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JEFFERSON DAVIS AND THE SECESSION OF MISSISSIPPI

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JEFFERSON DAVIS
AND THE
SECESSION OF MISSISSIPPI

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PREFACE

In this thesis an attempt has been made to portray an eminent Southern Statesman, Jefferson Davis, and to show how he upheld the principle of "state rights". This question was of utmost importance in the minds of all state and national leaders from 1856 to 1865.

The sacrifices to this doctrine have been pointed out, the greatest being made when Mississippi gave up all the privileges which belong to a state as a member of the United States, and established the Republic of Mississippi in 1861.

This study was entered into because of the writer's interest in Southern History, and with no other motive in mind than to trace chronologically Jefferson Davis' life, his defense of "state rights", and the secession of Mississippi.

Materials used in this investigation were found in the libraries of Oklahoma A. and M. College, the University of Oklahoma, Dr. J. C. Muerman, Stillwater, Oklahoma, Mrs. D. K. Fooshee, Idabel, Oklahoma, and the Department of Archives and History for the State of Mississippi, Jackson, Mississippi. I wish to express my appreciation to the library staffs for their assistance in locating materials.

To Dr. T. H. Reynolds, my major professor, I wish to express my gratitude for the helpful suggestions and expert guidance which he gave throughout this study.

Oklahoma A. and M. College
May, 1937

Josephine Shipp McClendon

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Chapter I

The Life of Jefferson Davis

Jefferson Davis was born on the third of June, 1808, in what was then Christian County, Kentucky. By a subsequent division by the state this county became part of Todd County. Samuel Davis, his father was a native of Georgia, and served in the Revolutionary War. While Jefferson was still an infant his father moved to Wilkinson County, Mississippi.¹

Davis's first schooling was in the usual log-cabin school-house but when he was seven he was placed in a Catholic institution, then known as St. Thomas, in Washington County, Kentucky. Davis spent three years in this school; after which he was sent to a school known as Jefferson College in Adams County, Mississippi. This change in schools was made to satisfy his mother who wished to have her son nearer home and away from the close associations of Catholic teachers. From Jefferson College he went to Lexington, Kentucky where he entered Transylvania College.² While at this college he completed his studies in Greek and Latin and learned a little of the other branches then

¹ Dunbar Rowland, Jefferson Davis Constitutionalist, His Letters Papers and Speeches, 10 v., Jackson, Mississippi, 1923, I, XX.

² Varina Jefferson Davis, Jefferson Davis Ex-President of the Confederate States: A Memoir by his Wife, 2 v., New York, I, pp. 18-27.

offered, such as algebra, surveying, history and Natural Philosophy.

Davis had advanced as far as the senior class in Transylvania College when President Monroe gave him an appointment to a cadetship at West Point, Military Academy. He entered in September, 1824, and graduated in 1828 but without high scholastic honor.³ It seemed that Davis attached little significance to class standing but he was very desirous for the favorable verdict of his classmates. This he received, for his fellow-cadets spoke of his manly bearing, his high-toned and lofty character. His figure was soldier-like and his step as springy as that of an Indian.⁴

Upon graduation Davis received the usual brevet of Second Lieutenant of Infantry, and after a short furlough to visit his people in Mississippi, he reported for duty at Jefferson Barracks, St. Louis. Davis served as an officer of infantry on the Northwest frontier until 1833, when a regiment of dragoons was created to which he was transferred. Here he served until 1835.⁵

Jefferson Davis served in the Army seven years. These years were filled with building forts, perfecting the defense against the approach of hostile Indians, and superintending the building of sawmills. He loved the Army but in 1832 he

³ Ibid., I, pp. 23-54.

⁴ Frank H. Alfried, The Life of Jefferson Davis, Chicago, 1868, p. 21.

⁵ Rowland, op. cit., I, XX.

was ready to resign because of the passage of the Force Bill.

His own words tell us of the event:

By education, by association, and by preference, I was a soldier; then regarding that profession as my vocation for life. Yet, looking the issue squarely in the face, I chose the alternative of abandoning my profession rather than be employed on the subjugation or coercion of a State of the Union, and had fully determined and was prepared to resign my commission immediately on the occurrence of such a contingency. The Compromise of 1833 prevented the threatened calamity, and the sorrowful issue deferred until a day more drear, which forced upon me the determination of the question of State sovereignty or supremacy--of independence at submission to usurpation.⁶

During this period spent in the frontier forest Davis fell in love with Miss Sarah Knox Taylor, the daughter of Colonel Zachary Taylor. Colonel Taylor opposed his daughter marrying an Army man and did not approve of Jefferson Davis, but the opposition did not prevent the marriage. Davis resigned from the Army in 1835 and went to Kentucky, at a place near Louisville, where he and Miss Taylor were married in the home of Colonel Taylor's eldest sister. Present at the wedding were two aunts, Mr. Taylor's sisters, one uncle, Mr. Taylor's brother, and many others of the Taylor family. So there was not an elopement as the popular story leads one to believe.⁷

Lieutenant Davis's Army service had been arduous, and from his first day on the frontier until his last, he had always been a candidate for every duty in which he could be

⁶ Varina Jefferson Davis, op. cit., I, pp. 89-90.

⁷ Rowland, op. cit., I, XX, William E. Dodd in Statesmen of the Old South hints of the elopement story, pp. 178-179.

of use. His conduct had been recognized by the promotion accorded to him by his government.

Jefferson Davis took his young wife to Mississippi and began the life of a planter at "The Brierfield", his inheritance from his father's estate. His elder brother had been taking care of this for Mr. Davis but he had done little to improve it. This plantation was in the swamp lands, so in a few months both Davis and his wife were stricken by malarial fever. Mrs. Davis died September 15, 1835, but Mr. Davis slowly recovered.⁸ Mr. Davis never enjoyed good health after the terrible winter service in the Army of 1828-1830, during which time he was in northern Wisconsin. While he was a planter, a United States senator, and President of the Confederacy, he was never well for any long period.

During the eight years following his wife's death, Mr. Davis rarely left home. Sometimes a year would elapse without his leaving the plantation. His spare moments were spent in reading government and politics.⁹ At the time he did not realize how beneficial this knowledge would be and there is not in the range of American biography, an instance of more thorough preparation, of more intellectual discipline and elaborate education for political life. But the political training of Mr. Davis was different from the American model. It was more similar to the English method, under which the faculties and tastes are first cultivated and the

⁸ Varina Jefferson Davis, op. cit., I, pp. 89-90.

⁹ Ibid., I, p. 171.

mind qualified before practical work is begun.¹⁰

Mr. Davis's political life or practical work began in 1843 when he was chosen one of the presidential electors at large for the State of Mississippi.¹¹ In this canvass Mr. Davis acquired great reputation and established himself in the confidence and admiration of the people of Mississippi. For the ensuing twenty years he was, except for one or two brief intervals, in public life.

In 1845 Mr. Davis was elected to the National Congress, but before he left for Washington he married Miss Varian Ann Howell of Natchez, Mississippi.¹² She was a gifted and charming young woman who proved herself, in every crisis, a worthy companion.

Mr. Davis took his seat as a member of the House of Representatives on Monday, December 8, 1845. The proposition to terminate the joint occupancy of Oregon, and the reformation of the tariff, were the two questions arousing most public attention at that time, and Mr. Davis took an active part in their discussions.¹³ He became prominent by the accuracy of his information, the substantial value of his suggestions, and the dignity of his behavior.

In 1846 the hostilities with Mexico commenced, and in

¹⁰ Alfriend, op. cit., pp. 23-24.

¹¹ James D. Richardson, Messages and Papers of the Confederacy, 2 v., Nashville, 1906, I, p. 18.

¹² Ibid., I, pp. 17-18.

