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F. H. Peirpoint. Gov.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Delegates:

You have again assembled to take into consideration the state of the country, and to make such laws as the welfare of the people may require; and the Constitution provides that I should communicate to you the condition of the Commonwealth, and recommend such measures as I may deem expedient.

I regret that I cannot congratulate you upon the termination of the great civil war, with which it has pleased Divine Providence to chasten the pride of the American people. It still rages in our midst, and around our very homes. But a year ago, no nation was more prospeous than this. Peace, happiness, and prosperity prevailed throughout the land. Every right was secure; even the claim of the slaveholder to the service of his slave was adequately protected. Now, along a vast frontier, from the Capital of the Nation to the Western boundary of Missouri, armies numbered by the hundred thousand, are arrayed against each other. A war of gigantic proportions has been forced upon us. The elements of civil society have been broken up. Brother is arrayed against brother, and father against son; and rapine an murder are desolating the land.

And why is this? Why has this great evil been brought upon us? Upon the pretext that the right of the slaveholder to the service of his slave was not sufficiently protected under the government of the United States. And is it better secured now? Upon the pretext, that the institution of slavery was not secure enough under the Constitution of the Union. And has rebellion rendered it more safe? Let us not be deceived. The cry of Abolitionism has been used by party leaders to excite and madden the people of the South till they knew not what they were doing. They have been inflamed by the apprehension of imaginary dangers to Southern rights, till, in their blindness, they have sought to throw aside the protection of the Constitution, the best safeguard of the very rights they were so anxious to maintain. A set of desperate and unprincipled party leaders in the South, who have long controlled the destinies of the nation, have seen the power they have

hitherto wielded, slipping from their hands, and to obtain the objects of their own personal ambition—wealth, honors and distinction for themselves—have perpetrated this great crime.

Yet, amidst the clouds which are impending over the country, we may discern some patches of clear sky, which afford reason to hope that the storm is abating. The tide of rebellion, which seemed destined to sweep with resistless fury over the land, is at length receding. The extravagant predictions of the rebel leaders have been disappointed. When, during the bombardment of Fort Sumter, the Secretary of War of the Confederate States announced that their "flag would float over the dome of the old Capitol at Washington before the first of May, and might float eventually over Faneuil Hall itself," the prediction seemed not impossible, for the government of the Union was then defenceless. Treason had been long and secretly at work, and had done its work well. The nation was disorganized. No one could tell who was to be trusted, or how far the ramifications of the vast conspiracy extended. Every measure had been taken to render the army and the navy inefficient. Munitions of war had been transferred in vast quantities into the hands of rebels, and the fortresses given up to traitors. In the halls of Congress, men who had sworn to support the Constitution of the United States, were conspiring to overthrow that Constitution; and were tolerated in preaching treason. The history of the world may be searched in vain for anything to parallel the scenes of treachery which were exhibited during that dark period.

But nobly have the American people responded to the appeal which was made to them, to rally to the support of their government. It is *their* government—the government of the people—and the result has shown that *they* will maintain it against conspiracy and treason. The President, from whatever party selected, is *their* President. That high officer is now, I believe, honestly, earnestly and with his whole heart, engaged in the work of maintaining and restoring the Constitution and the Union, discarding all party views and measures in conflict with this great object. He deserves, and will receive, therefore, every assistance we can give him. Upon the call of the President and under the patriotic legislation of Congress, an army of five hundred thousand men has rallied to the defence of the Union. No man has been pressed or drafted into the service. All are volunteers. It is the voluntary rally of a great people to the support of the Government of their choice,

and we may justly be proud of it. It is with pleasure, too, that I inform you, that the portion of Virginia in which the authority of the reorganized State government prevails, has, in proportion to its population, contributed its full quota to the grand army of the Union. That army is being rapidly disciplined, and supplied with everything which is necessary to the comfort and efficiency of the soldier. But let us not be too impatient. War in modern times is a science. The American people have not been accustomed to it. Our officers and soldiers have still much to learn, and the stake is too vast to be hazarded before every possible precaution has been taken to ensure success.

