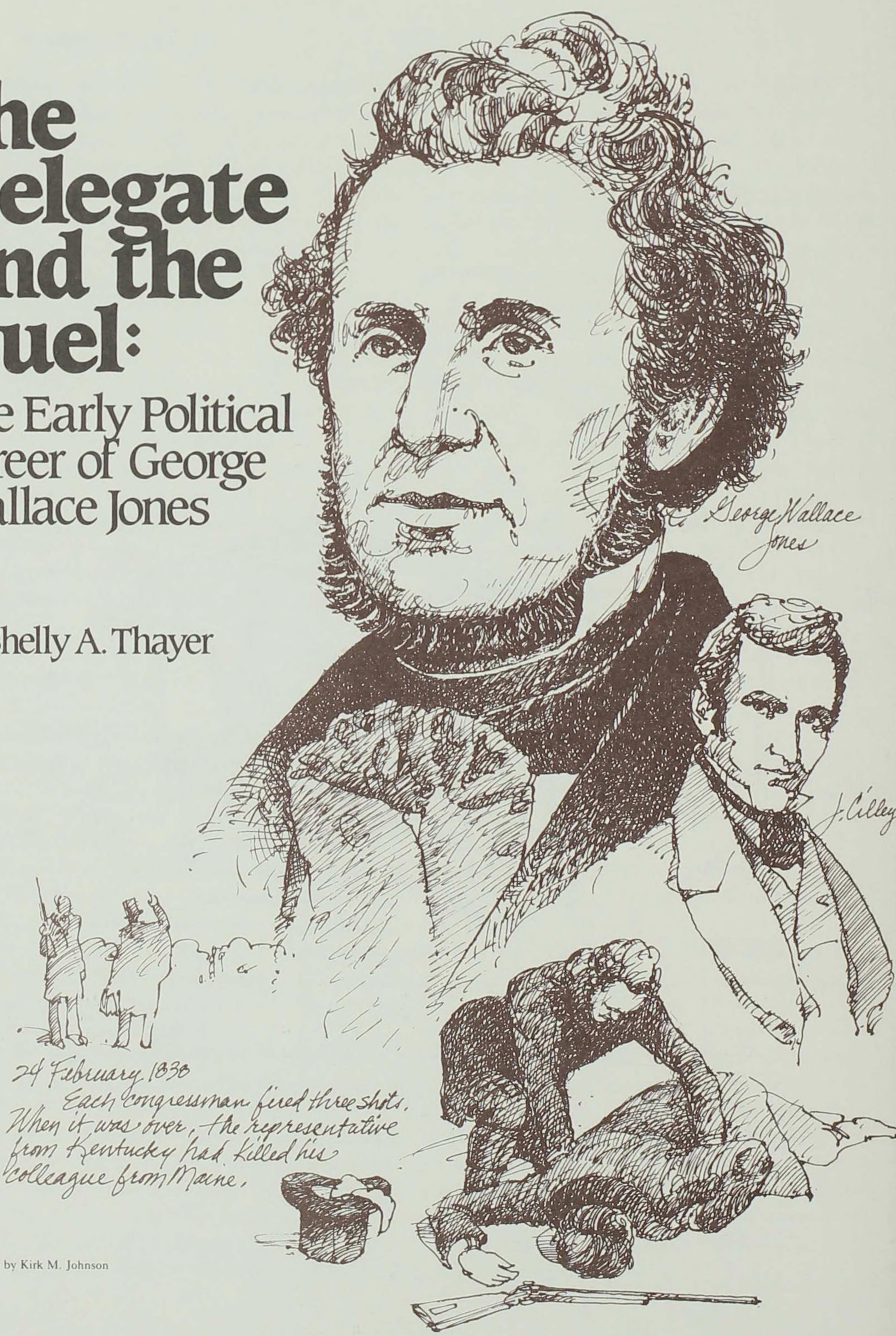


The Delegate and the Duel:

The Early Political Career of George Wallace Jones

by Shelly A. Thayer



24 February 1830
Each congressman fired three shots.
When it was over, the representative
from Kentucky had killed his
colleague from Maine.

Illustration by Kirk M. Johnson

George Wallace Jones was a highly influential figure in the early territorial governments of Michigan, Wisconsin, and Iowa. Serving first as territorial delegate from Michigan and then Wisconsin and as one of Iowa's first senators, Jones helped establish governments in these regions and aided in the achievement of statehood. Possessing a flamboyant and pleasing personality, he made many valuable friends in Washington who were instrumental in his successes as a delegate in the United States House of Representatives and as a senator from the state of Iowa.

