Enslaved | Journal of Slavery and Data Preservation

Levy, Andrew. "Robert Carter III 'Deed of Gift' Emancipation Document, 1791." *Journal of Slavery and Data Preservation* 5, no. 1 (2024): 1-8. https://doi.org/10.25971/dj40-xf52.

# Robert Carter III "Deed of Gift" Emancipation Document, 1791

Peer-Reviewed Dataset Article

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## Description

On September 5, 1791, the Northumberland District Court of Virginia recorded a "Deed of Gift," authored by Robert Carter III, and dated August 1 of that same year. In that document, Carter manumitted 452 enslaved persons across 18 of his properties in five Virginia counties stretching from the Shenandoah ridge to the Northern Neck peninsula east of Fredericksburg. It is believed to be the largest private emancipation in the United States prior to the Civil War. Carter (1728-1804), while living somewhat reclusively at this point in his life, was nevertheless one of the wealthiest individuals in Virginia and the United States, the scion of a well-known Virginia family, and well-connected among Revolutionary-era elites. This dataset transcribes the census contained in that document into a "findable, accessible, interoperable, and reuseable" form for the use of both scholars and descendant communities.[1]

[1] Catherine Foley and Alicia M. Sheill, *Enslaved.org Recommended Practices for Historical Slavery Data*, Version 1, Mar. 2, 2022, accessed Sept. 1, 2023, www.doi.org/10.25971/5xt9-7x54, 4. Also consulted in this article is Dean Rehberger et. al., *Enslaved Peoples of the Historical Slave Trade: Controlled*

In the document Carter's motive for manumitting those enslaved persons is succinctly described: "I have for some time past been convinced that to retain them in Slavery is contrary to the true principles of Religion and Justice, that therefore it was my duty to manumit them." He also foregrounds an interest in an emancipation that would be "accomplished without infringing the laws of my Country, and without being of disadvantage to my neighbors and the Community at Large."[2] It seems likely that his comparative remoteness from political power during the events of the American Revolution and the decade following, as well as his intense involvement with radical churches within which interracial ministries and social organizations briefly existed, were either influential to his worldview or manifestations of a worldview that was already alienated from slaveholding consensus.

The timing of the event suggests that Carter waited for public action to address the issue and then acted when he recognized reactionary movement instead: it followed by one decade the 1782 Virginia "Act to authorize the manumission of slaves," which legalized the emancipation of enslaved persons without government approval, and followed by one year the rejection of abolitionist petitions at the first Federal Congress, as well as Carter's own efforts to convert his older sons and others to antislavery positions. It preceded, in turn, the revocation of the 1782 Act in the Virginia Assembly, as well as the institution of forced migration and registration restrictions on free and freed Blacks. Ultimately, the Deed of Gift would only be enacted and maintained across multiple decades and locales via protracted legal struggles (especially within Carter's family), amid resistance from white landed neighbors, and within the context of ongoing, often oppressively destabilizing, changes in statutory law and social and economic convention throughout the antebellum period.[3]

This manumission event is historically significant for several reasons. Carter was the grandson of Robert "King" Carter, one of the wealthiest men in the Americas during the early eighteenth century and an influential and notorious architect of the slave trade and plantation system. Canonically, few Virginian families, if any, were as wealthy as the Carters, as enmeshed in governance and social gentry, or as knit to the slave economy. Carter III also was peer and colleague to many of the most familiar names of the Revolutionary-era elite: he corresponded with, lent money to, shared lawyers with, and even contemplated intermarriage to the families of James Madison, George Washington, and Thomas Jefferson, among others. He was, however,

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*Vocabularies Terms and Definitions*, Vol. 3., March 23, 2023, accessed Sept. 1, 2023, https://docs.enslaved.org/controlledVocabulary/.

[2] Robert Carter III, "Deed of Gift," August 1, 1791, accessed Sept. 1, 2023, https://encyclopediavirginia.org/entries/robert-carter-iiis-deed-of-gift-august-1-1791/.

