

Documents & Transcriptions: Civil War Writs of Habeas Corpus

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Document 1

Writ 1: James Bellew

The petition of William Bellew respectfully represents that his son James Bellew is now detained in the custody of Captain ^{Pace,} ~~Col. McEnany's~~ ^{Regiment} ~~commanding~~ ^{commanding} Company I, ~~Michigan~~ ^{Michigan} ~~and~~ under a claim that he is liable to military service for local defense. That the said James Bellew was fifteen years of age on the 12th day of December 1864, and is therefore not so liable. Therefore the your petitioner asks that your Honor will award to him the writ of habeas corpus to the said Captain Pace directed, requiring him to have before you the body of the said James Bellew with the causes of his detention, so that the same may be enquired into and relief afforded your petitioner.

William Bellew
by his counsel F. A. Myers

Given to before me this 14th day of January 1865, by William Bellew.

Andrew Jenkins Deputy Clerk
of Richmond Hustings Court.

Document 1: Transcription

Writ 1: James Bellew

The petition of William Bellew respectfully represents that his son James Bellew is now detained in the custody of Captain ___ Pace, commanding Company I, Col. McEnery's Regiment under a claim that he is liable to military service for local defense. That the said James Bellew was fifteen years of age on the 12th day of December 1864, and is therefore not so liable. Therefore your petitioner asks that your Honor will award to him the writ of habeas corpus to the said Captain Pace directed, requiring him to have before you the body of the said James Bellew with the causes of his detention, so that the same may be enquired into and relief afforded your petitioner.

William Bellew
by his counsel G.A. Myers

Sworn to before me this 14th day of January
1865, by William Bellew

Andrew Jenkins Deputy Clerk
of Richmond Hustings Court

Document 2

Writ 2: John H. Clarkson

To the Honorable William H. Lyons Judge of the Superior
Court of the City of Richmond

The petition of John H. Clarkson of the County
of Essex respectfully represents, that he is a farmer in the said
county, and upon his plantation there were on the first day of January
1864 and are still fifteen able bodied freed hands between the ages
of fifteen sixteen and fifty. There is not upon the said plantation any
white male adult not liable to military service. He was the owner
and manager of the said farm on the 1st day of January 1864, and being it
still, he has been exempted from military service since
and manager or owner of the said plantation. On or about
the day of October last he made application in due form to
Lieut Thos. Bumpass military officer of the County of Essex for
exemption in pursuance of the provisions of the IV article of
the 10th section of the Act of Congress entitled "An act to organize
forces to serve during the war" approved February 17th 1864. Along
with his application which was in writing he tendered to the
said Lieut Bumpass, a bond in the form ~~provided~~ and formally
prescribed by the Secretary of war with two good and sufficient
sureties payable to the Confederate States of America and
conditions as required by the said IV article of the 10th section
of the said Act of Congress. The said Lieut Bumpass declined
to receive or entertain the said application, and ordered your
petitioner to report to Camp Lee for duty, which he did
accordingly, and is now held in custody as a conscript by
Capt. William H. Fry Commandant of ~~Camp Lee~~ ^{of Camp Lee} ~~for Virginia~~
Your petitioner is advised that he is entitled to exemption, and
is illegally detained and prays a writ of Habeas Corpus ad sub-
junctum directed to the said Captain William H. Fry Commandant
of ~~Camp Lee~~ ^{of Camp Lee} ~~for Virginia~~ commanding him to and that your petitioner
or may be discharged. And as in duty bound will ever pray

John H. Clarkson
By Counsel

Document 2: Transcription

Writ 2: John H. Clarkson

To the Honorable William H. Lyons Judge of the Hustings
Court of the City of Richmond