George Wallace Jones was born on 12 April 1804 at Vincennes, in the territory of Indiana. He was the sixth of eight children born to John Rice Jones and Mary Barger. At the age of six the family moved to Missouri, where John Rice Jones worked as a lawyer, served as a member of Missouri's 1820 constitutional convention, and later served as a judge of the Missouri Supreme Court.

In 1821, at the age of seventeen, Jones entered the freshman class of Transylvania University at Lexington, Kentucky. While at college, Jones began a lifelong friendship with Jefferson Davis, the future president of the Confederate States of America. Jones graduated from Transylvania University in 1825 and returned to Ste. Genevieve, Missouri, where he took up the study of law in the office of his brother-in-law, John Scott, then a member of Congress from Missouri. Although Jones spent a lot of time on his studies of the law, it does not appear that he was ever admitted to the bar.

After several months in the law office, Jones received a position as deputy clerk of the circuit court, and a short time later was appointed clerk of the United States District Court. Life in a law office and courtrooms proved detrimental to Jones' health, however. He began to suffer from headaches, dyspepsia, and intermittent fevers and was often very ill. At the

urging of his physician, Jones decided to leave the law office and resort to the open air and hard physical labor as a means of regaining his health.

In 1827 Jones settled near Sinsinawa Mound in the southwestern corner of what is now the state of Wisconsin. Returning to Ste. Genevieve for supplies and laborers, Jones came back to Sinsinawa Mound in the spring of 1828 to engage in mining, smelting, and merchandising.

The lead mining region around Sinsinawa Mound was undeveloped at the time and Jones and his employees had to sleep on the ground until they had built a log cabin. In his autobiography, Jones said that he "carried up two corners of the house myself — the first manual labor I had ever done."

For over a decade Jones enjoyed a prosperous existence in the smelting business at Sinsinawa Mound. He married Josephine Grégoire in January 1829, and in early 1831 Jones brought his young bride to the lead region and built a respectable home. Sinsinawa Mound soon became "well known as a place of hospitality and good cheer."

Jones took time off from his mining business in 1832 to serve as aide-de-camp to a longtime family friend, Henry Dodge, in the campaign against Black Hawk. At the conclusion of the campaign, Jones was visited by a committee that wished to nominate him to succeed Henry Dodge as colonel and commander of the militia of Iowa County. Jones declined the nomination, however, saying that he "knew but little of military affairs and that [he] had much business at home to attend to." The committee returned to Mineral Point and a few days later Jones' election by a large majority was announced in the newspapers. Jones then reluctantly accepted the commission.

While George Wallace Jones was in Mineral Point taking care of his responsibilities as commander of the Iowa County Militia, he was approached by a group of lawyers who

informed him that he had been selected to take General Henry Dodge's position as chief justice of the county court of Iowa County. Jones first declined that position as well, stating that he was no lawyer and that he already held the most important office in the county.

A few days after he had given the committee his refusal, Jones received a letter from Stevens T. Mason, another college friend, and also secretary of state of Michigan Territory. Mason had urged the governor to commission Jones and he now urged Jones to accept the judicial position. Reluctantly, Jones accepted and thereafter traveled regularly to sit on the bench at Mineral Point.

Now, at the age of thirty, Jones was beginning to show an interest in politics. His pleasing disposition, combined with his wide circle of friends in the lead mining region, made him an ideal sort for public office. In early 1834 he heard that there were to be several new land offices opened. He immediately set out to try and obtain such a position in the district which included Sinsinawa Mound. He solicited aid from friends in Washington, but was unsuccessful, and the position went to another man. This early failure in the political arena did not discourage Jones, and he went on to seek other offices.

Michigan was formally admitted to the Union in January 1837, but a state organization east of the lake had been created as early as 1835. With the east side of the territory involved in the politics of creating a state, territorial business was left to the inhabitants west of the lake. One piece of business that had to be taken up was the election of a territorial delegate. An election was eventually set for the first Monday in October 1835.

Five candidates vied for the position of delegate from Michigan Territory. James D. Doty entered the contest first, nominated by a group from Green Bay. Four days later, on 23 May 1835, a citizens meeting at Mineral Point nomi-

nated George Wallace Jones. Nominations followed for Morgan L. Martin, Judge David Irvin, and William Woodbridge. The contest was to be decided basically among Jones, Doty, and Martin.

Doty did well in Crawford and Milwaukee counties but still lagged behind Jones in the total count. All the votes had not yet been tabulated when Congress convened in December 1835, but Jones presented himself in the House of Representatives and was seated as the territorial delegate from Michigan Territory.

