TRIAL OF DANIEL E. SICKLES.

FIFTEENTH DAY.

At the opening of the Court yesterday morning—

GEORGE B. WOOLDRIDGE *was recalled to the stand and cross-examined by the District Attorney.*—I could not say what hour it was when Mr Sickles returned to his house after the killing of Mr Key. I saw him as soon as he returned. I do not know but that I might have been standing at the doorway or walking towards it. I heard he was coming, and went to see him as he was coming in the door.—That is my impression. I could not tell how long he stayed before he left the house again. It might be an hour or two, but I have no idea at all. I think Mr Butterworth and Mr Walker came with him. They came in just before him or just after him, and, I think, two or three police officers. Perhaps half a dozen persons or more came in at the time Mr. Sickles did. I have no distinct recollection how long he remained in the house. I think the officers remained there the whole time; I think they took seats in the library. I think, after seeing Mr Sickles, I turned and went into the library. I do not know where he went, whether into the library or into the room in the rear of the library or up stairs. I do not recollect distinctly seeing him after he came into the house till he came from the dining room into the library; that was I think, very near the time of his departure. I think I did not address him unless I spoke to him as he came in the doorway at his first entrance. I do not think I did. I did not see him up stairs. I think I remained in the library during the whole time that he was in the house on that occasion. I think the door between the study and parlor was shut part of the time, the latter part. I think when he came out of the parlor that second time I saw him; the door was opened and he came out of the parlor with Mr. Butterworth and Mr. Walker into the study, and I think he went out of the study door into the hall when he departed. I think there was some difficulty in getting two carriages; they wanted two, and there was some delay. I could not say whether the door between the parlor and the study was open most of the time. My impression is that it was closed soon after people began to come into the house. People kept coming in and going out. I could not say that Mr. Sickles was in the back parlor any time when the door was open. The only way in which I knew the fact that he was there at all was by seeing him come out with those two gentlemen. That was the only reason. I did not know at the time of his being there at all. I did not know of any one being there at the time the door was shut only by the fact of their coming out. I had a distinct impression that there was some one in the room more from the manner of the parties in the study than from any thing else; the noise was a kind of hushed. When they first came in there was considerable noise. I did not not hear any one walking about in the back room. When Mr. Sickles came into the house the door between the two rooms was open. I have not said that Mr Sickles went into the back room. That was my impression. I could have heard what transpired in the back room when the door was open if any thing unusual had taken place; I might have noticed it if my attention had been directed that way, but I have no distinct recollection of seeing any person in there. I cannot tell at what particular time, after Mr. Sickles came in, the door between the two rooms was closed. There was nothing that particularly attracted my attention. It is a very deep room from the front to the rear. The library is small and the walls are very thick. I should judge that the library is from twelve to fifteen feet, perhaps, from east to west. The depth of the back parlor is from thirty to thirty five feet, that is to say the depth of the whole house. I should judge so, but I never measured it. I have no idea of the exact depth. I know I see the length before me now and that is all I judge by.

To Mr. Brady.—I have not sent you any memorandum (paper shown) of the measurement of the rooms. I was never in the parlor (the rear room) but once that day; that was when I went after the stereoscope; and my impression is that the sofa was near the piano, which is at the extreme rear of the room. After Mr Sickles had come into the house there was considerable confusion in the front room, people coming in there; there must have been at one time, I presume, a dozen people in the library. They appeared to be talking in couples. One or two friends or acquaintances were talking to me. We sat by the window. Mr Berret and Mr Goddard were in the library talking together. I think there were a number of persons in the hall. I judge from the noise outside in the hall that there were people there. I got a note from Mr. Sickles on Saturday after three o'clock. I cannot say whether it was dated on Friday or Saturday. In that note he told me that I must be careful in making investigations not to use Mrs Sickles's name, for suspicion not proven would be worse than the dreadful reality, and that he had knowledge that it could not have been his wife who visited the house on 15th street on Thursday. That was what depressed me, knowing I would have to tell him he was mistaken, knowing that it was on Wednesday and not Thursday that the lady visited the house. I have not that letter here. It was a note on a piece of paper in an envelope.

To the District Attorney.—I went with Mr Sickles to the neighborhood of the house on 15th street on Friday morning. We just rode by the house and back again. I made no inquiries at that time. We rode by the house, went round the block and passed down to the Treasury Building, and he got out of the carriage. I returned to the house on 15th street that night; it was a very dark and stormy night, and it might be about seven o'clock; it was snowing very badly. I had no interview with Mr Sickles on Friday afternoon until after I returned from there with the boy Crittenden. I may have stayed in the neighborhood of the house about half an hour. I then returned immediately to the Capitol. We drove to the Capitol. I do not know exactly what time we got to the Capitol. I do not know whether I stated yesterday that I thought it was six o'clock when I got to the Capitol. It might have been that time. I know it was dark before I started to go to the place on 15th street to get a room. I cannot say how long it took me, but my impression is that it was about the time I have stated. It was perhaps an hour and a quarter from the time I started to go to 15th street and the time I got to the Capitol. When I went with Mr Sickles on Friday morning to see the house on 15th street, I understood from him that he wanted me to see if the lady came to the house and find out if it was his wife or not.

By the District Attorney.—Was his request limited to actual eyesight of your own, or did he wish that you should make inquiries of other parties?

WITNESS. I think he depended on myself. He gave me no specific directions; nothing more than that he desired me to find out if it was his wife or not. It was for me to find out by seeing myself. I understood from him distinctly that I was to find out by seeing myself. When I took the negro man to the Capitol to see Mr Sickles I knew nothing what the negro would communicate at all. I had had conversation with him, and found him full of knowledge, not that the lady was Mrs Sickles, but about Mr Key coming there. I took the negro to Mr Sickles because I presumed he would ask the negro questions. The negro had communicated to me what he knew of Mr. Key. He did not know who the lady was. I did not have to make inquiries of that negro or others. The information came from them. Of course I listened to them. I did not consider in doing so that I was carrying out Mr Sickles's instructions, but my own. I was at the Capitol but a short time on Friday night. I do not know what time it was when I left. He gave me no specific directions that evening as to the inquiries I might make the next day. He gave me no general directions. He said nothing as to any further inquiries. I was acting upon what he had said to me at the first interview, that I was his friend, and as his friend I was to see if it was his wife or not. I received the letter from him which I have spoken of the next day, (Saturday,) when I came back from the house on 15th street. I cannot say when the letter was dated. He said nothing to me about having written me a letter on Friday evening. He did not say any thing at that interview about my being guarded in the inquiries I should make the next day.

