

## CHAPTER 10: A GRAVE, SILENT, STRANGE SORT OF ANIMAL aka Non-Stop/Wait For It

We start getting into Hamilton's concern with appearance and clothes. He got his hurr did every day. "Smells like new money, dresses like fake royalty" = accurate. Chernow says he went to a tailor who WASN'T Mulligan. Fine. Whatever, HAM.

Ham was as loyal as he was charming. Federalist ally Fisher Ames said Hamilton was "so entirely the friend of his friends that his power over their affections was entire and lasted through life." His face was also very expressive. His face was pretty stern but when he was chatting with you he turned on the charm. Chernow says this mixture of the grave and playful defines Hamilton pretty well.

Hamilton was part of a crew, or SQUAD if you will, of about 40 lawyers in New York City. They lived, worked, ate, and even slept in the same beds. They had a strong sense of camaraderie.

Balthazar de Haert:

- Either Ham's colleague or office manager for three years
- Even though he just passed the bar (after only six months of independent study), Ham was swamped with requests to coach aspiring lawyers - including John Adams' son.
- Take a guess at how fun it was for these people to work with Hamilton? Not fun at all. Someone wrote that working for him "requires the sacrifice of every pleasure and demands unremitted application. Heavy for the most part have been my hours to me." ....and THAT'S how Ham passed the bar in only 6 months of studying on his own. Boom.

Interestingly enough, Lawyer Hamilton wasn't too concerned with money. He had really modest fees and usually preferred friendly settlements instead of filing lawsuits. He once told a guy fighting with his family over an estate to go take his money, go home, and talk it out. Clearly Ham doesn't get how insane family gets over estates. THE WORST.

**THE ORIGINAL HAM4HAM:** Hamilton usually took cases that had to do with constitutional law but he'd also take pro-bono cases for poor people. One time he was paid for his services with a barrel of Ham. Ashley texted me that at 7am once and we texted back and forth about it for like an hour. If you need any insight as to why I started this podcast, I think that's very telling.

**BARBARA RANSUMER:**

- Chernow makes it a point to mention that unlike many lawyers - both then and now - Hamilton only took cases in which he truly believed his client was innocent. Except for one because she was a damsel in distress and Hamilton can NOT stay away.
- She was accused of stealing fans, lace, and other expensive things.
- She didn't have a defense but Ham took on the case anyway... and it's a bummer, you guys. He told the court "Woman is weak and requires the protection of a man." He pretty much turned her into Leslie Knope's impression of a damsel in distress from Parks and Rec. "Oh my stars! I'm just a little lady! My fragile constitution cannot handle the fearsome outdOOors!" They bought it and he won the case. Ugh. Stop it, Ham.

Regardless, Hamilton was renowned as the best lawyer in New York City and some claim the best anywhere. This is mostly because of his courtroom theatrics. He'd rant and rave and apparently there was a "hypnotic gaze" involved. And he really was just THAT GOOD. When his opponents would be making their arguments, he'd be mumbling and writing like a madman but when he got up to speak, it was clear and eloquent. He'd speak in perfectly formed paragraphs for hours at a time and he had "the most durable pair of lungs in the New York bar."

But Hamilton was ACTUALLY NONSTOP. He turned law into a science and he had an over the top way of doing things: he'd made people argue on his turf, and then he'd go on and on about rules and precedents and Latin quotes. Sometimes his sources left a lot to be desired - only because he was all over the place; Roman, French, Spanish, Dutch, etc.

OOOOOOKAY now we start getting into what Chernow calls "a good natured legal rivalry" between Ham and Burr. Yeah, it's all fun and games until you're dueling in New Jersey.

- Sometimes they worked on the same team, but usually they were on opposing sides of the case.
- They didn't let their political differences interfere with their social lives and were always amiable at parties and social events.
- They weren't JUST cordial, though; they had dinner at each other's homes, their wives were friendly, they were legit friends which makes this whole thing even sadder.
- They even worked together to finance the Erasmus Hall Academy in Flatbush, Brooklyn. It is the Erasmus Hall High School and it's the oldest secondary school in the state.
- Hamilton says they both tried to get each other to see things their way politically, and it never worked.

