

Twelfth Judicial Circuit } In the Circuit Court
Rockingham County, To wit } of the said County
The Jurors of the State of Virginia in and for the body of the County
of Rockingham and now attending in the Circuit Court of the
said County, upon their oath present, That George Mc-
Cauley on the 13th day of September in the year 1853 in the
County aforesaid, in and upon one George Lilley, feloniously
wilfully and of his malice aforethought, did make an assault;
and that the said George McCauley, with a ^{certain} knife, in his hand
then and there held, the said George Lilley in and upon the
left side of the body, between and through the ribs of him
the said George Lilley, then and there feloniously, wilfully and
of his malice aforethought, did strike and thrust; giving
to the said George Lilley then and there, with the knife afo-
said, in and upon the aforesaid left side of the body, between
and through the ribs of him the said George Lilley, one mortal
wound of the breadth of two inches and of the depth of
six inches; of which said mortal wound, he, the said
George Lilley, then and there instantly died. And so the Jurors
aforesaid, upon their oath aforesaid, do say, that the said
George McCauley, him the said George Lilley, in manner
and form aforesaid, feloniously, wilfully, and of his malice
aforethought, did kill and murder, against the Peace and
dignity of the Commonwealth of Virginia.

And the Jurors aforesaid upon their oath aforesaid
do further present that George McCauley on the 13th day
of September ~~And the Jurors aforesaid upon their oath afo-~~
~~said, so far as~~ in the year 1853 in the County aforesaid
in and upon one George Lilley, feloniously, wilfully, deliberately
premeditatedly, and of his malice aforethought, did make
an assault, And that the said George McCauley, with a certain
knife, in his hand, then and there held, the said George Lilley
in and upon the left side of the body, between and through
the ribs of him the said George Lilley, then and there felo-
niously, wilfully, deliberately, premeditatedly and with

= of his malice aforethought, did strike and thrust; giving to the said George Lilley, then and there, with the knife aforesaid in and upon the aforesaid left side of the body, between and through the ribs of him the said George, Lilley, one mortal wound of the breadth of two inches, and of the depth of six inches, of which said mortal wound, he the said George Lilley then and there instantly died. And so the Jurors aforesaid upon their oath aforesaid, do say, that the said George McAuley him the said George Lilley, in manner and form aforesaid feloniously, wilfully, deliberately, premeditatedly and of his ^{malice} malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth of Virginia

And the Jurors aforesaid, upon their oath aforesaid do further present, that George McAuley, on the 13th day of September in the year 1853, in the County aforesaid, in and upon one George Lilley, feloniously wilfully, and unlawfully, did make an assault, and ^{that} the said George, McAuley, with a certain knife, in his hand then and there held, the said George Lilley in and upon the left side of the body, between and through the ribs of him the said George Lilley, then and there feloniously, wilfully, and unlawfully, did strike and thrust, giving to the said George Lilley, then and there, with the knife aforesaid, in and upon the aforesaid left side of the body, between and through the ribs of him the said George Lilley, one mortal wound, of the breadth of two inches, and of the depth of six inches; of which said mortal wound, he the said George Lilley, then and there instantly died; And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said George, McAuley, him the said George Lilley, in manner and form aforesaid feloniously, wilfully, and unlawfully, did kill ~~and murder~~, against the peace and dignity of the Commonwealth of Virginia

Benj. F. Robtson

Michael Barry D.
give evidence before the
A true Bill
for. Benj. Robtson
foreman

We the Jury find the prisoner guilty of
murder in the first degree as is charged
in the first count of the indictment
Benj. F. Robtson
foreman

Commonwealth
George M. Canby
Indictment for murder

We the Jury find the prisoner guilty of murder
as is charged in the first count of the indictment
and that it was wilful deliberate and premeditated
and that ~~he is guilty of~~ murder in the first degree

Benj. F. Robtson
foreman

May 8th 1854 We the Jury find the
indictment
a true Bill
for. Benj. Robtson
foreman

