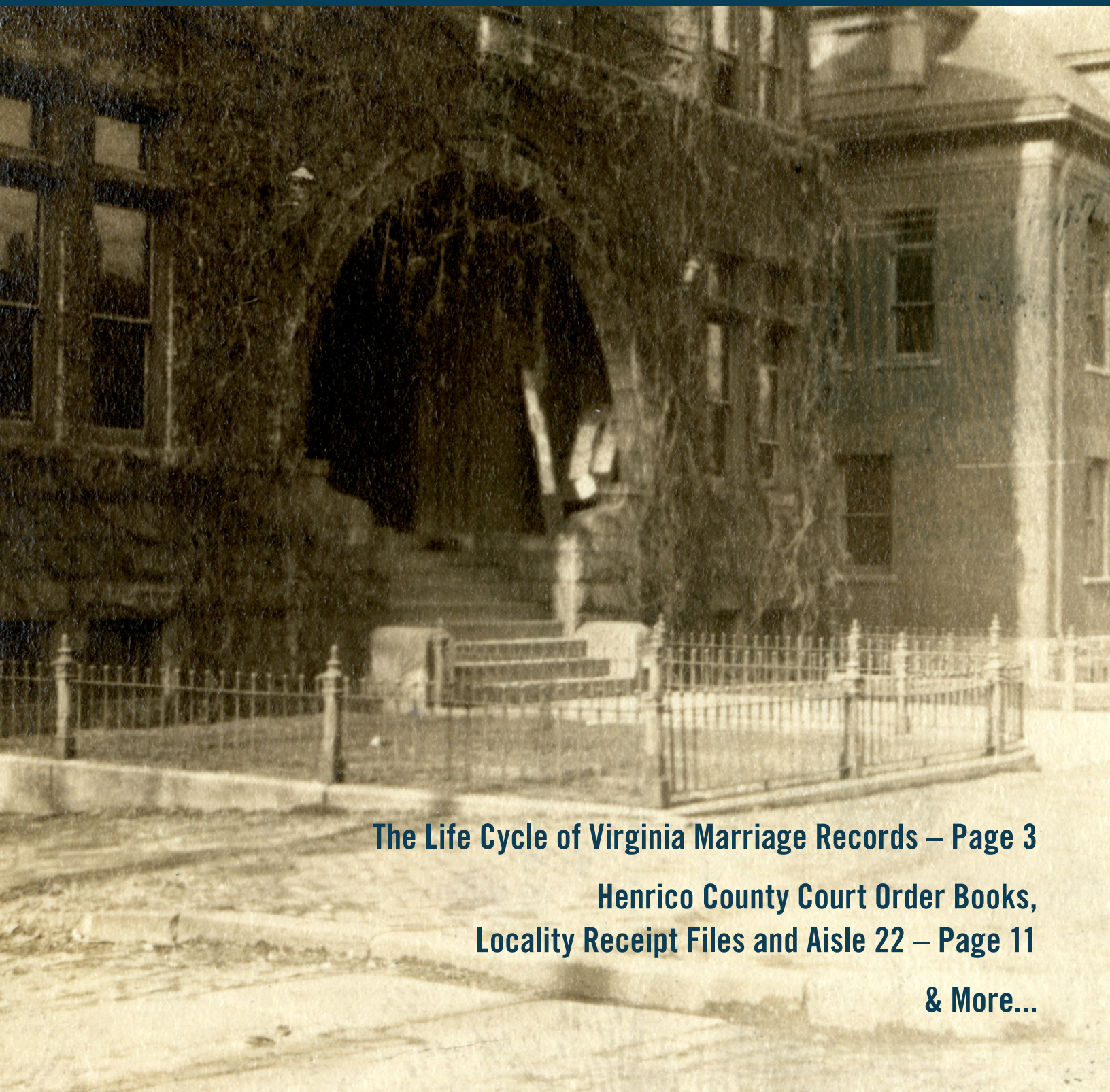


The Newsletter of Virginia's Circuit Court Records Preservation Program ■ No. 15 ■ Spring 2024

CCRP NEWS



LIBRARY OF VIRGINIA



The Life Cycle of Virginia Marriage Records – Page 3

**Henrico County Court Order Books,
Locality Receipt Files and Aisle 22 – Page 11**

& More...

CCRP NEWS

No. 15 ■ Fall 2024

This newsletter is published twice a year to keep circuit court clerks informed about the court records preservation program for the Commonwealth of Virginia. Reader participation is invited.

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Above: A section of shelving on aisle 22 on the fourth floor of the Library of Virginia containing Henrico County order books and other court record books. Aisle 22 is designated as a shelving area that holds court records in need of conservation.

Cover Image: During the mid-1910s and into the 1920s, Virginia State Library archivist Morgan P. Robinson surveyed many of the circuit court clerks' offices across the commonwealth of Virginia. This photograph of the 1896 Henrico County Courthouse, located at 2125 East Main Street in Richmond, was taken when he inspected the Henrico County circuit court clerk's office in the 1910s.

The Life Cycle of Virginia Marriage Records

When exploring Virginia's historical marriage records, researchers are likely to find an assortment of marriage-related documents. Depending on the era and the age of the locality, "marriage records" might include not only licenses, but also any combination of marriage bonds, marriage consents, ministers' returns, marriage certificates and/or marriage contracts, as well as the odd, impassioned letter to the clerk attempting to persuade him to approve or forbid a marriage, among other things.

In colonial Virginia, marriage records were maintained by churches until 1661. After that year, because of the legal implications of matrimony combined with property and inheritance, the General Assembly transferred the authority to issue marriage licenses to the clerk of the county court in the locality where the bride (and her family) resided. The clerk was also tasked with keeping and maintaining a marriage register.

Prior to marrying, the couple and the cosigners (usually the father or a relative of the bride) were required to provide a bond with sufficient security guaranteeing that there was "no lawful cause to obstruct the marriage." Lawful causes might include a prior marriage agreement, kinship between prospective partners that was too close, or one or both being too young to marry (without parental permission). In these instances, money was not usually exchanged, but the bond was a guarantee that could be enforced. So, if the marriage occurred sometime prior to the 1850s, when bonds were phased out, the bundle of related records might contain a bond, if it survived.

Although social standing, family property or inheritance arrangements might influence upper-class marriages, for the rest of those who were legally permitted to marry, the laws were fairly simple for the most part. Written permission from a parent or guardian was needed if the girl was under the age of 16 and the boy was under the age of 21. The law was later changed to 21 for both. (Written permission was not required if the bride's father was a bondman, since his signature on the bond implied his approval.) If the potential bride and/or groom were underage, the bundle might contain a marriage consent from a parent or guardian, if it survived. Aside from licenses, marriage bonds and consents are probably the most common of the older marriage-related documents.

Indentured servants were not permitted to marry without their employer's consent, and marriages between enslaved

Know all men by these presents that we Jacob Smith. and William
Dabbs Jun^r are held and firmly bound unto Henry Lee
Esquire Governor of the Common wealth of Virginia in the sum of Fifty
pounds current money to which payment well and Truly to be made to
our said Governor and his Successors for the use of the Common wealth
we bind ourselves our heirs &c. firmly by these presents. Sealed with
our Seals and dated this 25. day of March — 1794.
The condition of the above obligation is such that whereas there
is a marriage solemnly intended to be solemnized between the
above bound Jacob Smith (a free Negro) & Lucy Saxton (a
mulatto)
If there fore there be no lawful cause to obstruct the same then the
above obligation to be void else to remain in full force & Virtue
Sealed and delivered in } Jacob Smith
Presence of } Clerk.
Thomas Read. } Wm Dabbs Jun^r

Top: 1794 Charlotte County marriage bond to unite Jacob Smith ("a free Negro") and Lucy Saxton ("a mulatto") in matrimony. Other paperwork in this bundle included a statement confirming that Smith had legally obtained his freedom, as well as a marriage consent from the mother of the bride.

Below: 1795 Charlotte County marriage consent from Patrick Henry permitting his daughter, who was "under the age of 21 years," to marry.

I Patrick Henry of Charlotte Co^{ty} do hereby consent that the
Clerk of the said Co^{ty} of Charlotte do issue a license in due form
for the marriage of George Winston to Dorothea J. Henry my
Daughter who is under the Age of 21 years. Witness my Hand
& Seal this 3^d Day of June 1795
Done in presence of }
William Overstreet } P. Henry
Jas Patterson }
Charlotte County Co^{ty} } I Certify that James Patterson
made oath before me that the P. Henry Esq^r Acknowledged
this writing in his presence.
Thos Reed
3 June 1795

individuals were not legally recognized by the state. Free people of color could marry and were recognized as lawfully wedded, but interracial relationships and marriages were illegal. If the man and woman were not free white people, race or color was usually recorded in the marriage paperwork. Generally, this information was mentioned on the license or might be found on the bundle wrapper, which might be the folded license or marriage bond. This type of race identification became much more prevalent after emancipation, when all people of color were legally permitted to marry. In fact, because of the new social strata, marriage and legal customs had to rush to keep up, and a field was finally added on marriage licenses for the identification of "color" in the early 1870s.

After a marriage license (or a certificate to obtain a marriage license) was issued by the clerk, the couple could marry anywhere in Virginia within 60 days, provided that the wedding officiant was authorized under Virginia law to perform weddings. Ministers and other wedding officiants (later including magistrates) were charged with the responsibility of returning certificates of marriage to the issuing clerk's office after the ceremony. It's important to note that the existence of a marriage bond or a marriage license does not automatically mean that a marriage ceremony was performed or had occurred. However, if a minister's return survives (without any other evidence such as a license or bond), researchers can be fairly certain that the marriage did take place. In fact, there is evidence to indicate that if a minister performed a marriage ceremony, with or without a license, the marriage was considered valid. Therefore, the bundle might contain a "return" from the minister indicating that the wedding ceremony had taken place, a "minister's return" portion removed from the marriage license, or wedding ceremony information that might be appended to the marriage license.

