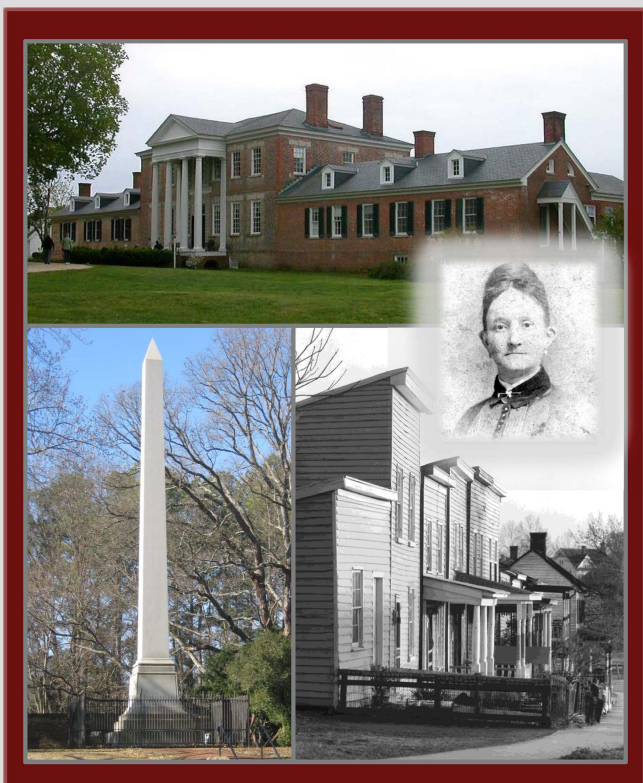


# The Journal of Fredericksburg History

Volume 15



Historic Fredericksburg Foundation, Inc.

*This page intentionally left blank.*



# THE JOURNAL OF FREDERICKSBURG HISTORY

Volume Fifteen

Historic Fredericksburg Foundation, Inc.  
The Lewis Store  
1200 Caroline Street  
Fredericksburg, Virginia 22401

Copyright 2016 by the Historic Fredericksburg Foundation, Inc.

Unless otherwise listed, all images were produced by the authors or their agents on behalf of the Historic Fredericksburg Foundation, Inc. All rights reserved.

*The Journal of Fredericksburg History* (ISSN 1093-2771) is issued by the Historic Fredericksburg Foundation, Inc.

The Foundation's mission is to preserve, protect, and revitalize the distinctive historic environment and cultural resources of the Fredericksburg area through education, advocacy, and financial support.

For information on membership, please write to the Foundation at 1200 Caroline Street, Fredericksburg, Virginia 22401, call the office at 540-371-4504, or email us at [office@hffi.org](mailto:office@hffi.org). Additional details on the organization can also be found on our website, [www.hffi.org](http://www.hffi.org).

Contributions to the Historic Fredericksburg Foundation are tax-deductible.

## **Historic Fredericksburg Foundation, Inc.**

### ***Board of Directors***

President: Emily Taggart Schricker

Vice President: vacant

Secretary: Barbra Anderson

Treasurer: G. Scott Walker

Paul Eakin

Mary Maher

Richard Hansen

Leslie Pugh

Regis Keddie, III

### ***Honorary Board Member***

Doris Buffett

### ***HFFI Publications Committee & Journal Editorial Board***

Kerri S. Barile (Editor in Chief)

Linda Billard (Technical Editor)

Barbara P. Willis (Content Editor)

Nancy Moore (Content Editor)

William Shorter (Graphics Editor)

Carthon W. Davis, III

Sean P. Maroney

John Hennessy

Scott Walker

Renee Johannesen

*This page intentionally left blank.*

## FOREWORD

The Underside. Merriam-Webster defines the Underside as a “part of life, a city, etc., that is hidden and usually unpleasant” or “that which is purposefully hidden from view.” Like many American cities, Fredericksburg’s past has many tales that reflect the Underside—the backroom deals that brought about monumental projects or scandals that were known by many residents but never shared. Throughout most of the twentieth century, these stories were silenced in favor of prose that glorified our founding families. It is only in the past few decades, as we enter a new millennium, that these stories are emerging. We recognize that all pieces of our past come together to provide a rich and nuanced understanding of our past. Taking on this challenge, our four authors in the current *Journal of Fredericksburg History* explore four very different topics—all revealing unknown details on an aspect of our past that have, until now, been hidden from view.

In *Debt of Honor*, Thomas Katheder describes the effect that a gambling habit had on one of Virginia’s most notable families—the Carters. As is true today, drinking and gambling were socially acceptable behavior so long as they were done in moderation. Such was not the case with George Carter of Sabine Hall. Katheder’s research delves into Carter’s activities in one of Fredericksburg’s most notable watering holes, Benson’s (formerly Weedon’s) Tavern. Carter’s carousing and gambling led to notable losses on numerous occasions, and eventually to his early demise. While many historians have regaled us with the importance and fame of our early taverns, Katheder is the first to describe the adverse effects these institutions had on some families—an aspect that we must remember as we hail the “good ol’ days.”

Matt Scott and Gary Stanton turn our attention from the perspective of a plantation owner to that of a former slave who achieved incredible prominence in late-nineteenth century Fredericksburg... yet few people know his name. In *Henry Deane, Liberty Town Entrepreneur*, the authors describe the amazing life of our city’s first African-American entrepreneur. He and his wife developed a real estate business that catered to other African Americans, building

dozens of homes along George Street and in the surrounding area and selling them at reasonable costs to black residents. He was a true leader for decades but there are no monuments, plaques, or other commemorations. And what of the dozens of homes he built? Only seven remain. The demolition of Deane homes and absence of an awareness of his legacy are an Underside tale of Fredericksburg.

The Deane homes were small, one-room-wide, frame dwellings. They were in stark contrast to homes constructed at the same time across town for Fredericksburg's emerging white elite. We all know Washington Avenue for its breathtaking vista and beautiful residences, but few of us know the full history of how this avenue came to be. In *Washington Avenue*, William Shorter has teased out countless details describing the 70-year process to make this plan come to fruition. From the rise and fall of the Fredericksburg Development Company to repeated and heated debates on the length and width of the road, all aspects were fraught with trials and decisions, including moving a cemetery. Next time you drive down Washington Avenue, you will not look at it in the same way.

Last, but certainly not least, is an utterly fascinating story of three nineteenth-century women who did what they had to do to retain their independence and provide for their families in an era that offered few liberties for female residents. In *What Were They Thinking? Crossing the Boundaries of Propriety in Nineteenth-Century Fredericksburg*, Jan Waltonen recounts the tale of Caty Gaines, Sophia Coupe, and Jennett Strode. All three women owned property in town and assured that their children received an education, even if it meant selling themselves to provide this care. They balked at contemporary notions of female roles and entered into known affairs with married men. In the end, their perseverance led to prosperous and successful generations to come, including the first president of what is today Clemson University.

We at the Historic Fredericksburg Foundation, Inc., hope you enjoy this latest version of the *Journal of Fredericksburg History*. Perhaps it will leave you thinking a bit differently about the Underside and all of the tales that have yet to be told....

Kerri S. Barile  
Editor in Chief

## TABLE OF CONTENTS

### FOREWORD

by Kerri S. Barile ..... v

### DEBT OF HONOR: A SABINE HALL GAMESTER COMES TO RUIN IN FREDERICKSBURG

by Thomas Katheder ..... 1

### HENRY DEANE, LIBERTY TOWN ENTREPRENEUR

by Matt Scott and Gary Stanton ..... 25

### WASHINGTON AVENUE

by William Shorter ..... 39

### WHAT WERE THEY THINKING? CROSSING THE BOUNDARIES OF PROPRIETY IN NINETEENTH- CENTURY FREDERICKSBURG

by Jan Waltonen ..... 63

*This page intentionally left blank.*

# **DEBT OF HONOR: A SABINE HALL GAMESTER COMES TO RUIN IN FREDERICKSBURG**

**By Thomas Katheder<sup>1</sup>**

In October 1791, Sabine Hall scion George Carter (1762–1802), so inebriated and exhausted from “three days & three whole nights” of play that he could barely hold up his cards (or his head), lost £1,893 to John Cooper in a final late-night round of the game “Twenty-One” at Benson’s Tavern in Fredericksburg, Virginia. Although Virginia newspapers discretely omitted mention of Carter’s shocking loss (out of respect for his powerful, elite family), tongues wagged with the sordid story in Fredericksburg and beyond, and the question of how to deal with Cooper’s demand for payment presented a profound crisis of family honor for the Carters.<sup>2</sup>

## **Part I**

Gaming arrived in Virginia with the first permanent European settlers. Archaeologists have recovered some four dozen bone and ivory dice at Jamestown, even though the adventurers there risked imprisonment, whipping, or worse if caught using them. At their first legislative assembly in the summer of 1619, the Virginia House of Burgesses enacted laws “against idleness, gaming, drunkenness, and excesse in apparel,” including a 10-shilling fine for anyone who wagered at cards or dice, but the law, like its later iterations, had little apparent effect on behavior. In fact, after the Restoration in 1660, Charles II, called the “merrie monarch” because of his notorious revelries, removed much of the base taint associated with gambling during the Cromwell era and helped make it fashionable in Britain, and by extension in Virginia, through his frequent horse racing and high-stakes gambling. Diarist and intellectual John Evelyn (1620–1706) noted with considerable chagrin the “deepe and prodigious gaming” and the “vast heapes of gold squander’d away in

a vaine and profuse matter” at Charles II’s royal court. As the appalling mortality rates in the Chesapeake declined and the Virginia gentry consolidated their social, political, and economic power in the last quarter of the seventeenth century, gambling stakes grew bigger and play more intense and frequent.<sup>3</sup>

A Dutch sea captain, calling at Jamestown in 1633, “was astonished at finding so many of the planters inveterate gamblers, even staking their servants.” A little more than 50 years later, a French traveler, enjoying the hospitality of Ralph Wormeley II (1650–1700) at Rosegill, his grand estate along the banks of the Rappahannock, awoke in the morning to find his hosts still gambling at cards, having begun playing “after supper” the evening before. Even the Anglican clergy could not stop gaming. In his famous 1752 sermon before the Virginia General Assembly, Reverend William Stith denounced gaming as a “very low and contemptible Vice,” it being a “Sin of a very deep Dye.” But, owing to practical considerations in view of the overwhelming popularity of gambling in the Virginia colony, Stith allowed that “Gaming for Money, in some Instances and Degrees, may be a lawful and innocent Diversion.” Stith acknowledged that the greatest benefit of playing for “mere Amusement” or for inconsequential sums was to “kill Time.” Stith’s sermon, which was soon published and became a best seller in Williamsburg, instead focused on what he called “high Gaming.”<sup>4</sup>

It was appropriate that Stith did not try to entirely eliminate gambling from colonial Virginia, because, at least among the gentry, and probably among many others, it had become deeply embedded in Virginia culture. Playing cards, some decorated with portraits of English monarchs, were commonly found in Virginia merchant stores, and even some women wagered at cards. (Playing cards were so popular, in fact, that they were included among the list of articles subject to the Stamp Act.) No less a person than James Blair (1687–1771), the president of the Virginia Council, which acted as a powerful cabinet for the royal governor, carefully recorded his winnings and losses at billiards and cards in his journal. However, Blair’s gambling (at least as reflected in his journal) was with other members of the Virginia gentry and for relatively small stakes. Mid-eighteenth-century blacksmith and amateur poet Charles Hansford (1685–1761) had unbridled praise for the Virginia gentry in his paean to the privileged, but he profusely worried about the lure of

gaming. He was especially fearful that professional gamesters, decidedly of a different social class, would prey upon members of the Virginia gentry, which is what happened to George Carter:

The dice-box rattles; cards on tables flow.  
I well remember, fifty years ago  
This wretched practice scarcely then was known.  
Then if a Gentleman had lost a crown  
At gleek [a card game] or at backgammon, 'twere a wonder,  
And rumbled through the neighborhood like thunder.  
But many now do win and lose pistols  
By fifties—nay, by hundreds. In what shoals  
Our gentry to the gaming tables run!  
Scoundrels and sharpers—nay, the very scum  
Of mankind—joins our gentry, wins their cash.<sup>5</sup>

In a letter advising his designated successor as tutor to the children of Robert Carter of Nomini Hall (1728–1804), Princeton student Philip V. Fithian (1747–1776) wrote: “[A]ny young Gentleman travelling through the Colony [Virginia]...is presum’d to be acquainted with Dancing, Boxing, playing the Fiddle, & Small-Sword, & Cards.” The “Virginia gentleman,” scoffed a Hessian officer a few years later, “has only the one fault, he is too fond of gambling.” “It is best never to join him at cards, especially” he continued, “for he never plays for a small stake.” A French visitor, who toured Virginia the same year George Carter lost big at Benson’s Tavern, agreed, noting that “nearly all” Virginians “are gamblers.” Even George Washington, eighteenth-century America’s paragon of virtue and self-control, was an “inveterate” card player and once referred to the “Game of Card-playing” as “infatuating.”<sup>6</sup>

So it was that the code of the colonial Virginia gentry developed that it was acceptable to drink, so long as one did not get too drunk. Likewise, it was acceptable to gamble, so long as one kept to his own social class, did not cheat, and could readily bear the loss. The viewpoint of Robert Crichton in his *Virginia Gazette* editorial was typical. “I am not an Enemy to Recreation,” he stressed. He was opposed to those who would make “their Recreation a Trade” or those who played “for more than they can lose with Content.” Some Virginians adhered to this standard, and some did not. Despite (or perhaps because of) his obsessive-compulsive proclivities,

prototypical Virginia aristocrat, William Byrd II (1674–1744), usually managed to keep to moderation at both drink and cards. In one of his numerous encoded diary entries in which he mentions drinking or gambling, for example, he noted that he “went to the coffeehouse,” where he “played at cards and won 40 shillings but afterwards...played at dice and lost £10.” Byrd reprimanded the grammar schoolmaster at the College of William and Mary that a gentleman can be “merry” but never “drunk.” Unfortunately, Byrd was not around to prevent the wretched excesses of his son and namesake heir, William Byrd III (1728–1777). At age 16, Byrd III traveled to London in 1744, the year the elder Byrd died, for his secondary education and ultimately to study law at the Middle Temple. It was in England that he likely acquired his crippling addiction to high-stakes gambling. Having abandoned his first wife and mired in debt, he committed suicide in January 1777 at Westover Plantation, where he lived.<sup>7</sup>

## Part II

George Carter was born and lived at his grandfather Landon Carter’s estate, Sabine Hall, near present-day Warsaw, Virginia. Sabine Hall was completed by Landon Carter (1710–1778) about 1740, during the “golden age” of the Virginia gentry—a period when the gentry’s wealth, social distinction, and political power were all at their zenith (Figure 1). As an archetype of one of Virginia’s “great houses” of this period, the mansion manifested the social values of the top tier of Virginia’s elite:

The construction of the great houses was a part of the consolidation of...gentry dominance—a process that by the fourth decade of the eighteenth century in turn inaugurated a stable political authority in Virginia to a degree that was exceptional among the British colonies in America.<sup>8</sup>

Landon Carter was the fourth son of Robert “King” Carter (1663–1732), who owned more than 300,000 acres of land and 750 slaves and was by far the richest and most powerful man in Virginia, the undisputed “grandee among the grandees.” (Figure 2) Although historian Rhys Isaac aptly described Landon Carter’s mansion, family, and slave holdings as an “uneasy kingdom,” during the

pre-Revolutionary period, Sabine Hall, along with its neighboring mansion, Mt. Airy, approached the eighteenth-century Virginia pastoral ideal perhaps more closely than any other estate.<sup>9</sup>



Figure 1: Sabine Hall, as It Appears Today (Courtesy R. Carter Wellford).

George was the second son of Robert Wormeley Carter (1734–1797) and Winifred Travers Beale (1734–1794), who shared Sabine Hall with Robert Wormeley’s authoritarian and curmudgeonly father, Landon. Robert Wormeley, along with his wife and their children, lived on the second floor of Sabine Hall while Landon resided on the ground floor with his two unmarried daughters. Robert Wormeley often had epic, bitter quarrels with his father over most aspects of Robert’s life, especially gambling and horse racing, both of which Landon despised and believed were the road to ruin. The elder Carter declared gaming tables were suitable “furniture” only for the “Suburbs of Hell,” and “every Gamester, void of friendship, and all the other virtues which Should ever distinguish the Gentleman.” In 1774, he complained to his diary about his son’s gaming:

My son came home from Corotoman yesterday; but he never went to see any of my estates. He has truly got the name Wild Bob; for there is not one kind of business he cares for but that of gaming and running about. In short, he is every man’s man but his own and his father’s, never at home hardly, and when at home, unless [engaged in] some trifling imployment, he sleeps all day; for he never reads.<sup>10</sup>



Figure 2: Landon Carter (1710–1778), Founder and Patriarch of Sabine Hall, as He Appeared in the 1750s (Courtesy R. Carter Wellford).

