

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

ANNUAL REPORT

OF THE

ADJUTANT GENERAL

OF THE

STATE OF MAINE,

FOR THE YEAR

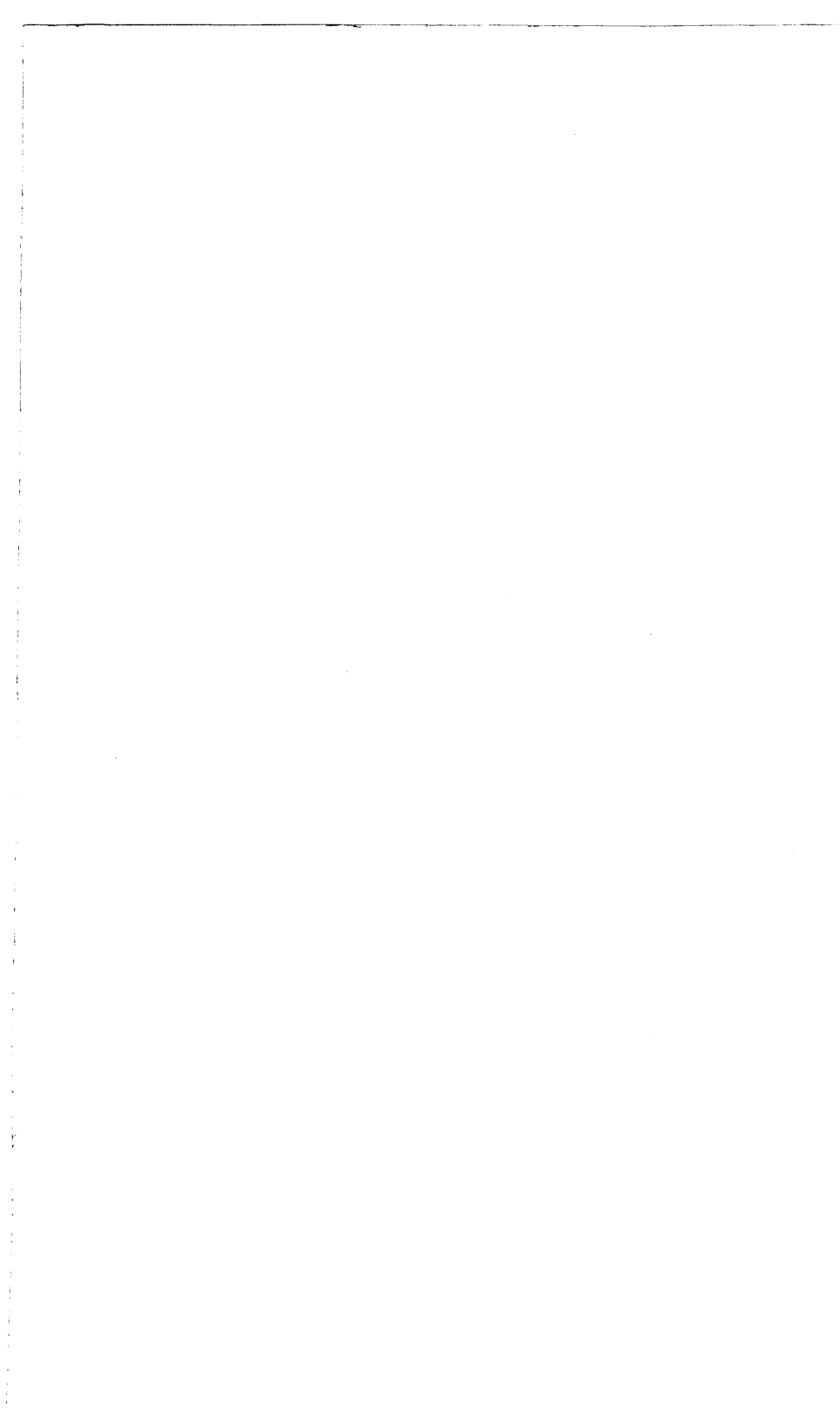
1852.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.



