

humbly contend, that the prohibition to practice in a State or Territorial court, in cases arising under the local laws of the State or Territory, which have no possible relation or bearing upon Indian affairs, is not a legitimate restriction to lay upon an officer of the Indian Department. While I contend for this principle, I say to you most sincerely, that it is not because I think, that I should be benefitted one dollar by a change of the regulation. It is now more than eighteen months since I have been engaged in a single case embraced in the rule, and it is quite probable that few or none would again occur should it cease to operate. Since the first Monday in November last, I have been performing the duties of Prosecuting Attorney for this county, and it is not unlikely that I shall continue to perform those duties so long as I continue at this place. It is not, therefore, from any desire or expectation of gain, that I ask for a rescision of the rule, but for the reason alone, that, as it seems to me, it restricts my natural rights and privileges. Hampden resisted the levying of the illegal tax, not because the payment would impoverish him, but because submission would make him a slave. While I am prohibited the privilege that has been denied me, I feel that I have been deprived of one of the rights of freemen, secured to every citizen of the country, and to every other officer of the Government. And if I may be legally deprived of this, what security is there for the others? The Honorable Secretary disclaims all right to interfere with the fair exercise of my professional talents; but what shall be considered a fair exercise of them, I cannot know until his decision shall be had. If one class of cases may be rightfully prohibited, may not another and another, until the whole shall be swept from me; and a profession which I have acquired under privations and disadvantages that few men have encountered, rendered wholly useless? I wish to be understood—I do not indulge in any present anticipations of this kind, I only extend the principle to show the length to which it will lead, if it shall be finally established, whenever it shall come to be acted upon by a less liberal head of the Department.