

The Trial of Aaron Burr



Aaron Burr

By ELMO SCOTT WATSON

ONE HUNDRED AND TWENTY-FIVE years ago the eyes of the whole nation were turned toward Richmond, Va., for there was taking place one of the most dramatic events in American history—what has been called "the greatest criminal trial in American history and one of the notable trials in the annals of the law." No less a person than Aaron Burr, but lately Vice President of the United States, was on trial for his life and the charge against him was that of committing a crime which was a threat to the safety of not just one person or a group of persons but to the safety of the whole nation, the crime of high treason.

Although Burr was acquitted by what was substantially a Scotch verdict of "not proven, my lord," and historians are still doubtful as to whether or not the famous "Burr Conspiracy" was actually a treasonable scheme, the name of Aaron Burr has come down in popular belief among our "galaxy of scoundrels" second only to Benedict Arnold. Whether or not he has been assigned such a place justly or unjustly is a matter over which again historians disagree.

In the Presidential election of 1800 Burr and Thomas Jefferson, the Democratic-Republican candidates, each received 73 electoral votes, a tie which threw the election into the house of representatives, which was strongly Federalist. After balloting for a week, ten votes were cast for Jefferson and four for Burr, and under the Constitution as it stood then this made Jefferson President and Burr, Vice President. Because of political jobbery with the Federalists, Burr lost whatever regard the leaders among the new party held for him. Then he became involved in a bitter struggle for supremacy in New York politics and because of the antagonism of Jefferson all the patronage was thrown to Burr's rivals, the Clintons and the Livingstons. Accordingly he accepted Federalist support in the gubernatorial race of 1804, an alliance which was fought bitterly by Alexander Hamilton. The result was the defeat of Burr, who held Hamilton chiefly responsible for his humiliation. Then followed the famous Burr-Hamilton duel in which Burr's pistols ended the great career of Washington's secretary of the treasury and made Burr a political and social pariah.

Discredited in the East where he had been a leader, Burr turned to the West to recoup his fortunes, hoping to capitalize on the unrest among the Westerners where talk of disunion was rife. Crossing the Alleghenies he arrived at Blennerhassett's island in the Ohio river where lived Harman Blennerhassett, a wealthy Irishman, who had settled there in 1798. To Blennerhassett Burr proposed a wild scheme of raising an armed force in the Old Southwest, driving the Spaniards out of Mexico and establishing a great southern confederacy composed of these conquered Mexican possessions and the American territory west of the Alleghenies where the sentiment for disunion seemed so strong.

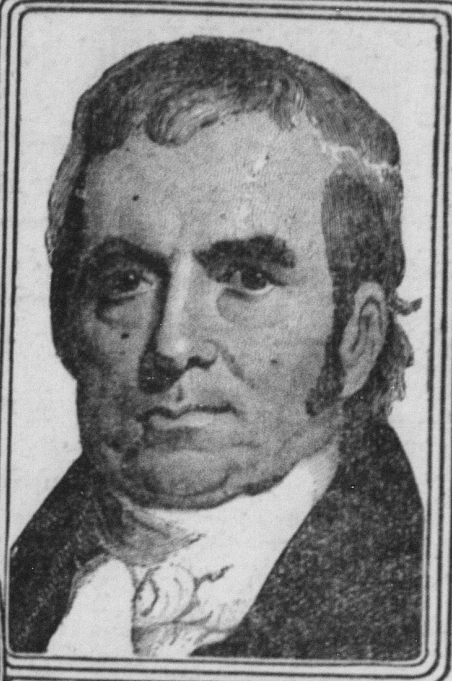
Blennerhassett was enough impressed by Burr's scheme to mortgage his vast possessions to furnish the necessary money. They also hoped to gain the aid of Great Britain in carrying out their scheme and, further to insure the success of the plan, Burr won the support of General Wilkinson, then governor of Louisiana territory, commander of the United States army and "as two-faced a villain as ever served the United States government."

Throughout 1805 and 1806 Burr developed his plot which became well known throughout the West. The federal authorities, however, seem to have been strangely blind to what was taking place until at last Wilkinson betrayed the scheme to Jefferson who on November 27, 1806, issued a Presidential proclamation calling for the arrest of all those involved. Wilkinson and the others, to save their own skins, deserted Burr and, in the modern parlance, he was made the goat of the whole affair. Attempting to flee, Burr was arrested in Alabama and brought back to Virginia for trial on the charge of treason.

