

The Stark-Minis Duel

August 10, 1832

On August 10, 1832, Dr. Philip Minis shot and killed James Jones Stark in Savannah. Minis was the grandson of Philip Minis, probably the first white male child who was born in Georgia and survived to reach manhood.

Three accounts of this duel are given below. The first is from the diary of Richard D. Arnold; the second, from the diary of Robert Habersham; the third is an extract of a letter from Philip's sister, Sarah Ann (Sally) Minis, to Rebecca Gratz of Philadelphia. The Arnold diary is in the Duke University Library; the Habersham diary is in the library of the Georgia Historical Society, in Savannah; the Sally Minis letter is printed in David Philipson's *Letters of Rebecca Gratz* (Philadelphia, 1929), pp. 157-58.

The trial lasted six days and closed on January 23, 1833, when a jury of the Superior Court of Chatham County brought in a verdict of "not guilty."

A. FROM THE DIARY OF RICHARD D. ARNOLD

August 9th. [1832]

This has been an exciting day . . . Minis' affair with Stark; Stark's going over the river to meet Minis when Minis' second had told his [Stark's] second that it was impossible for him or his principal [Minis] to be there, and it being merely a proposition on the part of Wayne [Stark's second] not acceded to on the part of Spalding [Minis' second]

After Stark had returned from Scriven's Ferry, I was standing at the *Georgian* office when Minis and Octy [Octavus] Cohen passed, going towards the [City] Hotel. At Dures Corner Stark and Tom Wayne turned the corner, their faces towards the fort. The parties nearly came in contact, Minis wheeling and presenting a full face as Stark passed. When I had passed about fifteen paces, he [Stark] turned back with his friend. Minis had stopped at the corner, and in passing him [Minis], he [Minis] still presen[t]ing a full face towards them, nothing was done by him [Stark]. I heard

Stark propose to Wayne to turn back to whip the damned rascal, or words to that effect, and Wayne said no.

August 10.

... 10 P.M. This has been an eventful day. At a little past twelve Stark and Minis met at the City Hotel, when M. pronounced S. a coward. S. advanced and, Spalding says, put his hand in his pocket and drew something (he could not ascertain precisely what), when Minis drew and shot Stark through the upper part of the left part of the thorax. [The bullet] passed behind the top part of the scapula, and th[r]ough it into the side of the door which leads back from the barroom of the hotel.

This difficulty took its origin from abuse uttered by Stark last spring at Luddington's barroom. Stark, when Minis was not present, one night, without any provocation, cursed Minis for a "damned Jew," a "damned Israelite," "he ought to be pissed upon," "he was not worth the powder and lead it would take to kill him," and abuse of a similar character. Some person had gone to Minis and told him that he was very much abused by Stark round at Luddington's, and he had better go there. After the first words uttered by Stark, he had wished to kick up a difficulty with me; but it had been adjusted, and I had gone off.

While the company were still at the bar, taking the drink to which they had been invited by him, on our difficulty being settled, Minis entered the room, and John informs me that on seeing him [Minis] enter, he [Stark] exclaimed: "Minis, I am damned glad that you have come here." Minis stayed a long time in company, but Stark said not one word about him. When Minis asked me what S. had said about him, I refused to tell him, observing that he, Stark, had had an opportunity of saying it that night before his face; and, as he had not done it, I thought that what he had said ought to be a matter of indifference. Bryan, that morning, I believe, went to Stark as Minis' friend and, on his return, told Minis that he was perfectly satisfied with Stark's explanation, that it was satisfactory in every point of view.

Last Fourth of July, at the Mansion House, the affair was spoken off, and it was observed that Stark had made an apology. This Sturges denied, saying that Stark had told him that what he had said was in justice to himself, but not as an apology to Minis. Bryan then wrote Stark, who was in Glynn County, requesting

him to contradict the reports in circulation about Minis. Now, the reports alluded to were that Stark had made no apology, and, of course, that Minis, after demanding one and not receiving one, had backed out in not following it up. Stark replied that whatever reports were in circulation, he had nothing to do with their origin or circulation. Bryan replied that he was glad to hear this, recalled to Stark's mind the expressions used by him when he apologized, and asked for them in writing. Stark replied, and the body of his letter acknowledged that he had done an unnecessary injustice to Dr. Minis, but still did not mean it as an apology to him.

M. then wrote to Stark, saying that as he, S., had confessed doing an unnecessary injustice to him, M., he demanded an apology, or that satisfaction which one gentleman should afford another. This letter was written July [?].

August 9th at 12 M.

