

ENSLAVED OR FREE?

Until the Thirteenth Amendment to the U.S. Constitution outlawed slavery in 1865, African Americans in Virginia were either free or enslaved. Several types of records will help to determine whether an individual was enslaved or free.

Individuals who are listed by name on the 1850 or 1860 federal census population schedule are almost certainly free. Those who were enslaved were included on a separate slave schedule, which includes only the names of owners and the age, sex, and color of slaves.

Individuals who were freed after the Civil War may appear within a list of married couples or children on a *Register of Colored Persons . . . cohabiting together as Husband and Wife on 27th February 1866*, better known as a cohabitation register. These registers legitimized slave marriages in 1866 and include names of former owners, where individuals resided, and where they were born. A *Register of Children of Colored Persons . . . whose Parents had ceased to cohabit on 27th February 1866* lists children whose parents had ceased to cohabit.



Beginning in 1793 in cities and in 1803 in counties, free African Americans were required to register themselves. The resulting registers often note whether an individual was born free or, if not, the name of the individual who freed him or her. If a Free Negro Register does not survive for a particular locality, a reference to the individual registering may be included in a court order or minute book, which provides a summary of every action that came before the court.

In 1801, a law was passed that required lists of free Negroes and mulattos to be submitted annually along with lists of taxable property. These Free Negro Lists include the name, gender, residence, and occupation of individuals.

If a free African American had his or her own household, it is also possible to trace him or her in personal property tax records beginning in 1782. There are numbers for free men and slaves over a certain age such as 12 or 16, as well as information on livestock and household goods. For the most part, only those who were very poor did not pay this tax.

RESEARCHING FREE AFRICAN AMERICANS

If an individual was free, sources of information include federal census records; will, deed, order, and minute books; and church, tax, and vital statistics records. Be aware that there might be a separate section for African Americans in some of these records and in any series of records.

Beginning in 1806, free African Americans needed to petition the legislature to remain in the commonwealth if they had been emancipated before or after May 1, 1806, and these petitions are part of the Library's legislative petitions collection. If an individual is included in the book *Index to Enrolled Bills of the General Assembly of Virginia: 1776–1910* by John W. Williams, the petition was successful. The act that permitted an individual to remain in the commonwealth was published in the *Acts of the Assembly*. Beginning in 1837, an individual could petition the county or city court to remain in the commonwealth. References to these petitions may be found in county or city order or minute books.

If a free African American did not pay taxes, he or she could be hired out by the sheriff to pay off the debt. The names of these individuals may be found in the delinquent tax lists.

County or city deed and will books may include emancipations. When a slave was freed, the emancipation was recorded in a deed book. Slaves could also be freed in a will. County and city deed and will books are often indexed.

RESEARCHING ENSLAVED AFRICAN AMERICANS

To find information on an enslaved individual, the owner must be identified. References to enslaved individuals are most often found in the records of the slaveholder. A former slave's surname may be a hint because some former slaves took the surname of their former owner. Other former slaves had a surname while still enslaved, took the name of a previous owner, or simply chose a name. Some surnames changed between the end of slavery and 1870.

If an individual was born a slave between 1853 and 1865, he or she may be listed in Bureau of Vital Statistics birth records along with the name of the individual's owner and mother. These records are indexed by the name of the owner, but the registers themselves may be reviewed if one knows the locality and approximate date that the individual was born. If a slave died between 1853 and 1865, he or she may be included in the Bureau of Vital Statistics death records, along with the name of his or her owner. There is no statewide index to these records.

The 1850 and 1860 slave schedules that are a part of the federal census provide the names of slaveholders in a locality and the age, sex, and color of slaves. Looking for slaveholders who lived near to where a formerly enslaved person lived in 1870, or slaveholders who owned slaves whose descriptions match those of the individuals for whom you are searching, may provide clues as to who the former slaveholder was.

Once the name of the slave owner is determined, search his or her records, including the 1850 and 1860 federal census slave schedules, deeds and wills (for names, ages, owners, and possible emancipations), personal property tax records (for numbers of slaves), personal papers that may include lists of slaves and other information about them, church registers, and court order and minute books for cases that may involve slaves.

Some slaves bought or were given their freedom. References to a slave obtaining his or her freedom may be found in a variety of records. Will books may include wills that state an owner's intent to free slaves after he or she died. Deed books may contain deeds of manumission. Court order or minute books and judgments may include freedom suits (court cases in which an enslaved person sued for his or her freedom).

