LEWISBURG CHRONICLE.

BY O. N. WORDEN & J. R. CORNELIUS.

AN INDEPENDENT FAMILY NEWS JOURNAL.

LEWISBURG, UNION CO., PA., FRIDAY, DECEMBER 25, 1857.

ESTABLISHED IN 1813...WHOLE NO., 715.

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The Excellent Man!

They gave me advice and counsel in store,
Praised me and honored me more and more,
Said that I only should wait a while,
Offered their patronage, too, with a smile.

But, with all their honor and approbation,
I should, long ago, have died of starvation,
Had there not come an excellent man
Who bravely to help me along began.

Good fellow! he got me the first I ate—
His kindness and care I can never forget;
Yet I can not embrace him, though other folks can,
For I myself am this excellent man!

[*From the German of HEINE.*

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During the approaching session, which assembles in Harrisburg on the first Tuesday in January, the TELEGRAPH will be made a correct and reliable exponent of the doings of the Legislature of Pennsylvania. With this view, a corps of competent Reporters will be employed in each House, and a full, complete and accurate report of the proceedings will be given, embracing the details of the business of the session, sketches of debates on all important and interesting questions, and such editorial comments as the importance of the subjects, and their bearing on the public interests may suggest.

The session will be one of more than ordinary importance. The derangement of the currency, and the peculiar position of the banks, will require, or at least, will excite much legislation, and will give consideration of its important bearing upon the general business prosperity be a question of absorbing public interest. It shall be our province to present to the readers of the *Telegraph* full and impartial records of the Legislation upon this and all other subjects.

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In politics the *Telegraph* will continue as heretofore the faithful and consistent advocate of the principles of the American Republican party. It will continue to oppose the spread of Slavery over Territory now free; to rebuke the impudent assumptions of foreigners, as displayed in the political contests of the country; to protect the purity of the ballot box; to advocate the *Protection of American Industry*, and the general interests of the Free White laboring classes; the improvement of the Currency; the divorce of the State from all her public works; and an honest and economical administration of the Governments, State and National. These are the political principles which will receive the support of the *Telegraph*. The editors believe that they are the only true and safe principles for the success and government of the country, that they will commend themselves to the common sense and patriotism of all good citizens, and must finally prevail by the votes of an overwhelming majority of the people.

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GEO. BERGNER & Co.,
Harrisburg, Pa.

HARRISBURG, December, 1857.

Daily Telegraph for the Session.

The *Harrisburg Daily Telegraph* is now in the second year of its existence. It was started last fall rather as an experiment, and has succeeded beyond the most sanguine expectations of its publishers.

During the approaching session of the Legislature, it is our intention to make the "DAILY TELEGRAPH" a correct and reliable exponent of the doings of the Legislature of Pennsylvania. With this view, a corps of competent Reporters will be employed in each House, and a full, complete and accurate report of the proceedings will be given every day up to the adjournment of the morning session, embracing the details of the business of the session, sketches of debates on all important and interesting questions, and such editorial comments as the importance of the subjects, and their bearing upon the public interest may suggest.

The course of the Daily will be *strictly neutral in politics*, the aim of the editors to give fair and impartial accounts of the doings of the Representatives of the people, leaving their constituents to judge of the action of their public servants for themselves, on the review of the proceedings, as they are fairly presented to them through our columns.

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Harrisburg, December, 1857.

THE CHRONICLE.

MONDAY, DEC. 21, 1857.

SKETCHES OF UNION COUNTY.

