Meigs County Telegraph.

A WEEKLY JOURNAL—DEVOTED TO POLITICS, LITERATURE, AGRICULTURE, COMMERCE, AND NEWS. $1.50 in advance.

$2 per annum. T. A. PLANTS, Editor. "Independent in all things—Neutral in nothing." T. A. PLANTS & Co., Publishers.

NEW SERIES—VOL. 1. NO. 1. POMEROY, TUESDAY, JANUARY 5, 1858. WHOLE NUMBER 512.

THE TELEGRAPH.

PUBLISHED WEEKLY, BY

T. A. Plants & Co.

Office in Third Story of Branch's Brick Building, near the Court-House.

TERMS OF SUBSCRIPTION:

$1.50, in advance; $2.00, if paid within the year; or $2.50 if not paid until the year has expired.

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☞ TO CLUBS of ten or more, the paper will be furnished at a liberal discount in price.

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Representative in Congress (11th District)—Hon. V. B. Horton, of Meigs county.

Senator—State Legislature—Chauncey G. Hawley, of Lawrence county.

Representative—Alfred Thomson

COURT AND COUNTY OFFICERS.

Judge of the Court of Common Pleas—Hon. Simeo Nash, G. Hipolis

Judge of Probate Court—A. Merrill.

Clerk of Common Pleas Court—Rodney Downing.

Sheriff—Joseph V. Smith.

Prosecuting Attorney—N. Simpson.

County Auditor—H. H. Swallow.

County Treasurer—O. Branch.

County Recorder—S. S. Paine.

County Surveyor—Levi Reeves.

County Commissioners—Wm. Ledlie, J. F. Brown, Tho. Smith.

County School Examiners—H. F. Miller, Rev. T. A. Welsh, J. C. S. Miller.

TOWNSHIP OFFICERS—SALISBURY.

Trustees—R. Hysell, Jacob Simpson, R. Gilliland.

Clerk—W. H. Remington.

Treasurer—O. Branch.

Justices of the Peace—George Lee, G. W. Cooper, Robert Hysell.

Constables—Giles Hysell, David Whaley, Nial Hysell.

Assessor—D. R. Jacobs.

CORPORATION OFFICERS—POMEROY.

Mayor—

Recorder—L. S. Nye.

Trustees—H. S. Horton, A. Murdock, H. Branch, Co Grant, Wm. Jennings.

Treasurer—O. Branch, ex officio.

Marshal—George Walker.

CHURCHES.

Presbyterian—Rev I. Twombly, Pastor. Services every Sabbath morning at 11 o'clock. Every Sabbath evening at 6½ o'clock.

Methodist Episcopal—Rev. A. G. Byers, Pastor; assisted by Rev. W. T. Metcalf. Services at Union Chapel, Pomeroy, and Heath Chapel, Sheffield, every Sabbath, at 10½ o'clock, A. M., and 7 P. M.— Prayer meetings every Wednesday evening.

Protestant Episcopal—No services at present.

New Jerusalem—No services.

Universalist—Middleport—Rev. R. Breare, Pastor. Services the second Sabbath in January and every two weeks thereafter at 10½ o'clock A. M. and 6½ P. M.

German Methodist—Rev. J. Pfetzing, Pastor. Services every Sabbath morning, at 10 o'clock.

German Lutheran—Rev. P. Held, Pastor. Services every Sabbath morning.

German Evangelical Presbyterian (on Linn street.) —Rev. L. Theiss, Pastor. Services every Sabbath morning, at 10 o'clock.

German Presbyterian (on Plum street.)—Rev. ———, Pastor. Services every Sabbath morning, at 10 o'clock.

Roman Catholic—Rev. John Albrinck, Priest. Services every Sabbath morning.

Welsh Baptist—Peter Lloyd, Pastor. Services every Sabbath, at 10 o'clock, A. M. and 6 P. M.

Welsh Presbyterian (New School.)—Rev. John H. Jones, Pastor. Services every Sabbath at 10 o'clock, A. M. and 6 P. M.

Welsh Presbyterian (Old School)—John T. Williams, Pastor. Services every Sabbath, at 10 o'clock, A. M. and 6 P. M.

