

Rockingham County to wit.

In the Circuit Court of said County

The Jurors of the Commonwealth of Virginia in and
for the body of the County of Rockingham and now
attending the said Court upon their oaths present

That Timothy Cashman alias Timothy
Ceele on the 24th day of April of the year
1854, in the County of Orange and State of
New York did marry one Mary Sheridan
Lingle woman and her the said Mary, then and
there had for his wife and that the said Timothy
Cashman alias Timothy Ceele afterwards
and whilst he was so married to the said Mary,
as aforesaid to wit on the 18th day of February
of the year 1855 in the County of Rockingham
and State of Virginia feloniously did marry
and take to wife one Caroline Kragerhoeffer
and to her the said Caroline, was then and
there married the said Mary his former wife
being then alive; against the peace and
dignity of the Commonwealth of Virginia.

All the jury find the prisoner guilty of the felony in manner &
form as is alleged in the indictment and of certain other terms
of his imprisonment in the Penitentiary at Two years & six months.

John J. Ward

Foreman

Commonwealth,

vs { Indictment
for Bigamy

Timothy Cashman
Alias Timothy Corbett

A true bill

B. E. Long
Foreman

1866. Cornth vs Cashman

O. N. Entry atty vs Cashman 10. three sps 60. copies 80. postage 24 Entry Order 36.

Entry July 70, Entry long order 72 Entry two orders 72 Entry verdict 36

Entry Aug 36, Entry nine certificates 270. Entry Order 36. taxing costs 20. copy 20.

filings papers 20, copy Record 2.50 certify costs to auditors 100 Execution 58.

\$13.70

Smith

vs

Cashman

} costs

Clerks fees	\$13.70
Sheriff "	3.10
Witnesses	107.34
Attorney	5.00
Jailer	24.50
Jury services	36.00
Jury Board &c	24.00
costs	<hr/> \$ 213.64

Commencement } Upon an Indictment for
Burgamy.

Timothy Cashman (alias) Timothy O'Neal.

Be it remembered that after the jury were sworn to try the issue joined in this cause, upon the plea of "not guilty" the Commencement to maintain the said issue on his part, introduced as a witness—

E. M. Elhany, who proved that in 1855 or 1856, the prisoner, came to the neighborhood in which he lived in Fairfax County, Virginia—that he kept with him a woman, whom he called his wife—and with whom he lived as his wife and by whom he had two or three children—that he continued so to live until after the 1st battle of Manassas in the year 1861, when he left that County and did not return until the winter of 1865, when he returned in 1865, he stayed ~~at~~ at the same house with the woman before named, for some weeks and again left—and was not heard of by witness until he was arrested upon the charge of Burgamy.

Also a witness R. S. Reed—who proved that he knew the prisoner Timothy Cashman (alias) O'Neal—that he came to Fairfax County Va. about '55 or '56 with a woman who he called his wife, and lived with as such—having by her several children—that they lived or more and wife until after the first Battle of Manassas in 1861 when he left Fairfax, and did not return until the latter part of 1865, when he returned to Fairfax, and recognized said woman ^{Man Elhany} as his wife—^{& complained of her being badly treated & others}—woman a few weeks and left.

Also a witness named Basil Gandy—who proved essentially the same facts as stated by said M^r Elhany and Reed—

Also a witness named Edmund Connelly, who proved that he knew the prisoner, that he came to the County of Fairfax Va. in 1856 or 1857—and kept with him a woman, whom he claimed as his wife—and lived with until after the 1st Battle of Manassas in 1861, when he left Fairfax, and did not return until the latter part of 1865—when he staid for a short time and left—that the prisoner called said woman

+ That witness had acted as father justice for one of prisoner's children at his request.

his wife, and lived with her as such and told said witness that he was married to her in Orange County, New York.

Also a witness named Mary McEann, who swore that she knew the prisoner, that she first knew him in New York ^{where they all resided} and afterwards in Maryland - That he ~~told with a woman~~ told her he had married Mary Shindan in New York - That she had after visited the prisoner and ~~that~~ the said Mary, whom he recognized as his wife - and of whom he had children, and ^{who is still living.} Also a witness named Thomas J. Butler, who swore that he knew the prisoner in the army in 1861, at Timothy Cashman - that in 1865, the prisoner came to his home, in Buckingham County, Va, and witness called him Timothy O'Neal for some days when the prisoner corrected witness and told him his name was Timothy ~~O'Neal~~ ^{Cashman} - when witness remembered his mistake as to the true name of the prisoner and corrected it.

