

The Extraordinary Life of Barbary Beverly

Enslavement, Manumission, Freedom

*Amateur Genealogical
Research Paper
and Narrative*

First Edition
November 27, 2023

Researched By
Timothy J. Barron

Reader Advisory

Some of the material, incidents, language, and terms contained in this research paper might be very disturbing to some readers. The facts are presented in a very direct, objective, and matter of fact manner without any filtration, while at the same time with the intent of having respect and sensitivity. There are numerous quotations from the early part of the nineteenth century which use disturbing terminology and describe horrific incidents. My accompanying narrative uses modern terms and language which helps to separate the identity of the individuals from their circumstances.

Using the terms enslaved and enslaver, are subtle but powerful ways of affirming that slavery was forced upon that person, rather than an inherent condition.¹

Any necessary usage of any sensitive terms in my narrative will be contained in quotations marks, which is to emphasize the intent of being direct and respectful not only to the reader, but also to the individuals that were involved.

Research Disclaimer

This research paper is based on amateur genealogical research, and while comprehensive, this research is far from complete. Additional research could be identified in the future which might alter or change some of the information summarized, as well as some of the conclusions which were reached.

About the Researcher

Researching my ancestry and family tree has been my most passionate and primary hobby for many years. While I am not a professional or certified genealogist, I have diligently learned to apply the same type of recognized principles and standards of proof to my research methods. I am forever indebted to my cousin Sandra Lassen, who was professional and certified genealogist and is now happily retired. In years gone by, she willingly spent time advising, instructing, and correcting me on research techniques, and helped me develop a research approach that suited the way I think. Unlike some, I do not carry any emotional attachment to my ancestors, and what thrills me is the challenge of the research itself.



Please kindly report any typographical errors and broken links, as there undoubtedly will be a second edition in the future. Below is information on how to contact me with any questions, comments, or suggestions that you may have.

Timothy J. Barron
tim@timbarron.net
<https://timbarron.net>

Copyright and Creative Commons Permission

© Copyright 2023 - Timothy J. Barron - All rights reserved

This work is licensed under Creative Commons license [CC BY-NC-ND 4.0](https://creativecommons.org/licenses/by-nc-nd/4.0/). This license requires that re-users give credit to the creator. It allows re-users to copy and distribute the material in any medium or format in unadapted form and for noncommercial purposes only.

¹ Buffalo & Erie County Public Library: [Telling the Story: Enslavement of African People in the United States](https://www.buffaloerielibrary.org/reading-room/telling-the-story-enslavement-of-african-people-in-the-united-states)

Introduction

This amateur research paper summarizes the findings of my amateur research into a woman named Barbary, who was enslaved and manumitted by my fifth great grandfather Stephen Osborn. The focus of the paper is to share the details and provide a narrative of her extraordinary life, and my initial findings on her four children.

The scourge of slavery causes problems for many Americans who have a desire to research their family tree. One key challenge is that the enslaved were not named on common records, such as census records, etc. The harsh reality is that the enslaved were treated as property, and they were inhumanely enumerated and counted in the same manner as horses, cattle, and livestock.²

After emancipation, the 1870 census was the first major type of documentation where the formerly enslaved were listed with forenames and surnames.³ As a result, the 1870 census is commonly referred to as a “wall” or a “brick wall” because some have a perception that it is not possible to research the formerly enslaved any further prior to that.⁴ In recent years, some prominent genealogical and enslavement subject matter experts have outlined methodologies for researching the enslaved, and some organizations have even developed.⁵ They have demonstrated the possibilities of finding enslaved ancestors on the “other side of the wall” of the 1870 census. Without question, this type of research requires more effort and the consultation of a variety of secondary sources, such as last will and testaments, court records, etc. Another impacting factor is the initiative of the descendants and relatives of enslavers to document and share what they have uncovered about those who were enslaved.

This research paper serves as an example application of some of these methodologies by an amateur, and what could potentially be achieved with the investment of some time, patience, and persistence. It would be more than fair to say that this paper was the result of dozens upon dozens of hours of research time, and there were three key challenges impacting the time investment. First, the volume of information available was substantial, and included hundreds of pages of court case files that concerned or named Barbary. Second, the court minute books (which were used to help tie the court case files together) were not indexed, and required reading image by image to identify court dates and entries with relevant information. Third, the quality and consistency of the handwriting varies wildly, and if you are challenged with reading sloppy handwriting as I am, it can be exhausting to read and transcribe.

The primary focus is on Barbary. Any information provided about my ancestors and relatives will be very limited, and this was done deliberately to maintain the focus on her, and included only for context or when it directly relates to Barbary. What makes the life Barbary deserving of being labeled as extraordinary? The reason is that both the volume and types of events documented about her are extraordinary for someone who was enslaved and manumitted. These are some of the events in her life that will be outlined.

- **Trafficked:** How she was trafficked three different times and to whom and when
- **Marriage:** How she was allowed to marry and live with a free black man though she was enslaved
- **Children:** How all four of her children were identified and documented by name, as well as the biological fathers of each, in court records while she was still enslaved
- **Abduction:** How she was abducted by a family member of her enslaver, and the two resulting trials
- **Lawsuits:** How she was permitted to file a petition in court though she was enslaved, and after manumission, how she fiercely and unsuccessfully fought for the freedom of two of her four children
- **Manumission:** How and when she was manumitted with two of her four children
- **Freedom:** How she lived as a free woman, married again, and also owned land

² LSU Law Digital Commons: [The History of Slave Marriage in the United States](#) - by Darlene Goring

³ National Archives and Records Administration: [African Americans and the Federal Census, 1790–1930](#)

⁴ New York Public Library: [African American Genealogy: The 1870 Census](#)

⁵ One example is [10 Million Names](#) and another is the [Beyond Kin Project](#), such as [Research Strategy for Descendants of Enslaved Persons](#)

The information in this research paper is presented as a chronological story of her life, and all pertinent details are documented with footnotes to the sources. The facts and findings are presented in a very direct, objective, and matter of fact manner without any filtration, while at the same time with the intent of having respect and sensitivity. As stated earlier, there are some terms, language, and incidents that some readers might find very disturbing. The formerly enslaved Harriet Ann Jacobs summarized the horrors of enslavement in her 1861 autobiography.

The degradation, the wrongs, the vices, that grow out of slavery, are more than I can describe. They are greater than you would willingly believe.⁶

Much of the information about Barbary comes from numerous court cases where Barbary was the plaintiff, defendant, or was mentioned. These court cases include the heirs of her enslaver Stephen Osborn suing the administrator the estate and Barbary herself, Barbary suing the heirs of Stephen Osborn, William Robinson suing the heirs of Stephen Osborn, the administrator of the estate suing the heirs of Stephen Osborn, etc. These court files and records consist of hundreds of pages, and there is a significant amount of duplicated information, as well as court administration related information, such as subpoenas, etc. There was also substantial legal wrangling over which heirs sold their rights of the estate to other family members or non-family members. Any aspects that do not directly relate to Barbary have been ignored for this research paper. Quite simply, the focus is on Barbary herself, and the individual facts from each of court cases have been extracted and arranged in chronological order.

The title of this research paper uses Barbary with the surname of Beverly. This was the surname of her husband from her second marriage, and she used his surname for the remainder of her life for the next forty years. The following is some insightful and general background on surnames of the formerly enslaved. This does not apply to Barbary, as both surnames that she used were from her husbands.

A common myth: It is commonly believed that African Americans took the surname of the slave owner, however, this is certainly not always the case. Originally slaves had no surnames, only given names, and did not take a surname unless need for a certain type of documentation or after manumission. Some enslaved people or newly freed people may have taken the name of the slave owner, or if they were on multiple plantations, it could be the name of a previous slave owner, or once freed taken a different name entirely.

Name changes: Many freed slaves changed their name to one of their choosing, and some more than once, which means you might find different surnames in separate censuses.⁷

This research paper is labeled as being a first edition. The decision was made to pause my research as more than enough facts and major events about Barbary were uncovered, and that an initial but comprehensive construct of her life deserved to be assembled and shared. Future research will undoubtedly uncover additional details about her life and children, and will be included in a second edition.

⁶ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 45

⁷ New York Public Library: [African American Genealogy: Surnames](#)

Table of Contents

Introduction	3
Enslavement of Barbary (1791-1825)	7
Birth and Early Life (1791)	7
Trafficked for the First Time (1796)	8
Named for the First Time (1803)	10
Enumerated for the First Time (1804)	10
Birth of Senah (1807)	11
Arrival of James Fullen (1809)	13
Trafficked for the Second Time (1811)	14
Birth of Wesley (1812)	14
Trafficked for the Third Time (1812)	16
Promise of Manumission (1817)	17
Arrival of Austin Day (1817)	19
Marriage to Austin Day (1818)	19
Birth of James Washington Day and Lucinda Day (1818)	21
Death of Steven Osborn (1820)	23
Petition of the Heirs of Stephen Osborn (1822)	25
Abduction of Barbary (1823)	26
Petition of Barbary (1823)	26
Manumission of Barbary (1825)	31
Death of Comfort Osborn (1824)	31
Manumission of Barbary (1825)	31
Freedom of Barbary (1825-1880)	33
First Enumeration as Barbary Day (1829)	35
First Census as Barbary Day (1830)	36
Petition of Barbary Day (1836)	38
Trafficking of James Washington Day and Lucinda Day (1838)	44
Marriage of Ambrose Beverly and Barbary Day (1841)	47
First Enumeration as Barbary Beverly (1842)	47
Death of Ambrose Beverly (1852)	48
Children of Barbary	53
Senah Curtis	53
Wesley Day	54
James Washington Day	55
Lucinda Day	55
Epilogue	57

Enslavement of Barbary (1791-1825)

The narrative of this section summarizes the life of Barbary while she was enslaved, and covers from the time of her birth up to the time of her manumission and freedom. Both the volume and types of events documented are extraordinary for someone who was being enslaved, and most of the details comes from Barbary herself.

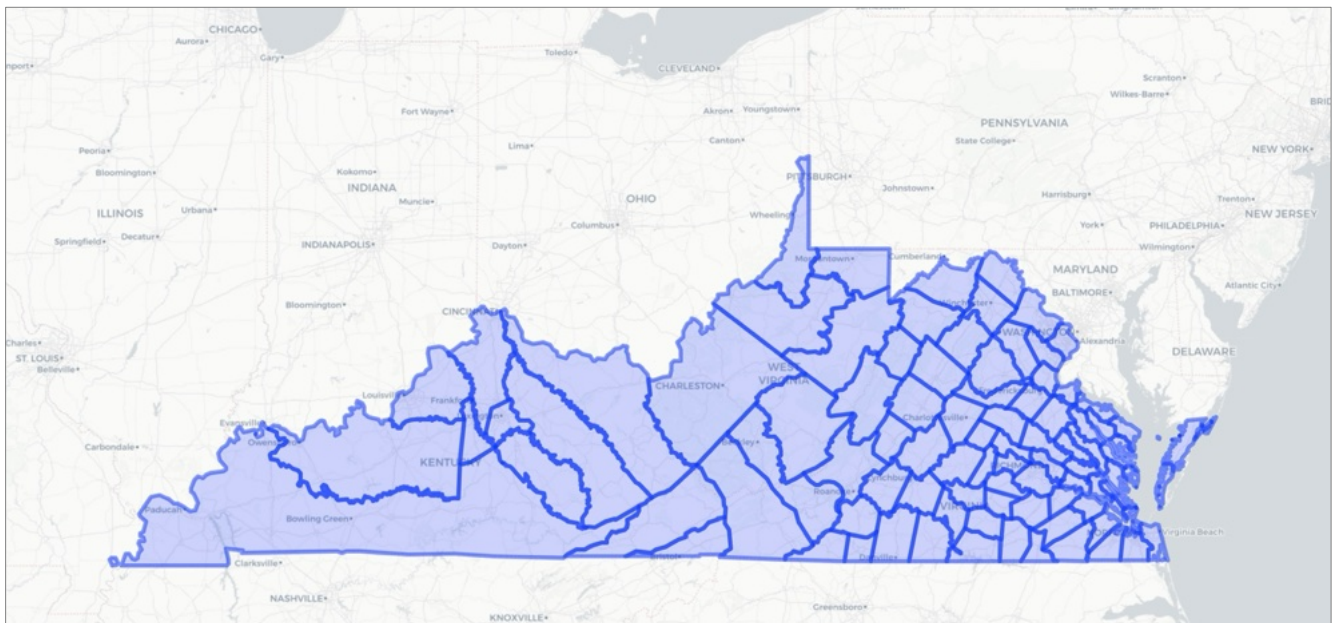
Birth and Early Life (1791)

Barbary was born circa 1791 probably in Virginia, USA. She was born to an unknown enslaved mother, which resulted in her becoming enslaved at birth. The name of who was enslaving her mother is also unknown.

The testimony of Barbary in a court case listed further below implies that she was born circa 1789, but her approximate year of her birth was revised to be 1791 based on the following factors. Virginia personal property tax records did not enumerate the enslaved who were under the age of 12. The first enumeration that corresponds to Barbary on a personal property tax list was on March 4, 1804. There is no corresponding enumeration for Barbary on any tax records prior to that. The 1804 tax record was assumed to be factual, and that she was 12 years old at time of the enumeration, and this was used to determine 1791 as a revised approximate year of her birth.

There is a discrepancy about the birth location of Barbary. The 1860 census⁸ and 1870 census⁹ both list her birth location as Virginia, while the 1850 census¹⁰ and 1880 census¹¹ both list her birth location as Maryland. Virginia was assumed to be the correct location, which was based on the typical research assumptions of census discrepancies and not knowing who actually provided the information, as well as the level of education and literacy.

The map below shows how expansive the borders of Virginia were in 1791, and included portions of what would later become Kentucky, West Virginia, etc.¹²



⁸ Ancestry: [1860 United States Federal Census](#) - Enumeration of Barbary Beverly in Washington County, Virginia

⁹ Ancestry: [1870 United States Federal Census](#) - Enumeration of Barbary Beverly in Washington County, Virginia

¹⁰ Ancestry: [1850 United States Federal Census](#) - Enumeration of Barbary Beverly in Smyth County, Virginia

¹¹ Ancestry: [1880 United States Federal Census](#) - Enumeration of Barbary Beverly in Washington County, Virginia

¹² Newberry Library: [Atlas of Historical County Boundaries](#) - Map of Virginia on November 30, 1791

Barbary was listed in some records as Barbary, listed in some records as Barbara, and listed in some records interchangeably using both names. It is unclear whether her name was actually Barbary, or whether her name was actually Barbara and Barbary was a nickname. Given the volume of records from list her as Barbary from her own testimony, that was assumed to be her actual name.

For some appropriate context of the era of her birth, George Washington was serving as the first President of the United States and was inaugurated two years prior on April 30, 1789.¹³ The history of Washington and slavery is well documented, which included him both owning and renting slaves.

Though he was critical of slavery, Washington continued to use enslaved labor during his presidency. When the national capital moved to Philadelphia in 1790, Washington realized that the eight enslaved workers in his presidential household might take advantage of Pennsylvania's emancipation law, which allowed the slaves of visitors to claim their freedom after six months [of] residence in the state. Washington was especially concerned because most of the household's enslaved staff were owned by the Custis estate. If they escaped, Washington would have to reimburse the value of the of the lost "property."¹⁴

The first census of the United States was enumerated the year prior to her birth on August 2, 1790. The total population of the country was 3,929,326, and 697,697 of those individuals were being enslaved, which was 17.8% of the total population. The total population of Virginia was 747,610, and 292,627 of those individuals were being enslaved, which was 39.1% of the total population. Virginia had the highest enslaved population in the country and accounted for 41.9% of the total enslaved population.¹⁵

The United States Bill of Rights was ratified the year of her birth on December 15, 1791, and consisted of the first ten amendments to the Constitution.¹⁶ These new rights did not apply to Barbary or anyone being enslaved, just as the Constitution itself did not.

Any further information about the early years of Barbary has not been identified, and nothing further is listed or described in any of the court cases. The only pieces of information documented are an approximate year of birth and an approximate year of when she was trafficked to Stephen Osborn.

Trafficked for the First Time (1796)

Stephen Osborn trafficked and enslaved Barbary circa 1796 in what would be present day Scott County, Virginia, USA. At the time of the trafficking, the location was part of Russell County, Virginia, USA. This was the first documented trafficking of Barbary, and she provided the following testimony via her attorney on May 6, 1824.

This deft [defendant] saving the usual exceptions, for answer to said Bill saith. That about the year 1794 this deft [defendant] came to live with the said Stephen Osborne [Osborn] her then master she being about 5 or 6 years old.¹⁷

The testimony of Barbary indicated that she was trafficked circa 1794, but the approximate year was revised to be 1796 based on the following factors. The statement that she was about 5 or 6 years old was assumed to be correct. As summarized earlier, her approximate year of birth was determined to be 1791, and five years was simply added to that.

