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## SENATE JOINT RESOLUTION NO. 13

Offered January 11, 2012

Prefiled January 3, 2012

*Recognizing the African American representatives to Virginia Constitutional Convention of 1867-1868.*

Patron—Marsh

Referred to Committee on Rules

WHEREAS, with the signing of the Emancipation Proclamation by President Abraham Lincoln on January 1, 1863, and with the surrender of General Robert E. Lee on April 9, 1865, marking the end of the American Civil War, tens of thousands of enslaved African men, women, and children were set free from the degradation of human slavery; and

WHEREAS, in addition to the abolition of slavery, the end of the American Civil War resulted in life-altering changes and challenges in former slave states, including the right to vote for African American men; and

WHEREAS, across the South legislation known as Black Codes was enacted to circumvent and thwart the new found freedoms of former slaves, and in 1866 Congress enacted the Fourteenth Amendment to protect the rights of citizenship of freed men and women; and

WHEREAS, according to Virginia Memory, an historical database of the Library of Virginia, "105,832 freedmen registered to vote in Virginia, and 93,145 voted on October 22, 1867"; and

WHEREAS, former slave states were required by Congress to hold state conventions and establish new constitutions, and in Virginia, African American men were given the right to vote for and to be elected delegates to the convention, and 24 African American men were elected to the 1867-1868 Virginia Constitutional Convention which created the Virginia Constitution of 1869; and

WHEREAS, the Virginia Constitution of 1869, the fourth of Virginia's six state constitutions, was also known as the Underwood Constitution, named for Judge John C. Underwood, a federal judge and native New Yorker who served as the Convention's president; and

WHEREAS, the Underwood Constitution was ratified by popular vote on July 6, 1869, provided for universal suffrage, with the exception of women, established Virginia's first statewide system of public schools, and organized the division of counties into magisterial districts, and these new provisions of state government remained in effect until 1902; and

WHEREAS, during Reconstruction, Virginia Memory states that "across the South about two thousand African Americans served in local and state government offices, including state legislatures and as members of Congress. About 100 African American men served in the General Assembly of Virginia between 1869 and 1890, and hundreds more in city and county government offices or as postal workers and in other federal jobs"; and

WHEREAS, the Dr. Martin Luther King, Jr. Memorial Commission instituted the Virginia African American Legislators Project as an appropriate tribute during the commemoration of the Sesquicentennial of the Emancipation Proclamation, and the Commission hereby recognizes, honors, and celebrates the bravery and dedication of the African American men who were pioneers in elected office in Virginia and whose commitment to public service in the face of deep resentment, racial animus, violence, corruption, and intimidation is an exemplary legacy; and

WHEREAS, the MLK Commission, with the assistance of former Secretary of Administration Viola Baskerville, the Library of Virginia, extensive research of its staff, and drawing upon groundbreaking research by Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (1996), and by Dr. Luther Porter Jackson, *Negro Office-Holders in Virginia 1865-1895* (1945), has established the following roll call of African American men who were elected to the 1867-1868 Virginia Constitutional Convention:

**William H. Andrews**, born around 1839 in Virginia, was a teacher and represented Isle of Wight and Surry Counties in the Virginia Constitutional Convention of 1867-1868, and Surry in the Virginia House of Delegates from 1869 to 1871. During his tenure as a member of the Virginia House of Delegates, he sought legislation to prevent the sale of liquor to minors.

**James D. Barrett** was born free in Louisa County in 1833, and later moved to Fluvanna County. A shoemaker and minister, Mr. Barrett represented Fluvanna in the Virginia Constitutional Convention of 1867-1868. He labored for the welfare of African Americans. Mr. Barrett died in 1903 and is buried on the grounds of Thessalonica Baptist Church in Fluvanna, which he organized in 1868.

