

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1847.

AUGUSTA:

Wm. T. JOHNSON,.....PRINTER TO THE STATE

1848.

TWENTY-SEVENTH LEGISLATURE.

No. 1.]

[HOUSE.

SIR,

The accompanying statement in relation to disbursements ordered by the Executive, under the Resolve of last session, authorizing the expenditure of twenty thousand dollars, to enable the governor to comply with the requisition of the President of the United States, for one Regiment of Volunteers, and also to the settlement with the authorities of the Province of New Brunswick, of the "Disputed Territory Fund Account," is herewith placed in your hands, with the request, that the same may be laid before the Legislature.

H. J. ANDERSON.

*Council Chamber, }
May 1, 1847. }*

To the Secretary of State.

MESSAGE.

To the Members of the Senate and House of Representatives :

The Legislature at its last session, having authorized the enlistment of a Regiment of Volunteers for the service of the United States, to aid in prosecuting the existing war with the Republic of Mexico, and having placed at the disposal of the governor and council the sum of twenty thousand dollars, to enable the Executive of this State to comply with the requisition of the President of the United States, for said regiment, the undersigned deems it proper, that the Legislature should be informed, not only how the duty thus devolved upon the Executive has been performed, but to what extent, and in what manner, the large sum entrusted to its discretion, for the accomplishment of that object, has been used.

In a communication I had the honor to make upon the 11th of June last, I informed the Legislature of the steps which had then been taken to comply with the requisition of the President, and expressed my conviction, that some stronger inducements than those previously offered, would be necessary to ensure an early and favorable response to the call of the government. And upon the 13th of the same month, I transmitted to the House of Representatives, a detailed estimate from the Adjutant General, of the various items of expense which would probably be required.

Information subsequently received, verified the expectations which had then been formed, and immediately after the passage of the Resolve, authorizing the expenditure of the sum before referred to, I directed the employment of a sufficient number of competent individuals, to serve as enlisting officers, and the payment thereto of such compensation as was deemed reasonable and just for the ser-

vice to be performed, and the ultimate payment of a bounty of five dollars each, to all who should enrol themselves under said call.

With these additional inducements to officers and men, some of the companies were rapidly filled up, and the Secretary of War was from time to time apprised of the progress made in the enlistment of companies; and upon the 20th of December last, he was officially notified, that eight companies had been filled and organized, and that the remaining two were so nearly completed, that the Executive of this State might be considered in readiness to comply with any call for the services of the regiment which might emanate from the President.

Since that time, the remaining companies have been completed, and the entire regiment, so far as relates to the enlistment of men, and the choice of its company officers, fully organized.

Having received no recent intelligence from the Secretary of War, which induced the belief, that the regiment would be speedily called into the service of the United States, I have not considered it expedient to incur the expense of assembling the officers of the different companies, for the final organization of the corps by the choice of its regimental officers.

Regarding it also as quite uncertain, from the lapse of time since the reception of the requisition, and the subsequent provision made by Congress for large additions to the regular forces of the United States, whether the regiment would ultimately be called for, and knowing that the appropriation made by the Legislature would expire upon the day of your meeting, it has been deemed advisable to adjust and pay the expenses which have been incurred in executing the intentions of the Legislature, before the expiration of the present political year.

In pursuance of this design, notice was ordered to be given to the individuals who have been engaged in raising companies, and their several accounts for services rendered and expenses incurred, have been audited by the Council, and the respective sums found due to each, paid by warrants upon the treasury.

A sum sufficient to cover the stipulation for the bounty to the men, has also been drawn from the treasury and placed in the

hands of responsible individuals, conveniently located for a speedy and easy distribution to those entitled to claim it.

The aggregate of these expenses amounts to the sum of six thousand five hundred and seventy-seven dollars and nineteen cents; being somewhat below the estimates submitted to the Legislature, and leaving the sum of thirteen thousand four hundred and twenty-two dollars and eighty-one cents of the appropriation before referred to, unexpended.

It is believed that all the expenses thus far created in fulfilling the trust assigned to the Executive, have been fully discharged: that the compensation allowed is as low as was consistent with justice to the individuals engaged: and that the accounts and documents relating thereto, have been placed in such form, as it is hoped may secure, under the provisions of the Joint Resolution of Congress of the 3d of March last, a full and speedy reimbursement of the sums so expended, from the government of the United States.

In a communication addressed to the Legislature upon the 3d of August last, I also adverted to the existing condition of the "Disputed Territory Fund Account," then remaining unsettled, and which, by a provision of the fifth Article of the Treaty of Washington, should have been adjusted, and the balance due to the States of Maine and Massachusetts, paid over to the government of the United States within six months from the ratification thereof.

And I also stated, that in pursuance of a recommendation from the Secretary of State of the United States, I intended, unless otherwise directed by the Legislature, to appoint an agent to proceed to Frederickton, in the Province of New Brunswick, for the purpose of making, in conjunction with an agent understood to have been appointed by the Governor of Massachusetts, such inquiries into the particulars of said account, as might enable them to judge of its fairness and accuracy.

