

FOUND IN THE ARCHIVES, no. 29 – February 2017
Fairfax Circuit Court Historic Records Center



The year 2017 marks Fairfax County's 275th Anniversary – stay tuned for news about all of the great events happening around the county celebrating this historic birthday!

In this month's edition of *Found in the Archives*, we provide an update on the Fairfax Court Slavery Index. Also, we will share about the life of Dennis Comer, a slave-turned-freedman whose remarkable story can be found in our court records.

As of December 2016, the Fairfax Court probate records have been fully indexed for slaves, slave owners, and emancipations. This is a tremendous accomplishment that has been made possible through the efforts of the archivists at the Historic Records Center, George Mason University undergraduate history interns, and other volunteers.

Fast Facts: Probate Records, Fairfax Court Slavery Index

Will Book Cards: 20,438

Will Books Completed: 27 out of 27 (100%), years 1742-1870

Slave Owners: 4,618

Slaves: 15,014

Hirers: 779 (note: years 1742-1800 not indexed for hirers yet)

Free African Americans: 69

Emancipations and Manumissions: 301

Slaves with Last Names: 585

The archivists at the Fairfax Circuit Court Historic Records Center continue to index the deed books to capture Fairfax County's slaves. The deed books include documents concerning estate divisions, deeds of manumission, and certificates of importation – all records that can help shed light on Fairfax County's enslaved population.

Fast Facts: Deed Books, Fairfax Court Slavery Index

Deed Book Cards: 4,999

Deed Books Completed: 40 out of 67 (60%), years 1742-1821, 1855-1865

Slave Owners: 1,571

Slaves: 3,421

Hirers: 2

Free African Americans: 5

Emancipations and Manumissions: 248

Slaves with Last Names: 133

Since the first announcement of the Fairfax Court Slavery Index, we have also indexed other record groups in our collection, including the *Registration of Free Negroes*, volumes 2 and 3; birth and death registers (1853-1869); and personal property tax lists for 1782-1789. We will continue to index the personal property tax lists, as well as expand our indexing project into other record groups, such as our term papers and chancery cases.

Our index card cabinets continue to fill. It is very exciting!



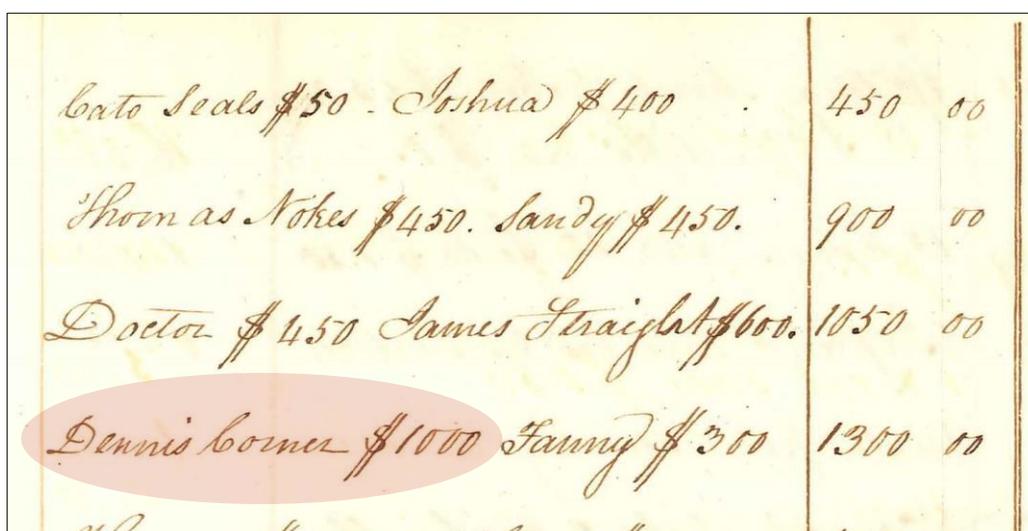
Dennis Comer: From Slavery to Freedom

By Heather Bollinger

During the course of slave indexing project, the name of one enslaved individual – Dennis Comer – has appeared over and over again, and we decided to take a closer look. What we found in our court records surprised and excited us, as we have been able to uncover quite a bit about this man’s life. The records show that he was enslaved, then freed; he had a family he loved, but held in bondage; and he was a landowner and businessman whose last secrets were revealed in a chancery case filed in Fairfax Court after his death.