If we review the events which have occurred since your special session, we shall find many causes for congratulating ourselves on the success of our arms. We have been repeatedly told that Western Virginia was soon to be overrun and subjugated by the Confederate armies, our property confiscated, and ourselves driven from our homes, or subjected to the penalties of treason. Wise, Floyd and Lee, in their turn were to accomplish this work. They have attempted it, and have owed their own safety to the rapidity with which they have retreated before our forces. Kentucky has taken her stand on the side of the Union. She has furnished for its armies a full proportion of her own gallant sons; and no longer protects by her neutrality, the vital points of the rebellious States. Maryland, too, by an overwhelming vote of her people, has declared her determination to stand by the Constitution. The secession forces in Missouri have recently fled before our army into the extreme Southwestern corner of that State; and if they have now any foothold there, it is only because it was necessary to call back our troops, preparatory to striking a heavy blow at a more vital part. When the conspirators in the Cotton States, with the aid of traitors in this State, had succeeded in forcing the secession ordinance on the people of Virginia, and in interposing the State as a shield to protect the extreme South, the President of the Montgomery Congress announced, with exultation, that "they need now have no apprehension; they might go on with their planting and business as usual; the war would not come to their section; its theatre would be along the borders of the Ohio river, and in Virginia." Yet Hatteras and Port Royal have shown that this adroit and selfish policy is not destined to succeed. The war has already reached their section, and the borders of the Ohio are free from the enemy.

I would appeal to all who are supporting, or are disposed to support the

cause of the rebellion in Virginia: Can it be possible that you will permit your destinies to be any longer controlled by the conspirators who have usurped dominion over you? They seek not your welfare, but their own selfish ends. They would sacrifice Virginia again, as they have already done, in order to protect the cotton fields of the South. Your farms and your homes are exposed to the havoc and desolation of war, in order that another people "may go on with their planting and business, as usual."

The United States is a name which should be sacred to you. It is consecrated by Washington, and the statesmen and patriots of the purer days of the Republic. Rally, then again under the star spangled banner. It is the emblem of your liberty, of your greatness and prosperity. When that flag falls, you can no longer be a great, free or prosperous people. What have you gained by the civil war into which these men have led you? Your rights? Are they more secure than they were? The security of slave property? Is it safer now, amidst the tempest of war, than it was under the Constitution of the United States? If you succeed in this rebellion, you will succeed to find your country ruined by contending armies, your prosperity forever crushed beneath an overwhelming load of debt and taxation, and yourselves the slaves perhaps of some ambitious military despot. We seek no subjugation—we ask you to live again, as our fellow-citizens and equals. under the Constitution and Union of our fathers, which have hitherto protected and secured our unexampled prosperity.

If we turn our attention to that portion of the State which is yet under the control of the rebel government, we will find its condition lamentable, indeed. I have embraced all the sources of information in my power to ascertain the truth respecting it. There seems no reason to doubt that nearly all the able-bodied men between the ages of sixteen and sixty have been forced into the Confederate army, including thousands who are at heart true to the Constitution and the Union. I need not mention that our public improvements, railroads, canals, bridges and public buildings, have been destroyed wherever the secession forces have had control of the country. Rapine and plunder have marked their path; and men, arrogating to themselves a superior civilization, derived, as they say, from the existence of negro slavery among them, have abandoned the rules of civilized warfare, and made war, like savages, a scene of indiscriminate and useless destruction.

A large proportion of the slaves have been sent further South for

security. All the live stock within the rebel lines has been seized for the use of their army. Farms have been stripped of horses, wagons, fencing and timber; and the houses of the people of blankets and even clothing—whatever, in short, could be made useful to the soldiers. The property of men known or suspected to be true to the Union, has been taken without compensation, and they regard themselves fortunate if their lives are spared. The property which is pretended to be paid for, is paid for in treasury notes of the Confederate States, or in bank notes issued on the deposit of such Treasury notes. This currency, even at Richmond, is already at a discount of not less than thirty per cent., and the papers there are seeking to maintain its credit by denouncing the penalties of death or confiscation against merchants and bankers who make any distinction between such notes and coin. Yet this circulation is really valueless. If the rebellion fails to sustain itself, the notes must go down with it. If it succeeds, from the immense amount issued, and the character of the leaders, we may safely assume the repudiation of the debt to be inevitable. The President of the Confederate States, it will not be forgotten, was for many years the leader of the repudiation party in Mississippi.

