

Office—Lebanon printing office.

DECLINED—A notice sent us some time since, the title of which we cannot at this moment remember. The sentiment was much better than the style.

The Lecompton Constitution and accompanying documents, were referred on Monday, in the Senate, to the Committee on Territories, and in the House to a special Committee of 15.

Having recently copied our Mail Book, it is possible that we may have accidentally overlooked the names of some of our subscribers. If any fail to receive their papers for that reason, we will make the correction, when our attention is called to it.

We learn that Mr. Gilbert McKee of Bridgewater died on Tuesday, from injuries caused by being thrown from his wagon on Thursday last. His horse took fright at some object, and started off suddenly, and he was unable to check it. Mr. M. was 68 years of age.

The election in Lancaster City has resulted in the choice of Thomas H. Burrows for Mayor, by a majority of 12 votes. Since the election, the opposition papers claim it as a "Republican" victory, but it so happens that the nomination was made by those opposed to mingling party politics with the affairs of the City Government. Before and after the election a different tune must be danced to. Mr. B. is the editor of The Pennsylvania School Journal.

REARMS SHAKESPEARE—AN IMPOSTOR.—Mr. "Wm. F. Mason" paid our town a flying visit last week, issued circulars, engaged a Hall, and made quite a flourish, claiming to be "the only Shakespearean Reader of the age." He read one evening and the next day disappeared, since which we have heard nothing of him. If he would return and pay his bills, he could then leave with the unanimous approval of our citizens. Should he attempt to impose upon the people of any of our neighboring towns, and asks some of our contemporaries to give him a "put," they will do well to copy this notice of him.

We ask every person to carefully read the President's Message relating to the admission of Kansas. All who do so with unbiased feelings, cannot but be convinced that the most practical and speedy way of settling the law, in and out of Congress, will be to place her at once on an equal footing with the other States. To do so, will be to rid the country of the vexatious question, to defer its admission on the grounds of the opposition, can result in no good, but only tend to keep up a perpetual strife.

One objection set up, is that the Constitution cannot be changed, until 1864. This is only a false plea, for no provision of the kind is contained in the instrument, only a direction *how* it may be changed after that date. Besides, another clause expressly says that the people may alter or abolish their form of government at their pleasure. This objection comes from those who voted for the admission under the Topeka Congress, which expressly declared that no change could be made for ten years!

If we had any assurance that the Lane faction would ever vote their sentiments on the slavery question while in a territorial condition, it would do to defer the matter, and give them a third chance to do so. As it now stands they have at the bidding of their party masters, caused the Constitution to be sent up as a pro-slavery one by default, that they may have a lobby to ride. Admit her as a State, and the excuse can no longer be entertained, and it will be declared a free State by a popular vote at the earliest pleasure of the people.

The prediction that the Black Republicans would if within their power, make Kansas a slave State, for a time, is about to be verified, and the country will hold them responsible for their hypocritical acts. In the mean time they cannot alter the fact that Kansas is, permanently, a free State.

It is often the boast of those who desert the Democratic party, that they never change, but that the party leaves them, while they remain consistent to their former faith. This plea might be listened to with some degree of credit, were it not for the singular fact that such persons are immediately found working in the ranks of the foes of Democracy, who also claim that their position in no wise differs from that which they formerly occupied. How two persons can for a time disagree in every particular upon a question, yet finally come together without either being convinced of error, is more than we can comprehend.

The "Republican" party claim now to occupy the same ground they did in the campaign of 1856. There are a few Members of Congress who were elected as Democrats, who now differ with the Administration, and claim that their views are the same as when elected. As an instance we cite the case of Jno. A. Hickman from the Chester district. This gentleman claims to be the proslavery one, who shifts his position from the side of slavery to that of freedom. \* \* \* In the present speech Mr. Hickman occupies about the same ground as did the Republican party during the last Presidential campaign.

And Mr. Hickman claims to be a Democrat? If he is, as the Times boasts, "shifted his position," and gone over to the Fremont ground of '56, then can he not be a Democrat? If he is, it indeed he ever possessed it.

Keitt and Grow.

A squabble took place between L. M. Keitt, Member from S. C., and G. A. Grow from this County, on Saturday morning last, about two o'clock, which has been a three days theme for the Washington letter-writers.