**Thomas Bayne**, also known as Samuel Nixon, a dentist and minister, was born a slave in North Carolina in 1824. In 1865, he was elected to the New Bedford City Council, becoming one of only a

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59 handful of African Americans to hold office in the United States prior to Reconstruction. He was a  
60 member of the delegation of Virginia African Americans who met with President Andrew Johnson in  
61 February 1866 to press demands for civil and political rights; one of the few African Americans to  
62 testify before the Joint Congressional Committee on Reconstruction; was elected as a vice president of  
63 the Republican state convention in 1867; was elected from Norfolk to the Virginia Constitutional  
64 Convention of 1867-1868, where he emerged as the most important African American leader and served  
65 on the Committee on the Executive Department of Government and the Committee on Rules and  
66 Regulations. He proposed legislation on school integration and equal citizenship and advanced the  
67 overhaul of the state's tax system. After Reconstruction, Thomas Bayne disappeared from public life. He  
68 died in 1889.

69 **James William D. Bland**, a carpenter, a cooper, and U.S. Tax Assessor, was born free in Farmville  
70 in 1844. He represented Prince Edward County and Appomattox in the Virginia Constitutional  
71 Convention and in the Virginia Senate from 1869 to 1870, where he served on the Senate Committee  
72 for Courts of Justice. At the Virginia Constitutional Convention, Mr. Bland proposed a resolution  
73 requesting military authorities to direct railroad companies to allow convention delegates to occupy  
74 first-class accommodations, which many railroads had refused to do. He also introduced a measure  
75 guaranteeing the right of "every person to enter any college, seminary, or other public institution upon  
76 equal terms with any other, regardless of race, color, or previous condition." He was considered to be  
77 the voice of compromise and impartiality in an age of turmoil and partisanship. James Bland was one of  
78 60 persons killed in 1870 when the second floor of the State Capitol collapsed.

79 **William Breedlove**, a blacksmith, was born free in Essex County around 1820. He represented  
80 Middlesex and Essex Counties in the Virginia Constitutional Convention, where he served on the  
81 Committee on Taxation and Finance. He was the leading spokesperson of his day in Essex County and  
82 served on the Tappahannock Town Council and was a postmaster there from 1870 to 1871. William  
83 Breedlove died sometime before 1880.

84 **John Brown** was born a slave in Southampton County in 1826. He served in the Virginia  
85 Constitutional Convention of 1867-1868. In 1867, John Brown, then illiterate, dictated a letter to a local  
86 Freedmen's Bureau agent, hoping to reestablish contact with his wife and two daughters in Mississippi,  
87 who had been sold before the Civil War. He also served as a mail carrier and subsequently served in the  
88 Virginia House of Delegates and was a member of the House Committee on the Judiciary. He voted  
89 regularly with the Radicals to reform and democratize the Constitution of Virginia to protect the rights  
90 of freed people. He died sometime after June 19, 1900.

91 **David Canada**, a stonemason, represented Halifax County in the Virginia Constitutional Convention  
92 of 1867-1868.

93 **James B. Carter** was born a slave of likely mixed race ancestry in the town of Manchester (South  
94 Richmond) around 1816. A boot and shoemaker, James Carter represented Chesterfield and Powhatan  
95 Counties in the Virginia Constitutional Convention of 1867-1868. He introduced a resolution at the  
96 convention directing the General Assembly to pass a law requiring students to attend school at least  
97 three months each year. Mr. Carter did not seek office after the convention. His funeral was held at  
98 African Baptist Church (First Baptist Church) Richmond in 1870.

99 **Joseph Cox**, native son, was born in 1833. Mr. Cox was a blacksmith who also worked as a  
100 bartender, tobacco factory worker, and day laborer, and he operated a small store. In 1867, he was  
101 president of the Union Aid Society, one of Richmond's largest African American organizations, and was  
102 a delegate to the state Republican convention. Mr. Cox represented Richmond in the Virginia  
103 Constitutional Convention of 1867-1868. He was vice president of the Richmond meeting of the Colored  
104 National Labor Union in 1870, and two years later he helped lead the successful campaign to elect  
105 African Americans to the city council. He died in Richmond in 1880 and is buried in the Mount Olivet  
106 Cemetery; some three thousand blacks marched in his funeral.