Robert Wormeley Carter's frequent excursions to observe his and his father's plantations were, according to his father, usually a pretext to escape his wife and children at Sabine Hall and to gamble. "[T]his S[abine] Hall blade," Carter grouched, "though his wife in a very bad way which it is said he knew of before he went up, Yet he went not to see his Plantations untill he got his fill of the diversions by emptying his own Pockets..." "[N]o african," Carter concluded, "is so great a Slave, as such are to their Passion for gaming."<sup>11</sup>

The elder Carter's grumbling seems to have had no effect on his son Robert Wormeley's drinking and card playing. A vestryman and well-respected member of the House of Burgesses, Robert Wormeley tallied his betting wins and losses in his journal as matter-of-factly and frequently as he noted his crops, the weather, and other mundane details of daily life. One of his regular drinking and playing partners was Anglican Reverend Isaac W. Giberne, who emigrated from Britain and (for there is no other way to put it) "went native," embracing the worst vices of the Virginia planter gentry. On at least one occasion, Reverend Giberne played cards with Robert Wormeley at Sabine Hall for almost four days in a row, stopping only to take meals and to sleep. Reverend Giberne apparently made the rounds of the other Carter plantations, including Robert Carter's Nomini Hall, where he was seen by Princeton tutor Philip V. Fithian, who noted in his diary:

Parson Gibbern ill of last weeks Bout; he was up three nights successively drinking & playing at Cards, so that liquor & want of sleep put [him] quite out of his Sences." Regarding Giberne, who was amiable enough, Landon Carter sighed that it was "a shame this Sensible Parson should be such a decoy to youths as he is....[b]ut he loves cards and their concomitants."<sup>12</sup>

Landon Carter also constantly fretted, with good reason it later turned out, that Robert Wormeley was setting an irreversibly "bad example" for his sons, George and Landon. He bemoaned to his diary, "I wonder [why] everybody can't go to hell by themselves without endeavouring to carry their Children there." George Carter was less openly defiant of his grandfather than either his father or brother, but he was apparently dull and weak. "Poor George," his grandfather wrote, "who I must Provide for, as I am sure [he] will not be worth a shilling to leave him; because if he is not gaming away all and more than he makes, he is at Sleep on the Chairs or up in his bedchamber." Carter's observations about his grandson George later proved more accurate than even he would know.<sup>13</sup>

### Part III

Benson's Tavern, also known in early Virginia as an ordinary, was one of dozens of similar establishments in Fredericksburg and Spotsylvania County. It was located on the northwest corner of Caroline and William Streets in Fredericksburg. The tavern was operated by John Benson (d. ca. 1815), who leased it in 1788 from Revolutionary War officer General George Weedon (ca. 1734–1793), who had taken it over from his father-in-law, Scottish emigrant John Gordon (d. 1750). Weedon's Tavern, as it was then called, was enormously popular among the Virginia gentry, who used the facility much as they would have used a modern country club, and it was visited by George Washington when he was in Fredericksburg (Figure 3). Weedon had private rooms for dining, meetings, or card playing, and he installed a billiard table in a room that measured 44 by 25 feet. Weedon was the manager of the Fredericksburg Jockey Club, of which Robert Wormeley Carter was a member, and Weedon arranged many horse races at his tavern. Although General Washington acknowledged Weedon's valuable contributions to the war effort, he also recalled that Weedon was "rather addicted to ease and pleasure; and no enemy it is said to the bottle."<sup>14</sup>

John Benson, as tavern master, appears to have continued operating the business with success. Throughout most of the eighteenth and all of the nineteenth centuries, it was illegal in Virginia for a bar operator to permit gambling in his premises. However, after the Revolution, Fredericksburg taverns "became centers of illegal gambling," and Benson's Tavern was no exception. During the post-Revolutionary period, John Benson was formally accused no less than a dozen times of violating anti-gambling laws. However, he kept his ordinary license in good standing until the tavern was consumed in the fire that destroyed almost three blocks of downtown Fredericksburg on October 19, 1807. More important, Benson, often referred to as "Esquire," seems to have cut a respectable figure, counting Thomas Jefferson among his friends and serving as postmaster of Fredericksburg from 1802 until 1815. George Carter, it seems, knew where he was certain to find both easy drink and card play for money.<sup>15</sup>

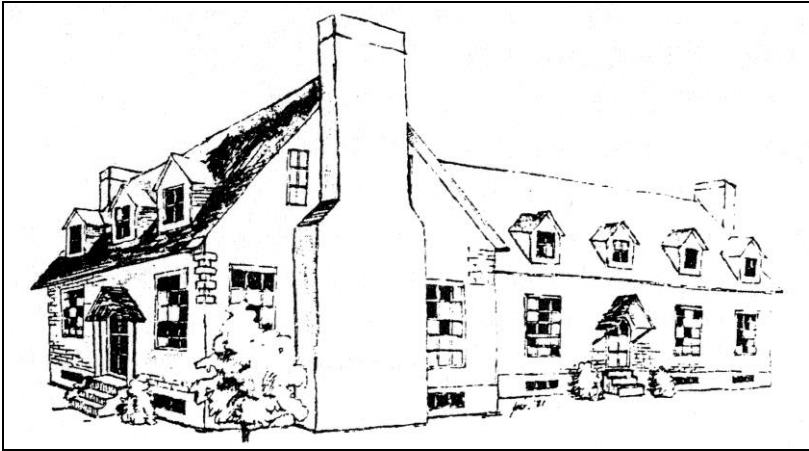


Figure 3: Conceptual Sketch of Weedon's/Benson's Tavern.<sup>16</sup>

Not long after Benson's Tavern was consumed by fire, Mason Locke Weems (1759–1825), who circulated the tall tale about George Washington and the cherry tree, published a reformist tract against gambling that included the story of young and naïve Tom Tittles of Culpeper County, Virginia. According to the story, “at the tavern where he put up in Fredericksburg” the innocent bumpkin found “a pack of gamblers...deep in play, gloriously striving to ruin each other.” Predictably, Tittles was overcome with temptation and by the guile of the gamesters at the tavern. He lost everything and, too ashamed to face his family with the truth, hanged himself. Like the cherry-tree story, it is almost certainly apocryphal, but it is instructive nevertheless. Of all the places in the new nation that Parson Weems could have imagined for the perdition of a young man, he chose a raucous card game in a Fredericksburg tavern.<sup>17</sup>

## Part IV

The exact nature of John Cooper's trickery perpetrated on George Carter during their card game is unknown. At minimum, Carter was plied with copious quantities of alcohol. According to Charles Carter's deposition, given in litigation over the debt and other accounts of the affair, Cooper “made a bargain” with John Willis, who apparently played with Carter alongside Cooper, that Cooper would “divide a part of” his winnings with Willis should he prevail

against Carter. Carter was doubtless a hapless victim. In the same court statement, Charles Carter added that “for several years preceding his death, he [George Carter] was extremely intemperate in drinking; that...[he] associated chiefly with gamesters who neglected no opportunity of cheating him.”<sup>18</sup>

Cooper pressed for payment, but under Virginia law, then as now, gambling debts were not enforceable. Robert Wormeley Carter, George’s father, was in a serious quandary about what to do. Should he pay the enormous amount demanded by Cooper—a sum that even he, the master of Sabine Hall, could not afford, at least not all at once—thereby preserving family honor? Or should Carter avail himself of legal defenses to the debt that were almost certain to extinguish it?<sup>19</sup>

Carter consulted General John Minor (1761–1816), a distinguished lawyer in Fredericksburg about his dilemma. As a teenager, Minor had served in the American Revolution, and after the Yorktown victory, he studied law under the brilliant George Wythe (1726–1806) at the College of William and Mary. (Wythe was later poisoned by his nephew, at least in part over gambling debts.) Minor returned to military service, rising to the rank of brigadier general, in the War of 1812. Following the war, he returned to his thriving law practice. One of the first to seriously advocate emancipation in Virginia (he freed his slaves and sent them to Liberia at his expense), Minor also maintained a close friendship with U.S. President James Monroe.<sup>20</sup>

Carter’s plea for advice, transcribed and annotated, is included as an appendix to this article. It is not known what guidance General Minor may have provided or if he even responded to Carter (although a non-response is unlikely, given General Minor’s reputation for diligence).

## **Part V**

Carter opted to preserve family honor, as he understood it. Less than two weeks after he sought General Minor’s advice, he entered into a contract with John Cooper. The Carters—Robert Wormeley and his son George—agreed to pay Cooper £100 annually, without interest,

until the debt was repaid. Cooper, perhaps giddy over his new annuity and that he had put one over on one of Virginia's most prominent families, signed the contract with a flourish. As security for their obligation, the elder Carter granted a mortgage on Ripon Hall, an estate located in York and James City counties that he inherited from his father Landon and that he had set aside for George and his family. After recording the payment arrangements in his diary, Robert Wormeley added a short poem he had written:

Tho' Children as their years increase,  
Increase our cares & spoil our peace  
Parental love can never cease  
But ever will remain.

That Robert Wormeley Carter could be so stoic about his son's enormous loss probably had to do with his own experience with big gambling losses. In 1774, while his frowning father was still alive, Carter had attended a meeting of the House of Burgesses in Williamsburg. He wrote in his diary that "this trip [having] cost me at least 500£ fatal effects of gaming, I am now severely doing penance, from the Behaviour and oburgations of my Father & Wife; who from my Countenance conclude I have lost much money." As historian Louis Morton noted, the "experience apparently had little effect" on Carter because "he continued to gamble as frequently as before."<sup>21</sup>

## Part VI

Robert Wormeley Carter died in 1797, and his son George followed him to the grave not long thereafter when he died deeply in debt, in 1802, leaving a widow and small children. John Browne Cutting (1755–1831), who married George's widow, Sarah, in December 1806, later wrote that he "found the Widow of George Carter, a Descendant of the eldest branch of a Family much respected in Virginia and the three orphans...destitute of money, credit, comfort—crying for the common necessities of Life." Cutting was a brilliant but controversial figure. Originally from Boston and a graduate of Phillips Academy at Andover, he served during the American Revolution as Assistant Apothecary General, which was when he apparently started referring to himself as "Doctor Cutting,"

for there is no record of his having received medical education or training. Samuel Breck (1771–1862), later a member of the U.S. House of Representatives, met Cutting after the war when both were living in London. Breck described Cutting as a “very eccentric man,” who “possessed a fluency of speech, a vivacity of manner and a boon companionship that made us [Americans residing in London] all court his society.” In London, Cutting apparently anointed himself agent of American sailors who were being impressed on British vessels and otherwise exploited, advocating on behalf of the sailors while advancing small sums to them, and then seeking a large (and probably inflated) reimbursement from the U.S. Treasury. A historian recently described Cutting as “the eighteen-century version of the modern ambulance chaser, only instead of accident victims he sought to represent foreign claims against various governmental bodies in the New World.”<sup>22</sup>

Controversial or not, after he married George Carter’s widow, Cutting, in a bitter series of litigations, challenged whether Carter’s estate, including Ripon Hall, should continue to be burdened with the annual payments to Cooper, which by then had been assigned to others. Cutting, with the assistance of legal counsel but ultimately representing himself, prevailed, and, finally in 1816, the Supreme Court of Appeals of Virginia held the deal with Cooper was void.<sup>23</sup>

## **Part VII**

The whole episode with Cooper could have been avoided had Robert Wormeley Carter interpreted family honor differently. It is indeed difficult today to understand Carter’s notions of family honor. Although he was referring to the French, the encyclopediast Diderot summed up the idea well: “[G]ambling debts are so rigorously honored in polite society” because “in gambling one accepts a man’s word in a situation where there is no legal recourse...a trust has extended to which one must reply.” However, the key concept here is polite society. Arguably, Carter failed to appreciate the critical difference between “high minded liberal gentleman, attached to amusements, regardless of loss or gain...[whose] motto is honor” and a “socially despised cheating gamester.” Writing in the years shortly before his death in 1813, Edmund Randolph (1753–1813) drew a similar distinction:

There is no state which has enacted more wholesome laws against gaming than Virginia or whose courts have been more punctual in their execution. ... It cannot be denied that the vice has not been extirpated; but being one which depends for correction on the censorship which the people possess over morals, on religion, and on the force of example and character, we are refreshed by a hope of eradicating it from the practice being now chiefly in the hands of the most worthless part of society [professional gamblers], who screen themselves from ignominy only by the ostentation and allurements of fashionable life.

As historian Bertram Wyatt-Brown put it, “honor was very much tied to hierarchy.” No matter how low George Carter sank in drinking, playing, and cavorting with card sharps such as Cooper, he was a Sabine Hall Carter and Cooper was not. And although that privilege and social distinction seem ridiculous—perhaps even offensive—today, it should have made all the difference in important decisions grounded upon family honor in post-Revolutionary Virginia.<sup>24</sup>

In conclusion, there is a final aspect of this matter worth considering. Whoever prepared the contract between the Carters and Cooper (perhaps General Minor?) may have had a trick of his own up his sleeve. The 1792 contract specifically mentioned that it was for money “won at play,” which was unnecessary (and to which Cooper, had he been as clever as he probably believed himself to be, should have objected). Had the contract not referenced play or gambling, it would have been necessary to prove that it had been drawn to pay a gambling debt in order to take advantage of the Virginia law declaring such debts unenforceable. In the immediate aftermath of George Carter’s loss at Benson’s Tavern, that may sound like an easy proposition. However, a legal doctrine called the parol evidence rule, which is recognized throughout America, then as now, would have made this difficult. Simply stated, the doctrine is this: oral evidence will not be admitted to vary or contradict a written contract that is complete and clear on its face. First, lawyers seeking to argue that the Carter-Cooper contract was actually intended to pay a gambling debt would have had to get around this doctrine. Second, even if they convinced a court that the relevant facts fell under one of the exceptions to the parol evidence rule, as time went on (recall that the contract called for annual installments over 20 years and that

both Carters were dead when the litigation began), it would have been difficult indeed to prove the debt was for gambling. Whoever prepared the 20-year contract may have been both honorable and clever, scrupulously following his client's wishes in concocting the agreement while sowing the seeds of its own destruction in the same instrument. The contract preparer may have hoped that if and when the Carters passed on, someone detail-focused and unburdened by quaint notions of family honor—in short, someone like Cutting—might come along and have the agreement declared void, which is exactly what happened.<sup>25</sup>

## **Appendix: Letter of Robert Wormeley Carter to General John Minor**

Sabine hall June 11th 1792

Dear Sir

It is said by some wise man; that when the mind is much distressed; it is good to unbosom oneself to a Friend. I therefore take the liberty to address you on a subject which gives me great nervousness; to wit, the unhappy predicament in which at present my dear Son George stands; he has lost at play [gambling] an immense sum of money, to pay which he must part with the greatest part if not all his property; he has been already arrested & [John] Cooper informs me will be arrested by him for the money; to get clear of payment he must plead the act; a plea very odious in the Eyes of Mankind; how to save his honour is the question. Report says he played part of three days & three whole nights, [illeg.] the worthies with whom he played slept alternately; again a Mr. Madison has been heard to say that he stood [illeg.] & saw him take a card with a natural vintg under his hand; a Mr. Dade says so likewise, & Benson told me the same; this must evidently sound [like] he was totally incapable of play; besides to whom did he lose the money, two of them we know had not means of payment, had he won; the Turk probably would have paid. Now all Games have certain rules to regulate them; Hoyle and Demoivre have laid down their calculations and rules in general; but there appears to me to be what is called a Casans omission in them both; for certainly a man ought never to lose, when he could not possibly win; had George won he never could have rec'd the money from B\_\_t and W\_\_s [Carter has inexplicably redacted the names of two

of his son's co-players.]. [I]s it then just he should pay them what he lost to them[?]. Mr. Sniggers [probably Snickers] who was a looker on informed a Gent who was inquiring into the matter that it was impossible for George to win; "Cooper writes me that some Gent had informed him that some Friends had advised my Son not to pay him the money he won, on a supposition that it was not fairly won; therefore he thinks it is his duty to have my Son arrested and intends to advertise the particulars in proof, and will all take all other steps that appear to him to be proper." Now Sir howsomuchever these three worthies may value themselves that they did not pack the cards or shuffle or cut unfairly; yet certainly to continue playing with one man who was rendered incapable of playing by sitting up three whole nights &c must in foro Conscientiae amount to a Fraud, if not absolute cheating; and if Mr. Cooper advertises the particulars in proof, perhaps he may choose to omit the observations I have made; would it not then be advisable in order that the whole transaction may appear to the world, that George or some friend for him may publish what Cooper may have [left] out [?]; surely if my information be tried [?]; no one can blame poor George, should he plead the act; certainly when he wrote to Cooper he should sell all his slaves in the Fall which time would be as soon as he could make any payment Cooper ought to have allowed him time, and he must by so speedy an arrest intend, if he can get a judgment & execution to purchase my Son's slaves at two thirds of their value. [P]erhaps my dear Sir I may be warped by parental affection, in my reasoning. I assure you I never even hinted to my Son that he ought not to pay and would have him by all means pay every shilling won if it took the whole of his property; rather than forfeit his honor; will you be obliging as to think of this matter coolly & give my poor Boy your advice how to act; should you think him in honour bound to pay, after getting the best information you can of the transaction; be pleased to advise him so to do & I will consent to the sale of all or any part of his Estate in order to make payment. Or should you be of a contrary opinion I beg you to be his advocate and employ any assistant that you please & I will liberally reward you for any Expenditure or trouble that you may thereby incur; let me dear Son see this letter if he be in your Town. I am

The opinion of Friend Page  
also is [illeg.] much, do consult him.

Dear Sir  
Yr. affect. humble servant  
Ro. Wormeley Carter

---

<sup>1</sup> ©2014 by Thomas Katheder. Thomas Katheder is a lawyer, historian, and writer. He lives in Scottsdale, Arizona.

<sup>2</sup> Details of the card game appear in the deposition of Charles Carter (January 5, 1813), in *Cutting v. Landon Carter, Executor, et al.*, Superior Court of Chancery, Fredericksburg, Virginia (1807) (folder 4) (appealed to the Virginia Supreme Court in *Carter's Executors v. Cutting*, 19 Va. 223 [1816]). Robert Patton's deposition in the same case described the gambling incident as "notorious in this neighborhood," doubtless referring to the Northern Neck generally.

<sup>3</sup> On the Jamestown dice, see *Daily Press* (Norfolk, Virginia), August 15, 2006. The *Lawes Divine, Morall and Martiall*, which were drawn up for the government of the fledging colony between 1609 and 1612, prohibited "play at Cards or dice." Compiled by William Strachey, *For the Colony in Virginia Britannia: Lawes Divine, Morall and Martiall, etc.*, edited by David H. Flaherty (Charlottesville, Virginia, 1969), 32. Regarding the 1619 law, see Henry R. McIlwaine, editor, *Journals of the House of Burgesses of Virginia*, 13 volumes (Richmond, Virginia, 1905–1915), 1:9. For Evelyn's comment (January 8, 1668), see William Bray, editor, *Diary of John Evelyn*, two volumes (London, 1906), 2:228. On mortality in the early seventeenth-century Chesapeake, see James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill, North Carolina, and London, 1994), 137–39; Carville V. Earle, "Environment, Disease, and Mortality in Early Virginia," in *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society*, edited by Thad W. Tate and David L. Ammerman (New York and London, 1979), 96–125. For the rise of the Virginia gentry, including their emulation of English gentlemen, see Emory G. Evans, *A "Topping People": The Rise and Decline of Virginia's Old Political Elite, 1680–1790* (Charlottesville, Virginia, and London, 2009). On gambling among the Virginia gentry, see T.H. Breen, "Horses and Gentlemen: The Cultural Significance of Gambling Among the Gentry of Virginia," *William and Mary Quarterly*, 3rd series, 34 (April 1977): 239–257.

<sup>4</sup> Louis B. Wright, *The First Gentlemen of Virginia: Intellectual Qualities of the Early Ruling Class* (San Marino, California, 1940), 88; Durand, of Dauphiné, *A Huguenot Exile in Virginia*, Gilbert Chanard, transcriber and editor (New York, 1934), 148; William Stith, *The Sinfulness and Pernicious Nature of Gaming, A Sermon Preached Before the General Assembly of Virginia* (Williamsburg, Virginia, 1752), 5–7. On the publication and sale of Stith's sermon, see Cynthia Z. Stiverson and Gregory A. Stiverson, "The Colonial Retail Book Trade: Availability and Affordability of Reading Material in Mid-Eighteenth-Century Virginia," in *Printing and Society in*

---

*Early America*, William L. Joyce, et al., editors (Worcester, Massachusetts, 1983), 146, 158.

<sup>5</sup> Charles Hansford, "My Country's Worth," lines 455–65, in James A. Servies and Carl R. Dolmetsch, editors, *The Poems of Charles Hansford* (Chapel Hill, North Carolina, 1961), 62. On the retail sale of playing cards, see John Edgar Molnar, "Publication and Retail Book Advertisements in the *Virginia Gazette*, 1736–1780" (Ph.D. dissertation, University of Michigan, 1978), 75, 77, 89–90, 186. For colonial Virginia women who gambled, see Linda L. Sturtz, "The Ladies and the Lottery: Elite Women's Gambling in Eighteenth-Century Virginia," *Virginia Magazine of History and Biography*, 104 (Spring 1996). On the Stamp Act generally and specifically its coverage of playing cards, see Edmund S. Morgan and Helen M. Morgan, *Stamp Act Crisis: Prologue to Revolution* (Chapel Hill, North Carolina, 1953), 72. For Blair's diary entries, see Mary Newton Stanard, *Colonial Virginia: Its People and Its Customs* (Philadelphia, 1917), 149. See also Jane Carson, *Colonial Virginians at Play* (Williamsburg, Virginia, 1965).

<sup>6</sup> On Fithian's advice, see Philip V. Fithian to John Peck, August 12, 1774, in *Journal and Letters of Philip Vickers Fithian, 1773–1774: A Plantation Tutor of the Old Dominion*, edited by Hunter D. Farish (Williamsburg, Virginia, 1943), 212. The Hessian officer was August Wilhelm Du Roi, called Du Roi the elder to distinguish him from his brother, who served in the same regiment. See *Journal of Du Roi the Elder, Lieutenant and Adjutant, in the Service of the Duke of Brunswick, 1776–1778*, translated and edited by Charlotte S.J. Epping (New York, 1911), 159. For the French visitor, see Ferdinand-Marie Bayard, *Travels of a Frenchman in Maryland and Virginia, With a Description of Philadelphia and Baltimore, in 1791*, translated and edited by Ben C. McCary (Williamsburg, Virginia, 1950), 52. For Washington's description of card play, see George Washington to John Armstrong, November 3, 1767, in *The Papers of George Washington*, Colonial Series, 10 volumes, edited by W.W. Abbot and Dorothy Twohig (Charlottesville, Virginia) 8:55–58.