Dennis Comer first appears as a slave in Edward Washington’s will, filed in June 1813. Dennis was willed to Edward’s son, John A. Washington, along with slaves Old Lett, Doctor, Susanna, Winny, and Ann. Out of 60 slaves, 18 slaves in Edward’s possession were identified with a surname, Dennis included.¹

Dennis next appears in Edward Washington’s inventory, filed five years later, in 1818.² The excerpt below shows that Dennis was given a high monetary value by the appraiser:



Costo Seals \$50 - Joshua \$400	450	00
Thomas Nokes \$450. Sandy \$450.	900	00
Doctor \$450 James Straight \$600.	1050	00
Dennis Comer \$1000 Fanny \$300	1300	00

Dennis’s high dollar value tells us that he was most likely a skilled tradesman and relatively young; most skilled slaves were worth more than field laborers, and as slaves aged, their value decreased. This inventory gives us the first clue as to Dennis Comer’s age.

In Edward Washington’s estate account, filed alongside the inventory in 1818, Dennis was hired out to William Lindsay and Rezin Haislip for 1815, 1816 and 1817. Slaves were often hired out to local farms to generate money for the heirs and/or for creditors, and it is safe to assume that Dennis was hired out for this purpose.³

So what do we know about Dennis as of 1818? He was a slave of Edward Washington and was inherited by Edward’s son, John A. Washington; he was probably a tradesman and therefore highly valued; and he was hired out after Edward’s death, most likely to generate income for the estate.

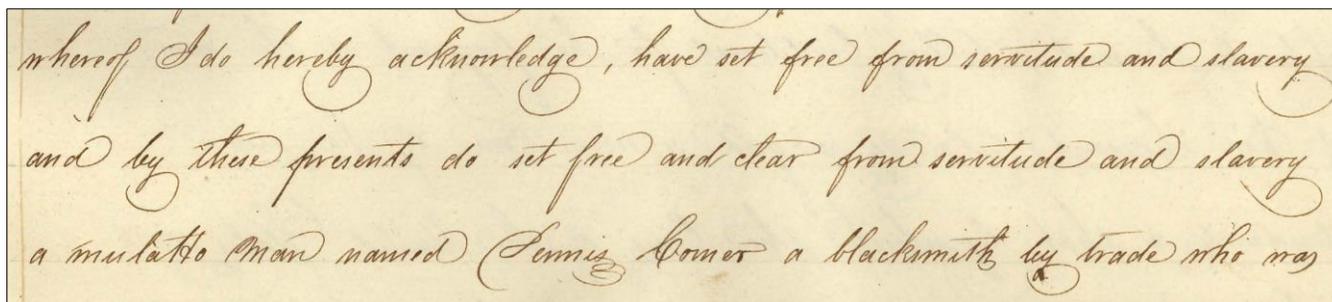
In 1821, Dennis Comer’s life takes a very different turn away from slavery – he was emancipated by John A. Washington. Washington wrote the deed as follows:

¹ Edward Washington, Will, Fairfax Will Book K-1 page 106, June 1813, Fairfax Circuit Court Historic Records Center.

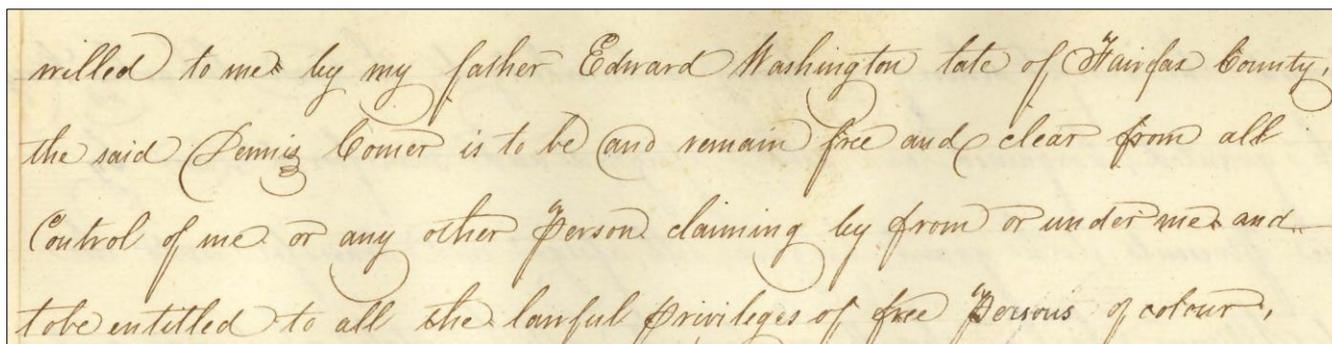
² Edward Washington, Inventory, Fairfax Will Book L-1 page 225, August 1818, Fairfax Circuit Court Historic Records Center.

