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## The Sickles Trial.

WASHINGTON, April 8.

The District Attorney made a good impression in his opening address. His opponents think, however, that he took too much pains in dressing up the subject; that his duty would have been better performed by a simple statement of the facts of the killing, without having recourse to any ornaments of eloquence. He seemed to anticipate the theory of the defence, and strove to impress on the jury that there could be no legal justification of the act, and that if justification be set up as a legal theory, it should require it to be legally proved. Mr. Ould is a fine, square-built, athletic man of some forty years of age, with eyes small and grey though without the expression of keenness usually attributed to such optics, broad forehead, straight, black hair, and rather pleasant expression of countenance.

His colleague M. Carlisle, possesses more of the qualities usually associated with the idea of legal practitioners—small, wiry, and restlessly active, nothing seems to escape his attention, and the defence seem to realize that they have more difficulty to expect from him than from the Government prosecutor. His voice, like his person, is thin and wiry, but his manner and style are nevertheless pleasant.

On Mr. Brady, of New York, rests most of the labor of the defence. Suddenly polite to the judge, jury, counsel and witnesses, he seems to have more faith in suavity than in blustering.

The counsel who next to him, seems to be most relied on for the defence, is Mr. Stanton. This gentleman is in constant communication with the prosecutor, and sits and stands beside him most of the time. What Brady lavishes in the twister, Stanton makes up in the fortier. There is no ceremoniousness about him. He comes up to the point with a sledge-hammer earnestness, which stands out in contrast to his colleague's extreme politeness. He is a man just a little beyond the middle age of life, but with all the vigor of one of thirty. He talks with rapid utterance and great vehemence, though the reporters say he might improve his argument by diminishing his words fluency.

As for Judge Crawford, before whom the case is heard, he seems to have so far agreeably disappointed the expectations of the defence. Except in the matter of cooing up the prisoner, his decisions have been marked by fairness and imparity. He is evidently an old gentleman of strictly routine habits, which he displays most satisfactorily in adjourning regularly at three o'clock. His great age, extended apparently beyond three score and ten, has not dulled his reason nor impaired his faculties; on the contrary, he observes the case and recalls the evidence with as much acuteness as any of the counsel at the bar.

Judge Crawford took his seat on the bench at 20 minutes past 10 o'clock, and the court was then opened in the usual antiquated style of "Oyez! oyez!" by the Deputy Marshal. Coliza 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 as the arrival of the prisoner was awaited. A quarter of an hour elapsed before he came in, accompanied by the Deputy Marshal and several friends. He took his seat in the dock, and then the names of the jurors were called. All answered.

The first witness was Eugene Pendleton. He did not answer. The District Attorney represented to the Court that Pendleton was an important witness. He understood from his brother that he was slightly illing at his residence in Georgetown. He was perhaps the only other witness that he would examine as to the facts of the transaction. He asked he would not of course insist on his being present, but he was a very important witness, and he was anxious to have his testimony. He asked that an attachment might be issued. Granted.

Witnesses were examined by the United States relative to the facts immediately connected with the killing. The coroner produced the bloody clothes of the deceased and several brass keys, a handkerchief, an

opera glass, a Derringer pistol, the last having been handed to him by Mr. Dowler shortly after the tragedy. The production of the clothes of the deceased, stiffened and stained with blood, caused a deep sensation in the court-room. The District Attorney, in stating the case for the Government yesterday, dwelt upon the following facts:

1st. The number and character of Sickles' weapons. 2d. The unarmed condition of Key. 3d. Sickles' wearing his overcoat a warm day to conceal his magazine. 4th. Key's applications for mercy.

