OFFICE, NO. 417 CHESTNUT STREET DAILY PRESS,

TWELTE CENTS PER WEEK, Dayable to the carriers.

Mailed to Subscribereout of the City at Six Dollars
PER ANNUM; FOUR DOLLARS FOR EIGHT MORTHS; THESE
DOLLARS FOR SIX MONTHS, invariably in advance for the TRI-WEEKLY PRESS,

Ten Copies, "
Twenty copies, or over, "
(to one address).
Twenty Copies, or over, "(to address of each Postmasters are requested to act as Agents for WREELT PRESS.

Hats. WARBURTON'S INIMITABLE OOVERINGS FOR THE HEAD Embrace all the points necessary to GENTEEL EFFECT,

and all the details and nicer elegancies which impart FINISH, COMFORT, AND DURABILITY. en are invited to call and examine.
430 OHESTNUT Street. Brales.

MAIRBANKS'S PLATFORM SUALES. FAIRBANES & RWING,
MASONIC HALL, 715 CHESTNUT STREET,
ja25-Sm PHILADELPHIA. Watches, Jewelry, &c. PALLEY & CO., CHESTNUT STREET, Manufacturers of BRITISH STERLING SILVER WARE,

nder their inspection, on the premises exclusively Officens and Strangers are invited to visit our manu-WATCHES. Constantly on hand a splendid stock of Superior Watches, of all the celebrated makers. DIAMONDS. Necklaces, Bracelets, Brooches, Ear-Rings, Finger Rings, and all other articles in the Diamond line. Drawings of NEW DESIGNS will be made free o charge for those wishing work made to order. RICH GOLD JEWELRY.

Jewelry, such as Mosaic, Stone and Shell Cameo, Pearl, Coral, Carbunole, Marquisite, Lava, &c., &c. SHEFFIELD CASTORS, BASKETS, WAITERS, &c Also, Bronze and Marble CLOCKS, of newest styles, and of superior quality. aul-dtw&wly

A beautiful assortment of all the new styles of Fine

E. CALDWELL & CO., 432 OHESTNUT Street,
Have received, per steamers, new styles
Jerelry, Chatchains, Veet Chains.
Splendid Fans, Hair Pins.
Fruit Standa, Sugar Baskets.
Jet Goods and Flower Vases.
Ooral, Lava and Mosaic Sets.
Sole Agents in Philadelphia for the sale of Charles
Frodsham's LONDON TIME-KEEPFRS.
del0

CILVER WARE.

WILLIAM WILSON & SON.,
WILLIAM WILSON & SON.,
MANUFACTURERS OF SILVER WARR,
(ESTABLISHED 1812.)
S. W CORNER FIFTH AND CHERRY STREETS.
A large assortment of SILVER WARR, of every deription, constantly on hand, or made to order to match we nature desired ny pattern desired. Importers of Sheffield and Birmingham importe are. se30-d&wly

S. JARDEN & BRO.

S. JARDEN & BRO.

MANUFACTURES AND IMPORTSES OF
BILVER-PLATED WARE.

No. 804 Chestant Street, above Third, (up stairs,)
Philadelphia.

Constantly on hand and for sale to the Trade,
THA SETS, OGMUNION SERVICE SETS, URNS,
PITCHERS, GOBLETS, CUPS, WAITERS, BASKETS, CASTORS, KNIVES, SPOONS, FORKS,
LADLES, &c., &c.
Gilding and plating on all kinds of metal. 802-1y

Monen. TREASURY NOTES HIGHEST OURRENT RATES,

CRONISH & CO., South THIRD Street Unblications.

DHYSICIANS' POCKET DAY-BOOK DHYSICIANS' POCKET DAY-BOOK

FOR 1558.—Just published and for sale by
C. J. PRICE & GO.,
No. 38 South SIXTH Street, above Chesput.
The Day-Rook contains an Almanse, Tables of comparative Medicinal Doses, Peisous and their Antidotes, British and French Medicinal Measures, Atomic Weights and Combining Proportions, Articles of Biet, Comparative Thermometric Scales, Baths—Simple and Medicinal, Tables of Doses of all the principal proparations of the Pharmacopia, Visiting List and Index, Blanks for Monetary Engagements, Bank Account, Nurses' Addresses, Bills and Accounts saked for, Vaccination and Obstetric Engagements, English, Franch, and American Medical PeriodicMs, &c., &c.
Being prepared with the co-operation of several sminant members of the Profession, the Publishers frust that this little Manual will fill a want intherto unsupplied, and with a view to its future improvement. trust that this little manual will fill a want intervolument, unsupplied, and with a view to its future improvement, will be happy to receive any suggestions respecting. Additions. It has above are prepared for 25 and 50 patients, and bound in various styles.

Boap and Candles.

SOAP AND CANDLES.

REMOVAL from 187 SOUTH FOURTH STREET, between Lombard and South, and Front and Second treets. Thankful to my numerous fr'eads for their past favors, I solicit a continuance of the same, having enlarged my manufactory so as to enable me to have constantly on hand a large stock of well-seasoned Soaps, free from Fish Oil; Palm, Variegated White Honey, Castile, and all kinds of toilet Soaps, Chemical Olive Soap of pur material, Settled Pale, and Brown Soap, English Sal Soda and Pearl Starch, Sperm, Adamantine, and Tallo Candles of all sizes constantly on hand. Havin Philadelphia

N. B.-Cash paid for Tallow and Grease. no 14-81 Agricultural Implements. GARDEN SEEDS! GARDEN SEEDS!

A very large and well-selected stock, warranted fresh and genuine.
Wholesale and Retail Seed and Implement Warehouse, No. 627 MARKET Street, below Seventh.
fe-18
BOAS, SPANGLER, & CO. CUMMINGS'8 UNRIVALLED

CUMMINGS'S UNKIVALIED AA-,
STRAW, AND FODDER CUTTERS.—Pratt's
Horse Rakers, Grain Fans. Horse Powers and Threshors, Farmers' Boilers, Newsham's Patent Boiler for
Steaming Feed for Stock, and every other article suita-, use.

