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**Report in Relation to the Claims of the State of Maine Against the United States, Under the Treaty of Washington, and for Military Expenditures Incurred in 1839 for the Protection of the Northeastern Frontier**

Samuel L. Harris

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# REPORT

IN RELATION TO THE

## CLAIMS OF THE STATE OF MAINE

AGAINST THE

## UNITED STATES,

UNDER THE TREATY OF WASHINGTON; AND FOR MILITARY  
EXPENDITURES INCURRED IN 1839 FOR THE  
PROTECTION OF THE

## NORTHEASTERN FRONTIER.

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Published agreeably to Resolve of March 22, 1836.

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*AUGUSTA:*

WM. R. SMITH & CO., PRINTERS TO THE STATE.

1843.

# REPORT.

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**To the Hon. Governor and Council of the State of Maine :**

I have the honor to submit a Report of my doings under a commission from the Executive, bearing date the twenty-seventh of March, made in conformity to an order of Council, passed the twenty-fifth of said month, "as agent to proceed to Washington, for the purpose of attending at the auditing of accounts of expenses incurred by Maine for the protection of the hitherto disputed territory, the reimbursement of which was a condition of the treaty of Washington."

In pursuance of the foregoing authority, I proceeded immediately to the performance of the duties assigned me. Having devoted a few days in arranging the accounts and vouchers, and in preparing the requisite documents, I left Augusta on the thirty-first day of March, and arrived at the city of Washington on the sixth of April.

Upon presenting at the State department, the official communication of the Executive, with which I was charged, intimating the wishes of Maine in relation to her claims under the Treaty, I was informed by the acting secretary, that no immediate action could be obtained, in consequence of the absence of the secretary of state. As my instructions were limited, I had no alternative but to await the return of Mr. Webster, on whose decision in the matter the interest of our State was supposed to depend. A copy of Governor Kavanagh's letter is appended to this Report, marked A.

Having submitted to the proper department my authority for receiving the indemnity due to Maine under a provision of the fifth article of the Treaty of Washington, "on account of her assent to the line of boundary described in said Treaty," and the necessary papers being prepared and passed through the usual forms of busi-

ness at the offices of the fifth Auditor, the first Comptroller and the Register of the Treasury, I obtained a warrant for the payment of the same, on the eighth of April; and on the tenth, received from the treasurer of the United States, a draft on the Merchants' Bank, Boston, for the amount, \$150,000, which I immediately transmitted to the treasurer of Maine. Copies of the requisition and warrant are filed with this report, marked B and C.

While awaiting Mr. Webster's arrival, I was fully occupied in completing the accounts comprising the Treaty claims, and in the examination and arrangement of the numerous vouchers, which could not be done properly before I left Augusta.

On the twentieth of April, Mr. Webster returned, and I lost no time in calling upon him; but owing to the pressure of his important official duties, was unable to procure an interview until the twenty-fourth.

From the correspondence with, and the assurances made to, the Maine Commissioners, during the pendency of the negotiation of 1842 in relation to the northeastern boundary, it was believed that the then secretary of state would be disposed to render every facility in his power to carry out the provisions of the Treaty in a liberal and satisfactory manner. So deeply impressed was the Executive, that such would be the case, that it was deemed of the highest importance to the interests of Maine that her claim should be presented before Mr. Webster left the State Department. Your agent regrets to state that these impressions proved to be erroneous, and that the secretary appeared disposed to embarrass, rather than to aid an equitable settlement of our claim. Having communicated to the Executive the result of this interview, in my letter of the same date, it is not considered necessary to recapitulate the facts here.

The further negotiation of the business having been left to my discretion, and being authorized by the Governor's letter of the 28th of April, to take such measures as circumstances might require, I did not deem it consistent with my duty, nor becoming the dignity, or interest of Maine, to solicit from the then Secretary of State any further action in relation to her claim, particularly as



his retirement from that department was an event daily expected to occur.

Mr. Webster resigned on the ninth and left Washington on the seventeenth of May. After his departure, I found no difficulty in obtaining the proper authority to give the desired direction to our claim; and on the twenty first presented our accounts to the Auditor for the Diplomatic Bureau, who assured me that they should receive immediate attention.

The following exhibits a statement of that portion of our claims against the United States, under the fifth article of the Treaty of Washington, submitted to the accounting officers of the Treasury department, at this time:

ACCOUNT No. 1.—(Being the same presented by the Maine Commissioners.)

For expenditures incurred "in maintaining an armed civil posse, on that portion of her territory claimed by Great Britain, to resist the unlawful intrusion of trespassers and depredators from the neighboring British Provinces," under resolves of the Legislature of January 24th, February 20th, March 19th and March 23, A. D. 1839; as per sheet marked D,

198,294 21

[The duplicate schedules and abstracts of this account, together with copies of the vouchers, are submitted herewith, contained in three bound volumes, marked "Civil posse accounts—State of Maine."]

ADDITIONAL ACCOUNT of the State of Maine, for expenditures incurred in relation to her Northeastern Boundary, made up in pursuance of an order of council of March 25, 1843.

18,391 66

[A transcript of this account is filed herewith, marked E.]

Aggregate,

\$216,685 87

Upon subsequent investigation, it was found that the State had received through the disbursing agents of the Land office, the sum of \$2,848 79 for property sold, the cost of which had been charged

in the foregoing account. A statement in relation to the proceeds of these sales, was communicated by me to the fifth Auditor, on the thirtieth of May, and a copy of the same is filed with this report, marked F.

A repayment of \$43 10 was also made by the military store keeper of the United States Arsenal at Augusta, as will appear by a copy of the report of council of May 27, 1842, marked G.

In making up account No. 5 of the additional claim, for pensions granted by the Legislature on account of injuries received in the Aroostook expedition, the whole amount allowed, being \$2,892, was charged; but it appears that \$618 of this sum, as per schedule herewith, marked H, has not been paid from the treasury of Maine, for reasons specified in said schedule. In account No. 6, voucher 17, an overcharge of six dollars was discovered.

The aggregate of these amounts constituting a credit in favor of the general government of \$3,515 89, reduced our claim to the sum of \$213,169 98.

The examination of the vouchers was completed at the fifth Auditor's office, on the 13th of June, with the following result:

Amount admitted to the credit of the State,	145,663 37
Amount suspended in the account for the expenses of the civil posse,	49,738 95
Amount of additional account suspended,	7,767 66
	<hr/>
	\$213,169 98

It being necessary for me to return to Maine for the purpose of obtaining the evidence needed to substantiate the vouchers comprising the suspended portion of the Civil Posse accounts, I left Washington on the fourteenth, and arrived at Augusta on the eighteenth of June. From that date until the last of July, I was engaged in collecting the testimony required.

The embarrassing circumstances under which the expenditures of the land agent in 1839 were made, is well known to the Governor and Council. The haste in which the *posse* was raised, the necessity that the expedition should proceed without delay to the frontier for the protection of our territory from the depredations of

trespassers, and the importance of an immediate and large supply of subsistence, hospital and other stores, camp equipage, munitions and articles absolutely indispensable for the various exigencies of the campaign, precluded the possibility of taking the proper measures to accomplish any definite system in keeping the accounts.

The necessity for employing foreigners, settlers in that remote region, in opening roads and in other services, being principally, men totally unacquainted with our language, and many of whom could neither read nor write, greatly increased the difficulty of procuring suitable vouchers of payments made to them for their labor, and for provisions which were occasionally purchased of them. It was also found necessary to keep on hand certain articles of supplies to furnish the posse in part pay for their services, which could not otherwise be obtained by them. Accounts were opened with each individual, as it was deemed preferable that the books should exhibit the various disbursements, than to take receipts with marks from persons entirely ignorant of our customs and institutions.

The want of the requisite funds to carry on the operations of the expedition advantageously, compelled the Land Agent to settle many accounts by certificates or due bills, all of which however, were subsequently paid; but as the original bills in most cases exhibited the mode of settlement, evidence of the payment of these liabilities was required.

It will be seen at once, that in order to put the vouchers in a shape that would be satisfactory to the accounting officers at Washington, much labor was necessary,—involving as it did a patient and critical examination of the several sets of books kept by the different disbursing officers, and the accumulated files of papers, which, from the very absence of system, were of a complicated nature.

It is proper to add, however, that notwithstanding the unfavorable circumstances under which these accounts were kept, I was enabled to trace each item, and found but few errors or discrepancies that were not susceptible of explanation.

In order to facilitate this investigation, I deemed it for the interest of the State to obtain the assistance of Messrs. R. S. Prescott



and D. F. Leavitt of Bangor, who by their personal knowledge of many transactions, acquired by their connection with the Land office in 1839 and '40, were enabled to afford me valuable aid.

I also had occasion to confer with Hon. Rufus McIntire, late Land Agent, whose intimate knowledge of the leading transactions connected with these accounts, rendered his testimony of essential service.

Transcripts of the most important affidavits and depositions in relation to the posse accounts, are filed herewith, marked I, K, L, M and N. Many others were taken, but as they were of minor importance, it was not considered necessary to preserve copies.

The objections to the Additional Account were principally removed by furnishing authenticated copies of the several Resolves of the Legislature, reports and orders of Council, on which the disbursements were predicated, and Warrants on the Treasurer authorizing the payment of the same. The preparation of these copies, comprising over five hundred pages, a list of which is subjoined, marked O, occupied sometime, and compelled me to employ additional assistance.

Having obtained as far as practicable such evidence as was considered sufficient to cover the objectionable points in our claim, and the papers being duly authenticated by the Executive, I left Augusta on the 31st of July on my return to Washington; but being detained a few days on the road by severe indisposition, did not arrive at that city until the eighth of August.

As early as circumstances would admit, I submitted the result of my operations, for the inspection of those officers of the Treasury Department, on whom devolved the duty of adjusting our claims; and gave my personal attention to furnish such explanations as would effect a more ready understanding of the testimony presented.

The final examination of the papers was completed on the fifth of September, and the statement of the account and reports thereon, were immediately drawn up. An official copy of the statement, exhibiting the details of the settlement, is herewith submitted, marked P.

By this it will be seen, that with the exception of \$8,25 of the



Posse accounts, the evidence of the payment of which could not be procured—and \$27,52 of the additional account, being a manifest overcharge—the whole of our claim, after the correction of a few clerical errors, was admitted by the accounting officers, as properly vouched and charged; but as the appropriation of \$206,934 79 under the act of Congress of March 3, 1843, “to provide for carrying into effect the Treaty between the United States and Great Britain,” was not sufficient to cover the whole amount, that sum only was paid,—and the excess, being \$6,110 26, was suspended for an additional appropriation by Congress.

In consequence of the temporary absence of the Fifth Auditor, final action upon our accounts could not be had at that time; but as all the particulars of the settlement had been agreed upon, I did not consider it necessary to remain at Washington until Mr. Pleasonton should return, but made an arrangement with the Treasurer of the United States, to have the amount transmitted by a draft on Boston, as soon as the papers received the official sanction of the proper officers. A warrant for the amount allowed, as before stated, \$206,934 79, was issued on the third of October, and that sum has been received and paid into the State Treasury.

As the accounts presented did not comprise the whole of our claims under the fifth article of the Treaty of Washington, it was deemed important by the Executive that an official statement should be filed, showing the nature of those expenses incurred by Maine in relation to her Northeastern boundary, the accounts for which had not been liquidated. In pursuance of instructions to that effect, by Governor Kavanagh’s letter of the second of September, a transcript of which is appended, marked Q, I communicated on the fifth of September, to the fifth Auditor of the Treasury, a statement of these claims, a copy of which is hereunto annexed, marked R.

It will be perceived that certain expenses are included in this statement, which were incorporated in the accounts presented for liquidation under the act of Congress providing for the settlement of our Military claim. Under that law, no expenses incurred previous to the troops being mustered and received into actual service,

## CLAIMS AGAINST THE UNITED STATES.

can be admitted, consequently all items for preliminary disbursements, will be disallowed; but I can see no reason why they could not with great propriety, be reimbursed by the General Government under the Treaty. Looking at the subject in this point of view, it was considered highly proper to incorporate this class of expenditures in the exhibit referred to.

In stating the additional claims of Maine under the Fifth Article of the Treaty, I included the expense of the commission under the resolves of the Legislature of February 21, 1843, "to locate grants and determine the extent of possessory claims under the late Treaty with Great Britain." As these resolutions were predicated upon the provisions of the fourth article of said Treaty, perhaps the expense of carrying them into effect, should constitute a separate account, to be specially presented by the authorities of Maine in connection with the claim for reimbursement of the value of the territory which may be ceded to quiet the settlers, in pursuance of the Treaty stipulations. However, this is a matter which does not come within my province to determine,—and is only respectfully suggested for the consideration of the Executive. That the United States are justly holden for such expense, is a question that admits of no doubt.

In closing the Report of my proceedings in relation to the Treaty claims, I am fully aware of the occasion there is to solicit the indulgence of the Governor and Council towards the performance of the duties with which I was charged.

## MILITARY CLAIMS.

I also have the honor to submit a Report, *in part*, of my transactions under an appointment from the Governor and Council of the twenty-first of March, 1843, as "agent to assist in the auditing of the Military accounts of this State against the General Government."

At an early period after my arrival at Washington, I called on the different accounting officers of the treasury charged with the adjustment of the Military claims, under the act of Congress of June 13, 1842, "to provide for the settlement of the claim of the State of Maine for the services of her Militia," a copy of which is filed herewith, marked S,—and delivered my credentials; and was assured that every thing should be done on their part to facilitate my operations and procure an early and favorable result.

The following exhibits a statement of this claim:

ACCOUNT made up to March 31, 1840, by A. B.

Thompson, Acting Quartermaster General of the State of Maine; (a copy of which is appended, marked T,)

For military expenditures incurred for the protection of her northeastern frontier, in the year 1839, 204,485 60

AN ADDITIONAL ACCOUNT, (a duplicate of which is filed, marked U,) was made up Nov. 20, 1840, amounting to, 5,089 45

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Aggregate of military expenditures. \$209,575 05

That portion of the preceding claim, which appertains to the pay of troops, being \$81,672 10 was audited by the Paymaster General of the United States and the proper officers of the Treasury department, while the accounts were under the charge of General A. B. Thompson, the agent for this state; and the sum of \$76,786 73 admitted, which amount was paid into the treasury of



Maine, in March last. This will leave a balance on account of the military claims, if the disallowances in the pay accounts are not included, of \$127,902 95.

Having made myself fully acquainted with the situation of the above account, I devoted such portion of my time each day, as I could spare from the proper attention at the auditing of the treaty claims, in examination of the vouchers with the accounting officers, rendering such explanations as they required, and in obtaining the information essential to a proper understanding, and that would tend to facilitate the removal of their objections.

The preliminary examination of these accounts having been completed, the vouchers and abstracts were delivered to me, together with detailed statements of the objections, for the purpose of obtaining the evidence required to substantiate them.

These objections are so varied in their character, that it would be impracticable for me at this time, without occupying more space than would be advisable, to recapitulate them. The act of congress providing for the settlement of this claim requires that it shall be audited under the laws and regulations that govern the payment of accounts pertaining to the United States' service, which involve a critical examination of each item by the accounting officers of the treasury. This renders it necessary for us to show the propriety of every expenditure, the disposition of all the property purchased, the nature of the various services rendered, and a full explanation on many other technical points, which cannot be done without great labor and careful investigation.

The information required, can only be obtained by personal application to the several disbursing officers; and the necessary certificates and affidavits must be furnished by officers who were actually in service and had actual knowledge of the facts.

When it is recollected that the greater portion of the expenditures were incurred nearly five years since, and that the individuals whose testimony is requisite, are now scattered all over the state, the difficulty of collecting the evidence will be apparent. It is also essential that a previous and minute investigation of the vouchers should be had, in order to become fully possessed of all



their details, and be enabled to adopt such measures as will preclude the necessity of going over the ground a second time.

It would be impossible to estimate the time that must necessarily be occupied in completing the business, as it will depend entirely upon the success met with in procuring testimony; but I shall devote my whole energy to accomplish it in as short a period as practicable.

