who witnessed the whole transaction, and who could say positively who it was that used the pistol in question? The defence had referred to the case of Mingo, but that was a case of mutual combat.

Mr. Brady—The question there arose as to whether malice should be proved, and Judge Curtis ruled that under all the circumstances of the case, the responsibility devolved on the prosecution to prove malice. He contended that where the prosecution failed to give evidence as to the controversy between the parties at the moment of the homicide, the jury should acquit.

The District Attorney replied that the plea in Mingo's case was a plea of self defence, and that that was so sustained by the evidence that the Judge had the impression that it was a case of self defence; but in this case the evidence was put upon the issue that Mr. Sickles intended to kill Mr. Key, and that he was justified in killing him. Counsel for the defence had argued that cooling time applied only to cases of mutual combat, and that this not being a case of mutual combat, the principle of cooling time did not apply.

Mr. Brady—Cooling time as to the adultery.

District Attorney—It seemed to be a concession in this case that there was an intention to kill. Now, he held that where there was an intention to kill, that is a proof of malice. Malice and the intent to kill were, in cases where there was no mutual combat, one and the same thing. If the defence claimed the exclamation of Mr Sickles as proof that at the moment of the homicide there was no malice, he asked, could he not refer to that other exclamation, wherein the prisoner followed up the first exclamation by the question, "Is the d—d villain dead?" To his mind that inevitably proved malice. His learned friend (Mr. Brady), in one of his fiery wheelings, had said that if Philip Barton Key could be put upon the stand, he would say so and so. I would to God, said the District Attorney, that Philip Barton Key could be put upon the stand. Perhaps much that is now dark, much that is now covered with gloom, much that is now not understood, could be made plain as if by the flashing of the sunbeam. Perhaps the gentleman (Mr. Brady) might be put in possession of facts of which he does not now dream, and which he does not now believe to exist. It might show a very different transaction from that which has been painted by the evidence. The only party who could array facts in his defence, or in his behalf, has been silenced in death, and the testimony which might have been adduced for the purpose of vindicating his character is unknown and unheard; therefore, so far as he is concerned, it is the same as if that testimony had never existed. He might have shown, perhaps, that although sinning himself, he was sinned against; that, instead of as has been charged in this case, his entering into the house of his bosom friend for the purpose of wronging him, maliciously and violently, in defiance of all the laws of God and man, and of the sacred obligations of friendship, he himself was seduced by the temptations repeated and continued until those higher moral bulwarks that should have supported his character gave way beneath repeated shocks. I say not whether it was so, or was not so; the only party that could have had the opportunity of bringing that evidence here and vindicating his character is gone; I say not what the fact was.

Mr. Brady—The District Attorney will recollect that we offered to prove his own declaration, that this was a mere child, and that he stood in parental relations to her.

The District Attorney made no reply, and pursued that point no further. There was but one other position to which he would allude, and that was the connection of this question with insanity. The matter of insanity had been frequently under the consideration of this Court, and he would therefore simply refer to some doctrines which with great solemnity and authority had been given at other times, bearing on the question now under discussion. He would refer particularly to the opinion rendered by the twelve judges in England in the McNaughtan case, in response to certain queries propounded by the House of Lords. That decision, as rendered by Chief Justice Tindal, appeared to him a model, not only of eloquence, but of judicial learning. Counsel read some of the queries and responses, commenting upon as he proceeded, and referred to other authorities bearing on the same point, among them to Chief Justice Hornblower's ruling in Spencer's case, quoted in Wharton's Criminal Law, 7, 12. His Honor himself had decided that it was not necessary for the United States to prove the sanity of the accused. This plea of insanity was in the nature of a special defence. Nay, in the nature of a plea of confession and avoidance. It was necessary for such a plea to be proved to the satisfaction of the jury. If a suit were brought against a married woman on a bond, and if she pleads that she is a married woman, unless she succeeds in satisfying the jury of the truth of that plea, issues of law and fact are both found against her.

Mr. Brady—How would it be if the general issue was on record?

The District Attorney—The question cannot arise except on a plea of confession and avoidance, and that admits the plaintiff's case; so a plea of insanity admits the charge.

Mr. Carlisle—the confession stands without the avoidance.

The District Attorney—Certainly. He would not put to his Honor the argument as to the facility with which insanity may be simulated or feigned, and how wrong it would be to let the party accused thus escape the just punishment which his crimes should bring down on his guilty head.

ADDRESS OF THE JUDGE.

