

FOUND IN THE ARCHIVES, no. 5 – February 2015

Fairfax Circuit Court Historic Records Center



Hello! This is the fifth installment of “Found in the Archives,” where the Fairfax Circuit Court Historic Records Center will highlight interesting and unique documents in our custody.

In this issue, we will examine two record groups in our holdings – the probate records, as well as a set of documents known as the *Registrations of Free Negroes* – to demonstrate how connections can be made about a particular individual

using multiple record groups.

The first document we will look at is the last will and testament of a man named Richard Marshall Scott, Jr. He passed away in 1859, and in his will, Scott freed two of his slaves, two men named Moses Johnston and John Allen. Below, you can see an excerpt from Scott’s will, in which he lays out how he plans to provide for John Allen:

A photograph of a handwritten document excerpt in cursive script, showing the text of a will. The text is written in brown ink on aged paper and is enclosed in a black border.

Item 4 I will and bequeath to my good and faithful servant John Allen all the freedom I can bestow upon him and if he should be willing to go to Liberia, I hereby direct my Executor to send him there, to pay his passage, give him a good outfit, and one hundred dollars in money. Should he be unwilling to go to Liberia, he must receive his discharge from all service to my estate and be paid fifty dollars and granted the liberty to go where he thinks proper -

Fairfax County, Virginia, will books, Z1:120, Will of Richard Marshall Scott, Jr. written on December 19, 1855, recorded November 19, 1856; Historic Records Center, Fairfax Circuit Court, Fairfax County, Virginia.

Transcription:

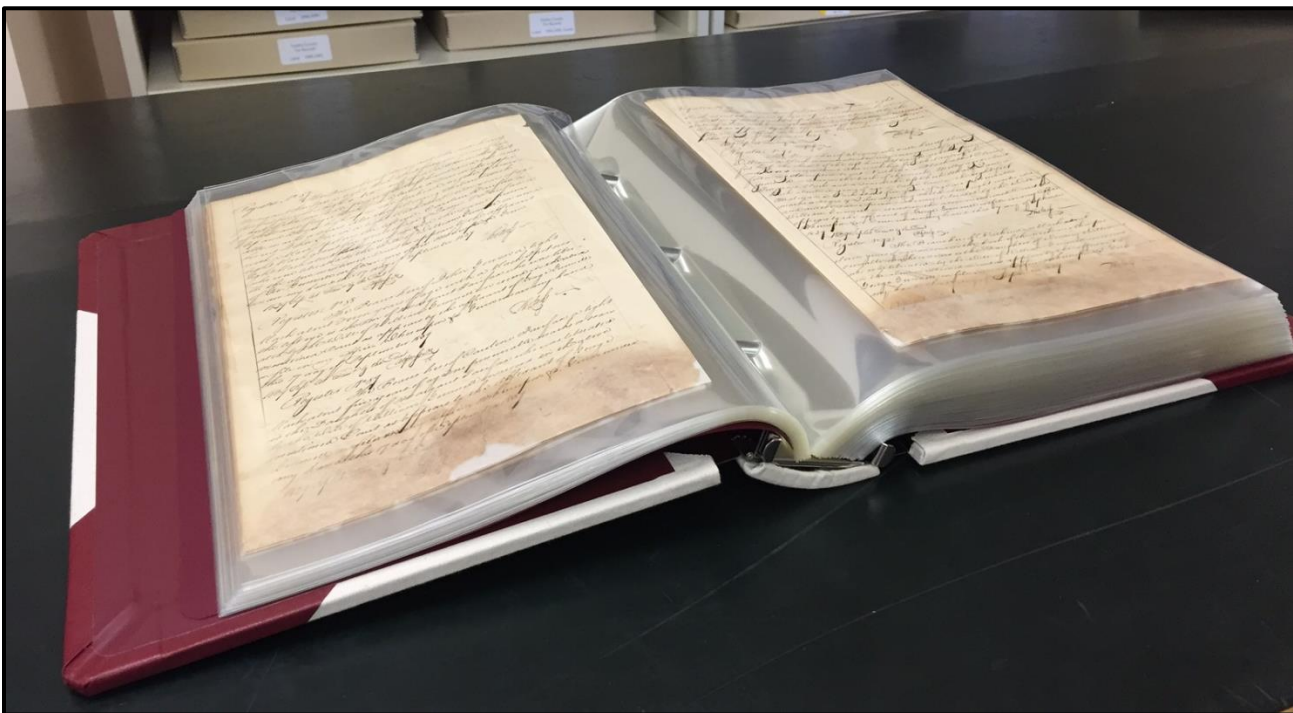
I will and bequeath to my good and faithful servant John Allen all the freedom I can bestow upon him and if he should be willing to go to Liberia, I hereby direct my Executor to send him there, to pay his passage, give him a good outfit, and one hundred dollars in money. Should he be unwilling to go to Liberia, he must receive his discharge from all service to my estate and be paid fifty dollars and granted the liberty to go where he thinks proper.