STATE OF MAINE.

ADJUTANT GENERAL'S OFFICE, }
Augusta, Jan. 1st, 1853. }

HON. JOHN HUBBARD,

Governor and Commander-in-Chief :

SIR : In compliance with the law, I have the honor to submit my Annual Report.

By the death, in July last, of Adjutant General GREENLIEF WHITE, this department was deprived of a chief, whose fidelity and ability, in all the relations of his position, have been everywhere made eminently manifest. That his value and usefulness were not confined within the sphere of his public occupations, is a truth written upon the hearts of all.

Nor yet have I, without something of doubt and hesitation, entered upon the varied and peculiar duties of the office left vacant by General White's decease. And when it is remembered that, owing to the extended term of the present political year, no communication in the form of a general report, has been sent in since May, 1851, it will be seen that to collect and arrange the proper reliable data was a task not light nor irresponsible. Add to this that the period of my commission has been but brief, and the fact may serve as some apology for any want of thoroughness or completeness in detail.

Of the returns due in the months of May and June, from clerks of cities, towns and plantations, there are lacking at this date, fifty-four. Taking as a criterion the returns of last year, from the same cities, towns, &c., these delinquencies lessen the total of the militia of the State by more than four thousand.

The annexed table presents the enumerations in the several counties, of persons liable to military duty in 1852,—together with statements of increase and decrease since 1851.

MILITIA OF MAINE.

County.	1852.	1851.	Increase.	Decrease.	Remarks.
York,	5,386	5,996	—	610	delinquent in 3 cities, towns, &c.
Cumberland,	8,380	8,308	72	—	“ 1 “ “
Lincoln,	6,264	7,406	—	1,142	“ 5 “ “
Hancock,	3,586	3,980	—	394	“ 8 “ “
Washington,	3,444	3,830	—	386	“ 5 “ “
Kennebec,	5,888	6,352	—	464	“ 1 “ “
Oxford,	3,751	3,754	—	3	“ 4 “ “
Somerset,	3,368	3,808	—	440	“ 4 “ “
Penobscot,	6,784	6,947	—	163	“ 7 “ “
Waldo,	4,908	5,068	—	160	“ 1 “ “
Piscataquis,	1,369	1,650	—	281	“ 2 “ “
Franklin,	1,748	1,963	—	215	“ 4 “ “
Aroostook,	1,147	1,112	35	—	“ 9 “ “
Total,	56,023	60,174	107	4,258	“ 54 “ “
		56,023		107	
Total decrease,		4,151		4,151	

The Commander-in-chief is aware that apart from corps of the volunteer establishment, no troops of the State bear arms, or perform any active duty. Volunteers, being “raised at large, and without limit or restriction as to the numbers in the standing companies within whose bounds they may be enlisted,” and being also annually returned as fractional parts of said “standing” (if of any) “companies,”—it follows as a thing in course, that they cannot properly be superadded to swell the general list, nor in any form allowed to reappear as bodies distinct and separate from the common mass. What their name implies facts at once justify; and, however valuable as the only ready reliance of civil authority, in case of need, they can claim no other identity, right, or privilege, than such as may be guaranteed by local State government. As volunteers, therefore, in the strictest sense of the term, they are respectfully presented;—the following statements showing the number of companies, of all arms, purporting to be in organization, by the rosters of this office—to wit:

In the 1st division, one company.

In the 2d division, two companies.

In the 3d division, one company.

In the 4th division, nine companies.

In the 5th division, two companies.

In the 6th division, three companies.

In the 7th division, three companies.

In the 8th division, twenty-four companies.

In the 9th division, five companies.

Making in all fifty companies; of which thirty-three are rifle, ten artillery, and seven light infantry and grenadier. Battalions of artillery appear in the fourth, sixth, and eighth divisions. In the third and eighth are organized regiments of riflemen, and in the fourth is a regiment of light infantry. The third, sixth, and eighth, afford also organizations of brigade.

