

Marshall Democrat

T. McDONALD, Editor.

PLYMOUTH, IND.

Thursday Morning, Feb., 7, 1856.

DEMOCRATIC NOMINATIONS.

For Governor,
ASHBEL P. WILLARD, of White.

For Lieutenant Governor,
John C. WALKER, of Lapeer.

For Secretary of State,
DANIEL McCLELLAN, of Morgan.

For Auditor of State,
John W. DODD, of Grant.

For Treasurer of State,
AQUILLA JONES, of Bartholomew.

For Attorney General,
Jos. E. McDONALD, of Montgomery.

For Superintendent of Public Instruction,
WILLIAM C. LARRABEE, of Putnam.

For Clerk of Supreme Court,
WILLIAM B. BEACH, of Boone.

Reporter of Decisions of Supreme Court,
GORDON TANNER, of Jackson.

As we were going to press, we received the news that Banks, Republican, is elected Speaker of the House, in Congress. He was elected by the plurality vote, receiving only three majority.

We call the attention of our readers to the Message of the President, on the Kansas difficulties, which will be found in today's paper.

We have long desired to see a correct statement of the difficulties in that quarter. The fusion papers give the evidence on one side, and the democratic press don't make it any worse on their side than it really is; hence the necessity for something that is reliable on the subject.

The President has reviewed the whole subject, and attaches the blame to those who are guilty. We can scarcely take up a fusion paper but charges the administration with using its influence to extend the area of slavery, and of upholding the Missourians in controlling the Kansas elections. These charges are triumphantly refuted by the President, so far as Kansas is concerned. We have not seen a single article from any of the accredited organs of the Democratic party, that ever intimated that they were in favor of the extension of slavery; and whenever the party is charged with entertaining or advocating such views, they are either willfully or ignorantly misrepresented. Some of the southern Democrats, no doubt, entertain such views, but are willing to let those residing in the Territories decide the matter for themselves.

We respectfully request those who have attributed pro-slavery views to the Democratic party, to dismiss their prejudices, (as much as possible,) and give the Message a careful reading, and if they do not find it a sound, national document, we will acknowledge ourselves mistaken in their sagacity.

In these degenerate days, when the fire of the Revolution so seldom warms the breast of many in this fair land of ours, and thoughtless or designing men talk of discussion as of an every day occurrence of no moment, any all things that take us back to "the times that tried men's souls," is of incalculable value, and should be brought to every eye, and rung through every memory.

The death of UZAL KNAPP, the last of Washington's Life Guard, comes to us sadly and mournfully, like the sounds of the last knell that severs us from all living evidences of our Nation's birth. One by one they have passed away,—those who survived the dreadful struggle, and but an hour as it were, and the last living link between us and the past will have sunk from our sight, and we shall be left alone with our dear bought heritage, for the blessing of all time if we forgo its cost—for the birth of prodigious Anarchy if we do forget it. We copy entire from the Newburgh Telegraph, the notice of the death and burial of the last of Washington's Guard. Peaceful be his slumber, and glorify his memory!

The cars are running from Fort Wayne to Columbia, on the Fort Wayne and Chicago Railroad.

We understand that the residence of Adam Kebert in North township, was destroyed by fire. \$70, and considerable furniture were destroyed.

REMINISCENCE.

The first Commissioners in Marshall County were Robert Blair, Charles Osterhaut, and Abraham Johnson. Their first meeting was on the second day of May, 1836, at the house of Grove Pomeroy, in Plymouth—the house which is now occupied by Brooke & Evans as a Dry Goods store. After appointing Jeremiah Muncey Clerk pro tem, the Board adjourned to meet at the house of Charles Osterhaut, at one o'clock of said day, about a mile and a half south of Plymouth, where Mr. Orr now resides.

The County was divided into three townships, viz: North, Center and Green.—Elections were ordered to be held for the election of two Justices of the Peace in each township. In North Township at the house of Adam Vinnedge; George Vinnedge was appointed Inspector. In Center Township, at Charles Osterhaut's; John Houghton Inspector. In Green Township

at the house of Sidney Williams; Ewell Kendall Inspector.

John Houghton was appointed County Treasurer. The rates of tavern license was ordered to be \$10, and license to retail spirituous liquor, \$20. After the appointment of Overseers of the Poor, Fence Viewers and Supervisors, the Board adjourned to meet at the house of Charles Osterhaut, on the first Monday in June, 1836.

