

STATE HISTORIC SITES UNDERGOING OVER \$8 MILLION IN CAPITAL PROJECTS

By Dan Brown,
State Historic Sites Program Director

The State Historic Sites Program is undergoing a momentous construction and historic rehabilitation period in the Tennessee Historical Commission's history. We currently have nine capital projects underway, or in active development across the state at Alex Haley State Historic Site in Henning, Burra Burra Mine State Historic Site in Ducktown, Carter House State Historic Site in Franklin, Chester Inn State Historic Site in Jonesborough, Cragfont State Historic Site in Castalian Springs, Halbrook State Historic Site in Dickson, Marble Springs State Historic Site in Knoxville, Rocky Mount State Historic Site in Piney Flats, and the Tipton Haynes State Historic Site in Johnson City.

The Alex Haley project (approximately \$750K) involves general interior and exterior repairs to the historic residence, grounds, and the visitors' center. Bids for the work will be finalized in June and work should commence in July with completion in 2020.

The Burra Burra Mine project (approximately \$1.5M) involves historic rehabilitations to the exteriors of the historic Hoist House, Boiler House, Mine Office (museum and visitors' center), Time Office, Bit House, and two ca. 1917 electric towers. Work has been underway since May and should be completed in the fall. The two ca. 1917 electric towers are some of the earliest extant structures in the state associated with electric transmission. Much of the original historic fabric remains and will be stripped and repainted. Historic exterior repairs include repointing with historically matched mortars, historic door window repairs and reconstructions, and extensive general exterior repairs and repainting.

The Carter House project (approximately \$3.5M) is for the construction of a new state of the art visitor's center with parking near the old center at the rear of the site. The old center will stay in operation until the new center is opened. It is two stories and approximately 10,000 square feet of space. The design includes board and batten siding composed of 50-75 year lifespan, Accoya acetylated wood. Accoya is natural wood pressure treated with industrial vinegar. This is the first mass use of this modern environmentally friendly natural wood in Tennessee. It has been in extensive use in Asia and Europe for decades and is now distributed throughout the US. The building will have a museum with on-site storage, gift shop, offices, employee areas and meeting spaces with AV connectivity for meetings, presentations, and after-hours community events. It is an exciting project that has been many years in the making. The work will begin in July with completion in late 2020.

At Chester Inn we have just completed the reconstruction of twenty-six historic windows and other general repairs and painting to the exterior. The windows were meticulously reconstructed under the Secretary of Interior's Standards with Spanish cedar and era appropriate replicated glass and hardware. All window parts were hand-made, primed on six sides, and mortised and tenoned. They should last for generations.

The Cragfont work (approximately \$400K) involves the stabilization of three problematic sinkholes in the field near the main building and the stabilization of a nineteenth century barn on the property. The barn has electrical service and a packed gravel floor that should allow for some limited special event

functions. Work commenced in March and will be completed in the fall.

The Halbrook work (approximately \$350K) is focused on the complete repair and rehabilitation of forty original historic windows on both floors. Mahogany repairs are being made to deteriorated rails, stiles, sills, and casings, and where appropriate, era appropriate historic replica glass is being installed. The work has been underway since February with some delays for unforeseen conditions, but work has resumed and will be completed by the fall.

The Marble Springs project (approximately \$400K) involves the removal and replacement of the main access and service road and vehicle and bus parking areas and some general repairs to some of the historic structures as well as some minor site surface scaping for drainage. Special care is being taken to avoid archaeological concerns. The work should commence in the summer with completion in the spring of 2020.

The Rocky Mount project (approximately \$250K) is the result of a severe mold bloom on over 7,000 historic artifacts in the museum and in on-site storage and throughout the building and HVAC system. The record breaking humid weather in 2018 caused the mold problems and underground water seepage that required hand remediation of the 7,000 objects, replacement of carpet in the auditorium with vinyl flooring, cleaning and repairs of the ducting and supply systems, and a total replacement of the 30 ton multi-unit HVAC system throughout the building. THC worked extensively with Rocky

Projects, continued on page 7



THC MERIT AWARDS AND CENTENNIAL CELEBRATION

Over 160,000 historic structures have been surveyed in Tennessee and 44,434 contributing resources are listed in the National Register of Historic Places in the state. \$1.2 billion in Federal Rehabilitation Tax Credits have been used to revitalize over 1,000 buildings. Almost 2,000 historic markers have been placed since the 1940s, and millions of dollars in grant funding has helped save and support historic places across Tennessee. So there was a lot to celebrate on May 22 as the Tennessee Historical Commission commemorated some of the many accomplishments it has helped facilitate during its first century, while recognizing this year's Merit Award recipients. The day began at the Commission's offices at Clover Bottom Mansion in Nashville with the State Review Board meeting and an update from preservation consultant Robbie D. Jones of New South Associates. Jones spoke about the next iteration of the State Preservation Plan, which will guide efforts in the state through 2028. In the afternoon, the festivities got underway with an awards

program overseen by THC Executive Director Patrick McIntyre and a lively reception complete with a special anniversary cake shaped like a THC marker. Steve McDaniel, former House Deputy Speaker who served in the Tennessee General Assembly from 1989 to 2019, received the rarely-bestowed Historic Preservation Leadership Award for his many accomplishments, including drafting legislation in 1994 to create the Tennessee Wars Commission and for leading successful, nationally recognized efforts to save hundreds of acres of historic battlefield property in his home community of Parkers Crossroads. Other award recognitions included Historic Preservation awards for the Rhea County Courthouse in Dayton, for the Luez Theater in Bolivar, for Woolworth on 5th in Nashville, and for the Tennessee Brewery in Memphis. In the category of Book or Public Programming Tyler Green of Columbia was recognized for an exhibit he developed at Rippavilla Plantation in Spring Hill, "Come with Me, Boys," commemorating the 100th Anniver-

sary of World War I. Also recognized was Jeff Wells of Nashville, who developed and presented an array of living history public programs, primarily at Alvin York State Historic Park and the Bicentennial Mall, focusing on how Tennesseans experienced the World War I. Dr. Michael Birdwell of Cookeville received an award in the category for serving as Chairman of the Tennessee Great War Commission, a position in which he planned oversaw or participated in over 100 World War I commemorative events in Tennessee, including organizing a successful symposium at Tennessee Tech, where he teaches. A Special Commendation award was given to Cathy Mayfield of Bolivar for her long record of service as the Certified Local Government Coordinator for the City of Bolivar. She serves as city liaison for the Historic Zoning Commission and coordinates grant work there. Also recognized was Dr. Joyce Crouch of Ellard for her series of 2018 articles in the *Fentress County Courier* entitled "Life in the Great Depression."



State Representative Steve McDaniel receiving the 2019 Historic Preservation Leadership Award



NEW COMMISSION MEMBER

Gov. Bill Lee appointed Kelly Wolfe in February, 2019 to the Tennessee Historical Commission. Mr. Wolfe lives in Jonesborough and owns a homebuilding and development company with his wife Jennifer. The Wolfes have two wonderful daughters, Audrey (20) and Emma (16) and a very rambunctious Maltese named Bentley (2). Kelly has undertaken several his-



Kelly Wolfe

toric renovation projects including a home built in 1864 sitting on the corner of Main and Second in Jonesborough that was in violation of the

town's Demolition by Neglect ordinance before his restoration efforts. He is also very knowledgeable of historic zoning matters, rules and regulations thanks to his 9 1/2 years as Mayor of Jonesborough, Tennessee's Oldest Town. Mr. Wolfe notes that he is "currently enjoying his recovery from politics and looks forward to serving on the Commission."

NEW STAFF MEMBER

Nina Scall joined the staff in May as Program Director for the Tennessee Wars Commission. Ms. Scall, who grew up in Washington, DC, comes to the position from Preservation Long Island, where she has been working with their Endan-

gered Historic Places Program. She has recently completed her MA in Historic Preservation from the Savannah College of Art and Design, and she holds a



Nina Scall

BA in Anthropology from the University of Maryland. Ms. Scall has also interned at the Washington DC Preservation Office. She is glad to be in Tennessee and looks forward to working across the state to facilitate the preservation of military heritage sites from the French and Indian War period through the Civil War era.

SUCCESSFUL SECTION 106: A CASE STUDY

By Casey Lee

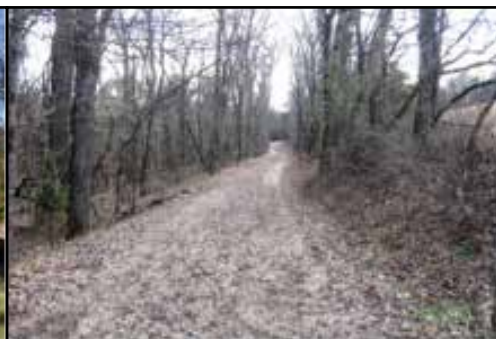
As a part of ongoing planning and consultation that began in 1996, the Tennessee State Historic Preservation Office (SHPO) received an undertaking for improvements to State Route 16. The Tennessee SHPO determined that the project would adversely affect the National Register listed Shofner's Lutheran Church and Cemetery in January 2017. Since the adverse effect could not be avoided, a Memorandum of Agreement (MOA) was drafted in order to stipulate minimization and mitigation efforts. The Federal Highway Administration (FHWA) and the Tennessee SHPO were signatories on the agreement while the Tennessee Department of Transportation (TDOT) was an invited signatory as they act on behalf of FHWA in Tennessee. A representative of the adversely affected property,

Shofner's Lutheran Church and Cemetery, was invited to be a concurring party and participate in the MOA consultation process.

The MOA was signed and ratified in 2017. Stipulations for minimization of the undertaking's effect were landscaping to buffer the historic resource from the undertaking and design modifications to the road project. The documentation of the Thompson Creek Rural Historic District in the form of a National Register nomination, a multiple property documentation form for agriculture in Bedford County, and signage for Shofner's Lutheran Church were stipulated to mitigate the adverse effect. TDOT, on behalf of FHWA, ensured that all mitigation stipulations were completed. The Thompson Creek Rural Historic District nomination and the

Bedford County Historic Agricultural Resource Multiple Property Documentation Form went before the Tennessee State Review Board in September 2018 and are now listed in the National Register of Historic Places, formally documenting the history of the Thompson Creek area and creating a context and framework to list other agricultural properties in Bedford County.

This project is representative of the consultation process when there is an adverse effect to a historic resource. This process successfully involved the SHPO, the federal agency funding the undertaking, the state agency acting on behalf of the federal agency, and public participation throughout the consultation process to best mitigate the adverse effect. The Section 106 process works best when all parties involved work together to work towards the best possible outcome for any situation. This undertaking also highlights how Section 106 works with other federal programs in the SHPO. In this case, the mitigation for the undertaking was a National Register nomination and multiple property documentation form. Mitigation can also take the form of survey, and Section 106 projects sometimes overlap with federal tax credit projects.



Bedford County Thompson Creek Rural Historic District



NATIONAL REGISTER OF HISTORIC PLACES NEWS

By Rebecca Schmitt

Eight Tennessee Properties Added to National Register of Historic Places

The National Park Service has added eight Tennessee listings to the National Register of Historic Places. The listings include individual properties and multi-property districts. They include:

Thompson Creek Rural Historic District *Wartrace, Bedford County*

The Thompson Creek Rural Historic District includes more than 3,700 acres and encompasses more than forty rural properties along Thompson Creek in Bedford County. These properties include some of the earliest known areas settled by German Lutherans beginning around 1805. The district is largely defined by its agricultural history, including cultivation of crops in the nutrient-rich river bottomlands, but particularly for raising livestock such as cattle, swine, and sheep.



Thompson Creek Rural Historic District

The nomination was prepared by Andra Kowalczyk Martens, Jenny Andrews, and Phil Thomason of Thomason and Associates and Richard Quin.

Brown-Hancock House *Woodbury, Cannon County*

Built ca. 1869, the Brown-Hancock House is an excellent example of a brick I-House with Greek Revival, Italianate, and Classical Revival details. In 1916, prominent Nashville architect Thomas West Gardner designed a large rear addition to house such modern amenities as bathrooms, an indoor kitchen, and sleeping porches. The home was originally built for Christopher Columbus Brown but later housed his daughter Ann and her husband, Walter Hancock, was a three-term mayor of Woodbury.



Brown-Hancock House

The nomination was prepared by Savannah Grandey and Elizabeth Johnson of the Center for Historic Preservation at Middle Tennessee State University.

Clover Bottom Farm **(Boundary Increase)**

Nashville, Davidson County

Established in 1797 in the Donelson area of Nashville, Clover Bottom Farm was a working farm until the 1970s. From the beginning, enslaved African Americans people provided the labor that allowed the farm to be successful. Under the Hoggatt family from 1797 to the 1880s, the farm produced a diverse array of crops and livestock. After sale to the Price family in 1882, Clover Bottom became known as a Thoroughbred breeding and racing farm. In 1918, Arthur and Robert Stanford bought the property. Arthur converted the farm to dairying while Robert used sections to create Donelson's first residential developments. The State of Tennessee purchased the farm in 1949 and it became an institutional farm, worked by patients from the adjacent Clover Bottom Hospital and School. The patients' low pay eventually led to the lawsuits that ended the practice of peonage in Tennessee men-



Clover Bottom Farm (Boundary Increase)

tal health institutions. After the farm closed in the late 1970s, the property deteriorated until the State renovated it in 1993-94. In October 1994, the property reopened as the offices of the Tennessee Historical Commission and State Historic Preservation Office. Clover Bottom Mansion was listed in the National Register in 1975, but this boundary increase expands the nomination to recognize the farm's wider significances in architecture, history, and archaeology.

The nomination was prepared by Rebecca Schmitt of the Tennessee Historical Commission

T.B. Sutton General Store *Granville, Jackson County*

Built about 1880, the T.B. Sutton General Store was one of the few general stores in the river community of Granville. Residents shopped for a wide variety of goods, including food, clothing, tools, and fertilizer. The sales room and porch served as an informal gathering place for residents to share community news. The store operated until 1971. In 2000 a new owner rehabilitated the store, and it now functions as a store and restaurant.