Most of the session of Friday was consumed by the House, in discussing and voting on the contested election case of Mr. Campbell of Ohio. About five o'clock, this was disposed of, so far as accepting the report of the majority of the Election Committee went, and then a motion for the reference of the President's message and the Lecompton Constitution to a select committee of 15, instead of the regular committee on territories, where it properly should go, came up. Mr. Grow had the floor, but yielded it to Harris of Ill., upon the question of reference. The night was spent in various manoeuvres, nothing being accomplished except to create confusion.

The reports of the "fight," are very contradictory, the first was in substance as follows: Grow was walking down the aisle on the Democratic side of the House, when Quitman rose and Mr. Grow objected to his speaking. Said Mr. Keitt, "if you want to object you had better go to your own side of the House."

"This is a free land," said Mr. Grow, "and every man has a right to go where he pleases." "What do you mean by such an answer as that?" said Mr. Keitt. "I mean just what I said," replied Mr. Grow, and repeated the remark.

Mr. Keitt then seized him by the collar exclaiming, "I will let you know that you are a—Black Republican puppy." Mr. Grow thrust his hand aside with violence, saying, "I shall occupy such a place as I please, and no nigger-driver shall crack his whip over me."

Again Mr. Keitt seized him by the throat, and was again driven off by Mr. Grow, and on the attempt being repeated, Mr. Grow delivered a well-aimed blow and knocked Mr. Keitt down.

Soon as the affray was noticed there was a general rush from all quarters of the Hall, and Mr. Barksdale of Mississippi, rushed in to separate the combatants. Mr. Washburn of Illinois, who has a front seat on the Republican side, thinking that he was going to help Keitt, hurried into the melee and knocked Mr. Barksdale's wig off.

A later despatch contradicted the above, stating that Mr. Grow did not knock him down at all. One report states that Mr. Quitman rose to submit a motion for an adjournment, and Mr. Grow, who was then very near Mr. Keitt's seat, turned and remarked, "I object."

Mr. Keitt replied, "Go on your own side of the House sir, and make your objections there." Mr. Grow retorted, "I will make my objections where I please, and am not to be intimidated by the lash of a slave driver."

Mr. Keitt, taking this remark as a personal insult, sprang to his feet and struck Mr. Grow, who returned the blow, and the two immediately closed in a "rough and tumble" fight. A scene of confusion then followed, in which several Members took a part. The fracas did not last more than two minutes, when the prompt intervention of the Sergeant-at-Arms, Mr. Glosbrenner, and his assistants, succeeded in restoring order. During the remainder of the session, which continued until after six o'clock on Saturday morning, everything went on smoothly and calmly.

So many contradictions are reported that it is difficult to find out the truth of the matter; but it is quite probable that no blows were given on either side, at least the story that Grow struck Keitt with such force as to knock him down, is not confirmed, and therefore entitled to no credit. But little notice was taken of the affray in the city—not more than would be of any street brawl.

On Monday, Mr. Keitt rose in his place and expressed his regret to the House for the violation of its order and decorum, assuming to himself the responsibility of the occurrence. He also stated that he was not aware of receiving a blow from any source, whether one was aimed at him or not. Mr. Grow also tendered whatever apology was due to the House for the violation of its order and decorum, and regretted the occasion for the difficulty.

Endorsement of the Administration.

At the recent Democratic County Convention held in Philadelphia, resolutions were introduced endorsing the Administration, and approving the admission of Kansas as a State. The opposition press aided by the individual organ of Forney, have endeavored to falsify their action by reporting that the resolutions were not passed. The officers of the Convention, and a majority of the members have since publicly certified that they were passed without a dissenting voice. The truth of this statement cannot be questioned.

Resolved, That this Convention has full confidence in the patriotism and wisdom of James Buchanan, and approves not only his vindication of the national honor by a strict and energetic enforcement of our neutrality laws and international treaties, but also his recommendations in regard to the admission of Kansas into the Union.

Resolved, That the prompt admission of Kansas as a State, with the unrestricted right to alter or amend her Constitution—thereby conferring upon her people absolute and unqualified sovereignty, with the power to regulate and control each and all of their political and domestic institutions in their own way—is the best, if not the only means by which the troubles in Kansas will cease to distract and disturb the country, and peace and order be restored to that Territory.

