

left in his hands, and that an arrest under such an execution was a trespass.

“ Yet the said Waddell without, as I am advised, consulting or even intimating his intention to the district-attorney here, or to the solicitor of the treasury at Washington, hearing that Swartwout was to return, was and *is* prepared to arrest him the moment he sets foot on his native shore. The secrecy which has been observed, the notorious insolvency of Swartwout, his utter inability to give bail—all show that this superserviceable zeal of the late marshal is not to subserve the public interest, or the purposes of positive justice, *but to secure to himself his poundage fees*, which will amount to several thousand dollars, and be, in fact, so much lost to the United States, out of the proceeds of the sales of Swartwout's property.

“ Considering all these circumstances, and especially that, if arrested, Swartwout cannot avail himself of the equitable provisions of the fourth section of the act of 1820, by reason of his inability to give the security, that, in all probability would be required; that his imprisonment would only inure to the benefit of a dismissed public officer, and would prevent his giving that immediate attention to his affairs which is believed to be important, and may be highly advantageous to the public interest, I have deemed it not improper to make this communication.

“ I have the honor to be, very respectfully, your obedient servant,

“ WM. M. STEUART.

“ HON. THOMAS EWING,

“ Secretary of the treasury.”

This letter obtained the following answer:

“ Office of the solicitor of the treasury, August 2, 1841.

“ Sir:—Your communication to the secretary of the treasury, of the 30th July, has been referred to this office.

“ In a letter to O. Hoffman, Esq., dated 30th July, 1841, I instructed him to take the direction of the warrant in the hands of Mr. Waddell, and to prevent the arrest of Mr. Swartwout, without express instructions from this office.

“ I refer you to Mr. Hoffman for any further information on the subject.

“ Very respectfully,

“ CHARLES B. PENROSE,

“ Solicitor of the treasury.

“ WILLIAM M. STEUART, Esq., New York.”

This precautionary step obtained the desired exemption of the ex-collector from arrest and imprisonment. On his arrival in New York, he wrote the fol-