

P6053

# AN ORDINANCE

To provide for the formation of a new State out of a portion of the Territory of this State.

Passed August 20, 1861.

Whereas, it is represented to be the desire of the people inhabiting the Counties hereinafter mentioned, to be separated from this Commonwealth, and to be erected into a separate State, and admitted into the Union of States, and become a member of the Government of the United States:

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that a new State, to be called the State of Kanawha, be formed and erected out of the territory included within the following described boundary; beginning on the Tug Fork of Sandy River, on the Kentucky line where the Counties of Buchanan and Logan join the same; and running thence with the dividing lines of said Counties and the dividing line of the Counties of Wyoming and McDowell, to the Mercer County line, and with the dividing line of the Counties of Mercer and Wyoming to the Raleigh County line; thence with the dividing line of the Counties of Raleigh and Mercer, Monroe and Raleigh, Greenbrier and Raleigh, Fayette and Greenbrier, Nicholas and Greenbrier, Webster, Greenbrier and Pocahontas, Randolph and Pocahontas, Randolph and Pendleton, to the south-west corner of Hardy County; thence with the dividing line of the Counties of Hardy and Tucker, to the Fairfax Stone; thence with the line dividing the States of Maryland and Virginia, to the Pennsylvania line; thence with the line dividing the States of Pennsylvania and Virginia, to the Ohio river; thence down said river, and including the same, to the dividing line between Virginia and Kentucky, and with the said line to the beginning; including within the boundaries of the proposed new State the Counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock.

2. All persons qualified to vote within the boundaries aforesaid, and who shall present themselves at the several places of voting within their respective Counties, on the fourth Thursday in October next, shall be allowed to vote on the question of the formation of a new State, as hereinbefore proposed; and it shall be the duty of the Commissioners conducting the election at the said several places of voting, at the same time, to cause polls to be taken for the election of Dele-

gates to a Convention to form a Constitution for the government of the proposed State.

3. The Convention hereinbefore provided for may change the boundaries described in the first section of this Ordinance, so as to include within the proposed State the Counties of Greenbrier and Pocahontas, or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley and Jefferson, or either of them, and also such other Counties as lie contiguous to the said boundaries, or to the Counties named in this section; if the said Counties to be added, or either of them, by a majority of the votes given, shall declare their wish to form part of the proposed State, and shall elect Delegates to the said Convention, at elections to be held at the time and in the manner herein provided for.

4. Poll Books shall be prepared under the direction of the Governor for each place of voting in the several Counties hereinbefore mentioned, with two separate columns, one to be headed "For the New State," the other "Against the New State." And it shall be the duty of the Commissioners who superintended, and the officers who conducted the election in May last, or such other persons as the Governor may appoint, to attend at their respective places of holding elections, and superintend and conduct the election herein provided for. And if the said Commissioners and officers shall fail to attend at any such place of holding elections, it shall be lawful for any two freeholders present to act as Commissioners in superintending the said election, and to appoint officers to conduct the same. It shall be the duty of the persons superintending and conducting said election, to employ clerks to record the votes, and to endorse on the respective poll books the expenses of the same.

If on the day herein provided for holding said election, there shall be in any of the said Counties any military force, or any hostile assemblage of persons, so as to interfere with a full and free expression of the will of the voters, they may assemble at any other place within their County, and hold an election as herein provided for. It shall be the duty of the Commissioners superintending, and officers conducting said election, and the Clerks employed to record the votes, each before entering upon the duties of his office, to take, in addition to the oath now required by the general election law, the oath of office prescribed by this Convention. It shall be the duty of the officers and Commissioners aforesaid, as soon as may be, and not exceeding three days after said election, to aggregate each of the columns of said poll books, and ascertain the number of votes recorded in each, and make a return thereof to the Secretary of the Commonwealth, in the City of Wheeling, which return shall be in the following form, or to the following effect:

We, \_\_\_\_\_ Commissioners, and \_\_\_\_\_ conducting officer, do certify, that we caused an election to be held at \_\_\_\_\_, in the county of \_\_\_\_\_, at which we permitted all persons to vote that were entitled to do so under existing

laws, and that offered to vote, and that we have carefully added up each column of our poll books, and find the following result:

For a new State,            votes;   Against a new State,            votes.

