

general government for the protection of the states; after the states seceded these sites could not be used for the purpose for which they were ceded, and hence, as the South held, they reverted to the states. The right of all the states in buildings and other Federal property, except the sites, was recognized at the South, and commissioners were sent in December by South Carolina to arrange for a friendly adjustment of the questions relating to this Federal property within their limits, as well as the national debt (§ 523).

**518. The Right of Secession.**—An exhaustive discussion of the right of secession does not belong to the province of a school history.<sup>1</sup> Secession and the attendant questions have been subjects of sharp controversy, in which widely different views have been held, but in regard to the whole question, the South steadfastly maintained (1) that secession was a historic and legal right of the states; (2) that the Southern states had sufficient reason for withdrawing from the Union.

(1) *Secession a Historic Right.*—The right of a state to secede was not questioned during the time while the Constitution was being formed and while the states were entering into the Union. It is safe to say that the Union could not have been formed had the right to secede been denied. Virginia, New York, and Rhode Island (§ 339), in adopting the Constitution, expressly affirmed the right of the people of the states to resume the powers delegated to the Union if they should find cause to do so afterwards. Innumerable instances of the assertion of this right by statesmen, jurists, political writers, state legislatures, and conventions may be cited. In the early years of our country's history the secession sentiment was strongest in New England. It was shown when negotiations

<sup>1</sup> Convenient and accessible works treating this subject more fully are Davis's "Rise and Fall of the Confederacy," Stephens's "War between the States," Curry's "The South," Rhodes's "History of the United States." The complete bibliography of the subject is very extensive.

for closing the Mississippi failed (§ 333),<sup>1</sup> when Jefferson was a candidate for the presidency, and negotiations were pending for the purchase of Louisiana.<sup>2</sup> During the War of 1812 the New England states were making threats of secession, when the Treaty of Ghent put an end to the scheme (§ 407). The Massachusetts Legislature in 1844 resolved that, "The project of the annexation of Texas, unless arrested on the threshold, may tend to drive these states into a dissolution of the Union."<sup>3</sup> There was little difference between the North and the South on this point: the majority of the Northern states had threatened, the majority of the Southern states acted; both had affirmed the right.

(2) *Secession a Legal Right.*—A brief statement of the legal ground of the right of secession is as follows: The states were "free, sovereign, and independent," and were so recognized by each other (§ 328) and by England in the Treaty of Paris (§ 323) prior to the adoption of the Constitution. The Constitution was formed as a compact or agreement between these "free, sovereign, and independent" states. The general government of the United States provided in the Constitution was created to promote the general welfare of the states. Its powers were given to it by the states and were specified by the Constitution; all other powers were reserved to the states. In case of violation of the Constitution by any member of the Union, the other members were released from obligation to maintain the Union. Secession, or withdrawal from the compact, was a final and peaceable mode of redress. Such were the teachings of many of the fathers and founders of the United States. The people of the Southern states held steadfastly to these teachings and believed sincerely and implicitly that the states had the legal right to withdraw from the Union.

<sup>1</sup> Fiske's "Critical Period," p. 221.

<sup>2</sup> "Welling on Conn. Fed.," pp. 9-11.

<sup>3</sup> Davis's "Rise and Fall of the Confederacy," Vol. I, p. 96.

**519. Reasons for Secession.**— It is an error to suppose that the Southern states rushed hastily and blindly into secession. The grave questions involved in a course so decisive as that of seceding from the Union were discussed with intense earnestness throughout the South. The states, at last concluding that their constitutional rights could not be saved in the Union, deliberately withdrew. Their reasons for this course may be summed up as follows:—

(1) Fourteen Northern states, by passing "Personal Liberty Laws" (§§ 483, 513), had nullified the Constitution (see Art. 4, § 2, of Constitution, in Appendix), and they had also violated Federal laws passed in pursuance of the Constitution. These violations of the Constitution by the Northern states not only absolved the Southern states from further obligation to the constitutional compact, but they also showed that the Constitution could not be enforced and the government maintained with these states.

(2) The North had abandoned the historic and legal view (§ 518) of a Union under the terms of the Constitution. It had come to hold that the Constitution was not a compact between the states, but the supreme law over the states, and that not only was the Union not created by the states, but that the states had been created by the Union. These ideas were held by the Republican party, which was just coming into power. This party was pledged to disregard certain decisions of the Supreme Court and to attack slavery.<sup>1</sup>

(3) Sectional feeling between the North and South existed to some extent in Colonial days, being apparent even in the convention that formed the Constitution.<sup>2</sup> This feeling became stronger as the conflict of interests between the agricultural and

<sup>1</sup> The Republican party denounced the Dred Scott decision of the Supreme Court. See platform Republican party passed at Chicago, 1860.