Presbyterian—Middleport—Rev. W. B. Orvis, Pastor; services every alternate Sabbath, at 10½ o'clock, A. M., and 6 o'clock, P. M.

BUSINESS DIRECTORY.

PROFESSIONAL—LAWYERS.

JOHN E. HANNA. JACOB S. EARHART.
HANNA & EARHART, Attorneys at Law, Pomeroy, Ohio. All business entrusted to their care will receive prompt attention. [Nov. 3, '57—n35.

T. A. PLANTS. S. A. BURNAP.
PLANTS & BURNAP, Attorneys at Law Pomeroy, O. nov. 20.

PHYSICIANS.

DR. S. G. MENZIES. Office, Third-Street, between Walnut and Vine, Cincinnati, O. Pays special attention to Diseases of Women.

DR. H. C. WATERMAN offers his professional services to the citizens of Rutland and surrounding country. nov. 7—m3.

BANKERS.

DANIEL & RATHBURN, Bankers, Front-street, Pomeroy, O. jy20m*

DRY GOODS CLOTHING.

O. BRANCH & CO., Dealers in Dry Goods, Groceries, Hardware, Queensware, &c. East side of Court street, three doors above the corner of Front, Pomeroy, O.

W. STIVERS, Dealer in Fancy and Staple Dry Goods, Groceries, Hardware, Queensware, Bonnets, Hats and Caps, and Mens and Boy's Clothing. Corner of Front and Court Streets, Pomeroy, O.

PLANING MACHINES, &C.

CROWLEY & DAVIS, on Sugar Run, Pomeroy, have their Planing Machine in good order and constant operation. Flooring, weather boarding, &c., kept constantly on hand, to fill orders.

BLACKSMITHING.

F. E. HUMPHREY, Blacksmith, in his new building, back of the Bank building, Pomeroy, Ohio. Job Work of all kinds, Horse-shoeing, &c., executed with neatness and dispatch. jan 30.

PAINTERS AND GLAZIERS.

F. LYMAN, Painter and Glazier, west side Court street, fourth door above Court, Pomeroy, O.

SADDLERY.

J. B. HAMPTON & CO. Saddle and Harness Manufacturers, Front street, opposite the new Banking House.

JAMES WRIGHT, Saddle and Harness Maker, Shop over Black and Rathburn's store, in Rutland, O.

CONFECTIONERS.

M. SIDEBOTTOM'S Grocery and Confectionery, West side of Court street, Pomeroy, O. sept19

WAGON MAKING.

H. & P. CROSBIE, wagon makers, Mulberry street, Pomeroy, O., over F. E. Humphrey's shop. Having had long experience in the business, they are enabled to execute, in a neat and substantial manner, all orders for wagons, buggies, carriages &c., on short notice, and at reasonable terms.

DENTISTRY.

D. C. WHALEY, Surgeon Dentist, Bummer's building 2nd Story, Rutland street, Middleport, O. All operations pertaining to the profession promptly performed. Ladies waited upon at their residence, if desired. Dec. 16.

A. G. PHILLIPS, D. D. S., (Graduate of the Cincinnati Dental College, and ten years in practice,) offers his professional services to the citizens of Pomeroy and vicinity. OFFICE—At present with Dr. Stage, formerly the Exchange Bank Office. Jan11 '57.

HOTELS.

U. S. HOTEL, AND STAGE OFFICE, four doors below the Rolling Mill, Pomeroy, Meigs county, O. M. A. Webster, Proprietor. ap7'1855.

TANNERS & CURRIERS.

GEORGE McQUIGG & Co., Tanners and Curriers Butternut street, (on Sugar Run,) Pomeroy, O.

MANUFACTURES.

POMEROY ROLLING MILL COMPANY, Front street, Pomeroy, O. Have constantly on hand and made to order, merchant's Iron of all sizes. Orders solicited, and promptly executed.
George S. J. Oliver, Superintendent.
L. F. POTTER, Agent, Cincinnati, O.

COALPORT SALT COMPANY. Office in Cooper's Building Coalport, O. Salt for Country trade Retail, Thirty-five cents per bushel.

SUGAR RUN SALT COMPANY, Pomeroy. Salt Twenty-five cents per bushel. Office near the Furnace. C. GRANT, Agent.

