

**SECESSION  
RESISTED**

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Seccession resisted by Joseph R. Ingersoll

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**JOSEPH R. INGERSOLL**

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1861.

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SECESSION has been made the subject of discussion between persons residing in opposite parts of the country, as presenting a question of right or wrong. Among those who are desirous of maintaining unimpaired the public good, there is believed to be no doubt of its being the parent of mischief, and the companion of treason. They on the other hand who attempt to justify or excuse it are principally engaged in open rebellion. It is scarcely probable that further argument would produce a change of sentiment where from such causes it is entertained on the one side or the other, and we dwell for a moment only on the abstract question. A difference so serious, now fixed with seeming firmness in practical hostility, is connected with a broader conflict of construction, which in mere theory has done no great harm. The advocates of secession say that the Constitution was formed by *States*, to which they impute a sovereign capacity; and that the government of which it is the supreme law, is not a government of the people. Unless they can establish these doctrines, they have little ground for claiming a right to secede, and they

are not understood to uphold the one except in connection with the other. This pretended right is asserted for one or more States, separately or collected. It is necessary for them to prove that they came in in that supposed sovereign capacity, for which there is no warrant in the Constitution even by the use of the terms, in order that they may exercise in departure, the same power that brought them together. The necessity of such proof is either expressly admitted, or it forms so universally a part of the Southern creed that it is vital to their cause. In opposition to this doctrine we have first the very words of the Constitution "We the people." Next, the object of the convention, which was to remedy the evils of Confederation, now revived in the movement of secession. Thirdly, the clear interpretation of learned jurists who died long before the present controversy began. Nothing can be regarded as settled, if this point be still open. The engagement, too, at the beginning was express, that the Union should be perpetual. It might well be insisted on that in the absence of any such stipulation, this would have been the necessary result from the nature of things. An agreement to the contrary, or one providing for separation, would be required for the opposite effect.

Although it would be difficult to find in all history a government so stable in principles, and so united in purposes as ours, yet precedent is not wanting in a

less closely cemented junction of Commonwealths. Our recent historians have made us familiar with the heart of Europe of a former day, and particularly with the eventful career of the Netherlands. Prescott, in his Philip II., says that the people of Brabant, the province of which the then great city of the European world, Antwerp, was the thriving capital, were so jealous of their liberties that in the oath of allegiance to their sovereign on his accession, it was provided that this allegiance might be lawfully withheld whenever he ceased to respect their privileges. (I Vol. 371.) Express provision, sound authority, and the actual absence of reserved right according to historic precedent, all concur in favor of perpetuity for the Union, and against the worse than absurd doctrine of voluntary departure from it.

Much that has been thus presented, will be found in the valuable publications lately given to the cause of the Union. Our remarks have been made as preliminary to certain views beyond the mere fact of secession, and broadly opened by that ill-fated measure. However plain the principle which denies all excuse to what has been done, the mere departure of the States from allegiance, probably never would have been opposed by force of arms. No such object is embraced in the present controversy fierce as it undoubtedly is, and long continued as it threatens to be. War was reluctantly embraced by the government, only as one branch of an alternative, that pre-



sented dishonor and loss of life and property by ferocious plunder on the one hand—and resistance and armed defence on the other. The last branch of the alternative is embraced, and it explains the whole theory of the cause and contest in which we are engaged. War is undoubtedly carried on. The general government is engaged in it—actively, at great expense of treasure and life. The part which it is performing is greatly misunderstood. It is grossly misrepresented by the enemy, and misconceived by strangers. This war is met we trust manfully, for the purposes of *defence* and *resistance*. Hostilities were, after much preparation and without formal announcement, not only opened by the other side, but opened with outrage and wrong. They have been carried on without regard to the rules and practices of civilized nations, and with plunder, fraud, and cruel wanton and unnecessary murder. They began at Fort Sumter without provocation or notice, and they have carried out their preconcerted designs without remorse. This was the beginning of flagrant war. As early as October, Genl. Scott appealed to the then President to strengthen the garrison. The newly appointed Secretary of War, who succeeded in that place the well remembered Floyd, in his official letter of February 18th, 1861, which has been only the other day, made public in consequence of a call from the House of Representatives, uses this expression—“ Had the early admonitions which reached

here in regard to the designs of lawless men upon the forts of Charleston harbor, been acted on by sending forward adequate reinforcements before the revolution began, the disastrous political complications that ensued, might not have occurred." When the annual message was sent to Congress, and Floyd was the Secretary of War, (December 3d, 1860,) Mr. Buchanan in blind infatuation or under treasonable influence, while asserting the right of property in the Federal government, and while the thunder of the rebel cannon had been thundering for many weeks in Charleston, declares, "It is not believed that any attempt will be made to expel the United States from this property by force." Where were his ears? Mr. Holt soon afterwards in his letter of 18th February, refers to these excesses as treacheries and ruthless spoliations. "The forts of the United States" he adds, "have been captured and garrisoned, and hostile flags unfurled upon their ramparts. Its arsenals have been seized, and the vast amount of public arms they contained appropriated to the use of the captors; while more than half a million of dollars found in the mint of New Orleans has been unscrupulously applied to replenish the coffers of Louisiana." Washington had not been actually assailed, but it was threatened and endangered, and this was the immediate inducement for the letter of Secretary Holt, of 18th February. He concludes this letter by a reference to the deep dis-

honor which would have been suffered "had the capital, like the forts and arsenals of the South fallen into the hands of the revolutionists, who have found this great government weak, only because in the exhaustless beneficence of its spirit it has refused to strike even in its own defence, lest it should wound the aggressor."

In that defence, it has been compelled, at length, to strike; and we devoutly trust that it will not again refuse, until the aggressor is made sensible of his wrongs and seeks to do all he can in the way of reparation, by restoring his ill-gotten gains and refraining from farther atrocities. The North aroused at last to action is found with one voice and arm in the work of just defence. Even the frigid message of Mr. Buchanan reaches almost to such a possibility. After expressing in the words just quoted his disbelief that any attempt will be made to expel the United States from property by force, he adds, "but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive." Fatal did the mistake prove, and ill-timed the reluctant orders.

As the course of treason has developed itself, and the fury of rebellion has been stimulated by successful encroachments, the same rule of defence has been the guide. The North acting upon this principle will strive to maintain the supremacy of the Constitution against the attacks of its enemies. Resistance of the