Commonwealth

vs Indictment for murder. & verdict of murder in favor of
George McCord

Motion for a new trial on the ground that the
verdict ~~was~~ ^{is} contrary to evidence. I do not think that either
in civil or in criminal cases where it is a proper discharge
of duty in a court to grant a new trial simply because
as a jurymen the court might have found a dif-
ferent verdict. I think the court ought to believe that the
jury misunderstood the law or the evidence & misap-
plied the one or the other; and if the court can see
no reasonable ground to conclude that the jury so-
misunderstood or so misapplied it I do not think
it belongs to the court to interfere with the honest
deductions from the evidence &
conclusions of the jury. On this trial there were two
victims ^{examined witnesses} ~~prosecutors~~ ^{miserable} at this fearful tragedy, Morty & Mc-
Leone; every effort was made as well on behalf of the
one as of the prisoner to discredit the one and
substantiate the other, it belonged to the jury to determine
to which it would give more credence; both of these
victims proved the killing of Lilly by the prisoner
If the jury had believed the ^{testimony} ~~evidence~~ of McLeone & judged
that of Morty then they might well have found a verdict
of a life sentence of gaol for that murder in the first
degree. But if the jury believed Morty and judged in whole

or in part the wisdom of McLeod then the verdict is cer-
tainly neither contrary to the law or wisdom, for the evidence
testimony of ^{McLeod} ^{out} ^{clearly} a case of Willful deliberation
and premeditated murder.

I am fully aware that the prisoner had great wrongs
either real or imaginary to sow him to the highest
degree of excitement, and that he had been taunted, sneered
and scoffed at ^{almost} beyond human endurance that he had been
wounded and tortured to the innermost recesses of his soul
with the hardest and bitterest ^{& most distressing} anguish. and I am not
surprised that in this state of feeling with his wrongs
and injuries pressing almost incessantly on his mind
that he determined regardless and reckless ^{of consequences} to be avenged
of the author of his wrong. but in doing so he did
it at the expense of perverting the law. If he had
found G. Lilly in the act of a criminal conversation with
his wife this law would have covered him if he had
intentionally slain ^{the adulterer} ~~him~~. If he had found him committing
fornication with his sister & he had then slain him
I believe a jury would have acquitted him of any high
charge of guilt. But after he had heard of all these
wronges and after his passions had urged him to seek
and ^{and he was to remove her from control} ~~he~~ determined without the aid or interpretation of the
law to avenge his own wrongs & to murder Lilly

and for this the Jury have found him guilty of Murder in
the 1st degree. By the this Court! Can this Court ~~can~~
~~not~~ ^{must} the punishment of the law, Perhaps in some por-
tions of our country, there is a public sentiment that
would justify it, but would that law which I am bound
to see executed justify it! I think not. At this time
when lawless violence is stalking through our land
I think it would ill become the Judiciary of this
to give it any countenance by sitting beside the honest
& conscientious resolution of an upright & intelli-
gent Jury. Public sentiment may ~~not~~ justify the
Executive ^{in resisting} the severe ~~the~~ punishment of the law
if it is deemed appropriate ^{can} ~~can~~ be made
the law's champion; but to the Court it belongs to
administer and enforce the law or to find it
unwritten and constrained by the ~~best~~ ^{best} ~~higher~~ ^{higher} ~~of the~~ ^{of the} law. Judges & Juries
of the law.

to the

3

March 7 1861

J. McCord

My Mother for a Quaker

6 orders @ 36	2,16
one order 72	,72
3 Spas 60 copies 90	1,50
33 Writings @ 30	9,90
copy order	40
Taxing costs 20, Execution 40	- 60
	<u>\$15,28</u>

