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Dr. Wm. J. J. Morrow.

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H.R. Rep. No. 1024, 25th Cong., 2nd Sess. (1838)

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DR. WM. J. J. MORROW.

JUNE 27, 1838.

Laid upon the table.

Mr. RIVES, from the Committee on Military Affairs, made the following

### REPORT:

*The Committee on Military Affairs, to whom has been referred the petition of Dr. W. J. J. Morrow, report:*

That the memorialist was appointed on the 8th of July, 1836, by Colonel Joseph Byrd, colonel commanding the second regiment of East Tennessee volunteers in the service of the United States, the surgeon of that regiment, which formed a part of the second brigade, commanded by Brigadier General R. G. Dunlap, and immediately entered into the service of the United States as such.

On the 1st of November, 1836, a general order, No. 66, was issued by General Wool to the companies of Captains Vernon, Rogers, and Parkham, of the first regiment, and to Captains Peake and Gillespie, of the second regiment, and to the field and staff and non-commissioned staff of each regiment of East Tennessee volunteers, ordering them to return home, (not being necessary at that time in the Cherokee country,) and await, without pay, the future orders of the President of the United States, or those of the commanding general in the Cherokee country. On the 1st of November, 1836, general order No. 67 was issued, excepting the petitioner from the order No. 66, and retaining him until further orders in the service of the United States, with the pay and emoluments of an assistant surgeon.

The petitioner contends that the commanding general had no authority to issue orders to the volunteers to return home, subject to further orders, and at the same time suspending their pay: and, in corroboration of this, he states that the War Department considered the men as merely furloughed under the order No. 66, and allowed them pay to their final discharge on the 31st of March, 1837. The petitioner also contends that the general had no authority to retain him in service with reduced rank and reduced pay. In a letter from the petitioner to the honorable Jos. L. Williams, which is filed with the petition, he admits that he consented to remain in the service of the United States as an assistant surgeon, and received his pay as such, for the time he so acted.

The authority of General Wool to *furlough* the *men* without pay, has not, in the opinion of the committee, any necessary connexion with the merits of the present application. It is believed that the general did not

possess the power to reduce the rank and pay of the petitioner as matter of right, without his consent; but, as it is admitted by Doctor Morrow, his remaining in actual service after a portion of the troops to which he was attached had returned to their homes was a subject of contract and agreement between himself and the general, the committee do not conceive he has any valid ground of complaint. If he was dissatisfied with the reduced rank and pay offered him by the general, it would have been his right, and he could have returned home with the troops. He voluntarily accepted the offer made him, knowing the conditions thereof. The committee therefore recommend the following resolution:

**Resolved,** That the prayer of the petitioner ought not to be granted.

REPORT

The Committee on Military Affairs, to whom has been referred the petition of Dr. W. A. Morrow, report:

That the petitioner was appointed on the 21st of July, 1862, by Colonel Joseph Byrd, colonel commanding the second regiment of Tennessee volunteers in the service of the United States, the surgeon of that regiment, which formed a part of the second brigade, commanded by Brigadier General R. G. Donnelly, and immediately entered into the service of the United States as such.

On the 1st of November, 1862, a general order, No. 86, was issued by General Wool to the companies of Captains Vernon, Rogers, and Ford, of the first regiment, and to Captains Parks and Gilchrist, of the second regiment, and in the field and staff, and non-commissioned staff of each regiment of that Tennessee volunteer division, directing them to return home, not being necessary at the time in the Confederate country, to await, without pay, the future orders of the President of the United States or those of the commanding general in the Clinch county, Ga. On the 1st of November, 1862, general order No. 87 was issued, directing the petitioner from the order No. 86, and directing that all such orders in the service of the United States, excepting the provisions of an assistant surgeon.

The petitioner contends that the committee should not be authorized to issue orders to the volunteers to return home, and that the committee should, and at the same time suspend their pay, and that the committee should state that the War Department considers the petitioner as having discharged under the order No. 86, and allowed the pay to that date, and discharged on the 31st of March, 1867. The committee also contends that the general had no authority to retain him in service with reduced rank and reduced pay. In a letter from the petitioner to the honorable Sec'y of War, which is filed with the petition, he admits that he consented to remain in the service of the United States as an assistant surgeon, and received his pay as such, for the time he so did.

The authority of General Wool to suspend the petitioner without pay, has not, in the opinion of the committee, any more weight than that of the merits of the present application. It is believed that the general did not