NPS Form 10-900
United States Department of the Interior
National Park Service

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259

Nat. Register of Historic Places
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form.* If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: The Foster Site
Other names/site number: DHR Nos. 44AB0525 and 104-5140
Name of related multiple property listing:
N/A
(Enter "N/A" if property is not part of a multiple property listing

2. Location

Street & number: 1540 Jefferson Park Avenue
City or town: Charlottesville State: VA County: Independent City
Not For Publication: N/A Vicinity: N/A

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this _X_ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property _X_ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___national _X_statewide ___local

Applicable National Register Criteria:

_X_A ___B ___C _X_D

Stephanie B. Williams 3.22.16

Signature of certifying official/Title: **Date**

Virginia Department of Historic Resources

State or Federal agency/bureau or Tribal Government

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official: **Date**

Title : **State or Federal agency/bureau or Tribal Government**

4. National Park Service Certification

I hereby certify that this property is:

✓ entered in the National Register

___ determined eligible for the National Register

___ determined not eligible for the National Register

___ removed from the National Register

___ other (explain:) _____

for Edson H. Beall 5.16.16

Signature of the Keeper Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

Private:	☐
Public – Local	☐
Public – State	X
Public – Federal	☐

Category of Property

(Check only **one** box.)

Building(s)	☐
District	☐
Site	X
Structure	☐
Object	☐

Number of Resources within Property
(Do not include previously listed resources in the count)

Contributing	Noncontributing	
0	0	buildings
1	0	sites
0	0	structures
0	15	objects
1	15	Total

Number of contributing resources previously listed in the National Register N/A

6. Function or Use
Historic Functions
(Enter categories from instructions.)
DOMESTIC / single dwelling (residence), secondary structures (well, other dependency)
FUNERARY / cemetery (cemetery)

Current Functions
(Enter categories from instructions.)
RECREATION AND CULTURE / monument / marker (commemorative marker)
LANDSCAPE / park (commemorative park)
FUNERARY / cemetery (cemetery)

7. Description

Architectural Classification
(Enter categories from instructions.)
N/A

Materials: (enter categories from instructions.)
Principal exterior materials of the property: N/A

Narrative Description
(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with **a summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

The Foster Site (DHR No. 44AB0525/104-5140) is a 0.74-acre nineteenth-century domestic archaeological complex located on the grounds of the University of Virginia in Charlottesville, Virginia. The site occupies part of a property originally constructed by a white contractor to the University of Virginia. Catherine "Kitty" Foster, an African-American seamstress and laundress, purchased the then-2⅛-acre residential property in 1833, most likely after renting it for a few years. She and her children and grandchildren lived on the property for 73 years. Among the Foster Site's prominent archaeological features are a central domestic core containing a dug, frame, floored, and paneled basement with bulkhead entrance; a brick fire box and chimney base; and remnant masonry piers. To the north of the residence site is a formal sinuous brick paved area and brick and stone walk leading to Jefferson Park Avenue. Surrounding the residence site on the west and southwest is a functional, hard-surfaced area of cobbling that faces the former Venable Lane alley. The Foster Site also contains a brick-lined well and a remnant nineteenth-century mortared brick outbuilding, most likely a smokehouse. Also located within the Foster archaeological site is a small cemetery containing 32 interments including adults, youth and children. The cemetery is believed to be the final resting place of many Foster family members, as well as residents of the larger African-American Canada community. In addition to containing intact and well-preserved features and cultural deposits, the Foster Site also possesses a high degree of historical integrity in terms of its location, design, materials, workmanship, and

association. Non-contributing resources on the site consist of 15 objects that are associated with current commemoration of the site's historic occupants: a "shadow catcher"; an archaeological reveal; a reconstructed well placed flush with the ground surface; a bench; 3 interpretive signs; 3 staircases with railings; 4 1.5-by-1.5 foot square granite monoliths; and a low stone wall surrounding the cemetery.

Narrative Description

Environmental Setting

Lying adjacent to and south of the University of Virginia's Academical Village, the 0.74-acre Foster Site (DHR Nos. 44AB0525/ 104-5140) is bounded by Jefferson Park Avenue on its north, the former Venable Lane alley corridor and newly built South Lawn buildings on its west, one office (1500 Jefferson Park Avenue) and two apartment buildings (411, 413-415 Brandon Avenue) on the east, and a turfed area and vehicular and service entrance associated with the South Lawn buildings on its south. In 2011 the Foster Site was commemorated by the University of Virginia and now serves as a memorial park dedicated to education and interpretation of the Foster family, the cemetery and the adjacent Canada neighborhood. The Foster Site currently contains large areas of turf with relatively few mature trees and a number of recently planted young trees. The parcel slopes down gradually from north to south in a series of terraces and falls. Non-contributing objects on the site include a 'shadow catcher' (1); an archaeological reveal (1); a reconstructed well placed flush with the ground surface (1); a bench (1); interpretive signs (3); staircases with railings (3); 1.5-by-1.5 foot square granite monoliths (4); and a low stone wall surrounding the Foster-Canada cemetery (1).

Nearly 35% of its 1833 size, today's 0.74-acre Foster Site represents the undeveloped portion of the original 2⅛-acre parcel after late nineteenth-century property divisions, and first half of the twentieth-century commercial and residential development. During its nineteenth-century period of occupation, the Foster domestic complex would have contained several residences and smaller outbuildings within its boundary. Much of the developed portion of the site is believed to have fronted the north end of the property at its most prominent topographic location, what is now Jefferson Park Avenue. Archaeological evidence has documented that the primary Foster residence was surrounded by mature white oak trees that formed a circular grove around the building. The southern portion of the property contained the family cemetery and may have also have been used for limited domestic cultivation.

Period of Time

The historic 2⅛-acre parcel was carved out of a much larger 17 ¾-acre parcel in 1819. Shortly after its sale in the same year, a residence was constructed on site by Abner Hawkins, a white contractor to the University of Virginia. He and his family occupied the property between 1819 and 1822. After 1822 the small parcel was acquired by local merchant John Winn and rented for a number of years to unknown occupants until its sale to Catherine "Kitty" Foster in 1833.

Catherine Foster and her descendants resided on the property throughout the nineteenth century. The property was divided between the descendants of Catherine Foster in 1882 and again in 1891, until finally being sold out of the family in 1906.

Ethnic Identity

The Foster Site is associated with Abner Hawkins, a European-American contractor who helped to build the University of Virginia. Hawkins purchased the 2⅛-acre parcel in 1819 and was the first to develop the property and build a residence there. Sometime after 1822 the property was acquired by John Winn, a European-American merchant, and rented to unknown occupants. The property was purchased by Catherine Foster in 1833. She and her descendants occupied and further developed and enhanced the site between 1833 and 1906. Catherine Foster and her children were free black residents of Albemarle County, Virginia. As free blacks prior to the Civil War, the Fosters occupied a tenuous middle ground between slavery and freedom. As residents of a small town in the post-Emancipation South, the Fosters and other newly freed African Americans faced discrimination during the period of Reconstruction and Jim Crow.

Historic Appearance

The Foster Site was one of several late first quarter of the nineteenth-century urban parcels to be developed for contractors working on the construction of the University of Virginia. Archaeological evidence documents that the primary residence was surrounded by a grove of white oak trees in what would have been a moderately wooded, south-sloping property. The northern end of the property would have been the most developed with numerous smaller outbuildings as well as functionally developed work areas. A minor drainage fed by a spring on University lands passed through an adjacent property immediately to the west of the Foster Site. By the late nineteenth century, several residences and outbuildings likely occupied the larger 2⅛-acre property, housing several generations of Catherine Foster's descendants.

Current and Past Impacts

The Foster Site is currently located in an urban context and is surrounded by nearly 200 years of urban development including buildings, roads and parking areas. Limited impacts to the Foster residential complex occurred shortly after its sale to white owners in 1906. In 1908 Albemarle County authorized the improvement of what was then Lynchburg Road (now Jefferson Park Avenue) fronting the Foster site. Improvements to this road included grading and limited widening. Sometime prior to 1918, the primary Foster residence was demolished. Demolition, however, only razed the superstructure and left the sub-grade structural remains and larger developed landscape intact. Early twentieth-century site development included the construction of a large frame stucco house in 1924 northwest of and adjacent to the former Foster residence. Sometime during the second quarter of the twentieth century, aerial photos document that a small garden was developed in the middle of the current 0.74-acre parcel. Property division in the immediate post-World War II period stimulated the construction of two additional small cinder block residences and their associated domestic utilities southwest of the former Foster residence.

Both small buildings sat partially upon the Foster-Canada cemetery. As part of the expansion of an existing University-owned parking lot in 1993, site grading impacted the extreme southern portion of the Foster Site and partially impacted the top portions of several grave shafts in the Foster-Canada cemetery. As part of the preparation for the commemoration of the Foster Site by the University of Virginia in 2007-2009, two first half of the twentieth-century buildings still on site were demolished and fill soils were placed on top of and overlying the central domestic core as well as the Foster-Canada cemetery to protect them during commemorative site development and construction.

Integrity

The Foster Site possesses a high degree of historical integrity in terms of its location, design, materials, workmanship, and association. Archaeological and archival research has confirmed the location of the Foster family residence, part of an historic 2⅛-acre parcel purchased by Catherine Foster in 1833. Archaeological research has also confirmed that the Foster site retains integrity in the design and layout of the domestic curtilage, including significant landscape features such as cobble paving, paved walks and paths, trees that were planted or selected, and a well and other outbuildings that reflect daily functioning of the property. The location of the Foster-Canada cemetery in relation to the primary residence, as well as the spatial relationship of the 32 graves contained within the cemetery, all contain a high degree of integrity in design. Materials present on site, as reflected in the wood-floored and -paneled basement, and the brick and stone used to pave walks or large areas, retain a high degree of integrity. As documented through archaeological research, workmanship of the vernacular site features, including the elaborate design and grouping of materials contained in pedestrian paths, as well as the frame finish found in the residential basement, attest to the care and skill with which they were designed and constructed. A number of important intact material cultural features, preserved below protective fill soils, assist in conveying the site's integrity of association with the nineteenth-century African-American community. The Foster Site was the location where, as land-owning free African Americans, Catherine Foster and her descendants experienced nineteenth-century institutionalized racism, as well as post-Emancipation discriminatory Jim Crow laws. The Foster Site is also the last remaining vestige of the mid-to-late nineteenth-century predominantly African-American neighborhood called Canada.

Previous Research

Between 1993 and 2007, the University of Virginia conducted 15 years of phased archaeological research at the Foster domestic core and at the Foster-Canada Cemetery. The cumulative research has led to one of the most well-documented free black archaeological sites in Virginia (Figure #1).

In the summer of 1993, a University of Virginia construction crew demolished two buildings east of Venable Lane in advance of an expansion for an existing parking lot. In the process of site grading, several unmarked graves were inadvertently disturbed. Using mechanical assistance to excavate trenches and clear fill soils from a large area, archaeologists from the University of

Virginia's Anthropology Department subsequently defined and documented a total of twelve grave shafts within an approximately 20-by-25 foot cemetery. Subsequent deed research identified that the graves were located on property formerly owned by Catherine "Kitty" Foster, a free black woman who purchased the 2⅛-acre plot in 1833. Catherine Foster and her descendents owned and occupied the property into the first decade of the twentieth century. An archaeological report summarizing these preliminary findings was produced by graduate students in the Anthropology Department. The research found that three of the twelve identified interments contained diagnostic coffin hardware dating to the 1860-1890 period and tying the burials to the period of Foster occupation of the property. Beyond the cemetery, exposed soil profiles and cultural deposits were documented, an unprovenienced collection of material culture dating to the nineteenth century was made, and a partially intact mortared brick foundation, most likely representing a nineteenth-century outbuilding, was identified and documented.[1]

During the summers of 1994, 1995 and 1997, the University of Virginia funded a program of archaeological research, a summer field school, at the Foster Site which was run through the Anthropology Department. Field investigations identified a central residential building with a dug paneled cellar; a brick chimney base; hard-surfaced circulation and work areas surrounding the residence; a brick-lined well; and intact cultural deposits containing a wide-ranging domestic assemblage dating from the late-eighteenth to early-twentieth centuries. Contemporaneous with the archaeological investigations, a multidisciplinary steering committee, the Venable Lane Task Force, was also formed by the University to guide documentary and genealogical research in support of the archaeological investigations. Headed by the Carter G. Woodson Institute, the Task Force produced several documents recording the genealogical and social history of the extended Foster family that occupied the site. A number of descendants of Catherine Foster were contacted, two of whom made the trip back to Charlottesville to visit the archaeological site. In the fall of 2002, the University of Virginia contracted with Rivanna Archaeological Consulting to write a final report of archaeological investigations based on the data compiled from University of Virginia field school notes between 1994 and 1997.[2]

As a result of planning for proposed construction of the multi-phased South Lawn Project, a new complex of buildings for the College and Graduate School of Arts and Sciences, in the spring of 2005 the University of Virginia contracted with Rivanna Archaeological Services to perform limited field investigations in two targeted areas: 1) to excavate and expose the entire length of a previously identified pedestrian path known to extend from a central domestic residence northwards towards Jefferson Park Avenue and the University of Virginia; and 2) to expose, define and document a brick and stone feature, previously identified in a 1993 soil profile, and thought to be possibly related to the Foster cemetery. Archaeological investigations documented the remaining portion of a 5-foot-wide, brick-and-stone surfaced pedestrian path and found that it had been previously impacted on the extreme northern end by an early-twentieth-century

[1] Amy Grey, Drake M. Patten and Mark S. Warner, *A Preliminary Archaeological Assessment of the Venable Lane Site*, 1993. Submitted to Facilities Planning and Construction Department. University of Virginia Library, University of Virginia.

[2] See Benjamin Ford, *The Foster Family – Venable Lane Site: Report of Archaeological Investigations*. Prepared for the University of Virginia, Charlottesville, Virginia. Prepared by Rivanna Archaeological Consulting, Charlottesville, Virginia. (Charlottesville: Rivanna Archaeological Consulting, 2003).

widening of Jefferson Park Avenue. Materials used in construction of the formal path included large stone cobbles, brick and brick bats, and small stones, composed to make a visually distinct and aesthetically pleasing appearance. Material culture recovered from soils associated with and surrounding the pedestrian path contained limited quantities of artifacts, including first half of the nineteenth-century tableware ceramics and cut nails, and a relative lack of late nineteenth to early twentieth-century material culture, suggesting a mid-nineteenth-century construction date.

Excavation and exposure of the brick and stone feature near the Foster cemetery documented that it was a retaining wall built for the mid-twentieth century 400 Venable Lane residence. However investigations also identified an additional human burial north of and adjacent to the extant Foster cemetery. Following the discovery of the new burial, large scale removal of soils surrounding the Foster cemetery focused on the goal of documenting any previously unidentified burials. In addition, the small mid-twentieth-century cinder block building at 400 Venable Lane was demolished to ensure that no burials were located underneath it. An additional 20 human interments were identified located predominantly west and north of the extant Foster cemetery. After clearing 25 feet beyond all positively identified interments, the cemetery was found to contain 32 individual graves (including the 12 originally identified) and was found to be approximately 40 feet north-south, by 47 feet east-west. The graves were documented, mapped and preserved in place under fill deposits.[3]

In advance of proposed commemorative and interpretive installations at the Foster Site, in the fall and winter of 2006-2007 Rivanna Archaeological Services conducted pre-construction archaeological investigations in targeted areas. The archaeological investigations were intended to mitigate the impact of proposed landscape features. The project scope was designed to target two specific areas of investigation, the course of a proposed concrete walk extending from Jefferson Park Avenue south and into the site, and the location of a proposed Shadow Catcher structure overlying the site of the early-nineteenth-century domestic residence. Archaeological investigations focused on expanding areas of excavation west, south and east of the early-nineteenth-century domestic residence, originally identified during the mid-1990s, and also west of and adjacent to a nineteenth-century brick and cobble pedestrian path extending north towards Jefferson Park Avenue.

Significant features identified during the 2006-2007 fieldwork included the exposure of 1) a western addition or wing to the early-nineteenth-century domestic residence; 2) an approximately 2½-foot wide north-south oriented pathway fronting the west side of the western addition composed of small cobbles within a soil matrix; 3) the western termination of an east-west oriented pathway fronting the south side of the early nineteenth century domestic residence; 4) a northeast – southwest oriented fence line leading from the domestic residence to a brick-lined well; 5) a shallow linear swale-trench feature west of and paralleling the northern brick and cobble pedestrian pathway; 6) the articulation of a large area of brick paving north of the early-nineteenth-century residence and a brick and cobble pedestrian path; and 7) intact cultural

[3] See Benjamin Ford, *'A Settlement Known as Canada:' Archaeological Investigations at the Foster Site (44AB525).* VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, LLC, 2006).

deposits containing significant quantities of material culture dating from the early-nineteenth to the early-twentieth centuries.[4]

Between 2007 and 2010 archaeologists also monitored activities associated with the construction of the South Lawn buildings, as well as the installation of commemorative objects within the Foster archaeological site. Because of the presence of fill soils placed on top of the Foster Site prior to the construction of commemorative objects, all cultural deposits and features were preserved and no cultural deposits or features associated with the site were impacted.[5]

Archaeological Deposits and Cultural Features

Between 1993 and 2011, nearly 47,500 artifacts were recovered from the multi-generational nineteenth-century domestic complex that is the Foster archaeological site. The extensive material culture collection reflects a predominantly domestic assemblage, including ceramic and glass tableware, architectural materials, personal items, children's toys, and artifacts reflecting work, broadly dating from the late-eighteenth to the early-twentieth century.

Tableware ceramics and glass containers dominate the domestic assemblage. Late-eighteenth-century to early-nineteenth-century pearlware and mochaware ceramics, early-nineteenth-century whiteware and Bennington ceramics, mid-nineteenth-century ironstone, Rockingham and yellow ware ceramics, late-nineteenth-century American porcelain wares, and limited amounts of imported Chinese and Japanese porcelain constitute the bulk of the tableware collection. Other ceramics include redware flower pots and numerous coarse earthenwares including American blue and gray stoneware and other stoneware storage vessels.

Architectural items prevalent in the collection included significant amounts of pane glass, and wrought, cut and wire nails. Other architectural items recovered include roofing slate, tin sheeting, asphalt-based shingles, door knobs, hooks, keys and key plates, and other housing materials.

A significant number of personal items were found throughout the site including pencil leads, eraser holders, smoking pipes, toothbrushes, combs, beads, buckles, jewelry, coins, pen knives, a harmonica, a pocket watch and ammunition. The assemblage also documented the presence of children as represented in a large number of toys including 75 marbles, 203 pieces of dolls, and 11 pieces of ceramic toy tea sets (Figures #2 through #7).

Of particular significance to the property are large numbers of artifacts associated with the work of nineteenth-century laundresses and seamstresses. A total of 294 buttons or button covers were recovered from the site, as well as thimbles, scissors, straight pins, eyelets, clothing closures,

[4] See Benjamin Ford, *Phase II Data Recovery Investigations – The Foster Site (44AB525)*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, 2009).

[5] See Benjamin Ford, *Archaeological Investigations Associated with the South Lawn Project Building Footprint and Utility Systems*. VDHR File 2004-0046. Prepared for the Office of the Architect, University of Virginia. (Charlottesville: Rivanna Archaeological Services, LLC, 2011).

hook-and-eyes, and an awl. This assemblage forcefully demonstrates the occupations of generations of Foster women as laundresses and seamstresses (Figures #8 through #10).

Of as yet undetermined significance, an incised steatite pipe (Figure #11) was recovered from an unprovenienced context on the site. Although initially believed to be of American Indian origin, a similar incised steatite pipe was identified on another archaeological site, Free State, associated with African Americans located in Albemarle County. It is now believed that these elaborately decorated stone pipes may be of African-American origin.