POMEROY SALT COMPANY, Pomeroy, O. Salt for sale at Thirty-five cents per bushel, for Country Trade.

DABNEY SALT COMPANY, Coalport. Salt for sale at 35 cents per bushel for country trade.

STOVES AND TINWARE.

W. J. PRALL, Manufacturer of Tinware, and Dealer in every variety of Stoves, etc., opposite the Court-house, Pomeroy.

MILLS.

STEAM SAW MILL, Front street, Pomeroy, near Kerr's Run. Nial R. Nye, Proprietor. Lumber sawed to order on short notice. Plastering lath constantly on hand for sale. June 3, 1856.

COALRIDGE FLOURING MILL, Pomeroy, and Crystal Flouring Mill, Coalport. Murdock & Nye, Proprietors. Cash paid for Wheat at all times.

KYGERVILLE STEAM GRIST MILL. Nathaniel Stewart, Proprietor. Has been recently rebuilt, and is now prepared to do good work on short notice

JEWELRY.

PETER LAMBRECHT, Watchmaker, and Dealer in Watches, Clocks, Jewelry and Fancy Articles, Court street, below the new Banking House, Pomeroy. Watches, Clocks and Jewelry carefully repaired on short notice and reasonable terms. June23.

W. A. AICHER, Watchmaker and Jeweller, and wholesale and retail dealer in Watches, Clocks, Jewelry and Fancy Goods, Front-st., five doors above Merchants' Hotel, Pomeroy. Particular attention paid to repairing Watches, Clocks and Jewelry. Jul14

BOOTS AND SHOES.

T. WHITESIDE, Manufacturer of Boots and Shoes, Front Street, three doors above Stone bridge. The best of work, for Ladies and Gentlemen, made to order.

INSURANCE COMPANIES.

ÆTNA INSURANCE COMPANY, of Hartford Connecticut, O. Branch, Agent, Court-street Pomeroy. Jan 30

Select Poetry.

THE OLD SEXTON.

BY PARK BENJAMIN.

Nigh to a grave that was newly made
Leaned a sexton old on his earth-worn spade;
His work was done, and he paused to wait
The funeral train through the open gate;
A relic of by-gone days was he,
And his locks were white as the foamy sea—
And these words came from his lips so thin,
"I gather them in! I gather them in!"

"I gather them in; for man and boy,
Year after year of grief and joy,
I've builded the houses that lie around
In every nook of this burial ground;
Mother and daughter, father and son,
Come to my solitude, one by one—
But come they strangers, or come they kin,
I gather them in! I gather them in!

"Many are with me, but still I'm alone;
I'm king of the dead, and I make my throne
On a monument slab of marble cold,
And my scepter of rule is the spade I hold.
Come they from cottage, or come they from hall,
Mankind are my subjects, all, all, all!
Let them loiter in pleasure, or toilfully spin,
I gather them in! I gather them in.

"I gather them in, and their final rest
Is here, down here, in the earth's dark breast;"
And the sexton ceased—for the funeral train
Wound mutely o'er that solemn plain;
And I said to my heart, when time is told,
A mightier voice than that sexton's old
Will sound o'er the last trump's dreadful din—
"I gather them in! I gather them in!"

Miscellaneous.

☞ We agree with that old poet who said that a low, soft voice was an excellent thing in a woman. Indeed, we feel inclined to go much further than he has on the subject, and call it one of her crowning charms. How often the spell of beauty is rudely broken by coarse, loud talking. How often you are irresistibly drawn to a plain, unassuming woman, whose soft, silvery tones render her positively attractive. In the social circle, how pleasant it is to hear a woman talk in that low key which always characterizes a true lady. In the sanctuary of home, how such a voice soothes the dutiful child, and cheers the weary husband.

☞ One of the last suggestions of Holmes, is found in "The Autocrat of the Breakfast Table," in the *Atlantic Monthly*. It is in regard to leave-taking:

"Don't you know how hard it is for some people to get out of a room after their visit is really over? they want to be off, but they don't know how to manage it.— One would think they had been built in your parlor or study, and were waiting to be launched. I have contrived a sort of ceremonial inclined plane for such visitors, which, being lubricated with certain smooth phrases, backs them down, metaphorically speaking, stern foremost into their native element of out-doors."

