

6th CONGRESS.]

No. 146.

[2d Session.

CAUSES OF THE LATE FIRES IN THE WAR AND TREASURY DEPARTMENTS'

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1801.

Mr. NICHOLAS, from the committee appointed to inquire into the causes of the late fires in the War and Treasury Departments, made the following report:

That they have taken the depositions of all the persons from whom they had reason to expect any information, and herewith report them: those marked A relate to the fire in the War-Office, and those marked B to the fire in the Treasury Department.

The committee having seen an assertion in a paper called the Cabinet, that, during the fire in the Treasury Department, persons were discovered in one of the rooms of that Department, in circumstances which excited suspicion, the committee called on the editor of that paper, and requested to be informed whether he could mention the names of any persons who were witnesses of that fact, or any other relating to the fires. By him they were referred to Lawson Pearson and Salem Roe; from whose depositions, and the deposition of John Woodsides, (among the papers marked B,) it appears that the persons thus discovered were clerks of the Department employed in taking care of the books and papers.

It having been mentioned in the depositions of some of the witnesses, from whom the committee were taught to expect material information, that Mr. Oliver Wolcott, late Secretary of the Treasury, was seen at one end of the Treasury Department, during the fire therein, loading a cart with boxes and papers, the committee considering it as a circumstance which might be made to excite suspicion, and believing it was due to Mr. Wolcott to investigate thoroughly a fact of this nature, which had been partially disclosed by their means, have taken several depositions on that subject, which are herewith reported, marked C. From these depositions no suspicion can remain that the boxes and cases were not Mr. Wolcott's private property.

The committee do not think it necessary to make a minute report of their opinion on the facts of these several cases, as the depositions themselves will afford more satisfactory information: they report, as the general result of their inquiries, that it is probable the fire in the War Department was communicated from the fire-place in the adjoining house, and that there is no evidence whatever on which to found a suspicion of its originating in negligence or design; that, as to the origin of the fire in the Treasury Department, they have obtained no evidence which enables them to form a conjecture satisfactory to themselves: it would only be in their power to make an abstract of the testimony; and, in doing this, they might add to or diminish its force; and therefore choose to report it only in the words of the witnesses themselves.

A.

Mr. LORING, a clerk in the War Department, states, that, on the day of the 8th of November, 1800, (the evening of which the office was burnt,) he was engaged in filing and arranging the papers of the office, (which were very much deranged in consequence of removing first from Philadelphia, and afterwards from the store, commonly known by the name of Lear's store, in the city of Washington,) a business in which he had employed all his hours which were not immediately necessary for the routine of business common in the office; that, having on that day nearly finished, he had determined to continue until he had completed the work, as he was anxious to have them arranged; that, in consequence, he remained an hour or an hour and a half after the other gentlemen of the Department had left it; that when he had finished the business he was engaged in, which was after three o'clock, he locked the door of the room, and carried the key thereof into the room of the messenger, which was in the kitchen; that the day having been uncommonly warm for the season, the fire had been reduced at about 11 o'clock in the morning; and that the door which led into the room usually occupied by the Secretary was ordered by the chief clerk to be opened in order to admit fresh air, (there having been no fire in that room on that day, or for three weeks and upwards prior to it;) that no more fire was made in the room in which he was employed that day; and that, when he left the room, he doubts whether there was fire enough on the hearth to have lighted a candle; that he went home to dine, and believed every thing was perfectly secure in the office, as he looked into the Secretary's room to see if the windows were shut, and, finding them to be so, he doubted not every thing was safe; that, in the evening, about (he believes) six o'clock, or perhaps a little after, Mr. Brown, a clerk to the accountant, came over to his lodgings and informed the gentlemen that the War Office was on fire; that Mr. Wolcott, and every other man in the house immediately ran over; that, when we approached the house, we observed the light very strong from the window over the door of the entrance of the house immediately adjoining the library, which was arranged along the partition wall of that building, and the adjoining house occupied by Mr. Jackson, and against which the chimney of Mr. Jackson's house stood; that he, with Mr. Wolcott, went immediately up stairs, and he, Mr. L., being first, opened the door of the room generally occupied by the chief clerk, (viz. the room immediately in the rear of the Secretary's, the one which was on fire;) that, when he opened the door, the force of the smoke was so great as to stagger him; he, however, recovered himself, and made a second attempt, but to no purpose; finding it impossible to save any thing on that floor, he immediately left the house and went to the Treasury office for the engine, which, with assistance, he brought to the fire; but the house being in such a state, it proved ineffectual. That, on the morning after the fire, (Sunday,) he went over before breakfast to examine the partition wall; that he ventured as near as the walls, which were then tottering, would admit, and examined particularly as to the structure of the chimney; that, in viewing the partition wall, he did not doubt the fire was communicated from the chimney of the next house, as the partition-wall was very thin, and the evident appearance of wooden blocks or bricks interspersed in it; and that it appeared to him that the wall was only the thickness of the length of a brick from the first floor to the second, and the thickness of the width of a brick from the second floor up to the roof; and knowing that a large library was extended along that wall; and upon the lower shelf of the library, about eight inches from the floor, stood a number of large volumes, behind which (for convenience) many pamphlets and loose papers were thrown; and he has no hesitation in saying, that he firmly believes it was from these causes the fire was communicated.

