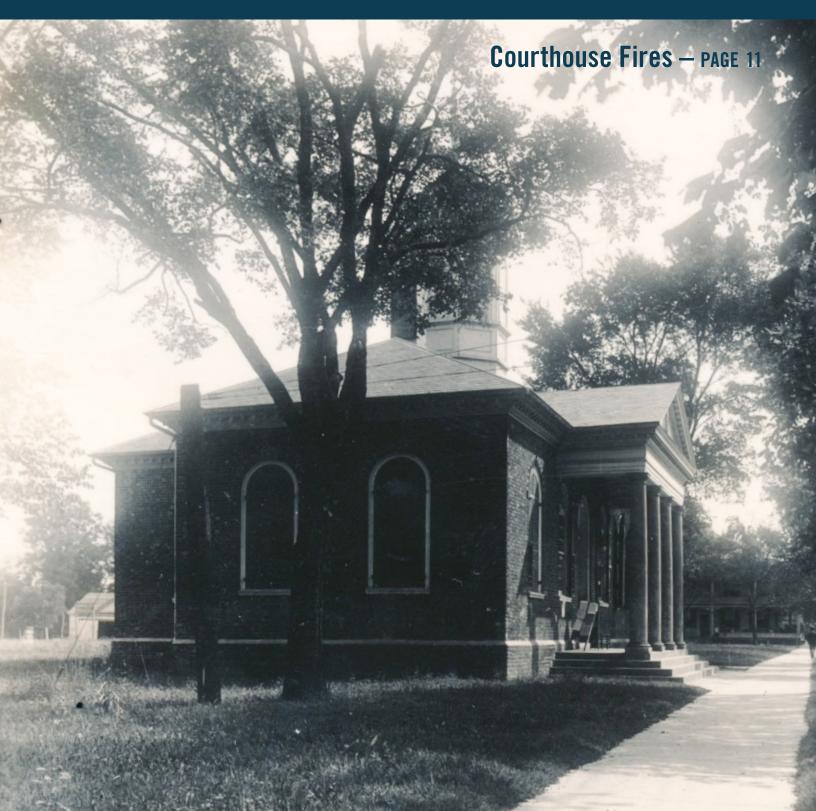
The Newsletter of Virginia's Circuit Court Records Preservation Program • No. 12 • Spring 2022

CCRP NEVS





CCRP NEWS

No. 12 Spring 2022

This newsletter is published twice a year to keep circuit court clerks informed about the court records preservation program for the Commonwealth of Virginia. Reader participation is invited.

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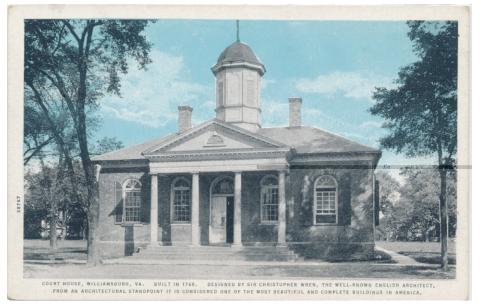
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Postcard of the City of Williamsburg-James City County Courthouse, circa 1928 with columns added after the 1911 fire. On the cover is an undated photograph of the Williamsburg-James City County Courthouse. Again, because it has the columns, it is a good guess that the photograph was taken after 1911, but before (or soon after) 1931 when it was given to Colonial Williamsburg and the courthouse was restored to its original columnless look. (Visual Studies Collection, Library of Virginia)

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The Evolution of CCRP Item Conservation Criteria:

From Detached Spines and Deed Books to Cellulose Acetate Lamination and Marriage Records

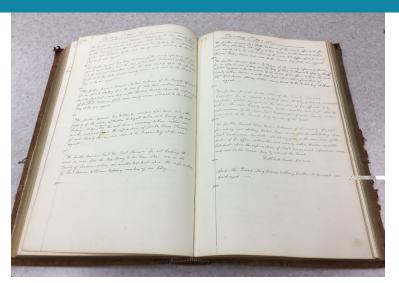
he criteria for what is considered a good candidate for a CCRP item conservation grant has evolved over the last few years. At one time, records that might have warranted only minor mending to a few pages were submitted and approved for item conservation grants. Sometimes, however, those records returned to the clerk's office *overtreated*, with all of the pages cut from the binding, encapsulated in clear mylar sleeves, and bound in a new post binder. Many items have received treatments such as this and, unfortunately, once the original binding is gone, it cannot be returned. Perhaps the most important tenet of document conservation is "reversibility," which means using materials and techniques that can be removed or undone. With unnecessary and irreversible overtreatment, the original historical, aesthetic essence of the volume is gone forever.

Some localities got into the habit of submitting the next few deed or will books for CCRP item conservation grants, regardless of their condition or conservation needs. If you are in a circuit court clerk's records room today and notice that the first 50 or so deed books are all uniformly visible in new post binders, it's likely that some did not warrant that degree of treatment. Some might argue that encapsulation is a way of protecting the pages while they are being used by researchers. In reality, however, it's preferable for researchers to use digital versions and for localities to retire the original conserved items or at least limit their use.

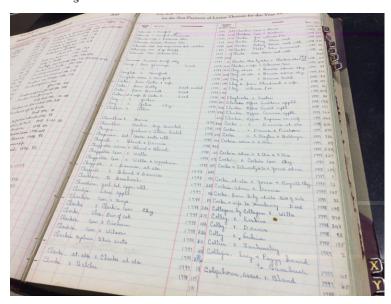
This is not to say that encapsulation is never warranted. In many cases, deacidification, encapsulation, and post binding is the best and most cost-effective conservation solution. It is commonly used for volumes that have been stripped with tape, and for documents and pages that have been cellulose acetate laminated or heavily water damaged. However, cutting the pages from the binding and encapsulating them should be utilized as needed, but not as a *protectant* or a one-size-fits-all solution. When it comes to document conservation, providing the least amount of treatment necessary is best.

The continued use of conserved items after they have been returned to the records room can have detrimental effects. In some instances, because of wear and tear, volumes that were awarded CCRP item conservation grant 20 years ago have been suggested for treatment again through another item conservation grant. That's not how it's supposed to work.

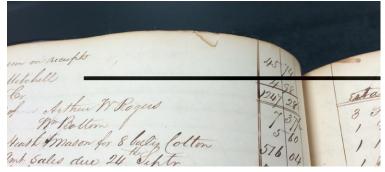
Some items have been submitted for conservation grants because the look of the newly post-bound volumes was attractive, especially if the previous 50 volumes were in the same style of post binders. But again, if the book receives this "cut and encapsulate" conservation treatment unnecessarily, the historical look and feel of the original



This superior court of law record book is old. It is not a good candidate for a conservation grant.



In March 2016 this book was considered a candidate for an item conservation grant because it needed new index tabs. Unless the clerk's office is out of items that need conservation, it is not a good candidate for an item conservation grant.



This will book has a chip on a page. It is not a good candidate for a conservation grant.

volume will be gone forever. If a volume only needs a few pages mended or a simple rebind, then that is all the volume should receive.