T.B. Sutton General Store

This nomination was prepared by Carver Moore of Moore Historical Consulting

Tennessee Military Institute **Residential Historic District** *Sweetwater, Monroe County*

In 1902, Colonel Otey Hulvey moved to Sweetwater to lead the Sweetwater Military College later renamed the Tennessee Military Institute. The institute soon started construction on a new campus. Hulvey built

**Tennessee Military Institute
Residential Historic District**

his own residence adjacent so that he could supervise construction and administration of the school. Other school leaders' residences were also built nearby, as well as a hospital. Military exercises took place on the street, supervised by school leaders from the front porches of their residences. The three remaining residential buildings that encompass the district exemplify the Queen Anne and Craftsman styles. Tennessee Military Institute Residential Historic District

The nomination was prepared by Lindsay Crockett of the East Tennessee Development District

**Barretville Bank and
Trust Company Building**
Millington, Shelby County

In 1920 Paul W. Barret, Sr. co-founded Barretville Bank. In 1932, the original bank burned and the current bank was constructed. From 1932 until it moved to a new building in 1997, Barretville Bank was one

of southwest Tennessee's most successful financial institutions. In the 1940s, the bank began to expand and soon had branches throughout the region. In 1958, Memphis architectural firm Mahan & Shappley renovated the bank and created the modern appearance that it still has today.

The nomination was prepared by Judith Johnson of J. Johnson and Associates and Paul Matthews

**Barretville Bank and
Trust Company Building****U.S. Marine Hospital**
Memphis, Shelby County

Built in phases between 1884 and 1939, the U.S. Marine Hospital played an important role in healthcare in Memphis. It was Memphis' first federally-funded public health facility. Doctors not only treated patients but conducted research to find cures for diseases like cancer and polio. The buildings of the hospital represent such architectural styles as Colonial Revival, Italianate, and Modern.

The nomination was prepared by Greg Morrison of LRK, Inc.

**U.S. Marine Hospital****Sparta Residential Historic District
(Boundary Increase)**
Sparta, White County

The home at 8 E. College Street has been added to the Sparta Residential Historic District. Built ca. 1880, the Gable Front and Wing house reflects Folk Victorian influences as shown by details such as a decorative belt course, ornamental cut trim, and brackets. The home was rehabilitated in 2018 by the current owners.

The nomination was prepared by Carver Moore of Moore Historical Consulting.

**Sparta Residential Historic District**

CLG NEWS, SPRING 2019

By Jane-Coleman Cottone

This spring has been busy for Tennessee's Certified Local Government Program (CLG)—a partnership between federal, state, and local governments to help save the irreplaceable character of historic places. In early June, the THC received the certification letter confirming the City of Elizabethton as Tennessee's newest CLG. Elizabethton is the 45th CLG added to the program since 1989 and the first new CLG of 2019. Nestled deep in the Appalachian Mountains of Upper East Tennessee, Elizabethton is one of the few towns in the state with a strong association to the American Revolutionary War and with the secessionist "State of Franklin" territory that

existed from 1784 to 1788. Elizabethton includes many National Register-listed sites included the Ruben Brooks Farmstead, the John and Landon Carter House, the Renfro-Allen Farm, a U.S. Post Office, the Watauga Hydroelectric Project, and the Elizabethton Historic District. The city is also home to the Sabine Hill State Historic Site and the Sycamore Shoals State Historic Area. Prior to formally becoming a CLG, city staff and historic zoning commission members from Elizabethton have been regular attendees at trainings and workshops hosted by the Tennessee Historical Commission. All local governments with active historic zoning commissions are eligible to receive certification.

**Elizabethton Downtown Historic District**

THC is delighted to welcome Elizabethton to the CLG network.

From January to May, Historic Preservation Specialist Jane-Coleman Cottone visited the

News, continued on page 6

**News, continued from page 6**

CLGs of McMinnville, Franklin, Collierville and Jonesborough to conduct formal four-year reviews of their participation in the program. All of the evaluated CLGs are in good standing, and each received constructive feedback about their strengths as well as areas where there is room for improvement. Over the past few years, THC staff has been diligently working with CLGs to make their local historic resources surveys more compatible with the statewide system. In April, representatives from CLGs throughout East Tennessee gathered for a half-day training session at the historic JC Penny Building in

Johnson City. Presenters included Jane-Coleman Cottone, Gray Stothart from the First Tennessee Development District, Annie MacDonald from the North Carolina SHPO, Matt Manley from the City of Johnson City Planning Office, and two community organizers from the Park Ridge historic district in Knoxville. The theme of the training was “establishing and expanding historic districts,” and it covered the various topics of updating surveys, writing National Register nominations, and drawing local district boundaries. The next regional CLG training will take place in Jackson later this summer.



CLG training session at the historic JC Penny Building in Johnson City.

BLED SOE COUNTY SURVEY

by Peggy Nickell

In 2018, a county survey was conducted in Bledsoe County by the historic preservation firm of Thomason and Associates. This survey was funded through Tennessee Historical Commission’s Historic Preservation Fund Grant Program and the final funds of the 2007 state appropriation for surveys and administered by the Bledsoe County Government. The entire county was included with the exception of Fall Creek Falls State Park. Two hundred and five historic resources in the county were surveyed. These resources included residential and commercial buildings, farmsteads, industrial buildings, government buildings, and structures such as fire towers and sites such as cemeteries built prior to 1968.

The primary purpose for county surveys is to assist with the evaluation of eligibility for listing on the National Register of Historic Places. Bledsoe County already has one residential National Register historic district along South Main Street Historic District

that was listed on April 21, 1994. It included twenty-five primary properties; all residential except for one church. The district contained representative examples of the Queen Anne style, Colonial and Classical Revival styles,



the Tudor Revival style and the Bungalow style within the timeframe of 1885-1935. Along with the South Main Street Historic District, two schools are individually listed on the National Register (Bellview School and Lincoln School), one church (Pikeville AME Church), two governmental buildings (Bledsoe County Jail and the Bledsoe County Courthouse, a fire lookout tower (Fall Creek Falls Fire Lookout Tower/Bradden Knob Tower), and two residential buildings (John Bridgman House and the Dr. James A Ross House).

The consultant felt that sixteen resources were potentially individually eligible for the National Register along with one historic district. These resources include the ca. 1918 Etherton Store, the ca 1949 Dill School, the ca. 1949 Bledsoe County Memorial Hospital, the ca. 1890 piano box plan Bledsoe County Home of the Poor, and the dam from the Mansfield/Cooper Mill. Also included in the list of potentially-eligible resources is the ca. 1861 brick dormitory from the Sequatchie College and the ca. 1820 Swafford Chapel and Cemetery. The cemetery contains excellent examples of vaulted tombs. Two sections of the Trail of Tears may be eligible. The Higgenbotham Trace is a one-



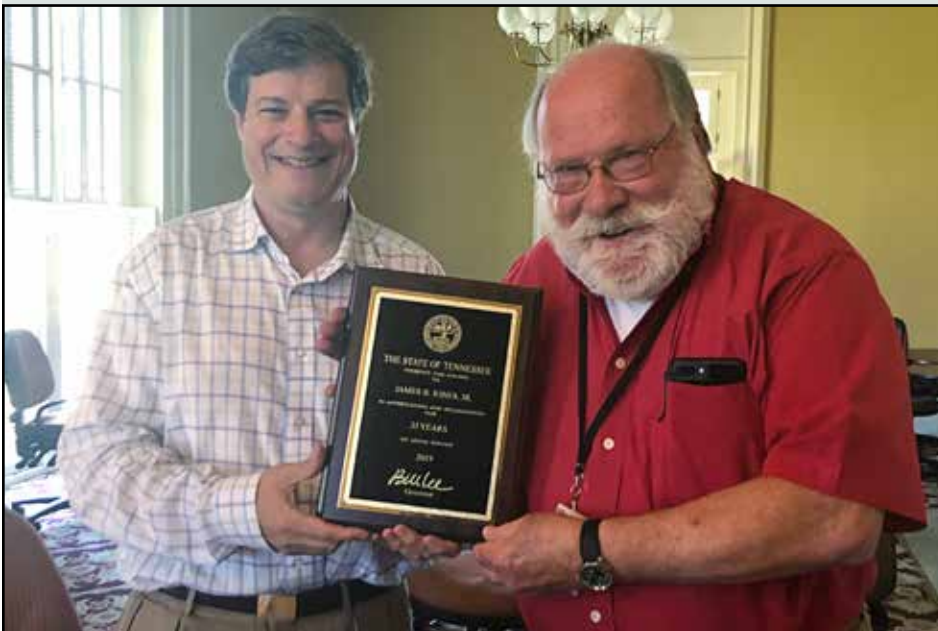
mile long portion of roadbed that connects the Sequatchie Valley with Cumberland Plateau while the two-mile portion of the roadbed along Lloyd Gap Road connects the Sequatchie Valley to Waldewn’s Ridge. The ca. 1935 fire-lookout tower located in Summer City may also be eligible under the Multiple Property Documentation Form on CCC/WPA Fire Lookout Towers. Eight residential properties round out the list. The potentially eligible historic district is located downtown across from the Bledsoe County Courthouse and includes seventeen brick commercial buildings ranging in age from 1900 to the 1930s. It would also include the ca. 1900 Pikeville Church of Christ.





FAREWELL.

If there is one thing I have learned as editor of *The Courier* it is that space is at a premium. With that in mind I offer this brief heartfelt farewell to the Tennessee Historical Commission/ State Historical Preservation Office. After 35 years with the THC I have had the pleasure of pursuing a number of professional activities including survey and identification of cultural resources, heading up the CLG program, preservation planning, public speaking, research, attendance at conferences, editing *The Courier*, and the publication of articles and books. My tenure over the years has been made all the more gratifying by my association with colleagues, some of whom I now bid adieu, and others I shall follow into retirement. When Herbert L. Harper hired me in 1984 he allowed that I might not stay too long – 35 years later I can say he was atypically mistaken. To paraphrase an old peroration, old historians don't retire, they just fade away. Fare thee well THC.—*James B. Jones*



Patrick McIntyre presenting James Jones with his 35th Service Anniversary Plaque

Projects, continued from page 1

Mount Historical Association and State Risk Management to address, plan, facilitate, and fund this unusual issue. The hand remediation in the museum and storage, flooring replacement and general building cleanup are complete and the entire HVAC system will be replaced in the summer.

The Tipton Haynes project (approximately \$750K) involves historic interior and exterior repairs to the barn, George Hayes Cabin, smoke house, necessary, joiner's shop, law office, main house, corn crib, hog pen, and spring house as well as repairs to the visitors' center and adjoining apartment, and a replacement of the pedestrian bridge. The work will go to bid this summer with work commencing

in the late fall and completion scheduled for 2020.

These nine capital projects are in addition to regular site repairs and cyclical maintenance and our administrative oversight of the site grants and site operations. We are fortunate to have had this support from the legislature and governor's office. There were no new projects funded for the 2019-20 fiscal cycle from the yearly list we submit with STREAM coordination in January, but we are hopeful of future consideration of the many site needs in the next legislative and fiscal cycle. In the mean time we are fully engaged with these nine projects and our regular sites care and oversight.



Published by the TENNESSEE HISTORICAL COMMISSION

2941 Lebanon Pike
Nashville, Tennessee 37243-0442

Dr. Reavis L. Mitchell, Jr., Chairman
E. Patrick McIntyre, Jr.,
Executive Director & SHPO
Dr. James B. Jones, Jr., Public Historian,
Editor, The Courier
Linda T. Wynn, Assistant Director of
State Programs and Publications Editor

Public Comment Solicited

As the State Historic Preservation Office (SHPO), the Tennessee Historical Commission is soliciting public comment and advice on its administration of the National Historic Preservation Act (NHPA). Especially, we are seeking input on such matters as geographic areas or classes of properties which may be a priority for survey and/or registration efforts, criteria and priorities which should be established for Historic Preservation Fund (HPF) grants, and ways and means through which local efforts at preservation of historic properties can be most effectively assisted. The HPF is the federal fund appropriated under the authority of the NHPA to assist states in carrying out the purposes of the NHPA. Comments and advice on other areas and issues of a more general nature are also encouraged. Activities carried out by SHPO under the mandate of the NHPA include efforts to survey and inventory historic properties across the state and to nominate the most significant of them the National Register of Historic Places. Other activities involve programs to protect and preserve properties once they are identified by reviewing Federal projects to determine if they will adversely affect historic properties; administering the federal historic tax credit program; awarding and administering HPF grants; and providing technical assistance and advice to local governments which are attempting to establish local programs and ordinances to protect historic properties. The comments received will be used to structure the SHPO's annual application to the National Park Service for these funds. The public input and advice which we are soliciting now will help to set both general office objectives and to establish priorities and criteria for the review of grant applications. Comments are accepted throughout the year and should be addressed to Claudette Stager, Deputy State Historic Preservation Officer, Tennessee Historical Commission, 2941 Lebanon Pike, Nashville, Tennessee 37214. This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental federally assisted programs on the basis of race, color, national origin, age or disability. Any person who believes he or she has been discriminated against in any program, activity or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127 Tennessee Historical Commission, Authorization Number 327324, 16,800 copies promulgated at a cost of \$0.17 per copy, 08/18.

STATE OF TENNESSEE
TENNESSEE HISTORICAL COMMISSION
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37214

THE COURIER

Presorted
Standard Rate
U.S. Postage
PAID
Nashville, TN
Permit No 2093

TWO STAFF RETIRE WITH A COMBINED SIXTY-FIVE YEARS OF SERVICE

This spring two longtime staff members worked their last days at the THC and we wish them all the best in their retirement. James Jones and Louis Jackson were classmates at Middle Tennessee State University and have shared neighboring offices for many years. Jackson is moving to be close to the beach on Oak Island, North Carolina and Jones is planning to become a beekeeper and to spend lots of time in his garden.

James Jones, started in 1984 working with the federal programs. During his early years at the THC, he conducted important survey and grant work. Jones helped get the Certified Local Government program established in Tennessee and completed a series of study units and multiple property listings that continue to be important resources. He created the *Tennessee Civil War Sourcebook* and has authored many articles and several books, including

the recent *History in Tennessee: Lost Episodes from the Volunteer State's Past*. As Public Historian, he is responsible for outreach and research efforts that include The Courier newsletter and many of the office's social media posts.

Louis Jackson started in 1989 with Investment Tax Credit project number 396. He is leaving us with nearly a billion dollars of investment and over seven hundred projects successfully rehabilitated. Jackson helped develop the grant program as we know it today, with a focus on bricks and mortar projects. He managed at least \$2.5 million in grant funds that resulted in hundreds of positive preservation projects.

