

CHAPTER IX
THE GENTLEMAN FROM NEW YORK

I. STRICTLY PROFESSIONAL

IN the meantime the prospects were fair and the skies unclouded. Burr wound up his duties as Attorney General and put his personal affairs in order. Theodosia admonished him anxiously that "it is . . . of serious consequence to you, to establish your health before you commence politician; when once you get engaged, your industry will exceed your strength; your pride cause you to forget yourself."¹

Congress then met in Philadelphia, and Burr established himself in that city of Quakers, politicians and financiers sometime in October, 1791. He found lodgings in a house "inhabited by two widows. The mother about seventy, and the daughter about fifty. . . . The old lady is deaf, and upon my [Burr's] first coming to take possession of my lodgings, she with great civility requested that I would never attempt to speak to her, for fear of injuring my lungs without being able to make her hear. I shall faithfully obey this injunction."²

The Second Congress of the United States opened on October 24, 1791. The First Congress had been the scene of much tumultuous debate, of the forging of a new nation. Hamilton had pushed his schemes for assumption of State debts, for payment of all governmental securities at par, for a National Bank, through Houses that were divided almost equally into enthusiastic supporters and bitter opponents. The great measures of government had been passed. President Washington heaved a sigh of relief and Hamilton permitted himself to relax. The Second Congress was a period of comparative quiet, of marking time. Within its halls parties had not yet fully crystallized. The loose appellations of Federalist and anti-Federalist still held their original meaning, based as they were on the Constitutional fight of 1787. Actually Congress voted on the basis of approval or disapproval of Hamilton's operations. Within a few years, however, as the depression that commenced in 1792 deepened, the issues were more baldly stated, and party lines became fixed and unalterable.

Already the fight between Jefferson and Hamilton in the Cabi-

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net had assumed the stage of a dangerous, if smoldering, fire. Hamilton's principles had been definitely and logically formulated. Jefferson's, if still a trifle inchoate, were steadily crystallizing. The great planting interests of the South had nothing in common with the mercantile, bond-holding classes of the North. Virginia led the Southern States, Massachusetts those of the North. The South could not hope to make successful headway on its own; it was therefore necessary to seek alliances.

Accordingly, in the summer of 1791, Jefferson and Madison made a leisurely trip through New York, ostensibly on a botanizing excursion. But apparently, as S. E. Morison has felicitously put it, they were in search of a certain rare plant, the *Clintonia borealis*. They saw George Clinton — quite casually, of course — they met the Livingstons, who had just given Philip Schuyler his *coup de grâce*; and they spoke to Aaron Burr. An understanding was arranged — the beginning of the political alliance of New York and Virginia — that was to ripen slowly and bear considerable fruit.

Burr threw himself into his new duties with unremitting energy. He now saw clearly the path ahead. Law was to be discarded in favor of politics as the ultimate career. He was too keenly analytical and appraising to hold any particular illusions about the matter. He was not swayed by violent hatreds or dogmas; he did not believe that political opponents were necessarily rascals. In an era when invective and diatribe were almost the sole political arguments, he was amazingly urbane and courteous. He ran neither with the hares nor with the hounds, nor suffered himself to be overwhelmed and blinded by party passions and prejudices. He considered the exercise of public office in the nature of a career, even as the "careerists" in the British civil offices consider it to this day. It was a life-work, not as lucrative as the law perhaps, but offering its own peculiar rewards in the feeling of power, of satisfied ambition, of the efficient smoothness of geared wheels to be set in operation, of public service even. In short, politics was a profession, and Burr determined to treat it as such.

It was this attitude which set Burr apart from the others of his time, and made him an enigma to them and to the following generations as well. It was too cool-headed, too analytical an attitude. They could not understand his complete objectivity, his utter contempt for the innumerable dogmas that aroused the emotions and clouded sheer reasonableness, his steady, unswerving, unhurried movement toward a clearly developed objective. They were amateurs in politics — even Jefferson, Hamilton, John Adams,

Madison and the rest. Amateurs, that is, in the sense that politics was not their life-work, a science to be studied calmly and mapped in accordance with certain intellectual rules. To them it was an avocation, something inextricably involved with their passions and instinctive economic reactions. They theorized, and philosophized, and rationalized what they did with subtle generalizations. Burr never generalized. Each political problem stood on its own feet. He studied it unemotionally, determined on the appropriate means to secure the desired end, and unhesitatingly put them into motion.

