

CHAPTER XVII
TRAGIC DUEL

1. PROVOCATION

NO man in public life had exhibited such utter forbearance and outward good-humor under years of public calumny, lies, insinuations, innuendoes and accusations directed not only to his political life but to his private character and morals, as Aaron Burr. But now, with the ruins of his career thick about him, the myriad poisoned barbs he had hitherto brushed carelessly aside began to stick and fester. His enemies stood in a tight ring about him, watchful for the least sign of recovery in the victim they had downed.

The bright armor of pride and indifference with which this professional politician, this Chesterfieldian aristocrat, had encased himself, was now pierced beyond repair. He turned on his enemies, determined to strike back — hard. At the beginning of the nineteenth century there was but one method open to a man of honor to negate imputations against his private, as opposed to his public, character. That was the duel. Burr had fought not many years before with John B. Church; John Swartwout had been twice wounded by De Witt Clinton; Coleman, the editor of the *Post*, had killed Captain Thompson; Hamilton's own son had fallen on the dueling field a short time before. Gates had fought, so had Randolph, and later Andrew Jackson was to become a famous duelist and kill his man. Monroe and Hamilton had been on the verge of pistols; Hamilton had acted as second to Colonel Laurens in his duel with General Lee, and had himself proposed to be the first to meet the alleged traducer of Washington. Robert Swartwout had severely wounded Richard Riker — but the catalogue is endless. There was hardly a man of any prominence in those days who had not been on at least one occasion an early riser, with pistols for two, and coffee for one. It was the accepted mode, the sole recourse to gentlemen for slights, real or fancied, upon their characters. It is true that voices were beginning to rise in protest against the barbarous code of the duello, but they were still muted and weak against the strong course of tradition. It is with this in mind that the ensuing affair must be considered, and not with the overlaid prejudices of a modern age.

Even before the gubernatorial battle, Burr had told Charles Biddle, en route from Washington to New York, "that he was determined to call out the first man of any respectability concerned in the infamous publications concerning him."¹

Which left James Cheetham out of the picture, and brought De Witt Clinton very much into the foreground. Burr knew as well as the rest of the world that Clinton was the instigator and only begetter of the Cheetham libels. It was quite probable that Burr had him in mind when he spoke. But the fates decided otherwise. While Burr was brooding over his wrongs and determined to take the necessary steps to avenge them, there appeared in the *Albany Register* certain letters which diverted Burr's wrath to Alexander Hamilton as the arch-enemy and author of all his misfortunes.

Hamilton had spoken of Burr with his accustomed immoderateness of language at a dinner party given by Judge Tayler of Albany. This was during the campaign. Dr. Charles D. Cooper, Tayler's son-in-law, listened attentively and wrote forthwith an electioneering letter to Andrew Brown, of Berne, in which he said "Gen. Hamilton . . . has come out decidedly against Burr; indeed when he was here he spoke of him as a dangerous man and ought not to be trusted."² The letter was dated April 12, 1804.

On April 23, 1804, Cooper wrote another letter, addressed to Philip Schuyler. This letter contained dynamite. "General Hamilton and Judge Kent have declared, in substance, that they looked upon Mr. Burr as a dangerous man," it asserted, "and one who ought not to be trusted with the reins of government. If, sir, you attended a meeting of Federalists at the City Tavern where General Hamilton made a speech on the pending election I might appeal to you for the truth of so much of this assertion as related to him . . . I could detail to you a still more despicable opinion which General Hamilton has expressed of Mr. Burr."³

Whom the gods wish to destroy, they first make mad. With the probable connivance of Schuyler, Hamilton's father-in-law, these letters were published in the *Albany Register*, to be copied and quoted by other journals, and to make their endless rounds in the campaign literature of the day.