With respect to the Treasury Department, Mr. L. has very little to say, which can give information or throw light on it; he has only to observe, that at about five o'clock in the evening of the — January, he, agreeable to an appointment he had made with Mr. Steele, left the hotel in which he lodged, directly opposite to the Treasury, to call for Mr. Steele, who was writing in his office; that, as he crossed the street, he saw large columns of smoke

issuing from the two southeast chimneys of the office; he immediately entered the east door, which led to the centre of the building, through a narrow passage; that, in passing through this passage, he observed the smoke issuing from under the two first doors on the left side of the passage; that he did not stop to open either of them, his object being to get the engine out which stood in the hall; that not more than two or three persons were with him at the time, and that with the assistance of one of them he broke open the front door and put the engine into the street. Immediately on doing this he returned into the passage, where he discovered several persons forcing the middle door (or that which led to Mr. Ferrall's room,) which they immediately succeeded in. As soon as the door was opened, the flames and smoke rushed out in a diagonal line from the back of Mr. Ferrall's room, where his cases stood, which was the part of the room opposite to his fire-place. This is all he can say respecting it, as his whole attention and exertions were to check and conquer the flames; which, with great exertions on all sides, was finally accomplished.

Sworn before me, the subscriber, one of the justices of the peace for Prince George's county, this 23d day of February, 1801.

RICHARD FORREST.

On the evening of 8th November last, about seven o'clock, P. M., I was alarmed with the cry of fire, and on inquiry it was the War Office; I immediately alarmed Mr. Hodgson and Mr. Wood, desired them to bring with them buckets, and I unhung my garden gate, that free access might be had to my pump; I gave orders to fill all the buckets and tubs that were about the house, and took with me two buckets of water; when I got to the War Office the smoke was issuing out of the front windows like a cloud; soon afterwards the flames broke out of the front window over the front door; I was then asked by Mr. Watson, a clerk, to assist him in getting a ladder, but before we could procure the ladder the fire broke out of the back side of the house. I assisted about half an hour to save the papers, but on seeing that my own house was in danger, I left the fire and went home. The next day (Sunday) I went to see Mr. Markward, to make inquiry how the fire originated, (Col. Burrows went with me;) he, Markward, could give us no satisfaction; we then went to the burnt house, and, on examining the walls, were of opinion that it had been communicated from the back of Mr. Jonathan Jackson's chimneys to the library; and on further examination we saw a number of places where wood had been let into the wall; and nearly at the back of the chimney of Mr. Jackson's house I saw a light through the wall, (and mentioned it to Col. Burrows,) which I suppose was the place that the fire got through to the library; and was further convinced, for the back part of the place is but four and a half inches thick. And further this deponent saith not.

WM. O'NEALE.

CITY OF WASHINGTON, February 25, 1800.

The above deposition was taken by the committee, this 25th February, 1801; William O'Neale being first sworn.

JOHN NICHOLAS, *Chairman*.