³ Edward Washington, Estate Account, Fairfax Will Book L-1 page 266, August 1818, Fairfax Circuit Court Historic Records Center.

... whereof I do hereby acknowledge, have set free from servitude and slavery and by these presents do set free and clear from servitude and slavery a mulatto man named Dennis Comer a blacksmith by trade who was willed to me by my father Edward Washington late of Fairfax County, the said Dennis Comer is to be and remain free and clear from all control of me or any other person claiming by form or under me and to be entitled to all the lawful privileges of free persons of colour...⁴



whereof I do hereby acknowledge, have set free from servitude and slavery
and by these presents do set free and clear from servitude and slavery
a mulatto man named Dennis Comer a blacksmith by trade who was



willed to me by my father Edward Washington late of Fairfax County,
the said Dennis Comer is to be and remain free and clear from all
control of me or any other person claiming by form or under me and
to be entitled to all the lawful privileges of free persons of colour,

Dennis' deed of manumission reveals that he was a blacksmith, and described as mulatto. We do not know the conditions of his emancipation from this deed, i.e., why John A. Washington freed Dennis, but with a little more research involving state-held records, we might find out.

Freed African Americans were required by law to register in their county of residence, and technically, they were not permitted to remain in the county for more than one year, for fear of spreading ideas about freedom to the local enslaved population. Unfortunately, we do not have a registration for Dennis Comer in our *Registration of Free Negroes*. However, we were able to locate two legislative petitions held at the Library of Virginia – filed in 1822 and 1837 – in which Dennis Comer petitioned the General Assembly to remain in Fairfax County. These petitions reveal that Dennis **purchased his own freedom** from Washington by working as a blacksmith:

To the Honourable Legislators of Virginia in General Assembly Convened [December 1822]

The petition of Dennis a Man of Color humbly sheweth that your petitioner was born in the County of Fairfax, a slave of Edward Washington Esq. late of said County who raised your petitioner to the trade of a Blacksmith at which he worked during the lifetime of his Master, who at his death bequeathed your petitioner to his son John Washington, Esq. That in consideration of the long and faithful services rendered by your petitioner to his father, as well as with a view ultimately to enable your petitioner to purchase his freedom did privilege your petitioner to take charge of the Blacksmith Shop by paying him an annual salary generously relinquishing to your petitioner the balance or residue of what he could earn over and above the said salary. Thus in the course of a series of years, your petitioner by the desire of industry has been enabled to purchase his freedom from his late Master as will appear by his Certificate of Emancipation dated 19th February 1821. Your petitioner not being

