

**United States Department of the Interior
National Park Service**

For NPS use only

**National Register of Historic Places
Inventory—Nomination Form**

received

date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Pittsylvania County Courthouse

and/or common

2. Location

street & number U.S. Business Route 29 not for publication

city, town Chatham vicinity of

state Virginia code 51 county Pittsylvania code 143

3. Classification

Category	Ownership	Status	Present Use	
<u> </u> district	<input checked="" type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<u> </u> agriculture	<u> </u> museum
<input checked="" type="checkbox"/> building(s)	<u> </u> private	<u> </u> unoccupied	<u> </u> commercial	<u> </u> park
<u> </u> structure	<u> </u> both	<u> </u> work in progress	<u> </u> educational	<u> </u> private residence
<u> </u> site	Public Acquisition	Accessible	<u> </u> entertainment	<u> </u> religious
<u> </u> object	<u> </u> in process	<u> </u> yes: restricted	<input checked="" type="checkbox"/> government	<u> </u> scientific
	<u> </u> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<u> </u> industrial	<u> </u> transportation
		<u> </u> no	<u> </u> military	<u> </u> other:

4. Owner of Property

name Board of Supervisors, Pittsylvania County c/o Chairman

street & number P.O. Box 426

city, town Chatham vicinity of state Virginia 24531

5. Location of Legal Description

courthouse, registry of deeds, etc. Pittsylvania County Courthouse

street & number

city, town Chatham state Virginia

6. Representation in Existing Surveys

title National Register Nomination Form has this property been determined eligible? yes no

date 1981 federal state county local

depository for survey records National Park Service, Interagency Resources Division

city, town Washington state DC

7. Description

Condition		Check one	Check one
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

The Pittsylvania County Courthouse is on the east side of U.S. Business Route 29 in the town of Chatham.¹ The two-story, stretcher-bond brick edifice was erected after the plans of L.A. Shumaker. Built in 1853, the building combines elements from the Classical Revival and Italianate styles. The variation in styles is due to the fact that the structure was constructed near the end of a period of great popularity for Classical Revival styles that began with Thomas Jefferson's Roman Revival courthouse designs and culminated at mid-century in the Greek Revival styles. Alterations to the building include the enlargement of the Clerk's office in 1898, the addition of space for court-related offices in 1927, and a rear addition for the Sheriff's and Commonwealth's Attorney's offices in 1968.

The facade (west) is distinguished by a pedimented Greek Revival portico that was influenced, according to building records, by the Campbell County Courthouse, located about forty miles to the northeast. The portico has Doric columns on square piers and a Doric entablature with triglyphs and guttae. The tympanum is finished with formal shiplap siding. The portico shelters a restored double-door side entrance that features a louvred transom and a stone lintel with turned corner blocks. Two auxiliary entrances flank the portico on the ground level; an original single-door side entrance is found on the south elevation. Fenestration on the facade's first story consists of 6/6 hung-sash windows in three-part architraves. The side elevations have 6/6 hung-sash windows topped by lintels with turned corner blocks. Larger openings similarly executed are found on the second story. The building is topped by a cupola which, according to documentation, was added as the building was nearing completion in August 1853 to house a bell. The cupola is divided into two stages: the lower one containing the clock, the second the belfry. The belfry has a Italianate bracketed cornice and a railing with turned balusters.

The building's ground floor is divided into the Clerk's and Treasurer's offices. The main floor contains the courtroom. Flanked by court-related offices, the courtroom has elaborate Italianate plasterwork which consists of a paneled ceiling, a large circular ceiling medallion, and a three-part cornice. The cornice has engaged balls, acanthus leaves, and a plain band. The ceiling's corners are distinguished by floral compositions, similar to that found around the center medallion. The principal doors and windows are framed by symmetrical architrave trim with turned corner blocks. The judge's bench is separated from the auditorium by a balustrade with vase-turned balusters. The Colonial Revival aedicule and paneling behind the bench date to ca. 1947. The auditorium benches date to the present century. Portraits of past judges and distinguished county residents line the walls of the courtroom.

An iron fence separates the courthouse from the sidewalk. The fence was mentioned specifically in the building specifications of 1853 and was erected to extend along Main Street with an entrance gate to the present jail. The size of the fence has been much reduced. The traditional Civil War statue stands to the north of the courthouse. The presence of Chatham's commercial development around the building contributes to its urban setting, which is somewhat relieved by the trees that grow along the fence. The integrity of the Pittsylvania County Courthouse is excellent.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input checked="" type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/ humanitarian
<input checked="" type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> theater
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> transportation
<input type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input checked="" type="checkbox"/> politics/government	<input checked="" type="checkbox"/> other (specify) Constitutional
		<input type="checkbox"/> invention		History
Specific dates	1853	Builder/Architect	L.A. Shumaker	

Statement of Significance (in one paragraph)

The Pittsylvania County Courthouse is significant in the constitutional history of the United States because it was the site, in 1878, where black citizens were denied the right to serve as grand and petit jurors. This action by Judge J.D. Coles, then serving in the courthouse, resulted in the case of Ex parte Virginia, which demonstrated that as a result of the Fourteenth Amendment to the Constitution, the Federal government had a qualified but potentially effective power to protect the rights of American citizens.

