

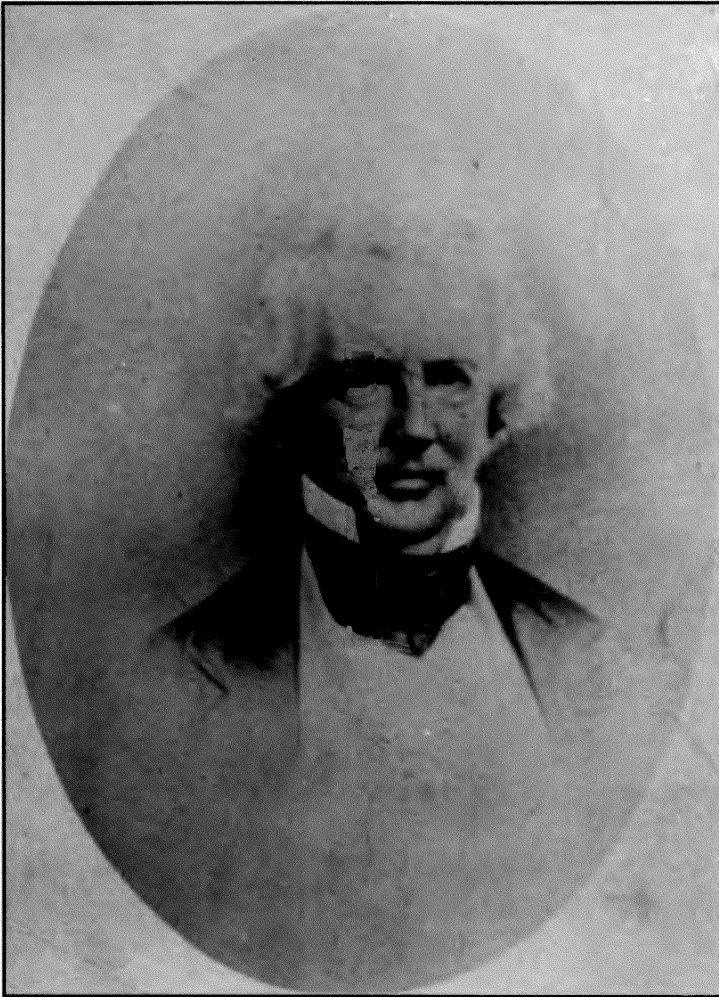
Reconfiguring Virginia

George Harrison Gilliam*

On April 4, 1861, one month after the inauguration of Abraham Lincoln as President of the United States, delegates to the Virginia State Convention meeting in Richmond defeated an ordinance of secession by an 88–45 margin.¹ Thirteen days later in a secret session following Lincoln’s call for troops to put down the rebels surrounding Ft. Sumter, the delegates took a second vote. This time they voted to secede by an 88-55 margin.²

Before the final adoption of the secession ordinance, John J. Jackson, a delegate from Wood County in the northwest corner of Virginia, told those from the east “that we would stand by you in securing you the Constitutional guarantees necessary for the protection of your rights” but “that if you intended to hitch us on to South Carolina, we would not go with you.”³ Following the vote to secede, delegates from Virginia’s northwest refused to follow those from the rest of the state to the southern Confederacy, and within days started the process to form a new state. These violent changes in the political map were forced by an eruption of tensions that had been building for many years. They were enabled by a confluence of political circumstances that had never occurred before, or since. The secession of Virginia from the Union was the result of a political decision; the separation of the western counties from Virginia was the product not just of political decisions but of war and military victories in some of the first battles of the Civil War. The issue of Virginia’s secession from the Union was settled by the end of the Civil War; issues related to the formation of West Virginia remained contentious until the first decades of the twentieth century when the United States Supreme Court settled a question of the new state’s obligation to pay a share of the mother-state’s pre-war debt.

This is a story full of surprises. Virginia was divided, but not, as many have supposed, by the issue of slavery. While many people think that the mountaineers of western Virginia hated slavery, Virginians from the western part of the state were fully integrated into the slavery economy.



Whig John Janney, chair of the Virginia Convention, called for the Union flag to remain "with its crowning lustre undimmed and untarnished."

There were almost a half million slaves in Virginia at the beginning of the Civil War and more than 62,000 of them lived west of the Blue Ridge. John S. Carlile, a State Senator from Harrison County and leader of the western Virginians, proudly proclaimed that he had been “a slaveholder, not by inheritance, but by purchase.” Slavery, he believed “is a social, political and religious blessing.”⁴ When western Virginians held a convention to form the new state first called Kanawha (and later changed to West Virginia) and adopt their own constitution, they had trouble deciding whether and how to free slaves and ultimately decided that no blacks — slave or free — could live in the new state. Though people think of slavery as tied to the plantation system of eastern Virginia, it in fact was ubiquitous, finding its way into every corner of the state and every facet of its economy. Slaves worked in the factories of western Virginia as well as on farms.

Many people think that Virginia’s secession from the Union to join the Confederacy was inevitable. But pro-Union and anti-secession sentiment ran strong in all parts of Virginia, not just in the places with few slaves. Unionists and anti-secessionists won a majority in the election for delegates to the Virginia State Convention in 1861; secession was far from a certainty in the early months of 1861.

Divisions

Virginia had been divided by nature before being divided by man. The broad Shenandoah Valley, which defined the middle of the topographically symmetrical state, was bordered on the east by the Blue Ridge Mountains and on the west by the Appalachian range. On the eastern side, the waters of the James, the Potomac, and the Rappahannock rivers all flowed through the Piedmont hills and the plain of the Tidewater toward the Chesapeake Bay and the Atlantic Ocean. On the western side, streams flowed through more rugged terrain as they became the Ohio and Tennessee rivers, moving toward the Mississippi and the new frontiers.

Commerce, and then politics, divided with the watersheds and flowed with the rivers. In the West were subsistence farms, worked by white freeholders and tenants, salt and coal mines, and a scattering of small manufactories. In the Valley were more manufacturing establishments than in the West, and small farms on which white farmers raised wheat and fruit; but almost fifteen percent of the Valley population was

MEMBERS OF THE VIRGINIA STATE CONVENTION, 1861.

- 21 John January, (President,) Loudoun.
- 22 William M. Archer, Louisa.
- 23 Edward M. Armstrong, Hampshire.
- 24 William B. Aspin, Russell and Wise.
- 25 John H. Baldwin, Augusta.
- 26 Alfred M. Beckson, Jefferson.
- 27 James Barbour, Culpeper.
- 28 George Baylor, Augusta.
- 29 George W. Beall, Loudoun.
- 30 Angus R. Blakey, Albemarle.
- 31 George Blow, Jr., Norfolk City.
- 32 Caleb Boggess, Lee.
- 33 James Holman, Dinwiddie.
- 34 Peter B. Bross, Page.
- 35 Wand Beullin, Charlotte.
- 36 William W. Bunt, Rockport and Craig.
- 37 Thomas Branch, Pulaski.
- 38 George W. Bunt, Albemarle.
- 39 William G. Brown, Preston.
- 40 James C. Brown, Halifax.
- 41 John N. Bunker, Taylor.
- 42 James Burley, Marshall.
- 43 Benjamin W. Byrnes, Houston, Nicholas, Clay and Webster.
- 44 Frederick M. Cabell, Nelson.
- 45 John A. Campbell, Washington.
- 46 Alton T. Caperton, Monroe, *top of Col.*
- 47 John S. Carter, Hancock.
- 48 John A. Carter, Loudoun.
- 49 William P. Cobb, Fincastle, McDowell and Buchanan.
- 50 John R. Chamberlaine, Greensville and Sussex.
- 51 Manasse Chapman, Giles.
- 52 Sherman Chapman, Ohio, *Man Eng*
- 53 Samuel A. Cochran, Rockingham.
- 54 Raphael M. Conrad, Shenandoah.
- 55 C. G. Conrad, Albemarle, Wirt and Calhoun.
- 56 Robert Y. Conrad, Powhatan.
- 57 James H. Couch, Monro.
- 58 James D. Cox, Chesterfield.
- 59 Richard H. Cox, James and King & Queen.
- 60 John Crabbe, Richmond County & Westmoreland.
- 61 William H. H. Curtis, Arlington.
- 62 Myrdell M. Dain, Monacanville.
- 63 Harvey Daniels, Craig.
- 64 James B. Dorman, Rockbridge.
- 65 William H. Dabney, Pulaski.
- 66 Jubal A. Davis, Franklin.
- 67 John Echols, Monroe.
- 68 Alan W. Fidler, Northampton.
- 69 Thomas S. Fleming, Halifax.
- 70 William W. Foyles, Rockingham.
- 71 Stephen B. French, Myron.
- 72 Colburn C. Frazier, Scott.
- 73 Samuel M. Galloway, Amherst.
- 74 Henry L. Galloway, Fayette and Blenheim.
- 75 Samuel L. Graham, Tazewell, McDowell and Buchanan.
- 76 Robert L. Grant, Washington.
- 77 Peyton Graves, Henry.
- 78 Algernon S. Gray, Rockingham.
- 79 Foadall Gregory, Jr., King William.
- 80 William L. Guggin, Bedford.
- 81 John Goode, Jr., Bedford.
- 82 Thomas P. Goode, Mecklenburg.
- 83 Phidias L. Hale, Carroll.
- 84 Abraham Hall, Louisa and Northumberland.
- 85 Cyrus Hall, Albemarle and Raleigh.
- 86 E. B. Hall, Abbeville.
- 87 Leonard B. Hall, Wetzel.
- 88 Allen C. Hammond, Berkeley.
- 89 Lewis E. Harbo, Amelia and Nottoway.
- 90 Alpheus P. Hayward, Aburion.
- 91 James W. Hoge, Putnam.
- 92 James P. Holcombe, Albemarle.
- 93 J. G. Holladay, Norfolk County.
- 94 Chester D. Hubbard, Ohio.
- 95 John N. Hughes, Randolph and Tucker.