Barbary was the only person being enslaved by Stephen Osborn, which means that she was torn away and separated from her mother at very tender age, or that could have possibly occurred prior to her being trafficked to Stephen Osborn. The thoughts that must have occurred in the mind of Barbary as a child could only be speculated about. The formerly

¹³ Wikipedia: [George Washington](#)

¹⁴ Website: [George Washington's Mount Vernon](#) - Mount Vernon Ladies Association

¹⁵ Wikipedia: [1790 United States Census](#)

¹⁶ Wikipedia: [United States Bill of Rights](#)

¹⁷ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

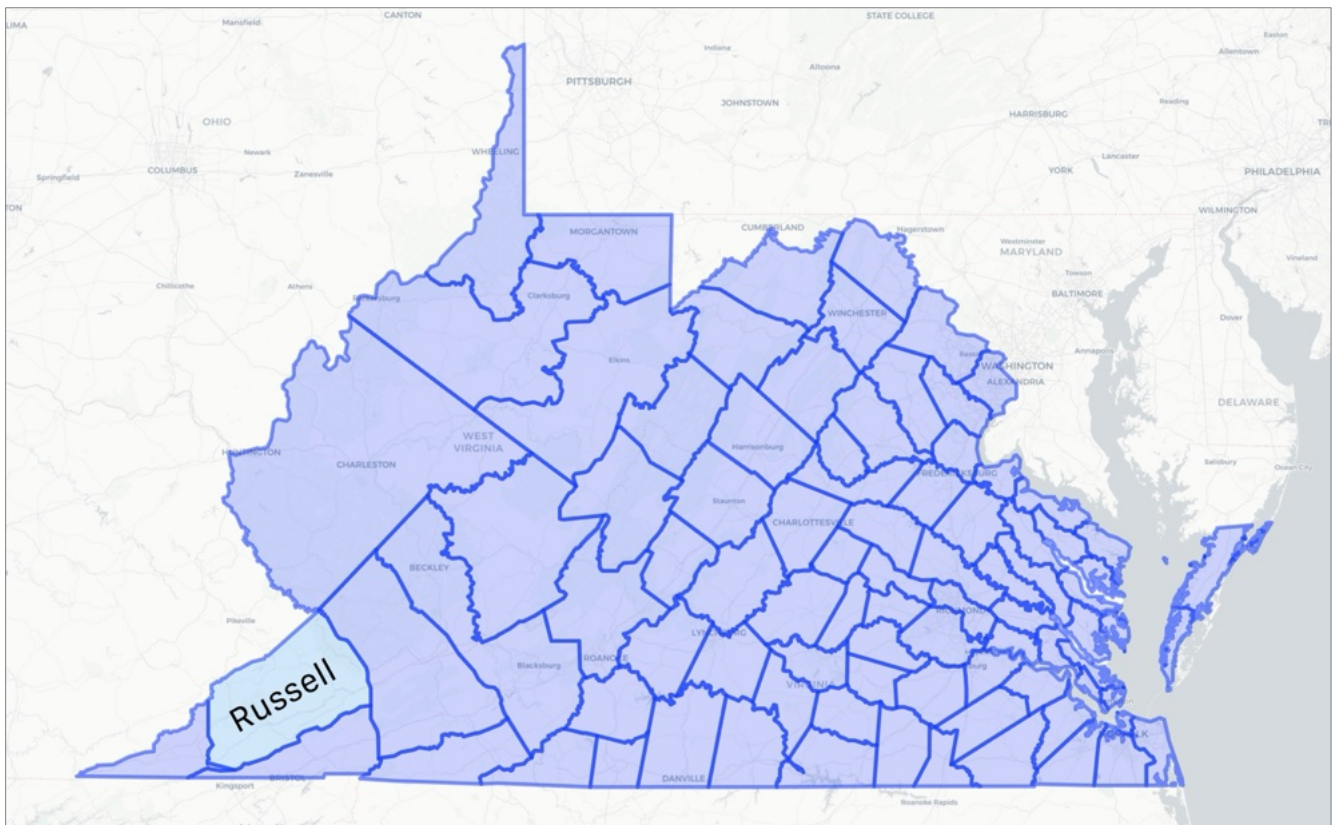
enslaved Harriett Ann Jacobs provided the following insight in her 1861 autobiography. Harriet described her own recognition that she was being enslaved for the first time, and a similar type of recognition undoubtedly occurred with Barbary, especially with the terror of being trafficked to Stephen Osborn when she was five or six years old.

I was born a slave, but I never knew it till six years of happy childhood had passed away... and then, for the first time, I learned, by the talk around me, that I was a slave.¹⁸

For some wider context, Esther Louise Osborn was the youngest daughter of Stephen Osborn, and Esther is my fourth great grandmother. Esther was about a year older than Barbary. Similarly, it can only be speculated what life would have been like for Barbary being a child, all alone, and the only one being enslaved by a family. Did Barbary and Esther play together as children? The formerly enslaved Harriett Ann Jacobs provided this insight which could have some possible relevance to Barbary.

I once saw two beautiful children playing together. One was a fair white child, the other was her slave... When I saw them embracing each other, and heard their joyous laughter, I turned sadly away from the lovely sight. I foresaw the inevitable blight that would fall on the little slave's heart. I knew how soon her laughter would be changed to sighs.¹⁹

Stephen Osborn lived in an area near the Clinch River and near a small town that would later become Dungannon in what would be present day Scott County, Virginia, USA. At the time Barbary was trafficked by Stephen Osborn, the location was part of Russell County, Virginia, USA. The map below shows Virginia and the borders of Russell County in 1796.²⁰



¹⁸ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 11

¹⁹ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 47

²⁰ Newberry Library: [Atlas of Historical County Boundaries](#) - Map of Virginia on December 7, 1796

Named for the First Time (1803)

As explained in the introduction, the enslaved were nameless on most governmental records, such as census records and personal property tax lists. Finding the documented name of someone being enslaved is a pivotal research moment. Barbary was documented by name multiple times while she was being enslaved, and the first time that she was named was the last will and testament of her enslaver Stephen Osborn, which was dated January 31, 1803.

I lend to my beloved wife Comfort all my perishable estate to be disposed of at her discretion, except one negro woman by the name of Barbary. Item. I give and bequath [bequeath] said negro to my son William after the death of my beloved wife Comfort.²¹

With this last will and testament, Stephen Osborn “bequeathed” Barbary to his wife Comfort upon his death, and after the death of Comfort, Barbary was to be “bequeathed” to his son William Osborn. Barbary was about 11 years old at the time the last will and testament was signed. This last will and testament was subsequently revoked and replaced by a new last will and testament, which was signed in 1817 and also named Barbary.

Enumerated for the First Time (1804)

Barbary was enumerated for the first time on any type of governmental record on the Virginia Personal Property Tax List, which was enumerated on March 4, 1804. The tax list shows her being enslaved by Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time of the enumeration, the location was part of Russell County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary, and indicates that she was in the category of being between 12 and 16 years old.²²

There is no corresponding enumeration for Barbary on any prior tax records of Stephen Osborn. The reason is the anyone being enslaved under the age of 12 years old was not enumerated. It was assumed that she was 12 years old in 1804, and this is why her approximate year of birth was revised slightly. The U.S. Census records from 1790 to 1810 for Russell County, Virginia, USA were destroyed in a courthouse fire in 1872.²³ As a result, any census records for Stephen Osborn do not exist for 1790, 1800, and 1810.

The Virginia Personal Property Tax List enumerated on Monday, March 11, 1805 shows Barbary being enslaved by Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time of the enumeration, the location would have been part of Russell County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary, and indicates that she was in the category of being between 12 and 16 years old.²⁴

²¹ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Last will and testament of Stephen Osborn dated January 31, 1803

²² FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1804 tax list of Stephen Osborn

²³ FamilySearch Wiki: [Russell County, Virginia Genealogy](#) - Notes about record loss

²⁴ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1805 tax list of Stephen Osborn

Birth of Senah (1807)

The next incident in the life of Barbary is a highly sensitive topic, and will be addressed in an open and direct manner. It was common for enslaved women to be raped or sexually coerced by their enslavers, as well as family members. The relationship between enslavers and the females that they enslaved is summarized by Dr. Jennifer Hallam.

Within the bonds of slavery, masters often felt it their right to engage in sexual activity with black women. Sometimes, female slaves acquiesced to advances hoping that such relationships would increase the chances that they or their children would be liberated by the master. Most of the time, however, slave owners took slaves by force.²⁵

The rape or sexual coercion by family members was summarized by Dr. Thomas Foster.

Sexual violence was a ubiquitous component of enslavement throughout the history of slavery in Virginia. Enslavers exercised almost complete control over the bodies of enslaved individuals and the conditions of their existence, providing themselves with numerous avenues for force and coercion in the intimate lives of the enslaved.... slave narratives speak to the ubiquity and constant threat of sexual violence at the hands of enslavers, their family members, overseers, and others.²⁶

Many of the rapes and sexual coercion resulted in the birth of children. Dr. Henry Louis Gates summarized the sensitive, difficult, and sobering reality that the average African American faces when obtaining a DNA test.

The average African American is 24 percent European. Now think about that. And most DNA companies in the United States will tell you that they have never tested an African American who is 100 percent from sub-Saharan Africa... So where does that come from? It comes from slavery. Was this an equal sexual relationship? Of course not. So obviously rape or, at best, cajoled sexuality was the cause, but there are exceptions.²⁷

Unfortunately, the above background became a harsh reality for Barbary at a very young age. Isaac Richmond and Esther Louise Osborn are my fourth great grandparents, and they were married in approximately 1804. Esther was the youngest daughter of Stephen Osborn, who was enslaving Barbary, and Isaac was his son in law. As described earlier, Esther only about a year older than Barbary, and it is possible they even played together as children, and it is possible that Barbary was even present at their wedding. In approximately 1806, which was about two years into his marriage, Isaac Richmond undoubtedly raped or sexually coerced Barbary, who would have been about 15 years old.

This resulted in Barbary giving birth to a daughter Senah in approximately 1807. Senah would be my half fourth great aunt. Barbary provided the following testimony via her attorney on May 6, 1824, which documents both the paternity of Senah and the timeframe of her birth. The testimony refers to a man named Fullen, who is James Fullen, and to whom Barbary was trafficked in 1811.

The said Stephen, this defts [defendant's] master, being then forsaken by all his children about the year 1809, which this deft [defendant] knows by the age of one of her children, Senah being then about two years old... Nor was the oldest child Seny [Senah] ever said to be said Fullens [Fullen's], but always said to be the pliff [plaintiff] Richmonds [Richmond's] daughter, nor had this deft [defendant] ever seen said Fullen until about six weeks before the birth of her oldest child said Senah.²⁸

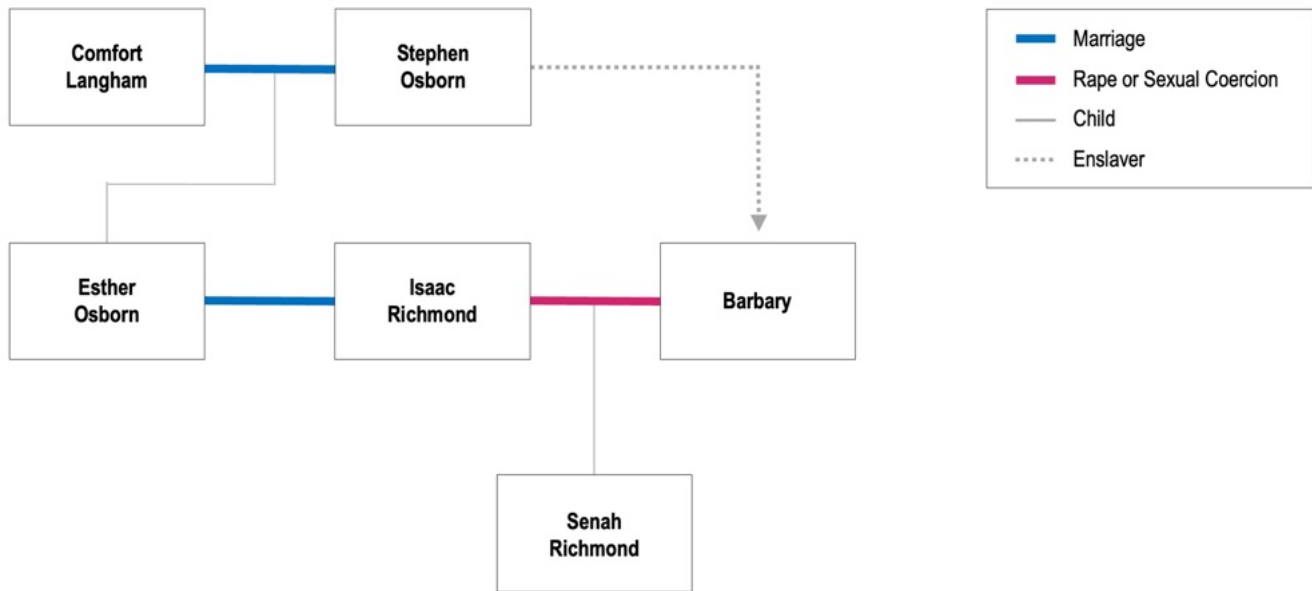
There is no evidence, implied or otherwise, to support the birth of Senah being the result of a consensual relationship. As Barbary was being enslaved, the overwhelming weight and evidence of the history of slavery mandates that the assumption be that Isaac Richmond either raped or sexually coerced Barbary. The following diagram helps illustrate the relationship of Barbary to her enslavers Stephen and Comfort Osborn, and to their daughter Esther and son in law Isaac Richmond, and the paternity of Senah.

²⁵ PBS: [Slavery and the Making of America](#) - Article by Dr. Jennifer Hallam

²⁶ Encyclopedia Virginia: [Sexual Exploitation of the Enslaved](#) - Article by Dr. Thomas Foster

²⁷ NPR: [Historian Henry Louis Gates Jr. on DNA Testing and Finding His Own Roots](#) - Terry Gross interview with Dr. Henry Louis Gates

²⁸ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824



Any children born to an enslaved woman in Virginia, regardless of the paternity, inherited the enslaved status of their mother. This dated back to a colonial era statute passed in 1662, and was the opposite of normal common law where a child's status was determined by their father. This meant that Senah became enslaved by Stephen Osborn at birth.

In the act "Negro womens children to serve according to the condition of the mother," passed by the General Assembly in the session of December 1662, Virginia's colonial government attempted to better define the conditions by which people were enslaved or free. This was a reversal of the usual common law presumption that the status of the child was determined by the father.²⁹

The various court cases listed further below do not contain testimony about any reaction of Stephen Osborn or Comfort Osborn to Barbary being raped or sexually coerced by their son in law. Similarly, there is no documented reaction of Isaac's wife Esther, or even an acknowledgement of paternity from Isaac himself. It can only be speculated what the impact and anguish was on Barbary. The formerly enslaved Harriett Ann Jacobs provided this insight in her 1861 autobiography, which might have some relevance to Barbary.

My master began to whisper foul words in my ear. Young as I was, I could not remain ignorant of their import. I tried to treat them with indifference or contempt... He was a crafty man, and resorted to many means to accomplish his purposes... He peopled my young mind with unclean images, such as only a vile monster could think of. I turned from him with disgust and hatred. But he was my master. I was compelled to live under the same roof with him... daily violating the most sacred commandments of nature. He told me I was his property, that I must be subject to his will in all things. My soul revolted against the mean tyranny. But where could I turn for protection?³⁰

Harriett Ann Jacobs provided this additional insight which also might have some relevance to Barbary, and describes the lasting mental trauma that enslaved women had to endure.

She [an enslaved girl] will be compelled to realize that she is no longer a child. If God has bestowed beauty upon her, it will prove her greatest curse. That which commands admiration in the white woman only hastens the degradation of the female slave. I know that some are too much brutalized by slavery to feel the humiliation of their position, but many slaves feel it most acutely, and shrink from the memory of it. I cannot tell how much I suffered in the presence of these wrongs, nor how I am still pained by the retrospect. My master met me at every turn, reminding me that I belonged to him, and swearing by heaven and earth that he would compel me to submit to him... I longed for someone to confide in.³¹

²⁹ Encyclopedia Virginia: [Negro Womens Children to Serve According to the Condition of the Mother](#) - Law from 1662

³⁰ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 44

³¹ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, pages 45-46

The formerly enslaved Harriett Ann Jacobs also provided some insight into the possible attitudes that the wives of enslavers might carry, and with the knowledge that her husbands raped or sexually coerced enslaved women.

The mistress, who ought to protect the helpless victim, has no other feelings towards her but those of jealousy and rage...³²

I was soon convinced that her [the wife of her enslaver] emotions arose from anger and wounded pride. She felt that her marriage vows were desecrated, her dignity insulted, but she had no compassion for the poor victim of her husband's perfidy. She pitied herself as a martyr, but she was incapable of feeling for the condition of shame and misery in which her unfortunate, helpless slave was placed...³³

Southern women often marry a man knowing that he is the father of many little slaves. They do not trouble themselves about it. They regard such children as property, as marketable as the pigs on the plantation, and it is seldom that they do not make them aware of this by passing them into the slave-trader's hands as soon as possible, and thus getting them out of their sight. I am glad to say there are some honorable exceptions.³⁴

The Virginia Personal Property Tax Lists enumerated in 1806 and 1807 show Barbary being enslaved by Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time of the enumerations, the location would have been part of Russell County, Virginia, USA. Though the tax lists do not name the enslaved, there are enumerations that would correspond to Barbary being over the age of 16.^{35 36}

The Virginia Personal Property Tax List for 1808 in Russell County, Virginia, USA does not exist, so there is no enumeration record that would correspond to Stephen Osborn enslaving Barbary.³⁷

Arrival of James Fullen (1809)

At some point before the Virginia Personal Property Tax List was enumerated in 1809, a man named James Fullen arrived in the area of what would be present day Scott County, Virginia, USA, and settled about a half mile from Stephen Osborn. The location at the time would have been Russell County, Virginia, USA. The heirs of Stephen Osborn provided the following testimony via their attorney on October 4, 1822.

That on the 31st day of January 1803 Stephen Osborne the father of your orators & oratrixes, made his will herewith exhibited as part of this bill by which he disposed of his whole estate which he then had... Afterwards a certain James Fullen settled on a tract of land on Clinch river in the County of Scott, within a half mile of the residence of the said Stephen.³⁸

James Fullen himself provided the following testimony on April 12, 1828.

[Question] How long ware [were] you acquainted with Stephen Osborne?
[Answer] From the year 1806 til his death.³⁹

³² Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 45

³³ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 53

³⁴ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 57

³⁵ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1806 tax list of Stephen Osborn

³⁶ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1807 tax list of Stephen Osborn

³⁷ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - Notes for the tax lists

³⁸ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Petition of Heirs of Stephen Osborn filed on October 4, 1822

³⁹ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of James Fullen on April 12, 1828

The year 1809 was assumed to be correct as that was the first year which James Fullen was enumerated on the Virginia Personal Property Tax List.⁴⁰

The Virginia Personal Property Tax Lists enumerated in 1809, 1810, and 1811 show Barbary being enslaved by Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time of the enumerations, the location would have been part of Russell County, Virginia, USA. Though the tax lists do not name the enslaved, there are enumerations which correspond to Barbary being over the age of 16.^{41 42 43}

Trafficked for the Second Time (1811)

At some point after the Virginia Personal Property Tax List was enumerated on April 10, 1811, Stephen Osborn trafficked Barbary and her daughter Senah to James Fullen in what would be present day Scott County, Virginia, USA. At the time they were trafficked, the location would have been part of Russell County, Virginia, USA. Barbary provided the following testimony via her attorney on May 6, 1824, and this interlocks with the personal property tax records listed further below. At the time of they were trafficked, Barbary was about 20 years old and Senah was about 4 years old.

