Auditors Office
January 3d 1838.

To the Hon Attorney General

Sir

In the case of the Hon B.C. Franklin Administrator of Isaac M. Lyons, late Surgeon General, herewith enclosed, It will be perceived that the auditor pays A. Ewing from 1st Nov 1836. as Surgeon Genl. upon the following Certificate to wit

Columbia Feb 23d 1837

I hereby certify that A Ewing was regularly appointed Surgeon General and is now acting in that Capacity from first November ultimo

(Signed) William Fisher
Secretary of War

The laws do not allow but one ~~attorney~~ Surgeon General at the same time, I am informed that Doctr Lyons was appointed by the President, a dinterim, It is true that the 2d Section of the 6 Article of the Constitution says that. "the President shall Enter on the duties of his office on the 2 Monday in december next succeeding his Election" the fact is that the President Adinterim, Resigned and on the 22d Octr 1836 the President then Elect was inaugurated, it was held by that congress that all appointments under the Government, Adinterim expired at that time, upon this point I wish your opinion in order to enable me to act understandingly

With sentiments of high regard I remain
your obedient Servant

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