

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. 31.]

[SENATE.

REPORT

ON THE

PETITION OF RUFUS McINTIRE.

[WM. R. SMITH & Co.....Printers to the State.]

P E T I T I O N .

To the Legislature of the State of Maine :

Respectfully represents the undersigned, formerly Land Agent for the years 1839 and 1840, that under several Resolves of the Legislature, extra duties, not contemplated when the salary of that officer was fixed, devolved upon him, which, from the force of unforeseen circumstances and events, became of magnitude in point of personal labor, but vastly more so in pecuniary responsibility. That under these Resolves large sums of money were disbursed by him, under the most embarrassing circumstances, in various places, and through various persons as his sub-agents, for whose fidelity and accuracy he was to the State alone responsible. During these two years the undersigned disbursed over one hundred and seventy thousand dollars beyond the usual and appropriate disbursements of the Land office, and his accounts of receipts and expenditures have been settled and balanced. The undersigned would not ask for any doubtful or questionable compensation for these duties, which pressed him not only daily in his office, but compelled him to be absent in the forests, subject to much privation and fatigue, ninety six days in 1839, and forty five days in 1840—in the whole, one hundred and forty one days. It is confidently believed, that no prudent man, with property or character to lose, would have undertaken these pecuniary responsibilities alone, could he have foreseen their magnitude, short of a compen-

sation of double the per centage usually paid merchants and others for disbursements of monies in ordinary cases. But the public exigency would not permit the undersigned to shrink from the responsibilities and duties as they increased upon him, or to stop to inquire the amount of his compensation. He relied on a sense of justice in his fellow citizens for remuneration. To this sense of justice he now appeals.

Let it be remembered, that these extra duties were performed during a time of embarrassment in the money market, and that the disbursements were not alone the difficulties he had to encounter. The treasury could not furnish the means to meet the expenditures as they were required, and that he was compelled to procure funds by Bank loans, and authorizing drafts on him on time, by which he risked the full amount of all his property, the fruits of years of labor and frugality. The difficulties he had to encounter over the ordinary cases of disbursements in small sums, arose, in a great measure, from the scene of operations in the distant wilderness, and the suddenness with which the posse was raised not giving time for organization or regular march; but the patriotic citizens rushed to the post of danger, without pay master, quarter master or commissary furnished to defray their expenses, or provide the necessaries for a winter campaign in the forests where they could not be obtained. Funds not being furnished or obtained in amount sufficient to satisfy claims fully, as they were presented, partial payments were made from necessity of sums even as low as one dollar, and often repeated, so that in effect disbursements were made not simply of the number of accounts brought to a final adjustment, which amounted to over two thousand, but at least tripled if not twice tripled that number, thereby increas-

ing the liability to loss and error in that proportion ; and even more, as these partial payments were made by different agents at various places, in some cases distant two hundred miles. The difficulties of a winter campaign were not lessened, in 1839, by the return of summer, for roads were to be opened more than one hundred miles in an unbroken wilderness, and supplies to be obtained from great distance and transported at great expense and with great difficulty, rendering necessary many agents, and thus enhancing the risk of loss.

For proof of the truth of these representations he refers to the records and files of the Land Office, and the Executive department ; and to the personal knowledge of many of the Senators and Representatives who witnessed and had part in these transactions, and to the general notoriety of the whole subject.

The undersigned would, with deference, suggest whether any instance can be found of disbursements made under such circumstances, and to such amount, without loss through the usual casualties, and the want of fidelity, responsibility or accuracy of sub-agents. The undersigned was responsible and accountable, and has accounted, for all these, and has been subjected to loss of time and expense since he has ceased to be in the employ of the State, to adjust these necessarily complicated accounts.