"I could detail to you a still more despicable opinion which General Hamilton has expressed of Mr. Burr." This was the fatal sentence, the one which Burr could not afford to overlook. De Witt Clinton was wiped out of his mind for the moment; all his attention was concentrated on Hamilton. This, of course, was not the first time Hamilton had spoken disparagingly of Burr's

moral and personal character. In fact, the vague phrases of Cooper were mild compared to the sentiments Hamilton had expressed time and again both in private speech and private letter. But never before had any of his damning communications achieved the pitiless glare of publicity. The recipients had read his accusations, and filed the incriminating documents away in their own portfolios. It is too much to believe that Burr had not been fully aware this long time past of Hamilton's secret thrusts, and that they had not rankled. But as long as they were confidential, and not susceptible of open avowal, he deemed it wiser to ignore them and meet Hamilton with accustomed courtesy and outward friendliness. Now, however, Hamilton's private opinions had become public and open for all to see. They could no longer be ignored. By the code there could be only one answer.

No human motive is entirely simple. Mingled with these considerations were quite probably others, obscurely working in the recesses of Burr's mind. Hamilton had been his fatal genius — had blocked him at every turn. There had been the legitimate occasions of political controversy; there were other occasions, not quite as legitimate. Such, for example, as the thwarting of his appointment as Minister to France, as Brigadier-General in John Adams's Army. He had opposed him by fair means and foul, had split the Federalist ranks when they would have supported him, had stopped his election to the Governorship, had sniped persistently with hints and dark innuendoes that had spread like a rank contagion, and invoked among men a vague distrust of Burr, his private morals, his public ethics, his whole personality.

On June 18, 1804, Burr set the wheels of an inexorable destiny in motion, wheels which were to destroy Hamilton's body and, more fiendishly even, to blast Burr with contemporaries and posterity alike. On that day, William P. Van Ness appeared at Hamilton's home and silently handed him a formal communication. Hamilton read it through slowly, feeling already the first touch of the grinding wheels. It said, "Sir, I send for your perusal a letter signed Charles D. Cooper, which, though apparently published some time ago, has but very recently come to my knowledge. Mr. Van Ness, who does me the favour to deliver this, will point out to you that clause of the letter to which I particularly request your attention. You must perceive, sir, the necessity of a prompt and unqualified acknowledgment or denial of the use of any expressions which would warrant the assertions of Mr. Cooper. I have the honour to be Your obedient servant, A. Burr" 4

Icily direct and to the point, correct in every detail. Hamilton

stared at the enclosed clippings, turned to the silently formal Van Ness and said that the matter required consideration, and a reply would be shortly forthcoming. It was not, however, until June 20th, that Van Ness received the awaited response. It was lengthy and argumentative, quite unlike Burr's stripped phrases. "I have maturely reflected on the subject of your letter of the 18th inst.," it began, "and the more I have reflected the more I have become convinced that I could not, without manifest impropriety, make the avowal or disavowal which you seem to think necessary." Then he proceeded to analyze the offending phrases, to twist and turn them, to argue their exact meaning with the subtlety of a lawyer for the defense. He spoke of the justifiable "animadversions of political opponents upon each other," and called Burr's attention to the fact that he had not been interrogated as to the precise opinion which was ascribed to him. "I stand ready," he concluded, "to avow or disavow promptly and explicitly any precise or definite opinion which I may be charged with having declared of any gentleman . . . I trust, on more reflection, you will see the matter in the same light with me. If not, I can only regret the circumstance, and must abide the consequence."

He must, he declared, "abide the consequence." The immortal phrase, attesting to a willingness to accept a challenge, if and when given!

Burr retorted promptly that "political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws of honour and the rules of decorum. I neither claim such privilege nor indulge it in others." Which was true. Charles Biddle wrote much later that he "never knew Colonel Burr speak ill of any man." 5 Burr went on to point out that "the common sense of mankind affixed to the epithet adopted by Doctor Cooper [*despicable*] the idea of dishonour. The question is not whether he has understood the meaning of the word, or has used it according to syntax and with grammatical accuracy, but whether you have authorized this application, either directly or by uttering expressions or opinions derogatory to my honour. Your letter has furnished me with new reasons for requiring a definite reply."

