



The DAY of the DUEL

A BARBED SHAFT

(A TRUE STORY)



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THE thumping and banging of a primitive band at the end of the street was the signal that Downville, pioneer settlement of the new California, meant forthwith to celebrate its Fourth of July in approved and traditional style. Groups of miners, shopkeepers, politicians and rough garbed generally that had been loitering in expectation of the blaring announcement began to move in about the rostrum. The anvils had pre-empted their thunderings and had been charged for a simultaneous salute to usher in the ceremony.

On the temporary stand, draped in bunting as fresh and bright as its own virgin timbers, the usual ring of chairs for the celebrities guarded the speaker's table. An inevitable water pitcher, huge and white, stood forth as the emblem of the occasion. While the crowd was gathering long coated and tall hatted men were climbing to the platform, where they took their seats with elaborate ease, smiling and chatting among themselves. The band, under the spur of commendable patriotism, and bumped from one travesty of a national air to another, pausing not at all.

One of the favored circle upon the platform, a thin, deliberate individual with sweeping mustaches, whose expression of chronic solemnity was heightened by a long snout, turned to his neighbor with the remark that every other man in the assemblage had made or was making—

"So we're goin' to have a woman orator, eh?"

The man addressed was Charles E. Lippincott, State Senator from Yuba county. He was short, heavy and powerful, with sharp black eyes and light hair. He gave his answer deliberately, while he swept the throng in a steady glance—"Even so. The boys are strong for any game that advertises the presence of a woman in Downville—a real woman, I mean."

"She's certainly snatched them with that talk about the crystal water on the mossy rocks," said the other.

"Naturally," nodded Lippincott. "Miss Sarah Pellet, you may be aware, is one of the best temperance speakers in the country, and more than that she's handsome, and more than that she's straight. She had a flourishing division of the Sons of Temperance in working order before she'd been here two days. In fact, pretty near the whole population is either a Son or howling for adoption."

"I understand the converts are certainly strong in the faith."

"For enthusiasm they're hard to beat. There was a husky Dutchman in from Marysville the other day who started a little racket of his own to prove the essential superiority of whiskey over all other beverages. The Sons heard his argument and then held his head in a tub by way of rebuttal. His motion was lost, he vowing to make it unanimous. Oh, yes, Downville is temperate all right."

Heard About Tevis.

"Comin' over I heard some talk about Robert Tevis wantin' to do the oratin' himself. Folks was sayin' he was crazy when they shoved him out for a woman." The scarred man moved closer and dropped his voice.

"He had some such notion, but the Sons wouldn't hear of it. Bein' somewhat young and somewhat pushing, he had an idea it would help him in his campaign for Congress on the know nothing ticket."

"Did they convince him of his error like they did the Dutchman?"

"Not quite. But they were bound to have Miss Pellet, and Miss Pellet they would have, sprouting Congressmen to the contrary notwithstanding. They pinned Tevis by giving him the Declaration of Independence to read. Here he comes now."

A tall, spare young man, with thin shoulders and tightly buttoned coat, was making his way up the steps. He had removed his hat, showing his high pale forehead, from which the black hair swept back romantically. He had a roll of paper in one hand, and with courteous bows to right and left he advanced with dignity to his seat.

