

13th Congress.]

No. 378.

[3d Session

EXPLANATION OF THE CLERK OF THE HOUSE OF REPRESENTATIVES RELATIVE TO
THE LOSS OF BOOKS AND PAPERS OF HIS OFFICE, THE LIBRARY OF CONGRESS,
AND THE VOUCHERS FOR HIS EXPENDITURES FROM THE CONTINGENT FUND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 19, 1814.

OFFICE OF THE HOUSE OF REPRESENTATIVES U. S., *December 17, 1814.*

SIR:

The undersigned, clerk of the House of Representatives, feels himself bound, from the respect due to the House and to himself, to state the situation in which he was previous to the destruction of his office and the library of Congress. This is rendered indispensably necessary by the remarks contained in the report of the committee upon his accounts for disbursements of the contingent money of the House of Representatives.

It must be very distinctly recollected by every member of the committee, as well as by every member of the House, that I was laboring under a severe indisposition during the whole of the fall, and the greater part of the winter of 1813, and that I was unable to resume the discharge of my official duties until about the 1st of January, 1814. After the rising of Congress I was twice violently attacked with the same complaint, which assumed a serious appearance, and threatened my life. Under these circumstances my physicians advised me to visit the springs as a measure necessary to restore my health. If the House shall deem it necessary the certificates of the physicians will be procured, and laid before them.

When I left this city, I can say, without the fear of contradiction, that the enemy was not in any of the rivers leading to this place, or that their force was sufficient, either in the bay or on the coast, to justify an expectation of an attack on the seat of Government. I believe that the Heads of the Departments did not, at that time, contemplate that any movement would be made by the enemy threatening the city of Washington. Under these circumstances and facts, the clerk of the House of Representatives most respectfully asks leave to observe, that he is free from censure, because of his going to the springs to recover his health, which was worn down by a constant and assiduous attention to his official duties.

With respect to that part of the report of the committee which charges the clerk and those in his employ with not using a proper degree of diligence and precaution for the preservation of the papers appertaining to the office of the House and of the library of Congress, he begs the House to refer to a statement for information upon this subject written by two of his clerks, who are known to be gentlemen of *respectability and truth*, and laid before the House on the 22d of September, a copy of which he herewith presents, marked No. 1.

The clerk has further to observe upon this subject, that it will appear, by the certificate of Captain Burch, herewith accompanying, marked No. 2, that two of his clerks, Mr. Hamilton and Mr. Berry, were doing duty in his company of artillery from the 19th of August until after the destruction of the Capitol; that they could not leave the camp without a furlough from the colonel or general, which was never granted them; that it will appear, by the statement of Captain Bestor, No. 3, that Mr. Burch, another of his clerks, and upon whom he placed much reliance, was marched from the city, and continued under his command until the afternoon of the 21st of August, when he was furloughed by General Smith, as will be seen by his general order, No. 4. Mr. Burch did not get into the city until nightfall of that day. Another of his clerks, Colonel George Magruder, who was the commander of one of the regiments then in the service, marched with his regiment, and continued with it, as was his duty, until after the destruction of the Capitol. There was then only one clerk left, Mr. Frost, who had just before been appointed in the office, and he also would have been taken away with the military, if he had not been over the age prescribed by law for militia service. From these facts it results that, of the clerks in my employ, those in the company of Captain Burch had no power whatever to interfere in the saving of the office and library from destruction; that Mr. Burch could not do any thing for their preservation until Monday, the 22d, nor could Colonel Magruder, without deserting his duties in the field.

On the 22d, Mr. Burch and Mr. Frost did commence the removal of the office, not in the *afternoon*, as is stated in the report of the committee, but *actually in the forenoon*. The means of transportation were limited for three days previous, and on that day the committee have admitted it was almost impossible to procure it at all.

The evidence which the committee have procured from the Departments of the facility which they found in removing their papers, can have no bearing on the present case, as these Departments began to pack up on the 18th or 19th of the month, and, in fact, removed before the *afternoon* of the 22d, and, consequently, had all their means of transportation in readiness previous to the time it became so difficult to procure it.

