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# ADDRESS OF HON. WAITMANT WILLEY,

*Delivered before the Constitutional Convention of West Virginia, in the City of  
Wheeling, on the 12th day of February, 1863, in compliance with a Res-  
olution of that body, inviting him to do so.*

MR. PRESIDENT—Nothing has ever surprised me more than the opposition which is made to the admission of the new State of West Virginia into the Union by a portion of the people within its limits. The assumed grounds of this opposition are, however, little less surprising. It is to be regretted that there seems to be some necessity for debating the question.

The fundamental objection on the part of the opponents of the New State appears to consist in the idea that the proper assent of the Legislature of Virginia has never been obtained, and this objection is predicated on the hypothesis that what has been called the Wheeling Legislature was not, in fact and in law, the Legislature of Virginia. If this be true, the objection is well taken, for the Constitution of the United States expressly provides that "*no new State shall be formed or erected within the jurisdiction of another State without the consent of the Legislature of the State and of the Congress.*"

I hardly suppose it is necessary to controvert the idea before the people of West Virginia, that the Richmond Legislature since the 17th day of April, 1861, was the true and rightful Legislature of Virginia. Traitors may think so, but loyal men cannot think so. Those who believe in the doctrine that a State has a right to secede from the Union, may be excused for entertaining such an opinion, but those who believe that Virginia is still in the Union, and one of the United States, cannot tolerate such a political heresy. Why, sir, those men at Richmond were rebels. They had abjured their allegiance to the United States and sworn to support the Constitu-

tion of the so-called Confederate States. They had levied war against the United States. Shall they be acknowledged as the rightful Legislature of Virginia? Not by me, sir, while God spares my life! Not by me, while the old flag of my fathers floats over one foot of ground between the Atlantic and Pacific oceans.

Well, then, sir, has Virginia been without a Legislature ever since April 17, 1861? I recur to the question—Was the Legislature which consented to the formation of the new State of West Virginia the Legislature of Virginia in fact and in truth?

I need not rehearse to the people of West Virginia the atrocious proceedings of the conspirators which led to the organization of the Legislature at Wheeling. I need not remind them that without their knowledge or their assent they were transferred, like slaves on the block, to an insurrectionary government of self-constituted rulers at Montgomery. I need not review the state of facts existing among us by which we were left without judges, sheriffs, justices of the peace, courts, and all those arrangements of government, legislative, executive and judicial, necessary to the protection of our lives, liberties and estates. All these matters are still painfully fresh in the memory of all. The necessity to provide some security for ourselves was absolute. If we had been disposed to submit ourselves to the rebel government, it was utterly beyond our reach—utterly unable to afford us the slightest protection. What could we do? There were three alternatives before us. 1st. To yield ourselves victims to unre-

strained anarchy and lawlessness. 2d. To invoke the protection of a military governor, and submit ourselves to the caprices of military despotism. 3d. Or to resume the exercise of our original inalienable right of establishing a government for ourselves. We chose the latter, and the wisdom of our choice has been vindicated by the comparative security, happiness and prosperity of the people wherever the government we restored has been established and maintained.

Our moderation in the exercise of this prerogative has been the theme of admiration by all impartial men who have examined and understood our proceedings. Instead of assuming to organise a new State government, we simply resumed the old government, by appointing new officers to discharge its functions in place of those who had vacated their offices by flight, or forfeited them by treason. This we did, and nothing more.

And now, sir, was the government of Virginia, thus restored, legitimate, and valid? Was the Legislature at Wheeling, which gave its consent to the admission of the State, the true and lawful Legislature of Virginia?

And here, sir, I beg leave to refer you to the following extract from the opinion of Chief Justice Taney, delivered in the celebrated case of Luther vs. Borden, 7 Howard, page 42:

"Moreover, the Constitution of the United States, as far as it has provided for any emergency of this kind, and authorized the general government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that department.

"The fourth section of the fourth article of the Constitution of the United States, provides that the United States shall guarantee to every State in the Union a Republican form of government, and shall protect each of them from invasion; and on the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

"Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guarantee to each State a republican form of government, Congress must necessarily decide what government is established in the State, before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union,

the authority of the government under which they are appointed, as well as its republican character, is recognised by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal."

Now sir, what are the facts in this case? Have Senators and Representatives of the State of Virginia been admitted into the councils of the Union under the authority of the re-organized government of Virginia which gave consent to the admission of West Virginia into the Union? I need not answer that question. You know that they have been so admitted. My colleague (Mr. Carlile) and myself now holding seats in the Senate of the United States, were elected by the Legislature at Wheeling. And Messrs. Blair and Segar, now holding seats in the House of Representatives, were elected under warrants issued by His Excellency Gov. Peirpoint, the Executive of this re-organized government. And that is not all. For, in the language of the Hon. Mr. Colfax, when lately discussing this same question on the floor of the House of Representatives of the United States:

"*Secondly*, The executive department of the Government, and the highest portion of that executive department, the President himself, has repeatedly recognized the Governor and the Legislature of Virginia as the rightful authorities of that State.

"*Thirdly*, The Secretary of the Treasury has recognized that government as the rightful government of Virginia, for he has paid to them out of the Treasury of the Union, without complaint and without protest from any one of all the twenty-odd millions of loyal people of the United States the \$40,000 remaining in the Treasury as the share of the State of Virginia of the proceeds of the sales of the public lands, and which the State of Virginia had hitherto refused to take from the Treasury.

"*Fourthly*, The Secretary of War has recognized his government as the lawful government of Virginia, and Governor Pierpoint as the rightful Governor of Virginia, by accepting his commissions of the officers of the noble and loyal volunteer regiments of Virginia, as commissions emanating from rightful and legal authority.

"*Fifthly*, The Secretary of the Interior has also recognized the same thing in his communicating to Governor Pierpoint, as the Governor of Virginia, the official no-

tice of the congressional apportionment of 1860, as required by law.<sup>73</sup>

Surely, then, I think I may confidently say that the Legislature at Wheeling, and the government at Wheeling, have been most amply recognized by "the proper constitutional authorities." And if, in the language of the opinion just quoted, "its decision is binding on every other department of the government, and would not be questioned in a judicial tribunal," we ought to be content.

But the opponents of this measure express equal dissatisfaction with the character of the act of admission passed by the Congress of the United States: and whilst they cannot deny the power of Congress in the premises, they assume to allege that this power has been exercised in an oppressive and unconstitutional way. They denounce the act of admission because we were not admitted with the Constitution we had ordained and adopted, without modification or conditions. Mr. President, I am free to say that such an admission would have been more acceptable to me. But I put it to you to say whether there ever was a law passed of very great importance which was, in all respects, perfectly acceptable to you. It is impossible to please all parties exactly in any matter of important legislation. The wishes, feelings, prejudices and interests of others must be consulted as well as our own. Dr. Franklin remarked, when about to cast his vote in favor of the Constitution of the United States, that there were many provisions in it which he would desire to be modified; but that considering the views and opinions of others it was the best Constitution he could get, and that its advantages and virtues so overbalanced its defects and vices, that he was willing to adopt it as a whole. Well, sir, I opposed the adoption of the condition imposed upon us in the act of admission. I preferred to have no such conditions, and voted against them. But I was but one of forty Senators, each of whom were entitled to as much consideration as myself. A majority of them determined to affix the conditions complained of to the act of admission, and they did affix it. The result was, that I must choose between admission with this objectionable feature, or rejection altogether. I could not hesitate. The advantages of admission thus embarrassed, over total rejection were, to my mind, so overwhelming that there was no apology for hesitation.