- 96 George W. Hull, Highland.
- 97 Tappan Huntley, Prince William.
- 98 Lewis H. Isbell, Arlington.
- 99 John J. Jackson, West.
- 100 Marcelline Johnson, Richmond City.
- 101 Peter H. Johnston, Lee and Scott.
- 102 Robert C. Kain, Wythe.
- 103 John R. Kirby, Newmarket.
- 104 John J. Kinkead, Southampton.
- 105 James Lawson, Logan, Boone and Wynnburg.
- 106 Walter D. Laska, Gloucester.
- 107 Edm F. Lewis, Rockingham.
- 108 William McJames, Cabell.
- 109 James C. McKim, Preston.
- 110 Paul McNeil, Pocahontas.
- 111 William H. McFarland, Richmond City.
- 112 Charles K. Mallory, Elizabeth City, Warwick York and Blountsburg.
- 113 James B. Mallory, Brunswick.
- 114 James Marshall, Frederick.
- 115 John M. Marr, Dinwiddie.
- 116 John L. Marzette, Staunton.
- 117 Thomas Maslin, Hardy.
- 118 Henry H. Masters, Piedmont.
- 119 Fleming H. Miller, Rockport and Craig.
- 120 Horatio G. Miller, Haysborough.
- 121 Robert L. Minton, Mathews and Middlesex.
- 122 Edmund T. Moran, Orange.
- 123 Jeremiah Morris, Orange and Orange.
- 124 Samuel M. D. Moore, Rockbridge.
- 125 William J. Nabbitt, Loudoun.
- 126 Hugh M. Nelson, Clarke.
- 127 Edmund Orick, Abbeville.
- 128 Lewis O'Brien, Jefferson.
- 129 William C. Parks, Grayson.
- 130 James Patrick, Kanawha.
- 131 Edmund Paulding, Berkeley.
- 132 George M. C. Parns, Hancock.
- 133 William Bellard Pearson, Montgomery.
- 134 Samuel Pease, Gloucester.
- 135 David Pugh, Hampshire.
- 136 George W. Rainsford, Richmond City.
- 137 George W. Rainsford, Henrico.
- 138 Timothy Rivas, Prince George and Surry.
- 139 Peter Saunders, St. Pauline.
- 140 Robert B. Scott, Fauquier.
- 141 William C. Scott, Loudoun and Pamplin.
- 142 John T. Seawell, Gloucester.
- 143 John D. Sharp, Lee.
- 144 James W. Shobley, Smyth.
- 145 Thomas Stringham, Allegheny and Bath.
- 146 Charles B. Strongman, Campbell.
- 147 Valentine W. Southall, Albemarle.
- 148 John M. Spool, Campbell.
- 149 Harold Spurlink, Wayne.
- 150 Samuel G. Staples, Patrick.
- 151 Alexander H. H. Stuart, Augusta.
- 152 Chapman J. Stuart, Rockbridge and Tyler.
- 153 James M. Strunge, Louisa.
- 154 George W. Summons, Kanawha.
- 155 William T. Swinton, Pittsburgh.
- 156 Caspian Carr, Abbeville.
- 157 George P. Taylor, Kanawha.
- 158 John T. Thornton, Prince Edward.
- 159 William M. Tinsley, Pittsburgh.
- 160 Robert H. Turner, Warren.
- 161 Franklin P. Turton, Jackson and Boone.
- 162 John Tyler, Charles City, James City and New Kent.
- 163 Edward Waller, King George and Stafford.
- 164 William White, Norfolk County.
- 165 Robert H. Whitfield, Isle of Wight.
- 166 William C. Whitman, Harrison.
- 167 Waitman T. Wiley, Amherst.
- 168 Samuel U. Williams, Shenandoah.
- 169 Benjamin Wilson, Harrison.
- 170 Henry A. Wise, Princess Anne.
- 171 Samuel Woods, Bathurst.
- 172 Benjamin F. Wyser, Pulaski.

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black and not free. In the East were plantations, worked by slave-labor, and a number of factories. The East had more manufacturing facilities, and a higher number of workers per factory, than the Valley or the West. The East and the South also provided fertile ground for families farming vegetables and, importantly, tobacco. And at the fall line of the rivers that flowed toward the Atlantic were the small cities that served as centers of trade.⁵

Persistent Differences

Differences between the sections, and among the people within each section, over apportionment, taxation, and internal improvements, had defined Virginia's politics since colonial times. In early 1861, some of Virginia's leaders thought that these arguments had been mooted by political compromises made in the previous decades, or at least had been pushed aside by the urgent debate on whether Virginia should follow the seven Cotton States that had already split from the Union. When 152 elected delegates gathered in the Convention on February 13, 1861, to consider dissolving their connection with the federal Union, those from eastern Virginia expected their deliberations to center on the external, North-South issues that had already disrupted the Union.⁶ Thomas F. Goode, a delegate from Mecklenburg County, warned, "The sword is to be sent upon a mission of peace into the heart of the Southern country."⁷ The delegates were unprepared and unwilling to deal with the internal issues which, though dormant for most of the previous decade, would awaken and find powerful expression at the Convention. Demands that the old issues dividing eastern from western Virginians be resolved were woven through the debates and proved as insistent, and as resistant to solution, as did the issues dividing northern states from the southern states.

The central North-South issue was slavery. Though Virginia's General Assembly in 1832 had by a vote of 67–60 condemned slavery as an "evil," Virginia had refused seriously to consider emancipation.⁸ The abolitionist movement in Virginia was by the 1850s all but invisible; even western Virginians adjured abolitionists. Instead, Virginians had argued over issues growing out of slavery, and defined them in terms that forced sectional colorations: the retention of disproportionate political power by slave holders, disguised as debates over "suffrage" and "apportionment," pitted westerners against those east of the Blue Ridge; the shift-

ing of the tax and other common burdens from slave holders to non-slave holders, masked as arguments over the tariff and military service, likewise developed into East-West fights. The refusal to confront the slavery issue head-on and the failure adequately to resolve the other issues caused Virginia twice to divide: first within itself, and then, almost inevitably, from the Union.

