

al constitution. During that period, fifteen different and greatly distinguished citizens have, in succession, administered the executive branch of the Government. They have conducted it through many perils, and generally with great success, yet, with all this scope for precedents, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulties. A disruption of the federal union, heretofore only menaced, is now formidably admitted. I hold that in contemplation of universal law and of the constitution, the union of these States is perpetual. Perpetuity is implied, if not expressed in the fundamental law of national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own formation. Continue to execute all the agreeable provisions of our national constitution and the union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States, in the nature of a contract merely, can it, as a contract be practically unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak, but does it not require all to lawfully rescind it? Descending from these general principles, we find the proposition, that, in legal complication the union is perpetual, confirmed by the history of the union itself. The union is much older than the constitution. It was formed, in fact, by the articles of association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States was expressly pledged and engaged that it should be perpetual.

By the articles of confederation, in 1778, and finally in 1787, one of the declared objects for ordaining and establishing the constitution, was to form a more perfect union. But if the destruction of the union by one, or by a part only of the States, be lawfully possible, the union is less perfect than before the constitution, having lost the vital element of perpetuity.

It follows, from these views, that no State, upon its own mere motion, can lawfully go out of the Union—that resolves and ordinances to that effect are legally void, and that acts of violence in any State, or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances. I, therefore, consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me to do, that the laws of the Union shall be faithfully executed in all the States. Doing this, I deem it to be only a simple duty on my part, and I shall perform it so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust that this will not be regarded as a menace, but only as the declared purpose of the Union, that it will constitutionally defend and maintain itself.

In doing this, there needs to be no bloodshed or violence, and there shall be none, unless forced upon the national authority. The power confided to me will be used to hold, occupy and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using force against or among the people anywhere. Where hostility to the United States in any interior locality shall be so great and so universal as to prevent competent resident citizens from holding the federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be so nearly impracticable, and I deem it better to forego, for the time, the use of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper; and in every case and exigency my best discretion will be exercised according to circumstances actually existing, and with a view to a hope of a peaceful solution of the national troubles, and the restoration of fraternal sympathies and affections. That there are persons in one section or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny, but if there be such, I need address no words to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our national fabric, with all its memories and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step, while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to, are greater than all the ills you fly from? Will you risk the commission of so fearful a mistake? All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied.

If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view, justify revolution. I certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negotiations, guarantees and prohibitions in the Constitution, that controversies never arise concern-

ing them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practicable administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all feasible questions.

Shall fugitives from labor be surrendered by national, or by State authority? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative for continuing the government but acquiescing on one side or the other. If a minority in such case will secede, rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this. Is there such a perfect identity of interest among the States to compose a new Union as to produce harmony only and prevent renewed secession? Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does of necessity fly to anarchy or to despotism; unanimity is impossible. The rule of minority as a permanent arrangement is wholly inadmissible, so that rejecting the majority principle, anarchy or despotism in some form is all that is left.

I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit. While they are also entitled to very high respect and consideration in all parallel cases, by all other departments of the government, and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it being limited to that particular case, with the chances that it may be overruled, and never become a precedent for other cases, can better be borne, than could the evils of a different practice. At the same time, the candid citizen must confess that, if the policy of the government upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant that they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having, to that extent, practically resigned their government into the hands of that eminent tribunal. Nor is there, in this view, any assault upon the court or the judges. It is a duty from which they may not shrink, to decide cases properly brought before them; and it is no fault of theirs, if others seek to turn their decisions to political purposes.

One section of our country believes that slavery is right and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be, in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over on each I think that this cannot be perfectly cured, and it would be worse in both cases after the separation of the sections than before.

The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction in one section, while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other. Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other, but the different parts of the country cannot do this; they cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them.

Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can be among friends?

Suppose you go to war, you cannot fight always; and when after, much loss on both sides, and no gain on either, you cease fighting, the identical old questions as to terms of intercourse are upon you. This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional rights of amending it, or their revolutionary right to dismember or overthrow it.

