



Greentree Village Community Association
KEENE MILL CEMETERY
Located Inside Greentree Village Community Proper
SECTION II – HISTORICAL DETAIL

MURDER AT THE MILL
My Search for William H. Keene

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“Springfield has no history.” That is what my wife was told back in 1981 when she set out to prepare a script for a slide presentation of Springfield’s history. The speaker was a local high school history teacher who went on to add that “the place was nothing but farmland.”

In the sense that no history had been written the statement was correct. No place has a history until someone writes it. However, what was implied was that there was nothing from which to write a history. No monumental event had taken place in the past that profoundly influenced the course of events. What happened in the lives of individual farmers or tradesmen would not quite fill the bill.

To some people it may appear that Springfield was created in 1949. That was when the Shirley Highway was completed. Like water overflowing the banks of a reservoir, Washington, D.C.’s suburban population flooded the Virginia countryside. Housing developments, shopping centers, schools, churches, and synagogues appeared where empty fields and forests had previously stood. Roads were extended, straightened, widened, and created.

Actually, this process had been going on at a much slower pace since the seventeenth century when this land was part of Northumberland County. The land became part of the Northern Neck Proprietary in 1649 at the whim of the exiled King Charles II of England who set aside more than five million acres for seven of his loyal followers. The whim became a reality when the crown was restored in 1660 and the Proprietary was consolidated under Thomas 6th Lord Fairfax in 1719. The land changed county names three more times (Westmoreland in 1653, Stafford in 1664, and Prince William in 1731) before it became Fairfax in 1742.

But, land speculation has always been the name of the game and the largest single land holding in Fairfax County was the 21,996 acres acquired in 1694 from the Proprietary by William Fitzhugh. It was ultimately known as Ravensworth. That property occupied the heart of Fairfax County and most of Springfield long before there was a Fairfax County or a Springfield. Springfield did not have an identity until the Orange and Alexandria Railroad came through in the 1850s and gave that name to a station built on Henry Daingerfield’s “Springfield Farm”—close to where the tracks crossed Backlick Road.¹

But, there was a community here before there was a name. Few people living in Springfield, and Northern Virginia in general, realize that they are literally living on top of generations that have gone before. To some extent the behavior of those earlier residents has shaped our own behavior. The post World War II population followed established paths like water flowing into ruts worn by time. Of course, the flood reshaped, extended and expanded those ruts—and created new ones. Anyone traveling along Old Keene Mill Road or Rolling Road or Backlick Road must sense that these are old names for old routes. When new families settled into new homes in new developments, they put down roots into soil that someone else plowed long ago. Caught up in our world of townhouses, quarter acre lots, green yards, paved roads, and fast moving traffic, it is not easy to see a quiet graveyard that may not even be marked, or an occasional artifact that comes to the surface when a new bush is planted, or a ditch that was once a canal now filled in with dirt or debris, or a millrace that serves no mill, or a chimney standing by itself in the woods.

A glance at Beth Mitchell’s map of Fairfax County which accompanies her book, *Beginning At A White Oak*,² is revealing. The map shows the original land grants superimposed on a modern map. The rural settlement patterns of large land holdings stand out against the clusters of suburban subdivisions held together by a fine web of roads. This document juxtaposes our past with our present. It heightens the contrast by skipping the evolutionary stages marking the passage from a rural to an urban society.

Dominating the center of the map is Ravensworth plantation. Surrounding Ravensworth are smaller land grants from two to five hundred acres, settled by yeoman farmers who evolved into Fairfax County’s antebellum middle class. According to Patricia Hickin:

¹ *Daingerfield et. al v. Daingerfield Heirs*, 1870, Arlington Court Archives, shows a plat of Springfield Farm and the location of the RR station.

² Beth Mitchell, *Beginning At A White Oak . . . The Patents and Northern Neck Grants of Fairfax County, Virginia*, Office of Comprehensive Planning, Fairfax County, Virginia 1979.

It is difficult to define the middle class in Fairfax. They are generally thought of as the farmers who owned one to three hundred acres of land and a few slaves, or the tavern owners, innkeepers, millers, carriage makers, surveyors, and the like.³

Among the earliest families to settle along Pohick Creek, just outside the boundary of Ravensworth, in what would become the West Springfield area was the Keenes, the Halls and the Barkers. I became aware of the interrelations between these families only after I decided to investigate the origins and fate of Keene's Mill. The Fairfax County History Commission, of which I am a member, encourages research into local history' and since I live along Keene Mill Road close to the mill site, I decided to make it a spare-time project.

Before I started the project, Edith M. Sprouse, another member of the Commission, who spends a lot of time in the circuit court archives, handed me two sheets of paper containing copies of abstracts of court actions taken against William H. Keene. It seems that Keene was tried for murdering Lewis Q. Hall and was condemned to hang on January 30, 1857.⁴ Could this be the owner of the mill? Who was Lewis Q. Hall? Why did Keene murder him? Another abstract referred to Keene being sent to the penitentiary for more than a year—implying that he didn't hang.⁵ And, that too was a curious thing. If he was condemned to hang, why didn't he hang? My search for a history of Keene Mill was starting on an intriguing note.

Edith continued to throw documents at me. Some weeks later she handed me four more copies of handwritten documents. The handwriting was heavy. The original papers were splotted with ink. On some of them words were scratched out and new words inserted. They were hard to read. Close inspection revealed that one of the documents was the official report of an "inquisition" held at the "house of Maria Sutherland . . . on the 20th day of Oct. 1855" over the body of Lewis Q. Hall. It went on to state that: "Lewis Q. Hall came to his death by William Keene on the 27th day of Oct. 1855 by means of a knife in the hands of said Keene, . . ." The statement was signed by T. J. Suddath J.P., Acting Coroner, and twelve jurors of inquest.⁶

A second document was a deposition given by Lewis Q. Hall to T. J. Suddath, Justice of the Peace, in the presence of Calvin Hollister, M.D. on the 27th day of October, the day he died. Hall sated that he had no ill will toward Keene at the time he went to see him. He added:

I, the sad Lewis Q. Hall, went to the house of said William H. Keene on the 27th day of Oct. 1855 in company with John W. Barker and inquired for Miss Maria Hall he informed me that she was not there and if I wished to see her I must go and look for her' he the said Keene told me that I knew the path that I cam and I must go out of his house which I did followed by John W. Barker when I left his door yard followed by said Keene and proceeded at two steps toward his mill he threw his arm around me and inflicted the wound and the instrument with which he done it I did not see; but I told John W. Barker when I got in the road I was cut; and he has cut me as well as I can recollect. I did not see W. Keene on any Business of mine and his. I was security with John Sutherland for Miss Maria Hall who lives with him and said note was payable to Isaac Hall Executor of Cassandra Hall for which he was a going to proceed according to law against us and I wished to inform her that if the money was paid that it would save costs.⁷

To this statement, Lewis Q. Hall signed his name for the last time.

The third document was the testimony of John W. Barker. He verified Hall's statement about going to Keene's house to find Maria Hall who apparently lived with Keene, and of being sent away by Keened. Then Barker recited what happened from his perspective:

. . . after we came out Keene followed us, he passed me and I saw him run his hand into his pantaloon pocket take out a knife, which very

³ Patricia Hickin, "1840-1870," in Nan Netherton, et al., *Fairfax County, Virginia, A History*, Fairfax County Board of Supervisors, Fairfax County, Virginia, 197, p. 279.

⁴ Fairfax Court Order Book (from now on abbreviated as FCOB), 1852:20-2, Fairfax Circuit Court Archives.

⁵ *Ibid.*, 1852-203

⁶ *Inquests 1837-1902*, Part II, Fairfax Circuit Court Archives.