<sup>7</sup> William H. Castles, Jr., "The *Virginia Gazette*, 1736–1766: Its Editors, Editorial Policies, and Literary Content" (Ph.D. dissertation, University of Tennessee, 1962), 188; *The Secret Diary of William Byrd of Westover, 1709–1712*, edited by Louis B. Wright and Marion Tinling (Richmond, Virginia, 1941), 516. William Byrd II frequently went to coffeehouses for cards and dice. Pierre Marambaud, *William Byrd of Westover, 1674–1744* (Charlottesville, Virginia, 1971), 198–199. For Byrd II's reprimand of the schoolmaster, see Kenneth A. Lockridge, *The Diary and Life of William Byrd II of Virginia, 1674–1744* (Chapel Hill, North Carolina, and London,

---

1987), 54. There is no biography of William Byrd III. For a brief biographical sketch, see “William Byrd III,” in *The Correspondence of the Three William Byrds of Westover*, two volumes, edited by Marion Tinning (Charlottesville, Virginia, 1977), 2:603–614.

<sup>8</sup> Rhys Isaac, *The Transformation of Virginia* (Chapel Hill, North Carolina, 1982), 39. For a useful overview of Virginia’s so-called golden age, see Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* (White Plains, New York, 1986), Chapter 9. On the history and architecture of Sabine Hall, see William M.S. Rasmussen, “Sabine Hall: A Classical Villa in Virginia” (Ph.D. dissertation, University of Delaware, 1980); Thomas Tileston Waterman, *The Mansions of Virginia, 1707–1776* (New York, 1945), 127–136. For an anecdotal account of Sabine Hall by one of its twentieth-century descendant owners, see Rev. T. Dabney Wellford, “Sabine Hall,” *Northern Neck of Virginia Historical Magazine* (December 1958): 677–693.

<sup>9</sup> Rhys Isaac, *Landon Carter’s Uneasy Kingdom: Revolution and Rebellion on a Virginia Plantation* (New York, 2004), xvii; Katharine L. Brown, Robert “King” Carter: *Builder of Christ Church* (Staunton, Virginia, 2001), 1. On “King” Carter and Virginia’s “golden age,” see Clifford Dowdey, *The Virginia Dynasties: The Emergence of “King” Carter and the Golden Age* (Boston and Toronto, 1969), 333–377. Regarding the pastoral ideal in Virginia, see William M.S. Rasmussen and Robert S. Tilton, *Old Virginia: The Pursuit of a Pastoral Ideal* (Charlottesville, Virginia, 2003). There is no full-length biography of Landon Carter. A good overview is Jack P. Greene, *Landon Carter: An Inquiry into the Personal Values and Social Imperatives of the Eighteenth-Century Virginia Gentry* (Charlottesville, Virginia, 1965), which, with only a few changes, is the introduction to the same author’s *The Diary of Col. Landon Carter of Sabine Hall, 1752–1778*, two volumes (Charlottesville, Virginia, 1965) (hereafter cited as *LC Diary*). See also Isaac, *Landon Carter’s Uneasy Kingdom*, which attempts, with much success, to make Landon Carter’s diaries more accessible through a thematic, story-telling approach.

<sup>10</sup> *LC Diary*, April 8, 1776, 2:1013; February 12, 1774, 2:795. Located along the Rappahannock River in Lancaster County, Corotoman was the home of Landon’s father, Robert “King” Carter. For a biographical sketch of Robert Wormeley Carter, see Louis Morton, “Robert Wormeley Carter of Sabine Hall: Notes on the Life of a Virginia Planter,” *Journal of Southern History* 12 (1946): 345–365.

<sup>11</sup> *LC Diary*, October 9, 1774, 2:870. For Landon Carter’s attitude toward gambling, see Isaac, *Landon Carter’s Uneasy Kingdom*, *passim*, especially 265–311. Regarding Carter’s reference to his son’s “wife in a very bad

---

way,” Mrs. Robert Wormeley Carter suffered no fewer than five miscarriages.

<sup>12</sup> *Journal and Letters of Philip Vickers Fithian*, 262; *LC Diary*, August 14, 1774, 2:850; April 5, 1776, 2:995. On Robert Wormeley Carter’s keeping track of his gaming wins and losses, see Albert H. Tillson, Jr., *Accommodating Revolutions: Virginia’s Northern Neck in an Age of Transformations, 1760–1810* (Charlottesville, Virginia, and London, 2010), 21. See also Robert Wormeley Carter’s published diary for 1766, which includes details of his card games. Lewis Morton, “The Daybook of Robert Wormeley Carter of Sabine Hall, 1766,” *Virginia Magazine of History and Biography*, 68 (July 1960), 301–316.

<sup>13</sup> *LC Diary*, March 13, 1776, 2:1006; August 12, 1774, 2:849.

<sup>14</sup> One historian determined that between 1729 and 1781, there were more than 125 taverns or ordinaries in Fredericksburg and surrounding Spotsylvania County. Oscar H. Darter, *Colonial Fredericksburg and Neighborhood in Perspective* (New York, 1957), 106. On Weedon’s Tavern, see Tripp Wiggins, “Ordinaries of the Fredericksburg Area,” *Rappahannock Gazette* (newsletter of the Rappahannock Colonial Heritage Society), October 2010, 1, 6. For examples of George Washington’s visits to Weedon’s Tavern, see *The Diaries of George Washington*, six volumes, edited by Donald Jackson and Dorothy Twohig (Charlottesville, Virginia, and London, 1976–79), 2:131–136; 2:261; 3:131–136. For biographical sketches of George Weedon, see Harry M. Ward, *Duty, Honor, or Country: General George Weedon and the American Revolution* (Philadelphia: American Philosophical Society, 1979); George H.S. King, “General George Weedon,” *William and Mary Quarterly*, 2nd series, 20 (April 1940): 237–252. For Washington’s recollections of Weedon, see Frank E. Gizzard, Jr., *George Washington: A Biographical Companion* (Santa Barbara, California, 2002), 346.

<sup>15</sup> For the details of early Virginia laws prohibiting gambling in taverns, see Paton Yoder, “Tavern Regulation in Virginia: Rationale and Reality,” *Virginia Magazine of History and Biography*, 87 (July, 1979), 266–268. During the Revolution, the Virginia legislature increased fines on taverns that allowed gambling (which it called “tippling houses”), and it imposed fines and a two-year bar from military or public office for what it deemed “excessive” gambling over £5. *The Statutes at Large; Being a Collection of all the Laws of Virginia*, 13 volumes, edited by William Waller Hening (Richmond, Virginia, 1809–1823), 10:145–147; 205–207. Fortunately for the Virginia gentry (and perhaps the Commonwealth), the two-year ban was not strictly enforced. For Fredericksburg taverns and gambling, see William Harold Siener, “Economic Development in Revolutionary Virginia:

---

Fredericksburg, 1750–1810” (Ph.D. dissertation, College of William and Mary, 1982), 333. Regarding John Benson’s numerous accusations of misconduct, see the online index and court records at (Fredericksburg) Historic Court Records, <http://www.historiccourtrecords.org>. On the Fredericksburg fire of 1807, see Edward Alvey, *The Fredericksburg Fire of 1807* (Fredericksburg, Virginia, 1988). As evidence of the apparently warm relationship between Jefferson and Benson, see, for example, letters from Thomas Jefferson to John Benson, March 5, 1809, and April 2, 1812, in *The Papers of Thomas Jefferson*, Retirement Series, nine volumes to date, edited by J. Jefferson Looney (Princeton, 2004, 2007), 1:14; 4:581–582.

<sup>16</sup> Alvey, Edward, Jr. *The Fredericksburg Fire of 1807* (Fredericksburg, VA: Historic Fredericksburg Foundation, Inc.), insert.

<sup>17</sup> M.L. Weems, *God’s Revenge Against Gambling, Exemplified in the Miserable Lives and Untimely Deaths of a Number of Persons of Both Sexes, etc.* (Philadelphia, 1810), 13–15.

<sup>18</sup> Deposition of Charles Carter (see Note 2). Cooper’s exact identity is not clear. He was a mariner and obviously a card sharp. Charles Carter was probably Charles Carter (1762–1826) of Blenheim in Albemarle County, Virginia, George Carter’s cousin and brother-in-law. (He was the brother of George Carter’s wife, Sarah.)

<sup>19</sup> To “protect the landed gentry from the consequences of their own folly,” as one author put it, Britain enacted a law that prohibited bonds, mortgages, or other security being given regarding a gambling debt (9 Anne, chapter 14 § 1 [1710]). I. Nelson Rose, *Gambling and the Law* (Hollywood, California, 1986), 73. Virginia followed with its own version in 1727, although the colony’s version was broader, declaring *any contract or agreement* based on a gambling debt void. See Hening, *Statutes at Large*, 4:214–18; *Pettit v. Jennings*, 2 Rob. 676 (Virginia Supreme Court of Appeals, 1844).

<sup>20</sup> On George Wythe and his murder, see Bruce Chadwick, *I Am Murdered: George Wythe, Thomas Jefferson, and the Killing That Shocked a New Nation* (Hoboken, New Jersey, 2009). General Minor named his youngest son, Dr. James Monroe Minor (1815–1879), after the nation’s fifth president. On the Minor family, see John B. Minor, *The Minor Family of Virginia* (Lynchburg, Virginia, 1923). General Minor is buried in the Fredericksburg Masonic Cemetery, next to the James Monroe Museum and Memorial Library.

<sup>21</sup> The original contract, styled Articles of Agreement and dated June 23, 1792, is in the *Cutting v. Landon Carter, Executor* court file (see Note 2). The contract, along with some other excerpts from this file, was published

---

in John Browne Cutting, *Argument Delivered Before the Judges of the Court of Appeals, in Richmond, Virginia* (Fredericksburg, Virginia, 1817). For Robert Wormeley Carter's diary entry, see *Diary of Robert Wormeley Carter*, July 1, 1792, John D. Rockefeller, Jr. Library, Colonial Williamsburg Foundation, Williamsburg, Virginia (typed transcript). For the account of Robert Wormeley Carter's gambling loss, see Morton, "Robert Wormeley Carter of Sabine Hall," 357. Ripon Hall, located along the York River about 12 miles north of Yorktown, is also spelled "Rippon Hall."

<sup>22</sup> Answer of John Browne Cutting, in *Heirs of George Carter (Landon Carter, Exec.) v. John Brown Cutting and Sally Carter Cutting*, Arlington County, Virginia. Chancery Cases (Case No.: 1814-023), Library of Virginia, Richmond. For Breck's recollections, see Samuel Breck, *Recollections of Samuel Breck* (Philadelphia, 1877), 173-75. For the more recent description of Cutting, see James A. Lewis, *Neptune's Militia: The Frigate South Carolina During the American Revolution* (Kent, Ohio, 1999), 116. Cutting's claim against the United States is set forth in John Browne Cutting, *Facts and observations, justifying the claims of John Browne Cutting, Citizen of the United States, Against the United States; in a Letter Addressed to the Secretary of State* (Philadelphia, 1795). For the official reply, see U.S. Secretary of State, *Letter from the Secretary of State, Accompanying His Report on the Claim of John Brown Cutting, For a Reimbursement of His Expenditures, and a Compensation for His Services, in the year 1790, in Liberating and Relieving American Seamen Impressed into the British Navy* (Philadelphia, 1799). For Cutting's service as an apothecary, see Edward Kremers and Glenn Sonnedecker, Kremers and Urdang's *History of Pharmacy* (reproduced 1986), 164, 520; S. 46437, John Browne Cutting, Revolutionary War Pension Files, U.S. National Archives. Cutting was awarded a pension for his Revolutionary War service in 1828, and he took a job, past age 70, at the War Department in Washington, DC.

A related case involving Cutting and the Carters is a fascinating illustration of how poorly the Carters viewed Cutting and how quickly the veneer of gentility could dissolve in litigation. George Carter's eldest child, his daughter Sally (1786-1811), was entitled to a share in her father's real estate holdings when she came of age. In the fall of 1807, she became grievously ill and appeared near death. She asked her stepfather, Cutting, to have their attorney Thomas Swann draw up her will, in which she intended to leave all her assets, including her future real property interest, to her mother. Swann was out of town and, fearing she would die before he returned, her stepfather, no stranger to autodidact legal drafting, composed a will for her, using her father's will as a form. She signed the rudimentary

---

but effective homespun document, which bequeathed her entire estate to her mother. Her health improved, however, and she lived another four years.

After Sally died in 1811, her mother and stepfather filed her will for probate. Landon Carter, George's brother (not to be confused with his namesake grandfather who built Sabine Hall), acting as executor under George's will, asserted he was the *de facto* guardian of George's remaining children and objected to the will. He alleged that Sally was not competent to make her will owing to her illness at the time, and that Cutting, through fraud and undue influence, prevailed on her to devise her property to her mother outright, rather than giving her a life estate with remainder to her (Sally's) siblings. If Sally's mother owned the property outright, Cutting stood to inherit it upon her death. Moreover, Cutting, as her husband, would have had the legal right to control the property (and its income) during her life. Conversely, Carter's supposed position as guardian for Sally's siblings, which he claimed even though he had not received any judicial appointment for it, would have entitled him to guardian's fees as well as control of his dead brother's property, including the same income he accused Cutting of coveting.

In a vicious *ad hominem* attack, Carter's petition denounced Cutting as a disreputable, northern opportunist who was seeking to take advantage of a widow and her stepchildren. In Cutting's 20-page answer to Carter's scurrilous allegations, which Cutting composed himself in his own hand, he responded that "men like the Complainants' pretended guardian [Carter], not remarkable for Piety," who invoke the "Justice of Heaven and impute horrible purposes, without colour [accuracy] or consistency, to better men than themselves...manifest much hypocrisy and little wisdom." A jury found Sally Carter competent when she made her will, and Cutting was absolved of any wrongdoing. *Heirs of George Carter (Landon Carter, Exec.) v. John Brown Cutting and Sally Carter Cutting*, Arlington County, Virginia Chancery Cases (Case No.: 1814-023), Library of Virginia, Richmond.

<sup>23</sup> One of the lawyers who assisted Cutting in his claim, at least during the appellate phase, was Thomas Law (1756-1834). Included within the Thomas Law Family Papers, 1791-1834, held by the Maryland Historical Society, Baltimore, is correspondence from Cutting about the claim.

<sup>24</sup> Thomas M. Kavanagh, *Enlightenment and the Shadows of Chance: The Novel and the Culture of Gambling in Eighteenth-Century France* (Baltimore, 1993), 42; Robert Bailey, *The Life and Adventures of Robert Bailey, From His Infancy to December 1821: An Autobiography* (Richmond, Virginia, 1822), 67; Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1982), 346-347; Edmund

---

Randolph, *History of Virginia* edited by Arthur H. Shaffer (Charlottesville, Virginia, 1970), 279–280.

<sup>25</sup> On the parol evidence rule in early Virginia, see W.H. Moreland, “The Parol Evidence Rule in Virginia,” *Washington and Lee Law Review* 3(1942), 185–224.

*This page intentionally left blank.*

# **HENRY DEANE, LIBERTY TOWN ENTREPRENEUR**

**By Matt Scott and Gary Stanton**

In March 1935, Walker Evans—a photographer for the Resettlement Administration and later famous for his Farm Security Administration photos of the Depression—passed through Fredericksburg. He took two images of a set of four houses on what is now the 600 block of George Street.<sup>1</sup> There is no way of knowing why he chose to record this street and this view (Figures 1 and 2).

The houses Evans photographed were built by Henry Deane, an African-American resident of Fredericksburg. Deane was a remarkable man who had an aptitude for work and a vision of the potential for undeveloped land in downtown Fredericksburg, but he was subject to the demanding and demeaning expectations of a racially segregated community. His economic achievements are testimony to his ability to negotiate the complex social interactions, not to confront them.

## **The Life of Henry Deane**

Far too little is known about Henry Deane, and what is known comes largely from newspaper accounts. He was born into the institution of slavery in July 1837 in Powhatan County. According to his obituary, Deane became the body servant of General Nathan Bedford Forrest during the Civil War, before coming to Fredericksburg in 1868 (Figure 3).

Deane worked in, and eventually owned, a livery in town. In 1879, he married Lucy Combs, daughter of the former Town Cemetery sexton. Lucy became his partner in all his business accomplishments.<sup>2</sup> Lucy and Henry had 11 children, including 2 they adopted.<sup>3</sup> Henry was the only African American ever nominated by a

City Council member to be a policeman in Fredericksburg.<sup>4</sup> By his death in 1908, he was considered to be the most successful African-American entrepreneur in Fredericksburg.<sup>5</sup>



Figure 1: Homes Built by Henry Deane on George Street, 1935.<sup>6</sup>



Figure 2: Deane Dwellings on George Street, Oblique View, 1935. Note the Porch Variations.<sup>7</sup>

<p style="text-align: center;"><b>HENRY DEANE DEAD</b></p> <p style="text-align: center;">He was a Well Known Colored Citizen.</p> <p>Henry Deane, the well known colored liveryman, died at his home on George St. Monday morning, after a protracted illness of dropsy of the heart. He was an active, hustling, colored citizen and had accumulated considerable property. Deane was born in Powhatan county and was owned by Judge Finch. He was a servant of Gen. Forest, the Confederate cavalry leader in the Southwest during the war of 1861-65, and after the war was with him in the railroad construction business. He came here in 1868 and was porter for James H. Bradley &amp; Son, later for Willis &amp; Crismond. He then took up the livery business, which he has followed since. He leaves his wife and seven children. Funeral services will be announced later.</p> <p style="text-align: center;">The Free Lance 30 Jun 1908 p3c2</p>	<p style="text-align: center;"><b>FORMER COLORED RESIDENT DEAD</b></p> <p>Lucy Dean, colored, wife of the late, Henry Dean, died at the home of her daughter in Baltimore this week.</p> <p>The remains will arrive here Saturday morning and the body will be at the D. M. Kay Funeral Home until Sunday when funeral services will be conducted from Shiloh Old Site church at 2 o'clock by the pastor, Rev. B. A. Hester.</p> <p>The deceased was well known here where she lived for a long number of years. Her husband was for many years a hackman and owner of a prosperous stable.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;"><b>NOTICE TO All Who Regularly Employ Me.</b></p> <p style="text-align: center;"><b>I. HENRY DEANE.</b></p> <p>Old Reliable Liveryman, 538 George Street Phone 66, Fredericksburg, Va.,</p> <p>will take One Passenger and Trunk to or from the depot for 25 cents, or trunk 15 cents. Also horses and buggies for sale or hire. ep2 ly</p> </div>
--	--

Figure 3: Newspaper Articles on Henry and Lucy Dean.<sup>8</sup>

Beginning in the late 1880s, Henry and Lucy paid local carpenters to build residences on land they had acquired at the western edge of Fredericksburg.<sup>9</sup> The area of the Deanes' enterprise was called "Liberty Town," a name bestowed by the early-nineteenth century developer Seth Barton, who platted this portion of the eighteenth-century Kenmore estate of Fielding and Betty Lewis.<sup>10</sup> The land was hardly ideal—it sloped down to a marshy meadow and an open ditch now covered by Kenmore Avenue. The area was the eastern terminus of the Swift Run Gap Turnpike, a corduroy toll road built to link commerce from beyond the Blue Ridge Mountains to the Port of Fredericksburg.<sup>11</sup> The area was extensively developed in the 1820s, but Civil War actions destroyed the buildings and the area defied further development through the 1870s and 1880s (Figure 4).