The petition of John H. Clarkson of the county of Essex respectfully represents that he is a farmer in the said county, and upon his plantation there were on the first day of January 1864 and are still fifteen able bodied field hands between the ages of sixteen and fifty. There is not upon the plantation any white male attndt not liable to military service. He was the owner and manager of the said farm on the 1st day of January 1864, and owns and manages it still. No person has been exempted from military service as owner and manager or overseer of the said plantation. On or about the ____ day of October last he made application in due form to Lieut. Th. G. Bumpass enrolling officer of the county of Essex for exemption in pursuance of the provisions of the IV article of the 10th section of the Act of Congress entitled "An act to organize forces to serve during the war" approved February 17th, 1864. Along with his application which was in writing he tendered to the said Lieut. Bumpass, a bond in the form and penalty prescribed by the Secretary of War with two good and sufficient securities payable to the Confederate States of America and conditioned as required by the said IV article of the 10th section of the said Act of Congress. The said Lieut. Bumpass declined to receive or entertain the said application, and ordered your petitioner to report to Camp Lee for duty, which he did accordingly, and is now held in custody as a conscript by Capt. William H. Fry commandant of Camp Lee.

Your petitioner is advised that he is entitled to exemption, and is illegally detained and prays a writ of Habeas Corpus ad subjiciendum directed to the said Captain William H. Fry commandant of Camp Lee commanding him &c and that your petitioner may be discharged &c. And in such duty bound will ever pray.

John H. Clarkson
By counsel

Writ 3: Thomas Rourke

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Document 3: Transcription

Writ 3: Thomas Rourke

To the Honorable Wm H Lyons
Judge of the Hustings Court of the
City of Richmond

Your petitioner Thomas Rourke respectfully represents that he is a citizen of the Government of Great Britain and Ireland, that he was born in the latter country, as his protection papers will show that he came to the United States in the year 1849 and came south to Virginia in the year 1858, that he left his native country where his parents are now residing, intending to return to it, that it has always been and is still his intention to return home, that he has never taken any step, of any kind, to become a citizen of this country, has never voted, never owned any real estate, is a single man and by vocation a clerk, has one fixed domicile, that he would have left long afore this, but for the troubles of this country by which he was prevented getting a safe and cheap transit. He has been doing duty in the Regiment of Col. Evans, and while so engaged was arrested, and is now held as a conscript at Camp Lee in the charge of Wm H. Fry ^being regarded as a domiciled prisoner. He respectfully asks that the writ of habeas corpus ad subjiciendum shall be fore with granted by your Honor, returnable to such day as he may appoint. Directing the said Capt. Wm H. Fry to bring or cause to be brought the body of your petitioner before your Honor, with a return of the cause of his detention.

Thomas Rourke
Subscribed and sworn to by mouth by
Rourke before me this 30th day of December 1864
Wm F. Wilson NP

Document 4

Writ 4: E. G. Hudgens (Page 1)

The Petition of E. G. Hudgens.
for a writ of Habeas Corpus.

Your Petitioner respectfully represents that he is now unlawfully and without authority held and detained on military custody - at Camp Lee - by Major J. G. Peyton - as a conscript. He avers that he put in a substitute, for the war - on 7th day of November 1861. according to Army regulations - of the 20th Oct. 1861 - and was regularly discharged.

He prays that a writ of Habeas Corpus may be awarded him, directed ^{to the proper} to Major J. G. Peyton, at Camp Lee, requiring him, or whoever may claim so to hold, and detain your Petitioner, to bring the body of your Petitioner before your honor - together with the cause of his detention - also to produce in court the papers, discharge, application & of your Petitioner - which are now at Camp Lee - in the custody of the said Major J. G. Peyton - by which it will fully appear that your Petitioner has been regularly discharged - and is besides this - now a Captain on a Light Boat - running on R. A. & N. Canal - and

Document 4

Writ 4: E. G. Hudgens (Page 2)

Wells river. The said papers contain
the proper testimony, with the
endorsement of Col. J. B. Shuford - as to
these facts.

The Petitioner
By his Atty
J. B. Shuford

City of Richmond

E. G. Hudgens, this day
personally appeared before me,
A. D. Williams, a Notary Public for
and in the City of Richmond aforesaid,
and made oath to the truth of the
contents, in the foregoing Petition con-
tained to the best of his belief and
knowledge. Given under my hand
this 6th day of Nov. 1863.