Eugene Pendleton, the witness who had been absent in the morning, appeared and was sworn and examined—was present on the occasion of the death of Key; he was near the place where he was shot and saw two of the shots fired; was walking on the south side of the avenue, and got near the east gate leading to the President's House; attention was attracted by a report of a pistol; turned his head and saw two persons near the corner of the street, apparently in a scuffle; one was attempting to rid himself of the other; one was retreating, the other was following him up; the one nearest succeeded in forcing himself from the other and ran into the middle of the street, followed closely by the other, who at the same time threw something from his hands; afterwards recognized the one who retreated as Sickles; Sickles soon turned and brought down his pistol on the other, being ten feet separated, the other exclaimed, "murder, murder, don't shoot!"

Sickles fired; the shot seemed to take effect. The gentleman shot swooned for a while as it were, with his hands in this manner [pressed to his side.] He turned and started for the pavement; he either fell or laid down on the pavement. Sickles fired down him up, and standing over him fired the second time, as the other lay at his feet. He then presented a pistol again in the vicinity of the other's head, and shoulders; the pistol snapped; heard the explosion of the cap. At that time some one approaching from the Club House placed his hand on Sickles' shoulders. Sickles turned round suddenly.

There seemed to be some words passed between them, but I was not near enough to hear what was said. Then some one came and took Mr. Sickles' arm and they walked off up the street. I continued walking on. Very soon persons began to collect; took on Key and carried him to the club-house. When I arrived there the body had been taken in, and then I was told that the person was Barton Key. Turned to walk home and discovered a man on the opposite side of the street fishing out an opera glass; that was about fifteen or twenty yards from the avenue, up Sixteenth street. It was nearer the west side of the street; think it was little above the second tree.

Was that opera glass the article you saw through I cannot say. Were the parties when you saw it thrown, in such a situation as to show it to fall where it was found? Cannot say. What time was it thrown? Just as 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 near the second tree to the corner; it was not on the avenue. Witness continued to walk when he first saw them, and had just passed a small gate when the second fire took place; did not see any pistol in the hands of Key; the first time I saw a pistol in Sickles' hand was at the time of the second fire; did not see the first fire; did not see whether Sickles had a pistol in his hand at the time of the scuffle; not sufficiently near to see what kind of a pistol it was, whether one barrel or more; heard report of three pistols; saw two of them; when I heard the third report, thought that Key was on the ground.

The Judge retired a few minutes. 12:30 M.—Examination resumed.

The counsel for the defence overpowered the other and was of short continuance; it took place near the corner, and the witness thought it was immediately off the pavement; he did not recollect more than one snap.

To Brady—The witness' attention was drawn to the parties by hearing the report of the pistol. I did not go into the club-house.

To Ould—I did not see any other persons near these parties till a gentleman came from the club-house; a good many were standing where I was; a number of women were on the street running; one person, a gentleman, was very much excited; I don't know who he was.

An earnest passage at arms took place between Radcliff and the District Attorney, the former proposing that the United States put upon the stand R. F. Walker, Butterworth, and Woolbridge. The latter explained that the witnesses who had been examined, were those who had been returned by the Grand Jury on their presentment.

Mr. Magruder argued that these witnesses should be produced as witnesses, in order that defence might have an opportunity to cross-examine them, especially Mr. Butterworth, on whose oath Mr. Sickles was committed to jail.

Mr. Carlisle replied, earnestly resisting the motion, which the Court overruled.

Adjourned.

Up to 1 o'clock, the physicians who made the post-mortem examination testified, and showed the bullet they had extracted, which had produced the mortal wound.

WASHINGTON, April 9.

The case for the defence opens this morn-

ing. It is expected that Mr. Graham will occupy the whole day in the opening address. His associates would prefer brevity in the opening. They wish to reserve their plan of operations for the present, and to say nothing of Mr. Key except what is immediately connected with the transaction; to make no attempt to account for the disparity between the size of the bullets extracted from the body; and, in defence, deny that the Derringer pistol belonged to Mr. Sickles. As there has been no attempt to trace it to him by the prosecution, the defense will make the most of this circumstance, and claim that it belonged to Mr. Key, and perhaps that the first shot came from him.