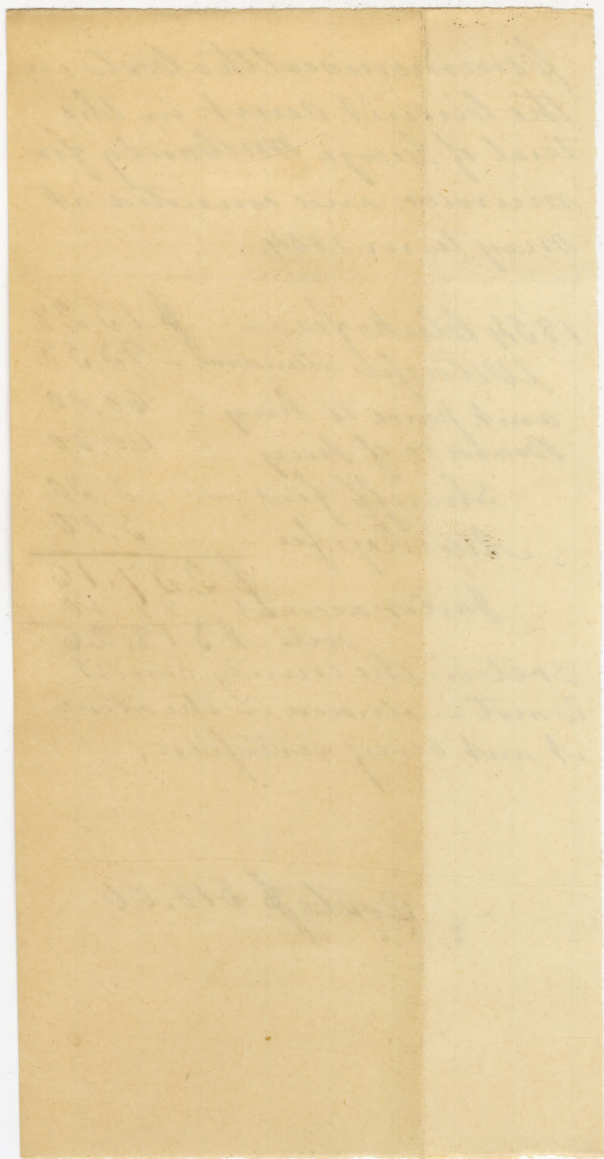


Commonwealth's costs in
the Circuit Court in the
trial of George McLeanly for
murder, and convicted at
May term 1854.

1854 Clerks fees -	\$ 15.28
Witnesses attendance -	93.58
amt. paid to Jury -	60.00
Board of Jury -	60.00
Sheriff fees -	3.30
Attorneys fee -	3.00
	<hr/>
	\$ 237.16
Jailer account -	81.10
costs -	<hr/>
	\$ 318.26

Costs in the county court
is not included in the above
it not being certified,

Cost \$ 318.26



Circuit Court of Rockingham County, May Term 1854,

Tuesday May 23^d 1854,

Present

The Hon. John Henney, sitting as a Court of Common Law,

George McCauley late of the County of Rockingham, who stands convicted of murder in the first degree, was again led to the bar in custody of the jailor of this court, and thereupon it being demanded of him if anything for himself he had or knew to say why the court here to judgment and execution against him of and upon the premises, should not proceed, and nothing being offered or alleged in delay of Judgment,

Therefore it is considered by the court, that he be hanged by the neck until he be dead, and that execution of this judgment be made and done upon him the said George McCauley by the Sheriff of Rockingham County on Friday the fourteenth day of July next, between the hours of 10. in the forenoon and two in the afternoon of the same day at some place near the town of Harrisburg in the County of Rockingham, and thereupon the said George McCauley is remanded to jail,

A Copy

Teste A. H. Spunkel clerk

Not executed by order of Joseph Johnson
Governor of the State of Virginia

AM Syra M.

Conith } copy of
@ } sentence
McCauley }

May the 8th 1852.

To the Hon. John Kenny Judge of the Circuit
Court of Rockingham

Dear Sir

I was summoned by the Sheriff,
as a juror in the case of McCaney. I must
ask the kindness of you to excuse me having
been very unwell for several days and so much
so to say that I am not able to get to
Harrisonburg

I am Very Respectfully yours &c

John, M. Dunlap

The Hon^{ble}
John Kenney
Harrisonburg
Va

The Commonwealth of Virginia

To the Sheriff of Rockingham County - Greeting

You are commanded to summon, to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, on the first day of May Term 1854, Twenty four persons, freeholders of your County, and qualified in other respects to serve as Jurors, residing remote from the place where the offence is charged to have been committed, of which George McCauley is accused, viz; in this, that he did, on the 13th day of September 1853, in the said County, feloniously murder George Lilly, by cutting him close to the breast bone penetrating to the heart causing immediate death, to recognize on their Oaths whether the said George McCauley be guilty of the offence aforesaid or not, And have them there this writ, Witness Littleton W. Gambill clerk of the County Court of Rockingham, at the Court House thereof, this 29th day of March 1854 - and in the 78th year of the Commonwealth

L. W. Gambill

Comth. }
 as } venire facias
 McCauley }

Executed on the following
 persons to wit.