I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the national Constitution amended. While I make no recommendation of amendment, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor, rather than oppose, a fair opportunity being afforded the people to act upon it.

I will venture to add, that to me, the convention mode seems preferable, in that it allows amendments to originate with the people, themselves, instead of only permitting them to take, or reject propositions originated by others not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution, which amendment, however, I have not seen, has passed Congress to the effect, that the federal government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that holding such a provision now to be implied Constitutional law, I have no objection to its being made express and irrevocable.

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this alone, if they choose; but the Executive, as such, has nothing to do with it. His duty to administer the present government as it came to his hands, and to transmit it, unimpaired by him, to his successor.—Why should there not be a patient confidence in the ultimate justice of the people? Is there any

better or equal hope in this world? In our present differences, is either party without faith of being in the right? If the Almighty ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth and justice will surely prevail by the judgment of this great tribunal, the American people.

By the form of government under which we live, this same people have wisely given their public servants but little power for mischief, and have, with equal wisdom, provided for the return of that little to their own hands, at very short intervals.—While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon the whole subject; nothing valuable can be lost by taking time. If there be an object to hurry any of you, in hot haste, to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied, still have the old constitution unimpaired, and, on the sensitive point, the laws of your own framing, under which the new administration will have no immediate power, if it should so desire, to change either.

If it were admitted that you who are dissatisfied held the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulties.

In your hands, my dissatisfied friends and countrymen, and not in mine, is the momentous issue of civil war—the government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it.

I am loth to close. We are not enemies, but friends; we must not be enemies; though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle field and patriot's grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Telegraphic.

WASHINGTON, March 8.—The commissioners held a conference this morning, and agreed to postpone, for a few days, their communication to the President. This delay is to give Seward an opportunity to develop his policy toward the seceding States. Senator Wigfall urged immediate action, to allow President Davis to capture Forts Sumter and Pickens before a reinforcement could reach them.

Dispatch from Montgomery says, the revenue laws have been adopted so as to avoid any prejudice to the steamboat interest.

It is understood Cassius M. Clay will be minister to Mexico, and Emerson Ethridge of Tennessee, is strongly urged for the Spanish mission.

The army interest is opposed to the promotion of Major Anderson. Several official memorals have been made.

St. Louis, March 8.—The convention today adopted an ordinance to transfer certain funds to the government of the Confederate States now in the hands of the State.

St. Louis, March 8.—Resolution submitted in convention for the appointment of a committee to confer with border States concerning the mode of keeping the western States in the Union. It is declared that there is no excuse for coercion. The State of Missouri will not furnish men or arms for that purpose. The federal government is requested to withdraw the United States troops from the seceding States and surrender the custom houses and other offices in the seceding States to those States. A national convention is favored upon the Crittenden resolutions.

The following awful sentiments are published in the Independent Democrat, the organ of Mr. Berry, the republican candidate for Governor of New Hampshire:—

“None are more sensible of the terrible evils of war than ourselves. But war is not the worst of evils. In fact though an evil, it is often the precursor of great blessings. In the history of the world it has so happened that almost all great events from which have dated the progress of the race have been baptized in blood. The gigantic crime of human slavery in America may, in the Providence of a righteous God, be waiting for a blood baptism that shall wash it out forever. The cry of millions of men and women going up, for long years, to the throne of Eternal Justice, may be about to be answered in judgment and retribution. And to this end may madness be sent into the councils of the oppressor.”

Men entertaining such sentiments are we to look to for redress of our wrongs when we turn to the free States. Does any man think we will obtain justice from them?

A New England woman declares in print that “Fanny Fern” has done more to injure her sex and make men disrespect them than any female writer since the world began.

Delegates to the State Convention.