While Richard Marshall Scott, Jr. had anticipated that his freed slave, John Allen, may have wanted to go to the new American-founded settlement of Liberia on the African continent, it appears that John Allen decided to stay in Fairfax County. We know this because his registration as a “Free Negro” appears in Book 3 of the Fairfax Circuit Court’s *Registrations of Free Negroes*.

The *Registrations of Free Negroes* contains the registration documents of free or emancipated slaves in Fairfax County. In 1793, the Virginia Assembly enacted legislation that sought to correct the “problem” of some enslaved individuals “going at large,” pretending to be free. The legal statute required that “every free negro or mulatto” was required to register with the clerk of the court in the city or county where he or she resided.

The registration was required to “specify his or her age, name, colour [sic] and stature, by whom in what court the said negro or mulatto was emancipated; or that such negro or mulatto was born free.” A copy of this registration was to be given to the free Negro so registered, to certify that he or she was indeed free, could travel about (within that county), and could accept work.¹

Below, you can see Volume 3 of the *Registration* as it appears in the HRC’s collection.



¹ Donald Sweig, ed., *Registration of Free Negroes, Volumes 2 and 3*, Fairfax, VA: Fairfax Historical Commission, 1977.

The document below shows John Allen's registration from January, 1859.

Virginia to wit
No 520-

I Alfred Moss, Clerk of the County Court for the County of Fairfax, in the State aforesaid, do certify that the bearer hereby John Allen, who is black, has short hair, pleasant features (no marks or scars visible), aged about forty years, five feet two inches high, and who was emancipated by the last will and Testament of Richard M Scott, bearing date December 19th 1855, and of record in the Clerk's Office of the Circuit Court of Alexandria County Virginia, as appears to the Satisfaction of the Court (no permission has been given him to remain in this State) is at the request of the said John Allen and by order of the said Court registered in my Office as a free negro, according to law.

Given under my hand this 17th day of January 1859

Alfred Moss

Virginia to wit [No. 520]

I, Alfred Moss, Clerk of the County Court for the County of Fairfax, in the State aforesaid, do certify that the bearer hereof, John Allen, who is black, has short hair, pleasant features (no marks or scars visible), aged about forty years, five feet two inches high, and who was emancipated by the last will and testament of Richard M Scott, bearing date December 19th 1855, and of record in the Clerk's Office of the Circuit Court of Alexandria County Virginia, as appears to the satisfaction of the court (no permission has been given him to remain in this State) is at the request of the said John Allen and by order of the said court registered in my office as a free negro, according to law.

Given under my hand this 17th day of January 1859

Alfred Moss

By looking at these two record groups, we hope to have demonstrated to the reader how similar information can be contained in multiple, but different, types of records. These documents show that connections can be made about a particular individual using multiple record groups. The probate records and the *Registrations* provide clues to the journey that John Allen went on during and after emancipation. Combining the information contained within these records could help a researcher draw larger conclusions about the life of John Allen.

For more information about this and other documents, please visit the Fairfax Circuit Court Historic Records Center website: http://www.fairfaxcounty.gov/courts/circuit/historical_records.htm