

AND THE AMOUNT SO RECEIVED [\$597,331.63] WAS APPLIED BY 'MR. SWARTWOUT' TO CONCEAL HIS PREVIOUS DEFALCATIONS, which would have been discovered if the bonds in said list had been charged on the cash-book." ¹

Henry Ogden, the cashier, was also influenced to become a detractor of Mr. Swartwout, *and thought it not criminal to misuse the ex-collector's money and property for purposes which he admitted under oath he did contrary to the ex-collector's explicitly expressed wishes and definite instructions.*

He averred that between the years 1835 and 1837 he "considered Mr. Swartwout indebted to the government from thirty to fifty thousand dollars."

He also deposed that "when Mr. Swartwout sailed for England," he knew that he was a defaulter, but to what extent "he was ignorant," and that it "was Mr. Fleming, the auditor, *who first communicated*" to him *Mr. Swartwout's indebtedness and represented it at nine hundred thousand dollars,*" and that *Mr. Fleming made this communication to him "the first week of October, 1838," by which statement it would seem the cashier regarded as unimportant the disclosure which the auditor had made to him in the preceding month of August, when he told him he had found a deficiency of six hundred and forty-six thousand dollars in the bond account.*

He further declared that he "did not hold any conversation with any of the custom-house officers in relation" to Mr. Swartwout's indebtedness, "except with Mr. Phillips, the assistant-cashier, until early in October, when Mr. Fleming announced" to him "that the deficiency was nine hundred thousand dollars," and that "about a week after this" he "had a conversation with Mr. Hoyt," the collector, "relating to this deficiency."

He further deposed that in his conversation with Collector Hoyt, *that he had "stated that it was impossible" for such a deficit to exist, and "that in Mr. Swartwout's account there must be some great errors."*

He further deposed *that he had requested the collector not to disclose Mr. Swartwout's deficiency "until he could hear from him."* ²

Evidently Jesse Hoyt, the collector, was not disposed to comply with the request of the cashier, for he immediately wrote the following communication to the secretary of the treasury.

"New York, October 31, 1838.

"Dear Sir:—You asked me, when you were here in September, my opinion as to the ability of Mr. Swartwout, the late collector of this port, to meet his engagements, or to pay ultimately his debts. *I expressed at that time*

¹ Reports of committees, House of Representatives, 25th congress, 2d sess. Report No. 313, vol. ii., pp. 361, 360, 735, 361, 368, 363, 365, 362, 372, 374. Executive documents, 25th congress, 3d sess. Document No. 13, vol. ii., pp. 52, 53, 32, 51, 54-82.

² Reports of committees, House of representatives, 25th congress, 2d sess. Report No. 313, vol. ii., p. 356. Executive document, 25th congress, 3d sess. Document No. 13, p. 51.