CHAPTER XXIX

DECLINING YEARS

1. DOUBLE TRAGEDY

FOR several weeks Burr lay concealed in the home of his faithful friends, while they bestirred themselves to sound out government officials, politicians, old friends and creditors alike as to the steps that might be taken against him should he reveal his presence in the United States. The results were fairly encouraging. Madison had other fish to fry now – the Anglo-American situation was daily becoming more alarming, and perhaps Dolly Madison had spoken privately to her husband of Theo's letter. John Wickham replied from Richmond to Swartwout's discreet inquiries about the forfeited bail in Ohio and pending civil suits, to the effect that some $4000 had been paid to the unfortunate bailor " or is about to be by Col. Burr's Friend in Phila (Mr. Pollock I think) & that the other suits have been dismissed "; while Luther Martin, who had also been on the bail bond, " has never mentioned any proceeding against him on his recognizance to appear in Ohio, & I think that nothing has been done on it." And, in closing, Wickham was " glad to hear that after so many sufferings Col. Burr has the prospect of being restored to his country & of being permitted again to employ his talents with advantage." [1]

At length it was deemed safe to disclose his presence. An item was inserted in a Boston newspaper, to be quoted by the New York *Columbian,* that " Colonel Burr, . . . once so celebrated for his talents and latterly so much talked of for his sufferings, arrived at Newburyport from France and England, and passed through this town on his way to New York." [2] The paragraph seemed to produce no untoward reactions and Burr was sufficiently heartened to come into the open.

A few days later another item appeared in the *Columbian* – a very modest and discreet line of type. " Aaron Burr," it read, " had returned to the city and had resumed the practice of law at [9] Nassau Street." [3] This had the desired effect. The city rubbed its collective eyes, and rocked with excitement. For the moment everything was forgotten – the political enmities, the riot of accusations – there was a feeling that he had been dealt with too severely, no matter what his crimes; and there was that irresistible curiosity which always animates the human race. The tiny tin sign, proclaiming the lawyer, was that same day a magnet calculated to attract all New York. The small cubbyhole of an office was crowded with friends, well-wishers, prospective clients and the merely curious. By nightfall some five hundred gentlemen had come to pay their respects and shake the hand of the man who once had held the destiny of the nation in his grasp.

Burr had started law practice anew with a borrowed $10 and that badge of his profession, the tin sign. Robert Troup, the close friend of youthful days, and bitter political enemy of later days, forgot all rancors, the harsh judgments he had pronounced, and offered him the use of his law library until his son should require it. Troup had retired from the practice of law. So eminent had Burr been in the profession, so tremendous his former prestige as an infallible winner of cases, that in the first twelve days of his practice he had taken in $2,000 in fees. Aaron Burr, aged now 56, had picked up the threads of existence, and seemed once more on the highroad to at least a moderate success. He wrote joyfully of his good fortune to Theo in South Carolina and settled down to work.

But Fortune proved but a sorry jade. She took an infinite delight in aping the malignity of the human race, permitting her victim to raise his head only that he might be smashed to earth again. This time she delivered her most telling blows in rapid succession – blows that accomplished what all the varied, heart-sick years before had failed to do – they crushed and caused to die his indomitable spirit.

First came two letters in a single mail from the South. Wrote a tragic Theo, " A few miserable days past, my dear father, and your late letters would have gladdened my soul; and even now I rejoice at their contents as much as it is possible for me to rejoice at anything; but there is no more joy for me; the world is a blank. I have lost my boy. My child is gone for ever. He expired on the 30th of June. My head is not now sufficiently collected to say any thing further. May Heaven, by other blessings, make you some amends for the noble grandson you have lost." [4] Blindly, with suddenly shaking hand, Burr ripped open the seal of the other letter. It was from Alston; longer, but of the same terrible tenor. " That boy, on whom all rested; " he wrote in anguish, " our companion, our friend . . . he who was to have redeemed all your glory, and shed new lustre upon our families – that boy, at once our happiness and our pride, is taken from us – is dead." Poor

Theodosia! She has " endured all that a human being could endure; but her admirable mind will triumph. She supports herself in a manner worthy of your daughter. We have not yet been able to form any definite plan of life. My present wish is that Theodosia should join you, with or without me, as soon as possible." Gone are the old rancors, the old jealousies. " I not only recognize your claim to her after such a separation," he declared magnanimously, " but change of scene and your society will aid her, I am conscious, in recovering at least that tone of mind which we are destined to carry through life with us." [5]

One half of Burr's life was thereafter a closed chamber. Little *Gampy, Gampillo,* wearer of an hundred endearing names, the sturdy little boy of eleven, for whom he had collected toys, trophies, medals, coins – while he had starved in Europe; the boy who had been destined to recreate his name and glory, and push on to those higher reaches which unaccountably had been denied himself – was dead!

But there was still Theo – a Theo who needed him now more desperately than ever. Disease had taken its full toll of her – it was doubtless cancer – and her powers of resistance were terribly weakened. It was determined that she come north to join her father. He sent a messenger to South Carolina to escort her back in safety – one Timothy Green, a retired lawyer. He found her very low, emaciated, feeble, and suffering from an incessant nervous fever. The long, overland trip, it was decided, would be too arduous. But luckily, there was a fast pilot boat, erstwhile privateer – the *Patriot,* Captain Overstocks commanding – which was due to leave Charleston for New York. Under her hatches were the spoils of months of successful privateering on the high seas, to be sold at satisfactory prices in New York. If the British should catch her . . . But Alston, now Governor of his State, furnished the captain with a letter requesting the courtesies of the chivalrous British for the sick lady, his wife, on board – a letter which actually succeeded in passing the disguised privateer through the British blockading fleet.

The *Patriot* sailed on December 30, 1812, from Charleston, carrying a most wretched passenger, and all of Burr's papers and documents which he had left with Theo for safekeeping while he was in exile. A British warship hove the *Patriot* to off Cape Hatteras, read Alston's plea, and chivalrously waved her on her way. That was the last ever to be heard of the *Patriot.* That same night a terrific gale blew up, raking those stormy waters with unheard-of violence. Then all was silence!