It has, I believe, slipped the attention of most commentators that at this point in the correspondence Hamilton could have avoided a duel by a prompt disavowal of having used any language at the Tontine Coffee House which involved a *despicable* opinion of Burr. Hamilton, however, let the opportunity pass by; probably because there were too many Federalists who remembered his remarks. It was ridiculous, of course, for him to have demanded

from Burr, for avowal or disavowal, a list of the exact statements alleged to have been made. Burr had only Cooper's letter to go on.

Hamilton read this short, sharp note, and told Van Ness "that it contained several offensive expressions, and seemed to close the door to all further reply." Accordingly, on June 25th, Van Ness waited on him again, this time with what was no doubt a formal challenge. But Hamilton had reconsidered what was tantamount to a defiance, and handed him a letter, dated three days earlier. "If by a 'definite reply' you mean the direct avowal or disavowal required in your first letter, I have no other answer to give than that which had already been given. If you mean any thing different, admitting of greater latitude, it is requisite that you should explain."

Hamilton was obviously unwilling to enter upon a duel with Burr, yet he was in a tight situation. The memory of all the things he had said about Burr now rose to plague him. He could not disavow them all. It was for this reason that he resorted to what might seem the veriest quibbling tactics.

Burr read this note attentively, and remarked coldly to Van Ness that it was not sufficient. Whereupon Van Ness conferred with Mr. Pendleton, to whom Hamilton had confided the task of representing him. Now the ground was broadened. Burr was no longer content with the disavowal of a single incident. He now demanded, reported Van Ness, "a general disavowal of any intention, on the part of General Hamilton, in his various conversations, to convey expressions derogatory to the honour of Mr. Burr." In his struggles to escape from the ignominy of a single denial or apology, Hamilton had but enmeshed himself more closely in the web of circumstance. From this point on, events march with the inevitableness of a Greek tragedy. In spite of Pendleton's assurance to Van Ness that he believed Hamilton would have no objections to making such a declaration, Hamilton could not possibly make such a disavowal without digging his own grave, politically, socially and personally. There were literally hundreds who possessed much too damning evidence of Hamilton's opinions on Burr for him to withdraw. He must needs proceed to his fate. He declined to make the requisite generalization, but he was willing now to avail himself of the loophole which Burr had first offered.

Pendleton read a prepared statement that "in answer to a letter properly adapted . . . he would be able to answer consistently with his honour and the truth, in substance, that the conversation to which Doctor Cooper alluded turned wholly on political topics, and did not attribute to Colonel Burr any instance of dishonour-

able conduct, nor relate to his private character; and in relation to any other language or conversation of General Hamilton, which Colonel Burr will specify, a prompt and frank avowal or denial will be given."

Had Hamilton agreed to this statement earlier in the controversy the duel could have been averted. He had delayed too long, however. The basis for discussion had broadened. Now, by his hedging, he gave Burr public reason to believe that Hamilton had used contumelious language concerning him. A man who demands specific instances for him to avow or disavow, and who refuses to say generally that he had never impugned his opponent's honor, thereby makes a practical admission that he had. Which was precisely what Burr retorted in his next communication, and continued to insist upon a general denial or declaration.

To which Pendleton answered that the matter had gone far beyond its original scope — which it had — and that it aimed at nothing less than an inquisition into Hamilton's most confidential conversations. "Presuming, therefore," he added significantly, "that it will be adhered to, he [Hamilton] has instructed me to receive the message which you have it in charge to deliver."

To this there was only one answer. On June 27, 1804, Van Ness delivered Burr's formal challenge.

2. APOLOGIA

On Hamilton's representations that he was engaged in certain court matters which required completion, the date of the duel was ultimately set for the morning of July 11th; the place Weehawken, just across the river, in New Jersey. This was a favorite meeting-place for the duelers of the time, as outside the jurisdiction of New York, readily accessible, and as readily left.

