



Twelve Long Paces – Aim and Fire



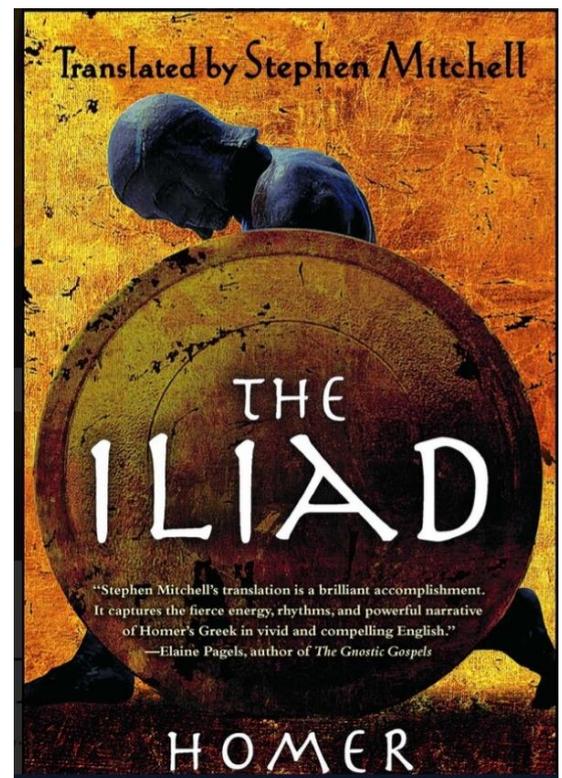
How could a disagreement reach a point where a man loses his life? The major figures involved in Fife duels were aristocrats, gentlemen and soldiers, all of good position and habit. So the question is how was it possible for men of good education and standing to become involved in this type of dispute? In short, the answer lies in honour, how it was perceived, valued and protected at the time. The manner in which a person dealt with an insult (real or perceived) is at the very heart of duelling.

Honour and combat have gone hand in hand since time immemorial. We can travel back almost 3000 years to Homer's epic poem, the "Iliad", to see the titanic struggle between Achilles and Hector, fighting as champions for the honour of their Greek and Trojan roots.

From here, it is a short step to the medieval 'judiciary system' of determining right and wrong. Here we had combat based on the presumption of "God favouring the innocent and would grant victory". The judiciary would determine all aspects

including the weapons, the place, the time and the rules. The combatants would swear religious oaths and these contests were fought to the death before God's judgment.

Moving forward to feudal times, the system was in many ways based on the upper classes demonstrating their power and position by military means. Feudalism was underpinned by serfs owing military service to those in the social classes above them and therefore, it follows that knights and princes could settle their disputes using what were in effect private armies. However, the renaissance changed all of that, with



position and power no longer necessarily demonstrated by arms. Wealth, art, fashion, architecture and other cultural pursuits were seen as determining social status.

So now the ability to settle quarrels by military power had largely evaporated and individuals had to find a more personal way to resolve insults or disputes. Italy is often seen as the birthplace of duelling. The duel was seen as a private way to pursue/protect honour or reputation. There were no military or religious aspects. This was a private matter, fought with personal weapons. Rules were agreed in advance as to; weapons, place, time and what constituted victory. This could be either first blood or fought to the death.

With the renaissance came the growth of the middle classes. This produced men of stature/wealth in commerce and the law. They could be found in lawyers, bankers, architects and merchants. Many were aspirational and longed to join or copy the upper classes.

The Italian Wars of 1494-1559 saw soldiers, mercenaries and merchants from all over Europe travel to the area to lend their arms or sell their goods. Returning home they took much of what they had seen with them and that included duelling. Wider society now wanted to have access to this preserve, which until then had been exclusive to the upper echelons of society.

From that beginning the notion of duelling spread rapidly throughout Europe and through time into the United States. The concept was diluted down from being the preserve of the aristocracy and noblemen to the lower orders of society. This brought about the carrying of civilian weapons to use in the defence of honour, but all too often those who carried them were involved in criminal wrongdoing and/or street fights. This created a very fine line between acceptable defence of honour and street fighting.

It is also true to say that great care was required in how to respond to an insult. The person insulted could not appear to be seen as weak, nor could

they allow accusations to stand. It was also considered dishonourable to appear too aggressive in demanding satisfaction by duelling. Gentlemen were expected to defend their honour but with propriety.

To modern eyes, the notion of duelling as a way of defending honour is almost barbaric. However, to our forbearers honour was everything. Before the industrial revolution allowed the opportunity to create “self-made men”, honour was a major factor in how an individual was perceived. It was patronage which opened doors for advancement. It was being considered honourable that gave access to loans and money to oil the wheels of advancement. To make headway in society required above all else – being honourable (a gentleman). Not being considered honourable had the opposite effect – no ability to climb the social ladder and, in many cases, being ostracised from society. It is little wonder that honour was guarded so jealously. Despite this system being seen as a measure to defend honour duelling was certainly illegal, being seen as a way to circumvent the legal system. In addition it was possible that a victor could find himself charged with murder. While the law did at times turn a blind eye, the fact remains that duelling was illegal. It appears that if the root cause could be demonstrated as being the “defence of honour”, then it was less likely a guilty verdict would be returned.

Swords were the original principal weapons and they were always matched (e.g. rapier against rapier). It was not enough to win the duel to restore honour – also of great importance was behaviour on the duelling field. It was part of a second's duties to confirm that their man had behaved appropriately.



The years 1770 onwards saw a major change to British duelling which was not immediately taken up by the rest of Europe. This was the move away

from the blade to the bullet. Yet again, the upper classes chose to demonstrate their wealth by having a pair of bespoke pistols crafted, complete with the highest quality of box. It was said that pistols had the advantage of almost anyone being able to fire one, while proficiency in swordsmanship required many hours of practice. The continued requirement that the pistols had to be matched was a throwback to the days of steel.



Seconds also took on a further responsibility in that their principal duty became trying to resolve the dispute to the satisfaction of the duellists without requiring recourse to arms. It was only if these interventions failed that they became involved in the mechanics of the contest. So, as pistols took over the use of swords declined. One of the principal effects of this was that gentleman no longer carried swords. Pistols were kept in their boxes until the defence of honour demanded their use.

As the years moved forward, social and political ideas began to dismantle the old order. In time there was no place for honour related quarrels which could end in death. Public opinion led by the media of the time was outraged at what was considered by enlightened people to be a barbaric anachronism, not to mention being illegal. One of the major incidents which changed public opinion concerned the 7th Earl Cardigan, who in time became Lord Cardigan.

Cardigan, throughout his long military and political career, epitomised the arrogant and extravagant aristocrat of the times. His rise through the ranks was principally through the purchase of commissions system rather than proven competence. Cardigan's name is synonymous with the Charge of the Light Brigade at Balaclava.

Captain Louis Nolan had been instructed by the Army Commanding officer, Lord Raglan, to carry a message to Lord Lucan ordering him to charge Russian troops who were attempting to remove captured Turkish cannons. The written order carried by Nolan had been drafted by



Lord Raglan

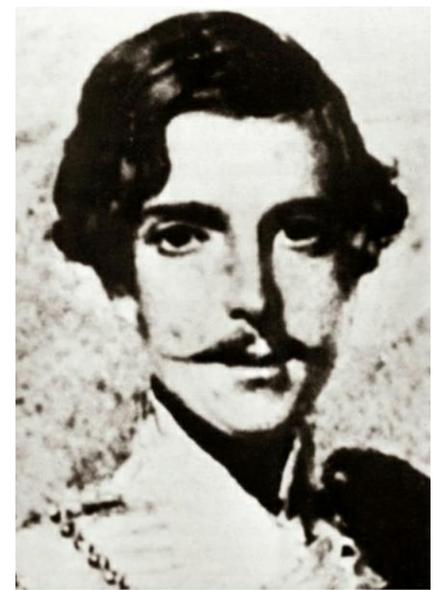


George Bingham, 3rd Earl of Lucan

Brigadier Richard Airey. Lucan was the commander of the cavalry divisions and he in turn ordered

Lord Cardigan, commander of the Light Brigade, to carry out the action. Cardigan had no time for Lucan, who was married to his sister and he believed Lucan treated her badly. The ill-fated charge and its consequences were blamed by both on Nolan. He was accused of giving misinformation and also gesturing towards the wrong target. It seems that only Raglan, from the advantage of his high ground position, could clearly see what was intended to happen. The cavalry commanders could not see the whole field from their lower position.

