

with all his mystery of character, was superior to any occupant of a British throne before or since his day; whether the tenure of said occupant was by conquest, mental superiority, or that more equivocal right, much insisted on of old and still recognised, as *the right divine to govern wrong*.) however, passed an ordinance for preventing and punishing duels; but when Cromwell's days were numbered and the pusillanimous Charles 2nd was restored, the corrupt principles of his attendants and the depravity of their manners, brought back with them a great fondness for the duel, and such was its prevalence, that even Charles 2nd issued a proclamation against it, but, as historians tell us, "by his laxity in pardoning offenders, he defeated the end which his proclamation was intended to serve," a practice too much in vogue, in the judgment of your committee, at this day, with governors and presidents. The practice, therefore, continued, not from the want of laws, but because they were not put in execution. As the law of England now stands, a man is accounted guilty of murder if he kill another in a duel; even fighting, when no mischief ensues, is punishable by fine and imprisonment, and both the sender and receiver of a challenge are deemed equally guilty. Both by the law of Scotland and England, if the parties actually fight, and one of them be killed, *whatever may have been their provocation, or however fairly the parties may have conducted themselves*, it is MURDER. A late English writer, Mr. Russell, in his treatise on crimes, says, "a party killing another in a *deliberate* duel, is *guilty of murder*, and cannot help himself by alleging that he was first struck by the deceased; or that *he had often declined to meet him*, and was prevailed upon to do so by his importunity; or that it was his intent only to vindicate his reputation; or that he meant not to kill, but only to disarm his adversary. He has deliberately engaged in an act highly unlawful, and he must abide the consequences." Such is the law of England—in the United States there is a diversity in the laws of the different States. In Maine for challenging, fighting a duel, or acting as second, the punishment is solitary imprisonment not over a year, confinement to hard labor not more than twenty years, and disqualification for office for twenty years; for accepting a challenge, imprisonment not exceeding a year, and disqualification for office for five years—in Vermont, for killing in a duel, death; for sending or accepting a challenge, a fine of from \$50 to \$1000, and absolute disqualification for office—in Massachusetts, for fighting, in case death does not ensue, or challenging, accepting a challenge, or being second, the same as in Maine—in Rhode Island for fighting, though death does not ensue, carting to the gallows with a rope about the neck, sitting on the gallows an hour, and imprisonment not exceeding a year—in Connecticut, for sending or accepting a challenge, a fine of \$3,000, bonds for good behaviour during life, and disqualification for office; for delivering a challenge, the same except the bonds—in New Jersey for challenging or bearing a challenge, or aiding, a fine not over \$500, or imprisonment not more than two years, or both; for fighting or being