For two weeks the principals and their seconds went about their normal business, meeting in public, disclosing nothing by their manner or conversation to an unknowing world. They even met to celebrate the Fourth of July, at a banquet of the Society of the Cincinnati, of which both were members and Hamilton the President. Hamilton was wildly hilarious, even to the extent of leaping on a table and singing a song. Burr was quiet and reserved as usual, leaning on his elbow, and gazing earnestly into the face of the man he was soon to meet with pistols. He left the festivities early. On June 23rd, knowing quite well that he was shortly to meet Hamilton, there was Theo's birthday to be celebrated, even though Theo was hundreds of miles away. They "laughed an

hour, and danced an hour, and drank her health at Richmond Hill." ⁶

On July 10th, the day before the duel, Burr wrote Theo, "having lately written my will, and given my private letters and papers in charge to you, I have no other direction to give you on the subject but to request you to burn all such as, if by accident made public, would injure any person. This is more particularly applicable to the letters of my female correspondents." There was very little he could leave any one, "I mean, if I should die this year," he told her. "If I live a few years, it is probable things may be better." He directed the disposal of certain objects of sentimental value to friends and relations, and wound up with a heartfelt, "I am indebted to you, my dearest Theodosia, for a very great portion of the happiness which I have enjoyed in this life. You have completely satisfied all that my heart and affections had hoped or even wished. With a little more perseverance, determination, and industry, you will obtain all that my ambition or vanity had fondly imagined. Let your son have occasion to be proud that he had a mother. Adieu." ⁷

Then he wrote other letters. One to Joseph Alston, Theo's husband, arranging for the disposition of his estate and the payment of his debts. "I have called out General Hamilton, and we meet to-morrow," he advised. "If it should be my lot to fall . . . yet I shall live in you and your son. I commit to you all that is most dear to me — my reputation and my daughter." Even on the point of imminent death, however, the educator could not resist one final exhortation. "Let me entreat you," he concluded, "to stimulate and aid Theodosia in the cultivation of her mind. It is indispensable to her happiness and essential to yours. It is also of the utmost importance to your son. She would presently acquire a critical knowledge of Latin, English, and all branches of natural philosophy. All this would be poured into your son. If you should differ with me as to the importance of this measure, suffer me to ask it of you as a last favour. She will richly compensate your trouble." ⁸

Hamilton spent his days in winding up his legal business, and preparing his *apologia* for the benefit of posterity. This is a remarkable document. In it he avowed that he was opposed to dueling on religious and moral principles, that his wife, children and creditors required his continued life, that he was conscious of no ill will to Burr distinct from political opposition. He conceived, however, that it was impossible to avoid the issue, because "it is not to be denied that my animadversions on the political prin-

ciples, character, and views of Colonel Burr have been extremely severe; and, on different occasions, I, in common with many others, have made very unfavorable criticisms on particular instances of the private conduct of this gentleman." He hoped to be believed that he had not censured Burr on light grounds, "though it is possible that in some particulars I have been influenced by misconception or misinformation . . . As well, because it is possible that I may have injured Colonel Burr, however convinced myself that my opinions and declarations have been well founded, as from my general principles and temper in relation to similar affairs, I have resolved . . . to reserve and throw away my first fire, and I have thoughts even of reserving my second fire, and thus giving a double opportunity to Colonel Burr to pause and reflect." As for those who might inquire why he did not refuse the duel altogether, there was "a peculiar necessity not to decline the call. The ability to be in future useful, whether in resisting mischief or effecting good, in those crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity with prejudice in this particular." ⁹

This, then, was the answer. Hamilton felt his leadership involved; he was fighting not alone Burr, but the recalcitrant New Englanders headed by Pickering, and he would have fallen irreparably in the estimation of his own party, had he declined the encounter.

