

on. No definite contract," he had further learned, had been made, but that "an agent was to be sent to the United States for the purpose of making examinations [of the Maryland property] on behalf of the London capitalists."

By Mr. Howell, a stockholder of the Maryland and New York Iron and Coal Company, he was told *that the ex-collector's visit to England had for its object the raising of funds in London "to form a capital for the construction of works" on the land of the company, which otherwise would be unproductive; that "the large value at which it was estimated depended on the erection of an establishment there, which could carry on the manufacture of iron to the full extent justified by the richness of the mineral productions; and that the funds to be raised must be first exclusively applied to these purposes."*

The fictitious character of the allegations of Henry Ogden and Joshua Phillips concerning the dishonesty of Samuel Swartwout while filling the office of collector of customs at the port of New York, is further shown by the direct and positive testimony of Nathaniel Schultz, the long-experienced auditor of the custom-house accounts. In answer to the question: "Will you examine the statement presented by Mr. Gilpin and Mr. Barker, in their letter [to the secretary of the treasury] of the fifteenth of November, 1838, and say whether their statement of Mr. Swartwout's defalcation prior to (July, 1836) the time you left the custom-house, be correct or not; and, if correct, point out wherein;" he thereupon testified under oath, saying:

"IN RESPECT TO ALL THAT IS SAID ABOUT TONNAGE DUTIES THEIR STATEMENT IS ERRONEOUS. *Mr. Swartwout regularly entered all the tonnage duties, and money received therefor upon his cash-book and other books, and accounted regularly for the same in his quarterly and other returns. I AM CERTAIN OF THIS, and I show you now, in the book before the [congressional] committee [of investigation], the cash-book and other books, that they were so entered and accounted for at the proper times. It is not right to say that Mr. Swartwout is a defaulter for any of these items of 'tonnage duties,' AND I MAINTAIN AND SHOW, by the books and returns, that they have been regularly accounted for to the United States.*

"The next item is 'forfeitures and penalties,' amounting to \$39,823.12. The amount of this item *I have already shown the committee by the books, the 'cash-book,' the 'book of general accounts,' and 'account-current book' (from which last book the quarterly accounts are copied and sent to the treasury department), was regularly credited to the United States. But Mr. Swartwout retained a large proportion of this amount in his hands, and the weekly returns showed that he retained this money at the time, because they did not acknowledge the receipt of it. His accounts, forwarded to Washington, showed that he owed this money to the United States.*