The citizens who had nominated Jones made no profession of political partisanship, so he entered Congress with no clear party label. The lack of party affiliation proved helpful to Jones for he was able to get more legislation passed by not adhering to a given party. A delegate during Jones' time in Washington, D.C., functioned as both a congressman and lobbyist. He could propose legislation, lobby for its passage, take part in debates, but he could not vote.

Within weeks after taking office, Jones was already introducing legislation for the benefit of his constituents. On 7 January 1836 he presented a memorial to the House calling for the establishment of a territorial government in Wisconsin. Two weeks later, John M. Clayton of Delaware presented a similar bill in the Senate. The territory of Wisconsin came into political existence on 4 July 1836. In Washington, Jones brought his influence to bear on President Andrew Jackson to appoint his old friend, Henry Dodge, as the territorial governor. It was an appointment that was generally well received by the citizens of the new territory.

The newly appointed governor then issued a proclamation calling for a general election on 10 October 1836. Since Jones' residence was in the newly established territory, he returned home and ran for the position of territorial delegate from Wisconsin. Again there were no

specific party lines drawn and the contest was fought over local issues.

Jones' past performance and popularity with the people of Wisconsin Territory served him well. Of 4,218 votes cast, he received 2,826. In Jones' home county, his opponent, Moses Meeker, received but 57 votes. Thus he was returned to Washington to serve his Wisconsin constituents for another two-year term.

In addition to serving as territorial delegate, Jones also became involved at this time in land speculation on a fairly extensive scale. Since he had lived on the frontier for all of his life he knew the land well and was able to invest his own and other people's money wisely. He served as an agent in several land deals for Daniel Webster. Jones would select property in which he could invest Webster's money and his own. Webster and Jones became involved in purchasing land along the riverways of Wisconsin and Iowa as well as land in areas where railroads were proposed.

The second session of the Twenty-fifth Congress of the United States was a momentous one for George Wallace Jones. He secured all of the appropriations for Wisconsin Territory that anyone could possibly hope for. He secured funds for internal improvements such as roads, bridges, and harbors. In 1838 he secured a \$2,000 appropriation for a survey of a railroad route from Milwaukee to Dubuque. However, his greatest success came with the division of Wisconsin Territory and the establishment of Iowa Territory.

Over half of Wisconsin Territory's fifty thousand residents lived west of the Mississippi River in 1838, and these western citizens wished to form a new territory. Jones worked to push the territorial bill through, not by making flamboyant speeches but by exercising a quiet personal influence and a steady dedication to purpose. Such was Jones' usual manner of drawing attention to his bills and rallying support for his pieces of legislation.

