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1861-1865



2011-2015

reached a fever pitch in Virginia. On January 14, 1861 the Virginia General Assembly passed an act calling for an election on February 4th of delegates to a statewide convention to be held in Richmond to consider the issue of secession. There was strong support for secession in southern and central Virginia where slavery was predominant. In these areas, the slave population often outnumbered the white population. As an example, in Nottoway County 74 percent of the total population were slaves, 6,468 slaves to only 2,270 whites. So, not surprisingly, in Nottoway and surrounding counties

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The Restored Government of Fairfax County

by William Page Johnson, II



No State, North or South, paid a higher price for the Civil War than Virginia. During four terrible years the majority of the conflict was fought on Virginia soil. Nearly 32,000 Virginia soldiers sacrificed their lives. Thousands more Virginians saw their homes, farms and businesses destroyed. At the end of the war, Richmond, the State capitol, was burned to the ground. The Virginia economy was in ruins, a fact which reverberated well into the 20th century. Many Virginians simply walked away and moved west to start over.

If all of that were not enough, Virginia was also the only State which actually lost territory. In 1863, the northwestern counties of Virginia, more than a third the total area of the State, actually seceded and created the State of West Virginia.

During the first year of the war Fairfax County was the demarcation line between North and South and not only a literal battleground, but a battleground of political ideology as well - a struggle within the struggle. As a consequence, Fairfax County was without any civil government of any kind for a year. One hundred and fifty years ago this spring that changed.

In the early months of 1861, the secession debate had

REORGANIZATION OF FAIRFAX COUNTY, VA.

The loyal residents of Fairfax County assembled at the Court-House on Saturday, for the purpose of taking steps toward a reorganization of the county government, most of the officers having joined the Rebels, and with them evacuated the county upon the recent advance of our troops. Speeches were made by Charles H. Upton, the Hon. J. C. Underwood, J. Hawkhurst (the delegate to the Wheeling Legislature), and H. T. Brooks. A series of resolutions was adopted expressing unalterable devotion to the Union, denouncing the rebellion as wicked and outrageous, and appealing to Gov. Pierrepont to order an election for county officers, and also praying Congress to compensate the loyal sufferers out of the confiscated property of Virginia Rebels. A separate resolution, expressing confidence in the President and Secretary of State, was passed amid immense cheering

New York Herald Tribune, March 24, 1862, p. 5, c. 2

Continued on Page 3



Fairfax, Virginia, June 2012-

Greetings from the President--

As I mentioned in an earlier message, we will be celebrating several anniversaries this year. On July 4th we will hold a special celebration recognizing the 20th anniversary of the Fairfax Museum and Visitor Center and the 30th anniversary of Historic Fairfax City, Inc. The celebration, which will include lemonade and cake, will begin after the Independence Day Parade and will be held at the Fairfax Museum. At that time we will also be dedicating the commemorative brick sidewalk in front of the Museum. The initial phase of this sidewalk will include more than 70 commemorative bricks purchased by members of the community. This project has been in the works for a number of years and it is exciting to see it happen.

We have also set a date for this year's Taste of the Vine fundraiser. This event, held at the Civil War Interpretive Center at Blenheim has become our most important fundraising activity. This year the Taste of the Vine will be held on October 5 from 6:30 to 9:00 PM and will feature wines from Fox Meadow Winery. In addition to the wine and hors d' oeuvres, we will have a great silent auction.

Another important development has been a decision to partner with the City to perform some major structural improvements to Blenheim. Both age and the earthquake last year have affected the structural integrity of the building. These repairs are a first step in the process of making Blenheim more accessible to the general public.

Finally, over the past several months a number of vacancies have opened on the HFCI Board of Directors. If you would like more information about the Board and the process for joining us please get in contact with me. My email is dpumphrey1@verizon.net.

David L. Pumphrey

Welcome New Members!

The President & Board of Directors of HFCI extends a hearty welcome to all new HFCI members.

Sally Gnam
Chris and Kristen Kelley
BB&T Bank c/o Don Strehle

At the Fairfax Museum...

Museum 20th Anniversary Open House

9 a.m. to 4 p.m. July 4 at the Fairfax Museum and Visitor Center Celebrate with cake and lemonade on the lawn and see the new exhibition in honor of the Museum's 20th anniversary.

Location: 10209 Main Street, Fairfax, VA 22030

Second Sunday Program Series...

July 8th — Curator's Tour of Fairfax Museum and Visitor Center's 20th Anniversary Exhibition.

See the city's exhibits through the eyes of the person who knows them best: Susan Inskeep Gray, the city museum curator.

At Blenheim Civil War Intrepretive Center...

Saturday, August 18th, 2 p.m.

Tales of a Civil War Farrier

Join professional horseshoer and Civil War re-enactor Ken Mattson and his horse at Historic Blenheim. He will portray a farrier with the 2nd US cavalry Co. H Dragoons, Army of the Potomac. A farrier was assigned to each regiment to ensure the horse was properly shod and fit for travel. **Saturday, September 29, 2 p.m.**

Other Local Happenings...

Saturday, September 29th, 2 p.m.

The Battle of Chantilly/Ox Hill—George Mason University Fall for the Book Program

This program commemorates the 150th anniversary of this battle. For information on the Fairfax County commemoration on September 1, visit the <http://www.fairfaxcounty.gov/parks/oxhill/>

SAVE THE DATE

October 5, 2012
6:30 to 9:00 PM



**A Taste of the Vine
at Historic Blenheim**

Wine tasting, Hors D'Oeuvres, Silent Auction and more....

Contact—hilcarn31@aol.com



Presented by Historic Fairfax City Inc. with net proceeds to benefit the restoration of Historic Blenheim.

pro-secession sentiment ran high. In northwestern Virginia it was just the opposite. Here, there were very few slaves. In contrast to Nottoway, Hancock County, Virginia, in the extreme northwestern panhandle of the state, out of a total population of 4,444 individuals there were just two slaves in the entire county.¹ In these northwestern counties pro-Union sentiment ran high. Union Clubs, were formed. Pro-Union Meetings were held and various resolutions supporting the Union, denouncing the convention, secession, and slavery were passed. The exception was Fairfax County where both groups, pro-secession and pro-union, were well represented.

Beginning in February 1861, delegates from every county in Virginia, including all of the northwestern counties, participated in the statewide Convention held in Richmond. Then simply called the Virginia Convention, it has subsequently come to be known as the Virginia *Secession* Convention. On April 17, 1861, after two months of vigorous debate, and in a split vote of 88 to 55, generally on north – south lines, the Virginia Convention voted to adopt:

“An Ordinance to repeal the ratification of the Constitution of the United States of America, by the State of Virginia, and to resume all the rights and powers granted under said Constitution.”²

The Ordinance of Secession had passed, subject to ratification of Virginia voters on May 23rd.

The First Wheeling Convention

On the same day the Virginia Convention passed the Ordinance of Secession, a large Union meeting was held in Monongalia County (Morgantown) in which a resolution was passed calling for a division of the state if the ordinance of secession passed. Five days later, on April 22nd, nearly 1,200 citizens gathered at the courthouse in Harrison County (now

West Virginia) and passed a resolution calling for all delegates from northwestern Virginia to assemble in Wheeling on May 13th to consider an appropriate response to the Ordinance of Secession. The First Wheeling Convention was held May 13th – 15th, 1861 and was composed of delegates from 25 northwestern Virginia counties. Although the formation of a new state was proposed, the delegates rejected this proposal and resolved to hold a second convention if the people of Virginia ratified the Ordinance of Secession. The Second Wheeling Convention would convene on June 11th.

On April 24, 1861 the Virginia Secession Convention met in a secret session and adopted nine additional schedules to the original Ordinance of Secession. The ninth schedule would later prove critical to the continuation and formation of civil government in northern Virginia for a year.

“9. That the election for members of Congress for this State to the House of Representatives of the Congress of the United States, required by law to be held on the fourth Thursday in May next, is hereby suspended and prohibited until otherwise ordained by this Convention.”³

In addition to northwestern Virginia, pro-Union sentiment was strong in the counties of Alexandria and Fairfax in northern Virginia, Norfolk County in southeast Virginia, and Accomack and Northampton counties, on Virginia's eastern shore. In Fairfax, these individuals were almost exclusively citizens of northern birth, who in most cases, had lived in Virginia many years.

On May 23rd, Virginia voters ratified the Ordinance of Secession.

Spring Election of 1861

In 1861, Virginians went to the polls on the fourth Thursday of May for regular election of all statewide and local candidates. The Presidential election was then the only election held in the fall. In the spring of 1861, in addition to the secession referendum, Congress, the Virginia State Senate, and Virginia House of Delegates were all scheduled to have been on the ballot. However, the Virginia Convention had suspended the Congressional elections pending the outcome of the electorate on the issue of secession.