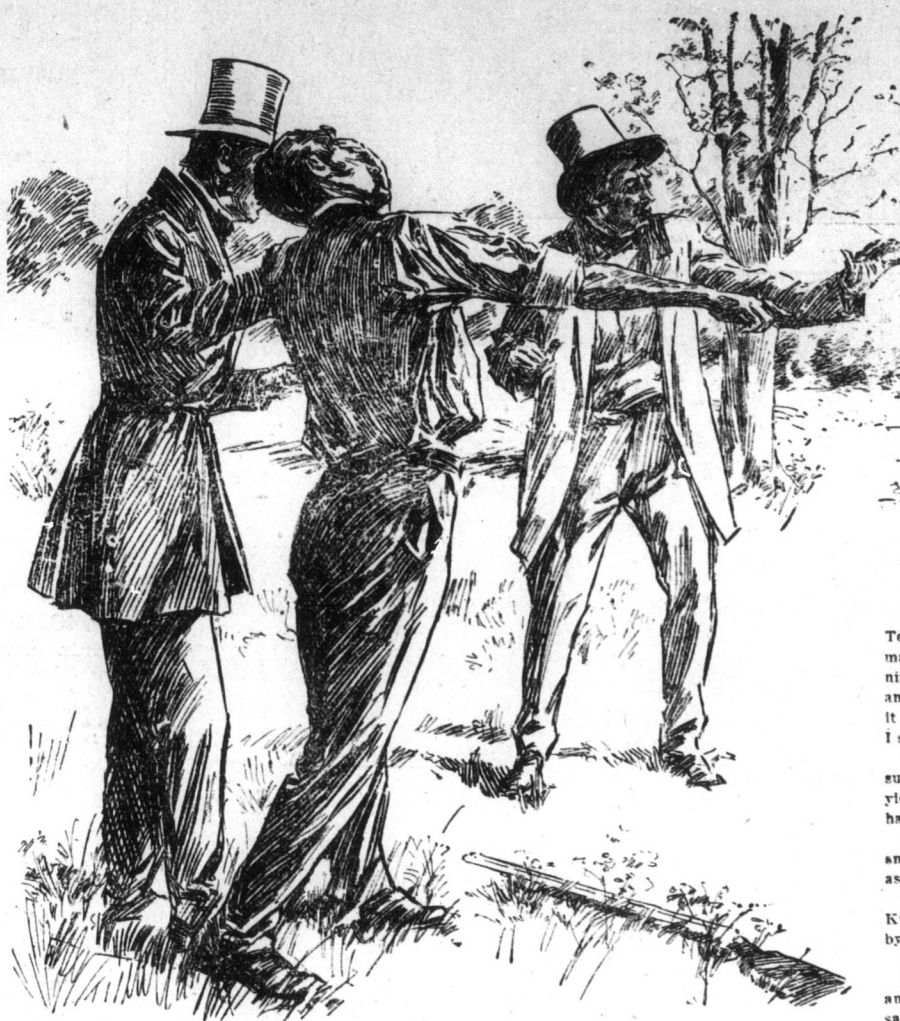
The scarred man inspected the new arrival gravely. "Kind of fond of himself, ain't he?"

"I imagine he is rather inclined to take everything seriously," answered Lippincott with a slow smile. "But perhaps that's the result of his political aspirations."

The dialogue was cut short at this point by a commotion in the throng, followed by cheering. All the celebrities stood up, hats in hand, turning toward the steps where a young woman appeared, escorted by two effusive citizens wearing monstrous badges. She nodded brightly in response to the greeting, and made her way to the chair in front, flanked by the speaker's stand and the dominating water pitcher.

Miss Sarah Pellet was then counted among the most successful temperance lecturers of the country. A close friend of Lucy Stone Blackwell, she had thrown herself in the cause with the devotion and fervor of youth and passionate conviction. Not the least of her triumphs had been the subjection of Downville and its instant response to her appeals. If the result was due to her own charming personality, the chivalry of the new West and the audacious novelty of her crusade rather than to the logic of her propaganda it was none the less a tribute and, for the moment, genuine. She was almost the first "real" woman to visit the mining town, and men who had not seen such a phenomenon for years had come long, weary miles for a glimpse of her handsome face and trim figure.

A final wrench from the band was followed by the roar of the anvils, which exploded with gratifying precision and violence. A leading citizen then stepped to the edge of the platform, stilled the applauding multitude, and introduced, with a few eloquent periods, the "Honorable Robert Tevis, who will read



WAVED THEM BACK, POINTING TOWARD TEVIS.

to you that illustrious document which made possible this glorious anniversary which we so fittingly celebrate."

The "Honorable Robert Tevis" advanced, bowing in acknowledgment of a not too hearty reception. His exceeding irritation over the obdurate refusal of the committee to allow him leading place on the programme had lowered him in public estimation. Cold of nature, lacking in magnetism, rather proud and very serious, he was not a figure at any time to win and hold such an audience. The crowd listened respectfully, however, while he read the stirring phrases of the Declaration in full, round tones.

As he lowered his paper at the conclusion he had his reward of perfunctory applause, but to the surprise of all present he did not retire. Standing in his place he began to speak. The gathering fell silent for a moment to listen. He had not covered more than half a dozen sentences when his hearers understood that he had started full swing into a formal oration.

