

A Guide to the Richmond (Va.) Writs of Habeas Corpus, 1861-1866

Richmond (Va.) Writs of Habeas Corpus, 1861-1866
1861-1866

A Collection in the Library of Virginia
Library of Virginia
2023

History

Processed by: McKenzie Long

Title Statement

A Guide to the Richmond (Va.) Writs of Habeas Corpus, 1861-1866

Subtitle: Richmond (Va.) Writs of Habeas Corpus 0007476613, 0007476615

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Publication Statement

Date: © 2023 By The Library of Virginia. All Rights Reserved.

Publisher: Library of Virginia

Profile Description

Creation: Machine-readable finding aid derived from MARC record by McKenzie Long, 27 October 2023

Language Usage: Description is in English

Descriptive Summary

Barcode Number

0007476613, 0007476615

Language

English

Collector

Richmond (Va.) Circuit Court

Extent

.9 cu. ft. (2 boxes)

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

There are no restrictions.

Use Restrictions

There are no restrictions.

Acquisition Information

These items came to the Library of Virginia in a transfer of court papers from the City of Richmond.

Processing Information

Writs of Habeas Corpus, 1861-1866 were removed from the Richmond City Ended Causes and then processed and indexed as a distinct unit by McKenzie Long.

Encoded by M. Long: October 2023.

Preferred Citation

Richmond (Va.) Writs of Habeas Corpus, 1861-1866. Local government records collection, Richmond (City) Court Records. The Library of Virginia, Richmond, Virginia, 23219.

Adjunct Descriptive Data

Related Material

Additional Richmond Court Records can be found on microfilm at The Library of Virginia. Consult ["A Guide to Virginia County and City Records on Microfilm."](#)

Richmond is one of Virginia's Lost Records Localities. Additional Richmond Records may be found in the Lost Records Localities Digital Collection available on the Library of Virginia. Search the [Lost Records Localities Digital Collection](#) available at Virginia Memory.

Historical Information

Context for Record Type: A writ of habeas corpus is directed to a person detaining another and commanding him to produce the body of the person detained. The purpose is to test the legality of the detention or imprisonment.

In April 1862, the Confederate Congress passed the first of several Confederate Conscription Acts. This was also the first such national draft enacted in American history. The act mandated military service for every man in the Confederate States between the ages of eighteen and thirty-five who did not fall within a limited set of exemptions.

Types of Courts: Richmond (Va.) Hustings court created by the General Assembly in 1782 at the time Richmond was granted its charter. The court was created to handle all criminal cases, civil law cases, probate of wills, fiduciary accounts, deed recordings, all licenses (business, marriage, etc.), citizenship applications, etc. It also included the Mayor's Court.

Richmond (Va.) Hustings Court Part I was approved April 5, 1910 under agreement of consolidation between the City of Richmond and the City of Manchester and their corporation/ Hustings Court.

Richmond (Va.) Law and Equity Court was created by an act of General Assembly on February 12, 1894 to handle all civil law cases and equity cases filed in the City of Richmond (includes divorces, partitions suits, injunctions, mechanic liens suits, etc.).

Richmond (Va.) Circuit Court created in 1852 as a successor to the Circuit Court of Chancery for the County of Henrico in order to handle all civil and criminal matters, same as other circuit courts for counties, cities, or towns. In July 1954, the Clerk of Law and Equity Court was named clerk of the Circuit Court. At the same time its jurisdiction was limited to criminal proceedings against convicts in the penitentiary, proceeding to enforce payment of money to commonwealth and suits against public officers representing the commonwealth.

Locality History: The city of Richmond, located between Henrico and Chesterfield Counties, was named by William Byrd (1674-1744), who envisioned the development of a city at the falls of the James River and with the help of William Mayo laid out the town in 1737. The name probably came from the English borough of Richmond upon Thames, which Byrd visited on several occasions. Richmond was established in 1742 and in 1779 was designated the capital of Virginia effective 30 April 1780. It was incorporated as a town, although "stiled the city of Richmond," in 1782 and was incorporated as a city in 1842. It served as the capital of the Confederacy from mid-1861 to April 1865. Richmond was enlarged by the annexation of Manchester (or South Richmond) in 1910, and by the addition of Barton Heights, Fairmount, and Highland Park in 1914. Further annexations from Chesterfield County occurred in 1942 and 1970.

Lost Locality Note: Richmond is one of Virginia's Lost Records Localities. During the burning of Richmond on April 3, 1865, during the Civil War, Richmond circuit court judge John A. Meredith led efforts to save the circuit court records found at the State Court House. Rescuers successfully removed all the papers that were necessary to pending suits and many of the order books, but all of the wills and deed books were lost. Records of the superior court and circuit superior court of law and chancery were also destroyed. Most of the

pre-Civil War Hustings Court records exist.

Scope and Content

Richmond (Va.) Writs of Habeas Corpus, 1861-1866, consist primarily of writs of habeas corpus involving individuals who claimed to be illegally conscripted into Confederate military service. The collection includes additional writs of habeas corpus for arrests that involved soldiers seeking a release from imprisonment to return to military service and civilian prisoners whose cases had been delayed by nearby military actions.

Notable trends in this collection include petitions for writs of habeas corpus filed by the parents of minors serving in the Confederate Army, often accompanied by copies of signed parental consent forms; petitions filed by men who had been conscripted despite having hired substitutes to serve in their stead, often including copies of the substitutes' military paperwork as exhibits; petitions filed by foreign nationals or otherwise non-Virginians who had been conscripted into Virginia's Confederate service; petitions filed by men who oversaw plantations with more than 15-20 enslaved workers; and the petitions of men employed in professions deemed more valuable to the infrastructure of Confederacy than military duty.

Significant materials include the 1866 writ initiated by John D. L. Petross, a physician whose evidence consisted two petitions signed by a large group of citizens of both Henry and Pittsylvania counties requesting that he be discharged from the Confederate Army due to the necessity of his services in the local community, as well as a copy of his physician's license. Also of note was the petition of William Behl, a Prussian tailor who had traveled to the United States due to the Prussian Corporation of Manual Profession's requirement that journeyman travel abroad as part of their training, and was stranded in Richmond after the beginning of the Civil War and the subsequent blockade. Depositions in his case extensively document Behl's willing enrollment in a military company for undomiciled foreigners and his efforts to be transferred to a regiment of the Virginia militia known as the "Foreign Legion" or the "German Home Guard."

Arrangement

Arranged chronologically.

Contents List

Series I: Writs of Habeas Corpus, 1861-1866

Extent

.9 cubic feet (2 boxes)

Arrangement

Arranged chronologically.

Barcode number 0007476613: Writs of Habeas Corpus, 1861-1865

Barcode number 0007476615: Writs of Habeas Corpus, 1865-1866