



PRELIMINARY INFORMATION FORM (PIF) for INDIVIDUAL PROPERTIES

DHR No. (to be completed by DHR staff) XXXXXXXXXXXXXX

091-0103

Purpose of Evaluation

Please use the following space to explain briefly why you are seeking an evaluation of this property.

Are you interested in applying for State and/or Federal Rehabilitation Tax Credits? Yes ☒ No ☐

Are you interested in receiving more information about DHR's easement program? Yes ☒ No ☐

1. General Property Information

Property name: Bain's Store

Property address: 36215 Green Level Rd

City or Town: Wakefield

Zip code: 23888

Name of the Independent City or County where the property is located: Sussex City

Category of Property (choose only one of the following):

Building ☒ Site ☐ Structure ☐ Object ☐

2. Physical Aspects

Acreage: 4.7+

Setting (choose only one of the following):

Urban ☐ Suburban ☐ Town ☐ Village ☐ Hamlet ☐ Rural ☒

Briefly describe the property's overall location and setting, including any notable landscape features:

3. Architectural Description

Architectural Style(s): _____

If the property was designed by an architect, landscape architect, engineer, or other professional, please list here: _____

If the builder is known, please list here: _____

Date of construction (can be approximate): 1883 but was renovated in 1999-2000

Narrative Description (Please do not exceed one page in describing the property):

Briefly describe the property's general characteristics, such as its current use (and historic use if different), as well as the primary building or structure on the property (such as a house, store, mill, factory, depot, bridge, etc.). Include the materials and method(s) of construction, physical appearance and condition (exterior and interior), and any additions or other major alterations.

Please see attached PDF story

In a bullet list, include any outbuildings or secondary resources or major landscape features (such as barns, sheds, dam and mill pond, storage tanks, scales, railroad spurs, etc.), including their condition and their estimated construction dates.

- barn - very good condition
- garage - very good condition

4. Property's History and Significance (Please do not exceed one page)

Briefly explain the property's historic importance, such as significant events, persons, and/or families associated with the property.

If the property is important for its architecture, engineering, landscape architecture, or other aspects of design, please include a brief explanation of this aspect.

See attached Story

WAKEFIELD

People of Interest and Their Stories

Wakefield Historical Association
Wakefield, Virginia
2018

Nathaniel Nicholas Bain

1852-1889

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Merchant

Nathaniel Nicholas Bain was born in 1852 to John N. and Nancy Coker Bain of the Green Level area of Sussex County, Va. Nat, as he was called by all who knew him, was the younger of two sons born to the couple. His father farmed the land that had been in the family's possession since the 1700s. Nat's uncle was Lemuel F. Bain, owner of a general merchandise store and also the Bain Peanut Company in Wakefield located next to the Norfolk and Western Railway track.

Coker's Store is located at the intersection of Green Level Road and Courtland Road a short distance from Wakefield. The old store is identified on Civil War era maps along with a nearby church known as Coker's Well Methodist Church. An old newspaper, dated October of 1865, describes a mail delivery route passing by the store: "from Baileysburg, by Wakefield Station, Green Level, Berlin, Vicksville, and Bowers, to Franklin Depot, 34 ½ miles and back, twice a week." Before the construction of Hwy 460 in 1929, travelers would have to pass by the old store on their way to Ivor, turning down Green Level Road.

Nat N. Bain is listed as a storekeeper and as single in the 1880 census. His father had married into the Coker family and the old store eventually passed into the possession of the Bain family. Nat married Elizabeth Burton and the couple had three children - John, Gertrude and Mastin.



Photo courtesy of Robert W. Bain

Coker's / Bain's Store is shown above before it was repaired and turned into an office by current owner, Robert W. Bain. Historical note: The Surry, Sussex and Southampton Railroad extended its tracks from Dendron to Wakefield in 1888 and then on into Southampton County by 1890. The tracks of the railroad were laid just across the road from the store.

The Marks family lived in a white two-story farm house located across the road from Nat Bain's store. David Aubrey Marks (1838-1912) born in New York and later moved to Fairfax, Va. would eventually settle in Wakefield after the Civil War. It was here, in 1867, that he married Sarah Frances Pond (1846-1931) of Southampton County. Sarah was the daughter of Rebecca J. Pond who was widowed sometime before 1870. Another of Rebecca's daughters, Indiana Pond, married Samuel V. Watkins - former mayor of Wakefield.

