

To the General Assembly of Virginia.

The petition of Thomas Ammonett,
of the County of Albemarle, respectfully
represents.

That at the May term, 1836, of the
Superior Court of Albemarle, your petitioner
was presented in five several instances for
alleged violations of the Act concerning Ordina-
ries & for other purposes. That the annexed copy
of the opinion and judgment of said Court at
the October term, 1836, will exhibit the true
grounds and circumstances under which your pe-
titioner acted, and will satisfactorily shew, he
hopes, that he had no design or wish to violate
the law either in its spirit or letter.

Your petitioner happened to ~~own~~^{own} ~~one of~~^{one of}
the owner of the field upon which, the
Regimental musters in Albemarle took place
during the last Spring, and he was at that
time, & had been for several years before, the
Keeper of a house of private entertainment sit-
uated near the muster-ground. That on the day
of said muster, he was applied to by various
persons to retail them spirits, to be drank at
the place where said, which your petitioner refused
until he perceived what, in his opinion, would fully
authorize him so to do. Your petitioner had un-
derstood, tho' he has subsequently learnt ~~that~~

was mistaken, that he had only to pay the tax imposed on Ordinary keepers to the Sheriff of the County, to justify a sale of ardent spirits to be drunk at the place where sold. This your petitioner done - and he came to this opinion from honest delusion, derived, as he thought, from those who were fully able to advise him upon the subject. Your petitioner freely admits, as he did in Court, and elsewhere, the fact of sale - his motives were honest, he has no design to act contrary to law, and he freely acknowledged the fact of selling -

Under such circumstances, as your petitioners humbly conceive, it is the object & policy of the law to punish only those who willfully violate its provisions, that the citizen who momentarily but honestly mistakes his duty, he prays, that the fine of \$30, imposed upon him, by the judgment of the Court, as appears in the accompany paper, may be remitted - And he will ever pray, &c

I as attorney for the Court in the Sup^r Court of Albemarle was so fully satisfied that the Petitioner acted under a delusion that I believed my fees should be gratified if the delusion should be considered & consistent with the public good to release the fees

John H. Frye

The undersigned, Citizens of all Vermont
 have been acquainted with Cap^t Thomas
 Ammonett for many years, and take plea-
 sure in saying, that he has always sustained
 a character for honesty, probity and good
 demeanor. They ~~would~~ unite in the prayer of
 his petition, hoping it may receive the fa-
 vorable countenance of the Legislature.

(Signed)

Thos J. Weyland Capt Vermont
 William H. Sudduth Capt

Jos Barrett

Andrew Litchy Capt.

W. W. Thompson

Mo Cowan Chk. 47th Regt

Thomas W. Gilmer
 John H. Gilmer

Thaplin Shulton Capt

Rep Tuttle Sheriff

Stephen L. Price Capt

Grand Will Marshall Capt

Sam Smith

George W. Harris Capt

N. Holman Sheriff
 W. Gardner

Marcus D. Smith Capt. of Cavalry
 attached 47th Regt. Vt. M.

"

Price of Barkedate

Mo R. Bond

John H. Smith

David T. Davis Co
 of the 47th Regt

Thomas Jay

W. B. Brown Major
 John Warner Capt

David Genley

Petition No. 12
of Thos.
Amouett for the
remission of a
fine &c - for retailing
ardent spirits -

Dec. 6th 1836

sent to Prop.
1 Dec. copy of judgment

Presented by Mr. Pinner

Dec. 12. ^{1st} Comm. Re. v
Resoln.

13th Resol. reported. v

17th Resol. reported. v

Presented into the Court

At a Circuit Superior Court of Law & Chan-
cery held for Albemarle County on the 14th
October 1836.

The Commonwealth

against

Thomas Ammonell

} Upon an Indictment for retailing }

The defendant in this case moved
the Court to dismiss this indictment & four
others found at the same Term upon the ground
that he was guilty of the selling in the In-
dictments charged through ignorance & mis-
take, that at the time of the selling he
had paid the Tax imposed by Law, but had
failed to procure a License, that he was
advised by persons in whose competency to ad-
vise he placed the highest confidence, that
the payment of the Tax conferred the authority
to sell without the License - The Court was
satisfied as well from the affidavit of the
Defendant as from facts & circumstances
disclosed by indifferent testimony, that the
Defendant acted under mistake & ignorance
of the Law & had no design to violate or evade
the same, but was of opinion that under
the provisions of the act of 1828, which
takes away such a defense it could not
wholly excuse & acquit the Defendant,
but that it could upon the confession of
judgment in one case under the equitable
circumstances & hardship of the case advise
a nolle prosequi in the other four cases,
being four several indictments for a vio-
lation of the Law upon several occasions
on the same day & at the same place as

in the first Indictment - And Thereupon
the Defendant confesses judgment in the
first case - Therefore it is considered
by the Court that the Commonwealth re-
cover against him \$30:00 fine & the costs
of this prosecution - the attorney for the
Commonwealth releases his fee in this
case & enters a nolle prosequi in the
other four cases.

A Copy
test, Alex. Garrett & Co.

The Commonwealth
of Massachusetts
Ammonett