Also a witness - Mr. D. Hunt - who swore that for the last year, he has been Deputy Clerk of Buckingham County, that in 1864 or 1865, he issued a marriage license for the marriage of the prisoner to Caroline Mayhew - that the certificate of marriage was returned by the minister, who married them - but that the license, certificate of marriage &c - were all lost or destroyed and no trace of them remained in the office.

Also a witness - Mr. M. Farland - who swore that ^{he lived in} ~~he~~ was present at a marriage in ^{Eastern} ~~Eastern~~ in Buckingham County, Va, in 1864 or 1865 - when the prisoner was married by the Rev. Mr. Farland to Caroline Mayhew.

And there being all the facts proved in the case, the prisoner by his counsel, made the Court to instruct the jury as follows - (1st - That all the material allegations &c - (here insert the abandoned 11 instructions, as originally drawn)

The Court gave to the jury witness instructions or modifications, the 1st - 8th and 10th instructions, asked for by the prisoner as aforesaid - but not

permeal to give the said 2^d 4th 5th 6th 7th and 9th and 11th instructions asked for by the prisoner or prisoner and refused to give the third and eleventh instructions or asked for by the prisoner; but modified the same said 3^d and 11th instructions and gave the same as follows:
"3^d - (I have met the 3^d & 11th instructions, as modified by the Court)

To which modification of the said 3^d and 11th instructions, ~~of the additions~~ or given by the Court; and to the refusal of the Court to give the 2^d 3^d 4th 5th 6th 7th 9th and 11th instructions as originally asked for by the prisoner, the prisoner by his Counsel accepted, and prayed that this his first Bill of Exceptions, may be signed, sealed and enrolled, and the same is done accordingly.
John T. Harris (seal)

[2^d Bill of Exceptions.]

Commonwealth }
Jim Cashman } Be it remembered that after the jury were sworn to try the issue joined in this cause, and after all the evidence in the cause had been given to the jury; while evidence is contained and set forth in the prisoner's Bill of Exceptions - which 1st Bill of Exceptions, with the instructions therein set forth is hereby refused to and accepted as a part of this Bill of Exceptions - the Attorney for the Commonwealth moved the Court to instruct the jury as follows:

"The jury are instructed & shall meet the instruction] To which instruction the prisoner by his Counsel accepted, but the Court overruled said exception - and gave said instruction to the jury - to which objection and action of the Court overruling said exception, and giving said instruction to the jury, the prisoner by his Counsel accepted, and prayed that this his second Exception may be signed, sealed and enrolled, and the same is accordingly done.

John T. Harris. (seal)

[3^d Bill of Exceptions]

Commonwealth

Jim Cashman

Be it remembered, that after the jury were sworn to try the issue joined in this cause, and after all

The evidence in the cause had been given to the jury
which evidence is all contained and set forth in
the prisoner's first Bill of Exceptions filed in this
cause - which said first Bill of Exceptions is hereby
referred to and made and adopted as a part of
this Bill, and contains all the evidence given
to the jury, the jury returned from the Jury
to consider of their verdict, and returned into
court with the following verdict: "We the jury
(the court verdict) - Wherefore the prisoner, by counsel
now the Court to set aside said verdict, and grant
him a new trial - upon the ground that said
verdict was contrary to the evidence, and the
instructions of the Court given to the jury as set
forth in the prisoner's ~~first~~ ^{first} Bill of Exceptions -
But the Court overruled said motion, and refused
to set aside the verdict, and grant a new trial -
to which opinion and action of the Court, the prisoner, by
his Counsel excepted, and prayed that this his Third
Bill of Exceptions, might be signed read and enrolled;
and the same is accordingly done.

John D. Harris

Court's bills
vs } Exceptions
Cashman

Oct. 1866

The Commonwealth of Virginia

To the Sheriff of Rockingham County Greeting

We command you that you cause to come before the Circuit Court of Rockingham County on the first day of the next term thereof Twenty four good and lawful freeholders of your County residing as remote as may be from the place where the felony was committed of which Timothy Leashman alias Timothy O'Neal is accused to recognize on their oaths whether the aforesaid Timothy Leashman alias Timothy O'Neal be guilty of the felony aforesaid or not.