¹³ Rowland, op. cit., I, XX.

the legislation which the contest rendered necessary Mr. Davis' military education enabled him to take a rather prominent part. In June, 1846, a regiment of Mississippi volunteers was organized at Vicksburg and Mr. Davis was elected colonel. When he received notice of the election he resigned from the House of Representatives and went to New Orleans where he joined the regiment which was already on its way to Mexico.¹⁴

The Mississippi regiment was armed entirely with percussion rifles. General Scott, in Washington, tried to induce Colonel Davis not to take more rifles than was necessary for four companies and objected particularly to percussion arms as they had not been sufficiently tested for the use of troops in the field. Colonel Davis had no confidence in the old flintlock muskets, so he insisted on the rifle which had been made at New Haven, Connecticut:--"the Whitney rifle". As these were first used by the Mississippians they have been known as the Mississippi rifles.¹⁵

In the battle of Buena Vista, Colonel Davis received a painful wound.¹⁶ A ball struck his foot and shattered the bone but he refused to leave the field until action was over. In this war Colonel Davis proved himself a true and brave soldier.

¹⁴ Richardson, op. cit., I, p. 18.

¹⁵ Rowland, op. cit., I, XXI.

¹⁶ Edward A. Pollard, Life of Jefferson Davis with a Secret History of the Southern Confederacy, Atlanta, Georgia, 1869, p. 24.

Mr. Davis was mustered out of the service in the summer of 1847.¹⁷ Governor A. G. Brown immediately appointed him to fill a vacancy in the United States Senate occasioned by the death of Senator Jesse Speight. In January, 1848, the Mississippi Legislature unanimously elected Mr. Davis for the remainder of the unexpired term. In 1850 he was elected to the Senate for a full term of six years.¹⁸ A peculiar feature in the public career of Mr. Davis was its steady and consecutive development. He accepted service at the call of his fellow-citizens.

He virtually took leadership of the Democratic side of the Senate in the debates on the Compromise of 1850. His speeches at that period reveal his precise attitude on the question of States Rights and the extension of slavery.¹⁹

When the question was presented to Mississippi as to whether the State should acquiesce in the Compromise legislation of 1850, or whether it should join the other Southern States in a convention to decide as to the best course to pursue in view of the threatened usurpations of the Federal Government, Mr. Davis advocated the convention, with the thought that such co-operation might effectually check the exercise of constructive powers.²⁰

¹⁷ Varina Jefferson Davis, op. cit., I, p. 352.

¹⁸ Jefferson Davis, Rise and Fall of the Confederate Government, 2 v., New York, 1881, I, 18-19.

¹⁹ Congressional Globe, 31st Congress, 1st session, pp. 419-420; 520; 531.

²⁰ Rowland, op. cit., I, XXV-XXVI.

In the canvass for governor of Mississippi in 1850, the candidate of the Democratic party was by his opponents represented to hold the extreme views; that of a disunionist. This was circulated so well that in September when the election occurred the Democratic candidates for a convention were defeated by a large majority. The Democratic candidate seeing failure, withdrew. The election for governor was to occur in November and Mr. Davis was called on to take the place left vacant. It was a forlorn hope and Mr. Davis was not well but as a duty to the party he accepted. When the election was over Mr. Davis was defeated but the majority against the party was reduced to less than one thousand.²¹

After this election Mr. Davis remained engaged in the management of his plantation until the nomination of Franklin Pierce for president. He went out to advocate the election of Mr. Pierce of whom he had formed a very high opinion when he was in the United States Senate in 1837 and 1838.²²

Franklin Pierce called Mr. Davis into his Cabinet, on his accession to the Presidency in 1853. Mr. Davis first refused but while attending the inauguration he was induced by public considerations to accept the office of Secretary of War. Prominent Southern statesmen saw the advantages to their section to have a member in the cabinet and persuaded Mr. Davis to take the place.

²¹ Davis, op. cit., I, p. 20.

²² Rowland, op. cit., I, XXVI.

Throughout the four years of the Pierce administration Mr. Davis was by common consent the ablest member of the Cabinet.²³ Between himself and the President there was an uninterrupted harmony of personal and official intercourse.

Under his control the department of war was greatly advanced. He introduced many improvements. Among them were: the introduction of camels for service on the Western plains--this suggestion was never adopted. He also introduced an improved system of infantry tactics; effected the substitution of iron for wood in gun-carriages; secured rifled muskets and rifles and the use of "Minnie balls"; and advocated the increase of the defences of the sea-coast by heavy guns and the use of large-grain powder.²⁴

After four years as Secretary of War, he again entered the Senate. This was in 1857 and the political outlook was gloomy.²⁵ Threatening storms were lowering everywhere because of the questions of the extension of slavery and secession. By the time the Thirty-sixth Congress opened in 1859 the whole country was greatly excited.

Mr. Davis was appointed one of a Senate Committee of thirteen to examine and report on some adjustment of the controversies which then threatened the dissolution of the Union. This committee was composed of both northern and southern men. They failed to find anything on which all

²³ Alfried, op. cit., p. 89.

²⁴ Davis, op. cit., I, pp. 22-25.

²⁵ Ibid., I, p. 25

the divisions could agree so they never made a report.²⁶

Mr. Lincoln had been elected over a divided household. To the South he represented the enmity of his party and the determination of the North to deny their rights under the Constitution, so they immediately began to secede.²⁷

Mississippi was the second state to secede from the Federal Union. When Mr. Davis was officially informed that Mississippi had passed the ordinance of secession, he took formal leave of the Senate.²⁸ In his farewell address he told for the last time to that august body, the opinions he had so often expressed as to State sovereignty, and as a consequence of it, the right of a State to withdraw its delegated powers.²⁹

Before Mr. Davis reached home he had been appointed by the Convention of Mississippi commander-in-chief of its army, with the rank of Major-General.³⁰ He accepted the place and went to his home in Warren County to prepare for what he thought would be a long, hard struggle.³¹ He was

²⁶ Senate Reports, No. 288, 36th Congress, 2nd Session, Washington, 1861, I, pp. 1-19.

²⁷ Muller and Shaw, Presidential Messages and State Papers, 10 v., New York, 1917, VI, p. 1827.

²⁸ Jefferson Davis, A Short History of the Confederate States of America, New York, 1890, p. 59.

²⁹ Congressional Globe, 36th Congress, 2nd Session, p. 487.

³⁰ Davis, op. cit., I, p. 228.

³¹ Davis, A Short History, op. cit., p. 59.

happy to be in the field, for his genius and interest were military.

Secession acquired impetus as it advanced; before the first of February, 1861, six states had declared themselves no longer part of the Union. Representatives from these states met on February 4, 1861, in a convention held at Montgomery, Alabama, for the purpose of forming a provisional government. This convention drew up a constitution for the Confederacy, which was very similar to that of the United States.³² Officers for the Provisional Government were elected. Mr. Davis was unanimously elected President and Mr. Alexander H. Stephens of Georgia was elected vice-president.³³

Jefferson Davis received this news sadly and fearfully. He neither desired nor expected the position, so with great grief he started for Montgomery. Mr. Davis reached Montgomery February 17, by a special train from Jackson. His trip was one of continual ovation. He made twenty-five speeches enroute to enthusiastic crowds and was welcomed on his arrival at Montgomery by a vast concourse.³⁴

Mr. Davis and Mr. Stephens were inaugurated on February 18, 1861.

³² Ibid., p. 65.

³³ Richardson, op. cit., I, p. 30.

³⁴ Horace Greeley, The American Conflict, 2 v., Hartford, 1865, I, p. 415.