His case was tried in the United States circuit court sitting at Richmond and never, perhaps, in American history has there been gathered together in a courtroom such a galaxy of notables as assembled in that little room in



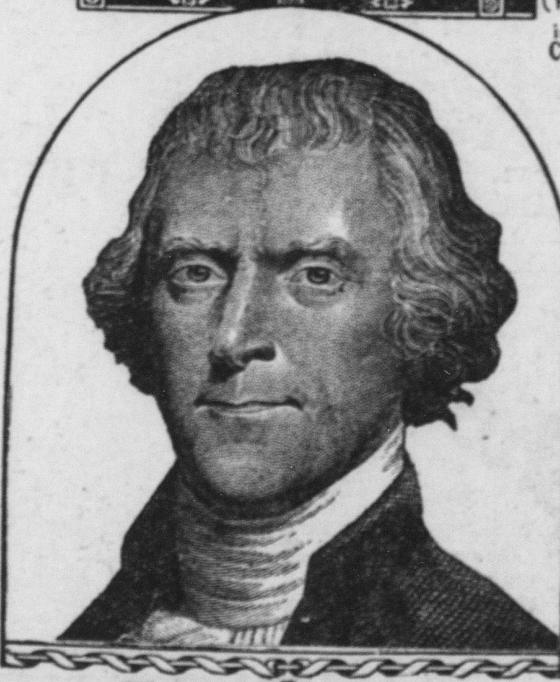
Theodosia Burr



John Marshall



Courtroom Scene at Burr's Trial (FROM THE PAINTING BY C.W. JEFFERTS IN "THE PAGEANT OF AMERICA" COURTESY YALE UNIVERSITY PRESS)



Thomas Jefferson



John Randolph

Richmond. John Marshall, chief justice of the Supreme court of the United States presided over the trial. Luther Martin and Edmund Randolph were counsel for the accused and William Wirt was counsel for the government. The foreman of the grand jury which brought the indictment against Burr was the waspish but brilliant John Randolph of Roanoke. And not the least of the great figures in this case was Burr's charming daughter, Theodosia, of tragic fame later.

Although Aaron Burr was upon trial on the most serious charge which can be placed against the citizen of a country, in reality he was little more than a pawn in what was at the time regarded as a test of strength between the Republican President Jefferson and the Federalist Chief Justice Marshall. The trial lasted from March 27 to September 7, 1807, and the full story of the legal maneuvers executed by the two clashing forces would require a book for the telling.

Under the Constitution, treason against the United States consists "only in levying war against them, or in adhering to their enemies, giving them aid and comfort," and no person may be convicted of it "unless on the testimony of two witnesses to the same overt act, or on confession in open court." The crux of the whole case against Burr was whether or not on a certain date (December 10, 1806) Burr had actually "levied war against the United States" by assembling an armed force on Blennerhassett's island and on the day following had set in motion this same armed force in an expedition against the City of New Orleans.

The prosecution produced a series of witnesses, mainly servants of Blennerhassett, to prove this point. Then it announced its intention of introducing evidence to show Burr's connection with the assemblage on the island, whereupon the defense sprang a surprise which turned the tide in Burr's favor. Developing the fact that on the night of December 10 Burr had not been present at the island, but had been 200 miles away in Kentucky, they contended that under the Constitution the assemblage on Blen-

nerhassett's island could not be regarded as his act, even granting that he had advised it, for, said they, advising war is one thing but levying it is quite another. If this interpretation was correct, then no overt act of levying war, either within the jurisdiction of the court or stated in the indictment, had been or could be shown against Burr.

Next Chief Justice Marshall handed down an opinion accepting virtually the contention of Burr's attorneys and when the prosecution was unable to produce two witnesses who had actually seen Burr procure the assemblage on the island, it allowed the case to go to the jury.

Shortly thereafter the following verdict was returned: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment by any evidence submitted to us. We therefore find him not guilty." At the order of the chief justice this Scotch verdict was entered on the records of the court as a simple "not guilty."

Acquitted, Burr became an exile and an outcast. The man who came within one vote of being President of the United States wandered about Europe for four years, borrowing small amounts, attempting dubious promotions, urging the French to seize Louisiana in 1810, and finally returning to his own land with a false wig and whiskers. Shortly after his arrival he encountered the breaking of the one tie that held him to the earth when his beloved Theodosia, who had stood by him when the whole world seemed to have turned against him took ship from the South to meet him in New York. The ship on which she sailed never reached port and what her fate was is to this day an unsolved mystery. One of the most tragic pictures in all American history is that of the broken, disgraced Aaron Burr, a devoted father whatever else he may have been, going down to the battery every day for years, searching the horizon for the sail of a ship which never came—the ship bringing back to him his long-lost daughter. And then as a final touch to the famous Madame Jumel who divorced him on the day he died.