But, sir, let us examine the objection most frequently, and, as I understand, effectively made against this act of admis-

sion. It is called unwarrantable—nay, unconstitutional "dictation," on the part of Congress, with matters properly cognizable by, and belonging to the people of the State in their municipal capacity. Now, what is the precise cause of offence?

In the Constitution of the new State there was this section:—

"No slave shall be brought, or free person of color be permitted to come, into this State for permanent residence.

The following is the substitute proposed by Congress for the foregoing section: "The children of slaves born within the limits of this State after the fourth of July, eighteen hundred and sixty-three, shall be free; and all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years, shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein."

Now this is the provision which has created so much ado; and inspired so many jeremiades. Here is the head and front of that terrible "dictation" which has been so bitterly denounced—especially by our friends possessing secession proclivities.

Now, sir, I frankly admit that every State should be left free, within the plain limitations of the Constitution of the United States, to regulate its own municipal affairs, without any interference from any external power on the face of the earth. Does this act of Congress infringe upon this right? Let us see.

By the 3rd section of Article IV of the Constitution of the United States, it is provided as follows:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junctions of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress."

Now it must, therefore, be conceded by all that Congress had an unqualified right to have rejected our application for admission into the Union altogether. Suppose Congress had exercised that right? Suppose, that to our application Congress had said—No! You shall not be admitted on any terms. Would that not have been "dictation," according to the logic of these objectors? And yet Congress had the right and power to do so. But Congress did not exercise its power so arbitrarily. They did not object our suit altogether,

but submitted a proposition to us. They did not assume to thrust this proposition on us *notens volens*, but referred it to our free consent whether we would accept or reject it. They sent their proposition back to the Convention which ordained the Constitution, and if it should be acceptable to the Convention, then it was to be sent on to the people themselves for ratification or refusal. Why, sir, what kind of "dictation" is this? It is a very harmless "dictation" which leaves us perfectly free to obey it or disregard it, as it may please us. There is nothing mandatory or compulsory in the case. We have no power to compel Congress to admit us; and Congress has no power to compel us to come into the Union contrary to our own free will, nor have they assumed to exercise any such power. And yet there are those who are constantly inflaming the public mind with the indefinite cry of "Congressional dictation."\*

But, Mr. President, I must be allowed to revert to a few historical facts in connection with an admission of new States into the Union. I think we shall find that the precedents are neither few nor feeble, in which Congress has affixed conditions to their admission. Indeed, we shall find a notable instance prior to the adoption of the Constitution of the United States. In the 6th Article of the celebrated Ordinance of 1787 for the government of the Territory of the United States north-west of the Ohio river, we have the following restrictive condition:—"There shall be neither slavery nor involuntary servitude in the said territory." And when Ohio was admitted into the Union, the first born of this great territory, the act of admission contained an express provision in effect that the people of the State should never authorize slavery or involuntary servitude therein."

The admission of Missouri occupies a large space in the history of the nation. The Constitution of that State contained the following provision, art. 3, 26th sec. and 4th clause thereof:

"It shall be the duty of the Legislature, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever."

You will perceive that this clause is almost identical with the clause in our Constitution, which it is proposed in the act of admission shall be modified, and it was this clause in the Constitution of Missouri which excited the memorable contest in Congress, resulting in the admission of

that State by the adoption of the following resolution:

*Resolution providing for the admission of the State of Missouri into the Union on a certain condition.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri is hereby admitted into the Union on an equal footing with the original States in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the Constitution submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.*

*Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of said act; upon the receipt of which, the President, by proclamation, shall announce the fact; and thereupon, without any further proceeding on the part of Congress, the admission of the said State into the Union shall be considered as complete."*

I refer you also to act of Congress for the admission of the State of Michigan into the Union. This act is entitled:

*"An act to establish the boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed."*

These conditions are express and fundamental. They are declared to be so in the act itself. (Here Mr. W. read several extracts from said act. See the same, Appendix, note A).

In 1846 Congress passed what is called "An enabling act," looking to the admission of the State of Wisconsin. In 1847

an act was passed by Congress finally and fully admitting that State into the Union. Both these acts contain explicit fundamental conditions, to be complied with by that

State, before the act of admission could take effect. (Here Mr. W. read sundry portions of said act. See the same, Appendix, note B).

The joint resolutions of Congress for the admission of Texas form no exception to what was then becoming almost a gen-

General rule of Congress in their acts, admitting new States. These resolutions contain several important restrictions and conditions which are worthy the consideration of those who seem to be so jealous of Congressional dictation. I have them here; but I will not detain the Convention by reading them. I make one more reference to the act of Congress admitting the State of Kansas. If I saw proper to go into the extraordinary history of Congress in its legislation in reference to that State, I should be able to furnish an array of precedents in favor of the power of Congress to impose conditions upon the admission of new States which it would be difficult for the opponents of the exercise of such power to resist. I will content myself, however, with a few extracts from the final act of admission. (Here Mr. Wade reads what will appear in the Appendix to note.)

Mr. President: I will not further transgress on the time and patience of the Convention by the citation of other Congressional precedents. I am happy, however, to be able to add to these high authorities that of my able colleague in the Senate of the United State, (Hon. John S. Carlile). I have here the original bill reported by the Committee on Territories for the admission of West Virginia into the Union, drawn by Mr. Carlile. It was the mature result of Mr. Carlile's enlightened judgment, there can be no doubt, for Mr. Senator Wade, the chairman of that Committee, when discussing the question, said: "He (Mr. Carlile) called all the men in the Committee is the man who penned all these bills and drew them up. He is the man who investigated all the precedents to see how far you could go in this direction. It was to his lucid mind that we were indebted for the fact that there were no legal or constitutional barriers in the way of the proposition. We may, therefore, confidently refer to Mr. Carlile's bill as containing his deliberate opinion of the constitutional power of Congress in the premises, and of the expediency and propriety of so exercising that power.

The first section of this bill is exactly as follows: *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of West Virginia shall be admitted into the Union on an equal footing with the original States in all respects whatever, upon the following conditions, viz: First: That there shall be included with-

in the said State of West Virginia, in addition to the counties already enumerated in the preamble to this act, the following counties, as laid off and defined by the Legislature of the State of Virginia, to-wit: Berkeley, Jefferson, Clark, Frederick, Warren, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig and Alleghany.

