

MAINE STATE LEGISLATURE

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DOCUMENTS

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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.

HOUSE.

No. 20.

MINORITY REPORT

OF THE

COMMITTEE ON THE JUDICIARY,

ON THE PETITION OF A. B. THOMPSON.

HOUSE OF REPRESENTATIVES, March, 1854.

THE undersigned, a member of the committee on the Judiciary, to which committee was referred the petition of A. B. Thompson, (late acting quartermaster general,) has had the same under consideration, and being unable to agree with the majority of your committee, asks leave to report that the petitioner have leave to withdraw said petition, and assigns the following reason, to wit:

By the constitution of this state, article 7, (entitled "*military*") section 3d, it is provided, "that the adjutant general and quartermaster general shall be appointed by the governor and council; but the adjutant general shall perform the duties of quartermaster general, until otherwise directed by law." No law has ever been passed giving any direction relative to the office of quartermaster general, under this provision of the constitution; it, therefore, has been, and is, the imperative duty

of the adjutant general to perform the duties of quartermaster general. And section 1, of chapter 150 of the revised statutes, provides, "that the adjutant general shall receive the annual salary of seven hundred dollars." And section two, of the same chapter, provides, "that the said salary shall be in full of all fees and emoluments whatever." This act is synonymous with the laws (in relation to this salary,) in force in eighteen hundred thirty-nine and forty, excepting three hundred dollars clerk hire, which was allowed to the adjutant general by the laws of said years, making his salary virtually one thousand dollars per year. The constitution and the laws of the state standing thus, and the militia of the state having been called into actual service to protect our northeastern frontier, the legislature on the 21st day of March, A. D. 1839, passed the following resolve, to wit:

Resolved, That the militia of this state, when in actual service, shall receive the same pay and allowances as are paid and allowed to the army of the United States, with such addition to each ration as the commander-in-chief may direct, and the service require.

Under the provisions of the constitution and laws of this state, as then existing, General Thompson, on the 24th day of January, A. D. 1839, entered upon the discharge of the duties of quartermaster general, in the actual service of the state, in the defence of our northeastern frontier, and served in said capacity until March 31st, A. D. 1840, making fourteen months and eight days service. During the time aforesaid, General Thompson had twelve very respectable and worthy gentlemen assistants and staff officers under him, besides his clerk before alluded to, who received for their services from the treasury of the state the sum of \$2,931.04, of which sum only two thousand eight hundred and twenty-six dollars and forty cents (\$2,826.40) has been allowed and repaid by the United States, showing that these gentlemen were overpaid the sum of

\$104.64; and these are the very gentlemen whom General Thompson represents in joint interest with himself in his said petition, and prays that the legislature may give ear to his and their supplications, which have been long disregarded, and they subjected to suffer by the long delay of the legislature in administering to their wants and earnest desires. For confirmation of the fact in relation to General Thompson's staff officers' pay, I refer the house to the report of Mr. Harris, page 87.

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 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 proved by Thompson's testimony before the committee, and also by the records of the governor and council for 1840 and 1842. This was all he was entitled to by the resolve aforesaid; but in addition to this, he received his salary and clerk hire as adjutant general during said 14 months and 8 days, amounting to the sum of \$1,166.66 from the state treasury; and he also received from the same source the sums following, to wit:—1839, February 5th, for stage fare and expenses to Bangor, \$16.13; February 16, stage fare to Portland, \$11; May 3d, stage fare from Augusta to Bangor, Houlton and Calais and back, \$51.76; May 24th, stage fare to Bangor, \$16.26; September 27th, stage fare to Bangor, \$17.51.—*See Harris' report, page 301.* Also, for board and quarters at Charles Hays, Bangor, \$49.43.—*Harris' report, pages 314, 316.* Also, for expenses going to Washington and back, including expenses of transportation of extra baggage, sickness, &c., \$404.38.—*See records of governor and council, vol. 7, page 214.* He also received for horse hire to Bath December 25, 1839, \$4.50. Also, commissions on disbursements November 11, 1840, \$3.15. Also, December 1st, 1840, for disbursing fees, \$12.89. Also, in same month, for disburs-

