

A Kentucky Cuckoo's Egg

The Clay-Randolph Duel of 1826

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Can you imagine the secretary of state and a powerful, longtime senator arguing at a Senate hearing? Definitely, right? Now imagine that confrontation escalating when one of the two claims the other has hurt his reputation and that the disagreement must be dealt with through a duel. While this scenario might seem ridiculous, arguments were resolved in this manner in the United States for hundreds of years. The practice of dueling occurred throughout the US, including in Virginia, and more specifically, in Fairfax County. This particular scenario, of the secretary of state and a senator fighting to the death over politics, took place in Fairfax County's most famous duel—the one between Secretary of State Henry Clay and Senator John Randolph.

The origins of dueling are hard to precisely pinpoint. Its precursor, judicial combat, appears as far back as 501 AD when Gundebald, King of the Burgundian “legally established trial by combat, or judicial duel.”¹ Judicial combat was “a legal process for adjudicating questions of difference between the parties. According to this idea the encounter no longer decided who was *able* to prevail, but who *ought* to prevail on principles of justice; a view that rested upon the belief that God would interfere directly in the combat to protect the innocent and punish the guilty.”²

Judicial combat evolved into the modern duel during the Middle Ages. As described by Clara S. McCarty in her book *Duels in Virginia and Nearby Bladensburg*, “strip these [judicial combat] of legal and religious sanction and the modern duel is found.”³ It grew out of the idea of chivalry, under which questions of honor became

¹ Robert Baldick, *The Duel: A History* (New York: Barnes & Noble Books, 1996), 12.

² A. W. Patterson, *The Code Duello: with special reference to the State of Virginia* (Richmond, Virginia: Richmond Press, Inc., 1927), 7.

³ Clara S. McCarty, *Duels in Virginia and Nearby Bladensburg* (Richmond, Virginia: The Dietz Press, Inc., 1976), 1.

paramount. The modern duel came to the fore in France. It spread to England, Ireland, the rest of Europe, and eventually, to the new world.

The Code Explained

Although practices varied from place to place, a “Code Duello” (rules of dueling) was finally written down in Ireland in 1777. Until that time the rules were passed and changed verbally. The Code Duello contained specific rules for the governing of a duel, covering everything from the “rules of procedure for the sending of a challenge, the naming of seconds, the choice of dueling ground, and the selection of weapons.”⁴ These rules were used throughout Europe and in America.

With some variation, a typical duel was started after a perceived insult or offense. The insulted person issued a challenge. “Seconds,” usually persons of equal societal rank to the “principals” (those who had the disagreement that prompted a duel challenge), worked out the details of where the duel should take place, the time, the weapons to be used, etc. The other duty of seconds was to try to work out the disagreement so a duel did not take place. Even during the duel, between shots, the seconds tried to resolve the argument. A duel could be stopped at any time by an apology or after honor was satisfied. The satisfaction of honor could mean anything from several shots being fired, even if they were misses, to severe injury or death.

Famous Duels in Virginia

Even though the most famous duel in America occurred in New Jersey—the 1804 duel between Alexander Hamilton and Aaron Burr—the majority of duels took place in the South. The practice also persisted longer in the South.

⁴ Jeannette Hussey, *The Code Duello in America* (Washington, D.C.: Smithsonian Institution, 1980), 7.

Many duels took place in Virginia. Some of the more famous ones include Thurston versus Harrison, Conway versus Thornton, and Poe versus Daniel. These more famous duels give a flavor of what constituted an offense worth dueling over, and how duels could end.

John Thurston, son of a Revolutionary War hero, and John Harrison, a Revolutionary War soldier and member of the Harrison family that later produced two Presidents of the United States, almost fought a duel over 12 ½ cents. Both were justices of the peace in Virginia. In 1792, after Thurston sent a case over to Harrison to settle, he demanded the 12 ½ cents that it cost him to issue the original warrant. Harrison replied that he had settled the case and had not collected any fees. From this disagreement a duel challenge was issued and accepted. At the very last minute, the seconds were able to broker a peace and the duel did not take place.⁵

In 1803, Francis Fitzhugh Conway and William Thornton fought a duel as a result of their competition for President James Madison's niece, Nellie Madison. The duel took place in Fredericksburg, Virginia, and resulted in the deaths of both men.⁶

Edgar Allen Poe was involved in an 'almost duel' in Richmond, Virginia, in 1848 with newspaper editor John M. Daniel. Daniel had local notoriety for his work on the newspaper and for his dueling. It is unclear exactly what prompted Poe to challenge Daniel—a debt or a literary disagreement are possibilities. Nevertheless, the challenge was issued. It appears that Poe either sobered up or wised up and the argument was resolved between the two men without a duel.⁷

Fairfax County's Most Famous Duel

⁵ A.W. Patterson, *The Code Duello*, 25.

⁶ *Ibid.*, 26.

⁷ *Ibid.*, 44.

