

may be situate in your district, according to the provisions of the said act, and in executing this warrant you will by yourself or deputies proceed to levy and collect the said sum of one million three hundred and forty-four thousand and one hundred and nineteen dollars [and] sixty-five cents remaining due, by distress and sale of the goods and chattels of the said Samuel Swartwout, in the manner prescribed by the said act, and if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout, and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of law, and if the goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said one million three hundred and forty-four thousand and one hundred and nineteen dollars [and] sixty-five cents remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, of the city of New York, who are sureties of the said Samuel Swartwout in the said sum of one hundred and fifty thousand dollars, in the manner prescribed by the said act, and you are further commanded to cause to be recorded forthwith, in the office of the clerk of the district court of your district, the levy made by virtue thereof upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, Mangle M. Quackenbos, with the date of said levy, and you are further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos are not sufficient to satisfy the sum that may remain due, to sell in the manner prescribed by the said act, the lands, tenements, and hereditaments, * * * * and all moneys that remain of the proceeds of such sale, after satisfying this warrant and paying the costs and charges for executing the same, you are required to return to the said Samuel Swartwout, or to his said sureties, as the case may be, and whatever you may do, in obedience to this warrant, you will make return thereof to the office of the solicitor of the treasury, given under my hand and seal this 12th day of November, anno Domini one thousand eight hundred and thirty-eight.

“ H. D. Gilpin, solicitor of the treasury, [L. S.];

“and whereas the said marshal, in obedience to the command of said warrant and in pursuance of the said act of congress, did levy and seize all the estate, right, and title, and interest which the said Samuel Swartwout had of in and to the premises hereinafter conveyed and described at the time hereinafter specified, and on the fifth day of June, 1839, sold the said premises at public vendue, at the Merchants' Exchange, in the city of New York, a