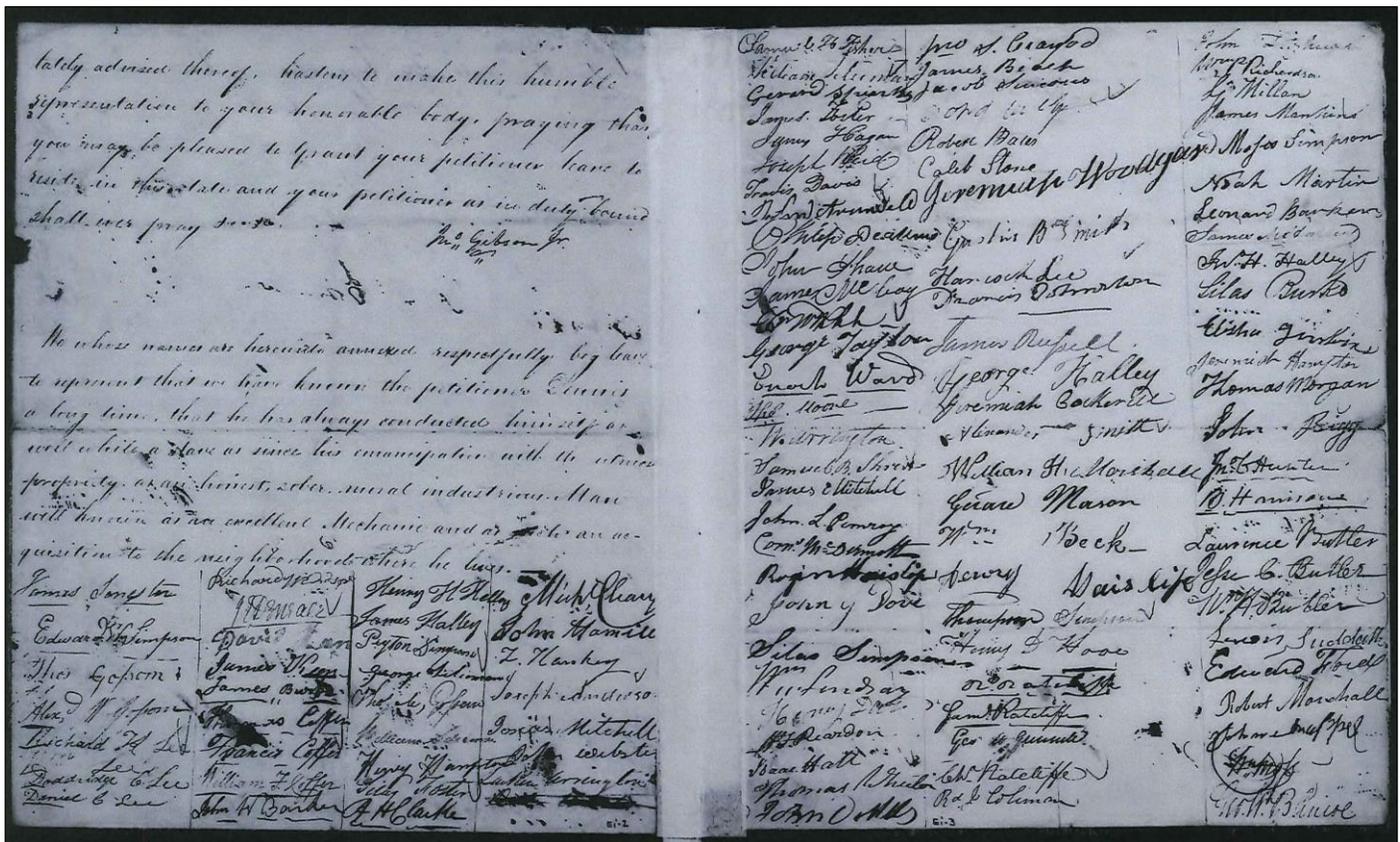
⁴ Dennis Comer, Deed of Manumission from John A. Washington, Deed Book S-2 page 89, February 1821.

aware of any statute in force to prevent his now residing in this state until lately advised thereof, hastens to make this humble representation to your honorable body, praying that you may be pleased to grant your petitioner leave to reside in this state and your petitioner as in duty bound shall ever pray...⁵

Not only did Dennis' attorney present his deed of manumission to the court, but a petition on behalf of Dennis' white neighbors was also presented before the General Assembly. These witnesses wrote the following affidavit:

We whose names are hereunto annexed respectfully beg leave to represent that we have known the petitioner Dennis a long time, that he has always conducted himself as well while a slave as since his emancipation with the utmost propriety, as an honest, sober, moral, industrious Man well known as an excellent Mechanic and as such an acquisition to the neighborhood where he lives.

Over 100 men affixed their signatures to this affidavit.



Unfortunately, despite all the evidence presented, Dennis' application to remain in Virginia was "rejected." We can only speculate what happened to Dennis after he was denied permission to remain in Virginia, and his trail goes cold for about 15 years.

In 1837, Dennis petitioned the General Assembly once more to move back to Fairfax. He argued that his strong moral character and skill as a blacksmith should permit him to be "allowed to pass the balance of his life (and he is now more than sixty years of age) where he was born, and where he has passed a life of honesty, of usefulness, and of fidelity to his owners, and where he has acquired a farm of two hundred acres of land." Dennis indicated that he "has been obliged to leave the state, his property and family and take up his residence in the City of Washington for fear of having the law enforced against him." His Fairfax County

⁵ "Dennis: Petition," Fairfax County, 1822-12-12, Legislative Petitions Digital Collection, Library of Virginia, Richmond, Va.

neighbors once again affixed their signatures (over one hundred men signed) and asked for clemency for Dennis from the General Assembly.⁶

This time, the General Assembly approved his request.

