



EPISODE 5 2004 - DUELING PISTOLS SAN FRANCISCO, CALIFORNIA

Elyse: Our first story reveals a turning point in California history that could have changed the outcome of the Civil War. Our first story reveals a turning point in California history that could have influenced the outcome of the Civil War. It is the morning of September 13th, 1859.

[Reconstruction] Voice of Second: Gentlemen, are you ready?

Elyse: Two of California's most powerful men square off - pistols drawn- for a duel.

Terry: Ready.

Broderick: Ready.

Elyse: Some people believe what happened next changed the course of U.S. history. What became known as the Broderick – Terry duel was about more than insults and honor. It was about politics... the outcome of this duel influenced which side California would take in the Civil War... and the course of the war itself. Now, over 140 years later, an employee in a San Francisco bank thinks her employer may own the original weapons used in this infamous duel. These two ornate dueling pistols hang in a small museum in the Union Bank of California... The guns are believed to be authentic, but employee Diana Gomez has heard different stories about them.

Diana: The pistols have been here at the bank since 1971. And every time I come down here and I wonder about the history about where they've been, I'm just very curious about what the story really is behind these two pistols.

Elyse: I'm Elyse Luray... and I've come to San Francisco to investigate. I've appraised a few old firearms in the past, but none of them had a story like this one. So these are the dueling pistols?

Diana: These are the pistols.

Elyse: Oh wow! They're beautiful!

Diana: They really are.

Elyse: Look at that! Wow. So what can I do for you? What do you want to know?

Diana: First I want to know if these are the actual pistols that were used in the duel-

Elyse: Okay.

Diana: And then I'd like to know more about the duel! Was it really just some meaningless fight over pride?

Elyse: Those men!

Diana: Yeah (they laugh) Well, I want to know if there is something more to the story!

Elyse: So tell me what you know about this duel.

Diana: Well, I know that it took place between David Broderick, who was a U.S. Senator, and David S. Terry, who was a California Supreme Court judge. I know that they were both democrats... And I know that Terry killed Broderick. And that's about all I know.

Elyse: Do you have any other information for me?

Diana: I have this file of information.

Elyse: Oh wow, that's a lot...

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Diana: Will you take the case?

Elyse: I'll take the case!

Diana: Great! Thank you.

Elyse: The first thing to do was get a closer look at these guns. Ok the first thing that I would say is that they are not in their original box. But they are absolutely a beautiful pair of percussion pistols. They're in excellent condition, there is great engraving on here. Its very intricate, very delicate. One unusual thing about these pistols that I love is the lock you can see here, you can tell that it's a fish... and its delicately cast, lots of detail, Looking at the style of the engraving, even looking at these batwings here, I would say that the pistols are probably mid-19th century...

Elyse: I notice there's an inscription on the pistol: "The Honorable David S. Terry, San Francisco". The engraving looks old, but that could have been added later to make it look like they came from the duel. But they're in excellent condition. Excellent, excellent condition [pulls trigger]. And they work! Reading through the file of documents on the gun's history, it turns out the Union Bank bought the pistols from an auction house in England. They came up for sale when the estate of a British gun collector was auctioned off back in 1971. But the paper trail doesn't lead very far. There is only speculation that the collector purchased the guns in the 1940's..I'm hoping you can help me... Just to see if there was any other information, I put in a call to a researcher in England. But while she checks the records, I have work to do. I want to find out more about the duel's history. I'm meeting local historian John Boessenecker at the duel site, just across the San Francisco county line. Here, two granite pillars mark Broderick and Terry's positions- ten paces apart.

Elyse: Wow, they're so close together.

John Boessenecker: It's really close when you have someone pointing a large caliber pistol at you.

Elyse: So tell me John, how did the duel come about?

John: It was a dispute over slavery. The democratic party controlled politics in California and was divided in two factions... anti-slavery and pro-slavery.

Elyse: And where did Broderick and Terry fit in to all this?

John: David S. Terry was a fighting Texan. He was a combat veteran, a rough and ready frontiersman... he was also a lawyer... and was eventually elected Chief Justice of the Supreme Court. As a southerner, he favored slavery. David Broderick was a Tammany Hall politician from New York City. He came to San Francisco, he founded a political machine, and, by 1859, he was the United States Senator from California. And he was the head of the anti-slavery or free soil faction of the democratic party.