In execution of this purpose, Hon. John Hodgdon was appointed to act in behalf of this State, Hon. George W. Coffin having been previously designated by the Governor of Massachusetts as the agent of that Commonwealth.

The proceedings under these appointments will appear in detail,

in the Report of the agent of this State, recently made to me, and which will be herewith laid before you.

After a diligent and careful investigation, the agents decided to accept from the authorities of New Brunswick, the sum of \$14,893 65, in full satisfaction of the claim of the two States, by reason of the aforesaid Article of the treaty; and the agent of the State of Massachusetts being fully authorized to make a final settlement of said account, the agent of this State united with him in giving such discharges and receipts as were deemed necessary and proper.

Copies of these papers were duly forwarded to the Secretary of State of the United States; and having since been called upon for a joint acquittance from the Governor of Massachusetts and myself, to the government of the United States, I prepared a paper setting forth the action of the two States, and forwarded the same to the Governor of Massachusetts, with a request that if he thought proper to add his signature thereto, the same might be transmitted to the government at Washington.

The sum obtained from the authorities of New Brunswick, is probably less than that to which we were justly entitled; but considering the difficulties in the way of a more favorable settlement, it was best, in the opinion of the agents, finally to adjust the account upon the terms proposed. A certified copy of the receipts and disbursements connected with that fund, together with a schedule of the bonds given up to the agents, and of those retained by the authorities of New Brunswick, furnished me by the Governor of the Commonwealth of Massachusetts, is herewith transmitted.

H. J. ANDERSON.

*Council Chamber, May }
11th, 1847. }*

REPORT.

HOULTON, OCT. 6, 1846.

To Hugh J. Anderson, Esq., Governor of Maine :

SIR,—In pursuance of the authority delegated by the Commission from the Executive of Maine, under date of August 8th, 1846, appointing me “Agent to proceed to Frederickton, in the Province of New Brunswick, to act in conjunction with Mr. Coffin, the agent of Massachusetts, in the examination of the disputed territory fund ;” I met that gentleman at Frederickton, by previous appointment, shortly after the reception of said commission. Having presented our letters from the Secretary of State of the United States, and from the British minister, Mr. Pakenham, to Sir William Colebrook, Lieutenant Governor of the Province of New Brunswick, his Excellency introduced us to the commissioners appointed on the part of the Province, to audit the “Disputed Territory Fund,” and ascertain the balance due, under the treaty of Washington, to the United States, to be paid to the States of Massachusetts and Maine.

The first question that arose at our preliminary meeting, was the extent of our authority, and as the commission of Mr. Coffin authorized him not only to examine and adjust the account, but “to receive any balance found due, and give acquittances ;” and as mine gave me authority “to act in conjunction with Mr. Coffin,” our powers were received and acknowledged to be ample for the final settlement and discharge of the claim.

Before proceeding to the investigation of the accounts, we were informed that certain mistakes had been made in the account rendered—one through a mere clerical error, and the other in conse-

quence of the warden's having been absent in England when that account was made up. The proportion of receipts arising from that part of the territory awarded to Great Britain, instead of being £206.2.9, was said to be upwards of six hundred pounds. It was affirmed by the deputy secretary, that a sheet containing only a part of this account, was erroneously copied, instead of the sum total as made up by the auditor. It was also stated, that the sum of £759.19.9½, deducted from the warden's charge, as arising from the supervision of the territory, was an estimated account made in the absence of that officer. That since his return it had been revised, and the sum to be deducted was found to be about two hundred pounds. It was further said that another item of twenty-four pounds was erroneously withdrawn from the charge upon the fund for expenses, thus making an aggregate of about four thousand dollars to be deducted from the former balance in our favor.

The vouchers of receipts simply gave the names of the individuals from whom the money was received, and designated it as the proceeds of timber cut on the disputed territory. The place from which it was taken was ascertained by consulting the seizing officer and the warden. It was impossible for us to judge with any degree of certainty of its correctness, but we had no reason to doubt that this account was made up fairly and equitably.

The warden's charges were all for expenses incurred by that officer in protecting the territory, and his own salary constituted no part of them. He was present at the examination of his accounts, and affirmed the items retained to have been on account of protecting the territory from trespass. They were mostly made up of payments to men, board of men and expense of boats, in protecting the disputed territory from trespass; and were paid by warrants drawn on this fund. It was impossible for us to point out any particular charge as incorrectly made against the fund, and as they were reasonable for the service stated and properly vouched, we had no alternative but to admit them.

The vouchers of all the accounts, with the exception of about fifty pounds paid through the land department at a very early period, were exhibited. The legal expenses, although very large,

were all satisfactorily explained, and the taxed bills of cost exhibited. Some of these were for costs and damages where actions had been brought against seizing officers; a portion arose from prosecutions against individuals who were unable to pay, and a large number of actions were pending at the date of the Ashburton Treaty, and on that account discontinued.

The principal objections to the balance as now found, were, that the fund was not credited with the receipts prior to 1829; that from the nature of the transactions, it was improbable that all sums received since that period had been credited, and that an estimated balance should be fixed upon to cover these probable deficiencies—and that all expenses arising on account of timber cut on the Aroostook after the arrangement entered into between Sir John Harvey and General Scott, by which the State of Maine was to maintain an armed posse on that river, could not properly be charged to the fund.

