

*“100 Dollars and Other Valuable Considerations”:*

An Analysis of Black Generational Land Ownership in Wilmington, NC

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## **Abstract**

Land and homeownership are topics of much debate, concern, and intervention in modern Black political thought. Discussion of Black land loss, while longitudinal in scope, often places the origins of Black land ownership in the early 1900s. In this paper, I challenge this notion, first placing the origin of Black land ownership in the antebellum period and examining Black land ownership for the following century. To do so, I constructed the narratives of six Black-owned parcels from their acquisition to their status in 1950. My first chapter offers a brief exploration of the history of Black ownership between 1850 and 1950. In my second chapter, I examine the circumstances of the deprivation of that land, inclusive of the political, economic, and white-supremacist tools used to do so. In my third chapter, I consider conceptions of Black land from prominent Black authors like W.E.B. DuBois to the presence of land in abolitionist politics. Then, I offer the complete histories of six formerly Black-owned parcels of land from 1850 to 1950 and the presence of tools of preservation and deprivation of Black ownership in these parcels. I conclude with a brief analysis of the five parcels, an acknowledgment of the limitations of this work, and a discussion of the significance of this work on Black vital records research. By the end of the period, only two parcels were possessed by Black individuals, and only one of those was a direct connection through shared lineage. The chains of title created during this research indicate that wills and end-of-life legal planning best-ensured property were successfully passed from one Black owner to the next, a mechanism that heavily favored families in wealthy, free, Black communities.

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## **Introduction**

In eastern North Carolina, the city of Wilmington stands as a physical intersection of various overlapping histories. Originally a key asset for the Confederacy in the Civil War, the city served as a destination for Black migration after emancipation. Wilmington's proximity to the Atlantic offered the opportunity for the self-sufficiency and economic access desired so desperately by formerly enslaved individuals. As such, the town's Black population doubled from 3,683 (50.7%) in 1850 to 7,920 (58.9%) in 1870.<sup>1</sup> The city's appeal extended from the fertility of its water for fishing and crabbing to its booming financial and political prospects for educated and enterprising Black migrants. The city became the stronghold of the biracial Fusionist party, led by Blacks and whites, alike. With opportunity came the establishment of Black neighborhoods, churches, and schools to act as the center of Black social, religious, and educational life. Wilmington, with its potential for Black prosperity and turning political gears, was a growing hub for Black mercantile and political activity by the close of the 19<sup>th</sup> century.

The state of what may be termed 'Black Wilmington' today presents a starkly different image. Whereas Black people made up half of the city of Wilmington in 1898, they now make up only 20%.<sup>2</sup> Where thriving Black neighborhoods once were stand rented and renovated units, with Black percentage homeownership is less than half its White (alone or combined)

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<sup>1</sup> U.S. Census Bureau, "Table III - State of North Carolina" Statistics of the Population of the United States (1870), accessed April 1, 2022, <https://www2.census.gov/library/publications/decennial/1870/population/1870a-22.pdf>

<sup>2</sup> U.S. Census Bureau, "Population Estimates, July 1, 2021 (V2021) -- Wilmington city, NC," Quick Facts, accessed February 9, 2022, <https://www.census.gov/quickfacts/wilmingtoncitynorthcarolina>

counterpart.<sup>3</sup> One resident described the Black experience in Wilmington as neither “welcoming nor warming”.<sup>4</sup>

Between these periods is a formative century of political, economic, and social activity in Wilmington. Between 1850 and 1950, the face of Wilmington changed drastically. The progress of the Fusion party was dashed by Wilmington Insurrection of 1898, which ended in the deaths of between 60 and 100 Black citizens and violent expulsion of countless more. Migration trends inverted, with less Black individuals in New Hanover County on the 1900 iteration of the census than the proceeding iteration.<sup>5</sup>

When one imagines gradual deprivation of land from Black individuals, they may imagine barbecue postcards, strange fruit, and hooded men terrorizing Black landowners to surrender and abandon their property.<sup>6</sup> They may envision all-white courthouse gangs of lawyers eager to exploit death, debt, and foreclosure amongst Black property owners. While these stories are also true, the thread of gradual land loss runs continuously behind accented moments of racialized violence and legalized exploitation. This aims to examine Black landownership in Wilmington through this formative century through the transactional records of various plots across the city.

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<sup>3</sup> U.S. Census Bureau, "2010 Selected Housing Characteristics," 2010 ACS 5-Year Estimates Selected Population Data Profiles (ACSDP5YSPT2010), accessed April 1, 2022, <https://api.census.gov/data/2010/acs/acs5/sptprofile>

<sup>4</sup> Dill, Emma. “Wilmington's Black Population Isn't Growing as Fast as Others. Why?” StarNews Online, March 10, 2021. <https://www.starnewsonline.com/story/news/2021/03/10/wilmingtons-black-community-shrunk-over-past-30-years/4546965001/>.

<sup>5</sup> U.S. Census Bureau, "Table I - Composition and Characteristics of the Population for the State and for Counties," Statistics for North Carolina Containing Statistics of Population, Agriculture, Manufactures, and Mining for the State, Counties, Cities, and Other Divisions (1914), accessed April 1, 2022, <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-nc.pdf>

<sup>6</sup> This is a reference both to Nina Simone's "Strange Fruit" and Loyce Gayo's 2014 CUPSI performance of her poem, "How We Forget".

Our current approaches to the historical documentation of property ownership are generally anthropocentric. Historians and biographers, alike, often follow key individuals, families, or people groups through history. Even those who aim to document their family history likely intend to track the lineage of their people as they move across various lands. This paper, instead, considers the movement of specific parcels of land from the hand of Black owners to various Black and non-Black acquirers.

Inspired by the seminal works of Saidiya Hartman, this historical examination requires the suspension of some demands for meticulous detail on Black lives in the antebellum period. For reasons historians have repeatedly articulated, archival materials available for work such as this is critically limited<sup>7</sup>. To lend complete faith to vital records research for Black people assumes equitable documentation, maintenance, and access to institutions that lead to vital record creation. This much we know to be untrue. Hartman's "critical fabulation", the fusion of archival material with theory and narrative for enslaved women, is thus my inspiration for this approach. Hartman offers critical fabulation as a negotiation of the archive to consider what might be assumed, what might have been said, and what might have been felt but never verified.<sup>8</sup> Hartman's method was groundbreaking and is often referenced in historiographical discussions of the slavery archive. It does not, however, speak much to longitudinal examinations like those relevant when considering familial homeownership. Moreover, the general availability of property records in chronicling land ownership places this work closer to traditional works of non-fiction than Hartman's proposed semi-non-fiction.

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<sup>7</sup> See, for example White, 1987 and Smallwood, 2016.

<sup>8</sup> Hartman, Saidiya. "Venus in Two Acts." *Small Axe* 12, no. 2 (2008): 1-14. [muse.jhu.edu/article/241115](http://muse.jhu.edu/article/241115).

The work of a historian, Tiya Miles acts as the complement to Hartman's framework. This work mirrors the historian's methodological approach in *All That She Carried*, the narrative of one knapsack and its generational ownership.<sup>9</sup> Miles considers a family's history -- and the history of the surrounding region-- through the knapsack. She chronicles the knapsack's origin and significance on its path from mother to daughter, simultaneously weaving together fact, conjecture, and narrative.<sup>10</sup> Miles work differs from this work for its relative lack of archival records.

The methodological approach for this thesis is one that I would liken to the reconstruction of shape from shadow. Savarese et al's 2006 paper, *3D Reconstruction by Shadow Carving: Theory and Practical Evaluation*, offers an unconventional nomenclature for this approach. As the authors indicate in their abstract, the shadow cast by an object says much in terms of the object's shape, size, and appearance. The engineers offer shadow carving, a method of "carving away" portions of a proposed shape that are inconsistent with their shadow, to reconstruct unknown 3D objects from their known shadow.<sup>11</sup> In the examination of Black history, limited government documents form the known shadow, but the individual remains impossibly unknown. Records may be used to include and exclude possible qualities, experiences, and outcomes from our understanding of Black individuals of the past, but the true detail of their lives remain the subject of informed speculation. The reconstruction of one's multidimensionality is reminiscent of this method, particularly as authors note that estimates of the object's volume are always conservative. Even ultimately limited, this work attempts to use

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<sup>9</sup> Miles, Tiya. *All That She Carried: The Journey of Ashley's Sack, a Black Family Keepsake*. New York: Random House, 2021.

<sup>10</sup> Miles too cites Hartman's concept of critical fabulation in the introduction of her book.

<sup>11</sup> Savarese, Silvio, Marco Andreetto, Holly Rushmeier, Fausto Bernardini, and Pietro Perona. "3D Reconstruction by Shadow Carving: Theory and Practical Evaluation." *International Journal of Computer Vision* 71, no. 3 (2006): 305–36. <https://doi.org/10.1007/s11263-006-8323-9>.

census and vital records as the shadow from which we can begin to reconstruct the lives of 3D individuals.

39 Black and Mulatto, self-reported real estate owners were identified from the 1860 Census of Wilmington. After verifying those individuals' identities using Ancestry.com's historical document database, all transactions between individuals with the same first and last name as the identified owners were pooled. These transactions are freely and publicly available through the New Hanover County Register of Deeds database. These transactions were then reduced to those properties that met feasibility requirements, including having been acquired prior to the 1860 census and bearing similar property values to self-reported totals.<sup>12</sup> After plausible parcels were identified, 1850s and 1860s city block surveys were used to confirm a parcel as the primary residence and subject of an individual's census reporting. Using supplemental historical documents like city directories, wills, probates, census records, and marriage and death certificates, every transfer of the initially identified parcel was recorded from the original acquisition until approximately 1950. Information about the circumstances of sale is included on the deeds in the registry, as well as in individuals' wills when available.

My first chapter offers a brief exploration of the history of Black ownership between 1850 and 1950. This includes examination both on the origin of Black landownership (challenging some relevant scholarship) and additive factors in the evolution of Black landownership. In my second chapter, I examine the circumstances of the deprivation of that land, inclusive of the political, economic, and white-supremacist tools used to do so. The circumstances of this deprivation are offered chronologically from losses sustained during the

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<sup>12</sup> As few individuals owned more than one piece of property, determining which property functioned as the primary residence was rarely necessary.

Civil War to predatory lending and foreclosure encouraged by the HOLC. These two chapters will discuss the geographies of most of the American South with an emphasis on North Carolina and the city of Wilmington when relevant. In my third chapter, I consider conceptions of Black land from prominent Black authors like W.E.B. DuBois to the presence of land in abolitionist politics. Then, I will then consider five formerly Black-owned parcels of land from 1850 to 1950 and the presence of tools of preservation and deprivation of Black ownership in these parcels. These tools include the use of wills and estate planning, debt, and foreclosure, and noncoercive sales across the color line. I will conclude with a brief analysis of the five parcels, an acknowledgment of the limitations of this work, and a discussion of the significance of this work on Black vital records research.

## **Chapter 1: Origins and Evolution of Black Landownership in the South (1850-1950)**

### *Origins*

Despite the fundamentally oppressive nature of slavery, racial violence, and Jim Crow-era discrimination, the thread of Black landownership runs throughout both the 19th and 20th centuries. Various scholars have endeavored to establish a nuanced history of Black land ownership in the United States. One of these scholars, Roy W. Copeland, contends that the anchor of Black real property ownership may be found in the antebellum area.<sup>13</sup> Similarly, Loren Schweninger's "Property Owning Free African American Women in the South, 1800- 1870," analyzes trends in Black property ownership, but exclusively after the American revolutionary period.<sup>14</sup> While this periodization is certainly justifiable, they neglect legal traditions of land ownership that predate the establishment in the United States but describe the same geographic area. One could argue that the origin of Black real property ownership (as well as its prohibition) could also be rooted in French and Spanish Louisiana, which would eventually become a member of the union.

Early legal doctrines of the region prohibited the ownership of land by all enslaved people. Slaves were "incapable of disposing of anything, and of participating to any contract", prohibiting Black individuals from being legitimately gifted or purchasing land in the eyes of the state.<sup>15</sup> This is not to say that slaves did not have access to land they might have tended as their own. Slaves were often given their own patches of land to work in any time that remained at the

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<sup>13</sup> Copeland, Roy W. "In the Beginning: Origins of African American Real Property Ownership in the United States." *Journal of Black Studies* 44, no. 6 (September 2013): 646–64. <https://doi.org/10.1177/0021934713506010>.

<sup>14</sup> Schweninger, Loren. "Property Owning Free African-American Women in the South, 1800-1870." *Journal of Women's History* 1, no. 3 (1990): 13-44. doi:10.1353/jowh.2010.0034.

<sup>15</sup> "Louisiana's Code Noir (Black Code) (1724)." In *Daily Life of African Americans in Primary Documents*, edited by Herbert C. Covey and Dwight Eismann, 228-235. Vol. 1. Santa Barbara, CA: Greenwood, 2020.

end of the work day, but this land rarely (if ever) belonged to them in the eyes of the American legal system.<sup>16</sup> Thus, the issue is not with the enslaved individuals having extracted value from the land or exercised some exclusive ownership over their plot, but the definition of the word “give”. Real property was seldom “given” in the legal sense for many reasons, including limited documentation and the status of the recipients as slaves. This is in sharp contrast to personal property, for which ownership was expressly allowed and regulated for both the enslaved and manumitted. Enslaved people occasionally retained the enumerated right to grow and sell their own produce at market, further suggesting that access to land for cultivation was prolific enough to warrant regulation.<sup>17</sup> Lack of legal indulgence did not prevent enslaved individuals from forming connections to land recognized by their communities. These social claims, reified by networks of kin, were maintained through informal<sup>18</sup> channels rather than traditional ones.<sup>19</sup>

Manumitted and free-born people of African descent in French Louisiana did retain some rights to real property ownership. They could and did own property in what would become the Louisiana Territory. The mechanism by which they could acquire property, though, was restricted. Manumitted slaves were ineligible to receive “donations” from whites, inclusive of their former masters.<sup>20</sup> This prohibition, in addition to the illegitimacy of miscegenation,

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<sup>16</sup> Penningroth, Dylan. “Slavery, Freedom, and Social Claims to Property among African Americans in Liberty County, Georgia, 1850-1880.” *The Journal of American History* 84, no. 2 (1997): 405–35. <https://doi.org/10.2307/2952565>.

<sup>17</sup> See, for example, *North Carolina’s Slaves and Free Persons of Color. An Act Concerning Slaves and Free Persons of Color* (1855).

<sup>18</sup> Informal not in the sense that they lacked traditional structure, but in the sense that slave economies are considered “informal”.

<sup>19</sup> Penningroth, Dylan. “Slavery, Freedom, and Social Claims to Property among African Americans in Liberty County, Georgia, 1850-1880.” *The Journal of American History* 84, no. 2 (1997): 405–35. <https://doi.org/10.2307/2952565>.

<sup>20</sup> “Louisiana's Code Noir (Black Code) (1724).” In *Daily Life of African Americans in Primary Documents*, edited by Herbert C. Covey and Dwight Eishach, 228-235. Vol. 1. Santa Barbara, CA: Greenwood, 2020.

suggests that early Black property acquisition through mixed-race parentage in the Louisiana territory was infrequent.

The origins of Black land ownership in Wilmington are less easily assessed. Wilmington and its county, New Hanover, maintained a high population of enslaved individuals as early as the mid-18th century. Less fertile for green vegetables, the soil was perfectly inclined towards crops like corn and rice. To cultivate these crops, the plantation system demanded the importation of enslaved individuals. In 1755, there were more than 1,700 slaves in New Hanover county. By some combination of manumission, in-migration, natural increase, and self-purchase, that number more than doubled to 3,738 by 1790.<sup>21</sup> The free Black population exploded alongside the enslaved population. In 1790, there were more than 5,000 free Black individuals in the state of North Carolina, living primarily in rural areas. That number multiplied more than six times over by 1860, with 583 Black individuals in the city of Wilmington, alone.<sup>22</sup> The combination of a high population of free Black individuals in the state, the city's thriving economy as a well-trafficked port, and larger trends of Black urbanization in the early 19th century likely produced the booming antebellum community of free, Black Wilmingtonians.<sup>23</sup>

Black property ownership in Wilmington as ubiquitous as the city's free Black population. The state had no prohibitions of Black real property ownership, inclusive of its enslaved population.<sup>24</sup> On the contrary, state courts upheld the right of free Blacks to own

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<sup>21</sup> Rohrs, Richard C. "The Free Black Experience in Antebellum Wilmington, North Carolina: Refining Generalizations about Race Relations." *The Journal of Southern History* 78, no. 3 (2012): 615–38. <http://www.jstor.org/stable/23247372>.

