

A Guide to the Montgomery County (Va.) Criminal Records, 1774-1827, 1850

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A Collection in the Library of Virginia
Library of Virginia
2010
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History

Processed by: Bari Helms, L. Neuroth

Title Statement

A Guide to the Montgomery County (Va.) Criminal Records, 1774-1827, 1850

Subtitle: Montgomery County (Va.) Criminal Records, 1774-1827, 1850

Author: Bari Helms

Publication Statement

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Publisher: Library of Virginia

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Profile Description

Creation: Machine-readable finding aid derived from being created directly into EAD, created by Bari Helms, 8 April 2010

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

Montgomery County (Va.) Circuit Court

Physical Characteristics

2 folders, digital images

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

Two folders of records came to the Library of Virginia in a transfer of court papers from Montgomery County in an undated accession.

Digital images of 1850 subpoena in Commonwealth vs. Gilbert came to the Library of Virginia in December 2024 under accession 54389.

Processing Information

In December 2024, LVA staff traveled to Montgomery County to return "Free Negro Registers" from the clerk's office which had been loaned for scanning. While onsite, staff photographed four different records related to enslaved and free people that the clerk had stored in her office for safekeeping in two separate folders. The items never came to LVA; they remain in the locality and are presumably isolated from other records and held in the clerk's office.

Encoded by Bari Helms, 2010; updated by M. Mason, October 2025

Preferred Citation

Montgomery County (Va.) Commonwealth Causes and Criminal Papers, 1774-1827,1850. Local Government Records Collection, Montgomery County Court Records. The Library of Virginia, Richmond, Va.

Adjunct Descriptive Data

Separated Material

Additional Montgomery County Commonwealth Causes can be found at the Montgomery County Courthouse.

Related Material

See also: [Montgomery County \(Va.\) Criminal Records, 1750-1993](#)

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

Additional Montgomery 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."](#)

Location of Originals

1850 subpoena from the case Commonwealth vs. Gilbert remains at the Montgomery County Circuit Court.

Historical Information

Context for Records 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.

Locality History Note: Montgomery County was formed from Fincastle County in 1776, and the county court first met on 7 January 1777. Part of Botetourt County was added in 1790. Part of Pulaski County was added in 1842. The county was named for Richard Montgomery, who was killed in the American assault on Quebec late in 1775.

Fincastle County was created from Botetourt County in 1772, and the county court first met on 5 January 1773. Fincastle County became extinct on 31 December 1776 when it was divided to form Montgomery, Washington and Kentucky Counties. The county was named probably for George, Viscount Fincastle, Lord Dunmore's son; for John Murray, fourth earl of Dunmore, Viscount Fincastle; or for the town of Fincastle, Virginia, which was established in 1772 and named for George, Viscount Fincastle.

Scope and Content

Montgomery County (Va.) Commonwealth Causes and Criminal Papers, 1774-1827,1850, are criminal court cases,1774-1850, and other criminal records,1778-1779.

Criminal Cases,1774-1850, undated contain about sixteen cases. Cases of note include Commonwealth vs. Romeo (enslaved), 1774, in which Romeo is accused of attempting to kill William Campbell, Romeo's enslaver. Also Commonwealth vs. Bob and Sam (enslaved), 1786. The two enslaved men confess to the murder of Joseph Baker, Bob and Sam's enslaver.

Also included are several cases of treason against people who publicly declared themselves as Tory or who refused to lift arms against the King of Great Britain. One such case, dated 1779 April, accuses John Henderson of entering into a conspiracy to seize the public magazines and use them to lay waste to Montgomery County.

There is also an 1850 subpoena from the case Commonwealth vs. Gilbert [digitized].

Criminal records,1778-1779, include Grand jury presentments, memorandum of expenses for taking prisoner "Augusta Goal" to, and depositions to unidentified treason case.

Arrangement

This collection is arranged

- Series I: Criminal Records, 1774-1827,1850

Contents List

Series I: Criminal Records, 1774-1827, 1850

Extent

1 folder; digital images

Physical Location Library of Virginia

Barcode number 0007900662: Free and Enslaved Records, 1806-1850 [Digital]

Barcode number 1048926: Court Records [with various record series], 1753-1873