 28-29.

passage of the Act for the Establishment of District Free Schools. This act allowed county school commissioners to establish geographical districts which were to consist of a three to seven square mile area. Within these districts, the residents were free to voluntarily tax themselves to pay their portion of the expenses. They were required to raise two-thirds of the necessary money to build a school and the remaining construction expenses would be covered by Literary Fund proceeds. The school house, which could be constructed of wood, brick or stone, would belong to the directors of the Literary Fund, and would be used solely to educate children from the contributing districts. The commissioners were further empowered to pay one hundred dollars per year for a suitable teacher, provided the residents of the district contributed an equal or greater amount. Free education, which was to be provided for all white children, was to be controlled by the trustees who were to be jointly chosen by the school commissioners and the districts' financial contributors.⁶ This first opportunity for universal free public education for white citizens was not very popular. Cumberland County never adopted this expanded free school system, however, it did receive funds under the basic 1810 Literary Fund legislation.⁷

⁶ Morrison, Beginning of Public Education, p. 53.

⁷ Second Auditor's Report of the State of the Literary Fund for the Year 1847, and Proceedings of the School Commissioners In The Different Counties For the Year Ending

Money from the Literary Fund was not used exclusively to educate poor children in the common schools; other institutions were benefitted, such as, the Virginia Institute for the Education of the Deaf, Dumb and Blind; the University of Virginia; and Virginia Military Institute.⁸ The Literary Fund provided \$15,000 per year to the University of Virginia.⁹ In 1845, there were 194 students in attendance at the university; among them, 134 students came from Virginia and one, Thomas P. Shields, from Cumberland County. He was a student in the schools of medicine, chemistry, anatomy, and surgery.¹⁰

The students at the University of Virginia were required to attend for nine months each year, and the total cost to the student, including room and board, was \$223.¹¹

Cumberland County supplied six students to the Virginia Military Institute between its opening on November 11, 1839, and July 15, 1855. Four of these were "pay cadets" and two were "state cadets," whose expenses were paid by the Literary Fund. Cumberland County's "pay cadets" graduated, but none of

September 30, 1846 (n.p., n.d., n.d.), p. 7.

⁸ Journal of the House of Delegates of Virginia (1845-1846) document number 15, pp. 3-5.

⁹ Ibid., pp. 15.

¹⁰ Ibid., pp. 24-27.

¹¹ Ibid., p. 37.

its "state cadets" were as fortunate. ¹²

Thomas P. Shields was able to meet the rigorous entrance requirements of the University of Virginia. He and others like him were educated in one of the fifteen common or public schools that existed in Cumberland, in 1840, unless his parents secured a private tutor, or sent him out of the county to a boarding school. There were no private academies listed on the census of that year. There was, probably, a considerable amount of in-home educational instruction which took place, in Cumberland in 1840, as the census identified only 200 illiterate Caucasians, over twenty years of age. Only 263 students were reported to be enrolled in the county's fifteen common schools. ¹³ Either the illiteracy figure was grossly under-reported, or there may have been some discrepancies in the census figure or county school commissioners' reports. For instance, the 1839 school commissioners' reported that between September 30, 1839, and October 1, 1840 ten common schools existed in the county. It is possible, but unlikely, that an additional five schools were established in the following year. During the same year, there were a reported eighty "poor children," forty-eight availed themselves of money from the Literary Fund, and they attended an "aggregate" of 6,501 days at school. For their

¹² Journal of the Senate of the Commonwealth of Virginia (1855) document number 15, pp. 6-8.

¹³ United States Census, 1840, population.

patronage, the teachers and, operators of the schools were paid \$.04 per day, per child, which totaled \$293.41 for the entire year. ¹⁴

In 1843, the Cumberland school commissioners reported the number of common schools declined to seven, and the number of poor children declined to seventy-five, however, the number in attendance rose to sixty. Although more indigent children were in the program, their absence rate was higher, which was reflected in their aggregate number of days attended which dropped to 6,389. The per diem rate of tuition paid by the Literary Fund was placed at \$.05 per day per pupil and totaled \$361.07. ¹⁵ It is interesting to note that in 1841, 1842, and 1843, Cumberland forfeited unused Literary Fund money which amounted to \$408.72, \$295.24, and \$276.45, respectively. ¹⁶

In the year 1844, the number of schools in Cumberland rose to eleven; the number of children declared indigent and thus eligible for funds remained at eighty, and fifty-seven of these were sent to school with fund money. There were three fewer children in attendance than in the previous year, and the average child attended less frequently which resulted in

¹⁴ Second Auditor's Report of the State of the Literary Fund for the Year 1840, and Proceedings of School Commissioners for Year Ending 1839, (n.p., n.p., n.d.), p. 18.