Central to the domestic complex are the archaeological remains of an early-nineteenth-century residential building. The residential site is composed of several intact architectural components including an approximately 20-by-20-foot dug cellar. The cellar contains intact wood flooring on joists raised above the soil, as well as horizontal wood-paneled sides extending approximately 1.3 feet above the floor. A bulkhead entrance is located on the eastern side of the cellar, as well as a stairway entrance on the south side. Remnant brick piers and brick alignments, most likely associated with a subsequent addition to the building extend to the west of the dug cellar. The remains of a 2.5-by-5.0-foot brick chimney base, as well as remnant brick surfacing believed to be the remains of a fire box, are centered on the south façade of the cellar (Figure #12). While the early-nineteenth-century domestic residence within the Foster archaeological site is believed to have been demolished sometime during the first quarter of the twentieth century, archaeological investigations have determined that demolition was limited to the above-ground building with little impact to soils surrounding and adjacent to it.

Beyond the primary residence, intact landscape features were also documented north, west, and southwest of the domicile. Extending north towards Jefferson Park Avenue and the University of Virginia, a formally paved brick patio abutting the north side of the residence narrowed into a north-south oriented brick-and-cobble-surfaced, 4.5 by 5.0-foot wide walk (Figures #13 and #14). The extreme northern end of this circulation feature appears to have been disturbed by a ca. 1908 widening of Jefferson Park Avenue.

An extensive area of stone cobbling, approximately 11-by-25 feet, was also identified extending west from the primary residence, underlying the western addition to the building, and possibly pre-dating it. The cobbling, interpreted as a broad yard surfacing, was bounded on its west by a narrow north-south oriented stone-paved path composed of small, flat stones. To the southwest, an additional area of stone cobbling was identified extending beyond the area of investigations. Remnant brick and stone surfacing, possibly a pedestrian path, also extend from the southwest corner of the building in a westward direction (Figures #15 and #16).

Several post-hole features were identified to the west of the primary residence. While post-holes off the northwest of the residence appeared to be isolated and of unidentified function, three post-holes extending in a line to the southwest were found to bound an area of stone cobbling. The three post-holes were found to be placed on four foot centers and form a northeast-southwest oriented line. They are interpreted as a fence line, possibly defining work space from domestic space (Figure #17).

The top of a deep brick-lined feature was identified approximately 40 feet southwest of the primary residence. The feature is cylindrical in shape, possessing an interior diameter of approximately 4 feet, and was composed of mortared brick. Soils on the interior of the feature were composed of heavily mottled red clay, presumed to be a fill deposit, as well as deposits of construction gravel towards the surface. The deep feature, presumed to be a well, was defined to a depth of approximately 1.0 foot below grade but left unexcavated (Figure #18).

Approximately 60 feet to the southwest of the primary residential site, a remnant brick foundation with yellow sandy lime-based mortar was identified. Partially destroyed by site grading, this structure measures minimally 7 feet north-south by 11 feet east-west. A resource in this location appears as a small square unidentified building on a 1920 Sanborn Fire Insurance map of the larger neighborhood. Believed to date to the nineteenth-century occupation of the property, this small outbuilding may represent a smokehouse or other utilitarian structure (Figure #19).

Three extant white oak trees and two large tree stumps were also documented surrounding the primary residence. Together these trees formed a nearly complete circle some 65 feet in diameter and are thought to represent trees either intentionally planted or selected for during nineteenth-century site development.

Associated with the Foster archaeological site is a small cemetery approximately 110 feet south of the residence and adjacent to historic Venable Lane. Initially identified in 1993 as containing 12 interments, investigations conducted in 2005 identified an additional 20 interments. The 32 burials were all oriented east-west and appeared to be organized into several rows containing both small and large clusters. The interments ranged in size between small child/infant, to youth/adult. After several graves were inadvertently disturbed during the 1993 discovery of the cemetery, an examination of coffin hardware documented that three of the burials dated to the post-1860 period, confirming their association with the Foster period of occupation (Figure #20).

Because only a small number of individuals are known to have died while residing on the Foster property, and given the arrangement of distinct clusters of burials, it is assumed that the large number of interments may represent the use of the cemetery by both the Foster family and residents of the adjacent African-American Canada neighborhood.

8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

[X] A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

[ ] B. Property is associated with the lives of persons significant in our past.

[ ] C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

[X] D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark “x” in all the boxes that apply.)

[ ] A. Owned by a religious institution or used for religious purposes

[ ] B. Removed from its original location

[ ] C. A birthplace or grave

[ ] D. A cemetery

[ ] E. A reconstructed building, object, or structure

[ ] F. A commemorative property

[ ] G. Less than 50 years old or achieving significance within the past 50 years

Areas of Significance
(Enter categories from instructions.)
ETHNIC HERITAGE: African American
SOCIAL HISTORY
COMMERCE
ARCHAEOLOGY: HISTORIC – NON-ABORIGINAL

Period of Significance
1819 - 1906

Significant Dates
1833

Significant Person
(Complete only if Criterion B is marked above.)
N/A

Cultural Affiliation
African-American
European-American

Architect/Builder
Unknown

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Foster Site possesses statewide significance under Criterion A in the area of Ethnic Heritage: African American due to the property's ability to represent the struggles and achievements of generations of a free black family during the pre-Emancipation period when the lens of race defined the lives of non-whites, as well as the struggles to take advantages of limited rights and opportunities offered and to forge the promise of community during the post-Emancipation period. The property is also of statewide significance in the area of Social History for its ability to document the complex negotiated social relationships of a land-owning, free African-American family with larger white and black antebellum society, for its ability to document the importance of gender in the purchase and development of the Foster property, and for its role in helping to establish a Civil-War-era free black and post-Emancipation African-American community named Canada. Additionally, the site possesses statewide significance in the area of Commerce for its ability to document the service-based commercial relationship between free African Americans and the University of Virginia during the pre- and post-Civil War periods, and through material culture analysis the ability to document the complex role of personal consumption and its ramifications throughout the nineteenth century. The Foster Site possesses statewide significance under Criterion D in the area of Archaeology- Historic (Non-Aboriginal) due to its extensive intact and well-preserved archaeological features that document a nineteenth-century working-class household and landscape, its rich and broadly distributed stratified cultural deposits, its collection of over 47,000 artifacts, and the presence of 32 intact burials believed to represent members of the Foster family and larger Canada neighborhood. The period of significance for the Foster Site, 1819-1906, spans the dates between its initial development during the construction of the University of Virginia's Academical Village and its sale out of the Foster family in the first decade of the twentieth century.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Historic Context

The Construction of the University of Virginia and its Impact on Adjacent Lands, 1817-1826

In May of 1817, the Board of Visitors for Central College[6] examined the lands of several owners and subsequently ratified an agreement to purchase two parcels from John Perry including a 43¾-acre parcel approximately one mile west of Charlottesville where the new educational institution would be constructed. The cornerstone to Pavilion VII, the first building to be constructed at the University of Virginia, was laid on October 5, 1817.[7]

[6] The University of Virginia was established as Central College in 1817, receiving its current designation in 1819.
[7] Frank Grizzard, *Documentary History of the Construction of the Buildings at the University of Virginia, 1817-1828, np*. Electronic Resource: http://etext.virginia.edu/jefferson/grizzard/.

After selling portions of his lands to the Rector and Board of Visitors in 1817, 1820, and again in 1825, John M. Perry, one of several important contractors who would build the Academical Village, recognized the value that construction of the educational institution would bring to his remaining lands. Perry held on to most of his lands adjacent to and surrounding the University, selling only small parcels to relations and business partners until he left Virginia in the mid-1830s.[8]

In the spring of 1819, the year the University of Virginia was founded, Perry sold a 17¾-acre parcel of land south of and adjacent to the Academical Village to James W. Widderfield, a carpenter's apprentice employed by James Dinsmore and John Nielson who would contribute to the construction and expansion of the new academic institution through the first half of the nineteenth century. In the same year, Widderfield sold a 2⅛-acre parcel of his land fronting the south side of Wheeler's Road to Abner Hawkins. Hawkins was a brick mason who contributed to the construction of the University for a very limited time.[9] In 1820, Widderfield also gifted a small parcel of land, fronting the south side of Wheeler's Road totaling 156 square poles,[10] to David Vandergrift, another carpenter and also possibly a relative. The deed conveying the 1-acre parcel to David Vandergrift noted an adjacent property line with John Simpson. Because no record of John Simpson purchasing property in Albemarle County exists, it is assumed that he rented land and either built his own or rented a residence from James W. Widderfield. John W. Simpson was a contractor to the University as institutional records document he submitted a bid to the Proctor in August of 1825 to construct wooden shutters for all buildings.[11] In 1823, John Neilson, one of the primary master carpenters who directed the construction of the University of Virginia, acquired a small lot along the south side of Wheeler's Road just east of the Widderfield property. Neilson constructed a brick residence there which subsequently became known as the 'Ivy House.' By 1825 carpenter George W. Spooner, son-in-law to John M. Perry, was most likely residing in the Oakhurst Circle vicinity. Between 1819 and 1825 then, evidence suggests that a small but concentrated residential community of skilled white contractors and subcontractors to the University, a veritable carpenter's row, had developed south of Wheeler's Road adjacent to the Academical Village with the Spooner, Widderfield, Hawkins, Vandergrift, Simpson and Neilson properties all containing domestic buildings and structures.[12]

[8] *Albemarle County Deed Book* 20:356; 22:170; 25:251. Albemarle County Courthouse, Charlottesville, Virginia.
[9] A ca. 1821 letter from Abner B. Hawkins to University Proctor Arthur S. Brockenbrough indicates that he was a brickmason engaged by the University of Virginia. See Grizzard, *Documentary History*, np.
[10] Although it is not known what shape the 156 square poles (42,471 sq. feet) took, this is roughly the equivalent of a one acre lot.
[11] *Albemarle County Deed Book* 32:27; 32:28. Albemarle County Courthouse, Charlottesville, Virginia; John W. Simpson to Arthur S. Brockenbrough, August 8, 1825. *Papers of the Proctors of the University of Virginia, 1809-1905*, [Proctor's Papers] RG-5/3/1.111. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.
[12] *Albemarle County Deed Book* 21:436; 21:513; 22:489; 23:230; 32:27; 32:38; *Albemarle County Land Tax Records*, 1824, 1826. Albemarle County Courthouse, Charlottesville, Virginia.

The Hawkins Family Occupation and Winn Ownership, 1819-1833

Originally from Lynchburg, Virginia, brick mason Abner Hawkins arrived in Charlottesville in 1819. Upon acquisition of the small 2⅛-acre parcel from James W. Widderfield and lying adjacent to the south side of the University of Virginia, Hawkins most likely constructed a residence there. Court records document that Hawkins had a small family that included his wife, Julia, and by August of 1820 a "negro girl named Billinder" who was lent to him, "to have the use of her," by Richard Dobbs.[13]

By the end of 1822, Abner Hawkins had defaulted on his obligation to pay Widderfield for his purchase of the property. His trustees sold the 2⅛-acre parcel at auction to the highest bidder, the local merchant John Winn.[14] Shortly after acquiring the 2⅛-acre Hawkins lot in late 1822, John Winn proceeded to rent the property to unknown occupants. A newspaper advertisement taken out by Winn in late 1828 for multiple properties "For Sale, Rent or Lease" notes that he had rented the Hawkins property "for $60 for the last 3 or 4 years." The same advertisement also noted that the lot contained "a dwelling house suitable for a small family, a brick smoke-house & c." Winn owned the 2⅛-acre property until its purchase by Catherine "Kitty" Foster in late 1833.[15]

Free African Americans and the University of Virginia

The establishment of the University of Virginia in the first quarter of the nineteenth century attracted a number of artisans, laborers and working-class families, both black and white, who helped to build the Academical Village. During construction, institutional records document that several free African-American contractors provided services such as hauling supplies, brick making, making clothes for enslaved laborers, washing and cooking to the University and its white contractors.[16]

Once the University opened to students in 1825, free blacks continued to sell their labor and services to the institution, faculty and students. Free blacks provided laundry services, made summer and winter clothes for enslaved laborers, made and repaired shoes, maintained and

[13] *Albemarle County Deed Book* 21:436, 513. Albemarle County Courthouse, Charlottesville, Virginia; Land tax records for Abner Hawkins, ca. 1819-1822, do not document any improvements made to the 2⅛-acre property during this period. Despite the lack of evidence, it is assumed that the parcel's primary use was residential because of its location adjacent to the south side of the University. Clearly by 1824-1825 at the latest, the property had a dwelling on it. It is presumed that John Winn acquired the land in 1822 because it had a residence on it and could be rented out with relative ease, as was subsequently done.
[14] *Albemarle County Deed Book* 22:489; 23:230. Albemarle County Courthouse, Charlottesville, Virginia.
[15] *Virginia Advocate*, November 22, 1828.
[16] *Proctor's Papers*, RG-5/3/1.111. Box 17, Accounts, January – June 1820; Box 17, Accounts July - December 1820; Box 18, Accounts, February – June 1823. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

repaired the water works supplying the University, performed blacksmith and carpentry work, painted and whitewashed buildings, and were employed as general labor and janitorial staff.[17]

During both the period of construction and subsequent operation of the University, a limited number of free blacks also resided within the Academical Village. During the period of major construction, whites considered this to be a necessary fact of life. However, after the opening of the University, several free African Americans continued to live within University grounds, either renting separate accommodations or residing within faculty and hotel keeper households, providing ongoing services to the growing Academical Village. Faculty resolutions from the late 1820s document a concerted effort by whites to remove these individuals, whom they perceived as undesirable for not being under the direct control of a white person. In April of 1828, the Faculty approved a motion that the "Proctor be informed that the faculty disapprove of free Negroes being located within the University." Less than a month later, the faculty attempted to extend their influence beyond the University, ordering the Proctor to inquire about Phil, a "man of color at the foot of the hill below the University."[18]

The area south of the University underwent a transitional period in the mid-1820s when major contracts for construction of the Academical Village dried up and many of the white contractors and sub-contractors who played an important part in its construction looked elsewhere for employment. On the Widderfield property alone, Abner Hawkins had moved away by late 1822, John W. Simpson disappeared by late 1825, and David Vandergrift moved away in 1834. The resulting glut of residences abutting the Academical Village most likely led to their rental to individuals associated in some way with the University of Virginia. In addition to the Foster property, a small but growing community of free African-American tenants called Canada was established.

Additional evidence supporting the occupation of rental properties adjacent to the University by African Americans is found in the 1833 census of "Free Negroes & Mulattoes." This Albemarle County census documents at least seven households in both St. Anne and Fredericksville parishes that were recorded as living at "University" or "near University." [19] These families included individuals whose occupations were listed as washerwomen, seamstress, carpenter, and shoemaker. Of the seven families, six were recorded as headed by women. Five of the heads of households were recorded as holding occupations typical of urban-dwelling black women during

[17] *Proctor's Papers*, RG-5/3/1.111. Box 18, Accounts, January – June 1826; Box 19, Bills and Accounts, January – April 1828; Box 19, Bills & Accounts, January – June 1829. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

[18] *Proctors Papers*, RG-5/3/1.111. Box 7, Faculty Resolutions, 1827-1828, April 23, 1828, May 20, 1828. Special Collections Department, University of Virginia Library, Charlottesville, Virginia. It is not known if Phil was eventually evicted from his property. However it is interesting to note that late 1828 is also the period when John Winn advertises the sale or rental of his 2⅛-acre property that had been rented "for the past 4 or 5 years." Winn's property was one of the few known rental units in this area in 1828.

[19] The Virginia General Assembly passed a law in 1833 requiring all counties to account for the free African Americans residing there. Albemarle County was divided into two parishes, St. Anne's Parish which was located south of what is now University Avenue and containing the Foster Site, and Fredericksville Parish which was located north of what is now University Avenue. For unknown reasons, Catherine Foster and her family were not included on this list although Foster had purchased her property from John Winn.

the antebellum period, e.g. seamstress and washerwoman. It is likely that a large part of the clientele of these washerwomen and seamstresses were University faculty, staff and students, thus accounting for their location near the University.[20] Albemarle County deeds do not record formal property ownership for any of these families, suggesting that they may have rented their residences adjacent to the University grounds.[21]

As noted above, free African Americans were never truly welcome within the Academical Village. The University faculty perceived them as a threat to both students and institutional morality and order, an attitude that persisted through the Civil War period. Unwilling or unable to find other means to provide services such as laundering and cleaning to students, yet insisting upon restricting the access of free African-American washerwomen to the Academical Village, in 1847 Proctor William Kemper recommended a solution. "The undersigned was early impressed with the evil resulting from the number of free Negroes, and those nominally so, hanging on about the University - He is of the opinion that the evil may be greatly lessened by requiring the washing for the students to be done by the hotel keepers." Although Kemper's proposal was never adopted by the Board of Visitors, it documents the degree to which many whites persecuted free African Americans within and beyond the University of Virginia's grounds during the school's first decades of operation.[22]

The Foster Family Occupation, ca. 1833-1865

Little is definitively known about the pre-1830 history of Catherine "Kitty" Foster and her family. It is possible that Catherine Foster had been born enslaved and may have acquired her surname from a white slave owner. Census records document that Catherine Foster was between 70 and 75 years old at her death in 1863. If these records are accurate, this would make her birth date ca. 1790-1795. Of the slave-owning Fosters present in late-eighteenth-century Albemarle County only one, Henry Foster, is a likely candidate. At his death in 1795, Henry Foster's will documents that he owned an enslaved girl named "Cati," a common diminutive of the more formal Catherine. Ownership of Cati passed to Henry's widow, Elizabeth Foster, at his death.[23]

Catherine Foster does not appear in Albemarle County records until the 1820 census when she was documented as a head of household containing two boys and two girls, all under the age of 14, each recorded as "black." She appears as Kitty Foster in the 1830 census, the head of a household containing two boys between the ages of 10 and 15, and three girls, one under 5, one between 10-15, and one between 15-20, all listed as white. The two boys that appear in these documents are presumably her sons, German and Burwell Evans, who were born in 1817 and 1820 respectively. In various documents throughout the 1830s, the boys appear with the surname

[20] Ervin L. Jordan Jr., "A Just and True Account: Two 1833 Parish Censuses of Albemarle County Free Blacks." *The Magazine of Albemarle County History*, Vol. 53 (1995), 120-139.
[21] Fifth United States Census, 1830, Population Statistics, Albemarle County, Virginia.
[22] *Proctors Papers*, RG-5/3/1.111, Box 15, Proctor's Report, 1843-1847, June 25, 1847.
[23] David G. Smith, "From Virginia Farms to Iowa Coal Mines," *Journal of Afro-American Historical And Genealogical Society*, Vol. 16, No. 2 (1997), 108.

Evans or Foster. Catherine's daughters were Sarah, born ca. 1816, an unidentified girl who may have died at an early age, and Anne born in 1830.[24]

In December of 1833, Catherine Foster purchased the 2⅛-acre tract on the south side of Wheeler's Road adjacent to the Academical Village from merchant John Winn. In doing so she made the formal transition from tenant to land owner. University records however suggest that Catherine Foster may have maintained a presence near the Academical Village prior to 1833.[25]

The fact that Catherine Foster purchased the John Winn property in 1833 is significant. In 1831 Nat Turner's Rebellion had shocked Southampton County and the larger Commonwealth. In addition, the abolitionist movement had begun to gain ground on a national level in the early 1830s. As mentioned above, in reaction to these events, the Virginia General Assembly passed several laws designed to restrict free African Americans' rights and activities.[26] Catherine Foster's purchase of the John Winn property may have been an effort to establish with greater certainty her family's social and legal standing in the face of increased local harassment of free blacks based in the implementation of the Commonwealth's new laws.

