

SPEECH

OF

HON. W. T. WILLEY,

DELIVERED

IN THE UNITED STATES SENATE,

MAY 29, 1862,

On presenting the Memorial of the Legislature of Virginia, requesting the consent of Congress to the erection of a new State within the jurisdiction of that State, to be called "West Virginia."

Mr. WILLEY said:

Mr. PRESIDENT: I gave notice yesterday that I would this morning present a memorial or request on the part of the Legislature of Virginia in reference to the formation and erection of a new State within the jurisdiction of that State, and that I would ask the indulgence of the Senate during the morning hour for the purpose of accompanying the presentation of that request with some explanatory remarks.

I hold in my hand, sir, an act of the Legislature of Virginia giving the consent of that State to the formation and erection of a new State within its jurisdiction, passed May 13, 1862. I will read the third section of that act:

"Be it further enacted, That this act shall be transmitted by the Executive to the Senators and Representatives of this Commonwealth in Congress, with a certified original of said constitution and schedule, and the said Senators and Representatives are hereby requested to use their endeavors to obtain the consent of Congress to the admission of the State of West Virginia into the Union."

Accompanying this request is a certified original of the constitution adopted by that portion of Virginia which seeks to be erected into a new State, together with a certified copy of the returns of the vote in each county upon the adoption of that constitution.

Mr. President, in presenting this "request of the Legislature of Virginia, together with the said certified original of the said constitution," I deem it proper to accompany it with some explanatory remarks. I think the importance of the question involved is a sufficient apology for such a claim upon the indulgence of the Senate. I shall be as brief as is possible.

In the winter of 1860-61 the Legislature of Virginia was convoked in special session, to take into consideration the exigencies pressing upon the country in consequence of the revolutionary proceedings of the Gulf States. That Legislature passed a law directing the people of Virginia to elect delegates to a convention, to be held in the city of Richmond on the 14th day of February, 1861, to determine the duty of Virginia under the extraordinary circumstances by which she was surrounded; and it was expressly provided in this law directing the election of delegates to this convention, that a vote should be taken at the same time, ascertaining the sense of the people of Virginia, whether, if the convention passed an ordinance withdrawing the State of Virginia from the Federal Union, such ordinance, before it became opera-

tive and final, should be referred back to the people, for their adoption or rejection. The majority of votes in favor of such reference was nearly sixty thousand.

The delegates thus chosen assembled at the time and place appointed. After several weeks of excited discussion, and under the pressure of malign and extraordinary influences, not now necessary to be recounted, the convention, in secret session, did pass an ordinance of secession on the 17th day of April, 1861. Under the requirement of the law calling the convention, already mentioned, this ordinance was formally referred to the people, to be voted upon, on the fourth Thursday of May, 1861, next ensuing. Of course, this ordinance could not, therefore, be of any legal effect until after it should be adopted by the people.

And now, astounding as what I am about to state may appear, it is, nevertheless, true. Before the seal of secrecy was removed from the proceedings of the convention; before the people knew that the ordinance had been passed; before the people had voted upon it—yes, sir! on the very next day after the passage of the ordinance, the convention began to levy war against the United States—large appropriations for military purposes were made; field officers were appointed and commissioned; the military stores, forts, arsenals, and arms, and custom-houses of the United States, were seized at Richmond, Norfolk, Harper's Ferry, and other places. A fortnight had not elapsed until the convention, still in secret session, and before the people knew that any ordinance of secession had passed, had, by solemn compact made with commissioners from the insurrectionary government of the so-called confederate States, annexed Virginia to that confederation, and transferred to it her entire military resources, and placed the militia under the control of the rebel chief of that insurrectionary organization. All this was done by these secret conspirators, not only before the people had voted upon the ordinance of secession, but before they were permitted to know, or did know, that any ordinance of secession had been passed. Thus were the unconscious people of Virginia, like beasts in the shambles, transferred to a new allegiance, a new government, and new rulers and political masters, in the selection of whom they had no knowledge or choice. And before the people were permitted to know of these proceedings, the "sacred soil" of Virginia was trodden by the armed legions of South Carolina and the Gulf States, and on the fourth Thursday in May, when the ordinance was to be voted upon by the people, thirty thousand glittering bayonets surrounded the polls from the Chesapeake to the summit of the Alleghanies. Portions of the confederate forces had been pushed across the Alleghanies, and were menacing the lives and liberties of the people of northwest Virginia. Officers had been commissioned and authorized to raise troops there and to organize the militia in subjection to the military tyrants at Montgomery, and in hostility to the United States. The civil authorities were also threatened with condign punishment unless they instantly recognised this new order of things, and administered their offices as under the authority of the southern confederation.