The following statement exhibits the amount that has been received from the United States during the present year, on account of the claims of the state of Maine:

For military expenditures, <i>in part</i> ,	76,786 73
“ indemnity under the fifth article of the treaty of Washington,	150,000 00
For expenses of the civil posse and other treaty claims,	206,934 79
Aggregate,	\$433,721 52

I cannot conclude this report, without adverting to the valuable advice and assistance which I received at Washington, both personally and officially, from the Hon. Albion K. Parris, whose opinion upon all matters in which the interest of our state was involved, was important, and most cordially rendered.

I have the honor to be,

Very respectfully,

Your obedient servant,

SAM'L L. HARRIS.

Augusta, October 12, 1843.

A.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,

*Augusta, March 27, 1843.* }

SIR:—Samuel L. Harris, Esq., has been commissioned by the Executive of this State, to proceed to Washington for the purpose of attending at the auditing of the accounts of expenses incurred by Maine for the maintenance of the civil posse, the reimbursement of which, was a condition of the settlement made on the subject of the Northeastern boundary, by her Commissioners, on the twenty-second of July last.

It will be within your recollection that the Commissioners presented to you books, containing certified copies of vouchers; but, that, as the pressure of business did not permit the delay of an examination at that time, it was understood by all the parties to the settlement, that the allowance was to be made on equitable principles.

The letter addressed by you to the Commissioners, on the fifteenth of July last, pledged the United States “to the settlement and payment of the expenses incurred by those states (Maine and Massachusetts) for the maintenance of the civil posse;” and the treaty of Washington stipulates “to pay and satisfy said states, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory.”

It is known to us here that from the manner in which the civil posse was originally assembled and subsisted, at a most inclement season of the year, without having time, at the outset, to appoint, in every case, suitable agents for disbursements, many thousands of dollars have been lost to the state. We, however, forward such vouchers as have been preserved, and they will sustain all the charges made in the books aforesaid.

The accounts for other and additional expenses have been made

out in pursuance of resolves of the legislature, and the agent will fully explain their character.

I have the honor to be, sir,

With high respect,

Your obedient servant,

EDWARD KAVANAGH.

HON. DANIEL WEBSTER, *Secretary of State*, Washington.

B.

No. 6317.

TREASURY DEPARTMENT, }  
*Fifth Auditor's Office*, April 7, 1843. }

I hereby certify, that in pursuance of the fourth section of an act of Congress passed third day of March, 1843, entitled "an act to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty two," I have examined and adjusted an account between the United States and the State of Maine, and find that there is due from the United States unto Samuel L. Harris, assignee of James White, treasurer of said state, the sum of one hundred and fifty thousand dollars, allowed in conformity with the provisions of the fifth article of said treaty, per order of the Governor of said state, together with resolutions of its legislature herewith— Dollars 150,000,

As appears from the statement and vouchers herewith transmitted for the decision of the comptroller of the treasury thereon.

STEPHEN PLEASANTON, *Auditor*.

To JAMES W. McCULLOCH, *Comptroller of the Treasury of the United States*.

COMPTROLLER'S OFFICE, }  
 7th April, 1843. }

Admitted and certified.

J. W. McCULLOCH, *Comptroller*.

To THOMAS L. SMITH, Esq., *Register of the Treasury*.



## C.

Treasury appropriation warrant, No. 4744.

*To the Comptroller and Register of the Treasury.*

Congress having by the fourth section of an act entitled "an act to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty two," approved March 3, 1843, made the following appropriation, viz :

For the payment in equal moieties to the states of Maine and Massachusetts in conformity with the provisions of the fifth article of the said treaty, the sum of \$300,000.

The Register is directed to cause the above sum to be carried to the debit of the general account of appropriations, and the Comptroller and Register are directed to credit the said appropriations with the sum so appropriated, and for so doing this shall be your warrant.

GIVEN under my hand and the seal of the treasury department, this eighth day of April in the year of our Lord, 1843, and of independence the sixty seventh.

J. C. SPENCER, *Secretary of the Treasury.*

Countersigned, J. W. McCULLOCH, *Comptroller.*

T. L. SMITH, *Register.*

## D.

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For expenditures incurred "in maintaining an armed civil posse, on that portion of her territory claimed by Great Britain, to resist the unlawful intrusion of trespassers and depredators from the neighbouring British Provinces," under resolves of the legislature of January 24th, February 20th, March 19th, and March 23, A. D. 1839.

1. To expenditures by the Land Agent, as per

Abstract A,

170,813 83



2.	To property turned over to the Land Agent from the Military Department, as per Abstract <i>B</i> ,	14,604 07
3.	" expenditures by the Land Agent, as per Abstract <i>C</i> ,	8,590 40
4.	" expenditures by the Land Agent, as per Abstract <i>D</i> ,	2,780 66
5.	" extra compensation to Rufus McIntire, as per sheet <i>E</i> ,	1,000 00
6.	" expenditures by L. Bradley, Land Agent, as per Abstract <i>F</i> ,	505 25
Aggregate,		<hr/> \$198,294 21

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
*Augusta, May 23, 1842.* }

I hereby certify, that the expenditures charged in the above account, and amounting to the sum of one hundred ninety-eight thousand two hundred ninety-four dollars and twenty-one cents, were made by the state of Maine, for the purpose therein stated.

JOHN FAIRFIELD, *Governor of Maine.*

CLAIMS AGAINST THE UNITED STATES

2.	To property turned over to the Land Agent from the Military Department as per Abstract B.	11,601 01
3.	expended by the Land Agent as per Abstract C.	8,500 10
4.	expended by the Land Agent as per Abstract D.	2,750 00
5.	extra compensation to Agent McIntire, as per Abstract E.	1,000 00
6.	expended by L. H. H. Land Agent as per Abstract F.	503 87

419,901 81

ADDITIONAL CLAIM

STATE OF MAINE

I hereby certify that the expenditures charged in the above account and amounted to the sum of one hundred ninety-eight thousand two hundred and thirty-four dollars and twenty-two cents were made by the State of Maine as the same are shown in the following:

JOHN FAIRFIELD, Governor of Maine.

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ADDITIONAL CLAIM

OF THE

STATE OF MAINE.

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The following account of the State of Maine under the United States has been made up in pursuance of an order of the Council passed March 21, 1843, and comprises all the expenditures for the year ending on the 31st of December 1842, and is not made up of the account presented by the State Treasurer in 1842.

SAMUEL L. HARRIS.

## ADDITIONAL GAIN

of the

## STATE OF MAINE.

Ordered, That the Governor be requested to cause to be printed an additional account of the general government of the State, giving the expenditures incurred by the State in relation to the interest of our domestic industry, and the amount of any portion of the same.

DAVID A. FARMER.

Read and passed.

R. C. JOHNSON, Secretary of State.

Attest:

PHILIP C. JOHNSON, Secretary of State.

A true copy.

Attest:



THE following account of the State of Maine against the United States, has been made up in pursuance of an order of the council, passed March 25, 1843, and comprises all the expenditures incurred by said state in relation to her Northeastern boundary, not included in the account presented by the Maine Commissioners in 1842.

SAM'L L. HARRIS,

*Agent for the State of Maine.*

*Washington, May 1, 1843.*

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## STATE OF MAINE.

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IN COUNCIL, March 25, 1843.

*Ordered*, That the Governor be requested to cause to be made out an additional account against the general government, comprising the expenditures incurred by this state in relation to the settlement of our northeastern boundary question, not included in any previous account.

BARNABAS PALMER.

Read and passed.

ATTEST:

P. C. JOHNSON, *Secretary of State.*

A true copy,

ATTEST:

PHILIP C. JOHNSON, *Secretary of State.*

## ADDITIONAL CLAIMS.

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### *E.*

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For expenditures incurred on account of her Northeastern boundary, in accordance with resolves of the legislature, and under the authority of the Governor and council, as follows :

To amount paid for the services and expenses of agents ; as per account No. 1.	3,964 34
To amount of expenses in making surveys upon the Northeastern frontier in 1838 ; as per account No. 2.	4,059 50
To amount paid for the services and expenses of Com- missioners in relation to the Northeastern boundary, in 1842 ; as per account No. 3.	3,000 00
To amount of miscellaneous expenditures ; as per ac- count No. 4.	5,802 00
To amount of pensions and allowances paid under resolves of the legislature, to individuals for injuries received while engaged in the service of the state in protecting the Northeastern frontier ; as per ac- count No. 5.	2,892 00
To amount of allowances paid under resolves of the legislature to towns and individuals, for services rendered and expenses incurred on account of the Aroostook expedition in 1839 ; as per account No. 6.	747 06
To amount of expenses of the civil posse during the year 1841, subsequent to the 30th of September ; as per account No. 7.	394 90
To amount of expenses of the civil posse during the year 1842 ; as per account No. 8.	442 45
Aggregate,	<hr/> \$21,302 25

Cr.

By amount received from the United States ; as per account No. 9.	2,910 59
	<hr/>
	\$18,391 66

## [No. I.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For the following items paid from the treasury for services and expenses of agents, on account of the Northeastern boundary ;

1. To amount paid to John G. Deane, per resolve of February 23, 1828 ; for his services and expenses in obtaining necessary and useful information relative to the Northeastern boundary, 100 00
2. “ amount paid Charles S. Daveis, per resolve of February 25, 1828 ; for services and expenses incurred in obtaining evidence in relation to British aggressions, 748 59
3. “ amount paid Jonah Dunn, per resolve of February 11, 1829 ; for his travel and attendance at the seat of government in March, 1828, to represent the situation of settlers on the Aroostook river, 58 00
4. “ amount paid Abijah Smith, per report of council of December 9, 1831, for expenses incurred, in visiting prisoners in the jail at Fredericton, under an order of council of November 7, 1831, 103 42
5. “ amount paid John G. Deane and Edward Kavanagh, per resolves of February 25 and 27, 1832 ; for services and expenses as agents under resolve of March 31, 1831 ; in relation

## 24 CLAIMS AGAINST THE UNITED STATES.

to persons settled on the public lands without title, to wit:

	To John G. Deane,	478 79	
	“ Edward Kavanagh,	240 69	719 48
6.	To amount paid Gorham Parks, per resolve of March 8, 1832; for his services and expenses as agent to Massachusetts, under resolve of January 24, 1832,		118 00
7.	“ amount paid William P. Preble, per resolve of March 4, 1833; for his expenses as agent to Washington, under resolve of January 19, 1832,		228 88
8.	“ amount paid A. B. Thompson, per report of council of December 23, 1837; for expenses incurred in visiting the eastern line of the state, by order of the Executive,		76 31
9.	“ amount paid Charles S. Daveis, per report of council of December 26, 1838; for his services and expenses as special agent to Washington, under an order of council of April 25, 1838,		898 50
10.	“ amount paid Richard H. Vose, per report of council of March 25, 1839; for his expenses as special agent to Massachusetts, per order of the Executive,		46 88
11.	“ amount paid Jona. P. Rogers, per report of council of March 25, 1839; for services as special agent to Fredericton, in regard to the imprisonment of the land agent of Maine,		100 00
12.	“ amount paid John D. McCrate, per report of council of April 29, 1839; for services and expenses as special agent to Washington,		300 00
13.	“ amount paid John T. P. Dumont, per report of council of May 2, 1839; for services as special agent to the Aroostook, by order of the Executive,		100 00
14.	“ amount paid Benjamin Wiggin, per report of		



	council of February 28, 1840; for services and expenses as agent to Temiscouata lake, and elsewhere, on special service,	186 50
15. To	amount paid James L. Child, per reports of council of May 1, 1839 and March 3, 1840; for services and expenses as agent for purchasing supplies in Boston in 1839,	101 00
16. "	amount paid Isaac Hodsdon, per resolve of April 16, 1841, for expenses of journey to Fredericton in 1837, to obtain information in regard to the liberation of Greeley,	78 78
Aggregate of account No. I,		<hr/> \$3,964 34

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[No. II.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For the following items paid from the treasury, for expenses in making surveys upon the Northeastern frontier, under resolves of the legislature, entitled "resolves in relation to the Northeastern boundary," approved March 23, 1838.

1. To	amount paid John G. Deane and others, for services and expenses as commissioners, &c., under resolves of March 23, 1838, for ascertaining, running and locating the Northeastern boundary line of Maine; as per report of council of January 1, 1839,	1,398 30
2. "	amount paid John G. Deane and others, per resolve of February 22, 1839; balance due for services and expenses,	2,050 87
3. "	amount paid Francis Eneas, per resolve of March 5, 1839; additional allowance for services and expenses while in the employ of the state, under the commissioners, &c., as above,	45 00
4. "	amount paid William P. Parrott, balance due	

him for services and expenses as surveyor, employed by the commissioners under resolve of March 23, 1838; as per report of council of February 25, 1841, 265 33

5. To amount paid William Anson, per resolves of March 10, 1842, and March 22, 1843; for compiling and drafting maps for the state in 1838 and 1839; under direction of the commissioners to run the Northeastern boundary line of the state, 300 00

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Aggregate of account No. 2, \$4,059 50

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### [No. III.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For amount paid to Edward Kavanagh, William Pitt Preble, Edward Kent, and John Otis, Commissioners appointed under "Resolves in relation to the northeastern boundary of this State," approved May 26, 1842, for their services and expenses under said commission, paid per reports of council of December 31, 1842; and March, 1843, and resolve of the Legislature of March 20, 1843; to wit; \$750 to each, \$3,000

### [No. IV.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For the following miscellaneous expenditures from the treasury, on account of the Northeastern boundary.

1. To amount per report of council of October 18, 1828; for the relief of John Baker's family, while he was in jail at Fredericton, 212 00
2. " amount paid John Baker, per report of coun-

cil, of November 8, 1831; for expenses of his visit to Portland to make representations to the Executive of Maine in relation to British aggressions,		40 00
3. To	amount paid John Baker, per resolve of March 9, 1832; for losses and expenses incurred and sustained by him,	650 00
4. "	amount paid Daniel Savage and others, per resolve of March 4, 1833; for losses sustained by them, by being arrested and imprisoned at Fredericton by the British authorities,	775 00
5. "	amount paid Ebenezer S. Greeley, per resolve of March 12, 1838; for sufferings and losses attendant upon his arrest and imprisonment at Fredericton,	500 00
6. "	amount paid John Baker and others, per Resolve of March 19, 1838; for sufferings and losses in consequence of organizing the town of Madawaska,	675 00
7. "	amount paid Emeline Maddocks, per Resolve of March 18, 1840; to indemnify her for losses sustained by her late husband from the British authorities,	150 00
8. "	amount paid Sepoid Nadow, per resolve of April 6, 1841; for indemnity for his farm and improvements thereon, taken possession of by the land agent, for the use of the civil posse,	300 00
9. "	amount paid John H. Pilsbury and Ebenezer Webster, per Resolves of March 20, 1843; on account of damage suffered by them from detention of their timber in the Aroostook Boom, in the spring of 1839,	2,500 00
Aggregate of account No. 4,		<hr/> \$5,802 00



## [No. V.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For the following items paid from the treasury, for pensions and allowances to individuals for injuries received while engaged in the service of the state in protecting the Northeastern frontier, in 1839.