Early on, the ministers routinely conveyed lists or returns to the issuing clerk's office. These "returns" were sometimes little more than scraps of paper with the names of a couple or couples and the dates on which they were wed. Later, after printed marriage licenses became common, an 1861 act was passed requiring that the marriage certificates be affixed to the licenses themselves. Once the clerk had received evidence of the marriage, either through the marriage certificate or minister's return, the information was entered into the marriage register. As a result, because of the inconsistencies of the information that was transmitted to the clerk and then to the register, some early entries might be incomplete or duplicates.

If marriage record bundles remain intact and if there are supporting documents, each bundle should likely contain the documents associated with a particular

MARRIAGE LICENSE

Virginia, *Grayson County* to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia, *Thomas Hough* and *Rosa Brown*

GIVEN under my hand, as Clerk of the *Grayson* County, this *25th* day of *December*, 1875.

R. J. Lumley Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March, 1861, and February 20th, 1866.

Time of Marriage, *Decr 30th 1875*

Place of Marriage, *Grayson*

Full Names of Parties Married, *Thomas Hough & Rosa Brown*

Color, *Colored*

Age of Husband, *23 years*

Age of Wife, *21*

Condition of Husband, (widowed or single) *Single*

Condition of Wife, (widowed or single) *Single*

Place of Husband's Birth, *Grayson Co.*

Place of Wife's Birth, *"*

Place of Husband's Residence, *"*

Place of Wife's Residence, *"*

Names of Husband's Parents, *T. H. Hough*

Names of Wife's Parents, *A. Brown*

Occupation of Husband, *Farming*

Given under my hand this *25th* day of *Decr*, 1875.

R. J. Lumley Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the *30* day of *December*, 1875, at *Grayson* in the County of *Grayson* State of *Virginia*, I united in Marriage the above-named and described parties, under authority of the annexed License.

Andrew M. King

*The Minister celebrating a marriage, is required, within ten days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement of the date of such marriage, and of the time and place of celebrating the same.

Above: 1875 Grayson County marriage license. By this time, preprinted marriage licenses also included the certificate to obtain a marriage license, as well as the minister's return of the marriage. It is worth noting that in the early 1870s, preprinted marriage licenses such as this one began adding a field for "color" in order to identify the race of the prospective partners.

Below: 1832 Amelia County marriage certificate.

To all whom it may Concern:

This Certifies,

THAT *Mrs. William Saby* of the County of *Stafford* in the State of *Virginia* and *Miss Martha Ann Booth* of the County of *Amelia* in the State of *Virginia* were joined together in **Holy Matrimony** on this *twelfth* day of *December* in the Year of our Lord *1832*

IN Presence OF *Mrs. Edwin Booth* *Isabel Jones* & *Mrs. Luncheon*

BY ME *Albert J. Banton* Minister of the Gospel.

9 B. King 7287

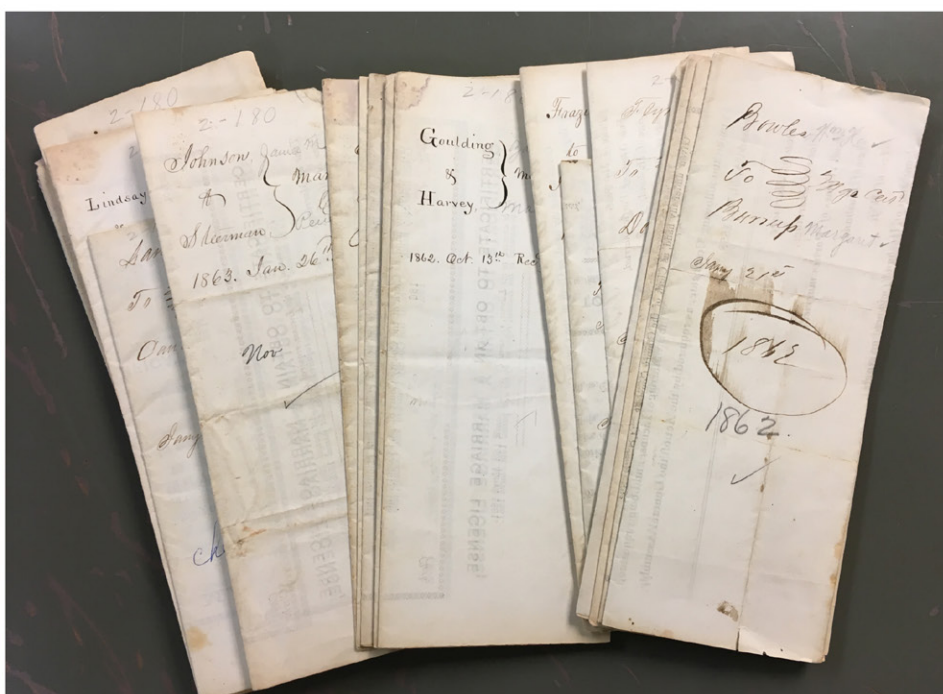
marriage, if they survive. However, researchers may sometimes find that bonds, consents and certificates have been pulled and filed with each other (contrary to the basic archival principle of provenance, which retains the context for each document). Because ministers' returns may have been associated more closely with the particular minister than with the individual marriages, they may have been categorized and filed separately by the clerk. In some instances, even when no documentary evidence exists, researchers today have been able to piece together "marriages by inference," meaning that there was sufficient evidence in other court records, such as wills, chancery suits, etc., to authenticate a marriage between a couple that left no matrimonial paper trail.

Finally, prior to 1850, no courts in Virginia had the authority to grant a divorce. Until then, courts could only arrange legal separations — or separate maintenance with financial support for the wife. Other than one of these arrangements, the only solution to an unwanted marriage was a legislative divorce (or running away). Between 1802 and 1850, only 135 legislative divorces were granted. After 1850, the laws required that all divorce cases were to be settled in Virginia's chancery courts — in both the circuit and county courts up to 1870, after which chancery cases were heard exclusively in the circuit courts. As a result, no divorce paperwork will be bundled with the marriage records. ■

I do here by certifying that on the 27th day of October 1838 I celebrated the rights of Matrimony. Gary Manning Melaby Cole in Pursuance of license from the clerk of the County Court of Floyd
 = All so on the 22nd day of November 1838 between Allen Moore and Mary Martin in pursuance of the same
 = Also on the 27th day of December 1838 between John Justice and Mary Holens in Pursuance of the same
 = Also on the 22nd day of July 1839 between William Barton and Aprais Moore in Pursuance of the same
 = Also on the 22nd Day of October 1839. between Samuel Helms and Margitrial in Pursuance of the same
 = Also on the 25th day of October 1839. between Nathan Bonour and Eliza Cole in Pursuance of the same given under my hand this 2nd day of April 1840.
 Michael Howry.
 Minister of the gospel.

Above: 1840 Floyd County marriage returns submitted by the Rev. Michael Howry list the six matrimonial ceremonies that he celebrated in 1838 and 1839.

Below: 1862 Campbell County Marriage Record Bundles.



Virginia Voter Registers and the Significance of the Year 1904



Because election administration was at one time the responsibility of Virginia circuit court clerks' offices, it is not uncommon to find old lists of registered voters volumes in records rooms. The slim, turn-of-the-century books, usually no more than 30 pages, stand out because of their colorful and distinctive marbled boards. Another unique feature of these old volumes are the titles, which sometimes reference the date Jan. 1, 1904. What is the significance of the 1904 demarcation on voter register booklets? A little research revealed that, as a consequence of the Virginia Constitutional Convention of 1902, a conscious effort was made to disenfranchise the state's African American voters. Those restrictions were explicitly signaled in the titles of voter registers labeled for "whites" and most especially for "colored."

Beginning in 1902, Virginia lawmakers added a number of restrictive voting measures geared toward disenfranchising the state's Black population, including a new poll tax and literacy tests. Those restrictions had been years in the making, however. In the early 1880s, after regaining the majority in the General Assembly, Democrats sought to control how Virginia elections were conducted by taking over all of the county and city electoral boards. After that, local voter registrars began keeping separate lists of white and Black men who were registered to vote. By the 1890s, Democrats had taken complete control, overseeing the registration of voters, the conduct of elections and the tabulation and reporting of the results.

During that decade, Democrats, weakened by a populist movement that threatened to undermine their own party unity, consolidated their power by uniting in a crusade to disenfranchise African Americans. In 1900, the Democratically controlled General Assembly passed a law to hold a referendum to establish a constitutional convention, with

its central objective being to deprive African Americans of the right to vote. The measure passed and, between 1901 and 1902, 88 Democrats and 12 Republicans convened to "purify" the ballot box.

The Constitution of 1902 adopted a series of election law changes that all had the objective of depriving Black men of their right to vote without explicitly disenfranchising them because they were Black. Implemented in two stages (in 1902 and 1904), it ultimately allowed every male citizen over the age of 21, white or Black, to register and vote if they had served in United States or Confederate States military or if they were the son of any man who had served. In addition, it

Above: Examples of the marbled boards used for lists of registered voters, ca. 1900-1904, consisting of one for colored voters from Hanover County and two for white voters from Grayson County.

Right: Article from the October 13, 1904, *Tazewell Republican* about the "understanding clause," the poll tax qualification and the resulting disenfranchisement of the white voters of Tazewell County.

THE LISTS ARE COMPLETED.