The days passed; weary, interminable days for anxious father in New York and worried husband in South Carolina. The *Patriot,* fast, seaworthy, should long since have glided into New York Harbor. On January 15th, 1813, Alston wrote a supposedly safely arrived Theo in New York that he had heard no news of her. But there had been rumors of a gale off Cape Hatteras at the beginning of the month. Would she please write and relieve his mind.[6] Four days later he was writing again, frantically: " Forebodings! wretched, heartrending forebodings distract my mind. I may no longer have a wife; and yet my impatient restlessness addresses her a letter. To-morrow will be three weeks since our separation, and not yet one line. Gracious God! for what am I reserved? " [7] Under separate cover, a letter to Burr, lamenting, " I do not know why I write, but I feel I am miserable." [8]

Burr read, and his heart died completely within him. Daily he walked the Battery, looking out over the harbor, peering in vain for the topsails of the *Patriot.* Hope flared, and died, and flared again. He wrote to Alston, seeking comfort. Alston answered tragically. " You ask of me to relieve your suspense. Alas! it was to you I looked for similar relief." [9]

By the end of February, Alston had yielded to the ultimate despair. Advices from Bermuda, from Nassau, had brought their tale of that terrific gale which had twisted upward from the Caribbean, to leave only death and destruction in its wake. They had " forced upon me the dreadful conviction that we had no more to hope." Heartbrokenly he cries, " My boy – my wife – gone, both! " But there are compensations. " The man who has been deemed worthy of the heart of Theodosia Burr, and who has felt what it was to be blessed with such a woman's, will never forget his elevation." [10]

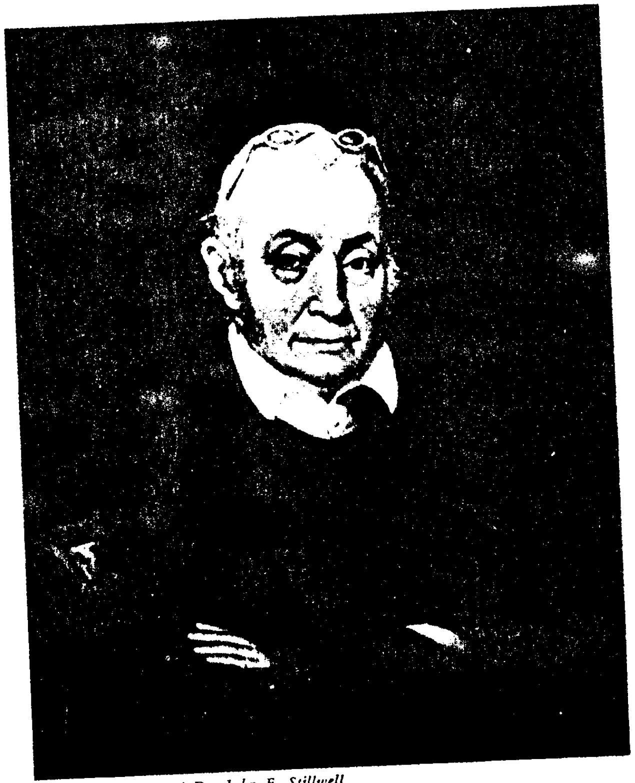
Hope died more slowly in Burr's breast. Perhaps she had been captured, and taken to some far port by a vagrant privateer. But as the weeks became months, even that poor consolation was gone. The second half of Burr's life was now dust and ashes. In all history there is no record of a greater or more passionate communion and understanding between father and daughter. She was not merely the child of his loins; she was the paragon he had slowly and laboriously created with his brain. She was the living justification of his very existence. And now she, too, had been taken away from him, to leave life itself a meaningless, echoing shell. Fate had done its worst – had triumphed over the bright armor of his soul – had found with unerring instinct the vulnerable slits through which to enter and deal its fatal thrusts. He was to live on another twenty-three years, to an age beyond the usual mortal span — but Aaron Burr actually died early in 1813.

Legend took up the vanishment of Theodosia, and embroidered the bare, paltry bones with glamour and romance and shuddering thrills. She had not gone down in a storm, it cried; she had been captured by pirates, and forced to walk a plank with her babe in her arms — Dame Legend forgot that her boy was already dead and she had no other child — and so calm and majestic was her presence as she plunged into the salt, salt sea that the hardened pirates sniffled and sobbed aloud. Or the tale changed, and it was the crew itself that had mutinied and compelled her to walk the plank. So, at least, confessed a member of that very crew as he died, forty years later, in an agony of remorse for the foul deed.

More malignant was the odious story promulgated by the Carolina *Spartan,* to the effect that Burr had compassed the ruin of the wife of a coasting sea-captain. To remove this latter obstacle from the path of his lust, Burr had corrupted the sailors to mutiny and sink the vessel with all on board. Unfortunately, it was the very ship on which Theodosia had taken passage, and thus, ended the account in an orgy of moral gratulation, " her fate was an awful retribution upon her abandoned father." No tale was too gross, too fantastic, to merit credence. One of these even enlisted the support of the late Dr. John Stillwell, a lifelong laborer in Burriana and a collector of portraits relating to him. This was the story that the *Patriot* had been driven on the rocks at Kitty Hawk, that the wreckers who infested that treacherous shore boarded the vessel, killed all the crew and passengers, and bore off the rich spoil in triumph to their huts and cabins. Among the spoil was a portrait — that of Theodosia herself — later to be discovered in a cottage on Nag's Head, and to become famous as the Nag's Head portrait. Dr. Stillwell was firmly convinced of the authenticity of this picture, but the excellent reproduction contained in his privately printed " The History of the Burr Portraits " leaves at least one observer wholly unconvinced that it is in truth a portrait of Theodosia Burr.[11] The most sensible solution of what has been elevated to the dignity of a mystery is the prosaic conclusion that the *Patriot* sank in the storm, as boats occasionally do, and that the poor, sick lady went down with the others.

