

The Removal of the Courthouse from Brentsville to Manassas: Fraud or Sour Grapes

On July 1, 1872, the qualified electors of Prince William County voted upon the question of removing their County Seat from Brentsville to Manassas. The impetus for this removal was, in fact, much like that begun in the late 18th century, when citizens in the western portion of the county urged removal of the courthouse from Dumfries to Brentsville. While petitioners for the change of venue relied upon the mercy of the Virginia General Assembly, the 1872 removal was put to a vote of the citizens.

The county seat was removed to Brentsville in 1820, after more than 35 years of petitioning. The justifications for this change included the fact that Dumfries was at an extreme end of the county and thus difficult to reach. Dumfries was no longer a viable port and center of trade due to the extensive cultivation of tobacco that resulted in the silting in of Quantico Creek. Speculation may have also played a role, as many parties with an interest in the move had already invested in lands where the new county seat would be built. It was for very similar reasons that a new group of supporters pressed for removal from Brentsville to Manassas by the 1870's.

The development of the railroad at Manassas Junction recommended the town as an excellent site for the public buildings. Many wealthy and influential businessmen had invested in property in the growing town. One man, George C. Round, went so far as to "donate" the land upon which the new county seat would be built. These factors, combined with damage that Brentsville incurred during the Civil War and its retarded repair and redevelopment, led to the raising of the issue.

So it was that, in 1872, the General Assembly issued a bill, "To authorize the qualified voters of the County of Prince William to vote on the question of removing the County courthouse to Manassas." (Prince William County Circuit Court Archives, Judgments, 1873). This bill stipulated:

"1...that it shall be the duty of the several officers conducting elections in the County of Prince William, at the time and place for holding the general election on the fourth Thursday in May, 1872, to prepare a separate ballot box for each voting precinct, in which shall be deposited the ballots of the then qualified voters who shall desire to vote upon the question of said removal. The said ballots should be respectfully as follows:

For Brentsville.

For Manassas.

Each ballot so cast, which shall have written or printed thereon "For Brentsville," shall be taken and counted as a vote against the removal of the said courthouse, and each ballot so cast which shall have written or printed thereon "For Manassas," shall be taken and counted as a vote for the removal of said courthouse from its present location to the village of Manassas in said county.

2. The manner of receiving and canvassing the ballots cast at such election on the question of the removal of said courthouse, and making returns and abstracts of the results thereof, shall conform in all respects to the regulations prescribed by the general election law of this State, except the certificate of the judges of election shall be as follows:

We hereby certify that at the election held ___ votes were cast "For Brentsville," and ___ votes were cast "For Manassas," G.H., J.R. Clerks and A.B., C.D., E.F. Judges, and provided further, that the commissioners of election shall make on a separate sheet an abstract of said votes against and for the removal of the said

courthouse of Prince William County, which abstract shall be duly signed by said commissioners and deposited in the office of the clerk of the county court of said county.

3. If from such returns and abstracts of votes so cast upon the question of the removal of the courthouse of Prince William County it shall appear that a majority of the votes were "for Manassas," the said village of Manassas shall be, to all intents and purposes, the place of holding courts in the said county of Prince William, and for conducting the business incident thereto, so soon as suitable buildings may be erected for that purpose: provided, that the people of Manassas shall furnish the necessary lot of ground, enclose it, and erect thereon, without expense to the people of the county, as good or better courthouse, jail and clerk's offices than those in present use, and shall convey, by proper legal conveyance, the title to the said lot and buildings thereon to the said county, the funds for the purchase of the said lot and the erection of said buildings to be received by Benjamin D. Merchant, Charles L. Hynson and William S. Fewell, who shall constitute, in connection with the Board of Supervisors, a building committee, to erect the courthouse and other necessary buildings; and it shall be the duty of the Board of Supervisors of the County of Prince William to sell the public buildings at Brentsville upon such terms as they shall deem best, and appropriate the proceeds of said sale toward the erection of the necessary public buildings at Manassas aforementioned; and the Board of Supervisors of said county shall select a lot on which said public buildings shall be erected: and further provided, the said removal of the said courthouse shall not take place beyond the year 1873.

4. This act shall be in force from its passage."

The ballots were cast on May 23, 1872, but apparently the provisions of this bill were not followed, as petitioners addressed themselves to County Court Judge Aylett Nicol with voting irregularities as early as May 29. These petitioners wrote,

"That on said 23rd day of May, 1872, the vote on the said question was taken at various precincts in said county, and returns thereof made to the Clerk's office of Your Honor's Court – that on the 2nd day after the said election day two of the persons appointed by your Honor as Commissioners for the Election of the said County, met at the Clerk's office of the said County Court and without organization according to law and in the absence of a quorum proceeded unsworn to open the poll-books from the different election precincts in said county and to count and canvass the said returns. That the said two Commissioners left the said the poll books unsealed and the returns uncounted in the Clerk's office of the said Court from that day until the fourth day after the said election day at which time and place a full board convened. These two Commissioners, however, canvassed the election returns from Coles precinct and ascertained the certificate of the Judges and Clerks of the Election to the votes cast or alleged to have been cast "For Brentsville" and "For Manassas" to be insufficient in law..." (Manassas Gazette, June 1872).

Ultimately, the petition alleged that the Commissioners decided the vote of Monday, May 27, 1872 was in favor of Brentsville by a majority of 49 votes. It stated that this decision was rendered under protest and that it was "...wholly wrong and erroneous,' for many reasons including the decision was made on the wrong day, that a quorum was not present, that the two Commissioners who did meet were not properly sworn in and that the poll-books were left unsealed. The petitioners charged, "... special fraud in the conduct of the election officers at the Occoquan precinct..." and "... that the judges of election who received ballots cast for Manassas opened many of them before depositing them and read the writing or printing on their face, and made public at divers times during the said day how many votes had been cast for Manassas, and how many for Brentsville, and this conduct your petitioners charge was illegal and fraudulent, and done to influence electors in voting." (Manassas Gazette, June 1872). The petitioners who charged that the results for the Coles and

Occoquan precincts were fraudulently included Richard M. Weir, H. B. Varner, B. D. Merchant, George C. Round, George B. Jones, S. A. Thomas, B. M. Florence, J. W. Hornbaker, Robert M. Weir, B. L. Cannon, R. W. Merchant, John H. Butler, S. W. Burdge and C. L. Hynson.

By June 4, 1872, the Board of County Supervisors and Commissioners of Elections for Prince William County published that, *"We shall contest the election held in said county on the 23rd day of May, 1872 under a special act of the State Legislature, passed to enable the qualified electors of Prince William County to vote upon the question of removing their County Seat from Brentsville to Manassas, under that said election the Commissioners thereof, erroneously decided Brentsville to have a majority of 49 votes over Manassas."* (Manassas Gazette, June 1872).

The Election officials were subsequently summoned to appear in court to give testimony on the irregularities, Some of these men included John S. Powell, Thomas L. Selecman, A. H. Johnson, James V. Nash, Charles Ryan, Lycurgus Ledman, William Selecman, John Murphy, Thomas J. Powell Jr, John King, Charles Holland, Samuel R. Lowe, Isaac P. Baldwin, J. J. Cockrell and E. E. Conner. (Prince William County Circuit Court Archives, Judgments, 1872).

While the records of the court have not been found, one can surmise that the protest was disallowed, as the court remained at Brentsville for another twenty years. Records even indicate that repairs continued to be made through the 1890's One such document, dated 1875, was for payment of the cost of a weather vane and insulators to Frank Ash,