- Arkansas County—James L. Totten.
- Ashley—M. L. Hawkins.
- Benton—A. W. Dinsmore and H. Jackson.
- Bradley—Josiah Gould.
- Carroll—W. W. Watkins and B. H. Hobbs.
- Clark—Harris Flanagan.
- Calhoun—Phillip W. Echols.
- Columbia—G. P. Smoote and J. C. Wallace.
- Conway—S. J. Stallings.
- Chicot—J. H. Hilliard.
- Crittenden—T. B. Bradley.
- Crawford—H. F. Thomason and Jesse Turner.
- Dallas—Robt. T. Fuller.
- Desha—J. P. Johnson.
- Drew—W. F. Slemons and J. A. Rhodes.
- Franklin—W. W. Mansfield.
- Fulton—S. W. Cochran.
- Greene—J. W. Bush.
- Hempstead—A. H. Caragin and R. K. Garland.
- Hot Spring—Jos. Jester.
- Independence—M. S. Kennard, U. E. Fort and F. W. Desha.
- Izard—A. Adams.
- Jackson—Jas. H. Patterson.
- Jefferson—J. Yell and W. P. Grace.
- Johnson—F. I. Batson and W. W. Floyd.
- Lafayette—W. P. Cryer.
- Lawrence—M. D. Baber and Sam'l Robinson.
- Marion—Austin.
- Madison—I. Murphy and H. H. Bollinger.
- Monroe—W. M. Mayo.
- Montgomery—A. M. Clingman.
- Mississippi—Felix R. Lanier.
- Newton—L. Dodson.
- Quachita—A. W. Hobson.
- Pike—S. Kelly.
- Polk—A. Ray.
- Perry—L. D. Hill.
- Pope—W. Stout.
- Poinsett—H. W. Williams.
- Pulaski—A. H. Garland and J. Stillwell.
- Phillips—T. B. Hanly and C. W. Adams.
- Prairie—B. C. Totten.
- Randolph—A. W. Crenshaw.
- Saline—Jebez M. Smith.
- Sebastian—W. M. Fishback and W. L. Griffith.
- Scott—E. Z. Walker.
- Sevier—B. F. Hawkins and J. S. Dolan.
- St. Francis—J. M. Shelton and G. W. Laughinghouse.
- Searcy—John Campbell.
- Union—H. Bussey and N. V. Tatum.
- Van Buren—J. H. Patterson.
- Washington—D. Walker, J. H. Stirman, J. P. A. Parks and T. M. Gunter.
- White—Jesse N. Cypert.
- Yell—W. H. Spivey.

GAIETY THEATRE.

Tuesday, March 7th, 1861.
And during the Week,
WOLFSTENBERGER'S PANORAMA,
The Mirror of the World!
PAINTED ON TWO MILES OF
CANVAS!
Price of admission as before.

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This line is composed of ENTIRE NEW BOATS THIS SEASON, TO-WIT:

IZETTA, Wm. WINDSOR, Captain.
CHESTER ASHLEY, REESE PITCHARD, Captain.
LITTLE ROCK, JENKS BROWN, Captain.
FREDERIC NOTREBE, R. L. HAINES, Captain.

THE ABOVE BOATS have now entered the Memphis and Little Rock Mail Trade permanently. They are new and first class passenger boats, built expressly for the trade, and are equipped and furnished in a superb manner.

Their days for leaving Little Rock are SUNDAYS, WEDNESDAYS and FRIDAYS at 10 P. M., and leave Fine Bluff for Memphis on MONDAYS, THURSDAYS and SATURDAYS at 2 o'clock, P. M., connecting at Napoleon with Regular Packets for NEW ORLEANS, and at MEMPHIS with Regular Mail Packets for CAIRO, ST. LOUIS, LOUISVILLE and CINCINNATI, and with Railroads for all points North, East and West.

Small boats are running in connection with this line from Little Rock to Fort Smith, Van Buren, Ozark, Dardanelle and all points intermediate.

For further information apply on board the boats or to JOHN D. ADAMS, Proprietor, or GEO. S. MORRISON, Agent.

March 7, 1861. daily Gazette copy and take out old adv.

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March 8—dtf