After the disaster and the immediate death of 107 men, Cardigan's first action was to report Nolan, whom he did not know had died, for a lack of discipline. His complaint was that Nolan had ridden ahead of him at the onset of the charge. It surely must be assumed that, suspecting the wrong guns were being charged, Nolan was desperately attempting to stop the charge, not attempting to usurp Cardigan



Louis Nolan

We are perhaps fortunate that commissions in the army can no longer be purchased!



Lord Cardigan

Fourteen years earlier, Cardigan had fought a duel with one of his former officers, a “Captain Harvey Tuckett.” When he was arrested he admitted, “I have hit my man”. Despite this, he was acquitted on a technical issue. His defence showed that the opponent was in fact, “Captain Harvey Garner Phipps Tuckett” and that the name on the indictment was wrong. Cardigan, as was his right at the time, was tried before 120 peers in the House of Lords. He was unanimously acquitted, due to the

error in the name. Public opinion was inflamed by the belief that the incorrect name had been a deliberate loophole, created by the ruling classes, to ensure he was found not guilty.

Queen Victoria did herself no favours by indicating that she hoped that Cardigan would “get off easily”. Adding to the ire over the legal loophole, it was shown that Cardigan was not using matching weapons but a pistol with rifling and a hair trigger which gave him an unfair advantage.

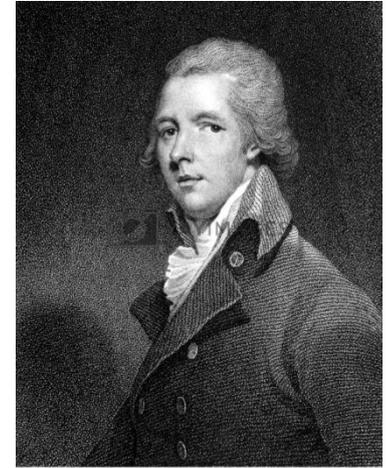
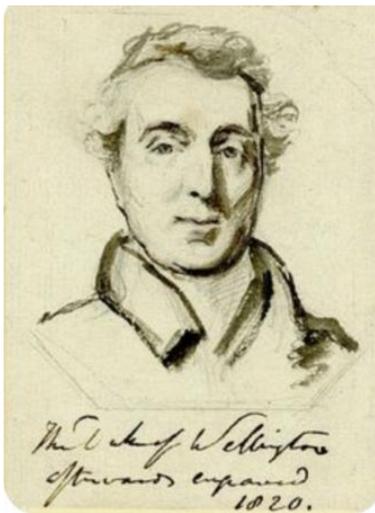
While the courts tended to be lax, when it was a question of perceived honour, public opinion did not share that view. It was believed that episodes such as Cardigan showed “there was one law for the rich and another for the poor”.



Duelling continued to decline, especially when the advent of the horrific slaughter in modern warfare removed any lingering romantic notions the public had of this type of combat. The military also frowned on duelling, as often they were fought between officers. Much time, money and effort, was spent in the training of officers. Losing military men through this avenue was of great annoyance to the services and strenuous attempts were made to stamp it out. The final nail in the coffin was hammered

home by Queen Victoria who decreed that any officer in the British Army involved in a duel would lose their commission. A different stance from her earlier perceived “protection” of Lord Cardigan. This would tend to reflect the monarch accepting the change in public attitudes.

The last fatal duel in Britain was fought in 1852 between two Frenchmen. History could well have been, and possibly was, altered by duelling. Four British Prime Ministers were involved in duels; although only two were actually in office at the time. These were the Duke of Wellington and William Pitt the Younger. George Canning and William Petty were not.



William Pitt the Younger

Andrew Jackson, who became the 7th President of the United States, was involved in two duels – killing one man. In 1864, Mark Twain escaped being involved in a duel with another editor. His second exaggerated his ability with a pistol and the matter was settled without recourse to bullets. In 1842, Abraham Lincoln, then a Senator in Illinois, would have been involved in a duel with the State Auditor had the seconds not found a compromise.

There have been many unusual duels. Two relate to France, when firstly, two men dueled in hot air balloons over Paris in 1808. A shot found one of the balloon and the combatant and his second fell to their deaths. In 1843 two Frenchman fought, by hurling billiard balls at each other. The outcome is not recorded. In 1862, Otto Von Bismarck, declined to fight a duel. The weapons were to be pork sausages – one normal, the other infested with ringworm. The combatants were to choose and eat their sausage. It is little wonder Bismarck declined!

Fife Duels in the 19th Century

Sir Alexander Boswell versus James Stuart

Fife saw three duels which made headlines during the 1820s. One has been almost forgotten, another is slightly better known, and the third is probably the best known being the last recorded fatal duel in Scotland. The three 'contests' involved individuals from all strands of society. Aristocrats were involved as were soldiers, a banker, a merchant, and an agent for a lace making warehouse.

We have to travel back to the 26th March 1822 on ground at Balmuto Farm to find James Stuart of Dunearn engaged in a duel with Sir Alexander Boswell of Auchinleck.



Stuart



Boswell

This dispute had its roots in the disturbed political times which followed the Napoleonic Wars. Boswell was a strong Tory and his opponent a Whig. Boswell had purchased a "rotten burgh" in Devon to secure a seat in the Houses of Parliament. Unlike his father, the biographer James Boswell, he was an acrimonious man and not on the best of terms with the Prime Minister of the time Lord Liverpool. He only received his knighthood, which he felt he richly deserved, after he gave up his seat in 1821. He was a minor figure as a man of letters and seems to have taken up writing ribald and demeaning articles for the Tory press. Such a publication was "*The Beacon*" which was founded in Edinburgh in 1821 by Duncan Stevenson. For reasons unknown,

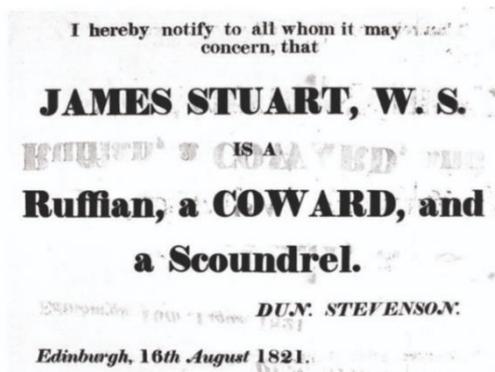
or lost in the mists of time, Stuart appeared to be the main target for the ribaldry. Stuart became infuriated and determined to take revenge on Stevenson. It is known that he assaulted Stevenson with his whip in Parliament Close.

However, Stevenson defended himself with his walking cane to the extent that the assailed became the assailant. Stevenson in response to the assault



promptly issued a challenge to duel. This put Stuart in a difficult spot as the propriety of the time prevented accepting or challenging a social

inferior. He refused on this basis, but this did not prevent him being “posted” all over Edinburgh (If you were challenged and declined to duel disparaging posters announcing the fact were posted in the streets and also appeared in the press). Shortly afterwards “*The Beacon*” folded.



If Stuart thought that was an end to it – he was mistaken. Almost immediately “*The Sentinel*” sprung up in Glasgow. Whilst written knockabout humour was part of political life “*The Sentinel*” often went past the boundaries. One issue reported that “Mr. Stuart was in such a state of inebriation he was misdirecting his wine into his waistcoat pocket and not his mouth”. This was followed up by a few verses entitled “The Twa Jamies” – which was clearly directed at James Stuart. Stuart considered that the articles were demeaning and more than mild jibes. He strove to establish the identity of the author and was astonished to find it was Boswell. Boswell and he appeared to have been on good terms and there is a suggestion that the two were loosely connected (cousins). Stuart now wanted satisfaction, preferably by way of an apology. He asked the Earl of Rosslyn to intercede on his behalf but Boswell would not repent.

Given their social status, it was possible for Stuart to issue a challenge, which is what he did. It was originally intended to fight on Arthur's Seat, but magistrates got wind of the intention and issued an order which would have seen the seconds and the medical men arrested. For this reason the venue was changed to Balmuto (Auchertool). On the 26th March the men met, with the Earl of Rosslyn acting as second to Stuart. The Honorable John Douglas, brother of the Marquis of Queensbury, acted for Boswell.



At 12 paces apart and on the count of three, Stuart, who had never held a gun before fired. Boswell, a noted marksman, either missed or shot in the air. The result saw Boswell hit in the collarbone. He was carried on a library door to Balmuto House where he lay in pain until the next day before passing away at three o'clock. Stuart left the field and



BALMUTO CASTLE



headed to France. He had every intention of returning for his trial, but had a dread of incarceration until a court appearance.

