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Three Pamphlets about the Duel of February 24, 1838, Between Jonathan Cilley of Maine and William J. Graves of Kentucky

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duel of Feb. 24, 1838
between Jonathan Cilley and
William J. Graves

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REPORT

OF THE

COMMITTEE ON THE LATE DUEL.

The Committee appointed to investigate the causes which led to the death of the Hon. Jonathan Cilley, late a member of the House of Representatives, and the circumstances connected therewith, and to inquire whether there has been, in the case alluded to, a breach of the privileges of the House, and to whom were referred sundry memorials upon the subject, now ask leave to submit their

REPORT:

In discharging the trust committed to them by the House of Representatives, the committee have endeavored implicitly to obey its order, neither stopping short, on the one hand, of the full measure of the duty imposed upon them, nor transcending its just limits on the other. They were of the opinion that the investigation was instituted solely for the maintenance of the privileges of the House. It was not within the province of the House of Representatives to investigate the causes which led to the death of one of its members, or the circumstances which attended it, with a view to the punishment of any offender for a high crime or misdemeanor. That belongs, in every case, exclusively to the courts of law. Senators and Representatives are not privileged from arrest in cases of "treason, felony, and breach of the peace;" and it is a constitutional provision, that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." The inquiry, therefore, is directed to one object only—the maintenance of the privileges of the House; and the question is, what, in that view, were the causes which led to the death of Mr. Cilley, and the circumstances connected therewith, and did they involve a breach of those privileges?

In pursuing this investigation, the committee have examined all whose testimony, there was reason to believe, might be material; and Messrs. Graves, Wise, and Jones, members of the House, were permitted to attend, and to examine and cross-examine the witnesses, and the same leave was extended to Mr. Menefee, of the House, and to Mr. Pierce, of the Senate, at their request. The entire mass of the testimony is now submitted as a part of this report. One witness, Daniel Jackson, of the city of New York, who was summoned to attend, and called upon to testify, has neglected to obey the requisition, though he appeared before the committee, and interrogatories were put to him; but, from the position in which he stood, and the disclosures of another witness, it was not thought

worth the time or attention of the House or of the committee to notice him further.

The late Jonathan Cilley, a member of the House from the State of Maine, fell by the hand of William J. Graves, a member of the House from the State of Kentucky, in a duel fought with rifles, near the boundary line between the District of Columbia and the State of Maryland, on Saturday, the 24th of February last.

The causes which led to his death are intimately connected with the proceedings of this House. On the 12th of February Mr. Wise, of Virginia, presented to the House a publication in the New York Courier and Enquirer, charging a member of Congress with corruption upon the authority of an anonymous writer under the signature of "the Spy in Washington;" and thereupon moved a resolution for the appointment of a select committee, with power to send for persons and papers, to inquire into the charge. Mr. Wise said: "The character of the authority upon which the charge is made, is vouched for as respectable and authentic by the editor of the Courier and Enquirer, in whose paper it appears, and the House is called upon to defend its honor and dignity against the charge."

Mr. Cilley addressed the House in opposition to the resolution. In the course of the debate he said "he said he knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress." These words, spoken by Mr. Cilley in debate, were strictly in order, were pertinent to the subject under discussion, and "did not exceed the bounds and limits of his place and duty;" and though they implied a doubt inconsistent with unblemished honor and character in the person alluded to, yet Mr. Cilley was justified in the use of them, by a report of a committee of the House of Representatives, appointed on the 14th of March, 1832, to inspect the books and examine into the proceedings of the Bank of the United States. An extract from the report, made by the majority of the committee, and published by order of the House of Representatives, is herewith annexed, in which it is stated, that "for sixteen months" the New York Courier and Enquirer "was warmly opposed" to the Bank of the United States; that on the 26th of March, 1831, and within less than nine months thereafter, the bank made three loans, amounting "to the sum of \$52,975, which consisted of notes drawn and endorsed by the editors only;" and that "on or about the 8th of April, 1831, it (the paper) changed its course in favor of the bank."

It was in reference to the facts contained in this

report, and published to the world by order of the House of Representatives, that Mr. Cilley spoke the words, which had been already recited; and for thus alluding to facts put forth in the published documents of the body of which he was a member, he was called in question by the editor of the New York Courier and Enquirer. James Watson Webb, on the 21st of February last, addressed a note to him, reciting those words, apprizing him that the writer of it was the editor of that paper, and concluding with a demand of explanation, couched in very explicit terms.

GADSBY'S HOTEL,

Washington, February 21, 1838.

SIR: In the Washington Globe of the 12th instant, you are reported to have said, in the course of the debate which took place in the House of Representatives on that day, growing out of a publication made in the New York Courier and Enquirer—"He (you) knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American Congress."

I deem it my duty to apprise you, sir, that I am the editor of the paper in which the letter from the "Spy in Washington," charging a member of Congress with corruption, was first published; and the object of this communication is to inquire of you whether I am the editor to whom you alluded, and, if so, to ask the explanation which the character of your remarks renders necessary.

Very respectfully,

Your obedient servant,

J. WATSON WEBB.

To the Hon. JONATHAN CILLEY.

This demand of explanation, under the circumstances which existed, was not susceptible of misinterpretation, and the sequel proves, was not misunderstood. Mr. Graves was the bearer of this note, having read it, and being fully apprized of its contents, and tendered it to Mr. Cilley, in the hall of the House of Representatives, while the House was in session. Mr. Cilley declined to receive it, and thereupon a brief correspondence ensued, which terminated in the challenge and death of Mr. Cilley by the bearer of this note. The first note of Mr. Graves was delivered by himself to Mr. Cilley, on the same day on which he bore the note of Webb, that is, on Wednesday, the 21st of February, 1838, and should have borne that date. It is as follows:

HOUSE OF REPRESENTATIVES,

February 20, 1838.

In the interview which I had with you this morning, when you declined receiving from me the note of Colonel J. W. Webb, asking whether you were correctly reported in the Globe in what you are there represented to have said of him in this House, on the 12th instant, you will please say whether you did not remark, in substance, that in declining to receive the note, you hoped I would not consider it, in any respect, disrespectful to me; and that the ground on which you rested your declining to receive the note was distinctly this: That you could not consent to get yourself into personal

difficulties with conductors of public journals, for what you might think proper to say in debate upon this floor, in discharge of your duties as a representative of the people; and that you did not rest your objection, in our interview, upon any personal objections to Colonel Webb as a gentleman.

Very respectfully,

Your obedient servant,

W. J. GRAVES.

Hon. JONATHAN CILLEY.

It will be observed that the note which Mr. Graves bore, is described by him as the note of Colonel J. W. Webb, asking whether Mr. Cilley was correctly reported in the Globe, in what he was there represented to have said in the House of Representatives, on the 12th instant. But it will be perceived that the note itself, though it is thus described by Mr. Graves whenever he speaks of it afterwards, does not contain that inquiry.

Mr. Cilley, on the same day, personally delivered to Mr. Graves the following note in reply:

HOUSE OF REPRESENTATIVES,

February 21, 1838.

The note which you just placed in my hands has been received. In reply, I have to state that in your interview with me this morning, when you proposed to deliver a communication from Colonel Webb, of the New York Courier and Enquirer, I declined to receive it, because I chose to be drawn into no controversy with him. I neither affirmed or denied any thing in regard to his character; but when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended, by the refusal, no disrespect to you.

Very respectfully, your obedient servant,

JONA. CILLEY.

Hon. W. J. GRAVES.

On Thursday, the day following, Mr. Graves sent his second note to Mr. Cilley, which was delivered to him in his seat, during the session of the House, by Mr. Menefee, of Kentucky, the latter accompanying its delivery with an expression of the hope that Mr. Cilley would perceive the propriety of relieving Mr. Graves from a position which was painful to him. Mr. Cilley remarked that the note should be attended to. It is as follows:

HOUSE OF REPRESENTATIVES,

February 22, 1838.

SIR. Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient. Among other things in this, that, in your declining to receive Colonel Webb's communication, it does not disclaim any exception to him personally as a gentleman. I have, therefore, to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor? A categorical answer is expected.

Very respectfully,

WM. J. GRAVES.

Hon. J. CILLEY.

Mr. Cilley, on the same day, returned the following reply, by Mr. Duncan, of Ohio:

HOUSE OF REPRESENTATIVES,

February 22, 1838.

SIR: Your note of this date has just been placed in my hands. I regret that mine of yesterday was unsatisfactory to you; but I cannot admit the right

on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

Very respectfully,

HON. W. GRAVES. JONA. CILLEY.

On Friday, the 23d of February, Mr. Wise presented to Mr. Cilley, at his boarding house, a few minutes before 12 o'clock, m. a challenge from Mr. Graves.

WASHINGTON CITY, Feb. 23, 1838.

As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognised among gentlemen. My friend, Hon. Henry A. Wise, is authorized by me to make the arrangements suitable to the occasion.

Your obedient servant,

WM. J. GRAVES.

HON. J. CILLEY.

On the evening of the same day, about the hour of 5 o'clock, p. m. Mr. Jones, the delegate from Wisconsin, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, an acceptance of the challenge:

WASHINGTON CITY, Feb. 23, 1838.

Your note of this morning has been received. My friend, Gen. Jones, will "make the arrangements suitable to the occasion."

Your obedient servant,

HON. W. J. GRAVES. JONA. CILLEY.

Mr. Jones immediately submitted the following propositions to Mr. Wise:

WASHINGTON, February 23, 1838.

SIR: Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, to-morrow, at 12 o'clock, m. The weapons to be used on the occasion shall be rifles; the parties placed side to side at 80 yards distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked, and triggers set; the words to be, "Gentlemen, are you ready?" After which, neither answering "No," the words shall be, in regular succession, "Fire—one, two, three, four." Neither party shall fire before the word "fire," nor after the word "four." The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon, and two other friends. The seconds, for execution of their respective trusts, are allowed to have a pair of pistols each on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,

GEO. W. JONES.

HON. HENRY A. WISE.

About 9 o'clock, p. m. Mr. Wise replied:

WASHINGTON, February 23, 1838.

SIR: The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented

to me this evening, though unusual and objectionable, are accepted; with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word "fire."

I will inform you, sir, by the hour of 11 o'clock, a. m. to-morrow, whether Mr. Graves has been able to procure a rifle, and, consequently, whether he will require a postponement of the time of meeting.

Your very obedient servant,

HENRY A. WISE.

HON. GEO. W. JONES.

About 8 o'clock, a. m. on the 24th, Mr. Jones left at Mr. Wise's room the following note, to wit:

WASHINGTON CITY, D. C.

