

AN AFFAIR OF HONOR: PITTSBURGH'S LAST DUEL

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and

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IT is difficult nowadays to connect the ruined landscape of the erstwhile valley of Three Mile Run with bucolic beauty, romantic conflict, or youthful death. Between the Monongahela River and the hills lies a great rampart, the furnaces of the Jones & Laughlin Steel Corporation. Beyond them are the narrow stone gorge of Second Avenue, the Baltimore and Ohio Railroad tracks, and the roaring traffic of the Parkway East. Both the river and Three Mile Run are now sewers. The only real difference between them is the fact that the latter is invisible. This modern Pittsburgh city-scape is industrial, bleak, and purposeful.

The sole reminder of long ago is stone-paved Bates Street, which plunges down a steep ravine, the valley of the long vanished run, to meet the Parkway East. To the busy motorist on the freeway, Bates Street is also the name of the interchange which will permit him to reach Oakland. But to the historian, the name Bates is haunting, evocative, reminiscent "of old unhappy, far-off things and battles long ago."

The name does denote a "private battle," a duel, an armed encounter of two young men, one of whom, Tarleton Bates, was, after his untimely death, much mourned in the youthful town of Pittsburgh. It is certainly sure that his memory was still green when, much later, the street was named for him.

But to discover the land as it was on the very early morning, shortly after dawn, of January 8, 1806, is very difficult. Here, near the river, in a field in "a grassy glade," the duel took place. Over the river's icy water, in the heavy morning mists, the dueling party was conveyed by boats, the limpid splash of oars, prelude to the sharp reports of the pistols, echoing from the wooded hills.

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The town of Pittsburgh, from which the duelers and their seconds had been conveyed, was no stranger to violence; there had been battles and Indian massacres (the chronicles of early settlement are awash with blood) — but a duel?

What exactly was dueling? There are fashions in death as there are in life, and from the fifteenth century to well into the nineteenth, the duel, the armed encounter between two combatants, had been highly fashionable among the upper classes of Europe as a means of settling personal differences. Its intent was deadly, and the field of honor was almost invariably the field of death — for the loser.

Dueling, with its principals and seconds and its elaborate and rigid protocol, was not known in the ancient world as an alternative to the usual process of justice. Single combats, such as that of Hector and Achilles or the Horatii and Curiatii, were mostly incidents in local wars.

The judicial duel, or trial by battle, was the earliest form of dueling. Caesar and Tacitus report that Germanic tribes settled their quarrels by single combat with swords, and after the Germanic invasions of the Roman Empire, the practice became established in western Europe early in the Middle Ages. Armed combat between contending parties even became part of the judicial process during the medieval period.

The duel of honor between single combatants, as developed in the Renaissance period, however, had nothing to do with established judicial processes. It was purely a personal matter. These duels of honor were much facilitated by the fashion of wearing swords — a fashion that spread over the rest of Europe from Italy at the end of the sixteenth century. Italy was the great center of professional swordsmanship, and as the private duel became prevalent, the nobility of Europe turned toward Milan to learn the most efficacious strokes taught by fencing masters. As the science of hand arms developed, pistols became the predominant weapon.

Men fought on the slightest pretext and at first without witnesses. But later, the principals were accompanied by friends, or seconds as they came to be known.

As dueling proliferated, many of the rulers of Europe issued edicts against it. The first of these was applied in 1566 by Charles IX of France, which became a model for later edicts. These laws were not, however, really effective, because the practice had too much sup-

port among the ruling classes. What was publicly condemned was often privately winked at.

Dueling in Europe steadily declined as the aristocratic world that supported it lost its power in the nineteenth and twentieth centuries. The duel came to America very early, and the first American encounter took place at Plymouth, Massachusetts, in June 1621. The practice was never as common here as it had been in Europe, but it was by no means unknown up to the middle of the nineteenth century.¹

The most famous American duel was that between Alexander Hamilton and Aaron Burr, which was held at Weehawken, New Jersey, on July 11, 1804, in which Hamilton fell mortally wounded.² The affair caused a national scandal, and Burr, who was at that time vice-president of the United States, was charged with murder in New Jersey and disfranchised in New York. Burr's political career was ruined, and though he lived for many years after the duel, he never regained the public's confidence.

In 1805, Burr made a journey to the west via the Ohio and Mississippi valleys and stopped at Pittsburgh on his way to New Orleans.