And have them there the names of the said freeholders and this writ return L W Gamble Clerk of the County Court of Rockingham at the Court house this 20th day of September 1866 and in the 9th year of the Commonwealth

L W Gamble

Comment

Conine
Racine

Cushman alias O'neale

1866

Executed by Sums The following Named Persons Oct 9th of Oct

James H. Cancofe	1	Jacob C. Hannsberger	13
J. G. Littell	2	E. S. Gancey	14
Noah Pence	3	Acob. S. Fry	15
John Hensley	4	Chas. S. Weaver	16
R. A. Gibbons	5	Thos. G. Maury	17
Solomon Deane	6	Jerry. Armentraut	18
James Hensley Jr	7	P. W. H. Pickering	19
Ezekiel Lam	8	A. P. Richards	20
Geo. H. Whitser	9	Wm. A. Lewin	21
A. C. Bear	10	G. J. Hopkins	22
Sandy E. Dodd	11	B. B. Cave	23
Jacob Life	12	John S. Wood	24

Y. C. Amman dep
for S. R. Allebaugh S. R. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon

Rhodes (Merchant

*Dayton, and Men Miller (Dentist) Drs. M. Locke,
Geo. K. Gilmer, and Thomas D. Butler*

to appear before the Justices of our Court of Rockingham county, at the Court-House,
on the 3^d day of *this (Aug^t)* Court next, to testify and the truth to say, on behalf
of

The Commonwealth

in a certain matter of controversy in our said Court, depending and undetermined,
between

Us and Timothy Cashman alias O'neale

and this *they* shall in no wise omit under the penalty of £100 And have then
and there this writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at
the Court-House, the 21 day of *August* 1861 and in the 21 year of
the Commonwealth.

W. Gambill

Commech

vs J. Spe

Cashman

In August Court 1866

July 21, 1866 ~ Executed

J. R. Dillworth
J. R. Dillworth

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon ~~Jacob G~~ *Caroline O'neale*

John K Moore & D G W M Farland
Wm D Rhodes

to appear before the Justices of our Court of Rockingham county, at the Court-House,
on the 3^d day of ~~the Aug~~ *the Aug* Court next, to testify and the truth to say, on behalf
of

The Commonwealth

in a certain matter of controversy in our said Court, depending and undetermined,
between

as and Timothy Carahan alias O'neale

and this ~~day~~ shall in no wise omit under the penalty of £100 ~~each~~ And have then
and there this writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at
the Court-House, the 20th day of ~~August~~ *August*, 1866 and in the 26th year of
the Commonwealth.

L W Gambill

an

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ^{Augusta} ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon

*John Heern and
John Fitzgerald John O'Heernan*

to appear before the Justices of our Court of Rockingham county, at the Court-House,
on the ^{1st} day of *August* Court next, to testify and the truth to say, on behalf
of

The Commonwealth

in a certain matter of controversy in our said Court, depending and undetermined,
between

us and Timothy Gashman alias Timothy O'Neale

and this ~~they~~ shall in no wise omit under the penalty of £100 each And have then
and there this writ Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at
the Court-House, the *20* day of *July* 186*6* and in the *91* year of
the Commonwealth.

LW Gambill

Executed as to his Fitzgerald, & his address
has been unknown.

Guarantee P.S.

Aug 14th 1866.

Cometh

J. Spa

Cashman

To August 1866

- 1 That all the material allegations in the indictment must be proven as laid
- 2 That the best evidence that the case admits of must be adduced, and if the jury believe from the evidence offered in this case, that better evidence could have been produced, then the evidence so offered is secondary evidence and is not sufficient to warrant a conviction
not
- 3 That before the jury can find the prisoner guilty they must be satisfied from the evidence that he was married in the State of New York to Mary Sheridan and that the marriage was performed under & in accordance with the laws of New York & they must be satisfied by proper evidence what is sufficient to constitute a valid marriage in the State of New York (~~and the jury may take into con-~~
sideration the acknowledgments, the confessions and exhibition of the prisoner & his)
not
- 4 That the best evidence that the prisoner was married to Mary Sheridan in the State of New York is the testimony of some one who was present at the alleged marriage, or a proper record of such alleged marriage
not
- 5 The confessions of the prisoner of his marriage with Mary Sheridan though supported by proof of reputation are not sufficient to establish such marriage. & before the jury can convict they
not

must be satisfied of an actual valid marriage
of the prisoner with Mary Sheridan either by
a proper record or by the evidence of an expert

Timothy Cashman alias Timothy O'Keale,
being then living. Given under my hand
this 25th day of July, 1861.