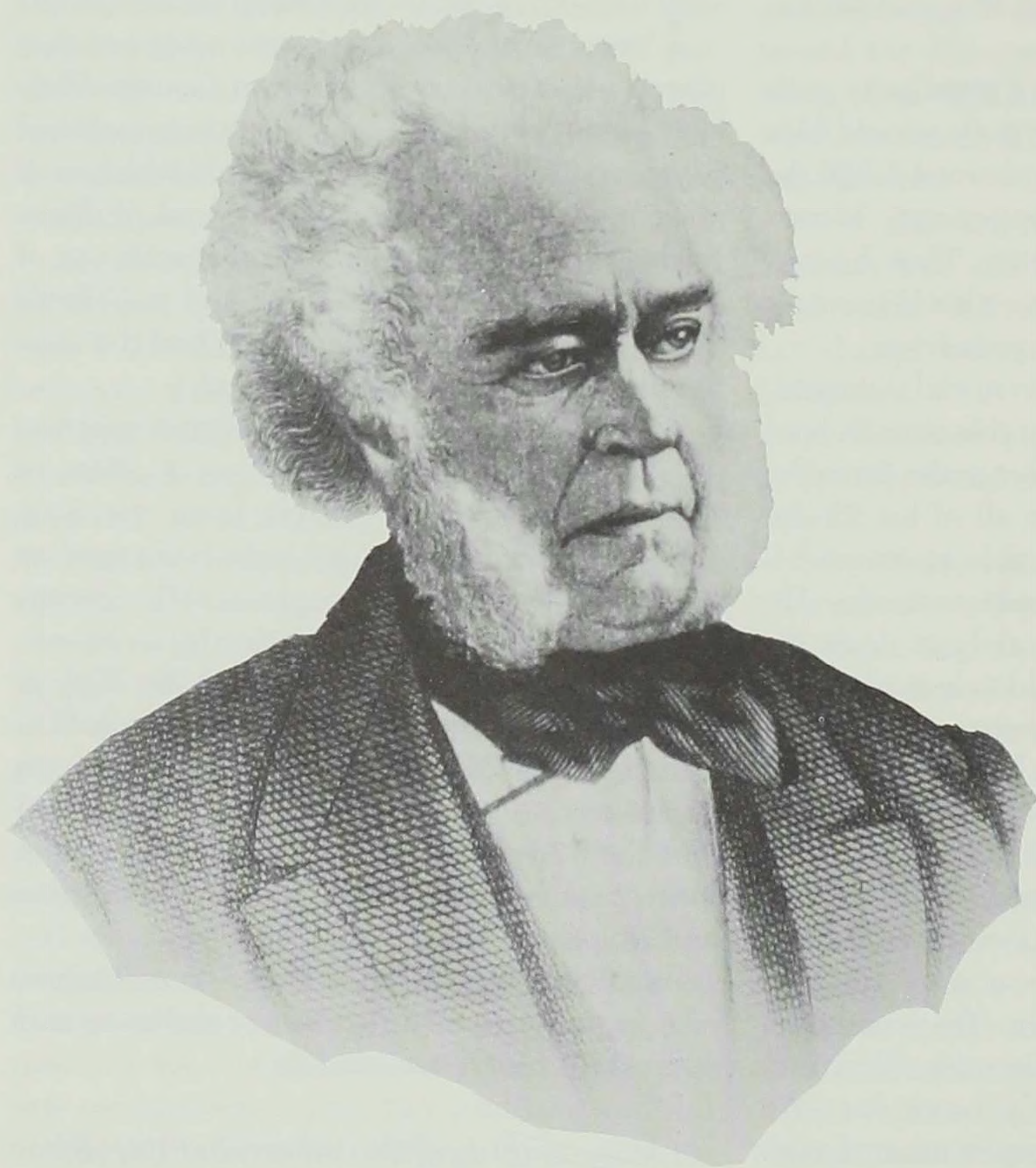
In the midst of his legislative success, however, an unfortunate event occurred that placed a momentary damper on George Wallace Jones' popularity and his future political prospects. This was the famous duel which took place between Jonathan Cilley and William Jordan Graves, two members of the House of Representatives. The duel resulted in Cilley's death, and George Wallace Jones had the misfortune to serve as Cilley's second.

It all began in the House of Representatives on 12 February 1838 when Henry A. Wise of Virginia presented an article from the *New York Courier and Enquirer*, which charged an unnamed member of Congress with corruption. The article had been written by an anonymous author who signed himself as the "Spy in Washington." Wise introduced a resolution calling for the appointment of a committee to investigate the Spy's charge. He emphasized that the "Spy in Washington" was a reliable source vouched for by the editor of the *Courier and Enquirer*.

Jonathan Cilley, representative from Maine, rose in opposition to the Wise resolution and addressed the House, saying:

I know nothing of this editor; but if it [is] the same editor who . . . once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, I do not think his charges [of corruption are] entitled to much credit in an American Congress.

The incident to which Cilley referred had occurred in 1832. According to a later House report, the *New York Courier and Enquirer* had been definitely opposed to the Bank of the United States for some lengthy period of time. Then, on 26 March 1831, and over a period of nine months, the Bank of the United States made three loans, amounting to a total of



James Watson Webb, the fiery editor of the New York Courier and Enquirer.

\$52,975, all of which were endorsed by the editors of the newspaper. By coincidence or otherwise, in early April 1831, the *New York Courier and Enquirer* changed its policies and began to look upon the Bank of the United States with favor. In opposing Wise's resolution calling for an investigative committee, Cilley expressed his concern about the ability of members of the press to imply corruption among public men, or to slander them with implied charges, without being forced to supply proof of the charges. The "Spy in Washington" article offered only one more example of this. Cilley explained:

If [the editor] has charges to make, let

him make them distinctly, and not vaguely, — let him make them under the solemnity of an oath, and then it will be quite time enough to act. [I trust] the House would not go into an investigation . . . on a mere newspaper statement without any proof.

The House committee that eventually investigated the circumstances surrounding the death of Jonathan Cilley stated in its report that the representative from Maine had been perfectly within his rights in his speech: "[his] words . . . were strictly in order, were pertinent to the subject under discussion, and 'did not exceed the bounds and limits of his place

and duty.” The committee maintained that Cilley could not be held responsible for words spoken in congressional debate. James Watson Webb, the editor of the *New York Courier and Enquirer* had felt quite differently, however. He sent a letter to Cilley on 21 February 1838 in which he cited Cilley’s words from the debate and then added the following paragraph:

I deem it my duty to apprise you, sir, that I am the editor of the paper in which the letter from the “Spy in Washington,” charging a member of Congress with corruption, was first published; and the object of this communication is to inquire of you whether I am the editor to whom you alluded, and, if so, to ask the explanation which the character of your remarks renders necessary.