<sup>2</sup> Madison said: "It seems now to be pretty well understood that the real difference of interest lay, not between the large and small, but between the Northern and Southern states." — (2 *Madison*, 1104.)

manufacturing communities began to find expression in tariff legislation (§ 436); but it was the growth of abolitionism that transformed sectional feeling into sectional fury. Although the Republican party denounced the John Brown Raid, still the Abolitionists at the North glorified John Brown, fanatic as he was, whose mad plot sent a thrill of horror into every Southern home. Slavery and slaveholders were denounced, in public and in private, by the press, from pulpit and rostrum, in story, essay, and poem.<sup>1</sup> This persistent and powerful crusade inevitably incensed and embittered the South beyond endurance. Among the masses of the people, North and South, sectional antipathy supplanted the friendlier feeling of earlier times. Thus differences in ideas, sentiment, and institutions had made two different peoples, almost two different countries, of the North and the South. A separation was felt to be the only logical outcome.

(4) Lincoln had declared that "the country cannot exist half slave and half free." To the South this meant that Lincoln and the great party which had elected him would undermine the constitutional rights of the states wherever and whenever it was practicable to do so in the interest of abolition.

The question with every Southerner then was, What is best for the South to do in view of all the circumstances? Can the rights of the states be preserved best in the Union or out of the Union? The question was answered by her acts; she withdrew from the Union.

<sup>1</sup> The South was not responsible for the existence of African slavery in the United States (§§ 91, 139). The Southern whites suffered more from its existence than anybody else. The evils of the institution were greatly exaggerated. Public sentiment in the South discountenanced cruelty and neglect on the part of the slaveholder. Masters were generally kind and humane to their slaves, and the slaves were generally loyal and well affected toward their masters. Exceptional cases of ill treatment were often taken as texts for the slander and abuse of the Southern people.

**520. Cause of the War.**—The Southern states in seceding were seeking peace, which they could no longer hope for in the Federal Union. They did not desire war, and many believed that war would not follow; for, if the Federal government had observed its constitutional powers and respected the original and inherent rights of the states, war would have been averted; as secession was a right of the states (§§ 518 *et seq.*), coercion—that is, the use of force by the general government to keep states in the Union—was beyond its constitutional powers. Coercion was opposed by many eminent Northerners,<sup>1</sup> as well as by many influential journals; “indeed, any purpose of direct coercion was disclaimed by nearly all.”<sup>2</sup> Nevertheless, as the states seceded, the sentiment in favor of the maintenance of the Union by force, if necessary, grew stronger in the North, until it became a passionate desire and purpose. It was this purpose on the part of the North of coercing (§ 527) the states, and the acts (§ 528) on the part of the Federal government resulting from this spirit, that caused the war between the states. In the North the “National” idea had supplanted the theory of the Constitution.<sup>3</sup> To enforce this idea, the Government of the United States undertook to invade and conquer the South. Thus the Southern people were forced either to submit to aggression or to fight. They accepted the fateful issue, and thus began one of the mightiest struggles of modern times.

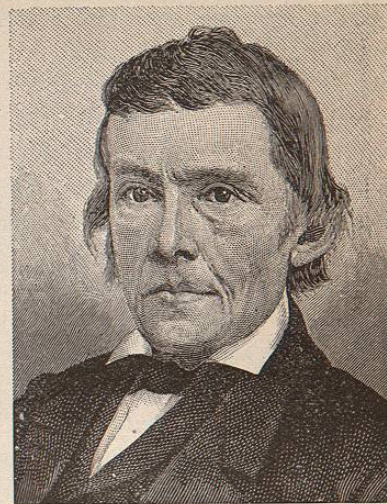
**521. The Confederate States of America.**—South Carolina, after passing the Ordinance of Secession, issued a call for a convention of such states as should secede. This convention was appointed to be held at Montgomery on February 4.

<sup>1</sup> Horace Greeley said: “If the cotton states shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless.”

<sup>2</sup> Davis’s “Rise and Fall of the Confederacy,” Vol. I, p. 252.

<sup>3</sup> Woodrow Wilson’s “The State,” pp. 477–480.

Delegates from six states, all the seceding states except Texas,<sup>1</sup> met and organized by electing Howell Cobb, of Georgia, as permanent chairman. On February 8 the convention adopted a provisional Constitution and thus created a new Union, the Confederate States of America, and on the next day, February 9, Jefferson Davis, of Mississippi, was elected president, and Alexander H. Stephens, of Georgia, was elected vice-president. Nine days later President Davis was inaugurated. In his inaugural message he reviewed briefly the causes which had made the organization of the new Union necessary, and declared that the Confederacy was “moved by no interest or passion to invade the rights of others,” and that it was “anxious to cultivate peace and commerce with all nations.”