2. The Eden Case

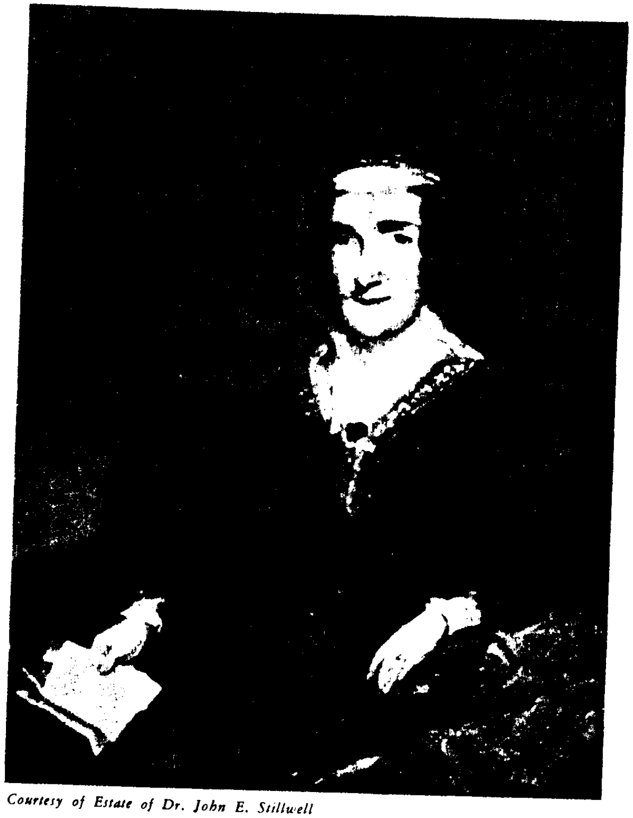
Life somehow went on after the death of child and grandchild. Burr encased himself in a new armor of seeming outward indiffer-



Courtesy of Estate of Dr. John E. Stillwell

AARON BURR, AGED 78

From a portrait by James Vandyck



Courtesy of Estate of Dr. John E. Stillwell

MADAME JUMEL

From a portrait by Henry Inman

ence – he was too essentially reserved, too proud of himself to show to the world his grief. He was a lawyer once more, practising in the various courts of the State as he had in those obliterated days when he had been young and eager, with the future a shining upward path before him. Now it was stale and unprofitable to this lonely old man; on his death the line of Burr – direct, that is, and sequential – would cease to be.

But he had not lost his old cunning, or the keen razor-edge of his intellect. Clients continued to flock to him – he was still the great advocate who practically never had lost a case. Socially he might have been an outcast, the man to be pointed out in the streets with scorning finger as the murderer of Hamilton, the schemer who plotted to disrupt his country – but business was business, and those with doubtful cases, those who wished assurance of success, those whose claims had been turned down by other counsel as hopeless, came to him for succor. Nor did he fail them, once he had examined the matter and assumed responsibility.

There was, for example, the famous Mecdef Eden case. Mecdef Eden had been a New York brewer who had died in 1798, leaving behind him two sons and a considerable fortune in Manhattan real estate. The sons, however, were the idle sons of a self-made man, and managed to run through their fortune, with the happy aid of dishonest creditors and usurers, in a very short time. Bankruptcy followed, the parcels were foreclosed, and they lived on in dire poverty. The case was then submitted to Hamilton and Burr, both then at the height of their powers. Hamilton was of the firm opinion that absolutely nothing could be done to salvage the wreck of the estate; Burr advised that much could be done. Hamilton's advice was followed, and no proceedings were taken.

On Burr's return, however, he heard of the death of one of the brothers, and, remembering the old claim, hunted up the survivor, who was poor, bedraggled, and heavily in debt. He undertook to recover the estate for him – the real property had increased enormously in value over the years – and brought Eden, his wife and two daughters into his own home, fed and clothed them all, and provided for the education of the young girls through the long years that the case dragged in chancery.

Meanwhile he went skilfully to work. The most valuable of the parcels were within the city limits, and in the possession of powerful banks and corporations who could be counted on to fight desperately and with ample resources for the protection of their titles. He left them severely alone, and concentrated his efforts on a small farm, of no great monetary value, in the upper part of Manhattan Island. He started suit to recover this parcel for the Eden Estate, claiming fraud, coercion and usury in the original assignments and foreclosures. Privately it was intimated to the existing owner that if he did not contest the case very vigorously, he would be permitted to buy it back at a nominal price. Burr won in the lower court, urged that it be appealed to establish a record, and won again on the appeal.

With this single case as an established precedent, he then moved swiftly and with despatch upon the holders of all the other alienated parcels. Writs of ejectment were served by the score. The city buzzed with excitement; there was a vast scurrying for legal advice and a checking up of titles long thought to be secure. Martin Van Buren, who had deserted Burr in time of need, now came back to assist him. For years the courts echoed with the litigation. The owners fought bitterly, desperately; yet in suit after suit Burr won and won again. But his resources were small, and those of his opponents huge. Appeals and constant litigation, even with eventual victory at the end of the trail, were costly, and Burr was compelled to go to the usurers to finance the legal costs as well as to maintain himself and the Edens over the years. By the time it was over, the usurers had won heavily, with only a sufficient modicum to maintain the Edens in some decency. When the father died, he nominated Burr as the guardian of his two daughters.[12]

The story of that guardianship makes pleasant reading. The pedagogue in Burr was always close to the surface, to burst forth at the slightest provocation. He trained his wards rigorously in the arts and sciences, and supervised their reading, their sports, their every activity. They, and Charles Burdett, an adopted – and, it was whispered, a natural – son, were placed under a private tutor, subject to Burr's strict control. His " ideas of education," Burdett was to remember gratefully long after, " differed from those of every other person with whom I ever came in contact . . . He believed and acted upon the principle that a woman should be educated so as to be fitted for any position, any sphere, or to be equal to any circumstances." Accordingly, their studies ranged over such diverse subjects as the classics, modern languages, astronomy and navigation, the violin and flageolet. " Nothing was neglected. Their studies were regulated by system; their health was cared for by incessant injunctions to take air and exercise." They were all three domiciled in Albany, where a room was devoted to Burr's sole use on his frequent trips on legal business to that capital, and " it was his wont to review the studies that they had pursued during his absence." The girls acted as his secretaries, and, said Burdett, " exercised a greater influence over Burr's later years than any who had ever been connected with him, except by ties of consanguinity." It is a wholly pleasant picture. " He was perfectly wrapped up in them and . . . they were the only human beings who ever filled the void caused by the death of Theodosia Alston. They reciprocated his affection as strongly as it was bestowed. They loved and honored him . . . His word was their law." [13]

All the remaining years of his life, there was to exist increasingly this reciprocal attraction between Burr and the young. He gravitated to them naturally, reared and educated them – his purse was always being drained by numerous protégés – and his system of education justified itself in the remarkable results achieved. Burdett himself, born in 1814, worked in his office, lived with the Misses Eden, and was sent first to the school of Dr. Hazelins at Cooperstown, later to Captain Partridge's military academy at Middletown, and finally entered the Navy.

