

New Jersey, and the Morgans from Kentucky. Hardly a person that had written or spoken to Col. Burr during the past two years but was brought to the witness stand, in the effort to prove that war had actually been levied against the United States. Even post offices were broken open and rifled of his papers ; it was all in vain, however, no war was to be found, or as Col. Burr pithily expressed it in a speech to the court on the third day of the trial :

“ Our President is a lawyer and a great one, too. He certainly ought to know what it is that constitutes a war. Six months ago he proclaimed that there was a civil war, and yet for six months have they been hunting for it, and still cannot find one spot where it existed. There was, to be sure, a most terrible war in the newspapers, but no where else. When I appeared before the grand jury in Kentucky, they had no charge to bring against me. When I appeared for a second time before a grand jury in the Mississippi territory, there was nothing to appear against me, and the Judge even told the United States Attorney, that if he did not send up the bill before the grand jury, he himself would proceed to name as many of the witnesses as he could, and bring it before the court. Still there was no proof of war. At length, however, the Spaniards invaded our territory, and yet there was no war. But, sir, if there was a war, certainly no man can pretend to say that the Government is able to find it out. The scene to which they have now hunted it, is only three hundred miles distant, and still there is no evidence to prove this war.”

At length, after thirty-three days of argument, the grand jury brought in an indictment against Aaron Burr for treason, and also an indictment for misdemeanor. Blennerhasset was also indicted for the same offences.

The trial for treason began on the 3d of August ; the same judges and counsel were in attendance. Here the same difficulty was experienced in securing an impartial jury. Fourteen days were spent in the effort. Of the first *venire* of 48, but four were found unprejudiced, of a second *venire* of 48 summoned, *all* admitted that they had formed opinions unfavorable to the prisoner. The defence even moved to quash the trial on the ground that an impartial jury could not be obtained. The matter was at length compromised by allowing the defence to choose eight from the *venire* last summoned, which, added to the four chosen from the first, made up the required number.