

Virginia Circuit Court Records Preservation Grant Program Awards for 2007-B Cycle		
Locality	Project Type	Awarded
Orange County	Security System - Camera	\$14,341.00
Pulaski County	Security System - Camera	25,980.00
Bedford County	Processing - Judgments	50,769.00
City of Portsmouth	Processing - Marriages	8,521.00
Pulaski County	Reformatting - Audio to Digital	1,405.00
Albemarle County	Reformatting - Paper to Digital	3,350.00
Dinwiddie County	Reformatting - Paper to Digital	76,737.00
Floyd County	Reformatting - Plats to Digital	16,184.00
City of Lynchburg	Reformatting - Plats to Digital	22,799.00
Russell County	Reformatting - Plats to Digital	11,750.00
Bland County	Preservation - Storage	2,645.00
Accomack County	Item Conservation - Book	15,132.00
Bland County	Item Conservation - Book	1,842.00
Buckingham County	Item Conservation - Book	4,998.00
Campbell County	Item Conservation - Book	10,000.00
City of Chesapeake	Item Conservation - Book	4,473.00
Culpeper County	Item Conservation - Book	4,084.00
Cumberland County	Item Conservation - Book	3,076.00
Highland County	Item Conservation - Book	4,799.00
Isle of Wight County	Item Conservation - Book	9,720.00
Loudoun County	Item Conservation - Book	10,000.00
Mecklenburg County	Item Conservation - Book	2,626.00
Montgomery County	Item Conservation - Book	4,970.00
City of Portsmouth	Item Conservation - Book	4,318.00
Russell County	Item Conservation - Book	4,966.00
Stafford County	Item Conservation - Book	4,952.00
City of Staunton	Item Conservation - Book	15,197.00
City of Suffolk	Item Conservation - Book	4,380.00
Tazewell County	Item Conservation - Book	4,536.00
Sussex County	Item Conservation - Paper	1,280.00
		Total: \$349,830.00

RECORDATUR

Sometimes You DO Find a Needle in a Haystack: The Augusta County Cohabitation Register

Cohabitation registers are among the most important genealogical resources for African Americans attempting to connect their family lines back through the murky past to their enslaved ancestors. The registers date from 1866 and provide a snapshot in time for the individuals recorded therein, providing a wealth of information that might otherwise be impossible, or at least very difficult, to uncover. Historians are also interested in these documents because of what the registers might say about a particular community of people at a time when great changes had come about as a result of the Civil War and the end of slavery.

So when Augusta County Circuit Court clerk John Davis mentioned that four cohabitation sheets had been discovered in his office, LVA staff members were intrigued. Local Records staff members were in Staunton to discuss the status of the county’s grant from the Circuit Court Records Preservation program to process Augusta County’s enormous and important collection of chancery causes. However, the cohabitation sheets quickly grabbed their attention.

A cohabitation register was the legal vehicle by which former slaves legitimized both their marriages and their children. The information about an individual person contained in the cohabitation register is literally priceless as it is often the first time that a former slave appeared officially in the public record and because of the extensive information that the register recorded. Orders handed down by the Freedman’s Bureau and an act passed by the General Assembly of Virginia in 1866 directed the clerk of court of each locality to create and maintain such

a register for the purpose of legalizing slave marriages. These registers are not bound volumes but rather double-sided individual sheets of paper that measure about 22 x 17 inches. They record in columns the name of the husband, his age, place of birth, residence, occupa-

tion, last owner, and last owner’s city or county of residence; the name of the wife, her age, place of birth, residence, last owner, and last owner’s city or county of residence; name of children with the ages of each; and the date of commencement of cohabitation. Only about twenty-one of these registers are known to survive in the custody of Virginia circuit court clerks, the Library of Virginia, or the National Archives in Washington, D.C. Therefore, surviving registers are very significant records indeed.

Officially titled the *Register of Colored Persons of Augusta County, Virginia, Cohabiting Together as Husband and Wife on February 27th, 1866*, the four sheets of cohabitation register uncovered in the courthouse closet needed some conservation work. Davis transferred the originals to the Library of Virginia with the understanding that inkjet copies would be provided to him once the conservation work was completed. Conservation was finished by the Library’s in-house conservation lab in March 2007 and an identically sized inkjet copy of each page was made for the Augusta County clerk’s office. The original sheets were sent to a Local Records archivist for cataloging and that was when the plot really began to thicken. As the sheets of original records were compared to the cohabitation register in the Library’s microfilm holdings, it became clear that these four original see Haystack, page 4



RECORDATUR

“An entry made on record to prevent any alteration of Record”

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.