As existing upon books, these several organizations would appear somewhat fair and promising. Ten companies, however, being necessary to a regiment,* and at least two regiments to a brigade, a comparison of the total of companies in the different divisions, will demonstrate the fact, that with the exception of the two full regiments in the eighth division, every establishment under that head, as well as every brigade in any direction, is a matter purely of construction. In the sixth division there are three companies only to a brigade, while in the third there exists but one. The number of enlisted men required for a company being forty-eight, the aggregate for a brigade would be upwards of one thousand.

Beyond a doubt, very wide latitude has been allowed in these regards, on the ground, that by the commissioning and induction of a larger number of field and staff officers, who should share burdens and responsibilities, the formation of lesser corps would be indirectly, if not very directly facilitated. So far also as relates to the officers who were willing, under the circumstances, to enter upon the difficulties and perplexities of establishing the regiments and brigades in question, it is

*Infantry and rifle regiments are here spoken of—no artillery regiments are recorded.

certainly just they should be awarded no little credit. For it is well known that, in the absence of any remuneration whatever from the State, the bare pecuniary outlay in such objects, is, in most cases, a thing of serious consideration.

Manifestly, however, for all that may be due to individuals, the system of proceeding is at the starting point in error; nor can fictitious bodies of any description, be justly admitted into estimates of the military strength of a state.

Concerning the companies noted in themselves—the elements *de facto* of all superior organizations—it may be doubtful whether, in at least a few instances, their remoteness from each other would not prove a positive objection to their ever appearing, in time of peace, in the same regiment, or even battalion; since by the law, no officer or soldier can be compelled to travel more than twenty miles to “any review of a regiment, or less body of troops.” And if an officer or soldier is to be present but at his own option at any given point, then there is no discipline.

But do all these companies actually exist, as entered upon their original lists, or the rosters of the Adjutant General's office? That many exist, either by their original members, or through good and sufficient substitutes therefor, has been amply proven by numerous highly creditable reviews and inspections, which have taken place within the past year;—those in the sixth and eighth divisions, being spoken of as very decidedly superior. On the other hand, although efforts have been earnest on the behalf of this department, to procure a transmission of the proper autumn returns—by means of which to arrive at a just idea of the condition of the volunteer force—there yet remains a large proportion of these ostensible companies from which nothing whatever has been heard. Nor does it appear by last year's rolls that many of the class gave signs of life or intelligence.

It might, perhaps, be quite too much to suppose these neglects have resulted from a predisposition in any quarter, to make light of military obligations. In three or four instances, the

non-receipt of arms from the State, has tended directly to destroy all spirit of corps. In other cases, the accumulation of expenses has operated discouragingly. An intelligent officer, in the course of apology for an apparent remissness, writes also to this effect; that his company, both officers and men, after a considerable expenditure in the purchase of material for uniforms, &c., had been checked as well in their enthusiasm as in all practical operations, by what they deemed the unfavorable attitude assumed toward all volunteers, by the legislative authorities of the State. So far, in fact, did this feeling extend, that scarcely an individual of the corps but looked to its being speedily deprived of the arms and equipments, issued, on loan, under the act of 1848. The consequence of all was, that by a general understanding, the rank and file refused to appear for inspection; and the officer, disliking to proceed to extremities—which, as matters stood, could not but have had a bad influence—chose rather to delay his returns.

Circumstances, then, like these, have doubtless, on occasions, come between the commanders of companies, and the due rendering of proper data for the files of this office. But with all the allowances to be reasonably made, there is yet good evidence that, so far from remaining or pretending to remain in organization, a few at least of the corps quoted have almost completely disbanded,—paying every day less and less attention to the law whether of their enlistment or election.

Thus the registered number of companies cannot be strictly relied upon as their actual number; though what the exact proportion of doubtful, as compared with companies of certain existence, it is not now possible for this department to present clearly.