To Mr. Carlisle.—The card to which I referred in my direct examination yesterday I received on Saturday night. I had been at a presentation to Mr Allen, the Clerk of the House, and on my return to my boarding house on Saturday night, near twelve o'clock, I found a card for me there from Mr Sickles. I received a note from him also, and I may have mixed the two things up together. I received the note in the afternoon after I returned from the house on 15th street at three o'clock; it was brought by Mr. McClosky. On Saturday night, after I returned from the presentation, I received a card from Mr. Sickles asking me to come to his house that night if I received it before ten o'clock; and if not, to come there the next morning. I received the note first and the card afterwards. The note was brought by Mr McClosky, whom I now see in court. He came right up to my room where I was sitting with my wife and handed it to me. He had been there once before with the note. I should judge it was between three and four o'clock. My recollection now is I told Mr McClosky that I would come to the Capitol as soon as I got my dinner or got fixed to go. I am not satisfied that I took any dinner that day. In consequence of my lameness, being around fatigues me a great deal, and I generally lie down when I get to my room and rest myself. I am well satisfied that I must have been nearly an hour at my boarding house, so that I should judge that it was between four and five o'clock when I got to the Capitol. When I told Mr. Sickles that it was on Wednesday and not on Thursday that the lady had been at the house on 15th street, and described her dresses with particularity, I should think from his manner it convinced him of his wife's guilt. I made no further investigations after that, nor did he so far as I know. It was on Friday, about one o'clock, that Mr Sickles showed me the anonymous letter. After reading it I returned it to him. I did not put the marks on it at that time. Mr Sickles said, some time after the occurrence, that the letter was in his portfolio in his desk at the House of Representatives. And I was sent by one of his counsel to fetch it. Mr Sickles handed me the key of his desk. I went to the Capitol and asked Mr Allen, the Clerk of the House, to go to Mr Sickles's desk and take from it his portfolio and bring it. He went and did so. I said "this contains the anonymous letter." He opened it and Mr Carter took the book and took the letter out and read it. They then returned it to the portfolio and tied a string round it and I brought it to the jail. Mr Stanton then told me to mark the envelope and the letter with my initials, and I did so. It was perhaps in the middle or the latter part of the week after Mr. Key's death. Mr Sickles was not certain that the letter was in his desk. His presumption was that it was there. He had looked for it and could not find it about him, and his impression was that it was in the portfolio. Mr. Sickles told me on Friday that he had been to see the house on 15th street, but he did not tell me at what time. He did not say if he went by himself. He told me he had been already that morning and we went again and he indicated the house to me. He told me it was his hope or his only hope that the lady was not his wife. His language in the note of which I have spoken was, that I was to be careful in my inquiries about using the name of Mrs Sickles, as suspicion, if her not proven or not true, would be worse than the dreadful reality; and I think it also contained that he had made inquiries which satisfied him that it could not have been his wife who was there on Thursday. I did not ask Mr. Sickles whether he had himself made any inquiries when he was in the neighborhood of the house when I rode with him there. I did not ask him any questions, from the fact that he did not want to speak hardly of any thing, and seemed to force from him almost every thing he said. I asked him no questions in relation to what he had done, or any thing of the kind. He had already told me that he had been in the neighborhood, that the house was there as described, and that he had made inquiries, and had heard that Mr. Key hired the house of J. Gray. I do not know whether he said that he had made inquiries, but his conversation satisfied me that he had. I cannot recollect or name any of the persons who were in the lobby in the rear of the Speaker's chair at the time of my interviews with Mr Sickles on Friday and Saturday. My business is not connected with the House or with the members, and I know very few of the members indeed. My business is in the lower part of the Capitol. It is office business, and before this session it used to be in the Patent Office. I do not know whether there were many persons in the lobby at the time or not. It depends on what is going on in the House whether there are many there or not. I should think some persons passed up and down the lobby, but my memory is not distinct as to that. I cannot remember any thing distinctly as to the names of the persons who were in Mr Sickles's house at any particular time after his return after the killing of Key. I remember that Mr Berret, and Mr Goddard, and Mr McCloskey, and the police officers were there, but what part of the time I cannot tell. I cannot say who the persons were with whom I conversed during that time. Mr McCloskey, I think, was one. I saw Mr. Sickles come in through the hall door when he returned with the police officers. My impression is that he did not come into the study. I did not see him after he came in through the hall door until he came from the drawing room into the study with Mr Butterworth and Mr Walker. He made no remark or salutation to me. I do not know that he saw me. When he came in I was sitting near the study window, where I generally sit when I am there. I do not know whether the stereoscope was near me or on the table, or where it was. I did not see Bridget Duffey that I recollect. I do not think she was in the study at all. I cannot state any more distinctly than I could yesterday the time that elapsed between the exit of Mr Sickles and Mr Butterworth from the study in conversation and the return of Mr Sickles with the police officers. I should judge it was a much longer time than five minutes. I should think it was longer than fifteen. It may have been an hour. I do not think it was less than an hour. I was all the time in the library. It might have been a minute from the time Mr Butterworth went out of the library with Mr Sickles before I saw him going down the steps. It was a very short time after that that I saw the movement of the people in the square that I have described. I could not say how long, because you must remember that I was not very cool. It appeared to be one continuous matter. I stated yesterday as accounting for my not hearing the conversation between Sickles and Butterworth that I was very much excited. I heard the exclamation of Mr Sickles, "What shall I do!" It was not a question. I heard the remark of Mr Butterworth. I do not know that it was an answer to Mr Sickles. I was agitated, but had not lost my reason. I was very much affected by the scenes I had witnessed that day. I did fetch the stereoscope after Sickles and Butterworth left the library. I remembered that I had seen the stereoscope in the back room and went for it, perhaps to relieve my mind. (To the Judge.) If the Court pleases, I think I was misunderstood in reference to one matter. It appears that I was understood to say that Mr Sickles's remark in the library was a question to Mr Butterworth. It was not that. It was an exclamation, as it were, in his misery. "What will I do?" and Mr Butterworth's remark which I have repeated followed that exclamation.

JOHN J. MCELHONE was then called, but did not answer.

Mr BRADY stated that Mr McElhone was one of the regular reporters of the House of Representatives during the session of Congress, and during the recess was employed generally in his profession as a reporter. He had returned to Philadelphia since he was last examined, and although he had been telegraphed for, had not yet arrived. They desired to prove by him that he procured to be inserted in the Washington States an advertisement with a view to ascertain the author of the anonymous letter. Mr B. produced a copy of the paper of the 26th of March containing the advertisement, and said that perhaps the gentlemen on the other side would not object to its being put in evidence.

Mr CARLISLE did not know that he had any objection to that, but they would like to inquire of Mr McElhone under what circumstances he put in the advertisement and by whose direction.

Mr STANTON said that Mr McElhone would prove that Mr Sickles gave him the advertisement to be published on Friday, the 24th, but he did not get to the office in time to have it inserted in the paper of that day.

Mr CARLISLE. We have summoned Mr McElhone.

Mr BRADY. Then, by the consent of the prosecution, we will reserve the right to put in the advertisement when Mr McElhone comes.

Mr CARLISLE. We have no objection.

The JUDGE. I think that is fair.

Mr STANTON. The advertisement was in both the Star and the States of that day.