[3] Andrew Levy, *The First Emancipator: Slavery, Religion, and the Quiet Revolution of Robert Carter* (New York: Random House, 2007) and John Randolph Barden, "'Flushed with Notions of Freedom': The Growth and Emancipation of a Virginia Slave Community," (PhD diss., Duke University, 1993), are the leading full-length accounts describing these events, although Louis Morton, *Robert Carter of Nomini Hall: A Virginia Tobacco Planter of the Eighteenth Century* (Williamsburg, VA: Colonial Williamsburg, 1941) should be cited. See also Shomer S. Zwelling, "Robert Carter's Journey: From Colonial Patriarch to New Nation Mystic," *American Quarterly* 38. No. 4 (Autumn 1986): 613-636.

significantly wealthier, owning more property, possessing significant industrial interests, and enslaving more individuals than those three celebrated founders did *collectively*. As such, the Deed of Gift describes the largest private emancipation of its time, so economically and socially complex and geographically scattered that it rehearsed and tested issues relevant to discussions of large public emancipations and their feasibility characteristic of the era. As a census of a large slaveholding empire, it provides over-arching information about the way enslaved persons lived: the ages of mothers at childbirth, the status of nuclear families, the range of age groups, and anecdotal information about occupations. Lastly and crucially, it provides a signal milestone for descendant communities to construct family lineage. When combined with data for registered (and re-registered) emancipations, the composition of freedom papers in the early nineteenth-century, the Deed of Gift is, in fact, merely the opening entry in a series of documents tracing the emancipation of a community and the familial arcs of their descendants to the present day.

The documentation on Carter's Deed of Gift and the lineages of those individuals named there is currently both thorough and piecemeal, and justifies efforts to place these materials within a shareable and searchable database. The primary document, which still physically resides in the Heathsville office of the Northumberland District Courthouse, is most easily read on the online Encyclopedia of Virginia, where it has been scanned and uploaded. A census of the individuals listed there, including other references to them both within Carter's other papers and subsequent emancipation and freedom records, can be found in the appendix of John Randolph Barden's 1993 Duke University dissertation, "'Flushed with Notions of Freedom': The Growth and Emancipation of a Virginia Slave Community." This appendix has been reformatted to allow for individual searches and revision on the descendant community website for the *Nomini Hall Slave Legacy Project*, administered by descendant LaTonya Lawson-Jones. Other descendants have also created avenues into this material, ranging from the website about his own family authored by Henry Robert Burke, to the book *The Story of Gumby; Tracing the Family History to the 1700s* by Rosalind Gumby Bauchum. [4]

In turn, these efforts exist alongside other efforts at commemorating or resituating the event itself. These range from a 200th anniversary commemoration in 1991 reported in the *Washington*

[4] See "Nomini Hall Slave Legacy: Enslaved Community at Nomini Hall," accessed Sept. 1, 2023, http://nominihallslavelegacy.com/enslaved/; Henry Robert Burke, "Robert Carter III (1728-1804): Emancipator of the Burke Family," accessed Sept. 1, 2023, https://henryburke1010.tripod.com/id10.html; Rosalind Gumby Bauchum, *The Story of Gumby; Tracing the Family History to the 1700s* (Purpose Publishing, 2015). Other efforts to collate individual manumissions within Virginia during the antebellum era include the Virginia Open Data Portal, "Deeds of Emancipation and Manumission," accessed Sept. 1, 2023, https://data.virginia.gov/Education/Deeds-of-Emancipation-and-Manumission/e6cd-zqyb/data; "Virginia Slaves Freed After 1782," accessed Sept. 1, 2023, https://freeafricanamericans.com/virginiafreeafter1782.htm. As scholars exploring the history of manumission in the US have noted, Virginia, with comparatively more liberal manumission laws and customs than other states, as well as a large population of both freed and enslaved Black persons, presents to modern observers a particularly thorough archive of such events.

*Post* to this author's 2005 book, *The First Emancipator*, a 2021 feature essay in CNN.com, and lobbying on behalf of official commemorative gestures. The facts of the case, which situate both Carter and the Deed of Gift socially proximate to but politically and spiritually remote from the canonical Virginian founders, charge this event with unusual ideological energy but also invite evasion. It is perhaps the anomalous quality of the event, as well as its remarkable size—and how that size manifests itself in a particularly interlocking and traceable set of family relations in the present day—that has inspired the development of a particularly robust descendent community.[5] As well, within that community can be noted a belief that their existence, tied to this largely undervalued seminal event, reflects a distinct trajectory of African American freedom. In public fora, they note both the availability of enhanced genealogical data ("Thompson and Newman lines break through – 1860, 1850, all the way back to 1800. I knew these people were free African Americans back to at least 1800," notes Thomas Duckenfield), and the desire for political recognition: "What irritated me was Juneteenth. Got under my skin. . . . It's not our holiday," observed Crystal Ghaskins. "For the 500-plus of us that were freed 72 years before Lincoln's emancipation, Juneteenth don't have nothing to do with us."[6]