3. PISTOLS FOR TWO; COFFEE FOR ONE

The morning of the 11th dawned misty and red. Burr was the first upon the ground, attended by Van Ness. John Swartwout, come to waken him, had found him in deep and tranquil slumber. Then appeared Hamilton with Pendleton. The parties saluted each other with formal courtesy, and the seconds proceeded with the necessary arrangements. Pistols loaded, the two antagonists took their allotted positions. The word was given. Both parties presented and fired. Burr remained erect, but Hamilton raised himself convulsively, staggered, and pitched headlong to the ground. Burr advanced towards Hamilton with a manner and gesture that appeared to Hamilton's second to be expressive of regret, but Van Ness urged him to withdraw immediately from the field, so as not to be recognized by the boatmen or the surgeon in the barge which was already approaching.¹⁰

Afterwards, there was to be considerable disagreement between the seconds as to whether Hamilton fired first, or whether in fact

he fired in the air, in accordance with the intention expressed in his pre-mortem statement. The matter aroused violent controversy at the time, but is now of purely academic importance. He had agreed to a duel, and must abide the necessary results. Burr could not have known of his secret determination to reserve the first fire. Van Ness always maintained, and with considerable vehemence, that Hamilton had fired first, and *at* his friend.

The doctor found Hamilton dangerously wounded and had him hurriedly transported to New York, where he lingered in great agony for thirty-one hours before he died.

At one bound Alexander Hamilton had achieved martyrdom and a posthumous exaltation of devotion that had never been granted him during his lifetime. The City of New York draped itself in mourning. Bells were muffled, flags were furled; everywhere the most extravagant sorrow manifested itself. Hamilton's remains were buried with military honors under the auspices of the Cincinnati, attended by a vast concourse of people. Gouverneur Morris pronounced the funeral oration to weeping thousands, though, in the privacy of his Diary, he recorded that he would find the proposed address rather difficult, considering Hamilton's birth, vain, opinionated character, monarchical opinions, and wrong ideas generally. To Colonel Smith, who urged him to the task, he said flatly that "Colonel Burr ought to be considered in the same light with any other man who has killed another in a duel; that I certainly should not excite to any outrage on him."¹¹

There were others, however, who would and did. The Clintons were especially active in expressions of horror at the *murder* of their dear friend, Alexander Hamilton, and did not hesitate to incite the population to wreak vengeance on the author of such a foul deed. Wild rumors were industriously set in circulation, wilder accounts of the duel. Burr, it seemed, had spent the days before the duel in alternate revelry and target-shooting to increase the deadliness of his aim, while Hamilton had settled his affairs, remained in the bosom of his family, and otherwise conducted himself as a most irreproachable citizen. Burr had worn silk the day of the duel, since silk was known to deflect bullets; Hamilton had refused to shrink from the speeding missile. Burr had laughed and rubbed his hands in glee when Hamilton fell, and regretted only that the missile had not lodged directly in his heart. In short, it was cold-blooded, deliberate murder. Cheatham took up the cry; even Coleman went along. All over the nation processions were held, mass meetings convoked in honor of the departed hero; while Burr's name was made the target of intense execration.

Those very Federalists who had been secretly working against Hamilton's domination were now the loudest in their wails. Hamilton was safely dead, and his apotheosis might be used to rally the fainting cohorts. The populace, roused to frenzy, threatened to burn Burr's house about his ears. They shouted opprobrious doggerels, vile alike in meter and sentiment, paraded and demonstrated.

" Oh Burr, oh Burr, what hast thou done,
Thou hast shooted dead great Hamilton!
You hid behind a bunch of thistle,
And shooted him dead with a great hoss pistol! "

In short, the duel was made the occasion for the release of a great many hidden wishes. The Federalists thought to ride back to popularity and control on the wave of national emotion; the Clintons saw in it their final chance to destroy Burr forever.

In the South and the West, however, the affair was viewed in simpler, calmer fashion. It was but a duel, similar to hundreds of others; it was, moreover, from all the available evidence, thoroughly justified, if ever a duel could be justified. Burr actually increased in stature among the hot-blooded planters of the South and the hair-trigger frontiersmen of the West. He had killed his man.¹²

John Randolph thought Burr's "whole conduct in that affair does him honor" and that the published correspondence reminded him "of a sinking fox, pressed by a vigorous old hound, where no shift is permitted to avail him."¹³