The United States Representative for Fairfax County at the time was William *Extra* Billy Smith. In 1861, Fairfax was in the 7th Congressional district, which also included Alexandria (now Arlington), Culpeper, King George, Orange, Prince William, Spotsylvania, and Stafford Counties. Smith resigned his office in support the Confederacy on March 3, 1861.⁴



Virginia's two Senators, James Murray Mason and Robert Mercer Taliaferro Hunter had also left their seats in March. However, at the time, members of the United States Senate were not elected directly by popular vote, rather, they were appointed by the State legislatures. Senators Hunter and Mason would be formally expelled from the Senate later in year.⁵

Also on the ballot were political veterans, Henry Wirt Thomas (1812 – 1890) who was seeking re-election to the Virginia State Senate from Fairfax County, and Orlando W. Hunt (1821 – 1908), the former Fairfax County Sheriff. Hunt, who was a bachelor, was running unopposed in his first bid for re-election to the Virginia House of Delegates from Fairfax County. Each man would ultimately win re-election on May 23rd.

Congressional Election of 1861

On May 10, 1861, two weeks before the Virginia elections and a full month before the Second Wheeling Convention, Charles Horace Upton (1812 – 1877), of *Upton's Hill*, Fairfax County, attempted to secure a candidate for the 7th Congressional seat in the upcoming elections. This was in direct defiance of the Virginia Convention's suspension of Congressional elections.

Charles H. Upton, was a native of Salem, Massachusetts and a graduate of Bowdoin College in Maine. He had moved to Fairfax County about 1836. In the parlance of the day, he may have been called an *office seeker*.

As examples, in 1849, Charles was appointed Postmaster of Falls Church, VA, a position he held for just 11 days.⁶ That same year, Congressman William A. Newell of NJ, attempted to secure for Charles a contrived, but presumably better appointment as "Keeper of the Document Room" of the Clerk of the U.S. House of Representatives. In this position he would have compiled "*an index, in continuation of the general index, to the documents of the House of Representatives, from the end of the 25th Congress to the end of the 30th Congress.*"⁷ The resolution failed. Charles did serve as a Messenger for the U.S. House of Representatives beginning in 1851 and was appointed Assistant Postmaster for the US House of Representatives in 1856.^{8,9}

In the spring of 1860, Charles Upton moved to Zanesville, Ohio following his purchase of the *Zanesville Courier*, of which newspaper he became Editor.¹⁰ Not surprisingly, the *Zanesville Courier* was a Unionist paper which supported the abolition of slavery.¹¹ By early 1861, Charles Upton had

returned to Virginia, presumably to secure his property amid the uncertainty brought on by the deepening secession crisis.

In response to the Virginia Convention's suspension of Congressional elections, Upton went to the home of George William Brent, a former Virginia State Senator and himself a recent Delegate to the Virginia Convention from Alexandria, Virginia. Brent was known to be both pro-Union and pro-Slavery. When asked by Upton to announce himself as a candidate for Congress, Brent flatly refused, citing respect for the position adopted by the Virginia Convention. Charles Upton next visited Lewis McKenzie, a former member of the Virginia House of Delegates and the current Mayor of Alexandria, and posed the same question. McKenzie also declined and added that it was "*treason, and he did not wish to put his neck in it.*"^{12, 13}

Subsequently, on May 10, 1861, in a long address delivered to the *National Republican* and *Evening Star* newspapers and published on May 15th, Upton announced himself a candidate for Congress from the 7th Congressional District.

"Address

FALLS CHURCH, FAIRFAX COUNTY, May 15, 1861

On Friday last [ed. May 10, 1861] I visited Alexandria, and placed the subjoined announcement in the hands of the editor of the Gazette, who promised to publish the same, if I would omit the portion contained in brackets. I consented to this change, but the promise has not been kept:

To the voters of the seventh congressional district:

I hereby offer myself as a candidate for election to represent you in the next (Thirty-Seventh) Congress of the United States, upon the basis of the maintenance of the Union. [The recent convention at Richmond, called without authority, and usurping all authority, has undertaken to set aside the supreme law of the land in reference to elections to Congress – Acts of 1852-53, chap., 3, sec. 7, p 4.] As, therefore, in most of the precincts throughout the district no poll will be opened for member of Congress, I call upon Union men to open side polls, and preserve the evidence of the wishes of the people; a copy of which may be transmitted to me, at Falls Church, Fairfax county, or to Hon. John W. Forney, Clerk of the House of Representatives, at Washington.

CHARLES H. UPTON"¹⁴

The pro-southern *Alexandria Gazette* and *Fairfax News* refused to publish his announcement in its original form. The *Alexandria Gazette* did, mockingly, announce Upton's candidacy, but warned its readers that voting for him would be a violation of the ordinance recently passed by the Virginia Convention and, therefore, a treasonable act.

The news of Upton's candidacy spread rapidly in newspapers throughout Virginia and the country.

*"WASHINGTON, May 13. – The Union men in Virginia who occupy the Congressional District on the Potomac, (including Fairfax county) will run a candidate for the federal Congress. The latest news from that region states that Charles H. Upton, of Fairfax, agrees to run."*¹⁶

*"Charles H. Upton, a prominent citizen of Eastern Virginia, announces himself a candidate for the federal Congress from the Seventh district. He calls upon the Union men to open the polls in spite of the acts of usurpation of the Richmond Convention."*¹⁶

As you might expect, the *Richmond Times Dispatch* was far more blunt and threatening:

*"A Massachusetts Yankee, named Charles H. Upton, offers himself a candidate for the Washington Congress, in the 7th district of Virginia. Upton is ambitious; but he should not abuse the patience of the people too severely."*¹⁷

A few loyal Union election officials in precincts at Ball's Cross Roads, Alexandria County (now Ballston, Arlington Co.), the Town of Alexandria, Brentsville, in Prince William County, Falls Church and Lewinsville in Fairfax County, did open the polls and permit voting for a Congressional Representative.¹⁸

This was, in all likelihood, a very difficult thing for some voters to do, as voting in Virginia at the time was not done by secret ballot as it is today. In 1861, the Virginia Constitution required citizens to vote, *viva voce*, a Latin phrase meaning - *the living voice*. After arriving at their polling station voters identified themselves to the assembled election officials (there were five for each precinct), and openly state their choice on the question of secession and/or candidate. Their selection was then recorded next to their name in the poll book by an election official. If that were not intimidating enough, in several areas, armed men, and in

some cases even the local militia, were assembled outside the polling places. Consequently, many Virginians simply stayed away from the polls that day. Voting was down by as much as fifty percent in some areas.¹⁹

John A. Sisson, born and raised just south of Fairfax Court House, but now a resident of Alexandria County, was one of the few who cast a vote for Charles H. Upton that day.²⁰ John A. Sisson was the brother of Robert Lewis Sisson, whose home, *The Sisson House*, still stands on the grounds of what is now Fairfax City Hall. These Sisson brothers were the great-great-great uncles of the author.

Almost immediately, the legitimacy of Charles H. Upton as the duly elected Representative to the 7th Congressional District was called into question.

The *Alexandria Gazette* simply reported the following:

*"ILLEGAL VOTES – Five persons in Alexandria County, voted yesterday, for Mr. C.H. Upton as a member of Congress."*²¹

On May 24th, the day after the election, the controversy in Virginia about Charles H. Upton's election to Congress, was pushed out of the headlines by more immediate and troubling news. In response to Virginia voters ratifying the referendum on secession, Union troops crossed the Potomac River and occupied Alexandria. The *Charleston Mercury* reported:

*"The Abolition invaders have at last crossed the Potomac, and now occupy Virginia soil. Alexandria is in possession of the United States troops. They made their appearance early this morning among the people of the town."*²²

The Second Wheeling Convention

Several days after Alexandria was occupied by Federal troops, a small skirmish occurred at Fairfax Court House on June 1, 1861, marking the first land engagement of the war. The Civil War had begun in earnest. As a result of this action many Union loyalists around Fairfax Court House fled for their lives to the safety of Union lines in Alexandria and Washington, D.C. Some of these Union refugees did not remain idle however. On the very day the skirmish at Fairfax Court House took place, a small group of exiled citizens from Fairfax met in Washington, D.C. The *Evening Star* chronicled the results of that meeting:

"A DELEGATE FROM FAIRFAX IN THE WHEELING CONVENTION – Fairfax county, Va., is now represented in the Wheeling Convention, by Mr.

