

The Clark – Fewell Tragedy

Lucien Fewell, better known as Rhoda, left Lynchburg, Virginia by train. It was the 30th day of August 1872. He had only one thing on his mind, to put an end to all the talk in Prince William County as to why the family hadn't sought the expected revenge on James Clark who was incarcerated in the Brentsville Jail. Fewell managed to exit the train at Bristow without being noticed and by his own admission hid in the woods on the way to Brentsville to avoid being seen by anyone passing.

James Clark was arrested in Fredericksburg on August 22 and transported to Bristow by train and then by wagon to the Brentsville jail. He was kept under heavy guard because of the nature of the accusations against him and the public outcry for revenge. But on August 30th there were no guards and the jail was unlocked. Clark was lying half asleep on the bed, when he was roused by the opening of the door. When he looked up, he saw Rhoda Fewell pointing a pistol at him through the cell door. Clark jumped up and ran to the corner on the right-hand side of the door. As he was running, Fewell fired at him and missed. He then ran to the other side of the door and Fewell again shot and missed. Fewell then put the pistol all the way through the door in an attempt to acquire a better angle but Clark at that point grabbed the pistol, which was the size of a navy pistol, and tried to wrest it from Fewell. He failed, and Fewell then drew a second, smaller pistol and shot him in the chest. The injured Clark heard a voice that he recognized at that point. It was Maj. Thornton, pleading with Fewell to quit shooting.

Little did anyone know at the time of the shooting that this was to become the most famous trial in Brentsville history, pitting an ex-governor of Virginia against two well known Confederate Civil War generals. The defendant, the notorious son of the founder of Manassas and a well respected family in the community, would be on trial for killing the former Commonwealth's attorney of Prince William County, the son of a prominent Baptist minister and editor of a Warren County newspaper. The following is a serialized account of this trial was covered in most of the nation's newspapers.

Alexandria Gazette 29 Jul 1872

Prince William County News from the *Manassas Gazette* --

Our village has been considerably excited since Sunday morning last, when it was ascertained that a young daughter of one of our most prominent citizens had left home without the knowledge of her parents, and taken the northern bound freight train going into Alexandria.

Imagine the sensation this young woman's disappearance must have caused in the small town. Manassas had begun to grow after the Civil War and would later become the county seat in the 1890s, but was still in its early stages of development in 1872. Several weeks passed, likely full of rumor and speculation by the locals, before more of the story was revealed.

Alexandria Gazette 24 Aug 1872

ARREST OF JAMES F. CLARK - James F. Clark, late Commonwealth's Attorney for Prince William County and the unanimous and persistent choice of the Prince William delegation in the last Senatorial Convention, of whose late exploits an extended notice appeared in Thursday's *Gazette*, arrived in Fredericksburg on the train from Washington last Thursday, but left that town immediately on a horse hired from the livery stable of Mr. Thomas Haydon, stating that he was going a few miles in the country. Yesterday morning he was arrested at the residence of his father - in - law, in King George County, about ten miles from Fredericksburg, by Sergeant Edrington on the charge of abducting and carrying away Miss Fannie Fewell, brought back to Fredericksburg and taken before a Justice of the peace, but waiving an examination, was committed to jail to appear before a Magistrate of Prince William county within thirty days, in default of bail to the amount of \$600. Last night, however, he employed counsel, who sued out a writ of habeas corpus, upon which he was brought before Judge Goolrick, this morning, and after

an examination was remanded to jail to await a requisition from the authorities of Prince William County. The Judge afterwards reconsidered the case and determined to hold Clark for examination at 1 o'clock next Monday evening. It is understood that Clark left Miss Fewell with whom he eloped about a month since, in Washington, and her relatives have gone there to look for her. The arrest was made at the instance of Miss Fewell's father, who having heard that Clark had gone to Fredericksburg started immediately for that place, and Clark was so afraid that Mr. Fewell would shoot him on sight that he refused to come on the street until that gentleman had been bound over to keep the peace. A few days ago a gentleman residing at Manassas received a letter from Clark asking particularly about Miss Fewell of whose elopement he said he had just heard.

By August 24, the names of the players in the drama were publicly known. Without doubt, the rumor mill continued to process the data. The prominence of those involved made the events even more shocking, as they were published in more detail two days later.

Alexandria Gazette 26 Aug 1872

THE CLARK AFFAIR - On Saturday morning last Mr. Benjamin Merchant, a brother in law of Miss Fannie Fewell, arrived in Washington, and with the aid of detective McElfresh succeeded in finding the young lady at Boyles Hotel, from which place she was taken to police headquarters. In answer to questions she stated that she was married to Clark in Washington, but was unable to name the minister or place where the ceremony was performed, nor could the officers find any record of such names on the marriage record in the office of the clerk of court. She appeared much affected on meeting her brother in law, and was crying bitterly as she left headquarters on her way to the railroad station. She passed through here, accompanied by her brother in law, on Saturday's evening train for her home at Manassas, but left that place this morning in a hack accompanied by her father and Judge Sinclair, who has been employed by her father as counsel, for Occoquan, to take the train for Fredericksburg, where Clark was to have been examined before Judge Goolrick at half past four o'clock this evening.

A second news item on this same day reported the results of the Judge's examination, as it was intended that Clark be returned to Prince William County.

Alexandria Gazette 26 Aug 1872

Prince William County Items from the *Manassas Gazette* - There was considerable excitement at Manassas on Saturday, upon the receipt of the intelligence of the arrest of Jas F. Clark, in Fredericksburg. It was reported that he would be brought up on the train and a large crowd assembled at the depot, and so much indignation was expressed that it was feared that summary punishment would be meted out to him. He did not come, however.

So, where was Clark? Questions about Clark and Miss Fewell's dealings were on everyone's lips, as many of the details were not yet known. The *Alexandria Gazette* answered some of these questions on the very next day.

Alexandria Gazette 27 Aug 1872

THE CASE OF JAMES F. CLARK from the *Fredericksburg Ledger*. - Since the publication in our last issue of the account of the elopement of James F. Clark with Miss Fanny Fewell, of Manassas, Va., several occurrences have taken place which deepened the interest which that account excited here, where both parties are known, and Clark especially, well known. To the astonishment of everybody, Clark appeared in Fredericksburg on Thursday, arriving by the 11 o'clock train, and procuring a horse at one of our livery stables, departed at once to the house of Wm. Lee, in Stafford, the father of his wife, where his wife and children have been living since his absence from the State. The family of Miss Fewell received intelligence on the same day that she was in Washington, and suspecting that Clark would leave her there and visit his family, sent a telegram of inquiry for him that morning. Receiving an affirmative answer, they asked for his arrest; but being informed that this could not be done on such slender authority, telegraphed that they would be here next day. On Friday, Mr. Fewell, father of the young lady, and Mr. Merchant, a

connection of the family, arrived and after consultation with the Commonwealth's Attorney, obtained from Recorder Sener a warrant for Clark's arrest, on the charge of abduction of the daughter of Mr. Fewell. They arrested Clark at Mr. Lee's house, was placed in the hands of officer Edrington and without trouble, and whenever the subject was mentioned in the conversation along the road, Clark firmly asserted his innocence. He was brought in and arraigned before Recorder Sener in the afternoon. Messrs. John L. Marye Jr. and Charles Herndon appeared as his counsel and C. Wistar Wallace, Commonwealth's Attorney, for the prosecution. Mr. Wallace did not wish to proceed with the case until he could procure certain necessary witnesses. Mr. Marye replied that the only examination that could now be had was with the view to sending the accused to the county where the offense occurred, and the proceedings here would be widely disseminated, he wished to say that Mr. Clark pronounced the reports of this affair a most unfounded aspersion of his character and assured him, distinctly and unequivocally, that he had no connection whatever with the disappearance of the young lady, and no knowledge of her during his travels west, whither he had been merely on a voyage of exploration to select a place of location. As soon as he heard of the rumors connecting his name with this affair, he had turned from his business in the west and started home to face his accusers in Prince William, and is ready to go now, this moment, with the officers and these gentlemen.

Captain Wallace and Mr. Fewell said that was all they desired, and the case was therefore so disposed of, but it was deemed necessary to hear the evidence of Messrs. Fewell and Merchant before committing Mr. Clark to custody. The following is their narrative of the elopement and pursuit.

Mr. Fewell, the father of the young girl, has lived at Manassas since 1865. His daughter though only sixteen years of age, is said to be of great beauty and most engaging manners. Her mother has been dead for some years, and she has been brought up under every indulgence having been from her earliest years the pet of the household.

There never has been anything in Clark's conduct to arouse suspicions in the minds of any number of her family that he designed her ruin. They had heard of no intimacy between them except of a ride in a buggy a few days before he left Manassas. Clark never boarded at Mr. Fewell's house, as it has been reported, and left Manassas ten days before his daughter disappeared. She did not live with her father, but with her older sister, the wife of Mr. R. B. Merchant of Manassas, and from Mr. Merchant's house the elopement occurred.

On Friday night before her disappearance an old man with a hand trunk called at Mr. Fewell's Hotel on the arrival of the evening train, and feigning drunkenness, asked for liquor. He was directed across the street, whither he went. The next night he appeared again at the same hour and with the same actions, but without the hand-trunk. The next night being Sunday night the 20th July, a freight train arrived at Manassas at midnight. Miss Fewell, as the train was coming in, passed the door of her brother in law's room and in answer to a question from him, replied that she was ill and was going out. As the night was bright, he thought nothing strange of this, and only desired her to take her maid servant with her. Becoming alarmed from her protracted absence, Mrs. Merchant went to look for her and could not find her on the premises. In the meantime her father, who is depot agent at Manassas, while on the platform attending to his duties had observed a female figure coming towards the train from the direction of Mr. Merchant's house, proceeded by a man carrying a hand trunk, but never for a moment suspected that it was his daughter. Having finished his business with the train, he went home and retired, and was waked up in a few minutes by Mr. Merchant, who informed him of his daughter's disappearance. They went together and searched the car, but in vain. The young lady was concealed in the water closet. The man with the hand -trunk occupied a seat in the car. He was seen afterwards in conversation with Miss Fanny by the train hands and was overheard telling her that "the Lieutenant would not stop in Washington," but would take the cars at the first station beyond. When the train arrived at Alexandria a carriage was in waiting and the young girl entered it and drove away. The watchman at the depot and the conductor of the train saw a man in the carriage, which they described as a small man, with light hair and light moustache. He told the watchman

he was a clerk in Washington, and had been seen waiting there with the carriage for two nights before. The hand trunk man told the watchman that he had been helping the young couple off. From Alexandria all traces of the fugitives were lost until the first depot beyond Washington was reached. The agent at this depot informed Mr. Merchant that a young couple answering the description had taken the train there the day before, and the agent accurately described both of them, even describing the dress worn by the lady, which was recognized by Mr. Merchant. Pursuit was made to Baltimore but without effect, and for the first time Clark was suspected.

After suspicion was directed to Clark, it was learned that he had given out that he had gone to Memphis and had ordered his letters to be sent there. On writing to the postmaster at that place it was learned that he had not been there at all, but had ordered his letters to be forwarded to Alton, Illinois. Further inquiries confirmed still more strongly these suspicions, and eventually convinced Mr. Fewell that Clark was the guilty man, who, by the agency of the mysterious man of the hand-trunk had seduced the young lady from her home. After her disappearance by the officiousness of neighbors, many facts were brought to the knowledge of her family which if they had been communicated before, would have prevented the sad occurrence.

At the close of the examination Clark was taken charge of by the officers for delivery to the authorities of Prince William County. Every preparation was made for departure by the night mail train, and the party was at the Exchange Hotel awaiting the hour to go; but about 9 o'clock, being made acquainted with the threats against his life by the incensed community at Manassas, Clark concluded that it would not be safe for him to get into their power, and applied to Judge Goolrick for a writ of habeas corpus. The writ was awarded, and the hour of 10: am Saturday morning fixed for the bearing. Clark was then taken to jail and locked up for the night.

Promptly at 10 a.m. Saturday the Judge took his seat, and Clark was brought before him. Officer Edrington made his return to the writ, showing his warrant of law by which he held the prisoner, and an affidavit of Recorder Sener, setting forth the agreement of the accused to go to Prince William was also filed. Mr. Herndon made a strong appeal for the accused, reiterating Clark's emphatic denial of complicity in the abduction of the young girl and stating that he would have been discharged; the day before for want of evidence but for his offer to go to Prince William. Owing to well founded apprehensions of violence he had reconsidered his determination.

After argument on both sides, the Judge remanded Clark to custody, but in view of the danger of bodily harm to which he was exposed, ordered him to be let to bail in \$600 to appear before a magistrate of Prince William within thirty days. He was allowed five days within which to furnish bail, and meanwhile is remanded to jail. But before the order had been entered, information was received here that Miss Fanny Fewell had been found in Washington and had exposed the whole affair, charging it upon Clark, and that further evidence of his guilt would be supplied on Monday. The Judge accordingly reconsidered his order in regard to bail and determined to rehear the application for bail yesterday at 4:30 p.m.

Up to the hour of going to press the witnesses expected had not arrived, but were reported on the way, traveling by private conveyance. The result of this examination is awaited with much interest. The sentiment here is decidedly against Clark, but there is no disposition to condemn him unheard since the law has been appealed to for redress of the injury.

The families affected by this unfortunate affair have the sincere and heartfelt sympathy of this community. - See telegraphic dispatch for concluding proceedings.

All awaited the explanations of Clark and Miss Fewell with baited breath. Just imagine the crowd of people anticipating Clark's arrival in Prince William County, as well as the pair's testimony. But wait the people would, as another delay was to develop, as reported in the *Telegraph News*.

Alexandria Gazette 27 Aug 1872

TELEGRAPH NEWS - Special Dispatches to the *Gazette* - Case of Jas. F. Clark — Clark Remanded to Prince William— Miss Fewell's health— other persons Implicated in Miss F.'s Elopement — Clark's Arrival at Manassas and Committal to Jail — Trial not yet set. Fredericksburg, Aug 27, - The examination of the witnesses in the Clark case, which was to take place here yesterday, was cut short by the illness of Miss Fewell, who had to be examined at her room by the Court and counsel, and during the examination was attacked so severely with hysteria that the examination was suspended. Her health not admitting of a renewal of the examination for several days, the case was submitted, upon the evidence already taken and published, and Clark was remanded to the custody of the jailer to be delivered to the authorities of Prince William County.

Sergeant Edrington left here with Clark last night. Miss Fewell's deposition implicates other parties at Manassas, of respectable standing, in the plan and accomplishment of her elopement.

MANASSAS, Prince William County, August 27 — Clark, in charge of officer Edrington, reached Brentsville this morning quietly, but exhibited signs of much fear. He was at once committed to the jail of the county, to remain there under a strong guard, until his trial, the time for which has not yet been set.

Fannie Fewell's health delayed the telling of her side of the story. Clark insisted he was innocent as he languished in jail at Brentsville. The public stood by, awaiting details and testimony. By August 27, 1872, the *Alexandria Gazette* began to reveal the events in greater depth. In those days, before radio and television, newspapers supplied extensive and wonderful detail. Nothing was omitted, down to a complete account of the clothes and condition of the accused.

Alexandria Gazette 27 Aug 1872

JAS F. CLARKE, whose examination upon a charge of abduction, took place in Fredericksburg yesterday, and resulted in his being remanded to Prince William County for trial, reached this city at four o'clock this morning on the train from Fredericksburg, in charge of Sergeant Edrington and a guard of five men, C. A. Gore, C. D. Cole, J. A. Tayloe, A. B. Rowe, and R. W. Gravvott, all armed with revolvers, and was carried to the City Hotel, where he remained until the train on the O. A. & M. R. R. left for Manassas. The guard was brought at his insistence to protect him from the summary vengeance which he supposed might be inflicted upon him by the relations of Miss Fewell, or other citizens of Prince William County. The news of his arrival spread rapidly, and notwithstanding the early hour, the reception room, and all the rooms on the lower floor of the hotel were speedily filled by persons anxious to obtain a look at him. People had just commenced going to market, and the sellers and buyers for a time forgot their more immediate concerns to catch a glimpse of the man whom many of them knew, or had heard of before his connection with the late deplorable affair, as one bearing an honorable name and likely to do well in the world, but who now has attached to him a stain which can never be effaced. He was dressed in a blue cap, black alpaca sack coat, and blue pants; wore a soiled shirt without a collar, and looked haggard and worn. It was almost impossible to converse with him owing to the great crowd that surrounded him, and who were eager to hear any words that might escape his lips, but in response to the questions of some who had formerly been his friends, and who asked him "how he came to get in such a scrape," he said that he had done so "without thinking of the consequences," and that he "was not the only one to blame in the transaction." He sat down at the first breakfast table and ate heartily, and though but few usually eat at that table, it was crowded this morning. The crowd remained about the hotel until he and his guard left for the depot, to which place many followed him, and where a large number of persons assembled and witnessed his departure for Manassas.