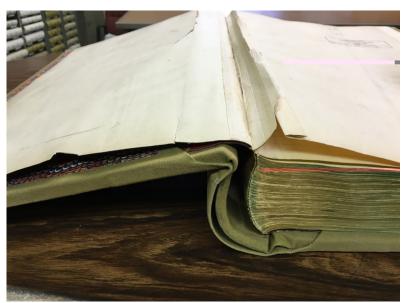
In the past, cellulose acetate laminated volumes were avoided as potential candidates for conservation grants because of the uneven success conservation labs had removing the laminate from the pages. Today, because they have much greater success removing lamination, we are more likely to recommend them for conservation. In the past, we routinely submitted books with pages that had been modern laminated. We have learned, however, that the success rate for removing that type of lamination is so low that today we are shying away from them, at least for now.

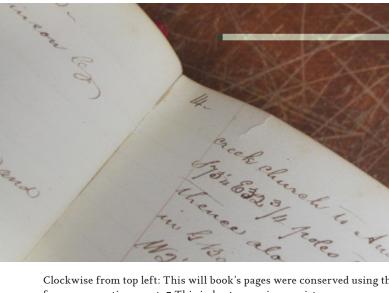
Additionally, the criteria for the *types of records* considered good candidates for a CCRP item conservation grant has also evolved over the last few years. Not very long ago, except in rare instances, only bound court record books were submitted for item conservation grants. And of those, the selection was limited to books or records

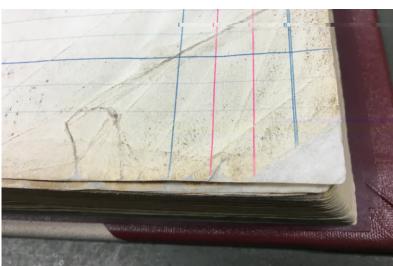
that were explicitly generated by the clerk's office. Some clerks actually narrowed the criteria even more because they were under the impression that only deed and will books could be submitted for item conservation grants. CCRP archivists have worked to expand this mindset by making the case for the importance of other records, such as order and minute books—and even older execution and fee books. Sometimes the importance of records depends on what remains or has survived. Additionally, the criteria has slowly been expanded to include loose records, such as marriage records and deeds, and any records "housed" in the clerk's office, such as land books and even census records.

Today, as long as it is a permanent record or falls within the date range (pre-1913) just about any type of record found in a circuit court clerk's office can be a good candidate for a CCRP item conservation grant, so long as the item warrants conservation and receives the treatment appropriate for its condition.









Clockwise from top left: This will book's pages were conserved using the modern lamination method. At least for now, it is not a good candidate for a conservation grant. This index to marriage registers was conserved with a CCRP item conservation grant in 2005. It is not a good candidate for a conservation grant. In 2015 this deed book was written up because there were two small tears on two different pages and two small pieces of tape on two other pages. This is not a good candidate for a conservation grant. This book has tears on the flyleaf and one of the end sheets. It is not a good candidate for a conservation grant.

"Free Negro Registers" from the Virginia Untold Project at the Library of Virginia

By Lydia Neuroth, VIRGINIA UNTOLD PROJECT MANAGER, LIBRARY OF VIRGINIA

n February 2020, the Library of Virginia received a National Historical Records and Publications Commission (NHPRC) grant from the National Archives to fund the next phase of the Virginia Untold: The African American Narrative project. In May 2021, I started as the first project manager for this digital collection. I am very grateful to be doing this work. My experience in the field thus far has centered on research and access to records that document the Black experience in the pre-emancipation era. Many of us are aware of the challenges involved in researching and accessing these records. Digitizing these materials is one way to facilitate accessibility, but we also must continue with the next steps of outreach, education, and engagement.

The free registers project is one of two focus areas of the NHPRC grant. In 1793, the Virginia General Assembly specified that "free Negroes or mulattoes" were required to "be registered and numbered in a book to be kept by the town clerk, which shall specify age, name, color, status and by whom, and in what court emancipated." Many, but not all, of these register books have survived. The Library of Virginia has 39 physical volumes from 17 Virginia localities, which have recently been digitized through the Library's vendor, Backstage Library Works. We are now working to upload original scans into the Library's crowdsourcing transcription software, From the Page. Once the transcriptions are finalized, we will upload images of the original pages, as well as the transcriptions to the Virginia Untold digital collection.

These registers help illustrate the tenuous and changing nature of independence for free Black individuals in the antebellum era. From the mid-1600s through the Civil War, authorities systematically deprived free Black people of their legal rights in Virginia. Fears abounded among the white population over what continued to be a growing free Black population in Virginia. Requirements for registering as a free person likely originated from a law passed in 1748 for both servants and enslaved people. These bound registers often coincide with a loose certificate containing largely the same identifying information. The 1793 law required an individual to obtain a new certificate every three years. Both the registration system and the process of renewal were enforced differently in various Virginia localities; some free people did not register. In 1834, the General Assembly added a requirement that each person's marks or scars must be specified, and that the instrument of emancipation, whether deed or will, be recorded.

The information found in these registers differs from year to year and across localities. Some clerks recorded information in a narrative style, while other clerks listed free people and their information in a ledger with columns and headings identifying name, age, free status, and so forth. Some county clerks used the same book to



Above: Staff from the Arlington County Circuit Court examine copies of the Arlington County Free Negro Registers for 1797 to 1861. From left to right: Shaunella Hargrove, deputy clerk; Nancy Van Doren, deputy clerk (standing); Paul Ferguson, clerk; Christina Dietrich, chief deputy clerk (standing); and Christopher Falcon, deputy clerk. We include a sincere note of appreciation to Paul Ferguson and his staff for their support in this project.

record other types of records, such as marriage registrations or boat licenses. One register from Powhatan County, for example, also includes records of "estrays" (essentially stray animals) in the county interspersed with registrations of free people. That people of color were recorded alongside stray animals and property deeds should not be overlooked. Maintaining the historic context of these registers is fundamental to understanding Black history.

Because of their descriptive nature, these registers provide one of the few, if only, surviving mentions of physical appearance for free Black Virginians in the antebellum period. Those researching their family history could possibility learn the complexion, height, or even eye color of their ancestors. Additionally, these registers can sometimes include names of former enslavers, former places of enslavement, and the names of parents or spouses, which supports genealogical and other forms of research to trace individuals.

We need your help! Many registers still survive in courthouses across the state. Part of our work for 2022–2023 will include visiting courthouses and speaking with clerks about scanning registers in their collections for inclusion in the Virginia Untold project and database. We are grateful to Arlington County Circuit Court clerk Paul Ferguson and his staff, who allowed us to test run this collaborative partnership prior to the grant. They generously donated three volumes of registers from Arlington County covering the years 1797–1865

for conservation, scanning, and adding to Virginia Untold. Before submitting our request for the NHPRC grant, we communicated with Ferguson about scanning and digitizing the county's registers, hoping that the process would serve as a trial run for adding registers from other Virginia localities. Because of Arlington County's generosity, we were able to describe the success of this endeavor for evidence in our grant proposal.