⁷ *Ibid.* (I will quote the spelling and punctuation—or lack thereof—as it appears in each document cited.)

much resembles the knife now presented to me (here the knife was handed the witness by the Coroner). He the prisoner Wm. H. Keene went up to L Q Hall the Decd. And threw his left hand over his neck, and with his right hand in which he held the knife reached around the decd. And stabbed him on the left side; the Decd. Immediately said to me, that he (Keene) had cut him; Keene then returned to the House, and as he passed me (the witness) asked me to come in and take something to drink; he then went in and unlocked his desk, and finding no liquor, said to me that Mariah had gone off and carried away all the liquor, while I was talking to Keene; the Decd. Came on, towards this house; I followed him and over took him inside of Mrs. Southerland fence; I assisted him to Mrs. Southerlands house; and when I over took him his bowels had come through the cut. I carried him the Decd. To the house, and went immediately to Isaacs Hall's who went directly for the Doctor.⁸

It would appear from these documents that Keene (where we now know did operate the mill) attacked and murdered Lewis Q. Hall without provocation. Not only was Keene's attack bizarre, but what followed was equally odd. After Keene stabbed Hall he turned to Hall's companion, John W. Barker, and invited him back into the house for a drink. Strange still, Barker apparently accepted the invitation even though his friend was wounded and told him so. This behavior suggests that all three men were not rational.

Further, the documents raise additional questions. Why did both Hall and Barker emphasize that the purpose of their visit was to find Maria(h) Hall, not to seek William Keene? What had been the relationship between these three men prior to the incident of October 27th? Who were the various other Halls mentioned? What was Maria(h) Hall's relationship to Keene and to Lewis Q. Hall? What was Keene's explanation of what happened that day? What other documents might be available to help us gain insight about these people and this incident? These questions momentarily overshadowed my curiosity about the mill.

The census of 1850 reveals that William H. Keene was a miller; that he was thirty-five years of age and he lived with a Jane Keene who was seventy-six.⁹ Keene must have been forty at the time of the killing. There is no listing for Maria or Cassandra or Lewis Q. Hall. There is no reference to John W. Barker. Maria Sutherland, whose house was the scene of the coroner's inquest, is shown as being thirty years old and married to John Sutherland, a farmer, forty-three years of age. They had five young children ranging in age from thirteen years to three months.¹⁰ The inquest documents referred to "Mrs. Southerland's" house. This suggests that there was no Mr. Sutherland (the preferred spelling) by 1855¹¹ There was an Isaac Hall living in Alexandria. He was a forty-eight-year-old cooper.¹² Perhaps this was the person living near Keene's mill by 1855.

The Alexandria Gazette carried three brief stories about the incident. The November 1, 1855 issue stated, under the heading of "Murder" that "a man named Hall was stabbed by a man named Keene, near Sangster's station...he died on Monday," It added: "There had been difficulty between them." Two days later (November 3, 1855), The Gazette noted: "William H. Keene . . . has been committed to jail at Fairfax Court House." A third article published one year later (November 15, 1856) under the heading "Fairfax Circuit Court" stated:

The case of the commonwealth vs. Keene was given to the jury on Friday evening, after able and powerful arguments had been made by Messrs. Edwards, Thomas and Scott, in behalf of the prisoner, and by Mr. Dulany on the part of the Commonwealth, and on Saturday morning they rendered their verdict finding the prisoner guilty of murder in the first degree. Immediately upon its rendition the counsel for the unfortunate criminal moved for a new trial, but his Honor, Judge Tyler

⁸ Ibid.

⁹ U.S. Department of Commerce, Bureau of the Census, Seventh Census of the United States, 1850: Fairfax County, Virginia, 127.

¹⁰ Ibid., 165.

¹¹ In the previous year another inquest was held in the same place over the body of John Sutherland. They found he "came to his death by excessive drinking and expired." See "Inquest Into the Death of John Sutherland," Inquests, 1837-1902, Pt 1., Fairfax Circuit Court Archives.

¹² Seventh Census, Alexandria, op.cit.371.

was constrained to deny the motion—the point raised not being of sufficient importance to warrant compliance therewith. They took an appeal from the Judge’s decision and will carry the case up tot the Court of Appeals on the point raised. The Judge then passed the sentence upon the wretched criminal.

We know from the court order books that Keene’s sentence was that he was to be “hanged by the neck until he be dead on January 30, 1857.”¹³ It is curious that *The Gazette* article did not state that the sentence was or what the “power arguments” on behalf of the prisoner were.

While I was reeling through page after page of *The Gazette* on microfilm in the Alexandria Library’s Lloyd House, Edith Sprouse again appeared (she was on an unrelated quest) and directed my attention to an index of obituary notices¹⁴ appearing in that publication. Turning to that source, I found an entry under William H. Keene dated January 23, 1858. Anticipating an explanation of his death, I threw in the appropriate reel and whizzed to the right page. But, there was no obituary there. Instead there was small boldfaced column heading: The Case of Keene. Under the heading was letter from William H. Dulany, Attorney for the Commonwealth, to the Governor of Virginia dated January 8, 1858. In the letter, Dulany protests the governor’s decision to grant a reprieve to Keene and the commutation of his punishment to ten year’ imprisonment. More importantly, Dulany wants to establish that he was not consulted and did not in any way participate in the decision. Dulany claims that he has been “censured by some of the citizens of the county for having prepared a statement of evidence in a criminal prosecution essentially variant from the elicited at the trial of the cause.”

The governor’s response to Dulany’s letter is included in the column. The governor reviewed his actions pointing out that he twice “respited the prisoner in order to obtain an abstract of all the evidence.” He went on to the state:

On the 19th of March and finally on the 23^d of April, 1857, I ordered the Commonwealth’s Attorney to be written to. The Secretary of the Commonwealth, I believe, sent the letter to Mr. D. Funsten, of Alexandria, Va informed me that he communicated the contents to the counsel of the prisoner, that one of them, the associate of Mr. Thomas in the defense, applied to you, and you declined to make out an abstract owing to the lapse of time.

The governor pointed out that “you had been afforded every opportunity to make a statement to the case, as I supposed, and had made no contradictory statement to that made by prisoner’s counsel . . .” The governor’s acquisitions were based on “all the memoranda of testimony laid before me.” He concludes:

....there is no ground of censuring you for the pardon in this case. I take the whole responsibility of it; and a review of the case confirms me in the decision I made. Very respectfully, yours, c.,
Henry A. Wise

Dulany underlined the governor’s last point in a final paragraph:

It will be perceived that I never furnished any “statement” of evidence in the case to the Governor, and was not called upon by him to do so. I will merely state that I never saw any “statement” of evidence furnished him, and could therefore neither contradict nor concur in such statement.”

We know a lot more about why Keene did not hang. At least we know who was responsible for making the decision not to hang him. We know that he was sentenced to prison for ten years. But we do not know how or why Governor Wise reached this decision. We also know that there were some people very unhappy with the decision—among them William H. Dulany. It was curious that the governor chose to communicate with Dulany, a Commonwealth’s Attorney, though intermediaries, including Keene’s own lawyers, when he was in the process of making this decision. Why didn’t Dulany protest loudly when he found out the governor was

¹³ FCOB 1852:202

¹⁴ *Obituary Notices From The Alexandria Gazette—1784-1915*, Alexandria Library Staff, Heritage Books, Bowie, MD, 1987.

considering commuting the sentence? It seems that with each new discovery there follows a new set of questions.