Figure 4: Intersection of George and Hanover Streets, Note Saint George's Steeple on Right, 1864.<sup>12</sup>

## The Deane Dwellings

Henry Deane was not a craftsman in the building trades, and his financial resources were virtually non-existent when he came to Fredericksburg in 1868. He was vigorous and ambitious, though, and by working two jobs, saving, and cultivating relationships with his white employers, he was able to buy land that was unattractive to white developers. By subdividing the property into narrow odd-shaped lots and paying unnamed carpenters, this former porter and livery stable operator and his wife would have 19 houses and 2 stables built on properties they owned.<sup>13</sup> No other African American owning property during this time would build close to this number of buildings.

The houses built by Deane were designed in a vernacular form and style; then and today, they were not considered to be architecturally significant within the larger body of Fredericksburg buildings. The dwellings were all balloon-framed structures; no two were identical in design. The dominant feature was the use of the single-sloped roof, which is seen in two of the remaining houses and could be seen on two houses that were recently demolished.

The light framing, lack of decorative embellishment, and absence of aspiration to higher status made them ephemeral and

underappreciated. Yet they were not shacks. They were built with mill-sawn timber, yard-made brick foundations and stove flues, and lathed and plastered walls or bead-board partitions. They were heated by iron stoves and covered with cedar shake or standing seam metal roofs. All of the houses were built with an economy of space; the only closets were under stairways. Another space-saving feature in three of the houses were studs turned sideways, providing at least two additional inches of usable area (Figure 5).

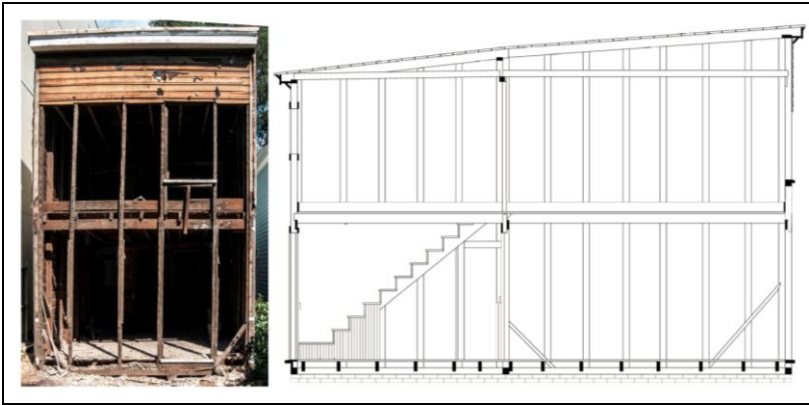


Figure 5: 612 George Street. The property was one of the narrowest surveyed structures. The building was 12 feet, out-to-out. The west wall studs were turned on face to gain two additional inches in the rooms. The building was demolished in summer 2012.

There were, of course, alternatives. Henry Deane also contracted for a house with a pyramidal roof and sold it to Ezekiel Carter. A pair of side-gabled roof houses was also built in this area under Deane's guidance.

The houses were realized in inequality. They exemplify buildings constructed for African Americans, by African-American entrepreneurs, within this portion of Virginia and are regionally equivalent to the more well-studied "shot-gun house" of the trans-Appalachian regions of the Ohio and Mississippi River regions.<sup>14</sup>

## “Deane’s Hill”

Between February and September 1892, Henry Deane and his wife, Lucy, sold 17 houses to African-American men and women, single, married, or about to be married. Earlier, in 1888, Henry had built for his own family the largest house in the neighborhood (or of any African American in Fredericksburg), with four rooms on two floors. Deane’s house was located at what is now 536 George Street. Because of the prominence of the Deane family—both as residents and as developers—this area became known as “Deane’s Hill.”<sup>15</sup> The other houses he built were on George, Hanover, and Barton streets. The stables and one of the houses were on Liberty Street.

Deane’s ability to buy, but more important, to sell, property was in large measure made possible by the changing nature of the small-scale financial markets. Building fund associations, locally chartered, loaned money to shareholders, usually pricing shares at \$100 and charging 6 percent interest per year.<sup>16</sup> (Figure 6) However, the associations also charged additional fees to be collected monthly. If the fees were not paid, the property was to be sold immediately. Loans were made for less than half of the value of the property, so a buyer risked the entire investment if the expenses were not paid monthly.



Figure 6: The Merchants and Mechanics Perpetual Building and Loan Association of Virginia Letterhead (24 February 1893)<sup>17</sup>

This new lending mechanism expanded in the 1890s and would evolve into the loan industry of the twentieth century. The system made money available to those looking to purchase property but put tremendous pressure on households whose wage earners had seasonal, or as-needed, employment.

Once Henry and Lucy Deane sold one of the properties they developed, they often had the opportunity to buy the property back, usually for half to two-thirds of the price for which they had sold it. Of the 17 properties sold by the Deanes in 1892, they purchased eight back by 1898. The cycle of selling and buying continued over the next 10 years so that Henry and Lucy owned 11 properties at his death in 1908.

What had carried the family to a prominent position in the African-American community of Fredericksburg, and gained them respect from the leaders of the larger community, was Deane's frugality and strong work ethic. His death unraveled his livery business, and the family was so financially leveraged that the entire estate would be expended, and Lucy returned to employment as a house servant.<sup>18</sup>

### **African Americans in Turn-of-the-Century Fredericksburg**

The world Henry Deane drew upon and helped create involved the close association of African-American residences to the homes of the socially prominent. Liberty Town was a convenient place for house servants who could walk to the homes of their employers to the east, closer to the river and the more prominent neighborhoods in Fredericksburg. The economic necessity and limited opportunity for work continued a social system that endured after slavery had been abolished.

The economic reality was that the entire block of the neighborhood where Henry Deane had prospered, including the fine house that he built for his family, was purchased and demolished, and new white owners built modern homes. Judge Alvin T. Embrey was personally involved in this redistribution. He had purchased the Deane residence and property at the auction of Henry Deane's estate in 1909. In 1920, when Embrey sold some of the same lots to his brother, W.S. Embrey, he inserted restrictive covenants limiting the uses of the property to whites only.<sup>19</sup> (Figure 7)

Now, only seven of the original houses remain. Today, few of these buildings are owned by African-American families. The remaining Deane buildings deserve to be recognized and recorded, giving testimony to the evolving social and cultural landscape of building

innovation by and for people who had less access to wealth and power (Figure 8).

1. Neither the lot herein conveyed nor any part thereof nor any building or structure that may be erected thereon shall be sold, conveyed, leased, rented, or otherwise disposed of to any other than white persons as the owners or tenants thereof;
2. That neither the said lot nor any part thereof nor any building or structure that may be erected thereon shall be used for the conduct of the businesses of a butcher, grocer, green grocer, tanner, lumber yard or for the sale of alcoholic liquors of any kind;
3. That no house except out buildings shall be erected on said lot to cost less than \$2000.00 and all plans for the buildings must be approved by the City Manager of Fredericksburg, or by an authorized committee of the Council of Fredericksburg;
4. That no house shall be built on said lot nearer than 20 ft to the street line, provided that this shall not apply to any steps, porches or bow-windows that may be attached to any dwelling;
5. That lot herein conveyed will constitute a building site for one residence only;
6. That no flat roofed building shall be erected on the said lot;
7. That no fences of any kind shall be erected on the said lot between the building line and the street in front thereof, nor shall any fence higher than 5 ft be erected on the remaining part of said lot.

Figure 7: Covenants in the Deed for a Parcel of Land on Block 98 from Alvin T. Embrey and his Wife, Lila B. Embrey, to W.S. Embrey. March 19, 1920.<sup>20</sup>

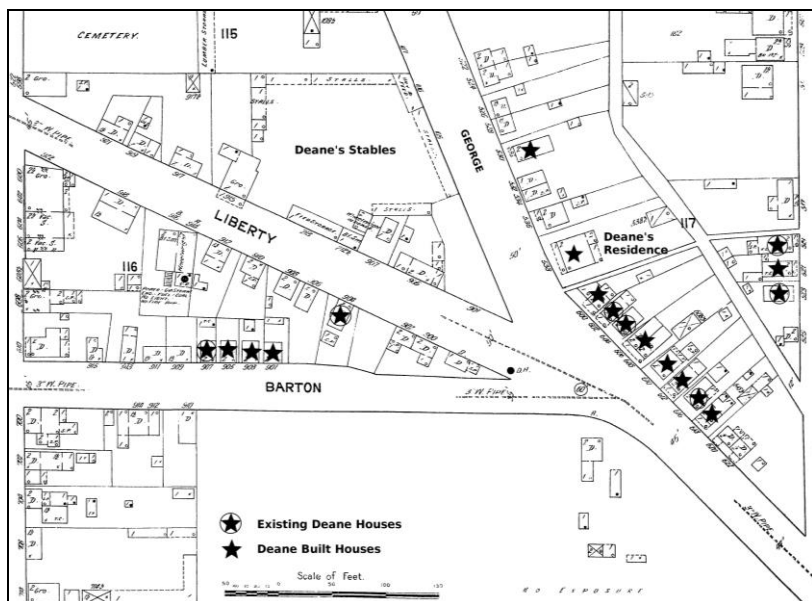


Figure 8: 1912 Sanborn Fire Insurance Map Showing Known Henry Deane Houses (annotated by the authors).

## Acknowledgements

The authors wish to acknowledge the previous work and generous assistance that made our project better and more complete. A number of students in Mary Washington College Historic Preservation Survey class taught by John Pearce in 1985 recorded Deane buildings on blocks 98 and 117. Two of the principal resources for these students were Betsy Houston and Matthew Scott, one of the authors of this paper. One of the students, Mary Beth Gatza, collected the information from her classmate, added additional research, and compiled a research report, “Liberty Town: The Past and Present of an Early Fredericksburg Suburb, 1812–1988” in 1988. This was published as a brochure by the Mary Washington Historic Preservation Department in 1994. Michael Spencer, Assistant Professor of Historic Preservation, allowed us access to his plans and elevation drawings of 618–620 George Street. In addition, valuable insight and assistance was provided by Barbara P. Willis and Nancy Moore of the Virginia Room of the Central Rappahannock Regional Library, Beth Daly and Susan Stone of the Central

Rappahannock Heritage Center, and Barry McGhee, archivist and cataloguer of the loose papers in the Fredericksburg Circuit Court Clerk's Office. Marilla Haas of the Commissioner of Revenue office, Noel Harrison, Eric Mink, John Hennessy, Erik Nelson, Robert Hodge, and many others have contributed insights and cautions. The Library of Congress, American Memory site, particularly the Historic American Building Survey collection, and the Office of War Information—Farm Security Administration images form part of the threshold from which this paper springs. We gratefully acknowledge that this project could not have been done without the support and forbearance of Jean Benson and Molly Gregory, our spouses. The responsibility for the errors of writing and interpretation are acknowledged as properly credited to the authors.

---

<sup>1</sup> Evans, Walker, photographer. Farm Security Administration. Library of Congress. fsa 8c52204 <http://hdl.loc.gov/loc.pnp/fsa.8c52204> and fsa 8c52198. <http://hdl.loc.gov/loc.pnp/fsa.8c52198>, accessed March 1, 2013.

<sup>2</sup> "Certificate to obtain a marriage license, Henry Deane and Lucy A. Combs, issued 2 January 1879," S.F. Forbes, Deputy Clerk. Fredericksburg Corporation Court Clerk's Office Annex. Henry Deane's age is listed as 30; Lucy Combs' age is listed as 20.

<sup>3</sup> See 1900 List of Inhabitants of Fredericksburg in Enumeration District 89 (Lower Ward, Fredericksburg) and 1910 List of Inhabitants of Fredericksburg in Enumeration District 41.

<sup>4</sup> See Fredericksburg City Council Minutes, Monday July 2, 1883, 425. "The following persons were nominated as police officers viz, J.E. Stone, C.A. Gore, M.A. Gately, J.H. Robinson, C.D. King, W.G. Ballard, W.H. Weaver, H. Deane and balloted for and the ballots being counted resulted as follows: For J.E. Stone (10); For C.A. Gore (8); For M.A. Gately (7); For J.H. Robinson (3); For W.G. Ballard (2)."

<sup>5</sup> The *Free Lance*. "Henry Deane Dead: He was a Well Known Colored Citizen." June 30, 1908. Page 3, column 2. This obituary makes statements, some of which can be substantiated, others cannot. The marriage license of Henry Deane and Lucy Combs, 2 January 1879, lists his place of birth as Powhatan County, Virginia. No evidence has established his presence in Nathan Bedford Forrest's service, during or immediately after the Civil War. Working back from this brief summary of a full life and especially the role he would play in Fredericksburg, the thin trail of public documents of Henry Deane begins in 1873 with his name among the list of men unable to

---

pay capitation taxes in 1873. By 1879, his circumstances had improved. He had become a part of the social fabric of the town. From being a hired porter of William E. Bradley (James H. Bradley & Son) and then M.B. Willis (Willis and Crismond), he joined James Read in a livery service in 1879. "Insolvent Capitation and Property." 1873. Fredericksburg Corporation Court Clerk's Office Annex. Collection and Record Number TX-TX-I-478-229.

<sup>6</sup> Walker Evans, photographer. Farm Security Administration. Photo on file, Library of Congress. March 1935.

<sup>7</sup> Walker Evans, photographer. Farm Security Administration. Photo on file, Library of Congress. March 1935. His oblique shot shows the variety of porches.

<sup>8</sup> Newspaper articles compiled by the authors.

<sup>9</sup>Henry Deane purchased land beginning in 1882 with two lots from the estate of James H Bradley, Deed Book (DB) AA, 147–184. In 1884, he purchased a lot fronting George Street from the estate of J.A. Harris, DB AA, 507. In 1886, he bought two properties, fronting George Street, from the estate of Lawrence B. Rose, DB BB, 242, and a back lot fronting on the alley between George and Hanover from George Chancellor, DB BB, 219. In 1887 and 1888, he purchased property in the adjoining block (407) on the south side of George from the estate of John G. Hurkamp, DB BB, 429–430 and from Jane Curtis, DB BB, 583, as well as a triangular lot on George from the trustee sale of property formerly owned by James Allen recorded in DB BB, 455–456. In 1890, Henry Deane bought land adjoining his other holdings but south of the alley separating George and Hanover streets from Nathan Gardner, DB CC, 330. His last purchase would be the first properties that Henry and Lucy Deane would sell.

<sup>10</sup> The properties Deane purchased were initially platted by Seth Barton as Liberty Town. See Spotsylvania County DB U, 61, for the plat by John Goolrick of Liberty Town lots in December 1814. Shortly thereafter, Robert Brooke, who owned land to the south of Barton's Liberty Town, had his lands platted, extending Hanover Street to the turnpike. John Goolrick surveyed the "New town," which unfortunately overlapped with Barton's new lots, see DB DC-F, 1816–1820 plat interleaved between pages 222–223. The ditch that figured prominently in the Civil War battles of Fredericksburg was begun in 1823. See Fredericksburg Council Minutes, 24 November 1823. "Resolved that the sum of \$300 be & is hereby appropriated towards draining the meadow at the back of the Town."

---

<sup>11</sup> “An Act Incorporating a Company to Establish a Turnpike Road from Fredericksburg to Swift Run Gap in the Blue Ridge.” Fredericksburg, Virginia: T[imothy] Green, 1811.

<sup>12</sup> James Gardner, 1864. Library of Congress.

<sup>13</sup> The properties were sold in deeds recorded in the Clerk’s Office of the Corporation Court of Fredericksburg, Virginia. All the deeds were signed by Henry and Lucy A. Deane as grantors. The grantees are listed here with the dates the deeds were signed: Georgianna Blackwell, DB DD, 315, signed 19 November 1891; Alfonia Dawson, DB DD, 397, signed 17 February 1892; John and Nannie Burton, DB DD, 398, signed 17 February 1892; John Henderson, DB DD, 408, signed 23 February 1892; Melvina Keys, DB DD, 409, signed 24 February 1892; Nellie Jackson, DB DD, 410, signed 24 February 1892; Ezekiel Carter, DB DD, 411, signed 25 February 1892; Harrison and Hetty Bundy, DB DD, 448, signed 11 March 1892; Amanda Jackson, DB DD, 459, signed 22 March 1892; Luther Nelson, DB DD, 540, signed 30 May 1892; Millie Williams, DB DD, 541, signed 30 May 1892; Maria Blackwell, DB DD, 542, signed 30 May 1892; Amanda Carter, DB DD, 607, signed 27 July 1892; Rosa Baylor, DB EE, 10, signed 8 August 1892; Catherine Lewis, DB EE, 32, signed 22 August 1892; Margaret Jones, DB EE, 35, signed 31 August 1892; Susan L. Poindexter, DB EE, 38, signed 22 August 1892.

<sup>14</sup> Vlach, John Michael. 1986. “The Shotgun House: An African Architectural Legacy.” *Common Places: Readings in American Vernacular Architecture*, edited by Dell Upton and John Michael Vlach. Athens, Georgia: University Press of Georgia, 58–78.

<sup>15</sup> See Fredericksburg City Council Minutes, volume 15, 1896–1902, 420 (19 September 1901) “Mr. Rowe of Committee on Streets asked for \$125.00 for repairs to ‘Dean’s Hill’ and \$50.00 for English’s pump, and Mr. Bradley moved that \$175.00 or so much thereof as shall be used for the work proposed to be done at each place, be placed to the credit of the Street Committee.”

<sup>16</sup> See “An act to provide for the incorporation of Building Fund Associations” in May 1852. The reference is in the charter of the “Building Fund Association of Fredericksburg,” Corporation Court Deed Book Q, 287–290. Beginning in 1889, there was a new round of mutual building associations in Fredericksburg. These included Home Permanent Building Fund Loan and Trust Association of Fredericksburg (chartered 4 April 1890); The Fredericksburg Building Association (chartered 14 April 1890); Merchants and Mechanics Perpetual Building and Loan Association of Fredericksburg, Virginia (chartered 24 February 1893); Enterprise Building

---

Association of Fredericksburg, Virginia (chartered 25 March 1893); and Mutual Serial Building Fund Association (chartered 2 May 1893). The charters are all similar, and they are transcribed in Charter Book 1, 1889–1916, Corporation Court of Fredericksburg, Circuit Court Archives, Fredericksburg, Virginia.

<sup>17</sup> The Merchants and Mechanics Perpetual Building and Loan Association of Virginia (24 February 1893). “The chief business of the said Association and its purpose and objects shall be to advance money to its members on real estate security, and to lend money to its members on stock of said Association so held by them and to assist its members in acquiring homes and to acquire rent hold lease exchange mortgage and otherwise deal in Real Estate and generally to do and transact any and all business usual legal and customary for Building Fund Loans and Trust Associations to do and transact including the borrowing of money for its purposes.”

<sup>18</sup> Mr. B.P. Willis served as the administrator of Henry Deane’s estate. Deane died testate; his will, although not signed by witnesses was admitted to court after several prominent citizens attested to his writing. His will is recorded in Will Book J, 216, of the Fredericksburg Corporation Court. The Clerk’s Office archives has the loose papers of the administration of the estate undertaken by B.P. Willis, after the named executor, S.E. Eastburn, refused to serve. The papers are in the Clerk’s Office Archive indexed as “Deane, Lucy, et als. vs Willis, Admr., et als” 1909 in the collection CR-HU-H-81-9. Information about the life of Lucy Deane after her husband’s death comes from Catesby Willis Stewart, “Lucy Deane” a typescript of anecdotes about Lucy Deane working in service for Mrs. Stewart’s parents, Mr. and Mrs. B.P. Willis. Mrs. Stewart set down her memories in part from snapshots she had taken, probably in the late 1920s, and her writings form part of the Willis Family papers. Rappahannock Heritage Center. Ms #2009-063-008. Lucy Deane died in 1934; see “Former Colored Resident Dead,” *The Free Lance-Star*. 6 April 1934, Page 2, column 7.