Democratic Senatorial Conference.

The Democratic Senatorial Conference, for the Senatorial district composed of the counties of Bradford, Susquehanna, Wyoming and Sullivan, met, in accordance with usage of previous years, at Lushville, on Friday, Feb. 5th, 1858. No other Conferees but those from Susquehanna County, appeared at the usual hour, they therefore adjourned without transacting any business, except to confirm the selection of R. T. Stephens, Esq., the choice of the Susquehanna County Convention, for Senatorial Delegate, to represent said district in the Democratic State Convention, to be held at Harrisburg on the fourth of March next.

Democratic Convention.

Pursuant to custom, a Convention of the Democracy of Bradford County met at the Court House in the Borough of Towanda, on Tuesday, the 2d inst., when E. W. Baird Esq. was called to the Chair, and D. A. Overton appointed Secretary.

On motion, H. J. Masill Esq., and Col. V. E. Piolette, were appointed representative delegates to the Democratic State Convention, to be held at Harrisburg on the 4th of March next, with power to substitute in case of their inability to attend. On motion, the delegates were instructed to vote for Wm. Ellwell Esq. as the candidate for Judge of the Supreme Court. Col. J. F. Means, E. W. Baird, C. S. Russell, H. B. McKean, and D. A. Overton, were appointed Conferees to meet the Conferees of Susquehanna and Tioga counties.

On motion, the Chairman authorized to appoint a Standing Committee for the ensuing year. Whereupon the following gentlemen were appointed: Col. J. F. Means, Col. Addison McKean, John Baldwin, Frank Smith, Col. Wm. E. Barton, Jacob Keel and Frederick Whitman.

On motion, it was resolved that the newspapers of this County be requested to publish the proceedings of this Convention and that a copy thereof also be furnished the Montrose Democrat.

E. W. BAIRD, Pres.

D. A. OVERTON, Sec.

For the Montrose Democrat.

Ma. Editor: In response to a call published in your last issue, a respectable number of citizens met at the Court House on Sunday morning, for the purpose of discussing upon matters pertaining to our Schools, among other things, the following resolution was unanimously passed:

Resolved, That the following memorial be published in both the County papers, and that the friends thereof in the several townships, copy and circulate the same for subscribers, and that they forward the result to A. O. Warren, Montrose, by the 25th of February. To the Honorable Senate and House of Representatives of the Commonwealth of Pennsylvania:

Your petitioners, citizens of Susquehanna County, in said State, respectfully represent to your honorable bodies, that they are laboring under many inconveniences, and difficulties, growing out of the administration of the present School Law. And your petitioners pray your honorable bodies to repeal so much of the act passed the 31st day of May, 1854, as provides for the election of six School Directors, and also that relating to the election of County Superintendent for Susquehanna County, and instead thereof provide for the election of three Directors and one Superintendent, in each town, and they to be paid a reasonable compensation for their services, it being the duty of some one of them to visit each school in their respective towns twice each term. And your petitioners will ever pray.

Reports of Teachers' Institutes.

The teachers and people have responded to our calls for Institutes with such earnestness and good feeling that we deem it proper to give a brief notice of the meetings already held.

At the Institute in Clifford, the house was well filled with intelligent ladies and gentlemen, who listened to the lectures of Prof. Stoddard with increasing interest to the close. So interested did they become that they sent in solicitations for us to remain in the evening (which we could not well do) were really irresistible, and we could only part by promising to come again.

Our friends Alworth and Truesdell deserve the thanks of all for their kindness in furnishing refreshments to all who desired.

The "Chicken fixers" furnished by friend Alworth, were admirable, as a large circle of friends, who were in discussing them, will cheerfully bear witness.

We shall come again, friends. At Drackney we had a glorious time—upwards of two hundred and fifty citizens in attendance. In the evening the church was occupied, well lighted with splendid globe lamps, and everything moved off happily.

Drackney has won the banner for all that we see. Friends Acker, Gaige, &c., are deserving of many thanks for their hospitality.

Mormons in Kansas.

