

To Hon. A. Nicol, Judge of the County Court of Prince William County

Your petitioner, Lucien N. Fewell, represents that on the 9th day of July 1876, he was arrested in the town of Manassas, Prince William County, Virginia on complaint of one C. E. Brawner, that your petitioner did unlawfully assault and beat one, Sarah Fewell, and farther your petitioner represents that the said complaint of the said C. E. Brawner was made before one D. W. Whiting, pretending to be a justice of the peace of Prince William County, but in fact merely a private citizen having vacated his position of justice to which he was elected on the (blank) day of (blank) 187(blank) by resignation on the (blank) day of (blank) 187(blank), a considerable time previous to hearing the said complaint of the said C. E. Brawner. Your petitioner further represents that the said D. W. Whiting, pretending to be a justice as aforesaid, in obedience to the prayer of said complaint of said C. E. Brawner issued on the 9th day of July 1876, a warrant for the arrest of your petitioner, which was executed on the same day, and in pursuance of the command of said warrant he was returned before the said Whiting, pretending to be a justice as aforesaid, on the said 9th day of July 1876 and forthwith tried, found guilty and sentenced to 12 months imprisonment in the county jail of Prince William County and to pay a fine of \$50.00 by the said Whiting, pretending to be a justice aforesaid. Your petitioner further represents that the said Whiting in pursuance of his said judgment of a fine and imprisonment, issued a Mittimus on the 9th day of July 1876, directed to the Sergeant of the Corporation of Manassas, and the jailer of Prince William County whereby the said Sergeant was commanded to convey the body of your petitioner to the said jailor and into his hands safely deliver the same, and the said jailor was commanded the same to receive, and to safely keep confined for the term of twelve months, and there after unless and until he should have paid the sum of \$50.00 to the Commonwealth of Virginia, in accordance with the said judgment of the said Whiting, pretending to be a justice as aforesaid.

As your petitioner is advised the entire proceedings by which he was arrested, tried, imprisoned and fined is unauthorized by and contrary to law, and that he is detained without lawful authority, he therefore prays the Commonwealth most gracious writ of Habeas Corpus may be awarded to him, directed to the jailor of Prince William County requiring him to bring before you the body of your petitioner, with the cause of his detention, so that the same may be enquired into, and all such relief afforded unto your petitioner as to justice shall then meet.

L. N. Fewell

Prince William County to wit:

This 11th day of July 1876, Lucien N. Fewell personally appeared before me Arthur W. Sinclair a Justice of the Peace for the County of Prince William and made oath that all the facts set forth in the foregoing application for a writ of Habeas Corpus are true to the best of his knowledge and belief.

Given under my hand and seal, the day and year first above written.

A. W. Sinclair (seal)

Writ of Habeas Corpus is awarded the petitioner on the within petition, directed to the jailor commanding him to bring the body of the petitioner before me at my home forthwith -----

A. Nicol

11 July 1876

Lucien N. Fewell the petitioner having been brought before me by the jailor in obedience to the writ of Habeas Corpus awarded in the case after having awarded, the petitioners hearing is postponed until tomorrow morning 10 o'clock.

A. Nicol
11 July 1876

Lucien N. Fewell the petitioner was this day again brought before me, and after further hearing arguments of counsel, as well in behalf of said petitioner and the Commonwealth, the court is of the opinion that the said Lucien N. Fewell is detained in custody without lawful authority. It is therefore ordered that he be discharged.

A. Nicol
12 July 1876