February 24, 1838.

SIR: I will receive, at Doctor Reilly's, on F street, any communication you may see proper to make me, until 11 o'clock, a. m. to-day.

Respectfully, your obedient servant,

GEO. W. JONES.

HON. H. A. WISE.

DR. REILLY'S, F STREET,

February 24, 1838, 10 o'clock, a. m.

SIR: I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready by 12 o'clock, m. to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half-past 12 o'clock, m. to-day, what time to procure and prepare a weapon he will require.

Very respectfully, &c.

HENRY A. WISE.

HON. GEORGE W. JONES.

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:

WASHINGTON, 10½, a. m.

February 24, 1838.

Your note, dated at 10 o'clock to-day, is received. In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

Very respectfully, &c.

GEORGE W. JONES.

HON. H. A. WISE.

Afterwards, Mr. Jones sent to Mr. Wise's room the following note, to wit:

WASHINGTON,

February 24, 1838, 11, a. m.

SIR: Through the politeness of my friend, Doctor Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½, a. m. this morning.

Respectfully, your obedient servant,

GEORGE W. JONES.

HON. H. A. WISE.

And with this note a rifle and powder-flask, and balls, were left at Mr. Wise's room.

The rifle was procured by Mr. Jones, and sent by him to Mr. Wise, in accordance with a previous request of Mr. Wise, or in consequence of a conversation between them. Mr. Jones says it was in strict accordance with the request of Mr. Wise: and Mr. Wise says he had a conversation with Mr. Jones upon the subject, requested Mr. Jones to inform him where one could be obtained, and has no doubt that it was in consequence of this conversa-

tion that Mr. Jones sent the rifle, and that he acted with the best motive in sending it.

Mr. Wise having received the last note, called on Mr. Jones, and informed him that Mr. Graves had procured another rifle, and would be ready for the meeting at 3 o'clock, p. m. The parties met by arrangement on the road to Marlborough, in Maryland. Mr. Cilley was accompanied by his second, Mr. Jones, by Mr. Bynum of North Carolina, and Col. James W. Schaumburg, as his friends, and by Dr. Duncan of Ohio, as his surgeon. Mr. Graves was attended by Mr. Wise, as his second, by Mr. Crittenden, Senator from Kentucky, and Mr. Menefee of Kentucky, as his friends, and by Dr. Foltz, of this city, as his surgeon; and all proceeded thence about 2 o'clock, p. m. to the place of meeting. Mr. Jones and Mr. Wise immediately marked off the ground. The line of fire was at right angles with the rays of the sun. The choice of positions fell by lot to Mr. Wise, and Mr. Jones had the giving of the word. Mr. Wise chose the position at the northwesterly end of the line. The distance was about ninety-two yards. There was a strong wind falling on the line of fire at an angle of about 45° against Mr. Cilley. The position of Mr. Graves was near a wood, partly sheltered by it, and that of Mr. Cilley was on higher ground, and in the open field. The calibre of Mr. Graves's rifle was nearly twice as large as that of Mr. Cilley's, and would receive a ball of about eighty to the pound; while the rifle of Mr. Cilley would receive a ball of about one hundred and thirty-two to the pound. Mr. Calhoun and Mr. Hawes, both members of the House from Kentucky, were at some distance off as spectators. Mr. Wise had two rifles on the ground, one of which, not being loaded, remained, by consent, in one of the carriages. The hack drivers were on the ground; and two other persons, (Grafton Powell and James F. Brown,) were present, without the consent of either party or their friends. Shortly after 3 o'clock, p. m. the parties exchanged shots, according to the terms of meeting. Mr. Cilley fired first, before he had fully elevated his piece; and Mr. Graves fired one or two seconds afterwards. Both missed. Mr. Graves could not have reserved his fire, had he been disposed to do so.

The friends assembled at the request of Mr. Wise, and Mr. Jones inquired of Mr. Wise whether his friend [Mr. Graves] was satisfied? Mr. Wise immediately said: "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves's hands Col. Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied: "While the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said: "The exchange of shots suspends the challenge, and the challenge is suspended for explanation." Mr. Jones, thereupon, went to Mr. Cilley and returned; and after a few words in regard to putting in writing what had been and might be said, Mr. Jones proceeded to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting

to be from Colonel Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with Colonel Webb," or, "he refuses to disclaim disrespect for Colonel Webb, because he does not choose to be drawn into an expression of opinion as to him." Both expressions were used in the course of the conversation. After a consultation on each side, Mr. Wise said to Mr. Jones, "This answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." From an examination of the evidence, it will be perceived that, although the language made use of by the persons present, in narrating what passed on this occasion, is not the same, there is yet no substantial difference between them. Mr. Cilley re-asserted the ground which he had assumed in the correspondence; that he declined to receive the note of Webb, because he chose to be drawn into no controversy with him; that he refused to disclaim any personal exception to Webb as a gentleman or man of honor, because he would neither affirm nor deny anything in regard to his character; and that in declining to receive the demand of explanation, he had intended no disrespect to Mr. Graves. Mr. Cilley even went farther, and declared that he entertained for him the *highest respect and the most kind feelings*. The position of Graves was, therefore, not changed, except so far as the peril of life by Mr. Cilley in defence of his own position, and the subsequent voluntary avowal of the highest respect and the most kind feelings for the individual who had put him in jeopardy, may be supposed to have changed it.

Mr. Crittenden says, that it was now "urged on the part of Mr. Graves that Mr. Cilley ought to make some such explanation or declaration as had been proposed, for the satisfaction of Mr. Graves; while on the part of Mr. Cilley it was urged that Mr. Graves ought to be satisfied with the exchange of shots, without any such explanation or declaration." All the friends of Mr. Cilley urged that Mr. Graves should now be satisfied, and that the affair should now terminate, without requiring from Mr. Cilley any further concession beyond what he had already made. Doctor Foltz said he "thought the affair should end here; that there was no personal ill feelings between the parties; that they had both proved themselves men of honor and courage; and that Mr. Cilley's opinion of Colonel Webb could not be changed by the further exchange of shots or the receipt of wounds." Mr. Crittenden was understood, by nearly all present, to concur in these views, though it seems he did not intend so to be understood, but acquiesced with Mr. Wise and Mr. Menefee in insisting that the fight should go on, unless Mr. Cilley would make the concession which had been demanded. Accordingly the challenge was renewed, the parties resumed their positions, and again exchanged shots in the manner prescribed by the terms of meeting. Mr. Graves fired first, before he had fully elevated his piece; Mr. Cilley fired about two seconds afterwards. They both missed. Mr. Cilley could not have reserved his fire had he been disposed to do so. Mr. Jones, Mr. Bynum, Mr. Schaumburg,

burg, Doctor Foltz, Mr. Wise, and Mr. Fuller, thought, from the motions and appearance of Mr. Graves, that he was hit. He at once said, "I must have another shot." Mr. Wise says, "he positively, peremptorily, and repeatedly insisted upon another shot."

The seconds and friends again assembled, and the challenge was again withdrawn. Mr. Jones said, "Mr. Wise, my friend, in coming to the ground and exchanging shots with Mr. Graves, has shown to the world that, in declining to receive the note of Colonel Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to reader satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here." Mr. Wise replied, in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for Mr. Graves, in the *written correspondence*, and Mr. Graves does not require of Mr. Cilley a certificate of character for Colonel Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Colonel Webb. Mr. Graves only insists that he has not borne the note of a man who is not a man of honor and not a gentleman." The challenge was again renewed, and while the friends were loading the rifles, Mr. Wise and Mr. Jones walked apart, and Mr. Wise asked Mr. Jones "if Mr. Cilley could not assign the reason for declining to receive the note of Col. Webb, that he [Mr. Cilley] did not hold himself accountable to Colonel Webb for words spoken in debate?" Mr. Jones replied, that "Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate." Mr. Wise then asked Mr. Jones whether "Mr. Cilley would not say that, in declining to receive the note of Colonel Webb, he meant no disrespect to Mr. Graves, either *directly* or *indirectly*?" To which Mr. Jones replied affirmatively, adding, "Mr. Cilley entertains the highest respect for Mr. Graves, but declined to receive the note because he chose to be drawn into no controversy with Colonel Webb." Mr. Jones says that Mr. Wise took no exception to this answer, but continued to require other concessions, as stated, to be made. Mr. Wise says that in making that proposition he went beyond his instructions; and that the proposition and the response to it were not communicated to Mr. Graves, but were communicated both to Mr. Crittenden and to Mr. Menefee. Mr. Crittenden says he does not remember to have heard them, nor to have heard of them, during the progress of the contest, and that he does not remember to have given any advice or opinion upon them. Mr. Menefee remembers the proposition and reply, and positively or by acquiescence gave the advice that the reply, *thus qualified*, was but a reiteration, in substance, of the original ground assumed by Mr. Cilley, and held to be inadmissible by Mr. Graves. Mr. Wise had in his possession, on the ground, three written propositions, neither of which was exhibited, nor their substance submitted, in any other manner than as before stated.

Mr. Jones, Mr. Bynum, Mr. Schaumburg, Dr. Duncan, and Dr. Foltz, now objected, in the strongest language, against the further prosecution of the contest, and insisted that it should now cease,

and that Mr. Graves should declare himself satisfied. Mr. Crittenden was understood again, by nearly all present, to concur in these views; but it appears, from his testimony, that he acquiesced in the views of Mr. Wise and Mr. Menefee. They insisted that the fight should go on, unless Mr. Cilley would make the concessions which were demanded; either a direct disclaimer of any personal exception to James Watson Webb, as a gentleman and a man of honor, in declining to receive his note, or an indirect disclaimer, by placing the refusal to receive it upon the ground of privilege; both of which Mr. Cilley, in the correspondence and throughout the affair upon the field, had refused to do, and, persisting in it, had twice received the fire of his antagonist.

Immediately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, "If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance." To which Mr. Jones replied, "After this shot, without effect, I will entertain the proposition." Mr. Graves had directed Mr. Wise, if they missed repeatedly, to prevent a prolongation of the affair by proposing closer quarters; in consequence of which, Mr. Wise made the proposition, which would have aggravated the severity of the terms. The rifles being loaded, the parties resumed their stations, and fired the third time, very nearly together. Mr. Cilley was shot through the body. He dropped his rifle, beckoned to one near him, and said to him, "I am shot," put both his hands to his wound, fell, and in two or three minutes expired.

