feloniously wilfully and of his malice aforethought did make and assault and that the said Thomas Dula with a certain Knife of the value of five cents which he the said Thomas Dula in his right hand then and there had and held, her the said Laura Foster, in and upon the breast of her the said Laura Foster then and there feloniously wilfully and of his malice aforethought did strike thrust and stab giving to the said Laura Foster then and there with the Knife aforesaid in and upon the breast of her the said Laura Foster one mortal wound of the breadth of one inch and the depth of six inches of which said mortal wound the said Laura Foster then and there instantly died, and so the jurors aforesaid upon their oath aforesaid do say that the said Thomas Dula the said Laura Foster in manner and form aforesaid feloniously wilfully and of his malice aforethought did kill and murder against the peace and dignity of the ~~of the~~ state"

Upon which said indictment the said Thomas Dula was arraigned and pleaded not guilty and the venue was removed for trial upon affidavit to the County of Iredell and afterwards tried at a court of Oyer and Terminer lawfully began and held for the County of Iredell on the third Monday of January A.D. 1868 the said Thomas Dula was duly convicted of the felony and murder aforesaid as by the record thereof more fully and at large appears

And the jurors aforesaid on their oath aforesaid do further present that Ann Melton late of the county of Wilkes before the said felony and murder was committed in form aforesaid, to wit, on the tenth day of June A.D. 1866 in the county aforesaid did feloniously and maliciously incite, move, procure, and cause, hire, and command the said Thomas Dula the said felony and murder in manner and form aforesaid to do and commit against the form of the statute in such cases made and provided and against the peace and dignity of the state

And the jurors upon their oath aforesaid do further present that Thomas Dula late of the county of Wilkes not having the fear of God before his eyes but being moved and seduced by the instigation of the devil on the tenth day of June A.D. 1866 with force and arms in the county aforesaid in and upon one Laura Foster in the peace of God and the state then and there being feloniously wilfully and of his malice aforethought did make an assault and that the said Thomas Dula with a certain Knife of the value of five cents which the said Thomas Dula in his right hand then and there had and held her the said Laura Foster in and upon the breast of her the said Laura Foster then and there feloniously wilfully and of his malice aforethought did strike thrust and stab giving to the said