

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

SENATE.

No. 70.

REPORT.

It appears by the records in the office of the Adjutant General of this State, that in the year eighteen hundred and sixty-four, certain towns and plantations were charged upon the books of the office for what were designated as "deficiencies under call of October 17th, 1863, of the President for troops," at the rate of two hundred dollars per man. The number of towns and plantations which were thus called upon to pay to the State Treasurer appears to have been one hundred and forty-six. Only twenty-one of the number complied with the requirement, by paying to the State Treasurer the sums charged, the balance of the towns and plantations neglecting and refusing to do so.

It appears by the report of the Commissioners upon the equalization of municipal war debts, made in the year eighteen hundred and sixty-nine, that these, with other towns, were allowed by the State the sum of one hundred dollars for each man furnished for the term of three years and mustered into the service of the United States upon their quotas, after July second, eighteen hundred and sixty-two, and at the same rate for those furnished for a shorter period of time. The towns were to be paid in bonds of the State, issued by the State Treasurer upon the certificate of the Commissioners.

These bonds appear to have been withheld by the State Treasurer to an amount sufficient to cancel the charges remaining upon the books of the Adjutant General's office. The Legislature of eighteen hundred and seventy authorized an inquiry into the legality of the charges, and provided that if found upon examination to be incorrect, the bonds should be paid over as if the

charges had not been made. The charges upon examination were certified to have been incorrectly made, and the bonds were delivered by the State Treasurer, except in a few cases where cash was paid in lieu of the bonds.

It is found that the charges against the towns which paid the money into the State Treasury in eighteen hundred and sixty-four, are precisely the same in character as the charges against those which did not pay and whose bonds were withheld in eighteen hundred and seventy, and subsequently released. The charges against the towns which did not pay having been found to be erroneous, and so cancelled, no reason now appears why the towns which did pay should not be placed in the same condition as the others so far as refunding the sums they paid will have the effect to do it.

The Committee do not understand that it is now or ever has been claimed that these sums were required to be paid by authority of law, or that they can so far be considered to have been voluntary payments as to preclude an equitable demand for recovery. The Committee, therefore, report that the following resolve ought to pass :

STATE OF MAINE.

[H. R. 29.] RESOLVE in favor of the town of Alexander and eighteen other towns.

Resolved, That the towns hereinafter mentioned shall be paid the following named sums in full for money paid into the state treasury in the year eighteen hundred and sixty-four, for “deficiencies under call of October seventeenth, eighteen hundred and sixty-three,” and the governor is authorized to draw his warrant upon the state treasurer in favor of said towns, as follows, viz :

9	For Alexander,	\$800 00
10	For Anson,	400 00
11	For Brooksville,	800 00
12	For Fort Fairfield,	1,000 00
13	For Harrington,	600 00
14	For Bradley,	1,000 00
15	Linneus,	2,400 00
16	For Lexington,	1,200 00
17	For Milford,	1,200 00
18	For Marshfield,	600 00
19	For Marion,	200 00

20	For Mt. Desert,	\$200 00
21	For Northfield,	200 00
22	For Smyrna,	600 00
23	For Vinalhaven,	1,400 00
24	For Solon,	400 00
25	For Sullivan,	200 00
26	For Eustis plantation,	400 00
27	For Lubec,	2,800 00

STATE OF MAINE.

IN SENATE, February 19, 1878.

Reported by Mr. STEVENS of Kennebec, from the Committee
on the Judiciary, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary*.