ALBERT A. MCCAFFREY *sworn and examined by Mr Brady.*—I reside in the city of Washington at present. I am a contractor. I knew Mr Key. I have known him since January or February, 1858. I am not certain which. I was tolerably intimate with him at the time of his decease. I was a member of the club which met at the club house on Madison avenue up to the time of its dissolution. I met Mr Key there. I had a conversation with him in relation to Mrs Sickles in June, 1858, I think. I am not positive. It was about that time. I had a subsequent conversation immediately preceding the Napier ball, the day or the day but one before. The ball was held on the 17th of February last, I think. I remember the time from an incident in relation to another matter in connexion with that ball, something between Mr Key and myself, having no connexion with this affair. I never had another regular conversation in reference to the matter with him. I have, perhaps, made remarks to him in reference to it, as many as four times, as far as my memory serves me.

Mr BRADY. I desire you to state those conversations.

The DISTRICT ATTORNEY. We object to that.

Mr BRADY. I propose to prove by this witness that shortly before the death of Mr Key the witness had noticed certain conduct on his part towards Mrs Sickles which led him to suggest to Mr Key that the latter was observed to be very attentive to her. In answer to which he remarked that he had a great friendship for her, that he considered her a child, and that the feelings he indulged for her were merely parental feelings, that he repelled indignantly the idea of having any other than mere fatherly feelings for her. That at a second or subsequent conversation on the same subject the witness suggested to Mr Key that he might get into difficulty about the matter, and that Key laid his hand upon his left breast and said, "I am prepared for any emergency."

The DISTRICT ATTORNEY said that he knew of no rule under which this evidence could be admitted. Some of the conversations took place as much as six months prior to the homicide, and the last on the 17th of February or thereabouts.

Mr BRADY remarked that the conversation in which he said he was prepared for any emergency was the one which occurred on the 17th of February last.

The DISTRICT ATTORNEY said that a fatal objection to the admissibility of the evidence was that there is no offer to prove that these conversations which took place between the witness and the deceased were ever communicated to the prisoner at the bar. The issue before the court was the guilt or innocence of the accused, and he could see no connexion between the offer of evidence and that issue, nor could it have any effect upon the motive which actuated him at the time of the homicide. It was certainly no part of the *res gestæ*, and in his view clearly inadmissible.

Mr BRADY alluded to the statement of details in the opening speech of the District Attorney, intended to aggravate this case as against the accused. The description of Mr Sickles going out with a convenient overcoat on an inconveniently warm day, of his being an animated magazine, a piece of animate flying artillery, capable of being placed at any point, and charged with an explosive capacity as great as that of Mount Vesuvius before its most terrific eruption. He did not mean to say that these were the exact words used by his learned opponent, but the words used by him were similar in their signification, and were stated in such a light as to make the acts of Mr Sickles appear cowardly, irrespective of whatever other characteristics they might be made to present. He had stated that Key was unarmed and that Mr Sickles knew it.

The DISTRICT ATTORNEY explained that his statement was that Mr. Sickles must have known from the circumstances attending the homicide that Mr. Key was unarmed.

Mr BRADY did not pretend to state the exact words. He proposed by this evidence to prove that Mr Sickles could not have known any such thing, but that he must have supposed or known the reverse. He proposed to show that Mr Key was armed, and that he proposed to use his weapon or weapons whenever the emergency might occur. Another aspect, suggested to him by a colleague, in which the evidence was admissible, was to show the persistency with which the adultery was carried on, in connexion with the fact that Mr Key was prepared to slay the husband if he should undertake to call him to account for his transgressions.

Mr GRAHAM, in addition to the grounds mentioned by his colleague for the defence, suggested that the evidence was admissible as showing that Mr Key admitted his guilt. Mr Graham also argued the position stated by him on several occasions during the progress of the trial that the deceased at the time of his death was not in the peace of God nor of the Government of the United States; that the prisoner was the involuntary instrument in the hands of Providence for the punishment of the adulterer; and that therefore this prosecution could not be sustained.

Mr. CARLISLE said he should say a few words upon the several propositions advanced as authorizing the admission of this evidence, and that he should first notice the last suggestion as to the justification of Divine Providence. It seemed to have been supposed that the Court had by its previous rulings sustained that doctrine. He had not so understood it. The Court had said when evidence was offered on grounds embracing the assertion of that doctrine, that the evidence was admissible as tending to show insanity only, which he took to be a clear exclusion of the conclusion that it would be admissible for the purpose of showing a case for the exercise of Divine Judgment and execution at the hands of the prisoner. The learned counsel who first addressed the Court upon this offer of evidence (Mr. Brady) did not embrace this ground as one on which he relied, and he had yet to hear the commentary of that gentleman upon the doctrine. The counsel, however, at the suggestion of one of his colleagues, presented the ground that it tended to show the persistency of the adultery upon the part of the deceased, but did not state how far he supposed the evidence was admissible because of this inquiry into the matter of adultery with a view to the doctrine of Divine judgment, or any of the other doctrines which had been discussed in that connexion in this case. The Court had declined to adopt that doctrine, after being urgently invited to it, and having all the power of the defence brought to bear upon his mind to drive him to it, and he should not feel it necessary to follow the counsel further upon that point. There were other grounds on which the offer had been made which were entitled to much more consideration.

The evidence offered did not tend to show that the deceased was armed at the time of the homicide. The homicide was on the 27th of February, and the conversation took place some ten or twelve days prior. Whether the deceased was armed on previous days was wholly immaterial. He had not heard any offer of evidence to show that the deceased was armed on that day; or, if he was, that the prisoner knew it. If the prisoner did not know it, the question whether he was armed or not was wholly immaterial.

But it was said that the language used by deceased to witness was an admission on his part of his guilt, and was in the nature of a threat. On the contrary, the statement contained in the offer of evidence was a distinct denial of his guilt in the first conversation; and that, in the second conversation, when, notwithstanding his denial, on being warned in substance that his life was in danger, he made the statement that he was ready.

But it is claimed that the homicide was the execution of the decrees of Providence himself, for the purposes of justice in the government of the world, and that the declaration of the deceased that he was prepared for any such attack as that tends to show that the deceased made the first assault, that he threatened, in substance, the prisoner. Unless that is the use intended to be made of it, it is immaterial. But does it tend in any degree to that end? He thought it did not. It is simply, entirely, and exclusively a denial of his guilt, and in answer to the warning that he would be assailed—a statement that he would defend himself. That is all.

It has been suggested, said Mr C., by the argument of one of the counsel on the other side, that for the deceased to have defended or offered to defend his life against the prisoner, satisfied as the prisoner was that the deceased was an adulterer, would have been to place himself in defiance of law, that if he had slain the prisoner in defence of his life, it would have been equivalent to slaying the sheriff on the scaffold while he was there to execute the mandate of the law. Why need I discuss that? The argument is that as soon as this prisoner, sitting in judgment on the acts of his wife and the deceased, reached the conclusion that they were guilty as an adulterer and adulteress, he was to treat the deceased, whenever he met him, as one not in the peace of God and of the United States, or either of them; as if in a matter of law he was not in the peace of God or of the United States, as if he was an outlaw; as if he had no human features, but had *caput lupinum*, so that not only the prisoner at the bar but the first man who met him and knew or believed his guilt might slay him in the public highway, and that if he had taken the life of the one about to slay him in defence of his own life, he would have been a murderer. I confess when I first heard this doctrine about the "peace of God and of the United States" I thought it a very harmless piece of oratory. I supposed it was intended to round a period, or to produce its effect upon those who either did not know or could not comprehend, or did not intend to conform to the plainest principles of law.