The Province Commissioners did not consider themselves authorized to go into an examination of the receipts and expenditures prior to 1829. Up to that period it had not been separated from the casual revenues of the Province, and the balance, if any, they regarded as chargeable to the British Government, and not that of the Province. They also contended, that as there was no concerted action between the Province and the State of Maine, and the former could not be cognizant of the acts and intentions of the latter, they were under the same necessity of taking an account and receiving the duty upon the timber from this river, as before. It was further stated that if they were authorized to go into an examination of the receipts from that territory prior to 1829, the balance could not possibly be much, as timber was sold at one shilling per ton, and the land department did not at that time defray its expenses.

These corrections reduced the account as rendered after adding all newly discovered credits, about three thousand dollars. Believing both States desirous of bringing this question to a close, and finding after several interviews, that this could only be done by fixing upon an estimated sum as a mutual compromise, we finally

addressed a joint note to the Commissioners, offering to receive the the sum of £3723.7.3½, in full discharge of the claim.

Having taken this proposition into consideration and submitted it to the Lieutenant Governor, it was finally accepted, and the amount is placed on deposit to await the direction of the two States.

In closing this communication, it is due to His Excellency, the Lieutenant Governor, and the Commissioners on the part of the Province, to say, that they afforded us every facility in their power for the examination of the accounts, and appeared truly desirous of fixing upon a just and equitable balance.

I am very respectfully,

Your obedient servant,

JOHN HODGDON.



Copy of Messrs. Coffin and Hodgdon's communication to Messrs. Shore, Robinson and Saunders.

FREDERICKTON, SEPT. 26, 1846.

Messrs. Coffin and Hodgdon, Commissioners of the States of Massachusetts and Maine, acting under the sanction of the Secretary of State of the United States, in the examination and adjustment of the "Disputed Territory Fund," having considered the subject under discussion at their last interview with the Commissioners on the part of the Province of New Brunswick, have the honor to submit the following objections to the account as now stated.

The Commissioners see no good reason why the receipts from said territory prior to the year 1829, should not have been credited, and do not consider the time at which an account was opened with said fund upon the books of the Provincial treasury, material to the issue.

The Commissioners also believe that from the very nature of the transactions, it is impossible that all the moneys received on account of timber since 1829, could have been credited to the fund, and think a sum should be agreed upon as the estimated amount of such deficiency.

The Commissioners also object to all charges upon the fund, arising from operations on the Aroostook subsequent to the arrangement between Sir John Harvey and General Scott, in the Spring of 1839, by which the State was, by agreement, to maintain a civil posse at the American boom upon that river. By this understanding, Maine had the entire control of the river and its tributaries, and not a single stick of timber was permitted to pass until settled for. Any further interference, therefore, by the Provincial authorities, with timber cut on this river, could not possibly affect the amount of trespass, one way or the other. In this class of charges we include the expenses of the boom—about five hundred pounds charged in the warden's account, and about three hundred and sixty pounds in the charge for legal expenses.

If we estimate the receipts prior to 1829, and those not credited to the fund since, at one thousand pounds, and strike the above items from the charges against the fund, the balance will be increased about £3000. Although the Commissioners have the fullest confidence in the correctness of these positions, yet, considering the trifling sum in dispute, and feeling extremely anxious to bring this long vexed question to a satisfactory termination, they propose to the Commissioners on the part of the Province, to receive as an estimated balance, the sum of £3723.8.3½, the balance in favor of the fund by the account rendered.

It would be a subject of deep regret to the Commissioners not to be able to bring this matter to a close—but if this proposition, made in a spirit of compromise, is not accepted, they cannot feel themselves justified, in doing anything more than to receive on account of the fund, the balance as now found, and leave the above questions for further consideration. The Commissioners avail themselves of this occasion to acknowledge the facilities afforded them

for accomplishing the object of their mission, and subscribe themselves,

Very respectfully,

Your obedient servants,

(Signed,)

GEO. W. COFFIN,
JOHN HODGDON.

HON. GEORGE SHORE,
F. P. ROBINSON,
JOHN S. SAUNDERS,
Commissioners, &c. &c.

Reply of Messrs. Shore, Robinson and Saunders, to Messrs. Coffin and Hodgdon.

FREDERICKTON, SEPT. 28, 1846.

Messrs. Shore, Robinson and Saunders, Commissioners on behalf of the Province of New Brunswick, in the adjustment of the "Disputed Territory Fund," have the honor to acknowledge the receipt of the note of the 26th instant, addressed to them by Messrs. Coffin and Hodgdon, Commissioners of the States of Massachusetts and Maine, acting under the sanction of the Secretary of State of the United States of America; and in reply have to state, that they have submitted the offer of the Commissioners to His Excellency, the Lieutenant Governor of the Province, who has authorized them to accept the alternative offered, to pay an estimated balance of £3723.8.3½, in full discharge, that amount being the balance of the account rendered under date of the 29th of May, 1844.

