

can now be met. This I shall do fully and fairly; and while I shall endeavor to correct any unjust inferences which may possibly be drawn from the very general nature of his statements, I shall not deny, evade or palliate any thing that I have done.

"It will be perceived, that Capt. Mason does not charge me with a breach of any law of the United States, or of the Territory; he does not charge me with disobedience of any order or instruction emanating from any authority I was bound to obey; he does not charge me with a breach of any custom or usage of the Department; nor does he charge me with any mal-practices in my profession. It is not pretended that any act of this kind has occurred. He makes a general charge, that cannot be referred to any law or precedent, order or custom, with which I am acquainted, for decision. He says only, "that whilst 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 the soldiers, contrary to "the laws of the Territory, that Mr. Burnett, 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 law, and "who have annoyed us so much." He concludes with a general charge of *aiding the whiskey-sellers*, and thereby opposing the exertions of the officers of the garrison in endeavoring to keep the men sober.

"When the facts upon which the charge is founded are understood, it amounts simply to the question—have I a right, holding the appointment of Sub-Indian Agent, to practice the profession of the law? This is the view which Col. Morgan took of the subject at the time, and gave it as his decided opinion that I had the right. Capt. Mason represents that the prosecutions were "for selling spirituous liquors to the soldiers contrary to a law of the Territory." Now the truth is, there was no law of the Territory in existence at that time, which prohibited the selling of spirituous liquors to soldiers any more than to other persons, as a refer-