

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

THIRTY-THIRD LEGISLATURE.

SENATE.

No. 12.

STATEMENT OF A. B. THOMPSON,

In answer to J. M. CARLETON'S Report, on his claim to have paid over to him money in the State Treasury, allowed him by the General Government.

*The Honorable the Senate and House of Representatives
of the State of Maine, now in Legislature assembled :*

I hereby respectfully represent:—That I have to-day seen a minority report of the committee on the judiciary, on my petition for balance pay as Quartermaster-General, signed by Jason M. Carleton.

As most of the facts in relation to my claim, therein stated, were never before the committee when my petition was considered, and consequently, as I have had no opportunity of making any explanation in relation to them, I ask leave to submit the following statement in answer to said minority report, and in explanation of the charges therein made against me.

In relation to the salary of Adjutant General, the sum provided by law is for the duty of that office only. This is not only apparent by the law itself, but from the fact that the Legislature at the first session after the law passed establishing the salary, by resolve, paid the Adjutant General a specific sum in addition for the services of Quartermaster-General. Other

special resolves were passed for pay for this service, until the practice obtained of allowing a commission of five per cent. on the disbursements made in the quartermaster-general's department, and this was continued up to the time of the service charged by me, and subsequently as long as there were any disbursements in that department. The constitution requires the Adjutant General to discharge the duties of Quartermaster-General, until the appointment of that officer is provided for by law; but it does not require him to perform these duties, in addition to the duties of Adjutant General, for the salary of Adjutant General. The sum paid for duty in the Quartermaster-General's department, is neither a fee nor emolument of the office of Adjutant General; but is for services in an entirely distinct military department.

Mr. Carleton states that I was in the public service, as Quartermaster-General, from January 24, 1839, to March 31, 1840; this is true. But he says further, that "during the time aforesaid, General Thompson had twelve very respectable and worthy gentlemen assistants and staff officers under him," "who received for their services from the treasury of the State, the sum of \$2,931.04, of which sum only \$2,826.40 has been allowed and paid by the United States, showing that these gentlemen were over-paid the sum of \$104.64." By this statement it would appear that I employed others at the expense of the State to discharge duties belonging to me to perform, and for which I charge the State; and that they were in service and under pay, the whole time for which I claim pay. The gentlemen to whom he alludes, never performed a particle of the duties of Quartermaster-General. They were Assistant Quartermasters and Assistant Commissaries of subsistence, stationed with the several detachments of troops in the public service, and only such number of them as the regulations of the army require, and whose services could not have been dispensed with. They were in service only while the troops were embodied, and were discharged as soon as the public property in their custody could be safely disposed of. Their periods of service

were from less than one month to four months, one of them only six months. He says further that these staff officers have been paid for their services more than the State has received therefor from the general government. There has been paid by the general government for the services of these officers, a sum considerably more than they have received from the State, and I request in my petition, that this excess should be paid over to them. The resolve provides that the governor and council shall be authorized to pay over this excess to them. If there is no excess, the resolve can do no harm. The amounts allowed, as appears in Mr. Harris' first report, were on their original accounts. Afterwards new accounts were presented, embracing the allowances to which they were entitled, and the additional amounts allowed and paid over to the State.

Mr. Carleton says on page 3 of his report, that "by the resolve before stated, General Thompson was to receive the same pay and allowances that a similar officer in the army of the United States would be entitled to, being \$104 per month; amounting to \$1,483.73 for 14 months and 8 days service as aforesaid, and subsistence during said time, amounting to \$1,039.20, together with the sum of \$433 for fuel and quarters, making the aggregate sum of \$2,955.93 which was paid to him out of moneys of the State." This is all true. But he goes on and says, "this was all he was entitled to by the resolve aforesaid." This is not true; for by the resolve I was entitled to *all the allowances* of an officer of that grade in the United States army. He then says, "but in addition to this, he received his salary and clerk hire as Adjutant General during said 14 months and 8 days." This is true; and I also performed all the duties devolving upon the office of Adjutant General, and for the salary as fixed by law. Mr. Carleton further says, that I received of the State, for expenses to Bangor, \$16.13, Portland, \$11, to Bangor, Houlton and Calais, \$51.76, to Bangor, \$16.26, and to Bangor, \$17.51. My authority therefor is the "general regulations for the army," in force at the time, authorized by the Secretary of War, December 31, 1836,