In October 2021, we made these registers available in From the Page. They are

now almost completely transcribed. We launched Arlington County's registers as part of a Transcribe-a-thon, a program in which we transcribe documents alongside our volunteers for about an hour and a half. Many who attended in October were return transcribers, veterans who love the work and offer great insight that allows us to make even better sense of these records. Among the new volunteers was a woman whose family descended from free people in the Arlington area from before the Civil War. She noted recognizing her ancestors' last name and

described seeing it written on the page as a very moving experience. It was one of the first times she had found that surname recorded.

Digitizing documents such as these registers creates opportunities for discovery, knowledge building, and personal connections with the past. We won't know just how much potential the records hold until we share them with others. Please help us to create a comprehensive digitized set of registers available through Virginia Untold. It starts with you!

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Above: Images from registers from two different localities, Goochland and Chesterfield, dating to the same approximate time frame represent different styles of recording entries.

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The image on the left provides an example of two different entries, one recording a marriage, the other recording an estray animal. Just two pages over begin the entries of free Black individuals in the county, "Register of Free Negroes and Mulattoes" as pictured on the right.

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CCRP, Courthouse Fires, and the 1911 City of Williamsburg—James City County Courthouse Fire

Greene County fire were motivating factors in the creation of the Local Records Services department at the Virginia State Library and Archives in the 1970s. Those, combined with the 1989 Pulaski County Courthouse fire, led in part to the creation of the Circuit Court Records Preservation Program in 1991. Jointly sponsored by the Virginia Court Clerks' Association and the Library of Virginia, the CCRP program has the mission to preserve and make accessible the circuit court records of the 120 city and county circuit court clerks' offices located across the commonwealth of Virginia. These efforts can take various forms, such as the processing and indexing of records transferred to the Library of Virginia, the creation and maintenance of an online chancery records index database, and the administration of conservation-related grants.

CCRP grants include the popular item conservation grants, as well as reformatting/backscanning grants, which make the records available on the locality's records management system. Clerks can also apply for equipment and storage grants, such as for shelving and dehumidifiers, and for preservation-related supplies grants for archival quality folders, containers, and other archival materials. Security system grants are also available for camera monitoring and recording systems, intrusion detection systems, and early warning smoke and fire detection systems intended to ward off future courthouse fires.

Over the course of Virginia's history, courthouse fires have had devastating effects on court records. This is especially true for loose records, which are not as easy to gather up to save as are court record books and volumes.



Botetourt County Courthouse fire, December 15, 1970 (top), and the Pulaski County Courthouse fire, December 29, 1989. (Visual Studies Collection, Library of Virginia)

Courthouse Fires as Documented in the Library of Virginia's Virginia Chronicle Historical Archive of Virginia Newspapers

LOCAL.

BUBNING OF THE COURT RECORDS OF NAN-SEMOND COUNTY .- On last Wednesday evening, about 8 o'clock, the office in Suffolk of Mr. Peter B. Prentiss, the Clerk of the County Court of Nansemond County, caught fire on the inside, and all of the papers, deeds and records were consumed. Mr. Prentiss bad, during the day, burned out one of the flues of the chimney, and it is supposed that some of the soot continued burning, and fell down on the floor, and ignited some loose paper, after the office was closed. The house was built soon after the large fire in Suffolk of 1838, when as now, the records of the Court were entirey consumed and to prevent a similar occurrence, the building was made fire-proof, entirely of brick, with brick floors, and iron cased doors and window shutters. The records of the Court were filed away, and kept in neat little wooden cases, and a great many valuable documents were stored in the office for safe keeping, all of which, as before stated. have been destroyed.

AMHERST COURTHOUSE FIRE.

Sunday Morning Blaze Destroys a Virginia County Seat.

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Lynchburg; Va., May 26.—About 2 o'clock this morning fire broke out in a stable in the center of Amherst Courthouse and before it was extinguished, destroyed the bank building and three stores, over one of which was Masonic and Odd Fellows' Hall

Frank Hicks, wife and family, whose home was over another store, had a narrow escape. The whole town was aroused and even women helped to fight the fire. It was finally stoped by the use of dynamite.

The loss was about \$25,000, with about \$5,000 insurance. The fire department here was asked for aid, but the fire was under control soon after and the request countermanded.

- SUNDAY EXCURSION. -\$1

Buckingham Courthouse, with all the County Records, Destroyed by

February 25, 1869.

The court-house of this county was destroyed by fire on last night. About 1 o'clook the fire was discovered and the alarm given. Mr. David A. Parrack, deputy clerk, rushed to the clerk's office, and with an axe broke open one of the front windows opening into it (the fire having made such headway at the front or main entrance to the court-house as to make it impossible to enter by that way), and en-tered, hoping to be able to save the records of the county, but was almost immediately forced out by heat and smoke, and compelled to abandon the undertaking; and all the records and papers which had accumulated during a period of one hundred and eight years were totally destroyed. The first court held in the county was in June 1761, and all the records from that period had been well preserved.

The amount of inconvenience and loss that will follow this calamity is incalculable. The two wings of the building were occupied respectively by Mr. N. F. Bocock and Hon. John Hill as law offices, but owing to the intrepid and praiseworthy conduct of Messrs. J. H. Noble, C. Y. Hooper, D. A. Parrack, and A. J. Pendleton, their books and papers were saved. The conduct of Mr. Noble deserves special mention. He acted with great courage and deliberation under the trying circumstances. Mr. B. K. Irving, the clerk, estimates his loss at \$6,000.

This building was completed in the year 1824 at a cost to the county of about \$50,000, and was then considered the finest county court-house in the State.

The appointment of Colonel P. A. Davis to the office of sheriff of this county gives general satisfaction. He will enter upon the duties of his office on March court-day.

BUCKINGHAM COUNTY, 26th February, 1869.

Editors Dispatch: A sad calamity has befallen our county. The court-house was set on fire yesterday morning about 1 o'clock, and by daylight was a mass of ruins. The clerks' offices of the county were kept in the court-house, and there is not a single record left—everything lost. This county was organized in 1761, and the records relating back to its foundation have also been destroyed. No suspicion attaches to any one, but the building was evidently fired with a view of destroying the clerks' offices.

ANCIENT BUILDING IN RUINS.

Old Courthouse Gutted by Fire, But All Valuable Records are Safe.

Clerk Geddy, by direction of Judge Tyler secured the Williamsburg hotel building for a temporary courthouse. Court convenes Monday

Williamsburg's historic courthouse, one of the show places of the town, and which has stood for a century and a half, is in ruins this morning, but the records, save some old papers in one of the jury rooms, are secure in the fire-proof office built several years ago.

The fire was first discovered by a Mr. English, a student, who was crossing the Green, at shortly after 1 o'clock. It was burning fiercely in the basement under the jury box in the northwest wing.

Chief Person was quickly on the scene with the chemical engine, and emptied its contents into the seething flames. It controlled the fire for a few minutes, but before the fire engine could be gotten out the fire had gained such headway as to render it impossible to quench them and save the building.

