

ALEXANDER HAMILTON:
THE DUEL WITH AARON BURR

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Col. Burr arrived first on the ground, as had been previously agreed: when Gen. Hamilton arrived the parties exchanged salutations, and the seconds proceeded to make their arrangements. They measured the distance, ten full paces, and cast lots for the choice of position, as also to determine by whom the word should be given, both of which fell to the second of Gen. Hamilton. They then proceeded to load the pistols in each other's presence, after which the parties took their stations. The gentleman who was to give the word...then asked if they were prepared; being answered in the affirmative, he gave the word 'present' as was agreed on, and both parties presented and fired in succession—the intervening time is not expressed, as the seconds do not precisely agree on that point. The fire of Colonel Burr took effect, and General Hamilton almost instantly fell.¹

Thus, as witnessed by Aaron Burr's close friend, Matthew L. Davis, ended the life of one of America's greatest statesmen. Davis's account, though precise and informative, did not tell the entire story; in fact, he omitted one important detail of the plot.

Why did Hamilton and Burr fatally meet at Weehawken on July 11, 1804 in the first place? Was it solely the political aftermath of the 1804 New York gubernatorial race, or were other factors involved? Indeed, Hamilton himself wrote, "I am conscious of no ill will to Col. Burr, distinct from political opposition, which, as I trust, has proceeded from pure and upright motives."² Yet evi-

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dence seems to indicate that the 1804 strife was only a climax, and that their antipathy had originated over twenty-five years earlier. When their family backgrounds, personal occupations, and national ambitions are taken into account, it becomes clear that Hamilton and Burr were on a collision course well before 1804.

Upon cursory examination of these two men it seems unlikely that they would become bitter rivals. There were probably no two men in the colonies who resembled each other so much. Physically, both were small, compact men of military carriage with penetrating eyes and persuasive voices. Their dress was highly fashionable and dapper, as was the company they kept. Both were adept speakers, particularly when paying compliments to the ladies. Hamilton and Burr were equally driven by a fervent desire to lead American troops in victories, whether it be in South America (Hamilton) or in Mexico (Burr). Yet these same likenesses contributed greatly to the antagonism between them. They were too much alike in temperament and ambition; their hopes clashed.³ As the old saying goes, opposites tend to attract one another, but likes repel.

Hamilton and Burr came from family backgrounds which may have contributed to their rivalry. Burr was born into a prestigious social status, whereas Hamilton had to build his own reputation. Being an illegitimate son of West Indian parents, Hamilton had no connections on the continent. He had to rely on inherent abilities in order to establish himself socially. Eventually, by his marriage to Elizabeth Schuyler, he gained full social acceptance. This enabled Hamilton to encounter Burr often and as a supposed social equal. However, in Hamilton's mind there existed the pride of a self-made man, and along with it contempt for the inherited fortune of Burr.⁴ Though this alone is obviously not sufficient reason for a duel, it is indeed another piece of the puzzle.

The first seeds of hostility between Hamilton and Burr were planted during the Revolutionary War. As dashing young officers they served under General Washington in the spring of 1776. Both were members of the Commander-in-Chief's staff,

but took different positions on military policy. Burr sided frequently with Generals Lee and Gates against Washington's proposals. Hamilton, despite some disagreement with Washington, primarily attacked Lee and Gates in defense of his commander. For this brief period of weeks, the two ambitious young men opposed each other quite often.⁵

During the war Hamilton and Burr developed separate reputations. Hamilton became more associated with the behind-the-scenes desk work than with front-line fighting. Burr preferred to be at the front, and duly transferred out of Washington's camp into General Israel Putnam's active command.⁶ If Hamilton was better known to Congress, Burr held the admiration of the army.⁷ Still, an instinctive ambition to command victorious armies powered both, and doubtless each man felt pangs of envy when the other received military accolades.

When the war ended, Hamilton decided to enter the legal profession. In 1782 the New York Bar admitted him, and the young lawyer began a practice. Meanwhile Burr was following an identical path. He too applied for and attained acceptance to the New York Bar in 1782.⁸ In fact, Burr's office was only a few blocks away from Hamilton's.⁹ They quickly became the local, pre-eminent lawyers and saw each other routinely. It was this proximity which formed the solid base of their future hostility.