The argument submitted by Messrs. Coffin and Hodgdon, in their communication of the 26th, to the Commissioners of this Province, cannot be recognized as tenable, and the desirableness of avoiding a protracted discussion, has alone induced them to recommend, and His Excellency to accede to the terms of the proposed compromise.

The Commissioners of the Province avail themselves of this opportunity to express their sense of the conciliatory spirit evinced by Messrs. Coffin and Hodgdon, at each interview, and invite them to an early meeting to examine the records.

Meanwhile they subscribe themselves as very respectfully

Their obedient servants,

(Signed,)

GEORGE SHORE,

F. P. ROBINSON,

JOHN S. SAUNDERS.

JOHN HODGDON, and

GEO. W. COFFIN, Esquires.

Commissioners, &c. &c.

Copy of the Articles of agreement for the settlement of the Disputed Territory Fund.

NEW BRUNSWICK,

TO ALL WHOM THESE PRESENTS SHALL COME OR MAY CONCERN,

WHEREAS, in and by the Treaty made and entered into by and between Her Britannic Majesty and the United States of America, concluded at Washington in the said United States, on the ninth day of August, in the year of our Lord, one thousand eight hundred and forty-two, it was in and by the fifth Article of the said treaty among other things provided as follows, viz. :

“ Article fifth. Whereas, in the course of the controversy respecting the Disputed Territory on the North Eastern Boundary, some moneys have been received by the authorities of Her Majesty’s Province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the “ Disputed Territory Fund,” the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportion to be determined by the final settlement of the boundary—It is hereby agreed that a cor-

rect account of all receipts and payments on the said fund shall be delivered to the government of the United States, within six months after the ratification of this treaty, and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds and securities appertaining thereto shall be paid and delivered over to the government of the United States"—and whereas, pursuant to the said provision, of the said fifth Article of the said treaty, an account of all the receipts and payments made on account of the said "Disputed Territory Fund," was, after the ratification of the said treaty, delivered to the said government of the United States, by the authorities of Her Britannic Majesty's Province of New Brunswick—and whereas, after the receipt of such accounts, certain objections were made to the same by the said States of Maine and Massachusetts—and whereas, by an understanding between Her Majesty's Minister at Washington, and the Honorable James Buchanan, Secretary of State for the said United States, it was agreed that the most speedy and satisfactory mode of adjusting the said account, would be for the said two States of Massachusetts and Maine, to appoint agents to proceed to Fredericton for that purpose—and whereas, in pursuance of such understanding, John Hodgdon and George W. Coffin, Esquires, were duly appointed to be such agents; the first named, for, and by the authority of the State of Maine, and the second, for, and by the State of Massachusetts—and as such agents, duly authorized and empowered to examine and finally adjust and settle the said accounts—and whereas, in order to facilitate and expedite such examination, adjustment, and settlement, and pursuant to a recommendation from Her Britannic Majesty's Minister at Washington, His Excellency, Sir William Macbean George Colebrooke, Lieutenant Governor of this Province, appointed the Honorable John S. Saunders, the Honorable George Shore, and the Honorable Frederick P. Robinson, on the part of Her Majesty's Government of this Province, in conjunction with the said John Hodgdon, and George W. Coffin, the said agents to investigate, adjust, and settle the said accounts—and whereas, the said John Hodgdon and George W. Coffin, and the said Honorable John S. Saunders, George Shore,

and Frederick P. Robinson, in pursuance of the exigency of the powers so delegated to them, having had before them, all the said accounts, together with all the vouchers and other evidence connected therewith, or relating thereto, and having fully examined and maturely considered the same, have agreed to the sum of three thousand seven hundred and twenty-three pounds, eight shillings, and three-pence-half-penny currency, as an estimated balance of the said Disputed Territory Fund Account, to be paid over to, and received by, the said United States government, the said sum of three thousand seven hundred and twenty-three pounds, eight shillings, and three-pence-half-penny currency, together with the outstanding bonds as per schedule hereunto annexed, to be taken and received by the said government of the said United States, in full satisfaction and discharge of any claim of the United States generally, or of the States of Maine and Massachusetts individually, of all sum or sums of money or other claim due or payable to the said United States or either of the said other States, under and by virtue of the fifth Article of the said treaty.

Now these Presents witness, that we, the said John Hodgdon, George W. Coffin, John S. Saunders, George Shore, and Frederic P. Robinson, have consented and agreed that the said sum of three thousand seven hundred and twenty-three pounds, eight shillings, three-pence-half-penny, when paid to such person or persons who may be authorized to receive the said outstanding bonds according to the said schedules—also, delivered up to such person so duly authorized, shall be, and be taken to be, and be in final fulfilment of the stipulations contained in the said fifth Article of the said treaty, relating to the said Disputed Territory Fund.

Done and concluded at Frederickton, in the Province of New Brunswick, this twenty-ninth day of September, in the year of our Lord one thousand eight hundred and forty-six.

(Signed,)
JOHN HODGDON,
GEO. W. COFFIN.