The fire was a spectacular one, the dry wood-work burning like tinder. Millions of sparks floated over the Colonial Inn and surrounding buildings, but it was raining, and there was no danger from this source of a spread of the fire to other buildings.

A steady stream was kept pouring on the fire-proof office in the east wing. It seemed to stand the terrible heat well, and there is not a crack in its walls this morning. The only thing saved from the building was a small typewriter. Everything outside of the fire-proof vault was a total loss.

The fire alarm being the courthouse bell, practically no alarm was sounded, and there were many people in town who knew nothing of the fire until this morning. Not more than a hundred saw the ruin of the cherished old structure.

The building, which was designed by Sir Christopher Wren, the great

English architect, was built in 1769. It belonged jointly to the city and county, and was valued at about \$15,000. There was \$5,000 insurance carried by A. Brooks' agency in the Phoenix of London

The origin of the fire is a mystery. Many are inclined to the incendiary idea, but what motive could anyone have jor destroying this hullding? There had been no fire in the basement for a week. No one had been in the basement, year where the fire started, for many months.

No plans for rebuilding have been thought of yet. Some want to re build on the old site, others want a larger and more commodious structure, a replica of the old one, but built further back on the green. The ruins are being viewed by many people, and expressions of sorrow an regret are heard everywhere.

Another landmark has gone !

AFTERMATH OF THE FIRE.

Old Courthouse Ruins Have Been Viewed by Many People.

James City and Williamsburg realize the!r irreparable loss in the bistoric courthouse, but strange to say some of those who have to use it view the matter with no pangs of regret beyond the fact that an old landmark has been removed. Somehow the lawyers did not like the arrangements of the old court-room, and are not sorry that it will be necessary to have a more convenient, commodious and sanitary building.

The wreck of the building seems to have been complete. The gaunt walls and chimneys stand and the vault is safe with its precious con-





City of Williamsburg-James City County Courthouse in 1906 (left) and a Hotel Williamsburg guest book found on a CCRP archivist visit to the courthouse in October 2016. *Virginia Gazette* articles from the 1910s indicate that the hotel was referred to as both the Hotel Williamsburg and the Williamsburg Hotel. One month before the courthouse fire, the hotel changed hands from Mr. and Mrs. T. F. Johnson to Captain E. W. Maynard of York County. (Visual Studies Collection, Library of Virginia)

Except for a few land tax books that happened to be at the bindery, Appomattox County lost all of its records in a courthouse fire in 1892. Bland County lost many loose records in a fire in 1881. The Buchanan County courthouse, which would experience a devastating flood in 1977, lost a large number of records in an 1885 fire. Buckingham County had a large chunk of its records consumed in an 1869 courthouse fire. Nansemond County (now City of Suffolk) lost court records in fires in 1734, 1779 (set by British Troops), and 1866.

Elizabeth City County (now City of Hampton) lost many of its court records to fires during the American Revolution and the War of 1812. The records that survived those fires were sent to Richmond for safekeeping during the Civil War and were ultimately lost in an April 3, 1865, fire during the evacuation of the Confederate capital. All the records in the Gloucester County courthouse were destroyed by a fire in 1820, and what remained were consumed in the same Richmond fire. Neighboring Henrico County also lost many records during the evacuation in 1865. The New Kent County courthouse was damaged by fire in 1787 and then again during the Civil War in 1862, with the rest going up in smoke in Richmond in 1865. Mathews County court records were sent to Richmond during the Civil War and met the same fate. The Warwick County (now City of Newport News) clerk's office was also burned in 1864, and the remainder of the records were lost in Richmond at the end of the war. King and Queen County had courthouse fires in 1828 and 1833, with another fire set by Union troops in 1864, causing catastrophic loss. The Washington County courthouse was burned to the ground by a member of General George Stoneman's Union cavalry in 1864, losing most of the loose records.

In 1770, James City County and the City of Williamsburg began sharing a common courthouse. Both localities lost their records in 1865 after they were transferred to Richmond. Later, the records of the superior court of chancery for the Williamsburg district were destroyed by a fire in 1911. That courthouse fire offers a small case study from the pages of the *Virginia Gazette* newspaper, which is available via the Library's Virginia Chronicle newspaper database.

The first news of the fire was a brief April 6, 1911, article with the headline, "Ancient Building in Ruins." The fire was discovered by a student who was crossing the Palace Green at 1:00 PM. The fire department was dispatched, and the "chemical engine" emptied its contents, but the fire had "gained such headway as to render it impossible" to save the building. "The fire was a spectacular one, the dry wood-work burning like tinder." A later article indicated that, once they realized the building was doomed, the "efforts of the firemen were directed toward the saving of the vault." Because the fire alarm was the courthouse bell (and it was the courthouse on fire), "many people in town knew nothing of the fire until the next morning." According to the article, "Everything outside of the fire-proof vault was a total loss." The origin of the fire was a mystery. Almost instantly, residents were discussing whether to restore the original historic courthouse or build "a more commodious structure." "Another landmark has gone!" the article concluded. The April 6 article explicitly stated, "All Valuable Records are Safe." This was not true.

An April 13, 1911, article entitled "Aftermath of the Fire" indicated that not everyone was sad to see the old landmark gone. "The lawyers did not like the arrangements of the old court-room and are not sorry that it will be necessary to have a more convenient, commodious and sanitary building." This report also acknowledged that the chancery records were lost. "The loss of the old High Court of Chancery records have caused widespread regret." The chancery causes, it indicated, extended back to 1775, and were frequently used for property title searches. The chancery causes were "left unprotected in the jury room, because no provision had been made for their storage in the vault." The writer of the article took the opportunity to add, "The papers in the vault have never been indexed."



Another undated photograph of the Williamsburg-James City County Courthouse, circa 1911–1931. (Visual Studies Collection, Library of Virginia)

While they were sorting out the restoration/construction of the courthouse, circuit court convened in the basement of the Williamsburg Hotel, which was being rented for \$50 per month. At an April 24 joint meeting of the Williamsburg City Council and James City County Board of Supervisors, held in the temporary courtroom, there was "unanimous" approval for restoring the old courthouse, and a resolution was passed creating the "Committee on Restoration and Repairs to the City and County Courthouse." Local attorney B. D. Peachy said that the courthouse "was ample for all purposes and urged that the building be restored," and he was supported by a "committee of ladies" from the local branch of the Association for the Preservation of Virginia Antiquities (APVA), who submitted a petition supporting the restoration of the old building.

All were not in favor, however. At the same meeting, Robert T. Armistead "made a vigorous appeal" for a "new and more commodious courtbuilding," and suggested that the old building be turned over to the APVA and made into a museum. In the course of his argument, Armistead noted that the chancery had been lost "simply because there was no room in the fire proof vault for them." His scheme was to build a larger courthouse behind the old building, arguing that it was their duty to improve on the public buildings and to "leave to posterity something useful and convenient, which was not the case with the old building."