AFFAIRS IN KANSAS.

Message of the President.

WASHINGTON, Jan. 24, 1856.

To the Senate and House of Representatives: Circumstances have occurred to disurb the course of governmental organization in the Territory of Kansas, and produce there a condition of things which renders it incumbent on me to call your attention to the subject, and earnestly recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

A brief exposition of the circumstances referred to, and of their causes, will be necessary to the full understanding of the recommendations which it is proposed to submit.

The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: One, that the designation of the boundaries of a new Territory and provision for its political organization and administration as a Territory are measures which of right fall within the power of the General Government; and the other, that the inhabitants of any such Territory, considered as an inchoate State, are entitled in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it, and to the power of the existing States to decide, according to the provisions and principles of the Constitution, at what time the Territory shall be received as a State into the Union.—

Such was the great political right which are solemnly declared and affirmed by the act.

Based upon this theory, the act of Congress defined for each Territory the outlines of republican government, distributing public authority among the lawfully created agents; executive, judicial, and legislative; to be appointed either by the General Government or by the Territory. The legislative functions were entrusted to a Council and a House of Representatives, duly elected and empowered to enact all the local laws which they may deem essential to their prosperity, happiness and good government. Acting in the same spirit, Congress also defined the persons who were in the first instance to be considered as the people of each Territory; enacting that every free white male inhabitant of the same above the age of twenty-one years, being an actual resident thereof, and possessing those qualifications hereafter described, should be entitled to vote at the first election, and be eligible to any office within the Territory; but that the qualifications of voters and holding office at all subsequent elections should be such as might be prescribed by the Legislative Assembly; provided, however, that the right of suffrage and of holding office should be exercised only by citizens of the United States, and those who should have declared on oath their intention to become such, and have taken an oath to support the Constitution of the United States and the provisions of the act; and provided further, that no officer, soldier, seaman or marine, or other person in the army or navy of the United States, or attached to troops in their service, should be allowed to vote or hold office in either Territory by reason of being on service therein.

Such of the public officers of the Territories as, by the provisions of the acts, were to be appointed by the General Government, including the Governors, were appointed and commissioned in due season; the law having been enacted on the 30th of May, 1854, and the commission of the Governor of the Territory of Nebraska being dated on the 24th of August, 1854, and of the Territory of Kansas on the 29th of June, 1854.

Among the duties imposed by the act upon the Governors was that of directing and superintending the political organization of the respective Territories. The Governor of Kansas was required to cause a census or enumeration of the inhabitants or districts of the Territory to be taken by such persons and in such modes as he might designate and appoint; to appoint the time and place of holding the first elections, and the manner of conducting them, both as to the persons to be elected, and as to the persons to superintend such elections and the returns thereto; to declare the number of the members of the Council and the House of Representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of holding the first meeting of the Legislative Assembly. In substance, the same duties were devolved on the Governor of the Territory.

Accordingly, the Governor, by proclamation, convened the Assembly thus elected to meet at a place called Pawnee City. The two Houses met and were duly organized in the ordinary parliamentary form; each sent to and received from the Governor the official communications usual on such occasions; an elaborate Message opening the session was communicated by the Governor, and the general business of legislation was entered upon by the Legislative Assembly.

But, after a few days, the Assembly resolved to adjourn to another place in the Territory. A law was accordingly passed against the consent of the Governor, but in due form otherwise, to remove the seat of government temporarily to the "Shawnee Manual Labor School" (or mission) and thither the Assembly proceeded. After this, receiving a bill for the establishment of a ferry at the town of Kickapoo, the Governor refused to sign it, and by special message, assigned for reason of refusal, not any pretense of the illegality or incompetency of the Assembly as such, but only the fact that the Assembly had, by its act, transferred the seat of government.

The Governor of the Territory of Kansas, commissioners, as before stated, on the 29th of June, 1854, did not reach the designated seat of his Government until the 7th of the ensuing October; and even then failed to make the first step in its legal organization, that of ordering the census or enumeration of its inhabitants, until so late a day that the election of the members of the Legislative Assembly did not take place until the 30th of March, 1855; so that, for a year after the Territory was

constituted by the act of Congress, and the officers to be appointed by the Federal Executive had been commissioned, it was without a complete Government, without any legislative authority, without local law, and of course, without the ordinary guarantees of peace and public order.

