

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

TWENTY-SECOND LEGISLATURE.

NO. 29.]

[SENATE.

REPORT

IN RELATION TO THE ACCOUNTS OF THE

LATE ACTING QUARTER MASTER GENERAL.

[Wm. R. Smith & Co.....Printers to the State.]

STATE OF MAINE.

The joint select committee to which was referred the report of a joint select committee of the Legislature of 1841, in relation to the accounts of A. B. Thompson, late acting quarter master general of the state, together with a resolve accompanying the same, have made an examination thereof, and

REPORT:

That the order upon which the committee of 1841 was raised, directed the following inquiry, viz: "whether or not the late adjutant general has in his hands money belonging to the state, which he ought not to retain: and report generally upon the character of the charges allowed by him against the state, and the manner in which the business of the office has been conducted, while he was the acting quarter master general."

In relation to the last branch of the inquiry, this committee find, that the committee of 1841 after a thorough examination, reported as follows, viz: "that the charges against the state, allowed by this officer, are such as will be allowed by the general government; and are as low, as under the circumstances, would reasonably be expected.

Your committee have made a thorough examination of the books and papers of the late acting quarter master general, and they appear to have been carefully and properly kept. Proper vouchers and receipts were produced, and the business of the office appears to have been well conducted." This committee therefore have deemed it unnecessary to make any further examination of this branch of the inquiry. In regard to the other and remaining part of the order, viz: "whether or not the late adjutant general has in his hands, money belonging to the state, which he ought not to retain," the committee of 1841 reported, "that this officer has received from the state, by warrants on the treasury, and for sales of public stores, the sum of three hundred and twenty seven thousand eight hundred and ten dollars and fifty two cents: and that his disbursements, including the sum paid by him into the treasury, and his charge for services, amount to the same sum—thus making a balance on his books of the accounts between him and the state. Your committee have, however, come to the conclusion, that a portion of the sum charged by him for services should not be allowed, and report a resolve in a new draft, which is herewith submitted, authorizing the Governor and Council to settle the accounts of the late acting quarter master general, by allowing him for his claims for services twenty three hundred and thirty four dollars and fifty three cents ;

and that the balance of the sum claimed by said acting quarter master general, being six hundred and twenty one dollars and forty cents, be by him paid into the treasury.”

It will therefore be perceived, that the sum claimed by said Thompson for his personal services and responsibilities, amounted to the sum of six hundred and twenty one dollars and forty cents beyond the sum which, in the opinion of that committee, he was entitled to receive, and which he should be required to pay into the treasury of the state ; and they reported a resolve accordingly.

Not having deemed it necessary to make a minute examination of the accounts of this office, in relation to the last branch of this inquiry, your committee have not had an opportunity to form an opinion, by personal inspection of the books and vouchers, of the value of the personal services of said Thompson, for which he claims pay : but with the papers which accompanied the report and resolve of the last Legislature, the committee found the following proposition in relation to his claim for services, which was made to that Legislature by him on the last day of its session, viz :

“ The honorable, the Senate and House of Representatives of the State of Maine, in Legislature assembled :—I hereby respectfully represent, that by the records of the Governor and Council, there appears to be a balance due from me to the state

on account of expenditures by me under the resolves of **January 24**, and **February 20, 1839**. This account as rendered by me, and as appears by the books in the quarter master's department, shows nothing due the state. The difference arises in consequence of a charge for personal services, which remains unsettled between the state and myself.

“A portion of the sum charged by me for my personal services, has been allowed by report of Council of **December 31, 1840** : and the balance therefor, which remains unadjusted, is the only unsettled item in my accounts with the state. This balance, however, with some deduction, the Council acknowledge will be due me, when it shall be received from the general government.

“Being fully of the opinion that this charge is legal and proper, and that there is nothing due from me to the state, I have deemed it unjust to myself to pay this balance into the treasury. But I am anxious to have this question settled, and my accounts with the state closed. In order to effect this object in the shortest period of time, and most to the satisfaction of both parties, I respectfully propose the following plans for a final settlement of the balance in question.

“*First*--That one, two, or three intelligent officers of the United States' army, be mutually selected by the Governor and myself, who shall examine into the service performed by me, for which I have

charged the state, and decide what sum I am entitled to receive under the laws and regulations which apply to such duties in the army.

“*Second*—That one, two, or three practical merchants of our state, be selected as above, who shall carefully inquire into the nature and amount of business transacted by me in relation to this service, and decide the amount which in their opinion will be right for me to receive, considered as merely a mercantile business transaction—and

“*Third*—That one, two, or three of our distinguished lawyers be agreed upon as before named, who, by a thorough examination of the nature and amount of service performed, and the laws and orders under which I acted, shall decide the amount that I am legally entitled to receive.

“And in case one of the modes here suggested be agreed to by the state, upon the report or award of the person or persons selected to decide on the sum in question, being made to the Governor, should any part of the balance in dispute be found to be due from me to the state, I will immediately, on being notified thereof by the Governor, pay the amount into the treasury.

“I should be entirely satisfied to receive for this service, such sum as may be found due me either in equity or in law, and viewed either as a military or mercantile transaction. And I have proposed this manner of settling the sum in dispute, as one which

would save expense and delay, and one which would probably be more satisfactory to both parties, than any other course which could be taken.

“Should this plan meet the approbation of the Legislature, I would respectfully request that the Governor be authorized to enter into the proposed arrangement, which will be promptly met on my part. If, however, this course should be objected to, and a suit at law instituted against me for the sum in dispute, I shall cheerfully submit to the decision of a jury, as I should be bound to do; and if I should be found indebted to the state, the amount thereof will be paid over without delay.

A. B. THOMPSON.

Augusta, April 16, 1841.”

Your committee are of opinion that this proposition of said Thompson is reasonable and fair, and the manner, suggested by him of ascertaining the sum proper to be allowed him for his services, with this difference only, that instead of selecting all the arbitrators from either class named by him, that one from each, should be taken, is, under the circumstances, the best that can be adopted.

They therefore recommend, that the Governor be authorized to enter into a submission of the claim of said Thompson, and hereby report a resolve accordingly.

FRANKLIN SMITH, *Chairman.*

STATE OF MAINE.

RESOLVE authorizing the Governor and Council to settle the accounts of A. B. Thompson late acting quarter master general.

RESOLVED, That the Governor be authorized
2 to refer the claim of A. B. Thompson, late act-
3 ing quarter master general of this State, for
4 services during the years 1839 and 1840, upon
5 principles submitted in the accompanying report;
6 and upon the report of referees appointed there-
7 for, the Governor and Council are hereby au-
8 thorized to settle the accounts of said Thompson,
9 agreeably to the award of said referees.

STATE OF MAINE.

IN SENATE, February 21, 1842.

ORDERED, That 500 copies of the foregoing Report and
Resolve be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

JERE HASKELL, *Secretary.*