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Letter from Roger Taney to Mexican Road Commissioners, April 18, 1832

Roger Taney

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Attorney Generals Office
April 18, 1833.

The interpretation given by the Third Auditor to the letter of instructions from the Secretary of War of March 16, 1833, the commissioners appointed to lay out and mark the road from the western boundary of Missouri to the Mexican line appears to me to be the true one upon the point to which you have called my attention--

The last clause of the letter of instructions seem to have been introduced for the purpose of explaining what was before said and for the express purpose of confining the allowance of eight dollars a day to the days in which the commissioners should be engaged in the twofold duties assigned them-- They may properly be considered to have been engaged in the twofold duties assigned them when they were treating with the Indians for they were in fact away from their other concerns upon the business of the Survey and were therefore engaged in surveying and marking the road within the fair meaning of the letter of instructions--It was obviously not the intention of the Secretary of War to deny them the per diem for every day on which they did not run a line or mark a tree--The inclemency of the weather might have prevented them from doing any thing for one or more days while they were out on the road and it was certainly not expected of them to pursue the work on Sundays yet being actually on the route in the execution of the work such days are I presume always allowed them and in the same manner they were I think understood by the Secretary to be in effect engaged in the survey when they were on the route and treating with the Indians--and on those days they are therefore considered to have discharged a two fold duty and on that accounts the additional allowance of three dollars per day is added to their ordinary pay of five--But for the time they were out on the ground in execution of the duty of Surveying the road without being engaged in treating with the Indians their compensation in my opinion must be five dollars per day and not eight according to the terms of the letter of instructions--I am

Very respectfully
Your obedient servant
R. B. Taney

To
Secretary of War.