During the first few years of her residence south of the University, Catherine Foster's household likely consisted of her two sons and three daughters. Catherine Foster and her family appeared to have interacted well with the surrounding residential neighborhood as well as the University community. She presumably continued to launder clothes for students and faculty, possibly being helped by her daughters. Like other free young men and women of the early nineteenth century, Catherine's sons German and Burwell were indentured to local craftsmen or skilled workers. In 1830 German and Burwell, then only ten and thirteen years of age, entered indenture "until they shall arrive at lawful age." Again in 1836 Burwell Evans, the "son of Catherine Foster," was bound out at the age of 19, pending the approval of his mother, to James W. Widderfield, a white carpenter and immediate neighbor to the east.[27]

In addition to washing clothes for University students, Catherine Foster also maintained another unusual relationship. University documents record that Foster kept and held student owned pistols and ammunition. In a period when University faculty were attempting to crack down on illicit student behavior, in particular a requirement prohibiting the keeping or firing of pistols within University precincts, Catherine Foster appeared to be helping students to evade authorities. In a June of 1837 journal entry, the Chairman of the Faculty noted that "the place of deposit is, I understand, the house of Kitty foster. Under the law, as it stands, the students may

[24] Fourth U. S. Census, 1820, Population Statistics, Albemarle County, Virginia; Fifth U. S. Census, 1830, Population Statistics, Albemarle County, Virginia; Smith, "From Virginia Farms," 109.
[25] *Proctors Papers*, RG-5/3/1.111, Box 8, Receipts, October 6, 1832, University of Virginia, Special Collections Department, Alderman Library, Charlottesville, Virginia.
[26] Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861*, 210-211. (Chapel Hill: The University of North Carolina Press, 2003).
[27] *Albemarle County Minute Book*, 1830-1831, August 2, 1830, np.; *Albemarle County Minute Book*, 1834-1836, January 4, 1836, 324, at Albemarle County Courthouse, Charlottesville, Virginia; Millie Fife, "A Report on the Foster Family of Venable Lane," July 30, 1996, (Ms. at the Carter G. Woodson Institute for Afro-American and African Affairs, University of Virginia, Charlottesville, Virginia), 3-4..

have a magazine of pistols and fire arms across the road, and use them out of precincts as much as they please."[28] The reasons behind or motivation for this unusual relationship are unclear. While it is possible that Foster may have initiated this relationship through her laundry business, it is not yet understood how she may have benefited from it, if at all. This unique relationship is particularly unusual in light of the 1832 Act of the General Assembly prohibiting "free negroes" or "mulattoes" from keeping or carrying a firearm of any kind.[29]

Between the mid-to-late 1830s however, Catherine Foster's household experienced dramatic change. In 1835 her daughter Sarah married Christopher M. Smith. It is possible that the newly-wed couple may have lived on Catherine's property for a period of time, perhaps eventually building a residence of their own there. In late 1836, Catherine's eldest son German married Agness Isaacs, daughter of another prominent Charlottesville free African-American woman, Nancy West. Sometime between 1837 and 1840, German and Agness migrated to Wilmington Township, Clinton County, Ohio. The 1840 census there lists his occupation as a barber. By 1839, her daughter Sarah gave Catherine her first grandchild, a girl named Harriet Smith. That same year, Sarah died. The 1840 census for Albemarle County reflects these changes, listing Catherine Foster as head of a household containing one young man between the age of 20-25, and three girls, all listed as "black."[30]

Albemarle County Land Tax records document that improvements were made to the buildings on the Catherine Foster property by 1840 in the amount of $150. The value of the land per acre and total value of the property rose accordingly. It is not known if these values reflected improvements of existing buildings or construction of new buildings. No additional improvements to the buildings or property in the Albemarle County Land Tax records were noted to be made during Catherine Foster's lifetime.[31]

The 1850 Federal census is the first to list residents according to geographical location. This census documents 60-year old Catherine Foster as a head of household living with Ann age 24, Harriet age 12, Susan age 6, and Clayton age 5. All were listed as "mulatto." The assessed value of the real estate owned by Catherine Foster was $450. Harriet, Catherine's granddaughter, died in 1858.[32]

Although ten years later, the 1860 census documented a 65-year old Catherine Foster as a head of household living with nine other individuals, including Ann age 29, Susan age 15, Clayton age 12, Theresa age 8, Cordelia Henry age 6, Willy A. Henry age 5, Josephine Henry age 2 (daughter

[28] *Journals of the Chairman of the Faculty, 1827-1864*. RG-19/1/2.041. Vol. 6: July 1835-July 1837, June 3, 1837, p44. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.
[29] An Act to Amend an Act entitled 'An Act Reducing into one the Several Acts Concerning Slaves, Free Negroes and Mulattoes, and for other Purposes," 20-22. Passed March 15, 1832. *Acts of the General Assembly*, (Richmond: Thomas Ritchie, 1832).
[30] Millie Fife, "Foster Family of Venable Lane," (Ms. at the Carter G. Woodson Institute for Afro-American and African Affairs, University of Virginia, Charlottesville, Virginia, n.d.), p. 4-5.; Smith, "Virginia Farms," 110-111.
[31] *Albemarle County Land Tax Records*, 1840, Albemarle County Courthouse, Charlottesville, Virginia.
[32] Seventh U. S. Census, 1850, Population Statistics, Albemarle County. As a standardized measure did not exist, nineteenth-century racial classifications were subjective at best.

of Harriet Smith), James Henry age 2, and Mary J. Martin, presumably a tenant, age 16. With the exception of Mary Martin, who was listed as "black," each member of Catherine Foster's household was listed as "mulatto." There was no racial listing by Catherine Foster's name. The value of Catherine's real estate was assessed at $4,000 and her personal property was assessed at $300.[33]

On October 6, 1857, Catherine Foster's grandchildren and Ann Foster's children, Susan Catharine Foster and Clayton R. Foster, applied to the Albemarle County Court for a certification that they were "of mixed blood."[34] Thomas Jefferson Randolph appeared in court on behalf of Susan and her brother Clayton, providing evidence that allowed a judge to rule that they were "not negroes, in the meaning of the Act of Assembly."[35] The judge's ruling referenced an 1833 Virginia General Assembly law that allowed County courts to certify, upon evidence from a white person, that "any free person of mixed blood…, not being a white person nor a free negro or mulatto, …that he or she is not a free negro or mulatto." Along with other laws controlling and restricting African Americans, the "mixed blood" or "not a negro" law attempted to address the "problem" of what to do with free citizens of the Commonwealth who clearly had some non-white ancestry, but who were less than "one-quarter black," the threshold for legally defining "blackness" for the period. The benefit to being legally defined as "not a negro" was that the person so classified, although still not equal to whites, would be exempt from "the pains, penalties, disabilities and disqualifications, imposed by the law upon free negroes and mulattoes, as free negroes and mulattoes."[36] Although this ambiguous legal status meant that they were neither white, "free black," nor "mulatto," it is unclear what other social, economic and political implications might have existed. Not being legally white, such individuals were denied all of the rights and privileges that a white citizen enjoyed. On the other hand, not being "a free black or mulatto" meant they may have been exempt from other restrictive laws or punishments. Ultimately it created a new socio-legal class of "mixed blood" persons. As previously noted, the local white community was permitted to determine how to treat and apply the law to "mixed blood" persons.

Clearly Ann Foster must have perceived a benefit to herself and to the future of her two children in guiding Susan and Clayton to apply for the "neither free black nor mulatto" status through the local courts. The period in which Susan and Clayton applied may provide a clue as to her

[33] Eighth U. S. Census, 1860. Population Statistics, Albemarle County.
[34] Susan and Clayton Foster would have been 12 and 9 respectively at the time of their application to the local court.
[35] *Albemarle County Minute Book* 1856-1859, October 6, 1857: 190, November 3, 1857: 203, at Albemarle County Courthouse, Charlottesville, Virginia. It is interesting that Thomas Jefferson Randolph, the eldest grandson of Thomas Jefferson and a prominent Virginian who was elected to the Virginia Legislature, served on the Board of Visitors of the University of Virginia for 31 years, and also served as Rector beginning in 1857, would have testified on behalf of the Foster children. The connection to Thomas Jefferson Randolph, however, may not be so unusual. The Foster family was connected through marriage to former enslaved persons of Thomas Jefferson. One of Catherine Foster's two sons, German Evans, married Agness Isaacs in 1836. The Isaccs family was a prominent mixed-race family in early Charlottesville. Two children of Nancy West, a free African American woman, and David Isaacs, a white man, married into the enslaved families of Jefferson. Tucker Isaacs married Ann Elizabeth Fossett, daughter of Jefferson's slaves Joe and Edy Fossett, and Julia Ann Isaacs married Eston Hemings, also held in bondage by Jefferson.
[36] Rothman, *Notorious in the Neighborhood*, 211.

motivation. In response to increased persecution, during the decade of the 1850s many free African Americans attempted to use Virginia law to claim "mixed blood" or "not a negro" status. Indeed, in the fall of 1857, many local African Americans appeared in Albemarle County Court to register and certify that they were free and born of free parents prior to May 1, 1806. The May 1, 1806, Act of the Virginia Assembly had required slaves manumitted after this date to leave the state within twelve months or be re-enslaved, and was a direct attempt by the General Assembly to restrict the growth of the free African-American population and simultaneously circumscribe their liberties. It is possible that in order to avoid the legal process of having to provide evidence of their free birth and simultaneously avoid potential banishment from Virginia, Ann Foster may have decided to have her children legally declared "not a negro." It is not known if any of Catherine Foster's other grandchildren applied to the courts for this status. Ann Foster herself registered with the Albemarle County Court as a "free person of color" on October 6, 1857. Her register stated that she was 26 years of age, 4 feet 9½ inches tall, and she was described as having a light complexion "with a mole on the forehead and right cheek."[37]

Catherine Foster died in 1863 at the age of between 68 and 73 years. Her 1859 will, a potent symbol of her status as a free person, directed her daughter and executrix, Ann Foster, to divide her property in equal proportions. Ann and her own daughter, Susan C. Foster, were to receive one moiety, and Catherine's granddaughter Harriet Smith was to receive the other moiety. However as her eldest surviving daughter, Ann Foster was to possess the entirety of the property and its profits until her death, when it was to be divided between Susan Foster and Harriet Smith.[38]

Institutional records document that like Catherine Foster, Ann Foster and her children continued to be employed by the University in limited, task-oriented jobs. In 1863, during the Civil War, Ann Foster was hired as a nurse to the University Infirmary, what is now Varsity Hall, for an unknown period of time. It is not clear whether she cared for wounded Confederate soldiers or in another capacity. Clayton Foster, son of Ann Foster, also worked for the University in the immediate postbellum period receiving payment for unspecified labor on a number of occasions in 1866 and 1867.[39]

The Foster Family Occupation, ca. 1866-1906

During Ann Foster's tenure at the Foster Site, ca. 1863 – 1881, several improvements were made to the property. Albemarle County Land Tax records document that the value of the buildings on the Foster property increased by $50 in 1871, and by $300 in 1876. These increases in building valuations suggests that in addition to housing their extended family, it is possible that unrelated

[37] *Albemarle County Minute Book* 1856-1859, October 6, 1857:189. Albemarle County Courthouse, Charlottesville, Virginia; Rothman, *Notorious in the Neighborhood*, 226.
[38] *Albemarle County Will Book* 27:32. Albemarle County Courthouse, Charlottesville, Virginia.
[39] *Ledgers Maintained by the Proctor of the University of Virginia, 1817 – 1910*, RG-5/3/2.961. Volume 1860-1861, p706; Volume 1861-1865, p405; Volume 1866-1867, p578, 584. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

tenants may have also been present on the Foster property in one or more new buildings constructed during this period.[40]

The census of 1870 documents reflects two separate households. Ann was recorded as a 40-year old head of household and lived with nine other individuals, including Susan age 23, Clayton a 22-year-old painter, Theresa age 19, Cordelia age 16, James L. age 10, Willie Lee age 5, Anna age 4, Mary age 2, and Josephine Smith age 11. Also living on the same property were Elizabeth Morris a 25-year old seamstress, William Morris age 10, and William Watson a 32-year-old white painter. All of the Fosters and Morrises were listed as "mulatto." The value of Ann Foster's real estate in 1870 was assessed at $2,000.[41]

The 1880 census reflects three separate households, presumably living in three separate building, on the Foster property. Ann Foster was listed as a single 50-year-old seamstress and a head of household that included her daughter Lula age 9, and Marshall Ward a 25-year-old laborer. Susan Foster was listed as a single 34-year-old seamstress and a head of household that included a daughter Anna Watson age 13, a daughter Mary Watson age 11, a daughter Rachel Watson age 1, and Josephine Smith (her cousin) a 23-year-old seamstress. Clayton Foster was listed as a 33-year-old married housepainter and a head of household that included his sister Cordelia Foster a single 24-year-old seamstress, John Foster an 8-year-old nephew, Carrie Foster a 5-year-old niece, Bessie Foster a 3-year-old niece, and Charles Foster a 1-year-old nephew.[42]

When Ann Foster died intestate in November of 1881, the Foster property was divided according to Catherine Foster's 1859 will. The 1882 Chancery Cause of *Susan Foster vs. Josephine Smith, Willie Lee Foster and Lula Foster* ordered that the property was to be divided equally in both quantity and quality with Josephine Smith, the daughter of Harriet Foster and the only surviving grandchild of Catherine's daughter Sarah, receiving one half, and the other half of the property to be divided equally between Ann's seven surviving children. The commissioner's report in the same case documented that the property was subsequently divided in half along a north – south axis, the eastern half of the property being awarded to Josephine Smith, and the western half of the property, of which Susan retained 5/7 shares, was to go to Susan, Willie Lee and Lula Foster. It is the western half of the property that now contains the current 0.74-acre Foster Site.[43]

The 1882 Chancery Cause also documented that a total of six buildings stood on the Catherine Foster estate, three each on Josephine Smith's eastern half and Susan C. Foster's western half. It is not clear if all of these were occupied by descendents of the Foster family or if some were also rented out to non-related tenants. Tenancy was a common practice of both black and white property owners in late-nineteenth-century Charlottesville.[44]

[40] *Albemarle County Land Tax Records*, 1863-1881, at Albemarle County Courthouse, Charlottesville, Virginia.
[41] Ninth U. S. Census, 1870, Population Statistics, Albemarle County.
[42] Tenth U. S. Census, 1880, Population Statistics, Albemarle County.
[43] *Albemarle County Chancery Order Book* 13:163, 189; *Albemarle County Deed Book* 116:393, 395, at Albemarle County Courthouse, Charlottesville, Virginia. Clayton, Cordelia, Teresa and James Foster each conveyed their 1/7 interest in the property to Susan C. Foster.
[44] Millie Fife, "#2 Report on the Fosters," (Ms. on file at the Carter G. Woodson Institute for Afro-American and African Studies, University of Virginia, Charlottesville, Virginia), 1.

In 1891 after Willie Lee obtained age, Susan C. Foster, Teresa Foster, Willie Lee Foster, and Mary Morris agreed to divide the land according to the plat attached to the deed. Susan was to receive the top or northern 218 feet of the property, Teresa received the next adjoining 63-foot lot, Willie Lee received the next adjoining 64-foot lot, and Mary Morris received the last or southernmost 35½ foot lot. Susan Foster retained the interest of Lula Foster who was not yet of age. Lula Foster conveyed her interest in the Catherine Foster estate to Susan Foster in May of 1892.[45]

Josephine Foster sold her eastern half of the original 2⅛-acre Catherine Foster property to S. C. Chancellor et al., a group of white developers, in 1900. Shortly thereafter, Susan Foster sold her western lot to white developers C. H. Walker and E. L. Carroll in 1906. In 1907, Mary Morris sold three lots at Venable Lane to C. H. Walker and E. L. Carroll.[46]

Theresa Foster was the only grandchild of Catherine Foster who lived in the Foster Site's vicinity her whole life, owning property there from 1891 through 1921. Theresa Foster married William Thomas Spradling and they had four children, Julius, Thomas S., Marie T., and Lilian B. Joachim. The Spradling family moved to their Venable Lane lot and built a house there sometime between 1891 and 1900. They lived there through 1921 when the children sold the land to Barringer et al. By 1900, Land Tax records note that Theresa Foster's lot was valued at $2,400 suggesting that a house was present at or before this time. The first map to document the presence of a house on Theresa Foster's lot is the 1920 Sanborn Insurance Map. This map shows a house oriented westward towards the base of Venable Lane with a small garage or outbuilding at the east or rear of the lot.[47]

The Foster Family Burial Ground

Sometime during the Foster family tenure at Venable Lane, a burying ground was established on the property.[48] The cemetery was located in the western half of the original Catherine Foster 2⅛-acre parcel just east of Venable Lane and approximately 200 feet south of what was then Wheeler's Road, now Jefferson Park Avenue.

[45] *Albemarle County Deed Book* 95:197; 97:321, at Albemarle County Courthouse, Charlottesville, Virginia.
[46] *Albemarle County Deed Book* 116:395; 134:274; 135:415, at Albemarle County Courthouse, Charlottesville, Virginia. Mary Morris had obtained Willie Lee's lot in 1901 and Lula Foster's lot from Susan Foster in 1903. See *Albemarle County Deed Book* 121:163; 127:230, at Albemarle County Courthouse, Charlottesville, Virginia.
[47] *Charlottesville City Deed Book* 37:274, at Charlottesville Courthouse, Charlottesville, Virginia; Fife, "#2," 3, 9; Fife, "Foster Family of Venable Lane," 64-66. Census records for 1900 record the entire Spradling family, including Theresa Foster, as 'white.'
[48] Although it will never be clear exactly when the cemetery was established, there is a possibility that it may have been established prior to 1833, thus pre-dating Kitty Foster's documented arrival. The material evidence supporting a second half of the nineteenth century use of the project area cemetery comes from 1993 when the cemetery was first discovered. At that time, archaeologists documented exposed coffin hardware from site grading that dated at least 3 of the 12 burials to the period between 1860-1900.

It is possible that the Foster family burial ground was established with the first documented death of a family member, Sarah, Catherine's eldest daughter, in 1839. However it is not known that Sarah had been living on Catherine Foster's land as she was married in 1835 and could possibly have been living elsewhere. Regardless, it is likely that the Foster family burial ground was established by 1860 at the latest. Between 1860 and 1881, six individuals known to have resided on the original Catherine Foster parcel died. Harriet, Catherine's granddaughter through Sarah, died ca. 1859-1860, Willie A. H. Foster, Catherine's grandson through Ann, died between 1860-1870, Elizabeth Morris died between 1860-1870, Catherine Foster herself died in 1863, an unnamed child of Ann's died in 1868, and Ann Foster died in 1881.

