

University of North Carolina at Asheville

An Explosive Affair:
The Acquittal of Congressman Daniel Sickles

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By

Jonathan Ledford

“Who knows not that chastity and purity of the living cannot be established or continued, except it be first established in private families, from whence the whole breed of man come forth?” This question, taken from Milton, was used by attorney Edwin Stanton in his closing speech, defending the actions of the Congressman Daniel Sickles, who was charged with murdering his wife's lover.¹ Through these lines, and many like it, Stanton laid the bedrock for the defense in one of the most sensational trials of the nineteenth century. Stanton added that there existed no laws to punish adultery because of the common-law right of a man to defend his wife – his property – independent of any judiciary. The Northern press, by the middle of the nineteenth century, challenged this notion. However, throughout much of the country, and particularly in the South, this idea still resonated quite powerfully. More than anything else, it helped Congressman Daniel Sickles get away with murder.

On February 27th, 1859, Sickles, a Congressman from New York, shot dead his wife's lover, the District Attorney of Washington D.C., Philip Barton Key, on Lexington Avenue, near the White House. Sickles then somberly walked to the residence of the Attorney General, Jeremiah Black, to turn himself in. He was arrested and taken to the jail on the corner of G Street and Fourth. The indictment unsurprisingly held that Sickles had shot Key.² The subsequent trial was quite the sensation – as had been the intention of the defendant's legal team. One of the notable features of the Sickles' trial was his team of lawyers' attempt at “trying [the] case in the newspapers.”³ Rather than appealing to any statute, the defense made much of their case by attempting to sway public opinion. The relative social status of the parties involved, as well as

¹Edwin Stanton. “Argument in Defense of Hon. Daniel E. Sickles for the Murder of Philip Barton Key. District of Columbia Criminal Court, Washington, D.C., April, 1859,” in Moses Field. *Famous Legal Arguments Showing the Art, Skill, Tact, Genius and Eloquence Displayed by Our Greatest Advocates in the More Celebrated Trials of Modern Times, with Several Famous Cases on Circumstantial Evidence [1897]*. Rochester, New York: E.J. Bosworth & Co. Publishers, 1897, 13.

²Felix G. Fontaine. Trial of the Hon. Daniel E. Sickles for shooting Philip Barton Key, esq. February 27, 1859. New York, New York: R.M. De Witt, 1859, 3-5.

³Fletcher Pratt. *Stanton: Lincoln's Secretary of War*. New York: W.W. Norton & Company, inc, 1953, 82-83

the defense's novel use of temporary insanity, made for a good story. However, the success of Sickles' legal team in persuading the press of their case was mixed. The Northern press, by the end of the trial, was quite damning in its assessment of the defendant, while Southern newspapers were generally supportive of what they saw as Sickles' right to defend his property and honor. The discrepancy in newspaper coverage was indicative of an evolving view of marital license then coagulating in the North, led by an avant-garde press, while, generally, Southern newspapers suggest their readers still clung to rustic notions of manhood and honor.

Sickles' lawyers generally made their case with Southern perceptions of masculinity in mind. They argued Sickles had taken the law into his own hands because there was no effective way he could be compensated through the legal system.⁴ Moreover, they argued, had Sickles sought justice through the legal system, his only compensation would be monetary, which would implicitly turn Sickles' household into a brothel. Through this line of reasoning, the defense continued, Sickles acted as any respectable man would. Their final argument, unprecedented in American jurisprudence, was that Sickles had been driven into “a temporary aberration of the mind,” by his wife's indiscretions.⁵ The prosecution, with a chorus of Northern papers cheering them on, responded by noting three days had passed between the time Sickles first learned of his wife's indiscretions and the time he shot Key.⁶

While some jurors may have believed Sickles had been driven beyond reason by his wife's ongoing liaison with Key, it is important to note the context of the trial in matrimonial

⁴Dawn Keetely. “From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America.” *Journal of Social History* 42, no.2 (Winter, 2008), 280. *J-Stor* (Accessed 12 March, 2012).

⁵George T. Strong. *The Diary of George Templeton Strong, The Turbulent Fifties, 1850 – 1859*, ed. A. Thomas Nevins. New York: Octagon Books., 1974, Vol. 2, 438, 439

⁶Unknown Author. “Sickles Acquitted,” *New York Daily Tribune*, April 29, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn83030213/1859-04-29/ed-1/seq-4/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&index=0> in *Chronicling America*, (Accessed October 25)

history to understand Sickles' acquittal and the varying reactions to it across the country. Sickles himself was described as a “man who...regards adultery as a joke.”⁷ He generally indulged in great sexual license, and was, at one point, censured by the New York General Assembly for bringing a known prostitute into its chambers.⁸ His jury was composed of Marylanders, citizens of a state whose views on marriage and the sexual license of men were rather traditional.⁹ Sickles' legal team seized the opportunity to suggest that Sickles had acted appropriately, that he was jealously defending the honor of his marriage bed and that the household was the bedrock of civilization. To defend one's family, and with it, one's honor, was to act within the confines of common-law, and was certainly an appeal to the jury's prejudices.¹⁰ To make the point clear, one of the counsels for the defense, Edwin Stanton, asked the court to consider whether a man could even “enjoy any happiness or pursue any vocation if he could not enjoy his wife, free from the assaults of the adulterer,” when “[t]he dignity and permanence of marriage are destroyed by adultery.”¹¹ Sickles' lawyers hardly concerned themselves with Sickles' own indiscretions. That they could do so, while making the case for Sickles' enraged jealousy, speaks to the sexual double standard which continued to exist throughout much of the nation well into the nineteenth century.

Household jealousy, the foundation for the defendant's claims to temporary insanity, had not played a major role in domestic homicide cases in the United States prior to the Sickles trial. In her article, “From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America,” Dawn Keetely argued that not only was Sickles' temporary insanity plea a novel

⁷Unknown Authors. “Defense Tactics,” April 16, 1859, and “Sickles Acquitted.,” April 27, 1859. *New York Daily Tribune*, in Spiegel and Suskind.

⁸Unknown Author. No title, *New York World*, June 30, 1869, in Keneally.

⁹Marylynn Salmon. *Women and the Law of Property in Early America*. Chapel Hill, North Carolina: The University of North Carolina Press, 1986, 63, 64.

¹⁰Strong, 448.

¹¹Stanton, 13.

defense, but that in many ways so was the catalyst. Jealousy had not played a significant role in American domestic homicide cases whatsoever between 1800 and 1830. Rather, the primary emotion to trigger domestic crimes throughout that time was anger brought about by the perceived failure of a wife to perform her domestic duties. She considered the Sickles' ordeal to be the major turning point, arguing that "...[T]he Sickles trial defined [the] new centrality, by 1859, of jealousy, to both domestic homicide and marriage...."¹² However, Keetely generally neglected to contextualize her findings within the evolving legal framework of marital ideals of the time. In the North, by the 1850s, ideas of nuptials and marital infidelity began to change, led by a generally unelected legal establishment and an avant-garde press, while the Southern legal tradition still, generally, upheld the widespread view of women as their husbands' property.