It were hardly necessary to speak of the inference to be drawn from this condition of things. For not to dwell upon the reverse proposition, and point to the chances of a speedy decay of the volunteer system generally,—it is plain enough to be seen; that, while many of the companies may not for sometime cease to remain what they have already become—the ornament, not to

say the pride of their respective localities—there is scarcely a probability that any addition will take place to the number now on register.

As a means of reimbursing in some degree the actual expenses of individuals in the State military service, as at present existing, I would recommend the allowance of one dollar per year;—said sum to be paid to each of the members of such corps as shall appear duly uniformed, and perform duty at the May and September inspections and reviews.

The annexed table gives the number and strength of corps thus far reported.

Companies from which Returns have been received in 1852.

Letter.	Corps.	Reg.	Brig.	Div.	Officer in command.	Agg. officers and men.
A.	Light Infantry,	1st	2d	1st	Capt. Thomas K. Lane,	47
B.	Riflemen,	—	1st	2d	“ Benjamin Adams,	47
A.	Artillery,	—	2d	4th	“ B. Y. Holbrook,	54
B.	Light Infantry,	1st	1st	4th	“ E. K. Harding,	77
C.	Riflemen,	1st	1st	4th	Lieut. E. M. Marston,	44
A.	Riflemen,	—	1st	5th	“ Simon Libby,	47
A.	Artillery,	—	1st	6th	Capt. Ximines Philbrick,	72
B.	Artillery,	—	1st	6th	“ Isaiah Leavitt,	74
A.	Riflemen,	—	2d	6th	“ Henry Abbott, jr.,	48
A.	Artillery,	—	1st	7th	“ Jeremiah W. West,	39
A.	Riflemen,	1st	1st	7th	“ Charles R. Whidden,	52
A.	Riflemen,	—	1st	7th	“ Benjamin Benson,	60
C.	Artillery,	—	1st	8th	“ Stedman Bartlett,	80
A.	Artillery,	—	2d	8th	“ T. B. Field,	48
A.	Light Infantry,	1st	2d	8th	“ Cyrus N. Hutchins,	48
A.	Riflemen,	1st	1st	8th	“ Aaron Hobart,	57
G.	Riflemen,	1st	1st	8th	“ Ira Wheeler,	83
K.	Riflemen,	1st	1st	8th	“ Jesse Nutting,	69
A.	Riflemen,	1st	2d	8th	“ James W. Hender,	50
E.	Riflemen,	1st	2d	8th	“ William Dolbeir,	66
G.	Riflemen,	1st	2d	8th	“ Alfred Pierce,	68
H.	Riflemen,	1st	2d	8th	“ James Davis, jr.,	50
I.	Riflemen,	1st	2d	8th	“ L. W. Hathaway,	65
B.	Artillery,	—	2d	9th	“ Samuel A. Burr,	56
A.	Riflemen,	—	2d	9th	Lieut. Winslow Staples,	60
Aggregate,						1,461

Upon the subject of a general and thorough organization,—or perhaps I might say reorganization—of the whole body of the militia of the State, so much has been hitherto ably advanced by my predecessors in office, that I can hardly hope to add what would be either new or striking.

Nothing can be plainer than the requirements of the constitution and laws of the United States as relates to the militia. That there exists a necessity for some physical force competent to ensure the execution of laws, is a fact coincident simply with the original necessity of the laws themselves. Like imperative is it that such organizations should obtain among a people, as are likely to render safe both them and their institutions, against undue encroachments from abroad. Admitting the premises, nations differ only in the species of force or organization to be fostered and maintained. In governments more essentially coercive in their character, as monarchies, large bodies of permanent troops have been always held indispensable to order and security. The abuses, however, which at different periods, grew out of this method of things, induced in the wise founders of our republic, the placing of power in the hands of citizens at large; making each of equal importance in the eye of the commonwealth, and alike responsible for his duties, as an integral part of the great whole. With the details of the plan laid down, every member of the confederacy of States was to maintain a system holding the most perfect and entire conformity.

Glancing, however, at the militia laws of Maine, there are suggested certain discrepancies to which I ask leave to call attention;—appending to comparisons such views and inferences as seem just and pertinent.

