

officer of the army, which was not settled for several years. The affair itself is an item of history in his life worthy of note, but it assumes a higher degree of importance in this connection than mere history, because it involves an important *legal* question, and possibly will cast some light upon the rights, privileges and duties of public agents, as to whether they must abandon all other means of support, when in the public employ, though the pay therefor is insufficient for their support, or less than an equivalent for the services rendered.

The groundwork of this matter was laid during the first year of his agency, 1830, but was suffered to slumber till 1832, and was continued under advisement, or something else, until 1833. But to give the whole matter in one view, I shall here place it in one connection, which cannot be done to better advantage than by copying some of the proceedings. On the 3rd of November, 1830, Capt. R. B. Mason preferred the following charge against Mr. Burnett, to Col. Willoughby Morgan, who, as we have seen, had no jurisdiction or control over the agency or its incumbents, it being a separate and distinct branch of the Government. The Colonel, as we have already seen, was at this date commanding officer of the *garrison*, not of the Indian Department.

"SIR:—I beg leave to state to you, and request that you will lay the case before the Secretary of War, that while the officers of the army at this post are striving to prevent drunkenness among the soldiers, and are prosecuting before the civil courts various persons for selling spirituous liquors to them contrary to the law of the Territory; that Mr. Burnett, the Sub-Indian Agent, an officer of another department of the Government, is throwing his weight in the opposite scale, by appearing before the courts, and defending the persons who thus offend against the laws, and who have annoyed us so much. This conduct on the part of Mr. Burnett, is the more surprising as his duties are somewhat connected with the military, and from his intercourse with the garrison, it must be known to him how exceedingly we are annoyed by the grog-shop keepers, and how much the works at this place have been