

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 34.

SENATE.

STATE OF MAINE.

THE committee on the Judiciary, to which was referred the message of His Excellency the Governor of the third of August, 1846, transmitting certain documents relating to the Aroostook fund, so called, and also certain other documents relating to the settlement of the claims of the State of Maine against the government of the United States, ask leave to

REPORT:

That the committee recommend that three hundred and fifty copies of the Governor's message, together with "an abstract from the Comptroller's account in relation to the claims of the State of Maine against the government of the United States for expenses incurred in the prosecution of the war in defense of the northeastern boundary," from the eighth item to the close of the Comptroller's certificate following that item, be printed for the use of the legislature; and that the other documents accompanying said message be filed in the archives of the State.

WM. C. ALLEN, *Chairman.*

IN SENATE, Aug 8, 1846.

Read and accepted. Sent down for concurrence.

DANIEL T. PIKE, *Secretary.*

HOUSE OF REPRESENTATIVES, Aug. 8, 1846.

Read and concurred.

SAMUEL BELCHER, *Clerk.*

MESSAGE.

*To the members of the Senate and
House of Representatives :*

Since the adjournment of the last legislature, I have received from the Secretary of State of the United States, a copy of what purports to be "a detailed statement of the receipts and disbursements of the disputed territory fund", furnished to that department by the Lieut. Governor of the province of New Brunswick, and in the communication accompanying that document, notice was given me that the authorities of New Brunswick were ready to pay over to the government of the United States, the amount stated to be due from that fund, under the provisions of the fifth article of the treaty of Washington.

It will be recollected, that a statement of the balance due to the United States, belonging to the States of Maine and Massachusetts, was furnished by the government of New Brunswick in the year 1843, and transmitted to the legislature by my immediate predecessor.

The exhibit there made, was in the opinion of the Executive, entirely unsatisfactory, and in no way conformable to the provisions of the treaty ; and an earnest remonstrance against its acceptance was addressed to the general government.

The account as now stated, though professing to give a full and detailed exposition of receipts and expenditures, is believed to be still imperfect, and to show a balance in favor of the fund very much below the amount, which upon a fair and just adjudication, would be found due to us.

No credit is given for receipts prior to the year 1829, though it is confidently believed, that from 1824, up to that period, consider-

able sums were paid into the provincial treasury from the avails of timber, cut upon the disputed territory ; the bonds remaining uncollected at the period of the ratification of the treaty, have neither been given up, nor cancelled ; and from the peculiar character of the lien upon the property of the obligors created by them, are regarded with uneasiness and apprehension.

A large portion of the receipts credited since the year 1829 is absorbed by expenses, alleged to have been incident to their collection. And a still larger portion by expenses, said to have been incurred in protecting the disputed territory, erecting a boom, &c., most of which, is believed to have been improperly charged against the fund.

The whole amount stated to have been received on account of that fund is \$34,800 : the amount of expenditure is charged at \$19,924, leaving a balance due and payable from the provincial treasury of \$14,892.

Not considering it for the interest of the State to consent to a settlement which bears upon its face such conclusive evidence of erroneous statement, I have joined with the Executive of Massachusetts in requesting the Secretary of State of the United States to decline the reception of the amount offered, until some measures should be adopted for obtaining a closer scrutiny, not only into the receipts which should have been credited to the fund, but into the particular items of which the large sums retained for expenses are composed.

I have been furnished by the Land Agent with a copy of a memorial addressed by the Land Agent of Massachusetts to the Secretary of State, which is also signed by the Hon. Hannibal Hamlin on the part of this State, pointing out many supposed errors in the statement of the account ; and a copy of a correspondence between the latter gentleman and the Secretary of State, from which it would appear, that all proper facilities will be afforded by the government of New Brunswick, for such an investigation as may be desired.

An agent has been appointed by the Governor of Massachusetts to make such investigation, and unless otherwise directed by the

legislature, I shall join in prosecuting the enquiry, by the appointment of an agent on the part of Maine.

Copies of the account, as stated by the auditor of the province of New Brunswick, and of the correspondence connected therewith, are herewith transmitted.

I also lay before you a communication I have received from the office of the third auditor, containing "a statement of the difference arising on settlement of a portion of the account of the State of Maine, for disbursements of her militia in the year 1839, called into service by the Governor of said State, to be reimbursed under act of Congress, passed June 13, 1842."

By this statement, it appears that the sum allowed at that office is less than the amount claimed by Maine, by the sum of \$49,571. Upon an examination of the very voluminous documents which accompany this statement, it appears that more than half of this sum consists of various stores belonging to the subsistence and other departments, charged to the United States, but remaining on hand at the close of the expedition, and sold for the benefit of Maine; the amount realized from these sales, was therefore very properly deducted from the aggregate claimed from the general government.

Of the balance, amounting to about \$24,000, a small portion has been suspended for want of the necessary vouchers, a more considerable sum referred to other bureaus, and the residue, being about \$13,000, disallowed.

The examination of these accounts having been nearly completed when the late agent of the State, Samuel L. Harris, Esq., resigned the agency, in July of last year. I did not consider it necessary to continue the agency by the appointment of another person; such assistance as was required from that time to the following September, when the settlement was finally made, was rendered by Mr. Harris, it being understood that no considerable expense would be thereby occasioned.

These sums to which I have referred, as suspended or referred to other bureaus, now constitute the whole amount of our claim against the general government, on account of expenditures grow-

ing out of the operations upon our northeastern frontier; and without a report from the agent who has had them in charge, I am at present, unable to determine whether their further prosecution will require the services of a special agent, or the probability of obtaining them, justify the expense to which it would subject the State.