John Hawxhurst, an influential resident of the county who had been forced to leave his family, and property worth several thousand dollars, in order to save himself from personal violence from the disunionists. Last Saturday, at a meeting of the Union refugees from Fairfax county, held in this city – among whom were several native Virginians – Mr. Hawxhurst was elected to represent the Union element in Fairfax in the Western Virginia movement, and started immediately upon the performance of his duties.”²³

In addition, Eben E. Mason, a native of Maine, but a resident of Woodlawn, Fairfax County, was also appointed a Delegate to the Second Wheeling Convention. In Alexandria a similar meeting took place on June 7, 1861 and was reported in the *New York Daily Tribune*:

“AFFAIRS IN ALEXANDRIA

A meeting was held last evening at the Marshall House, Alexandria, in a room opening from the passage in which Col. Ellsworth was killed, for the purpose of choosing delegates to the Convention at Wheeling. Henry S. Martin presided, and with James T. Close, was elected delegates. Addresses were made by W. H. Parsons of New York, and Mr. Close. The Postmaster under the new Administration, Wm. D. Massey, refused to cooperate on the ground that the movement was revolutionary.”²⁴

In both cases, the number of participants was very small. The Alexandria meeting, for example, consisted of only 35 individuals.²⁵

Predictably, the *Richmond Whig* reported things with a slightly different tone:

“...Union meeting in Alexandria, in which the principal characters were a man names James T. Close, another named Martin and a periodical dealer named G.E. French, who has been asking the confidence of the citizens as a Southern man. They are all of Northern birth.”²⁶

True to their word, on June 11th the pro-Union delegates of northwestern Virginia, joined now by those of Northern Virginia, assembled in the City of Wheeling, as agreed, to consider what action to take in response to ratification of the Virginia Ordinance of Secession. The first order of business of the Second Convention, after the establishment of convention rules, was the seating of the Delegates. This was accomplished after a review of each delegate by a Committee on Credentials. Presumably each candidate had to present proof they were legitimate representatives at the Convention. These documents have not been found, if they ever existed. However,



Ebenezer Erskine Mason (1829 - 1910) b. Washington Co., Maine. A resident of Woodlawn, Fairfax County, Virginia and a Delegate to the Second Wheeling Convention, August 1862.

Photo courtesy Susan Hellman, Woodlawn Plantation, Alex., VA

Hawxhurst, Mason, Close and Martin presumably presented the committee with some form of documentation verifying the results of their individual elections. The committee was satisfied and each man was seated.

Early in the two-week convention, many of the delegates were in favor of an immediate division of the State. However, they quickly decided that, constitutionally, they had to first form a *restored government* before pursuing the idea of separation. Accordingly, on June 14th the convention adopted an *Ordinance for the Re-Organization of the State Government*. The document effectively created a new state government and called for the election of new statewide officers: Governor, Lieutenant Governor, and Attorney General. These new officers would be empowered to act according to existing State law. The ordinance allowed State Senators and Delegates elected in the recent May 23rd elections to take their seats in the next General Assembly at Wheeling provided they take the new oath set forth by Convention. All other officers then in the service State, and the service of the various counties, cities and towns of Virginia, including Sheriffs, Commissioner's of the Revenue, Clerks of Court, Commonwealth's Attorneys, Judges and Justice's of the Peace were also required to take the new oath.²⁷

*"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the Supreme law of the land, any thing in the Ordinances of the Convention which assembled at Richmond on the 13th day of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the Government ordained by the Convention which assembled at Wheeling on the 11th day of June, 1861, and the Legislature, Governor and all other officers thereof in the discharge of their several duties as prescribed by the last mentioned Convention."*²⁸

If any elective officer either refused, or somehow failed to take the oath, the Governor was then empowered to declare that office vacant and call for special elections to fill the vacancy.²⁹ Almost all of the elected officials in northwestern Virginia subscribed to the new oath. Likewise, almost none of the elected officers in eastern Virginia took the new oath.

The following principal elected officials in Fairfax County, most of whom were residents of Fairfax Court House, either refused or failed to take the new oath: Henry Wirt Thomas, State Senator; Orlando W. Hunt, Delegate; Joshua C. Gunnell, Sheriff; John B. Hunter, Commissioner of the Revenue; Alfred Moss, Clerk of the Circuit Court; and, Augustus "Gus" Williams, County Surveyor. In fact, not one, of more than thirty elected officials in Fairfax county acknowledged the restored government by taking the prescribed oath.

On June 20th, Delegate Francis H. Pierpont, of Marion County was nominated for Governor of Virginia by the Wheeling Convention. He was unanimously elected, receiving all 77 votes of the assembled Delegates. Daniel Polsley, of Mason County was nominated for Lt. Governor and received 76 votes from the convention. The two men were then sworn into office. The election of the Attorney General was postponed until the following day when Delegate James S. Wheat, of Wheeling was nominated and receiving 70 votes, was elected.³⁰

It is interesting to note that the total population of Virginia in 1860 was 1,596,318 of which approximately 170,000 went to the polls in the Presidential Election of 1860. Statistically speaking then, just 0.00045 of those potentially eligible to vote actually voted for Pierpont, that number also represented just .000048 of the total Virginia population.

On June 25th, Congressman-elect Charles H. Upton, of Fairfax County, who was in Wheeling as an observer to the convention, was dispatched by Convention President, Arthur I. Boreman, of Wood County, to meet with President Abraham Lincoln in the White House. Upton personally delivered the *Declaration of the People of Virginia Represented in the Convention at Wheeling* adopted on June 13, 1861.³¹ The

State of Virginia,
Fairfax
ALEXANDRIA COUNTY—DO WIT:

I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the Constitution and laws of the State of Virginia, or in the Ordinance of the Convention which assembled at Richmond, on the 13th of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled at Wheeling, on the 11th day of June, 1861.

WITNES,

Joseph Stiles *David Keys*
ADMINISTERED BY *Jonathan Roberts* *May 21st*, 1862.
Special Commissioner

Loyalty Oath of Fairfax County Resident, David Keys.

Administered by Jonathan Roberts. Witnessed by Joseph Stiles

Source: Fairfax County Circuit Court Clerk

Declaration essentially denounced the actions of the Virginia Convention and stated the intent of the people to reorganize the government of the Commonwealth of Virginia.

Upton also had received from newly elected Governor Pierpont an order for the election of State Senator to represent Alexandria and Fairfax counties:

"To Charles H. Upton:

Whereas a vacancy exists in the office of the Senator for the Twenty-fourth senatorial district, composed of the counties of Fairfax and Alexandria, you are hereby required – having first taken the subjoined oath or affirmation, in addition to the oath or affirmation prescribed by existing laws – to hold an election, to supply the vacancy aforesaid, at the several places of voting in Alexandria county, on Saturday, the 29th day of June, 1861, or such other day as you may appoint, and of which you shall give due notice; and full authority is hereby conferred on you to do and provide whatever may be necessary for the purpose.

Given under my hand and seal, at the City of Wheeling, the 21st day of June, 1861, and in the eighty-fifth year of the Commonwealth.

FRANCIS H. PIERPOINT

By the Governor

L.A. Hagans, Secretary of the Commonwealth"³²

Similarly, Job Hawxhurst, of Fairfax Court House, brother of Wheeling Convention Delegate, John Hawxhurst, was appointed a Special Commissioner by Governor Pierpont to



facilitate elections to the Virginia Senate and House of Delegates from Fairfax County.

ELECTION NOTICE.

BY Virtue of a Commission issued to me in this behalf by F. H. Pierpont, Governor of the Commonwealth of Virginia I hereby give notice that an Election will be held in the Counties of Alexandria and Fairfax on TUESDAY, the 2d day of July, 1861, to supply vacancies existing in the Senatorial District composed of those Counties, and also to elect a Delegate from Alexandria County to the Legislature about to be assembled at Wheeling. Those entitled to vote can do so at any precinct in the County where they reside.
Je 29-2t* CHAS. H. UPTON.

ELECTION NOTICE.

BY Virtue of a Commission issued to me by F. H. Pierpont, Governor of the Commonwealth of Virginia, I hereby give notice that an Election will be held in Fairfax County on TUESDAY, July 2d, to supply the vacancy of Member of the House of Delegates and a Senator for the Twenty-fourth Senatorial District, to represent said County and District in the Legislature of Virginia to meet in Wheeling July 1st. Citizens of the County entitled to vote by existing laws can do so at any precinct in the County.

Je 29-2t* JOB HAWXHURST,
Commissioner for Fairfax County.

On June 27, 1861, the *Evening Star* in an editorial took issue with the elections being called for in Alexandria and Fairfax as preemptive. The Second Wheeling Convention had ordained that those persons recently elected on May 23rd were "entitled under existing laws to seats in the next General Assembly".³³ However, in a letter to the *Star*, several days later, Charles H. Upton, hotly rebutted the editorial:

*"It is notorious that the persons already elected are of the secession school, and will not present themselves at Wheeling and your doubts in the premises are only calculated to embarrass good citizens."*³⁴

Upton was referring, of course, to Henry W. Thomas and Orlando W. Hunt. Ultimately, Thomas, and Hunt, both of whom were residents of Fairfax Court House, *did* fail to take the prescribed oath of allegiance. Both men left Fairfax and moved to Richmond.³⁵

On July 2, 1861 the loyal citizens of Fairfax County elected John Hawxhurst a Delegate to the Virginia House of Delegates and James Titus Close, State Senator. Both would represent Fairfax County in the restored government of Virginia at Wheeling.³⁶

*"VIRGINIA – James T. Close is the Senator elected in the district composed of Alexandria and Fairfax counties. To the House of delegates, Gilbert S. Minor is elected from Alexandria city and county, and – Hawxhurst, from Fairfax county."*³⁷

Meanwhile, the Second Session of the Second Wheeling Convention met from August 6th – 21st, 1861. On August 20, 1861 the convention considered the following ordinance:

AN ORDINANCE TO PROVIDE FOR THE FORMATION OF A NEW STATE OUT OF A PORTION OF THE TERRITORY OF THIS STATE.

