

THE
CODE OF HONOR

OR,

RULES FOR THE GOVERNMENT

OF

PRINCIPALS AND SECONDS

IN

DUELLING.

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CHARLESTON:
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TO THE PUBLIC.

THE man who adds in any way to the sum of human happiness is strictly in the discharge of a moral duty. When Howard visited the victims of crime and licentiousness, to reform their habits and ameliorate their condition, the question was never asked whether he had been guilty of like excesses or not? The only question the philanthropist would propound, should be, has the deed been done in the true spirit of Christian benevolence? Those who know me, can well attest the motive which has caused the publication of the following sheets, to which they for a long time urged me in vain. Those who do not know me have no right to impute a wrong motive; and if they do, I had rather be the object than the authors of condemnation. To publish a CODE OF HONOR, to govern in cases of individual combat, might seem to imply, that the publisher was an advocate of duelling and wished to introduce it as the proper mode of deciding all personal difficulties and misunderstandings. Such implication would do me great injustice. But if the question be directly put to me, whether there are not cases where duels are right and proper, I would unhesitatingly answer, there are. If an oppressed nation has a right to appeal to arms in defence of its liberty and the happiness of its people, there can be no argument used in support of such appeal, which will not apply with equal force to individuals. How many cases are there, that might be enumerated, where there is no tribunal to do justice to an oppressed and deeply wronged individual? If he be subjected to a tame submission to insult and disgrace, where no power can shield him from its effects, then indeed it would seem, that the first law of nature, self preservation, points out the only remedy for his wrongs. The history of all animated nature exhibits a determined resistance to encroachments upon natural rights—nay, I might add, inanimate nature, for it also exhibits a continual warfare for supremacy. Plants of the same kind, as well as trees, do not stop their vigorous growth be-

cause they overshadow their kind; but on the contrary, flourish with greater vigor as the more weak and delicate decline and die. Those of different species are at perpetual warfare. The sweetest rose tree will sicken and waste away on the near approach of the noxious bramble, and the most promising fields of wheat yield a miserable harvest if choked up with tares and thistles. The elements themselves war together, and the angels of heaven have met in fierce encounter. The principle of self-preservation is co-extensive with creation; and when by education we make character and moral worth a part of ourselves, we guard these possessions with more watchful zeal than life itself, and would go farther for their protection. When one finds himself avoided in society, his friends shunning his approach, his substance wasting, his wife and children in want around him, and traces all his misfortune and misery to the slanderous tongue of the calumniator, who, by secret whisper or artful inuendo, had sapped and undermined his reputation, he must be more or less than man to submit in silence.

The indiscriminate and frequent appeal to arms, to settle trivial disputes and misunderstandings, cannot be too severely censured and deprecated. I am no advocate for such duelling. But in cases where the laws of the country give no redress for injuries received, where public opinion not only authorizes but enjoins resistance, it is needless and a waste of time to denounce the practice. It will be persisted in as long as a manly independence and a lofty personal pride, in all that dignifies and ennobles the human character, shall continue to exist. If a man be smote on one cheek in public, and he turns the other, which is also smitten, and he offers no resistance, but blesses him that so despitely used him, I am aware he is in the exercise of great Christian forbearance, highly recommended and enjoined by many very good men, but utterly repugnant to those feelings which nature and education have implanted in the human character. If it was possible to enact laws so severe and impossible to be evaded, as to enforce such a rule of behavior, all that is honorable in the community would quit the country, and inhabit the wilderness with the Indians. If such a course of conduct was infused by education into the minds of our youth, and it became praise-worthy and honorable to a man to submit to insult and indignity, then indeed the forbearance might be borne without disgrace. Those, therefore, who condemn all, who do not denounce duelling in every case, should

establish schools where a passive submission to force would be the exercise of a commendable virtue. I have not the least doubt if I had been educated in such a school, and lived in such a society, I would have proved a very good member of it. But I very much doubt, if a seminary of learning was established, where this Christian forbearance was inculcated and enforced, whether there would be many scholars.