Marriage had been, throughout the eighteenth and nineteenth centuries, an extension of contract law in Anglo-American jurisprudence. While not writing specifically on Sickles, Michael Grossberg argued in his book, *Governing the Hearth*, that lovers of the period generally policed their own romantic affairs, and that it was only to assuage the woes of anguished men and women that the courts opted to intervene. A writ of assumpsit, designed for property disputes, was the tool that transferred jurisdiction of domestic disputes from ecclesiastical to common-law courts.¹³ Nuptials, throughout the period, were often a series of intricate contracts involving property transactions. Indeed, Grossberg argued, through the restrictions of *femme covert*, the marriage itself was the transfer of a father's property to the prospective groom.¹⁴ In the post-revolutionary United States, Grossberg continued, failure to live up to more personal

¹²Keetely, 269 - 272.

¹³A writ of assumpsit was a tool used throughout eighteenth century England to oblige one party to comply with a contract previously filed with a second party. Originally, assumpsit was used as a means of remuneration for injuries incurred by breach of contract.

¹⁴*Femme covert* was a legal tradition uniting the wife's legal status to the husband's. The husband assumed all the property and contract rights of his wife.

nuptial agreements had become grounds for suit.¹⁵ He cited the opinion of both Justice Isaac Parker, who, in the case *Whightman v. Coates*, argued that common-law litigation provided an effective incentive to ensure marital obligations were met by both parties.¹⁶

Grossberg's work provides a particularly sharp insight into the way the legal system viewed women throughout the early history of the United States, through the Victorian era and into the time of Sickles' trial. His views, in many ways, are corroborated by Marylynn Salmon in her text, *Women and the Law of Property in Early America*. She differed, however, in arguing that the civil, rather than ecclesiastic, interpretation of marriage also derived from the Puritans, making it more of an American tradition than Grossberg seemed willing to acknowledge.¹⁷ As the Puritans considered marriage to be a civil contract, rather than a sacrament, they consequently had more liberal divorce laws than their southern neighbors. Consequently, Massachusetts and Connecticut were the only states prior to the Revolution to permit divorces *a vinculo matrimonii*.¹⁸ It is important to note that these states would, by and large, continue to be the center of liberal thought on marriage law throughout much of the Antebellum period.

In sharp contrast, while many Southern states begrudgingly granted divorces *a mensa et thoro*, they were loathe to permit the possibility of a full divorce. Adultery, the most common ground for divorce, was a touchy subject for men in the Antebellum South. While women were discouraged from seeking extramarital affairs, the climate for men was quite different. Divorces in slave states, such as South Carolina, were particularly difficult because of “a social climate

¹⁵Michael Grossberg. *Governing the Hearth*. Chapel Hill, North Carolina: The University of North Carolina Press, 1985, 25, 35-39.

¹⁶*Whightman v. Coates*, 15 Massachusetts 2, 2-4, 3 (1818), in Grossberg.

¹⁷Salmon, 61.

¹⁸This was distinguished from a divorce *a mensa et thoro*, in that it was absolute – including the right to remarry. More common was the divorce *a mensa et thoro*, which was a separation of bed and table; that is, a de facto separation, but not a divorce in the modern sense of the word.

condoning masters' sexual exploitation of slaves.”¹⁹ Salmon's book is particularly insightful in noting the dichotomy between Northern and Southern perceptions of male sexual license by the 1830s and 1840s. While men in the North were beginning to come under pressure to keep chaste until marriage, and faithful afterward, she argued that men in the South, particularly the Deep South, continued to approve the sexual deviations of one another. While not writing directly about Sickles, Salmon's point is pertinent in demonstrating the growing divide between not only the sexual license of men throughout the United States, but also perceptions of honor and the necessity of defending it.

Peter Bardaglio expands Salmon's points by focusing on the Southern legal culture as it related to the household, and contrasting it with the cultural changes that took place in the North during the nineteenth century. His book, *Reconstructing the Household*, noted that, specifically in the South, the role of the courts in cases of domestic dispute was often to provide “a form of 'moral theater,'” which sought to “reconcile the sometimes contradictory assumptions of Victorian culture with the competing claims of legal parties.”²⁰ From the perspective of the Southern white man, the asseveration of both liberty and property, including one's wife, were necessary to maintain a sense of honor. It was then incumbent upon the southern white male to protect that property in order to establish himself as an honorable man. This adds to Salmon's research by noting that the Southern legal tradition, as it related to household management, held common-law – as well as traditional ideas of honor – in higher esteem than evolving legal culture of the Northern states. Bardaglio attributes this, among other things, to a strong and early tradition of judicial elections in the South. As a political necessity, Southern judges' interpretation of the law often reflected local ideals, which in turn helped shape the Southern

¹⁹Salmon, 64.

²⁰Peter Bardaglio. *Reconstructing the Household: Families, Sex, & the Law in the Nineteenth-Century South*. Chapel Hill, North Carolina: The University of North Carolina Press, 1995, 17.

legal culture, including the realm of marriage.

This, then, would provide some backdrop for the Sickles defense. While certainly not as tolerant as South Carolina of the sexual deviations of men, both Virginia and Maryland – whose legal cultures held a great deal of sway in the District of Columbia - remained slave states whose citizens might have still been susceptible to the Southern ideal of masculine honor.²¹ The legislatures of those two states had only reluctantly relinquished to the states' respective judicial systems the right to grant divorce in the 1840s^{22 23}, only a decade before Sickles found himself on trial for defending what many Southerners would perceive to be both his property and his honor.²⁴

Regardless of location, however, permissiveness of marital infidelity did not extend to women. Karen Halttunen pointed out in *Murder Most Foul* that a number of nineteenth century murders were justified in that they were “purifying the evil of female sexuality.”²⁵ The morals of women were held to be separate from those of men. Indeed, they were envisioned as beings that were more capable of controlling their own sexual desires. This Victorian ideal was compounded in the United States by the notion of “republican motherhood”, which left to women the moral and political upbringing of children. In line with Grossberg's arguments, Halttunen agreed that the sympathy of a jury in cases of domestic dispute was often dependent upon the woman's sexual history. If a woman had failed to maintain her natural moral superiority to men, her character, and with it her case, were generally disregarded. Pertaining to cases of domestic homicide, Halttunen quoted a number of anecdotes to surmise that during this particular period

²¹Pratt, 84

²²“An Act to prescribe the method of proceeding in suits, and on petition for divorces,” in *Acts Passed at a General Assembly of the Commonwealth of Virginia*, Richmond, Virginia, 1848, 21-22, in Salmon.

²³“An Act to give the Chancellor and the County Courts as Courts of Equity, jurisdiction in cases of Divorce,” in *Laws Made and Passed by the General Assembly of the State of Maryland*, Annapolis, Maryland, 1842, chap. 262. in Salmon.

²⁴Salmon, 63-64

²⁵Karen Halttunen. *Murder Most Foul*. Cambridge, Massachusetts: Harvard University Press, 1998, 174.

in history, 'the moral murderer [was often] more guilty than the physical one.'²⁶ While she did not specifically reference the Sickles case, her argument can be presumed to indicate that from the perspective of the time, Key, as the “moral murderer,” would be the true villain, rather than Sickles, who simply played the role of the physical murderer.