Intense interest in the case and the accused manifested itself in record-sized crowds, watching and waiting to witness the examination of the players in the drama. Fannie Fewell's inability to cope with the predicament into which she had fallen resulted in the determination that her affidavit be sworn, rather than face public scrutiny while delivering her testimony. The newspaper ran detailed accounts and transcripts of the legal proceedings.

Since Clark refused to talk, the people had to wait for the August 28 newspaper to report what had occurred on the previous day in Fredericksburg. Serialized coverage of such events was not commonplace during the 1870s. So, accusations of an abduction perpetrated by such a high profile citizen most certainly caught the imagination of newspapers throughout the nation and the word rapidly spread. Even prior to Clark's extradition to Prince William County, Daniel Whiting, editor of the *Manassas Journal*, published his view that it was every Virginian's right to seek vengeance when such crimes had been committed. This comment would foreshadow the events to come.

Alexandria Gazette 28 Aug 1872

THE CASE OF JAS. F. CLARK - Examination at Fredericksburg - From the Fredericksburg Star - The court met promptly at 4 1/2 p.m. Motion was made by the Commonwealth's Attorney for a continuation of the case until Tuesday morning at 10 o'clock. J. B. Sener, counsel for prisoner, desired a continuation until Wednesday. The Judge saw no good grounds for continuance and ordered that the case be proceeded with at once. By agreement of counsel for prisoner and Attorney for Commonwealth the case was postponed until 8 o'clock p.m.

Miss Fewell, in company with her sister, B. D. Merchant, Dr. Marsteller and Judge Chas. E. Sinclair, Commonwealth's Attorney for Prince William, in the meantime had arrived in town. It was ascertained that the physical condition of Miss Fewell would not admit of a public examination, and by consent of counsel it was determined to take her affidavit.

The counsel then sought Miss Fewell, who was stopping at the Farmers' Hotel, and commenced to take her affidavit. She being duly sworn, testified as follows: "My name is Fanny S. Fewell; born on the 29th of June 1856. I am the daughter of W. F. Fewell, a resident of Manassas, Prince William County, Va. I first became acquainted with Mr. Jas. F. Clark early this summer at the residence of Mr. Hinson at Manassas. I met him often at Mr. Hinson's. His wife and children were with him when I first made his acquaintance. I don't know how long this was before the removal of his family to King George County; he paid me no particular attention until after his wife left. I received a note inviting me to Mrs. Hinson's. Mrs. Hinson said he had left his wife forever. The next day I received another note from Mr. Clark, in which he stated that he had separated from his wife, or rather that his wife had left him, and that he intended settling in the West; from that time up to the time I left I received notes from him, these notes urging me to come with him. I then wanted to know if he and his wife had really separated; he told me that they had positively. I then made up my mind to go with him; that is, I was urged to go with him. He promised to marry me when I got to Washington." (At this point Miss Fewell gave way under excitement, and through the advice of her physician further examination was dispensed with)

The court reassembled at 8 o'clock, and Mr. B. D. Merchant was sworn, and testified as follows: Miss Fannie Fewell left my house on the night of July 21st, about 12 o'clock. Becoming aware of her absence I immediately made it known to her father, and in company with him searched a freight train which was then at the depot. Not finding her we concluded that she was in the village. Becoming satisfied that she was not in the village I took the next train for Alexandria, where I made inquiry for her, and learned that she in company with a man, had taken a hack and went in the direction of Washington City. I followed them and traced them to a point on the Washington & Baltimore railroad; about five miles beyond Washington, at which place I learned they had taken the cars to Baltimore. The description given of them by the Railroad agent at this place assured me that it was Mr. Clark and Fanny, and here for the first time was my suspicion aroused towards Mr. Clark. I then returned home.

Questioned by Mr. Wallace - Where did you next hear from them?

Witness - I saw published in the Lynchburg Republican an account of them, taken from the Cincinnati Enquirer of August 16th. I next heard of Clark being in Washington, and on the same day received information that he had visited Fredericksburg, and then Mr. Fewell took steps for his apprehension. Mr. Fewell and myself left Manassas for Fredericksburg on Thursday night, arriving here the next day at 11 a.m. On the evening of our departure from Manassas information

was received that Fanny was at Boyle's Hotel, room 37, in Washington City. Soon after arriving at Fredericksburg Mr. Fewell procured a warrant for Clark's arrest, which was placed in the officer's hands and Clark arrested. I left Fredericksburg on the night train, and proceeded to Washington; upon arriving there I went to the Baltimore and Ohio railroad depot where I remained until five o'clock, a.m.; walked over to Boyle's Hotel and made inquiry for the party occupying room 37. I was informed that the clerk was out, and the man, whom I took to be a porter for the hotel, was unable to give me the information I sought. I then returned to the depot and found the party who had first informed me of Fanny's arrival in Washington, and was reassured that she was at this hotel; I returned to the hotel and took breakfast; when I went to pay my bill I asked the clerk if the lady who occupied the room 37 was in. He replied she was not. I ask him if there was not a lady in the house unattended, who arrived there on Sunday or Monday. He said no; that the lady I was looking for took the train for Baltimore the evening before. I believed that this young lady was still at this hotel, and went to a magistrate and stated the object of my visit was to take such legal steps as would lead to my securing this lady. He directed a detective to take the matter in hand; who deputized two policemen to proceed to Boyle's Hotel and ascertain, if this lady was there. They went to this hotel and found her there; she accompanied them to the office of the chief of police, where I met her, and asked her if she was willing to go home with me. "Yes," she replied, "I'm willing to go with you." We then went to the house of a friend and at 7 o'clock, p.m., took the train for Manassas.

Question by Mr. Wallace — Have you not a letter in your possession written to this young lady by Clark?

Witness - I have.

The letter was produced, but not read before the court. It was written from Fredericksburg on Thursday last, and contained many sweet and affectionate words, and promises that he would soon be with her in Washington. A fictitious name was appended to the letter.

Wallace — Can you qualify to the hand writing?

Witness — I can.

Wallace — How did you become in possession of this letter?

Witness — Fanny gave it to me soon after we got in the carriage in Washington.

Wallace — Has that letter been in your possession ever since?

Witness — It has.

Mr. Sener — What time did Mrs. Clark leave Manassas?

Witness — I don't know.

Mr. Sener — How long did Clark's family reside at Manassas?

Witness — I am not positive as to the time, several months I believe.

Mr. Sener — Where did Clark move from when he came to Manassas?

Witness — From Brentsville

Dr. E. H. Marsteller, of Manassas, was then called, and being sworn, testified as follows: "The young lady was at present laboring under nervous symptoms, having just recovered from hysterical spasms, (to which she is predisposed,) produced by over exertion and excitement, and therefore unfit for further examination. She is naturally nervous and excitable, but possibly might be able to undergo examination tomorrow, though he was not positive because the paroxysm might occur at any time."

After argument by C. Wistar Wallace and Judge Charles E. Sinclair for the Commonwealth, and J. B. Sener for prisoner, the judge delivered an opinion refusing to release the prisoner upon a writ of habeas corpus as illegally in custody and also refusing to bail him, and Clark was then remanded to the custody of the sergeant to be carried to Prince William County.

Fannie's hysteria, Clark's imprisonment and the increasing crowds all fueled the mounting ire of Fannie's kin including her father William and brother Rhoda. The journalist's prose carefully reported all aspects in the case. The setting of Clark's incarceration was extensively described, providing outstanding insight into the furnishings and condition of the Brentsville jail in the 1870s, after the Civil War had damaged much of the town. One *Alexandria Gazette* reporter visited Clark at the jail and described his visit in rich detail on

August 29 article. Clark's apprehension regarding his safety at the jail was likely motivated by Rhoda Fewell's comments, made the previous Saturday, about how easy it would be to "assassinate" Clark.

Alexandria Gazette 29 Aug 1872

The Case of Jas. F. Clark. — The Clark affair, the main particulars of which, so far developed, have heretofore been published in the Gazette, considering the character of the persons connected with it, and the apparently unaccountable course pursued by the accused, who is now incarcerated in a felon's cell, is so remarkable in all its surroundings, that the interest excited by its first announcement, so far from diminishing, is on the increase, and will doubtless continue until the trial of the principal has been concluded and he shall have left Prince William County, or what is feared by many, been buried beneath its already blood stained sod, the victim of the vengeance of a grief-crazed father or an enraged and desperate brother. A reporter for the Gazette yesterday called at the jail in Brentsville, and was admitted into the presence of the accused. He is confined in what is known as the debtor's cell which is a room about ten feet square on the second floor, with an iron grating over an ordinary sized single window opening to the West, in front of which, and in full view, stands the Episcopal Church, upon which he can look and meditate when not otherwise employed, and a solid wooden door. It is furnished with an iron bedstead, on which was a mattress and comfort, and over the head of which a shawl was thrown for a pillow; two chairs, one, however, with only three legs, so that in order to keep it in an upright position, it had been placed in a corner, and was supported by the walls; a table, on which were lying some paper and envelopes, pen and ink, and the remnants of his breakfast in a plate. A blackened tin wash basin, sitting upon the broken chair, completed the list of serviceable furniture, though the different parts of a wooden bedstead were piled up on the floor against the eastern wall. A fire place leading to an open chimney was near the head of the bed. The walls of the room were bare and needed white washing. Clark was reclining on the bed in his shirt sleeves, and in response to a question concerning his health, said he was as well as could be expected. A conversation then commenced and continued for about an hour, during which, though most of the efforts usually successful in drawing out an interviewed party were resorted to, they failed to elicit any thing relating to his points of defense, except that he had not promised Miss Fewell to marry her, had not seduced her, nor had he ever seduced any girl. He seemed perfectly confident of an acquittal, and said that the Recorder of Fredericksburg would have released him at the preliminary examination had he demanded a release. In response to a question about his extraordinary conduct in returning from the West to Fredericksburg, he said that remorse had nothing to do with it, but that the reason would be made known at his trial. When asked how far West he had gone, he said he should follow the advice he had always given his clients, acknowledge nothing, but that the young lady said she had gone so far as Mexico, Missouri. In regard to the parties he was reported to have given at his house, after he had sent his wife home, he said they were given not by himself, but by the young men of Manassas; that he did not dance with Miss Fewell every set, and that as he was fond of dancing, and saw no harm in it, he would continue to dance as long as it pleased him, irrespective of what other people thought of it. He said the only time he had ever been seen with Miss Fewell alone was once when they were buggy riding, and that then they were accompanied on the ride by another couple. So far from abducting Miss Fewell, the charge upon which he was arrested, he said that Gov. Marve had showed that she had eluded those who were searching for her, but why, how, or for whom she eluded them he could not tell, for that would be divulging his line of defense. The prosecution fearing they could not convict him on the charge for which he was committed had, he said, endeavored to pick up flying rumors of fraudulent transactions and form them into charges upon which to hold him, but they would fail in this too. Mr. Fewell and his son had not, he said, been friendly with him since he had gone to Alexandria and had the latter arrested and brought back to Prince William for a breach of the peace, and that Rhody, instead of shooting him, as last Saturday it was reported he was going to do, had gotten so drunk that he had to be put to bed, and since then had gone off up the road with the lightning rod man. It would be, however, he said, a very easy matter to assassinate an unarmed man. He was extremely sorry, not for the moral guilt of which he was accused, but which he did not admit, but for the notoriety he had gained, and the annoyance it had occasioned so many people, as if by the loss of his two arms he could have avoided it, he would willingly have sacrificed them. He was aware, he said, that the feelings

of those who had formerly been his friends were against him, and had been since his advocacy of the removal of the Court House to Manassas, and that was one reason why he had determined to leave the county. He also knew that he had been charged with radicalism, and that it was reported he had gotten \$1000 for a promise to stump Tennessee for Grant, but these charges, like that of abduction, were groundless. He said he had been treated very kindly by those in whose charge he had been since his arrest, particularly in Fredericksburg, where he supposed an attempt would have been made to assassinate him, but where he had made up his mind that if any shooting was to be done it would be by him who could draw his pistol first. He said he anticipated no personal injury while in the hands of the law, and that the jailer had promised him he would admit no one into the jail at night; and that "they don't think I will attempt an escape," he said, "you see there is no guard around the jail, there is but one jailer, my door and the outside door are open, or there's the chimney, out of which I could climb were I so disposed." He said that upon his arrival from Fredericksburg he was taken before Justice P. G. Weedon, and as he waived an examination, had been committed for his appearance at an examination to be held on Saturday next, the Justice refusing to let him to bail without a previous trial. If, however, he should not succeed in obtaining counsel and in having a conference with them by that day, he should demand a postponement of the investigation, and that that would be the case he thought was more than probable, for he had been allowed no opportunity for communicating with his friends, indeed a telegram he had endeavored to send to his father yesterday from Manassas was returned to him because, not knowing the exact amount of the charge, he had not sent with it quite enough money. He said Miss Fewell had not manifested any special love for him; that his wife knew all about the affair and that his father in law had been ready in Fredericksburg to go upon his bail bond. The interview here ended, the reporter promising to call again in a short time for a card which the prisoner said he would write, and which he desired to be printed. In about a half hour the reporter accompanied by a young gentlemen of the village called for the card, which not being completed they said they would withdraw in order and he might finish it. He would not agree to that, however, telling them to be seated, for, said he, I can say to you as Judge Thomas said to Judge Keith, when the latter stopped in an argument he was making before the former, because Judge Thomas picked up a newspaper and commenced reading it, "Go on Sir, you don't incommode me." He then took up a pen again and in a short time wrote the following card:

BRENTSVILLE, Prince William County, Va., Aug 27, I am here incarcerated in jail, denied the free opportunity of advising with relatives or friends, or of engaging counsel to conduct my defense. I have never had so much as a preliminary examination before justice of the peace; have never been confronted with those witnesses on whose testimony alone my prosecution may hope in any contingency base my conviction; have never had an opportunity to converse with or to have examined a single witness in my behalf, and have under these circumstances been compelled to listen to defamatory denunciations of the people and permitted to read newspaper articles written to embitter public feeling against me and to create in the judgment of the people my conviction of a crime, before I have been even arraigned therefore in any criminal forum of the country. I know how sensitive public opinion is and how easily it is operated upon to the prejudice of any one charged with a crime of this character, but surely it is bare justice to withhold popular out-cry against me until I have been convicted before a jury of my countrymen. Especially does this seem to me a right which I can confidently expect to have recognize by the press, since in no article that I have seen has my previous life for rectitude and integrity in such matters ever been assailed, and since I came to the community where arrest might reasonably have been expected and have never shrunk from any investigation of the case. I feel the deepest sorrow for all parties concerned in this most unfortunate affair, and no earthly ill will towards any who are engaged in an effort to rivet upon me a legal conviction and to place me in a felon's cell. But I am NOT GUILTY of the charge against me, and when the case is fully investigated and all the facts fully developed, I have no fears of a conviction by a jury. If I have violated any law let that law punish me through its recognized and sworn agencies. I am in the custody of the law and expect to be discharged as the law directs and don't ask a discharge in any other way.

Based on this article, Clark clearly believed that he was not guilty of any crime against Fannie Fewell. At the same time, it appears that he was cognizant of the fact that there was a good chance he would be

assassinated by Fannie's brother in the Brentsville jail where he awaited his day in court. As the interviews and depositions continued, tensions mounted.

Alexandria Gazette 29 Aug 1872

JAMES F. CLARK.