<sup>22</sup> Franklin John Hope. *Free Negro in the North Carolina, 1790-1860*. Chapel Hill, University of North Carolina Press.

<sup>23</sup> Wilkie, Jane Riblett. "The Black Urban Population of the Pre-Civil War South." *Phylon (1960-)* 37, no. 3 (1976): 250–62. <https://doi.org/10.2307/274454>.

<sup>24</sup> Clark, Ernest James. "ASPECTS OF THE NORTH CAROLINA SLAVE CODE, 1715-1860." *The North Carolina Historical Review* 39, no. 2 (1962): 148–64. <http://www.jstor.org/stable/23517558>.

property in the face of threat and seizure.<sup>25</sup> A large, free Black population and relatively few barriers to homeownership proved sufficient conditions for property ownership to thrive. Black property in New Hanover County was the highest in value in the state at \$37,720.<sup>26</sup> This value was amassed between 62 Black realty owners in 1860, making 10% of the city's free Blacks real property holders.<sup>27</sup> It is reasonable to conclude that the relative abundance of capital enjoyed by free Blacks in Wilmington explains the uncharacteristically high rate of property ownership in the city.<sup>28</sup> Statistical analysis of Black ownership reflects positive correlations between literacy and occupation status, echoing Franklin's early assessment of Black property owners in North Carolina.<sup>29</sup> <sup>30</sup> These conditions may have been aided by relationships (both familial and personal) with white planters or Fusionists.

### *Evolution*

While Black real property ownership certainly predates the end of the Civil War, the postbellum period saw a bloom in Black property ownership. Despite its ultimate failure, the actions of the Freedmen's Bureau did much to facilitate this growth. Approved by Lincoln mere days before it was announced, the order designated "The islands from Charleston south, the abandoned rice-fields along the rivers for thirty miles back from the sea, and the country bordering the Saint Johns River, Fla" as land for newly freed Black men after the conclusion of

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<sup>25</sup> State v. Bennett, 20 N.C., 135

<sup>26</sup> Franklin notes that this included "some rather valuable town property in Wilmington".

<sup>27</sup> Franklin John Hope. *Free Negro in the North Carolina, 1790-1860*. Chapel Hill, University of North Carolina Press.

<sup>28</sup> Collins, William J., and Robert A. Margo. 2011. "Race and Home Ownership from the End of the Civil War to the Present." *American Economic Review*, 101 (3): 357

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

the Civil War.<sup>31</sup> These seized, and abandon lands remained the property of the Freedmen's Bureau but were leased for the fruitful use of some 40,000 men. For the first time, many of these individuals had land of their own to till, tend, and cultivate prosperity from. This was no small or charitable endeavor. The leasing system generated some half a million dollars in revenue for the Bureau, the modern equivalent being more than \$10 million.<sup>32</sup>

After the return of confiscated lands from the Civil War, sharecropping and tenant farming became the dominant land arrangement. In this system, poor Black farmers were leased a portion of agricultural land for their residence and cultivation. In exchange, they would provide white landowners with rent, often in the form of cash crops like cotton or tobacco. DuBois provides a description of tenant farmers residences in *The Souls of Black Folk*:

*"The size and arrangements of a people's homes are no unfair index of their condition. If, then, we inquire more carefully into these Negro homes, we find much that is unsatisfactory. All over the face of the land is the one-room cabin... It is nearly always old and bare, built of rough boards, and neither plastered nor ceiled.... Now and then one may find such a cabin kept scrupulously neat, with merry steaming fireplaces and hospitable door; but the majority are dirty and dilapidated, smelling of eating and sleeping, poorly ventilated, and **anything but homes**".<sup>33</sup>*

Even free, former slaves often lacked the means to occupy more than a four-walled structure of questionable integrity. Against the pressures of tenant farming, some Black individuals did come to acquire land in the Black belt. Black landowners purchased lands in South Carolina, Virginia, Arkansas, and Georgia, including the partitioning of some plantations.<sup>34</sup> Black land ownership in Dougherty County, Georgia alone increased from no

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<sup>31</sup> Gladstone, W. A. (1865) William A. Gladstone Afro-American Military Collection: Special Field Orders, No. 15, Headquarters, Military Division of the Mississippi, by Major General W. T. Sherman, re "young and able-bodied negroes must be encouraged to enlist," mentions bounties paid and locations for settlement of freed Negroes. [Manuscript/Mixed Material] Retrieved from the Library of Congress, <https://www.loc.gov/item/mss83434256/>

<sup>32</sup> "Inflation Rate between 1870-2022: Inflation Calculator." \$500,000 in 1870 → 2022 | Inflation Calculator. Accessed April 18, 2022. <https://www.officialdata.org/us/inflation/1870?amount=500000>.

<sup>33</sup> Du Bois, W. E. B. 2007. *The souls of Black folk*. Oxford: Oxford University Press: 67

<sup>34</sup> *Ibid*, 603.

black-owned acres in 1870 to 10,000 acres valued at more than \$240,000 in 1900.<sup>35</sup> Still, DuBois categorizes this “peasant proprietorship” as “transient”, with landowners making up less than 10% of the Black population in the Black Belt.<sup>36</sup>

The town of Wilmington was the subject of anti-Black racist attention for this very reason. While Fusionist party politics did not appear to increase the share of Black landownership in Wilmington, many Black Fusionists were, themselves, landowners.<sup>37</sup> One of these politicians, Henry Brewington, will be discussed later in this thesis. Even the Wilmington Insurrection and the decline of fusion politics, Black property ownership in Wilmington was the highest percentage in the state in 1900. This was followed by a brief slump in 1910 that was recovered by the following census.<sup>38</sup> It is unclear whether the decline in Black homeownership was correlated to the 5% increase in white homeownership observed in this same decade. Still, Black property ownership flourished relative to other locations.

Industrialization and post-Reconstruction migration necessitate truncating Black landownership with respect to its use. Real property, which refers merely to real estate, encompasses land both for agricultural and residential use. However, as rhetoric and data on these metrics begin to diverge, Black farmland ownership and Black real estate ownership came adopt new meanings in the early 20th century. Across the country, Black homeownership saw some of its largest gains from 1870 to 1910.<sup>39</sup> Margo and Collins (2011) estimate a

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<sup>35</sup> DuBois points out the difficulty in correctly assessing land value, an issue that is central to our understanding of the historic value of formerly Black land. Value was heavily dictated by public opinion and crop yield for cotton.

<sup>36</sup> Ibid, 77

<sup>37</sup> Edmonds, Helen G. *The Negro and Fusion Politics in North Carolina, 1894-1901*. University of North Carolina Press, 2011.

<sup>38</sup> North Carolina, and LeRae Umfleet. 2006. *1898 Wilmington race riot report*. [Raleigh, N.C.]: Research Branch, Office of Archives and History, N.C. Dept. of Cultural Resources.

<sup>39</sup> There is little distinction between owner-occupied property and surplus or commercial real estate in early data on Black property ownership. For this reason, homeownership and real estate ownership will be used interchangeably. Generally, the author's language has been preserved for this thesis.

homeownership rate of approximately 8% in 1870.<sup>40</sup> Between 1870 and 1910, Black homeownership in the sample increased by 16 percentage points. The next largest period of increase would not come until 1940. Much of the land ownership after the return of confiscated lands was facilitated by the Southern Homestead Act of 1866. Black real estate acquisition was paradoxically impeded and facilitated by increasing residential segregation in the 1920s and 1930s. While residential segregation is positively correlated to decreases in Black homeownership<sup>41</sup>, the reduction of urban housing prices due to white suburbanization may have lowered economic barriers to Black homeownership.<sup>42</sup>

This boom in homeownership is mirrored by a boom in Black farmland. US Department of Agriculture estimates places peak non-white farmland ownership in 1910 with more than 43,000 farmers. The end of the World War I cotton boom and dependency on the crop lien system quickly dampened much of this progress and Black farmland decreased in the subsequent decades.<sup>43</sup> New Deal Land reforms further stifled Black agricultural land ownership. Racist dissemination of resources under the 1933 Agricultural Adjustment Act (AAA) raised the price per acre with no path to ownership for Black or indigent tenant farmers. White-owned farm acreage increased by 12% in a mere five-year period, while non-white farm acreage decreased by nearly 6%. Some 200,000 Black farm owners, sharecroppers, and tenant farmers were displaced

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<sup>40</sup> Collins, William J., and Robert A. Margo. 2011. "Race and Home Ownership from the End of the Civil War to the Present." *American Economic Review*, 101 (3): 355-59.

<sup>41</sup> Logan, Trevon D., and John M. Parman. "Segregation and Homeownership in the Early Twentieth Century." *The American Economic Review* 107, no. 5 (05, 2017): 410-414. doi:<http://dx.doi.org/10.1257/aer.p20171081>.

<sup>42</sup> Boustan, Leah Platt and Margo, Robert A., White Suburbanization and African American Home Ownership, 1940-1980 (January 2011). NBER Working Paper No. w16702, Available at SSRN: <https://ssrn.com/abstract=1743321>

<sup>43</sup> Reynolds, Bruce J., United States, and Rural Business/Cooperative Service. "Black farmers in America, 1865-2000: the pursuit of independent farming and the role of cooperatives" (2002):

from 1930 to 1940.<sup>44</sup> Farm Security Administration (FSA) and Resettlement Administration programs aimed to address this displacement by facilitating pathways to ownership.<sup>45</sup> Land-lease tracts like those at Gee's Bend, Alabama were homestead units, and often included a barn, large garden plot, and wood-framed home with multiple bedrooms.<sup>46</sup> Though this arrangement bore some resemblance to tenant farming, the living conditions of Black non-property owners had improved markedly since the end of reconstruction. Still, ownership of one's land was "central to life-cycle wealth generation".<sup>47</sup> High demand for cotton and access to educational attainment were major drivers in increasing Black income and reducing the Black/White income ratio before World War I.<sup>48</sup> These land-lease arrangements and other policy alternatives were largely phased out by the 1950s.<sup>49</sup>

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<sup>44</sup> Holley, Donald. "The Negro in the New Deal Resettlement Program." *Agricultural History* 45, no. 3 (1971): 179–93. <http://www.jstor.org/stable/3741977>.

<sup>45</sup> Much of the progression of Black agricultural land ownership may be characterized under the agricultural ladder theory, wherein the path to farm ownership proceeds from unpaid labor (slavery), wage labor, sharecropping, tenant farming, and mortgaged farming to full ownership.

<sup>46</sup> Holley, Donald. "The Negro in the New Deal Resettlement Program." *Agricultural History* 45, no. 3 (1971): 186. <http://www.jstor.org/stable/3741977>

<sup>47</sup> Collins, William J., and Robert A. Margo. 2011. "Race and Home Ownership from the End of the Civil War to the Present." *American Economic Review*, 101 (3): 357

<sup>48</sup> Margo, Robert A. "Accumulation of Property by Southern Blacks Before World War I: Comment and Further Evidence." *The American Economic Review* 74, no. 4 (1984): 768–76. <http://www.jstor.org/stable/1805145>.

<sup>49</sup> Reynolds, Bruce J., United States, and Rural Business/Cooperative Service. "Black farmers in America, 1865-2000: the pursuit of independent farming and the role of cooperatives" (2002):

## **Chapter 2: Black Land Loss and Theft**

Land erosion and theft differ from barriers to homeownership. The terms presume initial ownership of a property by a Black person or people and the subsequent deprivation of that land. For this thesis, loss is inclusive of the gradual erosion of Black property through legal, semi-legal, or coercive means. Theft, also a form of loss, will refer to illegal means both legally sanctioned in their time and (never allowed)

### *The Failure of Sherman's Promise*

It is in the very same instance that freedmen found their first hope for homesteading that we may find the origin of Black land theft in the United States. The land of "Sherman's Reservation", estimated to be some 400,000 acres, was in the possession of freedmen for a mere two years before President Andrew Johnson's strong-arming of the Freedmen's Bureau with Circular #15. The publication reversed the provisions of previous circulars, invalidating the land seizure made to create Sherman's Reservation and returning the land to its former Confederate owners.<sup>50</sup> With no Congressional appropriation and the Reconstruction government's wide granting of amnesty to Confederate soldiers, the "poetic justice" proposed by the North was proven mere prose.<sup>51</sup> There is little information available about the fate of the evicted freedmen, made homeless over the course of a mere day. They presumably returned to their former masters for employment under the growing landscape of tenant farming.

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<sup>50</sup> Gladstone, W. A. (1865) William A. Gladstone Afro-American Military Collection: Special Field Orders, No. 15, Headquarters, Military Division of the Mississippi, by Major General W. T. Sherman, re "young and able-bodied negroes must be encouraged to enlist," mentions bounties paid and locations for settlement of freed Negroes. [Manuscript/Mixed Material] Retrieved from the Library of Congress, <https://www.loc.gov/item/mss83434256/>

<sup>51</sup> Du Bois, W. E. B. 2007. The souls of Black folk. Oxford: Oxford University Press: 13

Despite the lack of certainty, some economists suggested a land value of more than \$400 million in 2008.<sup>52</sup> In any case, this denied land has long-been argued to be the shaky foundation upon which today's racial wealth inequality is built. Ownership of land is the "bedrock of the American economy", providing the agricultural and extractive potential essential to economic success even now.<sup>53</sup> This is certainly true, but this revocation was more than a governmental failure: The failure to provide swaths of land from eastern North Carolina to the Mississippi Delta for newly freed blacks was a theft of hope. It was a theft of relief, both economic and spiritual. In this regard, it could be considered the symbolic progenitor to the widespread land theft that followed in the postbellum South.

### *Civil War Claims*

The Civil War, itself, may have facilitated Black land theft. The Southern Claims Commission (SCC) was established to compensate individuals for losses sustained during the Civil War. Claimants were based all over the U.S. south, including New Hanover County, North Carolina. There were only 3 allowed claimants in New Hanover county, though 31 claims were filed.<sup>54</sup> Of the 3 allowed claimants, one of those individuals was an emancipated Black man. Alexander Flanner, formerly enslaved by Joseph H. Flanner, was dispossessed of three horses, one cow and her calf, and carriage and its harnesses, 300 pounds of hay, and seven bushels of corn by union soldiers in February 1865. Flanner, who could both read and write, received a

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<sup>52</sup> Darity, W., Jr. (2008), Forty Acres and a Mule in the 21st Century. *Social Science Quarterly*, 89: 656-664. <https://doi.org/10.1111/j.1540-6237.2008.00555.x>

<sup>53</sup> Copeland, Roy W. "In the Beginning: Origins of African American Real Property Ownership in the United States." *Journal of Black Studies* 44, no. 6 (2013): 646-64. <http://www.jstor.org/stable/24572860>.

<sup>54</sup> United States. House of Representatives. Commissioners of Claims. 1945. Records of the Commissioners of Claims (Southern Claims Commission) 1871-1880: NARA, M0087. Washington, District of Columbia: National Archives & Records Administration.

claim of the amount of \$455, despite valuing his property at \$795. In modern dollars, Flanner lost more than \$7000 due to under compensation. The other two claimants, Joshua T. Foreman and Holden received 96.3% and 74.1% of their initial claims, respectively. Flanner had two witnesses attest to the theft of his property, and while he received a slightly larger award than Holden and Foreman, his compensation as a percentage of his initial claim was the lowest at 57.2%. SCC claims were limited in two crucial ways: claims had to be moveable (personal) property and have been seized by Union troops for the army's relevant use. If Black claimants "purposefully and necessarily" made streamlined claims to the commission, Flanner may have been deprived of even more than he meticulously detailed. By virtue of being exempt from commission rules, we have no repository of claims of land deprivation from Civil War takings.<sup>55</sup>

### *Racial Violence*

Outright racial violence and intimidation also resulted in Black property seizure. "Torn from the Land" chronicles the 2001 Associated Press investigation into the intentional occurrences of black land dispossession before and after the Civil War. AP documented 57 "violent land takings" of the total 107, with attacks both for the purpose of intimidation and intent to seize from White aggressors.<sup>5657</sup> One academic contended, "If you are looking for

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<sup>55</sup> There were significantly more allowed SCC claims for free Blacks in NC than ex-slaves (approximately triple the amount). Again, we can see free Blacks exercise greater influence with greater socioeconomic security than the formerly enslaved.

<sup>56</sup> Dolores Barclay, Todd Lewan, and Allen G Breed, the, Associated Press. "Lynching Led to Confiscation; Bitter Harvest of Hate Whites Murdered Blacks to Grab Off Their Property; Series: Torn From the Land: [all Editions: Two Star B, Two Star P, One Star B]." *the Record*, Dec 03, 2001. <https://login.proxy.lib.duke.edu/login?url=https://www.proquest.com/newspapers/lynching-led-confiscation-bitter-harvest-hate/docview/425377743/se-2?accountid=10598>.