But I am mistaken in this. I perceive that it has been the subject of much sage reflection by the counsel on the other side. I perceive it is the deliberate judgment which they have formed, a theory which they have constructed upon principles of ethics, a doctrine of theology, the fundamental principle of a social organization which they know about better than I do; that it is in fact the foundation of a new sect, embracing a new kind of socialists, a new kind of religionists, and a new kind of jurists.

Now, it may be possible that I shall live to see the day when I shall be an humble follower of that new doctrine. Very strange things have happened. Some of the most undeniable truths in science have been by wise men—much wiser than I can ever hope to be—scouted and rejected as containing no particle of truth; but, sir, I say, with the most perfect respect to the gentlemen on the other side, that, while such a thing is possible, I do not think the world has yet reached that point of civilization, that point of extreme susceptibility of novel impressions, to be prepared for the reception of this doctrine just now; and I confess that of all the places I know on the face of the earth, I should most deplore to see it taking root in this temple of justice.

Why, sir, in the peace of God and of the United States, I suppose, means nothing more or less than that the party is in a condition to have the protection of the laws. That is all. I agree that if every man who is guilty of adultery, *ipso facto*, becomes an outlaw, forfeits his claim to the protection of the law, is to be treated as a wild beast and slain on sight, why then such an one is not in the peace of God and of the United States. But until I learn from some judge, or from some book, or from the use of my feeble intellect, acting upon such materials, that such is the law, I shall believe that to kill an adulterer upon the principle of revenge, upon the principle of Divine vengeance, or upon the principle of vindicating the law of God, is murder.

I will not be behind the gentlemen on the other side in denouncing the sin of adultery. I will not be behind them in admitting that it is one of the most odious of all sins. But I trust also that I may never fail to denounce the doctrine, wherever it is brought, that society, either in mass or by individuals, may by violence punish that sin.

The COURT did not presume that the evidence offered tends to establish any point in controversy in this case. The declarations of the deceased are said, some of them, to have occurred as long ago as June last, and the others about the 17th of February. That they would tend to prove that the deceased was armed on the 27th of February, some ten or twelve days after, he did not think would be very likely to follow from the introduction of the evidence. There was nothing in the declarations of the deceased tending to explain the conduct of the prisoner on the supposition that he had the right to suppose that the deceased was armed. A conversation might just as well have passed between any other gentlemen to the effect that this thing between Mr Key and Mrs Sickles was known, and that if Mr Key did not take care he would get into trouble or danger. It could in no way have influenced the conduct of the prisoner. He thought the evidence was inadmissible.

Mr BRADY suggested that the Court had not mentioned the ground that it tended to prove the persistency with which the adultery was continued, but he presumed it was intended to be covered by his decision.

The COURT said that it was not admissible on that ground, and that he intended to include that in the grounds he had stated.

Mr BRADY excepted to the ruling.

T J BROWN *recalled and examined by Mr Brady.*—I made a measurement of some of the rooms in Mr Sickles's house in President's square, in this city. I measured from the front window, in the library, to the back window of the back room or parlor, the depth of the house. It was forty-five feet five inches from inner wall to inner wall. The sofa in that back room is right alongside of the back window in it. The thickness of the wall between the front and back rooms is fourteen inches.

Cross examined by the District Attorney.—I made this examination yesterday morning. I found the sofa then in the place I speak of. I do not know whether it was there on the day of the killing. I could not say whether the wall between the parlor and library is brick or plaster. It is a fourteen inch wall. The frame of the door or jam is about an inch or two thicker than the wall. I measured the depth of the library room. It is twenty-eight feet five inches.

FELIX MCCLOSKY *sworn and examined by Mr Brady.*—I reside in the city of Brooklyn. I was in the city of Washington on the 27th of February last. I do not remember precisely where I was on the avenue when I heard that Mr. Key was shot; I think, somewhere near the Treasury Department. I followed up towards the spot, and when I reached there there was a terrible confusion and mob. It was round the corner by the club-house. I went up that street and saw the crowd running and following Mr Sickles. I did not see him distinctly until I got opposite the lot on which the house in which Horace F Clark lives stands, opposite Franklin Square. By the time I got nearly up to him he was ascending the steps into Attorney General Black's house. He went inside. I suppose there were nearly one hundred people following and running. I sent a note in to him that I was there. I had not been to Mr. Sickles's house before that. Black appeared at the door, and I spoke to him. I got word from him or from a boy that Sickles had got my note and would be out in a minute. I stood there four or five minutes, or it may have been as long as fifteen minutes, when he came out of the house. Butterworth had come there before and gone into the house; he came out with Sickles and they got into a carriage together. I started ahead of the carriage and went up to Sickles's house. When I got there, there was nobody there except Wooldridge and that young lady—Mrs Ridgley, I believe. When I got in, there appeared to be great confusion; she was crying. On going down the walk towards Sickles's house I met McBlair. He spoke to me. I was going pretty rapid past, but I stopped until he came up to me, and we went up the steps together. I brought him into the parlor. I was telling Wooldridge what an excitement there was at Black's house. I suppose in five or ten minutes the carriage came along with Butterworth and Sickles. There were others in the carriage, but I do not remember who they were. The carriage was full. After they had been two or three minutes in the house Walker came there. He came up the steps of the house. I met him at the door of the library, in the hall. He looked very much excited and scared. I spoke to him. He said "this is a dreadful thing."

MR. BRADY. You need not tell what Mr. Walker said.

WITNESS. Walker went into the library. I was talking to McBlair, and made some remarks to him when Butterworth came out and spoke to Walker, and they both passed into the back room. They pulled the door to. I was going myself into the back room, but I thought it was private. I thought I would not open the door and go in and I staid out. I came out of the library door and saw Mr. Sickles. I supposed he might go up stairs, and I thought he might injure his wife. He looked and kind of acted that way. He looked as if he would kill every man and woman about the house. I spoke to the Mayor. I do not remember exactly what I said to him. I kept my eye on Sickles pretty close. He started to go up stairs, he stopped and spoke to me about the keys to the secretary. I spoke to Wooldridge, or somebody down stairs, to get the keys. He got them and brought them up. I went up three or four stairs. Goddard, the Chief of Police, was there. I supposed there was protection enough to prevent him from doing any harm, and I did not go any further. I was under the impression that he was going to do something and I kept a good watch. When he opened the door into the chamber I heard him or her say something—a kind of scream or cry. I thought I would not go up there then, and I came down again. When he first walked out of the library the door was open. I was walking all around the entry. I do not think a person in the hall or library could hear what was going on in the parlor, for the reason that there was a big thick wall between. The door was shut when they were in there. Once or twice the door opened for an instant, and there was a confused hum, and it shut to again immediately like a ventriloquist. When I saw Sickles at Black's he looked like a man, you know under the circumstances, frightened to death; his hair lay all over his face. I spoke to him two or three times. He was looking at me, but he said nothing. I had my opinion the first time I saw him that he was not responsible for all he did on that occasion. He acted that way; I thought so. I did not see him the day before. Him and Black came out talking together, and Black looked about as scared as he did—a kind of excitable. (To Mr Carlisle.) I did not think the Attorney General was afraid of him.