☞ A writer of much merit says, that with a wife a husband's faults should be sacred. A woman forgets what is due to herself when she condescends to that refuge of weakness, a female confidant. A wife's bosom should be the tomb of her husband's failings, and his character far more valuable, in her estimation, than his life. And *vice versa*.

☞ Many a true heart, that would have come back like a dove to the ark, after its first transgression, has been frightened beyond recall by the angry look and menace—the taunt—the savage charity of an unforgiving spirit.

☞ A bill is before the South Carolina Legislature, which provides that professional gamblers who are found guilty of gambling, shall receive thirty-nine lashes, in addition to the punishment now provided by law. If this bill, when passed, does not suppress gambling in that State, no law can.

THE KANSAS QUESTION.

GOV. WALKER'S LETTER OF RESIGNATION.

WASHINGTON CITY, Dec. 15, '57.

TO THE HON. LEWIS CASS, SECRETARY OF STATE:

SIR—I resign the office of Governor of the Territory of Kansas. I have been most reluctantly forced to this conclusion, after anxious and careful consideration of my duty to my 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 finally accepted this office, upon his letter showing the dangers 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 the command of a forlorn hope.

I accepted, however, on the express condition that I should advocate the submission of the Constitution to a 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, on my acceptance of this office, of the 26th March last, and reiterated in my inaugural address of the 27th of May last, as follows: "Indeed, I cannot doubt that the Convention, after having framed a State Constitution, will submit it for ratification or rejection by a majority of the then actual bona fide resident settlers of Kansas."

With these views, well known to the President and the Cabinet, and approved by them, I accepted the appointment of Governor of Kansas. My instructions from the President, through the Secretary of State, under date 30th March last, sustain the regular Legislature of the Territory in assembling a Convention to form a Constitution, and they express the opinion of the President that "when such a 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 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 of Kansas, and the election be fairly and justly conducted, the Constitution will be, and ought to be rejected by Congress."

This inaugural most distinctly asserted that it was not a question of Slavery merely, which I believed to be of little practical importance then in its application to Kansas, but of the entire Constitution which should be submitted to the people for ratification or rejection. These were my words on that subject in my inaugural; "It is not merely, shall Slavery exist or disappear from Kansas, but shall the great principles 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 "a great constitutional right," and add, "that the Convention is the servant and not the master of the people." In my official dispatch to you of the 2d 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 was distinctly admitted by the President in his Message, with commendable frankness, that my instructions in favor of a 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 cannot 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 a vote of the people for ratification or rejection.

I have ever uniformly maintained the principle that sovereignty is vested exclusively in the people of each State, and that it performs its first and highest function in forming a State Government and State Constitution. This highest act of sovereignty, in my judgment, can only be performed by the people themselves, and cannot be delegated to Conventions or other intermediate bodies.

Indeed, the whole doctrine of the sovereignty of Conventions as distinct from that of the people, of conventional or delegated sovereignty as contradistinguished from State or popular sovereignty, has ever been discarded by me, and was never heard of to my knowledge during the great canvass of 1856. Indeed, this is the great principle of State Sovereignty, maintained by the Virginia and Kentucky Resolutions of 1798–9, 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 to the people of the several States, admitted or inchoate, 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, 1833, *against* the Nullification, which speech received the complimentary sanction of the great and good Madison, the principal founder of our Constitution, as shown by the letter of the Hon. Charles J. Ingersoll, of Philadelphia, as published in the *Globe*, at Washington, in 1836.— By this clause of Federal constitutional sovereignty of the people, each State is reserved, and especially their own exclusive right to form in 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 the opinion are clearly and distinctly set forth in a 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 governments 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, distributing the exercise of the granted powers among the legislative, executive and judicial departments. The Constitution is not sovereign, because it is created by sovereignty. The Government is not sovereign for the same reason, much less any department of that Government. Having defined sovereignty, we must not confound the power with its source or its exercise. That is, sovereignty is one thing, and where it resides or how it is to be exercised is another. Under the system of European despotism, sovereignty was claimed to reside in kings and emperors, under the sacreligious idea of the "divine right of kings," and the blasphemous doctrine was that sovereigns, in legitimate succession, although stained with crimes, and blackened with infamy, were clothed by the Diety with absolute power to rule their subjects, who held nothing but the privileges granted by the crown. Such were the absurd and impious dogmas to which the people of Europe, with few exceptions, have been compelled to submit by the bayonet, supported by the more potent authority of ignorance and superstition. Under this theory the people were mere ciphers, and crowned heads sub-deities, the sole representatives on earth of the governing power of the Almighty.— Our doctrine is just the reverse, making the people the only source of sovereign power. But what people? With us, sovereignty rests exclusively with the people of each State. By the Revolution each colony acting for itself alone, separated from Great Britain, sanctioned the Declaration of Independence.

