Felled on the Field of Honor

The Seditious Patriot: Mr. John Daly Burk

Jack Lynch

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SOMETIME IN 1796—the precise date isn't known—an Irish immigrant, about twenty years old, a man of democratic passions, reached Boston, fleeing a turbulent past, and bound for a tumultuous future.

He had been a student at Trinity College, Dublin, the most distinguished college in Ireland, and probably intended a career in religion. But his politics bothered the authorities. When he attacked the church and the government in the *Dublin Evening Post,* he was expelled from Trinity for "deism and republicanism." In those days of the French Revolution and discontent among the Irish, the British government had grown increasingly conservative. It regarded the young radical, with his support for democratic causes, as a threat. He did little to ease its mind.

The details of his early years are sketchy, but some sources say he started a riot when he tried to rescue a man about to be hanged. According to legend, a Miss Daly—whose surname he seems to have taken for his middle name—lent him women's clothes to allow him to escape the British soldiers and flee to America, where he would rise to notoriety as John Daly Burk.

Burk would travel in the highest political circles—the bane of one president, the champion of another—and feel the bite of one of the most venomous laws ever adopted in the United States.

WELL EDUCATED, Boston's newest citizen resolved to make a living with his pen. In early October, he began publishing a virulently anti-British newspaper, *The Polar Star and Boston Daily Advertiser,* in which he celebrated America's victory over its former oppressors:

From the moment a stranger puts his foot on the soil of America, his fetters are rent in pieces, and the scales of servitude which he had contracted under European tyrannies fall off; he becomes a free man.

His pro-American fervor comes through as clearly in other writings, particularly in his play *Bunker-Hill; or, The Death of General Warren,* staged at Boston's Haymarket Theatre in February 1797. A fiercely patriotic work, it was Burk's greatest popular dramatic success, thanks largely to the remarkable spectacle at the end of the fifth act. A battle scene filled the stage with armies, cannon fire, smoke, processions, and military music—"American music only," a contemporary said. The show ran seven nights in Boston, a long run by early American standards, earning Burk the substantial sum of $2,000. Later that year it opened in New York, and for decades it was revived every Fourth of July and Evacuation Day—which commemorates the departure of the British from Boston in 1776.

Nevertheless, some critics found the writing clumsy and the politics heavy-handed. One was to play a large role in Burk's career. President John Adams was invited to the play in New York in September 1797. He did not like what he saw. He was particularly upset by the treatment of the central figure, the general he once knew: "My friend, General Warren, was a scholar and a gentleman," he told a friend. "Your author has made him a bully and a blackguard."

Adams would have found little to admire in any of Burk's writings. The Irishman had been agitating against Adams and Adams's Federalist policies since he arrived in the country. In 1796 the nation was considering who might succeed George Washington: Burk said the next president "ought to be a friend of the revolutionists of Holland and of France; he ought to be a hater of monarchy." It was a slight aimed at Adams, Washington's vice president, that no one missed. Burk despised the administration's Federalist stance toward the French Revolution, and, like many of the vice president's opponents, Burk said Adams longed to be king. Burk called him "the pretended defender of the American constitution." Adams would be an enemy for life.

Although *Bunker-Hill* gave Burk a taste of popular success, his newspaper, *The Polar Star,* never found a wide readership, and it ended publication less than four months after it began. He moved to New York in 1797 or 1798, and began another newspaper, *The Time-Piece*. It is unclear whether this second paper was a greater success than the first; what is certain is that it attracted much more attention, not all of it welcome. An anti-Federalist tirade in *The Time-Piece* in 1798 ran afoul of a new law, and Burk was taken up under the new Sedition Act.

THE SEDITION ACT PASSED in July 1798 in the interest of national security during wartime. Many Americans feared the nation was under attack. The clause under which Burk was charged read:

If any person shall write, print, utter or publish

> ...any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, ...then such person ...shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

Like the accompanying Alien Act, which gave the president of the early Republic the power to deport "dangerous" foreigners, the Sedition Act was a violation of the principles of the Bill of Rights, especially the First Amendment's protections of freedom of speech. Even Adams's modern champions have few kind words for these laws. Adams biographer David McCullough wrote, "Their passage and his signature on them were to be rightly judged by history as the most reprehensible acts of his presidency."

Burk might well have been imprisoned under the Sedition Act, but, because he was not an American citizen, he was able to cut a deal with a friend, Aaron Burr, apparently in 1799. Burk was promised that he would not be prosecuted if he left the country at once: "I was to leave America, and return to it no more," he wrote to Thomas Jefferson in 1801. But he was convinced that British spies were watching him, and resolved not to give them the satisfaction of seeing him go. And so, breaking his promise, he moved to Virginia—where, his Jeffersonian friends assured him, he would be safe from Federalist prosecution—and went into hiding.

He told Jefferson: "For more than two years have I by an indirect exercize of the alien law been in fact exiled from society passing under a feigned name known only to a

few confidential friends, rendered incapable of profiting by the exercise of my faculties, contracting debts the while dispirited allmost hopeless."

ABOUT 1800, THEN, Burk settled in Petersburg, a small town but one of the economic and cultural centers of the state, sustained by the Appomattox River as it slipped east to the James and Hampton Roads. Rich with tobacco-trade money, the city was a stronghold of opponents of the Federalists, and—perhaps most important for Burk—it had a new theater and a group of dramatic enthusiasts called the Thespians. He could pursue his theatrical career not only as a playwright but also as a director and an actor. His Gothic melodrama, *Bethlem Gabor, Lord of Transylvania; or, The Man-Hating Palatine*, opened in Petersburg with him in the lead before it was performed by a professional company in Richmond, the state's capital, twenty-three miles north. He was also at work on an epic poem, *The Columbiad,* years before Joel Barlow used the title for his own heroic poem on the discovery of America.

