

MURDER.

Second Trial of Amasa J. Foulke for the Murder of his Wife.

Testimony of Prisoner and Others.

Conclusion of the Evidence.

A verdict of Acquittal, and the
Prisoner goes free.

How the news was received.

Our report last week contained the proceedings up to Thursday. The following is a conclusion of the proceedings of the entire trial, excepting the Judge's charge to the jury, which will be found printed on the inside of this paper:

THURSDAY MORNING.

William Owens testified:

I remember being at defendant's next morning after the murder; got there about five o'clock; was there before she died; Mr. and Mrs. Foulke, Kersey Baker and wife and my wife were there; defendant was not there when I first got there; don't know how long it was before he came; had some conversation with him about half past five; this conversation was in the yard, at the north west side of the house; no one present but us two; he was walking backwards and forwards; I asked him to give me some clew as to the robbers; he said he could give nothing only as to their size; that one was a tall man and the other a low man, and that they were disguised; told him there were men enough to "surround" them if he could give them a clew; he said: "It isn't worth while, for they will never be caught anyhow."

Cross-examined—Am not certain as to his exact words.

[This closed the examination of witnesses for the prosecution.]

Major Gordon then in a speech of an hour in length presented the case to the jury in behalf of the defense.

EXAMINATION OF WITNESSES.

Temple C. Marris testified :

I live in Jackson township quarter of a mile from defendant's house; remember the circumstance of the murder of Lucette Foulke; was called upon by Mr. Foulke to go to defendant's house; got there about four o'clock; it was dark yet, the moon just rising; we went to the east door; Lucette said she couldn't get up, and told us to go round to the kitchen door; we went into the house; the light was burning dimly; Jesse turned the light up; we went up to her bed side; said she had not seen anybody; I saw where she was shot; was shot just below the nipple; the clock and book case was open; the lounge cover was thrown back, as if some one had jumped out of it; I went back, at the request of Jesse, to meet Mrs. Mary Foulke, Jenny Jones, and old Mr. Baker; met them and returned with them to the house; we found the pocket-book on the way; had a lantern; deceased was very restless; said something like, "kill me," or "shoot me," and was wanting to be raised up in bed; I was at John Foulke's when she died; don't remember of her saying anything else. When we first got there she was lying on her back between her two children; no examination was made by us of the pocket-book at the time of finding it; afterwards I saw some one looking at it; several came in after that; I endeavored to find some trail of the robbers, after daylight; but couldn't find any trail close to the house; east of where the Deming road comes into the pike I found horse tracks, which indicated that the horses were running; there were three or four of them; they were fresh, and the ground was frozen a little; they had been made after the ground was frozen; I followed them on to the state road; our party had separated; when the party I was with had kept the trail some distance, we learned that men on tired horses had passed that way; we then left the trail and went on rapidly overtaking the horsemen, who proved to be the men who had separated from us; am acquainted with defendant; his general moral character was good; his general character for truth and veracity, so far as I know, was good.

[At this point a number of witnesses from Tipton were sworn in and instructed by Judge Craven.]

Same witness resumed saying: As a husband, he was good to his wife so far as I know. [Was shown a diagram of the interior of the house, but did not understand it, and proceeded to explain things as he understood them.] He said: The lamp was sitting on the table in the kitchen, and shining into the room in such a manner as to throw more light upon the bed than the lounge.

Cross-examined—This was some time after the murder; a portion of the furniture had then been removed; several persons were with me when the experiment was made; the lounge was there, and also a bed.

Re-examined—I know the little girl who found the pocket-book; she has fits sometimes.

Noah W. Parker testified:

I reside in Tipton; am an attorney; have lived there about twenty-eight years; was acquainted with defendant and his family; knew them some four years ago; remember the death of defendant's wife; the defendant had been in Tipton some days previous to the murder; had paid me some three hundred dollars during that week; don't know the source of the realization of the money; his general moral character was good; and his general reputation for truth and veracity good; knew of his family relations at Tipton; they were very amicable.

Cross-examined—He was at Tipton, I think, twice that week; heard of his wife's death on Sunday morning.

Dr. Martin Van Buren Newcomer testified:

I reside at Tipton; have lived there thirteen years; was acquainted with defendant while he lived there; was his family physician; was frequently at his house; his general moral character was good; and his general character for truth and veracity was good; his intercourse with his family was apparently of a loving nature.