I stated in my message to you at the extra session, in July last, that "the fact is no longer disguised that there has been in the South, for many years a secret organization laboring with steady preseverance to overthrow the Federal Government, and destroy Constitutional liberty in this country." That the latter branch of this assertion is correct, as well as the former, is rendered apparent by the course of things at Richmond.

We have seen the Richmond papers at times urging the appointment of a military dictator; and without the title, it is evident that the President of the Confederate States, exercises, with very little restriction, the powers of that office. The principle is avowed and acted on, that high executive offices should be held during life or good behavior. A conscription, worse than that of France, has been established, and men and property are seized upon for the rebel service at the pleasure of the Executive. It is proclaimed, with the general concurrence of the leaders, that free society has proved a failure—that laboring men have not time to devote to reading, and, therefore, cannot cast their votes intelligibly; and that the security of property demands the right of suffrage to be taken from them. Yet free schools are denounced, in order that they may not learn to read. It is declared that la-

bor is degrading—that the normal condition of labor is slavery; and the great principle is announced, as the corner stone of the political edifice, that capital should be the owner of labor. The rebel Convention at Richmond is now engaged in the work of revising the State Constitution; and there is every reason to suppose that "these conservative and rational principles," (for so they are called,) will govern and control their deliberations.

If this rebellion is to succeed, we may then concede the principle that free society has proved a failure; and that exclusive privileges, and hereditary or life tenures of office, are necessary to secure life, property and good order. But its failure or success is yet to be tested. Republican government is on its trial before the world; and we may, yet a while, believe in and cherish the great principle, that every man, whatever condition of life he may have sprung from, may, if he possesses energy and talents, take his place alongside of the highest in the land.

The success which has attended the reconstruction of the State Government, is greater than was anticipated originally by the most sanguine. It is a strong exemplification of the ability of our people for self-government. They found the powers of the State Government suddenly arrayed against them. With a few honorable exceptions, the political leaders, and the State officers, high and low, were found to be in collusion with traitors and conspirators, or too timid and fearful to hazard their own property or persons by taking a prompt and decided position. I have labored faithfully to correct this, so far as the officers of the State are concerned; and to maintain, and to restore to loyalty to the Union, and to peace and good order, every district in the State, which it was possible for me to do. In those counties where loyalty to the Constitution has prevailed, I am happy to announce that the people have, to a great extent, been spared the ravages of civil war; and that the powers of the State government are now in the hands of true men, who will labor to preserve the peace and good order of their respective neighborhoods. In those counties, however, in which a strong attachment to the rebel cause has predominated, great disorders have existed, and rapine and murder have often ruled the day. I have promptly exerted, in such instances, every means in my power to correct this state of things, and generally with good success.

I have already mentioned that the people of that portion of Virginia over which the re-organized State government has prevailed, had con-

tributed their full proportion of soldiers to the army of the Union. We have now ten full regiments in the field for three years' service, besides three artillery companies. Three more regiments are rapidly filling up. Of this force, from the best estimate I have been able to procure, three-fourths are residents of Virginia, the other fourth being from Ohio and Pennsylvania. The citizens of those States have been anxious to enter our service, and meet the common enemy on the soil of Virginia. We thank them for the zeal they have displayed in our defense. It will ever be gratefully remembered by all Western Virginians. Nor can it lessen our obligation for the services they have rendered, that to meet the enemy upon our soil and drive him over the Alleghany mountains, was the surest protection to Western Pennsylvania and Southern Ohio. Let us cheerfully recognize the great principle that we are each and all banded together in one great cause—to maintain the Constitution and the Union, and to protect and defend each other. When it is recollected that the loyal population of that part of Virginia which is under the re-organized State government cannot be estimated to exceed two hundred and twenty thousand persons, of all ages and sexes, and that many of these must be kept at home to defend their own families and homes from rapine and murder, to which the people of Ohio and Pennsylvania have not been exposed, we may justly claim that we have done our duty in support of the common cause.

