

On Saturday evening, the twenty-ninth of August, the last of the great debates of the different attorneys were concluded.

Edward Randolph, in the course of his discussion of the acts of General James Wilkinson, observed :

“ General Wilkinson we behold first acting as a conspirator to ensnare others, afterwards as a patriot to betray others from motives of patriotism. What must be the embarrassment of this man when the awful catastrophe arrives, that he must either substantiate his own innocence by the conviction of another, or be himself regarded as a traitor and a conspirator, in the event of the acquittal of the accused. \* \* \* \*”

“ I shall not say that General Wilkinson would commit perjury ; let me not be understood as making such an assertion, but I know human nature ; if I understand the feelings of the human breast, if I have the slightest knowledge of those principles which govern the mind of man, I may be allowed to affirm that any feeling would be asleep in his breast if he did not use every exertion in his power for the conviction of Colonel Burr. Upon the conviction of Colonel Burr, upon the guilt of Colonel Burr, depends the innocence of General Wilkinson. If Colonel Burr be found guilty, then indeed General Wilkinson may stand acquitted with many of his countrymen ; but if Colonel Burr be not found guilty, the character, the reputation, in short, everything that deserves the name of integrity, will be gone forever from General Wilkinson.”<sup>1</sup>

“ On Monday morning, [the thirty-first of August,] the chief-justice was ready with his decision, which every one felt would decide the case, as well as the motion to exclude further testimony. An overt act had certainly not been shown.”

“ Having given to the jury the opinion of the court on the law of the case, the chief-justice in concluding said : ‘ They will apply that law to the facts, and will find a verdict of guilty or not guilty as their own consciences may direct.’ ”

On Tuesday, the first of September, the jury retired. In a short time they returned with the following verdict, which was read by the foreman :

“ We of the jury say that Aaron Burr is not proved to be guilty under the indictment by any evidence submitted to us. We, therefore, find him not guilty.”

“ Colonel Burr rose and, in a manner more like vehemence than he had before exhibited, protested against the form of the verdict, and demanded that it be rendered in the usual terms. An animated conversation arose, in which prisoner, judge, counsel, and jury, all took part ; and, at length, as some of the jury would not consent to an alteration, the matter was compromised by accepting the verdict as rendered, but entering it on the record, simply, ‘ not guilty.’ ”

On Wednesday, the ninth of September, the trial of Colonel Burr for the

<sup>1</sup> Reports of the trials of Aaron Burr for treason and for a misdemeanor. By David Robinson, vol. i., pp. 155, 156.