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Out of the Attic

The fight for property rights after the Civil War

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Image: Detail of "Bird's Eye View of Alexandria, VA," Charles Magnus, 1863. Library of Congress.

This view from Charles Magnus' "Bird's Eye View of Alexandria, VA" documents the area south of downtown Alexandria in 1863, stretching from Wilkes Street on the left to Duke Street on the far right. This section is centered on an area of the city that grew rapidly until the Civil War began, and vast stretches of open land still remained to the south and west of the downtown area.

The careful observer will notice that streets to the south of Wilkes, marked by the railroad tunnel at the lower left, were little more than cow paths. Even Washington Street deadended just a few blocks south at the northern shoreline of Great Hunting Creek, near the intersection with Church Street.

At the top of the image, just right of center, one can see the circular roundhouse used as a turntable to change the direction of rail engines, and the train proceeding up Wilkes Street passes piles of lumber and supplies stored by the U.S. Army for military use.

On the lower edge, the huge Pioneer Mills looms over the waterfront in the center, and moving west behind it can be seen the spire of St. Mary's R.C. Church and the lower cupola of the Old Presbyterian Meeting House just to the left. Further south is one of Alexandria's famous "Flounder Houses," whose architectural style is named for its one-sided roof angle that mimicked the narrow fish and was best viewed from the side.

Further west on Wolfe Street are two of Alexandria's most impressive homes, commandeered by the Union Army to establish the Wolfe Street Hospital, which operated in the two brick structures from January 1, 1862 to February 25, 1865. The easterly mansion, known as the "Tuscan Villa," was built as a





Office of Historic Alexandria City of Alexandria, Virginia

residence by John L. Marshall in 1850 and offered panoramic views of the city, waterfront and surrounding countryside. That structure is no longer standing.

Neighboring that property and still standing was the largest home in Alexandria, built just a few years earlier by Francis L. Smith, Alexandria's most prominent attorney, who fled the city during Union occupation. Smith was a prominent local landowner, and another property he owned near Church and South Washington streets was hastily confiscated by Union authorities soon after the Magnus print was executed to establish the Freedmen's Cemetery.

After the war, Smith regained control of his former home, but it is still a mystery as to how Freedmen's Cemetery returned to private ownership. But Smith's legal skills were second to none, and as the government had never formally acquired title to the burial yard, and ceased control of it in the late 1860s when it then contained more than 1,800 African American graves, it is probable that Smith used this oversight to re-establish his property rights.

But Smith's experience did not help his client and close friend, Robert E. Lee, when he advised the former Confederate general of the almost insurmountable challenges associated with retrieving the beloved Custis family homestead from the federal government. That property was seized during the war and interred thousands of military graves around Lee's former home through the war years.

After hearing Smith's opinion of the futility of such an effort at the Wolfe Street residence, Lee decided not to pursue the issue further. But soon after his parents had died, their son, George Washington Custis Lee, successfully sued the government for return of the Arlington estate.

Rather than requiring the removal of the graves surrounding the old Custis homestead, the younger Lee ultimately accepted a financial payment of \$150,000 and ceded ownership of Arlington National Cemetery to the government in 1883.

"Out of the Attic" is published each week in the Alexandria Times newspaper. The column began in September 2007 as "Marking Time" and explored Alexandria's history through collection items, historical images and architectural representations. Within the first year, it evolved into "Out of the Attic" and featured historical photographs of Alexandria.

These articles appear with the permission of the Alexandria Times and were authored by Amy Bertsch, former Public Information Officer, and Lance Mallamo, Director, on behalf of the Office of Historic Alexandria.