This ordinance included all of the counties of northwestern Virginia, but excluded northern and eastern Virginia. John Hawxhurst, Eben Mason and James Close all voted against the measure. Henry Martin of Alexandria was apparently not present for the vote.⁴⁰ However, the ordinance passed on a vote of two-to-one. The issue of statehood for northwestern Virginia was then put to a referendum of the people. On October 24, 1861, it passed overwhelmingly.³⁸

37th Congress of the United States

On July 4, 1861, the 37th Congress convened. When Representative-elect Charles H. Upton attempted to take his seat, Congressman Samuel S. Cox from Columbus, Ohio rose and objected. He asserted that Upton was not entitled to his seat on the grounds that he was not a resident of Virginia at the time of the election, having voted in Ohio for President in October 1860.³⁹ However, the matter was referred to the House Committee on Elections and Upton was sworn in and permitted to temporarily take his seat. In the meantime, on August 20, 1861, the Second Wheeling Convention passed an ordinance directing that an election be held on October 24, 1861 in every Congressional District in which a vacancy existed due to the rebellion. On this date the polls were opened in Alexandria, the only part of the 7th Congressional District under direct Federal control at the time. Alexandria attorney, S. Ferguson Beach, received the highest number of votes. Only voters from Alexandria cast votes in the election. On November 1, 1861, Beach submitted a claim to the House of Representatives that he, and not Charles H. Upton, was the rightful holder of the 7th Congressional seat. This matter, too, was referred to the Committee on Elections.

On January 16, 1862, perhaps sensing that his time in Congress was drawing to a close, Charles Upton wrote to President Lincoln about the question of slavery in the District of Columbia.

"Confidential

Ho. of Reps. Jany. 16th/62

Dear Sir

My apology for not waiting longer last night, (which your goodness of heart will readily appreciate) is this – I had not been home since the adjournment of the House & my wife gets nervous and uneasy when my absence is long.



In Memoriam John E. Petersen



On Wednesday April 4, 2012, our good friend and fellow HFCI board member, John Earle Petersen, died suddenly at the age of 71. John was the husband of Mary Stuyvesant Petersen for 49 years. He was the father of Mary LeGrand (Paul) Asel, John Chapman (Sharon) Petersen, and Elizabeth Schuyler (Justin) Morgan. Grandfather to Eva Emmeline, Mary Walton, Thomas Henry, and Ida Grace Petersen; Gabriel Chapman, John Varnot, Robert David, and William McCandlish Asel. Son of the late Earle Alfred and Hazel Emmeline Petersen. Brother of George Chapman (Elizabeth) Petersen.

John was born on May 5, 1940 in Lafayette, Louisiana. He grew up in the Chicago area before attending Northwestern University from which he graduated with a B.A. in Economics in 1962. He held an MBA from the Wharton School and Ph.D. in Economics from the University of Pennsylvania.

John came to Washington, DC in 1966 to work for the Federal Reserve Board. He became an internationally recognized expert in the field of Public Finance. Dr. Petersen was a Professor of Public Policy and Finance at the George Mason School of Public Policy and Board member of the Municipal Securities Rulemaking Board. He was a Distinguished Fulbright Lecturer Award recipient in 2009 and spent a semester teaching at Yonsei University in South Korea. This past October (2011) he received a Lifetime Achievement Award from the Association for Budgeting and Financial Management (ABFM).

John was a resident of Fairfax City for more than 46 years, serving on the Fairfax City Council from 1972 to 1974. John had a deep love and passion for of history. He joined the Board of Historic Fairfax City, Inc. in 2004 and served as our Treasurer from 2004 to 2010.

A funeral service was held at Truro Epsicopal Church on April 13th and John was interred at Fairfax Cemetery.

We will miss his passion and wise counsel.

God speed friend!

Chiefly I wanted to say something on a matter of which I will briefly write.

I am on the Com. of the Dist. of Columbia & have had referred to me the question of abolishing slavery in the D. C. I think it inexpedient to legislate upon the subject at this time, but I can probably give it a controlling direction both in Com. & in the House and if necessary to conciliate the anti – slavery extremists and stop their growling could give them this bone. There are better indications that we shall have unanimity than when I asked you for an interview. Still, we are in the midst of uncertain events which must control our actions.

You have probably seen Stevens bill which proposes to close the ports of rebellious States – – virtually abandoning the blockade, the only policy from which we have derived substantial benefit. Stevens is very bitter.

Cordially concurring in yr policy thus far, I desire to be useful in any manner, while holding a seat in the House, which you may point out.

*With sincere regard
Yr friend & sert
Chas. H. Upton”⁴⁰*

On February 6, 1862, the Committee of Elections attempted to bring forward their report on Charles H. Upton. Rep. Upton objected and asked the full House to instruct the Committee of Elections to take the additional testimony of the 10 voters from the nearby Ball’s Cross Roads precinct, as evidence that they had actually voted for him under the custom of the time, *viva voce*, or by voice vote. Representative Dawes, Chairman of the Committee of Elections, angrily objected stating that Upton was not being “*clear and frank*” with the House. He further stated that the House did not question whether the 10 men had actually voted for Upton, but did question that the election was legal in the first place. Debate was once again suspended.

On February 26th the House Committee on Elections issued a final report and resubmitted their resolution that Charles Upton was not entitled to a seat in Congress. In the report, the Committee on Elections acknowledged that while Charles H. Upton was a resident of Virginia at the time of the election, the election itself was invalid as eastern Virginia had lawfully, by ordinance, suspended the election of members to Congress which was to have taken place on May 23rd, then repealed the ratification of the Constitution and joined the southern Confederacy. They further stated that the election had not been certified according to law and was itself highly irregular in nature.⁴¹ For two days the U.S. House of Representative debated



1860

Secessionist Government of Virginia (Fairfax County)

Governor (1859) – John Letcher (1813 - 1884) b. Lexington, VA

Lieutenant Governor (1858) – Robert Latane Montague (1829 - 1880) b. Middlesex Co., VA

Attorney General (1859) – John Randolph Tucker (1812 - 1883) b. Alexandria, VA

United States Senate – James Murray Mason (1798 - 1871) b. Fairfax Co., VA

United States Senate – Robert Mercer Taliaferro Hunter (1809 - 1887) b. Essex Co., VA

United States Representative – William *Extra Billy* Smith (1797 - 1887) b. King George Co., VA

Virginia Senate – Henry Wirt Thomas (1812 - 1890) b. Leesburg, VA

Virginia House of Delegates – Orlando W. Huntt (1821 - 1908) b. Fairfax, VA

9th Judicial Circuit Court Justice – John Webb Tyler (c. 1798 - 1862) b. VA

***Sheriff** – Malcolm James Worster (1825 - 1917) b. Fairfax, VA

Clerk of the Circuit Court (1858) – Ferdinand D. Richardson (1808 - 1880) b. Fairfax, VA

County Clerk (1858) – Alfred Moss (1816 - 1862) b. Fairfax, VA

Commissioner of the Revenue – John Broadwater Hunter (1803 - 1865) b. Fairfax, VA

Commonwealths Attorney – William Herbert Dulany (1822 - 1870) b. Loudoun Co., VA

County Surveyor (1858) – Augustine Bowyer Williams (1796 - 1871) b. Fairfax, VA

County Justices:

Chief Justice: Richard C. Mason

Centreville: Frederick M. Ford, Cyrus Hickey, James P. Machen, Benjamin D. Utterback

Arundle: John T. Burke, Francis C. Davis, William W. Elzey, William L. Lee

Accotink: Francis E. Johnson, Richard C. Mason, Alexander L. McKenzie, Richard L. Nevitt

Annandale: George Burke, John H. Chichester, George H. Padgett, Benjamin F. Shreve

Fairfax C.H.: William W. Ball, Arthur Broadwater, James Hunter, Henry Jenkins

Dranesville: Thomas E. Carper, Richard Johnson, Alfred Leigh, Sholto Turberville Stuart

Overseers of the Poor:

Centreville: Richard H. Cockerille, Edward F. Simpson

Arundle: Henry H. Halley, John H. Harrison John A. Marshall

Accotink: W. Henderson, Paul Hillman Troth

Annandale: Henry Lee Howard, George H. Padgett

Fairfax C.H.: Jeremiah Moore, James A. Nelson

Dranesville: William Barker, Stephen D. Farr

Constables:

Centreville: James C. Kincheloe, John W. Mohler, William Tillet

Arundle: Malcolm J. Worster?, William H. Simpson

Accotink: William Huntington, Lorenzo Rogers

Annandale: George W. Dowell

Fairfax C.H.: Alfred H. Darne, William P. Robey

Dranesville: Edward Thompson⁷⁶

* Sold office to Joshua C. Gunnell in September 1860.⁷⁷

1862

**Restored Government of Virginia
(Fairfax County)****Governor** – Francis Harrison Pierpont (1814 - 1899) b. Monongalia Co., (W.) VA**Lieutenant Governor** – Daniel Haymond Polsley (1803 - 1877) b. Fairmont, (W.) VA**Attorney General** – James Sanders Wheat (1810 - 1874) b. Prince Georges Co., MD**United States Senate** – John Snyder Carlile (1817 - 1878) b. Winchester, VA**United States Senate** – Waitman Thomas Willey (1811 - 1900) b. Monongalia Co., (W.) VA**United States Representative** – Charles Horace Upton (1812 - 1877) b. Salem, MA

Lewis McKenzie (1810 - 1895) b. Alexandria Co., D.C.

