

laws on that subject are inadequate to the purpose, to report a bill for the effectual suppression of a custom so degrading to rational beings—have bestowed upon the subject the attention and deliberation which its importance demands, and, as the result of their reflections, submit the following

REPORT:

That they find the subject of duelling mentioned on the statute book of the State in only two instances, to wit: the act of 1816, and one of 1827. The 2d act of Assembly, in which the subject of duelling is mentioned is ch. 189 of session 1827—the 9th section of which exempts an insurance company incorporated by the act from “payment to heirs of persons dying as criminals, suicides and *duellists*”—a classification of company, for which the gentlemen of the fancy, known as duellists and men of honor, whose game is man, and whose thirst is for blood, might think themselves aggrieved, and that they have ground of challenge against the Legislature which passed the act; but your committee feel themselves constrained to express their opinion, that they consider the arrangement a correct one, believing, as they do, that duellists are often suicides, and *always* criminals.

The 1st act in relation to this subject is chapter 219, of 1816, entitled ‘An Act to suppress duelling,’ the preamble of which mentions *duelling* very properly, and, in accordance with historical truth, as the result of ignorance and barbarism; and the 1st section enacts, that persons fighting duels with any engine, instrument or weapon, upon being duly convicted, shall be sentenced to undergo a confinement in the penitentiary-house for a period not less than five, nor more than eighteen years.

By the 2d section, persons *challenging* are disqualified from holding any office of profit or trust. The constitutionality of this section has been doubted.

The 3d section was repealed by chapter 222 of 1817.

The 4th section makes it the duty of the judges to give in charge to juries all the laws to suppress duelling.

By the 5th section, any judge or magistrate having cause to suspect any person about to be engaged in a duel, may issue a warrant to bring the parties before him, and has full power to take of them a recognizance to keep the peace, if he shall think proper.

The 6th section renders persons leaving the State to evade the law subject to its penalties.

The foregoing act, which is the last in the statute book, has been in force since the first day of April, 1817, and it has failed to suppress the custom of duelling; but whether this failure may be attributed to any defect in the law, to a corrupt and perverted public sentiment in relation to this subject, or to neglect of enforcement on the part of those charged with its execution, your committee are not prepared to decide.