Cross examined by the District Attorney.—I staid in Mr. Sickles's house on this occasion until he left in a carriage to go to the jail. I cannot say how long a time elapsed from the time he came into the house until he went to the jail. It was over ten minutes, and less than an hour; I should say between half an hour and an hour. He stayed up stairs but a very few minutes. If he had stayed up any much longer I remember distinctly I would have gone up. I was standing in the entry when he came down. After he got down the steps he went into the back room. No, I am mistaken, he went into the library first, and then into the back room. The library door was open at the time. It did not stand open for more than a second. I think Butterworth shut it. I was at the time in the library. I was in the library and in the entry until he left. I did not hear any thing that was going on in the parlor except for a moment, when the door opened, when I heard a stifled sort of sound. I supposed it was Sickles crying. Walker, Butterworth, Goddard, and I think McBlair, went away in the carriage with him to the jail. I think five went in one hack. I do not remember who I saw at Black's. I stepped inside the door. I do not know where Sickles was when I was talking to Black. The first I saw of him he was going out of the house to get in a carriage to go to his own house. They stopped for a minute. They were trying to get two hacks, but could not. I proceeded immediately on foot for the house. I ran. I tried to get a hack, but I could not. I beat the hack up to his house. I saw Sickles when he was going into Black's house. At that time I was twice the length of this room from him. The only time I was very near him there was when he got out of the carriage. I only know the thickness of the wall between Mr. Sickles's library and parlor by looking at it. I never measured it; I did not want the trouble. It was a brick wall. The first time I saw Walker there was before Sickles came down stairs. He went into the library, and had not been there more than three or four seconds when Sickles came down and went into the library. They were there three or four seconds, and Sickles went into the back parlor with Butterworth. Walker stood there conversing with I do not know who; it may have been McBlair, when Butterworth came up and spoke to him, and they went into the parlor. Walker said it was a dreadful thing. They were all excited more or less.

To Mr. Carlisle.—I only saw Sickles when he was at Black's, when he went in and when he came out to get into the carriage. I did not see him come out to clean the mud off his boots or any thing of that kind. I do not think such a thing could have happened without my observing it. I went there in the capacity of a citizen. I did not know but the person had been shot down in cold blood. I did not know any thing about it until then. I did not know it was Sickles until then. When I found that it was him I said that nobody should touch him if I could stop it. I knew it was Sickles before I got to Black's house. The first time I knew it was when I got opposite Horace F Clark's house. When I was at the club-house I did not really know that Sickles had killed Barton Key. I do not remember that I asked who it was until I got up to Franklin Square. The people were all running, and I ran with the crowd. I did not see the body at all. I remember as I went past the club house Eustis, the member of Congress, was standing at the door. The body had been carried in. I did not hear the report of any pistol. I asked who it was that had been shot, but I did not ask who had shot him until I was up near Franklin Square. I addressed a note to him in pencil when I got to Black's house, and received word by the Attorney General himself that Mr Sickles would be out presently.

Charles G Bacon, being recalled and examined by Mr. Brady, stated that he had procured from the Surveyor's office a certified diagram of the locality, showing the avenue in front of the President's Square to be 129 feet wide; the width of Madison Square (street) to be 90 feet, Jackson Place (street) 90 feet. The width of the square, facing where the club house and Sickles's house stand, is 419 feet 10 inches. The length of Jackson Square is 725 feet 9 inches, exclusive of the streets now called Places. I went to the eastward side of Commodore McCauley's house and walked as rapidly as I could to the second tree from the corner, (the tree where Mr Key was killed,) and it took me thirty seconds. I went and ran the same distance and it took me thirteen seconds. I call myself a pretty rapid walker. I ran pretty fast.

JOHN MCDONALD *sworn and examined by Mr. Brady.*—I hired with Mr Sickles as groom and footman on the 10th of February, 1859. When John Cooney went out with the coach I always accompanied him. The last time I saw Mr Key was in Lafayette Square on the Sunday morning. The last time I saw him before that was, I think, on the preceding Thursday. I saw him at several different places that day. The first place was coming from the club-house with his shawl across his arm. He went down Pennsylvania avenue towards Douglas's greenhouse and went in there. I think he went inside, but he came to the carriage door. I think he had a small whip in his hand, and shook hands with Mrs Sickles and passed the compliments of the day. I cannot really say whether he got in the carriage or not. I saw him next at Mr Thompson's, Secretary of the Interior. We stopped there, say twenty minutes. From there to Governor Brown's, the Postmaster General, and there we stopped I suppose the same time. Then I recollect he got into the carriage and drove down to Mrs Greenhow's, on 16th street, and there I think we remained an hour and a half or two hours; I mean Mr. Key, Mrs Sickles, Miss Ridgely, and us coachman and footman with the carriage. They went into the house, and we were on the coach in front of the house waiting for them to come out. I cannot say that I saw Mr Key at any time that day have any papers in his hand or any thing except that whip.

By Mr Brady.—When Mrs Sickles came out of Mrs Greenhow's house to leave and got in the carriage did he get in or did they separate?

WITNESS. Well, I call it half in and half out. [Laughter.] He leaned part of his body in the carriage, resting his arm on the front cushion and looking strait in Mrs Sickles's face. They were passing some remarks. He first asked her if she was going to the hop that night at Willards'. She said she would go if Dan. would allow her. He said he expected they would meet each other there. The next remark he made was that her eyes looked bad, and she said she did not feel well, or something like that. He then got in the carriage, and she told us to drive to the corner of K and 11th streets. I got on the box with the coachman and told him to drive there; and as we got between 15th and 16th streets, on K street, I understood Mrs Sickles's voice to say that we were to stop on the next crossing, which was 15th street. There we stopped and let Key out, and we drove down to Douglas's. From there we drove to Gautier's, the confectioner's, and Mrs Sickles went in there. That was all I saw of her till she came out and told us to drive rapidly home, which we did, and were ordered to put the carriage up. I did not see Key again after he got out of the carriage till I saw him at night at Willards'. There was a dinner party at Mr. Sickles's house that Thursday night; and I particularly noticed the position of the sofa in the parlor—the back room. Mrs Clayton was sitting on it and another lady, whose name I do not recollect. The sofa was in the back part of the parlor in the northwest corner, I think, perhaps, in rather a more sloping position than it is in now.