Early in the day on which he fell, an agreement was entered into between James Watson Webb, Daniel Jackson, and William H. Morell, to arm themselves, repair to the room of Mr. Cilley, and force him to fight Webb with pistols on the spot, or to pledge his word of honor to give Webb a meeting before Mr. Graves; and, if Mr. Cilley would do neither, to shatter his right arm. They accordingly took measures to ascertain whether Mr. Cilley was at his lodgings; and finding that he was not, they proceeded, well armed, to Bladensburg, where it was said the duel between Mr. Graves and Mr. Cilley was to take place. Before arriving there, it was agreed between Webb, Jackson, and Morell, that Webb should approach Mr. Cilley, claim the quarrel, insist on fighting him, and assure him that if he aimed his rifle at Mr. Graves, he [Webb] would shoot him [Mr. Cilley] on the spot. It was supposed by them that Mr. Graves or Mr. Wise, or some of the party, would raise a weapon at Webb, whereupon it was agreed that Webb should instantly shoot Mr. Cilley, and that they should then defend themselves in the best way they could. Not finding the parties at Bladensburg, they followed in pursuit to the old Magazine, and thence to the shore of the Potomac, near the arsenal, at Greenleaf's Point, whence, it being after 3 o'clock, p. m. they returned to the city, to await the result. "It is unnecessary to add," say they, in a statement drawn up by Webb, signed by Jackson and Morell, and published in the New York Courier and Enquirer, "what would have been the course of Col. Webb, if Mr. Graves, instead of Mr. Cilley, had been injured. Suffice it to say, that it was sanctioned by us; and however much we deplored it, we could not doubt but the extraordinary posi-

ion in which he would have been placed would have warranted the course determined upon." It is difficult to imagine what is here darkly shadowed forth, if it be not that, had Mr. Cilley survived the encounter with Mr. Graves, and had the latter suffered in it, it would then have been the fate of Mr. Cilley to have encountered an assassin.

Such were the material facts and circumstances which attended the death of Mr. Cilley. The committee, entertaining the opinion that the cause of the challenge was the cause of the death of Mr. Cilley, have sought for it where it should be found in the most authentic form, in the correspondence of the parties.

Mr. Cilley declined to receive the note of Mr. Webb, because he "chose to be drawn into no controversy with him." He placed his refusal to receive a demand for explanation of the words spoken by him in debate solely on the ground of his own *voluntary election*, without assigning any other reason. "He chose to be drawn into no controversy" with Webb. He declared, at the same time, that he neither affirmed nor denied any thing in regard to Webb's character, in declining to receive the note. He declared further, that he had before stated, and now repeated, that he intended by the refusal no disrespect to Mr. Graves, and that he had said this *only in reply* to a remark of Mr. Graves, that this course might place him in an unpleasant situation.

Mr. Graves, in his second note, takes but one exception to this first note of Mr. Cilley. "It does not disclaim any exception to him (Webb) personally as a gentleman." He says: "Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient; among other things in this—that, in your declining to receive Colonel Webb's communication, it does not disclaim any exception to him, personally, as a gentleman." "I have, therefore," he adds, "to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor? A categorical answer is expected."

Mr. Cilley, in his second note, regrets that his first was unsatisfactory, but cannot admit the *right* of Mr. Graves to propound the question, and, therefore, he declines any further response to it.

It is difficult to conceive that Mr. Graves, upon this correspondence of Mr. Cilley, could have challenged him for *intending disrespect to Mr. Graves*; for any such intention was positively disclaimed, and, as appears, in a most unexceptionable and courteous manner, in reply to a suggestion of his own, which called for it; or for *affirming or denying any thing in regard to the character of Webb*, in declining to receive his note; for any such affirmation or denial is also disclaimed, in equally positive terms. Mr. Cilley had declined to receive a call from James Watson Webb, for explanation of words spoken in debate in the House of Representatives, and had put his refusal solely on the ground that he chose to be drawn into no controversy with him; but he is pressed further, and interrogated beyond this limit, which he had assigned to himself, and a categorical answer is demanded to the question whether he declined on the ground of any personal exception to Webb as a gentleman or a man of honor. He denies the right to interro-

gate him in this manner for declining a call, which his right, and duty, as a member of the House of Representatives, and the just maintenance of the privileges of that body, required him to decline; and, denying the right to interrogate, he, therefore, refused to submit to answer any further. And it was because he refused to receive the note, and refused to answer any further, that he was challenged by another member of the same body.

This matter is not left open to inference or argument. The cause of the challenge appears in a manner which precludes all doubt. It is still further specified and avowed by Mr. Graves himself, in his own note, which contains the challenge. It is stated clearly, unequivocally, and with the utmost precision, and is assigned expressly, and in form, as the cause for which the challenge is given. "*As you have declined accepting a communication which I bore to you from Colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognized among gentlemen.*" Mr. Cilley, by his "note of yesterday," had refused to answer the question to which a "categorical answer" had been demanded: that is to say, "*whether he declined to receive Colonel Webb's communication on the ground of any personal exception to him as a gentleman or man of honor.*" The ground of challenge, therefore, is, by Mr. Graves himself, expressly stated to be, that Mr. Cilley declined to receive the communication from Webb, and, by his note of February 22d, refused to answer that question, touching the honor of Webb. This was the open and avowed cause, set forth and presented to Mr. Cilley, by which he was guided, and upon which he acted, in a matter involving the utmost extremity of human responsibility. For this cause, and for this alone, he was challenged and fell by the hand of Mr. Graves; unless it be admissible to believe that, after all verbal communication had ceased between him and his antagonist, and the difference had assumed the form exclusively of a written correspondence between them, he was challenged and fell for a cause not set up in that correspondence, not put forth as a ground of complaint, not made known to him or his friends as a matter of grievance, and in regard to which, therefore, it may be believed, he was profoundly ignorant, and had no opportunity afforded him in any way of voluntary satisfaction or explanation.

Nor is there any thing in what subsequently occurred, as disclosed by the joint statement of the seconds, or the testimony of any witness, which gives color to a suggestion, that there was, at any time afterwards, a change of the ground of controversy.

No communication whatever, upon the subject of difference, took place between the principals, their respective seconds, or friends, after the challenge was given, before the first exchange of shots. Of course, no change of the ground of controversy could have occurred until after Mr. Cilley had received the fire of his antagonist, and had hazarded his life in defence of the position which he had assumed in the correspondence. After the first exchange of shots, as already shown, Mr. Cilley re-asserted his original position, and Mr. Wise in-

sisted that what was then said by Mr. Jones only placed "the affair upon the original grounds," and left "Mr. Graves precisely in the position in which he stood when the challenge was sent." There was, in fact, no change whatever in the position of the parties, except what arose from the circumstance that Mr. Cilley had given Mr. Graves the satisfaction demanded of an exchange of shots, and from the further circumstance that Mr. Cilley not only repeated the disclaimer that he had meant no disrespect to Mr. Graves, but positively avowed, also, that he entertained for him *the highest respect and the most kind feelings.*

In this state of the controversy the challenge is renewed, and Mr. Cilley again puts his life in jeopardy. The challenge being once more suspended, he again insists upon his original position, *that he had declined to receive the demand for explanation of the words spoken by him in debate, because he chose to be drawn into no controversy with Webb, and that he would assign no other reason;* and while, on the other hand, it was insisted for Mr. Graves that he considered himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, Col. Webb, and that he only insisted *"that he had not borne the note of a man who was not a man of honor and not a gentleman,"* Mr. Cilley replied affirmatively to a proposition submitted on the part of Mr. Graves, *that in declining to receive the note, he meant no disrespect to Mr. Graves, either directly or indirectly;* and declared that he entertained the highest respect for him, but declined to receive the note, because he chose to be drawn into no controversy with Col. Webb. He excluded, in direct and positive terms, every possibility of disrespect to Mr. Graves, directly or indirectly, and in effect only insisted on his right to decline a demand for explanation of words spoken in debate, because he chose to be drawn into no controversy upon the subject, without assigning any other reason. But he was interrogated for another reason, and another reason was demanded; and for resisting that demand the challenge was again renewed, and he fell a victim in defence of what he conceived to be his rights as an individual, or as a representative of the people in the House of Representatives.

The committee were disposed to pursue this inquiry in every form. Not content with tracing the cause of the challenge in the written correspondence, in the assignment of reasons for the challenge under Mr. Graves's own hand, and in the various propositions which were submitted on the field, from the beginning to the end of the contest, they proceeded to put to every witness who was believed to know anything upon the subject, the direct inquiry, whether "Mr. Graves or his second, at any time before Mr. Cilley fell, communicated to Mr. Cilley, his second, or attendant friends, that a question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted?" Mr. Jones answered, "Certainly not to me, nor to Mr. Cilley, at any time, to my knowledge, either before or during the day the duel was fought. I did not hear of the existence of such a question until the Sunday or Monday after Mr. Cilley was killed. The written correspondence between Mr. Graves and Mr. Cilley does not show the existence

of any such question of veracity" Mr. Bynum answered, "I heard no such communication, directly or indirectly, from either Mr. Graves or his second, made or intimated to Mr. Cilley or any of his friends, before he fell." Mr. Schaumburg answered, "I did not understand that there was a 'question of veracity' between the parties, nor was there any conversation on the subject." Dr. Duncan answered, "They never did to my knowledge. I never heard the question of veracity assigned, during Mr. Cilley's life, as the cause of any difficulty." Mr. Pierce answered, "I never held any conversation with Mr. Graves, or his second or attendant friends, in relation to the late fatal duel, nor did I ever hear, until subsequently to the 24th of February last, 'that any question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted.'" Dr. Foltz answered, "They did not."

Mr. Wise answered, "I do not know what Mr. Graves may have communicated to Mr. Cilley at any time before he fell, as to a question of veracity between them. I presume they both knew what had passed between them verbally. I believe that I did sate to Mr. Jones, or to other friends of Mr. Cilley, on the ground, that Mr. Graves said Mr. Cilley had assigned to him the reason for declining to receive the note of Col. Webb, that he did not choose to be held accountable for words spoken in debate. I think I so informed Mr. Jones when I asked him if Mr. Cilley could not assign this reason on the ground; but of this I am not positive." Mr. Crittenden answered, "Not that I know of. I know of no communication between any of these parties other than as before stated, so far as I now recollect. Whether those communications involve any such question it is not for me to decide; no such question was made, in terms, that I know of." Mr. Menefee answered, "Mr. Graves had no communication of any kind with Mr. Cilley, his second, or attendant friends, and of course did not communicate to them that such a question was a point of difficulty. Nor did the second of Mr. Graves, as far as I remember, make such a communication, except so far as may be implied from the propositions made by him, in connection with the correspondence, &c. One, at least, of the friends of Mr. Graves, in the presence of his second, made frequent attempts to direct the attention of the second and friends of Mr. Cilley to the difficulty which was presented by the terms of Mr. Graves's first note (giving his version of what Mr. Cilley had said) and the ground which Mr. Cilley had subsequently assumed. But it was not referred to, in terms, as a question of veracity. It was believed that Mr. Cilley had honorable grounds, which would be satisfactory to Mr. Graves, and at the same time compatible with the truth, which would effect the object, without making directly such a question whilst efforts were pending to accommodate. Whether the views, thus expressed, were communicated to Mr. Cilley, I know not. For the character of what occurred on this point, so far as I participated in it, the committee are referred to my general statement."