Elyse: And how did a political debate end in a duel.

John: Well Terry and Broderick had been friends. But by 1859 these political differences – pro slavery anti slavery – had driven a rift between the two of them. At one point Broderick became very frustrated with Terry and made a public statement that at one time he had considered Terry to be the only honest man on the Supreme Court, but he said now I take that all back. And that ended up in Terry challenging Broderick to a formal duel.

Elyse: But what impact did the duel have on California?

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John: Broderick was seen by many as a martyr...died for the cause of fighting against slavery...

Elyse: According to John Brodericks death was one of the factors that motivated people in California to support the Union in the civil war. So the duel had an impact at a national level!

John: Keep in mind that the gold from California helped finance the union war effort. If California's gold went to the Confederacy, the outcome of the civil war would have been altogether different.

Elyse: So if Diana's pistols were the ones used at the duel, they represent an important piece of American history!

Elyse [on telephone]: Hello? Hi... (sound under) I received a phone call back from England but there was no more information on the origin of Diana's guns. So I'm taking them to James Ferrell, an expert on antique handguns, for his opinion on their authenticity. Well, what do you think of these pistols?

James Ferrell: Well, I think these are beautiful pistols- they're obviously French. Probably owned by somebody very wealthy, you can see on the barrel it says "Le Page a Paris". And Le Page was probably the number two maker in France through the 18th century and the 19th century. You've got a set trigger here, in which this little screw can be adjusted so the trigger pull can be lessened, making it into a hair trigger and also you have the spur on the trigger guards which just gives you a firmer grip, which is something you see on target pistols and you see actually on dueling pistols.

Elyse: And do you think they could have been made for dueling?

James: Well, I don't think they were made specifically for dueling, I mean they would certainly be used for dueling if that was the weapon of choice, and this was your set of pistols you would have used them for dueling.

Elyse: So the date is right and they could be used for dueling, then these pistols could have been used in the Broderick Terry duel.

JAMES: Certainly. Certainly they could have.

Elyse: To find out if Diana's pistols were the actual ones used in the Broderick-Terry duel I'm checking the contemporary accounts. The Society of California Pioneers in San Francisco has some amazing primary source documents... the notes sent back and forth between Broderick and Terry leading up to the duel. According to these notes, the argument between the two men boiled over when Broderick called Terry a "miserable wretch" after reading an account of a speech Terry made attacking Broderick. When Terry heard this, he sent a written response.

Elyse [reading]: "At the public table of the International Hotel, you saw fit to indulge in certain remarks concerning me, which were offensive in their nature".

Elyse: Terry demands an apology from Terry, and all this correspondence starts running back and forth between the two. Broderick refused to apologize; and the very next day Terry sends this response to Broderick:

Elyse [reading]: "This course on your part leaves me no alternative but to demand the satisfaction usual among gentlemen, which I accordingly do."

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Elyse [reading]: And here's the response: "I refer you to my friend who will make the satisfactory arrangements demanded in your letter."

Elyse: : In other words, the duel is on. In another folder I found the original handwritten terms of the duel!

Elyse [reading]: Okay, here's something about the weapons: "Choice of respective weapons of parties to be determined on the ground by the throwing up a coin, as usual- that is to say, each party bringing their pistols and the pair to be used to be determined by chance..."

Elyse: So that means there were two sets of pistols at the duel. The two men met at the duel site on the morning of September 13th, 1859. Here the pistols are mentioned. "Two pairs of pistols were produced. One pair belonged to Dr. Aylette, but had been for several months in possession of Judge Terry." Terry won the coin toss and selected the Aylette pistols. So I know that Terry's pistols were used during the duel, but I have no idea what they look like. Ten paces was walked off- and the combatants took their positions. Each was given a loaded weapon.

Elyse [reading]: Broderick, when he received his pistol, examined it anxiously and then held it by his side. The crowd held its breath. Broderick commenced to raise his pistol. He had got it but partly raised when the charge went off, and the bullet entered the ground about five feet in front of him. It was seen at once that Broderick was hit. His seconds and surgeon ran up to him. The bullet had entered his right breast. It says that Broderick died four days later. He was quoted on his deathbed as saying "they killed me because I opposed the extension of slavery". It's a great story but there's nothing describing the pistols used. I need to keep digging. I'm going through the newsprint collections at the San Francisco public library. At first I couldn't find anything on the pistols- but then I found this mention printed in the Alta California newspaper the day after the duel.