There were others, many others; a constant succession of wards. In 1829 he was inquiring of the Principal of the Bethlehem Seminary as to the tuition charges at his school for " a young lady of rare talents and extraordinary industry, who has been placed under my guardianship [and] is desirous of learning the German and Latin languages and also of perfecting herself in music and drawing, in both of which branches she has made considerable proficiency . . . Her character and temperament are entirely amiable and her habits the most simple." [14]

And, in 1828, in answer to a query as to the wifely possibilities of one of his wards, he replied with characteristic humor. " The young woman about whom you have made inquiries," he told Alden Partridge, the founder of Norwich University, " is 21 years of age. She possesses no single one of those talents which are commonly called useful in a female – i.e., she can neither ' darn a stocking ' nor make a pudding, – though in common justice I ought to add that she is eminently useful to me as a private secretary and reader, and that she is well qualified to assist in the education of her children, should she ever become a mother." He had a definite philosophy of education for women, as is apparent in his concluding paragraph. " She has been educated wholly under my superintendence, the principal aim of which has been to form her manners, to teach her knowledge of the world, the duties, disabilities and the privileges of her sex; to appear to advantage in any society, to do the honors of her own house with grace and dignity and, in short, to be the friend and companion of a man of sense, of education and of taste." [15]

Parton reports a conversation with one of these female protégées in after years. "I never ask and never answer an impertinent question," she told him proudly. "I was brought up in the *Burr* school." And a man who had been helped by Burr stated emphatically: "He made me iron!" [16] His educational ideas were far in advance of his age; they dispensed wholly with corporal punishment, and invariably drew from the recipients of his bounty a lifelong admiration and love. The widening circle of his influence among the younger generation was an incalculable, but obviously important factor.

3. Of Many Matters

But this is peering into the future. For the first few years after his return, though his law business prospered, life was a constant effort to avoid creditors and keep out of the dreaded "jail limits." His debts were enormous, accumulated over a period of many years. The fundamental base rested upon his extravagances prior to 1800. On this was reared the heavy structure of his borrowings to finance the ill-fated Mexican expedition and Bastrop purchase; and, superimposed, sat the debts he had incurred in Europe for the mere purposes of continued existence and return to the United States.

In 1815, Burr was writing Alston, "my business affords me a decent support." That is, if he were left alone. But, "my old creditors (principally the holders of the Mexican debts) came upon me last winter with vindictive fury. I was held to bail in large sums, and saw no probability of keeping out of prison for six months. This danger is still menacing, but not quite so imminent. I shall neither borrow nor receive from any one, not even from you. I have determined not to begin to pay unless I see a prospect of paying all." [17]

They were indeed far beyond the possibilities of payment from any law practice, no matter how lucrative. His debts aggregated in the total several hundred thousand dollars, and a goodly part of this sum was due to usurers who had already exacted their pound of flesh. The remainder of Burr's life was a struggle to keep out of their clutches, to stave them off with small payments as long as possible. He carried the burden of most of his debts to his grave. The Le Guen litigation bobbed up again, with claim and counterclaim, and indignant allegations by Burr that he had made payments on account, of which Le Guen had, or pretended to have, no knowledge. Judgments piled up.

There is the record of a judgment obtained by Luther Martin against Burr for some $20,000, ostensibly for legal services rendered, but it was obviously a friendly suit, interposed to protect Burr against importunate creditors. Lathrop, Burr's friend and law assistant, was Martin's attorney, and the judgment was eventually satisfied of record in 1833.[18]

Martin, one of the greatest lawyers of his day, had come to a bibulous, poverty-stricken old age. His talents and his money alike had been dissipated in riotous excesses and the taverns. Burr, grateful to the memory of those hectic days in Richmond, took the defeated, palsied old war horse into his own house, shared with him his meager resources, and cared for him tenderly and uncomplainingly until his death in 1826, aged 81.

It was a difficult old age for Burr, yet he never repined, and met reverses, arrests, ostracism, creditors and friends alike with a smiling fortitude and outward cheer. Biddle saw him in 1814, soon after the double tragedy, and wrote in some surprise that "he . . . did not appear to me or my family much altered. He called several times at my lodgings to see me, and was at times cheerful as usual, but the loss of his amiable daughter, Mrs. Alston, and his grandson had weaned him from the world, and it was a matter of perfect indifference to him when he left it. I was sorry to find that some of his old friends did not visit him." [19]

In fact, after the first stir and acclaim of his spectacular return, the old clouds of suspicion, of ingrained propaganda, had cast their muddy veils over the bright-eyed, still erect little man. It was considered political suicide to be intimate with him, and socially disreputable to invite him to one's house. Studied slights and discourtesies were placed upon him, in court and out. He affected not to notice them, but if they became too obvious, he turned upon the offender, whether judge or opposing lawyer, with crushing and unanswerable rebuke. Henry Clay, his own advocate in Kentucky, while on a visit to New York, pretended not to recognize him at first. But Henry Clay was in the full flight of his political career, and he wished no unnecessary burdens upon that delicate structure.

Yet some of his friends remained faithful, and all the more loyal because of the possible consequences to themselves. The Van Nesses had fallen away, but the Swartwout clan remained, a tower of strength. Davis still clung to him, though to become most disloyal after his death; Charles Biddle never deserted him; Robert Troup, after years of political invective, returned; and to his old Alma Mater, Princeton, and the society of Cliosophia, he was ever one of their most distinguished graduates. Bollman continued to correspond with him, Vanderlyn to the end of his days remembered with the warmest gratitude the solicitude of his patron, and European dignitaries, such as the Duke of Saxe-Weimar, did not disdain to visit the old man in his not very exclusive quarters.