The St. Louis Republic has a correspondent writing on the 22d ult., from Westport, Mo., who gave such incidents as satisfy him that there is a considerable sprinkling of Mormons in Kansas engaged in desperate enterprises. He writes: "There exists in Kansas Territory a branch of the Mormon Danites. They are principally Mormons and Free Lovers; being compactly organized, and having influential members, they rule the destinies and fix the policy of the Free State party in Kansas. They are making use of the intemperate prejudices of people from the Free States to propagate their nefarious doctrines and accomplish their treasonable and immoral designs. "That such an organization exists there can be but little doubt, and that they are now playing the desperate game for which they are banded together, facts go to show. "A few days ago, a fine hotel, which cost \$4000, was burnt at Lexington, Johnson County. The town is pro-slavery, and the house was owned by a Pro-slavery man—Col. S. L. McKinny, of this place. About the same time a number of cabins, belonging to members of the Democratic party, were also burnt. "Last week an Indian by the name of Tully, who shot a body of Danites, who had been stealing his timber and otherwise trespassing on his land, gave him notice to leave as they did Henry Koubize and Cary, Dutch Henry and others, whom they murdered. Not long after notice to leave his own land had been served on the Shawnee, he was shot, in an altercation with the trespassers. "Last night the Lipscomb House, at New Santa Fe, in Missouri, adjoining Oxford, in Kansas, was burnt down. "To say a gentleman named Stofor was shot on the highway. It is said that he was traveling in a coach, not far from Wyandott, when he was overtaken or met by some Danites; they asked him his name, and on learning it, one of them shot Stofor in the mouth, putting away part of the jaw and half the tongue. Stofor is a Democratic member elect from Leavenworth County. Jim Lane, chief of the Danites, has ordered every Democratic member elect, to be hung, shot, or maimed."

Items.

The Philadelphia and Pittsburg Banks have resumed specie payments. There is also a general movement through the country to the same effect. Better times may now be anticipated.

An Informal Convention of the Republican party, is called at Harrisburg on the 22d of February, "to impress upon the Legislature of the Nation the principles enunciated by the Philadelphia Convention of 1856."

The Banner of Liberty speaking of the Free State men of Kansas, who would not vote when they could have made Kansas free had they voted, says: "In refusing to vote, these fellows remind one of a spunky child that refuses to eat his supper until after the table has been cleared, so as to have something to cry about."

Judge Closser of the Probate Court of Windsor, Vt., has decided that a good family newspaper is one of the necessary articles for the support of a family during the settlement of an estate, and, as such, the administrator, in insolvent estates, is justifiable in paying for one—the widow to make her own selection of what paper she will have.

There is not a Democratic paper in the State of New York but what sustains the President's Kansas policy.

Two more volumes of Macaulay's History of England, which brings the history down to Queen Anne's reign, are completed and will soon be published.

Ex-President Fillmore is expected to be married to Hy B. McIntosh of Canada.

The annual report of the Pennsylvania Railroad Company shows a balance of \$1,100,150 50; allowing a dividend of more than eight per cent. upon the capital stock of the company.

The spirit of Daniel Webster was called up lately, in a spiritual circle in Northampton Mass. He confessed he had made many mistakes in his social and political life while on earth, and in his Dictionary.

Green Peas and New Potatoes are said to be abundant in the vicinity of New Orleans. On some plantations the orange trees are putting forth their blossoms, and in others are yielding abundantly of fruit.

The Democratic Convention of Erie Co. will be a great deal of unanimity, passed National resolutions, among others endorsing the President.

Judge Lewis is the only one, out of the five Supreme Judges elected some years since, who still retains his seat—all the rest having either died or resigned. Who says now that Judges seldom die, and never resign!

Ex-Governor Grimes, "Rep." was elected U. S. Senator from Iowa, by the Legislature, on the 25th, receiving 21,000 votes of a majority. He will succeed Hon. George W. Jones, whose term will expire in 1859.

The Harrisburg papers give a list of the occupations of the members of our Legislature. There are 15 Senators, 10 of whom are lawyers, six farmers and one gentleman, (save the mark). In the House there are thirty-six farmers, twenty-two lawyers, six physicians, five editors, four carpenters, &c. The lawyers, it will be seen, preponderate in the Senate, and the farmers in the House. In the whole body of 133 men, there are only three that are to be called "gentlemen," by which we mean, they do not intend anything invidious towards the respectable body of farmers, lawyers, physicians, merchants, editors, cordwainers, tanners, &c.