The discovery left some of the men amused, but more of them angry. Hoots and catcalls began to come from the outskirts of the crowd. As Tevis boomed on it became evident that, willy nilly, he intended they should hear what he had to say. His persistence aroused further resistance and the murmurings rose.

"It is, therefore, incumbent upon us to remember that each crimson stripe on that starry flag is as a monument to—"

Silenced by the Anvils.

The speaker, pale and determined, held on his rhetorical way, though not even those nearest him could hear a word. He might have dominated the band and the jeers, but members of the Sons of Temperance found a silencer that he could not outface. The anvils began their noise once more and he gave way before their consecutive protests. With a furious gesture he wheeled and stalked to the steps. A moment later he was hurrying away up the street pursued with ironic laughter.

When order had been restored the same leading citizen, urbane and nobly brief, stepped forward again and introduced the speaker of the day, Miss Sarah Pellet. She received the tribute of absolute quiet and prolonged applause and the rest of the programme was carried out smoothly as planned.

Charles E. Lippincott sat in the office of the Sierra Citizen that evening and prepared an account of the humiliation of Tevis with facile and satiric pen. Before entering political life in California he had been editor of a democratic paper in Illinois and was regarded by his associates as one of their ablest writers. For the purposes of the approaching campaign the democrats had rented two columns in the Citizen. Lippincott had been placed in charge of this section, and from day to day his witty, humorous comments followed events of public interest.

Knowing the facts that had led up to the speaking of Tevis and keenly alive to the ludicrous spectacle presented by that ambitious young man in his pique against a woman, Lippincott spared nothing in giving his readers an account of the incident.

"It is, of course, a matter for profound regret that the golden words of our promising if youthful know-

nothing should have been thus lost to fame. Those who were privileged to hear his effort as he drilled among the cabbages and early rising mules while yet the sun obscured its diffident rays have informed us they could not refrain from their tears—we mean the people. How sad to ponder upon what sweet anguish we have missed!" This was the vein he chose, one most galling to wounded pride and self-sufficiency. He found here an opportunity to exercise his wit at the expense of a political opponent, and the result sent Downville into spasms next morning.

Calvin B. MacDonald, editor of the Citizen, was at his desk about ten o'clock when hurried footsteps sounded on the stairs. He looked up at the entrance of a wild eyed, dishevelled figure. It was Robert Tevis, whose romantic brow and thin face bore the red stamp of uncontrolled fury. He hurled himself upon MacDonald, shaking the morning's issue of the Citizen before him.

"Do you see that? Do you see it?" he shouted. "What do you intend to do about it, sir? I demand—"

"Hold on," said MacDonald. "You don't understand."

"I understand perfectly," shrieked Tevis. "I'll have satisfaction from you. I—"

Seeking Lippincott.

"What I wanted to say," resumed MacDonald, "was that you're quite mistaken. I have absolutely no jurisdiction over the democratic columns of the paper, if you mean the joking comments that appeared in them this morning."

"Joking comments?" Tevis choked with rage. "Is that what you call them? I tell you, sir, I am utterly disgraced and nullified. I am made a puppet and an idle thing. If you were not responsible for this most stinging insult, who was?"

"Why, I guess there's no secret about that," said MacDonald. "Charlie Lippincott, the Senator from Yuba, is running the section for his party. But don't take on that way, my boy; you'll hurt yourself. Sit down and we'll talk it over quietly."

"I won't sit down. I won't talk it over!" yelled Tevis. "Do you think I can rest under this for a moment? Where is Lippincott?" He made as if to rush into the next room, but MacDonald caught him by the flap of his coat and forced him into a chair. There he held the trembling, raging visitor while he talked hard sense to him.

"It's no use, Tevis," he wound up. "Everybody will be against you and goodby to your chances of Congress if you kick up a rumpus with Lippincott. The boys are all for Miss Pellet, and they'll look upon any break from you as a slam at her. It's just one of those occasions when a man's got to take his medicine and say nothing, that's all."

But Tevis refused vehemently to be satisfied. Nothing would suit him short of instant personal revenge upon the man who had added the most acrid drop of bitterness to his defeat of the preceding afternoon.

"I want to fight!" he cried tensely. "I'll fight him on the street or over a bar, or anywhere I see him. And what I want of you now, MacDonald, is the publication of a card under my name which will make a fight inevitable unless the coward needs a whip-lash in addition."

The editor protested that the affair was none of his and that he could accept no such card for publication.