THOMAS Y. SPROGEL, being first sworn, deposes and saith that at about three o'clock P. M. of the day on which the War Office was consumed, he assisted in laying out the corpse of a Mr. Jackson, who died in the room adjoining to the room occupied by the Secretary of War, in which the fire appeared to originate; that at that time there was so little fire in the hearth, that he, this deponent, could with difficulty burn vinegar enough to correct the effect of the body on the air of the room. That while the house was on fire, he returned into the room where the corpse was laid, and found the fire totally extinguished to all appearance; that he was informed a fire had been kindled in the interval of his two visits to the room, and that it had been extinguished because it had a bad effect on the corpse.

THOMAS Y. SPROGEL.

Sworn to before me, this 27th day of February, 1801,

JOHN NICHOLAS, *Chairman*.

B.

The testimony of Patrick Ferrall, principal clerk in the office of the Auditor of the Treasury, relative to the fire that took place on the 20th January last.

Having received a letter by the mail of the 19th, from a mercantile house in Philadelphia, that required an answer by the return of post, not being enabled from the official duties of the office to write the answer during office hours of the 20th; on leaving the office between two and three o'clock, and not seeing Fogel, the messenger, in the hall, I mentioned to one of the other messengers to inform him when he came in to leave the key, as I should be back after dinner to write a letter. I returned between three and four o'clock, and found the key of the Auditor's room, which I opened and went into the room usually occupied by me, and wrote my letter; after which I locked the door, and went to the house occupied by the messenger, delivered him the key and the letter, desiring him to leave it at the post-office before five o'clock. At my going in, and during my stay in the office, I observed not the least appearance of fire, but what was in the fire-place of the room where I was writing, which at the time was very low, being the remainder of that made in the early part of the day. After delivering the key to the messenger, I went over to a house in the neighborhood where a billiard table is kept, where I remained, until the cry of fire was heard; when the whole of the persons that were there ran over to the office. On my entrance, finding the doors locked, I called on the messenger by name, who immediately appeared and delivered me the key of the Auditor's room, which I unlocked, and made to the door that opened into the room in which I had been writing; on opening which the smoke and flames gushed out with such violence, that I had nearly been suffocated. On which I returned into the entry and requested some persons that were there to break open the door; on this being done, I clearly perceived that the great body of the fire proceeded from three large cases, which were placed back of the fire-place in the room occupied by the Auditor. How or by what means this unfortunate accident took place, I do not deem myself competent to decide; but this I will say, I had neither hand nor deed in it.

P. FERRALL.

Sworn to before me, this 23d day of February, 1801,

JOHN NICHOLAS, *Chairman of the Committee*.

The representation of Albright Fogle, messenger to the Auditor's Office, respecting the fire which took place in the Treasury Department on the 20th January, 1801.

The Auditor left his room on that day a little before two o'clock, when the fire in his fire-place was reduced so low that the ashes covered it close up, over which I placed the fender.

Mr. P. Ferrall left his room at about half past two o'clock on the same day, when his fire was also low. I covered it immediately with the fender, and locked the doors. The key leading to Mr. Ferrall's room was then, by his request, put into a certain place where he could have access to it after dinner.

I returned to the room at about half after four o'clock, and found Mr. Ferrall writing at his desk; I inquired of him if I should put a stick on the fire, which he refused. About twenty minutes before five o'clock he called on me at my house, delivered me the key of the room and a letter, requesting me to put it in the post office; I then hastened to the office, examined the fire in the Auditor's room, raked up the remains of that in Mr. Ferrall's, covered it with the fender, and secured the windows and doors; at which time every thing appeared, as usual, very safe from fire. About dusk, and some time after my return from the post office, I heard the first cry of fire; and, on opening the door of the Auditor's room, I did not perceive any fire, but a vast quantity of smoke came out, which prevented an entry at that time; the door of Mr. Ferrall's room was then forced open, when the large cases and furniture in it, which stood close to the wall adjoining the Auditor's room, were all on fire; at that time I did not perceive any thing on fire at the other end of the room, near the fire-place.

ALBRIGHT FOGLE.