The clerk begs leave further to observe, that the Heads of Departments, being in the confidence of the Government, had much better means of procuring *correct* information of the movements of the enemy than the clerks in his office, whose only sources of information were the common reports to be heard in the streets; and it is notorious that the public mind was in darkness and ignorance upon the subject of the strength and movements of the enemy; that the Heads of Departments gave orders to pack up their papers, as has been observed before, some on the 19th, and one even on the 18th of the month; and that, as many, if not a majority, of their clerks were over the age of forty-five years, they were not compelled to leave the offices. This accounts for their ability to pack up their papers, and, in some cases, actually to remove them, before it was in the power of my clerks to commence the business.

The clerk must, therefore, be permitted to say, and he says it with confidence, that those in his employ were not guilty of negligence, or inattention in the preservation of the office, unless, indeed, the committee will prove that they were not in the military service; that they remained during the whole time in the city; and that they took no part or interest in its preservation.

With respect to the library, he asks the House to refer to the letter of Mr. Frost, marked No. 5. This gentleman acted as under-librarian; the rest of the clerks in my office had no authority or control in that department.

In regard to the contingent expenses of the House, the vouchers for which were destroyed, the undersigned begs leave to state that the Committee of Accounts have always had the sole control of the disbursements of the funds appropriated for this object, and have sanctioned all the payments which have been made out of it. Being, from the nature of the other duties of his office, unable to attend to this branch of the business, it was confided by the clerk to Mr. George Magruder, his principal clerk. The amounts drawn at different times from the Treasury have always been so drawn under the direction of the Committee of Accounts, after they had received satisfactory

information that the funds already drawn were expended. The Committee of Accounts having always kept a record of their accounts as well as the chief clerk, and acted as a check upon him, the undersigned has had no further agency in the same than to affix his signature to them when the forms of office required it. This is not a novel practice, but is, he believes, pursued in regard to the contingent expenses of every office under the Government of any extent; the chief clerks always disbursing the contingent fund, though the principal is responsible for the same. It is not, therefore, so very extraordinary, the undersigned would respectfully suggest, that he was not able to afford to the committee of inquiry a *specification* of expenditures, of which all the accounts and vouchers were so unfortunately destroyed. He greatly regrets that the chief clerk had kept no duplicate book or memorandum of the accounts paid, which could supply the deficiency of that destroyed in consequence entirely of his absence on duty in the field of battle. Could the event of that day have been foreseen six hours before it happened, those papers had probably escaped the flames.

It must be obvious to the honorable House that, out of so large a mass of accounts of a miscellaneous character as are paid, in the course of seven months, out of the contingent fund of the House, it would be impossible for the person having paid it, to recollect more than a few items. It is true that the evidence of payment of such accounts may be collected, in a great degree, by the voluntary testimony of those to whom the money was paid, but it is no less true, that this must be a work, not of a day or a week, but of time and research. The undersigned has taken means, by a public advertisement, to accomplish this object, and will not fail to use due diligence in pursuit of it. Meanwhile, he most respectfully suggests that, to accuse him of deficiency and default in his accounts, because the particular items of disbursement are unascertained, could not enter the views of the honorable House or any member of it, because it would be unjust in itself, and would be to add cruelty to that pain which the undersigned has already suffered from the loss sustained in his office.

After these general observations, the undersigned begs the attention of the House to a few remarks on that part of the report which implies an unjust statement as to two of the very few accounts which he or his chief clerk have been able to specify as having been paid. This is due to the House from its clerk, as well as to his own conscious rectitude, and to a reputation which he hopes no man can justly impeach.

