

Record Types

Bills of Sale and Deeds:

This collection includes transactions of enslaved people that may include the additional transfer of money or another commodity or may be a non-monetary transfer. Bills of sale are written agreements which convey title of property, including enslaved people, from seller to buyer. Under the system of chattel slavery, laws permitted enslavers to treat enslaved people as personal possessions in the same manner as livestock, farm equipment, or household items. Enslaved people could be bought or sold without regard to their personal relationships or free will. Bills of sale record the name of the seller, the names of enslaved people being sold and their price, and the name of the buyer. Given that they involved a property transaction, bills of sale were commonly recorded and filed with deeds in the local court. However, there was no official requirement that the transfer of an enslaved person be recorded unless necessary for legal purposes such as a court case or an estate settlement.

Enslaved people could also be transferred through a deed. Often, there was no money transaction involved in this case, which distinguishes this record from a bill of sale. Enslavers and their family members often transferred enslaved people between themselves in this manner. Deeds are written agreements which convey title of property, such as an enslaved person, from one individual to another. This collection refers to deeds existing as loose papers and does not include transactions recorded in the deed books, which may reflect the same transaction. The types of deeds predominantly found in Virginia Untold involves the voluntary transfer of enslaved people between family members including but not limited to deeds of gift, deeds of trust, indentures, and marriage contracts. Deeds include the names of the grantors, grantees, and enslaved people. Clerks proved, acknowledged, and recorded deeds in the local court. Sometimes clerks filed fiduciary records in deeds or property records. Therefore you may find records such as appraisements, estate administrator settlements, estate inventories, accounts of sale or reports of sale in the deeds collection. For more on this record type see ***Fiduciary Records***.

Certificates of Importation:

Certificates of Importation (sometimes entitled a certificate of non-importation) are primarily oaths by enslavers agreeing that they have not imported enslaved people from Africa and that they have not brought the enslaved person into Virginia for the purpose of selling them. Virginia was one of the first newly formed states to outlaw the importation of enslaved people for sale. In 1778, Governor Patrick Henry enacted legislation preventing importation of enslaved people into the commonwealth. Those that did bring their enslaved people were required to register them with the county court and sign a certificate of importation agreeing that they were not bringing enslaved people into the commonwealth with the intent to sell. The enslaved person is sometimes named, but not always, and occasionally information is given

as to age, birthdate, and the state from which the individuals were moving. According to Section 3 of the act “every slave imported into this commonwealth contrary to the true intent and meaning of this act, shall upon such importation become free.” By this clause, those enslaved people who were brought into Virginia illegally could pursue their freedom in the local courts. See ***Freedom Suits*** in which many people took action to sue for their freedom on the basis of this clause. For more on this record type see the blog post: [Virginia Untold: Certificates of Importation](#).

Cohabitation Registers:

A cohabitation register, or as it is officially titled, “*Register of Colored Persons Cohabiting Together as Husband and Wife on 27th February 1866*,” was the legal vehicle by which formerly enslaved men and women legitimized both their marriages and their children. During enslavement, enslaved people were considered property by Virginia law. While many enslaved people entered into non-sanctioned marriages, these were neither recognized legally nor protected from enslavers who separated spouses at will. In 1864, Governor Francis Pierpont recommended that the General Assembly of the [Restored government of Virginia](#) pass a law “requiring the clerk of each county or corporation court to keep a book, in which, at the joint request of a negro man and woman, who have heretofore been living as man and wife, he shall register their names and the date of their marriage.” On February 26, 1866, the General Assembly passed an act legitimizing marriages between enslaved people and the children that resulted from them. These records contain extensive information including the names of the husband and wife, as well as their ages, place of birth, residence, occupations, previous enslavers, previous enslaver’s city or county residence, the name(s) of their children, the children’s ages, and the date of commencement of cohabitation.¹

A second type of register was also created to legitimize the children of marriages in situations where the formerly enslaved couple was no longer living together. The 1866 act passed by the General Assembly included, “And when the parties have ceased to cohabit before the passage of this act...all the children of the woman, recognized by the man to be his, shall be deemed legitimate.”² Note that children of only one union could be legitimized despite the fact that within the system of slavery women were often encouraged to have children by more than one partner. Known as the “*Register of Children of Colored Persons Whose Parents Had ceased to Cohabit on 27th February 1866*,” these records were maintained separately from those for couples who were still married. There are few known to survive. The information recorded is nearly identical to that of the cohabitation registers with the exception of the notation whether the children's mother was at that time living or deceased.³

¹ <https://www.lva.virginia.gov/public/guides/civil-war/Restored-Government.htm>

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

³ <https://encyclopediavirginia.org/entries/cohabitation-act-of-1866/>

Colonization Records:

Colonization records include documents from two government agencies that raised money and support for the removal of formerly enslaved people to Liberia. As early as 1691, the Virginia General Assembly began passing laws that forced free Black Virginians to leave the commonwealth. Fears around insurrection and the desire to control the Black population gave rise to institutions dedicated to removing free people of color from Virginia.