Simon Harmon	1	
John W Dunlap	2	absent
D N Huston	3	excused
Abram Paul	4	x 1
Daria Stinespring	5	absent
B. F. Fishback	6	x 2
Hiram Coffman	7	x 3
Daria Coffman	8	x 4
Wm Smith	9	excused
Jacob Dandron	10	Refute
John West	11	x 5
John O Heatwole	12	Refute
Elias Hollen	13	x 6
Thom Heatwole	14	x 7
Wm Miller of W.	15	absent
John Stinespring	16	x 8
Ben. F. Rolston	17	x 9
Henry Showalter	18	x 10
Dave Keller	19	excuse
Daria McGlochlan	20	11
Anthony Rhodes	21	Refute
James Beara	22	12
Henry Bury	23	12
George Gower	24	13

Wm Warren do
 for
 A B Gray M.C.

May Term 1854 -

Rockingham County to Writ
Be it remembered that on the 18th day of
October 1853, Michael Murtz, Geo. J.
Murtz

of the said County personally appeared be-
fore me Henry Hartman, a Justice
of the said County at the said County
and each of them separately and indi-
vidually and by and for himself
acknowledge himself separately and
individually to be indebted to the Com-
monwealth of Virginia in the sum
of one thousand dollars, lawful money
of the United States to be levied of
each of their goods and chattels lands
and tenements, to the use of the Common-
wealth if the said Michael Murtz and Geo
J Murtz shall make default in the
performance of the conditions herein written

The condition of this recognizance is
such, that if the above bound Michael
Murtz shall personally appear before the
Circuit Court of the said County on the
1st day of the May term, 1854, to give
evidence in behalf of the Common-
wealth against George McCally, who
stands charged with Felony for killing
George Lilly and do not depart there-
without the leave of said Court, then
this recognizance to be void, otherwise
to remain in full force & virtue.

Taken & acknowledged before me in
the sd. County the day & year first written. } H. Hartman J.P.

Albion, N.Y. 1871
Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours,
J. B. [Signature]

Very truly,
J. B. [Signature]

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,—GREETING:

YOU are hereby commanded to summon *John Rhyme, George Lamb*
Phelo Morris, Rebecca Lamb, Wm Berry, A. J. Johnson, Edith
Shepley, Mrs Flowers wife of George Flowers, Peter Harris,
Thos. Seacis —
to appear before the Justices of our Court of Rockingham County, at the Court-House, on
the *First* day of *October* Court next, to testify and the truth to say
in behalf of *the Commonwealth*

in a certain matter of controversy in our said Court, depending and undetermined, between
The Commonwealth and George M. Canby

And this *they* shall in no wise omit under the penalty of £100 *each*. And
have then there this Writ. Witness LITTLETON W. GAMBILL, Clerk of our said
Court, at the Court-House the *12th* day of *October* 1853 and in the
78th year of the commonwealth.

L. W. Gambill

Comte
= $\frac{2}{3}$ Spa
McCarthy

Bye on all right hand.
Editha - Thos Davis -

McCarthy 189

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,—GREETING:

YOU are hereby commanded to summon *Antinipa⁺ McCauley Hays*
Wanger, John F. Lewis Zachariah Baines, Robert
Morney, John Sellers and Ruben Sellers,
to appear before the Justices of our Court of Rockingham County, at the Court-House, on
the *18th* day of *October* Court next, to testify and the truth to say
in behalf of *George McCauley*

in a certain matter of controversy in our said Court, depending and undetermined, between
Lamth Platt and Geo. McCauley Deft

And this *they* shall in no wise omit under the penalty of £100 each. And
have then there this Writ. Witness *LITTLETON W. GAMBILL*, Clerk of our said
Court, at the Court-House the *16th* day of *October* 1853 and in the
78th year of the commonwealth.

L. Gambill

Comth,
20

McCaulley

was }
Comth } *Spec*

1854 May Indicted
in the circuit court &
Jury & verdict of guilty
of murder in the first
degree & sentenced to
be hanged, and sentence
commuted by the Gov.
to ten years confinement
in the Penitentiary,

~~Costs \$237.16~~

Costs \$318.26

By order

J. H. Humberger del
for U. S. Byrd & S. R. C.

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,--GREETING:

YOU are hereby commanded to summon *Ormozinda McAuley*
and *Artemesia McAuley*

to appear before the Justices of our Court of Rockingham County, at the Court-House, on
the 3^d day of *October* ~~the~~ next, to testify and the truth to say
in behalf of *George McAuley*

in a certain matter of controversy in our said Court, depending and undetermined, between
The Commonwealth and George McAuley

And this *they* shall in no wise omit under the penalty of £100 each. And
have then there this Writ. Witness LITTLETON W. GAMBILL, Clerk of our said
Court, at the Court-House the 28th day of *September* 1853 and in the
78th year of the commonwealth.