Second: That the Convention hereinafter provided for shall, in the constitutionally framed by it, make provision that from and after the fourth day of July, eighteen hundred and sixty-three, the children of all slaves born within the limits of said State shall be free.

This section implies that it was competent for Congress in the admission of West Virginia, to make it a fundamental condition, that a large additional section of territory, embracing sixteen counties, with a white population of more than a hundred thousand and a slave population of thirty-four thousand, should be included. It also declares that Congress had the power to make our admission dependent on the amendment of our fundamental law, so that "the children of all slaves born within the limits of said State shall be free."

I do not say that Congress had not the power to prescribe them. The second section of this bill of Mr. Carlile, Mr. President, I confess looks a little "dictatorial;" for, after providing for an election for delegates to frame an entire new constitution for this proposed enlarged new State, it prescribes the qualifications of the delegates to the Constitutional Convention, and also the number of delegates each county should be entitled to elect, and finally provides that if the people should ratify the new Constitution formed by these delegates, then the President of the United States, shall, by proclamation, announce the fact; and thereupon, without any presentation of this new Constitution to Congress, the new State shall, *ipso facto*, become a member of the Union. I confess I can hardly subscribe these latter provisions as within the constitutional power of Congress. But then, sir, I have to acknowledge that I have not investigated this section with the deliberation which was, doubtless bestowed upon it by Mr. Carlile. Is it not strange—passing strange—Mr. President, that any person should be either so ignorant of the history of his own country, or, so far the victim of prejudice or passion, as, in the face of all these facts and precedents, to denounce the Act of Congress admitting the State of West Virginia into the

Union, as a new policy and an invasion of the rights of the people?

But Mr. President, the real objection to this measure entertained by those opposed to it, is, I doubt not, that if the amendment proposed by Congress shall be adopted, West Virginia will become a free State. And as this is a question of great practical importance, I shall be pardoned for bestowing upon it a brief consideration.

Shall we, in forming this new State, organize it as a free State, or as a slave State? Shall we have only free labor, or shall we have slave labor also? I shall not say whether slavery is morally right or morally wrong. I shall make no argument upon the morality of slavery. I shall speak of it only in reference to the true political economy of the new State. The question is, not whether slavery ought to be abolished in East Virginia, where there are 480,000 slaves. It is not proposed to disturb the institution there or elsewhere beyond the limits of the new State, within which there are only 7 or 8,000 slaves. All concede the right of each State to regulate its own domestic institutions. And in the exercise of this undoubted right, which affects ourselves alone, the question arises whether we should recognize, or exclude slavery in organizing our new State.

It cannot be presumed that the number of slaves now actually owned within the limits of the new State would be urged as an interest of such magnitude as might not be interfered with, if the general welfare would be promoted by emancipating them. That number is too small to stand in the way of the public good. But small as is this number, the act of admission only affects a part of them—not more than half; and this half are to serve their masters, those under ten years of age, till they are 21, and those over 10 and under 21 years of age, till they are 25. Shall this small interest stand between us and all the advantages of a new State? Shall the welfare and prosperity of 330,000 of our people be forfeited because it might deprive some 2 or 3,000 people of the service of 3 or 4,000 slaves for a part of their lives? May not this small interest be surrendered for the public good, upon due compensation being made? We go into the quarries and forests and fields of our citizens and impress teams and materials to construct our public roads, because the public good requires it. Shall it be said we shall not remove the obstruction of a few hundred thousand dollars worth of slaves out of the great highway of our State to wealth, prosperity and power? Cer-

tainly, therefore it cannot be the value of the property or interests affected by the act of admission, which constitutes the objection of the opponents to this measure. It must be the value attached to slavery as an institution, and a desire to see it perpetuated and diffused all through our western counties, as it is in the eastern section of the State, which prompts this opposition to a division of the State.

But granting for the sake of argument, that slavery is all its friends claim for it, let me ask them whether they can ever hope to enjoy its blessings in West Virginia? Look at the geographical situation of West Virginia—located between the two great free States of Ohio and Pennsylvania—and it will be apparent to all, that slavery could never exist here to any great extent, even if it were desirable to have it. The last census shows that the number of slaves decreased some 2,000 during the last decade within the limits of the proposed new State. It is a fact well established by experience, that slave labor is not profitable in raising grain, especially in growing and grazing stock—that for manufacturing purposes it is entirely valueless. It cannot, therefore, ever be valuable in West Virginia, where the climate and the soil are adapted only to the growth of cereals in a moderate degree, but to grazing and stock raising in an eminent degree; but more especially are our great interests dependent on the establishment of manufactories. Why then should we want slavery here? Or rather, why should we wish to remain connected with Eastern Virginia where slavery does exist, to be embarrassed and burdened by laws and by a State policy well adapted to protect and promote the interests of the section of the State where slavery does exist, but for that very reason not adapted to our section of the State where slavery does not and cannot exist? The policy of Virginia has been to cherish slave labor: but we have only free labor. Shall we forever submit to have our free labor placed on an equality with slave labor? Will the hardy sons of toil in our mountains agree to that?

Mr. President, on this great question of slavery in its relations to political economy, I cannot, with due respect to your patience, venture into the wide field of details before me. I must content myself with general conclusions. And in giving you these conclusions I will not ask you to rely on my own poor judgment; but I will borrow the sanction of names that will command your respect, and refer you to facts which cannot be controverted.

In the infancy of Virginia—when she was a colony—and before slavery had assumed its present unwieldy proportions, and when Virginia was desirous of laying a secure and wide foundation for her future welfare, as West Virginia is seeking to do now, the House of Burgesses declared:

“The abolition of domestic slavery is the great object of desire in these colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated efforts to effect this, by prohibiting and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty’s negative—thus preferring the advantages of a few British corsairs to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice.”

Such was the language of our fathers. Eastern Virginia early and earnestly protested against the injustice of the mother country in forcing the evils of slavery there; but it seems that we have some persons amongst us here in West Virginia, that desire to embrace it as a blessing.

When we were about establishing our nationality, George Mason, of Virginia used this language:

“Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners.—Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our eastern brethren, from a lust of gain, have embarked in this nefarious traffic.—As to the States being in possession of the right to import, that was the case with many other rights, now to be given up. He held it essential in every point of view that the General Government should have the power to prevent the increase of slavery.”

