

yourself with merely
common consent of
the deepest die, the
in the position of
and permitting a
private vengeance
spirit of Christian-
of good for evil,
faith. Upon what
religion, is it that
a barbarous code?
ions, could dare to
however gross the
unchristian means.

that it is ineffectual
ever is just, manly,
they may enjoy the
ellist shrinks away
of his proceeding,
the secrecy. That it
who was right and
left the merit and
before. And that it
f its accomplishing
afford satisfaction
result sought to be
seeking redress, to
n and unprovoked

an assertion, which
at first denies its
on, protests against
s on either side, the
A challenge ensues,
to ascertain whether
it is left untouched,
But to see which of
inate: the seconds
own reputation for
to give way to each
a symptom of fear;
l, by making mutual
of one or the other

lives. They were
between eminent
es by the sacrifice
copious effusion of
medes and Æneas,
uch the combat of
e Romans and the
Goliath the Philis-
for national victory,
e of the single com-
therefore, conducted
presence of assembled
public authority could

give to them. Even in still later times than those adverted to, the Duel was fought with the same public view; and among other instances may be mentioned, the combat between Edmund Ironside and Canute the Dane, for the dominion of England; the offer of Richard the First, of Edward the Third, and of Richard the Second, to try their right with the King of France. At the period of the Norman conquest, William the First sent a message to Harold, on the day before the battle of Hastings, offering to spare the effusion of blood, which must follow from the meeting of the armies, by deciding the fate of the kingdom in single combat; which Harold, however, refused. If the modern Duel were, like this, only entered on for national purposes, and to spare human blood, the objection to it would be greatly lessened.

A second cause of Duel sprung up when the Goths and Vandals overran the declining empire of Rome, and brought with them, from their northern abodes, a mixture of blind superstition and ferocious courage, out of which arose the Trial by Ordeal, by which the parties in dispute consented to refer the decision of their guilt or innocence to the arbitration of some unseen Power, who, they professed to believe, would interfere in behalf of the innocent, and make the guilt of the guilty appear on the spot. The modern Duel no more resembles this, than it does the preceding one described.

A third kind of Duel was engendered by the feudal institutions of our ancestors, in those chivalrous encounters which fill the pages of romance. In this single combat, the parties never professed to fight for themselves, but to avenge the cause of some other. The baron fought to redress the wrong of some feudal dependent among his vassals. The knight, or cavalier, defended his lady's reputation at the point of the lance; and the weak and the oppressed were sometimes rescued from the grasp of some petty despot, when an encounter at arms followed as the adjustment of the dispute. In all these combats, however, there were these redeeming traits; they were more generous than selfish; they exhibited prowess, agility, skill, and manly bearing; they were open, public, avowed, legal, authorized, and even honoured by the existing feelings and manners of the age. It is unnecessary to add, that the modern duel has but very slight traces of resemblance to this.

There were very early perceptions, however, of the injustice of such appeals to arms for the settlement of private quarrels; and many instances of punishments inflicted on parties resorting to them are on record. One of these may be sufficient to mention. It is this:—In the reign of Richard the Second, a quarrel happened between the Dukes of Norfolk and Hereford, which was to be settled by single combat, in the usual way of those times, but in public and open encounter, under the notion of Heaven interposing to preserve the innocent. At the moment, however, of their being about to engage, each being mounted, the King interposed his authority, and both were banished from the kingdom, the one for ten years, the other for life.

As an illustration of the errors of preceding legislators on this subject, by whose mistakes we may profit, and be directed into a better course, I may perhaps be permitted to state the following facts. At the close of the 16th century, Henry the Second and Philip the Fair, each published edicts against Duelling; the first prohibiting it altogether, and the second placing it under certain restraints. These, however, were ineffectual, for this reason only, namely, the great facility with which pardons were obtained by those who disobeyed the law. It is said that in the course of ten years, there have been granted upwards of six thousand discharges or pardons to those who had violated the laws. This is exactly the state of things in England at the present moment. The law pronounces killing in a Duel to be murder, and as such it is legally punishable with death; but the facility with which acquittals are obtained, nay, the certainty that no jury will convict—because they cannot, without doing violence to their consciences, put the midnight