J. M. K. Hartmann, J.P.

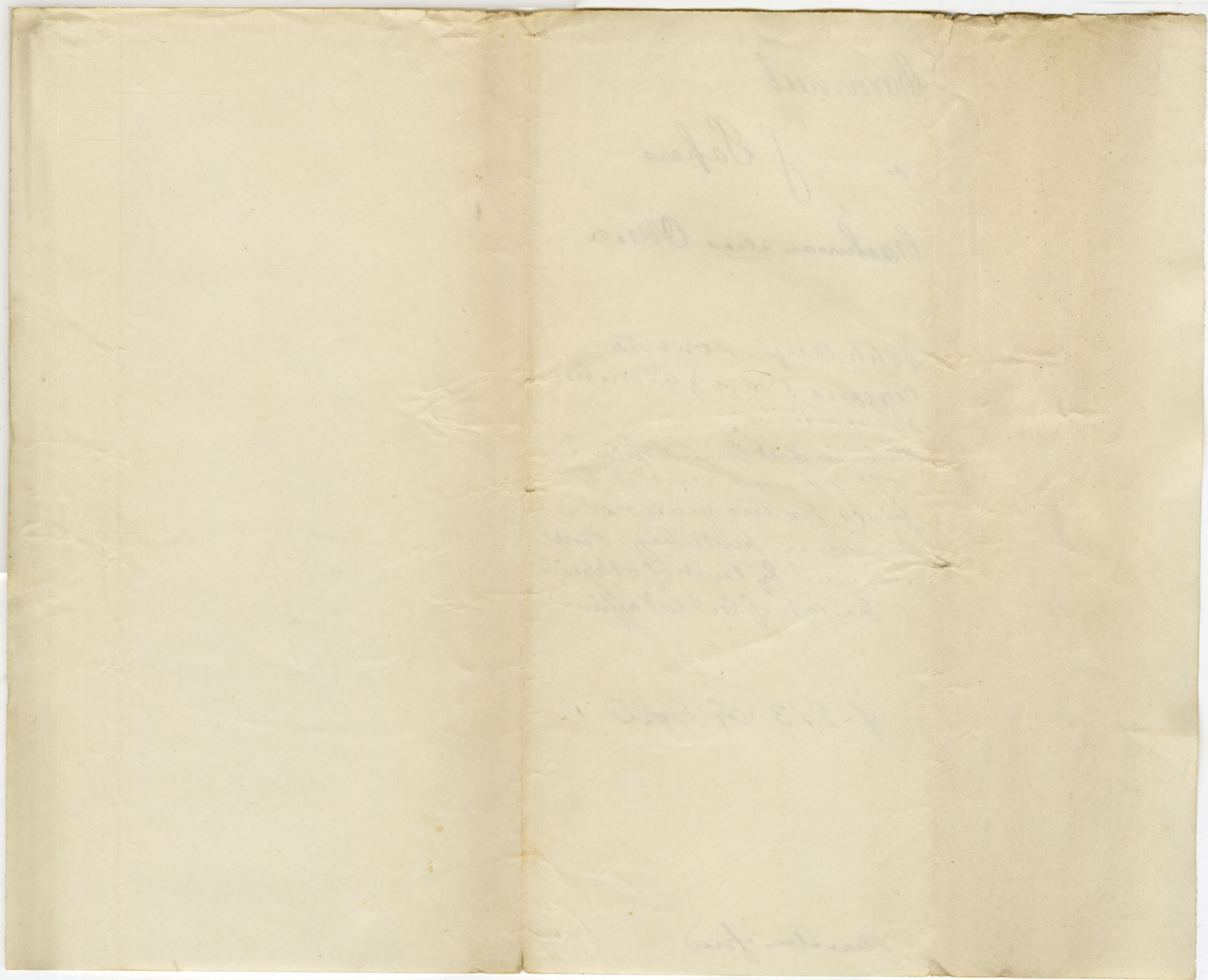
Commth Cert. of
(m) 3 Commth

Cashman alias O'Keale

Rockingham County, to wit:

To the Clerk of the County Court of said County:

I, Wm. M. K. Waitmann, a Justice
of the said County, do hereby certify, that
I have, by my warrant, this day committed
Timothy Cashman alias Timothy
O'Keale, to the jail of this County, that he
may be examined before the County Court
of the said County for a felony by him
committed, in this, that he did, on the
16th day of February, 1865, at the said
County, feloniously marry and take to
wife one Caroline Meyerhoeffer, he, the said
Timothy Cashman alias Timothy O'Keale,
having before married and taken to wife
one Mary Sheridan, and she, the said Ma-
ry Sheridan, the lawful wife of the said



Connect

" J Papers

Cashman ~~alias~~ O'Neal

1866 Aug. sent to
Circuit Court & admitted
to give bail.

Oct. indictment returned
N. H. & Jury & verdict G. &
jail for two years & six
months in penitentiary & exp.
awarded by Court of Appeals
& Indict. of Ct. not affirmed

\$ 213. 04 costs

Emm. free