Not that Jefferson or Hamilton or the others were not *practical* politicians. They were, and immensely skilful at the job indeed. The distinction is one between *practical* and *professional*. Burr was the latter. The term has now, and had then, certain vaguely distasteful connotations. There is no reason for this, any more than its use in any other field. The political field requires skill, training and the development of orderly technique, even as the law or engineering or medicine. Other nations have recognized this simple principle; America perhaps has not even yet.

But Burr was a new phenomenon on the American scene. His contemporaries did not understand him; there is no clear understanding of him today. He fought political battles as he fought law suits, as he had disposed of his forces in war — as though they were problems in chess, intellectual exercises. In a day when party passions reached an unbelievable pitch, when pamphlets and the press frothed at the mouth, when physical warfare threatened, Burr rode serenely above the storm, appraising, marshaling his forces, hewing to a predetermined line. It accounts in great part for his brilliant upswing; it accounts in still greater part for his abrupt downfall. His own associates were uneasy, distrustful of him, instinctively hostile to his methods, though employed on their behalf. They preferred the bludgeon to the rapier; they preferred the ecstasy of aroused emotion to the smooth working of a geared and irresistible machine. Burr was a portent of a new force in American politics and they did not like it. They feared what they could not fathom; they sensed a danger to their own positions in his Old World urbanity and polish.

Yet though Burr was admittedly ambitious — which is no crime — and though he treated politics as an intellectual exercise, he was an immensely valuable force in the growing nation. The whole Jeffersonian campaign pivoted on his tactics; admittedly the agrarian revolt would not have triumphed when it did had it not been for him. Now that he had entered politics as a definite field

of endeavor, he was on the side of the masses, of the popular discontent. Yet it must not be conceived that this was a matter of demagoguery.

He was as far removed from the demagogic as it was possible to be; he disdained exhortations, tub-thumpings, appeals to the emotions; he disdained even to defend himself when attacked in personal terms. Essentially his was an aristocratic nature, whose ideal was the Chesterfieldian gentleman, reserved, impenetrable, proud. Nor was the popular side necessarily the vote-getting side. The masses were disfranchised, inarticulate at the ballot-box. The property qualifications saw to that. New York State, his own bailiwick, in 1789 had a population of 324,270, yet the voters numbered only 12,353. The rest of the country followed the same general proportions. And this handful of the electorate comprised the men of means, of property, of respectability, the men who inevitably were conservative and chary on behalf of their vested interests. They would naturally — in most sections — gravitate to the party of Federalism.

Burr's choice of Republicanism must then be laid to an intellectual conviction, not to motives of personal interest. He could have gone as far, perhaps even farther, as an avowed Federalist. Most of his friends were of that persuasion — Robert Troup, Judge Yates, William Patterson, Jonathan Dayton. The ever-present fear that Burr might some day turn suddenly and wrest the scepter of supremacy from his hands may have had considerable to do with Hamilton's persistent sniping.

Burr was the true aristocratic liberal. He followed the fortunes of the French Revolution with enthusiastic admiration and careful analysis, a combination that only he could compass. "From an attentive perusal of the French Constitution, and a careful examination of their proceedings," he wrote, "I am a warm admirer of the Essential parts of the plan of government which they have instituted, and of the talents and disinterestedness of the members of the National Assembly." ³ To this admiration he steadily adhered. In later life he became a student and ardent disciple of Jeremy Bentham, the great English economist and liberal. He helped disseminate Bentham's ideas in America, and sought his close friendship when in exile. His was the Continental spirit. In Europe he had his fellows; in America at this time he was alone. Therein was his strength and his tragedy.