It wasn't until June 1992 that I was able to visit the Virginia Archives located in the Virginia State Library (now The Library of Virginia) in Richmond. Armed with the Dulany-Wise exchange from *The Alexandria Gazette* which cited the government's message to the General Assembly of Virginia, communicating your reasons for the reprieves, pardons, and commutations of punishment granted by you to criminals' since the last session of the Legislature . . ." I thought I might be able to find that message. The staff archivist was not encouraging. He stated that there was no records kept of governors' messages to the legislature. I thought that very strange. Surely, a secretary recorded all the proceedings of that body. Still, he was the archivist and he knew his business better than I did. Feeling a little like I was imposing on him, I asked how he would recommend that I proceed to find out how and why the governor decided to commute Keene's sentence. He suggested looking at Governor Wise's papers which he could deliver to me—but just one month at a time. Which month did I want? Since I knew that Keene's trial was held in November, 1856, and that he was scheduled to hang in January, 1857, I selected December 1856, as a starting point.

The folder was delivered to my table. It contained what appeared to be hundreds of letters and notes—most of them appeals for clemency. The task of reviewing all of them in a short period of time turned out to be easier than I thought it would be. Fortunately, the governor's secretary wrote a short phrase on the back of each letter summarizing the purpose of the document. By referring to the summary, I was able to move through the pile rather quickly. In one another afternoon, I sorted through five months for documents. References to the Keene case began to appear like nuggets of gold in prospector's plan. There were just three documents in the December folder, but as each month was opened more documents came to light until May, 1857, when all references to Keene ceased. I found approximately twenty--eight documents which a staffer reproduced.

Now Keene's side of the story began to emerge. The first nugget was a letter from John F. M. Lowe, a past 4th ward councilman from Alexandria (1847-1849)¹⁵ to "His Excellency, Henry A. Wise" dated December 15, 1856. Lowe states that he is writing on behalf of Mrs. Kizendapher, the sister of William "Kein" and "other relatives and friends of Kein's" asking that if the governor "cannot pardon him altogether, at least to commute his punishment from hanging to that of penitentiary imprisonment for a short time." Lowe argues:

Now, his Excellency will at once perceive with a very small proportion of his usual discernment, or penetration, that it was not such a killing as to constitute Murder in the first degree the penalty of which is death; I understand no threat had been made by Kein against Hall; and non proved, no malice proven & consequently it was not a premeditated act; but on the contrary they had been friends for years & Kein had often befriended him, (Hall) but at a time when both were intoxicated & knew not what they did, one unfortunately killed the other.¹⁶"

A second document signed by fifty-six people made essentially the same argument:

...that the blow which produced death was given whilst he was laboring under intoxication sufficient to remove the idea that it was given with the deliberation necessary to constitute guilt of a degree to justify his execution¹⁷."

A third document turned out to be literally a lifesaver for Keene. It was an affidavit given to Washington L. Harper, a Justice of the Peace, by Thomas C. Dodson. Dodson was married to Nancy Keene, William's sister. He had inquired of Barnett Steward, one of the jurors, on the evening of the day the decision was reached just how the jury could have arrived at a verdict of murder in the first degree. Steward told Dodson that he had "done all he could to make it better with Keene" but;

...the other jurors were all in favor of the verdict aforesaid & had endeavored to prevail upon him to concur, & among other means employed, threatened him, that the court would take the jury down to Alexandria & around the Circuit, till they should agree that on the Saturday morning aforesaid, he had thought over the matter & that it

¹⁵ T. Michael Miller, *Alexandria (Virginia) City Officialdom*, 1749-1992, Heritage Books, Inc., Bowie, MD, 1992:25.

¹⁶ Jno. F.M. Lowe to "His Excellency Henry A. Wise," December 15, 1856, Henry A. Wise Papers (from hereon designated HAWP), Virginia State Archives, Richmond, Virginia.

¹⁷ Petition to "His Excellency Henry A. Wise." No Date, HAWP.

*seemed to be foolishness for one man to contend against eleven & , that, not being willing to leave home for such a length of time as it might take to go around the Circuit as aforesaid, having been already at court for nearly a week, he gave up, & made up his mind to agree that the jury should render the verdict aforesaid, but that he was not satisfied with the verdict when it was rendered & never would be.*¹⁸

This is an amazing statement for several reasons. First, we have a juror admitting that he voted to hang a man because he had already devoted a week to the case and did not want to spend more time on the matter even though he did not think Keene was guilty of first degree murder. Secondly, this is not a sworn statement in the juror's own words. This is a sworn statement by the condemned man's brother-in-law—not exactly a disinterested party. This constitutes hearsay evidence that the juror was "threatened". It also shows that Dodson had approached a member of the jury to question his decision. By today's standards this could be considered intimidation. Apparently, it was not out of line in a 19th century rural community. At any rate, the governor found the affidavit convincing enough to grant a "respite" of Keene's sentence until "the 27th of March next" so that "the proper tribunal may have an opportunity to decide upon all legal questions in the case."¹⁹

Ironically, on the day before the governor reached his decision, H.W. Thomas, Keene's lawyer, wrote a letter to David Funsten, another of Keene's lawyers, passing on information that the Court of Appeals overruled Keene's application for a new trial.²⁰ What the basis for the appeal application was, or why the court refused to hear it, I do not know. At any rate, Keene's fate was now a matter for the governor to decide.

Sometime in early March, the governor was apparently visited by, or received a package of letters from, John Geisendaffer, who was identified as a brother-in-law of William H. Keene. Geisendaffer (sometimes spelled Keisindaffer, or Kisendaffer, or Kizendaffer. I will use the spelling and the punctuation—or lack thereof—that appears on the document to which I am referring) included a letter of introduction from R. L. Mason of "Fairfax County, near Alex." This was probably Richard Mason who is identified in the 1850 census as a twenty-one-year-old-lawyer.²¹ Mason, professing to know nothing about the case, introduced Geisendaffer as a "mechanic of industry and good character" whose purpose is to "sue for mercy."²²

Geisendaffer included a second letter from Harrison Hough, son of George S. Hough, a Quaker who operated a dry goods store in Alexandria.²³ The letter introduced "Mr. John Keisindaffer, who was the person who fired 160 Guns in honor of your Election as Governor of this great & glorious old state."²⁴ This letter was also written on behalf of William Morgan, another of Keene's brothers-in-law (see genealogical chart). In fact, Geisendaffer either hand delivered or sent several letters from his friends in Alexandria—few of them knowing much about Keene or the murder. I include in this the letter from John F. M. Lowe cited above, and perhaps the petition with fifty-six signatures.

"Kisendaffer" is listed in the 1850 census for Alexandria as a "cedar cooper" age sixty, born in Germany. His wife was Sabina [Keene], age fifty; and they had a son, Frederick, age twenty, also a cedar cooper.²⁵ As a "mechanic" in an urban area, he knew a lot of people. Among them was the sheriff of Alexandria, Edward Sangster, who argued in his statement to the governor that "the friends and relatives of Keene are many of them worthy and high respected citizens and are entitled to confidence and consideration." Sangster also implies that Hall was of questionable character.²⁶

We should not speak of the dead unless it be of meritorious acts—but rather cast the mantle of charity over their deeds and hide them from the view rather than expose them to the gaze of generations yet to come—consequently—I cannot—I will not—say anything about the character

¹⁸ Affidavit by Thomas C. Dodson, December 26, 1856, HAWP.

¹⁹ Henry A. Wise to "the Staff of Fairfax Co or the Clerk for the Staff," January 16, 1857, HAWP.

²⁰ H. W. Thomas to David Funsten, January 15, 1857, HAWP.

²¹ *Seventh Census, Alexandria*, op.cit:364.

²² R. L. Mason to "His Excellency Gov. Wise," February 12, 1857, HAWP.

²³ William W. Henshaw, *Encyclopedia of Quarter Genealogy*, V.6, Virginia, Genealogical Publishing Co., Baltimore, MD, 1973. Harrison Hough was "discharged" from the Quaker meeting in 1841 for "managing a dance hall."

²⁴ Harrison Hough to "His Excellency Henry A. Wise," March 2, 1857, HAWP.