Sickles' team of lawyers took this final argument and added to it the idea of insanity inflamed by passion. The 1800 British trial of Thomas Erskine established the precedent, which soon migrated to the United States, that a man in a deranged state of mind cannot be held accountable for his acts in the eyes of the law. Halttunen also referenced the 1830 trial of Daniel Corey, whose attorney cleverly argued that the timespan of insanity ought not matter; a man insane for either a day or a lifetime should, in the eyes of the law, be treated equally, so long as he was deranged at the time of the alleged offense.²⁷ Each of these circumstances would act as bricks in building the defense of Daniel Sickles.

The literature that exists on the Sickles trial often fails to note the contrast between the press coverage of the trial and its readers, as well as the growing social divide between Northern and Southern perceptions of marriage and honor. That Northerners, particularly in the media, began to change their perception of these issues, while Southerners did not, is crucial to understand why Sickles was treated sympathetically in some parts of the nation, while he was savaged in others. The importance of those regional variations becomes even greater when it is remembered that Sickles, a New Yorker, was tried in a court dominated by Southern legal culture, and that his acquittal may be taken as a reflection of Southern marital values, a view affirmed in many Southern newspapers.

That Southern values were prevalent in the courthouse was evident when the verdict of

²⁶Halttunen, 182.

²⁷Halttunen, 215–220

the trial was announced. Sickles' acquittal was met with gleeful celebration in the courtroom, and indeed, throughout the city. Many people in the capital evidently continued to agree that honor was something worth killing for. Indeed, Sickles was given a "courtroom ovation and a round of dinner parties" in Washington D.C. to celebrate his acquittal.²⁸ For their part, many Northern newspapers were scathing in their treatment of both Sickles and the allegedly inept performance of the prosecution.²⁹ The contrast between the Northern newspapers with their Southern peers, and indeed, with many of their own subscribers, reflects a growing divide between the three. While Southern newspapers, and some Northerners, continued to regard murder as a justifiable avenue for avenging a soiled marriage bed, Northern newspapers began to articulate the view that it is up to the women themselves to defend their virtue, and that a man need not interfere. They were, in a sense, beginning to argue that women were not property and did not need their husbands to defend them.

Teresa Sickles conducted her affair with Key for some time before he was shot. Indeed, a rumor began to spread through Washington D.C. a full year before that fateful encounter that Key and Mrs. Sickles had been marooned together during a storm, that Teresa had taken off her riding habit and the two then spent an hour together. When Daniel Sickles confronted Key, his friend at the time, with these implicitly sexual rumors, Key vehemently denied any wrongdoing. Sickles, placated, continued to host Key at his house throughout the year. During this time, Key rented a house on 15th Street from a man named Gray, where he and Teresa Sickles routinely spent time together.³⁰ Indeed, their affair had become obvious enough that the servants of the Sickles' household would note that "Disgust" was coming to call on "Disgrace" whenever Key

²⁸Strong, 439

²⁹Allen D. Spiegel and Peter B. Suskind. "Uncontrollable Frenzy and a Unique Temporary Insanity Plea". *Journal of Community Health*, Vol. 25, no 2, April, 2000, 174.

³⁰Thomas Keneally. *American Scoundrel: The Life of the Notorious Civil War General Daniel Sickles*. New York, New York: Nan A. Talase/Doubleday, 2002, 82- 110

came to visit Teresa.³¹

On February 24, 1859, Daniel Sickles received a mysterious note from someone only known as R.P.G., alluding to the possibility of an affair between Mrs. Sickles and Key. He noted the existence of a house “on 15th Street b'twn K and L streets” which had “no other purpose than to [allow Key] to meet your wife Mrs. Sickles.” He concluded by noting that Key “has had as much use of your wife as you have.”³² Sickles, clearly disturbed by the note, made his way to 15th Street soon thereafter, whereupon he asked people living in the neighborhood if they had seen a man who fit Key's physical description escorting a young woman to a house in the neighborhood. The residents pointed, with “instant conviction” to Number 383; a cozy two story house in the vicinity. Sickles, understanding that his inquiries might arouse suspicion and could potentially be embarrassing, withdrew to the Capitol. Public humiliation was akin to a “loss of honor and reputation” and was “synonymous with social death,” and was likely something Sickles wished to avoid. Once returned to the safety of his privacy, Sickles began to put the pieces of his mystery together.

On his way to the Capitol, Sickles ran into his friend, John J. McElhone, a reporter, and asked him to relay a message to the *Daily States* and the *Evening Star*.³³ The two papers were to run a notice asking that R.P.G. “confer a great favor” by granting Sickles “an early, immediate, and confidential interview” to discuss the content of R.P.G.'s letter to Sickles.³⁴ Convinced by this point that his wife was having an affair, Mr. Sickles forced from his wife a confession to the entire affair. Miss Ridgely, a frequent house guest of the Sickles', testified that Daniel Sickles “had a wild, very distracted look” the day Teresa signed her confession. Miss Ridgely witnessed

³¹Pratt, 83

³²R.P.G, to Daniel Sickles, February 24th, 1859. From The New York Historical Society.
<http://blog.nyhistory.org/wp-content/uploads/2012/01/Sickle-Letter.jpg>, (Accessed April 2, 2012).

³³ Thomas Keneally, 108-109

³⁴Daniel Sickles. “Notice to R.P.G.”. *Washington Evening Star*, February 26, 1859, in Keneally.

Teresa sign the confession, as described in a postscript to the document. When Ridgely began to describe Daniel Sickles' demeanor throughout the ordeal, she evidently came close to fainting in the courthouse. Her description of Sickles' state of mind, of the “fearful groans” which “seemed to come from his very feet.”³⁵ Though the confession was, of course, later ruled inadmissible in the court, it was leaked by Sickles' team to the press, as a means of garnering sympathy, though ultimately to no avail.³⁶ That he had the presence of mind to have his wife write and sign a confession, presumably in anticipation of a trial, suggests Sickles' legal training was quite immune to the temporary brainstorm he was alleged to have been going through.

Three days after he received the inciting letter, February 27, Sickles found the opportunity to let loose his designs and avenge himself of the dishonor Key had cast upon his house. A friend of Sickles, Mr. S.F. Butterworth, encountered Key outside the Sickles household waiving a white handkerchief to signal Mrs. Sickles. Butterworth engaged Key in conversation, arguably in an attempt to stall Key until Sickles “could get his pistols and come up to use them,”³⁷. As Butterworth turned to walk away, Sickles advanced upon the two men and shouted, “Key, you scoundrel, you have dishonored my household; you must die!”³⁸ Key placed a hand inside his vest, ostensibly to draw a weapon. Before Key could do much else, Sickles shot him three times; “one ball, entering in on the left side, passed completely through the body of Mr. Key; a second was lodged in his thigh, and a third, glancing, inflicted a slight bruise.” Key managed only to throw a pair of opera glasses at Sickles. He begged Sickles not to kill him, and

³⁵Fontaine, 46

³⁶Teresa Sickles. “Confession”. *Harper's Weekly*, April 23, 1859. [http://0-app.harpweek.com.wncln.wncln.org/viewarticletext.asp?webhitsfile=hw18590423000001.htm&xpath=%2FTEI.2\[1\]%2Ftext\[1\]%2Fbody\[1\]%2Fdiv1\[1\]%2Fp\[3\]%2Ffigure\[1\]&xml=HW\1859\18590423.xml&titleid=HW&volumeid=1859&issueid=0423&pagerange=0257ad-0257ad&restriction=sickles+&pageIds=|HW-1859-04-23-0257](http://0-app.harpweek.com.wncln.wncln.org/viewarticletext.asp?webhitsfile=hw18590423000001.htm&xpath=%2FTEI.2[1]%2Ftext[1]%2Fbody[1]%2Fdiv1[1]%2Fp[3]%2Ffigure[1]&xml=HW\1859\18590423.xml&titleid=HW&volumeid=1859&issueid=0423&pagerange=0257ad-0257ad&restriction=sickles+&pageIds=|HW-1859-04-23-0257), (Accessed June 18, 2012).