David and Sarah Marks would have six children as listed below.

Carlton H. Marks b.1869

H. Percy Marks b.1871

Mary R. Marks b.1873

Sallie A. Marks b.1876

Estell V. Marks b.1879

Annie B. Marks b.1882

Death of Nat Bain - While this story is titled "Nathaniel Nicholas Bain" it is actually about two families that were the best of friends until a great tragedy tore the families apart. On March 5, 1889 Nat Bain was shot dead by Carlton H. Marks - oldest son of David and Sarah Marks. The shooting took place in the front yard of the house belonging to the Marks family, located directly across the road from Nat Bain's store. Elizabeth Bain had accompanied her husband that day as they crossed the road and engaged members of the Marks family in a discussion concerning a recent dispute between the two families.

Both sides of the story - The cause of the encounter between the two families resonated from the accusations, made by little Sallie Marks, that Nat Bain had allegedly made inappropriate advances towards her on several occasions. The confrontation led to the fatal shooting of Nat Bain. As with most adversities of this kind there are two sides to be explored by the legal system. The Bain family seeks justice for the murder of Nat Bain. The Marks family desperately tries to save their son from prison by professing his actions were in self-defense.

Newspapers as far away as Kentucky picked up on the great tragedy and reported almost daily on the court proceedings that followed the event.

SHOCKING TRAGEDY IN VIRGINIA

The Evening Bulletin (Maysville, Ky) - March 8, 1889

PETERSBURG, VA. - March 8 - A shocking tragedy occurred near Wakefield in Sussex County, on Tuesday last. N. Bain, a prominent citizen of the county, had been charged with making improper advances to a thirteen-year-old sister of Carlton H. Marks, aged nineteen. Tuesday afternoon Bain accompanied by his wife, went to Marks' house to deny

the charge. While he and Mrs. Bain and Mr. Marks were discussing the matter young Marks came up, and after a few words with Bain shot him twice with a pistol in the presence of his wife. Bain dropped dead. Marks surrendered himself and was committed to jail. Previous to the shooting the families had been on the most intimate terms.

The trial - The first trial of Carlton H. Marks took place in the Sussex County Court. Counsel for the defense was W. B. McIlwaine of Petersburg while the Bain family was represented by W. R. McKenney and the Commonwealth's Attorney, Samuel T. Drewry. Court often did not convene until mid-morning as lawyers arriving from Petersburg were required to ride the train to Stony Creek on Monday mornings and then catch a ride via horse and buggy (sort of taxi of the day) to the courthouse. Witnesses and family members from Wakefield arrived by horse and buggy requiring a parlous journey through the countryside over 20 miles or more of unpaved backroads. There were overnight accommodations near the Courthouse for those wishing to remain close at hand.

The lengthy trial lasted for the better part of two weeks and sometimes went into the early part of the night. One newspaper reporter wrote, in part, about a witness named Jim who was on the stand after darkness had overtaken the courtroom: "Counsel for the defense continued their examination of 'Jim' Ransom at last night's session, the court room being illuminated by kerosene lamps, a very poor light, although the best that was obtainable. In the flickering yellow glare of the lamps 'Jim' looked more grotesque than ever, and, because he had had no opportunity to get his supper, he presented a very melancholy appearance."

Self Defense or Murder - In the legal struggle between the two sides, one of the main debates centered around whether Nat Bain was advancing towards Carlton Marks in a threatening way when the shots were fired or whether Bain was standing with his back to the shooter. Another source of contention was the note that was delivered to Bain advising him of the family's knowledge of his improper conduct (accusations) towards Sallie Marks.

The Verdict - *The Daily Times (of Richmond, Va.)* - May 19, 1889 reports the following: "At the night session the argument was closed and the case given to the jury, who were out about an hour, and brought in a verdict and ascertained his punishment to be ten years in the penitentiary. A new trial was asked for, which will be argued next Wednesday."

