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George Champlin Sibley Papers

George and Mary Easton Sibley Papers

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2-18-1834

## Letter from George Sibley to William Ashley, February 18, 1834

George Champlin Sibley

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TO THE HON. WILLIAM H. ASHLEY-REPRESENTATIVE FROM MISSOURI, WASHINGTON CITY.

Lindenwood St. Charles, February 18, 1834.

To The Hon. Wm. H. Ashley  
Washington City.

Dear Sir:

Under the same cover with this you will find the following papers relating to the claim of Col. Reeves and Mather and myself, for a Balance due and for money advanced in 1827 for the United States Service, they are all properly endowed and so arranged as to give the least possible trouble.

- A- Contains the Act of Congress and the original letters of instruction under which the Commissioners acted.
- B- Copies of Several letters etc from Mr. Hagner containing his views in full upon the disputed point. Mr. Taney's opinion thereon and some notes made by G. C. Sibley etc.
- C- A statement of the facts of the case as it now stands placing it in a very striking point of view.
- D- Some remarks on Mr. Taney's opinion etc and some proofs of the propriety and sincerity of those remarks.-
- E- Some further remarks on Mr. Taney's and Mr. Hagner's opinion intended principally to point out the source of their error-

Also- A Petition from the Commissioner to Congress referring to all the above papers and which should of course accompany it, should it be found necessary to present the Petition.

There Papers are placed in your hands by the desire of Col. Reeves and Mather together with my own--We are well aware that they will cause you some trouble but know not how else to obtain the justice we ask from the Government except this the friendly assistance of our Representatives there--And we are particularly led to address ourselves to you, because you have heretofore had your attention drawn to the same subject and by your influence obtained the action of Congress upon it. We have no reason to doubt that the friendly aid of our other representative, and of our Senators in Congress will readily be given upon a knowledge of the facts herewith enclosed being presented to them; which we would ask the favour of you to do--These facts you will please observe are sufficiently set forth in the Papers Marked C. D. E.--If there is anything misstated or anything material omitted I am not aware of it--I do not believe there is. I am of opinion (tho I did not think it exactly proper to state so in any of these papers) that neither the Secretary of War or Attorney General could have been aware that Congress had acted on the subject in the special manner they did when they took it up in April last for consideration--And I cannot resist the impression that the Secretary will at once order the money appropriated to be paid over, upon your representing to him the substance of the enclosed Papers C and D--I should have written to him long since but for the embarrassment I felt in suggesting that he may have acted in ignorance of a law of Congress; this suggestion may however be made verbally without any hazard of giving offence; as in fact so immediately after the rising of Congress. The Paper C and its appendage D were prepaid to be laid before the President. Should you think such a course proper and find it necessary--But it is impossible for us to direct precisely what course will be best; and we are per-



fectly willing to leave the whole of this troublesome affair to your better Judgment, with the aid of the Papers here enclosed--It is our wish however that the Petition to Congress may be the last resort after all other efforts shall have failed.

This case as it is presented in the Papers C & D I should suppose ought to satisfy any reasonable mind that it is high time a final settlement was made of it; that as Congress has authorised the balance claimed to be paid and as it has been delayed now nearly seven years a hope may be reasonably entertained that we shall not be again disappointed.

In the possible event of this effort's failing, we beg of you Sir to see that the papers are secured and kept together to be used on some future occasion. And in the more probable event of an adjustment we request the favour of you to receive the amount due to us, or to direct its transmission (to Mr. Sibley) in United States Bank funds whichever may be most convenient to yourself--

With great respect sir,  
Your Obt. Svt.  
G. C. Sibley for self  
B. H. Reeves and Thomas Mather.



Query--Could any man of honor and respectability fit for the Station, accept for example a Colonel in the Army, with the understanding that his pay was to be less than that of any other Colonel or that it was to be reduced whenever his duties were most difficult and dangerous?--

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At the desire of Mr. Hagner all the papers relating to the subjects together with the written remarks on both sides of the only disputed point the pay of the Commissioner were laid before the Secretary of War and his decision requested on the point in dispute--The Secretary declined giving an opinion and returned the papers with the answer "that legislative interference in relation to the whole subject will be necessary". And this the "whole subject was obliged to be again suspended till the next ensuing session of Congress.

Early in January 1833 the undersigned forwarded to General Ashley and Judge Johnston to be laid before Congress in compliance with the Suggestion of W. Secretary Cass., a full and complete statement of the case as it then stood accompanied by Mr. Hagners and Mr. Sibleys views respectively on the question as to the pay of the Commissioners--On receiving these papers General Ashley caused them to be refered to The Committee of Ways and Means, with the following resolution which he submitted on the 28th January 1833.--to the House of Representatives and was adopted.