²⁵ *Seventh Census, Alexandria*, op.cit:359.

²⁶ Sangster was himself of questionable character. Two years after he wrote this letter to the governor, he was sued by twelve of his friends who had put up the security money for his bond as sheriff. It seems that they did not turn in Alexandria's revenues (taxes) to the state government. His bond holders had to put up the money then proceed against Sangster in court to get some portion of their money back by selling off his land. See *Grigsby, etc. v. Sangster*, FCF#40h (1859).

*and standing of the unfortunate individual who was the victim of this awful and unfortunately tragedy.*²⁷

The letter was also signed by John T. Johnson, a shipsmith,²⁸ another acquaintance no doubt, of Geisendaffer, who added: "I fully concur with E. Sangster."

Finally, "Keisindaffer" wrote a letter of his own explaining what he perceived as the sequence of events leading up to the stabbing.²⁹

Fairfax Cty Va March 15, 1857

To his Excellency

Henry A. Wise

Sir

William Keene is a resident of this county. His Grandfather was an old Settler named William Keen, a farmer who owned land and slaves. My Father, William, a resident of Fairfax, and all the family belonged to the great Democratic Party. My unfortunate distressed and truly penitent brother now in dungeon owned a grist and Saw mill and was trying to make an honest living for himself. In 1855, in the month of Octo, he had 7 or 8 men employed in repairing his mill. One of the men employed had a quarrel with him. Hall and Barker came to his house. Hall was once of the same family and abused him in his own house. Keene came there and waked him out of his bed. My brother and Barker stood talking. Hall went away to a neighbors fence when Barker overtook him. He said Keene had cut him. Barker said he did not see him nor did not know that he was hurt; the evidence given against him was conflicting. The unfortunate being has been in dungeon 15[months]. He says if he killed Hall he did not intent to do it. He is as much distressed man and not treated like a human being, which has caused sickness, I hope your Excellency will have compassion on him and remute his sentence. I hope your Excellency will have mercy on him and save the stain of murder on his distressed friends, your mercy is most earnestly requested.

Yours Most Respectfully

Etc John Keisindaffer

Pr W.H.Keene

This letter does not mention drinking or a fight, but it does offer an explanation as to why Hall and Barker visited Keene on that fateful Saturday. Keene had apparently quarreled with one of Hall's relatives, a man he employed to repair the mill. Hall was going to confront Keene about his actions. The sentence which states that "Keene came there and waked him out of his bed: must be a mistake. The author probably intended to write "Hall came there and waked him out of his bed" must be a mistake. The author probably intended to write "Hall came there and waked him out of his bed." It is also interesting to note that the letter was written in Fairfax County—where the jail or "dungeon" was located. Since Geisendaffer lived in Alexandria, I assume that he wrote this letter in the presence of, or shortly after visiting, Keene.

Five or more days before Geisendaffer wrote the above letter, perhaps after he visited the governor and made a personal appeal as is implied by the introductory nature of the letters from Lowe, Mason and Hough, the governor was moved to inquire of his secretary what Keene's status was. On the back of the envelope, he wrote.³⁰

²⁷ E. Sangster to "His Excellency Henry A. Wise," February 14, 1857, HAWP.

²⁸ *Seventh Census, Alexandria*, op.cit:324.

²⁹ John Keisindaffer to Henry A. Wise, March 15, 1857, HAWP.

³⁰ Note and Envelope scrap found in March, 1857, collection, HAWP.

*Has this
Man's sentence
been sent?—Can
it be commuted
--into what?
H.A.W.*

His secretary responded:

In the case of Wm Keene, the record shows he was sentenced by the Circuit Court of Fairfax to be hung, for murder in the first degree, on the 30th day of Jany last. Upon affidavit by one of the Jurors that he was induced to concur in the verdict only because he believed he was to be carried round the Judicial Circuit, the Governor heretofore granted a reprieve to enable the party to apply for a writ of error to obtain a new trial. The Reprieve postponed the execution of the sentence until the 27th of March, (the present month).

The Constitution authorizes the Governor to commute capital punishment. The law of 1852 authorizes him to order the prisoner to be confined in the Penitentiary indefinitely.

On the back of the note, the governor wrote:

*Remind me
Of this case
Against before
The 27th inst.
H.A.Wise
March 10th*

Under that is scrawled:

*March 20
Reprieved until
1st Friday in May*

It should be noted that the secretary's advice to the governor that the "affidavit by one of the Jurors that he was induced to concur in the verdict" was inaccurate. The affidavit was from Thomas C. Dodson, Keene's brother-in-law, quoted above—not from the juror Stewart. This reaffirms that the basis for the governor's first postponement of Keene's execution was the assumption that the juror's experience was accurately reported by a party who had an interest in the outcome. Apparently the Appeals Court did not find the evidence for a writ of error, whatever that evidence may have been, nearly so persuasive.

Between March 10th and March 20th, the governor received Geisendaffer's letter quoted above but also two letters from Keene's lawyers: one from David Funsten and W.T. Edwards and another from H.W. Thomas. The letter from Funsten and Edwards is an appeal for clemency. They state that Hall and Barker went to Keene's house "under the pretense of seeing one Maria Hall; that the deceased and Keene were not on friendly terms, and there had been no friendly intercourse between them for years." Further, "that Keene was drunk and had been in that condition for several days." The writers were satisfied "that Hall and Barker knew at the time they went to Keene's house, that Maria Hall was not there, and I therefore conclude that the pretense of seeking her was a false one." The testimony of Hall and Barker was "suspicious." They regarded Barker's testimony that he turned back with Keene when offered whiskey even though his friend had been stabbed "very remarkable." Hall and Barker did not make "fair, full and thoughtful" statements concerning the purpose of their visit. There is too much "doubt hanging over the transaction to justify the extreme verdict," therefore the "case is a proper one for the interposition of executive clemency."³¹

³¹ W.T. Edwards and David Funsten, Esq. to Henry A. Wise, March 17, 1857, HAWP.

H.W. Thomas' letter was written to David Funsten examining the merits of Funsten's application for clemency and was probably included by Funsten in the same envelope. Thomas argues that the killing was not "deliberate and premeditated." He claims that the "evidence shows" that when Hall and Barker went to Keene's house, they "found him drunk and excited." He believes a "controversy ensued" between them and that one blow was struck "upon the heat of the moment" and "I do not think that under the circumstances he should receive the same punishment as the deliberate assassin."³²

The governor was persuaded to postpone the sentence again. On the back of an envelope bearing a canceled stamp and the name "David Funsten, Esq. Alexandria, VA" is scrawled in a heavy hand:

Let the prisoner in this case be respited until the 1st Friday in May, that I may have time to consider the whole evidence where an abstract thereof shall be prepared by the Comths atty who prosecuted in the Case, as well as by the Counsel of the prisoner.

*H.A. Wise
March 18th 1857*

Under that note, is written another:

*Apr. 23^d 1857
Write to Comths
Atty & prisoners
Counsel for
abstract of testimony
Henry A. Wise³³*

A more formal notice of "respite" was sent to Walter Powell, Sheriff of Fairfax County, on March 20th. Powell acknowledged receipt on March 22nd, five days before Keene was to hang.³⁴

Here is the proof that Governor Wise did order the Secretary of the Commonwealth twice to write to the Commonwealth's Attorney and to the prisoner's counsel to obtain an "abstract of the evidence." The governor in his letter to William Dulany, published in the January 8, 1858, *Alexandria Gazette* stated he had done so. Apparently, Dulany never responded to the governor's request. Thus, he did not try to influence the governor's decision. While Dulany could not be censured by Hall's friends for contributing to the governor's final decision to commute Keene's sentence, he certainly could be criticized for not attempting to influence that decision. Perhaps he lost interest in the case or he no longer felt that it was a case of first degree murder.