Upon the sale of her portion of the Catherine Foster estate to C. H. Walker and E. L. Carroll in 1906, Susan C. Foster reserved the right to remove the bodies from the family graveyard. While her intentions will never be known, it is clear that Susan and the extended Catherine Foster descendants did not subsequently remove any individuals.[49]

Post-Foster Ownership and Occupation of the Foster Site, ca. 1906-1946

A narrow portion along the northern edge of the former Foster property, of unknown dimensions, was impacted by road construction in 1908. In March of that year, the Albemarle County Board of Supervisors authorized the improvement of several County roads extending from Charlottesville, including what was then known as Lynchburg Road on the south side of the Academical Village. Minutes of the Board of Visitors of the University of Virginia record that such improvements to Lynchburg Road entailed 'grading and widening the same.' Contracts for construction had been let in the late summer of 1908 and construction was completed prior to 1909.[50]

With the exception of the Theresa Foster lot, the immediate post-Foster occupation of the Foster Site was characterized by the rental or abandonment and demolition of the extant buildings and structures located there. County and City Land Tax records document that the value of the Foster-era resources, ranging between $150 to $200, was maintained between 1906 and 1918, suggesting that the buildings on the property were not torn down right away.[51]

Shortly after his acquisition of the Susan Foster portion of the original 2⅛-acre lot in 1906, E. L. Carroll sold his half-interest to C. H. Walker. In 1916, C. H. Walker and his wife sold the property to Albert E. Walker. Albert E. Walker died two years later and by 1918 his will left the property to his wife Bessie Walker.[52]

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[49] *Albemarle County Deed Book* 134:274, at Albemarle County Courthouse, Charlottesville, Virginia.
[50] *Minutes, Albemarle County Board of Supervisors* 1901-1909, March 18, 1908, 312; October 21, 1908, 352, at Albemarle County Courthouse, Charlottesville, Virginia; *Minutes, Board of Visitors of the University of Virginia* (Minutes BOV), April 10, 1908, 173. RG-1/1/1.381, at Special Collections Department, University of Virginia Library, Charlottesville, Virginia.
[51] *City of Charlottesville, Land Tax Books*, 1906-1918, at Charlottesville Courthouse, Charlottesville, Virginia; *Albemarle County, Land Tax Books*, 1906-1918, at Albemarle County Courthouse, Charlottesville, Virginia.
[52] *Albemarle County Deed Book* 137:128; 228:426, at Albemarle County Courthouse, Charlottesville, Virginia; *City of Charlottesville Will Boo*k 2:164, at Charlottesville Courthouse, Charlottesville, Virginia.

The *Daily Progress* recorded the sale of the "historic" property in 1916. "Mr. Albert E. Walker has recently purchased from Mr. C. H. Walker the historic piece of property on University Terrace which house was built by Thomas Jefferson at the time the University was being built. The lot contains a frontage of 115 feet and runs back 250 feet."[53] The dimensions of the lot referred to, 115 by 250 feet, is precisely the dimensions of the Susan C. Foster lot upon which the Foster residence was located.

It is during the Albert E. and Bessie Walker tenure when a substantial amount of activity is documented as occurring on the former Foster property. City land tax records document an 'improvement' to the buildings on site, raising their value to $700 in 1916. However no value at all is recorded for the buildings on the Walker property between 1918 and 1923. In addition, a 1920 Sanborn Insurance map of the area shows no main residential dwelling present on the lot at this date. This information suggests that improvements to the existing Foster residence may have been implemented in 1916 and presumably the building or buildings were used for at least two more years. By 1918 however, Bessie Walker had presumably decided to raze the former Foster buildings, leaving the lot vacant.[54]

In 1924 City Land Books note the value of buildings on the Bessie Walker lot as $4,000 with a comment "building added." This is likely the period when the 1512 Jefferson Park Avenue building was constructed.[55] It is probable that Bessie Walker rented the new house to a University professor and family. The development of the Walker land ca. 1923-1924 was likely tied to the subdivision and development of the larger area between Brandon Avenue and Valley Road as South Gate Terrace, a development initiated by H. P. Porter in 1924.

In 1993 Robert J. Hamblin, a former resident of the Theresa Foster and William Thomas Spradling residence on Venable Lane, drew a sketch of his memory of how the Foster Site's vicinity appeared in 1933. His drawing shows the building at 1512 Jefferson Park Avenue and a long, narrow east-west oriented building containing compartmentalized 'garages' to their rear. In a letter accompanying the map, Hamblin stated that he remembered a 'colored cemetery' in the vicinity of a willow tree. The willow tree drawn on his map is quite mature and is in the general location of the Foster cemetery. A 1934 aerial photo of the project area closely resembles his sketch.[56]

[53] *Daily Progress* (Charlottesville, Virginia), June 20, 1916, "Historic Property Sold," p1. While the *Daily Progress* was inaccurate in assigning the construction of the former Foster residence to Thomas Jefferson, research suggests that the resource may have been built as early as 1819.
[54] *City of Charlottesville Land Tax Books*, 1916-1924. Charlottesville Courthouse, Charlottesville, Virginia.
[55] The building located at 1512 Jefferson Park Avenue was demolished by the University of Virginia in May of 2009.
[56] Robert J. Hamblin, M.D. 1993, [*Drawing of Venable Lane vicinity, ca. 1924-1933*]; Raymond C. Bice, University History Officer, to Ms. J. Kelley, Facilities Management Project Manager, June 24, 1993; University of Virginia, Visual History Collection, Rare Material Digital Services, Prints 07164, at Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

With the return of veterans from World War II in the mid-1940s, a housing boom hit the nation. It was during the immediate postwar period that Bessie Walker divided her property into three separate lots, keeping the larger northern portion and selling the southernmost two. In 1946, Walker sold the middle lot to Bruce E. and Mary L. Tipton. A year later, City Land Books record that the value of buildings on the Tipton's lot was assessed at $2,500 with a comment of "building added." This is likely the period when the 400 Venable Lane building was constructed.[57] Bessie Walker sold the southernmost lot in 1946 to Frances Norris. The deed stipulated that the conveyance was "subject to any rights that the parties may have in a graveyard which may be located on said lot." This phrasing clearly acknowledges that the Walkers knew about the presence of the graveyard somewhere within the lot being conveyed to Frances Norris as late as 1946, although they may not have known its precise location or specific boundaries. Walker finally sold her northernmost lot in 1962 to the Shadwell Corp. The University of Virginia did not acquire the property along Venable Lane until the beginning of the last quarter of the twentieth century.[58] It is the Walker, Tipton and Norris lots which today compose the 0.74-acre Foster Site.

The Canada Neighborhood, 1825 - 1870

Albemarle County deeds verify that until 1867, Catherine Foster and her descendants were the only land-owning African-American family residing south of and adjacent to the Academical Village. Yet various institutional and Albemarle County records, both directly and indirectly, document a coherent African-American community called Canada in this same vicinity. The toponym Canada clearly held an important association for the residents of this historic Charlottesville community. Residents most likely named the neighborhood after the United States' northern neighbor.[59] Following the abolition of slavery in the British Empire in 1834, Canada became a destination for enslaved people escaping southern states. Canada held out a promise of hope for the future for many enslaved persons. Even after emancipation in the United States, when many former slaves returned to the United States, Canada would also have retained an important symbolic significance in the minds of many freed people. The Canada neighborhood could have been given its name to honor a country that had shunned legal slavery. Regardless, the naming of the Canada neighborhood was a clear and unequivocal statement of African-Americans' historical presence and perseverance in the face of a restrictive southern society and an educational institution that persecuted them. University documents support the fact that the Canada toponym was not a place name used just by the African-American community but well known by administrators who referred to it several times in institutional records.

From approximately 1828 onwards, evidence exists for the rental or leasing of properties south of the Academical Village. In 1828 John Winn's advertisement of the future Catherine Foster

[57] The building located at 400 Venable Lane was demolished by the University of Virginia in August of 2006 to facilitate examination of underlying soils to determine the full extent of the Foster cemetery.
[58] *City of Charlottesville Land Books*, 1924, 1947; *Charlottesville City Deed Book* 125:59, 60; 230:115. Charlottesville Courthouse, Charlottesville, Virginia.
[59] When Great Britain abolished slavery in 1834, Canada would have become a "free" country.

property noted that it had been rented for "the last 3 or 4 years." Phil, "a man of color" whom University records document lived "at the foot of the hill below the University" in 1828, would most likely have been a tenant as Albemarle County Deeds do not show a property owner by this name anywhere in this location. Likewise the 1833 census of "Free Negroes and Mulattoes" also documents numerous African-American households north and south of the University of Virginia during this period. This evidence appears to suggest that property owners in this area began to look for solutions to vacant housing created by completion of construction work at the University of Virginia and the subsequent removal from Charlottesville of notable numbers of white contractors, subcontractors and their laborers.[60]

From 1860 onwards, University, Albemarle County, and Federal census records document the presence of Canada, an African-American neighborhood south of the Academical Village. The earliest University reference to a neighborhood named Canada occurred in 1864 when the Chairman of the Faculty issued "Mr. Kinney, of Canada, [a] leave of absence until the 1st of May, to visit Richmond."[61] The first geographical reference to Canada's location was made by the University's Board of Visitors in July of 1867. Presumably expressing a concern over the presence of the tenements on the adjacent Widderfield estate, the University authorized the Proctor "to have further negotiations with Ambroselli on the subject of Canada and report the result of said negotiations to the Executive Committee at their next meeting for final decision." Ambroselli was a son-in-law to James Widderfield and resided on the Widderfield estate. Five years later in 1872, the Board of Visitors was discussing the presence of a number of "unsightly" structures on University grounds. In describing their location, they referred to the "shanties just over [the] road from the infirmary and adjacent to a settlement known as Canada."[62] A later, less direct reference to the expanding Canada community south of the University was made by the Rector and Board of Visitors in 1896. In addition to rebuilding the Rotunda, the Rector had directed the architectural firm of McKim, Mead and White to "close off" the south end of the Academical Village Lawn in order to block "the area immediately to the south of the University's land and in full view …filled with unsightly houses.**"**[63] The institutional references to the Canada neighborhood suggest that it was established no later than the immediate pre-Civil War period and that it was associated with the Ambroselli property, a legatee of James W. Widderfield.

Outside of University of Virginia documents, the first public records to document the Canada neighborhood are census documents. Federal census records suggest that James Widderfield may have built and rented tenements on his property by 1860 at the latest. The 1860 census, the second census to record geographical location, documents that at least six black or "mulatto"

[60] *Proctor Papers*, RG-5/3/1.111. Box 7, Faculty Resolutions, 1827-1828, May 20, 1828, at Special Collections Department, University of Virginia Library, Charlottesville, Virginia. The Ailstocks and Pleasants families could have been renting property from James Widderfield as his property encompassed land both south and east of the Foster family.
[61] *Journals of the Chairman of the Faculty, 1827-1864*, RG-19/1/2.041, Volume 13: 1861-1864, np, at Special Collections Department, University of Virginia, Charlottesville, Virginia.
[62] *Minutes, BOV*, June 29, 1867, Vol. IV: 884; June 15, 1872, Vol. IV: 968.
[63] Richard Guy Wilson, ed. *Thomas Jefferson's Academical Village* (Charlottesville: University Press of Virginia, 1993), p. 57.

households were living in five separate residences adjacent to and between the Joseph M. Ambroselli household, son-in-law to James Widderfield, and the Catherine Foster household. Each of the heads of households was registered as a "free person of color" in the Albemarle County Minute Books. While the presence of free African American families in this location in 1860 does not necessarily prove the presence of tenements south of the University, the fact that only the Foster family and other adjacent white families formally owned land in the area strongly suggests this.[64] An 1863 plat of the James Widderfield estate, redrawn in 1893, shows the presence of several unidentified buildings, most likely tenant houses, fronting Wheeler's Road and located east of the Foster property (Figure #22).

Albemarle County Personal Property tax records also document the Canada community. Between 1867 and 1869, personal property tax records documented the residential location and employer/ place of employment for all black males. The Canada place name, along with other suggestive residential descriptors such as "near University," appears regularly in these records.

The frequent use of the toponym Canada in the 1867 Personal Property Tax Records strongly suggests that it was a commonly known locale in both white and black communities. It also strongly suggests that its origin extended back to at least 1860, or more likely into the pre-war period. Although Personal Property Tax Records only record the male black population of Albemarle County, these records document that between 1867 and 1869 Canada, and the area south of the University of Virginia, was a vibrant community composed nearly entirely of renters.[65] Several of the renters residing in Canada during this period, including James Johnson, Memnon Walker, and Reuben Lewis went on to purchase their own property in the same area during the last quarter of the nineteenth century.[66]

The years spanning 1862-1870 appear to be a seminal period in the growth of the Canada neighborhood. During this period the death of several prominent white landowners, including George W. Spooner, James Widderfield, George D. Harris, Thomas W. Harris, and Mary Daniel, and the subsequent division and sales of their estates, along with sale and subsequent division of substantial portions of land adjacent to the south side of the University by James Fife, had a direct impact on the availability of property south of the University of Virginia. The process of division and sale of several estates and large parcels south of and adjacent to the University also largely coincided with Emancipation and the beginning of Reconstruction, during which a large population of landless freed people were looking for property to purchase.

Two of the earliest African American purchasers of land in Canada prior to 1870 were William Preston and Charles Jones. Personal Property tax records document that both Preston and Jones lived west of the Fosters, recorded as "near University" or in "Canada." The 1870 census records list William Preston as a brick mason. Institutional records document that Preston worked at the University repairing walls and pavements and performing unnamed labor between 1864 and the 1880s, and as a janitor between 1865-1866 maintaining the "public rooms" of the University.

[64] Eighth U. S. Census, Population Statistics, Albemarle County, 1860; Albemarle County Land Tax Records, 1860.
[65] Black females' place of residence and employment were not recorded between 1867-1869.
[66] Reuben Lewis was listed as residing 'near University' in 1869 but purchased a property in Canada in 1876.

University records document that Charles Jones performed blacksmith work for the institution several times in 1866.[67] George Braxton, a laborer who was employed by the University between early 1865 and 1868, eventually settled in Canada, purchasing a lot east of the Foster Site in 1875.[68] Institutional records show that part-time and task-oriented services continued to be an important source of employment for several Canada residents in the late-Civil-War and immediate postbellum period.

The Canada Neighborhood 1870-1890

Throughout the late-nineteenth century, a number of small segregated African-American communities grew up in locations that had previously served as free black communities or were established in new locations altogether. Rural, predominantly African-American communities established in Albemarle County included Blenheim, Cartersburg, Free State, Georgetown, Hyrdraulic Mills/ Union Ridge, Newtown, and Proffit. Urban communities within and surrounding Charlottesville included the aforementioned Canada, and Fifeville / Castle Hill, Gospel Hill, Kellytown, Tinsleytown, and Vinegar Hill. Although Virginia's overall out-migration of African Americans to urban centers in the Northeast and Midwest increased in the last two decades of the nineteenth century, the small communities established in and around Charlottesville continued to prosper.

Formed in 1889, the Piedmont Industrial and Land Improvement Company was an all-black development company whose purpose was to buy and sell real estate as well as "to extend aide and assistance, financial or otherwise to persons of limited means in the purchasing of homes." This Charlottesville-based mutual-aid society assisted African-Americans and was well-received in the last decade of the nineteenth century. The Piedmont Industrial Land Improvement Company was active in the Canada and adjacent Gospel Hill and Vinegar Hill neighborhoods.[69]

Prior to 1870, the historic core of the Canada neighborhood appears to have been located within the James Widderfield estate (immediately east and south of the Foster property), and the George W. Spooner estate (west of Venable Lane). From 1870 onwards however, the Canada neighborhood appears to have expanded predominantly in an eastward direction. This period is characterized by substantial growth in the number of property-owning African Americans. Between 1870-1871, the 2¾-acre Mary Daniel parcel was subdivided and sold to an exclusively African-American clientele. Between 1870-1880, a 10¾-acre portion of the George Harris parcel

[67] *Ledgers Maintained by the Proctor of the University of Virginia, 1817-1910*. RG-5/3/2.961. Volume 1861-1865, p402-406, 416, 427; Volume 1866-1867, p578; Volume 1867-1868, p744. Special Collections Department, University of Virginia, Charlottesville, Virginia. See also *Alumni Bulletin*, Third Series, Vol. 8, No. 5 (October 1915): 597-601.

[68] *Ledgers Maintained by the Proctor of the University of Virginia, 1817-1910*. RG-5/3/2.961. Volume 1861-1865, p404-406, 416, 431; Volume 1866-1867, p578; Volume 1867-1868, p744. Special Collections Department, University of Virginia, Charlottesville, Virginia.

[69] *Albemarle County Deed Book* 103:90-92. R. Kelser was president of an all-black development company, the Piedmont Industrial and Land Improvement Company, formed in 1889. Their goal was to assist Charlottesville area blacks in obtaining land ownership. See *City Charter Book* 1:17. City of Charlottesville Courthouse, Charlottesville, Virginia.

was subdivided and sold to a predominantly African-American clientele. Just east of the George Harris lot, the 5-acre Thomas Harris lot was subdivided and sold from 1872-1880, also to a predominantly African-American clientele. Over the course of a single decade, black property-owning residents in the Canada neighborhood had increased from a total of 4 before 1870, to a total of 37 in 1880.[70] During this period of tremendous growth, the Canada community developed simultaneously with other postbellum African-American neighborhoods ultimately, over time, blending and merging with them.

The Canada Neighborhood 1890-1925

In Charlottesville and Albemarle County, as with the larger Commonwealth, the turn of the twentieth century witnessed intensified segregation of the races. From the late 1890s onwards, when whites began to acquire formerly black-owned properties, racial clauses were written into deeds restricting their resale or rental to African Americans. In 1912, a local Charlottesville ordinance formalized residential segregation on a street and neighborhood level.[71]

During the transition between the nineteenth and twentieth centuries, white individuals and white-owned land development companies actively sought to purchase land in the vicinity of historic Canada. As a result of a court case disputing the 1863 dispersal of the James Widderfield estate, in 1890 the Charlottesville Industrial and Land Improvement Company purchased the residue of the original 17¾-acre parcel, an approximately 15 and 5/8-acre tract. They transferred it to the Charlottesville Land Company in May of 1892, which then sold it to the Dawson Improvement Company in February of 1893. The Dawson Improvement Company was founded in 1893 and was composed nearly exclusively of University faculty members, including John B. Minor, James M. Garnett, Charles Venable, J. Edgar Chancellor, Robert L. Carter, William M. Fontaine, Paul B. Barringer, A. P. Bibb, Frances H. Smith and G. Tucker Smith. The sole purpose of the stock corporation was "*to buy the Kennedy tract or Canada near the University of Virginia* and such other adjacent lands as may deem expedient for the object of the Company and to improve and sell for improvement said property [emphasis added]." The stated business of the company was "to dispose of land purchased or which may be purchased to the advantage of the stock holders, but more particularly to improve, by inducing good partners to build upon the lands acquired by the Company and especially the professors and instructors of the University."[72]

Between 1894 and 1899, the Dawson Improvement Company sold off small lots of the former Canada lands to both non-Company and Company individuals. Lots sold to non-Company individuals contained covenants requiring development of the property within six months, the construction of a dwelling suitable for a residence, and prohibiting the construction of any other buildings on the property with the exception of "such servants and other out houses as may be necessary for the use and enjoyment of the occupants of said dwelling and their servants

[70] The four property-owning black residents of historic Canada before 1870 included Ann Foster (and her descendants and relations), William Preston and James Johnson (and their descendants and relations), both residents west of Venable Lane, and Charles Jones, owner of a parcel in the former Widderfield estate.
[71] Maral S. Kalbian, *Fifeville-Castle Hill Historic District, National Register of Historic Places Registration Form*, p8-88, 8-89 (VDHR File #104-0213), National Park Service, U. S. Department of the Interior, 2007.
[72] *Albemarle County Charter Corporation Book* 1:166, at Albemarle County Courthouse, Charlottesville, Virginia.

employed on the premises; and that such servants and other outhouses shall be used exclusively in connection with said dwelling by the occupants thereof and their servants employed on the premises." Lots were also sold without covenants to University faculty and Company members Paul B. Barringer and William M. Fontaine in 1895. Barringer constructed a large residence, the Barringer mansion (now the University French House), on his new property in 1896. It is not clear what happened to the numerous African-American tenants of the former Widderfield estate between 1893 and 1896. It is likely however that a substantial portion of the historic core of Canada was razed prior to the construction of Paul B. Barringer's residence.