"Then I'll fight you, too," shouted the belligerent Tevis, bouncing up from his chair. "Damn it all, man, don't you go interfering with this. You're running a paper and you can't refuse to sell space for announcements at your own whim. I shall consider it as a deliberate reflection upon me if you do, and I shall act accordingly."

"Oh, well, if you're out to fight the whole county I suppose you'll have to have it," said MacDonald, yielding to the firebrand. "I guess you'll have your hands full, beginning with Lippincott."

The next issue of the Sierra Citizen contained a small notice in one corner of the regular news section, as follows:—

"The author of the article entitled 'Sad Tale of a Know Nothing Youth,' in yesterday's Citizen, is hereby denounced as a liar and a slanderer."

(Signed)

"ROBERT TEVIS."

Lippincott was sitting with his chance acquaintance of the scar, Colonel James, in the El Dorado saloon, when the issue containing this card was brought to his attention. He read it slowly and reached for his morning drink with characteristic deliberation. James noted the gesture approvingly.

"Seems like that there young rooster is bound to get himself clipped," he remarked.

"Will you act for me?" asked Lippincott, carelessly. "With pleasure on my brow," returned the other, displaying a trace of animation upon his solemn and repelling countenance. "Do you challenge?"

"Of course," said Lippincott. "I should be very sorry to have to kill him. I've never even met the man, but if he's set I shall accommodate him."

The Formal Defiance.

Colonel James proceeded with due gravity to deliver the formal defiance entrusted to him, and was promptly referred by Tevis to a friend, Lloyd Smith, whom he designated as his second. A conference took place between the two representatives and, following the instruction of his principal, Smith announced that the duel would take place with double barreled shotguns, loaded with ball, at forty yards.

The saturnine Colonel James had no objections to offer to such desperate terms, having full authority from Lippincott to accede to all conditions. It was further agreed that the fight should take place on the morrow at a spot in the Sierra county hills to be determined upon as occasion required.

Word of the impending affair could not be kept from public knowledge. The publication of the insulting card, a recognized means of forcing a duel, drew all eyes upon the man who had inserted it and the man against whom it was directed. Before night even the terms were known and had been widely discussed. Miss Pellet was greatly distressed when the news was communicated to her. She felt that, all innocently, she had been the direct cause of the disagreement, and at her urgent request some of the loyal Sons of Temperance, or rather, some of the men who admired and respected her most, undertook to bring all possible influence to bear toward a reconciliation.

It was discovered by some of these volunteer peace-makers that both Lippincott and Tevis were members of the Odd Fellows. A meeting of the local lodge was convened that evening and the power of the organization was invoked to prevent bloodshed. emissaries were despatched to both belligerents with fraternal appeals. The one who saw Tevis returned with word that the young man was deaf to reason, standing firm for his absolute right to manage what concerned him closely without interference. The messenger to Lippincott brought back the answer that the editor considered all the responsibility as resting with Tevis. If Tevis would withdraw the language used in his card by another and similar publication he would be willing to accept an apology.

The lodge was forced to abandon the attempt in face of such a situation. The members agreed, however, to aid the authorities in all possible ways looking toward the maintenance of law. The futile meeting broke up at daybreak with nothing accomplished.

Watch was kept upon both Tevis and Lippincott throughout the morning, but shortly after noon both of the principals and their seconds succeeded in eluding the vigilance of the Odd Fellows. The Sheriff was notified and had little difficulty in collecting a large posse. The pursuers spread out into the wooded hills in a last desperate effort to apprehend the duellists.

Meanwhile the four in the duelling party had assembled on a plateau among the hills about six miles from town, where, shielded by the ranks of sombre firs, they thought to be free from interruption. The space had been measured and the ground prepared when James,

who carried a field glass, ran up with word that he had sighted a group of armed men on an adjacent eminence. The formalities were postponed once more and the four fugitives from the agents of justice and order, sought another spot where the provisions of the code duello might be followed. James picked out a hill some distance off, which lay in a different county, and indicated that as the place of meeting. Then the principals, each accompanied by his second, separated and plunged into the forest.