<sup>57</sup> I briefly corresponded with Dolores Barclay about this investigation, particularly with regards to team's methodological approach to identifying courthouse burnings. While Professor Barclay could no longer identify exact materials (as the analysis was more than 20 years ago), evidence generally consisted of combinations of courthouse histories, newspaper stories, and community/anecdotal accounts of document theft and destruction.

stolen black land, just follow the lynching trail".<sup>58</sup> While this assertion is certainly logical, there is insufficient scholarly research to substantiate the claim that racial violence has direct connections to land loss.

The intertwining threads of property deprivation and racial violence are evident in studies of the Wilmington Insurrection.<sup>59</sup> The volume and veracity of the threat of property seizure by Wilmington is a somewhat contested topic. Much of the assertion that widespread property deprivation is rooted in the 1863 publication, *Hanover: or, The Persecution of the Lowly*. In Hanover, author Jack Thorne alleges that insurrectionists were encouraged convinced to join the cause to acquire Black property: "*Stump orators had secured the aid of the poor whites both in the city and rural districts by promising them that by assisting to kill and chase the Negro from the city, the property owned by the colored citizens would be turned over to them*".<sup>60</sup> Thorne also claims those who owned homes in white neighborhoods were specifically targeted for seizure and expulsion. Those Black landowners that were not expelled, Thorne includes, were willing to sell their property for a loss out of disgust.<sup>61</sup>

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<sup>58</sup> Dolores Barclay, Todd Lewan, and Allen G Breed, the, Associated Press. "Lynching Led to Confiscation; Bitter Harvest of Hate Whites Murdered Blacks to Grab Off Their Property; Series: Torn From the Land: [all Editions: Two Star B, Two Star P, One Star B]." *the Record*, Dec 03, 2001.

<https://login.proxy.lib.duke.edu/login?url=https://www.proquest.com/newspapers/lynching-led-confiscation-bitter-harvest-hate/docview/425377743/se-2?accountid=10598>.

<sup>59</sup> The 1898 Wilmington Insurrection is certainly not the only notable case of racial violence in Southeastern North Carolina or New Hanover County. After the Nat Turner's Rebellion in 1831, one free mulatto suggested that slaves in Sampson, Duplin, and New Hanover counties were armed and ready to rise against their masters. The resulting hysteria led to the beating and whipping of an unknown number of enslaved persons, and the public beheading of 6 others. No such slave rebellion occurred and there is no evidence to suggest there was ever a credible threat of one (Lee, Enoch Lawrence. 1971. *New Hanover County: a brief history*. Raleigh, N.C.: State Dept. of Archives and History.) Further research is needed to quantify the possible impact of this event on Black property ownership.

<sup>60</sup> Thorne, Jack. 1800. *Hanover; or, The persecution of the lowly, a story of the Wilmington massacre*: M.C.L. Hill. 17

<sup>61</sup> Thorne, known off the page as David Bryant Fulton, penned his semi-historical account of *Hanover* in 1901. Some historians, inclusive of Umfleet, have questioned the veracity of Fulton's account, particularly for its assessment of the violence of the rebellion and the impact on the free, Black community. Still, the source offers insight into the possible atmosphere for Black property owners both during and after the violent insurrection.

Regardless of whether these reported threats did occur, there is no evidence of widespread property seizure during or after the Wilmington Insurrection.<sup>62</sup> To assess these claims, Sue Cody analyzed Black property ownership in the years proceeding and following the insurrection. Cody found neither a significant spike in sales following the insurrection nor consistent losses when this property was sold.<sup>63</sup> It is important to note, though, that these findings were considered in aggregate. Some individual property owners may have been forced to sell their property for a loss, but this scenario was not indicative of the average Black property owner. Thus, “unethical behavior by some whites in the years after the riot did not translate into city-wide property transitions”.<sup>64</sup> Residential neighborhoods at the city center, however, did become also exclusively white after 1898.

### *Discrimination*

Housing and loan discrimination acted as an accelerator for Black land loss, as Black financial and physical mobility was restricted in the early to mid-twentieth century. The early 20th century saw the introduction of some racial segregation ordinances. Assuming a Black family could secure the necessary financing to buy new property, they would likely have encountered properties bound by restrictive racial covenants. These documents both prohibited the purchase of land by a Black (or otherwise non-white person), but also prohibited subsequent sales to non-white owners. Black tenants could also be evicted for purchasing land in violation of an existing racial covenant.<sup>65</sup> Legal inefficacy of individual covenants led to the rise of "whites-

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<sup>62</sup> Some online news outlets maintain that property seizure did occur as recently as 2021. While this claim is logical, it is currently unsubstantiated.

<sup>63</sup> North Carolina, and LeRae Umfleet. 2006. *1898 Wilmington race riot report*. [Raleigh, N.C.]: Research Branch, Office of Archives and History, N.C. Dept. of Cultural Resources.

<sup>64</sup> *Ibid*, 14.

<sup>65</sup> Rothstein, Richard. 2017. *The color of law: a forgotten history of how our government segregated America*: 81

only" community associations and exclusionary zoning regulations.<sup>66</sup> Racial covenants were prolific in southern states like North Carolina. Recent investigative journalism in Asheville found racial covenants in documents for residential and industrial real estate.<sup>67</sup> Professor and North Carolina resident, David Cecelski's blogposts alleges the same for residential and popular coastal properties in eastern North Carolina. Cecelski maintains racial covenants can be found "everywhere, including the Dare County Courthouse in Manteo, the Carteret County Courthouse in Beaufort, the Pender County Courthouse in Burgaw and the New Hanover County Courthouse in Wilmington".<sup>68</sup> The use of racial covenants was deemed unconstitutional with the 1948 Supreme Court case, *Shelley V. Kramer*. The proliferation of these covenants, though, is difficult to assess. After the rise of the Democratic party and Wilmington and increase in residential segregation, there is little reason to suppose that racial covenants were usual or uncommon addendums to property records. One of the chains of title in this thesis, for example, does include a racial covenant. More exhaustive research is needed to ascertain the volume of Wilmington properties with defunct racial covenants in their chain of title. The absence of appreciation in Black suburbanization even after the prohibition of racial covenants suggest the efficacy of other methods to maintain the residential color line.<sup>69</sup>

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<sup>66</sup> In addition to restricting mobility for Black property owners, racial covenants acted to close the property ladder to Black renters and owners. The consensual sale of a property from a Black seller to a White buyer may not constitute land loss, but the subsequent attachment of a racial covenant to that property prohibits its future acquisition by prospective Black buyers.

<sup>67</sup> Elliston, Jon. "The Legacy of Asheville's Racial Real Estate Covenants." Mountain Xpress, May 21, 2019. <https://mountainx.com/news/the-legacy-of-ashevilles-racial-real-estate-covenants/>.

<sup>68</sup> Cecelski, David. "The Color of Water, Part 10– Racial Covenants." David Cecelski, December 20, 2018. <https://davidcecelski.com/2018/07/22/the-color-of-water-part-10-racial-covenants/>.

<sup>69</sup> Boustan, Leah Platt. "Black Migration, White Flight." Essay. In *Competition in the Promised Land: Black Migrants in Northern Cities and Labor Markets*, 93–121. Princeton: Princeton University Press, 2017.

### *Predatory Lending and Foreclosure*

Real estate offers unparalleled utility to household finances, but also represents a critical loss in the case of foreclosure. Predatory lending and foreclosure represent a modern and common source of Black land loss by legal (though often questionably so) means. The Home Owner's Loan Corporation (HOLC) was established in 1933 to aid households in danger of foreclosure. To do so, the agency established a highly racialized system of creditworthiness referred to as redlining. Black and Brown household were explicitly relegated to the lowest rungs of desirability ladder and neighborhoods were unflinchingly deemed "hazardous" by federal appraisals. Black households often sought alternative financing structures like installment contracts. In these arrangements, lenders retained no right of title until the property was paid in full and gained no equity from payment. Installment contracts were not mandated to undergo regular appraisals, making lenders vulnerable to unknowingly paying overmarket value.

These arrangements were undoubtedly legal. However, their disproportionate impact on Black households against the backdrop of the HOLC's racial hierarchy made for a coercive lending environment for desperate Black property owners. The financed property could be seized for as little as one missed payment without foreclosure proceedings, leaving already desperate families destitute. Even if a household were guaranteed foreclosure, North Carolina legislation did not mandate transparent proceedings for foreclosure by power of sale until 1975.<sup>70</sup>

### *Heirs Property/Forced Partitioning*

Death and inheritance represent a critical juncture in the chain of land ownership. Where as many early land-based transactions to Black property owners were inter vivos (while owners

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<sup>70</sup> Turner v. Blackburn, 389 F. Supp. 1250 (W.D.N.C. 1975)

were living), the increase in Black property acquisition in the early 20th century created a shift in that tendency. Heirs' property laws epitomize the danger presented to Black generational land ownership by lack of estate planning. When a landowner dies without a will, their property becomes 'heirs property' to be divided between their living heirs. These heirs become co-tenants and can exercise individual use of the property so long as co-tenants are not forced from their portion. Real estate developers have long used heirs property laws to acquire low-cost real estate. By acquiring one heirs' portion via sale, developers may prompt a court-ordered partition by to acquire the whole property from the remaining co-tenants.<sup>71 72</sup> Heirs property is a major source of intestate land transfer for Black Americans. Early studies estimate that as much as one-third of Black property in five Southern states (one of which being North Carolina) was held in heirs property.<sup>73</sup> More recent studies support the prolific nature of this arrangement, with some properties being co-owned by more than five individuals living out of state.<sup>74</sup>

North Carolina legislation surrounding partition-sales is dictated by the introduction of Torren's Law in 1913. Under the Torren's system, an individual may petition the court to enter a property into the Torren's title system. All relevant parties (inclusive of heirs) are notified of the claim, and an attorney reports the state of the title to the court. In the absence of adverse claims, the title is approved and issued to original petitioner.<sup>75</sup> Unlike heirs property, titles acquired by

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<sup>71</sup> Copeland, Roy W. (2015) "Heir Property in the African American Community: From Promised Lands to Problem Lands," *Professional Agricultural Workers Journal*: Vol. 2: No. 2, 2.

<sup>72</sup> Deaton (2012) offers a game theory analysis of co-tenants' incentives to accept buyout when partitioning is initiated.

<sup>73</sup> Johnson Gaither, Cassandra; Carpenter, Ann; Lloyd McCurty, Tracy; Toering, Sara, eds. 2019. Heirs' property and land fractionation: fostering stable ownership to prevent land loss and abandonment. June 15, 2017, Atlanta, GA. e-Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station. 105 p.

<sup>74</sup> Dyer, Janice, Conner Bailey, and Nhuong Tran. 2008. "Ownership Characteristics of Heir Property in a Black Belt County: A Quantitative Approach." *Journal of Rural Social Sciences*, 24(2): Article 10. Available at: <https://egrove.olemiss.edu/jrss/vol24/iss2/10>

<sup>75</sup> John V. Orth, Torrens Title in North Carolina - Maybe a Hundred Years Is Long Enough, 39 *Campbell L. Rev.* 271 (2017).

use of the Torren's law are insulated from adverse possession. This is to say that heirs may not establish that their legal right to the land of their kin is being infringed upon by continuous, hostile, actual, and exclusive possession by a non-heir owner. North Carolina remains one of only eleven states that still use this method of title validation.<sup>76</sup> Indication of Torrens titles varies by county with many deed registries (such as New Hanover county) making no mention of the document class. The pervasiveness of Torrens titles in the state is unclear, but scholarship on court-ordered partitioning offers conflicting evidence. While Rivers (2007) argues that this tactic is the primary mechanism by which heirs property has deprived generational land from Black families<sup>77</sup>, subsequent case studies have revealed relatively few instances of partitioning or Torrens titles.<sup>78</sup> Regardless, their use has been long scrutinized by indigent communities in North Carolina.<sup>79</sup>

Heirs property and Torrens law are made an issue of Blackness due to the historical lack of Black estate planning. This disparity continues to this day, as only a third of Black American adults have a will.<sup>80</sup> Nembhard and Otabor (2012) offer several reasons for this lack of wills, including governmental distrust, lack of education, and familial tension over portioning.<sup>81</sup> One

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<sup>76</sup> (1985) "Possessory Title Registration: An Improvement of the Torrens System," William Mitchell Law Review: Vol. 11: Iss. 3, Article 6.

Available at: <https://open.mitchellhamline.edu/wmlr/vol11/iss3/6>

<sup>77</sup> Rivers, Faith R. "Inequity in Equity: The Tragedy of Tenancy in Common for Heirs' Property Owners Facing Partition in Equity." Temple Political & Civil Rights Law Review 17 (2007): 1-81.

<sup>78</sup> Mitchell, Thomas W., Stephan Malpezzi and Richard K. Green. "Forced Sale Risk: Class, Race and the 'Double Discount.'" FLA. St. Law Rev. 37 (2010): 589-658.

<sup>79</sup> John V. Orth, Torrens Title in North Carolina - Maybe a Hundred Years Is Long Enough, 39 Campbell L. Rev. 271 (2017).

<sup>80</sup> Fox, Michelle. "We Are in a State of Emergency.' More than 70% of Black Americans Don't Have a Will. Here's Why a Plan Is Key." CNBC. CNBC, February 7, 2022. <https://www.cnbc.com/2022/02/07/70-percent-plus-of-black-americans-dont-have-wills-why-estate-plans-are-key.html#:~:text=Overall%2C%2033%25%20of%20U.S.%20adults,up%20from%2025.9%25%20in%202020>.

<sup>81</sup> Nembhard, J.G., and C. Otabor. (2012). The Great Recession and Land and Housing Loss in African American Communities: Case Studies from Alabama, Florida, Louisiana, and Mississippi, Part II: Heir Property. Center on Race and Wealth, Howard University, Washington, DC.

might consider all of these to be resultant from marginality, making the difficulty of heirs property experienced disproportionately by Black Americans. Therefore, the chief concerns surrounding heirs' property proceedings are of the mechanism's implications for tenant vulnerability and wealth generation.<sup>82</sup> There is some evidence that even the identity of the executor of a deceased person's estate is not insulated from racial implications. One case in the Torn from the Land investigation saw two white men appointed as the executors of a formerly Black estate, one of whom was the cousin of the leader of a lynching mob. The investigation insinuates that this much was strategic.<sup>83</sup>

### *Eminent Domain Abuse and Urban Renewal*

The thorns of urban renewal and eminent domain abuse form the final spoke in the turning wheel of Black land loss. Beginning in the late 1930s and early 1940s, "slum clearance" initiatives empowered local governments to seize and raze low-quality housing developments. These developments, disproportionately in cities urbanized by the Second Great Migration, were most often composed of low-income Black households. The passage of the 1949 Urban Renewal Act catalyzed the federal government's involvement in the destruction of urban housing and displacement of low-income, Black tenants. While the act removed the supposed inconvenience of highly urbanized housing for White spectators, outcomes for the displaced were bleak. The burden of eminent domain on Black neighborhoods was only increased by the introduction of urban expressways. While seemingly unrelated to the project of slum destruction, the American Concrete Institute recommended the construction of highways in 1943 for the express purpose of

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<sup>82</sup> Deaton, B. James. "A Review and Assessment of the Heirs' Property Issue in the United States." *Journal of Economic Issues* 46, no. 3 (2012): 615–31. <http://www.jstor.org/stable/23264966>.

<sup>83</sup> Dolores Barclay, Todd Lewan and Allen G. Breed. "Landownership made Blacks Targets of Violence and Murder." *Washington Afro-American and the Washington Tribune* (Capital Ed.), 2001.

removing low-quality housing.<sup>84</sup> Other groups, like the American Road Builders Association, lobbied for the projects' contribution to the elimination of blighted or otherwise deteriorated areas.<sup>85</sup>

### *Anti-Black Legislation*

Legality proved less influential in the story of Black land loss. Legal prohibitions of on Black property ownership were relatively uncommon in the postbellum period. As Washington states in *The Future of the American Negro*, “the Negro can buy land in the South, as a rule, wherever the white man can buy it”.<sup>86</sup> Georgia is one notable exception to this rule, as an 1818 statute prohibited people of color from owning real property.<sup>87</sup> Franklin Hope Jr. echoes this claim in North Carolina, where no laws prohibited the purchase of land by Black or otherwise formerly enslaved individuals. This did not mean there was no intent to do so. The 1898 Democratic National Convention of North Carolina boasted a platform founded upon opposition to supposed “negro domination”. The among the chief calls of the platform were the renunciation of those cities under “negro rule” (New Bern and Wilmington), and a pledge to the passage of “such laws as will give security and protection to the property and people of every town and community in the State”.<sup>88</sup> Absent from these was the outright commitment to restrict Black landownership through legislative means. This may suggest that economic barriers to land

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<sup>84</sup> Rothstein, Richard. 2017. *The color of law: a forgotten history of how our government segregated America*.

