

trial at Richmond, before Chief Justice Marshall. He was charged with having excited insurrection, rebellion, and war, on the 10th of December, 1806, at Blannerhassett's Island, in Virginia. Secondly, the same charge was repeated with the addition of a traitorous intention of taking possession of the city of New Orleans with force and arms. The evidence established every thing but the precise charge. The presence of Burr in the island was proved; and his levies of men and provisions on the banks of the Ohio. The presence of armed men in the island, and the expedition of the 10th of December were also proved; but not any meeting of these men with Burr. The proof of the overt act completely failed. He was then tried at the same court on the indictment for misdemeanour, and acquitted. He was then ordered to be committed to answer an indictment in the State of Ohio. He was admitted to bail, and it does not appear that the State of Ohio meddled with him at all.

Bollman was one of the witnesses on the side of the prosecution. His certificate of pardon was offered to him in court by the counsel for the prosecution. He refused to accept it, but was sworn, and his evidence received.

It is impossible to suppose any bias on the part of the Court in favour of the prisoner. His acquittal seems to have arisen from unskillfulness