They were the same, only different:

- Burr was old money, Hamilton was - cue Jefferson - new money.
- Burr had an impressive lineage
  - His grandfather wasn't just A fire and brimstone preach-ah, he was THE fire and brimstone preach-ah. His name was Jonathan Edwards and he delivered a famous sermon called "Sinners in the Hands of an Angry God." ...so it was a comedy?
  - His father, Aaron Burr Senior, was also an esteemed reverend who became the President of Princeton, which we learned about already.
- They both had really awful childhoods. We all know about Ham - the Caribbean was a disaster, he lost a lot of people in his life, his mother died a terrible death. Yeahhh Burr might've had it worse...
  - By the time he was two years old he'd lost his mother, father, grandfather, grandmother, and great grandfather to either smallpox or dysentery.
  - So when he says that "everyone who loves him has died" he's not lying. And it happened when he was two years old.
  - Burr was raised by his uncle, Reverend Timothy Edwards.
- Ham and Burr both went to the same grade school and met up again after college
- Like Ham, Burr gave off an elegant impression. He wore tailored suits and was witty and according to Chernow, "mesmerizing to both men and women alike."
- Burr's advice to Hamilton is a great, well-written line ("talk less, smile more, don't let them know what you're against or what you're for") but it's also very accurate. Burr was a great listener, and didn't wear his emotions or thoughts on his sleeve - unlike Ham. Burr was pretty unflappable.

- Chernow says, “When faced with confessions of wrongdoing, Burr said coolly, ‘No apologies or explanations. I hate them.’ Unlike Hamilton, he could stop up silent grievances over extended periods.”
- When it came to their careers, they couldn’t have been any different. Ham went on and on and on and on and ON about what he believed, and Burr went out of his way to keep it a secret; he rarely wrote anything down and he even wrote letters to his sister using code.
- One of his best quotes is, “Things written remain.”
- But he was also kind of funny. He’d say shocking things for the sake of it. During an outbreak of yellow fever he wrote, “We die reasonably fast... but then Mrs. Smith had twins this morning so the account is even.”
- He once described himself in the third person, “He is a grave, silent, strange sort of animal, insomuch as we know not what to make of him.”

## **IS BURR A FOUNDING FATHER?**

- Chernow says it’s “puzzing” that he’s in the same group as people like Hamilton, Washington, Jefferson, and Adams because compared to their countless pages of writings about this country, Burr falls short. By a lot. Most of his writings are about gossip, or his own sexual experiences, or just funny stories. He never documented his political views or opinions.
- He was SMART. The New York Society Library records show that in 1790 dude read nine consecutive volumes of Voltaire. Then spent 18 months reading 40 volumes of Modern Universal History. Come on.

## **FEMINIST CONTRADICTIONS**

- Burr read “A Vindication of the Rights of Women” by Mary Wollstonecraft and thought it was awesome. He told Theodosia that she was an advocate for women. So you’d think Burr was a feminist ahead of his time right? Kinda? He also wrote to Theodosia saying her previous letter was, “truly one of the most stupid I had ever the honour to receive from you.” SIT DOWN, BURR.

## **STYLE IN THE COURTROOM:**

- Burr new that Hamilton was unbeatable on paper. That was just a fact.
- While Hamilton went on for hours, Burr made the same argument in 30 minutes. He was, ‘ow you say, succinct, persuasive.
- Burr was direct and convincing, Hamilton brought the drama.
- Hamilton, to quote Mike in a previous episode, “was a relentless bombardment of words”, Burr used cunning tricks to win his argument.

## **ONE OF MY FAVORITE STORIES FROM THE CHAPTER:**

- One of the first times they argued on the same side, Ham and Burr couldn’t agree on who would do opening and closing arguments. The lead attorney would always do the closing arguments and Hamilton insisted - cue “assistant council.” Real quick, the Levi Weeks case didn’t happen until after 1800 and Chernow doesn’t get into the case case until Chapter 35 but we WILL be talking about it, don’t worry.
- Anyway, Burr was so annoyed at Hamilton’s vanity about looking like he was the lead council and he was like, “Fine.”

- BUT (nooneelsewasintheroomwhereithappened) in his opening arguments and throughout the rest of the trial, Burr anticipated everything Hamilton would say and beat him to the punch. By the time closing arguments came around, Hamilton was so embarrassed that he didn't have anything to say so he just skipped it. Chernow says it's one of the only times Ham was ever left speechless.