I recommend that some provision be made out of the State Treasury to aid in the support of the families of our Volunteers who are in the United States service. Many of our soldiers have left their families in straitened or destitute circumstances at home. They have hitherto been aided by County and individual subscriptions, but this resource is mostly exhausted. Nor is it proper that the burden should be borne in this manner. Some Counties, having from eight hundred to a thousand voters, have raised three or four companies. Others with a much larger population have not raised as many. As the taxes which come into the Treasury are raised by an equitable assessment upon all, there is an obvious propriety that the State should contribute to this necessary expense.

The Legislature has made no appropriation to defray the expense of organizing the Volunteers of the State, when called into the service of the United States. I devoted almost the entire civil contingent fund to that purpose, and then obtained temporary loans for the residue ab-

solutely necessary. The Federal Government has refunded to me a considerable portion of the amount expended, which I have applied to the payment of the sums borrowed. But there are outstanding accounts, and other expenses daily accruing, which it is necessary to provide for. All the States, it is believed, have found it necessary to make temporary advanees of this character, in order to put their several quotas in the field; and in comparison with others, our advances on this account have been small indeed. The Federal Government recognizes such advances as just claims upon itself, and will refund them on settlement upon proper vouchers. It must be apparent, however, that if every expenditure of the kind, before being made, is to await the action of the Treasury at Washington, the public service may be greatly, perhaps vitally, injured by the delay. I recommend, therefore, that you make an appropriation for the purpose here indicated, in order that all such advances for United States service may go regularly upon the books in the Auditor's and Treasurer's departments, and be entered as they occur, to the debit of the Treasurer of the United States.

I refer you to the Auditor's Report, accompanying this, for a full report on the finances of the State. When the State government was organized, great apprehension was felt that difficulties would exist in raising the funds necessary to carry it on. But by the aid of the taxes collected in eleven counties; and of the amount received from the Federal Government, on account of the distributable share of the State of Virginia, of the sales of the public lands, under the act of Congress passed in 1841, we have had full means for supplying the wants of the civil service, leaving a balance of eighty thousand dollars in the treasury, on the 30th of September last. Owing to the disloyalty of the Sheriffs in other counties, nothing was received from them prior to that date. But the State government has since been re-organized in a large number of those counties, and loyal Sheriffs are now actively employed in collecting the taxes therein for the present year, which will largely augment the receipts of the revenue.

I respectfully call your attention to the suggestions made by the Auditor, in his report, in regard to the appropriations of your extra session.

There are persons among us who support and encourage the cause of the rebellion by every means in their power, short of overt acts of treason. Their persons and their property are protected by the laws

of the State and of the United States, and yet they deny the obligation on their part to support the one or the other. If our territory should be invaded by the Confederate forces, all their sympathies would be enlisted in favor of the invaders, and their active support would be given to that cause whenever it became safe to do so. The treatment of such cases is a matter of great embarrassment. Every government has the right to secure itself and its loyal citizens against open or secret foes. During the revolutionary war, when the government of George III was overthrown, the Republican government of that day claimed the allegiance of all who continued to reside within the Commonwealth. Provision was accordingly made by law for tendering the oath of fidelity to the new government to every free-born male inhabitant of the State, above the age of sixteen years. Those who refused to take and subscribe it, were, among other penalties, deprived of the right of suing for any debt, subjected to the payment of double taxes, and prohibited from carrying on any trade or commerce whatever; while any person who should, within the State, by any word or act, defend the authority of the King or Parliament of Great Britain, was subjected to a fine of not exceeding twenty thousand pounds, and to imprisonment for not more than five years. These provisions would be deemed, at the present day, unnecessarily severe; but I call your attention to the subject in order that you may adopt such measures in regard to it as the safety of the people may require.