For example, the manner of enrollment and return, as prescribed in this State, and specified by the United States. By the act of Congress of 1792—not since repealed—all citizens liable to military duty, are required to be enrolled by the “captain or commanding officer of the company within whose bounds such citizens shall reside.” They are furthermore to be returned “in the usual manner,” by the several officers of battalions, regiments, brigades and divisions, to the Adjutant General;—who, thus furnished, is enabled to “make the proper abstracts, and lay the same annually before the Commander-in-chief of the State.” The usage of almost if not every known

military body, endorses and holds in practice, this system of progressiveness in coming at correct knowledge of the constituent members of such body.

The enactments of Maine insist that, as an enrollment, the names of all able-bodied, and otherwise proper persons, shall be annually entered upon a list by the assessors of cities, towns and plantations; and that this list being placed in the hands of clerks of cities, towns, &c., shall form the basis of a return, to be made by them to the Adjutant General aforesaid. Failing in the duty apportioned to them, from any neglect or refusal, all civil officers named within the act stand liable to fines of not less than twenty nor more than five hundred dollars.

Evidently, the general law in the case is not only directly contravened, but a principle is evolved, bearing constructively at least, against the provision that the military shall remain subordinate to the civil power. For while the process of enrollment is divested of all true military character, and the militia are made subject to municipal authorities in matters not naturally pertaining to such, those very authorities at the same time find themselves—not as an accident merely, but to a given extent, systematically—within the dictum and control of the chief military agent of the State;—he being both expected and required to issue his instructions and notifications, and, in the cases quoted, to become the instrument of the infliction of penalties.

Under the old system, the fines of company commanders for neglect in returns was not to exceed ten dollars,—the honor and reputation of a military officer being elsewhere coupled in as a generally reliable safeguard. A very strange and unwonted weapon, too, has heretofore appeared in the hands of this department, the ability (I might almost say, in some cases, the discretion,) to cause and procure the pecuniary exactions named; so strange, indeed, that though since 1848, no year but has brought its crowd of delinquents, there has not yet been in commission a single Adjutant General, who did not, even in the eye of duty, hesitate in, and finally refrain entirely from the

exercise of such power. A like hesitancy has thus far taken place on my part.

Again ; and with reference to the act of 1848 in itself. In the fifth section of that act, is made the allusion already quoted, concerning the "bounds" of "standing companies;" and by this allusion, it is presumed those bounds are still held to exist, and also to include companies of the description named. Another section, however, making it imperative upon clerks and assessors to return by municipal instead of military districts, it has followed that the latter have not of late been at all attended to ; wherefore, in the shift and change of population, it may be doubtful whether many of the bounds in question, have not come to include either more or less than at the time of their establishment. Like uncertain is it whether the lists as furnished of cities, towns, &c., be not often far from correct ; and not only as regards the numbers set down, but their age also, and bodily and mental condition. No personal inspections being had of a character at all critical, nor any active duty required to develop infirmities, should such exist, it is hardly possible this should be otherwise.

In view of the foregoing it would seem superfluous to add, that organization, based as it must be upon correct methods of enrollment and return, stands at a correspondingly low ebb with the rest. With the exception of the nine major generals of division, and their respective staff, there are now no officers in commission in what constitutes the militia proper of the State ; all other officers holding rank in the different corps prior to 1848, having been either upon limitation, or by request, discharged.

But granting that since 1848, elections had taken place in the regular militia, of officers other than those first named,—that is to say, of officers of brigades, regiments, battalions and companies. In the law for the government and discipline of the militia, enacted in 1844, the clause occurs, that no active duty shall be required of troops "except for the choice of offi-

cers, or in case of insurrection," &c. By the present act, repealing that of 1844, it is declared that, in the absence of public danger, "the militia, as enrolled, shall be subject to no active duty whatever." Taking the converse of the previous proposition, the election of officers becomes an "active duty," and as such stands expressly without recognition. With little possibility, then, of elections at all valid, the argument would seem conclusive not only against the existence, but the right even to call into existence, in the present aspect of affairs, the class of officers last in consideration. Without officers there can be no head, and without a head no military organization.