The said Stephen, this defts [defendant's] master, being then forsaken by all his children about the year 1809, which this deft [defendant] knows by the age of one of her children, Senah being then about two years old. The old horse which the said William left his said father died the next spring after his departure, and this deft [defendant] worked her said masters crop the ensuing season with a beast of James Fullens [Fullen's], and also worked for said Fullin [Fullen] for the labour of said beast at the rate of one day for three... About one year afterwards the said Stephen sold this deft [defendant] and her child Senah being the only child she then had and about three years old to James Fullen for 600 dollars, 400 of which said Fullen paid in silver, the remaining 200 dollars was to be paid in one year afterwards. The said Stephen Osborne said his intention in selling this deft [defendant] was to get money to purchase a man and woman both.⁴⁴

Birth of Wesley (1812)

Unfortunately, the highly sensitive and harsh reality of enslavement continued for Barbary with her new enslaver James Fullen. Barbary was undoubtedly raped or sexually coerced by James Fullen in approximately 1811 or 1812 in what would be present day Scott County, Virginia, USA. At the time of the incident, the location would have been part of Russell County, Virginia, USA. Barbary would have been about 20 years old. This resulted in Barbary giving birth to her second child, a son named Wesley, in approximately 1812. Barbary provided the following testimony via her attorney on May 6, 1824.

When this deft [defendant] returned to her former master [Stephen Osborn] having been gone from him eleven months lacking two days, her said son Wesley was six weeks old lacking four days.⁴⁵

Comfort Osborn, the wife of Stephen Osborn and also an enslaver of Barbary, provided the following testimony on September 1, 1824 about the paternity of Wesley.

Question: And how long did Fullin [Fullen] keep the said Barb.

⁴⁰ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1809 tax list of James Fullen

⁴¹ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1809 tax list of Stephen Osborn

⁴² FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1810 tax list of Stephen Osborn

⁴³ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1811 tax list of Stephen Osborn

⁴⁴ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

⁴⁵ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

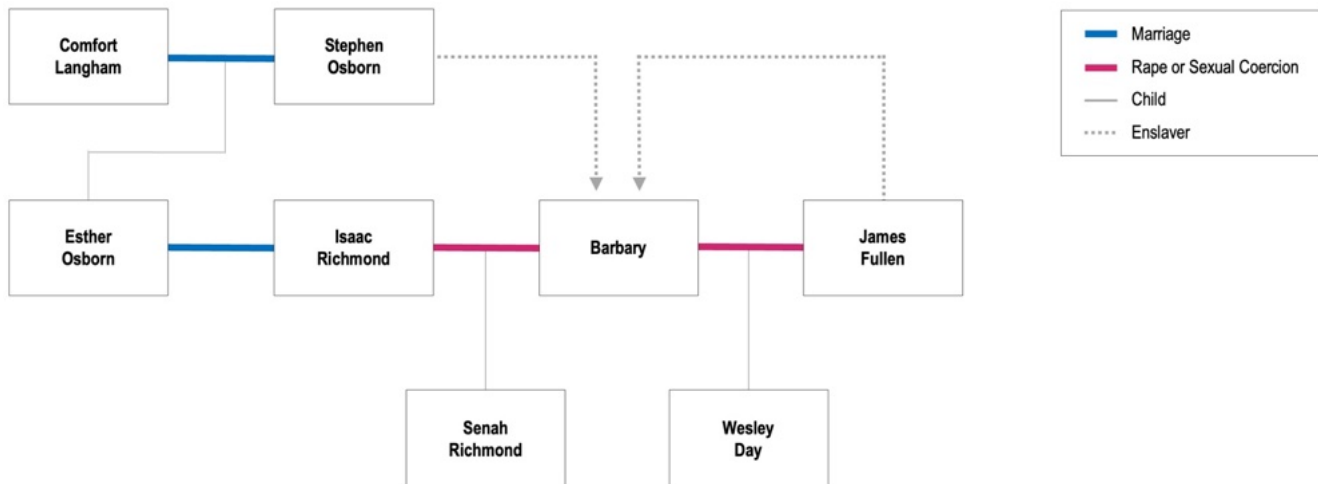
Answer: Nearly a year and in that time she had the molatto [mulatto] boy that is named Wesley that is set free in the will.

Question: Did not report say that the afore said Fullin [Fullen] was the father of the said molatto [mulatto] Wesley that is named in the said will?

Answer: Yes.⁴⁶

Comfort Osborn described Wesley as being "mulatto." The term, which is now dated and offensive⁴⁷ to some, was used to describe someone who was mixed raced.⁴⁸ Virginia actually passed an act in 1785 that provided a legal definition of the term.⁴⁹ It was used as one of the choices on some census records beginning in 1850, and as will be shown later, the 1870 census enumerated the race of Wesley's sister Lucinda as being "mulatto."

There is no evidence, implied or otherwise, to support the birth of Wesley being the result of a consensual relationship. As Barbary was being enslaved, the overwhelming weight and evidence of the history of slavery mandates that the assumption be that James Fullen either raped or sexually coerced Barbary. The following diagram helps illustrate the relationship of Barbary to her enslavers, and the paternity of her two children. As will be shown later, Wesley only used the Day surname of his step father and is not found in any records with the Fullen surname.



The various court cases do not contain testimony about any reaction of Stephen Osborn or Comfort Osborn to Barbary being raped or sexually coerced by James Fullen. Similarly, there is no documented reaction of James Fullen, or any acknowledgement from him on the paternity of Wesley.

The Virginia Personal Property Tax List enumerated on March 19, 1812 shows Barbary being enslaved by James Fullen in what would be present day Scott County, Virginia, USA. At the time of the enumeration, the location would have been part of Russell County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary being over the age of 16.⁵⁰ The same tax list enumerated Stephen Osborn and does not show him enslaving anyone.⁵¹

⁴⁶ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of Comfort Osborn on September 1, 1824
⁴⁷ Britannica: [Mulatto](#) - Entry for "Mulatto" in Sociology & Society
⁴⁸ Noah Webster: [American Dictionary of the English Language \(by Noah Webster, 1828\)](#) - Definition of "mulatto"
⁴⁹ Encyclopedia Virginia: [An Act Declaring what Persons Shall be Deemed Mulattoes](#) - October 1785 law
⁵⁰ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1812 tax list of James Fullen
⁵¹ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1812 tax list of Stephen Osborn

Trafficked for the Third Time (1812)

At some point in late 1812 or early 1813, James Fullen trafficked Barbary, Senah, and Wesley back to Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time they were trafficked, the location would have been part of Russell County, Virginia, USA.

The heirs of Stephen Osborn provide the following testimony via their attorney on October 4, 1822. Their testimony about the paternity of Senah conflicts with the testimony of Barbary herself. There are a variety of possible speculations that could be made about their testimony of the paternity of Senah being incorrect.

The negro woman Barbary in the will mentioned, was after the making the said will, delivered of two mulattoe [mulatto] children which are believed to be the children of said Fullen, who purchased the mother and children from the said Stephen, and kept her for some time, but being unable to pay for her, persuaded the said Stephen to take her and her children back & pay him \$150 for a new bargain, besides the loss of the labour of his slaves for more than 12 months.⁵²

Barbary provided the following testimony via her attorney on May 6, 1824.

But soon after this deft [defendant] was sold, the said Stephen became dissatisfied about it, and would not let said Fullin [Fullen] rest until he would recant the bargain, which fact this deft [defendant] believes she can prove, Fullin [Fullen] gave this deft [defendant] up unwillingly being so pressed by the said Stephen, and not because he could not pay for this deft [defendant], for he Fullen had then considerable property. When this deft [defendant] returned to her former master having been gone from him eleven months lacking two days, her said son Wesley was six weeks old lacking four days.

The said Stephen then told this deft [defendant] that he never would sell her again. He then built this deft [defendant] a little house about 2 rods from his dwelling house, and told her to live in that house and cultivate his plantation for him, saying that all his children had left him and seemed to wish to get from him every thing he had, and this deft [defendant] should never serve one of them, for that after the death of himself and wife this deft [defendant] and her children should be free. This he frequently said.⁵³

The measurement of 2 rods would be about 33 feet.⁵⁴ This account of Stephen Osborn building a "little house" for Barbary raises other questions which are subject to a variety of speculation, such as where did Barbary live when she was first trafficked by Stephen Osborn at the age of five or six years old, etc.

The Virginia Personal Property Tax Lists enumerated on June 1, 1813 and June 1, 1814 show Barbary being enslaved by Stephen Osborn in what would be present day Scott County, Virginia, USA. At the time of the enumerations, the location would have been part of Russell County, Virginia, USA. Though the tax lists do not name the enslaved, there are enumerations which corresponds to Barbary being over the age of 16.^{55 56}

⁵² Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Petition of Heirs of Stephen Osborn filed on October 4, 1822

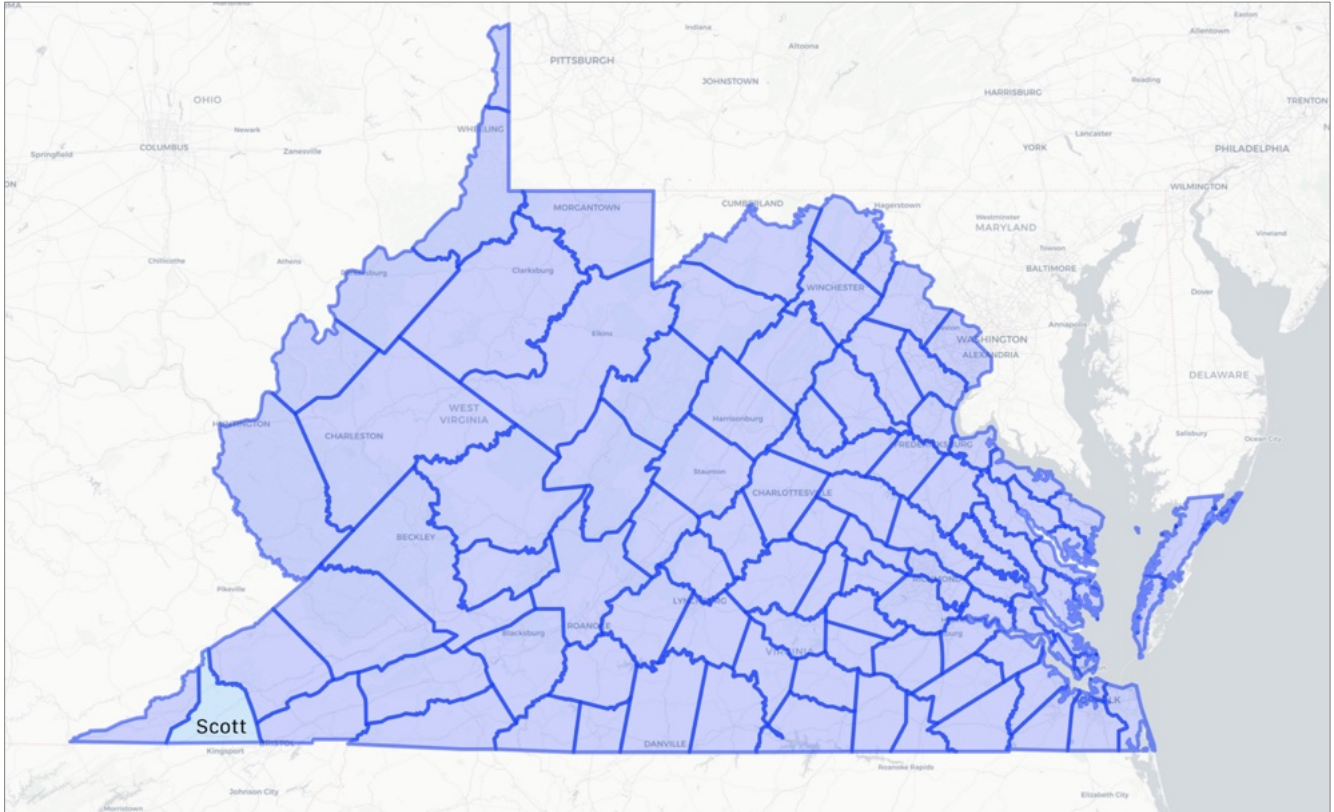
⁵³ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

⁵⁴ Britannica: [Rod](#) - Entry for "rod" as a measurement

⁵⁵ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1813 tax list of Stephen Osborn

⁵⁶ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1814 tax list of Stephen Osborn

Scott County was formed on November 23, 1814, and was created from parts of Washington County, Lee County, and Russell County. The map below shows Virginia and the borders of Scott County after formation.⁵⁷



The Virginia Personal Property Tax Lists enumerated on April 6, 1815 and March 19, 1816 show Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. Though the tax lists do not name the enslaved, there are enumerations which corresponds to Barbary being over the age of 16.^{58 59}

Promise of Manumission (1817)

Stephen Osborn previously prepared a last will and testament which he signed on January 31, 1803. That last will and testament “bequeathed” Barbary to his wife Comfort upon his death, and after the death of Comfort, Barbary was to be “bequeathed” to his son William Osborn. Stephen revoked that last will and testament, and replaced it with another, which was signed and dated July 1, 1817. After the death of Stephen’s wife Comfort Osborn, the new last will and testament granted the manumission of Barbary and her children Senah and Wesley, which were the only two children that she had at that time. Note that one of the witnesses to the last will and testament was James Fullen.

In the name of God amen, I Stephen Osborn being weak in body but of sound and perfect mind and memory do make and publish this my last will and testament in manner and form following that is to say first after the death of myself and wife Comfort Osborn I do set and will that my negroes woman Barbary her daughter Seney and son Westly, shall all be free and live and enjoy all the rights and privileges of free people of colour clear of all slavery or incumbrance from all and every person and persons as well my

⁵⁷ Newberry Library: [Atlas of Historical County Boundaries](#) - Map of Virginia on November 24, 1814

⁵⁸ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1815 tax list of Stephen Osborn

⁵⁹ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1816 tax lists of Stephen Osborn

heirs as all others. Secondly, I will that after our said deaths all my property both real and personal shall be equally distributed among my several children and equally divided among them. As witness my hand and seal this first day of July 1817 hereby revoking all former wills made by me. [Seal] Stephen Osborne. Teste: David Berry, James Fullen.⁶⁰

Barbary provided the following testimony via her attorney on May 6, 1824. It describes how Stephen kept the new last will and testament secret from his children because it manumitted Barbary, Senah, and Wesley. As will be demonstrated later, the children of Stephen contested the validity of this new last will and testament.

She further states, that about one year before the said last will was made, the said William son of the said Stephen, returned from the West and wanted his said father under the said first will, to give this deft [defendant] and her children up to him, and on being denied he was offended, and said to sundry persons as this deft [defendant] has heard and believes it to be true. That he would give his father six years to die in, and then he would come and take this deft [defendant] and children. This offended the said Stephen his said father who soon afterwards applied to the said Fullen to draw his said last will...

The said will being then executed, the said Stephen directed the said Fullen to keep it, and to keep it a secret, because some of his children would be offended about it, the said Fullen asked leave to shew it [show it] to the said Jonathan Osborne, but was denied that liberty. After all was done, the said Stephen went to his work and in the evening when he came to the house he told his wife what he had done, who seemed to be well pleased with it.⁶¹

Barbary provided the following additional testimony via her attorney on May 10, 1826.

She further states that at the time the said Stephen made and published his said last will & he informed your oratrix, that she should never serve any of his children that she your oratrix has been kinder to him the said Stephen than any of his children had... the said Osborne then gave your oratrix notice that if she were had any other child or children after that time, (which was the same day on which the said will was dated) and the father of said child or children would maintain it or them and also pay him the said Stephen for any loss of your oratrixes time by reason of sickness or confinement in bearing of said child or children, the father should be intitled to it or them, and that none of your oratrixes children should ever be held in slavery.⁶²

The testimony of Barbary was supported by the deposition of David Berry on September 11, 1827, who was one of the two witnesses to the signing of the last will and testament.

[Question] Did, or did not the said Stephen Osborn deliver the said paper to Fullen, as his will?

[Answer] He told Fullen keep it, and not to let any of his children know it, for if he did, they would tare him the said Stephen up.

[Question] Who was present when the said will was executed in the manner you have?

[Answer] Stephen Osborne, James Fullen, myself and negroe Barbara the deft [defendant] these were all.⁶³

The testimony of Barbary was supported by the deposition of James Fullen on April 12, 1828, who was one of the two witnesses to the signing of the last will and testament.

[Question] Wat [What] was the cause of the will being kept secret from the time it was wrote until recorded?

⁶⁰ FamilySearch: [U.S., Virginia, Scott County, Will Books, 1816-1868 – 1820](#) - Last will and testament of Stephen Osborn

⁶¹ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

⁶² Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Petition of Barbary on May 10, 1826

⁶³ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of David Berry on September 11, 1827

[Answer] By request of the said Stephen Osborne.⁶⁴

This research paper uses term "manumission" instead of "emancipation" based on the following distinction.

Emancipation is the process of freeing slaves through government action. Manumission takes place when masters free their slaves voluntarily. When a government ends slavery completely, the process is known as abolition.⁶⁵

The Virginia Personal Property Tax List enumerated on September 9, 1817 shows Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary being over the age of 12.⁶⁶

Arrival of Austin Day (1817)

At some point before the Virginia Personal Property Tax List was enumerated in 1817 for Scott County, a free black man named Austin Day arrived in the area. It has not yet been determined if Austin was born enslaved or whether he was born free, and further research will be needed.

The Virginia Personal Property Tax List enumerated on September 9, 1817 shows Austin Day residing in Scott County, Virginia, USA. The tax list enumerates him as a "free man of colour."⁶⁷

Marriage to Austin Day (1818)

Austin Day became acquainted with both Stephen Osborn and Barbary at some point after he arrived in the area. Though Barbary was being enslaved by Stephen, a consensual and romantic relationship developed between Austin and Barbary, and this resulted in an agreement between Stephen and Austin about the relationship.

There are no specific details in any of the court cases about the relationship itself between Austin Day and Barbary, but they are repeatedly referred to as "husband" and "wife" and that they were "married." As the enslaved could not legally marry in Virginia, there would not have been any marriage record, but it was reasonable to conclude they were married circa 1818 in Scott County, Virginia, USA. Any speculation is possible as to whether there was some type of ceremony or whether they simply started living together.