He was relaxed at returning, despite duelling being outlawed at the time and knowing it was possible he could face the death penalty. However, the custom amongst gentlemen was that, if insulted, a gentleman was expected and possibly obliged to seek to restore his reputation on the field of honour. Stuart

anticipated that the jury would likely have the same mindset as himself. He was therefore reasonably confident he would be acquitted.

His trial took place in Edinburgh and his defence team comprised of the legal stars of the day – Henry Cockburn and Francis Jeffrey. They performed superbly and indeed the Judge, although indicating “duelling was illustrious and honourable murder” almost directed the jury to find Stuart innocent. The jury did not even leave the box to determine their verdict.



The Saint James's Chronicle of the 18th June 1822 gave a very full report on the trial which had taken place on the

previous Monday in Edinburgh's High Court of Judiciary.

There was a huge public interest in the trial and the previous Saturday an Act of Sederunt had been passed. This allowed control of who could be admitted into the body of the court. It was only to be accessible to the Faculty (legal teams), the 'regular practitioners' of the court and the 15 members of the Jury. Other regulations were in place in relation to the hours of admission and even down to the doors which the 'various classes of person' could enter and leave.



This upshot was that only the gallery was available for the general public and it could scarcely accommodate 100 people.

Long before entry, the doors of the Parliament House were thronged by the public and a large body of police was required to ensure order was maintained.

At 9.30am the legal teams and members of the legal profession entered and almost instantaneously filled, not only their allocated seats, but every available space. Sir William Rae was prosecuting (M.P. for Anstruther Burghs 1818-1826). To modern eyes this is rather surprising and possibly a conflict of interest – as Rae had been a backer of the *Beacon*. As already mentioned, Jeffrey and Cockburn formed the defence team.

At 10.00am James Stuart entered by way of the Judges' Robing Room. It appears that this was the only conceivable way he could secure entry.

At 10.30am the judges took their positions and the indictment was read. It was lengthy and did not just cover the killing but, added in, the process whereby Stuart had secured the 'evidence' indicating that Boswell was the author.

After Stuart pled not guilty, the first witness was called. This was the Earl of Rosslyn, who had acted as second to the defendant. He attested that he had called on Sir Alexander Boswell to indicate that James Stuart had come into possession of several papers and letters which suggested that Boswell had been the author of the degrading articles which had appeared in the *Sentinel*. He sought confirmation that Sir Alexander was the author, or a repudiation of the evidence. The Earl indicated that James Stuart was prepared to accept Sir Alexander's assurances that he was not the author, despite the evidence to the contrary. Some of the material was signed 'A. Boswell' and others which were not signed were, it appeared, in the same handwriting. The items all had the same watermark and the envelopes all carried the Mauchline postmark. The Earl was convinced that the items confirmed Boswell's guilt as the author.



Sir Alexander Boswell had sought the company of, and also the advice of, John Douglas when the Earl had called. In fact Boswell was unwilling to

discuss the matter. His comment was that he would not deny anything which contained his signature, but would answer no questions in relation to any items which did not.

It left the Earl with no option other than to arrange the challenge, which he did. Boswell asked for two conditions to apply. Firstly, that there be a postponement of 14 days and, secondly, it should take place in France. Urgent family business was behind the first instance and in the second case Boswell believed that if Stuart fell, then, he was unlikely to be hanged in France. It was agreed that the parties would travel to London and thereafter sail to France. The London connection was that Boswell's brother had recently died there and it was for this reason that the 14 day delay had been sought. At the trial Cockburn played strongly on this – suggesting that it demonstrated Boswell's intention to fight was crystal clear.

As the Earl of Rosslyn left he was pursued by John Douglas to be told that Boswell had spoken to a legal friend and that he was now happy to meet Stuart in Scotland. Having updated Stuart that evening, the Earl received a shock the next morning when told that the duel was arranged for 10.00am that day and could he make his way to the field? It transpires that the Edinburgh magistrates had got wind of the affair and Boswell, and possibly Stuart, had been bound over to keep the peace “within the town and country of Edinburgh” – hence the move to Fife. It also now appeared time was of the essence in case of further legal intervention.

The Earl and John Douglas acted as seconds and loaded the pistols, measured the ground and the Earl gave the word. The shots were almost simultaneous – but, it was Boswell who fell. The medical men rushed to assist and they along with the seconds carried Boswell to Balmuto. He lingered until the following day.

The Earl of Rosslyn felt that Stuart had been left with no alternative than to protect his honour. In conversation with John Douglas it became apparent that Douglas felt reconciliation to be very unlikely.

John Douglas's evidence was similar to that given by the Earl, although he felt that avoiding a duel was unlikely given the position being taken by Stuart. What is certain is that Boswell would not deny he was the author and that there appeared to be proof positive that he was. In fact Douglas testified that once Boswell knew that the incriminating papers were in Stuart's hands, he anticipated the challenge being received.

Through Rosslyn, Stuart indicated that he would accept an apology if Boswell admitted it was a joke in poor taste and that he did not believe Stuart to be a coward.

The view was that the articles and in particular the song carried the imputation of cowardice. The Earl added that in his view many parts of the articles were "obnoxious epithets". Without an apology Stuart was left with no alternative. Was it stubbornness on Boswell's part or was there something more sinister in the articles than merely political knockabout?

The medical men could add very little in their evidence. It appears that both turned their backs to ensure that they saw nothing.



What is interesting is the way in which the papers and letters came to light. *The Sentinel* was first published in October 1821 and its very first issue contained a libellous attack on James Stuart. Stuart commenced a legal action against the publishers – a Robert Alexander and William Murray Borthwick. Borthwick claimed that he had been in London when the article was published and knew nothing of it. Borthwick wanted no more to do with the magazine and sold his share to his partner. However, he had difficulties in securing payment and, on the 14th February 1822, the courts gave

Alexander six days to pay otherwise Borthwick should have his share

restored. On the 1st March, Borthwick took possession. Alexander immediately retaliated by having an individual to whom Borthwick was due £50 arrested for non-payment of the debt. Borthwick spent the night in jail before his solicitor paid the £50 and he was released. He always maintained that the debt had been paid.

His first action was to go to the offices of the *Sentinel* in Nelson Street and obtained the offending papers, which he or his agent then passed to Stuart. It transpired that in all, between the Beacon and the Sentinel, Boswell had provided around thirty articles in which James Stuart was ridiculed, criticised, or libeled. It begs the question that had Stevenson and Borthwick not fallen out – would the duel ever have taken place?

Duelling may well be murder but, on the grounds of provocation and in pursuit of protecting his honour, Stuart was declared not guilty. Jeffrey and Cockburn had confirmed their position as the rising stars of the Scottish bar and we will hear from them again!

After being set free, his business having suffered, he attempted to repair his finances by land speculation. In this he was spectacularly unsuccessful and, rather than face his creditors, Stuart retreated to America where he stayed for three years. He returned to the UK and became the editor of the *Courier* for a short period before being appointed by Lord Melbourne as an Inspector of Factories. He died in 1849.

How strange that a novice who had never held a gun could face death, but not debts!

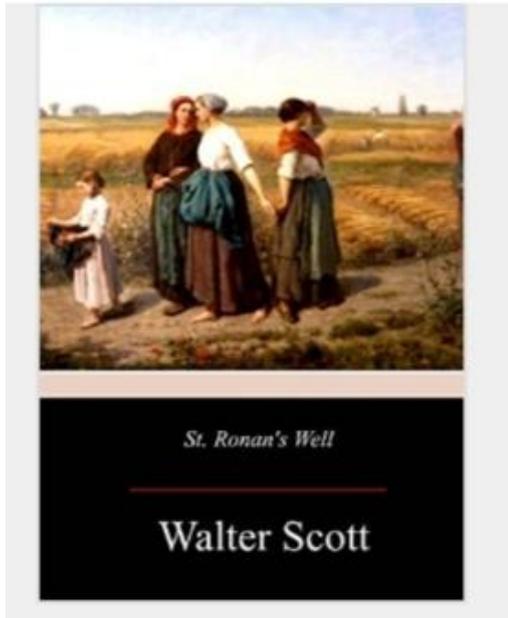
Duncan Stevenson whose publishing indirectly led to the duel lived to age 92.

Alexander Boswell was buried on the 11th April. The *Ayrshire Gazette* tells of over 25 carriages following the coffin, with over 11,000 people lining the streets.



It was widely accepted Stuart had no option open to him other than the course he took. Boswell was seen, through his own actions, as being entirely responsible for his own death.

The team was puzzled as to how all the arrangements could have been made in such a short space of time given the transport difficulties of the day. The answer was found in the addresses quoted in the indictment – both men were in Edinburgh at the time and the good Earl sailed over the Forth to deliver his message.