This correspondence was delivered by William Jordan Graves, a representative from Kentucky. Cilley refused to accept the communication from Webb, stating that he “chose to be drawn into no controversy with him.” He did not consider Webb a gentleman, or man of honor, and he did not believe that he should be held responsible for words spoken in debate. Since Cilley would not accept Webb’s letter, Graves felt duty bound, according to his notions of the code of honor (which determined that Cilley’s refusal to accept the letter from Graves constituted a personal insult of Graves’ reputation), to challenge Cilley to a duel himself. It seems amazing that Cilley would accept such an interpretation and such a challenge, but he did. Thus a duel was fought between two gentlemen who had no grievance with one another except for the slight (if there was one) involved in Cilley’s refusal to accept Webb’s letter from Graves. The situation became even more bizarre when Cilley exercised his privilege of choosing the weapons by opting for rifles at eighty yards or so.

Graves chose Henry A. Wise as his second and Cilley chose George W. Jones. Jones, in his autobiography, explained the circumstances which led to his becoming Cilley’s second. He was in his room at his boarding-house writing a letter, when General Franklin Pierce entered the room and said that he had been sent by Cilley to ask Jones to act as his second in a duel with William Graves. Jones was astonished as he had not heard of a duel before that moment. Jones refused to serve as a second, claiming that it would tie him to the Democratic party. Moreover, it might prejudice his legislative efforts in Congress or even hurt his chances for reelection as delegate.

Pierce tried to persuade Jones, but he firmly refused, agreeing only to accompany Pierce to see Cilley’s second choice as a second. When Jones finally saw Cilley, the latter threw his arms around Jones and thanked him for coming to his help in the affair. Jones again pointed out that he could not serve as second because it would mean a visible connection with the Democratic party, of which Cilley was a leader. Cilley then talked of their friendship and asked whether Jones would stand by and see him disgraced. Finally Jones relented and agreed to serve even though he said it would probably end his political career. A later defender explained the dilemma that Jones faced:

Under such circumstances, I ask, what man, of brave and chivalrous character, and high-toned sense of honor, could refuse to stand by his dear friend, in that dread hour of trial, the approach of which was then too far advanced to be checked or averted? No man possessing a heart less flexible than stone, could have turned a deaf ear to the warm appeal of a friend at such a time.

Indeed, as John C. Parish observed in his biography of Jones, “It is not probable that Jones had any very strong principles at this time

against the practice of duelling. He had spent his entire life in regions where the resort to personal encounter was of frequent occurrence, and by one writer he is credited with having been himself a party to seven affairs of honor."

The duel was fought near the boundary between the District of Columbia and the state of Maryland on 24 February 1838 at 3:00 P.M. Upon reaching the designated site, the seconds, Jones and Wise, marked off the ground. The principals then faced each other at a distance of approximately eighty to ninety yards. The terms of the duel were that the rifles were to be held at arms length, cocked, and triggers set. The words to be spoken were "Gentlemen, are you ready?" If no one answered "No," the next words would be "Fire — one, two, three, four." Neither party was to shoot before the word "fire" or after the word "four." The duel proceeded according to these conditions.

After the first shot in which no one was hit, the seconds came together and Jones asked Wise if Graves was satisfied. Wise said that Cilley must give some reason for not accepting Webb's communication. Jones then went to Cilley and asked him to put such a reason in writing. Cilley, however, would only offer the verbal reply that he had not accepted the correspondence because he had not wished to be drawn into a controversy with Webb. He also said that he meant no disrespect to Graves and that he held him in the highest regard. Wise then concluded that nothing had changed and that Graves was in precisely the same position as before. He demanded another shot.

A second shot was fired, which also resulted in no injury. After the second round a dialogue similar to the one following the first shot took place. As Cilley firmly maintained his original position concerning Webb, Wise called for a third shot. It was that shot which proved fatal.