³⁷Strong, 438

³⁸Fontaine, 4.

died a few moments later.³⁹

Sickles was accompanied by a number of people, including Butterfield, as he walked to Jeremiah Black's house to surrender himself. Finding the Attorney General wasn't there, Sickles returned to his own home to await arrest with his friend, Robert Walker. He was arrested, incarcerated and indicted. While in jail, Sickles was provided a number of amenities not usually afforded prisoners indicted for murder, including the presence of his Italian greyhound, Dandy. It is worth noting that President Buchanan was a good friend of Sickles' and had paid a visit to Sickles while he was incarcerated.⁴⁰

The trial began on April 4th, 1859, and was, from the very first, reported to be a sensational affair. Indeed, the “dingy little room” in the City Hall, where the trial was held, did not have enough room for all the press that showed up, much less the curious spectators.⁴¹ Sickles' legal team was composed of seven lawyers: Edwin Stanton, James Brady, John Graham, Daniel Ratcliffe, Philip Phillips, A.B. Magruder and Samuel Clinton. The prosecution was handled by Robert Ould, who had been Key's assistant. The Washington Bar, disturbed by the apparent mismatch, met and recommended James Carlisle and Joseph Bradley, Sr. to assist Ould in presenting the government's case. President Buchanan, whose discretion it was to appoint these men, declined to do so.

John Graham's opening speech of the trial set the tone for much the rest of Sickles' defense. His oratory was a blatant appeal to the pathos of his audience and was heavily reliant upon common-law as the basis of defense. He noted that Key was a habitual adulterer, and,

³⁹Unknown Author. “Dreadful Tragedy. Shocking Homicide in Washington. Philip Barton Key Shot Dead in the Street by Daniel E. Sickles. Sad Story of Domestic Ruin and Bloody Revenge.” *The New York Times*, February 28, 1859. <http://query.nytimes.com/mem/archive-free/pdf?res=9E04EFDA1E31EE34BC4051DFB4668382649FDE>, (Accessed March 15, 2012).

⁴⁰Strong, 441

⁴¹Unknown Author. “The Sickles Tragedy. Trial of Daniel E. Sickles for the Murder of Philip Barton Key.” *The New York Times*, April 5, 1859, <http://query.nytimes.com/mem/archive-free/pdf?res=9D0DE0D71E31EE34BC4D53DFB2668382649FDE>, (Accessed March 15, 2012).

paraphrasing John Locke, boasted that Washington D.C was a city “consecrated to liberty above all others, but not to the liberty of the libertine.” Indeed, he asserted, it was Key who had committed the greater wrong by “doom[ing] and destroying[ing]” another man's marriage; an offense that, he assumed, “must strike every reflecting mind as the greatest wrong that can be committed upon a human being.” Graham then recited from Othello: “Had it pleas'd Heaven to try me with affliction; had he rain'd all kinds of sores and shames on my bare head...I could bear that too... but there, where I have garnered up my heart, where either I must live or bear no life...aye, there looks grim as hell.”⁴² It was dramatic oratory, and Graham it seemed to serve Graham's purpose. Sickles had become an Othello of Washington.⁴³

Sickles' team was claiming, then, that as a wife is a man's property, he had the right – through the vehicle of the common-law- to defend that property, and by extension his honor, even to the extent of murder. In Southern society, protection of property and reputation was necessary.⁴⁴ Though Sickles' team never presumed to described the altercation between the two men as a duel, they did argue, vehemently, that Key was armed, and had tried to defend himself. By conjuring up the possibility that the murder had been, in some respects, a sort of duel, Sickles' team made a direct appeal to Southerners' sense of justice. This was, again, crucial in the minds of Sickles' team of lawyers, because his jury was, by and large, made up of men with a Southern mindset.

The duel, the use of force as a means of settling questions of honor, was, by the middle of the Antebellum era, a quickly dying institution in the North. While it was fading in the South as well, its extinction was a much more gradual process, and was hardly archaic by the time of the Sickles trial. Southern men continued to look at the duel as a means of defending honor well

⁴²Graham, 2

⁴³Strong, 448

⁴⁴Bardaglio, 6

after their Northern neighbors ceased to do so. Indeed, the reliance on the duel as a means of projecting status and self worth, was in many ways, demonstrative of a semi-aristocratic society which continued to exist in the South throughout the time period.⁴⁵ This society contrasted greatly with a more industrialized Northern society, where, more and more often, money was beginning to replace honors as the most evident symbol of a man's status.⁴⁶

It is worth noting, however, that Sickles and Key did not in fact duel. Rather, Sickles approached Key on the street and began to fire as soon as Key reached into his pocket. While the defense argued quite strenuously that Key had been armed – or indeed, could have been armed – it does not seem that the jury ever believed the arguments presented by Sickles' legal team. It would seem instead that they did not consider the issue of Key being armed particularly important to the trial.

In making the closing speech, Edwin Stanton followed the same train of thought: “The death of Key,” he asserted, “was a cheap sacrifice to save one mother from the horrible fate which hung over this prisoner's wife and the mother of his child.” Stanton, here, was making an implicit appeal to his audience's sense of household honor. Not only had Sickles personally been shamed, but his entire household was now, through Stanton's reasoning, stained by Teresa Sickles' infidelity. Moreover, he reminded his audience that “[f]rom the time of Edward II to King Charles no word is to be found in the common-law, no word imputing guilt to the slayer of the violator of the chastity of his wife.”⁴⁷ Following the logic of *femme covert*, Stanton claimed that “the wife's consent cannot shield the adulterer” as “she is incapable by law of consenting to any infraction of her husband's marital rights.” To do so would be “forcible and against his will,

⁴⁵Bardaglio, 5-12

⁴⁶Ryan Chamberlain. *Pistols, Politics and the Press: Dueling in 19th Century American Journalism*. Jefferson, North Carolina & London: McFarland & Company, Inc., 2009, 18.