Thus Mr. Davis came to be the commander-in-chief of a country not yet torn loose from the clinging memories of a common glory, and which he would gladly, had it been in his power, have merged in the United States even on the day of his election, could he have offered any guarantee to the Southern people for the exercise of their inalienable rights and the security of their lives and property.³⁵

Mr. Davis organized the government with the aid of a cabinet of only fair ability. In the selection of a cabinet he was relieved from the difficulty which surrounds the President of the United States. There were no "sections" and no "party" distinctions to be satisfied here.³⁶ All interests had been merged in a great desire for Confederate independence. Everything had to be created; there was no army, no navy, no funds, few factories, and a people opposed to heavy taxation. With all these handicaps, Mr. Davis from the first had a working government.

President Davis called the Confederate Congress together April 29, 1861, and in his message to Congress set before them the fact that the President of the United States had called out seventy-five thousand men, who had been given orders to capture the Southern Forts. A blockade had been proclaimed to destroy the Southern commerce.³⁷ This, President Davis declared was in effect a declaration

³⁵ Varina Jefferson Davis, op. cit., II, pp. 46-47.

³⁶ Davis, op. cit., I, pp. 241-242.

³⁷ Richardson, op. cit., I, pp. 71-76. Lincoln's proclamations for troops and blockade are found in James D. Richardson, Messages and Papers of the Presidents, 11 v., Washington D. C., 1909, VI, pp. 13-14.

of war.

On May 20, 1861, the Confederate Congress transferred the seat of the Confederate Government from Montgomery to Richmond, because it was already evident that Virginia would be the battleground of the approaching struggle.³⁸ Upon President Davis's arrival in Richmond he found General Robert E. Lee in command of the Army of Virginia with the rank of Major-General, and thirty thousand troops were in camps of instruction or in duty at different points of the state.

As the States acceded to the Confederacy their troops, arms, and stores were turned over to the Confederate authorities and officers were assigned rank in the Confederate service by a rule, regulated by the rank which they had held in the Federal Army.³⁹

When the Confederate Government was organized at Montgomery, the operation of the provisional government was limited to the period of one year when it was to be superseded by a permanent government. In 1862 no material change in the organization was found necessary, nor was there any change in the personnel of the administration. Mr. Davis and Mr. Stephens had again been chosen unanimously in the election of November. So on February 18, 1862, the first Congress, under the permanent constitution of the Confederate States assembled at the capitol at

³⁸ Davis, op. cit., I, p. 309.

³⁹ Alfriend, op. cit., p. 281.

Richmond. On February 22, President Davis was inaugurated.⁴⁰

During the period of the war, Mr. Davis cared little for society and entertainment. His own words show how seriously he considered his position:

I can do either one duty or the other--give entertainment or administer the Government and I fancy I am expected to perform the latter service in preference.⁴¹

Due to this seclusion and his disposition to be silent his Congress interpreted it to mean contempt, so little by little they became alienated.

President Davis spent much time on the battle-field whenever it was possible and at these times he bitterly regretted his executive office and longed to engage actively in the fight. Often he gave orders which were against the judgement of the officer in charge, but he and General Lee always worked in harmony.⁴²

The year of 1863 opened drearily for the President. With the loss of Kentucky and the larger portion of Tennessee, the Confederacy lost the main source of its meat supply. As other sections were occupied by the North and communications were destroyed, the area of the Confederacy became more and more contracted and its sources of supply more limited. Supplies were abundant in many

⁴⁰ Ibid., p. 345-346.

⁴¹ Varina Jefferson Davis, op. cit., II.

⁴² Alfried, op. cit., pp. 294-325, 390-421.

quarters, but the armies suffered actual want because of the lack of transportation and the remoteness of the supplies from the lines of the railroads.⁴³ President Davis did not lose faith in the South and his faith was transmitted to the army and people until the actual downfall of the Confederacy.

The fatal disaster of Lee's defeat on April 1, reached President Davis while seated in his pew in St. Paul's Church. The news was conveyed to him by a brief note from the War Department. President Davis left the church with his usual calm manner and "measured tread".⁴⁴

The family of Mr. Davis had been sent southward so there was little preparation necessary for his departure. On the night of Sunday, April 2, 1865, Mr. Davis accompanied by his personal staff, members of his cabinet, and attaches of the departments, left Richmond.⁴⁵

Mr. Davis proceeded to Danville and here a semblance of order was established and maintained until April 10, when news was received that the Army of Northern Virginia under General Lee had surrendered.

Mr. Davis and his party left Danville by railroad and went to Greensboro, North Carolina. Here Mr. Davis met Generals Johnston and Beauregard. These two officers told Mr. Davis that they believed it hopeless to continue with

⁴³ Ibid., p. 523.

⁴⁴ Ibid., pp. 619-620.

⁴⁵ Ibid., p. 622.

the war. Mr. Davis with the consent of the cabinet advised them to obtain terms.⁴⁶

Mr. Davis proceeded to Charlotte and remained there nearly a week. The terms reached by Johnston and Sherman were received and submitted to the cabinet. The surrender of Johnston ended the Confederate cause east of the Mississippi.⁴⁷

Mr. Davis started with a few men who volunteered to accompany him for the Trans-Mississippi, where there were men who were still upholding the Southern cause.⁴⁸ He hoped to use this means in obtaining more acceptable terms than had been offered. Mr. Davis had not gone far when he heard that marauders were pursuing his family, whom he had not seen since they left Richmond. He knew that they were enroute to the Florida coast so he changed his direction to go to them. After a long hard ride he found them encamped and threatened by a robbing party. In order that they have the necessary protection Mr. Davis traveled with them to the neighborhood of Irwinville, Georgia. He was preparing to leave his family at this point when he heard that the party of marauders were to attack the camp that night. Mr. Davis thought them to be pillaging deserters from both armies and that he would be able to reason with the Confederate members of the party. So he lay down in his

⁴⁶ Ibid., pp. 623-626.

⁴⁷ Ibid., pp. 627-628.

⁴⁸ Davis, op. cit., II, p. 697.

traveling clothes to await their coming. Late in the night of May 10, 1865, the colored coachman aroused Mr. Davis and told him the troops were in the camp. Mr. Davis stepped out of his wife's tent and saw some horsemen, whom he recognized as Federal calvalrymen. Mrs. Davis begged him to leave at once. It was dark in the tent and Mr. Davis picked up what he thought to be his water-proof overcoat and Mrs. Davis threw a shawl over his shoulders. The coat which was taken so hurriedly happened to be Mrs. Davis's.⁴⁹ Mr. Davis had gone some twenty yards when he was ordered to halt. He was placed under arrest. In the excitement of arresting Mr. Davis several of the other men were allowed to escape.⁵⁰

As the troops proceeded to Macon with their prisoners, news was received of the proclamation of President Johnson which offered a reward of one hundred thousand dollars for the apprehension of Mr. Davis as an accomplice in the assassination of the late President Lincoln.⁵¹ Mr. Davis was taken from point to point until placed in Fortress Monroe.

Mr. Davis was imprisoned in Fortress Monroe for two years before he was allowed the privilege of the writ of habeas corpus. In prison Mr. Davis received all the hu-

⁴⁹ This gave rise to the story of the attempt of Mr. Davis to escape in women's clothing but even Pollard disregards this version. Pollard, op. cit., p. 523.

⁵⁰ Davis, op. cit., II, pp. 701-703.