Another who was in favor of a new courthouse took a less diplomatic course. In a letter to the editor, "Toby," from Toano, Virginia, felt that those who wanted to restore the old courthouse were living in the past. "Let these people who are satisfied with what their fathers left them be relegated to the rear, where they belong and kept there." He felt that that sort of attitude was "responsible for the backward condition of Virginia and the south today." Although blunt in his remarks, it appears that others shared Toby's feelings. A May 11, 1911, article indicated that some taxpayers were not happy with the rushed restoration plan and felt that the city and county deserved "a public building in keeping with a growing community,"

and that the matter should be decided by referendum. To be clear, they were not opposed to the restoration of the old courthouse, but as the community grew, it would only be a matter of time before a larger courthouse would be needed. "Just how strong the demand is for a new courthouse we have no means of knowing, but there is considerable dissatisfaction among a very respectable element both here and in the county."

In a May 1 letter to the editor from the then-rector at St. Paul's Church in Rochester, New York, W. A. R. Goodwin, presciently suggested, "The time will come, when with improved sanitation, and the erection of a modern and thoroughly equipped hotel, more money than is not dreamed of will be brought into Williamsburg by those who come to enjoy its quite charm." What was he up to?

"'To restore, or not restore,' that's the question," began a May 18, 1911, article. It went on to praise the committee for postponing "hasty action on restoration" so as to give those who preferred a new building time to be heard. The *Gazette* admitted that it was in favor of restoration of the old building, but acknowledged that the majority of residents wanted a more "commodious structure." The *Gazette*'s solution was to offer a "compromise" wherein an addition was tacked onto the back accommodating "an ample courtroom and clerk's office," with the original courthouse used for county offices. The article concluded, "It is up to you, taxpayer and citizen."

With the Gazette's new suggestion, three proposals (or petitions) were presented to voters: 1) restore the old courthouse, 2) build a new courthouse, or 3) expand the old courthouse. A May 22, 1911, joint meeting called for the three proposals to be "circulated in each of the magisterial districts" before reconvening on Friday, June 9 "to act according to the results obtained." Toby in Toano would have none of it, however, suggesting that the petitions were "so worded as to defeat the very purpose for which it was supposed to be circulated." Because of this "trickery," supporters of the new building "refused flatly to sign." Toby's concerns about shenanigans might have been well founded, because, at least in the city of Williamsburg, "Only those who favored restoration . . . were appointed to carry the petitions." The results in the city were: 1 vote for a new building, 2 votes for restoration plus addition, and 97 votes for restoring the old courthouse. The results in the county were similar: 10, 27, and 298, respectively, and a resolution to restore was adopted to put out a request for bids.

The July 13, 1911, Virginia Gazette indicated that work on restoring the old courthouse had started on July 10 with the completion set for October of that year. In November, the contract for furnishing the restored building was awarded to York Furniture Company, whose work would be in complete before the next court session on December 11. (A December 7 article indicated that the furniture had not yet arrived!) Sometime during or after the old courthouse was restored, four columns were added to its portico for support. In 1931 the City of Williamsburg and James City County conveyed the old courthouse and the Palace Green to the Colonial Williamsburg Foundation, and a new courthouse was constructed a block away at the corner of Francis and South England Streets.

Archival Enemies

By Georgia J. Brown, ASSISTANT ARCHIVIST, FAIRFAX CIRCUIT COURT HISTORIC RECORDS CENTER

ven in the modern era of temperature-controlled records storage rooms, the archivists of the Fairfax Circuit Court have been dealing with one of archivists' biggest enemies: MOLD. The following are some of the environmental and operational realities that we trained for in school—and that we have planned for as professional records custodians—to ensure our past and our present, sharing the timeless fight for records preservation.

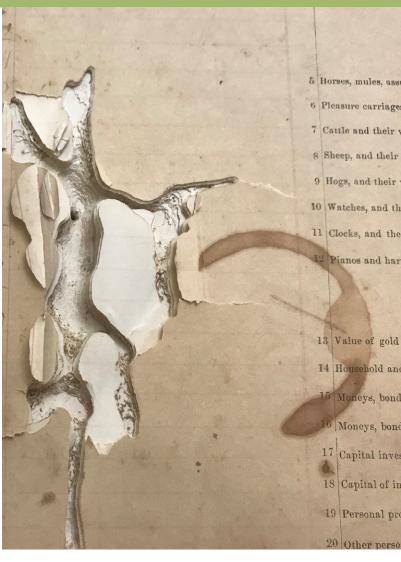


Image courtesy of Fairfax City Museum

In the modern Fairfax Circuit Court Historic Records Center, records are kept in climate-controlled rooms and away from light as much as possible. But even with careful storage and thorough regular inspection, archivists can discover environmental impacts to historic records. We manage these threats to records through several techniques.

Visitors will see signs advising patrons to use only pencils around records and to refrain from eating or drinking in records rooms. These archival best practices allow us to control environmental and physical threat to the records, ensuring they will be available for another 200 years and beyond. Unfortunately, the records have not always been so well-protected, as evidenced by the damage still seen in some of the documents we care for today.

The image above is from the 1970s, when many court records were brought down from the 1954 courthouse attic. Prior to being stored



in the attic, some of these books and papers were also left in the clerk's office for the duration of the Civil War.

Documents and books kept in inhospitable or unstable environments were exposed to humidity, water, animals, and other damaging elements. Even after conservation, some information in the court records is irretrievable due to permanent environmental damage.

Food and drinks have not always been banned from the clerk's office records rooms, as evidenced by ring stains of coffee and tea found in many of the books. The Fairfax County Property Tax Book, 1871, above had the misfortune of being marked not only by coffee, but also by a hungry insect that ate through to the very last page.

Tobacco and coffee stains, ink spills, and moisture remnants are found quite frequently in the court's land records, which were used heavily by title researchers in the mid-1900s.



Certain stains can sometimes be removed by conservation treatment, but the information eaten by insects is lost forever. Thankfully, other than the tax book and the Fairfax County Court Rule Book, 1858, left, page loss due to insect damage has been minimal. Efforts are still made to ensure the critters stay far away, however.

Insects were not the only archival enemies that plagued the 1858 rule book to the left. We do not have a complete understanding of which books and documents came from the 1954 attic storage, but, judging by the amount of water damage to the pages and bird droppings on the leather cover, it is likely that the 1858 rule book was kept in the attic. Bird droppings are another common sighting on the covers of some of our older books, and although droppings do not typically penetrate to the pages, they are evidence of the environment in which these records were stored for many years

Books exposed to moisture and extreme temperatures show various effects. In some instances, ink bled or mold grew. Other times, pages stuck together and leather covers were warped. Historic Records Center staff members often find pages covered in dirt and grass where the book was clearly left open to that page for lengths of time—some clearly on the floor, having been trampled. That is the case with Fairfax County Sheriff's Execution Book, 1837 below left.