107 **Willis A. Hodges** was born to a well-to-do free Virginia family in 1815. Mr. Hodges was a minister  
108 and farmer who was actively involved in the abolitionist and black suffrage movements in New York.  
109 He was a co-founder of the Ram's Horn in 1847, a short-lived African American newspaper. Elected to  
110 the Virginia Constitutional Convention of 1867-1868, Mr. Hodges became a spokesman for the interests  
111 of poor African Americans, urging that public hunting and fishing areas should be set aside since "many  
112 poor people depend on hunting and fishing." He died in the North in 1890 while on a fund-raising trip  
113 for a home for the black elderly in Norfolk.

114 **Joseph R. Holmes**, a native of Virginia, was a shoemaker and farmer who represented Charlotte and  
115 Halifax Counties at the Virginia Constitutional Convention of 1867-1868. He ran for a seat in the Senate  
116 of Virginia, but was killed in 1892.

117 **Peter K. Jones**, a native of Petersburg, was born in 1838. He worked as a shoemaker and carpenter.  
118 Mr. Jones was a delegate to the 1865 Virginia Black Convention and represented Greenville and Sussex  
119 Counties at the Virginia Constitutional Convention of 1867-1868. He served in the House of Delegates,  
120 representing Greenville County from 1869 to 1877.

**Samuel F. Kelso**, a native of Virginia, was born in 1827 and worked as a teacher. Samuel Kelso represented Campbell County at the Virginia Constitutional Convention of 1867-1868.

**Lewis Lindsey**, a musician and laborer, was born in Caroline County in 1833. After the war, he worked in the Tredegar ironworks, was a janitor at the Richmond custom house, and led a brass band. Mr. Lindsey was employed as a speaker by the Republican Congressional Committee in 1867 and was a delegate in that year to the Republican state convention.

**Peter G. Morgan**, born a slave in Nottoway County of African, Indian, and white ancestry in 1817, was a storekeeper and shoemaker. He represented Petersburg in the Virginia Constitutional Convention of 1867-68 and in the House of Delegates from 1869 to 1871. He served on the city council from 1872 to 1874, and was a member of the Petersburg school board. Mr. Morgan died in Lawrenceville in 1909.

**William P. Mosely**, a native of Virginia, was born in 1819 as a house servant and operated a freight boat as a slave. He obtained his freedom before the Civil War and became well educated. Mr. Moseley was a delegate to the Virginia Black Convention of 1865, represented Goochland County in the Virginia Constitutional Convention of 1867-1868, and served in the Senate of Virginia from 1869 to 1871. He ran for Congress as a Republican in 1880 but was defeated by the Readjuster candidate.

**Francis "Frank" Moss**, was a farmer and minister who was born free in 1825 in Buckingham County. Mr. Moss served in the Virginia Constitutional Convention of 1867-1868, the Senate of Virginia from 1869 to 1871, and also served in the Virginia House of Delegates.

**Edward Nelson**, a native of Virginia, Mr. Nelson represented Charlotte County at the Virginia Constitutional Convention of 1867-1868.

**Daniel M. Norton** was born a slave in Virginia in 1840 and escaped to the North with his brother Robert around 1850. He learned medicine in Troy, New York, and was licensed as a physician. He returned to Virginia in 1864 and became one of Hampton's most important political leaders. He was elected in December 1865 to represent African Americans on a Freedmen's Bureau Court. Early in 1866, he was sent as a delegate of Hampton area African Americans to testify before the Joint Congressional Committee on Reconstruction. Daniel Norton represented James City and York Counties in the Virginia Constitutional Convention of 1867-1868, and served in the Senate of Virginia from 1871 to 1873 and from 1877 to 1887. Mr. Norton built an effective political machine in Hampton, and for 40 years he was a justice of the peace in York County; was appointed collector of customs in Newport News in 1862, and served on the board of visitors of Virginia Normal and Collegiate Institution. He ran unsuccessfully as an independent candidate for Congress in 1869.