⁴⁷Stanton, 18

and may be treated by him as an act of violence and force on his wife's person.” The right of the husband to resist is, in the view of the defense, “clear and undoubted by the highest principles of the law...the right to slay him [Key] stands on the firmest principles of self-defense.”⁴⁸

The jury agreed. Sickles was acquitted on April 27. The response from many (though not all) Northern newspapers was outrage. They felt the trial had been mismanaged by Ould and that the grounds for Sickles' defense were “perverted” and against divine law. *The Brooklyn Daily Eagle* noted that “vengeance is the Lord's” and His alone. It was, according to their paper, only permissible to kill “accidentally” and in cases of “self-defense.” Not only was *femme covert* abandoned, but so too was the idea that defense of property was proper grounds for homicide. The paper went on to argue that the notion that “[a woman's] chastity can be preserved by any other defense than....her own purity and virtue is a monstrous lie.” If a woman commits adultery, it is because she “either prefers someone else” to her husband, or else has been “victim to the most degrading instinct of humanity.”⁴⁹ They argued, like some of their Northern peers, that it ought to be left to women to defend their own virtue; that they not only had the ability to do so, but also the right. *The New York Evening Post* agreed, and went on to argue that “the matrimonial bond [w]as no barrier against [Sickles'] utmost capricious licentiousness” and that he could surely have “little right to complain when the mischief which he carries without scruple into other families enters his own.”⁵⁰ There should be no distinction between a man's sexual

⁴⁸Stanton, 24-25

⁴⁹ Unknown Author. “The Sickles Trial”, *The Brooklyn Daily Eagle*, April 27, 1859. http://eagle.brooklynpubliclibrary.org/Default/Scripting/ArticleWin.asp?From=Search&Key=BEG/1859/04/27/7/Ar00700.xml&CollName=BEG_APA3_1841-1860&DOCID=750120&PageLabelPrint=&Skin=BEagle&AW=1349272147437&AppName=2&GZ=T&sScopeID=UDR0&sPublication=BEG&sSorting=IssueDateID%2cdesc&sQuery=%28Daniel%20Sickles%29%20and%20%28Trial%29&sDateFrom=%2531%2530%2f%2532%2536%2f%2531%2538%2534%2531&sDateTo=%2531%2530%2f%2530%2534%2f%2531%2538%2535%2539&rEntityType=&ViewMode=GIF&GZ=T, (Accessed September 30, 2012).

⁵⁰Unknown Authors. “Defense Tactics”, April 16, 1859, and “Sickles Acquitted.”, April 27, 1859. *New York Daily Tribune*. Accessed in Spiegel and Suskind.

license and his wife's. There is a subtle implication, even in the Northern newspapers, that Teresa, in failing to preserve her chastity through her “purity and virtue” may well be as much to blame as Key.

Some newspapers wondered why Sickles did not choose a more civil solution to his marital predicament than murder. *The Belmont Chronicle*, in an editorial opinion, raised the prospect of divorce as the most appropriate course Sickles could have taken to redeem his wounded honor. They recounted the story, allegedly true, of a Hungarian count who found himself in a similar predicament. Instead of killing the man who had made a cuckold of him, the count divorced his wife and insisted at gunpoint the libertine marry her. Instead of keeping his wife's property, as was a man's right through the tradition of *femme covert*, he returned all of it to her, and wished her well. Far from killing the libertine, the count went so far as to sell him property. This, according to the paper, was “how honor could be satisfied, without violation of the laws of the State, or the more sacred laws of humanity.”⁵¹ It is interesting that they describe Sickles' actions as a violation of the “sacred laws of humanity,” because it was on common-law, on the law of the people, rather than any statute, that Sickles' defense ultimately rested. The choice of words in the article demonstrates not only a disconnect between the Washington jury and the Ohio newspaper, but also a changing perception of societal laws and norms reflected in many of the newspapers of the Northern United States.

The disconnect demonstrated between *The Belmont Chronicle* and the capital was evident in other newspapers throughout the region. *The Holmes County Republican*, also based in Ohio, noted one member of the jury, a Mr. Hopkins, declared, “he would not, for himself, have been

⁵¹Unknown Author. “Mr. Sickles and Count Bethlen – a Parallel,” *The Belmont Chronicle*, May 5, 1859. <http://chroniclingamerica.loc.gov/lccn/sn85026241/1859-05-05/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles+&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=11&index=18> (Accessed October 25, 2012).

satisfied with a derringer or a revolver, but would have brought a howitzer to bare on the seducer.”⁵² Sickles was not only in the right, according to this particular juror, but his efforts should be emulated and redoubled by others. This report contrasts markedly with the newspaper's own view of the affair, which described Sickles' defense – particularly Teresa's forced confession – as a “farce”.⁵³ In May 1859, the same paper reprinted a letter, implicitly endorsing its content, written by a woman to the *North Iowa Times*. The letter, written in evident rage, noted sarcastically that “Mr. S[ickles], the only innocent person in the affair [shot] Mr. Key, not for betraying his wife, but for dishonoring *him* [emphasis in the original]!”⁵⁴ It is, again, indicative of the changing societal norms which were beginning to take place in the North, reflected in their newspaper's editorial decisions, that a woman's letter was published, much less endorsed, by at least two newspapers, particularly on a topic as delicate as infidelity and masculine honor.

The outrage and gloom of the Northern papers contrasted startlingly with the atmosphere in Washington, and the editorials written in Southern newspapers. The crowd gathered inside and around the courthouse went wild when the jury declared Sickles innocent. Sickles' more passionate enthusiasts reportedly tried to take the horses out of his carriage shaft, so they could

⁵²Unknown Author. “Sickles Acquitted,” *The Holmes County Republican*, May 5, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-06-16/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&index=10> (Accessed October 25, 2012)

⁵³Unknown Author. “New York Horrors,” *The Holmes County Republican*, June 16, 1859.

[http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-06-16/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&index=10](http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-06-16/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&index=10) (Accessed October 25, 2012)

⁵⁴Unknown Author. “A Woman on the Sickles Case,” *The Holmes County Republican*, May 26,

1859.<http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-05-26/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=7&page=9&page=10&index=6> (Accessed October 28, 2012).

help carry him through the streets. Some volunteered to tear down the house Key had rented for his rendezvous with Mrs. Sickles. Many letters sent to Sickles during and after the trial to offer sympathy, not only for his marital ordeal, but also for the way Northern newspapers had begun to vilify him by the end of the trial.⁵⁵

Like Mr. Hopkins, the juror, several men throughout the nation felt Mr. Sickles' actions were worth repeating. *The Weekly Arizonian* noted in June, 1859, that no fewer than five additional murders, of “similar character” had occurred throughout the United States since the Sickles case began, though it was unclear where these murders took place.⁵⁶ *The Red Wing Sentinel*, recounting an article from the *Milwaukee News*, reported over thirty.⁵⁷ It seems clear that the high profile nature of the case, and indeed, Sickles' acquittal, helped encourage a wave of passion crimes throughout the entire nation.

Even in the North, there was growing concern immediately after the trial about the encouragement Sickles' acquittal might give to other murderous husbands. *The Dayton Daily Empire* published an exchange between two anonymous individuals living in the city, which allowed them to provide some commentary on the Sickles case and the string of murders evidently inspired by it. A married man was assured by a friend that a particular woman, presumably married, would like to like to “see company.” The married man proposed, via a

⁵⁵Various Authors. “Various Letters to Daniel Sickles,” April – August, 1859. *The Daniel Sickles Papers*, The New York Historical Society, New York, New York. (Digitized and Accessed September 7, 2012).

⁵⁶Unknown Author. “Various Items,” *The Weekly Arizonian*, June 2, 1859.
<http://chroniclingamerica.loc.gov/lccn/sn82014067/1859-06-02/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&page=1&index=13>
 (Accessed October 26, 2012).