This encounter lives on in literature as no less a figure than Sir Walter Scott incorporated the duel in his novel "*St. Ronan's Well*". Perhaps not a great surprise when we learn that Sir Walter had been one of the backers of "*The Beacon*".

Captain W. Gurley versus Mr. John Westall

We move forward two years to the 30th October 1824 for the second encounter. This duel was the result of wagers made at Doncaster Races. Captain Gurley (Aberdeenshire Militia) was from Pertershope in St Vincent but residing in Edinburgh. Mr. Westall, an Englishman, was a well known traveller for the prestigious London Lace House, James Fisher & Co.

In the course of the afternoon, Westall lost a bet of 70 guineas to Gurley. At the same time, he himself lost a bet to a friend of Westall. It appears the wagers were not settled on the day. Both men seem to have had a keen interest in racing as both Gurley and Westall are noted by the Caledonian Mercury as having attended a ball on the 16th October during Kelso races. As their names follow one another, the assumption has to be they attended together. We are told the ball was attended by many important figures in the area.

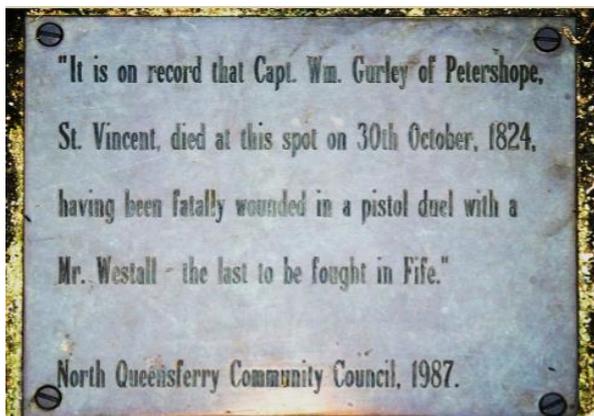
A few days later Gurley and Westall met in the Black Bull in Edinburgh. Reports suggest they were on “amicable terms, showing mutual cordiality and apparent friendship”. All that changed when Gurley



reminded Westall of the bet. Westall countered, by saying that his friend had commissioned him to collect his winnings from Gurley. He then promoted the notion that the two bets cancelled each other out. The atmosphere darkened when Gurley uttered the epithet “swindler” – Westall responded by calling Gurley a liar. Almost instantaneously, Gurley grabbed a poker and although missing the head broke it over Westall’s shoulder with such force that Westall fainted.

There could only be one outcome and indeed that was what transpired. After strong words in the coffee room, Westall challenged his attacker. Arrangements were made to meet in the morning on Salisbury Crags. At the appointed hour it was discovered that Mr. Westall’s second was not present. It seems that Mr. Johnston Snr. (second’s father) had wind of the affair and he had prevented his son taking part. There was also the possibility that Johnston might have reported the affair to the magistrates. The parties agreed that the duel had to be postponed. It was agreed it should now take place later in the day on the other side of the Forth.

Surprisingly, the combatants, their seconds and the medical men all travelled on the same boat from the South Queensferry. Captain Duguid (Aberdeenshire Militia) acted for Gurley, with David Seaton attending Westall. The duel took place at Ferryhills near North Queensferry.



Gurley and Westall took their stations and pistols were fired at twelve paces after three signals. Westall’s aim was true, his bullet



entering Gurley's side and penetrating his heart. He died immediately and was carried on boards to the nearby "Mitchells Inn". He left a widow and four young children and he was buried in Inverkeithing Churchyard. A plaque marks the site of the duel.

Westall and Seaton made off eastwards towards Inverkeithing. Captain Duguid surrendered himself to the magistrates and was bailed with a considerable sum to ensure he attended any subsequent trial. Seaton ended up in Caltonhill Jail having been found in Liverpool. It is reported that he was languishing in jail pending payment of the same sum as Duguid. Westall remained at large although he had sent a message that he would attend any trial. Research on Westall and Seaton has proved fruitless. Captain Duguid only made one other significant appearance in print. This was long before the duel when, in 1820, the Caledonian Mercury tells us he was "admitted as a freeholder of the County of Ayrshire".

So ended a duel, fought in Fife, but without a Kirkcaldy Connection – or is there?

David Landale versus George Morgan

This duel fought on the 23rd August 1826, was between two well known Kirkcaldy men. It was between a banker and his customer (although by the time of the duel – a former customer).

The Antagonists

Landale was born in Kirkcaldy in 1786, into a family of tanners and leather sellers. His obituary tells us that he left his elder brother to run the tanning business and started to set himself up in the yarn trade. In this he was extremely successful, was involved in importing flax, buying and selling the raw material, spinning it into yarn and bleaching the finished article. He grew to be a major figure in the town and served two terms as provost. He lived in St. Mary's – a fine house overlooking the harbour



George Morgan was the second son of George Morgan Snr. a successful Kirkcaldy trader, who himself had served two terms as civic leader. George Morgan was five years older than Landale. Through his father's connection with the Earl of Rosslyn, in 1812, Morgan secured a commission with the 45th Regiment of Foot. His commission as an Ensign was at the lowest commissioned rank in the army. An ensign was normally involved in carrying the regiment's colours.

The Peninsular War had taken a heavy toll on both the British and French armies. Normally officers came from the upper classes, but because so many had been killed, they were now recruited from the middle classes. As Wellington had eventually secured the defeat of Napoleon, army numbers were too high. George found himself on half pay and no longer with his regiment despite the fact he had been promoted to Lieutenant. All this changed when Napoleon escaped and raised another army. Morgan suddenly found himself back in harness. He was now serving with the 77th Regiment of Foot.

Napoleon Bonaparte



Following Waterloo, by 1817 George once again found himself back on half pay with little prospects of returning to the forces. He returned to Kirkcaldy and joined his brother as joint agent with the Bank of Scotland at 1 Townsend Place. His brother, David lived on the High Street with his wife and children. George joined then there.

The Background to the Duel

The Napoleonic War had a disastrous effect on the economy, and times were difficult. Kirkcaldy had not escaped the downturn and the linen trade was no exception. Landale had a first class reputation as both a merchant and as a man. In the difficult recession, he more than ever required the

support of his Bank. The important point here is that the Morgan Brothers were agents of the Bank of Scotland, not direct employees. The positive side was that they had the support and funding of an organisation stretching back as far as 1692. The downside being that mistakes made in lending or by accepting bills of exchange which ultimately were not met, could result in considerable personal financial loss. It was entirely possible that losses could be split between Bank and Agent at as high a percentage as 50/50. In reality every loan or advance meant that half the sum outstanding would come from the Morgans' own resources, if repayment failed to materialise.

This was a reason why being considered honourable was of such importance. Paying by a bill of exchange was far preferable to having to pay out immediately. A bill of exchange was payable on demand, or at a predetermined future date and importantly generated no interest charge. They were negotiable, which meant, they could be passed on at a discount if the holder so wished. They could also be accepted as "cash" by a bank before the due date, although minus a commission. It was certainly a flexible instrument, but everything depended on the bill being honoured on its due date. This was where reputation and honour came to the fore. Who would accept a bill of exchange, if there was the slightest suspicion it would not be met?

The early months of 1826 saw several episodes where the Morgans were inflexible in the eyes of David Landale. Certainly their actions caused difficulties for David when they refused to accept some bills of exchange he wished to deposit prior to the payment date. It could / should only be that they were dubious as to the creditworthiness of the issuer of the bill. After all, acceptance would have earned them a commission for discounting. Added to that were several other instances, including where they would not release funds secured against yarn, unless the yarn was removed from David's premises. The situation went downhill rapidly and ended with Landale removing his accounts from the Bank.

That really should have been an end to it, but Landale then became aware of gossip circulating as to his financial standing. He found this detrimental to both his reputation and his financial wellbeing. Several loans were called in adding to his financial worries.

David made enquiries and ascertained that the source of the rumours was in fact George Morgan. David wrote to the Bank of Scotland, complaining about his recent treatment and in particular charging George Morgan with disclosing details of his business and spreading gossip in relation to his financial situation. The Bank wrote to the Morgan brothers asking for both their explanation and observations. Fortunately, George who was known to have a hot and feisty temperament was away from home.

This allowed David, a far more relaxed character to formulate a measured response. Several letters passed between the Bank's Head Office and their agents, (although there were no face to face enquiries), before on the 31st July, the Bank determined in a letter to Landale that the brothers had been correct in their lending decisions, but had been admonished in terms of customer confidentiality. In essence they remained agents of the Bank of Scotland.