¹⁵ Second Auditor's Report on the State of the Literary Fund for the Year 1844, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1843 (n.p., n.p., n.d.), p. 20.

¹⁶ Ibid., p. 3.

a drop in the aggregate number of days to 5,133. The per diem tuition rate was \$.05 per child and the total Literary Fund money spent in Cumberland was \$291.57. This figure included other expenses such as school books. ¹⁷

There appears to have been an aversion to common school attendance in Cumberland, as well as in other localities of the state. One possible explanation was given by J. Brown, Jr., second auditor and superintendent of the Literary Fund, on December 1, 1840, in his report to the General Assembly of Virginia. His contention was that poor farmers often could not spare the labor of their sons and daughters long enough to allow them to attend school on a daily basis or, in many cases, at all. However, children of the rich were free to concentrate on their studies. ¹⁸

Another reason for poor attendance cited by Brown was the difficulty which surrounded the procurement of qualified teachers. He lamented that "a considerable portion" of instructors who received money from the Literary Fund were improperly trained and "ignorant." He considered their only redeeming value to have been their ability to teach reading and the fact that a small amount of knowledge or instruction

¹⁷ Second Audition Report of the State of the Literary Fund for the Year 1845 and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1844, (n.p., n.p., n.d.) p. 4.

¹⁸ Second Auditor's Report of the State of the Literary Fund for the Year 1840 and Proceedings for the Year Ending 1839, p. 4.

was superior to none. ¹⁹ In fact, much of the instruction given was by the student recitation method, accompanied by severe punishment for poor performance and behavior. ²⁰

Unfortunately, many of Virginia's antebellum teachers were transients and their status as outsiders led to their being subject to ridicule and harassment. ²¹ Teachers' salaries were low and, in addition, there was no regulation in regard to teacher training nor was there any system of measurement to ascertain student achievement. ²² As a consequence, as late as 1857, there was the pervasive feeling in the state that public or common school education was inferior and constituted a form of charity. ²³

There was also no statewide uniformity or standardization in regard to the textbooks used in the common schools. Of the thirty-six different readers used in the different counties, the most frequently employed was the Bible. ²⁴

In addition, the respective county common schools were not required to remain in session for any particular number of months. Twenty counties, including Accomac, Carroll, Floyd,

¹⁹ Ibid.

²⁰ Maddox, Free School Idea, p. 114.

²¹ Ibid., p. 125.

²² Ibid., p. 112-113.

²³ Ibid., p. 61.

²⁴ Second Auditor's Report for the Year 1845, and Proceedings of the School Commissioners in the Different Counties for the Year Ending 1844, p. 43.

Marion, Page, Roanoke, Tyler and Warren were open "for different periods," Fifteen others, including Barbour, Bath, Charles City, Hardy, Lee, Mason, Morgan, and Scott, were in session from three to six months per year. Five, including New Kent and Rockingham, were "in operation" from six to nine months, and Cumberland County, along with Bedford, Augusta, Chesterfield, Dinwiddie, and thirty-seven others were open for nine months per year. The remaining counties were not compelled to state their periods of operation and did not do so. ²⁵

This chaotic and seemingly ineffectual state educational system resulted in publicly-expressed concern and interest in reform. ²⁶ One of the leading proponents of change was Governor James McDowell who confronted the issue squarely in his address to the General Assembly on December 1, 1845. He considered the average white citizen's lack of a basic education as the preeminent problem facing the Commonwealth of Virginia. In his opinion, the upper educational stratum was amply represented by Virginians who attended the University of Virginia and various other colleges. In the lower grades, there were a number of private academies and classical and grammar schools which educated the children of financially comfortable individuals. Unfortunately, the students of these elite institutions comprised 2 percent of the entire white

²⁵ Ibid., p. 45.

