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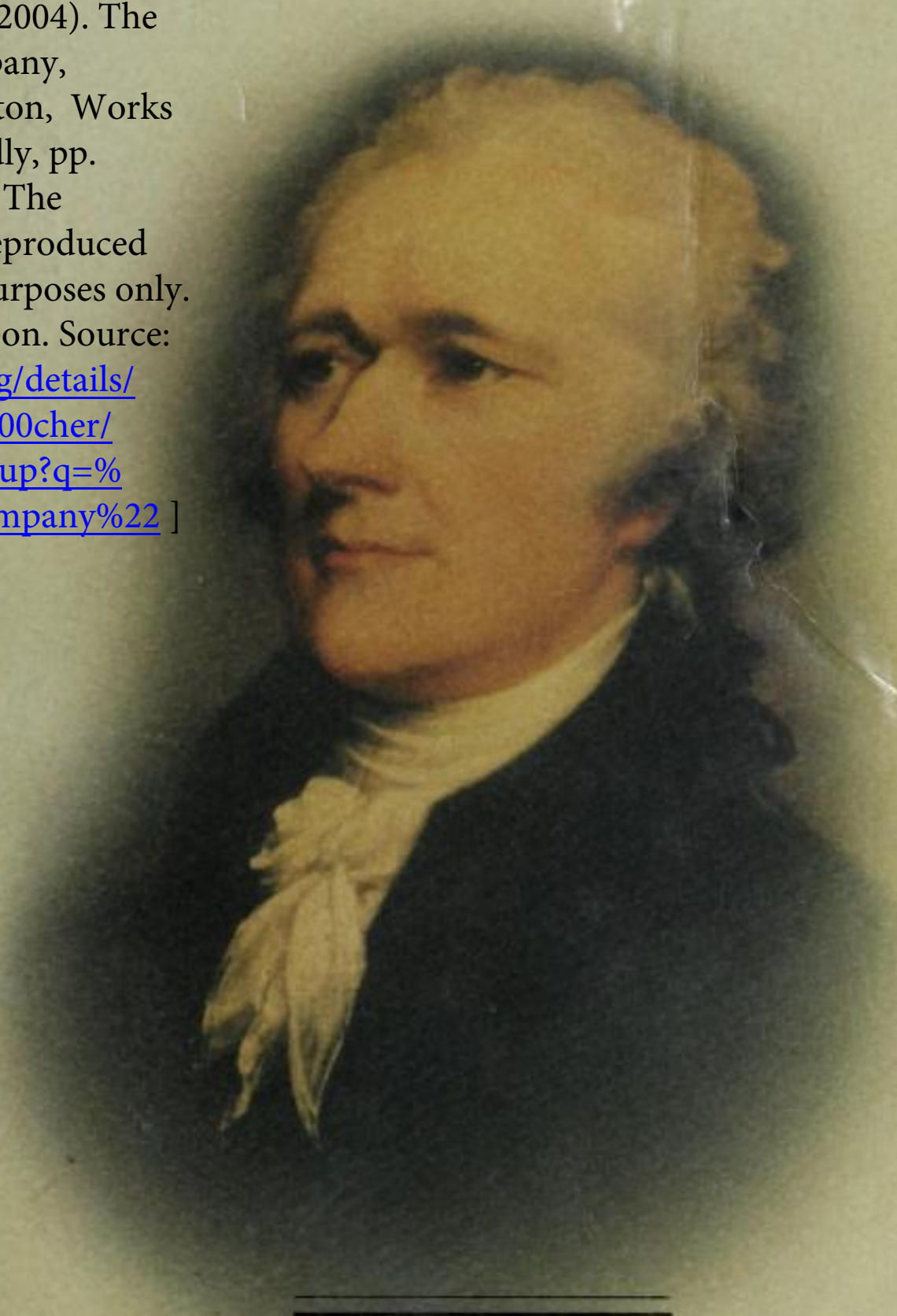
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# C H E R N O W

*Author of*

T I T A N *and* T H E H O U S E O F M O R G A N

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A L E X A N D E R  
H A M I L T O N

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he prowled the Hudson, fishing for striped bass.<sup>15</sup> He was still a habitué of the theater, whether classical tragedies or lighter fare, and he attended the Philharmonic Society concerts at Snow's Hotel on Broadway. Hamilton's problem was never a shortage of interests so much as the time to cultivate them.