When both staff members started the THC offices were located in the basement of the Customs House in downtown Nashville. Most staff did not have personal computers at their desk and email and the internet were still several years away. We appreciate Jim and Louis' years of experience and service to the Tennessee Historical Commission.



James Jones and Louis Jackson



DUELING IN TENNESSEE HISTORY

By James B. Jones, Public Historian

*"If your superior forgets what he owes you & his station, & attempts to insult you
...put him to instant death....Never...outlive your honour."*

– Andrew Jackson, December 28, 1818.

"Tell my father that I die as I lived – a gentleman."

– Edward Hamlin, August 27, 1870.

When the topic of dueling comes to mind people usually think of antebellum days of the old South when rich gentlemen planters played poker, sipped whiskey and discussed politics, or the market price of cotton and slaves. Inevitably the topic of conversation would turn to news of the latest duel. Dueling was beyond politics and concerned those issues of "honor" which they firmly believed could only be equitably resolved by resort to murder as justified by their belief in the creed of honor and the *Code Duello*. The code ritualized how such murders were to take place. Rules governing the selection of seconds, proper wording and delivery of a challenge, the manner in which it should be presented to the one whose conduct rendered defense of one's honor necessary. Certainly they were aware that murder by dueling was both murder and illegal, but considered such killings less than homicide and more proof of their manhood on the "field of honor." News of the latest duels were known to the men of their social standing. Just as a lawyer or businessman keeps abreast of changes in politics, interest rates, law and market fluctuations, so gentlemen of the antebellum South kept pace with the dueling world.

It is important at the outset to recognize that "gentlemen" were central to the practice of dueling in the antebellum South. Duels were not fought by skilled tradesmen, the so-called "mechanics" of the era. Only gentlemen - businessmen, lawyers, merchants, bankers, planters, editors and politicians and military officers fought over insults to their self-styled "sacred honor." A definite class distinction was at play in dueling confrontations. Dueling was an activity strictly limited by practice and class to the upper echelons of society. Shielding "honor" from insult was an obligatory prerogative of gentlemen of the antebellum South to maintain their manhood from slander. As Andrew Jackson wrote to his nephew, a cadet at West Point,

about honor, discipline and punishment: "If your superior forgets what he owes you & his station, & attempts to insult you...put him to instant death....Never...outlive your honour."

Duels were deadly affairs conducted according to a standard set of rules found in the *Code Duello*, formally published in America in 1828. Duels had their origins in the Sicilian vendetta and the street fight. In its day a duel was an accepted practice of gross disdain toward law and order. But inasmuch as it was orderly and conducted under rules that developed into the *Code Duello*, it was popularly immune from censure. But dueling was illegal in the Volunteer State; as early as 1801 Tennessee banned dueling. So duels took place out of state, often just across the Tennessee-Kentucky line, where although dueling was likewise illegal, they were carried out avoiding the letter of Tennessee law. The conventions for dueling were formal and class oriented, to providing aristocratic gentlemen a means of defending their honor. The *Code Duello* determined how and when the one insulted was to behave in arranging a confrontation before a challenge could be sent; the designation of a second; the correct manner of responding to a carefully composed polite note declaring an offense to one's honor before a challenge; issuing a challenge. The code included instructions on the duty of the challenger and his second before fighting, the duty of the challenger and his second after a challenge was sent, the venue for the combat, the duty and deportment of antagonists and seconds on the dueling ground, the manner in which weapons were chosen, loaded and presented to the duelists, the manner in which firing would commence. And finally, the degrees of insult and the procedure in which insult could be compromised by gentlemen without dueling. The rules were precise and inflexible: above all the parties of the

duel were to remain cool, calm and collected, and were forbidden to publicly accost an opponent once a challenge had been accepted. ¹ One nearly ubiquitously cited example in Tennessee history is the famous Jackson-Dickinson duel of 1806, resulting in Dickinson's death and Jackson's serious though not fatal wound. In time duels transformed into something other than gentlemanly murders, and so-called duels bore no resemblance to affairs governed by the *Code Duello*. They evolved into pseudo-duels or street shootouts having no relation to the affairs of honor in the pre-Civil War South. Perhaps the most famous and first pseudo-duel in Tennessee history was the Andrews Jackson-Thomas Hart and Jesse Benton pseudo-duel, brawl, street shoot out in streets and hotel lobbies of Nashville in 1813. This chapter deals with both the formal duels, fought in accordance with the *Code Duello*, and with those instances when the code only nominally justified a fight. In the Volunteer State's history, "duels" between Tennessee newspaper editors occurred in the streets were not everyday incidents, but common enough to garner the attention of the nation before the Civil War, and even Mark Twain. In his "Journalism in Tennessee" he satirically related how Southern newspaper editors often resorted to "revolver duels." ²

Editorial homicides, or shootouts, were not really duels, but were often called such. One editor might insult another, a rebuttal and/or a challenge would be printed – or in rare cases an apology – but the deadly fighting took place in the streets or sometimes, exclusively yet harmlessly, in the columns of newspapers. The following narrative will shed light on the violence of "affairs of honor" governed by the *Code Duello*, those commonly thought of as typical of the spirit of ante-bellum aristocratic Southern virility. Formal dueling between citizens of more plebian distinc-

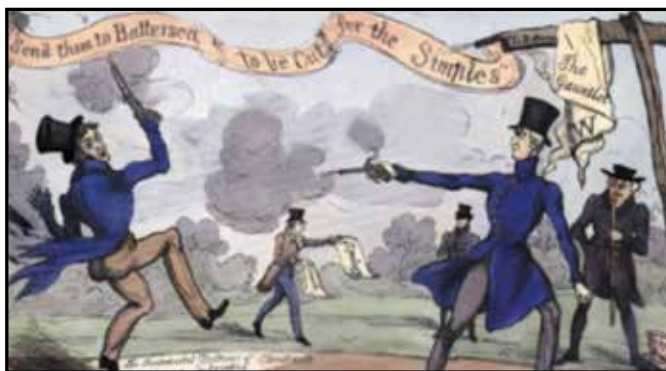


tions were not common until the period after the Civil War and Reconstruction and garnered no attention, bolstering the notion that the lower class of tradesmen or yeomen farmers did not fight duels. Dueling was reserved for gentlemen.

Formal duels, as opposed to brawling, were thought of as the duty, if not sport, of gentlemen. They were deliberate rituals to keep society civilized and the women and children safe from violence, or at least that is what its advocates insisted. In these duels, a man demanded “satisfaction.” Only one of the same social statuses could give or take redress for an insult to one’s reputation or character. However, under the *Code Duello*, getting satisfaction did not necessarily require a killing, but could be won simply by showing up on the dueling grounds to exchange shots. Once the antagonists mutually established they were satisfied, whether or not a killing or maiming had taken place, the affair was considered over. That is, antagonists might fire their guns in the air or purposely miss, showing courage and thereby safeguarding their honor. One such example was the duel between lawyers Waightshill Avery and Andrew Jackson in 1788. The dispute arose from a remark Avery, a more experienced attorney, made in court that stuck in Jackson’s craw. Jackson, notoriously thin-skinned, made a challenge which was accepted. The two met on August 12, 1788 late in the evening behind the court house. Their seconds, however, persuaded both men to fire into the air, avoiding bloodshed and satisfying their honor and saving their reputations. The two remained on friendly terms thereafter. ³

Jackson and John Sevier, the famous Indian fighter and first governor of Tennessee, fought a duel in 1803. In the aftermath no one was shot and the two renewed their amity. Their dispute arose over the gossip that circulated the autumn of 1803, that Governor Sevier was guilty of using his office for unwarranted personal benefit. Jackson was rumored to be the source of the accusation. On the other hand Sevier was said to claim Jackson’s election as general of the Tennessee militia, a position that was won by a thin margin of one vote was the result of voter fraud.

On the first of October 1803, as Jackson, also a state judge left his courtroom in Knoxville and was confronted by a large crowd and Governor Sevier. Wasting no time, Sevier attacked Jackson verbally. Coarse epithets and passions skyrocketed all too quickly with both men asserting a wish to kill the other. Ironically, although the two men affirmed a wish to duel, they could not agree on a time or a place. Let-



ters with details and proposals were sent back and forth by way of seconds, were exchanged each man misunderstanding the proposals of the other. In accordance with the *Code Duello*, Jackson’s first letter to Sevier, dated October 2, 1803, noted that because Governor Sevier claimed Jackson’s election to the position of general of the militia resulted from voter fraud:

The ungentlemanly Expressions, and gasconading conduct, of yours relative to me on yesterday was in true character of your self, and unmask you to the world and plainly shews that they were the ebulations [*sic*] of a base mind goaded with stubborn prooffs [*sic*] of fraud, and flowing from a source devoid of every refined sentiment, or delicate sensation. But sir the Voice of the people has made you a Governor. This alone makes you worthy of my notice or the notice of any Gentleman. To the office I bear respect, to the Voce of the people who placed it on you I pay respect, and as such I only deign to notice you, and call upon you for that satisfaction and explanation that your ungentlemanly conduct & expressions require, for this purpose I request an interview, and my friend who will hand you this will point out the time and

place, when and where I shall Expect to see you with your friend and no other person. My friend and myself will be armed with pistols. ⁴

Sevier’s response mocked Jackson’s letter and challenge practically mimicking it word for word, but with much better spelling:

Your Ungentlemanly and Gasconading conduct of yesterday, and indeed at all other times heretofore, have

unmasked yourself to me and to the World. The Voice of the Assembly has made you a Judge, and this alone has made you has made Worthy of My notice.... I shall wait on you with pleasure at any time and place not within the State of Tennessee. ⁵

Sevier accepted the challenge to meet Jackson on a dueling field any place or any time preferred by Jackson but outside the state of Tennessee – this because dueling was prohibited by the Tennessee

Constitution and a state law of 1801.⁶ They agreed to meet in Virginia. These notes and similar propositions passed between the two men for the next seven days. Jackson grew so unsatisfied with the failure to determine a venue and time to duel that he published the following public notice “To all whom Shall See these presents Greeting—Know yea that I Andrew Jackson, do pronounce, Publish, and declare to the world, that his Excellency John Sevier Esqr. Governor, Captain General and commander in chief, of the land and Naval forces of the State of Tennessee—is a base coward and poltroon. He will basely insult, but has not the courage to repair the wound.” ⁷ Although this violated the unwritten rule of confidentiality, they concurred on a time and place. Jackson arrived to the hastily designated field of honor. Jackson and had to wait for Sevier who arrived late. As Jackson saw Sevier approaching, he sent his second to deliver a letter to the governor, enumerating every insult he had allegedly made against Jackson. Sevier, though, refused to accept the letter, which outraged Jackson, who mounted his horse and charged Sevier, brandishing his cane. Stunned by the onward rush of Jackson galloping toward him, Sevier fell off his horse, and fumbled while trying to draw his sword which broke as he fell under his own horse. Satisfied, Jackson and Sevier considered the matter



done, honor had been satisfied. The two men and their seconds then rode back into Knoxville, cheerful and friendly.⁸

Another example of a formal duel took place as a precursor to the infamous Jackson-Dickinson duel. It was a fight between John Coffee, a faithful friend and business partner of Jackson and Nathaniel A. McNairy. The incident evolved from an extremely tangled web of controversy over a bet on a horse race in which it was said Charles Dickinson, a bon vivant young aristocrat and lawyer, had insulted Andrew Jackson's wife, Rachel, and a challenge to fight a duel with Jackson by an immature young Nashville lawyer, Thomas Swann. Briefly, Swann had made himself quite meddlesome, and after the noted race between "Truxton" and "Ploughboy" busied himself by making statements, which he attributed to Jackson, concerning some bets which were made on the race. Jackson denounced Swann as "a damned liar" for which Swann expressed himself as determined to have satisfaction. Swann's challenge was not accepted by Jackson, who declared that Swann was not a gentleman and so beneath Jackson's contempt, and in his letter called Dickinson a "poltroon and a liar." Moreover, Jackson threatened if he were to meet Swann in public he would cane him. As it turned out, Jackson did happen to meet Swann in a local tavern and assaulted him with blows from his cane. Jackson then verbally assaulted Swann's compatriot Nathaniel A. McNairy, who in turn then challenged Jackson. In the process of making his challenge McNairy insulted Jackson's foremost friend and business partner, John Coffee. Jackson refused to meet McNairy on the basis that he was not a gentleman, and so would not condescend to fight with such a lower class "poltroon." Jackson was waiting to challenge Charles Dickinson, then on a business trip to New Orleans. Coffee, Jackson advised, would have to take up the difficulty and challenge McNairy to a duel.

The Coffee-McNairy duel was arranged precisely according to the *Code Duello*. Inasmuch as dueling was illegal, he two agreed to meet on the field of honor just above the Tennessee-Kentucky state line on March 1, 1806. After a distance of thirty feet was measured off, the two faced each other with loaded pistols at the ready. McNairy's second won the coin flip and instructed the duelists with the

proper procedure for initiating the shooting, making certain they understood instructions: "Make Ready;" at which time the parties were to raise their pistols; then, distinctly count, 'one, two, three,' and then the word 'Fire;' at which time the parties were to fire."

As it happened, McNairy fired prematurely on the count of two, shooting Coffee in the thigh. Realizing his blunder, or perhaps that he hadn't killed Coffee, McNairy offered to give his wounded antagonist a shot at him as stood unarmed. "Mr. Coffee then advanced toward Mr. McNairy, and said to him, 'G-d D—n you, this is the second time you have been guilty of the same crime.'" Such words were not in accordance with the *Code Duello*, and Coffee's second reminded him that the field of honor "was an improper place to have words." A compromise of sorts was made in which McNairy agreed to print an accurate account of the duel, including his having prematurely fired, in the local press. ⁹ With Coffee's integrity upheld on the field of honor, it remained for Jackson to fight his deadly duel with Charles Dickinson.

Charles Dickinson arrived back in Nashville on May 20, 1806. He wasted no time in printing a scurrilous attack on Jackson in his father-in-law's newspaper *The Impartial Review*. Jackson's confidant John Overton rode out to the Hermitage and provided Jackson a copy of the article which read in part: "I declare him, notwithstanding he is a Major General of the militia... to be a worthless scornor, 'a poltroon and a coward'..." Overton advised Jackson that he must challenge Dickinson. An hour later Overton delivered a letter from Jackson to Dickinson. He concluded the letter by writing:

I hope, sir, your courage will be an ample security to me that I will obtain speedily that satisfaction due me for the insults offered, and in the way my friend who hands you this will point out. He waits upon you for that purpose, and with your friend will enter in immediate arrangements for this purpose.