sent me by the Secretary of War at the time our troops were in service, for my guidance in our military expenditures. Under the head "Quartermaster's Department," paragraph 61, it is said, "officers who travel under orders, without troops or military stores, beyond the range of their appropriate duties, not less than 20 miles, shall be allowed 10 cents per mile, or if they prefer it, the *actual cost* of their transportation for the whole journey, provided they shall have traveled by the shortest mail route. *Staff Officers*, such as Inspectors General, Paymasters, &c., who travel under general authority of the regulations, are to be considered as traveling under orders." This, it will be perceived, is sufficient authority for making the charge, and in addition, the whole amount thereof has been allowed at Washington, and paid over to the State. He also says I received of the State, for board and quarters at Bangor, \$49.43. This also was for my traveling expenses, and it has also been allowed by the general government, and paid over to the State. He further charges that I received, "for expenses going to Washington and back, including expenses of transportation of extra baggage, sickness, &c., \$404.38." I presume this amount is correct, although I have nothing before me to enable me judge as to the sum. But what connection this has with my claim before the Legislature, I am unable to perceive. It was for expenses in going to Washington under the resolve of the Legislature, and by the appointment of the Governor, to present our claim to Congress and press its allowance by the general government. It was service rendered after the time for which I charged for duties performed as Quartermaster General in the Aroostook service, and for which I have received nothing but my personal expenses while absent. I am not aware that I did not faithfully discharge the duties with which I was charged; and it seems the Governor and Council were satisfied with the expenses of the journey, or they probably would not have allowed the amount.

I am further reported as having received \$4.50 for expenses in going to Bath. The business which called me thither, was in

connection with the State Arsenal there; this was in 1839. In 1840 I am found to have received for disbursements \$3.15, \$12.89, and \$160. I have no recollection of these allowances now, but whatever they were, the service was performed after the time I charged for the Aroostook service; and the amount allowed me must be presumed to be correct, as the Governor and Council made the allowance with a full knowledge of the facts. This had nothing to do with the service, embraced in my claim now before the Legislature. My time in the Aroostook service was made up to March 31, 1840. This expenditure was for the ordinary State disbursements, such as musical instruments, erection and repair of gun-houses, expenses at arsenals, and ammunition for artillery, and the service was rendered after March 31, 1840. It is next said that I received \$3 per day and expenses, for going to Washington, and for 51 days. And it is said in the report, that "this is proved by his statement before the committee." I did not know that this had ever been denied; nor do I know any reason why it should be denied; nor can I perceive what the statement has to do with the business submitted to the committee. About two and a half years after the close of my Aroostook service, I was appointed by Governor Fairfield to go on to Washington to attend to auditing our war accounts. I remained in that service several months. The Governor and Council, in my absence, fixed the amount of compensation for the service, and on my return I settled with them accordingly. It is for services rendered years after the time embraced in my account of services as Quartermaster General, and when I held no office under the State government. It is next said, that "in addition to this, he was paid his salary and clerk hire while gone, \$222.21." How this could be, when I had held no office in the State for nearly two years, perhaps the ingenuity of the minority of the committee can explain. Further it is said, "he also received for disbursing fees the further sum of \$360." "Also for auditing the accounts of disbursements made by and under him from January 1, to March 31, 1840, the further sum of \$621.40."

The first of these, is an item the council reported as a part of my pay in 1839, but I never received it. The second is embraced in the \$2,955.93, as will be seen by the minority report, page 3. I received for the whole time, from January 24, 1839, to March 31, 1840, 14 months and 8 days, \$2,955.93. It will be seen that the above item of \$621.40, was for service from January 1, to March 31, 1840, and included in the above sum of \$2,955.93. The further sum for transportation, \$7.75, makes up the aggregate of \$3,278.03, not a dollar of which I have received for my services as Quartermaster General. Such portion of the money as has been paid to me, has been for expenses incurred necessarily in the discharge of duty, and to a reasonable amount, as proved by its having been allowed by the Governor and Council; or for services rendered at times not embraced in my Aroostook war accounts. The report further says, "to which aggregate sum add the sum of \$2,965.93, first herein alluded to, making the sum total of \$6,233.96, which he actually received from the State for his personal services alone for the short term of about fourteen months." This statement in the report I pronounce untrue, and it will be perceived that it is so from the foregoing exhibit which I have made. The report goes on to say: "besides all this, the State furnished him during this time with thirteen extra clerks who aided him in the discharge of the duties for which he received the pay aforesaid, to which clerks the State paid the further sum of \$830.68." By this statement, it would be understood that for the whole period of 14 months and 8 days, I employed 14 clerks at the expense of the State, who performed the duty which I received pay for, and which I should have discharged myself. As provided for in the regulations, I employed one permanent clerk in the Quartermaster General's department, and one in the Paymaster General's department. At the time of paying off the troops, as many extra clerks were employed as would facilitate the discharge of the companies; and it will be perceived, that every additional clerk that could be usefully employed, would be the means of saving large sums of money to