Being the best lawyers of their area, Hamilton and Burr were employed frequently. Many of their cases pitted one against the other, with Hamilton usually the defense attorney. In these confrontations, Burr often won.¹⁰ Hamilton's immense ego was dealt severe blows when he faced Burr, particularly in the Trespass Act cases. In these cases, Burr's clients prosecuted seemingly without worry of a defeat. In fact, out of the twelve known Trespass Act cases in which Hamilton and Burr opposed one another, the plaintiff was awarded judgment three times, the case was settled out of court three other times, and the decision is unknown on the remaining six. In addition, the six unknown decisions pertained to the family of John Lloyd, with whom Burr was 2-0-2.¹¹ Since these suits were nearly identical in nature, it is probable that Burr

and Lloyd either won or settled the cases out of court. If this is true, then Hamilton must have lost the majority of decisions to Burr. He may even have been shut out. To a man as egotistical and ambitious as Hamilton, these continuous setbacks must have been painful.

There is another case which deserves mentioning, Lewis vs. Burr. Here Burr was not the opposition of Hamilton, but rather was being prosecuted by Hamilton himself. A promissory note for \$3500 was endorsed by Burr to Francis Lewis and never paid. Burr had hoped to escape paying the note by calculating its expiration date to fall on July 4, a national holiday when business was customarily suspended. Lewis contended that Burr was liable for the note despite its due date. In a complicated process, the Supreme Court in bank rendered judgment against Burr. Hamilton, much to the chagrin of Burr, had publicly exposed and defeated his adversary's duplicitous tactics.¹²

In the courts Hamilton and Burr favored different styles. Hamilton was prolix and "delighted in the intricacies of the law."¹³ He relied on erudition to win his cases, slowly proceeding from one premise to the next until his point was proven. Burr's method in court was opposite to Hamilton's. He was more concise and controversial.¹⁴ Burr would see a weak link in his opponent's argument, and then crush it with a few sentences.¹⁵ Another fundamental difference between the two was the price they charged. Burr demanded exorbitant sums for his services, while Hamilton preferred moderate reimbursements. A perfect example of this occurs in Le Guen vs. Gouverneur and Kemble, in which Hamilton and Burr together prosecuted successfully. Burr insisted upon \$4636.66 in total for his work. In contrast, Hamilton was forced to accept \$1500, much more than he had asked for.¹⁶ It must have angered Hamilton to see Burr reap large rewards from what Hamilton considered immoral practices.

Hamilton and Burr, then, showed hints of being enemies by the last decade of the eighteenth century. Yet surely occupational squabbles are not causes for a duel. Something more was

required for ardent feelings of antipathy to surface. The 1790s provided such opportunities.

The key year, according to many historians, was 1791. Jerome Mushkat claims the following: “By 1791, Aaron Burr had changed many of his personal goals. Chief among them was his decision to devote himself to politics instead of law. The move caused many far-reaching problems because it rekindled Hamilton’s hostility.”¹⁷ Marshall Smelser concurs: “(Hamilton) had continuously opposed Burr on the grounds of personality and character since 1791.”¹⁸ It is cited as such a pivotal year because General Philip Schuyler lost his Senate seat to Burr. The incumbent Schuyler was a Federalist like Hamilton, and his defeat upset fellow Federalists. More importantly, Schuyler was Hamilton’s beloved father-in-law. Hamilton could not let two injuries, the loss of a Federalist seat and the fact that his father-in-law had been upstaged, go unavenged. The next year he accordingly blocked a move by upstate Federalists to nominate Burr for governor.¹⁹ This method of exacting revenge by denying Burr political advancement would become a major contributor to their odious sentiments towards one another.