At Manassas an interview would have been held with Miss Fewell, but for the extreme nervous condition in which she has been ever since her return, and which her physician, Dr. Emlyn Marstellar, said, was marked by violent headache, great prostration and frequent convulsions. She will see no gentleman but her physician and her counsel, Judge Sinclair, preferring death, she says, to the sight of her father.

Her father is nearly overcome with grief, and says that his daughter has been the victim of a deep laid and hellish plot; that he promised the Recorder in Fredericksburg he would not interfere with Clark while his trial was in progress, but that if he had known then what he does now so far from making that promise, he would have blown Clark's brains out though in the sight of Judge and Jury; for that after enticing his daughter away from home by promising to marry her, he had, when tired of her, robbed and basely deserted her hundreds of miles away from home, and that she had to beg her way back to Washington, and leave her trunk to pay for a hotel bill of \$30, which Clark had contracted in Missouri. He is astonished, he says, at the conduct of Mrs. Hynson, who is said to have assisted Clark in the abduction with which he is charged, by telling Miss Fewell that he was divorced from his wife, urging her to go to him, and giving her \$50 with which to pay her expenses until she met him. Mrs. Hynson, he says, he has always heretofore, looked upon as a friend of his family, and as a lady in every respect, and well worthy of the society of her connections, who are among the best people of the county.

Judge Sinclair, who was appointed Commonwealth's Attorney for the county when Clark resigned that office, and who is conducting the prosecuting of this case with his usual ability and efficiency, also says that he is thoroughly convinced that Miss Fewell has been villainously treated, and that Clark will not be permitted to go unpunished. He says, however, that he will not press for an early trial of the case, but will give Clark ample time to procure counsel. He has in his possession the following letter received by Miss Fewell from Clark, while she was concealed in Boyle's Hotel, Washington, after her return from the West:

MY DEAR LITTLE GIRL - I got here this morning about a half hour ago and shall go out to Mr. Wroe's to-day to see if papa is out in that country anywhere. I am immensely warm and know you are almost melted without thin clothes to wear. You do not know darling how much I have missed you, and how much more I shall miss you before we again meet, which I hope is not far distant. Everything looks dreary here. I've only met one man I knew and he was a mere passing acquaintance. You must try my precious little girl to be contented while I am gone and keep as quiet as possible. I will be back in a day or two, perhaps before the time I appointed. I can't tell yet whether I will take the train here or come up through Prince William. It depends upon what I hear from papa and others, I don't apprehend any difficulty though and you must not be uneasy in the least. I shall expect you to write to me so I can get the letter Saturday without fail, and a long letter, for I shall be anxious to hear from you, and whether short absence has made you forget one who like yourself, has made sacrifice of the past. Don't make any exposure of yourself in any way for fear some one will find out where you are and get you away from me. I am writing this letter very badly I know, but I but I can't help it. My hands are wet with perspiration and I can't put them on the paper without soiling it. I hope your clothes will have come by the time I get back, and that you will be a little more comfortable. You need not be afraid I will forget you darling while I am gone, for you are too dearly impressed upon my heart in the most solemn and deep manner for me to lose sight of you. Bless your dear little heart, don't forget me and be sure to write. I declare I am nearly melted. It is scandalously warm now, and everybody is just sweating away. I shall write again so it will leave here by Saturday's mail. Don't fail to write, and don't forget me and be a good little girl in every way. As bad a

little flirt as you are I am not afraid to trust you. God bless you darling and preserve you in quiet and safety for me.

*Ever and fondly yours, James
Fredericksburg, August 22, 1872*

Judge Sinclair came into possession of Clark's missive to Fannie, reinforcing the young girl's damning description of her travails and further persuading him to believe in Clark's guilt. While it does appear that Clark wished to remain secretive about her whereabouts, the letter itself could be considered convincing of his loving feelings towards her. He also recognized her as a flirt, evidence of a reputation that may not have been so sterling prior to her accompanying him out of Manassas. Further questions in the case arise when considering the role of Mrs. Hynson. Why would this pillar of the community aid Clark in luring the girl away? Until the trial took place, the lack of complete evidence and testimony left many speculating. And in the time it took to commence the trial, Rhoda Fewell felt compelled to take the matter into his own hands.

Alexandria Gazette 31 Aug 1872

The Clark Affair -- Clark Shot By Miss Fewell's Brother

As anticipated, the Clark affair has come to a terrible and bloody conclusion. About half past ten o'clock this morning Dr. Lewis, of this city received the following telegram from Dr. Barber of Brentsville:

Manassas, Aug. 31. - Come to Brentsville at once, if possible; Mr. Jas. F. Clark, was shot this morning dangerously. Bring instruments.

The train for Manassas had started at eight o'clock, so the Doctor could not go. He, however, told a few persons that he had received the dispatch, and the news soon spread throughout the whole city.

At a few minutes after 11 o'clock the following dispatch was received at the *Gazette* office, and its substance having been posted on the bulletin board, was eagerly read by the crowd that soon collected around it, and by which it was surrounded till the issue of the paper this afternoon.

Manassas, Va., Aug. 31 - Jas. F. Clark, the seducer of Miss Fannie Fewell, was shot, and probably killed, in the jail at Brentsville, this morning at about eight o'clock by her brother, Rhoda Fewell. Mr. Fewell came up on the night train from Lynchburg and got off at Bristoe Station, and walked over to Brentsville, and on going to the jail found the front door open. A black boy, the only person present, told him in which cell Clark was, and on going there, he found Clark lying on his bed. Seven shots were fired through the grating of the cell door, one of them taking effect in Clark's left breast, just below the heart. Mr. Fewell returned to Manassas and has surrendered himself into the hands of the authorities. It is thought Clark is dead by this time - eleven o'clock a.m.

The brother of the wronged girl has the undoubted sympathies of the public with him, wondering why he did not kill her seducer before.

Editor of Manassas Gazette

Rev. John Clark, father of the man who has been shot, called at the *Gazette* office at half past two o'clock and read the telegram that had been received. He arrived here on this morning's train, went on to Washington; and first heard of the shooting on his return to this city. He saw his son yesterday, at which time he was well and was making preparations for his trial, which was set for Monday next. His son had been removed from the debtor's room, in which he had been confined, to a cell off the lower floor, and it was through the iron grating at the door of this cell, that he was shot.

At half past three o'clock this afternoon, the following dispatch was received.

MANASSAS, Aug. 31 - A messenger who left Brentsville at two o'clock, reports Clark living, but his physicians say he must die. Two shots took effect, one in the heart and one in the side.

D. Whiting

Rev. Mr. Clark called at the *Gazette* office again after the reception of this last dispatch, and upon being informed of its contents, seemed nearly overcome with grief. He will leave for Brentsville on this evening's train.

By today's standards, it seems surprising that no one was shocked by Rhoda Fewell's violent attack on Clark. In fact, the newspapers even predicted it. Questions surrounding the removal of Clark from an upper cell in the Brentsville jail to one on the ground floor can be asked. On whose authority was he moved? Was there a conspiracy to make it easier for Fewell to carry out his attack? Why was a jailor or guard not present at the time of the incident, especially in light of the heavy security surrounding his earlier transport from Fredericksburg? How was Fewell able to fire so many shots, seven in all, before aid arrived? Further reports by the *Gazette* detailed the aftermath of the shooting.

Alexandria Gazette 02 Sep 1872

The Clark - Fewell Tragedy - Rhoda Fewell Shoots Clark in Prison - Reports of the Physicians - Clark's Dying Declaration - Fewell in Jail - Special to the *Alexandria Gazette*

Brentsville, Aug. 31 - The citizens of our peaceful and quiet village were greatly alarmed about 9 o'clock this morning by hearing firing and cries of murder proceeding from the jail. It appears that Rhoda Fewell, after Clark was brought to Brentsville, left Manassas and went up the Orange road for the purpose of putting up lightning rods. This morning however, he returned on the 5 a.m. down train, got off at Bristoe and walked to Brentsville unperceived by anyone except the ticket agent at that place. It is supposed that he concealed himself in the woods at the back of the jail. About five minutes before the firing commenced a man was discovered by persons sitting on Mr. Kincheloe's porch, stealing cautiously towards the front door of the jail and observed to enter. These persons paid no attention, supposing him to be the brother of the jailer. In a few minutes the firing and cries were heard, and Major Thornton and Mr. Lipscomb, Deputy Clerk, both hurried to the spot, and on entering the door, the Major, who was the first to get there, saw Fewell with a pistol in each hand in the act of firing through the iron grated door at Clark, who had been taken from the debtor's room, in the upper story of the jail, and placed in a cell on the ground floor, the door of which opens on the right as you enter from the front door. Fewell states that he went direct to the debtor's room and not finding him there, examined all the cells up stairs, then came down and found Clark lying on the bed in that cell. Fewell had shot three times before any one arrived, and was in the act of firing his last shot when Major Thornton seized him and attempted to take him away but did not succeed, owing to the fact that Fewell had his left arm bent on the inside of the door, and with his left hand fired the last shot. He then walked to the door and escaped in the direction he came. On opening the door of the cell there was great confusion; Clark evidently had used every means at his disposal to defend himself; a pitcher, ink stand and a heavy glass salt cellar were all in numberless fragments about the door, and he had used a table as a shield, but to no effect. Clark, after he was shot, got on the side of the bed, was perfectly rational, and requested that somebody would stand outside and guard the window, as he was afraid Rhoda would come back and shoot him, said he was shot in the breast, and on an examination of the wound it was discovered that the ball had passed on the left side of the heart and in close proximity to it and lodged in the back bone. Upon a subsequent examination the physicians found another wound in the back, the second ball having penetrated a short distance into the flesh. This Dr. Simpson extracted, and it proved to be a navy ball. A warrant was immediately issued for Fewell's arrest, but before it was drawn up by the Magistrate, Fewell appeared in our village, jumped into his father's carriage and drove off to Manassas with Mr. Varnes, who, at the solicitations of Rhoda's father, who had heard from the conductor on the morning train that he had gotten off at Bristoe, came over to Brentsville to stop any attempt that Rhoda might wish to make, but arrived here ten minutes too late. When they reached there Rhoda gave himself up to Mr. Butler, J. P. Clark's condition at one time was supposed to be extremely critical

About 5 o'clock this evening Rhoda Fewell was brought over here in custody of the Sheriff, aided by other officers. He desired to obtain bail by a writ of habeas corpus, but his friends advised him to go to jail and await the result of Clark's wounds. Judge Sinclair, Commonwealth's Attorney,

had a guard of eight men placed around the jail. Fewell's examination will probably take place on Monday next.

SUNDAY, 12 O'clock, Sept. 1

Clark is still living but thought to be worse. Five physicians have seen him and report variously upon his condition, whilst all concede that it is a dangerous wound and that symptoms of a varied character may develop themselves at any time in the course of a few days.

Dr. Lewis did not come upon the night train as was expected here. Clark was removed yesterday to the debtor's cell and every assistance rendered him. Fewell is confined in the same cell he shot Clark in. The father of Jas. F. Clark, came here from Brentsville yesterday evening, but returned again on this morning train with a supply of medicines, and accompanied by Dr. Bedford Brown of this city. Mr. Clark entertained some hopes of his son's recovery.

THE LATEST

Manassas, Sept. 2-4 p.m. - Information just from Brentsville reports that Clarke is sinking rapidly. Judge Thomas, Mr. Fewell's counsel, made a strong effort today to have Fewell released on bail under a writ of habeas corpus, and Judge Nicol has the case under consideration.

Kincheloe's Store was just across the street from the jail and it was from this position that Fewell was seen "stealing cautiously towards the front door of the jail." When the witnesses claimed to have thought this person to be the jailor's brother, it becomes more difficult to explain the contradiction between the posture and gait described as related to a regular visitor to the jail. So, why didn't any of these witnesses investigate prior to hearing the shots fired? Particularly when considering that Clark was an extremely high profile prisoner. Not to mention that Fewell was well known to the court system at Brentsville for previous attacks on sundry persons. And, Fewell had already made threats against Clark. Thornton and Lipscomb were the first to respond to the sound of the shots. Were these men included in the "persons sitting on Mr. Kincheloe's porch?" If not, from where did they come in response to the altercation?

Just imagine the murderer incarcerated in the very same jail cell in which said murder was committed! The facts in the case of supposed seduction remained elusive, yet, young Fannie's brother took the law into his own hands and, finding Clark guilty, administered justice as he saw fit. As Clark's life force ebbed, the newspapers continued to report on the incredible circumstances. The very words describing the two incidents, first the abduction of Fannie and then the subsequent murder of Clark, are most almost humorous in comparison to modern reporting.

Alexandria Gazette 03 Sep 1872

The Clark-Fewell Tragedy — DEATH OF JAMES F. CLARK

Brentsville, Sept. 3, 1872 - Clark is dead! And whether the enormity of his guilt was as great as it is now generally believed to have been, is only known to the unfortunate survivor of the elopement in which he was implicated, for, so far as is known, he never breathed a word about the part the young lady took in

that affair, except to say that he had not taken her away, and had not seduced her. Soon after he was shot he was removed to the debtor's room on the second floor of the jail, the same in which he had been confined when first incarcerated. The iron bedstead and shuck mattress, upon which he had laid when in there before, were removed, and the room furnished with a wooden bedstead and feather bed, upon which he was propped up, for his wounds would not allow him to lie down. Here he received the assiduous attention of his physicians, Drs. Leary and Barbour, and the constant and unremitting care of numerous residents of the village, who vied with each other in anticipating and supplying his every requirement. His brother-in-law, J. Milton Weedon, was with him on Saturday and Sunday, returned to him again on Monday, and his mother also reached here a few minutes before he died. Mr. Weedon and Dr. Leary came to Brentsville last Saturday morning to be present at Clark's examination, which had been set for that time, and both expected that blood would be shed that day, but not until after the trial. They reached here a half an hour after the shooting had occurred.

Clark commenced sinking Sunday morning and life gradually wasted away. When Dr. Bedford Brown, of Alexandria, who had been brought up here by the wounded man's father, arrived yesterday morning, a consultation was held by him and the two attending physicians, and when Dr. Brown, in response to a question by Clark, told him that his injuries were of a very serious character, he replied: "Yes, but I don't intend to give up until long after you do." Until yesterday the wound in his breast did not hurt him, but yesterday morning he commenced to complain of the wound. He also spit blood, and was attacked with spasmodic hiccup and intense vomiting, and for some time before he died made a constant noise like that of a groan and cough. About three p.m. his mind began to wander, and though rational, when roused up to 4 p.m., he became insensible after that hour, and grew rapidly weaker until 7 p.m., when he breathed his last.

Yesterday was court day, and an unusually large crowd was present, drawn by the interest in the Clark affair, and though a guard was around the jail, and had been since Saturday, no hindrance was offered the many whose curiosity or sympathy induced them to visit the dying man. Soon after he died a coroner's jury was summoned and an inquest held upon the body. Justice James R. Purcell, acting Coroner, and the jury, of which A. F. Woodyard was foreman, returned as their verdict that the deceased came to his death from the effects of a wound received from a pistol shot in the hands of L. M. Fewell, The shot that caused his death was the one in his breast. The ball entered about an inch and a quarter to the left of the left nipple and inclined nearly horizontally to the right, passing directly over, if not wounding the heart, and as he did not die from hemorrhage, it is supposed that death ensued from a lesion of the great sympathetic nerve. A post mortem examination, conducted by Drs. Barbour and Leary, was held in the room in which he died, but up to half past three o'clock this evening they had been unable to find the ball and that hour they were about to relinquish the effort as hopeless.

Mr. J. J. Davies, a young lawyer of the village, left there this morning for Alexandria for a surgeon to assist in the endeavor to find the ball which caused death, but returned without one. Clark will be buried tomorrow at Chappawamsic. Fewell is confined in the same cell in which he shot Clark, and yesterday, seemed very anxious about Clark's fate, and when told that he must certainly die, asked if they would let the corpse stay up there all night. He will not be admitted to bail but will remain in jail until his trial.