**Frederick W. Poor** represented Orange County in the Virginia Constitutional Convention of 1867-1868.

**John Robinson**, born in 1822, was a lawyer and graduate of Hampton Institute. He represented Cumberland County in the Virginia Constitutional Convention of 1867-1868 and in the Senate of Virginia from 1869 to 1873. He also worked as a mail carrier and operated a saloon and general store during the 1870s.

**James T. S. Taylor** was born in 1840 in Clarke County and purchased his freedom before the Civil War. He was educated as a youth, served as a commissary clerk for the Union Army during the Civil War, and was nominated to represent Albemarle County in the Virginia Constitutional Convention of 1867-1868. Mr. Taylor ran unsuccessfully for the Virginia House of Delegates in 1869.

**George Teamoh**, born a slave in Portsmouth in 1818, was a carpenter. An accomplished public speaker, he was a delegate to the Virginia Black Convention of 1865 and a Union League organizer. He served in the Virginia Constitutional Convention of 1867-1868, but generally remained silent. He wrote "agricultural degrees and brickyard diplomas" were poor preparation for the complex proceedings. However, he did support the disenfranchisement of former Confederates. Mr. Teamoh served in the Senate of Virginia from 1869 to 1871, and as a member of the Senate, he supported the formation of a biracial labor union at the Gosport Navy Yard. Later, he was denied re-nomination to the Senate of Virginia in 1871, due to party factionalism, and ran unsuccessfully for the Virginia House of Delegates. He was an advocate of African American self-help, was a founder of Portsmouth's first African American school, and was active in African Methodist Episcopal (A.M.E.) church affairs in the city.

**Burwell Toler**, a native of Virginia, Mr. Toler represented Hanover and Henrico Counties in the Virginia Constitutional Convention of 1867-1868. A Baptist minister, he organized two churches in Hanover County and preached at many others.

**John Watson** was born in Mecklenburg County and served in the Virginia Constitutional Convention of 1867-1868 and in the House of Delegates in 1869. Mr. Watson was active in promoting schools and churches in the county. He died while in office.

WHEREAS, there is little, if any, mention in the public records about the historical significance of the election and service of the aforementioned African American men to the Virginia Constitutional Convention of 1867-1868 during Reconstruction; however, the Dr. Martin Luther King, Jr. Memorial Commission will make complete biographical information concerning each gentleman available on its

182 website to facilitate education, scholarship, and public awareness of the role of these men in Virginia's  
183 history; and

184 WHEREAS, the people of the Commonwealth and the nation are indebted to these African American  
185 public servants and are the beneficiaries of their tremendous contributions as members of the Virginia  
186 Constitutional Convention of 1867-1868 to help promote the promise of racial equality, justice, and full  
187 citizenship; now, therefore, be it

188 RESOLVED by the Senate, the House of Delegates concurring, That the African American  
189 representatives to the Virginia Constitutional Convention of 1867-1868 be recognized for their  
190 outstanding service to the Commonwealth on the occasion of the Sesquicentennial of the Emancipation  
191 Proclamation on January 1, 2013; and, be it

192 RESOLVED FURTHER, That the Clerk of the Senate post this resolution on the General Assembly's  
193 website as an expression of the General Assembly's appreciation of their dedicated service to the people  
194 of the Commonwealth; and, be it

195 RESOLVED FINALLY, That the Clerk of the Senate transmit a copy of this resolution to the  
196 Honorable Mamie E. Locke, Chairwoman of the Virginia Legislative Black Caucus, Dr. Patricia I.  
197 Wright, Superintendent of Public Instruction, and Peter A. Blake, Interim Director of the State Council  
198 of Higher Education for Virginia, requesting that they further disseminate copies of this resolution to  
199 their respective constituents so that they may be apprised of the sense of the General Assembly of  
200 Virginia in this matter.