

Law, Medicine, and Clermont

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Clermont's last private owner was Clarke County's first woman lawyer—or at least she tied for first. Her entry into the legal profession of Clarke County, in 1982, reminds me of a statement by the dean of the law school at the University of Virginia, making his annual report to the school's president and reflecting on the very first few women to take classes at his shop. "These new and strange beings," he characterized them. That was 1921, at the close of the year of the great innovation—when women, beginning in 1920, could finally go to law school in Virginia and could finally be accepted as members of the bar.¹ Some twenty years ago I told that story to a lawyer in Louisa County, Rae H. Ely, who had for many years been the only woman practicing law there, and she thought a moment and observed: "I am one of those new and strange beings."

And so it was with **Elizabeth Rust Williams (ERW)**, not three decades ago. Every

community, early or late, had such a pioneer as she. After some years living in Washington, D.C., and elsewhere, she came back to Clermont as a lawyer, though her first profession was journalism. Through her father, her professional identity as an attorney stretched back to the founding of Clarke County. A lot of men in the family were lawyers, from pre–Civil War days to post–World War II times. Hers was the final chapter in a long and luminous story.

She also took on the role of historian of her family and her home place, Clermont, in a compilation *Clermont: The McCormick Family Farm, 1750, at Berryville, Virginia—A History of the People and the Place*. She began it by explaining her huge task: “When I write about ‘Clermont,’ I am writing about my father’s mother’s family, the McCormicks”—and this writer will do much the same here, building a bit upon ERW’s effort. “In retrospect,” she went on, it is absolutely ludicrous that I should end up having to be the one to do this, as my tenure here has been relatively short, and very much after-the-fact of any particularly intriguing or significant era.”² More than that, she revealed, for her “the writing of history is sheer agony.”³ Careful as she was in this sustained act of will and determination as much as affection and loyalty, she uncovered “many mysteries,” and she left some as well.⁴ As she notes: “So much of a well-meant but erroneous nature has been written about matters related to ‘Clermont’ that it’s hard to figure out where to begin to try to set things straight.”⁵ Yet, in honor of her efforts, and to the Clermont she loved and its continuing significance, this paper will retrace some of her steps and explore beyond where she left some important matters.

As practitioners of another learned profession, medicine, ERW’s forbears stretched back into the 1730s, to her multi-great (five in all) grandfather **Dr. John McCormick**, an early doctor

in the Shenandoah Valley. So we can take one or both of these two professions, medicine and law, and track them through the Clarke County area for as long as the county has been here, indeed for nearly as long as people of European origin have settled in the area. Viewed another way, Clermont is a portal through which we can trace local involvement in big events and broad developments through much of the country's history, especially in Virginia but also the South more generally, and indeed the nation and beyond.

Dr. John McCormick, Patriarch of the Clarke County McCormicks

Dr. John McCormick was an eighteenth-century, Atlantic-history kind of guy, even if the details may be uncertain. He started out on one side of the pond, in the late-seventeenth century, but then as a fairly young adult moved permanently to British North America, where he died shortly before the American Revolution. Just as Clermont has witnessed the major events and developments of all of U.S. history, Dr. John witnessed most of the colonial—the pre-revolutionary—development of the Shenandoah Valley.

A Scots-Irish immigrant to the colonies, as ERW tells us, he is said to have come to the Valley of Virginia via Pennsylvania, as most newcomers to the region did then; to have graduated from the University of Edinburgh, in Scotland; to have been the first physician to settle west of the Blue Ridge; and to have brought with him to the Old Dominion a substantial medical library.⁶ So he came of age in that vast swath of Presbyterian country—actually,

Anglican too—that includes northern England, Scotland, and Ireland, especially northern Ireland.⁷

Or not. Some early books on the Shenandoah, and on medicine in eighteenth-century Virginia, give his place of origin as Ireland and his schooling as at the “University of Dublin,” so Trinity College; and certainly later generations of the McCormick family, by the nineteenth-century, were Episcopalian. As ERW put it, giving the nod to one option but faithfully registering another, he was “probably” a native of Scotland, and he was also “a graduate of Edinburgh University [and here she cites her authority], or possibly Dublin [and again she cites sources].”⁸