The Grand Jury of New Orleans have found true bills against Walker, Anderson and others, recently engaged in filibustering expeditions, against Nicaragua, for violation of the Neutrality Laws.

Ex-President Tyler is lying very ill at his residence, Sherwood Forest, Charles City County, Va. He has been suffering for several weeks past with a severe chronic attack.

Harrisburg, Feb. 4th, 1858.—The House passed resolutions for dissolving the Special Committee on Kansas not to make a report until the 10th of March next on a vote of 28 to 64.

Binghamton Charter Election. DEMOCRATIC VICTORY OVER THE COMBINED FORCES OF REPUBLICANS AND KNOW-NOTHINGS.

MESSAGE

Of President Buchanan submitting the Lecompton Constitution.

WASHINGTON, Feb. 2.—The following Message was submitted to both Houses this afternoon:

I have received from Gen. Calhoun, the President of the late Constitutional Convention of Kansas, a copy, duly certified by himself, of the Constitution framed by that body, with the expression of a hope that I would submit the same to the consideration of Congress, with the view of securing the admission of Kansas into the Union as an independent State. In compliance with this request, I herewith transmit to Congress, for its action, the Constitution of Kansas, with the ordinance respecting the Public Lands, as well as the letter of Gen. Calhoun, dated Lecompton, 14th ult., by which they were accompanied.

Having received but a single copy of the Constitution and Ordinance, I send this to the Senate.

A great delusion seems to pervade the public mind in relation to the condition of parties in Kansas. This arises from the difficulty of inducing the American people to realize the fact that any portion of them, should be in a state of rebellion against the Government under which they live. When we speak of affairs in Kansas, we are apt to refer merely to the existence of two violent political parties in that Territory, divided on the question of slavery; just as we speak of such parties in the free state of the case. The existing time there is not between two political parties, both acknowledging the lawful existence of the Government, but between those who are endeavoring to establish a Government under the organic law of Congress, and those who are endeavoring to destroy its existence by force and usurpation—between those who sustain and those who have done all in their power to overthrow the Territorial Government established by Congress. This government they would long since have subverted, had it not been protected from their assaults by the troops of the United States. Such has been the condition of affairs since my inauguration.

Ever since that period a large portion of the people of Kansas have been in a state of rebellion against the government, with a military leader at their head of the most turbulent and dangerous character. They have never acknowledged, but have constantly renewed and defied the Government to which they owe allegiance, and have been all the time in a state of resistance against its authority. They have all the time been endeavoring to subvert it, and establish a revolutionary Government under the so-called Topeka Constitution in its stead. Even at this very moment, the Topeka Legislature is in session. Whoever has read the correspondence of Governor Walker with the State Department recently communicated to the Senate, will be convinced that this picture is not overdrawn. He always protested against the withdrawal of any portion of the military force of the United States from the Territory, deeming its presence absolutely necessary for the preservation of the regular government and the execution of the laws. In his very first despatch to the Secretary of State, dated June 2d, 1857, he says:

"The most alarming movement, however, proceeds from the assembling of the so-called Topeka Legislature, with the view to the enactment of an entire code of laws. Of course, it will be my endeavor to prevent such a result as would lead to an inevitable disastrous collision, and in fact, renew civil war in Kansas."

This was with difficulty prevented by the efforts of Governor Walker, but soon General Harney was required to furnish him a regiment of dragoons to proceed to the City of Lawrence; and this for the reason that he had received authentic intelligence, verified by his own actual observation, that a dangerous open defiance to the laws, and the establishment of an insurgent government in that city. In the Governor's despatch of July 15th, he informs the Secretary of State "that the movement at Lawrence was the beginning of a plot, originating in that city, to organize an insurrection throughout the Territory, and especially in all towns, cities and counties, where the Republican party have a majority. Lawrence is the hot-bed of all the abolition movements in this Territory. It is the town established by the Abolition Societies of the East; and filled by a considerable number of mercenaries, who are paid by the Abolition Societies to perpetuate and diffuse agitation throughout Kansas, and prevent the peaceful settlement of this question. Having failed in inducing their own, the so-called Topeka State Legislature, to organize this insurrection, Lawrence has commenced it herself, and if not arrested, the rebellion will extend throughout the Territory."