The prisoner having been brought into Court, from which he had been temporarily absent, Judge Crawford proceeded to address the jury. He said:—

GENTLEMEN OF THE JURY—The Court is asked to give to the jury certain instructions, whether on the part of the United States or on the part of the defence. The first instruction asked by the United States is in the following words:—

First. If the jury believe, from the evidence in this whole cause that the prisoner on the day named in the indictment, and in the county of Washington aforesaid, killed the said Philip Barton Key, by discharging at, against and into the body of him, the said Philip Barton Key, a pistol or pistols, loaded with gunpowder and ball, thereby giving him a mortal wound or wounds and that such killing was the wilful and intentional act of the prisoner, the was induced by the belief that the said deceased had seduced his (the prisoner's) wife; and on some day or days, or for any period desultory or incessant, prior to the day of such killing, had adulterous intercourse with the said wife, and that the prisoner was not provoked to such killing by any assault or offer of violence then used and there made by the deceased upon or against him, then such wilful and intentional killing, if found by the jury upon all the facts and circumstances given in evidence is murder, but such killing cannot be found to have been wilful and intentional in the sense of this instruction, if it shall have been proven to the satisfaction of the jury, upon the whole evidence afore aid, that the prisoner was in fact insane at the time of such killing.

This instruction embodies the law of this case on the particular branch of it to which it relates, and is granted with some explanatory remarks as to insanity, with a reference to which the prayer closes. A great English Judge has said on the trial of Oxford, who shot at the Queen of England, vol. 9 Carrington and Paine's Reports, p. 533, "That if the prisoner was laboring under some controlling disease which was, in truth, the acting power with him which he could not resist, then he will not be responsible." And again: "The question is whether he was laboring under that species of insanity which satisfies you that he was quite unaware of the nature, character and consequences of the act he was committing, or, in other words, whether he was under the influence of a diseased mind and was really unconscious at the time he was committing the act that that was a crime. A man is not to be excused from responsibility if he has capacity and reason sufficient to enable him to distinguish between right and wrong as to the particular act he is doing, a knowledge and consciousness that the act he is doing is wrong and criminal, and will subject him to punishment. In order to be responsible, he must have sufficient power of memory to recollect the relation in which he stands to others, and in which others stand to him; that the act he is doing is contrary to the plain dictates of justice and right, injurious to others, and a violation of the dictates of duty. On the contrary, although he may be laboring under a partial insanity, if he still understands the nature and character of his act and its consequences; if he has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act, he will do wrong and receive punishment, such partial insanity is not sufficient to exempt him from responsibility for criminal acts (Vol 7, Metcalfe's reports, pages 500, 501 and 503.) The second and third instructions asked for by the United States, will be answered together. They are in these words:—

Second—If the jury believe from the evidence that the deceased was killed by the prisoner by means of a leaden bullet discharged from a pistol, such killing implies malice in law, and is murder

Third—That the burden of rebutting the presumption of malice by showing circumstances of alleviation, excuse or justification, rests on the prisoner, and it is incumbent on him to make out such circumstances to the satisfaction of the jury, unless they arise out of the evidence produced against him.

Both these instructions are granted. The fourth instruction asked for by the United States is in these words:—

Fourth—That every person is presumed to be of sound mind until the contrary is proved, and the burden of rebutting this presumption rests on the prisoner.

This prayer of the United States is answered by prayer eleven of the defence. The fifth instruction asked by the United States is in these words:—

If the jury believe, from the evidence, that the deceased previous to the day of his death had adulterous intercourse with the wife of the prisoner; and further, that the deceased on the day of his death, shortly before the prisoner left his house, made signals inviting to a further act or acts of adultery, which said signals, or a portion of them, were seen by the prisoner; and that, influenced by such provocation, the prisoner took the life of the deceased, such provocation does not justify the act or reduce such killing from murder to manslaughter.

Such, the Court thinks, is the law, and grants the instruction Now we come to those asked on the part of the defence, the first of which is in these words:—

First—There is no presumption of malice in this case, if any proof of "alleviation, excuse or justification" arise out of the evidence for the prosecution.

There is, gentlemen, a legal presumption of malice in every deliberate killing, and the burden of repelling it is on the slayer, unless evidence of alleviation, mitigation, excuse or justification arise out of the evidence adduced against him. The alleviation, mitigation, excuse or justification must be such as the law prescribes, and within the limits already laid down in the instructions given to you. The second instruction asked for by the defence is:—

Second—The existence of malice is not presumable in this case if, on any rational theory consistent with all the evidence the homicide was either justifiable, excusable, or an act of manslaughter.

The answer to the first prayer will be taken in connection with his response to prayer number two: "If upon any course of reasoning consistent with all the evidence," and the law as laid down by you to the Court, and the rules by which it is ascertained what is legal provocation, what is justification or excuse, you should come to the conclusion that there was such justification or excuse, or that the homicide was manslaughter, then the presumption of malice which every killing of a human being involves, is met. You will recollect that manslaughter is the killing of a man without malice. The third prayer on the part of the defence is:—

Third. If, on the whole evidence presented by the prosecution, there is any rational hypothesis consistent with the conclusion that the homicide was justifiable or excusable, the defendant cannot be convicted.

The answer given to prayer number two is an answer to that. The fourth prayer is—

Fourth. If the jury believe that Mr. Sickles, when the homicide occurred, intended to kill Mr. Key, he cannot be convicted of manslaughter.