Given under our hands this        day            1861.

Under which certificate there shall be added the following affidavit:  
County, to-wit:

I,                         a Justice of the Peace, (or any officer now authorized by law to administer oaths,) in and for said County, do certify that the above named Commissioners and conducting officer severally made oath before me, that the certificate by them above signed is true.

Given under my hand, this        day of            1861.

The original poll books shall be carefully kept by the conducting officers for ninety days after the day of the election, and upon the demand of the Executive shall be delivered to such person as he may authorize to demand and receive them.

5. The Commissioners conducting the said election in each of said Counties shall ascertain, at the same time they ascertain the vote upon the formation of a new State, who has been elected from their County to the Convention, hereinbefore provided for, and shall certify to the Secretary of the Commonwealth the name or names of the person or persons elected to the said Convention.

6. It shall be the duty of the Governor, on or before the fifteenth day of November next, to ascertain and by proclamation make known the result of the said vote; and if a majority of the votes given within the boundaries mentioned in the first section of this Ordinance, shall be in favor of the formation of a new State, he shall so state in his said proclamation, and shall call upon said Delegates to meet in the City of Wheeling, on the 26th day of November next, and organize themselves into a Convention; and the said Convention shall submit, for ratification or rejection, the Constitution that may be agreed upon by it, to the qualified voters within the proposed State, to be voted upon by the said voters on the fourth Thursday in December next.

7. The County of Ohio shall elect three Delegates; the Counties of Harrison, Kanawha, Marion, Marshall, Monongalia, Preston and Wood shall each elect two; and the other Counties named in the first section of this Ordinance shall each elect one Delegate to the said Convention. And such other Counties as are described in the third section of this Ordinance, shall, for every seven thousand of their population according to the census of 1860, be entitled to one Delegate, and to an additional Delegate for any fraction over thirty-five hundred; but each of said Counties shall be entitled to at least one Delegate. The said Delegates shall receive the same per diem as is now allowed to members of the General Assembly; but no person shall receive pay as

a member of the General Assembly and of the Convention at the same time.

8. It shall be the duty of the Governor to lay before the General Assembly, at its next meeting, for their consent according to the Constitution of the United States, the result of the said vote, if it shall be found that a majority of the votes cast be in favor of a new State, and also in favor of the Constitution proposed to said voters for their adoption.

9. The new State shall take upon itself a just proportion of the public debt of the Commonwealth of Virginia prior to the first day of January, 1861. to be ascertained by charging to it all State expenditures within the limits thereof, and a just proportion of the ordinary expenses of the State Government, since any part of said debt was contracted; and deducting therefrom the monies paid into the Treasury of the Commonwealth from the Counties included within the said new State during the same period. All private rights and interests in lands within the proposed State, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in the State of Virginia.

The lands within the proposed State, of non-resident proprietors, shall not in any case be taxed higher than the lands of residents therein. No grants of lands or land warrants, issued by the proposed State, shall interfere with any warrant issued from the Land Office of Virginia prior to the 17th day of April last, which shall be located on lands within the proposed State now liable thereto.

10. When the General Assembly shall give its consent to the formation of such new State, it shall forward to the Congress of the United States such consent, together with an official copy of such Constitution, with the request that the said new State may be admitted into the Union of States.

11. The Government of the State of Virginia as reorganized by this Convention at its session in June last, shall retain, within the territory of the proposed State, undiminished and unimpaired, all the powers and authority with which it has been vested, until the proposed State shall be admitted into the Union by the Congress of the United States; and nothing in this Ordinance contained, or which shall be done in pursuance thereof, shall impair or affect the authority of the said reorganized State Government in any County which shall not be included within the proposed State.

A. I. BOREMAN, President.

G. L. CRANMER, Secretary.