²⁶ Buck, The Development of Public Schools, p. 46.

population of the state. In the previous year, Virginia's private academies and grammar schools had enrolled 11,083 students and its colleges had educated an additional 917 state residents. McDowell's concern rested with the remainder of the white children between the ages of 7 1/2 and 16 who were considered to be of school age. Of these 154,000 potential students, 34,000 were attending the state's common schools but another 120,000 were receiving no institutional education. Governor McDowell considered this to be a tragedy, which was partly responsible for the state's recent loss of population; he proposed a remedy. ²⁷

The Governor's plan included the establishment of a system of free schools in each county which would have been implemented when a majority of its eligible voters cast their ballots in its favor. If they did so, the schools were to have been funded by a combination of Literary Fund money and local and state taxes. The selection of the locations and the supervision of the schools would be under "county tribunals" and would have one overall director. Lastly, if the county's voters did not like the plan, once it was put into effect, they were free to reject it and return to the old system. McDowell expected that his proposed plan would eliminate the stigma of charity which surrounded the common schools, and he predicted a consequent burgeoning of enrollment from the

²⁷ Journal of the House of Delegates of Virginia for the Session 1845-46, pp. 9-10.

economically disadvantaged classes. He also expected that the poor students would benefit from their association with the offspring of the state's wealthy citizens and that this mingling of the children from different economic strata would lead to the elimination of caste. ²⁸

The General Assembly passed three acts in 1846 as a result of the clamor for reform. Two were passed on March 5, 1846. The first act, which was the Act to Amend the Present Primary System, called for a modification of the existing Literary Fund common school structure and it was the only one of the three that affected Cumberland. The county rejected the other two acts which were based on increased taxation and would have expanded the public school system. ²⁹

The Act to Amend the Present Primary System modified the existing system of Literary Fund supplementation to indigent children. The county and corporation courts were to divide their respective localities into districts, based on both geographic and population size. From each district, they were to choose one commissioner. The bill was silent in regard to the number of districts to be created, but the desired minimum was indicated by the requirement that nine commissioners would constitute a quorum. They, in turn, were to elect a superintendent of schools who was to post a performance bond. The commissioner was to conduct the business of the schools in

²⁸ Ibid.

²⁹ Buck, The Development of Public Schools, pp. 53-54.

his district, including the registration of all eligible children between the ages of five and sixteen who were eligible for Literary Fund tuition assistance. The commissioner was also to be responsible for the decision as to which, and how many, indigent pupils could have their per diem tuition paid by the fund. Once this decision was made, he was to make contractual arrangements with the participating teachers. ³⁰

The Act to Amend the Present Primary System was to provide financial compensation to the county and corporation superintendents equal to 2 1/2 percent of the total Literary Fund money expended in their jurisdictions. The superintendent was to examine carefully any teacher who sought to be paid under the act, and he was also to be a clerk and treasurer of the county's Literary Fund expenditures. This last duty required a full report to the board of commissioners at their annual meeting and to the superintendent of the Literary Fund. ³¹

In 1847, the first year after the passage of the Act to Amend the Present Primary System, the schools in Cumberland County continued to rise in number to thirteen. There was a 66 percent rise to 120 in the number of children declared indigent. There was a corresponding 50 percent rise to 114 in

³⁰ Journal of the House of Delegates of Virginia, Session 1845-46, Bill Number 263, pp. 1-2.

³¹ Ibid., pp. 2-3.

the number educated with the fund's money, and a total 8,275 aggregate number of school days, attended by poor children for whom the Literary Fund spent \$.05 tuition per day, per child, for a total expenditure of \$446.17.³² This increase and that of the following year proved to be temporary and may have been the result of the novelty of the new legislation. By 1848, there were fourteen schools with 119 students. Unfortunately, the figure for the number of poor children who were eligible to attend was illegible. Aggregate attendance days grew to 10,813 with each pupil attending an average of 90.87 days. The \$.03 per day tuition, plus other expenses, such as school books, brought the Literary Fund expense to \$344.22.³³

An analysis of the decade of 1850 to 1860 gave an indication of the fluctuation of the number of schools, number of children declared indigent, and the number of pupils educated with Literary Fund money. There was a 43 percent drop in the number of Cumberland's common schools which declined from fourteen in 1848 to eight in 1850. Even more dramatic was the 62 percent decline in pupils which occurred from the 119 in attendance in 1848 to the 45 Literary Fund

³² Second Auditor's Report on the State of the Literary Fund for the year 1847, and Proceedings of the School Commissioners in the Different Counties for the Year Ending 1846, p. 32.