Though he had left journalism behind, Burk never abandoned politics. Even the most over-the-top Gothic melodrama was for Burk a kind of Republican—as the party opposed to the Federalists came to be called—manifesto. *The Petersburg Republican* praised the theater as a bulwark of democratic values against political oppression: the drama "has ever been a potent engine in lashing the follies and absurdities of mankind; it is a weapon at which tyrants tremble." The style and the sentiments of the article suggest it may have been written by Burk. If he was not its author, he certainly sympathized with it. All his works—plays, poems, and histories—celebrate political freedom and take aim at oppressors everywhere.

In Petersburg, he traveled in Republican circles among the likes of William Branch Giles, David Robertson, George Keith Taylor, and Benjamin Watkins Leigh. He was an energetic supporter of Jefferson, the leader of the Republicans, and his experience as a playwright and an actor led to his being chosen to deliver the official oration on Jefferson's election as president. This piece greets Jefferson's elevation with almost messianic zeal. With Adams—"the eulogist of the British form of government"—out of power, he said, "my imagination hastens with gladness from this dreary and comfortless midnight to sport itself in the solar beams of freedom." Jefferson was the nation's savior:

> Let us hail with acclam-ations this day of our *safety,* this day of our *union;* and until the going down of the Sun, let us make the air vocal, and the hills, which overlook our town, respond to the soul exalting sounds of *Jefferson and Union*, *Jefferson and Liberty.*

THAT SPIRIT shows up in Burk's longest work, *The History of Virginia, from Its First Settlement to the Present Day.* He had tried his hand at the genre before: his *History of the Late War in Ireland* was published in 1799, just after the anti-British uprisings of 1798. There Burk mixed his hatred for British oppression in his home country with hatred for British influence in his adopted country. But his three-volume work on Virginia, which appeared between 1804 and 1805, is the most extended

statement of his democratic principles. It begins with a dedication to Jefferson—signed, in the spirit of Republican egalitarianism, "Your fellow Citizen, J. Burk"—that invokes the joy of "the people of America, who feel and acknowledge the practical blessings of liberty under your administration."

Others had attempted partial narratives of Virginia's past, but Burk's was the first to collect the miscellaneous fragments into a comprehensive whole. He synthesized earlier histories and combed through archives. His handling of the facts was merely competent; his real mission was to relate the triumphant rise of American liberty. His is the story of "a confederacy, which threw down the gauntlet to kings," an "asylum of oppressed humanity," a "faithful guardian and depositary of public spirit," which "promises to eclipse the glory of Rome and Athens." He vows "to note the slow and gradual transmission of the mind from barbarism, to taste, from tyranny to freedom." The *History* was well received, and, though its style is unmistakably dated—one reader likens it to "a perpetual 4th of July oration"—it remains a valuable source for historians today. Many of the documents he quotes have since been destroyed.

An engagement on what in those days was known as the field of honor cut short Burk's work on the fourth volume of his Virginia history. It was taken up by Skelton Jones, whose efforts, after sixty-three pages, was likewise abbreviated by a duel. L. H. Giradin of Williamsburg's College of William and Mary finished the enterprise.

BURK MARRIED and began to practice law, but he can hardly be said to have settled down. Trouble was never far. Sometimes that trouble was domestic. In his letter to Jefferson, he describes "a ridiculous man" who "suspects a criminal connection between me and his wife and attempts to assassinate me. He has since borne public testimony to his wife's innocence but the indignities I have suffered have sunk deep into my mind and I have determined to leave the county." At other times, he attracted the scorn of the religious establishment. His deism—his rejection of revealed religion—had caused trouble since his Dublin days, and whether he was the "Mr. Burk" who co-founded an "Infidel Club" in Amelia County, the local Episcopal ministers were not pleased to have him in the neighborhood.

Burk's luck with narrow escapes, whether from British soldiers, American presidents, angry husbands, or irate preachers, ran out in April 1808. Sitting in Powell's Tavern in Petersburg—now the site of a bank—he loudly denounced the French as a "pack of rascals." A Monsieur Felix Coquebert was nearby. Harsh words were traded; a challenge was offered; the two met days later at sunrise at Fleet's Hill—today's Oak Hill—an estate on a north-shore bluff of the Appomattox. They met in a ravine that leads down to the river. Burk was shot through the heart. He was buried the next day at Cedar Grove estate after a grand funeral procession—the largest ever seen in Petersburg—and given military honors by the local infantry.

Burk would probably have been pleased by the ostentatious production. He was a showman first to last: his plays were great spectacles, all his works were composed in grand, ringing prose, and he did everything with larger-than-life gestures. Today it can sometimes be hard to take: the word "bombastic" appears regularly in discussions

of his publications. He was also an unrelenting self-promoter. One of his biographers, Edward Wyatt, wrote, “Modesty was not one of Burk’s virtues.”

But Burk’s short life gives us insight into a time when political passions ran hot and the stakes of party politics were high. It was an age when revolutions seemed to be breaking out around the world, and the new American nation was exploring the limits of the freedoms on which it was founded. Burk tested those limits in all his writings, whether dramatic, journalistic, or historical. And though his quick temper was his undoing, his career in the country he adopted as his own demonstrated America’s appeal to devoted democrats around the world.

The Burk Duel

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Suggestions for further reading:

- Charles Campbell, *Some Materials to Serve for a Brief Memoir of John Daly Burk* (Albany, 1868).
- Edward A. Wyatt IV, *John Daly Burk: Patriot—Playwright—Historian,* in *Southern Sketches,* no. 7 (Charlottesville, 1936).

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