

been taken on the credit of the Indians, but this was never proven against them.*

Mr. Burnett was again in the Legislature in 1846, when arrangements were made to call a Convention to form a Constitution for a State Government. He was also elected a Delegate to the Convention, which met on the 5th day of October, 1846. He was, however, prevented, by sickness, from reaching Madison, until the 14th of the month, when he took his seat in this first State Convention. He had been some months confined at home by disease, and was indeed unfit to leave home when he did. But feeling the high responsibilities which rested upon him, he repaired to the Capital, but his stay there was destined to be short.

On the 19th of the month, Mrs. Burnett, who the day previous

*By reference to the Legislative Journals, it appears that this matter happened on the last evening of the following session, February 3, 1846. The Governor communicated the proceedings of a meeting of the citizens of Muscoda, on the Wisconsin River, in Grant county, dated Sunday night, Feb. 1, 1846, stating as follows: "The citizens of this prairie and surrounding country, having been for the last several months annoyed and harassed by the depredations of the Winnebago Indians, and submitted to their bullying and insults, have at length been forced to the *dernier* resort—to take up arms for our protection. This evening a skirmish took place between the Indians and the citizens, in which four of the former were severely, if not mortally, wounded; and from the known character of the Indians, we may naturally expect more serious consequences to ensue. A true and correct statement of the occurrences of the day, is substantially as follows: A number of the Indians came down the north side of the Wisconsin River to Capt. Smith's, and stole his canoe. He discovered them, and called to them to bring it back, which they refused to do. The Captain, with several other men, came over to this shore, found the Indians who took his boat, and chastised one or two of them with a stick, and in the melee, one of his men was severely hurt with a club, in the hands of one of the Indians. The Indians then ran, and the citizens, a number of whom had by this time collected, followed them a little way and returned. In a short time the Indians came back also. All the citizens having by this time assembled, Capt. James B. Estes and Booth advanced towards them, unarmed, and in a peaceable manner, making friendly manifestations—all of which time the Indians threatened, by drawing their knives, throwing off their blankets, waving their guns in the air, and pointing them toward the whites. Finding it impossible to pacify or appease them, they separated, and in a moment they fired upon the citizens—the next minute their fire was returned, and four of them fell." They then add, that the Indians have sent their runners to collect their scattered bands, and the whites have sent for aid; that they want the Governor's assistance, and are determined to kill or drive every Indian on the Wisconsin, over the Mississippi; have upwards of forty men under arms, and have chosen James B. Estes for Captain.

Gov. Dodge recommended the adoption of a memorial to the Secretary of War, asking for a corps of dragoons to protect the frontier settlements. "In the course of half an hour," says the Madison *Argus* of that period, "resolutions were adopted to that effect, and the militia law of the Territory revived;" and on the adjournment of the Legislature, the Governor set out immediately for the scene of disturbance, but the excitement had died away, and no more trouble was apprehended.