On last Saturday the registration lists in the Ninth Congressional District were completed. That day was the last upon which a man could be registered or get his name upon the books by transfer. When the lists are examined and polled it will be found that more than ten thousand white men who were voters prior to the making of the new Constitution are disqualified as voters in this district. A large number were disfranchised by the "understanding clause," but a much larger number have been deprived of their right to vote by the operations of the poll tax qualification. The Democratic conspiracy to reduce the white electorate of the State has been a success. The prophecy of the Richmond News Leader has been fulfilled. A great army of honest white men have been "disfranchised and put in the silent class, along with the convicts, idiots and paupers."

There is no denial now by the Democrats that there are many thousands of honest men in this district who have been deprived of their suffrage. But the Democratic leaders are trying to escape responsibility for this condition by claiming that the fault is with the men who failed to comply with the requirements of the law. How could the men who were disfranchised by the "understanding clause" do more than they have? The Democratic party had given the pledge that no honest white man should be disfranchised, and relying upon that promise illiterate white men went before the registration boards and were refused registration because they were unable to explain portions of the Constitution to the satisfaction of the boards. The fear of the inquisitions prevented many thousands from offering for registration. The party and the men who made the "understanding clause" are responsible for the wholesale disfranchisement that it effected, and not the unfortunate men who have been victimized.

The poll tax qualification for voting was put in the new suffrage law without the consent of the voters who have been made to suffer by its application. It was made a part of the organic law of the State without securing for it "the highest expression of sovereign power," the consent of the people for its adoption. Its payment was made a qualification or prerequisite to voting not for the purpose of raising revenue but to restrict and constrict suffrage. That being its purpose, how can the people who have been disfranchised by it be held responsible? It was the intention of the framers of the Constitution to make the "understanding clause" and the poll tax qualification do what they have done and they will not be able to escape the responsibility.

MEMBERS DIVIDED.

Seven members, at least of the committee are opposed to any understanding feature, because it leaves to election officers the arbitrary power of saying who should and who should not vote and would, it is contended, encourage, extend and perpetuate frauds in elections. Another reason given is that should the Republicans get in power they could use the understanding clause to disfranchise white Democrats by the thousand and admit as many negroes as they needed to perpetuate their power.

Who is yr. Representative in Congress?
Who is " " in "the State
Legislature?
Who is ~~yr.~~ the Secretary of State
of the United States?
Who is the Commissioner of Revenue
of yr. County?
Who is yr. Commonwealth's Attorney?
Who is Secretary of yr. Commonwealth?
These questions asked Carrie P. Sweet
and not a single one answered.
Alfred H. Hanson

Who is Commonwealth's Atty. Gen. Marshall
for Va. County.
Who is Governor of Va. Mr. Davis
Who is Secy War Mr. Baker
~~Who is Commissioner~~
Who is Secy Navy Mr. Connelley
These questions asked
Mary M. Chaity. 3

A controversial literacy test was watered down into what became known as the “understanding clause,” because in some counties, especially in the western part of the state, a significant number of white men were illiterate. Additionally, the western region had fewer African Americans, and the white men who lived there were less inclined to sacrifice their own voting rights because of concern about “Negro domination.” As a result, this more palatable version granted the right to vote to those who could make an application to the registrar unassisted and in their own handwriting, and provide satisfactory answers to any questions that registrar asked. Ultimately, some who had reservations regarding the literacy test were more receptive to this question-and-answer workaround because it could be subjectively administered by their local white registrar. That said, some lawmakers were not averse to reducing the number of poor, uneducated white electorate.

Charles City County circuit court clerk Victoria Washington recently found six voter registers in her archival storage area. In addition to the information entered on the pages, the volumes contain more unusual loose records, such as “registration oaths” and a number of handwritten applications with testimonials indicating voters’ ages, where they lived, what they did for a living, when and where they voted last and other information. Most interesting, however, are the written tests that were given to the voter applicants by the clerk. ■

Oct. 2/1920
Mr Harrison
I desire to Register
my name is Mary M
Charity was Born in Charles
City Co June 23 1892
and in Harrison Co is
my occupation housekeeping
Mary M Charity
Barnetts Po
Charles City Co Virginia
I ben housekeeping since
1907

5 - The first page of the Charles City County list of colored voters registered at Harrison Precinct in Harrison Magisterial District, with 28-year-old Mary M. Charity listed third from the bottom.

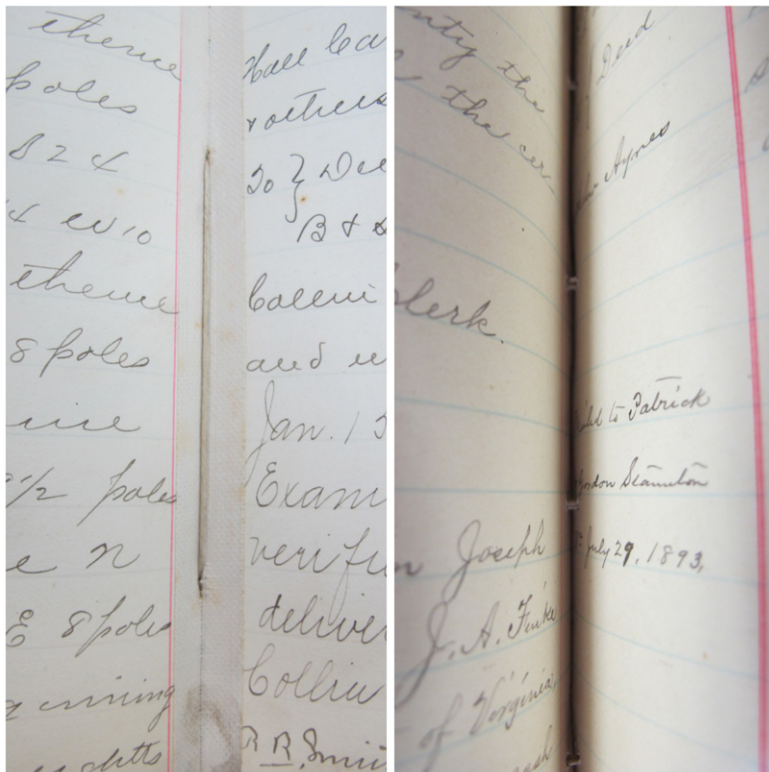
Oct. 4-1919	1744	1875	44	Carpenter	Roxbury	44	44	44	70
Oct. 2 nd 1920	1745	1875	42	Farming	Roxbury	42	42	42	70
Oct. 2 nd 1920	1746	1889	31	House work	"	31	31	31	70
Oct. 2 nd 1920	1747	1887	33	House keeping	Roxbury	33	33	33	70
Oct. 2 nd 1920	1748	1892	28	House keeping	"	28	28	28	70
Oct. 2 nd 1920	1749	1889	31	"	"	31	31	31	70
Oct. 2 nd 1920	1750	1887	33	"	Barnett St	33	33	33	70

Rebinding in the Evolution of the Records Conservation Funded Through the CCRP Grants Program

The criteria for what is considered to be a good candidate for a CCRP item conservation grant has evolved over the years. When the CCRP program was created, the most frequently conserved items were those that got the most use, such as deed and will books. Some of those volumes had been conserved using now-discredited conservation methods such as cellulose acetate lamination and tape stripping, which made them desirable candidates for treatment. Over the years, however, the types of records considered for conservation grants continued to evolve, and started to include less frequently used, but more historically significant records such as minute and order books. The focus then transitioned to loose records, such as marriage records, which are now some of the most popular CCRP grant candidates. The priorities for each locality, however, depended on what types of records had survived.

The types of treatments performed on records sent out for conservation has also evolved. Undeniably, the most popular

conservation method has been to encapsulate the pages and then bind them in a post binder. This is the obvious option for volumes that are already effectively disbound (and post bound), such as volumes that have been tape stripped and the majority of volumes that have been cellulose acetate laminated. With these books, the pages are essentially removed from the old post binder, treated (delaminated, had tape removed and/or mended, etc., then deacidified), encapsulated in archival polyester sleeves, and then *rebound* in a new post binder. This treatment is also used for other book and document conservation work when appropriate, such as if the paper is extremely brittle or water damaged, or if there are significant amounts of tape or other adhesives that might have compromised the integrity of the paper. Obviously, it is perfect for conserved loose documents, such as marriage records. There should always be a good reason to cut the pages from a book's binding, however, especially if the binding is the original — even more so if the volume has some historical significance. And as every circuit court



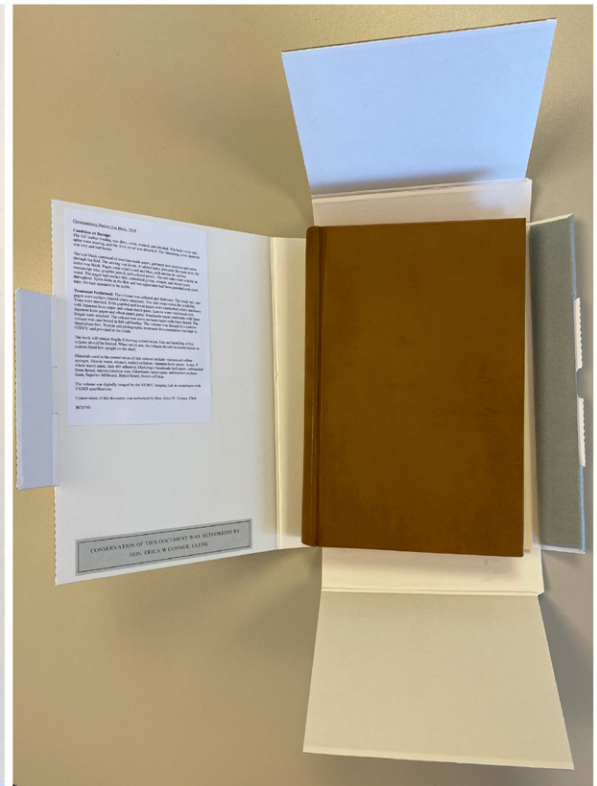
At some point in the past, when City of Suffolk's Nansemond County Deed Book 40, 1897-1898 (left), was rebound, the signatures were reinforced (or guarded) with tape, which can be seen here, stitched through in the center of the fold. When Roanoke County Deed Book 32, 1904-1905 (right), was rebound, it was "oversewn" through the sides of the signatures, rather than in the center of the signature folds. This not only makes it nearly impossible for the book to rest open, but the text in the book becomes unviewable as it goes down into the gutter (or signature). The restrictiveness of this type of tight binding can also cause the pages to tear or split.