GEORGE SHORE,
F. P. ROBINSON,
JOHN S. SAUNDERS.

DISPUTED TERRITORY FUND.

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NEW BRUNSWICK.

By His Excellency, Sir William Macbean George Colebrooke,
 L. S. *Kt., and Lieutenant Governor and*
Commander-in-Chief of the Province of New Brunswick.
 W. M. G. COLEBROOKE.

TO ALL WHOM THESE PRESENTS SHALL COME OR MAY CONCERN.

KNOW YE, that I have this day sanctioned and approved, and hereby do sanction and approve of the foregoing adjustment, arrangement, and settlement of the Disputed Territory Fund Account, referred to in and by the fifth Article of the Treaty of Washington.

Given under my hand and seal at Fredericton, the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and forty-six.

By His Excellency's command,
 (Signed.) JOHN S. SAUNDERS.

SCHEDULE OF THE BONDS DELIVERED TO THE GOVERNMENT
 OF THE UNITED STATES OF AMERICA, UNDER THE FIFTH ARTICLE OF THE TREATY OF WASHINGTON.

CLASS I, ON WHICH NO LEGAL PROCEEDINGS HAVE BEEN HAD.

Number.	Date.	Obligors.	Amount of condition.	Remarks.
U. S.	1840.			
1	June 18,	Thomas E. Perley,	£502 16	
2	June 18,	Thomas E. Perley,	38	
3	June 30,	Wilder Straton, } B. Beveridge, } and J. Taylor, }	345 12	
4	July 21,	A. C. Hammond, } and C. A. Hammond, }	99 12	
5	July 7,	W. F. I. Bedell, } and Thos. E. Perley, }	14 16	
6	July 31,	James Taylor, } E. Ketchum, } and John Simpson, }	720	

BONDS DELIVERED TO THE GOVERNMENT OF THE UNITED STATES, (CONTINUED.)

Number.	Date.	Obligors.	Amount of condition	Remarks.
7	Nov. 23,	John P. Mack, and George Thomson, }	£529 4	
	1841.			
8	Jan. 29,	Charles Connell, and Joseph Connell, }	50	
9	Jan. 29,	Thomas E. Perley, and R. R. Ketchum, }	456 8	
10	July 24,	Thomas E. Perley, and John Venning, }	139 4	£34 16 paid and credited in general acct.
11	Aug. 24,	R. R. Ketchum, and George Ketchum, }	193 8	
			£3102	

The following payments have been made to the Receiver General Lee, under the designation of "Tonnage," and are credited in the general account, but it is supposed that the parties intended the payments as a liquidation in part of such of the foregoing bonds as they may be interested in.

James Taylor,	-	-	-	488	12
R. R. Ketchum,	-	-	-	51	2
John Pollock,	-	-	-	132	6
J. E. Beckwith,	-	-	-	37	10
				<u>£709</u>	<u>10</u>

CLASS II. BONDS ON WHICH LEGAL PROCEEDINGS HAVE BEEN INSTITUTED, AND 25 PER CENT. AND THE COST PAID UNDER A TEMPORARY AND CONDITIONAL ARRANGEMENT WITH THE PROVINCIAL GOVERNMENT.

Number.	Date.	Obligors	Amount of condition	Amount paid.
U S.	1839.			
12	July 13,	Shepherd Carv, and Geo. A. Munroe, }	£765 9	£210 19
13	June 12,	Enoch De Beck, Thomas E. Perley, and Geo. A. Munroe, }	147 13 11	39 2 8
14	June 23,	Enoch De Beck, and Thos. E. Perley, }	213 16 6	58 3 11
15	July 6,	Enoch De Beck, and Thos. E. Perley, }	10 17 6	2 14 4½
16	Aug. 9,	Enoch De Beck, and Thos. E. Perley, }	10½	28 10 1½

DISPUTED TERRITORY FUND.

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BONDS DELIVERED TO THE GOVERNMENT OF THE UNITED STATES, (CONTINUED.)

Number.	Date.	Obligors.	Amount of condition.	Amount paid.
17	July 26,	James Houlton, } and Stephen Tracy, }	366 12	98 17 1
18	July 11,	R. R. Ketchum, } and H. C. Hovey, }	32	8 10
19	July 24,	George A. Munroe, } and D. B. Smith, }	92	24 04 8
20	June 22,	O. D. Smith, } and Benjamin Smith, }	668 4	182 1
21	June 22,	Jas. Stickney & T. E. } Perley, }	414 6 1	144
22	June 22,	James Stickney, } and Thos. E. Perley, }	208 11	56 17 6
23	July 11,	Oliver D. Smith, } and B. Smith, }	20 12 6	5 12 1
24	July 13,	O. D. Smith, } and H. C. Harvey, }	46 4	13 18
25	July 25,	O. D. Smith, } and H. C. Harvey, }	33 4	8 10 7
26	July 15,	James Taylor, } and Joslin, }	1896 4 6	116 17
			£5014 3 1	£1368 17 1

CLASS III. BONDS ON WHICH LEGAL PROCEEDINGS HAVE BEEN INSTITUTED, BUT WHICH HAVE NOT YET BEEN PROSECUTED TO A FINAL AND BENEFICIAL RESULT.