1. To amount paid to Jonathan M. Smiley, per resolve of January 29, 1840; expenses of his sickness while in the service of the state in the Aroostook expedition, 100 00
2. " amount paid to Eleanor Gray, per resolves of March 21, 1839 and January 31, 1840, on account of the death of her husband, Sewall Gray, a soldier in the Aroostook expedition, 100 00
3. " amount paid Lewis Bailey, per resolve of February 28, 1840; on account of his sickness while in the military service of the state in the Aroostook expedition, 40 00
4. " amount paid to Tobias Thompson, per resolve of March 3, 1840, on account of an injury received while in actual service in 1839, 40 00
5. " amount paid to Benjamin P. Chapman, per resolve of March 3, 1840; for expenses incurred on account of his sickness while in the Aroostook expedition, 40 00
6. " amount paid to Sally Grover, per resolve of March 6, 1840; for balance due her son John Grover, who died while in the military service of the state, 56 00
7. " amount paid to Ephraim B. McCondra, per resolve of March 6, 1840; for pension on account of an injury sustained while in the Aroostook expedition, \$5 per month for two years, 120 00
8. " amount paid to Levi Foss, per resolve of March 7, 1840; on account of expenses of sickness while in the service of the state, 40 00

- |       |   |        |
|-------|---|--------|
| 9. To | amount paid to Amelia Wood, per resolve of March 7, 1840; in consequence of the death of her husband, while in the military service of the state,   | 50 00  |
| 10. " | amount paid to John A. Dill, per resolve of March 11, 1840; on account of loss of time and expenses occasioned by his sickness when in the Aroostook expedition,  | 40 00  |
| 11. " | amount paid to Samuel Bassick, per resolve of March 16, 1840; for pension on account of an injury sustained while doing military duty, \$4 per month for one year,  | 48 00  |
| 12. " | amount paid to Alden W. Norris, per resolve of March 16, 1840; for pension on account of an injury received by him while in the service of the state, \$3 per month for 5 years,  | 180 00 |
| 13. " | amount paid to Benjamin Chadbourne, for pension in consequence of the loss of his health while in the service of the State; per resolve of March 7, 1840; \$5 per month for one year, \$60. Per resolve of February 26, 1841, \$4 per month for one year, \$48, | 108 00 |
| 14. " | amount paid to Benjamin F. Edmonds, per resolve of March 5, 1841; for money advanced by him, for the expense of the sickness of his son in the Aroostook expedition,  | 10 00  |
| 15. " | amount paid to John Jaquith, per resolve of March 31, 1841; for expenses incurred by him, through the sickness of his son, while in the service of State in the Aroostook expedition,   | 25 00  |
| 16. " | amount paid to Sewall L. Boulter, per resolve of April 6, 1841; for expense and damage sustained by him while in the service of the State in the Aroostook expedition,  | 35 00  |
| 17. " | amount paid Ephraim S. Crockett, for pension  |        |

	in consequence of an injury received by him while in the service of the State, per resolve of February 26, 1841, \$3 per month for three years, \$108. Per resolve of February 7, 1843, \$2 per month for one year, \$24,	132 00
18. To	amount allowed Charles W. Buckmar, per resolve of February 9, 1843; for pension in consideration of injuries received while in the service of the State, \$6 per month, for four years,	288 00
19. "	amount paid Albert Hanson, for pension on account of the loss of his health while employed in the military service of the State, per resolve of March 16, 1840; \$7 per month, for two years, \$168. Per resolve of February 9, 1842; \$4 per month, for two years, \$96. Per resolve of March 3, 1843; \$5 per month, for one year, \$60,	324 00
20. "	amount paid James Robinson, per resolve of March 22, 1843; for pension in consequence of loss of health, while in the service of the State in 1839, \$5 per month, for one year,	60 00
21. "	amount paid captain George W. Maxim, for pension in consequence of an injury received while in the service of the State in the Aroostook expedition, per resolve of March 5, 1841, \$20 per month for three years, \$720. Per resolve of February 22, 1842, and March 24, 1843, \$10 per month for two years, \$240,	960 00
22. "	amount paid David Strout, per resolves of March 18, 1842, and March 24, 1843, for pension for injuries received while in the service of the State, \$4 per month for two years,	96 00

Aggregate of account No. 5,

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\$2,892 00



## [No. VI.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For the following items paid from the treasury, on account of allowances under Resolves of the Legislature to towns and individuals, for services and expenses on account of the Aroostook expedition in 1839.

1. To amount paid John G. Chase, per resolve of March 3, 1840 ; for the loss of a horse while in the service of the State in 1839, 58 63
2. " amount paid Levi O. Farnham, per resolve of March 6, 1840 ; for the destruction of a gun and bayonet, while in the service of the State in 1839, 8 00
3. " amount paid J. P. Philbrook, per resolve of March 5, 1841 ; for storing cannon belonging to the State, used by the troops in actual service in 1839, 10 00
4. " amount paid town of Brooks, per resolve of March 11, 1841 ; for six tents procured by said town for the use of soldiers drafted into the service of the State, in 1839, 104 90
5. " amount paid certain soldiers of the town of Abbot, for their services in the Aroostook expedition in 1839, per resolve of April 6, 1841, thirteen men \$5 each, 65 00
6. " amount paid Freeman Nickerson, per resolve of April 10, 1841 ; for the loss of a horse in March, 1839, while in the service of the State, 55 00
7. " amount paid Samuel C. Stevens, per resolve of April 10, 1841 ; for services in transporting subsistence from Bangor to Houlton, for the troops in actual service in 1839, 35 00
8. " amount paid Nathaniel Bradstreet, per resolve of April 12, 1841 ; for quarters furnished soldiers in the Aroostook expedition, 7 77
9. " amount paid town of Athens, per resolve of April

## 32 CLAIMS AGAINST THE UNITED STATES.

	16, 1841 ; for supplies and transportation of soldiers in 1839,	11 25
10. To	amount paid town of Milo, per resolve of April 16, 1841 ; for expenses in furnishing soldiers in 1839,	34 12
11. “	amount paid town of Brighton, per resolve of April 16, 1841 ; for supplies and transportation of soldiers for the Aroostook expedition,	15 00
12. “	amount paid William Frost, per resolve of April 16, 1841 ; for copying orders for a military draft in 1839,	6 50
13. “	amount paid town of Belfast, per resolve of April 16, 1841 ; for two tents furnished by said town, for the use of soldiers drafted into the service of the State, in 1839,	34 93
14. “	amount paid certain persons, per resolve of April 16, 1841 ; for services in the Aroostook expedition, to wit :	
	Paul Doten, jr.,	2 00
	Stephen Keniston,	2 00
	Benjamin Garcelon,	5 00
	Amory Allen,	5 00
	David Plummer,	7 40
	Farnham Jewett,	5 40
	Henry Pennell,	10 00
	J. E. F. Cushman,	12 60
	S. R. Clements,	18 76
	Z. P. Lane,	20 20
	H. Baker,	22 40
	O. Knight,	21 80
	C. K. Bodfish,	24 00
	J. Berry,	24 00
		180 56
15. “	amount paid certain soldiers of the town of Parkman, per resolve of March 16, 1842 ; for their services in the Aroostook expedition in 1839,— twelve men at \$1 50,	18 00

16. To	amount paid to Sabra Harvey and the heirs of Samuel Harvey, per resolve of March 21, 1843; for supplies and quarters furnished soldiers in the Aroostook expedition,	45 40
17. "	amount paid to certain soldiers of the town of Ripley, in pursuance of resolve of March 23, 1843; for services rendered the state in 1839,	57 00
Aggregate of account No. 6,		<hr/> \$747 06

## [No. VII.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For expenses of the civil posse during the year 1841, subsequent to the thirtieth of September.

To amount of deduction made from sundry bills of expenditures by the land agent, charged in abstract D, to wit:

*2. From	Samuel Morrison's bill,	104 13
4. "	Zebulon Ingersoll's account for personal services,	25 00
From V. *5.	James Johnson,	3 08
"	*6. Gideon Deering,	25 86
		<hr/> 53 94
5. "	Zebulon Ingersoll's account,	8 95
6. "	John B. Wing's account,	83 75
7. "	John B. Wing's account,	
From V. *1.	James Fitzherber,	3 75
"	" *2. Benjamin Greeley,	2 06
"	" *4. Dennis Fairbanks,	4 25
"	V. *5. Richard McKeen,	3 20
"	" *6. William H. Cary & co.,	1 67
"	" *12. George Brown,	5 25
"	" *14. Daniel Libbey,	4 96
		<hr/> 25 14



8. From Stover Rines' account,	
V. *74. Joseph Ouilette,	1 67
" *80. R. L. White,	26 56
" *81. John Laundrid,	1 12
" *82. Pascal Michaud,	6 10
" *88. Romani Michaud,	4 00
	<hr/> 275 91
" *90. Tenani Michaud,	2 40
" *97. Francois Grander,	1 50
" *106. Joseph Nadeau,	6 20
" *112. George G. Green,	60
From V. *83. George G. Green,	4 90
" " *86. Lerani Boulot,	4 86
" " *91. A. P. McLellan,	19 40
" " *92. James Walch,	19 40
" " *96. John Cornie,	30 77
" " *101. George Long,	9 10
" " *105. Charles H. Ellis,	31 84
" " *107. Moses Rines,	36 15
" " *109. John Bridge,	36 57
" " *120. R. L. White,	69 00
	<hr/> 313 89
12. From Stover Rines' bill three months personal services,	200 00
	<hr/> 789 80
Deduct one half charged to the commonwealth of Massachusetts,	394 90
	<hr/>
Aggregate of account No. 7,	\$394 90

## [No. VIII.]

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For expenses of the civil posse, during the year 1842.

1. To amount of Stover Rines' account,	623 87
2. " " Zebulon Ingersoll's account,	261 03

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 884 90

Deduct one half charged to the commonwealth of Massachusetts,	442 45
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 Aggregate of account No. 8, \$442 45

## [No. IX.]

*The UNITED STATES in account with the STATE OF MAINE, Cr.*By amount received from the Treasury of the United States,  
as follows:—

1828. By reimbursement of the sum paid by the state of Maine for the relief of John Baker's fam- ily. See account IV—voucher No. 1,	212 00
1830. By reimbursement of the sum paid to Charles S. Daveis. See account I—voucher No. 2,	748 59
1834. By reimbursement of the sum paid to Daniel Savage and others. See account IV—voucher No. 4,	775 00
1838. By reimbursement of the sum paid Ebenezer S. Greeley. See account IV—voucher No. 5,	500 00
1838. By reimbursement of the sum paid to John Ba- ker and others. See account IV—voucher No. 6,	675 00

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 Aggregate, \$2,910 59

## STATE OF MAINE.

SECRETARY'S OFFICE, }  
*Augusta, March 31, 1843.* }

I hereby certify, that the several sums contained in the foregoing account, amounting in the aggregate to twenty one thousand three hundred and two dollars and twenty five cents, were expended by the state of Maine, for the purposes therein specified.

ATTEST: PHILIP C. JOHNSON, *Secretary of State.*

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*F.*

WASHINGTON, 30th May, 1843.

SIR:—In the claim of the state of Maine under the treaty of Washington, for expenditures incurred on account of the North-eastern boundary, now in the course of liquidation in your department, there is charged as per abstract B, for property turned over from the military department to the land agent, for the use of the civil posse, on the withdrawal of the militia from the Aroostook, in the spring of 1839; the sum of fourteen thousand six hundred and four dollars and seven cents. (\$14,604 07.)

A portion of this property was subsequently sold by the land agent, and the amount received in payment for the articles disposed of, as per statement herewith enclosed, was two thousand eight hundred forty eight dollars and seventy nine cents, (\$2,848 79) which sum should be deducted from the amount charged in the account above referred to; leaving the balance claimed by Maine, to be eleven thousand, seven hundred fifty five dollars and twenty eight cents. (\$11,755 28.)

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

SAMUEL L. HARRIS,

*Agent for Maine.*

To HON. STEPHEN PLEASANTON, *fifth Auditor of the Treasury.*



STATEMENT exhibiting the amount received in payment for the following articles sold, from the stores left in charge of the posse on the withdrawal of the militia from the Aroostook in the spring of 1839.

3795 $\frac{3}{4}$ lbs. pork, sold at Aroostook,	752 05
30 bushels corn,                   "                   "	60 50
143 $\frac{1}{4}$ lbs. tea, at 34c,                   "                   "	48 70
210 $\frac{3}{8}$ bushels wheat,                   "                   "	526 57
50 pea jackets at \$7 50,                   "                   "	375 00
58 pairs pants. at \$3 75,                   "                   "	217 50
1 pair pants. at \$2 75,                   "                   "	2 75
161 pairs socks at 22 $\frac{1}{2}$ c,                   "                   "	37 22
61 pairs drawers at 75c,                   "                   "	45 75
12 vests at \$2,                   "                   "	24 00
65 pairs boots at \$2,                   "                   "	130 00
Bill medicine sold G. W. Ladd at Bangor,	48 16
138 pea coats sold J. Boardman & co., Bangor,	448 25
75 pairs pants,                   "                   "                   " at \$1 50	112 50
6 $\frac{5}{12}$ doz. pr. socks,                   "                   "                   " at \$2 00	12 84
2 pea coats,                   "                   "                   " at \$3 50	7 00
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Aggregate,	\$2,848 79

## G.

### STATE OF MAINE.

IN COUNCIL, May 27, 1842.

The standing committee on warrants, to which was referred the communication of James Baker, military store keeper at the United States arsenal, transmitting a statement of the cost of fifteen thousand six hundred and ten musket ball cartridges, which were furnished A. B. Thompson, late acting quartermaster general, having had the same under consideration, REPORT; that in the year 1839, the said Baker loaned to the state fifteen thousand, six hundred and

ten musket ball cartridges, and received from A. B. Thompson, then acting quartermaster general, the sum of one hundred ninety one dollars and ten cents, with the understanding that should said sum exceed the cost of replacing the cartridges, the balance was to be refunded to the state, and they have examined the statement which appears to be correct. They therefore recommend that the balance of forty three dollars and ten cents as per said account, be paid over to the treasurer of state, who is hereby directed to receipt for the same.

Which is respectfully submitted,

G. WHITE, *chairman.*

IN COUNCIL, May 27, 1842.

This report on being read was accepted by the council, and by the governor approved.

ATTEST:

P. C. JOHNSON, *Secretary of State.*

## H.

SCHEDULE OF PENSIONS charged in the account of the state of Maine against the United States, which had not been paid from the state treasury, July 20, 1843.

No.	Name.	Cause of non-payment.	Time.	Amount.
9	E. B. McCondra,	dead,	1 year,	60
12	A. W. Norris,	payable Mar. 16, 1844-5,	2 "	72
17	E. S. Crockett,	payable Jan. 1, 1844,	1 "	24
18	C. W. Buckmar,	pay. Jan. 1, 1844-5-6,	3 "	216
19	A. Hanson,	dead,	1 "	48
20	J. Robinson,	payable Jan. 1, 1844,	6 mos.	30
21	G. W. Maxim,	payable May 1, 1844,	1 year,	120
22	D. Strout,	payable Jan. 1, 1844,	1 "	48

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\$618

## I.

WASHINGTON, 14th August, 1843.

SIR:—In the account of the state of Maine against the United States, of claims under the treaty of Washington, now in course of liquidation in your department, are included several items paid by the land agent for *interest*, amounting in the aggregate, to the sum of three hundred sixty eight dollars and twenty five cents, as will appear by the within schedule. These items have been suspended, being, as I am informed, inadmissible, according to the rules of the department.

I am directed by the Executive of Maine to communicate the enclosed affidavit of Hon. Rufus McIntire, late land agent of that state, in relation to the circumstances under which the interest was paid,—with the hope that it will be considered satisfactory, and that the amount suspended may be admitted and allowed in our claim.

Respectfully requesting your decision upon the subject,

I have the honor to be,

Your obedient servant,

SAMUEL L. HARRIS,

*Agent for Maine.*

HON. S. PLEASANTON, *fifth Auditor, Treasury department, Washington.*

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VOUCHERS TO ABSTRACT A. Suspended by the fifth Auditor; the items charged for interest being *inadmissible*, according to the regulations of the Treasury department.

No.		Amount of voucher.	Amount of interest.
210,	Eastern bank,	52 50	52 50
211,	same	20 67	20 67
490,	S. C. Elwell,	256 55	4 55
1067,	W. H. Mills,	2 50	2 50
747,	James Harding,	176 92	1 92
1103,	R. McIntire,	290 88	243 53



		Amount of Voucher.	Amount of Interest.
No. 1272,	W. P. Parrott,	32 33	18 75
1487,	J. M. Spencer,	184 52	1 52
1704,	A. Woodward,	691 95	7 07
1716,	H. Winslow,	85 85	85
			<hr/>
			353 86
In abstract C.			
No. 15,	John Mason,	425 64	14 39
			<hr/>
Aggregate,			\$368 25
Admitted August 17th, 1843, by fifth Auditor.			