Cross-examined: His little daughter was sick a good deal of the time; I was frequently at his house.

Robert W. Wright testified:

I reside in Tipton, and have lived there nine years; defendant moved from Tipton the latter part of September before the death of his wife; I lived only a short distance from defendant when he lived at Tipton; his general moral character was good, and his general character for truth and veracity was good; his intercourse with his family seemed to be very pleasant; my wife visited his house some few times.

Cross-examination—No new developments.
John Harding testified.

I reside in Tipton; have lived there three years; was acquainted with defendant between two and three years; his general moral character was good; his general character for truth and veracity seemed to be good; his wife visited my family frequently, which visits were returned by my wife; saw no unkindness pass between them.

Cross-examined—I have lived in Tipton three years, within a short distance of defendant's house; he left there some time last fall a year ago.

Mrs. Mary E. Harding testified:

Reside in Tipton; lived there three years; was acquainted with defendant's family some two years, and lived close to them; was intimately acquainted with his family; their family relations were always kind as far as I ever saw; his general moral character, as far as I know, was good.

Cross-examined—Was here on former trial; I was back and forth at her house during sickness very often.

Joel Reece testified:

Reside in Marion, Grant county; have lived there about a month; resided in Tipton nearly two and a half years; knew defendant while there; I lived for some two or three months in a portion of the same house with defendant; a partition divided us; a part of the partition was sealed, and a part was of boards, set up and down; I think my opportunities for observing their family relations were good; these relations, so far as I knew, were pleasant and

agreeable; his general moral character was good; above the average; his general character for truth and veracity was good.

Cross-examined: Was examined before at a former trial.

Moses Orbaugh testified:

I reside in Jackson township, Hamilton county, Indiana; have lived there twenty-three years; am acquainted with Temple Marris, Jesse Foulke and defendant; was at defendant's house making some experiments with a lamp; it was in the night time; it was the same lamp; it sat on the table in the kitchen, the light turned down; could see whether a man or woman was lying in the bed, by stooping down; could distinguish the beard on a man; the bed sat in a corner, head to the west; head of the lounge north; have known defendant since he was a little boy; his general moral character was good, and his general character for truth and veracity good; have known defendant for twenty or twenty-one years; he was a peaceable and law-abiding man.

Cross-examined—Defendant had lived out of the neighborhood for some time.

The court then adjourned until 1:30, P. M.

AFTERNOON SESSION.

Howland D. Wilson, testified:

Reside in the west part of Jackson township, within a quarter of a mile of defendant's house; made some experiments with a lamp there after the murder; could have told if a man with beard occupied the bed. [Testimony similar to Orbaugh and others.]

Cross-examined:

Have been acquainted with defendant for about ten years.

Elwood Wilson, testified:

Reside in Noblesville; lived at that time in Jackson township, ten miles northwest of this place; am acquainted with defendant and his father; lived near them at the time of the murder; [testimony in reference to experiment with lamp similar to the other witnesses;] thought his general moral character good; his reputation for truth and veracity was good.

Cross-examined:

Have heard nothing contrary to his good character; couldn't distinguish a beardless man from a woman.

Jesse Foulke, testified:

[Witness exhibited a diagram of the interior of the house, and testified similar to the other witnesses.] And continued— Am nearly seventy years old; defendant and wife staid at my house sometime after they were married; they lived in the same house, but with apartments to themselves; we moved to Westfield some time after their marriage, and rented the farm to defendant and his brother George; we continued to live in Westfield for some time, and then moved back to the farm; then put up the house in which the murder occurred for defendant; defendant soon moved to Groomsville, Tipton county; lived there a year and then moved to Tipton town; lived there some time, and then moved back to the farm, in the house with us; they were at our house after moving back from Tipton, about three weeks, and then moved over into the house where the murder occurred; their family relations were perfectly agreeable; he always provided for them, as far as I knew; was at defendant's the day before the death of his wife; had been at Cicero, where I got some beef and a spool of thread; as I came by defendant came out to the road and got them; that is the last I saw of him until the next morning, when he came to wake me up; saw nothing out of the way with him that evening; seemed to be in his usual frame of mind; he is about twenty-five years of age.

Cross-examined:

[Nothing new elicited].

Re-examined by defense:

In their family relations when they were living with us, I never saw anything amiss; nor did I ever hear anything amiss when they were living away.