The challenge had been made. Seconds were immediately agreed upon, and it was mutually agreed that the two antagonists would meet at Harrison Mills, on the Red River in Logan County, Kentucky, at precisely seven a.m. on May 30. Although Jackson wished to fight sooner, Dickinson refused upon the grounds that

he did not have pistols to offer. Jackson acquiesced. The distance between the two duelists was set at twenty-four feet (eight paces), with both men facing each other, their pistols held down perpendicularly. It was agreed that when each man ready they were to raise their and point their pistols at one another and await the command to fire when they were free to shoot as they saw fit. Interestingly, perhaps remembering McNairy's blunder in his duel with Coffee just a few months earlier, it was agreed that should either discharge their weapon before the word "fire" was given, the seconds pledged to shoot the offending party down "instantly."

Knowledge that the duel had been arranged, save for the place and date of its execution, buzzed throughout Nashville and environs. Bets were taken, the odds in Dickinson's favor. It was rumored that Dickinson wagered anywhere from five hundred to three thousand dollars that he would bring Jackson down at the first shot. Whether true or not, Dickinson was known to be a crack shot of the two and many expected Jackson to pay with his life. ¹⁰

On Thursday the 29th of May, Dickinson left for Kentucky, assuring his wife that he would return on Saturday night, after he had transacted business. He rendezvoused with his second and "half a dozen of the gay blades of Nashville. Away they rode in the highest spirits, as though they were on a party of pleasure." Where they stopped for refreshment, Dickinson regaled his friends with his skill with a pistol. At one point, at a distance of twenty-four feet, he fired four practice shots that produced a pattern as small as a sliver dollar. Several other times he expertly cut a string with a shot fired from the same distance. He is said to have bragged to a tavern keeper: "If General Jackson comes along this road, show him *that!*" The party went frisking and galloping along the lonely forest roads, making short cuts that cautious travelers never attempted, dashing across creeks and rivers, and making the woods ring and echo with their shouts and laughter. ¹¹

Jackson's entourage, however, was not so ebulliently characterized. For one thing the mode of fighting which had been agreed upon was somewhat peculiar. The pistols were to be held downward until the word was given to fire. And then each man was



to fire *as soon as he pleased*. With such an arrangement it was scarcely possible that both the pistols would be discharged at the same moment. There was a chance that by some extreme quickness of movement, one man could bring down his antagonist without himself receiving a shot. The question anxiously discussed between Jackson and Overton was this: ‘Shall we try to get the first shot or shall we permit Dickinson to have it?’ They agreed that it would be better to *let* Dickinson fire first.... Dickinson, like all miraculous shots, required no time to take aim and would have a far better chance than Jackson in a quick shot even if both fired at once. And in spite of anything Jackson could do Dickinson would almost sure to get the first fire. Moreover, Jackson was sure he would be hit; and he was unwilling to subject his own aim to the chance of being totally destroyed by the shock of the blow.... Jackson was resolved on hitting Dickinson. His feelings toward his adversary were embittered by what he had heard of his public practicing’s and boastful wagers. ‘I should have hit him, if he had shot me through the brain,’ said Jackson.... In pleasant discourse of this kind the two men wiled away the hours of the long journey. **12**

The dueling parties arrived that evening, Jackson first; he took lodging in a tavern, while Dickinson’s party arrived later but stayed the night at another “house of entertainment” a few miles down the road. As the morning of the duel arrived, the parties met in a level clearing near the river bottom, amid a poplar forest. The prescribed eight paces (24 feet) were marked off and pegs hammered into the ground delineating the duelists’ positions. Jackson’s second won the coin toss and so was to count to three and then utter the command to fire. Both Jackson and Dickinson were “perfectly collected. All the politeness of such occasions were very strictly and elegantly performed.” Jackson wore a loose fitting overcoat that partially obscured his naturally thin frame. As the two men faced each other, their weapons pointing toward the ground, Jackson’s second issued to command to fire.

As expected, Dickinson raised his pistol

and quickly fired first, hitting his opponent – puff of dust flew from his coat; Jackson raised his left arm, wrapping it tightly across his chest. He had been hit but was not killed. The cloak had helped obscure Jackson’s thin frame. Dickinson’s shot that was aimed at the heart had hit Jackson in the ribs. At first thinking his aim was somehow off, Dickinson blanched and fell back a few feet and exclaimed: “Great God! have I missed him?” He was quickly admonished to return to his mark by Jackson’s second who gripped his pistol should he need it to shoot Dickinson down for failing to follow the terms of the dueling arrangement.

Jackson raised his pistol slowly, pulled the trigger, but the weapon neither snapped nor discharged. In his anxiety Jackson had placed his weapon at half cock. He pointed it downward, cocked it, and took deliberate aim and squeezed the trigger a second time, hitting Dickinson in the lower abdomen. It was a fatal wound. Dickinson would bleed to death, succumbing to his wound within hours, suffering an agonizingly painful death later that evening. Jackson admitted that Dickinson had “pinked me a little;” yet while his injury was much more severe than that, Jackson would not die from the dueling wound. **13** The results of the duel helped solidify Jackson’s reputation as a man not to be trifled with, as subsequent events in 1813 would attest.

Another fight, this time between William Carroll, a Nashville industrialist and General of State militia [later sixth governor of Tennessee (1821-1835)], who had accompanied Jackson during the Creek Indian War (1811-1813), and Jesse Benton, a young militia officer, was yet another altercation carried out according to the Code Duello. Benton believed he had been insulted by Carroll, and when the two arrived in Nashville in 1813 difficulty ensued. Jesse, a resident of Nashville for many years, had a good deal of his brother’s eloquence and spirit, but not much of his talent and judgment. When Carroll and Jesse were in Nashville – Thomas was away in Washington saving Jackson from bankruptcy – the duel was to be arranged. Carroll asked Jackson to be his second, but he refused claiming he was too old. He relented, however, and the two made the trek to Nashville from the Hermitage. According to Jackson’s biographer, James Patton, the “incidents of the duel were so ridiculous that they are still a

standing joke in Tennessee. The men were placed back to back, as the usual distance apart. At the word, they were to wheel and fire. The General, on placing his man, said to Benton ‘You needn’t fear him, Carroll; he’d never hit you, if you were as broad as a barn-door.’” **14**

When the command to fire was given Benton quickly turned and fired first, and then stooped to as Carroll fired. “The act of stooping caused a portion of his frame, that was always prominent, to be more prominent still. Carroll fired and his bullet inflicted a long, raking wound on the part exposed, which would have been safe but for the unlucky stoop.” Succinctly, Benton had been wounded on his backside, while Carroll had been shot on his left hand, losing a thumb. **15** In the words of one newspaper recounting of the duel, Jesse had been shot “in a part not generally exposed to hostile fire by brave men.” Carroll was openly charged with being a coward, despite the fact that he had had Jackson as his second.

16

Out of this duel developed the brawl – which could scarcely be termed a duel fought under the formal rules of the *Code Duello* – between Jesse and Thomas Hart Benton, Jesse’s older brother, and Jackson on September 4, 1813. According to one historian:

On the morning of September 4, 1813, the Benton brothers took their saddle-bags to the City Hotel, to avoid...the possibility of unpleasantness, as Jackson and his friends were accustomed to make their headquarters at the Nashville Inn, diagonally across the Court-House Square. Each of the Bentons wore two pistols. At about the same time Jackson, [John] Coffee and Stockley Hays arrived at the Inn, all armed and Jackson carrying a riding whip, the news was all over town in a moment. Jackson and Coffee went to the post-office, a few doors beyond the City Hotel. They went the short way, crossing the Square and passing some distance in front of the other tavern where the Bentons were standing on the walk.

Returning, Jackson and Coffee followed the walk. As they reached the hotel Jesse Benton stepped into the barroom. Thomas Benton was standing in the doorway of the hall that



led to the rear porch overlooking the (Cumberland) river. Jackson started toward him brandishing his whip. "Now defend yourself you damned rascal!" Benton reached for a pistol but before he could draw Jackson's gun was at his breast. He backed slowly through the corridor, Jackson following, step for step. They had reached the porch, when, glancing beyond the muzzle of Jackson's pistol, Benton saw his brother slip through a doorway behind Jackson, raise his pistol and shoot. Jackson pitched forward, firing. His powder burned a sleeve of Tom Benton's coat. Thomas Benton fired twice at the falling form of Jackson and Jesse lunged forward to shoot again, but James Sitler, a bystander, shielded the prostrate man whose left side was gushing blood.

The gigantic form of John Coffee strode through the smoke, firing over the heads of Sitler and Jackson at Thomas Benton. He missed but came on with clubbed pistol. Benton's guns were empty. He fell backward down a flight of stairs. Young Stockley Hays, of Burr expedition memory, sprang at Jesse Benton with a sword cane and would have run him through had the blade not broken on a button. Jesse had a loaded pistol left. As Hays closed in with a dirk knife, Benton thrust the muzzle against his body, but the charge failed to explode.

General Jackson's wounds soaked two mattresses with blood at the Nashville Inn. He was nearly dead – his left shoulder shattered by a slug, and a ball embedded against the upper bone of that arm, both from Jesse Benton's pistol. While every physician in Nashville tried to stanch the flow of blood, Colonel Benton and his partizans gathered before the Inn shouting defiance. Benton broke a small-sword of Jackson's that he had found at the scene of conflict. All the doctors save one declared for the amputation of the arm. Jackson barely understood. "I'll keep my arm," he said. **17**

The Bentons thereafter left Nashville. Thomas Hart Benton later became a well-known U. S. Senator from Missouri, and a close friend and political ally of Jackson.

The next duel of note in Nashville was

between Thomas Yeatman and Robert Anderson, also in 1813 Thomas Yeatman to Nashville when quite a young man and secured employment as a clerk in the general merchandise store of William Weatherall, one of the foremost merchants in Nashville. Weatherall was an old man and wanted someone to take over his business, so when Yeatman proved himself to be a smart, young business man, he was admitted to partnership with the firm which was then called Weatherall and Yeatman.

The firm of Weatherall & Yeatman did a general merchandise business, but after Weatherall's death, Yeatman went into the dry goods business, and occupied a house on College Street. In the adjoining store, A. W. Johnson was clerking, and the house next to it was the property of another merchant, Robert Anderson. Yeatman and Anderson were both courting one the wealthiest young ladies in Nashville. She was said to have been perplexed at their competition for her hand. This competition became a contributing factor in the duel between the two young men. Another cause for their growing enmity was purely business-related. Yeatman went on for goods, and about the time of his return, Anderson went for his supply. The means of procuring new goods from Baltimore and Boston was to haul merchandise from these cities by wagon, canals, and rivers. Other goods were procured in New Orleans and hauled north to Nashville on the Natchez Trace. In either case the journey took two to three months.

While Anderson was en route north he claimed to have heard something negative that Yeatman had said about Johnson & Anderson's credit rating. The morning after Anderson's return, A. W. Johnson was opening his store, and saw Yeatman walking across the street and observed Anderson approach Yeatman with a cowhide in his hand saying: "'I'll teach you, you rascal, to injure my character and standing as a merchant" and began lashing Yeatman with the cowhide. Yeatman was a small, slender man, while Anderson was "stout and able bodied." There was no time to think. While Johnson stopped Anderson, someone else seized Yeatman, but not before he had rushed forward and pelted Anderson with his fists. When they separated, Yeatman remarked to Anderson: "You shall hear from me" and the next day a challenge came to Anderson and arrangements for a duel were

soon made. Yeatman's second was the future Governor Carroll, soon to be involved in a duel.

Anderson had already left Nashville for the designated field of honor in Kentucky as soon as he knew the Sheriff was after him for planning to break the 1801 restraint against dueling. Carroll and Yeatman had a couple of good horses in the rear of the store waiting, and Carroll was watching out for the lawman and his entourage. The Sheriff and officers came into the store and informed Yeatman that he was under arrest. He replied "All right, Mr. Sheriff," and asked permission to change his coat, which was granted. He went to the rear of the store and changed his coat, and promptly left via the back door, locking it behind him. Once outside he mounted his horse and with his second Carroll made a getaway before the Sheriff knew what had happened. Details are scarce, but in the end Yeatman killed Anderson. Yeatman returned without a scratch and, as was typical, was never prosecuted for murder. According one account: "He had only done what almost every other man would at that time and under those circumstances have done. Being struck with a horse whip was considered the greatest disgrace that could have been put on him." **18**

On September 22, 1826, just after sunrise on a dueling field near Franklin, Kentucky, just 200 yards north of the Tennessee-Kentucky state line, United States Representative Samuel Houston of Tennessee, gravely wounded William A. White, a veteran of the Battle of New Orleans. Both men were generals in the Tennessee militia, and their pistol duel can validly be called the "Battle of the Generals." In a convoluted turn of events, White was the stand-in for Nashville Postmaster John P. Erwin. Patronage politics were at the root of this affair of honor. President-elect Andrew Jackson had promoted another candidate for Nashville postmaster against Erwin (the son-in-law of Jackson's political nemesis, Henry Clay of Kentucky). Jackson encouraged Houston to thwart Erwin's appointment. Houston wrote to President John Quincy Adams, that Erwin "is not a man of fair and upright moral character." He also attacked Erwin in a speech on the House Floor. When Houston returned to Tennessee after the 19th Congress (1825–1827), Erwin dispatched Colonel John Smith, a professional duelist, to deliver a challenge to Houston



for besmirching Erwin's character. That challenge was rejected, but General White then proceeded to challenge Houston, who reluctantly accepted. Houston prepared by practicing his marksmanship at Jackson's home, The Hermitage. Old Hickory advised him to bite on a bullet while dueling: "It will make you aim better," he said.

In the week preceding the duel, Houston stayed with a friend who lived just a short distance from the dueling grounds. Here he continued his target practice. At his friend's house there were two belligerent puppies, whom Houston nicknamed Andrew Jackson and Thomas H. Benton. It seemed the pup named Jackson won most of their encounters, and Houston took a liking to the canine. Houston arose at 3:40 a.m. the morning of the duel to the sound of General Jackson barking at his window. Houston awoke and began the business of molding bullets for his encounter. As the first bullet fell from the mold a rooster crowed at the break of dawn, which Houston took as a good omen. He then scored the bullet twice, on one side for the dog, on the other for the rooster. He decided to use that particular bullet to load his dueling pistol.