Acceleration to Combat



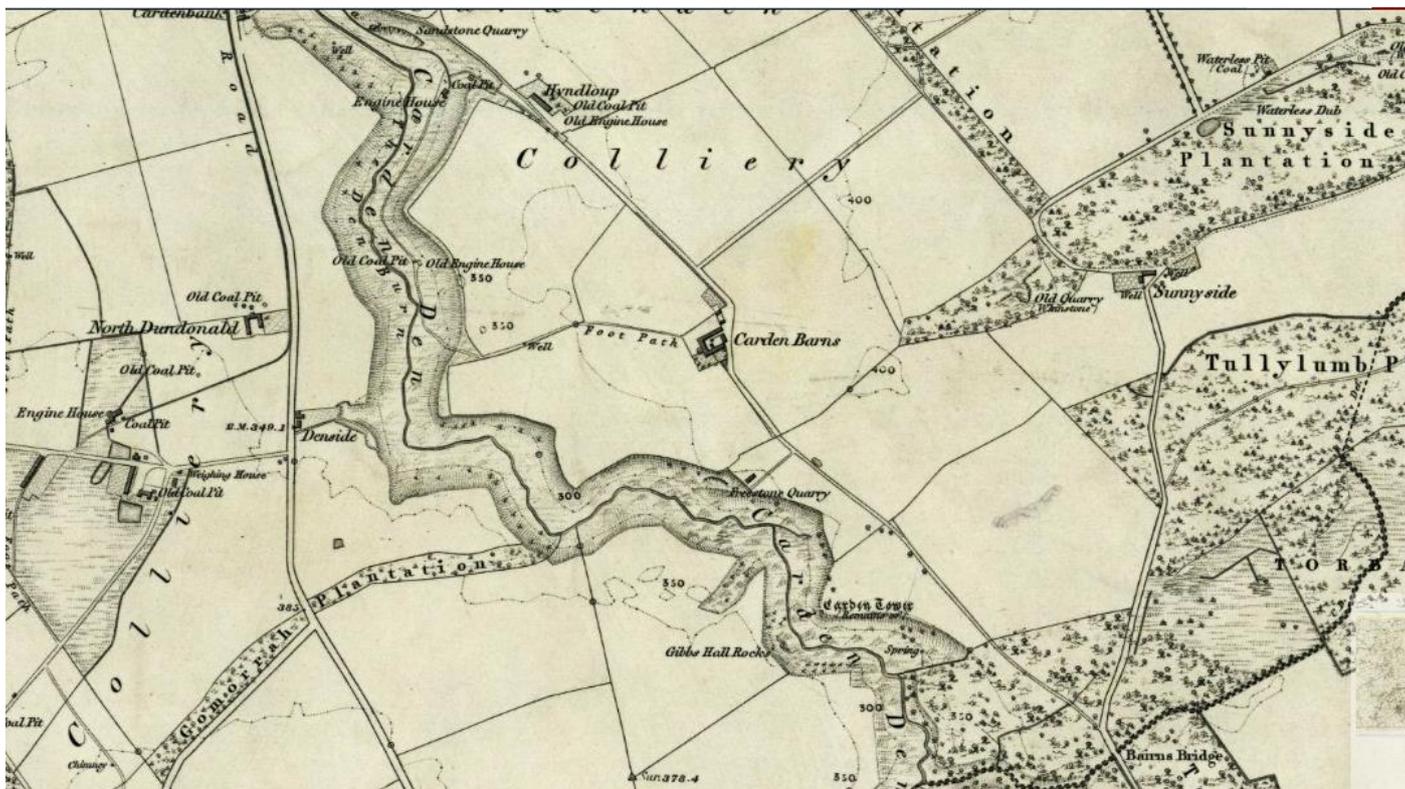
This was all George Morgan needed. He had been beside himself with rage when he came home to discover Landale's letter to the Bank's Head Office. He had also been required to respond to the Bank over the charge of breaking customer confidentiality. His fiery temper was getting the

better of him and his first thoughts were to issue a challenge. Discretion however told him that following this line could lead to transportation. A fresh tack came to his mind and that is what he set about trying

engineering. Perhaps unwisely, he was less than discreet about his intentions, alerting several people that he intended to “horsewhip” Landale. Unsurprisingly his threats reached Landale’s ears. Matters reached a climax on the 22nd August, when in front of Mr. Cumming’s bookshop, he assaulted Mr. Landale with his umbrella. There could only be one outcome if an apology was not forthcoming and that was of course on the field of honour. Whilst we will look at the events in more detail through the trial reports, a synopsis does not go amiss.

Both men sought friends as seconds. Landale chose, William Millie, a Pathhead manufacturer, with Lieut. Milne R.N., a Burntisland man, acting for Morgan. The seconds attempted to secure a satisfactory solution, but none materialised, so the outcome was a inevitable.

The duel took place on the morning of the 23rd August at Cardenbarns Farm (not far from where Boswell and Stuart had met). The medical men attending were Dr Johnstone for Morgan and Dr A. Smith acting for



Landale. Landale had journeyed to Edinburgh on the 22nd and secured a set of duelling pistols. It is said that he was told by the seller that they were the self same guns used in the Boswell – Stuart duel. They were

percussion pistols, a more modern and effective weapon than the flintlock used by Morgan. There is no doubt that Landale offered Morgan one of his pistols, but the offer was refused.



At the signal all the witnesses say that both reports were simultaneous, to such an extent that it seemed only one shot had been fired. Morgan fell and died almost instantaneously. Landale, his second and Doctor Smith left the field. Landale



avoided arrest by going on the run to Carlisle via Glasgow. He did however write to the Lord Advocate indicating that as soon as a trial date was set – he would be there to answer the charge.

The Trial

The trial took place on Friday the 22nd of September in Perth before Lord Gillies. The Caledonian Mercury of the 25th carries a full account of the trial. The following is a summary of the proceedings as described by that paper. In the interests of brevity it has been condensed.



“David Landale was charged with murder having conceived malice and ill will, against the late George Morgan Jr. Having formed the unlawful design of challenging the said George Morgan Jr. to fight a duel, did, upon the 22nd or one or other of the days of August 1826, did wickedly and maliciously challenge the said George Morgan Jr. to fight a duel with him; and a time and place of meeting having been concerted, the said David Landale did upon Wednesday the 23rd day of August 1826, on the farm of Cardenbarns, did wickedly and maliciously discharge at the said George Morgan Jr. a pistol loaded with ball, whereby the said George Morgan Jr. was mortally wounded and died almost instantly and was thus murdered by the said David Landale.

“Mr. Landale being called for, took his place at the bar, accompanied by Provost Haddon of Aberdeen, Mr. Money Penny of the Customs, Kirkcaldy; Messrs Thos. Spears, Snr., and Junior and Mr. Peters of Kirkland.”

Lord Gillies having put the usual question, Mr. Landale replied – “My Lord, I am not guilty”.

The jurors are all named in the article. Their occupations consisted of; four gentlemen, a weaver, an innkeeper, a manufacturer, a wood merchant, a founder, a corn merchant and four farmers.

Once again, as with Boswell and Stuart, Henry Cockburn and Francis Jeffrey acted in the defence of Mr. Landale.

Cockburn’s opening remarks covered the financial aspects, but he then moved on to the duel itself, painting a picture intended to convey that Landale was left with no option other than to act in the way he did. Cockburn expressed his intention when discussing the deceased would be to “tread as lightly as his best friends would wish “. He determined that a prime duty of a



Francis Jeffrey

PERTH CIRCUIT.
Friday, Sept. 22.
DUEL—TRIAL OF MR LANDALE.
This morning the Court proceeded to try the case of Mr Landale, who was charged, in criminal letters, with the crime of murder—
“ In so far as, the said David Landale having conceived malice and ill will against the late George Morgan, junior, banker or agent, along with his brother David Morgan, for the Bank of Scotland in Kirkcaldy aforesaid, and having formed the unlawful design of challenging the said George Morgan, junior, to fight a duel, did, upon the 22d or one or other of the days of August 1826, wickedly and maliciously challenge the said George Morgan, junior, to fight a duel with him; and a time and place of meeting having been concerted, the said David Landale did, upon Wednesday the 23d day of August 1826, or on one or other of the days of that month, or of July immediately preceding, or of September immediately following, upon the farm of Cardenbarns, in the parish of Auchterderran, and shire aforesaid, and in a field or park on the said farm sometimes called the East Park, situated a short way to the south-east of the farm standing on said farm, and to the northward of the road leading from Kirkcaldy aforesaid by Torban and Shawsmiln to Lochgelly, also in the said shire, wickedly and maliciously discharge at the said George Morgan, junior, a pistol loaded with ball, whereby the said George Morgan, junior, was mortally wounded, the ball having entered on the right side, penetrated through the chest, and escaped at the left arm-pit, of which mortal wound the said George Morgan, junior, died almost instantly, and was thus murdered by the said David Landale.”

banker was as follows – “to be aware of the duties of a person placed in such a situation – that his first and last duty was to preserve a sacred and imperative silence regarding the money transactions of his employer (Bank of Scotland). If this was at all times the sacred duty of a baker, it ought to have impressed with particular force on his (Morgan’s) mind, that in a time of distress and general panic, as they have lately seen, when the single word , or even a nod of a banker can create credit where it did not before

exist, or ruin it where it did exist. This was the situation of the two parties before this lamentable and fatal affair. The deceased rashly disclosed the secrets of the other individual's trade in a manner calculated to operate to Mr. Lansdale's great prejudice. In fact it did so operate in more than one instance. One of his oldest friends, who had been security for his cash account for many years wrote him a letter saying that he had withdrawn his name from the security. All the inevitable and fatal consequences which followed were to be traced to the rashness of the individual now dead.