Sworn to before me, this 23d of February, 1801,

JOHN NICHOLAS, *Chairman of the Committee.*

JOHN WOODSIDE, clerk in the office of the Comptroller of the Treasury of the United States, upon his oath, deposes: That on the 20th day of January, 1801, having left the office about half past four, P. M., and gone to his place of lodging, about one hundred paces west of the building occupied by the Treasury Department, it being between sundown and dusk, approaching nearer the latter, when the deponent heard the cry of fire; upon which he immediately ran to the Treasury, from whence he saw smoke proceeding; and, upon his nearer approach, saw the smoke and flame issuing from the windows or window of the room occupied by the principal clerk in the office of the Auditor, which room is adjoining to the Auditor's, the latter being in the southeast part of the building.

The weather for the season had been moderate, as to cold, for a day or two preceding; but, in the afternoon of the said 20th day of January, the wind had changed, and blew, especially at the time of the fire, cold and violently from the northwest.

The deponent, finding that the apartment in which the fire had commenced was all in flames, seeing sundry persons engaged in getting the engine ready, and not doubting the immediate assistance of other citizens, considered it most for the interest of the people to endeavor to save the books and papers in the two apartments up stairs of the office to which he was more immediately attached, viz: the Comptroller's, and that of his principal clerk, the latter being immediately over the one in flames; and therefore proceeded to these apartments as soon as they could be opened.

Early in the morning of the 21st, the day after the fire, as soon as there was light, the deponent, living in the vicinity, attended at the Department with a view to collect what papers might be found in a scattered state; and, before sunrise, went to the apartment where the fire had begun, and found the fender in the fire-place, in such a state as to lead, from appearances, to the conclusion that the fire had been carefully covered; the fender being somewhat in the form of part of a circle, the one edge resting upon the hearth, the other edge touching the back of the fire-place.

Since the fire, it having been proposed to the deponent to take the superintendence of the building, so far as respects the prevention of accidents by fire, he undertook the business confided to him; and, having been of opinion that the fire might have been communicated by the mantel-pieces, the deponent had an examination of one of the fire-places, upon which, apprehension of the probability of fire being communicated to the building thereby was not lessened; but, from the blocks placed in the jambs, for nailing the surbase and wash-board, being exposed to the fire of the flues of the chimneys from below, by sparks passing through open joints one quarter of an inch in width between the bricks, and these open joints being only about three inches from the block to the inner part of the chimney, additional ground was given to apprehend danger; as likewise from the blocks placed in the walls, immediately back of the fire-places, in the rooms in the east and west ends of the building.

These apprehensions were communicated to the Register of the Treasury, upon which orders were given to have removed every block or piece of wood, with the mantel-pieces, which might possibly endanger the building. In the execution of these orders, it was found that the blocks back of the fire-places, in the apartment occupied by the Commissioner of the Revenue, have the appearance of being in a degree scorched. In the same room, that is, the one adjoining the Commissioner's, a wedge of pine wood was taken out of the chimney jamb, which had been driven into an open joint between the bricks, which led directly into the flue of the fire-place in the room below. To this wedge the wash-board was nailed. The wedge was found burnt to coal at the end next to the chimney, and was scorched on the under part, the board nailed thereto having been also touched with fire.

In the room occupied by the superintendent of stamps an open joint was found, which led to the block to which the wash-board was fastened into the chimney of the fire-place below; this block did not appear to be scorched, but a quantity of soot had made its way through this open joint to the board to which the wash-board was nailed. The whole of the circumstances, taken together, afford just ground for very serious apprehensions of the liability of the place being set on fire by sparks, especially if the chimney should have taken fire.

Similar facts occurred in breaking out the blocks in the jamb of the fire-place in the room occupied by the Secretary of the Treasury, and in another apartment belonging to said officer, adjoining to that of his principal clerk. Here the danger appeared to be much greater, as it did not arise from open joints leading eight or nine inches into the flues of the chimneys below, but from openings immediately from the blocks to the flues. In one instance, a hole an inch and a half in diameter was discovered, the block, &c. very much dried and smoked, if not scorched. In the other instance, several openings leading directly to the flue from the block to which the surbase was nailed, two pieces of bats lying between the block and the flue, which, not being close to each other, and having no mortar, caused the last mentioned openings, opposite to which the block and other wood appeared to be scorched, and the turpentine to have been extracted by the heat from the chimney.

