

PART II.
THE DEFALCATIONS OF WILLIAM M. PRICE.

The extent of the defalcations of Mr Price, as district attorney, is found in the testimony of B F Butler, Esq., his successor in office, to be \$72,124 06; subject however, in all probability, to some offsets for the legal services not yet rendered in the charges of Mr Price.

The subjoined extract from the testimony of Mr Butler presents the results of his own examination into the subject. The committee is unable to comprehend, however, the practicability of any concealment by any district attorney, respecting suits commenced, or suits discontinued by payment or otherwise, from the knowledge of the Solicitor of the Treasury, for any period much exceeding the vacation between terms of the district and circuit courts in any State, provided clerks of courts, marshals, and collectors, are properly held up to a discharge of their respective duties by the Solicitor, and provided due diligence is used in the Solicitor's office in comparing the periodical and frequent returns to him required by law of these several officers. It is unnecessary to recapitulate here the requirements of the law in these particulars, and the duties of the Solicitor arising therefrom, as they will be understood in the sequel.

It does not appear that the returns actually made by Mr Price were untrue, but all the returns required by law to be made were not made; and this fact must have been detected in each case at the Solicitor's office, if the comparison expressly required by law, of returns made there, had been made with proper care. For instance: the case of the United States vs. Bancker, particularized by Mr Butler, must have been originally and for many terms, certified by the clerk of the court to the Solicitor as a suit pending. When it ceased to be pending, it ceased to be certified, of course; and due diligence on the part of the Solicitor could have detected the fact, and held the attorney immediately accountable.

The discharge of Treadwell in 1835, on which Mr Price received \$5,000, was made on terms prescribed by the Treasury Department; and it is presumed that it must, of course, have been conducted through the Solicitor's office, as such is the requirement of law. Is it possible due diligence on the part of the Solicitor would have lost sight of an order upon which it had specially directed the receipt of so large a sum, even though the attorney had neglected to report upon it?

The same remarks are equally applicable to each of the other cases, wherein Mr Price is a defaulter, and wherein he omitted to make report to the Solicitor.

It will be observed that Mr Butler says, it appears that in January and February, 1837, Mr Price received \$9,646 07, and in May, 1837 \$6,051 11, on custom-house bonds, no part of which has ever been paid.

The Solicitor of the Treasury, in his testimony, says: "The clerk of the district court, during the year 1837, reported two hundred and forty-one bonds put in suit by the district attorney. On a comparison of these reports with the returns of the district attorney of bonds put in suit, so as to ascertain the legal proceedings, it appeared that judgment had been entered on all but fifty-two bonds; of these, forty-four came within the provisions of the second section of the act of 19th March, 1836, for the relief of the sufferers by fire, and the suits thereon were accordingly discontinued; of the remaining eight, seven bonds are reported as put in suit on the 25th January, 1837, and one on the 8th April, 1837. On these eight bonds, the clerk does not report that judgments were recovered by the district attorney, who therefore, remains charged with them."

Now, if the money received by Mr Price in January, February, and May, of 1837, was received on any of these last named eight suits, (as, probably, it must have been inasmuch as the Solicitor says, in his testimony, all the bonds reported by the collector as transferred to the district attorney had been reported on and accounted for by the latter,) it is difficult to attribute the escape of Mr Price's defalcations for these to anything but negligence on the part of the Solicitor of the Treasury. The suits having been once reported as pending, certified in like manner, at each successive term of the court; or omitted altogether because settled, or otherwise, in the attorney's report. The law requires each report to include suits pending as well as suits concluded. If they were reported as concluded, vigilance by the Solicitor would have detected the fact, and held the attorney responsible for them at the return day of the execution, if not reported as pending or concluded, vigilance would equally soon have detected the fact, and sought an explanation. His defalcation on these eight suits, and the want of information concerning them at the Solicitor's office, are attributable, therefore, to a negligent administration of the duties of that office, in the opinion of the committee, and find no apology in any defect of existing laws.

Extract from the testimony of B F Butler, Esq.

Having had no knowledge or information of Mr Price's conduct as a receiver of public money, until since his departure from the city in December last, I am not able to state the causes which led to his defalcation, nor have I formed any decided opinion on that subject; but I have become acquainted, since I have been in office, with some circumstances which appear to have enabled him to receive and retain public moneys, without being liable to be called to a prompt settlement therefor, and which I regard as among the causes that led to his defalcation. First, and principally, by the circular of the Solicitor of the Treasury, dated July 27, 1830, district attorneys are instructed, whenever any obligor of a cus-

tom-house bond shall desire to discharge part, or the whole, of his debt previous to judgment, to request him to pay the money to the collector who delivered the bond for suit, taking from him and handing over to the district attorney proper receipts therefor; but if, instead of paying the money to the collector, as requested, the obligor makes a tender of the whole amount due the Government to the district attorney, he is to receive the same, and forthwith to deposit it in bank to the credit of the collector who delivered the bond for suit; or, if there be no bank near in which Government deposits are made, to pay the amount to such collector.