"Resolved that the Committee of Ways and Means be instructed to enquire into the expediency of making an appropriation in Money to discharge the Balance due George C. Sibley, Benjamin H. Reeves and Thomas Mather, late Commissioners appointed to locate a Road from the State of Missouri to New Mexico--" The Committee accordingly examined into the "whole Subject" with especial reference to the controverted point in relation to the rate of pay claimed by the Commissioners; and being satisfied that the claim was just and reasonable made provision for its discharge, by introducing for that purpose into one of the general appropriation Bills an item in the following words, "For payment of a Balance due the Commissioners under the Act of 3rd March 1825, for making out a Road to the confines of New Mexico \$1504.54". The Bill containing the above item passed both Houses of Congress and having been approved and signed by the President on the 2nd March 1833 became a Law. It was reasonable now to conclude that every difficulty was removed and as matter of course the Accounts in question would be finally closed and settled by payment of the Balance declared by Act of Congress to be due. The only difficulty that had existed in the mind of Wm. Hagner (the doubt whether the Commissioner has not overcharged for their personal services) having been by himself referred to the Secretary of War for his decision and by the Secretary refered to Congress; and the Congress having decided in the unqualified manner above recited; the late Commissioner were with good reason absolutely amased when they received in May the last a communication from Mr. Hagner informing them that he had again submitted the question (as to their compensation) to the Secretary of War who again declined to had submitted it to the Attorney General who had given an opinion according with (Hagners) view of the subject and that this long protracted settlement must after all be made on the principles so long contended for or is in conformity with the third auditors office.



THE PETITION OF BEN JAMIN H REEVES, GEORGE C SIBLEY AND THOMAS MATHER  
TO THE CONGRESS OF THE UNITED STATES --February the 18th 1831.  
ACCOMPANIED BY SUNDRY EXPLANATORY PAPERS MARKED A.B.C.D.E.

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To the Honorable, the Senate and House of Representatives of the United States of America in Congress Assembled.

The Petition of Benjamin H. Reeves, George C. Sibley and Thomas Mather respectfully represents. That your Petitioners were appointed by the President of the United States, Commissioners under the Act of third March 1825 to locate and "mark out a road from the western frontier of Missouri to the confines of New Mexico"--That they faithfully performed all the duties of their commissioner made full reports of the appropriate offices and have good reasons to believe that their services are satisfactory to the Government, and beneficial to the Country--that for their time, and services as Commissioners your Petitioners have claimed compensation at the rate of eight dollars each per day for every day they were actually employed, respectively, in carrying into effect the objects of the Act of Congress given them in charge. That they have also claimed a Balance due to them from the United States for money of their own advanced in the summer of 1827, necessary to complete the Road--That these claims having been refused by the Third Auditor of the Treasury Department, were, in compliance with a special decision of the Secretary of War, presented to Congress in the House of Representatives on the 28th day of January 1833. That the House by Resolution "directed the Committee of Ways and Means to inquire into the expediency of making an appropriation in money to discharge the balance due" to your petitioners---That the Said Committee did make the inquiry directed and being satisfied from a very full view of the whole subject as presented by the third auditor and your petitioners of the justice of the Claims aforesaid provided by "an appropriation in money" for the payment of the Balance claimed by your petitioners which appropriation was sanctioned by both Houses of Congress and on the 2nd March 1833 was approved by the President of the United States. Nevertheless the 3rd auditor of the Treasury still refuses to settle with your Petitioners in conformity with the decision of Congress decided differently on the same subject which last decision the said auditor considers it to be his duty to obey.

Your Petitioners are consequently compelled in the pursuit of their just and lawful rights (the very reluctantly) to make application again for redress to your Honorable Bodies and to that end they Pray your Honorable Bodies to take such further order on the matter here presented as in your wisdom may seem proper to cause the immediate settlement of the Accounts of your petitioners by payment of the Balance already provided for by Act of Congress with interest thereon as may be found to be justly due.

For evidence of the right and justice of their Prayer your Petitioner beg leave respectfully to refer your Honorable Bodies to the accompanying Statements marked A.B.C.D.E. And your petitioners as in duty bound, will ever pray.

G. C. Sibley for self and in behalf of  
B. H. Reeves and Thomas Mather.

St. Charles, Missouri,  
February 18, 1834.



Statement of facts in Relation to the Disbursement Account of B. H. Reeves, G. C. Sibley and Thomas Mather, late Commissioners to mark a Road from the State of Missouri to New Mexico. Respectfully submitted to the proper authority by the Said Commissioners.