Mr. Landale had written a letter, explaining why he had withdrawn his business from the bank and this letter was rashly communicated by the Bank to Mr. Morgan. That gentleman, however, had been able to satisfy the Bank, and was continued in its agency. Had Mr. Morgan requested an explanation from Mr. Landale his conduct would have been perfectly correct. But he was sorry to say this was not the way he proceeded. He wrote him a letter, in which it was evident, from his changing his designation that he wished to provoke a challenge.

It was quite plain, that although he asked an explanation. it was neither expected nor wished. This letter charges Mr. Landale with uttering falsehoods and calumnies affecting his honour, and called upon him to give an immediate written apology for "your false, unfounded, and ungentleman like expressions regarding me" – this letter was signed "**George Morgan Lieutenant, half pay, 77th Regiment of Foot.**" There could be no doubt what was the design of the deceased in thus assuming his military character after the lapse of years. It was plain that the deceased intended to provoke the gentleman to whom he wrote to fight him. It appeared that, at one time, Mr. Morgan had intended to challenge Mr. Landale, but he had received advice that a person sending a challenge, by the letter of the law, was liable to transportation. He then withdrew his resolution to challenge Mr. Landale and deliberately set about to consider how he should provoke a challenge from him.

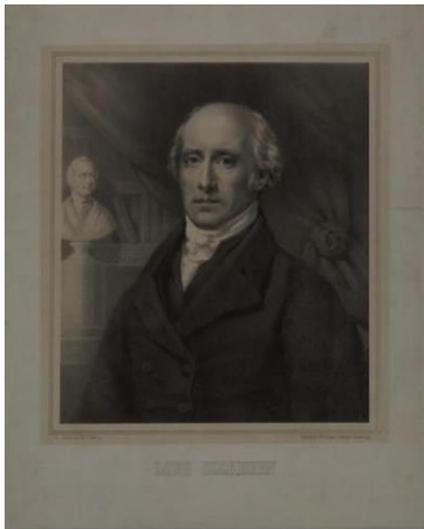
He advised with a friend what he should do. He was advised to seek redress from the law. But he says – " I will not do that – I will assault Mr. Landale publicly for the purpose of forcing him to challenge me". He said he would horse-whip him until he did challenge him. This was a resolution not confined to his own mind, but openly announced. It was intimated to

Mr. Landale himself, eight or ten days before it took place and he had to live all that time in the anticipation of being assaulted in the public streets. The deceased showed that he meant to put Mr. Landale in such a situation, that a personal meeting must take place. Mr. Morgan had caused some pistol bullets to be made, he believed some dozens, a good many days before the meeting took place – nay, before the provocation was given. He would not say how he employed these bullets in the interval. Mr. Landale, when warned that he was likely to be struck gave no credit to the statement. He was advised to arm himself but with his habitual good sense and forbearance of conduct he declined to do so. He was advised by his friends, that if assaulted, there was no alternative left him, but to act as he afterwards did.

On the lapse of a few days, the parties met on the streets of Kirkcaldy, and Mr. Morgan then made good his threat, by striking the gentleman at the bar, and telling him at the same time that he would get more of it. It was plain he had determined to fulfill his original threat, of assaulting Mr. Landale till he should be driven to challenge him. Mr. Landale did not now hesitate to send him a message which he did by his friend Mr. Millie, but at the same time expressed his willingness to accept an apology for the insult he had received, There were few men, holding the rank of gentlemen, who having received a blow, would have the courage to believe that he could wipe off the degradation without a personal reconter (encounter). But Mr. Landale possessed this courage; and with humility and good sense, although he had been struck – though he had been goaded to the quick, still held out the hand of friendship and offered to accept an apology”.

Cockburn continued to demonstrate that even on the morning of the duel, when arriving at the field. Mr. Millie still tried to secure an apology by asking Lieutenant Milne if he had anything to communicate. Milne replied that he had no authority to speak. “A direct proposal was then made by Mr. L’s friend that an apology made on the ground would satisfy him – the deceased decidedly and firmly rejected this proposal. The parties took their ground, they fired at the same instant, and the unfortunate gentleman fell.

Mr. Landale did not abscond and fly from justice, as stated in the indictment. On all such occasions' gentlemen retire to avoid imprisonment, but this was not flying from justice. His client now appeared to explain his conduct and he (Cockburn) had attempted to convey the gist of his defence. The indictment charged him with having acted on preconceived malice and ill-will, and of feloniously killing Mr. Morgan. If the jury thought he had acted wickedly and feloniously then they would find him guilty of the fatal charge laid against him. But how could this be maintained, because his client had done that which every man in the country



would have done?. He would exempt woman and children, old men, clergymen and judges, and then, he would maintain there was not an individual in the Kingdom who would have acted differently from Mr. Landale. If the statement he had laid before them was correct (and he was ready to prove every tittle of it) he would ask every one of the 15 jurors, if in such a situation they would have acted otherwise? There could be but one answer, and he was confident the verdict of the Jury this day will make the answer clear. The trial then moved on to the witnesses who had been called.

Mr. Millie was first to take the stand. He indicated that he knew both gentlemen. He had received a letter from Mr. Landale, indicating that he had been struck and that he now felt he had no alternative, other than to issue a challenge. The challenge was enclosed with the letter and

The following are the names of the Jury :—
 James M^rGregor of Fonab
 John Farquhar of Pitscandlie
 David Thomson of Orchiemill
 George Campbell of Edenwood
 Alexander Merchant, innkeeper, Dundee
 David Mill, weaver at Seggiwell
 William How, manufacturer in Dundee
 Robert Miller, wood merchant, Montrose
 David Harrower, farmer, Langlandsteps
 William Ingles, forester, Balgonie
 David Stocks, farmer, Cameron-mills
 James Rutherford, farmer, Stonegroves
 David Thomson, corn merchant, Newburgh
 John Maiben, founder in Perth
 John Mitchell, farmer at West Turnabren

Mr. Millie was asked to deliver the challenge, which he duly did. However, Mr. Landale had made it clear, in his letter, that if an apology was forthcoming, he would consider the matter settled. He confirmed that Mr. Morgan refused to consider an apology and was unsure about the time and place which was contained in the challenge. Morgan indicated his main purpose was to secure a second and he left for that purpose. That

evening, he met with Lieutenant Milne and they tried to find a solution but could not agree on one. It was left that the parties would meet the following morning at Cardenbarns. He went on to say, that on arriving at the field, he again tried to find a resolution by seeking an apology. He asked Lieut. Milne if he had anything to say by way of apology? Morgan had overheard this and replied “no–no apology”. After an unsuccessful attempt by Dr Johnston to intervene in finding a non violent solution, the men took their stations. It had been agreed that Lieut. Millie would give the word to fire and pistols should only be raised at that word. However, on the command ready – Morgan had raised his pistol. Witness called out “Morgan – that’s not fair – drop your pistol till fire is called”. This Morgan did immediately. On the command fire, both pistols appeared to discharge at the same instant. Within seconds, Morgan gave a groan and fell to the ground. He was dead. Witness also explained that he had offered Morgan the use of one of Landale’s percussion pistols but the offer was declined. Morgan and witness then left the ground feeling they could do nothing more.