A. D. Williams, N.P.

To Honorable

Wm. H. Lyons

Master of Hustings Court &
Richmond.

Document 4: Transcription

Writ 4: E. G. Hudgens

Page 1	Page 2
The petition of E. G. Hudgens for a writ of Habeas Corpus. Your petitioner respectfully represents that he is now unlawfully and without authority held and detained in military custody at Camp Lee by Major J. G. Peyton as a conscript. He avers that he put in a substitute, for the war, on 7th day of Novem. 1861 according to military regulations of the 20th Oct. 1861 and was regularly discharged. He prays that a writ of Habeas Corpus may be awarded him, directed to Col H. G. Miles and Major T. G. Peyton, at Camp Lee, requiring them or whoever may claim so to hold and detain your petitioner, to bring the body of your petitioner before your honor together with the cause of his detention also to produce in court, his papers, discharge, application by your petitioner which are now at Camp Lee in the custody of the said Maj. Thos. G. Peyton by which it will fully appear that your petitioner has been regularly discharged and is besides this now a captain on a freight boat running on J. R. & K. Canal and	Wells River. The said papers contain all the proper testimony, with the endorsement of Col. G. C. Shields as to these parts &c. The petition By his Atty JH Gilmer City of Richmond E. G. Hudgens this day has orally appeared before me A. D. Williams a Notary Public for and in the City of Richmond aforesaid, and made oath to the truth of the arguments, in the foregoing Petition in law, to the best of his belief and knowledge. Given under my hand this 6th day of Nov. 1863. A.D. Williams N. P. To Honorable Wm H Lyons Judge of Hustings Court of Richmond

Document 5

Writ 5: John D. L. Petross

The Petition of John D. L. Petross, respectfully represents, that he is unlawfully held and detained, in military service, by John A. Henderson, Capt. Co. D. 38th Va. Regt. Stewart's Brig. Your Petitioner was conscripted in the fall of 1864 - and was then over the age of thirty years - and had been, for more than seven years previous to that date, a regular practicing Physician in the Counties of Henry and Pittsylvania - where he was in the regular and habitual practice of his profession. When he was ordered to Camp Lee, he was assigned before he could prepare his papers and proof, for the proper discharge - as a Physician.

Your Petitioner, submits with his Petition, sundry statements, affidavits, and applications - showing the facts of his case - and the merits of his application. He prays that a writ of Habeas Corpus may be awarded and directed to the said John A. Henderson, Capt. of Co. D. 38th Regt. Va. Stewart's Brigade - requiring him to have and bring the body of your Petitioner before your Honorable Court, together with the cause of his said detention, that the same may be examined into and the proper relief had.

The Petitioner,

137 9th March 1865

Document 5: Transcription

Writ 5: John D. L. Petross

The petition of John D. L. Petross, respectfully represents, that he is unlawfully held and detained, in military service, by John A. Henderson Capt. Co. D 38th Va. Regt. Stewart's Brgd.

Your petitioner was conscripted in the fall of 1864 and was then over the age of thirty years and had been, for more than seven years previous to that date, a regular practicing physician in the counties of Henry and Pittsylvania, where he was in the regular and habitual practice of his profession. When he was ordered to Camp Lee, he was assigned before he could prepare his papers and proof for the proper discharge as a physician.

Your petitioner exhibits with his petition sundrie statements, affidavits, and applications showing the facts of his case and the merits of his application. He prays that a writ of Habeas Corpus may be awarded and directed to the said John A. Henderson Capt. Co. D 38th Va. Regt. Stewart's Brigade requiring him to have and bring the body of your petitioner before your Honorable Court, together with the cause of his said detention that the same may be enquired into and the proper relief had.