4. INDICTED FOR MURDER

Burr was aghast at the tumult and the shouting and the storm of execration which promptly descended upon his head. He had killed Hamilton in fair duel; he had had, he conceived, more than ample provocation for the encounter; why, then, should this particular affair of honor be viewed differently from all others? He had not realized to the full the extent of the insidious campaign that had been directed for years against his reputation. Men's minds had been prepared to believe the worst of him. Certain adjectives had been attached to his name for so long that they were matters of automatic response. He did not know how to fight back. When it came to calling names the talents of Van Ness had to be impressed. In politics the best defense is a violent offensive. His intellectual equipment was marvelously adapted to moving measures, and men in the mass, with abstract precision and in the

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form of a mathematical problem. But he did not possess the demagogic art of impressing himself upon the *emotions* of men. Even when sincere, his bland imperturbability and air of reserve aroused an uneasy belief that he was inwardly mocking the beholder. There was an air of subtlety about the man which was resented by those of simpler mold. This was a mistake. Your true politician veils his cleverness with an outward mask of transparent simplicity and pretends to a wholly common denominator with his constituents. So that the nation was only too eager to believe the worst of this polished, courtly gentleman, whose courtliness they could not penetrate.

For eleven days after the duel Burr remained in New York, waiting for the noise to subside. Under Cheetham's incitement, however, it mounted to furious heights. A coroner's jury was summoned by the City Administration — composed of Clintonites — to inquire into the duel. It was proposed to indict Burr for murder, though the alleged act had been committed in another state.

On July 18th, Burr wrote with bitterness to Alston that "the event . . . has driven me into a sort of exile, and may terminate in an actual and permanent ostracism . . . Every sort of persecution is to be exercised against me. A coroner's jury will sit this evening, being the *fourth* time. The object of this unexampled measure is to obtain an inquest of murder . . . I am waiting the report of this jury; when that is known, you shall be advised of my movements."¹⁴

Yet, in spite of manifest anxiety and the uncertainty even of life itself, this amazing man could find time to pay suit to a certain lady, known to Theo as *La G.*, with whom, on July 20th, an interview was expected, "which if it take place, will terminate in something definitive."¹⁵

The interview probably did not take place. For, on the following day, it was decided by Burr's friends that New York was entirely too dangerous a place for him. The populace was threatening, plans were afoot to attack and destroy Burr's house, the coroner's jury was certain to bring in a presentment of murder.

Accordingly, at 10 A.M. on July 21st, Burr left Richmond Hill unostentatiously in company with the ever-faithful John Swartwout, to embark on a waiting barge in the Hudson. He first went to Thomas Truxton, at Perth Amboy, who welcomed him and put him up for the night. Swartwout returned to New York and Burr proceeded in Truxton's carriage to Cranberry, twenty miles farther, where he changed carriages and went on to Philadelphia.

He was now out of the jurisdiction of the two States concerned in the duel — New York and New Jersey. The Vice-President of the United States had been compelled to flee like any common criminal.

In Philadelphia, Burr stopped at the house of A. J. Dallas, Republican politician and an old friend. He showed himself in the streets, went about his daily affairs with outward calm and composure.

Meanwhile New York was seething. The coroner's jury issued warrants to apprehend all his friends for questioning. Davis refused to answer, and was committed to jail. Swartwout, Van Ness, and others evaded service by going into hiding, but managed to keep Burr informed of the turn of events by fast messengers.¹⁶

Early one morning, Burr found himself staring at a hasty message from Swartwout, dated August 2nd. "The jury agreed to their verdict," it read. "Wilful murder by the hand of A. B., William P. Van Ness and Nathaniel Pendleton accessories before the fact." However, three jurors dissented, and the public was beginning to react. Morgan Lewis, the Governor of the State, "speaks of the proceedings openly as disgraceful, illiberal and ungentlemanly."¹⁷ In fact, they were more than that: they were wholly illegal. New York had no jurisdiction of the crime, if crime it was. The duel had taken place on the Jersey shore. For the first and last time in the history of the United States, a Vice-President had been made the subject of a murder presentment; even, as it proved, of an indictment for the same offense. For New Jersey rose to the public clamor, and pushed through such an indictment, as it had a *legal* right to do. New York's Grand Jury, having received competent counsel, dropped the murder charge, and substituted for it an indictment for having uttered and sent a challenge — a misdemeanor.