Mr. Graves said to Dr. Foltz, on the way to the field, "That he had been the bearer of a note from Colonel Webb to Mr. Cilley, inquiring if Mr. Cilley had been correctly reported in the Globe. Mr. Cilley refused to receive the note, and declined giving his reasons, which implicated me, in consequence of which I challenged him, but I have no personal animosity towards him." Mr. Wise said on the field, "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor." "These men have nothing against each other; they are merely settling a point of honor."

This concurrent testimony of all, without exception, taken in connection with the written correspondence, the various propositions and answers on the field, and the further fact that Mr. Cilley had not been informed that Mr. Graves had undertaken to repeat to others any verbal communication between them, or that any misapprehension or misunderstanding existed between them on that subject, utterly repels the suggestion, that any question of veracity had arisen, or had been made, or was the cause of the challenge, or of the death of Mr. Cilley. Indeed, any misapprehension on that subject would have given no more just ground of animosity, and least of all of the highly vindictive feelings necessarily aroused by a question of veracity, than the very evident misapprehension which Mr. Graves labored under in regard to some parts of the note of James Watson Webb, of which he was the bearer.

The committee will not, in justice to Mr. Graves, harbor the belief, that there were ranking secretly in his bosom any vindictive or hostile feelings towards Mr. Cilley, growing out of any question of personal veracity, and prompting him to carry

on a deadly warfare under another pretext, not only without a direct and explicit disclosure of the real cause of difficulty, such as would have left no misapprehension on the mind of any one, but under circumstances which misled the other party and his friends, and left him, under that false impression, to the forfeit of his life.

The committee have, therefore, come to the conclusion, that the words spoken by Mr. Cilley in debate in the House of Representatives, the refusal of Mr. Cilley to receive a demand for explanation of those words, and his refusal to assign any other reason for it, than that he chose to be drawn into no difficulty upon the subject, were the causes which led to the death of Mr. Cilley, under the circumstances which have been substantially detailed.

It remains to inquire whether there has been a breach of the privileges of the House.

It is a breach of the highest constitutional privileges of the House, and of the most sacred rights of the people in the person of their representative, to demand, in a hostile manner, an explanation of words spoken in debate; to be the bearer of such a demand; to demand a reason for refusing to receive it, beyond the mere voluntary election of the member interrogated; or to demand, under any circumstances, any reason at all. No member can be questioned in a hostile way, and put to his plea, and yield to it, without subjecting himself to great disadvantages in the estimation of many, and impairing his influence and his usefulness as a member. It is a still more aggravated breach of the privileges of the House, and of the rights of the people in the person of their representative, to challenge a member, and to slay him in combat, for refusing to comply with any such demand. It is the highest offence which can be committed against either House of Congress; against the freedom of speech and of debate therein; against the spirit and the substance of that constitutional provision, that for any speech or debate in either House, the members shall not be questioned in any other place, and violates essentially the right of perfect immunity elsewhere for words spoken in debate here, which is essential to the independence of Congress, and to the existence of constitutional liberty. And when this offence is committed by a member, it calls for the exercise of the highest powers of the House to purge itself of the evil, to maintain effectually its rights and privileges, and to preserve inviolate this immunity, which is guaranteed by the Constitution, and not for the sake of the individual, but for his constituents and for the country.

The present case is without any circumstance of extenuation. A member of the House, in a manner most strictly parliamentary, on an occasion most appropriate, in language most decorous and moderate, in defence of the honor of the House against an anonymous and unfounded charge of corruption, had alluded to the published records of former proceedings with perfect truth and accuracy; had, in obedience to his duty, declined a hostile demand for explanation in a manner in which the committee can discover no cause of offence; had, respectfully, with expressions of regret, declined to admit the right to interrogate him further; had disclaimed all disrespect, directly or indirectly, towards his antagonist, and avowed for him the highest respect and the kindest feelings, and, after all this, avowed without hostility, and against the strongest protestations of others, he was required fatally to expose himself to the third discharge of a rifle. On the other hand, Mr. Graves, a member of the House, voluntarily and unnecessarily became the bearer of a demand upon another member in attendance, for explanation of words spoken in debate; he presented it in the House, while the House was in session; he demanded a reason for the refusal, beyond the voluntary election of that member to be drawn into no difficulty upon the subject; which being withheld, he then challenged him in this city, and slew him in this vicinity, while Congress was in session. Every step of Mr. Graves in this progress, involved him deeper and deeper in a breach of the privileges of the House, until their destruction was consummated in the person of Mr. Cilley. The eye of reason can discover, in the whole course of Mr. Cilley, no offence towards those who pursued him, except that given by alluding to the records of Congress, in the faithful and upright discharge of his duty as a member, which, justly, could have given no offence at all. Nor can his death be vindicated or excused by any circumstance whatsoever, not even by that custom, the relic of unenlightened and barbarous ages, which was formerly supposed to be a proof of some degree of physical courage, but is, in fact, a signal monument of the want of the higher attribute of moral courage; which has, in these modern times, degenerated into a game of chances and a scramble for undue advantages; which can furnish no criterion for truth, justice, or honor, and deals out its inflictions of misery most severely upon the unoffending and the helpless; which is deeply deplored by all men, even those who submit to it, and is forbidden, in every stage of it, by all law, human and divine.

It is not necessary, on the present occasion, to go into any consideration of the general power of the House to punish for breach of privilege; or to inquire into the origin and foundation of that power over contempt, which has been asserted by the

Parliament of Great Britain, from time immemorial, by every legislative body, by every judicial tribunal, from the highest to the lowest, and, repeatedly, by one or the other House of Congress, and has been recognised as existing in the House of Representatives by the Supreme Court of the United States. Whether it be a power necessary to the continued existence of the legislative body, or a power necessary to the free exercise of its legislative functions, it is in either case a necessary power, strictly granted by the Constitution, and as fully granted as if it were literally expressed. But in the case of members, the Constitution has expressly granted the power to punish for disorderly conduct; and has, also, expressly granted the power, with the concurrence of two-thirds, to expel a member for any case which two-thirds of the House may deem sufficient.

The committee, therefore, viewing the breach of the rights and privileges of the House, on the part of Mr. Graves, to have been an offence of this high character, against the vital principle of a deliberative assembly and of representative Government, feel constrained, by a sense of duty, to present to the House a resolution that he be expelled therefrom.

It has been decided by the House of Representatives, on a former occasion, that it was a breach of privilege to send a challenge to a member in attendance, or to be the bearer of such challenge. And it is equally so to act as second to the challenger. In the present instance it appears that Mr. Wise had no knowledge of the demand of explanation which was borne by Mr. Graves, and had never seen that paper until after the fatal catastrophe. But having been early consulted by Mr. Graves upon the first letter of Mr. Cilley, and concurred with him in his views of it, he bore the challenge to Mr. Cilley, and he acted throughout as the second of the challenger, advising and insisting that the fight should go on, until Mr. Cilley fell. The committee, therefore, deeming him deeply involved, under the circumstances which this case presents, in a breach of the privileges of the House, report a resolution that he deserves the decided censure of the House, and that he be censured accordingly.

Mr. Jones had no knowledge of the affair until the determination of Mr. Cilley had been formed as to the acceptance of the challenge, and the time, mode, weapon, and other preliminaries of the meeting. But he was the bearer of the acceptance, and acted throughout as the second of the challenged party; and it is the opinion of the committee that he was thereby involved in a breach of privilege, and that he be censured therefor.

In regard to the persons, not principal nor seconds, who were present on the field, and expressed their opinions at the request of the parties, without having advised, instigated, or procured the meeting, however they might be implicated in the courts of law, the committee entertain doubts how far they would be involved in a breach of privilege; and, under a strong conviction that the power of the House should be exercised, never in a doubtful case, always with moderation, they content themselves with presenting the facts and circumstances, so far as those persons are concerned, without proposing any action thereon.

The committee entertain no doubt that James Watson Webb has been guilty of a breach of the privileges of the House; but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the New York Courier and Enquirer, he be left to the chastisement of the courts of law and of public opinion, and that the House will consult its own dignity and the public interests by bestowing upon him no further notice.

Resolved, That WILLIAM J. GRAVES, a member of this House from the State of Kentucky, in bearing to the late JONATHAN CILLEY, then a member of this House, the demand for explanation of words spoken in debate, demanding his reasons for declining to receive it, and challenging him, and engaging in a late duel with him, which terminated in his death, has been guilty of a breach of the privilege of this House.

And be it further resolved, That the said W. J. G. for said breach of privilege be, and hereby is, expelled from this House.

Resolved, That HENRY A. WISE, in bearing a challenge to the late JONATHAN CILLEY, then a member of this House, and acting as a second to the challenger in the duel, which terminated in the death of Mr. CILLEY, has been guilty of a breach of the privileges of this House, and that he deserves the decided censure of this House, and hereby is censured accordingly.

Resolved, That GEO. W. JONES, in acting as second to the challenged party, the late JONATHAN CILLEY, then a member of this House, in the duel which terminated in his death, has been guilty of a breach of the privileges of this House, and that he be therefor, and hereby is, censured accordingly by this House.

Ware, Henry

Sup
8943

DISCOURSE,

OCCASIONED BY

THE RECENT DUEL IN WASHINGTON;

BY HENRY WARE, JR.

✓

1838

THE LAW OF HONOR.

A

DISCOURSE,

OCCASIONED BY

THE RECENT DUEL IN WASHINGTON;

DELIVERED MARCH 4, 1838,

IN THE CHAPEL OF HARVARD UNIVERSITY,

AND

IN THE WEST CHURCH, BOSTON.

BY HENRY WARE, JR.,

PROFESSOR IN THE UNIVERSITY.

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1838.

DISCOURSE.

PROVERBS xx. 3.

IT IS AN HONOR FOR A MAN TO CEASE FROM STRIFE.