On occasion, Hamilton gave evidence of a prankish spirit at odds with the image of the sober public man. While on a visit to Newark, Hamilton's aide Philip Church met a Polish poet, Julian Niemcewicz, a friend of General Tadeusz Kosciuszko. Niemcewicz insisted that Kosciuszko had entrusted him with a magic secret that permitted him to summon up spirits from the grave. Hamilton, intrigued, invited the Polish poet to a Friday-evening soiree. To give conclusive proof of his black art, Niemcewicz asked Hamilton to step into an adjoining room so that he could not see what was going on. Then one guest wrote down on a card the name of a dead warrior—the baron de Viomenil, who had seen action at Yorktown—and asked the Polish poet to conjure up his shade. Niemcewicz uttered a string of incantations, accompanied by a constantly clanging bell. When it was over, Hamilton strode into the room and “declared that the Baron [de Viomenil] had appeared to him exactly in the dress which he formerly wore and that a conversation had passed between them wh[ich] he was not at liberty to disclose,” related Peter Jay, the governor's son.<sup>16</sup> That Hamilton had communed with a fallen comrade attracted exceptional attention in New York society, so much so that he had to admit that it was all a hoax he had cooked up with Philip Church and Niemcewicz “to frighten the family for amusement and that it was never intended to be made public.”<sup>17</sup>

The yellow-fever epidemic of 1798 that had claimed the lives of Benjamin Franklin Bache and John Fenno had also given fresh urgency to the work of the Widows Society, as many women lost their family breadwinners. “None but eyewitnesses,” Isabella Graham wrote, “could have imagined the sufferings of so many respectable, industrious women who never thought to ask bread of any but of God.”<sup>18</sup> This same scourge led the more profane Aaron Burr to create quite a different sort of institution in New York: the Manhattan Company.

To understand this pivotal moment between Aaron Burr and Alexander Hamilton, one must fathom the severity of the epidemic that had struck the city that autumn. In September, as many as forty-five victims perished per day, and Hamilton and his family even briefly took rooms several miles from town. Robert Troup described the terrifying paralysis that gripped New York: “Our courts are shut up, our trade totally stagnant, and we have little or no appearance of business. . . . I call in once a day at Hamilton's and we endeavour to fortify each other with philosophy to bear the ills we cannot cure.”<sup>19</sup> Wealthier residents escaped to rural outskirts, while the poor were exposed to a disease spread by mosquitoes that multiplied around



the many swamps and stagnant ponds. Almost two thousand New Yorkers died, and a fresh potter's field was consecrated in what is now Greenwich Village.

Aaron Burr's brother-in-law, Dr. Joseph Browne, blamed contaminated water for the recurrent outbreaks of yellow fever—the city still depended on often polluted wells—and submitted a plan to the Common Council for drawing fresh water from the Bronx River. Browne's plan contemplated the creation of a private water corporation chartered by the state legislature. The piped water was also hailed as a panacea for other civic needs, ranging from fighting fires to washing filthy streets. Although the Common Council applauded the basic concept of a water company, it countered with a proposal for a *public* company to conduct this business.

In reality, Browne's plan was a ruse concocted by Burr, who had no interest whatever in pure water but considerable interest in setting up a Republican bank. Among the many putative advantages Hamilton and his Federalist associates enjoyed in New York politics was a virtual monopoly over local banking. At the start of 1799, both of the banks in New York City happened to be the brainchildren of Alexander Hamilton: the Bank of New York and the local branch of the Bank of the United States. Republican businessmen nursed a perennial grievance that these banks discriminated against them, one Republican journalist charging that "it became at length impossible for men engaged in trade to advocate republican sentiments without sustaining material injury. . . . As the rage and violence of party increased, directors became more rigorous in enforcing their system of *exclusion*."<sup>20</sup> It is not clear that Republicans were actually penalized, but the suspicion was certainly abroad. Hamilton opposed the vogue for state banks that proliferated in the 1790s, less from narrow political motives than from a fear that competition among banks would dilute credit standards and invite imprudent lending practices as bankers vied for clients.

