

# Two Congressmen Who Fought With Rifles



By ALFRED SORENSON  
Drawing by Ray Walters.

ONE of the most sensational meetings in the "field of honor" in the United States was the fatal duel between Jonathan Cilley and William J. Graves. The principals, the seconds, and the four witnesses were all prominent members of congress. At the time of this encounter, February 24, 1838, there was no telegraphic communication, and the news of the day was spread slowly by the stage coaches, the few railroads and steamboats. But when the people throughout the country learned of the tragic occurrence there arose a general wave of excitement and indignation.

Jonathan Cilley, victim of Graves' bullet, represented the state of Maine in the national house of representatives, and was a very popular and honorable man. He had made a speech in which he scathingly criticized a charge of corruption which had been brought against some bachelor congressmen in a letter, published in the New York Courier and Enquirer over the signature of "A Spy in Washington."

This letter was indorsed in the editorial columns by James Watson Webb, the editor of the paper, who took offense at Cilley's emphatic denunciation of the author of the anonymous letter as well as of the general tenor of his speech, and sent him a note demanding an explanation and an apology. Graves, a member of congress from Kentucky, acted as Webb's note bearer. Cilley refused to receive the hostile communication "without making any personal reflection on the character of Webb." Some correspondence followed between Graves and Cilley, resulting in a challenge by Graves, who, as the representative of Webb, thought he was acting in accordance with the unwritten "code of honor," although there had been no animosity or trouble of any kind between them at any time.

The challenge was accepted and the duel was fought near Washington with rifles, the two men being stationed 240 feet apart. Henry A. Wise, member of congress from Virginia, acted as second for Graves, and George W. Jones, member of congress from Tennessee, seconded Cilley. The four congressmen who were witnesses were Crittenden and Menefee of Kentucky, Duncan of Ohio, and Bynum of North Carolina.

At the given word Cilley fired first, and almost instantly Graves responded. Both missed. A consultation between principals and seconds was now held with a view of ending the affair, but they failed to agree.

Cilley is reported to have said at this conference that he "entertained the highest respect and most kind feelings for Graves."

The duellists resumed their places

and again exchanged shots. Again they shot wide. Graves then demanded another round, and once more they fired. This time Cilley was shot through the body, and falling to the ground died in a few minutes.

Congress was simply astounded upon learning that one of its most esteemed members had been shot to death without justifiable provocation. An immediate investigation of the affair was ordered and a committee of seven members of the house was appointed for that purpose. This committee presented a voluminous report stating, among other things, that "the challenge was given because Mr. Cilley declined to accept the note from Colonel Webb, borne by Graves, on grounds which would exonerate Mr. Graves from all responsibility growing out of the affair. This, Mr. Cilley could not do without an admission that in his remarks in the house relative to Colonel Webb he had slandered that gentleman, and he therefore accepted the challenge because the act was indispensable to avoid disgrace to himself, to his family, and to his constituents."

The committee came to the conclusion that the words spoken by Mr. Cilley in the course of a debate in the house of representatives, his refusal to assign any other reason for it than that he did not choose to be drawn into any difficult regard to the subject, were the causes that led to the tragedy.

The committee maintained that Graves had committed a breach of the highest constitutional privileges of the house and of the most sacred rights of the people in the person of their representative, by demanding in a hostile manner an explanation of words spoken in debate and by being the bearer of such a demand or demanding a reason for refusing to receive it.

The committee held that the sending of a challenge by one member to another member and killing him in a duel was a still more aggravated breach of the privileges of the house, and was the highest offense that could be committed against either branch of congress, against the freedom of speech in debate, and against the spirit and substance of that constitutional provision that for any speech in either house the members shall not be questioned in any other place. "The present case is without any circumstance of extenuation," said the committee in its report, which praised Cilley as a man of high character, whose death could not be excused by any circumstance, whatever, "not even by that custom, the relic of unenlightened barbarous ages, which was formerly supposed to be a proof of a degree of physical courage, but is in fact a signal monument of the want of the higher attribute of moral courage."

Graves was denounced in unmeasured terms by the committee who recommended that he be expelled from the house of representatives, and that Wise and Jones, the seconds in the duel, be censured. Action was taken

in accordance with this recommendation.

As to Webb, the instigator of the duel, the committee decided to leave him "to the chastisement of the course of the law and of public opinion . . . and to consult its own dignity and the public interest by bestowing upon him no further notice."

Webb, by the way, was a man of some political importance and had an active and interesting public career. He was born in Claverack, N. Y., and when a young man he entered the army as a second lieutenant and served under General Scott in the West for a brief period. He resigned to become editor of the New York Morning Courier, and when that paper merged with the Enquirer he was retained by the consolidated journal—the Courier and Enquirer—and made it the leading Whig organ. In 1861 it was taken over by the World. Webb served a term as chief engineer of the state of New York and was given the rank of major general. He refused the appointment of minister to Turkey, but accepted the office of minister to Brazil. While in France in 1865, General Webb negotiated a secret treaty with the emperor for the removal of French troops from Mexico, which led to the downfall of Maximilian.