April was the last folder in the Wise papers to render documents about the Keene case. Several of them should be quoted in their entirety. The first is a statement from Barnett Stewart, the juror, in his own words in an affidavit before a Justice of the Peace:

*Virginia
County of Alexandria to wit*

This 4th day of April 1857, Barnett Stewart personally appeared before the undersigned a Justice of the Peace for the County aforesaid & being duly sworn, sayeth: that it was one of the jurors in the trial of William H. Keene, who was convicted of murder in the first degree in the Circuit Court of Fairfax County at the last November term thereof: that a man named Barker was the principal witness examined against said Keene on said trial & was the only one present besides Keene & Hall at the time that the latter was killed: that said Stewart regarded the testimony of said Barker as inconsistent on its face & it was altogether unsatisfactory to him, but that the said witness was not impeached & that this latter fact was used with effect to destroy the force of said inconsistency in the mind of said Stewart: that on the

³² H.W. Thomas to David Funsten, Esq., March 17, 1857, HAWP.

³³ Note found in March folder of HAWP.

³⁴ Walter Powell, Sheriff, to Henry A. Wise, March 22, 1857, HAWP.

retirement of the jury the said Stewart refused for a length of time to unite in the verdict which was subsequently rendered but that the other jurors urged that the case must be tried according to the testimony & that Barker's testimony was unimpeached, whatever said Stewart might think of it's improbability: that said Stewart at last yielded to the said suggestions of the jurors, not however until a further influence was brought to bear namely, that if the verdict was wrong there were other chances, such as a new trial & the Executive pardon: that said Stewart reluctantly agreed to join in the verdict rendered under the impression that unless Barkers testimony had been contradicted or he had been impeached as a witness that it was said Stewarts duty to take such testimony as true whatever said Stewarts opinion or doubt might be of the trust of the same, derived from other sources: & that said Stewart, without intending in any degree to reflect on the character of the jurors but referring to the existence of a strong popular feeling at that time existing, states as his belief, that the minds of the jurors were more or less under excitement caused by some two or three cases of homicide that had been committed in the neighborhood a short time before & that the jury were perhaps over ready to visit any case that might arise with the severest penalty of the law, & that the result would have been different with Keene but for such previous offences.

*And the said Steward desires it to be further certified that he recommends that said Keene to the clemency of the Executor & hopes that the punishment may be commuted to what he regarded as proper, namely, the penalty for murder in the second degree, believing that the end of justice will so, best be attained.*³⁵

John Summers J.P.

This certainly firmly establishes the fact that Stewart was having second thoughts about Keene's degree of guilt. However, he still seems to be rationalizing his role in the jury process. He made it easier to absolve himself of guilt by choosing to believe that a wrong decision would be corrected down the line by a new trial or executive review. His conscience (or social pressure?) had now forced him to take a stand in contrast to the one he took as a juror and to participate in the correction process.

Another juror having second thoughts was Richard K. Lee. Lee served on the coroner's jury that met in the Sutherland home to investigate the cause of Hall's death. Lee appeared before Alexandria Justice of the Peace, W. J. Harper on 22 April 1857. Harper states that³⁶

*[Lee] is well acquainted with John Barker the principal witness on the trial of said Keene at the inquest aforesaid; & that he did not believe said Barker's testimony before said coroner & that he would place no confidence in any thing said Barker would state on oath in any case when he would be interested & connected as he was with that Hall family."*³⁷

Two days before Lee made his affidavit, another letter was written to the governor calling into question the testimony of John W Barker from his own brother Quenton. Quenton Barker was a forty-eight-year-old shop keeper in Alexandria according to the 1850 census.^{38 39} He is married to Lucretia Keene, the sister of William H.—a fact that he does not mention in his letter⁴⁰ (see Keene genealogy in the appendixes); nor does he mention his relationship to John W. Barker. Quenton states that he grew up in the neighborhood and is very critical of "This tribe of Halls" who are no better than "wild indians" who consider education a

³⁵ Affidavit by Barnett Stewart, April 4, 1857, HAWP.

³⁶ Affidavit by Richard K. Lee made to W.J. Harper, April 22, 1857, HAWP.

³⁷ Barker was married to Amanda Hall, who was Lewis Q. Hall's sister (see FWB A2:298).

³⁸ *Seventh Census, Alexandria*, op.cit:359.

³⁹ The relationship between Quenton Barker and John W. Barker as sons of Leonard and Anna Barker is established in FCFF#52p, *Johnson & Company v. Barker*, 1832.

⁴⁰ Quenton Barker to "Hon. Henry A. Wise," April 20, 1857, HAWP.

disgrace and "religion is a thing almost unknown among them." He describes Maria Hall as "one of the tribe" who hung around Keene's Mill "day & nights" and "would get some person to make charges and get some of her connexion to go after K. to force money out of him."

Quenton Barker's letter further stated that he met John W. Barker in Alexandria shortly after the incident and had been told by him "positively that Keene did not cut Hall" and that he "saw no knife used by anyone." In fact,

Hall went off for home and he [John W. Barker] went back to the house with K. to get some whiskey, remained sometime than stated for home going by one of the neighbors he heard Hall was hurt. He B. told this same tale to Mr. James C. Denty, his brother in law, and to others. Denty & myself who was summoned in the case stated the same, but Barker told quite a different story in court. now it is well know that Barker is a poor inebriate and for years has been going with these creatures and finally has married one of that tribe and stays among them and seldom goes among his relations but makes himself a tool for them and writes for them.

Here are three people—Stewart, Lee and Quenton Barker—who did not trust the word of the only witness, John W. Barker. Did Keene's lawyers attempt to attack Barker's creditability at the trial? Two of his lawyers, Funsten and Edwards, in their appeal to the governor for clemency state that Barker's testimony was "suspicious." Quenton Barker stated that he and Denty personally heard a very different description of events from Barker himself and "stated the same" when they were summoned in the case. Yet, Barnett Stewart, the juror, claims that Barker's court testimony was "unimpeached," and for that reason he had to go along with the rest of the jury. What really went on in that courtroom in November 1856—we will probably never know.

Apparently, Geisendaffer efforts to bombard the chief executive with paper missives continued. On April 20, Daniel Francis Sprigg wrote on "behalf of a parishioner of mine whose brother, Wm. H. Keene, is now in jail in Fairfax co. under sentence of death for murder."⁴¹ Sprigg identifies himself as the editor of the *Southern Churchman* and offers two reasons to save Keene's life. First, "testimony will be placed before you in a few days, which I think will lead your Excellency to the opinion, that the homicide, was not a clear case of murder in the first degree," Secondly, "the poor wretch, is but a few degrees removed from heathenism, & is ill prepared to meet death."

Seven days later a backup letter was sent from Alexandria by Henry A. Wise, Jr., to his father, the governor, telling him that a Reverend Mr. Sprigg will be sending him "evidence" which will "prove" that "some man" who was not known to Henry Junior was not guilty of murder in the first degree.⁴²

Geisendaffer wrote his last letter to the governor on April 25. He begged the governor to spare the life of W. H. Keene from an "ignominious death" which will bring disgrace upon the family, especially his sister Sabina (Geisendaffer's wife) "who is the wife of one of our most industrious citizens, not only at his trade but in the cause of democracy."⁴³

The last letter that I found in the April file was from William H. Keene. It was his final appeal, written on April 24th in his own words, and I will cite it in its entirety;⁴⁴

To your Excellency Henry A. Wise Governor of Va hoping your oner will interfar in my exacution and commut my awfull doom and will doo me Justiss it iss all I pray for is eaquel Justiss on this earth between man and man and I doo earnestlay appeal unto you for to correct the in Justiss don unto me and in the naim of god it is my onelay prayer and I will give you a full statement of my condishion and factes so far as they have ever occerd unto me. In 1855 in october I had severl hand imploid in bilding my mill and amongst the rest I had a man working for me by the naim of Hall well all handes got on a spreyn and I discharged all handes untill they got sober & at the same

⁴¹ Daniel Francis Sprigg to "Honorable Henry A. Wise," April 20, 1857, HAWP.