Cross-examined by the District Attorney.—The sofa was in an angle across the corner. I cannot say how far it was from the door which opens into the entry. I am not a great judge of distances. The door is not in the middle of the room, it is nearly opposite the front door. The dining-room is on the west side of the house. The door from the parlor into the entry opens against the partition wall that separates the parlor from the dining-room; it opens on the inside.

In answer to questions by Mr. CARLISLE the witness explained to the jury the relative positions of the rooms in Mr. Sickles's house.

To the District Attorney.—I think it was about half-past four o'clock in the afternoon of Thursday that Mr. Key left the carriage. It was at K and 15th streets. I was employed in Mr. Sickles's house from the 10th of February. I was not acquainted with the footman who was there before me. I do not know who he was.

MR BRADY. If your Honor pleases, we now propose to rest the case for the defence.

The DISTRICT ATTORNEY. May it please your Honor, it is proper at this time to state that when a certain piece of testimony was offered by the gentlemen upon the other side, at a particular stage of this trial, the prosecution felt it incumbent upon them to object, and that objection was sustained. The reason why that objection was made was because, in the view of the prosecution, all evidence relating to an adulterous intercourse between the deceased and the wife of the accused was entirely incompetent. Your Honor has subsequently ruled that, in certain aspects of this case, evidence showing such intercourse could be introduced, and such evidence has been introduced. I now state to the gentlemen upon the other side—and I state it with frankness, for them to consider and take what course about it they choose—that the United States, evidence having been given in as to this adulterous intercourse, now waive all objection to the introduction of any evidence which the gentlemen may have tending to the development or proof of this adulterous intercourse, and particularly waive all objection to the introduction of the testimony offered on the part of the defence the other day with reference to the alleged confession of Mrs. Sickles, or any other evidence which they may have to which exception has been taken heretofore on the part of the United States.

MR BRADY. If your Honor pleases, I am not prepared to make any specific answer to this deliberate and prepared suggestion of the prosecution, founded upon reasons which, on consultation, undoubtedly they esteem to be sufficient; for I presume such a thing is not done without careful consultation. Nor do I think that at this stage of the trial, after having encountered at every step of its progress every species of objection that the sharpest and most cultivated legal intellects could present against what we honestly esteemed to be relevant proof, we are called upon by any considerations of duty either to the court, to our client, or to the prosecution to accept any proposition. Nevertheless, I will imitate the example which I am told prevailed among some of the aborigines of this country, who, whatever they might think of a proposition made in a spirit of peace, never gave an answer immediately, but took time to give the proposition the semblance at least of being considered. I will confer with my associates. I speak for myself now, because I have conducted the examination of witnesses, and I shall submit myself to any determination they may make on the point.

As the learned District Attorney has referred particularly to the paper called a confession, which seems to be the prominent subject in his mind at this moment, I take this occasion to say, what I think is due to my client, that any publicity which that paper has found any where is not in the slightest degree attributable to him, but was in direct opposition to his expressed wishes, as I know. I have no censure to apply to any persons in reference to the publication of that paper. I have my own private opinion as to whether its publication was proper or not, but I know that my client, neither directly nor indirectly, had the slightest connexion with it, and that he regretted that it was published. At the same time we all understand that papers offered during the trial of a case, which become the subject of discussion, and on which the Court makes rulings, to which rulings exceptions are taken, become a part of the records of the Court, to which the exceptions are to be attached when the bill of exceptions comes to be made up. Perhaps at the opening of the Court to-morrow an answer will be given to the proposition of the District Attorney.

The COURT thought that, under all the circumstances, the proposition coming unawares to the defence, it was right that the counsel for the defence should have time for consultation.

The DISTRICT ATTORNEY. I have no sort of objection to that. I merely rise to make a single remark. The gentleman has said that the defence believe that the testimony offered by them was competent and proper evidence. I have no doubt they thought so. The United States, on the other hand, claimed for themselves the right to say that their views of the law were to the contrary, and, in the honest administration of justice, presented such objections as they thought the law made to the reception of such testimony, and endeavored to confine themselves simply to the statement of such objections as the law alone suggested to the reception of testimony. On that point the decision of the Court seems to have been adverse to the views presented by the United States, and a portion of the evidence having been introduced, I felt it due to the prosecution to waive the objection.

With reference to the publication of the confession, I beg leave to state, on the part of the United States, that we are not responsible for its publication, in any sense, form, or shape. We had nothing to do with it, directly or indirectly. The paper was never in our possession, except for a solitary moment.

MR BRADY. There is no pretence of it.

The DISTRICT ATTORNEY. I felt it due to the prosecution that this statement should be made.

The JUDGE. If the counsel for the prosecution require time for consultation the Court will grant it.

MR BRADY. We do not propose that the Court shall adjourn. The counsel for the prosecution can go on with their rebutting evidence.

MR GRAHAM. The proper time for the prosecution to have made this offer would have been after your Honor had decided proof of adultery to be admissible, and not when we have disbanded our witnesses and they are scattered before the four winds of heaven. The effect of the offer now is to embarrass the defence just as much as the objection did which led to the exclusion of the testimony. Whether it is meant in that spirit we do not know.

MR BRADY. We do not want any further proof. We have proved our case.

The DISTRICT ATTORNEY. The United States supposed that this was the appropriate time and the only appropriate time to make this tender to the gentlemen on the other side, and this time was selected purposely, inasmuch as any other time and even that indicated by the counsel (Mr. Graham) would have been manifestly inappropriate.

After some further conversation between counsel, it was understood that the defence should have until the opening of the Court this morning to consider the offer of the District Attorney.

MR. BRADY said he had no doubt that each of the counsel were prepared to decide upon it now, but Mr STANTON was not in Court.

MR CARLISLE then said that the prosecution would go on with their rebutting evidence on an isolated portion of the case.

GEORGE H PENDLETON *sworn and examined by the District Attorney.*—I am the brother in law of the late Mr Key.

By the District Attorney.—Did you at any time make an inspection of the house No. 383 15th street; if so, when, and what transpired on the occasion?

