

sponse to this, is omitted as unnecessary to the question at issue. But it shows the desperate means resorted to by Capt. Mason, to gratify personal revenge, because he could not accomplish his wishes in the premises. Both Capt. Mason and Major Garland affirm things in their charges which are proved not to be true, in the response, but it is not deemed necessary to copy.

The determined and dogged zeal with which the two officers of the army followed Mr. Burnett in this matter, might have been commendable in a cause demanding it; but to follow a man of Mr. Burnett's known reputation, on a charge of so trifling and unfounded a nature, evinces a degree of venom not at all commendable in any man. Nor is it at all agreeable to the fine feelings of such a man as Mr. Burnett, to be thus prosecuted from year to year, with no other cause for it than the revengeful feelings of disappointed pride of opinion. But the end of the matter is not yet.

On the 16th of Feb., 1833, Elbert Herring, Commissioner of Indian Affairs, wrote Mr. Burnett as follows: "The charges preferred against you by Capt. Mason, your reply and the documentary evidence, have been referred to this office for examination and report. I am instructed by the Secretary of War to inform you, that he acknowledges with much pleasure, the excellence of your character, and the ability and zeal manifested in the discharge of your duties as Sub-Agent, and though he disclaims all inclination and right to interfere with the fair exercise of your professional talents, he expects and must insist upon a cordial co-operation in the officers of the Government, to enforce the laws, and punish offenders. He cannot perceive that co-operation, where an officer of Government appears as the public apologist or defender of the violators of the law. Taking it for granted, that the cases defended by you did not occur in the Indian country, and that strictly speaking, they had no relation to the Indian Department, still your defense of them has been productive of unpleasant consequence. Collision has taken place between yourself and some officers of the army; and instead of harmonious action