Of the claims preferred against the general government, under the appropriation of \$80,000, made by Congress in 1844, usually denominated the treaty claims, the settlement has been equally satisfactory and favorable to the State.

The whole amount of these claims, including the claims of individuals audited by the Governor and Council, under the resolve of March 23, 1843, was \$78,593; and of this sum, there was allowed by the auditor to whom they were originally referred for adjudication, but two small items; the residue, amounting to the sum of \$67,149, being, for reasons stated in the report of that officer, disallowed. From this decision of the auditor, an appeal was taken by the agent, and an argument presented to the first comptroller, clearly showing that great injustice had been done the State, in rejecting so large a portion of the expenses it had necessarily incurred in protecting its territory from foreign invasion.

Such being the condition of these claims at the close of your last session, I requested the treasurer of State, to whose care, in view of the expected termination of the special agency, they had been confided, to proceed to Washington, in the hope that his personal attention at the department there, would facilitate the settlement of the account then under consideration by the comptroller.

And as some misunderstanding had arisen as to the presentation of the individual claims included in the account, No. 3, I instructed him particularly and minutely to explain to the accounting officers of the treasury, the circumstances connected with their allowance and presentation. A written statement fully detailing their origin and character was subsequently prepared by that officer, and with copies of the official documents connected therewith, placed in the hands of the first comptroller of the treasury. Failing through the agency of the treasurer to obtain any decisive action upon the

appeal taken from the decision of the auditor, the subject remained undisposed of until February of the present year. At that time, apprehending that the appropriation, being for a specific purpose, might shortly revert to the treasury of the United States, and believing that my personal attention might be useful in expediting a settlement in which the State was so largely interested, I proceeded to Washington, and in several personal conferences with the comptroller, succeeded in placing the whole matter in a train of speedy adjustment.

Upon a full and careful investigation by that officer, he came to the conclusion, that the decision of the auditor, so far as it was averse to our claims, should be reversed; and upon a re-examination of the whole account, it appeared to him, that by an equitable construction of the treaty stipulation and the act of appropriation, the amount claimed should be allowed.

In pursuance of this decision, the sum of \$56,754.63 has been transmitted to the treasurer. This allowance comprehends all the items of expenditure, not allowable under former appropriations, to which the State has been subjected in prosecuting the controversy growing out of its disputed boundary. The expense of commissioners, of agencies, surveys, &c.; the preliminary expenses incurred by towns for drafting, subsisting and transporting troops; the extra pay of two and a half dollars per month allowed to the militia, and all pensions, either actually paid, or granted by the legislature and not paid, have been finally adjusted and paid to the State.

The sums due to individuals, as audited by the Governor and Council, and presented in the name of the State, under the authority of the resolve before referred to, were also allowed by the comptroller; the payment to be conditional upon the previous payment or security by the State to the persons interested, of the sums respectively allowed them.

Since receiving the statement of the comptroller, which was forwarded to me in March last, I have had no communication with the officers of the treasury; but I have been apprised, through a letter addressed to one of the claimants, that the condition has been withdrawn, and the sum allowed, ready to be paid over for their use.

GOVERNOR'S MESSAGE.

7

Of these sums allowed to individuals, that belonging to Thomas E. Perley, amounting to \$3,037, had been previously assigned to the States of Maine and Massachusetts, and a lien upon a considerable portion of that due to Edwin Plummer, is also held by this State.

The sheets containing the statement of the auditor, with the re-statement and allowance of the comptroller annexed, which were forwarded to me by the latter officer, are herewith transmitted.

A copy of the resolve of the last legislature, directing application to be made to the general government for reimbursement in money, for the value of lands, which the treaty of Washington required should be set off to the settlers upon the St. John, was duly forwarded to the President of the United States. No appropriation has yet been made by Congress to satisfy that claim; but I am advised that an effort will be made by the representatives of both States to accomplish that object before the close of the present session.

This claim, together with the small balance to which I have before referred, and the interest we have in the claim of Massachusetts, are now the only demands against the general government remaining unsatisfied.

Since the year 1843, claims upon the general government to the amount of nearly six hundred thousand dollars have been allowed and paid into the treasury of the State. They are believed to have been more expeditiously, more economically, and more fully adjudicated, than any similar claims of an equal amount heretofore allowed to any of the States.

The whole expenses attending their liquidation, have not exceeded the sum of six thousand dollars, and it is not believed, that any considerable expense will be needed to bring the small amount now remaining, to a final close.

As I shall not have another opportunity of communicating with the legislature, I have deemed it proper to make, prior to your adjournment, this detailed exposition.

H. J. ANDERSON.

COUNCIL CHAMBER }
August 3, 1846. }

ABSTRACT.

EIGHTH—Amount of expenses incurred by said State under said treaty, consisting of the claims of Thomas E. Perley, Shepard Cary, James Houlton, William Webster, Edwin Plummer, Isaac B. Smith, Webster & Pillsbury, and Jacob H. Smith, for injuries and losses, growing out of the operations of said State for the protection of the disputed territory in 1839—audited and allowed by the Governor and Council, per abstract marked M—but the payment of this item, to await the production of proof that said State has paid the same,

\$19,805 32

Amount due State of Maine,

\$76,559 95

(Signed)

R. COCHRAN.

COMPTROLLER'S OFFICE, }
March 5, 1846. }

[COPY.]

TREASURY DEPARTMENT, }
Comptroller's Office. }

I admit and certify the above corrected balance this 7th day of March, 1846, of which \$56,754.63 should now be paid to James White, treasurer of said State, and the remainder, \$19,805.32, be withheld until proof shall be produced that said State has paid or secured the payment of the eighth item herein specified to the parties entitled thereto.

(Signed) J. W. McCULLOCH, *Comptroller.*

R. H. GELLETT, Esq., *Register.*