First. As to the account stated by the committee to be overcharged as paid to the messengers and servants of the House, nothing is capable of more satisfactory explanation. These persons were requested to furnish a statement of the amounts they had severally received. *They* made an error in their statement, which the honorable committee detected, but of which the chief clerk neither participated nor had information until it was reported to the House by the committee, and which neither he nor the *persons* who made it, were afforded an opportunity to amend. That circumstance is more fully explained, and the undersigned hopes in a manner which will be entirely satisfactory to the House, in the accompanying letter from Mr. George Magruder, marked No. 7, and also by a statement of the principal messenger referred to in his letter.

Secondly. As to the amount which the committee appear to have been *satisfied* was overcharged, as having been paid to the printers, the undersigned, in the absence of that documentary proof, which would have completely satisfied the House on this head, (but which was destroyed with other papers, not in *his* office, but in the Department of the Treasury,) begs leave to submit the following statement of facts, in order to refute, as publicly as it was made, the charge in this respect contained in the report of the committee. The abstract obtained from the Treasury bears date the 14th of January, 1814, as to its *settlement* at the Auditor's office. On the face of it, however, it is stated that the accounts settled at that time, were up to the *seventh* only of that month, and the probability is, they were not up to *that* by some days, as it is well known that papers are left for settlement at the Treasury frequently, and, indeed, always several days before they are acted upon. Application has been made by my order, two or three times, to ascertain the date of the *deposit* of that account at the Treasury, and have as often been answered, that the account itself, together with every accompanying voucher, is *lying in ashes* at the site of the former Treasury building. It is much to be regretted, and it is doing injustice to me, for the officers of the Treasury to be giving certificates, that means of transportation of public papers were every where to be had in abundance, when they suffered accounts and vouchers of such recent date to be burned. The papers marked Nos. 11 and 12, herewith submitted, will demonstrate, as far as evidence can be obtained, not only that these accounts were *not* included in the settlement of the 14th of January, 1814, but that the clerk ought to have credited on that head for a sum of more than two thousand dollars than he claimed. The statement of Mr. Way, and the letter of Mr. Weightman, will exhibit how liable to error all estimates must be, collected in the unusual manner in which those of the committee were.

The schedule marked A, which accompanies this report, with vouchers from No. 11 to No 17, obtained since the committee reported, will exhibit a further sum to be credited to the account of the clerk, to the amount of about seven thousand dollars.

These amounts combined, (nearly seven thousand dollars,) with cash in hand at the commencement of this session, as estimated by the chief clerk in his statement accompanying the report of the committee, will reduce the amount of expenditures, for which vouchers are not yet obtained, to about one-half of the amount of deficiency stated by your honorable committee.

Other vouchers of a like character will be daily obtained, and the undersigned does not despair, in a reasonable time, to be able to account to the satisfaction of the House for the whole amount of the expenditures from the contingent fund. All which he respectfully solicits the House to take into their consideration.

PATRICK MAGRUDER.

To the SPEAKER of the House of Representatives.

[No 1, is a letter from Messrs. Burch and Frost, which is omitted here.]

No. 2.

Captain Burch's certificate.

DECEMBER 15, 1814.

This is to certify, that Samuel S. Hamilton and Brook M. Berry, two of the clerks in the office of the clerk of the House of Representatives, were doing actual military duty in the company of artillery under my command, from the 19th of August, till after the destruction of the Capitol. Neither of these persons could leave the camp without the permission of the commanding officer of the brigade or regiment, which was never given.

BENJAMIN BURCH, *Captain.*

No. 3.

Captain Bestor's certificate.

This is to certify, that, in August last, upon the call for the militia of the District of Columbia to go into actual service, Samuel Burch, one of the clerks in the office of the House of Representatives, was mustered in the company under my command, and marched from this city with the troops, and continued with them until late in the day of the 21st of August, when he was furloughed or discharged, for the purpose, as I was informed, of returning to the city to take care of the public papers of the office to which he was attached. I further certify, that, on the day of the battle of Bladensburg, I met with the said Samuel Burch, completely armed and equipped on his way to join the army which had marched for Bladensburg, and as I was in command of the guard over the baggage and provisions, I thought it better that he should join the main army, and gave him directions to that effect; and I have been informed by my officers that he executed those orders. I further certify, that, previous to marching from the city on the 20th August, the said S. Burch manifested much solicitude for the safety of the papers of his office, but as the court-martial had previously determined that he was subject to militia duty, I felt myself bound to continue him in service until discharged by superior authority.