I would not wish to be understood to say that I do not desire to see duelling cease to exist entirely, in society. But my plan for doing it away, is essentially different from the one which teaches a passive forbearance to insult and indignity.—I would inculcate in the rising generation a spirit of lofty independence; I would have them taught that nothing was more derogatory to the honor of a gentleman than to wound the feelings of anyone, however humble. That if wrong be done to another, it was more an act of heroism and bravery to repair the injury, than to persist in error, and enter into mortal combat with the injured party. That this would be an aggravation of that which was already odious, and would put him without the pale of all decent society and honorable men. I would strongly inculcate the propriety of being tender of the feelings as well as the failings of those around him. I would teach immutable integrity, and uniform urbanity of manners. Scrupulously to guard individual honor, by a high personal self-respect, and the practice of every commendable virtue. Once let such a system of education be universal, and we should seldom hear, if ever, of any more duelling.

The severest penal enactments cannot restrain the practice of duelling, and their extreme severity in this State, the more effectually shields the offender. The teaching and preaching of our eloquent clergy may do some service, but is wholly inadequate to suppress it. Under these circumstances, the following rules are given to the public, and if I can save the life of one useful member of society, I will be compensated.—I have restored to the bosom of many, their sons, by my timely interference, who are ignorant of the misery I have averted from them. I believe that nine duels out of ten, if not ninety-nine out of a hundred, originate in the want of experience in the seconds. A book of authority, to which they can refer in matters where they are uninformed, will therefore be *desideratum*. How far this Code will be that book, the public must decide.

THE AUTHOR.

CHAPTER I.

THE PERSON INSULTED, BEFORE CHALLENGE SENT.

1. Whenever you believe you are insulted, if the insult be in public, and by words or behavior, never resent it there, if you have self-command enough to avoid noticing it. If resented there, you offer an indignity to the company, which you should not.
2. If the insult be by blows or any personal indignity, it may be resented at the moment, for the insult to the company did not originate with you. But although resented at the moment, yet you are bound still to have satisfaction, and must therefore make the demand.
3. When you believe yourself aggrieved, be silent on the subject, speak to no one about the matter, and see your friend who is to act for you, as soon as possible.
4. Never send a challenge in the first instance, for that precludes all negotiation. Let your note be in the language of a gentleman, and let the subject matter of complaint be truly and fairly set forth, cautiously avoiding attributing to the adverse party any improper motive.
5. When your second is in full possession of the facts, leave the whole matter to his judgment, and avoid any consultation with him unless he seeks it. He has the custody of your honor, and by obeying him you cannot be compromised.
6. Let the time of demand upon your adversary after the insult be as short as possible, for he has the right to double that time in replying to you, unless you give some good reason for your delay. Each party is entitled to reasonable time to make the necessary domestic arrangements, by will or otherwise before fighting.
7. To a written communication you are entitled to a written reply, and it is the business of your friend to require it.

SECOND'S DUTY BEFORE CHALLENGE SENT.

1. Whenever you are applied to by a friend to act as his second, before you agree to do so, state distinctly to your principal that you will be governed only by your own judgment, that *he* will not be consulted after you are in full possession of the facts, unless it becomes necessary to make or accept the *amende* honorable, or send a challenge. You are supposed to be cool and collected, and your friend's feelings are more or less irritated.

2. Use every effort to soothe and tranquilize your principal, do not see things in the same aggravated light in which he views them, extenuate the conduct of his adversary whenever you see clearly an opportunity to do so, without doing violence to your friend's irritated mind. Endeavor to persuade him that there must have been some misunderstanding in the matter. Check him if he uses opprobrious epithets towards his adversary, and never permit improper or insulting words in the note you carry.