In relation to the state of the room where the fire originated, the deponent saith that he made a particular examination, and finds that the mantel-piece, except upon the south side, appears to have been burnt or removed; that the blocks to which it was nailed appear to have been in part burnt on the outer surface next to the room, except one in a small degree scorched; that part of the mantel-piece on the south side of the fire-place, which remains standing, being burnt to coal upon the outside, which, if pulled down, the blocks to which it is nailed, it is supposed, will appear like those upon the other side of the fire-place, in some degree scorched or burnt.

In the said apartment, directly opposite to the fire-place in the Auditor's room, there had been placed two blocks of wood, the uppermost fourteen inches in length, with two others upon a line, the right hand block four feet, the one on the left hand three feet and a quarter distant; these blocks were placed in the wall for the purpose of nailing the surbase thereto. The place where a block had been placed for nailing the wash-board is also back

of said fire-place, and nearly under the one already mentioned, and, like that, flanked upon the right and left with blocks, at the distances above mentioned; the block, from the opening in the wall, could not have been more than nine inches in length and five inches in width; the blocks upon the right and left of those back of the fire-place do not appear to have been burnt, except one upon the outside, next to the subbase, which appears to have been touched with fire.

The block behind the fire-place, to which the subbase was nailed, was burnt on the surface next to the room in which the fire originated, but that part of said block which was within the wall had not any appearance of being scorched; the block immediately below, to which the wash-board had been nailed, the deponent did not see, as it was missing the first or second day after the fire, he having looked for it in the cellar, where he found the upper block.

The thickness of the wall back of said fire-place is thirteen inches, by measurement; and deducting five inches, the width of the block, or rather depth of the place where it would appear a block had been, leaves eight inches brick between where the block had been and the fire in the Auditor's room; the joints between the bricks in the back of said fire-place appear to have been filled with mortar, except one joint about three-sixteenths of an inch wide, into which a piece of wood of that thickness can be inserted four inches, leaving, from the inner part of the joint, and the space which had been occupied by the block upon the opposite side, a thickness of four inches brick.

This deponent, on being asked further, saith that he can discover no way in which the fire could have communicated from the fire-place in the Auditor's room to Mr. Ferrall's room, unless it was by the lower block to which the wash-board in Mr. Ferrall's room was nailed, which block was not to be found at the time this deponent examined the place.

JOHN WOODSIDE.

Sworn to before me, this 24th February, 1801,

JOHN NICHOLAS, *Chairman of the Committee.*

On a further examination, the said John Woodside says that he was employed in the first room on the left-hand side of the passage, on the second floor of the Treasury Department, which leads to the east end, at the time the door was forced open; and that he was endeavoring to remove the books and papers into the fire-proof room adjoining; that he believes several other persons were also employed in the same way with him at the time.

CITY OF WASHINGTON, *February 24, 1801.*

On the evening of the 20th January, 1801, as I was going to Dr. Cunningham's, on business, I saw a great smoke arising near the President's house. I directly called fire! Mr. Cunningham was in his yard, and asked where; I answered, on the President's square. He replied that it was shavings; I said no; then we both ran. I got to the Treasury Office first, and found it on fire; (it was between sunset and dark,) and the alarm of fire was general, and the bells were ringing. I called for buckets, and to man the pump at the north end of the building, which was soon done, and water was passed as long as there was any to be had. When the pump sucked, I went to the south side, and began to form a line to Mr. Blodget's pump; this being done, I returned to the north side, and proposed to convey water into the rooms where the fire was; after some time the fire began to abate, and I went to Mr. Ferrall's room door and began to throw water where the greatest appearance of fire was; and after some time the room got dark, I got a candle to see if I could discover where the fire originated. I felt on the floor near the fire-place, and it was not burnt; I then felt several other places, and, on feeling near the jamb of the door leading from Mr. Ferrall's room to the Auditor's, in the recess of said door, I put my hand on a hickory chunk about twelve or fifteen inches long, and about three inches in diameter; it appeared to be burnt at one end to a coal; there was bark on one end. I think it was hickory; it might not have been hickory, but I think it was. I then said that the building was set on fire by some evil-disposed person. About this time it was said that the building was on fire up stairs; I ran to give my assistance, met Mr. Wolcott, and requested him to give some directions concerning the papers; Mr. Wolcott said he had nothing to do with them, that he was not the Secretary, and it was as much as he could do to take care of his own private property. I went up stairs, and Mr. Woodside gave me a quantity of books and papers to carry down stairs, which I delivered to Mr. Dawson, and told him that I was of opinion that the building was set on fire, and that I had found a chunk in the recess of the door of Mr. Ferrall's room. On my return up stairs I met Mr. Wolcott, and said, for God's sake, Mr. Wolcott, give some directions; he told me he would introduce me to Mr. Dexter, who would give the proper directions, which he did. Shortly afterwards, an alarm of fire took place in the cellar, and I got water carried down and put it out in a short time. On examination, it was found that the fire had found its way between the floor and the counter-ceiling, and it was proposed to tear up the floor, which was done, by Mr. Dexter's orders; and further this deponent saith not.