Or, again, not. Actually, it is now possible to clarify Dr. John’s medical training, or at least to un-confirm what has long been stated. An assiduous search by Dwight A. Radford, a professional genealogist, for Dr. McCormick as a student at either Edinburgh or Dublin has come up empty. As to Dublin (or, rather, Trinity College), this report states: “The University of Dublin’s medical school began in 1711 early enough for John to have attended,” and it was the “only medical college or university in Ireland at the time.” Yet “the earliest listed John McCormick/McCormack/Cormick, etc. in any of their records was in 1774, six years after John had died in Virginia.” That of course would leave the University of Edinburgh, in Scotland, the first choice among writings that touch on the question. The report goes on, however, to state that among “all of the known educational institutions in both Scotland and Ireland where John could have attended,” “none” of them can identify “a John McCormick (various spellings) who attended or graduated during the time period that the ancestral John was still in Ireland.”⁹

So was Dr. John a fraud? Did he show up in the colonies and, working with nothing but aspiration and ambition, simply lay claim to an identity that would permit him to practice medicine? That he is reported to have had a considerable medical library might in itself be inconclusive. But on top of that, the contact at the University of Dublin went on, very helpfully, to note regarding “John’s credentials of ‘Dr.’” that “there were many apprenticeships or other less formal methods of training in which an individual received instruction in medicine and other fields and then referred to themselves as Doctor.” And of course we know that, in the field of law, this less formal—or extra-institutional—approach remained true in Virginia into the twentieth century.

So while we should no longer be saying about Dr. John that he earned a medical degree at one school or another before embarking for the New World, it seems we can and should continue to say about him that he had a legitimate honorific and his professional name was Dr. McCormick. In fact, as we’ll see shortly, at least three of the McCormick lawyers from the nineteenth century obtained their training in this non-institutional manner. So we can conclude that Dr. John remains rightly considered the progenitor of a family in which, over the generations, and beginning with him, any number of valued professionals worked in the field of medicine.

Dr. John died in Frederick County in 1768. In between his arrival in Virginia and his death late in the colonial era, he lived for a considerable time in what is today Jefferson County, West Virginia, not far from Clermont. The birth of his fourth child, Francis, in April 1734

anchors him to a particular time and place early on. About the time Francis turned six years old, Dr. John built “The White House” there, a structure ERW describes as bearing “an uncanny resemblance” to Clermont, which would be built barely a decade later. In the early 1750s, a young surveyor named George Washington did some work in the area just before the home later known as “Clermont” was built, and in 1752 he also surveyed Dr. John’s residence less than ten miles away at “The White House.”¹⁰

If we take a half-dozen or so key players from Clermont’s long past, we can outline the history of medical and legal practitioners among the McCormick family descendants from the mid-eighteenth century through the end of the twentieth, as well as among the people who married into the family and became also thereby parts of the Clermont story. Dr. John McCormick is our first figure from the medical wing of Clermont’s professional past, and Ms. Williams supplies the final chapter in the legal wing. In between, I’ll speak here of such people as Dr. Cyrus, lawyer Province, Dr. Charles, lawyers Hugh and Marshall, and Dr. Albert, as well as ERW’s cousin Rose—Rose Mortimer Ellzey MacDonald—and, certainly her father, Edward McCormick Williams, himself a distinguished lawyer. Down through the generations, though many McCormicks left for other places, many stayed behind, where Dr. John had put down roots. Whether they stayed or left, any number played out their professional roles as doctors and lawyers.

The Clarke County McCormicks of the Nineteenth Century

So let's skip now for a century after Dr. John's arrival in the Virginia colony's backcountry by the 1730s. His great-grandsons played important roles in the early history of Clarke County, from its founding in 1836. **Dr. Cyrus McCormick**, whom ERW termed a "distinguished physician," served, she says, in a delegation that journeyed to Richmond to make the case for a separate county. Settled largely by planter families from eastern Virginia, it differed strongly from the central tendencies of the western part of county. As the starkest indicator of how different the two sections of old Frederick County were, a majority of the residents of Clarke County in the 1830s—52 percent according to the Census of 1840—were slaves.¹¹

When the quest for a separate county proved successful, **Francis McCormick** served for many years as a founding member of the Clarke County Court. Both he and Dr. Cyrus had signed the 1833 petition that launched eastern Frederick County's bid for a separate county—as did Dawson, "Provins Jr.," and a collection of other McCormicks.¹² **Province McCormick** was for a quarter-century the new county's commonwealth's attorney—the first in a string of descendants of Dr. John to serve Clarke County for lengthy periods in that capacity. He had studied law under Alfred Powell in nearby Winchester and then practiced his profession from 1822 until 1870, three years before he died.