Virginia Senate – James Titus Close (1829 - 1869) b. Broad Albin, Fulton Co., NY**Virginia House of Delegates** – John Hawxhurst (1817 - 1881) b. Queens Co., NY**9th Judicial Circuit Court Justice** – Vacant**Sheriff** – Jonathan Roberts (1818 - 1901) b. Camden Co., NJ**Clerk of the Circuit Court** – Job Hawxhurst (1823 - 1906) b. Queens Co., NY**County Clerk** – **Henry T. Brooks** (1834 - 1865) b. Columbia Co., NY**Commissioner of the Revenue** – Joseph Stiles (1830 - 1899) b. Burlington Co., NJ**Commonwealths Attorney** – Andrew Wylie (1814 - 1905) b. Washington Co., PA**County Surveyor** – John D. Sherman b. NY**County Justices:**

Chief Justice: Hiram Cockerille

Centreville: Hiram Cockerille, Thomas N. Stuart, Henry Quigg

Arundle: James C. Denty, William A. Ferguson, James H. Rice, Andrew Jefferson Sagar

Accotink: Edward C. Gibbs, Richard P. Lacy, Ebenezer Erskine Mason, Samuel Pullman

Annandale: Thomas P. Brown, Levi Deming, Ruben Ives, Daniel W. Lewis

Fairfax C.H.: Thomas J. Carper, William Taber Rumsey, William Terry, William Walters

Dranesville: James P. Barlow, Harry Bready, Lambert Gibbs, Talmadge Thorne

Overseers of the Poor:

Centreville: Jacob Brooks, John Cross

Arundle: John W. Cranford, Lorenzo N. Lown

Accotink: Frederick A. Augustine, Samuel Pullman

Annandale: Robert F. Roberts

Fairfax C.H.: Charles Roby, James L. Smith

Dranesville: Isaiah Bready, James H. Sherman

Constables:

Centreville: Benjamin Jackson Ellis

Arundle: Silas Simpson

Accotink: Samuel N. Gosnell

Annandale: George S. Cox

Fairfax C.H.: Isaac Besley

Dranesville: Minor A. Crippen⁷⁸

the issue. Finally, on February 27, 1862, after months of delay, the question came to a vote.⁴²

*"Resolved, That Charles H. Upton is not entitled to a seat in this House as a Representative of the seventh congressional district of Virginia."*⁴³

In a feeble attempt to influence the outcome, Rep. Albert G. Riddle, also of Ohio, moved to strike the word "not" in the resolution. This feeble attempt failed on a vote of 50 to 73.⁴⁴ The resolution then passed and Charles H. Upton left his seat.

On March 31, 1862 the House Committee on Elections resolved that S. Ferguson Beach was not entitled to a seat in Congress because the election was deemed to be improper, the voters of the 7th Congressional District having not received written notice of a special election.

*"Resolved, That S. Ferguson Beach is not entitled to a seat in the House as a Representative in the Thirty-Seventh Congress from the seventh congressional district of Virginia."*⁴⁵

Virginia would not have another Congressional Representative until after being re-admitted to the Union in 1870.

During his brief time in office Representative Upton attempted to do several things. First, two days after the Battle of First Manassas, Upton introduced a Bill calling on the Secretary of War to:

*"...appoint a commissioner whose duty it shall be to proceed in person to Fairfax Court-House and Germantown, in Fairfax county, to investigate the facts of the burning of any dwelling, barn, or outhouse by the troops of the United States, the property of a loyal citizen or citizens, and said commissioner shall be empowered to take testimony, under oath, and report the facts with his valuation; and also, that the sum of \$10,000, or so much thereof as may be necessary, is appropriated out of any money in the Treasury, as indemnification for such injury."*⁴⁶

The Bill failed. Undeterred, in December 1861, Upton introduced another Bill (H.R. 108), to provide for the restoration of Alexandria County, Virginia to the District of Columbia.⁴⁷ Alexandria had been retroceded back to Virginia in 1846, largely on the issue of slavery. This Bill too, ultimately failed.

However, Upton, through his membership on the House Committee on the District of Columbia, was successful in supporting a petition of the citizens of Washington, D.C. for the creation of a police force, which President Lincoln also supported. The Washington Metropolitan Police Department was created on August 6, 1861.⁴⁸

Charles Upton's home stood on the top of *Upton's Hill* on the northeast corner of today's Wilson Boulevard and McKinley Street, just east of Seven Corners. The Upton estate straddled the Fairfax-Alexandria (Arlington) County line. The Upton home was surrounded by peach, apple and pear orchards and was a working farm.^{49,50} From the earliest days of the war *Upton's Hill*, given its strategic 400 foot elevation, was occupied alternately by both Confederate and Union forces and was the scene of numerous skirmishes. Consequently, the property sustained tremendous damage. In the fall of 1861, nearly all of the fruit trees (1,400) were cut down and used to form a defensive abatis in front of the house. Additionally, Union troops actually erected a fifty foot tall wooden observation tower directly onto the roof of the Upton home, from which Fairfax Court House could be seen.⁵¹

*"The nearest point from which a view of Washington could be had was from Upton's Hill, a place of much interest, as it is owned by the present Black-Republican Congressman from the disloyal portion of Virginia.—Upton's residence is pierced by two cannon balls, fired into it by the Washington Artillery, when they drove the enemy off the hill some ten days ago."*⁵²

"A New observatory.

*A fine observatory has been erected on the roof of Upton's house, from which a good view is obtained of the enemy's outposts near Falls Church. A number of the rebel cavalry was observed on Seth Perkins's Hill, northwest of Falls Church. Mount Olivet Church, situated on the road north of Ball's, has disappeared since our troops moved out. The boards were wanted for floors for the tents."*⁵³

In 1866, Charles, through his friend Sen. Waitman T. Willey of West Virginia, petitioned Congress for "compensation for



Upton's Hill (aka Ft. Ramsey), Home of Charles Horace Upton

Water Color by Robert Knox Selden, c. 1863

Credit: Virginia Historical Society, Richmond, VA

alleged damages to his property in Fairfax and Alexandria Counties, Virginia, by United States troops.”⁵⁴ His claim was tabled by the Committee on Claims and Upton received nothing.⁵⁵

For his loyalty, President Abraham Lincoln appointed Charles Upton United States Consul to Switzerland in July 1863. Charles H. Upton served in the Swiss Consular office until his death in Geneva on June 17, 1877. His body was shipped back to the United States and he is interred in the Congressional Cemetery, Washington, D.C.”⁵⁶

Restored Government of Fairfax County Spring of 1862

“Spring advances slowly this year. The meadows of Fairfax County are still brown, and there is no field of freshly springing wheat to relieve the eye in all the desolate fenceless landscape. Here and there, beside the cinders of what once was a house, the blades of daffodils and hyacinths are breaking through the sod. The early frogs chirp about the springs in the hollows and the bluebirds sing on the roadside cedars, but otherwise all is bleak, raw and wintry.”⁵⁷

In March of 1862, when the Confederate army withdrew from Fairfax and Manassas, General George B. McClellan marched the Army of the Potomac into Fairfax County. For four days the Army of the Potomac occupied Fairfax Court House. The local Unionist population of Fairfax undoubtedly took this as an encouraging sign. The presence of the Union Army at Fairfax Court House buoyed their spirits and emboldened them to action. On March 22, 1862, a week after the Union army left Fairfax Court to embark on the Peninsula Campaign, a large group of Unionist citizens met in at Fairfax Court House.

“UNION MEETING AT FAIRFAX, VA – On Saturday last there was a large gathering of Unionists at Fairfax Court House. The meeting was called to order by Mr. J. Hawxhurst. The Hon. Charles H. Upton was chosen to occupy the chair, and Mr. Henry T. Brooks to act as secretary.

Mr. Upton addressed a few remarks to those present, referring to the desolated fields and ruined dwellings to be seen almost everywhere and saying that they had come together amidst such scenes to see if they could not rescue what little remained from lawless anarchy.

Resolution expressing Union sentiments and appealing to Gov. Pierpont to order an election at an early day for county officers were passed.; and Messrs. H.W. Throckmorton, J. Hawxhurst, W. Waters, Daniel Lines

and Henry T. Brooks, were appointed a committee to confer with the Governor.

