

ing, the complaint was not probably presented till after his departure. And, secondly, it seems that Col. Morgan sent off the complaint to Head Quarters on the day following its reception, Mr. Burnett yet being absent; and yet Col. Morgan seems to have been ignorant, or at least professes to have been so, of Mr. Burnett's absence from the place. Thirdly, in the midst of this delay in one case, hot haste is seen in another, and confused dates and statements in the whole; all casting a blur over the proceedings as an honorable, open-handed matter. We can but notice the want of jurisdiction in the case, for Capt. Mason calls Mr. Burnett "an officer of another department of the Government;" and being of another department he was not responsible to the military officers. A military officer, or a citizen, if he had so wished, could have preferred charges against Mr. Burnett directly to the Secretary of War, or through the Agent and General Superintendent, which would have been the usual and proper way; but to complain of a *civil* officer to a *military* one, or to arraign a civil officer before a military tribunal, is in violation of the spirit of our American institutions, and placing the civil under the control of the military powers.

On the first of December, Mr. Burnett addressed Capt. Mason, requesting a copy of the complaint, which being furnished, is placed first in this series. From this letter it appears that Mr. Burnett and Capt. Mason had conversed on this subject on the third of November, and the Captain promised a copy of the complaint, but had failed to furnish it. As the complaint was written at the time of its date, Nov. 3d, it is strange that as between gentlemen, the Captain should neglect to give a copy of it as he had promised, and keep it in his possession for two weeks before presenting it to Col. Morgan, and then to present it after Mr. Burnett's departure for a distant post on official duties.

The point at issue was, whether Mr. Burnett, as Sub-Indian Agent, had a right to practice law in any case where an officer of the army was in any way interested. In cases before alluded to, in which the United States were interested, through their agents,