On January 8, 1806, the last recorded duel was fought in what is now the city of Pittsburgh. The two principals hardly knew each other except by reputation. One, Tarleton Bates, was the prothonotary of Allegheny County. The other was Thomas Stewart, a merchant of the city. The encounter was to lead to the death of the former and the banishment of the latter.

Tarleton Bates was born on May 22, 1775, the second son of Thomas Fleming Bates of Goochland County, Virginia. His family was Quaker, but his father was expelled from the Society of Friends because he had taken up arms to join Washington's forces at Yorktown. Although his father's plantation holdings were all but ruined because of the Revolution, Bates received a good education for his day. He decided he could best make his fortune in the west and arrived in Pittsburgh at about the time of the Whiskey Rebellion in 1795. Although trained in the law, his first position was as a clerk in the United States

1 Robert Baldick, *The Duel: a History of Dueling* (New York, 1965), 115.

2 For accounts of American dueling see William Oliver Stevens, *Pistols at Ten Paces: The Story of the Code of Honour in America* (Boston, 1940) and Hamilton Cochran, *Noted American Duels and Hostile Encounters* (Philadelphia, 1963).

Army Commissary Department here, under Major Isaac Craig. He later was to continue in his post under General James O'Hara, a contractor of military supplies. His interest in Pittsburgh's politics undoubtedly began here since he quartered with the Craig family. The major was the son-in-law of John Neville who was a staunch Federalist. Bates avowed himself to be a Democrat or member of the Democratic-Republicans.

After several years work for the army, Bates applied for, and received, a position as assistant to Allegheny County's prothonotary, John Gilkinson. Upon Gilkinson's death in 1800, Bates succeeded him as the prothonotary. The same year saw the founding of the *Tree of Liberty* by John Israel in the city. Conceived as an anti-Federalist newspaper, it soon attracted Bates to it, as well as two friends of his, Henry Baldwin and Walter Forward. Its major backer was Judge Hugh Henry Brackenridge, and it was published next to his office on Market Street.

This was the height of Bates's political and social career. Because of his position and his genteel temperament, he was popular with the budding society of Pittsburgh. He was present at most of the city's social functions, such as parties, picnics, and horseraces. He also became a member of the Freemason Society, where he associated with all the prominent names of Pittsburgh politics. Tarleton Bates also belonged to the Clapboard Row Junto which regularly met at the "Sign of General Butler," a tavern once located in what is now Market Square. This was an organization of Democratic-Republicans, for which the *Tree of Liberty* became an unofficial organ.

The year 1805 was one of political turmoil for Pennsylvania and for Pittsburgh. Governor Thomas McKean's first term in office was drawing to a close. Although a Republican, he went against the legislature, which was strongly controlled by that party, because of its extreme radical ideas. This created a division in the party. Those who supported McKean took the name "Constitutionalists" (whom the opposition called "Quids"), while those against him were called "Friends of the People" (whom the Constitutionalists called "Clodhoppers"). This latter group put forward Simon Snyder as their candidate against McKean.

This division was seen in Pittsburgh. The *Tree of Liberty*, now totally controlled by Bates, Baldwin, and Forward, supported McKean. At this same time another newspaper was begun in the city. The *Commonwealth* was founded in the interests of those who opposed

the governor by Ephraim Pentland, a young man of twenty who had recently come from Philadelphia. He was a fellow of vehement nature who knew no bounds in his abuse of Governor McKean, his supporters, and the *Tree of Liberty*.

The campaign was long and brutal. At the last moment, when things looked darkest for McKean, the almost defunct Federalists threw their support to him and Snyder was defeated. Pentland went into fits of literary hysteria, and it seemed that, at least for him, the campaign was not over. He increased his series of personal attacks, both political and private in nature, against the staff of the *Tree of Liberty* and especially against Bates.

On Christmas Day, 1805, the *Commonwealth* carried a column that was the touch spark of events culminating in Bates's demise. Pentland's crude style of vindictive writing was carried to new lows. He referred to Bates and Baldwin as "two of the most abandoned political miscreants that ever disgraced the state."³ According to him, they had no party except the one which held the power at any given time. This was stated in anything but polite terms.