<sup>85</sup> Ibid.

<sup>86</sup> Washington, Booker T., and George H. Ellis. 1899. *The future of the American Negro*. Boston: Small, Maynard & Co.: 149

<sup>87</sup> Copeland, Roy W. “In the Beginning: Origins of African American Real Property Ownership in the United States.” *Journal of Black Studies* 44, no. 6 (2013): 646–64. <http://www.jstor.org/stable/24572860>.

<sup>88</sup> State Democratic Executive Committee, *The Democratic Handbook, 1898*, Documenting the American South, University Library, The University of North Carolina at Chapel Hill, 2002, 189 <http://docsouth.unc.edu/nc/dem1898/dem1898.html>

ownership proved sufficient in maintaining a disadvantageous arrangement for Black residents, or that Democrats saw Black landownership immaterial to their waning political power. It is unlikely that changing prohibitions on Black property ownership due to Black codes resulted in real property deprivation for Black individuals.

### **Chapter 3: Black Visions of Property Ownership**

The significance of land for Black Americans can be inferred from its material impacts but was made explicit by primary source documentation. References to the struggle for land are ubiquitous in Black literature from abolitionist rhetoric to the Reconstructionist writings of DuBois. Frederick Douglass' Paper offers some of the earliest evidence of landownership as a question of equity and freedom. The unattributed author demands the "abrogation of land monopolies", maintaining that slaveholders also monopolize land.<sup>89</sup> Instead, the author argues for land limitation, distributing land from corporations to all men, for whom land ownership is a God-given right.<sup>90</sup>

The 1903 publication, the *Souls of Black Folk*, offers some of W.E.B. DuBois's earliest musings on the significance of land for the emancipated. He considers the lack of land first as a particular manifestation of poverty: "He felt his poverty; without a cent, without a home, without land, tools, or savings, he had entered into competition with rich, landed, skilled neighbors".<sup>91</sup> If a Black individual could improve their station, DuBois notes, they would first buy land.<sup>92</sup> The ownership of this land would remove the overinflated rent tenant farmers paid to white landowners for bales of cotton, allowing for profit generation. Thus, the acquisition of land represented freedom from tyrannically imposed rent and near starvation.

Booker T. Washington extended this interpreted significance to a benchmark of racial progress. In a 1900 article on signs of progress amongst the formerly enslaved, Washington

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<sup>89</sup> Frederick Douglass' Paper, Aug. 15, Nov. 28, 1856, reprinted in Jacobin, Feb. 20, 2020, <https://jacobinmag.com/2020/02/frederick-douglass-accumulation-wealth-land-reformer>.

<sup>90</sup> The author of this editorial remains unattributed. Speculation suggests either Douglass himself, or his editor, Julia Griffiths, as having penned this piece.

<sup>91</sup> Du Bois, W. E. B. 2007. *The souls of Black folk*. Oxford: Oxford University Press: 6

<sup>92</sup> *Ibid*, 72.

contrasted the state of Black landownership (amongst other variables) before the introduction of a school with its improved state. Where a plantation once stood in Wilcox County, Alabama, the community formed a school for colored children. With the increase in knowledge, Washington articulated, came an improvement in Black quality of life: “The negroes are getting out of debt and buying land, ceasing to mortgage their crops, building houses with two or three rooms...”<sup>93</sup> In addition to improvement in Black landownership, Washington also saw interracial renting and mortgaging as a major indicator of the decreasing importance of race in predicting outcomes. He specifically cites instances of Black landowners renting and mortgaging to whites, rather than to other Black individuals. In the eyes of another major force in 19th century Black political thought, land once again appears as a metric of self-sufficiency, Black wellbeing, and liberation.<sup>94</sup>

For those Black individuals that did retain their land in the postbellum era, DuBois found them emblematic of a “credible showing, —a proof of no little weight of the worth and ability of the Negro people”.<sup>95</sup> Thus, we might imagine the ability to purchase, cultivate, and maintain land in our once agrarian economy as a statement of worth. This message further contextualizes the significance of landownership as rejection of the white supremacist notion that the enslaved were incapable of self-sufficiency. While the symbolic and emotional should not be ignored, to

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<sup>93</sup> Washington, Booker T., and George H. Ellis. 1899. *The future of the American Negro*. Boston: Small, Maynard & Co.: 472

<sup>94</sup> Land also features heavily in Washington's 1899 book, *The Future of the American Negro*. Many of his descriptions of the Tuskegee School begin with description of their footprint. The school boasted more than 2,000 acres of land, 700 of which were cultivated by students at the Institute. Curiously, Washington goes on to omit land from the list of "cardinal needs" of Black people in the South. These needs included "food, clothing, shelter, education, proper habits, and a settlement of race relations", but among these things was not necessarily the land to facilitate to acquisition of any of these things.

<sup>95</sup> Du Bois, W. E. B. 2007. *The souls of Black folk*. Oxford: Oxford University Press: 77

reduce land ownership primarily to its implied meanings is to ignore its immediate effects. Landownership was the material means of freedom in an agrarian economy.

This much is evident in freedmen's reaction to the retraction of Special Field Order No. 15. DuBois admonished the Commissioner for the Freedmen's Bureau in *The Souls of Black Folk*, who told the "weeping freedmen, after their years of toil, that their land was not theirs, that there was a mistake".<sup>96</sup> Persevering in the face of loss, the freedmen of Edisto Island, South Carolina formed an ad-hoc committee to address their newfound homelessness. In their letter to the Commissioner of the Freedmen's Bureau, Henry Braum, Israel Moultrie, and Yates Sampson plead their case: "General we want Homestead's; we were promised Homestead's by the government...we cannot remain Here In such condition and If the government permits them to come back we ask It to Help us to reach land where we shall not be slaves nor compelled to work for those who would treat us as such".<sup>97</sup> Later correspondence affirms that which is evident from the previous letter alone:

*"We have been encouraged by government to take up these lands in small tracts, receiving Certificates of the same— we have thus far Taken Sixteen thousand (16000) acres of Land here on This Island. We are ready to pay for this land When Government calls for it. and now after What has been done will the good and just government take from us all this right and make us Subject to the will of those who have cheated and Oppressed us for many years."*<sup>98</sup>

This is the "land hunger" DuBois speaks to in his 1935 book, *Black Reconstruction*: "this absolutely fundamental and essential thing to any real emancipation of the slaves-was

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<sup>96</sup> Ibid.

<sup>97</sup> Miller, Steven, ed. "Committee of Freedmen on Edisto Island, South Carolina, to the Freedmen's Bureau Commissioner, October 20 or 21, 1865; and the Latter's Reply, October 22, 1865." Freedmen and Southern Society Project. University of Maryland. Accessed April 19, 2022. <http://www.freedmen.umd.edu/Edisto%20petitions.htm>.

<sup>98</sup> Ibid.

continually pushed by all emancipated Negroes and their representatives in every Southern state”.<sup>99</sup> This is the ultimate meaning of land possession in the postbellum era: freedom from coercive and oppressive labor arrangements. The liberation so many freedmen spoke was rooted in this notion of negative liberty as the freedom from oppression, to proceed and facilitate the freedom to live an autonomous life.

Black land acquisition also featured heavily in abolitionist and reconstruction-era rhetoric as central to both true freedom for the enslaved and the reconstruction of a post-Civil War nation. Unlike DuBois’s rhetoric, which tended to focus more on the private acquisition of land by individuals, land most often appeared in discussion and debate with reference to its government-facilitated redistribution. Abolitionists considered land reform to be both instrumental to improving the condition of the enslaved and central to the reunification of the nation during Reconstruction.<sup>100</sup> These sentiments were strengthened with the onset of the civil war. Calls for land reform echoed among the ranks of radical Republicans as Congressmen George Julian, Richard Cain, and Thaddeus encouraged the expansion of the 1862 Homestead Act and confiscation of Confederate lands. The foremost’s efforts were defeated by the Senate, but Steven’s support for the allocation of “forty acres” to freedmen remained consistent.<sup>101</sup>

By the early 1870s, land reform was relegated to the background of the abolitionist platform. Even the Great Emancipator expressed hesitation to confiscate Confederate lands for fear of overextension of his wartime power. Legal justification and precedent were of concern to

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<sup>99</sup> Du Bois, W. E. B. 1969. *Black Reconstruction in America; an essay toward a history of the part which black folk played in the attempt to reconstruct democracy in America, 1860-1880*. New York: Atheneum.

<sup>100</sup> Eyre, R., 2021. *Land Hunger in the Abolitionist Imagination, 1865-1872*, Institute for Social and Economic Research and Policy. Retrieved from <https://policycommons.net/artifacts/1781277/land-hunger-in-the-abolitionist-imagination-1865-1872/2512923/> on 19 Apr 2022. CID: 20.500.12592/nwfq21.

<sup>101</sup> FIERCE, MILFRED C. “BLACK STRUGGLE FOR LAND DURING RECONSTRUCTION.” *The Black Scholar* 5, no. 5 (1974): 14. <http://www.jstor.org/stable/41066299>.

even Republicans in the wartime Congress many of whom ultimately rejected Senator Lyman Trumbull's call to seize both real and personal property.<sup>102</sup> Political pragmatists and northerners, alike found the policy pathway to be increasingly infeasible as the power of aristocrats and landowners once again waxed in the South. Land redistribution was, of course, vehemently opposed by southern landowners, who were vindicated by Andrew Johnson's eventual return of abandoned lands along the rice coast.

The credibility of rule by the landless was the subject of some opposition rhetoric, affirming the significance of land as a symbol of qualification even after promised policies were long reneged upon. Republican North Carolina Governor, Daniel L. Russel's 1894 inaugural address acknowledged this racist construction: "There should be no attempt to avoid the necessity of protecting the tax-payers of these municipalities against the danger of misrule by the propertyless and ignorant elements".<sup>103</sup>

Consensual sale, therefore, represents the final complication in the story of Black land ownership. Black property owners most certainly sold their property, but the land was neither easy to acquire nor minimal in its significance. Land represented credibility, respectability, and self-sufficiency. This begs the question, under what circumstances would land leave the hands of Black individuals?

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<sup>102</sup> Hamilton, Daniel W.. *The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy During the Civil War*. Chicago: University of Chicago Press, 2007.

<sup>103</sup> Edmonds, Helen G. *The Negro and Fusion Politics in North Carolina, 1894-1901*. University of North Carolina Press, 2011: 60

## **Chapter 4: Narratives**

Of the self-reported real estate owners, the overwhelming majority were enumerated as “mulatto”.<sup>104</sup> Only three individuals (Maria Stately, Joseph Jones, and James McKenzie) were enumerated as black. The average age of a self-reported property owner was 41, with the count of property owners by gender divided almost evenly with 19 female and 18 male property owners. The average reported real property value was \$1,441. Due to significant outliers like James Sampson (mason) and Daniel Lavington (occupation unknown), the median real estate value of \$500 is more indicative of a given, free property owner. Despite a remarkably even divide in reported ownership, the value of reported ownership differs significantly by gender. While the average reported real property value for men was \$2,232, the average reported value for women was \$689. Removing James Sampson’s estate, the average value for men was still higher at \$863. The most frequently appearing profession of property owners was carpenter, followed by seamstress and washerwoman/laundress. This is supported by the annual wages of occupations commonly held by free, Black people, wherein carpentry was the most lucrative skilled profession.<sup>105</sup>

Of the ten individuals with the highest property values, five individuals were not documented before or beyond the 1860 Census. These individuals may have died, changed names, or possessed real estate in other states or countries, as they do not appear in the New Hanover County Deed registry between 1850 and 1880. These individuals may also have been recorded incorrectly by the census taker, resulting in their lack of appearance in indexed databases under their written surnames and ages. The five remaining individuals who could be

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<sup>104</sup> For a complete list of property owners, ages, and values, see Appendix B: Property Owners.

<sup>105</sup> Franklin, John Hope. 1995. *The free Negro in North Carolina, 1790-1860*. Chapel Hill, NC: University of North Carolina Press.

definitively identified were Susan Nixon (\$2000), Martha Anderson (\$1200), M.A. Fennell (\$1000), Eliza Lucas (\$1000), and James Sampson (\$26,000).

The following is approximately 100 years of history for six parcels owned by free, Black individuals in 1860. The first three narratives are those that remained in the hands of Black heirs by the mid-19th century. The second parcel was identified as Black-owned in 1860 but sold to a white Fusionist after a death in the family. The final two parcels were those that were detrimentally affected by debt, foreclosure, and a lack of estate planning.

### *Wills and Heirs*

#### Lot 2, Block 294 - Susan Burke

The circumstances surrounding Susan Burke's acquisition of Lot 2, Block 294 are similarly unknown.<sup>106</sup> Susan Burke may have first appeared with a male child on the census in 1850.<sup>107</sup> That same year, Thomas Nixon, who was likely a slave-holding white man, deeded Plot 137 to Samuel Nixon (colored) and his daughter.<sup>108</sup> Seeing as both Thomas and Samuel shared a last name, Samuel may have been a manumitted slave and/or Thomas's biological relative. This might make Thomas's deeding of Plot 137 reflective of some familial sentiment or the conditions of Samuel's manumission. Samuel Nixon may have had an additional parcel of land adjacent to Martha Anderson's parcel in Block 250, suggesting he must have acquired some amount of wealth to possess more than one property. In 1853, Samuel Nixon sold the parcel on Plot 137 to

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<sup>106</sup> For maps of Block 294 over time, see Appendix D: Block 294.

<sup>107</sup> Susan Burke, Year: 1850; Census Place: Edenton, Chowan, North Carolina; Roll: 625; Page: 110b

<sup>108</sup> New Hanover County, North Carolina, Deed Book FF: 21, 28, 29, 1850

Susan Burke for \$100.<sup>109</sup> It would come to be known as Lot 2, Block 294 in the updated city map.<sup>110</sup>

Susan Burke, then 27, self-reported \$2000 in real estate and \$500 in personal property on the 1860 Census.<sup>111</sup> Working as a washerwoman, Susan supported Eliza Burke (who may have been her mother) and two young female children. Though he is not documented in Susan's household, Susan Ann Burke, and John Nixon (who may have been related to Samuel Nixon) appeared in cohabitation documentation in 1863.<sup>112</sup> There is no further mention of a man with the surname Nixon in Susan's household. 10 years later, Susan Nixon appeared on the census as the head of a six-person household.<sup>113</sup> Her real estate value decreased from \$2000 to \$500, though her surname does not appear in transactions from the period. The Wilmington city directory recorded Susan Nixon as a Laundress on 5th between Bladen and Harnett Street, which would correctly place her at her residence in Block 294.<sup>114</sup>

Susan Nixon sold some of Lot 2 to George C. Waddell (colored) for \$175 in 1870.<sup>115</sup> There are no documents to suggest why she sold to him, but documents preceding the sale identify Waddell as a former servant.<sup>116</sup> Retaining her original plot, Nixon likely made a profit on this purchase. Waddell deeded his land to his wife, Margaret Ann Waddell at the time of his death. George Waddell died without a comprehensive will, and white lawyer J. D. Bellamy JR

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<sup>109</sup> New Hanover County, North Carolina, Deed Book FF: Page Y, 1853

<sup>110</sup> For the historic map of Wilmington, see Appendix C: Historic Wilmington.

<sup>111</sup> Susan Burke, Year: 1860; Census Place: Wilmington, New Hanover, North Carolina; Roll: M653\_907; Page: 679; Family History Library Film: 803907

<sup>112</sup> John Nixon and Susan Ann Burke, North Carolina County Registers of Deeds. Microfilm. Record Group 048. North Carolina State Archives, Raleigh, NC.

<sup>113</sup> Susan Burke, Year: 1870; Census Place: Grant, New Hanover, North Carolina; Roll: M593\_1151; Page: 226B

<sup>114</sup> Susan Burke, Year: 1880; Census Place: Wilmington, New Hanover, North Carolina; Roll: 974; Page: 38B; Enumeration District: 141

<sup>115</sup> New Hanover County, North Carolina, Deed Book AAA: 8, 1870

<sup>116</sup> New Hanover County, North Carolina, Deed Book UU: 37, 38, 1870

(of the slave-owning Bellamy family) purchased the property for a sum of one dollar in 1906.<sup>117</sup> Bellamy pursued all of Waddell's heirs, preventing them from attempting to make hereditary claims on the land in the future. The number of heirs and their differing surnames suggests that Waddell's portion of the lot became heirs' property after his death. Bellamy, one of many prominent lawyers, may have known this to be the case. John Davis Bellamy had several large holdings in Wilmington in the late 1880s, one of which included the still-standing Bellamy mansion. J. D. Bellamy Jr. was elected to the United States Congress in the contested election of 1900, the beneficiary of the insurrection that killed and wounded dozens of Black individuals.

