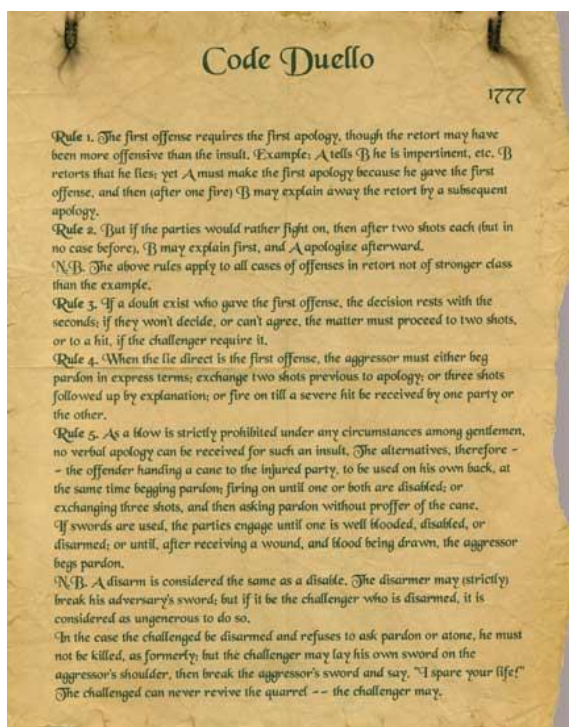


## CLONMEL SUMMER ASSIZES DUELING CODE

At about 5:30 p.m. on the rainy afternoon of Thursday, June 12, 1833, five young men met in a muddy North Elmsley Township field, a short distance south of the village of Perth, to settle an affair of honor by dueling with pistols. The principals were John Wilson (1807-1869), the challenger, supported by his second Simon Fraser Robertson, facing the offender Robert Lyon (1812-1833) and his second Henry Touncil LeLièvre (1802-1882), with the attendance of Dr. William Hamilton. What followed was the antithesis of a gunfight. Rather, it was a highly ritualized performance regulated at every step by the Irish Dueling Code of 1777.



A few days earlier Robert Lyon had called John Wilson a “*damned lying scoundrel*” punched him in the nose and knocked him down drawing blood. Wilson responded by sending his appointed second, Robertson, to demand an apology for such ungentlemanly conduct. Lyon, however, refused to apologize (actually submit himself to a reciprocal blow from Wilson) and referred Wilson to his own second, LeLièvre, who accepted the challenge to settle the matter by deadly combat.

Pistols were agreed upon as the weapon of choice. When the duelists faced each other at about 60 feet, their first shots both missed their mark. The seconds re-loaded, and the protagonists fired a second time. Wilson’s second shot struck Lyon below his armpit, the ball passed through both lungs and killed him almost instantly.

When Wilson and Lyon met on that ‘Field of Honor’ in 1833 they were players in a highly refined and long-established ritual underpinning such affairs, the Irish ‘Code Duello’ (Dueling Code) as established at the Clonmel Summer Assizes of 1777. The codes were developed “*for the government of duellists, by the gentlemen of Tipperary, Galway, Mayo, Sligo, and Roscommon, and prescribed for general adoption throughout Ireland*” and were the rules usually applied to duels at Perth (of which the Wilson-Lyon combat was only one of several).

The Clonmel Summer Assizes Code demonstrates that, as aspiring gentlemen, once Lyon had knocked Wilson down and refused to apologize, the affair took on a momentum of its own and was almost certain to end in further bloodshed.

This copy of ‘The Code’ is taken from *The Field of Honor* (1884) by Major Benjamin Cummings Truman (1835-1916).

## **Irish 'Code Duello' of 1777**

### **Rule I**

The first offence requires the first apology, though the retort may have been more offensive than the insult. Example: 'A' tells 'B' he is impertinent, etc. 'B' retorts that he lies; yet 'A' must make the first apology, because he gave the first offence, and (after one fire) 'B' may explain away the retort by subsequent apology.

### **Rule II**

But if the parties would rather fight on, then, after two shots each (but in no case before), 'B' may explain first, and 'A' apologize afterward. (N. B. - The above rules apply to all cases of offences in retort not of a stronger class than the example.)

### **Rule III**

If a doubt exists who gave the first offence, the decision rests with the seconds. If they will not decide or cannot agree, the matter must proceed to two shots, or to a hit if the challenger requires it.

### **Rule IV**

When the lie direct is the first offence, the aggressor must either beg pardon in express terms, exchange two shots previous to apology, or three shots followed by explanation, or fire on till a severe hit be received by one party or the other.