(© by Western Newspaper Union.)

CITY OF MYSTERY FOUND IN MEXICO

Old Teotihuacan Puzzle to Archeologists.

The ruins of a mighty city are situated 30 miles north of Mexico City, on the Vera Cruz railway. They are all that is left of Teotihuacan, one of the chief centers of Toltec or pre-Aztec civilization.

Various conjectures have been made as to the date of its foundation, some ascribing it to the time of the Totonacs, others to that of the fourth of the nine mysterious kings of the Toltecs. The foundations of this ancient city have a circumference of 20 miles, and the two chief temples of the place, the pyramid dedicated to the worship of Tonatiuh and Metztli, the Sun and the Moon, are still extant.

The greater of these temples is that of the Sun, which stands on a base 682 feet square. It is in the form of a truncated pyramid, reaching to a height of 180 feet, and is supposed originally to have been surmounted with a colossal stone statue of the Sun-god, whose breast was covered with a plaque of polished gold. This gold breastplate was intended to catch the first rays of the rising sun so that the figure should shine out in awe-inspiring splendor, a worthy representation of the great Tonatiuh.

The Pyramid of the Moon is somewhat smaller and is connected with that of the Sun by the "Path of the Dead." On either hand of the route, strewn thickly over the plain for an area of about nine square miles, are the tumuli of the departed; this, perhaps, was the reason for the naming of the street the "Path of the Dead," although it is not improbable that the name was derived from the circumstance that there was the road for all religious processions.

The religion of these people was barbarous in the extreme; life was of little price, and thousands of victims were slaughtered annually to their rapacious gods.

By the word "pyramid" the reader must not be misled into thinking that the formation was similar to the better-known structures of ancient Egypt. Rather, these temples were a series of square terraces, one on the top of the other, gradually diminishing in size. A series of steps in the center led from terrace to terrace until the final pyramid was reached. Here were the stone figures of the gods and the horrible humped stone of sacrifice.

But all that is known of these early monuments in Mexico is slight and uncertain. Of accurate history there is scarcely a record, and conjecture has to fill up the blanks in this "ancient tale." The result is that there are many unsolved puzzles in Teotihuacan; for instance, the whole of the space within the borders of the city was overlaid with three successive layers of concrete floors, for what reason it is impossible to say; again, myriads of tiny clay heads, some of which are clearly imitations of the prevailing types of natives, have been turned up by the plow.

Jackal Carrion Feeder
Jackals are wild dogs of the Old world of several species, particularly Canis aureus of southeastern Europe, southern Asia and northern Africa. They are smaller, usually more yellowish and hunt in packs at night. Jackals feed on carrion and on small animals, including poultry. They frequently devour the carcass of large animals killed by lions and are frequently seen in large numbers in lion country. Jackals can be tamed and by some are believed to be progenitors of domestic dogs.

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Gentle Influence
"Do you think going into politics improves a man's disposition?"
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Leading the Leader Back
Grover Whalen, former official "Groeter" of New York, was talking to a New York reporter about Russia.

"Russia thinks she is going to lead the world," he said. "Well, Russia in the end will fare like the man in the anecdote."

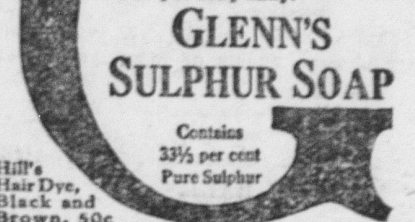
"My wife," the man said, "told me to lead the old cat off somewhere and lose it. So I put the cat in a basket and tramped out into the country about eight miles."

"Well," said another man, "did you lose the cat?"

"Lose it?" said the first man. "I hadn't followed it I'd never have found my way back home."

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Makes Water Run Uphill

The United States and 18 foreign countries have issued patents to Toribio Belloco, an Argentine inventor, on a new pump that makes water run uphill, despite the laws of nature which say that can't be done. By creating waves in a pipeful of water this new "wave pump" can draw water up from almost unlimited depths. According to Popular Science Monthly the operation of the new wave pump is so extraordinary that even Belloco himself admits that he is not certain of its principle.



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"What are you doing now, Sambo?"

"Ah is a diamond cutter."

"A diamond cutter?"

"Yassuh. Ah's cuttin' grass on de baseball diamond."—Capper's Weekly.

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"What did you learn in Sunday school today, dear?"

"The Lord is my chauffeur, I shall not walk—"

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Jones—No, officer.

Policeman—Then come along with me.

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