HARVEY BESTOR.

No. 4.

General Smith's order.

CAMP, HEIGHTS OF THE EASTERN BRANCH, August 21, 1814.

Mr. Samuel Burch, of the 2d regiment, is furloughed until he receives orders to join his company.

By order:

N. W. WORTHINGTON,
Captain and Aid de Camp, 1st Col. Brig.

No. 5.

Mr. Frost's letter.

Sir:

DECEMBER 17, 1814.

On examining the report of the committee appointed on the subject of your communication to the House, of the 20th of September last, I find that the committee admit that, after the 21st of August, the difficulty of procuring teams for the removal of the books, papers, &c. from your office, was so great as to justify a belief that all was done after that period, which could (with the means we possessed) have been expected. But the committee state that measures, preparatory for a removal, had not been taken. On that head I can only say that, on Monday, 22d of August last, if carriages for the conveyance of the books, &c. could have been obtained, they were in a situation to be immediately removed; the several loads which were saved, were taken from the shelves on which they were placed, and deposited in the carts by which they were taken away; they have suffered no injury, and, to have procured boxes or trunks to pack them in, if that plan had been preferred, would have been utterly impossible.

Your obedient servant,

J. T. FROST.

P. MAGRUDER, Esq.

No. 7.

Mr. G. Magruder's letter.

Sir:

DECEMBER 17, 1814.

I find, from the nature of the report of the committee on the subject of your letter, it is indispensably necessary for me to make some explanation upon some points of that report:

First. As to the practicability of saving the library and the papers of the office; for my justification, after leaving the office intrusted to me in your absence at the Springs, I refer you to General Smith's letter, (No. 8,) to the letter of the two clerks already before the House; to Mr. Bowie's letter, (No. 9;) also to the certificates which accompanied Renner and Heath's petition.

Secondly. That part of the report relating to the difference between the receipts of the messengers furnished the committee by me, and the statement made by the committee, arose in this way; the committee requested me to get the receipts of those persons, who did, on application, furnish the same without any attempt on my part to get any sum, as you will see from Thomas's certificate, (No. 10;) who never heard of any error being made in their calculation until after the report of the committee was made to the House: that, when I was before the committee, I did point out to the committee the difference between their receipts and the resolution, and observed that those persons generally had accounts for extra services, which I supposed made the difference.

And lastly. To the charge of Messrs. Way and Weightman, which the committee say must have been allowed at the Treasury at the last settlement; their receipts were furnished me in the same manner that those of the messengers were, without any particular sum being asked by me, which will appear from their statement and letter, which I observe they furnished, which shows I did not get as much as ought to have been obtained, as will appear from said statement. I beg leave to state that the procuring and furnishing the above receipts were without your knowledge; and, from the circumstance stated by Mr. Way about the key of my drawer, I well recollect, and have no hesitation in saying those accounts were not charged in the last settlement, but have no positive data to go on, having all the vouchers and the book wherein the same were entered, burnt in the Capitol on the 24th August last.

I am yours, &c.

GEORGE MAGRUDER.

P. MAGRUDER, *Clerk House of Representatives, U. S.*

No. 8.

Certificate of General W. Smith.