The Petition
By J. H. Gilmer his Atty

Document 6

Writ 6: Andrew G. Hudson (Page 1)

To the Honourable Mr. W. Lyons
Judge of the Hastings Bench
The Petition of Andrew
G. Hudson respectfully represents
that he is unlawfully detained
as a conscript by Lieut. J. B. Shields
at Camp Lee. or Major Wm. B. Peyton
He alleges that on the 21st day of June
1862 he placed a substitute in his place
as a member of Co: A. 19th Regt
ment, who was accepted by the Captⁿ
of said Co: with the consent & approval
of Col. Strange who commanded the
regiment & thereupon he obtained
his discharge
He further alleges, that this discharge
has been respected hitherto & he
has been three times exempted
upon it by the enrolling officers
in his district
He therefore protests that he is not
liable to military service & prays
that a writ of Habeas Corpus
may be directed to said Shields

Document 6

Writ 6: Andrew G. Hudson (Page 2)

4 Peyton.
requiring them to bring your
Petitioners before your Honour
that he may be discharged
Signed *A. J. Hudson,*

Richmond Virginia City of Richmond & Clerk

This day *A. J. Hudson* personally
appeared before me ^{*Francis W. Sutton, Notary Public of and for the State of Virginia*} & made
oath to the foregoing statement
Given under my hand this
6th day of November 1863.

Francis W. Sutton S. & P.

Document 6: Transcription

Writ 6: Andrew G. Hudson

Page 1	Page 2
To the Honorable Wm H. Lyons Judge of the Hustings Court The petition of Andrew G. Hudson respectfully represents that he is unlawfully detained as a conscript of Col. J. G. Shields at Camp Lee or Major Tho. G. Peyton. He alleges that on the 21st day of June 1862 he placed a substitute in his place as a member of Co. A. 19th Regiment, who was accepted by the Capt. of said Co. with the consent & approval of Col. Stranger who commanded the regiment & thereupon he obtained his discharge. He further alleges, that this discharge has been respected hitherto & he has been three times exempted upon it by the enrolling officers in his district. He therefore protests that he is not liable to military service & prays that a writ of Habeas Corpus may be directed to said Shields	& Peyton requiring them to bring your petitioner that he may be discharged. Signed A. G. Hudson Richmond Virginia City of Richmond To Wit This day A. G. Hudson personally appeared before me ^Francis V. Sutton Sen a Notary Public of and for & made oath to the foregoing statement. Given under my hand this 6th day of November 1863 Francis W. Sutton Sr. N. P.

Document 7

Writ 7: Andrew Mull

To the Hon Wm H. Lyons, Judge of the
Court of Hustings for the City of Richmond
Your petitioner James Mull
respectfully represents that he a citizen
of the State of Virginia and has been
engaged for some time past in building
bridges and other work for the Confederate
Government and is still so engaged
that about the month of March last
which ~~he was~~ he was absent from the
City of Richmond (his place of residence)
his son Alexander Mull a boy
15 years of age enlisted as a soldier in
the Company known as the President's
Guard Commanded by Captain W. S. Reid
Your petitioner did not know of the
enlistment when made and never
gave his consent to the same. Appli-
cation has been made for the discharge of
his son at a time when he suffered
from the effects of fever, but without success
Your petitioner charges that his son
is detained illegally by said Captain
W. S. Reid contrary to law and without
authority. Therefore he prays your
Honor to award him the writ of Habeas
Corpus to the ~~Superior~~ said Capt
Reid directed requiring him to
bring before the body of said Alexan-
der Mull within the space of his detention
so that the same may be enquired into
and relief afforded your petitioner
J. M. Mull

Document 7: Transcription

Writ 7: Andrew Mull

To the Hon Wm H Lyons Judge of the
Court of Hustings for the City of Richmond

Your petitioner James Mull
respectfully represents that he is a citizen
of the state of Virginia and has been
engaged for some time past in building
bridges and other work for the Confederate
Government and is still so engaged.

That about the month of March last
whilst your petitioner was absent from the
city of Richmond (his place of residence)
his son Alexander Mull a boy only
15 years of age enlisted as a soldier in
the company known as the Presidents
Guard commanded by Captain Wm S. Reid.
Your petitioner did not know of the
enlistment when made and never
gave his consent to the same. Appli-
cation has been made for the discharge of
his son at a time when he suffered
from the effects of fever but without success.