³³ Second Auditor's Report on the State of the Literary Fund for the Year 1848 and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1847, (n.p., n.p., n.d.), p. 32.

pupils of 1845. This occurred despite an increase to 158 children declared eligible for funds. However, the rest of the decade showed a gradual upturn in the amount of public school activity. There were nine common schools in 1851 and 173 poor children, of whom 39 were in attendance for a total of 3,855 aggregate school days at \$.04 cents per day tuition, which contributed to the \$264.05 expenditure. In the following year, the number of common schools rose to the 1848 figure of fourteen, and the number of eligible children increased to 190. In the same year 63 of the eligible poor children actually attended school for a cumulative 5,966 aggregate days.³⁴

During the last seven years of the decade, the number of schools varied in the following order: fifteen, twelve, eighteen, thirteen, 1858's figure was blank, thirteen and sixteen. The number of poor children fluctuated from 160 in 1854 to 98 the next year, 86 in 1856, 1857's figure was blank, and to 118 in 1858. The figures for the following two years do not appear.³⁵

In the corresponding years, the students educated by the Literary Fund were 75 in 1854, 66 in 1855, 61 in 1856, 67 in 1857, and 112 in 1860. In 1857, the total Literary Fund payment to Cumberland County's teachers was \$487.56 and, in

³⁴ Literary Fund Abstracts of Accounts and Reports of School Commissioners, Cumberland County, 1850-1860 Book B. (manuscript in Virginia State Library, Richmond, Virginia).

³⁵ Ibid.

1860 it had reached its zenith at \$692.17. Also, by 1857, the per diem tuition had reached its maximum for the decade of \$.06 cents per day.³⁶

In 1843, there were nine school commissioners in Cumberland County, one of whom was Willis Sanderson who became a county court justice in 1844.³⁷ The other commissioners that year were Samuel Hatcher, Nelson Page, Lawrence Blanton, Robert Stratton, William E. Carrington, Edward Hughes, Charles S. Palmore and Spencer Brown. They criticized their own performances in their reports to the auditor of the Literary Fund and suggested that they should have made more supervisory visits to the schools under their respective guidance. They alluded to the often sporadic attendance of their indigent charges, by commenting that some had made good progress, while others "had progressed" as well as was to have been expected from the manner of their attending school."³⁸

The commissioners reported that most of the county's teachers were qualified and that the present school system was adequate. However, they indicated it would be improved by the enlargement of the Literary Fund and by the adoption of a

³⁶ Ibid.

³⁷ Register of Justices and County Officers 1793-1865 (microfilm in Virginia State Library, Richmond, Virginia).

³⁸ Second Auditor's Report on the State of the Literary Fund for the Year 1844, and Proceedings of the School Commissioners in the Different Counties for the Year Ending 1843, p. 29.

district school system. ³⁹ Thus, Cumberland County's school commissioners were in agreement with the widespread agitation for reform of the existing system. In 1844, the same men were commissioners and reported they had distributed Literary Fund money for the tuition of children between the ages of seven and fifteen and had not favored children of either sex in making the grants. ⁴⁰

Cumberland County's court complied with the Act to Amend the Present Primary System passed by the Virginia General Assembly on March 5, 1846. On October 26, 1846, it divided the county into eight school districts and appointed school commissioners. The commissioners for the year ending 1846 had undergone a personnel change which left only three of the previous year's incumbents. ⁴¹ Only one man, Nelson Page remained from the 1843 and 1844 roster of commissioners, and in 1846, he was appointed to district two. The other appointees were Creed Taylor, a county court justice in district one; Willis Wilson in number three; Mayo B. Carrington, also a court justice in district four; Johnathan H. Davis in district five; Edward J. Brown in district six; Joel T. Scott in district seven; and J.S. Armistead in

³⁹ Ibid.

⁴⁰ Second Auditor's Report on the State of the Literary Fund for the Year 1845, and Proceedings of the School Commissioners in the Different Counties for the Year Ending 1844, p. 29.

