

TRIAL OF DANIEL E. SICKLES, CHARGED WITH THE MURDER OF PHILIP BARTON KEY.

THURSDAY'S PROCEEDINGS.

From Our Special Correspondent.

WASHINGTON, April 7, 1859. I do not think that Mr. District Attorney Ould made a very favorable impression upon any one by the speech with which he opened to the jury...

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FIFTH DAY.

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SECOND DISPATCH.

The Sickles case presents almost the same features as it did yesterday. Mr. Pendleton was an important witness; he proved that there was a scuffle, and that there were three shots; and he thought the third one was fired after Mr. Key was down.

COMPLETE REPORT.

WASHINGTON, Friday, April 8, 1859.

The Court was opened at 10.15 this morning. The presence for admittance into the Court-room was greater than on previous days, and in a few minutes after the doors were opened, the space reserved for the audience was completely filled.

Mr. Butlerworth is in town, but has not yet appeared in Court.

Inside the New Yorkers already mentioned as being here in attendance upon the trial, we notice, this morning, Messrs. James McGowan, Edward C. West, Richard Conroy, and Charles Graham.

Messrs. West and Dillon are summoned on both sides, but most of the New-Yorkers present have been summoned for the defense, with a view to support the character and reputation of Mr. Woodridge, the principal witness for Mr. Sickles.

The object of the prosecution in summoning Messrs. West and Dillon is supposed to be connected with the marriage of Mr. Sickles.

Doubt is expressed as to the admission of judicial evidence, and a long argument is anticipated on that point. If not admitted, the trial may end on Tuesday or Wednesday next, but if admitted, the trial will not likely end next week.

Mr. Butlerworth took his seat on the bench at 10 minutes past 10 a. m., and the Court was then opened in the usual antiquated style of "O Yes, O Yes," by the Deputy Marshal.

Mr. Collins Lee of Baltimore, Judge of the Court of Appeals of Maryland, occupied a seat beside Judge Crawford.

There was great stillness in the crowded Court at the arrival of the prisoner who was awaited. A quarter of an hour elapsed before he came in. He was accompanied by the Deputy Marshal and several friends.

The prisoner took his seat in the dock, and then the names of the jurors were called. They all answered. The first witness called was Eugene Pendleton.

Mr. Pendleton did not answer.

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before the deed was done, and if the homicide was but the carrying out of a frenzied impulse, his case will stand better than it has done in many minds. And the counsel for the defense, the substance of whose testimony will probably be embraced in Mr. Graham's speech on Saturday, repeat what we have told me.

Q. Was there any evidence in the vest or coat of penetration?

Mr. Stanton—We object to that. Let us have the clothes.

District-Attorney—Very well, you will have them. As you have the vest, the coat is not needed.

Q. Is there any other mark on the vest?

Witness—Yes, here is another hole on the right side.

Q. Is there any other mark on the vest?

Witness—No, Sir, one on the left.

District-Attorney, to the Jury—I suppose you can see these marks, gentlemen?

Judge—If they wish it the vest can be handed to them.

The vest was then handed to the Jury. It is a gray striped material, same as the pants.

Witness—Here is a hole in the side of the waist. [Holds it up to the light.]

Mr. Stanton—I do not see the material and a brownish hue.

District-Attorney—We are through with this witness.

Mr. Brady asked to suspend the cross examination as to clothes till he had time to examine them.

The Judge said that course might be taken.

Mr. Brady [on suggestion of Mr. Stanton]—Never mind, we will go on.

Q. What pocket did Mr. Brady find one handkerchief in Mr. Key's pocket?

Witness—I found one in the side pocket of the coat [Mr. Stanton examines the coat], there was one inside and one outside breast pocket, and two side shirt pockets.

Q. What pockets did you find in the coat?

Witness—Two pockets, one on each side, above and below. Found nothing else than the keys, the opera-glass case and the money; no letters or papers, except a small memorandum, which was delivered up; think there was a bunch of keys on the ring, which he handed to the Clerk of the Court.

Q. Was there anything else on the person of Mr. Key which you have not produced?

Witness—Nothing else, Sir. I first saw his body at the Club-House; he was dead at that time; he was not dressed, and I did not see his coat, but I took it all, and I will bring it to the Court, I have got a list of the witnesses examined before the Coroner [reads it to the Judge], there was a great many present when I arrived at the Club-House; they were John D. O'Connell and about the house, and in the yard; I know not of them; some were strangers; I do not know of any person had particular charge of the body; it was at home in Georgetown; a gentleman from New York came for me in a hack; I think this person's name is Alexander; it may have been Francis Doyle; I accompanied him to the house.

The examination of the witness was here closed, and he was directed to hand the clothes of deceased to the Marshal.

Eugene Pendleton the witness who had been absent in the morning appeared, and was sworn and examined.

He is not present on the occasion of the death of Mr. Key, but was near the place where he was shot, and saw two of the shots fired; he was walking on the south side of the Avenue, and had just turned the east corner leading to the President's house, when the shot was fired, and he fell; he was near the corner of Sixteenth street, apparently in a scuffle; one was attempting to throw him down; the other was retreating; the other following him up; the one nearest him ran in front of him; he was struck by the other, and he fell; he was near the corner of Sixteenth street, apparently in a scuffle; one was attempting to throw him down; the other was retreating; the other following him up; the one nearest him ran in front of him; he was struck by the other, and he fell.

Mr. Carle made a very good speech of plausible argument and pertinent repartee.

Mr. Graham occupies the attention of the Court to-morrow.

In a little legal cross-fire to-day, Mr. Carle decidedly did the better of Mr. Radcliffe, with the one hand shedding Mr. Ould, and with the other giving hard hits to Mr. Butlerworth.

