

involve, in any way, our Indian relations. If they had; if Indians had obtained the liquor, or had they been riotous in Dowling's house, I should have had nothing to do with them, or either of them. To know this for a certainty, I enquired of the Prosecuting Attorney, if any testimony connecting either case with the Indians or Indian affairs, had been, or would be presented. He said there would not.

"It has been before stated, that Mr. Dallum, the Prosecuting Attorney, and myself were the only members of the bar in attendance at that term of the court. It would therefore seem to have been the wish of Capt. Mason, that those whom he saw fit to prosecute, should not have the benefit of counsel to defend them. But the Constitution of the country guarantees to every one accused, the right of counsel to defend him. The people of this place, however poor and ignorant, have not forfeited their constitutional privileges. This is *their* right, as well as the highest in the land. I do not pretend that the absence of all other attorneys from the court, or even the assignment of myself by the court as counsel would have justified me in a positive breach of duty. I do not expect or wish to shelter myself under any such plea. But I do contend, that when law, order, regulations, customs and instructions are all silent upon the subject; or, so far as they do exist, favor the exercise of my profession in the manner that it was exercised, that the circumstances of the case form a strong reason why I should act as I did.

"In support of the facts herein above stated, I beg leave to submit the documents which I once before forwarded to the Department upon the same subject, and which were on file there about fourteen months. The testimony here offered, will sustain every material fact I have stated, and is of a character not to be refuted."

Capt. Mason, in his letter to Major Garland of July 8th, 1832, attempts to implicate the character of the Judges and Clerk, as being notorious *whiskey-sellers*, thereby to destroy the force of their testimony as to the facts of the case. Mr. Burnett's re-