I, Rufus McIntire, testify that I was land agent for the state of Maine in the years 1839 and 1840, and as such, by resolves of the legislature of said state, employed an armed civil posse, to protect the timber on what was called the disputed territory, near the Northeastern boundary of the state, on the Aroostook and Fish rivers and vicinity. The expenses attending the payment and supplies for the posse, were necessarily high from the state of that distant frontier, and exceeded the funds at my control, and I was unable to meet payments as they became due promptly, or to procure funds as wanted from the treasury. The credit of the state was suffering and complaints were loud from creditors, especially from the men who had volunteered into the service of the state in the midst of winter, and needed their pay for themselves and families. To remedy this state of things and silence these complaints as far as in my power, I obtained loans from the Eastern Bank at Bangor, and Augusta Bank at Augusta, for the purpose of paying those debts, contracted by the state, and this I did without any authority to bind the state. The interest I paid on these loans I charged as part of the expenses incurred under the resolves for the protection of the Northeastern boundary, and the same was allowed me by the state on settlement. These loans did not enable me to meet all payments but only those most pressing and necessary to

be met, others were willing to wait on my giving them a certificate of what was due them for their services on interest, to do them equal justice to those who received their pay for their services. When these certificates or due bills, were paid with interest, the interest paid was charged by me to the state, as paid over the amount of their accounts for services and were brought together in a schedule for that purpose. The charges for interest thus made, on the bank loans, and to the individual creditors of the state, were much discussed on settlement of my accounts,—the policy of it, my assuming without authority of law so to incur expense on one side, the necessity of it in justice to individuals, to thus sustain the credit of the state, and the favorable effect on the prices of labor and supplies still needed to be obtained on credit, and which made the expense a matter of true economy, on the other,—and the result was, the expenses for interest were allowed me, and paid by the state.

RUFUS McINTIRE.

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STATE OF MAINE.

YORK, ss.—July 11, 1843.

Then personally appeared the above named Rufus McIntire, and made oath that the foregoing deposition by him subscribed is true.

Before me, JEREMIAH GOODWIN, *justice of peace.*

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L.

I, Rufus McIntire of Parsonsfield, in the county of York and state of Maine, depose and say that I was appointed land agent of said state of Maine, in January, 1839, and immediately under the direction of the Governor, went in person to the Aroostook with a posse under the direction of the sheriff of Penobscot county, Hastings Strickland, Esq., for the purpose of arresting trespassers on the public land, who had set at defiance the sub land agent, charged with the care of the timber in that part of the disputed territory,

so called. The posse was raised suddenly in the vicinity of Bangor, and it was intended to make it as little public as possible. Our supplies for the expedition was necessary to be had at Bangor, as none could be obtained near the scene of operations, or in sufficient quantity for the first expedition. We purchased of Messrs. Strickland and Winslow, (Samuel P. Strickland and Hezekiah Winslow are the individuals comprising this firm,) of Bangor, such as we needed of articles as they could furnish, and found it best to engage them to make the other purchases of such as they could not furnish, and this was done by them in part, on credit. At this time it was not foreseen that any future purchases would be necessary, supposing the expedition would put a stop to trespassing in that remote section at once, and that no further expenditures would be necessary after the return of the expedition in three or four weeks. The trespassers got information of the approach of our posse, and generally left the woods and returned to the province of New Brunswick. After we had proceeded down the Aroostook to within a few miles of the Northeastern boundary, and believing the principal object of the expedition had been accomplished, and I had made arrangements to secure the timber already cut, and for the return of the posse, as there appeared to be no further intention of resisting our authority, I left the posse, with the expectation of meeting at the mouth of the Aroostook, Mr. McLaughlin the British warden of the disputed territory, so called, with whom there had been a friendly understanding with the agent of Maine, in regard to the prevention of trespassing on the disputed territory; but the night following, before I left the disputed territory, or could get an interview with Mr. McLaughlin, I was seized by an armed body of men from the province, carried out of the state and conveyed to Fredericton, to the lieutenant governor of the province of New Brunswick, where I was detained a few days, and was released on a pledge to return and surrender myself when called upon, and with the assurance from sir John Harvey, the lieutenant governor of New Brunswick, that he was bound by his orders to retain possession of the disputed territory by military force if necessary. On my return to Bangor, I found that by the authority of the state



of Maine, the militia were collecting at Bangor, and that the civil posse was increased to from six to eight hundred men and on their way to the Aroostook, under the sheriff and Charles Jarvis, Esq., who had been appointed assistant or provisional land agent, under a resolve of the legislature. These men, the armed posse, required large supplies of provisions, and means of transportation, and whatever was necessary for an expedition into the wilderness in the dead of winter, and for which there could be no delay. I had not the cash at my command to purchase them or to pay the men, many of whom needed advances to fit themselves with suitable clothing. I had no commissary at that time, or officer belonging to the land department, to make such purchases, and had to do as well as I could. The sheriff and assistant land agent had continued to employ Messrs. Strickland and Winslow to furnish supplies, and purchase such as they had not, and to act as commissaries in effect, to collect and forward the supplies, engage teams, have the supplies deposited in their store at Bangor, and teams loaded and paid, and indeed many of the men paid by way of advances, and when they returned they made them further advances when I was not in funds to meet the expenses of the expedition. When I obtained funds to pay Strickland and Winslow for their advances, and trouble, time and expense in making purchases and forwarding supplies, affording storage, &c., it became a question how they were to be compensated for the services they had thus rendered. The supplies by them purchased and forwarded, and settling with the teamsters on their return, which they could do with more accuracy and safety than any body else, embraced the time from the first of February to the latter part of May and indeed some time in June, and occasionally through the summer of 1839, and they had claim for interest on advances, as well as for purchases made on their own credit, and their personal attention to the business by night and day in the hurry of the moment. After looking over the subject and viewing it in all its aspects, and consulting with discreet men what would be the best course for the state, and one that would be satisfactory to our citizens under the circumstances, I took upon myself the responsibility of fixing upon a commission on these purchases, to

cover all these claims, not only of purchasing, but of receiving, keeping and delivering them out, and seeing to forwarding them by responsible carriers ; relying on its reasonableness to have the same allowed by the state,—not only as preferable to a long bill of particulars of these various services and claims, but more likely to afford a fair and equitable compensation, than any other mode. In settling my accounts with the Governor and council, the charge of commissions to Messrs. Strickland and Winslow, underwent a very rigid examination, and the subject was discussed in all its bearings, as it did also by a committee of the legislature ; the result of which was, it was allowed as reasonable, at four per cent. in addition to a charge of three hundred dollars for said services,—not merely for furnishing, but as covering all their other services of storage, delivery, advances, credit and risk, and at a time too, when the state was not in a condition to advance the cash, and when no officer of the state was appointed to discharge the duty. The land agent, assistant land agent and sheriff, had other duties to perform, entirely inconsistent with that of attending to the services rendered by Strickland and Winslow, being nearly all the time engaged in the wilderness, far distant from the place of purchasing supplies.

RUFUS MCINTIRE.

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### STATE OF MAINE.

YORK, ss.—July 11, 1843.

Then personally appeared the above named Rufus McIntire, and made oath that the foregoing affidavit by him subscribed is true.

Before me,

JEREMIAH GOODWIN, *justice of peace.*

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### M.

I, Rufus McIntire, of Parsonsfield, in the county of York and state of Maine, depose and say, that as land agent of said state, duly commissioned by the governor of Maine, in January, 1839,—I appointed Dudley F. Leavitt, of Bangor, in said state, to act as

a clerk and disbursing agent or commissary, on the Aroostook, to receive supplies, keep accounts of labor and services rendered by those in the employ of the state, and of payments made them. It was found necessary to keep certain articles of supplies to furnish the posse, and which could not be obtained by them in that remote frontier, and hence books were opened with the settlers and others, who were engaged in the service of the state.

We employed in opening our roads and forwarding supplies, Frenchmen, who could neither read nor write, nor speak the English language. The subject of vouchers for payments to those persons, was discussed with my agents there, and it was concluded that mere receipts by marks, from these Frenchmen, would not be satisfactory, and would lead to the charge of imposition, and it was deemed preferable to keep books of all charges, whether of money or otherwise, so that at all times, it could be shown how any man was paid. I accordingly directed captain Parrott and others, in charge of the posse, to have the accounts so kept. In consequence of being compelled to furnish supplies in part payment for services, it made the accounts of the commissary more intricate, than if money alone had been paid.

The books kept by said Leavitt were presented to me and examined, in order that I might be satisfied that all his charges for disbursements were correct; and from the fact that I was personally responsible for every cent that I allowed him in these accounts, I took much pains to see that they were correct. In the settlement of my whole account with the Governor and council,—indeed with two Executive boards, and two legislative committees of different legislatures, they were examined with great scrutiny, to detect and correct errors or allowances of improper charges; and on a full and to me, vexatious investigation with the books, vouchers and disbursing officers, the charges made by said Leavitt and allowed by me, were admitted in my account with the state, as correctly made, and part of the expenses incurred by those under my direction, in charge of the disputed territory.

I have examined the several depositions and affidavits made by said Leavitt, and shewn me by Samuel L. Harris, Esq., the agent



of Maine for settling the claims under the treaty of Washington, with the accounting officers of the United States treasury,—with regard to certain payments made by him, (Leavitt,) and have no doubt that they are substantially correct, and have been settled for and paid by the state.

I further testify that Reuben S. Prescott, Esq., of Bangor, was employed by me in 1839 and 1840, at Bangor and Augusta, in the land office as a clerk, and in settlement of the accounts of the civil posse, and who had charge of the office in my absence in the latter year, and that he was duly authorized to draw funds of the office where deposited in banks, &c., to be used in payment of said accounts, and that he has accounted long since to me, for his doings in said capacity.

I further depose, that I employed Thomas Bartlett, jr., on the Aroostook, in the winter of 1839, with the posse, and in the spring and summer of that year, I employed him to conduct a company of men from Bangor to the Aroostook, to Fort Fairfield, as a part of the civil posse, to relieve those whose term of service had expired; and that he was employed during the summer and fall of said year, in charge of a party of men, opening a road to the Fish river, under the general superintendence of Charles Jarvis, Esq., the provisional land agent.

RUFUS MCINTIRE.

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#### STATE OF MAINE.

YORK, ss.—July 11, 1843.

Then personally appeared the above named Rufus McIntire, and made oath that the foregoing affidavit by him subscribed is true.

Before me, JEREMIAH GOODWIN, *justice of the peace.*

## P.

No. 6528.

TREASURY DEPARTMENT,

*Fifth Auditor's Office*, September 19th, 1843. }

I hereby certify, that in pursuance of an act of congress passed on the third day of March, 1843, entitled "an act for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August 1842, I have examined and adjusted an account between the United States and the STATE OF MAINE, and find that there is due from the said States unto *James White*, Treasurer of the said state of Maine, the sum of *two hundred six thousand, nine hundred and thirty four dollars and seventy nine cents* for all claims for expenses incurred by it in protecting the heretofore disputed territory on the Northeastern frontier of the United States and making a survey thereof, as provided for by the fifth article of said treaty—*per account No. 1*, with its abstracts, marked A, B, C, D, E and F, *together with an additional account, marked No. 2*, with its abstracts No. 1, 2, 3, 4, 5, 6, 7, 8 and 9, and their respective vouchers herewith, as follows, viz:

## PER ACCOUNT NO. 1.

For labor, subsistence, transportation, forage, quarters and miscellaneous expenses, consisting of stationery, ammunition, travelling expenses and board of officers and men, clothing, fuel, postage, camp equipage and utensils, lumber and building materials, (including the sum of \$353 <sup>86</sup> / <sub>100</sub> , for interest paid on accounts and on monies borrowed for the purpose aforesaid per schedule of vouchers in which interest is charged, marked Z, and affidavit of land agent marked Y,) per said abstract marked A, herewith,	dollars	170,817	78
For ammunition, subsistence, camp equipage, hospital stores and clothing turned over from the military department to the land agent in the years 1839			

and 1840, for the use of said state in protecting said disputed territory—per said *abstract marked B*, herewith,

dollars 14,505 74

From which deduct

this amount received in payment by the land agent for articles sold, being a part of the above mentioned property,—per statement, and certificate of said land agent, marked X, herewith,

dollars, 2,848 79

And this amount reimbursed by the United States for musket ball cartridges furnished to said state (the cost of replacing them not amounting to the sum received for them)—per statement and accompanying papers herewith marked W,

43 10

2,891 89

Leaving actually used for the above purpose as appears by said *abstract B* and schedules and vouchers appertaining thereto, the sum of

dollars, 11,613 85

For labor, subsistence, transportation, forage, quarters, travelling expenses, clothing and camp equipage (including the sum of \$14<sup>39</sup>/<sub>100</sub> for interest paid on accounts per said schedule of vouchers in which interest is charged, and affi-



davit, marked Z and Y) per said abstract marked C, herewith,		8,587 37
For ditto ditto ditto per said abstract marked D, herewith,	5,561 32	
Deduct, one half of said amount being charged to the commonwealth of Massachusetts per said abstract D.	2,780 66	
		2,780 66
For this sum paid to Rufus McIntire, for extraordinary services rendered by him as land agent in 1839 and 1840, per resolve of the legislature of Maine, marked E, and accompany voucher, herewith,		1,000 00
And for labor, stationery and transportation, per abstract marked F, and vouchers, herewith,		505 25
	Dollars,	195,304 91

## PER ADDITIONAL ACCOUNT, MARKED No. 2.

For expenses in obtaining information relative to the Northeastern boundary, and evidence in relation to British aggressions, travelling expenses, visiting prisoners in jail at Frederickton, expenses in relation to persons settled on the public lands without title, expenses of agents in visiting Washington, eastern line of State, Massachusetts, the Aroostook, Temiscouata and Fredericton, services and expenses of agent in purchasing supplies in Boston in 1839, expenses of making surveys of Northeastern frontier in 1838, expenses for pensions and allowances under resolves of the legislature to individuals for injuries received while engaged in the service of the State, protecting the northeastern boundary and allowances to towns for expenses on account of the Aroostook

expedition in 1839—per said additional account, marked No. 2, together with abstracts annexed thereto from No. i, to No. viii, inclusive herewith,	dollars, 20,650 73	
Deduct therefrom, this amount reimbursed by the United States, per said additional account No. 2, and abstract annexed No. ix, herewith,	2,910 59	17,740 14
	Dollars,	213,045 05
Deduct therefrom, this sum, being the difference between the above sum of dollars 213,045 <sup>05</sup> / <sub>100</sub> and dollars 206,934 <sup>79</sup> / <sub>100</sub> , the amount appropriated per said act of congress, of March 3d, 1843, for all claims for expenses incurred by the state of Maine in protecting the heretofore disputed territory on the north-eastern frontier of the United States and making a survey thereof, as provided by 5th article of said treaty,		6,110 26
	Dollars,	206,934 79

As appears from the statement and vouchers herewith transmitted for the decision of the Comptroller of the Treasury thereon.

STEPHEN PLEASANTON, *Auditor.*

(To be remitted to James White, Treasurer of the State, in a draft on Boston—by mail—to Augusta, Maine, in conformity with resolutions of the legislature, and request of Samuel L. Harris, agent, under authority given by said White, herewith filed.) S. P.

To JAMES W. McCULLOH, Esquire,

*Comptroller of the Treasury of the United States.*

COMPTROLLER'S OFFICE, }  
25 September, 1843. }

Admitted and certified.