⁴¹ Second Auditor's Report on the State of the Literary Fund for the Year Ending 1946, p. 49.

district eight.⁴² The court appointed the same eight men in the following year.⁴³ J.S. Armistead functioned as superintendent. The county did not have eight commissioners plus the ninth position of superintendent filled until 1849. At that time Armistead remained in the position and, in addition, he was the pastor of Cumberland Presbyterian church. Besides Armistead, five of the other original commissioners, appointed in October 1846, were still in office in 1850.⁴⁴ Armistead was the member with the most longevity, and he was still superintendent in 1855. However, by that time, an entirely new set of commissioners had been appointed.⁴⁵ In 1858 the Cumberland superintendent was Edward S. Brown, and in his annual message to the superintendent of the Literary Fund,

⁴² Order Book #35, October 26, 1846; Register of Justices and officers, 1793-1865.

⁴³ Order Book #35, October 24, 1847.

⁴⁴ Second Auditor's Report on the State of the Literary Fund for the Year of 1848, and Proceedings of the Year Ending 1847, p. 47.

Second Auditor's Report of the State of the Literary Fund for the Year of 1849, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1848 (n.p., n.p., n.d.), p. 40.

Second Auditor's Report of the State of the Literary Fund for the Year of 1850, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1849 (n.p., n.p., n.d.), p. 38.

Second Auditor's Report of the State of the Literary Fund of the Year of 1851, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1850 (n.p., n.p., n.d.), p. 49.

⁴⁵ Second Auditor's Report of the State of the Literary Fund for the Year 1856, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1855 (n.p., n.p., n.d.), p. 20.

he gave his opinion that the per diem tuition should be raised to ten cents per child per day. ⁴⁶

There was ample opportunity for the white children of Cumberland to receive an education. Although, there were no strictly private or classical schools in the county, there appears to have been private tutors to accommodate the affluent. Families of more modest means who were able to afford the tuition sent their children to the common schools. These same schools were also open to recipients of the Literary Fund whose families were unable to pay their tuition.

⁴⁶ Second Auditor's Report of the State of the Literary Fund for the Year 1859, and Proceedings of the School Commissioners in the Different Counties for the Year Ending September 30, 1858 (n.p., n.p., n.d.), p. 109.

Conclusion

Cumberland County was an agricultural community with a small industrial base. Tobacco was its most important crop and the milling of wheat and corn was its major industry. However, tobacco manufacturing, carriage and wagon production, and numerous blacksmith shops were also present.

River transportation was important and in 1840 the county was linked by the James River and Kanawha Canal to the trade center of Richmond. Travel and the movement of produce within the borders of the county was accomplished on the Willis River and the Appomattox River provided access to Petersburg.

In 1850, 67 percent of the county's 9,736 residents were African-American slaves and, in addition, there were 311 free blacks. The county government put considerable effort into controlling this population with the patrol system, registration of free blacks, and the criminal sanctions enforced by the county court.

Cumberland County was dominated by an elite group of white citizens who possessed larger landholdings and more slaves than average. This oligarchy manifested itself by its occupation of the positions of county court justice, and it overlapped into other powerful positions such as sheriff, commissioner of the revenue, overseer of the poor, school commissioner, and representative to the Virginia General Assembly. Prior to the Virginia Constitution of 1851, the

county court appointed its own members who were routinely approved by the governor. In addition, they appointed all other county officeholders with the exception of the overseers of the poor. After the constitution's implementation, they and all other officials except coroners were elected. However, after the positions became elective, many of the court's members and other officials continued in office.

The legislative activities of the county's representatives to the Virginia General Assembly and United States Congress continued to reflect a strong interest in the perpetuation of slavery and issues favoring tobacco growers, including the development of transportation. The county's legislators also championed measures to restrict or eliminate the use of alcoholic beverages, and this temperance sentiment was reflected in the county's churches.

The Baptists, Methodists, Episcopalians, and Presbyterians were the predominant religious groups. However, in 1850, only 17.5 percent of the county's white population were church members.

There were a number of private schools in the county which were open to indigent student recipients of the State Literary Fund, and several students from the county advanced to university level study.

Cumberland County's slave-based society was economically successful and its leadership reflected a strong reluctance to

change. This was apparent on May 23, 1861, ¹ when all of the county's 523 citizens, who voted, cast their ballots in favor of approving the ordinance of the State of Virginia's secession from the United States of America.

¹ Convention Election Record, Cumberland County, 1861 (manuscript in Virginia State Library, Richmond, Virginia).

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