Still, Hamilton and Burr were not yet bitter enemies; they weren’t even political opposites. Then in 1792, Burr declared himself a Democratic-Republican. This was quite unexpected since most of Burr’s relations and friends were Federalists.²⁰ Hamilton was enraged, and almost overnight he began divulging personal feelings about Burr which had been concealed for over a decade. In a letter to John Adams dated September 21, 1792, he called Burr “unprincipled both as a public and private man... I feel it a religious duty to oppose his career.”²¹ To General Charles Pinckney about three weeks later, he wrote this appraisal of Burr:

(Burr) has no other principles than to mount, at all events, to the first honors of the state & to as much more as circumstances will permit... That gentleman whom I once esteemed, but who does not permit me to retain that sentiment for him, is certainly a man of sublimated and paradoxical imagination, entertaining and propagating notions inconsistent with dignified and orderly Government.²²

Here Hamilton outwardly admits that he no longer respects Burr, and even shows evidence of disgust for his former legal adversary. This is further evidence that the roots of their hatred were growing well before 1804.

The quest for control of New York politics was to influence Hamilton and Burr's relationship negatively further before the turn of the century. Hamilton and the Federalists owned the powerful Bank of New York. Republicans were often denied credit and loans by this pecuniary monopoly. Burr, then a state assemblyman, in 1799 introduced a clean water bill that required \$2,000,000 of funds. In addition, the bill stipulated that "it shall and may be lawful for the said company to employ all such surplus capital as may belong or accrue to the said company...for the sole benefit of said company." Thus, the Bank of Manhattan was formed to meet the financial needs of the bill. In this manner, Burr and his fellow Democratic-Republicans broke the strangle hold of the Federalist financiers.²³

The Federalists also mandated voting requirements for New York citizens. In order to obtain suffrage, a man had to own a "freehold" worth at least \$100. This disenfranchised many of the Republicans, who as a rule were among the poor people. Burr found a way around this restrictive system as well. He instructed several Republicans to join resources in order to buy the \$100 of property necessary, and then register individually. This brilliant and legal idea increased the numbers of Democratic-Republicans in the voting lines. As a consequence, the 1800 election swept in Burr's party, and with it the block of Republican votes from New York for the upcoming Presidential election. In the short span of two years, Hamilton had lost the power of the purse and his political prominence all because of Aaron Burr.²⁴

In the Presidential campaign of 1800, an incident occurred that was to destroy Hamilton's party. Hamilton had little love for Federalist President Adams. For three years of the administration Hamilton had directly influenced Adams' cabinet. When Adams realized this, he cut most of the strings Hamilton had used for his connections. However, Hamilton retained a pronounced

sway on the government. As the 1800 election approached, there was no doubt about the renomination of Adams. Hamilton, who could not bear another four years of Adams, hoped he could persuade Federalist electors to choose John Pinckney, Adams' running mate, and relegate Adams to the Vice-Presidency. To further his cause, he decided to write a pamphlet which would assail the president perniciously. This pamphlet was to be distributed to only a few key Federalists throughout the country. Unfortunately for Hamilton, Aaron Burr somehow got hold of the libelous literature and proceeded to assist its publication in the Democratic-Republican paper The Aurora. This split the Federalist party in two, and Hamilton was crushed.²⁵

Hamilton was now like a volcano ready to erupt. Burr, who had before been a mere thorn in his side, was becoming a major obstacle to his ambition. Hamilton's values demanded some type of revenge. In the election of 1800, he got it.

The 1800 election resulted in a tie between the Democratic-Republican candidates Thomas Jefferson and Aaron Burr. According to the Constitution, the decision now fell into the hands of the House. There a strong Federalist majority presided, and hopes of turning Burr into a party member caused the representatives to favor Hamilton's adversary. Hamilton worked feverishly to dispel this belief. To Oliver Wolcott, President Adams' Secretary of the Treasury and a fellow Federalist, he wrote:

There is no circumstance which has occurred in the course of our political affairs that has given me so much pain as the idea that Mr. Burr might be elevated to the Presidency by the means of the Federalists...Let it not be imagined that Mr. Burr can be won to the Federal views. It is a vain hope. Stronger ties, and stronger inducements than they can offer, will impel him in a different direction.²⁶

Hamilton's efforts were successful in denying Burr the Presidency. After thirty-four ballots and much badgering by Hamilton, the Federalist representatives from Vermont and Maryland cast blank ballots, allowing the Republicans to cast the states' vote for Jefferson.²⁷