A Convenient, But Not Wholly Accurate, Paradigm

Sectionalism has provided historians a paradigm for the antagonisms that split Virginia's northwest from the rest of the state, and the southern states from the Union, in 1861. It has been an explanation painted in black and white, without shadings. Granville Davisson Hall wrote in 1902 in *The Rending of Virginia* of the "natural incompatibility" between the "developing West" and the "dominant East." Charles Henry Ambler, in *Sectionalism in Virginia from 1776 to 1861*, first published in 1910, described "inevitable conflicts" between a "cismontane and a transmontane people," between an "older society" and a "new society fundamentally different." More recently, in *Revolution to Secession: Constitution Making in the Old Dominion*, Robert P. Sutton argued that Virginia's history of constitutional development is a story of a "sectional struggle over whether or not its fundamental law should rest upon and be responsive to the will of the people." Jack P. Maddex, Jr., in *The Virginia Conservatives, 1867–1879: A Study in Reconstruction Politics*, called sectionalism a "principal theme" of Virginia politics until 1851.⁹

There is abundant evidence of persistent sectional differences. The people west of the Blue Ridge were united against those to the east in seeking more political power. Western Virginians were convinced they were carrying an unfair share of the tax burden, and were sending more than their share of men to serve in the state militia. Sectional cohesion existed as to certain issues and at certain times. Historians have, however, not critically challenged sectionalism as an adequate explanation for political alignments on most issues or at most times. Further, historians frequently have ignored both the deep antagonisms among the people of the respective sections, particularly on economic and taxation issues. Similarly, they have under-emphasized the ligaments which connected people in the west with those in the east. The fact that a majority of the slave holders were east of the Blue Ridge has made the mountains a graphic though not necessarily accurate demarcation for other antago-

nistic divisions. In the early days of the Commonwealth, sectional differences had been pronounced on several issues; those same issues had less sectional definition by the mid-nineteenth century as a result of changes in the economy and evolving political accommodations. The expressions of sectional loyalty which were voiced at the 1861 secession convention minimized differences among the people within each section, and at the same time exaggerated differences between the sections. Paradoxically, these exaggerated expressions of intra-sectional cohesiveness contributed to the inter-sectional polarizations which caused Virginia twice to divide in 1861.

Haves and Have-Nots

The widest gulf among freemen in Virginia was between white men who owned slaves and those who did not. In many respects that same line divided those who held entrenched power from those who were out of power. The slave holders were the most powerful group in Virginia, economically and politically. They were concentrated largely (but not exclusively) east of the mountains; 428,351 of Virginia's 490,865 slaves lived east of the Blue Ridge in 1860. But slave holders nowhere constituted a majority: only about 35 percent of the eastern white males owned slaves. The planter/proprietor class of slave holders considered itself, and was considered by other Virginians, an elite. The majority of the eastern as well as western white population, however, did not own slaves and was divided among merchant or professional men, farmers, mechanics, and poor yeomen.

Ligaments

The slave holders enjoyed complex commercial and political relationships. The entire eastern seaboard had since colonial days been active in world trade involving tobacco, rice, indigo, and then cotton. Some wanted to connect with, and open markets to, the West; the farsighted thought the best way to protect slavery was to expand the slave-labor system to the West. Joseph Eggleston Segar, a slaveholding member of the House of Delegates, in 1838 sought a "generous system of internal improvements" to "fortify" slavery. Some eastern leaders, like Henry A. Wise who was to be elected Governor in 1855 on the basis of heavy majorities in the western counties, thought that improved canals and railroads would funnel western resources into the ports and markets of

the East; Westerners would purchase slaves with their new wealth.¹⁰ Many of the eastern elite, however, saw no benefit in constructing canals to connect the rivers of the East with those of the West, or, later, in tunneling through the mountains to tie the regions with rails. As we will see, many members of the General Assembly (and delegates to the secession convention) from the western counties had developed close business and professional ties with men in the East.

Many of the western farmers and many of the non-slaveholding majority of the East were relatively isolated from the world economy. They were content with the status quo. An abundance of land provided white Americans with the opportunity to live reasonably well without depending on landlords, creditors or commercial relationships. Some felt threatened by a market economy. As a result, many continued to practice "safety-first" agriculture, growing crops for the family dinner table before planting crops for market. Historian Harry L. Watson has written, "Having no real chance to change their manner of living, and seeing no reason to do so, the white majority steadfastly refused higher taxes for education or internal improvements."¹¹

Not everyone in the West, however, was satisfied with the status quo. Some were already involved in the market economy and wanted broader commercial opportunities. The extension of the Virginia & Tennessee Railroad west from Lynchburg to Bristol, the Virginia Central west from Charlottesville to Jackson's River, and, most important, the Baltimore & Ohio from Baltimore to Wheeling, in the late 1840s and 1850s, facilitated commercial connections. Wheeling was the second largest city in Virginia before the Civil War.

Since colonial days, because of differences between their economies, the sections had made different demands upon government. The use of tax revenues for internal improvements had been an issue with sectional gradations and overtones since the days of George Washington. As early as 1753, Washington suggested the desirability of canals between eastern and western sections of Virginia. He saw that "a country of such vast extent and variety of territory...could not be held together except by a community of interests between the various sections, and that this community of interest could only spring from easy and continuous commercial intercourse."¹² In 1787 Washington and others formed the James River Company with public as well as private financing. Virginia formed the Board of Public Works in 1816; the object of its

program of internal improvements was “to win the trade of the West for cities along the Atlantic seaboard.”¹³ Many eastern slave holders, however, opposed these programs which they knew would shift population—and political power—westward.

Antagonisms

Political power had not been apportioned equitably among the sections or between the slave holders and non-slave holders. The planter minority of the East had held a tight rein on government since colonial days, and its grip was formalized by the Virginia Constitution of 1776. To protect their position, the slave holders had arranged, from the first, to favor themselves with extra votes: slaves were considered property and not citizens, but they were counted as three-fifths of a person for purposes of apportioning members of the legislature. Salmon P. Chase, who later served in Lincoln’s cabinet, wrote in 1849 that the southern “aristocracy is held together and made a unit, not so much by its property in slaves, as by the political power which the Constitution has deposited in their hands as the representatives of slaves. They represent their slaves. They put into the Houses of Congress, and into the Electoral College of the United States, the political power which is the exponent of their slaves; and, of course, they are bound together, just as any other aristocracy could be, by the strongest possible ties...”¹⁴

Since that first Constitution, non-slave holders had resented, and had continued to challenge, the distribution of power. As historian Larry Gara has shown, more people—in the West and the North—feared and resented Slave Power than hated slavery. Opposition to slavery was seen as opposition to the political influence and power of the South. “It is a fear of losing the balance of power, as they call it,” Chase observed.¹⁵ Because of the pervasive power of slave holders, and their success in maintaining power, they had been able to keep slavery from the center of public debate in Virginia.¹⁶

The northwestern portion of the state— that section which held the fewest slaves— thought it was under-represented and held the short end of the balance-of-power straw. Unfair apportionment had led to unfair taxation. Since slaves had not been taxed as property, voters who lived west of the Blue Ridge believed the white farmers and mechanics of their regions, all of whose property was fully taxed, were carrying a disproportionate share of the burden.