Pursuant to these instructions, I understand that Mr Hamilton, the predecessor in office of Mr Price, always referred persons applying to pay bonds received from the collector of this port, to the collector's office; and that Mr Price generally pursued the same course until some time in the year 1837. It appears from his registers, that, in the winter of 1836-37, he received payment, and that, in the spring or summer of 1837, the practice of receiving payment at his office on custom-house bonds delivered to him for collection became a settled one. In this way public moneys, to a large amount, were brought into his hands, and he was exposed to temptations, and they to hazards, which would not have existed had the former usage been kept up, especially as neither the collector nor the officers of the Treasury Department could generally know, except from Mr Price's own reports, what payments were made to him on this account. More than two thirds of the sum for which he is in default consists of moneys received in this way. This practice also enabled him to retain moneys in his hands for a considerable time before paying them over. Several of the payments made by him to the collector during the year 1838, were after a delay of one or two months, and I have found one case in which he held \$5,849 57 for ten months.

Secondly, in suits on Treasury transcripts, and in litigated cases generally, and in proceedings of a special nature, the Treasury officers have no means of knowing officially, except from the report of the district attorney, what moneys are received by him. This enables an unfaithful or careless officer to retain moneys in his hands, and exposes them to loss. Mr Price's defalcation commenced with cases of this nature.

The first instance of official delinquency which I have discovered, was not in paying over to the collector of Boston any part of the sum of \$2,500 received by Mr Price on the 17th June, 1835, from Evert A. Bancker, assignee of Scoville & Birbeck, against whom a chancery suit had been brought for the purpose of recovering a balance due to the United States on a custom-house bond exempt by Scoville and others. This chancery suit had been pending for several years, and the officers at Boston had no knowledge of the progress made in it, except from the communications of the district attorney. It was only during the last week that I ascertained from Mr Bancker the fact of payment, no entry of it being found in the register of Mr Price; and I have reason to believe that I was never made known to the collector of Boston. On the 7th September, 1835, Mr Price received from Ephraim Treadwell, of this city, on his discharge as an insolvent debtor pursuant to an order of the Secretary of the Treasury, the sum of \$5,000. This money was not paid over, nor was the fact of its payment, nor of the discharge of Treadwell, communicated to the Treasury Department. In October of the same year, Mr Price appears, from his register, to have received about \$1,066 in two chancery suits then pending, in which the United States were interested, and which sum has never been paid over. His defalcation, prior to December, 1836, according to the information in my possession, was confined almost exclusively to the sums above mentioned. In December, 1836, he appears to have received \$1,223 97; in January and February, 1837, \$9,646 07; and in May, 1837 \$6,051 11, on custom-house bonds, no part of which has ever been paid over. This increased his defalcation to \$25,000, at which it appears to have remained until after the 1st April, 1838 between which time and the 5th day of December, 1838; it was extended to about the sum of \$72,125 36, above mentioned.

I am not able to state whether or not Mr Price made all the returns to the Treasury Department at Washington required by his duty and the instructions of the Solicitor; but I have reason to believe that, when suits were commenced on bonds, they were generally reported, and that the returns of custom-house bonds in suit were regularly made to the Solicitor up to the end of the last September term of the district court. But there is a cause auxiliary to that of inefficiency or negligence in the administration of the department of the Solicitor of the Treasury, to which are ascribable the incipient impulses of Mr Price's defalcation. It is to be found in the pecuniary irresponsibility and want of trustworthiness, as a professional man, at the time of his appointment to the office of district attorney in 1834, by President Jackson, as also at the time of his reappointment in 1838, by President Van Buren. These characteristics of Mr Price appear to have been notorious at each period of his appointment to the community from which he was selected. The subjoined proof establishes the fact.

Alexander Hamilton, a Witness called by Mr Owens. Examined by Mr Curtis.

Question 4 Did you know William M Price, late district attorney of the United States, and his general reputation for pecuniary responsibility? What has been that reputation for fifteen years past?

Answer. I have known him for the period mentioned, and during the time have understood him to be entirely without pecuniary responsibility.

Arent S De Peyster, formerly weigher in the custom-house, called by Mr Wise.

Examined by Mr Harlan.