Alexander H. Stephens.

Mr. Davis selected as members of his first cabinet:<sup>2</sup> Robert Toombs, of Georgia, secretary of state; S. R. Mallory, of Florida, secretary of the navy; Judah P. Benjamin, of Louisi-

<sup>1</sup> The delegates from Texas, whose convention had adopted the Secession Ordinance on February 1, awaited the result of the popular election (February 23) on the adoption of the Ordinance. Texas was admitted on March 2, the anniversary of Texan independence.

<sup>2</sup> During the greater part of the existence of the Confederacy, however, the cabinet stood as follows: Judah P. Benjamin, secretary of state; C. G. Memminger, secretary of the treasury; James A. Seddon, secretary of war; S. R. Mallory, secretary of the navy; John H. Reagan, postmaster-general. Reagan was also secretary of the treasury during the last few months of the Confederacy.

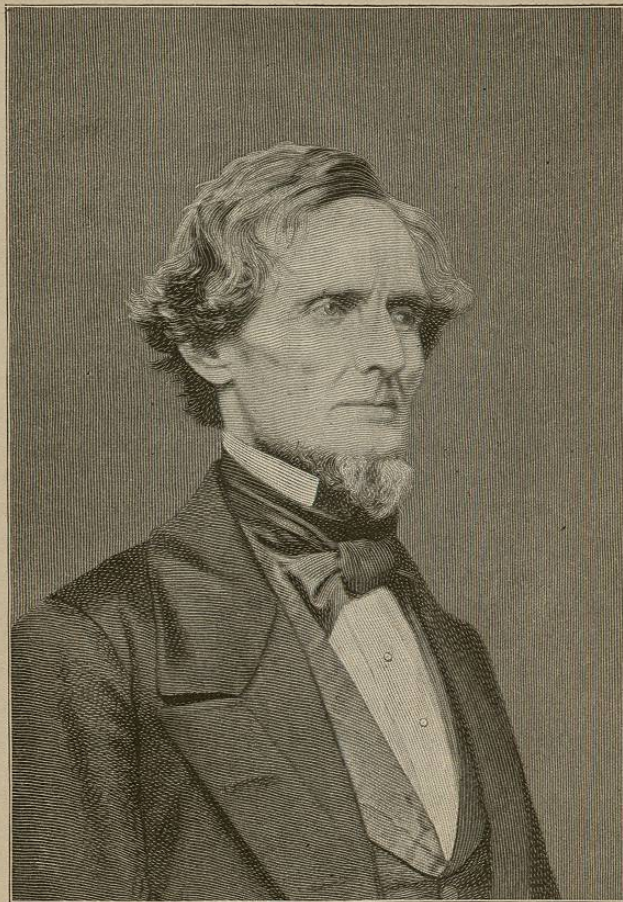
ana, attorney-general; John H. Reagan, of Texas, postmaster-general; C. G. Memminger, of South Carolina, secretary of the treasury; L. P. Walker, of Alabama, secretary of war. He also, in compliance with a resolution passed by the Confederate Congress, appointed A. B. Roman, of Louisiana, M. J. Crawford, of Georgia, and John Forsyth, of Alabama, as commissioners to adjust with the United States all questions of difference between the two governments.

The convention which formed the Confederate Constitution, remaining in session, adopted, on March 11, a permanent Constitution modeled on the Constitution of the United States. This Constitution<sup>1</sup> was submitted to the seceding states and ratified by them. The permanent Confederate government was put into operation February 22, 1862.

**522. The President of the Southern Confederacy.**— Jefferson Davis, the first and only president of the Confederate States, was born in 1808 in Kentucky. His father removed shortly after to Mississippi. After attending Transylvania University, Davis entered West Point, and was graduated in the class of 1828. He served in the army until 1835, when he resigned and settled upon his plantation in Mississippi. In 1845 he was elected to Congress. As Colonel of the 1st Mississippi Rifles he won distinction at Monterey and Buena Vista. He became United States senator from Mississippi in 1847.

<sup>1</sup> Some of its features worthy of note are as follows:—

- (1) The doctrine of state sovereignty was clearly defined.
- (2) Foreign slave trade was forbidden.
- (3) No protective tariff was to be levied.
- (4) Members of the cabinet were given the right to speak in Congress.
- (5) The term of office for president and vice-president was made six years, and they were ineligible for reëlection.
- (6) The president was allowed to veto single items in appropriation bills.
- (7) Any officer of the Confederate government acting solely within a state could be impeached by a vote of two-thirds of both branches of the Legislature of the state.