Slave couples joined together in quasi-marital unions that were sanctioned by the plantation owners.... The old folks called it "shacking up" which is an incredibly appropriate description of what is more appropriately referred to as contubernal relationships. Contubernal relationships are characterized by living together in an intimate setting... these relationships under slavery could be terminated at the will of the parties or, more significantly, at the will of a plantation master.... Typically, slave couples did not solemnize their contubernal relationships with traditional wedding ceremonies performed by a clergyman or by a justice of the peace.... In many instances, slaves developed their own solemnization ceremonies.⁶⁸

At some point after the relationship began to develop between Austin Day and Barbary, Stephen Osborn and Austin made an agreement about it. This agreement included an arrangement about Austin living and farming on Stephen's

⁶⁴ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of James Fullen on April 12, 1828

⁶⁵ Encyclopedia.com: [Emancipation and Manumission](#)

⁶⁶ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1817 tax list of Stephen Osborn

⁶⁷ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1817 tax list of Austin Day

⁶⁸ LSU Law Digital Commons: [The History of Slave Marriage in the United States](#) - by Darlene Goring

land, Austin's relationship with Barbary, and any children that Austin and Barbary might have. One possible speculation is that Austin and Barbary may have lived in the "little house" that Stephen has built for her.

Shortly afterwards the said Austin Day came to live with this deft [defendant] as his wife, on which the said Stephen and the said Austin entered into a contract, which was, that he Austin Day should take the whole farm and have one fourth of what was made, and if this deft [defendant] had any children by said Austin he was to maintain said children, and make good any time this deft [defendant] should loose in consequence of being a married woman.

She further states, that afterwards, to wit, on the [blank] day of [blank] 18[blank] a certain Austin Day, a free man of colour entered into a contract and agreement with the said Stephen Osburn your oratrixes said master as following, to wit. It was then and there agreed upon mutually by and between the said Stephen and the said Austin that he the said Austin should take the whole of the said Stephens farm whereon he then lived and cultivate it with the assistance of your ortarix could render him after doing such things for her said masters family as was then and there agreed on by and between the said parties. Also to have the use of the farming utensils and of one horse he the said Austin finding one horse of his. And the whole to be boarded at the expense of the said Stephen until the first crop should be raised. And afterwards the said Austin to board himself and his beast or beasts. And the said Austin was annually to have one fourth of the whole everything that should be raised or made on the plantation.

And it was further agreed by and between the said Stephen Osburn and the said Austin Day that if your oratrix should have one or more children by the said Austin that he the said Austin should find a hand to work in your oratrixes place whenever your oratrix should be unwell or confined by sickness or inability in consequence of such child bearing. And that the said Austin should maintain any child or children your oratrix might so have by the said Austin. And in case the said Austin did makeup such lost time of your Oratrix and maintain such child or children so as to keep the said Osburne free from all charges on their account then and in such case the said child or children and all of them that your oratrix should have, should be free and never bound to service to the said Osburn or any other person, but be [?] and be as children free born, but no writings were executed between the said parties although the said contract was to continue for and during the natural life of the said Stephen Osburn. The said Osburns own children had all left him for several years before that time and seemed to abandon their parents in an unfeeling manner.⁶⁹

The specifics of the relationship between Austin Day and Barbary can only be speculated about. The formerly enslaved Harriet Ann Jacobs shares some relevant insight in how she fell in love with a free black man while she was enslaved.

Why does the slave ever love? Why allow the tendrils of the heart to twine around objects which may at any moment be wrenched away by the hand of violence? There was in the neighborhood a young colored carpenter, a free born man. We had been well acquainted in childhood, and frequently met together afterwards. We became mutually attached, and he proposed to marry me. I loved him with all the ardor of a young girl's first love. But when I reflected that I was a slave, and that the laws gave no sanction to the marriage of such, my heart sank within me... for the husband of a slave has no power to protect her... Even if he could have obtained permission to marry me while I was a slave, the marriage would give him no power to protect me from my master.⁷⁰

The Virginia Personal Property Tax List enumerated on June 9, 1818 shows Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary being over the age of 12.⁷¹

⁶⁹ Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Petition of Barbary on May 10, 1826

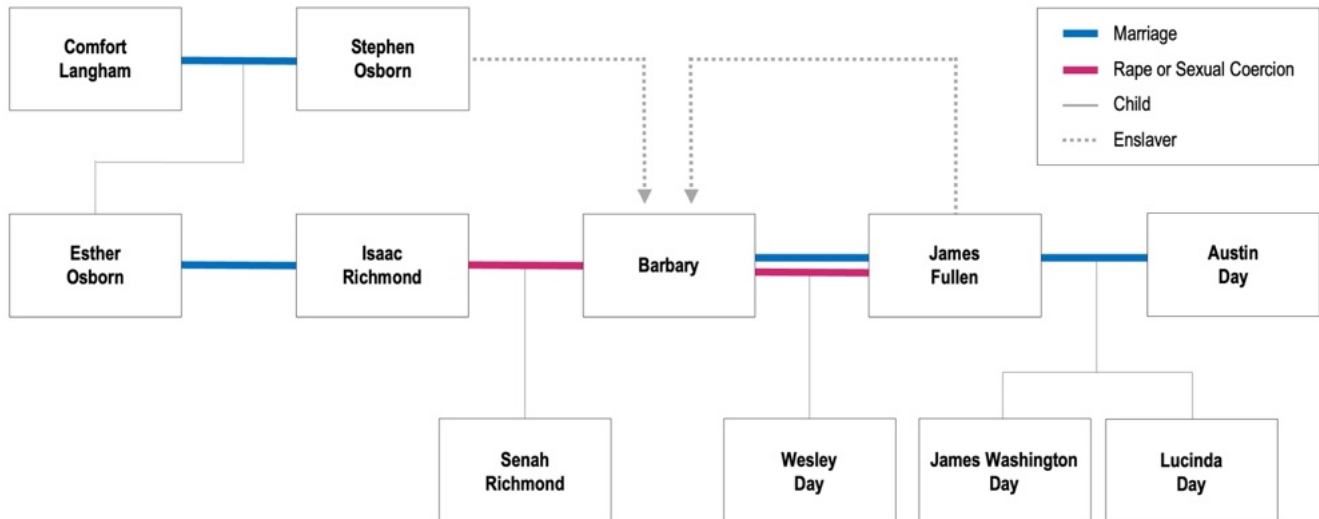
⁷⁰ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 57

⁷¹ FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1818 tax list of Stephen Osborn

The Virginia Personal Property Tax List enumerated on June 9, 1818 shows Austin Day resided in Scott County, Virginia, USA. The tax list enumerates him as a “free man of colour.”⁷²

Birth of James Washington Day and Lucinda Day (1818)

The marriage of Austin Day and Barbary resulted in the birth of twins James Washington Day and Lucinda Day circa 1818 in Scott County, USA. The following diagram helps illustrate the relationship of Barbary to her enslavers, her marriage to Austin Day, and the paternity of her four children.



The heirs of Stephen Osborn provided the following testimony via their attorney on October 4, 1822. It is interesting to note that the heirs of Stephen Osborn recognized and acknowledged that Austin Day and Barbary were husband and wife, though marriage of the enslaved was not legally recognized. The heirs of Stephen Osborn claimed the twins were the “property” of their father because the twins legally inherited the enslaved status of their mother, and because the twins were not manumitted by Stephen’s last will and testament.

The said slave Barbara, afterwards became the mother of two more children by a negro man, her husband, born the property of the said Stephen... she being then the mother of two other children by her negroe husband.⁷³

Barbary provided the following testimony via her attorney on May 6, 1824. It articulates how she had twins by Austin Day, and how she did not believe that they were the “property” of Stephen Osborn, which was based on the previously summarized verbal agreement between Austin and Stephen. She also articulates Austin hired a laborer named Elisha Sexton to make up for Barbary’s lost time and paid for a midwife.

Shortly afterwards the said Austin Day came to live with this deft [defendant] as his wife, on which the said Stephen and the said Austin entered into a contract, which was, that he Austin Day should take the whole farm and have one fourth of what was made, and if this deft [defendant] had any children by said Austin he was to maintain said children, and make good any time this deft [defendant] should loose in consequence of being a married woman. This Deft afterwards had two [sd or od?] last children (being twins) by said Austin Day. And he said Austin hired a man, to wit Elisha Sexton and also others, to make up this defts [defendant’s] lost time, he also paid the midwife, and clothed and boarded the said children.

⁷² FamilySearch: [U.S., Virginia, Russell County, Personal Property Tax Lists, 1787-1850](#) - 1818 tax list of Austin Day

⁷³ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Petition of Heirs of Stephen Osborn filed on October 4, 1822

She denies the said two children she had by her said husband was born the property of the said Stephen, but was the property of her said husband by contract which was faithfully executed on his part.⁷⁴

Barbary provided the following additional testimony via her attorney on May 10, 1826. She articulated how Austin Day fulfilled his agreement with Stephen Osborn. She also articulated some horrific abuse that Austin Day received from the children of Stephen Osborn. It also articulated how Austin paid Stephen for the freedom of his twin children.

She further states that the said Austin Day immediately entered on the execution of his part of the said contract and continued for about two years to do so in good faith and much to the satisfaction of the said Stephen Osburn at the expiration of which time your oratrix was delivered of a son and daughter to the said Austin at our birth, the said Austin also proceeded a suitable person who worked in your oratrixes place for all her lost time in consequence of her having said children. And all done to the full and ample satisfaction of the said Stephen. He the said Austin further maintained said children and freely kept the said children from being in any manner chargeable to the said Stephen.

And faithfully performed his said contract as to them so that the said Stephen your oratrixes master was fully satisfied with the said performance until the said children were about six months old, at which time the said Osbornes own children (or some of them) finding your oratrixes said children were very promising children. And that she might have several more, they commenced making offers to their said father Stephen Osburn to purchase them from him but finding they could not succeed, they proceeded to drive the said Austin Day from the said Stephens plantation by cussing and abusing of him, pissing on him, and threatening him with horrid imputations and ruin, if he did not leave their said fathers plantation and give up all claim to those your oratrixes children as free person, in so much that they drove off the said Austin and compeled him for his own safety to quit the said Stephens said plantation and farm, greatly against the will of both the said Austin & the said Stephen and much to their [?]ory loss.

She further states that the said Austin being unwilling to part from his children or that they should be slaves and finding that he would be obliged to quit said contract and have leave said plantation because the said Stephens children seemed so determined to destroy him or drive him off. And that the said Stephen had become so old and infirm that he could not prevent it (being about 80 years old) he gave the said Stephen forty five dollars in silver and took his promise that they should be set free by his will which he said he would do by altering the will in James Fullins [Fullen's] hands which the said Stephen fully intended to do, and sent for Mr. Fullin [Fullen] several times, but something prevented his coming until at length the said Stephen died. And on his death bed when he discovered that he would go soon he strove to tell about the freedom of her children but his son's presents would not let him speak knowing what he intended to say.⁷⁵

Barbary provided the following testimony via her attorney on May 6, 1824. It specified how some of the grandchildren of Stephen Osborn participated in the horrific abuse of Austin Day.

When the said Stephens children and grand children, found that this Deft [Defendant] began to have children by the said Austin, they would come and quarrel with him, kick him, and make their own water on him, to drive him off, and did drive him off, and at length got the said Stephen to tell the said Austin to go off.⁷⁶

The above testimonies describe about how Austin Day was horrifically abused, both verbally and physically, and that he was driven off from Stephen's "plantation" by his children. As will be shown later, Austin can be found residing in Tennessee in 1825, but the above testimonies could not be referring to that. The testimonies indicate that this occurred while Stephen was still alive and included Stephen telling Austin to "go off." Austin is found on four consecutive personal property tax lists in Scott County between 1817-1820 while Stephen was alive, so one possible explanation was that Austin simply resided elsewhere in Scott County.

⁷⁴ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

⁷⁵ Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Petition of Barbary on May 10, 1826

⁷⁶ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

The testimony of Barbary about Austin Day paying for the freedom of the twins was supported by the deposition of James Fullen on April 12, 1828.

[Question] Did you know of any money being paid by Barb in part [illegible] of the freedom of her and her children?

[Answer] I did not know of any being paid towards [towards] her own freedom. I knew of fifty dollars [dollars] being paid towards [towards] her two last childrens [children's] freedom.⁷⁷

The Virginia Personal Property Tax List enumerated on June 15, 1819 shows Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary being over the age of 12.⁷⁸

The Virginia Personal Property Tax List enumerated on June 15, 1819 shows Austin Day residing in Scott County, Virginia, USA. The tax list enumerates him as a "free people of color."⁷⁹

The Virginia Personal Property Tax List enumerated on March 11, 1820 shows Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. Though the tax list does not name the enslaved, there is an enumeration which corresponds to Barbary being over the age of 16.⁸⁰

The Virginia Personal Property Tax List enumerated on April 10, 1820 shows Austin Day residing in Scott County, Virginia, USA. The tax list enumerates the household with one "blacks above 16 years old" and one "free negroes & mulattoes."⁸¹

The U.S. Census enumerated on August 7, 1820 shows Barbary being enslaved by Stephen Osborn in Scott County, Virginia, USA. While the census does not list names of the enslaved, there is an enumeration which would correspond to Barbary which has her gender enumerated wrong, and enumerations for her enslaved sons Wesley and James. Barbary was enumerated as "1 slave male 26 to 44" and her sons Wesley and James were enumerated as "2 male slaves under 14." Separately enumerated on the census is the household of Austin Day, which enumerates her two daughters.⁸²

The U.S. Census enumerated on August 7, 1820 shows the family of Austin Day living in Scott County, Virginia, USA. As described in earlier, Austin was living on and farming the land of Stephen Osborn. While the census does not enumerate household members, there are enumerations which would correspond to Austin and Barbary's daughter Lucinda, and Barbary's daughter Senah. Austin was enumerated as "1 free colored male 26 to 44," Senah was enumerated as "1 free colored female 14 to 26," and Lucinda was enumerated as "1 free colored female under 14." Barbary's daughters are listed as being free, though they were legally enslaved by Stephen Osborn.⁸³

Death of Steven Osborn (1820)

Stephen Osborn died on Sunday, October 15, 1820 in Scott County, Virginia, USA. Barbary provided the following testimony via her attorney on May 6, 1824 with details about his death.

She [Barbary] further states, that when the said Stephen was taken sick of the fever of which he died, his wife and two of this defts [defendant's] children were sick at the same time. That the children of the said Stephen paid not more attention to him than other neighbours. That this deft [defendant] having the four

⁷⁷ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of James Fullen on April 12, 1828

⁷⁸ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1819 tax list of Stephen Osborn

⁷⁹ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1819 tax list of Austin Day

⁸⁰ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1820 tax list of Stephen Osborn

⁸¹ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1820 tax list of Austin Day

⁸² Ancestry: [1820 United States Federal Census](#) - Enumeration of Stephen Osborn in Scott County, Virginia

⁸³ Ancestry: [1820 United States Federal Census](#) - Enumeration of Austin Day in Scott County, Virginia

to attend to, was nearly worn down, and about four days before the death of the said Stephen, at night, insisted on this deft [defendant] to lie down, which she did towards day, after some time she went into the house and found the said Stephen sitting by the fire with his nose in a gore of blood, on this defts [defendant's] coming in, he burst into tears and said Barbara, if you had been here I would not have been hurt so.

She then examined and found that the company had left the said Stephen to walk out by himself and return, a thing this deft [defendant] had not allowed for days, that he had fell down in the floor and broke the bridge of his nose and bent it much on one side, in which way it remained until his death. He complained much of being hurt in the breast, said it would kill him, and to his death he said he thought if he had not been hurt by the fall he might have recovered.

This defendant thinks it to be a disgrace to the said plaintiffs to slander their father unjustly as they have done. She states expressly, that for 16 years before his death she never knew him to be intoxicated so as to injure him, he would appear a little lively at some times, but not often even that much. That in his early life he had been subject to drink too much when he would go into company, but never was a man to run after it or abuse himself much with it, and as to his insanity, this deft [defendant] denies the truth of the charge expressly, she states that for several months he was greatly distressed about religion and his wife, or this deft [defendant] would frequently follow him to see what he was doing, but would find him on his knees appearantly [apparently] at prayer, he however recovered in a few months, joined the Baptist Church and remained a more moral man to his death, being about 16 years.

She denies the said Stephen had forgotten his said last will to the day of his death, but on the contrary he often spoke of it with approbation, saying that this deft [defendant] had been better to him than any of his children which she avers to be true. She also states that on his death bed he wanted to say something which his sons prevented him from speaking, and caused him so to die, which this deft [defendant] thinks was about her two children by her said husband, and that he wanted publicly to acknowledge their right to freedom.⁸⁴

The last will and testament of Stephen Osborn was dated Tuesday, July 1, 1817, and the will was proved on December 12, 1820 in Scott County, Virginia, USA. After the death of Stephen's wife Comfort Osborn, the last will and testament promised the manumission of Barbary and two of her four children, which were Senah and Wesley. James and Lucinda were not named as they were born after the last will and testament was created. The two witnesses to the signing of the last will and testament were David Berry and James Fullen, who provided oaths as such.

In the name of God amen, I Stephen Osborn being weak in Body but of sound and perfect mind and memory Do make and publish this my last will and testament in manner and form following that is to say first after the death of myself and wife Comfort Osborn I do set and will that my negroes woman Barbary her daughter Seney and son Westly, shall all be free and live and enjoy all the rights and privileges of free people of Colour clear of all slavery or incumbrance from all and every Person and persons as well my heirs as all others. Secondly, I will that after our said deaths all my property both real and personal shall be equally distributed among my several Children and Equally divided among them. As witness my hand and seal this first day of July 1817 hereby revoking all former wills made by me. [Seal] Stephen Osborne.
Teste: David Berry, James Fullen.

Virginia. At a court held for Scott County at the courthouse thereof the 12th day of December 1820. The last will and Testament of Stephen Osborn deceased was exhibited in Court and proven by the oaths of David Berry and James Fullen the witnesses thereto and ordered to be recorded. Teste: John S. Martin, D.C.⁸⁵

David Berry provided the following deposition on September 11, 1827. He testified that Jonathan Osborn, the son of Stephen Osborn, attempted bribe him not validate and prove the last will and testament.

⁸⁴ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Answer of Barbary filed on May 6, 1824

⁸⁵ FamilySearch: [U.S., Virginia, Scott County, Will Books, 1816-1868](#) - Probate of Stephen Osborn

[Question] Have any of the said Stephen Osborn's heirs offered to hire you not to tell what you knew about said will, and if so, tell whom?