After Dennis presumably moved back to Fairfax County, he continued to appear in our court records. In 1843, he became a landowner in the eyes of the court, purchasing 56 acres of land for \$50 from the Selecman family; less than a year later, he sold it to William B. and Cassandra Suddath, breaking even.⁷

Dennis was also a business owner. An article posted in the Centreville Township section of *The Fairfax News* in 1874 (about 20 years after Dennis' death) reads that

“It is reported that Mr. D. S. Beach is about building a new storehouse on the Ox road, **near where Dennis Comer used to keep a smith shop** [emphasis added], some four miles this side of Occoquan, in Lee township, and when finished it is proposed to ask for the establishment of a post-office there...”⁸

So, we know that Dennis owned land and operated a blacksmith shop, which was well enough known to be mentioned as a reference point in an article published twenty years after his death.

Dennis Comer did indeed pass away in March 1853, and his will was filed at Fairfax Courthouse the same month. One other document was recorded along with his will—one which tells us more about his family life and which casts light on the difficult choices that freedmen sometimes had to make to keep their families safe.

This document was a deed of manumission for his wife Ellinder and her daughter, Mercia. It reads:

*Know all men by these presents, that I, Dennis Comer, a free man of color, for and in consideration of the natural love and affection which I owe to and cherish towards my dearly beloved wife Ellinder and her daughter Mercia, which I have heretofore held as my Slaves, do by these presents, manumit, emancipate and set free, from the date of these presents, during the terms of their natural lives, my said wife Ellinder and her daughter Mercia, hereby disclaiming and disavowing any ownership or authority in or to the said Ellinder or her daughter Mercia as my Slaves, and hereby fully and completely manumitting and forever setting free my said wife Ellinder and her daughter Mercia...*⁹

According to the court recording in our deed book, Dennis wrote and recorded the deed of manumission in 1830, but in Prince William County court. It was not until his death in 1853, with his assets being in Fairfax County, that the deed of manumission was recorded in Fairfax. The most obvious information we glean from this document is that **Dennis Comer owned his wife and her child**. How could this be? Unfortunately, we may never know the answer, but there is well-documented evidence that during the antebellum period, many freedmen and women saved money to purchase their family members and legally hold them as slaves, although they were not treated as such, as a form of protection from the uncertainties of freedom. While we cannot say for certain that this was what happened to Dennis and his family, it is plausible.

Dennis' will, filed in March 1853, provides some of the last clues to his family life. His will reveals that he had five living children, two of whom were free and three of whom were enslaved. Curiously, no mention was made of his wife Ellinder or her daughter Mercia. Dennis' two free children, William and Martha, were given half of their father's land and livestock. To his other children, Harriet, Arabella, and John, “who are now

⁶ “Comer, Dennis: Petition,” Fairfax County, 1837-01-12, Legislative Petitions Digital Collection, Library of Virginia, Richmond, Va.

⁷ Deed Book H-3 page 114, Deed Book I-3 page 195, Fairfax Circuit Court Historic Records Center. See Virginia Chancery Case 1866-037 for the origin of the 200 acres of land Dennis referenced in his 1837 legislative petition.

⁸ *The Fairfax News*, vol. IV, no. 12, June 12, 1874.

⁹ Dennis Comer, Deed of Manumission, Fairfax Deed Book S-3, page 58, March 1853, Fairfax Circuit Court Historic Records Center.

slaves,” Dennis requested that his personal effects be sold and the proceeds given to the children for their own “proper use and benefit.” Perhaps Dennis hoped that the proceeds of the sale would allow the children to purchase their freedom, just as he had.¹⁰

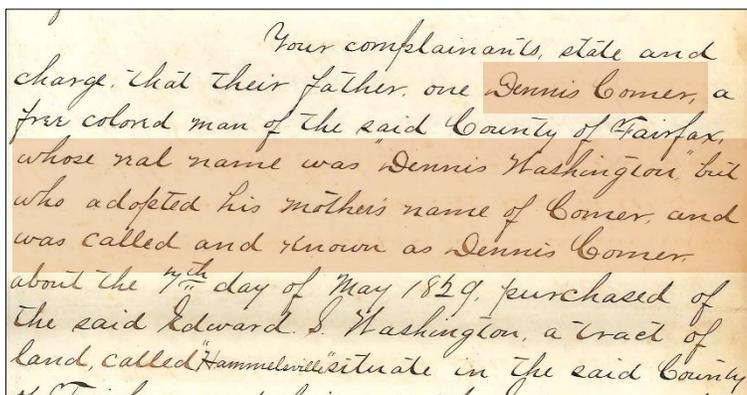
Dennis had approximately \$250 worth of personal property to his name, as well as his landholdings, at his death. After creditors and bills were paid, \$140 remained, which was paid out to Dennis’ free children, William and Martha.¹¹

One might think that with Dennis Comer deceased (by our estimation, most likely at the age of 80 or 90), and his estate settled, that might be the end of what we know about him. Fortunately, it’s not – the Fairfax Circuit Court Historic Records Center holds one last set of records that reveal Dennis’ final secrets.