The detached leather boards on this Montgomery County Town of Christiansburg Minute Book, 1854-1861, were desiccated, powdery and with losses. The sewing was broken, signatures were loose, and the paper was discolored and soiled with insect/vermin damage throughout. Because of the volume's historical importance, the clerk wanted as much of the original aesthetic integrity of volume retained as possible, and as a result, special treatment was sought. Once at the conservation lab, the pages were surface cleaned, mended and voids filled. The binding was repaired and the volume was ultimately housed in a custom-fitted phase box.

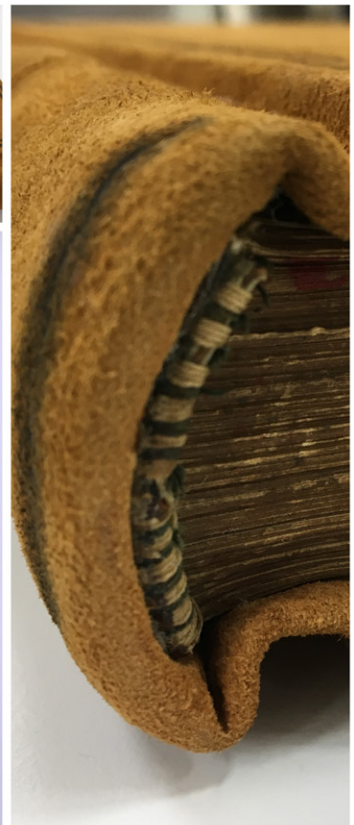
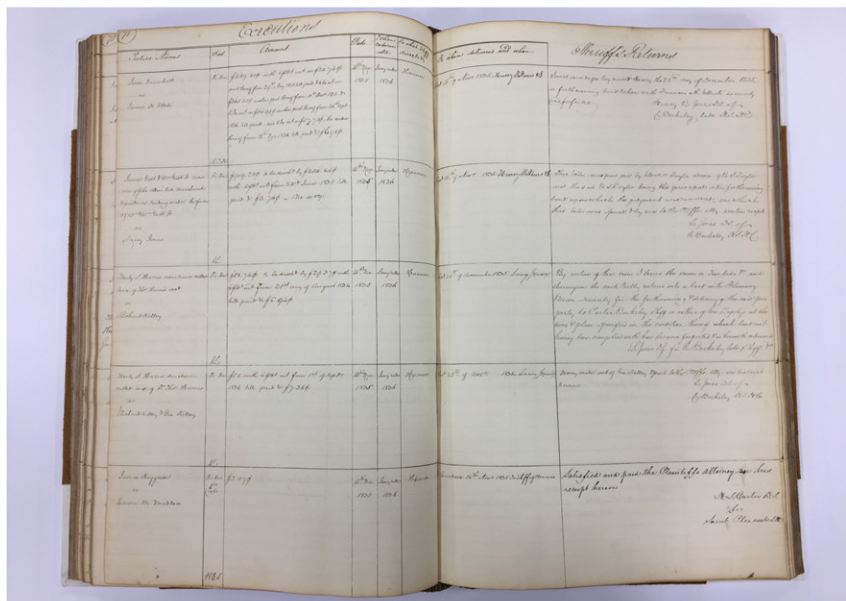
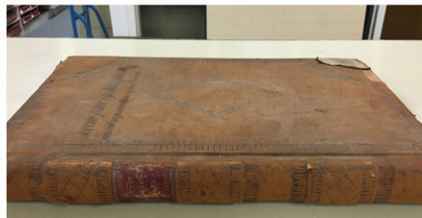
clerk in Virginia is probably aware, a single volume can double in size when the pages are encapsulated and post bound.

Disbinding a volume should never be taken lightly and should only be done when absolutely necessary. If documents or record books need treatment, they should receive as little as is warranted, with care taken to make sure that whatever work is performed can be undone (or reversed) in the future if desired. To do anything else would be unethical. Because of this, when our consulting archivists visited circuit court clerks' offices across the commonwealth of Virginia in the past, they sometimes skipped over items that needed only minimal treatment. If pages or



Above: The back cover and spine of this Montgomery County Christiansburg District Tax Book, 1914, were missing and the remaining front leather cover was torn with losses. The sewing was loose, the pages were soiled with tears and losses, and some of the signatures had been guarded with linen tape. Again, because of its historical importance, the clerk chose to have as much of the original binding as possible retained, and as a result, special treatment was required. At the conservation lab, the pages were surface cleaned, mended as needed and voids filled, before they were deacidified. After it was resewn, the volume was case-bound in leather (reproducing the original look) and then housed in a custom-fitted phase box.

Below: Hanover County Circuit Superior Court of Law & Chancery Law Process Book, 1831-1840, had a detached spine with the leather board deteriorating into the condition commonly known as red rot. The sewing, pages and text block being in relatively good condition, plus the volume's innate historical significance, made it a prime candidate for restoration. As a result, the pages were surface cleaned, mended as needed and deacidified before it was rebound in a period style with custom suede and leather specialty binding.



signatures, or the spine or boards, had become detached, but it was in otherwise good condition, those volumes would be held in reserve so that they one day might only receive the appropriate treatment, such as a simple rebinding.

Additionally, volumes that needed what might be termed restoration work were also usually skipped over. In these instances, we might suggest that a volume be rebound, retaining as much of the original binding as possible. Where replacement was needed, the conservators would attempt to match the original as closely as possible so that it looked like the original volume. Because of the text information that they might contain, we might ask that the flyleaves and pastedowns be retained. In cases where a volume has unique writing or labeling, we might ask that the cover and spine materials be removed from the original volume and then remounted on the boards and spine of a new binding.

Over the last few years, localities with these types of simple issues have been working to rebind their volumes. If a book has brittle pages, too much tape and/or other adhesives, severe water damage or requires too much mending, then it might not be a good rebind candidate. If it has none of those disqualifying concerns, however, a conservation lab should have no problems with simple rebind issues. Detached pages can be tipped in, or they might be added when guarding (or repairing) a signature. If the sewing is loose or broken, it can be re sewn as needed. A spine or boards might be reattached,

or the entire volume might be rebound. Attachments, especially if they cover text, should be removed from the page, mended, hinged in place and, when necessary, refolded to fit within the text block. These are standard practices for reputable conservation labs and are currently being performed on Virginia's records.

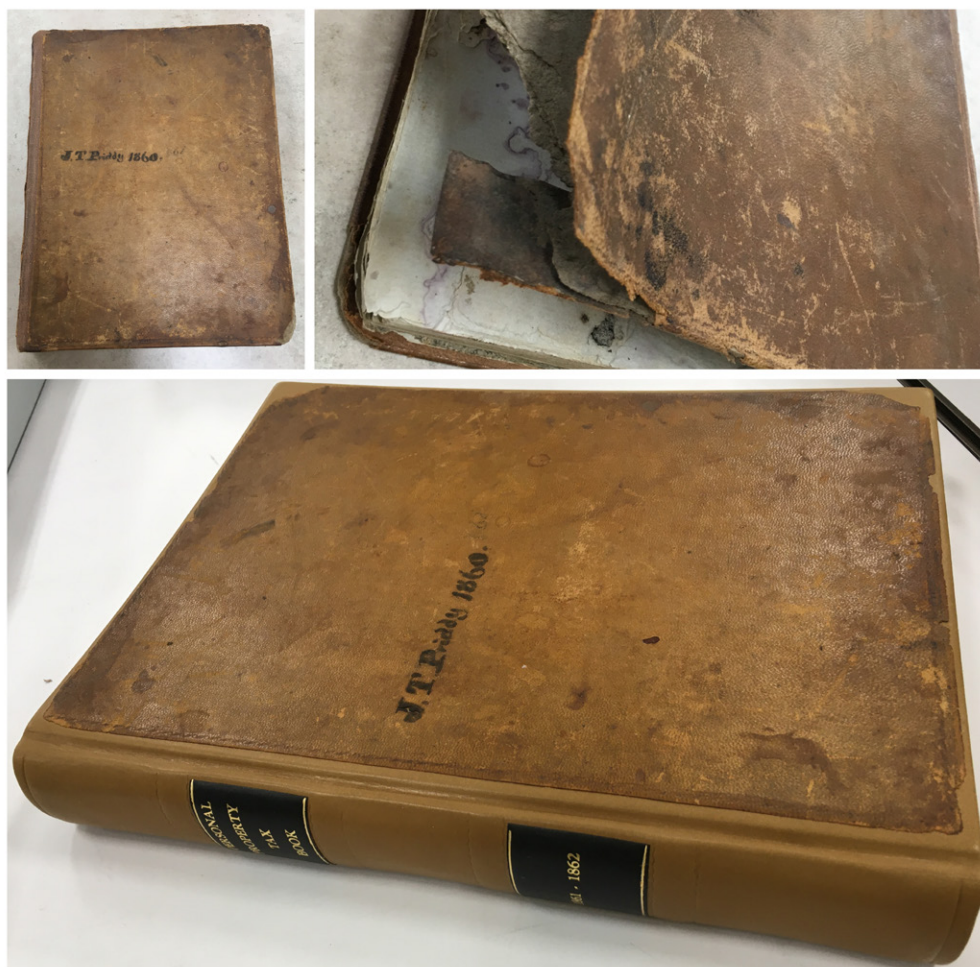
Discredited rebinding methods of the past also need attention, however. It might be said that the oldest form of book conservation is rebinding. When a book began to deteriorate or fall apart, it was sent to the bookbinder for rebinding. Today, we routinely see conservation issues with older rebinds, such as the overuse of tape in the rebinding process. It is not uncommon to see tape used to repair, reinforce or guard signatures at the fold and to have stitching through the tape and fold. Tape on paper is, of course, destructive and should be avoided.