3. To the note you carry in writing to the party complained of, you are entitled to a written answer, which will be directed to your principal, and will be delivered to you by his adversary's friend. If this note be not written in the style of a gentleman, refuse to receive it, and assign your reason for such refusal. If there be a question made as to the character of the note, require the second presenting it to you, who considers it respectful, to endorse upon it these words: "I consider the note of my friend respectful, and would not have been the bearer of it, if I believed otherwise."

4. If the party called on refuses to receive the note you bear, you are entitled to demand a reason for such refusal.— If he refuses to give you any reason, and persists in such refusal, he treats, not only your friend, but yourself with indignity, and you must then make yourself the actor, by sending a respectful note, requiring a proper explanation of the course he has pursued towards you and your friend; and if he still adheres to his determination, you are to challenge or post him.

5. If the person to whom you deliver the note of your friend declines meeting him, on the ground of inequality, you are bound to tender yourself in his stead, by a note directed to him from yourself, and if he refuses to meet you, you are to post him.

6. In all cases of the substitution of the second for the

principal, the seconds should interpose and adjust the matter, if the party substituting avows he does not make the quarrel of his principal his own. The true reason of substitution, is the supposed insult of imputing to you the like inequality which is charged upon your friend, and when the contrary is declared, there should be no fight, for individuals may well differ in their estimate of an individual's character and standing in society. In case of substitution and a satisfactory arrangement, you are then to inform your friend of all the facts, whose duty it will be to post in person.

7. If the party, to whom you present a note, employ a son, father or brother as a second, you must decline acting with either, on the ground of consanguinity.

8. If a minor wishes you to take a note to an adult, decline doing so on the ground of his minority. But if the adult complained of, had made a companion of the minor in society, you may bear the note.

9. When an accommodation is tendered, never require too much; and if the party offering the *amende* honorable wishes to give a reason for his conduct in the matter, do not, unless offensive to your friend, refuse to receive it; by so doing, you heal the breach more effectually.

10. If a stranger wish you to bear a note for him, be well satisfied before you do so, that he is on an equality with you; and in presenting the note, state to the party the relationship you stand towards him, and what you know and believe about him; for strangers are entitled to redress for wrongs as well as others, and the rules of honor and hospitality should protect them.

CHAPTER II.

THE PARTY RECEIVING A NOTE BEFORE CHALLENGE.

1. When a note is presented to you by an equal, receive it, and read it, although you may suppose it to be from one you do not intend to meet, because its requisites may be of a character which may be readily complied with. But if the requirements of the note cannot be acceded to, return it through the medium of your friend to the person who handed it to you, with your reason for returning it.

2. If the note received be in abusive terms, object to its reception and return it for that reason, but if it be respectful, return an answer of the same character, in which respond correctly and openly to all interrogatories fairly propounded, and hand it to your friend, who it is presumed you have consulted, and who has advised the answer; direct to the opposite party, and let it be delivered to his friend.

3. You may refuse to receive a note from a minor, if you have not made an associate of him, one that has been posted, one that has been publicly disgraced without resenting it, one whose occupation is unlawful, a man in his dotage and a lunatic. There may be other cases, but the character of those enumerated will lead to a correct decision upon those omitted.

If you receive a note from a stranger, you have a right to a reasonable time to ascertain his standing in society, unless he be fully vouched for, by his friend.

4. If a party delays calling on you for a week or more after the supposed insult, and assigns no cause for the delay, if you require it, you may double the time before you respond to him; for the wrong cannot be considered aggravated if borne patiently for same days, and the time may have been used in preparation and practice.

SECOND'S DUTY OF THE PARTY RECEIVING A NOTE BEFORE CHALLENGE SENT.

1. When consulted by your friend who has received a note requiring explanation, inform him distinctly that he must be governed wholly by you in the progress of the dispute. If he refuse, decline to act on that ground.