BOAS, SPANGLER. & CO.,

Implement and Seed Warehouse,
627 MARKET Street, below Seventh.

KETCHUM'S REAPER AND MOWER
FOR 1858.—The improvements are a reel, spurgearing, new arrangement for lowering and raising cutter-bar, improved guards, improved knives, strengthening of frame, &c. Sole Agents,
BOAS, SPANGLER, & OO.,
fel8 627 MARKET street, below Seventh.

LEX. M. GOLDSBOROUGH, ORGAN-ist and Professor of the science of Music, would be happyto have pupils on the Organ, Piano. Melodeon, Se-raphim, and Singing. Office 1121 MARKET street, above Eleventh.

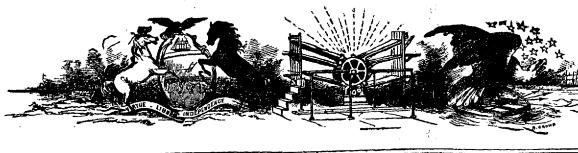
SNYDER LEIDY. JAMES M. LEIDY.
TO PASS LEISURE HOURS WITH PROFIT,
GO TO
LEIDY BROTHERS' BUSINESS ACADEMY,
Nos. 148 and 150 SIXTH Street, near RACE, the first
established INSTITUTION in this city for
imparting exclusively
B USINESS KNOWLEDGE, viz: MERCANTILE ARITHMETIC, WRITING AND BOOK-KEEPING. ACADEMY OPEN DAY AND EVENING.

jai9-3m ORNAMENTAL WRITING. Stationern.

BLANK BOOKS AND STATIONERY DLANK BOOKS AND STATIONERY.

DAVID M. HOGAN, Blank Brok Manufacturer, Stationer and Printer, No. 100 WALNUT Street, is prepared at all times to furnish, either from the shelves or make to order, Books of every description, salitable for Banks, Public Offices Merchants, and others, of the best quality of English or American Paper. and bound in various styles, in the most substantial manner.

Orders for JOB PRINTING of every description. Engraving and Lithographing executed with heatness and despatch.



PHILADELPHIA, MONDAY, FEBRUARY 22, 1858.

TWO CENTS.

VOL. I.—NO. 173.

MONDAY, FEBRUARY 22, 1858. STATE CONVENTION.

At a meeting of the Democratic State Commite, held at Buehler's Hotel, Harrisburg, January 19, 1858, it was Resolved. That the next Democratic State Con ention be held at Harrisburg, on the 4th day of farch next.

March next.

Pursuant to said resolution, delegates from the soveral Senaterial and Representative districts of the State will convene in the Hafl of the House of Representatives, at the Capitol, on THURSDAY, MARCH 4, 1858, at 10 o'clock A. M., to nominate candidates for Judge of the Supreme Court and Canal Commissioner, and for the transaction of such other business as pertains to the authority of such other business as C. R. BUCKALEW, Chairman. J. N. HUTCHINSON, R. J. HALDRUAN, Secretaries.

Report of Senator Douglas from the

Committee on Territories. I am constrained to withhold my assent from the

onclusion to which the majority of the committee have arrived, for the reason that there is no satisactory evidence that the Constitution formed at ecompton is the act and deed of the people of Kanas, or that it embodies their will. In the absence of all affirmative evidence that the Lecompton Constitution does "meet the sense of the people to be affected by it." and in opposition to the overwhelming majority recorded against it at a fair and valid election held in pursuance of law, on the 4th day of January, 1858, it is argued that the Lecompton Convention was duly constituted with full authority to ordain a Constitution and establish a Government, and consequently the proceedings of that Convention must be presumed to embody the popular will, although such presumption may be rebutted and overthrown by the most conclusive vidence to the contrary.

Inasmuch, then, as the right of Congress to accept the Lecompton Constitution, and impose it upon the people of Kansas, in opposition to their known wishes and recorded votes, rests solely upon the assumption that the proceedings were technically legal and regular, and that the regularity of the proceedings must be made to override the popular will, it becomes important to inquire whether the Convention was duly constituted, and clothed with full power to ordain a Constitution and establish a State Government to the exclusion and establish a State Government to the exclusion of the organic act and Territorial Government established by Congress.

It is conceded that on the 19th day of February, 1857, the Territorial Legislature passed a law providing for the election of delegates to a Convention to form a Constitution and State Government, and

that the Convention, when assembled in pursuance of said act, was vested with all the powers which it was competent for the Territorial Legislature to confer, and which, by the terms of the act, was conferred on the Convention, and no more. Did that Territorial act have the legal effect to authorize the Convention to abrogate or supered the Territorial act have the legal effect to authorize the Convention to abrogate or supered the Territorial act have the legal effect to authorize the Convention to abrogate or supered the Territorial act have the legal effect to authorize the Convention to abrogate or supered the Territorial act have the legal effect to authorize the Convention to abrogate or supered the Territorial act have the legal effect to authorize the Convention to abrogate or supered the Convention to that Territorial act have the legal effect to authorize the Convention to abrogate or suspend the Territorial Government established by Congress, and substitute a State Government in its place?

The committee, in their reports, have always held that a Territory is not a sovereign power; that the sovereignty of a Territory is in abeyance, suspended in the United States in trust for the people when they become a State; that the United States, as the trustee, cannot be divested of the sovereignty, nor the Territory be invested with the right to assume and exercise it, without the consent of Congress. By the Kansas-Nebrasthe consent of Congress. By the Kansas-Nebras-ka act the people of the Territory were vested with all the rights and privileges of self-government on all rightful subjects of legislation consistent with, were not authorized, at their own will and plea sure, to resolve themselves into a sovereign power, and to abrogate and annul the organic act and Territorial Government established by Congress, and to ordain a Constitution and State Govern-

ment upon their ruins without the consent of Conment upon their ruins without the consent of Congress.