It is said by a distinguished author, in a work which is one of the manuals of classical education, that "the rules of life by which men are ordinarily governed" are the Law of Honor, the Law of the Land, and the Law of God.* It is the object of religious institutions and instruction to uphold the last of these as the supreme and universal rule. In doing this, it is sometimes necessary to bring the other two into a comparison with it, as standards of duty and right. There ought to be no opposition between the law of the land and the commandment of God, and no contradiction to either of them in the sentiment of Honor. And it is especially important to show with respect to the last, which is

* See the opening passage of Paley's "Moral and Political Philosophy."

an ever present sentiment in a refined community and fills the atmosphere of social life, that it is, when properly considered, identical with that sense of right which is the Divine law ; so that the man of true Honor is the man of scrupulous Virtue.

This is rather to be done, because the principle of Honor is more likely, than regard for the law, to become the guide of men of the world. It hardly occurs to them to refer to the statute book for restraint or direction ; while that prompt feeling of regard to the prevalent judgment of the community respecting character, which marks the sense of honor, is always present and operative. The anxiety to stand well in the estimation of the world, the fear of singularity, the dread of disgrace, is so strong, that men are often led thereby, in opposition to their judgment and inclinations, to do what others propose, lest by those others they should be held in less esteem.

A principle so powerful and active demands to be occasionally scrutinized. It should be sometimes brought up to the sanctuary, to be rectified and adjusted by a comparison with the perfect standard of human character there held up. Let us attempt this to-day. Let us look at this sentiment of Honor ; let us discriminate the true

from the false, and show their relation to Divine and human law.

The word HONOR, in its original idea, signifies *respect*, or *praise*. It is that tribute of good opinion, which attends a character thought to be commendable. It is the external expression of the respect which is conceived to be due. Thus the Apostle says, "Honor all men"; show them that respect, which, as partakers of human nature, belongs to them. "Honor the king"; show him that respect, which, as holding such a position in society, is due to him. "Honor is not seemly for a fool"; it is not suitable to pay respect to an individual of this description. Such was the original application of the word, — the expression of that respect which is due to character or station. Now, to deserve and receive such a testimony is one of the strongest desires of man; and hence, by an easy transition, the word came to be applied to the sense of desert or of character in the individual judged, as well as in him that judges; and he is called a man of honor, who is alive to this sense of character and conducts himself consistently with it. Perceiving desert in another, we pay him honor; perceiving it in himself, he claims honor.

Hence, as only real desert should receive the

homage of respect, the man of true honor is the man of real desert ; the man, who has this sense of character because he is conscious that his integrity of purpose and uprightness of life give him a claim to the honor which is always rendered to such a character ; who cannot be guilty of a wrong or an unkind action, because he would thereby in his own eyes, — no matter how it might be in the eyes of others, — in his own eyes, he would forfeit that high claim. He cares less for the judgment which men actually pass upon him, than for that which he knows they ought to pass. His sense of honor is sense of desert, rather than desire of reputation.

Proceeding from this origin, it will appear, that the characteristic ideas comprised in the sentiment of honor are, *self-respect and respect for others*. When we say, that one is “a man of honor,” in preference to calling him “a man of integrity or virtue,” it is because our attention is particularly drawn to these traits ; he is distinguished for his self-respect and his respect for other men.

Such a character is marked by generosity and manliness. The idea of meanness is especially excluded. It is inconsistent with self-respect. A proper self-respect cannot be mean ; it cannot en-

dure the consciousness of concealment ; it cannot bear the consciousness of obliquity in purpose, selfishness in motive, or unfairness even in thought ; and, while it stands so far on its rights as to expect and claim from others a decorous and respectful demeanor, it is yet more scrupulous to render it to them. Such a man, valuing himself on the dignity of his nature, which others have in common with himself, conducts himself toward them as he desires that others should do toward him, in the spirit of the Apostolic injunction, " Honor all men." He thinks himself less disgraced by its omission on their part, than on his own. He is rather ready to defer to others, agreeably to the other injunction, " In honor preferring one another." He yields, in this spirit of mutual respect, he yields something to his fellows beyond what he thinks it necessary to insist on receiving. It is thus a generous spirit ; it always consults the feelings of others ; desires their happiness, guards their reputation ; shuns wrong toward any one as the first disgrace ; strives for right as the chief honor.

Taken in this sense, the sentiment in question is a suitable one for man, and seems to have been designed in his constitution as one of the guardians of his virtue. When thus enlisted on the

side of right, it becomes a high instinct, prompting to spontaneous rectitude, and causing an intuitive shrinking from whatever is unworthy and base. It contradicts no law of man, and is in harmony with the law of God.

But at the same time, from its intimate connexion with what is personal in interest and feeling, it is greatly exposed to degenerate into a false and misleading sentiment. And so it has in fact happened. Connecting itself with the notions of character which prevail by chance in the community, rather than with the rule of right and of God, it has erected a false standard of estimate, and kindled a light that leads astray.

The process is something like this. The character of a man of honor is so valuable, that every one would willingly be thought to possess it; no man can bear to be thought destitute of it. Therefore it becomes important, that they who have it not should contrive to appear to have it; and hence a multitude of fictitious forms are invented, by means of which it may appear to be attributed to those to whom it cannot be justly ascribed. One would think the resort a pitiful one, but it is found to answer its purpose. The appearance passes for the reality, the name for the thing, the form for the substance; hereby credit is saved,

and society moves on satisfied with the plausible deception. Thus Honor comes to bear the same relation to Virtue, that politeness does to kindness ; it is its representative ; it keeps up the form and pretension when the principal is absent ; and, for all the ordinary purposes of the superficial social system of the world, it is accounted quite as good as that which it stands for. Where there is no real sympathy or good-will, Politeness takes its place, and keeps all smooth by its bland hypocrisy of manners ; and where there is no real Virtue, Honor takes its place, and makes all look fair by its plausible outside of decorum.

This then is the first objectionable trait in the world's law of Honor, as a rule of life ; *it is deceptive and superficial* ; it is a thing of appearance only, and not a reality. And from this, the descent is natural and easy, down to its next ill quality. Setting the value which it does on appearance, it finds the object of right gained, by *seeming* to be right ; then the heinousness of wrong may be avoided by concealing the wrong. The man has learned to act, not with a view to doing right, but with a view to reputation, — sometimes even for the appearance of having the reputation. If he secures this, he has gained his end. This he

may secure by hiding from view whatever would put it to hazard ; and so he allows himself in any private vices, yet retains his name. His name does not depend on what he is, but on what he seems ; he takes care to seem right, and is what he pleases to be. Thus he lives a life of infidelity to his domestic relations ; but accounts it no ill, so long as it is not known ; nay, though it perchance be known, so long as he is notwithstanding treated with respect. He is capable of deceit and falsehood ; yet is not any the less self-complacent in his delicate sense of honor, provided no one CALLS him a liar. Then indeed he starts up in proud self-defence ; he feels the stain like a wound ; the imputation is dishonorable ; — but the stain itself was not dishonorable so long as it was not remarked upon.

Thus it appears that a man of worldly honor may be guilty of a certain degree of baseness and crime without inconsistency and without compunction, if he have but the skill to keep it from being known. It is not wonderful that it should soon follow from this, that he may be guilty of certain sorts of baseness and crime *openly*, and yet not forfeit his reputation. And such is the fact. One may be a gambler to a certain extent, and actually ruin a friend and drive him to de-

spair, — yet no impeachment of his honor. He may be unprincipled in his expenditures, so that the poor whom he employs shall be unable to obtain of him their just dues; he may revel in luxury, while defrauding the mechanics and tradesmen on whose ingenuity and toil he lives, — yet no impeachment of his honor. He may be a known debauchee, trampling on the most sacred rights and affections of his own home; he may, by a process of deliberate, heartless cunning and fraud, bring down a humble beauty to hopeless disgrace and misery; he may be, on a very trivial offence, the murderer of his friend; — yet not one, nor all of these crimes, accompanied as they are with what is mean and base, takes from him his claim to be treated as a man of honor. He is treated as such. We could name the name of more than one such man, who is allowed to walk abroad in society, to mingle in its high circles, to hold a place among its high officers. Strip off his factitious mantle, and the mind regards him with loathing. Put his mantle on again, — and he is a man of honor!

The spirit of wordly Honor is thus evidently characterized by *selfishness*. Its fundamental idea is a reference to what the world will think of ME; *my* reputation, *my* standing, — how are they

affected? what will secure them in the eyes of the world? Everything must give way to this paramount consideration. I must secure my own good name among those with whom I move, *come what may*. It is amazing what deeds are done in consequence! In the great world, the peace of families is violated, the confidence of those most loved is abused, and the interests one had sworn to support are abandoned. In lesser circles, — in a college, for instance, — the same principle leads a young man headlong to do what the spirit of his companions demands of him, — though he knows, that it is against the judgment of the friends and patrons whom he loves and depends upon, and will go nigh to break the heart of those who gave him birth. These considerations he learns to despise. So intensely selfish is this principle! sacrificing every thing else to its own morbid craving for the good opinion of the circle with which one chances to be connected.

It is equally distinguished for its *jealousy*. Selfishness is always jealous. It cannot have any thing of sincere and generous confidence in others. The man whose rule of life is, to refer every thing to its bearing on his own reputation, to weigh all the words and looks of other men with a view to discover whether they sufficiently ac-

knowledge his claims to consideration, acquires thereby an unreasonable sensitiveness of feeling, nourishes an uneasy spirit of jealous suspicion, is annoyed by slight causes, and offended by trifling inadvertences. Instances of this are familiar in the history of society, and have furnished abundant materials for the derision of the satirist. But ridicule is too light a weapon for what works so much woe. This wretched temper, uniting with the pernicious principle we are speaking of, impels to action. The passage is direct from Jealousy to Revenge. In the moral code of Honor, Revenge is a great virtue. It is the noblest achievement of a man, when offended punctilio is writhing under the wound of a word. Philosophers and moralists speak of revenge as a crime. The laws of God and of man forbid it as such. Civilization, as it has gained sway over man in its beneficent progress, has caused it to decline from use like other practices of a savage life. But, in the code of Honor, it still holds its place as a virtue. The law may punish the greater offences; kind feeling, philosophy and religion may forgive the less. But Honor prohibits forgiveness. It demands revenge. The offence may be real only to the diseased sensibility of excited jealousy; but its punishment must be actual and signal. It

is decreed in letters of blood. This is the only system of social economy from which the growing refinement of the world has expunged no portion of its sanguinary code.