Thus—in view of the construction, and of the fact also that no subordinate officers of the standing militia are upon register in this office—the acts of Congress for the organization of the militia, are, by the letter of the Maine statutes, rendered entirely nugatory; and of the "divisions, brigades, regiments, battalions and companies," into which, with due and fixed complements of officers, it is declared the whole body "shall be arranged,"—the question at this moment arises, whether, in the legal sense, the State could present a single one, at the call of the chief executive!

—

Not to allude to such oaths as promise fidelity and allegiance to the constitution of the United States, and that duties shall be discharged according to the constitution and laws of a particular State,—I pass to the enquiry as to what must be the influence of the condition of things given, in presenting the people of Maine for their just and due quota of arms?

By the enactment of 1808, the arms manufactured or procured by the annual appropriation for that purpose, are to be transmitted to the several States and Territories, in proportion to the number of their "effective militia." Surely a militia scattered at random, with scarcely a constructive district beyond that of division, nor, so far as the government is practically assured, a single attribute save that of existence, to fit them for the duties of the soldier,—surely such a militia can hardly be

called "effective," even by the most liberal of enquirers. And if not effective, their claim falls to the ground.

But admitting that by usage, or some extraordinary construction of language, a "militia" of this description may be put forward as legally competent to draw their proportion as above—there yet remains another point, not unworthy to be considered. The people of the United States are regarded not only as an organized, but as an armed body. While in the despotisms abroad the policy has always been to deprive the masses of weapons, and hold them weak and helpless, the counter policy obtains in our own country to make them, as before intimated, the chief conservators of strength and power. "To keep and bear arms" was a right of the people held so important as to be added in amendment to the constitution of the United States. So strenuously, too, was their arming and equipment insisted upon, as one of the measures necessary to the "security of a free state," that at the outset of our history every citizen liable to duty, was compelled to furnish himself at private expense. To the end, however, that his services might become at all times more reliably available, Congress devised and adopted the plan gradually to relieve him of all tax upon his means, and fit him forth through the instrumentality of the public treasury. The act, then, alluded to, "for the arming and equipping of the whole body of the militia," not only authorized the procurement and transmission of arms, but their "distribution" also "to the militia,"—under such rules and regulations as the States might prescribe.

It would appear sufficient, perhaps, that a State should receive arms, and, depositing them in arsenal, make a rule that they should not be drawn thence, except in case of emergency;—thus depriving the people of all opportunity in time of peace, to become proficient in the handling and use of weapons required in war. But the State of Maine has proceeded a step beyond even this point; and by the act of April 26th, 1852, utterly forbidden the distribution of arms to any "portion or organization of the militia of this State." Not a qualification nor an excep-

tion is made, as to time, object, or occasion; and were even insurrection or invasion this day to take place, the reading of the act could furnish no key wherewith to unlock the doors it has closed. Nothing, therefore, can be left, but for the arms in question—amounting in value, with their appurtenances, to more than a quarter of a million of dollars—to go to decay, without at all answering the purpose for which, it is evident, they were originally intended.

These are some of the conclusions suggested by a review of the militia laws of Maine, as compared with those of the United States. They may, perhaps, if just and true, and if impressed with equal force in other directions, contribute to null the claims of this State for its quota of arms for 1852. They may even exhibit an interior military condition bordering upon moral revolution,—but it is not the less imperative upon this department to present facts as they exist, and that without abatement or disguise.

A well organized militia being a matter, not of personal opinion, like or dislike, but of law, and that law the supreme of the land,—I can but respectfully recommend that the militia of Maine be placed upon such footing as shall correspond, in the strictest sense, with the requirements of the general government.

The appropriation of two thousand dollars for repair of Bangor Arsenal, has been judiciously expended by Mr. Saunders, keeper, under the direction of my predecessor. The main building and all out-buildings have been put in excellent condition, and thoroughly repainted. A new and firmly fixed picket enclosure has also been substituted for the former one—which had become very much dilapidated. Beyond a doubt the whole outlay will prove in the end economical.