### **CAN WE GET BACK TO POLITICS? PLEASE! YO.**

- It wasn't the best time to be in NYC. A lot of New Yorkers were either on the fence about the British or they were outright Tories.
- On the other hand, Patriots were pissed because of all the things that went down. Thousands of American soldiers suffered and died on these gross, lice-infested British ships and their bodies were dumped in the East River. For years after the war, their bones washed up on shore. It was a terrible reminder.
- There was a lot of fighting between the Patriots and the Tories and guess who put himself right in the middle of it??? HAMMMMM. He defended the loyalists and like most things... it's complicated.
  - 1) he thought that America would be defined on how we treated our defeated enemies and he wanted step away from revenge and focus more on forgiveness.
  - 2) The Tories who peaced out took their money with them, and he wanted to make sure New York stayed afloat financially. The Tories who stayed could help boost the economy.
  - 3) Then there was the peace treaty with Britain. All the fighting in New York was going against everything it said. It showed Hamilton that state laws were superseding national treaties and that wasn't okay.

### **LAWS THAT STRIPPED TORIES OF PROPERTIES AND PRIVILEGES:**

- 1779 Confiscation Act: pretty self explanatory. Their estates would be taken away.
- 1782 Citation Act: made it difficult for British creditors to collect money debtors
- 1783 Trespass Act: said that patriots who left properties behind enemy lines could sue anyone who lived in, damaged, and destroyed it. Ham thought that was absurd and he's right.
- There were other laws that kept loyalists out of work and charged them a ton of taxes.

By 1784, things were a goddamn mess because OBVIOUSLY. Tories were getting tarred and feathered - which is so fucking gross and terrible I can't even think about it because it haunts me for hours. The press was warning Tories to get out before things got even worse for them.

In defense of the Tories, Hamilton writes a series of "Letters from Phocion"

- Phocion is from Plutarch
- Remember when Hamilton stood at the top of the stairs at King's College and reprimanded that group of Patriots who were protesting and going nuts? He said the way they were handling this was all wrong? Yeah, that's basically what this was, too.
- He reminded everyone that - AND I QUOTE - "the world has its eye upon America" and that they should essentially act accordingly. (Uh, like HISTORY? Lin strikes again.)
- Yeah no. Anti-Tory sentiment got even stronger and Hamilton got a reputation for being a Loyalist sympathizer. In fact, there was a law passed banning most Loyalists from the right to vote for at least two years.



But here's the kicker... **RUTGERS V. WADDINGTON**

- Elizabeth Rutgers owned a large brewery and alehouse that she was forced to abandon during the British occupation of New York City. Under the then recently enacted Trespass Act, Rutgers demanded 8,000 pounds of back rent from Joshua Waddington, who had been running the brewery since it was abandoned.
- Ham defended Rutgers and said the Trespass Act violated the 1783 peace treaty ratified earlier by Congress.
- Judge James Duane handed down a split verdict that entitled Rutgers to rent only from the time before the British occupation, which was 800 pounds.
- Ham set a precedent for Congress's legal authority over the states and became the to-go guy in Tory defense.

### **OH RIGHT ALSO A BANK**

- Angelica's husband John Baker Church, the dude whose notalotoffunnnn but she sailed off to London with, was one of the founders of the Bank of North America in Philly.
- They asked Ham to set up a bank in NYC and Ham was like YAAAAAS KWEEN FINALLY.
- But this is Hamilton so it wasn't easy. Robert Livingston submitted a proposal to set up what he called a "land bank" and Ham thought that was dumb. Land isn't a liquid asset which was exactly what we needed. Go home, Livingston, you're drunk.
- Ham fought so hard and so well that not only did he stop Livingston's proposal from getting approved, but delegates and business leaders asked him to start a "money bank" because this is all very new to everyone.
- Ham didn't start the bank himself, but represented Church and the other guys on the board of this new money bank.
- Alexander McDougall was named the chairman, and Hamilton was the director.
- During his downtime of three weeks, Ham wrote a constitution for the bank. That document became the basis for all future banking.
- More importantly, the value of American money was still absolute garbage. It was also fluctuating constantly and it was very confusing for everyone trying to do business. The dollar became a thing in 1785.
- Still, some people weren't happy about the bank. They thought it was another attempt to stay British.