And the next generation, those at least mostly born at Clermont? Province McCormick's five surviving children included Charles McCormick, a surgeon in the Confederate Army. Hugh Holmes McCormick became a lawyer. So did Marshall McCormick, the second of the three

McCormicks to serve as Clarke County commonwealth's attorney. A sibling, Annie, married Dr. J. Conway Brown of next-door Loudoun County.¹³

Among that cohort, **Dr. Charles A. McCormick** (c.1840?–1861) shows up in Tennessee, where, we are told, he was “a surgeon in the army, “ served as “a member of Gen. Albert Sidney Johnston’s staff,” and “died from exposure in the Confederate service in 1862,” perhaps at Shiloh, and therefore in April that year.¹⁴ His name appears on the Confederate monument in front of the Clarke County Courthouse, where, if you look to your left as you exit the building, you’ll see it toward the bottom of the column facing you, the north side. Clermont is just a few miles from what was about to become the West Virginia border, but Clermont itself—no surprise, given Clarke County’s origins, breaking away in the 1830s from what remained of Frederick County to its west, with a majority-slave population in the 1840 U.S. census—was decidedly gray.

Family lore and local history may not have the story of Dr. Charles quite right. A Confederate service record, with a single card, identifies an assistant surgeon named McCormick, with the Second (Walker’s) Regiment of Tennessee Volunteers, organized out of Chattanooga, as having died in June 1861, the month after his appointment. Another source, Joseph Crute’s *Confederate Staff Officers*, has an assistant surgeon named Charles McCormack (that’s the spelling) as attached to the staff of Tennessee general Gideon J. Pillow in 1861.¹⁵ Pillow, appointed by Tennessee governor Isham Harris in early May 1861 to be a senior major general in the Tennessee militia, or Provisional Army of Tennessee, became a brigadier general in the Confederate Army in July 1861, so a month after Dr. Charles’s reported death—and found

himself for a time under the command of General Johnston, who himself died at the Battle of Shiloh, in southwestern Tennessee, in April 1862.

Two of his brothers—Hugh Holmes and Province—joined the Confederate military as teenagers and served until the war’s end. Marshall, the youngest, born in 1849, just missed the war.¹⁶ The Confederate monument—especially to those who, like Dr. Charles, died at war—unveiled on 21 July 1900, carries these words: “Erected to the memory of the sons of Clarke who gave their lives in defense of the rights of the states and of constitutional government. Fortune denied them success but they achieved imperishable fame.”¹⁷

Hugh Holmes McCormick (1844–1870) and James Marshall (“Marshall”)

McCormick (1849–1918) both studied law with “Judge Parker” and then practiced law in Clarke County, Hugh from 1867 until his early death in 1870, Marshall for far longer. The Judge Richard Parker with whom they worked is not Judge Richard Elliott Parker (1783–1840), who served briefly in the U.S. Senate but resigned to accept an appointment to the Virginia Supreme Court, where he served from 1837 until his death three years later at his home near Snickersville, in Loudoun County. Rather, they worked with Judge Richard Parker (1810–1893), who practiced in Berryville, served in Congress for the 1849–1851 term, presided as circuit court judge from 1851 through the Civil War and beyond until 1869, and then practiced in Winchester. In his most notable appearance as circuit court judge, this Judge Parker presided over the trial of the white northern abolitionist John Brown after the raid at Harpers Ferry, a short distance from Clermont, in October 1859.¹⁸