The following is a specimen of the contents of "OTZINACHSON, or HISTORY OF THE WEST BRANCH VALLEY"—an elegantly printed book of over 300 pages, on clear, large type. We will present a copy of this work, with 13 copies of the CHRONICLE one year, for $15, cash—subscriptions to commence at any time. Any desiring to begin with the New Year, we will wait upon until Feb. Court for the pay. "OTZINACHSON" has a large amount of most interesting matter, embracing a correct Devil, for a lot of ground in Lewisburg, running back to the Creation of Mankind—the earliest known Indian annals—the Colonial history, details of the Revolutionary War, &c., of Union, Snyder, Northumberland, Montour, Columbia, Lycoming, Center, Clinton, and other Counties—Sketches of the lives and anecdotes of noted and distinguished old Settlers, Hunters, Warriors, &c., of all nations, such as the Missionary BRAINERD, Count ZINZENDORF, WEISER, MONGUN, Jim CORNSTALK, the BEAVER, Colo KELLY and HARTLEY, Mr. POSEY, CONNAWAGO, GEORGE, VANCORMAN, LYON GRANTS, VISCENT, BURNS, EARNS, SNYDER, KREMER, &c. &c.—annals of Lutheran, German Reformed, Presbyterian, Methodist, Baptist, and other Churches—histories of Lewisburg, Selinsgrove, Sunbury, Northumberland, Milton, Muncy, Williamsport, &c. The work would be a good Holiday Present, and desirable for family perusal during long Winter Evenings. EARN A COPY—*Editors of Lycoming Chronicle.*]

Capt. Thompson....Miss Young.... Woman in Buffaloe Township ....the Klinesmith Girls.

CAPTAIN JAMES THOMPSON was an early settler in Buffaloe Valley, and, during a predatory incursion of savages, was taken and carried into captivity. Several incorrect publications of his sufferings have been made, but the following is believed to be correct, as it was taken down from his own lips, in 1832, by James F. Linn, Esq., of Lewisburg, and entered in his journal.

Some time previous to his capture he had removed his wife and children to Penns Creek, for greater security against the Indians. In March 1781, he was going from Lewisburg (then Derstown) to his farm, preparatory to moving down the country. On the road between the farms of John Linn and Col. John Kelly, he was suddenly surprised by four Indians, and compelled to go along with them. When they came to a hollow, half a mile from Kelly's house, they discovered a fresh track in the soft clay. One of the Indians exclaimed, "Squaw." Two of them immediately set off on a run, and two remained to guard him, one behind and one before. They soon heard a female scream, when the one behind struck him on the back with his gun and cried, "Waugh," (run.) They started off on a run, and on coming to the top of a hill, saw the other two with a woman, when they pushed off immediately for an Indian town on Towanda creek. They crossed the White Deer and other mountains, north of Buffaloe Valley, and came to the river near the mouth of Lycoming creek, which they crossed in canoes. During the night they tied his arms behind him, and fastened the cord to grubs in the ground.

One night, while encamped on Lycoming creek, not being tied very securely, he succeeded in releasing his arms. Two of the Indians lay on one side of the fire with the girl—(MARY YOUNG, the daughter of Matthew Young, who lived on a farm adjoining Captain Thompson's)—and two on the other side with him. He first endeavored to get one of their tomahawks, but discovered that they were all lying on their arms. He then got a stone, which they had used for crushing corn, and raised on his knees, preparatory to giving one of them a mortal stroke on the temple, and securing a tomahawk. But on account of his head being wrapped in a blanket, he struck two high to effect his object. The Indian gave a yell, which awoke the other. He now attempted to run, but the cord, with which he was tied, and stretched between the two grubs, intercepted him, and as he stepped back to get around it, one of the savages caught him by the colar of his coat, and in the struggle tore it to the bottom. He drew his tomahawk to strike him on the head, but desisted, and spoke to the one he had wounded in his own language, and then drew it again, desisted, and spoke to the wounded Indian, and then drew it the third time. He expected to receive it this time, and was resolved to try and catch it and wrest it from his hand. But they finally concluded not to kill him, reserving him for a more formal execution. They then tied a hollow gourd, containing shot, to his waist, telling him that was his *death warrant.*

After this they tied him so tight that he lost all feeling in his hands and arms. They continued on towards their place of destination. One day they shot a wild turkey, and taking out the entrails, rolled them round a stick without any cleaning, roasted them in the fire, and gave them to the prisoners to eat. Before this they had only a few grains of corn per day, and this change of diet, said Mr. Thompson, was quite a delicacy!