From a scholarly standpoint, an emancipation this large, authored by an individual in this position, finds itself somewhat dissonant from current findings that describe the demographics, motive, and mechanisms of manumission in the antebellum era.[7] Literature on manumission

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[5] See Curtis I. Vaughn, "Freedom Is Not Enough: African Americans in Antebellum Fairfax County," (MA Thesis, George Mason University, 2014), 142: "The neighborhood that evolved from the descendants of slaves freed by Robert Carter III reflected these new roles as well as the importance of both blood relatives and extended family. Among the free African Americans, the family name of Harris dominated, but the names Allen, Burke, Gaskins, and Robinson also appeared. All were related to the original group of slaves manumitted by Robert Carter III. Whether these families intermarried is not always obvious, but they lived in close proximity and certainly became extended family."

[6] Quotations from Duckenfield and Ghaskins can be found in Eliott C. McLaughlin, "Like Washington and Jefferson, He Championed Liberty. Unlike the Founders, He Freed His Slaves," *CNN.com*, Sept. 5, 2021, accessed Sept. 1, 2023, https://www.cnn.com/2021/09/05/us/robert-carter-iii-deed-of-gift-slavery-anniversary/index.html. See also Levy, *The First Emancipator;* Barden, "'Flushed with Notions of Freedom"; Ken Ringle, "The Day Slavery Bowed to Conscience," *Washington Post*, July 21, 1991, Sec. F.

[7] Situating Carter's Deed of Gift within research on slavery and emancipation in the antebellum requires mappings across both well-worn and underexplored approaches. Carter's presence in Virginia during the Revolutionary period and his social proximity to leading founding figures makes this emancipatory event a liminal, generally unreferenced presence not only in more trade-oriented historical accounts of the debate about slavery and freedom during the American Revolution, but in the canonical scholarly discourse about antislavery during that era of the American Revolution that Richard S. Newman, in *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002) ascribes to Gary Nash, Jean Soderlund, Merton Dillon, Arthur Zilversmit, Shane White, and especially David Brion Davis. In other ways, Carter's Deed of Gift aligns with scholarly discourse that ascribe emancipatory practices to Quakers and Methodists, as well as Presbyterians and Baptists, though Carter's dissenting religious fervor was uncommon among slaveholders of his stature. Likewise, the placement of the Deed of Gift in Virginia between 1782 and 1806 situates the event within a window and in a location that is well studied by scholars due to the density and documentation available for both manumissions and regulatory statutes and to practices designed to inhibit their liberatory potentials. Lastly, Carter's Deed of Gift can be placed within the context of more recent scholarship. See Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat*

during the past three decades has created a multi-dimensional portrait of what might be called the intent of the manumitters and has tended to see manumission as enmeshed with, not departing from, slave society.[8] In this context, it must be noted that Carter's Deed of Gift is strictly promissory: it describes a gradual emancipation to be undertaken, one that even Carter himself describes as lagging his own conviction that slavery is contrary to "Religion and Justice."[9] At the same time, it is amply noted in the historical record that even Carter's gradual approach was fiercely opposed by his community and family, was subject to shunning strategies, legal challenges, and possibly violence, and only succeeded (to the extent it did succeed) via the persistence of the mixed community of enslaved and freed Black persons, and white advocates and sponsors. At this scale, similarly, it is worth examining the effects with greater emphasis: scholarship on large-scale, localized private emancipations is rare, but does suggest, as descendants of the enslaved persons on Carter's Deed of Gift have argued, that they did create pilot trajectories toward racial equity that have remained underexplored.[10]

## Dates of Data Collection

2023

## Dataset Languages

English

## Geographic Coverage

Frederick County, Loudoun County, Prince William County, Richmond, Westmoreland County, Virginia

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*Turner's Rebellion* (Baton Rouge: Louisiana State University Press, 2009), which explores the mechanisms of emancipation, and the mix of "religious, humanitarian, practical, or personal" (35) motives and effects that private manumissions produced, as well as more recent efforts to explore manumission within a transnational or Atlantic context, and/or within analysis of the legal frameworks within which race and freedom have been defined.