In 1866, Dennis’ children who had been free before the Civil War, William and Martha, file suit against Edward S. Washington, the brother of John A. Washington, who had emancipated Dennis after inheriting him from their father, also named Edward. Strangely, William and Martha filed suit using the surname of Washington, not Comer.

In their complaint, William Washington and Martha Washington alleged that their father, Dennis Comer, in 1829, had entered into an agreement with Edward S. Washington, the son of Dennis’ former master, to purchase 200 acres of land called “Hammelsville, lying on the east side of the public road leading from Fairfax Court House to Occoquan” from him. Dennis agreed to an exact sum up front and to have a survey done of the property, and Edward S. Washington, after receiving said survey, was to file an official deed at the court transferring the land into Dennis’ name. The Washingtons stated that this deed was never made or filed and they had a right to the land, but that Edward S. Washington now asked for even more money than the agreed-upon price, which their father had already paid. Indeed, the Fairfax Circuit Court does not have a deed on file between Edward S. Washington and Dennis Comer. After the presentation of evidence, the court ruled in favor of William and Martha, and the land officially became theirs. This 200 acres is presumably the land that Dennis referred to in his 1837 legislative petition to return to Fairfax County.¹²

While it is certainly interesting that William and Martha took their father’s former owner’s son to court **and won**, perhaps even more exciting is that the bill of complaint reveals one last clue about Dennis – and it concerns his name:



Your complainants state and charge, that their father, one **Dennis Comer**, a free colored man of the said County of Fairfax, whose real name was Dennis Washington, but who adopted his mother's name of Comer, and was called and known as Dennis Comer about the 14th day of May 1829, purchased of the said Edward S. Washington, a tract of land, called Hammelsville situate in the said County

*Your complainants state and charge that their father, one Dennis Comer, a free colored man of the said County of Fairfax, **whose real name was Dennis Washington but who adopted his mother's name of Comer** and was called and known as Dennis Comer...*

¹⁰ Dennis Comer, Will, Fairfax Will Book W-1 page 319, March 1853, Fairfax Circuit Court Historic Records Center.

¹¹ Dennis Comer, Sale Account and Estate Accounts, Fairfax Will Book X-1 pgs. 23 and 54, Fairfax Circuit Court Historic Records Ctr.

¹² Fairfax Chancery Case 1866-037, *William and Martha Washington vs. Edward S. Washington*, 1866.

So, a final element of Dennis Comer's remarkable life was revealed in a court case filed several years after his death – the origin of his name. Not only do we now know that Dennis' original surname had been Washington, but we now also know that his mother's name (presumably surname) was Comer. This last piece of information brings Dennis' story almost full circle -- the only piece missing is that of Dennis' burial place, which is unknown.

Many questions remain about Dennis' life and death – who was Dennis' mother, and was she also enslaved by the Washingtons? How successful was Dennis as a blacksmith? How and why did Dennis keep his wife and her daughter as slaves, if in name only? Where was Hammelsville and what did Dennis do with the land? What happened to Ellinder and Mercia after Dennis emancipated them? Who was the mother of his five children named in his will, and who owned Harriet, Arabella, and John? What happened to them after their father's death? Where is Dennis buried?

These questions may never be answered, but one thing is certain – Dennis Comer is one of the best well-documented people in our court records, both slave *and* free.

Dennis' story is incredible:

- He was born into slavery during the era of the American Revolution;
- He was allowed to save money to purchase his own freedom and succeeded in doing so;
- He was officially emancipated;
- He bought and sold land, and owned his own blacksmith shop;
- Many white men in the community vouched for his character and actively petitioned the state to allow him to remain in Virginia, at a time when one might presume that black-white relations were poor;
- He had family members who were both slaves and free;
- For a time, Dennis owned his wife and her child, until he emancipated them as their owner;
- Of Dennis' five known children, two were free and three were enslaved;
- He died at very old age for the 19th century, with personal effects and land to his name, leaving a future for his children.

More about Dennis, as well as other Fairfax County residents, slave and free, can be found in the Fairfax Circuit Court Historic Records Center.

For more information about the documents in this newsletter and other records in our collection, please call 703-246-4168 or email historicalrecords@fairfaxcounty.gov.

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http://www.fairfaxcounty.gov/courts/circuit/historical_records.htm