Attempts at Constitutional Resolutions of Differences

Twice between 1776 and 1861 Virginia tried to resolve these issues in state constitutional conventions. The 1829-30 convention was dominated by a struggle over apportionment. Eastern delegates were determined to maintain numerical control in the Assembly. Since population was moving to the West — the white population east of the mountains had increased only 15 percent, to 362,745, during the previous forty years, while that west of the Blue Ridge had shot up by 150 percent to 319,516 — maintenance of a majority in the future could not depend on apportionment based solely on population. Property must, the eastern majority decreed, remain a fundamental element of representation. Conservatives advanced a theory of “representation of interests.” Delegate Abel P. Upshur argued that the constituent elements of society, and the subjects of legislation, were “Persons *and property*. Was there ever a society seen on earth, which consisted only of men, women and children? The very idea of society, carries with it the idea of property, as its necessary and inescapable attendant...”¹⁷

With the eastern majority firmly in control, few substantive changes were made in the existing order. The Constitution of 1830 was viewed as so partial to the “eastern aristocrats” that every convention delegate from the West opposed it. When it was submitted to popular referendum, the older counties heavily supported the preservation of the status quo reflected in the new constitution (Sussex voted 259-2 in favor), while the western counties just as overwhelmingly opposed it (in Harrison County the vote was 1,112-8). The counties of the Valley were about evenly divided. Statewide, the new constitution passed with an 8,500 vote majority; but only two of 26 trans-Allegheny counties voted for it.¹⁸

By 1840 the white population west of the Blue Ridge had surpassed that of the East, and in the East slaves outnumbered whites. The 1849-50 session of the General Assembly yielded — in the face of secession threats from the western counties — to calls for another constitutional convention. The apportionment formula for convention delegates guaranteed a seventeen-vote majority for the wealthier East: the 135 delegates to the convention were divided so that each represented either \$7,000.24 in taxes or 13,151 whites.¹⁹

Apportionment, again, and suffrage dominated the 1850-51 convention; four of the first six months were spent on these issues. The

suffrage was expanded from simply white male freeholders to include all white male citizens over the age of 21 who satisfied certain residential requirements. For the first time, the Governor, the Lieutenant Governor and the Attorney General were to be popularly elected. But the all-important question of apportionment of the legislature resulted in a grudging compromise: the House of Delegates would be apportioned on the basis of white suffrage, resulting in a western majority of fourteen. The East, however, retained 60 percent of the Senate. Apportionment of the Senate was to be based on the mixed suffrage-property basis (advocated earlier by Upshur), with the East surrendering four seats to which it would have been entitled in return for a postponement of the next reapportionment until 1865. In exchange for the gains granted to the West, the Convention lowered the tax on slaves from 38 to 36 cents. An *ad valorem* tax was imposed on all other property; but the tax on slaves was limited, so that slaves age 12 and under were exempt, and older slaves could not be taxed at a value greater than \$300, a fraction of fair market value. Slaves became, as historian Craig M. Simpson has observed, a kind of tax shelter. “Westerners came to regard slave holders’ special advantage as the most obnoxious feature of the constitution.”²⁰

Dissipation and Declension

Just as the Compromise of 1850 dissipated North-South tensions nationally, the Constitution of 1851 eased many East-West tensions in Virginia. The General Assemblies of the 1850s granted charters for ten new banks in counties west of the Blue Ridge, and made appropriations for the Virginia and Tennessee Railroad. So many new turnpikes were approved in the West that Governor Johnson said in 1855 that the western “portion of the state is most happily situated.”²¹ But neither the North-South nor the East-West tensions would remain stilled for long.

Virginia — and the South generally — were declining in relative influence within the country. In 1790 Virginia had been the most populous state; by 1860 four northern states exceeded Virginia in population. Throughout the world slavery was receding. Along the middle Atlantic, free-labor sectors of the economy were growing more rapidly than the slave-labor sector. As the border states developed anti-slavery movements, slave holders feared — probably irrationally, as it turned out — that Virginia’s free-labor farms, cities and small industries might become centers of abolitionist subversion. As the influence of the Slave Power

states declined in Congress with each decennial reapportionment, the anti-slavery movement gained momentum, and Virginia slave holders foresaw and feared gradual conversion to a free state. The *Richmond Enquirer* warned: "The ruin and degradation of Virginia will be as fully and fatally accomplished as though bloodshed and rapine ravished the land."²²

By the mid-1850s, internal divisions began to reappear in Virginia. When the *Kanawha Valley Star* — in one of the few remarks of its kind printed — denounced slavery as an "unmitigated curse to the soil of Virginia," the eastern press condemned abolitionism as a political heresy "brought from France by Thomas Jefferson." The *Kanawha* paper countered that "we venture the assertion that there are more abolitionists east of the Blue Ridge than west of it" but admitted that the "people of the west are pro-slavery from principle."²³ Much of the political debate centered on internal improvements, and seemed to respect no geographic lines; arguments over railroad routes splintered the state. The *Richmond Enquirer* recognized that "a large portion of the military strength of the state" was in the West, "containing as it does a majority of the white population," and sought a good rail connection with that section. Others believed that the way to entice traffic away from New York and Philadelphia would be to provide better connections from Richmond and Norfolk to the frontier west. People who lived along the James River were afraid that the Covington & Ohio Railroad would convert James River traffic headed for Richmond and Norfolk into rail traffic headed for Baltimore. The Northwest did not support new railroad construction once it had the Baltimore & Ohio Railroad, and the Southwest opposed the use of state funds to build any line in competition with the Virginia & Tennessee Railroad.

The 1855 election of a Democrat from the Tidewater, Henry A. Wise, as Governor presented an opportunity to bridge the differences. A slaveholder, Wise had been nominated in a convention by a coalition of western and eastern interests on an economically progressive platform. Though his campaign attacked the opposition Know-Nothings as "abolitionists," Wise had blamed the planters for Virginia's economic stagnation. But Wise's agenda for a program of public works and free public schools — which attracted support in the West — failed in the General Assembly.

At the next election, in 1859, the former Whigs (now running as the “Opposition,” “American” or “Constitutional Union” party) opportunistically ran a candidate for Governor who was “sound” on slavery and State Rights, but he was defeated by Democrat John Letcher of Rockbridge County. Letcher, who won by only 5,509 votes, probably owed his election to his straddling the slavery issue: he received a 4,500 vote majority in the two congressional districts which bordered Pennsylvania and Ohio where some early anti-slavery comments he had made were favorably reported; his official platform was, as was his opponent’s, ardently pro-slavery.²⁴

Virginians Vote

In the 1860 presidential election, the Democratic leaders supported John C. Breckinridge, the Southern Rights faction candidate, who attracted 74,323 popular votes. Breckinridge finished behind Unionist Whig John Bell who received a bare plurality of 74,681, with Douglas (16,290) and Lincoln (1,929) trailing far behind. The fact that Bell carried Virginia, with his heaviest vote coming in the counties which stretched westward along the North Carolina border, and in the Northwest — the same areas carried by Democrat Pierce in 1852 and Democrat Buchanan in 1856 — alarmed the eastern-slaveholding Democrats. In the popular vote they saw further evidence of both their loss of influence and the westward shift of political power. Lincoln’s vote reflects the utter absence of overt support for abolitionism.

After Lincoln’s election in November 1860 the eastern members of the General Assembly pushed the call for the election of delegates to a state convention which would deal with the secessionist pressures building in the East and from the South. Despite the opposition of Governor John Letcher, the Assembly issued a call to hold a convention in Richmond. At a special election on February 4, 1861, only about 30 of the 152 convention seats were won by “immediate secessionists,” a result which embarrassed the planter-elite. To add insult to injury, the voters overwhelmingly insisted that the action of the convention be advisory only, and that any secession ordinance be put to referendum — a requirement bitterly opposed by the secessionists.

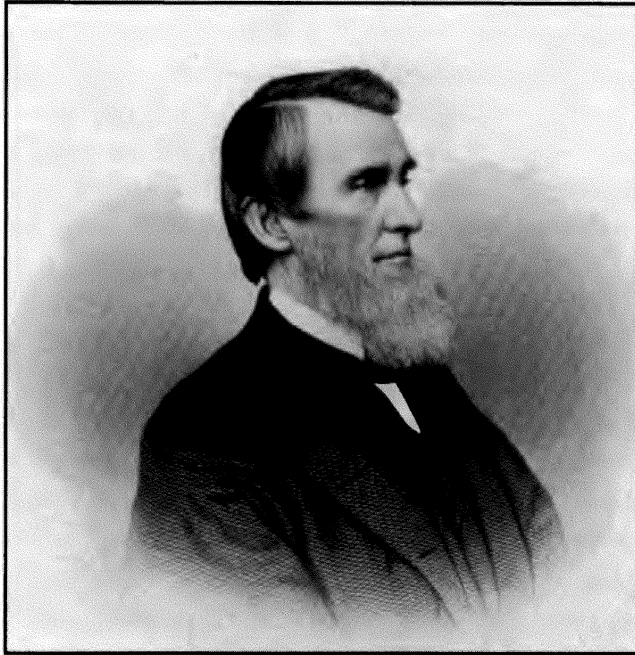
When the Virginia State Convention opened in Richmond on February 13, the delegates understood that they were, as one said, “on the verge of a civil war that will be forced upon the people of Virginia, unless

by wise and prudent counsels it may be averted.”²⁵ All recognized that they needed a united Virginia. The challenge of the convention, one western delegate observed, was “to make all right within our own borders; seek to heal all and every dissension among our own people, bind ourselves together as a band of brothers, and come up to the work as a united people with one object and purpose.”²⁶ The Convention elected moderate Whig John Janney of Loudoun County as its President, by a vote of 70-54. Janney recognized that the Union was in “imminent peril” but invoked the memory of Washington and Madison, declaring that “Virginia has come to-day to the rescue” of the Union. Delegates applauded his call for the Union flag to remain “with its crowning lustre undimmed and untarnished.”²⁷