[Answer] I have twice been qualified to prove the said will. At the time I was first called upon to prove the same, I went into the Court House and stepped behind the bar and Jonathan Osborn being there, I either stepped [stepped] to him, or he came to me, and which of the two I do not recollect, and he asked me what I would take not to prove the will. I replied that I was then called in and could not get over it.⁸⁶

Though Barbary was still enslaved, the proving of the last will and testament in court apparently provided some type of unique legal position for Barbary. This will become significantly important for her later. The legal term "expectancy" refers to the portion of an estate that someone stands to inherit upon the death of the giver. In the case of Barbary, the "expectancy" was her manumission upon the death of Comfort Osborn, and this was now proven in a court of law.

Expectancy refers to the share of an estate that an heir apparent stands to inherit upon the death of an ancestor. Since expectancies are only potential future interests, and have not yet vested, the transfer of them is generally considered void under common law. However, as discussed in this Supreme Court of Virginia case, courts may recognize the release of an expectancy interest in an ancestor's estate, as long as it is made for valuable consideration and free from circumstances of fraud.⁸⁷

The Virginia Personal Property Tax List enumerated on February 20, 1821 shows Austin Day resided in Scott County, Virginia, USA.⁸⁸ There is no enumeration for Austin Day on the Virginia Personal Property Tax List lists for 1822 in Scott County, Virginia, USA.

Petition of the Heirs of Stephen Osborn (1822)

The heirs of Stephen Osborn filed a petition, also known as a bill of particulars, on October 4, 1822 in Wythe County, Virginia, USA. The purpose was to contest and invalidate the 1817 last will and testament of Stephen Osborn.

Your orators John and Jonathan alone were present, none of the heirs of Stephen Osborne being summoned to contest the probate of said will, and your orators being ignorant of Law and the proper mode of contesting such probate, entered into no controversy respecting it, but waited to be advised by their counsel. Administration of the said will was granted to William Kilgore, who not knowing of the fraud practiced by said Fullen, gave bond & proceeded to execute the said will, but is now since he is better informed willing to have the will annulled as a gross fraud practiced on a weak & dotting old man.

The said Fullen kept possession of the will last mentioned, keeping it a profound secret from the family of said Stephen, untill it was offered for probate. Your orators & oratrixes charge, that the said Fullen with a view to the emancipation of his two children aforesaid and their mother made the said Stephen drunk, and took him in that situation from his family into the woods wrote the said will of 1817... the object of the last will seems to have been solely to provide for the emancipation of the negroe wench, and her two mulattoe children, she being then the mother of two other children by her negroe husband, which are not emancipated by the will, and which the said Fullen felt no interest in emancipating.⁸⁹

In this era, the term "wench" could refer to "a black or colored female servant" or "a young woman of ill fame,"⁹⁰ and some indicated that the term was also used with how "slaveholders saw enslaved people as sexual beings."⁹¹

⁸⁶ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Deposition of David Berry on September 11, 1827

⁸⁷ Cornell Law School: [Legal Information Institute](#) - Definition of "expectancy"

⁸⁸ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1821 tax list of Austin Day

⁸⁹ Library of Virginia: [Osborne, Heirs of Stephen: Freedom Suit](#) - Petition of Heirs of Stephen Osborn filed on October 4, 1822

⁹⁰ Noah Webster: [American Dictionary of the English Language \(by Noah Webster, 1828\)](#) - Definition of "wench"

⁹¹ University of Texas: [Conference Examines Sexuality in Early American Slave Societies](#)

Abduction of Barbary (1823)

Barbary was forcibly abducted by Isaac Richmond on January 28, 1823 in Scott County, Virginia, USA. Barbary was still enslaved, and it is assumed that she was serving Comfort Osborn, but this has not yet been validated. Isaac intended on bringing Barbary back to where he lived in Franklin County, Tennessee, USA. William Roberson (also Robertson and Robinson), Lewis Ashby, and John Ashby recovered Barbary the following day on January 29, 1823 in Scott County, Virginia, USA. Their motivation for recovering Barbary should not be considered a rescue or honorable. Their reason was purely financial, as they viewed Barbary as "property" of which they had an interest. This resulted in two different trials outlined below, where all four men were accused and exonerated for the felony of the "robbery" of Barbary.

The Virginia Personal Property Tax List enumerated on February 4, 1823 shows Austin Day residing in Scott County, Virginia, USA. The tax list enumerates him as one "free negroes & mulattoes."⁹²

Petition of Barbary (1823)

Barbary filed a petition, also known as a bill of particulars, on February 12, 1823 in the Chancery Court of Scott County, Virginia, USA. Though I have no legal subject matter expertise, this would seem to be a significant and unique event from a legal perspective. It is important to recognize she was still enslaved at this time. The last will and testament of Stephen Osborn was proved in court two years prior, where she had a legally proven "expectancy" of manumission upon the death of Comfort Osborn.

The purpose of the petition was requesting an order of protection or restraining order for her, Senah, and Wesley, not be removed from Scott County, and permission to file a lawsuit as a poor person against the heirs of Stephen Osborn. It is important to recognize they were all still enslaved at this time.

To the worshipful the court of Scott County in chancery, sitting humbly complaining shewith your oratrix Barbary, a woman of colour. That some time past... Stephen Osborn of the said county of Scott departed this life, having... duly made and published his last will and testament... which will he the said Stephen being the master and proper owner of your oratrix and her children, emancipated her your oratrix, and, two of her children, to wit, Seny and Wesley. Which emancipation is to take full effect on the death of Comfort Osburn then his wife, and now the widow of the said Stephen Osburn deceased.

She further states that the said Comfort Osburn is a very ancient woman near 90 years old and has become quite [incapable?] both in body and mind to conduct her own business and the said children all of them so far as you oratrix can understand and as she is informed and believes to be true have combined together to send your oratrix off to distant parts and cause her and her said children to be detained forever in slavery [pretending?] that they have brought a suit to set aside said will.

And that one of the said Stephen Osborns sons in law to wit Isaac Richmond purchasing or pretending to purchase the claims of all the heirs of the said Stephen Osburn deceased to your pratrix, and her said children and declaring the said will to be of no amount seized violently your oratrix [?] her and forced her away on his journey to his residence in Franklin County in the state of Tennessee with an intention to make a slave of your oratrix forever. And he also attempted to git possession of your oratrixes said children, who are both yet under the age of twenty one years, for the purpose of making slaves forever of them, which he the said Richmond would have it in his power easily to do from the great distance at which he lives from this place and that distance towards the south western part of this county from which place your oratrix could so readily be forced off by [?] to distant parts from which she never could obtain the evidence of her freedom.

⁹² FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1823 tax list of Austin Day

She further states that the said Isaac Richmond would have succeeded in forcing your oratrix away and enslaving her had it not been that a certain William Robison had purchased the claim of one of the said heirs to your oratrix and followed the said Richmond and took your oratrix from him by force. And if the said Robison [?] that his interest in your oratrix by the said purchase is nothing she has no [?] her he will follow again or protect her your oratrix any further.

She further states that the situation of your oratrix and her said children is a most dangerous situation because one of the said heirs to wit William Kilgore has in your worshipful court administrated on the estate of the said Stephen Osburn with the will annexed (there being no Executor appointed) and is also interested in depriving your oratrix and her said children of their right to freedom all which is contrary to equality etc.

The prayer therefore of your oratrix is that your worship will permit your oratrix in form of a poor person to sue in your worships court for herself and her said children and that this her said bill may be received.... and that a Guardian may be appointed for the said Comfort who is incapable either to act or judge for herself). And the said William Kilgore as administrator and that the whole of the said defendants may be required to give bond and good security that they will not removed your oratrix or either of her said children out of the jurisdiction of your worshipful court until the death of the said Comfort Osburn or until the further order of your worshipful court. And until such bond shall be given that your worship would take such order for the protection of your oratrix and her said children as shall be just and right. And that such other and further relief may be extended to your oratrix and her said children as to equally belongs and is suited to the particular [obscured] of her cause may please your [obscured] graciously to grant etc. [singed] A. McHenry for plttff [plaintiff].⁹³

The Chancery Court granted the petition of Barbary on February 12, 1823 in Scott County, Virginia, USA. The court granted an order of protection or restraining order that Barbary and her children Senah and Wesley should not be removed from Scott County, and granted permission for her to file a lawsuit as a poor person against the heirs of Stephen Osborn.

And it is further ordered that the sheriff of the County do take possession of the said Barbary and her said Children Seny and Wesley, and by the Consent of the Counsel of the defts [defendants] who appeared, and, defended the motion of the said Barbary, it is further ordered, that the said sheriff do place the said Barbary and her said Children in the possession of the said Andrew McHenry until the defendants that are in the County or some of them, give bond with good security in the sum of twelve hundred dollars to have the said Barbary and her said Children Seny and Wesley forthcoming to abide the further order of this Court made in the case, and that the said Barbary and her said Children shall not be removed out of the Jurisdiction of this Court, until the death of the said Comfort Osborn or until the final decree of this Court made this cause.⁹⁴

William Roberson (also Robertson and Robinson), Lewis Ashby, and John Ashby were accused and charged on February 13, 1823 in the county court of Scott County, Virginia, USA with the felony of "robbery" for stealing Barbary from Isaac Richmond. The charge was "robbery" as Barbary was still enslaved and considered "property." Isaac planned to bring Barbary back to where he lived in Franklin County, Tennessee, USA and contended that Barbary was his slave. The purported "robbery" occurred on January 29, 1823 in Scott County, Virginia, USA, which was the day after Isaac forcibly abducted Barbary. The three were tried and exonerated in court on February 13, 1823 in Scott County, Virginia, USA.

At a court held at the Court House of Scott County on the 13th day of February 1823 for the examination of the fact wherewith William Robertson, Lewis Ashby, and John Ashby stand charge with having in the 29th day of January 1823 at the County aforesaid feloniously robbed Isaac Richmond of one negro woman a slave of the value of three hundred & fifty dollars the property of said Richmond...

⁹³ Library of Virginia: [Chancery Records: Barbary vs. James Osborn](#) - Petition of Barbary on February 12, 1823

⁹⁴ Library of Virginia: [Chancery Records: Barbary vs. James Osborn](#) - Petition of Barbary on February 12, 1823

The Court having heard the Evidence as well for as well against the persons in their presence and having heard their defense, proceeded to consider whether the said William Robertson for the offence aforesaid out to be discharged from further prosecution, must be tried in the Superior Court to Laws or whether the offence wherewith he stands charge is chargeable before the County Court. And is of opinion that the said William Robertson for the offence aforesaid ought to be discharged from further prosecution. And after hearing further evidence preceded to consider whether the Lewis Ashby and John Ashby for the offence aforesaid out to be discharge from further prosecution, must be tried in Superior Court of laws, or whether the offence wherewith they stand charged is cognizable before the County, and are of option that the said Lewis Ashby and John Ashby for the offense aforesaid ought to be discharged from further prosecution.⁹⁵

Two days later, the tables were turned, and Isaac Richmond was accused and charged on February 15, 1823 in County Court of Scott County, Virginia, USA with the felony of "robbery" of Barbary. Isaac was granted bail on February 15, 1823 in County Court of Scott County, Virginia, USA with his brother in law Jonathan Osborn providing security.

At a court held at the Courthouse of Scott County the 15th day of February 1823 for the examination of the fact wherewith Isaac Richmond of the County aforesaid stands charged of having on the 28 day of January 1823 feloniously stolen taken a certain negro woman named Barbary, who was emancipated by the last will and testament of Stephen Osborne deceased against the consent of the said Barbary with an intention to enslave her for himself.⁹⁶

Isaac Richmond was tried on Wednesday, March 12, 1823 in County Court of Scott County, Virginia, USA with the felony of "robbery" of Barbary. Though the charges were dismissed, Isaac was required to provide bond that he would not attempt to remove Barbary again from Scott County.

At a Court Quarterly Continue and held for Scott County this 12th day of March 1823. The Court appointed for the examination of the facts where which Isaac Richmond stands charge having adjourned till this term. This Court pursuant to law cause the said prisoner to be broth into Court and proceeded to examine into the said fact where of he stands charged of having on the 28th day of January 1823 at the County aforesaid feloniously stolen taken & carried away a certain negro woman named Barbary who was emancipated by the this last will and testament of Stephen Osborn deceased against the consent of said Barbary with an intention of enslave her forever.

The Court having heard the evidence as well for as against the prisoner in his presence, and having heard his defense proceeded to consider whether the said Isaac Richmond for the offence aforesaid out to be discharged from further prosecution, must be tried in the Superior Court of Laws, or whether the offence wherewith he stands charge is cognizable before the County Court, and is of option that the said Isaac Richmond of the offence aforesaid out to be discharged from further protection. And it is further considered that the said Isaac Richmond [?] bond with sufficient security in the sum of one thousand two hundred dollars, conditioned that he does not [move?] the said Barbary & her Children out of this County till further order of the Court, Whereupon the said Isaac Richmond with Jonathan Osborn and John Richmond his securities entered into and acknowledged [?] their bond in the sum of one thousand two hundred dollars, conditioned as herein directed.⁹⁷

Barbary filed a motion on October 14, 1823 via her attorney. The motion was granted and she was placed into protective custody of the sheriff. Again, it is important to recognize they were still enslaved at the time.

On the motion of the complainant by her counsel, who presented a bill from the deft [defendant] William Kilgore in the words following to wit, Scott CH etc. He having pursuant to a former order this court executed a bond for the safe keeping and delivery of said complt [complainant] and her two children Westly and Seney when thereto required by this court. It is ordered from reasons appearing to the court & from said letter that the sheriff of this court do forthwith take the said Barbary and her said children Seney

⁹⁵ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Commonwealth vs. Robertson, Ashby, Ashby

⁹⁶ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Commonwealth vs. Richmond

⁹⁷ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Commonwealth vs. Richmond

and Wesley into his custody and them safely keep till the further order of this court, and it is further ordered that the clerk deliver a copy of this order to the said sheriff instants.⁹⁸

Andrew McHenry was ordered to be the court appointed attorney for Barbary on October 18, 1823 in County Court of Wythe County, Virginia, USA. This was concerning the lawsuit of the heirs of Stephen Osborn against William Kilgore, the administrator of the estate of Stephen Osborn, and also against Barbary and her children Senah and Wesley.

Appearing to the Court that the Defendants Barbara and her Children have as Counsel in the Court for the purpose of Defending their rights which are involved in this Cause, it is therefore ordered that Andrew McHenry Esquire be assigned to them as Counsel for the purpose of Defending this such in their behalf.⁹⁹

Isaac Richmond filed his answer to the petition of Barbary on November 15, 1823 in Scott County, Virginia, USA. The answer indicates he was being held in jail in Scott County.

That having purchased from the widow and heirs of Stephen Osborne decd [deceased] all their interest in the slaves in the bill mentioned, and being himself an heir he was publicly removing to his residence in Tennessee with the Compl [Complainant] only when he was forcibly robbed of her by William Robinson

This deft [defendant] has been already much harassed and oppressed respecting these slaves. He was criminally prosecuted for removing his own property, in which he was acquitted, and now he is deprived of possession by the order of this worshipful court, and no provision therein made to security your Orator the hire and profits thereof.¹⁰⁰

The Virginia Personal Property Tax List enumerated on April 19, 1824 shows Austin Day resided in Scott County, Virginia, USA. The tax list enumerates him as one "free negroes & mulattoes."¹⁰¹

⁹⁸ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Barbary vs. Heirs of Stephen Osborn

⁹⁹ FamilySearch: [U.S., Virginia, Wythe County, Order Book, v. 1, 1812-1820 - Order Book, v. 2, 1820-1829](#) - Barbary vs. Heirs of Stephen Osborn

¹⁰⁰ Library of Virginia: [Chancery Records: Barbary vs. Heirs of Stephen Osborn](#) - Answer of Isaac Richmond on November 15, 1823

¹⁰¹ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1824 tax list of Austin Day

Manumission of Barbary (1825)

The narrative of this section summarizes a major event in the life of Barbary when she was manumitted.

Death of Comfort Osborn (1824)

Comfort Osborn, the enslaver of Barbary, died on or "about" December 1, 1824 in Scott County, Virginia, USA, as described in the court record below.

Manumission of Barbary (1825)

The last will and testament of Stephen Osborn was dated Tuesday, July 1, 1817, and after his death, the last will and testament was proved on December 12, 1820 in Scott County, Virginia, USA. After the death of Comfort Osborn, the last will and testament promised the manumission of Barbary and two of her four children, which were Senah and Wesley. Her two other children, James Washington Day and Lucinda Day, were not born when the last will and testament was created and signed.

Barbary, Senah, and Wesley were manumitted on January 12, 1825 in Scott County, Virginia, USA, which was based on the motion of William Kilgore, who was the administrator of the estate of Stephen Osborn. Barbary was about 32 years old at the time, Senah was about 18 years old, and Wesley was about 13 years old.

Virginia, at a Court continued, and held, for Scott County at the Courthouse thereof the 12 day of January 1825. On the Motion of William Kilgore administrator of the estate of Stephen Osborn decd [deceased] who proved to the satisfaction of the Court that Comfort Osborn the widow and relic of the said Stephen Osborn decd [deceased] died in this County about the first day of December last. It is ordered that he be permitted to take out from the Clerk of this Court, a certificate of the emancipation of the slaves willed to be free by the said Stephen Osborn, but not to use it to the prejudice of the heirs of said Stephen Osborn decd [deceased].¹⁰²

The comment from the court about not using the certificate of emancipation to the "prejudice of the heirs" of Stephen Osborn was in reference to the multiple court cases which were still outstanding, which were filed both by the heirs and also against the heirs of Stephen Osborn.

Searches for a copy of the certificate of emancipation have been unsuccessful, but most Scott County court records are not indexed, and not everything is online.

¹⁰² FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Motion of William Kilgore, administrator of estate of Stephen Osborn

Freedom of Barbary (1825-1880)

The narrative of this section summarizes the life of Barbary after her manumission when she lived as a free woman. Though she was free, Barbary still had legal issues with maintaining her freedom, which included her desire to stay in Virginia. She also unsuccessfully fought for the freedom of her two other children, James Washington Day and Lucinda Day, who were ultimately trafficked and enslaved. Barbary also found love again was married for a second time.

Austin Day provided a deposition in the lawsuit of Adam Waterford against Philip Ashby on October 24, 1825 and indicated that he resided in Hawkins County, Tennessee, USA.¹⁰³

The lawsuit of William Roberson (also Robertson and Robinson) against the heirs of Stephen Osborn was decided on April 12, 1826 in Chancery Court of Scott County, Virginia, USA. Barbary's two other children James Washington Day and Lucinda Day were not manumitted by the last will and testament of Stephen Osborn. They were deemed to be enslaved and were ordered to be trafficked and Roberson was to be awarded three tenths of the price. This particular order was subsequently suspended and set aside.

