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Virginia Untold: The African American Narrative - Petitions to Remain in the Commonwealth, 1816-1866

Dataset Article

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Description

Virginia Untold: The African American Narrative is a project that provides digital access to historical records that document some of the lived experiences of enslaved and free Black and multiracial people in the Library of Virginia's collections. Most of the records currently in *Virginia Untold* were created in city or county courts and exist under the Local Records program at the Library of Virginia. There are several record types recorded at the state government level, as well; the local and state materials frequently complement each other as the daily business of each are intertwined. As of 2022, there are twenty-two record types represented in *Virginia Untold*. All of the record types in *Virginia Untold* are identified by Library of Virginia staff, digitized, and indexed and/or transcribed by staff or volunteers. A smaller number of records included in *Virginia Untold* (458) come from *Unknown No Longer*, a project utilizing records from the Virginia Museum of History and Culture.

Virginia Untold provides access to pre-emancipation public records, a common roadblock that has long impeded African American research. It makes previously disparate records available in one search interface, potentially illuminating new aspects of American chattel slavery, Virginia's unique and fundamental role in this system, and the consequences of slavery for the entire American population. Further, *Virginia Untold* provides a greater understanding of free Black and multiracial people in Virginia—the state with the second largest free Black population of the slave states in 1860.¹

"Petitions to Remain in the Commonwealth" (hereafter Petitions to Remain) include applications that formerly enslaved individuals submitted to local courts requesting permission to remain in Virginia. An early 1691 law required a formerly enslaved person to relocate outside the commonwealth within six months of emancipation.² In 1782, Virginia law allowed enslavers to emancipate their enslaved people "by last will and testament or other instrument in writing sealed and witnessed to emancipate and set free his slave or slaves."³ Concerned with the rapidly growing free Black population in Virginia following the passage of the 1782 law, the Virginia General Assembly passed a law stating that all formerly enslaved people freed after May 1, 1806, who remained in Virginia more than twelve months, could be put on trial by the state.⁴ Individuals who wished to remain in the commonwealth had to petition the state legislature. In 1816, a new Act of Assembly gave the local courts power to grant permission to remain. The law required them to place notice on the courthouse door for at least five weeks before a hearing.⁵ After 1831, if these people were found guilty of overstaying in the state, they

¹ Susanna Michele Lee, "Free Blacks during the Civil War" *Encyclopedia Virginia* (December 14, 2020), <https://encyclopediaofvirginia.org/entries/free-blacks-during-the-civil-war/>.

² June Purcell Guild, *Black Laws of Virginia* (Fauquier: Afro-American Historical Association, 1995), 33.

³ *Ibid.*, 61.

⁴ Virginia, William Waller Hening, and Samuel Shepherd, *The Statutes At Large of Virginia: From October Session 1792, to December Session 1806 [i.e. 1807]* . . . (Richmond: Samuel Shepherd, 1835-36).

⁵ *Acts of the General Assembly of Virginia, passed in 1815-1816, in the fortieth year of the Commonwealth* (Richmond: Thomas Ritchie, 1816), https://lva.primo.exlibrisgroup.com/permalink/01LVA_INST/altrmk/alma990001649370205756.

could be re-enslaved and sold by state officials. The 1806 law and the resulting Petitions to Remain records provide evidence of the restrictions placed on free people of color in Virginia and, furthermore, white legislators' fears about a rapidly growing free Black population in the state. This legislation came just a few years following the 1793 Act of Assembly, which required all free Black and multiracial people in Virginia to register themselves and provide proof of registration. Petitions to Remain demonstrate the legal, social, and cultural challenges faced by people who were declared free on paper, yet still enslaved by a system contrived by white Virginia legislators.