Slaves and Strong White Men

It would not take long to scuff the veneer of unity. Western delegates demanded that the apportionment and taxation issues, compromised in 1851, be reopened. An eastern delegate charged that raising the slave-tax issue was “calculated to create division and to throw a fire-brand in our midst.”²⁸ While some issues, such as apportionment and the slave-tax, divided the delegates along sectional lines, other issues, such as the economy and the tariff, caused the delegates to split along other lines: whether Virginia’s commercial interests were more closely tied to the North or to the Cotton States aligned the delegates more by economic than by sectional interests. The first sustained assaults on convention harmony, however, were bitter accusations that the strong white men of the West were again being called upon to defend the eastern planters and their slaves.

On the eighth day of the convention, Waitman T. Willey — a delegate from Monongalia County who had been a delegate to the 1850 Convention — rose to speak about the sectional tensions: “This seems to be an age of distrust and suspicion.” He reminded the delegates from the East that during the War of 1812 “the cry of your distress and for help had scarcely echoed back from our western mountains and died along the Eastern shores of your coast, when the crack of the Western rifle was heard defending your firesides and your families.”²⁹ The bitter plaint that Western riflemen had defended Eastern firesides — a provocative image of the rugged outdoorsman fighting for the effete planter, attended by his slaves, lolling with his family before his comfortable fire



Waitman T. Willey

— or that eastern soil was consecrated with the remains of some of the “bravest and noblest sons” of the West, would be repeated many times at the Convention.

The Exposed but Strong West

Not only did the western delegates remind the East of the previous sacrifices made on her behalf, but also Willey found it easy to affix the blame for leaving exposed “450 miles of hostile borders” with Kentucky, Ohio, Pennsylvania and Maryland. “And you, gentlemen, of Eastern Virginia, have not seen proper to give us enough legislative aid to transpierce these mountains that we might have direct communication with you.”³⁰

Willey continued to voice resentment of what he viewed as the West’s disproportionate contribution to defense of the Commonwealth. On Monday, March 4 — the day of Lincoln’s inauguration — Willey predicted that the eastern part of Virginia would be protected from attack from the West by “the almost impassable barrier of the Allegheny mountains.”

The same mountain barrier, he warned, would prevent the eastern Virginians from coming to the aid of the those in the western counties. “We would be swept by the enemy from the face of the earth before the news of an attack could reach our Eastern friends. Will you leave us in that condition? Will you drive us out of the State and leave us at the mercy of our enemies?”³¹

Three weeks later, on March 26th, Hugh Nelson, a Unionist from Clarke County (which abutted Maryland), cried to the eastern delegates that his own wife and children “will be much nearer to the seat of war, much more exposed to its dangers than you will be.”³²

On April 2 (two days before the first secessionist vote) Willey seemed to apprehend the coming of war, and again asked the East: “Where will you get the strong arms to defend your slaves? From our glorious mountains of the West. There, where the white man lives with true and loyal heart, you will find men now, as aforetime, to defend your institutions and your firesides.” Four days later, on April 6th, Willey cried, “if the worst comes to the worst, it will be again as it has been heretofore: Western men will have to fight your battles. It is on our own mountain men that you must rely at last for the vindication of Virginia’s rights, Virginia’s honor, and Virginia’s integrity.”³³

Apportionment Revisited

The divisive language of sectionalism also colored the apportionment debates. Early on Delegate Samuel McD. Moore, from Rockbridge County in the Valley, reminded the Convention, “We demanded an equal representation and it had been denied to us. We were told in the Convention of 1829–30, that they could not consent to give us the basis of representation that we desired, and to which we were entitled. They said they would prefer to divide the State rather than to do so.”³⁴ The question refused to be stilled.

In early April, when events in South Carolina were forcing the secession issue to a head, C. C. Stuart, a Unionist elected by Doddridge and Tyler counties, called for the Virginia constitution immediately to be amended to change the basis of representation. The compromise of 1851 was not a true compromise, he argued, but “was forced on us by our Eastern friends.” Even if the Convention would not agree to amend the Constitution, “we have a right, under any circumstances, to demand of you the representation we are entitled to under the bases you forced

upon us.”³⁵ Since the census of 1850, the white population of Virginia had increased, Stuart showed, by 152,000, of which 109,000 were in western Virginia. According to Stuart’s calculations, the western portion of the state was entitled to an increase of ten representatives in the lower house (and at the Convention), giving it a 23-vote advantage over the East. In response to the argument that the Constitution of 1851 provided for this issue next to be addressed in 1865, Stuart said he found no language in the Constitution to preclude amendment by the usual processes. He demonstrated the inequality of the present apportionment by showing that three members from his section represented a constituency of 35,383 people, while six members from the Shenandoah Valley represented a smaller number.

Delegates from the Northwest cast the apportionment debate in explicitly sectional terms. Since the Northwest contained far fewer delegate votes than the rest of Virginia, it was bound to lose any vote cast along strict sectional lines. Had the delegates framed the issue as an attack on the Slave Power, they might have won because there were far more non-slave holders than slave holders. By unnecessarily making the issue sectional, they exaggerated or exacerbated sectional divisions and may have eliminated any opportunity for a trans-sectional coalition. They made the same mistake in framing the slave-tax issue.

Slave Tax

In the first days of the Convention, Willey suggested that while fighting outsiders “would it not be wise on our part to remedy the causes of difficulty and strife at home? Whilst we are engaged in an effort to roll off the burthens of oppression from outside Virginia, would it not be well to remedy the odious distinction of unequal burthens which are resting upon our own citizens?” The odious and unequal burthen, of course, “is that anomaly in our organic law, whereby a large portion of the property of this Commonwealth is wholly exempt from taxation.” Willey produced census figures showing that there were, in 1859, 272,073 slaves over 12 years of age, and 239,081 under 12. The older slaves were taxed at no more than \$300 each; Willey suggested that their true value was greater than \$500 each (in Georgia the average slave was assessed at \$612.63 each), resulting in a substantial tax loss to Virginia. Slaves under 12 were exempt from taxation, and Willey calculated that this provision exempted from taxation \$119,540,500 of property. Willey, a

slaveholder, confessed to “a sense of mortification” when he remembered that “the property of my non-slaveholding neighbor is subject, every cent of it, to rigid tribute” while his own equally valuable property was exempt. He called for amendment of the Virginia Constitution to provide for uniform taxation.³⁶

Willey’s neighbor in the Northeast, C. C. Stuart, said that the eastern delegates “are willing to legislate in any way, so long as it does not tax your little negroes.” He questioned the fairness of exempting young (and arguably unproductive) slaves from tax when western land — which “in its native state is of no value towards supporting his family, but absolutely requires years of toil and labor to bring it to value” — is fully taxed. “Many a noble and brave heart has sunk under the effort,” Stuart said.³⁷

William G. Brown of Preston County forced the slave taxation issue to the floor of the Convention. Using the language of sectionalism (rather than the language of class), he hinted that the failure to resolve the slave-tax issue would cause the western counties to secede or revolt. “We acknowledge the right of revolution when all efforts to obtain our rights shall be exhausted, but not before. . . .” He was unwilling to compromise. “Sir, they are unwilling to see partial legislation in reference to this. . . .”³⁸