the State. If, by means of an extra clerk, a company could be discharged from service a day earlier, the State would save hundreds of dollars thereby. No more extra clerks were employed for this service than the interest of the public required.

When the accounts of the towns and individuals were being examined by a committee of the Legislature in 1840, they attended to that service in the Adjutant General's office. I furnished clerks to facilitate their labors; and particularly near the close of the session it required a large number of clerks to get through the accounts thus examined, and to have the whole accounts of our military claim on the general government made up at the earliest possible day for presentation at Washington. I therefore on these two occasions, employed, for a few days, a large number of clerks, as many as could be usefully employed. Had I not done so, the public interest would have suffered greatly. My authority for these appointments, will be found in the army regulations, before referred to, article "Quartermaster's Department," page 141, paragraph 21, where it says the Quartermaster General "shall have authority to employ, or cause to be employed, all agents, *extra clerks*, superintendents, mechanics, laborers, and other persons, necessary to the *prompt* and *efficient* performance of all the various duties of his department."

The report further states that this "\$830.68 was not allowed by the United States, on the ground that he had received the pay for discharging the duties of his office, by and under the rules applicable to the army of the United States, and could not be paid under the provisions of the third section of the act of Congress, passed June 13, 1842." This was the case at the time of the first report of Mr. Harris; but on a re-hearing, the whole amount of clerk hire charged in our account was allowed by the accounting officers of the treasury, and the amount has been paid over to Maine, as I shall be able to show the Governor and Council. It will therefore be seen, that the sum stated in the report of \$7,064.54 as having been paid me for

the duties of Quartermaster General, is again reduced to the original \$2,955.93.

The report further says, that "in addition to this, the State furnished General Thompson with that portion of the capitol set apart for the Adjutant General, it being his quarters before alluded to, and also with wood belonging to the State at the rate of six dollars per cord, (prepared for the fire,) during the term aforesaid; for which fuel and quarters he retained out of moneys of the State, then in his hands, the sum of \$433, saying that he had charged the same to the United States; making in money, fuel, and quarters, the sum total of \$7,602.28, which General Thompson realized the benefit of, excepting the \$104.64 above stated, as ascertained by the proofs aforesaid." This statement is erroneous, as appears by Mr. Carleton's own showing. On page three of his own report, he shows that I charge the \$433 for the fuel and quarters as a part of the \$2,955.93. Again it is erroneous, for the State has never furnished me quarters nor fuel therefor. The allowance for this item is found in the "Regulations," page 143, paragraph 30. To a Brigadier General, as quarters, four rooms and one kitchen; and from one to four and a half cords wood per month, according to the season and the climate; and when quarters in kind are not furnished, commutation therefor is authorized by paragraph 53. The Quartermaster General is also entitled to an office. I never charged for an office, nor fuel therefor; nor has the State ever furnished me with fuel and quarters. The amount of this allowance to an officer for fuel and quarters is simply an allowance for his house rent for himself and family—in other words, it is a part of the salary of the office. And had the person who drew the report possessed more knowledge of military affairs, he would have known that this charge by me of allowance for fuel and quarters, could have no possible connection with my occupation of the Adjutant General's office in the capitol at Augusta.

The report further states, that "General Thompson says, by his petition, that the United States have allowed and repaid to

the State large sums over and above the sums which he received from the State for the service aforesaid. Such vague and uncertain terms as those employed by General Thompson in his petition, naturally suggest to the *inquiring mind* the important question, viz: If these facts really exist, why does not General Thompson state in round numbers the amount he received from the State, and the amount the United States have allowed and repaid to the State?" In answer to this, I say, that I state in my petition, that the sum I have received from the State, for this service, is \$2,955.93, and that this is the only amount, either directly or indirectly, which I have ever received therefor; and that any statement which says I have received a single dollar more than this amount is totally unfounded. That the amount is,

For monthly pay, 14 months, 8 days,	\$1,483 73
For subsistence same time,	1,039 20
For allowance for fuel and quarters,	433 00

