

from my country, through her Chief Magistrate, than a soldier in battle who is ordered to the command of a forlorn hope.

I accepted, however, on the express condition that I should advocate the submission of the Constitution to the vote of the people for ratification or rejection. These views were clearly understood by the President and all his cabinet. They were distinctly set forth in my letter of the 26th of March last, and reiterated in my inaugural address of the 27th of May last, as follows:

— Indeed, I cannot doubt that the Convention, after having framed a State Constitution will submit it for ratification or rejection by a majority of the then actual, bona fide resident settlers of Kansas."

With these views, well known to the President and his cabinet, and approved by them, I accepted the appointment of Governor of Kansas. My instructions from the President, through the Secretary of State, under date 30th March last, sustain the regular Legislature of the Territory in assembling a Convention to form a Constitution, and they express the opinion of the President, that

When such a Convention shall be submitted to the people of the Territory, they must be protected in the exercise of their right of voting for or against that instrument, and the fair expression of the popular will must not be interrupted by fraud and violence. I repeat, then, as my clear conviction, that unless the Convention submit the Constitution to the vote of all the actual resident settlers of Kansas, and the election be fairly and justly conducted, the Constitution will be and ought to be rejected by Congress."

This inaugural most distinctly asserted that it was not a question of Slavery merely, which I believe to be of little practical importance, then its application to Kansas, but of the entire Constitution which should be submitted to the people for ratification or rejection. These were my words on that subject in my inaugural address:

It is not merely Slavery which is to disappear from Kansas, but shall the great principles of self-government and State sovereignty be maintained or subverted?

In that inaugural I pressed further to say, the people "may by a subsequent vote defeat the ratification of the Constitution." I designate this "a great Constitutional right," and said "that the Convention is the servant and not the master of the people." In my official dispatch to you of the 21st June last, a copy of that inaugural address was transmitted to you for the further information of the President and his cabinet. No exception was ever taken on any portion of that address. On the contrary, it was distinctly admitted by the President in his message, with commendable frankness, that my instructions in favor of a submission of the Constitution to a vote of the people, were "general and unqualified." By that inaugural and a subsequent address, I was pledged to the people of Kansas to oppose by all lawful means, the adoption of any Constitution which was not fairly and fully submitted to their vote for ratification or rejection.

These pledges I cannot recall or violate without personal dishonor and abandonment of fundamental principles, and therefore it is impossible for me to support what is called the Lecompton Constitution, because it is not submitted to a vote of the people for ratification or rejection. I have ever uniformly maintained the principle that sovereignty is vested exclusively in the people of each State, and that it performs its first and highest function in forming a State Government and State Constitution. This highest act of sovereignty, in my judgment, can only be performed by the people themselves, and cannot be delegated to Conventions or other intermediate bodies.

Yet surely even those who differ with me on this point must concede, especially under the Kansas Nebraska bill, it is only such Conventions as can be called sovereign as have been truly elected by the people, and represent their will. On reference, however, to my address of the 15th of Sept. 1858, on the day of the qualification, a copy of which was immediately transmitted to you for the information of the President and his cabinet, it is evident that the Lecompton Convention was not such a body. That Convention had vital, not technical defects in the very substance of its organization under the Territorial law, which could only be cured, in my judgment, as set forth in my inaugural and other addresses, by submission of the Constitution for the ratification of the people. On reference to the Territorial law under which the Convention was assembled, thirty-four regularly organized counties were named as election districts for delegates to the Convention. In each and all these counties there was no census, and therefore the delegates to the Convention should have been apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment of delegates upon such census. And in fifteen of these counties there was no registry of voters. These fifteen counties, including many of the oldest organized counties in the Territory, were distinctly disfranchised, and did not vote, (by no fault of their own,) could not give a ratifying vote for the delegates to the Convention. This result superinduced by the fact that the Territorial Legislature appointed all the Sheriffs and Probate Judges in all these counties, to whom was assigned the duty of making this census and registry. These officers were political partisans, dissenting from the views and opinions of the people of these counties, as was approved by the election of those counties. These officers, from want of funds, as they alleged, neglected or refused to make any census, or make any registry of these counties, and therefore, they were entirely disfranchised and could not, and did not, give a single vote at the election for Delegates to the Constitutional Convention. And I wish to call attention to a distinction which will appear in my inaugural address in reference to those counties where the voters were registered and did not vote. In such counties where the voters had free opportunity was given to register and vote, and they did not choose to exercise such a privilege. The question is very fully presented from those counties where there was no census and registry, and no vote was given, which could be given, however anxious the people might be to participate in the election of delegates to the Convention. Nor could it be done in those counties, as was proved by the fact that these counties acquired, for whatever they endeavored, by a subsequent census or registry of their own to supply this defect, which was previously neglected of the Territorial officers, the delegates thus chosen were rejected by the Convention.

