

# CULTURE, ART, & *Conflict*

## BURR'S BEHAVIOR TO HAMILTON'S HARANGUES: THE DUEL

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**Aaron Burr**

*John Vanderlyn*

**Alexander Hamilton**

*John Trumbull*

Smeared campaigns attending with slander and libel have long been part of the election process in the United States. Candidates can lose not only their composure but also elections. One brilliant American politician lost his life over such defamation. The bitter rivalry between Alexander Hamilton and Aaron Burr started in earnest in 1791 when Burr defeated Hamilton's father-in-law, Revolutionary general and incumbent Philip Schuyler for re-election to his seat in the United States Senate. Secretary of Treasury Hamilton had counted on Schuyler to support his Federalist policies. He sent letters to a number of senators questioning the character of Burr, who was aligned with the Democratic-Republicans. "I fear [Burr] is unprincipled both as a public and private man....In fact, I take it he is for or against nothing but as it suits his interest or ambition."

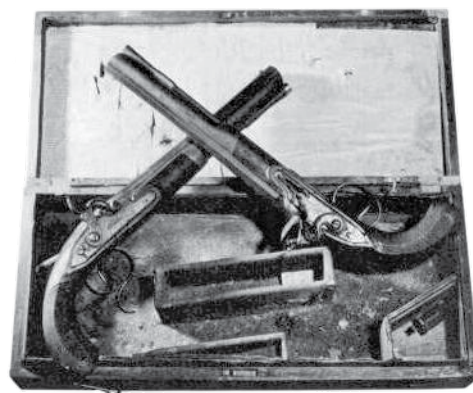
**Benjamin Franklin referred to duels as a “murderous practice” and added that “they decide nothing.” George Washington urged his officers to refuse any dueling challenges during the American Revolution.**

Burr joined fellow Democratic-Republican Thomas Jefferson in running against incumbent Federalist President John Adams in 1800. According to the electoral rules of this time, each elector in the college had two votes. The candidate with the most votes became president; the candidate with the second most votes became vice president. The Democratic-Republicans intended for Jefferson to serve as president and Burr as vice president but Jefferson and Burr both received 73 votes. Since a majority was not reached, the House of Representatives—then under the control of the Federalists—had to vote on the matter. Hamilton believed that Burr was far more difficult to deal with than Jefferson and used all of his political influence to see that Jefferson became the third president of the United States. The relationship between Burr and Jefferson was tepid at best. Burr tried to run for governor of New York as a Federalist candidate before finishing his one term as vice president. Hamilton—who had been in self-imposed exile since his son, Philip, was killed in a duel in 1801—beseeched fellow Federalists to not to support Burr. The vice president ended up having to run as an independent candidate. Newspapers in New York published libelous gossip about him claiming—among other things—that Burr was a womanizer. According to historian Thomas Fleming, author of *Duel: Alexander Hamilton, Aaron Burr and the Future of America*, one Manhattan newspaper “published a list of twenty prostitutes, who said that Aaron Burr was their favorite customer. It was the dirtiest political campaign I think probably in the history of the country in terms of personal political attacks.”

Morgan Lewis, the Democratic-Republican candidate, decisively defeated Burr. A letter from a Democratic-Republican politician named Dr. Charles Cooper to Philip Schuyler was published after the election in the *Albany Register* newspaper. The letter stated that Cooper heard Hamilton express a “despicable opinion” of Burr. An enraged Burr wrote to Hamilton demanding “a prompt and unqualified acknowledgment or denial of the use of any expressions which could warrant the assertion of Dr. Cooper.” Hamilton replied that he could not be held accountable for Cooper’s interpretations. In a subsequent letter, Burr stated: “Political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws of honor and the rules of decorum.” Finally, Burr challenged Hamilton to settle the matter on the field of honor. Neither men were innocents in the world of dueling. Burr had dueled Hamilton’s brother-in-law, John B. Church, in 1799 (neither man was injured). Hamilton had participated in several shot-less duels, most notably against John Adams and James Monroe, and had acted as a second in at least three others. Hamilton accepted the challenge, forever altering American political history.