When they got to Towanda the Indians became less careful, thinking he would not attempt to run away again. In the evening they made him gather wood: he managed to go further away for each load, till he got as far as he thought it was prudent to try, and watching an opportunity when they were not observing him, darted off into the woods as fast as he could run, with *twenty-two* grains of corn in his pocket, for provision, to travel a journey of many miles through the wilderness.

He said he could have made his escape on several occasions before, but he could not thing of leaving Mary Young a prisoner with them. She frequently told him to escape, and not try to rescue her, as it would defeat both. She was resigned to her fate.

He took a different route at first from that toward home, to deceive the Indians in pursuit. In running he stepped on a rotten stick, which broke and made a noise; at the same time he heard two trees rubbing together which he took to be the Indians in pursuit. Being terribly frightened he ran into a pond, and hid himself in the brush, with nothing out but his head, where he lay till he was satisfied they were not coming that way. He then proceeded on his journey, keeping along the mountains, lest he might meet Indians in the valleys. One night he ran almost into an Indian encampment before seeing it. He went a little higher up the hill, where he could plainly see the Indians pass between him and the fire. At another time he came very near an encampment, when an Indian gave a yell. He supposed he was discovered, but squatted down immediately and remained quiet in the bushes; in a short time one of the Indians commenced chopping wood, when he know they had not seen him, and carefully passed around them.

He struck the West Branch a few rods above where they had crossed it going out, and found one of the canoes on the bank, the river having fallen. Being so weak, he was unable to push it in, but getting two round sticks under it for rollers, with the aid of a handspike, succeeded in launching it. On getting in, he discovered the other canoe sunk, when he worked and bailed it out, and lashing the two together, started with two paddles on his voyage. He rowed to the middle of the river, so that if the Indians should pursue him and shoot, they would not be so likely to hit him. One of his paddles accidentally dropped out and floated off, which he regretted very much, but, on getting into an eddy, it came floating up to his canoe, and was recovered.

When his craft got opposite to where Watsontown now stands, he was discovered, and relieved by some friends. He was so weak that he lay in the canoe, and waved his hand to them on shore, which attracted their attention. When taken out, he was so weak that he could not relate his adventures, for several days, having to be nourished with sweet milk till he gained strength sufficient to talk. After getting able to walk, he went to his family, and removed to Chester county, where they remained till the close of the war.

The Indians took Mary to their towns, and set her to hoeing corn. An old negro, who was also a prisoner, told her to dig up the beans that were planted with the corn, and they would think her too dumb to learn agriculture, and sell her to the English. She took his advice, and was eventually sold to an English Captain, with whom she remained several years, when she was liberated and returned home. Having been so much exposed during her captivity, her constitution was so shattered that she survived her return but a short time. On their way out, she was obliged to wade through deep creeks, and, as the weather was very cold, her clothes were often frozen into a solid mass of ice.

She informed Captain Thompson that two of the Indians pursued him part of two days, but returned without success. They regretted his escape very much, as they intended to torture him. The wounded Indian left them soon after his escape, and she never heard of him after, but supposed he died, as he was badly injured.

At that time he saw a woman, a cousin to James Cornelius, who resided in Buffaloe township, that had been taken a prisoner by the Indians during the French war. When they had taken her a great distance from home she managed to effect her escape, and made her way through the woods alone. The first day she came up with a mare and colt, and getting on her rode all day. When night came she turned her out to pasture, laid herself down by a log for the night, and never expected to see her again. When she awoke in the morning, the mare and colt stood by her side! She rode her all that day, and turned her out to graze whilst she slept, but the next morning the faithful animal was there, as usual, to receive her rider. She rode her each day till she arrived at the fort. By some, this particular circumstance would be termed an interposition of Divine Providence, to preserve the life of the woman. It is also stated that when she came to the fort the mare would allow no other person to approach, and when she was turned out to graze that night, made her escape, and was never heard of again.