In 1900, Josephine Smith sold the eastern portion of the former Catherine Foster estate to S. C. Chancellor et al. In 1906, Susan Foster sold a majority of the western portion of the Catherine Foster estate to the C. H. Walker and E. L. Carroll. In 1921, the remaining portion of the Foster parcel, the small lot occupied by Theresa Spradling and her family, was sold to Paul B. Barringer.

The extent to which white investors and white-owned development companies orchestrated a concerted effort to gentrify the former Foster lands and larger Canada vicinity is demonstrated by public coverage of the event. In the summer of 1916 Charlottesville's *Daily Progress*, with unabashed racist and classist editorializing, reported on the proposed renovation of the neighborhood south of and adjacent to the Academical Village containing the former Foster property:

> PEST HOLE CLEAN UP – What has for 60 years or more been regarded as a public nuisance and plague spot, is about to receive a thorough cleaning up and made to 'blossom like the rose.' This ugly place, located directly opposite the University, on the Fry's Spring's trolly line, has been observed by passers-by for generations with abhorrence as they have noticed the filthy, ramshackled buildings, pig pens and piles of junk full of offensive odors. The property has recently been purchased by Mr. Albert E. Walker and others, whose intention it is to transform the present horrid mess into a beautiful grove, with gardens and lawns. The entire neighborhood is to undergo a decided change, and what with the new chemical building of the University, now in course of construction [Cobb Hall], the handsome new University gates and new rustic station of the railway company, the place will be one of real beauty.[73]

Consequent with white reacquisition of black-owned property in the vicinity of historic Canada, and particularly beginning in the early twentieth century, many white landowners wrote racial clauses into their deeds preventing the resale or rental to African Americans. For all intents and purposes by the beginning of the first quarter of the twentieth century, the historic core of the Canada community, that area contained by the Catherine Foster and James Widderfield estates, was undergoing a process of gentrification. Canada's presence as a distinct neighborhood was relatively short-lived. The premature demise of the historical core of Canada may help explain why this neighborhood does not show up in many City or County documents, unlike other

[73] *Daily Progress* (Charlottesville, Virginia), August 18, 1916, "Pest Hole Clean Up," p1.

historically black Charlottesville neighborhoods that continued as vibrant communities well into the twentieth century.

Areas of Significance

The Foster archaeological site possesses statewide significance under Criterion A in the areas of Ethnic Heritage: African American, Social History and Commerce, and under Criterion D in the area of Archaeology: Historic (Non-Aboriginal).

Ethnic Heritage

From the 1780s to about 1810, scholars have documented the rapid growth of the free African-American population in the United States. Federal census data for the United States from 1790 to 1810 document a free African-American annual growth rate of between 6.2 and 5.6%. The cause of this extensive growth has been credited variously to the egalitarian ideology and widespread manumission that followed the Revolutionary War, the religious Great Awakening, and general anti-slavery sentiment.[74] Like the rest of the country, in the Commonwealth of Virginia anti-slavery sentiment became pronounced during the last quarter of the eighteenth century. A direct result of the debate over slavery was the 1782 Act of the General Assembly reaffirming the legality of private manumission. Under this law white owners could emancipate their slaves without seeking approval of the legislature. Between 1782 and the 1820s, a limited number of white Virginians freed enslaved individuals through wills and deeds. The population of free African Americans within the Commonwealth responded growing exponentially during this period. Over the three-decade period between 1790 and 1820, the population of individuals categorized as "other free" grew from 1.7% to 3.4% of all Virginians, an increase of over 24,000 individuals. Within Albemarle County, the free non-white population increased by a total of 202 individuals, and composed between 1.3% to 1.8% of the population over this period.[75]

Freedom however did not mean equality. The tremendous growth rate of the free black population in the first decades of the nineteenth century led to their perception as a threat by larger white society. As a result, many states initiated laws that restricted manumission, curtailed rights and activities, and encouraged free African-American emigration from the South. Indeed Federal census data document that the growth rate of the free black population in the United

[74] John Henderson Russell, *The Free Negro In Virginia, 1619-1865*, 54-61, 82-83. (Baltimore: Johns Hopkins University Press, 1913); Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*, 16-25, 31, 35, 46-49, 135-181. (New York: Pantheon Books, 1974); Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800*, 432-435. (Chapel Hill:: University of North Carolina Press, 1986); Donald R. Wright, *African Americans in the Colonial Era: From African Origins Through the American Revolution*, 118-130. (Wheeling, IL: Harlan Davidson, 1991); Eva S. Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion*, 7-16. (Baton Rouge: Louisiana State University Press, 2006).

[75] Stephen M. Thompson, T*he Archaeology of Bowles' Lot: Phase III Data Recovery Excavations at 44AB374, a late 18th – 19th century Free African-American Rural Domestic Site in Albemarle County, Virginia*, 31-36, 44-48. VDHR File No. 2006-0394, COE Permit #2006-7633 (Charlottesville: Rivanna Archaeological Services, LLC, 2010).

States exhibited a general decline from 5.6% in 1810 to 1.2% in 1860. Most white Virginians, too, perceived the increasing population of free African Americans as a potential threat to social and economic stability. The rate of manumissions in the Commonwealth fell substantially during this same period resulting in a considerable decline in the growth of free black population in Virginia (4.1% in 1810 to 0.7% in 1860), and Albemarle County (6.8% in 1810 to 0.3% in 1860).[76]

Legislators in Virginia instituted a body of laws throughout the pre-Emancipation period aimed at further restricting the rights of free African Americans. In order to establish their identity and status, in 1793 the General assembly passed a law requiring free African Americans to register with their town or county court. Following Gabriel's Rebellion in 1800, the General Assembly passed a law requiring all newly manumitted individuals to leave the Commonwealth within a year or risk being re-enslaved. White Virginians also were outraged when, during the War of 1812, the British offered freedom and British citizenship to all African Americans, free or enslaved, who could reach British-controlled territory or ships. Thousands of African Americans seized this opportunity, upending whites' assertions that they were content to be enslaved. In 1831 a bill was passed prohibiting the gathering of free African Americans for the purpose of teaching reading and writing. A year later, contrary to the First Amendment to the Constitution, free African Americans were restricted from gathering for religious purposes. They were also forbidden from owning firearms without a permit. Following Nat Turner's Rebellion, in 1833 the Commonwealth allocated funds for the transportation of free African Americans to western African, and required all counties to conduct a survey of free blacks enquiring as to whether they would consider emigrating.[77]

By the nineteenth century, generations of blacks and whites living together in the larger South had produced a population of both free and enslaved individuals whose racial heritage was mixed. In Virginia white lawmakers struggled to classify and define race throughout the antebellum period.[78] Unambiguous laws intended to determine an individual's race were based on both physical appearance as well as ancestry. The term "mulatto" was first adopted by the General Assembly as a legal definition of someone whose existence was somewhere between black and white and who had at least one parent, grandparent or great-grandparent who was African. In post-Revolution and early National Virginia, a free person who possessed up to one-fourth African ancestry[79] was considered legally white. However following the Nat Turner Rebellion and the consequent enactment of new laws further restricting the liberties of free blacks, race in the Commonwealth became more ambiguous. Seeking to exempt certain classifications of mixed blood non-whites from overly restrictive penalties imposed on free blacks, the General Assembly enacted a law permitting local courts to provide a certificate to a

[76] Thompson, T*he Archaeology of Bowles' Lot*, 44-48; Wolf, *Race and Liberty in the New Nation*, 113.
[77] June Purcell Guild, *Black Laws of Virginia*, 95-123. (New York: Negro Universities Press, 1969).
[78] The concept of race is, of course, a social construct that cannot be empirically quantified or qualified.
[79] Since 1705, Virginia law had defined three categories of racial diversity: white, black and "mulatto," the latter a category somewhere in-between the first two. Between 1705 and 1785, a person with one African or African-American parent, grandparent or great-grandparent, or at least one-eighth such ancestry, was considered a "mulatto." After 1785, a person with one African or African-American parent or grandparent, or at least one-fourth such ancestry, was considered a mulatto. Rothman, *Notorious in the Neighborhood*, 204-205.

free, mixed-blood individual stating that they were neither white nor free Negro nor mulatto.[80] While most state laws aimed to codify the basis for a biracial society, the reality of racial definition was, of course, much more complex. Individuals of mixed racial heritage possessed varying skin tones and appearances and could be generations removed from African ancestry. Because race was an ambiguous concept, one that was subject to personal interpretations by local officials, the clarification of such laws was ultimately in the hands of the local community and courts.[81]

Due to the Commonwealth's evolving legal standards, free African Americans occupied a slippery middle ground in nineteenth-century Virginia. By definition, "free persons of color" were not enslaved and therefore were able to take advantage of certain benefits that enslaved individuals could not, including property ownership. As "persons of color," however, they were legally distinguished from whites, were therefore not treated equally under the law, and were ultimately considered by whites to be a potentially dangerous social element to be controlled. Thus, for many free African Americans, basic rights of American citizenship such as educational opportunities and choices of occupation were limited; housing and property ownership, movement and social activities were restricted; they were required to carry "free papers" with them at all times; they could not vote or hold office; and they were always at risk for their personal safety, including being forced into slavery by unscrupulous whites and a corrupt legal system.

During Reconstruction and the broader post-Emancipation period, the African-American population in Virginia remained consistent as a proportion to the larger total population of the Commonwealth. Between 1870 and 1890, the population of African Americans rose from 512,841 to 635,438, an increase of 122,597 or approximately 24%. The African-American percentage of Virginia's total population, however, remained the same, approximately 40%. The African-American population of Albemarle County also exhibited similar trends during the post-Emancipation decades, increasing over each decade but remaining steady as a proportion of the larger total population. By the mid-1890s, however, a substantial decline in the number of African Americans living in Albemarle County had occurred, and by 1915 the population was approximately half of what it had been in 1890.[82]

Land ownership of Albemarle County's African Americans increased 75% between 1860 and 1870, but these same individuals composed only 0.05% of the total African-American population. Over the course of the post-Emancipation period, the larger pre-war plantations and estates were gradually sold and broken up into smaller farms and/or urban lots. Although there was modest growth in urban land ownership, growth in both white and black land ownership favored rural areas with a similar increase in the number of families practicing diversified subsistence farming including mixed crops, fruit production, and dairy and poultry production.[83]

[80] Guild, *Black Laws of Virginia*, 108-109; See Rothman, *Notorious in the Neighborhood*, pp 210-234 for an explanation of the reasoning behind and impact of these race laws.
[81] Rothman, *Notorious in the Neighborhood,* 204-210.
[82] Thompson, *Archaeology of Bowles' Lot*, p56-57.
[83] Thompson, *Archaeology of Bowles' Lot*, p56-57.

Federal legislation passed prior to, during, and immediately after the Civil War, including the Civil Rights Act of 1866, the 14th and 15th Amendments to the U. S. Constitution, and the Civil Rights Act of 1875, laid the legal framework for racial equality but provided only patchwork support and enforcement at the local level. With the initial support of Federal Reconstruction, millions of freedmen throughout the larger south were able to begin to establish the foundations of a future. This future held out the promise of basic legal rights, education, an income for their labor, freedom of religion, and the potential of land ownership. However as Reconstruction ended, Federal support for early Civil Rights legislation disappeared or was often reversed, thus initiating the Jim Crow era of segregation in the United States.[84] As a result, African Americans across the United States had to battle discriminatory laws and ordinances at the local, state, and national levels that imposed racial segregation and impacted nearly every aspect of public and private life. Despite facing personal and institutionalized racism, African Americans fought to maintain racial equality, legally challenged disfranchisement and voter intimidation laws and, when denied public funding for education and opportunities for employment by whites, provided such means themselves through the establishment of their own schools, churches, fraternal and mutual aid societies, and small businesses all while still paying taxes to local and state governments.

A search of the National Register of Historic Places database reveals that of the over 89,000 listed properties, only 5990 or approximately 6½ % (.067) are archaeological sites. Of these 5990 sites, only 91 or 1½ % (.015%) contain African-American cultural components. Within the Commonwealth of Virginia only 13 National Register-listed archaeological sites contain African-American cultural components.[85] These statistics document that archaeological sites in general, and archaeological sites containing African-American cultural components in particular, are underrepresented on the National Register of Historic Places.[86]

A search of archaeological sites with African-American cultural affiliation in the Virginia Cultural Resource Information System (VCRIS) revealed a total of 712 properties. Of this total 13 were listed on the National Register of Historic Places (NRHP) and Virginia Landmark Register (VLR), one was listed on VLR, 36 were assessed as eligible for listing on the VLR and NRHP, and 41 were assessed as potentially eligible for listing on the VLR and NRHP. [87] Of the 13 NRHP-listed archaeological properties, seven were plantation or quarter sites associated with

[84] The Civil Rights Act of 1875 was declared unconstitutional by the U. S. Supreme Court in 1883. The Jim Crow era of segregation is typically understood to have begun with the Plessy v. Ferguson Supreme Court decision of 1896 that used the "separate but equal" doctrine to affirm the legality of racial separation in education and public spaces.

[85] The National Park Service's *Focus* database was searched for all properties listed under Criterion D – Information Potential, and also having an Area of Significance of Black or African American. It is presumed that the predominant number of archaeological sites listed on the Register are done so under Criterion D. The search included all properties listed as of June 2014.

[86] Erika M. Seibert, "African-American Archaeological Sites & the National Register of Historic Places: Creating a Public Memory," np. *African-American Archaeology*, John P. McCarthy, ed., No. 27 (Late Winter 2000).

[87] The VCRIS database was searched for all African American archaeological sites including National Register listed, Virginia Landmark Register listed, National Register eligible and National Register potentially eligible as of February 2016.

enslaved individuals; two were historical African-American cemeteries; two were post-Emancipation African-American schools; one was a Civil War earthwork associated with U.S. Colored Troops; and one was a post-Emancipation domestic site. Of the 36 archaeological properties assessed as eligible for the NRHP, 14 were plantation or quarter sites associated with enslaved individuals; 10 were associated with post-Emancipation African-American domestic sites or communities; 6 were associated with pre-Emancipation free black domestic sites or communities; five were historically African-American cemeteries; and one was associated with a Civil War contraband camp. Of the 41 archaeological sites assessed as potentially eligible for the NRHP, 19 were plantation or quarter sites associated with enslaved individuals, eight were historically African-American cemeteries; five were associated with post-Emancipation African-American domestic sites or communities; one was associated with a Civil War earthwork; one was associated with enslaved industrial labor; one was a free black domestic site; and one was an African-American school. Five additional sites were of unknown African-American association.

Of the seven archaeological sites associated with free African Americans in Virginia and listed on the NRHP, or assessed as eligible or potentially eligible for listing on the NRHP, two were part of the Free State community in Albemarle County (44AB0374, 44AB0518),[88] one was associated with an unnamed free black community in Henrico County (44HE0743),[89] three were associated with the Centreville free black community in James City County (44JC1018, 44JC1153, 44JC1174), and one was associated with the free African-American Robinson family in Prince William County (44PW0288). Very little is known about the Henrico County (44HE0743) site's associations with an unidentified free black community. In James City County sites 44JC1018, 44JC1153 and 44JC1174 are associated with the community of free African Americans living on the Hot Water tract owned by the Lee family. William Ludwell Lee's 1803 will freed 28 slaves and allowed them to live and farm land on Hot Water tract that he owned. Records document that by the immediate post-Emancipation period only a few African-American families resided on the tract. This "Free Negro Settlement" came to be known as Centreville. The Centreville free African-American community differs from the Foster Site in that it was a rural, predominantly agricultural community, and that it did not last well into the post-Emancipation period. The Free State African-American community (44AB0374 and 44AB0518) is tied to Amy Farrow a freeborn African-American woman and her descendants. Farrow purchased a 224-acre parcel in rural Albemarle County in 1788. Farrow and her children farmed the lands until her death in 1797 when her property was passed onto her two sons. Generations of Farrows and Bowles', as well as other free African-American families, continued to farm the Amy Farrow tract into the post-Emancipation period and into the early twentieth century when descendants sold their land to white landowners. Free State follows the chronological trajectory of the Foster Site in that it spans the entire nineteenth century and early twentieth century tracing the lives of a predominantly rural agricultural community.

[88] Both 44AB0374 (late nineteenth to twentieth-century occupation) and 44AB0518 (late eighteenth to nineteenth-century occupation) were interpreted as different episodes of the same occupation. VDHR recommended that both sites be subsumed under the designation 44AB0374, a site spanning the late eighteenth through first half of the twentieth century.

[89] Very little is known about 44HE0743 other than its association with an unnamed free black community.

The Foster Site, as demonstrated through the lives and experiences of mixed-race Catherine Foster and her descendants, is significant at a statewide level because it is able to tell the compelling and personal story of race in pre-Emancipation Virginia, the struggle for identity of a free African-American family in the tenuous middle ground between black and white. It is able to do this in a uniquely urban-like setting where larger concentrations of free African Americans gathered because of the increased economic opportunities that a non-rural community offered. Beginning with Catherine, documents record that generations of Foster family members were variously listed by white census takers as white, black, "mulatto" or possessing no racial status at all. Like other free African Americans residing in Albemarle County, the Fosters were required to periodically register with the county court. State laws, however unevenly locally applied or enforced, also restricted their rights, freedom and activities. For the Fosters then, race was inescapable, all encompassing and defined their very existence. However the Fosters also proactively used existing law and positive local relationships to help define themselves, staking a claim to citizen-hood for themselves and their children's future. In 1857 Catherine's daughter Ann took advantage of Virginia law to declare her children, Susan and Clayton, "not a negro." Supporting her application to the Albemarle County Court were very influential white men in the University and Charlottesville community. In the eyes of the court Susan and Clayton were considered less than "one-quarter African American" and were therefore exempt from legal discriminations imposed on other free blacks.

The Foster Site is also significant at a statewide level because it documents the inherent contradiction of freedom for African Americans in post-Emancipation Virginia. The Foster family, along with other Charlottesville and Albemarle County African Americans, looked with hope to the promises that Emancipation, the end of the war, and Reconstruction had proclaimed. However for most African Americans in Virginia, the late nineteenth century was a struggle for racial equality and all of the liberties it entailed. Freedom and all of its privileges was most often established through the labor and efforts of African Americans, than granted by white society. Canada was one of several post-Emancipation neighborhoods to develop in rapidly urbanizing Charlottesville. For the last quarter of the nineteenth century it was a vibrant working class neighborhood with homes and businesses that experienced expansion and development. However as a predominantly African-American neighborhood its residents were discriminated against, suffered pervasive racism, and were segregated from larger white society and the social, civic and business opportunities it offered. The public rhetoric of early-twentieth-century racism, as published in the *Daily Progress*, characterized whites' attitudes toward the Canada neighborhood, and the Foster property in particular, as derelict and an unclean nuisance.[90] Combined with racial exclusion clauses in property deeds, white socio-economic forces of gentrification in the first quarter of the twentieth century, led by prominent University faculty, acted to separate land-owning African Americans from their property. The Foster Site differs from Free State (44AB0374 and 44AB0518) and the James City County free black community (44JC1018, 44JC1153 and 44JC1174) in that it was part of a uniquely urban African-American community with densely developed lots and owned and leased by residents who provided working class skilled and unskilled labor to larger white and black Charlottesville.

[90] *Daily Progress* (Charlottesville, Virginia), August 18, 1916. 'Pest Hole Clean Up,' p1.

The Foster Site is representative of the experiences of free African Americans in Virginia during a tumultuous period of American history in which changing social and political perceptions of race impacted all persons of color. The Foster Site is significant because it documents a nineteenth-century African-American domestic complex in Virginia from the pre-Emancipation period through to the turn-of-the-twentieth century. In particular it holds the record of a land-owning, independent free property owner, Catherine Foster, and her multi-generational mixed-race extended family. The story of America's nineteenth-century free African Americans is one of struggle, adaptation, survival, perseverance and success, and is of crucial importance to a fuller and more representative history of the Commonwealth of Virginia.