And again: "In order to send this communication immediately by mail, I must close assuring you that a spirit of rebellion pervades the great mass of the Republicans of this Territory, instigated, as I entertain no doubt they are, by Eastern Societies; having in view results most disastrous to the Government and the Union. And that the continued presence of General Harney is indispensable, as originally stipulated by me, with a large body of dragoons and several batteries."

On the 20th of July, 1857, General Lane under the authority of the Topeka Convention, undertook, as Governor Walker says, "to organize the whole so-called Free State party into volunteers and take the names of the 9th of December last, that the important step of calling the Legislature together was taken after Governor Walker had become satisfied that the election ordered by the Convention on the 21st inst., could not be conducted without collision or bloodshed." So intense was the disloyal feeling among the Congress of the Government established by Gen. Walker, that an election which afforded them an opportunity, if in the majority, of making Kansas a free State, according to their own professed desire, could not be conducted without collision and bloodshed. The truth is, that until the present moment, the enemies of the existing Government still adhere to the Topeka Revolutionary Constitution and Government. The very first paragraph of the Message of Governor Robinson, dated the 7th of December, to the Topeka Legislature, now assembled in Lawrence, contains an open defiance of the Constitution and laws of

the United States. The Governor says:—"The Convention which framed the Constitution at Topeka originated with the people of Kansas Territory. They have adopted and ratified the same twice by a direct vote, and also indirectly through two elections of State officers, and in the presence of the members of the State Legislature, and yet it has pleased the Administration to regard the whole proceedings as revolutionary?" This Topeka Government, adhered to with such treasonable pertinacity, is a government in direct opposition to the existing Government as prescribed and recognized by Congress. It is an usurpation of the same character as it would be for a portion of the people of any State to undertake to establish a separate government within its limits for the purpose of redressing its grievances, real or imaginary, of which they might complain, against the legitimate State government. Such a principle if carried into execution, would destroy all lawful authority, and produce universal anarchy. From this statement of facts, the reason becomes palpable why the enemies of the government authorized by Congress have refused to vote for Delegates to the Kansas Constitutional Convention, and also, after wards, on the question of slavery submitted by it to the people. It is because they have ever refused to sanction or recognize any other Constitution than that framed at Topeka. Had the whole Lecompton Constitution been submitted to the people, the adherents of this organization would doubtless have voted against it, because if successful they would thus have removed an obstacle out of the way of their own revolutionary Constitution. They would have done so, and upon consideration of the merits of the whole or part of the Lecompton Constitution, but simply because they have ever resisted the authority of the government authorized by Congress, from which it emanated.

Such being the unfortunate condition of the affairs of the Territory, what was the right, as well as duty, of law-abiding people? Were they silently and patiently to submit to the Topeka usurpation, or did they not consider it their duty to establish a Constitution under the organic law of Congress? If the latter course they recognized the right of the people of the Territory, without the enabling act of Congress to form a State Constitution, is too clear for argument for Congress "to leave the people of the Territory perfectly free," in framing their Constitution, "to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States" and then to say they shall not be permitted to proceed and frame a Constitution in violation of the law, without the express authority of Congress, appears to be almost a contradiction of terms. It would be much more plausible that the people of a Territory might be kept out of the Union for an indefinite period until it might please Congress to permit them to exercise the right of self government. This would be to adopt not "their own way," but the way which Congress might prescribe.

It is impossible that any people could have proceeded with more regularity in the formation of a Constitution than the people of Kansas have done. It was necessary first, to ascertain whether it was the desire of the people to be relieved from a Territorial dependence, and establish a State Government. In this purpose, the Territorial Legislature in 1855 passed a law "for making the sense of the people of this Territory, upon the expediency of calling a Convention to form a State Constitution," at the general election to be held in October, 1856. The sense of the people was accordingly taken, and they decided in favor of a Convention. It is true that at this election, the enemies of the Territorial Government did not vote, because they were engaged at Topeka, without the slightest prospect of lawfully acquiring the franchise of a Constitution of their own, for the purpose of subverting the Territorial Government.