Bates's only reaction was to go out and purchase a whip. This he used on Pentland on the night of January 2, 1806, in a chance encounter on Market Street. Pentland, after having two or three touches of the lash put to him, put his feet to their best use and retreated to the civil authorities. Pentland later gave his account of the whipping. He stated that the affair happened quite after dark. Further, he said: "Bates was in company with some persons who were no doubt to act as aids, should their assistance be wanted, but owing to the mistiness of the evening, and their quick disappearance, all of them could not be recognized. Baldwin, Bates' colleague in infamy, and the brave and redoubtable Steele Semple, who never feels afraid but when he is in danger, were in the gang — both limbs of the law, students of morality!"⁴ (Pentland tended to refer to lawyers as "students of morality" in a derogatory sense.)

Bates had a different version though. In the *Tree of Liberty* of January 4, he maintained that he was alone the night of the whipping and that the evening was clear and brightly illuminated by the moon. He described Pentland's behavior as cowardly and that he was too quick to chase. The same issue also carried a signed letter from Bald-

³ *Commonwealth*, 1, no. 31 (Dec. 25, 1805).

⁴ *Ibid.*, 1, no. 33 (Jan. 8, 1806).

win and Semple. They supported Bates's story, and in somewhat humorous terms described Pentland's cowardly antics.

Pentland was originally going to file charges against Bates. Thinking better of this tactic, he challenged Bates to a duel. Here was a neat situation! The young Republic, groping for respectability, did not look favorably upon dueling, and a middle-class democracy looked askance at the field of honor that was reserved for the well-to-do and the nobility. Since 1794, Pennsylvania had forbidden dueling under the penalty of loss of citizenship for seven years, as well as a fine and imprisonment.⁵ Bates, as an officeholder of some position, would lose everything if he fought. On the other hand, public sentiment still looked upon dueling and duelers as romantic and to defend one's honor was manly.

Pentland's challenge was carried by Thomas Stewart. Little is known about this man except that he was the son of an Irish clergyman and that he was the junior partner of Robinson and Stewart, a feed and dry-goods establishment in the city. Bates declined the challenge. That night, the sixth of January, Pentland had placards placed around town proclaiming Bates to be a "coward and a poltroon." Bates wrote in the *Tree of Liberty* the next day his reason for the whipping and his reasons for refusing Pentland's challenge. Borrowing a quote from Benjamin Franklin, he reported that "he had been traduced, and also his father and grandfather, so often in the pages of the Commonwealth that he had been provoked into correcting the 'licentiousness of the press with the liberty of the cudgel.'"⁶

Bates's reason for refusing Pentland's challenge, or so he says in this article, was because Pentland had fled to the civil authorities. This — no honorable man would do. He then labeled Pentland an "apprentice" and a "man of no social standing."

Unfortunately, Bates went further and thus provided the tool for his own undoing. He said of Stewart, "I was persuaded that the bearer was ignorant of the circumstances, for no *gentleman* knowing them could be the bearer of such a message from such a man, and if I had no more respect for him than for his friend, I should treat him as his friend had been treated."⁷

This was all that Pentland and his friends needed. William Wilkins, who later was to be quite famous and respected, was sent to de-

5 Collinson Read, *Abridgement of the Laws of Pennsylvania* (Philadelphia, 1801), 383.

6 Onward Bates, *Bates, et al. of Virginia and Missouri* (Chicago, 1914), 60.

7 *Tree of Liberty*, Jan. 7, 1806.

mand an apology and retraction from Bates. His terms were rather strict, and among them was the demand that Bates admit that there was no plot to catch him in a duel and thus have him lose his office.⁸

To Bates, the terms were utterly preposterous. They would compromise him in all his beliefs and actions. They would ruin his integrity and honor. He promptly returned a note refusing the demands. Of Stewart, he said he "did not especially intend an implication of Mr. Stewart, nor specifically mean to excuse him. I have no reason to doubt *the veracity* of that gentleman."⁹ However, Bates was sure of Stewart's part in the placard campaign.

Stewart, pushed on by Pentland and Wilkins, immediately challenged Bates to a duel. Bates, who had publicly recognized Stewart's integrity, had no recourse but to accept the challenge. From this point on, according to the code of honor, all details were handled by the seconds. Wilkins was to act for Stewart, and Morgan Neville, son and grandson of the staunch Federalists, Colonel Presley Neville and General John Neville, was to act for Bates.

That night, the seventh of January, Bates wrote out his will.¹⁰ In it, he named his close friend, Henry Baldwin, as his executor. His possessions were to be sold and his debts paid off with the proceeds. The balance was to go towards the education of his brother, James, and any monies yet remaining were to go to his mother. Also in the will, in accordance with his Quaker heritage, he asked to be either cremated or buried with no marker. Tarleton Bates seems to have known that he was not to leave the duel alive. It is not known how Thomas Stewart spent his night.