About this time there lived near where the town of New Berlin now stands, a family named KLINESMITH. A small party of Indians coming upon their dwelling, whilst the males of the family were busy in the harvest field of a neighbor, plundered the house and carried away two of Klinesmith's daughters, one sixteen, the other fourteen years old. The party retreated to a spring north of New Berlin—now called the Still-House Spring—where they halted, and, not satisfied with the trifling mischief they had done, left their prisoners and booty in the care of the oldest man of the party, whilst the main body proceeded to the harvest field, in the hope of getting some scalps to carry home as trophies of their success.

The old man lighted his pipe, and sat down at the foot of a tree, keeping an eye upon his prisoners. After some time the rain began to fall, when Betsey, the eldest girl, intimated to the sentinel that she meant to cut down some branches from the trees, and cover a small bag of flour which the Indians had brought from her father's house. The Indian, little suspecting her real intention, assented, and permitted her to take one of the axes or tomahawks. She pretended to be very busily occupied with her task, but contrived to get behind the old man, and buried the axe in his head!

By this time the scalping party, finding the harvesters too numerous and well armed for their purposes, were on their return, and already approached near enough to hear the groan or cry of the old Indian as he fell. The girls fled—the savages pursued, and fired. The younger girl, just as she was in the act of springing over a fallen tree, was pierced with a bullet, which entered below the shoulder blade, and came out at the breast. She fell and immediately rolled herself under the log, which at that point was raised a little from the ground. The savages sprang over the log, in chase of her sister, without observing that any one lay under it.

Betsey being a strong and active lass, gave them a hard run, so that the harvesters, alarmed by the firing, came to the rescue in time to save her, and change the pursuers into fugitives. They found the little girl under the fallen tree, much terrified and weakened by loss of blood, but fortunately not dangerously wounded, the ball having passed through her body without touching any vital organ. She recovered, and afterwards married a man named Campbell. Becoming a widow she married again. Her last husband's name was Chambers. Betsey also married, and, with her husband, removed to one of the Western States.

To Pennsylvania Democrats.

☞ The following calm but searching document will arrest attention of thinking minds, South as well as North. REEDER, SHANNON, GEARY and STANTON, have one after another been *dismissed* by the Pro-Slavery Power which guides our Government, because they could not and would not (after learning from personal observation the real state of affairs in Kansas) go far enough in deeds of lawlessness and villainy to suit them in their plans of imposing upon that devoted land. Mr. WALKER was with Mr. BUCHANAN four years in Mr. POLK'S Cabinet; and, certainly, Mr. Buchanan and his Cabinet thought they had in Walker the right man to so skilfully weave around the people of Kansas the sophistry and cunning for which he had been famous, as to entangle them in legal submission to Slavery, or coerce them into open rebellion against the General Government. But *he* also has learned the *true issues* in Kansas, and he (the *third* Governor born in Pennsylvania) revolts at the atrociousness of the wickedness required of him! Threatened with *dismissal* if he turned his face towards Kansas with a view to resuming his authority, he has *resigned*, and publishes to the world his reasons, from a well-founded apprehension that if forwarded to the President alone it would be refused in order to prevent its appearing among the records of the Government. The *Union*—Buchanan's organ, late so profuse in its praises of Gov. Walker—does not publish or allude to his letter! But, nevertheless, *it will be read*, even tho' Buchanan says we pay "too much attention to the affairs of Kansas!" We copy it nearly entire.—*Eds. Chron.*]

Gov. Walker's Letter

Resigning the Kansas Governorship.

WASHINGTON CITY, Dec 15, 1857.

HON. LEWIS CASS, *Secretary of State.*

DEAR SIR: I resign the office of Governor of the Territory of Kansas. I have been most reluctantly forced to this conclusion, after and anxious and careful consideration of my duty to the country, to the people of Kansas, to the President of the United States, and to myself. The grounds assumed by the President in his late Message to Congress, and in recent instructions, in connection with the events now transpiring here and in Kansas, admonish me, that, as Governor of that Territory, it will no longer be in my power to preserve the peace or promote the public welfare.