SUSSEX COUNTY'S JAIL SET ON FIRE BY A PRISONER

Shenandoah Herald (Woodstock, Va.) - September 6, 1889

SUSSEX C.H., September 3 - About 11 ½ o'clock last night the inhabitants of this quiet place were aroused by an alarm of fire in the jail. Yesterday evening Harry Jackson, who was arrested for car breaking at Stony Creek some time ago, was lodged in jail and was put in the cell with Nelson Davis (both of whom are notoriously bad characters.) They, however, soon decided that to burn out of jail was an easy job, and with that intention went busily to do work with the aid of matches and such inflammable material as they could collect in their cell, soon had the jail on fire. Carleton Marks, who occupies an adjoining cell, was awakened by the smoke and loudly gave the alarm of fire and but for the prompt manner in which the neighbors responded the jail with the five prisoners would undoubtedly have been burned.

New Trial (second) - An appeal for a new trial was granted by the Circuit Court with a change of venue. The merits of the case will have to be considered again - this time in the Greenville County Court. A date of December 4, 1890 was set for the trial to begin.

Dr. Samuel Nicholson - During the coroner's inquest, Dr. Samuel Nicholson had acted as both physician and coroner pertaining to the death of Nat Bain. During the first trial at Sussex County Court he had given his opinion as to the cause of death. His report stating that the bullets came from behind Nat Bain, suggested that the shooting was not in self-defense as Carlton Marks had claimed. The testimony was vigorously challenged by the defense. Dr. Nicholson would once again have to take the stand during the second trial. *The Richmond Dispatch* - December 5, 1890 recounts his testimony. "Dr. Samuel Nicholson was next placed upon the stand. He viewed the body as acting coroner. Carleton Marks was brought to Wakefield and turned over to me as a

justice. I found him in Judge Shelton's office, and was shown the pistol with which Bain had been killed. I asked Carlton if that was the pistol. He replied it was. The Doctor then went on to describe to the jury the nature of the wounds. He probed the wound in the jaw and found the ball had gone downwards and backwards. The wound in the breast was above the left nipple. Either of them he considered fatal."

Second Verdict - In December 1890 the County Court of Greenville rendered a sentence of ten years and eight months in the penitentiary for the defendant, Carlton H. Marks. Immediately an appeal was made for a third trial based on minor technical discrepancies in the previous trial.

THE MARKS - BAIN TRIAL
A Motion for a New Trial Submitted and Argued
Decision Expected To-Day

Richmond Dispatch - December 19, 1890

HICKSFORD, VA., December 18 - Owing to the delay of the train from the North which brought Messrs. McKenney and McIlwaine, counsel respectively for the prosecution and defense, Judge Barham did not open his court until 2 o'clock. Carlton Marks, the prisoner, was brought into court. He looks well and seems to take his case with the same stoical indifference as hereto fore. His father is with him and has the sympathies of all present.

Mr. McIlwaine then addressed the Court in an argument of four hours, taking the ground that as the jury had not found a general but special verdict upon one count of the indictment, and as there was no proof before the jury that Bain died from the wound in the face, and that Dr. Nicholson, the coroner, had failed to examine the wound in the breast, that therefore the verdict was contrary to law, and he insisted the Court should set the same aside. He made one of the ablest arguments of his life.

Mr. McKenney, for the prosecution, replied in a speech of several hours. He was listened to with great attention.

Note: In the late 1800s, the towns of Hicksford and Belfield merged to form the town of Emporia.

JUDGE HANCOCK'S DECISION REFUSING A NEW TRIAL**Every Objection Made by Counsel Overruled****An Appeal to the Supreme Court***Richmond Dispatch - June 13, 1891***DEATH ENDS HIS CASE***Gazette (Alexandria, Va.) - September 28, 1891*

Carlton H. Marks, who shot and killed N. N. Bain, a prominent citizen of Sussex county, on the 5th day of March, 1889, for an alleged insult to his young sister, died at the hotel at Courtland, the county seat of Southampton, Saturday morning at eleven o'clock, of malarial fever. Marks was twice convicted. At his first trial the jury gave him ten years in the penitentiary. At his last trial, which was in the County Court of Greenville, in December 1890, he was sentenced to ten years and eight months in the penitentiary. The Circuit Court was asked to grant a new trial, and refused. Then the case was taken to the Court of Appeals, and was set for hearing on the 15th of December next. Marks has been in jail ever since his trial and conviction. Saturday a week ago, Governor McKinney pardoned him on account of ill health. The death of Marks ends one of the most noted criminal cases in the history of Virginia.