And, while he maintained at the last a considerable degree of indifference to his debts, no appeal to his charity was ever disregarded. His self-appointed wards, those who had at any time shown him kindness, his old Revolutionary soldiers, never went away empty-handed. In fact, the claims upon his charity grew to unscrupulous proportions, as the news was bruited around. While he himself lived in Spartan simplicity, satisfied with meager surroundings and the least amount of food, a constant stream of applicants for his bounty left him utterly penniless. In desperation, his law partners took charge of the firm funds, permitting him only his current expense. Yet he managed, somehow, to secrete sufficient for the benefit of utter strangers. He forgot indignities, insults, but never a favor. He was the most loyal of friends. Besides Martin, he took care of a poor relation of Dr. Hosack, who had befriended him; and he gave to a son of Benjamin Botts, another of his Richmond lawyers, when he had but few remaining years, a very valuable farm near Jamaica in return for an annuity of $500. The exchange was considerably to Burr's disadvantage.

He was vigorous, hale and hearty to almost the end of his long life. He attributed his good health to the fact that he never took any medicine. Fasting was his sole remedy for all disorders. He was extremely impatient with whiners and complainers; he advocated and cultivated for himself the Stoic attitude toward life's ills. While on a sea voyage he remarked, "For a sick woman he could feel pity and sympathy, but for a sick man he had no feeling but contempt." [20] There was another story current, which, if not true ought to have been true – it expresses the man so thoroughly. He was asked by a lady how to get through an emergency. "Live through it," he replied. But when she insisted that she could not possibly survive her predicament, he exclaimed angrily, "Well, die then, Madam; we must all die, but bless me, die game!"

His income consisted of his law practice, an annuity of 50 pounds which he had purchased in England long before, a Revolutionary pension of $500 annually, and, toward the end of his life, the annuity of $500 from young Botts. He petitioned the Federal Government for reimbursement of the very large sums of money which he had expended out of his own pocket during the dark days of the Revolution, when Continental money was worthless and the soldiers' pay rarely met. The preparation of affidavits as to his services occupied a good deal of his time. But all his efforts were fruitless. He had enlisted the services of Congressman G. C. Verplanck in his fight, but they were evidently of little value. For, almost at the close of his life, he was writing to him, "Sir, I have to acknowledge the receipt of your letter of the 25th Ult., in which you are pleased to inform me that you had put the papers, which I had transmitted to you, in the hands of the Chairman of the Standing Committee. I regret very much this disposition of the papers and have now only to request that you would have the goodness to get the papers from the Chairman of that Committee and hand them to my friend Col. A. Ogden." [21]

He was never to receive a single penny for his efforts. The story goes that it was Andrew Jackson, then President, who effectively put the brakes upon his claim, but the tale is not authenticated. The New York State Legislature, on the motion of some of Burr's friends, considered granting him a pension in return for former services. For the moment hopes were high. "With respect to my personal concern," he wrote G. W. Lathrop, his office manager, from Albany, "my hopes are not diminished. [The bill] will be taken up on Wednesday, having been already referred to the Com[mittee] of the whole. I think something decent will pass the Senate – of the other house no Judgment can be formed . . . Pray observe that I present no petition or memorial – make no claim, but the Legislature of their own mere motion, offer me remuneration, because it has been merited & because *it is wanted.*" [22]

But a little later, hope gave way to despair. Burr was still in Albany, without funds to leave. "a. b.' – bill not introduced," he told Lathrop, "owing to the illness of the gentleman who gave the notice – he has promised to be well tomorrow. It is possible, & barely probable, that the bill will be referred to a select committee who may make a handsome report; and there it will repose." [23] Nothing, in fact, ever came of it.

In his law practice Burr proved himself as keen and successful as ever. Published and unpublished letters alike testify to the number of his cases, the meticulous attention he gave to each, the remarkable grasp of their subject matter, the technical and involved procedure he loved to follow, to the vast confusion of his opponents, and the sharp eye he kept on his office staff, even when away on business for weeks. W. D. Craft, G. W. Lathrop, M. H. Flandrau, and Pelletreau were at various times his partners, associates and managing attorneys. In financial matters, they ruled him, but in the domain of law, he was the guiding genius, the great lawyer to whom they submitted all points for final consideration. His letters are replete with exact and careful instructions for procedures to be followed while he was away, and he was insistent on strict attention to his remarks.

While Craft was training in his office, he advised him in kindly fashion, " Your letters are very satisfactory – they shew me the actual state of things and I pray you to continue in the same Way . . . I hope you are improving & perfecting yourself in the practical part of the attorney's business; though I see nothing of it in your Journal. I shall hope to find you, at my return, qualified to take charge of the whole of the attorney's business of the office." [24]

With Lathrop, an older man, he unbuttoned himself more. " your drunken letter and your sober one have both been [received]," he wrote lightly. " It is with pleasure I remark that your frolic did not render you inattentive to business – at this rate one may now and then Venture on a debauch." [25] And, at another time, in even more bawdy vein, " You have adopted the only genuine antidote to Hypocondria – " he jested, " *Testisical dissipation,* which always imports the presence of Women. Thank my fair dreamer. We will dream together, if she so please, on my return." [26]

The years and the onslaughts of age had not diminished, it seems, his powers of venery. His interest in women – almost *any* woman – continued through years when other men are content to hug the fireside and dream philosophically, with perhaps a tinge of vain regrets, of past exploits. In 1828, aged 72, there was a lovely " syren " of some 20 years, with whom he was infatuated. Charles Burdett, on furlough from school, " was daily dispatched . . . with notes and presents. The notes invariably contained money; the presents consisted of fruits or flowers," as well as crusted bottles of wine from his cellar. The " syren " was obviously no innocent. " She harassed him daily with clamorous demands for money. Bills against her came in to him with terrible rapidity and frightful in amount." Finally Burr could pay no more; she had used his name to defraud others, and had been driven from the school in which he had obtained for her a dancing teacher's

position. New York became entirely too warm a place for her wiles and arts. So, with her mother and sister, kindred leeches, she was shipped South at Burr's expense, and he wryly washed his hands of her; only soon to be ensnared by another " syren." [27] Burr still possessed his remarkable fascination, and his childlike inability to differentiate between adventurers and honest men.

