

Virginia towit:

At a General Court of Virginia continued by adjournment and held at the state courthouse in the city of Richmond on wednesday the 12th day of December 1849.

William Grayson,

against

The Commonwealth

rest

2 } Upon a writ of error to a
judgment of the circuit supe-
rior court of law and chan-

cey for the county of Culpeper, rendered the 15th
day of June 1849, upon an indictment found
against the plaintiff in error for the murder of
David W. Miller, whereby it was considered
by the said circuit superior court that the said
plaintiff in error be hanged by the neck until
he be dead.

This day came as well the plaintiff in error by his attorney, as the attorney general, who agrees to receive the errors set forth in the plaintiff's petition, instead of a formal assignment of errors; and thereto he pleaded that there is no error in the record of the judgment of the said circuit superior court, to which the plaintiff replied that there is error therein, in manner and form as in his said assignment he hath set forth. And thereupon the transcript of the record of the judgment aforesaid being seen and inspected, and due consideration had thereof, it seems to the court here, by the unanimous opinion of the judges present, that the said circuit court erred in overruling

the prisoner's motion for a new trial. Therefore it is considered by the court that the judgment of the said circuit court be reversed and annulled, and that the cause be remanded to the said circuit court, with directions to set aside the verdict of the jury, and to proceed to a new trial of the said William Grayson upon the indictment.

Which is ordered to be certified to the circuit superior court of law and chancery for the county of Culpeper.

A Copy.

Teste, W. P. Howard,
clerk Genl. Court.

1849

PAID



The Clerk of Culpeper circuit Court
Culpeper C. St.
Va.

Culpeper