This instruction the Court declines to give; manslaughter may exist, and most frequently does where the slayer intended to destroy life, but under circumstances which reduce the defence. The fifth prayer is in these words:—

Fifth—It is for the jury to determine, under all the circumstances of the case, whether the act charged upon Mr. Sickles is murder or justifiable homicide.

Neither can this instruction be granted, as to the jury belongs the decision of mixed law and fact, and to the Court the decisions of matters of law, which it is the duty of the jury to receive from the Court, and from the evidence and the law applied to the facts, it is the province and legal right of the jury to return a general verdict of guilty or not guilty of murder or manslaughter. The sixth instructions for the defence are:—

Sixth—If the jury find that Mr. Sickles killed Mr. Key, while the latter was in criminal intercourse with the wife of the former, Mr. Sickles cannot be convicted of either murder or manslaughter.

If this prayer refers to actual (existing at the moment) adulterous intercourse with the wife of the prisoner, the slaying of the deceased would be manslaughter; and by existing adultery I do not mean that the prisoner stood by and witnessed the fact of adultery progressing, for it is easy to suppose the actual fact to be established simultaneously with the killing by other evidence in perfect consistence with the law; if, for instance, the husband saw the adulterer leave the bed of the wife, or shot him while trying to escape from his chamber. If, however, a day or half a day intervene between the conviction of the husband of the guilt of his wife and the deceased, and after the lapse of such time the husband take the life of the deceased, the law considers that it was done deliberately, and declares that it is murder (Jarboe's case). The seventh and eighth instructions can be answered together. They are as follows:—

Seventh—If, from the whole evidence, the jury believe that Mr Sickles committed the act, but, at the time of doing so, was under the influence of a diseased mind, and was really unconscious that he was committing a crime, he is not in law guilty of murder.

Eighth—If the jury believe that, from any predisposing cause, the prisoner's mind was impaired, and at the time of killing Mr. Key, he became, or was mentally incapable of governing himself in reference to Mr. Key, as the debauchee of his wife and at the time of his committing said act was, by reason of such cause, unconscious that he was committing a crime as to said Mr. Key, he is not guilty of any offence whatever.

The instructions asked by both these prayers are granted. The ninth reads thus:—

Ninth—It is for the jury to say what was the state of the prisoner's mind as to the capacity to decide upon the criminality of the particular act in question—the homicide—at the moment it occurred.

To this prayer the Court responded thus:—It is for the jury to say what was the state of Mr. Sickles' mind as the capacity to decide upon the criminality of the homocide, receiving the law as given to them in relation to the degree of insanity, whether it will, or will not, excuse, they (the jury) finding the fact of the existence or non-existence of such degree of insanity.

So much of the instructions as I have now read, I grant without qualification. The tenth prayer reads thus:—

Tenth—The law does not require that the insanity which absolves from crime should exist for any definite period, but only that it exist at the moment when the act occurred with which the accused stands charged.

That instruction is granted. The time when the insanity is to operate is the moment when the crime charged upon the party was committed, if committed at all The eleventh and last instruction asked reads this way:—

Eleventh—If the jury have any doubt as to the case either in reference to the homicide or the question of insanity Mr. Sickles should be acquitted.

This instruction, as I mentioned in referring to prayer four of the United States, will be answered in conjunction with it. It does not appear to be questioned that if a doubt is entertained by the jury the prisoner is to have the benefit of it. As to the sanity or insanity of the prisoner at the moment of committing the act charged, it is argued by the United States that every man being presumed to be sane, this presumption must be overcome by evidence satisfactory to the jury that he was insane when the deed was done. This is not the first time this inquiry has engaged my attention. The point was made and decided at the June term, 1858, in the case of the United States versus Devlins, when the Court gave the following opinion, which I read from my notes of the trial. This prayer is based on the idea that the jury must be satisfied, beyond all reasonable doubt, of the insanity of the party for whom the defense is set up Precisely as the United States are bound to prove the guilt of a defendant to warrant a conviction. I am well aware, and it has appeared on this argument, that it has been held by a Court of high rank and reputation, that there must be a preponderence of evidence in favor of the defence of insanity to overcome the presumption of law that every killing is murder; and that the same Court has said that if there is an equilibrium, including, I suppose, the presumption mentioned of evidence, the presumption of the defendant's innocence, make the preponderance in his favor. Whether a man is insane or not is a matter of fact; what degree of insanity will relieve him from responsibility is a matter of law, the Jary finding the fact of the degree too. Under the instruction of the Court, murder can be committed only by a sane man. Everybody is presumed to be sane who is charged with a crime, but when evidence is adduced that a prisoner is insane, and conflicting testimony makes a quest on for the jury, they are to decide it like every other matter of fact, and if they should say or conclude that there is uncertainty, that they cannot determine whether the defendant was or is not so insane as to protect him, how can they render a verdict that a sane man perpetrated the crime and that no other can? Nor is this plain view of the question unsupported by authority. In the case of the Queen vs. Ley, in 1840, Lewins C. C p. 239 on a preliminary trial to ascertain whether a defendant was sufficiently sane to go before a petit jury on an indictment, Bullock, B., said to the jury: "If there be a doubt as to the prisoner's sanity and the surgeon say it is doubtful, you cannot say he is in a fit state to be put on trial." This opinion was approved in the People vs. Freeman, Vol. 4 Denio's Report, p. 9. This is a strong case, for the witness did not say the prisoner was insane, but only that it was doubtful whether it was so or not. The humane, and, I will add, just doctrine, that a reasonable doubt should avail a prisoner, belongs to a defence of insanity as much, in my opinion, as to any other matter of fact. I believe, gentlemen, that that answers all the questions.