J. W. McCULLOH, *Comptroller.*

To T. L. SMITH, Esq., *Register of the Treasury.*

*The UNITED STATES to the STATE OF MAINE, Dr.*

To the following sums allowed to said State in pursuance of an act of congress passed 3d March, 1843, entitled "an act for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the 9th August, 1842," for all claims for expenses incurred by it in protecting the northeastern frontier of the United States, and making a survey thereof, as provided for by the 5th article of said treaty—per account No. 1, with its abstracts, marked A, B, C, D, E and F, together with an additional account marked No. 2, with its abstracts, No. 1, 2, 3, 4, 5, 6, 7, 8 and 9, and their respective vouchers herewith, as follows, viz :—

## PER ACCOUNT No. 1.

For labor, subsistence, transportation, forage, quarters and miscellaneous expenses, consisting of stationery, ammunition, travelling expenses and board of officers and men, clothing, fuel, postage, camp equipage and utensils, lumber and building materials, (including the sum of dollars 353 <sup>88</sup> / <sub>100</sub> , for interest paid on accounts and on moneys borrowed for the purpose aforesaid—per schedule of vouchers in which interest is charged, marked Z, and affidavit of land agent marked Y) per said abstract A, herewith,	dollars	170,817 78	170,817 78
For ammunition, subsistence, camp equipage, hospital stores and clothing turned over from the military department to the land agent in the years 1839 and 1840 for the use of said state in protecting said disputed territory, per said abstract marked B, herewith,	dollars	14,505 74	
From which deduct, This amount received in payment by			



the land agent for articles sold, being a part of the abovementioned property—per statement and certificate of said land agent, marked X, herewith,	dollars	2,848 79	
And this amount reimbursed by the United States, for musquet ball cartridges furnished by said state, (the cost of replacing them not amounting to the sum received for them)—per statement and accompanying papers herewith, marked W,		43 10	2,891 89
Leaving, actually used for the above purpose as appears by said abstract B, and schedules and vouchers appertaining thereto, the sum of	dollars		11,613 85
For labor, subsistence, transportation, forage, quarters, travelling expenses, clothing and camp equipage, (including the sum of dollars 14 <sup>39</sup> / <sub>100</sub> , for interest paid on accounts, per said schedule of vouchers in which interest is charged, and affidavit marked Z and Y,) per said abstract marked C, herewith,			8,587 37
For ditto ditto ditto, per said abstract marked D, herewith,		5,561 32	
Deduct one half of said amount, being charged to the state of Massachusetts—per said abstract D,		2,780 66	2,780 66
For this sum, paid to Rufus McIntire for extraordinary services rendered by him as land agent in 1839 and 1840, per resolve of the legislature of			

Maine marked E, and accompanying vouchers, herewith,	1,000 00	
For labor, stationery and transportation—per abstract marked F, and vouchers, herewith,	505 25	
		195,304 91

## PER ADDITIONAL ACCOUNT, MARKED No. 2.

For expenses in obtaining information relative to the Northeastern boundary, and evidence in relation to British aggressions, travelling expenses, visiting prisoners in jail at Fredericton; expenses in relation to persons settled on the public lands without title; expenses of agents in visiting Washington, eastern line of State, Massachusetts, the Aroostook, Tamiscouata and Fredericton; services and expenses of agent in procuring supplies in Boston in 1839; expenses of making surveys of the Northeastern frontier in 1838; expenses for pensions and allowances under resolves of the legislature to individuals for injuries received while engaged in the service of the state protecting the Northeastern boundary, and allowances to towns for expenses on account of the Aroostook expedition in 1839—per said additional account marked No. 2, together with abstracts annexed thereto from No. I, to No. VIII, inclusive, herewith,	dollars	20,650 73	
Deduct therefrom this amount, reimbursed by the United States—per said additional account No. 2, and abstract thereto No. IX, herewith,		2,910 59	
			17,740 14
	Dollars		213,045 05

Deduct therefrom, this sum, being the difference between the above sum, of dollars 213,045<sup>5</sup>/<sub>100</sub> and dollars 206,934<sup>72</sup>/<sub>100</sub>, the amount appropriated per said act of congress of March 3d, 1843, for all claims for expenses incurred by the state of Maine, in protecting the heretofore disputed territory of the Northeastern frontier of the United States, and making a survey thereof as provided by 5th article of said treaty,

6,110 26

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206,934 79

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TREASURY DEPARTMENT, }  
 Fifth Auditor's Office, Sept. 7, 1843. }

A. SPEER.

COMPTROLLER'S OFFICE, }  
 25th Sept., 1843. }

J. Z. HARTT.

Amount claimed by the state of Maine, as follows, viz:—

Per account No. 1, viz:—

Abstract marked A,		170,813 83
“ “ B,	14,604 07	
Less credits thereon,	2,891 89	

Abstract marked C,		11,712 18
“ “ D,		8,590 40
“ “ E,		2,780 66
“ “ F,		1,000 00
		505 25

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195,402 32

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And per additional account marked No. 2, after deducting amount of unpaid pensions and an overcharge of \$6, per Governor's certificate annexed to said account herewith,

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17,767 66

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*Amount claimed by the state of Maine,	213,169 98
Amount due said state by this statement,	206,934 79
Difference, dollars	6,235 19

Which difference is thus accounted for, viz :—

For this amount, which, although properly vouched and charged in the accounts, is rejected as a part of the excess beyond the sum appropriated by the act of congress of 3d March, 1843, in satisfaction of said claims,	6,110 26	
For the following charges in said accounts, which, not being supported by sufficient vouchers to justify their admission at this office, might be considered only as suspended, but, as composing, in part, the excess beyond the amount limited by the above mentioned act, are also rejected, viz :		
This sum, amount of vouchers No. 1,065 and 1,817 to abstract A, account No. 1— not receipted, \$	8 25	
And this sum, in part of voucher No. 1 to abstract No. 2, of additional account—not receipted,	27 52	
		35 77
Add thereto the following sums for errors of overcharge in said accounts, viz :		
This sum, in voucher No. 2, abstract B, account No. 1,	98 33	
This sum, in voucher No. 14, abstract C, account No. 1,	2 93	
Overcharge in addition of ab-		

\* NOTE. In addition to the foregoing accounts which have been examined and adjusted at this office, the state of Maine claims to be reimbursed under the 5th article of said treaty of Washington, for other expenditures which are particularly specified in the statement communicated to the 5th Auditor of the Treasury, by SAMUEL L. HARRIS, agent of said State, on the 5th September, 1843, marked S, and filed in this office.

stract C, account No. 1,	10	
	101 36	
Deduct therefrom, sundry small errors of undercharge in abstract A, to act. No. 1, per list herewith marked O,	2 20	
And undercharge in addition of page 43 of abstract A, act. No. 1,	10 00	
	12 20	
		89 16
Difference as above stated, dollars		6,235 19

TREASURY DEPARTMENT,  
Register's Office, November 25, 1843. }

I certify the foregoing report and account to be true copies of the originals on file in this office.

T. L. SMITH, *Register*.

Q.

WINCHESTER, 2d September, 1843.

SIR:—Your several letters of the 17th, 22d and 24th ultimo have been received, together with papers enclosed by Gov. Parris.

In regard to the items of claims against the general government, classified in your letter of the 17th, you are aware of the reason why the vouchers necessary to substantiate them are not ready to be presented to the accounting officers at Washington; and you will give the needful explanation thereof, at the proper department, taking care that there be placed on file official evidence that claim has been made by the state for re-imbursement of the full amount of the sum which may appear to be due after the accounts of those

items shall have been collected and liquidated. You will, also, adopt such other measures as you may deem expedient, to have the case presented to Congress, if necessary, at its next session, through the proper department.

It is quite satisfactory to learn that you have been able to make such favorable progress in procuring the allowance of the other portions of our claim for the expenses of the civil posse; and I trust that it will be in your power to report finally thereon, at the next session of the council, which will be held on the 10th of October next.

Under this same enclosure, I return the depositions of Dudley F. Leavitt, duly authenticated.

With respectful regard,

Your obedient servant,

EDWARD KAVANAGH.

To SAMUEL L. HARRIS, Esq., *Washington, D. C.*

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*R.*

WASHINGTON, 5th September, 1843.

SIR:—I am directed by the Executive of Maine to communicate a statement of the claims of that state against the general government, under the fifth article of the treaty of Washington, for expenses incurred by said state for the protection of her Northeastern frontier, which have not been heretofore presented.

It is expected, that,—according to the terms of the treaty, which expressly stipulates that the government of the United States “will pay and satisfy the states of Maine and Massachusetts, respectively, *for all claims for expenses incurred by them in protecting the said heretofore disputed territory,*”—provision will be made by congress, for reimbursement of the full amount of the sum which may



appear to be due after the vouchers necessary to substantiate the above mentioned accounts are collected, and liquidated by the proper accounting officers of the Treasury ; and that the amount which the claims that have already been audited exceeds the appropriation of \$206,934 79 under the act of March 3, 1843, will be included in the appropriation that may be made by congress for the above purpose.

The following statement exhibits the character of the claims referred to.

1. Expenditures incurred in company with the commonwealth of Massachusetts, in protecting from the depredations of trespassers, &c., the territory recently in dispute with Great Britain ; as per account herewith submitted, marked A. amounting in the aggregate to \$6,805 58.

2. Expenditures made by the land agent of Maine, previous to the year 1839, for the purpose of protecting our territory.

3. Services and expenses of the commissioners appointed under a resolve of the legislature, approved 21st of February, 1843, "to locate grants and determine the extent of possessory claims under the late treaty with Great Britain," an authenticated copy of which is filed herewith, marked B.

4. Amount of allowances under a resolve of 24th of March, 1843, to individuals, "for injuries and losses growing out of the operations of the state rendered necessary for the protection of the disputed territory." A copy of said resolve is submitted, marked C.

5. The preliminary expenses incurred by Maine on account of the Aroostook expedition, comprising payments to cities and towns for supplies, transportation, forage, &c., furnished the militia called into actual service by the state for the protection of its Northeastern frontier in 1839, and to officers and other persons for making drafts and other services.

6. Amount of pensions and allowances granted by the legislature of Maine on account of injuries received in the Aroostook expedition, which has not been paid from the State Treasury, the 20th of July, 1843, as per statement marked D.—\$510.

The amount of items numbered 2, 3, 4 and 5, is not at present

ascertainable; but accounts of all the preceding expenditures, in due form, substantiated by proper vouchers, will be furnished after the necessary action is had by congress in the premises.

I have the honor to be, sir,

With much respect,

Your obedient servant,

SAMUEL L. HARRIS,

*Agent for Maine.*

HON. S. PLEASANTON, *Fifth Auditor of the Treasury Department,*  
Washington.

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S.

CHAP. 39.]

[COPY.]

[PAGE 36.]

AN ACT to provide for the settlement of the claim of the State of Maine for the services of her militia.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be reimbursed and paid to the state of Maine, on the order of the Governor of said state, out of any money not otherwise appropriated, such amount as the paymaster general of the United States army, and the accounting officers of the Treasury shall ascertain and certify would have been due from the United States to the militia called into the service of the state in the year eighteen hundred and thirty-nine for the protection of her Northeastern frontier, by the Governor, if said militia had been duly called into the service of the United States, and regularly received and mustered by the officers of the United States army, according to the laws and regulations which have governed in the payment of the volunteers and militia of other states. And the paymaster general and accounting officers of the Treasury are hereby authorized and required to include the following claims, presented by said state, viz :

*First.* The cost of cannon balls and knapsacks purchased by the state, for the use of the troops called into service, and for defence of the frontier aforesaid: *Provided*, That said balls and knapsacks shall belong to the United States.

*Second.* The amount paid by the state for transportation of military stores, and of her troops in actual service as aforesaid: *Provided*, The amount should, in the opinion of the Secretary of War, appear to be reasonable.

*Third.* The pay or compensation allowed by the state to the paymaster and commissary general, and other staff officers, while they were respectively employed in making or superintending disbursements for the militia in actual service as aforesaid: *Provided*, The compensation paid by the state, as aforesaid, shall not exceed that paid by the United States for similar services.

*Fourth.* The sum paid by the state for blankets for the use of her militia while in actual service as aforesaid, or so much thereof as shall appear reasonable.

*Fifth.* The amount of expenditures by said state in necessary repairs of arms used by the militia while in actual service as aforesaid. *Provided*, That the accounts of the agent employed by the state of Maine to make said payments, be submitted to the paymaster general and the accounting officers for their inspection.

*Approved June 13th, 1842.*

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## T.

*The UNITED STATES in account with the STATE OF MAINE, Dr.*

For military expenditures incurred for the protection of her North-eastern frontier in the year 1839.

To pay of troops as per account 1,	\$81,652 57
“ subsistence of troops as per account 2,	27,258 16
“ expenditures in the quartermaster’s department as per (abstract) account 3,	62,816 27



To miscellaneous expenditures as per account 4,	2,444	97
“ amount paid to cities and towns on roll of accounts allowed by the legislature for subsistence, trans- portation, camp equipage and camp utensils, blankets and contingencies,	\$25,814	79
“ officers for making drafts,	3,554	44
“ persons for printing,	724	16
“ persons for miscellaneous accounts,	220	24
	—————	30,313 63
		<u>\$204,485 60</u>

## STATE OF MAINE.

QUARTERMASTER GENERAL'S OFFICE, }  
Augusta, March 31, 1840. }

I hereby certify, that the expenditures charged in the above account, and amounting to the sum of two hundred four thousand four hundred eighty five dollars and sixty cents, were made by the State of Maine for the purpose therein stated.

A. B. THOMPSON, *Acting Quartermaster General.*

## U.

*The UNITED STATES in account with the STATE OF MAINE*, for military expenditures incurred for the protection of her North-eastern frontier in the year 1839, additional to an account thereof made up March 31, 1840.

## PAY DEPARTMENT.

1840.

July 19. To paid John Glidden, as per account No. 1, \$19 53

## QUARTERMASTER'S DEPARTMENT.

1839.

*Knapsacks.*

May 16. To paid James Boyd & Sons, as per voucher No. 2, 4,056 00

*Ordinance Stores.*

June 10. To paid South Boston Iron Company, as  
per voucher No. 3, 844 70

1840.

*Transportation.*

Sept. 25. To paid Augusta and Bangor Stage Com-  
pany, as per voucher No. 4, 3 50

*Quarters.*

April 20. To paid William Johnson, as per voucher  
No. 5, 2 58

*Contingent.*

April 1.	To paid William Caldwell, No. 6,	\$6 00
April 17.	To paid Joseph Burton, " 7,	6 32
June 5.	To paid Nath'l Hutchins, " 8,	4 00
July 1.	To paid Joseph Burton, " 9,	2 25
July 16.	To paid F. Davis, jr., " 10,	2 00
Sept. 25.	To paid Greenlief White, " 11,	5 50
Do.	To paid Sam'l L. Harris, " 12,	2 74
Oct. 2.	To paid James B. Cahoon, " 13,	114 33
Nov. 7.	To paid R. K. Hardy, " 14,	20 00
		<hr/> 163 14

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\$5,089 45

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## STATE OF MAINE.

QUARTERMASTER GENERAL'S OFFICE, }  
Augusta, Nov. 20, 1840. }

I hereby certify, that the expenditures charged in the above additional account, and amounting to the sum of five thousand eighty nine dollars and forty five cents, were made by the state of Maine, for the purpose therein stated.

A. B. THOMPSON, *Acting Quartermaster General.*

## [No. I.]

DAMARISCOTTA MILLS. }  
28th April, 1843. }

SIR:—Your several communications of the 7th, 10th, and 24th instant have been received, and I have been much gratified by the evidence which they furnish of the zeal and intelligence with which you have prosecuted the business of the State at Washington. In regard to the mode of auditing our account of the expenses incurred for the maintenance of the civil posse, I have nothing to add to what is contained in my letter to Mr. Webster, of which you were the bearer. If he still persists in the disposition you mention, would it not be well to have the decision of the President? However, as you have the benefit of good counsel on the spot, I trust this matter to your discretion. I notice what you say in regard to the supplemental account: have you borne in mind that an addition may be made, under the resolve of the last session of the legislature authorizing the Governor and Council to audit claims for damages, &c., during the Aroostook expedition? Please present me most respectfully and cordially to Gov. Parris; and believe me with sincere regard, your obedient servant,

(Signed)

EDWARD KAVANAGH.

SAMUEL L. HARRIS, Esq.,

*Agent for claims, &c., Washington.*

## [No. II.]

WASHINGTON, 22d May, 1843.

SIR:—I had the honor to receive your favor of the 28th April, on the 3d instant, but delayed writing until I should be able to communicate the fact, that some definite arrangement had been made in relation to our claims under the treaty, which, I am happy to say, is at last effected.

Immediately on the receipt of your letter, I consulted with Gov.



Parris, and he advised me to proceed no further with the civil posse accounts, until Mr. Webster had retired from the State department, which event it was then daily expected would occur. He considered, that, representing as I did the interests of Maine, it was due to the dignity of the state, not to solicit any favors from the secretary of state, after his having manifested the disposition I mentioned in my letter of the 24th of April. Gov. P. thought I should gain nothing by an application to the President, and concluded that it would be the best course to present the claim directly to Mr. Pleasanton, the Auditor of the diplomatic bureau, as soon as Mr. Webster left. Should any obstacles then occur, we could apply to Mr. Legare, the acting secretary of the state, or to Mr. Spencer, the secretary of the treasury, both of whom, it was believed, would be disposed to act liberally.

