

judge himself worthy of being king, if he did not put a stop to it. During the first 18 years of his reign, 4,000 gentlemen (so called) perished by the duel in France. In the beginning of the reign of Louis XIII., Lord Herbert remarks—"There is scarcely any Frenchman deemed worth looking on, who has not slain his man in a duel."

Louis XIV. in 1679, opposed this bloody practice, and issued many edicts; which are said to have produced greater restraint of duelling than all the attempts of his predecessors. In 1712, the king of Poland published a severe edict against duelling; and at this day, it is believed that the petty island of Malta, famous for its knights and its jackasses, is the only place in the world where duelling is legal.

Although duelling was never carried on to the same extent in England as in gay, giddy and trifling France, where government is changed with as little ceremony as men of fashion change their habiliments, yet in both countries it originated from the same source, and owed its progress to the same causes. The *judicial* combat prevailed about the time of Edward the 3d, and was a part of the law of the land as lately as 1571, in the reign of Elizabeth, when it was recognized by the law-courts. During the civil wars (the most interesting era of English history in the opinion of your committee,) the minds of men—such men as Milton, Pym and Hampden—were little disposed to waste their time, employed as it was in settling liberty on a true constitutional basis, in adjusting the fantastical ceremonies of that thing yecept etiquette. The parliament of Cromwell, (who 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 pronocation, or however fairly the parties may have conducted themselves, it is MURDER.* A late English writer, Mr. Russell, in his treatise on crimes, says,