Another rebinding problem occasionally seen in records rooms is volumes that have been oversewn when they were rebound. Oversewn rebinds appear to be bound too tightly, making them difficult to open. In this type of rebinding, the signatures (or sections) are sewn *through* the *sides* of the folds instead of down the center of the folds. Books that have been rebound in this manner are easy to identify because the "openability" becomes limited or restricted. Volumes that have been sewn through the folds should be able to open relatively flatly. Books that cannot open and lay flat unnecessarily stress the binding. Additionally, when rebound volumes have limited openability, some

of the text or writing can become obscured or hidden in the gutter, where it can't be viewed. This type of restrictive binding can cause the pages to split or tear where they have been sewn.

Today, especially in localities where the most damaged volumes have already been conserved, CCRP consulting archivists are evolving back to considering the most popular and commonly used volumes in the records room as candidates for conservation grants, such as deed and will books. In these instances, however, we are looking for items for refurbishing, restoration and rebinding.

Typical of these types of rebinding efforts are some of the records overseen by Hanover County circuit court clerk Frank Hargrove. ■



Hanover County Personal Property Tax Book, 1861-1862, had active mold and old water damage on the last 80 pages, the end sheets and the back cover, making the back board materials unsalvageable. At the conservation lab, the mold was mitigated before the pages were surface cleaned, mended as necessary and deacidified. The volume was then rebound in leather, retaining the unique front cover inscription, which was mounted on the new leather front board.

Henrico County Court Order Books, Locality Receipt Files and Aisle 22

The Library of Virginia's Local Record's Locality Receipt Files document the interactions between Library staff members and the circuit court clerks' offices across the commonwealth of Virginia. The files consist mainly of correspondence, but also contain inventories, records transfer forms and other related documents. Over the years, the circuit court clerks' offices in closest proximity to the Library of Virginia have had the most frequent interactions with the State Library. This includes Henrico County, which also has the most voluminous locality receipt files. These files fill four Hollinger boxes, more than any other locality in this 188-box collection.

As this newsletter has mentioned previously, much of the CCRP's preservation work involves undoing discredited conservation methods of the past. These efforts took on a new impetus last year when the Virginia General Assembly inquired about the issues surrounding Virginia's historical records that had been conserved using cellulose acetate lamination. That

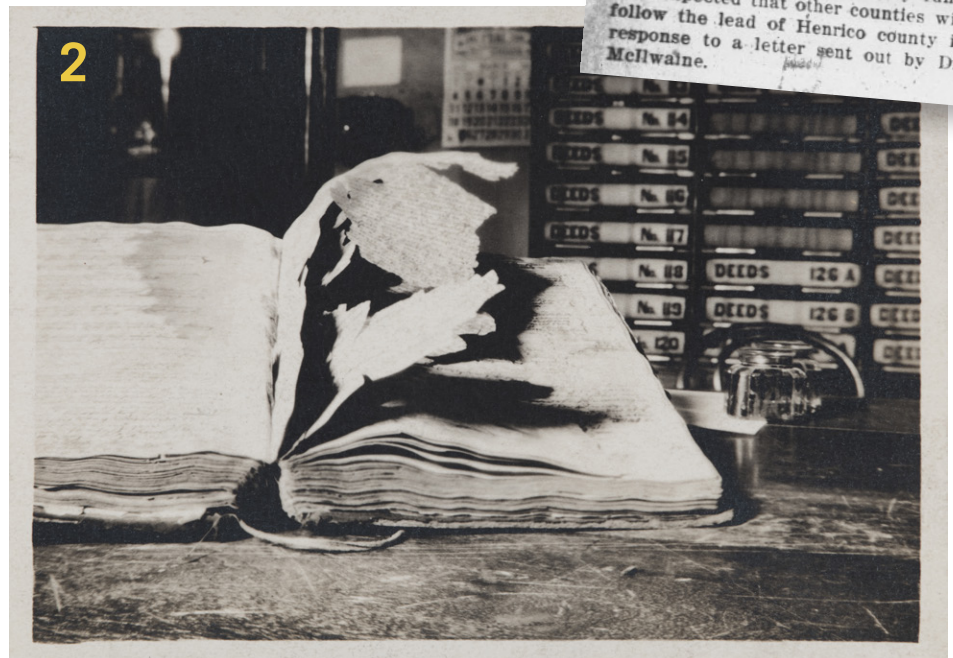
attention prompted an inventory of the laminated items held in circuit court clerks' offices across the commonwealth in which more than 1,600 records, mostly volumes, were identified. Also addressed at that time were the number of cellulose acetate laminated local government records held at the Library of Virginia. Last year the Library relocated them into one area of its archival stacks, which today is known to archives staff members as "Aisle 22."

The relocation process was not simple, because very few of the entries in our records database indicate whether the items have been conserved or, if so, by what method. For the most part, the collection of cellulose acetate laminated records at the Library had been pulled together when staff members discovered them by happenstance, as well as through the institutional knowledge of State Archivist Greg Crawford, the Library's



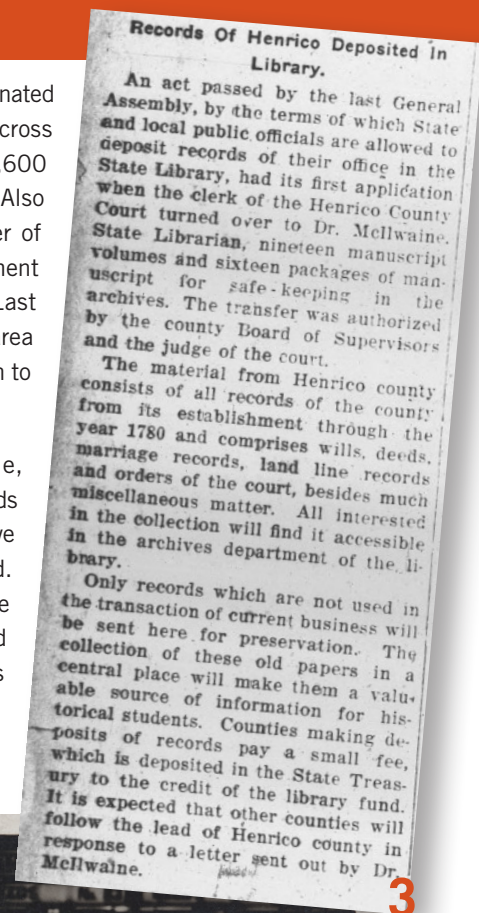
1 - Aisle 22 (or 04/F/022) is located on the fourth floor of the Library of Virginia building in downtown Richmond. Sometimes referred to as "fourth stack," the entire floor contains a large chunk of the Library's archival collection, consisting of private papers, state government records and local government records.

2 - During the mid-1910s and into the 1920s, Virginia State Library archivist Morgan P. Robinson surveyed many of the circuit court clerks' offices across the commonwealth of Virginia. Those surveys frequently



mention the completeness and condition of the records, as well as obvious environmental concerns, with a particular focus on fireproof vaults. Today, those surveys are a part of the Library of Virginia's state archivist records collection (Robinson went on to become the first State Archivist). This photograph from that collection is of Henrico County Deeds, Wills Etc., 1697-1704, which obviously had moisture and water damage. The volume was cellulose acetate laminated in 1959 and currently resides on Aisle 22.

3 - This article in the January 24, 1919, *Accomack News* is one of a few newspapers that reported on the transfer of a small number of pre-1780 records from the Henrico County circuit court clerk's office to the Virginia State Library.



former CCRP program manager. Aisle 22, notorious because of its vinegar odor associated with the degradation of cellulose acetate film (called "vinegar syndrome"), now houses other local records in need of conservation.

Prominent on this aisle is a group of more than 20 Henrico County court order books, ca. 1678–1823, which take up more than a few shelves. A cursory look at the paperwork for these volumes reveals some of the now-discredited conservation methods. These Henrico County files contain information regarding the transfer of a large selection of that office's records to the Library in 1958 and again in 1972, after the construction of a new Henrico County Courthouse. A deeper dive, however, revealed more information regarding the transfer and conservation of some of the older order books in the collection.

Cellulose acetate lamination was a popular form of document conservation from the mid-1930s until the late 1980s. It supplanted another highly desirable form of document conservation sometimes referred to as silking or the Emery Silk Process. This conservation method was popular from the mid-1890s until it was overtaken by cellulose acetate. For better or worse, silking was phased out because the cellulose acetate lamination process was quicker, more affordable and better-suited for the high volume and large page counts associated with court records. Nonetheless, prior to the advent of cellulose acetate lamination, silking was a highly regarded form of conservation, even for court record books, as is evident by the correspondence in the Henrico County locality receipt files between the State Library and the Emery Record Preserving Company in Taunton, Massachusetts.

