

MURDER.

A MYSTERIOUS CASE.

THE TRIAL OF AMASA FOULKE CHARGED WITH THE MURDER OF HIS WIFE—THE EXCITEMENT AT NOBLESVILLE—EPISODES OF THE TRIAL—THE DEFENDANT ACQUITTED.

The second trial of the Foulke murder case is still the sensation of the town of Noblesville and throughout the county contiguous thereto. As heretofore reported in the Sentinel, the second trial of this celebrated case commenced in the Hamilton Circuit Court before Judge Cravens, last Tuesday. There appeared for the state Messrs. Moses, Garver and Stafford; for the defense, Messrs. Gordon, Kane & Evans. The first day was consumed in securing a jury. On the morning of the second day the examination of the 75 witnesses subpoenaed was begun. The evidence was all in at the close of the third day (Friday), the excitement increasing rapidly meanwhile until a lawless spirit almost prevailed. But as many of the readers of the Sentinel have had their minds absorbed with other cases of like character since this one occurred, a review of the circumstances of the case may not be uninteresting.

Amasa Foulke, his wife and two children, resided on a farm near the town of Cicero. Late on the night of the 16th of November, 1873, the husband called in the neighbors, saying he was shot, and that his wife was also shot, and he did not know but fatally. Upon being interrogated, he said two men had been at his house, and awakened him by firing a pistol shot, which he feared

HAD KILLED HIS WIFE,

that he followed them into the kitchen, where one of them fired at him, hitting his arm. He described them, one as a tall, the other as a chunky man, both wearing masks. They went to his house and found the wife in a critical condition, the result of a wound in the region of the heart. It was soon ascertained that she could not recover. So great was her suffering she asked some one to kill her. Just before her death her husband entered the room. At her request Mrs. Foulke was raised up in bed and as the movement was made she murmured something about being shot, which was variously understood, some who heard her contending that she said "they have killed me." Others that "he killed me," her husband passing in view of her at the time. She said before her death that she was awakened by the pistol shot that struck her, and did not hear but one report. Her husband slept on the sofa and she in the bed between two children. The theory of the defense was that burglars did the deed, mistaking the wife for the husband, their design being robbery. It appeared in evidence that two such men as were described by defendant had been seen

PROWLING AROUND

in the neighborhood the day before the night of the tragedy, and that an attempt was made by some one to enter another house in the vicinity.

When the wife died, a post-mortem examination was had, which resulted in the husband being held in custody, charged with having committed the crime. The grand jury found an indictment of murder in the first degree. About a year ago the first trial was had on that indictment, and the defendant was found guilty, the jury assessing his punishment at imprisonment for life. The court (Judge Cravens on the bench), however, granted a new trial on the grounds that the evidence adduced did not warrant so severe a verdict, and some informality on the part of the jury or jurors. The case came to trial again, as reported in Wednesday's Sentinel. The testimony taken was substantially the same as on the first trial, though both sides had made desperate efforts to secure something new and strengthening. Judge Moss was retained by citizens who were interested in the prosecution almost to a prejudicial degree. Maj. Gordon was not engaged in the first trial, but he was as much interested in his client as usual, and, of course, threw his whole soul into the defense. During the progress of the trial the major indulged in a witticism which wrought up the sensitive spirit of Judge Garver, of counsel for the prosecution, to

THE FIGHTING POINT.

He nervously arose and said if Major Gordon wanted to make a fool of himself he was welcome to do it, but he did not want his name connected with said foolabness. The major retorted in a cold manner, (for him) but the judge insisted that the prosecution would not be bullied by imported talent. The major demurred to having any trouble, and the matter ended for the time being. But upon the adjournment of the court the judge renewed the quarrel, and the major laid his hand on the judicial collar in a menacing way, whereupon a bystander grappled him about the waist, then the sheriff interfered and the court retraced his way and commanded order, and order reigned. Saturday was spent in summing up the evidence, Maj. Gordon making a six hours' speech, closing the case for the defense. Judge Moss closed the case for the prosecution.

The instructions of the court are reported as having been favorable to the defendant. So sure were the people that he would be acquitted, an indignation meeting was held at Cicero, near which place the crime was committed. The Sentinel last afternoon sent a dispatch to the editor of the Ledger for the result of the jury's deliberations, and last night received an answer announcing that

THE DEFENDANT WAS ACQUITTED.

So thus ends a long and a tedious case, based on a mysterious murder. This seems to be a lucky season for men charged with murder. Hall was last week acquitted for the murder of Welman at Franklin, and Morrow was only awarded four years in prison, and yet has hopes of a pardon.