LOCAL RECORDS SERVICES

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DIRECTOR’S CORNER

Yes, it has been a while since the last issue of the *Recordatur* was published and mailed to your offices. Despite our lack of recent written communication, I assure you that we are continuing to fulfill our mission of helping to preserve the records of Virginia’s circuit courts by providing preservation grants, offering consultative services, and processing circuit court records housed at the Library of Virginia (LVA). With that in mind, I promise that we’ll keep a more regular publishing schedule in the future.

First, I have some good news to share from the personnel standpoint: Rachel Muse has recently joined our staff and will be working closely with you by assisting Glenn Smith with grant application development, reviewing grant applications, and providing training and review of records-processing projects. Rachel comes to the LVA with a wealth of grant program experience, having served as a grant reviewer for New York State’s Documentary Heritage Grant Program. She also has experience processing archival records and providing training, which will serve her well in her new position. I hope many of you were able to meet her at the convention in Lynchburg.

I wanted to bring you up to date on some recent projects we’ve been working on at Local Records Services. We continue to make good progress on digitizing pre-1913 chancery causes, for which many of your offices have

received grants. We recently posted the index and accompanying images for Lancaster County, which is our third completed locality, joining Caroline and Fauquier Counties on the Library’s Chancery Record Index (CRI), which can be accessed at the following address: <http://www.virginia.gov/whatwehave/local/chancery/index.htm>.

If you haven’t had a chance to see the results of these digital projects, please take a moment and check out the CRI. We are currently working with our vendors on imaging for six additional localities and hope to add these images to our Web site very soon. For all those localities who have already received a grant to digitize your pre-1913 chancery records, we will be visiting your office soon to review the project with you.

Another type of project that we’ve been working on lately is what we’ve come to call a model records management project, similar to the King George County initiative you read about in the last issue of the *Recordatur*. In the past year, we have completed another project in Lunenburg County just in time to assist the clerk’s office’s move into remodeled space. In fact, the county’s circuit court clerk, Gordon Erby, related to us that the move from the old clerk’s office would not have been possible without the Library’s assistance on this project. We have recently started another similar project in Culpeper County. These projects seem to see Corner, page 6

Circuit Court Records Preservation Program

Questions about records preservation or a current grant project?
Planning to submit an application in the future?
Contact Glenn Smith at 804-692-3604, or Glenn.Smith@lva.virginia.gov,
Rachel Muse at 804-786-6356, or Rachel.Muse@lva.virginia.gov, or
Carl Childs at 804-692-3739, or Carl.Childs@lva.virginia.gov.

To contact a Library of Virginia staff member after normal business hours
about a records emergency, please call one of the numbers below:
804-840-6369 • 804-687-4843 • 804-687-4809

THE CIRCUIT COURT RECORDS PRESERVATION PROGRAM HAS AWARDED

750 grants over 31 cycles from February 1992 to May 2007, totaling approximately \$12,104,193

The project types and the number awarded are:

General Preservation	44	\$325,902
Item Conservation	215	1,393,443
Microfilm Reader/Printers	69	828,503
Records Processing	136	2,267,082
Reformatting	182	6,514,509
Security Systems	104	774,755

Virginia Circuit Court Records Preservation Grant Program
Awards for 2007-A Cycle

Locality	Project Type	Awarded
City of Martinsville	Security System - Addendum	\$2,415.00
Southampton County	Security System - Camera	13,987.00
Greensville County	Security System - Upgrade	2,594.00
Isle of Wight County	Security System - Upgrade	6,385.00
City of Staunton	Reformatting - Film to Digital	2,638.80
Lunenburg County	Reformatting - Paper to Digital	9,100.00
City of Newport News	Reformatting - Paper to Digital	21,697.20
Southampton County	Reformatting - Paper to Digital	44,668.00
Culpeper County	Processing - Loose Papers	3,094.00
Halifax County	Processing - Loose Papers	32,542.00
Charlotte County	Reader/Printer	10,951.07
Tazewell County	Reader/Printer	3,950.00
Tazewell County	Preservation - Plat Cabinet	3,749.00
Wise County	Preservation - Plat Cabinet	3,360.00
Bedford County	Item Conservation - Book	4,152.00
Bland County	Item Conservation - Book	872.00
Charlotte County	Item Conservation - Book	4,245.00
Culpeper County	Item Conservation - Book	4,761.00
Fluvanna County	Item Conservation - Book	10,000.00
Goochland County	Item Conservation - Book	4,980.00
Halifax County	Item Conservation - Book	8,874.00
Loudoun County	Item Conservation - Book	9,969.00
Mecklenburg County	Item Conservation - Book	3,955.00
Pittsylvania County	Item Conservation - Book	3,572.00
Pulaski County	Item Conservation - Book	4,091.00
Russell County	Item Conservation - Book	14,021.00
Shenandoah County	Item Conservation - Book	21,834.50
Southampton County	Item Conservation - Book	1,559.00
City of Staunton	Item Conservation - Book	17,490.00

