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by
W. G. T'VAULT, Editor & Proprietor.

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Circulars,
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CORNER OF CALIFORNIA AND OREGON STREETS,

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11f

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January 1, 1858. 11f

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Corner of Montgomery and Commercial Streets,

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R. B. SNELLING. JAS. D. TURNER.

SNELLING & TURNER.

ATTORNEYS-AT-LAW,

Office on Fourth street, adjoining the

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R. HAYDEN,

Attorney and Counsellor at Law.

WILL ATTEND TO BUSINESS IN

the Third Judicial District of Oregon.

OFFICE

At Kerbyville, Oregon.

January 1st, 1858. 11f

W. G. T'VAULT,

Attorney and Counsellor at Law.

And Notary Public for Jackson Co.,

Will practice in the Supreme and Dis-

trict Courts of the Territory.

Office—adjoining the Printing Office,

Jacksonville, O. T. 11f

D. B. BRENNAN,

ATTORNEY-AT-LAW.

OFFICE—At his residence, Jackson-

ville, O. T. 43

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DAUGUERREOTYPES

AND

AMBROTYPEs

Are taken by

PETER BRITT,

On the Hill, near the old Parsonage,

JACKSONVILLE, O. T.

Indeed, the whole doctrine of the sover-

ignity of conventions, 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 canvas of 1850. Indeed, this is the great principle of State rights and State sovereignty, maintained in the Virginia and Kentucky resolutions of 1791-90, 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, 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 the letter of Hon. Charles J. Ingersoll, of Philadelphia, as published in the Globe, at Washington, in 1856. What adds much to the force of this opinion is the statement then made by Mr. Madison, that these were also the views of Mr. Jefferson. By this clause of the Federal Constitution the sovereignty of the people of each State is clearly reserved, and especially their own exclusive sovereign right to form, in all its entirety, their own State constitution.

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

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

"With these views, well known to the President and 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 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 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 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 principles of self-government and State sovereignty be maintained or subverted." In that inaugural, I proceed further to say that 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 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 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 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 disonor 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 sover-

ignity of conventions, 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 canvas of 1850. Indeed, this is the great principle of State rights and State sovereignty, maintained in the Virginia and Kentucky resolutions of 1791-90, 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 Constitution of the United States is the "supreme law," and not 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 sovereigns 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 all constitutional authority, in Territories as well as 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 is given to the States, are reserved to the States respectively, or to the people."

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I accept the submission of the constitution to the States and the United States.

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