Mr. Brady's cross examination was very adroit. By the physicians it is proved that there were wounds made by two balls, and an abrasion probably made by the third one.

The Hon. Jehu Cochrane, County Clerk Clary, and Capt. Joe Dowling of the Sixth Ward Police are here.

It is possible that the Court may sit on Sunday, as it is stated to have done on several occasions previously—as, for instance, during the Herbert trial.

in where the ball entered the right thigh; the place is stiff and stained with blood [deep sensation in Court]; he has not the vest or coat. [Witness leaves the stand to produce the vest and coat, but comes back without them, and says he cannot get the vest and coat.]

District-Attorney—We can do without them.

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the cavity of the belly, and subsequently broke the cover of the ball; it entered the left side, broke the eleventh rib, and cut under the edge of the spleen; that portion which lies over the backbone; it made a slight gap in the muscle, and it made a slight gap in the left side; it did not pierce the great blood-vessel of the body but the two of the left kidney; it did not pierce the two great trunks, nor did it wound the interior of the stomach; it entered the large loop of the great intestine, it was within half an inch of the great vein of the liver at its transverse flexure; I do not know that I can describe without using a little technical language; it traversed the whole of the loops of the great intestine and entered the right cavity of the chest without wounding the lungs; it broke the eighth rib and lodged under the skin; it broke a small rib; and it made a slight quantity of blood on the right side; whether the amount of blood was between three and four quarts.

Q. Was that a mortal wound?

Witness—It was; I examined the heart; there was a small amount of fatty deposit on the left ventricle, but the structure of the heart itself was healthy.

Q. You have minutely described the course of this ball passing through the body; what do you infer, as a scientific gentleman, must have been the position of the deceased at the time the wound was given?

Mr. Stanton objected, saying that was a question for the Jury.

District-Attorney argued that the question was proper.

Mr. Brady objected that any physician was permitted to express an opinion on a matter not purely scientific and circumscribed within the boundary and limits of medicine.

Mr. Carle argued in favor of the propriety of the question.

Judge—The question is substantially whether from the facts stated, and those not stated, the deceased must have been in a certain or recumbent position. I think the question is competent.

District-Attorney to the witness—From the course and direction of the ball, please state what was the position of the deceased at the time the shot was fired.

Witness—I beg permission to premise my answer by saying, that the course of the ball is at times very difficult to ascertain, in many respects, at the time in this case, as the body must have been in a semi-recumbent posture; in other words, that Mr. Key must have been lying on his right side, the body turned a little over to the right, and the shoulders a little higher than the hips; I cannot say that the ball was fired from the right side, and the ball must have been in the precise manner they were, unless the body was in that position; but I can understand that a ball may have escaped the intestines, and stomach, and great artery in a different position, although the probabilities are that lying in that position, so-called, turned to the right, the ball would have passed through the right side of the body, and would have made a larger wound.

Q. Can you give an opinion as to the style of pistol with which the wound was inflicted?

Mr. Brady objected.

The District-Attorney argued that the question was proper.

The witness cut against it.

The witness cut against it, and thinks he could recognize it; it was marked. [Pistol ball handed to witness.]

Q.—Is that it?

Witness—To the best of my knowledge and belief, yes; it has the mark made on it in my presence by the person who fired the shot.

Q.—What is the particular consideration of pistols does the ball commonly belong to?

Mr. Brady objected. He did not know that a physician is an expert in the manufacture of firearms.

District-Attorney—Certainly, if he is a physician in the case of a criminal charge, he is an expert in the manufacture of firearms.

Mr. Brady—I think he can discharge his duty without discharging firearms. [Laughter.]

Witness to Mr. Carle—This is the only ball we found; the ball in the groin passed through. [This ball, on being applied to the wound, made a hole in the flesh, and it was found to be too large for it, so that there must have been a third pistol, the ball of the revolver being still smaller.] Witness described the nature of the wound in the groin, saying, among other things, that it was near the main artery, and just above the larger branch, the only severity would depend on other consequences; ordinarily, such a wound would not be severe, but might have left lameness for a long time.

Mr. Brady—Witness attention was called to Mr. Key by the shots he heard, no person was firing; he was not more than six or seven persons were there, including two or three men, to the best of his belief, the white persons were Messrs. Doyle, Martin, and Carle; the colored persons were Mr. Key, strictly speaking, and the person who fired the shot; the person who fired the shot was Mr. Key's pocket was searched, took the opera case from the left side-pocket of his coat; his impression was that the case was covered and empty; he saw two keys, but could not identify those exhibited; in pulling down the pants, he saw a pocket containing a key; he thought every thing was done by the Coroner; he knew no character or name of the person who fired the shot.

Mr. Brady inquired whether there were indeed wounds inflicted, whether there was an abrasion made by the third shot, and whether the trial was held with a view to allow it to fall where it was found.

Q.—What time was this?

Witness—It occurred just as Mr. Sickles freed himself from the other, and got into the middle of the street; just as he got into the street this article was thrown; he was going from the house to the Avenue; he was not near enough to hear what was said; then some one came and took Mr. Sickles's arm, and they walked off up the street; I continued walking over very soon persons began to collect, and took up Mr. Key's coat; Mr. Sickles pressed forward, and I saw that the person was Barton Key; I tried to walk home, and discovered a man on the opposite side of the street peering up at the opera glass; that was about fifteen or twenty yards from the Avenue on Sixteenth street; I saw a little above the second story.

Q.—Was that person the article you saw thrown?

Witness—I cannot say.

Q.—Were the parties, when you saw it thrown, in such a situation as to allow it to fall where it was found?

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