At the earnest solicitation of the President, after repeated refusals, the last being in writing, I accepted this office, upon his letter showing the danger and difficulties of the Kansas question, and the necessity of my undertaking the task of adjustment. Under these circumstances, notwithstanding the great sacrifices to me, personal, political, and pecuniary, I felt that I could no more refuse such a call from my country, through her Chief Magistrate, than a soldier in battle who is ordered to command a forlorn hope. I accepted, however, on the express understanding that I should advocate the submission of the Constitution to the vote of the people for ratification or rejection. These views were clearly understood, by the President and all his Cabinet. They were distinctly set forth in my letter of acceptance to this office, on the 26th of March last, and reiterated in my Inaugural Address on the 27th of May last, as follows: "Indeed, I can not doubt that the Constitution will be submitted for ratification or rejection by a majority of the then actual *bona fide* resident settlers of Kansas."

With these views well known to the President and Cabinet, and approved by them, I accepted the appointment of Governor of Kansas. My instructions from the President, through the Secretary of State, under date of the thirtieth of March last, sustain "the regular Legislature of the Territory in Assembling a Convention to form a Constitution," and they express the opinion of the President that "when such a 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 the instrument. And the fair expression of the popular will must not be interrupted by fraud 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 in Kansas, and the election be fairly and justly conducted, the Constitution will be, and ought to be, rejected by Congress. His inaugural most distinctly asserted, that it was not the question of slavery, merely, (which I believed to be of little practical importance, then, in its application to Kansas) but the entire Constitution, which should be submitted to the people for their ratification or rejection. These were my words on that subject in my inaugural: "It is not merely, shall slavery exist in or disappear from Kansas, but shall the great principle of self-government and State sovereignty be maintained or subverted?" In that inaugural, I proceed further to say, the people "may by a subsequent vote, defeat the ratification of the Constitution." I designate this as a "great constitutional right," and add, "that the Convention is the servant, and not the master, of the people."

In my official despatch to you of the 24 of June last, a copy of that inaugural address was transmitted to you for the further information of the President and his Cabinet. No exception was ever taken to any portion of that address. On the contrary, it is distinctly admitted, by the President, in his message, with commendable frankness, that my instructions in favor of the submission of the Constitution to the vote of the people, were "general and unqualified." By that inaugural, and a subsequent address, I was pledged to the people of Kansas to oppose, by all "lawful means," the adoption of any Constitution which was not fairly and fully submitted to their vote for ratification or rejection. These pledges I can not recall or violate, without personal dishonor, and the abandonment of fundamental principles; and, therefore, it is impossible for me to support what is called the Lecompton Constitution, because it is not submitted to the vote of the people for ratification or rejection.

I have ever uniformly maintained the principle that sovereignty is vested exclusively in the people of each State, and that it performs its first and highest function in forming a State Government and State Constitution. This highest act of sovereignty, in my judgment, can only be performed by the people themselves, and can not be delegated to conventions or other intermediate bodies. Indeed, the whole doctrine of the sovereignty of conventions, as distinct from that of the people—of conventional or delegated sovereignty, as contra distinguished from State or popular sovereignty—has ever been discarded by me, and was never heard of, to my knowledge, during the canvass of 1856. This is the great principle of State sovereignty by the Virginia and Kentucky resolutions of 1798 and '99, sustained by the people in the great political revolution of 1800, and embraced in that amendment to the Federal Constitution, adopted under the auspices of Mr. Jefferson, declaring that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States" respectively, or to the people. The reservation to "the States," is as separate States, in exercising the powers granted by their State Constitutions; and the reservation to "the people" is the people of the several States, admitted or inchoate, in exercising their sovereign right of framing or amending their State Constitution. This view was set forth in my printed address, delivered at Natchez, Mississippi, in January, 1853, against Nullification; which speech received the complimentary sanction of the great and good Madison, the principal founder of our Constitution, as shown by a letter of Charles J. Ingersoll, of Philadelphia, as published in the *Globe* at Washington in 1836. By this clause of the Federal Constitution, the sovereignty of the "people" of each State is clearly reserved, and especially their own exclusive right to form, in all its entirety, their own State Constitution.