BACKGROUND OF EX PARTE VIRGINIA

In the years after the Civil War, reform minded Republicans sought to insure that the newly freed slaves enjoyed the same measure of equality and opportunity that white Americans enjoyed. Through their control of the Congress, the Republican Party initiated programs designed to accomplish these ends. In 1865 and 1866, Congress funded the Freedman's Bureau to feed, clothe, and protect the ex-slaves and passed civil rights acts to outlaw varied forms of segregation. In addition, Congress passed the Thirteenth Amendment (1865) to outlaw slavery, the Fourteenth Amendment (1868) to extend federal citizenship to blacks, and the Fifteenth Amendment (1870) to protect the black man's right to vote. Congress backed up these efforts with the passage of a comprehensive Civil Rights Act in 1875.

In spite of these efforts, the tide of events was running against the effort to secure full civil equality for the ex-slaves. In state after state in the South, the conservative white leadership of the Democratic Party regained control of the political machinery, and through a process of legislation and intimidation, eliminated black participation in the political process and instituted a policy of racial segregation. After 1877, support for civil rights from the Congressional and Executive Branches of government waned and black Americans turned to the courts to fight for and secure their civil rights.

The key to this effort to secure full civil and political rights for black Americans rested squarely on the Fourteenth Amendment to the Constitution, which stated, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acree of nominated property 1/2 Acre

Quadrangle name Chatham, Virginia

Quadrangle scale 1:24,000

UTM References

A

1	7	6	4	2	8	5	0	4	0	7	6	4	8	0
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Zone Easting Northing

B

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Zone Easting Northing

C

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Verbal boundary description and justification

SEE CONTINUATION SHEET

List all states and counties for properties overlapping state or county boundaries

state code county code

state code county code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History date December 1986

street & number P.O. Box 37127 telephone (202) 343-8155

city or town Washington state DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title date

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I hereby certify that this property is included in the National Register

date

Keeper of the National Register

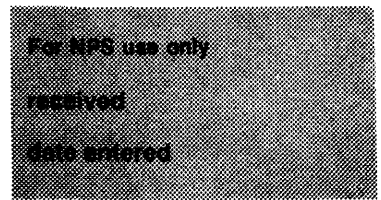
Attest:

date

Chief of Registration

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The author of that first clause in the Fourteenth Amendment, U.S. Representative John Bingham of Ohio, fully intended that the Bill of Rights should limit the power of the individual states as well as that of the federal government.² Only the federal government, acting under the authority of the Fourteenth Amendment and the various civil rights acts, could guarantee the full civil and political equality of the ex-slaves. From time to time, before the Civil War, the states had denied the equal protection of the laws to citizens. The Fourteenth Amendment, Bingham believed, changed all that and nationalized civil rights, but it did so in a way that respected the traditional federal-state relationship.³ Although the states would continue to be the principal regulators of personal liberty and civil rights, they would now do so under the supervision of the federal government.⁴

Even with the Fourteenth Amendment and the various civil rights acts, enormous obstacles still impeded federal civil rights enforcement. These obstacles included the overwhelming opposition of the majority of whites in the South and the country's traditional deep-seated commitment to federalism.⁵

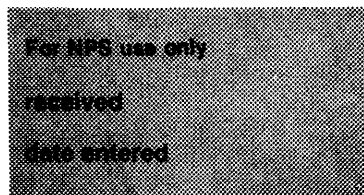
The Slaughterhouse Cases in 1873 presented the Supreme Court with its first opportunity to review and interpret the Fourteenth Amendment. These cases involved butchers who were excluded by a monopoly granted by the Louisiana legislature to a New Orleans slaughterhouse and who therefore claimed that the legislature had denied them property rights guaranteed under the Fourteenth Amendment. The court, in an exceedingly narrow interpretation of the Fourteenth Amendment, held that the butchers were not denied "the privileges and immunities of citizens of the United States" guaranteed by the Fourteenth Amendment, since this amendment protected only federal rights, such as travel upon the high seas, governmental protection in foreign countries, and the availability of the writ of habeas corpus. Most rights flowed from state citizenship, including the property rights of the butchers, and were not protected by the Fourteenth Amendment. Thus, as a practical matter, the definition and protection of the rights of citizens were left to the states. The implications of the Slaughterhouse Cases for blacks were ominous.⁶

Local authorities soon saw that this principle could be used to establish jurisdiction over the lives of black citizens and make the Fourteenth Amendment impotent as an instrument for their protection. This was precisely what happened once Radical Republican politicians were driven from office in the South. Black citizens were deprived of their basic civil rights.