[8] Wolf, *Race and Liberty*, writes of "occasions" where "manumission" was "an assertion of the slaveholder's power over his slave rather than a recognition of the natural equality between them" (44).

[9] Newman, *Transformation*, studies the extent to which 'gradualism' was the norm of antislavery movements until well into the nineteenth century; See Chapter 4 particularly. Wolf, *Race and Liberty*, explores the complications created by gradual emancipations for the enslaved persons promised freedom; see, for instance, 79-83.

[10] Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York: Vintage, 2005), is the most prominent full-length exploration of the lasting effects on a community of a large manumission, both the agency of freed Blacks and their descendants but also the multiracial economic and social forms that develop. See also Susan Hellman and Maddy McCoy, "Soil Tilled by Free Men: The Formation of a Free Black Community in Fairfax County, Virginia," *Virginia Magazine of History and Biography* 125, no. 1 (2017): 38-67: "By making the decision to emancipate his slaves upon his death, George Washington unwittingly created a ripple effect that led to massive cultural change" (64).

## Temporal Coverage

1791

## Document Types

Deed of Manumission

## Sources

Robert Carter III, "Deed of Gift," August 1, 1791.
https://encyclopediavirginia.org/entries/robert-carter-iiis-deed-of-gift-august-1-1791/.

## Methodology

The Deed of Gift is a five-page document, of which approximately four pages are a census of enslaved persons at eighteen loci (mostly mid-sized or larger plantations, but also two smaller domiciles) under Carter's ownership. The Deed of Gift utilizes a column format: sex, name, age, relation, occupation in some cases, some brief descriptive details, and location. Males are listed down the left side of each sheet, females on the right, in order of age (youngest first), and according to the numbered sequence of Carter's properties listed on page one of the document.

The document frees no one, but promises liberation on the following schedule:

The initial codicil frees 15 individuals per year, on January 1.
The second codicil marks 1801 for 'inclusive' liberation.
The third codicil frees children: all males at 21, all females at 18.[11]
The fourth codicil adds children born in 1791 and not listed.

Implied is that all children not yet born are freed according to the second or third codicil.[12]
The dataset described in this article produces a robust recreation of the information contained in the Deed of Gift, itself a systematic (if sometimes inconsistent) effort to provide documentation on a community of enslaved persons that could withstand retrospective

[11] These age limits were stipulated by the 1782 Act, which Carter abides to inhibit legal challenges. Studies of manumission have found that the average age of manumitted slaves was significantly later, arguing that enslavers often invoked manumission to circumvent implied duties of care for older enslaved persons. See Howard Bodenhorn, "'To Set Devils Free': Manumission in Nineteenth-Century Virginia," Clemson University and NBER, September 2009, http://www-personal.umich.edu/~baileymj/Bodenhorn.pdf.

[12] In practice, as will subsequently be shown, the actual emancipation only partially acted according to these instructions: persons listed on the Deed of Gift were not freed (or rather, no documentation exists to document the fulfillment of the emancipation promise); others not listed were freed; many were freed ahead of schedule. This does not include individuals who were freed and subsequently re-enslaved, impressed, or imprisoned, for which evidence does exist. Similarly, evidence also exists to indicate that children not yet born were also freed, though there are not enough documented cases to recognize whether such future-projected emancipations were exceptional. This article/dataset is written as the first of two planned articles and datasets for this information. This first document represents the Deed of Gift as a standalone event, while the second publication will join this data to subsequent documents tracing the individuals to their points of emancipation and their adoption of chosen surnames.

scrutiny. Included are four spreadsheets: 1. PERSON, listing all persons-to-be manumitted, as well as participant individuals named in the document; 2. PLACE, listing all 18 abodes in Carter's possession, and Relationships (described in further detail below); 3. SOURCE, providing documentation information, and linked to the PERSON and PLACE spreadsheets; and 4. EVENT. The Deed of Gift actually references three different dates: January 1, 1791 for creation of the census, August 1, 1791 for Carter's 'seal' and signature, and Sept. 5, 1791 for acknowledgment and recording of the document in the courthouse. The January 1, 1791 date is not being used as an event in the dataset.