Hugh and Marshall, therefore, worked with Judge Parker in nearby Winchester toward the end of, and soon after, his time as a judge in the Clarke County area, a decade after the famous trial and at about the time that the political turmoil of Reconstruction in Virginia brought to an end, or at least interrupted, the terms in office of a number of long-time political and judicial figures. Marshall, a graduate of the University of Virginia, began his practice in 1871 and almost immediately entered political life. In addition to serving as mayor of Berryville for three terms, he was commonwealth's attorney of Clarke County for nine years, mostly in the 1870s. Then he ran for Virginia Senate, where he served for the 1883–1887 term, representing Clarke, Frederick, and Warren counties, and where he co-sponsored a new election law, the Anderson-McCormick law of 1884. Designed to address the open electorate that had produced the biracial Readjuster revolution in Virginia's elections of 1879 and 1881, he was an architect of an early move toward disfranchisement to end such threats to the traditional leaders of the Commonwealth, to restore the supremacy of white Democrats.¹⁹

Twentieth-Century Descendants of Dr. John McCormick

Let's move to yet another generation, those born at least largely after the Civil War—that would be Dr. John's great-great grandchildren. Dr. **Albert Montgomery Dupuy McCormick** (1866–1932) served the U.S. Navy as a surgeon, much of it at Annapolis. Dr. **James Jett (“Jett”) McCormick** (1968–1939), a graduate of VPI and the UVA Medical School, established the first bacteriological lab in Norfolk and then continued to practice medicine in Virginia's

second-biggest city for some thirty-five years. Finally, in the early 1930s he served the city as Health Commissioner, using his position to promote the pasteurization of milk and eradication of mosquitoes.²⁰

Another member of that generation, a cousin of ERW, was **Rose Mortimer Ellzey MacDonald** (1871–1953), who never trained as a lawyer but nonetheless served as a juvenile judge from 1924 to 1931. That her taking such a position, which came shortly after Virginia first allowed women to be lawyers, seemed to many of her peers and family members “unseemly” and even “dangerous.” Referring to “a post which concerned some of her family members and friends,” a news feature in 1989 about her used such language to characterize concerns felt or expressed back six decades earlier.²¹ Thus it provides a measure of how much changed across the twentieth century for ERW to become a practicing lawyer in her home county—or, rather, the negative responses to it do.

Notable as is her tenure as a judge, in her dominant identity she was a teacher. ERW herself says by way of tribute: “Cousin Rose was this ‘once considered a gifted child’s’ tutor. Thanks to her perseverance, I could read, write, add, subtract and multiply (we never made it quite to division) before even entering first grade.” Always in one school or another, Rose MacDonald grew up on the campus of VMI, where her father taught engineering, studied at Norwood Institute in Washington, D.C., at Shepherd College nearby in West Virginia, and at the College of William and Mary. Cousin Rose established a school in Berryville and became supervisor of Clarke County’s rural white schools. During the Great Depression, she set up a hot lunch program—making a spare room in the Riverside School into a kitchen, securing supplies

from a New Deal agency, and putting her female students to work—learning how to cook—making hot soup for lunch. Dedicated to the teaching of adults, she wrote *Clarke County, A Daughter of Frederick: A History of Early Families and Homes* (1943)—one of ERW’s more important sources for reconstructing the history of the McCormick family, Clermont, and Clarke County. Even more dedicated to teaching children, she wrote *Then and Now in Dixie* (1933), a history of the South designed for young readers of the sort she knew from her work in Clarke County’s white schools. Appointed by a long series of state governors, she served on the Virginia state Board of Education from her appointment in 1930 until her death in 1953.²² Her work as a juvenile judge might be considered another facet of this core of her life’s work. Not a lawyer, she became a judge; always a teacher, she played that role there as well.

And finally we survey the generation that, born around the beginning of the twentieth century, preceded ERW (1945–2004). Her father, **Edward McCormick Williams** (1903–1980)—a great-grandson of Dawson McCormick, who bought Clermont back in 1819, thus beginning the nearly two-century tenure that connected the McCormick family to that place in what soon became Clarke County—graduated from VMI in 1923 with a degree in electrical engineering. He tried himself out working in Washington, D.C., for the C&P Telephone Company and then as a salesman for the Electrical Storage and Battery Company. But the engineering side didn’t work for him—he didn’t come from a family of engineers—so he tried law school on the side, and in 1930 he earned his law degree from the National University Law School in Washington, D.C., now the George Washington University school of law. He began practicing law in Clarke County, and never stopped his practice, but he was also commonwealth’s attorney for Clarke County for 36 years, from 1 January 1936 until 1 January

1972. In 1971 he announced his intent not to run for reelection, rather to “to devote more time to my private practice.” His daughter ERW, meanwhile, had finished college, worked for a time as a receptionist at a D.C. law firm, and gone into journalism. One of the news accounts on the occasion of his retirement captures him as a man and a prosecutor:

. . . although Mr. Williams’ tone of voice is low and modulated and his manner courtly, the bristly eyebrows and penetrating stare have been known to wilt many a witness. . . .