This was the language of a statesman uttered before the judgment of men had been overcome by the influences of party spirit and sectional prejudice. As slavery increased in Virginia, these effects of it, so tersely described by Mr. Mason, became more and more apparent. I might multiply the number of witnesses of equal dis-

inction whose testimony is no less explicit. In 1829–30, the public opinion of Virginia as to the pernicious influences of slavery on the material and moral welfare of the State was almost universal. Hear the language of a memorial addressed to “The Honorable Convention of Virginia, held in Richmond, in October, 1829.” After declaring that “Virginia is in a state of moral and political retrogression among the States of the Confederacy,” they proceed to delineate the causes of her declension. They say: “That the causes heretofore frequently assigned are the true ones, we do not believe. If they have any effect, as possibly they may, it must be extremely small and partial. We humbly suggest our belief that the slavery which exists, and which, with gigantic strides, is gaining ground among us, is, in truth, the great efficient cause of the multiplied evils which we deplore. We cannot conceive that there is any other cause sufficiently operative to paralyze the energies of a people so magnanimous, to neutralize the blessings of Providence included in the gift of a land so happy in its soil, its climate, its minerals and its waters; and to annul the manifold advantages of our republican freedom and geographical position. If Virginia has already fallen from her high estate, and if we have assigned the true cause of her fall, it is with the utmost anxiety that we look to the future, to the fatal termination of the scene. As we value our domestic happiness, as our hearts yearn for the prosperity of our offspring, as we pray for the guardian care of the Almighty over our country, we earnestly inquire what shall be done to avert the impending ruin? The efficient cause of our calamities is vigorously increasing in magnitude and potency, while we wake and while we sleep. The outlets, for draining off a portion of this pestiferous population of slaves, are fast closing against us. In the meantime our white people are removing in multitudes to distant regions, and those who remain seem destined to become martyrs to their love of Virginia, exposed to foreign enemies, to civil feuds, and to domestic insurrections, without the physical ability indispensable to their own preservation.”

But the evil, like a cancer too long neglected, has so enlarged itself, and so thrust its poisonous roots into the vital part of the body politic, as that the most skillful statesman feared, that its removal might prove fatal to the life of the commonwealth.

It was on the floor of that Convention, in 1829, composed of a body of men than

whom the world never presented more illustrious—of a Madison, a Monroe, a Marshall, a Doddridge, a Randolph, a Barbour, and others a little less distinguished, that Benjamin Watkins Leigh, the intellectual peer of them all, used this memorable language:

“I wish, indeed, that I had been born in a land where domestic and negro slavery is unknown. I wish that Providence had spared my country this moral and political evil. It is supposed that our slave labor enables us to live in luxury and ease, without industry, without care. Sir, the evil of slavery is greater to the master than to the slave.”

This, sir, was the language of that great man, uttered in a speech wherein he was resisting the abolishment of slavery—resisting it because he believed the evil, on account of its extent and peculiar relations, to be irremediable. Will we of West Virginia not be wise and avoid such an evil while we may?

But, sir, I wish to refer to some matters of fact pertinent in this connection. In 1840 the total population of Virginia was 974,622; of Ohio, 230,760. In 1860 the population of Ohio was 1,980,329; of Virginia, 1,596,318, so that the increase of population during fifty years in Ohio was 1,759,569, whilst in Virginia it was only 641,696. And yet, in extent of territory, in variety and value of mineral resources, in natural commercial facilities and advantages, in climate, and in all the natural elements of wealth and prosperity, Virginia vastly excelled Ohio. How, therefore, are we to account for the rapid progress of the latter beyond the former. There is but one answer—slavery. Look at the rich, inexhaustible mineral resources of West Virginia—our iron, coal, oil, slumbering beneath our hills, cropping out on our mountain sides, everywhere inviting the hands of industry and development. What has paralyzed that hand? What has kept capital, and skill, and population from our midst? Why are our perennial streams forever wasting away unappropriated and useless? Why are we without roads and markets except where foreign enterprise has come to our relief? The answer is the same—slavery. Shall we still cling to the instrumentality of our impoverishment now when we have an opportunity of escaping from it? Or, rather, will we not say to capital, and skill, and labor, come—open our mines, build our roads, people our valleys, make us rich and prosperous, and powerful. This alternative is now before us. Which shall we choose?

But I wish to institute some further comparisons. In 1790 the total population of Virginia was 748,318—of New York 340,120; or 408,198 less than that of Virginia. In 1860 the population of New York was 3,880,735—of Virginia 1,596,318, or 2,284,417 less than that of New York. Do you suggest that a large proportion of this great increase of population in the State of New York is composed of the people of the city of New York, and as Virginia is an agricultural State, the comparison I have instituted is not a fair one? But I ask why is not the city of New York at Norfolk—or rather, why is not Norfolk what the city of New York is? and more than it is? The harbor at New York is better. The geographical position is better whether for foreign or domestic commerce. Why, then, is not the wealth, population and power, political and physical, of New York, in the genial clime of Virginia instead of on the icy shores of the North river? Why is not Virginia the empire State of the confederacy to-day, rather than New York? The same answer still come back—slavery.

The Hon. John B. Henderson, of Missouri, lately instituted the following comparison, discussing in the Senate of the United States the economical effects of slavery:—“Missouri commenced her career as a State in 1820, with a population of 66,557 inhabitants. Illinois at the same time had but 55,162. Forty years elapse, and Missouri, with superior advantages, presents a population of 1,182,317, while Illinois shows 1,711,753. The ratio of increase in Illinois for the ten years preceding 1860 was 101 per cent., while that of Missouri was but 73 per cent. In 1810 Kentucky had a population of 406,511. Ohio at the same time had 230,760. Fifty years pass by, and Kentucky has 1,155,713, while Ohio shows 2,339,599. In 1810 the population of Kentucky is nearly double that of Ohio; in 1860 the population of Ohio is more than double that of Kentucky. The facts are plain. What is the cause? Is it slavery?”

I beg leave also to refer to an interesting article recently published by Hon. Robert J. Walker, whose public life, national reputation, political antecedents and eminent abilities, entitle his opinions to the highest consideration in this connection. He extends the comparison between Illinois and Missouri to the value of lands, extent of internal improvements, cities, and to agriculture, manufactures and wealth; and produces an array of figures and facts in favor of free labor over slave



labor that is startling. (See Appendix, Note D.)