On the 19th August last, the troops composing the first brigade of militia District of Columbia, were ordered into service. They assembled according to order, and were dismissed late in the evening, with orders to assemble early in the ensuing morning, and ready to march as might be ordered. This order was complied with. The brigade marched on the 20th from Washington, crossed the Eastern Branch, and on the following day marched to

the Wood Yard, and remained in that vicinity until the evening of the 23d, when, by orders from General Winder, it returned late at night to the city. On the ensuing day the troops marched for Bladensburg, were in the action there, returned that night to Tenley town, and on Thursday, the 25th, reached Montgomery court-house. On the 26th, marched upon Baltimore; but on the 27th, received orders and marched for Washington and Georgetown, where they arrived late in the evening of that day. In all those movements, from the commencement of service on the 19th August, to the evening of the 27th, Colonel George Magruder, commanding the first regiment of the brigade, was constantly with it, at its head, and always occupied in its requisite details and better preparation for service.

At his particular request Mr. Samuel Burch, one of the clerks to the House of Representatives, was, on Sunday the 21st August, furloughed until further orders, for the purpose of taking charge of the papers and effects of the office to which he belonged.

As witness my hand, this 16th December, 1814.

Colonel GEORGE MAGRUDER.

W. SMITH, *Br. Genl. 1st Col. brigade.*

No. 9.

Certificate of Washington Bowie.

GEORGETOWN, *December 15, 1814.*

I certify, that on the morning of the 24th of August last, Major Marsteller called upon me, as quartermaster of the 1st regiment district militia, commanded by Colonel George Magruder, to make a return of the wagons employed for the use of that regiment; that I did so, and informed him, that I had not more wagons than were absolutely necessary for the transportation of ammunition, provisions, and baggage of the officers and men; that, notwithstanding, he ordered away two of my wagons, and stated that the Secretary of War had said to him, that not more than one wagon to one hundred men should be allowed, and if they were not sufficient to take off the baggage, we must fight for it.

WASHINGTON BOWIE.

No. 10.

Certificate of George N. Thomas.

DECEMBER 15, 1814.

I certify, that Mr. George Magruder called on me to know how much money he had paid me the last session. I calculated that Congress set one hundred and seventy-two days, for which I gave him a receipt for three hundred and seventy-two dollars and fifty cents; this mistake I made myself: Mr. George Magruder made no calculation for me.

GEO. N. THOMAS.

No. 11.

A. & G. Way to Patrick Magruder.

DEAR SIR:

WASHINGTON, *December 16, 1814.*

Agreeably to your request, that we should state fully and clearly the time and manner of the settlement of our printing accounts, from the 30th July to the 14th of October, 1813, we subjoin a general account embracing the whole of the printing performed by us, for the first session of the thirteenth Congress.

The business of settling and of receipting accounts is confined to A. Way of our concern. It is perfectly within his recollection, that when, in the clerk's office, about the fifth of August, 1813, he received, as stated below, a check for \$2,200. Mr. G. Magruder observed that, having forgot to bring the key of his drawer containing the account, he would check for the round sum, leaving the payment of the balance and receipting the account for some future time. The account for printing, &c. during the recess, of \$1,767 72, was presented in the early part of the succeeding session, and on the 15th of December, Mr. G. Magruder paid five hundred dollars on account; and, subsequently, on the 12th of January, 1814, the respective balances due on both accounts were paid, at which time it is probable the accounts were both receipted.

Respectfully yours, &c.

A. & G. WAY.

DR.

House of Representatives United States in account with A. & G. Way,

CR.

1813. May 24, to July 30, to our account for sundry printing, &c. during this period, - \$2,263 31	1813. August 5, by Mr. G. Magruder's check for - - - - - \$2,200 00
July 31, to October 14, to do. do. during this period, - - - - - 1,767 72	December 15, by do. do. - 500 00
	1814. January 12, by do. do. - 1,331 03
<u>\$4,031 03</u>	<u>\$4,031 03</u>

P. S. On examining the glass-house books, we find the following account for glass furnished for the south wing of the Capitol. The account was passed by the Committee of Accounts, and was paid out of the contingent fund of the House, about the 30th June, 1814.

<i>House of Representatives United States to A. & G. Way,</i>		DR.
1813. December 13, for 23 lights glass, 18 by 27½ at \$2 50,	- - - - -	\$57 50
25 do. 17½ 24, - - - - -	- - - - -	62 50
		<u>\$120 00</u>

Received payment in full, about the 30th June, 1814, of Mr. G. Magruder.