2. SENATORIAL DUTIES

The Senate met behind closed doors. Debates were secret, and only skeletal outlines were permitted to reach the light of day. It is therefore extremely difficult to appraise properly this portion of Burr's career. Yet he was evidently active in the debates and very well thought of by his confrères. A contemporary remarks that "deference [was] shewn his opinions by his senatorial colleagues," and that "it was . . . universally acknowledged, that no other State was so respectably represented as the State of *New-York*, in the combined talents of Mr. *Burr* and Mr. *King*."⁴

However, the *Annals of Congress* give verification to contemporary opinion and furnish a fairly accurate guide to his standing and to his position on men and measures.

The Senate opened with due solemnity on October 24, 1791. On October 25th, the fledgling Senator from New York was made chairman of a committee to draft the Senate's address to the President of the United States.⁵ And almost immediately thereafter he was given a host of committee assignments. Included in these were some of considerable importance.⁶

In the Second Session, starting on November 5, 1792, he commenced a persistent campaign to abolish the shroud of secrecy in which the Senate proceedings were enveloped, and to throw open the doors to the public during all debates. At this particular time the motion was defeated by a large majority.⁷

The message of President Washington on the Indian troubles and the necessity for a larger military establishment came in for a great deal of warm debate and maneuvering. Burr was the chairman of the committee that considered the message, and there were rumors abroad concerning his stand, and the probability that he had been offered a military command as a reward for the position he took. He denied it peremptorily — to his wife, it must be understood, not to the general public. He made it a fixed rule of life never to deny rumors or accusations. "You may expect a host of such falsehoods as that about the Indian war," he declared. "I have not been offered any command. When the part I take in the bill on that subject shall be fully known, I am sure it will give entire satisfaction to my friends."⁸

Burr, regardless of self-interest, was always to be a warm supporter of a strong military establishment. His Revolutionary service had left a deep impression on his mind; he was always to appreciate complimentary references to his soldiering far more than those concerning any other phase of his career.

He devoted himself arduously to his duties. He was not content with the ordinary routine of the average Congressman. He wished to perfect himself in his profession, to become able to act intelligently and with understanding on measures of government. Especially was he interested in foreign relations. But, pursuant to a highly monarchical policy, the archives of the Department of State were not available to Congress. Only those matters and such particular correspondence which the President was graciously willing to present to its attention, could be inquired into by the legislative branch of the Government.

Burr resented this, and applied to Thomas Jefferson, Secretary of State, for permission to examine the archives of the Department mornings before the regular opening time. Permission was granted. Burr threw himself into his researches with characteristic energy. He was there every morning promptly at five, copied or made extracts until ten, when the doors were formally opened. Then he attended sessions of the Senate, and spent his evenings studying and digesting his notes. Then, one fine day, Washington heard of the practices of the Senator from New York, and put a stop to it by peremptory order.

"Thomas Jefferson presents his respectful compliments to Colonel Burr, and is sorry to inform him it has been concluded to be improper to communicate the correspondence of existing ministers."⁹

3. EYES ON NEW YORK

But national politics were not all that occupied the attention of Senator Burr during that pregnant year of 1792. His home State was seething with ferment and recriminations, and wisely he paused in his labors in the Senate to keep sharp eyes on the local situation. Already he saw with exceeding clarity that New York in great measure held the balance of power between conflicting sections of the country, and that he, as a moderate and comparative independent, might, by the employment of a cohesive and durable organization, swing the balance with delicate precision in the pivotal State.

Governor Clinton's term was due to expire in March, 1792, and by the first month of the year the political campaign was in full swing. There was talk that the aging Governor would decline to run again, but Burr knew better. George Clinton was not the man to resign easily the reins of office.