Thus jealous and revengeful, it is not surprising that the system in question should be *despotic* also. Such tempers are always so. It rules with arbitrary, inexorable, uncompromising sway. It allows no wavering, no relenting, no appeal. The slave is not more entirely deprived of his right over his own limbs and labor, than the devotee of Honor is deprived of a right to his own judgment in all things within her province. The Inquisition was not more inexorable to its victims, than is the court of Honor to him who stands within its jurisdiction. He may have serious doubts respecting the morality of the course demanded of him; his more generous feelings, his conscience, his sense of responsibility to God, his obligations to those he loves, his dread of crime, — all may plead with him. But he is compelled to silence their affectionate and monitory appeals, and is led pinioned and blindfold to the end. He bears no ill-will to any one; he is sensible of no wrong, he has designed no wrong, he knows revenge to be a sin, and he starts from bloodshed as a crime. But of what avail these better sug-

gestions of his heart, these virtuous sympathies, this reviving sense of right, this awakened thought of God? He is in the hands of the ministers of Honor, and they allow him no retreat. He must go on by that rule which he has adopted. The terrors of disgrace and ruin await him if he draw back. And thus, willing or unwilling, — like a victim to the sacrifice, — he is led out and immolated on the altar at which he had been proud to worship.

This is the consummation to which the system leads. The Duel is its tribunal and its place of execution. Worthy close of the progress we have described! It is fit, that what began in meanness should issue in blood. It is consistent, that the end should be in an act, which no sophistry has yet been able to take away from under the definition of murder; — an act, which is distinguished from most of the murders punished by the hangman, only by a greater share of that deliberate preparation and cool purpose of mind, which go to make up the very definition and aggravate the guilt of that act; — distinguished from assassination, mainly, by the circumstance that the assassin does not expose his own life, — as if, by exposing two lives, I diminished the guiltiness of destroying one! — as if, by purposing both murder

and suicide, I escaped the sin of either ! A practice, also, which has been denounced by all governments in modern times ; which lies under the ban of express law in nearly every nation ; and which, after this exposure of its folly and wickedness, is able to offer in its defence no better a plea than that of custom and a certain traditional sense of honor ; — a plea so poor, that the Emperor Frederic the Great said, “ I DESPISE the arguments of those who seek to justify it.” That man of military science, than whom none can be named having better claim to decide such a question, was willing to pass upon the system the stigma of *cowardliness* ; thus taking from it its favorite plume of pride. And well he might. For it makes the great restraint on human conduct to be Fear. It binds men to observe the forms of mutual respect by an appeal to their fears. It does not say, Avoid to ill treat and defame, because it is wrong ; but, because you will put yourself in peril of a challenge ; and then it drives its disciple to the field, not by a persuasion that it is right, but by a fear of disgrace. Hence, it is not surprising, that some of the most punctilious observers of decorum in certain circles, should be regardless of it in others, and even become insolent toward those

from whom they do not fear the chastisement of blood, — sometimes even toward individuals of that sex, which is privileged to be exempt from the most distant hint of insult. And, when this is observed, we ask, what better can be expected of a rule, which builds, not on principle, but on fear? which assumes to make gentlemen and men of honor through the agency of the same low motive by which the slave is driven to his task?

And this system of selfishness, tyranny, and cowardice presumes to take precedence, among rational men, of the statutes of the commonwealth and the law of God!

It is difficult at any time, — it is especially difficult to-day, — to speak on this part of the subject as its dreadful solemnity demands. The criminality of that code of morals, whose court of justice is the field of single combat, is so mingled with folly, that one hardly knows in what character to approach it. But the recent catastrophe has alarmed the country; and every man, who has the opportunity, is called upon to give voice to the sentiments which Truth and Justice are impatient to utter, — to do something to vindicate the insulted community from the wrong which has been done it, — and to bring

to the test of Right and the Divine Law that system, whose bloody fruits we are witnessing ; — a system, as we have seen, unprincipled in its origin, selfish and jealous in its operation, revengeful and bloody in its end ; whose progress is over the violated laws of both God and man, and whose consummation is an act of unmitigated crime. Of such a system, at such a moment, in such a country as this, every man that has a voice should speak out the curse of earth and Heaven. In such a country, I say, — for, however it may be elsewhere, its atrocious inconsistency with the institutions and purposes of a free land renders its dominion tenfold insufferable here. What right have we here to a privileged class of law-breakers and criminals ? What have we to do with an aristocracy of felons and man-slayers ? Where is the warrant in our constitution for this new nobility of blood, this peerage of the dirk and the pistol ? Yet, to our shame, it exists ! If a common man, in a moment of sudden passion, revenges an insult with a blow, or dares his fellow to an immediate fight without weapons, and one falls a victim, the law steps in, the court is arrayed, and the unprotected, penitent, agonized sufferer is executed on the gallows. But, if two men in higher life, taking deliberate

and formal counsel of other men, *all of them under oath to guard the welfare of the republic*, go forth at mid-day to commit the foul offence, and one of them dies upon the spot, — the others return in safety to their seats as the guardians of the public weal, and the highest authorities of the Republic* pay honors to the remains of him who died in the act of violating its laws. Yet this purports to be a land of equal rights, where justice is impartially dealt out to the high and low! Who will purge it of this crying inconsistency? Who will wipe away these disgraceful wrongs?

The pulpit, beneath which so many young men sit while forming the characters by which they are to influence their country and their fellow men during many future years of active and public life, would be false to its momentous trust, if, at such a moment as this, it failed to lift its warning cry; if it did not attempt to disabuse their minds of the delusive fascination with which the reckless spirit of worldly Honor is too often invested. The halls of learning, where philosophy teaches, and science utters truth, and Chris-

* Let it never be forgotten, to the honor of the Judges of the Supreme Court of the United States, that they refused to join in this gross impropriety.

tianity communicates the law of brotherhood and love, would be unworthy of their lofty place, if they did not resound with the proclamation, that all those great and deathless interests denounce and abhor the masked impostor, that under the name of Honor opens to the aspiring young the highway of sin and death. And therefore it is, that I have sought to tear away its disguise and expose its deformity ; therefore it is, that I would bring forward in its place the true Honor, founded in Right, — exercised in self-respect and respect for all, — faithful to all trusts alike, — fearing only God. Let the future men of our country hear, and make it theirs.

There is much in the aspect of the times to alarm the patriot and make the Christian sad. We have been accustomed to believe, that society is advancing, that man is becoming a more civilized and rational being, that religion has taken the world out from its semi-barbarous era, and secured to it the age of refinement and progress. The order of the age seemed to be onward, only onward, to the removal of social evils. Cruel and savage customs were disappearing, torture and the ordeal were gone, regard for human rights was becoming prevalent, the whole world seemed moving on with gifts of love for the wretched, the

captive, and the sinful, and the earth was echoing with the sounds of the triumphant march of humanity.

When, therefore, in such a state of things the quiet is broken by deeds of violence and strife, the evil is not only felt as a crime against morality and man, but it strikes the disappointed heart as a sin against the character of the times, as a dark omen of defeated hopes. When the peaceful supremacy of the laws is assailed by the irregular passions of the mob, and the sanguinary vengeance of self-constituted tribunals ; when the sacred harmony of the halls of legislation is interrupted by vulgar brawls ; when the presiding officer of a State assembly descends from his seat of honor to plunge a knife into the bosom of a member ; when a company from the supreme council of the nation step forth from their illustrious duties to settle a paltry dispute by the rifle ; — we feel, not only that the laws have been defied, and the honor of the Republic outraged, and treason committed against the majesty of the state, and a ghastly wound inflicted on the reputation of the country, — but that the dark ages are threatening to return upon us, that the barbarians are within our borders, that there is a conspiracy against the progress of man, and that we are to

wait yet longer than we trusted for the coming of the day, when mind shall triumph over brute force, and truth and right shall assume their full dominion.

But, though saddened, we may not despair. All is not lost. The promises of God cannot fail. Let the friends of man and the country be but true to themselves, — let them raise the alarm to the sleeping people, and summon them to the rescue of their fair inheritance, — and all shall yet be well. We may trust in God, that even the present dreadful calamity may be the instrument of good, by awaking to a sense of the danger those who else might have slept on. We may trust, and not doubt, that He will make the wrath of man to praise Him, and the remainder will restrain.

Therefore there is reason, that we seek to dispossess of its dominion the false principle which has wrought such evil, and to enthrone in its place that true and manly Honor, which is in agreement with the law of the land and of God. In that there is nothing barbarous or selfish, nothing jealous or revengeful, nothing inimical to the peace of individuals or the order of society. It is that spirit of self-respect and mutual respect, which is always generous, and always devoted to

the right. It rests upon the dignity of man as the creature of God. It makes His law, and not human opinion, the standard and rule ; His praise, and not the praise of men, the great object of desire. It holds itself bound to give account of itself to Him alone. Therefore it cannot do wrong. It cannot injure or defame. It cannot be driven to violate truth, or conscience, or right. It cherishes peace with all men, and holiness, without which no man shall see the Lord.

In conclusion, one solemn conviction presses on our minds. Men may, if they will, think to select for themselves their principles of action and rules of life. They do it at their peril. They cannot, if they would, remove themselves from the obligation to live by the law of God. We are born beneath his government, and we cannot escape its jurisdiction. We have the teachings and institutions of the Gospel, and by them we shall be judged at the last day. There is no alternative. We cannot, if we would, live beneath any different government, or be judged by any other rule. Why then so anxious for the good opinion and the honor of men ? Why so afraid of their ridicule or their censure ? Let us rather say, with the Apostle, " It is a small thing to be judged of man's judgment ; he that judgeth us is the

Lord." Let us especially listen to the words of Christ: "Fear not them that kill the body, and after that have no more that they can do; but I will forewarn you whom ye shall fear;—fear Him, who, after that he hath killed, hath power to destroy both soul and body in hell; yea, I say unto you, FEAR HIM!"

DOCTOR SPRAGUE'S SERMON,

OCCASIONED BY THE

LATE TRAGICAL DEED AT WASHINGTON.

A
SERMON

ADDRESSED TO THE

SECOND PRESBYTERIAN CONGREGATION IN ALBANY,

MARCH 4, 1838,

THE SABBATH AFTER INTELLIGENCE WAS RECEIVED THAT THE

HON. JONATHAN CILLEY,

MEMBER OF CONGRESS FROM MAINE,

HAD BEEN MURDERED IN A DUEL

WITH THE

HON. WILLIAM J. GRAVES,

MEMBER FROM KENTUCKY.

By WILLIAM B. SPRAGUE, D. D.

MINISTER OF SAID CONGREGATION.

PUBLISHED BY REQUEST OF MANY WHO HEARD IT.

ALBANY:

PRINTED BY PACKARD AND VAN BENTHUYSEN.

1838.

