

A Guide to the Westmoreland County (Va.) Criminal Records, 1776-1952

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A Collection in the Library of Virginia
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2008

Author: Processed by: Ella Swain; Unprocessed

History

Unprocessed Collection

Title Statement

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Publication Statement

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Profile Description

Creation: Machine-readable finding aid derived from being created directly into EAD, created by Sam Walters, 24 April 2008

Language Usage: Description is in English

Revision Description

2013-11-21 Converted to schema conforming EAD by dtd2schema.vh.xsl.

Descriptive Summary

Language

English

Collector

Westmoreland County (Va.) Circuit Court

Physical Characteristics

8.33 cubic feet (19 boxes)

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Commonwealth Causes, 1778-1863, involving enslaved and free Black individuals are digitized and available through [Virginia Untold: The African American Narrative Digital Collection](#) on the Library of Virginia website. Please use digital images.

Criminal Records, 1776-1952, pertaining to white and non-Black individuals remain unprocessed. Contact Archives Reference Staff for access.

Use Restrictions

There are no restrictions.

Acquisition Information

These items came to the Library of Virginia in multiple shipments of court papers from Westmoreland County including a transfer under the accession number 41889 and undated accessions.

Processing Information

Encoded by Sam Walters as "Westmoreland County (Va.) Commonwealth Causes, 1776-1914", 2008; updated by M. Mason, 2023.

Commonwealth Causes, 1778-1863, pertaining to enslaved and free Black individuals were removed from the unprocessed Westmoreland Commonwealth Causes and then processed and indexed as a distinct unit by E. Swain for the purposes of digitizing them for the digital project Virginia Untold: The African American Narrative. All other commonwealth causes, 1776-1952, pertaining to white and non-Black individuals as well as all post-1863 commonwealth causes are still unprocessed and filed with the unprocessed Commonwealth Causes.

Preferred Citation

Westmoreland County (Va.) Commonwealth Causes, 1776-1952. Local government records collection, Westmoreland County Court Records. The Library of Virginia, Richmond, Va. 23219.

Adjunct Descriptive Data

Related Material

Records related to free and enslaved people of Westmoreland County (Va.) and other localities are available through the [Virginia Untold: The African American Narrative Digital Collection](#) on the Library of Virginia website.

Additional Westmoreland County (Va.) court records can be found on microfilm at the Library of Virginia. Consult ["A Guide to Virginia County and City Records on Microfilm."](#)

Westmoreland County (Va.) is one of Virginia's Lost Records Localities. Additional Westmoreland County (Va.) Court Records may be found in the [Lost Records Localities Digital Collection](#) on the Library of Virginia website.

Location of Originals

Additional Westmoreland County criminal records may be found at the Westmoreland County Courthouse, contact the Clerk of the Court.

Historical Information

Context for Record Type: Commonwealth causes are criminal court cases filed by the state government that consist primarily of warrants, summons, subpoenas, indictments, recognizances, and verdicts handed down by juries and other legal authorities in order to prosecute individuals who violated the penal code.

The commonwealth causes reveal an inconsistency in forms of conviction and punishment for white versus Black and multiracial individuals. Throughout the early nineteenth century, Virginia legislators revised the laws in ways that reduced the legal status of free Black and multiracial people to that of enslaved, thereby creating a legal system based on race. White Virginians and legislators feared insurrection and passed laws restricting the number of Black and multiracial people allowed to gather in groups. Enslavers could be fined for permitting their enslaved people to hire themselves out for work and enslaved people were jailed on these occasions. While public whipping originated as a form of punishment for all those convicted, in Virginia, it was retained for those who were Black, free or enslaved, and officially outlawed as a punishment for white criminals in 1848. Often, Black individuals served much longer penitentiary sentences while the cases of white men, who had committed the same or similar crimes, were dismissed.

The documents that frequently appear in criminal records include warrants that were issued by grand juries, judges, and justices of the peace directing law enforcement officials to either arrest and imprison a person suspected of having committed a crime or to cause an individual to appear in court to answer accusations made against them. Peace warrants directing an offender to "keep the peace of the Commonwealth" or to restrain from any violent acts are commonly found in assault and battery cases. They also contain summonses, used to call a suspected person, witness, or victim(s) to appear in court, and indictments (sometimes called presentments) are the official, written description of the crime that an accused individual is suspected of committing, which is approved by a grand jury and presented to a court in order to begin legal proceedings. Criminal record additionally include verdicts are the formal pronouncements made by juries on issues submitted to them by a judge or other law enforcement official. In the case of a guilty verdict, a judge will sentence the offender.

Locality History Note: Westmoreland County was named for the English county. It was formed from Northumberland County in 1653, and part of King George County was added in 1777.

Lost Locality Note: Many Loose papers were burned during the Revolutionary War and the Civil War. Volumes that record deeds, court orders (except for an order book ,1764-1776), and wills exist.