On the Federalist side, however, matters were in a state of con-

fusion. Judge Yates was first offered the nomination. He was the logical candidate, inasmuch as he had missed election in 1790 by a mere handful of votes. But to their vast surprise and no little alarm, he declined, alleging as a sufficient reason that "he apprehended his pecuniary affairs would be injured if he was placed in the chair of Government." But the suspicious Federalists smelled a rat. Schuyler, in great perturbation of spirit, hastened to call on him, and wrote Hamilton that after considerable argument, "I am led to believe that he will not yield to Mr. Burr's views. I shall, however, in a day or two bring him to an explicit declaration on the subject."¹⁰

The cat was out of the bag. It was the small, erect, imperturbable figure of Burr, newly elected Senator, a comparative newcomer on the political stage, that was from now on to cause sleepless nights and political nightmares to the older and ostensibly more experienced statesmen of New York.

There were forces at work pushing Burr for the gubernatorial nomination with might and main. Nor were these forces restricted to one party. Both Federalists and anti-Federalists felt the subterranean upheavals, and suffered queasy sensations in the pit of the stomach in consequence. It is easy to comprehend Hamilton's indignation and astonishment at receiving the following analysis of the situation from a loyal henchman, one Isaac Ledyard. "On my arrival here [in New York], finding that a tide was likely to work strongly for Mr. Burr, I grew more anxious." Judge Yates, it is to be calculated, by "supporting Mr. Burr will best please most of his ancient friends [Yates had originally been an anti-Federalist] and tend to restore him to their confidence, and also that the candidate in question has a personal dominion over him." Schuyler himself, it seems, feared "that if Mr. Clinton and Mr. Burr were to be the only competitors, and his friends thrown out of the scale, it would be doubtful which succeeded." Ledyard proceeded to argue that the candidacy of a strict Federalist in a three-cornered fight would mean Burr's election; that the only hope of opposing him was to support Clinton, but that, he felt, would be "a dereliction of sentiment," and not to be thought of.

Furthermore, he pointed out to Hamilton, "if B. finally succeeds, and you have not the merit of it, it will be an event extremely disagreeable to me," and, though he left it to implication, to all Federalists who were hungering for office. With that in mind, the hungry Ledyard sought repeated interviews with Burr to

"procure from him an *artless* declaration of his sentiments, both with respect to the Union, on present grounds, and also with respect to you."

Burr must have smiled secretly at the advent of the alarmed politician, and evaded with glittering phrases that satisfied the none too subtle Ledyard, who went on to report that "he [Burr] has expressed a sincere regard for the safety and well-being of the former. With respect to yourself, he expresses an entire confidence in the wisdom and integrity of your designs, and a real personal friendship, and which he does not seem to suppose you doubt of, or that you ever will, unless it may arise from meddling interveners." And Ledyard closed with a sentence that must have thrown Hamilton into a veritable fury. "Unless you have grounds of objection which I do not know of, I ardently wish that the result of your interview with General Schuyler may be an adoption of the candidate."¹¹ In other words, Aaron Burr!

Hamilton had many "grounds of objection," not all of which were for public consumption. He marshaled his forces against the open threat to his hitherto unquestioned supremacy in New York Federalist politics. Pressure was brought to bear on Yates. Van Rensselaer was offered the nomination to cement the loyalty of his powerful clan. He declined. In desperation Hamilton turned to John Jay, and obtained his reluctant consent to quit the Supreme Court Bench and make the campaign. At a great meeting in New York City, held on February 13, 1792, John Jay was nominated by acclamation. Judge Yates appeared and announced his support, thereby quieting all rumors; the other supposed recalcitrants pledged their aid. It was a love feast, and Hamilton breathed easier.

Meanwhile the anti-Federalists, or Republicans, as they now preferred to be called, had their own difficulties. The campaign to ignore Clinton and to give the nomination to Burr went on with unabated vigor. A great many good Republicans, notably in New York City, considered Burr the stronger candidate. The regular forces girded their loins and Clinton used the great power of his patronage. On February 15, 1792, the Republicans met, the hall was packed with Clinton supporters, and the Governor was nominated.