Against all this the loyal spirit of the people of northwest Virginia revolted. Public mass meetings—the first of which was organized under the direction and at the instance of my respected colleague—were held in many of the counties, to take into consideration the best means of preserving our allegiance to the United States, and to protect ourselves from the remorseless despotism of the usurpers. A convention, composed of nearly five hundred delegates, representing nearly thirty counties of the northwestern section of the State, assem-

bled early in May, 1861. This convention not regarding its authority as competent to take final and definite action in the premises, but breathing a spirit of undying attachment to the national Union and Constitution, and of eternal hostility to the principles and pretensions of the southern rebels, adopted, on the 13th day of May, a series of resolutions, which I will read. Senators have sometimes talked about the fact that Western Virginia had not come up to the rescue as she ought in this crisis. Sir, five hundred of her men gathered on that day with their lives in their hands, with conspirators in their midst, and the armed legions of the southern rebellion marching upon us, and passed these resolutions in the very teeth and forefront of all this danger and array of force against us :

"1. *Resolved*, That in our deliberate judgment the ordinance passed by the convention of Virginia, on the 17th day of April, 1861, known as the ordinance of secession, by which said convention undertook, in the name of the State of Virginia, to repeal the ratification of the Constitution of the United States by this State, and to resume all the rights and powers granted under said Constitution, is unconstitutional, null, and void."

We committed treason, according to the theory of the South, in the face of her armed legions :

"2. *Resolved*, That the schedule attached to the ordinance of secession, suspending and prohibiting the election of members of Congress for this State, is a manifest usurpation of power, to which we ought not to submit.

"3. *Resolved*, That the agreement of the 24th of April, 1861, between the commissioners of the confederate States and this State, and the ordinance of the 25th of April, 1861, approving and ratifying said agreement by which the whole military force and military operations, offensive and defensive, of this Commonwealth, are placed under the chief control and direction of the president of the confederate States, upon the same principles, basis, and footing as if the Commonwealth were now a member of said confederacy, and all the acts of the executive officers of our State in pursuance of said agreement and ordinance, are plain and palpable violations of the Constitution of the United States, and are utterly subversive of the rights and liberties of the people of Virginia.

"4. *Resolved*, That we earnestly urge and entreat the citizens of the State everywhere, but more especially in the western section, to be prompt at the polls on the 23d instant, and to impress upon every voter the duty of voting in condemnation of the ordinance of secession, in the hope that we may not be involved in the ruin to be occasioned by its adoption, and with the view to demonstrate the position of the West on the question of secession.

"5. *Resolved*, That we earnestly recommend to the citizens of Western Virginia to vote for members of the Congress of the United States in their several districts, in the exercise of the right secured to us by the constitutions of the United States and the State of Virginia.

"6. *Resolved*, That we also recommend to the citizens of the several counties to vote at said election for such persons as entertain the opinions expressed in the foregoing resolutions for members of the Senate and House of Delegates of our State.

"7. *Resolved*, That in view of the geographical, social, commercial, and industrial interests of Northwestern Virginia, this convention are constrained, in giving expression to the opinion of their constituents, to declare that the Virginia convention, in assuming to change the relation of the State of Virginia to the Federal Government, have not only acted unwisely and unconstitutionally, but have adopted a policy utterly ruinous to all the material interests of our section, severing all our social ties and drying up all the channels of our trade and prosperity."

It is to the eighth resolution that I particularly wish to refer Senators at this time :

"8. *Resolved*, That in the event of the ordinance of secession being ratified by a vote, we recommend to the people of the counties here represented, and all others disposed to co-operate with us, to appoint, on the 4th day of June, 1861, delegates to a general convention, to meet on the 11th of that month, at such place as may be designated by the committee hereinafter provided, to devise such measures and take such action as the safety and welfare of the people they represent may demand—each county to appoint a number of representatives to said convention equal to double the number to which it will be entitled in the next House of Delegates, and the Senators and Delegates to be elected on the 23d instant, by the counties referred to, to the next General Assembly of Virginia"—

That is, under the regular election of the State—

“and who concur in the views of this convention, to be entitled to seats in the said convention as members thereof.

“9. *Resolved*, That inasmuch as it is a conceded political axiom, that Government is founded on the consent of the governed and is instituted for their good, and it cannot be denied that the course pursued by the ruling power of the State is utterly subversive and destructive of our interests, we believe we may rightfully and successfully appeal to the proper authorities of Virginia to permit us peacefully and lawfully to separate from the residue of the State, and form ourselves into a government to give effect to the wishes, views, and interests of our constituents.

“10. *Resolved*, That the public authorities be assured that the people of the northwest will exert their utmost power to preserve the peace, which they feel satisfied they can do, until an opportunity is afforded to see if our present difficulties cannot receive a peaceful solution; and we express the earnest hope that no troops of the confederate States be introduced among us, as we believe it would be eminently calculated to produce civil war.

“11. *Resolved*, That, in the language of Washington in his letter of the 17th of September, 1787, to the President of Congress, ‘in all our deliberations on this subject we have kept steadily in view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, and perhaps our national existence.’ And therefore we will maintain and defend the Constitution of the United States, and the laws made in pursuance thereof, and all officers acting thereunder in the lawful discharge of their respective duties.”