It was afterward related by both James and Smith that the two antagonists displayed marvellous proficiency in the use of their weapons during the journey to the rendezvous. James set up an empty flask against a tree at the required distance and Lippincott shattered it at one shot. Smith, with the same idea of profiling by the nonstopment, cut a target on a fir trunk and Tevis, flinging gun to shoulder carelessly, sent the contents of both barrels crashing into it. The younger man had chosen the weapon with which he was most familiar, but in doing so he had obtained no advantage over his adversary. Lippincott had spent the preceding winter in deer and bear hunting among the hills and was known as a remarkably good woodsman.

When the party reassembled at the appointed spot the sun was low in the west. There was nothing further to fear from the well meaning pursuers and the business of the moment began without delay. The best strip of ground available, in a clearing, sloped slightly and it was necessary to toss for position.

James won and chose the lower end of the field for Lippincott. Smith pointed out to Tevis that this arrangement would make a decided difference in the shooting condition and warned him that it would be his tendency to shoot high. Tevis said that he understood perfectly.

Bent Upon Vengeance.

The wild rage that had shaken Tevis so furiously the day before had subsided, leaving him cold and purposeful. Not for a second did he relax his resolve to wipe out the slur cast upon him by taking the life of the man who had thrust the barbed shaft of ridicule. His severity, his long, serious face and high forehead from which the black hair swept back, had lost all suggestion of pose or affectation. While it was evident from his abstracted manner and his pallor that he was fully sensible of his danger, there was no indication that his courage or resolution faltered for a moment.

Lippincott might have been on a junketing trip for all the concern he appeared to entertain. His quick black eyes, the only part of the man that seemed capable of rapid movement, had lost none of their watchfulness. He stood at his mark, heavy, solid, perfectly poised and controlled, and measured the ground as casually as if he were preparing for target practice.

The only person who exhibited the slightest agitation was Smith. It was his first affair of honor and he lacked the official solemnity strictly maintained by Colonel James. After his principal had been placed he hurried up to him.

"Stand up to it; stand up to it, Tevis," he said. "Are you all right?"

"I think so," answered the other. "I shall be all right if my aim is good."

Smith was still uneasy about the slope of the ground. "Aim at him about here," he said, and indicated a spot on his own breast. Lippincott noticed the gesture and fixed his eyes at the corresponding spot on Tevis.

The two men stood with their weapons cradled to their arms. The sun was near its setting and its last red rays splintered among the trunks of the firs, barring the stretch that lay between the adversaries with vivid, sanguine color. The seconds stepped aside.

"Are you ready, gentlemen?" came the sharp voice of Colonel James.

"Ready," they answered.

"Fire! One! Two!"

Tevis had thrown his shotgun up with the free swing of an expert. Lippincott had raised his easily and carefully. At the second count the former discharged his first barrel, but the crashing report left his opponent calm and unharmed. The editor aimed.

"Three!"

Lippincott pulled one trigger. Without pausing to note the result he fired his second shot immediately and it rang out almost in unison with Tevis' last barrel. The double explosion occurred just before James had finished the count with "step."

Lippincott was standing where the light fell full upon him and both the seconds started to run toward him as the smoke cleared. He had staggered back a step and the right side of his face was bathed in a crimson, deeper than that of the sunset glow. But he held himself erect and waved them back, pointing toward Tevis. They looked around in time to see the young man sink to the ground. When they reached him he was dead, shot through the breast at the spot indicated by Smith at Lippincott's second shot. Tevis had fired high, as Smith had feared, and his first bullet had grazed the editor's scalp.

While Lippincott and his second hurried away Smith signalled members of the posse who had been attracted by the firing. The body of Tevis was interred where it had fallen. On the following day it was taken up, placed in a coffin and packed on a mule to Downville. The public funeral services were most impressive and were attended by thousands of sentiment having swept around to the site of the unfortunate young man.

Lippincott fled to Nevada and did not venture back to Downville for some years. When he returned he found few to welcome him or to take his hand. Miss Pellet, never ceasing to regret the tragedy of which she had been the unwitting cause stood by him bravely, visited him in his exile and did everything in her power to resist the ebb of popular approval away from him.

At the outbreak of the civil war he joined the Union forces and was made a brigadier general for courage and distinguished services. Afterward he became State Auditor of Nevada, having found in his own birthplace more congenial than the West, a place which he never returned.

During his California days Lippincott was a close friend and one of the chief supporters of Senator David C. Broderick. His duel with Tevis is thus linked into the series of deadly affairs surrounding the life of that brilliant and ill-fated statesman.