Elyse [reading]: "although they are not, strictly speaking, what are called 'dueling pistols' yet they have been previously used for that purpose".

Elyse: That's exactly what our gun expert and I said about the pistols. Interesting ...there's also talk about triggers being set too fine which means the guns used in the duel had adjustable triggers like Diana's. "The pistols were about eight inch barrels." Well, that doesn't make sense. The barrels of Diana's pistols are longer than that. Listen to this: Broderick's gunsmith protested against using those pistols on the score of the peculiar conformation of the handles... Now I didn't notice that Diana's pistols had strange handles. This is interesting, Broderick's gunsmith, who was French, was quoted as saying he was disappointed that the guns he brought to the duel were not used. We know that Diana's guns are French so maybe there's a connection. I'm going back to the stacks to widen my search. At first I struck out... but then I found something in periodicals. This is an article from "Westways" magazine on February 1953. Its title is "Guns of Destiny". And it says here that "These dueling pistols were used in the duel by Broderick and Terry"... and it's a completely different pair! It says that they were owned by W.H. Wood... So the question is, which ones are the real guns, Diana's or Wood's? Through my auction house contacts I found out that the W. H. Wood pistols were sold a few years ago to a private collector.

Greg Martin: These are the pistols from W.H. Wood.

Elyse: The appraiser who sold the pistols is Greg Martin, a top expert in early American firearms. I hope he can help untangle this mess. What can you tell me about these pistols?

Greg: Well, they're a set of dueling target pistols typical of the 1850 period. And the guns were made in Belgium.

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Elyse: OK, the newspaper articles from the duel talk about the pistols having “peculiar handles”.

Greg: Well, the stereotype, or more common type dueling pistol, um, of that period was the English form which had a grip that came down and it was just rounded at the bottom. Whereas this grip, which is a French style, flares out... and that is a very outstanding feature of the guns.

Elyse: But what about the stories of a hair trigger? Like Diana’s, the Wood pistols have adjustable set triggers. But Greg shows me that one of them is stuck on a hair trigger.

Greg: I can pull this hammer back and just barely touch the trigger and it will fire.

Elyse: But that doesn’t necessarily prove that these pistols were used in the duel.

Greg: No, its not absolute proof. But it’s a definite clue.

Elyse: So where did W.H. Wood get these pistols?

Greg: These pistols have an impeccable provenance that goes all the way back to Stockton.

Elyse: This is some book.

Greg: Right. Terry was from Stockton, the guns were all the way back to Stockton and the Wood’s were descended right down from that chain.

Elyse: The records seem to check out... the earliest owner listed is Dr. Aylette! That’s who Terry got his pistols from. The evidence is convincing that these guns, not Diana’s, were used at the duel. But there is still a chance that Diana’s pistols were connected to this historic moment.

Diana: Okay...

Elyse: Now, what I do know is, at the duel, there were more than one set of pistols. Terry had a pair, Broderick had a pair- So they could have been at the duel site.

Diana: Oh, interesting.

Elyse: I’m sorry.

Diana: Well, I’m not disappointed, because its still part of the history, and there is still that little bit of hope that they were still there at the site, even though they weren’t used for the actual duel.

Elyse: Well, I really feel these pistols connect us with a crucial turning point in California and American history. So, I thank you. It was a great education for me.

Diana: Thank you Elyse. It was fun for me too.

Elyse: You’re welcome. Now, if you’ll come with me, I have one more surprise. I brought Diana back to the original dueling site to give her a feeling for that momentous September day in 1859 when Broderick met his fate. Okay, Diana, are you ready for this?



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SAN FRANCISCO, CALIFORNIA**

Nelson: It's all set... now you just pull back the cap and then squeeze the trigger!

Elyse: Following Broderick's death, David S. Terry stood trial for dueling but was acquitted. He left to fight for the Confederacy... then returned to California to practice law after the war. In 1889 his temper finally got the best of him. Terry slapped a judge in the face... and was immediately shot to death by the judge's body-guard.

ENDS