Stark sent M. an answer that he should have satisfaction, and Mr. Wayne would make the necessary arrangement. Mr. Wayne [Stark's second] handed in his articles, to fight with rifles at five that afternoon. Spalding [Minis' second] objected to them. He objected to the rifle as unusual, but if his friend [Minis] could obtain satisfaction no other way, he accepted the rifle as the weapon, with certain provisos, which he submitted as articles to be agreed on between him and Wayne. The time fixed on was instantly rejected as being too soon, and before Spalding left, I observed that were I in Minis' place, I would not fight with so unusual a weapon, and such a short notice.

When Spalding was about leaving M.'s office at twelve o'clock, Minis observed that, as regarded arrangements for time, any time the next day would suit. Minis' rifle was then at the gunsmith's. Wayne, on Spalding's delivering his objections, said they were of no weight: no preliminaries were discussed. Wayne said he must insist on his articles, and according to one of them, he and Stark would be together at Scriven's Ferry at five that afternoon. Spalding said verbally that it would be of no use, for that neither he nor his principal could possibly be there. Wayne and Stark accordingly proceeded there, made a flourish, shot rifles, etc., and returned to town flushed with a victory over the — air.

Immediately upon their return it was rumored all about that Minis and Stark were to have fought, and that Minis forgot the

hour. Now, unless they went over the river to create that impression, for what purpose could they have gone over, for Spalding repeatedly assured Wayne that neither he nor his principal could be on the ground? Or was it because the courage was screwed up to the sticking point for the day, and was in danger of getting loose or breaking if kept too long on the stretch? What! Give a man but five hours' notice! I was to have been Minis' surgeon, and I never dreamt, when I was told an answer was to be given at twelve, that I would have to go that afternoon.

To a man really desirous of fighting a delay of twelve hours is a matter of no importance. Articles for the regulation of an affair of honour, to be binding, must be mutually agreed upon between the two friends of the respective parties. I was standing at the door of the *Georgian* office, about ten minutes after I had heard of the return of W. and Stark, when Minis and Octavus Cohen passed, coming from Burrough's counting room. They stopped a minute or so to speak to me, and then passed on. At Dures Corner, Wayne and Stark met them, they coming from Bull St., going down the bay. Minis faced them as they passed and stopped at the corner, and when W. and S. passed, Stark with a very threatening aspect, and [they] had got just about [to] the edge of the pavement of the brick building, I heard Stark say, "Let me go back and whip the damned rascal," or words to that effect. Wayne opposed it, and detained him for a half minute, but Stark would go back. When he was fairly on his way back, I anticipated a fight, for I knew that Stark was generally in the habit of carrying one of these large Spanish knives. Minis stood his ground and faced them as they passed, maintaining a nonchalant position. At Grandry's Corner Mann and Sturges joined W. and S.; and I went up to Minis, I being very apprehensive that an attack would be made upon Minis. A. Cohen joined [us] a few minutes afterwards, and we all walked together to Minis' office. While there, Col. M.[yers] and Spalding joined us, and I observed that after what had happened Minis was a cursed fool if he did not go armed.

That night between eleven and twelve, as I was coming from Butler's, I met Minis and walked to his office and chatted a little while and smoked a segar and came away. During our conversation, which turned on the probability of an attack, I cautioned him about acting on the defensive only, and he said that was his intention. By this morning there had been a most terrible perversion of truth.

It was represented as another Davis affair, and Minis was freely stigmatized by the public as a coward. Could any circumstances more aggravating in their character be conceived? By going to Carolina when there had been no agreement as to the time between the two seconds, he [Stark] had been instrumental in adding another gross insult to his former ones. I have heard it said that Minis was openly laughed at, as a coward, by Stark's bodyguards.

In the course of the morning, as it had been suggested that Minis ought to show himself in public and not keep out of sight, as if the atrocious calumnies circulated about him had any foundation, Spalding and he walked to the City Hotel and went into the public barroom. Wayne and Stark were not in the room, when Mann went upstairs to them and said Minis and Sp[aldin]g were below and wished to take a drink with them. They went downstairs, and when M. saw Stark he said: "I pronounce James Jones Stark a coward." As M. said this Spalding, who was reading the papers at the desk, turned and saw Stark put his hand in his pocket, as if to draw something, and advance upon Minis, and it was drawn and pointed when M. fired. Wayne, in his affidavit, said he beleived Stark was in the act of drawing a pistol when M. fired. The question then will hinge on this point: which attempted to draw first? No difficult one it will be to decide. Wayne told Dr. Waring that he attempted [to pull] the pistol out of Minis' hand and, in so doing, momentarily lost sight of Stark and cannot say whether S.'s pistol was presented or not. Spalding's testimony fills up this interval, for he saw something presented before M. fired.

