

the Indians that you should have been to the council, if you had been here."

The "four or five miles" alluded to by the Colonel, was the distance from the fort and village to the residence of Gen. Street, where the office of the agency was kept, that being the nearest house suitable for his family that could then be obtained. It was true, that Mr. Burnett had knowledge that the Foxes had been sent for, the Sioux being already on the ground, and that the Foxes had arrived, but not of the time and place of holding the council, and this he claimed should have been given. But the Colonel, standing upon the dignity of his office, as commandant of the military post, seemed to think that the Agent must or should have been on hand, whether he had notice thereof or not, as any other spectator.

The question of prerogative was now fairly raised. Whether it was ever settled by the War Department, I do not know, but a common sense view of the subject would say, that each branch of the public service had its own appropriate duties and prerogatives, and that neither had a right to interfere with or encroach upon the other. The Indians were placed under the care and control of the agency, while the military was under the care and control of its proper officers; nor had Col. Morgan any more control of the Indians, than the agent had of the troops. Their uniting in one common head at Washington, gave one no more right to interfere with the duties of the other, than it would the Navy and War Departments to encroach upon each other because the President was their common head, or for the Executive, Judicial and Legislative departments to arrogate each other's rights, because their respective powers were alike derived from the Constitution. Every department of the Government, and each subordinate branch of the respective departments, have their appropriate duties to perform; and when necessary, to unite their energies for the benefit of the whole. So if the civil department, to which the Indian department belongs, and is *now* appropriately assigned, requires the aid of the military, the latter must serve