Mr. President, there is no sophistry which ever can evade the logic of these plain facts. I do not know how any candid man can fail to see the advantages to West Virginia of a separate State organization. Nor will this separation be at all detrimental to any interest of Eastern Virginia. If it would be, we might pause—we might hesitate. But it will not, cannot be. It will not affect the title to a single slave outside of our own borders. It will leave slavery in Eastern Virginia precisely as it was and as it is. It will derange no mutual interest; for there is little that is common to both sections. The Alleghany Mountains are the natural boundary of Eastern Virginia on the west, marked out by the Almighty hand. Their recognition as such would only be obedient to the commands of nature and Providence. What trade, or traffic or commercial interest of East Virginia would this separation injure? None at all. For we never had any commercial relations with that section of the State, and never can have. What social relations or interests would be disturbed? None. The social habits and characteristics of the two sections are radically different. In the East the tone of society is aristocratic; in the West it is democratic. In the East white labor is not reputable; and in the West the toilers in our fields and factories acknowledge no social inferiority. It was when speaking of what he called the "peasantry" of the West, that Benjamin Watkins Leigh, in the Constitutional Convention of 1829, said that in political economy slaves fill exactly the same place as the white laborers of the West. "What real share," said this illustrious representative of the aristocratic sentiment of Eastern Virginia, "What real share, so far as mind is concerned, does any man suppose the peasantry of the West \* \* \* can or will take in the affairs of State?" Yes, sir, this was the sentiment of the Tidewater and Piedmont districts of the State at that time—an assumption of social and political superiority based on slave labor and slave property. Nor has this sentiment at all abated. It was at the bottom of the present rebellion. It rankles to-day in the bosom of the aristocracy of East Virginia, and of the whole South, more intensely than ever before. Mark the language of the *Richmond Whig* of late date. It is but the index of what is called in East Virginia "The ruling class;" "We have committed many errors in our treatment of the Yankees."

least has been in regarding them as something better than they really are. They are by nature menials, and fitted only for menial duties. They are in open and flagrant insurrection against their natural lords and masters, the gentlemen of the South. In the exercises of their assumed privileges they deport themselves with all the extravagant airs, the insolence, the cruelty, the cowardice, and love of rapine which have ever characterized the revolt of slaves. The former leniency of their masters only serves to aggravate the ferocity of their natures. When they are again reduced to subjection, and taught to know their place, we must take care to put such trammels about them that they will never have an opportunity to play these tricks again.—*Richmond Whig.*

Against these arrogant assumptions and the policy growing out of them, we have been warring for the last forty years.

Sir, I rejoice to see here my distinguished friend. (Col. Smith). Well do I remember his noble defense of West Virginia in the Convention of 1851. Well do I remember how his manly, honest voice was raised in the Capital of the State against the despotism of the eastern majority based on slavery, when that majority were attempting to fasten on him and his children, and upon us all, the nefarious principles of the mixed basis of representation. Do not these perpetual conflicts and antagonisms of opinions and policy constitute unanswerable reasons for distinct municipal organizations of the two sections? Do they not point to a division of the State as a means of peace, and of establishing harmonious relations between the two sections, by leaving each free to regulate its own municipal concerns according to its own will and wishes?

Look at the map of Virginia. All over the State east of the Alleghanies you see a net-work of railroads, affording every needful facility of transportation and travel. West of those mountains there is not a mile of such facilities constructed on State account, or by the authority of the State. Even the representatives in our Legislature have been compelled to travel far away through other States and districts in order to reach our own Capital. Do we actually love these embarrassments and disabilities so well that we are determined to entail them on our children forever?

But, sir, I am told that all the mighty advantages and blessings of a separate State organization, will be more than counterbalanced by the evil of — what? What is the unfortunate drawback in these

magnificent prospects of West Virginia? Why, sir, it is alleged that we shall be overrun with free negroes! I have learned that this objection has been seriously urged by some men—that there are those in our midst, who have actually ventured so far upon the supposed credulity, and want of common sense of the people, as to address to them such an argument as this. Sir, I beg pardon for this style and tone of expression. I mean no offence to any person. But I confess that I am unable to restrain the expression of mingled surprise and indignation at this bald attempt to abuse the minds of the people by a fallacy so transparent. Why, sir, where are the free negroes to come from that are to overrun us? Not from East Virginia. The division of the State will not affect the status of slavery east of the Alleghenies. If the free negroes in East Virginia have hitherto declined to come to West Virginia, why should they come now or hereafter? Will they come from Ohio? What is there in West Virginia that would attract free negroes from Ohio? Would they come from Pennsylvania?—There is no more reason why they should abandon Pennsylvania than Ohio to come into West Virginia. Where, where, I ask again, are the free negroes to come from that are to overrun us? There are only 36,000 free negroes in all the populous State of Ohio, and only 56,000 in the great State of Pennsylvania. There is nothing in the soil or climate of West Virginia to attract a free negro, but much to repel him. Besides the kind of labor which will be required here, will not be of a character to induce his employment.

But supposing we had an attractive soil and climate for the free negro—supposing we were surrounded by States where free negroes abounded—supposing free negroes began to immigrate into our borders, what then? Could we not by a change in our organic law easily provided under our Constitution, or by a simple statute, prohibit them from coming into our midst, as Indiana, Illinois, and perhaps other States have done? Does not the merest tyro know so much as this?—The people have only to say to their representatives in the Legislature, pass such a law. The whole question is completely under their control. And yet there is an effort made to get up a clamor about the danger of free-negro-ism. Sir, I should be ashamed to attempt such a fraud upon the public credulity.

But, Sir, I am happy to say that the work is already done. The people and their representatives, have already been

relieved of the necessity of prohibiting free negroes from coming into our new State when it is organised. Yes, sir, by the law as it now stands, and will stand the very moment our admission is complete, it will absolutely require the passage of a law to authorise it, before a single free negro outside of our territory, dare attempt to become a resident amongst us. That such is the fact every lawyer knows, and he who does not know it, is not well qualified to teach the people.

In chapter 198, section 32, of the Code of Virginia we have this explicit provision:

*“No free negro shall migrate into this State.”*

In chapter 107, section 1, of the same Code, we have another provision in these words:

*“No negro emancipated since the first day of May, 1806, or hereafter, or claiming his right to freedom under a negro so emancipated, shall, after being twenty-one years of age, remain in this State without lawful permission.”*

I may refer to other provisions in the Code of Virginia. In section 31, chapter 198, is the following clause—“Any free person who shall bring a free negro into this State, shall be confined in jail and fined.”

It is also provided in section 32 of said chapter, that—“If a free negro not authorized by law to do so, come into, or remain in this State, any person may, and every sheriff, sergeant, and constable is required, to apprehend and carry him before some justice, who shall require him to pay one dollar to the person apprehending him, and give bond in a penalty not less than \$100, to leave the State in ten days and not return. If the free negro fail to pay the fee aforesaid, or give said bond, he may, by order of the justice be punished with stripes, and repeated so long as he remains in the State.”

I say nothing of the humanity and propriety of these provisions. But surely those apprehending danger from the influx of free negroes, could not devise more stringent measures to prevent it.—And now, sir, I refer you to article 11, section 8, of the new State Constitution. It reads thus:

*“Such parts of the Common Law and of the Laws of the State of Virginia, as are in force within the boundaries of the State of West Virginia, when this Constitution goes into operation, and are not repugnant thereto, shall be and continue the laws of this State until altered or repealed by the Legislature.”*

What then will be the effect of the admission of the new State into the Union, on this question? It will be this, that thereafter no free negro can come into West Virginia, nor can those who are now in it, or who, under the operation of the condition proposed by Congress, if adopted by us, will hereafter become free, remain in it, unless they shall get permission according to law—that is to say, no free negro outside of the new State can come into it, and all those in it, may be compelled to leave it. And yet we are warned not to vote for the new State, because if we are admitted under the act of Congress we shall be inundated with free negroes. Sir, where does this warning voice come from? But, sir, I will not longer detain the Convention in exposing the fallacy of a pretext so flimsy.