The General Assembly passed an act in 1833 "making appropriations for the removal of free persons of color" to the western coast of Africa and established a board of commissioners charged with carrying out the provisions of the act. The act stated that taxes not otherwise appropriated would go towards a general fund to be used for various purposes including removing free people [from the Commonwealth].⁴ "*The Board of Commissioners for the Removal of Free Persons of Color records, 1833-1856*," contain correspondence, lists, minutes, oaths, and resolutions. Included are lists of free Black individuals who emigrated to Liberia (including the name of the ship), lists of free Black individuals *willing* to emigrate, and resolutions to send money to the American Colonization Society and to those who transported the free Black people to Liberia. Also included is a report of the Board of Commissioners, 1835, containing a list of free Black people transported to Liberia including their names, ages, and where they had lived in Virginia. Beginning in this year, Virginia used tax documents collected by the Commissioner of the Revenue to take census of the free Black people living in each locality. In these instances, you may find a copy of the same free tax list in the "**Free Negro Tax**" *Records* collection as well as the **Colonization Records** collection.⁴

The General Assembly passed an act on April 6, 1853 to create the Colonization Board of Virginia, (chap. 55, p. 58). This act also created appropriations to fund the voluntary transportation and removal of free Black individuals to Liberia or elsewhere in West Africa through the efforts of the Virginia branch of the American Colonization Society. Statutory members of the board included the Secretary of the Commonwealth, the Auditor of Public Accounts, the Second Auditor of Public Accounts, and four other competent members appointed by the Governor. An annual tax was levied on free Black men between the ages of 21 to 55 to help finance the operations of the board. The Colonization Board was authorized to reimburse the agents of the Virginia Colonization Society for transportation costs only after receiving satisfactory proof that the formerly enslaved individuals had been transported out of the state. The Virginia Colonization Society arranged for the actual passage of free Black individuals, and at each meeting the Board received affidavits for particular free people who had already been transported, along with evidence that the individuals were free or born of free parents, that they were residents of Virginia and that they had already been transported to Africa or that they had embarked to another state for transportation. The Board was required to keep a journal of its proceedings, showing all actions taken and monies disbursed, and was also required to submit a biennial report to the General Assembly showing the name, age, sex,

⁴ Virginia, and Virginia. General Assembly. Acts Passed At a General Assembly of the Commonwealth of Virginia. Passed in 1833-34. Richmond: 5-6.

and locality of each person removed. The board held its last meeting on August 14, 1858, after the preceding session of the General Assembly failed to extend its existence. The Virginia Board of Colonization journal of proceedings includes lists of the names and ages of free Black individuals transported from the commonwealth to Africa, as well as the county, city, or borough from which they were transported, and in some instances also includes the name of the ship and names of former enslavers.

Commonwealth Causes:

Commonwealth causes are criminal court cases filed by the state government that consist primarily of warrants, summons, subpoenas, indictments, recognizances, and verdicts handed down by juries and other legal authorities in order to prosecute individuals who violated the penal code. Some commonwealth causes commonly found in Virginia Untold include cases against enslavers who permitted a gathering of enslaved people on their property. White Virginians and legislators feared insurrection and passed laws restricting the number of Black and multiracial people allowed to gather in groups. Enslavers could be fined for permitting their enslaved people to hire themselves out for work and enslaved people were jailed on these occasions. Other cases found in this collection might include crimes committed by both enslaved and free Black people such as breaking and entering, stealing, assault, murder, arson, and aiding enslaved people to self-emancipate. Formerly enslaved men and women could also be tried for remaining in the commonwealth more than one year following emancipation. In 1806, the General Assembly passed a law stating that all formerly enslaved people freed after May 1, 1806, were required to leave the commonwealth. Those who remained in the commonwealth more than twelve months could be put on trial by the state, and if found guilty, would be re-enslaved and sold. The proceeds from the sale went to the state treasury, and often, records of those sales can be found in the Public Claims records from the Auditor of Public Accounts.

The commonwealth causes reveal an inconsistency in forms of conviction and punishment for white versus Black and multiracial individuals. Throughout the early nineteenth century, Virginia legislators revised the laws in ways that reduced the legal status of free Black and multiracial people to that of enslaved, thereby creating a legal system based on race. In 1831, Nat Turner led a revolt in Southampton County that prompted more legal restrictions on Virginia's Black population including prohibiting Black people to learn to read and write, practice certain trades, and sell goods. After 1832, Virginia law required free Blacks to stand trial in the same courts as enslaved people, known as Oyer and Terminer. In various years, free Black men and women were sold into slavery as punishment for certain crimes. While public whipping originated as a form of punishment for all those convicted, in Virginia, it was retained for those who were Black, free or enslaved, and officially outlawed as a punishment for white criminals in 1848.⁵ Often, Black individuals served much longer penitentiary

⁵ James M. Campbell, *Slavery on Trial: Race, Class, and Criminal Justice in Antebellum Richmond, Virginia*, (Gainesville: University of Florida Press, 2007), 149-151.

sentences while the cases of white men, who had committed the same or similar crimes, were dismissed.

In the eighteenth century, many enslaved people convicted of capital crimes were hanged. To curb the spectacle of so many public executions, an 1801 law allowed the governor to sell condemned enslaved people to those who agreed to transport them out of Virginia. The state hoped that by exiling these individuals, they would not commit a second offense in the commonwealth. In 1858, another change occurred when the state realized that they were losing money on convicted felons. Additionally, territories such as the West Indies and states in the Deep South such as Alabama, Mississippi, and Louisiana were no longer interested in receiving enslaved felons.⁶ The new act allowed the governor to commute sentences of transportation to labor on the public works for life. Pardons such as these can be found in the Executive Papers collection at the Library which have been organized chronologically by governor's term. Commuting sentences meant that the state assigned enslaved people a value, and their enslavers received payment from the state for their human property. Enslavers submitted public claims to the Auditor of Public Accounts, the chief auditor and accountant of the Virginia General Assembly and the records of those sales can be found in ***Public Claims***.