Of course, as soon as the deed was committed, there was a great hubbub. When sitting up in the mayor's office with him and M. Rossignol, I heard the report and jumped up, saying what Dr. Waring remembers, no doubt: "There, that's a pistol. It's a fight between Minis and Stark, and one or the other is killed." When I said this I conscientiously beleived that it was the toss of a copper which one was hurt. Waring and I immediately rushed and saw Minis scuffling, his hat off, his hair dishevelled, and from his being pushed about my first impression was that he was mortally wounded, and in a convulsion, and held in somebody's arms. I soon found my mistake. Waring came up and seized him, and M., still holding his pistol, swore he would fire into the crowd. When the magnanimous people who, when he was in jail, nobly wished to wreak their vengeance on the boards and plastering of his [office] by pulling

it down, scattered in all directions, I went up to Dr. W.'s assistance, he having called on all present to aid him, but the pistol held them all off. I told M. he must give up the pistol, and Spalding coming up at the same time, he [Minis] gave it to him, who gave it to me. I then told M. he had better come away. He did so and, at my suggestion, got in my gig, which was standing by the Exchange, to go to his office, while I went through the square on foot. He waited at his office until Mr. Henry and Col. Myers came up. He had plenty of time to escape.

Full three-quarters of an hour elapsed before the sheriff came to Minis' office. When he did come there was a great crowd in the square, who were very much excited, for it was currently reported that Stark was unarmed; no pistol, it was said, was found on him or about him. Now what did become of the pistol? Why was it said that S[tar]k had none? Of course, the excitement against Minis is very great.

11th. A great fuss is made because I would not publish the coroner's inquest, which, contrary to all law and justice, pronounced "wilful murder" against Dr. M., an assumption of power surely most unwarrantable

14th. Judge Law (the first person who had called upon [me] with regard to the unfortunate circumstance between Minis and Stark) called upon [me] with the following, which he wished me to insert as editorial:

On Friday last, a melancholy occurrence transpired in this city. Mr. James Jones Stark of lately Glynn County (formerly of Savannah), and member of the legislature from that county, was fired at with a pistol by Dr. Philip Minis, also of Savannah, within the barroom of the City Hotel. The ball struck Mr. Stark in the breast and, penetrating thro' the body, came out through the spine. He died instantaneously. A coroner's inquest was held, who returned a verdict against Dr. Minis of deliberate murder. Dr. Minis has been arrested and committed to the jail of this county, to be tried in January next. We forbear entering into further particulars, as we do not desire to excite the public mind, already sufficiently inflamed. Mr. Stark was interred on Saturday with military honours by the Sav'h Vol'r Gds [Savannah Volunteer Guards], of which company he was a member, and his body followed to the grave by a large and respectable assemblage of the citizens of Savannah.

Upon reading the above, I instanter objected to allowing any notice of the extrajudicial verdict of the jury, with regard to "murder," to be taken in the columns of the *Georgian* while I had any control over them. I asked him, as a lawyer, whether it was not stepping beyond their right thus to pronounce a verdict of deliberate murder against a fellow citizen who had not been tried. He reminded me of his being the judge, upon which I apologized. But in the course of conversation, he allowed that a verdict of a jury of inquest was not evidence before court. I then said: "Why publish such a verdict as the one in question, for many people believe that a jury of inquest has the same power as a grand [trial or petit] jury?" I told him I would give him an answer at nine o'clock tomorrow morning.

It must be recollected that the above was written by a judge of the Superior Court, a relation [of Stark's] by marriage, it is true, but the very judge before whom in course of time the guilt or innocence of Minis is to be tried. I explained to Judge Law that it had been my intention to have noticed it in this morning's paper, but that my absence from the city nearly all day yesterday had prevented me. Tomorrow I shall return Judge Law his communication, and tell him that this affair shall be noticed by me under the editorial head in that manner which my own judgement dictates, as follows:

A most melancholy occurrence transpired in this city on Friday last. James Jones Stark, Esq'r, of Glynn County, formerly of Savannah, was shot at the City Hotel by Dr. Philip Minis, through the breast, and almost instantaneously expired. This is indeed a most unfortunate circumstance, which has cast a gloom over the whole community, as both parties are extensively connected in this city. We forbear any details connected with this melancholy occurrence, or expressing any opinion with regard to the merits of the case, as Dr. Minis is in the custody of the law, and at the proper time and before a competent tribunal the whole affair will undergo a judicial investigation.