Total: \$275,506.57

Haystack... these records have ended up in private hands rather than in the custody of the circuit court clerks, occasionally resurfacing in other repositories, at auction houses, or on eBay. Several Virginia localities are actively searching for their cohabitation registers and hope to find them either in private custody or tucked away in a mysterious place in the courthouse, as in the case of Augusta County. With any luck, more cohabitation registers will come to light in Virginia so that researchers may have access to as many of these fascinating and important documents as possible.

The project in Augusta County was possible because of a concerted effort by the circuit court clerk's office and the Local Records staff to work together to find the complete record and make it available to the public. Researchers into Augusta County and Virginia history and genealogy can only benefit from such partnerships. We hope for many more happy tales like this in the years to come.

—by Sarah Nerney
Senior Local Records Archivist

Corner ... be a popular option for helping to organize records and offices more effectively.

The LVA continues to plan and work toward having an in-house scanning operation located at the Library's State Record Center that will help us complete digital reformatting projects more quickly and efficiently. We envision using this operation for completing additional digital chancery projects as well as addressing the reformatting of the land tax volumes that take up so much space in your offices. As with all things worth

waiting for, this process will take some time. I'd also like to draw your attention to the newly updated and published *Library of Virginia Services for Circuit Courts* brochure that we included with this mailing. We've attempted to briefly summarize all the services that the LVA offers your offices in an easily accessible pamphlet, which is also available on our Web site (http://www.lva.virginia.gov/whatwedo/records/LVACourtServices_Brochure.pdf). Please let us know if you have any questions about the brochure or any of the services we provide.

On pages 7 and 8 you will find summaries of the grant awards from the last two grant cycles. A special thanks to Michelle Epps of Prince Edward County, Vic Mason of King George County, and Judy Worthington of Chesterfield County for serving on the grant review board. For further information on the program, please visit the grant page on our Web site (<http://www.lva.virginia.gov/whatwedo/ccrp/index.htm>). Please contact one of us if you have any questions or have a project in mind for the upcoming grant cycle. We sincerely want more clerks to make use of this innovative grant program.

Finally, one small but important administrative item: please note that the Library's e-mail addresses have recently changed. The new addresses are listed under each staff member's name in the box at the bottom of page 2. Best wishes to all and please let us know if we can be of help to your office.

—Carl Childs
Local Records Services Director
804-692-3739
carl.childs@lva.virginia.gov

Electronic ... Can I print e-mails and file them with my paper records?

Yes. The following information must be included in the paper copy: names and e-mail addresses of recipients (if an e-mail is sent to a distribution list, include names and addresses of all members of distribution list); name and e-mail address of sender; time and date sent; subject line that describes the content of the e-mail; text; and attachments, if applicable.

My e-mail messages are automatically purged after a specified period of time. Am I still responsible for their retention?

Yes. Some e-mail systems are programmed to automatically purge e-mail messages after a specified amount of time, such as ninety days. Records management and information technology staff should work together to establish an e-mail policy that allows messages to be retained in accordance with retention schedules.

Do I need to complete a "Certificate of Records Destruction" (RM-3) form for electronic public records?

Yes. A "Certificate of Records Destruction" (RM-3) form must be completed when electronic public records are destroyed. When destroying electronic records, always remember to delete duplicates that may reside on servers, backup tapes, etc. Electronic records containing confidential or privacy-protected information must be overwritten with meaningless data, or the storage media housing the records must be physically destroyed.