Coroner's Inquisitions:

Coroner's Inquisitions are investigations into the deaths of individuals who died by a sudden, violent, unnatural, or suspicious manner, or who died without medical attendance. A carry over from the British system, the separate office of coroner appeared in Virginia about 1660. The judicial duty of the office was to hold inquisitions in cases when persons met a sudden, violent, unnatural or suspicious death, or death without medical attendance. The law did not encourage the Coroner to be a medical professional until the 20th century, and only stipulated that the local court be responsible for the appointment. Prior to November 1877, the jurors numbered twelve. Between November 1877 and March 1926, the jurors numbered six. After March 1926, only the coroner determined cause of death. He could require physicians to assist him with determining cause of death. The jury viewed the body of the deceased and heard the testimony of witnesses which did include both white and Black perspectives. This witness testimony was recorded and after seeing and hearing the evidence, a white jury delivered in writing to the coroner their conclusion concerning cause of death referred to as the inquisition. These causes of death would be determined by a white perspective and Black individuals were only consulted; they were never in a position to make decisions. If a criminal act was determined to be the cause of death, the coroner delivered the guilty person to the sheriff and the inquests would be used as evidence in the criminal trial. In this case, coroner's inquisitions were filed with the trial papers. See ***Commonwealth Causes*** for more. If there was not a trial, coroner's inquisitions were filed separately and will likely appear in this collection as a standalone set of documents.

⁶ Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*, (Baton Rouge: Louisiana State University Press, 1988), 27-29.

Documents commonly found in coroner's inquisitions include the inquisition, depositions, and summons. Information found in the inquisition include the name of the coroner, the names of the jurors, the name and age of the deceased if known, gender and race of the deceased, and when, how, and by what means the deceased came to his or her death. If the coroner knew the deceased person to be Black or multiracial, the inquest should identify the person as enslaved; a "free Negro"; a "person of color"; or a "mulatto." If the coroner knew the deceased person to be enslaved, the inquest should include their name, their enslaver and the enslaver's residence. Information found in the depositions include the name of the deponent and his or her account of the circumstances that led to the death of the deceased. Unlike many other legal proceedings in antebellum Virginia, enslaved people were permitted to provide depositions for coroners' inquisitions.

Deeds of Emancipation and Manumission:

Deeds are written agreements which convey title of property, such as an enslaved person, from one individual to another. The type of deed predominantly found in Virginia Untold involves the voluntary transfer of enslaved people between family members with no financial transaction involved. Deeds include the names of the grantors, grantees, and enslaved people. Clerks proved, acknowledged, and recorded deeds in the local court.

Deeds of emancipation and manumission record an enslavers' intent to emancipate enslaved people from bondage. Some of the earliest legal manumissions in Virginia occurred in the early 1770s. However, there was a sharp rise following the 1782 manumission act that allowed enslavers to privately emancipate enslaved people "by last will and testament or other instrument in writing sealed." They were no longer required to seek a special act from the General Assembly.⁷ These documents sometimes include an enslavers' intent for emancipation ranging from religious and moral motivations to binding legal agreements.

Deeds of emancipation and manumission essentially provide the same information and there is little difference between the two. Both include the name of the enslaver, the name of the enslaved person to be freed, the date of anticipated freedom, the date the manumission was proved or certified, and as mentioned, sometimes a reason why the enslaver decided to emancipate the enslaved person. In a deed of manumission, an enslaver directly freed an enslaved person by manumission. In a deed of emancipation, an enslaved person could be freed after the enslaver's death by those executing a last will and testament. This collection also includes court orders that record the date or age when enslaved individuals were to be emancipated by deed as stipulated in an enslaver's will. For more on this record type see the blog post: [Virginia Untold: Deeds of Emancipation and Manumission](#).

⁷ Guild, 61. Michael L Nicholls, "Strangers Setting among Us: The Sources and Challenge of the Urban Free Black Population of Early Virginia," *The Virginia Magazine of History and Biography* 108, no. 2 (2000): 155–79. <http://www.jstor.org/stable/4249829>, 155-156.

Election Records:

Election records within Virginia Untold consist of lists of voters by county, magisterial district, and sometimes precinct, who participated in elections. They most commonly appear as “Colored Poll Books” and “Lists of Colored Voters.” Names appear in rough alphabetical order by first letter of the surname. Elections held October 22, 1867 occurred while Virginia was under military rule and were the first elections in which Black Virginians were allowed to vote. In this period, which lasted briefly until 1876 (with the introduction of the Poll Tax and other impediments to universal adult suffrage), there were no restrictions on voting for Black men.⁸ Elections records are one of the first sources following emancipation that mention formerly enslaved people by name.

Fiduciary Records:

A fiduciary is someone who manages property or money on behalf of someone else. Often these records were created when someone owning significant property died. The deceased person’s estate was inventoried to determine the value of their property. Fiduciary records can consist of a variety of documents including appraisements, estate administrator settlements, estate inventories, dower allotments, estate divisions, estate sales, and even guardian accounts (although those are not taken at death) involving enslaved people. Under the laws of chattel slavery, enslaved people were documented in these records along with other personal property. These records include the names of estate owners, value of personal property owned (including enslaved people), and names of recipients of property. Some fiduciary records include additional information regarding enslaved people such as age, family relationships, physical and mental condition, if they were sold to someone else, and if they self-emancipated (had run away from their enslaver).