Each colony having thus become a State, and each adopting for itself its separate State government, acted for itself alone under the old Continental Congress.— Each State acted for itself alone in acceding to the Articles of Confederation in 1778, and each State acted for itself alone in framing and ratifying, each for itself, the Constitution of the United States.— Sovereignty, then, with us, rests exclusively with the people of each State. The Constitution of the United States is not sovereign, for it was created by States, each exercising for itself that highest political power called sovereignty.

For the same reason, the Government of the United States is not sovereign, nor does it exercise any sovereign powers. It exercises only "delegated powers," as declared by the Constitution, and those powers only which are granted by that instrument. Delegated powers are not sovereign powers, but are powers granted by sovereignty. Sovereignty being the highest political power, cannot be delegated. It is indivisible, it is a unit incapable of partition. Hence the great error of supposing that sovereignty is divided between the States and the United States. The Constitution of the United States is the "supreme law," and obligatory as such, but a law is not sovereignty, but an act of sovereignty. All laws imply law makers, and in this case those who framed and ratified this "supreme law" were those sovereignties called the States, each acting exclusively for itself, uncontrolled by any sister State, except by the moral force of its influence and example. The Government of the United States, possessing, as we have shown, no sovereignty, but only delegated powers to them alone, it must look for the exercise of constitutional authority in the Territories as well as the States, for there is not a single power granted by the Constitution to this Government in a Territory, which is not granted in a State, except the power to admit new States into the Union, which, as shown by the Madison Papers, the framers of the Constitution, as first demonstrated in my Texas letter, refused to limit to our then existing Territories. In the Territories then, as well as the States, 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 Territory to all the States as coequal joint tenants there of that highest political power called "popular sovereignty." It will be perceived that this doctrine that "sovereignty makes Constitutions," that "sovereignty rests exclusively with the people of each State," that "sovereignty cannot 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," in 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, so justly applauded by the President. Such is the construction of this Kansas act by its distinguished author, not only in his late most able 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 right 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 sovereignty can be delegated—at least in part; I think that sovereignty cannot be delegated at all. The President believes that sovereignty is divisible between conventions and 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*, *indivisible*, a unit, incapable of partition, and that it cannot be delegated, in whole or in part. It will not be denied that sovereignty is the only power that can make a State Constitution, and that it rests exclusively with the people, and if it is inalienable and cannot be delegated, as I have shown, then it can only be exercised by the people themselves, under our 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 principles. The power delegated to such Convention can properly only extend to framing the Constitution, but its ratification or rejection can only be performed by the power where sovereignty alone rests—namely, the people themselves. We must not confound sovereignty with delegated power. The provisional authority of the Convention to frame a Constitution, and submit it to the people, is 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 in his able message, gives unanswerable reasons why the people and not conventions should decide the question of Slavery. He says, very 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, and 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 States' Rights, of State and popular sovereignty; and my objections to the Lecompton Constitution are equally strong, whether Kansas, under its provisions, should be made a Free or Slave State. My objections are based upon the violation of the right of self-government and popular sovereignty, and of forcing any Constitution upon the people against their will, whether it recognizes 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 denies Federal or Territorial sovereignty, will contend that a Territorial Legislature is sovereign, or represents sovereignty, or that such 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, with the people. Yet State Government is forced upon the people of Kansas by the Lecompton Constitution, and not against it. But, beside the change from a Territorial to a State Government, which the people alone have a right to make, in framing a State Constitution there are many other momentous questions included in that instrument. It involves all the powers of State government. There are the bill of rights—the Magna Charta of the liberties of a 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 are also the questions of State debts, of banks and paper money, and whether they shall be permitted or prohibited. As all free government, as stated by Mr. Jefferson, depends upon the "consent of the governed," how can it be known whether the people would assent to the Constitution, unless it be submitted to their vote for ratification or rejection?— But if acquiescence can be presumed in any case, surely it cannot be in that of Kansas, where so many of the delegates violated their pledge to submit the Constitution itself to a 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 that by no fault of theirs, and did not and could not give a single vote at the election of delegates to the Convention. I have heretofore discussed the subject mainly on the question that Conventions are not sovereign, and cannot rightfully make a State Constitution without its submission to a vote of the people for ratification or rejection. Yet, surely, even those who differ with me on this point must concede, especially under the Kansas-Nebraska act, it is only such Conventions can be called sovereign as have been truly elected by the people, and represent them well. On reference, however, to my address of the 16th of September last, on the day-qualification question, a copy of which was immediately transmitted to you for the information of the President and Cabinet, it is evident that the Lecompton Convention was not such a body. That Convention had vital, not technical, defects in the very substance of its organization under the Territorial law, which could only be cured, in my judgment, as set forth in my inaugural and other addresses, by submission of the Constitution for the ratification of the people. On reference to the Territorial law under which the Convention was assembled, thirty-four regularly organized counties were named as election districts for delegates to the Convention. In each and all of these counties it was required by law that a census be taken, also the voters registered, and when this was completed the delegates to the Convention should be apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates upon such census. And in fifteen of these counties there was no registry of voters. These fifteen counties, including many of the oldest organized counties in the Territory, were entirely disfranchised, and did not give, (by no fault of their own,) and could not give a solitary vote for the delegates to the Convention. This result was superinduced by the fact that the Territorial Legislature appointed all the Sheriffs and Probate Judges in all these counties, to whom was assigned the duty by law of making this census and registry. These officers were political partisans, dissenting from the views and opinions of the people of these counties, as was proved by the election in October last. These officers, from want of funds, as they alleged, neglected or refused to take any census, or make any registry in these counties, and therefore they were entirely disfranchised, and could not and did not give a single vote at the election for delegates to the Constitutional Convention. And here I wish to call attention to a distinction which will appear in my inaugural address in reference to those counties where the voters were fairly registered, and did not vote. In such counties where full and free opportunity was given to register and vote, they did not choose to exercise such a privilege. The question is very different from these counties where there was no census or registry, and no vote was given, or could be given, however anxious the people might be to participate in the election of delegates to the Convention. Nor could it be said these counties acquiesced, for, wherever they endeavored, by a subsequent census or registry of their own, to supply this defect, occasioned by previous neglect of the Territorial officers, the delegates thus chosen were rejected by the Convention.