⁵¹ Richardson, Messages and Papers of the Presidents, VI, pp. 307-308.

miliations that the prison keeper could think to inflict. His cell was damp and dirty. The marching of the sentinals twenty-four hours a day was trying on his nerves. At times he was chained with heavy chains that did not allow free movement. The food was uneatable, so his health, which was never good, was broken when he was finally released. His own description shows some of the torture to which he was subjected:

My daily experience as a prisoner only served to increase my extreme solicitude. Bitter tears have been shed by the gently, and stern reproaches have been made by the magnanimous, on account of the heavy fetters riveted upon me while in a stone casement and surrounded by a strong guard; but these were less exoruciating than the mental agony my captors were able to inflict. It was long before I was permitted to hear from my wife and children, and this, and things like this was power which education added to savage cruelty.⁵²

On May 6, 1866, Mr. Davis was indicted for treason in the United States Court for the District of Virginia.⁵³ He insisted on a prompt and speedy trial but the government postponed the trial and held him without bail until May, 1867. At this time he was brought before the court at Richmond upon a writ of habeas corpus. Bail was granted and his bond was fixed at one hundred thousand dollars. The court demended that some of his accusers go on his bond so Horace Greeley and Gerritt Smith, the distinguished abolitionists, were among the signers of his bond.⁵⁴

52 Davis, A Short History, op. cit., pp. 498-499.

53 Dunbar, op. cit., VII, p. 140.

54 Ibid., VII, pp. 169-175.

Mr. Davis left Fortress Monroe May 4, 1867 for Richmond; reprieved but not freed. Here he received an enthusiastic reception. The interval between his release and his reappearance before the Federal court, at Richmond the next November was passed in Canada. At the November term of the Federal court he was present for trial but was again released and told to appear on the twenty-fifth of March, 1868.⁵⁵

Mr. Davis and his family went to England, where Mr. Davis hoped to regain his health and try to find a means by which he could support his family. In the course of the autumn Mr. Davis was offered the presidency of the life insurance company. Something else would have been preferable but his needs rendered him unable to be a chooser, so he sailed for America. Mr. Davis went to Memphis and took charge of the company but its success was of short duration, so Mr. Davis returned to the Gulf Coast of Mississippi.⁵⁶

Here, midway between Mobile and New Orleans, at "Beauvior" Mr. Davis settled. He bought part of the estate from Mrs. Dorsey, who was an old friend, and at her death she willed the remainder of Beauvior to him.⁵⁷

The case of Mr. Davis was finally heard by Chief Justice Chase and District Judge Underwood, who were divided in opinion. This sent the case to the Supreme Court of the

⁵⁵ Alfriend, op. cit., pp. 643-644.

⁵⁶ Dunbar, op. cit., I, XXX.

⁵⁷ Richardson, op. cit., I, p. 24.

United States. Here the proceedings were quashed so Mr. Davis did not have the opportunity to vindicate himself before the highest Federal Court.⁵⁸

The last years of Mr. Davis's life were devoted to writing. He wrote "The Rise and Fall of the Confederate Government" which was published in 1881. At his death he had ready for publication "A Short History of the Confederate States of America", and much work done on his autobiography which was latter used by his wife in her Memoir.

The death of Mr. Davis occurred at New Orleans about one o'clock in the morning of December 6, 1869. He awoke from a sound, quiet sleep with a congestive chill and in about three hours his brave, true heart had ceased to beat.⁵⁹

The funeral ceremonies were worthy of the illustrious character of the deceased statesman. Public meetings were held in many cities and towns of the South to give expression to their sorrow. The flags of the State Capitols were placed at half-mast. Mr. Davis was buried temporarily in New Orleans and later his remains were removed to Richmond, the Capitol of the Confederacy.

It was appropriate that his remains should rest at last in Richmond, the city where his labors for four years maintained an unequal struggle for a permanent place among the nations of the world.

⁵⁸ Varina Jefferson Davis, op. cit., II, pp. 790-794.

⁵⁹ Ibid., II, pp. 931, 932.

Chapter II

Jefferson Davis and the Theory of State Rights

The political theory on which the Southern states, in 1860, and 1861 based their right to withdraw from the Union was not the sudden creation of any one man or state. Its origin may be traced in the desire of the early frontiersmen for independent action. They directed their struggle against the Parliament and the king and it ultimately led to separation and independence. So it is in these efforts that we get the very beginning of the theory of "state rights".

While the Articles of Confederation were the bases of government there were many threats of secession and the adoption of the Constitution in 1789 did not stop nullification and secession ideas. Alexander Hamilton spoke to Thomas Jefferson of the dangers of a separation of states when the bill providing for the assumption of state debts was in Congress.¹ Then upon the arrival of the Jay Treaty with England, feeling ran very high. The Federalists favored the treaty and it was passed by the Senate, by a strictly party vote, after long debates and hints of secession by the Federalist, if it were not adopted.²

The first state action defending the theory of state

¹ John B. McMaster, A History of the People of the United States, New York, 1928, 8 v., I, p. 582.

² Ibid., II, p. 215.

rights was taken by Kentucky in 1798 when the legislature of that state issued the Kentucky Resolutions. These resolutions were protests against the Alien and Sedition laws. They set forth the theory that the government was founded on a compact between the states, by which certain specified powers were delegated to the central government and all others were reserved to the states, that

the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well as infractions as of mode and measure of redress.³

Thomas Jefferson was the author of these resolutions⁴ and was for a long period the recognized leader of the state rights group.

The Federalist party denounced the "Resolutions" and insisted that differences arising between a state and the National Government should be settled by the National Courts. But with the annexation of Louisiana they became the strict constructionists of the constitution because they suspected the Republican leaders of trying to perpetuate their hold on the government.⁵ In 1809 they pronounced the "Embargo" unconstitutional and again threats of

³ Nile's Weekly Register, H. Niles ed., Baltimore, 1814-1850, XLIII, supplement p. 5.

⁴ Thomas Jefferson, The Writings of Thomas Jefferson Washington, D. C., 20 v., II, XXIX.

⁵ American Historical Association Papers, New York, 1885, 5 v., I, p. 267.

secession were heard. During the War of 1812 feeling ran so high that the Hartford Convention was held. This convention, held in December 1814, adopted a philosophy similar to that of the Kentucky Resolutions. They stated:

that acts of congress in violation of the constitution are absolutely void and in cases of deliberate, dangerous, and palpable infractions of the constitution, affecting the sovereignty of a state and the liberties of the people it is not only the right but the duty of such a state to interpose its authority for their protection, in the manner best calculated to secure that end.⁶

The war soon ended and peace removed many of the grievances and hard feelings.

The right of secession or nullification had never been seriously considered by any party so long as the Union was happy and prosperous. But when the great leaders regarded their section as grievously oppressed they began deliberately to assert the right of secession.

Until 1832 nullification rather than secession had been advocated but the passage of the tariff bill of 1832 aroused an opposition in the Southern states which threatened forcible resistance and possible secession. South Carolina, led by John C. Calhoun made the strongest opposition. Calhoun went further than Thomas Jefferson in his theory. He claimed that the rights of the states grew out of the fact, that the constitution establishing the Federal government, was adopted by states which were and remained sovereign; that each state had the right, in virtue of its

⁶ J. E. Elliott, The History of the Hartford Conventions, Boston, 1882, p. 124.

undiminished sovereignty, to nullify the act, to resist its enforcement and even to repeal its ratification of the compact and withdraw from the Union.⁷ Although the idea of state sovereignty did not originate with Calhoun he elaborated it more thoroughly than any one else had done.

Many other incidents called forth threats of secession from both the North and the South as the annexation of Texas, the struggle for Kansas, and the John Brown raid. These point out the drifting apart of the two sections in their theories as to the nature of government. The belief in state rights became more and more general in the South and with the passing of Calhoun, Jefferson Davis became the leader of the state rights group.⁸

From the beginning of his career, Jefferson Davis accepted the political theories of the state rights party. It is not known when this conviction was embraced or why they have no actual proof. It seems that this philosophy was instilled in him while he was in school at West Point and that his public life was always closely identified with these theories.

Mr. Davis's first public stand on the principle of State Rights was made in 1832 when the tariff acts incited South Carolina to issue her nullification ordinance. At this time he was serving in the army on the northwestern frontier. When the proclamation of President Jackson pre-

⁷ Congressional Debates, Washington, D. C., 1853, 14 v., IX, part I, pp. 187-192.