Social History

The Foster Site is also important because it documents the individual and collective experiences of free African-American women and their children and their complex social interactions with larger white and black Charlottesville from the 1830s through the first decade of the twentieth century. The acquisition of land by free African Americans was an important accomplishment in antebellum Virginia, one which had both practical and symbolic implications. As a woman and a free person of color, Catherine Foster was not legally prohibited from owning property.[91] Scholars have noted that land ownership and wealth of free African-American women in the larger South expanded during the second quarter of the nineteenth century. Ownership of property, of course, was dependant upon location, occupation and income.[92] Catherine Foster's purchase of property however should not be perceived as just an important transaction for a free person of color. Rather as a laundress and seamstress it was an act that was integral to her very existence. Because a majority of Catherine Foster's work, including obtaining water, washing, drying and ironing, was conducted at home in her yard it was also intimately connected to the land she owned. The decision to purchase property, and thereby ensure the economic productivity of herself and her descendants, established a claim to her family's socio-economic future within larger white society. On the symbolic level, the action was also a calculated decision that formally promoted the social and legal standing of Foster and her family, within an increasingly antagonistic and white-dominated University and Charlottesville community. As a free African-American woman in 1830s Virginia, Catherine Foster's decision to purchase property in 1833 would have reverberations in the area adjacent to and south of the University for nearly a century.[93]

[91] Married women in antebellum Virginia, both white and black, had no legal status. In most cases personal property that a woman brought to marriage was owned by her husband, and in the case of real estate was controlled by her husband. The marriage of a woman then put her property, and the ability to control her future, at risk. See Carole Shammas, Re-Assessing the Married Woman's Property Acts. *Journal of Women's History* (Spring 1994): 1-30.

[92] Loren Schweninger, Property Owning Free African American Women in the South, 1800-1870, np. *Journal of Women's History* 1 (Winter 1990): 13-44.

[93] Several scholars have noted the propensity of post-Emancipation African-American communities to develop around former free black neighborhoods. See Maral S. Kalbian, *Fifeville-Castle Hill Historic District, National Register of Historic Places Registration Form*, p8-82, 8-88, VDHR File #104-0213, National Park Service, U. S. Department of the Interior, 2007.

Numerous historians have noted that a statistical majority of free black households in Virginia were headed by women, a figure that was even more apparent in urban than in rural contexts. Catherine, and later her daughter Ann, were both listed as heads of household in local and federal census tallies over the course of the nineteenth century. The Foster women's decision to remain single during the pre-Emancipation period may have been directly related to their desire to maintain economic independence, to retain full rights in the property they owned, as well as to the fewer numbers of single free African-American men.[94] Of the other free African-American archaeological sites in Virginia, only the free black community of Free State (44AB0374) in Albemarle County is noted to have been directly connected with a female head of household, Amy Farrow, and is therefore able to provide insight into the negotiation of both gender and race through time. Upon her death in 1797 Farrow divided her 224-acre property between her two sons. Lucy Barnett, a daughter of Farrow's and also a head of household, continued to live and work at Free State after Farrow's death.[95]

During the pre-Emancipation period, records document that Catherine Foster and her descendants regularly interacted with larger white society including neighbors, businessmen, faculty and students in a number of complex social levels. Foster appears to have utilized positive relationships with white men when she felt it benefited her. In 1830 Foster indentured her two sons to an unnamed white man. Six years later in 1836 she bound them out again to her neighbor James Widderfield, a white master carpenter. The indenture agreements taught Catherine's sons a valuable skill and provided lodging, board and often a nominal wage in exchange for their labor. Because they lacked the opportunity for an education, Catherine may have utilized this relationship to better her son's futures. Likewise, in 1857 Thomas Jefferson Randolph, grandson of Thomas Jefferson, Rector of the University of Virginia, and Delegate from Albemarle County to the General Assembly, provided evidence to a judge for Ann Foster's application that her children, Susan and Clayton, were of "mixed blood." These and other examples document the complex social relationships that Catherine Foster and her descendants established and maintained with white citizens.[96]

While the Fosters interacted with larger white society out of both desire and necessity, they were also members of an increasing population of Albemarle County African Americans. Residents of the Foster Site forged and maintained relationships with both free and enslaved persons in the pre-Emancipation period. Strong social relationships and the security of family and communal groups, at both the local and national levels, provided the means for ensuring survival as well as maneuvering through oppressive racism, and institutionalized segregation and disfranchisement. Catherine's eldest son married into a prominent free African-American family in Charlottesville. Like other free African Americans in the late 1830s, the same couple decided to migrate to Clinton County, a portion of southwest Ohio with ties to Quaker communities and the

[94] Suzanne Lebsock, *The Free Woman of Petersburg: Status and Culture in a Southern Town, 1784-1860*, p89, 99, 104-109. (New York: W. W. Norton & Co., 1985).
[95] Thompson, *The Archaeology of Bowles' Lot*, 58-60.
[96] *Albemarle County Minute Boo*k 1830-1831, February 8, 1830, np; *Albemarle County Minute Book* 1834-1836: April 1, 1836, p324. Albemarle County Courthouse, Charlottesville, Virginia; *Journals of the Chairman of the Faculty, 1827-1864*, RG-19/1/2.041, Volume 6: July 1835-July 1837: June 3, 1837, p44. Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

abolitionist movement. Southwestern Ohio and portions of other Midwestern states attracted runaway slaves and free African Americans during the 1830s-1840s as welcoming destinations that held a promise for the future. Family connections, and social relationships with former Albemarle County residents, facilitated removal to other Midwestern states. The Foster Site is therefore representative of the larger social patterns of migration and resettlement in free states that occurred throughout the second quarter of the nineteenth century up to Emancipation.

The Foster Site also played a pivotal role in helping to establish the larger pre-Civil War tenant-occupied, and post-Civil War land-owning African-American community named Canada. While evidence for a small African-American community of tenants south of the University is documented as early as the 1830s, the first geographic reference to "Canada" as a distinct African-American neighborhood occurred in 1864. As the only African-American *owned* property south of the University until 1867, the Foster property served as a lynchpin in the developing tenant community. The mere presence of a stable free African-American owned property, and the social and economic relationships it provided, encouraged and attracted other free African-American settlement. During the period of Reconstruction and the Jim Crow era, the area surrounding the Foster property was transformed into a vibrant community of skilled artisans and laborers including blacksmiths, brick masons, laundresses, seamstresses, and preachers, and unskilled laborers such as railroad workers, cellarmen, hucksters, as well as domestic servants. Most African Americans living in the Canada community purchased property and constructed residences there between 1868 and 1880. Ownership of property during the decades following Emancipation was powerfully significant to African Americans. The owner-occupied postbellum Canada community reflects broader African Americans' desire for freedom, equality, opportunity, and the pursuit of independence and prosperity during the last three decades of the nineteenth century.

Commerce

The Foster Site is also important because of its extensive archival and material record that documents the resident's long-term provisioning of services with larger Charlottesville, including employment with the adjacent University as well as consumer-oriented interactions. University and Federal government records document that Catherine Foster and her descendants provided over six decades of goods and services to faculty, staff and students at the University. Catherine and her daughters worked primarily as laundresses and seamstresses, typical occupations for nineteenth- century African-American women. Unlike other commercial businesses however, out-services such as laundress and seamstress work provided a measure of independence and was generally paid for in cash, not credit. Several Foster family members were also employed directly on a temporary basis by the University. Ann Foster, daughter of Catherine, worked in the University Infirmary as a nurse for a short period during the Civil War and Clayton Foster, a grandchild of Catherine's, sold firewood to the University and was also paid several times for unnamed labor.[97] Independent commerce then, and particularly laundress

[97] *Bursar's Accounts, 1851-1860*, RG-52.1.121, April 2, 1858, p104. Special Collections Department, University of Virginia Library, Charlottesville, Virginia; *Ledgers Maintained by the Proctor of the University of Virginia, 1817-*

and seamstress work, was a critically important means through which Catherine Foster and her descendants established a livelihood for themselves.

As long-term residents of Charlottesville, Catherine Foster and her descendants also regularly interacted with regional merchants as consumers purchasing locally available goods and services. Recent artifact-focused scholarly work has demonstrated that material culture meaning is fluid and is derived from a manufacturer's productive intent, individual consumption, the post-acquisition use and display of an object. Material culture recovered from the Foster Site, particularly glass and ceramic goods as well as other personal items, documents that they actively purchased mass-produced and mass-marketed products representing both local and national firms. These artifacts not only speak to Foster family possessions through time, but reflect the decisions they made as mixed race consumers, and as individuals interacting within a larger white-dominated society.

Archaeology-Historic (Non-Aboriginal)

The Foster Site is important for its intact and well-preserved archaeological resources. The Foster Site possesses the buried remains of a well-preserved domestic complex occupied from the first quarter of the nineteenth century through the early twentieth century. Although likely originally constructed by Abner Hawkins ca. 1819, "the dwelling house suitable for a small family" was likely occupied by tenant Catherine Foster and her children as early as the beginning of the second quarter of the nineteenth century. After her 1833 purchase, and through their nearly eighty-year occupation of the site, the Foster family made the dwelling and surrounding property their own, expanding upon and developing it throughout the remainder of the nineteenth century. The archaeological remains of the early nineteenth-century dwelling include an intact wood-lined dug cellar, brick chimney base and fire box, bulkhead entrance and stairway, and remnant masonry piers associated with residential additions. The archaeological remains contained within the Foster Site are an unusual and rare example of antebellum working-class housing in Virginia, a feature that is underrepresented in the archaeological record of Virginia and beyond. The dug cellar with frame floor on joists and wood-paneled siding, in particular, is a significant example that contributes to the interpretive potential of how the Foster family may have utilized their residence.

Surrounding the primary residence, the Foster Site also possesses a remarkably intact and well-preserved aesthetic and functional nineteenth-century domestic landscape. Numerous landscape elements, central to understanding how the surrounding yard functioned in relation to the residence and the type of activities that may have been conducted there, are preserved below grade. Linking the dwelling with the main thoroughfare of Wheeler's Road to the north, a formal sinuous brick paved patio fronting the north façade of the residence leads to a linear four-foot-wide brick-and-stone cobble path. Broadly distributed to the west and southwest is a less formal hard-surfacing incorporating an extensive area of stone cobbling with several paths composed of both small flat stones, and larger stone and brick bats. The two types of hard surfacing reflect

1910. RG-5/3/2.961, Vol. 1861-1865, April 18, 1863, p405, 706, Vol. 1866-1867, December 22, 1866, p578, 584. Special Collections Department, University of Virginia Library Charlottesville, Virginia.

both the public face of the domicile fronting the main road, and a less-public yard area and work space fronting a private alley, Venable Lane. To the southwest of the dwelling, an intact brick-lined four-foot-diameter unidentified deep feature, most likely a well, was documented but left unexcavated. The hard-surfaced landscaping and presence of the well in the western yard reflect the importance of this area for work-related chores and its significance to the livelihood of the Foster women. Further southwest of the dwelling, a remnant mortared brick foundation testifies to the presence of a small nineteenth-century outbuilding, possibly the smokehouse located on the property as mentioned in the 1828 John Winn advertisement.

Of unknown relevance, but aesthetically and functionally important to experiencing the nineteenth-century Foster domestic landscape, five white oak trees or tree stumps were documented north, west and south of the main residence. Whether intentionally planted or selected for during site development, the trees formed part of a circular grove embracing the primary residential building. Architectural and landscape features documented through archaeological research appear to reflect and respect the presence of the trees, with pedestrian paths and cobbled areas gracefully avoiding and winding around them. The trees remains are interpreted as an integral part of the Foster archaeological site, specimens that provided a practical benefit of shade and comfort, but also an aesthetically pleasing experience.

The Foster Site is also important for its immensely rich, broadly distributed and well-preserved stratified cultural deposits. Although material culture was less densely distributed and soils contained evidence for limited disturbances immediately south of and adjacent to Jefferson Park Avenue, surrounding the dwelling and immediately to its north, west and south the cultural deposits contained large quantities of material culture, and many well-preserved cultural features. Research and mitigation-oriented archaeological excavations over the course of 17 years has yielded a predominantly domestic artifact assemblage ranging from the late-eighteenth to first half of the twentieth century. Nearly 47,500 artifacts including ceramic and glass utilitarian and tableware, architectural materials, children's toys, personal and work-related items were recovered from soils surrounding the dwelling. Material culture plays a critical role as a data source, one that often complements or contradicts other types of evidence, including documentary and oral historical sources. In particular, material culture recovered from an African-American archaeological site is integral to a more complete and nuanced understanding of the property, and of marginalized peoples in general.

Buried in a small cemetery southwest of the primary residential building, 32 unidentified individuals, including infants, youth and adults, interpreted as members of the extended Foster family and larger African-American community of Canada, mark the presence of what was once a vibrant community of tenants and land-owners living south of and adjacent to the University of Virginia. These graves, currently preserved beneath fill soils, possess a distinct spatial patterning characterized by both small and large clusters separated by space. The clustering suggests the interment of related individuals and possibly households. The quantity of burials also suggests a use beyond the immediate Foster family. Recognizing that prior to Emancipation, free African Americans had few choices for public interment in Charlottesville, the Foster cemetery may have provided an uncontested place of burial for non-land-owning African-American tenants.

Likewise in post-Emancipation Charlottesville, African-American residents of Canada may have taken advantage of the local burying ground, perhaps choosing to be interred in their own neighborhood. The presence of the small cemetery reinforced the central role of the Foster property to the developing African-American community of Canada. Burial grounds play an important role in establishing a sense of place on an individual and communal level. Cemeteries directly contribute to creating a legitimacy of presence and belonging grounded in time and longevity. The Foster-Canada cemetery has the potential to yield significant information about the Foster family, the larger Canada neighborhood, and nineteenth-century African-American burial practices.

The archaeological resources contained within the Foster Site record the evolution of a nineteenth-century urban-like domestic complex. The uniquely preserved wood-lined dug basement, the chimney base and architectural brick piers, the formal stone and brick landscaping of the area immediately surrounding the domicile, a deep brick-lined well, the remains of a brick smokehouse or outbuilding, the intact cultural deposits, and an intact burial ground containing the remains of 32 individuals from the Foster property and surrounding Canada community combine to make it a property with excellent preservation and integrity.

In Virginia three important African-American archaeological sites spanning either side of the Civil War, the Free State community in Albemarle County and the Centreville community in James City County, and the James Robinson House in Prince William County, are comparable to the Foster Site. At 44AB0374, Phase I, II and III archaeological research within Component 1 at Free State documented a largely surface and plowzone low-density assemblage of late eighteenth to nineteenth-century material culture with few architectural or subsurface features. A single relatively large four-by-seven foot pit was interpreted as the potential remains of a residential structure dating to this period. Continued late-nineteenth and twentieth-century occupation and plowing of the larger Component 1 area however is thought to have impacted depositional context and erased other additional, albeit shallowly founded, subsurface features. Component 2, a late-nineteenth to first half of the twentieth-century concentration of material culture was centered on an extant one-room cabin.[98]

The three distinct domestic sites in the vicinity of the Centerville James City County free black community were found to contain two pit features, one ten-by-twelve feet in dimension, and several other subsurface features most likely representing a dwelling, well, icehouse and fence line dating to the first three quarters of the nineteenth century (44JC1018), two concentrations of first half of the nineteenth-century material culture possibly representing activity areas or separate structures (44JC1153), and a domestic structure occupied from the mid-eighteenth to the early nineteenth century consisting of three unexcavated cultural features including potential brick piers (44JC1174). The Centreville sites contain intact cultural deposits and features that are significant for their association with the post-1803 emancipation of slaves by William Ludwell Lee and their subsequent settlement within his Hot Water Plantation tract.[99]

[98] Thompson, *Archaeology of Bowles' Lot*, p157-159.
[99] Virginia Department of Historic Resources, Archaeological Site Record, VDHR ID Nos. 44JC1018, 44JC1153, and 44JC1174, generated February 17, 2016.

In Prince William County, Virginia, extensive archaeological research was conducted at the Robinson House site (44PW0288) located in Manassas National Battlefield Park. The research documented intact cultural deposits and features of a farmstead surrounding the stone foundation remains of the former late 1840s residence (burned in 1993). Important subsurface features documented included an unidentified outbuilding, a barn, a well, an ice pit, and trash pits. The wealth of material culture recovered from the Robinson site consisted of large numbers of refined and utilitarian ceramics, as well as food storage, pharmaceutical, beverage glassware and lamp chimney. The Robinson house property is significant for its association with the free African-American Robinson family who resided on the property from 1849 to 1936, as well as its prominence during the first and second Battles of Bull Run.[100]

Period of Significance

The period of significance for the Foster archaeological site, 1819-1906, spans the antebellum, Civil War, and post-Emancipation periods including Reconstruction and Jim Crow eras, up through the first decade of the twentieth century. The beginning date of 1819 was selected because it represents the first documented purchase and development of the 2⅛-acre historic parcel by Abner Hawkins, a white contractor to the University of Virginia. Although likely rented over a period of several years, the small parcel was ultimately purchased by Catherine Foster in 1833, also a significant date. Catherine Foster and her descendants resided on the property throughout the nineteenth century, dividing it over generations, until it was sold out of the family in 1906.

Future Research Potential

As a site that was predominantly occupied and shaped by African-Americans over a period of nearly eighty years, the Foster Site can necessarily explore the issue of race as a determining factor in the meaning of material culture, the evolution of the site's cultural landscape, and in particular the construction of African-American social identity, both self-imposed and instituted from without. Although socially and legally redefined through time, perceived racial identity directly influenced relationships between blacks and whites in nineteenth- and twentieth-century Charlottesville, the Commonwealth, and the broader South. Future historical and archaeological research can contribute to a greater understanding of how free and post-Emancipation African-Americans negotiated social and economic relationships within larger white society and how these relationships changed in important ways. This can be achieved through a detailed examination of archival sources and the development of a broader historic context for antebellum and post-Emancipation Charlottesville, Virginia, as well as a contextualized interpretation of the material culture recovered from the site.

[100] Mia T. Parsons, ed., *Archeological Investigation of the Robinson House Site 44PW288: A Free African-American Domestic Site Occupied from the 1840s to 1946*, Manassas National Battlefield Park, 2001; Laura V. Trieschmann, preparer, *Manassas Battlefield Historic District (Amended and Boundary Expansion)*, 8-71-72, National Register of Historic Places Registration Form. VDHR 076-0271, National Park Service, U. S. Department of the Interior, 2005.

The historical and archaeological research generated from the Foster Site contributes to documenting the pervasive and oppressive role of racism in a rural southern context through the lens of late-nineteenth and early-twentieth-century gentrification. Given the extraordinary amount of historical and archaeological research documenting the Foster Site, its occupants, the Canada neighborhood and its occupants, the site provides an important case study that allows the comparison and contrast of predominantly white-generated texts describing the Fosters and their property, with a predominantly black-generated archaeological record over the course of a century. This comparison can not only examine the role of the archaeological record as an important data source that informs and contributes to a greater historical understanding, but can also highlight the influence of racism on the perception of a prominently located nineteenth-century African-American owned property by the larger, white-dominated University and Charlottesville community. Future exploration of gentrification as an important driver in the decline and demise of the Foster Site and larger African-American Canada should highlight the important and active role played by University faculty and other prominent white Charlottesville citizens.