It would seem, from his special message, that the President is under the impression that the Kansas-Nebraska act, from the date of its passage, on the 30th of May, 1854, when there were not five hundred white inhabitants in the whole country, authorizing the people of those Territories respectively, or "any portion of the same," at their own sovereign will and pleasure, "to proceed and form a Constitution in their own way, without an express authority from Congress," and to suspend the authority of the Territorial Legislature, at least to the extent of depriving it of the power to submit a Constitution to the people for ratification or rejection, before it should be deemed the act and found respect for the opinions of the President, I must be pardoned for expressing my firm conviction that neither the provisions of that act, nor the history of the measure, nor the understanding of its authors and supporters at the time of its enactment,

of the measure, nor the understanding of its authors and supporters at the time of its enactment, or at any period since, justifies or permits the construction which the President has placed upon it. It is certain that President Pierce, who signed and approved the Kansas-Nebraska act, and whose Administration was a unit in support of the measure at the time of its enactment, did not understand that it authorized the people of each or either of those Territories "to proceed and form a Constitution in their own way, without an express authority from Congress," from the fact that on the — day of ——, 1856, he sent in a special message to Congress, in which he recommended an enabling act for Kansas as the appropriate legislative remedy for the evils complained of in that Territory.

His recommendation is in these words : His recommendation is in these words:
"This, it seems to me, can be best accomplished by providing that when the inhabitants of Kansas may desire it, and shall be of sufficient numbers to constitute a State, a Convention of delegates, duly elected by the qualified voters, shall assemble to frame a Constitution, and thus prepare, through regular and lawful means, for its admission into the Union as a State. I respectfully recommend the enactment of a law to that effect. I recommend, also, that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas."

The message of President Pierce containing this recommendation was referred to the Committee on Territories by the Senate, and after full examination and mature deliberation, this committee, on the 12th day of March, 1856, made an elatee, on the 12th day of March, 1856, made an elaborate report in explanation and vindication of the principles, provisions and policy of the Kansas-Nebraska act, and arrived at the conclusion that the recommendation of the President furnished the appropriate and legitimate mode of conducting the principles, provisions, and policy of the act to a successful and final consummation, by the passage of an act of Congress authorizing the people of Kansas to hold a Convention and form a Constitution and State Government, when the inhebitants of Kansas may desire it.

and shall be of sufficient numbers to constitute The committee, in their report, responded to the President's recommendation in the following lan-"In compliance with the first recommendation, vo

"In compliance with the first recommendation, your committee ask leave to report a bill authorizing the Legislature of the Territory to provide by law for the election of delegates by the people, and the assembling of a Convention to form a Constitution and State Government, preparatory to their admission into the Union on mequal footing with the original States, as soon as it thall appear, by a census to be taken under the direction of the glovernor, by the authority of the Legislature, that the Territory coatains 93,420 inhabitants—that the mumber required by the present ratio of representation for a member of Congress."

Thus it appears that the committee who wrote Thus it appears that the committee who wrote and approved the Kanssa-Nebraska bill, and the President who approved and imparted vitality to it by his signature, did not mean by that act to authorize or recognise the right of the people of a Territory with a few hundred or even a few

thousand population, whenever they pleased to form a Constitution and State Government, "with-out an express authority from Congress;" but, on out an express authority from Congress;" But, on the contrary, it clearly appears that the nathors of the act understood and intended it to be con-strued and executed as meaning, that while the people of those Territories remained in a Territo-

the admission of a State, will show that the dis-cussion has always proceeded on the supposition that the rule I have indicated was the true one, and the effort had been on the one side to prove that the proposed State had sufficient population, and on the other that it had not the requisite num-bers to entitle it to admission in substantial compliance with that rule. pliance with that rule.

In view of these facts, I respectfully but firmly insist that neither the principles nor the provisions of the Kansas-Nebraska act, nor of the Cin-

insist that neither the principes not are provided in some of the Kansas-Nebraska act, nor of the Cincinnati platform, justify the assertion that it was the intention to abrogate this wise and just rule, and establish in lieu of it the principle that "all the Territories, including Kansas and Nebraska," have a right, whenever they please, and with whatever population they may happen to possess, "to proceed and form a Constitution in their own way without an express authority from Congress," and demand admission into the Union on the plea that the organic act was an enabling act. I do not insist that Congress, in the exercise of a sound discretion, may not depart from the rule to which I have referred, and make an exceptional case of a Territory under peculiar circumstances, as the Senate proposed, and the House of Representatives refused to do with Kansas in July, 1856; but in such a case, if any can be shown in our history, it must be regarded as a concession by Congress, and not the recognition of a right in the Territory.

That the Senate concurred with President Pierce

Congress, and not the recognition of a right in the Territory.

That the Senate concurred with President Pierce and the Committee on Territories that the Kansas-Nebraska act did not anthorize the people of those Territories to proceed and form a State Constitution whenever they chose, without the consent of Congress; and that the passage of an enabling act by Congress was the appropriate and legitimate mode of carrying into effect the principles, provisions, and policy of the Kansas-Nebraska act, when those Territories respectively should have the requisite population to entitle them to admission into the Union as States, according to the principles of the Federal Constitution, as guarantied by the treaty acquiring the country from France, is made apparent by the fact that on the 2d day of July, 1856, in pursuance of the said recommendation of the President and report of the Committee, the Senate passed an enabling act tor Kansas, entitled "An act to authorize the people of the titled "An act to authorize the people of the Territory of Kansas to form a Constitution and State Government, preparatory to their admis-sion into the Union on an equal footing with the original States." I quote from Sonate Journal,

original States." I quote from Senate Journal, page 414.

Ordered, that the bill be engrossed and read a third time. The said bill was read the third time.

"On the question, Shall the bill pass? it was determined in the adirmative—yeas 33, nays 12.