In conformity with the recommendation of the eighth resolution aforesaid, the loyal people, wheresoever they could do so, rallied to the polls and selected delegates. These delegates, in connection with the loyal members of the Legislature, assembled in convention at Wheeling on the 11th day of June, 1861.

Meantime the first Virginia regiment of United States volunteers had been organized, and, led on by the gallant Colonel (now General) Kelley, supported by troops sent from Ohio and Indiana, had routed the enemy at Philippi. Before the advance of these troops, nearly every judge of our courts, nearly every prosecuting attorney, many of the justices of the peace, a majority of our sheriffs, many of the commissioners of the revenue, and of all classes and grades of civil office, had fled from the loyal counties to Richmond and other places within the lines of the enemy, and many of those daring to remain were disloyal, and unwilling to yield allegiance to the United States, or to aid in the enforcement of the laws of the United States, but were actually employing their authority and offices to harass the loyal citizens, and bring them into subjection to the usurped government at Richmond and Montgomery.

Now, sir, reflect a moment upon the condition of the people of Western Virginia at this time and under these circumstances. We were without a judiciary, either loyal or disloyal, in Western Virginia; two of the three judges had fled. We were without sheriffs and conservators of the peace. They had fled. We were without the means of enforcing the laws for redress of civil grievances or for punishment of crimes and misdemeanors. We were without legal protection of life, liberty, or property. Sir, I am using no figures of speech. I am indulging in no hyperbole. I am reciting facts, stubborn, literal facts. What were we to do? What could or ought we to have done?

I will tell you what we did. The convention thus provided and elected, composed of delegates chosen by the people, and of the loyal members of the Legislature, as I have already stated, assembled in Wheeling on the 11th day of June, 1861, and, in the language of our present excellent Governor, they

“Declared the offices of Governor, Lieutenant Governor, and Attorney General, vacant, by reason of those who had occupied them having joined the rebellion, and proceeded to fill those

offices, for a term of six months, with loyal persons, who were to continue in office during these six months and until their successors were elected by the people."

And here let me again recur to the language of the Governor thus chosen. Says he :

"The action of the Wheeling convention was not, as some have supposed, confined in its scope to Western Virginia ; it goes to the whole State. It is made the duty of the Executive to restore all the officers of every grade, civil and military, to be administered by loyal men, in every county in the State. As a test of loyalty, each officer is required to take an oath to support the Constitution of the United States, and of the restored government of Virginia, as vindicated by the convention at Wheeling, which assembled on the 11th day of June, 1861. On the refusal or failure of the officeholder to take these oaths, it is the duty of the Executive to declare the office vacant, and to order an election to fill the vacancy.

"In obedience to the ordinances of the convention, nearly forty counties have been reorganized. Those holding office who took the prescribed oaths, retained their position ; of those who refused, the offices were declared vacant, and loyal men were elected to fill them. They are acting now harmoniously under the laws of the United States, and the laws of Virginia made before the ordinance of secession was passed."

Still availing myself of the language of the Governor, as to the purpose and proceedings of this convention :

"It was not the object of the Wheeling convention to set up any new government in the State, or separate, or other government than the one under which they had always lived. They made a single alteration in the constitution of the State, which prescribes the number of delegates in the General Assembly which shall be necessary to constitute a quorum."

Were not the loyal people of Virginia justifiable in these proceedings? What less could they have done? They were in a state of anarchy and civil disfranchisement. Their chief magistrate and other executive officers essential to the maintenance of law and order had abdicated their authority. False to the obligations of law, false to his supreme allegiance, false to the Constitution of his own State and of the United States, false to his oath to support both, Governor Letcher had sworn allegiance to the so-called confederate government of the revolted States, and was using all the means of the Commonwealth at his command to resist the authorities of the United States, and to crush and kill all who opposed his usurped and treasonable assumptions of power. The same spirit animated him then which distinguishes his recent barbarous and bloody proclamation, in which he declares :

"The loyal citizens of the west and northwest, in counties not herein named, are earnestly invoked to form guerrilla companies, and strike, when least expected, once more for the State that gave them birth. With stern resolve and manly courage uphold the flag and the untarnished fame of the Old Dominion."

We could not apply to him for protection. He was a traitor. He was our most cruel oppressor and persecutor. His subordinates in the executive department of the government were co-operating with him. Were we not driven to the last resort? Were not the loyal people not merely excusable, but compelled by inexorable necessity to resume their original sovereign authority, and ordain measures necessary for their protection?