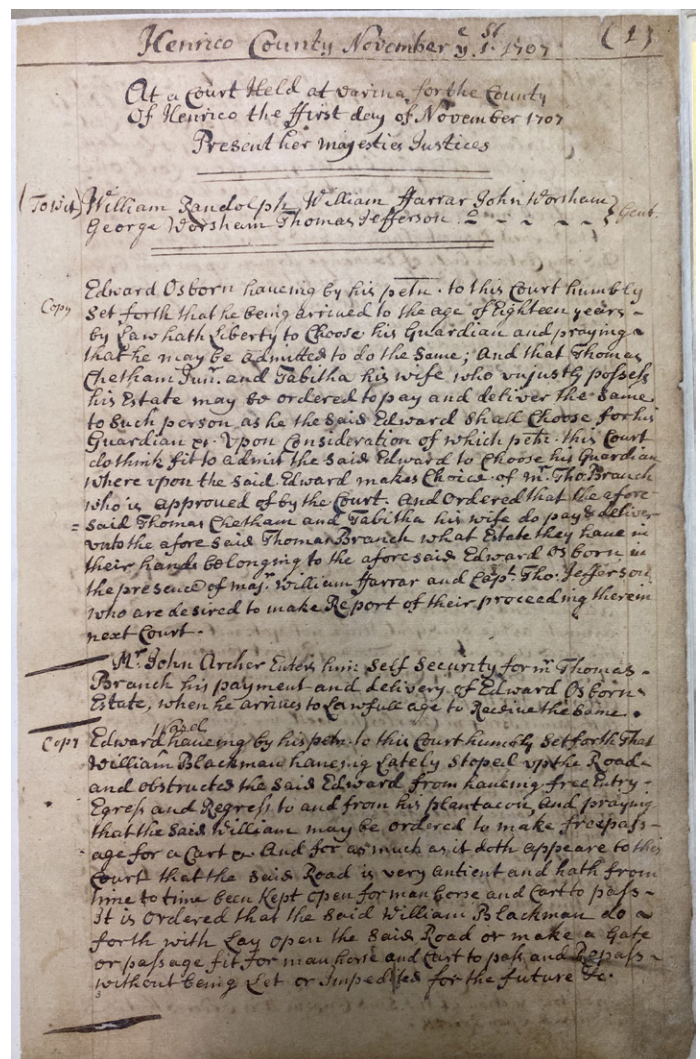
A March 3, 1916, letter from the Henrico County circuit court clerk, Samuel P. Waddill, to State Library archivist Morgan P. Robinson indicates that, after taking office in 1871, the clerk found the records "in a very damp place and hastening to destruction." Photos of volumes taken by Robinson from the mid-1910s back up the clerk's assertions and show evidence of moisture and water damage. Although a number of volumes had been rebound, the clerk still had concerns about their overuse, which rebinding could not help. In the same letter, the clerk also stated that in the 1890s, the 17th-century records had been transcribed and deposited in the State Library, as required by an 1892 law enacted by the General Assembly. This was, in effect, another form of preservation, albeit a more primitive form.

In March 1918, the General Assembly passed an act permitting the transfer of local records not in current use to the State Library for preservation. As a result, the following year, 22 pre-1774 Henrico County records were deposited in the State Library, including seven order books, four of which have been identified on Aisle 22. The first Henrico County order book to make its appearance in the locality receipt files shows up in a Nov. 3, 1919, letter from Morgan P. Robinson (who by then had become State Archivist) to Waddill acknowledging receipt of Order Book, 1707–1709, and inviting the clerk to visit the Library to see how the volumes had been repaired.

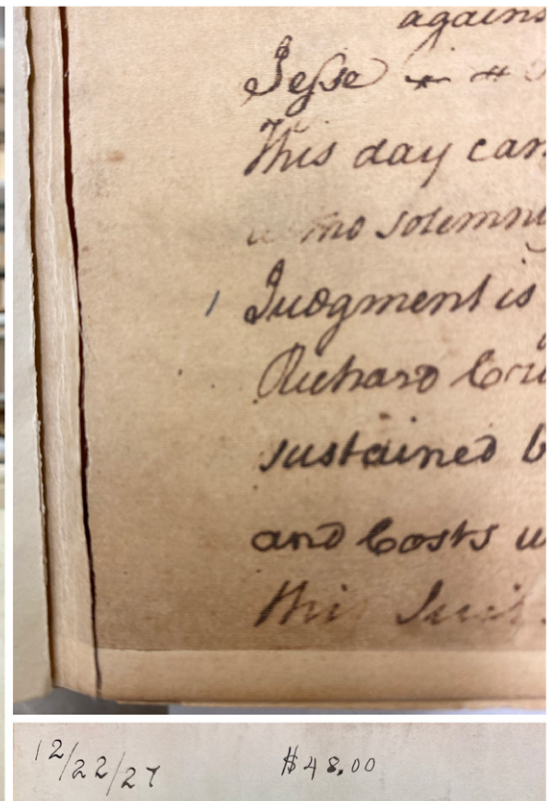
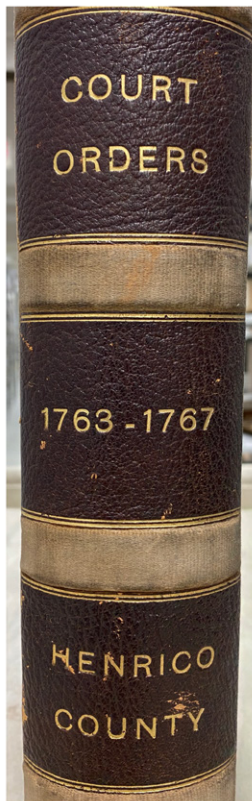
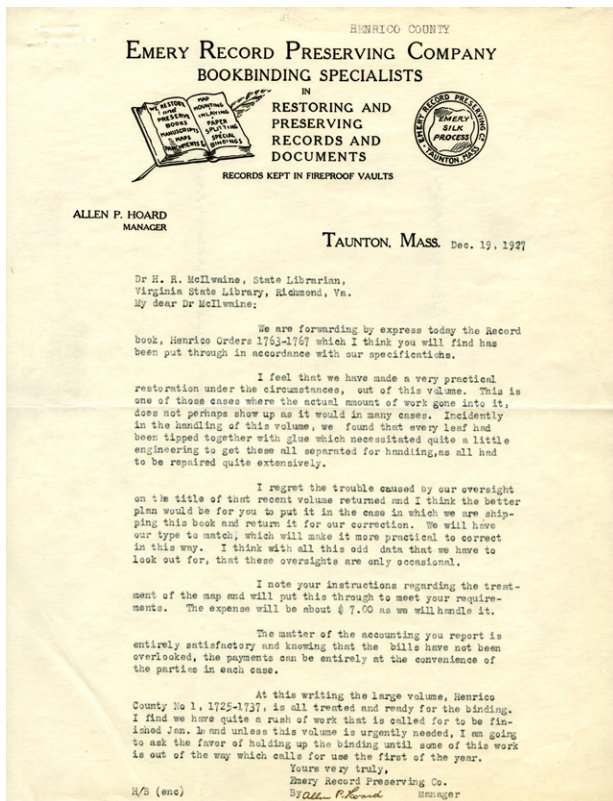
Over the course of the next decade, correspondence between the clerk's office and the State Library continued, and include

communications with the Emery Record Preserving Company, as well as with a number of women's patriotic organizations. The correspondence rarely mentioned specific records until an April 20, 1927, letter from Emery Record Preserving Company manager Allen P. Hoard to State Librarian H. R. McIlwaine that prices conservation work for Henrico County Order Books, 1707–1709 and 1767–1769 at \$85 for both (a bargain by today's standards). Less than a month later, the State Librarian wrote to Emery's manager that there was a dispute between the Daughters of the War of 1812 and the Daughters of the Founders and Patriots of America over who would provide funding for the conservation of the two volumes. On July 27, 1927, the State Librarian acknowledged that the two volumes had been returned from the conservation lab.

On Oct. 20, 1927, Henrico County Court Order Book, 1755–1762 was sent to Emery for evaluation, which resulted in a lengthy condition assessment describing the volume's "semi frail condition," with the pages breaking "at the fold." Emery's manager offered

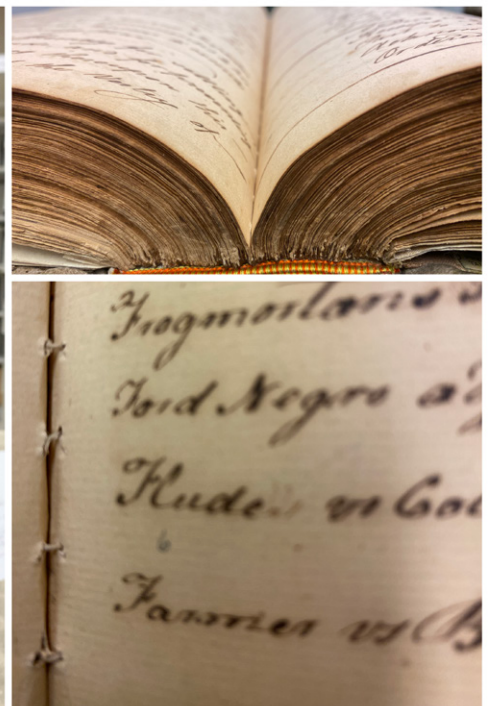
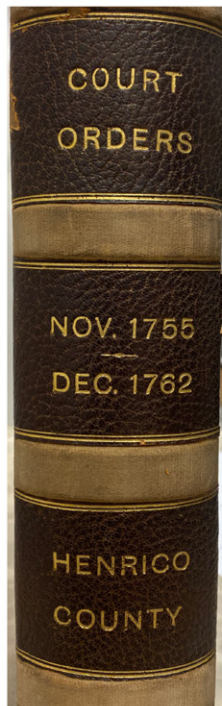
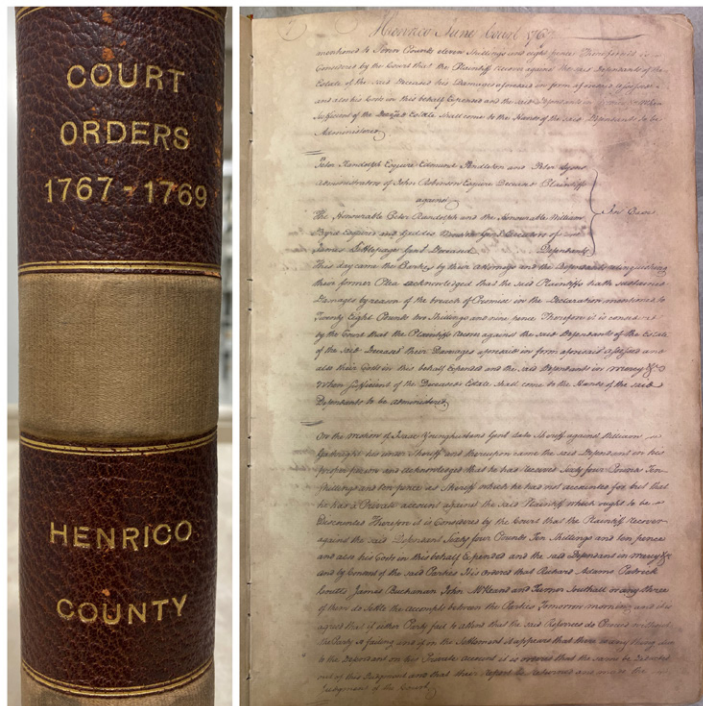


