

# Dukes-Nutt Tragedy

## a Pivotal Event in American Life & Law

From early 1883 until late January 1884, Uniontown, Pa. was in the national and international media spotlight because of two sensational murders and two equally sensational trials, and the social and emotional issues they raised.

The main characters are: Captain Adam Clark Nutt, Elizabeth (Lizzie), his daughter, James, his son and Nicholas Dukes, Lizzie's former fiance, Capt. Nutt's killer, and James' victim.

Each is complex and worthy of more exploration, but for this summary, a brief description may be helpful.

Captain Nutt served in the War Between the States as captain of African- American Troops stationed in Florida where he and his troops engaged the enemy and comported themselves with honor and dignity. After the War, Captain Nutt returned to Uniontown where he studied law and joined the bar in 1868. He also became a banker and purchased a stake in the Harrisburg Telegraph Newspaper in 1881. In 1882 he was appointed as a clerk of the Pa. Treasury by Secretary Silas Bailey, a fellow Civil War Veteran, Uniontown native and Republican. In this role, Captain Nutt personally delivered large sums of money to various banks.

Also in 1882, Captain Nutt built the lovely home just off South Mt. Vernon Avenue, which still stands and is locally known as the Nutt Mansion. He was very active in the community as treasurer of the local school board, secretary of the Uniontown Building and Loan Association, manager of the Fayette County Mutual Fire Insurance Company, founding member of a local Post of the Grand Army of the Republic, member of the Fayette Lodge of Free Masons, and a member of the Pa. Historical Society. He was well liked and respected, known to be gregarious, social, impulsive, excitable.

However, in September 1882, Captain Nutt embezzled \$10,000 from the State Treasury to invest in oil. In December 1883, he embezzled another \$32,000.

Nicholas Dukes was born in Ohio in 1851 and relocated to German Township when his widowed mother married Asbury Struble. Mr. Dukes, although frail, was educated in public schools, much due to the support he received from his lifelong friend, James Hoover, who carried Dukes to school on his back and later became the Fayette County sheriff. Mr. Dukes studied at Washington & Jefferson, then Princeton, returning to practice law in Uniontown, under the same mentor as Captain Nutt.

In 1882, Mr. Dukes was elected to a seat in the Pa. House of Representatives by the widest margin in any race in the state at that time. He was known to be cold, dignified, reserved, retiring.

Elizabeth (Lizzie) Nutt, twenty-four year old daughter of Captain Nutt and one time fiance of Nicholas Dukes, was gregarious, like her father, very attractive, social and one of the area's most popular young people.

James Nutt, Captain Nutt's 20 year old son was known to be excitable, slow to learn, impulsive, at times compulsive, and to have carried a loaded, concealed pistol since age of 10. James was away at school the night of his father's killing.

### The role of the Honor Code:

As all wars, the War Between the States caused major changes in the profile and social norms of this county. Industrial centers with their vibrant mix of people, including women, looking for work were new and unsettling to many who understood and valued the mores and social standards of pre-war America. In order to protect the stability of society, ensure the preservation of republican virtue and retain control over female sexuality, 19th century Americans made women both the guardians and models of middle class morality. A woman's purity was one of the most crucial ideals of middle class America at this time.

Any man who would challenge a woman's purity was branded a libertine and accused of threatening the cornerstones of Victorian morality. Americans of this age so believed this that they adopted an unwritten law that forgave, if not required, males to assassinate the despoilers of female virtue. This became known as the Code of Honor, although it really approximated vigilante justice.

Both Captain Nutt and Nicholas Dukes espoused to value the Honor Code above the Code of Law.

## *The story:*

In December, 1882, Nicholas Dukes wanting to break his engagement with Lizzie Nutt, wrote to her father, Captain Nutt, telling of his intent to withdraw his proposal of marriage because of Lizzie's doubtful character and questionable moral behavior. There was an exchange of several letters between the men on this topic. On Christmas Eve, 1882 after arranging some funds for his wife, Captain Nutt in the company of Clark Breckenridge, went to Nicholas Dukes' apartment in the Jennings House to confront him on the charges Dukes had made in his letters. Captain Nutt carried a walking stick and a .38 caliber loaded Colt.

After a physical altercation, Nicholas Dukes fired his own pistol, killing Captain Nutt.

Mr. Dukes, then walked to the county jail and home of his boyhood friend, Sheriff Hoover, and turned himself in for the shooting.