PROFOUND SENSATION IN COURT.

As the Judge delivered his decision, not a word of it was lost on the jury, counsel or audience. Every one in the crowded court room seemed to drink in every word of it, and glances of intelligence, now betokening satisfaction and now dissatisfaction, passed from countenance to countenance as a point seemed to be decided for or against the prisoner. As the Judge ended, Mr. Brady stepped from his position near the dock and whispered a word in Mr. Chilton's ear.

THE CASE SUBMITTED TO THE JURY WITHOUT ARGUMENT.

Mr. Chilton rose and said—If it please the Court, I rise to renew the proposition which we made on Friday last, to submit this case to the jury without further discussion.

The District Attorney, half rising from his seat, said—We accept it.

Mr. Chilton—I was going on to remark that I had the happiness to believe, from what we said on that occasion, that this proposition would be acceded to. I merely wish to state to the Court that I make it with the concurrence of all the counsel for the defence, and, of course, with the entire approbation of the prisoner; and while with some of your Honor's rulings we may not be entirely satisfied, yet we most respectfully submit we think that it is due to every one connected with this trial—more especially to the jury—to commit this case now to their hands, that they may be relieved as early as possible from the very onerous duty that has been imposed upon them.

The District Attorney—On the part of the prosecution we concur entirely in the proposition just made, and on the instructions given by your Honor we submit the case now to the consideration of the Jury.

Mr. Brady—With the effect of your Honor's ruling I am entirely satisfied.

District Attorney—No discussion if you please.

Mr. Brady (looking pleasantly at the Jury)—I would not inflict such a punishment on the Jury.

Judge—Mr. Marshal, give the indictment to the Jury.

RETIREMENT OF THE JURY.

The indictment was handed to Mr. Reason Arnold, and the Jury retired to their consultation room.

In this District the juror first sworn is not the foreman. The foreman is chosen by the Jury itself, and in this case the selection rested, with reason, on Mr. Arnold, one of he oldest and most intelligent looking men of the body.

THE SCENE IN COURT DURING THE ABSENCE OF THE JURY.

The retiring of the jury at half-past one, was the signal for throwing off the restraint which had up to this time weighed upon every one in Court. Lawyers, officers, spectators and all, seemed to think themselves at liberty to talk as much as they pleased, and to give vent to their feelings and impressions. All got to their feet and indulged in conversation. Many crowded around the dock to cheer and support Mr. Sickles in this the pregnant moment of his fate. Among those who gathered around Mr. Sickles was an estimable clergyman of this city—the Rev. Dr. Sunderland, of the Fourth Presbyterian church—who, taking Mr. Sickles by the hand, said: "Sir, I have come to express to you my heartfelt sympathy, and to say that if the voice of the people of this city could speak at this moment, your acquittal would be instantaneous. In case, however, an adverse verdict should be rendered, be assured that you have hearts around you, and mine not the least warm of them, to sustain you in your affliction." Mr. Sickles was much moved by this incident, and expressed his thanks as well as his emotion would permit him.

As the time wore on, the noise and confusion grew greater, and the Judge, in a good natured manner, remarked that, although under the circumstances he could not expect the audience to keep silence, he hoped there would be a slight regard exhibited for the place where they were.

As the minutes grew into quarters and half hours, there was some expression of disappointment on the part of many, who thought that the jury should not have retired at all, much less spend any time in consultation. It could not be said, however, that there was any straining anxiety or apprehension exhibited, although Mr. Chilton remarked that if the jury remained in thirty minutes it would be a "hung" or disagreeing jury. But the jury did remain in, not thirty but seventy minutes, and fortunately did not verify the prediction. The clock struck three, and before the sound had passed away, there was a movement at the door by which the jury had retired, indicative of their being on the point of re-entering the court.

At this moment there stood close to the dock and around the prisoner the following gentlemen, his devoted friends all through the trial:—James T. Brady, Edwin N Staunton, Samuel Chilton, Daniel A. Ratcliffe, P. Phillips, Mr. Magruder [these gentlemen were his acting counsel]; Charles Graham, of New York; John F. Ennis, of Washington; De Witt Graham, of New York; Capt. Wiley, of New York; the Rev. Dr. Haley, of New York; the Rev. Dr. Sunderland, of Washington; the Hon. Reverdy Johnson, of Baltimore; T. F. Meagher, of New York, Nathaniel Lane of New York, T. H. McBlair of Washington, John Savage of Washington, T. H. Brown of New York, John F. Coyle of Washington, the Rev. F. C. Granbery of the Methodist Episcopal Church South at Washington, William H. Donoho of Washington, Edward Gould of California, B. Jarvis of New York, J. Berret of Washington, R. H. Laskey of Washington, Alderman Mohun of Washington, W. H. Ward of Washington, P. H Carey of New York, Henry Acker of New York, Geo. W Brega of New York, and others.