Making the sum of, \$2,955 93

I proved before the committee, at its last session, that there had been allowed and paid into the treasury by me, in 1843, for this service:

Monthly pay,	\$1,482 83
Subsistence,	1,039 20
Allowance for servants,	666 14
Allowance for forage,	570 32

\$3,758 49

and I also showed that there had been allowed for fuel and quarters,

433 00

\$4,191 49

Showing the amount proved to have been allowed \$4,191.49, and deducting amount I have received of \$2,955.93, leaves a balance due me of \$1,235.56. I also stated to the committee, that Mr. Harris, the agent of the State at Washington, had

informed me that the only remaining item I claim, which is for double rations, had been allowed, and that he had sent the money to the State treasury. But I could produce there no official evidence of the allowance or payment. I thought this statement would be deemed by the committee sufficiently definite, and I believe they were satisfied thereof. Of what is said further in that paragraph from which I have last quoted, about my mystifying the accounts, I will only say, that I regret that one who has taken upon himself a solemn oath impartially to discharge the duties of a representative, should deem it necessary to attempt to bring reproach upon an humble individual, who merely asks the Legislature to grant him an opportunity to satisfy the Governor and Council that he has a just claim to money now in the treasury of the State. And this attempt is made without a shadow of foundation. The report says further, that I have neglected to furnish the Legislature with the necessary evidence. My answer to this is, that I have exhibited to the committee all the evidence in relation thereto that is in the possession of any of the departments of our State government.

The report goes on to say, "although he has harrassed this body for fourteen years with this inequitable claim, and it became necessary to go into a labored investigation of the same, which has been done, and the result shows, I think beyond a doubt, that said Thompson received the amount aforesaid from the State for the aforesaid services." If the meaning of this sentence is rightly understood by me, it charges that this claim has been before the Legislature for the last fourteen years; that it is an iniquitous claim; and that I have received for this service, the amount stated in the report on page five, the sum of \$7,602.28. With regard to the first charge, I say, that the claim was never before the Legislature prior to the year 1852. If I am not correct in this, the records of the Legislature will show that I have stated a falsehood. And if they do not, the statement in the report must be untrue. The second charge, that the claim is iniquitous, I will not trust myself

to characterize. The third charge I have already shown to be without foundation.

Mr. Carleton then goes on to state what he says has been allowed by the general government and paid over to the State, for my services. He finds the amount to be \$4,191.49, agreeing precisely with my statement, both before the committee, and also in this answer. I further state, that I have been informed by Mr. Harris, the agent of the State, that a further sum of \$1,039.20, has been allowed the State, at Washington, for my claim for double rations; and that he has paid the amount over to the treasury of Maine. But I do not contend that this is legal proof of its having been allowed. Should the resolve pass, if I cannot satisfy the Governor and Council that this has been allowed the State, of course I cannot myself receive it. But the report further says that there is "a balance of \$2,042.47, besides the quarters and wood furnished him as aforesaid, which the State really paid to General Thompson for his services alone, more than has been allowed and re-paid to the State for the entire services of General Thompson and his 13 extra clerks." This statement is untrue, and must have been known to be so by Mr. Carleton at the time he made the report. What is said further in that paragraph, about the State losing interest on account of payments to me, will be seen to be without foundation.

Mr. Carleton next goes on to state that I claim for double rations, which have never been allowed at Washington. He might have omitted all this, for if this item has not been allowed the State, I do not claim it, either in my petition or in the resolve I request to have passed. But as the subject is noticed in the report, I will make a brief explanation. Under the resolve of March 1839, I was directed to pay the officers in service, the same *allowances* as were paid to officers of the army. Officers in the army commanding separate posts, are allowed double rations, and I was obliged, and did pay, all officers in the Aroostook expedition, who commanded separate posts, double rations. But in the United States service, before

an officer can receive double rations, the Secretary of War must declare the post a double ration post. Our troops not being called into service by the general government, the Secretary of War could not have declared our officers of the militia in this service, in command of double ration posts; and consequently the Paymaster General would not have authority, under the army regulations, to allow this charge for double rations. But although this technical objection prevented the allowance on the preliminary examination of our accounts at Washington; yet there was the same substantial reason to allow this item in our accounts, that there is for making it to officers in the army. From the decision of the Paymaster General, I carried the question up to the Secretary of War, and my argument thereon will be found in Mr. Harris' second report. The result has been an allowance, not only in my own case, but for the allowance of double rations to all other officers in the service, to whom I had made the allowance and charged the general government.