⁸ Varina Jefferson Davis, op. cit., I, p. 426.

sented the possibility that the troops of the United States would be employed to enforce the execution of the laws in that state⁹ and Mr. Davis' detachment might be sent; Davis himself, was ready to resign. The compromise measures of 1833 prevented the threatened calamity.

During the eight years spent on the plantation the "Brierfield" he prepared for the leadership of the state rights group by studying politics and government. He considered the constitution a sacred compact, by which a number of sovereign states agreed to hold their possessions in common under strict limitation; and that, as in any other partnership or business agreement it was not to be evaded without the sacrifice of honor and good faith. He abhorred centralization, believed that a republic could be permanent and successful only when the widest community independence was secured.¹⁰ These were the views which he took to the National House of Representatives when he was elected to that body in 1845 to represent the state of Mississippi.

Mr. Davis resigned from Congress to take part in the Mexican War and while he was still in New Orleans President Polk offered him a commission as Brigadier-General of the Volunteers. He unhesitatingly declined on the ground that no such commission could be conferred by Federal authority.

⁹ Richardson, Messages and Papers of the Presidents, op. cit., II, pp. 640-656.

¹⁰ Varina Jefferson Davis, op. cit., I, pp. 172-174.

He said that he thought volunteer troops raised in a state should be officered by men appointed by state authority.¹¹

Even for the gratification of his own ambition, he would not sacrifice his principle of state rights. This was his first sacrifice to the growing Southern doctrine.

The compromise of 1850 averted for the time the dangers of disunion and civil war but it was opposed with decision by Mr. Davis and his associates in the state rights group. In his speech of July 31, to the Senate on the compromise measures he said:

Give to each section of the Union justice; give to every citizen of the United States his rights as guaranteed by the constitution; leave the Confederacy to rest upon that basis from which it arose—the fraternal feelings of the people—and I, for one, have no fear of its perpetuity; none that it will not survive beyond the limits of human speculation, expanding and hardening with the lapse of time, to extend its blessings to ages unnumbered, and a people innumerable; to include within its empire all the useful products of the earth, and exemplify the capacity of a confederacy, with general, well-defined powers, to extend illimitably without impairing its harmony or its strength.¹²

Although the bill passed, it was made the pretext for the most hostile denunciations of the South from the press, platforms, and pulpits of the North, where all guise of friendship was thrown away, and constitutional obligations and respect for law were derided.

In 1852 at the Democratic State Convention held at Jackson, Mississippi on January 8, Mr. Davis again asserted

¹¹ Dunbar, op. cit., I, pp. 86-87.

¹² Ibid., I, p. 287.

his principle of state rights. He said that the right of a State under any contingency to resume the grants made by her as a sovereign party to the federal compact had been denied by men who claimed to be friends of the Union. He also asserted that a reserved right of the state, (and all rights are reserved which have not been granted or delegated to the National Government by the constitution), can be surrendered only by the people of the state.¹³ He believed that the signs of the times portended danger to the South, and he counselled that Mississippi should take part in the proposed meeting of the Southern States to consider what should be done to insure their future safety from the usurpation, by the Federal government, of undelegated powers. He frankly stated his conviction that unless some action were taken, the sectional policy would engender greater evils in the future.¹⁴ He asserted the right of secession as the last resort was an original, inherent, and vital attribute of state sovereignty.¹⁵

On October 11, 1858 Mr. Davis delivered his celebrated speech before the Democrats of Boston, Massachusetts, in which he reaffirmed the doctrine of state sovereignty.¹⁶ This speech brought the highest praise throughout the South and created a furor throughout the Nation, for, at

¹³ Ibid., II, pp. 117-125.

¹⁴ Davis, A Short History, op. cit., p. 24.

¹⁵ Dunbar, op. cit., III, pp. 117-125.

¹⁶ Ibid., III, pp. 315-332.

this time, feeling over sectional differences was running high.

In the thirty-sixth Congress of 1859, Mr. Davis submitted to the Senate a series of resolutions, to be voted upon severally. By this method he hoped to find the opinion of the Senate on what he thought was guaranteed the state by the constitution.¹⁷ There were six resolutions of which the two most important were:

- I. Resolved, That in the adoption of the Federal Constitution, the states adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each, against domestic as well as foreign, and that any intermeddling by one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext, whether political, moral or religious, with the view to their disturbance or subversion, is in violation of the constitution, insulting to the states so interfered with, endangers their domestic peace and tranquility--objects for which the Constitution was formed--and by necessary consequence, serves to weaken and destroy the Union itself.

- III. Resolved, That the union of these States rest on the equality of rights and privileges among its members, and that it is especially the duty of the Senate, which the States in their sovereign capacity, to resist all attempts to discriminate either in relation to person or property, so as, in the Territories--which are the common possession of the United States--to give advantage to the citizens of one State which are not equally secured to those of every other State.¹⁸

These resolutions were amended and adopted by the Senate, but they were too late to satisfy the rising tide of

¹⁷ Congressional Globe, 36th Cong., 1st sess., pp. 658-659.

¹⁸ Ibid., p. 658.

sectional feeling.

On May 7, 1860, Mr. Davis pointed out to the senate that one of the errors which prevailed in the United States was the theory that the government was not one of the people. He said that the government of the United States formed by a mass was a compact between the sovereign members who formed it; that all members had the right to do as they pleased in their domestic affairs. When the constitution was formed, the delegates were not elected by the people en-masse, but that they came from each one of the States. When the constitution was formed it was referred not to the people en-masse, but to the States severally, and was ratified severally. That in forming and adopting the Constitution, the States, or the people of the States, formed a new Government but no new people; consequently, no new sovereignty was created, for sovereignty, in an American republic can belong only to a people, never to a Government. Therefore, the Federal Government is entitled to exercise only the powers delegated to it by the people of the several States.¹⁹

Mr. Davis held that the term "People" in the preamble to the Constitution and in the tenth Amendment, is used distributively; that only "People of the United States" known to the Constitution are the people of each State in the Union; that no such political community or corporate unit as one people of the United States then existed, has

¹⁹ Ibid., pp. 1937-1940.

ever been organized, or yet exists; and that no political community or corporate unit as one people of the United States in the aggregate has ever taken place, or ever can take place under the Constitution; that political sovereignty, in contradistinction to the natural rights of man, resides neither in the individual citizen, nor in unorganized masses, nor in fractional subdivisions of a community, but in the people of an organized political body.²⁰

In the light of the principles on which the Constitution was founded, there can be no doubt that the primary and paramount allegiance of the citizen is due to the sovereign only; that this sovereign, is the people of the State to which he belongs; the people who created the State Government which he obeys and which protects him in the enjoyment of his personal rights; the people alone, as far as he is concerned, ordained and established the Federal Constitution and Federal Government; and have reserved to themselves sovereignty, which involves the power to revoke all agencies created by them. If "sovereign" abolishes the State Government and establishes a new one, the obligation of allegiance requires the people of that state to transfer their obedience accordingly.²¹

Mr. Davis was always prepared to follow the principle of State Rights to their logical consequences, that of withdrawal from the Union. This is clearly seen from his

²⁰ Davis, A Short History, op. cit., pp. 48-49.

²¹ Ibid., pp. 50-51.

speech made before the Senate on January 21, 1861, in which he concurred with the action of the people of Mississippi in secession. He said that he believed Mississippi had a justifiable cause and in secession they hoped to preserve for themselves, and to transmit to their posterity, the freedom they had received from their ancestors.²²

Mr. Davis was a true and loyal son to his State, acknowledging no other allegiance, ready to defend her honor, maintain her rights, and share her fate. Until the dissolution of the Union, he was an earnest and consistent member of the state rights group. He was an ardent disciple of their doctrine. He was the champion of the South, her civilization, her rights, and her dignity.

²² Congressional Globe, 36th Cong., 2nd sess., p. 487.