Is it not reasonable and right that he should be compensated for these responsibilities and liabilities ? not liberally, for that he does not ask, nor even what would doubtless be paid in like case in private transactions, and what would be awarded by a court and jury. He would be satisfied with one half the usual per centage for such disbursements, even though made under such adverse circumstances, and attended

with so much extra labor, fatigue and privations. The appointment of a distinct agent to superintend these disbursements alone, as pay and quarter master and commissary, would have involved a larger compensation without the other extra duties imposed by the Resolves. The undersigned believes, though in the pay of the State for other services, he has a fair and just claim to the ordinary compensation of two and a half per cent on his disbursements, made under such hazardous circumstances, that few would have undertaken short of double that amount; and he cannot conceive what valid objection can be interposed to the compensation that he asks, for all his extra services, and his time and expenses, since he left the office, in the settlement of the accounts, of one and a quarter per cent. on his disbursements, and he therefore respectfully prays the same may be allowed and paid him.

RUFUS McINTIRE.

STATE OF MAINE.

The joint select committee to whom was referred the petition of Rufus McIntire for compensation for extra services rendered to the State, while acting as Land Agent, in the years 1839 and 1840, have had the same under consideration, and ask leave to

REPORT:

That the petitioner was appointed Land Agent on the 25th of January, 1839, and continued in office until the 26th of January, 1841: that he has faithfully accounted for all monies that came into his possession during that term, and that, for all his time and personal services, during his agency, he has received only the amount of annual salary and contingencies allowed to his predecessors in office.

He now claims additional compensation for extra services of a very important character rendered to the State; they are fully set forth in his petition, and are verified by evidence submitted to your committee.

Soon after the petitioner had received his appointment, the authorities of Maine, by sudden exigencies that are within the recollection of all, were compelled to take extraordinary measures to secure the rights and interests of the State against the encroachments and depredations of hordes of individuals acting under the sanction of a foreign jurisdiction. The oc-

casation admitted of no delay; the necessity for immediate action was imperative. A civil posse was raised, and placed under the charge of the Land Agent, without that regular organization which, under other circumstances, would have been imparted to it.

The Governor's Messages sent to the Legislature, on the 23d of January, 15th, 18th and 21st of February, and on the 12th of March, 1839, explain fully the position of affairs, at the period in question, and they led to the measures on which the petitioner founds his claim.

Those messages were followed by the legislative resolves of the 24th of January, 6th and 20th of February, of the 8th, 19th and 23d of March, 1839, and they imposed on the Land Agent unusual and extraordinary duties. New roads of great extent were to be opened immediately through unsettled parts of the State: a civil posse was raised without even a convenient organization, without pay master to defray the expenses, and without a special commissary to provide the necessary means of subsistence for a winter campaign.

The unfavorable condition of the money market interposed additional embarrassments, and the allegations made by the petitioner, in this respect, have been sustained by competent evidence.

Under all the disadvantages that have been enumerated, the petitioner zealously discharged the duties imposed on him by the crisis; he acted as pay master and commissary of the posse, using, at times, his private credit to procure necessary funds when the treasury, as it often happened, was unable to furnish means to meet expenditures as they were required: the posse by his unceasing exertions was provisioned and paid.

It is also in evidence that the amount expended by the

petitioner, under the sanction of the before named legislative resolves, and over and above the usual and current disbursements of the Land Office, was *one hundred and seventy thousand four hundred and ninety five dollars and three cents.*

This large sum was disbursed at different and distant points, and frequently in small payments, for labor, subsistence, transportations, forage, quarters and all the contingencies incident to the service.

Many of the disbursements were necessarily made through sub-agents, for whose fidelity the petitioner was responsible, although circumstances, in most instances, denied him the privilege of selecting the persons who might be deemed most worthy of his confidence.

From the foregoing circumstances the Legislature will infer the extent of the labor, risk and responsibility incurred by the petitioner in the execution of the duties that had been imposed on him.

Is it to be presumed, that it was ever intended that they should be discharged without a compensation additional to the salary that had been fixed by law, at a time when no such services had been contemplated ?

The majority of your committee believe that such was not the intention of the Legislature of 1839 ; and they ask leave to submit the accompanying resolve.

EDWARD KAVANAGH, *Chairman.*

STATE OF MAINE.

IN SENATE, February 26, 1842.

ORDERED, That 300 copies of the foregoing Petition, Report
and Resolve, be printed for the use of the Senate.

[Extract from the Journal.]

Attest,

JERE HASKELL, *Secretary.*