The men rowed from Manhattan to the Heights of Weehawken area in New Jersey on the early morning of July 11, 1804. Poignantly, this was the same area where Hamilton’s son, Philip, had been slain. Burr was accompanied by his second, William P. Van Ness, and two others. Hamilton was accompanied by his second, Judge Nathaniel Pendleton, and Hamilton’s personal physician, Dr. David Hosack. According to some accounts, Hamilton was given the privilege of picking his position since he was the one challenged. He is said to have selected the north-side position of the field, facing downstream toward his opponent. Hamilton fired first, into the air. Burr immediately returned fire and struck Hamilton in the right side of his abdomen near the hip. The ball entered the trunk of his body fracturing Hamilton’s second or third false rib, then moved through his liver and diaphragm before coming to a stop in his lumbar vertebrae. The wound proved devastating. One month after the duel took place, Hosack testified that he saw both men and their seconds enter the woods and that several minutes later he heard two shots. He then heard his name called, at which time he ran to the clearing and found Hamilton wounded:

*“When called to him upon his receiving the fatal wound, I found him half sitting on the ground, supported in the arms of Mr. Pendleton. His countenance of death I shall never forget. He had at that instant just strength to say, ‘This is a*



**The English flintlock pistols used in the Burr-Hamilton duel**

*Chase Manhattan Archives, New York*



# The Code Duello Ground Rules for the Field of Honor

A group of gentlemen in 1777 authored “The Code Duello” and prescribed it for general adoption throughout Ireland. In America, the principle rules were followed with occasional deviations. The Hamilton–Burr duel was possibly executed under similar guidelines.

**Rule 1.** The first offense requires the first apology, though the retort may have been more offensive than the insult. Example: A tells B he is impertinent, etc. B retorts that he lies; yet A must make the first apology because he gave the first offense, and then (after one fire) B may explain away the retort by a subsequent apology.

**Rule 2.** But if the parties would rather fight on, then after two shots each (but in no case before), B may explain first, and A apologize afterward.

N.B. The above rules apply to all cases of offenses in retort not of stronger class than the example.

**Rule 3.** If a doubt exists, who gave the first offense, the decision rests with the seconds; if they won’t decide, or can’t agree, the matter must proceed to two shots, or to a hit, if the challenger require it.

**Rule 4.** When the lie direct is the first offense, the aggressor must either beg pardon in express terms; exchange two shots previous to apology; or three shots followed up by explanation; or fire on till a severe hit be received by one party or the other.

**Rule 5.** As a blow is strictly prohibited under any circumstances among gentlemen, no verbal apology can be received for such an insult. The alternatives, therefore—the offender handing a cane to the injured party, to be used on his own back, at the same time begging pardon; firing on until one or both are disabled; or exchanging three shots, and then asking pardon without proffer of the cane.

If swords are used, the parties engage until one is well blooded, disabled, or disarmed; or until, after receiving a wound, and blood being drawn, the aggressor begs pardon.

N.B. A disarm is considered the same as a disable. The disarmer may (strictly) break his adversary’s sword; but if it be the challenger who is disarmed, it is considered as ungenerous to do so.



**Drawing of the duel**

*mortal wound, doctor;’ when he sunk away, and became to all appearance lifeless...I ascertained that the direction of the ball must have been through some vital part. His pulses were not to be felt, his respiration was entirely suspended...I considered him as irrecoverably gone. I, however, observed to Mr. Pendleton, that the only chance for his reviving was immediately to get him upon the water. We therefore lifted him up, and carried...him into the boat, which immediately put off...When we had got, as I should judge, about fifty yards from the shore, some imperfect efforts to breathe were for the first time manifest...His pulse became more perceptible, his respiration more regular, his sight returned. Soon after recovering his sight, he [Hamilton] happened to cast his eye upon the case of pistols, and observing the one that he had had in his hand lying on the outside, he said, ‘Take care of that pistol; it is undischarged, and still cocked; it may go off and do harm. Pendleton knows...that I did not intend to fire at him.’ ‘Yes,’ said Mr. Pendleton, understanding his wish, ‘I have already made Dr. Hosack acquainted with your determination as to that.’ He then closed his eyes and remained calm...he informed me that his lower extremities had lost all feeling, manifesting to me that he entertained no hopes that he should long survive.”*