JEFFERSON DAVIS.

He was secretary of war under Pierce from 1853 to 1857. In 1857 he was again elected senator, and in 1861 he withdrew from the Senate after the secession of Mississippi. He was elected provisional president of the Confederate States for one year, on February 9, 1861, and on November of the same year he was unanimously chosen by the electoral vote of the Confederate States to be president for six years from February 22, 1862. On that date the Confederate government was organized under its permanent Constitution at Richmond, Va., and Mr. Davis was inaugurated. He served the South ably and faithfully until the Confederacy was destroyed. He was captured by Federal troops in Georgia at the close of the war, thrown into a dungeon, and grievously mistreated. He was kept in prison two years under the charge of treason, but the Federal government would never try him on the charge. The foremost jurists of the country advised that no case could be made against him (see § 612). He was at last released on bail, one of his bondsmen being Horace Greeley, the famous Abolitionist editor of the *New York Tribune*. Mr. Davis spent the remaining years of his eventful life chiefly in travel or at his beautiful Mississippi home, "Beauvoir." His death, on December 6, 1889, called forth a deep and spontaneous outpouring of love and sorrow from the people whom he had led so loyally in prosperity and in adversity.

After Calhoun, Mr. Davis was the ablest expounder of the doctrine of state sovereignty that the country has produced. A Christian gentleman, he was tried as few other men in the world's history have been tried. As a soldier, statesman, orator, thinker, and man, he is worthy of all honor.

**Vice-President of the Southern Confederacy.**— Alexander H. Stephens was born in 1812 in Georgia. He was carefully educated, and graduated from the University of Georgia. After teaching for a year he became a lawyer. He served in

the Georgia Legislature, and in 1843 was elected to Congress, and was reelected six times. Stephens believed in secession as a right, but opposed the step as a matter of policy. When Georgia seceded, however, he resigned his seat in Congress, and, joining his fortunes with his state, became vice-president of the Confederacy. He entered United States Congress again in 1877, and served until 1882, when he was elected governor of Georgia. He died in 1883, before the close of his term. In Stephens were joined a slight and delicate physical frame and an intellect of wonderful power. Simple and unaffected in manner, broad and liberal in character, pure in public and private life, he possessed in a remarkable degree the confidence and affection of his people.

**523. End of Buchanan's Administration.** — Buchanan was not the man to deal with the great crisis. He condemned both secession and coercion (§ 513). His cabinet was divided, and several members resigned. Secretary Lewis Cass, of Michigan, withdrew from the cabinet because the president would not reinforce Major Anderson, who commanded the Federal garrison at Fort Moultrie in Charleston Harbor. Secretary John B. Floyd, of Virginia, resigned because Buchanan permitted Anderson to transfer his forces to Fort Sumter, a much stronger position, commanding the entrance to the harbor. The president refused official recognition to the Carolina commissioners sent to arrange for the withdrawal of the Federal garrison from the forts (§ 517), but he received them informally, and led them to believe that their mission would be successful. Then he tried to reinforce Major Anderson by sending secretly a steamer, *Star of the West*, with troops and provisions — an attempt which failed only because the vessel was driven back by Carolina cannon. This act of hostility to the seceded states caused Secretary Jacob Thompson, of Mississippi, to retire from the cabinet. Congress gave the president no aid

(§ 514). Secession was consummated. Sentiment at the North was crystallizing in favor of coercion. Thus Buchanan's administration closed beneath the shadows of the impending conflict.

**524. Summary.** — The decision of the Supreme Court in the Dred Scott case, that no slave could be a citizen, and that the Missouri Compromise was unconstitutional, caused political excitement in the North. A Mormon insurrection was quelled by United States troops. To relieve financial stringency, the low tariff act of 1857 was passed. The debates of Lincoln and Douglas in their canvass for the senatorship of Illinois attracted national attention. The first maps of the winds and currents of the sea were made by M. F. Maury. John Brown's lawless effort to free the slaves caused excitement and apprehension in the South. In the presidential campaign of 1860 the Democratic party split, and there were four candidates in the field. Lincoln, the Republican candidate, was elected. Believing that with the Republican party in power their rights under the Constitution were no longer safe, the Southern states determined to withdraw from the Union. Secession, an historic and legal right of the states. Efforts at compromise proved futile. South Carolina led off in December, followed quickly by Georgia and the five Gulf states. The government of the Confederate States was organized with Jefferson Davis as president and Alexander H. Stephens as vice-president. The seceded states took possession of Federal property in their territory, and were active in organizing the new government. In the North sentiment was divided. Major Anderson, commanding the Federal garrison at Fort Moultrie, transferred his men to Fort Sumter. A steamer bearing reinforcements to Fort Sumter was driven back.