WILLIAM O'NEALE.

On being asked, the deponent saith that the floor was burnt through about the place where he found the piece of wood which he has before mentioned.

The above deposition was given by William O'Neale, before the committee; he being first sworn, this 25th February, 1801.

JOHN NICHOLAS, *Chairman.*

THOMAS Y. SPROGEL, being first sworn, deposeseth and saith, that, after the fire in the Treasury Department, he was employed by Mr. Nourse, the Register, to watch in the office; and that about twelve o'clock at night, he discovered a wooden block behind Mr. Harrison's fire-place, in Mr. Ferrall's room, to which the wash-board had been nailed, to be on fire; that he extinguished the fire with water, and that it appeared to him to be burning from Mr. Ferrall's room, and towards Mr. Harrison's fire-place; that the block appeared to be about half consumed; that soon after he understood, from the conversation of persons present, that they had taken out the block and found the end next Mr. Harrison's fire-place untouched by fire, but did not see the block himself; that the fire in Mr. Ferrall's room appeared to have been perfectly secured, and that he is very well satisfied that the fire did not proceed from that fire-place.

THOMAS Y. SPROGEL.

Sworn to before me, this 27th day of February, 1801,

JOHN NICHOLAS, *Chairman.*

I, JONATHAN FREEMAN, testify, that I was at the Treasury Department about sunrise on the day after the fire happened at that place. In the room which was the most damaged I observed the strongest marks of fire, on the side of the room opposite to the fire-place, in the wall on this side, and directly (as it appeared to me) opposite to the

fire-place in the Auditor's room, near the floor, were two holes in the wall, in which had been placed wood for fastening; in the largest and lowest of those holes were some coals and ashes, and such marks of fire as induced me to suppose that the wood had been consumed there; and the strongest marks of the fire were at the end of the hole next the opposite room, from which I was led to believe that the fire was communicated from the fire-place in the Auditor's room, by means of a block or wooden brick, which appeared to have been in the lowest of the above-mentioned holes, and to which the wash-board or surbase of the room where the fire broke out had been fastened.

JONATHAN FREEMAN.

Sworn to before me, this 28th day of February, 1801,

JOHN NICHOLAS, *Chairman.*

LAWSON PEARSON, being first sworn, deposeseth and saith, that, he came to the Treasury Department when the fire was at its height; that after assisting an acquaintance in emptying a room, which was in danger, of the things in it, he went up stairs, and turned into the passage running to the east, and he discovered a light through the key-hole of the door of the first room on the left hand; that, supposing the room was on fire, he forced the door open, and discovered three men with a number of papers before them; that the candle was extinguished either by the sudden opening of the door or some other cause; that, on his proposing to remove the furniture, he was advised by one of the persons to throw it out of the window, which he refused, as being likely to destroy it; that the persons in the room discovered no embarrassment on its being opened. He further saith that he laid the bricks in the east end of the Treasury Department, and that after the fire he examined the wall between the Auditor's room and the room which was on fire, and could find no reason to suppose that the fire had been communicated from the Auditor's fire-place; that there was the length of the brick between the fire-place and the wroken bricks in the opposite room, and that there was no appearance whatever on the brick or mortar of the wooden brick to which the wash-board was nailed having been burnt; that the wooden brick last mentioned had been removed when he examined, which was the day after the fire. He further saith that he assisted in the examination which has taken place of the fire-places in the Treasury Department, and that a number of blocks have been taken out which were touched by fire, but that none of them were as far from the fire-places as those behind the fire-place in the Auditor's room, and that none which were touched by fire, which he has seen taken out, were more than four inches from the fire.