The appropriation of five hundred dollars for military purposes, has not been drawn from the treasury,—the proceeds of sales of unserviceable ordnance, &c., having sufficed to meet all the immediate expenses of this office, since the date of last general report.

A balance of said proceeds left in the hands of the administrators of General White's estate, has been paid into the treasury: and all accounts therewith connected, or with any pecuniary matter of which General White was cognizant, in the line of his military duties,—including disbursements for Bangor arsenal—have been satisfactorily adjusted before the proper auditing authorities.

Proceeds also of sales of condemned ordnance and ordnance stores, to amount of \$74,13, were turned over to me by the keeper of Portland arsenal. Out of this sum I have expended in ordnance and quartermaster contingencies, \$22,00—paying remainder to State Treasurer, as per account of December, 1852, approved and closed by Governor and Council.

By a resolve approved April 13, 1852, the Adjutant General was directed to appropriate the unexpended balance of fund for repair of gun-house at Calais, to mounting the cannon now in custody of the mayor of that city. This balance having been returned to the treasury in February, 1852, and the original act of appropriation requiring that it should be withdrawn, if at all, prior to the month of May, of said year,—it will be seen that it has not been in my power in any respect to fulfill the instructions of the legislature.

The quota of arms for 1851, has been drawn in rifles, (percussion) carbines, artillery musketoons, artillery swords, and swords for non-commissioned officers. The whole were delivered at Portland arsenal, and receipted for by me to the United States.

The following is a table showing the amount and description of arms, accoutrements, &c., belonging to the State. The chief proportion are in the arsenals, although, as will be seen by another table, a good many rifles and muskets, and some pieces of artillery, are in the hands of troops. In a few instances cannon have been loaned to towns.

Arms, Accoutrements, &c., property of the State of Maine.

		ORDNANCE AND ORDNANCE STORES.	
		BRASS.	IRON.
Total on hand Dec. 31, 1852.	2	12 pounders.	
	40	6 pounders.	
	3	4 pounders.	
	4	3 pounders.	
	2	6 inch howitzers.	
	2	Eprovettes.	
	1	42 pounders.	
	4	32 pounders.	
	22	24 pounders.	
	7	18 pounders.	
	9	12 pounders.	
	2	9 pounders.	
	12	6 pounders.	
	6	4 pounders.	
	1	3 pounders.	
	1	10 inch howitzer.	
	263	Sponges and rammers.	
	172	Ladles and worms.	
	462	Bricoles and drag ropes.	
	125	Trail handspikes.	
	19	Lead aprons.	
	35	Ammunition boxes.	
	15	Tumbrils or powder carts.	
	32	Sets of harness.	
	15,246	Rounds of shot and shells.	
	10,388	Muskets.	
	10,861	Bayonets.	
	2,864	Carriage boxes and belts.	
	2,675	Bayonet scabbards and belts.	
	1,754	Brushes and picks.	
	2	Spare flints—boxes of.	
	71	Ball cartridges—cases of.	
	100	Musketoons—Artillery.	
	62	Carbines.	
	3,571	Rifles.	
	2,150	Powder horns or flasks.	
	1,665	Pouches and belts.	
	91,890	Loose balls.	
	336	Horsemen's pistols.	
	1,262	Swords.	
	1,268	Sword scabbards and belts.	
	61	Haversacks.	
	34	Drums.	
	30	Fifes.	
	305	Tents and marquees.	

Received 1852.

On hand Dec., 1851,

The act of April 26, 1852, repealing such other acts or parts of acts, as authorized the distribution of arms to the militia of the State, has been construed as inapplicable to companies organized prior to April 26, 1852. The ground of this construction, is, that of contract on the part of the State. During the past year, therefore, volunteer companies organized as above, have been, upon application, supplied with arms and equipments in whatever proportion was necessary either to fill out their original complements, or furnish recruits enlisting in their ranks.