### **Rule V**

As a blow is strictly prohibited under any circumstances among gentlemen, no verbal apology can be received for such an insult. The alternatives, therefore, are: The offender handing a cane to the injured party to be used on his back, at the same time begging pardon; firing until one or both are disabled; or exchanging three shots and then begging pardon without the proffer of the cane. N. B.—If swords are used, the parties engage until one is well blooded, disabled, or disarmed, or until, after receiving a wound and blood being drawn, the aggressor begs pardon.

### **Rule VI**

If 'A' gives 'B' the lie and 'B' retorts by a blow (being the two greatest offences), no reconciliation can take place till after two discharges each or a severe hit, after which 'B' may beg 'A's' pardon for the blow, and then 'A' may explain simply for the lie, because a blow is never allowable, and the offence of the lie, therefore, merges in it. (See preceding rule.)

N. B.—Challenges for undivulged causes may be conciliated on the ground after one shot. An explanation or the slightest hit should be sufficient in such cases, because no personal offence transpired.

### **Rule VII**

But no apology can be received in any case after the parties have actually taken their ground without exchange of shots.

### **Rule VIII**

In the above case no challenger is obliged to divulge his cause of challenge (if private) unless required by the challenged so to do before their meeting.

#### **Rule IX**

All imputations of cheating at play, races, etc., to be considered equivalent to a blow, but may be reconciled after one shot, on admitting their falsehood and begging pardon publicly.

#### **Rule X**

Any insult to a lady under a gentleman's care or protection to be considered as by one degree a greater offence than if given to the gentleman personally, and to be regarded accordingly.

#### **Rule XI**

Offences originating or accruing from the support of ladies' reputation to be considered as less unjustifiable than any others of the same class, and as admitting of slighter apologies by the aggressor. This is to be determined by the circumstances of the case, but always favorably to the lady.

#### **Rule XII**

No dumb firing or firing in the air is admissible in any case. The challenger ought not to have challenged without receiving offence, and the challenged ought, if he gave offence, to have made an apology before he came on the ground; therefore, children's play must be dishonorable on one side or the other and is accordingly prohibited.

#### **Rule XIII**

Seconds to be of equal rank in society with the principals they attend, inasmuch as a second may either choose or chance to become a principal, and equality is indispensable.

#### **Rule XIV**

Challenges are never to be delivered at night, unless the party to be challenged intends leaving the place of offence before morning; for it is desirable to avoid all hot-headed proceedings.

#### **Rule XV**

The challenged has the right to choose his own weapons unless the challenger gives his honor he is no swordsman, after which, however, he cannot decline any second species of weapon proposed by the challenged.

#### **Rule XVI**

The challenged chooses his ground, the challenger chooses his distance, the seconds fix the time and terms of firing.

#### **Rule XVII**

The seconds load in presence of each other, unless they give their mutual honors that they have charged smooth and single, which shall be held sufficient.

#### **Rule XVIII**

Firing may be regulated, first, by signal; secondly, by word of command; or, thirdly, at pleasure, as may be agreeable to the parties. In the latter case the parties may fire at their reasonable leisure, but second presents and rests are strictly prohibited.

#### **Rule XIX**

In all cases a misfire is equivalent to a shot, and a snap or a non-cock is to be considered as a misfire.

**Rule XX**

Seconds are bound to attempt a reconciliation before the meeting takes place, or after sufficient firing or hits as specified.

**Rule XXI**

Any wound sufficient to agitate the nerves and necessarily make the hand shake must end the business for that day.

**Rule XXII**

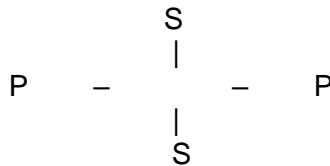
If the cause of meeting be of such a nature that no apology or explanation can or will be received, the challenged takes his ground and calls on the challenger to proceed as he chooses. In such cases firing at pleasure is the usual practice but may be varied by agreement.

**Rule XXIII**

In slight cases the second hands his principal but one pistol, but in gross cases two, holding another case ready charged in reserve.

**Rule XXIV**

When the seconds disagree and resolve to exchange shots themselves, it must be at the same time and at right angles with their principals, thus:



If with swords, side by side, with five paces' interval.

**Rule XXV**

No party can be allowed to bend his knee or cover his side with his left hand but may present at any level from the hip to the eye.

**Rule XXVI**

None can either advance or retreat if the ground is measured. If no ground be measured, either party may advance at his pleasure, even to the touch of muzzles, but neither can advance on his adversary after the fire, unless the adversary steps forward on him.

(N.B.—The seconds on both sides stand responsible for this last rule being strictly observed, bad cases having occurred from neglecting it.)

(N.B.—All matters and doubts not herein mentioned will be explained and cleared up by application to the Committee, who meet alternately at Clonmel and Galway at the quarter sessions for that purpose.)

- Crow Ryan, President.  
- James Keogh, Amby Bodkin, Secretaries.