The only locality represented in the Fiduciary Records collection is Lancaster County. In this particular case, the clerk extracted fiduciary records from other court documents and filed the records into their own collection. These records were probably titled differently in the locality. The Fiduciary Records title was assigned by LVA at the time they were processed decades ago. Other fiduciary records have been digitized but maintained in the court papers or loose deeds where they were found during processing. More fiduciary records can be found in the ***Bills of Sale and Deeds*** record type collection in Virginia Untold.

“Free Negro” Registers:

Documents in this collection differ from the loose documents in the “Free Negro” Registrations collection. Documents in this collection represent pages from bound registers recording free Black and multiracial people of Black descent across Virginia localities. Language for registering as a free person may have originated from a 1748 law for servants and enslaved people.⁹ In 1793, the Virginia General Assembly specified that “free Negroes or mulattoes” were required to

⁸ <https://encyclopediavirginia.org/entries/african-americans-and-politics-in-virginia-1865-1902/>

be registered and numbered in a book to be kept by the town clerk, which shall specify “age, name, colour, and stature, by whom, and in what court the said negro or mulatto was emancipated; or that such negro or mulatto was born free.”¹⁰ The process was extended to counties in 1803.¹¹ This bound register often coincided with a loose certificate containing largely the same identifying information. See “**Free Negro**” Registrations. The 1793 law required one to obtain a new certificate every three years. The 1793 and 1803 laws reflect Virginia legislators’ reaction to a quickly growing free Black population across Virginia. Both the registration system and the process of renewal was enforced differently in the various Virginia localities. Thus, the information found in these registers may differ from year to year and across regions. Although some clerks were already recording such features, an 1834 Act of Assembly made it a uniform requirement to record identifying marks and scars and the instrument of emancipation, whether by deed or will.¹²

Some clerks recorded information as a narrative style, while other clerks recorded free people and their information in a ledger. This latter style more closely resembles a present day spreadsheet with columns and headings identifying name, age, free status, and so forth. Note that some county clerks used the same book to record other types of records such as marriage registrations or boat licenses. Once they completed recording free Black people, they may have “flipped” the book and used the remaining blank pages to start recording new entries from the other side. For these volumes, you can see this indicated in the digitized scans with the back cover of the book demarcating where the book was “flipped.”

“Free Negro” Registrations:

Documents in this collection differ from the bound volumes referred to as “registers.” They are registration records typically appearing in the form of certificates or handwritten statements recording the free status of a Black or multiracial person. The bound register that clerks were required to keep beginning in 1793 (see “**Free Negro**” Registers for more) often coincided with a loose certificate containing largely the same identifying information.¹³ If a free person was found without a certificate they could be jailed. Free black men and women carefully guarded these documents in secure places on their person; the registrations that do survive

⁹ Guild, 55-56. The act read: “At the expiration of their term, servants shall have certificates of freedom; there shall be a penalty for harboring servants without certificates; runaways who use stolen or forged certificates shall stand in the pillory two hours; there shall be rewards for taking up runaway servants or slaves.”

¹⁰ Samuel Shepherd, ed., *The Statutes at Large of Virginia, From October Session 1792, to December Session 1806, Inclusive, in Three Volumes, (New Series,) Being a Continuation of Henning* (Richmond, Virginia: Samuel Shepherd, 1835), 1:238.

¹¹ Samuel Shepherd, ed., *The Statutes at Large of Virginia, From October Session 1792, to December Session 1806, Inclusive, in Three Volumes, (New Series,) Being a Continuation of Henning* (Richmond, Virginia: Samuel Shepherd, 1835), 2:417–418; <https://encyclopediavirginia.org/entries/an-act-more-effectually-to-restrain-the-practice-of-negroes-going-at-large-january-25-1803/>

¹² Virginia, and Virginia. General Assembly. *Acts Passed At a General Assembly of the Commonwealth of Virginia*. Richmond: 81.

¹³ Shepherd, ed., *The Statutes at Large of Virginia*, 1:238.

have endured much degradation. The 1793 law required one to obtain a new certificate every three years. Both the registration system and the process of renewal was enforced differently in various Virginia localities. Not all free people registered in their locality.

If a free person moved to a different county, they were required to obtain a registration for that locality. If they did not, they could be apprehended by the local magistrate and taken to court. Theoretically, a person would submit their registration from their previous place of residence to the court as evidence of their free status. In some cases, a person would not have a registration to submit to the court. Instead, they produced some other form of identification proving their free status, for example, a deed of emancipation, a will, an apprenticeship indenture, or an affidavit of someone testifying to their character and status.

Registrations typically include the free person's name, sometimes age, a brief physical description, and the circumstances of the person's freedom or emancipation. If an individual was born free, the record may reference their parents. If emancipated, the record may include the name of the former enslaver, and place and date of emancipation. In addition to more formal registrations and certificates in this collection, there are also affidavits that were given by individuals affirming a free person's status, as well as written descriptions of free people.