<sup>19</sup> Fredericksburg, Virginia. Corporation Court, DB 55, 445–447.

<sup>20</sup> Ibid.

*This page intentionally left blank.*

# WASHINGTON AVENUE

By William Shorter

Washington Avenue is one of Fredericksburg's most scenic streets with its wide median and a green expanse that displays monuments to George Rogers Clark, General Hugh Mercer, Thomas Jefferson's Religious Freedom statute, as well as to others. The formation of the Washington Avenue of today did not occur in a smooth, timely manner but progressed in fits and starts, driven by more than a century of burdensome political and economic decision-making. Two aftereffects of those actions are the well-known, two-block constriction between Amelia Street and William Street, and an avenue much different than that originally designed. The complete account of Washington Avenue, however, is much more extensive than just these results. The story of Washington Avenue begins with the formation of both the Mary Washington Monument project in the early 1830s and, decades later, the subdivision of Kenmore Farm.

## Washington Avenue—The Genesis

The mother of George Washington, Mary Ball Washington, died in August 1789 and was buried near Oratory Rock, now called Meditation Rock, at the intersection of what was to become Washington Avenue and Pitt Street. The town fathers and residents of Fredericksburg thought it fitting to provide her gravesite with an appropriate marker, or monument, and to construct a scenic promenade leading from the new turnpike (later known as Plank Road, Commerce Street, and today, William Street) to the gravesite. The construction of both the monument and the street progressed but in an intermittent and seemingly confused manner.

The Mary Washington Monument, as seen today, was designed and created by a process that was sporadic, at best (Figure 1). A committee, formed in 1830, raised funds for the erection of a monument on the avenue, and, in May 1833, the cornerstone was laid at a dedication ceremony attended by President Andrew Jackson,

and state and town dignitaries.<sup>1</sup> Monument construction inexplicably ceased after four years, and the ill-fated and uncompleted monument lay virtually abandoned for more than five decades. Awakened to a threat of the gravesite being sold in March 1889, the citizens of Fredericksburg, the Fredericksburg Mary Washington Monument Association, and the National Mary Washington Memorial Association took action and successfully saved the final resting place of Mary Washington. In May 1894, the monument was again dedicated, this time with President Grover Cleveland being the honored guest.<sup>2</sup>



Figure 1: Mary Washington Monument.

If the two dedications of the Mary Washington Monument established and reinforced the need for Washington Avenue, the purchase, formation, and subdivision of the Kenmore Farm shaped it. Samuel Gordon purchased the 200-acre parcel that he would name Kenmore from Jonathan S. Thornton in 1819. When Gordon died in the early 1840s, the Kenmore estate passed to his son, William K. Gordon, who later sold the Kenmore Farm to Franklin Slaughter for \$25,000 in September 1859.<sup>3</sup> Shortly afterward, the farm tract was surveyed and subdivided by William Slaughter into 57 large lots, alleyways, and streets of various widths, including Washington Avenue, the widest of the throughways. The plat of the farm emphasizes the design of the avenue and shows “Washington Avenue” with the annotation, “*An Avenue from Plank Road [William Street] to [the Mary Washington] Monument 150 feet wide with four rows of trees.*”<sup>4</sup> (Figure 2)

Franklin Slaughter and other purchasers, referred to in the deeds as “the proprietors,” of the farm property formed the Kenmore Company. When the company was unable to make the deferred payments, William Gordon instructed his property trustee, W.P. Conway, to sell at public auction the lots fronting on Washington Avenue, on both the east and west sides, between Plank Road (William Street) and the Mary Washington Monument.<sup>5</sup> This sale would ultimately and permanently alter the width of Washington Avenue.

## **Washington Avenue—The Width of It**

The narrowing of Washington Avenue came in July 1875, when John Hurkamp bought Kenmore Farm Lot Nos. 29, 31, 33, and 35 at public auction.<sup>6</sup> (Figure 3) All four lots fronted on Washington Avenue and were bounded on the east by Douglas Street. Lots 29 and 31 lay between William Street and Amelia Street; lots 33 and 35 were between Amelia and Lewis Streets. Hurkamp’s deed specified that the boundary of the property would begin at a point “60 feet from the east side of the cemetery wall” and run parallel with the wall, which effectively extended Hurkamp’s property 90 feet into Washington Avenue.<sup>7</sup> Although this additional swath was not identified, included in the dimensions of the original lots, or specified in the deed, it was not without precedent.

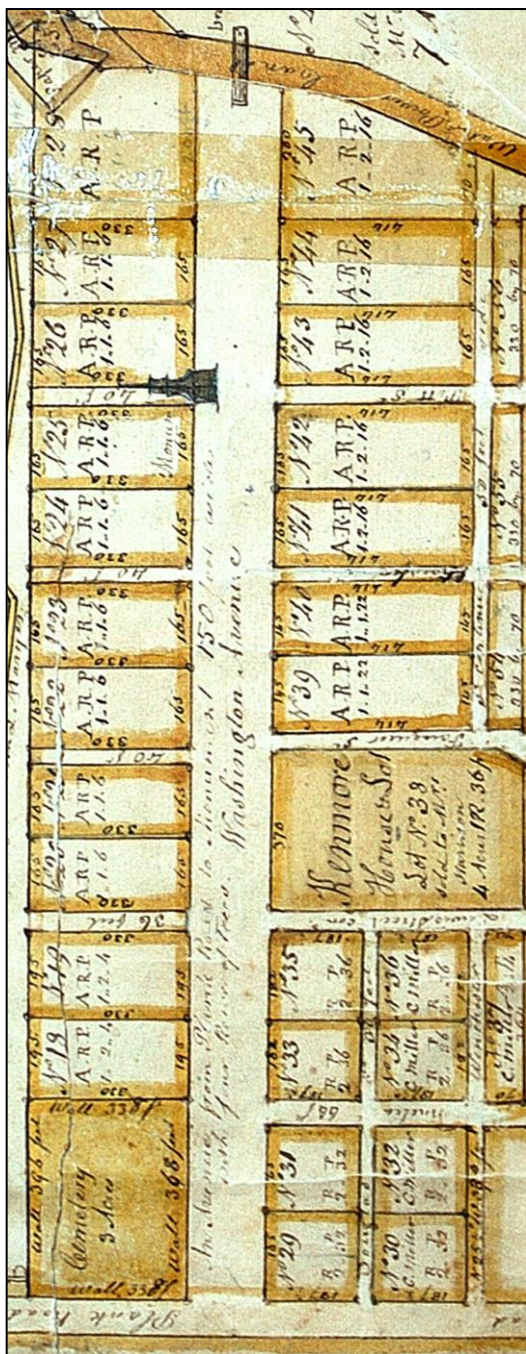


Figure 2: Washington Avenue Portion of William Slaughter's Kenmore Farm Plat.

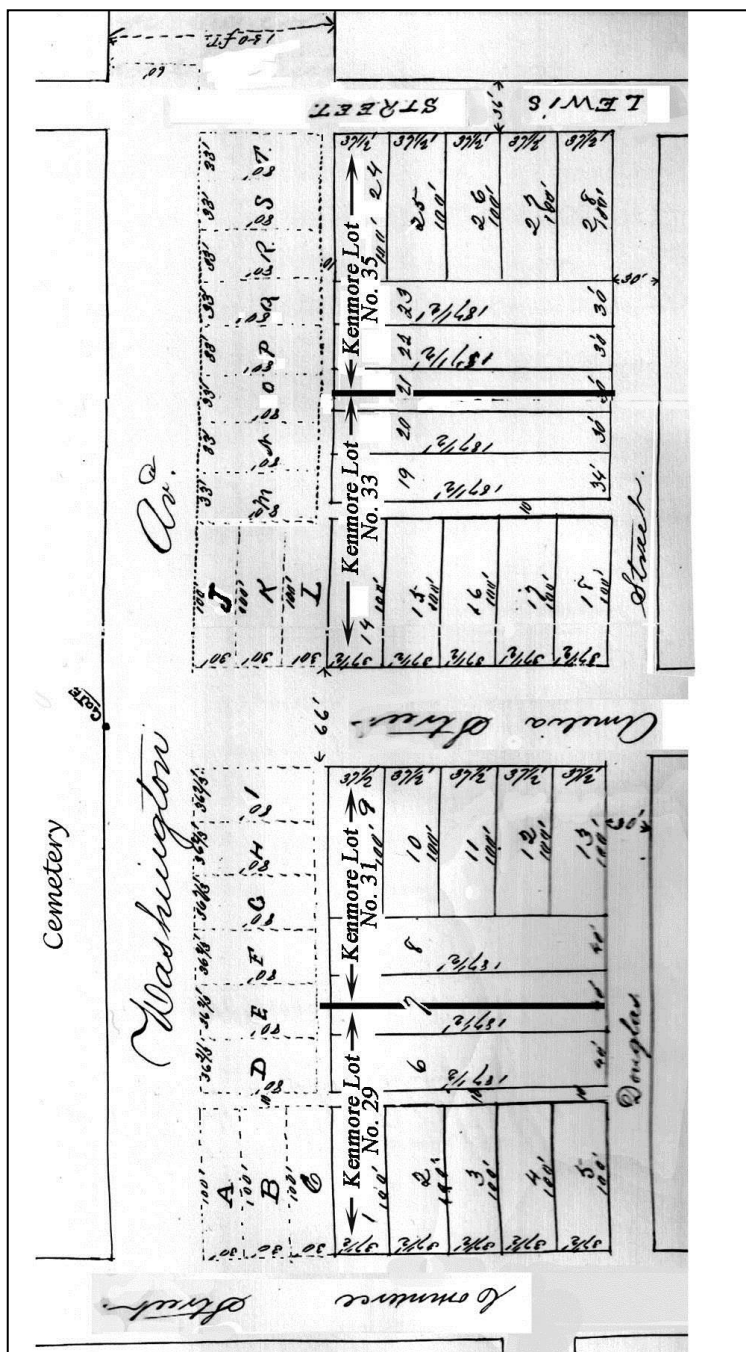


Figure 3: William Gordon 1875 Survey of Hurkamp Subdivision.

In August 1866, Hay B. Hoomes purchased the millrace property from the trustee of the proprietors of the Kenmore Farm property. This property would later become Kenmore Avenue, running from the paper mill at the canal (near today's Mary Ball Street) to Plank Road (William Street). At that time, Lewis Street was shown on Slaughter's Kenmore Farm survey to extend all the way to present-day Kenmore Avenue. Hoomes's deed specified that "the proprietors reserve the right to reduce the [150-foot wide] avenue leading from plank road [sic] to Lewis Street to a width of sixty feet."<sup>8</sup> Apparently, this right extended to John Hurkamp's property along Washington Avenue a decade later.

Almost immediately after his purchase, Hurkamp had William Gordon subdivide the four original Kenmore lots into 48 residential-sized lots, numbered 1 to 28, and lettered A through T.<sup>9</sup> The lettered lots in the 90-foot extension were probably designated as such because the ownership of that swath was being disputed to determine whether the avenue land belonged to Hurkamp or the city (Figure 4).

Another factor affecting the shape of Washington Avenue was George W. Shepherd's purchase of Kenmore Lot Nos. 20, 21, 22, 23, and 24. Shepherd acquired those lots on the west side of the avenue the day after Hurkamp bought his. (Shepherd purchased Kenmore Lot No. 25 in 1888.) Like those of Hurkamp, Shepherd's lots extended 90 feet into the 150-foot width allocated for Washington Avenue, but from the west. That extension created a 60-foot wide Washington Avenue to the Mary Washington Monument and created an S-turn at the intersection with Lewis Street. The effect of Hurkamp's and Shepherd's properties on the shape of Washington Avenue can be seen in Figure 3. That figure also shows Shepherd's Kenmore Farm lots superimposed over the 1891 plat of Fredericksburg Development Company (FDC) blocks 25, 26, 27, and 28.<sup>10</sup>

The narrower Washington Avenue with a partial S-curve at Lewis Street is shown in another plat, dated June 27, 1890 (Figure 5). The width of Washington Avenue is indicated as "existing," with a width of 60 feet but a "proposed" width of 150 feet. There is no indication on the plat of when the proposed 150-foot width was to occur.<sup>11</sup>

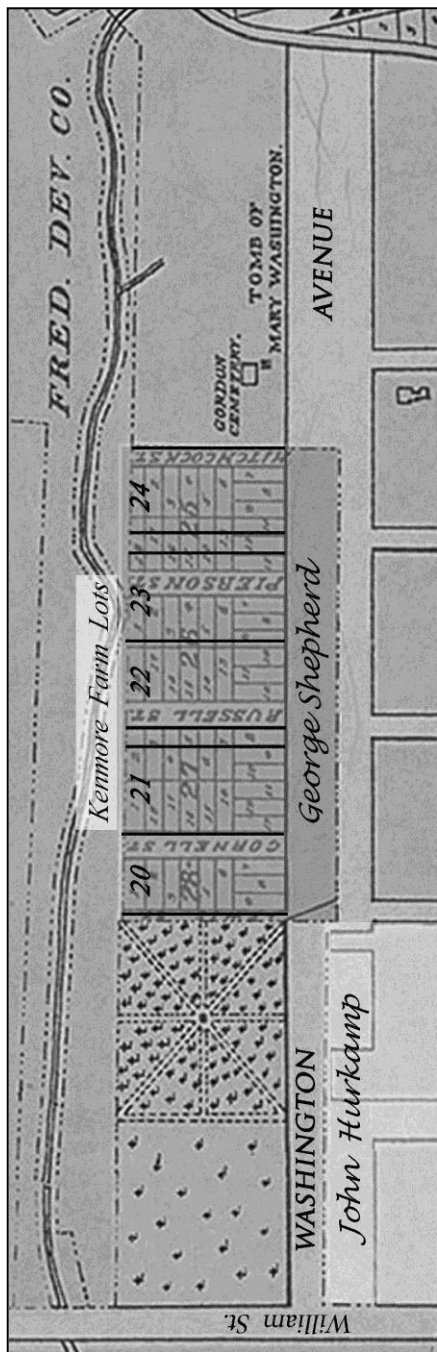


Figure 4: Washington Avenue with Hurkamp and Shepherd Properties, 1891.

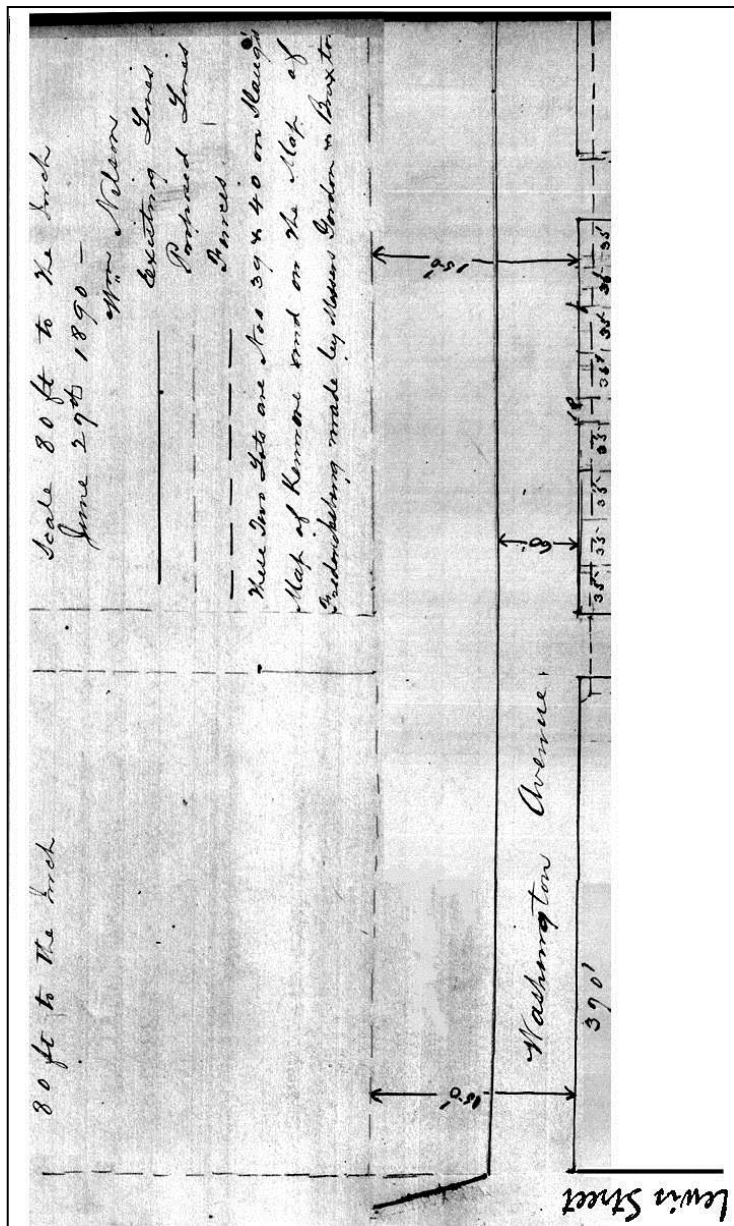


Figure 5: Proposed Widening of Washington Avenue from Lewis Street Northward.

In the 1890s, the FDC purchased large blocks of land for residential development in and adjoining Fredericksburg. One of these tracts was the Washington Avenue property, which was purchased from George Shepherd in September 1891.<sup>12</sup> A short time later, the FDC began failing, and its property was placed in trusteeship. The FDC proposed to donate to the City the 90-foot strip of land of the former Shepherd property that extended into Washington Avenue from the west between Lewis Street and Pitt Street. The FDC offer was conditional “provided the city will condemn so much property as may be necessary to open the avenue through to Commerce Street with the width of 150 feet.”<sup>13</sup> After much discussion among City Council members over the right to the property, the outcome, by late 1892, was that the FDC’s proposal was accepted, and Washington Avenue was again to be 150 feet wide from Lewis Street northward.

The City’s goal to make Washington Avenue 150 feet wide in its entirety was only partially achieved, thanks to John Hurkamp. After years of discussion and several acquisition attempts, including a friendly lawsuit, the City’s leaders gave up trying to obtain the 90-foot portion of the John Hurkamp subdivision. In September 1892, the City Council resolved that all legal action proposed to acquire ownership of Hurkamp’s property would cease, and the width of Washington Avenue would remain 60 feet wide from William Street to Lewis Street.<sup>14</sup> (The issue of Hurkamp’s entitlement to the Washington Avenue property would be raised again in 1915 but with the same result.<sup>15</sup>) So, John Hurkamp’s subdivision remained intact and was sold off in residential lots, leaving the width of that portion of Washington Avenue as it is today. The avenue’s length, however, was still to be determined.

## **Washington Avenue—The Length of It**

The saga of Washington Avenue continued long after the disposition of the properties of George Shepherd and John Hurkamp and the establishment of its boundaries between the Mary Washington Monument and William Street. The overall length of the avenue became a focus at the beginning of the twentieth century and remained so for nearly three decades. Some Council members and City residents envisioned a southward extension of Washington Avenue as a major, and much needed, north-to-south thoroughfare

on the western edge of town “for the convenience of the citizens.”<sup>16</sup> Those advocates initially wanted the avenue to be extended from William Street to National [Lafayette] Boulevard, but this endeavor would prove not only politically and physically toilsome but also unachievable. Along with the avenue’s southward progression were various requirements and demands by residents to improve and lengthen the avenue northward from William Street to the bridge at the canal.