The following is a statement of arms, &c., issued to volunteers, as well as of the proportion returned by them to arsenals, or transferred at the request of mayors, selectmen, or responsible citizens, for the use of cities and towns.

Military property issued to, and now in the hands of Volunteers.

Up to what time issued.	BRASS.			Rifles.	Pouches and belts.	Powder horns and flasks.	Muskets.	Bayonets and bayonet scabbards.	Cartridge boxes and belts.	Swords.	Drums.	Fifes.	Tents.
	6 pounders.	4 pounders.	3 pounders.										
To Dec. 31st, 1851,	17	8	7	1,816	1,472	1,472	521	536	476	520	31	21	28
To April 6th, 1852,				110	110	110							
To Dec. 31st, 1852,				463	308	220				200	4	4	2
Total of issues to Dec. 31, 1852,	17	8	7	2,389	1,890	1,802	521	536	476	720	35	25	30
Turned back to State since May 1, 1851,	2			280	97	91	45			58			10
Transferred to citizens by order,		2											
Total now in the hands of troops,	15	6	7	2,109	1,793	1,711	476	536	476	662	35	25	20

A further examination of the act of April, 1852, will show that, in stating the repeal of sections thirteenth and fourteenth of the act of 1848, it stated also the repeal of the clause in the fourteenth section, which makes responsible the commissioned officers of companies for all arms issued to the same. As under the view given, the State is held to its part of the contract, it is not seen how these officers can stand absolved from their liability; or be allowed to keep less safe, or return less promptly on demand, the arms and accoutrements entrusted to them. Any other construction can but leave the State subject to a direct loss, in the value of its military property, of upwards of fifty thousand dollars.

Of the arms returned to the arsenals, the greater proportion have been found to be in a damaged and unserviceable condition,—thereby causing additional expense to the State, in the cleaning and putting in order of the same, to store away. Some more thorough system of accountability would seem to be advisable, as regards the individuals who actually receive in hand, and hold possession of, these arms, &c., while out of the immediate charge of the State.

With reference to the great bulk of military property, for which the State has from time to time receipted to the general government, it is proper to say, that although much has been already disposed of as unserviceable, there still remains a considerable share which cannot or ought not properly to be carried upon account as fit for issue. Many of the small arms turned back to Bangor arsenal, by the men of the Aroostook expedition, were in a state so injured and defective, that it has not since been thought worth while to undertake their repair. Quantities of equipments, cartridge-boxes, belts, bayonet scabbards, &c., were in a like unworthy condition. In the Portland arsenal, also, there are collections of old artillery implements, portions of gun-carriage gear, and refuse articles of camp equipage, which were vastly better out of the way.

The seventy-one cases of ball-cartridges given in the pre-

ceding table of arms, accoutrements, &c., of the State, have been borne upon the returns of either Maine or Massachusetts, for a no less period than forty years. Portions of the same description of ammunition issued to the Aroostook volunteers, were thrown away upon the road, as worthless, and a better quality substituted from other quarters. A personal inspection of what now remains on hand, has convinced me that of the whole amount stated, there is not probably a single cartridge worth more than the weight of lead within its wrapper, the powder having, from various causes, wholly deteriorated.

The keepers of arsenals, though sensible of the valuelessness of much of the property in question, have not felt authorized to more than state its condition. Previous heads of this department have also hesitated to condemn, upon their own responsibility, what might appear to represent hundreds, or even thousands of dollars. As a means of deriving such profit as may accrue from articles of mere encumbrance, as well as of coming at clear conceptions in matters which might become of high interest, I would recommend the appointment of a board of survey, to consist of three persons, said board to have authority to condemn for disposal by sale, whatever in either arsenal may appear to them unserviceable to the State.

The sum of one hundred and fifty dollars is asked for, for labor, cleaning arms, &c., at Portland arsenal, and two hundred dollars for like purposes at the arsenal at Bangor.

Very respectfully,

Your obedient servant,

ALBERT TRACY, *Adjutant General.*