

elected to the Council, according to the vote of the county. It is hardly necessary now to go into an argument of the case, but I may be permitted to remark, that the organic law evidently was intended to, and does most fully, so far as positive enactment can go, secure to the people of *every* county, the equal rights of suffrage and representation with their fellow-citizens in other parts of the Territory. The people of this county have elected one member to the Council, which is the *least* they could do, to have any representation in that body. That number seems most clearly to me to be authorized by law, to be elected, and proper to be so declared by the Executive. I am well aware of the difficulties of the case, as it now stands," (there being thirteen members elected, besides Mr. Burnett,) "and it is not for me to make suggestions as to the course proper to be pursued by the Executive, under the present circumstances. I only ask, in the name of the people of an entire county, what they and I are perfectly convinced is our lawful right, and that the member chosen by them with one voice to represent them, may be officially declared to be duly elected."

It is a question which I leave to others to decide, whether the trouble in this case, grew out of the wording of the organic law, or out of the Governor's mis-application of that law in making the apportionment. There were at that time but six counties in the Territory, among which to apportion the thirteen Councilmen, and the twenty-six Representatives. The organic law seems clearly to contemplate, that each county would contain a sufficient population to entitle it to at least one member of the Council, and one or more members of the House. But on taking the census, it was found, that Crawford county did not contain one thirteenth part of the population of the Territory. It seems, further, that the organic law made no provision for attaching two or more counties together, so as to constitute a Council district. Here was a lameness in the law, which the Governor, it seems, thought he had no power to remedy; but apportioned the members of the respective houses, as nearly in proportion to the inhabitants as