Webb was himself a Tuellet, and fought Thomas F. Marshall of Kentucky in 1842. The meeting took place in Delaware and resulted in the wounding of Webb. Under a New York law making it a felony to give or receive a challenge, he was convicted and sentenced to two years of imprisonment, but Governor Seward immediately pardoned him. He died in 1884 at the age of eighty-two. Webb was the author of an entertaining volume in which he vividly described life and adventures in the Rocky mountains. He also wrote a book on "Slavery and its Tendencies," and one on "National Currency."

## Working to Compute Mass of the Earth

Dr. Paul R. Heyl of the bureau of standards in Washington is again busy on one of the most difficult problems in physics—to determine still more accurately the constant of gravitation, which, in turn, will enable scientists to measure the weight of the earth and deduct its composition.

For several centuries there have been experiments in this direction. But only last year Doctor Heyl, after prolonged and most delicate experimentation, succeeded in giving to the world a precise constant of gravitation. Now he is bent on even greater accuracy. The new observations will be carried on in a small laboratory 35 feet underground, so that temperature changes may be avoided, as well as the horizontal attracting forces of moving objects on the earth's surface.

It will take several months of the most careful work with a torsion balance, massive steel cylinders and tiny glass balls to compute and complete the fresh series of observations.

polite and capable and will probably amount to something in the world. Compared with the indulgent parent, the oppressor in the home is a blessing.—E. W. Howe.

## Amber

Amber, a fossilized vegetable resin, hard, brittle, translucent and yellow-brown in color, is easily electrified by friction. This is regarded as the first electrical phenomenon to have been observed and was remarked by the early Greeks.

dition to schools and colleges devoted to instruction and research, the university includes divisions of laboratories, libraries and museums, and sometimes a university press and research institutes. Not every institution which calls itself a university measures up to this definition.

## Benevolent Oppression

When you find a father who insists on ruling his family strictly and sensibly, he may be called an oppressor. But, at least, his children are obedient.

## University Defined

American Universities and Colleges say that in the United States a university is an institution of higher learning, comprising a college or colleges of arts, literature and science—historically the first part of the American university to come into existence—and professional colleges of schools of law, medicine, theology, etc., and especially a graduate school of arts, literature and science. In ad

## Community Building

### Trees Play Big Part in Town's Appearance

The municipal government of Springfield, Mass., places an appraised value of \$100 on each tree. At the latest count 25,000 trees give the city an added asset of \$2,500,000. An Arbor is racing along in the tree competition under a similar method of appraisal. This plan of tree evaluation is worked out under the formula devised by Prof. Filibert Roth, one of the most expert of American foresters. The formula is sourced in an exhaustive study of individual trees. This study notes the kind of tree under examination, its size and shape at maturity, its average length of life, the character of its foliage, its power to adapt itself to the local environment. "Trees as Good Citizens" is compact of useful information and expert experience and a deep sense of appreciation, all bent upon the subject in hand. I've gathered but a single item from it, since the essence of this item points upon the value of foresight and upon the misfortune of hindsight. It counsels construction in place of destruction. It advises a real publicity preceding action in matters where the voice of the citizens should be given timely opportunity.

"The city with fine shade trees is the city beautiful"—Charles Lathrop Pack talking—"When the traveler gives thought to the world's most beautiful cities, he thinks instinctively of Washington and Paris; and in thinking of them he delights in the memory of their wealth of trees. In each of these cities great architects and gifted artists have created buildings of rare splendor and stately grace. The chief charm of both cities, however, is found in their magnificent shade trees which line their streets and beautify their lawns, parks and public grounds. Who can picture Sixteenth street or Massachusetts avenue, or any of the streets of Washington deprived of shade tree beauty? Visualize without their trees the city streets and parks with which you are familiar, and see what becomes of the city beautiful!"

### Not Hard Matter to Clean Painted Wall

Any painted wall may be successfully washed, whether it is plain or decorated with some novel treatment. Stencils and Tiffany glazes are as easy to do as a plain wall finish. Wallpaper that has been varnished may also be washed.

The easiest way to wash a painted wall is to prepare a solution as follows: Shave a cake of pure neutral (nonalkaline) white soap into a quart of boiling water. Dissolve about two ounces of glue in another quart of boiling water, and mix the two liquids together.

A little flour may be added to make a thicker solution, and a little sal soda or washing powder to make a solution. This jellied cleaning liquid is applied with a soft sponge, working from the bottom up.