On the appointed morning in a field near Franklin, Kentucky, Houston and White squared off at 15 paces. The word "fire!" was given and Houston emerged unscathed. White, struck in the groin, called out to Houston, "you have killed me." White survived, but in June 1827 a Kentucky grand jury delivered a felony indictment against Houston. Nevertheless, Houston had left the House of Representatives to campaign successfully for governor of Tennessee. The state's then sitting governor, William Carroll, refused to arrest or extradite Houston arguing that he had acted in self-defense. After the duel Houston chose as his coat of arms a dog and rooster, with the motto "Try Me!" "Many were to comments made by those unfamiliar with facts in after years, when, President of Texas and Senator in Congress, [Houston]... sported such a crest."

Another duel was fought in the same area after the Houston-White clash by Calvin M. Smith and Robert M. Brank, two young Columbia attorneys, in March 1827. Very little is certain about this contest except that it was fought at the same venue as the Houston-White duel 1826. The spark the led to the challenge was stimulated

some ridiculous slight that resulted from the two neighbors' "contest over a hog." Brank challenged Smith, the challenge was summarily accepted, the state line crossed, and Smith killed Brank "which sad fact is demonstrated by his unkempt grave near where he fell." Smith was later dismissed from the Maury county bar as a result. Smith sued and appealed the case to the Tennessee Supreme Court in the case *Calvin M. Smith vs. State of Tennessee*, 1829, which, in a strong opinion made by Tennessee Chief Justice John Catron upheld state's anti-dueling law. His opinion resulted in one of the most articulate statements against the "barbarism of dueling and the code of honor and the duelist's cartel" ever written. Although his opinion is lengthy and involved, a few excerpts from it will demonstrate the illegal status of the practice of code of honor killings. Catron, according to a lengthy article on *State vs. Tennessee* in the *Nashville Republican Banner* of July 2, 1870, strictly admonished:

Let it be 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 dueling, we will strike him from the roles of the court....The truth is that such men are too often insolent and impudent bullies, who tyrannize and impose upon all orderly men about them; who literally dragoon society, by fear of personal violence into silence and seeming acquiescence, with respect to their conduct. That such a counsellor is a disgrace and serious incumbrance to any court where he is permitted to practice, all will admit; those who engage in duels, the statutes deem, and we will treat, as of this description.

Catron continued with a unique sociological interpretation and condemnation of those who killed in the name of honor and the *Code Duello*.

Another class accept challenges, and even challenge and fight, for every 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; not that such people have either belief or disbelief of

what they say; they are too light minded to form any settled conclusion, and repeat idly, as the parrot, what some revengeful neighbor has before said, who gratifies his malice by mixing gall in the cup of another. The pride, weak nerves, and morbid sensibility of such a man forces him to the pistol's mouth of a ruthless and unprincipled antagonist, as feeble trembling and unresisting as the lamb to the shambles, and with an almost equal certainty of destruction, because he still fears the detraction of the malicious and the gossip of the giddy. The same principle of human action often induces the delicate and sensitive female, with fear and trembling, to assent to see herself made a widow and her helpless infants orphans, by the butchery of her husband in a duel. Any who takes the life of another, under such circumstances, (forced upon him by wicked design,) can be truly said be said to 'have a heart regardless of all social order, and fatally bent upon mischief;' *and he should suffer death for the crime, because he has bullied his antagonist into resistance, and then murdered him.* [Emphasis added.]

Chief Justice Catron concluded, not mincing words, that:

We are told that this is only a kind of *honorable* homicide! The law knows it as a wicked and willful murder, and it is our duty to treats it as such – we are here to fearlessly and firmly to execute the laws of the land – not visionary codes of honor, framed to subserve the purposes of destruction.

Despite Chief Justice Catron's eloquent dialogue on the absolute evil and illegality of dueling, however, the practice continued with never a participant being indicted for murder in Tennessee. In the public mind affairs of honor were above the law.

For example: at daybreak on May 11, 1835, two well-dressed gentlemen appeared in a small grove of trees, about two miles south of Nashville. They saluted each other with freezing politeness, as called for in the *Code Duello*. They were Dr. Bernards, a young physician, and Carlos DuPont, a lawyer from New Orleans.

The night before they had had an animated conversation about a woman in a gambling den on Main Street. Talk soon result-



ed in a quarrel, during which DuPont spat in the face of Dr. Bernards. The physician promptly challenged the lawyer, and they met the next morning in the grove of trees. The seconds measured out the distance – ten feet – and ordered the two antagonists to fire. Both fell wounded to the ground. Bernards was not seriously wounded, but his shot went through DuPont's right lung. Bernards was helped into a carriage waiting close by, and DuPont's cries "became more and more heart-rending, as he expired a few minutes afterward in the most intense agony." No arrest was made as dueling, while illegal, "was at that time rather favorable to duelists." Many of the "more reckless young men of Nashville even made a sort of hero of Mr. Bernards." Only one person, however, hated him for the killing. She was the young widow Mrs. Caroline Frick, whose most prominent suitor had been Dr. Bernards. Some three months prior to the duel he informed Frick that his rich uncle was moribund, and asked her to administer a medicinal powder to him. The handsome widow, who had nearly made up her mind to become Bernards' wife consented and went to the house of the doctor's sick uncle. Unfortunately, Frick learned from Bernards' uncle that the doctor had tired on two other occasions to poison him. Bernards, soon thereafter, informed the widow that his uncle had died not a half hour before. She declared she would never marry him, that he was a murderer. An autopsy showed no trace of poison in the uncle's remains. Bernards then inherited his uncle's fortune. In the meantime, Mrs. Frick became enamored of DuPont and "gladly accepted his offer to marry her." Bernards became enraged when he heard this news, a duel was arranged and Mrs. Frick's fiancé was murdered.

Mrs. Frick was given the bullet that killed DuPont and she noticed that it had an unusual white hue to it. She asked a physician acquaintance about this curiosity. The doctor "threw the bullet into a tumbler of water, and poured half a dozen drops of water into the mouth of a large frog. The frog was immediately taken with convulsions, and died in less than three minutes." The upshot was that Bernards had poisoned the bullet with arsenic, which caused the quick death of DuPont after the duel. When confronted with this information Bernards "decamped from Nashville." Kismet pre-

ailed, however, and he did not live to enjoy his inheritance, as the steamboat he had taken passage sank due to an exploded boiler, "Dr. Bernards was so frightfully scalded that he died two weeks later in the most horrible agony" 19

Memphis likewise had its share of duels. One of the earliest recorded incidents was between William Gholson and Albert Jackson (no kin to Andrew Jackson.).

In Memphis a contest was fought in May of 1837, which was brought about by atypical circumstances. A few weeks before the duel there was a controversy between two women. One of them was perplexed that her female slave had runaway. She and other women were attending a luncheon and in the course of conversation she discovered that the slave was hiding in the house of her next door neighbor. News of this scandalous situation spread swiftly through the small city of Memphis. Eventually, the woman falsely implicated by the as having harbored the runaway slave was confronted by the owner of the slave in the public market. She reached into a sack she was carrying and pulled out a long whip. "With it she proceeded to pound at the widow's face and breast and back." Passersby halted the affair quickly, which, it was believed, ended the matter. That conclusion was far from correct.

Several days later, three gentlemen were sitting and conversing at the Union Inn. One, William Gohlson, from Virginia, had settled in Memphis a few years prior and had become a prosperous merchant. He was a stout man described as having "an emphatic manner and no hesitancy in expressing his opinion." This, of course, was a dangerous behavior in the antebellum South.

With Gohlson sat Georg La Vance, "a genial Memphian with the rank of a great duelist." A third man approached them, Albert Jackson, a well-known Memphis lawyer. La Vance invited him to sit with them and enjoy a libation. Jackson shared Gholson's proclivity of freely expressing his opinions. Soon the topic turned to the lady-horsewhipping. Gholson expressed an unfavorable judgment about one of the ladies involved in the incident. Immediately Jackson pushed back his chair and demanded: "I ask for a retraction. Now!" It seemed that one of the women was Jackson's cousin. Gholson, instead of apologizing, men-

tioned that he must have confused her with someone else. But he would not apologize. He answered Jackson's demand, saying: "I won't change what I said."

LaVance tried to calm the situation but could not. Within a few hours LaVance was approached by Jackson who asked him to deliver a message to Gholson, who flatly refused to retract his comment. Not only that, but he refused to meet Jackson on the dueling grounds because he didn't consider him his equal, a prerequisite to engaging in a duel. In so saying, Gholson was implying that LaVance was also his inferior. According to the *Code Duello* this meant that if Gholson continued to decline a fight with Jackson, then LaVance must necessarily duel with Gholson. Knowing Jackson was no expert with a dueling pistol, and that LaVance was a crack shot, Gholson was forced to make a choice. He chose to fight Jackson.

Seconds were chosen; the clash would take place at dawn on the morning of May 15th. Gholson showed no apprehensions, and even attended a dinner party for the night before the duel, arranged by his second. The duel was to take place across the Mississippi river at Hopefield, Arkansas.

On the pre-dawn hour before the duel, Gholson was seen confidently striding up and down the dueling grounds, with his arms akimbo. His second informed Gholson that Jackson had never been in a duel, good news in this situation. Gholson said: "I'll hit the spine and he'll be dead in a minute or so!" His gasconading, as it turned out, was but partially true. Although he was a novice on the field of honor, Jackson arrived and appeared calm and collected. The thirty feet were marked off, and each man expected to kill the other. They faced one another, and prepared to shoot after the words "Fire! One, two, three, four five!" On the count of three both contestants fired simultaneously. Jackson grabbed his hip and dropped his pistol. Gholson's shot had passed through Jackson's body, and he was left standing. Shortly, however, Gholson turned to his surgeon, walked a few feet, and fell, twitching, to the ground. Jackson was dead, shot through the heart, and Gholson was dying. According to a story in the *Memphis Enquirer*, one witness claimed the combat "surpassed all description for bravery – each determined and satisfied that he should kill his antagonist,



both having declared they would strike, the one exactly where he did, the other within an inch and a half." The *Enquirer* said that "the parties retired, satisfied that all had ended 'most HONORABLY, [sic] – to the rules of genteel murder.'" The details, claimed the editor of the *Enquirer*, were given

not because the horrible [sic] detail is pleasant to us, nor to gratify public curiosity – but to correct a thousand mis-statements which we found pervading a mourning public. A general gloom fills our community, though no measures were taken to prevent the catastrophe. We even doubt the expediency of such a course having been taken. Neither bails nor bonds would have healed the animosities rankling in such a bosom. A street encounter would undoubtedly have been the result, in which probably would have fallen several of the friends of each party. **20**

In an ironic way the duel, while tragic and dramatic, was justified not as an affair of honor carried out according to the *Code Duello*, but because it prevented a general brawl in the streets of Memphis.

Col. M. W. Lindsay and A.H. Davidson, former business partners in Memphis, fought a duel with pistols at 15 paces on September 14, 1854. The two men who had been business partners, but squared off in Arkansas, a favorite spot in which to evade the prohibition placed upon dueling in Tennessee. The exact cause of the dispute was not recorded. They exchanged shots without either one being hit and then the dispute was settled amicably. Presumably their honor had been satisfied and they continued in their business partnership. The conditions of the *Code Duello* had been fulfilled on the field of honor. **21**,

An idiosyncratic duel took place on the right (eastern) bank of the Mississippi river, just north of Memphis. It occurred on October 15, 1856. According to a newspaper report in the *New York Times*, citing a story from a St. Louis newspaper:

We learn by letter from Memphis, of the 16th inst., that a duel was fought in the vicinity of that city the day the day previous. It seems that on the late trip of the steamer *North Star*, from New Orleans to this place, two of the passengers, Col. Charles Burgthap, from Philadelphia, and Major Riegler, of Boston, who had been South on

an electioneering tour, and who were old friends, having both served in the European armies, got into a warm discussion, the one defending Democracy, and the other one Republicanism, [sic] which resulted in offensive language of a personal character, against Colonel Burgthap. In the presence of so many passengers the Colonel felt it incumbent on him to demand a retraction of the insulting matter, which being denied, a challenge and acceptance to fight were soon settled upon. Two Hungarian officers named S. Szalay and T. Shultze, lately in the service of Walker in Nicaragua, who were passengers on the boat, volunteered as seconds. Pistols at fifteen paces were the terms proposed, but strange to say, the seconds, the master of the boat and all the passengers, including many ladies, opposed the proposition, and contended that the fight should be had with swords. The Hungarians offered their sabres, and the next day upon reaching Memphis, the parties landed and procuring the attendance of a Dr. Hill, also a passenger on the boat, proceeded to some grounds adjoining the city, accompanied by many of the lady and gentleman passengers. The duel was then fought with great fierceness and resulted in the defeat of Major Riegler, who, by the superior skill of his adversary, received two terrible cuts, the one on his neck, the other on his chin, causing him to drop on the field. Returning to the boat, the wounds of the Major were dressed, and a reconciliation of the parties was effected.

Colonel Burgthap shortly afterwards made a speech to the passengers, justifying his course and defending dueling on general principles, which was warmly received by those present. It is supposed that the wounded gentleman would have replied, but for the disabled condition of his chin. Both men displayed great gallantry in the field, and were triumphantly escorted back to the boat by the spectators. **22**

Another duel that took place in Memphis was reported two years later. The conflict took place on November 28, 1858, near the Bluff City and was between Mr. Watters, of Virginia, and Dr., Nagle, formerly from

Pennsylvania. The cause for the duel, while not recorded, must certainly have been an insult and the duel was arranged according to the *Code Duello*. Upon the command "fire!" both men blazed away with derringers, each hitting the other twice in the exchange. By agreement, if neither had killed the other they were to upgrade to revolvers. This they did, and in the end Mr. Watters was riddled with bullets and died on the field of honor. Improvements in firearms technology had made their mark in a duel on the field of honor in Tennessee. Dr. Nagle on the other hand, suffered such serious wounds that it was assumed he would shortly die. No effort was made to arrest or charge Watters with murder. **23**

Near the end of the Brobdingnagian duel between the North and South, a matter of honor took place that was not of such an immense stature. Three days after Christmas, on December 28, 1864, the principals met on the dueling field. They were two were "well known to our citizens as worthy gentlemen." According to the *Memphis Argus* newspaper, "Details were scarce, and the reason for the duel was not known [of ahead of time.]" The fight took place on the road to Randolph, three miles north of Memphis. According to the paper, they faced one another with pistols at twenty paces. The two men, James Simpkins and James Stutts had been good neighbors of many years. In this duel the weapons of choice were shotguns; they atypically stood back to back, stepped off twenty paces, turned and opened fire, a maneuver not strictly sanctioned by the *Code Duello*. Their weapons loaded with buckshot. They fired simultaneously, Simpkins received four buckshot and Stutts an alarming twenty four, causing death of both almost instantaneously. **24** The superficially brave and romantic phrase "death before dishonor" had played itself out, at the cost of two neighbors' lives and their grieving families.