"On motion by Mr. Seward, the yeas and nays being desired by one-fifth of the Senators present,

"Those who voted in the adirmative are:
"Messrs. Allen, Bayard, Bell of Tenn., Benjamin, Biggs. Bigler, Bright, Brodhead, Brown, Cass. Clay, Crittenden, Douglas, Evans, Fitzpatrick, Geyer, Hunter, Iverson, Johnson, Jones of Iowa, Mallory, Pratt, Pugh, Reid, Sebastian, Slidell, Stuart, Thompson of Ky., Toombs, Toucey, Weller, Wright, and Yulee.

"Messrs. Bell of N. H., Collamer, Dodge, Durkee, Fessenden, Foot, Foster, Hale, Seward, Trumbull, Wade, and Wilson.

"So it was

"Resolved, That the bill pass, and that the title thereof be as aforesaid."

From this official record, it appears that no

thereof be as aforesaid."

From this official record, it appears that no Senator voted against the enabling act for Kansas in 1856, who had either advocated or voted for the Kansas-Nebraska act in 1854; while it is proper to remark that those Senators who did vote against this enabling act justify their opposition upon the ground that the provisions of the bill, and the time and circumstances under which it was proposed to press it, were not in accordance with their views of public policy and duty, and not upon the posed to press it, were not in accordance with their views of public policy and duty, and not upon the ground that the organic act was a sufficient onabling act to authorize the people of the Territory to ordain a Constitution whenever they pleased. Greater significance and importance are imputed to these recommendations, reports and votes, in favor of an enabling act for Kanssa, in view of the fact that a few months previously the Territorial Legislature had taken the preliminary steps for calling the Lecompton Convention, by ordering an election to be held a few months thereafter for or against the Convention; while the effect as well as the design of the enabling act, thus recommended by the President and assed by the Senate, would have been, if it had assed the House and become a law, to arrest and pusses the House and become a law, to arrest and put an end to the irregular and unauthorized pro-ceedings on the part of the Territorial Legislature, and to substitute in place of it a regular and logal mode of proceeding under the authority of Con-

more or proceeding under the authority of Congress.

If all the enabling act become a law, whereby the people of Kansas would have been authorized to assume and exercise the sovereign power of establishing a Constitution and State Government, the proceeding would have been regular, lawful, and in strict conformity with the true intent and meaning of the Kansas-Nebraska act. Then the people of Kansas would have become a sovereign power, clothed with full authority to establish a Constitution and State Government in their own way, subject only to the Constitution of the United States. But if the proposition be true, that sovereign power alone can institute Governments, and that the sovereignty of a Territory is in abeyance, suspended in the United States in trues for the people when they become a State, and the sovereignty cannot be divested from the hands of the trustee and vested in the people of the Territory without the assent of Congress, it follows as an unavoidable consequence that the Kansas Legislature, by the act of February 19, 1856, did not and could not confer upon the Lecometro Conversion the sover-

consequence that the Kansas Legislature, by the act of February 19, 1856, did not and could not confer upon the Lecompton Convention the sovereign power of ordaining a Constitution for the people of Kansas in the place of the organic law passed this absence of sovereign power on their part, and seek to supply the deficiency by referring the Constitution to the people at an election on the 21st of December last, "for ratification or rejection," with the further provision that "this Constitution shall take effect and be in force from and after its ratification by the resords, as hereinhefore provision that "the provision of the state of the state

its ratification by the people, as hereinbefore provided."

I will quote some of the provisions on this point:
"Before this Constitution be sent to Congress asking
admission into the Union as a State, it shall be submitted to all the white male inhabitants of this Territory, for approval or disapproval as follows," &c.
And again:
"At which election the Constitution formed by this
Convention shall be submitted to all the white male in-Convention shall be submitted to all the white male in-usbitants of the Territory of Kanson, in said Territory, upon that day, and over the age of twenty-one years, or ratification or rejection, in the following manner and

And further: "SEC. 16. This Constitution shall take effect and be in force from and after the ratification by the people, as herein before provided." From these provisions it is clear that the Convention did not openly assert and exercise the authority to ordain and establish the Constitution by thority to ordain and establish the Constitution by virtue of any sovereign power vested in that body, but referred it to the people for ratification or rejection under the supposition that the popular will, expressed through the ballot-box, might impart vitality and validity to it. But before the time arrived for holding the election on the ratification or rejection of the Constitution, as provided by the Convention, the Territorial Legislature interposed its authority, by the passage of a law providing that said Constitution should be submitted to the people for ratification or rejection, at a fair elec-

that said Constitution should be submitted to the people for ratification or rejection, at a fair election, to be held, in conformity with the laws of the Territory, on the 4th of January, 1858. The reason for this legislative interposition, by which the vote on the Constitution was, in effect, to be postponed from the 21st of December to the 4th of January, and then held and conducted, and the returns made in the manner presented by law.

the ratio of population for the time being, is sufficient for a Representative in Congress. A reference to the debates which have occurred in all the cases touching the sufficiency of population in the admission of a State, will show that the distance of the sufficiency of population in the admission of a State, will show that the distance of the sufficiency of population in the admission of a State, will show that the distance of the sufficiency of population in the admission of a State, will show that the distance of the sufficiency of the sufficiency of the sufficiency of population in the sufficiency of population i Against the Le- For the Lec'n For the Lec'n compton Constitution. Slavery. Slavery. eavenworth 1,991 Breckenridge ... Totals 10.228

Some precincts have not yet sent in their returns, but the above is the complete vote received up to this date.

J. W. DENVER,
Secretary and Acting Governor.

C. W. BABCOOK,
President of the Council.

G. W. DEITZLER.
Speaker of the House of Representatives.

Jan. 26, 1858.

From this official proclamation, it appears that the Lecompton Constitution was repudiated and rejected by the people of Kansas, at that election, by a clear majority of ten thousand and sixty-four ets have not yet sent in their returns, but e complete vote received up to this date.

