

possible, under the circumstances. No one can justly impeach the motives of the Governor. He certainly could have had no intention to wrong the people of Crawford county, for he gave them two members of the House, which was more than their proportion according to population. But still the law, though enacted under a mistaken view or opinion as to the population of the several counties, most clearly contemplated giving each county at least one Councilman, as well as representatives. The apportionment, however, was so made as to give the 13 members to the other five counties, and without attaching Crawford to any other county for this purpose.

Under these circumstances, the Legislative Assembly met at Belmont, in Nov., 1836, when Mr. Burnett presented his claims and certificate of election, demanding a seat in the Council. But the trouble, in case he was admitted to a seat, was that there would then be fourteen instead of thirteen, and no one knew which of the others must retire to give him room. The Council had not the apportionment of its own body previous to its first meeting, and if the Governor had erred in the apportionment, the Council had no power to correct the error; and the result was that Mr. Burnett was refused a seat in that honorable body. All the proceedings in this case, will be found in the journal of the Council of that session.

At this Belmont session, and in organizing the Territorial Government, Mr. Burnett was nominated by the Governor, and confirmed by the Council, as District Attorney for Crawford county, and on the receipt of the commission therefor, wrote the Governor as follows, from Prairie du Chien, Dec. 17th, 1836: "Sir:—I was, on this day, handed a commission appointing me, by and with the advice and consent of the Legislative Council, District Attorney for the county of Crawford. I take the earliest occasion to inform you, that I decline accepting the appointment, that you may take such steps to fill the office as may be deemed expedient. Believing, as I do, most sincerely, that the Council was not legally organized, and that it had not, therefore, the lawful