Number.	Date.	Obligors	Amount of condition.
U. S. 27	1839. July 27,	Leonard R. Coombs, and } A. B. Hammond, }	63 8
28	July 27,	Leonard R. Coombs, and } A. B. Hammond, }	58 8
29	July 15,	Thomas S. Carman, and } L. R. Coombs, }	62 3 9
30	July 24,	D. B. Smith, } George A. Munroe, and } Amos Dickinson, }	400
			£503 19 9

Copy of the receipt given by Messrs. Coffin and Hodgdon, and endorsed on the deed of agreement immediately after the Schedule of Bonds.

FREDERICTON, SEPT. 30, 1846.

THE undersigned, Commissioners of the States of Massachusetts and Maine, duly authorized by the government of the United States of America, to adjust and liquidate the Disputed Territory Fund Account, with reference to the foregoing deed of agreement entered into by us with the Honorable George Shore, Frederick P. Robinson, and John S. Saunders, Commissioners on the part of the Province of New Brunswick, and confirmed by His Excellency, Sir William Macbean George Colebrooke, Lieutenant Governor of the Province of New Brunswick, do, in virtue of the power vested in us, acknowledge to have received the sum of three thousand seven hundred and twenty-three pounds, eight shillings, three-pence-half-penny, together with the Bonds mentioned in the foregoing schedule, also referred to in the said deed of agreement, except Bond number 22, from James Stickney, and S. E. Perley, for £208.11, and on which the sum of £56.17.6, has been paid, in lieu of which, we have received an explanation by the Honorable Charles J. Peters, Attorney General of New Brunswick, the said money and Bonds and explanation being in full satisfaction and discharge of the Disputed Territory Fund Account, referred to in the fifth Article of the Treaty of Washington.

(Signed,)

JOHN HODGDON.
GEO. W. COFFIN.

COMMONWEALTH OF MASSACHUSETTS.

[L. S.]

SECRETARY'S OFFICE, October 14, 1846.

I certify, that the within are true copies of papers received at this office from the State Department of the General Government.

JOHN G. PALFREY,
Secretary of the Commonwealth.

Continued and amended detailed account of the Receipts and expenditures of the Disputed Territory Fund.

RECEIPTS.

	Currency.			Currency.		
	£	s.	d.	£	s.	d.
Aggregate amount of receipts as per account rendered,				8911	9	1½
—ADD—						
Received on bond of Benjamin P. Griffith & J. W. Scott,	73	9	8			
Received from Moses Tuck on account of timber owned by R. Mauser,	141	5				
Received from F. E. Beckwith,	57	15				
				272	9	8
				£9183	18	9½
Balance in favor of the fund brought down,				3595	18	6½

Continued and amended detailed account of the Receipts and Expenditures of the Disputed Territory Fund, (Continued.)

EXPENDITURE.

	Currency.			Currency.		
	£	s.	d.	£	s.	d.
Aggregate amount of expenditure as per account rendered,				4981	18	1
—ADD—						
Excess of deductions from the gross amount of the expenditure under the control of the Warden,	570	4	2½			
This under charge on account of expenses of seizing and securing timber being an amount paid the Hon. Thomas Baillie for sundry traveling charges.	35	17	11½			
Balance of the fund,				606	2	2
				3595	18	6½
				<u>£9183 18 9½</u>		
Portion of balance of the fund assigned to the British Government, as arising from timber cut on the part of the territory now within the defined limits of the Province of New Brunswick as per account annexed,				602	5	1
Amount payable to the Government of the United States of America,				2993	13	5½
				<u>£3595 18 9½</u>		

This is the final account on which the estimated balance of £3723 8 3½ has been assessed as specified in the deed of agreement entered into this 29th day of September 1843.

JOHN HODGDON,
GEO. W. COFFIN.

GEO. SHORE,
F. P. ROBINSON,
JOHN S. SAUNDERS.

Account of Moneys credited in the Disputed Territory Fund Accounts, claimed by the British Government as arising from Timber cut on territory now declared by Treaty to belong to New Brunswick.