But, sir, the convention did not run into any revolutionary extremes. The State had no Governor, and the convention appointed one. Other subordinate executive offices had also been vacated by the treason of the incumbents, and the convention clothed the Governor with power to order elections to fill them with loyal officers. No new office was created, no new constitutional powers were conferred. The simple effort and object were to restore the government of the State, in all its departments, to the precise position it occupied prior to the passage of the ordinance of secession. The people—the loyal people of Virginia, who were the only people of Virginia recognised by the Constitution and the laws as having any rights and authority in the premises—were

thus driven to the exercise of their sovereign rights, as the fountain of governmental authority. No candid man, I think, will say they exercised that power wantonly or wickedly. Sir, that convention made a solemn and formal declaration of the motives by which it was governed, and of the purposes it designed to accomplish. I beg leave to read that declaration to the Senate:

A Declaration of the People of Virginia, represented in Convention, at the city of Wheeling, Thursday, June 13, 1861.

The true purpose of all government is to promote the welfare and provide for the protection and security of the governed; and when any form or organization of government proves inadequate for, or subversive of this purpose, it is the right, it is the duty of the latter, to alter or abolish it. The Bill of Rights of Virginia, framed in 1776, reaffirmed in 1830, and again in 1851, expressly reserves this right to a majority of her people. The act of the General Assembly, calling the convention which assembled at Richmond in February last, without the previously expressed consent of such majority, was therefore a usurpation; and the convention thus called has not only abused the powers nominally intrusted to it, but, with the connivance and active aid of the Executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.

The convention, by its pretended ordinances, has required the people of Virginia to separate from and wage war against the Government of the United States, and against the citizens of neighboring States, with whom they have heretofore maintained friendly, social, and business relations.

It has attempted to subvert the Union founded by Washington and his co-patriots, in the former days of the Republic, which has conferred unexampled prosperity upon every class of citizens, and upon every section of the country.

It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States, and required their submission to its pretended edicts and decrees.

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy, for offensive as well as defensive purposes.

It has, in conjunction with the State Executive, instituted, wherever their usurped power extends, a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud.

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government, and by organizing and mobilizing armies, with the avowed purpose of capturing or destroying the capital of the Union.

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances treason against the former.

"We, therefore, the delegates here assembled in convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy Commonwealth must be reduced unless some regular adequate remedy is speedily adopted, and appealing to the Supreme Ruler of the universe for the rectitude of our intentions, do hereby, in the name and on behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties, and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth, and that all acts of said convention and Executive, tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said convention and Executive, whether legislative, executive, or judicial, are vacated.

I beg you to observe, Mr. President, that this does not purport to be the action of a part of the people of Virginia—of northwestern Virginia, as is usually believed—but of all the loyal people of Virginia in convention assembled. So organized, so influenced, and so acting; the convention proceeded to its great work. I am sure I shall be pardoned for reading the first ordinance passed by this convention.

An ordinance for the reorganization of the State government, passed June 19, 1861.

The people of the State of Virginia, by their delegates assembled in convention at Wheeling, do ordain as follows:

1. A Governor, Lieutenant Governor, and Attorney General for the State of Virginia shall

be appointed by this convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office for six months, or until their successors be elected and qualified; and the General Assembly is required to provide by law for an election of Governor and Lieutenant Governor by the people as soon as in their judgment such an election can be properly held.

2. A council, to consist of five members, shall be appointed by this convention, to consult with and advise the Governor respecting such matters pertaining to his official duties as he shall submit for consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the Governor.

3. The delegates elected to the General Assembly on the 23d day of May last, and the senators entitled under existing laws to seats in the next General Assembly, together with such delegates and senators as may be duly elected under the ordinances of this convention, or existing laws, to fill vacancies, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices from the passage of this ordinance until the end of the terms for which they were respectively elected. They shall assemble in the city of Wheeling, on the 1st day of July next, and proceed to organize themselves as prescribed by existing laws, in their respective branches. A majority in each branch of the members qualified as aforesaid shall constitute a quorum to do business. A majority of the members of each branch thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-fourth section of the fourth article of the constitution of the State.

4. The Governor, Lieutenant Governor, Attorney General, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the judges and clerks of the several courts, sheriffs, commissioners of the revenue, justices of the peace, officers of the city and municipal corporations, and officers of militia, and officers and privates of volunteer companies of the State, not mustered into the service of the United States, shall each take the following oath or affirmation before proceeding in the discharge of their several duties:

"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as vindicated and restored by the convention which assembled at Wheeling on the 11th day of June, 1861."

If any elective officer, who is required by the preceding section to take such oath or affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact, to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy, at some convenient and early day to be designated in said writ; of which due publication shall be made for the information of the persons entitled to vote at such elections; and such writ may be directed, at the discretion of the Governor, to the sheriff or sheriffs of the proper county or counties, or to a special commissioner or commissioners to be named by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed by the Governor, he shall fill the vacancy without writ; but if such officer be appointed otherwise than by the Governor or by election, the writ shall be issued by the Governor, directed to the appointing power, requiring it to fill the vacancy.

ARTHUR I. BOREMAN, *President*.