There is another objection invented to embarrass this great measure. It may be well enough to bestow upon it a passing notice. Appeals are being made, I understand, to the fears of the people lest they should, by voting for the new State, involve themselves in debt by an increase of expenditures in the construction of the necessary public buildings, &c. Of course, sir, this will involve some expense; not, however, exceeding a few hundred thousand dollars. I will venture the assertion, that the simple act of complete admission as an independent State will, on the very moment it takes place, increase the value of every tax payers' estate, within the limits of the new commonwealth, to the amount of five hundred per cent. on what he will ever be required to pay for all the public buildings and expenses of organizing the new State. I believe, sir, that on the day when we shall be finally and completely made an independent State of the Union, every landholder within our borders will be worth more, by an average of from twenty-five to forty per cent., than he was the day before. And every merchant and mechanic will have secured to him the certain prospect of an increased and better business, greater by a hundred fold than ever they enjoyed before. Such an objection, when contemplated in the light of the great and manifold advantages of a new State, sinks into insignificance.

As to our assumption of a just and equitable proportion of the debt of Virginia, existing at the time of the ordinance of secession, that is eminently right and proper. We should not deserve to be admitted into the Union on any other terms. Any attempt to evade this would be dishonorable. But, sir, how will our admission as a new State increase our lia-

bilities in this behalf? If we remain undivided, will we not be made to pay our equitable proportion of that debt of Virginia? Nay, if the policy of the Eastern majority of our legislative councils shall be hereafter as it has been heretofore, we shall be made to pay more than our equitable proportion of that debt. The same discriminating and unfriendly legislation against which we have been remonstrating for forty years, will be fastened on us and our posterity forever. We shall simply be tax-payers to build roads and canals for the benefit of that sectional majority who have no identity with us in geographical location, social habits, or commercial relations, and not much in political principle. Shall we still, and forever, with canine docility and compliance, continue to lick the rod with which we have been beaten?

But, sir, this is not all. We shall, by remaining in the old State, not only be liable to the payment of our *pro rata* share of the public debt of Virginia, as it existed when the ordinance of secession was passed, but we shall also be subjected to the payment of, at least, a proportioned share of the enormous debt which Virginia has incurred since the passage of that ordinance. It was bad enough to be compelled to pay taxes to build railroads and internal improvements on the other side of the Blue Ridge, which few of us would ever be able to see, and none of us ever derive any benefit from. I say it was hard enough to be compelled to pay that old debt. But it was contracted according to law. The good faith of the State was pledged, in lawful form, to redeem it, and, therefore, no good citizen dare shrink from the obligation to pay it. But what obligation is there resting upon us loyal West Virginians to assume this new debt? How and for what purpose has it been created? To forge weapons to slaughter our fellow-citizens, our fathers, and sons, and brothers! To raise means to destroy our property, our lives, and our liberties! Yes, sir, it was for these hellish purposes this new debt has been created. And that these purposes have been but too fully accomplished, let the blood of thousands of our fellow-citizens, shed by the murderous hands of the Eastern soldier and Western guerrillas, this day crying from the earth to Heaven, answer. Look upon the ashes of many a happy homestead; look upon the anguish of many a stricken heart; upon the widowhood and orphanage all through our once happy hills and homes. These are the results contemplated and accomplished by the erection of

this new debt of Virginia. Where is the man that will advise the people of West Virginia to be taxed to pay such a debt as this? Where is he? And yet, so surely as we remain in Virginia, undivided, so surely will we be compelled to pay this new debt. The men who would create such a debt for such purposes, will not hesitate to make us pay for it after these purposes are accomplished. And what is the amount of this new debt? What will it be when the war is terminated? No human being can now tell. The debt of Virginia, when the ordinance of secession was passed, was at least forty millions. It is now, perhaps, eighty millions. If the war lasts a year longer it will be a hundred millions. And yet there are those who are advising the people that they should resist the admission of the new State because it would involve the expenditure of a few hundred thousand dollars in the construction of public buildings, &c.; whilst, by adhering to the old State, and rejecting separation, it will subject them to the burden of a new and additional debt contracted since the ordinance of secession, amounting to fifty or sixty, or perhaps, a hundred millions of dollars. Give us a new State, and our existing rates of taxation will be lessened. Remain as we are, and they must necessarily be increased more than a hundred fold. I cannot appreciate such economy as this.

Mr. President, there are those who are so uncharitable as to suppose that underlying these specious but fallacious objections, there is concealed a secret hope that the rebellion will succeed, and that West Virginia will be dragged into the Southern Confederacy, like the captive princess chained to the triumphal car of the ancient Roman conqueror? Can it be possible that these pretenses are assumed to cover up a design so disloyal and fratricidal? Are they mere diversions of the enemy to distract our attention from the true issues?

Why, Mr. President, what would be the condition of the people of West Virginia in a Southern Confederacy?—with all our waters, with most of our trade and traffic and travel, flowing into the North?—with little or no trade, or travel, or commerce, or social intercourse with the remainder of even our own State? Cut off from all these advantages by impassable geographical and natural barriers, not to be overcome by any available amount of capital or skill—compressed like a driven wedge between the two mighty States of Ohio and Pennsylvania, which, if hostile to us, could sweep us away as with a “besom of

destruction,” before relief could reach us? And would not these States be hostile? Does not universal history teach us this significant lesson, that no contiguous people, speaking the same language, possessing the same religion, accustomed to the same civil institutions, ever did live, in peace, under distinct and independent governments, with no natural barriers to separate them. Perpetual war or consolidation is the inevitable result of such a condition.

Sir, we have recently heard a great cry for peace. No man more earnestly desires peace than I do. But, sir, there is no peace but in the union of these States. Disunion is perpetual war. To establish two confederacies of the United States is to inaugurate a war which will have no end, save in the utter destruction of each, or in their consolidation into one government; and such a consolidated government, would, most probably, be a military despotism. Let West Virginia, therefore, be attached to a Southern Confederacy, and we would be the prey and the sport of hostile neighbors; or if any attempt were made to protect us, we should be the mere battle ground of the opposing powers, and be crushed beneath the iron heel of war. In this event, frowning forts would cast their dark shadows from either shore upon the peaceful bosom of the beautiful Ohio, where hitherto we have only been rivals in trade and commerce and good fellowship. Standing armies would line these shores from Ceredo to New Cumberland, and from New Cumberland to the Fairfax stone; and we might as reasonably expect luxuriant verdure where the blasts of the sirocco sweep across the Arabian deserts, as that the arts and pursuits of peace should flourish in West Virginia, under such malign influences. Sir, how long would it be before frowning battlements would crown those Ohio hills, yonder in sight commanding your city?—How long before your city would be in ruins, and your wives and children homeless and houseless? We should but reproduce the history of the wars and desolations of the Scottish border—happy, if at last, after centuries of rapine and murder, and the unceasing conflict of armies, we should acknowledge the folly of our unnatural separation, by again “joining together,” as did Great Britain and Scotland, that which God and nature had ordained should never “be put asunder.”