LAWSON PEARSON.

Sworn to before me, this 25th day of February, 1801,

JOHN NICHOLAS, *Chairman.*

SALEM ROE, being first sworn, deposeseth and saith, that he was in company with Lawson Pearson when he forced open the door mentioned in his deposition, and that he saw two or three persons sitting in the room; that they proposed to remove a case of papers, and were told they should not, unless they would throw it out of the window; that they, notwithstanding, took it up and carried it down stairs.

SALEM ROE.

Sworn to before me, this 25th day of February, 1801,

JOHN NICHOLAS, *Chairman.*

C.

Having been in Georgetown at the time the fire was discovered in the Treasury Department, I did not arrive there until it had made some progress; my immediate concern was to see after the papers, as from the appearance of the flame I thought it impossible the building could be saved. On my going to the west end of the Department, where the greatest number of boxes and cases of papers were placed, a carman came up and inquired for Captain Coyle, who he said had desired him to convey away a parcel of papers; not knowing what authority Coyle had to issue any directions concerning the removal of papers, my curiosity was excited to such a degree as to keep me on the spot where the records were; in a short time after Oliver Wolcott made his appearance, in company with Coyle, and began to load the cart which was there with chests of papers; being surprised at this conduct, and in order to aid any evidence which should in future be called for, I looked for and imparted my information to Mr. Kramer, who immediately repaired with me to the place, and expressed his astonishment at seeing Oliver Wolcott so extremely attentive to the carrying away of papers, when the Department appeared in imminent danger of being destroyed.

THOMAS WATERMAN.

Sworn to before me, this 23d February, 1801,

JOHN NICHOLAS, *Chairman.*

The night on which the fire was discovered at the Treasury Department, I was at Georgetown, in company with several friends, when a person came to the door of the house in which we were, and gave the alarm; on which we proceeded to the Treasury Department, and I joined the ranks to hand water. The night being somewhat cold I left said station, and went into the house to assist in getting out and securing the papers; when Mr. Waterman informed me that some persons were busy in taking from the Department a number of cases, &c. with papers. I went with him to the place and saw two carts, one of which had a number of cases loaded up, and Mr. Wolcott and Captain Coyle, a clerk to the Secretary of the Treasury, appeared to be busy in assisting to load one of the carts.

HENRY KRAMER.

Sworn to before me, the 23d February, 1801,

JOHN NICHOLAS, *Chairman.*

JOHN COYLE, of the city of Washington, being duly sworn on the Holy Evangelists of Almighty God, doth depose and say, that on or about the 20th day of January, 1801, at about half past five o'clock, P. M. when the alarm was given that the Treasury Office was on fire, in going towards said office he overtook Oliver Wolcott, esquire, late Secretary of the Treasury, who observed to this deponent that he was very much interested in saving his private papers, as the justification of all his official transactions depended on that circumstance, and requested his assistance to effect that purpose, if possible.

That he went with Mr. Wolcott into the northwest room of the building, where Mr. W. pointed out a chest of about four feet by one foot six inches; a trunk of about three feet four inches by one foot six inches; two boxes of about two feet by thirteen inches, and a small writing desk, (already packed and locked,) as those containing his private papers: these this deponent assisted in removing out of the house. Mr. Wolcott also requested the removal of an iron chest, as he said it contained valuable public property and documents. He also requested me particu-

larly to assist in removing Mr. Miller's books and papers generally, as they were very important; which I did, and observed Mr. Wolcott active in assisting, and appeared very anxious for their preservation.

He then observed that it was his intention to have his papers removed to his lodgings in the course of two or three days if the fire had not happened, and as they were then exposed, he wished to have them taken there.

This deponent then went to the sign of the Black Horse, where he knew carts were to be hired, and engaged one. As it did not arrive soon, he went to the front of the house and observed an empty cart, employed the owner, and brought him to where the trunks, &c. were. Mr. Wolcott then went into the house and cellar to observe the state of the fire, returned, and reported that the danger was apparently over.