The issue of taxation did not travel on a one-way street. Miers W. Fisher, a Northampton County secessionist, used a sectional attack when he suggested taxing those “lands in which the oil springs are situated” as a way to come “to an adjustment of this question.”³⁹ Thomas Branch of Petersburg could not believe that a delegate who advocated taxing slaves “apprehends the subject in all its bearings.” He edged away from sectional appeals and showed a way to compromise by calling for amending the constitution, not to tax slaves but to exempt wages of laborers.⁴⁰

Nobody, perhaps, recognized the power of the taxation issue to be used as a sectional wedge — and the danger in so using it — more clearly than former Governor Henry A. Wise. He said that the taxation question “is to divide the State” and, as the author of the compromise reached in the 1850-51 Convention, he admitted that the only progress made had been from “bad to better.” Nonetheless, he advised his constituents “to relinquish” the exemption “now.” As a slaveholder himself, Wise said, “I am willing to pay it, if that is all you have to complain of against the East.” But, of course, that was not all the West had to complain of against the East, and the Convention would not yet consent to amend the Con-

stitution — even to collect the \$3.60 which Wise would have owed on his slaves under the age of twelve.⁴¹

Brown, who had served in the Congress and been a delegate at the 1850 Convention, finally demanded a Finance Committee be appointed to consider a tax on slaves, ostensibly to raise money for military preparedness. In support of his bill, Brown challenged the East: “I want those true and brave men of the East, who have delivered such patriotic speeches here, to come forward and help us now raise the sinews of war. Sir, I do not want our army to be fed with patriotic speeches and resolutions.”

On March 7, 1861, Brown’s slave-tax resolution was defeated on a 69-41 vote which closely followed sectional lines: delegates from the Northwest supported the slave-tax proposal 30–7, those from the South and East opposed it 42–2, while the Valley and Southwest were more evenly divided. Though the supporters of the slave tax tended to be Unionists who voted against the *first* secession ordinance on April 4th, the vote on Brown’s slave-tax resolution did not prove to be a particularly reliable predictor of the *final* vote on secession. While 49 of those who ultimately voted for secession on April 17th wanted to table the slave-tax debate, and 26 of those who opposed secession favored the slave-tax resolution, 15 of those who opposed secession also opposed raising this issue (including John Janney and Jubal Early), and 11 who favored secession supported the slave-tax resolution.

Economic Interests Shape New Alignments

Arguments over whether Virginia’s economic interests were more closely linked to the North or to the Confederacy usually did not divide the delegates by section. Delegates agreed that Virginia suffered a poor economy and had not grown commercially as rapidly as many other states, but broadly disagreed as to the causes. James Bruce of Halifax, an apologist for slavery, used a scattergun approach: the tariff policy of 1789, supported even by James Madison, favored the “infant manufactories of the North. . .without this protection they would never have made a start even in commerce and manufactures”; the War of 1812 “was a protection to the manufacturers of the North;” and “all of the progress that had been made by the North was under the protecting care of the General Government.” Bruce believed that the North would not negotiate on Virginia’s behalf for a lower European tariff on tobacco but argued that if Virginia were part of the Confederacy it could say to Europe, “If

you don't reduce the duty upon tobacco, we will put a duty upon your manufactures" and within one year "the tariff upon tobacco would be lowered in every part of Europe."⁴² George W. Randolph of Richmond City argued, "The true competitors of our laboring whites are the gigantic manufacturing corporations of the North which flood our markets with everything that white labor can produce."⁴³

Some delegates tried, however, to cast the debate in political or sectional terms. Easterners blamed the federal government for Virginia's woes; westerners blamed the eastern-controlled General Assembly. Moore, from Rockbridge County, claimed that easterners blocked construction of "a macadamized road from, Buffalo, N. Y. to the city of New Orleans, through our country" and kept Baltimore from extending "her road up the Valley and down the Kanawha. . ."⁴⁴ Benjamin Wilson of Harrison County said that "for a quarter of a century we knocked at the door of your capitol, asking permission to build roads over our soil, with our own money, and for many years it was refused."⁴⁵ All of these steps by the East were seen as blocking commercial opportunities for the West.

The delegates who, like John B. Baldwin of Augusta County, felt "bound to look at the material interests of our people" and "what is essential for their prosperity" understood the splits among Virginians. Even Baldwin, however, found it convenient to frame the debate in sectional terms. "The interests of one half of Virginia. . .commercially and industrially, are identified and bound up with the free States of the border. . ." He urged the delegates not to "forget that Eastern Virginia is not this entire Commonwealth."⁴⁶

To recognize the fact of deep divisions was not to agree on where the various economic interests led. Delegate Leonard S. Hall, of Wetzel, said that the most important market for the western part of Virginia was New Orleans in the Confederacy, "and whether we start from the North-West with a boat load of coal or of plows, wagons or anything else necessary for the use and consumption of the Confederate States, or whether we start with a boat load of grain, apples or potatoes, every mile we go, every sail we make, we have to meet with the competition of the Northern States in that whole route. . ."⁴⁷ Historian Alison Goodyear Freehling has argued that as early as 1832 eastern slave holders had also looked to the Deep South, not as buyers of coal or plows but "as purchasers of Virginia slaves, as a means of ridding Virginia of both slavery and blacks."⁴⁸ Convention delegate Robert E. Scott of Fauquier County, who ultimately

voted for secession, pointed out that the salt, coal and oil of Kanawha was sold in the west and that cattle were sold in Maryland and Pennsylvania. Scott argued that the “diversity of its soil and climate, the variety of its products, and the social and commercial relations of our people” strongly promoted a reconstruction of the Union and the preservation of all of the commercial connections “which a common government provides.”⁴⁹ Likewise, George W. Summers of Kanawha said that the whole trans-Allegheny area was connected commercially to Maryland, Kentucky, Tennessee and Missouri.⁵⁰

Some of those who recognized the need for expansion of Virginia’s trade argued that joining the Confederacy would be best for Virginia. James Barbour, of Culpeper, observed that “Nations act on their interests, not on sentiments” and reasoned that even if Europe disapproved of slavery it would have to recognize and open trade with the Confederate States. Further, he claimed that “the whole industrial system of New England would be prostrated by losing the Southern markets to their manufactures.”⁵¹

Several delegates from various parts of the state used the complexity of the Virginia economy, and the necessity for ties with the more fully developed northeastern and European markets, as a reason for staying in the Union. George Baylor of Augusta County said that while in the Cotton States “Cotton is King...we have more than one King in our own State. We have got at least half a dozen Kings here. We have got King Wheat, King Corn, King Potatoes [laughter], King Tobacco, King Flax and King Hemp...”⁵² Hugh M. Nelson, from Clarke County, observed that agriculture “is said to be the nursing-mother of the arts and sciences, but, like some other nursing-mothers, she is often poor while the children are the reverse.”⁵³ Nelson argued that “any country which depends upon agriculture alone, however rich and productive its soil, will, as compared to countries which combine manufactures and commerce with agriculture[,] be poor — and that wealth...will accumulate at the great commercial centres...” The “great commercial centers” were all located to the North and East. Summers of Kanawha said that the “Southwestern portion of Virginia furnishes an immense quantity of salt to Tennessee, and Tennessee furnishes cattle and corn to Virginia.” Tennessee cattle, fattening in the “fields of Fauquier and Loudoun farms” would be sold in “Baltimore, Philadelphia, and New York. You are so inseparably

connected in every form of trade and commerce, that you cannot cut the ligaments which bind us, without destruction.”⁵⁴

Threats of New Taxes Cause New Alignments

Arguments over the tariff split delegates from the same region. The language of sectional division seemed to take a back seat to the language of class division. Moore argued against joining the Confederacy of Cotton States because the seceded states wanted to substitute direct taxes for the tariffs on the imports which had financed the Union government. “And sir,” Moore asked, “who pays the duties that are now derived from imports? They are levied almost invariably upon luxuries — luxuries that are consumed by the wealthy. . . Adopt the policy of these Southern States and the great mass of the people who now pay no portion of the taxes will be overwhelmed with taxation.” Moore voiced the fear, harbored and expressed by many, that the “laboring white population” would have to make up for taxes no longer collected from the rich.⁵⁵ John I. Goode, from Bedford, attacked Moore for raising “imaginary ills” which have “no foundation in fact” and assured the convention that the Confederacy would not levy a “direct tax.”⁵⁶

