

misdemeanor was begun. Harman Blennerhassett, in his journal, under the date of Saturday, September 26, writes: "To-day the long-expected examination of Wilkinson came on, after that of Eaton, upon [the] matter and conversations between him and Burr, which had been excluded as improper evidence on the trial-in-chief, but was now thought admissible before the judge as an examining magistrate. \* \* \* \*

"The general exhibited the manner of a serjeant under a court-martial rather than the demeanor of an accusing officer confronted with his culprit. His perplexity and derangement, even upon his direct examination, has placed beyond all doubt 'his honor as a soldier and his fidelity as a citizen.' It will appear from the gauntlet he has begun to run, which he will not finish before Monday evening, that he has confessed he altered a duplicate of the original cipher letter for the express purpose of erasing from it an acknowledgment by Burr of Burr's having received a letter from him, Wilkinson, of the 27th of February; that this was done for the *avowed* purpose of concealing from the legislature of Orleans a part of that letter, from which that body might *infer* that he was privy to or concerned in the projects of Burr; that he substituted other words in room of the erasure as a translation of the erased ciphers *afterward*, but at what time he could not recollect; that the translation of the document sent to government [at Washington] was from this mutilated original; and that he had sworn, by an affidavit he produced himself in court, that such translation *faithfully* rendered the substance of the original."

The trial continued until the twentieth of October. On that day Chief-Justice Marshall delivered an elaborate opinion, in which he held there was no evidence to substantiate the commission of treasonable acts on the part of the accused, but that as Burr and Blennerhassett were charged with an offense committed by them in the state of Ohio and not in Virginia, he should require them to give bail for their appearance there for trial.

Samuel Swartwout in the meantime had become so greatly incensed by the testimony and reported statements of General Wilkinson concerning the information which he had imparted to him at the request of Colonel Burr that he sent by Israel Smith a challenge to General Wilkinson, who refused to read it, saying that "he held no correspondence with traitors and conspirators." As a consequence, the following communication was published in the "*Virginia Gazette*":

"To his Excellency, Brigadier-General James Wilkinson.

"Sir:—When once the chain of infamy grapples to a knave, every new link creates a fresh sensation of detestation and horror. As it gradually or precipitately unfolds itself, we behold in each succeeding connection, and arising from the same corrupt and contaminated source, the same base and degenerate conduct.