The Fairfax Circuit Court Clerk's Five-Year Preservation Plan, which is revised and issued annually, identifies records for conservation by the urgency of treatment needed and subject matter priority; this is a key tool in supporting the work of a 21st-century court archive. While we cannot control the centuries of harsh environments some of these records faced, the clerk tends to them so that the public can access these records, even today.

There is yet another enemy to every public records custodian—theft. Some of the records left in the Fairfax County Clerk's Office at the onset of the Civil War have never been seen again—likely taken by Union or Confederate soldiers, or by well-intentioned Fairfax residents who spirited key records away, when the courthouse grounds were occupied by military forces over several years.

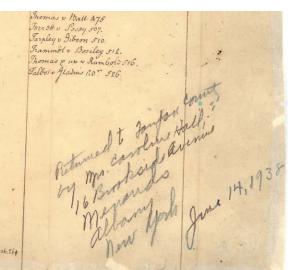
The writing on the index page for Fairfax Court Order Book 1749–1754, bottom left, reads, "Returned to Fairfax County by Mrs. Caroline Hall, 16 Brookside Avenue, Menands, Albany, New York, June 14, 1938."

The Historic Records Center has received more than a few returned books and documents from families of Civil War

soldiers who brought home souvenirs of their time in Fairfax.

The Historic Records Center is still missing 15 original deed books and several minute books from the Revolutionary era—not to mention most of the loose judgment and term papers from that time. Each returned item has an exciting story to tell, and while Historic Records Center staff realize not all will make their way home to the Fairfax Courthouse, we actively seek—and secure—the return of original court records.

A version of this article appeared previously in the November 2020 (No. 68) issue of Found in the Archives, the newsletter of the Fairfax Circuit Court Historic Records Center.



Did You Know that the CCRP Program Has a Chancery Records Index? It's True!

or over 20 years the Library of Virginia's Circuit Court Records Preservation Program has been managing an online chancery records database. Let that sink in. But before you do, what is the difference between law and chancery? (Or really, what is chancery?)

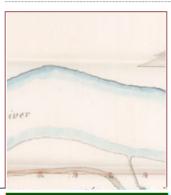
Virginia courts are divided into two sides: law and chancery (or common law and equity). The law side of the courts involves the administration of a set of laws that governs the activities and behavior of a community. These laws, which are separated into criminal and civil, are administrated by the local governing authority and enforced by the courts. With this system laws are intended to be applied and enforced in a consistent and uniform manner. Criminal law court cases are crimes against persons, property, or society. Criminal cases range from simple misdemeanors or petty crimes to crimes involving life and limb. If found guilty of a criminal offense, the defendant could be sentenced to pay a fine and/or incarceration, and even death. Civil law court cases are disputes between individuals and/ or organizations which result in compensation for the plaintiff. Civil cases usually involve property ownership, administrative issues, or commerce, rather than crime. The verdicts, sometimes referred to as judgments, are usually rendered as monetary awards, but can also result in an action such as the return of property by a defendant, and in some instances, incarceration.

The chancery side of the court is a little more complicated. Rather than a prescribed set of laws and consequences for violating those laws, chancery verdicts, or decrees, are based on fairness. This

is because chancery cases cannot be decided by laws. Chancery cases often address estate and land disputes, bankruptcies and the dissolution of businesses, and divorces. Because the system is based on equity there can be more than one winner (depending on how one defines winner). Because cases such as estate disputes and land disputes can have multiple litigants, these cases sometimes contain useful biographical, genealogical, and historical information. They are especially informative when the suits contain depositions and affidavits. Chancery cases are notorious for taking a long time, some lasting decades, to resolve.

Because of the added research potential provided by the information contained in estate, business, and divorce cases, chancery suits have been singled out for special attention by the CCRP and the Library of Virginia. Beginning in 2000, the Library created and began hosting the online Chancery Records Index. At that time, many of the localities still had these records in their offices, and more often than not, they were in the customary, tri-folded bundles and stored in Woodruff drawers. A CCRP grant was awarded to 45 localities to process and index the pre-1913 chancery records housed in their respective offices. The work involved flat-filing and rehousing the documents in archival quality folders and boxes, before they were indexed. Plaintiffs and defendants names and other names involved in the case were indexed and entered into the database, as was the presence of wills and plats in the suit. Then, as today, each record was assigned a unique index number consisting of the year of the final decree (difficult to ascertain sometimes) and a three digit number

CHANCERY RECORDS INDEX



Chancery Records Index

Scanning in Progress:

Albemarle Co. 1768-1850 Bristol City 1890-1912 The Chancery Records Index (CRI) is a result of archival processing and indexing projects overseen by the Library of Virginia (LVA) and funded, in part, by the Virginia Circuit Court Records Preservation Program (CCRP). Each of Virginia's circuit courts created chancery records that contain considerable historical and genealogical information. Because the records rely so heavily on testimony from witnesses, they offer a unique glimpse into the lives of Virginians from the early 18th century through the First World War.

The original court papers are flat-filed, indexed, and conserved using a set of standards developed by the LVA. Since the tri-folded records are often in poor condition, special attention is paid to preparing them for digital reformatting. This laborious process is undertaken so that the best quality images can be captured in one effort. The valuable original records are then retired to secure storage.

The reformatted images—whether digital scans or microfilm—can be viewed at the Library of Virginia, at the circuit court clerk's office, or, in the case of digital images, from any internet connected computer. The indexed but-not-yet-reformatted original records in the Library's care can be viewed in the Archives Research Room prior to reformatting. During reformatting, some or all of the original records may be unavailable for viewing; however, the full index will remain available for research purposes. Information is added to the CRI in such instances to alert researchers regarding a collection's availability.

There are over 274,000 cases indexed in the database and over 11.5 million images of chancery causes available online.

(i.e., 1900-037). Back then, once the processing and indexing was complete, the records were microfilmed and the reel and image numbers were added to the database. It was then recommended that the original paper copies of the chancery suits be "retired" with the index being used to point the researchers to the individual chancery cause on microfilm, either in that particular locality's clerk's office, or at the Library of Virginia where all of the microfilm reels were available. The records could be accessed remotely from the Library of Virginia's Archives Research Services department by submitting a Records Request Form to obtain copies through the mail. Things have changed.