From whom received.	Total amount collected.	Assignable to the Fund.	Assignable to N Brunswick.	Place where Timber cut
Leonard R. Coombes,	80	40	40	Both banks of St. John below St. Francis,
Do.	21		21	Baker's Mill Stream,
Daniel Johnson,	160		160	North bank St. John below St. Francis,
James D. Berton,	74 1 6	37 9	37 9	Both banks, do. do.
L. R. Coombes & D. Partee,	26		26	North bank, do. do.
A. S. Carman,	20 8		20 8	do. do. do.
Newcumb & Phillips,	105		105	do. do. do.
James D. Berton,	6 7 6	3 3 9	3 3 9	Both banks, do. do.
Charles Beckwith,	46	23	23	do. do. do.
Benjamin Tibbetts,	20		20	North bank, do. do.
John Baker & H. Ryan,	48 6 6		48 6 6	do. do. do.
Charles Beckwith,	19 4		19 4	North on Madawaska river,
Francis Beckwith,	12		12	do. do. do.
A. B. King,	6 8		6 8	do. bank St. John below St. Francis,
Francis Rice,	17 5 8	8 12 10	8 12 10	Both banks, do. do.
I. P. Phillips & A. S. Carman,	45		45	North bank, do. do.
L. R. Coombes,	16 6 5		16 6 5	do. do. do.
A. S. Carman,	40	20	20	Both banks, do. do.
L. R. Coombes,	40 8	20 4	20 4	do. do. do.
John Realor & I. Russell,	19 12		19 12	North bank, do. do.
R. & J. Michcon,	31 12		31 12	do. do. do.
I. Martin & A. Bellefleur,	22 8		22 8	do. do. do.
C. Beckwith & F. Rice,	100	50	50	Both banks, do. do.
Joseph Cire & F. Beckwith,	36	18	18	do. do. do.
L. R. Coombs,	40 12		40 12	North bank, do. do.
Wm. J. Bedell,	112	56	56	Both banks, do. do.
Chas. McPherson,	50		50	On the Madawaska R. St. John,
P. Paradi & F. E. Beckwith,	36		36	do. do.
I. Emerson & H. Ryan,	180	90	90	Both banks St. John below St. Francis,

Account of Moneys credited in the Disputed Territory Fund Accounts, claimed by the British Government as arising from Timber cut on territory now declared by Treaty to belong to New Brunswick.

From whom received.	Total amount collected.	Assignable to the Fund.	Assignable to N. Brunswick.	Place where Timber cut.
I. L. Marsh & F. E. Beckwith	59 4		59 4	North bank St. John, below St. Francis,
do do	68		68	do. do. do. do.
John F. Taylor,	54 3		54 3	do. do. do. do.
F. W. Hathaway,	20		20	do. do. do. do.
I. I. Munro & J. Willox,	13 4		13 4	do. do. do. do.
J. Bermingham & others,	19		19	do. do. do. do.
W. & I. Connell,	24 19		24 19	do. do. do. do.
Jas. Martin & R. Chestreat,	50 19 7		50 19 7	do. do. do. do.
John A. Beckwith & G. H. Hartt,	22 4 9		22 4 9	do. do. do. do.
Geo. E. Ketchum & F. E. Beckwith,	8 18		8 18	do. do. do. do.
Hiram Baker,	1 2 6		1 2 6	do. do. do. do.
James Farrell,	2 19		2 19	do. do. do. do.
John Lawrence,	1 10 4		1 10 4	do. do. do. do.
Michean,	2 12		2 12	do. do. do. do.
David Mattocks,	1 11 3		1 11 3	do. do. do. do.
S. Bellefleur,	10		10	do. do. do. do.
Samuel Christopher,	6 15		6 15	do. do. do. do.
W. & R. Debblee for Parlee,	8 18 4		8 18 4	do. do. do. do.
James Pennington,	3 5 9		3 5 9	do. do. do. do.
Samuel Gallop,	16 6		16 6	do. do. do. do.
Benjamin Tibbetts,	1 13		1 13	do. do. do. do.
A. B. Sharp,	37 9 3		37 9 3	On crown lands leased to J. Berton,
James Perley,	4 8		4 8	
A. S. Carman,	28 15	14 7 6	14 7 6	} From Jacob Allen's return, and arranged according to the judgment of the Joint Commissioners.
James Groves,	6 8	3 4 3	3 4 3	
R. R. Ketchum,	68 10	34 5	34 5	
Crookshank & Walker,	12 10	6 5	6 5	
£1962 6 10	424 2 10	1538 3		

DISPUTED TERRITORY FUND.

23

Amount assignable to the British Government as above,	£1538	3
—DEDUCT—		
Proportionate part of the gross expenditure,	935	17 11
Amount of British claim on the Disputed Territory Fund, as arising from timber cut on the part of territory now within the defined limits of New Brunswick.	£602	5 1

DISPUTED TERRITORY FUND ACCOUNTS.

Account of Bonds belonging to the Fund at the settlement of Accounts Sept. 1846.

CLASS I. Twelve bonds on which no legal proceedings have been had. Eleven to be handed over to the Government of the United States of America. One to be retained by the British Government.

CLASS II. Eighteen bonds on which legal proceedings have been instituted and 25 per cent. and the costs have been paid under a temporary and conditional arrangement with the Provincial Government. Fifteen to be delivered to the United States Government. Three to be retained by the British Government.

CLASS III. Six bonds on which legal proceedings have been had, but which for various reasons have not yet been prosecuted to a final and beneficial result. Four to be delivered to the United States Government. Two to be retained by the British Government.

Bonds deliverable to the government of the United States of America.

CLASS I. Bonds on which no legal proceedings have been had.