The Petitions to Remain in *Virginia Untold* consist of records that were extracted from the Enslaved and Free Records collections for each county, artificial collections the Library created many years ago in order to bring together all known records for a locality related to free or enslaved individuals. See the "Pittsylvania County Enslaved and Free Records"⁶ as an example. The Petitions to Remain currently in *Virginia Untold* reflect only the records housed in the local circuit court records physically housed at the Library of Virginia. There may be other Petitions to Remain documents that are stored in courthouses and other archives across the state and country. The Petitions to Remain collection found within *Virginia Untold* are petitions that individuals submitted to *local* courts, rather than the state legislature. Petitions submitted to the State Legislature can be found in the Legislative Petitions collection, also available in *Virginia Untold* but not part of this dataset.⁷

Petitions to Remain records are typically found in court case papers at the local level in antebellum Virginia. A petitioner would submit their application along with supporting evidence. Application packets might also include documents such as the formerly enslaved person's registration papers or other evidence for emancipation, such as a copy of a will or deed of emancipation. Petitioners needed to prove that they had, in fact, been emancipated or were born free. Free Black men and women also relied on their reputation in the local communities in gaining and retaining free status (affiants). Applications could also include witness statements, known as affidavits, with signatures and names of white citizens testifying to the free status and character of the petitioner.

Information from these documents can include: the name(s) of the petitioner(s), locality, approval status, circumstances of free status including method of emancipation, previous enslaver, names of affiants, and additional names of free Black people and enslaved people. The original petition document might also indicate the reasons supporting the petitioner's desire to stay in the commonwealth. Petitioners sometimes submitted multiple supporting documents to

⁶ "A Guide to the Pittsylvania County (Va.) Enslaved and Free Records, 1821-1864," Library of Virginia, 2017, <https://ead.lib.virginia.edu/vivaxtf/view?docId=lva/vi00775.xml;query=free%20and%20enslaved;brand=default>.

⁷ Legislative Petitions, Library of Virginia, https://lva.primo.exlibrisgroup.com/discovery/collectionDiscovery?vid=01LVA_INST:01LVA&collectionId=81116949960005756.

the court, such as registration papers, deeds of emancipation, a copy of a will, or a deposition, that frequently contain more contextual information about the petitioner's situation. This contextual information is not necessarily captured in the dataset indexing, and users are encouraged to consult the digitized documents in order to more fully understand the circumstances and conditions under which Black people fought for their freedom in Virginia's courts.

The published dataset here is the combination of two separate presentations of the indexed data: a spreadsheet index of individuals listed in each petition to remain document and a corresponding metadata record for each petition to remain document. Records regarding specific individuals were created using data available on the Virginia Open Data Portal (<https://data.virginia.gov/>). These individual records were "matched" with item, or document, records available via the Library's catalog discovery layer, and a link to the appropriate document accompanies each individual's entry. The discovery layer also provides user access to the digitized version of the document, along with any available full-text indexes or transcriptions.

Dates of Data Collection

2013-2022

Dataset Languages

English

Geographic Coverage

Virginia; West Virginia

Temporal Coverage

1816-1866

Document Types

Legislation or Decree
Civil Document

Sources

Enslaved and Free Records. Local government records collection. The Library of Virginia, Richmond, Virginia.

Methodology

Established in 1823 by an act of the Virginia General Assembly, the Library of Virginia serves as the state archive and library at the seat of government. The Library houses the most comprehensive collection of materials on Virginia government, history, and culture available anywhere. The collections illustrate the rich, varied and sometimes difficult past of the commonwealth, documenting the lives of Virginians whose deeds are known to all, as well as those of ordinary citizens. The Library has been offering the public digitized versions of original records online and free of charge since the late 1990s. In 2013, the Library created *Virginia Untold: The African American Narrative* as a proof-of-concept digital project, which now has nearly 34,000 items documenting the lives of free and enslaved Virginians from the seventeenth century through emancipation and beyond. See <https://www.virginiamemory.com/collections/aan>.

Virginia Untold provides access to records that specifically document the history of African Americans in antebellum Virginia by allowing users to digitally access various record types based on searches for specific names and surnames, record types, and/or localities. In the summer of 2013, two part-time workers helped to identify, index, and digitize pertinent records.