Mr. Webster, as you are probably aware, resigned on the 9th, and left this city on the 17th instant. Having obtained, through Gov. Parris, the opinion of the secretary of the treasury, that our claim should go to the fifth Auditor, I presented the accounts to Mr. Pleasanton, who directed them to be immediately taken in hand, and assured me that every attention should be given, to facilitate their passage through his department, and effect an early adjustment. The preliminary steps being thus taken, I apprehend no further difficulty, and see no reason at present, why I cannot give attention to this claim and furnish the necessary explanations, as well as to the accounts for military expenditures.

While awaiting the progress of events in relation to our treaty claims, I have lost no time, but have been diligently occupied in attending to the accounts of the Aroostook expedition, now in the course of examination by the second and third Auditors.

It will take much longer to procure a final adjustment of these accounts, than was anticipated when I left Augusta. As the act of congress requires that the claim should be audited under the laws and regulations of the United States service, the accounting officers feel obliged to conform strictly to the *letter of the law*, and of course require the same formality of vouchers, and evidence that would have been furnished, had the troops been regularly received

and mustered by the officers of the U. S. army. A great portion of the information required can only be obtained at home, and by personal application to the various disbursing officers. I consider it absolutely necessary for me to visit Bangor, Calais, Houlton and other places in Maine, in order to procure evidence and facts that cannot be ascertained by writing.

I shall probably be able to ascertain, in the course of a few weeks, *all* that will be required, and then propose to return to Maine, and hunt up the evidence and prepare the necessary statements; and have no doubt that many thousand dollars will be admitted by taking this course, that would otherwise be disallowed. I shall, however, be governed by the directions of the Governor and council in this matter, and hope to be at home during the June session, when I can make the necessary explanations *in detail*, and show the necessity of the course I have suggested.

If practicable, shall endeavor to get a report on our treaty claims, and on such portion of the military accounts as are found to be admissible in their present shape, before I leave.

I have the honor to be, sir,

With sincere respect,

Your obedient servant,

SAMUEL L. HARRIS.

*To His Excellency, EDWARD KAVANAGH,*

*Governor of Maine, Damariscotta Mills.*

N. B. The additional claim you mention, for expenses under resolves of Feb. 21, 1843, has been prepared. The resolves authorize you to present this claim "to Congress for allowance." As the amount cannot yet be specified, would it be proper to present it with the accounts now under consideration?

## [No. III.]

DAMARISCOTTA MILLS, }  
7th June, 1843. }

SIR:—I have received, by this day's mail, your letter of the 2d instant, with its enclosure; and it is gratifying to learn, that such progress has been made in the auditing of the civil posse accounts.

Your previous letter of the 22d of May came to hand in due course. Near the close of the late session of the Legislature, a resolve was passed authorizing the Governor and Council to audit claims made by individuals for damages sustained in consequence of the measures adopted against intruders on the public lands, in 1839; and the amount thus ascertained was directed to be added, I believe, to the other expenses attending those measures. I have not a copy of the resolve to which I can now refer for more specific information; but, my object in writing to you at this time, is to say that, until the Governor and Council shall have acted on those claims, nothing should be done at Washington which might preclude or prejudice their consideration and allowance by the General Government. It would appear from your letter that you were not aware of the passage of the resolve in question. The Council will commence its session, on the 10th instant, and those claims will probably be disposed of before the adjournment. As you propose visiting Augusta so soon, it would, therefore, be as well to delay, for the present, any action on the other matters to which you allude.

Believe me, Sir,

With true regard,

Yours, &c.,

(Signed)

EDWARD KAVANAGH.

SAMUEL L. HARRIS, Esq., *Washington, D. C.*



*Correspondence in relation to the violation of Territory and Jurisdiction on the Northeastern Frontier of this State, and the arrest of Savage.*

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## [No. I.]

DAMARISCOTTA MILLS, }  
11th April, 1843. }

SIR:—From unofficial sources, I learn that there have been lately committed violations of the territory and jurisdiction of this state by persons acting, or pretending to act, under color of authority from a foreign government. A determination to exert, in their fullest extent, the powers vested in the Executive, by the Constitution and Laws, to vindicate the dignity of the State against Alien intrusion, lead me to request, that you will, with as little delay as possible, furnish me with all the information you may possess in regard to the extent and character, of the alleged outrages committed within your County; and that you will, also, acquaint me with the measures that may have been taken by yourself, and other officers of the County, to repress and chastise the aggressors.

I am sir,

Very respectfully,

Your obedient servant,

(Signed,)

E. KAVANAGH.

To the *Sheriffs and County Attornies* of Penobscot and Aroostook.

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## [No. II.]

*Copy of circulars addressed to the Sheriff and Attorney of the County of Aroostook.*

DAMARISCOTTA MILLS, }  
14th April, 1843. }

SIR:—I forward, herewith, a printed copy of a late correspondence between the Secretary of State of the United States and the

British Minister at Washington, in regard to outrages committed by foreigners on the Northern frontier of this State. That copy furnishes all the *precise information* that has yet reached me on a matter of so grave a character.

My object, now, is to call your attention to the conduct of McLaughlin and Coombe, as detailed in that correspondence, and to request that *special* measures be adopted to arrest and bring to trial all persons violating the Territory or Jurisdiction of this State, according to the provisions of Section 6, Chapter 153, Title 12, of the Revised Statutes.

If you should deem it necessary, or expedient, to spend a few days in that part of the State, or to send an authorized and trusty agent, for the purpose of arresting the course of the intruders, I cannot doubt that the Council, at its next session in June, will allow a just compensation for time, services and expenses.

It will be obvious to you, that all the information which you may communicate, in answer to my letter of the 11th instant, will be required to enable me to judge of the course which ought to be taken to obtain reparation for past outrages.

I am, sir,

Very respectfully,

Your obedient servant,

(Signed,)

E. KAVANAGH.

[No. III.]

DAMARISCOTTA MILLS, }  
12th May, 1843. }

SIR:—I have not yet been favored with any communication from you, in answer to my letters of the 11th and 14th of April last. Your early attention to this subject is requested.

Very respectfully,

Sir, your obedient servant,

(Signed,)

EDWARD KAVANAGH

To the Sheriff of the County of Aroostook, Houlton.

## [No. IV.]

BANGOR, April 17, 1843.

HON. EDWARD KAVANAGH, *Governor of Maine.*

SIR:—Your communication of the 11th instant was duly received. Respecting the affair to which you refer (the arrest of Savage by Craven,) I have no information except what has been in the newspapers. I have made inquiries at the clerk's office to ascertain whether any papers have been filed there respecting it, but there have been none. I have endeavored also to ascertain whether any one has been in town lately from the Fish river settlement, or its vicinity, but can hear of no one. I do not think that at present any information can be obtained respecting the transaction, as at this season of the year there can be no passing between Fort Kent and this place on account of the great depth of the snow and the breaking up of the winter. The sheriff of the county desires me to say to you that he was absent when your letter arrived here, but that he is in possession of no facts about it nor could he learn any thing about it, up the river where he has been. I hear nothing said here relating to the transaction, it does not apparently excite much interest.

I am sir, very respectfully,

Your Excellency's humble servant,

GORHAM PARKS,

*Attorney for the state, for Penobscot county.*

Should I receive any information of any interest, I will write you forthwith.

G. P.

## [No. V.]

HOULTON, April 20th, 1843.

To his Excellency EDWARD KAVANAGH, *Governor of Maine.*

SIR:—I have the honor to acknowledge the receipt of your Excellency's letters of the 11th and 14th instant, with the correspondence enclosed, which had fallen under my notice a few days



since. Previous to the publication of that correspondence, and before the territory in question became a part of Aroostook county I had been informed by two credible persons resident at or near Fort Kent, that the British magistrates were in the constant habit of issuing legal precepts, under the authority and laws of the province of New Brunswick, against the citizens of Maine residing on the south side of the St. John ; and that British constables executed or assumed to execute such precepts on our citizens within the limits of our territory, in the same manner that they had been accustomed to do before the ratification of the late treaty. In short the practice had been in perfect conformity with Mr. McLaughlin's views expressed to captain Webster. Since the arrest of Craven, however, I have heard of no attempts to extend the jurisdiction of the province south of the St. John. Should I hear of any such attempts I shall without delay, advise your Excellency of the fact, and also adopt all necessary measures to arrest and punish the aggressors under the provisions of the statute, to which your Excellency refers.

I am, very respectfully,

Your Excellency's

Obedient servant.

J. W. TABOR.

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[No. VI.]

HOULTON, 26th April, 1843.

To His Excellency, EDWARD KAVANAGH, *Governor of Maine* :

I have the honor to forward to your Excellency an extract from a letter written by Capt. Webster, commanding at fort Kent, to Maj. Levi Whiting, now commanding at Hancock barracks, in this town, dated March 23d, 1843, viz :—" I have to-day forwarded a communication to Col. Pierce, informing him that Mr. McLaughlin, warden of the late disputed territory, and the other provincial functionaries on the border, have been directed by Sir William Cole-

brook, Governor of New Brunswick, to suspend the exercise of further jurisdiction over the territory recently ceded to the United States, until the matter could be referred to the home government. I therefore trust that the difficulties arising from the conflicting jurisdiction on this border, for the present, at least, are at an end."

Shepard Cary, Esq., of this town, has returned within two or three days last past, from Fish river, and reports that Mr. McLaughlin has made a formal apology to Capt. Webster for the *high ground* assumed by him on a former occasion, and that all things are now quiet in that vicinity.

I have the honor to be,

Your Excellency's obedient servant,

J. W. TABOR.

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[No. VII.]

HOULTON, May 18, 1843.

To his Excellency EDWARD KAVANAGH, *Governor of Maine.*

SIR:—I have the honor to acknowledge the receipt of your Excellency's letters of the 14th ultimo and 12th instant. That of the 11th ultimo having been addressed to Eleazer Packard, Esq., was, I presume, taken by him from the post office.

On the receipt of your Excellency's letter of the 14th ultimo, I immediately had a consultation with J. W. Tabor, Esq., county attorney, to whom a duplicate of that letter had been addressed. A few days after this, Mr. Tabor shewed me his answer, which contained all the information I then had or now have on the subject to which the letter related, and therefore I deemed it unnecessary to trouble your Excellency with any communication.

With great respect, I have the honor

To be your Excellency's

Most obedient servant,

JOHN LOVERING, *Sheriff.*

*Correspondence on the subject of a Resolve of the Legislature of Maine, passed on the 17th February, A. D. 1843, in relation to Bonds or Securities, that were to be surrendered by Great Britain to the States of Maine and Massachusetts, under the late Treaty.*

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[No. I.]

DEPARTMENT OF STATE, }  
*Washington, 3d April, 1843.* }

SIR:—I have the honor to transmit to you, herewith the copy of a recent correspondence between this department and the British Minister, connected with the resolve of the Legislature of Maine of the 17th of February last, respecting the management of the disputed territory fund ; and to be,

With great respect,

Your Excellency's obedient servant,

FLETCHER WEBSTER,

*Acting Sec'y of State.*

*His Excellency EDWARD KAVANAGH, Acting Governor of Maine,*  
*Augusta.*

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HENRY S. FOX, Esq., &c., &c., &c.

DEPARTMENT OF STATE, }  
*Washington, 2d March, 1843.* }

SIR:—I have the honor to transmit to you the copy of a resolve of the Legislature of Maine, recently addressed to the President by the Executive of that State,—relative to certain proceedings of the government of New Brunswick, supposed to be in controvention of the terms of the treaty of 9th of August last, between the United States and Great Britain.

Will you do me the favor to communicate to this department such information on the subject as you may possess, or may be able hereafter to obtain from the Provincial government, in explanation of the proceedings referred to?

I avail myself, &c., &c.,

(Signed) DANIEL WEBSTER.



*The Hon. DANIEL WEBSTER, &c., &c., &c.*

WASHINGTON, March 3d, 1843.

SIR:—I have the honor to acknowledge the receipt of your letter of yesterday's date, inclosing certain resolutions recently passed by the Legislature of the State of Maine, with respect to the management of the disputed territory fund.

I am not at present in possession of any information upon the subject to which these resolutions refer ; but I shall immediately forward your communication to the lieutenant governor of New Brunswick, and will acquaint you with His Excellency's reply. I shall also transmit the correspondence to Her Majesty's government in England.

With regard to the form of the resolutions themselves, as you make no observation thereupon in your letter, I hope I am justified in believing that you disapprove, equally with myself, of the unbecoming and disrespectful language in which they are drawn up.

I avail myself, &c., &c.,

(Signed) H. S. FOX.

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WASHINGTON, March 31, 1843.

SIR:—With reference to your letter of the 2d instant, conveying to me certain resolutions passed by the Legislature of the State of Maine upon the subject of bonds belonging to the disputed territory fund,—which letter was referred by me for information to the Lieutenant Governor of New Brunswick,—I have now to acquaint you that the Lieutenant Governor informs me, that so long ago as October last, upon receiving intelligence from Lord Ashburton of the signature of the treaty of Washington, he had issued orders to the Attorney General of the Province, to suspend all proceedings upon the bonds in question. The Attorney General reports officially that the above orders have been duly obeyed. It appears, therefore, that the resolutions of the Maine Legislature cannot have been grounded upon an accurate statement of facts.

I avail myself, &c., &c.,

(Signed) H. S. FOX.

*The Hon. DANIEL WEBSTER, &c., &c., &c.*

## [No. II.]

DEPARTMENT OF STATE, }  
 Washington, 27th April, 1843. }

*His Excellency* EDWARD KAVANAGH, *Acting Governor of Maine.*

I transmit to your Excellency copies of a letter addressed to to this Department by the British Minister at Washington, and of a despatch received by him from the Lieutenant Governor of New Brunswick, officially communicating, for the information of this government, in pursuance of the provisions of the fifth article of the recent treaty with Great Britain, an abstract account of the disputed territory fund; and a list of bonds belonging to the same fund, taken for confiscated timber which had been cut in that territory.

I have the honor to be,

With high consideration,

Your Excellency's obedient servant,

DANIEL WEBSTER.

WASHINGTON, April 25th, 1843.

SIR:—I herewith transmit to you the copy of a despatch which I have received from His Excellency the Lieutenant Governor of New Brunswick, officially communicating to me, for the information of the United States government, according to the provisions of the treaty of Washington, an abstract account of the disputed territory fund, and a list of bonds belonging to the same fund, taken for confiscated timber which had been cut in the territory.

It will be seen that the balance, in money, on account of the disputed territory fund, amounts to £1944 11s. 1½d., and that the value of the bonds, belonging to the fund, amounts to £3240 5s. 0d.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

(Signed) H. S. FOX.

HON. DANIEL WEBSTER, &c., &c., &c.

FREDERICTON, N. B., April 11, 1843.

SIR:—Referring to my despatch of the 24th ultimo, I have now the honor to transmit to your Excellency for communication to the government of the United States, an abstract account of which has this day been furnished to me of the disputed territory fund and a list of bonds taken for timber seized, which had been cut in that territory.

In the first of these statements you will observe that it includes a sum for timber cut in that part of the territory which is now included in this Province, and the charges include the various sums actually disbursed from time to time without reference to the questions which will arise in the consideration of the details, and on which full information will be given to the persons to whom the bonds will be paid and delivered over under the 5th article of the treaty of Washington.

I have the honor to be, &c., &c., &c.,

(Signed) W. M. G. COLEBROOKE.

*His Excellency* HENRY FOX, Esq., *H. B. M. Minister*, Washington, &c.

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ABSTRACT STATEMENT of the Disputed Territory Fund account

	RECEIPTS.	£.	s.	d.
From 1829 to 1836,		2535	7	9½
“ 1836 to 1843, including a sum of £503 12 9 arising from timber cut in that part of the disputed territory now in the Province of New Brunswick,		6386	1	4
		<u>£8911</u>	<u>9</u>	<u>1½</u>
Balance of receipts brought down,		<u>£1949</u>	<u>11</u>	<u>1½</u>

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	EXPENDITURES.	£.	s.	d.
Disbursements by warrants and charges from 1829 to 1843, inclusive,		6961	18	0



Balance,	1949 11 1½
	<hr/>
	8911 9 1½
	<hr/>

OFFICE OF AUDIT, }  
*Frederickton, N. B., April 11th, 1843.* }  
 (Signed) F. P. ROBINSON,  
*Auditor General.*

LIST OF BONDS *belonging to the Disputed Territory Fund*  
*remaining in the hands of the Receiver General, April 1st,*  
 1843.