As to the two keys found in the pocket of the deceased, the idea is that they were those of the house in Fifteenth street, and if so, that circumstance will be put in evidence. Two letters from Mr. Key to Mr. Sickles, one indignantly denouncing the insinuations made with respect to the familiarity with Mrs. Sickles, and the other accepting a subsequent invitation to dinner, will be offered in evidence; if not admitted, the counsel will make use of them in the argument to the jury.

Mr. Baglio, the father of Mrs. Sickles, has returned to New York.

PROCEEDINGS OF THE COURT.—The Court opened at 10 1/2 o'clock.

Mr. Graham proceeded to address the jury and the solemn silence and attention of the whole Court.

Mr. Brady said, after an eloquent preface: "Remember the Sabbath day to keep it holy," he might at this moment have formed one of the living. The injured father and husband rushes on him in the moment of his guilt, and under the influence of a frenzy, executes on him a judgment which was as just as it was summary. The issue which you are here to decide, is whether this act renders its author amenable to the laws of the land. In the decision of that issue, gentlemen of the jury, you have a deep and solemn interest.

You are here to fix the price of the marriage bed; you are here to say in what estimation that sacred couch is held by an honest and intelligent American jury. You may feel a pity in reviewing this occurrence for the life that has been taken; you may regret the necessity which constrained that event, but while you pity the dead, remember also that you should extend commiseration to the living. That life, taken away as it was, may prove to be your and my own. You know not how soon the wife or daughter of some one of you would have been, in fact you know not but she had been, marked by the same eyes that destroyed the marriage relations of this defendant.

You know not how soon the gardens of lovelessness over which you now preside, had that life been spared, would have been called upon to supply their flower to satisfy the insatiable appetite of the deceased. An interference with the marriage relations must strike every reflecting mind as the greatest wrong that can be committed upon a human being. It has been well said that affection, shame, poverty, captivity, are preferable, and I do not know that I can express the sentiment more ably than in reciting the lines which the great dramatist has placed in the mouth of the Moor on the supposed discovery of the inconstancy of his Desdemona. You are here to decide whether the defender of the marriage bed is a murderer; whether he is to be put on the same footing with the first murderer, and is to be presented in his moral and legal aspects with the same degree of aggravation about him.

Mr. Graham reviewed the opening speech of the District Attorney, in which he spoke of Sickles going out to a carnival of blood, of his being a walking magazine, and of his standing over his bleeding and dying victim, with his pistol in his hand. The arms that the prisoner at the bar had used, were not so dangerous to the community as were the opera glass and handkerchief that the deceased carried for the purpose of destroying the domestic peace and the honor of the prisoner. The world was benefited by the death of such a man as Philip Barton Key. During this part of the speech, the father of Mrs. Sickles wept many tears. Other persons also were moved to tears. Mr. Graham proceeded to cite various legal authorities in regard to various degrees of the crime of murder and manslaughter. It was for the jury to inquire whether the prisoner, at the time he shot the deceased, was moved by a sudden and violent passion which he could not control. If this should be proved to their satisfaction, he was not accountable to the law for the deed he had done. They should inquire, and decide from testimony to be brought before them, whether the prisoner's mind was not temporarily disordered by the appalling discovery of the destruction of his wife's virtue. The prisoner was not guilty of crime, because when he slew the deceased, he was then defending his household, and vindicating an infamous wrong. In causing the death of one man, he was probably the means of preventing the death of many, who might be tempted to commit the same crime that deceased had been guilty of, if this offense were to go unpunished.

Where society had not protected a man from injury by proper laws, it was the duty of each member of society, to protect himself,

he should protect himself as much against an adulterer as against a burglar. Human laws in all civilized countries, allow a man to kill a burglar whom he may discover breaking into his house at night. The Divine sanctions the killing of a burglar, and the same authority must sanction the redress of the far greater injury done by the adulterer.