In victory, though, Mr. Williams did not seem to be vindictive. Many time, he ash joined with a defense attorney to recommend leniency for an offender caught in a web of circumstances not entirely his own fault. . . .

Certainly he does not fit the TV image of the rough, hard-boiled prosecutor. He has retained his ability to see criminals as human beings with imperfections, rather than as nameless creatures who prey on society.

One feels that Mr. William will miss the challenge of the office he has held so long.

Yet, the duties have grown tremendously and the strain of complying with an ever-growing list of higher court decisions has begun to take more and more time.

He confesses he will miss the tiny office building, located in the corner of the courthouse property, with its beautiful old wood and back-door access to the clerk’s office.”²³

His tenure in that office, even longer than any earlier member of the family, brought to a full 70 years the total among Province McCormick before the Civil War (25 or so), Marshall McCormick after the war (some 9), and Edward McCormick Williams in the middle third of the twentieth century (36). His 36 exceeded the combined 34 that his McCormick predecessors had occupied that post during the preceding hundred years.

What about women lawyers in the Clarke County area? Before at least the mid-1970s, the sole woman to practice law in the more or less immediate area seems to have been **Claudine Lovett** (1900–1969), who had her office in nearby Winchester. Even for some years after her death, little if anything changed along those lines to challenge the male numerical dominance in the legal profession.

But then came April 28, 1982, and the first woman lawyer—actually the first two—to be admitted to the practice of law in Clarke County: **Mary Ellen Kerr** (1948–1994) and **Elizabeth Rust Williams** (1945–2004).²⁴ Both women’s portraits hang on the walls of the Clarke County General District Courthouse. Both died young—one in her fifties, the other in her forties—but both left their mark, and together they capture a seismic shift in gender roles in the learned professions.

Having tried out other ventures, as her father before her had done, ERW turned, as he had, to law. Perhaps she had decided, as her father’s only son, to do law school in Washington, D.C., as he had, and return to Clarke County to help him with his law practice—although he died while she was working toward her degree.

One big change had taken place since she finished her studies as an undergraduate and looked about for a career. Mary Ellen Kerr had gone ahead anyway, as had, some years earlier, Rae H. Ely before she became a “new and strange being” in Louisa County. But in 1972, Congress passed Title IX of the Educational Amendments of that year. No longer, under the new law, could law schools (for example) discriminate against women applicants—or even permit recruiting of their graduating students by entities that themselves would discriminate against women law graduates. The numbers of women law students—and women law graduates, and women lawyers—began to soar. Not soon would the profession look like America, since the older cohorts of course continued on, but each successive graduating class did look more like America, certainly in terms of gender.²⁵ So ERW embodied the new possibilities that, for the first time in all the years since Dr. John came to the colonies, meant women could realistically aspire to be a significant part of the story of law (or medicine) and Clermont, and Virginia, and America.

A product of private schools from K-12 through law school—the Powhatan School in Boyce, seven miles from Berryville, through the eighth grade; and high school at the Madeira School in Greenway—ERW had earned an undergraduate degree from American University and a journalism degree at George Washington University. Then she spent ten years, from the late 1960s to the late 1970s, writing for the *Washington Post* and other publications, including the *Philadelphia Daily News*, before earning a law degree. Back home in Clarke County, very soon she served as president of the Clarke County Bar Association, from 1983 to 1988. And the Virginia Women Attorneys Association—a new professional group formed only in 1981—

recognized her as Outstanding Woman Attorney of Virginia in 1986. In addition to her practice in civil and criminal law, from 1986 to 1999 she served as a substitute judge in Clarke County, the first female judge in the 26th Judicial Circuit.²⁶ And of course, during that time, she set out to write the history of her family and the homeplace.