Susan Nixon's daughter, Elizabeth Nixon married Mikery Lloyd (colored) in 1875, becoming Elizabeth Lloyd.<sup>118</sup> The couple appeared to have only one daughter, Elizabeth Jane. Their child, Daisy Gordon (later Daisy Baney) sold Susan Nixon's lot to Henry Sampson for \$700.<sup>119</sup> The profit Daisy received from this purchase may have supported her after she was abandoned by her former husband, Henry Gordon.<sup>120</sup> Sampson, a black insurance salesman and drayman, sold the Nixon lot to black laborer Alfred Thomas in 1927 for only one hundred dollars and a \$700 mortgage.<sup>121</sup> The mortgage, with an annual interest rate of 6%, was to be paid weekly for a six-year term. Unable to pay the \$700 mortgage, the Thomas family deeded the lot back to Henry Sampson in 1927.<sup>122</sup> In 1945, after living in the home for nearly 20 years, Sampson deeded the Nixon lot to his second daughter, Althea Sampson for \$10 and "natural love and affection".<sup>123</sup>

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<sup>117</sup> New Hanover County, North Carolina, Deed Book 50: 252, 1906

<sup>118</sup> Mikery Lloyd and Elizabeth Nixon, Marriage Register - Black (1865 - 1938), North Carolina County Registers of Deeds. Microfilm. Record Group 048. North Carolina State Archives, Raleigh, NC.

<sup>119</sup> New Hanover County, North Carolina, Deed Book 82: 54, 55, 1914

<sup>120</sup> Ibid.

<sup>121</sup> New Hanover County, North Carolina, Deed Book 187: 43, 1927

<sup>122</sup> Ibid.

<sup>123</sup> New Hanover County, North Carolina, Deed Book 378: 310, 1945

While the Sampson family fared well from the early to mid-1900s, their story is not necessarily generalizable. Having moved 66 feet northward to the Bellamy lot, Thomas and his wife defaulted on their mortgage, and their property was sold at auction to the highest bidder. Ellen Bellamy, one of John Daniel Bellamy Sr.'s two adult daughters purchased the lot for \$131 and additional taxes and fees.<sup>124</sup> She promptly sold the plot to Frederick Willettes Jr., son of Elenor Jennings Harris and relative to Bellamy family acquaintance, Dr. William Hariss, for \$469.<sup>125</sup> Willetts partitioned the plot across city-established lines and allowed the Thomas family to repurchase half of their former property for \$10 and "other valuable considerations."<sup>126</sup> While the meaning of this phrase is unclear, it may suggest a financial arrangement outside of a lump sum for the deed.

#### Lot 4, Block 294 - Lucy Mitchell

Only 132 feet northward, Lucy Mitchell came to possess Lot 4 in Block 294. Lucy Mitchell, a mulatto washerwoman, self-reported \$700 in real property and \$200 in personal property.<sup>127</sup> Her household consisted just of herself and her 15-year-old daughter, Margaret Mitchell. This property was presumably the western half of Lot 4 in Block 294, purchased by Mitchell from Louisiana attorney William S. Campbell for \$50 in 1877.<sup>128</sup> While documentation of Campbell's exact identity is unclear, William appears to have been the great-grandson of one of Wilmington's original residents, John Campbell.<sup>129</sup> After John Marsden Sr.'s death in the

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<sup>124</sup> New Hanover County, North Carolina, Deed Book 233: 516, 1935

<sup>125</sup> Ibid.

<sup>126</sup> New Hanover County, North Carolina, Deed Book 243: 290, 1935

<sup>127</sup> Lucy Mitchell, Year: 1860; Census Place: Wilmington, New Hanover, North Carolina; Roll: M653\_907; Page: 679; Family History Library Film: 803907

<sup>128</sup> New Hanover County, North Carolina, Deed Book NNN: 240, 241, 1856

<sup>129</sup> "Marsden Campbell." New Hanover County Public Library Digital Collections. New Hanover County Public Library. Accessed October 7, 2021. <https://nhcpl.contentdm.oclc.org/digital/collection/p16072coll5/id/366/rec/1>.

early 1840s, Campbell and his brothers petitioned for due division of his more than 30 lots. William sold much of his allotment to both black and white buyers like Lucy Mitchell and mulatto laborer, Levy McKoy.<sup>130</sup>

By 1870, Margaret Mitchell had married Henry Brewington, and the couple and their children lived with Lucy on her lot.<sup>131</sup> Former Republican magistrate, Brewington's political career fell victim to the contested election of 1900. Having also served as an alderman, Deputy Sheriff, and member of the County Commissioners, Brewington was a valet for the likes of J.D. Bellamy Jr. mere months later.<sup>132</sup> Margaret and Henry's children were all born on the Mitchell lot, the first two being Sarah E. in 1865 and Emma C. in 1872. After both married, their husbands and children also came to live on the Mitchell lot.

Lucy appears to have died sometime between 1870 and 1880, and despite their lack of marriage documentation, her portion of Lot 4 was retained by Henry Brewington.<sup>133</sup> Upon Brewington's death in 1905, Willie Cobbs (married to Emma C.) is appointed as the executor of his estate in the absence of a will. Mitchell's children agreed to split the Mitchell lot into two in 1906, allowing for both families to continue to live on the property.<sup>134</sup> While both families appear next to one another on the census, their differing household numbers indicate the families built one or more additional homes to accommodate their size. The Washington family lived on the northern half of the property while the Cobbs lived on the property's southern half, where mortgage records suggest they built their own homes.<sup>135</sup> Willie Cobbs deeded his property to his

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<sup>130</sup> New Hanover County, North Carolina, Deed Book AAAA: 626, 1888

<sup>131</sup> Lucy Mitchell, 1870; Census Place: Wilmington, New Hanover, North Carolina; Roll: M593\_1151; Page: 388B

<sup>132</sup> Bellamy, John Dillard. 1942. *Memoirs of an octogenarian*. [Charlotte, N.C.]: [Observer printing House].

<sup>133</sup> Henry Brewington, *Administrators' Bonds, 1844-1946*; Author: North Carolina. Superior Court (New Hanover County); Probate Place: New Hanover, North Carolina

<sup>134</sup> New Hanover County, North Carolina, Deed Book 48: 171, 172, 173, 1906

<sup>135</sup> New Hanover County, North Carolina, Deed Book 89: 153, 1916

daughter, Lula Elise Cobbs in 1944, where it remained in her family until foreclosure in the early 2000s. After her death in 1937, Sarah Washington's heirs sold her portion of the Mitchell lot to white lawyer, Kenneth O. Burgwin for one dollar and the \$900 lean against the property.<sup>136</sup>

#### Parts of Lots 4 and 5, Block 67 - Eliza Lucas

Eliza Lucas/Jones's portions of Lots 4 and 5 in Block 67 are first documented when they came to be in her possession in 1859. James Nichols, a white, slave-owning mason, deeded Eliza Lucas, and Elizabeth McNeill a parcel of land north of the latter's father in 1859.<sup>137</sup> Elizabeth McNeil, who is presumably a child of William McNeil, was only six at the time of the transaction. McNeil, who financed the transaction, paid \$50 for the plot. The plot, which is described in the deed as belonging to Block 67, appears to consist of adjacent portions of Lots 4 and 5 in the plan of the city of Wilmington. On the 1870 map of Block 67, though, this plot is listed as belonging to Eliza Jones.<sup>138</sup> This might suggest that Elizabeth was a child of William McNeil and Eliza Lucas out of wedlock, as McNeil was already married to his wife, Mary E. McNeil by 1850.<sup>139</sup> 10 years later, at 41, Eliza Lucas's household consisted of Peggy, Mary, and Georgiana Lucas.<sup>140</sup> Lucas's occupation is recorded as seamstress, and she has a listed real estate value of \$1000.<sup>141</sup> Elizabeth (Lizzie) McNeil appeared once again as a charge of William McNeil, but not again thereafter. Eliza Jones and Elizabeth McNeil likely passed in the 1862

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<sup>136</sup> New Hanover County, North Carolina, Deed Book 225: 283, 1934

<sup>137</sup> New Hanover County, North Carolina, Deed Book QQ: 230, 1859

<sup>138</sup> For all historic maps of Block 67, see Appendix E: Block 67.

<sup>139</sup> Eliza Lucas, Year: 1850; Census Place: Wilmington, New Hanover, North Carolina; Roll: 638; Page: 440a

<sup>140</sup> Eliza Lucas, 1860; Census Place: Wilmington, New Hanover, North Carolina; Roll: M653\_907; Page: 747; Family History Library Film: 803907

<sup>141</sup> She was recorded as mulatto, suggesting that she was a person of mixed Black and Irish descent. Considering the precedent of this racial combination being referred to as 'mulatto' (as opposed to descendants of Anglo-Saxon and Irish parentage), we have no reason to believe that Eliza Lucas is not what we would think of today as a person of color.

bout of Yellow Fever. While online databases do not offer a comprehensive list of victims, vital records searches for Eliza lead to a Yellow Fever memorial in New Hanover County.<sup>142</sup>

There are no transactions relating to the parcel that Nichols deeded to Lucas and McNeil after this, presumably because of the death of both Eliza Lucas Jones and Elizabeth McNeil. This would support the reappearance of the property in 1908 as the heirs of William A. McNeil solve a dispute for claim to the Lucas/Jones/McNeil plot.<sup>143</sup> John H, Margaret, James McNeil, and Hannah McNeill Harris agreed, for the sum of \$10 (presumably to each party) to deed the property to John Henry McNeill in fee simple, relinquishing any hereditary claim they may have had to the property.

He then deeded it to his son, Rueben McNeill, for \$50 and loans of an unspecified amount.<sup>144</sup> Reuben McNeill sold the property to Max Warshauer, a naturalized Russian immigrant in 1940 for a sum of \$10 and loans of an unspecified amount.<sup>145</sup> Warshauer, only three years later, deeds half of the property to Rena Small and Loris McCants, a 55 year-old Black widow and her son for a down payment ten times larger and loans of an unspecified amount.<sup>146</sup> He deeds the remaining portion to George and Beulah Peterson, the former of which being a 39 year-old bus cleaner, for the same down payment and unspecified loans.<sup>147</sup> McCants and Small appear to have reshuffled their finances in 1958, as they sold their portion of the Lucas/Jones lot in 1958 to Hooper and Reba Johnson to repurchase it with a loan of \$1700

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<sup>142</sup> Eliza Lucas, U.S., Find a Grave Index, 1600s-Current [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2012.

<sup>143</sup> New Hanover County, North Carolina, Deed Book 97: 590, 1918

<sup>144</sup> New Hanover County, North Carolina, Deed Book 188:164, 1928

<sup>145</sup> New Hanover County, North Carolina, Deed Book 314: 185, 1941

<sup>146</sup> New Hanover County, North Carolina, Deed Book 347: 84, 1943

<sup>147</sup> New Hanover County, North Carolina, Deed Book 347: 85, 1943

attached.<sup>148</sup> Peterson's allotment does not appear in transactions in the designated period after the date of purchase in 1943.

### *Sale Across the Color Line*

#### Part of Lots 2, 3, 4 & 5, Block 250 - Martha Anderson

Martha Strudwick Anderson, the owner of a portion of Lot 2, 3, 4, and 5 in Block 250, was a woman of little documentation. Martha appeared on the census only three times, the first of which being when she was 43. Her "maiden" name, Strudwick, might suggest she was a free woman from the Strudwick plantation in northern New Hanover County. Edmund Charles Fox Strudwick, a physician, maintained two plantations in Orange and New Hanover Counties. The number of enslaved people in the Stag Park plantation is unknown, but Strudwick reported 28 enslaved persons in the 1860 Census at his primary residence in Orange County.<sup>149</sup>

Mary Strudwick Anderson's portions of Lots 2, 3, 4, and 5 in Block 250 may have first been referred to on the census in 1850. Mary (then Anderson) was the wife of Mercury Anderson, a free Black painter.<sup>150</sup> As the head of their household, Mercury self-reported a real estate value of \$2700. There is no county-level documentation indicating Mercury owned or sold property in New Hanover County prior to his death. 10 years later, Martha (widowed) was documented as the head of her household in the 1860 census.<sup>151</sup> Despite a lack of documented real estate transactions, Anderson's self-reported real estate value decreased from \$2700 to

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<sup>148</sup> New Hanover County, North Carolina, Deed Book 606: 351, 1958

<sup>149</sup> Anderson, Jean B. "Strudwick, Edmund Charles Fox." NCpedia. State Library of North Carolina, 1994. <https://www.ncpedia.org/biography/strudwick-edmund-charles>.

<sup>150</sup> Marth Anderson, Year: 1850; Census Place: Wilmington, New Hanover, North Carolina; Roll: 638; Page: 445b

<sup>151</sup> Martha Anderson, Year: 1860; Census Place: Wilmington, New Hanover, North Carolina; Roll: M653\_907; Page: 685; Family History Library Film: 803907

\$1200. Anderson indicated a personal property value of \$400, potentially due having acquired Mercury's estate at the time of his death. There is no surviving will, however, that verifies as much. The decrease in property value may be the result of Martha and her children moving, as Martha appears under the surname 'Strudwick' on documentation for Block 250 in the 1860s.<sup>152</sup> This may suggest that Martha owned land independently of Mercury, potentially deeded to her from a member of a slave-holding family. As there are no recorded transactions associated with the property, the circumstances of her initial acquisition are largely unknown.

Martha appears once more on the 1870 census with a reported real estate value of \$2000 and no personal property value.<sup>153</sup> Acting then as a housekeeper, Martha's household encompassed herself, her unwed daughters Sarah and Josphine, and her eldest daughter and son-in-law. Martha Anderson died in 1879 in her home. Martha's last will and testament (prepared more than five years prior to her death) deeded Mary and Sarah (then Sarah Russ) her personal property.<sup>154</sup> Additionally, her will entrusted her son, James, to the management of her real estate for her daughters' and their heirs' indefinite use. Three years after Martha's death, George Davis, Mary Catherine Davis, Sarah E. Russ, and Joshua Russ sold most of Martha's land to the trustees of Colonel Flavel Wright Foster (white)'s Israel Tent Lodge in 1882.<sup>155</sup> The lodge, for which record is limited, was presumably masonic, as Foster was a freemason in his home state of Pennsylvania.<sup>156</sup>

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<sup>152</sup> For historic maps of Block 250, see Appendix F: Block 250.

<sup>153</sup> Marth Anderson, Year: 1870; Census Place: Wilmington, New Hanover, North Carolina; Roll: M593\_1151; Page: 411B

<sup>154</sup> Martha Anderson, Wills; Author: North Carolina. Superior Court (New Hanover County); Probate Place: New Hanover, North Carolina

<sup>155</sup> New Hanover County, North Carolina, Deed Book BBBB: 159, 1888

<sup>156</sup> Freemason Testimonial, February 01, 1878, Flavel W. Foster Papers (#93), East Carolina Manuscript Collection, J. Y. Joyner Library, East Carolina University, Greenville, North Carolina, USA.

Flavel Wright Foster was a former Union soldier with the rank of Colonel and former advocate of Republican/Fusion governmental efforts in New Hanover County. Considered one of the “Big Four” in the Wilmington Race Riot, Foster was targeted alongside Silas P. Wright, George Z. French, and William H. Chadbourne for promoting the Black vote in the city. Foster was reportedly pressured into writing a letter recommending his peers not mount a Republican County ticket ahead of the increasingly tense election of 1900.<sup>157</sup> Despite the letter’s supposed intent, it failed to quell racial tensions as on November 10, Alfred Waddell led some 2,000 white individuals in terrorizing, brutalizing, and murdering Black inhabitants, burning Black businesses and property, and exiling prominent Republican officials. Flavel supposedly renounced his Republican ideals in favor of Democratic ideals at the end of his life.