Question 10 Are you acquainted with William M Price, late district attorney of the United States? If yes, please state whether he was regarded, before and after his appointment, as a man worthy to be entrusted with collection of large sums of money?

Answer. I am acquainted with William M Price, late district attorney, and answer the question in the negative.

Russel H Nevins, called and examined by Mr Owens.

Question 5 What was the reputation of William M Price for pecuniary responsibility at the time of his late appointment as district attorney of the United States?

Answer. It was, in my estimation, and according to the best of my knowledge, the general opinion that he was utterly unworthy of any pecuniary credit. I have known Mr Price upwards of thirty years.

Question 6 How long has Mr Price been thus regarded in this community?

Answer. My opinion of him has been the same for the last twenty years. With the public, he may have gained something in the course of the last few years, prior to his late departure.

Question 7 Do you say that Price's reputation had improved any before his appointment as district attorney of the United States?

Answer. Not to my knowledge.

Question 8 Were you acquainted with William M Price, late district attorney of the United States? If yes, how long have you known him? What was his reputation for pecuniary responsibility at the time of and prior to his appointment to said office?

Answer. A slight acquaintance for a year or two past. He was generally considered with out pecuniary responsibility.

Question 9 Have you, or not, known his general reputation for a longer period, and for many years past?

Answer. I consider his general reputation has been exceptional for many years, and I have known it for many years.

Question 10 Would you, as a broker and a man of business, have regarded it safe and prudent to have intrusted Mr Price with the collection and receipt of any considerable sum of money?

Answer. I should not.

David Clarkson, president of the Brooklyn (late deposit) Bank.

Examined by Mr Curtis.

Question 1 Were you acquainted with William M Price, late district attorney of the United States? and how long have you known him?

Answer. For many years.

Question 2 For the last ten years, or prior to and at the time of his taking said office, what was his reputation in this community for fidelity and responsibility in pecuniary transactions? Would you have deemed it safe and prudent to intrust him with your business, if your money were consequently to pass into his hands?

Answer. Since I have known him I have been myself unfavorably impressed as to his standing, and his pecuniary responsibility; such that I should have considered my property insecure in his hands.

While it is not deemed by the committee within the scope of its legitimate province to investigate the causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands, the conviction is irresistible, that, in the case of Mr Price, as well as in that of Mr Swartwout, they have resulted in immense losses of the public money, alike irreparable to the Government and demoralizing to the country. And, from the testimony in the case, the committee find the following facts established:

1st That William M Price, as district attorney, is a defaulter to the Government in a large amount.

2d That his defalcations are attributable to the notorious irresponsibility and want of character of said Price at the periods of his appointment and reappointment, and during his entire term of office; and to the continued neglect of the proper and efficient discharge of duties at the office of the Solicitor of the Treasury, by the late and present incumbents of that office.

TAXATION OF OFFICE-HOLDERS.

Our attention has been directed to the following portion of the testimony taken before the Investigating Committee of the House of Representatives, at New York, which affords indisputable evidence of the patronage of the Government, in that city, being habitually and systematically bought "in conflict with freedom of elections." Are not these abuses, and do they not require reform?

ARIST S DE PEYSTER SWORN AS WITNESS.

Examined by Mr Wise.

Question. While you were connected with the custom-house, do you know whether or not the officers of the customs were called upon to pay any part of their salaries, or any assessment of tax thereon, for party or political purposes? If yes, state whether you have ever, and when you have made any such payment, and state the motive upon which such payments were made.

Mr. Wagener objected to the propounding of this interrogatory, and called for the yeas and nays.

The committee decided that the interrogatory, should be propounded. Yeas—Messrs. Curtis, Dawson, Harlan, Smith, Wise—5. Nays—Mr. Wagener—2.

Question. The Weighers were called on to pay \$15 each for the support of the election, and when I declined, Mr. Vanderpoel, the Deputy Surveyor, observed that I ought to consider whether my \$1,500 per annum was not worth paying \$15 for. Under the impression that it was the price of my situation, I paid it. The above occurred during the last spring election for charter officers. During my holding office, for about five years, I was occasionally called on but always declined until within the last two years.

Question. Is the office of Weigher, which you held, regarded as one of the United States, and the salary of which was paid out of the Treasury of the United States?

Answer. Latterly paid out of the Treasury; formerly a commission was allowed on the amount of goods weighed. The office is one held from the U. States.

Question. Do you know whether other subordinate officers besides yourself in the custom-house were called and required to pay such tax or assessment, upon their salaries, for the use of party and political purposes?

Answer. Only by hearsay, as it regards the other officers, but I saw many of the Weighers pay the tax of \$15.