THE CLOSING SCENES—RETURN OF THE JURY—INTENSE ANXIETY OF THE SPECTATORS

The door is opened. The Deputy Marshal calls out to make room for the Jury. In they come, one by one, and proceed to take their seats in the box. There is one general movement in the court room to get a look at their faces. All restraint is forgotten. Benches and forms and tables are mounted by the most excited or most venturesome. "Here they come," is heard hurriedly spoken on all sides. Then there is a succession of cries of "Down in front," "Get off the benches," "Sit down," "Silence in Court," "Order," "Order." But it seems impossible to restore order till the Judge directs the Clerk to call the names of the Jury. The uproar instantly subsides, and as the Clerk calls the Jurors, and they severally respond, one of the officers call out the number. When the twelfth name is called and responded to, a pin might be heard to drop in the suddenly stilled Court.

THE VERDICT.

Acquittal of the Prisoner—Thrilling Enthusiasm.

The Jury are all standing.

Clerk—Daniel E. Sickles, stand up and look to the Jury.

Mr. Sickles stood up.

Clerk—Now say you, gentlemen, have you agreed to your verdict?

Mr. Arnold—We have.

Clerk—How say you, do you find the prisoner at the bar guilty or not guilty?

Mr. Arnold—Not guilty.

As these words fell from the lips of the Foreman, there was one loud, wild, thrilling, tumultuous hurrah sent up by the spectators; cheer after cheer resounded in the Court room, and it was taken up by the multitude on the outside and repeated. Hats and handkerchiefs were waved, and there was one general rush towards the dock.

In the midst of the uproar the stentorian voice of Mr. Stanton was heard addressing the Court in these words:—"I move that Mr. Sickles be discharged from custody."

Marshal Seldon—Come to order, gentlemen; come to order. This is a place where there should be no noise.

No one paid any attention to the Marshal.

Mr. Stanton—(boiling over with excitement)—In the name of Mr. Sickles and of his counsel I desire to return thanks to the jury.

Judge Crawford (who appeared to be only person in Court not excited)—Mr. Stanton wait till the verdict is recorded.

Mr. Stanton—Of course, your Honor, you must excuse excitement on this occasion.

Clerk to the Jury—Your record is, gentlemen, that you find Daniel E. Sickles "Not Guilty."

The Jury nodded affirmatively.

Clerk—And so say you all.

Another affirmative nod from the Jury.

MR. SICKLES DICHARGED FROM CUSTODY.

Mr. Stanton—I now move that Mr. Sickles be discharged from custody.

Judge Crawford—The Court so orders.

Mr. Stanton (turning around)—Now, go it.

THE ENTHUSIASM RENEWED—THE DEMEANOR OF MR. SICKLES.

The Judge—No noise.

The prohibition was unheeded.

Mr. Sickles, amid the renewed cheers of the audience, was taken out of the dock by Captain Wiley and Mr. Brega; the former, who is one of Mr. Sickles' most devoted friends, kissed him at the moment of his deliverance and held fast by him as they tried to make their way to the door. It was slow work, for congratulations, earnest, loud, and frankly expressed, saluted Mr. Sickles at all points. Though strong emotion was exhibited in the swollen views of his temples, his eye was calm and steady and the effort which he manifestly made to obtain calmness and composure was successful. His expression betrayed no feeling of joy, but was rather that of a man who felt conscious that he had run no risk, and that the trial through which he had passed could have had no other result.

CONGRATULATIONS ALL ROUND.

It was some minutes before Mr. Sickles could reach the jury-box, which lay on his road to the door. The jury evinced a desire to congratulate him, and he stepped over the forms to meet their salutations, which were heartily tendered.

The counsel for the defence also exchanged compliments and congratulations with the jurors.

EXCITING SCENES OUTSIDE THE COURT HOUSE.

Finally, by dint of much crushing and real exertion, a passage was effected, and as soon as Mr. Sickles was recognized from the outside the cheers were again taken up.

A reporter of the HERALD had rushed down to the National Hotel as soon as the jury returned, and, jumping on the driver's box, drove up a hack to the Court House. All the hackmen on the stand and at Brown's Hotel followed his example, and there was nearly a score of carriages at the City Hall as Mr. Sickles came out.

The news ran like wildfire through the city, and from all sides crowds were hurrying to the City Hall. The excitement was as intense as it was instantaneous.

As Mr. Sickles stepped down the stone stairs of the City Hall, surrounded and supported by his immediate personal friends, he was enthusiastically cheered, and loud calls were made upon him for a speech.