As the only black-owned property adjacent to the pre-Emancipation University of Virginia, and as the core of the vibrant and extensive pre- and post-Emancipation African-American community of Canada, the Foster Site can provide greater insight into the meaning of nineteenth-century African-American landholding, and the importance of a cultural landscape in defining and reinforcing individual and communal racial identity through time. Intra-site analysis of the archaeologically documented domestic landscape contained within the Foster Site can speak to the creation of place through time by studying the individual and communal activities carried out there. Through inter-site analysis, landscape-focused studies can explore the changing relationship and interaction of antebellum and post-Emancipation African Americans to the adjacent Academical Village and its residents, and the larger Charlottesville white community that grew to reject the presence of, yet depend upon, the service-based labor of African Americans who lived there.

Because census records document that for several generations few adult males resided on the Foster property, gender and the role of women emerge as an important lens with which to view the development of the landscape, the consumer choices associated with material culture recovered from the site, and in general the decisions that informed and impacted daily life. As heads of their households, generations of Foster women had obligations to both work *and* family, simultaneously providing for their loved ones and raising children. Both race and gender drove the options for occupations available to the Foster women throughout the nineteenth century. As seamstresses and laundresses, the Foster women chose a livelihood that provided optimal working conditions, allowing them to conduct a majority of their labor at home while simultaneously permitting the care of younger children and allowing for the help of older children. Because gender played an important role in determining the occupation of the Foster women, and because the landscape surrounding the Foster residence was vitally important to their occupation, gender must necessarily be seen as a determining factor in the formation of the landscape. Race and gender may also have had a role in determining the marital status of Foster women. In the early nineteenth century common law dictated that a woman lost control of all

personal and real property that she brought to a marriage. Although the Virginia General Assembly debated a married women's property act that would have expanded rights in the 1840s, it was ultimately rejected. Population statistics also document that particularly in more urban areas of Virginia the number of marriageable free black men was limited.[101]

Continued archaeological analysis of the material culture recovered from the Foster Site can examine African-American consumptive behavior throughout the nineteenth century and document the ways in which it changed. The prevalence of numerous consumer studies on both African-American and non-African-American archaeological sites will allow productive comparison to the Foster assemblage. In particular the contextualization of material culture recovered from the Foster Site can potentially aid in understanding the creation of personal and communal identity and how, through the purchase and presentation of objects, self-definition changed through time.[102]

[101] Shammas, Re-Assessing the Married Women's Property Acts, 9-11; Lebsock, *Free Women of Petersburg*, 104-109.
[102] See Paul R. Mullins, *Race and Affluence: An Archaeology of African America and Consumer Culture* (New York: Kluwer Academic, 1999).

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*Charter Corporation Book*s. Albemarle County Courthouse, Charlottesville, Virginia.

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Previous documentation on file (NPS):

____ preliminary determination of individual listing (36 CFR 67) has been requested
____ previously listed in the National Register
____ previously determined eligible by the National Register
____ designated a National Historic Landmark
____ recorded by Historic American Buildings Survey #_____
____ recorded by Historic American Engineering Record # _____
____ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

_X_ State Historic Preservation Office
____ Other State agency
____ Federal agency
____ Local government
_X_ University
____ Other
Name of repository: Department of Historic Resources, Richmond, Virginia; University of Virginia, Charlottesville

Historic Resources Survey Number (if assigned): DHR Nos. 44AB0525 and 104-5140

---

10. Geographical Data

Acreage of Property 0.74 acre

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates
Datum if other than WGS84:_____
(enter coordinates to 6 decimal places)

1. Latitude: 38.031963 Longitude: -78.504155
2. Latitude: 38.031951 Longitude: -78.504571
3. Latitude: 38.031176 Longitude: -78.504392
4. Latitude: 38.031249 Longitude: -78.504780

Or
UTM References
Datum (indicated on USGS map):

☐ NAD 1927 or ☐ NAD 1983

1. Zone: Easting: Northing:
2. Zone: Easting: Northing:
3. Zone: Easting: Northing:
4. Zone: Easting : Northing:

Verbal Boundary Description (Describe the boundaries of the property.)

The historic boundary encompasses the full extent of the documented archaeological resources known to be associated with the Foster Site. The true and correct historic boundary is shown on the attached map entitled "Sketch Map, The Foster Site."

Boundary Justification (Explain why the boundaries were selected.)
The Foster Site boundary was chosen because it encompasses a majority of the undeveloped western portion of the original 2⅛-acre historic parcel purchased by Catherine Foster in 1833. The northern and western boundaries follow the original northern and western boundaries of the tract purchased by Catherine Foster in 1833. The eastern boundary follows a line of division recorded in an 1882 Chancery Court record when Ann Foster's estate was divided according to her will. This division split the Foster parcel into two even eastern and western halves. The eastern half was subsequently heavily developed in the early twentieth century. The southern boundary encompasses the Foster / Canada Cemetery but does not include areas where extensive site grading has occurred over the years.

---

11. Form Prepared By

name/title: Benjamin P. Ford, Ph.D., Principal
organization: Rivanna Archaeological Services, LLC
street & number: 410 East Water Street, Suite 1100
city or town: Charlottesville state: Virginia zip code: 22902
e-mail: bford@rivarch.com
telephone: 434-293-3108
date: February 29, 2016

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log
Name of Property: The Foster Site
City or Vicinity: City of Charlottesville
State: Virginia
Date Photographed: See below
Description of Photograph(s) and number, include description of view indicating direction of camera:
Photographer: Benjamin P. Ford

Photograph #	*Date*	*Description / View*

VA_Charlottesville City_Foster Site_0001	2015	Foster Site, facing north
VA_Charlottesville City_Foster Site_0002	2015	Cemetery, facing southwest
VA_Charlottesville City_Foster Site_0003	2015	Shadow catcher, facing east
VA_Charlottesville City_Foster Site_0004	2015	Reveal, facing southeast

List of Figures

Note: Figures are included on Continuation Sheets

Name of Property: The Foster Site (44AB0525)
City or Vicinity: City of Charlottesville
State: Virginia

Figure #1: Plan showing excavated units at the Foster Site (44AB0525).
Figure #2: Writing implements.
Figure #3: Kaolin pipe stems and bowl.
Figure #4: Toothbrush heads.
Figure #5: Penknife.
Figure #6: Clay and stone marbles.
Figure #7: Bisque and glazed porcelain doll parts.
Figure #8: Buttons.
Figure #9: Thimble.
Figure #10: Bone awl and pin.
Figure #11: Incised steatite pipe bowl.
Figure #12: Cellar, looking north, showing wood paneled floor and remnant chimney base.
Figure #13: Brick paved area to north of cellar, looking west.
Figure #14: Stone and brick pedestrian path, looking north, leading to Jefferson Park Ave.
Figure #15: Site looking south, showing brick and cobble paved areas and dug cellar.
Figure #16: Oak tree stump and western areas of cobbling, looking south.
Figure #17: Western area of cobbles, looking west, and showing line of post-holes.
Figure #18: Partially revealed brick-lined well.
Figure #19: Remnant brick outbuilding southwest of Foster residence.
Figure #20: Plan of Foster / Canada Cemetery documenting 32 interments.
Figure #21: Foster Site, looking north, showing cellar, stone cobbling to west, and brick paving to north.
Figure #22: 1863 plat, reproduced in 1893, showing property of Ann Foster (upper left) and larger tenant occupied Canada neighborhood occupying the Widderfield estate.
Figure #23: Overview of site showing locations of features.

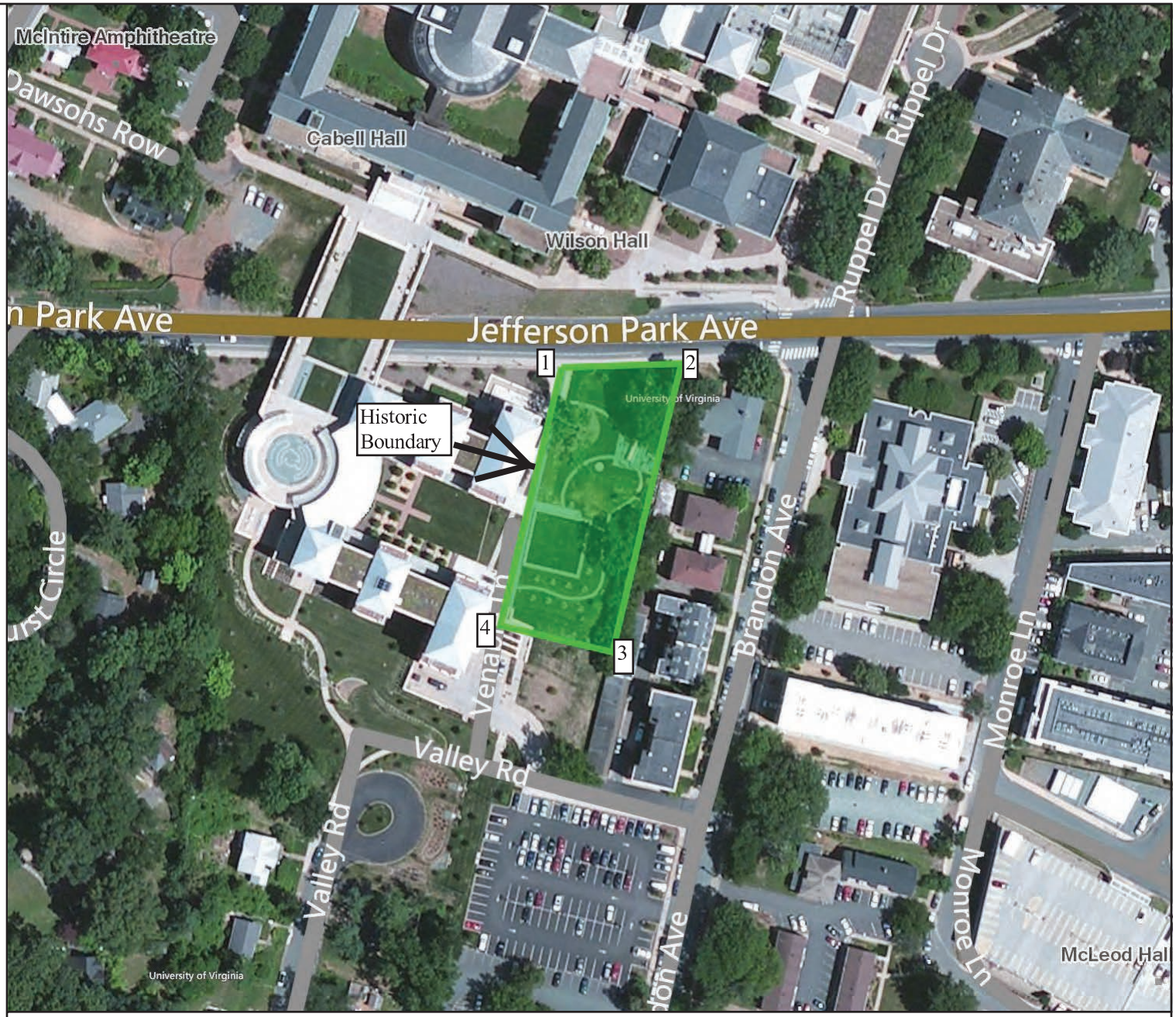
Virginia Dept. of Historic Resources

V-CRIS

Virginia Cultural Resource Information System

LOCATION MAP
The Foster Site
University of Virginia Campus
City of Charlottesville, VA
DHR No. 104-5140
Latitude/Longitude Coordinates

1. Latitude: 38.031963
Longitude: -78.504155
2. Latitude: 38.031951
Longitude: -78.504571
3. Latitude: 38.031176
Longitude: -78.504392
4. Latitude: 38.031249
Longitude: -78.504780



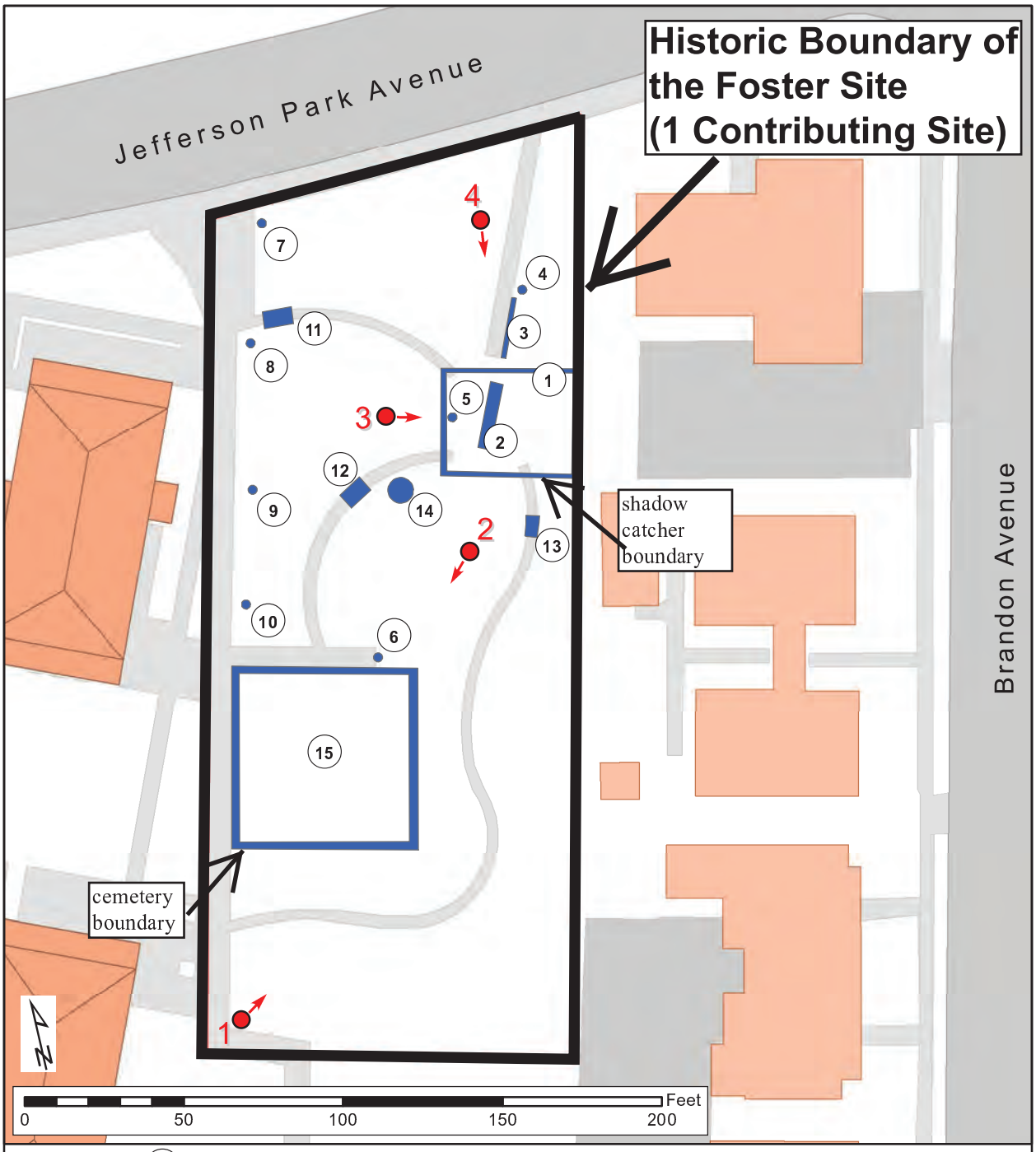
N

Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet

Title: The Foster Site **Date: 2/10/2016**

DISCLAIMER:Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions.The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Notice if AE sites:Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.



1 Non-Contributing Resource*

1. Shadow Catcher
2. Bench
3. Archaeological Reveal
4. Sign
5. Sign
6. Sign
7. Bollard
8. Bollard
9. Bollard
10. Bollard
11. Stairs
12. Stairs
13. Stairs
14. Well
15. Cemetery

1 photo no. and direction

SKETCH MAP/ PHOTO KEY
The Foster Site
University of Virginia Campus
City of Charlottesville, VA
DHR No. 104-5140

*Note: All non-contributing resources pertain to the site's current interpretation and commemoration as part of the University of Virginia campus.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

The Foster Site
Name of Property
City of Charlottesville, VA
County and State
N/A
Name of multiple listing (if applicable)

Section number Additional Documentation Page 1

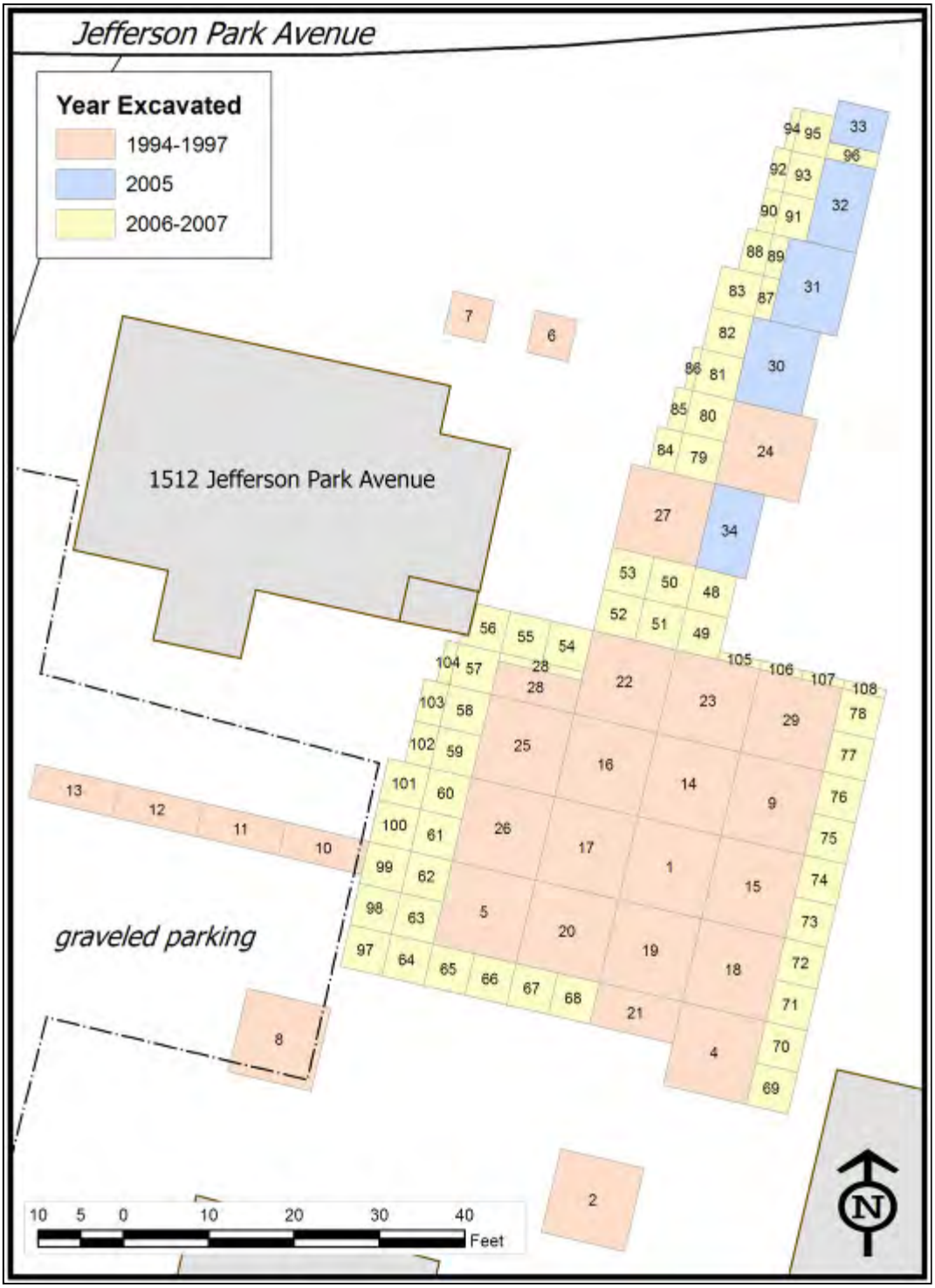


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Figure #2: Writing implements.

