

passions, prejudices and weaknesses of humanity, of which it would not be difficult to furnish examples. In making this statement, I mean no disrespect to the military. There is no one who holds that honorable profession in higher estimation than myself, or who is more sensible of the many brilliant examples of worth and talent of which the army of our country can boast. I only state a self-evident fact, for the purpose of illustrating the subject.

"You observe, that the Honorable Secretary cannot perceive the necessary co-operation, 'when an officer of the Government appears as the public apologist or defender of the violators of the law.' Pardon me, Sir, for I must say, that *I have never in all my life appeared as either the public or private apologist of the violators of the law.* The distinction, in all common parlance, between an apology and a legal defense, is too obvious to a mind of philosophical reflection or legal attainments, to require illustration. An honest man may scorn to be concerned in the one, while he may undertake the other according to every principle of honor, virtue and morality.

"You say to me, '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 consequences.' Again, Sir, I must beg your indulgence. I cannot perceive that it is at all necessary, that a proposition should be *granted*, the verity of which is *demonstrated* by the history and legislation of the country, and by testimony which cannot be controverted. The legal character of the country where acts referred to transpired, is established by the history and legislation of the Government. The precise nature of the transaction, is explained and made manifest by positive and incontestable testimony. But if the transaction has been productive of unpleasant consequences, I would most respectfully ask—am I chargeable with them? If any one officer of the army, or other person, shall see fit voluntarily to bring himself into collision with me, while I am in the exercise of a natural right secured to me by the laws of the coun-