With considerable exertion, for he was fast becoming faint, he was got into one of the numerous carriages in waiting. In the same carriage were Messrs. Wiley and Brown, of New York. A movement was made by the crowd to take the horses out of the carriage and to draw it themselves; but the movement was detected in time, and prevented. Finally the carriage drove away, followed by many others and by an immense crowd.

Mr. Sickles was taken to the house of Mr. McBlair, next to his own residence.

Messrs. Brady, Stewart and Savage were in the carriage that followed immediately after; in another were Lieutenant Mowry and Messrs. Stanton, Chilton and Magruder; in another were Mr. Sickles' father, Dr. Mr. Morehead and Messrs. Wikoff and Brega, and following these were some dozen other carriages.

As the cavalcade drove along at railroad speed through the streets it was greeted with loud and enthusiastic cheers. Thousands of people were gathered in front of Mr. McBlair's house, and continued to come and go throughout the evening.

It is said that Mr. Sickles will remain at Washington for a week.

SERENADE TO MR. SICKLES'S COUNSEL.

The counsel of Mr. Sickles, to-night, were complimented by a serenade, and a large crowd gathered in front of the National Hotel, where Messrs. Brady, Stanton, Magruder and Chilton briefly returned thanks.

The last named gentleman requested the assemblage to forego their intention to serenade Mr. Sickles. He added, that it was only necessary to say that Mr. Sickles wished to retire to rest undisturbed, and that he was sure this appeal would be respected.

The crowd then proceeded to serenade Rev. Dr. Haley and the jurors.

Nine or ten of the jurors came to Mr. Brady's parlor, in the National, after all was over, and there, in the freedom of unrestrained conversation, expressed their real sentiments. One of them (Mr. McDermott) said, "I want you, sir, to tell the people of New York that the citizens of Washington are not behind those of any other part of the country in devotion to the family altar"—and yet this juror was spoken of at through the trial as one who would probably dissent from the rest.

Another of the jurors—a young man named Knight—brought with him his fiddle, with which he had been in the habit of solacing himself and fellows during the long evenings of their seclusion, and played several airs. He, too, had been regarded with suspicion, because of certain Know Nothing antecedents. "But," says Mr. Brady, "if we had known that he played the fiddle we might have made our minds easy, for no fiddler was ever known to find a conviction of murder."

The foreman, Mr. Arnold, said that his only fear had been that his health might not last him throughout the trial; and that he hoped that his latest posterity would honor his memory from his having served on this jury. In fact, the sentiments of the jury, individually expressed in this unrestrained conversation, were but a familiar and homely illustration of the opinion contained in their formal verdict of "not guilty."

It is said that when the jury retired one of them withdrew into a corner and on his knees asked divine guidance—got up, entered into conversation, again retired to the corner, and finally rose with his mind fully made up in favor of acquittal.

Mr. Arnold, the foreman, after an affectionate greeting with Mr. Stanton, expressed his satisfaction that he had lived to render such a verdict. The same juror in congratulating Mr. Sickles said that he hoped and believed the great God would acquit as the jury had done.

Mr. Hopkins, another of the jury and the wag and mimic among them, expressing himself in regard to the justification of Mr. Sickles, said he would not for himself have been satisfied with a Derringer or revolver, but would have brought a howitzer to bear on the seducer.

The emotions of the counsel, when the jury returned their verdict, were manifested in various ways. Mr. Brady, in spite of all his experience as a criminal lawyer, became pale, nervous and agitated. Mr. Stanton, unable to repress the emotions of his heart, is described as having almost rivalled David when he danced before the Ark of the Tabernacle. The usual stolidity of Mr. Phillips gave way, and covering his face with his hands he wept like a child. Messrs. Magruder, Ratcliffe, and Chilton pressed forward and greeted their liberated client. Mr. Meagher, in the exuberance of his heart, clapped people on the back, and asked if it was not "glorious." The District Attorney said "he thought it would be so," and his associate, Mr. Carlisle, avoided the scene. As to the jailer, he wept deeply, and could not understand Mr. Meagher when he condoled with him on losing his tenant.

SPECIAL REPORT TO THE HERALD.

GRAPHIC DESCRIPTION OF THE CLOSING SCENES OF THE TRIAL AND THE ENTHUSIASM AMONG THE PEOPLE—SERENADE TO THE COUNSEL FOR THE DEFENCE—MR. SICKLES' FUTURE MOVEMENTS, ETC.

WASHINGTON, April 26, 1859.

The court assembled at the usual hour, and the crowd was immense. The District Attorney continued his address of yesterday, and spoke three hours, during which the jury seemed restless.

When the Judge began to deliver his instructions to the jury the silence was profound, and there was a movement of satisfaction when he remarked, that if they believed the prisoner unconscious of right or wrong at the moment of his encounter with Key, he was entitled to an acquittal.

At the close of the Judge's charge the defence declared their readiness to submit the case to the jury, to which the prosecution promptly acquiesced. Every eye was now turned upon the jury, who consulted for a few moments among themselves. It was thought from their manner that they would render their verdict without quitting the box, when suddenly they announced their intention to retire.