The most famous duel that took place in Fairfax County was between Henry Clay and John Randolph. At the time, Henry Clay was secretary of state for John Quincy Adams's administration and John Randolph was a senator from Virginia.⁸ Both men had distinguished careers in public office before and after their duel. John Randolph was a lawyer who served several terms in Congress until his appointment in 1825 to the Senate. After the duel in 1826, he was elected to the Senate and went on to serve as a member of the Virginia Constitutional Convention, was a United States Minister to Russia, and finished his career back in Congress.

Henry Clay had an equally impressive resume. He was an attorney who practiced law in his home state of Kentucky before becoming a member of the state House of Representatives. He was elected to the United States Senate to fill a resignation vacancy. He went on to serve, over the course of his career, in both the House and the Senate. He served several times as Speaker of the House. He was appointed secretary of state by John Quincy Adams in 1825. After the duel, he finished his term as secretary of state and was elected to the Senate. He served there and in the House for the rest of his career. He was also a candidate for president three times, once before the duel and twice afterwards.⁹

In addition to extensive career achievements, Randolph and Clay also had in common a history of dueling. Secretary Clay had engaged in a duel with Humphrey Marshal when they were both members of the Kentucky legislature. Both received minor wounds in the duel.¹⁰ When Senator Randolph was eighteen, he fought a duel with Robert Taylor when they were both students at the College of William and Mary. Both

⁸ Clara S. McCarty, *Duels in Virginia*, 46.

⁹ Biographical Directory of the United States Congress, bioguide.congress.gov/biosearch.asp.

¹⁰ Hamilton Cochran, *Noted American Duels and Hostile Encounters* (New York: Chilton Books, 1963), 136.

survived and were expelled, although there were widespread protests at the school over their expulsion and the ordinance that led to their expulsion was largely ignored for duels that followed.¹¹ In 1807, James Wilkerson challenged Randolph to a duel, which he ignored because he felt Wilkerson was unworthy, having been implicated in the Aaron Burr treason affair. In 1815 Randolph was again challenged to a duel, this time by Bolling Robertson, a fellow member of the House of Representatives, after Randolph excoriated him on the floor of the House.¹²

The 1826 conflict between the senator and the secretary appears to have arisen as a result of political differences over foreign policy. Senator Randolph seems to have not liked the foreign policy of John Quincy Adams; specifically he was against the United States sending a delegation to the Panamanian Congress of Latin American Republics. As detailed in the *Alexandria Gazette* account of the affair, the duel occurred, “in consequence of certain expressions used by the latter [Randolph] in a recent debate in the Senate, which Mr. Clay considered offensive, and applied *personally* to him.”¹³

The details of the floor speech were decidedly juicier than the *Gazette* account stated. On the floor of the Senate, Randolph railed against the president and Secretary Clay, whom he felt had influenced the president on this matter. He said, among other things, the mission was “a Kentucky cuckoo’s egg, laid in a Spanish American nest” and that he “was defeated, horse, foot, and dragoons—cut up, and clean broke down by the coalition of Blifil and Black George [scoundrels from Fielding’s *Tom Jones*]—the

¹¹ William Oliver Stevens, *The Story of the Code of Honor in America* (Boston, Massachusetts: The Riverside Press Cambridge, 1940), 41.

¹² A.W. Patterson, *The Code Duello*, 32.

¹³ *Alexandria Gazette*, April 11, 1826.

combination, unheard of until then, of the puritan and the blackleg.”¹⁴ The puritan he was referring to was President Adams, and the blackleg (someone who cheats at cards) was Secretary Clay.

The result of this speech was that Secretary Clay challenged Senator Randolph to a duel, which Randolph accepted.¹⁵ The seconds for John Randolph were Major James Hamilton and Colonel Tattnall. The seconds for Henry Clay were Senator Johnson of Louisiana and General Jessup. Only the seconds, a surgeon for each man, and Senator Thomas Benton of Missouri, who was a relation of Clay and a friend of Randolph, were allowed to be present for the duel.

There is some disparity among accounts of what occurred on the day of the duel. Most evidence suggests what was originally written about the event in the *Alexandria Gazette* is accurate, since they talked to all parties immediately afterwards. Its report was also “authorized by the friends of the parties.”¹⁶

The duel took place at 4:30 p.m. on Saturday, April 8th. It occurred “at Little Falls, just beyond the Chain Bridge, at the time a thick forest, and thirty-five years later a spot described as being at the base of Fort Marcey.”¹⁷ This area was selected “in deference to Randolph, who declared that if it were his fate to fall, he wanted to be on the sacred soil of the Old Dominion.”¹⁸ Randolph showed up to the duel in a long white bathrobe and gave no explanation as to why.¹⁹

¹⁴ Jeannette Hussey, *The Code Duello in America*, 28.

¹⁵ Clara S. McCarty, *Duels in Virginia*, 46–47.

¹⁶ *Alexandria Gazette*, April 11, 1826.

¹⁷ Clara S. McCarty, *Duels in Virginia*, 47.

¹⁸ William Oliver Stevens, *The Story of the Code of Honor*, 216.

¹⁹ Barbara Holland, *Gentlemen's Blood* (New York: Bloomsbury, 2003), 125.