It is proper. hewever, to remark that, notwithstanding the Legislature had provided by law that the vote on the ratification or rejection of the Constitution should take place on the 4th day of January, the friends of that instrument, in disregard of the law, held an election on the 21st of December, under the pretended authority of the Convention; and that it appeared from a proclamation signed by C. W. Babcock, president of the Conneil, and by G. W. Deitzler, Speaker of the House of Representatives of the Territory, who were present by invitation of John Calhoun, president of the Convention, at the counting of the votes, that six thousand one hundred and forty-three (6,143) votes were returned "for the Constitution with slavery," and that five hundred and eighty-nine (589) votes were returned "for the Constitution with slavery," showing a majority of five thousand five hundred and seventy-four (5,574) votes cast at that election for "the Constitution with slavery," as presented to Constitution with slavery, and the constitution with slavery and the constitution of the constitution with slavery and the constituti

"From our personal knowledge of the sentiments in and around the above places, we have no hesitation in saying that the great bulk of these votes were fraudulent, and, taking into view the other palpable but less important frauds, we feel safe in saying that, of the whole vote polled, not over 2,000 were legal votes polled by the citizens of the Territory."

But assuming this election to have been fair and read the property had a property and such as the same property of the property of th and around the above places, we have no hesitation in saying that the great bulk of these votes were fraudulent, and, taking into view the other palpable but less important frauds, we feel safe in saying that, of the whole vote polled, not over 2,000 were legal votes polled by the citizens of the Territory."

But assuming this election to have been fair and valid, although not held and conducted according to law, and assuming the returns to have been genuine, and the voters to have been all citizens of the Territory, notwithstanding the recent developments of the enormous frauds at the polls, and in the returns—assuming all this, let us see how the matter stands when we compare the results of the two elections. At the election on the 4th of January the majority against the Constitution, as presented to Congress, was 5,574; showing a clear majority against the Constitution, on comparison of the returns of the two elections, and the constitution, on comparison of the returns of the two elections, and the constitution were deduct the fraudulent votes according to the statements of the residing officers of the try bayes of the Larger of the try bayes of the Larger of the try bayes of the Larger of the revenues of the popular will, strate and defeat a fair expression of the popular will.

ture, who were present at the opening of the polls and the counting of the votes by the invitation of the president of the Convention, and we have a majority of more than 3,000, or four to one of all the legal voters of Kansas in opposition to the Constitution The manner in which the advocates of the Lecompton Constitution hope to avoid the force of this overwhelming verdict against it by the peeple of Kansas is explained in the following passage from the recent special message of the President of the United States, which contains all that he says

upon the subject :

upon the Subject:

"It is proper that I should briefly refer to the election held under an act of the Territorial Legislature, on the first Monday of January last, on the Lecompton Constitution. This election was held after the Territory had been prepared for admission into the Union as sovereign State, and when no authority existed in the Territorial Legislature, which could possibly destroy its existence, or change its character. The election, which was peaceably conducted under my instructions, involved a strange inconsistency. A large majority of the persons who voted against the Lecompton Constitution were, at the very same time and place, recognising its valid existence in the most solemn and authentic manner, by voting under its provisions. I have yet received no official information of the result of this election."

It is to be regretted that on the 2d day of Feb-

dent attaches no importance to the overwhelming

Was it by authority of the Territorial Legisla ture? It is a peculiar doctrine that a Territorial Legislature may assemble a Convention without the assent of Congress, and empower the Conven-tion, when assembled, to abrogate or impair the authority of the Territorial Government estab-lished by Congress, of which the Legislature is a constituent part.

Territorial officers, as well as of the President, to take care that they are faitfully executed."

If we apply the principles to Kansas which received the sanction of General Jackson and his Administration in the Arkansas case, it becomes apparent that, if these statements be a fair and impartial representation of the Constitution of the United States which it was his duty to supported to assemble under the protection of that clause of the Constitution of the United States which secures to the people the right "peaceably to assemble, and to petition Government for the redress of grievances;" and in the exercise of this right of petition they might "pray Congress to the people that is not the United States which they are unalterably opposed, and which they are unalterably opposed, and which they are unalterably opposed, and which they have repudiated by an overwhelming majority of their votes at a fair election held in pursuance of law, "would restore peace and quiet is a Constitution in direct opposition to the exist-

establish a Government, or ordain a Constitution, or do any other act under pretence of "preparing the Territory for admission into the Union as a sovereign State," calculated or intended to abrogate, impair, or restrain the legislative power of the Territory over all rightful subjects of legislation consistent with the organic act. If these principles be seand—if the doctrine of Gen. Jackson's Administration in the Arkansas case be correct, the President is mittaken in supposing that the Le-

Decomber the majority in favor of the Constitution, as presented to Congress, was 5,574; showing
a clear majority against the Constitution, on comparison of the returns of the two elections, and
supposing each to have been fair and legal, of
4,490. If from this calculation we deduct the
fraudulent votes according to the statements of the
presiding officers of the two houses of the Legislature, who were present at the consume of the rolls
did, by the edious and oppressive application of the

sixty members of said Convention, have attempted, by an unworthy contrivance, to impose upon the whole people of this Territory a Constitution without consulting their wishes, and against their will; and Whargas, The members of said Convention have refused to submit their action for the approval of the voters of the Territory, and in thus acting has a default in well-known will of nine-tenths of the Whereas, The action of a fragment of said Convention, representing as they did a small minority of the voters

Contitution for themselves.