Mr. Carleton closes his report by a "recapitulation" of amount which he says was "paid out by the State" to me. He makes the amount \$7,497.64. The amount down to the figures \$2,955.93 is correct. The next item is for my salary as Adjutant General and clerk hire, during the 14 months and 8 days charged as Quartermaster General in the Aroostook service. My answer to this is, that I discharged the duties of Adjutant General, (and I believe faithfully,) during that time, for the salary fixed by law; and that, although my duties were very much increased in this department, during this period, yet I do not claim any extra pay therefor, although 3 months pay for my services as Adjutant General, was made up in our accounts against the general government, and allowed to the State, and the money therefor is now in the treasury of Maine. The items of stage fare and board at Bangor, I have stated, were for transportation, which I had not only the right to charge, under the regulations of the army, but which have been re-paid to the State by the general government. The expense of going to

Washington, was for my personal expenses in going and returning, and remaining there several months, by order of the Legislature and by appointment of the Governor. This was after the time charged in my account for services as Quartermaster General. I think it could hardly be expected that I should have made this journey to Washington at my own expense. Of my services there, and the success I met with in prosecuting our claim before Congress, our delegation in Congress can best judge. The next item is for services as agent of the State at Washington, and for which I was paid the sum fixed therefor by the Governor and Council in my absence. This service was rendered in 1842 and 1843. The next item is for salary of Adjutant General while on this service at Washington. It is hardly credible that the State should have paid me the salary of Adjutant General during this period, inasmuch as I had not held the office for some two or three years previous. The \$4.50 horse hire to Bath, was, as before named, my expense in going to Bath to take care of the public property in the State Arsenal at Bath, some three or four times during the year.

The sums of \$3.15 \$12.89, and \$160, disbursing fees, amounting to \$176.04, if the amount is correct, and I do not now know it is not so, were for money disbursed in the ordinary military expenditures of the State, in 1840, and after the time embraced in my account as Quartermaster General in the Aroostook service, which ended March 31, 1840. The sum for disbursing of \$360, mentioned in the report, I never received. The next sum put down, is \$621.40, "for auditing disbursement accounts," and is the quarter's pay made up from January 1, to March 31, 1840, and included in the \$2,955.93, already acknowledged to have been received by me. I never received it in any other form, nor in the whole, anything beyond the \$2,955.93. Next, the "transportation of trunk, \$7.75." This, as I have before stated, has been repaid, if it was a charge in the Aroostook accounts, but of this I have no recollection. The next is the fuel and quarters, which is again brought in, although Mr. Carleton himself includes it in the \$2,955.93.

And this sum also has been refunded to the State, as Mr. Carleton states on page 7 of his report. Then comes the closing sum of \$830.68, for 13 extra clerks. I have already shown, that I had the authority to appoint them; that their services were absolutely necessary to the public interest; and that their services have been allowed the State by the general government, and the money now in the treasury of Maine. It is not necessary for me to go into a further examination of the figures on the last page of the report. Mr. Carleton makes the amount received from the general government, for my services, \$4,191.49, the same as I have stated. He then says I have been paid \$6,666.96, which is not true. He then again brings in the extra clerks, over-payments to staff officers, amount paid Mr. Harris for his services, interest on over-payments to me to the amount of \$3,619.53, the whole balance against me, as he figures it, being \$7,258.38. I will only add, in relation to this statement, that it is without a shadow of foundation.

I have been allowed by the general government, the sum of \$5,230.69, for my services as Quartermaster General, in the Aroostook expedition, and the State has received the money therefor. I have received of the State the sum of \$2,955.93, for this service, and only this sum. I now ask that the Governor and Council may be authorized to pay me over this balance or so much thereof as I can prove to them has been received by the State.

I put this statement into the case and am responsible therefor. And I am willing it should go before the Governor and Council, with a proviso in the resolve, that if they find a single material fact herein contained untrue, that they shall allow me nothing under the resolve; and I hereby obligate myself to the State to make no further claim thereon for any thing in relation to this service.

Submitted with due respect,

A. B. THOMPSON.

Brunswick, March 29, 1854.

STATE OF MAINE.

IN SENATE, March 30, 1854.

ORDERED, That 500 copies of the foregoing statement be
printed for the use of the Legislature. •

WILLIAM TRAFTON, *Secretary.*