I shall not enter fully into the argument of this question at this period, but will merely state that this is the position I have ever occupied, and my reasons for entertaining this opinion are clearly and distinctly set forth in the printed pamphlet, published over my signature, on the 13th of June, 1856, and then extensively circulated, from which I quote as follows: "Under our confederate system, sovereignty is that highest political power which, at its pleasure, creates government, and delegates authority to them. Sovereignty grants powers, but not sovereign powers; otherwise it might extinguish itself by making the creature of its will the equal or superior of its creator. Sovereignty makes constitutions, and through them establishes governments. It delegates certain powers to these governments, distributing the exercise of the granted power among the legislative, executive and judicial departments. * * * * *

In the Territories, then, as well as in the State, Congress possesses no sovereignty, and can exercise only the powers delegated by the Constitution; and all the powers not thus granted are dormant, or reserved powers, belonging in common to all the States, as co-equal, joint tenants there of that highest political power called sovereignty. It will be perceived that the doctrine that "sovereignty makes constitutions," that "sovereignty rests exclusively with the people of each State," that "sovereignty can not be delegated," that "it is inalienable, indivisible," a "unit, incapable of partition," are doctrines ever regarded by me as fundamental principles of public liberty and of the Federal Constitution.

It will be seen that these views which I have entertained were not framed to suit any emergency in Kansas, but were my life-long principles, and were published over my own signature twelve months before my departure to that Territory, and when I never thought of going to Kansas. These rights I have ever regarded as fully secured to the people of "all the Territories" on adopting their State Constitution, by the Kansas and Nebraska bill. Such is the construction given to that act by Congress in passing the Minnesota bill, as justly applauded by the President. Such is the construction of the Kansas act by its distinguished author, not only in his late irresistible argument, but in addresses made and published by him long antecedent to that date, showing that this sovereign power of the people in acting upon a State Constitution is not confined to the question of slavery, but includes all other subjects embraced in such an instrument. Indeed, I believe the Kansas and Nebraska bill would have violated the rights of sovereignty reserved to the people of each State by the Federal Constitution, if it had deprived them, or Congress should now deprive them, of the right of voting for or against their State Constitution.

The President, in his Message, thinks that the rights secured by this bill to the people, in acting upon their State Constitution, are confined to the Slavery question; but I think, as shown in my address before quoted, that "sovereignty is the power that makes Constitutions and Governments," and that not only the slavery clause in a State Constitution, but all others must be submitted.

