

the beginning of the month of October last, when in command at Natchitoches, a stranger was introduced to me by Colonel Cushing, by the name of Swartwout, who, a few minutes after the colonel retired from the room, *slipped into my hand*¹ a letter of formal introduction from Colonel Burr, * * * * together with a packet, which, he informed me, he was charged by the same person to deliver me in private, this packet contained a letter in cypher from Colonel Burr."

The warrant by which Samuel Swartwout and Doctor Erick Bollman were brought before the Circuit Court of the District of Columbia, was worded as follows :

" District of Columbia, to wit ;

" The United States of America to the marshal of the district of Columbia, greeting :

" Whereas, there is a probable cause, supported by the oath of James Wilkinson, William Eaton, James Lowrie Donaldson, William C. Mead, and William Wilson, to believe that Erick Bollman, commonly called Doctor Erick Bollman, late of the city of Philadelphia, in the state of Pennsylvania, gentleman, and Samuel Swartwout, late of the city of New York, in the state of New York, gentleman, are guilty of the crime of treason against the United States of America.

" These are, therefore, in the name of the United States, to command you that you take the bodies of the said Erick Bollman and Samuel Swartwout, if they shall be found in the county of Washington, in your said district, and them safely keep, so that you have their bodies before the circuit court of the district of Columbia, for the county of Washington, now sitting at the capitol,

¹" Extract from the testimony of Littleton W. Tazewell, a witness called on the part of Colonel Burr before the district court of the United States, on the trial of Aaron Burr, at Richmond, Virginia, October 3, 1807 :

" *Question.*—(By Colonel Burr.)—Have you observed any inconsistency, or contradiction, in the evidence delivered by General Wilkinson before the judge, and that given to the grand jury ?

" *Answer.*—None at all.

" *Question.*—(By Mr. Hay, United States attorney-general.)—Do you recollect whether the testimony of Swartwout coincided with that of General Wilkinson ?

" *Answer.*—They could not be said to oppose each other in their testimony. Mr. Swartwout was examined first, and many of the circumstances to which he deposed were unknown to General Wilkinson.

" *Question.*—(By Mr. Hay.)—I speak as to the conversations between Swartwout and General Wilkinson.

" *Answer.*—Perhaps there was this difference : General Wilkinson stated in the absence of Colonel Cushing, which was spoken of by both of them, *Mr. Swartwout slipped into his hand the cyphered letter from Colonel Burr.* Mr. Swartwout, who discovered [or manifested] the utmost frankness and candour in his evidence, stated the transaction in a different manner, *he declared that the letter was delivered openly, without any effort to conceal it.*

" *Question.*—(By Mr. Hay.)—But they both stated the fact in the same way—that it was delivered in the absence of Colonel Cushing.

" *Answer.*—Yes, they both stated the fact in the same way."

Burr's trial. Second series, p. 8.