The wall is then wiped down with chamois. If the surface is quite soiled it will be easier to apply the solution to a wall area with a kalsomine brush, allowing it to stand two or three minutes to loosen the dirt. Then wash off with a clean sponge and a pail of clear water.

### Progress Goes On

A public that demands more attractive motor cars and clothing, beautiful furnishings in the home and increased numbers of conveniences in a hundred directions hardly will be content forever with ugliness and inconvenience in its cities. Wider streets, more trafficways, removal of signboard and other rubbish from places where it does not belong are betterments that may be anticipated with reasonable assurance. One thing is evident: The cities, in a score of ways, are more livable than they were a generation ago. What changes in the line of progress may not come in the next generation?—Kansas City Star.

### Dirty Home Hurts All

A few clean and orderly homes in a select residence district can never safeguard the entire community. A single filthy home, dirty backyard, or a stagnant pool may easily become the source of an epidemic of fatal disease that will sweep the city. A trash pile in the slums may start a general conflagration.

### Have Your Plans Correct

Be sure of your "plans" before you go ahead and build your house. For in those plans lie not only the power to make you happy or miserable as they are good plans or bad plans, but in them you are investing a certain amount of capital—hard-earned capital, perhaps—that represents considerable effort of saving.

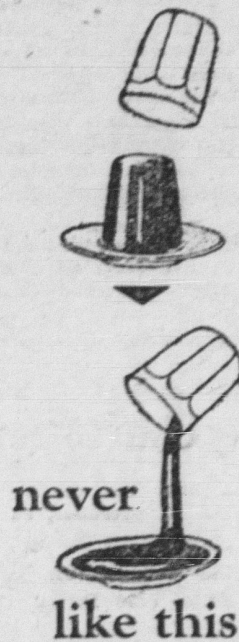
### Landscaping

People are getting over their timidity about this imposing term, landscape architecture, and realize that it simply means good sense and artistic taste in planting flowers, trees, vines and grass, arranging pools and building other outdoor garden features according to recognized principles of design.

## Jelly made with PEXEL turns out like this

MAKING jelly jell is not a new idea—but Pexel is certainly a new idea. It is tasteless, colorless, odorless! It is a 100% pure-fruit product which, in addition to making jelly jell, saving hours of time, and cutting down cost per glass, does not dilute or change the finest flavor or color.

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### German Soldiers Put

#### Wild Boars to Rout

Detachments of the German army stationed in Thuringia were recently called into action against an unusual enemy. They were sent into the neighborhood of Eichsfeld, in the Thuringian forest, not to put down an insurrection but to eradicate hundreds of wild boars.

On the whole, the wild boar is an uncommon occurrence in German forests. Once he gets a chance to gain a foothold, however, he multiplies rapidly. Breeds of 24 are known.

Near Eichsfeld, where the Thuringian forest is skirted by mountains along its northwest boundary, the wild boar became a veritable plague. Efforts of the farmers to rid themselves of it proved unavailing. They appealed to the district commander of the reichswehr, or federal army, who, to the joy of the troops, permitted them to break the monotony of their military life by going on a hunt for wild boars. The casualties were all on the side of the enemy.

### Chickens Rapidly "Picked"

Machine-picked chickens may be the next innovation in the market if a machine from England is widely adopted. By this machine the feathers are plucked by suction, pin feathers and all, at the rate of a bird a minute. The feathers are drawn into a fan-shaped contraption and stuffed dry into a bag. The fan makes 500 revolutions a minute, sufficient to strip an ordinary fryer. It takes about 700 whirlings to pick an old rooster or a hen past its laying prime.

### Lions at a Bargain

Lions may be bought for less than greyhounds, according to a valuation placed on wild beasts at the London zoo. Eleven are valued at only \$250 each. Tigers are worth at least double, while the Indian rhinoceros, priced at \$5,000, has the highest figure. Hippopotami are considered less valuable, one-year-old "Jimmy" being listed at \$2,000. The total valuation of all the zoo animals is nearly \$175,000.

### Patriotic Chinese Girls

Students of the Jing Nih girls' school at Shanghai have set a new precedent in Chinese war relief work. They have organized to help the soldiers at the front and to send them gifts, including socks and cigarettes. At a recent theatrical entertainment hundreds of girls pledged themselves to procure funds and gifts for the "Nationalist boys at the front."

### Fed Up

"Who was it that said he would rather make the songs than the laws of his country?"

"Dunno; but I'd like to make the laws for the people who make the songs we hear nowadays."—London Answers.

### Request

Pianist—Well, I've played for your father and mother, and now I think I must do something for you. What would you like?

Little Betty—A piece of chocolate, please.

### They Played a Part

So the next war is to be with insects. The last one, as we recall it, wasn't entirely without insects.—Youngstown Vindicator.

The wise worm doesn't crawl out until after the early bird has eaten his breakfast.

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