On motion of Mr. Throckmorton, the chairman was added to the committee.

A resolution of thanks to the President and Secretary of State for the fidelity and masterly sagacity with which they have managed the domestic and foreign affairs of the country in the midst of the bewildering alarms and trying scenes which have encompassed them, was passed.

On motion of Mr. H.T. Brooks, it was resolved to organize a Union Home Guard, having its center at Fairfax, with branches in the neighboring towns and villages.

After the transaction of some other business, more of local than general interest, the meeting adjourned sine die.

Immediately after this seeds were distributed at the instance of Mr. Underwood, and steps taken to organize the Union Home Guard under the direction of Mr. Brooks.

Three cheers, long and loud, were given for Abraham Lincoln, and the meeting adjourned.”⁵⁸

Among the men attending this meeting was John Curtiss Underwood, a resident of Clarke County, Virginia, but a native of New York. Underwood, an attorney, was then the 5th Auditor of U.S. Treasury Department. However, as one of the few Republicans in Virginia, Abraham Lincoln would later appoint him U.S. District Court Judge of Eastern Virginia. He would have significant influence on Virginia during the remainder of the war and subsequent Reconstruction. He would preside over the Virginia Constitutional Convention of 1867-68; the result of which would come to be known as the *Underwood Constitution*.

A week after the Union Meeting at Fairfax C.H., Charles H. Upton, John Hawxhurst and Hugh W. Throckmorton wrote to Gov. Pierpont:

“Washington, March 29th, 1862

Sir

At a meeting of the loyal citizens of Fairfax Co. at the Court House of the same the undersigned were appointed a Committee to invoke the intervention of your authority as Gov. of the Commonwealth of Va. for the restoration of law and order within their bounds.... In accordance with the instructions given us we respectfully request you to take the necessary legal steps for the relief of the citizens of our County



from their present condition of anarchy by commissioning us to open polls in the various precincts of the County for the election of all officers necessary under the Code of Va. for the due administration of the law. We append hereto a list of the various precincts, together with the names of persons residing in the several localities who might, if it seem more fitting, be directly commissioners but we do not feel quite sure that in all cases those named are now at their residences so as to be ready to officiate. We would suggest that it seems highly important to us that your writ of authority should have as early a day for this election as is practicable, allowing, perhaps, an intermission of a fortnight after it reaches here for giving due notice to the people.

At present there does not appear to be any likelihood of interference by the secessionists, but there are very many of these still residing in the County and in the absence of any provision of law by which these votes may be challenged we deem it best to take the field early to forestall any organization on their part.

We address this from Washington, at which point we desire your reply and instructions as the mails have yet been re-established in Fairfax.

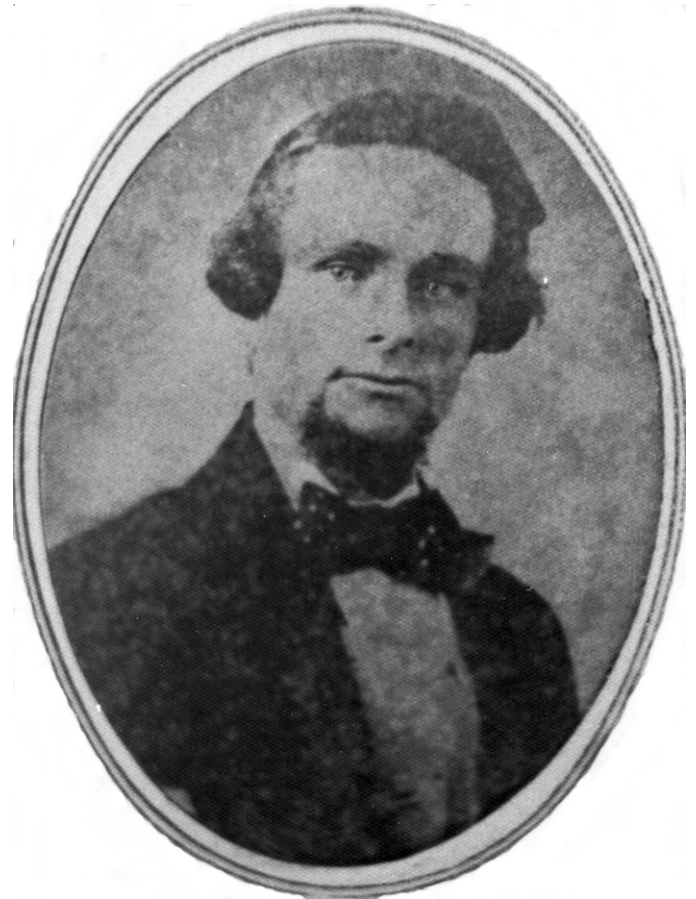
*Very Respty,
Yr Obdt. Srvt.
Chas. H. Upton
John Hawxhurst
H.W. Throckmorton”⁵⁹*

State Senator James T. Close also wrote to Gov. Pierpont requesting that he order elections and establish a Home Guard to protect the Union citizens of Fairfax County.⁶⁰ Fairfax County citizen, Daniel French Dulany also wrote to Gov. Pierpont with a similar request.

“We are sir, totally without civil law and marauders are daily destroying the county. A proper officer and one who has the confidence of the people and is vested with authority to establish a Home Guard will gratify and protect many who are suffering anxiety, loss and outrages.

I would respectfully request that an election for county officers and Member of Congress be ordered upon the normal day of election in May.”⁶¹

With the arrival of the Army of the Potomac in Fairfax in early March 1862, county residents continued to suffer losses, only now it was at the hands of Union soldiers. Soldiers needed firewood in order to cook their rations and for warmth. There was not nearly enough cut dry wood for this purpose in Fairfax.



Henry T. Brooks (1834 - 1865) Clerk of the Fairfax County Court 1862 - 1864
Photo from the collection Vera Jones, Great-niece of Henry T. Brooks
Photo Courtesy of Judy Bell

Consequently, soldiers dismantled fences and outbuildings, and even tore clapboards off of homes as a fuel source. Without fences livestock escaped and roamed freely, but usually not for long, young soldiers were also hungry.

Tired of the competing armies destroying their property, Fairfax farmers tried to organize themselves to work cooperatively in the defense of their farms and property. Just before the spring planting season the following appeared in the *Evening Star*:

“A meeting of farmers of the upper part of Fairfax county was held yesterday at Langley, at which it was agreed to form an association for mutual defense, so that they could plant crops without great expense. They also agreed to cooperate with each other in protecting their lands, it being impossible, in the present state of affairs, to rebuild the miles of destroyed fences.”⁶²

Early Tourism at Fairfax Court House

With Fairfax County now more or less secure, a young Union army officer, Major George Augustus Armes, of

Annandale, Virginia saw an opportunity for tourism at Fairfax Court House. In spite of the fact that the war had been underway for a year, the only significant battle that had been fought was First Manassas. Armes sought to capitalize on the public's fascination with the first large scale battle site. Union Soldiers, in particular, were anxious and apparently willing to pay money to visit the battlefield. In his memoir Armes indicated he contracted with the proprietors of the *Union Hotel* at Fairfax Court House and a stage operator in Washington, D.C. to begin daily tours of the Manassas Battlefield.⁶³ Sheldon J. Hoag, a son-in-law of Rezin Wilcoxson, owned the *Union Hotel* at that time. The stage operator was Charles J. Murphy.^{64, 65} Murphy, who had been arrested by Confederate forces following the Battle of First Manassas, may have been engaged in driving dignitaries out from Washington, DC to witness the battle.⁶⁶ The two men formed an apparent partnership:

*"STAGES FOR MANASSAS, FAIRFAX, &c. – It will be seen by the advertisement in another column, that a stage now runs regularly from Alexandria to the battle field at Bull Run, the scene of the skirmish at Fairfax, &c., &c. The driver was taken prisoner at the battle of Bull Run, is a man of intelligence, and is familiar with the field of battle, and all objects of interest in the vicinity. Seats in the coach can be engaged in this city at Gregory's store, Pennsylvania avenue, two doors east of Seventh street, in Alexandria at 120 King street."*⁶⁷

*"A STAGE FOR MANASSAS, via Fairfax Court House and Centreville, Will leave Alexandria at 9 o'clock on Monday and Tuesday, for Fairfax Court House only; on Wednesday morning will start for Manassas, and the regular days for leaving Alexandria will be Monday, Wednesday, Friday, from the Steamboat Wharf, foot of King street, at 9 o'clock a.m.; returning from Manassas on Tuesday, Thursday, and Saturday. Fare for the round trip, \$5. Seals can be procured in Washington at Gregory's Stove Store, Pennsylvania avenue, south side, two doors east of 7th street, or at Sigger's Book and Periodical Store, No. 120 King Street, Alexandria, Va. Mh31 1w"*⁶⁸

Another sure sign that at least some aspects of life were returning to normal in Fairfax was the resumption of mail service in Northern Virginia. On April 9, 1862, Henry T. Brooks was appointed Postmaster of Fairfax Court House, to replace William R. Chapman (1820 – 1879) who had "abandoned" his office.⁶⁹ Subsequently, mail service between Fairfax and Washington, D.C. was restored.