5. SOUTHERN JOURNEY

With two indictments hanging over his head — one of them capital in effect — Philadelphia also became dangerous territory. Pressure was being brought to bear on Governor Lewis of New York to demand Burr's extradition from Pennsylvania and he was fearful of the consequences. He made plans, therefore, to flee to the South. Yet, even now, he could not resist the irresistible dictates of his nature. He had taken up with Celeste again, still toying with the thought of matrimony, and, he lightly advised Theo, "If any male friend of yours should be dying of ennui recommend to him to engage in a duel and a courtship at the same time

... I do believe that eight days would have produced some grave event; but alas! those eight days, and perhaps eight days more, are to be passed on the ocean."¹⁸

In the middle of August, Burr secretly embarked, with the youngest of the Swartwout brothers, Samuel, and a slave named Peter, for Georgia. He had decided to seek refuge with a friend, Senator Pierce Butler, at his feudal plantation on St. Simon's, an island near Darien. He traveled under the name of R. King (was he thus mocking the Federalist ex-Senator and Minister to England?) and he preserved his incognito even in that remote establishment. There he waited for the hue and cry to die down; in fact, he was a fugitive from justice.

But even in exile, Burr's restless mind was not still. The Southern journey held more in it than a mere escape into hiding. Burr was never to submit tamely to the bludgeonings of fortune. He could not be crushed. He had lost all chance for the Presidency, he had lost even New York, he was under indictment for murder. His enemies triumphed in the belief that Aaron Burr was in the discard, that he could never survive the combined weight of his misfortunes. An ordinary man could not. But Burr was not an ordinary man. He was forever scheming, forever revolving new plans in his fertile brain, living always in the present and the future, sloughing off the past with contemptuous gesture. For some time now he had been thinking in terms of the South and the West. As early as 1802, he had shown himself intensely interested in the vast territories held under foreign control to the South and Southwest — the Floridas and Louisiana.

On February 2, 1802, he had written Alston, "it has for months past been asserted that Spain has ceded Louisiana and the Floridas to France; and it may, I believe, be assumed as a fact. How do you account for the apathy of the public on this subject? To me the arrangement appears to be pregnant with evil to the United States. I wish you to think of it, and endeavour to excite attention to it through the newspapers."¹⁹

Spain was a weak power, and could eventually be dispossessed by an aggressive United States. France, however, was strong, and would in turn prove a dangerous neighbor with aggressions of her own. And perhaps, already the germs of the "Conspiracy" were incubating. Now, by 1804, they had matured into a ripe, considered plan of action. The necessity of flight had given Burr the chance to make certain investigations without exciting too much comment. Posing as a London merchant, he took various journeys through the southernmost State of the Union, scouting the land,

making inquiries as to local sentiment. A great storm swept the low coast, in which Burr was caught on his travels. It spread devastation and ruin over wide areas. His host's plantation suffered severely, the rice crops were destroyed, buildings were carried out to sea, and nineteen negro slaves were drowned.

In September, Burr traveled south into Florida, then a Spanish province. This journey was the true reason for his Georgian residence. He was investigating the situation, spying out the land, making those maps at which he was particularly skilful, to be stored away for future use.

By the time of his return from Florida, the agitation to the North had subsided. The South had never been fully involved. Congress was soon to meet, and Burr was still Vice-President of the United States and the Presiding Officer of the Senate. Late in the month of September he took boat to Savannah, where he was actually serenaded by a band of music and greeted by a concourse of citizens. He could have remained there indefinitely, basking in the unwonted hospitality, but he was anxious to see Theo, her husband, and their little son, his namesake.

He stopped over with them for a while, then traveled by slow stages to Washington, meeting with a surprising warmth of welcome along the route; everywhere being feted and dined by the Republicans. To them he was something of a hero. On October 31st he wrote Theo wryly that "Virginia is the last state, and Petersburg the last town in the state of Virginia, in which I should have expected any open marks of hospitality and respect."²⁰ The State of Jefferson, Madison and Monroe.