G. L. CRANMER, *Secretary*.

Again, I beg you to observe that the government of Virginia thus to be reorganized, either in the executive or legislative department, was not for a part of the State—not for Western Virginia—but for all of Virginia.

In conformity with the provisions of this ordinance, the State government was reorganized in all its departments, and officers, executive, legislative, and judicial, were appointed and qualified in every county and district in the State where the presence of the armed rebels did not render it impossible; and the General Assembly, by whose command I present these papers to-day, was composed of delegates, not only from Western Virginia, but from Alexandria and Fairfax counties, in Middle Virginia, and from Accomac and Northampton counties on the Eastern Shore.

On the 20th day of August, 1861, this convention passed—

An Ordinance to provide for the formation of a new State out of a portion of the territory of this State.

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:

1. 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 southwest 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, Brook, 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 delegates 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 the 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 superintend, 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 of _____, 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 so elected to the said convention.

6. It shall be the duty of the Governor, on or before the 15th 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 in so 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 4th 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 1st 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 the said debt was contracted; and deducting therefrom the moneys 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.

G. L. CRANMER, *Secretary.*

A. I. BOREMAN, *President.*

In conformity with this ordinance, an election was held in every county within the limits of the proposed new State, where the presence of armed

rebels did not prevent it, for delegates to the proposed constitutional convention. The sense of the people was also taken "for the new State," and "against the new State," as provided in the ordinance. The vote in favor of it was almost unanimous.

In conformity with the requirement of the sixth section of the ordinance, the delegates thus elected assembled in convention in Wheeling on the 26th day of November, 1861, and proceeded to ordain a constitution. This constitution was submitted to the people on the first Thursday in April last, and was adopted with hardly a dissenting voice. The vote stood 18,862 in favor of it, and only 514 against it. If the ten thousand soldiers enlisted within the limits of the proposed State, then and still in the army of the United States, had been at home to vote, the majority in favor of the constitution would have been increased by about that number.

Finally, sir, in obedience to the proclamation of the Governor, the Legislature of Virginia assembled at Wheeling on the 6th day of this month, and on the 13th day thereof gave its consent to the formation of this new State, and has forwarded such consent to the Congress of the United States, together with an official copy of the constitution adopted as aforesaid, with the request that the said new State may be admitted into the Union of the United States.

And now it only remains for Congress to give its assent. Ought that assent to be given?

Mr. President, before I answer this question, I desire to correct a misapprehension which I find is prevalent, not only throughout the country, but likewise here. It seems to be supposed that this movement for a new State has been conceived since the breaking out of the rebellion, and was a consequence of it; that it grew alone out of the abhorrence with which the loyal citizens of West Virginia regarded the traitorous proceedings of the conspirators east of the Alleghanies, and that the effort was prompted simply by a desire to dissolve the connection between the loyal and disloyal sections of the State. Not so, sir. The question of dividing the State of Virginia, either by the Blue Ridge mountain, or by the Alleghanies, has been mooted for fifty years. It has frequently been agitated with such vehemence as to threaten seriously the public peace. It has been a matter of constant strife and bitterness in the Legislature of the State. The animosity existing at this time between the North and the South is hardly greater than what has at times distinguished the relations between East and West Virginia, arising from a diversity of interests and geographical antagonisms. Indeed, so incompatible was the union of the territory lying west of the Alleghany mountains with the territory lying east thereof, under one and the same State municipality, that so long ago as 1781, several of the States insisted that Virginia should include in her act of cession all her trans-Alleghany territory, making the Alleghany mountains her western, as they were her natural, boundary. A committee in the Federal Congress about this time made a strong report, suggesting such a boundary; and Mr. Madison records that—

"From several circumstances, there was reason to believe that Rhode Island, New Jersey, Pennsylvania, and Delaware, if not Maryland likewise, retained latent views of confining Virginia to the Alleghany mountains."—*Madison's Debates*, vol. 1, pp. 463-465.

And now, sir, I shall, with great brevity, proceed to adduce some facts showing why this application of West Virginia for admission as a State is just and reasonable.

First. Let us consider the population. I have prepared the following table, showing the white and slave population in each of the forty-eight counties of

the proposed new State, and also the per cent. of slave population in each county, according to the census of 1860.