Figure #3: Kaolin pipe stems and bowl.

Figure #4: Toothbrush heads.

Figure #5: Penknife.

Figure #6: Clay and stone marbles.

Figure #7: Bisque and glazed porcelain doll parts.

Figure #8: Buttons.

Figure #9: Thimble.

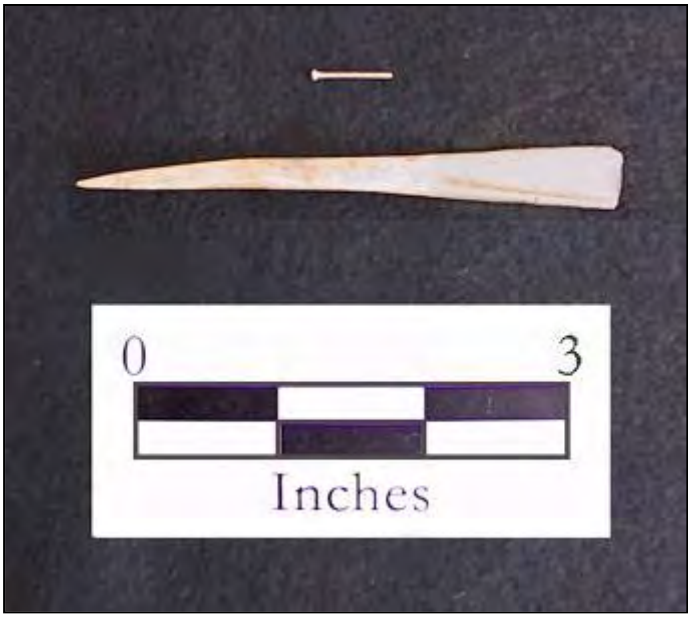

Figure #10: Bone awl and pin.

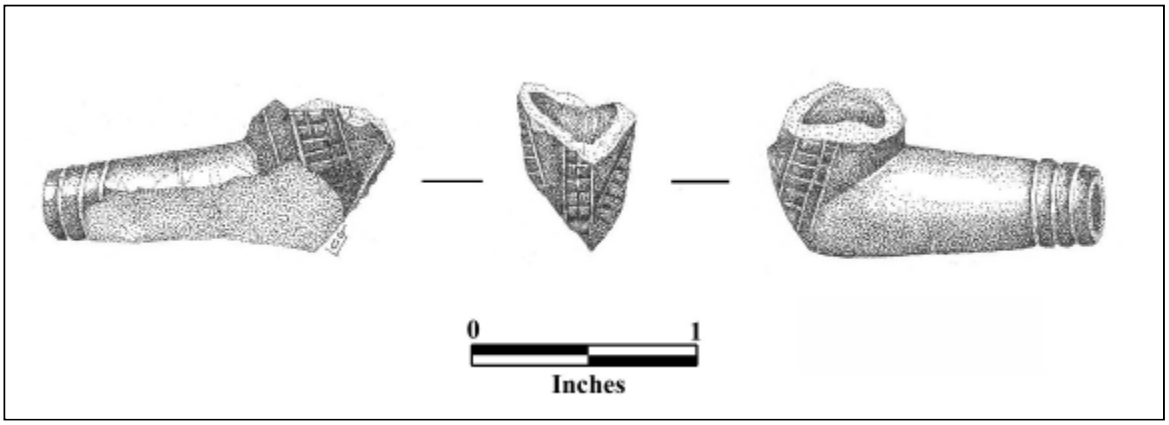

Figure #11: Incised steatite pipe bowl.

Figure #12: Cellar, looking north, showing wood paneled floor and remnant chimney base.

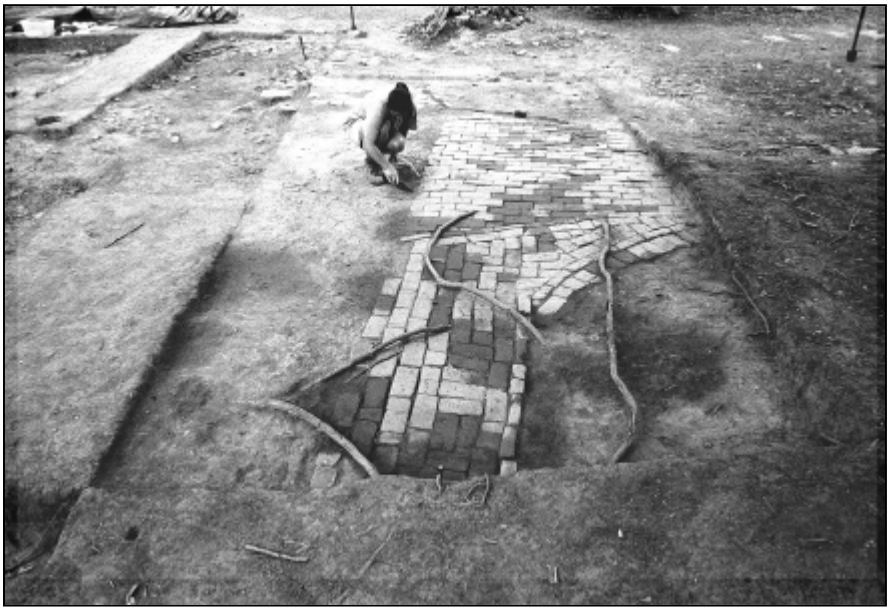

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Figure #14: Stone and brick pedestrian path, looking north, leading to Jefferson Park Avenue.

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Figure #16: Oak tree stump and western area of cobbling, looking south.

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Figure #18: Partially revealed brick-lined well.

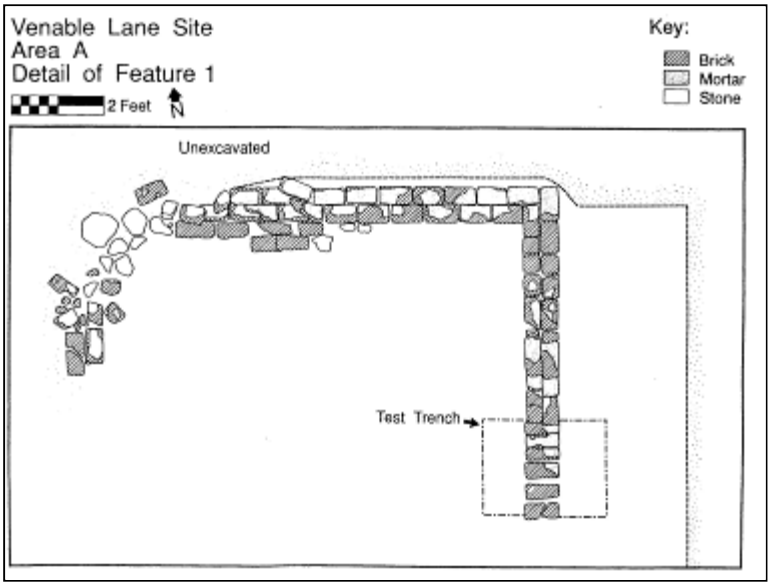


Figure #19: Remnant brick outbuilding southwest of Foster residence.

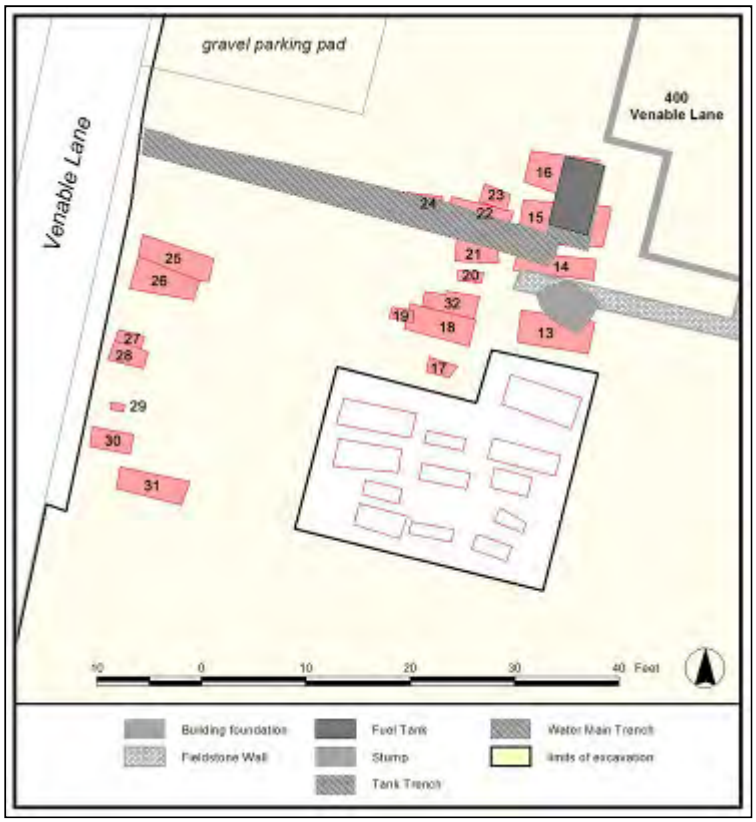
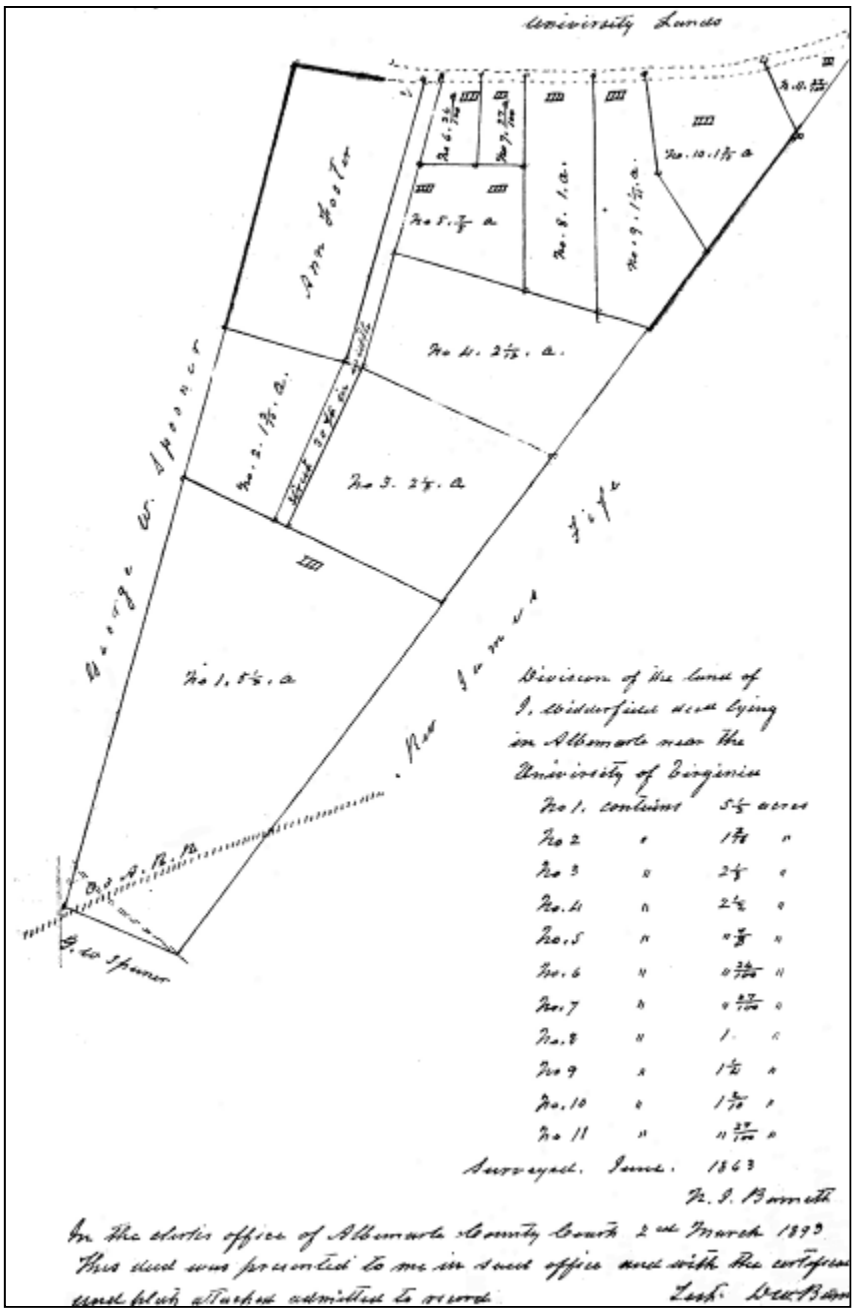


Figure #20: Plan of Foster / Canada Cemetery documenting 32 interments.

Figure #21: Foster site, looking north showing cellar, stone cobbling to west, and brick paving to north.



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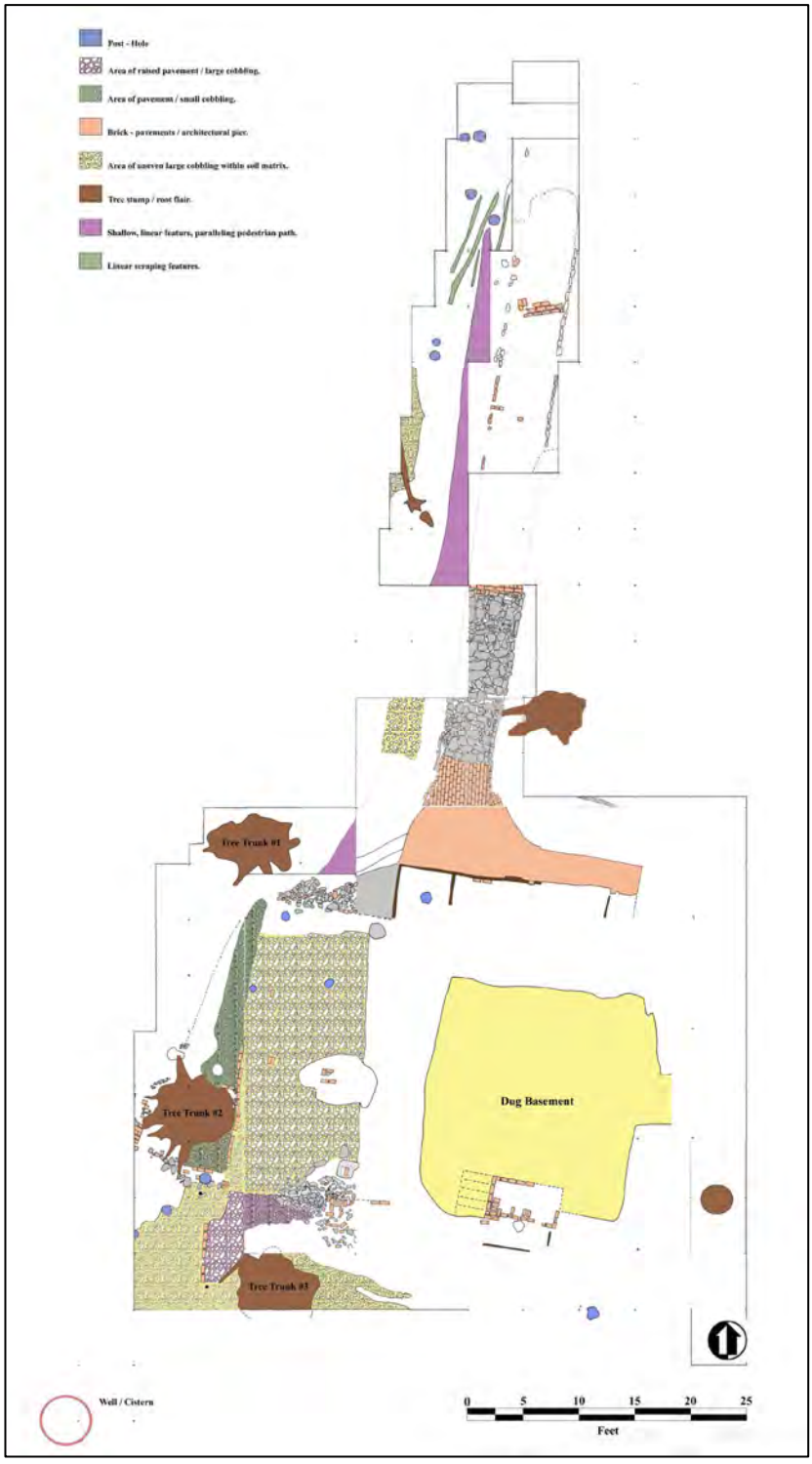

Figure #23: Overview of site showing locations of features.

&a20CUNITED STATES DEPARTMENT OF THE INTERIOR
&a30CNATIONAL PARK SERVICE

&a22CNATIONAL REGISTER OF HISTORIC PLACES
&a29CEVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: Foster Site, The

MULTIPLE NAME:

STATE & COUNTY: VIRGINIA, Charlottesville

DATE RECEIVED: 4/01/16 &pW DATE OF PENDING LIST: 4/21/16
DATE OF 16TH DAY: 5/06/16 &pW DATE OF 45TH DAY: 5/17/16
DATE OF WEEKLY LIST:

REFERENCE NUMBER: 16000259

REASONS FOR REVIEW:

APPEAL:	N	DATA PROBLEM:	N	LANDSCAPE:	N	LESS THAN 50 YEARS:	N
OTHER:	N	PDIL:	N	PERIOD:	N	PROGRAM UNAPPROVED:	N
REQUEST:	N	SAMPLE:	N	SLR DRAFT:	N	NATIONAL:	N

COMMENT WAIVER: N

✓ ACCEPT ___RETURN ___REJECT 5.16.16 DATE

ABSTRACT/SUMMARY COMMENTS:

Entered in
The National Register
of
Historic Places

&a4L

RECOM./CRITERIA_____

REVIEWER_____ DISCIPLINE_____

TELEPHONE_____ DATE_____

DOCUMENTATION see attached comments Y/N see attached SLR Y/N

If a nomination is returned to the nominating authority, the nomination is no longer under consideration by the NPS.

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org

February 26, 2016

James Hare, Director, Survey and Register Division
Capital Region Preservation Office
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

RE: Foster Site, Charlottesville National Register nomination

Dear Mr. Hare,

The Board of Architectural Review (BAR) of the City of Charlottesville, a Certified Local Government, discussed the above-referenced item on their regular meeting agenda on February 17, 2016. The BAR voted unanimously (8-0) to enthusiastically recommend the approval of the Foster Site National Register nomination as proposed.

If you have any questions, please contact me at 434-970-3130 or scala@charlottesville.org.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner

COMMONWEALTH of VIRGINIA

Department of Historic Resources

Molly Joseph Ward
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

March 25, 2016

Mr. Paul Loether
Chief, National Register of Historic Places and National Historic Landmarks Programs
National Park Service 2280
National Register of Historic Places
1201 I ("Eye") Street, N.W.
Washington D.C. 20005

Re: The Foster Site, City of Charlottesville, Virginia

Dear Mr. Loether:

The enclosed disk contains the true and correct copy of the nomination for the **Foster Site** to the National Register of Historic Places. Submitted for your review, the nomination has been considered, and approved, by the State Review Board and the Virginia SHPO has recommended it for listing. Any letters of comment or objection have been copied at the end of the nomination material, along with any FPO notification letters.

Should you have any questions, please do not hesitate to contact me. My direct phone line is 804-482-6439.

Sincerely,

Lena Sweeten McDonald
National/State Register Historian

Enclosures

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
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Fax: (804) 862-6196

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962 Kime Lane
Salem, VA 24153
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PO Box 519
Stephens City, VA 22655
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