In spite of these regular nominations, however, the politicians of both parties were disturbed. The sentiment for Burr had not subsided. On February 27, 1792, an open letter appeared in the *Albany Gazette*, under the pseudonym of "Plain Farmer," urging

Burr's name on the moderates of both parties because of his superior qualifications and because "he did not belong to either party."¹²

Burr, from Philadelphia, took stock. His friends in New York, the little band of devoted followers, whom already he was building up into a smooth, efficient machine, had engineered the excitement under his able, if secret, leadership. He had good cause to be satisfied with the results. He had thrown a considerable scare into the old-line politicians. It is not to be believed that he actually desired the nomination at this particular time. It would have been premature. There was much spade-work still to be done. But he had, without showing his hand, proved his power. With Hamilton there would be no compromise; nothing but bitter feud. But Clinton sought him out, as the event showed, and offered satisfactory terms for his withdrawal. A third party candidacy would have been fatal to Clinton's chances.

Accordingly, on March 15, 1792, Burr announced through the newspapers that he was not a candidate for the office, and the campaign was on between Clinton and Jay.

4. BURR DECIDES AN ELECTION

The election was warmly contested and exceedingly close. When the ballots were all in, the result was still in doubt. By law the votes had to be canvassed by a joint committee of the two branches of the Legislature — six Senators and six Assemblymen. The ballots were required to be delivered to the Sheriffs of the respective counties, who were to place them in boxes, seal and deliver them to the Secretary of State. He in turn delivered them on the second Tuesday in May to the Board of Canvassers, who thereupon broke the seals, counted the votes and announced the results. Their decision, declared the law, was to be binding and conclusive.

Excitement grew more and more tense as the canvassing date approached. There were rumors of irregularities, of a determination to seat George Clinton in the gubernatorial chair by fair means or foul. The majority of the committee were Republican in politics and Clinton's personal friends and henchmen.

Nor were the rumors entirely false. When the ballots were duly opened, it was discovered that John Jay, if all the ballots were declared valid, had been elected by a majority of almost 400 votes. But at once the Republicans on the Board of Canvassers discovered irregularities in the votes that had been delivered to

them from the counties of Otsego, Clinton, and Tioga, all from the upper portions of the State.

The irregularities were of a highly technical nature, not impugning in any way the honesty or probity of the balloting in the three suspect counties, nor the integrity of the officials who had handled the votes. But, claimed the majority of the Board, the exact letter of the law had not been complied with, and therefore the entire votes of the counties must be rejected. Tioga had given a substantial majority to Jay; the votes of the other two counties were approximately even. If all three were rejected, Clinton was elected by a vote of 8,440 to 8,332. If accepted, Jay was the next Governor.

The minority of Federalists, however, raised such a clamor that the dominant faction hesitated to dispose of the matter thus summarily, and it was finally agreed to obtain the opinion of eminent lawyers for their guidance. The lawyers chosen were Aaron Burr and Rufus King, both United States Senators.

The two Senators conferred, and found that they, too, disagreed, each following the bent of his political convictions. Burr thereupon proposed that they should decline to announce any public decision, but King refused and forthwith sent this opinion in writing to the Board. It was to the effect that the ballots of the disputed counties be declared valid. Whereupon Burr promptly forwarded *his* opinion that the ballots of Tioga and Otsego were void, and concurring with King only insofar as Clinton County was concerned.

Which left the Canvassers pretty much where they had been before. Yet, with a fine disregard of the proprieties, they proceeded to reject the votes of *all* of the counties, including Clinton, by a strictly partisan vote of 7 to 4, and George Clinton was declared elected.

At once the State was swept by a flame of excitement. The Federalists shouted to the heavens that Jay had been deliberately cheated out of the election, that the Canvassers had been corrupt and partisan; they held public meetings, and denounced Clinton as a usurper. Civil war even threatened. But Jay remained calm and opposed all violent measures, much to the disgruntlement of the hotheads in his party. Instead, an appeal was taken to the Legislature as a whole from the acts of its Committee.