“Free Negro Tax” Records:

In 1801, the Virginia Legislature passed an act requiring commissioners of the revenue to annually return a complete list of all free Black Virginians within their districts, with their names, sex, place of abode, and trades. This collection includes those lists as well as “*Free Negro Tax Lists*”; and “*Free Negro Delinquent Tax Lists*.”

For many years in Virginia, each adult male was required to pay a flat tax ranging somewhere between 30 to 65 cents to fund county government operation. However, in the 1810s, Virginia imposed a “specific tax” exclusively on free Black individuals. The tax rate varied throughout the years leading up to the Civil War, but for the most part hovered around \$1. Many Black individuals already struggled to pay the county levy, and Virginia legislators intended that an additional tax would further restrict autonomy. Several laws passed in 1782, 1814, and 1820 allowed sheriffs to hire out Black tax delinquents (those who did not pay their levy). Delinquent tax lists include names of free Black individuals returned delinquent and sometimes why they were returned, such as “no property,” “removed,” or “not found.” In addition to representing blatant taxation without representation, these hiring-out scenarios were largely exploitative.¹⁴

Tax collection and hiring out tax delinquents was not strictly enforced and varied from each locality. For a time in the late 1830s and early 1840s, taxes were not even collected. By the 1850s, however, Virginia found a way to use the money collected from free Black residents to fund their removal from the state. In 1853, the General Assembly passed a law allowing the taxes raised on free Black men and women to be collected in a fund to be applied to the

¹⁴ Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom*, (New York: Alfred A. Knopf, 2004), 327-332.

removal of these individuals as a part of the recolonization effort. See *Colonization Records* for more.

Free People in Want of Registration

The documents within this collection consist of lists of free Black and multiracial people confined to jail because they were without a free Black registration or certificate proving their free status. In some localities, sergeants created reports for the court of individuals confined to jail. These documents serve as a certification record of who was in jail. Prisoners were required to pay the jail fees accrued during their time in jail. If they could not pay, they were hired out to cover the cost of their expenses. If this was the case, the document may indicate if they were hired out along with a totaling of expenses. For further research, search the minute books or court order books for the locality of interest.

“Freedmen’s” Contracts:

This collection consists of work contracts between formerly enslaved individuals and employers enacted during the operation of the Freedmen’s Bureau. On March 3, 1865, the federal government created The Bureau of Refugees, Freedmen, and Abandoned Lands using the Freedmen’s Bureau Bill. Also known as the “Freedmen’s Bureau,” this agency was responsible for aiding refugees of the Civil War, especially formerly enslaved people in the areas of education, employment, and health care. Meant to last for only one year after the war, the Bureau was largely operational from June 1865 to December 1868, and officially abolished in 1872.¹⁵ Local offices of the Freedmen’s Bureau assisted in drawing up contracts between formerly enslaved people and employers.¹⁶ These contracts were meant to ensure that the formerly enslaved were accorded fair and legal work contracts that included precise terms of employment. However because many formerly enslaved people were forced to enter into arrangements with former enslavers, arrangements could be largely ignored or abused. They eventually morphed into sharecropping and debt peonage. Contracts usually specify the dates of the expected employment, the occupation of the employee, expected wages and housing arrangements, and any rent that was to be paid to the employer. These records were generated by the federal government and therefore many are housed in the National Archives, however a few localities retained possession of these records in their courthouses after the dissolution of the Freedmen’s Bureau in 1872.

Freedom Suits:

Freedom suits are lawsuits initiated by enslaved people seeking to gain their freedom. This collection includes petitions, records of suits, depositions, affidavits, and wills. They record enslaved peoples’ arguments for freedom, how the individual came to be enslaved, ancestry of

¹⁵ <https://www.archives.gov/research/african-americans/freedmens-bureau>

¹⁶ <https://encyclopediavirginia.org/contract/>

the enslaved person, and relationships between enslaved individuals and enslavers. Enslaved men and women sued for emancipation in freedom suits based on the following: they were descendant(s) of a free woman, sometimes either a white or Native American woman; failure of enslaver(s) to abide by the 1778 slave nonimportation act (see ***Certificates of Importation***); or claimed to have been freed by their enslaver(s) by deed of emancipation or last will and testament. Petitioners suing for their freedom on the grounds they had a free mother applied the 1662 law passed by the General Assembly stating that “all children born in this country, shall be held bond or free only according to the condition of the mother.”¹⁷ In the blog post [From Lancaster to Lunenburg](#), Betty Chapman sues for her freedom on the grounds that her mother was a free white woman.

Indentures of Apprenticeship:

Indentures of apprenticeship within Virginia Untold are composed of agreements binding out free Black and multiracial individuals, often children, to learn a particular trade or craft. These indentures may be written agreements between the family of the apprentice and those responsible for the indentured. They typically contain the name of the person or institution binding out, the person to whom bound, the name of the person being indentured, the length of the apprenticeship, and the responsibilities of the person taking on the indenture.

In 1765, the General Assembly established that illegitimate children of “woman servants, Negroes, white women by Negroes were to be bound out” until the age of 21 for males and 18 for females. In 1792, the General Assembly transferred this responsibility to the Overseers of the Poor.¹⁸ White children were to be taught various skills including reading, writing, and arithmetic. In 1805, the General Assembly amended the previous act to no longer require the master of “black or mulatto orphans” to teach reading, writing, or arithmetic, with the intent that this would prevent Black children from learning these skills. There are documented cases of indenture holders treating Black apprentices cruelly, or not releasing apprentices at the end of their indenture. White authorities also used their power to apprentice Black children without the permission of their families. Free Black men and women who had petitioned to be re-enslaved (see also ***Petitions for Re-Enslavement***) were known to use this tool as a way of preserving the integrity of their families. Some parents bound out their children to a chosen master for a finite period of time, hopefully ensuring that the children would not be split up and remain free.¹⁹

¹⁷ <https://encyclopediavirginia.org/entries/negro-womens-children-to-serve-according-to-the-condition-of-the-mother-1662/>; Guild, 23.