This cause came on this 12th day of April 1826 to be heard on the bill, answers and exhibits, and the conditional decree in this cause being served on John Osborn and John Dollarhide, whereupon it is adjudged, ordered and decreed that the slaves mentioned in the complts [complainant's] bill, be sold at public sale to the highest bidder for [ready?] money, before the front door of the Courthouse of Scott County on the first day of the June Court next, having previously advertised the time and place of sale at least 20 days. And that Jonathan W. Morrison be appointed Commissioner to sell the same, and that he pay to the complt [complainant] three tenths of the amount of the money arising from the sale thereof. And that he pay the remaining seven tenths to Jonathan Osborn or John S Martin Trustee for the benefit of said Osborn who is security for [Isaac] Richmond to Benjamin Estill for \$200 and intrust.¹⁰⁴

Barbary filed a petition, also known as a bill of particulars, on Wednesday, May 10, 1826 in the Chancery Court of Scott County, Virginia, USA. The purpose was requesting the court to set aside the prior decree to sell her enslaved children James Washington Day and Lucinda Day. This is the first documentation where she is described as "a free woman of colour." This petition also provides insight that she had "assistance of some of her friends," and this is open to speculation that assistance included legal advisement, financial, etc. It is also interesting to note that though she had been manumitted for less than eighteen months, the petition indicated that she had "some debts due to her" with enough value that she believed that she could eventually "purchase" James and Lucinda.

Barbara a free woman of colour... She further states that since that time by the last will of her said master the said Stephen, she has obtained her freedom but by a suite [suit] brought by the heirs and children of the said Stephen to cancel the said will of the said Stephen. She is thrown into such difficulties that she has not had it in her power to see justice done to her said two children namely, James Washington and Lucinda, and the said Austin Day has removed to the state of Tennessee and has been afflicted with fits so that the seems to have lost care for his said children.

She further states that an issue is directed by the Chancellor to try the validity of the said Stephen Osburns sd [said] will which issue your Oratrix believes will be decided next Stephen in her favour, an if so she believe by the assistance of some of her friends and of some debts due to her she will be able should

¹⁰³ Library of Virginia: [Chancery Records: Waterford vs. Ashby](#) - Deposition of Austin Day on October 24, 1825

¹⁰⁴ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Robertson vs. Heirs of Stephen Osborn

her said children be sold to purchase them her self and so prevent them and their offspring from being forever enslaved but if they are sold under the present Decree that awful consequence must follow. All which actings are contrary to equity.¹⁰⁵

—

Austin Day acknowledged a lawsuit against him on Monday, September 18, 1826 in the Superior Court of Scott County, Virginia, USA.¹⁰⁶ The court record indicates that he was in jail in Scott County. He was either legally obligated to return to Scott County, or was arrested and returned from Hawkins County, Tennessee, USA in custody.

—

Barbary filed a petition, also known as a bill of particulars, on Tuesday, September 11, 1827 in the Chancery Court of Scott County, Virginia, USA. The purpose was requesting the court to set aside the prior decree to sell her enslaved children, James Washington Day and Lucinda Day, and that she be appointed guardian and be permitted to sue without cost. All of the requests were granted by the court.

The Bill of the said Barbary suggesting that the said Children are entitled to their freedom. And praying to set aside the Conditional decree made in the said suit brought by William Robinson directing the sale of the said children, and praying also to restrain John S Martin a Trustee under a deed of Trust executed to him by Isaac Richmond to secure Jonathan Osborn for a debt for which he had been security for the said Richmond to Benjamin Estill. And also that the said Barbara may be appointed guardian ad litem for the said Children and be permitted to sue in this Court for them as their guardian, for their freedom without costs, all of which was accordingly ordered by the Court pursuant to the prayer of the said Bill.

And it is further ordered that the Sheriff of this County take possession of the said Children and hold them in his possession in safe keeping to answer the final decree of this Court in the premises, unless the defts [defendants] of the said Bill or some one of them shall enter into bond with good security in the sum of one thousand dollars conditioned as the law directs to have the said Children forthcoming to answer the final decree of this Court in the premises.¹⁰⁷

Jonathan Osborn provided a response on Wednesday, December 12, 1827 in the Chancery Court of Scott County, Virginia, USA. Osborn was still contesting that she was still enslaved, though she had already received a "certificate of emancipation" from the court in 1825.

This deft [defendant] cannot discover how that will, be it valid or not, can affect his right to the two slaves, James Washington and Lucinda, or how it can affect the right of those slaves as to their claim to freedom. And as to the other portion of said bill this deft [defendant] cannot well understand, from it, whether Barbara is claiming those to children as her slaves [slaves underlined], or whether she is claiming them for Austin Day as his slaves [his slaves underlined], or whether she is suing in this form for the freedom [freedom is underlined] of said two children. This deft [defendant] however denies that she has any right to sue for either of these two objects as she is herself a slave.¹⁰⁸

¹⁰⁵ Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Petition of Barbary on May 10, 1826

¹⁰⁶ FamilySearch: [Virginia, Scott County, Superior Court Order Book 1825-1831](#) - Thompson, Waterford vs. Day

¹⁰⁷ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Petition of Barbary Day on September 11, 1827

¹⁰⁸ Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Answer of Jonathan Osborn on December 12, 1827

First Enumeration as Barbary Day (1829)

The Virginia Personal Property Tax List enumerated on April 15, 1829 shows Barbary Day residing in Scott County, Virginia, USA. The tax list enumerates her as one "free negroes & mulattoes."¹⁰⁹ This was the first time that she was documented with the Day surname.

Barbary Day filed a supplemental petition, also known as a bill of particulars, on Thursday, May 14, 1829 in the Chancery Court of Scott County, Virginia, USA. The purpose of the original bill was requesting an order of protection or restraining order for her, and her children Senah and Wesley, not be removed from Scott County, and permission to file a lawsuit as a poor person against the heirs of Stephen Osborn. The purpose of the supplemental petition was an additional order of protection or restraining order against Isaac Richmond, who had returned to Scott County.

She said Richmond moved from this County some time ago to Alabama, and he has recently returned to the County and has on this day come to the Town of Estillville where your Oratrix and her children have resided ever since the order aforesaid was made, and has threatened to take and carry them away, and reduce them to slavery, and carry them out of the Jurisdiction of the Court, and probably sell them as slaves in a distant County, so that they would not be able to establish their right to freedom under the said will.

Your Oratrix will further state that the said Richmond on a former occasion took possession of her and her children, and was attempting to carry them off, but he was prevented from effecting his purposes by the interdiction of others who brought your Oratrix and children back within the jurisdiction of this Court where she was remained in peace until this time working the event of the suit aforesaid.

The said Richmond on this day attempted violently to take your Oratrix and her children into possession, and to carry them off to distant parts of the Country, and on her refusing to go with him has treated her with great violence. Under the circumstances, your Oratrix is advised that her only relief and most proper mode of proceeding is to seek the equitable protection of this Court, and to pray this they will restrain the said Richmond, his Co Defts [Defendants], or any others acting under their authority from interfering with herself and her children, and that they may be put into the custody and protection of the shff [sheriff] of this County till her right to freedom shall be ascertained and the further Order of this Court.¹¹⁰

The Chancery Court granted the supplemental petition of Barbary on May 14, 1829 in Scott County, Virginia, USA.

On the motion of the Compl [Complainant] who filed her supplemental bill and made oath thereto, and for reasons appearing to the Court, it ordered by Consent of the Compl [Complainant], that she and her Children Sent & Wesley, be placed in the Care and Custody of Andrew McHenry to be protected from the molestation of the Defts [Defendants] and particularly of Isaac Richmond, and that they be safely kept by said McHenry, to be forthcoming to Comply with the further order of the Court.¹¹¹

The Registration of Free Negroes and Mulattoes enumerated on Monday, June 1, 1829 shows the family of Barbary Day living in what would be present day Gate City, Scott County, Virginia, USA. At the time of the registration, the town was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886. Other than court cases, this was the first time that Senah and Wesley were enumerated by name on a governmental document. It should be noted that Senah was using the Day surname at this

¹⁰⁹ FamilySearch: [U.S., Virginia, Scott County, Personal Property Tax Lists, 1787-1850](#) - 1829 tax list of Barbary Day

¹¹⁰ Library of Virginia: [Chancery Records: Barbary vs. Jonathan Osborn](#) - Supplemental petition of Barbary on May 14, 1829

¹¹¹ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Court order on May 14, 1829

time, and later used the Richmond surname of her biological father. Wesley consistently used the Day surname of his step father, and never used the Fullen surname of his biological father.

A List of all Free negroes or mulattoes within the South district of Scott County on the 1st Day of June 1829: LINE 3: Name of free negro: Barbary Day, Sex: Female, Place of Abode: Estillville, Trade, Occupation, or Calling: Spinster; LINE 4: Seney Day, Sex: Female, Place of Abode: Estillville, Trade, Occupation, or Calling: Spinster; LINE 5: Westley Day, Sex: Male, Place of Abode: Estillville, Trade, Occupation, or Calling: Laborer.¹¹²

The heirs of Stephen Osborn contested the validity of the 1817 last will and testament of Stephen Osborn. The case names the children of Stephen, as well as Barbary and all four of her children. The jury ruled on September 18, 1829 that the 1817 last will and testament was valid.¹¹³

First Census as Barbary Day (1830)

The U.S. Census enumerated on Tuesday, June 1, 1830 shows the family of Barbary Day living in what would be present day Gate City, Scott County, Virginia, USA. At the time of the census, the town was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886. This was the first census that enumerated Barbary by name and as a free woman. The 1830 census only lists the head of household, but contains enumerations that correspond to Senah and Wesley. Barbary was enumerated as "1 free colored female 36 to 54," Senah was enumerated as "1 free colored female 10 to 23", and Wesley was enumerated as "1 free colored male 10 to 23." ¹¹⁴

The Registration of Free Negroes and Mulattoes enumerated on Tuesday, June 1, 1830 shows the family of Barbary Day living in what would be present day Gate City, Scott County, Virginia, USA. At the time of the registration, the town was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886.

A list of all free negroes or mulattoes within the south district of Scott County on the 1st day of June 1830; LINE 3: Name: Barbara Day, Sex: Female, Place of Abode: Near Estillville, Trade Occupation or Calling: Spinster; LINE 4: Seney Day, Sex: Female, Place of Abode: Near Estillville, Trade Occupation or Calling: Spinster; LINE 5: Westley Day, Sex: Male, Place of Abode: Near Estillville, Trade Occupation or Calling: Labourer.¹¹⁵

¹¹² James E. Arsenault & Company: [List of Free African Americans in Scott County, Virginia, Including Members of the Day Family, 1829](#)

¹¹³ FamilySearch: [Virginia, Scott County, Superior Court Order Book 1825-1831](#) - Heirs of Stephen Osborn vs. Kilgore

¹¹⁴ Ancestry: [1830 United States Federal Census](#) - Barbary Day, Scott County, Virginia

¹¹⁵ Cowan's Auctions: [Document Concerning Returning Slaves, Scott County, Virginia, 1830s](#)

Jonathan Osborn made a motion to dismiss the lawsuit of Barbary Day against the heirs of Stephen Osborn on Thursday, November 11, 1830 in Scott County, Virginia, USA. The motion was denied.¹¹⁶ Jonathan Osborn then filed an appeal against Barbary Day on Friday, September 9, 1831 in Superior Court of Scott County, Virginia, USA.¹¹⁷

The Registration of Free Negroes and Mulattoes enumerated on June 1, 1833 shows the family of Barbary Day living in what would be present day Gate City, Scott County, Virginia, USA. At the time of the registration, the town was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886. Big Moccasin Gap, also known simply as Moccasin Gap, refers to a geographic area next to Gate City. As the "place of adobe" is different, it would appear that Wesley was living apart from them.

A List of all Free negroes and Mulattoes within the South district of Scott County on the 1st day of June 1833: LINE 6: Name: Barbara Day, Sex: Female, Place of Abode: Big Mocasín Gap, Trade Occupation or Calling: Spinster; LINE 7: Name: Seney Day, Sex: Female, Place of Abode: Big Mocasín Gap, Trade Occupation or Calling: Spinster; LINE 8: Name: Wesley Day, Sex: Male, Place of Abode: Estillville, Trade Occupation or Calling: Black Smith.¹¹⁸

¹¹⁶ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Motion of Jonathan Osborn on November 11, 1830

¹¹⁷ Library of Virginia: [Chancery Records: Jonathan Osborn vs. Barbary](#) - Supplemental petition of Barbary on May 14, 1829

¹¹⁸ Library of Virginia: [Scott 1833 Free Negroes and Mulattoes](#)

Petition of Barbary Day (1836)

Barbary Day petitioned the Commonwealth of Virginia on December 17, 1836 asking permission for her, Senah, and Wesley to remain in Scott County as “free persons of colour.” The reason was related to Virginia law, which required manumitted slaves to leave within twelve months, but a petition could be filed with the General Assembly to remain. The reason for triggering this particular petition has not yet been determined.

The petition indicates that Barbary owned land and a home in what would be present day Gate City, Scott County, Virginia, USA. At the time of the petition, the town was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886. The petition indicates that Barbary had some “friends” and a “few relatives” in Estillville, but does not indicate whether these relatives were enslaved or free.

The petition of Barbary, Senah and Westley, Persons of Color, Robert Spark, Decr. 17th 1836. To the General Assembly of the Commonwealth of Virginia, the Petition of Barbara, and Senah and Wesley, her children, free persons of colour, humbly represents: That Stephen Osborne, formerly of Scott County, died on the day of [blank space] 18, having first made a will dated on the [blank space] day of [blank space], which was duly admitted to probate in the County Court of the said County; your petitioner Barbara had, for many years previous to his death, been his slave, and served him with such fidelity and zeal that by the said will he emancipated her and her said children, who were then small. Your petitioner has continued ever since (for a period of about [blank space] years,) To reside in the said County of Scott; and they have constantly endeavored by a course of industry and honesty, to deserve, and to acquire the respect of the community in which they live - And they believe their efforts have not been unsuccessful. Your petitioner Barbara has acquired some real property, (a house and lot in the Town of Estillville and in that neighborhood all their friends and her few relatives reside, and there alone are to be found the objects of her affections. Your petitioner humbly ask that they be permitted to reside in this Commonwealth; and they will ever pray, etc. [not signed, but listed as] Barbara, Senah, Wesley.

The remainder of document is quite impressive, and the next five pages contain images of the entire document. The reason that it is impressive is that Barbary obtained signatures from 142 men who agreed to the following statement. The reasons and motivation of each specific person could be subject to wide ranging speculation.

We, the undersigned, have known Barbara, and her children Senah and Wesley for many years and feel it to be but a mere act of justice to say, that they have up to this time, been industrious and honest; that their conduct has ever been such as to entitle them to that general respect which they have acquired; and that they are a strong exception to the character generally attached to free persons of colour. We therefore feel confidence in declaring that if they should be permitted to reside in the Commonwealth, they will continue to be, as they have heretofore been, useful members of the community, and respectable persons; and we respectfully ask the General Assembly, that the prayer of the petitioners be granted.¹¹⁹

¹¹⁹ Library of Virginia: [Barbara: Petition](#)

To the General Assembly of the Commonwealth of Virginia, the Petition of Barbara, and Senah and Wesley, her children, ~~humbly represent~~, free persons of colour, humbly represent:

That Stephen Osborne, formerly of Scott County, died on the day of 18, having first made a will dated on the day of , which was duly admitted to probate in the County Court of the said County; Your petitioner Barbara had, for many years previous to his death, been his slave, and served him with such fidelity and zeal, that by the said will he emancipated her and her said children, who were then small. Your petitioners have continued ever since (for a period of about years,) to reside in the said County of Scott; and they have constantly endeavored, by a course of industry and honesty, to deserve, and to gain the respect of the community in which they live — and they believe their efforts have not been unsuccessful. Your petitioner Barbara has acquired some real property, (a house and lot in the town of Estillville,) and in that neighborhood all their friends and her few relatives reside, and these alone are to be found the objects of her affections. Your petitioners therefore humbly ask, that they be permitted to reside in this Commonwealth; and they ^{will} pray, &c.

Barbara,
Senah,
Wesley.

We, the undersigned, have known Barbara, and her children Senah and Wesley, for many years, and feel to be but a mere act of justice to say, that they have up to this time, been industrious and honest; that their conduct has ever been such as to entitle them to that

general respect which they have acquired; and that they are a strong exception to the character generally attached to free persons of colour. ~~It is~~ ~~we~~ feel confident, in declaring, that if they should be permitted to reside in ~~the~~ Commonwealth, they will continue to be, as they have hitherto been, useful members of the community, and respectable persons; and we respectfully ask of the General Assembly, that the prayer of the petitioners be granted.

James Penelton
 James Hensley
 Saml Whoremaker
 James Wheel
 Hamilton Reynolds
 Hugh Murphy
 John Murphy
 Obadiah Capell
 Thomas Capell
 Lorange Aggs
 Peter Moyot
 James Hilly
 William Allen
 John Eastering
 William Smith
 John C Brickey
 John W Gore
 R. G. Bays

John Robertson
 John, Lane
 Giovanni Reamy
 Draper Shinn
 John Braudwater
 George Singis
 Gage McCormick
 Job W. McConnell
 William Adams
 Michael Morris
 James Donaldson
 Thomas Strang
 W. H. McKel
 John Longhart
 Anderson Miller
 Michael Clark Jr
 Henry McConnell
 Hopson Aperson
 Michael Clerk Jr

Jonathan Langford	James Peter
David Larkin	Wm Parker
Francis Howard	Peter Howell
Henry Loveshed	James O. Wood
George Wolfe	John Hedden
Joseph Gillin	James
William Bayne	James
George Bumble	W. B. B.
James Fitch	James H. Libe
Thomas Benson	Jay et al. Morris
Richard Harkley	George Thorton
Abraham Pentley	William Caldwell
James H. Stephenson	Martin
James H. Freese	Wm Hart
George H. Finley	H. C. Cate
Abraham Smith	James Davis
Jonathan Hale	James Peters
James	

Nathan Sandwell
 James Hiltor
 David R. Lane
 Augustus Godsey
 N. B. Brashear
 Wm. Fulcher
 to Honeycreek
 Wm. H. H. H.
 Isaac Williams
 William Campbell
 John D. Davison
 H. S. Kane
 H. A. Morrison
 John S. Martin
 Wm. H. Morrison
 Henry H. H.
 * Peter C. Johnston
 * Ellen W. H. H.