On November 6th, the Legislature met, and on November 21st, it took up the matter of the disputed canvass. The majority of the Board presented their case in a document drawn for them by Burr, actively enlisted in Clinton's behalf. He now, as a special

pleader, even defended the action of the Board in rejecting the vote from Clinton County, though he had before, as an allegedly impartial arbitrator, declared it to be valid.

The Legislature, by a vote of 35 to 22, dividing along familiar lines, found that the majority of the Canvassers had not been "guilty of mal or corrupt conduct in the execution of the trust reposed in them by law," and that, according to the statute, the judgment of the committee "shall in all cases be binding and conclusive," and hence not to be set aside by the Legislature.¹³ The controversy was ended, and George Clinton was Governor.

The Legislature had evaded the fundamental issues, but the historian is not permitted to do so, or to overlook Burr's part in the transaction. These issues must accordingly be examined.

In Otsego County, the commission of Richard R. Smith, the Sheriff, had expired on February 18, 1792. His successor, Benjamin Gilbert, though appointed on March 30th, did not actually qualify into office until May 11th. On May 3rd, however, the ballots of the county had already been delivered to the old Sheriff, Smith, and by him turned over to the Secretary of State. The point at issue was whether such a delivery was within the meaning of the statute, which provided that the "Sheriff of the County" deliver the ballot-boxes. In other words, was Smith still Sheriff, or had he been superseded by Gilbert?

Rufus King maintained that Smith was the Sheriff *de facto* until the new incumbent qualified; that it was ridiculous to assume that the non-action or delay of the Council of Appointment in filling the vacant office could void the duly deposited ballots of an entire county. Burr took the opposite view in a long and closely woven argument that is a masterpiece of casuistry and technical legal learning. He declared that the law was specific and allowed for no leeway; that in England a statute was required to permit sheriffs to hold over pending the appointment of a successor, and he cited this as proof positive that at common law such a right did not exist. Inasmuch as the common law obtained in New York, and as no such statute was on the books, it followed that Smith was no longer Sheriff at the time he delivered the ballot-boxes. Burr also made much of the fact that the old Sheriff, Smith, had already another public office, and hence would be in the awkward position of holding two incompatible public offices at once.¹⁴

His argument limps in several respects. In the first place, he erred in his assumption that the existence of an English statute presupposed that the original common law had been necessarily to the contrary. There were then, and are now, many statutes on

the books, both in England and the United States, that are merely reaffirmations of the old common law. Furthermore, the doctrine of hold-overs in office, pending the election or qualification of a successor, was even then thoroughly established by precedents for ministerial duties. The delivery of ballot-boxes is purely ministerial in function. Rufus King's argument, however, while sound and correct in its assumptions, was inferior to that of Burr in the marshaling of data and precedents, in the skill and plausibility with which they were advanced.

In the case of Tioga, the pivotal county, it appeared that the Sheriff "delivered the box containing the ballots to B. Hovey, his special deputy, who set out, was taken sick on his journey, and delivered the box to H. Thompson, his clerk, who delivered it into the Secretary's office."¹⁵

King was doubtful about this as a legal delivery, but, taking into consideration that "the election law is intended to render effectual the constitutional right of suffrage . . . it may be reasonably doubtful whether the canvassers are obliged to reject the votes of Tioga." A weak, ineffectual opinion that was bludgeoned down by Burr's ringing assertion that "the ballots of this county cannot, by any fiction or construction, be said to have been delivered by the sheriff."¹⁶

But there *were* precedents for such a redelegation of power by a sheriff's deputy, which, unfortunately, King had failed to discover. The English case of *Parker vs Kett*, 1 Salkeld 95, had so ruled, and later, in New York, the State Supreme Court was to follow the English decision.¹⁷

In Clinton County, the Sheriff entrusted the box to his servant for delivery, making him a deputy by *parole* for the occasion. Both King and Burr concurred in their original opinions that such a designation was proper.