Mary Catherine Davis died without heirs in 1886. As the executor of Martha’s will, James deeded her property to Sarah on the grounds of her sole survivorship in 1888. Sarah and Joshua shortly thereafter sold this parcel to Flavel Foster, as they maintained a separate residence outside of Wilmington.<sup>158</sup> Foster deeded this parcel to his business, Fore & Foster Company in 1896.<sup>159</sup> Residual animosity regarding Fore and Foster’s political affiliation, however, led to the eventual demise of the company. In 1890, Foster sold the entirety of his parcel to Sarah E. McInnis for 2500 dollars. The parcel, which was significantly larger than the original Anderson plot, was sold for approximately what Mary Anderson reported her individual holding was worth 30 years prior. After passing through various white property owners, the entirety of block 250 was bought by W.B. Monroe in 1930.<sup>160</sup>

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<sup>157</sup> Mabry, William Alexander. “NEGRO SUFFRAGE AND FUSION RULE IN NORTH CAROLINA.” *The North Carolina Historical Review* 12, no. 2 (1935): 79–102. <http://www.jstor.org/stable/23515171>.

<sup>158</sup> New Hanover County, North Carolina, Deed Book BBBB: 159, 1888

<sup>159</sup> New Hanover County, North Carolina, Deed Book YYY: 670, 1896

<sup>160</sup> New Hanover County, North Carolina, Deed Book 221: 44, 1930

## *Debt and Loss*

### Lot 6, Block 67 - William McNeil

William McNeil, a black laborer, first appeared on the census in 1850.<sup>161</sup> William, a laborer, shared a dwelling with his wife, Mary, and two daughters. At 36, William declared no real or personal assets. In 1855, for a sum of one hundred dollars, William A McNeil purchased the eastward most parcel of Lot 6 in Block 67.<sup>162</sup> Though not his first purchase, the lot (which will be henceforth referred to as the McNeil lot) was McNeil's first purchase of this magnitude. In 1860, William A McNeil sold his parcel of Lot 6 for \$300 to John Brown, three times what he had purchased it for.<sup>163</sup> The John Brown that appears in the deed may have been John Brown of Wilmington, a blind, Black man with real estate of a self-reported value of \$300.<sup>164</sup> After John's death, the plot was presumably deeded to Margaret Brown, who appears on the 1870 Block survey as the owner of the lot.<sup>165</sup>

McNeil, then a farmer, appeared on the 1870 census in a household of his wife and five children.<sup>166</sup> His self-reported valuations of his real and personal property are \$200 and \$100, respectively. William McNeil makes his final appearance in the 1880 census with his wife and eight children.<sup>167</sup> No occupation or property value are included. He appears to die without a will in the late 1800s, prompting his heirs to settle hereditary claims amongst themselves after his

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<sup>161</sup> Wm McNeill, Year: 1850; Census Place: Wilmington, New Hanover, North Carolina; Roll: 638; Page: 440a

<sup>162</sup> New Hanover County, North Carolina, Deed Book TT: 117, 1866

<sup>163</sup> New Hanover County, North Carolina, Deed Book TT: 112, 1866

<sup>164</sup> John Brown, Year: 1870; Census Place: Wilmington, New Hanover, North Carolina; Roll: M593\_1151; Page: 481B

<sup>165</sup> New Hanover County, North Carolina, Block Survey: Block No.67, 1870s

<sup>166</sup> Wm McNeill, Year: 1870; Census Place: Federal Point, New Hanover, North Carolina; Roll: M593\_1151; Page: 199A

<sup>167</sup> W. A. McNeil, Year: 1880; Census Place: Federal Point, New Hanover, North Carolina; Roll: 974; Page: 218C; Enumeration District: 150

passing.<sup>168</sup> James McNeill, William's oldest, purchased all of the property from his father's heirs, suggesting the case was another of heirs property.<sup>169</sup> The McNeil lot reappeared in 1906 in a transaction between John C. Brown and Robert G. Grady, a white lawyer from Texas.<sup>170</sup> Brown, presumably a descendant of John Brown, sold the lot to Grady for \$250 rather than its previously described \$300. The Grady family then sold that lot to Winnie B. Shepard (white), the wife of patent medicine salesman, Joseph C. Shepard.<sup>171</sup> Shepard sold that lot to Edmond A. Hawes, a white farmer living in Pender County, for one hundred dollars.<sup>172</sup> Hawes, at the time of his death in 1929, deeded the parcel to his daughter, Virginia Hoggard.<sup>173</sup> She and her husband, Dr. Joseph T. Hoggard, appear to have lived on the land until the mid-1940s, as the land appears in no transactions (including leases) for nearly ten years.<sup>174</sup> The couple then, in 1943, divided and deeded the land to four separate black individuals: Mattie H. Davis, a seamstress, Roosevelt Bryant, a laborer, Johnnie Everett, a service station laborer, and George Murray Jr, a lumber laborer.<sup>175</sup> Each parcel was sold for ten dollars and unspecified loans.

#### Lot 6, Block 195 - Margaret Hostler

George E. Fennell (white) of Wilmington owned 13 slaves, four of which were children under the age of 14.<sup>176</sup> Upon his death of undocumented causes in 1856, Fennell directed his

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<sup>168</sup> W. A. McNeill, Ancestry.com. North Carolina, U.S., Deaths, 1906-1930 [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2014.

<sup>169</sup> New Hanover County, North Carolina, Deed Book 97: 590, 1908

<sup>170</sup> New Hanover County, North Carolina, Block Survey: Block No.67, 1890s

<sup>171</sup> Ibid.

<sup>172</sup> New Hanover County, North Carolina, Deed Book 67: 358, 1912

<sup>173</sup> E.A. Hawes, Wills and Estate Papers (Pender County), 1663-1978; Author: North Carolina. Division of Archives and History; Probate Place: Pender, North Carolina

<sup>174</sup> New Hanover County, North Carolina, Block Survey: Block No.67, 1870s

<sup>175</sup> New Hanover County, North Carolina, Block Survey: Block No.67, 1870s

<sup>176</sup> George E. Fennell, 1820 U S Census; Census Place: Wilmington, New Hanover, North Carolina; Page: 219; NARA Roll: M33\_84; Image: 225

executor to emancipate Margaret Ann, the enslaved person “being at present [his] wife”, in addition to her child, Mary Elizabeth.<sup>177</sup> Fennell additionally deeded the entirety of his personal and real estate to Margaret for her emancipation and sole use. After her emancipation, Margaret Hostler, a 25-year-old, mulatto seamstress was enumerated for the first time on the 1860 census.<sup>178</sup> “M. A. Fennell” self-reported real estate of \$1000 and personal property valued at \$200 in a household with her daughter and an older Black woman. Both the real and personal property are presumably Fennell’s, suggesting she may have known she would claim his estate.

Margaret finally came to possess Fennell’s 1,980 square foot lot in Block 195 more than ten years later in 1868.<sup>179</sup> Margaret’s name can be found on the document with Fennell’s surname crossed out and Hostler in its place. Hostler appears to have referred to her second partner, George Hostler, for whom there is no documentation of in Wilmington. The cause of the 12-year delay is unknown, but instructions from Fennel surrounding the possibility of Margaret’s refusal to be emancipated may suggest Fennell’s executor attempted to retain Fennell’s estate. By the following census, Margaret had fully adopted the surname Hostler, though her 18-year-old daughter was still referred to as Fennell.<sup>180</sup> Still a seamstress, Hostler reported \$1000 in real estate, but no amount of personal property. Mary E. Fennell married Charles E. Cleapor, a colored barber, in 1871. Cleapor, who ran a barber shop with James E. King on Princess and Market Street, was listed in the city directory on Chestnut in 1875.<sup>181</sup>

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<sup>177</sup> George E. Fennell, Wills; Author: North Carolina. Superior Court (New Hanover County); Probate Place: New Hanover, North Carolina

<sup>178</sup> M.A. Fennell, Year: 1860; Census Place: Wilmington, New Hanover, North Carolina; Roll: M653\_907; Page: 704; Family History Library Film: 803907

<sup>179</sup> New Hanover County, North Carolina, Deed Book VV: 522, 1868

<sup>180</sup> Margaret Hostler, Year: 1870; Census Place: Wilmington, New Hanover, North Carolina; Roll: M593\_1151; Page: 358A

<sup>181</sup> Ancestry.com. U.S., City Directories, 1822-1995 [database on-line]. “Charles E. Cleapor”, Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.

Margaret sold a fourth of her lot to Claude Murray in 1897 for \$1500.<sup>182</sup> Having been abandoned by George Hostler, Margaret sold the lot to Murray in fee simple as a feme sole. At 68, Margaret Hostler ran a lodging house. At the time of the census enumeration in 1900, Hostler's household consisted of her daughter and two granddaughters, as well as seven lodgers.<sup>183</sup> In 1902, Hostler leased a portion of her property to J. F. Garrell of the J. F. Garrell & Co Meat Market for five years.<sup>184</sup> Even alone, Margaret was a successful real estate owner, selling three properties between 1900 and 1910.<sup>185</sup> Garrell's company paid \$870 over the course of the five-year lease, though they declined to purchase the lot for the \$3250 Hostler requested. Three years later, she sold an additional fourth of her lot to Mary B. Flynn, the 38-year-old wife of a railroad cross ties dealer, for one thousand dollars.<sup>186</sup> Margaret Hostler deeded her lot and lodge's various tenements on Chestnut Street to her daughter for ten dollars in 1908.<sup>187</sup> The mother and daughter pair then sold the third of the lot with the lodge to Furney J. and Ida Gooding, two white retirees, in 1914.<sup>188</sup> Despite the value of the property, they transferred the deed to the Gooding's for only \$100 and "other valuable considerations paid in hand". This may suggest Hostler had a personal relationship with the Gooding's or an alternative financing structure. Margaret Hostler, with parents listed on her death certificate as Edward Nixon and Bedsie Merrick, died in 1924 at over 90 years old.<sup>189</sup> She lived on the lot deeded to her by George Fennell until she died. Over her lifetime, Margaret sold portions of the lot deeded to her

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<sup>182</sup> New Hanover County, North Carolina, Deed Book 45: 431, 1905

<sup>183</sup> Margaret A. Hostler, Year: 1910; Census Place: Wilmington Ward 1, New Hanover, North Carolina; Roll: T624\_1124; Page: 8B; Enumeration District: 0084; FHL microfilm: 1375137

<sup>184</sup> New Hanover County, North Carolina, Deed Book 32: 552, 1902

<sup>185</sup> New Hanover County, North Carolina, General Index to Real Estate Conveyances: N.C. Grantors: 107

<sup>186</sup> New Hanover County, North Carolina, Deed Book 46: 151, 1905

<sup>187</sup> New Hanover County, North Carolina, Deed Book 57: 176, 1908

<sup>188</sup> New Hanover County, North Carolina, Deed Book 82: 167, 1914

<sup>189</sup> Ancestry.com. U.S., Find a Grave Index, 1600s-Current [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2012.

by Fennell for a total of \$2600 or approximately \$56,000 in today's dollars.<sup>190</sup> This estimate neglects the unique nature of housing and property appreciation, suggesting a modern value of much higher than the inflation-adjusted value.

Claude Murray sold the eastern portion of the Hostler lot to George E. Leftwich, a white grocer, in 1909.<sup>191</sup> George and his wife, Mary, remained on that property until his death in 1956.<sup>192</sup> In his will, George deeded his home and land to his son, William, who sold it to a Mary P. Bass in 1957.<sup>193</sup> The Gooding's' portion of the Hostler lot changed hands four additional times from 1914 to 1950.<sup>194</sup> All property owners were white, and most properties sold for ten dollars and "other valuable considerations".

## **Analysis and Limitations**

### *Analysis*

Many of the tools of Black land loss described in the second chapter of this thesis appeared in the included narratives. The importance of wills and estate planning featured most prominently. The presence of a will allowed heirs to determine the fate of their kin's plot quickly and decisively. Still, the impact of a lack of will is evident in those properties in the periphery. George Waddell's portion of Block 294 was likely regulated by heirs property laws after his death. The lack of will complicated the chain of inheritance from Waddell to any of his eligible heirs, potentially allowing J.D. Bellamy's purchase of the late. William McNeill's portion of

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<sup>190</sup> "Value of 1775 dollars today | Inflation Calculator." Official Inflation Data, Alioth Finance, 27 Jul. 2021, <https://www.officialdata.org/us/inflation/1775>.

<sup>191</sup> New Hanover County, North Carolina, Deed Book 56: 570, 1909

<sup>192</sup> George E. Leftwich, Wills; Author: North Carolina. Superior Court (New Hanover County); Probate Place: New Hanover, North Carolina

<sup>193</sup> New Hanover County, North Carolina, Deed Book 593: 594, 1957

<sup>194</sup> New Hanover County, North Carolina, Block Survey: Block No.195, 1920s

Block 67 was also likely heirs property, but the heirs remained in possession of the lot. The relative prevalence and effect of heirs property appears consistent with scholarship emphasizing the volume and possible effects of heirs property on Black property retention. The largest estates in the sample, the Anderson Lot on Block 250, and the Hostler Lot on Block 295, featured comprehensive and clear wills that designated division between heirs rather than instructing heirs to divide property amongst themselves. There is likely a correlation between the size and/or value of the estate and the existence of a comprehensive will.

Opportunistic, white buyers made repeat appearances in the story of these plots. The Bellamy family, a political dynasty in Eastern North Carolina, were no sympathetic Fusionists. They were blatantly the opposite, opposed in every way to Black self-determination. The Bellamy family represents what Bailey et al characterized as “white courthouse gangs”: wealthy, legally inclined whites eager to make a profit from ill-fortuned Black landowners.<sup>195</sup> The Bellamy family name results in hundreds of transactions in the New Hanover county deed registry, both as grantees and grantors. Though this sample was not randomized, the repeat appearance of the Bellamy’s in a relatively small group of Black homeowners may suggest some intentionality. Further research is needed to determine the exact breadth of all the land the Bellamy family held in Wilmington.

Flavel Foster’s purchase of portions of Block 294 represents an alternative fate for formerly Black land. Foster, a prominent Republican businessman, demonstrated no outright hostility to his Black co-constituents. Rather, he repeatedly employed White Republican dog

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<sup>195</sup> Bailey, Conner; Zabawa, Robert, Dyer, Janice; Barlow, Becky; Baharanyi, Ntam. 2019. Heirs’ Property and Persistent Poverty among African Americans in the Southeastern United States. In: Gaither, Cassandra J.; Carpenter, Ann; Lloyd McCarty, Tracy; Toering, Sara, eds. Heirs’ property and land fractionation: fostering stable ownership to prevent land loss and abandonment. June 15, 2017, Atlanta, GA. Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station: 9-19.

whistles against the threat of supposed “negro rule”. In a statement to a local newspaper, Foster maintained that the “95%” should control the city of Wilmington.<sup>196</sup> This assertion, that Black citizens failed to contribute to taxes whilst controlling the city, appears in the insurgent Democratic Party’s platform.<sup>197</sup> Because of Foster’s prominence in the city, the decision to sell to him was certainly an educated one. But we are left to wonder if the sale was one of coercive circumstance or financial opportunity.

There was no evidence of racial violence or intimidation in these narratives beyond that which might be speculated. The North Carolina Department of Natural and Cultural Resource’s map of the Wilmington Insurrection places violent altercation and death within two blocks of the residents of Block 294.<sup>198</sup> None of the individuals killed in the insurrection share a surname with those included in the narratives, suggesting direct bodily harms to them were unlikely. The same cannot be said about indirect harms. Henry Brewington, a former Fusionist representative, might be considered one of those harms. Still, the insurrection itself does not appear to have had any impact on Black property ownership in the area.

Wealthy whites were not the only grantors in this sample. Many Black individuals stood to make a profit from lower-income Black renters. Henry Sampson, who deeded his daughter what was likely her childhood home, repurchased the lot after the Black property owner defaulted on their mortgage. Many property owners, like John C. Brown or the heirs of Mary Catherine Davis, broke decades-long streaks of Black homeownership. This much necessitates

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<sup>196</sup> Question of the Hour, 1890-1898, Flavel W. Foster Papers (#93), East Carolina Manuscript Collection, J. Y. Joyner Library, East Carolina University, Greenville, North Carolina, USA.

<sup>197</sup> State Democratic Executive Committee, *The Democratic Handbook*, 1898, Documenting the American South, University Library, The University of North Carolina at Chapel Hill, 2002, 189  
<http://docsouth.unc.edu/nc/dem1898/dem1898.html>

<sup>198</sup> Davidson, Jan. “1898 Wilmington Race Riot Commission.” North Carolina Department of Natural and Cultural Resources. Cape Fear Museum of History and Science. Accessed April 19, 2022.  
<https://www.ncdcr.gov/learn/history-and-archives-education/1898-wilmington-race-riot-commission>.

discussion of anachronistic impositions of the significance of the racial category, “Black”, and feelings of collective belonging. Michael Dawson’s theory of “linked fate” has long been used to explain Black social and political behavior in the United States. Dawson contends that Black Americans use a Black heuristic as they navigate systems of democratic engagement, considering Black group interests in tandem with individual interests.<sup>199</sup> If as much was unquestionably true, one might have expected that Black grantors demonstrated a preference for Black grantees. As demonstrated in Chapter 3 of this thesis, Black individuals understood the material and symbolic importance of land acquisition. This much is not true in this sample.