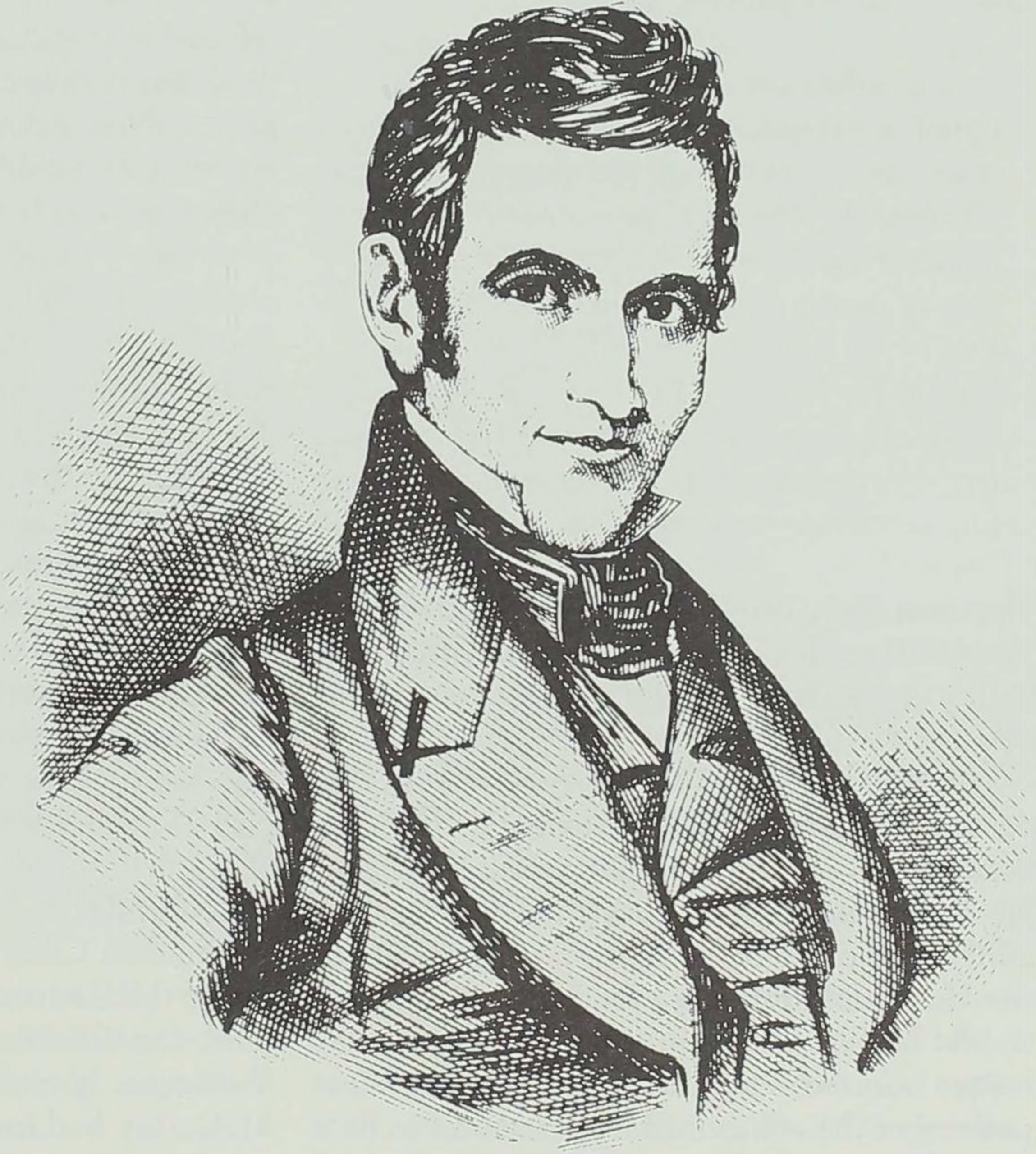
The third shot was fired and the bullet from

Graves' rifle entered Cilley's chest. The ball struck him in the chest and pushed through the right lumbar region, completely severing the aorta. Cilley fell into the arms of his friends and died almost immediately.

Cilley's funeral was attended by a variety of prominent public men, including the president of the United States, cabinet members, and members of both the House of Representatives and the Senate. The justices of the Supreme Court refused to attend the funeral, however. As *Niles' National Register* reported, the justices "were invited to attend the funeral but resolved not to do so, as an evidence of their reprobation of a practice more characteristic of a barbaric age, than one in which all profess regard for humanity and the laws."

The public reaction to news of the duel and Cilley's death was one of outrage. The Washington correspondent of the *New York Evening Post* called the duel a "cold-blooded, deliberate murder." In the *New Yorker*, Horace Greeley termed the affair murder — "clear, unequivocal, downright murder." The editors of the *New Orleans Daily Picayune* expressed their reaction to the duel even more vividly:

. . . we said that the abettors deserved to be branded and execrated as murderers — and indeed they are thus execrated. The situation of Graves is such as to excite pity rather than hatred. His thoughts must be gall and wormwood to him — his punishment he will bear with him, producing as much agony as did the guilty recollections of Cain after he slew his unoffending brother; but towards the designer [Webb], who travelled 200 miles to accomplish his foul purpose, and towards those who prevented a pacific adjustment of the difficulty [Jones and Wise], there will be a curse which may blight them in all their future life.