The outcry continued, and both parties busied themselves in obtaining the opinions of other eminent lawyers to back up the legal arguments of their respective champions. It is hardly necessary to say that both were eminently successful in finding the necessary concurrences. To King's opinion were added those of Robert Troup, Cornelius J. Bogart, Thomas Cooper and others, chiefly from New York.

Burr bestirred himself actively in his own behalf. His reputation as a lawyer and to some extent his political fortunes were at stake. He spread his net wide over the legal luminaries of the nation.

"This business has become of considerable personal impor-

tance to me," he wrote his brother-in-law, Tapping Reeve, "& must therefore command a little of your attention." He had also enlisted the services of another relative, Pierpont Edwards, who had agreed to obtain signatures of approval from a half-dozen leading members of the Connecticut Bar. Reeve was to urge the matter on Trumbull, Bradley and Sedgwick, all likewise of Connecticut.¹⁸

He also solicited and obtained the support of Edmund Randolph of Virginia, of Jonathan Sergeant of Philadelphia, who had been Treasurer of Princeton in Burr's college days. He went as far afield as Paris, where James Monroe, Minister Plenipotentiary, was called upon for assistance. He enclosed the necessary papers and opinions, declaring that "those decisions, and of course my opinion, have been the subject of much animadversion and declamation; they were in short attacked with every thing but reason and law. The discontent of the friends of Mr. Jay or rather of the enemies of Mr. Clinton became clamorous and was expressed by resolutions and addresses of tumultuous meetings." In order to achieve public approbation of his course, Burr proceeded, "the persuasion must principally be wrought by the authority of great Names (for it cannot be expected that the public will reason on law points)." And if possible, Monroe was, besides rendering his own opinion, to request those of Patrick Henry and others in the South, charging all expenses to Burr.¹⁹

In short, Aaron Burr threw himself into the matter with every weapon and every resource that his powerful and agile mind could discover. Though, as he wrote Jacob De Lamater, "it would, indeed, be the extreme of weakness in me to expect friendship from Mr. Clinton. I have too many reasons to believe that he regards me with jealousy and malevolence."²⁰

This was, in a measure, true. For Clinton could not but view with considerable uneasiness the rising star of Burr. Accordingly, he determined to repeat the tactics that he had employed with Judge Yates. In an access of seeming gratitude for the timely aid of the youthful Senator, he nominated him to the Council of Appointment on October 2, 1792, as a Judge of the State Supreme Court. Burr saw through the scheme and promptly declined the honor. He had no intention of being shelved.

CHAPTER X INTERMEDIATE YEARS

1. HAMILTON CALLS NAMES

AARON BURR had, by the latter part of 1792, definitely committed himself to the Republican ranks. He had, earlier in the year, been seriously considered as a candidate by the Federalists in New York; he had held aloof from active assistance or persuasion during the campaign; his voting in the Senate had been fairly non-partisan in character; but, with the advent of the disputed election, there was no longer any question as to where he stood. The Federalists were infuriated at his decisive part in the transaction, Hamilton considered him now as his most dangerous antagonist in state and national affairs, and the repercussions spread far and wide. He was a national figure, and the Republicans of other States observed the youthful Senator with a new and more thoughtful interest. They consulted with him, and listened with respect to his opinions in the councils of the still somewhat inchoate party.

An influential Pennsylvania Republican urged that "your friends everywhere look to you to take an active part in removing the monarchical rubbish of our government. It is time to speak out, or we are undone. The association in Boston augurs well. Do feed it by a letter to Mr. Samuel Adams. My letter will serve to introduce you to him, if enclosed in one from yourself."¹

The second national election for the Presidency of the United States was then in full swing. The first had been attended with practical unanimity. George Washington had been made President by acclamation; John Adams Vice-President by an overwhelming majority.

But now, in 1792, parties had definitely emerged. There was still no opposition to the reelection of Washington, though the magic of his name had faded considerably. There were a good many underground rumblings at his seeming monarchical tendencies, and especially at the strangle-grip that Hamilton held upon his Administration.

Nevertheless the Republicans determined to move cautiously. They attacked a more vulnerable figure — John Adams, the Vice-