WITNESS.—The owner of the house I do not know. It is a house, however, said to belong to John Gray. On the Monday of the week succeeding the week in which Mr Key was killed I sent for John Gray and told him that I wanted to examine the house. In company with Mr Jones I met John Gray in the neighborhood of the house. We went to the front door and found that it was closed. In consequence of a conversation which took place between John Gray and a negro woman who lived in a house on a lot very nearly adjoining (I cannot say whether it was exactly adjoining) the premises of Gray as to some occurrence which had taken place there, and which induced us to suppose that the back part of the house was open, we went round to the yard and attempted to get into the house by the back doors. They were locked or fastened so that they could not be opened without force. It was suggested to open them in that way—to break or push them open. I do not think I tried the doors myself, but they were tried in my presence, and not finding it easy to get in a suggestion was made to push open the doors. I suggested that it would be better to send for a locksmith, and Gray went, as I supposed, for a locksmith. He returned, however, in a few moments, and I perceived that he had sent somebody instead of going himself. In the mean time two gentlemen joined Mr. Jones and myself as we were standing in the back part of the yard, and perhaps in the wood house; at all events in that part of the yard. One of them I recognise as a gentleman who has testified upon this stand; the other gentleman who was upon the stand I would not have recognised, but he said he was there. We had a conversation there for some time—fifteen or twenty minutes, perhaps; I do not know how long. The locksmith came, and, if I am not mistaken, tried a door which I supposed to be at the end of an entry leading from the front to the back of the house; from the position of the door on the outside I so supposed; I am not certain. I never was in the house but once. My impression is—but as I was never there but this once I may err; I state it as my impression—that there is a back door which leads from the passage directly from the front door to the back door into the yard, and that from the back room (you may term it the back parlor, if you please) there is a door which leads either directly into the little kitchen or into a sort of gangway or passage leading to the kitchen, I am not certain which. It may lead directly into the kitchen or into the passage way. My recollection is that the locksmith tried the door leading from the passage and did not open it; whether he tried it with his hand or instruments I could not tell; and that he went to the door which led into the kitchen or the passage, as I have described it, and after making some movement there—I could not tell whether it was with his instruments or with his hands—opened the door, saying that it had not been locked. We all went into the house together, the lower portion of the house. There were two rooms. I looked into them two, three, or five minutes, long enough to look round, and went up stairs. Mr. Jones went with me—directly with me or immediately after me. I was up in the upper portion of the house, which consists of two rooms, for some few minutes. It may have been some two, three, four, or five; I cannot tell. I was just looking round, commenting somewhat to Mr. Jones on what I saw there. I came down stairs with Mr. Jones. By this time the front door was open, whether standing entirely open or only partially open I am not prepared to say. My recollection is that it was wide open. I went out of the front door, called to John Gray, and gave him some money—I think half a dollar—to pay the locksmith for having come there at my suggestion. I left the house, and have neither seen it nor John Gray since.

By the DISTRICT ATTORNEY. Did you see any lock?

WITNESS. I suppose I saw several locks. I suppose I saw the lock on the back door at the time the locksmith opened it.

By the District Attorney.—Did you give any directions that any lock should be taken off?

WITNESS. I never gave a direction or made a suggestion with reference to the lock or removing the lock to John Gray at that time or at any other time, or to the locksmith, or to any body else. I never did.

By the District Attorney.—Were you present at any time when the lock was taken off, or did you observe it?

WITNESS. I did not observe the taking off of any lock. I am not prepared to say that the lock was not taken off at the time I was there, as witnesses have testified. If it was, it was without my knowledge.

By the District Attorney.—Were any articles belonging to the deceased transmitted to you?

WITNESS. Yes, sir; at least articles which were said to have belonged to him. I received upon the afternoon or the night of the day when Mr. Key was killed, from the hands of Mr. John A. Smith, Clerk of this Court, some articles which were said to have been taken from the person of Mr. Key, or perhaps from some of his clothes, at the time of or subsequent to the homicide. Is that what you refer to?

By the District Attorney.—What were they?

MR. BRADY objected, but subsequently waived the objection.

WITNESS. On the night of the day upon which Mr. Key was killed, about dusk, I think, I received from Mr. John A. Smith a package of articles which he said were taken from the body, or person, or clothes, I am not certain which, of Mr Key during that afternoon. They consisted of the case of an opera glass, two brass keys, a set of small keys on a ring, a little pocket book in which there was nothing but fourteen dollars and some cents, and a pair of kid gloves. I think those were all. I retained these articles in my possession until I left the city of Washington on the following Saturday week, I think it was, about two weeks after the affair, when I delivered them to Mr. Smith, all except the pocket book and the gloves and the bunch of small keys, which I knew belonged to the secretary, and so forth. I delivered the other articles to Mr. Smith, in order that they might be produced, if necessary, at the trial. The pocket book and gloves I retained. The bundle of small keys I gave to Mr. Maury, who was, as I learned, appointed administrator of Mr. Key.

By the District Attorney.—You also received some matters from Dr. Miller, did you not?

WITNESS. Well, sir, with reference to that I can only say this—that upon the Friday or Saturday following the death of Mr. Key—I cannot remember the day—I received an envelope containing one or more papers with a card from Dr. Stone, saying that he had been requested by Dr. Miller to deliver them to me, but had been prevented by professional engagements from doing it earlier. I have no recollection of there being more than one paper on the envelope. I notice that it has been stated that there were some cards and perhaps a small card-case. I have no recollection of there being cards and a small card-case in that envelope. I have no recollection that there were not. It did not arrest my attention at all if there were. There was a paper in that envelope, which is in the envelope still. It is in my custody—that is, under my control. I have not got it about my person. It is here in Washington. At the time I left for the West I left it with a gentleman who resides in Baltimore, but who is now in Washington. He has it here, and I have seen it since I returned. I left it in order that any thing which was here might not be subject to the contingency of my not being able to get here. (To Mr. Carlisle.) I was going to the West to my home. I reside in Cincinnati. I am a member of the House of Representatives. The week after Congress adjourned I went to Baltimore, and in the succeeding week I went to Cincinnati, where I remained until I was summoned. The gentleman to whom I delivered the paper is Mr Charles Howard, of Baltimore; and I understand that he is now in court. [Mr. Howard here handed an envelope to witness.] I see upon this envelope "Hon. Mr Pendleton, from Dr. Miller," in pencil, and upon the front or back of it "left with Dr. R H. Stone," or "R. H. Stone." It is the same envelope and the paper in it is the same that was in it when I received it, and this is the card [producing a card] that Dr. Stone left at the House, and that came to me on the Friday or Saturday after the death of Mr. Key.

The articles were handed to Mr. Brady for inspection.

WITNESS then produced another paper, also handed to him by Mr Howard.

By the District Attorney.—Was that paper found on Mr. Key?

WITNESS. This paper, I suppose, contains some cards and scraps of paper. I do not know where they came from. If there were any cards or scraps of paper in the envelope sent by Dr. Miller, these are they, but I am not prepared to say certainly. I have no personal recollection as to the cards. I cannot say positively whether they were contained in the envelope transmitted to me. My recollection is that there was but one paper contained in the envelope, but it may have escaped my attention that there were visiting cards or any thing of that kind.

Cross examined by Mr. Brady.—I have been very much pained at the death of Mr. Key. I do not think that any person spoke to me on the subject of my visit to the house on 15th street. Mr. Jones is a friend of the family and of myself, and I told him that I was going, and asked him to go with me. He went at my suggestion. I will state, in this connexion, if you will permit me, that on Sunday morning, the day before the Monday on which we made the visit, Mr. Jones and myself walked up into that neighborhood to ascertain the locality of the house, if we could, from the descriptions we had seen of it, and we inquired where the residence of John Gray was, and learned that it was on Capitol Hill. There was nothing found in the house by Mr Jones or myself that we took with us.

Question.—Did you find any written agreement about the house or any thing of that kind?

