

hand. Here he stood for a moment swelling like a turkey-cock, and bracing himself for a moment for the encounter of Burr's eye. The latter did not take any notice of him until the judge directed the clerk to swear General Wilkinson; at the mention of the name Burr turned his head, looked him full in the face with one of his piercing regards, swept his eye over his whole person from head to foot, as if to scan its dimensions, and then coolly resumed his former position, and went on conversing with his counsel as tranquilly as ever. The whole look was over in an instant; but it was an admirable one. There was no appearance of study or constraint in it; no affectation of disdain or defiance; a slight expression of contempt played over his countenance, such as you would show on regarding any person to whom you were indifferent, but whom you considered mean and contemptible."¹

On the twenty-fourth day of June, thirty-three days after the opening of the court, the grand jury brought in indictments; one against Aaron Burr for treason, and another against him for a misdemeanor; and one against Harman Blennerhassett for treason, and another against him for a misdemeanor. On the withdrawal of the grand jury, "an attempt was made to show that the prisoner might still be held on bail, but after debate, the chief-justice decided that he was 'under the necessity of committing Colonel Burr.' Late in the afternoon, through a concourse of hundreds of spectators who looked on in silence, Colonel Burr was conducted by the marshal of the district to the city jail of Richmond."

"On the following day, the grand jury indicted Ex-United States Senator Jonathan Dayton, of the state of New Jersey, United States Senator John Smith, of the state of Ohio, Comfort Tyler, late of the state of New York, Israel Smith, late of the state of New York, and Davis Floyd, late of the territory of Indiana, for treason.

"On the thirteenth of July, the court, having been occupied for nearly two months in getting the prisoners simply indicted, rested from its labors, and adjourned to meet again on the third of August. * * * *

"The court met on the third of August. Present, the same judges as before. Present, the same counsel. Present, an equal throng of auditors flushed with expectation. Present, more than one hundred and forty witnesses, and a panel of forty-eight jurors. Blennerhassett had arrived, and was in prison. Burr had been brought from his 'country house' to a building in the city near the court-room, where he was guarded vigilantly, night and day."

Four jurors having been taken from the first *venire* of forty-eight, a second of forty-eight was summoned, from which number eight were taken, and on the seventeenth of August they were sworn.

¹ Life and letters of Washington Irving. By Pierre M. Irving. New York, 1864, vol. 1., pp. 194, 195.