After Henry Brooks election as Clerk of the Fairfax County Court, his brother-in-law, Walter B. Hoag (1841 – d. after 1920), was appointed Postmaster of Fairfax Court House. Hoag later

moved west after the war, first to Nebraska, Dakota Territory, Colorado and finally to Sonoma County, CA around 1920.⁷⁰

For the Unionist population in Fairfax County the arrival of the Union army brought a welcome, but false sense of security. Barely a week after the Army of the Potomac had left Fairfax Court House, and in spite of the fact that two entire Union divisions (Sumner & Keyes) were still in the area, Confederate cavalry suddenly appeared at Fairfax Court House and reasserted themselves. This raid would be a harbinger of the guerilla warfare which would define Fairfax County for the remainder of the war.

*"A party of rebel soldiers, about 50, visited Fairfax Court House yesterday, there being at that time no troops there, and with arms in their hands drove out the sutlers and destroyed their stores and at the same time tearing down all the Union flags."*⁷¹

The citizens of Fairfax were squarely in the middle of a gigantic tug of war between two opposing armies. Most of the citizens who remained in Fairfax, regardless of their sympathies, tried hard not to attract any undue attention. For them, it was all about survival.

*"What wonder that the inhabitants of that portion of Virginia just rescued from the control of the rebels do not exhibit Union sentiments! To do so would bring down upon them the persecution of all rebeldom. A man may be a quiet rebel in Fairfax county to-day without suffering therefore, but he cannot be a Unionist without risk of capture and of ruin. So even the Union people refuse to show their colors, and he who would blame them for their prudence is unjust."*⁷²

On April 25th Governor Pierpont issued an order calling for elections in the 7th Congressional District of Virginia – Alexandria, Culpeper, Fairfax, Fauquier, King George, Orange, Prince William, Rappahannock, Spotsylvania and Stafford, counties – to take place on May 22, 1862.⁷³ Fairfax County residents, Job Hawxhurst and Jonathan Roberts, were appointed Special Commissioners to facilitate the election.

Job Hawxhurst and his older brother John, were natives of New York, but had lived on Difficult Run in Fairfax County for many years. When the Union army arrived that spring, they sought and received permission from Union authorities to set up a Sutler business at Fairfax Court House from which to sell goods principally to Union soldiers. Jonathan Roberts, was also a native of New York, but resided at *Cedar Grove* along the Potomac River near Accotink, Virginia.

Jonathan Roberts posted notices of the election on the door of the Fairfax Courthouse as well as other points in the county. He then dutifully wrote to Governor Pierpont



indicating that he had done this. He also informed the Governor that he had facilitated the same postings in Loudoun, Prince William and Stafford, but added:

*"I have been unable to get to Fauquier & Rappahannock counties because they have been occupied by the rebels, please give me instructions how to proceed in regard to those counties."*⁷⁴

As ordained by the Governor and legislature the following local offices were declared vacant as the incumbents had refused to take the oath prescribed: Circuit Court Justice, Clerk of the Circuit Court, Commissioner of the Revenue, Commonwealth's Attorney, Constable, County Clerk, Magistrate, Overseers of the Poor, Sheriff, and Surveyor.

Over the long history of Virginia elected offices and their terms have varied. In the 1850's and 1860's Commissioners of the Revenue, Constables and Sheriffs served a term of two years. Commonwealths Attorneys, County Justices and Overseers of the Poor served a term of four years. Circuit Court Clerks, County Clerks and Surveyors served a six year term. Circuit Court Judges served a term of eight years.⁷⁵

Circuit Court – The circuit court had jurisdiction to hear any case at law, or in chancery where the dollar amount exceeded twenty dollars, and any misdemeanor cases. All felony and capital murder cases were heard by the circuit court. The circuit court met twice a year in the spring and fall. In 1862, Fairfax County was then part of the 9th Judicial Circuit which also included Fauquier, Loudoun, Prince William, Stafford, and Rappahannock counties. A single Circuit Court Justice served Fairfax County.

County Magistrates – also called County Justices or Justices of the Peace, served the citizens of their respective districts on the County Court. Virginia law provided that there would be not less than three but not more than five Justices on the county court. The County Court had jurisdiction to hear all cases at law or in chancery where the dollar amount did not exceed twenty dollars. The County Court met monthly and the Justices received per diem compensation paid out of the county treasury. After their election the justices would elect then elect a Chief Justice, who would then set the annual judicial calendar. Justices typically served on a rotational basis.

Commonwealths Attorneys – prosecuted criminal cases on behalf of the Commonwealth which were brought to them by the Sheriff, Constables, or Commissioner of the Revenue.

Commissioners of the Revenue – assessed all property, issued licenses, recorded births, deaths and marriages, and maintained voter registration rolls.

Sheriffs – served as the enforcement arm of both the County and Circuit Court, issuing warrants and summons,

making arrests, transporting prisoners to the penitentiary, administering punishments ordered by the court (ex. whippings and executions). Sheriffs also collected the county levy (taxes).

Constables – performed law enforcement duties within their respective districts, including making arrests, summoning witnesses, and executing judicial orders and warrants.

County Surveyors – administered the county land survey records and performed any survey ordered by the courts.

Overseers of the Poor – administered the distribution of county relief to the poor such as food, money, clothing and shelter. They were also empowered to purchase land for the use of the poor (i.e. the Poor House), or cultivation of land for the use of the poor.

In the spring election of 1862 just 248 votes were cast. The Special Election Commissioners who superintended the election, Job Hawxhurst, and Jonathan Roberts, were also candidates for election.

"All is a Perfect Wreck"

On the eve of the spring elections, Fairfax Court House was probably almost unrecognizable to the native population. A visitor to Fairfax noted the impact of the war on Fairfax Court House:

"This place has become noted since the rebellion broke out and formerly contained about forty houses, mostly structures of the poorer class, although it was considered a place of considerable importance, as being the county seat of Fairfax County. The Court house is built of brick and stands upon the south side of the main road, on the opposite side of which stands the old village tavern. The public buildings stand in a large square in the centre of the village and before the days of 'Secession' must have been quite pleasant. But now all is a perfect wreck. The Court House is completely riddled, nothing left save the walls and roof. The Office of the County Clerk and Superior Court have been used as stables for horses, and the church for soldiers. But few inhabitants remain most of them having gone with the rebel army. The place is literally destroyed and deserted. The grounds and gardens have been completely cut up by the tramp of ten thousand horses while fences have been burned and timber cut by opposing armies. From Washington to this place, fourteen miles, one scene of desolation is alone presented. No roads or highways can be traced. The fields are all broken up with the tread of men and horses. Military roads run in every direction, through fields, swamps and woods, the timbers of

which have nearly all been felled, while not five rods of fence can be seen the whole distance.”⁷⁹

At the end of April another Union Meeting was held at Fairfax Court House. A good number of Union citizens were in attendance including recently elected Delegate John Hawhurst and State Senator James T. Close. The need to establish civil law and a local militia was the topic.

On May 8, 1862, the Fairfax County Union Association met in convention at the “upper tavern opposite the Court House” (i.e. the *Union Hotel*), for the purpose of nominating a full slate of county officers pursuant to Governor Pierpont’s order.⁸⁰ The convention nominated Jonathan Roberts, of New York, for Sheriff, Henry T. Brooks, of New York, for County Clerk, Job Hawxhurst, of New York, for Circuit Court Clerk, Joseph Stiles, of New Jersey, for Commissioner of the Revenue, and John D. Sherman, of New York, for County Surveyor. It was decided to leave the nominations for County Justices, Constables and Overseers of the Poor to the six individual election districts.

While this meeting was in progress a smaller group of secessionists in Fairfax reputedly held their own secret meeting at the courthouse across the street. The topic of this meeting is unknown, but several Union soldiers had recently been killed in the area, presumably by guerillas, and the Union loyalists were convinced that the rival faction was plotting other similar acts or would attempt to interfere in the upcoming election. Union army officials were notified and several arrests were made, notably the Secessionist Fairfax County Sheriff, Joshua C. Gunnell.^{81, 82, 83}

On May 9th, John S. Hart, Chairman of the Fairfax County Union Association wrote to Governor Pierpont:

“Fairfax C.H., Va., May 9th 1862

To his Excellency Governor Pierpont:

The Social disorders that surround us have induced the people of this county to organize a ‘Union Home Guard’. One object is simply self protection. We design no offensive movement unless a just & necessary retaliation shall imperatively demand such a course. We have secured fifty-three names & doubtless can secure many more. Yesterday (May 8th) we met & organized by electing Henry T. Brooks, Captain, Woolsey Grigg, First Lieutenant, Warters Thompson, Second Lieutenant, & D.D. Sines, Third Lieutenant. We desire three Lieutenants [so] that we may have an officer located at convenient places throughout the county.