Scope and Content

Materials in the Library of Virginia's collections contain historical terms, phrases, and images that are offensive to modern readers. These include demeaning and dehumanizing references to race, ethnicity, and nationality; enslaved or free status; physical and mental ability; religion; sex; and sexual orientation and gender identity.

Westmoreland County (Va.) Criminal Records, 1776-1952, remain largely unprocessed but consist primarily of warrants, summons, indictments, and verdicts handed down by grand juries and other legal authorities in order to prosecute individuals who violated the penal code. Included are three boxes of processed material consisting of Commonwealth Causes, 1778-1863, involving free and enslaved Black individuals.

Although the majority of these records are not fully processed and indexed, a survey of the 1776-1865 Commonwealth Causes has allowed for the documentation of various trends found in this set of records. Notability, the testimonies found throughout the Commonwealth causes for this time period contain great detail which extends to testimony provided by the coroner in cases of murder.

The Commonwealth Causes (consisting of arrest warrants, summons, and Grand Jury presentments) originating in the late 18th century contain a significant number of records concerned with social behavior such as public consumption of alcohol, consumption of alcohol on the sabbath, as well as charges related to swearing [profanity use] in public.

There are also a large number of causes brought against individuals who did not cast a ballot in local elections.

Additionally, there are a consistent number of unmarried women asking for child support against fathers. By the early 19th century there was a noticeable drop off of these cases and a shift; the state focused instead in attempting to prosecute those who had committed adultery instead of private citizens seeking the state's assistance for supporting the children produced from these unions.

Of additional interest, are several causes brought against individuals who had purposely spread smallpox (meaning they had refused to inoculate themselves yet continued to interact with others in public spaces).

The Criminal Records of the 19th century, 1800-1865, still largely concern social behaviors primarily alcohol consumption and distribution (selling ardent spirits to enslaved people, selling ardent spirits at the place where it was consumed, selling without a retail license, etc.) as well as operating houses of ill fame, playing cards, gambling, and racing horses. These causes also note instances of alleged mingling between white and Black individuals. Lastly, there are several murder cases that involved domestic violence.

The three boxes of processed material consist of Commonwealth Causes, 1778-1863, involving free and enslaved Black individuals where the defendants themselves are either free or enslaved Black individuals. These cases also consist of white defendants who are charged with crimes involving matters of chattel slavery; violence against a free or enslaved Black persons; or other violations of laws involving the policing of Black communities.

Causes commonly found against free Black and enslaved people might include breaking and entering, stealing, assault, murder, arson, and aiding enslaved people to self-emancipate. Formerly enslaved men and women could also be tried for remaining in the commonwealth more than one year following emancipation. There are also cases against enslavers who permitted a gathering of enslaved people on their property.

Additional unprocessed material includes Grand Jury Presentments, 1786-1787, 1801-1857; Peace Warrants and Peace Bonds, 1789, 1802-1844; Criminal Proceedings, 1839; and a 1845-1911 box containing recognizances; lists of venire men; and clerk's lists of fines.

Arrangement

Boxes of commonwealth causes, 1778-1863, pertaining to free and enslaved persons are arranged chronologically. All other boxes are unprocessed.

Contents List

Processed: Commonwealth Causes involving enslaved and free Black individuals, 1778-1863

Extent

1.35 cubic feet (3 boxes)

Arrangement

Chronological

Barcode number 0007828886: Commonwealth Causes - Free and Enslaved Persons, 1778-1828

Barcode number 0007828887: Commonwealth Causes - Free and Enslaved Persons 1830-1843

Barcode number 0007828888: Commonwealth Causes - Free and Enslaved Persons 1844-1863

Unprocessed: Additional Westmoreland Criminal Records, 1776-1952

Extent

7.2 cubic feet (16 boxes)

Barcode number 1176655: Commonwealth Causes, 1776-1795

Barcode number 1176656: Commonwealth Causes, 1796-1809

Barcode number 1176657: Commonwealth Causes, 1810-1819

Barcode number 1176658: Commonwealth Causes, 1820-1825

Barcode number 1176659: Commonwealth Causes, 1826-1837

Barcode number 1176660: Commonwealth Causes, 1832-1837

Barcode number 1176661: Commonwealth Causes, 1838-1850

Barcode number 1176662: Commonwealth Causes, 1851-1867

Barcode number 1176663: Commonwealth Causes, 1867-1882

Barcode number 1176664: Commonwealth Causes, 1883-1892

Barcode number 1176665: Commonwealth Causes, 1892-1897

Barcode number 1176666: Commonwealth Causes, 1898-1904

Barcode number 1176667: Commonwealth Causes, 1905-1911

Barcode number 1176674: Commonwealth Causes, 1870-1952

Barcode number 1164993: List of Venire men; recognizances; Clerk's list of fines 1845-1911

Barcode number 0007830935: Grand Jury Presentments, Peace bonds and Warrants; Criminal proceedings, 1786-1857

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