Cellulose acetate laminated page 1 of Henrico County Order Book, 1707–1709. In a November 3, 1919, letter, Virginia State Library state archivist Morgan P. Robinson acknowledged receipt of the volume from the circuit court clerk's office and invited the clerk to come to the Library to see how it had been restored. Records indicate that the volume was eventually conserved by the Emery Record Preserving Company in 1927, and then again at the Barrow Shop in 1984.



In a December 19, 1927, letter from Emery Record Preserving Company manager Allen P. Hoard to Virginia State Librarian H. R. McIlwaine regarding Henrico County Order Book, 1763-1767, Hoard stated that he had made, "a very practical restoration," and that, "this was one of those cases where the actual amount of work gone into it, does not perhaps show up as it would in many cases." In an earlier letter, the Emery Record Preserving Company manager proposed oversewing, "which would make

a very strong binding," with the caveat being that "the book will not open quite as freely," as it would if sewn "in the regular signature fold." He also cautioned that care would need to be taken in the handling of the "pages as the paper is so frail throughout." As can be seen in the current photograph, the 1927 silked conservation work performed on Henrico County Order Book, 1763-1767, is now predictably breaking at the gutter of the pages.



Communications in the Locality Receipt Files indicate that in the summer of 1927, Henrico County Court Orders, 1767-1769, was sent to the Emery Preservation Company for restoration through funding provided by the National Society United States Daughters of 1812. The photograph of page 1 depicts the severe paper deterioration caused by the silking process that was administered nearly 100 years ago.

When given two options for conserving Henrico County Court Orders, 1755-1762, Virginia State Librarian H. R. McIlwaine settled for the less expensive of the two. That treatment included "double sewing," which made it "very strong at the binding," with the unfortunate consequence that it would strain the already weakened paper to attempt to make the volume lay flat. The photographs depict the difficulty when trying to open the book flat and what appears to be oversewing, with the stitches through the signatures (and not down the center of the signature folds).

two proposals for restoration. "Specification No. 1" (for \$48) was a silk treatment with a "double sewing" rebinding. Although this would be a strong binding, the Emery representative felt it would hinder the openability of the volume, straining "the paper to make it lay flat, which in this case would not be favorable in its weakened condition." "Specification No. 2" (for \$235) would be "a more proper restoration," which would "silk hinge" all of the pages after they had been reinforced with tissue, producing a "very free opening volume" and "prevent tearing of the pages which can be so easily done if left untreated." Not surprisingly, Emery's manager preferred the second option as the most "practical method" for conserving the volume. The State Librarian selected Specification No. 1 as the financially practical method, however, despite having financial assistance from a patriotic organization.

On receiving Order Book, 1763–1767 in November 1927, Hoard noted that, again, this "seven hundred and thirty odd pages" had "semi weak paper," with the pages "more or less badly broken at the fold." Because Emery's manager understood that the cost for the work could not exceed \$50, he suggested that, as the margins were "large," the volume be oversewn, which would make for a "very strong binding." He reiterated, "The book will not open quite as freely as where we can do it in the regular signature folds," but "it is the only way out to meet the situation."

A June 20, 1931, letter from Garland P. Ferrell of Wichita, Kansas, to Morgan P. Robinson informed the archivist of four order books (ca. 1787–1800) in the Henrico County circuit court clerk's office about which he had concerns. Ferrell, who had been in the courthouse doing genealogy research, had accidentally found them while looking for other volumes. The deputy clerk had "raised a fuss" because Ferrell took the old and dirty volumes out of the wall case and "got a lot of dirt and dust on the work table." Ferrell stated, "It is a crime that four volumes like that should be missing from a series," as the "books are full of 'hot stuff.'" He felt that the volumes should be transferred to the State Library for safekeeping. Three days later, the State Librarian requested that the four order books be sent to the State Library, where they reside today — two on Aisle 22.

Numerous items of correspondence in the 1940s mention a 1774–1782 volume that Morgan P. Robinson described as an "old order book, kept in safe," which is actually titled *Proceeding of Commissioners Respecting the Records of Henrico Court Destroyed by British, 1774–1782*. Sent for conservation to the William J. Barrow lab, this volume received cellulose acetate lamination. With its shriveling and shrinking pages and overwhelming vinegar odor, it is now a prime

Right: In this June 20, 1931, letter from Garland P. Ferrell of Wichita, Kansas, to Virginia State Library archivist Morgan P. Robinson, Ferrell informs Robinson that he was concerned about four Henrico County order books (ca. 1787–1800) he saw in the clerk's office that he felt were in poor condition. The four volumes were transferred to the State Library soon after and, today, two of the four are on Aisle 22.

example of what can go wrong with the cellulose acetate lamination conservation process. The "procedure record" indicates that the volume was received in December 1941, with instructions "to remain in library."

A 1971 letter from State Archivist Louis H. Manarin confirmed that another patriotic society had agreed to fund the conservation of Henrico County Order Book, 1694–1701, which he sent to the Barrow shop the following year. Manarin described the volume as "in need of restoration." It had been "restored" by the Emery "silk process many years ago" and the pages were extremely brittle because they had not been deacidified. Early restoration records at the Library indicate that the volume had, in fact, been sent in for silking sometime in 1927–1928 (funded by another patriotic society). After it had been silked in the 1920s and then cellulose acetate laminated (or Barrowed) in the 1970s, it was again sent in for conservation in 2019, this time to Etherington Conservation Services in Greensboro, North Carolina, with the intent of removing all the previous conservation treatments in their entirety. Because the volume is now housed with other Henrico County records that have been transferred to the Library over the years, CCRP funds were used to conserve it, as well as a number of other Henrico County court records, since they are now considered internal conservation projects. ■

Henrico County

Wichita Kansas, June 20, 1931

Mr. Morgan P. Robinson, Archivist,
Virginia State Library,
Richmond Va.

In re: Series of Henrico Order Books

Dear Mr. Robinson:

Ever since working in your archives last winter, I have intended reporting to you an accidental finding of four Henrico order books at the county building(Main & 22nd Sts) which I hope may be transferred to your keeping.

The bindings are numbered 3, 6, 7 and 8; and cover the following:

No. 3.....1787-1789
No. 6.....1794-1796
No. 7.....1796-1798
No. 81798-1800

These books were in a wall case in the room where you enter the clerk's office(not Mr Waddill's private office, but the larger room adjoining) and on the south wall at the corner where the partition marks off the private office. On the partition wall were some books which the assistant said were the oldest they had(quite recent) but upon raising a metal roller on the south wall(like a roll-top desk roller) I found these books.

These books were very old and dirty, and the assistant clerk who nearly defeated my whole research by misinformation, raised a fuss because my taking down the books got a lot of dirt and dust on the work table.

The personal information I gleaned from Book 6 cleared up a will in Fluvanna County, which (without this court order which explains that certain children were adopted and "bound out" in 1795) has for years made (the Fluvanna 1810 will) hard genealogy to unravel.

This Virginia research is not so bad, in spite of wars and burnings of court houses, once we get a series of records strung out to cover steps in genealogy. But it is a crime that four volumes like that should be missing from a series, under such circumstances as I ran into.

Mr. Waddill is extremely courteous, but venerable, and trusts much details to assistants who did not impress me as being very historically-minded.

These four books are full of "hot stuff"--and I hope you can get them where they can be photostated.

310 East Elm Street
Wichita Kansas

Very truly yours
Garland P. Ferrell

THE CIRCUIT COURT RECORDS PRESERVATION PROGRAM ANNUAL REPORT

GRANTS CONSULTING PROGRAM

During Fiscal Year 2023, CCRP consulting staff members conducted 109 site visits. They examined 1,245 items and 35.10 cu .ft. of loose records and created 541 condition reports for Item Conservation grant candidates. They also examined 707 items after conservation at the vendor to verify that work was performed correctly.

IN-HOUSE RECORDS PROGRAM

Work continues to reduce the backlog of unprocessed circuit court records collections housed at the Library, with a concentration on records series having a high research value and also with an eye toward covering a wide geographic area. Staff members continue to flat-file, folder, index, conserve and re-box materials, incorporating in-depth arrangement and description of court records of higher-research potential. The collections are made more accessible to the

public with the creation of catalog records and electronic finding aids. Professional staff members continue to process and index chancery records as well as processing other important loose papers having high research value. In addition, indexed chancery records data (names, cause of action, topics, etc.) is entered into the Chancery Indexing Processing System (CHIPS), the data entry system used by Library staff. CHIPS allows for uniform searching of records by the public and staff through the web-based Chancery Records Index.