February 1834.

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Contin? from Paper A--

On making up their Disbursement Accounts for Settlement. The late Commissioners charges the United States Eight Dollars a day each for each and every day they were respectively engaged in carrying into effect the Act of Congress under which they appointed. They claimed this rate of compensation under the fullest conviction that they were entitled to it for their services and that it was "in the meaning" of W. Secretary Barbour's instructions (See Paper A.) So to allow them a conviction the correctness of which neither of them doubted for a moment from the first acceptance of the Commissions--It was in truth impossible for them to have given any other reasonable interpretation to these instructions when received. The nature of the duties enjoined by the Act of Congress the manner prescribed by the instruction for their execution the circumstances that governed the preliminary arrangements that were necessary to enable them faithfully to discharge those duties--a due regard for economy.--these if theirs had resisted no others were sufficient reasons to forbid a different construction--Had any other been suggested with any plausibility as the intended meaning of the Sec'y the company would not assuredly have declined the service of one or asked from him a more full explanation for proposed knowledge of the usage of the Government in all similar cases they knew how to estimate the very arduous and responsible especially those connected with the location of the Road across a tract of nearly a thousand miles in extent and they could not prove doing otherwise consistently with a proper degree of Self respect.

Without considering the possibility of a controversy for the value of a few dollars more or less but putting S & A value entirely out of view. The commissioners could not have accepted such a service on any such conditions (as have been since offered) without incurring a degree of personal degradation, which there never was the least occasion for either of them to submit to and which they are certainly very far from supposing the Government expected or desired.\*\* They ever most solemnly that from the first to the last of their employment as Commissioners it never entered their imagination that compensation less than they have claimed would ever be offered them--when therefore they learned that the Settlement of their Accounts was suspended at the Treasury on the Ground principally that the Commissioner had mistaken the meaning of their instructions and had over charged for their personal services, they were greatly surprised and mortified--One of them went to Washington early in the Summer of 1832 for the purpose of making explanations and of effecting a final Settlement upon just and equitable terms--After various efforts during a stay of about six weeks he found a Settlement impracticable from the impossibility of coming to any agreement with Mr. Hagner the third auditor who had the matter in charge and who would have it that the late Commissioner had changed their pay at a rate not consistent with the true meaning of their instructions.

(ALL)

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\*\*At the time of their appointment Mr. Menard was Lt. Governor of Illinois. Mr. Reeves held the same office in Missouri and Col. Mather was Speaker of the H. Rept of Illinois W. Sibley held no office at the time; and made great sacrifices by engaging in this commission.

B H REEVES.

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Dfts . . . . .		12,000.00
of Hood. . . . .		2,341.88
Horses Sold. . . . .	\$	380.40
Mules Sold . . . . .		143.00
Boss and Loughan . . . . .		95.00
Auction . . . . .	<u>108.00</u>	726.40
Good Aut . . . . .		<u>12.75</u>
Dr.		<u>\$15081.03</u>

CR.

Paid Hands 2389.83 $\frac{1}{2}$ deduct errors Davis and Ellis Acct 49.25..		2369.58 $\frac{1}{2}$
Paid Sibley said times and his order and draft. . . . .		5967.00
Besides . . . . .		2000.00
Sundry . . . . .		<u>1122.85<math>\frac{1}{2}</math></u>
		11437.43 $\frac{1}{4}$
Secy. Acct . . . . .		<u>3600.00</u>
		15037.43 $\frac{3}{4}$
Due by B. H. Reeves		<u>45.59<math>\frac{1}{2}</math></u>
		<u>15081.03<math>\frac{3}{4}</math></u>



## AFFIDAVIT OF B. H. REEVES APPENDED TO

PAPER D

State of Missouri

County of Howard

To Witness.

Benjamin H. Reeves of the said county of Howard being duly sworn deposeth and saith that at the time he accepted the appointment of commissioner under the Act of Congress of 1825 to mark out a Road from the Western frontier of Missouri to the confines of New Mexico he verily believed from the tenor of his instructions from the War Department that he would be entitled to receive from the Government eight dollars per day for each and every day that he should be employed as such commissioner and that if he had supposed or believed that he was to be allowed by the Government less than the sum that he would not have accepted the appointment.

Benjamin B. H. Reeves

Subscribed and sworn to by Esq. B. Reeves this 7th day of January 1834 before the undersigned a Justice of Peace with and for the County and state foresaid.

Signed (John Harvey J. P.

(A true copy ) G. C. S.