Mary Ellen Kerr's story was a variation on the personal and the professional. She married John Michael "Mike" Hobert—they had met in law school at Catholic University, in Washington, D.C.—and they began their careers in Iowa, where she had a job with the state helping provide legal services to low-income families. In 1981, the couple and their two young sons moved to Berryville to help Mike's father, Chester A. "Chet" Hobert (1903–2004), run Coiner's Department Store in downtown Berryville. Mike Hobert had graduated in 1966 from Clarke County High School and then earned undergraduate and law degrees at Catholic University, so he was returning home.²⁷

In her career as a lawyer transplanted to Virginia, Kerr joined the Clarke County Bar Association and served as its president from 1990 to 1992—so, shortly after ERW's time in that office. Along the lines of her previous work in Iowa, the association established a pro bono program, which received a Virginia State Bar Award of Merit in the last year of her presidency—the same recognition, it seems, as was awarded ERW. The next year, she received the Virginia State Bar's Tradition of Excellence Award. During the same period, she founded the Northern Shenandoah chapter of the Virginia Women Attorneys Association, and she served as chapter president from 1992 to 1994. But she died in 1994, of cancer, at the age of 45.²⁸

The tradition of law running in the family, as well as the newer tradition of women going into the legal profession, can be seen in Suzanne “Sunī” M. Perka, Clarke County’s commonwealth’s attorney since 1998. She grew up in Fairfax and went to the University of Virginia. Her father, Douglass Sorrel Mackall III (1931–), is a lawyer. In fact, like ERW, she comes from a family of lawyers, albeit not as long a legacy.²⁹ And like ERW’s forebears, she has taken up the post of county prosecutor, filling a post previously held by ERW’s father and, before him, two other descendants of Dr. John McCormick.

Sunī Perka sees her role as county prosecutor, in the language of local writer Cynthia Cather Burton, in this way: “As fierce as she is in the courtroom, Perka also prides herself on being sensitive and fair—not only to crime victims, but to defendants as well.”³⁰ We might see her positioning herself at a midway point—well, not quite midway, to be sure—between a hard-nosed prosecutor and a role that her two female predecessors played in the legal profession in the county, in their pro bono work on behalf of low-income citizens. Then again, this description of her also resembles somewhat that of ERW’s father at his retirement.

Be that as it may, she is serving in no marginal place in the profession, as a substitute judge as ERW did or as a juvenile judge as cousin Rose Mortimer Ellzey MacDonald did. Rather, she has been elected by the voters to look after the interests of the community in seeing that, in the great adversarial game, the dance of the prosecution and the defense in criminal trials, the prosecution side be effectively represented. And the two female lawyers in the class of 1982—even Cousin Rose, back in the 1920s—played the pioneer roles that made Sunī Perka possible. So while ERW left no children—while her father left no grandchildren—to carry on

the family tradition, today's commonwealth's attorney carries it on in Clarke County in their stead.

Law and medicine are among the leading learned professions; and Clermont has been home to distinguished people, one after another, in both professions. Even before there was a "Clermont," and long before there was a Clarke County, Dr. John McCormick was living just a few miles away and presumably tending to neighbors and other patients in the Clark County area.

The very founders of Clarke County included Dr. Cyrus McCormick, who made the journey to Richmond as part of the delegation of three who went there to make the case for a new county before the General Assembly. His brothers were leading citizens who led the new county. Men of subsequent generations served as medical doctors in the service of the Confederate States of America and the United States of America. Two others in those subsequent generations served quarter-century hitches as commonwealth's attorney for Clarke County. Clermont has stood out in these matters both in its representation in the professions and in those same individuals' connections to the big events of local, regional, and U.S. history.

In the 1730s and '40s, Dr. John McCormick was himself a "new and strange being" as a newcomer with expertise in medicine in a frontier community in western Virginia. In the 1980s, Elizabeth Rust Williams was a "new and strange being" in pioneering a female presence in the legal profession in her hometown and county. From one to the other, stretching across the larger part of three centuries, they capture for us key lineaments in the growth of a county, a state, and

even a nation.