2. Use your utmost efforts to allay all excitement which your principal may labor under; search diligently into the origin of the misunderstanding; for gentlemen seldom insult each

other, unless they labor under some misapprehension or mistake; and when you have discovered the original ground of error, follow each movement to the time of sending the note, and harmony will be restored.

3. When your principal refuses to do what you require of him, decline further acting on that ground, and inform the opposing second of your withdrawal from the negotiation.

CHAPTER III.

DUTY OF CHALLENGEE AND HIS SECOND BEFORE FIGHTING.

1. After all efforts for a reconciliation are over, the party aggrieved sends a challenge to his adversary, which is delivered to his second.

2. Upon the acceptance of the challenge, the seconds make the necessary arrangements for the meeting, in which each party is entitled to a perfect equality. The old notion that the party challenged was authorized to name the time, place, distance and weapon, has been long since exploded, nor would a man of chivalric honor use such a right if he possessed it. The time must be as soon as practicable, the place such as had ordinarily been used where the parties are, the distance usual, and the weapon that which is most generally used, which in this State is the pistol.

3. If the challenger insist upon what is not usual in time, place, distance and weapon, do not yield the point, and tender in writing what is usual in each, and if he refuse to give satisfaction, then your friend may post him.

4. If your friend be determined to fight and not post, you have the right to withdraw. But if you continue to act, and the challengee name a distance and weapon not usual and more fatal than the ordinary distance and weapon, you have the right to tender a still more deadly distance and weapon, and he must accept.

5. The usual distance is from ten to twenty paces, as may be agreed on, and the seconds in measuring the ground usually step three feet.

6. After all the arrangements are made, the seconds determine the giving of the word and position by lot, and he who gains has the choice of the one or the other, selects whether it

be the word or position, but he cannot have both.

CHAPTER IV.

DUTY OF CHALLENGEE AND SECOND AFTER CHALLENGE SENT.

1. The challengee has not option when negotiation has ceased but to accept the challenge.
2. The second makes the necessary arrangements with the second of the person challenged. The arrangements are detailed in the preceding chapter.

CHAPTER V.

DUTIES OF PRINCIPALS AND SECONDS ON THE GROUND.

1. The principals are to be respectful in meeting, and neither by look or expression irritate each other. They are to be wholly passive, being entirely under the guidance of their seconds.
2. When once posted, they are not to quit their positions under any circumstances, without the leave or direction of their second.
3. When the principals are posted, the second giving the word, must tell them to stand firm until he repeats the giving of the word, in the manner it will be given when the parties are at liberty to fire.
4. Each second has a loaded pistol, in order to enforce a fair combat according to the rules agreed on; and if a principal fires before the word or time agreed on, he is at liberty to fire at him, and if such second's principal fall, it is his duty to do so.
5. If after a fire either party be touched, the duel is to end; and no second is excusable who permits a wounded friend to fight, nor no second who knows his duty will permit his friend to fight a man already hit. I am aware there have been many instances where a contest has continued, not only after slight, but severe wounds had been received. In all such cases I think the seconds are blameable.
6. If after an exchange of shots, neither party is hit, it is the duty of the second of the challengee to approach the second

of the challenger and say: "Our friends have exchanged shots, are you satisfied, or is there any cause why the contest should be continued?" If the meeting be of no serious cause of complaint, where the party complaining had in no way been deeply injured, or grossly insulted, the second of the party challenging should reply: "The point of honor being settled, there can, I conceive, be no objection to a reconciliation, and I propose that our principals meet on middle ground, shake hands and be friends." If this be acceded to by the second of the challengee, the second of the party challenging says: "We have agreed that the present duel shall cease—the honor of each of you is preserved, and you will meet on middle ground, shake hands and be reconciled."

7. If the insult be of serious character, it will be the duty of the second of the challenger to say in reply to the second of the challengee: "We have been deeply wronged, and if you are not disposed to repair the injury, the contest must continue." And if the second of the challengee offers nothing by way of reparation, the fight continues until one or the other of the principals is hit.

