

bank notes, and that he had told them at Washington that he would take the responsibility."

*And he further deposed, that it "was notorious in New York that Mr. Swartwout was receiving bank notes in payment of customs," thereby contradicting the declarations of the collector contained in his letter of May 22, 1837, written, on his return to New York from Washington, to the secretary: "The instructions contained in your letter of the 12th instant, and in subsequent orders, have been strictly carried into effect. Not a dollar for bonds or cash duties have been received at this office since Mr. Ogden received your letter of the 17th instant [in the absence of the collector at Washington], in anything but specie. I have not authorized or countenanced a deviation from it."*

*And Joshua Phillips, the assistant cashier, further deposed that the first knowledge he had that "Mr. Swartwout had received amounts of bonds taken, and had not credited the United States with the same" was "during the spring of 1837;" and that then Mr. Swartwout had told him "not to charge these bonds on the cash-book at the time of payment as he was unable to make up his deficiencies," and that he, the assistant cashier, had "never communicated this fact to any person except Mr. Ogden, the cashier," and that he had "mentioned it to him during the spring of 1837 in speaking to him of the large amount which Mr. Swartwout owed the government."*

*And he further deposed that he and Mr. Ogden both knew at the same time "that Mr. Swartwout was using the money of the United States for his private purposes," but he failed to "recollect the time the discovery took place and the particulars of the conversation between" him, (the assistant cashier,) and Henry Ogden, the cashier, although he remembered that it was "the subject of general conversation" with Mr. Swartwout, Mr. Ogden, and himself, and that "Mr. Swartwout did not keep it a secret" from him and Mr. Ogden.*

*He further deposed that "Mr. Swartwout frequently conversed with" him "in relation to his speculations in real estate, and his prospects of being able to make good his deficiencies, and have a large fortune left." He also deposed that he could not "particularize all the operations" in which Mr. Swartwout "was engaged," but said that his "principal purchases of lands were in Texas, Maryland, Illinois, Mississippi, and New York," and that "his operations in stocks were very large," but of them he could not "state anything definite."*

*He further deposed that "Mr. Swartwout never told" him "in any conversation that he had abstracted money for any purpose, for he knew that" he, the assistant cashier, "was aware of his defalcation," and that "his mentioning" to him "of his different operations in purchasing stocks, lands in Texas, Maryland, &c., was for the purpose of satisfying" him, the assistant cashier, "of the probability of his being able to make good his deficiencies."*