If you have questions on managing electronic records, or would like to request further information, please contact:

Records Analysis Section
Archival & Records Management
Services Division
The Library of Virginia
800 East Broad Street
Richmond, VA 23219-8000

Telephone: 804-692-3600
E-mail: recman@lva.virginia.gov

—Ariel Billmeier
Electronic Records Analyst and,
Rachel Donaldson Muse
Senior Local Records Archivist

A New Wrinkle on Preserving Land Tax Records

According to recent rumblings from the Commissioners of the Revenue's corner, some offices that currently convert the electronic land tax record to microfiche plan to stop that process and instead retain the record in digital format only. That might be sufficient for an office that is required to keep their copy for only six years. For the circuit court clerk, however, who is required by the *Code of Virginia* to permanently preserve and make accessible the land tax record, this would make a tough job even harder. Obviously, there is no standard method across the commonwealth for creating, accessing, or securing this record series. Without that standard, each clerk's office is left to its own devices to make sure that the land tax information will always be available.

As more local creators of the tax record move away from generating an analog copy (paper or microform), clerks must shift their focus from just preserving what they receive to converting the information to a more secure format than a CD or magnetic tape. The tax records stored on that media type can be effectively accessed over the short term, but the question remains, "How will 120 clerks make sure that record is accessible indefinitely?" This can be accomplished with the electronic-only record, but it will take no small amount of planning, execution, and follow-up on the clerk's part. Maintaining the electronic record permanently will require planning and budgeting for periodically refreshing the media on which the information is stored as well as migrating from one generation of operating platform and/or format to the next.

The Library of Virginia continues to encourage the creators and the keepers of this information to convert the annual land tax record to a microform (fiche or film), while serving the current information in an electronic format available online and/or in the clerk's office. The original and the working master of the microform may always be stored in the Imaging Services Section (ISS) at the Library of Virginia, with a working copy available to the public in the clerk's office for research. Should another copy ever be required in a clerk's office, that request can be made by the clerk to the ISS. This approach still seems to be the most viable when it comes to serving the current record to the widest possible audience, while taking the precautions necessary to provide for its required permanent retention and future access needs. If any clerk has a thought or suggestion on other methods of preserving and accessing this record series, please let us know.

The Circuit Court Records Preservation Program staff members are still looking at reformatting the state-record copy of the 1901–1977 local land tax books stored at the Library. The most effective format for local clerks to use to serve these tax records—digital, microfilm, or some other option—remains undetermined. Input on this issue from the clerks would be greatly appreciated. If you have any thoughts or questions on the subject, please contact us at any of the phone numbers or e-mail addresses provided in this newsletter.

—Glenn Smith
Grants Coordinator

Managing Electronic Correspondence

According to the Virginia Public Records Act of the *Code of Virginia* (42.1-77), a public record is defined as: "recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency... [T]he medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record." An electronic record is a record created, generated, sent, communicated, received, or stored by electronic means. Electronic record formats include word processing files, spreadsheets, e-mail, Web sites, databases, scanned images, and multimedia files. Those electronic records that document a government transaction are public records. Working with electronic records can present unique challenges. The following are answers to some of the questions about electronic records management that may have come up in your office, specifically regarding e-mail.

Is e-mail a public record?

It is the content of a document—and not its medium—that determines whether it constitutes a public record. E-mails that provide evidence of a government transaction are considered public records, while e-mails that do not are considered non-

records. Some examples of e-mail that are considered public records are: policies and directives; correspondence or memos pertaining to the organization's business; work schedules and assignments; documents circulated for approval or comment; and any message that initiates, authorizes, or completes a business transaction, final report, or recommendation. Some examples of e-mail that are not considered public records are: personal messages or announcements, courtesy or reference copies, phone message reminders, routine chat on e-mail listservs, and announcements of social events.

How long do e-mails that constitute public records need to be retained?

Public officials are responsible for ensuring that their records are preserved, maintained, and accessible throughout the record's lifecycle. Since e-mail is usually considered correspondence, refer to *General Schedule 101* for administrative records of state agencies and *General Schedules 4* and *19* for localities. If you have determined that the record should not be classified as correspondence, review the appropriate retention schedule to determine the applicable retention period. see *Electronic*, page 6



MARK YOUR CALENDARS!

**GRANT APPLICATION DEADLINES ARE
APRIL 15 AND OCTOBER 15
OR THE NEXT BUSINESS DAY.**

