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VIRGINIA UNTOLD: THE AFRICAN AMERICAN NARRATIVE RECORD TYPES

The Library of Virginia will at times choose to retain original language in collection descriptions to preserve historical accuracy or to document context. Historical terms and phrases are indicated by the use of quotation marks to differentiate between language taken from a historical source and the language generated by Library of Virginia staff. Examples: Organizational names, titles, place names, and personally chosen identifiers.

“Bills of Sale”:

Bills of sale are written agreements which convey title of property, including enslaved persons, from seller to buyer. Bills of sale record the name of the seller, the names of enslaved persons 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.

“Certificates of Importation”:

Beginning in 1778, Virginia law required enslavers who brought enslaved people into the state to register them with the county court and sign a certificate of importation (sometimes entitled a certificate of non-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.

“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. 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.

A second type of register is often grouped together with the cohabitation registers but provides solely for the

legitimization of children whose parents are no longer living together. 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 still-married couples and far fewer of them are 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.

"Colonization Records":

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 Black bodies gave rise to institutions that raised money and support for the removal of formerly enslaved people to Liberia. This collection includes records from two of those agencies.

An act was passed 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 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 and including their names, ages, and where they had lived in Virginia.

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 first meeting of the board was held May 2, 1853. 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, 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. Commonwealth causes commonly found in Virginia Untold include cases against enslavers who permitted enslaved people to travel as free persons without permission or permitting a gathering of enslaved people on their property. White Virginians and legislators feared insurrection and passed laws restricting the number of Black people allowed to gather in groups. 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 run away. Free Black 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 a year 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.

“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. 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 a person of color, inquest should identify the person as enslaved or a free Black man or woman. 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 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 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.

“Election Records”:

Election records consist of lists of voters by county, magisterial district, and sometimes precinct, who participated in elections. 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.

“Fiduciary Records”:

Fiduciary records consist primarily of estate administrator settlements, estate inventories, dower allotments, estate divisions, estate sales, and guardian accounts. Information documented in these records includes the names of estate owners, list of personal property owned (including enslaved people), quantity and value of each item, 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 were self-emancipated (had run away from their enslaver).

“Free Negro Registrations”:

Acts passed by the Virginia Legislature in 1793 and 1803 required every “free negro” or “mulatto” to be registered and numbered in a book to be kept by the county clerk. This collection contains records involved in the registration process. The registration language and process varied across localities, thus the information and type of records may differ. Registration records found in this collection include numbered certificates that recorded the free Black 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 former enslaver, place, and date of emancipation. There are affidavits that were given by individuals affirming a free person’s status, as well as written descriptions of free persons. In addition, there are registrations in the form of loose papers matching information found in the bound volumes of “Free Negro Registrations” kept in the court house.

“Free Negro Tax Records”:

Free Negro Tax Records include “*Free Negro Tax Lists*” and “*Free Negro Delinquent Tax Lists.*” 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. 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."

“Freedmen’s Contracts”:

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 operational from June 1865 to December 1868. 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. Because they were generated by the federal government many of these records 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.

“Freedom Suits”:

Freedom suits are law suits 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 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 Black female, sometimes a Native American woman; failure of enslaver(s) to abide by the 1778 slave nonimportation act; or claimed to have been freed by their enslaver(s) by deed of emancipation or last will and testament.

“Indentures of Apprenticeship”:

Indentures of apprenticeship are composed of indentures binding out free Black 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. Or, these documents may be generated by local agencies such as the Overseers of the Poor, binding out orphans or those who are considered a burden to the Commonwealth. The indentures of apprenticeship 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.

“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”:

Petitions to the General Assembly were the primary catalyst for legislation in the Commonwealth from 1776 until 1865. Public improvements, military claims, divorce, manumission of enslaved people, petitions for free Black men and women to remain in the Commonwealth, division of counties, incorporation of towns, religious freedom, and taxation were just some of the concerns expressed in these petitions. The petitions often contain hundreds of signatures and are a useful tool in genealogical research. Frequently, the petitions contain supplementary support documents useful in research, including maps, wills, naturalizations, deeds, resolutions, affidavits, judgments, and other items.

“Petitions for Re-enslavement”:

An act passed by the Virginia General Assembly in 1806 required formerly enslaved people to leave the Commonwealth within a year of being granted their freedom. In 1856 the Virginia legislature passed another act allowing free Black individuals who desired to remain in the Commonwealth to petition for re-enslavement. They could choose an enslaver and remain in the state. These petitions include the petitioner’s name, previous enslaver, means of emancipation, and new desired enslaver.

“Petitions to Remain in the Commonwealth”:

In 1806, the General Assembly passed a law to suppress the manumissions of slaves. The law stated that all formerly enslaved people freed after May 1, 1806, who remained in the Commonwealth more than a year could be put on trial by the state. If found guilty, they 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 act required individuals who wished to remain in the Commonwealth to petition the legislature. Beginning in 1837, formerly enslaved individuals could petition the local courts directly for permission to remain in the Commonwealth. Often included in the petitions are the name(s) of the petitioner(s), the circumstances of free status, and a request to remain in the county. Many include affidavits with signatures and names of 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 document enslaved people and free Black individuals in the years before the Civil War. During the antebellum period, the General Assembly passed increasingly restrictive laws in response to white fears of crimes by enslaved people and insurrection. The state established procedures to compensate enslavers for the loss of their property 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. The records contain affidavits, bonds, correspondence, local court records, death

warrants, estate files, powers of attorney, receipts, sheriff certificates, and valuations of enslaved people and free Black people convicted for capital crimes and sentenced to be executed or transported from the United States.

“Requisitions for Public Use”:

Virginia enacted legislation during the Civil War to requisition enslaved and free Black people to work on military fortifications and other defensive works around the Commonwealth. 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.

“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 to freedom. Localities were reimbursed for the expenses of confining, feeding, and selling of self-emancipated people. 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 net proceeds were deposited into the Commonwealth’s Literary Fund for public education. 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.