In the years after 1873, the Supreme Court continued to narrowly interpret the Fourteenth and Fifteenth Amendments and the Civil Rights Acts. In the case of United States v. Cruikshank (1876), in which scores of Louisiana whites were indicted under the Enforcement Act of 1870 for conspiracy to deprive blacks of their rights as United States citizens, Justice Joseph P. Bradley held that the Fourteenth Amendment authorized federal legislation only against state action denying rights. Under the Thirteenth and Fifteenth Amendments Congress could prohibit private denial of rights, Bradley reasoned,

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but only where the denial was motivated by racial hostility rather than ordinary criminal intent. Because the government's indictment of the rioters failed to specify their intention to deprive blacks of civil rights on account of race, Bradley found it invalid.⁷

Similarly, in the Civil Rights Cases of 1883, the Supreme Court struck down the Civil Rights Act of 1875, because it was directed against private discrimination and not state action. Speaking for the Court, Justice Bradley said the Fourteenth Amendment "does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of state laws, and the action of State officers, executive or judicial, where these are subversive to the fundamental rights specified in the Amendment."⁸

The combined impact of the Court's decision in these cases was devastating for the Negro. Having been abandoned by the Legislative and Executive branches of the Federal Government, the Negro found no help in the Courts. For all practical purposes the question of civil rights for black Americans was dropped from the national agenda, although the ultimate abandonment of civil rights did not come until 1896 with the case of Plessy v. Ferguson, in which the Supreme Court found no constitutional objection to a Louisiana law requiring separate railway coaches for whites and blacks, provided that blacks were furnished accommodations equal to whites. Formal racial classification, which the court had earlier condemned, was thus legitimized.⁹

EX PARTE VIRGINIA

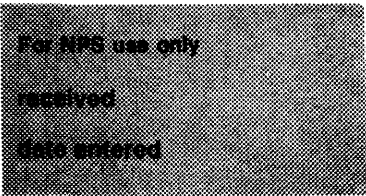
Ex parte Virginia resulted from an action in 1878, when Judge J.D. Coles excluded black citizens from serving as grand and petit jurors in Pittsylvania County, Virginia. At the time of this action Judge Coles had his offices in the Pittsylvania County Courthouse and it was then and there that the exclusion of black citizens from jury duty took place. As a result of this action, Judge Coles was arrested and charged with a violation of the Civil Rights Act of 1875. After his arrest, Judge Coles filed a petition with the Supreme Court asking that he be released from custody and that all charges be dropped on the ground that his arrest and imprisonment were not warranted by the Constitution and the laws of the United States. Judge Coles also maintained that his arrest violated his personal rights and his judicial rights as an officer of the State of Virginia.

In this case, the Court held that Judge J. D. Coles' action was a violation of the Civil Rights Act of 1875 and the equal protection clause of the Fourteenth Amendment and denied his petition for release.

Ex parte Virginia represents one of the few victories for blacks in the the federal courts in the generation after 1865. After 1865 black Americans fought for their political and civil rights and took case after case to the Supreme Court. Ex parte

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Virginia was a victory in this struggle because the issue involved the clear attempt by a state official to deny citizens within his jurisdiction the equal protection of the laws--a protection guaranteed by the Fourteenth Amendment to the Constitution.

Although the impact of Ex parte Virginia was limited, considering the vast range of political and civil rights violations imposed on black Americans, it was a victory that illustrated that the Fourteenth and Fifteenth Amendments, after all, had resulted in the extension of national power over the personal liberty and civil rights of Americans. While the states retained their primary responsibility and power to regulate civil rights they were no longer autonomous. Ex parte Virginia showed that the federal government now had a qualified but potentially effective power to protect the rights of American citizens. Ex parte Virginia represented the promise of the future.

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FOOTNOTES

¹ The description of the Pittsylvania County Courthouse was taken from the following source:

Virginia Historic Landmarks Commission Staff, "National Register of Historic Places Inventory—Nomination Form—Pittsylvania County Courthouse." (Richmond, Virginia: Virginia Historic Landmarks Commission, 1981), p. 2.

² Nat Hentoff, The First Freedom: The Tumultuous History of Free Speech in America (New York: Delacorte Press, 1980), p. 131.

³ Ibid., pp. 131-132.

⁴ Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York, W.W. Norton & Company, Inc., 1983), p. 343.

⁵ Ibid., p. 358.

⁶ Franklin S. Harman, ed., Racial Equality (Skokie, Ill., National Text Book Company, 1980), p. 11.

⁷ Kelley, p. 366.

⁸ C. Peter Magrath, Morrison R. Waite: The Triumph of Character (New York, The Macmillian Company, 1963), p. 143.

⁹ Kelley, p. 368.

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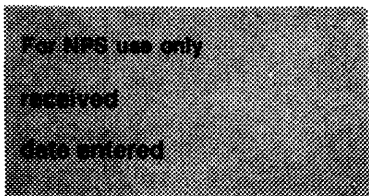
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BOUNDARY

Beginning at a point on E side of U.S. B-R 29, about 75' S of the intersection of said route with Town Route 1401; thence extending about 200' E, then about 75' S, then about 200' W to E side of U.S. B-R 29; thence existing about 75' N along said side to point of origin. The nominated property for the Pittsylvania County Courthouse consists of approximately one-half acre. It includes the courthouse building and the Civil War monument. Newer court buildings that date to the mid-20th century are not included within the boundary.