Jonathan Cilley, the unfortunate victim of a ball fired by fellow congressman William Jordan Graves.

A meeting was called in a New York park for all who were horrified by the duel — “all whose sense of honor and justice is shocked by the late outrage in Washington” — and wished to show their support of their representatives’ rights of freedom of speech in Congress: “It becomes the people to stand by their representatives on this occasion, to assert their rights, and encourage them to defend them to the uttermost.”

Most of the outcry was against James Watson Webb and Henry A. Wise but George Wallace Jones came in for his share of the early criticism as well. It was pointed out, for example, in the *New York Evening Post* that Jones should never have allowed the duel to proceed past the first shot. The duel itself had been fought

only over a point of honor; it was a “duel of etiquette.” There was no animosity between Cilley and Graves nor were they fighting over any party issue. Therefore, Jones should have stood up to Wise and ended the duel before the fatal shot was fired.

The House of Representatives appointed a committee to investigate Cilley’s untimely death. The committee came to the conclusion “that the words spoken by Mr. Cilley in debate in the House of Representatives, the refusal of Mr. Cilley to receive a demand for explanation of those words, *and* his refusal to assign any other reason for it, than that he chose to be drawn into no difficulty upon the subject, *were* the causes which led to the death of Mr.

Cilley." The committee also said:

It is 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, to demand, in a hostile manner, an explanation of words spoken in debate; to be the bearer of such a demand; to demand a reason for refusing to receive it, beyond the mere voluntary election of the member interrogated; or to demand, under any circumstances, any reason at all.

Thus was the entire blame laid on Graves and Webb. They had been wrong to demand of Cilley an accounting for words spoken in debate.

The final action of the committee was designed to punish the individuals involved in the fatal event. The committee resolved that for challenging Cilley to a duel Graves was guilty of a breach of the rights and privileges of the House and for that breach of privilege he should be expelled from the House. The committee acknowledged the fact that Jones knew nothing of the affair until he was asked to be a second, but as the bearer of Cilley's acceptance of the duel he had been involved in a breach of privilege and should be censured by the House. Wise was deemed equally guilty and the committee recommended that he, too, be censured.

The complete report of the committee was not passed by the House, however, and Graves remained a representative until 1841. The House did pass a resolution of censure, however. The censure did not hurt Wise as he stayed in the House until 1841 and later became governor of Virginia. George Wallace Jones, however, was replaced in the House by James D. Doty in 1839.

As a result of the duel, the House presented a bill to "prohibit the giving or accepting within the District of Columbia, of a challenge to fight

a duel, and for the punishment thereof." The bill had four sections, the first of which made a duel that resulted in death a matter of murder punishable by death for all involved. The second section made the giving or accepting of a challenge to fight a duel a high crime and misdemeanor, punishable by imprisonment and confinement to hard labor for five to ten years. Section three stated that any person who should injure another for refusing to accept a challenge to fight a duel should be sentenced to hard labor in the penitentiary for a term of from three to seven years. The final section enlarged the responsibility of the grand jury in the District of Columbia in matters of duels. This act became law in 1839 with some slight modifications in the severity of sentences. Many states also passed anti-dueling resolutions following the Cilley-Graves affair. New York State passed such legislation, but ironically, James Watson Webb was the only person ever convicted under it.

Jonathan Cilley was not the first member of either the House or Senate to die as a result of a duel. On 6 February 1819 General Armistead T. Mason, a senator from Virginia, and John McCartey had engaged in a duel fought with muskets at six paces. The duel had resulted in Mason's death. But Jonathan Cilley was certainly the only member of the House of Representatives to be killed by another member in an "affair of honor."

Life in Washington returned more or less to normal as the excitement over the duel died down. With the passage of the Iowa Territory bill in 1838, George Wallace Jones was most strongly recommended by some for the governorship of the new territory. Petitions calling for his appointment from Jones' constituents in western Wisconsin were sent to Washington. President Martin Van Buren was a personal friend of George Wallace Jones, and Jones was confident of his appointment to the governorship. Later, he could only claim that

Nineteenth-century Americans seemed, at times, overly prone to engage in duels. These contests ranged from the ill-fated episode in which Aaron Burr killed Alexander Hamilton to those often-times not-quite-up-to-code gunfights which were supposedly so much a part of life in the American West. In the first half of the century, men of prominence seemed quick to take to the field of honor. The aforementioned Aaron Burr and Alexander Hamilton were certainly not the only public officials to participate in duels. Andrew Jackson was involved in at least two affairs of honor, Thomas Hart Benton in an equal number, and Henry Clay in at least one.