ing fees on six thousand dollars, \$160.—*See file of vouchers No. 10, marked A. B. C. D.* These sums were paid at the above dates, but accrued during the period of time aforesaid. He also received three dollars per day while at Washington, 81 days, (less 30 days which was not to be allowed) \$153. This is proved by his statement before the committee. In addition to this he was paid his salary and clerk hire while gone, \$222.21. He also received for disbursing fees the further sum of \$360—*See records of governor and council, vol. 7, page 214.* Also, for auditing the *accounts* of disbursements made by and under him from January 1st to March 31st, 1840, the further sum of \$621.40.—*See Harris' report, page 338.* Also, for transportation of trunk to Bangor, \$7.75.—*Harris' report, page 306*—which last named sums amount in the aggregate to \$3,278.03; to which aggregate sum add the sum of \$2,955.93 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. Besides all this, the state furnished him during this term 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—which \$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 13th, 1842, in relation to the repayment of the sum expended by the state in the defence of our territory aforesaid.—*See Harris' report, page 315;* which sum of \$830.68, added to the sum of \$6,233.96, makes the aggregate sums of \$7,064.64, which the state really paid to Mr. Thompson and his extra clerks for their services in discharging the duties of acting quartermaster general for the short term of 14 months and 8 days aforesaid. Besides the sum of \$104.64 which the state overpaid his other aids and assistants (staff officers) before alluded to, making the total sum of \$7,169.28

which the state paid out of the treasury on account of the officer aforesaid. 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 the 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.

Now in view of all this. 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 services aforesaid. Such vague and uncertain terms as those employed by General Thompson in his said 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. He certainly knows what sum he received from the state and that it must exceed the sum before herein stated, as certain vouchers of expenditures have been sent to Washington, and which the undersigned has not had the opportunity to examine, in which it is quite certain disbursing per centage fees were allowed. Judging from the appearance of documents on file in the state archives and Samuel L. Harris' report of the settlement of Maine's claims against the United States, (to which said Thompson has had access for a long time,) shows every cent which the United States have allowed and repaid. As an honest man why did he not present the facts embraced in the foregoing question so that the legislature might act understandingly upon the subject, and omit the apparent attempt at mistifying the subject in

order, as it would seem, to deceive the legislature. General Thompson for some cause has neglected to furnish the legislature with the necessary required evidence in the premises. 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. Having ascertained the amount he received from the state, it becomes necessary, in order to strike a balance of the accounts, to know what sum has been allowed and repaid by the United States under the act of June 13 aforesaid to the state for the same services. In examining the report of Mr. Harris, agent of Maine to adjust and finally settle all claims of the state for reimbursements of the expenditures made in the defense of our northeastern frontier, I find that the following sums have been allowed and repaid to the state, to wit:

| | |
|----------------------------------------------------|------------|
| For General Thompson's pay from Jan'y 24, 1839, | |
| to December 31, 1839, 11 months and 8 days, at | |
| \$104 per month, | \$1,171 73 |
| For subsistence during the same time 342 days, 12 | |
| rations per day, at 20 cents per ration, | 820 80 |
| | <hr/> |
| | \$1,992 53 |
| Also, for General Thompson's 3 months' additional | |
| pay, referred to in a note on page 87 of Mr. | |
| Harris' report, being from December 31, 1839, | |
| to March 31, 1840, at \$104 per month, | \$312 00 |
| Subsistence for same time 91 days, | 218 40 |
| Fuel and quarters for the 14 months and 8 days, | |
| being 433 days, at \$1 per day, | 433 00 |
| | <hr/> |
| | \$2,955 93 |

PETITION OF A. B. THOMPSON.

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|--------------------------------------------------------------------------------------------------|------------|
| Also, for 3 servants 14 months and 8 days, \$7 per month each, | \$299 41 |
| Clothes for servants same time, \$2.50 per month each, | 106 93 |
| Subsistence for servants same time 433 days, 3 rations per day at 20 cents per ration, | 259 80 |
| | <hr/> |
| | \$3,622 07 |

| | |
|-----------------------------------------------------------------------|------------|
| Also, for 5 horses 14 months 8 days, at \$8 per month each, | 570 32 |
| | <hr/> |
| | \$4,192 39 |

| | |
|-----------------------------------------------------------------------------------------|------------|
| From which sum deduct 90 cents, being an error in footing made by Mr. Harris, | 90 |
| | <hr/> |
| | \$4,191 49 |

| | |
|-------------------------------------------------------------|------------|
| From this sum deduct \$433 for fuel and quarters, | 433 00 |
| | <hr/> |
| | \$3,758 49 |

and it will show the amount allowed by Harris' report, page 87, and explains the note found on the aforesaid page referred to in the report of the majority of the committee. By Mr. Harris' report aforesaid the \$433 above named seems to have been allowed as follows: \$83, see Harris' report, volume 1 page 181, and \$350, Harris' report volume 2 page 519. The aforesaid sum of \$4,191.49 is all that has ever been allowed and paid to the state—leaving a balance of \$3,410.79 which the state really paid out to General Thompson and his assistants more than it has received back from the United States; and leaving 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 repaid to the state for the entire services of General Thompson and his thirteen extra clerks. In addition to all this, the state has paid to Samuel L. Harris aforesaid about \$20,000 for settling all the claims of the state against the United States on account of the Aroostook affair, the propor-