Question. Was the money thus collected from you and others, to be used for political purposes? If yes, for which of the then and the present political parties?

Answer. It was intended to be used to support the election of persons attached to the present Administration.

Question. Who collected the tax from the Weighers?

Answer. Mr. Vanderpoel.

Question. What office does Mr. Vanderpoel hold in the custom-house, and what is his salary?

Answer. At that time he held the office of Deputy Surveyor. I do not recollect the amount of his salary. I believe he now holds the office of Appraiser.

Question. Had he a book of the names of the officers from whom he collected, or had he a list of them?

Answer. A list.

Examined by Mr Harlan.

Question. Are you acquainted with William M Price, late District Attorney of the United States? If yes, please state whether he was regarded, before and after his appointment, as a man worthy to be entrusted with the collection of large sums of money?

Answer. I am acquainted with William M Price, late District Attorney, and answer the question in the negative.

Question. Was the last payment of \$15, referred to by you in your answer to the third question, paid before or since the present Collector (Mr. Hoyt) came into office?

Answer. Since the last Collector came into office.

Question. Were you removed from office by the present Collector? If yes, state when, and whether any reasons were assigned therefor, and what they were.

John Ward, broker, called by Mr Owens. Examined by Mr Curtis.

Question 8 Were you acquainted with William M Price, late district attorney of the United States? If yes, how long have you known him? What was his reputation for pecuniary responsibility at the time of and prior to his appointment to said office?

Answer. I consider his general reputation has been exceptional for many years, and I have known it for many years.

Question 10 Would you, as a broker and a man of business, have regarded it safe and prudent to have intrusted Mr Price with the collection and receipt of any considerable sum of money?

Answer. I should not.

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Mr. Wagener objected to the propounding of this interrogatory, and called for the yeas and nays.

The committee decided that the interrogatory, should be propounded. Yeas—Messrs. Curtis, Dawson, Foster, Harlan, Owens, Smith, Wagener, Wise—8. Nays—None.

The examination of Mr. Lyon continued by Mr. Wise.

Question. Whilst you were Deputy Collector at the port of New York, were you ever called on as an officer of the custom-house to contribute any sum or sums of money to party or political objects; if so, what amount; was such amount, from you, called for in consideration of your salary from Government? what proportion did it bear to your salary? did you pay it? if not, why not? who called for such contribution? were other subordinates in the custom-house to your knowledge called on to contribute in like manner? for the support of what party were these contributions called for? was any menace, directly or indirectly, of removal, held over these officers or yourself for failures to grant such contributions?

Mr. Owens objected to the interrogatory.

The question, Shall the interrogatory be propounded? was put, and decided in the affirmative, the yeas and nays having been called by Mr. Owens. Yeas—Messrs. Curtis, Dawson, Harlan, Smith, Wise—5. Nays—Messrs. Owens, Wagener—2.

Answer. I have frequently been called on to contribute to political objects while I was deputy Collector, as an officer of the custom-house. The amount was from twenty dollars to one hundred dollars. The tax was pro rata according to salary. I bore a proportion of from one to six per cent. I frequently paid a part of the amount; when it was too high, and more than I could afford, I urged them to reduce it; in one instance, where I was assessed twenty dollars, Mr. Swartwout told the collector of the tax that ten dollars was enough for me to pay. For a few years back I have not paid any thing to the General Committee, because I could not afford to pay the amount assessed, and because I could not conscientiously sustain the party. The collectors of the Tammany Hall General Committee, one of whom was John Becker, called on me several times. William Tyack once or twice called on me to collect the amount with which I was assessed; he was not the regular collector, but was one of the General Committee. I believe that nearly all the officers of the custom-house, in doors and out, and the clerks, were similarly taxed, and generally paid what they were assessed. It was assessed by the General Committee of Tammany Hall, and for the support of the party denominated the Tammany Hall party. If the individual did not pay the amount he was taxed with, the Collector would remark, You will be reported to the General Committee; and every body well understood that proscription would follow. The Collector of the General Committee has an alphabetical book, which contains the names of persons taxed, and the amount each individual is required to pay.

A Washington correspondent of the New York Courier, writes in reference to the North Eastern Boundary difficulties—

"The prevailing impression here may be briefly stated. Great Britain is wrong, in claiming territory which does not belong to her. The General Government is wrong, in having so long acquiesced in unjust claims. Governor Fairfield is wrong, in a rash, ill-advised and ill-executed movement. All parties would be doubly and trebly wrong, if in the nineteenth century they should suffer a question of this kind to interrupt the pacific relations of two countries bound together by so many ties of kindred, association and interest, as are the U. States and Great Britain."