Carlton H. Marks, pardoned murderer - convicted of killing N.N. Bain of Sussex Co., March 5, 1889, died September 26, 1891, Courtland, Va.

The 1910 census shows the Marks family living in Richmond, Va. Only two of the children were ever married. Family members that are buried in Forest Lawn Cemetery, Richmond, Va. are:

David Aubrey Marks (1838-1912)

Sarah Frances Pond Marks (1846-1931)

Henry Percy Marks (1871-1954)

Mary Rebecca Marks Turner (1873-1941)

Sallie Aubrey Marks (1876-1949)

Estelle Virginia Marks (1879-1978)

Anna Bell Marks (1882-1976)

The grave site of Carlton H. Marks, who died in Courtland, Va. in 1891 while awaiting an appeal, has not been discovered as of this date. The pistol that was used to shoot Nat Bain was, for a while, in the possession of a local man living in the area. Its location now is unknown.

Historical note: David A. Marks, father of Carlton Marks, was born in New York, but later moved to Northern Virginia. He enlisted in the Confederate Army as a Pvt. in April of 1861 serving in the *17th Virginia Infantry*. He was paroled at Appomattox Court House on April 9, 1865 holding the rank of Sergeant. It is likely that he was with the *17th Virginia Infantry* during the *Suffolk Campaign* when General Longstreet's forces camped in the area of Ivor and Wakefield for several months. Perhaps some memories of the area brought him back to Wakefield after the war.

The Bain family - Elizabeth Ann Burton Bain (1858-1944) was the daughter of Richard E. Burton, Sr. b.1834 and Missouri A. Burton b.1834. After her husband's death, she would move into the town of Wakefield and here, raise the three small children - John, Gertrude and Mastin. She is buried in the Wakefield Cemetery. Nat Bain is buried in a small cemetery near Green Level Road on land owned by the family since the 1700s. The headstone is reported to be broken off but laying face up on the grave and bears the inscription:

NATHANIEL N.
Son of
John N. & Nancy J. Bain
Born Oct. 9, 1853
Married Dec. 12, 1882
Killed March 5, 1889
by a Pistol in the hand of
Carlton H. Marks

Please list all sources of information used to research the history of the property, such as deeds, census and tax records, and/or published articles and books. (It is not necessary to attach lengthy articles or family genealogies to this form.)

- This story is an excerpt from The book, Wakefield, People of
- Interest and their stories
-
-


5. Property Ownership (Check as many categories as apply):

Private: ☒ Public\Local ☐ Public\State ☐ Public\Federal ☐

Current Legal Owner(s) of the Property (If the property has more than one owner, please list each below or on an additional sheet.)

name/title: Anita Bain but I have contract to buy accepted with close date of 3/8/21
organization: _____
street & number: _____
city or town: _____ state: _____ zip code: _____
e-mail: _____ telephone: _____

Legal Owner's Signature: _____

Date: _____ Sharon Rogers Moore  1/25/21

• • Signature required for processing all applications. • •

In the event of corporate ownership you must provide the name and title of the appropriate contact person.