¹⁸ Virginia, William Waller Hening, and Samuel Shepherd. *The Statutes At Large of Virginia: From October Session 1792, to December Session 1806 [i.e. 1807], Inclusive, In Three Volumes, (new Series,) Being a Continuation of Hening* Richmond: Printed by S. Shepherd, 183536

¹⁹ Ted Maris-Wolf, *Family Bonds: Free Blacks and Re-enslavement Law in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2015), 173-174.

Judgments:

Judgments contain civil suits that relate mainly to recovering debt owed to the plaintiff by the defendant. Should the defendant not have funds to repay the debt, the court ordered their property (including enslaved people) to be seized and sold to repay the debt owed to the plaintiff. Judgments also contain suits brought by enslaved people seeking to gain their freedom. See also *Freedom Suits*.

Legislative Petitions:

Sometimes referred to as “Applications to Remain”, these records are applications that formerly enslaved individuals submitted to state and local courts for permission to remain in Virginia with their free status. An early 1691 law required a formerly enslaved person to relocate outside the commonwealth within six months of emancipation.²⁰ 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.”²¹ Realizing that many enslavers were taking advantage of this, the Virginia General Assembly reacted by trying to suppress the growing number of free Black and multiracial people in the Commonwealth. They 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. Individuals who wished to remain in the commonwealth were to petition the state legislature. These petitions submitted to the state legislature can be found in the *Legislative Petitions* collection. Passed in January 1816, a new Act of Assembly gave the local courts power to grant free people permission to remain in their respective Virginia county or corporation (city).²² After 1831, if free people were found guilty of remaining over one year, they could be re-enslaved and sold by state officials. The proceeds from the sale went to the state treasury, and often, records of those sales can be found in the *Public Claims* records from the Auditor of Public Accounts. In 1837, the state legislature expanded the law allowing local justices to grant permission to remain in the state.²³

The documents in these cases will include: the name(s) of the petitioner(s), the circumstances of free status, and a request to remain in the locality. Application packets might also include supporting documents such as the formerly enslaved person’s register (for more, see “*Free*

²⁰ Guild, 47. The law stated, “A great inconvenience may happen to this country by the setting of Negroes and mulattoes free, by their entertaining Negroes from their masters’ service, or receiving stolen goods, or being grown old bringing a charge upon the country, it is enacted that no Negroes, or mulattoes be set free by any person whatsoever, unless such person pay for the transportation of such Negro out of the country within six months after such setting free...”

²¹ Guild, 61.

²² Virginia, and Virginia. General Assembly. Acts Passed At a General Assembly of the Commonwealth of Virginia. Richmond: yr. 1815. mo. DEC; Ellen Eslinger, “Free Black Residency in Two Antebellum Virginia Counties: How the Laws Functioned,” *The Journal of Southern History* 79, no. 2 (2013): 271. <http://www.jstor.org/stable/23795558>. The article, among other things, describes the process of proving “merit” before the legislature and the local courts.

²³ Virginia, and Virginia. General Assembly. Acts Passed At a General Assembly of the Commonwealth of Virginia. Richmond: 1836-37. <https://babel.hathitrust.org/cgi/pt?id=njp.32101073363192&seq=60&q1=emancipated>

Negro” Registrations), or other evidence for emancipation such as a copy of a will or deed of emancipation. As with the case of obtaining a free Black registration, individuals needed to prove that they had in fact been emancipated. Free Black men and women also relied on their reputation in the local communities and understood the weight of white individuals’ good words in gaining and retaining free status. Applications may also include witness statements, known as affidavits, with signatures and names of white citizens testifying to the free status and character of the petitioner.

Petitions for Re-enslavement:

This collection contains petitions of free Black individuals choosing to be re-enslaved. An act passed by the Virginia General Assembly in 1806 required formerly enslaved people to leave the commonwealth within twelve months of being granted their freedom. Individuals were forced to leave behind family, friends, and community that remained enslaved. In addition, many emancipated people did not have the financial means or social support to move to a free state. One option to preserve family and relationships was to return to slavery. In 1856, the Virginia legislature passed an act allowing free Black individuals who desired to remain in the commonwealth to petition for re-enslavement. Only a small number of free Black Virginians petitioned the courts to re-enslave themselves to an enslaver of choice, and an even smaller percentage succeeded. Many petitioners chose enslavers they knew well or who owned a spouse or family member.²⁴ These petitions include the petitioner’s name, previous enslaver, means of emancipation, and new desired enslaver.

Petitions to Remain in the Commonwealth:

Sometimes referred to as “Applications to Remain”, these records are applications that formerly enslaved individuals submitted to state and local courts for permission to remain in Virginia with their free status. An early 1691 law required a formerly enslaved person to relocate outside the commonwealth within six months of emancipation.²⁵ 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.”²⁶ Realizing that many enslavers were taking advantage of this, the Virginia General Assembly reacted by trying to suppress the growing number of free Black and multiracial people in the Commonwealth. They 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. Individuals who wished to remain in the commonwealth were to petition the state legislature. These petitions submitted to the state legislature can be found in the **Legislative Petitions** collection. In 1815, the state

²⁴ Maris-Wolf, 20-21.