Counties.	White population.	Slaves.	Per cent. of slaves.
1. Hancock.....	4,442	2	0.0
2. Brooke.....	5,425	18	0.3
3. Ohio.....	22,196	100	0.4
4. Marshall.....	12,936	29	0.2
5. Wetzel.....	6,691	10	0.1
6. Pleasants.....	2,926	15	0.5
7. Wood.....	10,791	176	1.6
8. Jackson.....	8,240	55	0.7
9. Mason.....	8,752	386	4.2
10. Cabell.....	7,691	305	3.8
11. Wayne.....	6,604	143	2.1
12. Logan.....	4,789	148	3.0
13. Boone.....	4,681	158	3.3
14. Kanawha.....	13,787	2,184	13.7
15. Roane.....	5,309	72	1.3
16. Wirt.....	3,728	23	0.6
17. Ritchie.....	6,809	38	0.6
18. Doddridge.....	5,168	34	0.7
19. Tyler.....	6,488	18	0.3
20. Harrison.....	13,185	532	4.2
21. Marion.....	12,656	63	0.5
22. Monongalia.....	12,907	101	0.8
23. Preston.....	13,183	67	0.5
24. Taylor.....	7,300	112	1.5
25. Barbour.....	8,729	95	1.1
26. Lewis.....	7,736	230	2.9
27. Gilmer.....	3,685	52	1.4
28. Calhoun.....	2,492	9	0.4
29. Braxton.....	4,885	104	2.1
30. Clay.....	1,761	21	1.2
31. Nicholas.....	4,470	154	3.3
32. Fayette.....	5,716	271	4.5
33. Raleigh.....	3,291	57	1.7
34. Wyoming.....	2,797	64	2.2
35. McDowell.....	1,535	0.0
36. Mercer.....	6,428	862	5.3
37. Monroe.....	9,526	1,114	10.5
38. Greenbrier.....	10,499	1,525	12.7
39. Pocahontas.....	3,686	252	6.4
40. Webster.....	1,552	3	0.2
41. Upshur.....	7,064	212	2.9
42. Randolph.....	4,793	183	3.7
43. Tucker.....	1,396	20	1.4
44. Putnam.....	5,708	580	9.2
45. Pendleton.....	5,873	244	4.0
46. Hardy.....	8,521	1,073	11.2
47. Hampshire.....	12,481	1,213	8.9
48. Morgan.....	3,613	94	2.5
Totals.....	334,921	12,771	

Thus, in 1860, the aggregate white population was three hundred and thirty-four thousand nine hundred and twenty-one; and the aggregate slave population was twelve thousand two hundred and seventy-one. It is but fair to say that, in consequence of the ravages of the war, the number of white inhabitants has, perhaps, not increased since the taking of the census; and the number of the slaves has, doubtless, diminished two or three thousand. Thus also it will be seen that the per cent. of slaves in 1860 was only about four per cent., and certainly does not now amount to three per cent. We have, therefore, the requisite number of inhabitants.

Secondly. I respectfully solicit the attention of Senators to the geographical position of the proposed new State. Look at the map. Observe how this territory lies, like a wedge driven in between the State of Ohio on one side, and the States of Pennsylvania and Maryland on the other, and is completely cut off from all convenient intercourse with East Virginia by the Alleghany mountains, the sky-kissing summits of which are proposed as the eastern boundary of the new State. How is it possible to identify these two sections of the State of Virginia in a common State policy, or system of internal improvements, or economical interests? You have only to examine the geography of the State to see that this is impracticable. It never has been done. It cannot be done. Hence the revenues of the State heretofore, with slight exceptions, have all been expended in the construction of lines of improvement avoiding those impassable mountain barriers, and leading to the south and southwest in directions which have not only not benefited the northwest section of the State—that part contained in the new State—but have, indirectly, operated to its serious disadvantage. This sectional appropriation of the State's revenues has long been inveighed against as unfriendly and unjust, and has engendered bitter sectional animosity between the counties lying east and those lying west of the Alleghanies. But, perhaps it might be more charitable to attribute this policy to an absolute necessity growing out of the utter impracticability of constructing any improvement connecting the two sections of the State.

Third. This application for admission as a new State is predicated on considerations of industrial and commercial necessity. The people living within the limits of the projected new State never had, and never can have, any trade or commerce with Eastern Virginia. There is no means of getting back and forth between the two sections by any direct and convenient way. There never has been; there never can be. The impediments are insuperable. Trans-Alleghany sells nothing to cis-Alleghany; and *vice versa*. The traffic and commerce between the two sections have not amounted to fifty thousand dollars in the last twenty years. The natural and best markets of West Virginia are Baltimore, Pittsburg, Cincinnati, &c. If Eastern Virginia were willing to do so, she has not the ability to push her railways and other means of transportation and travel into the northwest; and if she had both the will and the ability, all such improvements in Virginia could only carry the trade and staples of West Virginia beyond better and nearer markets.

Fourth. The difference of social institutions and habits of the people indicate the propriety of this division of the State. The existence of negro slavery is said, and I think correctly, by its friends, and by those who own slaves and yet are not its friends, to require a system of laws and municipal regulations adapted to the peculiar necessities and relations necessarily growing out of that institution. But slavery never can exist to any considerable extent in the territory proposed to be embraced in the new State. It never has flourished there. It never can. The inexorable laws of climate forbid it. The staple commodities of the country are not such as in the production of them slave labor is valuable. Why, then, should West Virginia be forever subjected to a system of laws and policy adapted to, and indeed necessary for, a state of society and a class of interests fundamentally different from theirs, and embarrassing their progress in almost every department of life? Why should the labor of the white man of the West be compelled to be regulated by the policy adapted to the slave labor of the East?