Contact person: _____
Daytime Telephone: _____

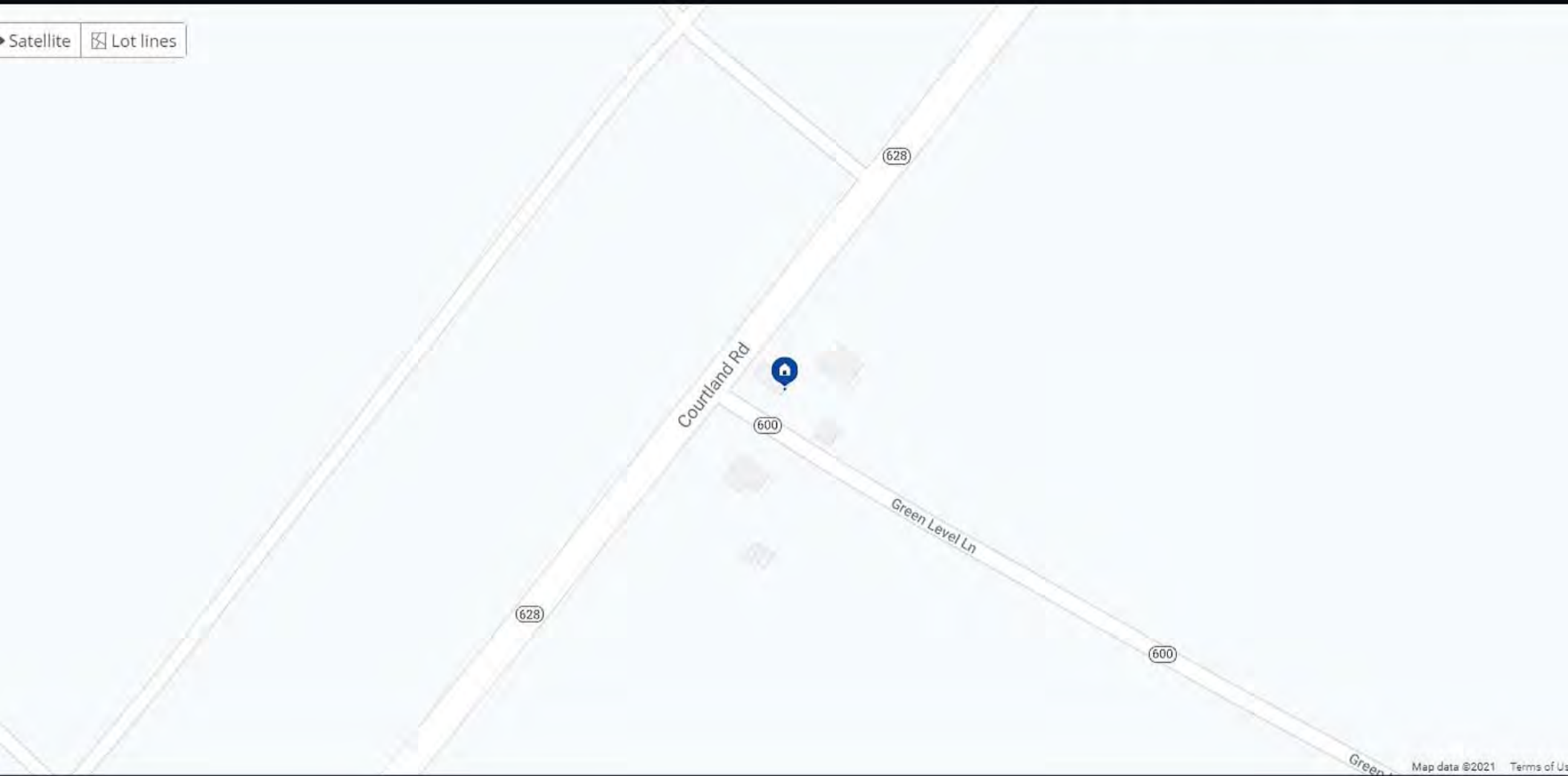
Applicant Information (Individual completing form if other than legal owner of property)

name/title: Sharon Rogers Moore
organization: _____
street & number: 1382 Walls Bridge Rd
city or town: Wakefield state: VA zip code: 23888
e-mail: rogerssh@ecu.edu telephone: 757-653-7395

