

others to the cashier of the custom-house ; and the collector may give an account, or not, of forfeitures, as he pleases. * * * *

“ Mr. Swartwout gave to me regularly the accounts relating to those forfeitures ; *they were by me examined and regularly passed to the credit of the United States in the account current for the quarters as they are above stated, and as they were returned to the treasury.*¹

“ In less than fifteen minutes [the secretary of the treasury could have discovered a deficiency], by comparing the weekly returns with the accounts current for any quarter. Observe : the weekly returns go to the secretary, and, by comparing them with the account current, obtained from the comptroller, deducting the amount of forfeitures in the weekly returns from the amount credited in the account current, he can ascertain the exact amount of deficiency. In the weekly returns all the items appear separate, as thus for example : ‘ amount of bonds received at the bank ’ ; ‘ amount of bonds received at the custom-house ’ ; ‘ amount of cash duties ’ ; ‘ amount of tonnage duties ’ ; ‘ amount of forfeitures,’ etc. By that means the secretary had it in his power to know the amount of deficiency in each quarter.”

The complicity of Henry Ogden and Joshua Phillips in undertaking to establish the peculations of Samuel Swartwout is further disclosed in the following communication, in which the writer endeavors to beguile the solicitor into the belief that Samuel Swartwout was insolvent in the first term of his collectorship, and that such was the magnitude of his deficiencies at that time that he engaged in the wildest speculations hoping to repay the amounts of money of which the cashier and the assistant cashier alleged he had defrauded the national government :

“ New York, November 8, 1838.

“ Dear Sir :—As far as my memory serves me, in regard to the difficulties of Mr. Swartwout, I should say that *they began not long after his appointment as collector, and that, from that period, he has continued to draw sums from time to time ; that my assistant (Mr. Phillips) and myself have held frequent conversations with him respecting the sums of money which he had received, and that we often, WHEN HE APPLIED TO US, urged him to endeavor to raise money elsewhere, if he possibly could, and not to draw any more from the bank ; that about four years since [1834], when we again spoke to him ON THE SUBJECT OF THE AMOUNTS WE SUPPOSED HE HAD RECEIVED, he requested us to have an interview with him at his house ; that we met him agreeably to appointment, and that he then assured us, as he had done frequently before, that he did not doubt that, before many months, the speculations he had entered*

¹ His reference here is to memoranda presented by him of the dates of payment and the amounts of the forfeitures paid by the marshal ; the total being \$40,376.37.