August 16th. Last night I was so sleepy I could not write. This afternoon I met Sally Minis at jail and went into the room after her to see Philip. She appeared languid and worn down. Spalding came in, and I lead conversation on my part into a light and gay train, in order to take off from Sally's mind the impression that she was in a jail. Poor girl! Her sensitive disposition is a real curse. Since this unfortunate affair she hardly eats, she does not sleep; neither does Mr. or Mrs. Minis. Elizabeth Hunter, who went to stay with Sally

the first night, and who stayed altogether four nights [and] is laid up today, owing solely to the fatigue of watching with and soothing her friend. Margaret Stirk has been staying with her since Tuesday. I took Miss Hunter in my gig from Mr. Stirk's to her mother's today after dinner. I thought she would have fainted coming downstairs. And yet there are those who have the cold-blooded malignity to say that this circumstance does not affect the Minis family, that they treat it in a most heartless manner, and receive company! Oh, Christianity! But little hast thou done in this world towards enforcing good will and charity from man to man.

B. FROM THE DIARY OF ROBERT HABERSHAM

August, 1832. I was writing some verses at this very spot day before yesterday, when I was interrupted by the loudest lamentation and weeping from Mrs. Minos' house. It seemed as if the whole house had burst out in one cry of mourning. I immediately sent over to know whether any accident had happened. Dr. Minos had just shot young Stark dead with a pistol, and was even then on his way to jail for murder.

There had been some misunderstanding about a duel that was to have taken place between them, and Stark went to the place of meeting where Minos did not appear. The next morning Minos went up to him, called out that he was a coward, and shot him through the breast.

Stark had been a dissipated young man, and had broken the heart of his mother. All his family had dropt off except one sister. Poor girl! She has worn black for a long time, bereft of all that was dear to her, but now the last sad blow has fallen. Her amiable and affectionate heart bled over the remains of her ill-fated brother until his body was carried away, and then she fell into a stupor from which she has not yet recovered. He was a brave, honorable young man, very promising in his profession, and with excellent talents. He did not have a moment to defend himself, but was shot down before he could utter a word.

How much more miserable than the grief of his sister and friends is that of the family of Minos! Poor Sally, his sweet sister, a girl of acute and sensitive feelings, is almost heartbroken. To be thus cut down from the happiness and peace of her life, her brother a murderer, his blood required by the laws of his country, disgrace and



Water color drawing by unknown artist

SAN FRANCISCO FROM RINCON POINT — 1849-50

ruin attending his character, and the hatred of the murdered man's relatives attending his footsteps. Never again can they look up in society as they have done, for though everyone should be kinder and more attentive than ever, it would but remind them the stronger of their misfortune. I pity Minos, but I blame him, too. My sympathy for those who suffer more in their minds than even he can suffer in his body swallows up all consideration for him. Stark's friends have no dishonor or disgrace to reproach with. But almost infamy attends the conduct of the other. The full extent of their calamity is not yet opened to his family. They know his guilt, but they do not know his disgrace. Four months of doubt about his ignominious death await them, and even afterwards the pain and agony of past thoughts, and the memory of a horrid transaction

C. SALLY MINIS TO REBECCA GRATZ

He [Philip Minis] was consulting some of his friends at the races in April about naming a horse, when Mr. Stark, passing by, said: "Name him Shylock," and afterwards called him a "d——d Jew." Minis challenged him then; he apologized, and the affair slumbered until some of Stark's friends induced him to retract his apology, and another challenge was sent and accepted. A difference about the hour of fighting arose between the seconds. Mr. S——'s friend wished them to meet on the same day. Minis' insisted that a sufficient time was not allowed to settle his affairs, and proposed the dawn of the next morning or any hour after that they would prefer. The seconds parted without coming to any agreement, and Mr. Stark with his friend went to the ground at five o'clock that afternoon, although assured that the other party would not meet them then. They returned and publicly pronounced Minis a coward.

The next morning they met accidentally at the City Hotel. Minis reproached Stark for his conduct. He [Stark] drew a pistol and advanced. Minis did the same and fired instantly. Stark fell mortally wounded, and Minis immediately expressed his determination to give himself up to the civil authorities and is now in close confinement, where he must continue until January, as his father [Isaac Minis] is a judge in the inferior court, and Mr. S.'s nearest relation [Mr. Law] is judge in the Superior Court, and so a new election must take place before he can be tried.