Vesolved, That the Governor of this Territory be recessed to forward a copy of the foregoing preamble andresolutions to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to the Delegate in Congress fron the Territory." In the face of all these evidences that the Le

only reason assigned or believed to exist for not allowing the people to vote against the Constitution, as well as for it, is, that a large majority of the people were known to be opposed to it, and would have rejected it by an overwhelming majority if they had been allowed an opportunity—that the mode of submitting the "slavery article" was such that no man was permitted to vote for making Kansas a slave State unless he would vote for the Constitution at the same time, nor was any man permitted to vote against making Kansas a slave State unless he would vote for the Constitution—that by this system of trickery in the mode of submission a large majority, probably amounting to four-fifths of all the legal voters of Kansas, were disfranchised and excluded from the polls on the 21st of December—that in order to prevent the injustice and wrong intended to be people rated by the trickery resorted to in this mode of submission, and to secure in place of it a fair and honest election, the Legislature on the 17th of December passed a law providing for such an election on the 4th of January, at which the while people should have an opportunity freely and unconditionally to vote for or against the Coistitution and for or against the "slavery article," as they pleased; that at said election, a majority of more than ten thousand of the legal voters of Kansas repudiated and rejected the Lecompton Constitution; that the election on the 4th of January was lawful and valid, having been fairly and honestly conducted under and in pursuance of a valid law which the President was not only bound to respect, but to see faithfully executed, the same as all other Territorial laws which are not inconsistent with the Constitution of the United States, nor under the authority of any body of men duly authorized to make laws, I repeat that, in the face of all these facts, showing conclusively that the Lecompton Constitution is not the act and deed of the people of Kansas, and does not embody their will, we are told by the President of the

majority of their votes at a fair election held in pursuance of law, "would restore peace and quiet to the whole country?" that "domestic peace will be the happy consequence of its admission," and that "I (the President) shall then be enabled to withdraw the troops of the United States from Kansas, and employ them on other branches of service where they are much needed!" If it be true, as alleged, that "a large pertion of the people of Kansas are in a state of rebellion against the Government," and that the rebels so far outnumber the law whild "long".

vernment," and that the rebels so far outnumber the law-abiding citizens, that they would "long since have subverted the Territorial Government, had it not been protected from their assaults by the troops of the United States;" and that "they have all the time been endeavoring to subvert it, and to establish a revolutionary Government" it, and to establish a revolutionary Government the

have all the time been endeavoring to subvert it, and to establish a revolutionary Government' in its place, and that "up till this moment the enemies of the Government still adhere to their revolutionary plans and purposes, with treasonable pertinacity;"—if these allegations, so gravely set forth by the President in his special message, be true, do they furnish satisfactory evidence to authorize the belief, or even grounds for hope, that "the speedy admission of Kansas into the Union" with the Lecompton Constitution "would restore peace and quiet to the whole country," and that "domestic peace will be the happy consequence of its admission?" It is to be lamented that the President does not seem to comprehend the nature and character of the controversies which have so unhappily disturbed the peace and marred the prosperity of Kansas, and the grounds upon which they claimed to be justified in the course they have pursued. During the whole period from the 30th of March, 1855, when the first annual election was held for members of the Legislature and other officers in that Territory, until the general election on the first Monday of October, 1857, the free-State party, so called, did boldly, firmly, and persistently refuse to recognise the Territorial Legislature of Kansus as a legally and duly constituted legislative body, with authority to pass laws which were valid and binding on the people of Kansas, but were elected by four or five thousand citizens of the adjoining State of Missouri, who are said to have invaded the Territory on the day, and a few days previous to the day of election, and dividing themselves into small par-Missouri, who are said to have invaded the 1877-tory on the day, and a few days previous to the day of election, and dividing themselves into small par-ties, and spreading over all the inhabited parts of the Territory, took possession of the polls and drove away the peaceable, legal voters, and thus forced a Legislature upon the people of Kansas against their will and in violation of the Kansas-Nebraska act.

act.
These are the allegations and grounds of justification urged by the free-State party in Kansas during the period to which I have referred. It is no part of my present purpose to inquire how far these allegations are sustained by the facts; nor what number of the election districts were controlled by these illegal votes; nor the principles of law applicable to the facts, or the legal conclu-sions properly resulting from them. These ques-tions were all fully considered and elaborately

tions were all fully considered and elaborately discussed by me in a report from this committee on the 12th day of March, 1856. I refer to them now not for the purpose of re-opening that discussion, or of changing the conclusions to which I then arrived, but with the view of showing upon what grounds the free-State party claimed that they were justified in withholding their allegiance to the Territorial Government until a fair opportunity was afforded the people of the Territory to elect their own Legislature, in pursuance of the original law; and that from the day on which the members elected in October assembled and organized as a legislative body, all the opponents of the Lecompton Constitution have recognised the Territorial Government as valid and legitimate, acknowledging their allegiance to it, and their determination and duty to sustain and support it. The October election becomes a memorable period in the history of Kausas, for the additional reason that it marks the date where the Lecomptonites changed their the date where the Lecomptonies changed their whole line of pelicy, and formed the scheme of forcing the Constitution on the people without their consent, and of subverting the authority of the Territorial Legislature without the consent of Congress. Up to this period it had been converted undergood that the Congressian converted and concepts that the Congressian control and converted that the Congressian control and converted that the Congressian control contro

generally understood and conceded that the Congenerally understood and conceded that the Convention had been called for the purpose of framing a Constitution and submitting it to the people for ratification or rejection, and of sending it to Congress for acceptance only in the event it should be first ratified by a majority of all the legal voters of the Territory. Upon this point there is no room for doubt that the President and the Cabinet concurred with the people of Kansas that it was the duty of the Convention to submit the Constitution to the people fairly and

or kansas that it was the duty of the Convention to submit the Constitution to the people fairly and unconditionally, for ratification or rejection, before it could be considered the act and deed of the people of Kansas, and that its ratification by the people must be a condition precedent to the admission of Kansas into the Union by Congress. The President, in his instructions to Governor Walker, President, in his instructions to Governor Walker, through his Secretary of State, under date of March 30, said:

"When such Constitution should 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 the fraud or violence."

Governor Walker, in his official despatch to the Secretary of State, under date of June 2, said:

"On one point the sentiment of the people is almost unanimous, that the Constitution must be submitted, for ratification or rejection, to a vote of the people, who shall be bona fide residents of the Territory next fall."

And in his inaugural address to the people of Kansas, Gov. Walker said: Kansas, Gov. Walker said:

"With these views, well known to the President and Cabinet, and approved by Then, I accepted the appointment of Governor of Kansas. My instructions from the President, through the Secretary of State. under date of the 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 Constitution 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 interfered with by Iraid or 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 quietly conducted, the Constitution

ceedings under the sanction of the Legislature, and terminated its action in open rebellion against the authority of the Legislature.