It had been agreed that the duel was to be fought the next day, January 8. The "field" was to be a spot on the land of the old Chadwick farm, near the end of present-day Bates Street in the Oakland section of Pittsburgh. Three Mile Run ran through the clearing. Accounts give the day as being cold and damp.

Present at the duel were the two principals and their seconds. It would seem probable that there was another person present, to act as a referee, but no evidence of this exists. Thus, the only eyewitness account of the affair comes from the two seconds. It appeared in the

⁸ C. M. Davis, "The Bates Boys on the Western Waters," *WPHM* 30 (1947): 90.

⁹ *Ibid.*, 40.

¹⁰ This will still exists, being on display at the Old Post Office Museum of the Pittsburgh History and Landmarks Foundation on the North Side.

Pittsburgh Gazette of January 14, 1806, and was written by John Scull, a friend of the two seconds and the editor of that paper. It was submitted with the approval of both Wilkins and Neville and is included here:

A duel took place on Wednesday, the 8th inst. between Tarleton Bates, Esq. and Mr. Thomas Stewart, merchant, both of this place. The latter thought proper to require of Mr. Bates an apology for what he considered improper expressions, respecting him, in a publication by Mr. Bates which appeared the day before in the *TREE OF LIBERTY*. No apology having been made, or agreed to, the parties, each attended by a friend, met near the Monongahela River, three miles from town. Previous to their positions being taken on the ground, the friend of Mr. Stewart mentioned an apology, which could be accepted — but as it was the same in substance as had been proposed before and as it had been perfectly well understood before the parties went to the ground that no apology would be made by Mr. Bates, he rejected it. The distance (ten steps) was then measured, and the pistols loaded by the seconds in the presence of each other. They each fired twice. In the interval between the first and second fire, no proposition of adjustment was made. The second fire proved fatal to Mr. Bates, who received the ball of his antagonist's pistol, in the upper part of his breast, and expired in an hour.

The behaviour of the principals on the ground was perfectly calm and undaunted, and this unfortunate transaction was conducted in conformity to the arrangements, which had been previously made, and to the strictest rules of honour.

The very same day the *Commonwealth* came out, and, in keeping with his own character, Pentland engaged in a particularly vengeful attack on a man who was now dead. "In answer to Bates' publication in the *Tree of Liberty* of yesterday [in which he refused Pentland's challenge], I have only to say, that in addition to the epithet of *coward*, Mr. Bates has given me ample room to say that he is also a *liar*, and unworthy the further notice of any person who wishes to remain uncontaminated." He then charged Bates with having a black mistress.¹¹

Tarleton Bates was buried in an unmarked grave in the burying ground of Trinity Episcopal Church (now a cathedral). The degree of his popularity can be judged by the fact that the attendance that mourned him was the largest funeral crowd in the history of Pittsburgh to that time. The public was outraged at his death. Stewart was forced to flee Pittsburgh for his life and ended his days in Baltimore. The store (of which he was part owner) closed a month after the duel. William Wilkins was forced into exile for a year and stayed with his

11 This can be explained. A black woman was engaged in carrying correspondence between Bates and a young lady of his fancy, Emily Morgan Neville. Pentland, willing to seize upon anything to defame Bates, believed this to be some sort of liaison. From this statement and Bates's actions, it can be seen that Pentland and not Bates was the coward and the liar.

brother in Kentucky. Upon his return, he lived the life of a model citizen. He became a United States senator, a candidate for the vice-presidency, ambassador to Russia, and secretary of war under President John Tyler. The truly ironic touch, though, is that Ephraim Pentland, the man who was the real cause of Tarleton Bates's death, became prothonotary of Allegheny County in 1808 and stayed in that position for ten years.

So perished for the sake of honor, a young man who might have had, if he had lived, a political career of considerable distinction. Nothing now recalls him save the name of the street and the story of his melancholy passing — and even the latter is known only to a few local historians. His grave in Trinity's churchyard was unmarked, and his bones lie scattered below Gothic steeples and rampant high-rises. But, for the romantic ear attuned to the whispers of the past, the ruined and ravaged valley of Three Mile Run may still sound on a damp cold morning in January with misty voices and perhaps the phantom reports of pistols.