Mrs. Mary Foulke testified:

The defendant lived with us when first married, a little over a year; their first babe was born at our house; then we built them a house on our place; they lived in that house nearly a year; they lived at our house when we moved to Westfield; after we came back from Westfield we built the house for them; their relations to each other were kind all the time; after they came back from Tipton their relations were friendly inclined also; after moving over to the house where Lucetta was killed, I was over several times, as they had a sick child at the time; I staid with her several times while defendant was at Indianapolis, shipping lumber.

Cross-examined:

[Nothing new elicited].

Mrs. Nancy Owens testified:

I live four miles west of Cicero, within a quarter mile of defendant's; remember the occurrence of the murder; was at the house at the time of her death; was at meeting at the Wesleyan Church the evening before; retired a short time after getting home; had been lying down but a short time when I heard a noise as if somebody was slipping along; heard the door-knob click; was scared worse than ever before in my life; the time was not far from ten o'clock; a light was burning brightly in the room; there were no animals in the yard; didn't hear the noise any more during the night; we were sent for to go to defendant's house some time in the morning; Lucette was living when we got there; Dr. Pettijohn was there, I think; there were several there; I remained there until she died; was in the room part of the time; while defendant was in the room Lucette said nothing; she called for tea twice; twice she said "kill me," as well as I can recollect; she was suffering right smartly; there was an interval between the times she said "kill me;" didn't say who had killed her; I saw defendant in the room when his wife was making right smart of noise; he was making a noise as if he was crying; when those expressions were made by his wife, I don't know where defendant was.

Cross-examined:

I went to meeting with my husband the night of the murder; retired shortly after getting home; my husband didn't come home with me; he returned after I heard those noises; my husband had went out with others to see about some timber that was being cut by coon hunters Henry Wall testified:

I live in Jackson township, a quarter mile from defendant's house, and very near due north; remember the occurrence of the murder; had no clock; I had been ordered by the proprietor of the land on which I was living to keep off hunters; I heard the reports of two guns that were fired; the first report was the loudest; got up and went out; heard nothing after that; moon was just up; the ground was tolerably level between my house and defendant's, and no timber intervening.

Cross-examined:

Live about north of defendant about quarter of a mile; heard reports of fire arms; got up and stepped out of the door on south side of the house; could have heard hollowing easily, if there had been any; could have heard horses running on the pike; staid out a minute or two, but didn't hear any one calling; the toll gate is about a quarter of a mile from my house; I went back to bed; was up about five minutes; didn't get up any more until about day break. Kersey Baker testified:

Am an uncle of defendant's wife; am acquainted with Amasa; remember the death of Lucette; was notified by my son and his wife, as near as I can recollect, about four o'clock in the morning; I got right up, made ready, and went to defendant's house; my son went with me; we passed several persons on the way; it wasn't daylight yet when we got to defendant's; Jesse Foulke was there when we got there; he was standing at the bedside when I went in at the door; heard no conversation between her and Jesse; was there a very few minutes when Mrs. Foulke and Temple Marris came; I went in at the east door of the house; the lounge was "tumbled up;" the cover was thrown to the back of the lounge; don't remember whether the book-case and clock were open; Lucette requested to have some tea made; don't know who gave it to her; didn't notice any fire in the kitchen; Dr. Amos Pettijohn got there some twenty or thirty minutes after I did; I was in the room when the Doctor got there; didn't hear any conversation after the Doctor got there; didn't hear any conversation after the Doctor came, from deceased; she died about half past five o'clock; about half an hour before she died she said "kill me," "kill me;" she made an effort to raise up when she said this; I couldnt say whether Clark Cammack or Law-Is Pettijohn were there at the time or not; Dr. Pettijohn went to kitchen and told defendant his wife was dead; defendant appeared to be much affected at the announcement of Lucette's death, and the Doctor told him to cheer up; his moral character was good; his reputation for truth and veracity was good; their family relations were amicable; I lived within one hundred and twenty rods of them, and was acquainted with them when they lived at their father's house.

Cross-examined:

He showed me where he was when he recollect-

ed his wound; it was about three feet from the kitchen door.