Another fight in Memphis, again, according to the rules of the *Code Duello*, was fought between Alonzo Greenlaw and Henderson Taylor. According to the *Memphis Argus* or July 13, 1866, this duel was one "of the most melancholy affairs it has ever been our duty to record." The fight took place in Mississippi, just over the Tennessee state line. Particulars as to the cause of the challenge were sketchy at best. The newspaper report related that



Taylor, the son of a well know physician, and Greenlaw met on the street. After a few words Greenlaw struck Taylor in the face "with his open hand." The matter went no further until a few days later when Greenlaw received the inevitable note from Taylor, bearing a challenge to a duel.. The two agreed to meet at a point in Mississippi six miles below Memphis to settle their differences and uphold their honor or die trying.

The duel was fought on the Thursday the 12th. The distance was ten paces, and the weapons of choice were "navy repeaters," not single shot pistols. The two were to fire at any time the words "Are you ready-fire!" were spoken; they were "to continue discharging their weapons until one of the two fell." Greenlaw and Taylor fired straightaway and Taylor fell, "mortally wounded in the bowels at first fire." Nothing was known about the difficulty between the two men hat has "resulted so tragically, and whose sad features are rendered doubly sad by the fact that both are gentlemen of fine social standing, and connected with two of or oldest, most esteemed families." Greenlaw, possibly distraught at his murder of Taylor, unsuccessfully attempted to commit suicide on October 6, 1866. **25**

While it cannot be considered a combat according to the *Code Duello*, a peculiarly romantic fight that took place during the latter part of the Civil War might still fall into that category of a duel. It occurred during the Confederate retreat from Nashville in December 1864. Miss Mattie Caldwell, from the hamlet of Lynnville, Tennessee, "a cultured and aristocratic little village," remembered that as the last of Nathan Bedford Forrest's cavalry carried out its rear guard withdrawal mission, with Federal cavalry in hot pursuit, "witnessed a scene, the sort of which has heretofore never been printed." When the last of the Confederate troopers were on the south side of the town, "a Confederate officer of remarkable appearance rode back, stopping in front of Miss Caldwell's residence, sporting a "long flowing moustache, with hair and eyes as black as midnight,...in curls nearly to his shoulders, a soft Alpine at with an ostrich

plume and gold star rested jauntily on his head. Faultlessly dressed, with a form erect and powerful, something so unusual at that time, made him more noticeable. He sat [on] his magnificent horse (also as black a black could be) as only a born horseman

"OH, MY GOD! HAVE I MISSED HIM?" CHARLES DICKINSON'S LAST WORDS AT THE JACKSON-DICKINSON DUEL, MAY 30, 1806.

can." The cavalryman and horse were in strange contrast to the rag tag Confederate army that had only recently passed.

While standing intently watching the approaching Federals, Miss Caldwell observed our Federal horsemen far outstrip the others, and rode directly towards the 'Black Knight.' The latter moved not a muscle, only to draw his long, keen sabre, holding at a parre. The Federal horseman rode straight at him. The clash came, and with it a clash of steel. For some time their bright blades flashed in the morning sunlight. Then a quick succession of parries and thrusts. The clicking steel could be distinctly heard by Miss Caldwell, who stood in her own door not forty feet off, and in full view of the deadly combat.

Finally a quick wrist movement of the black horseman parried the general's blade. With a movement like the lightning's flash, he gave his a body thrust, and before his adversary could recover, with another stroke he laid bare his brain, unhorseing him. Quickly turning his great black steed, he had barely time to escape the body of Federal troopers and the volley sent after him. **26**

Yet another gunfight fought according to the *Code Duello* occurred after an insult between two Memphis druggists on February 18, 1868. The *Memphis Bulletin*

tellingly introduced its story on the affair saying: "Although shooting affairs are of daily occurrence in the city of Memphis, still 'affairs of honor,' as they are called, have been of late like the proverbial visits of angels, few and far between." The duel-

ists were John H. Taylor and W. J. Mimms, both druggists on Poplar Street. Shortly before the duel Taylor had made remarks about Mimms, reflecting negatively upon the latter's character as a gentleman. Taylor refused to apologize or retract his statement and the usual challenge was made and a duel was set. The affair was to take place across the Mississippi river behind the hotel in Mound City, Arkansas; rifles were selected as weapons. The

parries rowed across the river, reaching the dueling grounds at about 11 o'clock. The duelists marched to the rear of the hotel, and were placed at fifty paces from one another. The rifles had been previously loaded and Mimms' rifle accidentally went off as the two men took their positions. Despite the confusion this caused, the rifle was quickly reloaded, with "both parties looking cool, and seemingly determined to 'do or die.'"

Gentlemen are you ready?" Both replied in the affirmative, and raised their pieces. 'Fire!' a pause, and he word 'one' was given, while simultaneously both rifles were discharged. All rushed forward; the smoke cleared away, and it was then discovered that - nobody was hurt....Both had fully shown their pluck and defended their honor, and at the earnest request of the seconds on both sides, the shook hands and became again friends. An adjournment was then made to the bar-room of the hotel, where all hands 'smiled' frequently, and returned to the city in the afternoon, with full faith in the axiom 'All's well that ends well.'

According to the *Nashville Press and Times* of April 17, 1868:

From Overton County comes to us a strange story, which we suppose has few parallels in the annals of difficulties settled after the code. The affair happened two weeks ago [ca. 13th]. Where the bold spurs of a wild range



deflect a trifle as they the boundary line of Fentress and Overton, lived for many years two families named Waldron and Jarvis. A feud had marred their intercourse for time out of mind until about a year ago, when the head of the last-mentioned family died. After this occurrence old troubles were apparently buried, and a friendly intercourse was established. This continued for many months, and until one of the Jarvisses, a young man of twenty-two, while intoxicated, made some sneering remarks about one of the Waldrons, impeaching his courage. Two days after the latter sent a friend to young Jarvis, that as he did not consider him a courageous man he might have the pleasure of testing his bravery with any weapon he might choose. Young Jarvis was too proud to retract the language which had been uttered while under the influence of liquor, and he accordingly sent back word to the other that he would meet him four days from that time in what is known as "the Run," where they could settle the matter with rifles at 150 yards. Both men had been in the rebel army, and were accounted splendid marksmen.

It was on a damp, cold, dreary morning that the two young men, each accompanied by a friend, to their way to "the Run." Drizzling rain had fallen for hours, and the scene through the valley was dismal with clinging mists and pattering precipitation. The seconds paced off the distance, and the two duelists were situated with their backs facing one another; at the customary shout of one, two three they turned and fired. Jarvis was wounded through the fleshy part of the left arm, while his bullet whistled savagely just above his antagonist's head. "Are you satisfied," said Waldron's second. the answer was no, "Waldron wants another shot."

A stern savage smile lighted up the features of young Jarvis and his arm was bound to staunch the blood, but he said not a word. The rifles were loaded again, and once more the shouted signal two men wheeled and fired. The reports were almost simultaneous. Waldron ran forward a few steps, staggered, reeled, and fell into the arms of his friend bleeding and senseless. He was shot through the heart. Jarvis went

slowly home, saddled his horse, and, telling his family that he left the country. 27

Perhaps the last true affair of honor carried out in accordance with the code in Tennessee originated in Memphis in 1870, between James Brizzolara and George B. Phelan 28 on June 28, 1870, on a sandbar in the Mississippi River, near Hopefield, Arkansas, opposite Memphis – James Brizzolara of the Memphis Democratic Executive Committee was criticized by George R. Phalen, a prominent local Democratic Party politician. After words were exchanged and the proper communications made, according to the *Code Duello* a duel on the field of honor was fixed. They agreed to face each other and to continue firing their weapons, "navy colts" until either's chambers were empty or one of them had fallen. Brizzolara was a veteran of Garibaldi's army during the Italian revolution of 1848 and a Confederate soldier in the Civil War. During that time and Reconstruction he had successfully engaged in many duels. He had been insulted by Phelan, a prominent Memphis lawyer and politician, who demanded satisfaction. Knowledge of the challenge was made known to the Shelby County Sheriff who arrested Brizzolara. Upon his release on bail, Brizzolara replied that he would accept Phelan's challenge. The weapons of choice were Navy Colt pistols. The duel was held outside the Volunteer State because the state constitution banned dueling – in Arkansas they would be free from the interference of the Shelby County Sheriff's jurisdiction. The two gentlemen were placed at the agreed upon distance of 15 paces. The evening sun was at Phelan's back, obscuring his position. The question was asked: "Ready?" Phelan replied in the affirmative, while Brizzolara "cried 'not ready!'" and coolly putting the pistol between his knees, proceeded to turn up his shirt cuffs which had gotten down over his hand and annoyed him." According to a story in the *Memphis Public Ledger*, and at the word fire! the first shots (one each) were harmless "but the second shot of Mr. Phalen took effect on Mr. Brizzolara entering near the left nipple over the heart, and passing through a portion of the body transversely, coming out under the left arm."

Brizzolara fell to the ground and firing ceased, as prescribed by the *Code Duel-*

lo. "The surgeons had the wounded man removed to the boat, and a quick trip was made to the city "where he was taken to the home of his sister attended only by his surgeon...who reported...that while serious and possibly dangerous, the wound, is not necessarily so and that with proper care and perfect quietude, Mr. Brizzolara will soon be well."

According the editor of the *Memphis Public Ledger*:

We record with a degree of pleasure counter mingled with pain, that both combatants accord to each other the utmost coolness and bravery. Mr. Phelan desires us to say that Mr. Brizzolara showed himself to be a man of nerve, coolness, and desperate bravery. The same qualities were accorded to by Mr. Brizzolara and his friends to Mr. Phelan

Brizzolara survived' both his and Phelan's honor had weathered the brutal test of the Code Duello. If there were further animosities between the two men, they were not recorded. Phelan's brother, James, challenged a Knoxville editor to a duel in 1895. But it was never consummated. 29

Soon after the Phelan-Brizzolara fight, a novel duel took place just over 300 yards beyond the Mississippi line, on a field of honor "well known in the annals of Memphis dueling" south of Memphis. At sunrise on August 27th, 1870, the contest between Major Edward Freeman, a young merchant, and Edward Hamlin, a young lawyer, both Memphians took place. It, like its immediate predecessor in Hopefield, Arkansas, was arranged according to the Code. They fired at fifteen paces with dueling pistols. Hamlin was shot through his liver and he died within ten minutes. The cause of the fight was said to be "strictly private and personal." Hamlin's last words were revealing of the pervasive hold of the concept of honor as expressed in the code: "Tell my father that I die as I lived – a gentleman." 30 As with all duels, there were no prosecutions for murder, despite the state law defining it as such.

The Hamlin-Freeman duel was for all intents and purposes the last such affair carried out according to the *Code Duello* in the Volunteer State. Yet as atavistically poignant as Hamlin's last words were of the romance of the code, another fight, just two weeks later, also in Memphis, was more of



an impulsive pseudo-duel, or more directly, a double murder. It demonstrates the newer spontaneity of dueling heretofore forbidden by the strict rules of the *Code Duello*.

The Tennessee Constitution of 1796 forbade anyone who had participated in a duel from holding office; the 1870 Constitution did too, while the 1801 law likewise forbade the custom. Yet, in 1873 William Rule, the editor of the *Knoxville Chronicle*, was challenged to a duel. He took a stand different from all others in the history of dueling in Tennessee, a stand that marks a definite turning point in the use of the *Code Duello* and dueling.

The circumstances derived after a business trip Rule made to Memphis in late 1872. There he learned of the failure of a major Memphis bank and the apparent fraudulent activities designed to keep the Memphis and Charleston Railroad (MSC RR) from collapsing. Major J. D. Wicks, a Confederate veteran, was the president of the M&C RR and had recently relinquished his position. The new president of the railroad had sent a letter to M&C stockholders showing that the road was not in good financial condition. In fact, to make good a \$200,000 short fall and keep the business from falling into receivership it was necessary for stockholders to make good on the huge liabilities. They were asked to contribute ten percent of the value of their stock – in cash – to keep the railroad solvent. This was going to be a significant loss for stockholders, many of them widows and pensioners, when the stock did not amount to anything near its face value. As Rule wrote in a letter published in the *Knoxville Chronicle* of December 19, 1872: “To say that such a demand comes like a clap of thunder in a clear sky would be putting it very mildly.” 31

The letter continued by exposing the skullduggery of the Wicks’ administration of the railroad. According to the letter:

But a short time ago dividends were being declared, and it seems very strange that the road should become so seriously involved in so short a time. If the road was in debt then, were did the money come from to pay dividends? If the officers of the company were so flush then why is it so hopelessly involved now? Did its former managers borrow money to pay dividends in order to keep up appearances – to

keep up the price of stock – or has the business of the company been so recklessly managed as to account for the present state of affairs? These are questions that come up very naturally and people *will talk*. [sic] 32

These questions were soon made known as a copy of the *Chronicle* and the letter in it were made public in Memphis a few days later. Infuriated at what he regarded as an insult to his reputation and honor, Major Wicks, in short, challenged Rule to a duel. He would be in Dalton, Georgia, on February 9, 1873, and he invited Rule to meet him there to “discuss” the matter. This was clearly a challenge straight from the pages of the *Code Duello*.