In making these remarks, I have no reference to the moral aspects of the slavery question. I do not wish in this connection to be entangled in the mazes of argument with which moralists and religionists have surrounded and involved the question of slavery. In this respect my opinions are maturely

formed. I have heretofore expressed them in the Senate. I am now only referring to slavery and the new State in the light of a wise and judicious political economy. Homogeneousness of interest, pursuits, and social institutions is essential to the harmony and prosperity of every political community. Hence, the utility and wisdom of our separate State organizations, exercising municipal authority within their respective limits, and adapting their policy to the peculiarities of soil, climate, markets, social habits, and education existing within those limits. Our national Union, embracing such a variety and extent of all these peculiarities, has found, and must continue to find, the surest guarantee of its perpetuity, in the perfect freedom with which each State in it regulates its own institutions and policy, in conformity with local exigencies and interests peculiar to each State. Now, sir, look at this fact. The total number of slaves in Virginia, at the last census, was four hundred and ninety thousand eight hundred and eighty-seven. Of these, as I have already stated, there were only twelve thousand seven hundred and seventy-one—now not more than nine or ten thousand—within the boundary of the proposed new State, although those boundaries include a full third of all the territory of the State of Virginia. If it were desirable, yet it is utterly impossible, that the number of slaves in Western Virginia should increase. During the last decade, which may be said to be the era of slavery propagandism, the number of slaves in the forty-four counties composing the territory asking admission in the Union as a new State actually decreased more than two thousand. There was a decrease of slaves in nearly all, if not in every one, of these counties. As I have said, the geographical position, the climate, the soil, the staple productions, the demands of labor, the habits and pursuits, and I may as well add, the moral and religious sentiments of the people, forbid its existence there. The country is mainly adapted to the growth of cereals, to grazing, and to manufacturing. Hence slave labor cannot be profitable there; and for this, if for no other reason, it will never be in demand. Besides, the extended border of free territory, from the Kentucky line to the upper end of Hancock county, and thence back again on the other side of the State to the State of Maryland, makes it impossible to prevent the escape of any adult slave who wishes to escape.

Mr. President, in view of these considerations, I think I am authorized to say that the division of the State of Virginia asked for is a physical, a political, a social, an industrial and commercial necessity. It is necessary for the preservation of harmonious and fraternal relations between the eastern and western sections of the State. It is indispensable to the development of the great natural resources of West Virginia, and to the prosperity and happiness of its inhabitants. And now, sir,

Fifth and lastly. A few words in relation to the resources of the new State. Its area will be at least respectable—greater than very many of the other States of the Union. It will contain about twenty-four thousand square miles. It will embrace immense mineral wealth. It will include water-power more than sufficient to drive all the machinery of New England. It contains the finest forests of timber on the continent. It includes the Great Kanawha salines and the Little Kanawha oil wells. It abounds in iron ore; and its coal fields are sufficient to supply the consumption of the entire Union for a thousand years. Much of it is well adapted to the production of all the valuable cereals; and all of it is unrivaled for the growth of grass and for grazing. The assessed value of lands and lots in the forty-eight counties of the new State was, in 1859, \$71,780,202. I have prepared a table from the report of the auditor of public accounts of Virginia for that year, not having access to one of a more recent date, which I have here, showing this fact—also showing

that the taxes assessed for that year in these counties amounted to the sum of \$549,565 87.