Mr. President, I feel that I have trespassed too long on the patience of the Convention. Other topics suggest themselves for consideration; but I forbear to

discuss them. I beg leave to submit a few remarks of a general character, and then I shall have done.

The adroit opponents of this great measure, despairing, perhaps, of the success of their arguments, are bestirring themselves to enlist in their behalf the passions and prejudices of party politics.

Sir, what have party politics to do with the division of the State? Will any man be less a Democrat, or Whig or Republican after the admission of the new State into the Union than he was before? Will not all offices, Federal, State, and County, be precisely under the same control after admission as they were before? Do you, or do I condemn the President's emancipation proclamation? Or his suspension of the privilege of the writ of *habeas corpus*? Are we dissatisfied with his policy in reference to slavery? Surely the admission of the new State cannot be construed into an approval or disapproval of any of these things. It has no connection with them whatever. We shall be as free to approve or condemn in the new State as in the old. It will not change our relations in the slightest degree, towards the President or his policy, or towards any party, or policy. Let the question, therefore, stand or fall upon its own merits. Let not the people be deceived by the clamor of artful political leaders, who, under the guise of party fealty, are seeking to defeat a measure having no connection with party politics, but which is of vital importance to the interests of all. I trust, therefore, that we will not suffer ourselves to be betrayed by any such mischievous devices; but shutting our ears to all these false suggestions, and turning our eyes away from the dreary scenes of the past, we will listen to the voice of duty alone, and fix our eyes only upon the bright prospects awaiting us in the future, if we do but accept the rich boon of proffered independence before us. Sir, I do feel that the long and chilly night of western destitution and demoralization is passing away forever: and that a new era is dawning upon us—an era of light and life which shall quicken the long dormant energies of our people, reveal and develop

the abounding treasures everywhere hidden beneath our mountains and valleys, attract labor and capital and skill from every quarter of the land, and elevate us to that condition of moral, intellectual and physical prosperity and happiness which we have a right to enjoy.

But we still hear it said in certain quarters—"Wait for the proper time." Sir, now is the proper time. This same objection has been urged from the beginning; and it was in reply to it that Mr. Carlile in August, 1861, in the Convention then held in this city, so forcibly said—

"Why, sir, I was surprised to hear gentlemen enumerate difficulty after difficulty, all of which, as was said on yesterday by my friend from this city, (Mr. Paxton,) have existed and will continue to exist throughout all time with the exception of embarrassment to the administration in this struggle. The reasons are assigned by gentlemen who tell us they are in favor of division *at a proper time*, and that proper time is when all Virginia is represented in the Legislature, and that time will be when you never can get the consent of the Legislature. Now, sir, I have my own views about the position of gentlemen when they tell me they are in favor of a division of the State and say they intend to postpone it until they never can get the consent of the Legislature."

Has anything occurred since that time to render the admonition of Mr. Carlile less necessary now than it was then? No, sir. Let us, therefore, not be deceived by this clamor for delay. Why should we hesitate to accept the great advantages before us? We have complied with every requisition of the law. We have fulfilled every constitutional obligation. And now wealth, and popular education, and material and moral progress and development, and political equality, and prosperity in every department of political economy, so long withheld from us, are all within our grasp. The "golden moment" has come at last. If we fail to improve it we shall deserve the degradation in which our folly will have forever involved us.

# APPENDIX.

## MICHIGAN.

*Note A.*—“An act to establish the Northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed.”

“Sec. 2. And be it further enacted, that the Constitution and State Government which the people of Michigan have formed for themselves, be, and the same is, hereby accepted, ratified and confirmed; and the said State of Michigan shall be, and is, hereby declared to be one of the United States of America, and is hereby admitted into the Union on an equal footing with the original States, in all respects whatsoever: *Provided always*, and this admission is upon the *express condition* that the said State shall consist of, and have jurisdiction over all the territory included within the following boundaries, to-wit: Beginning, &c., &c.

“Sec. 3. And be it further enacted, That as a *compliance with the fundamental condition of admission*, contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared and established, shall receive the assent of a Convention of Delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon without any further proceeding on the part of Congress the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States, in all respects whatever, shall be considered as complete.”

## WISCONSIN.

*Note B.*—In 1846 Congress passed what is called an “enabling act” for the admission of this State. The 7th section of that act is as follows:—

“That the following propositions are hereby submitted to the Convention which shall assemble for the purpose of forming a

Constitution for the State of Wisconsin, for acceptance or rejection; and if accepted by said Convention, and ratified by an article in said Constitution, they shall be obligatory on the United States.”—Then follow five distinct propositions and restrictive conditions, granting certain lands, *per centage* on sales of lands, &c., &c., the whole concluding with a proviso in the following words: “*Provided*, that the foregoing propositions herein offered are on the condition that the said Convention which shall form the Constitution of said State, shall provide by a clause in said Constitution, or an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents.”

The act of Congress finally admitting the State of Wisconsin, approved March 3, 1847, contained the following sections:

“Sec. 3. And be it further enacted, That the assent of Congress is hereby given to the resolutions by said Convention, and appended to said Constitution, and the acts of Congress referred to in said resolutions are hereby amended, so that the lands thereby granted and the proceeds thereof, and the five *per centum* of the net proceeds of the public lands, may be held and disposed of by said State in the manner and for the purposes recommended by said Convention: *Provided, however*, that the liabilities incurred by the Territorial Government of Wisconsin, under the act entitled “an act to grant a quantity of land to the Territory of Wisconsin for the purposes of opening a canal to connect the waters of Lake Michigan with those of Rock river,” shall be paid and discharged by said State; and *provided further*, that the even numbered sections along the route of said proposed canal shall be brought into market and sold at the same *minimum* price, and subject to the same rights of pre-

emption to all the settlers thereon at the passage of this act, as other public lands of the United States.

"Sec. 4 And be it further enacted, That it is made and declared to be a *fundamental condition* of the admission of the State of Wisconsin into the Union, that the Constitution adopted at Madison on the 16th day of December, 1846, shall be assented to by the qualified electors in the manner and at the time prescribed in the 9th section of the 20th article of said Constitution, and as soon as such assent shall be given, the President of the United States shall announce the same by proclamation, and therefrom, and without any further proceedings on the part of Congress, the admission of said State of Wisconsin into the Union, on an equal footing in all respects whatever with the original States, shall be considered as complete."