Mr. O'Neale then came up and requested Mr. Wolcott's orders respecting the removal of papers. Mr. W. replied he would give no orders, but would introduce him to the Secretary of the Treasury, who was the proper person; this was done, and the orders given. Mr. O'Neale then demanded his assistance as Secretary of the Treasury; Mr. W. replied, I am not Secretary of the Treasury. Mr. O'Neale then said, you are a citizen, and I demand your assistance to save the public property; Mr. W. replied, I cannot; I must take care of my private property.

This deponent and Mr. Wolcott had previously examined the state of the fire, and concurred in opinion that the danger was all over; the fire appeared completely subdued, and any further removal we conceived to be superfluous. We then had loaded into a cart the before-mentioned chest, &c. with the addition of an iron box, which Mr. Wolcott said contained valuable public documents; and did it as a measure of safety.

The cart then drove to the house of said deponent and unloaded. The iron box was returned in safety to the Treasury Department in the course of a day or two following.

JOHN COYLE.

Sworn to before me, this 25th February, 1801.

JOHN NICHOLAS, *Chairman*.

BAZIL WOOD, of the city of Washington, doth, upon the Holy Evangelists of Almighty God, depose and say, that on the 20th of January last past, and in the evening of the same day, during the fire which commenced in the evening aforesaid in the Auditor's Office of the Treasury Department, he, this deponent, saw several chests and boxes containing books and papers belonging to Oliver Wolcott, Esq., late Secretary of the Treasury; that this deponent did not then, nor has he since seen the papers then contained in the said boxes; but for some time previous to Mr. Wolcott's resignation, he did prepare and cause to be prepared copies of various public documents and records in his office; that this deponent did several times assist the said Mr. Wolcott in removing these papers into Mr. Miller's room, which Mr. W. occupied for a few weeks, and from which the before-mentioned chests, &c. were, as before said, removed on the evening of the fire. That he verily believes there was not a single original document removed or a paper which was not recorded taken away from the office by Mr. W. This deponent asserts that the space which the papers intended to be taken away by Mr. W. could not be less than four feet square at least, and the person (to wit, Robert Jones Heath, one of the clerks, who examined the rough draughts of letters and other documents, being sick,) this deponent can only further say, that he believes the said Heath could give particular information as to the papers, &c. which he examined and delivered to Mr. Wolcott. Mr. Wolcott received from this deponent no papers, or copies of books or papers, other than the weekly state of balances, of which the records are now in this deponent's possession. The kinds of papers which Mr. W. intended, or said he intended to take were, the rough draughts of his own public letters and the copies of several reports to the various departments; printed journals of Congress; printed reports of the different Departments to the President and Congress; copies of weekly statement of balances; the annual statements of receipt and expenditures of the United States. And further this deponent saith not.

Sworn to before me, this 27th day of February 1801,

JOHN NICHOLAS, *Chairman*.

7th CONGRESS.]

No. 147.

[1st SESSION.]

RIGHT OF THE MISSISSIPPI TERRITORY TO A DELEGATE IN CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1801.

Mr. MILLEDGE, from the Committee of Elections, to whom it was referred to report on the right of the Mississippi Territory to elect a Delegate to Congress, and also to examine the credentials of Narsworthy Hunter, the Delegate from the said Territory, made the following report:

That, by an ordinance of Congress of the 13th July, 1787, for the government of the Territory of the United States northwest of the river Ohio, it is ordained, "That so soon as a Legislature shall be formed in the district, the Council and House assembled shall have authority, by joint ballot, to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during the temporary Government thereby erected."

That by an act of Congress passed the 7th April, 1798, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi Territory," it is, by the 3d section thereof, enacted that the tract of country bounded as therein described shall be constituted one district, to be called the Mississippi Territory; and the President is thereby authorized to establish a Government therein, similar to that exercised in the Territory northwest of the Ohio. And by the 6th section thereof it is further enacted, "That from and after the establishment of said Government, the people of said Territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted to the people of the Territory of the United States northwest of the river Ohio, in and by the ordinance of the 13th July, 1787, in as full and ample a manner as the same are possessed and enjoyed by the people of the said Northwestern Territory.

That by an act of Congress, passed the 10th May, 1800, entitled "An act supplemental to the act entitled An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Govern-