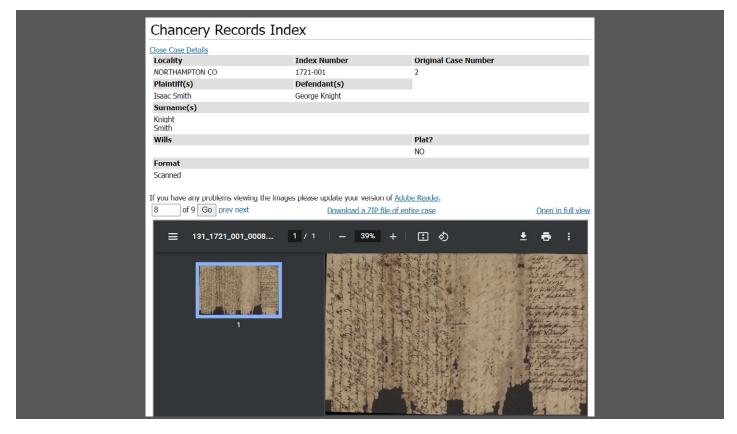
In 2002, the Library of Virginia began testing digital imaging of the chancery records to make them accessible in the Chancery Records Index. The next year, Fauguier County became the first locality to have its chancery records digitized, with a plan to reformat 11 localities that were having their chancery microfilmed at the same time. Fauguier County was followed by Caroline County, and in 2007 Lancaster County became the third locality to have its chancery records digitized and available online. At this time, localities were expected to apply for a grant to have their chancery records scanned. Beginning in 2008, the process was overhauled and oversight of the digital reformatting of chancery records became an administrative function of the Library of Virginia, paid for through CCRP funding. Localities were no longer required to use a grant award to have the scanning performed. Because many documents needed to be cleaned and mended before they were housed in archival quality folders and containers, and to ensure that the records were processed to archival standards, the Library's Local Record Services department took on the task of processing the chancery records, relieving the localities of the need to apply for a processing and indexing grant. Additionally, a

more robust system of quality control was adopted to ensure that the records were scanned accurately and at the highest quality available. The Library also implemented a two-format system, whereby PDF files were made available in the database, with a corresponding JPG2000 file used as an archival master for long-term preservation. These files were placed on a dedicated server with redundancies in place for digital preservation. At that time, 13 localities with 1.2 million images were online. However, many localities had been indexed and available in the database without images.

In 2009, there were more than 2 million images from 17 localities in the Chancery Records Index. Fast-forward to today, and there are over 12 million images in the database, representing 92 localities (with 10 indexed but not scanned, for a total of 102 localities).

Additionally, the chancery suits are being "reindexed" to accommodate an enhanced search function and more information, such as the cause of action (business dissolution, contract dispute, debt, divorce/ separate maintenance, encumber/sell property, estate dispute, freedom suit, trespass, and other/unspecified), topics (African Americans, business, churches, institutions, societies, enslavement, free persons, government, health/medicine, Indigenous Americans, migration/ immigration, military, politics, property, school, transportation, vices, and women), and a catchall "additional information" field. The hope is that this information will make the database more useful for nongenealogy researchers.

Don't be surprised if you see a Library of Virginia icon on the home page of your records management system! It is a link to your chancery records! https://www.virginiamemory.com/collections/chancery/



The Circuit Court Records Preservation Program JULY 1, 2020–JUNE 30, 2021

GRANTS CONSULTING PROGRAM

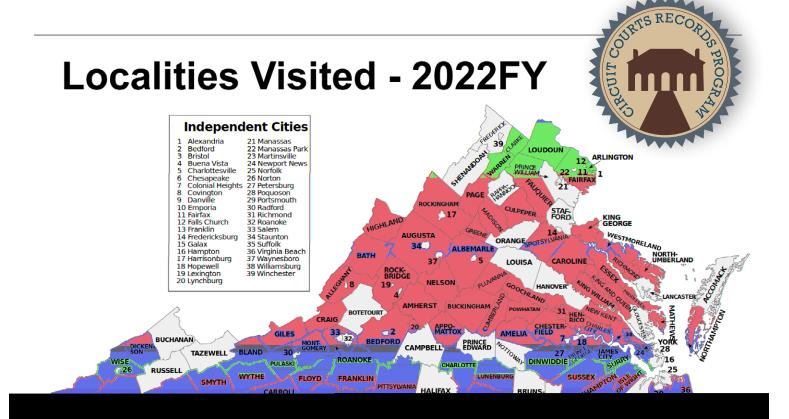
CCRP consulting staff members conducted 57 site visits. They examined 707 items and 28.79 cubic feet of loose records and created 391 condition reports for Item Conservation grant candidates. They also examined 445 items at the conservation vendor to verify that work was performed correctly.

The Circuit Court Records Preservation Grants Review Board met once in December 2021 to consider 115 applications submitted from 101 localities totaling \$4,722,256. The grant review board evaluated and discussed all of the applications, and awarded all 115 grant projects for \$4,722,256 in the following categories: Item Conservation, Reformatting, Storage, and Environmental Control Equipment.

IN-HOUSE RECORDS PROGRAM

Work continues to reduce the backlog of unprocessed circuit court records collections housed at the Library with a concentration on records series having a high research value and also with an eye toward covering a wide geographic area. Staff members continue to flat-file, folder, index, conserve, and re-box materials, incorporating in-depth arrangement and description of court records with high research potential. The collections are made more accessible to the public with the creation of catalog records and electronic finding aids. Images of chancery causes from four localities previously accessible only on microfilm were made available to the public through the digital Chancery Records Index. Staff members continue to process and index chancery records as well as processing other important loose papers having high research value. In addition, indexed chancery records data (names, cause of action, topics, etc.) is entered into the Chancery Indexing Processing System (CHIPS), the data entry system used by Library staff. CHIPS allows for uniform searching of records by the public and staff through the digital Chancery Records Index.

The Local Records processing staff were assigned digital chancery collections found on the Chancery Records Index to ensure that indexing met current standards. There was particular emphasis placed on identifying and indexing names of enslaved people not currently found on the Chancery Records Index. Processing staff members were also assigned with approving transcriptions of circuit court records found on the Making History: Transcribe website. Once approved, the transcribed records will be added to the Virginia Untold: the African American Narrative website.



IN-HOUSE RECORDS PROGRAM

Chancery Records Index Statistics

Chancery Records Index Search page visits:	39,460
Chancery Records Index Search page views:	879,762
Total indexes available on the Chancery Records Index: .	101
Digital chancery images scanned:	378,942
Total images available on the Chancery Records Index:	11,900,038

Digital images were added to Chancery Records Index for: Accomack Co., Amherst Co., Bath Co., Essex Co., Giles Co., Grayson Co. Princess Anne Co., Richmond Co., and Washington Co.

PROCESSING/INDEXING/CONSERVATION

Cubic footage examined:	396.36
Cubic footage processed:	122.70
Chancery causes indexed and entered:	1,369
Chancery causes edited:	13,730
Enslaved names indexed:	11,450
Items mended:	1,113
EAD (Encoded Archival Description) records created:	141
ALMA (LVA catalog) records created:	109
Items/volumes accessioned:	52
Transcription pages approved – circuit court records:	8,728

The following localities have been subjects of archival work this year:

- Albemarle County chancery causes processing, indexing, mending
- Amherst County chancery causes processing, indexing, mending
- Bristol (city) chancery causes processing, indexing, mending
- Brunswick County chancery causes processing, indexing, mending
- Clarke County chancery causes processing, indexing, mending
- Goochland County chancery cause indexing
- Goochland County health and medical records processing, indexing, mending
- Greene County health and medical records processing, indexing, mending
- Hanover County chancery causes indexing
- Henrico County chancery causes processing, indexing, mending
- Henrico County health and medical records processing, indexing, mending
- Henry County chancery causes indexing
- Henry County health and medical records processing, indexing, mending
- Isle of Wight County chancery causes indexing
- Isle of Wight County commonwealth causes processing, indexing, mending
- King and Queen County health and medical records processing, indexing, mending
- Lancaster County chancery causes indexing
- Lancaster County health and medical records processing, indexing, mending
- Louisa County health and medical records processing, indexing, mending
- Lunenburg County health and medical records processing, indexing, mending
- Mecklenburg County chancery causes processing, indexing, mending
- Mecklenburg County election records processing
- Middlesex County chancery causes indexing
- New Kent County health and medical records processing, indexing, mending
- Northampton County commonwealth causes processing, indexing, mending