James Bruce, in contrast, said that he had once been a “Southern planter” but all his “profits went North, and all I got was the support of my negroes, and money enough to pay the overseer.” He argued that if Virginia were part of a separate nation with its own tariff of 15 or 20 percent, “all the manufacturers which Virginia now has, and which hang by a feeble threat, would be encouraged.”⁵⁷

All the White Men Support Slavery

Curiously, attacks on the institution of slavery were almost wholly absent. Slave holders and non-slave holders addressed the Convention on every imaginable subject, but no avowed abolitionists spoke. On the contrary, speakers as diverse as James P. Holcomb of Albemarle County, George Richardson of Hanover County and Waitman T. Willey of Monongalia County defended slavery.⁵⁸

Not all slave holders advocated casting Virginia’s lot with the Confederacy. John S. Carlile (who stated that slavery was a “blessing”) argued — presciently, as it happened — that if the Union were dissolved “a military despotism, the licentiousness of the camp and ragged poverty will be substituted in its place.” He feared hitching on “to the tail of a

Southern Confederacy, to stand guard and play patrol for King Cotton,” and downplayed secessionist claims that failure to join the Confederacy would close the southern market for Virginia slaves. “I say they cannot get them anywhere else. I have no fear of their ever re-opening the African slave trade.... They are bound to buy our negroes.”⁵⁹

The more orthodox position for slave holders was to advocate immediate alliance with the Confederacy. Randolph foresaw that slaves would not be recognized as property beyond the borders of the slave states. Republican judges, he warned darkly, would consider them “persons” and not “property” and “will prevent the exercise of any control by the master over his slave.”⁶⁰

Separation: I

By April 4, 1861, those who sympathized with South Carolina and the other Cotton States were desperate for a vote on secession. In the middle of a debate on taxation, and in a room about which one delegate complained “It is impossible to hear,” pro-secessionists forced the first vote on an ordinance of secession. It failed, 88–45. Interestingly, this first vote did not reflect sectional divisions as nearly as it did earlier alignments on the slave-tax and apportionment issues. Only the Northwest voted as a block (43–3); other sections were divided. The Valley opposed the ordinance 8–7, the Southwest opposed it 11–7, and the East and South were almost evenly split, favoring the ordinance by a one-vote margin.

Amid growing frenzy, the delegates found it difficult to agree on anything. They were unwilling to answer Lincoln’s call for the Virginia militia to fight the Cotton States, but many tried to postpone another vote on secession. Rumors swirled back and forth indicating that a federal invasion was imminent. Delegates such as Robert Y. Conrad of Frederick County wanted to believe that telegraphed reports on the events at Ft. Sumter were untrue, and that war could still be avoided. But the secessionists, who were unified when all around them was chaotic, pressed for adoption of their ordinance. As debate on the secession ordinance drew to a close on April 16, Willey warned the Convention that “if this ordinance of secession goes out naked and alone, it will either be voted down by the people, or it will dissolve this State.”⁶¹ Governor Letcher, who had opposed dis-union, took Lincoln’s call for troops to defend Sumter as “a virtual declaration of war” and urged that it “be resisted by

all of the power at the command of Virginia.” On April 17th, the Governor ordered the state militia not to answer Lincoln’s call, but to prepare to defend the state. That same day, in a secret session, the secession ordinance was adopted by a vote of 88 to 55.⁶²

The final secession vote did not split along strict sectional lines. Eleven of the western delegates voted for secession. Twenty-two eastern delegates voted against the ordinance. A majority of the representatives of the Shenandoah Valley — destined to suffer some of the heaviest ravages of the war — voted to remain with the Union. A majority of the counties that later formed West Virginia voted with the secessionists on April 17th; the 19 counties west of the Blue Ridge which voted to stay with the Union represented, however, the greater part of the population and wealth of the area. Though a powerful influence, sectionalism was not determinative of the vote. As stark evidence of the political instability which had overtaken the Convention, thirty-three delegates switched their vote between April 4th and April 17th on this defining issue.

On April 25th, the Convention adopted the Constitution of the Confederate States, appointed a commission to act as delegates from Virginia to the Confederacy, and offered Richmond as the capital. In a closing irony, on Friday, April 26th, with most of the northwestern delegates having departed the convention, the remaining members amended the Virginia Constitution to provide for the taxation of slaves without exemption, by a vote of 66-26, as a war-time revenue measure.⁶³ Most of those who earlier had opposed the slave-tax now supported it—but only to pay for defense of the peculiar institution. An issue which had proven divisive and intractable while both eastern and western delegates were on the floor was resolved despite — or, perhaps, because of — the absence of its most passionate advocates.

On May first, the Virginia State Convention adjourned to await the results of the forthcoming May 28 referendum on secession. The outcome was never in doubt. Still employing the archaic practice of *viva voce* voting (which tended to intimidate dissenters), the ordinance was ratified by a substantial 125,950 to 20,373 statewide. Only the militarily vulnerable panhandle area near Wheeling voted against (by an overwhelming 20-1 margin). Curiously, especially for a vote so important, there was no *official* canvas of the vote; newspapers carried only unofficial polling results. In the eastern part of the state, the result was about 6 to 1 in favor of secession. In the counties west of the Blue Ridge, the

results were much closer, and obscure: 11 favored secession while 27 rejected it. In twelve western counties the vote was never reported.⁶⁴

Separation: II

The separation of the northwestern counties from Virginia to form West Virginia followed.⁶⁵ Leaving the convention before adjournment, some northwestern delegates called for a convention to be held in the old federal building in Wheeling on May 13, 1861. Selected in a variety of unorthodox ways (many were simply self-selected), the delegates in June declared all federal offices in Virginia vacant and filled them with men loyal to the Union. The convention wanted to establish a new state. But since the United States Constitution required the “mother” state to consent to the creation of a new state from within her territory, the convention passed an ordinance “reorganizing” the Virginia state government to offer that consent. The convention elected state officers, all of whom were recognized by the United States as the “Reorganized Government of Virginia.”



The old federal building at Wheeling, West Virginia

The “old” Virginia (then part of the Confederate States of America) was unwilling to let the western counties go without a fight. Lincoln considered control of the western counties crucial to the military success of the Union. By the end of June, he had ordered more than 20,000 U.S. troops into western Virginia, 6,000 to guard the Baltimore & Ohio railway line which had a militarily important terminus in Wheeling. The Confederacy responded by sending more than 20,000 troops to recapture western Virginia. On August 20, 1861, the Reorganized Government adopted an ordinance authorizing the creation of a new state, tentatively to be called Kanawha. While the politicians talked, the soldiers fought. Robert E. Lee, commanding the Confederate forces, lost successive battles and returned to Richmond in October, 1861. He had been defeated by George B. McClellan and was hounded by the Richmond press for his losses. Union military control of western Virginia ensured that the convention in Wheeling, called to establish a separate state, could proceed.

A statehood referendum passed on October 24th, and early in 1862 some 430 convention delegates adopted a new West Virginia constitution. An early draft of that constitution provided for the continuation of slavery, with emancipation to occur gradually, over a period of years. But under pressure from Lincoln and the United States Congress, the final draft made West Virginia a “free” state. In fact, it not only barred slavery but it barred free blacks from the state as well. West Virginians overwhelmingly supported the new constitution. Only 514 voted to oppose it. The Congress passed legislation to admit West Virginia to the Union in late 1862.

The final decision, however, was not made by Congress or by the delegates who had gathered in Wheeling. It was made by the President. Lincoln was uncertain about the unusual procedure and asked his cabinet whether the creation of the new state was constitutional. They split. Three said it was constitutional, three said it was not. Lincoln was desperate to save the Union. “We can scarcely dispense with the aid of West Virginia in this struggle; much less can we afford to have her against us, in congress and in the field. . .The division of a State is dreaded as a precedent. But a measure made expedient by a war is no precedent for times of peace. . .I believe the admission of West Virginia is expedient.”⁶⁶ With a stroke of his Presidential pen Lincoln admitted West Virginia to the Union.



*President
Abraham Lincoln*

The day after Lincoln admitted West Virginia, a state which barred free blacks from its territory, he used another Presidential pen to sign the Emancipation Proclamation that freed the slaves — but only in areas under the control of the Confederate government.