Now a member of the New York Assembly, Burr knew that any politician who smashed the Federalist monopoly in local banking would attain heroic status among Republicans—at least those who did not regard banks as diabolical instruments. Easy access to a bank also appealed to an incorrigible spendthrift such as Burr, who had ongoing money problems. In early 1797, toward the end of his term in the U.S. Senate, his financial troubles had grown so acute that he had neglected his legislative duties. To establish a New York bank, he had to scale a very high hurdle. The state legislature conferred bank charters, and it was currently under Federalist sway; in those days, every New York corporation engaged in business needed a legislative charter. As the crafty Burr cast about for a stratagem that would let him sneak a bank charter past the opposition party, he hit upon the unlikely subterfuge of using the proposed water company as a blind.

In a cunning political sleight of hand, Burr lined up a bipartisan coalition of six



luminaries—three Republicans and three Federalists—to approach the Common Council as sponsors of his proposal for a private water company. For his Federalist phalanx, he recruited Gulian Verplanck, president of the Bank of New York; John Murray, president of the Chamber of Commerce; and his greatest prize, Major General Alexander Hamilton. Why did Hamilton go along with Burr? Burr had recently flirted with the Federalists and had cooperated with Hamilton to fortify New York City against a French invasion. For the moment, the two men stood on a relatively good footing. Hamilton had survived yellow fever and would have favored a project to save the city from further epidemics. Hamilton may also have been investigating a business opportunity for John B. Church. Angelica had prodded her husband to give up his parliamentary career and return to America, but now Church seemed bored, if fabulously prosperous, in New York. Hamilton noted, “He has little to do [and] time hangs heavy on his hands.”<sup>21</sup> Church emerged as a director of the Manhattan Company, which may have been a precondition for Hamilton’s participation. “Whatever Hamilton’s motives,” one Burr biographer has written, “no member of the committee of six worked harder [than Hamilton] to make possible Aaron Burr’s upcoming triumph in the New York legislature.”<sup>22</sup>

On February 22, 1799, Hamilton and Burr marched into the office of Mayor Richard Varick to plead the water company’s case. After conferring with an English canal engineer, Hamilton drew up an impressive memo that went far beyond waterworks to a systematic plan for draining city swamps and installing sewers. Persuaded by Hamilton, the Common Council ceded the final decision to the state legislature. Burr must have savored the situation: he was exploiting Alexander Hamilton and enlisting his foe’s mighty pen in a clandestine Republican cause. It was exactly the sort of joke that the drolly mysterious Burr treasured. He also got Hamilton to prepare a memo for the state legislature in support of a private water company. In late March, obliging state legislators approved the creation of the Manhattan Company, and on April 2 an unsuspecting Governor John Jay signed this act into law. Earlier promises about the company providing free water to combat fires and repair city streets damaged by laying pipes—standard features of water-company contracts in other states—had been quietly deleted by Burr from the final bill.

As usual, the devil lay in the details. At the final moment, with many legislators having departed for home and others too lazy to examine the fine print, Burr embedded a brief provision in the bill that widened immeasurably the scope of future company activities. This momentous language said “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 in the purchase of public or other stock or in any other monied transactions of operations.”<sup>23</sup> The “surplus capital” loophole would allow Burr to



use the Manhattan Company as a bank or any other kind of financial institution. The Federalists had dozed right through this deception because they knew of the Republican antipathy for banks and also because Burr had cleverly decorated the board with eminent Federalists.