In pursuance of this decision of the people in favor of a Convention, the Territorial Legislature, on the 27th of February, 1857, passed an act for the election of delegates on the third Monday of June, 1857, to frame a State Constitution. This law is as fair as any Legislature has ever passed, and Legislature for a similar purpose. The right of suffrage at this election is clearly defined—"Every bona fide inhabitant of Kansas," on the third Monday of June, the day of the election, who was a citizen of the United States, above the age of twenty-one, and had resided therein for three months previous to that date, was entitled to vote. In order to avoid all interference from neighboring States or Territories with the freedom and honesty of the election, a provision was made for the registry of qualified voters, and pursuant thereof, nine thousand and fifty-two voters were registered. Governor Walker did his whole duty in urging all the qualified citizens of Kansas to vote at this election.

In his inaugural address on the 27th of May, he informed them that "under our practice the preliminary act of passing a State Constitution is uniformly performed through the instrumentality of the Legislature by Delegates chosen by the people themselves; that the Convention is now about to be elected by you under a call of the Territorial Legislature, created, and still recognized, by the authority of Congress, and clothed by it, in the comprehensive language of the organic law, with full power to make such an enactment. The Territorial Legislature, then, in assembling this Convention, were fully sustained by the act of Congress, and in fact, the Convention is distinctly recognized in my instructions from the President of the United States." The Governor also clearly and distinctly warns them what would be the consequences if they did not participate in the election. "The people of Kansas, then," he says, "are invited by the highest authority known to the Constitution to participate freely and fairly in the election of delegates to frame a Constitution and State Government. The law has performed its entire and appropriate function when it extends to the people the right of suffrage, but it cannot compel the performance of that duty. Throughout the whole Union, however, and wherever free government prevails, those who abstain from the exercise of the right of suffrage, authorize those who do vote, to act for them in that contingency, and absentees are as much bound by the law and the Constitution, where there is no fraud or violence, by the act of the majority of those who do vote, as if they had participated in the election. Otherwise, voting must be voluntary, self-government would be impracticable, and monarchy and despotism would remain as the only alternative." It may also be observed that at this period, any hope, if such had existed, that the Topeka Constitution would ever be recognized by Congress must have been abandoned.

Congress had adjourned on the third of March previous, having recognized the legal existence of the Territorial Legislature in a variety of forms, which I need not enumerate. Indeed, the delegate elected to the House of Representatives under a Territorial law, had been admitted to his seat and had just completed his term of service the day previous to my inauguration. This was a propitious moment for settling all the difficulties in Kansas. This was the time for abandoning the Revolutionary Topeka organization, and for the enemies of the existing government, to conform to the laws and unite with its friends in framing a State Constitution. But this they

refused to do and the consequence of their refusal to submit to lawful authority, and vote at the election of delegates, may yet prove fatal to the respect for the laws of the land, which so eminently distinguished the measures of the past generation, could be revived! It is a disregard and violation of the laws which have for years kept the Territory of Kansas in a state of almost open rebellion against the Government; it is the same spirit which has produced actual rebellion in Utah. Our only safety consists in obedience and conformity to the law. Should a general spirit against its enforcement prevail, this will prove fatal to us as a nation. We acknowledge no master but the law. And should we cut loose from its restraints, and every one do what seemed good in their own eyes, our case is indeed hopeless.

The enemies of the Territorial Government are determined still to resist the authority of Congress. They refused to vote for delegates to the Convention—not because, from circumstances which I need not detail, there was an omission to register comparatively few voters who were inhabitants of certain counties in Kansas, in the early spring of 1857—but because they had predecided, at all hazards, to adhere to their revolutionary organization, and defeat the establishment of any other Constitution than that which they had framed at Topeka. The election, therefore, was suffered to pass in default. But of this result, can we needlessly complain? From this review, it is manifest that the Lecompton Constitution, according to every principle of Constitutional law, was legally constituted, and invested with the power to frame a Constitution.

The second principle of popular sovereignty has been invoked in favor of the enemies of law and order in Kansas. But in what manner is popular sovereignty to be exercised in this country, if not through the instrumentality of established laws. In certain small republics of ancient times, people did assemble in primary meetings, passed laws, and directed public affairs. In our country, this is manifestly impossible. Popular sovereignty can be exercised here only through the ballot-box, and if people will refuse to exercise it, in this manner as they have done in Kansas at the election of delegates, it is not for them to complain that their rights have been violated.