Hamilton was rowed back to Manhattan. Paralyzed and suffering in agony, he was visited by friends and family before dying on the afternoon of July 12, 1804. After Hamilton’s death, Pendleton produced a letter penned by the slain the night before the duel in which he expressed his opposition to the very act. “I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me

the opportunity, to reserve and throw away my first fire, and I have thoughts of even reserving my second fire and thus giving double opportunity to Colonel Burr to pause and reflect." When made aware of this admission, Burr replied: "Contemptible, if true."

It should be noted that historian and arms expert Merrill Lindsay alleged that the trigger on Hamilton's pistol made him miss the mark. The pistols used in the duel were the same that had been used in the duel between Burr and John B. Church. According to Lindsay: "The pistols...had concealed hair triggers...Hamilton could surreptitiously set his hair trigger without anyone's knowing. This would give Hamilton a theoretical advantage by allowing him to shoot very quickly with a tiny, half-pound squeeze on the trigger. Burr's gun had the same trigger but Burr probably didn't know it...With this pistol, the hair trigger set, Hamilton, I maintain, booby trapped himself that morning...as Hamilton lowered the gun on its target, he was holding a little too tightly and accidentally fired before he had Burr in his sights. Burr squeezed hard and low, and put an aimed shot into Hamilton. Regardless of Hamilton's true intentions, Burr was charged with murder in both New York and New Jersey. He fled to South Carolina, was captured in Chester, and returned to complete his public obligation as vice-president. Neither indictment went to trial. In 1807, Burr was tried for attempting to establish a new nation in the western part of the United States. He was acquitted but went into self-imposed exile in Europe. Burr later returned to practice law on Staten Island until his own death on September 14, 1836.

Anti-dueling momentum spread across the country in the months following Hamilton's death. Still mourning, Hamilton's father-in-law attended a church service in Albany, where Pastor Eliphalet Nott gave the sermon titled "A Discourse, Delivered in the North Dutch Church, in the City of Albany, Occasioned by the Ever to be Lamented Death of General Alexander Hamilton, July 29, 1804." Nott declared that "The duellist [sic] contravenes the law of God not only, but the law of man also. To the prohibition[s] of the former have been added the sanctions of the latter. Life taken in a duel, by common law, is murder." Two years later, a minister named Lyman Beecher delivered an anti-dueling sermon reprinted in a pamphlet as *The Remedy for Dueling*, which was distributed by the Anti-Dueling Association of New York. By the end of the decade, the practice of dueling had been outlawed in many states. In this sense, the repercussions of Hamilton's death may have helped to bring about

## Code Duello, continued

In the case the challenged be disarmed and refuses to ask pardon or atone, he must not be killed, as formerly; but the challenger may lay his own sword on the aggressor's shoulder, then break the aggressor's sword and say, "I spare your life!" The challenged can never revive the quarrel—the challenger may.

**Rule 6.** If A gives B the lie, and B retorts by a blow (being the two greatest offenses), no reconciliation can take place till after two discharges each, or a severe hit; after which B may beg A's pardon humbly for the blow and then A may explain simply for the lie; because a blow is never allowable, and the offense of the lie, therefore, merges in it. (See preceding rules.)

N.B. Challenges for undivulged causes may be reconciled on the ground, after one shot. An explanation or the slightest hit should be sufficient in such cases, because no personal offense transpired.

**Rule 7.** But no apology can be received, in any case, after the parties have actually taken ground, without exchange of fires.

**Rule 8.** In the above case, no challenger is obliged to divulge his cause of challenge (if private) unless required by the challenged so to do before their meeting.

**Rule 9.** All imputations of cheating at play, races, etc., to be considered equivalent to a blow; but may be reconciled after one shot, on admitting their falsehood and begging pardon publicly.

**Rule 10.** Any insult to a lady under a gentleman's care or protection to be considered as, by one degree, a greater offense than if given to the gentleman personally, and to be regulated accordingly.