The interval that elapsed was full of anxiety to the friends of the prisoner, whilst the allies of the prosecution declared loudly that the jury were decided. During all this interval the prisoner remained calm. To one of his friends, who sought to allay his apprehensions, he responded, "I am resigned—'Thy will, not mine, be done.'"

Nearly an hour elapsed, when the rumor spread that the jury were coming, and a violent rush ensued. The jury took their usual places, and a singular solemnity prevaded their features and manner. A breathless silence prevailed. "Prisoner, stand up," said the Clerk of the Court—"What say you, gentlemen of the jury, guilty or not guilty?" In a voice almost inaudible from emotion, the foreman responded, "Not guilty!"

The burst of feeling that ensued beggars all description. For several minutes the Court was a scene of uproar that was unparalleled. Hundreds yelled as though gone mad, others wept, and a great number leaped into the dock and embraced the prisoner wildly.

With great effort the Judge and his officers obtained a momentary lull, when his counsel, Mr. Stanton, moved the discharge of the prisoner. It was ordered, and Mr. Sickles was carried upon the shoulders of the crowd out of the court room. For a moment he stopped and shook hands with the jury, but he was too much overcome to utter a word. Many of the jurymen went profusely.

Once outside the Court room, the shouting was renewed, and there was a tremendous rush of the crowd to seize Mr. Sickles and embrace him. The police were overthrown, and such wild demonstrations of affection and sympathy were probably never witnessed before. With a great effort he was extricated and borne away in a carriage to the splendid residence of Major McBlair, where he was followed by hundreds of people of all classes. Once there, it was impossible to resist the impetuosity of the popular feeling, and the house was thrown open. A steady current of people of all classes, ages and conditions flowed through it for several hours, who shook hands with Mr. Sickles, and congratulated him with a heartiness that moved him to tears. It is useless to describe the extraordinary manifestations of public sentiment, which took every conceivable shape.

The verdict of acquittal spread like wildfire through the town, and for a moment all business was suspended. The news reached Willard's Hotel at the hour of dining, when the guests stood up and gave repeated hurrahs. A vender of oranges, named Scott, rushed into the house where Mr. Sickles is a guest, and deposited a large box of his choicest stock in the drawing room to express his sympathy. Several other tradesmen did the same thing. It would fill columns to record the exciting incidents that evinced in every direction the joy of the community at this righteous verdict.

The jury stood eleven to one, and only left the box to satisfy the scruples of some eccentric person who made difficulty about serving after he had taken his oath. Several of the jurymen remarked on leaving the Court room that their verdict had vindicated their wives, their children, and their homes.

It is rumored the mob propose to tear down the assignation house made so infamous of late.

A serenade to the counsel for the defence takes place to-night.

Mr. Sickles intends remaining here for several days.

Thus the Sickles trial has ended, as everybody here for several days past supposed it would, in an acquittal.

The defence made a very nice point on the fact that a Deringer was found upon the ground where the killing occurred. They assumed that the weapon belonged to Key. The government made the attempt to prove that the weapon belonged to Sickles, and for that purpose subponed Mr. Schouler, one of the editors of the Boston *Atlas and Bee*, to appear here and testify, supposing that he was the author of an article which appeared in that paper of the 5th instant, detailing an interview which the writer had with Sickles in the District jail on the day of the shooting, only a few hours after it occurred, in which it appeared that Sickles stated how he killed Key, and that he accomplished the work with two Deringer's and one revolver, and that he threw one of his revolvers on the ground after he had accomplished his object. It appears that Schouler knew nothing about the article, and that it was written by Mr. Hanscom, one of the correspondents of the *Atlas and Bee*. The latter gentleman has been in Washington during the last few days, but the fact that he had the interview with Sickles, referred to, and wrote the article in question, was not known until after both sides concluded the introduction of testimony. This is considered an escape for Sickles, as Brady made the point tell.

THE FEELING IN PHILADELPHIA.

PHILADELPHIA, April 26—5 P. M.

When it was known in this city that the jury in Washing on Mr. Sickles' trial for killing had retired at two o'clock to deliberate on their verdict, the greatest excitement prevailed; and when the verdict of not guilty was announced by telegraph, the plaudits of thousands were loud and enthusiastic.

Never before was a verdict received with such general acclaim, and in which the fairest of God's creation joined most heartily.

The Newfoundland Fisheries.

[Translated from the Paris Pays of April 7 for the NEW YORK HERALD.]

We have always watched the Newfoundland question with the greatest care. We have just been informed from Brest that the steam despatch boats Gassendi, Tenari and Sencstris, forming, with the two schooners soon to be at St. Pierre and Miquelon, the naval divisions of Newfoundland, were ready for service and had been ordered to prepare for sea to sail for Newfoundland. Captain de Montaignac, commander of the naval division, has hoisted his broad pennant on board the Gassendi.

