

that Mr. Swartwout is a defaulter in the sum of one and a quarter million of dollars!

“Taking advantage of the temporary absence abroad of Mr. Swartwout, the persons then in power seized upon and sold his property; and I am informed that not one dollar of the proceeds has been paid into the treasury up to this time.

“Had his property remained under his own management, his Hoboken meadows alone would have sold for a larger sum than the government could have established a claim for, but, having illegally wrested from him all his property, it has not yet been legally proved, after a lapse of twelve years, that he ever did, or does, owe them one dollar. Why then have we courts of justice and equity? Is a man to be robbed of all his property, and have his reputation blasted, and be made to undergo torture and the suffering of ten thousand deaths, upon the bold assertion that he is a defaulter?

“I have endeavored for ten years to get Mr. Swartwout’s accounts settled, and for eight years to get relieved from my responsibility as trustee. If no other means can be devised, I will apply to the senate, and should I fail there, I will lay the whole case before the president, who, I doubt not, will order a thorough investigation.

“I beg leave to call your particular attention to that portion of the trust which embraces the lands in Texas.

“In 1847 I was informed that Mr. Gillet, then solicitor of the treasury, had advertised those lands for sale. I immediately called upon Mr. B. F. Butler, then United States district-attorney in this city [New York], who showed me the ‘*Union*’ newspaper, containing Mr. Gillet’s advertisement, in which I found [offered for sale] the three tracts specified in the deed of trust and designated as Nos. 876, 877, and 878.

“I explained to Mr. Butler that Mr. Gillet had no authority from me to sell those lands, and that I would not countenance nor recognize such a sale, because the government had not proved any indebtedness of Mr. Swartwout, and I added that Mr. Gillet could not give a good title to any of those lands. Mr. Butler observed that Mr. Gillet could only give a quit claim, which observa-

the court ordered that the said motion be, and the same was thereby denied, and that judgment was thereupon entered for the defendants, in the amount certified by the verdict of May, 1845.

“And I do further certify, that upon an examination of the records and files of said court, no suit appears pending against said Swartwout, or any of his sureties, as such, at this date.

[L.S.] “In witness whereof, I have hereunto set my hand and affixed the seal of said court, this twenty-seventh day of April, eighteen hundred and fifty-two.

“JOHN W. NELSON, clerk.

“And I do further certify, that a suit was commenced on the 21st of August, 1841, against Joshua Phillips, assistant cashier of the New York custom-house, for the sum of \$600,000, money had and received to the use of the United States.

“JOHN W. NELSON, clerk.”