Chapter III

The Secession of Mississippi

Mississippi, as late as 1800, was still a wilderness that Spain had but recently renounced to the United States.¹ In 1832 the state was fifteen years old and even as a territory its history went back only thirty-five years. There was not one man of middle life who had been born either in the state or the territory of Mississippi. Therefore, the new state had a cosmopolitan flavor. The virtues of such a community are optimism and flexibility. The population was overwhelmingly southern.² From Georgia, round a great crescent embracing all the seaboard, streams of migration had come into Mississippi. Therefore, the new community was a composite picture of the whole South. There were the country life, the broad acres, generous hospitality, and an aristocratic system.

With this background, a convention was held at Jackson in 1833. To the citizens of Mississippi the tariff of 1832 was unjust and unequal to the South, so they met for the purpose of endorsing the course of South Carolina in regard to nullification.³ At this convention much was said on the subject of "resistance" but

¹ Dunbar Rowland, Mississippi, The Heart of the South,
² v., Jackson, Mississippi, 1925, I, pp. 323-326.

² Ibid., I, p. 472.

³ Davis, A Short History, op. cit., p. 45.

no official action was taken.⁴

In 1834 the pendulum swung to the other extreme. Nullification and secession were repudiated by the people of Mississippi in their primary election, a state convention, and by their legislature.⁵ The legislature passed a joint resolution declaring that it would sustain the President of the United States with heart and hand in full exercise of his legitimate powers to restore peace and harmony to the distracted country, and to maintain unsullied and unimpaired the honor, the independence, and the integrity of the Union.⁶

It was not until a decade before the Civil War that secession in Mississippi was anything more than an abstract question. The initial movement which resulted in an attempted withdrawal from the Union began in May 1849, when an informal meeting of prominent citizens was held in Jackson to protest against the policy of Congress in regard to excluding slavery from the territories which belonged to the United States as a whole.⁷

The men at this meeting issued a call to the people of the several counties to elect delegates to a State Con-

⁴ James Wilford Garner, The First Struggle Over Secession in Mississippi, publication of the Mississippi Historical Society, vol. iv, pp. 89-90.

⁵ Ibid., p. 90.

⁶ Congressional Globe, 32nd Congress, 1st Session, Appendix p. 285 gives the resolutions passed by the legislature of Mississippi.

⁷ Garner, op. cit., p. 90.

vention. The purpose of this convention was to consider the threatening relations between the North and the South and the subject of Federal aggression on state rights.⁸

The convention convened at Jackson in October and was presided over by William L. Sharkey. Mr. Sharkey was a Whig in politics and a man of decided Union proclivities, but he was strongly opposed to the policy of Congress in excluding slavery from the territories.⁹ This is believed to have been the first general meeting of the people of the State of Mississippi in opposition to the measures of Congress on the slavery question.

This convention adopted resolutions condemning the policy of Congress and issued an address to the people which recommended a popular convention to be held at Nashville, Tennessee, in the following June with the hope of arresting the course of Federal aggression.¹⁰ Should this convention fail to secure the proper redress, it was suggested as a possible ultimate resort, that the legislatures of all the injured States call more solemn conventions. That the delegates to these be elected by the people to deliberate, speak, and act with all the sovereign power of the people. From these conventions there might result a convention of all the grieved States to provide for their separate welfare a compact of union which would afford protection to

⁸ Alfriend, op. cit., p. 237.

⁹ Garner, op. cit., IV, p. 91.

¹⁰ Congressional Globe, 32nd Congress, 1st Session, Appendix p. 169.

their liberties and rights.¹¹ This was the first open advocacy of secession by a regularly constituted State convention and it was the first to propose distinctly the idea of a Southern Confederacy.¹² But this convention was for secession or separation from the Federal Union only as a last resort.

It was easy to trace the work of John C. Calhoun in this movement. A copy of the proceedings of the May convention was sent to him with the request that he advise the people of Mississippi as to the proper course for the October convention to pursue. Mr. Calhoun replied on July 9th, giving his opinion that the only hope of the slave States was a Southern convention which ought not to be delayed beyond another year. He advised that a central committee be organized for the State at large and also one in each county; that firm resolutions be adopted by the meetings which were to be held before the meeting of the legislature in the fall. He further stated that the great object of a Southern convention should be to put forth in a solemn manner the causes of the grievances of the South in an address to the other States, and to admonish them as to the consequences which might follow if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who are desirous to save the Union and the

¹¹ Ibid., p. 63.

¹² Pollard, op. cit., p. 87.

Southern institutions and who, in the alternative of submission or dissolution, should it be forced that far, would prefer the latter. He said that no State was more justified to take the lead than Mississippi for it is destined to be the greatest sufferer if the abolitionists should succeed.¹³

Mr. Calhoun's suggestions were scrupulously followed so the Mississippi October convention recommended that all the slave States meet at Nashville on June 3, 1850. Only nine States were represented at this Convention, and those not by their full delegations, so it was evident that the South was by no means a unit as to its support of the Southern movement.¹⁴

As head of the Mississippi delegation and presiding officer of the convention, Chief Justice Sharkey was the most prominent member of the conference. He sought to make the preservation of the Union the keynote of the convention and to incline its members to moderation,¹⁵ but the convention passed resolutions recognizing the right of secession whenever it might seem proper and necessary. It also recommended that the South refuse to take part in any National Convention for the nomination of a president until

¹³ Congressional Globe, 32nd Congress, 1st Session, Appendix p. 52 contains a copy of the letter of Calhoun's which was written to C. S. Farpley of Mississippi.

¹⁴ Cleo Hearon, Mississippi and the Compromise of 1850, Publication of the Mississippi Historical Society, XIV, pp. 123-124.

¹⁵ Garner, op. cit., IV, p. 92.

the rights of the Southern people were guaranteed; that all social, commercial, and political intercourse with the North be suspended until the grievances of the South were redressed; that every community appoint a vigilance committee to watch out for incendiary publications, that Southern literature be encouraged, and travel in the North discouraged.¹⁶

The enactment of the Compromise measures of 1850 gave an impetus to the secession movement in Mississippi for the moment but in the end Mississippi declared that while they did not entirely approve the Compromise of 1850, they would abide by it as a permanent adjustment so long as all its features should be faithfully adhered to and enforced.¹⁷

The secession movement seemed to be dead, but for the next ten years many events occurred to reduce the strength of the Union supporters in the South. The infractions of the fugitive slave law, the Kansas struggle, the publication of "Uncle Tom's Cabin", the John Brown raid, and the election of Lincoln, intensified the feeling of hostility toward the North.

In 1856 the talk of secession again became strong. The disruption of the National Democratic Convention was the direful precursor of the Civil War.¹⁸ After Mr. Lincoln's

¹⁶ Congressional Globe, 32nd Congress, 1st Session, Appendix p. 337.

¹⁷ Garner, op. cit., IV, pp. 93 and 94.

¹⁸ Davis, A Short History, op. cit., p. 40.

election by a purely sectional vote on a platform of principles that distinctly foreshadowed the hostile and unconstitutional policy the abolitionists intended to pursue towards the South and its "peculiar" institution, all hope of the preservation of the Union without bloodshed perished and it was almost universally recognized that the fateful hour had come.¹⁹

John Brown's raid into Virginia had alarmed and shocked the entire white population of the South. Southern detestation and horror of that robber, murderer, and insurrectionist was enlarged by Mr. Lincoln voicing the sentiments of the radicals when he said that this Union cannot remain half free and half slave.²⁰

The Democratic party of the State, representing an overwhelming majority of the people, said Governor McWillie in his message to the legislature on November 16, 1859, had adopted the following resolutions:

Resolved, That in the event of the election of a "Black Republican candidate to the presidency by the suffrages of one portion of the Union only, to rule over the whole United States upon the avowed purpose of that organization, Mississippi will regard it as a declaration of hostility and will hold herself in readiness to cooperate with her sister States of the South in whatever they may deem necessary for the maintenance of their rights as co-equal members of the Confederacy.²¹

¹⁹ Thomas H. Woods, Secession Convention of 1861, Mississippi Historical Society Publication, VI, p. 92.

