

is required. This class of duellists do little harm other than disturb the community; they quarrel to make peace; or if officious intermeddlers force them into a fight, are too much alarmed to hit, or perhaps see their antagonist. The affair is laughed at as a farce, and the parties turned over to the constable. Many of this description challenge, because they know the party challenged will not fight, having a due regard for religion, the laws of his country, and his family,—the infamy or worthlessness of the challenger generally is such as to disgrace any decent man to notice him. These pretenders to bravery and gentlemanship, are always absolute cowards; for no man will challenge another, knowing he will not, or dare not fight, unless he be cowardly.

Let it be once understood that the bar of Tennessee dare not fight, and it will be deemed cowardly to challenge a member of it; and this court solemnly warns every lawyer, that if he violates the laws made to suppress, we will strike him from the rolls of court. The truth is, such men are too often insolent and impudent bullies, who tyrannize over, and impose upon all orderly men about them; who literally dragoon society, by fear of personal violence, into to silence and seeming acquiescence, with respect to their conduct. Another class accept challenges and even challenge and fight, for the very reason that they want true courage; they have not moral and independent firmness enough to disregard the giddy assertions of that idle part of the community, who say a man is a coward because he refuses to fight. Nervous and timid men of the foregoing description, if they come off unslain, fail to obtain their objects; *society will* not believe them brave. There is an instinct in our nature that mocks every art on this subject. No man ever persuaded the world he was fearless, unless the fact was so,—who ever heard of a brave and fearless man exciting another to a duel, to the destruction of himself, his poor undefending wife, and helpless infants, without using all means possible to adjust it? No one. It is the working of cruelty, insidious cunning, and malice, under the seemingly garb of friendship that does this.—Such are duelling and its consequences, and such generally, the characters of the men who engage in the practice, which if it does not involve wickedness and criminality, crime deserves no name and morality no place in the human heart—*they do not exist if this be no crime.* To restrain the blind and criminal passions that drive to ruin the fearless and valuable man; to restrain the wicked vanity of the noisy coxcomb, and to protect from his misguided fears of giddy and idle ridicule, the physically weak and nervous man, have mankind generally and Tennessee in particular, legislated to punish duelling. We are told this is only a kind of honorable *homicide!* The law knows it as a wicked and wilful murder, and it is our duty to treat it as such,—we are placed here firmly and fearlessly to execute the laws of the land—not *visionary* codes, framed to subserve the purposes of destruction.”