In many cases, individuals on the Deed of Gift are listed with one family relationship, usually as son or daughter of a specific mother (conforming to matrilineal enslavement practices), but sometimes as son or daughter of a father, or as wife or husband of. Many such listings are ambiguous, however, potentially referencing multiple otherwise undifferentiated individuals ("daughter of Mary," for instance, where there are several individuals named "Mary"). Relations are listed as established here where either a single named individual is clearly referenced (there is only one "Ariana," for instance), or where a single named individual at a shared abode is listed as the relation (more than half of the enslaved persons listed on the Deed of Gift domiciled as family units), but not otherwise.[13] The age of the potential mother at childbirth was considered as a factor, but made no difference in extrapolating these relations.

In terms of extrapolating familial relations, all parent-child couplings that can be identified using the above criteria are listed; all spousal couplings matching similar criteria are also listed in the dataset. Where spousal couplings are listed, but no other markers can distinguish multiple individuals with the same name, no spousal connection has been cited in the dataset, but the "Relationshiptext" column containing Carter's textual reference to the spousal connection (e.g. "wife of Sampson") provides anecdotal sourcing. All individuals who share one parent are listed as siblings. Where a spouse is listed and linked to a parent, the spouse is not linked to the child. Relations are listed as established links to all individuals in the PERSON dataset.

Other individuals are not listed on the Deed of Gift as scheduled for emancipation, but as related to those who are. Where these persons have differentiated names (that is, a name that clearly does not appear on the emancipation list), and/or appears multiple times, they are listed as

[13] The decision to track and group individuals when they are listed as sharing an abode potentially biases the dataset toward *creating* family units that share a domicile; or, at least, creates a dataset that tracks the maintenance of family units and fails to sufficiently track their separation when it occurs. Regarding the former: there is substantial anecdotal data, including the opinion and research of those few scholars who have studied Carter's activity, that maintaining families in single abodes occurred more than not; this dataset reproduces that result. Regarding the latter: this flaw must be acknowledged. Deciding criteria here was the value to descendant communities to be able to track prospective links that can be corroborated by at least circumstantial evidence. Whether or not it represents an artifactual consequence of deploying these criteria, the portrait of family units created within this dataset is anecdotally robust. It provides evidence of many large families living on the same plantations, with linked wife and husband couplings included. It also provides evidence that many enslaved women on Carter's properties began childbearing before the age of fifteen15, and bore numerous children in extremely truncated time frames. Even a casual glance at the Deed of Gift conveys how many children are listed, including infants.

"Participants" in the event. It is likely these participants are free or freed Blacks with spousal or parental relationships among the enslaved persons on the Deed of Gift, or possibly different namings for individuals on the Deed of Gift ("great Judith," for instance, might be "Judith").[14]

For the most part, the datasets deploy the concepts and controlled vocabulary cited in Enslaved.org's recommended practices for historical slavery data, with a blend of additional descriptors designed to express more information when available, or to manage ambiguities or gaps in the initial document. As there is strong repetition for PLACE, SOURCE, and EVENT information, this documentation has been placed in linked spreadsheets.

Of note here is the difficulty in classifying individuals whose status is so clearly liminal: the enslaved persons listed on an emancipation schedule are simultaneously enslaved, liminal, and emancipated. The Enslaved.org controlled vocabulary provides options that clearly overlap in this case, and are used here to the point of redundancy to promote searchability. In addition, the liminality of the event—the manner in which this mode of gradual emancipation both creates and blurs legal personhood categories—is itself a crucial reason to study this event and provide its data in isolated format.

## Date of Publication

March 2024

## Data Links

Dataset Repository: Harvard Dataverse, https://doi.org/10.7910/DVN/CDTXX5
Linked Data Representation: Enslaved.org

## Cite this Article

Levy, Andrew. "Robert Carter III 'Deed of Gift' Emancipation Document, 1791." *Journal of Slavery and Data Preservation* 5, no. 1 (2024): 1-8. https://doi.org/10.25971/dj40-xf52.

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[14] This 'participant' classification, particularly, will yield information about individuals for whom race and social status is hybrid or liminal. The most conspicuous, for instance, is "Baptist Billy," also known as "Baptist Billy Burke," who is listed as father and grandfather multiple times on the Deed of Gift. The Burke line is regarded as non-normative within registration and freedom documents. See Vaughn, "Freedom is not Enough," 142: "The Fairfax register of freed slaves, which first listed the Carter manumissions in 1826, provides some indication of family history. The register records all those freed persons as 'black' except those with the surname of Burke who are called 'mulatto.'"