Counties.	Assessed value of lands, 1859.	Assessed value of lots, 1859.	Aggregate tax on all subjects, 1859.
1. Barbour.....	\$1,404,365 00	\$36,212 50	\$10,739 10
2. Boone.....	485,837 50		4,040 22
3. Braxton.....	981,515 00	21,712 50	6,895 90
4. Brooke.....	1,004,540 00	156,340 00	8,830 03
5. Cabell.....	1,900,367 50	112,507 50	14,050 44
6. Calhoun.....	341,010 00	300 00	2,150 60
7. Clay.....	209,742 50		1,351 50
8. Doddridge.....	737,885 00	17,780 00	4,496 32
9. Fayette.....	845,795 00		6,682 98
10. Gilmer.....	737,575 00	21,065 00	4,587 45
11. Greenbrier.....	3,239,862 50	237,651 00	28,662 74
12. Hancock.....	835,545 00	60,197 50	5,967 85
13. Harrison.....	3,527,047 50	289,985 00	26,339 69
14. Jackson.....	1,521,287 50	82,435 00	10,155 98
15. Kanawha.....	3,242,414 00	364,230 00	25,827 92
16. Lewis.....	1,299,752 50	101,910 00	10,074 07
17. Logan.....	343,660 00	10,900 00	3,360 45
18. Marion.....	2,505,505 00	229,047 50	18,956 80
19. Marshall.....	2,144,790 00	165,325 00	14,388 68
20. Mason.....	2,511,880 00	239,695 00	18,892 00
21. McDowell.....	163,585 00		970 10
22. Mercer.....	667,342 00	14,825 00	5,915 35
23. Monongalia.....	2,785,775 00	253,910 00	21,211 61
24. Monroe.....	4,046,655 00	110,907 50	27,680 59
25. Nicholas.....	896,085 00	13,985 00	6,286 24
26. Ohio.....	1,664,587 50	3,375,755 00	43,562 75
27. Pleasants.....	582,282 50	19,290 00	3,940 95
28. Pocahontas.....	1,177,490 00	8,725 00	8,013 56
29. Preston.....	1,565,997 00	102,012 50	14,252 13
30. Putnam.....	1,023,650 00	60,627 50	8,600 64
31. Raleigh.....	506,040 00	9,795 00	3,712 21
32. Randolph.....	1,407,252 50	31,385 00	8,753 32
33. Ritchie.....	1,223,347 50	18,550 00	7,642 86
34. Roane.....	617,637 50	15,510 00	4,573 07
35. Taylor.....	1,112,587 50	134,505 00	9,755 61
36. Tucker.....	378,745 00		2,147 18
37. Tyler.....	851,840 00	58,977 50	6,721 24
38. Upshur.....	1,235,879 50	45,720 00	8,583 82
39. Wayne.....	1,003,015 00	24,105 00	7,402 27
40. Wetzel.....	829,687 50	32,747 50	6,036 41
41. Wirt.....	483,105 00	31,560 00	3,411 71
42. Wood.....	1,862,952 50	653,812 50	20,684 65
43. Wyoming.....	359,107 50	6,100 00	2,473 31
44. Pendleton.....	1,062,157 50	28,610 00	8,622 70
45. Hardy.....	2,843,967 50	104,765 00	20,128 07
46. Hampshire.....	3,480,287 50	255,257 50	26,253 93
47. Morgan.....	649,765 00	83,975 00	5,901 11
48. Webster.*.....			
Total.....	64,186,373 00	7,593,829 00	549,565 87
Assessed value of lands.....		64,186,373 00	
Total value of lands and lots.....		71,780,202 00	

* This county has been made since 1859, but its lands and lots are included in the above counties, out of which it was formed.

Sir, these counties of Western Virginia, knocking for admission into the Union as a new State, contain, in rich abundance, all the elements of a great commonwealth. Why have they remained undeveloped in the oldest State in

the American Union? Why are our mines unworked? Why are our waterfalls forever wasting away, unappreciated by the skill of man, chafing and foaming in their channels, as if in conscious rage at the long neglect? The answer to these questions is an irrefutable argument in favor of the division desired. Unless the State is divided, these natural resources of wealth and power will forever remain undeveloped. Is this just to the people there? Is it just to the country at large?

Thus, sir, we present our claims for this new State. We pray you to grant your assent. It will send a thrill of joy through three hundred thousand hearts, and it will do no injustice to any. Then, sir, will our invaluable virgin mines invite the espousal of your surplus capital, and our perennial streams will lend their exhaustless power to your manufacturing skill. Then shall we soon be able to say, in the jubilant language of the Psalmist: "The pastures are clothed with flocks; the valleys also are covered over with corn; they shout for joy; they also sing." Virginia—East Virginia, restored from her temporary aberration; West Virginia, like a newly discovered star—East Virginia and West Virginia, twin stars, shall thenceforth shine with ever-brightening lustre in the republican zodiac of States encircling our western hemisphere.

WASHINGTON, D. C.

SCAMMELL & CO., Printers, corner of Second street & Indiana avenue, Third Floor.
1862.

The American Union? Why are our mines unworked? Why are our water-falls forever wasting away, unappreciated by the skill of man, chafing and foaming in their channels, as if in conscious rage at the long neglect? The answer to these questions is an irrefragable argument in favor of the division desired. Unless the State is divided, these natural resources of wealth and power will forever remain undeveloped. Is this just to the people there? Is it just to the country at large?

Thus, sir, we present our claims for this new State. We give you to grant your assent. It will send a thrill of joy through three hundred thousand hearts, and it will do injustice to none. Then, sir, will our inevitable streams divide into the channels of your surplus capital, and our potential streams will lend their exuberant power to your manufacturing skill. Then shall we soon be able to say, in the jubilate language of the Psalmist: "The mountains are clothed with flocks; the valleys also are covered over with corn; they shout for joy; they also sing." Virginia—East Virginia, restored from her temporary partition; West Virginia, the newly discovered star—East Virginia and West Virginia, the new members of the Southern Confederation, presenting claims to the Republican States of States encircling our western hemisphere.

WASHINGTON, D. C.
 CAMERON, BROTHERS, PRINTERS, CORNER OF SECOND STREET & FIFTH AVENUE, 1861.
 1861