

nition or estimate of its real value, nor with any agreement for its restitution or any part of it exceeding the sum to be found due the national government, is indelibly set forth in the following sworn statement made by the rash and conscienceless deputy.

"I was notified by Mr. Hoyt, about three o'clock of that day [the seventh of November, 1838], that the solicitor and comptroller had arrived and wished to see me at his house that evening, at five o'clock.

"I met the gentlemen named above. After some conversation with them about Mr. Swartwout's deficiencies, what moneys he had in bank, and his prospects of indemnifying the government by a sale in Europe of a mine in Cumberland, Alleghany County [Maryland], Mr. Gilpin asked me if I had a power of attorney from Mr. Swartwout. I replied I had, and *that I would make over all his property, and give him all the moneys which I had of his, provided that the whole business should be kept secret until the arrival of the 'Great Western,'* which vessel would probably arrive in a few days; that the only hope of the government getting their money was by a sale of this mine; and that any public announcement of Mr. Swartwout's defalcations would, most probably, cause the purchasers to cancel their agreement, which I was inclined to think, from Mr. Swartwout's letters, he had entered into with some wealthy persons in England.

"To this, Mr. Gilpin, addressing himself to Messrs. Barker and Price, said: 'You hear what Mr. Ogden states, and the necessity of keeping everything secret;' to which they assented. I retired soon after, agreeing to call upon Mr. Gilpin the next morning at ten o'clock, to carry out what I had promised him.

"I met him at the hour appointed, and accompanied him to the district-attorney's office, where we met Mr. Price. I then exhibited my power of attorney from Mr. Swartwout, and stated that *I had shown it to Mr. D. B. Ogden, who pronounced it not sufficient to convey real estate.* Mr. Gilpin then read it, and gave his opinion that it was sufficient; and handed it to Mr. Price, who concurred with him. I was not surprised at this, as Mr. Price had previously told me he had drawn the power. I then commenced filling up a printed deed for Mr. Swartwout's property as far as I could then recollect, and before I left the office, I drew a check for \$25,000, which I handed him. *At the same time, I called to his recollection the understanding we had the previous evening, that all should be kept secret.* He assured me it should.

"The following day I met him again, when I corrected a mistake he was under about the amount of moneys which I had; he understood me to say \$30,000 on the previous evening, whereas I had stated the amount at \$35,000. He saying \$10,000 was too large a balance to leave in my hands,