No.	Date.	Obligors.	Amount of condition.	Remarks.
U. S.	1840.			
1	June 18.	Thomas E. Perley,	502 16	
2	June 18.	Thomas E. Perley,	38	
3	June 30.	Wilder Straton, B. Beveridge and		
4		I. Taylor,	345 12	
5	July 21.	A. C. Hammond & C. A. Hammond.	99 12	
6	July 7.	W. F. I. Bevell & Thos. E. Perley,	14 16	
	July 31.	James Taylor, George E. Ketchum, and John Simpson,	720	
7	Nov. 26. 1841	John Pollock and Geo. Thomson,	529 4	
8	Jan. 29.	Charles Connell and Joseph Con- nell,	50	
9	Jan. 29.	Thos. E. Perley, & R. R. Ketchum,	466 8	
10	July 34	Thomas E. Perley & John Venning,	139 4	} £34 16 paid and credited in general acct.
11	Aug. 24.	R. R. Ketchum & Geo. Ketchum,	196 8	
			£3102	

The following payments have been made to Receiver General Lee under the designation of "Tonnage," and are credited in the general account, but it is supposed that the parties intended the payments as a liquidation in part of such of the foregoing bonds as they were interested in.

James Taylor,	-	-	-	-	-	-	-	-	-	488	12	0
John Pollok,	-	-	-	-	-	-	-	-	-	132	6	0
R. R. Ketchum,	-	-	-	-	-	-	-	-	-	51	2	0
F. E. Beckwith,	-	-	-	-	-	-	-	-	-	37	10	0
											£709 10 0	

Bonds deliverable to the United States Government, (Continued.)

CLASS II. *Bonds on which legal proceedings have been been instituted and 25 per cent. and the costs paid under a temporary and conditional arrangement with the Provincial Government.*

No.	Date.	Obligors.	Amount of condition.			Amount paid.		
1839.								
12	July 13.	Shepherd Cary and G. A. Munro,	765	9		210	19	
13	June 12.	Enoch De Beck, Thomas T. Smith and George A. Munro,	147	13	11	39	2	8
14	June 28.	Enoch De Beck & Thos. E. Perley,	213	16	6	68	3	11
15	July 6.	Enoch De Beck & Thos. E. Perley,	10	17	6	2	14	4½
16	Aug. 9.	Enoch De Beck & Thos. E. Perley,	104			28	10	1½
18	July 11.	R. R. Ketchum & H. C. Harvey,	32			8	10	
17	July 26.	James Houlton & T. Tracey,	366	12		98	17	1
19	July 24.	G. A. Munro & D. B. Smith,	92			24	4	8
20	June 22.	O. D. Smith & Benjamin Smith,	668	4		182		1
21	June 22.	James Stickney & T. E. Perley,	414	6	1	114		
22	June 22.	James Stickney & T. E. Perley,	208	11		56	17	6
23	July 11.	Oliver D. Smith & Benj. Smith,	20	12	6	5	12	1
24	July 13.	Oliver D. Smith & H. C. Harvey,	41	4		13	18	
25	July 25.	Oliver D. Smith & H. C. Harvey,	33	4		8	10	7
26	July 15.	James Taylor, Allan & Joslin,	1896	4	6	516	17	
			£5014 3 1			1368 17 1		

CLASS III. *Bonds on which legal proceedings have been had, but which have not yet been prosecuted to a final and beneficial result.*

No.	Date.	Obligors.	Amount of condition.					
1839.								
27	July 27.	Leonard R. Coombes, and A. B. Hammond,				63	8	
28	July 27.	Leonard R. Coombes, and A. B. Hammond,				58	8	
29	July 15.	Thomas S. Carman, and L. R. Coombes,				62	3	9
30	July 24.	B. D. Smith, Geo. A. Munroe, and Amos Dickinson,				400		
						£583 19 9		

DISPUTED TERRITORY FUND.

25

Bonds retainable by the British Government.**CLASS I.** *Bonds on which no legal proceedings have been had.*

No.	Date.	Obligors.	Amount of condition.
31	1841. Aug. 14,	Leonard R. Coombes, and A. B. Hammond,	£165 15

CLASS II. *Bonds on which legal proceedings have been instituted, and 25 per cent. and the costs paid under a temporary and conditional arrangement with the Provincial Government.*

No.	Date.	Obligors.	Amount of condition.	Amount paid.
32	1839. July 2,	Birmingham Dickinson & Upham,	90 17	19
33	Aug. 30,	William and Charles Connell,	154 13 8	24 19
34	June 1,	Adam B. Sharp and J. J. Munroe,	137 9 1	37 9 3
			£382 19 9	£81 8 3

CLASS III. *Bonds on which legal proceedings have been had, but which have not yet been prosecuted to a final and beneficial result.*

No.	Date.	Obligors.	Amount of condition.
35	1838. July 28,	Frederick W. Hathaway and Thomas Hathaway,	80
36	1839. July 15,	William Connell and L. R. Coombes,	235 2 9½
			£315 2 9½

This is the list or schedule of bonds which was before us at the final settlement specified and referred to in the deed of agreement entered into this 29th day of September, 1846.

JOHN HODGDON,
GEORGE W. COFFIN.

GEORGE SHORE,
F. P. ROBINSON,
JOHN S. SAUNDERS.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, May 12, 1847.

ORDERED, That three hundred and fifty copies of the foregoing Message, together with the accompanying papers, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*