Newspaper Headline: South Carolina seceded from the Union, December 1860, followed by 10 other Southern states

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Resolution to Expel Senators July 10, 1861

Records of the U.S. Senate, National Archives and Records Administration
South Carolina Ordinance of Secession, December 20, 1860

South Carolina Department of Archives and History, Columbia, S.C.
The South Carolina state legislature called a state convention for the elections and approval of the ordinance to dissolve the Union between the State of South Carolina and other states. One hundred and sixty-nine delegates convened to vote for secession against matters of presidential leadership, race, economics and politics. The South Carolina Ordinance of Secession document rejects the Constitution and its amendments and dissolves its union with the United States of America.

Transcription of the document:

The State of South Carolina

At a Convention of the People of the State of South Carolina, begun and holden at Columbia on the Seventeenth day of December in the year of our Lord one thousand eight hundred and sixty and thence continued by adjournment to Charleston, and there by divers adjournments to the Twentieth day of December in the same year –

An Ordinance To dissolve the Union between the State of South Carolina and other States united with her under the compact entitled “The Constitution of the United States of America.”

We, the People of the State of South Carolina, in Convention assembled do declare and ordain, and it is hereby declared and ordained, That the Ordinance adopted by us in Convention, on the twenty-third day of May in the year of our Lord One Thousand Seven hundred and eighty, whereby the Constitution of the United States of America was ratified, and also all Acts and parts of Acts of the General Assembly of this State, ratifying amendment of the said Constitution, are here by repealed; and that the union now subsisting between South Carolina and other States, under the name of “The United States of America,” is hereby dissolved.

Done at Charleston, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty

[signed] D.F. Jamison Delegate from Barnwell and President of the Convention

[signatures of delegates to the convention]

Attest: Benj. J. Arthur, Clerk of the Convention

South Carolina Ordinance of Secession, December 20, 1860

Transcription
Mr. Bayard (Senator James Bayard, D/Delaware)

There is no necessity whatever for the passage of the resolution in that form. The substitute which I have offered accomplishes all that is necessary for the purpose of avoiding the unnecessary calling of names on the roll of the Senate. I had hoped that the honorable Senators on the other side would accept the substitute, because it decides nothing; it neither affirms the effect of succession nor the right of secession; but simply directs, on the state of facts existing — the Senators having declared that they were no longer members of the Senate, and having withdrawn from the body — that the Secretary shall omit calling their names on the roll of the Senate. That is all, it leaves the other question entirely undecided.

The President (Mr. Douglas). I am aware that the gentlemen whose names are recorded in the resolutions are not members of the Senate, and that it is not necessary to call them on the roll; but, as a matter of form, I think it is proper to call them, as an одежда of respect for the Senators who have left the Senate, and as a matter of form, I think it is proper to call them on the roll.
Mr. Fessenden (Senator William Fessenden, R/Maine)

...but the withdrawal of the Senator, accompanied by the distinct declaration that he does not resign, in other words, that he will not perform the duties but does not resign his seat – cannot deprive him of his right to a seat in the Senate of the United States. He may change his mind, and come back to the Senate. On what principles, then, can you declare a seat vacant, where there was been no resignation, unless some subsequent fact occurred, which vacated the seat; and that is denied in the present case. There is nothing here but the act of withdrawal, accompanied with a declaration, and that declaration is inconsistent with resignation.

Mr. BAYARD. To avoid the resolution, by writing out the name of James G. Wray. Senator Mr. Wray was not in the Senate last night, and not present. Senator Mr. Fessenden, Senator Wray tells me that Mr. Wray was at the Senate last night, and not present. Mr. BAYARD. I do not think you can, under the circumstances, resign your seat in the Senate, but I withdraw from the Senate. Mr. BAYARD. I am not sure that Senator Fessenden was not present. He was present at the commencement of the debate on the motion to adjourn. He was present at the commencement of the debate on the motion to adjourn.

Mr. Fessenden. I have one word to say in reply. I wish to make a point of consequence in reference to this question to the use of the term of the Senate to its proceedings, and to any instructions as to the use of the term in the Senate. My instructions are, that the term of the Senate is not to be used in any other way than as the term in which the Senate meets. That is the term in which the Senate is to be used. That is the term in which the Senate is to be used.

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Mr. Douglas (Senator Stephen Douglas, D/Illinois)

I propose that the resolution be amended so as to declare that these gentlemen “having ceased to be members of the Senate, the Secretary be directed to omit calling their names.” I think we can have a unanimous vote for that. All agree that they have ceased to be members; some for one cause and others for another cause. The main point is to settle that they are not any longer members of the body, and that their names shall no longer be called.

Subsequent vote: The resolution was offered: “Whereas the seats heretofore occupied by Albert G. Brown and Jefferson Davis of Mississippi, Stephen Mallory of Florida, Clement Clay, Jr., of Alabama, Robert Toombs of Georgia, and Judah Benjamin of Louisiana, as members of the Senate, have become vacant: resolved, that the Secretary be directed to omit their names respectively from the roll of the Senate.

A substitute was offered to replace “have become vacant” with “whereas they are now absent” This was defeated 24-10, and the resolution was agreed to.

Mr. Mason (Senator James Mason, D/Virginia)

The Constitution, of course, means that the seats of Senators from States which are parties to the Union may become vacant; but when there are States outside of the Union, they can have no seats here. That is the difference between the gentleman and me.

Mr. Mason

principal speaker

Mr. Mason

Voting Rights

The resolution was agreed to, and the Senate adjourned.
Senate Seating Chart, Congressional Directory 37th Congress, 3rd Session 1863

Records of the U.S. Senate, National Archives and Records Administration