The Kansas Convention, thus lawfully constituted, proceeded to frame a Constitution, and having completed the work, finally adjourned on the 6th of November last. They did not think proper to submit the whole of this Constitution to the popular vote, but did submit the question, whether Kansas should be a Free or a Slave State, to the people. This was the question which had lighted the flames of civil war in Kansas, and produced dangerous sectional party throughout the Confederacy. It was of a character so important in respect to the condition of Kansas, as to rivet the anxious attention of the people of the whole country upon it. No person thought of any other question. For my own part, when I instructed Governor Walker in general terms, in favor of submitting the Constitution to the people, I had no object in view except to manifest the sense of the people upon the question of slavery. In what manner the people may regulate their own concerns, was not the subject which attracted my attention. In fact, the general provisions of the recent State Constitutions, after an experience of eighty years, are so similar and excellent that it would be difficult to go far wrong at the present day, in framing a new Constitution.

I then believed, and still believe, that under the organic act, the Kansas Convention were bound to submit this all important question of slavery to the people. It was never, however, my opinion, that independently of this act, they would have been bound to submit any portion of the Constitution to the popular vote, in order to give it validity. Had I entertained such an opinion, this case would have been in opposition to the very best age of the Republic. It would have been in opposition to the principle which pervades our institutions, and is every day carried into practice, that the people have the right to delegate the representatives chosen by themselves, their sovereign power to frame Constitutions, enact laws, and perform any other important acts, without requiring that they should be submitted to a subsequent approbation. It would be a most inconvenient limitation of their own power, imposed by the people upon themselves, to exclude them from exercising their sovereignty in any lawful manner they may think proper. It is true, the people of Kansas might, if they had pleased, required the Convention to submit the Constitution to the popular vote. But this they have not done. The case is, therefore, in this case is that which exists in all other similar cases. If the delegates who framed the Kansas Constitution, have in any manner violated the will of their constituents, the people always possess the power to change their Constitution or laws, according to their own pleasure.

The question of slavery was submitted to the election of the people of Kansas on the 23d of October last, in obedience to the mandate of the Constitution. Here again a fair opportunity was presented to the adherents of the Topeka Constitution, if they were in the majority, to decide this exciting question "in their own way," and thus restore peace to the distracted Territory. But they again refused the right of popular sovereignty, and again suffered the election to pass in default.

I heartily rejoice that a wiser and better spirit prevailed among a large majority of these people on the first Monday of June, and that they did not vote under the Lecompton Constitution for Governor and other State officers, member of Congress, and members of the State Legislature. This election was warmly contested by parties, and a larger vote was polled than at any previous election in the Territory. We may now reasonably hope that the revolutionary Topeka organization will be speedily and finally abandoned, and this will go far towards the final settlement of the unhappy differences in Kansas. If frauds have been committed at this election, by one or both parties, the Legislature and the people of Kansas, under the Constitution, know how to redress themselves, and punish this detestable, but too common crime, without undue interference.

The people of Kansas have then, in their "own way," and in strict accordance with the organic act, framed a Constitution and State government, have submitted the same to the people, and have elected a Governor and other State officers. They now ask for admission into the Union, under this Constitution, which is republican in its form. It is for Congress to decide whether they will admit or reject the State which has thus been created. For my own part, I am decidedly in favor of its admission, and thus terminating the Kansas question. This will carry out the great principle of non-interference, recognized and sanctioned by the organic act, which declares in express language in favor of the non-interference of Congress with slavery in the States and Territories, leaving "the people perfectly

free to do as they please."

It is true, that the enemies of the existing government, who are determined to resist the authority of Congress, have refused to vote for delegates to the Convention—not because, from circumstances which I need not detail, there was an omission to register comparatively few voters who were inhabitants of certain counties in Kansas, in the early spring of 1857—but because they had predecided, at all hazards, to adhere to their revolutionary organization, and defeat the establishment of any other Constitution than that which they had framed at Topeka. The election, therefore, was suffered to pass in default. But of this result, can we needlessly complain? From this review, it is manifest that the Lecompton Constitution, according to every principle of Constitutional law, was legally constituted, and invested with the power to frame a Constitution.