Politically, of course, he was *persona non grata.* Yet he maintained an active, if personally discreet interest in the political situation of the day. He was possibly the first to realize the military qualities and Presidential timber of General Andrew Jackson. At the outbreak of the War of 1812 he had told Dr. John Sage, Congressman from New York, " I know . . . my word is not worth much with Madison; but you may tell him from me that there is an unknown man in the West, named Andrew Jackson, who will do credit to a commission in the army if conferred on him." [28]

And, after the War, and Jackson's signal services therein, he started a one-man boom for Jackson for President. He tried to enlist his son-in-law, Governor Alston, in the campaign. He was impatient and a bit disgusted with Alston's lackadaisical nature. He wished him to precipitate himself into the campaign of 1815. Monroe was to be nominated by the usual Congressional caucus on the Republican ticket, and Burr thought him " one of the most improper and incompetent that could be selected. Naturally dull and stupid; extremely illiterate; indecisive to a degree . . . . , pusillanimous, and, of course, hypocritical; has no opinion on any subject, and will be always under the government of the worst men." Not only was Monroe excoriated, but the Virginia junto, whose candidate he was, and who had held the government of the United States in its control since Jefferson's time. " If there be a man in the United States of firmness and decision, and having standing enough to afford even a hope of success," he exhorted Alston, " it is your duty to hold him up to public view. That man is Andrew Jackson." As for Alston himself, " Exhibit yourself," he cried impatiently, " and emerge from this state of nullity. You owe it to yourself, you owe it to me, you owe it to your country, you owe it to the memory of the dead." [29]

But not even these fiery words could stir the sluggish Alston. The Governor claimed he had received the letter too late to do anything about it, and even if it had been received in time, he was ill, and, said he, while " I fully coincide with you in sentiment . . . the spirit, the energy, the health necessary to give practical effect to sentiment are all gone. I feel too much alone, too entirely unconnected with the world, to take much interest in any thing." [30] He died that summer; a poor, broken reed, a hollow shell, entirely unpossessed of that indomitable spirit which animated his father-in-law. Perhaps Burr had thought to re-enter politics in the guise of Alston; if so, he was bitterly disappointed, and from that day on, devoted himself exclusively to his personal affairs.

When Jackson finally fulfilled his prophecies and became President, fortune smiled once more – at least upon the old associates of Burr. Samuel Swartwout became Collector of the New York Port and betrayed his trust. Others received minor appointments, but there was nothing for Burr himself. Perhaps Jackson dared do nothing, for fear of reviving old wounds. His own complicity in the "Conspiracy" had been used with considerable effect against him in the campaign. And certain it is that Burr was too proud to ask for anything outright.

The revolutionists in Mexico and South America, however, did not forget the man who had dramatized their cause. In 1816, José Alvarez de Toledo, in command of the Mexican revolutionary forces, came to the United States to seek the sinews of warfare, and to offer Burr "the management of our political and military affairs in the dangerous crisis in which we find ourselves." [31] Burr must have smiled ironically at this offer; it was years too late.

Venezuela was the next revolutionary province to ask for his distinguished aid. Burr was authorized in 1819 "to raise troops for sea and land service, to aid this government or any other now struggling in the same cause against the despotism of Spain." [32] Which Burr pigeonholed with the Mexican letter, especially as the Venezuelans would have graciously permitted him to finance the expedition out of his own pocket. He was through with all such endeavors. The Burr Dynasty would become extinct with him; to what profit then an Empire?

But he had pointed out the path, and others – not to be called traitors, but patriots – were following the trail. After his ill-fated attempt, a horde of filibusterers descended on the Spanish possessions, and the Spanish consul in New Orleans wrote in some alarm to Salcedo, "From what I can hear and penetrate it seems that the project of Burr is coming to life." [33]

Animated in part by the winds of ferment generated on the Ohio and Mississippi, revolution soon swept all of Spanish America, eventually to cleanse the Continent of Spain. And when Texas, under the leadership of American settlers, fought and won its independence, Burr, then an old man, flashed out with the

old fires. "There!" he exclaimed. "You see? I was right! I was only thirty years too soon! What was treason in me thirty years ago, is patriotism now!" [34]

4. Old and Wealthy Woman

On Wednesday, July 3, 1833, Philip Hone, New York merchant, noted in his Diary with ironic emphasis, "The celebrated Colonel Burr was married on Monday evening to the equally celebrated Mrs. Jumel, widow of Stephen Jumel. It is benevolent in her to keep the old man in his later days. One good turn deserves another." [35]

It was the astounding climax of an astounding career. The town buzzed with excitement, and snickered a little. The groom was 77, and the bride was 58. It is always difficult to gage the processes of a man's mind inducing to marriage, especially those of a septuagenarian, but it is quite likely that Burr was tired of the futile struggle – he was still practicing law at that advanced age – and Mrs. Jumel was an exceptionally wealthy widow. Once before, on his return from Europe, he had cast a quizzical eye at the available market of wealthy old women, without, it seems, having discovered anything notable. And Mrs. Eliza Jumel *was* notable; there was no doubt as to that.

Born "Betsy," or Eliza Bowen, of a roving sailor and a woman of the streets, in illegitimate union, her childhood knew only the most sordid scenes and surroundings. At the age of 7, she and her mother were compelled to flee hastily from a most virtuous mob, who thereupon proceeded to tear down the house in which they lived as a house of ill fame. This was in Providence, the place of her birth. Later, her mother was sent to jail on the charge of keeping a house of prostitution, and young Betsy, at the age of 12, was bound out as a servant.[36]

When she grew older, however, she abandoned the drudgery and dullness of domestic service for the excitement of her mother's ancient profession. She soon achieved a certain reputation as the handsomest girl in Providence, and in 1794, she bore a son, father unknown, whom she as promptly abandoned.

At the age of 19, New York beckoned, and in the metropolis she drifted from man to man, until, aged 25, she blossomed out as the mistress of Stephen Jumel, naturalized Frenchman and one of the richest merchants in New York. Jumel persisted in flaunting his handsome mistress in the face of an outraged society, and attempted to force her acceptance by the wildest extravagances, the most elaborate balls New York had yet seen. But society would have none of her, and after four years of vain endeavor, Jumel suddenly married Eliza. To console her for her isolation he purchased the stately Roger Morris House, near the tip of the Island, to be renamed and known thereafter as the Jumel Mansion. It was lavishly redecorated and furnished, and Mrs. Eliza Jumel was thus installed in the most elegant home in New York. But still society remained away from its colonial portals in droves.