In other respects the Governor, instead of exercising the constant vigilance and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly-associated communities, allowed his attention to be diverted from official obligation by other objects and himself set an example of the violation of law in the performance of acts which rendered it my duty in the sequel, to remove him from the office of chief executive magistrate of the Territory; thus, to the last, recognizing the body as a duly elected and constituted Legislative Assembly.

It will be perceived that if any constitutional defect is attached to the legislative acts of the Assembly, it is not pretended to consist in irregularity of election or want of qualification of the members, but only in the change of its place of session.—

Before the requisite preparation was accomplished for the election of the Territorial Legislature, an election of Delegate to Congress had been held in the Territory on the 29th day of November, 1854, and the Delegate took his seat in the House of Representatives without challenge. If arrangements had been perfected by the Governor so that the election of members of the Legislative Assembly might be held in the several precincts at the same time as the persons voting as the people of the Territory would have passed necessarily and at once under the supervision of Congress, as the judge of the validity of the return of the Delegate, and would have been determined before conflicting passions had become inflamed by time, and before opportunity could be afforded for systematic interference of individual States.

This interference, in so far as concerns its primary causes and its immediate commencement, was one of the incidents of the conflict of the colored persons held to service in some of the States which has so long disturbed the repose of our country and excited individuals, otherwise patriotic and law abiding, to toll with misdirected zeal in the attempt to propagate their social theories by the perversion and abuse of the power of Congress.

Nor is it easy to see why the Legislative Assembly might not with propriety pass the Territorial act transferring its sitings to the Shawnee Mission. If it could be done, it is the duty of the

Legislative Assembly to do so would be subversive of Public Freedom.—

And whether a law be wise or unwise, just or unjust, is not a question for him to judge.

If it be constitutional—that is if it's

the law of the land—it is his duty to

cause it to be executed, or to sustain the

authorities of any State or Territory in

executing it in opposition to all insurrectionary movements.

Our system affords no justification on

revolutionary acts; for the constitutional

means of relieving people of unjust adminis-

trations and laws, by a change of public

agents and by repeal, ampie, and more

prompt and effective than illegal violence.

These constitutional means must be ser-

iously guarded—this great prerogative

of popular sovereignty most sacredly re-

spected.

It is the undoubted right of the peace-

able and orderly citizens of the Territory of

Kansas to elect their own legislative body,

make their own laws, and regulate their

own social institutions without foreign or

domestic molestation.

Interference, on the one hand, to procure the abolition or pro-

hibition of slave labor in the Territory, has

produced mischievous interference on the

other, for its maintenance or introduction.

One wrong begets another.

Statements entirely unfounded or grossly exaggerated,

concerning events within the Territory,

are sedulously diffused through the remote

states, to feed the flame of sectional animosity

there; and the agitators there exert

themselves indefatigably in return to ex-

courage and stimulate strife within the Terri-

tory.

The inflammatory agitation, of which the

present is but a part, has for twenty years

produced nothing save agitated evil, North

and South. But for it the character of the

domestic insurrections of the future new

State would have been a matter of too little

interest to the inhabitants of the contiguous

states, personal or collectively, to pro-

duce among them any political emotion.—

Climate, soil, production, hopes of rapid

advancement, and the pursuit of happiness

on the part of settlers themselves, with

good wishes but with no interference from

without, would have quietly determined

the question which is at this time of such

disturbing character.

But we are constrained to turn our atten-

tion to the circumstances of embarrassment

as they now exist.

It is the duty of the

people of Kansas to disentangle every

act or propose of resistance to its laws.—

Above all the emergency appeals to the

citizens of the states, and especially to those

contiguous to the Territory, neither by in-

tervention of non-residents in elections, nor

by unauthorized military force, to attempt

to encroach upon or usurp the authority of

the inhabitants of the Territory.

No citizen of our country should permit

himself to forget that he is a part of its

government, and entitled to be heard in the

determination of its policy and its mea-

sures, and that, therefore, the highest con-

sideration of personal honor and patrio-

ticism require him to maintain, by whatever

integrity of the laws of the Republic.

Entertaining these views, it will be my

imperative duty to exert the whole power

of the Federal Executive to support public

order in the Territory; to vindicate its laws,

whether Federal or local, against all at-

tempts of organized resistance; and so to

protect its people in the establishment of

their own institutions, undisturbed by en-

croachment from without, and in full en-

joyment of the rights of self-government