Mrs. Kersey Baker testified:

Was acquainted with defendant and his wife; live between a quarter and half a mile of defendant; got there the morning of the murder about daylight; was called up by my son John and his wife; there were several there; was acquainted with defendant's family; they visited at our house; saw them out to meeting frequently; their manner toward each other appeared as kind as man and wife "should;" his moral character was good as far as I know; am aunt to deceased by marriage; Kersey Baker is my husband.

Cross-examined:

I never visited at defendant's; they had been to Tipton and moved back to the house where the murder occurred; Lucette's child was sick at the time of murder; I hadn't seen much of them for the two years previous to this occurrence.

Dr. Warford testified:

Live in Cicero; have lived there 9 years; am a physician and have been practicing medicine ever since 1854; have had a general practice during that time; was present at the defendant's house at the time of the post mortem examination; was present at this examination most all the time; Dr's Moore, Tucker and Jay made the examination; saw an effort by Dr. Moore to find the ball with a probe; the head of the probe inclined toward the foot of the body; I have had some experience with gun shot wounds; was a surgeon in the army nearly three years; the wound was as much as two and a half inches below the nipple. [Another anatomical explanation which we could not get]. I resided at Cicero at the time of the murder; two unknown persons were there on Saturday previous, passing up and down the streets; their manner was so strange as to cause persons to inquire concerning their business; the tall man came into my store; he was very shabbily dressed; the heavy set man passed up and down past the door several times while the tall man was in the store; I never saw them before nor afterwards; a great many inquiries were made of them after this murder.

Cross-examined:

I saw them last at about three o'clock; strangers are often seen in the place; it is nothing unusual for them to be seen there.

Elmsly D. Tisler testified:

I reside in Cicero; have lived there six years; I know where defendant lives; lives about four and a quarter miles from Cicero; heard of the death of his wife the next morning after it occurred; saw a couple of strangers in town the day before; one was a tall man with beard, and the other a low heavy set man; didn't know what they were doing there; I saw them in the evening after the train had passed south; I went with a lot of others to Tipton Sunday morning looking for them.

Cross-examination:

Saw them in a grocery there on Friday; the tall man had on gray clothes.

John Kreag testified:

Reside in Cicero; have lived there six years; kept a hotel there at time of murder; there were two hotels there at the time; I remember the time of the murder; first heard of it at ten o'clock Sunday morning; I was then in the habit of attending the depot on arrival of the trains day and night; didn't see any strangers get on or off on Saturday.

Cross-examined:

Don't attend freight trains as a general thing.

Re-examined by defense:

After four o'clock P. M. at that time, but one train went north, and that about nine o'clock.

Lewis H. Sims testified:

Reside about a half mile west of Cicero; am acquainted with defendant; have known him almost all my life; remember the murder; it was in the latter part of that night that I was going home; I came into the pike half a mile east of the toll gate; I had left my father-in-law's house at about fifteen minutes before three o'clock; it was a little after three when I got to the pike; when I came out on to the pike I saw a person standing about twenty steps from me; I didn't speak; I couldn't tell who it was; he had on dark clothes, and was about my size; he didn't move; my attention was attracted by a sound as if some one had stepped on a twig or limb that snapped and broke; he was standing about fifteen steps from the road putting into the pike; it isn't a cross road; I went on eight or ten rods, and thought I heard something else; it seemed as if some one was coming down from Mr. Owen's house; sounded like some one walking on boards or plank; I was about thirty rods distant from where I saw the man; I then went east.

Cross-examined:

The moon was not up. Question by Gordon—How far was this from defendant's house? Answer—About three-quarters of a mile. It was star-light; I think it was a man standing there; I testified on this subject before; didn't see any movement on the part of the object; didn't see anything up at Owen's; when I got within a quarter of a mile of home the moon rose.

Re-examined by defense:

Have passed that place several times since, and have examined, but could see nothing as to objects like I saw at that time.

Jacob Griffin re-called:

I saw the physicians at the post mortem examination probing the wound; the head of the probe inclined downward toward the feet of the deceased; have been acquainted with defendant ever since he was a child; his general moral character, I think, was good; and his reputation for truth and veracity was good; Dr. Moore inserted the probe into the wound.

John F. Sims re-called:

Knew defendant from a small boy; his general moral character was good; his general character for truth and veracity was good.

W. R. Thomas testified:

Live one mile west of Cicero; was at defendant's house on the day of the murder; was present at the post mortem examination; they supposed that the ball had lodged against the shoulder blade; this was before the dissection; I have but one eye, but that is a pretty good one; have known defendant from time he was a small boy.