WITNESS. I never did. I have no knowledge of the existence of any. I had no knowledge whether Gray had been paid the rent of the house except what Gray told me. It is my belief, my best recollection, that the envelope contained only one paper. I am not positive about it.

The second paper produced by witness was then handed to Mr. Brady and examined by him.

By Mr. Brady, (holding up a small scrap of paper.) Have you any recollection of that slip of paper? It appears to be the bottom part of a letter containing the signature and a few more words, the rest having been torn off.

WITNESS. I have seen it since I came to Washington, during the last week. My impression is that I had seen it before, but it is extremely indistinct. All those cards and the envelope that you have there on the table were with the papers which I had immediately after the death of Mr. Key, and I presume I saw it, but my recollection is very indistinct about it. All these papers passed out of my possession at the same time, either the day or the day before I left Washington to go to the West. I am certain that all the papers I received were delivered to Mr. Howard. I was very careful that nothing should be lost, and believe none were lost.

The cards and papers produced by the witness were here handed to the prisoner and examined by him.

MR. BRADY then stated that Mr. Sickles desired him to say that he had no wish that the cards, containing the names of ladies and gentlemen of known respectability, should be in any way connected with this case; on the contrary, he objected to it. The envelope addressed to Mr. Pendleton was perfectly immaterial and also the card of Dr Stone. The slip of paper, appearing to be the end of a letter, with the signature to it, they would take the liberty of copying, with a view of inquiring if it had any thing to do with the case, although he did not think it had. The other paper, however, was a letter in cipher, which the defence desired to have preserved, to be of record in this case.

The cross examination of witness by Mr. Brady resumed. I heard that the lock had been removed from the front door of the house on 15th street for the first time in this court.

Question. Do you know when the fact was first communicated to any gentleman connected with this prosecution that the papers produced to day were in existence?

WITNESS. I do not, sir.

Question. You have no knowledge when any gentleman connected with the prosecution was first informed that the papers produced to day were in existence?

WITNESS. I beg your pardon. I misunderstood the question, and gave an erroneous answer. They were communicated by me to Mr. Carlisle very soon after they were received; I am not prepared to say upon that day, or the next, or the third day, but very soon after they were received.

MR. BRADY. That is all, sir.

WITNESS. If the Court please, the other day there was a remark made by one of the counsel with reference to the suppression of evidence in this case. I desire, before I leave the stand, to repeat, in the most positive and circumstantial manner, my denial that I gave any intimation, or direction, or suggestion with reference to the removal of that lock, or that I ever heard that it had been removed in any way until I heard it here in Court. I desire to say further that any suggestion, or charge, or intimation that there has been any suppression of evidence, or attempt to do it—whether evidence important or unimportant—by my participation, or knowledge, or consent, by whomsoever made, is entirely and utterly, and, I may be pardoned for adding, infamously false. [Loud applause from the spectators, which was instantly checked by the officers of the Court.]

To the District Attorney. I do not know whether the keys I saw fitted the lock.

To Mr Brady. I do not know, of my own knowledge, of any bill being paid in regard to the house. The only payment I know of being made was the fifty cents I gave to Gray.

Question. Do you know that any person undertook to pay or was appointed to pay the rent?

WITNESS. I do not, except what I heard from John Gray. I desire to say that I had no knowledge whatever till I saw it in the papers that Mr. Key was in any way connected with that house.

CHARLES LEE JONES *sworn and examined by the District Attorney.*—I visited the house in 15th street owned by John Gray in company with Mr. Pendleton. On Monday, eight days after the murder, I accompanied Mr. Pendleton to this house, by previous appointment. I there met John Gray, who I had not known by name, but when I saw him I recognised him as a colored man I had known as a waiter or in some capacity in the city for many years. When we reached the house he said he had no keys to get into it with.

MR. BRADY. You need not say what he said.

WITNESS. When we got there the door was locked. We went round into the yard. Shortly after we had got into the yard two men came rushing in and commenced conversation with Gray. I immediately stepped up to them and mentioned the fact——

MR. BRADY. You need not say what you mentioned to them.

WITNESS. I had a long conversation with these two persons. Gray himself had tried all the doors. We saw as we imagined—at least I did—upon one of the shutters evidence that the house had been entered there. I think Gray tried that window. It was suggested by me that he had better break open the door, but Mr. Pendleton thought the more dignified course would be to enter it with the assistance of a locksmith, and that we might ascertain what violence had been committed on the house, if any. We wished to see whether any of Mr. Key's property had been left there, as had been rumored. The locksmith was sent for, but before he came Gray went and tried the door opening into the kitchen, or it may have been the pantry. I did not take much notice, for I was conversing with these two men. I told one of them who Mr. Pendleton was, for I thought from his excited manner when he came he might say something in reference to Mr. Key.

MR. BRADY asked the favor of his friends on the other side that these conversations should not be permitted to be given in testimony.

WITNESS. When the locksmith came my attention was called to the fact that he went to the door that opens to the entry-way, I believe, or it may be the kitchen or pantry. I saw him put his w'ees, or whatever they were, into the lock and shake it, and exclaim that the door was not locked. We both entered the house. I saw these men in the yard. They seemed, from feelings of delicacy, about to retire; said I, "Gentlemen, walk in." They followed us into the house. We examined the lower story, and then walked up stairs and made an examination. There was no property of Mr Key's there. We came down stairs. I have some indistinct recollection of seeing the locksmith at the front door when I went up or when I came down, I am not certain which. We went out the front door. We had gone eight or ten yards when I beckoned to Gray to come to me. I then stated to him something. It was nothing whatever concerning the lock. I have no recollection why the lock was taken off or any thing about it. I did not hear any direction given by Mr Pendleton about it. I paid no attention whatever to it. We went in the most dignified manner, sending for a locksmith to get in. I was indebted to Mr Pendleton for that suggestion. I should have thought the proprietor of the house might have broken into it.

Cross-examined by Mr. Brady.—I am a member of the bar.

MR. BRADY. You have been assisting the prosecution in this trial?

WITNESS. Shall I state what I have done?

MR. BRADY. No; just answer the question.

WITNESS. I suppose I may say what assistance I have given. Do you mean assistance as counsel?

MR BRADY. My question is whether you have assisted the prosecution in this case; and I do not mean as counsel.

WITNESS. Well, I do not know that what I have done amounts to assistance. I handed Mr Carlisle two or three authorities, but he immediately said he was familiar with them.

MR. BRADY. To furnish authorities to Mr. Carlisle was certainly a work of supererogation.

WITNESS. As regards hunting up evidence, it is not in my line. I have not the ability, if I were to attempt such a thing.

MR. BRADY. Have you taken an interest in this prosecution?

WITNESS. A deep interest. Shall I tell you what my interest has been?

MR BRADY. Oh, no. I make no complaint at all. I merely wished to know the fact.

WITNESS, (to Mr. Carlisle.) I was the friend of Mr Key's youth, and was his friend to the day of his death.

MR. BRADY. I am not going to make any objection to a man standing by the memory of his friend as long as it deserves to be respected.

The Court adjourned to the usual hour to-day.