A & G. WAY.

No. 12.

R. C. Weightman to P. Magruder.

DEAR SIR:

DECEMBER 16, 1814.

In reply to your note requesting information as to the time and manner of the settlement of one of my printing accounts, viz: from September to December, 1813, for \$1,708 50, I have to state that it appears from my books that that account was made out on the 4th December, 1813, and must have been presented on that day, or on the Monday following, which was the 6th; that, on the 6th December, at my request, I was authorized to draw on your brother, Mr. George Magruder, in favor of Messrs. Way, for the amount at thirty days, which was accepted and discounted in the Bank of Washington for my use; that, owing to some informality the notice from the bank did not, as I understand, reach Mr. George Magruder; that the amount of the draft was, in consequence, charged to my account in bank; that, when I stated the circumstance to your brother, he immediately gave me a check for the amount, which was on the 11th of January, 1814, as my bank and check books show; that I presume the account must have been receipted on that day; for, on the day I presented the account, and drew the draft in favor of Messrs. Way, there was no committee to act on my account, Congress having just assembled. These, I believe, are all the circumstances relating to this business; all, at least, that I can gather from my books and my recollection.

I had, on several occasions previous to this, been authorized to draw on you, in anticipation of my accounts, for considerable amounts, before the committee had acted on them.

P. MAGRUDER, Esq.

Respectfully yours,

R. C. WEIGHTMAN.

A.

Schedule of credits claimed by the Clerk of the House of Representatives, in addition to the credits allowed by the committee.

To amount of Messrs. Way's account for printing, from 24th May to 30th July, 1813, which was not fully paid and receipted, until the 12th January, 1814; the last account rendered at the Treasury for settlement is stated, on the face of the account, to be on the 7th of that month, consequently did not include this account. See Messrs. Way's letter No. 11,	-	-	-	\$2,263 31
To amount of Messrs. Way's account for printing from 31st July to October 14, 1813, which was also not fully paid, and is in the same situation as the charge above stated, No. 11,	-	-	-	1,767 72
To amount of Messrs. Way's account for glass, No. 11,	-	-	-	120 00
To amount of Mr. Weightman's account for printing from 2d August to the 6th December, 1813, which was not paid until 11th January, 1814, and was not included in account rendered at the Treasury, up to the 7th January, 1814. See Mr. Weightman's letter No. 12,	-	-	-	1,708 50
To amount of Mr. McCormick's account, No. 13,	-	-	-	26 00
To amount of Mr. Whetcroft's account, No. 14,	-	-	-	20 00
To amount of William O'Neal's account, No. 15,	-	-	-	479 58
To amount of Mr. Harbaugh's account, being the difference between the amount of his account and what has been allowed by the committee, No. 16,	-	-	-	180 00
To amount of Mr. Cross's account, No. 17,	-	-	-	13 87½
				\$6,578 98½

NOTE.—On the 19th of September, the day on which the committee struck the balance against the clerk, there was in bank, ready to meet the demands against the contingent fund, the sum of \$2,763 16.

[See Reports, No. 377 and 380.]

13th CONGRESS.]

No. 379.

[3d SESSION.]

CUMBERLAND ROAD.

COMMUNICATED TO CONGRESS, JANUARY 2, 1815.

To the Senate and House of Representatives of the United States:

JANUARY 2, 1815.

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

SIR:

TREASURY DEPARTMENT, December 31, 1814.

I have the honor to transmit the report of the superintendent of the Cumberland road of the progress made in that work during the present year, and the state in which it now remains.

I have the honor to be, very respectfully, sir, your obedient servant,

A. J. DALLAS.

The PRESIDENT OF THE UNITED STATES.

SIR:

CUMBERLAND, December 19, 1814.

In my last report of the progress of the Western road I informed you that the first ten miles were completed, since which the side roads, banks, &c. have been repaired.