After five years of splendid isolation, the couple went to France, where Madame Jumel achieved the success to which her beauty, her adventuress's talent, her wealth, entitled her. But within a year she had suddenly returned to the United States, leaving her husband abroad. Perhaps there was a quarrel – perhaps there had been a lover. For five years more she lived alone in the great house, solitary, neither visiting nor visited, until in 1821, she returned to Paris for a reconciliation with Stephen Jumel. But her extravagances and financial reverses had brought him to the verge of bankruptcy, and, in 1825, to protect himself from creditors, he deeded to her the Mansion and other valuable parcels of real estate in New York, and gave her a power of attorney to sell all the rest. She returned hastily to the United States, while he remained in Paris. When the smoke of her operations had lifted, she was in possession of every bit of her husband's property – and he was penniless. He came over in 1828 to retrieve his stolen assets, but she had been clever enough to keep within the law. One wonders whether Aaron Burr had been her advisory counsel, though there is no evidence on the point, and it was always insisted, on her side, that she had never known Burr until after the death of her husband. Poor Jumel died in 1832, poverty-stricken and raging against the woman he had lifted from the gutter.

She was now the wealthiest widow in New York, with a certain ravaged beauty, and a reputation for eccentricity and violence of temper. But she was still outside the social barriers of New York, and Aaron Burr, though somewhat of an outcast, was possessed of a most distinguished heritage and fame. With her money and his background, the stubborn doors might possibly yield to her avid touch.

The details of the courtship are veiled in considerable mystery. On her side it was to be asserted that he had forced his attentions upon her, even to the extent of bringing a minister to the Mansion that night of July 1, 1833, after repeated refusals on her part, and placing her thus in such a compromising situation that marriage was the only way out. A story based on gossip and the vanity of a

very eccentric and somewhat insane old woman at a much later date. It is impossible to think of Betsy Bowen as compromised. On Burr's side, his law partner, Craft, insisted that it was she who pestered and harried the old man into marriage. It makes very little difference either way. It was folly on both sides, and the relationship terminated very rapidly and under deplorable circumstances.

They started out in grand style on their honeymoon, traveling in a huge yellow carriage – the bride's, of course – to Connecticut, where they visited Governor Edwards, Burr's nephew. There was business to be transacted in Hartford. The new Mrs. Burr owned a number of shares of stock in a Connecticut Toll Bridge Company, which, on her husband's advice, she now sold for $6,000 and turned over the proceeds to him. He promptly re-invested it, without her knowledge, in an emigration scheme to settle Germans on Texan lands. But the scheme was foredoomed to failure, and the money vanished in the ruins of the speculation. As the story goes, when she questioned him about the money, he turned on her grandly to exclaim, " Madam, I would have you know that you now have a master, and I will care for your money hereafter."

Pursuant to this assertion, Burr proceeded to spend his wife's money with reckless abandon, multiplying many-fold his charities, his gifts, his extravagances. His old creditors heard of his new state, and descended upon him with a storm of executions. Even his be- wildered wife's carriage and horses were seized. Such domestic bliss could naturally last but a little time, and after four months of wrangling, and a concomitant attack of paralysis on his part, Burr left the Mansion to live with Aaron Columbus Burr in the City, and later to remove to Jersey City – no doubt once more to escape the importur.ities of his creditors. Aaron Columbus Burr was the product of a Paris adventure. He had come over to New York at an early age, and his education had been directed by his father. On reaching maturity, he had become a silversmith, and was pro pering. There were two other illegitimate children, issue of a aged father. Frances Ann, aged 6 when Burr died, and Elizabet aged 2.

The first act in the nuptial drama was ended. The second was described by William Dunlap in his Diary:

" June 19, 1834. Today in the street a woman accosted me name, who I immediately recognized as the Madam Jumel Aa Burr married about a year back. She had been a supernume at the Theatre before Jumel married her.

" ' You dont know me Mr. Dunlap? '

"'Oh yes Mrs. Burr. How does Col. Burr do?'

"'Oh I don't see him any more. He got $13000 dollars of my property & spent it all or gave it away & had no money to buy him a dinner. I had a new carriage & a pair of horses cost me 1000 dollars—he took them and sold them for 500.'"[37]

Shortly after this encounter, the tawdry show entered its final phase. On July 12, 1834, Madame Eliza Burr brought suit for divorce against her husband, then in Jersey City, alleging the usual infidelities as the cause of action. Attached to the petition was a prayer for an injunction to prevent Burr from interfering with her property. Burr at first showed fight, and interposed denials and counterclaims alleging misconduct on her part. But he thought better of it later, the answer was withdrawn, and the suit was permitted to be tried before a Master in Chancery undefended. The final decree was eventually entered on September 14, 1836, which was, tragically enough, the very day that Burr lay on his deathbed on Staten Island. But the farce was over; a most discreditable episode, and well ended.

5. Finale

Life itself was fast approaching the end. For two years Burr lingered. At the age of 78, after the excitation of marriage and divorce, his marvelous vitality ebbed away. The Reverend William Hague, as a schoolboy, remembered Burr in the years between 1821 and 1824, when Burr was nearing 70. "His *physique*," he then thought, "style of movement, realize a boy's highest ideal of the soldier and gentleman; while his keen glance and sunny smile, expressive of a personal interest as real as if I had been a Senator, awaken a feeling quickly responsive to the tone of cheer in his greeting."[38] To the idolatrous schoolboy, Burr was "actually the ancient Stoic and the primitive Epicurean fused into a live unity. Never could I conceive of an ancient Stoic . . . more fully 'possessing himself,' and persistently imperturbable, than was Aaron Burr . . . His perfect poise, his equanimity, his power of endurance, his apparent superiority to all changes of condition, even from affluence to a poverty that he could dignify like Diogenes . . . were exceptionally wonderful, seeming almost superhuman."[39]

It was to Hague that Burr made his famous remark anent his duel with Hamilton. He had been reading Sterne's tolerant and mellowly wise "Tristram Shandy." He closed the book, stared at the worshiping youngster, and mused half to himself: "Had I read Voltaire less, and Sterne more, I might have thought the world wide enough for Hamilton and me!"[40] It was the only time he had ever been known to evince a regret for what was past.