⁵⁷Unknown Author. No Title. *The Red Wing Sentinel*, June 4, 1859.
<http://chroniclingamerica.loc.gov/lccn/sn85025569/1859-06-04/ed-1/seq-2/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=7&page=9&page=10&page=3&page=2&index=14>, (Accessed October 25, 2012)

public notice tacked to a “tree box”, that he walk down her neighborhood on the sidewalk opposite her house at a particular time. If the woman was willing to “see company,” she need only hold out a white handkerchief and he would approach. A second noticed appeared under the first, which was meant to serve as “a warning for all the married Ladys [sic] in Dayton to watch their husbands [sic] tomorrow...Have we a Key among us? Where's Sickles?” The paper's editorial board seemed quite disappointed with both notices, but reserved particular venom for the latter. They acidly remarked that “the gentleman” in question “does not seem to have read the 'Sickles Trial,' or a grammar; and judging from his writing, which we give verbatim, we would recommend him as a suitable person to serve upon a Jury.”⁵⁸ The paper implied that those who would murder, or endorse murder, in defense of marital honor are both uncouth and uneducated. By doing so, they not only managed to condemn the “gentleman” who had posted a warning for the “ladys of Dayton”, but also the jury - evidently illiterate - which acquitted Sickles.

There is then, a disconnect between perceptions of Sickles by the general population and the general perception of the media. This divide between the press and the public becomes more evident when contextualized by the growing differences in perception of both gender and honor between the North and the South. *The Brooklyn Daily Eagle's* assertion that a woman's virtue cannot be protected by anything other than her own chastity stood in opposition to the Southern preference to “settle private disputes and matters of morality and sexual misconduct outside the legal system...[to] view the courts as a last resort.”⁵⁹ Many Northerners, particularly in New England, but certainly in New York and Pennsylvania as well, had, by the middle of the

⁵⁸Unknown Author. “The Sickles Tragedy 'Nipped in the Bud,” The Dayton Daily Empire, June 1, 1859. <http://chroniclingamerica.loc.gov/lccn/sn85026002/1859-06-01/ed-1/seq-1/;words=Sickles+Sickle?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles+&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=18&page=19&page=20&page=21&page=22&page=23&page=24&page=25&page=26&page=27&page=28&page=29&index=9>

⁵⁹Bardaglio, 5

nineteenth century, begun to deviate from English ideals of honor, while those same virtues maintained a firm hold on the Southern world-view.⁶⁰ As Bardaglio noted in *Reconstructing the Household*, the judicial system in the South remained largely based on unwritten, judge-made common-law during the Antebellum period, even as the North began to move toward slowly statutory law.⁶¹ Early attempts at codifying law in the United States met with mixed success, notably in seventeenth century Massachusetts and Pennsylvania.⁶² Further south, Thomas Jefferson unsuccessfully attempted to codify Virginia's criminal sanctions in the eighteenth century.⁶³ It would not be until a New York lawyer, Edward Livingston, successfully codified the statutes of Louisiana in the early nineteenth century that common-law began to lose serious legal ground in the United States. New York, near the end of the Antebellum period, followed suit with its Field Code.⁶⁴ Other Northern states began the process of moving toward codified laws throughout much the rest of the century, while Southern states, with the exception of Louisiana, stubbornly clung to common-law, and rejected attempts to reform.

It is to be expected, then, that Southern legal culture, shaped, in large part by common-law, as it was written by elected judges, would be a reflection of Southern society as a whole. Judges whose interpretation of the law deviated from cultural norms were less likely to be re-elected. Newspapers, reflecting Southern culture, roundly criticized Sickles for reconciling with his wife, even after supporting Sickles throughout the trial. Rumors of the return of the Sickles to normal marital relations was "hard to believe," for the *Louisiana Democrat*. They claimed his

⁶⁰Chamberlain, 18.

⁶¹Badarglio, 3-36.

⁶²Sanford Kadish. "The Model Penal Code's Historical Antecedents", *Berkley Law Scholarship Repository*, Berkley Law, 1987, 523. <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1379&context=facpubs&sei-redir=1&referer=http%3A%2F%2Fwww.google.com.%2Fsearch%3Fq%3DThe%2BModel%2BPenal%2BCode%27s%2BHistorical%2BAntecedents#search=%22Model%20Penal%20Codes%20Historical%20Antecedents%22> (Accessed 18 November, 2012).

⁶³Thomas Jefferson. "The Papers of Thomas Jefferson," J. Boyd, ed, 1950, in Kadish.

⁶⁴Kadish, 523, 534

“horror of the crime of his wife must be small” if he was willing to let her return into his household.⁶⁵ When the rumors of the Sickles' reconciliation were confirmed in a letter Sickles wrote the *New York Herald*, the *Louisiana Democrat* wrote a small, though scathing, opinion editorial where they noted that “[Sickles] wrote ingeniously [and] plausibly” though “somewhat pathetically.” They described his reconciliation as “weak and scarcely less than wicked.”⁶⁶ The paper seemed to find more to stigmatize in Sickles' forgiveness than his act of murder.

The *Louisiana Democrat* made no mention of Sickles' own faults, except his reconciliation with his wife. They neglected to even mention his marital indiscretions, in either of their articles. Another newspaper, *The Nashville Union and American*, was a more critical of Sickles' character, but, in their July 15 editorial, continued to train their fire particularly on his decision “to live with her again,” an action they considered “baser even than the confession made by [Teresa Sickles].”⁶⁷ This particular article implied Teresa willingly signed her confession, and that its subsequent publicity, made possible by Daniel Sickles' lawyers, reflected poorly on Teresa's character, rather than Daniel's. Even when criticizing Daniel Sickles, neither the *Louisiana Democrat* nor the *Nashville Patriot and American* never let their criticism become much harsher than what they doled his wife, despite his own infidelities.

⁶⁵ Unknown Author. “Sickles and Wife,” *The Louisiana Democrat*, June 20, 1859. <http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-07-20/ed-1/seq-2/;words=Sickles?Date1=1859&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&index=18>, (Accessed October 26, 2012).

⁶⁶ Unknown Author. No Title, *The Louisiana Democrat*, August 3, 1859. <http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-08-03/ed-1/seq-2/;words=Sicklesdate1=1859&sort=&date2=1860&sequence=&lccn=&state=Louisiana&rows=20&ortext=&proxtext=Sickles&yea&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=&index=1>, (Accessed November 10, 2012)

⁶⁷ Unknown Author. “The Sickles Case Again – Sickles and his Wife Reconciled,” *Nashville Union and American*, July 15, 1859. <http://chroniclingamerica.loc.gov/lccn/sn85038518/1859-07-15/ed-1/seq-1/;words=Sicklesdate1=1859&sort=date&sort=date&sort=date&sort=date&date2=1859&searchType=basic&state=Tennessee&rows=20&proxtext=Sickles&y=16&x=1&dateFilterType=yearRange&page=3&page=12&page=11&index=14> (Accessed November 10, 2012).