FREEDMEN'S BUREAU RECORDS

The Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen's Bureau) is a significant source of information about former slaves. Established on March 3, 1865, the bureau assisted newly freed African Americans and dealt with abandoned and confiscated property. Assistant commissioners oversaw the bureau's work in individual states. The Freedmen's Bureau began its work in Virginia in June 1865. Among the bureau's activities in Virginia were establishing hospitals and schools, providing rations, supervising labor contracts, and ensuring justice. The bureau generated many records, the most important of which for African Americans are the Records of the Field Offices of the State of Virginia. For example, censuses may note former owners, labor contracts often were made between former slaves and their former owners, and many former slaves wrote letters seeking information on family members who had been separated from their families during slavery. The Freedmen's Bureau was in existence until 1872, when it was abolished by law.

FREEDMAN'S BANK RECORDS

Although completely separate from the Freedmen's Bureau, the Freedman's Bank records can provide basic information about individuals as well. Created by Congress on March 3, 1865, the bank was based in Washington, D.C., and intended for freedmen. It failed in 1874.

CIVIL WAR RECORDS

Following the Emancipation Proclamation of January 1, 1863, African Americans could officially serve in the Union Army. Free Negroes or slaves who had run away from their owners joined the United States Colored Troops. The originals of these records are at the National Archives, but they are available online through databases such as Ancestry.com and Fold3.com. The National Park Service's online *Soldiers and Sailors Database* provides an index to these records, as does Janet B. Hewett's *Roster of Union Soldiers*.

The 1890 census Special Schedule—Surviving Soldiers, Sailors, and Marines, and Widows, etc. was to be limited to those who were associated with the Union Army. The schedules include the name, rank, unit, dates and length of service, post office address, and disability of veterans. If the veteran was deceased, the name of the widow is included as well.

African Americans were also involved with the Confederate military, often as servants, cooks, or teamsters. Records of their service may be found in the National Archives' compiled military service records. The originals of these records are at the National Archives, but they are available online through databases such as Fold3.com. The National Park Service's online *Soldiers and Sailors Database* provides an index to these records, as does Janet B. Hewett's *Roster of Confederate Soldiers*. Another source to search when looking for possible service in the Confederate military is the *Virginia Regimental Series Index*, which provides an index to the books that are in the *Virginia Regimental Histories Series*. These books are predominantly unit histories, but they also contain information on the individuals who served in the units.

On January 29, 1861, an act was passed that would authorize the employment of an engineer to construct whatever defenses were needed along Virginia's coast, rivers, and harbors. The Virginia Engineer Department (Engineer Corps) was created a few months later, on April 24, 1861. Two sets of their records contain the names of a significant number of African Americans. The pay rolls in this collection date from May to October 1861 and are for individuals who were employed to work on the defenses and at the Engineer Department headquarters in Richmond. There are separate rolls for whites and free Negroes. The slave rolls in this collection date from the same time period and are for slaves who worked on the defenses. The individuals who worked on the fortifications could have come from any locality, so do not limit yourself to the locality in which your ancestor lived. County records may also include similar records for requisitioned slaves.

Beginning in 1924, African Americans who served the Confederate military could receive pensions. The Virginia General Assembly passed Confederate pension acts in 1888, 1900, and 1902, and a series of supplementary acts until 1934. The act of 1888 provided pensions to Confederate soldiers, sailors, and marines disabled in action and to the widows of those killed in action. Subsequent acts broadened the coverage to include all veterans, their widows, and their unmarried or widowed daughters. The acts required that applicants be residents of Virginia. Later legislation included veterans or their survivors residing in the District of Columbia as well.

PATROL RECORDS

Beginning in 1727, members of the county militia were selected to be patrollers. As time passed, all slaveholders were supposed to be patrollers, although men served in place of female slaveholders. Slave patrollers broke up large gatherings of slaves, searched slave quarters, apprehended runaway slaves, monitored passes, and were authorized to punish slaves. The records tend to be more concerned with the patrollers than those who were patrolled.

RECORDS AFTER 1865

In the decades after the Civil War, African Americans appear in almost any record imaginable, including census, tax, military, and vital records, as well as county and city court records. African Americans also began to publish newspapers and to create more of their own organizations, churches, and cemeteries. Individuals' names may appear in these records as well.

—Cara F. Griggs
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