Memphis contingent accompanying Wicks was comprised of old school dueling adherents, namely General Nathan Bedford Forrest, ex-Gov. then US Senator Isham G. Harris, Colonel. Sam Tate – one time president of the M&C- and W. B. Greenlaw – whose son had been killed in an affair of honor in 1866. They arrived in Dalton but did not find Rule. Instead they were presented with a copy of the *Knoxville Chronicle* with a message from Rule addressed to the gentlemen from Memphis: “I have no business to call me to Dalton... and decline your invitation.... the time to ‘discuss’ the matter further, had passed.” He continued at length:

I am not familiar with the so-called ‘code of honor,’ but I suppose your communication means, and was intended to lead to a challenge to me to fight a duel.

With such an affair I refuse to any connection. I recognize no heathenish so-called “code of honor.” I am opposed to dueling, for the reason that it is contrary to the spirit of the enlightened age in which we live. I am opposed to it because it is contrary to laws of my country, the law of humanity, and the laws of God. You might take my life, or I might take yours, and yet not a single feature of the publication complained of would be changed by the result. If that publication were false, it would be false still. If it were true it would remain true. Hence nothing can be gained by either of us losing our lives in the manner proposed.

My friends who have been approached on this subject by your

friends, have uniformly expressed it as their opinion that I would not fight you in this way. I have good reason to believe that you knew this fact before you sent your challenge.

You may, and perhaps will, ‘post’ me as a coward, because I refuse to murder you or give you an opportunity to murder me. Really, I do not know whether I am a coward in the sense you may choose to apply the term or not.... I do not propose to leave the country, but will continue to pursue my legitimate business, going wherever and whenever that business calls me. While I do not recognize the so-called ‘code of honor’ I wish you distinctly to understand that I fully recognize the right of self-defense [sic] I do not court, but... avoid, personal difficulties with my fellows; but, when attacked, I shall not hesitate to defend myself as promptly and effectually as necessity may seem to require.

.... I do not propose to pander to the barbarous prejudices of depraved minds by setting myself up as a target, to give you the opportunity of a so-called vindication of your honor. I have no respect for any such foolish notions. They may be in accordance with your ideas of honor and courage, but they are not with mine. Words cannot express my contempt for such folly. It is not proof of courage, bug of cowardice! It is not evidence of manliness, but of a weak concession to a heathenish and brutal custom. It is not the way to defend a gentleman’s honor prescribed by an enlightened Christian sentiment and the laws of civilized people. 33

Wicks and his entourage of erstwhile dueling advocates then headed back to Memphis, never having had a chance, in their estimation, to murder Rule under the sanction of the outdated *Code Duello*. Wicks, in order to save face wrote in a statement published in the *Dalton Citizen* and *Atlanta Constitution*: “Feeling assured that no charge or statement hereafter emanating from William Rule can harm anyone, I leave him to such a position in the public esteem or contempt, as a just and enlightened people may consign him.” 34 The matter was closed, honor protected without



bloodshed or recourse to the *Code Duello*.

Rule's courage was applauded in other newspapers. ³⁵ Later in 1873, a joint resolution passed unanimously in the Tennessee legislature that condemned and called for the punishment of anyone resorting to an affair of honor on the dueling field. The Federal Grand Jury then meeting in Knoxville sanctioned Rule's bravery and stance. Ironically, a bill to make dueling a capital crime was defeated in the Tennessee legislature in 1873. ³⁶

There are other references to so-called duels in Tennessee history, none of them after 1873 were carried out to the by now antiquated and discredited *Code Duello*. In fact, they mostly weren't duels at all, but shootouts that newspapers referred to as duels. The *Code Duello* was at times nominally used to justify a fight, but seldom, as exemplified by the farcical Collier-Carmack duel in Memphis of May, 1893. We have seen how newspaper editors engaged in "fake" fights in the 19th and early 20th century, but these were not in accordance with the code. Nevertheless, such "duels" should be examined here as they were a carry-over from the so-called code of honor. They may be thought of as abridged Code Duello killings or pseudo duels.

Excluding the old *Code Duello* arrangements, confrontations were not carried out according to any rules but the rule of who shot first and straightest. Such was the case in a little reported pistol fight on November 4, 1850 on the Nashville public square possibly inspired by the Jackson-Benton brawl of 1813. The shootout "between two young men named Vaughn, and two others named Lawrence, growing out of family difficulties...One of the Messrs. Lawrence was slightly hurt." It cannot be said to mark the transition to of the end of the *Code Duello* ³⁷ yet does indicate a disregard for the code.

On September 13, 1870, at the Shelby Station, on the Memphis & Louisville railroad a disagreement stemming from a game of ten pins between Samuel Dickey, a planter, and George Fleming, who kept a livery stable, led to angry words. Friends of each of the men did manage to ameliorate the differences of opinion after fighting words were exchanged. However, Dickey went to an adjoining store saying he intended to go hunting. He returned to the bowling alley and shortly thereafter Fleming appeared with a double-barreled shotgun,

and "taking skillful and deliberate aim," shot Dickey who fell to the floor. "Horribly wounded and in the agonies of death, Dickey yet had strength to raise up his own gun, and fire at his assailant in reply. Fleming instantly fell dead, and Dickey expired directly afterward."

The *New York Times* reported that the affair caused great excitement in Memphis, yet there "was certainly nothing uncommon about such an impromptu duel taking place or in the participants being butchered or maimed for life as a consequence." Dueling exaggerated offenses to honor but a "homicide for a misunderstanding over a game of ten-pins is a ghastly illustration of that disregard for the sacredness of human life which has gained the Southwest so much discredit and even led some Christian people to call us a nation of barbarians." Laws designed to eliminate such affrays were of little use in Tennessee where this sort of lawlessness was tolerated. ³⁸

"One of the Most Desperate Conflicts on Record" read the headline of the *Nashville Republican Banner* of May 26, 1874. According to one report, A. J. Sellers and J. N. Patterson "fought one of the most desperate duels on record" at Cotton Grove, some eight miles east of Jackson, in Madison County. Yet, despite the newspaper reporting it as a duel, it did not qualify as a duel at all, but a shoot-out reminiscent of cinematic gun-fights in the Wild West. Sellers, armed with a double barreled shot gun and two single shot pistols, met his antagonist Patterson, equipped with a "navy six" in the main street. "After several shots, Sellers fell, bleeding from three painful wounds, one in the right shoulder, one in the right temple and a third in the upper lip, and Patterson retired with a ball in his left side." The sanguine encounter developed over conflict over a new suit of clothes the murdered man had purchased the week before. Sellers wanted to wear the suit to church on Sunday. Sellers grabbed the clothing and Patterson "snatched the clothing from Sellers" and the two began fighting. The quarrel led Sellers, who suggested they take the fight outdoors. Patterson, who had a crippled hand, was aware that Sellers had the physical advantage remarked that he was no gentleman to behave as he did. Sellers proposed then that they settle the matter in some other manner, with fire arms the following Monday. Sellers, with-

out a second, called Patterson out asking "are you ready?" No, Patterson was not prepared, but stated he would be the next evening at 5:00 o'clock. In the meantime Patterson went to Jackson and "purchased a navy six, had it carefully loaded" and returned to Cotton Grove remaining silent about his intentions. The people of Cotton Grove thought the quarrel was "a piece of braggadocio that would end in the wind."

But promptly to the hour on Tuesday [26th] evening Patterson and Sellers were observed approaching each other from opposite directions armed.... When within thirty yards of each other both came to a halt-Sellers leveling his gun ordering Patterson to throw down his pistol. Patterson refused to obey, saying that Sellers had him at a disadvantage but fired on Sellers with effect. Sellers then attempted to shoot but both barrels of his gun snapped. Patterson fired again. Sellers steadily advancing, having thrown down his gun and resorted to his pistols, fired once the shot taking effect on Patterson's right side. Patterson opened again rapidly, striking Sellers twice-three times in all. About this time Sellers fell from lack of blood, and Patterson, concluding he had killed his man, turned and walked off....

Patterson's whereabouts were not known, although Sellers was "in a critical condition." ³⁹

The term "duel" now had a less formal meaning that transcended the Code Duello. It at this point was replaced with a definition that meant any gunfight between two or more armed antagonists was a duel. In this we can see the change in the perception of the custom of defending one's honor as the exclusive domain of the privileged of the aristocratic planters, bankers, merchants and lawyers of the antebellum era. This would persist into the early twentieth century when the conclusion of the shootout/pseudo-duel would finally be achieved in Tennessee.

Another Street duel, reminiscent of popularized "gun fights" in the old west, was a fight at Rockwood. It was reported on January 1, 1885, that two men, W. F. De Rossett and Nathan Pass "engaged in a street duel here yesterday." (December 31, 1884). They shared a difficulty of some kind and each "swore vengeance." The two men met



on the street of Rockwood Rossett and Pass “began firing at each other with shotguns.” De Rossett was hit once in the face and in the arm. Pass was shot in the forehead and neck.” 40 It is not known if either combatant survived.

Another altercation that, while referred to as a duel was so only inasmuch as both parties shot at one another over a contested financial matter. Such events can only be called shootouts regardless of whether or not they were called duels. The Code Duello had no bearing on these “duels.”

One such fight is worthy of identification. It was the Hamilton-McCary fight in Union County, Tennessee. The headline and the interdictory paragraph in the *New York Times* article read:

TWENTY-SIX SHOTS FIRED.

Columbus-Hamilton and Frank Hamilton fought a duel on horseback at short range with Henry and John McCrary yesterday afternoon. [3rd]Twenty-six shots were fired. All parties except Henry McCrary were injured. Columbus Hamilton will die. The affray occurred in Union county just over the border in Tennessee.

This “duel” on horseback had its beginnings in Maynardville, Union County, Tennessee. The Hamilton brothers were in Middlesboro, Kentucky, where they had a business dispute with Henry and John McCrary also from Union County, Tennessee. The question was not resolved; words were exchanged, and failing to agree, they “coolly decided among themselves to settle the matter by the code duello.” After remaining in Middlesboro for some hours and spending time in a local saloon, the Hamilton and McCrary brothers took a train and started to return to their homes in Union County. When the train slowed up at Liberty Hall, a whistle stop, all four men detained. The Hamiltons walked to a friend’s house where their horses were tended, saddled up and started down the road, The McCrarys, with two cohorts, stopped temporarily to eat.

After the Hamiltons had secured their horses and had traveled about four mile, they were suddenly overtaken by the McCrarys coming up the road in a gallop. The Hamiltons wheeled around, and, drawing their horses to a halt, began firing at the advancing McCrary party; the McCrarys shot back. The firing continued for some minutes, there being some 26 shots fired. Columbus Hamilton

received a dangerous wound in the side and fell from his horse. Frank Hamilton caught a bullet in his hip and his horse was also shot.

In the skirmish that followed, John McCrary was shot through his right arm but deftly changed his pistol to his left hand, continuing to fire. His hat was pierced with several bullets. Henry McCrary was uninjured, and with the assistance of his two friends carried his wounded brother from the field. “The Hamiltons were unable to continue their journey home Frank,” according to the article, “being scarcely able to walk, while Columbus cannot live.”

The authorities were notified and a posse is in pursuit of the McCrarys. A feud rivaling the “famous French-Eversole vendetta of Kentucky” was expected. It was up to the Union County constabulary to take decisive steps to quell any disturbance. Here the tale ends for lack of further documentation. 41 Once again, the term Code Duello was used to give the fracas some kind of legitimacy; regardless, the affray was not a duel

By the turn of the twentieth century, the term duel was used nonchalantly by the press to explain shootouts of a criminal nature, but the old excuse of the Code Duello was no longer employed. A case in point was the first page headline in the *Nashville American* of December 7, 1903: “SERVICE ENDED BY BLOODY DUEL.” Just as the minister at the Grace Presbyterian church, Rev. W. B. Holmes had announced his text, Numbers xxiii., 10, “Let me die the death of the righteous,” “Patrolman Benjamin F. Dowell and Thomas Cox, a man well known around town, fought a duel with pistols....The duel was fought at close quarters...each man claiming that the other fired first.” Dowell was moribund. Earlier that afternoon Dowell had arrested Cox’s sister on charges of disorderly conduct.

The details of the shooting were considered

most sensational, both men emptying their revolvers, and after being so desperately wounded the officer ran into Grace Presbyterian Church, where the evening services were in progress. Staggering in the door just after the officiating minister had read his text, and reeling backward the officers’ arms, still clutching his revolver, went up into the air. There was great excitement in the congregation, the fusillade of shots on the outside of the church having alarmed

the worshippers. When the officer appeared holding up his weapon ladies in the congregation hurriedly picked up their cloaks and wraps to leave, but when it was seen that there was no danger of violence, they soon became quiet, and all did what they do. Officer Dowell was eased down to a bench and was then taken into a small room in the church. The ambulance was called from the City Hospital and promptly responded.

Patrolman Dowell shortly thereafter died of his wound. 42:

No doubt the most notorious street shootout/pseudo duel in Tennessee history is exemplified in the killing of Edward Ward Carmack by the father and son Duncan Brown and Robin Cooper in 1908. Carmack, a Democrat, was an attorney, newspaperman, and political figure who served as a U.S. Senator from Tennessee from 1901 to 1907. His career as a journalist began at the *Nashville American* in 1888. He became fast friends with the publisher and owner of the *American*, Duncan Cooper. He left Nashville in 1892 to become the editor of the *Memphis Commercial* in 1896. Following his single term in the U. S. Senate and his unsuccessful bid for the governorship of Tennessee in 1908 he became editor of the then one-year-old *Nashville Tennessean* newspaper and a stout foe of the liquor interests, declaring himself as a temperance advocate. He was immediately hailed as a champion of the “dry” interests in the state. The wave of support from the temperance forces caused him to enter the Democratic primary for the governorship against Malcom R. Patterson in 1908. The “wet” vs. dry” issue bitterly divided the Democratic Party. Patterson, who was indorsed by the Coopers, Carmack’s old friends, won in the primary and went on to win the election. As editor of the *Tennessean*, Carmack, now the darling of the prohibitionists, wrote in a bellicose fashion, decrying all anti-prohibitionists, most especially governor Patterson and his erstwhile compatriots at the *American*, the Coopers. Resentful of his vitriolic attacks, Duncan Cooper, in a fashion reminiscent of the old *Code Duello*, sent a message to Carmack warning him to cease his attacks. The warning went unheeded by Carmack who continued to denigrate his one-time colleague in editorials in the *Tennessean*. Animosity between Carmack and the Coopers grew until anxieties escalated to the point that tensions exploded on No-



vember 9, 1908, when the Coopers confronted Carmack in broad daylight at the corner of Seventh Avenue and Union Street. Aware of the threat the Coopers posed, Carmack, fearing an ambush was armed, and seeing the two Coopers, opened fire, wounding young Robin Cooper. Duncan's son Robin, although wounded, nevertheless, returned fire and Carmack fell dead.