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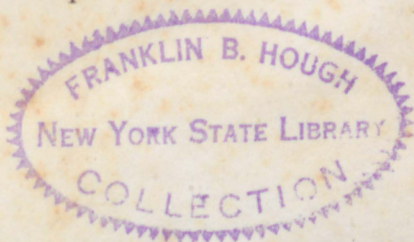
SERMON.

I. TIMOTHY II. 1, 2.

I exhort therefore that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.

The religion of the gospel is pre-eminently a religion of benevolence. As it has its origin in the benevolence of God, so its tendency is to form a benevolent spirit in man; to prompt us to do good to our fellow-creatures, as we have opportunity. And one of the most important means of doing them good which it places within our reach is intercession in their behalf at the throne of the heavenly grace.— One great advantage of this, above other means of usefulness is, that it is less subject to the controul of circumstances; for though there are circumstances in which I cannot be *actively* engaged to promote the welfare of my fellow-men, there are none in which I may not lift my heart to Heaven in their behalf. And then the spirit of intercession takes for granted that we put forth our best efforts for the benefit of those in whose behalf it is exercised; for if we ask God to do them good, while yet we ourselves neglect to do that for them which is within our ability, what better is our asking than mockery?

As it is obligatory upon all to offer intercession, so there are none who are not legitimately subjects of it. Hence the exhortation of the Apostle in the text that "intercession



be made for *all* men;" for men of every nation, every character, every condition. We are to intercede for all, because all have a common origin, a common nature, a common relation to God and eternity. We are to intercede for all, because there are none so good as not to need our intercession, and none so bad that we have a right to withhold it from them. We are to intercede for all, because this is one of the means in the economy of God's grace by which all are to be blessed.

But while the Apostle enjoins the general duty of intercession for all men, he designates a particular class as having a special claim to be remembered in our supplications. This class consists of CIVIL RULERS—"Kings and all that are in authority." And while there are general reasons why we should intercede for all, there are particular reasons why we should intercede for these. TO EXHIBIT BEFORE YOU SOME OF THESE REASONS is the object of the present discourse. I observe then,

I. We owe it to *our rulers* that we make intercession for them.

We owe it to them, inasmuch, as they occupy places of peculiar *responsibility*. They are the constituted guardians of the publick welfare. It is for them to decide upon measures in which the interests of the state or the nation may be involved; the influence of which will tell upon every part of the body politick, and will either render its pulsations more vigorous and healthful, or create the elements of disease and decay. Very often is the legislator placed in circumstances in which the giving of his vote, or even the expression of his opinion, is felt for good or evil to the extremities of the nation. Civil rulers then have a mighty responsibility resting upon them. They are responsible to the community with whose interests they are entrusted. They are responsible to God whose ministers they are. Have

they not a claim then upon us that we should assist them by our prayers to sustain this burden?

But they occupy places of peculiar *delicacy* and *difficulty* also. They may have the most honest intentions and the most earnest desires to do right, and yet there may seem to be so much that is right or so much that is wrong on both sides of the question that is presented for their decision, that they may find themselves utterly at loss what course to adopt; and yet the question may be one which involves the most important publick interests, and one upon which they are compelled to act without the opportunity of much previous reflection. It often happens that matters of legislation are so deeply involved, and the results of different courses depend so much on the remote relations of things, that any man may reasonably pause long before he comes to a conclusion, and may review his conclusion with some degree of doubt after he has formed it; and where the subject is one of deep interest, it cannot be but that a conscientious legislator must find in it a source of severe trial. On *this* ground then, are not our rulers entitled to the benefit of our intercessions?

Still farther: They occupy a place of peculiar *temptation*. They may be tempted to violate their own honest convictions, for the sake of being true to the party which they represent, or of avoiding a forfeiture of the place to which they have been elevated. They may be tempted to forget the publick good in a regard to their own interest; asking rather what will advance their own temporary popularity, than what will subserve the benefit of the nation. And they are especially liable to the temptation to neglect their own immortal interests. In the whirl of publick business and the collisions of party feeling, there is danger, even if they are true christians, that they will grow negligent of the great duties of keeping the heart, of communing with

God, of growing in grace; and if they are strangers to the power of religion, there is reason to fear that conscience in these circumstances will become more and more powerless, the heart more estranged from God, and the prospect of ever reaching Heaven more fearfully dubious. I say not that there is any thing in civil office that is at all incompatible with the most elevated tone of piety:—Wilberforce was in the British parliament, and was most deeply involved in the concerns of the nation during a great portion of his life; and yet I know not where to look in modern times for a higher tone of spiritual feeling than he exhibited. But while his experience and that of a few others shows that civil office is not incompatible with a deep and glowing piety, the experience of the multitude proves that it is exceedingly unfavorable to it. Shall not then this class of our fellow-men have our prayers that they may be kept from yielding to the temptations which their station involves;—especially from making shipwreck of a good conscience, and neglecting their own salvation?

And finally under this head, our rulers occupy a place *to which they have been elevated by ourselves*. There are indeed nations whose rulers are imposed upon them by an hereditary succession; but *we* have no rulers which, we have not ourselves made. Whatever difficulties in the way of doing right or whatever temptations to do wrong their station may involve, to those difficulties and temptations we have subjected them; and hence surely they have a claim upon our intercessions that they may be enabled to hold fast their integrity and discharge with fidelity the duties to which we have called them.

II. We owe it to *ourselves* also that we faithfully discharge this duty—to ourselves both as a *nation* and as *individuals*.

It is a law of the divine administration that the prosperity

of nations should depend in a great measure upon the character of their rulers; that in proportion as those who exercise authority over them are enlightened or ignorant, virtuous or vicious, the nations themselves should be degraded and miserable, or elevated and happy. If we recur to the history of the Jews, we shall find a perpetual illustration of this remark: when they were governed by wise and good men, we are told that things went well in Israel; the nation was prosperous and happy: but when the high places of publick authority were occupied by the wicked, the effects of wild misrule were felt in every thing, and the nation groaned under the most signal manifestations of the divine displeasure. And so it has been in respect to every other nation. No community was ever prosperous for a long time, which was prevailingly under the controul of bad rulers.

Nor are the *reasons* of this fact less obvious than the fact itself; for civil rulers have a hand upon the very springs of publick prosperity. Their influence is both direct and indirect. It is direct, inasmuch as it is for them to frame and execute the laws on which the publick weal essentially depends. Suppose then that the laws which they enact are adapted to the promotion of intelligence and virtue, this renders them benefactors to the whole community; whereas, on the other hand, if they adopt measures which are fitted to encourage licentiousness under the name of liberty, or if they leave any of the dearest interests of man unprotected, do they not infuse poison into the very fountains of publick happiness? And the influence of rulers is felt, to say the least, not less in the execution of the laws than in the enactment of them; for be the law ever so salutary in its tendency, if it is suffered to remain a dead letter, its beneficent provisions can never be realized: no evil doer will ever be terrified by the sword of the magistrate, if the ma-

gistrate himself is always asleep. And then there is an *indirect* influence exerted by rulers scarcely less important than that to which I have already adverted—I refer to the influence of their example. What is said of the church may be applied to them—they are “a city set upon an hill.” From the commanding elevation which they occupy, they are rendered conspicuous objects to the whole community; and as their example is good or evil, they become either like the pole-star to guide the mariner safely on his way, or like the ignis-fatuus, to bewilder the traveller away from his path. Let a man of exemplary virtue and lofty aspirations be elevated to a post of high authority, and his benign influence will diffuse itself far and wide; there will be an attractive energy in his example which will be felt by a multitude of hearts; not only those who witness, but many who hear of, his truly honourable and exemplary deportment, will find in it a most persuasive argument for their own well doing: whereas, on the other hand, if such a place be occupied by a man who disregards the obligations of morality, or scoffs at the gospel as a fable, or surrenders himself to the loathsomeness of sensuality, or, as the case may be, stands ready to plunge a dagger into the heart of his fellow-man—I say if the chair of authority be occupied by such a man, every profligate and villain in the community will feel strengthened in his desperate purposes as often as he lifts his eye to the powers that be; and the bands of moral obligation, the strongest that bind society together, will soon come under a dissolving process from being subjected to such an influence.

Now what has happened to other nations, must inevitably happen to us:—wisdom and fidelity on the part of our rulers will bring upon us the smiles of Heaven; while their neglect of their appropriate duties, and especially their open wickedness and impiety, will as certainly bring upon us God’s

avenging frown. Do we then value our national prosperity, and desire to see it increase more and more? Do we shrink from the thought that these precious privileges which our fathers have bequeathed to us to be transmitted to posterity, should be lost in our hands? Do our bosoms burn with the lofty desire that our nation may become a praise in the whole earth? Then surely it becomes us not to forget the duty of interceding for our rulers before God; for on them, under God, our weal or wo especially depends.

But while it is due to ourselves as a nation, it is not less due to ourselves as *individuals*, that we faithfully discharge this duty. As individuals we are component parts of the nation; and whatever affects the whole body of course affects all the parts of which it is composed. Inasmuch, then, as the influence of rulers pervades the nation at large, it reaches, either directly or indirectly, to every class, nay, to every individual, within its bounds. Yes, hearers, it depends in no small degree on our rulers whether those institutions which are the nurseries of some of your dearest interests—the fountains of some of your richest blessings, shall flourish under the influence of a liberal economy, or languish under the influence of a withering parsimony. It depends upon them to decide whether your property shall be made as secure to you as is consistent with the mutability of the world, or shall be borne away from you by the desolating current of publick convulsions and conflicts. It is for them also to say whether you shall walk abroad in the confidence of perfect safety, or in the apprehension of appalling danger; whether you shall sit quiet and unmolested under your own vine and fig tree, or be liable to be awaked at midnight, by the footsteps of the robber or the assassin. In short, the rulers of the country are, to a great extent, the guardians of your individual and personal interests; and the influence which they exert reaches even to the innermost part of the

sanctuary of domestic life. Unless then we are indifferent to our most important interests—interests which belong not only to the life that now is, but to that which is to come, can we forbear to ask of God that he will grant wisdom and grace to our rulers according to their needs?

III. We owe it to *posterity*, also, that we faithfully discharge this duty.

It is a most contracted view of things which those persons take who, in their estimate of the influence of actions upon earth, look not beyond the period of their own mortal existence. The truth is, each generation is acting, not for itself only, but for all succeeding generations. The opinions that we form, the habits that we cherish, whatever constitutes the character of our age, will be transmitted, in a great degree, to the beings who shall occupy the stage after we have left it. A few more years, and the grave will have taken every one of us into its keeping; but those who shall occupy our places will know what we have been even if every written record of the age should be blotted out; they will read it in their own character and condition—in the habits and opinions we shall have entailed upon them. If then the present generation is acting not for itself only, but for posterity, and if the legacy which it is to bequeath depends in a great measure on the influence of its rulers, then how important is it that that should be a well directed influence; that we may not be chargeable with having left in the path of those who are to come after us the elements of destruction.