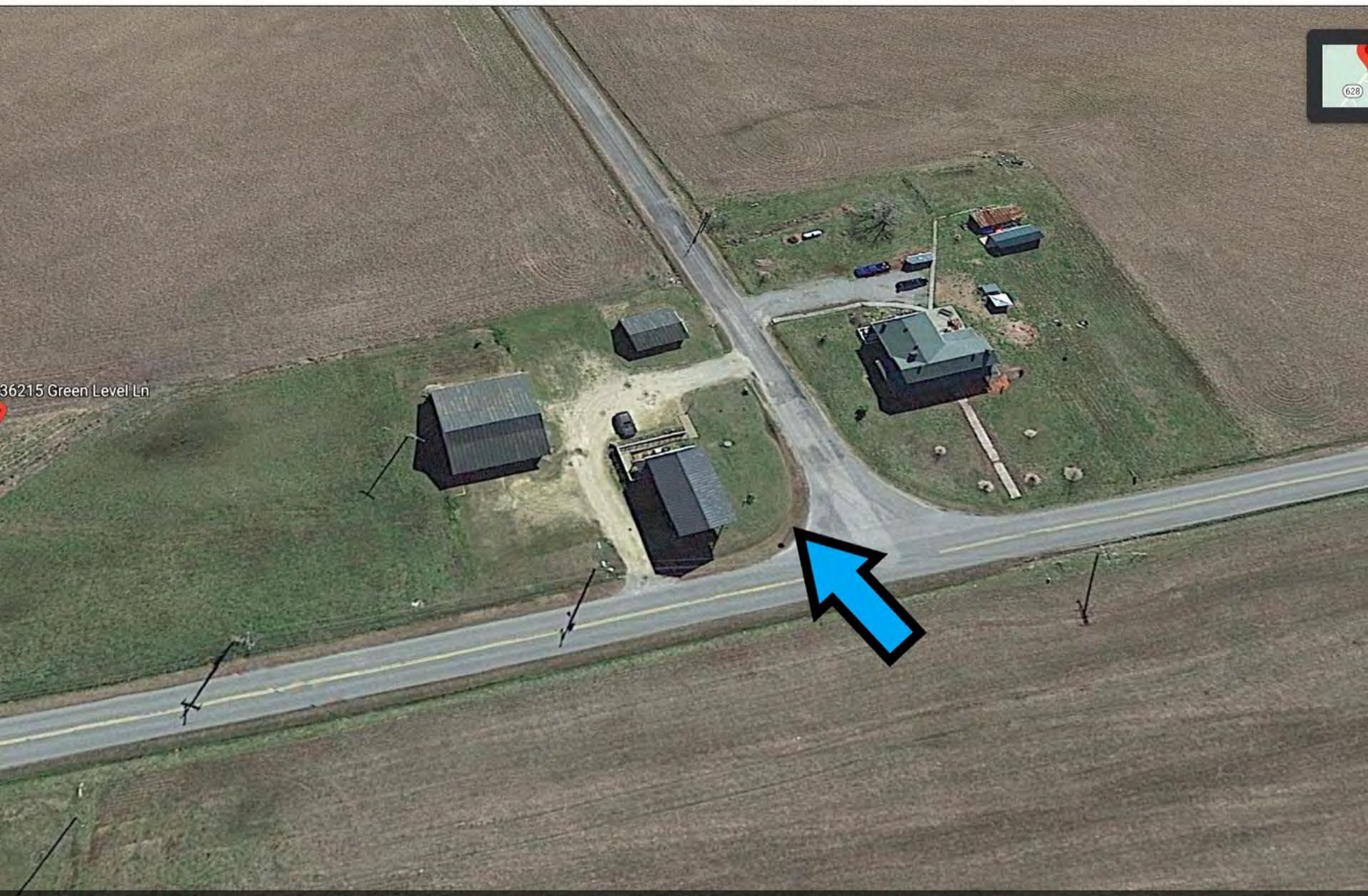
PLEASE DO NOT ATTACH CONTINUATION SHEETS TO THIS FORM. THANK YOU!

Directions Save Home Share

Satellite Lot lines



level Rd
23888



36215 Green Level Ln

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510192 0275 D, DATED JULY 7, 2009.

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT, AND AS SUCH, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

I HEREBY CERTIFY THAT THIS PLAT AND SUBMISSION WAS MADE BY ME AT THE DIRECTION OF THE OWNER, & IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY ROBERT W. BAIN.

L19	N 33°05'39" E	15.00'
L20	N 43°47'02" W	71.10'
L21	N 03°29'13" W	20.05'
L22	N 23°44'16" E	20.62'