Your petitioner charges that his son
is detained illegally by said Captain
Wm S. Reid contrary to law and without
authority. Therefore he prays your
Honor to award him the writ of Habeas
Corpus to the said Capt
Reid directly requiring him to
bring before you the body of said Alexan-
der Mull with the causes of his detention
so that the same may be enquired into
and relief afforded to your petitioner.

James Mull

Document 8

Writ 8: C. T. Decăniél (Page 1)

To the honorable William H. Lyons, Judge of
the Hustings Court of the City of Rich-
mond:

Your petitioner C. T. De Căniél respectfully repre-
sents that he is illegally detained in custody by
Captain George L. Bidgood, a captain of
a militia company in the 19th Regiment of
the Virginia Militia, first class militia. Your
petitioner states that the said Bidgood detains
him as he is informed claiming that he owes
military service in the said militia. Your
petitioner is not a citizen of Virginia, has
never declared his intention to become a citizen
of the former United States or of the Confederate
States of America or of any of the States of
the former union or of the present Confederacy.
Your petitioner was born in Devonshire England
and is a subject of Queen Victoria, Queen of
the United Kingdom of Great Britain and
Ireland. Your petitioner is yet a subject of
said monarch, never having relinquished his
domicil in the Kingdom of his birth and never
designing to do so. As an unnaturalized
unadmitted foreigner, your petitioner is not
liable to perform the military service sought
to be exacted of him.

Your petitioner further states that his
health is such as wholly to incapacitate him

Document 8

Writ 8: C. T. Decaniél (Page 2)

for the discharge of the militia duties required -
and on the ground of physical disability,
he is entitled to relief from these duties. Should
it become necessary in the case your petitioner
believes he can make this abundantly appear
to your honor.

Your petitioner prays to be discharged and
relieved from the custody and control of the
said Captain George L. Bidgood, and to this
end he prays that he said ^{Captain} George L. Bidgood
be ordered to have the body of your petitioner
before your honor together with the day and
cause of your petitioner's capture and
detention, and that your petitioner be dis-
charged and released from the custody and
control of the said captain. And your
petitioner will ever pray &c.

C. T. Decaniél

City of Richmond, to wit: This day personally appeared
before me the undersigned a notary public for the
said City C. T. Decaniél and made oath that the
statements made in the foregoing petition are true.
Given under my hand, this 26th day of November
A.D. 1864.

Alex^r H. Sanders J.P.

Document 8: Transcription

Writ 8: C. T. Decäniél

Page 1	Page 2
To the honorable William H. Lyons Judge of the Hustings Court of the City of Richmond: Your petitioner C. T. DeCäniél respectfully represents that he is illegally detained in custody by Captain George L. Bidgood, a captain of a militia company in the 19th Regiment of the Virginia Militia, first class militia. Your petitioner states that the said Bidgood detains him as he is informed claiming that he owes military service in the said militia. Your petitioner is not a citizen of Virginia, has never declared his intention to become a citizen of the former United States or the Confederate States of America or of any of the states of the former union or of the present confederacy. Your petitioner was born in Devonshire England and is a subject of Queen Victoria, Queen of the United Kingdom of Great Britain and Ireland. Your petitioner is yet a subject of said monarch, never having relinquished his domicile in the kingdom of his birth and never designed to do so. As an unnaturalized undomiciled foreigner, your petitioner is not liable to perform the military service sought to be exacted of him. Your petitioner further states that his health is such as wholly to incapacitate him	for the discharge of the militia duties required and on the ground of physical disability he is entitled to relief from the duties. Should it become necessary in the case your petitioner believes he can make this abundantly appear to your honor. Your petitioner prays that the said Captain George L. Bidgood be advised to have the body of your petitioner before your honor together with the day and cause of your petitioner's caption and detention, and that your petitioner be discharged and released from the custody and control of said captain. And your petitioner will ever pray & c. C. T. DeCäniél City of Richmond, to wit: This day personally appeared before me the undersigned a notary public for the said aty C. T. DeCäniél and made oath that the statements made in the foregoing petition are true. Given under my hand, this 24th day of November A.D. 1864.