Naval hero Oliver Hazard Perry fought a duel in which his opponent missed and he, Perry, then declined to fire. An equally famous naval hero, Stephen Decatur, with less luck, was killed in an 1820 duel with James Barron.

In the 1830s and 1840s the practice became more sectional, however, and most duels took place in the West or South. By the Civil War the

practice had come under such criticism nationally (particularly after the Cilley-Graves duel) that anti-dueling laws had been enacted or tightened up, and ridicule brought to bear on the few individuals who sought to endanger life under the terms of an increasingly antiquated code of honor.

The duel which mortally wounded the dueling tradition in this country may well have been fought near Lexington, Virginia, on 8 March 1889. In a pithy news story that appeared in the Hartford Times on the following day, the duel was described as follows:

Warwick C. White and H.C. Starkey, both popular and well-known young men, fought a duel with pistols in a secluded place in the suburbs yesterday afternoon. After firing forty-two shots without result the principals shook hands and made friends.

the president would undoubtedly have appointed him had it not been for a few Democrats in the House who still held a grudge against him because of the duel.

Robert Lucas was thus appointed governor of Iowa Territory and Jones subsequently announced his candidature for reelection as delegate from Wisconsin. The campaign was between James D. Doty, Thomas P. Burnett, and Jones. Settlers from New England who had settled in Wisconsin voted against Jones because of the duel and three names on the ballot increased the difficulty of the campaign and drew votes away from Jones. As a result, in September 1838, James D. Doty was elected to succeed Jones as territorial delegate. In spite of his loss at the polls, Jones went to Washington and took his seat in Congress. He claimed that his term of office as delegate did not end until 4 March 1839. Jones based his calculations on his election to a two-year term as delegate from Michigan Territory in 1835 and his subsequent

election to a two-year term as delegate from Wisconsin Territory in 1836, all of which seemed to indicate that his term should expire at the end of four years after his 1835 election: "The fact that the Territory of Wisconsin had been established did not, he claimed, foreclose the existence of the Territory of Michigan, which survived until the State of Michigan was admitted by Congress." He hired lawyers to argue his case, but on 3 January 1839, the House passed a resolution by a vote of 165 to 25 to seat Doty in place of Jones.

Jones returned to Sinsinawa Mound and returned momentarily to private life. His stint as a private citizen did not last very long, however. He was soon appointed a surveyor general in Iowa County for a term of four years. He took office on 1 April 1840. The position of surveyor general was subject to the whims of the patronage system, however, and he was thus removed from office when William Henry Harrison became president in March 1841.

Jones regained the office after James K. Polk became president in 1845.

The state of Iowa entered the Union in 1846. Sensing the temporary nature of a job as surveyor general if the Whigs regained the presidency, Jones became a candidate for one of Iowa's two United States Senate seats. In the fall of 1848 George Wallace Jones and his long-time friend General Dodge were elected to the Senate from Iowa. Jones served two terms, retiring from the Senate in 1859.

Upon leaving Congress, Jones was appointed resident minister in Bogota, Colombia. He served there only two years, however, and his public life came to an end when he was fifty-seven years of age. He thereupon retired to Dubuque and lived out the remainder of his life. He was always to be known as a kind of elder statesman, who could be depended on to give speeches and ride in parades. On 22 July 1896, at the age of ninety-two, Jones died at his Dubuque home.

George Wallace Jones was always remem-

bered as a pleasant, outgoing citizen who worked hard for his constituents and his state. Having served the territories of Michigan, Wisconsin, and Iowa as well as the state of Iowa, he was indeed of that group who might well be called founding fathers of the Old Northwest. □

Note on Sources

The three most important studies of the life of George Wallace Jones are *A Brief Sketch of the Life and Public Services and a Defence of the Public Course of Hon. George Wallace Jones, United States Senator from the State of Iowa* (1852), John C. Parish, *George Wallace Jones* (SHSI, 1912), and *George Wallace Jones' Autobiography* which is incorporated in the Parish volume. One can well consult such newspapers as *The Evening Post* (New York), *The Daily Picayune* (New Orleans), and the *Wisconsin Territorial Gazette and Burlington Advertiser* for some idea of the impact of the duel on contemporary America. On the duel as an American institution in the early nineteenth century, see Lorenzo Sabine, *Notes on Duels and Duelling* (Boston: Crosby, Nichols, and Company, 1855), Don C. Seitz, *Famous American Duels* (New York: Thomas Y. Crowell Company, 1929), or William Oliver Stevens, *Pistols at Ten Paces: The Story of the Code of Honor in America* (Boston: Houghton Mifflin Company, 1940).