* Signed by August 15 1840

The petition, also known as a bill of particulars, of Barbary Day was dismissed on Sunday, February 12, 1837 in Chancery Court of Scott County, Virginia, USA. The petition was originally filed on Wednesday, February 12, 1823, and the purpose was an order of protection or restraining order for her, Senah, and Wesley not be removed from Scott County, and permission for her to file a lawsuit as a poor person against the heirs of Stephen Osborn. The court determined that purpose was accomplished.¹²⁰

Trafficking of James Washington Day and Lucinda Day (1838)

James Washington Day and Lucinda Day were trafficked circa January 1, 1838 by Jonathan Osborn to Christopher Haynes. They were about 19 years old at the time. As they were not named and manumitted in the last will and testament of Stephen Osborn, the court rulings deemed them to be enslaved and the "property" of the estate of Stephen Osborn.

William Kilgore provided the following testimony on June 20, 1839 on how James Washington Day and Lucinda Day were trafficked by Jonathan Osborn for \$1,000 to a "negro speculator" named C. Haynes.

Three of the said slaves brought suit for and obtained their freedom, so that there remained in the hands of your orator two slaves towit Lucinda and James... Your orator would also state that the said Jonathan Osburn Senr [Senior] without the knowledge or consent of your orator sold both the said negroes to a negro speculator C. Haynes for the sum of one thousand dollars.¹²¹

William Kilgore was the court appointed administrator of the estate of Stephen Osborn, and had brought suit against the heirs of Stephen Osborn for outstanding issues with the disposition of the estate. The court then appointed S.H Morrison to be commissioner of the estate, and he provided the following testimony on September 15, 1846.

It will be seen that Jonathan Osborne Senr [Senior] s charged with the sum of \$1000.00 for which sum he sold two negroes belonging to the estate of Stephen Osborn decd [deceased] as alleged in the Complainant's bill & the receipt of which sum is admitted in the answer of the said Jonathan Osborne Senr [Senior] Vis will also be seen that he is charged with interest there on form the 1st day of January 1838 (the said slaves behaving been sold by him, at, or before, that time as Comp [Complainant] believes from the best information he can get, there being nothing definite as to time among the papers of the cause).¹²²

Further research is needed, but C. Haynes would appear to be Christopher Haynes, who was a known slave trafficker in southwest Virginia, and resided in Abingdon, Washington County, Virginia, USA. The following is a letter that Haynes wrote and was addressed to a man named Jasper Meeks who resided in New Orleans, Louisiana, USA, and was postmarked March 8, 1836 in Rogersville, Hawkins County, Tennessee, USA.

Dear Sir, I arrived home on the 23rd of last month found all well &c. Since that time I have been riding all most constantly and have bot several negros all of the right kind. Men generally at 800 and 825 none higher as yet and women from 5 to 6. I find a good many here can be bot the people are of the opinion that they have a father in Mi [Mississippi] and at present are willing to take the above prices. I have nearly laid out all our funds. I shall write this by mail to Mr. Hill to cash the bill of Punched and send me a check. J. M. Preston has no funds at this time. I shall endeavor to buy every one I possibly can here during the present month. There is no opposition here at present - Hickman has not got home and is not expected till the 1st of April - I bot [bought] 2 negros the other day of Gammons Mitchel [?] at Blountville who had purchased them for Hickman but they wanted to marry to go north &c. After my money gives out I shall buy and promise the money in a month or 2. Under expectations that you will send me 20 or 3,000\$ in checks as soon as convenient as I think it probable I can buy that amt. here during this month and will then go to old Va. They promised to take out for you any negros I might wish to send you on the return. Which will be about the 1st of May. Write me how you think that will do to send by them &c. I suppose

¹²⁰ FamilySearch: [U.S., Virginia, Scott County, Minute Book 1815-1828](#) - Court ruling on February 12, 1837

¹²¹ Library of Virginia: [Chancery Records: Kilgore vs. Heirs of Stephen Osborn](#) - Petition of William Kilgore on June 20, 1839

¹²² Library of Virginia: [Chancery Records: Kilgore vs. Heirs of Stephen Osborn](#) - Filing of S.H. Morrison on September 15, 1846

you will want mostly men. I have hired Fletcher 12 mos he finds his own horse for \$550. This letter I send to N. O. thinking doubtful wether it will get there in time. I send another of the same to Nashville. I am respectfully yrs. Write to me in Abdingdon [VA]. C. Haynes.¹²³

These data points will help serve as a potential guide into future research of James Washington Day and Lucinda Day. It should be noted that the 1860 census shows Barbary residing in Abingdon. It could be possible that she moved there to reside in proximity to James or Lucinda.

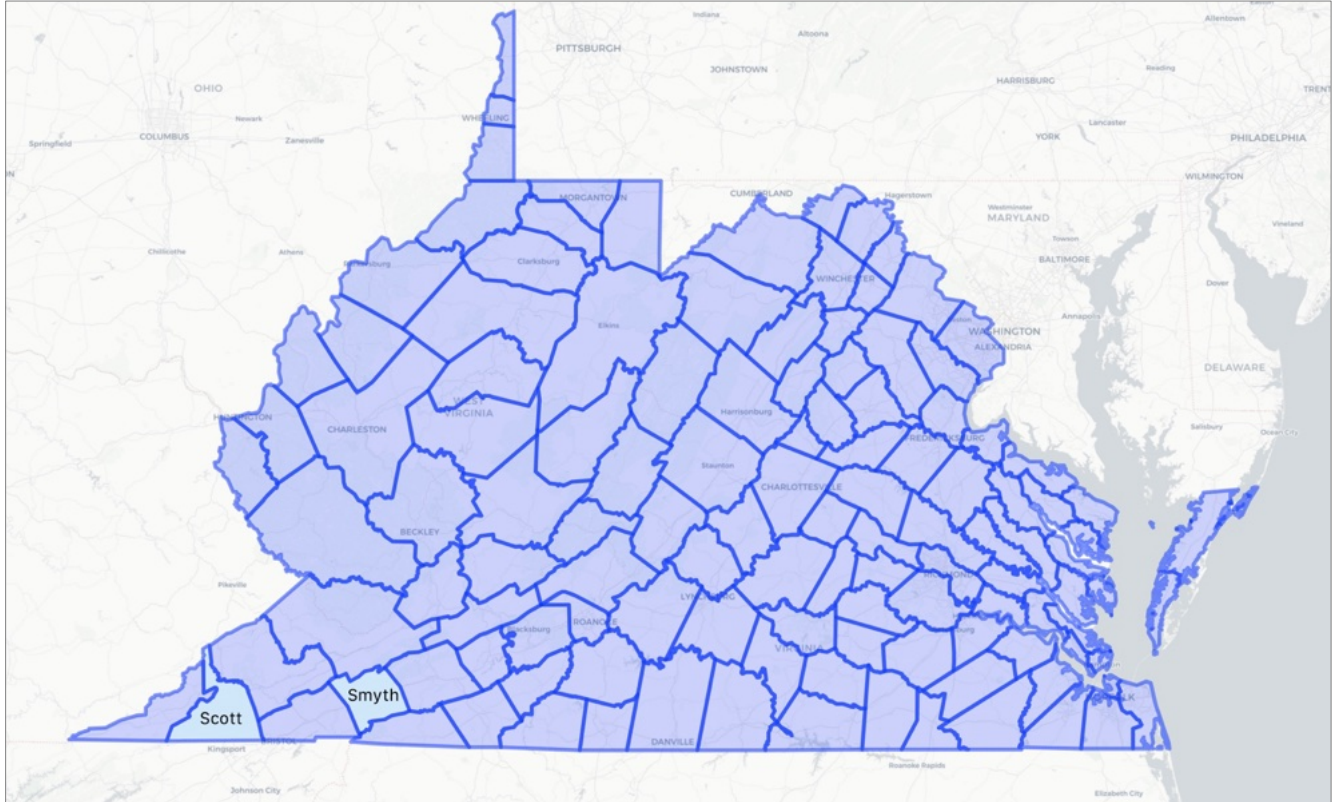
The U.S. Census enumerated on June 1, 1840 shows the family of Barbary Day living in Scott County, Virginia, USA. The 1840 census only lists the head of household, but contains an enumeration that correspond to Senah. Barbary was enumerated as "1 free colored female 36 to 54, Senah was enumerated as "1 free colored female 24 to 35," and an unknown male enumerated as "1 free colored male under 10."¹²⁴ The identity of the male under the age of 10 is not known at this time, and there is no mention of Barbary or Senah having a son on the 1836 petition. It is possible that there was an enumeration error and that this was Wesley, though the 1833 registration implies that he was living apart from them.

¹²³ Hawkins County Genealogy & History: [Letter from Christopher Haynes to Jasper Meeks, 1836](#)

¹²⁴ Ancestry: [1840 United States Federal Census](#) - Enumeration of Barbary Day in Scott County, Virginia

The 1840 census also shows the family of a free black man named Ambrose Beverly living in Smyth County, Virginia, USA. Ambrose was enumerated as "1 free color male 55 to 99" and the other household members include "1 free colored female 55 to 99" which probably is the wife of Ambrose, "1 free colored male 36 to 54" which probably is a son of Ambrose, and "3 free colored females under 10" which probably refer to grandchildren.¹²⁵

Smyth County was formed on February 22, 1832 and was created from parts of Washington County and Wythe County. The map¹²⁶ below shows Virginia and the borders as of February 14, 1842. It should be noted that Barbary and Ambrose were living roughly 50 miles from each other in 1840.

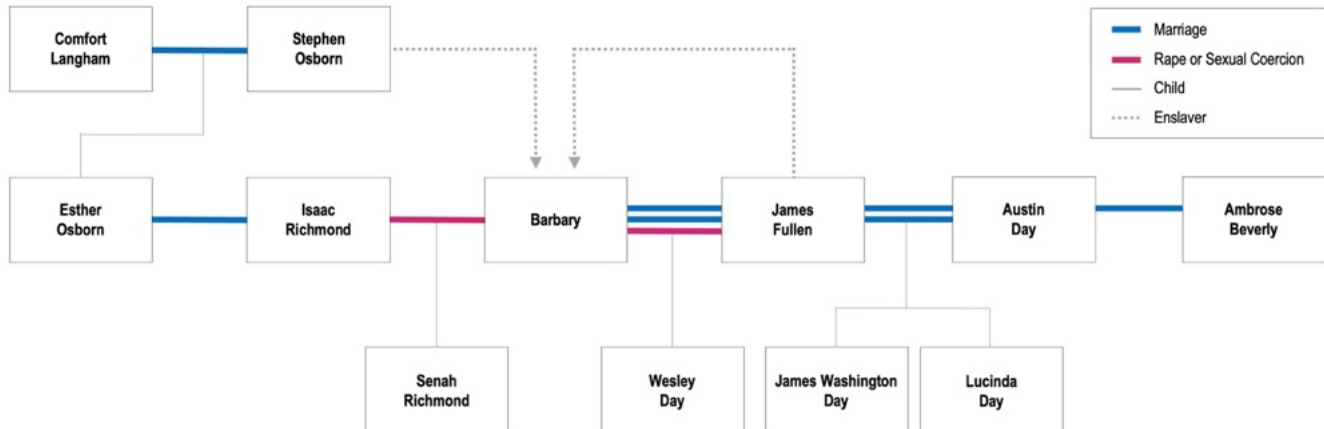


¹²⁵ Ancestry: [1840 United States Federal Census](#) - Enumeration of Ambrose Beverly in Smyth County, Virginia

¹²⁶ Newberry Library: [Atlas of Historical County Boundaries](#) - Map of Virginia on December 7, 1796

Marriage of Ambrose Beverly and Barbary Day (1841)

Ambrose Beverly and Barbary Day were married circa 1841 in Virginia, USA. The approximate year of marriage was assumed based on the fact they enumerated separately and not married on the 1840 census, and the 1842 personal property tax list which shows Barbary with the Beverly surname. Any type of marriage record has not yet been identified. The following diagram helps illustrate the relationship of Barbary to her former enslavers, her marriages to Austin Day and Ambrose Beverly, and the paternity of her four children.



It has not yet been determined if Ambrose Beverly was born enslaved or whether he was born free. There is no further background on how Ambrose and Barbary may have met, as they were living roughly 50 miles apart in 1840. This marriage could also imply that Austin Day was deceased. Further research is needed, but the last known record naming Austin Day was in 1826.

First Enumeration as Barbary Beverly (1842)

The Virginia Personal Property Tax List enumerated on March 8, 1842 shows Barbary Beverly living in Smyth County, Virginia, USA. Barbary was enumerated as a “black women” and as being 52 years old.¹²⁷ There is no enumeration for Ambrose Beverly, and the reasons for this have not yet been determined.

The Virginia Personal Property Tax List enumerated on April 24, 1843 shows Barbary Beverly living in Smyth County, Virginia, USA. Barbary was enumerated as a “black women” and as being 52 years old.¹²⁸

The Virginia Personal Property Tax List enumerated on April 28, 1843 shows Ambrose Beverly living in Smyth County, Virginia, USA.¹²⁹

The Virginia Personal Property Tax List enumerated on June 1, 1845 shows Ambrose Beverly living in Smyth County, Virginia, USA. It is assumed that the enumerated male above the age of 16 is a son of Ambrose from a prior marriage, and likely the same male enumerated on the 1843 personal property tax list. There is no enumeration for Barbary Beverly, and the reasons for this have not yet been determined.¹³⁰

¹²⁷ FamilySearch: [U.S., Virginia, Smyth County, Personal Property Tax Lists, 1838-1850](#) - 1842 tax list of Barbary Beverly

¹²⁸ FamilySearch: [U.S., Virginia, Smyth County, Personal Property Tax Lists, 1838-1850](#) - 1843 tax list of Barbary Beverly

¹²⁹ FamilySearch: [U.S., Virginia, Smyth County, Personal Property Tax Lists, 1838-1850](#) - 1843 tax list of Ambrose Beverly

¹³⁰ FamilySearch: [U.S., Virginia, Smyth County, Personal Property Tax Lists, 1787-1850](#) - 1845 tax list of Ambrose Beverly

There is no enumeration for Ambrose Beverly or Barbary Beverly on the Virginia Personal Property Tax List lists for 1846 and 1847 in Smyth County, Virginia, USA, and the reasons for this have not yet been determined.

The Virginia Personal Property Tax List enumerated on Thursday, June 1, 1848 shows Ambrose Beverly living in Smyth County, Virginia, USA. There is no enumeration for Barbary Beverly, and the reasons for this have not yet been determined.¹³¹

The Virginia Personal Property Tax List enumerated on Saturday, June 1, 1850 shows Barbary Beverly living in Smyth County, Virginia, USA.¹³² There is no enumeration for Ambrose Beverly, and the reasons for this have not yet been determined, as he is enumerated on the census.

The U.S. Census enumerated on Tuesday, July 23, 1850 shows the family of Ambrose Beverly living in Smyth County, Virginia, USA. Any type of relation of Mary Smith to Ambrose or Barbary has not yet been determined.

Schedule I: Free Inhabitants in 60th District, Smyth County, Virginia; Enumerated: July 23, 1850; Number of Dwelling in Order of Visitation: 123; Number of Family in Order of Visitation: 125; LINE 22: Ambrose Beverly, age 82, male, black, occupation is laborer, born in Virginia, cannot read or write; LINE 23: Barbary Beverly, age 54, female, black, born in Maryland, cannot read or write; LINE 24: Mary J. Smith, age 14, female, black, born in Virginia.

Death of Ambrose Beverly (1852)

Ambrose Beverly died circa 1852 probably in Smyth County, Virginia, USA. The year is only a rough assumption, which is based on the fact that he was living with Beverly on the 1850 census, and is not living with her on the 1860 census.

—

The U.S. Census enumerated on August 14, 1860 shows Barbary Beverly living alone in Washington County, Virginia, USA. The reasons for Barbary moving from Smyth County to Washington County have not yet been determined, but one possibility that it was to be in proximity to one or both of her children James and Lucinda who were enslaved. It should be noted that she is listed as owning \$1,000 worth of real estate. The background for this has not yet been determined, and whether it reflected some of the previously mentioned "debts" due to her, assets bequeathed to her from Austin Day, assets bequeathed to her from Ambrose Beverly, or all of the above. The location of this real estate has also not been determined.