The key to understanding this dynamic may be in the enumeration of race on census and vital records. Most of the property owners in these narratives are recorded as mulatto, suggesting they may be of mixed-race descent. In addition to their differing appearances, mulattoes free prior to the Civil War (which this sample selected for) had access to non-zero sums of capital necessary for their subsistence. Many of these property owners ran small to medium businesses near the city center.<sup>200</sup> The wide variance in appearance, experience, and class prior to the elimination of slavery (and therefore the elimination of the division between the free and enslaved) tests the limits of the linked fate heuristic. As a result, it may be anachronistic to assume that property owners assigned the term “colored” by vital records would see themselves as belonging to a greater network. This lack of a linked fate heuristic would explain the lack of consistent preference for Black grantees over white grantees. If this much is true, the presence of Black grantees on all parcels may be better explained by residential segregation or existing networks.

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<sup>199</sup> Dawson, Michael C. 1994. *Behind the mule: race and class in African American politics*. Princeton, N.J.: Princeton University Press.

<sup>200</sup> City directories list, for example, Susan Nixon as a laundress and Willie Cobbs as a cook.

While the significance of black economic self-sufficiency was present in late 19th and early 20th century discourses like those of Booker T. Washington and W. E. B. DuBois, the form of “black capitalism” phrases like “buy black” evokes finds its origin in the 1960s. In his “I’ve Been to the Mountaintop” speech, Martin Luther King Jr. emphasized the importance of spending the Black dollar in Black businesses institutions. “...we are asking you tonight to go out and tell your neighbors not to buy Coca-Cola in Memphis. Go by and tell them not to buy Sealtest milk...I call upon you to take your money out of the banks downtown and deposit your money in Tri-State Bank”.<sup>201</sup> Malcolm X. was a proponent of similar self-sufficiency, but to different ends. “Instead of the Negro leaders having the black man begging for a chance to — to dine in white restaurants, the Negro leader should be showing the black man how to do something to strengthen his own economy, to int — to make a — to give himself an independent economy or to provide job opportunities for himself, not begging for a cup of coffee in a white man's restaurant”.<sup>202</sup>

There may have been concerted efforts to keep Black real estate in the family and immediate community that did not belong to a nationwide or partisan ethos about Black liberation. Then, there would be effectively three approaches to selling property for a free, Black individual: 1) sell to a family member when bequeathing via a will is undesirable, 2) sell to another Black community member, or 3) sell to the highest (often white) bidder. Scant documentation makes ascertaining an individual’s motivations for selling property difficult, particularly for smaller property holders who may have been recently emancipated and barely or not yet literate. While the general premise of pursuit of capital as the key to Black empowerment

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<sup>201</sup> King, Martin Luther. 1994. I've been to the mountaintop. [San Francisco, Calif.]: HarperSanFrancisco.

<sup>202</sup> Fischer, Eleanor, and Malcom "X" Little. NPR's Horizons: Malcom X. Other. Remembering Malcolm X: Rare Interviews and Audio. New York City, New York: WNYC News, 1961.

is seemingly ubiquitous in Black American history, to suppose free, Black individuals were making concerted efforts to sell their property to other Black people (family or otherwise) may be incorrect.

Lucy Mitchell's lot stands alone from all others included in this thesis. Half of Lot 4 remained in Mitchell's family until the turn of the century. The New Hanover County Deed Index shows numerous transactions related to the plot while in the Mitchell line, suggesting the home had been built, remodeled, and expanded to accommodate growing and changing generations. The remaining half was sold for profit by Mitchell's heirs, empowered to make decisions best suited for their financial situation and living arrangements. Lot 4 of Block 294 stands to show that one of the most powerful aspects of Black property ownership is not merely the retention of property inhabited for generations, but the means to make decisions for the welfare of one's kin.

### *Limitations*

Aside from barriers across all Black archival work, this study is limited in its scope and scale. First, while this is a study of property-owning Black individuals, early (and present) Black property owners make up a relatively small portion of the total Black population prior to the Civil War. These property owners had far greater access to capital than even their free, non-property-owning counterparts. This buying power, paired with potential access to networks of other property holders, likely influenced Black landowners' ability to buy, sell, and maintain their property. It is logical to assume that wealthier landowners could buy and sell land for motivations beyond subsistence far better than those with precarious financial situations.

Therefore, it's likely that the bias for wealth in this sample resulted in greater flexibility for property owners.

The period landowners were identified might also prove impactful for outcomes. An examination of property ownership as identified in the 1870 Census, for example, would likely prove to diverge from the trends presented in this thesis, as the newly emancipated would be legally eligible to purchase and own property. Without financial cushioning from waged labor or entrepreneurship, freedmen likely made different decisions regarding buying and selling property. Further, Reconstruction-era allocations (like those of the Freedmen's Bureau) may prove to have different generational outcomes than those that predated the Reconstruction. More research is needed to determine the effect of the initial date of identification and acquisition on the land's generational ownership.

## Conclusion

While the scope of this research is only until 1950, these cases let us examine the factual and imagine the counterfactual. Property once in the hands of successful black families was overwhelmingly in the hands of wealthy whites by the 1950s. White owners then rented, sold, and leased the land for profit. We know from our current body of scholarship that homeownership is a significant determinant in building generational wealth and part of the explanation of the racial wealth gap. Block 294 is still a residential area, but one Block 277, is currently the site of Cape Fear College's Wilmington Campus still perfectly partitioned in the blocks from the city's first map. While the college is not culpable for the circumstances of the acquisition of this land, we are left to wonder how might the generational wealth of Block 277's Black residents have been impacted by selling their land to the college? Through these cases we might imagine what the families on these blocks might look like today if they still owned their property. We might ask if they would be more secure in their community or more resilient against economic shocks. We might dare to ask if they were better integrated into the American fabric and rooted in their identities as local citizens. Perhaps the history of their homes would be a source of pride: a toil of their ancestors made soil and stone.

Amidst growing conversations about the racial wealth gap and its historic origins, Wilmington is one of many examples about the origins of generational wealth and familial property ownership as a way of ensuring generation wealth. This research aims to speak to examples of historic Black ownership where it was uncharacteristically visible in hopes of rooting discussions of wealth in their antebellum traditions. The story of land loss is not over, or even a finite story in that sense. Despite the decline in home ownership rates, Black Wilmingtonians boasted the highest percentage of homeowners having moved to the area before

1970. The decline in ownership that the generation prior to them experienced may still happen yet. Property ownership will continue to aid in the creation of generational wealth, and generational wealth will continue to aid in the facilitation of better lives for Black people. It is imperative that scholarly works of history and policy consider trends in 19<sup>th</sup> and 20<sup>th</sup> Black land ownership when contemplating the origin of today's socioeconomic distribution.

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## **Appendix A: Definitions**

CANCELLATION - A process by which the holder of an indebtedness on real estate removes or erases from record the indebtedness.

CHAIN OF TITLE - The succession of conveyances, from some accepted starting point, whereby the present holder of real property derives his or her title.

DEED - A written instrument that, when executed and delivered, conveys or transfers title to or an interest in real estate.

DEED OF RELEASE - A conveyance that is usually issued once a deed of trust, mortgage or other type of debt, previously secured against the property, has been paid in full. After the deed of release is written, the property is owned free and clear by the owner, and any previous claims against the property that the lender may have had are dissolved. It is commonly used to release part of the property or collateral from a Deed of Trust so that it may be sold or developed.

DEED OF TRUST - It is a written conveyance of real property that represents the security for the payment of a debt or the performance of some duty or obligation, all of which shall become void upon payment of the debt or obligation. This is a three-party document: the borrower, the beneficiary, and the trustee or trustees who hold(s) the legal title or control of the property.

Deeds of Trust are typically used in North Carolina in lieu of mortgages.

EASEMENT - A document in which the owner of property grants another the right to cross or otherwise use their land for a specific purpose. This is most commonly used to give a person access to their property by crossing another's property and to grant a utility the right to use and access specific areas of another's property for laying gas, electric, water, and/or sewer lines.

FORECLOSURE - A legal proceeding to terminate a grantor's interest in property, instituted by the lender/beneficiary either to gain title or to force a sale in order to satisfy the unpaid debt secured by the property.

GRANTEE - The person or entity who receives title or interest in real property from another.

GRANTOR - The person or entity transferring title to or an interest in real property to another.

PERSONAL PROPERTY - Any movable or intangible thing that is subject to ownership and not classified as real property.

QUITCLAIM DEED - A deed, which is used to obtain a release from a person who is believed to have some interest in or claim to property. The grantor "quits" any claim he/she may have had without warranties or obligations.

REAL ESTATE - Land, including all things permanently attached thereto, whether by nature or by a person.

TITLE - A legal action or document that justifies or substantiates ownership of property.

"Definitions of Commonly Used Terms and Document Types." New Hanover County Deed Search. New Hanover County Register of Deeds. Accessed April 13, 2022.

<https://search.newhanoverdeeds.com/definitions.php>.

**Appendix B: Property Owners**

<b>Full Name</b>	<b>Age</b>	<b>Gender</b>	<b>Race</b>	<b>Occupation</b>	<b>Real Estate Value</b>	<b>Page Number</b>
Mitchell, Lucy	30	Female	Mulatto	Washerwoman	700	3
Campbell, Clara	48	Female	Mulatto	Washerwoman	800	3
Burke, Susan (Nixon)	27	Female	Mulatto	Washerwoman	2000	3
Holmes, Mary	55	Female	Mulatto	Washerwoman	200	5
Reed, Richard	49	Male	Mulatto	Shoemaker	400	6
Reed, Samuel	23	Male	Mulatto	Bricklayer	200	6
Johnson, Jane	40	Female	Mulatto	Seamstress	600	6
Stately, Maria	60	Female	Black	(None)	400	6
Burke, Sam	26	Male	Mulatto	Mason	500	6
Burke, Sophia	37	Female	Mulatto	Seamstress	100	6
Swift, Robert	32	Male	Mulatto	Carpenter	600	7
Anderson, Martha	54	Female	Mulatto	Seamstress	1200	9
Kellog, Will	48	Male	Mulatto	Wheelwright	500	11
Smith, Betsy	50	Female	Mulatto	Laundress	400	11
Campbell, Caty	55	Female	Mulatto	Laundress	200	12
Joissly, Margaret	60	Female	Mulatto	(None)	1000	16

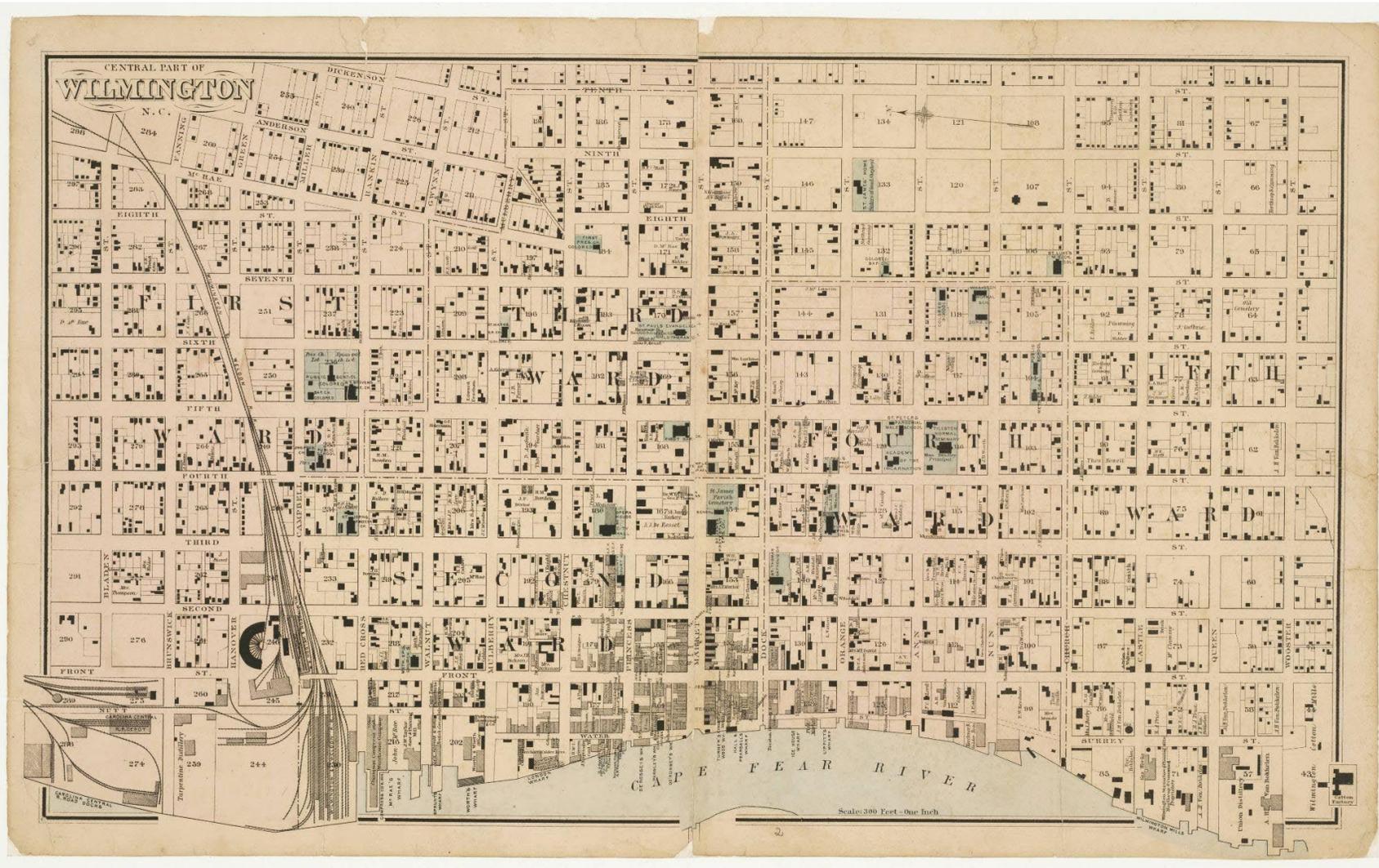
Beck, Francis	28	Female	Mulatto	Housekeeper	300	19
Eiller, Green	30	Male	Mulatto	Gardener	100	19
Martin, Louisa	38	Female	Mulatto	Marketwoman	400	23
Hazel, Jno	40	Male	Mulatto	Day Laborer	500	26
Fennel, M. A.	25	Female	Mulatto	Seamstress	1000	28
Exum, Jas	35	Male	Mulatto	Musician	3000	29
Mclenden, Mary	59	Female	Mulatto	Laundress	1800	39
Martin, Williams	45	Male	Mulatto	Stevedore	500	42
Anderson, Allen	53	Male	Mulatto	Seaman	600	46
McNeill, William	46	Male	Mulatto	Merchant	700	46
McKenzie, Jas	40	Male	Black	Carpenter	600	50
Peyton, Isham	50	Male	Mulatto	Cooper	400	50
Hays, A	30	Male	Mulatto	Day Laborer	400	53
Jones, Jos	38	Male	Black	Carpenter	100	58
Sampson. Margaret	27	Female	Mulatto	Seamstress*	300	68
Green, Jas	36	Male	Mulatto	Carpenter	800	68
Lavington, Daniel	25	Male	Mulatto	Carpenter	2,500	69
Williams, E	67	Female	Mulatto	(None)	500	71
Lucas, Eliza	40	Female	Mulatto	Teamster*	1000	71
Simpson, Jane	30	Female	Mulatto	Seamstress*	400	74
Mabson, Cath(erine)	50	Female	Mulatto	Marketwoman	500	80
Sampson, Jasper	53	Male	Mulatto	Carpenter	26000	85

Hites, E	40	Male	Mulatto	Carpenter	4000	135
<i>Female Count</i>	19		<i>Average Real Property Value</i>	1441.025641	<i>Female Average Value</i>	689.4736842
<i>Male Count</i>	18		<i>Median Real Property Value</i>	500	<i>Male Average Value</i>	2231.578947

Ancestry.com. 1860 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2009.

Images reproduced by FamilySearch.

**Appendix C: Historic Wilmington**



"Central Part of Wilmington, N.C." Philadelphia: O.W. Gray & Son, 1882. North Carolina Collection call number Cm912c W74 1882.

**Appendix D: Block 294**

BLOCK No. 294

Hannett St.