**Rule 11.** Offenses originating or accruing from the support of ladies' reputations, to be considered as less unjustifiable than any others of the same class, and as admitting of slighter apologies by the aggressor: this to be determined by the circumstances of the case, but always favorable to the lady.

**Rule 12.** In simple, unpremeditated recontres with the smallsword, or couteau de chasse, the rule is—first draw, first sheath, unless blood is drawn; then both sheath, and proceed to investigation.

**Rule 13.** No dumb shooting or firing in the air is admissible in any case. The challenger ought not to have challenged without receiving offense; and the challenged ought, if he gave offense, to have made an apology before he came on the ground; therefore, children's play must be dishonorable on one side or the other, and is accordingly prohibited.

**Rule 14.** Seconds to be of equal rank in society with the principals they attend, inasmuch as a second may either choose or chance to become a principal, and equality is indispensable.



## Code Duello, continued

**Rule 15.** Challenges are never to be delivered at night, unless the party to be challenged intend leaving the place of offense before morning; for it is desirable to avoid all hot-headed proceedings.

**Rule 16.** The challenged has the right to choose his own weapon, unless the challenger gives his honor he is no swordsman; after which, however, he can decline any second species of weapon proposed by the challenged.

**Rule 17.** The challenged chooses his ground; the challenger chooses his distance; the seconds fix the time and terms of firing.

**Rule 18.** The seconds load in presence of each other, unless they give their mutual honors they have charged smooth and single, which should be held sufficient.

**Rule 19.** Firing may be regulated—first by signal; secondly, by word of command; or thirdly, at pleasure—as may be agreeable to the parties. In the latter case, the parties may fire at their reasonable leisure, but second presents and rests are strictly prohibited.

**Rule 20.** In all cases a miss-fire is equivalent to a shot, and a snap or non-cock is to be considered as a miss-fire.

**Rule 21.** Seconds are bound to attempt a reconciliation before the meeting takes place, or after sufficient firing or hits, as specified.

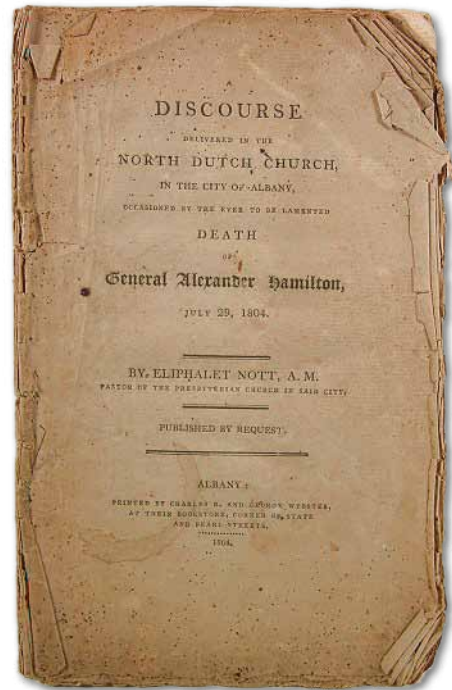
**Rule 22.** Any wound sufficient to agitate the nerves and necessarily make the hand shake, must end the business for that day.

**Rule 23.** If the cause of the meeting be of such a nature that no apology or explanation can or will be received, the challenged takes his ground, and calls on the challenger to proceed as he chooses; in such cases, firing at pleasure is the usual practice, but may be varied by agreement.

**Rule 24.** In slight cases, the second hands his principal but one pistol; but in gross cases, two, holding another case ready charged in reserve.

**Rule 25.** Where seconds disagree, and resolve to exchange shots themselves, it must be at the same time and at right angles with their principals, thus: If with swords, side by side, with five paces interval.

N.B. All matters and doubts not herein mentioned will be explained and cleared up by application to the committee, who meet alternately at Clonmel and Galway, at the quarter sessions, for that purpose.



**Image of the anti-duelling sermon given after Alexander Hamilton's death**

the death of dueling in America. Perhaps Hamilton himself had unintentionally summed up the brutish arrogance and bravado of dueling: "When the sword is once drawn, the passions of men observe no bounds of moderation."



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