When the Legislature, on the 17th of December, interposed its lawful authority to prevent the Lecompton Constitution from going into effect until ratified by the people on the 4th of January, and accepted by Congress, the Lecomptonites defied the authority of the Legislature established by Congress, and treated the law with contempt, refusing to yield obedience to it or respect its mandates. or

authority of the Legislature established by Congress, and treated the law with contempt, refusing to yield obedience to it, or respect its mandates, or abide by the decision under it.

Thus it will be seen that from the time the Lecomptonites lost possession of the offices under the first Monday in October last, in the language of the President, "they have all the time been endeavoring to subvert it and establish a revolutionary Government under the so-called Topeka (Lecompton) Constitution, in its stead." So it appears that the Lecompton Constitution, as well as the Topeka Constitution, was declared to "take effect and be in force." not only without the consent of Congress, but in defiance and contempt of the authority of the Territorial Legislature established by Congress. Hence, if it be true that the Topeka Constitution was revolutionary, (and I have always held that it was so,) for the reason that it was declared to take effect and be in force without the consent of Congress, and in defiance of the authority of the Territorial Legislature, it is undeniable that the Lecompton Constitution was revolutionary.

And again:

"If a majority of them [the people of Kansas] desirto abolish domestic slavery within the State, there is no other possible mode by which this can be effected as speedily as by prompt admission. The will of the majority is supreme and irresistible, when expressed in an orderly and lawful manuer. They can make and un

is a Constitution in direct opposition to the exist-ing Government prescribed and recognised by Congress? If it be said that the Topeka Consti-tution was framed and declared to be in force

without the consent of Congress, and therefore re-volutionary, it may be answered with equal truth that the Lecompton Constitution was framed and declared in force without the consent of Congress, and consequently "revolutionary" for the same But we are told that the Lecompton Convention assembled under the authority of the Territorial Legislature. It is true that it commenced its pro-ceedings under the sanction of the Legislature, and

by Congress. Hence, if it be true that the Topoka Constitution was revolutionary, (and I have been shall be consummated, their only alternative without the consent of Congress, and in defiance of the authority of the Ferritorial Legislature, and that the Lecompton Constitution was "revolutionary," for the same reason and that the President of the United States was under the same official obligations to maintain and that the President of the United States was under the same official obligations to maintain the same official obligations to maintain were the Lecempton Constitution was "revolutionary," for the same reason and that the President of the United States was under the same official obligations to maintain which will congress should otherwise order and direct. Union with the Lecompton Constitution? Correct should admit Kansas into the burget that we should admit Kansas into the burget that we should admit Kansas into the burget that we should admit Kansas into the propole by more that it is the action, they should meet with determined resistance, civil war or unconstitution with the Lecompton to the constitution that it is the action in the Arkansas case to be necessary; for it has been repudiated by the people by more than 10,000 meet with determined resistance, civil war or unconstruction. The proposed of the proposed of the proposed of the proposed of the same respectation of the same resp

slavery exists in Kansas by virtue of the Constitution of the United States, and that Kansas is there fore at this moment as much a slave State as Geor-gia or South Carolina.

"If a majority of thou [the people of Kannel] design that is a major and the interfered with by fraud or violence. I require the constitution of the people of the people

PRIVATE DEL ALL DEL COLLEGA AND DEL COLLEGA AN

branches of the Legislature, who are determined

branches of the Legislature, who are determined to maintain the Lecompton Constitution, and resist any and all efforts to change it. By the express command of the Convention, the returns of that election were to be made up to the president of the Convention "within eight days" after the election. On the ninth day after the election, to wit, on the 13th of January, the returns were opened and counted by Mr. Calboun, as appears by the proclamation of the presiding officers of the two houses of the Legislature, who were present, by invitation of Mr. Calboun, to witness the opening and counting of the votes. More than a month has elapsed since the returns were opened and votes counted, and Mr. Calboun being in this city, we are not permitted to know the result of his deliberations; whether the rumor of yesterday that the anti-Lecompton members were elected, or the rumor of to-day that the Lecompton party had triumphed, or whether the policy is to withhold the decision until the State shall have been admitted, and, leaving each party to infer that the decision until the State shall have been admitted, and, leaving each party to infer that the decision until the State shall have been admitted, and, leaving each party to infer that the decision in the dark, and wait patiently to find out the result of its action. But suppose there should be a majority in both branches of the Legislature opposed to the Lecompton Constitution, and in favor of a change, what can they do toward relieving the people of Kansas from a Constitution, and in favor of a change, what can they do toward relieving for its object a change in the Constitution, would be defeated by the Governor's veto, it not being anticipated in any contingency that the opponents of the Legislature might pass, having for its object a change in the Constitution, would have a majority of two-thirds in each branch of the Legislature. Hence it must be apparent to all that, in the event that Kansas is admitted under the Lecompton Constitution by peaceful means through the

NOTICE TO CORRESPONDENTS

nind the following rules :

to the general reader.

Correspondents for "THE Panes" will please bear in

name of the writer. In order to insure correctness of the typography, but one side of a sheet should be

We shall be greatly obliged to gentlemen in Pennsyl-

rania and other States for contributions giving the current news of the day in their particular localities, the ourses of the surrounding country, the increase of

connlation, and any information that will be interesting

that the Constitution, having once become the fundamental law of the State, must be respected and obeyed as such until changed or annulled in pursuance of its own provisions? Would not the Court be compelled to declare as an inviolable and universal rule of interpretation, that when a Constitution prescribes one mode of amendment, it must be understood and construed as having thereby precluded all other modes, and probibited all other means of accomplishing the same object? Suppose the people of Kansas should attempt to change the Constitution in a mode and at a time different from that authorized in the instrument, and should proceed so far as to adopt a new Con-

to which every people may resort, when their op-pression is intolerable, and submission is a less evil than resistance? If so, I fear that the bright anticipations of the President would not be fully realized when he imagines that the speedy admis-sion of Kansas into the Union under the Lecomp-

election."