I state it is a fact, based on a long and intimate association with the people of Kansas, that an overwhelming majority of that people are opposed to that instrument, and my letter state that but one out of twenty of the people of Kansas sustains it. Some oppose it

because so many counties were disfranchised and unrepresented in the Convention; some who are opposed to paper money, because it authorizes a bank of enormous capital for Kansas, nearly uncollected in its issues, and in the denomination of its notes from one dollar up and down; some because of what they consider a Know-Nothing clause by requiring that the Governor shall have been twenty years a citizen of the United States; some because the elective franchise is not free, as they cannot vote against the Constitution, but only on the single issue whether any more slaves may be imported, and then only upon that issue by voting for the Constitution to which they are opposed, and they regard this as but a mockery of the elective franchise, and a perilous sport with the sacred rights of the people.—Some oppose it because the Constitution distinctly recognizes and adopts the Oxford fraud in apportioning legislative members from Johnson county upon the fraudulent and fictitious returns so falsely called, from that precinct, which recognition of that fraud in the Constitution is abhorrent to the moral sense of the people.—Others oppose it because, although in other cases the Presidents of Conventions have been authorized to issue writs of election to the regular Territorial or State officers, with the usual Judges and with the established precincts, and on adjudication of the returns, in this case unprecedented and vice-regal powers are given to the President of the Convention to make the Precincts, the Judges, and to decide finally upon the returns. From the grant of these unusual and enormous powers, and from other reasons connected with the returns of Oxford and McGee, an overwhelming majority of Kansas has no faith in the validity of these returns and therefore will not vote. Indeed, disguise it as we may to ourselves, under the influence of the present excitement, the facts will demonstrate that any attempt by Congress to force this Constitution upon the people of Kansas, will be an effort to substitute the will of a small minority for that of an overwhelming majority of the people of Kansas; and it will not settle the Kansas question or localize the issue—that it will, I fear, be attended by war, extending perhaps throughout the Union thus bringing this question back again upon Congress, and before the people in its most dangerous and alarming aspects. The President takes a different view of the subject in his message, and from the events occurring in Kansas, as well as here, it is evident that the question is passing from theories into practice, and that, as Governor of Kansas, I should be compelled to carry out new instructions differing on a vital question from those received at the date of my appointment. Such instructions I could not execute consistently with my views of the Federal Constitution and of the Kansas and Nebraska bill, or with my pledges to the people of Kansas. Under these circumstances no alternative is left but to resign the office of Governor of the Territory of Kansas. *

Even as late as the 3d of July, 1857, taking the Democratic Territorial Convention assembled at Leecompton, in consequence of the laws of the climate and the well-known will of the people, none contended that Slavery could be established there, nor was it until my Southern opponents interfered in the affairs of Kansas, and by denunciation, menace and otherwise, added at a critical period by several Federal office-holders of Kansas, including the Surveyor-General, and the President of the Convention, with the immense patronage, embracing many hundred employees, intervened, and as I believe, without the knowledge or approbation of the President of the United States, produced the extraordinary paper called the Lecompton Constitution. Yet this act of intervention by the Federal officers to defeat the will of the people seems to be sustained by my opponents, while my intervention, as it is called, in obedience to my duty and oath of office, to support the Federal Constitution and to take care that our organic law should be fairly executed by endeavoring to secure to the people of Kansas their rights under that act, is denominated and calumniated. It is still more remarkable that the hypothetical remarks made by me, as regards climate in its connection with its influence upon the question of Slavery in Kansas after that issue had been abandoned there, which views were consolidating the Union between the conservative, the Federal-State and Pro-Slavery Democrats, so as to prevent the confiscation of the small number of slaves then held in Kansas, have been denounced by many distinguished Southern Senators who, when the Kansas and Nebraska bill was pending in Congress, and when such remarks from them, if ever, might affect Southern emigration were then loudest in proclaiming that in consequence of its climate, Kansas could never become a Slave-State. Indeed it seems that all persons in and out of Kansas, whether in public or in private life, may publish what opinions they please in regard to those questions, except the Governor of the Territory who has so little power and no patronage.—And now be pleased to express to the President my deep regret as regards our unfortunate difference of opinion in relation to the Lecompton Constitution, and to say to him that, as infallibility does not belong to man, however exalted in intellect, purity of intention or position, yet if he has committed any errors in this respect, may they be overruled by a Superintendent of Providence, for the perpetuity of our Union, and the advancement, the honor and interest of our beloved country.

In now dissolving my official connection with your Department, I beg leave to tender to you my thanks for your constant courtesy and kindness. Most respectfully,
Your obedient servant,
(Signed) R. J. WALKER.

FOREST LAKE, Susquehanna Co., on the 28d instant, by Elder W. C. Tilden, Mr. H. M. BARNY, of Syracuse, N. Y., to Miss ELIZA CLARK, of Leesville. At the house of her father, on the 25th ult., by Rev. C. McPherson, Mr. J. C. TURNER, to Miss JULIETT HEAL, all of Colton.

RECEIVED AT THE OFFICE OF THE REGISTER, IN THE CITY OF NEW YORK, THIS 18th DAY OF JANUARY, 1858.

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1858.	1857.	1856.	1855.	1854.	1853.	1852.	1851.	1850.	1849.
Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10	Jan. 10 10 10 10 10 10 10 10 10 10
Feb. 10 10 10 10 10 10 10 10 10 10									