⁴² Henry A. Wise, Jr. to Governor Henry A. Wise," April 20, 1857, HAWP.

⁴³ John Geisendaffer to "His Excellency Henry A. Wise," April 25, 1857, HAWP.

⁴⁴ W.H. Keene to "Your Excellency Henry A. Wise Governor of Va.," April 24, 1857, HAWP.

time I had a bone fel on my left hand which I was deranged with and noed not a t times what was don for I had on fryday drink a larg quantity of speirtes and on Satterday I was crasey in my bed and all alone and about too or three o clock Hall and barker came to my house, and bitterlay approached me I had done rong in driving Wesley hall away from my house I beged them to let me alone I was sike and did not wont any fuss with thim. I had no dealing with them and I was all alone wood thay leave my house as I thot hard of being curst in my house. Well thay both got up and went out the dore and I found they were drunke or apperd so well I laid still on my bed and in a fu minutes theyb oth come to the dore and cold to each other and said less go in agin and take him bed and all out we have go him now from that I jupt up off my bed and met them both at the dore and a scuffell insued and I found my self out in the yard contending a finest both of them with my one hand and at least I got loos from them and Hall went off and barker staid som half ouer afterwords and when I com to my self I found I was dreadfullay beaten and Bruecd up and if I cut Hall I dont no it for it wernt my intenshun nor my desire to kill him nor no one else for after I got loos from them Hall never said he was hurt But went off out of sight and left Barker Standing in my yard, and I Had hard worke to get Barker to leau my primisscess as the houes they cam from wernt more then a mile of and I had to beg barker to meat Hall and not com bake to my houes aney more and this iss all that has ever accurd unto me after Being in prisen now hard upon too yyers and it has bin my daylay study with all the exershun I cood use to Bring to mind what had hapend and if it had ever occurd unto me other wies I wood of said so and it was six monthes befor I cood beleau the Reality but you cood onely no my condishun and Juge for your Self I am utterlay deprived of all power in ther coming unto my houes in thee maner thay did and take all the advantige to deprive me of my lief as well as my property when I was all alone and in a helpless condishion on my sik bed and then to lay in prisen and siffer in cold and in irones and in darkness in a cloes sell for what I never hot of dooing in all my life, and I ernistlay doo ask your oner and will ever pray for you to commute my punishment and at your hands I commit my complaint and my distress as a pore unfortunat man for I have once sufferd deth her in this dungen and o how hard it iss to suffer duble deth without noing what I am to dy fore. In the naim of god I sSend this unto you a praying to aequil Justiss to be don her on erth betwen man and man I ascribe myself to be your unfortutunat prisener under the aufull setnence of deth. Apr 24 1857

W.H. Keene

in fairfax County dungen, va.

NB it is hard for me to suffer for other peoplels sines nor if thay was to hang half in the conty thay cant make me atone for the filt of others) tho I have never had extended unto me the oner of ever consuylting my god for her inthis Jail ther is onely 2 Roomes and both is dungen and in my sell is all wayes full a men under and sufull condishion as I am they shood I thinke ot to Be alone and stid of that ther is no fealing of humanity shone thay thinke a man is like beast thay dont eaven thinke a man has a sole to be saved in the mides of all my distress ther is not a day that I can have a peafull one to myself and if it be so that I am

killed I am then plunged into eternity head foremost for in the manner I am (held) her my ease is morne full and how aufull is it to think on that I shall Be plunged in hell By the hands of the peopel and after all my misray her on erth to not have that privilegde that was ordaind to man by the deth of our saver Jersus crist who died for siners and I hope and trust in your oner you will looke Seariss on me and not let my sole and boday Both perish under you du considerashun in behalth of a po suffer in my aufull condishion

W. H. Keene

*now in farfax dungen
and in darness*

To you oner gouner H. A. Wiez of Va

Now it was time for the governor to decide. Keene's punishment had been postponed twice. It was to be carried out on the first Friday in May—approximately two weeks from the date of Keene's letter. The case against Keene hung on the trial testimony of John W. Barker. In the past month, that testimony has been questioned by two jurors and his brother. At the same time, Keene's account does not ring true either. Yes, there was a sight and yes, everyone was drunk; but Keene who had to fight with one hand had no memory of stabbing Hall. And, if we are to believe Quenton Barker, Hall must have been knifed after he left Keene's yard. That does not seem likely.

The fact to which both John W. Barker and Keene agree is that Barker lingered in Keen's yard after there was a serious fight between the three men. This is hardly the act of a rational man concerned with the condition of his friend. But it does lend credence to the argument that these were three very drunk, irrational men who simply did not know what they were doing.

On the back of an envelope postmarked "Fairfax, 24 April" the governor wrote:⁴⁵

*Let this man,s
Punishment be
Commutd to ten
Years confinement
In the penitentiary
Henry A. Wise
Apl. 25th 1857*

Some months after I waded through the governor's papers in Richmond, when I was searching for what could possibly have happened to Keene in prison, I had a conversation with Paul W. Keve, author of *The History of Corrections in Virginia*.⁴⁶ He called my attention to the fact that Virginia governors usually submitted statements concerning their decisinos regarding pardons to the *Journal of the House of Delegates* which is published at the end of every session—a document the Richmond archivists failed to call to my attention. When I had an occasion to visit the Alderman Library at the University of Virginia, I found the *Journal* for the session of 1857-1858; sure enough, I found Governor Wise's explanation of his decision in the documents section of the book.⁴⁷

29. I reprieved William H. Keene, who was condemned to be hung by the circuit court of the county of Fairfax on the 4th Friday of January of the present year, for the crime of murder—first, on the 17th January until the 27th of March last, and afterwards, on the 20th of March until 1st Friday in May, to afford time to consider the whole evidence, when an abstract thereof should be prepared by the attorney who prosecuted, and by the counsel of the prisoner.

⁴⁵ Note on envelope scrap found in April, 1857, collections of HAWP.

⁴⁶ Paul W. Keve, *The History of Corrections in Virginia*, University of Virginia Press, Charlottesville, 1986.

⁴⁷ *Journal of the House of Delegates of The State of Virginia*, for the Session of 1857-58, Richmond, William F. Ritchie, Public Printer, 1857:clxxvi - clxxvii.

Subsequently, on the 25th of April, I commuted the punishment of death, to which this prisoner was sentenced to ten years' imprisonment in the penitentiary, for the reason that the homicide was committed under circumstances which repel the idea of willful determination and premeditation; that the prisoner was roused from his bed by the deceased and another, while he was in a state of intoxication, or laboring under its effects, and the blow which caused death was inflicted in a sudden scuffle, under this influence, and without intention to kill.

I think the governor made the right decision, but I am struck by the arbitrariness of the system. From December, 1856, until April, 1857, the governor was inundated with letters and petitions from the prisoner's relatives and friends of his relatives. Not a single letter came from the prosecuting attorney or from the Halls. The governor acted on Dodson's affidavit in postponing sentence the first time; and in the end he accepted Keene's perspective on how things happened. He scribbled his decisions on the backs of envelopes—an action that in itself symbolizes the haste and arbitrariness of a harassed executive. It appears that whoever had the governor's ear won.