During the next four years the level of animosity between Hamilton and Burr remained fairly stable. Meanwhile, Burr's

career was sliding rapidly, and his future looked bleak. Cut off from federal and state patronage, scorned by many of his friends, without economic influence, watched with distrust by the Federalists, and shorn of a chance for renomination, he faced two difficult choices in 1804. Either he could bow out of politics and accept his disgrace, or he could fight back by running for the governorship of New York. He chose to fight.²⁸

The stage was now set for the culminating incident in the Hamilton–Burr drama. Hamilton, who had just three years previously labelled Burr a “profligate; a voluptuary in the extreme,”²⁹ again labored to block Burr’s ambitions. He publicly vilified Burr as “a dangerous man, and one who ought not to be trusted with the reins of government.”³⁰ Once again Hamilton succeeded, as Burr was defeated by Judge Morgan Lewis by a three to two margin. After the election Burr demanded a formal explanation and apology. Hamilton evaded the issue, claiming that “I deem it inadmissible on principle, to consent to be interrogated as to the justice of the inferences which may be drawn by others from whatever I have said of a political opponent in the course of fifteen years’ competition...”³¹ Burr continued to press for an apology, but it never came. Then on June 27, Burr formally challenged Hamilton to a duel, and Hamilton accepted.³²

The antagonism between Alexander Hamilton and Aaron Burr was not solely a result of the 1804 election. Destiny shaped their lives in such a way that their paths were forever crossed, and that one always affected the other in some manner during their eventful careers.³³ Whether it was on the battlefield, in the courts, or at the polls, the two were often on opposing sides. Hamilton, who had been humiliated by Burr in the courts, frequently channelled his embarrassment into public vilifications. The 1804 disagreement was one such incident, and only a culmination of their rivalry. When Hamilton fell on July 11, 1804, over two decades of antipathy died with him.

- ¹ William Coleman, ed. A Collection of the Facts...The Death of Alexander Hamilton, (New York: Books for Libraries Press, reprinted in 1969) p. 17
- ² Coleman, p. 24
- ³ Claude G. Bowers, Jefferson and Hamilton, (New York: Houghton Mifflin Company, 1953) pp. 449–450
- ⁴ Samuel Engle Burr Jr., The Burr–Hamilton Duel and Related Matters, (San Antonio: The Naylor Company, 1971) pp. 4–5
- ⁵ Allan McLane Hamilton, Jr., The Intimate Life of Alexander Hamilton, (New York: Charles Scribner's Sons, 1910) pp. 375–376
- ⁶ Burr, pp. 2–3
- ⁷ Arthur Orrmont, The Amazing Alexander Hamilton, (New York: Julian Messner, Inc., 1964) pp. 69–70
- ⁸ Jerome Mushkat, Outstanding Personalities, (New York: Sam Lar Press, 1974) pp. 13–14
- ⁹ Orrmont, p. 109
- ¹⁰ Mushkat, p. 14
- ¹¹ Julius Goebel, Jr. ed., The Law Practice of Alexander Hamilton Volume 1, (New York: Columbia University Press, 1964) pp. 478–520
- ¹² Hamilton, pp. 160–162
- ¹³ Mushkat, p. 14
- ¹⁴ Bowers, p. 449
- ¹⁵ Mushkat, p. 14
- ¹⁶ Hamilton, pp. 170–172
- ¹⁷ Mushkat, p. 17
- ¹⁸ Marshall Smelser, The Democratic Republic—1801–1815, (New York: Harper and Row, Publishers, 1968) p. 79
- ¹⁹ Mushkat, p. 17 ²⁰ *Ibid.*, pp. 16–18
- ²¹ Broadus Mitchell, Heritage from Hamilton, (New York: Columbia University Press, 1957) p. 141
- ²² *Ibid.*, pp. 142–143
- ²³ Burr, pp. 7–8 ²⁴ *Ibid.*, pp. 8–9
- ²⁵ Bowers, pp. 471–482
- ²⁶ Mitchell, pp. 149–150
- ²⁷ Bowers, pp. 149–150
- ²⁸ Mushkat, pp. 23–25
- ²⁹ Hamilton, p. 386 ³⁰ *Ibid.*, pp. 390–391 ³¹ *Ibid.*, same letter
- ³² Coleman, pp. 13–14
- ³³ Hamilton, p. 375