²⁰ Abraham Lincoln, Abraham Lincoln's Complete Works, 5 v., Washington D. C., 1904, I, p. 231.

²¹ A. Evans Clement, Editor, Confederate Military History, 12 v., Atlanta, 1899, VII, p. 6.

In view of these facts the Legislature of Mississippi was convened in extraordinary session by Governor Pettus. He said in his message that he had assembled them for the purpose of taking into consideration the greatest and most solemn question that had ever engaged the attention of any legislative body on this continent, and expressed the opinion that the Northern States had disregarded and overridden the Constitution of the United States in the matter of slavery.²² The legislature, after citing in a preamble their reasons for so doing, adopted a resolution which provided for a proper remedy for their injuries, that of secession.²³ A bill was passed which provided for a convention of the people of Mississippi. An election was to be held according to law, in each precinct of every county in the State, sixty in number, for delegates to the convention. Just as in case of an election for representatives to the legislature, each county was entitled to the same number of delegates in the convention as it had in the legislature, including the representation of any city or town. The election was to be held on December 20, 1860. The legislature submitted the question to the people and adjourned, sine die.²⁴ The question whether the State should secede was debated before the people in every county of the State. Some of the most able and distinguished

²² Rowland, Mississippi, op. cit., I, p. 773.

²³ Confederate Military History, VII, p. 7.

²⁴ Ibid., p. 8.

citizens upheld the negative side of the issue.

Under the provisions of the bill the sovereign people of the State were convoked in a convention. An election for delegates to the convention was held and resulted in favor of secession delegates by a popular majority of less than eighteen thousand.²⁵ So the question had been decided by the people at the polls. The hour had struck; the crisis of which Jefferson Davis had warned them in the summer of 1860 had arrived. The election showed a small minority was for clinging to the Union and fighting the battle for their rights under the Constitution; some favored the final step of severing the State's relation to the Union only with cooperation of other slave holding States first secured; but the great majority believed the time for immediate and decisive action was at hand and that the way to security was in separate, independent, State action.²⁶

Governor Pettus appointed commissioners to visit the other Southern States to inform them of the action taken by the Mississippi legislature and expressed hope that they would cooperate with her in the adoption of efficient measures for their common defense and safety. Mississippi was visited by like commissioners from the other Southern States.²⁷

A caucus preceded the meeting of the Mississippi con-

²⁵ Ibid., p. 8.

²⁶ Woods, op. cit., VI, p. 93.

²⁷ Rowland, Mississippi, op. cit., I, p. 777.

vention, at which its work was outlined according to a plan largely formulated by Mr. L. Q. C. Lamar.²⁸ The delegates were truly representative of the highest and best in the Old Whig and Democratic parties. From the Whig rank came J. L. Alcorn, J. Shall Yerger, Walker Brocke, T. A. Marshall, George R. Clayton, Francis M. Rogers, J. Winchester, H. W. Walter, Charles D. Fontaine, and many others not so widely known. These men had been chosen by the people without regard to former party affiliation. From the Democratic rank came William S. Barry, L. Q. C. Lamar, Wiley P. Harris, Henry T. Ellett, A. M. Clayton, D. C. Glenn, Samuel J. Gholson, J. Z. George, J. W. Clapp, and J. A. Orr.²⁹ Nearly one-half of the delegates were not over forty years of age, and a single member had passed sixty.³⁰

On the date which had been designated, January 7, 1861, the convention was called to order by Samuel J. Gholson, an able Kentuckian and lawyer of Mississippi, a leading citizen of thirty years standing who had served several terms in Congress and who had been an honored incumbent of the federal bench in Mississippi for twenty-one years. He was intimately associated with Jefferson Davis, personally, politically, and officially.³¹

Henry T. Ellett was called to the chair. He was an

²⁸ Ibid., I, pp. 777-778.

²⁹ Woods, op. cit., VI, p. 94.

³⁰ Ibid., VI, p. 94.

³¹ Rowland, Mississippi, op. cit., I, p. 778.

eminent lawyer of Claiborne County, had served out the unexpired congressional term of Jefferson Davis which ended March 3, 1847, had been associated with Judge Sharkey in compiling the code of 1857, and had been a leader in the State senate for a number of years.³²

William S. Barry, a well educated lawyer and a prosperous planter of Columbus, was elected permanent chairman of the convention. He had served in congress and a number of years in the legislature, of which he had been the speaker of the house. James L. Alcorn, Mr. Barry's chief competitor for the permanent chairmanship, was one of the prominent Whigs of the State. He was beaten by Mr. Lamar for congress in the famous campaign of 1857. In the convention proceedings he was one of the most earnest opponents of secession.³³

The convention was largely controlled by its lawyer members. Judge Wiley P. Harris, who was the recognized and unchallenged leader of the bar of Mississippi, was very influential in the assembly. Besides Judge Harris and the lawyers mentioned above, there were Lamar, George, Brooke, Marshall, Yerger, the two Claytons, Glenn, Clapp, and Ellett. All of these men were excellent in their professions.³⁴

The planters of the State were represented by Miles

³² Ibid., I, p. 778.

³³ Ibid., VII, p. 778.

³⁴ Woods, op. cit., VI, p. 94.

and Edward McGeehee, W. L. Keirn, Henry Vaughan, A. K. Farrar, Edward P. Jones, Dr. Alfred C. Holt, John B. Fizer and many others of prominence. Besides the lawyers and planters, the convention had men of mark in various callings and professions.³⁵

When the convention assembled (January 7) ninety-eight delegates answered to their names and the next day the whole hundred were present.³⁶

No time was lost, the convention at once took up the vital question of secession. The first day, on the motion of Mr. Lamar, a committee of fifteen was appointed by President Barry and were given instructions to prepare and report as speedily as possible an ordinance providing for the withdrawal of the State of Mississippi from the present Federal Union, with the view of the establishment of a new Confederacy to be composed of the seceding States.³⁷

On the following day, January 8th, the committee was announced to consist of: L. Q. C. Lamar of Lafayette, George R. Clayton of Lowndes, Wiley P. Harris of Hinds, S. J. Grolson of Monroe, J. D. Aicorn of Coahoma, Henry T. Ellett of Claiborne, Walker Brooke of Warren, Hugh P. Miller of Pontotoc, A. M. Clayton of Marshall, Alfred C. Holt of Wilkinson, J. Z. George of Carroll, E. H. Sanders of Attala, Benjiman King of Copiah, Orlando Davis of Tippah, John A.

³⁵ Ibid., VI, p. 95.

³⁶ Ibid., VI, p. 96.

³⁷ Woods, op. cit., VI, p. 97.

Blair of Tishomingo.³⁸

On the following day, January 8th, the convention went into secret session to consider the ordinance which was ready to be reported. Late in the afternoon it was decided to meet in open session on the following day to receive the ordinance.³⁹

On the third day of the meeting, January 9th, L. Q. C. Lamar as chairman of the committee of fifteen, reported to the convention the following:

An Ordinance--To dissolve the Union between the State of Mississippi and other States united with her under the compact entitled 'The constitution of the United States of America.'

The people of Mississippi, in convention assembled, do ordain and declare, and it is hereby ordained and declared, as follows, to wit:

Section I. That all laws and ordinances by which the said State of Mississippi became a member of the Federal Union of the United States of America, be and are hereby, repealed, and that all obligations on the part of said State, or the people thereof, to observe the same be withdrawn; and that the said State doth hereby resume all the rights, functions and powers which by any said laws or ordinances were conveyed to the said Federal Union, and shall henceforth be a free, sovereign and independent State.⁴⁰

No record of the debates on the report of the committee are in existence as they were had in secret session and were not taken down.