L. W. Gambill

McCauley
was { Spa
bottle

Page correct

of H. Harnberger Rd
for A. S. Bynard & Co

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,—GREETING:

YOU are hereby commanded to summon *Robert Mooney John Sellars*
and Reuben Sellars

to appear before the Justices of our Court of Rockingham County, at the Court-House, on
the *3^d* day of *October* ~~ann~~ next, to testify and the truth to say
in behalf of *George McCauley*...

in a certain matter of controversy in our said Court, depending and undetermined between
The Commonwealth and George McCauley Defendants

And this ~~shall~~ they shall in no wise omit under the penalty of £100 ~~year~~. And
have then there this Writ. Witness LITTLETON W. GAMBILL, Clerk of our said
Court, at the Court-House the *23^d* day of *September* 1853 and in the
78th year of the commonwealth.

23. Sept. 1853

L. W. Gambill

Ex 2 Albany DEC

W. Bailey
ads 3/3
Baileys

Rubin Sells
&
John Sells

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,—GREETING:

YOU are hereby commanded to summon *L^r William B Carpenter*
and George Saut I^r

to appear before the Justices of our Court of Rockingham County, at the Court-House, on
Thursday ~~day~~ *of the 22^d of September* ~~Court~~, to testify and the truth to say
in behalf of *the Commonwealth*

in a certain matter of controversy in our said Court, depending and undetermined, between
The Commonwealth and George Mearley Defendant

And this *they* shall in no wise omit under the penalty of £100 each. And
have then there this Writ. Witness LITTLETON W. GAMBILL, Clerk of our said
Court, at the Court-House the *17th* day of *September* 1853 and in the
78th year of the commonwealth.

W Gambill

Countess
or E. P. Aspers
McCauley

We the jury
doth agree that
the case before
us is Murder
in the first
degree

Boyle & Co.
J. K. Hambro & Co.
for A. S. Mayo & Co.

THE COMMONWEALTH OF VIRGINIA TO THE SHERIFF OF ROCKING-
HAM COUNTY,—GREETING:

YOU are hereby commanded to summon *John Sellars and*
Reuben Sellars

to appear before the Justices of our Court of Rockingham County, at the Court-House, on
~~Thursday~~ *the 22^d day of September* ~~Court next~~, to testify and the truth to say
in behalf of *George W. Bailey*

in a certain matter of controversy in our said Court, depending and undetermined between
The Commonwealth and George W. Bailey Defendants

And this *they* shall in no wise omit under the penalty of £100 each. And
have then there this Writ. Witness LITTLETON W. GAMBILL, Clerk of our said
Court, at the Court-House the *17th* day of *September* 185*3* and in the
78th year of the commonwealth.

L. W. Gambill

Free by Attyr. & M. G.

W. Cauley
ad. & Spa
Lanthe

Rockingham County to wit

To the Clerk of the County Court of said County
We Jacob Miller & A. L. Wolfe justices of the
said county do hereby certify that we have
this day committed George McCauley to the
jail of said County that he may be examined
before a special Court of said County to be
held on the 22nd day of this Month for a felony
by him committed in this that he did on
on the 13th day of September 1853 in the said
county feloniously stab George Lilly near
the breast which caused his death
Given under our hands this 16th day of
September 1853

Jacob Miller J. P.
A. L. Wolfe J.

September 1853
 From Union and Liberty
 the great interest caused his death in
 country following that George Kelly was
 in the 15th day of September 1853 in the town
 by his commitment in this that he was on
 the 15th day of this month for a felony
 before a Special Court of this County to be
 paid of said County that he may be examined
 this day committed George Kelly to the
 said County as being guilty that we have
 the great interest of the County of the
 to the Court of the County Court of said County
 to the Court of the County Court of said County

J. A. Kelly
 J. A. Kelly
 J. A. Kelly

Rockingham County Va. Wit:

Be it remembered that on this 16th day of September 1853 Michael Martze & Henry C Hammer of the County of Rockingham Simon McLean of ^{County} Grund & Sanford Brecken Hinkle Brecken & Joel A Leavitt of the County of Page personally came before us justices of the ^{County} of Rockingham and acknowledged themselves to be indebted to the Commonwealth of Virginia in the sum of One Hundred dollars each to be made and levied of their goods & chattels lands and tenements, if they the s^d Mich^l Martze Henry C Hammer Simon McLean Sanford Brecken Hinkle Brecken & Joel A Leavitt shall make default in the performance of the conditions under written.