The company respectfully asks that their officers be commissioned & good arms furnished them at the very earliest practicable moment. Many most dangerous

traitors are returning & if we cannot be immediately placed upon a defensive footing we are lost.

Respectfully, Your Obedient Servant,

J.S. Hart, Chairman

Henry T. Brooks, Secretary”⁸⁴

Union Home Guard of Fairfax County⁸⁵

Henry T. Brooks, Captain

Woolsey Greggs, 1st Lieutenant

Warters Thompson, 2nd Lieutenant

D.D. Lines, 3rd Lieutenant

George A. Armes

Josiah B. Bowman

Benjamin B. Brady

Clark Jacob Brooks

Jacob Brooks

Hiram Cockerille

F. Cockerille

William Elford

D.B. Ferguson

Orasmus Ferris

Alexander Haight

Joseph S. Hart

Walter B. Hoag

Abram Hornbeck

Charles W. Hornbeck

George W. Johnson

Andrew J. Sager

Walter H. LeFevre

Daniel W. Lewis

Lorenzo N. Lown

Julius Morse

W.B. Morgan

C.H. Ostrender

Harvey Peck

James H. Rice

Alfred Riker

D.G. Roberts

Jonathan Roberts

James T. Rodgers

William T. Rumsey

James P. Smith

Daniel Speer

Nelson F. Speer

Joseph Stiles

Henry Studds

Hugh W. Throckmorton

James Walters

Charles T. Watkins

Eliada Watkins

N.B. Watkins

F.B. Webster

William Webster



Musket & Officers Sword of Henry T. Brooks, Captain Fairfax County Union Home Guard c. 1862.

Courtesy of Lee Hubbard

Gov. Pierpont had his hands full. Although the people of northwest Virginia had decided in favor of creating a new state, the U.S. Constitution forbade the creation of new states from existing ones without the consent of the existing state. Accordingly on May 13, 1862, the Restored Virginia Legislature

at Wheeling approved An ACT giving the consent of the Legislature of Virginia to the formation and erection of a new State within the jurisdiction of this State.

In the meantime, for the southern sympathizers in Fairfax, the news from the Virginia Peninsula was not all good. While the Union Army of the Potomac had been defeated, or fought to a tactical draw, many of Fairfax's native sons had been killed or wounded in the series of battles.

A list of casualties among the *Fairfax Rifles*, Co. D, 17th Virginia Infantry, in the battles of Williamsburg, May 5th, Seven Pines, May 31st and Frayser's Farm, June 30th were published in the *Alexandria Gazette*. Pvt. Charles R. Pettit, killed in action. Major James W. Thrift, of the 8th Virginia Infantry, Pvt. Thomas W. Lynn and Pvt. Francis Simms, mortally wounded. Capt. John Thomas Burke, Color Sgt. Robert Steele, Pvt. B.W. Boothe, Pvt. Israel Cook, Pvt. R.W. Johnson, Pvt. Simeon D. Mills, Pvt. George Washington Pettit, and Pvt. Spotsylvania Spindle, wounded. The wounded were taken to Chew's Factory hospital in Richmond.^{86, 87} Missing and presumed captured were 1st Lt. William A. Barnes, Sgt. Milton Ash Ish, Cpl. John W. Newcomb, Cpl. Daniel McCarty Chichester, Cpl. David A. Marks, Pvt. James Frank Davis, Pvt. Joseph N. Freeman, Pvt. Charles A. Gunnell, and Pvt. Harrison, Pvt. Simeon D. Mills.^{88, 89}

Thus ended the first year of the war, there would be three more bitter years ahead, but some semblance of *loyal* government had been restored in Fairfax County and Virginia.

(Endnotes)

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¹¹ *Ohio State Journal*, August 7, 1860, p. 2, c. 6.

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¹⁷ *Richmond Times Dispatch*, May 23, 1861.

¹⁸ *Congressional Globe*, February 26, 1862, p. 977, c. 2.

¹⁹ *Springfield Republican*, May 27, 1861, p. 2, c. 3.

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²² *Charleston Mercury*, May 25, 1861, p. 3, c. 4.

²³ *Evening Star*, June 5, 1861, p. 3, c. 1.

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²⁵ *National Republican*, June 8, 1861, p. 3, c. 5.

²⁶ *Richmond Whig*, June 14, 1861, p. 2, c. 2.

²⁷ An Ordinance for the Restoration of the Government of Virginia, Article 3 and 4, Proceedings of the Second Wheeling Convention, June 14, 1861. West Virginia and History, Charleston, WV.

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⁴⁴ *Congressional Globe*, February 27, 1862, p. 1040, c. 2.

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⁵⁸ *Alexandria Gazette*, March 24, 1862, p. 3, c. 1.

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⁶⁰ Ltr. of J.T. Close to Gov. F.H. Pierpont, March 31, 1862, Exec. Papers of F.H. Pierpont, Corres., Lib. of VA, Richmond, VA.

⁶¹ Ltr. of D.F. Dulany to Gov. F.H. Pierpont, April 24, 1862, Exec. Papers of F.H. Pierpont, Corres., Lib. of VA, Richmond, VA.

⁶² *Evening Star*, March 29, 1862, p. 3, c. 2.

⁶³ Armes, George A., *The Ups and Downs of an Army Officer*. p. 59, © 1900, Prvtly. Pubd., Wash., DC.

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⁶⁷ *Evening Star*, April 3, 1862, p. 3, c. 1.

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⁶⁹ *Daily National Intelligencer*, April 10, 1862, p. 3, c. 3.

⁷⁰ Walter B. Hoag was the son of Sheldon J. and Mary M. (Briggs) Hoag. During the Civil War he is believed to have operated the *Union Hotel* at Fairfax Court House with his father. After the war he moved to Ft. Robinson, Cheyenne Co., NE. m. Mrs. Mary Goshorn, age 31, b. Schenectady, NY, dau. of John Fridley & Sarah Kinney, at Ft. Robinson, July 9, 1879 (Cheyenne Co., Nebraska MB 1, p. 41-44.). In 1880, res. Custer City, Custer Co., Dakota Territory, occ. Farmer In 1900, res. Salida, Chaffee Co., CO, age 60, occ. Gardner. In 1920, res. Vallego, Sonoma Co., CA, age 79, occ. Farmer.

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⁷² *Springfield Republican*, April 5, 1862, p. 1, c. 5.

⁷³ Executive Order of Gov. F.H. Pierpont, April 25, 1862, Executive Papers of F.H. Pierpont, Correspondence, Library of Virginia, Richmond, VA.

⁷⁴ Ltr. J. Roberts to Gov. F.H. Pierpont, May 29, 1862, Exec. Papers of F.H. Pierpont Papers, Corres., Lib. of VA, Richmond, VA.

⁷⁵ The Code of Virginia, Second Edition, Including Legislation to the Year 1860, © 1860, Ritchie, Dunnavant & Co., Richmond, VA.

⁷⁶ 1858, 1859 & 1860 Election Returns, Fairfax County Circuit Court Clerk.

⁷⁷ *Code of Virginia 1860*, § 5, Chap. 7, 4., p. 100-101, © 1860, Ritchie, Dunnavant & Co., Rich., VA.

⁷⁸ May 1862 Election Returns, Fairfax County Circuit Court Clerk.

⁷⁹ *Wyoming County Mirror*, April 30, 1862, p. 1, c. 3.

⁸⁰ *Daily National Intelligencer*, May 17, 1862, p. 3, c. 5.

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⁸³ *Alexandria Gazette*, May 26, 1862, p. 4, c. 1.

⁸⁴ Ltr. of J.S. Hart to Gov. F.H. Pierpont, May 9, 1862, West Virginia State Archives, Charleston, WV.

⁸⁵ This unit was likely consolidated with another unit from Ohio County, WV – possibly that of Capt. Thomas Howard. The obituary of Henry Brooks son, Dr. F.M. Brooks, indicates his father served in the "6th Brigade, 2nd Division of Virginia Militia." The basis of this listing is the roll of the Union Home Guards, which appears in Adjutant Generals' Papers, Union Militia Rosters, Ohio Co., WV, West Virginia State Archives, WVU, Morgantown, WV. However, men from Fairfax County have been separately identified by cross-referencing the names on that roll with Fairfax County deed books indices and U.S. Census Records for Fairfax County 1850 and 1860.

⁸⁶ *Alexandria Gazette*, June 13, 1862, p. 4, c. 2.

⁸⁷ Johnson, II, William P., *Brothers and Cousins: Confederate Soldiers and Sailors of Fairfax County, Virginia*, © 1995, Iberian Publishing Co., Athens, GA.

⁸⁸ *Alexandria Gazette*, July 8, 1862, p. 1, c. 1.

⁸⁹ Johnson, II, William P., *Brothers and Cousins: Confederate Soldiers and Sailors of Fairfax County, Virginia*, © 1995, Iberian Publishing Co., Athens, GA.



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