I repeat that, in nineteen counties out of thirty-four, there was no census. In fifteen counties out of thirty-four there was no registry, and not a solitary vote was given, or could be given, for Delegates to the Convention in any one of these counties. Surely, then, it cannot be said that such a Convention chosen by scarcely more than one-tenth of the present voters of Kansas, represented the people of that Territory, and could rightly impose a Constitution upon them without their consent. These nineteen counties, in which there was no census, constituted a majority of the counties of the Territory, and these fifteen counties in which there was no registry gave a much lager vote at the October election, even with the six months' qualification, than the whole vote given to the Lecompton Constitution on the 17th of November last. If, then, sovereignty can be delegated, and the Convention as such are sovereign, which I deny, surely it must be only in such cases as when such Conventions are chosen by the people, which we have seen was not the case as regards the late Lecompton Convention. It was for this and other reasons that in my inaugural and other addresses I insisted that the Constitution should be submitted to the people by the Convention, as the only means of curing this vital defect in its organization. It was, therefore, among other reasons that when, as you know, the organization called the "Topeka State Government" was made, and as a consequence an inevitable civil war and conflict must have ensued, these result were prevented by my assuring, not the Abolitionists, as has been erroneously stated (for my address was not to them, but to the people of Kansas), that, in my judgment, the Constitution would be submitted fairly and freely for ratification or rejection by their vote; and that if this was not done, I would unite with them (the people) as I now do, in lawful opposition to such procedure.