Yet the story does not end with the people we have names for and stories about. The mass migration out of Clarke County from the Civil War through World War II must have taken people to places where they could more readily become doctors and lawyers. Might there be white women who made their way out of Virginia to places it was more feasible to follow one of those careers? Might a reunion of people who grew up in but left Josephine City identify one or more men and women who, knowing their prospects of training to be lawyers or doctors in Virginia were dismal, left to follow their dreams elsewhere?³¹ Any such people might become important to the full story of law, medicine, and Clermont over the course of the many generations.

Notes

1. I first wrote up that material in an essay by that title, published in 1994, which in revised form I published in a book: Peter Wallenstein, *Blue Laws and Black Codes: Conflict, Courts, and Change in Twentieth-Century Virginia* (Charlottesville: University of Virginia Press, 2004). Chapter 3 is “These New and Strange Beings: Race, Sex, and the Legal Profession, 1870s–1970s.”

2. My main source to chart the outlines of the McCormick family history has to be ERW’s *Clermont: The McCormick Family Farm, 1750, at Berryville, Virginia: A History of the*

People and the Place. Citations, however, are tricky. She begins with page 1 not only in the Foreword but also in the section “The People” and again with “The Place,” as well as later in her compilation as she pulls in copies of material, for example, from previous writings on her subject. So my citations here will reflect that start-again style. Her descriptions in this paragraph are from Foreword 1.

3. People 6.

4. Place 3.

5. Foreword 3.

6. People 1.

7. David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 605–51.

8. People 1. For Edinburgh, she cites Rose M. E. MacDonald, *Clarke County, A Daughter of Frederick: A History of Early Families and Homes* (Berryville: Blue Ridge Press, 1943), 7. For Dublin, she cites J. E. Norris, *History of the Lower Shenandoah Valley Counties of Frederick, Berkeley, Jefferson, and Clark* (Chicago, 1890), 627. Another source claiming the school to have been Dublin is Wyndham B. Blanton, *Medicine in Virginia in the Eighteenth Century* (Richmond: Garrett and Massie, 1931; reprinted 1980), 85, 392, but his source, too, is Norris.

9. I have this extraordinarily valuable information out of the kindness of Dr. Joseph Whitehorne, a colleague in the Clermont enterprise, who brought it to my attention, supplying me a copy of the report at the Clermont Forum in June 2011, where I was able to incorporate it into my talk. Thanks, Joe!

10. People 1–2 (quotation at 2); Place 1–4, 9.

11. People 4. As for the demography of mid-nineteenth-century Clarke County, it is an outlier, resembling far more the Virginia counties to its east and south than any other west of the Blue Ridge; Clarke's briefly-maintained majority-slave figure was twice as high as the next highest proportion anywhere in the vast region. The slave majority was already gone by 1850, when the census figure slipped below 50 percent—but actually, the slave and white totals were identical, and the 124 free people of color, as they were called, made up the difference, so at mid-century Clarke, like many Virginia counties to its southeast, was majority black and, at the same time, majority “free.” (In 1840, the white proportion was only 45 percent, with another 2.5 percent free people of color.) Census of 1840, 36–38; Census of 1850, 256. The slave percentage continued to slip in the 1850s; and then the black percentage dropped sharply over the generations to follow, down every census in both absolute numbers and proportions (aside from the undercount blip in 1870) until the 1950s.

12. Warren R. Hofstra, *A Separate Place: The Formation of Clarke County, Virginia* (1986; Madison, Wis.: Madison House Publishers, 1999), Appendix A; Norris, *History of the Lower Shenandoah Valley*, 628.

13. Norris, *History of the Lower Shenandoah Valley*, 628.

14. Norris, *History of the Lower Shenandoah Valley*, 628.

15. Joseph H. Crute Jr., *Confederate Staff Officers, 1861-1865* (Powhatan, Va.: Derwent Books, 1982), 153. Crute would have drawn that information from the U.S. War Department's *List of Staff Officers of the Confederate Army, 1861–1865* (Washington, D.C.: Government Printing Office, 1891), 108. My thanks to Joseph Pierro—my former graduate student, and a redoubtable Civil War historian—for tracking down this information about the short military career of Dr. Charles. It modifies, appearing to move up the man's death by ten months—and

expands—the information given in Norris. As for General Pillow, his career in general and whereabouts in spring 1861 can be perused in Nathaniel C. Hughes Jr. and Roy P. Stonesifer, *The Life and Wars of Gideon J. Pillow* (Chapel Hill: University of North Carolina Press, 1993).