Clark's death became merely the opening chapter in yet another story, the trial of Rhoda Fewell. Public opinion was certainly on Fewell's side, as most people believed Fewell was reacting to the horror of his sister's trauma. Fewell's desire to know the location of Clark's corpse is notable. Either he wished to be in close proximity to what he believed to be the meting out of justice or, alternatively, he feared the possible hovering spirit of the man whose life he had taken. Either way, Fewell remained incarcerated until his trial. Meanwhile, the crowds interested in Clark remained, even as he was laid to rest at his childhood home.

Alexandria Gazette 07 Sep 1872

THE CLARK AFFAIR - Correspondence of the *Fredericksburg Star*

Manassas, Va., Sept. 5, 1872. - The remains of James F. Clark were carried to Bellfair Mills, his childhood home, on yesterday, and interred. A large concourse of friends and acquaintances followed them to their last resting place. The parting with the corpse at the grave by the parents of the deceased, is described as being very affecting; causing nearly every one present to shed tears. The parents of the unfortunate man have the heartfelt sympathy of this community.

Doctors Leary and Barbour made a post mortem examination of Clark soon after he died, but were unable to discover the ball that caused his death. They were unable to trace its course but a short distance, though they were satisfied from the course it took that it lodged somewhere in the bowels. From the quantity of blood taken from him during the examination it is thought that an internal hemorrhage commenced from the time he was shot and continued up to his death. Mortification took place the day he died.

Ex-Governor Henry A. Wise has been engaged by Clark's father to assist in the prosecution of Fewell. Fewell is still in jail. He is in good spirits and has no fear of conviction by a jury. It is

thought a jury in this case cannot be gotten in this county, most every one having disqualified himself as a juror by expression of opinion.

The old man of carpet-bag notoriety, who assisted Miss Fewell in the elopement with Clark, was formerly a porter at Boyle's Hotel, Washington DC, but had been discharged a short time previous to the elopement, and was employed by Clark to come to Manassas. Since Clark was arrested, it is stated that this old man had left Washington for parts unknown, fearing his arrest would soon follow that of Clark.

I have understood that rumors are afloat charging Miss Fewell with impurity prior to her elopement with Clark, for which there is no foundation and they are not believed in this community.

The public sentiment in regard to the shooting of Clark while within the pale of the law, seems to be much divided; the people above the run justifying Fewell, and the people below the run entertaining very bitter feelings against him. [Editor's note – "above the run" and "below the run" refer to Cedar Run, a stream naturally dividing Prince William County and which was used to delineate two geographic areas for the purposes of population counts, taxation, etc.]

Miss Fewell continues weak and nervous. She has not been informed of the shooting as her attending physician thinks the revelation of such shocking news would probably result fatally.

The complicity of those of this place in this disgraceful affair will be punished at some future day, probably not far distant. Judge Nicol has not yet decided as to bail for Fewell.

The editor of the *Warren Sentinel*, the father of Clark, in yesterday's issue of his paper, concludes his account of the late distressing affair, as follows: "Never before have we so fully realized the full import of the words of King David when suffering under a similar affliction: 'my son Absalom, my son, my son Absalom! Would God I had died for thee, O Absalom, my son, my son?'"

We received the kind and heart-felt sympathies of a great many of our citizens of the county, and many who were at Court from other counties, on the sad and mournful occasion, and we must especially name one noble spirit like the rose in the wilderness, a green spot in the desert, Mr. James Davies, an Englishman by birth, who kindly tendered to us his purse and his services in any way we might command them. He cheerfully volunteered to go to Alexandria for the coffin, &c. though he was threatened with chills. Such a gentleman will live while he lives, and after death will speak. May the good will of Him that dwelt in the bush be with him. And we take pleasure, also in making honorable mention of Major Thornton in tendering to us any money we might need, and other acts of courtesy and kindness, which we shall cherish in grateful reimburse."

Clark's murder left his father suspicious of the Prince William County court system. The apparent lack of objectivity motivated him to hire very prominent attorneys to prosecute Rhoda Fewell. Ex-Governor Henry A. Wise was a charismatic speaker, well known and revered as the Commonwealth's Governor prior to the Civil War. Wise was intended to neutralize the prominent status of Rhoda Fewell's representation in the form of General Eppa Hunton and General William H. Payne, local Civil War heroes. Clark's other attorneys included Brentsville Judge Charles E. Sinclair and A.Y. Menifee. While these men were considered capable, Rev. Clark felt the need to solicit the aid of Wise, his longtime friend.

Alexandria Gazette 21 Sep 1872

Judge C. E. Sinclair publishes a card in reply to an editorial in the *Warren Sentinel*, written by Rev. John Clark, father of J. F. Clark, in which he says: "No heart is penetrated with deeper grief than mine at the

unfortunate position in which two respectable families have been placed. I had no idea of any attack from Fewell upon Clark, nor did I deem it necessary to call at that time for a guard around the jail. Public opinion was not aroused against Clark, in my judgment, though greatly excited, as

to endanger his safety or the fairness of his trial while in prison, and I deemed him secure in prison. I wrote a brief and hasty order of arrest, such as in my judgment would have protected the officer in the capture and arrest of Fewell. I know of no concert in this case whatever; I have taken a rule against the sheriff of this county, the design of which is to bring out all the facts of this case. That rule will be put on trial. Until then let public judgment wait. This is no time for crimination or recrimination. With a saddened heart I write these lines, but I intend to do my duty fearless of the consequences.”

Rhoda Fewell in jail for killing Clark, has been quite sick for the last few days. He is suffering with the chills and fevers, and is looking badly.

Sinclair’s denial of concern for Clark’s safety is almost laughable in light of the comments made by the family and the numerous newspaper reports intimating threats to Clark’s person. It hardly seems fair to implicate the Sheriff in the case. It further verges on humor that a report of Fewell’s health and his “looking badly” appeared. Were the Fewell’s behind a semi-secret effort to garner sympathy for Rhoda?

Alexandria Gazette 30 Sep 1872

Letter from Prince William - Brentsville, Sept. 28 - The newspapers of the State and country have kept alive the recollections of the people in regard to the fatal Clark affair, and communications have emanated from different sources purporting to give expression to the public sentiment. There have been criminations and recriminations, and it had, indeed, been better for the country if but little had been published in connection with this most unfortunate tragedy. It would have been still better if neither of the parties had ever met.

The County and Circuit Courts of this county meet, the one on the 1st Monday and the other on the following Monday in October. There are two cases where it is presumed the grand jury will return true bills of murder, one against Elijah Cole for killing John O’Brien, which will come up for trial in the County Court, and the other against L. N. Fewell for shooting J. F. Clark. Whether Fewell will elect to be tried in Circuit Court is not yet known; in deed, the case may not come up for trial at either of the approaching Courts. The array of legal learning and ability on both sides, together with the unusual character of the case, is well calculated to make it one of the most important events in the history of this country.

Alexandria Gazette 01 Oct 1872

Prince William County Items - The Manassas correspondent of the *Fredericksburg Star* writes: Judge Thomas, of Fairfax, and General William H. Payne were in our village today looking up evidence in the Clark-Fewell case. The trial will, as I am told, come off at the next (October) term of our County Court. Fewell has had a slight attack of the fever and ague. He seems lively and does not fear the result of his trial. Miss Fewell is somewhat better, though is still in a nervous condition. She has not been informed of the shooting of Clark. I have no doubt there will be some startling revelations at the trial of Fewell.

Startling revelations indeed! The cast of attorneys hired for the Clark-Fewell trial was enough to make news without the murder itself. Representing Clark was Ex-Governor Henry A. Wise, Judge Charles E. Sinclair and A.Y. Menifee. Representing Fewell was General Eppa Hunton, General William H. Payne and Henry W. Thomas. Aside from the depth of legal talent engaged for the case, the other drama remaining to be played out was the informing of Fannie Fewell of Clark’s death at the hands of her own brother.

Large crowds gathered as the Fewell trial began, the proceedings of which were reported in detail in the *Alexandria Gazette*, and indeed serialized nationally for the entire country to read about the events in Prince William County, Virginia. Adding to the drama of the proceedings was the star-studded group of legal talent described below.

Henry Alexander Wise was born in Virginia on December 3, 1806. Following graduation from Washington College, Pennsylvania, in 1825, he studied law in Winchester, Virginia and was admitted to the bar in 1828. He served in the United States Congress from 1833 to 1844 and was the U.S. minister to

Brazil from 1844 to 1847. Wise served as the Governor of Virginia from 1856 to 1859. One of his last official acts as Governor was to sign the death warrant of John Brown. Wise served as a brigadier general in the Confederate Army of Northern Virginia during the American Civil War, and was with Robert E. Lee at Appomattox Court House, where he fought bravely but urged Lee to surrender. After the war, Wise resumed his practice of law in Richmond after the war and died in there in, September 12, 1876.

Charles E. Sinclair was a member of the prosecution's team. The Sinclair family resided in the Brentsville area prior to the building of the town in 1822. They became purchasers of several town lots in 1823 and were active in the community. Charles E. Sinclair appeared several times in court records as engaged in deeds of trust for Eppa Hunton, dated July of 1850 (PWC Deed Book 21, p. 76). Sinclair purchased property from Hunton "on the north side of Broad Run and attached to Foster's farm, known as Fostern (PWC Will Book P, p.375). Fostern, still located to the northwest of the town of Brentsville, was the farm of prominent citizen Redmond Foster. In 1857, Sinclair was appointed as a Federal Judge in the Utah Territory to stabilize a situation in which President Buchanan feared a revolt by Mormons might occur. He served in this capacity until 1860. It is not known exactly when he returned to Prince William County. He was known to be the former owner of the property known as Fairview on Rt. 608.

According to the *Alexandria Gazette*, the third member of the Prosecution's team was **J.Y. Menefee**. Menefee appeared in the 1880 Census of Washington, Rappahannock County (p. 297). He was listed as 56 years old, widowed, and a lawyer. He was documented in *Rappahannock Co., VA, A History*, by Elisabeth B. & C.E. Johnson Jr. (p. 45) in relation to a lack of salt following the Civil War. The book stated, "The situation became so critical that the court appointed J.Y. Menefee as agent to contract for and purchase from the Salt Works in the State of Virginia, 3600 bushels of salt". Menefee does not appear in Rappahannock and Virginia in the 1900 Census.

Eppa Hunton (1822-1908) came from a long-time Prince William family whose name was associated with the Dettingen Parish church as far back as the mid-1700s (*Records of Dettingen Parish, Vestry Record Book* (1745 – 1785), Dumfries, Historic Dumfries, Inc., 1976). He graduated from the New Baltimore Academy and then taught school for several years before studying law. He was admitted to the bar in 1843 and became a Commonwealth's Attorney. Hunton's father, Charles, was instrumental in petitioning for the establishment of the Town of Brentsville and owned several lots in the town, as well as land outside of Brentsville on the former Bristow Tract. Eppa Hunton acted as a liaison between the President and Director of the Literary Fund, managers of the Commonwealth's Bristow Tract lands, when problems arose between the state and the tenants (Library of VA, Literary Fund Letter Book, August 6, 1838 – December 6, 1842, SAI 29). Hunton was involved in many land transactions related to the sale of the Bristow lots after 1848 and actually sold land to one of the Prosecutors in *Commonwealth v. Fewell*, Charles E. Sinclair, in 1850. Hunton was commissioned a colonel of the 8th Virginia Infantry in 1861, participating in the Battle of First Bull Run. He was later Brigade Commander in Lt. Gen. James Longstreet's division, Maj. Gen. George Pickett's division, and the Department of Richmond. He was promoted to Brigadier General in August 1863. After the war, Hunton resumed his law practice and became involved in politics. He served in the US Congress from 1873 to 1881 and in the US Senate from 1892 to 1895.

William Henry Fitzhugh Payne was born on January 27, 1830 in Fauquier County. He studied law at the University of Virginia and established his law practice in Warrenton, Virginia in 1851. He served as Commonwealth's Attorney of Fauquier County.

With the outbreak of the Civil War, he became a Captain in the Black Horse Cavalry, and advanced to Major, 4th Virginia Cavalry. He commanded the regiment at Williamsburg where he was severely wounded and captured. Payne was exchanged, and he returned to duty as Lt. Col., 2d North Carolina Cavalry and led the 2d NC at Chancellorsville where he was again captured and imprisoned at Johnson's Island. Following his exchange, he was appointed Brigadier General in November of 1864. Payne served under Jubal Early during final operations around Richmond and commanded a brigade under Thomas T. Munford. After the war, he resumed his practice of the law and became general counsel for the Southern Railway Company. He died March 29, 1904 in Washington, DC.

Henry Wirtz Thomas was born in Leesburg on October 20, 1812. The family farm in Loudoun County was called "Big Spring." One of Thomas' first jobs was as a school teacher. He moved to Fairfax County in 1833 and at the age of 26 became a major in the militia and was known as Major Thomas until after the

war. He served as Commonwealth's Attorney, and, in 1865, he met with President Lincoln as part of a committee to urge him to re-establish civil government in Virginia. In 1866 he was appointed Judge of the 9th circuit, serving until 1869. He served as a Virginia Lt. Governor, from Fairfax County, from 1875-1878. Thomas was known to his friends as "Judge T."

The gathering of these well known men brought national significance to the trial, which was already quite compelling for the events which had taken place. Newspapers throughout the nation covered the proceedings as they began on October 8, 1872. This first day of the court's meeting began with the questioning of the responsibility of the Jailor to have been present or ,at the very least, to have had a proper guard present at the Brentsville jail when Fewell shot Clark.

Alexandria Gazette 08 Oct 1872

THE FEWELL CASE - SPEECH OF GENERAL HUNTON - MURDER TRIAL —

Brentsville, Oct. 7. - The October term of the County Court commenced this morning, and great interest in the unfortunate Clark-Fewell affair was manifested by an early assemblage of the people. Prince William never probably witnessed a larger attendance on her courts than that which was gathered here to-day to listen to the arguments which the able and brilliant counsel on both sides are well qualified and prepared to deliver in this case, to the result of which so many look forward with an intensity of interest equal, if not stronger, than that displayed in the Mary Harris, or the more recent Black McKaig cases. Judge Nicol was on the bench at an early hour. The calling of the Grand Jury was the signal for crowding the Court Room after having been sworn, the Grand Jury, with Allen Howison, esq., as foreman, were charged in the usual manner by the Court, and sent to their room. During their absence from the Court room Judge Sinclair, Commonwealth's attorney, called up the rule which had been issued against the Sheriff at the last term of the Court to show cause why he should not be removed from his office for neglect of duty. The object of this rule was to ascertain how far the Sheriff, or more particularly the jailer, was culpable in allowing the jail door to be left open and relieve the public mind from the suspicions of concert between the officials here and Fewell. The counsel of Fewell however, opposes this motion on the ground that it would effect their case, and the Court decided that it should be continued, about one o'clock p.m., the Grand Jury returned from their room and brought in true bills for murder, one against Lucien N. Fewell for killing Clark, and another against Elijah Chloe, for killing O'Brien. The case of the Commonwealth against Fewell was then called and Fewell's counsel then moved to continue till the November term of the County Court, alleging that witness's material to the defense lived outside of the State, and that one of these witnesses was sick, and would be unable to attend before the next term of the Court. This motion was registered by the Commonwealth's Attorney on the ground that the defense had not come within the ruling of the Court. The arguments of Messrs. Payne, Hunton and Thomas for the prisoner, and of Messrs. Menifee, Sinclair and Wise on behalf of the prosecution, show that both sides are in earnest and are deeply impressed with the importance of the case in which they are engaged. The Court, however, sustained the motion for postponement, and the trial of Fewell is continued till next November.

Speculation can now live for thirty days more upon the termination of this most unfortunate and much to be regretted calamity. Whether Fewell is guilty of the terrible crime wherewith he stands charged, can only be determined after a calm and dispassionate investigation by twelve of his peers; that justice will be impartially meted out there can be no fear, and that the minutest particle of evidence bearing upon the guilt or innocence of Fewell will be extracted and properly applied from the great mass of testimony, is very evident from the ability and integrity of the gentlemen who have the case in charge.

During the recess of the Court for dinner Gen. Hunton addressed the people on the importance of voting for Greeley and exhorted all Conservatives to come out nobly and boldly for Col. Braxton and Horace Greeley on the 5th day of November. The speech of the General was well received and indicative of the high order of ability for which Gen. Hunton is noted.