²⁵ Guild, 47. The law stated, “A great inconvenience may happen to this country by the setting of Negroes and mulattoes free, by their entertaining Negroes from their masters’ service, or receiving stolen goods, or being grown old bringing a charge upon the country, it is enacted that no Negroes, or mulattoes be set free by any person whatsoever, unless such person pay for the transportation of such Negro out of the country within six months after such setting free...”

²⁶ Guild, 61.

granted local courts the power to grant permission to remain.²⁷ The law required them to place notice on the courthouse door for at least five weeks before a hearing. After 1831, if these people were found guilty, they could be re-enslaved and sold by state officials. The proceeds from the sale went to the state treasury, and often, records of those sales can be found in the **Public Claims** records from the Auditor of Public Accounts.

The documents in these cases will include: the name(s) of the petitioner(s), the circumstances of free status, and a request to remain in the locality. Application packets might also include supporting documents such as the formerly enslaved person's register (for more, see "**Free Negro Registrations**"), or other evidence for emancipation such as a copy of a will or deed of emancipation. As with the case of obtaining a free Black registration, individuals needed to prove that they had in fact been emancipated. Free Black men and women also relied on their reputation in the local communities and understood the weight of white individuals' good words in gaining and retaining free status. Applications may also include witness statements, known as affidavits, with signatures and names of white citizens testifying to the free status and character of the petitioner.

Public Claims:

Localities and individuals submitted public claims to the Auditor of Public Accounts to obtain payment for services rendered to the state. The Auditor of Public Accounts was the chief auditor and accountant of the General Assembly Auditing Committee, and functioned much like the state treasurer. They were responsible for ensuring proper payments to localities and that those payments were issued in accordance with established rules and procedures. The public claims found in Virginia Untold largely document years before the Civil War. The collection contains affidavits, bonds, correspondence, local court records, death warrants, estate files, powers of attorney, receipts, sheriff certificates, and valuations of enslaved, free Black, and multiracial people convicted for capital crimes and sentenced to be executed or transported from the United States. The state established procedures to compensate enslavers for their financial loss when enslaved people ran away or were imprisoned or executed. Some condemned enslaved people were transported beyond the state's boundaries to Africa. The American Colonization Society chartered ships to transport free Black Americans and condemned enslaved people to Liberia.

Requisitions for Public Use:

The records found in this collection include requisition lists filed in local courts and payroll records of the Virginia Engineer Department. Information found in these records include names of enslaved and free Black people, locality of origin, occupation, location of fortification, names of enslavers, and monetary value of enslaved people. Virginia enacted legislation as

²⁷ Ellen Eslinger, "Free Black Residency in Two Antebellum Virginia Counties: How the Laws Functioned," *The Journal of Southern History* 79, no. 2 (2013): 271. <http://www.jstor.org/stable/23795558>. The article, among other things, describes the process of proving "merit" before the legislature and the local courts.

early as July 1, 1861 during the Civil War to requisition enslaved and free Black people to work on military fortifications and other defensive works around the commonwealth. From 1862 to 1863, at the request of the president of the Confederate States, the General Assembly passed three more laws that requisitioned enslaved laborers to work on fortifications and other works of the defense. Each county and city were given a certain number of enslaved laborers that had to be provided to the government under the requisition act. Enslaved people requisitioned for service did not have a choice. In many cases, the alternative was severe punishment or to be hanged.²⁸

Payroll records of the Engineer Department include payrolls of enslaved people that worked on fortifications and other defenses as the result of an 1861 Act of Assembly calling for defense of the Commonwealth. The “slave rolls” provide the enslaved person’s name, the hirer’s name, time employed as well as rates of pay, and other amounts received. Enslaved people were employed to work on the defenses at Fort Boykin, Fort Huger, Fort Lowry, Gloucester Point, Hardy’s Bluff, Jamestown Island, Lowry’s Point, Mulberry Island, Williamsburg, and Yorktown.²⁹ Note that the payroll registers in this collection do not relate directly to the lists of people requisitioned for public use by the Federal Government. Those payrolls are available digitally via the National Archives catalog.

Runaway Slaves Records:

A “runaway slave record,” or as it is officially titled, “*Runaway and Escaped Slaves Records, 1794, 1806-1863*,” include accounts, correspondence, receipts, and reports concerning expenses incurred by localities related to the capture of enslaved people attempting to escape bondage to pursue freedom. The collection also includes records with information related to enslaved people from multiple localities who escaped to United States military forces during the Civil War. In 1863, the General Assembly, in passing an act imposing taxes for the support of the government, called on the commissioners of the revenue for each district to utilize the lists of the personal property in the counties, cities and towns, “[to] enquire into and ascertain, as far as practicable, the number of all slaves that have escaped to the enemy during this war, and have not been recovered...” The commissioners were required to make a return of such lists to the auditor of public accounts, with the names, gender and ages of enslaved people, and the names of their enslavers and to file the lists in the office of said auditor.³⁰