Burr, it turned out, was too smart for his own good. If some Republicans admired his finesse, the general electorate did not. At the end of April, as he faced a re-election campaign for his Assembly seat, voters grasped the magnitude of his deception and shunned the ticket he headed. Once Hamilton realized that Burr had hoodwinked him, he was livid. He later complained of Burr, "I have been present when he has contended against banking systems with earnestness and with the same arguments that Jefferson would use. . . . Yet he has lately by a trick established a *bank*, a perfect monster in its principles, but a very convenient instrument of *profit and influence*."<sup>24</sup> Even some stalwart Republicans shuddered at Burr's machinations. Of Burr's discredited slate, Peter R. Livingston commented that "it would hardly be a wonder if they *did* lose the election, for they had such a *damn'd ticket* that no decent man could hold up his head to support it."<sup>25</sup> Burr's editor, Mary-Jo Kline, has observed that the Manhattan Company scheme "was so baldly self-serving that it temporarily halted Burr's political career and lost him the public office that had served him so well."<sup>26</sup>

On April 22, when Manhattan Company shares went on sale, they were instantly snapped up. In early September, dropping any pretense that it was principally a water company, the company opened with great fanfare its new "office of discount and deposit" on Wall Street. This bank immediately posed a competitive threat to the Bank of New York, now housed in an elegant two-story building down the block at Wall and William Streets. By its wondrously vague charter—a magic carpet of corporate possibilities—the Manhattan Company was allowed to raise two million dollars, operate anywhere, and go on in perpetuity, whereas the Bank of New York had less than one million in capital, was restricted to operations in the city, and had a charter that expired in 1811. To purchase the favor of all political cliques, Burr shrewdly parceled out the company's twelve directorships, dispensing nine to Republicans (with places carefully allocated for Clintonians, Livingstons, and Burr-ites) and three to Federalists, including John Barker Church.

Perhaps the least of Aaron Burr's sins in organizing the Manhattan Company was his having gulled Hamilton and state legislators into granting a bank charter under false pretenses. Far more grievous were the fraudulent claims he had made for a water company. The plan set forth by Joseph Browne to rid the city of yellow fever by delivering fresh water proved a sham in Burr's nimble hands. In July 1799, the betrayed Browne wrote pathetically to Burr, "I expect and hope that enough will be done to satisfy the public and particularly the legislature that the institution is



not a speculating job [but] an undertaking from whence will result immediate and incalculable advantages to the City of New York."<sup>27</sup> The doctor was swiftly disabused. The Manhattan Company promptly scrapped plans to bring water from the Bronx River—the directors had already raided its “surplus capital” for the bank—and instead drew impure water from old wells, pumping it through wooden pipes. That summer, yellow fever returned to New York with a vengeance. Not only had Burr’s plan failed to provide pure water but it had thwarted other sound plans afoot, including those for a municipal water company.

The day after the Manhattan Company inaugurated business on Wall Street, two of its directors, Aaron Burr and John Barker Church, celebrated the event in idiosyncratic fashion: with a duel. A staunch Federalist, Church was an opinionated, quarrelsome man who never shrank from a good fight and was not averse to duels. One theory of why he had fled from England to America on the eve of the Revolution, adopting the pseudonym of John B. Carter, was that he had killed a man during a London duel.

The present feud arose from “unguarded language” that Church used about Burr “at a private table in town,” as one New York newspaper daintily put it.<sup>28</sup> Church’s comments referred to illicit services performed by Burr for the Holland Company, which speculated in American property on behalf of Dutch banks. The Holland Company felt hobbled by restrictions placed on New York land owned by foreigners and retained Burr as a lobbyist to deal with this impediment. Never one to idealize human nature, Burr recommended to his client that it sprinkle five thousand dollars around the state legislature to brighten the prospects for corrective legislation. The money worked wonders, and the consequent Alien Landowners Act removed the legal obstacles. On the Holland Company’s ledgers, the payment to Burr appeared not as a bribe but as an unpaid loan. As an attorney for the Holland Company, Hamilton would have known about this seamy affair and likely conveyed his findings to John Barker Church.

