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Dr. James H. Cheears's legal representatives.

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DR. JAMES H. CHEEARS'S LEGAL REPRESENTATIVES.

[To accompany bill H. R. No. 811.]

MAY 25, 1838.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, instructed by a resolution of the House of Representatives, on the 21st of May, 1838, to inquire into the expediency of allowing compensation to the legal representatives of Dr. James H. Cheears, for services performed by him as assistant surgeon of the army in Florida, report :

That General Armstrong, on the 9th of July, 1837, detached the spy companies of his brigade of Tennessee mounted volunteers to go through the lower part of the Cherokee and the upper part of the Creek nation, with orders to join the brigade at Montgomery, Alabama. Several surgeons had been left on the march with the sick, and there was none of the medical staff that could be detailed with said companies. By direction of General Armstrong, Dr. Dickerson, who was the brigade surgeon, accepted the services of Dr. Cheears, and he was ordered to march with said companies. He served from the 9th of July until the 22d of October, 1837, and died soon after his return home. He furnished his own horse, and discharged his duty with fidelity and skill.

The facts mentioned above, as related by Dr. Dickerson, are confirmed by Gen. Armstrong and by Mr. Campbell, a member of this committee, who commanded a company in General Armstrong's brigade. He considers the services of Dr. Cheears to have been essentially necessary during the expedition. Although the medical corps was increased beyond the number allowed by law, still if, from the division of troops or sickness, it becomes absolutely necessary to employ medical men temporarily, the committee think they should be paid. If they volunteer their services when there is no exigency Congress will, when such a case is presented, undoubtedly reject it. The committee herewith report a bill, allowing the pay of an assistant surgeon.

Thomas Allen, print.