It was only when he forgave her that Sickles became “baser” than his wife. Like the *Louisiana Democrat*, the *Nashville Union and American* indicated that the true villains in the case were the “scoundrel” Key and the “base” Teresa Sickles. *The Nashville Patriot* seemed to entirely endorse this view, arguing that Sickles' acquittal “must be approved by the great mass of the people.” They suggest it “should be the unwritten law, higher and more certain of execution than written codes,” that those who “blast[] the hopes and happiness of the domestic circle,” ought to be killed.⁶⁸ Even the Sons of Malta, a Southern secret society known for its wily antics, joined the fray. They decided, not long after Sickles decided to take his wife back into his home, to unceremoniously expel him from their society.⁶⁹ A week after describing Sickles' reconciliation as “scarcely less than wicked,” *The Louisiana Democrat* could not help but describe Sickles' defense as a “brilliant feat,” in an article only vaguely pertinent to the Sickles trial.⁷⁰ Despite their objections to Sickles' subsequent decisions, the newspaper still found praise for his defense, and seemed to indicate their endorsement of his acquittal. More moderately, the *Richmond Daily Dispatch*, in response to an article written in the *London Weekend Review*, expressed hope that “we shall witness fewer displays of savage ferocity and lynch-law, but we hope we shall not lose with them those household virtues which lie at the foundation of all social

⁶⁸Unknown Author. “Acquittal of Hon. Daniel Sickles,” *The Nashville Patriot*, April 29, 1859. [http://chroniclingamerica.loc.gov/lccn/sn85033711/1859-04-29/ed-1/seq-2/;words=Sickles?date1=1859&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&date2=1859&searchType=basic&state=Tennessee&rows=20&proxtext=Sickles&y=19&x=20&dateFilterType=yearRange&page=2&page=12&page=10&page=11&page=3&page=5&page=7&page=8&index=8](http://chroniclingamerica.loc.gov/lccn/sn85033711/1859-04-29/ed-1/seq-2/;words=Sickles?date1=1859&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&date2=1859&searchType=basic&state=Tennessee&rows=20&proxtext=Sickles&y=19&x=20&dateFilterType=yearRange&page=2&page=12&page=10&page=11&page=3&page=5&page=7&page=8&index=8) (Accessed October 27, 2012).

⁶⁹Unknown Author. No Title, *The Glasgow Weekly Times*, August 11, 1859. <http://chroniclingamerica.loc.gov/lccn/sn86063325/1859-08-11/ed-1/seq-3/;words=Sickle?date1=1859&sort=date&date2=1859&searchType=basic&state=Missouri&rows=20&proxtext=Sickles&y=14&x=9&dateFilterType=yearRange&index=10>, (Accessed November 10, 2012).

⁷⁰Unknown Author. No Title. *The Louisiana Democrat*, August 10, 1859. <http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-08-10/ed-1/seq-2/;words=Sicklesdate1=1859&sort=&date2=1860&sequence=&lccn=&state=Louisiana&rows=20&ortext=&proxtext=Sickles&y=ea&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=&index=2>, (Accessed November 10, 2012)

happiness....”⁷¹ Written a year after the events, the article in the *Dispatch* offered an opinion that seemed to fall between the positions of many Northern and Southern papers. While the editorial board condemned the act of homicide as a means of maintaining marital honor, the paper gently recommended maintaining, as much as possible, the traditional values of the household as a means of upholding civilization. The article seemed to echo Stanton's closing argument for the defense, when he argued, “[t]he very existence of civil society depends not on human life, but on the [sic] family relations.”⁷² More than anything, the article in the *Richmond Dispatch* made the case that the United States was slowly evolving, moving “gradually from the backwoods,” and becoming a less “savage” nation.

The Sickles trial, and particularly the press coverage it generated, is demonstrative of an American society in transition. Daniel Sickles found himself on trial for defending his honor, his marriage bed, by striking down the man who had defiled it and humiliated him. At the same time, the idea of defending one's honor as a means of projecting status was, particularly in the North, becoming archaic. So, too, was the idea that marriage was nothing more than a contract – a property contract designed to benefit families, rather than individuals. The difference between the press and many of its readers in interpreting the events of the trial, and particularly its outcome, is, in many ways, as fascinating as the regional variation of the press' coverage. Regional reactions to the Sickles trial indicated that parts of the United States were socially progressing toward more liberal and more structured interpretations of marriage, led by an avant-gard press in Northern states.

⁷¹Unknown Author. “National Comparisons,” *Richmond Daily Dispatch*, September 1, 1860. <http://chroniclingamerica.loc.gov/lccn/sn84024738/1860-09-01/ed-1/seq-2/;words=Sickles?date1=1859&rows=20&searchType=basic&state=Virginia&date2=1860&proxtext=Sickles&y=10&x=20&dateFilterType=yearRange&index=12>, (Accessed November 10, 2012).

⁷²Stanton, 13

Bibliography:
Primary Sources:

Fontaine, Felix G.. *Trial of the Hon. Daniel E. Sickles for shooting Philip Barton Key, esq.* February 27th, 1859. New York, New York: R.M. De Witt, 1859.

Graham, John. *Opening Speech of John Graham, esq.: To the Jury, on the Part of the Defense, on the Trial of Daniel E. Sickles, in the Criminal Court of the District of Columbia : Judge Thomas H. Crawford, Presiding : April 9th and 11th*, 1859. New York, New York: W.A. Townsend & Co., 1859.

R.P.G, to Daniel Sickles, February 24th, 1859. The New York Historical Society.
<http://blog.nyhistory.org/wp-content/uploads/2012/01/Sickle-Letter.jpg>, (Accessed April 2, 2012).

Sickles, Daniel. "Notice to R.P.G.". *Washington Evening Star*, February 26, 1859. Accessed in Thomas Keneally.

Sickles, Teresa. "Confession". *Harper's Weekly*, April 23, 1859. (Accessed June 18, 2012).

Stanton, Edwin . "Argument in Defense of Hon. Daniel E. Sickles for the Murder of Philip Barton Key. District of Columbia Criminal Court, Washington, D.C., April, 1859.", in Moses Field. *Famous Legal Arguments Showing the Art, Skill, Tact, Genius and Eloquence Displayed by Our Greatest Advocates in the More Celebrated Trials of Modern Times, with Several Famous Cases on Circumstantial Evidence [1897]*. Rochester, New York: E.J. Bosworth & Co. Publishers, 1897, 13.

Strong, George T. *The Diary of George Templeton Strong, The Turbulent Fifties, 1850 – 1859*, ed. A. Thomas Nevins. New York: Octagon Books., 1974, Vol. 2.

Unknown Author. "A Woman on the Sickles Case," *The Holmes County Republican*, May 26, 1859.

Unknown Author. "Acquittal of Hon. Daniel Sickles," *The Nashville Patriot*, April 29, 1859.
[http://chroniclingamerica.loc.gov/lccn/sn85033711/1859-04-29/ed-1/seq-2/?words=Sickles?date1=1859&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&date2=1859&searchType=basic&state=Tennessee&rows=20&proxtext=Sickles&y=19&x=20&dateFilterType=yearRange&page=2&page=12&page=10&page=11&page=3&page=5&page=7&page=8&index=8](http://chroniclingamerica.loc.gov/lccn/sn85033711/1859-04-29/ed-1/seq-2/?words=Sickles?date1=1859&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&sort=date&date2=1859&searchType=basic&state=Tennessee&rows=20&proxtext=Sickles&y=19&x=20&dateFilterType=yearRange&page=2&page=12&page=10&page=11&page=3&page=5&page=7&page=8&index=8) (Accessed October 27, 2012).