While many independent businesses bought and sold human beings, local and state governments such as the state of Virginia also participated in and profited from human trafficking. Localities were reimbursed for the expenses of confining, feeding, and selling of

²⁸ <https://encyclopediavirginia.org/entries/confederate-impressment-during-the-civil-war/>;
<https://encyclopediavirginia.org/entries/black-confederates/>

²⁹ A Guide to the Virginia Engineer Department Records, 1861-1865, <https://ead.lib.virginia.edu/vivaxtf/view?docId=iva/vi00381.xml>

³⁰ Virginia, and Virginia. General Assembly. Acts Passed At a General Assembly of the Commonwealth of Virginia. Passed in 1862. Richmond: [s.n.].

self-emancipated people, and likewise, the state established procedures to compensate enslavers for their financial loss when enslaved people ran away or were imprisoned or executed. If a person was captured and their enslaver could not be identified, they became the property of the state and were sold. The proceeds from these sales went to the state treasury, and often, records of those sales can be found in the Public Claims records from the Auditor of Public Accounts. The net proceeds were deposited into the Commonwealth of Virginia's Literary Fund for the public education of poor white children. For more on what these records might tell us see the blog post: [Virginia Untold: Joe of Nottoway County.](#)

Nat Turner's Insurrection Documents:

On the evening of August 21–22, 1831, an enslaved preacher named Nat Turner launched a revolt in Southampton County, Virginia. Over the course of a day Turner and his allies killed fifty-five white men, women, and children, making it one of the most deadly rebellions of enslaved people in American History. Martial law was declared in Southampton to regain order and enslaved men and women who were suspected of supporting the revolt were detained and held for trial. Those who were convicted were executed or transported outside of the Commonwealth. Among them was Nat Turner who was eventually discovered and brought to trial, convicted, and executed on November 5, 1831.

In 2013, staff selected documents from state and local records collections related to the trial of Nat Turner and digitized them as part of a unique collection. The collection includes correspondence to and from Governor John Floyd, criminal trial papers (Commonwealth Causes) of the enslaved people involved in the revolt, and public claims and petitions from enslavers seeking compensation for their enslaved people who were convicted.

Gabriel's Conspiracy Documents:

Named after an enslaved blacksmith who emerged as the most significant leader of the event, Gabriel's Conspiracy originated during the spring and summer of 1800 as plot by enslaved men to attack Richmond and destroy slavery in Virginia. Two enslaved men betrayed the plot just hours before a torrential rainstorm prevented the conspirators from gathering on the night of August 30, 1800. In response, Virginia authorities arrested and prosecuted more than seventy enslaved men for insurrection and conspiracy. The arrests of the conspirators, including Gabriel, led to trials in Richmond, Petersburg, Norfolk, and several surrounding counties. The conspirators were tried in courts of Oyer and Terminer in which testimony was heard by five justices, not a jury, with appeal only to the governor. Twenty-six of those found guilty were hanged (including Gabriel) and eight more were transported or sold outside of the state.

In 2013, staff selected documents related to the conspiracy and digitized them for use on the "Pinning Gabriel's Rebellion" program on HistoryPin. The collection includes correspondence

to and from Governor James Monroe, newspaper accounts, trial documents, petitions, and public claims from enslavers seeking compensation for their enslaved men who were convicted.

Sources Cited

Books

- Campbell, James M. *Slavery on Trial: Race, Class, and Criminal Justice in Antebellum Richmond, Virginia*. (Gainesville: University of Florida Press, 2007).
- Ely, Melvin Patrick. *Israel on the Appomattox: A Southern Experiment in Black Freedom*. (New York: Alfred A. Knopf, 2004).
- Guild, June Purcell. *Black Laws of Virginia*. (Fauquier County: Afro-American Historical Association, 1995).
- Maris-Wolf, Ted. *Family Bonds: Free Blacks and Re-enslavement Law in Antebellum Virginia*. (Chapel Hill: University of North Carolina Press, 2015).
- Schwarz, Philip J. *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*, (Baton Rouge: Louisiana State University Press, 1988).

Articles

- Eslinger, Ellen. "Free Black Residency in Two Antebellum Virginia Counties: How the Laws Functioned." *The Journal of Southern History* 79, no. 2 (2013): 261–98. <http://www.jstor.org/stable/23795558>.
- Nicholls, Michael L. "Passing through This Troublesome World: Free Blacks in the Early Southside." *The Virginia Magazine of History and Biography* 92, no. 1 (1984): 50–70. <http://www.jstor.org/stable/4248686>.
- Nicholls, Michael L. "Strangers Setting among Us: The Sources and Challenge of the Urban Free Black Population of Early Virginia." *The Virginia Magazine of History and Biography* 108, no. 2 (2000): 155–79. <http://www.jstor.org/stable/4249829>.

Websites

- Archives.gov
- Library of Virginia
- NPS: Language of Slavery
- Encyclopedia of Virginia

For all other instances in which acts passed by the Virginia General Assembly are mentioned, see the [Acts of the General Assembly of Virginia](#) from the LVA catalog or the [digitized](#) versions. Also see:

- Guild, June Purcell. *Black Laws of Virginia*. (Fauquier County: Afro-American Historical Association, 1995).
- [1793 Act of Assembly](#)
- [1803 Act of Assembly](#)
- [1806 Act of Assembly](#)
- [1815 Act of Assembly](#)
- [1834 Act of Assembly](#)

- [1837 Act of Assembly](#)