

money. THE EVIDENCE AS TO ACTUAL LOSS OR GAIN IS BY NO MEANS SATISFACTORY.

“The subject-matter, however, both in relation to the extent and the causes of the [alleged] defalcation, is still involved in some uncertainty. *The character of the testimony is more than doubtful. Some of the witnesses, and those best acquainted with the facts,* WERE ACTIVE AGENTS, IF NOT PARTICIPATORS, IN THE FRAUDS; THE FOUNTAIN, THEREFORE, FROM WHICH WE DERIVE OUR INFORMATION, OR THE GREATER PORTION OF IT, IS IMPURE AND DEFILED.”

The practice of examining several witnesses at the same time, and in the presence of one another, caused a member of the committee to move the following resolution:

“Whereas the practice adopted by the committee of examining two witnesses at the same time is calculated to defeat the object of this investigation and the just expectations of the country, as well as to produce great embarrassment and inconvenience to the members, and particularly when, under the rule of examination, one member is compelled to examine two witnesses at the same time: *and whereas the injurious effect of this practice is strongly exemplified by the examination at the same time,* AND IN THE PRESENCE OF EACH OTHER OF TWO WITNESSES, TO WIT, HENRY OGDEN AND JOSUUA PHILLIPS, cashier and assistant-cashier, attached to the custom-house, AND CALLED UPON TO TESTIFY TO THE ACTINGS AND DOINGS OF THE CASHIER DEPARTMENT; be it therefore

“*Resolved,* that, hereafter, one witness alone shall be admitted into the committee-room, whose examination shall be complete and ended before the introduction of another.” This resolution, however, was rejected.

On February 9, 1839, the New York *Evening Post* contained the announcement: “The Swartwout committee have terminated their labors in the city, and the members, we suppose, are now on their way to Washington.”

The report of the committee of investigation, and the journal of that body, comprises, with the index, seven hundred and eighty-six printed octavo pages. On the presentation of it, and the report of the minority, to the house of representatives, on Wednesday, February 27, 1839, it was then

“*Ordered,* that the said reports do lie on the table, and that 5,000 copies thereof, with the journal of the committee, and 20,000 copies thereof, without the journal, be printed for the use of the house.”¹

The finding by the committee that the alleged defalcation of Samuel Swartwout aggregated \$1,225,705.69 could not be otherwise, for Henry Ogden

¹ Reports of committees, House of representatives, 25th Congress, 3d Session. Report No. 313, vol. ii., pp. 746, 747, 746, 396, 444, 461, 371, 458, 416, 371, 444, 445, 461, 395, 396, 397, 422, 350, 351, 352, 461, 416, 391, 392, 364, 376, 446, 509, 247, 265, 266, 271, 276. Executive documents, House of representatives, 26th Congress, 3d Session, doc. 13, vol. ii., pp. 13, 17, 19, 20, 21, 22, 47, 83, 85, 86, 87, 24, 25, 26, 27, 28, 30, 31, 93, 94, 95, 98, 99, 100, 101, 4, 9, 1, 4, 5, 8, 33, 1.