Judge William Yerger, who had sat with honor on the High Court of Errors and Appeals, was a Whig anti-seces-

³⁸ Ibid., VI, pp. 97-98.

³⁹ Confederate Military History, VII, p. 10.

⁴⁰ Convention Journal, Jackson, Mississippi, 1861, p. 16.

sionists. He, therefore, offered a substitute for Mr. Lamar's measure which was entitled, "An Ordinance providing for the final adjustment of all difficulties between the free and slave States of the United States, by securing further guarantees within the present Union". The substitute was promptly rejected by a vote of seventy-eight to twenty-one.⁴¹

James L. Alcorn then offered an amendment that the proposed ordinance should not go into effect until Alabama, Georgia, Florida, and Louisiana had resolved to secede from the Federal Union and resume their sovereignty and independence but it too was rejected.⁴²

Walker Brooke then offered an amendment to Mr. Lamar's ordinance which provided that the Ordinance of Secession should not go into effect until ratified by the voters at an election to be held for that purpose on the first Monday in February. This amendment was lost by a vote of seventy to twenty-nine.⁴³

The Mississippi convention, as a body, was prepared to second the advice of Governor Pettus regarding the South Carolina ordinance, that it should go into effect immediately.⁴⁴

⁴¹ Ibid., p. 20.

⁴² Ibid., p. 23.

⁴³ Ibid., p. 31.

⁴⁴ James W. Garner, Reconstruction in Mississippi, New York, 1901, p. 6.

All compromise having been rejected, no further effort to defeat the measure was made. The Lamar ordinance was adopted on January 9, 1861, by a vote of eighty-four to fifteen.⁴⁵ When the overwhelming sentiment of the convention became evident, several of the Whigs voted "aye". The most notable examples of this change were afforded by Alcorn and Brooke. In explanation of his final vote, Alcorn said:

The die is cast--the Rubicon is crossed--and I enlist myself with the army that marches on Rome. I vote for the ordinance.⁴⁶

Mr. Brooke said:

I have failed. Should I vote against the ordinance after what has passed, I should vote to do nothing. Shall this convention adjourn without action? Should we do so, we would make ourselves subject to the scorn and ridicule of the world. Perhaps already the waters of Charleston harbor are dyed with the blood of our friends and countrymen. I vote aye.⁴⁷

After the solemn vote was taken and the announcement made that Mississippi had severed her connection with the Federal Union, that she had sacrificed all in defense of State sovereignty, a great wave of excitement swept the audience. Grave and dignified men were swayed by a common impulse and joined in the deafening applause. In an instant the hall was a scene of wild tumult, and as the continuous cheering was borne through the corridors and down the stairways, reaching the anxious throng waiting without the

⁴⁵ War of the Rebellion; A Compilation of the Official Records of the Union and Confederate Armies, Series I, Washington D. C., 1900, vol. I, p. 326.

⁴⁶ Woods, op. cit., VI, p. 96.

⁴⁷ Ibid., p. 96.

building, a great shout rent the air, and was soon mingled with the boom of cannons.⁴⁸

A blue silk banner with a single white star was presented to the president of the convention. The emblem had been made by Mrs. Homer Smythe, of Jackson, Mississippi.⁴⁹

Subsequent to the formal signing of the ordinance a committee was formed to prepare an address which set forth the causes which induced and justified the secession of Mississippi from the Federal Union. Mr. Clayton of Marshall submitted the report. It declared that in the momentous step, which the State of Mississippi had taken in dissolving its connection with the government of which it had so long formed a part, it was but just that they should declare the prominent reasons which had induced their course. Mississippi's position was thoroughly identified with the institution of slavery, which was the greatest material interest of the world at that time. Its labor supplied the product which constituted by far the largest and most important portions of the commerce of the earth. These products had become necessities of the world, and a blow at slavery was a blow at commerce and civilization. That blow had long been aimed at the institution, and was at the point of reaching its consummation. There was no choice left for Mississippi but submission to the mandates of abolition or a dissolution of the Union, whose principles

⁴⁸ Rowland, Mississippi, op. cit., I, p. 783.

⁴⁹ Ibid., I, p. 784.

had been subverted to work out their ruin. Mississippi did not overstate the dangers to their institution, a reference to a few unquestionable facts proved this. The hostility to this institution commenced before the adoption of the Federal Constitution, and was manifested in the well known ordinance of 1787 which dealt with the Northwest territory. The feeling increased until in 1820 when it deprived the South of more than half of the vast territory acquired from France. The same hostility dismembered Texas and seized upon all the territory acquired from Mexico. It had grown until it denied the right of property in slaves and refused protection to that right on the high seas, in the territories and wherever the government of the United States had jurisdiction.⁵⁰

It refused the admission of new slave States into the Union and sought to extinguish slavery by confining it within its present limits. It denied the power of expansion. It trampled the original equality of the South under foot. It nullified the Fugitive Slave Law in almost every free State in the Union, and utterly broke the compact which the forefathers pledged their faith to maintain. It advocated negroe equality, socially and politically, and promoted insurrection and incendiarism in the South. It enlisted the press, the pulpits, and the schools against slavery, until the whole popular mind of the North was excited and inflamed with prejudice.

⁵⁰ Confederate Military History, VII, pp. 8-9.

It made combinations and formed associations to carry out its schemes of emancipation in the States and wherever else slavery existed. It sought not to elevate or support the slaves, but to destroy their condition without providing a better.⁵²

It invaded a State and invested with honors a wretch whose purpose was to apply flames to Southern lives. It broke every compact into which it entered for the security of the South. It gave indubitable evidence of its design to ruin Southern agriculture and to prostrate their industrial pursuits and destroy their social system. It knew no relenting and left no room to hope for cessation or pause. It caused the destruction of the last expectation of living together in friendship and brotherhood. Utter subjugation awaited Mississippi in the Union if it consented to remain in the Union. It was not a matter of choice but necessity. They must either submit to degradation and to the loss of property worth four billions of dollars or they must secede from the Union. For less cause than this the thirteen colonies separated from the crown of England. Mississippi's decision was made. They followed in their forefathers footsteps. They embraced the alternative of separation and resolved to maintain their full consciousness of the justice of their course and the undoubting belief of their ability to maintain it. The

⁵² Ibid., VII, p. 13.

report was agreed to and adopted on the notion of Mr. Clayton.⁵³

The last formal step by which the ordinance of secession was incorporated into the body politic of Mississippi was taken January 15, 1861, when the members of the convention came forward to sign the ordinance which had the following declaration immediately preceeding the signatures:

In testimony of the passage of which (the Ordinance of Secession) and the determination of the members of this Convention to uphold and maintain the State in the position she had assumed by said Ordinance, it is signed by the President and members of this convention, this fifteenth day of January, A. D. 1861.⁵⁴

With the exception of J. W. Wood of Attala, and J. J. Thorton from Rankin County, all affixed their signatures to the paper. Mr. Thorton was captain of the Rankin Guards, and was soon in the field as a confederate soldier. He did not wish to contribute to secession but was willing to serve his State in the roll it had selected to play.⁵⁵

Thus Mississippi was formed into a sovereign republic. The convention adopted resolutions recognizing the "sovereign and independent nations of South Carolina, Alabama, and Florida", and its members entered into a prolonged debate as to the steps to be taken to merge the republic of Mississippi into the Southern Confederacy.

⁵³ Ibid., VII, pp. 14-15.

⁵⁴ Woods, op. cit., VI, p. 100.

⁵⁵ Davis, Mississippi, op. cit., I, p. 784.

Mississippi had ceased to be a member of the Federal Union. Her representatives in the Federal Congress of the United States of America were notified and Jefferson Davis took formal leave of the Senate and returned to the Republic of Mississippi to take up his great and noble work.

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