Date.	Obligors.	Amount.
1840.		
June 18th,	Thomas E. Perley,	502 16 0
“ “	do. do.	38 0 0
	Wilder Stratton, Benj. Beveridge and James Taylor,	345 12 0
July 21,	A. C. & C. A. Hammond,	99 12 0
“ 7,	William C. Bonnell and T. E. Perley,	14 16 0
“ 31,	James Taylor, G. E. Ketchum and John Simpson,	720 0 0
Nov. 26,	John Pollock and George Thompson,	529 4 0
Jan. 29,	Charles and Joseph Connell,	50 0 0
“ “	Thomas E. Perley and John Venning,	139 4 0
Aug. 14,	S. R. Coombs and A. B. Hammond,	138 5 0
“ 24,	R. R. Ketchum and Geo. E. Ketchum,	196 8 0
		<hr/>
		£3240 5 0
		<hr/>

NOTE. Payments have been made to the Receiver General to the amount of £744 6 0, and have been credited in the account of receipts. This amount will be deducted from the face of the bonds when a settlement is effected with the parties.

OFFICE OF AUDIT, }  
*Frederickton, N. B., 11th April, 1843.* }  
 (Signed) F. P. ROBINSON,  
*Auditor General.*

## [No. III.]

DAMARISCOTTA MILLS, Maine, }  
 29th April, 1843. }

SIR:—I have the honor to acknowledge the receipt of a communication from Mr. Fletcher Webster, acting Secretary of State of the United States, dated the third instant, transmitting a copy of a correspondence between the Department of State and the British Minister, on the subject of a resolve of the Legislature of Maine, of the 17th of February last, in relation to bonds or securities that were to be “surrendered by Great Britain to the States of Maine and Massachusetts, under the late treaty.”

Having lately taken measures to ascertain more fully the facts on which the foregoing resolve was predicated, I have learned from authority entitled to respectful consideration, and possessing my utmost confidence, that, notwithstanding the orders issued by the Lieutenant Governor of New Brunswick, to the Attorney General of the Province, “*to suspend all proceedings upon the bonds in question,*” and the alleged compliance with the said orders, yet, payment has been demanded, in several instances, by the Receiver General; but, most assuredly, without the consent or knowledge of either the Governor or the Attorney General.

Annexed is a paper containing what is vouched to me as a true copy of a notice served in January last, on a signer to a bond given for timber cut in the Aroostook County, for, and on account of, a citizen of this State, and owned by him.

I do not recur to these facts, for the purpose of re-opening the controversy; being entirely satisfied that the object of the legislature, in its action aforesaid, has been accomplished.

With most respectful consideration,

I have the honor to be, sir,

Your obedient servant,

(Signed)

EDWARD KAVANAGH.

To the HON. DANIEL WEBSTER, *Secretary of State of the U. S.*,  
 Washington.

RECEIVER GENERAL'S OFFICE, }  
January 26, 1843. }

SIR :—I am directed by his Excellency the Lieutenant Governor to call upon you for the payment of your Bond to the Queen, dated the 26th day of November, 1840, in the penal sum of £1060 0s. 0d., which Bond is now in my office.

Your obedient servant,

(Signed) THOMAS C. LEE, *Receiver General.*

To JOHN POLLOCK.

[No. IV.]

His Excellency, EDWARD KAVANAGH, *acting Governor of Maine,*  
Damariscotta Mills.

DEPARTMENT OF STATE, }  
Washington, 8th May, 1843. }

SIR :—I have the honor to acknowledge the receipt of your letter of the 29th ultimo, relating to previous correspondence on the subject of the resolve of the Maine Legislature of 17th February last, respecting bonds or securities belonging to the disputed territory fund; and to inform you that I have caused a copy of that communication, with the accompanying notice, to be transmitted to the British Minister.

I am, with high consideration,

Your Excellency's obedient servant,  
DANIEL WEBSTER.

[No. V.]

DAMARISCOTTA MILLS, }  
4th May, 1843. }

SIR :—I have been honored with your letter of the 27th of last month, communicating a copy of a Despatch, received at the Department of State, from the British Minister at Washington, together with copies of an "abstract account" of what has been denominated the "Disputed Territory fund," and of a list of



Bonds belonging to the same fund, taken for confiscated timber which had been cut in that Territory.

From the manner in which the account is stated, it is quite impossible to judge at its accuracy; nor, from its general character, can I regard it as conforming with the conditions on which the assent of the commissioners of Maine was given to the conventional line of boundary established by the Treaty of Washington, nor with the terms of the fifth article of the Treaty itself.

With an anxious desire that all these collateral questions may be speedily closed in a manner satisfactory to the parties interested, I trust that such explanations may be given by the British Authorities of New Brunswick, in regard to these accounts as will remove all objections to their final adjustment.

I have the honor to be, sir,

With high consideration,

Your obedient servant,

(Signed)

EDWARD KAVANAGH.

To the HON. DANIEL WEBSTER, *Secretary of State of the United States.*

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[No. VI.]

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
20th October, 1843. }

SIR:—On the fourth day of May last, I had the honor of acknowledging, to the then Secretary of State, the receipt of his letter of the 27th of April, in which he communicated to me the copy of a Despatch received by him from the British Minister at Washington, together with copies of an “*abstract account*” of what has been denominated the “Disputed Territory” fund, and of a “List” of bonds belonging to the same fund.

In my letter, I took exceptions to the *form* in which that account was presented, and to its general *character*, as not conforming with the conditions of the settlement made by the Treaty of Washington.

Not having since heard any thing further on the subject, I deem it my duty to address the Department again, for the purpose of obtaining, either an early adjustment of the accounts, or such information as may be presented to the Legislature of this State, at its session on the third of January next.

One of the conditions on which the assent of the Commissioners of Maine was given to the late adjustment of boundary between this State and the neighboring British Provinces, was :

“That the amount of the Disputed Territory fund (so called,) received by the Authorities of New Brunswick, for timber cut on the disputed territory, shall be paid over to the United States, for the use of Maine and Massachusetts, IN FULL, AND PARTICULAR ACCOUNT rendered, or a gross sum, to be agreed upon by the Commissioners of Maine and Massachusetts, shall be paid by Great Britain, as a settlement of that fund ; and that all claims, bonds and securities, taken for timber cut on the territory, be transferred to the authorities of Maine and Massachusetts.”

(See the first article of the memorandum A, appended to the communication addressed to Mr. Webster, by the Commissioners on the 22d of July, 1842.)

No gross sum having been agreed on by the Commissioners, as above provided, it became the duty of the British Authorities to pay over the amount by them received IN FULL, and to render a PARTICULAR account of the fund : with neither of these conditions has there been a compliance. No tender ever has been made of the amount, and the short “abstract account” which has been transmitted contains no *particulars* from which its accuracy may be determined. It gives merely two credits in gross, without stating from what persons, nor from what lots of timber, the money was derived ; and, in one sweeping charge, without any specification of items, more than three fourths of the credits have been absorbed.

By the fifth article of the Treaty itself, it is, among things, provided as follows, to wit :

“It is hereby agreed, that a CORRECT ACCOUNT OF ALL RECEIPTS AND PAYMENTS in the said fund, shall be delivered to the Government of the United States, *within six months* after the

ratification of the Treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, *and any bonds or securities* appertaining thereto, shall be paid and delivered over to the Government of the United States," &c. &c.

It is difficult to believe, in view of these express provisions, that the provincial authorities, in preparing the communication which has been submitted through Mr. Fox, could have had before them a copy of the Treaty.

I also feel authorized in stating that, independently of any inaccuracies in the "abstract account," there are many omissions in the "List of Bonds" which accompanied it; several of those securities have been traced in other Bureaus, and in other hands, than those of the Provincial Receiver General.

I shall conclude by merely remarking, that the conditions herein alluded to, were to have been executed within six months, after the ratification of the Treaty, and a whole year had already elapsed on the thirteenth instant.

I avail myself of this occasion to tender to you, sir, assurances of my very high respect.

(Signed) EDWARD KAVANAGH.

To HON. ABEL P. UPSHER, *Secretary of State of the United States.*

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[No. VII.]

DEPARTMENT OF STATE, }  
*Washington, 1st November, 1843.* }

To his Excellency EDWARD KAVANAGH, *Acting Governor of the State of Maine.*

SIR:—I have the honor to acknowledge the receipt of your letters of the 4th of May and 20th of October, of the present year, taking exception to the manner in which "the disputed territory fund account" has been stated by the Provincial Government of New Brunswick, and expressing a hope that such explanations may be given by the authorities of that Province, in regard to the account in question, as will remove all objections to its final adjustment; and to inform you, in reply, that



Mr. Everett, our Minister at London, has been instructed to lose no time in bringing the subject to the notice of her Britannic Majesty's Government.

I have the honor to be

Your excellency's obedient servant,  
A. P. UPSHUR.

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*Removal of the troops of the United States from Fort Kent, near the Northeastern frontier of this State.*

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[No. I.]

EXECUTIVE DEPARTMENT, }  
*Augusta, October 17th, 1843.* }

SIR :—I have the honor to enclose, for your consideration, several memorials and letters addressed to me by public officers, and other citizens of Maine, in regard to a late order from the Department of War for the removal of the few troops that have been heretofore stationed at Fort Kent, near the Northeastern frontier of this State.

Those troops were stationed at that post, about two years ago, for the purpose of preserving peace on our borders, and securing our citizens from the irruptions and depredations of hordes of lawless foreigners, who had for years, infested that portion of our territory, and against whom, for want of the necessary communication by roads, the authorities of Maine were, as they still are, unable to afford adequate protection. It will be within your recollection, that the excesses committed by those intruders threatened, very lately, to interrupt the peace of the Country, and to involve this State in the horrors of a sanguinary struggle.

It is true that there has been an adjustment of the disputed questions of boundary between Maine and the neighboring British Provinces; but it is not less true that there exist, on the part of those foreigners, the same spirit and intent of intrusion and aggression, which will certainly be manifested wherever they shall deem that they may act with impunity.

As undoubted evidence of this, I take leave to refer you specially to the annexed official communications (A and E) from the Land Agent of Maine, and from the Commissioners appointed by the State to carry into effect, on its part, the provisions of the fourth article of the Treaty of Washington.

To the very forcible and cogent reasons which they give, why the late order from the War Department should be rescinded, it is deemed that nothing can be added; and I trust that, upon a mature reconsideration, the removed troops will, without unnecessary delay, be required to resume their station at the post that has been abandoned.

I have the honor to be,

With the highest consideration,

Your Excellency's obedient servant,

(Signed) EDWARD KAVANAGH.

To His Excellency JOHN TYLER, *President of the United States.*

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A.

BANGOR, September 15, 1843.

HON. EDWARD KAVANAGH, *Governor of Maine.*

DEAR SIR:—I herewith enclose to you a communication from Capt. Wm. P. Parrott, who has been employed for the last three months by Maine and Massachusetts in surveying the undivided lands south of the St. John, and as far west as the 7th range.

It is a brief statement of the situation of that portion of our State, and every material fact by him stated has been confirmed to me by others who have recently visited that section.

The removal of the troops from Fort Fairfield, it is not apprehended, will be followed with any very bad consequences, as the inhabitants there have been so long under our jurisdiction that there will not probably be any difficulty in executing the laws, but on the St. John it is far otherwise.

I need not describe to you the kind of population there, their ignorance of our language and laws, and of almost every thing else, you are aware of as well as I am.

The feelings of the more reckless portion of the Provincial lumbermen towards the yankees, you may well suppose is rather bitter, and no man will be safe in his person or property on the St. John river, without he possesses the physical power to defend himself.

Capt. Webster, I understand, is now on his way with his company to Houlton, and has left, it is said, a guard to take care of such property as they cannot well remove till winter.

Cannot something be done to induce the Government to maintain a military force at Fish river until our boundary line shall be established, and until we can enforce our laws without the aid of arms?

I have to-day conversed with Gov. Kent and Col Parks on the subject of the removal of the troops from Fish river, and they agree that it is of the utmost importance to that section of the State, that they be sent back, and they think that if a proper representation of the facts be made, the Government will order them back.

I am, sir,

Very respectfully,

Your obedient servant,

LEVI BRADLEY.

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*E.*

MADAWASKA SETTLEMENT, October 2, 1843.

SIR:—The undersigned, Commissioners of the State of Maine for locating grants and possessory claims under the late treaty of Washington, having spent a considerable portion of the present season on the river St. John, and in the vicinity of the military post at Fort Kent, have thought proper to address to you a few suggestions, relative to the recent removal of the United States troops from that station.

It is well known to you, that the settlements, on the American side of the St. John, extend, on the margin of the river, continuously, from Fort Kent to the eastern line of the State, a distance of nearly sixty miles—and from the same point, westwardly, with some interruptions, to Little Black river, at its intersection with the St.



John, a distance of thirty miles more. This whole settlement is separated from the other settlements in the State of Maine, by an unbroken forest of from thirty to sixty miles in breadth. It is composed mostly of Acadian and Canadian French, a few Irishmen and provincial Englishmen, and here and there an American. The people are generally unacquainted with our laws and customs, unable to read and write, and but very few understand our language. Their business intercourse has been wholly with New Brunswick and Canada—they have heretofore lived under British laws, and are too ignorant to be at present capable of self-government.

Until the people can be more enlightened by means of schools and intercourse with us, very little dependence can be placed upon them for discreet and intelligent assistance in the enforcement of the laws. A road has been cut out from Fort Kent to Masardis, a distance of fifty-seven miles, through an uninterrupted forest, but it is impassable in summer except for persons on foot or horseback, and impassable in winter on account of the loss of the bridge over the Fish river, which does not freeze at that place. A road is being cut the present season from letter G., on the Aroostook, to the St. John, at a point about thirty-five miles below Fort Kent, through an intervening forest. The intercourse between the settlements on the river St. John, and the other settlements in the State, will be quite insufficient to keep open either of these roads during the winter unless it be done at the expense of the States—and if the roads should be kept open the distance is so great, and the bordering settlements in the interior of the State are so scattered that it would be impossible to derive assistance from thence, to enforce our laws, if necessary, among our own settlers, or repel trespasses and aggressions from abroad.

A deputy collector of the customs has been appointed and stationed at Fort Kent, at the mouth of Fish river. He will be utterly powerless in the performance of his duties, unless backed up by some military force. Smuggling will be carried on in the open face of day, and under his eyes, unless he can have some military strength to assist him to execute the laws for the protection of the revenue.

Civil officers will be unable to execute precepts under the authority of the State, unless they can depend upon other aid than that of the settlers. It would be very easy to rescue a criminal or other prisoner, from an officer, who should attempt to take him—especially if he should undertake to convey him through the wilderness intervening between the river St. John and Houlton.

The States of Maine and Massachusetts own large tracts of timber land on the west side of the river St. Francis and its branches, on the great and little Black rivers, the Allaguash, the main river St. John, and its southern branches. This timber, unless strictly and strongly guarded, is exposed to depredation and pillage. We are informed that there are three companies of lumbermen on the easterly side of the St. Francis, one of which numbers about fifty men, and the other two companies, one of which is at the mouth of lake Pohenagamook, number about thirty men. There are two companies on Little river, which intersects the St. John about eight miles below the mouth of St. Francis. Several companies on Long lake, which heads only three miles from the St. Francis. Five or six parties on the Cabinaw stream, which empties into Temiscouata lake, and heads near the St. Francis. Eight or ten parties on Baker's stream, which heads near the St. Francis. In addition, some of the settlers on the American side of the line, in various places, have engaged to cut and haul and sell small lots of timber to purchasers, the coming winter. Besides all these, a large number of men are employed on the lakes and branches emptying into the Madawaska stream—so that there are probably from three hundred to four hundred men employed in cutting, preparing and hauling timber in the immediate vicinity of the State line. They are encamped on the British side, but possess the most perfect facility of daily committing depredations upon our timber, and hauling it across the line. We have been informed, from the very best authority, that some of these men have been employed under stipulations that they should fight as well as labor, if necessary. Some have intimated their intention of extending their operations upon the State lands; and strong hints have been thrown out, that it would be unsafe for any agent of the States to venture among the lumbermen.

