

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

HOUSE.

No. 35.

STATE OF MAINE.

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IN LEGISLATURE, April 2, 1856.

The Joint Standing Committee on the Militia, to which was referred the message of the Governor and Council, through the Secretary of State, transmitting "a copy of the accounts of the late Acting Quartermaster General, containing lists of military property of the State sold and purchased by him, in pursuance of a resolve approved February 28, 1855," having examined the subject of said sale and purchase, ask leave to

### REPORT:

That the Acting Quartermaster General, as appears by his account thereof, sold from the Bangor Arsenal, Sept. 20, 1855, certain military property for which he received the sum of

\$3,665 05

And from the Portland Arsenal, Sept. 23, 1855,

such property to the amount of . . . 9,633 85

Making, . . . . \$13,298 90

The principal part of the property sold, was muskets and rifles. The prices for which were, for muskets with bayonets, at one and a quarter dollars, and without bayonets, at one dollar; and Hall's rifles at one and three-fourths dollars.

With regard to the expediency of selling this property, the committee will only remark, that, at a small expense, the arms might have been altered so as to be serviceable, and would

have answered the purpose of supplying the militia of our State, as contemplated by our laws.

The proceeds of the sales aforesaid, were expended by the Acting Quartermaster General, as follows, viz :

|                                                                                                                                                                                                                |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| For muskets, costing eight and a half dollars each ;<br>rifles costing eight dollars each ; musical instru-<br>ments ; tents ; swords ; equipments, and altering<br>muskets, amounting to the sum of . . . . . | \$12,277 68        |
| And for certain expenses incurred by himself, in<br>going to Bangor, Portland, Boston, New York<br>and other places, and delivering property, of                                                               | 96 40              |
| Similar services and expenses of L. D. Moore, of                                                                                                                                                               | 99 27              |
| Services of Wm. E. Kimball at Portland Arsenal,                                                                                                                                                                | 70 12              |
| Services of Timothy H. Morse at Bangor Arsenal,                                                                                                                                                                | 42 75              |
| Advertising, and sundry small expenses, . . . . .                                                                                                                                                              | 47 74              |
| And commissions to himself of 5 per cent.,                                                                                                                                                                     | 664 94             |
| <b>Total, . . . . .</b>                                                                                                                                                                                        | <b>\$13,298 90</b> |

The Acting Quartermaster General, by resolve of February 28, 1855, was "authorized to sell, at public or private sale, such small arms or other articles of military property, in the arsenals at Portland and Bangor, or elsewhere, belonging to the State, as may be deemed unserviceable—the net proceeds to be applied to military purposes, or to exchange the same for other military property." And he was to be allowed by the Governor and Council a reasonable compensation for *expenses* ; and he was to furnish a list of all property disposed of, with the prices or articles obtained theréfor, to the Governor and Council. The acting Quartermaster General, therefore, had full authority to dispose of the property mentioned, the resolve placing it at the discretion of that officer. He disposed of it, and, as required by the resolve, made return thereof to the Governor and Council.

By the resolve authorizing the sale of this property, the Acting Quartermaster General was to be allowed by the Gov-

ernor and Council, a reasonable compensation for expenses. The *expenses* charged by him, amount to the sum of \$356.28, and this sum was allowed him by the Governor and Council. Although the committee cannot understand why expenses to this amount, were necessary to be incurred in disposing of this property, yet it must be presumed that the Governor and Council had sufficient evidence that it was a suitable and reasonable expenditure.

But in relation to the sum of \$664.94, charged by the Acting Quartermaster General, as commissions for the sale of the property mentioned, in addition to *expenses* allowed him pursuant to the only provisions of the resolve, in regard to his compensation, the committee cannot perceive any authority of law therefor.

The follow is the authority under which salaried officers are permitted to receive pay in addition to their salaries, viz :

*“ Resolve regulating the pay of certain Officers and Agents.*

Approved March 23, 1839.

*Resolved,* That whenever any officer of this State, whose salary is fixed by law, shall perform any extra services for the State, or any agent shall be employed as a disbursing officer or otherwise, said officer or agent shall render a faithful account of the nature of the service by him performed, the number of days so employed, and the expenses paid out by him ; and he shall be entitled to a fair compensation per day for said services, and the expenses, actually paid by him, in the performance of the same ; but in no case shall any such officer or agent, be entitled to a commission on any money of the State disbursed by him.”

It would, therefore, under the provisions of this last mentioned resolve, have been lawful, and perhaps reasonable for the officer to have been allowed, in addition to necessary expenses, a fair per diem for the time actually spent in service connected with the sale and purchase of the property mentioned. But that the sum allowed as commissions, is not only unreason-

able in amount, as well as clearly against the provisions of the laws of the State, the committee fully believe.

Respectfully submitted.

J. FOSTER, *Chairman.*

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STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
April 2, 1856. }

ORDERED, That 350 copies be printed for the use of the Legislature.

DAVID DUNN, *Clerk.*