The President thinks that State Sovereignty can be delegated, at least in part. I think sovereignty can not be delegated at all. The President believes that sovereignty is divisible between Conventions and the people, to be exercised by the former on all subjects but slavery, and by the latter only on that question. Whereas, I think that sovereignty is "inalienable" and "indivisible,"—a unit incapable of partition; and, "that it can not be delegated" in whole or in part. It will not be denied that sovereignty is the only power that can make State Constitutions, and that it rests exclusively with the people; and if it is inalienable, and can not be delegated, as I have shown, then it can only be exercised by the people themselves. Under the government, we know no sovereigns but the people. Conventions are composed of "delegates." They are mere agents or trustees, exercising, not a sovereign, but a delegated power, and the people are the principals. The power delegated to such conventions can properly only extend to the framing of the Constitution, but its ratification or rejection can only be performed by the power where sovereignty alone rests—the people themselves. We must not confound sovereign with delegated powers. The provisional authority of a Convention to frame a constitution, and submit it to the people, is a delegated power; but sovereignty alone, which rests exclusively with the people, can ratify and put in force that constitution, and this is the true doctrine of popular sovereignty; and I know of no such thing, nor does the Federal Constitution recognize, it as delegated or conventional sovereignty. The President, in a very lucid passage of his able Message, gives unanswerable reasons why the people, and not conventions, should decide the question of slavery, in framing a State Constitution. He says, truly, that from the necessary division of the inchoate State into districts, a majority of the delegates may think one way and the people another, and that the delegates, as was the case in Kansas, may violate their pledges or fail to execute the will of the people. And why does not this reasoning apply with equal force to all other questions embodied in the State Constitution? Why should the question of Slavery alone override and extinguish the doctrine of popular sovereignty and the right of self government? Most fortunately, this is no sectional question; for it belongs alike to the States admitted or inchoate, of the South as of the North. It is not a question of Slavery, but of State rights, and of state and popular sovereignty; and my objections to the Lecompton Constitution, are equally strong whether Kansas, under its provisions, be made a free or a slave State. My objections are based upon the violation of the right of self government, and of State and popular sovereignty, and of forcing any Constitution upon the people against their will, whether it recognized freedom or slavery. Indeed, the first question which the people ought to decide, in forming a government for an inchoate State, is whether they will change, or not, from a Territorial to a State Government. Now, no one, who, with me, desires Federal or Territorial sovreignty, will contend that a Territorial legislature is sovereign to represent sovereignty; or, that such a legislature, a mere creature of Congress, can transfer sovereignty, which it does not possess, to a Territorial Convention. This change from a Territorial to a State Government can only be made by the power where sovereignty rests, namely, the people. Yet a State Government is forced upon the people of Kansas by the Lecompton Constitution, whether they will or not—for they can only vote *for* the Constitution, and not *against* it. But besides the change from a Territorial to a State Government—which the people of Kansas alone have the right to make, in the framing of a State Constitution—there are many questions included in that instrument. It involves all the powers of State Government. There is the bill of rights, the *magna charta* of the liberties of free people; the legislative, executive, and judicial functions; the taxing power, the elective franchise, the great question of education, the sacred relations of husband and wife, parent and child, guardian and ward, and all the rights affecting life, liberty and property. There is also the question of State debts, of banks and paper money, and whether they shall be permitted or prohibited. As all free governments, as stated by Mr. Jefferson in the Declaration of Independence, depends upon "the consent of the governed," how can it be known whether the people would assent to the Constitution, unless it is submitted to their vote for ratification or rejection!

But, if acquiescence can be presumed in any case, surely it can not be in that of Kansas, where so many of the delegates violated their pledge to submit the Constitution itself to the vote of the people; where the delegates who signed the Constitution represented scarcely one-tenth of the people; and where nearly one-half of the counties of the Territory were disfranchised, and, by no fault of theirs, did not and could not give a single vote at the election of delegates to the Convention.

I have heretofore discussed this subject mainly on the question that Conventions are not sovereign, and can not rightfully make a State Constitution without its submission to the vote of the people, for its ratification or rejection. Yet, surely, even those who differ with me on this point, must concede, especially under the Kansas Nebraska bill, it is only such Conventions can be called sovreign as have been truly elected by the people and represent their will. On reference, however, to my address of the sixteenth of September last, on the tax qualification question, (a copy of which was immediately transmitted for the information of the President and the Cabinet,) it is evident that the Lecompton Convention was not such a body. That Convention had vital, not technical defects, in the very substance of its organization under the Territorial law, which could only be cured, in my judgment, as set forth in my inaugural and other addresses, by the submission of the Constitution for ratification or rejection.

On reference to the Territorial law under which the Convention was assembled, thirty four regularly organized counties were named as election districts for delegates to the Convention. In each and all of these counties, it was required that a census should be taken, and the votes registered; and when this was completed, that delegates to the Convention should be apportioned accordingly. In nineteen of these counties there was no census taken, and therefore there could be no such apportionment, there, of delegates based upon such census; and, in fifteen of these counties, there was no registry of votes. These fifteen counties including many of the oldest organized counties in the Territory, were entirely disfranchised, and did not give—by no fault of their own—[illegible] a solitary vote for Delegates to the Convention. [illegible]

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