The two took their positions at ten paces and prepared to fire smoothbore pistols.²⁰ Before they could officially start, Senator Randolph's pistol accidentally went off. Apparently, while he was an excellent marksman, he was not used to a "hair trigger," which was being used for the duel. Secretary Clay accepted his explanation and after the Senator got a new gun and seconds fruitlessly tried to end the affair, the duelists again got into position. When the duel started anew, Secretary Clay shot Senator Randolph through his coat. Senator Randolph fired his pistol straight up and declared, "I do not fire at you, Mr. Clay; it was not my intention to have fired at you at all; the unfortunate circumstances of my pistol going off accidentally changed my determination."²¹ Henry Clay responded, "I trust in God, my dear sir, you are untouched. After what has occurred I would not have harmed you for a thousand worlds."²² At this the two men shook hands and John Randolph added, "You owe me a coat, Mr. Clay."²³ Henry Clay replied, "I am glad the debt is no greater," and the matter was considered settled.²⁴

Some accounts disagree with this one a bit in terms of the exact language used and how many shots were exchanged. These differing accounts have Clay and Randolph exchanging a round of shots before the round where Clay shot Randolph's coat.²⁵ However, the majority of the research and the accounts written at the time match the first narrative.

The End of Dueling

²⁰ William Oliver Stevens, *The Story of the Code of Honor*, 216.

²¹ *Alexandria Gazette*, April 11, 1826.

²² Clara S. McCarty, *Duels in Virginia*, 47.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Barbara Holland, *Gentlemen's Blood*, 126.

Fairfax County's most famous duel was not condemned at the time and, while it was reported in the papers, no legal action was taken against either man involved. The *Alexandria Gazette* gave an account of the duel with no mention of legalities and ended its article noting that, at the completion of the event, Secretary Clay and Senator Randolph shook hands "and the affair then honorably and happily closed."²⁶ In fact, the reputations of both men were enhanced and the duel was considered quite honorable. Senator Benton said of the duel, "It was about the last high-toned duel that I have witnessed and so happily conducted to a fortunate issue, a result due to the noble character of the seconds as well as to the generous and heroic spirit of the principles."²⁷

Interestingly, at the time of the Clay-Randolph duel, dueling was outlawed in every state of the union, including Virginia. These laws had existed since the turn of the century. In 1806, legislation was passed at the federal level to regulate dueling in the army. After Congressmen Jonathan Cilley and William J. Graves engaged in a duel in 1838, Congress passed a law that made it illegal to duel and/or propose or accept a duel challenge in the District of Columbia. When the legislation was passed in 1839, Henry Clay was in the Senate and voted for the measure. John Randolph died in 1833.²⁸ Some of the floor debate over the bill indicates the issue with creating a law that would not be enforced due to public opinion. Senator Linn of Missouri said of the bill, "What community can be found that would pronounce a man either a murderer or a felon, who may have chanced to kill another in a fair and equal combat?"²⁹

²⁶ *Alexandria Gazette*, April 11, 1826.

²⁷ William Oliver Stevens, *The Story of the Code of Honor*, 219.

²⁸ Jeannette Hussey, *The Code Duello in America*, 29.

²⁹ A.W. Patterson, *The Code Duello*, 74.

While public opinion did not favor harsh punishment for dueling and therefore made the enforcement of anti-dueling measures impossible, it is interesting to note that many religious and political leaders had always spoken out against the practice. For example, the Roman Catholic Church at the Council of Trent “decreed that the custom was detestable and that principals as well as seconds would be excommunicated.”³⁰ Thomas Paine called dueling “gothic and absurd.”³¹ Thomas Jefferson wrote in 1806 of dueling, “It is not inclination in anyone but a fear of the opinion of the world which leads one to the absurd and immoral decision of differences by duel.”³²

Public opinion slowly shifted and the practice was gradually seen as barbaric and eventually silly. Deaths of well-known Americans, such as the war hero Stephen Decatur, also helped turn the tide of popular opinion. Cartoons and satirical articles appeared in newspapers across the country. For example, in 1858 *Harper’s New Monthly Magazine* stated, “The process of reasoning behind a duel ‘assumed that an argument made by a rhetorician might be intelligible or inconclusive, but that a syllogism propelled by powder, if properly aimed, could hardly fail to carry conviction to the dullest intellect.’”³³ In fact, by 1860 the same *Alexandria Gazette* that did not condemn the Clay-Randolph duel published an editorial against dueling, stating in part, “The practice of Duelling is now justly recognized by the civil and religious authorities of our country, as not only inhuman, but barbarous.”³⁴ Dueling gradually died out and the practice was largely unheard of in Virginia and, more specifically, in Fairfax County, by the turn of the next century.

³⁰ Hamilton Cochran, *Noted American Duels and Hostile Encounters*, 7.

³¹ Jeannette Hussey, *The Code Duello in America*, 6.

³² A.W. Patterson, *The Code Duello*, 69.

³³ Jeannette Hussey, *The Code Duello in America*, 6.

³⁴ *Alexandria Gazette*, April 11, 1826.



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