Lieutenant Milne followed with his testimony – that he knew Morgan intimately and Landale slightly. On the 22nd August at around 4.00pm, Morgan arrived at his house by post-chaise. He explained that he had a quarrel with Landale and “wanted him to arrange the business.” Milne went on to say “he wanted him to explain the circumstances but Mr. Morgan indicated he was in a hurry and would explain on the road”. The witness then agreed to act. It was not until they were near to Kirkcaldy that Morgan admitted “having given a blow which he called horsewhipping”. He, the witness, objected strongly to being his second on the basis “the last thing a gentleman should do is horsewhipping”. After Morgan entreated him to act he agreed, but “endeavoured to make Morgan give a conditional apology. He would by no means agree”. He went to Landale’s home but he was not in. He therefore went to see Mr. Millie and they agreed to meet that night in the George Inn to try and find a solution. At the meeting he suggested that “both were equally wrong and they should meet half way and shake hands”. Mr. Millie would not agree and they then parted.

The following morning as they took the field he was asked by Mr. Millie “if he had any proposition to make”? He replied “none but what he had made the night before”. As they took their stations, Dr Johnston came up trying

to bring about reconciliation. After a short discussion with Mr. Millie, the Dr. withdrew. At that time, witness approached Mr. Morgan who said “no apology”. As he called fire, his eye was on Landale but he then “heard a kind of groan”. He turned to see Morgan on the ground and as he approached, he could see his man was dead. He stated that everything done by Mr. Landale was “fair and honourable”.

Dr. J. B. Johnston testified that Morgan had called on him on the evening of the 22nd. “He gave his word not to divulge any of what he was about to hear”. He was asked to be in the neighbourhood of Torben (Torbain?) in the morning. He asked no questions but agreed to be there. On seeing what was happening he “spoke to Mr. Millie to see “if it was at all possible yet to be reconciled – but without effect”. He then withdrew and almost instantly heard a gunshot and his name called. He came forward and found Mr. Morgan dying as consequence of a pistol shot. He confirmed the place was Cardenbarns.

Dr A.F. Smith – a surgeon, testified that he had gone to the field in a carriage with Mr. Landale and Mr. Millie. When he heard the shot he came forward and saw Mr. Morgan leaning to the right before he fell. When he got to him and turned him over, he saw the pistol wound which he agreed with Dr Johnston as being the cause of death. On the way to the ground, Mr. Landale told Mr. Millie that he still wished to make up and was happy to accept a verbal apology on the field, followed up in writing. Mr. Landale said “he had no wish to take Morgan’s life or lose his own”. He felt that Mr. Landale “had no object other than to repair his reputation which had suffered from the blow”.

James Fleming – a Kirkcaldy accountant, testified that he knew the deceased well. He confirmed that Mr. Morgan had told him that he had sent two letters to Landale demanding an apology, but had not received a satisfactory reply. He indicated that his first intention was to challenge Landale but had been warned about possible transportation if he did. He then determined to provoke a challenge from Landale and had told witness that at the first opportunity – “he would lay his cane on his shoulders”. Fleming also mentioned that Morgan had told him that Landale had a cash account of £5000 with the Bank and also intended to raise a loan on security of his bleach field.

Linton Cooper testified that the handwriting on the two letters was that of Mr. Morgan.

Robert Stocks Esq. of Abden indicated “he was long acquainted with Mr. Landale. He is one of the most orderly and correct characters of his acquaintance and never knew him engage in any quarrel. He knew Mr. Morgan who engaged him in conversation in May regarding Mr. Landale. Morgan indicated Landale had received a cash credit of £5000 from the Bank and was raising a further £3000 on his bleach field. The information was spontaneous from Morgan. “The information created suspicion in his mind as to Mr. Landale’s credit – which did not exist before. Mr. Landale had in loan £1000, which he was curator (guarantor) and in consequence of what he had heard, both he and the co-curators, withdrew from their position”.

James Cumming – Bookseller Kirkcaldy, testified that on 22nd March, Mr. Morgan had been in his shop. As he was leaving, Mr. Landale passed. Morgan went out” lifted up his umbrella and hit Mr. Landale over the shoulders and cried “take you that Sir”. Mr. Landale came into shop and asked witness if he seen what happened. He indicated he had. At that “Morgan popped his head in the door and said “by God Sir, you shall have more of it”. After both had left, Morgan returned to say “by God James, I have never told you of the shocking usage Mr. Landale has given me and my brother”. He asked witness to read a letter but witness refused saying he knew nothing of what had transpired between them “ but what he had done outside my shop was wrong”.

William Todd, blacksmith in Kirkcaldy, was acquainted with the deceased. Was sent for by him to his house, about a fortnight before the duel, to take a ramrod out of his pistol;—received also orders to make a number of bullets to fit the pistols. A pair was presented, and his opinion of them asked. He made 33 bullets for him.
Provost Haddon, of Aberdeen, has long been acquainted with Mr. Landale, and found him a man of the greatest probity and honour—of mild and gentle manners, and most unlikely to provoke quarrels.

William Tod – blacksmith, testified “two weeks before his death, Mr. Morgan had sent for him to remove a ramrod from his pistol and to make some balls for the gun. This he did, delivering the gun and 33 balls 4/5 days later”.

Provost Haddon of Aberdeen was called next - “has for many years been acquainted with Mr. Landale. He is a man of great probity and honour – a man of quiet and mild manners – and is as unlikely to enter into a quarrel as anyone he ever knew”.

Walter Fergus Esq., of Strathore then testified –“ he had been Provost of Kirkcaldy, and knows Mr. Landale well. His moral character is unimpeachable. He was tutor to him and his brother. He had known him all his life and had never seen his temper ruffled.”

Mr. Monypenny of Kirkcaldy Customs followed – “was very well acquainted with Mr. Landale. Always considered him a man of honour, most correct in all his dealings and a man of excellent good temper”.

Mr. Bennett of the Bank of Scotland, brought the proof of the case to a close, by indentifying a letter from Mr. Morgan to Mr. Sandy, Secretary of the Bank. This was the letter mentioned by Mr. Cockburn in his opening remarks

The Summing up and Verdict

Mr. Wood for the Crown then addressed the Jury. Amongst other remarks, he said

“A gentleman now before them of high character and respectability, had had the misfortune to deprive a fellow creature of his life, and was consequently at the bar to answer a charge of murder”.

“He could not disguise from himself nor from the Jury, that the law of the land was at variance with practice and feeling of society, But it was incumbent on him at the same time to say that the act of killing in a duel, constituted in the eyes of the law, the crime of murder.”

“It was not always necessary to prove previous malice, and the party at the bar had little ground for defence on the score of danger incurred, when that danger was of his own making”.

“Whatever may have been the nature of previous quarrels, the law made no distinction. This being the statute of the law, it was of no use to enter upon the particulars of evidence”.

“It was clearly demonstrated and not attempted to be denied, that Mr. Morgan had met his death at the hands of the unfortunate gentleman at the bar. So the case was clear and their course easy”.

“Whether they might here find alleviating circumstances as might dispose them to give a verdict which would avert the necessary consequences of

the law, it was for them to judge, but as the law stands, he was justified in craving a verdict of guilty”.

“With these observations he would with confidence, leave the case with the Jury, being confident the verdict would be satisfactory.”

Mr. Jeffrey then rose to make his final remarks and it was certainly a most eloquent and telling speech. It is well worth taking the time to read the full wording. His comments included.-

“The case as it stood required little support or elucidation from him – and certainly the evidence required no recapitulation “.

“ That the deceased met his death at the hands of his client, admitted of no doubt, but with that fact comparatively unimportant, as constituting crime, nothing had appeared in the evidence, which was not calculated to excite sympathy and admiration.”

“Whether they considered the unsullied purity of his client’s general character – the original and grievous wrongs he had sustained – the meek, temperate and businesslike manner in which he had at first and for some time, endeavoured to obtain redress – the most intemperate and unreasonable manner in which it was withheld – the reluctance with which he adopted the last and painful alternative – or the calm and generous manner in which he consented to admit of a verbal apology at the fatal scene of the catastrophe, each and all gave him strong claims to their commiseration and acquittal”.

“Even by his antagonist’s friends – an apology was acknowledged as being due to him”.

“Did his client show any hostility to be propitiated in this manner? No, on the contrary, even after he had formed the fatal resolution of mortal conflict – when on the way to the fatal scene – did he not manifest ever disposition to amicable and honourable reconciliation”?

“He was unfortunate in having been injured, he was unfortunate in having been the reluctant and involuntary means of depriving a neighbour of his life from a necessity, the cause of which, did not originate from himself”.

“During the reign of the late Monarch, not more than 200 authenticated duels had taken place in, England, Scotland and Ireland. From these only 20 – 23 trials had been instituted – and not one conviction had ensued”. He went on to mention one or two notable trials – including that of Boswell and Stuart.