Carmack became the martyr to the temperance forces and the state and the voters adopted statewide prohibition in 1909. Both Coopers were convicted of murder in 1909. In 1910 the Tennessee Supreme Court reversed Robin Cooper's conviction on a technicality but upheld the conviction of Duncan Cooper, who was actually innocent of having fired a shot. Literally within an hour of the high court's decision, Governor: Patterson extended a pardon to his old friend and political supporter Duncan Cooper. The trial gained notoriety in newspapers throughout the nation. In the end, however, it was not the *Code Duello* that led to Carmack's murder, but personal and private hatred. Nevertheless the code's nineteenth-century sway, although attenuated, had stretched its limits into the twentieth century. ⁴³ Moreover, the fact was that the trial and conviction of the Coopers proved the *Code Duello* was a dead letter. The widely held opinion that no gentlemen of prominence could ever be convicted of a capital offense in Tennessee was, at last, proven false. Dueling, save for a few pseudo duels was severely moribund, if not obsolete, in Tennessee. Instead of engaging in duels to settle scores or the adjudication of differences in the courts, differences were settled by the press reports. The recourse of gentlemen to slander or insult of archaic -cavalier concepts of chivalric honor, once the justification for murder under the *Code Duello* had slipped into oblivion.

Further proof of that assertion can be found in what surely must have been the "last duel" in Tennessee history, in early 1921 in East Tennessee where the concluding chapter in so-called dueling, actually a shoot-out, was "added to the bloody record of the mountains of Polk County." On January 31, members of two prominent families, the Hicks and the Smiths, met in the street at the hamlet of Springfield and "fought a pistol duel in which Smith was probably fatally wounded." The cause for the event was a business transaction that had gone wrong months earlier. When

they met, one of the Hicks young men spontaneously indicated "this would be a good time to settle our old quarrel" and drew his pistol and immediately opened fire. He was a poor shot, however, and missed Hicks, who drew his pistol and returned fire, seriously wounding Smith in the abdomen and thigh. Although Smith was taken to the hospital in Knoxville, he was not expected to survive. According to the Associated Press, it was "the fourth shooting affray in this county within the past two weeks, resulting in several deaths, one of the victims being a deputy sheriff." The incident was not a fight carried out according to the by now ancient antiquated rules of the *Code Duello*, but a shootout similar to the murder of Carmack in Nashville thirteen years earlier. Moreover, it was a pseudo duel most likely resulting from a feud between the two mountain families. ⁴⁴

There was, however, one comical example of a duel attempted by sophomoric university students in Nashville. A Vanderbilt University student, infatuated with a young woman popular among the campus social fraternity circuit, took offence at what he construed as unflattering remarks concerning the object of his affection made by another student. He made a telephone call to the assumed perpetrator to determine the validity of the rumor. The upshot was a duel contrived with reference to the *Code Duello*. The two were to meet on the field of honor in Centennial Park, Nashville, in the early morning of January 31, 1914. Their weapons of choice were nothing more than their fists. Police were notified and were staked out to arrest the two would be duelists on charges of disorderly conduct. The students apparently got wind of the police presence and never consummated their rendezvous with destiny. While the police continued to investigate their expectations of arresting the two "Chocolate Soldier" duelists they failed to materialize. The affair was quickly forgotten, save perhaps in social fraternity lore at Vanderbilt University. ⁴⁵ The use of the term *Code Duello*, for all intents and purposes vanished from Tennessee lexicon and practice thereafter. Use of the word duel, however, has not expired, but is used only in reference to hotly contested elections or sports events, as in a pitchers' or quarterbacks' contest.

The *Code Duello* was an institution of long social standing and it was, ironically, hard to kill. Generally speaking, it did not

pass out of existence till the passing of the aristocracy of the antebellum South, where it was more commonly resorted to as a deadly means to redress insult to antiquated and romantic concepts of honor, Tennessee being no exception. In the first half of the nineteenth century there were few public men of the section but that at one time or another participated either as principal or second in an "affair of honor," and several of them more than once. If they did not participate in dueling they approved of the *Code Duello* and this fostered homicide.

The same patterns were repeated in South Carolina, Kentucky, Mississippi, Arkansas, and Louisiana. General Albert Sidney Johnston, who died at the battle of Shiloh, was wounded by General Felix Houston over who should command the Army of Texas. Thomas Hart Benton was among those who killed his opponent by the rules of the *Code Duello*.

By the early twentieth century, the mere suggestion of the code brought to mind a score of dueling incidents or associations intimately connected in one way or another with; the imaginary and romantic "moonlight and magnolias" beliefs of many aficionados of Tennessee's place in the history of the old South. There were dueling grounds in Nashville, Memphis, the fields of East Tennessee, and just across the border in Kentucky. Weapons were generally single shot flintlock or cap pistols. Save for the Cooper-Carmack shootout/pseudo duel in 1908, there was never a conviction for murders brought about by the code of honor. But while the law might have looked the other way when it came to dueling, the tenets of the *Code Duello* permitted of no such disrespect, a duel being attended with as much decorum as the crowning of a king.

As the old South died, so did the practice of dueling, although "revolver duels" as Mark Twain humorously referred to them, continued to occur among journalists and politicians sometimes referencing the antiquated code, but extemporaneously without the formality of its rules. ⁴⁶ Thus, duels fought on horseback., with rifles at fifty yards, or with shotguns and revolvers in the streets of obscure towns in Tennessee continued in a long and attenuated spiral, the last "duel" of any statewide and national notoriety being the murder of Carmack by Cooper in Nashville in 1908.

**ENDNOTES**

1 *Nashville Daily American*, January 18, 1877; *Nashville American*, July 8, 1880, July 3, 1904; *Nashville Tennessean and Nashville American*, September 17, 1911; John Lyde Wilson, *The Code of Honor, or Rules for the Government of Principals and Seconds in Duelling* (1828), at <https://www.gutenberg.org/files/6085/6085-h/6085-htm>. Accessed May 28, 2016. Andrew Jackson's admonition to his nephew is found in: James B. Jones, *History in Tennessee: Lost Episodes from the Volunteer State's Past*. (Charleston: Arcadia Publishing), 428.

2 Mark Twain, "Journalism in Tennessee" (ca. 1871), at <https://americanliterature.com/author/mark-twain/short-story/journalism-in-tennessee>. Accessed June 23, 2018.

3 As cited in Owlcation.com, "3 Famous Duels Involving Andrew Jackson," accessed December 10, 2018.

4 Smith, Sam B., and Owsley, Harriet Chappell, eds., Remini Robert V., Consulting ed., MacPherson, Sharon C., Associate ed., Keeton, Linda D., staff assistant, *Papers of Andrew Jackson*, vol. 1, 1780—1803, (Knoxville: University of Tennessee Press, 1980), *Andrew Jackson to John Sevier*, October 2, 1803, 367-368.

5 Op. cit., John Sevier to Andrew Jackson, October 2, 1803, 368.

6 Article IX, Section 3 of the first Tennessee Constitution (1796) stipulated: "Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this state, and shall be punished otherwise, in such manner as the Legislature may prescribe." Therefore it was necessary to travel outside the state to conduct a duel. See also: *Tennessee Acts*, 1801, Ch. XXIII, for the statute prohibiting dueling. .

7 *Papers of Andrew Jackson*, op. cit., Andrew Jackson to the Public, October 10, 1803, 378-379.

8 James Parton *Life of Jackson*, Vol. I, (Boston: Ticknor and Fields, 1866), 234-235. Another source claims the two men immediately began firing at one another with their flintlock-one-shot pistols, but missed, and thereafter became the best of friends. See: *Nashville Daily American*, September 1, 1891.

9 Parton, op. cit., 286-291. See also: Burden Allison, *Murder and Mayhem in Nashville*, (Charleston: History Press, 2016), 14. John Coffee would later serve as a senior officer with Jackson during the Creek Indian War (1813-1814) and at the battle of New Orleans, January 8, 1815 fought after the War of 1812 had been concluded by the Treaty of Ghent, December 24, 1814. News traveled slowly across the Atlantic Ocean.

10 Ibid, 293-294

11 Ibid, 296.

12, Ibid, 296-297.

13, Ibid, 298-300. It has been suggested that the pistols used in the Jackson-Dickinson duel were the same weapons used in the Coffee-McNairy affair.

14 Parton, op cit., 388.

15 Ibid, 388-389.

16 *Nashville American*, January 21, 1900. (That is, Jesse had been shot in his ass.)

17 Marquis James, *Life of Andrew Jackson*, (Bobbs-Merrill Company, Indianapolis, 1938) 152-154; James Parton *Life of Andrew Jackson*, 3 vols., Vol. 1, (Boston Ticknor and Fields, 1866), 386-398; See also: *Nashville Republican Banner*, June 29, 1871.

18 *Nashville Daily American*, June 20, 1882.

19 Ibid., April 4, 1878; June 13, 1878; December 27, 1879; January 15, 1890; *Nashville Tennessean*, September 19, 1909; <https://www.politico.com/story/2009/09/rep-sam-houston-fights-a-duel-sept-22-826-027389>, accessed June 3, 2017; <https://www.politico.com/story/2018/09/22/this-day-in-politics-sept-22-1826-826300>, accessed July 12, 2017. For the Smith-Brank duel see: *Nashville Daily American*, July 2, 1870; and, June 19, 1890; and, *Nashville Tennessean*, November 14, 1939. Information on the Bernards-DuPont story is found in: *Nashville Daily American*, December 22, 1878. For Judge Catron's lengthy and powerful analysis on dueling in *Smith v. Tennessee*, see *Nashville Republican Banner*, July 2, 1870.

20 *Memphis Enquirer*, May 20, 1837; *Memphis Press Scimitar*, November 9, 1951; *Memphis Commercial Appeal*, February 1, 1929, and May 3, 1931.

21 *Memphis Commercial Appeal*, September 15, 1854.

22. *New York Times*, November 4, 1856.

23 *Memphis Commercial Appeal*, November 28, 1858.

24 *Memphis Argus*, December 29, 1864; *New Orleans Daily Picayune*, January 4, 1865.

25 *Memphis Argus*, July 13, 1866, and *Nashville Republican Banner*, July 15, 1866. *New York Times*, October 8, 1866.

26 *Nashville American*, July 27, 1896. Miss Caldwell unsuccessfully attempted to discover the identity of the romantic "black night" for thirty years.

27 *Memphis Bulletin*, February 19, 1868; *Nashville Republican Banner*, February 21, 1868. On the Fentress County rifle duel see: *New York Times*, May 4, 1868 and; *Nashville Press and Times* April 17, 1868.

28 The brother of James Phelan who had a dispute with John M. Fleming, editor of the Knoxville *Sentinel* in 1890. It was merely a war of words, however.

29 *Memphis Public Ledger*, June 29, 1870; *Memphis Daily Appeal*, June 29, 1870; *Nashville Republican Banner*, June 29, July 1,



1870; *New York Times*, September 25, 1913.

30 *Memphis Appeal*, August 27, 1870; *Nashville Republican Banner*, August 27, 30, 1870.

31 *Knoxville Chronicle*, December 19, 1872 and; *Nashville Republican Banner*, 21 February, 1873.

32 *Knoxville Chronicle*, December 19, 1872. and; *Nashville American*, December 24, 1905.

33 *Nashville Republican Banner*, February 21, 22, 1873; and *Nashville American*, December 24, 1905.

34 *Dalton Citizen*, February 9, 1873; *Atlanta Constitution*, February 22, 1873.

35 *Cincinnati Gazette*, February 25, 1873.

36 The *Nashville American*, December 24, 1905, erroneously claimed that the legislature passed a law providing death as a punishment for dueling, this was not so, A bill spelling out such a consequence was defeated in the General Assembly. See: *Senate Journal of the First Session of the Thirty-Eighth General Assembly of the State of Tennessee at Nashville on the First Monday of January 1873*, 436. Article V of the 1870 Tennessee State Constitution provided a milder sentence of two to ten years for everyone convicted of dueling, and lesser punishments for all other ancillary activities associated with dueling, including “imputations of cowardice.”

37 *Nashville Republican Banner*, November 4, 1850.

38; *Memphis Appeal*, August 27, 1870; *Nashville Republican Banner*, August 27, 30, 1870. See also: *New York Times*, September 16, 1870

39 *Jackson Whig and Tribune*, May 30, 1874; *Nashville Daily American*, May 31, 1874, and; *New York Times*, June 7, 1874. (Tennessee Historical Commission Historical Marker 4D 3 9 memorializes the founding of Cotton Grove in 1819.)

40. *New York Times*, January 2, 1885.

41 *The Morning Oregonian*, September 5, 1895; *Los Angeles Herald*, September 5, 1895; *The Cultivator & Country Gentleman*, Sept. 11, 1895, p. 675. Curiously research did not reveal notice of this event in any Tennessee papers or magazines consulted.

42 *Nashville American*, December 7, 1903. In the end three men were arrested for the murder of Patrolman Dowell. Because a mob threatened to lynch them, they were transferred to the relative safety of Chattanooga for later trial. Ibid. December 8, 9, 10, 1903.

43 *Tennessee Encyclopedia*, “Edward Ward Carmack,” by Timothy Ezell, at <https://tennesseeencyclopedia.net/entries/edward-ward-carmack/> accessed December 15, 2017; and, op. cit., “Cooper v. State,” by Tara Mitchell Mielnik, at <https://tennesseeencyclopedia.net/entries/cooper-v-state/>, accessed December 27, 2017. See also: *Nashville American*, November 10, 11, 1908, February 23, 1909, March 18, 1909, April 14, 16, 1909 May 16, 1909; *Nashville Tennessean*, February 23, 1909, March 22, 1909, April 16, 1909, February 3, 1910, April 14, 1910, April 19, 1981, October 3, 1983.

44 *Nashville American* December 16, 1908; for the Polk County affair, see: *Nashville Tennessean*, February 1. 1921.

45 *Nashville Tennessean and Nashville American*, February 3, 1914.

46 See chapter 3.