- Page County chancery causes indexing
- Petersburg (city) chancery causes indexing
- Petersburg (city) commonwealth causes processing, indexing, mending
- Pittsylvania County chancery causes processing, indexing, mending
- Prince Edward County District Court processing, indexing, mending
- Richmond (city) deeds indexing
- Shenandoah County chancery causes indexing
- Washington County chancery causes indexing

MEDIA INVENTORY

The Imaging Services branch continues to provide limited services to the localities, such as providing photo prints of missing pages, inspecting microfilm and digital images, retrieving microforms upon request, and delivering microfilm to our vendor for duplication. Imaging Services continues to maintain media in security storage by inspecting it for content and deterioration, replacing deteriorating film, and migrating all media to the new Infolinx database.

Imaging Services staff assisted three Circuit Court clerks' offices with requests for duplicate copies of film, having 4 reels duplicated. Imaging Services processed 62 requests from 20 Circuit Court clerks' offices to replace missing records in their offices that Imaging Services staff found on the security film. 243 pages were scanned or printed and sent to clerks' offices. Seven Circuit Court clerks' offices made requests for film to be sent to vendors for scanning. 253 reels were sent for scanning.

Imaging Services, received, inspected, entered, and stored 321 new reels of security microfilm/microfiche cards from Circuit Court clerks' offices. Imaging Services continues to store and swap media tape backups from Circuit Court clerks' offices compiled by the Supreme Court of Virginia. Imaging Services inspected 2,124 images for the Digital Chancery project. They also pulled 822 reels of chancery causes for 4 localities to be sent to Backstage Library Works for scanning.

Imaging Services continues to inspect older film for deterioration as well as content in an effort to migrate nearly 375,000 pieces of media in security storage to the Infolinx database. 5,200 reels were inspected for deterioration and for entry into Infolinx. 1.063 reels were sent to vendor for replacement.



Grant Review Committee meeting at the Library of Virginia, December 16, 2021.

CCRP Grants Review Board AWARDS FUNDING

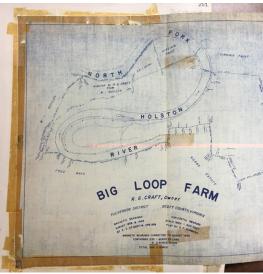
he Circuit Court Records Preservation Program (CCRP) Grant Review Board met on December 16, 2021, at the Library of Virginia to consider records preservation grant requests from circuit courts across the commonwealth. Five voting members comprise the board: three circuit court clerks, appointed by the president of the Virginia Court Clerks' Association; and two staff members from the Library of Virginia, currently the state archivist and a senior local records archivist. Board members meet once a year to evaluate applications. Clerks of the circuit courts are eligible to apply for funds to conserve, secure, and increase access to circuit court records. In all, 101 localities submitted 115 applications.

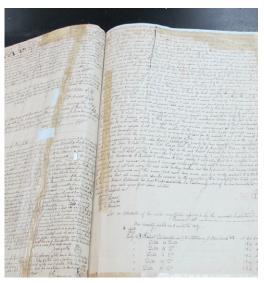
The board approved all 115 grant projects, totaling \$4,722,256. The vast majority of the approved applications covered professional

conservation treatment for almost 730 records housed in circuit court clerks' offices, including deed books, will books, land tax books, marriage licenses, minute books, and plat books, which suffered damage from use, age, pests, water, cellulose acetate lamination, or previous nonprofessional repairs. The remaining grants funded records reformatting, back-indexing, storage, and environmental control equipment.

The Library of Virginia's Government Records Division administers the CCRP. A \$3.50 recordation fee on land instruments recorded in the circuit court clerks' offices funds the program. The CCRP provides resources to preserve and make accessible Virginia's permanent circuit court records. Since 1992, the CCRP has awarded nearly 2,000 preservation grants totaling nearly \$30 million dollars.













Clockwise from top left: Westmoreland County Marriage Licenses, 1866–1870 ■ Scott County Plat Book 2 ■ City of Petersburg Deed Book 4, 1811–1815 ■ Amherst County Deed Book G, 1791–1796 ■ Caroline County Register of Births and Deaths, 1880–1896 ■ Culpeper County Minute Book 17, 1832–1835.

Virginia Circuit Court Records Preservation Grant Program FY2022 GRANT CYCLE AWARDS

2022F1-01	2022EV_101	Accomack County	Itam Conservation	\$71 126 00	2022FY-022 Lancaster County	Item Conservation	\$27.030.00
2022F-101							. ,
2022F-949							
2022FF-082							
2022F1-404							
2022FF-656	2022FY-082	. Amelia County	Item Conservation	\$69,096.00	2022FY-045 Lunenburg County	Item Conservation	\$28,375.00
2022FF-656	2022FY-014	. Amherst County	Item Conservation	\$38,535.00	2022FY-005 Lynchburg City	Item Conservation	. \$33,649.25
2022F-406	2022FY-058	Appomattox County	Item Conservation	\$32,639,50			
2022FY-054 Augusta County Item Conservation \$34,838.20 2022FY-076 Medicentry County Item Conservation \$32,612.50 2022FY-076 Medicentry County Item Conservation \$36,79.50 2022FY-076 Medicentry County Item Conservation \$36,79.50 2022FY-076 Medicentry County Item Conservation \$36,79.50 2022FY-076 Medicentry County Item Conservation \$26,679.50 2022FY-076 Medicentry County Item Conservation \$31,672.00 2022FY-079 Medicentry County Item Conservation \$32,490.00 2022FY-079 Medicentry County Item Conservation \$32,490.00 2022FY-079 Medicentry County Item Conservation \$32,490.00 2022FY-079 Medicentry County Item Conservation \$36,620.00 2022FY-079 Medicentry County Item Conservation \$36,620.00 2022FY-079 Medicentry County Item Conservation \$36,620.00 2022FY-079 Medicentry County Item Conservation \$37,620.00 2022FY-079 Medicentry County Item Conservation \$37,620.00 2022FY-079 Medicentry County Item Conservation \$37,620.00 2022							
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2022FY-026		•					
2022FY-013		•					
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2022FY-105							
2022FF-028	2022FY-110	. Caroline County	Item Conservation	\$61,435.50	2022FY-038 Northampton County	Item Conservation	. \$64,600.00
2022FF-028	2022FY-115	. Carroll County	Item Conservation	\$32,490.00	2022FY-100 Northumberland County	Item Conservation	\$45,666.00
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