

collector at New York, *in the second quarter of 1837 ; that it does not appear from the returns subsequently received from that office, that they were ever paid or put in suit.*

“ These examinations left no doubt that the bonds had never been paid, and the collector was instructed to receive the amount from Messrs. DeRham & Moore, and deposit it to the credit of the treasurer of the United States, on account of Mr. Swartwout's debt. The amount (being \$3,574.12) was accordingly paid on the 9th of January, 1840, and passed in the treasury to Mr. Swartwout's credit.

“ I make the foregoing statement to you, because *it has been generally supposed that a large amount of the bonds with which Mr. Swartwout is now charged was surrendered up without receiving payment.* There can be no doubt that such was the case in regard to those three bonds ; and as Mr. Swartwout will probably be examined with reference to this matter, I have thought that this case might aid in it, and possibly lead to other and more important developments.

“ Very respectfully, yours,

“ CHARLES B. PENROSE,

“ Solicitor of the treasury.

“ ALFRED KELLEY, Esq., New York.”

The following testimony of Charles W. Dayton given before the investigating commissioners, on August 9, 1841, may also be placed before the reader at this point, to show that Henry Ogden and Joshua Phillips were associated by a common understanding in the advancement of their financial interests while in the service of Samuel Swartwout as cashier and assistant cashier, as early as the year 1837.

“ On or about the 28th of January, A.D. 1837, I was under the necessity of raising a sum of money for the payment of the duties on a lot of goods imported by me, and, finding difficulty in raising the amount necessary, I applied to some acquaintance, whose name I cannot now recollect, stating the difficulty of raising the money, with a view of obtaining from him the best method of obtaining the money. He stated to me that I could probably obtain a discount from the cashier of the custom-house. I accordingly applied to Henry Ogden, then cashier, and offered him a note given by Corlies, Haydock & Co., to John Taylor, jr., and which had been given to me by said Taylor for the purpose of enabling me to raise money to aid in the payment of the duties. The note was for the sum of three thousand dollars, and had then about three months to run. Mr. Ogden did not at first give me a definitive answer as to discounting the note, but said he would consult with Mr. Phillips, then assist-