Mr. Magruder read part of the English law on the subject, citing the statute of Edward I. which makes adultery a deadly sin; he also cited the laws of Massachusetts, Ohio, Virginia, and Pennsylvania, the only States where adultery is legally punishable. He contended that Key was a trespasser on the home of Sickles, and that Sickles had a perfect right to punish him, as he would have a right to punish him or any other trespasser. He desired that the counsel for the prosecution should prove that there was malice in killing, and not leave it to be implied. If they truly they will fail to make out their case. The defense need not go further. If malice is not proved, the jury could acquit the prisoner on the evidence thus far adduced.

A jury of twelve Indian savages would indignantly repel the idea of conviction, from the testimony so far presented. The prosecution must prove that there was malice, and the jury cannot build a verdict on the presumption of a thing which does not exist. It is a tragic thing to shed blood; but it is not always a tragedy to shed the blood of an adulterer, as it had been proved by the evidence for the prosecution that Key had defiled the bed of the prisoner at the bar; the latter had admitted he was so wronged, and he had ample proof of it. The defense might rest their case and demand the acquittal of the prisoner, on the ground of having proved the adulterous intercourse; but they would not stop here; they intend to present to the jury facts of the adulterous proceedings of the deceased, with all their revolting details, proving that at the very time that Key was engaged in them, he was a trusted and familiar friend of the prisoner at the bar.

Mr. Graham took up the Bible, and commencing at Genesis, he went through to prove the justice of killing an adulterer. He cited cases of U. S. vs. Jarber, who was tried in this court for killing the seducer of his sister. In that case the Judge ruled that the jury must inquire into the state of the prisoner's mind at the time of killing. He thought it was conclusively proved from these and other passages that the greatest crime known and recognized by the Bible was adultery; and it was a sin in the common tribunals of the world that there was no greater provocation that could be offered to a man; it was folly to punish a man for what he could not help doing; and a man could not help doing summary vengeance upon a man whom he discovers to have wronged him in this way. It was not necessary that the adulterer should be caught in the very act of committing his crime. It was sufficient to discover and catch him so near to its commission as Key was in this case. This was all that was necessary, and then law can look into the degree of provocation that was offered to the husband. Graham was listened to with intense interest. The court room was more crowded than heretofore.

When the court adjourned Graham had not finished.

WASHINGTON, April 11.

Such is the anxiety manifested to be present at the trial to-day, that before the doors were opened for the admission of the audience, the court-room was crowded with persons who had obtained ingress through the windows.

The points which Mr. Graham presented for the consideration on Saturday were:

- 1st. That the Government was bound to make out their case.
- 2d. That malice was not to be presumed but proved.
- 3d. How far adultery is to be considered a provocation.
- 4th. Why such a crime under the old common law was not murder but manslaughter.
- 5th. Why the extinction of privilege in clerical, the slight burning in the hand, which was punishment in such cases, is tantamount to acquittal.
- 6th. Whether the frenzy natural to a husband under circumstances of such character does not produce mental unsoundness.

These six points were considered Saturday. The seventh point the counsel had not discussed, but which is to be considered to-day.

7th. Whether, viewing the case as one of ungovernable passion, or one of resentment produced by passion, there was a sufficient time for the defendant's passion to cool, and for reason to get the better of the transport of passion, and whether his subsequent acts were deliberate before the mortal wound was given to the deceased.

The seventh is the point to be discussed to-day.

About 11 o'clock this morning Mr. Sickles was conducted into court and took his seat in the dock. Some of his counsel and Mr. Emmanuel B. Hart having answered for their names, Mr. Graham resumed his argument.

After the conclusion of Mr. Graham's argument Mr. Brady offered to prove the friendly relations existing in March 1858, between the deceased and Mr. Sickles, and submitted a note from Mr. Key to the latter, and copies of others.

The counsel for the prosecution objected, and argument followed.

The court ruled the letters out, except the single one of Key's.

Mr. Brady took exception.

The testimony for the defence was then commenced.