These men are expected to remain in the woods till the streams open in the spring, and then to drive down the timber upon the freshet. With so large a company, of such reckless characters, as are usually employed in lumbering operations, a large proportion being foreigners, we are of opinion, that the people would be in great jeopardy, unless protected by the presence of a military force at some point on the river, and that the property of the States cannot otherwise be secure.

Taking these facts and circumstances into consideration, we are decidedly of opinion, that, unless the general government can be induced to station a company of troops at Fort Kent, it will be very important for the protection of the interests of the States of Maine and Massachusetts, and the security of the people from lawless aggressions, that a strong military posse should be stationed there, at the expense of the States, and in this opinion, the intelligent people on the river, with whom we have conversed, fully concur.

With great respect,

We are, sir,

Your obedient servants,

PHILIP EASTMAN,

JOHN W. DANA,

HENRY W. CUNNINGHAM.

HON. EDWARD KAVANAGH, *Governor of the State of Maine.*

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[No. II.]

WAR DEPARTMENT, }  
November 30, 1843. }

SIR:—Your Excellency's communication of the 17th ultimo, addressed to the President, has been referred to this Department. The delay in answering it has arisen from the time consumed in a reference of the papers to the commandant of the C. Military Department, and receiving his report.

On the 20th day of September last, Edward Kent, Esq., addressed



a letter to this department enclosing the proceedings of a meeting of citizens held at Bangor, on the same subject, to whom a reply was forwarded on the 26th of that month, a copy of which is herewith transmitted.

The subject has been again considered in consequence of the application made by your Excellency, as well as similar ones by the Secretary of State and commissioners of Massachusetts. The Department however can see no good reason for changing the order for withdrawing the troops from Forts Kent and Fairfield.

It is not enough that the interests of the State might be promoted by the troops remaining at those posts. That, in itself, could not be the contingency for which they would be required to occupy any post. There should always be good military reasons existing for the station of troops. But could we dispense with this there are objections growing out of local causes, which, except in cases of absolute necessity, would forbid the re-occupation of those posts.

The subsistence of the troops would be very expensive. The government would be involved in the cost of constructing a military road from Houlton, and erecting bridges upon it, at an enormous charge; and there is no *general object* calling for the action of our military force that would in any way justify such expenditures.

I do not think that under ordinary circumstances, the troops of the United States should be called upon to perform the police duty of guarding the property of a State or of individuals from expected trespasses, nor to aid in enforcing instruction to an "ignorant and uninformed" portion of the population. It is for these purposes that we are asked to order back the troops, and they do not appear to be objects which under the circumstances, would authorize the constituted authorities of the Union to order a military force anywhere.

Very respectfully,

Your obedient servant,

J. M. PORTER.

*His Excellency EDWARD KAVANAGH, Governor of Maine, Augusta, Maine.*

*Major General Scott's Report on the memorial from the citizens of Bangor, Me., relative to withdrawing the United States troops from Forts Fairfield and Kent, addressed to the Secretary of War, September 25, 1843.*

I have read the within papers with the attention due to the high respectability of the meeting at Bangor, and have the honor to  
REPORT :—

The posts of Fort Fairfield and Kent were garrisoned by United States troops during the excitement about the disputed territory, on my recommendation, in order to vindicate the claim of jurisdiction on the part of the United States, and to save expense to the State of Maine.

The boundary question having been definitively settled by the treaty of Washington, and a year allowed for the restoration of tranquility along the border, the garrisons of those forts were withdrawn on my recommendation, for the following *military* reasons:—

1. The troops were wanted on the seaboard for the preservation of important works.

2. There was nothing of that nature either on the Aroostook or Fish river worth a garrison.

3. We had not troops enough both for important public works, and those of no *military* value.

4. Forts Fairfield and Kent were distant and difficult to supply, except at great expense, and the latter Fort could not be maintained except at the cost of a road and bridges which Capt. Webster, (the commander,) called for as indispensable.

For those reasons I asked and obtained permission to withdraw the troops in question—leaving four companies at Hancock barracks, (Houlton) to meet any border exigency that might occur, higher up that frontier. From that post (Houlton) it will be more easy and less expensive on the snow or in summer, to make detachments on the suggestion of the authorities of Maine, to maintain her laws and police regulations.

Respectfully submitted,

(Signed) WINFIELD SCOTT.

September 25, 1843.

## [No. III.]

## STATE OF MAINE.

EXECUTIVE DEPARTMENT,  
*Newcastle, December 22d, 1843.* }

SIR:—On the 17th of October last, I had the honor to transmit, for your consideration sundry memorials addressed to me, by Citizens of this State, in regard to an Order from the Department of War, for the removal of the few Troops that had been stationed at Fort Kent, near the Northern Frontier of this State.

By a communication received from the War Department, dated November 30, A. D. 1843, it appears that my letter had been referred to that Department, and that the reasons that had been assigned for the rescinding of the order in question, were not adjudged sufficient.

Now, without entering, at this time, into a further consideration of the subject, I shall content myself simply with the remark, that the *tone* and *temper* of the last paragraph of the Secretary's communication to me, are such as to prevent my acknowledging its receipt to him, or having any further communication with him, on this, or any other subject whatever.

I have the honor to be, Sir,

With the highest consideration and respect,

Your Excellency's obedient Servant,

(Signed) EDWARD KAVANAGH.

*To His Excellency JOHN TYLER, President of the United States.*



*Correspondence with the Department of State of the United States, and with the Lieutenant Governor of the British Province of New Brunswick, on the subject of Grants, that had been made in the Territory, heretofore called the "Disputed Territory," by authority of the British Crown.*

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## [No. I.]

## STATE OF MAINE.

EXECUTIVE CHAMBER,  
Augusta, 23d March, 1843. }

SIR:—The Hon. Philip Eastman, a distinguished citizen of this State, will have the honor of delivering this communication to your Excellency. I have requested Mr. Eastman to proceed to Fredericton for the purpose of obtaining such information as will enable the Commissioners of this State to execute on their part, the provisions of the fourth Article of the Treaty of Washington, lately concluded between the United States and Great Britain; and I take leave to solicit that your Excellency will cause the necessary facilities to be furnished to him in the execution of the mission with which he is charged.

I avail myself of this occasion to tender assurances of the high consideration with which I am

Your Excellency's

Obedient servant,

EDWARD KAVANAGH,

*Governor of Maine.*

To His Excellency SIR WM. M. G. COLEBROKE, *Lieutenant Governor of New Brunswick.*

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## [No. II.]

FREDERICTON, N. B. May 29th, 1843.

SIR:—Your Excellency's letter of the 23d instant, has been delivered to me by the Honorable Mr. Eastman, who has explained

to me the nature of the information he requires to enable the Commissioners of the State of Maine, to execute on their part, the provisions of the fourth Article of the Treaty of Washington.

It would have been gratifying to me to have been able to meet your Excellency's wishes in affording to Mr. Eastman facilities in the execution of his mission, but you will comprehend that the application will necessarily be made by the United States Government, through Her Majesty's Minister at Washington.

I have the honor to be,

With high consideration,

Your Excellency's

Most obedient servant,

WM. M. G. COLEBROKE.

His Excellency the HON. EDWARD KAVANAGH, *&c. &c. &c. Governor.*

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[No. III.]

STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
Augusta, 16th June, 1843. }

SIR:—I have the honor to enclose a copy (A) of Resolves passed by the Legislature of this State, at its late session, for the purpose of executing, so far as Maine is concerned, the provisions of the fourth Article of the late Treaty between the United States and Great Britain, in regard to the land claims within the limits of the Territory which, by the Treaty, falls within the dominion of Maine.

In pursuance of those Resolves, three Commissioners have been appointed by the Executive of this State, and they are now engaged in performing the duties assigned to them by the Legislature. To enable them to complete their task in strict conformity with the requirements of the Treaty, it is obviously necessary that they should be possessed of copies of grants heretofore made in that Territory by authority of the British Crown, and of the surveys, plans and allotments having reference thereto.

To obtain this information with as little delay as possible, I commissioned a gentleman to proceed to the seat of government in New Brunswick, with authority to request of the Lieutenant Governor of that Province that he might be furnished with the necessary facilities to procure the Documents in question.

Enclosed are copies (B and C) of the correspondence on the subject, from which you will learn that, with all the disadvantages of additional and unnecessary delay, we are now compelled to ask the interference of the General Government in this matter.

With high consideration, I have the honor, to be, sir,

Your obedient servant,

(Signed) EDWARD KAVANAGH.

To the HON. HUGH S. LEGARE, *Secretary of State of the United States.*

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[No. IV.]

DEPARTMENT OF STATE,  
Washington, 27th June, 1843. }

SIR :—Your Excellency's letter of the 19th instant to this Department, together with the accompanying legislative resolves, and correspondence with the Lieutenant Governor of New Brunswick, relating to copies of grants heretofore made by authority of the British Crown in that part of the late disputed territory which falls, under the provisions of the recent treaty with Great Britain, within the dominion of the State of Maine, and of the surveys, plans, and allotments having reference thereto, has been duly received, and transcripts thereof communicated to the British Minister at Washington. From the enclosed copy of a letter addressed to me by Mr. Fox, on the 25th instant, you will perceive that measures have been promptly adopted by him, with a view to obtain the information required by the Executive Government of Maine.

I have the honor to be,

With great respect,

Your Excellency's obedient servant,

A. P. UPSHUR.

His Excellency, EDWARD KAVANAGH,

*Governor of the State of Maine.*



WASHINGTON, June 25th, 1843.

SIR:—I had the honor to receive the letter addressed to me on the 19th instant by Mr. Derrick, Acting Secretary of State of the United States, enclosing certain official communications transmitted by the Executive Government of Maine, in regard to the 4th article of the Treaty of Washington, and to the desire expressed by the Government of Maine to be put in possession of the copies of grants of land and other documents, having reference to the claims of those British settlers whose property is situated in that part of the heretofore disputed territory which now falls under the dominion of Maine. I shall lose no time in forwarding the correspondence to the Provincial Government of New Brunswick, and also to Her Majesty's Government in England, in order that such measures may be taken to supply the information required, as may be found just and expedient.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

(Signed)

H. S. FOX.

Hon. ABEL P. UPSHUR, &amp;c. &amp;c. &amp;c.

[No. V.]

## STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
Augusta, October 19, 1843. }

SIR:—On the 19th of June last, I had the honor of addressing your predecessor in office, on the subject of grants made by authority of the British Crown, in that part of the late disputed Territory which by the provisions of the Treaty of Washington falls within the dominion of this State, and of requesting the interference of the General Government for the purpose of procuring with as little delay as possible, copies of those grants and of the surveys, plans, and allotments having reference thereto: I also stated that three Commissioners had been appointed by the Executive of this State; and that they were then engaged in making the exploration neces-

sary to enable Maine to execute, on her part, the provisions of the fourth Article of the said Treaty.

An answer from your Department, dated 27th of June, 1843, covered a copy of a letter from the British Minister at Washington, wherein the latter says, "I shall lose no time in forwarding the correspondence to the Provincial Government, in England, in order that such measures may be taken to supply the information required, as may be found just and expedient."

Inasmuch as the fourth Article of the Treaty was inserted for the benefit of persons whom the British Government had affected to consider as subjects, and for whom it professed to feel the strongest interest, it is quite surprising that the desired information, intended for their special benefit, was not immediately supplied by the Provincial Authorities, who have possession of the records from which it could be derived: and it is equally surprising that with a knowledge of the pressing necessity of possessing those documents, no further communication in relation to them has been received from Mr. Fox.

Under these circumstances the attention of the Department is again respectfully called.

I have the honor to be, sir,

With high consideration,

Your obedient servant,

EDWARD KAVANAGH.

To the Hon. ABEL P. UPSHUR,

*Secretary of State of the United States.*

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[No. VI.]

DEPARTMENT OF STATE, }  
Washington, 31st Oct., 1843. }

To His Excellency EDWARD KAVANAGH,

*Acting Governor of the State of Maine, Augusta.*

SIR:—I have the honor to acknowledge the receipt of your Excellency's letter of the 19th instant, and to state, in reply, that th

department has addressed a note to Mr. Fox, Her Britanic Majesty's Minister Plenipotentiary, requesting him to do any thing which might be in his power towards hastening an answer to the application for a copy of the documents relating to that part of the disputed territory, which by the late Treaty, falls within the State of Maine.

I have the honor to be

Your excellency's obedient servant,

A. P. UPSHUR.

*Bill entitled "an Act increasing the Jurisdiction of Justices of the Peace in Civil Actions, and establishing Courts of Trial, in each City, Town and Plantation in this State."*

#### STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
Newcastle, December 22, 1843. }

SIR:—I herewith transmit to you an official communication, in regard to "A Bill, entitled An Act increasing the jurisdiction of Justices of the Peace in civil actions, and establishing Courts of trial, in each City, Town and Plantation in this State;" and I have to request, that you will deliver a copy of the same to each House of the Legislature, within three days, after their next meeting, and that you will, at the same time, return the original Bill to the House of Representatives.

I have the honor to be, sir,

Your obedient Servant,

EDWARD KAVANAGH.

To PHILIP C. JOHNSON, Esq, *Secretary of State*, Augusta.

P. S. Please cause to be printed, the usual number of copies of this communication, to yourself, and of the accompanying document; to be presented to the Legislature, at the commencement of its next session.

E. K.



## STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
*Newcastle, 22d December, 1843.* }

The undersigned, in the written message, which he transmitted to both Houses of the Legislature, on the 24th of March last, assigned the reason which then induced him to withhold his signature from "The Bill, entitled An Act increasing the jurisdiction of Justices of the Peace, in Civil Actions, and establishing Courts of trial, in each City, Town and Plantation, in this State."

Since the adjournment of the Legislature, the undersigned has given, to the Bill, that respectful and attentive consideration, which are alike due to the Body from which it emanated, and to the important character of the measure itself, involving, as it does, an essential change, in the judicial system of this State. If, after the best examination which he has been able to give to the subject, he still feels constrained to withhold his assent, he derives satisfaction from the knowledge, that during this recess of the Legislature, the whole subject has been presented to the mature reflection of the public, through the Press and other channels of communication: and the Legislature, which is about to convene, will come prepared to give effect to enlightened popular sentiment, and to dispose of the question, in the most satisfactory manner.

The undersigned regrets, that existing circumstances prevent him from presenting, at length, the reasons on which his objections to the Bill are founded, and that he is constrained to limit himself to merely a general enumeration.

1st. He is of opinion, that it may be well questioned, whether the mode prescribed by the Bill, for the selection of the judicial officers, whose appointment is therein provided for, does not directly conflict with the provisions of the 8th Sec. Part 1st, Art. 5th, of the Constitution of the State. The policy of religiously abstaining from any act inhibited to the Legislature by our well regulated fundamental law, is now too firmly established in popular feeling and public sense, to warrant any departure from the sound and patriotic course inculcated by the Fathers of our Political System. In a most important public document, which

has received the sanction of our wisest Statesmen, we read——  
“The People, not the Government, possess the absolute sovereignty :—the Legislature, no less than the Executive, is under limitations of power :—encroachments are regarded as possible from the one, as from the other ; hence in the United States, the great and essential rights of the people are secured against Legislative, as well as Executive ambition : they are secured, not by Laws paramount to Prerogative, but by Constitutions paramount to Laws.”

2d. Admitting that no reasonable doubt should exist of the constitutionality of the various provisions, contained in this Bill, the undersigned would hesitate in regard to the expediency of substituting, so suddenly, for an ancient and approved system, one so entirely novel in its features.

3d. The examination, which the undersigned has been able to give to the various clauses of the bill, has satisfied him, that many additions and alterations would be necessary in the event of its becoming a law, to give full effect to the presumed intention of the Legislature by which it was passed.

Therefore, deeply impressed with a sense of the solemn official responsibility resting upon him, he returns the Bill, with the foregoing objections, under the provisions of Sec. 2d, Part 3d, Art. 4th, of the Constitution.

EDWARD KAVANAGH.