Men of this generation, I hear a voice speaking from the depths of the future, in an imploring and monitory tone. It is the voice of an unborn posterity, reminding you that you have other interests than your own committed to your keeping—that you are living, in an important sense, for those who are to live after you are dead. They implore of you

not to entail upon them ignorance, insubordination and crime. And that you may be faithful to your trust in respect to *them*, they admonish you to be faithful in your duty toward those in authority, and especially to commend them to the God of all counsel and wisdom. Men of this generation, listen to the monitory voice. Pray for the rulers of the nation, as you would shudder at the thought that those in whose grateful remembrance you would desire to live should pronounce curses over your sepulchres.

IV. We owe it, also, to *God*, that we forget not to intercede for our rulers.

We owe it as a debt of obedience to his authority, and of gratitude for his goodness. Civil government is God's own ordinance; and hence the Apostle, speaking of the magistrate, calls him "the minister of God to thee for good." I do not mean that any particular *form* of civil government is authoritatively prescribed to us in the scriptures; but that the ordinance *itself* is of divine origin admits not of question. And it is easy to see that the purposes to be accomplished by it are worthy of its divine original: it is the channel through which God communicates a large part of the blessings which he bestows upon men; nay, it is essential to the very existence of human society.—And to no nation on earth we may safely say, does this ordinance of Heaven secure a larger amount of blessing than to our own. Hence, then, we are under a double obligation to co-operate with God for the accomplishment of the great ends of this institution; and as intercession for our rulers is one important means of this, we are bound to employ it to the extent of our ability. Do you recognize the supremacy of God's authority? Then pray for our rulers, because civil government is from God; and more than this—God has explicitly required this at your hands. Do you cherish a grateful sense of the divine goodness? Then surely you will mani-

fest your gratitude by falling in with his own gracious designs; and especially in strengthening the hands and encouraging the hearts of our rulers for all well doing by your fervent intercessions. Contemplate not only the beneficent tendencies of civil government in general, but the rich and varied blessings which it secures to *you*; think of the domestick quietude, the general security, the equal rights, the means of intellectual and moral culture which you enjoy, and contrast with all this the miserable degradation, the besotting ignorance, the deep and cruel oppression, under which many other nations are groaning at this hour, on whom has been entailed some wretchedly perverted form of civil government; and then say whether every feeling of gratitude to the Being who hath made you to differ, does not demand that you should obey the exhortation of the Apostle to make intercession for those who are in authority.

V. Once more: We owe it especially to *the present crisis* that we are faithful in the discharge of this duty.

I will not dwell here upon the fact that the tide of our national prosperity has recently been setting back; that our publick concerns have undergone a melancholy derangement; that our commercial interests have been depressed, and the fortune of many a rich man has been blown from him, just as a feather rides off upon the wind: no, I will not speak here of national calamities; but I *may* speak of national crimes—the polluted and deadly fountain, in which have originated all these dark streams that are rolling through our land. I may speak of the desecration of God's holy day; of the multitude of boats of every description that are abroad upon all our waters; of the multitude of publick and private vehicles that are moving wherever there is a road to admit them; of the multitude of hands that are kept busy in sustaining these unhallowed operations; of the multitude of professing christians who calmly look on without saying

a word, or else lend a direct influence in aid of the desecrating process. I may speak of infidelity, that monster of brazen front, and fiery tongue, and poisonous breath, who goes round with curses hanging upon her footsteps. I may speak of a spirit of insubordination and defiance of the powers that be; of the mob forcing its way up into the judgment seat, and setting at naught all legal authority, and trampling on the dearest rights of man. And I may speak, I *must* speak, of the shedding of human blood,—not by the executioner whom God has constituted the avenger of publick crime, but by the legislator whom God has ordained the guardian of the publick interests; not by the uncivilized Indian whose education renders him at home in scenes of barbarity, but by the man of cultivated intellect and polished manners; the man who has been nurtured under the influence of christian institutions, and whose mother taught him as one of his earliest lessons, “Thou shalt not kill.” I need not tell you why I speak thus—the explanation has been anticipated in every newspaper which, within the last few days, has fallen into your hands. The simple truth divested of all technical phraseology is, that there has been a murder of the most atrocious kind at the capitol of the nation. An individual in the heat of publick debate dropped a word that fell harshly upon the ear of some who heard it; and that provoked the resentment of some who read it. And the strange result is, that a man who has received no injury goes to a man who has inflicted none upon him, and makes the foolish and desperate proposal that they go out into a bye place, and stand up and face each other with the weapons of death, and each do his best to send the other, stained with the guilt of murder, into eternity. And the arrangement for the bloody transaction is quickly completed; and with a single night intervening, they are on their way to the spot where one of them is to die; and lest the privilege of blood-shedding

should be denied them, they move in such profound silence that those who would have arrested the procedure are unable to track them to their deadly retreat. They reach the spot and adjust every thing according to the code of honourable murder. Each lifts his instrument of death, and points it at the other's heart, and discharges it without effect. And then there is a grave discussion among the accomplices whether, inasmuch as there is no personal hostility between the parties, they may not now let each other live; but the law of honour still cries out for vengeance. And then the preparation for another trial is made, and the trial is over; and yet another succeeds, and there is no blood flowing yet; but at length the weapon of one falls from his hand, and the hand that held it moves no more. Honour looks upon that bleeding corpse and cries out, "It is enough:" The body of the eloquent statesman rendered lifeless by a man whom he had never injured, and in a combat to which he had madly consented, is borne back to the place from whence he came; and then a sensation of horror beginning at the heart continues to circulate till it has gone through every pore of the nation. The story as it goes abroad is, that a man has fallen in a duel; but the truth as it is written in God's book is, that a man has been deliberately and wantonly murdered. And the murderer—I know not where he is, but I pray that he may not be sitting among the legislators of my country. Let him flee into some dark place, with all who were concerned in the horrid transaction, and seek forgiveness through the blood of Jesus, which availed to purge away the guilt even of his own murderers.

I have recited the aggravating circumstances of this foul deed, not because I do not suppose you are familiar with them, but because I would impress most deeply upon your hearts the lesson which they so loudly inculcate. Is there

not reason to fear that, because the practice of duelling has disappeared almost entirely from the part of the country in which our lot is cast, we have ceased in some measure to feel our responsibility in respect to it as a national sin? But surely, my friends, if this be so, the recent tragedy administers a rebuke to our apathy to which we shall be constrained to give heed. The man who has fallen had his birth and education not in the South but in the North; and all the individuals immediately concerned were men whom we had sent to the capitol to make laws for the protection of our rights. I say then, here is a voice that echoes through all the North as well as the South, charging every man to exert his personal influence for the suppression of duelling. Let the laws, wherever there *are* laws on this subject, be promptly executed;—yes, executed even to the hanging of the duellist up between the heavens and the earth; or if he escape the hand of justice, let publick opinion, mighty to punish, imprint Cain's mark upon him, that wherever he wanders in the earth, the evidence of his blood guiltiness shall meet every eye. Let all the conductors of our publick journals, as many have done already, give us the history of duels under the head of murder, and accompany it with corresponding comments. Let all political considerations be lost sight of in the estimate which is formed of these events; and let no man stop to inquire whether a duellist belongs to one party or to another, before he expresses an opinion of his guilt. Let our great men and our wise men at the capitol who reverence the authority of God and regard the interests of society, dare to speak out their convictions; though every blood-stained disciple of honour whom they meet should lift his voice to remonstrate, or even draw his dagger to terrify. Let every citizen when he goes to the ballot-box, inquire whether it will be safe to put his dearest interests into the keeping of a murderer; and let him re-

solve, as he would keep a conscience void of offence, that no man who gives or accepts a challenge shall ever have his vote. Let every one labour according to his ability to purify the land from blood. Never was there a more auspicious moment than the present for a sustained and vigorous effort on this subject; and if all classes are faithful now—if the pulpit speaks, and the bar speaks, and the press speaks, so that the note of remonstrance shall be heard, loud and long, in every city and every village, in the palaces of the great and the hamlets of the poor, rely on it, a change in publick opinion will ensue which will cause this bloody event to mark the era of a blessed national reformation.

I hear one voice that seems used only to sobs—a voice coming up from a bosom that anguish hath seized and monopolized as its dwelling. I enter the habitation whence it comes, and every thing around me tells that I am in the dominion of wo. *There* sits a widow half paralyzed by the power of grief. Her babes cluster around her; and she takes them one by one, and presses them to her throbbing bosom, and calls them fatherless. I say to myself, ‘I am accustomed to find mourning wherever the destroyer hath been; but in such deep lines of agony as *this* countenance exhibits, I think I see the *murderer’s* hand.’ Ah yes, it is that which surcharges this widow’s cup with wo. It is not that her husband is dead, nor yet that she has not been privileged to minister to his latest wants, but it is the *manner* of his death, that creates the untold pang. And now ye wretched men, who have been partners in this horrible transaction, come hither and see if you can survey with a steady eye the work of your own hands. If there was nothing to move you in the bleeding and breathless body of the husband, come and see if you are equally proof against the sobs and wailings of the wife. Come, every one whose principles allow you thus to sport with human happi-

ness, and see if there is not something here that will put horror into your very dreams. Come, ye who profess to hate the practice, and yet do nothing to oppose it, and see if the time has not arrived for vigorous and determined resistance. And yet this is only one of an extended class of crimes that blacken the annals of my country! Oh could there be assembled in one mournful group at the capitol of our nation, all who have been rendered widows and orphans by this murderous practice; could the tears which it has drawn forth be gathered into one mighty reservoir of wo; could the sobs which it hath produced be condensed into one convulsive and doleful lamentation; I cannot doubt that in that same hour this monster vice would have his death warrant written, and that even the men of honour themselves, lion hearted though they be, would not dare refuse to sign it.

And now in the close, I come back to the Apostle's exhortation, that you should pray sincerely, earnestly, perseveringly, for our rulers. The present crisis especially demands it. The prevalence of open transgression, the boldness of iniquity in high places, the air of defiance with which public sentiment is met, loudly demand it. Pray for them that they may be indeed the ministers of God to us for good. Pray for them that they may possess the spirit, and discharge the duties, of their station. Pray for them—and yet tell it not in Gath that there should be occasion for such a prayer—that they may be kept from shedding each other's blood!