

“ ‘New Town, 26th July, 1802.

“ ‘Sir :

“ ‘Having understood that you have, on various occasions and in relation to the controversy respecting Mr. Burr, represented me as being governed by unworthy motives, I have without hesitation affixed to such suggestions such epithets as I thought they merited.

“ ‘With regard to the conversation that took place at Mr. Robins’s, it was predicated upon a full conviction that this system of conduct had been adopted by you. As you have not thought proper to detail in your letter the expressions attributed to me, but have referred me to Col. Smith for them, he will in the same way inform you of those which my recollection recognizes.

“ ‘I have only to add that any further arrangements you may think proper to make will be attended to by me with all the promptitude which a regard to the circumstances of the case may require.

“ ‘I am, sir, your most obedient servant,

“ ‘DEWITT CLINTON.

“ ‘JOHN SWARTWOUT, Esq.’

“On the same (Monday) night, Mr. Clinton sent for Richard Riker, who called the next morning and consented to act as Mr. Clinton’s friend. Mr. Riker called upon Colonel Smith, on Wednesday morning, at ten o’clock. They agreed that the ‘business might be amicably adjusted.’ Mr. Riker wrote out the following *projet* :

“ ‘If Mr. Swartwout will declare that he has not represented Mr. Clinton, in relation to the controversy respecting Mr. Burr, as being governed by unworthy motives, Mr. Clinton will declare that he used the epithets with respect to Mr. Swartwout, *only* in consequence of this supposed imputation, which being disavowed by Mr. Swartwout, he (Mr. Clinton) readily withdraws the epithets complained of, and as a gentleman apologizes for the use of them. These mutual declarations to be made in the presence of Col. Smith and Mr. Riker, and a written statement, signed by Col. Smith and Mr. Riker, to be exchanged.’

“This proposition was submitted to Mr. Swartwout, and by him rejected, and the following was declared to be the only apology acceptable. It was sent to Mr. Clinton for his signature.

“ ‘Having, in the course of a conversation, made use of expressions reflecting on John Swartwout, Esq., I do fully and freely withdraw those expressions as intemperate and unfounded, and request Mr. Swartwout to accept this apology from me for having used them.’

“ Mr. Clinton peremptorily refused to sign anything of this kind, and noth-