The case of Commonwealth vs. Chloe will come up for trial tomorrow morning. Judge Sinclair and Major Scott, Commonwealth's Attorney for Fauquier, appearing for the Commonwealth, and Gens. Hunton and Payne for the prisoner.

The delay granted in the case most certainly produced greater interest as speculation was allowed to continue for yet another month. Meanwhile, as a side show to the trial's circus-like atmosphere, Hunton campaigned for his chosen political views and candidates. Sinclair, Payne and Hunton must have been quite busy, as the case Commonwealth vs. Chloe was carried on without delay. The question as to the availability of jurors who might hear the case without bias must be raised. The next *Alexandria Gazette* article mentioned that the *venire* was summoned from Gainesville. A *venire* is a judicial writ ordering the summoning of jurors. The term is derived from the mid-17th century Latin *venire facias*, "you should cause to come." And, come the people did, to what the paper described as quite a nice setting there in the Town of Brentsville.

Alexandria Gazette 08 Oct 1872

The Clark-Fewell Tragedy — Postponement of the Trial of Fewell

Brentsville, Prince William County, Va., October 7, - The crowd at court to day was larger than usual, drawn together by the anticipated trial of Fewell for killing Clark, charged with the abduction of Fewell's sister. There seems to be a great deal of feeling in regard to the matter in the county, and a diversity of opinion in reference to the commission of the offense. The *venire* has been summoned from the Gainesville district, which, it is stated, is a section of country where the people are in sympathy with the accused. Judge Nicol, Judge of the County Court, before whom the trial is to take place is quite a young man, but possesses the confidence of the entire community over which he presides. The Court house, a respectable brick building, is situated in the center of a beautiful green lawn, surrounded by a grove of locust trees. When the court opened the grand jury were first charged and retired, and presented among others, the following indictment:

Prince William County, to wit:

In the County Court of said county the jurors of the Commonwealth of Virginia, in and for the body of the county of Prince William, and now attending the said court, upon their oath present that Lucien N. Fewell, of the said county, on the 31st day of August, 1872, with force and arms in the county aforesaid, in and upon the body of one James F. Clark, in the peace of said Commonwealth then and there being, feloniously, willfully, and with malice aforethought, did make an assault; and that the said Lucien N. Fewell, with certain pistols then and there charged with gunpowder and certain leaden bullets, which he, the said Fewell, in his hands then and there had held, then and there feloniously, willfully, and of his malice aforethought did discharge and shoot off against and upon the body of the said James F. Clark, and that the said Lucien N. Fewell, with the leaden bullets aforesaid, then and there, by the force of the gunpowder aforesaid, shot off as aforesaid, then and there feloniously, willfully, and with malice aforethought, did strike, penetrate, and wound him, the said James F. Clark, in and upon the left side of the breast, and in and upon the back of him, the said James F. Clark, then and there, with the leaden bullets aforesaid, so as aforesaid, discharged and shot out the pistols aforesaid, by the said Lucien F. Fewell, in and upon the left side of the breast and in and upon the back of him, the said James F. Clark, giving to him, the said James F. Clark, then and there, with the leaden bullets of aforesaid so as aforesaid, discharged and shot out of the pistols aforesaid by the said Lucien N. Fewell, in and upon the left side of the breast and in and upon the back of him, the said James F. Clark, two mortal wounds, of the depth of ___ inches and breadth of ___ inches, of which said mortal wounds he, the said James F. Clark, from the said 31st day of August in the year aforesaid to the 2d day of September, in the year aforesaid, in the county aforesaid, did languish, and languishing did live, on which said 2d day of September, 1872, the said James F. Clark, in the county aforesaid, of the said mortal wounds died. And so the jurors aforesaid, upon their oath aforesaid, do say that the said Lucien N. Fewell, him the said James F. Clark, in the manner and form aforesaid, feloniously, willfully, and of his malice aforethought, did kill and murder against the peace and dignity of the Commonwealth of Virginia. — Charles E. Sinclair, Attorney for the Commonwealth, Prince William County. A true bill: Allen Howison, Foreman of the Jury.

The Counsel in the case are: For the Commonwealth, Henry A. Wise, Charles E. Sinclair, and A. Y. Menifee; for the defense, Eppa Hunton, Wm. H. Payne, and Henry W. Thomas. On motion of counsel for defense, the rule against the sheriff made at September term to show cause why the jail door was left open thus affording Fewell access to Clark, was laid over, by consent of Commonwealth, until after criminal trial is disposed of.

General William H. Payne, on behalf of the defense, asked for a continuance of the case until the next term, because certain important witnesses were absent.

Gov. H. A. Wise, for the prosecution, not being in court at the time to consider, was asked by the Commonwealth, pending which the court took a recess of half an hour.

After the recess Mr. Wise appeared in court, and became the center of attraction. He looked as he did years ago, only somewhat more feeble, but his eye is as bright and intelligent as it was in the halcyon days of his youth.

General Payne restated the cause for continuing the case. A discussion arose as regards the continuance, the counsel for the defense not wishing to disclose the name and character of the missing witness, upon whose track a detective is at present. The defense was anxious to go into trial, because the liberty of the accused was as dear to him as to any one present. They had the right to demand time, because the defense is not expected to be ready until after the charge is made.

Governor Wise claimed that the rules which applied to the defense also applied to the Commonwealth. He dissected the proposition of the defense in a masterly manner, and convulsed the audience with laughter. He stated that he did not wish to press a trial, but only wished to resist anything outside the law. In the course of his remarks he said he would read cautiously, but very firmly. If his (Fewell) life is to be tried, another has been taken, gone past recovery, and a living issue is to be tried. I want to defend the justice of this Commonwealth and the dead, the dead as well as the fallen, the fallen as well as the dead. He was willing to grant time for the defense to procure witnesses, but if it was an attempt to wear away the first feelings that the act-created, his Honor could not grant a continuance. Speaking of Virginia he made this remark, that bastard of a political rape —Virginia.

General W. H. Payne replied and stated that an important witness was sick and another lived in the District of Columbia, and urged that the case was materially affected by these witnesses. The case was then continued to the next term of the County, Court.

Conjecture as to the identity of the missing witness, upon whose trail a detective was set, heightened curiosity in the case still more. Former Governor Wise enhanced the glamour of the event with his presence and also his salty words regarding the situation and setting. The fact that the determination of the culpability of the Sheriff and jailor was also delayed strung the people along even more, especially when the accused attempted to escape from the Brentsville jail!

Alexandria Gazette 21 Oct 1872

LETTER FROM BRENTSVILLE - Correspondence of the *Alexandria Gazette*. — Brentsville, October 23, 1872. - On Sunday last it is supposed that Fewell made an attempt to escape from jail here by unlocking the two lower locks on the grating of his cell. How he succeeded so far in the attempt the jailer is unable to learn. It appears that one of the guards who have been on duty during the imprisonment of Fewell, went up to the cell in which he was confined to see that all was right, when he discovered the locks undone. Fewell asserted that he did not do it, but at the same time told the jailer that the locks were worthless, and that he could get out at any moment if he so desired.

Despite the threat that he could release himself if he so desired, Fewell remained incarcerated until the court finally met. The trial at last commenced on November 6, 1872.

Aylett Nicol served as adjudicator in Commonwealth v. Fewell. He was born in Virginia on March 11, 1822. While it is known he spent some time in Washington, DC, by 1850 he served as a Deputy Clerk for the Prince William County Court. During this time, Nicol was the court appointed commissioner for the property formerly belonging to Philip D. Dawe (Clerk of the Court from 1812 – 1832). This property included the lower tavern lot, just across the street from the court house. The Census of 1860 stated he was an “Attorney At Law” and in the Census of 1870 he was listed as Judge of the County Court. Nicol died on March 10, 1878 and was buried in Brentsville.

Alexandria Gazette 02 Nov 1872

Prince William County Items - The trial of Fewell for the killing of Clark will be commenced on Wednesday next, the 6th of November, Jurors, witnesses, & c. will be expected to attend on that day.

Brentsville, Nov. 6, 1872 - The trial of Lucian N. Fewell, familiarly known as Rhody Fewell, for shooting and killing James F. Clark, in the jail at this place on the 31st of last August, commenced, to day, in the County Court of Prince William county, before Judge A. Nicol. A large crowd was present, but not so large as that which assembled at the last term of the Court, when the case was called but postponed, in consequence of the absence of important witnesses.

The Court opened about eleven o'clock this morning, and the Fewell case being called, the counsel for the prosecution, Judge Sinclair, Commonwealth's Attorney for the county, and Mr. J. Y. Menifee, of Rappahannock, announced that they were ready for the trial to begin. Judge Thomas and Generals Hunton and Payne appeared as counsel for the defense. The accused was soon after brought in and took his seat in the rear of his counsel. He is a genteel looking man, about twenty-seven years old, about five feet ten inches high, weighing from one hundred and thirty to one hundred and forty pounds, with brown hair and eyes, good forehead, high cheek bones, straight and prominent nose, and being blanched by sickness and confinement in jail, and being dressed nicely, presented a trim, jaunty, and rather prepossessing appearance. He was perfectly self-possessed, and smoked his white clay pipe with an air of nonchalance, evidently induced by his belief that he had done what was right, and what he would be sustained in by those of his countrymen who might be selected to try him.

The indictment being read by the assistant clerk of the Court, William E. Lipscomb, the prisoner pleaded not guilty, and the venire summoned for the trial was called. Maj. A. H. Johnson, J. P. Gaines, Edmund Berkley and H. F. Lynn stated that their minds were made up as to the verdict they would give, and they were consequently set aside. The defense then struck off the panel T. W. Buckley, Daniel Ayres, J. T. Poland and W. H. Henson leaving the jury composed of the following named persons: W. H. Poland, G. S. Pickett, D. A. Pickett, W. F. Skillman, J. P. Smith, J. N. Otterback, C. E. Tyler, Jno. S. Ewell, R. A. Foley, M. W. Nalls, J. M. Shirley and E. J. T. Clarke.

Most of those selected as jurors had formed an opinion with regard to the guilt or innocence of the prisoner, founded upon what they had heard or read in the newspapers, but as they said their verdict would be formed from the evidence elicited during the trial to be held, no objection was made to their serving.

The jury being sworn in and given in charge of the Sheriff, the Court took a recess for one hour. Upon the reassembling of the Court the counsel for the prosecution moved that the case be continued until tomorrow morning in order that Gov. Wise, associate counsel for the prosecution, who had in his possession papers containing matters of importance connected with the case, and to whom the knowledge of all the preliminary proceedings of the trial would be of importance, and had been telegraphed for, might be present, but the motion was opposed by the counsel for the defense, and overruled.

Judge Sinclair then opened the case for the prosecution, stating that though the cry of blood money might be raised with reference to the employment of assistant counsel for the prosecution, it would be unsustainable by facts, for if ever a prosecuting attorney felt the need of assistance, it was now, and in the case before the court he felt that need in every fiber of his body, and in every effort of his mind, and the employment of such assistant counsel was by no means unusual. He wanted the jury to bear in mind that Clark when shot down in his cell in the jail had been convicted of no crime that would stamp his brow with shame; that he was confined in jail for examination, and that until he was examined and found guilty, he was entitled to the protection of the law. Fewell, he said, did not think he had committed any crime, and had surrendered himself to the officers of the law under that supposition, not seeming to understand that when the shield of the State was thrown around a man as it was around Clark in prison, that man's person was sacred, and that an offense against him was an offense against the Commonwealth. In the consideration of the case, he wanted the jury to remember the anguish of the dead man's wife, the misery of his children, and the sorrow of his father, which was so great that, thought he was in the village, he was unable to come into the Court House. Even if Clark were guilty of the offense with which he was accused, his crime was not sufficient for the terrible expiation it had met. All men are weak, and the sin of the dead man might be that of the living. If it could be proved that Clark had seduced his victim and set on fire the temple of innocence, and laughed at the conflagration, there might be palliation for his murder, but even in that case there would be none for shooting him down like a dog when in the hands of the law; nor could he understand why the alertness in his murder had not been manifested before he was arrested and under the protection of the law. He concluded by regretting his position as prosecutor, and by asking the jury to judge between the friends of the dead and the living, and to give a verdict which none of them in after years would have cause to regret.

Gen. Payne replied. He said that Fewell would have been branded with everlasting disgrace had he not have acted as he did in doing what he could to wipe out the shame that had been inflicted upon his family. A portion of the newspapers of the land had urged Fewell to commit the deed for which he stood accused, and yet with strange inconsistency when that deed had been committed demanded that he be punished. Of the father of Clark, he said that though he might hesitate to come into court, he had no hesitancy in using his own purse and that of his friends, and in invoking the aid of a powerful secret organization to supply funds with which to secure the ablest counsel in the State to assist in the prosecution, and that the prisoner had not only to meet the demands of the State, but the revenge of Clark's friends, and that the employment of this extra counsel indicates that these friends rather think Fewell is guiltless, or that they will demand more than the State. The prisoner had now been confined in jail a long time; his health was suffering, and the verdict to be rendered must be no compromise; Fewell was either guilty or must be set free. Judge Sinclair had said that if Clark had set the human heart on fire and brought disgrace on a worthy family, there might be palliation for the crime, and that disgrace had been brought to a worthy family, and the heart set on fire, might have been predicted when it was known that young Fewell had shot Clark, for that nothing short of those conditions would have induced him to commit that deed. He continued until after dark in an eloquent and telling speech, mentioning all the smaller cases that have occurred in this country, in which those who took the law into their own hands were acquitted and with the applause of the spectators, and impressing upon the minds of the jurors that from the time of the patriarchs down to the present such crimes as adultery and seduction were considered as beyond the pale of law and subject to the punishment of the sufferers, In the course of his speech he gave a detailed account of the career of Clark from the commencement of his acquaintance with Miss Fewell, a girl 15 years old, whose affections he had won by his insinuating arts, until his death by the hands of her brother, in which he stated that Clark, the Claude Melnotte of Manassas, had abducted her from her home, taken her to Baltimore under promise of marriage, defiled her there, then taken her to New Mexico, Missouri, where he basely deserted her; was overtaken by her at Boyle's Hotel in Washington, where he robbed her of the little money she had and then left her again with the hope that she in her distress, might be forced to join that unfortunate class whose only object while they live is to conceal themselves from their friends.

At the conclusion of his speech the court adjourned until tomorrow.

The description of Rhoda Fewell leaves the reader in question of his possible guilt. One wonders whether the reporter, like several of the possible jurors he mentioned, was without bias. While a delay of thirty days was readily made for the defense to locate missing witnesses, not even one day was allotted to the prosecution to enable the aging former Gov. Wise to travel to the court. Sinclair, arguing for the Prosecution, made the point that regardless of the level of anger and frustration Rhoda Fewell harbored for the possible crime against Miss Fewell, as a detainee of the Commonwealth, Clark was due full protection by the law. And, while Fewell may have lacked control of his angst over the fate of his young sister's reputation, Fewell had, in effect, produced a comparable level of pain for Clark's wife, children and father. General Payne's reply simply stated that Fewell acted as public opinion prescribed in the situation. Payne's reference to Clark's father involving a powerful, secret organization is quite sensational. In reference to the attorneys involved in the case, it is humorous that an attempt was even made to discredit the prosecution for stacking the deck in light of the full house supplied by the Defense. Citing case law, Payne endeavored to justify Fewell's behavior as the first day of the trial came to a close.

The second day of the trial saw fewer in attendance due to the flooding of Broad Run. Brentsville's location as the county seat of Prince William had been criticized for this very reason, as it was located near several water courses including Broad, Cedar and Slaty Runs. This was, in fact, used as one argument for the removal of the court to Manassas in the 1890s. The issue of guilt in the case took a back seat to guesswork by the audience as to how the jury would handle rendering a verdict. One can almost envision the bets placed outside the court house before the session and during recesses. Witnesses' testimony was taken, including those men who were first on the scene of the shooting and the attending physicians. Without doubt, the reappearance of Miss Fannie Fewell was a spectacle. All listened with great interest to her questioning.