8. If in cases where the contest is ended by the seconds, as mentioned in the sixth rule of this chapter, the parties refuse to meet and be reconciled, it is the duty of the seconds to withdraw from the field, informing their principals that the contest must be continued under the superintendence of other friends. But if one agrees to this arrangement of the seconds and the other does not, the second of the disagreeing principal only withdraws.

9. If either principal on the ground refuse to fight, or continue the fight when required, it is the duty of his second to say to the other second: "I have come upon the ground with a coward, and have to tender you my apology for an ignorance of his character; you are at liberty to post him." The second, by such conduct, stands excused to the opposite party.

10. When the duel is ended by a party being hit, it is the duty of the second to the party so hit, to announce the fact to the second of the party hitting, who will forthwith tender any assistance he can command to the disabled principal.—If the party challenging hit the challengee, it is his duty to say he is satisfied, and will leave the ground. If the challenger be hit, upon the challengee being informed of it, he should ask, through his second, whether he was at liberty to leave the ground, which should be assented to.

CHAPTER VI.

WHO SHOULD BE ON THE GROUND.

1. The principals, seconds, and one surgeon and one assistant surgeon to each principal, but the assistant surgeon may be dispensed with.

2. Any number of friends that the seconds agree on, may be present, provided they do not come within the degrees of consanguinity mentioned in the seventh rule of Chapter 1.

3. Persons admitted on the ground are carefully to abstain by word or behaviour, from any act that might be the least exceptionable, nor should they stand near the principals or seconds, or hold conversations with them.

CHAPTER VII.

ARMS, AND MANNER OF LOADING AND PRESENTING THEM.

1. The arms used should be smooth-bore pistols, not exceeding nine inches in length, with flint and steel. Percussion pistols may be mutually used if agreed on, but to object on that account is lawful.

2. Each second informs the other when he is about to load and invites his presence, but the seconds rarely attend on such invitation, as gentlemen may be safely trusted in the matter.

3. The second in presenting the pistol to his friend, should never put it in his pistol hand, but should place it in the other, which is grasped midway the barrel, with the muzzle pointing in the contrary way to that which he is to fire, informing him that his pistol is loaded and ready for use. Before the word is given, the principal grasps the butt firmly in his pistol hand, and brings it round, with the muzzle downward, to the fighting position.

4. The fighting position is with the muzzle down and the barrel from you, for although it may be agreed that you may hold your pistols with the muzzle up, it may be objected to, as you can fire sooner from that position, and consequently have a decided advantage, which ought not to be claimed, and should not be granted.

CHAPTER VIII.

THE DEGREES OF INSULT, AND HOW COMPROMISED.

1. The prevailing rule is, that words used in retort, although more violent and disrespectful than those first used, will not satisfy—words being no satisfaction for words.

2. When words are used, and a blow given in return, the insult is avenged, and if redress be sought, it must be from the person receiving the blow.

3. When blows are given in the first instance and returned, and the person first striking be badly beaten or otherwise, the party first struck is to make the demand, for blows do not satisfy a blow.

4. Insults at a wine table, when the company are over-excited, must be answered for; and if the party insulting have no recollection of the insult, it is his duty to say so in writing, and negative the insult. For instance, if a man say, "you are a liar and no gentleman," he must, in addition to the plea of the want of recollection, say: "I believe the party insulted to be a man of the strictest veracity and a gentleman."

5. Intoxication is not a full excuse for insult, but it will greatly palliate. If it was a full excuse, it might well be counterfeited to wound feelings, or destroy character.

6. In all cases of intoxication, the seconds must use a sound discretion under the above general rules.

7. Can every insult be compromised? is a mooted and vexed question. On this subject no rules can be given that will be satisfactory. The old opinion, that a blow must require blood, is not of force. Blows may be compromised in many cases. What those cases are, must depend on the seconds.