Both the Reorganized Government and the new West Virginia government sent Congressmen and Senators to Washington. West Virginia became an important part of the war effort. Men from West Virginia organized into units; some fought for the Union Army of the Potomac. Others — unable to fight against their Virginia brothers — fought for the Confederacy.

Following the war, Virginia was re-admitted to the Union, and West Virginia remained a separate state. The Commonwealth of Virginia could

not let its dispute with its former western counties end with the Civil War.⁶⁷ It took the matter to the United States Supreme Court. Virginia demanded that since West Virginia had taken about a third of the people and about a third of the land from Virginia, the new state should assume responsibility for a third of Virginia's pre-war state debt. The Supreme Court agreed. Justice Oliver Wendell Holmes, a veteran of the Union Army, wrote that West Virginia did have to pay its share of Virginia's pre-war debt and determined the amount of be \$7,182,507.46. Holmes ordered West Virginia to pay its debt to Virginia "with all deliberate speed." This decision, Holmes said, should bring the matter "to an end."⁶⁸

Some Conclusions

Other states have been bitterly divided by sectional rivalries as intense as those which divided Virginia. Disputes over representation and the benefits and burdens of state finance are seldom without rancor. Yet Virginia divided itself permanently.

Virginia was much less stable than she appeared. The Mother of Presidents was slipping in power and unsettled by the rapid economic and political changes in the country. She was no longer the most powerful state in the nation and had not adjusted to her evolving position as the fulcrum of the border states. Social and economic differences within the regions stood in the way of sectional hegemony, except in the Northwest. The East contained slave holders who wanted to remain in the Union, and the delegates from West of the Blue Ridge voted, by a narrow majority, for secession. Exaggerated expressions of sectionalism at the convention caused people to overlook common interests. Expressions of intractable differences between the sections, particularly between the Northwest and the rest of the state, made trans-Allegheny compromises and coalitions seem impossible to obtain. A disunified state, as well as the convention, was unable to resist the pressures from the Confederacy and was unable to accept Lincoln's call for Union.

Slavery was always there. The convention delegates talked about apportionment and taxation and tariffs and economic interests. They never wanted to address but never could fully avoid the need to deal with the variegated social, economic, political and moral responses to the peculiar institution. The differences separating slave holders from non-slave holders were so vast, and antipathies so powerful, that separa-

tion could only be avoided if the parties could compromise on important issues.

Compromise never came. Non-slave holders from the Northwest — motivated by an unwillingness to fight the slave holders' battles, by their resentment of the Slave Power of the East, and by their unhappiness with what they saw as unfair representation and taxation — stumbled upon a distinctive opportunity for a unique political solution that would enable them to escape the dilemmas of Virginia and form their own government. They seized it.

Author's Note: Readers of *The Smithfield Review* are invited to visit the website that supports the Central Virginia Public Television series on Virginia history, "The Ground Beneath Our Feet." The website is located at www.vahistory.org. The site contains copies of primary source materials cited in the foregoing article, as well as photographs, interactive maps, and newspaper articles. The site is designed for use both by scholars and in the classroom; teachers may assign students to write papers based upon the archival material located at the website as a way of introducing students to the way history is researched and written.

Endnotes

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 3. Reese, ed., 3:287.
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 5. Interesting descriptions of the geography of Virginia are contained in Granville Davisson Hall, *The Rending of Virginia* (Chicago: Mayer & Miller, 1902), pp. 29 ff.; Charles Henry Ambler, *Sectionalism in Virginia From 1776 to 1861* (New York: Russell

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6. *Acts of the General Assembly of the State of Virginia, Passed in 1861, in the Eighty-Fifth Year of the Commonwealth* (Richmond: William F. Ritchie, Public Printer, 1861), pp. 24–27.
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 8. *Journal of the House of Delegates, 1831–32* (Richmond Public Printer, 1832), p. 110. See generally Alison Goodyear Freehling, *Drift Toward Dissolution: The Virginia Slavery Debate of 1831–1832* (Baton Rouge and London: Louisiana State University Press, 1982), pp. 122–169.
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 15. *Ibid.*
 16. See generally, William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1996).
 17. Howard, *Commentaries on the Constitution*, p. 326.
 18. Howard, *Commentaries on the Constitution*, p. 10.
 19. Simpson, *A Good Southerner*, p. 80.
 20. Simpson, *A Good Southerner*, p. 85. On the 1829–30 and 1850–51 Virginia Constitutional Conventions, see, generally, Robert P. Sutton, *Revolution to Secession: Constitution Making in the Old Dominion* (Charlottesville: University Press of Virginia, 1989), pp. 72–140.
 21. Ambler, *Sectionalism in Virginia*, pp. 300–01.
 22. *Richmond Enquirer*, July 10, 1860, reprinted in Maddex, *The Virginia Conservatives*, p. 17.
 23. Ambler, *Sectionalism in Virginia*, p. 311.
 24. Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill and London: The University of North Carolina Press, 1989), pp. 52–53; Ambler, *Sectionalism in Virginia*, p. 325.

25. Reese, ed., 1:41.
26. Reese, ed., 3:51.
27. Reese, ed., 1:7,8.
28. Reese, ed., 2:3.
29. Reese, ed., 1:137,136.
30. Reese, ed., 1:370.
31. Reese, ed., 1:369 ff.
32. Reese, ed., 2:354.
33. Reese, ed., 3:289.
34. Reese, ed., 1:280.
35. Reese, ed., 3:53.
36. Reese, ed., 1:765, 766, **766**.
37. Reese, ed., 3:155.
38. Reese, ed., 2:5,6.
39. Reese, ed., 2:8.
40. Reese, ed., 2:18.
41. Reese, ed., 3:44.
42. Reese, ed., 2:268, **267**.
43. Reese, ed., 1:753.
44. Reese, ed., 1:280.
45. Reese, ed., 2:15.
46. Reese, ed., 3:554, 555.
47. Reese, ed., 3:59.
48. Alison Goodyear Freehling, *Drift Toward Dissolution: The Virginia Slavery Debate of 1831–1832* (Baton Rouge and London: Louisiana State University Press, 1982).
49. Reese, ed., 3:59.
50. Reese, ed., 3:568.
51. Reese, ed., 2:687.
52. Reese, ed., 1:289.
53. Reese, ed., 2:354, **351**.
54. Reese, ed., 3:581.
55. Reese, ed., 1:179.
56. Reese, ed., 1:185.
57. Reese, ed., 2:263, 267.
58. Holcomb's speech is reported at Reese, ed., 2:75; Richardson's at Reese, ed., 3:105 ff.; and Willey's at Reese, ed., 1:366 ff.
59. Reese, ed., 1:468, 477, 476.
60. Reese, ed., 1:736.
61. Reese, ed., 4:52.
62. Reese, ed., 4:144. The roll call of the vote, on April 4, 1861, which defeated an ordinance of secession, is printed at Reese, ed., 3:163. Thirty-four delegates who voted Against secession on April 4, 1861, voted For secession on April 17, 1861.
63. Reese, ed., 4:545.
64. The account of the vote on ratification of the Ordinance of Secession, as well as much of the account of the separation of the western counties from Virginia, relies

- heavily on George E. West, "The West Virginia Incident: An Appraisal," *West Virginia History*, Vol. 47, p. 26 (1988).
65. In addition to the source cited in note 64, see Delf Norona, "West Virginia Political Chronology," Archives of Marshall County (W. Va.) Centennial Commission.
66. Abraham Lincoln, "Opinion of the Admission of West Virginia into the Union," December 31, 1862, Roy M. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, N. J.: Rutgers University Press, 1953), VI, 26.
67. Complete accounts of the litigation between the two states are contained in Elizabeth J. Goodall, "The Virginia Debt Controversy and Settlement," *West Virginia History*, Vol. 24, p. 42, and in the opinion of Mr. Justice Holmes in *Virginia v. West Virginia*, 220 U.S. 1 (1911).
68. *Virginia v. West Virginia*, 222 U. S. 17, 20 (1911). This decision dealt with this amount of damages and ordered the time of payment.