Why didn't Keene carry the day in court? Did he ever make a statement in his own defense? Did his lawyers ever attack Barker's credibility? Was Keene's case weakened because in Quenton Barker's words: Keene's witnesses had been at Court two days and was most all drunk and some falling down in the court house and was not able to give evidence to what they knew . . .?"⁴⁸ Perhaps the juror Barnett Stewart's explanation focuses on another contributing factor.⁴⁹

The jurors were more or less under excitement caused by some two or three cases of homicide that had been committed in the neighborhood a short time before & that the jury were perhaps overready to visit any case that might arise with the severest penalty of the law, . . .

I still had a lot of unanswered questions—not just about the trial and the process of sentencing—but also about the mill and what finally happened to William H. Keene. The answer to what happened to the mill required research in the Fairfax Circuit Court Archives. With the help of archivist Connie Ring, threads of information were teased out of deeds, wills, and court records. A larger picture of the Keene family and details about the mill began to emerge.

My search for the date of origin of Keene's Mill provides a good lesson in how easy it is to misread handwritten primary sources, and how error can be come amplified. An acquaintance sent me a reference in a secondary source to a request made by the Rev. Lee Massey of Pohick Church in 1769 to the Fairfax County Court (the governing body of the county until 1870) asking the court to order a "road be opened from the church to the ox road at Keene's mill."⁵⁰ When I found the source cited,⁵¹ I entered the following direct quotation into my notes: "on the motion of Rev. Mr. Lee Massey it is ordered that the road from Pohic Church to the ox road at Keen's mill be cleared . . ." This was to the best of my knowledge the first recorded reference to Keene's mill, and it meant that the mill had to have come into existence in or before 1769. Since there is no mill shown at the known location of the mill on James Keene's property cited in Beth Mitchell's map identifying Fairfax County property holders in 1760,⁵² the easy conclusion is that the mill had to have been built between 1760 and 1769.

That is what I stated in the first draft of this paper. It was also included in the text of a historic marker I had submitted to the Fairfax County History Commission and eventually to the state to be placed near the site. Subsequently, while researching another topic, I returned to the court order book of 1768-1770 and reread what was recorded as Massey's request. I was shocked at what I found. He did indeed request that a road be cleared, but not to "Keen's mill." He wanted it to go to "Keen's Hill." The distinction between the handwritten "H" and "m" was hard to discern, but I had read it as an "m" because I had wanted it to be that. A second entry on the same subject in the court order book of 1770 also clearly refers to "Keen's Hill."⁵³ Massey may have said "mill" and the court clerk recorded it as "Hill" or when it was transcribed from notes into the court order book it might have been miscopied—just as I had one in reverse. Or he might have said exactly what was recorded. It is impossible to know. I have never seen any other reference to "Keen's Hill;" but for the want of a letter my whole thesis regarding the date origin, had to be rewritten.

⁴⁸ Quenton Barker, op.cit.

⁴⁹ Stewart, op.cit.

⁵⁰ Hollin Hill Bulletin, Winter, 1965.

⁵¹ FCOB 1768-1770:142

⁵² Beth Mitchell, *Fairfax County, Virginia in 1760: An Interpretive Historical Map*, Fairfax County Office of Comprehensive Planning, 1987:96-97.

⁵³ FCOB 1770:34.

In December 1799, an agreement⁵⁴ was drawn up between James (II) and William Keene, whose properties occupied the west side of Pohick Creek for about one or two miles, and William Barker, whose land occupied an equal distance on the east side of the creek. For \$500.00, William Barker agreed to permit James Keene to raise a dam on the Pohick to allow water to be conveyed to his saw mill. In return, Keene had to build an abutment on Barker's property running parallel to the creek starting "from the East side of the present upper mill dam" to prevent flooding below the dam' and to allow Barker to build two watergates below the dam stretching across to William Keene's land.

This implies that there already was a mill dam in place, presumably servicing a mill. The agreement was recorded in January 1800. Therefore, the documentary evidence would lead us to conclude that, while no mill existed on James Keene's property in 1760, one probably did exist there by 1800.

While the documents provide clues, archeological evidence exists on the mill site which is located on the north side of Old Keene Mill Road just after the road crosses Pohick Creek (see site diagram). Two millraces lay in silence there. One race runs parallel to the creek on the west side and was at one time fed by the Pohick. The other one runs parallel to the road and at right angles to the lower race and the creek. This one was fed by diverting a small branch which empties into the Pohick above the mill site. The deep rut into this race just before the mill tail, suggests an overshot waterwheel in contrast to the lower race, which probably turned an undershot wheel moved by current. I suspect that the overshot race was built later than the lower race to get the additional power that an overshot design harnessing the water's weight would provide.

The mill stayed in the Keene family until the death of James (II) in 1836 when Silas Burke, James' administrator, sold it to Presley Barker and Archibald Hall in 1838 (see chain of title for Keene's Mill).⁵⁵ Hall died that same year so Barker sold the mill and approximately four acres to William and John Sutherland who had married two of Archibald's daughters.⁵⁶ On a receipt written to cover part of this transaction, Barker referred to "the sawmill & grist mill."⁵⁷ This implies two separate structures; and that also fits with two millraces. However, no document has come to my attention clearly showing or stating that there were two mill structures on the property.

William H. Keene, the last of his father's children, acquired the mill property in April 1849.⁵⁸ just one month after his father, William (IV), passed away. He paid the Sutherlands \$800.00, a sum he probably felt secure investing since he was named executor of William's estate and heir, after the death of Jane—his stepmother—to "all my estate both real and personal not herein otherwise disposed of"⁵⁹ An inventory of William's property lists twenty-two slaves⁶⁰ Nine of those slaves were given to William H.'s siblings and one was sold to pay another brother \$500.00 cash;' but that still left twelve to be sold or rented.

William H. probably felt comfortable running a mill. He might have even worked there as a young man. His grandfather had an interest in the mill—he cosigned the 1799 agreement made with William Barker to expand the mill pond. His granduncle James (II) built it and ran it until his death in 1833. William H. Keene was thirty-four years old when he bought the mill. Running a local saw and grist mill would make him a respected and essential member of the community. This may have been his plan, but fate held a very different destiny for him.

Shortly after his father's death, five of William H's seven siblings sued to have their father's will set aside on the grounds that William H. had unduly influenced him.⁶¹ Four of the five girls—Jane Morgan, Nancy Dodson, Lucretia Barker, and Sabina Geisendaffer—had just received two slaves each; Susan Rowley was to get \$50.00, and Thompson Keene was to receive \$500.00. Apparently, they were not satisfied and the court agreed. The will was set aside and annulled in 1852 and George Burke was appointed administrator of William (IV)'s estate.

In 1853, William H. tried to recoup something by suing George Burke for \$750.00, which he claimed the estate owed him for services rendered to his father from 1844 through 1848 at a rate of \$150.00 per year.⁶² Six witnesses testified on William's behalf. All of them agreed that William H. lived with William (IV) and handled his father's affairs—according to one witness since 1840. While there was some cultivation on the farm, the renting of slaves seems to have been a major source of income. Sometimes payment for slave services was made in kind: fish, meal, bacon, etc. At least two witnesses stated that the farm was "very poor." Three witnesses agreed in the words of T. J. Suddath that "William had done more for him [William H.'s father] than any of his children," and,

⁵⁴ FDB B2: 396-398.

⁵⁵ FDB D3: 509.

⁵⁶ FDB D3: 539.

⁵⁷ FCFF#44R *Sutherland v. Hall*, 1838.

⁵⁸ FDB O3:80.

⁵⁹ FWB V:320-321.

⁶⁰ FWB W:123.

⁶¹ FCFF#57R, *Thomas Keene et al. v. William Keene*, 1849.

⁶² *William H. Keene v. George Burke*, Term Papers, Box 12, June 1856, Pt. 1, Fairfax Circuit Court Archives.

. . . that since he had had the management he had kept them in provision which was not the case before & that he thought he ought to do a little more for Wm than any of his children that he ought to be paid for his services.