As *Virginia Untold* began as a proof-of-concept, staff decided to use spreadsheets to capture indexing information. This allowed for more flexibility when changing or updating fields as the project progressed and more record types were considered; spreadsheets, comma separated value (CSV) files more specifically, also provided the digital collections team with a format that could be easily manipulated and data updated or rearranged in order to facilitate ingest into our digital asset management system, DigiTool. The use of CSV files remains a valid workflow for the Library amid a shift to a new system, Rosetta, for digital asset management and preservation.

When digitizing and indexing, staff focused on one record type and one locality at a time. When the index for a new locality was complete, it was added to the master CSV for the appropriate record type that contains all localities. Generally, indexing included not only the individual(s) that were the subject of the records, but also any other enslaved or free Black persons mentioned in other contexts within the record. When available, supplementary information that might help in identifying a particular person was also indexed, such as age, familial relationship, or previous enslaver. Although the data centers around individuals and their names, no attempt was made to create personal identifiers as indexing was document-based and to attempt to ascertain an individual's existence in multiple records would have been time consuming and difficult at best, and possibly unverifiable or incorrect at worst. Other bits of administrative data were included to facilitate management of the digital images, as well as provide "boilerplate" metadata including spatial, source, and record type/descriptive information.

The indices were compiled by combining all the available records of a single type from the available Virginia counties. Staff and volunteers identified records containing names of enslaved

and free Black men and women and indexed and digitized them. In the case that a petitioner submitted multiple documents to the court, staff extracted data from the application document as well as supporting documents such as a register, deed of emancipation, will, or deposition. Generally, the indexing terms relied on for searching in *Virginia Untold* center on the named individuals, record type, and locality. When available, other contextual pieces of information may be searchable through metadata or full-text transcription, though those pieces of data are generally not presented as primary entry points for researchers using the digital collection. While names were translated verbatim during indexing, other supplementary information was captured in loosely applied controlled vocabularies. This is largely due to the nature of the records, variations from locality to locality and from time period to time period when recording information and the differences in indexer interpretation and consistency.

When the indices were revisited for a secondary use as open data for the Virginia Open Data Portal in 2020, the controlled vocabularies were revisited and normalized. For example, all data was transcribed verbatim with the exception of data points for two fields: method of emancipation and approval status. Method of emancipation has been standardized into 5 options: born free, emancipated, emancipated by deed, emancipated by will, emancipated by decree, and purchased own freedom. Emancipated by decree includes emancipation as the result of winning a freedom suit. Approval status is inferred as yes, no, or unknown based on several different statements such as “allowed to remain” (yes); “permission to remain granted” (yes); and “permission to remain refused” (no). For situations in which no information was provided on the application document, approval status was indexed as “unknown.”

The following 16 fields were included for the Petitions to Remain index: Barcode, File Name, Year, Petitioner, First Name, Petitioner Middle Name, Petitioner Surname, Petitioner Alias, Method of Emancipation, Previous Enslaver, Approval Status, Affiants, Additional Enslaved Individuals Names, Additional Free Black Names, Locality, Source, and Date Added. Definitions for each field and their method of extraction are described in the documentation that accompanies the dataset.

Virginia Untold is an active project and indexing continues at the time of writing. Therefore, the data discussed in this article may only be a portion of what is currently available on the Virginia Open Data Portal and in the digital collection available in the Library’s discovery layer.

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Data Links

Dataset Repositories:

Virginia Open Data Portal, <https://data.virginia.gov/Education/Petitions-to-Remain/m4n7-r6pa>

Virginia Untold, <https://www.virginiamemory.com/collections/aan/>

Harvard Dataverse, <https://doi.org/10.7910/DVN/G5XLLB>

Library of Virginia Catalog,

https://lva.primo.exlibrisgroup.com/discovery/search?vid=01LVA_INST:01LVA&lang=en

Linked Data Representation: Enslaved.org [Summary Visualization](#)

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