Local Records processing staff members were also assigned digital chancery collections found on the Chancery Records Index to ensure indexing met current standards. Particular emphasis was placed on identifying and indexing names of enslaved people not currently found on the Chancery Records Index. Processing staff members were also assigned with transcribing and approving transcriptions of circuit court records found on the Library's crowdsourcing project [From the Page](#). Once approved, the transcribed records will be added to the [Virginia Untold: the African American Narrative](#) website.

STATISTICS FOR JULY 1, 2022–JUNE 30, 2023

Cubic footage examined	303.53
Cubic footage processed	152.56
Chancery causes indexed and entered	2,850
Chancery causes edited	4,289
Enslaved names indexed	1,276
Items mended	11,462
EAD (Encoded Archival Description) records created	12
EAD (Encoded Archival Description) records edited	85
ALMA (LVA catalog) records created	32
ALMA (LVA catalog) records edited	287
Cubic footage accessioned	110.75
Items/volumes accessioned	186
Cubic footage deaccessioned	59.38
Items/volumes deaccessioned	119
Transcription pages approved – Circuit Court records	2,711
Transcription pages transcribed – Circuit Court records	3,005
Chancery Records Index Search page visits	45,758
Chancery Records Index Search page views	737,905
Total indexes available on the Chancery Records Index	103
Digital chancery images scanned	368,197
Total images available on the Chancery Records Index	12,880,304

Digital images were added to Chancery Records Index for Accomack Co., Albemarle Co., Greensville Co., city of Lynchburg and Mecklenburg Co.

The following localities have been subjects of archival work this year:

- Albemarle County chancery causes – processing, indexing, mending
- Alleghany County chancery causes – processing, indexing, mending
- Amelia County deeds – processing, indexing, mending
- Amherst County deeds – processing, indexing, mending
- Bath County chancery causes – indexing
- Brunswick County chancery causes – processing, indexing, mending
- Charles City County election records – processing
- Chesterfield County chancery causes – processing, indexing, mending
- Chesterfield County deeds – processing, indexing, mending
- Clarke County chancery causes – processing, indexing, mending
- Frederick County chancery causes – processing, indexing, mending
- Greene County chancery causes – processing, indexing, mending
- Greenville County chancery causes – processing, indexing, mending
- Henrico County apprenticeship indentures – processing, indexing, mending
- Henrico County chancery causes – processing, indexing, mending
- Henrico County deeds – processing, indexing, mending
- Lunenburg County coroners' inquisitions – indexing
- Lynchburg (city) naturalization records – processing, indexing, mending
- Page County coroners' inquisitions – indexing
- Petersburg (city) naturalization records – processing, indexing, mending
- Powhatan County health and medical records – processing
- Prince Edward County District Court – processing, indexing, mending
- Richmond (city) birth records – rehousing
- Richmond (city) chancery causes – processing, indexing, mending
- Richmond (city) commonwealth causes – processing, indexing, mending
- Richmond (city) death records – rehousing
- Richmond (city) health and medical records – processing
- Richmond (city) naturalization records – processing, indexing, mending
- Richmond County chancery causes – indexing
- Shenandoah County chancery causes – indexing
- Wythe County chancery causes – processing, indexing, mending
- Wythe County coroners' inquisitions – processing, indexing, mending
- Wythe County naturalization records – processing, indexing, mending

VIRGINIA UNTOLD PROJECT

[Virginia Untold: the African American Narrative](#) provides digital access to records that document some of the lived experiences of enslaved and free Black and multiracial people in the Library of Virginia's collections. Traditional description, indexing, transcription and digitization are major parts of this effort. Perhaps more importantly, however, this project seeks to encourage conversation and engagement around the records, providing opportunities for a more diverse narrative of the history of Virginia's communities. The site currently has 23,000 records from 25 record types. The vast majority of the records are local court records. During Fiscal Year 2023, Local Records staff members processed, indexed and scanned 1,579 deeds and 1,322 commonwealth causes that involved free and enslaved people.

The Library continues to collaborate with circuit courts to scan "Free Negro Registers" stored in their records rooms. Currently, 64 "Free

Negro Registers" from 33 different Virginia localities are now available through Virginia Untold. Many of the registers available through Virginia Untold include fully searchable indexes thanks to the work of many volunteers and Library of Virginia staff members who have contributed to their crowdsourced indexing on the [From the Page](#) site.

MEDIA INVENTORY

The Imaging Services Branch continues to provide limited services to the localities, such as providing photo prints of missing pages, inspecting microfilm and digital images, retrieving microforms on request and delivering microfilm to our vendor for duplication. Imaging Services continues to maintain media in security storage by inspecting it for content and deterioration, replacing deteriorating film and describing all media in our internal content management system, Infolinx.

Imaging Services staff members assisted one circuit court clerks' office with requests for duplicate copies of film, having two reels duplicated. One circuit court clerk requested 110 reels stored at the State Records Center for transfer to their office to create digital images. Imaging Services processed 41 requests from 20 circuit court clerks' offices to replace a total of 212 pages of missing records in their offices using security film housed at the State Records Center. Two circuit court clerks made requests for film to be sent to vendors for scanning.

Imaging Services received, inspected, entered and stored 270 new reels of security microfilm from circuit court clerks' offices. Imaging Services continues to store and swap media tape backups from circuit court clerks' offices compiled by the Supreme Court of Virginia.

Imaging Services inspected 6,174 reels of older film for deterioration as well as content in an effort to improve metadata for nearly 375,000 pieces of media in security storage to the Infolinx database. Of those 5,319 reels, 3,196 reels were sent to vendor for replacement.

CONCLUSION

The CCRP program continues to work toward the preservation and access of historical circuit court records stored at the Library of Virginia and circuit court clerks' offices around the commonwealth. Previously unprocessed chancery causes are now accessible online to the circuit court clerks and the public. Circuit court clerks and the public have expressed their gratitude to the Library through email and social media for making this possible. Staff members also identified, processed, cataloged and promoted through blogs and social media other record types of historical significance such as criminal suits and naturalization records. The circuit court records continue to be a rich resource for records added to the Virginia Untold: the African American Narrative Digital Collection. Thousands of circuit court records that contain the history and narratives of thousands of enslaved people and free people of color, such as freedom suits, deeds of emancipation and commonwealth causes, have been added to Virginia Untold.

The digital chancery indexing project and transcription approval work performed by teleworking staff members have made records stored in our collection far more accessible than before. Nearly 1,300 names of enslaved people have been added to the Chancery Records Index and the transcriptions of 3,000 pages of circuit court records were approved by Local Records staff.

CCRP staff members assisted circuit clerks around the commonwealth with preservation needs in their offices — identifying records for item conservation grants, encouraging proper storage conditions in the records rooms, and ensuring conservation work was done properly by vendors. The Library's work in the clerks' offices has encouraged

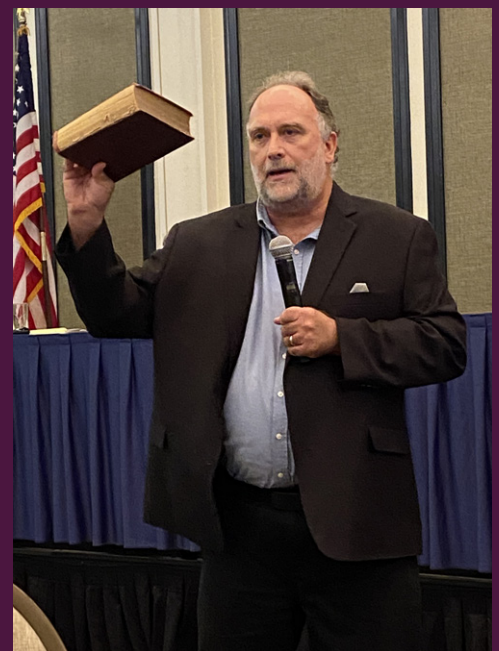
increasing participation in the CCRP grants process. There were a record number of grant application submitted in Fiscal Year 2023.

Finally, recordings in circuit courts that fund the CCRP program have been in steep decline since FY20. Correspondingly, CCRP revenue has decreased by nearly \$3 million over the past three years, from \$6.8 million in FY20 down to \$3.7 million in FY23. The driving force for this decline is the weak housing market. Until the housing market improves, incoming CCRP revenue will continue to be flat or in decline. Nevertheless, the Library of Virginia will continue to try to balance the needs of the clerks and our patrons with the preservation needs of the records. ■

Virginia Court Clerks' Association Convention

In September of last year, the 113th annual Virginia Court Clerks' Association convention was held in Richmond at a conference facility just a few blocks from the Library of Virginia. On the afternoon of Sept. 8, 2023, Virginia State Archivist Greg Crawford presented to the convention, discussed his new role as the state archivist and provided an update on the CCRP grants program.

Clockwise from upper right: State Archivist Greg Crawford and Ed Jewett, City of Richmond circuit court clerk and outgoing Virginia Court Clerks' Association president, posed for a photo; State Archivist Greg Crawford made a presentation to the group; and Southampton County circuit court clerk Rick Francis, State Archivist Greg Crawford and Henry County circuit court clerk Jennifer Ashworth chatted at the convention.



On Saturday, Sept. 9, 2023, the Library of Virginia hosted the clerks for another presentation by Greg Crawford and Local Records Program manager Vince Brooks on online historical court records resources, featuring the Chancery Records Index and Virginia Untold: The African American Narrative project. After the talk, the circuit court clerks were given a tour of some of the Library's behind-the-scenes areas and got to see some of the historic records that the clerks' offices have transferred to the Library of Virginia for preservation and access.