The Condition of the above recognizances is such that if the above bound Mich^l Martze Henry C Hammer Simon McLean Sanford Brecken Hinkle Brecken & Joel A Leavitt shall personally appear before the justices of ^{the} County of Rockingham at a special session of the County Court to be held for the examination of George McCauley at the County Courthouse of the said County on the 22nd day of September 1853 to give evidence in behalf of the Commonwealth against Geo McCauley who stands charged with felony, in feloniously murdering George Lilly ^{by} cutting him close to the breast bone penetrating to the heart causing instant death - and shall not thence depart without the leave of said Court - then the above obligation to be void: otherwise to remain in full force & Virtue

Taken & acknowledged before us the 16th day of ~~the~~ year above written

Jacob Miller J. P.
A. L. Wells J. P.

Rockingham County § 88

To The Sheriff of said County

Whereas George McCauley has this day been committed to the jail of the said County, by warrant, for a felony by him committed, in this, that he did, on the 15th day of September 1853, in the said county, feloniously murder George Lilly by cutting him close to the breast bone penetrating to the heart causing immediate death and being of opinion that there is sufficient cause for charging the said George McCauley, with the said offence. We command you in the name of the Commonwealth of Virginia to summon at least Eight of the justices of the said County, to meet at the Court house of the said County on the 22nd day of September 1853 to hold a court for the examination of the facts with which the said George McCauley stands charged, and for such other purposes, concerning the premises as is by law required; and you are commanded to have them and there this warrant; and return how you have executed the same. Given under our hands & seals this 16th day of September 1853

Jacob Miller, *J*
A. L. Wolf, *J*

Richyham Court to wit.

Be it remembered that on the third day of October 1853. Michael Mazy Henry C Hammer Geo Mazy and Isual Minick of the 5th County personally appeared before me J. G. Brown a Justice of the said County at the said County and each of them separately and individually and by and for himself acknowledged himself separately and individually to be indebted to the Commonwealth of Virginia in the sum of One Thousand Dollars lawful money of the United States, to be levied of each of their goods and chattels lands and tenements to the use of the Commonwealth of the said Michael Mazy Henry C Hammer Geo Mazy and Isual Minick shall make default in the performance of the condition underwritten.

The condition of this recognizance is such, that if the above bound Michael Mazy shall personally appear before the County Court of the said County on the 1st day of the October Court thereof to give evidence in behalf of the Commonwealth against George McCally who stands charged with felony for killing George Selley and do not depart thence without the leave of said Court, then this recognizance to be void other-
wise to remain in full force and virtue

Taken and acknowledged
before me in the said County
the day and year first above
written

J. G. Brown J. D.

Rockingham County to Writ
To A. S. Jordan Constable for said Writ
Whereas Michael March of the said County
has this Day made complaint and Information
on Oath before me Jacob Peck a Justice of the said
County that George M^cCauley of the same said
County on the 13th Day of September 1853 in said
County did beat George Selby close to the breast
bone penetrated to the heart and beat the same
with caused instant Death to the said George Selby
There are therefore in the name of the Common
wealth of Virginia to command you forthwith to
apprehend and bring before me or some other Justice
of said County the body of said George M^cCauley
to answer the said Complaint and to be further
Dealt with according to Law Given under my hand
and Seal this 13th Day of September 1853

the above sworn to before me Jacob Peck
the Subscribed a Justice of the
Peace Jacob Peck
Michael March

Summoned Witnesses in behalf of the Common
wealth

Michael March
Linn M^cDaniel

Executed September the 16th 1853 By A. S. Johnson Constable

The above have to be done more
 the Librarian a list of the
 Dear Jacob. Yours
 Noble Henry

Edmund Whittier in
 the
 the
 the

Entered Sept. 1871 by J. H. [illegible]