

bers of Congress in the States. This of course brought on an election of Delegate in 1839. Judge Doty and Byron Kilbourn were the prominent candidates, and by some means which I have not seen explained, Mr. Burnett was again brought before the public in that connection. I have not been able to learn from his own correspondence, that he consented or refused to have his name used in that way. The friends of each of the prominent candidates, reported that his name was used for the purpose of dividing the vote of their respective friends. Of this Mr. Burnett was not guilty, nor was he capable of such measure. As it was, he received but a few scattering votes, and Judge Doty was again successful, contrary to the expectations of the law-makers and changers.

In the meantime, Mr. Burnett's practice at the bar was greatly enlarging, and he was preparing his farm in Grant county for the reception of his family, where he intended, and, as it finally resulted, did spend the remnant of his days on earth, and to which he moved his family in 1840, and gave it the name of "Hermitage." In the spring of 1842, Gov. Doty in organizing the militia of the Territory appointed Mr. Burnett General of the 2nd Brigade of the 2nd Division.

In the fall of 1842, a murder was committed in Prairie du Chien, for which five soldiers were arrested and indicted, for whose defence Mr. Burnett was employed. The accused were acquitted, and for the want of other means to pay their counsel, they assigned over to him their pay due from the United States, for and during the time of their confinement, which assignment was sanctioned by the officer commanding the company to which they belonged. But the pay-master, Major Street, refused to pay him, or them, for the time of their confinement, under a decision of Mr. Thornton, the 2nd Controller of the Treasury, made in 1833. From this decision, Mr. Burnett appealed to the Secretary of War, who referred the matter to the Pay-Master General, and he in turn referred it to the decision of the Controller, "that soldiers confined by the civil authority for alleged criminal offences, are