It is to be regretted that on the 2d day of February the President had received no official information of the result of the election held on the 4th day of January, which was published in the "proclamation" to which I have referred, and was republished in the newspapers of this city and of New York as early as the 30th of January, from which proclamation the President would have learned, if he had received it, that the people of Kansas had repudiated and rejected the Lecompton Constitution by more than 10,000 majority at that election. It seems, however, that the President attaches no importunce to the overwhelming dent attaches no importance to the overwhelming vote of the people sgainst the Constitution, for the reason that he supposes "this election was held after the Territory had been prepared for admission into the Union as a sovereign State, and when no authority existed in the Territorial Legislature which could possibly destroy its existence or change its character." By what authority had the Territory been prepared for admission into the Union? Certainly not by the authority of Congress, for I have already shown that Congress withheld its assent when asked by President Pierce in a special message to grant it.

Was it by authority of the Territorial Legislature? It is a peculiar doctrine that a Territorial

lished by Congress, of which the Legislature is a constituent part.

The question does not now arise for the first time in the history of our country. It arose under the Administration of Gen. Jackson, on the right of the Territorial Legislature of Arkansas "to prepare that Territory for admission into the Union as a sovereign State, without any express authority from Congress," and, after mature deliberation, Gen. Jackson delivered the decision of his administration upon the proposition, through Mr. Administration upon the proposition, through Mr. Butler, his Attorney General. I quote from the opinion :

beople for failled and the legislative interposition, by which the rearritory, on the 4th of January, 1858. The reason for this legislative interposition, by which the vote on the Constitution was, in effect, to be post-poned from the 21st of December to the 4th of January, and then held and conducted, and the returns made, in the manner prescribed by law, may be deduced from the following facts:

1. That, while the Convention recognised the right of the people of Kansas to "ratify" or "rejection" said Constitution, and provided that it should not take effect nor be submitted to Congress for acceptance until so ratified, at an election to be held for the purpose of "ratification" or "rejection", yet the mode of submission prescribed by the Convention was such as to render it impossible for the people to reject it at said election, even if there should be but one person offering to vote for it, and 20,000 against, since no person was to be permitted to vote unless he would vote for the Constitution, and those who should offer to vote against the Constitution of the United States. The tendency of the Territory, are as much bound by its provisions, and as incapable of abrophility of the people of the Territory, are as much bound by its provisions, and as incapable of abrophility of the people of the Territory, are as much bound by and incapable of abrophility of the people of the Territory, are as much bound by its provisions, and as incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility of the people of the Territory, are as much bound by an incapable of abrophility

redress of grievances;" and in the exercise of this right of petition they might "pray Congress to abrogate the Territorial Government, and to admit them into the Union as an independent State," provided "they confine themselves to the mere right of petitioning, and the Constitution enclosed in their petition meets the sense of the people to be affected by it," and also that "such measures be commenced and prosecuted in a peaceable manner, in strict subordination to the existing Territorial Government, and in entire sitiserviency to the power of Congress, to adopt, reject, or disregard them, at their pleasure;" but that the said Convention could not establish a Government, or ordain a Constitution, or do any other act under presence of "preparing

stitutional Convention recently assembled at Lecompton: and
Whereas, By reason of the defective provisions of
said law, in connection with the neglect and misconduct
of the authorities charged with the execution of the
same, the people living within the remaining nineteer
counties of the Territory were not permitted to return
delegates to said Convention, were not recognised in its
organization, or in any other sense heard or felt in its
deliberations; and
Whereas, It is an axiom in political ethics that the
people cannot be deprived of their rights by the negligence or miscondact of public officers; and
Whereas, A minority, to wit: twenty-eight only of the
sixty members of said Convention, have attempted, by an
unworthy contrivance, to impose upon the whole people

whereas, The action of a fragment of said Convention, representing as they did a small minority of the voters of the Territory, repudiates and crushes out the distinctive principle of the "Nebraska-Kansas Act," and violates and tramples under foot the rights and the sovereignty of the people; and Whereas, From the foregoing statement of facts, it clearly appears that the people have not been left "free to form and regulate their domestic institutions in their own way," but, on the contrary, at every stage in the anomalous proceedings recited, they have been prevented from so doing: therefore, be it Resolved, By the Governor and Legislative Assembly of Kansas Territory, that the people of Kansas being opposed tosaid Constitution. Congress has no rightful power under it to admitsaid Territory into the Union as a State, and the Representatives of said people do hereby, in their name and-on their behalf, solemnly protest against such admission.

Resolved, That such action on the part of Congress would, in the judgment of the members of the Legislative Assembly, be an entire abandonment of the doctrie of non-intervention in the affairs of the Territory, and a substitution is its stead of Congressional intervention in behalf of a minority engaged in a disreputable attempt to defeat the will and violate the rigits of the majority.

Lesolved, That the people of Kansas Territory claim the right, through a legal and fair expression of the will of a majority of her citizens, to form and adopt a Contitution for themselves.

*Vesolved**, That the Governor of this Territory be

In the face of all these evidences that the Lecoupton Constitution is not the act of the people of Lansas, and does not embody their will—that it was formed by a Convention under an act of the Territorial Legislature without the consent of Corgress—that the sixty delegates composing the Convention were chosen by nineteen of the thirty-eight counties in the Territory, while the other niteteen counties were entirely disfranchised without any fault of their own, by the failure or refusal of the officers whose duty it was under the law to take a consus, and register the voters in order to entitle them to vote for delegates—that the mode of submission to the people for "ratification or rejection," as prescribed by the Constitution, was such as to render it impossible for the people to reject it, for it allowed no person to vote who would not vote for the Constitution, and excluded from the polls all persons who desired to vote against it—that the only reason assigned or believed to exist for not allowing the people to vet against the Constitution, as well as for it, is, that a large majority of the people were known to be opposed to it, and would have rejected it hy an overwhelming ma-