tion of which for settling the account of General Thompson aforesaid would be \$228,06 as near as can be computed, which makes up the pretty little sum total of \$7,830.34 the state has paid on account of the services aforesaid. Besides all this, the state lost the interest on the \$7,602.28 up to April 3, 1843, (three years at least,) being the time that the most of the aforesaid sum of \$4,191.49 was received from the United States, which interest amounted at that time to the sum of \$1,368.41. In addition to this, the state has also lost the difference between the sum paid out and the sum received back, being \$3,410.79, and the interest on the same from April 3, 1843, up to the present time, which interest amounts to the sum of \$2,251.12. Now it is plainly shown by the facts herein exhibited, (which facts are incontrovertible in the judgment of the undersigned,) that the state is minus in principal and interest the sum of \$7,258.38 on account of General Thompson in the way and manner aforesaid.

It is claimed by General Thompson that the United States have allowed the sum of \$1,039.20 in addition to the aforesaid sum of 4,191.49 as constructive double rations for quartermaster general; but so far is this claim from being established by any proof, it is affirmatively shown that it was wholly disallowed by the United States; and for conformation of this fact I herewith submit a copy of the report of N. Towson, paymaster general, to the secretary of war, upon General Thompson's letter of February 13th, 1843, respecting double rations:

PAYMASTER GENERAL'S OFFICE, }
Washington, February 20, 1843. }

To Hon. J. C. SPENCER, *Secretary of War* :

SIR:—I have the honor to return General Thompson's letter on the subject of allowing double rations to certain officers of the militia of Maine, referred to me for a report.

The charge for double rations was rejected in the examination of the accounts in this office, on the ground that the regulations relating to double rations—“*See army regulations*

article," pay department, paragraph 1254—in force at the time, and which applies to militia as well as regulars, were not complied with, and of course the pay department could not recognize the claim.

RECAPITULATION.

Amount paid out by the State, to A. B. Thompson.

| | | | | |
|----------------------------------------------------------------------------------------|---|---|---|------------|
| For 11 months 8 days services at \$104 per month, | - | - | - | \$1,171 73 |
| For 3 months additional services, \$104 per month, | - | - | - | 312 00 |
| | | | | <hr/> |
| | | | | 1,483 73 |
| For 11 months 8 days subsistence, | - | - | - | 820 80 |
| For 3 months additional services, | - | - | - | 218 40 |
| | | | | <hr/> |
| | | | | 1,039 20 |
| For fuel and quarters, 14 months 8 days, | - | - | - | 433 00 |
| Total for services, rations, fuel and quarters, under United States Army, regulations, | - | - | - | 2,955 93 |
| For Adjutant General's salary during the 14 months 8 days, | - | - | - | 1,166 66 |
| For stage fare to Bangor, &c., | - | - | - | 112 66 |
| For board at Charles Hayes', Bangor, | - | - | - | 49 43 |
| For expenses going to, at and returning from Washington, | - | - | - | 404 38 |
| For 51 days at Washington, \$3 per day, | - | - | - | 153 00 |
| For Adjutant General's salary while at Washington, | - | - | - | 222 21 |
| For horse hire, &c., | - | - | - | 4 50 |
| For disbursing fees, | - | - | - | 3 15 |
| “ “ | - | - | - | 12 89 |
| “ “ | - | - | - | 160 00 |
| “ “ | - | - | - | 360 00 |
| For auditing disbursement accounts, | - | - | - | 621 40 |
| For transportation of trunk, &c., | - | - | - | 7 75 |
| For quarters and wood furnished, | - | - | - | 433 00 |
| | | | | <hr/> |
| | | | | 6,666 96 |
| For 13 extra clerks, | - | - | - | 830 68 |
| | | | | <hr/> |
| | | | | \$7,497 64 |

Amount received from United States.

| | | |
|--------------------------------------------------------------|---|------------|
| For amount paid General Thompson, 11 months 8 days services, | - | \$1,171 73 |
| For amount paid General Thompson, 11 months 8 days rations, | - | 820 80 |
| | | <hr/> |
| | | 1,992 53 |

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 25, 1854. }

ORDERED, That 500 copies of this report be printed for the
use of the Legislature.

JOHN J. PERRY, *Clerk.*