**525. Thought Questions.** — On what occasion did Congress first limit the extension of slavery? Was this before or after the adoption of our present Constitution? Show how the Dred Scott decision affected the extension of slavery. Mention another important decision of the Supreme Court. Give an outline of tariff legislation up to the close of Buchanan's administration. Mention the occasions in our history when the right of secession has been claimed.

## TOPICAL ANALYSIS. (GROWTH OF SECTIONAL ANTAGONISM.)

JACKSON'S ADMINISTRATION. — 1829-37.

433. The New President.
434. Changes in Office. { Jackson's policy.  
Policy of later presidents.
435. The National Bank. { First United States banks.  
Jackson's opposition.  
Removal of deposits.  
Final action of Congress.
436. Tariff Development. { The first tariff.  
Positions of New England and the South.  
Tariff of 1816.  
Change of sentiment.  
Tariff of 1824.  
Tariff of 1828.
437. Nullification. { The Hayne-Webster debate.  
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438. Indian Uprisings. { The Sacs and the Foxes.  
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- 439, 440, 441. The Abolition Crusade. { The pioneers.  
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442. Railways.  
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Two new states.
443. The Whig Party. { Opposition to Jackson.  
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VAN BUREN'S  
ADMINIS-  
TRATION.  
1837-41.

446. The New President.
447. Financial Panic. { Cause.  
Results.
448. The Sub-Treasury. { The president's views.  
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449. Slavery. { The abolitionists.  
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450. Scientific Progress.
453. Harrison's Election and Death.
454. President Tyler: Services and character.
455. The National Bank Controversy. { Repeal of Sub-treasury law.  
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456. The Ashburton Treaty. { Trouble with Great Britain.  
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457. The Tariff Legislation: The Tariff of 1842.
458. The Dorr Rebellion. { Suffrage in Rhode Island.  
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459. The Mormons. { Founder of the sect.  
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460. The Telegraph. { The first experiment.  
Spread of telegraph lines.
461. Texas. { The Texas revolution.  
The Republic of Texas.  
The state of Texas.  
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462. Florida and Iowa admitted.

HARRISON AND TYLER'S ADMINISTRATION. — 1841-45.

- POLK'S ADMINISTRATION.**  
1845-49.  
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- 465. The New President.
  - 466. The Oregon Boundary. { Claims of England and of U. S.  
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  - 467. The Oregon Trail. { First explorations.  
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  - 468. Beginning of the War. { Disputed boundary of Texas.  
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  - 469. Battles in Texas. { Palo Alto.  
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  - 470. Taylor's Invasion of Mexico. { Capture of Monterey.  
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  - 471. Scott's Invasion of Mexico. { Vera Cruz.  
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  - 472. Conquest of California. { The Mexican province.  
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  - 473. New Mexico Taken: Kearney's campaign.
  - 474. Treaty of Peace: New State.
  - 475, 476. Gold in California. { The discovery of gold.  
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- TAYLOR AND FILLMORE'S ADMINISTRATION.**  
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**TAYLOR AND FILLMORE'S ADMINISTRATION.**  
(Continued.)

- 483. The Fugitive-Slave Agitation. { The Fugitive-Slave Law.  
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- 484. Railroad Development. { The Erie Railroad.  
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- 487. The New President.
- 488. The Kansas-Nebraska Bill. { First settlers of the plains.  
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- 489. The Struggle for Kansas. { Emigrant societies.  
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- 490. The Republican Party. { First principles.  
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- 491. Our First World's Fair.
- 492. Treaty with Japan: Gadsden Purchase.

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- 498. Mormon Insurrection.
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- 500. Lincoln-Douglas Debate. { Position of Douglas on Mo. Compromise.  
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- 501. New States.
- 502. Mineral Discoveries. { Gold in Colorado.  
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503. Scientific Progress. { Maps of winds and sea currents.  
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- 511, 512. The Election. { The Abolitionists.  
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513. Buchanan's Message. { Northern nullification.  
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514. Efforts at Compromise. { Crittenden's proposition.  
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- 515, 516. Secession. { Action of Legislature of South Carolina.  
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517. Federal Property. { Action of Seceded states.  
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518. Right of Secession. { Historic view.  
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519. Reasons for Secession. { Violations of Constitution by Northern  
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520. Cause of the War. { The South's desire.  
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- 521, 522. The Confederate States. { Organization.  
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523. End of Buchanan's Administration. { Divisions in the cabinet.  
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