6<sup>th</sup> St.

45'	45'	82'6"	82'6"	82'6"
Sarah A. Holmes	Wm Holmes Norman A	John H. Holmes	Francis C. Holmes	Richard Richard Holmes 5'15" (1015)
66'	66'	66'	66'	66'
Ann Waddell Geo. Waddell \$350 (1110) (1392)	Mrs Mary E. Amanda Hobbsworth \$120	Katie Capps Katie Capps \$120	Thomas P. Sikes A. F. Lykes (2160) \$400 \$500	Anna Brown
Mrs of Susan Ripon \$525 (1280) (1244)	Abram Jones \$500 (1200) (1200)	Jane Bone Miss J Bennett Bone	7 W 7 aster 41200 18 72	5
165'	165'	165'	165'	165'
Lucy Mitchell \$500 (1000) (1135)	Ann Rhodes J. D. Wallace, apt. (1091)	66	66	66
66'	66'	66'	66'	66'
Mrs Jane Sullivan Wills Tarington \$1500 (2272)	66	66	66	66

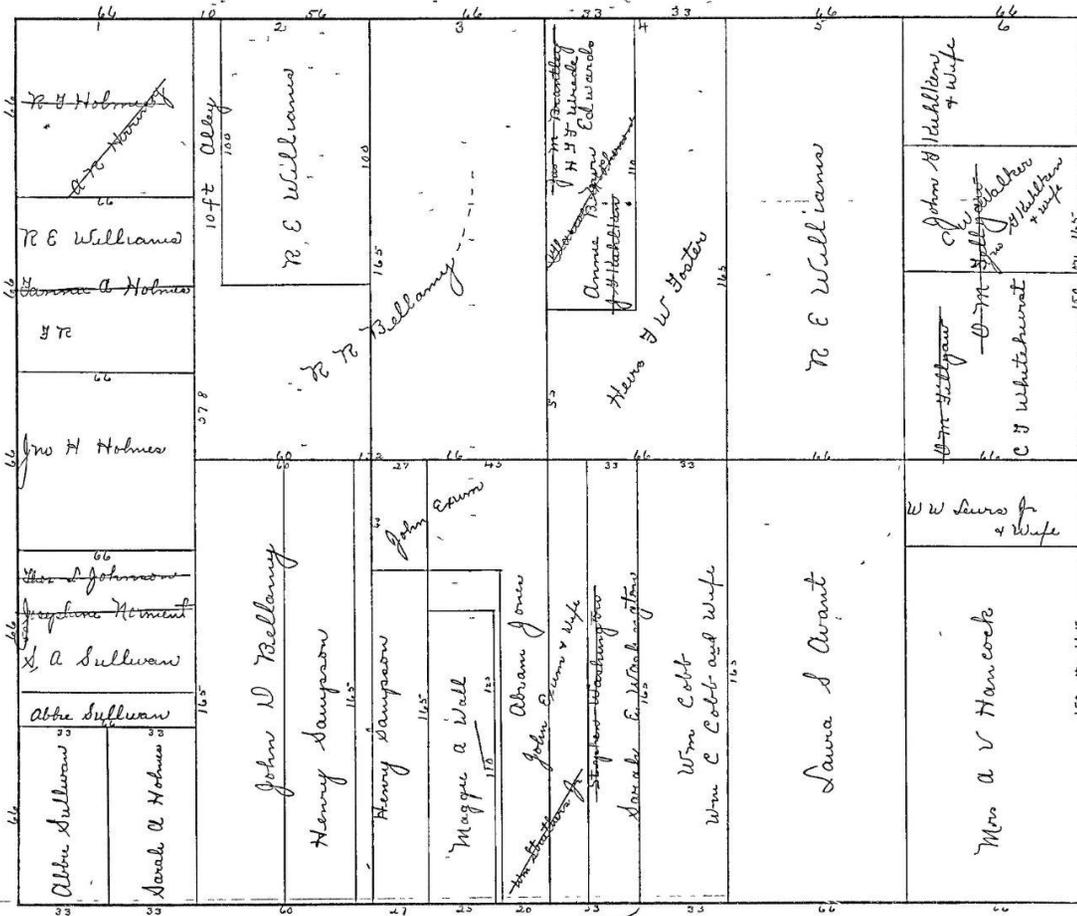
5<sup>th</sup> St.

Bladen St.

$\frac{100}{80} = 1.25$

North

Haverth St

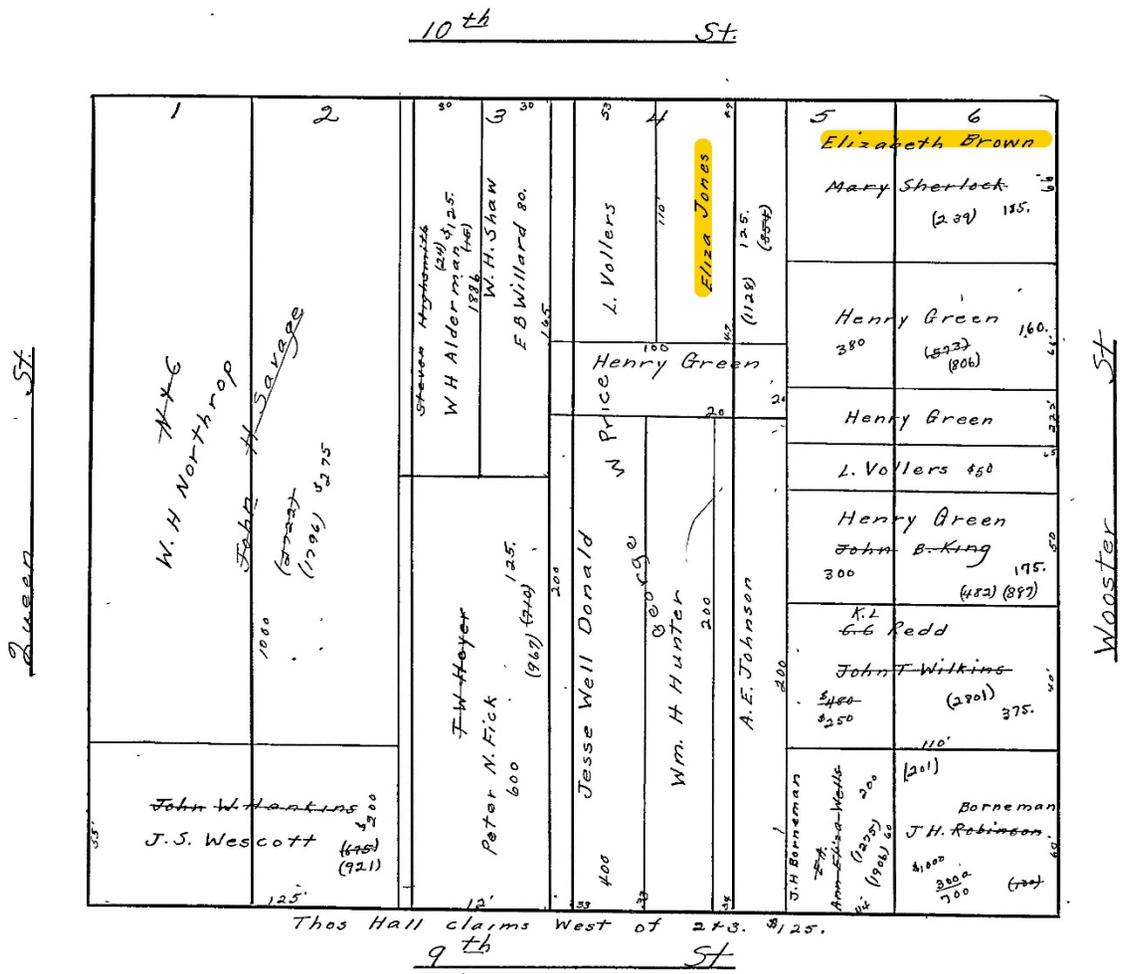


Bladen St

South

Appendix E: Block 67

BLOCK No. 171



East

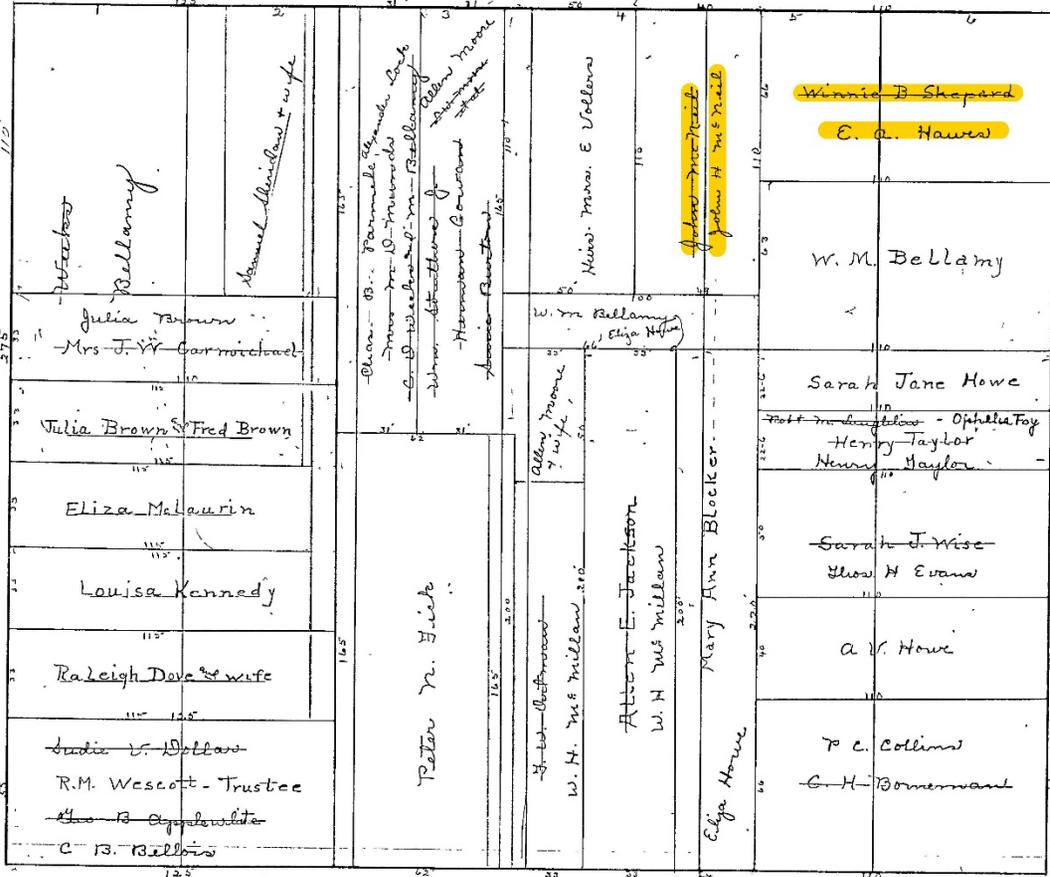
Tenth St

BLOCK No. 67

North

Quebec St

99  
877  
-74



North

West

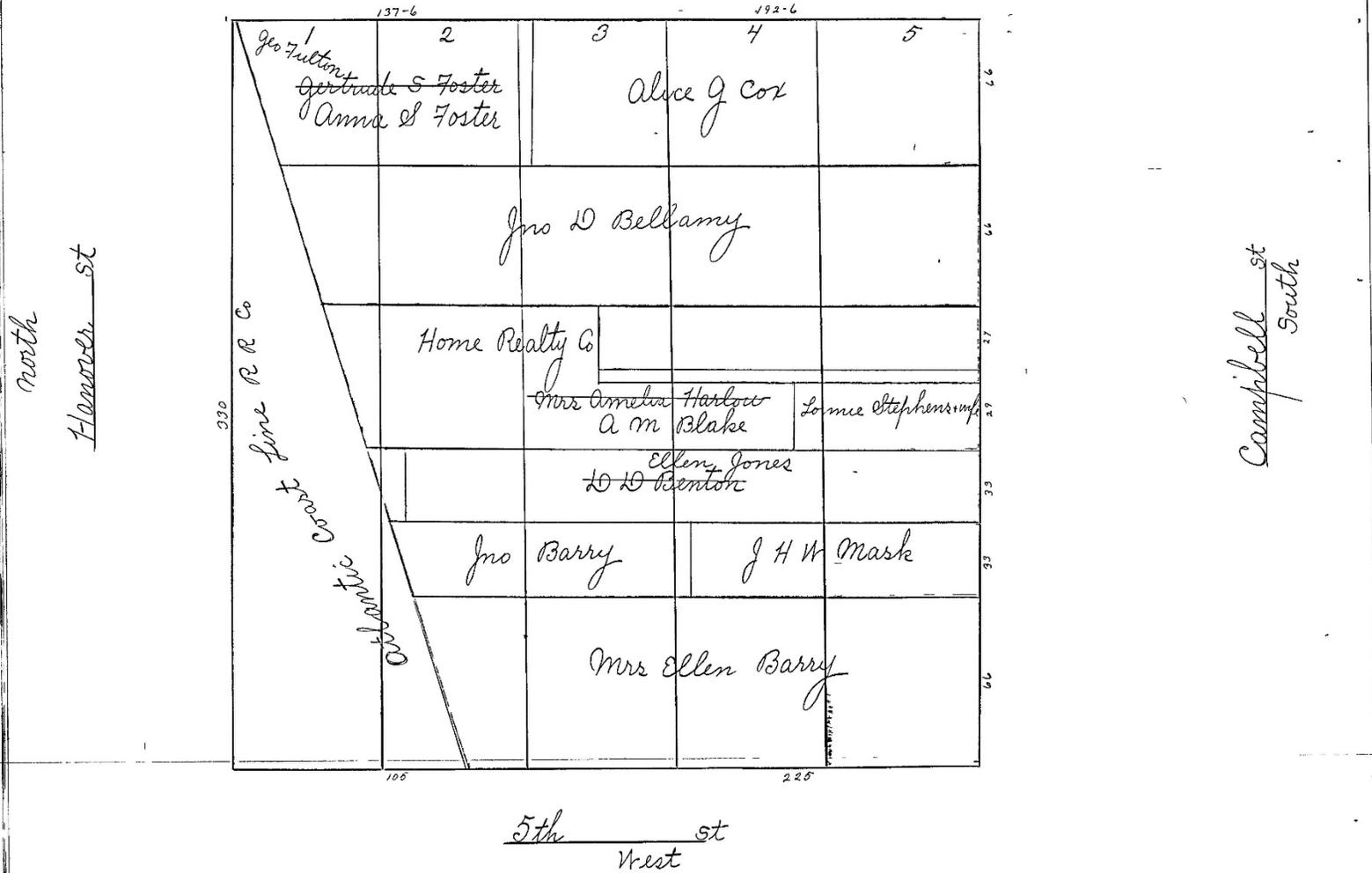
West St

South

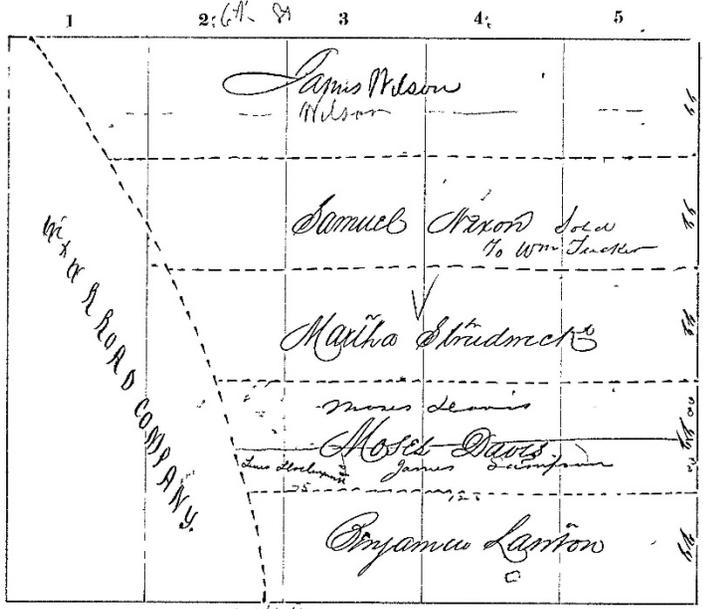
250

East  
6th st

BLOCK No 250



**Appendix F: Block 250**



Division By

W. & R. ROAD COMPANY

1 2:6 1/2 84 3 4 5

James Wilson  
Wilson

Samuel Nixon  
Sole  
to Wm. Tucker

Martha Strudwick

Mrs. Lewis

Moses Davis  
James  
John

Benjamin Larrison

3 7/8 84

Campbell

65

85

85

100

65