In September 1906, E.H. Randall, the town surveyor, made a comprehensive survey of the Washington Avenue extension (Figures 6a and 6b). Submitted to the Street Committee of the City Council, the map detailed the metes and bounds of the complete route (3,062 feet) from the south side of Lewis Street to the north side of National Boulevard. Accompanying notes on the survey recommended that the width of the avenue remain the same as that of the original segment of the avenue—150 feet. Had it been adopted, this plan would have cut large swaths through the property of several landowners, resulting in losses ranging from one-quarter to one-third of an acre. However, the avenue extension was built with a width of only 50 feet. Another recommendation by the surveyor was the most difficult to address—how to deal with the avenue traversing Potter’s Field. Randall’s notes suggested that the City Council “move from the Potter’s Field all interred bodies to an appropriate spot outside of the corporation, and then divide Potter’s Field into building lots.”<sup>17</sup> The bodies were eventually moved to another cemetery but for a different reason and reinterred within the corporate limits.

Preparation to extend Washington Avenue to National Boulevard began as early as 1903 when the City obtained, by condemnation, property to establish the street right-of-way. By mid-March 1906, construction of the avenue from its southern terminus at the Boulevard to Charlotte Street was mostly completed—six months prior to Randall’s 1906 survey.<sup>18</sup> The following January, a citizen’s group petitioned the City Council to complete Washington Avenue from Hanover Street to Charlotte Street “uniting with the new street [section of Washington Avenue] opened a year ago or more...to the Boulevard near the Shirt Factory.”<sup>19</sup> Completing the southern section of Washington Avenue was not a speedy process.

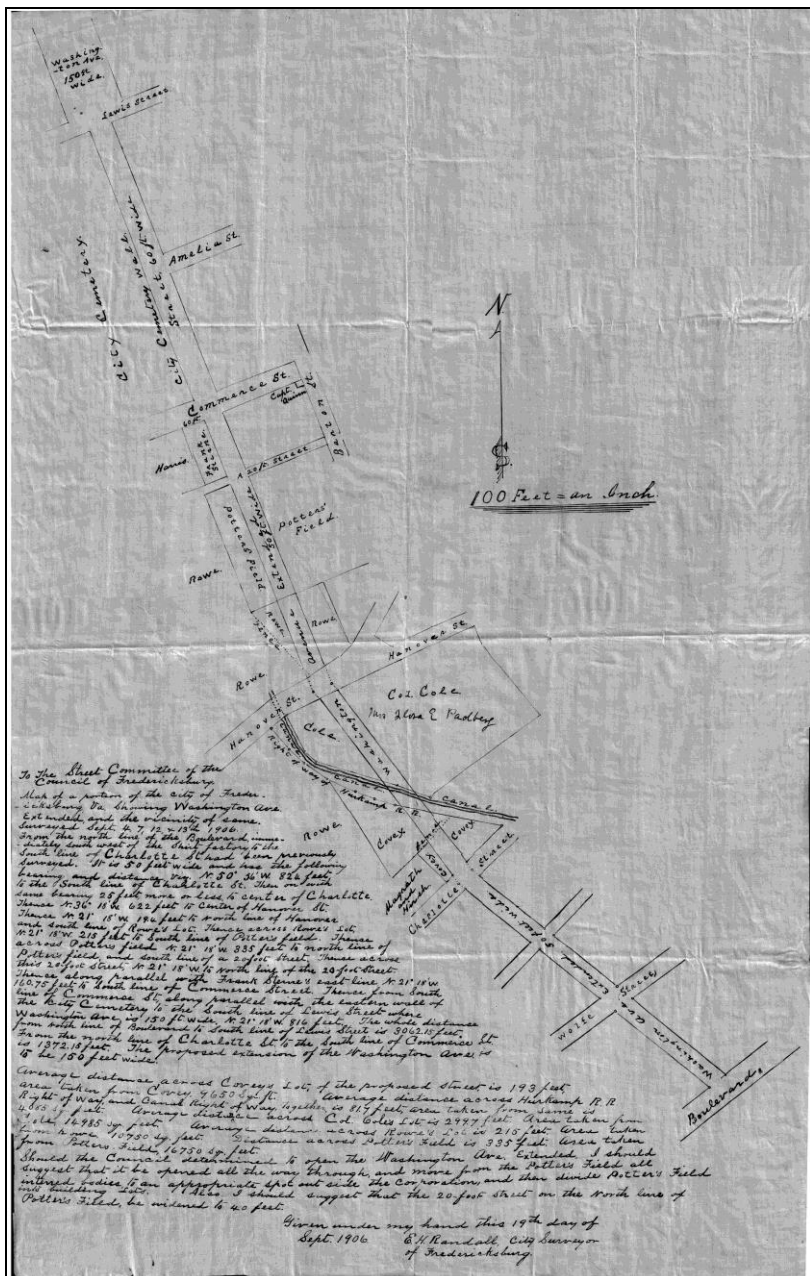


Figure 6a: E.H. Randall's 1906 Survey of the Southern Segment of Washington Avenue (Courtesy of Fredericksburg, Virginia, Circuit Court Archives).

Notes from September 19, 1906, survey of Washington Avenue by E.H. Randall, Fredericksburg City Surveyor

"To the Street Committee of the Council of Fredericksburg--  
Map of a portion of the city of Fredericksburg, Va. showing Washington Ave. Extended, and the vicinity of same.

Surveyed Sept. 4, 7, 12, and 13th 1906.

From the north line of the Boulevard, immediately south west of the Shirt factory to the South line of Charlotte St. had been previously surveyed [see Plat Book 1, page 28]. It is 50 feet wide and has the following bearing and distance, viz. N50°56'W, 824 feet to the south line of Charlotte St. Then on with same bearing 25 feet more or less to center of Charlotte, Thence N36°18'W, 194 feet to north line of Hanover and south line of Rowe's lot, Thence across Rowe's lot N21°18'W, 215 feet to south line of Potter's Field, Thence across Potter's field N21°18'W, 335 feet to north line of Potter's field and south line of a 20-foot street, Thence across this 20 foot N21°18'W to north line of the 20 foot street, Thence along parallel with Frank Stern's east line N21°18'W, 160.75 feet to south line of Commerce Street, Thence from south line of Commerce St. along parallel with the eastern wall of the city Cemetery to the south line of Lewis Street where Washington Ave. is 150 ft wide, N21°18'W, 816 feet. The whole distance from the north line of Boulevard to south line of Lewis Street is 3062.15 feet. From the north line of Charlotte St. to the south line of Commerce St. is 1375.15 feet. The proposed extension of the Washington Ave. is to be 150 feet wide.

Average distance across Covey's lot of the proposed street is 193 feet; area taken from Covey, 9650 sq. ft. Average distance across Hurkamp R. R. right of way and canal right of way, together is 81.7 feet, area taken from same is 4085 sq. feet. Average distance across Col. Cole's lot is 299.7 feet. Area taken from Cole, 14,985 sq. feet. Average distance across Rowe's lot is 215 feet. Area taken from Rowe, 10,750 sq feet. Distance across Potter's Field is 335 feet. Area taken from Potter's Field, 16,750 sq. feet.

Should the council determine to open the Washington Ave. Extended, I should suggest that it be opened all the way through, and move from the Potter's Field all interred bodies to an appropriate spot out side of the corporation, and then divide Potter's Field into building lots. Also, I should suggest that the 20-foot street on the north line of Potter's Field [now Day Street] be widened to 40 feet."

"Given under my hand this 19th day of  
Sept. 1906                      E. H. Randall, City Surveyor  
   of Fredericksburg."

Figure 6b: Notes as Presented on E.H. Randall's 1906 Survey.

As late as March 1916, grading and paving were still required before the avenue between Wolfe and Charlotte streets would be opened for public use.<sup>20</sup> For various reasons, the decision to complete the segment of the avenue between Hanover and Charlotte streets would remain unresolved for another 15 years.

While the southern segment of Washington Avenue was advancing from the boulevard northward, work was continuing on the avenue north of William Street. Paving, grading, and installing sidewalk and sewer lines were in progress, first on the east side of the avenue and later on the west side. Aside from these improvements, the main focus was the lengthening of the avenue northward. In 1909, the Fredericksburg Business Men's Association, "looking to the present needs and future growth of our city," requested that Washington Avenue be widened to "eighty feet or more up to the canal bridge. So that this street may the more quickly become useful, both for business and pleasure driving."<sup>21</sup>

The canal bridge presented its own set of problems to the avenue. When the bridge had to be removed so the power company could dredge the canal, the wooden structural members were found to have deteriorated and subsequently had to be replaced. Construction of a new steel bridge began in August 1927 and was completed by the following January. Subsequent alterations and repairs continued, culminating in the construction of a new bridge in 1988, as it is today.<sup>22</sup>

Two streets terminated at the power company canal bridge—Canby Street and Washington Avenue. Canby Street was part of the Doswell Tract that was laid out by the FDC on the north side of the canal in 1890.<sup>23</sup> In late 1935 or early 1936, Canby Street became part of Washington Avenue as the avenue was extended further north through the new Elmhurst subdivision.<sup>24</sup>

In 1917, the City acquired land from members of the Hanover Park Association to extend the avenue southward from Hanover Street to the millrace that was to become the route for Kenmore Avenue a decade later. That deed covenanted that the city would "lay out and construct the extension of Mary Washington Avenue...and will extend said avenue to its intersection with Charlotte Street...and will build a bridge over the canal."<sup>25</sup> The City Council appropriated just

over \$3,100 for the purchase of the land and the cost of constructing the bridge.<sup>26</sup>

Going into 1919, the completion of Washington Avenue from William Street to Lafayette Boulevard was still a persistent, but short-lived, vision of some town lawmakers. The Street Committee of the Council recommended that the City Attorney “acquire by gift, purchase or condemnation what right-of-way that may be necessary for the opening of Washington Avenue from Commerce Street to Charlotte Street.”<sup>27</sup> Concurrently, the City’s School Committee had been actively searching for a site for a new school. Potter’s Field was chosen as the most promising of the proposed locations, and the cemetery property was dedicated to the City for the school in April 1919. Based on this need, the City Council voted to rescind all action authorizing the opening of the avenue from William Street to Hanover Street.<sup>28</sup> The birth of Maury School was the death of an unbroken Washington Avenue extending from the canal to Lafayette Boulevard.

The progress of the Washington Avenue extension from Hanover Street southward was interrupted by another major street construction project in the vicinity. Beginning in 1929, and until 1944, Kenmore Avenue was being constructed along the path of the mill race, or “little canal,” that ran from the power company canal, or “big canal,” to the boulevard and on to the river.<sup>29</sup>

By the end of 1931, the Washington Avenue extension was still unfinished between the newly constructed Kenmore Avenue and Charlotte Street. In December that year, the City Council adopted a resolution to complete the construction “in order to connect the two sections of Washington Avenue.”<sup>30</sup> The resolution was fulfilled later that month when the City acquired from Robert B. Payne a 50-foot wide swath of land to connect the two parts of Washington Avenue extended (Figure 7).<sup>31</sup>

Even though Washington Avenue was completed shortly after the acquisition of the Payne property, this link resulted in the demise of Washington Avenue south of William Street and gave birth to another street. At the City Council meeting on February 14, 1933, a letter was read from the president of the Fredericksburg Chamber of Commerce requesting that “earnest consideration be given to the

proposition of restoring the old original names to Fredericksburg streets".<sup>32</sup> The Council's Street Committee presented its recommendations at the August 13, 1935, meeting for changing numerous street names. The changes included renaming the remnant of Washington Avenue, extended, between Hanover Street and Lafayette Boulevard to its current name, Jackson Street.<sup>33</sup>

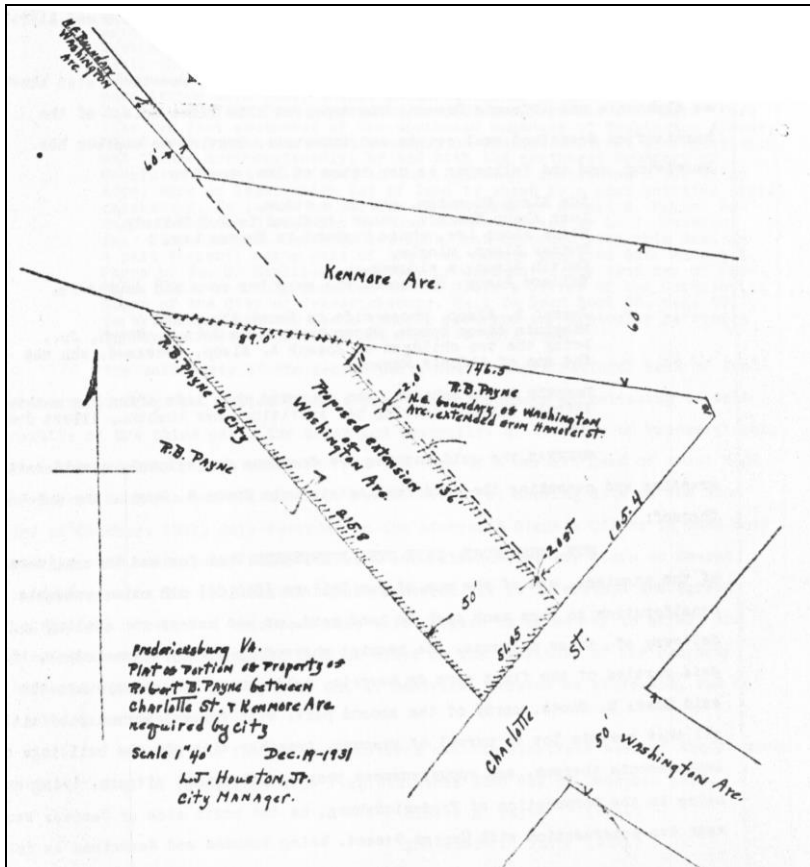


Figure 7: Washington Avenue Extension Connecting Kenmore Avenue and Charlotte Street.<sup>34</sup>

By the end of the nineteenth century, the image of a scenic access to the monument had grown into a dream for making the avenue into a thoroughfare at the western edge of the City between the power company canal and National Boulevard. An uninterrupted avenue

between those two points did not come to fruition because of difficult real estate acquisitions, politics, and threats of litigation. Two decades into the twentieth century, the construction of a much-needed school (Maury School) ended that dream altogether. By the mid-1930s, Washington Avenue existed only northward from William Street across the canal and, after absorbing Canby Street, nearly to today's Pelham Street. Later, with the genesis of the Elmhurst subdivision and annexations of 1940 and 1951, Washington Avenue was lengthened farther northward to its present intersection with Fall Hill Avenue.

The avenue name remained unclear during the later years of its construction period—was it Washington Avenue or Mary Washington Avenue? Official records intermittently and inconsistently referred to the avenue by two names. “Mary Washington” was used most often in the nineteenth-century records and, apparently, the official name had been intended to be Mary Washington Avenue even going into the twentieth century. At the August 15, 1907, City Council meeting, the chairman of the Ordinance Committee submitted the following:

Be it ordained by the Mayor and Common [Town] Council of the City of Fredericksburg, Virginia, that the...street...shall constitute a part of and be known as Mary Washington Avenue and when laid off and opened shall constitute a street of the City of Fredericksburg.<sup>35</sup>

Years prior to that meeting, the local newspaper, *The Daily Star*, frequently reported the name as Washington Avenue. Driven by common usage, and at some undeterminable time, the “Mary” was dropped, and the name of the avenue became as it is today, Washington Avenue.

Washington Avenue, over time, has become the showcase of historic remembrances. The Mary Washington Monument, both the anchor and the impetus for the creation of and development of Washington Avenue, would not be the last to adorn the street. Over time, other monuments and plaques important to Fredericksburg have been prominently placed along the avenue's grassy median. The earliest of the commemorations is the General Hugh Mercer statue, which was erected by the federal government in 1906 (Figure 8). Other

important memorials that followed are a plaque dedicated to George Rogers Clark, erected in 1929, and the Thomas Jefferson Religious Freedom Monument, unveiled in 1932 at its original location on George Street and moved to Washington Avenue in 1977 (Figure 9). Other plaques placed near these tributes recognize the important actions of lesser known individuals. Another striking sight one finds on the narrower section of Washington Avenue is the entrance gate of the Confederate Cemetery. These \$800 iron gates were designed, cast, and installed in 1870 by the Scott and Bowering's Foundry of Fredericksburg.<sup>36</sup>



Figure 8: General Hugh Mercer Monument.



Figure 9: Thomas Jefferson Religious Freedom Monument.

The construction of any street is impersonal unless there is a focus on the builders, users, or residents living along it. Only after the completion of the intermittent periods of the construction of Washington Avenue was there an opportunity for its human dimension to appear. The homes along Washington Avenue between Lewis Street and Pitt Street are no less elegant or notable than the monuments that they face. The earliest of these is Kenmore, the manor of the Kenmore Plantation, which was built by Fielding Lewis in the 1770s but was named by Samuel Gordon shortly after his purchase in 1819 (Figure 10). That house stood alone along the avenue for more than three decades. The Kenmore Farm was sold in

1859 and, subsequently subdivided for residential development. Besides the Kenmore manor, all but one of the other houses along Washington Avenue were constructed between the mid-1890s and 1925; the last one was built in 1951.<sup>37</sup> This was an era when many of the more affluent citizens of the City exhibited their status with the construction of large, ornate, and architecturally diverse residences. (Figure 11–Figure 13)

The structures and monuments, individually and collectively, that populate Washington Avenue today reveal a quality that motivated people to arrive, abide, and be remembered as a social segment of Fredericksburg’s history. Over the years, most of them have been remodeled or renovated but still reflect the elegance of the era in which they were built. Like the avenue itself, each of them offers its own colorful history, but those stories are for another time.



Figure 7: Kenmore, Washington Avenue Elevation.



Figure 11: House at 1204 Washington Avenue.



Figure 12: House at 1208 Washington Avenue.



Figure 13: House at 1406 Washington Avenue.

---

<sup>1</sup> Susan R. Hetzel, *Building of a Monument: History of the Mary Washington Associations and Their Work* (Lancaster, Pennsylvania: Press of Wichersham Co., 1903), 6–9.

<sup>2</sup> *Ibid.*, 137.

<sup>3</sup> Fredericksburg, Virginia, Deed Book T, 55. This deed is dated September 3, 1859, and details the metes and bounds of the property, excluding both the parcel on which the magazine (owned by Charles S. Scott) rested and the Gordon family cemetery. The payment terms are \$5,000 cash and the remainder in periodic payments.

<sup>4</sup> William Slaughter Survey, Kenmore Farm Property, 1862, Fredericksburg, Virginia, Plat Book 1, 4.

<sup>5</sup> Fredericksburg, Virginia, City Council Minutes, March 18, 1881, Volume 12, 1877–1886, 236. (Hereinafter cited as *CC Minutes*.) These minutes offer more background on the necessity for the public auctions and summarize the sales of the property along the east and west sides of Washington Avenue in 1875.

---

<sup>6</sup> Fredericksburg, Virginia, Deed Book X, 232. Deed is dated July 1, 1875.

<sup>7</sup> Ibid.

<sup>8</sup> Fredericksburg, Virginia, Deed Book U, 281.

<sup>9</sup> Fredericksburg, Virginia, Deed Book X, 232.

<sup>10</sup> Fredericksburg, Virginia, Deed Book X, 251. Deed is dated July 2, 1875. George Shepherd purchased Kenmore Lot No. 25 from Brodie S. Herndon on May 13, 1888 (recorded in Deed Book BB, 496) and later sold it to the Mary Washington Monument Association on January 24, 1890 (recorded in Deed Book CC, 235).

<sup>11</sup> Fredericksburg, Virginia, Deed Book CC, 415. Deed is dated August 2, 1890.

<sup>12</sup> Fredericksburg, Virginia, Deed Book DD, 275. Deed is dated September 21, 1891.

<sup>13</sup> CC Minutes, March 2, 1891, Volume 13, 1886–1891, 325.