Lawrence R. Taylor, George Burke's attorney, drew a different picture. He accused William H. of hiring out the slaves and pocketing the money to the tune of \$3,000.00 from 1844 through 1848. Whether he was able to prove that charge is unclear. The case was submitted to arbitration in November 1855—two years after it was instituted—and finally resolved in April 1856. The decision by Thomas J. Murray was that the statute of limitations applied for all the years of service except 1848. Therefore, William H. Keene was awarded \$150.00 three years after he brought suit against his father's estate for \$750.00. By this time, he was in jail for the murder of Lewis Q. Hall.

On October 30, 1855, the day after Hall died, Keene turned over all of his property in trust to Henry W. Thomas, a Fairfax attorney.⁶³ Thomas was given the power to sell the mill property and "the real and personal estate of which William Keene, the father, of the said William H. died possessed or entitled, also all his interest in the dower now held by Jane Keene, widow of said William . . ." to pay off Keene's personal debts and his anticipated legal debts. The document also established a sequence of people who would receive any proceeds left from the sale of his estate should he die in jail. First in line was Jane Keene, his eighty-one-year-old stepmother who lived with him. If she should die, Keene's estate would go to Maria Hall who also apparently lived with him. Third in line was Richard Keene, son of Addison Keene—William's cousin (see family genealogy). Jane Keene did die in November,⁶⁴ and William went to jail that same month.⁶⁵

In the following month, Henry W. Thomas initiated suit in the name of William against the other heirs of Jane's dower—Jane Morgan, John and Sabina Geisendaffer, Quenton and Lucretia Barker, to force them to agree to sell the nine slaves and divide the proceeds. The slaves were sold in January, 1856, for \$6,787.00 and the money was divided.⁶⁶

The mill property was put up for sale in July 1857. It was purchased by George Chichester, the higher bidder, for \$480.00.⁶⁷ Chichester died in 1858 and the property went through his wife to his son, John H. Chichester, without a deed. John H. Chichester in turn sold the land "containing about five acres more or less" for \$300.00 to Wilmer and Montgomery Corse in January 1869.⁶⁸ The fact that the property lost value and that only land is mentioned in the deed would seem to indicate that no mill structures were still standing on the site by 1869.

From this time until 1958, the ownership of the mill property has been lost. Apparently, the five acres were abandoned and at some point quietly incorporated into the land of Fred W. and Gladys L. McLaughlin. They sold a portion of the land in 1958,⁶⁹ and it changed hands two more times until it was acquired by the Presley Company, a land developer, in 1974. In order to continue selling the land, the cloud on its title had to be removed. This was done by court action in c.1985.⁷⁰

In 1971, hurricane Agnes knocked out a small bridge which carried Old Keene Mill Road, then just two lanes, over Pohick Creek. It was replaced, but the road was too narrow to carry the increased traffic brought about by new housing developments. The accident rate was increasing and the winter snows made passage precarious. The bridge was raised, and the road straightened and widened to four lanes in 1979. The section that once passed by the mill was abandoned and ultimately turned over to two private families whose homes front on the new Old Keene Mill Road. The section between the old road and the Shannon Station Townhouse community, where the millraces are located, belong to the Fairfax County Park Authority. People driving west across the Pohick Creek can glimpse on their right a ribbon of stagnant water and totting leaves in the lower millrace. The rest remains buried under a canopy of forest and the detritus of time.

William H. Keene was forty-seven years old when he entered the Virginia State Prison in Richmond. In his letter of appeal to the governor, Keene had described the Fairfax jail as a dungeon. The prison he entered in 1857 actually had dungeons built in it to hold men in solitary confinement as mandated by state law in the belief that three months of such confinement just prior to release would contribute to rehabilitation. That law had been abandoned by 1838.⁷¹ The prison was designed by Benjamin Latrobe and completed in 1800. Paul Keve, a scholar who has studied the evolution of the Virginia prison system, offers this description:

⁶³ FDB X#:15.

⁶⁴ FCFF#98f, *William H. Keene et. al v. Jane Morgan et. al.*, 1855.

⁶⁵ *Inquests 1837-1902, Pt. II*, Fairfax Circuit Court Archives.

⁶⁶ FCFF#98f, op.cit.

⁶⁷ FDB Z3:206-209.

⁶⁸ FDB L4:482.

⁶⁹ FDB 1670:49.

⁷⁰ Chancery #78834, *Presley Company East, Inc. v. Unknown Parties*, FDB 6268:1793.

⁷¹ Keve, op.cit:43.

Artistically the building was a gem. As a place to contain, employ, and control two hundred prisoners, however, it was sadly deficient. It could be categorically called a failure unless the judgment would seem to be disputed by the fact that the building survived successive fires and remodelings to give service for a century and a quarter. There is no dispute that throughout the nineteenth century, Virginia could boast the possession of one of the most elegantly designed prisons in the country while at the same time suffering with one of the least utilitarian and least humane of America's prison buildings.⁷²

Keve adds:

Latrobe's single prison building housed its inmates in cells, many of which were large enough to hold several beds; but with no provision for heating the building, the inmates suffered considerably in the winter. The heavy, windowless, solid oak doors to the cells served adequately for security purposes except for the sever defect of defeating supervision. With two or more inmates in most cells, any sort of activity could be going on within, and there was no way that any guard could observe or know about it. Ventilation was poor, there was no plumbing, and the heavy stone walls and wooden floors were typically damp with condensation. The odors of packed-in bodies and open toilet buckets were pervasive. Yet, it was in these rooms that the inmates had to eat, for there was no dining room.⁷³

Into this place, William H. Keene disappeared. All prison records were lost during the Civil War. One can only conjecture as to what happened to him. He could have died in prison—the death rate was high.⁷⁴ If that happened, his body could have been sent to the morgue at the Medical College of Virginia—one supposes they were always looking for cadavers.⁷⁵ He could have been pardoned during the war to serve in the Virginia military.⁷⁶ However, indexes of Confederate military records at the National Archives show no William H. Keene. Other Keens, Keans or Keins do not check out. He could have escaped. On April 3, 1865, a day after the fall of Petersburg to the Union forces, Richmond was set afire and abandoned. Two hundred eighty-seven prisoners walked out of the prison after looting it before Union forces entered the city. Some were recaptured.⁷⁷ Finally, Keene could have served his time and been released in 1867, then stayed away from Fairfax County. His name cannot be located in the 1870 census. What happened to William H. Keene is not in any written record that I have found.

I started this search looking for a mill and I found a man. Along the way, I discovered some things about his property, his slaves, his neighbors, his relatives, the court in Fairfax County and justice in 19th century Virginia. I learned how widely used and destructive whiskey was in antebellum Fairfax County. I found family cemeteries. I found descendants of the Hall family still living in the area, and sometimes family members in search of their past found me. Few descendants knew anything about the murder. In my search for William H. Keene, I found that Springfield did have a history—a history that occurred on many levels, including that of a small farmer who did not seem to have much control over the direction of his life.

But the absolute events in any of our lives cannot be used to define our history in any meaningful way if not recorded—or, if recorded, are not found. Historic research is a heavy responsibility since the record of our past is our only claim to immortality—even the life story of a small farmer is revealing and significant.

End

See Appendix A: Chain of Title for Keene's Mill.

See Appendix B: Partial and Tentative Genealogy of The Keene Family

See Appendix C: Map—Site of Keene's Mill.

See Section I: Murder At The Mill, Overview

See Section II: Historical Overview

⁷² *Ibid*:25..

⁷³ *Ibid*.

⁷⁴ *Ibid*:59.

⁷⁵ *Ibid*:94.

⁷⁶ *Ibid*:44.

⁷⁷ *Ibid*:65-67.