***Alexandria Gazette* 08 Nov 1872**

The Fewell Trial

Brentsville, Nov. 8, 1872 — The attendance at the Court House yesterday was not as large as it was the day before — in consequence of the great rise that occurred in all the water courses in this neighborhood from the hard and prolonged rain of the preceding night and day — but still a large number of spectators were present in the Court room, and the greatest interest was manifested not in the result of the trial, for that seems to have been already definitely settled, and it is the generally expressed opinion not only that the prisoner will be acquitted, but that the jury will render their verdict without leaving the box — in the evidence as given by the several witnesses examined.

The witnesses whose testimony was taken during the day were W. W. Thornton, W. E. Lipscomb, Oscar Powell, colored, Dr. Barbour, Dr. Leary, J. T. Goodwin, T. K. Davis, Dr. Harold Snowden, Miss Fannie Fewell, J. L. Sinclair and Col. M. D. Ball, and the evidence elicited was substantially that published in the *Gazette* at the time of the shooting. Miss Fewell who had to come to Brentsville via Bristoe Station, in consequence of the rise in Broad Run, entered the Court room accompanied by her step mother and her brother in law, Mr. Merchant. She is a bright and pretty looking light haired, blue eyed and rosy cheeked girl, about sixteen years old, and rather small for her age. She wore a dark dress with white stripes, a red sack, and a straw hat with a blue veil. Her evidence was given, not in a long and continuous statement, but in replies to numerous questions, the most of which were propounded by Judge Thomas and was to the effect that Clarke had induced her to go away from home under a promise of marriage; that he met her at the depot in Alexandria; that when in Baltimore he told her that he could not marry her as he had already one wife, but that he had left that wife and his children for her; that her father would not take her back home; that her reputation was irreparably injured by coming to him, and that hence forward, as they had both made sacrifices, they would remain together through life. That after deserting her in Mexico, Missouri, she had found him by accident in Boyle's Hotel, in Washington, and that there he had taken away from her the most of the little money that had been given her, and had gone to Fredericksburg. Her replies were made in a voice of usual distinctness, and such was the stillness prevailing during their delivery that they were audible in every part of the court room. At the conclusion of Col. Ball's evidence, the court adjourned till this morning, Miss Fewell

and her step mother going to the house of a friend, and the jury in charge of the sheriff returning to their quarters at Reid's Hotel, Ex Gov. Henry A. Wise, one of the assistant counsel for the prosecution, arrived on the train from Lynchburg early this morning and will take part in the case today.

The arrival of Wise was sure to further enliven the proceedings, not merely by the accusation of dereliction of duty based on his lack of attendance in the first days of the trial, but by the evidence he carried to the proceedings. A series of letters, written by Miss Fewell to Mr. Clark, were in Wise's possession as he finally put in his appearance as a member of the Prosecution's team. The *Alexandria Gazette* claimed that these letters generated greater interest in the trial, especially since Wise reported that the telegram from his fellow council, Charles E. Sinclair, requesting he bring them, never arrived. After the delay, Wise brought the documents and they were introduced. The passion in these letters is evident in such phrases as, "Yours until death," "Now do this pet, for your little girl," and "Oh, my darling! For God sake come back as soon as possible." The newspaper accounts contain the entire transcript below.

Alexandria Gazette 09 Nov 1872

The Fewell Trial

Brentsville, Nov. 8, 1872 — The third day of Fewell's trial has come and gone, and whilst but little was done in the progress of the case, a greater amount of interest than on the preceding day was manifested. On yesterday before Miss Fewell's examination was concluded the Commonwealth asked for an adjournment till this morning in order to enable Gov. Wise to be present with some letters which were considered by counsel of much importance and material at that stage of the case. The counsel for the defense resisted the motion for adjournment, alleging that they would allow the letters, when ready to be presented, to go to the jury, after they were proven to be those written by Miss Fewell, and the Court so decided. The passion exuded by the letters is obvious to the reader, including such phrases as, "Yours until death,"

On the appearance of Gov. Wise in Court this morning he rose to an explanation of his seeming dereliction of duty, and stated that Judge Sinclair sent a telegram to him on the 6th, which he read as follows:

Brentsville, Va., Nov. 6, 1872. TO HENRY A. WISE, 9TH AND MARSHALL STREETS, RICHMOND, VA.: To be tried; come immediately. Bring the letters. - CHARLES E. SINCLAIR.

This he did not receive. He did receive one on that day asking, Can you attend? To which was had this reply, I cannot before Friday; will case be tried? He inferred from the nature of the telegram which first reached him that the case would be continued if he could not attend, hence his reply. On the 7th another reached him informing him of the progress of the trial, and thereupon he started from Richmond and reached here this morning; but for this misadventure he would have been present at the inception of the trial. A motion was then made to introduce Miss Fewell as witness for the defense, for further cross examination by the prosecution; the Court, however, after reviewing the agreement of yesterday, decided that she could be introduced only as the witness for the Commonwealth. The Commonwealth then read six letters, written by Miss Fewell to Clark, five whilst they both lived at Manassas, intimating, in substance, her willingness to leave with him, four of them without date or signature, one written July 2d, and the last August 22d, after they had returned from their trip to the West. The letters are as follows:

Letter No. 1

I have only time to write a short note. It will be a day or two before I can decide positively at what time I can leave. But don't think I have given it out, for I would not for the world; I will write you a long letter by Tuesday's mail, telling you when I can go. — How short the time seems last night when we were together. You cannot imagine how delighted I was yesterday when I saw you on the picnic grounds. Can you remain until Sunday? Do by all means. I want you to go down to Church; Lizzie and I are going.

This note bore no signature and no caption, endorsed upon the back was the following, written in pencil: Don't go to B— tomorrow, if you can possibly help; wait until Monday.

Letter No. 2

What shall I say to convince you that I am not mad with you; and why you have taken up such an idea, I can't imagine; have I ever acted in any way to cause you to believe me angry? If I have, I assure you I was unconscious of it, and I have never heard that you said anything respectful or disrespectful about me, except what Walter M. told me. I do not hesitate to trust you in anything, and indeed, I have already trusted you a great extent. In regard to fishing, I can go at any time, whenever convenient to you. I will be ready, and your company on the creek will be perfectly agreeable. I have never heard that any one ever suspected us, but for fear that this might get lost. I had rather you would destroy it immediately. Don't stay longer in Fredericksburg.

Letter No. 3 (written in pencil and very faint.)

I can't leave Monday as I expected, but will go after the fourth of July. Mrs. H. tells me you expect to leave for B. tomorrow. But, darling, try and put your trip off until the first of next week. We think of having a dance tomorrow night. I expect to by all means to be there. Don't think my seeming negligence is an indication that my feelings towards you are changed, but you become dearer to me every day, and I agree with you in the arrangements you have made for me to leave with you, and hope it will not be long before we can be together to be separated no more. Do, for my sake, defer your trip until the last of the week. Goodbye, darling. Yours until death. Destroy at once. No signature and no date.

Letter No. 4

I long for the sound of the freight whistle, and still I dream for fear my darling will not come, but will hope for the best. And just to think he is going to leave so soon again — going off on the 12 o'clock train to B. Now you could not defer your trip to-day, but I know you can to-night. We are all going after raspberries tomorrow, about two miles down the road, and I want you to go and may be we will have to have a little talk. Now do this pet, for your little girl. This note had no date or signature.

Letter No. 5

At Home, July 2, 1872 — My own darling: According to promise I seat myself this morning, not at home — but you can guess— to ask you if you don't think it best to come back once more before we leave; you have left many things which I think you will need, and I would like to make some arrangements in regard to getting my clothes away; but if you think it impossible for you to return, don't you think it best that I should express them to you ? I can do it with safety. I have considered the matter, that is, about leaving Friday, and think that will be rather soon after your departure. It might cause suspicion, and I had rather wait a little longer. I can let you know this week at what time I will be ready to leave. Now darling, don't be angry, for I assure you I am doing this for the best. I am anxious for the time to arrive when we shall be together, as much as you are but don't think it prudent that I should leave Friday. The time has weighed heavily since you left; the days have seemed weeks. I would like for you to be here tomorrow night any how. Everybody expects you back, and come if you possibly can. Lizzie wants to know what is to be done with all your clothes you have left here. R. came this morning and got all the soiled ones to do up. I find that I can leave either on the passenger or the freight without any one finding me out, but tell me which you think will be the best If you can't come up tomorrow, write a long letter to Lizzie telling me what to do. I will have to stop writing and go home immediately. Lizzie joins me in love to my little darling. No signature.

Letter No. 6

Washington, D. C., Aug. 22. — Oh, my darling! For God sake come back as soon as possible, there is a great long piece in the Baltimore paper, and it says you ran off with the agent's daughter from Manassas, and that you have a wife and three children. Oh God, what are we to do? Come to me at once. I am cast off from them all at home; you are all that I have to look to and don't leave, but come right back to me. Mr. Gale came up here and told me of it just now. He says he heard some one making remarks about it, and told them it was another man. Please darling come back to me tomorrow. I am so nervous I can scarcely hold the pen. Don't fail to come right away. Yours, I hope forever, F.____

The counsel for the defense, with the view of preventing the reproduction of Miss Fewell upon the witness stand, after a consultation among themselves, decided to acknowledge the genuineness of the above letters.

The letters written by Clark to Miss Fewell, were introduced as evidence. The first is postmarked St. Louis, Aug. 15, and is to this effect: "My Darling little Girl: I telegraph this morning as soon as I reached here and got my breakfast and although it is now after three o'clock, I have not heard a word from them. I truly and greatly hope to hear to-day, so as to have you come up tonight, and I could meet you and go on to Cincinnati but have been disappointed. If you knew how I have felt, darling, since I left you, you would never doubt or distrust me, I never felt as lonely and miserable in my life. If I don't hear by eight o'clock tonight I am going to Cincinnati to night; will get there by 8 o'clock in the morning, and if I do not hear from them to-morrow, I will go on to Washington and send you money back from there. Oh, how I do hate this arrangement and I am really afraid you will have to come to Cincinnati by yourself, anyhow, If you do, you can take the next night train at Mexico, and get to Cincinnati at 6 next night, and I will meet you then, if possible. Don't get mad with me darling, or discouraged because of the delay, for as God is my judge, it is no fault of mine. Take good care of yourself darling, and just as soon as I can hear I will telegraph you. Yours devotedly."

August 18, 1872 - To Mrs. Fannie S. Clark, 50 Ringo House, Mexico, Adrian County, Mo. The "them" to which the letter alludes are friends from which Clark expected to procure money. The second letter was written the same day and addressed like the first: "My Darling little girl: In addition to what I wrote this evening I think it best to write again. It is now 5 o'clock, and still no answer. If I do not hear by half past eight I shall go to Cincinnati to night, and if in no other way will borrow enough to bring you to that place, and send it to you, so that you can leave to-morrow night. Oh darling, if I only had you with me tonight. You do not know how much I missed your dear little hand on my own in the train. When you get on the train, get the conductor to see that your baggage is properly attended to, if you want to change cars here. I will send you a money order, and you can collect it yourself. I want you to take the letters and photograph out of the trunk and put them in your pocket. You know the photograph I mean, the picture of somebody when she was small. I believe though, it is an ambrotype and is in the bottom of the trunk. It should be so that I cannot meet you at the depot at Cincinnati, you must go to the Galt House and register as Mrs. J. M. Moore, N. C., and I will find you. It may be that I cannot get off from Taylor Thornton but I do not apprehend any difficulty. I will send you a telegraph money order for enough to get you a ticket to Washington and to pay your expenses to Cincinnati, and after you get there I will meet you. Bring all letters that may come for me. I hope to be with you in a day or two, darling, and until then I hope you will try to be happy. You can tell Mr. Ringo that I could not return as expected, and will send him whatever I may not have paid him. If you leave to-morrow night you will get to Cincinnati Thursday night at 9. Good-bye till we meet. Ever and devotedly yours. Destroy these letters, or take mighty good care of them."

The photograph referred to is one of his wife's taken when very young. These two letters, Miss Fewell testified, were sent to Mexico after her departure from that point, and forward to Manassas, where they were taken into the possession of her family and kept from her sight.

The third letter dated Fredericksburg, and which was handed Miss F. at Boyle's Hotel in Washington, signed "Jim," and in which the expression "As bad a little flirt as you are, I am not afraid to trust you," is used, has heretofore been published in the *Gazette*.

Wm. Wright, conductor of the freight train on which Miss F. left Manassas, was the first witness in rebuttal.

Examination by Mr. Meniffee — I was in charge of the train on which Miss F. went off; left Manassas at 12:39 a. m.; after starting the train Mr. Fewell came out and requested me to stop it; I did so and he went through the caboose; when about a mile and a half from the place I observed an old gentleman who appeared to be very restless; soon after I saw a lady; I walked up to her and asked her if she wasn't Miss. F.; she said yes and told me she was going to Washington to be married; I remonstrated gently with her, told her that I was much older than she, and advised her to return to her father, she said she had fully made up her mind to go; arrived at Alexandria 3:30, and there saw a hack, to which I escorted her, I saw a man on the pavement; they saluted each other, he helped her into the hack and got in with her; the old man got in also.

By Gov. Wise — She said she was going to marry a man by the name of Lee; stated she was about sixteen.

Cross examination by Judge Thomas — Heard Miss F's testimony yesterday; so far as she went I think it was correct; the man she met was a small man weighing about 130 pounds; did not know Clark.

At one o'clock Gov. Wise asked the Court to adjourn till to-morrow morning, as two of the witnesses for the Commonwealth were not present and could not get here until tomorrow morning. Considerable discussion ensued on both sides. The Court decided to adjourn in order to allow these witnesses to be present.

Based on the letters introduced as evidence, it appears that Fannie Fewell and Clark had a well established relationship before their elicit travels. The language used in the missives most certainly sounds dated when compared to modern verbiage, but was actually quite typical of romances of the nineteenth century. Several prominent Manassas residents are mentioned in the letters. "Lizzie," was Fannie's sister and married to Benjamin D. Merchant, owner of a hotel near the train station. "Mrs. H." was Mrs. Georgianna (Weedon) Hynson, wife of Charles L. Hynson who owned a Manassas general store in the 1870s. So, it appears that Fannie was assisted in her efforts to "elope" with Clark by several people. More information on the mechanics of her departure came later in the day when the court reconvened and Fannie Fewell gave testimony. She also explained her repeated queries as to when Clark would marry her. One can imagine that his refusals, on account of the fact that it would be bigamy, must have left Fannie very distraught in light of the sacrifice she had made at the young age of sixteen years.