Witness Radger, Navy Agent of Philadelphia; Hon. John B. Haskin of New York, and Daniel Daughy of Philadelphia, testified to the intimacy and friendship existing between Daniel E. Sickles and Barton Key. Mr. Haskin in his testimony, said that, on one occasion, Mr. Sickles told Key that he would see the President about having him re-appointed to the office he held; he said he believed the President would re-appoint him; Key thanked him; the intimacy between the two seemed to witness to be one of the closest, nearest, and dearest that Sickles had; I saw Key and Mrs. Sickles together at the opera; saw them speaking together; I told Sickles what I heard Key had said after the correspondence that had passed about the rumors; Sickles said that Key was always a friend of his and he had no objection to his visiting his house when he or Mrs. Sickles invited him.

The Court adjourned.

WASHINGTON, April 12.

Judge Crawford took his seat on the bench at 10 20 o'clock.

Mr. Sickles was brought in and placed in the dock.

The Rev. Mr. Pyne, pastor of an Episcopal church, occupied a seat on the prisoner's counsel; the Rev. Mr. Haly seated near the prisoner.

Mr. Woolbridge, who has figured so conspicuously in the case, occupied a seat next to Mr. Sickles' father. He is a tall, powerfully built man, of some thirty-five years of age. He lost the use of his lower limbs by an accident, and has consequently to use crutches. He wears a thick mustache, but no whiskers, and is a resolute looking man.

Geo. J. McEhane, the first witness called for the defence, was examined by Mr. Brady. He resides in Philadelphia. Is one of the reporters for the Congress at St. Globe. Has known Sickles for one or two years; has known Mrs. Sickles more than a year; has visited Sickles frequently and was on terms of friendship with him; has known Key seven or eight years; has had frequent opportunities of knowing the relations that existed between him and Sickles. When I saw them together, they always held towards each other the language and appearance of good friends. Mr. Key frequently expressed his friendship.

Joseph D. Hoover was examined by Mr. Brady. Resides in Washington and was formerly United States Marshal for the District of Columbia. Key was my most intimate and cherished friend for ten years or more. First became acquainted with Sickles some time after the inauguration of President Pierce. I think I introduced Key to Sickles either at Woiwarc's or at my own house. The relations which existed between Mr. Key and Sickles were those of friendship.

He was examined regarding the correspondence between Key and Sickles, which took place in 1858. Key told witness that he had received a note from Sickles, telling him that so far as that affair was concerned, he was perfectly satisfied, and that he hoped their relations would continue as previously.

Question: In your interview with Sickles, what expression of kindness towards Key did he use?

Answer: He said he always liked Key; that he thought him a man of honor; that this thing shocked him when he first heard of it, but that owing to Key's and witness' assurance, he was willing to meet him as formerly.

THE MOUNT VERNON FUND.—We learn from the Mount Vernon Record, that the third instalment in payment for Mount Vernon, with the interest thereon, was paid up on the 21st inst. The association has now paid \$158,333.22 of the sum of \$200,000 required to secure the title of Mount Vernon—\$150,000 of which has been paid in a little more than three months. Forty-one thousand six hundred and sixty-six dollars and sixty-six cents, with interest thereon, is yet to be provided for, being the 4th instalment, due February 22, 1862.

TO MEASURE HAY STAKS.—"More than twenty years since," says an old farmer, "I copied the following method for measuring hay from an old publication. I have bought and sold by it, and I believe it may be useful to many farmers. 'Multiply the length, breadth, and height into each other and if the hay is somewhat settled, ten solid yards make a ton. Clover will take from ten to twelve solid yards per ton.'

The Legislature of New Jersey elected John C. Ten Eyck, Republican, United States Senator from that State, to succeed William Wright. Mr. Ten Eyck is about forty-six years of age, residing at Mt. Holly, Burlington county, is a lawyer, and ranks high in his profession. In political sentiments he is represented as decidedly Republican.