Schedule 1. Free Inhabitants in the Western District in the County of Washington, State of Virginia; Enumerated: August 14, 1860; Post Office: Abingdon; Number of dwelling in order of visitation: 1395; Number of family in order of visitation: 1342; LINE 2: Barbary Beverly, age 64, female, black, house keeper, real estate valued at \$1,000, personal estate valued at \$50, born in Virginia.¹³³

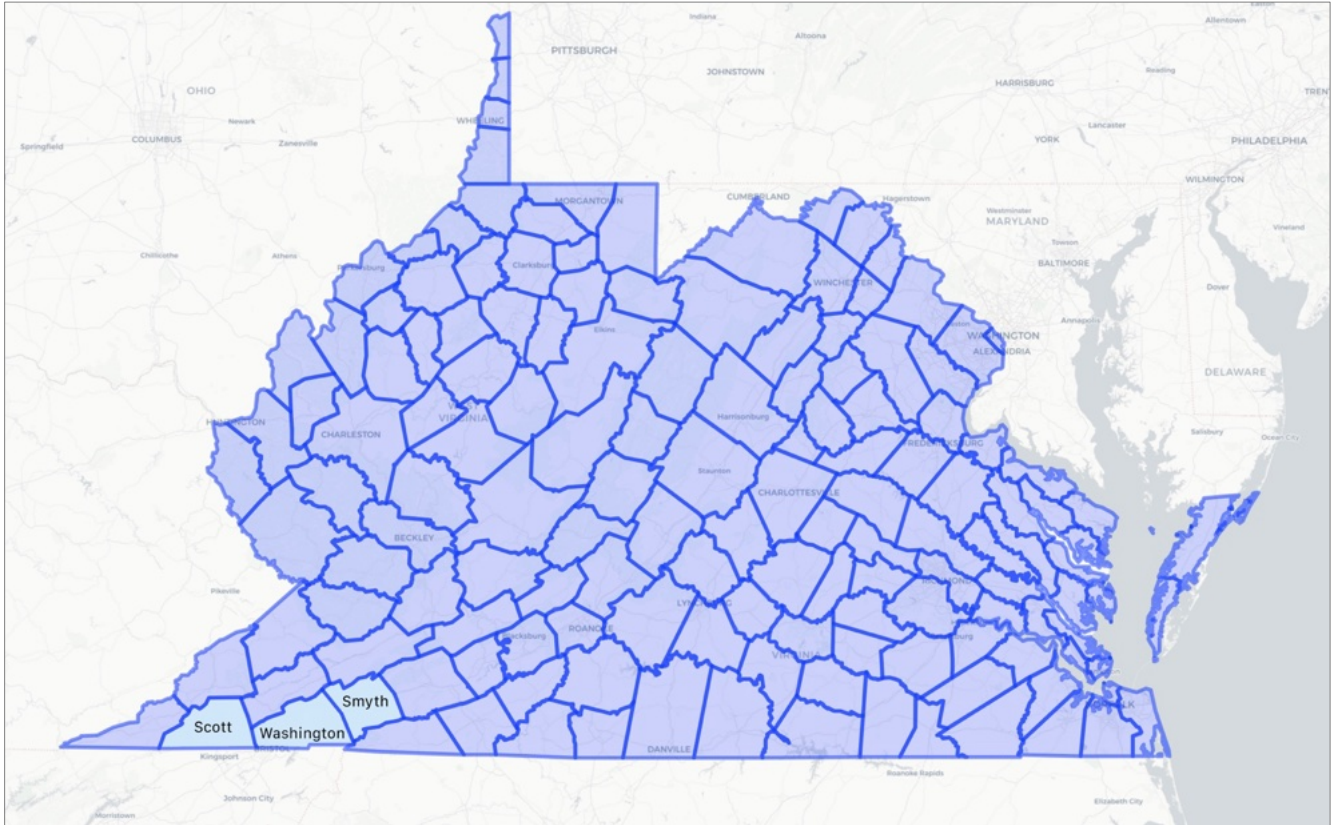
The next household enumerated is s a 45 year old woman named Ann Curtis and an infant named Mary Curtis, who is list as being under the age of one. It has not yet been determined if there is any type of connection between this Curtis family and Augustus Curtis, who married Barbary's daughter Senah. It should be noted that a Mary Curtis is enumerated in the household of Augustus Curtis on the 1870 census, and listed as being 18 years old.

¹³¹ FamilySearch: [U.S., Virginia, Smyth County, Personal Property Tax Lists, 1787-1850](#) - 1848 tax list of Ambrose Beverly

¹³² Ancestry: [1850 United States Federal Census](#) - Enumeration of Ambrose Beverly and Barbary Beverly

¹³³ Ancestry: [1860 United States Federal Census](#) - Enumeration of Ambrose Beverly and Barbary Beverly

The map¹³⁴ below shows Virginia and the borders of Washington County as of January 10, 1860, as well as Scott County, and Smyth County.



Barbary Day was given permission in January 1861 for her and Senah to remain for ninety days in Washington County, Virginia, USA. The reason for triggering this particular permission has not yet been determined. The apparent result is that were able to remain until after the Civil War was over, as they are enumerated on the 1870. This is also the first time that Senah is listed using the Richmond surname of a biological father. The reasons for her switching from the Day surname to the Richmond surname are unknown.

At the January term of the county court in 1861 the court gave permission to Thaddeus Harris, Samuel Merchant, Barbary Beverly and Senah Richmond, free persons of color, to remain in the county for the space of ninety days for the purpose of settling their business, the authorities having theretofore required all free persons of color to leave the county, but, notwithstanding this provision, many free persons of color remained in the county through the entire war by having some responsible white man stand security for their good behavior.¹³⁵

Barbary Beverly was mentioned in a Freedmen's Bureau record which was dated December 17, 1867. The Bureau of Refugees, Freedmen, and Abandoned Lands, commonly known as the Freedmen's Bureau, was established in 1865 to provide aid to newly emancipated people transitioning from slavery to freedom. The record pertains to Henry S. Cain who resided in what would be present day Gate City, Scott County, Virginia, USA, and indicates that Barbary resided in Abingdon, Washington County, Virginia, USA. At the time of the record, the Gate City was called Estillville. The town was formed in 1815 and was first named Winfield, then the name was changed to Estillville in 1817, and then to Gate City in 1886.

Bureau of Refugees, Freedmen, and A. [Abandoned] Lands, [?] 8th Sub. Dist. Va.; Westerville, Va. Dec. 17th 1867; Lieut. F. J. Dunn, A.S. A. Court, Abingdon, Va.; Sir: I have the honor to request that you in

¹³⁴ Newberry Library: [Atlas of Historical County Boundaries](#) - Map of Virginia on December 7, 1796

¹³⁵ Ancestry: [History of Southwest Virginia, 1746-1786, and Washington County, 1777-1870](#) - Page 514-515, and this book entry was initially identified to me by my cousin Linda Horton

making your [?] to Scott Co. will investigate the right that are Mr. Henry S. Cain of Estillville has to a small lot of land that he rented of a (Col) woman (Barbery Beverly) of Abingdon Va. and why he holds the same. By seeing this woman you can obtain such information and papers as [obscured] be requisite to give all parties justice. I am Very Respectfully your [?] servant, Wm. [?], Capt. [?].¹³⁶

The U.S. Census enumerated on August 17, 1870 shows Barbary Beverly living with her daughter and son in law in Abingdon, Washington County, Virginia, USA. It has not yet been determined how Mary Curtis may be related to Augustus Curtis, and it should be noted that Ann Curtis and an infant Mary Curtis were living next door to Barbary on the 1860 census. It shows that Barbary owned \$500 worth of real estate, and the specifics have not been determined.

Schedule 1. Inhabitants in Abingdon, in the County of Washington, State of Virginia; Enumerated: August 17, 1870; Post Office: Abingdon; Number of dwelling in order of visitation: 68; Number of family in order of visitation: 71; LINE 27: Augustus Curtis, age 34, male, mulatto, occupation is shoemaker and confections, personal estate valued at \$100, born in Virginia, cannot read, cannot write; LINE 28: Cenia Curtis, age 52, female, mulatto, occupation is keeping house, born in Virginia, cannot write; LINE 29: Barbary Beverly, age 75, female, black, no occupation, real estate valued at \$500, personal estate valued at \$100, born in Virginia, cannot read, cannot write; LINE 30: Mary Curtis, age 18, female, mulatto, no occupation, born in Virginia, attended school; LINE 31: Austin Thompson, age 15, male, mulatto, occupation is apprentice to shoe maker, born in Virginia, attended school, cannot write.¹³⁷

The U.S. Census enumerated on June 26, 1880 shows Barbary Beverly living with her daughter and son in law in Abingdon, Washington County, Virginia, USA. The census indicates that Senah was afflicted with "dropsy," which is an old term for edema, and refers to fluid retention most commonly in the legs or arms. The census indicates that Barbary was "idiotic" and this will be covered further below.

Supervisor's District: 5; Enumeration District: 93; Inhabitants of Abingdon District; County: Washington; State: Kentucky; Enumerated: June 26, 1880; Number of dwelling in order of visitation: 450; Number of family in order of visitation: 452; LINE 22: Augustus Curtis, mulatto, male, age 58, married, occupation is shoe maker, cannot read, cannot write, born in Virginia, father born in Virginia, mother born in Virginia; LINE 23: Sena Curtis, black, female, age 60, wife, married, occupation is keeping house, sick with dropsy, cannot write, born in Virginia, father born in Virginia, mother born in Maryland; LINE 24: John Davis, mulatto, male, age 24, boarder, married, occupation is works in tobacco, born in Virginia, father born in Virginia, mother born in Virginia; LINE 25: Mary Davis, mulatto, female, age, 23, boarder, married, occupation is washer woman, born in Virginia, father born in Virginia, mother born in Virginia; LINE 26: George C. Davis, mulatto, male, age 1, boarder, single, born in Virginia, father born in Virginia, mother born in Virginia; LINE 27: Mollie Patterson, black, female, age 43, hand, single, occupation is cook, born in Virginia, father born in Virginia, mother born in Virginia; LINE 28: Barbary Beverly, black, female, age 108, mother, widow, idiotic, cannot read, cannot write, born in Maryland, father born in Maryland, mother born in Maryland.¹³⁸

The U.S. Census Schedule for Defective, Dependent, and Delinquent Classes enumerated on June 1, 1880 shows Barbary Beverly in Abingdon, Washington County, Virginia, USA. Barbary is enumerated on the schedule for "pauper and indigent" and the schedule for "idiotic." There is conflicting information about her residence, as one lists Maryland and the other lists Washington County. It should be recognized that medical terminology and knowledge were very different in this era, and that the census enumerators were not trained medical professionals. The schedule lists her condition as "idiotic" and that her disability was "old age," so one possible assumption is she was suffering some form of dementia.

Pauper and Indigent Inhabitants in Institutions, Poor Houses or Asylums, or Boarded at Public Expense in Private Houses; Pauper and Indigent; District: Abington; County: Washington; State: Virginia; Enumerated: June 1, 1880; Supervisor District: 5; Enumeration District: 93; LINE 4: Barbary Beverly, page 50 and line number 28 from Schedule 1, residence when at home is Maryland, support at cost of city or town, not able bodied, not habitually intemperate, not epileptic, not ever convicted for crime,

¹³⁶ Ancestry: [U.S., Freedmen's Bureau Records, 1865-1878](#) - Henry S. Cain

¹³⁷ Ancestry: [1870 United States Federal Census](#) - Enumeration of Barbary Beverly in Abingdon, Washing County, Virginia

¹³⁸ Ancestry: [1880 United States Federal Census](#) - Enumeration of Barbary Beverly in Abingdon, Washing County, Virginia

disability is old age, no other family members are in this establishment, not blind, not deaf or dumb, not insane, is idiotic.

Supplemental Schedules, Nos. 1 to 7, for the Defective, Dependent, Delinquent Classes; Idiots; District: Abingdon; County: Washington; State: Virginia; Enumerated: June 1, 1880; Supervisor District: 5; Enumeration District: 93; LINE 5: Barbara Beverly, page 50 and line number 28 from Schedule 1, residence when at home is Washington County, not self supporting, idiocy occurred at birth, size of head is natural, has not been at a training home for idiots.¹³⁹

The 1880 census records are the last pieces of documentation that have been identified for Barbary. She likely died in Washington County, but further research will be needed, and no records have yet been identified.

¹³⁹ Ancestry: [1880 Federal Census Schedules of Defective, Dependent, and Delinquent Classes](#) - Enumeration of Barbary Beverly

Children of Barbary

The narrative of this section briefly summarizes my initial findings of the life of the four children of Barbary. What is profoundly unique is that all four of Barbary's children were identified by name in court records while she was still enslaved, and the biological father of each was also identified by her.

Something could definitely be read into the fierceness of Barbary's character, which was demonstrated not only in how she fought for the freedom of all four of her children in court, but also how she boldly identified the biological fathers of each. The formerly enslaved Harriet Ann Jacobs shared this insight in her 1861 autobiography about the fear that some enslaved women had with identifying their enslavers as the biological fathers of their children.

The secrets of slavery are concealed like those of the Inquisition. My master was, to my knowledge, the father of eleven slaves. But did the mothers dare to tell who was the father of their children? Did the other slaves dare to allude to it, except in whispers among themselves? No, indeed! They knew too well the terrible consequences.¹⁴⁰

The information about each that was previously discussed will not be repeated here and is only summarized. My research into her children is still a work in progress, and each will be researched further in the near future.

Senah Curtis

Senah was the first child of Barbary and was born circa 1807 in what would be present day Scott County, Virginia, USA. Barbary identified the biological father of Senah as being Isaac Richmond, who was the son in law of Barbary's enslaver Stephen Osborn. As described earlier, Isaac Richmond undoubtedly raped or sexually coerced Barbary. Isaac is my fourth great grandfather, which makes Senah my half fourth great aunt.

Senah was identified by name for the first time in the 1817 last will and testament of her enslaver Stephen Osborn. Senah was listed in early records using the Day surname of her step father Austin Day, and in records from 1861 and 1866 she is listed the Richmond surname of her biological father. The reason for her changing to the surname of biological her father has not yet been determined. Senah is found and can be accounted for in multiple records associated with her mother and step father, which includes census records, registrations, as well as being named in multiple court cases.

Senah married a free black man named Augustus Curtis, and then used his surname on the 1870 and 1880 census. The background of Augustus has not yet been determined, and it is unknown whether he was manumitted or whether he was born free. The first record where they are found together was a "Register of Colored Persons" for Washington County, Virginia, USA in 1866.

Register of Colored Persons of Washington County, State of Virginia, cohabitating together as Husband and Wife on 27th February, 1866; LINE 36: Name of Husband: Augustus Curtis; Age: 38; Place of Birth: Matthews County, Virginia; Residence: Washington County, Virginia; Occupation: Shoemaker; Last Owner: George V. Litchfield; Last Owner's Residence: Washington County, Virginia; Name of Wife: Senie Richmond; Age: 52; Place of Birth: Scott County, Virginia; Residence: Washington County, Virginia; Last Owner: Don't Know; Last Owner's Residence: Scott County, Virginia; Name Children, With Age of Each: [Blank]; Date of Commencement of Cohabitation: 18[hard to read].¹⁴¹

¹⁴⁰ Google Books: [Incidents in the Life of a Slave Girl](#) - Autobiography published by Harriet Ann Jacobs in 1861, page 55

¹⁴¹ Library of Virginia: [Washington County \(Va.\) Register of Colored Persons cohabiting together as Husband and Wife, 1866 Feb. 27](#)

Augustus Curtis and Senah Curtis were enumerated on 1870 census in Abingdon, Washington County, Virginia, USA, and Barbary was living with them. Augustus was listed as being a shoemaker. His trade carries forward to an 1873 city directory, which lists his occupation as being boots and shoes. Multiple newspaper advertisements in 1878-1879 indicate that he owned and operated a "boots and shoes" shop on Main Street in Abingdon. Listed below is an example of the advertisement that was repeatedly published in newspapers.¹⁴²

AUGUSTUS CURTIS,
HAS opened a shop near the **Washing-**
ton House, on Main street, where he
is prepared to make
BOOTS AND SHOES,
in the very best manner and upon easy
terms. He will do all sorts of repairing
neat and cheap. Thanking his friends for
their kind encouragement heretofore, he
will try to deserve their continued patron-
age. Turn down the alley and give him
a call.

Augustus Curtis and Senah Curtis were also enumerated on 1880 census in Abingdon, Washington County, Virginia, USA, and Barbary was living with them. Augustus was again listed with the occupation of being a shoemaker. The census indicates that Senah was afflicted with "dropsy," which is an old term for edema, and refers to fluid retention most commonly in the legs or arms.

The last record that has been identified for Augustus and Senah is the 1880 census, and neither has yet been found on the 1850 and 1860 census. There is no indication that Senah was married prior to Augustus. Senah is my half fourth great aunt, and all indications are that Senah did not have any children. This means that there would be no living descendants of Barbary that I would be related with.

Wesley Day

Wesley was the second child of Barbary and was born circa 1812 in what would be present day Scott County, Virginia, USA. Barbary identified the biological father of Wesley as being James Fullen, who was Barbary's enslaver at that time. As described earlier, James Fullen undoubtedly raped or sexually coerced Barbary. Wesley was identified by name for the first time in the 1817 last will and testament of his enslaver Stephen Osborn. Wesley was consistently listed on records using the Day surname of his step father Austin Day, and never using the Fullen surname of his biological father.

Wesley Day is found and can be accounted for in multiple records associated with his mother and step father, which includes census records, registrations, as well as being named in multiple court cases. The last record naming Wesley is an 1836 petition. There are multiple different men named Wesley Day, including one residing in Kentucky but there is some conflicting information, so further research will be needed to determine if it is even the same person.

¹⁴² Newspapers.com: [The Standard, Abingdon, Washington County, USA](#) - Advertisement in March 7, 1878 issue

James Washington Day

James Washington Day was the twin brother of Lucinda Day, and they were born circa 1819 in what would be present day Scott County, Virginia, USA. Barbary identified their biological father as being Austin Day, who was Barbary's husband. James was first identified by name in an 1826 petition filed by his mother.

James Washington Day can be accounted for in one census record, and was named in multiple court records. The last record naming James was a court record indicating that he was trafficked circa January 1, 1838. There is a James W. Day who resided in Washington, District of Columbia, USA and died there in 1877. There is some conflicting information, so further research will be needed to determine if it is the same person.

Lucinda Day

Lucinda Day was the twin sister of James Washington Day, and they were born circa 1819 in what would be present day Scott County, Virginia, USA. Barbary identified their biological father as being Austin Day, who was Barbary's husband. Lucinda was first identified by name in an 1826 petition filed by her mother.

Lucinda Day can be accounted for in one census record, and was named in multiple court records. There is definitive documentation which can demonstrated that she had a son, and future research will reveal whether there are any living descendants of Lucinda.

Epilogue

When I began researching my family tree many years ago, the thought never occurred to me that my tree would contain the scourge of slavery. The rough information indicated that branches of my tree came from England, Poland, Germany, Sweden, and settled in places like New York, Wisconsin, and Chicago. The branch of one my great grandfathers originated in Kentucky, who left the state circa 1900 and went to Chicago. It was quite naive that the thought never crossed my mind that I would discover slavery in that branch of my family tree. After that discovery, my only possible response was to expose it, as my personality is very matter of fact. Unlike some, I do not carry any emotional attachment to my ancestors, either positive or negative, and what thrills me is the challenge of the research itself. This enabled me to research someone like Barbary in a very open and objective manner.

When I first ran across initial documentation about Barbary, I had no idea about the volume of detail that would be revealed to help "bring her to life." The discovery that I was related to her daughter Senah only served to intensify my desire to expose it, with the thought that I might be able to apply DNA testing of myself and family members. I have since determined that Senah did not have any children, but have initially determined that her half sister Lucinda had a son. Though I would not be related to Lucinda, if any living descendants of her are identified, this story of the extraordinary life of Barbary could be shared with them in the future.

As stated in the introduction, the decision was made to pause my research. More than enough facts and major events about Barbary were uncovered, and this initial but comprehensive construct of her life deserved to be assembled and shared. Future research will undoubtedly uncover additional details about her life and her children, and will be covered in a second edition, where I can also attempt to improve my very amateur narrative.

More to come...

Children of Barbary Beverly