Testimony of Miss Fannie Fewell [continued from the *Alexandria Gazette* 09 Nov 1872]

The following is Miss Fewell's testimony: My name is Fannie Sandford Fewell; I was sixteen the 29th of last June; I became acquainted with Clark when he first moved to Manassas; had heard of him before; while we lived at Manassas we met frequently; I saw a great deal of him during this time; I left home July 21st. 1872; was persuaded to leave by the seductions of Mr. Clark; I met Clark at the depot in Alexandria; he was standing on the pavement, near the track; the conductor escorted me to the carriage; left Alexandria at 3 a. m.; we drove towards Washington; I thought we were going to stop in that city, but am told we went directly to Bladensburg, which I thought was a part of the suburbs of Washington, we procured tickets here and went to Baltimore; arrived there about 6 a. m., and drove to the Rennert House; Clark accompanied me; remained during the day, and left about eight the following morning; Mr. Clark had promised before I left Virginia to marry me when I reached Washington; when we arrived in Bladensburg I asked him why he did not do so; he said it was too early in the morning; asked him again when we reached Baltimore to marry me; he said it was impossible — that he was a married man, and it would be bigamy, a penitentiary offense, to marry while he had a wife living; this conversation occurred in my room,

after supper; Clark then went down into the office of the hotel; about ten o'clock he returned to my room, he found me in tears and told me that I might as well become resigned to my fate; that if I had made a sacrifice in leaving home with him, he also had made sacrifices for me; I told him if he did not intend to marry me I would return to my home; he said that our fates were linked irrevocably, that I had taken a step which I could not recall, that my family would not receive me, and the world would not believe me faultless; he also said that if I left him then he would leave me, and I would have no protector; we registered at the Rennert House as Mr. Green and wife, From Baltimore we went to Rochester, N. Y., without change of care; remained there two or three days; from Rochester, N. Y., without change of care; remained there two or three days; from Rochester we went to Detroit; reached that city at 9 p.m.; left next morning at 7 a. m. for Chicago; reached there Saturday night; did not leave Chicago until 10 o'clock Monday morning; did not go to church Sunday, but drove out to Lincoln Park with Clark in a hack; in Chicago we registered as Mr. and Mrs. Paxton; on leaving Chicago went to Palmyra, then to Hannibal, where remained several days, thence to Louisiana, Mo. where we stayed from 2 to 10 p. m.; from there we went to Mexico, Mo., the end of our tour, where we registered as John R. Lee and wife. Mr. Clark said he registered by the name of Lee because he had a friend named Dudley living near, and he wanted to surprise him in a few days; Dudley saw Clark; Mr. Clark did not say where he lived, and Mr. Dudley came to the Ringo House, where we were stopping, and asked the clerk if James F. Clark was there; he replied no; Mr. Clark told me that he did not want Mr. Dudley to find out where he was living because he might have likeness of his (Clark's) wife, and thus detect that I was not what I purported to be. Afterwards Mr. Dudley met Mr. Clark on the street and came with him to the "Ringo House;" Mr. Dudley was left in the saloon, and Mr. Clark came into my room and prepared me to be presented as his wife; he said if Dudley had a photograph of Mrs. Clark he would treat the subject of our marriage as if it were a ruse to amuse his friend, and then say that I was his cousin traveling with him; Mr. D was introduced and suspected nothing; his (Clark's) cousin, Miss Patten, called upon us, and I was introduced to her by him as his wife. Mrs. Clark; after Mr. Dudley's visit, Mr. Clark assumed his right name; Mr. Clark remained with me two weeks and then started for St. Louis, while he was in St. Louis I received a letter from him; he also wrote to the clerk, telling him to advise me to come on to Cincinnati; I was then without means, and the hotel bill was unpaid; I ask the clerk what I was to do; he sent for Mr. Patten and Mr. Ringo, proprietor of the hotel; they bought me a ticket to Cincinnati; Mr. Ringo detained my clothes to secure his hotel bill; Mr. Clark said he would meet me in Cincinnati; I arrived there about six in the morning; I remained in the ladies' sitting-room of the depot until 11 in the day, looking for Mr. Clark; about midday a policeman, observed my disturbed manner, approached me and inquired what I was waiting for; I told him my story, and he declared that I was abandoned; while we were conversing the conductor of the train on which I had come to Cincinnati stepped up and claimed me as his guest; he offered to carry me to a hotel and pay my bills; his name was Marsh; the policeman, Mr. Kinney, told me that the conductor was a single man, and warned me to have nothing to do with him; he invited me to go home with him and let his wife take care of me; I accompanied him; in the meantime the policeman interested himself in my behalf; I stayed at his house until the next day; a proposition was made to send me to the Home of the Friendless; the telegraph operator sent me a message saying that Clark had been at the office and dispatched an order for \$31 to Mexico, and that I could get the money by calling upon him; I went twice; each time the operator said Clark had just been there; I saw a notice in a Cincinnati paper that a man by the name of Clark had deserted his wife, and that she was without money or friends in that city; a few days afterwards a publication appeared in the same journal congratulating Mr. and Mrs. Clark upon having met by accident on the train, as they were each going east in search of the other; this paragraph was uttered false; I did not see Clark from the time I left Mexico until I arrived in Washington; through Mrs. Kinney's exertion I obtained a ticket for Washington; I had only a dollar when I left Mexico; by this time it was all expended, I reached Washington about 10 p. m.; had heard Mr. Clark speak of a friend who was clerk at Boyle's Hotel; I knew no one in Washington; called a policeman and asked him to conduct me to Boyle's Hotel; inquired if John R. Lee was registered there; he replied "yes," and went to the room which he thought Clark occupied; he returned and said he was not in his room, and had probably left the city; I asked to be shown to a room; this was Sunday night; in a short time the clerk knocked at my door and said he had mistaken another for Mr. Clark's room, and that he had just entered the hotel; I requested

that he should be brought to me; when he entered my room he seemed astonished and exclaimed "my God, how did you manage to get here?" Mr. Clark spent this night with me; when I awoke I examined my pocket book, and found \$26 of the \$30 which I had when I arrived in Washington gone; I thought I had been robbed and told him of it, he said he had taken the money; he was angry that the publication had appeared in the *Cincinnati Commercial* setting forth that Mrs. Clark had been abandoned by her husband and was destitute condition; he said this might be seen by my family and lead them to search more diligently for me; he announced his intention to go to Fredericksburg and collect some money that was due him there; he asked me to lend some more of what I had left; he took five dollars; I then had a two dollar note and some small change remaining; he left me the same morning (Monday) for Fredericksburg, telling me that I must still pass as Mrs. J. R. Lee; I stayed here until Saturday night, August 24, 1872, never during that time having left the hotel but on one occasion, and then in company with Mr. Clark; I was brought away by Mr. Merchant, my brother in law.

The examination in chief of Miss Fewell here closed. It was conducted by Judge Thomas. The defense proposed to introduce Thomas M. Sullivan, a policeman from Washington, but the court declined to receive his evidence.

Cross-examination — Made Mr. Clark's acquaintance in June last, at Mr. Hynson's; he was then living at Manassas, and had a wife and two children; had no reason to know positively that he was married, but had never heard it denied, and beloved such to see the case, did not accept Mr. Clark's advances until I supposed he was divorced from his wife; do not know how long our intimacy had lasted before Mr. Clark's family left Manassas; they went to her father's; I inquired, and was told that they did not live happily together; after they had been gone some time I received a note from Mr. Clark asking me to meet him at Mrs. Hynson's, in which he said that he was separated from his wife, and wanted to see more of me now; I went to Mrs. Hynson's that night, and met Mr. Clark there, as I had done several times before; the following day he wrote a note asking me to go away to Washington with him and be married; on being assured that he was divorced I agreed to this; did not feel that it was morally wrong for Mr. Clark to pay his addresses to me under the circumstances; it did not occur to me that I should not go to Washington and be married when I had every assurance that he was an unmarried man; was also told he was divorced by Mrs. Hynson, who said she had letters in her possession to confirm this statement; knew that I was deceived and ought not to remain with him longer than the night we spent in Baltimore; but where could I go; I left Manassas with an emissary of Clark's his name is Hartman. and he stayed at Boyle's Hotel; I paid my own fare down; the conductor remonstrated with me and advised me to return to my father; upon his insisting on this I again refused, and told him if returned against my consent I would seek the first opportunity to escape, and find him, (referring to Clark;) the man who came for me was a stranger; the first night appointed for my elopement I was not ready when the train passed; the following night my escort came again and we got off safely; Mr. Clark told me to reply Mr. Lee, if any one asked me whom I was going to marry; he had supplied me with fifty dollars, through Mrs. Hynson, to meet any expenses when we reached Alexandria the conductor escorted me about a square, and we found Mr. Clark in waiting with a track; I had been receiving notes from Mr. Clark for about a month before I agreed to leave home, at Manassas I lived with Mr. D. B. Merchant, did not receive Mr. Clark's visits at their house, they did not like him, and discouraged our growing intimacy; we passed the night in Baltimore together as man and wife; this was after he told me he could not marry me; I kept the money given me by Mr. Clark until we arrived at Mexico; I then gave it to him; during our relations several notes of affectionate character passed between us.

The Commonwealth here announced that they could not proceed further with the evidence of this witness until some valuable documents were obtained, which were then in the hands of the Governor [Wise].

Notable throughout Fannie's testimony is Clark's use of multiple aliases including the Greens of Baltimore, the Moore's of North Caroline, the Paxton's and John R. Lee and wife. This may be attributable to the practice of newspapers of that time regularly publishing lists of persons, and their place of abode, registered at local

hotels. IN addition to the hotel registry lists, it was also a common practice for the newspapers publish a list of letters awaiting claim at the post office. For this reason, many of the details of the so-called elopement can be verified.

It is also very interesting that Fannie's testimony includes people she encountered in her travels. A Mr. Dudley, supposedly a friend of Clark's in Mexico, Missouri, may actually have been able to verify the identity of Clark's wife because he possibly had seen picture of her. Clark apparently carried an ambrotype of his wife. Why would Dudley have seen a picture of Clark's wife? Or, had he met her at some point in time? Was he possibly a relative or friend of Clark's family living in Missouri? Clark also introduced Fannie to his cousins, the Pattens. It was later that Mr. Ringo, the hotel proprietor, gained assistance from these cousins to reunite Fannie and Clark. Ringo did this with the provision that Fannie's clothes held as collateral for payment of the hotel bill Clark had not paid. One wonders what the cousins thought of Clark leaving his wife without funds, for that is what they believed Fannie to be, his wife.

Imagine Fannie's horror at the unmarried conductor, Mr. Marsh, offering to pay her way upon arriving alone in Cincinnati. The subsequent warning by the policeman, Mr. Kinney, alerted her to the impropriety of this possible arrangement. Fannie went home with the policeman instead, who recommended she seek aid through the Home of the Friendless. It was at this point that, supposedly, Clark made \$31 available to Fannie. She never managed to obtain it in the manner he arranged. Kinney ultimately assisted her in acquiring a ticket back to Washington, DC. She managed to meet with Clark at Boyle's Hotel, much to his astonishment according to Fannie. A major discrepancy in her testimony occurs at this point. Fannie claimed to have been abandoned without funds in Missouri. She never testified successful receipt of the \$31 in Cincinnati. Later, in Washington, she stated that she had found that \$26 of \$30 was missing from her pocket book. From where did this \$30 appear?

According to Fannie's testimony, Clark's marriage was not satisfactory. Despite knowing his marital status, Mrs. Hynson assisted Clark in liaising with Fannie. Clark also employed an associate, Hartman, in his plans to get Fannie out of Manassas. Clark's insistence of his innocence appears to be in great contrast to the testimony Fannie supplied in light of the myriad people who appear to have been involved in his alleged scheme. However, analysis of available information identified some discrepancies in Fannie's story as well as her misinterpretation of Clark's marital status at the outset of their adventure. According to Fannie's testimony, Clark's marriage was not satisfactory and he was to be divorced. Despite the fact that she knew Clark was still legally wed to another woman, Mrs. Hynson assisted Clark in liaising with Fannie. Mrs. Georgianna (Weedon) Hynson was the wife of Charles L. Hynson, owner of a general store in Manassas in the 1870s. Clark's repeated statements that he was innocent of any crime appear to be at variance with the testimony Fannie supplied in court. With the trial's recommencement on November 10, 1872, Fannie was on the stand for questioning by General Wise, the Ex-Governor of Virginia who represented the Commonwealth in the charges against Lucien Fewell.

Alexandria Gazette 10 Nov 1872

The Fewell Trial reported for the *Alexandria Gazette*.

Brentsville, November 9, 1872 — Miss Fewell appeared this morning on the stand. She seemed to bear her examination with the same degree of fortitude and calmness which she exhibited on Thursday, answering every question put to her by Gov. Wise, with distinctness, clearness, and sometimes with much emphasis. The court on assembling asked the counsel if they were ready to proceed. Gov. Wise desired to enquire into the health of Miss Fewell; also whether she was able to come into court. Shortly afterwards she appeared, escorted by Mrs. Fewell, her step mother, and Mr. B. D. Merchant, her brother in law. Miss Fewell was introduced by the prosecution for the purpose of explaining six letters which she had written to Clark. Each letter was numbered in the form in which they were handed to her and read and explained by her.

Gov. Wise opened the examination as follows:

Q.- Miss Fewell, please look at that letter and tell me if you wrote it?

Ans. I wrote it sir, In the sentence "It will be a day or two before I can decide at what time I can leave," I meant leave for Washington to be married. But don't think I have given it out for I would not for the world; means that I thought a great deal of Mr. Clark, and was anxious to marry him.

On being pressed by counsel as to whether she preferred Clark to the world, she finally answered yes. "I will write you a long letter by Tuesday's mail"; could not tell what date Tuesday was; I left these notes at the house of Mrs. Hynson; she sent the first five; she dictated them all, and examined them after I wrote them; she did not dictate the sentence in which the words "respectful or disrespectful" are mentioned; think I wrote this letter about the 4th of July; I don't know when Mrs. C. left Manassas; I know she was gone before I wrote any letter; I saw her when she left; don't know when Mr. C. removed there when Mrs. C. left. I had then known Mr. C. a short time; I asked Mr. C. to remain till Sunday because I wanted to go to church, and Mrs. Hynson told me to put it in; I want you to go down to church, Lizzie and I are going; Lizzie is intended for Mrs. Hynson; Mr. C. and I called her Lizzie; he addressed his letters to mean care of Lizzie Twyman, a name he gave Mrs. Hynson; she sent for me to her house to write my letters to Mr. C., she was my aide, abettor, and counselor...

One wonders why Mrs. Hynson was involved in the affair. According to Fannie, she was responsible for much of the content of the letters. It almost appears as if she was mentoring young Fannie since Fannie's mother was deceased. At the same time, the question must be asked as to what extent Fannie's sister had not fulfilled this role. The oddness of Clark's assignment of an "alias" for Mrs. Hynson is also telling. The actual involvement of Mrs. Hynson will likely never be known. Meanwhile, Mrs. Clark was leaving Manassas to stay with her family in Fredericksburg since Clark was planning on being away from the area on business.

Alexandria Gazette 10 Nov 1872 - **continued**

The Fewell Trial reported for the *Alexandria Gazette*.

...Here a point was raised by Judge Thomas that this was not rebutting testimony. The court did not sustain the objection.

SECOND LETTER [excerpt about which Fannie was questioned]

"I am not mad with you and I have never heard that you said anything respectful or disrespectful about me, except what Walter M. told me."

Ans. - The person I alluded to was Walter Merchant. He was a friend of mine and my family; I had learned that Mr. Clark had made some remarks about me in his store; I asked him (W. M. what Mr. C. had said; he replied that Mr. C. had not said anything particularly about me; he did not tell me what Mr. C. had said. "I do not hesitate to trust you." I had trusted Mr. C. when I engaged myself to him; I thought he would take care of me for my future life. "In regards to fishing, I can go at any time convenient to you, I will be ready and your company on the creek will be perfectly agreeable." I here alluded to fishing party, but did not go on that occasion; I had gone fishing before that; Mr. C. met me on the creek; I did not seek his company. "I have never heard that any one ever suspected us but for fear this might get lost, I had rather you would destroy it immediately." My reason for saying that was because Mr. C. had asked if any of my family suspected us; they did not like Mr. C.; I asked him to destroy my letters because he had requested me on the other hand to destroy his lest they should fall into the hands of my family; I never heard that any person suspected me of any thing else; if they did, they certainly had no right to do so; I never took but one buggy ride with Mr. C., and then we went to church.

THIRD LETTER - The third letter was written in pencil, on a small piece of paper, the lines are transverse and impression is very faint.

Gov. Wise, reading from Sunday's report -

Q. "I can't leave Monday, as I expected, but will go after the 4th of July?"

Ans. Don't know what Monday is referred to.

Q. How do you know this letter was not written before Mrs. Clark left?

Ans. (Petulantly) Because he did not address me until after she had left.

[Court interposed, prohibiting counsel from putting the same question so often]

Q. Mrs. H. tells me you expect to leave for B. tomorrow?

Ans. B. stands for Baltimore; I don't know why I called her Mrs. H. in this letter; did not intend to marry at Baltimore, but in Washington.

Q. "But darling try to put your trip off till next week? "

Ans. Don't know how near first of next week was to the 4th of July; by first of next week, suppose it would be after 4th of July.

By Gov. Wise - Q. Then the time this letter was written would be in the week containing the 4th of July?

Ans. I suppose so.

Q. "We think of having a dance tomorrow night, I expect you by all means to be there?"

Ans. The dance was to be at Mrs. Hynson's.

