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Letter from George Sibley to Josiah Johnston, June 21, 1832

George Champlin Sibley

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Washington June 21st, 1832.

To the Hon. J. S. Johnston
Of the Committee on Finance
Senate U. S

Sir,

I was this morning informed at the War Office, that the Accounts, Vouchers etc. in relation to the Road from Missouri to New Mexico, were on yesterday sent by the Secretary of War to the Finance Committee of the Senate, with the recommendation for an appropriation of \$1497.54 to discharge a Balance that is due to the Commissioners on their Accounts rendered.

As there has already been a great delay in the settlement of this matter (from causes not fairly blameable on the Comm^{rs}. [*Commissioners*]) and as all difficulties appear now to have been removed, as to the correctness of the Accounts presented; and as my errand and stay here, are for the purpose of affecting a final Settlement, I hope the committee will act on the Subject as early as possible, that the appropriation asked for, may be made before the close of the present Session of Congress.

I have been not a little surprised to learn, that a doubt has been expressed, as to the right of the Comm^{rs}. to charge Eight Dollars a day each, for their own services, for every day they were engaged in the duties assigned them—it is suggested that the Instructions from the War Department to the Comm^{rs}. do not warrant such charge—Lest any such doubt sh^d [*should*] arise in the Committee or the Senate, I beg leave, respectfully, to offer the following explanatory remarks on that point. And in order to arrive at a just conclusion, it will be proper not only to refer to the instructions, but to understand the nature of the duties they enjoined.

By a reference to the Instructions (of which I herewith enclose Copies) it will be seen that the very first duty of the Comm^{rs}. was “To enter into negotiations with the intervening Indian Tribes, for their consent to the establishment and use of the Road”. this, the instruction says, is the first of “two preliminary steps, required to be taken, before the Comm^{rs} can proceed to mark the Road” – Now is it not evident from this order, and from the very nature of the case, that the Government considered it indispensable for the Comm^{rs} in order to discharge this first preliminary duty, “to assemble the Tribes with a view to get their consent” and that for this purpose, a separate and distinct expedition into the wilderness, would of course be necessary? – It could not, I presume, have been deemed proper by the Gov’t, that the Comm^{rs} should enter at all upon the main object of their appointment (Surveying and marking the Road) before they had taken “the first preliminary step”—It was in exact conformity with this plain view of the Subject, that the Comm^{rs} at first determined to proceed, and they had actually made the necessary preparations (in great part) when fortunately for the service, they were accidentally enabled to adopt a different, and much less expensive plan of procedure; which is fully explained in their general report—When they had determined on & partly carried into effect, their first plan of operations (An expedition to the Indian Country to complete their Treaties as their “first step”) the Comm^{rs} never imagined that for the responsible and arduous duties they were about to perform their compensation

was to be only three dollars, whilst their Secretary was, by the instructions, to be allowed Five Dollars per day for such services—and they were aware of the fact, that at the very time they were about to leave their Homes, and encounter the privations of the Wilderness, to negotiate treaties with different Tribes of Indians at different places, Genl. Clark was actually then officiating as a Commissioner, at his own residence in St. Louis, to negotiate Treaties with some of the chiefs of the very same tribes; and was allowed therefor, Eight Dollars per day, in addition to his Salary as Superintendent of Indian Affairs. In truth, the Comm^{rs} never for a moment doubted the intention of the Govt. to allow them the same compensation ; if they had, they would certainly have declined the Service –

Now if, as has been shown, the Comm^{rs} are entitled to Eight Dollars a day for negotiating Treaties with the Indians for the right to make and use the road, they are surely justifiable in claiming the same compensation for their services in surveying and marking it out. The last paragraph (but one) of Mr. Sec^{ry} [Secretary] Barbour's letter, **B**, of 1825 (herewith)the Commissioners at Eight Dollars a day for the whole time they might be engaged in the duties of their appointment—Those paragraphs in which three Dollars for Treaties, & five dollars for surveying & marking the Road, are mentioned, were never construed as being the actual pay of the Comm^{rs} (for the reasons already given) but were supposed to have been intended as some guide to the division of that expense, to the two branches of the appropriation; which they were required to disburse, and account for, separately and distinctly.

With the view of setting this construction aside, and at the same time reconcile the inconsistency & injustice of making the Comm^{rs} serve for Three Dollars a day, while their Secretary gets Five, it has been said, that the Comm^{rs} were to be allowed Eight Dollars a Day, when actually employed at one & the same time, in making the Treaties & in surveying and marking the Road—and under this construction it seems to be imagined that the Comm^{rs} might sometimes entitle themselves to the pay they claim. And truly, if they possessed the capacity to perform two such duties at one and the same time; the Comm^{rs} would deem themselves very well worthy of such pay, to say the least. but the thing is utterly impossible, and even if it were possible, would be inadmissible under the Law, and the Instructions.-- The words of the paragraph on which the Comm^{rs} rely for the justice of their charge are these

“It is in the meaning of these instructions to allow you a compensation of Eight Dollars a day each, whilst engaged in the twofold duties assigned to you, and five Dollars a day for a Secretary whilst engaged in treating with the Indians”.

It must be obvious, that under no circumstances, could the Comm^{rs} discharge their “two fold” duties at one and the same time. If they were at any time “actually engaged in holding treaties”, they could not possibly be at the same time “actually engaged in surveying and marking the Road” this they might, as in truth they were, on the days charged by them, wholly devoted to either or both branches of their [trust?] as circumstances seemed to them to require, and thus were they constantly “engaged in the twofold duties assigned”, And in no other way could they have been so engaged. In no other way could it have been expected of them to be engaged, and in no other way do the Comm^{rs} pretend ever to have been engaged.

They therefore claim Eight Dollars a day each for every day they were “engaged in the two fold duties assigned them” that is to say, for every day they were actually out. & employed in executing the great object of the Law, which, as its title and [“tenom”?] import, was designed “To authorise [sic] the President of the U. States to cause a Road to be marked out from the Western frontier of Missouri to the confines of New Mexico”, and incidentally embraced the “preliminary step” of Negotiating “With the intervening Indian Tribes for their consent” etc.

very respectfully Sir

I am Yr. Mo. Obt. Svt. [Your Most Obedient Servant]

G. c. Sibley for himself & in behalf of his (late)
colleagues, B. H. Reeves & Thos. Mather.