In discussing Burr’s behavior, John Barker Church made the unpardonable error of employing the word *bribery* in mixed company. Troup reported in early September, “A day or two ago, Mr. Church in some company intimated that Burr had been bribed for his influence whilst in the legislature to procure the passing of the act permitting the Holland Company to hold their lands.”<sup>29</sup> The allegation against Burr, Troup added, was widely believed. The instant Burr heard about Church’s derogatory remarks, he called him to a duel. Church was a quick, decisive personality—in Hamilton’s words a man “of strong mind, very exact, very active, and very much a man of business”—and forthwith took up the challenge.<sup>30</sup> Burr’s actions could only have aggravated Hamilton’s fury about the Manhattan Company fiasco.



Burr's challenge to John B. Church seems rash until one realizes that he was eyeing the presidential election the following year. His short-lived flirtation with the Federalists had ended. After his humbling setback in the Assembly race due to the Manhattan Company, he had to remove this fresh blemish from his reputation, and a duel with Hamilton's brother-in-law promised to embellish his image in Republican circles. The speed with which Burr entered the duel suggests that, unlike in his later confrontation with Hamilton, he had no murderous intent and went through the ritual purely for political effect. It was a very different affair of honor from one the previous year after Republican Brockholst Livingston had been attacked by Federalist James Jones as he ambled along the Battery. Jones pounced on him, thrashed him with a cane, and gave his nose a good twist. Livingston, in revenge, summoned him to a dueling ground in New Jersey and shot him dead.

On September 2, 1799, Burr and Church rowed across the Hudson for a sunset duel. Burr chatted affably with Church and sauntered about "the field of honor" with sangfroid. One observer said there was "not the least alteration in his [Burr's] behavior on the ground from what there would have been had they met on friendly terms."<sup>31</sup> Church chose Abijah Hammond, former treasurer of the Society for Establishing Useful Manufactures, for his second, while Burr turned to Hamilton's old nemesis Aedanus Burke. That Burr's second came from South Carolina heightens the suspicion that he was trying to woo southern Republicans with the duel.

Contrary to legend, the encounter was not fought with pistols owned by Church and later used in the Hamilton-Burr affair. We know that the pistols belonged to Burr because of a comic mishap. Burr had explained privately to Burke that the bullets he had brought were too small for the pistols and needed to be wrapped in greased chamois leather. As the duel was about to begin, Burr saw Burke trying to tamp the bullet into the barrel by tapping the ramrod with a stone. Burke whispered an apology to Burr: "I forgot to grease the leather. But you see he [Church] is ready, don't keep him waiting. *Just take a crack as it is and I'll grease the next!*"<sup>32</sup> In his coolly unruffled style, Burr told Burke not to worry: if he missed Church, he would hit him the second time. Burr then took the pistol, bowed to Burke, and measured off ten paces with Church. That Burr would fight with an imperfectly loaded weapon suggests that the mood at Hoboken was hardly homicidal on either side. It also would have been poor advertising for the Manhattan Company if one of its directors had murdered another during its gala opening week.

The two men raised their pistols and fired simultaneously. Church's shot clipped a button from Burr's coat while Burr's missed Church altogether. As the two seconds stoked the pistols with fresh shot, Church stepped forward and apologized to Burr for his statements. According to Troup, "Church declared he had been indiscreet and was sorry for it."<sup>33</sup> This was not a retraction or outright admission of er-



ror, but it indicated that Church knew that he had no definitive proof of the bribery charge. As if eager to terminate the duel, Burr professed satisfaction at this sop. The two men shook hands, ending the duel, and the principals and seconds rowed back to Manhattan in high spirits.

The Church-Burr duel forms an instructive contrast with the later Hamilton-Burr duel. It was hastily arranged and devoid of the often torturous negotiations that attended more serious affairs of honor. It was halted at an early opportunity, with both sides seemingly keen to quit and hurry back to Manhattan. It was Church who proved the expert shot, while Burr did not even wing his opponent, or perhaps did not try to. Most important, the duel did not throb with the uncontrollable passion, hatred, and high drama that was to shadow the encounter in Weehawken nearly five years later. One wonders whether Hamilton formed any lasting impressions of Burr based on this duel. If so, they would all have been wrong, for Burr had come off as both a poor shot and a reasonable man, not as a skilled marksman who might arrive at the field of honor prepared to shoot with deadly intent.



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ALEXANDER  
HAMILTON

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