<sup>14</sup> CC Minutes, September 16, 1892, Volume 14, 1891–1896, 112.

<sup>15</sup> CC Minutes, April 15, 1915, Volume 20, 1915–1917, 434.

<sup>16</sup> CC Minutes, August 17, 1905, Volume 16, 1902–1906, 369.

<sup>17</sup> E.H. Randall, “Map of a portion of the city of Fredericksburg, Va. showing Washington Ave. Extended, and the vicinity of same. Surveyed Sept. 4, 7, 12, and 13th, 1906,” Fredericksburg Circuit Court Archives file, MI-MI-M, 548-68, 1906. A similar E.H. Randall survey is on file at the Central Rappahannock Heritage Center titled “Washington Avenue Extended, Survey, 1906,” File Number 2003-020-003-082. The dates of this second plat are also September 4, 7, 12, and 13.

<sup>18</sup> CC Minutes, March 15, 1906, Volume 16, 1902–1906, 422.

<sup>19</sup> CC Minutes, January 17, 1907, Volume 17, 1906–1910, 68. Detailed metes and bounds of this Washington Avenue section can be found in CC Minutes of August 15, 1907, 169.

<sup>20</sup> CC Minutes, March 16, 1916, Volume 20, 1915–1917, 199.

<sup>21</sup> CC Minutes, May 20, 1909, Volume 17, 1906–1910, 400.

<sup>22</sup> Melissa Jacobs, “City Celebrates New Canal Bridge,” *The Free Lance-Star*, July 2, 1988, 17.

---

<sup>23</sup> The Doswell Tract was one area laid out in 1890 by the Fredericksburg Development Company and was bounded by the power company canal, Fall Hill Avenue, and Pelham (formerly Cromwell) Street.

<sup>24</sup> Addressees that were listed as living on Canby Street in the 1935 Land Tax book were listed with Washington Avenue addresses in the 1936 Land Tax book. The tax year ran from September to September. The Elmhurst subdivision adjoined the Doswell Tract at Pelham (Cromwell) Street and was bounded by Fall Hill Avenue, the Power Company Canal, and Hunter Street, extended.

<sup>25</sup> Fredericksburg, Virginia, Deed Book 49, 557. Deed is dated April 4, 1917, and, along with more details, was copied into Council Minutes of April 3, 1917, 394.

<sup>26</sup> CC Minutes, April 3, 1917, Volume 20, 1915–1917, 394.

<sup>27</sup> CC Minutes, March 12, 1918, Volume 21, 1918–1920, 65.

<sup>28</sup> *Ibid.*, 249.

<sup>29</sup> At different times, the “little canal” was formerly known as Marye’s mill race and Petit’s mill race. At one time, it was the tailrace from the paper mill.

<sup>30</sup> CC Minutes, December 8, 1931, Volume 31, 1950–1951, 104.

<sup>31</sup> Fredericksburg, Virginia, Deed Book 66, 104.

<sup>32</sup> CC Minutes, February 14, 1933, Volume 25, 1930–1935, 243. There were two main rounds of changes to Fredericksburg street names. In the 1890s, the historic names were changed to letters for the north-south streets, and numbers for the east-west streets. (This action is not to be confused with the numbering and lettering system of streets by the Fredericksburg Development Company of 1891.) About five years later, the streets regained their original names. Later, the historic street names were changed to more common monikers, e.g., Caroline Street to Main Street. This City Council meeting initiated the process to restore the historic names and, by 1935, that change had occurred.

<sup>33</sup> *Ibid.*, August 13, 1935, 590.

<sup>34</sup> Deed Book 66, 104.

<sup>35</sup> CC Minutes, August 15, 1907, Volume 17, 1906–1910, 169. That ordinance was referring to the extension of Washington Avenue from Charlotte Street to Hanover Street, through Potter’s Field, and on to William Street to connect with the then existing Washington Avenue. The

---

minutes also include the metes and bounds details for the extension and reference E.H. Randall's survey of September 16, 1906.

<sup>36</sup> *Fredericksburg Ledger*, June 3, 1870, 3. Installation of the gate was noted in the *Fredericksburg Ledger*, November 22, 1870, 3.

<sup>37</sup> *Walk Through History, Walking Tour Through Historic Fredericksburg, Virginia*, brochure, research by Barbara Willis and John N. Pearce (Fredericksburg, Virginia: printer unknown, undated).

# **WHAT WERE THEY THINKING? CROSSING THE BOUNDARIES OF PROPRIETY IN NINETEENTH-CENTURY FREDERICKSBURG**

**By Jan Waltonen  
HFFI Marker Committee**

## **Setting the Scene: Societal Expectations in Nineteenth-Century Fredericksburg**

The nineteenth century in America—the Victorian Age—was characterized by a sharp dichotomy between men’s and women’s roles in society. The cult of “True Womanhood,” a term coined by historian Barbara Welter, held that women in the antebellum decades of the nineteenth century were prescribed a certain role in society: their lives were to revolve around the home and their place in it as wives and mothers. A “true” woman was expected to cultivate four main virtues that defined an ideal woman and were central to her identity: piety, purity, submissiveness, and domesticity. Her obligation was to make her home a “haven of health, happiness, and virtue.”<sup>1</sup> The cult of True Womanhood dictated that true women were the moral guardians of the family; “they stood as invincible sentinels at the portals of the home to keep worldly pollution from entering and despoiling the family.”<sup>2</sup>

Men’s traits were viewed as polar opposites. While women were stereotyped as passive, dependent, and weak, men were seen as worldly, powerful, and effective participants in the “public world,” the realms of politics, commerce, and public service.<sup>3</sup> Women stayed home; men took care of business. Women accepted the “rule” of wise husbands; men provided security, material comfort, and protection.<sup>4</sup>

Needless to say, Victorian-style morality and social attitudes were strict. Women were constrained to conform to the conventions prescribed for them. Women judged themselves and were judged by

their husbands, neighbors, and society according to the attributes of True Womanhood. "If anyone, male or female, dared to tamper with any of the virtues that characterized True Womanhood, he was damned immediately as the enemy of God and of civilization."<sup>5</sup>

It is important to note that the cult of True Womanhood was designed for the wives and daughters of a white, middle and upper class, male-dominated society. Many women, married and unmarried, did not have the means or the kind of protection that would permit them to cultivate the virtues expected of them. Purity, one of the four characteristics of the ideal woman, was considered the greatest of the four aspects of True Womanhood. "If a woman did not hold to the strictest standards of sexual virtue, she was consigned to the status of 'fallen' and was often discounted as immoral, undeserving, and fatally flawed."<sup>6</sup> A woman who lost her "greatest virtue" before marriage would certainly and inescapably become a social outcast. "For these women, there was no return route to social acceptability once their final purity and innocence had been violated."<sup>7</sup>

Against this cultural backdrop, the life of three Fredericksburg women in antebellum Fredericksburg unfolds.

### **Defying Society's Strictures: Caty Gaines, Sophia Coupar, and Jennett Strobe**

Jennett Strobe was born to Sophia Gaines about 1810. Her father was probably Robert Coupar, a merchant who sold a "handsome assortment of fancy goods...for cash, country produce, or credit to those whose punctuality can be relied on."<sup>8</sup> In 1810, the year Jennett was born, he defaulted on the payments he owed his creditors and sold his entire stock of "dry goods, cutlery, and hardware" to pay their claims.<sup>9</sup> Two years later, in 1812, he advertised a schooner "for freight or charter."<sup>10</sup> By 1818, he was insolvent.<sup>11</sup>

On September 23, 1815, the Clerk of the Hustings Court in Fredericksburg issued a marriage license to Sophia Gaines and Robert Coupar.<sup>12</sup> No record of an actual ceremony exists, although Sophia assumed the surname "Coupar." It is possible that Sophia and Robert never married. Land Tax Records from 1812 through 1833

consistently list her as “Sophia Gaines,” and an 1827 court case refers to her as a “spinster,” a legal term meaning a woman who has never married. If she did not marry, she may have felt that adopting the surname “Coupar” added a modicum of respectability for herself and her four children. At least two of her four children had been born by 1815; Jennett would have been five years old when the license was issued.

Jennett’s maternal grandmother, Caty Gaines, and her mother, Sophia, were property owners. In March 1808, Caty bought Lot 126, which fronted on Prince Edward Street, across from what is now Hurkamp Park.<sup>13</sup> Then, Lot 126 was situated on the outskirts of town. One year later, in July 1809, Caty deeded Lot 126 to her daughter, Sophia.<sup>14</sup> One can speculate that Sophia, a single mother, needed to provide maintenance and support for herself and her children. The deed reveals that more than one house existed on Lot 126, and Sophia could rely on the “rents, issues and profits thereof.” Sophia and Caty continued to live together on this property along with Sophia’s four children—Robert, Jennett, Mary, and Edward.

On August 29, 1815, one month after Sophia Gaines and Robert Coupar were issued a marriage license, Sophia deeded Lot 126 back to her mother.<sup>15</sup> In nineteenth-century America, everything a woman owned became her husband’s once she married—her land, any income she might earn, her name.<sup>16</sup> Because Robert Coupar was slated to assume absolute ownership of Sophia’s personal property, Sophia and her mother were almost certainly ensuring that Lot 126 would remain in their possession, a remarkable show of independence and audacity in a society where men had the final say.

The family drama continued, however. In 1825, Sophia was ready to regain ownership of Lot 126 and sell part of the property holding “two dwelling houses which are now in a very ruinous and dilapidated state and not a decent habitation for any respectable person.” Caty refused to surrender the premises, placing her in contempt of Court. The trustees assigned to sell the property in February 1826 “attempted to prevail upon Catharine [Caty Gaines] to yield possession, but she obstinately refused...placing herself in the door and threatening destruction to anyone who should enter.”<sup>17</sup>

Given the constraints imposed by Victorian society, property ownership was extremely rare for a single woman. Archived court records, dating from 1805, document a string of offenses involving Caty Gaines: theft, receiving stolen property (i.e., slaves), and assault and battery, to name a few. Court cases reveal that Caty was a prostitute, and if one reads between the lines of Sophia's court appearances, it is quite possible to conclude that she resorted to prostitution as well. In this instance, however, Sophia may have been "tarred by the same brush." The following court case in April 1825 found Caty guilty, and Sophia—"late of the Corporation of Fredericksburg"—not guilty of "keeping a disorderly house," a legal term for a house of prostitution. By then, Sophia had moved to Spotsylvania County, possibly to Liberty Town, just a few blocks away (Figure 1):

On the tenth day of April in the year 1825 and on diverse other days and times, between that day and the taking of this Inquisition...did keep and maintain a certain common, ill governed and disorderly house, and in this said house, for their own lucre and gain, certain persons as well men as women of evil name and fame and of dishonest conversation to frequent and come together there and on said other days and times there unlawfully did cause and procure; and the said men and women in the nights as in the said day and other days and times there to be and remain tippling and whoring and misbehaving themselves unlawfully and willfully did permit to the great outrage of the peaceable citizens an evil example for all citizens against the peace and dignity of the Commonwealth.<sup>18</sup>

Contemporary views were uncompromising. "In the nineteenth century, a woman who owned property, had sex outside of marriage, consorted with men of other races, danced, drank, and was not ashamed—was probably a whore."<sup>19</sup> Prostitution became labeled as "the Great Social Evil." Women were viewed as either "sexless ministering angels or sensuously oversexed temptresses of the devil, with no middle ground....Prostitutes did not conform to the role prescribed to her [sic] by patriarchal Victorian society...posing a stark contrast to the ideal of the woman as a mother, an obedient wife and above all financially and socially dependent on her husband."<sup>20</sup>

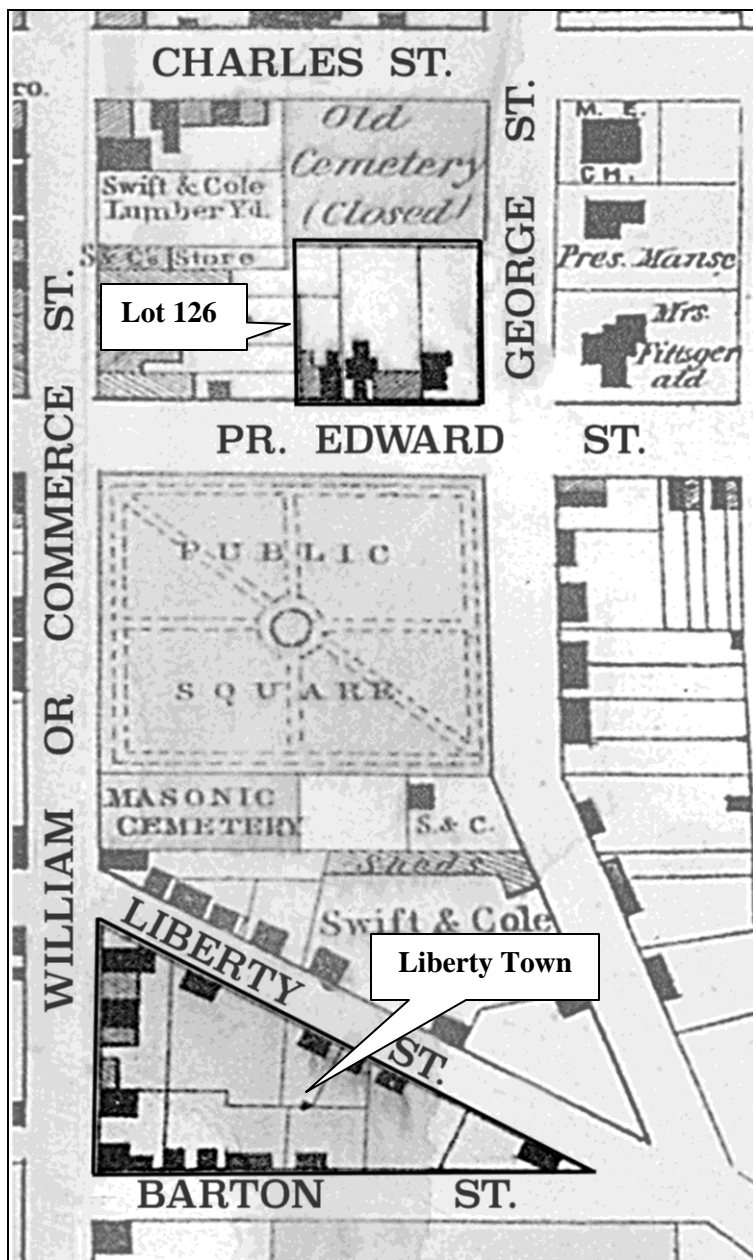


Figure 1: Map of Fredericksburg in 1878 Showing Lot 126 and Its Relation to Liberty Town. Caty Gaines Lived on Lot 126, and Sophia Coupar Lived on Liberty Street.<sup>21</sup> (annotated by the author)

Five years later, in March 1830, Sophia Coupar bought Lot 13 at the intersection of Liberty and Barton streets in Liberty Town.<sup>22</sup> In its “bawdy heyday,” Liberty Town housed “beings of riotous character (i.e., prostitutes) who were accused of inciting murder and homicide as well as more general offenses such as “strife and discord.”<sup>23</sup> In 1829, she and Thomas Chew, the owner of Lot 13, “occupied the same tenement.” In September of that year, Thomas Chew shot and killed a slave. Chew “absconded,” a warrant was issued to apprehend him, and a posse was summoned to aid them: “Chew is about 50 years of age, stoops much from weakness, and his appearance, that of debility has large whiskers, thin visage & in conversation is very tedious & minute.”<sup>24</sup> Sophia stayed behind when he fled across state lines. When Chew defaulted on the payments for Lot 13, Sophia, the highest bidder at public auction, paid \$227 for the “well of water and houses thereon.” (Figure 2)

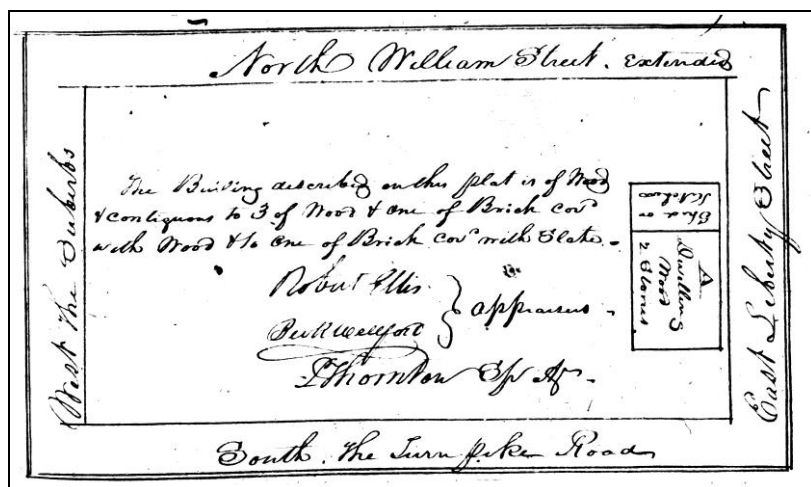


Figure 2: 1829 Mutual Assurance Policy for the Dwelling That Sophia Coupar Would Buy the Following Year.<sup>25</sup>

## Flying in the Face of Convention: Jennett Strode

To suggest that Jennett’s early years were marked by disorder and tumult would be an understatement. Again, court records provide a window into Jennett’s life. In addition to the many court appearances by her mother and grandmother that punctuated her childhood,

Sophia, in March 1827, brought a neighbor to court on behalf of her sixteen-year-old daughter:

...Charles Proctor, laborer...within the jurisdiction of the Corporation Court of the Town of Fredericksburg in and whom one Jennett Coupar, a girl at the age of sixteen did make an assault on her...with a large cart which did whip, beat, wound, and injure so that her health was much impaired and her person much bruised, and then and there other wrongs to the said Jennett Coupar did to her great damage against the peace and dignity of the Commonwealth.<sup>26</sup>

Jennett's paper trail temporarily ends after this court case. Sometime between 1827 and 1834, Jennett claimed to have been married to John A. Strode, eldest son of Thomas and Harriet Somerville Richards Strode, a wealthy Quaker family in Culpeper County. Thomas Strode ran Cromarty Mills, a "grist, saw and oil mill" on 500 acres near Eley's Ford.<sup>27</sup> Richardsville, a community in Culpeper County, also near Eley's Ford, is undoubtedly named after his mother's family.

Thomas Strode died in 1829. Asset rich as the owner of 24 slaves but cash poor, Harriet Strode ran up a considerable debt after her husband's death to pay for the maintenance of her five underage children. In 1832, John assumed his mother's debt, possibly paying her creditors by "selling the slaves from time to time."<sup>28</sup> Regrettably, two years later, in December 1834, a notice in *The Political Arena* reports that John had died: "DIED—At Cromartie, the residence of Mrs. H.S. Strode, on Tuesday, the 2nd of December, John A. Strode Esq., in the 26th year of his age."<sup>29</sup>

Little is known about the relationship between Jennett and John A. Strode or whether they actually married. Marriage Bonds and Registers from Fredericksburg and the counties of Spotsylvania and Culpeper do not include the names of John A. Strode or Jennett Coupar, nor did a search for an estate inventory and appraisal yield any information. Whether married or not, Jennett listed herself as a "widow" in each of the censuses for the rest of her life.

No children appear to have been born to Jennett and John, but an intriguing notation in the 1848 Order Book for the Hustings Court documents that: “John M. Strode, orphan of John A. Strode, came into Court and made choice of Robert Coupar [i.e., Jennett’s brother] as his Guardian.” The court does not record how old the boy was, but an underage child born after 1830 could well be their son.