The power and responsibility being devolved exclusively upon me by the President of using the Federal army in Kansas to suppress insurrection, the alternative was distinctly presented to me, by questions propounded at Topeka, of arresting the revolution by the slaughter of the people, or of preventing it, together with that civil war which must have extended throughout the Union, by a solemn assurance, then given, that the right of the people to frame their own Government, so far as my power extended, should be maintained. But for this assurance, it is a conceded fact that the Topeka State Government, then assembled in legislative session, would have been put into immediate actual operation, and that a sanguinary collision with the Federal army and civil war must have ensued—extending, it is feared, throughout the Union.

Indeed, the whole idea of an inaugural address originated in the alarming intelligence which had reached Washington City of perilous and incipient rebellion in Kansas. This insurrection was rendered still more formidable on my reaching the Territory by the near approach of the assembling of the revolutionary State Legislature, and the very numerous mass Conventions by which it was sustained. In truth, I had to choose between arresting that insurrection, at whatever cost of American blood, by the Federal army, or to prevent the terrible catastrophe, as I did by my pledges to the people of the exertion of all my power to obtain a fair election and the submission of the Constitution to the vote of the people for ratification or rejection.

My inaugural and other addresses were therefore, really in the nature of proclamations, so often issued by Presidents and Governors, with a view to prevent, as they did in this case, civil war and insurrection. Now, by my oath of office I was sworn to support the Constitution of the United States, which I have shown, in my judgment required the submission of the Constitution to the vote of the people. I was sworn, also, to take care that the Kansas and Nebraska bill should be faithfully executed, which bill, in my judgment, as heretofore stated, required that the Constitution should be submitted to the vote of the people, and I was therefore only performing a solemn duty, when as Governor of the Territory to whose people my first obligations were due, I endeavored to secure them these results. The idea entertained by some that I should see the Federal Constitution and the Kansas-Nebraska bill overthrown and disregarded, and that playing the part of a mute in a pantomime of ruin I should acquiesce by my silence in such a result, especially where such acquiescence involved as an immediate consequence a disastrous and sanguinary civil war, seems to me most preposterous.

Not a drop of blood has been shed by the Federal troops in Kansas during my Administration, but insurrection and civil war, extending, I fear, throughout the country, were alone prevented by the course pursued by me on those occasions, and the whole people, abandoning revolutionary violence, were induced by me to go, for the first time, into a general and peaceful election. These important results constitute a sufficient consolation for all the unjust assaults made upon me on this subject. I do not understand that these assaults have ever received the slightest countenance from the President. On the contrary, his message clearly indicates an approval of my course up to the present most unfortunate difference about the so-called Lecompton Constitution. Inasmuch, however, as this difference is upon a vital question, involving practical results and new instructions, it is certainly much more respectful to the President, on my part, to resign the office of Governor, and give him an opportunity of filling it, as is his right under the Constitution, with one who concurs with him in his present opinions, rather than go to Kansas and force him to remove me by disobedience to his instructions. This latter course, in my judgment, would be incompatible with a proper respect for the Chief Magistrate of the Union, inconsistent with the rules of moral rectitude or propriety, and could be adopted with no other view than to force the President to remove me from office. Such a course, it is alleged, would present me to the public as a political martyr in the defense of the great principle of self-government; but to go to Kansas with any such purpose, or with a certain knowledge that such a result must follow, would be alike unjust and improper. My only alternative, then, is that of a respectful resignation, in the hope that Kansas and our beloved country may be shielded from that civil war, with which, I fear, both are threatened, by any attempt to force the so-called Lecompton Constitution upon the people of Kansas. I state it as a fact, based on a long and intimate association with the people of Kansas, that an overwhelming majority of that people are opposed to that instrument, and my letters state that but one out of twenty of the press of Kansas sustain it. Some oppose it because so many counties were disfranchised and unrepresented in the Convention.— Some, who are opposed to paper money, because it authorizes a bank of enormous capital for Kansas, nearly unlimited in its issues and in the denomination of its notes from one dollar, up and down. Some because of what they consider a Know-Nothing clause, by requiring that the Governor shall have been twenty years a citizen of the United States—some because the elective franchise is not free, as they cannot vote against the Constitution but only on the single issue whether any more slaves may be imported, and then