Uriah Hodson testified:

I live in Adams township; have lived there thirty-six years; live within a mile and a half of Jesse Foulke; Foulke has lived there twenty years; have been acquainted with defendant about twenty years; his wife was a niece of my wife; have been acquainted with defendant's reputation; it has been good as far as I know; his general character for truth and veracity I never heard disputed.

Witness was cross-examined but nothing new was developed.

Mrs. Ann Hodson testified—

Am the wife of Uriah Hodson; was acquainted with defendant's wife; she was a niece of mine; the defendant was the son of my first cousin; am acquainted with defendant's family; visited there sometimes; not very often; never knew anything of a discordant nature between them.

Cross-examined—

Visited them after they came back from Tipton; he was not at the house at the time.

Re-examined by defendant—

I visited her just two weeks' to a day, before her death; she was cheerful at that time.

Nehemiah Baker testified—

I was related to Mrs. Amasa Foulke; was a cousin of hers; I got there about nine o'clock on the morning of the murder; the defendant was not there; was there during the post mortem examination; Dr. Moore inserted the probe; it ranged up slightly; I was living at Noblesville at the time; his moral character was good.

Cross-examined—

Am related to them.

Mrs. Anna Baker testified—

Reside in Noblesville; was present at the habeas corpus trial. At this juncture there was a discussion as to the admissibility of this evidence, when the Court adjourned to seven o'clock P. M.

NIGHT SESSION.

Court met promptly at the hour adjourned to.
George Foulke testified—

Am an elder brother of defendant; lived with them after they were first married, on father's farm and until defendant went to Tipton; they went to Tipton in 1871; they had one child while they lived at father's; we were running a saw mill in Tipton county, fourteen miles from Tipton; we were there in the business together something over six months; he moved then to the town of Tipton; I was there a great many times; as much as about a half dozen times a month; I boarded with him about a year and a half altogether; they always appeared to get along all right; they staid at father's a short time when they came back from Tipton; I boarded there at the time; they then went to housekeeping at the place where she was shot.

Cross-examined—

I live in Jackson township.

Re-examined by defense—

Jenny was there one night during the absence of defendant, and mother the other nights.

W. J. Pfaff testified:

I resided at Tipton during the time that Amasa lived there; his character was good.

Dr. W. B. Graham testified:

Reside in noblesville; have been a physician and surgeon thirteen years; was surgeon in the army two years and four months. Here defendant's arm was examined by the Doctor, who said the ball must have passed near the ulna; the ulna artery is in that vicinity, and the bullet must have passed very near it; such a wound wouldn't bleed very much; gunshot wounds don't bleed very much, if no important vessels are touched.

Cross-examined:

A ball passing directly through from the entrance of the wound received by Lucette Foulke, would strike the tenth vertebrae.

Re-examined:

I use this language in an anatomical sense; and with reference to normally constituted persons.

Mrs. Mary Foulke recalled:

I staid at Amasa's some four or five nights when he was absent; one night we left the lamp in the room, and the balance of the time in the kitchen on the table, turned down; our reason for moving it to the kitchen was that Lucette had been told by a physician that it was unhealthy to keep a light burning in a sleeping room.

Amasa J. Foulke testified:

Am the defendant in this case; was twenty-five years old last August; my wife and I lived together five years before she was killed; we got along together very well; we had two children; the oldest one was at the death of its mother about five years old, and the youngest fifteen months; the little girl died last fall; I had no pistol at the time of the murder, and it had been over a year since I had had one; I had traded it to my brother in Iowa for a shawl; the first knowledge I had of the murder, a pistol shot woke me up; one was a tall and the other a low, small or low, heavy-set man; one was standing at the bed, and the other at the book-case; I jumped up and threw the cover of the lounge back to the west; they ran out into the kitchen; I followed them and about the middle of the kitchen one man shot me; it was the tall man that shot me; the men then ran out of the house; I threw my shawl on, put on my shoes, and started off to the toll-gate; I called at the toll-gate, a quarter of a mile from the house, and called up the keeper; I told him I was shot; and probably my wife was shot too, and wanted him to go to father's house with me; he said his wife wouldn't let him go; I then went up to father's house, and got a horse to go to Deming; I stopped at Griffin's on the way and asked him to go to my house; he said he would go over; I then went on to Deming, went to Dr. Pettijohn's, and followed him up; he came to the door and asked me what I wanted; I told them if they got anything at all, they got my pocket-book, with one or two dollars in it; nothing was said on the subject of the drawers and book-case or the clock being opened; I was feeling very bad at the time; my arm pained me very much; had no knowledge of the situation of the pocket-book being changed; I had some conversation, perhaps, with Griffin on that day; a great many persons asked me about the matter; I think I told him that the tall man shot me; I called four or five times to my wife, and she did not answer, and I supposed she was killed; the tall man was standing pretty close to the lounge when I woke up; the lamp was sitting in the kitchen on the extension table, and turned down, so that it wouldn't give very much light; I didn't turn it up; my clothes were in the kitchen, as my wife and I had undressed in there; we had been sitting in there during the evening; we staid in the kitchen until nearly ten o'clock; my wife was sewing, and I was knitting a mitten; I had no pistol or fire-arms of any description about the house; I had never borrowed any fire arms of anybody, nor had I done any shooting that night; when I came back from Dr. Pettijohn's I went in at the east door, and went up close to the foot of the bed; I didn't speak to her, nor she to me; I then went on into the kitchen.

Cross-examined:

I had a pistol about a year before; I owned one in partnership with my brother; it was a large one; I wanted Wilson Wall to go to my father's house for me.

Re-examined by defence:

Parted with the smaller pistol one year ago last March.

The defense here rested its case and court adjourned until Friday morning.

FRIDAY, FOURTH DAY.—THE ARGUMENT OF COUNSEL.

The evidence in the case having been concluded Thursday, the argument of counsel began Friday morning, court having been convened at the usual hour. We did not pursue the argument, and have not the space to either give substance or comment. Prosecutor Stafford opened in behalf of the State, in a speech which was spoken as one of the best he has delivered. He was followed in a masterly effort by J. W. Evans, in behalf of the prisoner. He in turn was followed by Judge Wm. Garver on behalf of the State, who fully sustained his reputation as an attorney at this bar. Thomas J. Kane, Esq., followed in a very deliberate and measured argument, which was not concluded when court adjourned for Saturday. He closed early Saturday, and was followed by Gen. Moss in a most powerful argument, which lasted until the afternoon. Maj. Gordon, for the prisoner, followed, delivering a most convincing and logical argument. This effort continued until about nine o'clock at night, when General Moss in a speech of several hours closed the argument in the case. Judge Craven then delivered his charge to the jury, and at 11:30 Saturday night the court adjourned, and the jury retired with the fate of the prisoner in their hands.

THE VERDICT—NOT GUILTY.

Sunday morning the people who heard the ringing of the bell turned out, knowing that meant an agreement of the jury upon the verdict. At half past seven, about twenty persons having come in, and the officers of the court being present, with several of the attorneys interested, as well as the prisoner, court was organized. The Sheriff called the roll of jurors all answering to their names from their proper places in the "box." Judge Craven then addressed the jury as follows:

"Gentlemen of the jury, have you agreed upon a verdict in the case of the State of Indiana vs Amasa J. Foulke?"

Foreman—"We have."

Judge—"The bailiff will pass it to the bench, wherefore John Patty, the bailiff, received from the foreman of the jury, James A. Brandom, a paper containing the written verdict of the jury. The Judge received, carefully opened, and during the most marked silence, the prisoner sitting in terrible suspense, read the following.

VERDICT.

"We, the jury, do hereby find the defendant not guilty."

James A. Brandom, Foreman.

Ellab G. Brattain.

William M. Osborne.

J. W. Barnes.

Benjamin Lennen.

W. F. Pearce.

George P. Huntsinger.

Milton Hadley.

George Armentrout.

Alfred Hess.

W. W. Reynolds.

Robert Stout.

Thus ends the Foulke trial. Those in attendance scattered to tell the news to those who had not heard it. All day Sunday the matter was the theme of conversation on the streets and in the houses of the people; public opinion expressed itself about as it always has, rather against the prisoner. And not a little complaint was urged against Judge Craven, it being urged by those who did not approve of the verdict that the Judge in his charge, and throughout the trial had evinced a spirit of partiality toward the defendant. Under the circumstances we are heartily glad the case has been judicially disposed of; may our courts never be annoyed with another case of murder so cruel and mysterious.