Answer. I was removed by Mr Hoyt, (the present Collector,) but have never condescended to ask the reasons, and must, therefore, be under the necessity of referring to the Collector who is now present.

ABRAHAM B. VANDERPOEL SWORN AS A WITNESS.

Examined by Mr Wise.

Question. What offices have you held in the custom-house; when did you commence to hold them; what the salaries of offices held by you?

Answer. I was appointed to the office of Inspector of the Customs, in May 1829, at \$1,095 per year, and held it until 1836, when I was appointed Deputy Surveyor, at \$1,500 per year, and March, 1838, appointed Appraiser, at \$2,000 per year.

Question. Do you know whether the officers of the custom-house have ever been called on to contribute sums of money to party and political objects? What officers have been so called on; by whom; for what amount; with or without regard to their salaries of office; when did they contribute; if they refused, was any intimation given that their refusal might occasion their removal; what amount has so been contributed and collected, and for the support of what party, at any one election?

This interrogatory was objected to by Mr Foster.

Mr Foster called for the yeas and nays.

The question, Shall the interrogatory be propounded? was put and decided in the affirmative. Yeas—Messrs. Curtis, Dawson, Harlan, Smith, Wise—5. Nays—Messrs. Foster, Owens, Wagener—3.

Other proceedings were had in regard to which Mr. Wise offered the following resolution:

Resolved, That the following facts be entered on the Journal: Mr. Wise propounded to the witness, Abraham B. Vanderpoel, the following question, to wit:

"Question 2. Do you know whether the officers of the custom-house have ever been called on to contribute sums of money to party and political objects? what officers have been so called upon; by whom; for what amount; with or without regard to their salaries of office; when did they contribute; if they refused, was any intimation given that their refusal might occasion their removal; what amount has so been contributed or collected, and for the support of what party, at any one election?"

The witness took the interrogatory without objection to propounding the same, and proceeded to write his answer thereon on the paper attached to the question, and had written the following to wit:

"I have known officers called on to contribute to the custom-house to have been called on to contribute sums of money to party and political objects; what officers have been so called upon; by whom; for what amount; with or without regard to their salaries of office; when did they contribute; if they refused, was any intimation given that their refusal might occasion their removal; what amount has so been contributed or collected, and for the support of what party, at any one election?"

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"I have known officers called on to contribute to the custom-house to have been called on to contribute sums of money to party and political objects; what officers have been so called upon; by whom; for what amount; with or without regard to their salaries of office; when did they contribute; if they refused, was any intimation given that their refusal might occasion their removal; what amount has so been contributed or collected, and for the support of what party, at any one election?"

THE WAY THE... WAS... We have frequer...

ers of the Public office long after... regulations, the... show that they... money to their... cases was that of... at Columbus, Mis... we gave the prof... Treasury Departm... were constant con... and will neglect... January, 1834 to... when he was ju... had been report... that unless all the... in arrear, were... October ensuin... sed from office... The report of... tee contains som... tion connecte... in that of the... partment, from... were called for... Among them is... Co... DEAR SIR: My... State friends of... stand have heard... sorrow, that the... moneys at this... dismissed unless... fore the first of... I have long... acquaintance w... freely assure yo... honorable man... in all the relat... high in the estim... responsible and... man enjoys in... and desired pe... I am very pe... agement of the... trect, and know... igitable business... received the app... sent but once, a... Day and night... speak of this... santly had three... work, who, in... been engaged fr... and he cannot c... dollars per mo... been between... thousand dollar... suing six month... treane. I know... under great in... months, being... not obtained fr... written three or... were much delay... failure of the... of the business... it possible that... his returns by... every exertion w... made, to keep... know the neces... work, time after... at night; and... from the best... of your excellen... tegry and inde... never engaged... ly or indirectly... Poindexter... agent (Gibson... ny at this offic... Senate; and th... General Harris... some transaction... If I had been... planned the wh... operation of Ge... have explained... regards Col. M... the world. The... attempt, on th... strengthen his... nel Martin with... and nothing w... the expulsion o... knows to be m... democratic ca... and most dist... ministration in... connections a... of them are co... duous struggle... They are true... nullifying, and... 'victory' at any... We are now... cering camp... Walker, Major... self, constitute... ticket. It will... Nashville paper... our State Mus... Tennessee; the... are for White... including the... kent commissio... or four thousa... political arrang... mails circulating... to them, is doubt... With high re... lency's most ob... JOH... To His Excell... This and other... ing: Treasury... Sir: Trusting... your letter of... of your friend... President has... before him, to... the 13th Novem... your monthly... satisfactory...