Jennett’s paper trail resumes one month after John died. Using the surname “Strode,” she joined her family in January 1835 in selling part of Lot 126.<sup>30</sup> The 1840 Census names her as head of the household and living in Fredericksburg, probably on Lot 126. In February 1841, she became a homeowner, buying a house and lot for \$500 “cash in hand” at the site of current 1316 Caroline Street.<sup>31</sup>

The 1850 Census is the first census that actually records names of all household members. Four children, all with the last name “Strode,” appear along with their mother, “Ganett”: Jane Somerville (b. 1841), George Aubrey (b. 1842), Henry Aubrey (b. 1844), and Medora (b. 1848). Several sources relate that George Henry Bolling Fitzhugh (1818–1874) of the 600-acre Stafford plantation, Bellair, is the father of the three youngest children.<sup>32</sup> Jane Somerville Strode, the oldest sibling, is listed in the 1850 Census as 14 years old when actually, she would have been 9 or 10.<sup>33</sup> Censuses are known to be notoriously inaccurate, but one is left to speculate whether Jennett was attempting to shield Somerville from the label “illegitimate” by implying that John A. Strode was her father. (“Jane” was the name of John’s sister and “Somerville” the middle name of John’s mother.) Given John’s date of death as 1834, Somerville could not possibly be John Strode’s daughter.

## **Flaunting Convention: Portrait of George Henry Bolling Fitzhugh**

George Henry Bolling Fitzhugh was the only son of six children born to John Bolling Stith Fitzhugh (1778–1825) and Ann Frances Tabb Fitzhugh (1794–1868), one of the aristocratic, socially prominent, and wealthy “First Families of Virginia.” Curiously, G.H.B. Fitzhugh never married. Bellair, home of this branch of the Fitzhughs, was located in Stafford County in what is now the Leeland Station subdivision.<sup>34</sup> (Figures 3 and 4)



Figure 3: Bellair During the Civil War.<sup>35</sup>



Figure 4: Bellair in 1937.<sup>36</sup>



Why Jennett and Fitzhugh engaged in a voluntary, ongoing sexual relationship is cause for much conjecture. Marriage would have been out of the question because of their differences in social rank:

Marriage within one's class was the cement of the social structure...The continuation of the family name and fortune through marriage was of great importance, and intermarriage between second and third cousins was common in the South because it perpetuated the family name, fortune and bloodline.<sup>40</sup>

George Harrison Sanford King, a Fredericksburg genealogist, succinctly addresses the issue of class differences in a 1960 letter to a Fitzhugh descendant: "You must know that the family was so far below the Fitzhughs in social standing that she could not be accepted in the same homes he was."

What tipped the balance for Jennett when she must have known that she and the children would be living symbols of her sexual misconduct? Did Fitzhugh agree to provide a measure of economic security for her and her children? Did he arrange to supply the \$500 "cash in hand" for Jennett's home on Caroline Street? Did they come to an understanding that he would finance their children's schooling? Did Jennett feel that she had nothing to lose because propriety dictated that she could never recover her tarnished reputation? Was she flattered to have been singled out by Virginia gentry? One can only speculate.

Another dynamic was at work. In the antebellum South, the aristocratic elite seemed to feel that they were exempt from the restraints of Victorian mores and entitled to adhere to different standards of behavior because of their position, gender, and standing in society. "Illicit activities, including sexual behavior, fighting, drinking and gambling...reflected a sense that they were exempt from conventional ethical standards."<sup>41</sup> In fact, unmarried men involved in an illicit relationship seem to have received a special dispensation from Fredericksburg society. George H.S. King, in 1960, wrote that the Fitzhugh tree was "peppered" with children born out of wedlock. "It was a fact generally known both in and out of the family and I do not believe anyone has attempted to make the situation appear any other way."

This is not to say that Fitzhugh was exempt from disapproval. “Illicit activities, including sexual behavior, were hardly respectable pursuits...Gambling, drinking and womanizing were denounced as the behavior of a corrupt aristocracy dedicated to leisure.”<sup>42</sup> John Hennessy, Chief Historian with the Fredericksburg and Spotsylvania National Military Park, writes: “While Fitzhughs litter the history of Fredericksburg and Stafford—some of them prominently—G.H.B. seems to have carried a lower profile than most.”<sup>43</sup> Fitzhugh did not take part in the sphere of public service or politics in Fredericksburg, choosing instead to dabble in real estate. Twice, charges were initiated by a grand jury against him for gaming (in 1856) and assault (in 1858).<sup>44</sup>

Compared with Fitzhugh’s reputation, however, Jennett’s standing was precarious: “She had no legal claim. She was entitled to no inheritance from him. She was provided for only if he did so before his death.”<sup>45</sup> Jennett was probably the target of disparaging criticism as well. On two occasions, she was involved in altercations with men that ended up in court. In July 1845, she was admonished “to be of good behavior and keep the peace for the term of twelve months towards all persons in this Commonwealth, especially towards William M. Baggett.”<sup>46</sup> (Baggett was a contractor in town; it was he who built the new courthouse on Princess Anne.) In 1848, the year Medora was born, 36-year-old Jennett brought James A. Taylor to court: “[Taylor] in and upon one Jennett Strobe...did make an assault and...did strike, beat, bruise, wound, ill-treat and commit other wrongs...to the great damage of the said Jennett Strobe.”<sup>47</sup> In 1858, 10 years after the assault, Taylor would be elected a policeman in Fredericksburg.<sup>48</sup>

Assumptions can be made about how the children fared based on a mix of nineteenth-century social norms, documentation, and Strobe family legends. In a period when family name and influence were very important, illegitimacy was a stigma that could bring disgrace to both mother and children. Anyone who was not legitimate was not entitled to a name or to inherit. George H.S. King comments in a 1960 letter: “When I was in knee pants, some of the Fitzhughs visited my mother, and up the street a bit lived the illegitimate granddaughter of one of the [King George County] Fitzhughs. It is remarkable that she was able to assume the name of Fitzhugh. I heard old ladies with long black silk dresses say that this very good

looking lady had no right to their name.” Strode family lore recounts that when Henry was 16, G.H.B. Fitzhugh offered to adopt him and give him the Fitzhugh name. Henry refused.<sup>49</sup>

Although we cannot be sure to what extent and for how long G.H.B. Fitzhugh contributed to Jennett’s economic security, almost certainly he helped support his children, especially Henry, who was a student at a private academy in Fredericksburg when the Civil War broke out. Henry, age 17, enlisted in the Fredericksburg Light Artillery Battery. He served throughout the war and mustered out at Appomattox Court House in April 1865. “A postwar account claims that Strode fired the round that killed General John F. Reynolds at Gettysburg, the widely respected First Corps Commander of the Union army. In fact, federal sources report that Reynolds was killed by a bullet, not by artillery.”<sup>50</sup>

After the war, Henry attended the University of Virginia (UVA) and graduated in mathematics, Latin, and Greek, returning to UVA for a Master’s degree in chemistry. No records exist at UVA to document how Henry’s education was financed, but it seems almost certain that Fitzhugh paid for his college education. Henry went on to teach mathematics at the University of Mississippi, found a highly regarded preparatory school in Amherst, Virginia, near Lynchburg, and serve as the first president of what is today Clemson University.<sup>51</sup> (Figure 6) As important as family lineage was in the South, Henry apparently kept his family background under wraps. He appears to have avoided any mention of his origins in published biographical information.

Although no documentation exists, second-born George Aubrey Strode, age 13, died in a tragic accident. According to family tradition, he drowned in the Rappahannock River in February 1855. Issues of all Fredericksburg newspapers for that date are missing, and City Cemetery records were destroyed in a fire; who provided George’s memorial will never be resolved. His gravestone includes the following epitaph, a popular poem of the day:

And bitter, bitter is the pang  
Dark fate has left for me.  
To know the dark and silent tomb  
Holds they dear form from me.<sup>52</sup>



Figure 6: Henry Aubrey Strode, Son of Jennett Strode and G.H.B. Fitzhugh, the First President of Clemson College, 1890–1893.<sup>53</sup>

At age 19, in 1860, Jane Somerville Strode married Robert Evans Mitchell from Cecil County, Maryland, and located to Richmond. (Figure 7) Sometime between 1861 and 1865, Jennett, Henry, and Medora joined Somerville in Richmond, possibly to escape the immediacy of the Civil War in Fredericksburg. The 1870 Richmond City Directory lists Jennett, Medora, and Henry living with Somerville and husband Robert Mitchell, a wheelwright.

Jennett spent the rest of her life in Richmond. Strode family lore relates that she regularly visited Henry at Kenmore, his Amherst County estate. She died at the age of 71 on February 9, 1881, and was buried in a single, unmarked grave at Hollywood Cemetery.<sup>54</sup>

Medora, youngest of the Strode children, married Edgar Jenkins Weymouth in 1871. In the 1880 Census, he is listed as a book binder in Richmond. In a touching gesture, Medora's will expressly requests that her mother be moved to a "quiet and impressive lot in

Hollywood Cemetery.”<sup>55</sup> When Medora died in 1898, her mother was reinterred in the Weymouth family plot.<sup>56</sup>



Figure 7: Jane Somerville Strode Mitchell.<sup>57</sup>

George Henry Bolling Fitzhugh died in 1874 and is buried next to his mother in Fredericksburg’s City Cemetery. His will is remarkable in that he leaves all of his personal property and “the house and lot on Main Street opposite the Exchange Hotel” to Henry Strode and Medora Strode Weymouth “to be divided between them equally.”<sup>58</sup> Moreover, Ann F.T. Fitzhugh, G.H.B.’s sister, “for and in consideration of the love and affection which the said Ann F.T. Fitzhugh bears towards the said Medora E. Weymouth...doth sell, grant, and convey...a certain house and lot on the east side of Caroline, designated as Lot No.16....”<sup>59</sup> These documents go a long way toward substantiating that Fitzhugh was the father of Henry and Medora but not of Jane Somerville.

In the last analysis, we are left to decide whether Jennett Strode was foolhardy and reckless or gutsy and resilient. She entered the relationship with Fitzhugh fully cognizant that she—not Fitzhugh—would bear the weight for breaking the rules of acceptable behavior. She gambled that her children would not renounce her for the hardships they would certainly endure growing up. That she remained in Fredericksburg to raise her four children must have

required a great deal of courage and toughness. While the full story may never come to light, it appears that her children stuck by her. She lived with Somerville in Richmond; she visited Henry in Amherst County; she was remembered in Medora's will. In the end, she might be somebody who deserves the benefit of the doubt.

---

<sup>1</sup> MacKethan, Lucinda. *The Cult of Domesticity*. America in Class: The National Humanities Center. 2010–2014. <http://americainclass.org/the-cult-of-domesticity/>, accessed January 18, 2015. Barbara Welter's 1966 article, *The Cult of True Womanhood: 1820–1860*, was a seminal work in the literature of women's studies.

<sup>2</sup> Taylor, Karen J. *Cult of True Womanhood*. Women's Studies Encyclopedia. Edited by Helen Tierney. Westport, Connecticut: Greenwood Press, 2002. <http://gem.greenwood.com>, accessed January 18, 2015.

<sup>3</sup> Radek, Kimberly M. *Women in the Nineteenth Century*. Women in Literature. Course at Illinois Valley Community College. 2001. <http://www2.ivcc.edu/>, accessed January 18, 2015.

<sup>4</sup> MacKethan, *Cult of Domesticity*.

<sup>5</sup> Welter, Barbara. "The Cult of True Womanhood: 1820–1860." *American Quarterly*, 1966, 151–174.

<sup>6</sup> MacKethan, *Cult of Domesticity*.

<sup>7</sup> Volo, James M. and Dorothy Denneen Volo. *Family Life in 19th-Century America*. Westport, Connecticut: Greenwood Publishing Group, 2007, 18.

<sup>8</sup> *The Virginia Herald*, November 8, 1803.

<sup>9</sup> *The Virginia Herald*, February 24, 1810.

<sup>10</sup> *The Virginia Herald*, April 22, 1812.

<sup>11</sup> Fredericksburg Circuit Court Archives. *1818 List of Insolvents and Delinquents*. Collection TX-TX-I, ID 542-12.

<sup>12</sup> Knorr, Catherine Lindsay, ed., *Marriage Bonds and Ministers' Returns of Fredericksburg, VA 1782–1850*. 1954. The prospective groom would take out a marriage bond in the county where the bride resided as a guarantee that there were no legal obstacles to the proposed marriage. Enforcing the guarantee was a pledge by the groom and securities or witnesses to pay a sum of money if it actually turned out that there was some reason the marriage was not legal. The Clerk of Courts would then prepare a marriage license, authorizing the marriage.

<sup>13</sup> Deed Book E, 174.

---

<sup>14</sup> Deed Book D, 395.

<sup>15</sup> Deed Book E, 368. The author is indebted to Travis Walker, archivist for the Circuit Court, for “putting the pieces together” that explain why Sophia deeded this property back to Caty.

<sup>16</sup> Steele, Kathleen and Jessica Brislen. *General State of White American Women*. Women in 19th century America. <http://womeninushistory.tripod.com/>, accessed January 23, 2015.

<sup>17</sup> Fredericksburg Circuit Court Archives, Collection CC/H/1826, ID 68-05.

<sup>18</sup> Fredericksburg Circuit Court Archives, Collection CR-HU-R, ID 361-130.

<sup>19</sup> Russell, Thaddeus. “How 19th Century Prostitutes Were Among the Freest, Wealthiest, Most Educated Women of Their Time.” In *A Renegade History of the United States*. New York: Free Press, 2010. <http://www.alternet.org/story/>, accessed January 18, 2015.

<sup>20</sup> Joyce, Fraser. “Prostitution and the Nineteenth Century: In Search of the ‘Great Social Evil’.” In *Reinvention Journal*. The University of Warwick (2008). <http://www2.warwick.ac.uk/>, accessed January 18, 2015.

<sup>21</sup> Map based on Grey’s Map of Fredericksburg, 1878. Copy on file, Virginiana Room. Central Rappahannock Regional Library, Fredericksburg, Virginia.

<sup>22</sup> Deed Book I, 390.

<sup>23</sup> Harrison, Noel G. *Fredericksburg Civil War Sites April 1861—November 1862*. 1st ed. Lynchburg, VA: H.E. Howard, 1995. 128.

<sup>24</sup> Fredericksburg Circuit Court Archives. *Mayor’s Court Order Book*. September 22 and 23, 1829. 63–64.

<sup>25</sup> Mutual Assurance Society, 1795–1869, Declaration No. 6095 (1829). The policy states that the dwelling: “is situated on the west side of Liberty Street adjoining the Town of Fredericksburg in what is commonly called Liberty Town.” Note that George Street is referred to as the “The Turnpike Road.” Today, the Liberty Town Arts Workshop occupies the approximate site of the original dwelling.

<sup>26</sup> Fredericksburg Circuit Court Archives, Collection HU/R/1827, ID 366-351.

<sup>27</sup> Scheel, Eugene M. *Culpeper, A Virginia County’s History Through 1920*. Culpeper, Virginia: Culpeper Historical Society, 1982. 351.

---

<sup>28</sup> Fredericksburg Circuit Court Archives, Collection CR-LC-H, ID 144-9.

<sup>29</sup> *The Political Arena*, December 12, 1834.

<sup>30</sup> Deed Book J, 437.

<sup>31</sup> Deed Book M, 42.

<sup>32</sup> Counted among these sources are Jerrilynn Eby, a Stafford County historian, and George B. Strode of Atlanta, Georgia, a descendant of Henry Strode and a source of Strode family history. He completed DNA testing in 2005, proving his Fitzhugh connection and strengthening the argument that George and Medora Strode were also Fitzhughs. Where Jane Somerville is concerned, one is dependent for the most part on family legend, which asserts that G.H.B. Fitzhugh was not her father. The author is indebted to George B. Strode for sharing a wealth of Strode family.

<sup>33</sup> Jane Somerville was married at age 19 in 1860, pointing to 1841 as the year of her birth. John A. Strode died in 1834 and therefore could not have been her father.

<sup>34</sup> Eby, Jerrilynn. *Land of Hogs and Wildcats: People and Places of Lower Stafford County, Virginia*. Berwyn Heights, Maryland: Heritage Books, 2013. 172–175.

<sup>35</sup> Works Progress Administration (WPA) Historical Inventory Project. Virginiana Room, Central Rappahannock Regional Library (Fredericksburg, Virginia). Bellair was used as the headquarters of five Union generals during the war.

<sup>36</sup> WPA Historical Inventory Project. The home was destroyed by fire in April 1974.

<sup>37</sup> *Gray's New Map of Fredericksburg*, 1878. Philadelphia, Pennsylvania: O.W. Gray & Son. March 28, 1878.

<sup>38</sup> Buckley, Thomas E. *The Great Catastrophe of My Life: Divorce in the Old Dominion*. Chapel Hill: University of North Carolina Press, 2002. 7.

<sup>39</sup> *Gray's Map of Fredericksburg*, 1878.

<sup>40</sup> Volo, *Family Life*, 36, 39.

<sup>41</sup> Kilbride, Daniel. *An American Aristocracy: Southern Planters in Antebellum Philadelphia*. Columbia, South Carolina: University of South Carolina Press, 2006. 39.

<sup>42</sup> Volo, *Family Life*, 97.

---

<sup>43</sup> “Re: 19th Century Cultural Background.” E-mail message to author. November 3, 2014.

<sup>44</sup> Fredericksburg Circuit Court Archives, *Hustings Court Order Book*. December Court, 1856 and July Court, 1858. Travis Walker, Court Archivist, speculates that the Grand Jury deliberations, held in secret, were intentionally meant to humiliate Fitzhugh because of his relationship with Jennett and his illegitimate children.

<sup>45</sup> Przech, Donna. “Missing Fathers.” Genealogy.com. <http://www.genealogy.com/>, accessed January 28, 2015.

<sup>46</sup> Fredericksburg Circuit Court Archives. *The Hustings Court Order Book (1845–1850)*. 493–494.

<sup>47</sup> Fredericksburg Circuit Court Archives, Collection HU-R-1848, ID 470-385.

<sup>48</sup> *The Weekly Advertiser*, March 20, 1858.

<sup>49</sup> George B. Strobe shared this family reminiscence, passed down through the Strobe family.

<sup>50</sup> Krick, Robert K. *The Fredericksburg Artillery*. 1st ed. Lynchburg, Virginia: H.E. Howard, Inc., 1986. 59.

<sup>51</sup> <http://clemsonwiki.com/>

<sup>52</sup> The author thanks Florence Barnick, City Cemetery Committee, who deciphered the tombstone epitaph and identified its source as a poem by Finley Johnson, “Love’s Last Grief,” which appeared in *The Baltimore Sun*, February 20, 1856. George is buried in Section 6, Lot 63. She notes that his lot would have been at the back of the cemetery in 1855.

<sup>53</sup> Henry Aubrey Strobe. [http://freepages.genealogy.rootsweb.ancestry.com/~mitchell001/henry\\_strobe.html](http://freepages.genealogy.rootsweb.ancestry.com/~mitchell001/henry_strobe.html), accessed February 2016.

<sup>54</sup> *Virginia, Deaths and Burials Index, 1853-1917*. Ancestry.com/, accessed July 31, 2014. <http://search.ancestry.com/>.

<sup>55</sup> George B. Strobe shared a copy of Medora’s will with the author.

<sup>56</sup> Hollywood Cemetery records with information about Jennett’s burial and subsequent reinterment were provided by George Strobe.

<sup>57</sup> Jane Somerville Strobe Mitchell. [http://freepages.genealogy.rootsweb.ancestry.com/~mitchell001/jane\\_strobe.html](http://freepages.genealogy.rootsweb.ancestry.com/~mitchell001/jane_strobe.html), accessed February 2016.

---

<sup>58</sup> Will Book H, 213. The Exchange Hotel is the present J. Brian's Tap Room.

<sup>59</sup> Deed Book EE, 469. Lot 16 is on the east side of Caroline Street at the corner of Hanover Street.

## NOTES