Unknown Author. "Daniel Sickles," *The Richmond Daily Dispatch*, February 8, 1860,
<http://chroniclingamerica.loc.gov/lccn/sn84024738/1860-02-08/ed-1/seq->

1/;words=Sickles?date1=1859&rows=20&searchType=basic&state=Virginia&date2=1860&proxtext=Sickles&y=10&x=20&dateFilterType=yearRange&index=1, (Accessed November 10, 2012).

Unknown Authors. "Defense Tactics", April 16, 1859, and "Sickles Acquitted," April 27, 1859. *New York Daily Tribune*. Accessed in Spiegel and Suskind.

Unknown Author. "Dreadful Tragedy. Shocking Homicide in Washington. Philip Barton Key Shot Dead in the Street by Daniel E. Sickles. Sad Story of Domestic Ruin and Bloody Revenge," *The New York Times*, February 28, 1859.
<http://query.nytimes.com/mem/archive-free/pdf?res=9E04EFDA1E31EE34BC4051DFB4668382649FDE>, (Accessed March 15, 2012).

Unknown Author. "National Comparisons," *Richmond Daily Dispatch*, September 1, 1860.
<http://chroniclingamerica.loc.gov/lccn/sn84024738/1860-09-01/ed-1/seq-2/;words=Sickles?date1=1859&rows=20&searchType=basic&state=Virginia&date2=1860&proxtext=Sickles&y=10&x=20&dateFilterType=yearRange&index=12>, (Accessed November 10, 2012).

Unknown Author. "Mr. Sickles and Count Bethlen – a Parallel," *The Belmont Chronicle*, May 5, 1859. <http://chroniclingamerica.loc.gov/lccn/sn85026241/1859-05-05/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles+&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=11&index=18>, (Accessed October 25, 2012).

Unknown Author. "New York Horrors," *The Holmes County Republican*, June 16, 1859.
<http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-06-16/ed-1/seq-1/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&index=10>, (Accessed October 25, 2012).

Unknown Author. "National Comparisons," *The Richmond Daily Dispatch*, September 1, 1860,
<http://chroniclingamerica.loc.gov/lccn/sn84024738/1860-09-01/ed-1/seq-2/;words=Sickles?date1=1859&rows=20&searchType=basic&state=Virginia&date2=1860&proxtext=Sickles&y=10&x=20&dateFilterType=yearRange&index=12>, (Accessed November 10, 2012)

Unknown Author. No Title. *The Red Wing Sentinel*, June 4, 1859.
<http://chroniclingamerica.loc.gov/lccn/sn85025569/1859-06-04/ed-1/seq-2/;words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&sequence=&lccn=&state=&rows=20&ortext=Sickles&proxtext=&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=7&page=9&page=10&page=3&page=2&index=14>, (Accessed October 25, 2012)

Unknown Author. No Title. *Glasgow Weekly Times*, August 11, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn86063325/1859-08-11/ed-1/seq-3/?words=Sickle?date1=1859&sort=date&date2=1859&searchType=basic&state=Missouri&rows=20&proxtext=Sickles&y=14&x=9&dateFilterType=yearRange&index=10>, (Accessed November 10, 2012)

Unknown Author. No Title, *The Louisiana Democrat*, August 10, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-08-10/ed-1/seq-2/?words=Sickles?date1=1859&sort=&date2=1860&sequence=&lccn=&state=Louisiana&rows=20&ortext=&proxtext=Sickles&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=&index=2>, (Accessed November 10, 2012)

Unknown Author. No Title, *The Louisiana Democrat*, August 3, 1859,

<http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-08-03/ed-1/seq-2/?words=Sickles?date1=1859&sort=&date2=1860&sequence=&lccn=&state=Louisiana&rows=20&ortext=&proxtext=Sickles&year=&phrasertext=&andtext=&proxValue=&dateFilterType=yearRange&page=&index=1>, (Accessed November 10, 2012)

Unknown Author. "Sickles Acquitted," *The Holmes County Republican*, May 5, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn84028820/1859-06-16/ed-1/seq-1/?words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&page=9&page=10&index=10>, (Accessed October 25, 2012)

Unknown Author. "Sickles and Wife," *The Louisiana Democrat*, June 20, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn82003389/1859-07-20/ed-1/seq-2/?words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&index=18>, (Accessed October 26, 2012).

Unknown Author. "The Sickles Case," *New York Daily Tribune*, April 29, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn83030213/1859-04-29/ed-1/seq-4/?words=Sickles?date1=1859&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&sort=state&date2=1859&searchType=advanced&language=&proxdistance=5&rows=20&ortext=Sickles+&proxtext=&phrasertext=&andtext=&dateFilterType=yearRange&page=2&page=3&page=1&page=2&page=3&page=4&page=6&page=8&index=0> in Chronicling America, (Accessed 25 October, 2012).

Unknown Author. "The Sickles Case Again – Sickles and his Wife Reconciled," *Nashville Union and American*, July 15, 1859.

<http://chroniclingamerica.loc.gov/lccn/sn85038518/1859-07-15/ed-1/seq->

Various Authors. "An Act to give the Chancellor and the County Courts as Courts of Equity, jurisdiction in cases of Divorce," in *Laws Made and Passed at the General Assembly of the State of Maryland*, Annapolis, Maryland, 1842, chap. 262, in Salmon.

Various Authors. "Four Letters to Daniel Sickles," April – August, 1859. *The Daniel Sickles Papers*, The New York Historical Society, New York, New York. (Digitized and Accessed September 7, 2012).

Whightman v. Coates, 15 Massachusetts, 2, 2-4, 3 (1818), in Grossberg.

Secondary Sources:

Bardaglio, Peter. *Reconstructing the Household: Families, Sex, & the Law in the Nineteenth-Century South*. Chapel Hill, North Carolina: The University of North Carolina Press, 1995.

Chamberlain, Ryan. *Pistols, Politics and the Press: Dueling in 19th Century American Journalism*. Jefferson, North Carolina & London: McFarland & Company, Inc., 2009.

Grossberg, Michael. *Governing the Hearth*. Chapel Hill, North Carolina: The University of North Carolina Press, 1985.

Halttunen, Karen. *Murder Most Foul*. Cambridge, Massachusetts: Harvard University Press, 1998

Keetely, Dawn. "From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America." *Journal of Social History* 42, no.2 (Winter, 2008), 280. J-Stor (Accessed 12 March, 2012).

Keneally, Thomas. *American Scoundrel: The Life of the Notorious Civil War General Daniel Sickles*. New York, New York: Nan A. Talase/Doubleday, 2002,

Pratt, Fletcher. *Stanton: Lincoln's Secretary of War*. New York: W.W. Norton & Company, inc, 1953,

Salmon, Marylynn. *Women and the Law of Property in Early America*. Chapel Hill, North Carolina: The University of North Carolina Press, 1986.

Spiegel, Allen D. and Peter B. Suskind. "Uncontrollable Frenzy and a Unique Temporary Insanity Plea". *Journal of Community Health*, Vol. 25, no 2, April, 2000, 174.