16. Norris, *History of the Lower Shenandoah Valley*, 628; Joseph W. A. Whitehorne, “Clermont as Military Witness” (a companion paper written for Clermont Forum and Trust), 13 (and sources).

17. Thomas D. Gold, *History of Clarke County, Virginia and Its Connection with the War Between the States* (Berryville, 1914), 313–18.

18. Norris, *History of the Lower Shenandoah Valley*, 628. *The Biographical Directory of the American Congress* includes entries on the two Judge Parkers. Other men of the McCormick lineage, not mentioned in this paper, also became lawyers. Among those figures whose portraits appear on the walls of the courthouse are Samuel McCormick (1849–1937), a son of Francis; Charles McCormick Brown (1862–1938), son of Ann McCormick Brown; and another Hugh Holmes McCormick (1875–1939), son of Marshall McCormick.

19. Allen W. Moger, *Virginia: Bourbonism to Byrd, 1870–1925* (Charlottesville: University Press of Virginia, 1968), 56, 97–98, 110, 356. The other sponsor, in the House of Delegates, was William A. Anderson of Rockbridge County.

20. People 5, 7; news clippings about JJM in the ERW collection.

21. People 5–6; “Society Honors County Educator,” *Clarke Courier*, 6 April 1939: 1, 16, in the ERW collection.

22. Foreword 4; “Society Honors County Educator.” Widely adopted, I’m guessing, as a preferred text in Virginia history was her *Then and Now in Dixie: History of Virginia for Boys and Girls* (Boston: Ginn and Company, 1933). This matter—one of power and policy and the

creation, and then the transmission, of culture across generations—warrants further exploration, though down a different path than a paper on law and medicine.

23. Undated clippings in the Clermont archives (my thanks to archivist Mary Morris), including Marcia Sterago, “Know Your Neighbors” column; “William To Retire This Year as Commonwealth’s Attorney”; and Lulu Williams, “Williams Ends 36-Year Career as Prosecutor” (source of the lengthy quote).

24. Laura Oleniacz, “It’s a Tie: Female Lawyers Co-Pioneers in Clarke,” *Winchester Star*, 29 November 2008.

25. Wallenstein, *Blue Laws and Black Codes*, especially 75–81.

26. Obituary, *Winchester Star*, 10 July 2004.

27. Oleniacz, “It’s a Tie.”

28. Oleniacz, “It’s a Tie.”

29. Cynthia Cather Burton, “Sun Perka: Clarke County Crime Fighter,” *Flair* (Winter 2009): 19.

30. Burton, “Sun Perka.”

31. In 1950, black residents made up 17 percent of the country’s aggregate population, and the absolute number was less than one-third the figure from a century earlier. See Note 11 above.

Appendix

Peter Wallenstein:

The tangible artifacts, from documents, to books, to desks, etc. from the lawyers from Clermont (the Williams and McCormick families) comprise the bulk of Clermont's tangibles. They have little market value and are expensive to store. What do you recommend be done with this legacy?

Taking up the most space, I imagine, would be desks and tables and chairs, those kinds of things. Some might want to be kept at Clermont. Might there be interest in using any of these to create a museum of the family and the profession and the community at what until recently was the office of the commonwealth's attorney? Such transcends the history of the household at Clermont, but at the same time, Dr. John's descendants play central roles in the history of the legal profession in Clarke and, more particularly, the office of commonwealth's attorney.

Law books that are readily found elsewhere, say at the University of Virginia, could be (I hesitate to say this) sold or (I hesitate even more to say this) otherwise disposed of. Others, though, might be unique or at least hard to come by. Certainly those history books that ERW cited and marked up as she did her own book should be kept. Papers, if not already archived, might have tremendous value—and these should be safeguarded!—though confidentiality could be a concern, and perhaps confidential papers have already been destroyed. Back to the question as posed: If items have (1) little if any market value, and (2) little if any perceived historical value, then I suppose you could be ruthless in paring inventory as well as storage costs.