The trial of Nicholas Dukes began on March 10, 1883. As today, people in all parts of the country and the world were fascinated with trials of high profile individuals. The sensationalism with which this trial was reported carried it to four continents as well as many states.

The strategy of the Prosecution was to show Dukes' animus to Captain Nutt by reading in to the record the letters Dukes wrote. It was Judge Wilson's discretion to allow the letters, the content and language of which were an affront to the Honor Code and fired indignation among the courtroom audience.

The strategy of the Defense was to show that it was Captain Nutt who expressed animus to Mr. Dukes and confronted him in his home. According to long legal precedence, a man's home is his castle which he has a right to defend by any appropriate means.

Nicholas Dukes was found not guilty, that he had fired in self-defense and the town exploded.

Newspapers, community leaders, preachers called for Dukes' lynching as required by the "Code of Honor". Indignation Meetings held, and Dukes was hung in effigy. The jurors, all of whom were Democrats, were threatened and ostracized, if not worse, in their home communities. It was an emotionally charged time in which the proponents of the Rule of Law were vastly out-clamored by the proponents of Divine Retribution and honor killing.

Nicholas Dukes was not seated for the term in the House of Representatives, but did return to his active practice of law in Uniontown.

Six months after his acquittal, as he walked to the Post Office, Mr. Dukes was fatally shot by James Nutt. James Nutt was taken into custody and held for trial scheduled for December 5, 1883.

Jury selection for this trial was a challenge because most interviewed stated they had formed an opinion in favor of the defendant. By 1pm only 1 juror had been seated. Two more were selected before the jury pool was exhausted. James' attorney requested a change of venue. Although there were four possible counties, Judge Wilson selected Allegheny over the objections of the prosecution.

The trial in Pittsburgh opened on January 14, 1884. At that time, the insanity defense had been used in honor killing cases for about twenty-five years. This was the strategy that James' defense team pursued. James' team consisted of William Playford and A. D Boyd who had prosecuted Nicholas Dukes,

U.S. Senator Daniel Voorhees, from Indiana who had been successful in several honor killing trials with high profile people, Major A.M. Brown and Marshall Swartzwelder both from Pittsburgh.

The prosecutors were Isaac Johnson, Fayette County District Attorney; John Boyle, son of Congressman Boyle, David Patterson, Pittsburgh.

The jury consisted of a druggist, laborer, bricklayer, tax collector, clerk, sanitary inspector, engineer, steelworker, plumber, coal merchant, farmer, carpet dealer. Eleven were Republicans, one was Democrat. It was later learned that one had served with Captain Nutt in the War, and one had nearly killed a man who seduced his own daughter.

The defense strategy was to prove James was insane at the time he shot Nicholas Dukes; that he was overcome by an "irresistible impulse" to shoot Mr. Dukes. They called ten physicians, eight of whom were general practitioners having no special training in mental health who testified to this. The defense also argued that James was subject to a "familial disposition toward mental illness and that he was slow intellectually and impulsive in nature" and he would be prone to monomania. Mrs. Nutt testified that James was doltish and impetuous and always carried a gun since he was ten years old. She stated that he had been consumed with receiving and reading reports on

Mr. Dukes' trial. James' grandmother, Mrs. Wells, his uncles Stephen Nutt and Jim Wells and other relatives corroborated this portrait of James.

The defense also sought to show that seeing Mr. Dukes drove James to this condition of experiencing an irresistible impulse and that Divine Intervention caused him to shoot Mr. Dukes five times on the street in Uniontown. This was a killing done for honor and so was outside the rule of law.

The strategy of the prosecution was to prove, that although perhaps intellectually slow, James was competent and that because he had seen Mr. Dukes many times since the death of his father, it was not that which motivated James to shoot. Witnesses testified that James carried a second loaded pistol in addition to his father's gun with which he shot Dukes; and that James and his uncles practiced target shooting that afternoon during which his Uncle Stephen was heard telling James, "Do not fail".

A verdict of not guilty by reason of insanity was rendered. Because of the reason of insanity, James had to remain in custody. A hearing to determine his mental health was scheduled by Judge Stowe for the following day. Most of the doctors Judge Stowe appointed to the panel had been expert witnesses for James' defense at his trial. That afternoon, Judge Stowe, who after the initial verdict expressed his strong support for and belief in honor killing, authorized James' release.

James returned to Uniontown a celebrated hero.