STAFFORD C. CAMP

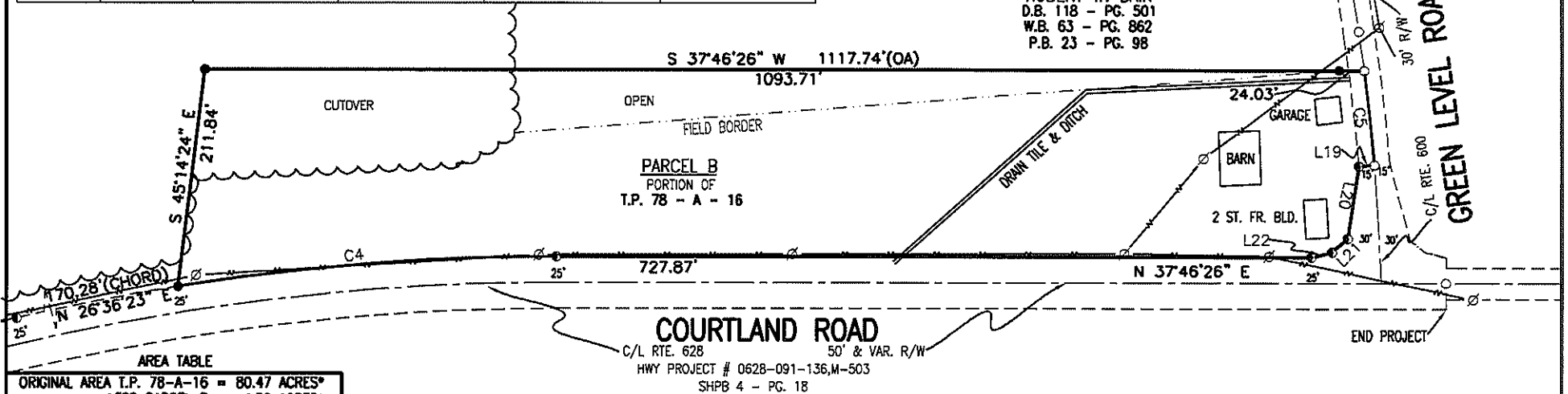
THIS TRANSFER OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH FREE CONSENT, & IS IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

ROBERT W. BAIN (OWNER) DATE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C4	2316.83'	366.42'	366.04'	N 33°14'35" E	9°03'42"
C5	1909.86'	92.10'	92.09'	N 58°17'15" W	02°45'47"

RESIDUAL OF
T.P. 78 - A - 16
NOW OR FORMERLY
ROBERT W. BAIN
D.B. 118 - PG. 501
W.B. 63 - PG. 862
P.B. 23 - PG. 98

LOCATION MAP SCALE 1" = 2 MILES



AREA TABLE	
ORIGINAL AREA T.P. 78-A-16	= 80.47 ACRES*
LESS PARCEL B	= 4.76 ACRES*
RESIDUAL AREA T.P. 78-A-16	= 75.71 ACRES*
TOTAL AREA PARCEL B	= 4.76 ACRES*
LESS R/W	= 0.03 ACRES*
AREA PARCEL B	= 4.73 ACRES

*INCLUDES R/W

STATE OF _____, COUNTY OF _____, TO-WIT:

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT ROBERT W. BAIN SIGNED THE FOREGOING IN MY JURISDICTION AFORESAID.

GIVEN UNTO MY HAND THIS _____ DAY OF _____, 2019

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____ No. _____

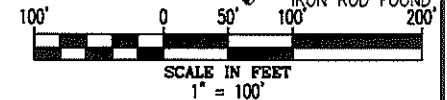
THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE SUSSEX COUNTY SUBDIVISION ORDINANCE & CAN BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF SUSSEX COUNTY.

DATE OF APPROVAL: _____ SUBDIVISION AGENT: _____

DATE OF APPROVAL: _____ VDOT ENGINEER: _____

LEGEND:

- COMPUTED POINT
- IRON ROD SET
- C/L CENTER LINE
- ⊗ POWER POLE
- ⊙ IRON ROD FOUND



PLAT SHOWING SUBDIVISION OF
TAX PARCEL 78 - A - 16
SHOWN HEREON AS PARCEL B
FOUND IN THE NAME OF
ROBERT W. BAIN
LOCATED AT 36215 GREEN LEVEL ROAD
WAKEFIELD MAGISTERIAL DISTRICT
SUSSEX COUNTY, VIRGINIA

SCALE: 1" = 100' SEPTEMBER 6, 2019

PORTION OF
T.P. 78 - A - 16
REFERENCE
FOR SURVEY
D.B. 118 - PG. 501
W.B. 63 - PG. 862
P.B. 23 - PG. 98

S.V. CAMP, III & ASSOCIATES, INC. 22730 MAIN ST. COURTLAND, VIRGINIA PHONE: (757)653-9278 FAX: (757)653-9600 CASSCAMPOSVCMPIING.COM	
SINCE 1958	
ACC. #	OWN BY: FIELD BOOK NO.:
SCC	351-12
SHEET: 1 OF 1	