#### KANSAS.

*Note C.*— "WHEREAS, the people of Kansas did by a Convention of Delegates assembled at Leecompton the 7th day November, 1857, for that purpose, form for themselves a Constitution and State Government which is republican; and whereas, at the same time and place said Convention did adopt an ordinance, which ordinance asserts that Kansas when admitted as a State, will have an undoubted right to tax the lands within her limits belonging to the United States, and proposes to relinquish said asserted right, if certain conditions set forth in said ordinance, be accepted and agreed to by the Congress of the United States; and whereas, said Constitution and ordinance have been presented to Congress by order of said convention, and admission of said territory into the Union thereon as a State, requested; and whereas, said Ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kansas concur in the changes in said ordinance hereinafter stated, and desire admission into the Union as a State, as herein proposed:

Therefore, be it enacted, &c., That the State of Kansas be and is hereby admitted into the Union on an equal footing with the original States, in all respects whatever, but upon this *fundamental condition precedent*, namely: That the question of admission with the following propositions in lieu of the ordinance framed at Leecompton, be submitted to a vote of the people of Kansas and assented to by them, or a majority of the voters voting at an election to be held for that purpose, namely: (Here follow five distinct pro-

positions, concluding with the following proviso):

*Provided*, The foregoing propositions herein offered are on the condition that said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulations which Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof, and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents," &c., &c.

*Note D.* Extract from an article recently published by Hon. Robert J. Walker.

#### AREA.

The area of Missouri is 67,380 square miles, being the fourth in rank, as to area, of all the States. The area of Illinois is 55,405 square miles, ranking the tenth. Missouri, then, has 11,975 square miles more than Illinois. This excess is greater by 749 square miles than the aggregate area of Massachusetts, Delaware and Rhode Island, containing in 1860 a population of 1,517,902. The population of Missouri per square mile in 1810 exceeded that of Illinois .08; but, in 1860, the population of Missouri per square mile was 17.54, ranking the twenty-second, and that of Illinois 30.90, ranking the thirteenth. Illinois, with her ratio to the square mile, and the area of Missouri, would have had in 1860 a population of 2,082,052; and Missouri, with her ratio, and the area of Illinois, would have had in 1860 a population of 971,803, making a difference in favor of Illinois of 1,110,239, instead of 529,939. The absolute increase of population of Illinois per square mile, from 1850 to 1860, was 15.54, and of Missouri 7.43, Illinois ranking the sixth in this ratio and Missouri the fourteenth. These facts prove the vast advantages that Missouri possessed in her larger area as compared with Illinois.

But Missouri, in 1810, we have seen, had nearly double the population of Illinois. Now, reversing their numbers in 1810, the ratio of increase of each remaining the same, the population of Illinois in 1860 would have been 2,905,014, and of Missouri, 696,983. If we bring the greater area of Missouri as an element into this calculation, the population of Illinois in 1860 would have exceeded that of Missouri more than two millions and a half.

#### MINES.

By census tables 9, 10, 13 and 14, Missouri produced in 1860 pig iron of the

value of \$575,000; Illinois, none; bar and rolled iron, Missouri, \$535,000; Illinois, none; lead, Missouri, \$356,660; Illinois, \$72,953; coal, Missouri, \$8,200; Illinois, \$964,187; copper, Missouri, 6,000; Illinois, none. As to mines, then, Missouri has a decided advantage over Illinois. Indeed, the iron mountains of Missouri are unsurpassed in the world. That Illinois approaches so near to Missouri in mineral products, is owing to her railroads and canals, and not to equal natural advantages. The number of miles of railroad in operation in 1860 was 2,867 in Illinois, and 817 in Missouri; of canals, Illinois, 102 miles; Missouri none. (Tables 38-9.) But if Missouri had been a free State, she would have at least equalled Illinois in internal improvements, and the Pacific Railroad would long since have united San Francisco, St. Louis and Chicago.

Illinois is increasing in a *progressive* ratio as compared with Missouri. Thus, from 1840 to 1850, the increase of numbers in Illinois was 78.81, and from 1850 to 1860, 101.01 per cent.; whilst the increase of Missouri from 1840 to 1850 was 77.75, and from 1850 to 1860, 73.30.— Thus the ratio is greatly augmenting in Illinois, and decreasing in Missouri. If Illinois and Missouri should each increase from 1860 to 1870, in the same ratio as from 1850 to 1860, Illinois would then number 3,441,448, and Missouri 2,048,426. (Table 1.) In 1850 Chicago numbered 29,963, and in 1860, 109,260; St. Louis, 77,860 in 1850, and 160,773 in 1860. From 1840 to 1850 the ratio of increase of Chicago was 570.31 and from 1850 to 1860, 264.65, and of St. Louis, from 1840 to 1850, 372.26, and from 1850 to 1860, 106.49. If both increased in their respective ratios from 1860 to 1870, as from 1850 to 1860, Chicago would number 398,420 in 1870, and St. Louis 331,879. It would be difficult to say which place has the greatest natural advantages, and yet, when St. Louis was a city, Chicago was but the site of a fort.

#### PROGRESS OF WEALTH.

By census table 36, the cash value of the farms of Illinois in 1860, was \$432,531,072, and of Missouri, \$230,632,126, making a difference in favor of Illinois of

\$201,898,946, which is the loss which Missouri has sustained by slavery in the single item of farm lands. Abolish slavery there, and the value of her farm lands would soon equal those of Illinois, and augment the wealth of the farmers of Missouri over two hundred millions of dollars. But these farm lands of Missouri embrace only 19,984,809 acres, (table 36.) leaving unoccupied 23,138,391 acres. The difference between the unoccupied lands of Missouri and Illinois is six dollars per acre, at which rate the increased value of the unoccupied lands of Missouri, in the absence of slavery, would be \$138,830,346. Thus, it appears, that the loss of Missouri in the value of her lands, caused by slavery, is \$340,729,292. If we add to this the diminished value of town and city property in Missouri, from the same cause, the total loss in that State, in the value of real estate, exceeds \$400,000,000, which is nearly twenty times the value of her slaves. By table 35, the increase in the value of the real and personal property of Illinois, from 1850 to 1860, was \$715,595,276, being 457.93 per cent. and of Missouri \$363,966,691, being 265.18 per cent. At the same rate of increase from 1860 to 1870, the total wealth of Illinois would then be \$3,993,000,000, and of Missouri, \$1,329,000,000, making the difference against Missouri in 1870, caused by slavery, \$2,664,000,000, which is much more than three times the whole debt of the nation, and more than twice the value of all the slaves in the Union. Whilst then the \$20,000,000 proposed to be appropriated to aid Missouri in emancipating her slaves, is erroneously denounced as increasing federal taxation, the effect is directly the reverse. The disappearance of slavery from Missouri would ensure the overthrow of the rebellion and the perpetuity of the Union, and bring the war much sooner to a close, thus saving us a monthly expenditure far exceeding the whole appropriation. But this vast increase of the wealth of Missouri, caused by her becoming a free State, would, by increasing her contribution to the national revenue in augmented payments of duties and internal taxes, diminish to that extent, the rate of taxation to be paid by every State, Missouri included.