“In short, under the circumstances, there was no rule, no principle, upon which they could find a verdict of guilty in this case”.

The Summing Up

Lord Gillies then summed up for the benefit of the 15 Jurors. Even now it is hard to escape the mixed messages contained in his words. The Caledonia Mercury quoted him word for word but the Glasgow Herald took a different stance with – “Lord Gillies summed up the evidence, in which he took a very favourable view of the case for the panel”. The following are some of his remarks;-

“I shall say little to you on this occasion because so respectable a Jury as I now have before me can need little aid from me”.

“here we have nothing to do with the laws of honour – we have to consult the laws of the land only, but these laws are consequent to human failings, just and beneficent”.

“The general rule of law undoubtedly is, that killing by a duel is murder”

“I am bound to say that in no case, which has ever come under my observation, could less blame be attached to the survivor in a duel, than that of which facts are now before you. The character you have heard testified to by so many respectable and intelligent gentlemen gathered this day, is as high as is possible for a man to receive. I consider throughout this affair the panel has acted up to it”.

“Mr. Landale did not challenge on receipt of the first insulting letter, not thinking the laws of honour applicable, but his antagonist thought differently and evidently forced the duel”.

“ I will not trouble you further than to say in the



cases quoted by Mr. Jeffrey, if Juries were just and reasonable in acquitting the prisoners, I do not see how the panel at the bar can justly and reasonably be convicted”.

The Verdict

Without even troubling to leave the box, the Jury immediately and unanimously found a verdict of **Not Guilty**. Lord Gillies congratulated Mr. Landale telling him he was discharged without a blemish on his character. The verdict was certainly to the satisfaction of the large crowd in the public galleries, many of whom were important local figures. The trial had begun at 11.00am and finished at 4.00pm. Earlier in the day, other defendants had not been so fortunate – George Nicoll and Andrew Hynd were found guilty of theft and housebreaking – sentence – transportation for 14 years. Peter, or Patrick Grant received 15 months imprisonment for assaulting Mr. Ross, Supervisor of Customs in Forfar.



David died at home in his bed at “St. Mary’s” on the 4th October 1861. The astonishing twist to the story



is that in 1851, Alexander Morgan, who in time had replaced George Morgan as joint agent, and on his father’s retirement became sole Agent, married Ellen Landale. Yes, the nephew of the man, David killed in the duel, married his daughter. Given the wedding took place in the Lang Toun and not at Gretna Green has to suggest the couple had their parents’ blessing. Both combatants lie in the graveyard of the Old Kirk – not even a pistol-shot apart. The Morgans’ family stone does not however disclose him name.



Epilogue

We close by looking at some 20th Century articles relating to the Morgan – Landale duel. In particular the *Fifeshire Advertiser* of the 25th May 1907

contains a myriad of information, fresh at the time. They had procured sight of some 30 letters by Landale and others, mostly written at the time of the duel and the trial. One in particular was published in full – and was written by Landale on the evening prior to the duel. Some of the others had extracts published, along with a photograph of the pistols in their case. We are told that after the duel, they remained the property of Mr. Landale. On his death, they passed to John Anderson and in turn, on his death, they passed to Anderson’s medical man, Dr Lesslie Curror. So we know that in May 1907, they were held by Curror and the paper had his permission to reproduce the photograph. All the documents had been preserved by John Anderson, who was Landale’s Confidential Agent. The article was contained under a significantly large banner headline: -

The Kirkcaldy Duel

Some Human Documents.

The First was dated the 22nd August and was written in the evening. For a man who was about to face potential death, it is written in a clear, concise and precise manner. The salutation is “ Dear John”,

“I meet George Morgan tomorrow upon an affair of honour, as it is usually called, and in the event of my falling, I beg of you to make no particular or foolish lamentations, as I feel confident before God, that I am doing my duty as a Christian and as a respectable member of society”.

He goes on to say, that the key to the box which contains his valuable papers is in his pocket. He continues, by asking that the papers are deposited with Mr. Ayton, “who is an executor and knows well what to do”.

He adds that his Will is with the papers, along with a “letter to his trustees, recommending some things to them, if I fall “.

He tells Mr. Anderson, that he “has every confidence you will conduct things prudently under my Trustees till my Brother’s arrival from India”.

He then turns to what will happen if he were to kill Morgan. He indicates that, “I shall immediately proceed to Glasgow.” He asks Mr. Anderson to arrange to pack his portmanteau with; my long black coat, vest, trousers, a

few shirts, neck cloths, stocks, black silk stockings, dressing gowns, boots and shoes”.

“Address portmanteau to Messrs, John Strang & Co. Wine Merchants, Glasgow”.

“Send Andrew Williams with portmanteau – wrapt up in a pack sheet and when he gives it to the wagon at Leith as a package – then put on the address”.

Astonishingly with all that is going on – he turns to business with the remark, “buy or order no Antwerp timber till September. Pay no more than 6 shillings for hides, except J.H. and Sons who should fix the price for himself”.

A P.S. is added “ you may send the key of the portmanteau in a small parcel sealed, per Aurora Coach to the same address, writing me what has transpired. But take care with who delivers parcel”.

On the 23rd – John receives another letter, written after the duel.

Some of the comments were:-

“Providence decreed it.”

“I trust my fellow citizens will protect my honour during my absence”.

“In a few days, when I see the affair in the public papers, I shall write to the Lord Advocate, stating my readiness to meet the charge”.

On the 24th – John received a short letter:-

“I am just setting off for Carlisle. Here you will address me in name of D.L.Lindsay, Post Office, Carlisle”.

A flurry of letters followed on the 29th August, 5th and 11th September and a final one on the 20th September.

The 20th September asked that John Anderson be present with him at the trial and that, “he should act as clerk to Mr. Dalzell, carry a few papers and that should get you admitted.”

Again, for a man about to face the possibility of the death penalty, his mind goes to business – “yarn purchases had better stand till my return.

We had better purchase from Craig at two shillings three and a half pence and two shillings three pence, than at Dundee just now”.

He then asks that Dr Smith or John ensures that they bring “stomach powders as the confinement has put me out of sorts and as I am afraid of cold feet in Court, which would unhinge me completely, I beg you will send the large pair of shoes in my bedroom in Dr Smith’s carriage”.

We move then to the *“Fife Free Press and Kirkcaldy Guardian”* of the 5th December 1925. We learn that after a talk to the Rotarians, we learn that Provost Kilgour mentioned, he had something “interesting to say about an exhibit he was conveying to the museum. This was a case with two pistols used in the Landale-Morgan duel, fought in 1826 (the last fatal duel in Scotland), in which Morgan was killed. The fight took place near Shaw’s Mill about four miles from Kirkcaldy. The pistols had been for some time in the possession of a descendant of Landale in America, but had been brought back by Sir Michael Nairn and were now to be placed in the museum. The Rotarians took the opportunity of closely examining the pistols”.

We know that in 1907 they were with Dr Curror, so between then and 1925 they must have worked their way to America. It also must have been one of the earliest exhibits, as the museum only opened in 1925, a gift from John Nairn (The grandson of linoleum manufacturer, Michael Nairn. The first chairman of the trustees was John Blyth (grandfather of Michael Portillo).

Finally we look for a little humorous anecdote (if there is any in this story) by travelling back to the *Fifeshire Advertiser* of the 25th May 1907. We are told that this was the first time this story had ever appeared in print;-

“Dr. Johnston who lived in Hill House, just behind, facing the Public Buildings, was asked to accompany the duelists to the meeting place. His family objected to this and locked the door and hid his boots, so that he could not get away. But with the aid of a faithful servant, he slipped through a back window in his slippers, ran through the garden and emerged on the highway at the corner where Mrs. Methven’s gate now stands. Here a carriage was waiting and he was able to keep his appointment”.

Just what might have happened had the doctor not 'escaped'? Would the duel have been abandoned or rescheduled? Would the outcome have been any different?

Three fatal duels each fought in Fife. Three men died, either on the spot, or shortly thereafter. In each case it was the challenger who prevailed and in all probability the deceased, were by their own actions, the architects of their demise.

It is still difficult to understand, or comprehend, the mindset that prompted men to put their lives at risk in the protection of their honour. It is impossible to judge 19th century customs and expectations through 21st century eyes. In all probability it should not even be attempted. In all likelihood actions we take today will similarly be viewed with disbelief two hundred years from now. Peer pressure, custom and expectation would certainly have played their part and even potentially overridden common sense.

Madness or bravery – take your pick?