Q. "Don't think my seeming negligence is an indication that my feelings toward you have changed, but you become dearer to me every day, and I agree with you in the arrangements you have made for me to leave with you, and hope it will not be long before we can be together, to be separated no more?"

Ans. Meant by that that I expected to be married to him; Mrs. Hynson dictated that letter.

Q. Why was it written on such a small piece of paper?

Ans. Written at Mrs. Hynson's, it was written on so small a piece of paper because it was all that was convenient.

FOURTH LETTER

Q. I long for the sound of the freight whistle and still I dread for fear my darling will not come, but will hope for the best?

Ans. Mr. C. had gone to Alexandria and was expected to return on the freight train; don't know when this was written. [She replied with emphasis that it was no use asking her that question] means Richmond; don't know whether it was Winter, Summer or Spring.

Q. We are all going after raspberries tomorrow about two miles down the railroad, and I want you to go and may be we will have a chance to have a little talk?

Ans. This must have been written in Summer; I did not go raspberrying.

FIFTH LETTER

Q. "At home, July 2d, 1872. According to promise I seat myself this morning, not at home, but you can guess? "

Ans. I wrote this at Mrs. H's, she dictated every word, I said "guess" because he knew where I went when I wrote it; did not tell Mr. C. myself where I went to write, but he had been told; I accepted an appointment to meet Mr. C. at Mrs. Hynson's. When I accepted I suppose it was of my own free will; Mr. Clark and myself were never alone at Mrs. Hynson's; she or her husband were always present.

Q. "I find that I can leave either on the passenger or the freight without anybody finding me out; but tell me which you think best?"

Ans. Mr. C. told me to leave on the freight.

SIXTH LETTER

Dated August 22d, Washington.

Ans. I wrote this myself, no one dictated this to me.

Gov. Wise then read from the letter that she found out that there was a great long piece in the Baltimore Paper about them. Mr. Gale told her so.

Ans. Mr. Gale was clerk at Boyle's Hotel; don't know his other name; never knew him before; I left home on Saturday July 21; the name of the man who went with me from Manassas was Carpenter; said he lived in Washington.

Miss Fewell by consent of counsel, was then relived of all further attendance at Court.

G.M. Weedon, brother in law of Clark, was sworn and testified. Do not know positively when Mr. Clark left Manassas for King George County; staid at my house on his way; had with him his wife and two children; cannot give the exact date when they passed my house on their way to his father in law; was very near the last of June; believe it was latter than the 16th.

Cross examination - Believe they left for King George after the middle of June; had with them as baggage only three carpet; two sacks were of leather; I think the other was not; had no furniture with them unless contained in carpet bags; knew of no sale of furniture by them at Manassas.

Here, at 3 p.m., the prosecution closed their case, though it is believed that they will make an attempt to introduce Mrs. Hynson on Monday, if she arrives by that time.

The testimony states that G.M. Weedon was the brother in law of Clark. What then, was the relationship between Clark and Georgiana Weedon Hynson, the woman who supposedly aided Fannie and Clark in the scheme? Also of note is the fact that when Mrs. Clark left Manassas there was no evidence of furniture. This raises the additional question of her plans for the future with her husband away and possibly involved in a scandal.

Tensions mounted as the key players and general public awaited Georgiana Hynson's time on the stand as witness. Why would she have gone to such lengths to nurture the budding romance?

Judge Nicol made it clear that if Lucien Fewell was thought to have been suffering from any temporary insanity he was due an acquittal. Would this have swayed the jury at all? It is doubtful based on the difficulty in seating an impartial jury for the trial.

Why did Mrs. Hynson not testify despite receiving a court summons? What then, would have prompted her to supply her own affidavit to George C. Round outside of the court's proceedings? Her explanation is in utter contradiction to Fannie's testimony.

Alexandria Gazette 13 Nov 1872

The Fewell Trial

Brentsville, November 12. - This morning Judge Nicol read to the jury the instructions prepared mostly by the counsel, with such corrections as he deemed necessary. [The instructions are very long, and the crowded state of our columns, to-day, compel us to omit them. The following are some of the instructions granted, prepared for the defense:

First, If at the time the prisoner committed the act charged upon him from an association of the deceased with his real or fancied troubles, arising from the abduction, debauching, or abandonment of his sister after she had been debauched, his mind became so deranged that he was deprived of his memory and understanding so as to be unaware of the nature, character and consequences of the act he committed, or to be unable to discriminate between right and wrong in reference to that particular act, at the very time of its commission, he is entitled to acquittal.

Second, If at the time the prisoner committed the act charged upon him he was by reason of the causes aforesaid thrown into a state of excitement and frenzy, in which he was divested of his reason and judgment, and was from mental disease incapable of governing himself in reference to his deed, he is not responsible for the act.

Third, If by reason of the causes as aforesaid the prisoner's mind was so controlled and operated upon that he could not resist, or that he could not control the impulse which prompted the act complained of, he is not responsible, provided such impulse was not of anger or revenge, or other kindred evil passions.

Fourth, If the prisoner was deprived of his reason before and at the time the act was committed, and on account of the conduct of the deceased in the abduction or seduction of his sister, the jury have the right from their own knowledge of human nature and the tendencies of the human mind, to judge whether the act complained of was not the result of an ungovernable frenzy, sufficient to unsettle his faculties, and by an insane impulse deprived the mind of its controlling and directing power, thereby rendering him legally irresponsible for what he did.

Fifth, If the jury believed that by reason of the abduction or seduction of his sister, the letter which the deceased wrote to her, the card of the prisoner issued by him whilst in custody, and all the circumstances attending upon the abduction or seduction as came to his knowledge, and the declaration of the deceased that there was no law to punish him, the prisoner committed the act, then the jury have the right to judge whether the moral or mental faculties of the prisoner were not

so diseased by reason thereof, as to deprive his mind of its controlling powers, and to render him irresponsible therefore.

Mr. Meniffee then commenced the argument before the jury for the prosecution.

MRS. HYNSON'S AFFIDAVIT

As Mrs. Hynson was not allowed to testify yesterday, she was desirous that a history of her connection with the transaction should be made public and with this view appeared before Geo. C. Round, a notary public at Manassas, and made an affidavit, from which is extracted a synopsis that will doubtless prove of interest in throwing some light upon the particulars of this painful affair.

The instrument, after giving her reasons for not appearing in court in obedience to its summons, recites that it contains, without abridgment or extenuation, what would have been her evidence had she been suffered to testify, and relates that she has known both of the parties to the elopement all of her life, and that while she does not know when they became acquainted is inclined to believe that the introduction did not take place at her house; she remembers however having seen them both at her house at a dancing party given in the latter part of the winter of 1871-2

The Fewell family, it sets forth, had always been very intimate with her, and Fannie had always been a constant visitor at her house and she had always looked upon her in the light of a very near relation, but she does not think the number or frequency of her (F's) visits increased after Mr. Clark came to the village and often became a guest at her husband's house; recollects that Mr. Clark and Miss Fewell were members of a fishing party, of which she was one, that had gone to Millford Mills during the month of May, and that they conversed on that occasion. It states that she had never encouraged any intimacy between them, and that she never told Miss Fannie that she knew Clark to be separated from his wife, and had papers in her possession to confirm that assertion; that no money had ever passed through her hands, either directly or indirectly, from Clark to Miss Fewell, and that she did not know of Miss F.'s having a sum of any amount in her possession until she was informed of that fact by another, to whom it was entrusted one day when Miss Fannie took a drive with a young man; that she had never corresponded with Mr. Clark under her own name or a fictitious one, and was not known to him by the nom de plume of Lizzie Twyneman; that she had never inquired at the post office for letters for Lizzie Twyneman, and had never seen any so addressed on but one occasion, and under these circumstances: "Miss Fewell was at our house one morning, and asked me to let my servant girl, Bertie Robinson, go to the post office for her; Fannie told her to ask for her mail and for Lizzie Twyneman's on her return she brought one letter for Lizzie Twyneman and one for Fannie; I saw the former letter, and noticed it was postmarked Alexandria; I asked her who Lizzie Twyneman was; she replied, the girl at Noonnie's (Noonnie was a pet name she had given Mrs. Merchant;) I did not know the name of the servant at Mrs. Merchant's at that time, nor do I know it now; she then put the two letters in her pocket and walked out of the house." The affidavit continues: "I had never heard Fannie speak in affectionate terms of Mr. Clark; on the contrary she told me several times, both before and after she became acquainted with Mr. Clark, that she intended to elope with a young man who was then living in Fredericksburg. I not only never dictated any of these letters, but to my knowledge none of them were written at my house. Mr. Clark did not leave his clothes with me; he took his meals at my house after his wife left, and remained during the night once or twice; was invited to stay much of tenure, but generally declined, and would leave about 9 or 10 p.m., on the plea of having some visiting to do, and go to his own home; often visited Mrs. Clark and thought her husband was devoted to her; never knew of any arrangement between Mr. Clark and Fannie to meet at my house; have always had a great deal of company, and they sometimes met there though without any knowledge on my part of concert between them, have once or twice heard Mr. Clark speak in light terms of Miss Fewell, and she always acted when with me, as if his presence was not particularly agreeable to her.

How is it that Mrs. Hynson's affidavit is in absolute contrast to the testimony and letters of Fannie Fewell? Perhaps if she had been subject to cross examination additional detail would have come out.

Alexandria Gazette 14 Nov 1872

The End Of The Fewell Trial - Acquittal Of The Prisoner

The trial of Lucien N. Fewell for the murder of James F. Clark, was concluded yesterday, and the prisoner acquitted. Upon the opening of court, Judge Nicol presented the following instruction to supplement those offered by the defense yesterday, touching the plea of insanity: "The insanity contemplated by the series of instructions granted the defense in this case, may proceed from one of the two distinct species of disease of the mind, either of which, if a person was laboring under at the time of committing the act might render him irresponsible therefore, however criminal such an act might be in a person free from disease. The first is when the disease so affects the mental or reasoning faculties of the brain that the person subject to it is unable to determine the nature and quality of the act he is doing, or if he does know it he does not know that it is wrong. The other is when the disease so affects the moral faculties that the person subject to it is liable at any time to break out into such paroxysms of violence that it is impossible for him not to give way to them, and this though the person at the time is fully conscious of the nature and quality of the act he is doing, and that is wrong. The difficulty in such cases is to determine whether the act proceeded from passion or malice on the one side, or from a diseased mind upon the other. It is for the jury to say, if they believe the prisoner committed the homicide with which he is charged, from all the facts in evidence before them, whether he was at the time of committing such act, laboring under either of the aforesaid diseases of the mind, and so affected thereby as to render him irresponsible for such act."

Mr. Menefee, for the prosecution, then commenced and concluded his argument in the case, which was an able one, and in which the law and the testimony was discussed at length.

The counsel for the defense then submitted a proposition to give the case to the jury without further argument. The Court referred the motion to the counsel for the prosecution, who declined to accept it, Governor Wise remarking to Judge Thomas that he could not be caught, as he knew him (Judge T.) "intus in cute" - from centre to circumference.

The concluding argument was very brief, ex Governor Wise making only a short speech. The case was given to the jury at night, and after they had been out but a very few minutes rendered a verdict of "not guilty." The prisoner was then discharged from custody, and thus ends the story of this famous tragedy.

If you, the reader, had been a juror in the case, could you have found Lucien Fewell not guilty? Could a man so diseased of the mind as to be incapable of control have been so cunning as to plan his trip from Lynchburg to Bristow Station and the subsequent trek through the dark to the Brentsville jail? Certainly, Judge Thomas' allusions to the power of public opinion were valid in the Fewell trial.

Alexandria Gazette 15 Nov 1872

The Argument in the Fewell Case

The Correspondent of the *Baltimore Sun* gives the following account of the arguments of counsel in the Fewell Case. After Mr. Meniffee had concluded, Judge Thomas commenced with an eloquent allusion to the importance of the issues at stake in this trial, involving not merely the life or death of the prisoner, but the happiness or misery of two families, and the well-being of society itself. He reminded the jury that they were expected to verify that pet maxim of the law, that every man's house is his castle, and show to the world that when one undertakes to enter that stronghold, and defy the protection it should afford its inmates, he must be prepared to take the consequences of his act.

Judge Thomas based the grounds of the defense, as General Payne had done before him, on the two pleas of justification and insanity. To substantiate his first position he commented with minuteness upon the evidence adduced in the case, all of which had been published in the reports, and cited the cases of Ayre, Grant, and Pollard, Bowyer, Richardson and McFarland and others of similar import, to show that the higher law, as he termed it, public opinion, had always

extenuated such deeds as Fewell committed. In defense of his second position he called attention to the instructions submitted by the defense relevant to insanity, and read from "Ray on Diseases of the Mind" to show that there can be a moral derangement, unaccompanied by any symptoms of physical disease.

Judge Thomas was followed by General Eppa Hunton, who began with a reference to the proposition made by the defense to present the case to the jury without arguments, and said the refusal of the prosecution to accept it indicated in them a want of confidence in the strength of their cause. He avowed that he came into the case expecting to meet charges brought by the Commonwealth, but he had seen the Commonwealth retire, and only the private counsel pressing, and this anomaly is not only enough to vindicate the jury in giving a verdict of acquittal, but demands that they should do so.

He alluded to the testimony of Davis, who stated that the prisoner had given as a reason for killing Clark the seduction of his sister, and drew a vivid picture of the scenes that were enacted at Manassas, while the seducer was expending every wile and artifice in the endeavor to beguile and infatuate his victim. He referred to the futile efforts that had been made by the prosecution to asperse the previous unsullied reputation for chastity that Miss Fewell had hitherto borne, and asserted that this, if proved, would not affect his plea of justification, unless the counsel also showed that the accused knew of his sister's former bad character at the time he committed the homicide. Referring to the interview held by Clark with the reporter of the Alexandria Gazette, he said it was evident that Clark only considered the jail a haven of refuge, and that Fewell was advised of this fact on the 30th of August, which was the provocation to commit this homicide.

Gen. Hunton also based the request for a verdict of acquittal upon the two pleas of justification and insanity. To sustain the first he recited, succinctly the circumstances attending Miss Fewell's abduction, and took the ground that when a man's wife or daughter has been seduced the laws of Virginia confer upon the injured party the privilege of taking the life of the seducer. To maintain his second plea he read from Dr. Hammond's opinion in the McFarland trial, with reference to temporary insanity. Gen. Hunton spoke about one and three-quarter hours.

Gov. Henry A. Wise closed the argument for the prosecution. He ascribed much of the mischief that had resulted from the liaison to the loose morality of the age in which we live, and descanted at length upon free love and the other isms of the day, not sparing Greeleyism, which he characterized as immeasurably the worst of all. He reviewed the evidence with great minuteness, and attempted to implicate in the assassination and elopement several others besides those whose names have already been made public. He combated the pleas of the defense by showing that no cause of resentment can extenuate murder, and no evidence had been adduced to show a diseased condition of the prisoner's mind at the time the homicide occurred. Gen Wise's speech, contrary to the expectations of his auditors, was short. At the close of the argument, at about 1:30 p.m., the jury retired to consider upon a verdict. At the expiration of five minutes they returned, and through their foreman John S. Ewell, presented the following verdict in writing: We of the jury, find the prisoner not guilty as charged in the indictment.

The verdict was greeted with vociferous and long continued applause by the large number of spectators, who had assembled in the court room to await the closing scenes of this famous trial. After his acquittal the accused came out of the prisoner's box and received the congratulations of many friends, who immediately hastened towards him. These formed an escort of honor and conducted him to Reid's Hotel, where he supped, and was afterwards driven to Manassas.

The ordeal of such a public trial may have induced some men to lead a quiet life. Rhoda Fewell, however, continued as a frequent visitor to the jail and courthouse at Brentsville. Numerous cases involving Fewell can be found in the papers of the Prince William County Circuit Court Archives.

Of note is the fact that the much of the *Commonwealth v. Fewell* case is extant due to its publication in the newspapers. Many of the actual court papers can not be found at the Archives. Those that survived were

published verbatim in the newspapers. This hints at an extraordinary working relationship between the courts and the media. If not for the high profile nature of this trial, which supplied the press with a story to sell, the incredible detail shared here would not have been possible.

Robin Meyering & Ron Turner