In 1830, he had already suffered a stroke of paralysis on his right side. His cousin, Mrs. Hawes (née Catherine Bartow), hastened to his office, then at the corner of Gold and Fulton Streets, and had him removed to her home in Brooklyn for nursing and treatment. There he exercised his limbs with rigid discipline until he had recovered their use, to return again to active life and practice.

But now, in 1834, he suffered another stroke, this time never to recover. He was carried from Jersey City to the old Jay Mansion, now a boarding-house, where he was tenderly nursed by Mrs. Newton, the housekeeper. He persisted in receiving clients while propped up in bed or on a sofa, applying his still acute mind to the solution of their difficulties; but soon that exertion was too much for him. For two years he lingered, calm, peaceful, alert to the end, spinning yarns of the brave old days to his frequent callers, no doubt tinctured with the golden glow that hazes the past in the minds of the aged, and awaiting without repining the inevitable end.

In the summer of 1836, however, the Jay Mansion was to be torn down, in accordance with the restless spirit of New York, and his friends and relatives gathered to decide what should be done. Judge Ogden Edwards, who resided on Staten Island, thought the country air and ocean breezes of that hilly adjunct of New York would be pleasant for his few remaining days, and so it was agreed. On a warm, sunny day, he was carried to a boat in the Bay, and removed to a hotel, later called the Continental, at Port Richmond, Staten Island, not far from Judge Edwards' own house. There he was installed in style, his room overlooking the harbor and Newark Bay. There the sands of life ebbed slowly away, his last few wants supplied by relatives and friends. On September 14, 1836, the day on which the decree of divorce became final, he died.

6. L'Envoi

Even in death, the malignity of the newspapers pursued him, and the evil legends clustered. He was buried in stealth at night, it was alleged, and the stone placed on his grave, also at night, by unknown hands.

In fact, Princeton, his old Alma Mater, paid his poor dead body the highest honors; and the funeral was a public and solemn occasion. On September 16, 1836, the body reached Princeton in state and was deposited in the chapel of the college, "within the walls where his own novitiate was passed, and where his sire and grandsire were wont to offer prayer to God." In the afternoon, the exercises were held in the chapel, attended by the entire student body, citizens of the town, and friends and relatives of the deceased, come to do him honor. Dr. Carnahan preached a moving sermon, other ministers officiated as well. Then the funeral procession was formed in order, "the Military, the Hearse, the Pall Bearers, the Clergy, Mourners, Professors, Students of the Colleges, and Citizens." They proceeded to the college cemetery, where the "Mercer Guards" fired a military volley over the grave. The pallbearers were General Robert Swartwout, Colonel Romeyn, Colonel Joseph W. Scott, Colonel Samuel Swartwout, Major Popham, General Bogardus, H. M. Western and Samuel Corp. Faithful old friends, who had witnessed the dazzling career, meteoric flight, and hissing oblivion of one of the most fascinating figures in all history.[41]

Cliosophic Society, always proud of its most distinguished member, paid tribute to his memory in a series of resolutions, and decreed that they be published in the newspapers, and that the members wear mourning for their departed brother for a space of thirty days.[42] But the restless spirit was at rest, oblivious of honors, of slander and execration alike.

For twenty years the grave remained unmarked; then Alfred Edwards, a relative, erected a simple stone, giving dates of birth and death, with the added notations that he had been a "Colonel in the Army of the Revolution" and "Vice-President of the United States from 1801 to 1805." Nothing else. Yet even this brief and unadorned reminder suffered mutilation from some patriotic vandal. In death as well as in life Aaron Burr was hated as no man had been hated in American history. Only now are the mists of obloquy gradually rising and the true picture taking shape and form – of a man of extraordinary talents, approaching genius, of a man of human mold and human failings, of one who remained to the end erect against the gods. It was his inherent limitations that prevented him from assaulting the highest places; it was his energy and talents that earned him the hatred and opposition of his fellows.

Yet his place in history is secure. In an era of giants, he, too, was of the elect. He helped make possible the rise of Jeffersonian democracy, he discovered and perfected the smoothly geared party machine with its reliance upon the masses, which was to culminate in that last sweep of democracy under Andrew Jackson; while his ideas on education and feminism were remarkably in advance of his age. He may be considered the catalyst *par excellence* in hastening certain social, political and legal reactions. His contest with Jefferson led to the adoption of the Twelfth Amendment, his duel with Hamilton not only martyred the latter, but caused a revulsion of popular feeling against that venerable institution. His trial for treason developed the judicial theory of the overt act and demolished the English doctrine of constructive treason. It also laid the basis, by its very concentration on the issue, for a true nationalism in this country. He initiated the movement of expansion which led to the War of 1812, the Texan Revolution, and the acquisition of a vast Continent.

The tumult is over, the hatreds are dying. Burr is slowly regaining his rightful place and niche in time. He was not all greatness, not all fault. His greatest limitation was the lack of a rounded, well-organized philosophy applicable to the issues of the day. It is to Hamilton, to Jefferson, to Jackson, to John and Samuel Adams, that one looks for comprehensive plans, whether good or bad, to bolster the infant government and adapt its course to the social, political and economic problems that confronted it at its inception. One looks in vain to Burr for such matters and theories; he was essentially a practical man, not an idealist; one who viewed government in terms of men rather than in terms of ideals and philosophic concepts. Modern machine politics may look to him as its founder, yet in his time it was the only organization possible to the masses as against the aristocracy of wealth and birth. Treason has been placed at his door, and treachery to Jefferson; yet both charges do not survive the cold light of the documents. He, the practical politician, was indeed singularly faithful to his code and to his friends. In all his life there were but two incidents that merit complete censure – his negotiations with Merry and Yrujo, and the doubtful ethics of his Holland Land Company connections while in the Legislature. Yet these were small enough, compared to the vast texture of his career, the numerous temptations and openings that, caught in the full tide, would have swung him aloft to the heights. Who in history has not similar smirches on his character; who in history would not be content with such a paucity of spots on an effulgent sun? Who in history has survived a more venomous brood of decriers?

THE END