In the next campaign an inquisition will be opened so as to enlighten the governments of France and England on facts complained of a long time. This inquisition will enable them to decide questions which are merely the faithful fulfilment of the treaties of 1713, 1783, 1802 and 1816, claimed by France. It is said that, in order to attain an equitable solution of the present differences, the two governments have given the most conciliatory instructions to the commanders of their naval divisions stationed at Newfoundland.

DIVORCE CASES IN SAN FRANCISCO.—In the Fourth District Court of San Francisco references were ordered in the following cases, viz.:—Maggie J. Cornell vs. Jacob H. Cornell, George W. Rose vs. Eliza Rose, Conrad Welland vs. Caroline Welland, Anna E. Caruthers vs. Marshall B. Caruthers.

The Condition of Mexico—A Monarchy Recommended to Her.

[From the London Herald (Lord Derby's organ), April 11.]

From the day that Mexico threw off the Spanish yoke and declared itself independent its several provinces have rarely known an interval of repose. Civil war has been its normal condition. Chief after chief has been raised to power, not to rule but to be deposed. The extinction of a rival has only been the precursor to the downfall of the victor. Any adventurer who had the boldness to hoist his banner was sure of followers. In the presence of a lawless soldiery commerce and agriculture vainly exerted themselves to enrich the country. The promise of high rates of interest tempted the capitalists of Europe to advance loans never to be redeemed, and while they were ruined the borrowers forfeited their credit and character. As they did not keep good faith among themselves, it is not surprising that they broke it to foreigners. They pledged the customs revenue for their debts and intercepted the proceeds. The United States, France and England were insulted and robbed, and each usurper, in his turn, requiring funds to maintain his ephemeral power, levied forced contributions on the resident citizens of those countries. The interests of civilization demanded that so fine a country as Mexico should be rescued from this state of anarchy; but diplomacy in vain offered its friendly services, and, indeed, mild remonstrance appears to have been despised as pusillanimity. The short passages across the territory from the Atlantic to the Pacific, either by railway or ship canal, of incalculable importance to the whole trading community, have been rendered useless in consequence of the anarchy that has prevailed, and assuredly the time has arrived when force should redress past wrongs, and take such stringent measures as may prevent their recurrence. It is idle to talk of offending Mexican nationality, which has no existence, unless it be expressed by broken faith to foreigners and buccaneering on the native soil; *and if the people cannot agree on a form of government among themselves they must be taught that they cannot insult and spoliate other nations with impunity.* It is with pleasure we are enabled to state that retribution has fallen on them, and that the exhausted patience of England and France has exacted an ample reparation, not at the cannon's mouth, or by the seizure of land, after the fashion of the United States, but by compelling acts of submission, the performance of which proclaims to the whole country that the aggrieved parties have the power to inflict military and naval punishment and are resolved to exert it unless the rules of justice are obeyed.

It will be remembered that on the 26th of last September the flags of England and France were grossly insulted at Tampico, in the State of Tamaulipas, for which outrage reparation was refused by the authorities. The allied French and English governments resolved on enforcing redress, and instructions to that effect were transmitted to the commanders of the respective squadrons of the two nations and to the respective consulates. The injuries complained of had arisen from the violent conduct of his Excellency Don Juan Jose de la Garza, Governor of the State of Tamaulipas, and he was compelled to sign the terms of the reparation exacted, so that the most signal satisfaction might be given to the British and French subjects resident within his jurisdiction. The arrangements were embodied in a protocol, and signed by persons empowered by the Governor; and on the arrival of the combined forces, the Devastation, Captain Wake, and the Lucifer, Capt. Marivault, the ceremony was carried into effect on the 8th of February last, with most conspicuous formalities. The garrison of Tampico was under arms; the Governor and his staff were present, surrounded by all the military and civil authorities of the town, the meeting being held at the fort, to which the English and French consuls and the captains of the men of war repaired, being saluted both at their arrival and departure with the honors due to their rank and mission. When the vessels had arrived at the point fixed upon the flags of both were hoisted to the same height, each being saluted with a salvo of twenty-one guns from the fort, but it was not returned from the ships. It was further ordered that the terms of this convention of apology and reparation, and the fact of its having been carried into execution, should be published in the official journal of Tampico, and it accordingly appeared in the columns of *El Prisma*. A paragraph in the same journal announces that by the performance of this ceremony a good understanding has been re established between Mexico and the two great European Powers.

This is not the only act of vigor we have to record. Captain Dunlop and the French admiral, in conjunction with Mr. Otway, have secured remittances for the English and French creditors, by their negotiations with General Zamora, at Vera Cruz. The English and French liens of the Custom House are in future to be respected; and, according to a memorandum received by the Mexican bondholders from Mr. Whitehead, the tariff of 1856 is to be restored. By such restoration a great injustice will cease. It appears that the Governor of Vera Cruz, to draw the trade to that port, reduced the duties on goods imported by twenty per cent, which irregular indulgence, so injurious to the creditors, is to be discontinued. The tenth article of the tariff, which directs