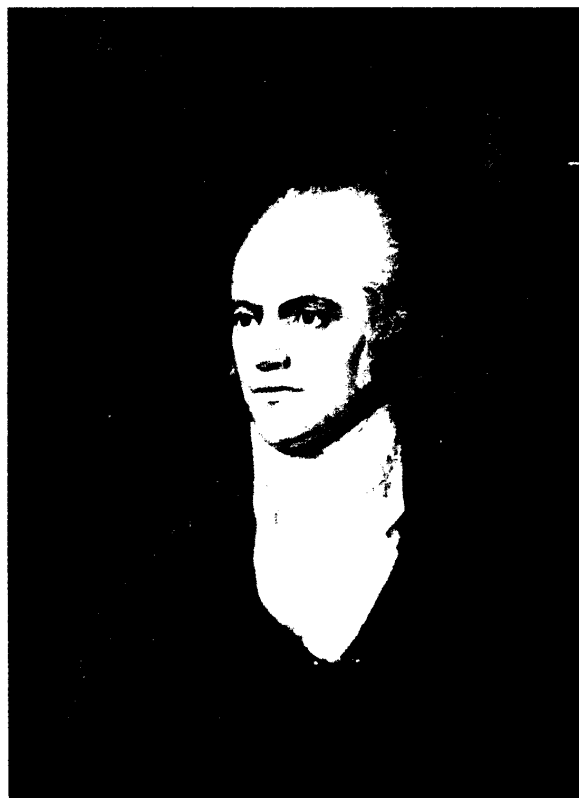
He arrived in Washington on November 4th, having heard on the way that Bergen County, New Jersey, the locus of the duel, had finally indicted him for murder, and that his house and furniture had been sold for about \$25,000 to satisfy clamorous creditors, leaving almost \$8,000 worth of debts still unsatisfied. He was penniless, in debt, ostracized and under indictment.²¹

Yet Burr could always extract airy humor from any situation. On December 4th, he informed Theo about "a contention of a very singular nature between the states of New-York and New-Jersey . . . The subject in dispute is which shall have the honour of hanging the vice-president. I have not now the leisure to state the various pretensions of the parties . . . nor is it yet known that the vice-president has made his election, though a paper received this morning asserts, but without authority, that he had determined in favour of the New-York tribunals . . . Whenever it may be, you may rely on a great concourse of company, much

gayety, and many rare sights; such as the lion, the elephant, etc." ²²

But powerful influences were already being employed in his behalf. He still had many personal friends in the United States Senate, and a situation had arisen which changed the open and covert hostility of the Jeffersonian forces to an almost fawning cordiality. That situation will be discussed in the next chapter. As a result, however, a round-robin letter had been drawn by Senator Giles of Virginia, Jefferson's whip in the Senate, and signed by the leading Republican members, petitioning Governor Bloomfield of New Jersey to quash the proceedings against Burr.²³ To which Bloomfield, though an old friend of Burr, was compelled to reply that the State Constitution gave him no such power.²⁴

It was beginning to be perceived that, because of the situation aforesaid, the indictments in either State would be allowed to die quietly, and that Burr would not be molested. There was evidently some talk among his friends that he should present himself boldly for trial in New Jersey and remove the menace of an unquashed indictment forever, but Burr decided against such a course. While he was writing Theo that the New-Jersey affair, which had alarmed her, "should be considered as a farce" ²⁵ he was writing also to Charles Biddle, in a hitherto unpublished letter, that "the best informed persons in this City . . . do aver that an impartial jury cannot be had in Bergen. The pious Judge B[oudinot] preached their [*sic*] that if they did not pursue vengeance to effect, their harvests would be blasted and that famine and pestilence would desolate the Land — Now surely the Judge ought to be exempt from these curses, for his Zeal is still unabated — but seriously speaking, it is asserted by high authority that if you had the right of selecting, you could not get 12 men to whose impartiality and discernment the cause could be trusted." ²⁶



Courtesy of Estate of Dr. John E. Stillwell

AARON BURR, 1802-1801

From a portrait by John Vanderlyn