Another portion of our citizens are engaged in a more active and decided support of the rebellion. They have enlisted in the naval or military service of the Confederate Government, or hold civil offices under the same, or they give aid and comfort to the rebellion, by supplying Confederate forces with provisions, clothing, arms or money; or furnishing information to the enemy. I would recommend that if any person hereafter guilty of such offence, has any property or debts, within the territory where the authority of this government is acknowledged, such property and debts should be confiscated to the State, subject to the just debts of the offender. And I would also recommend, that if any person has abandoned his home within our territory, to go within the Confederate lines, the Executive should be authorized to issue a proclamation requiring him to return, and if he fails to do so, within the time specified in the proclamation, that fact should itself be deemed *prima facie* evidence that he had been guilty of offences subjecting his property to confiscation.

I recommend the repeal of the stay law passed at your extra session. The necessity for it no longer exists. Persons have taken advantage of the law, though they have the means of paying their debts; and the suspension of the power to collect debts, seems to have encouraged the disorders of the times, by creating an impression that all law was suspended. The property, however, of soldiers, while in the service of the United States, should be protected from execution or attachment; and persons engaged in supporting rebellion, or who, being inhabitants of the State, shall refuse to take an oath of fidelity to the same, should be denied the right to sue in our courts.

The Banks in this section of the State have sustained themselves admirably, considering the difficulties under which they have labored. Though the law authorizing the suspension of specie payments is still in force, they are furnishing exchange and specie funds for their issues at moderate rates; and are gradually approaching the specie standard for their circulation. Satisfied that they are prudently managed, for the interests both of the public and their own stockholders, no additional legislation is, I think, necessary at this period respecting them.

I desire, however, to call your especial attention to the branch of the Exchange Bank of Virginia, at Weston. It should, I think, be made an independent bank, thus severing the connection between it and the parent bank and other branches. The parent bank is located at Norfolk. It, as well as the other branches east of the Alleghany mountains, has made large advances to the Confederate States and to the secession State government at Richmond. They have exchanged their own issues to a large amount for the Confederate Treasury notes, which, as already stated, are now thirty per cent discount at Richmond, and are intrinsically valueless. The State owns a large amount of the capital of the Branch at Weston, and the people of Lewis county the balance. I am informed that the Branch is, itself, in very good condition, and there is no reason why the interest of the State and of the stockholders in Lewis county, should be sacrificed by continuing its connection with the institution east of the mountains.

There has been frequent inquiry made about the school fund. That derived from the literary fund, I presume, is gone, with all the material interests in Eastern Virginia. From the condition of our own treasury, I do not see that any provision can be made for educational purposes until the peace of the country is restored.

Situated as we are at present, one of the greatest embarrassments

to the executive is to determine what properly belongs to the military and what to the civil jurisdiction. A war against a foreign nation would present the question in a different aspect. In that case, the jurisdictions are settled and the province of the civil and military power defined. But under a constitutional government, contending against a rebellion like the present, the case is different. All is at stake—even the existence of the Constitution and government itself. Ordinary maxims must yield to the great necessity of the case. The civil power of the State can exist no longer than it is upheld by the strong arm of the military. Hence, I think the civil power, in cases where such vital interests are at stake, ought not to interfere with arrests made by proper military authority and dictated by a great military necessity. If this be not true, the government, the Constitution itself, may be sacrificed to relieve the fancied wrongs or hardships of individual cases. But the authority thus exerted must be strictly limited by the necessity which justifies it.

All persons not in the army of the United States, or in the military service of the State government, are, at all times, amenable for their conduct to the civil power of the State. Yet in some sections of the State men assume to redress their own private grievances, and to engage in rapine and plunder,—perhaps murder itself—as if all law were suspended. I desire to warn them that all the powers of the government will be exerted to the utmost to suppress such proceedings and punish the guilty. Peace and good order must be restored and maintained; for private wrongs, if such there be, redress must be sought by the law of the land. Private war must be suppressed. He who engages in it, becomes like the pirate on the broad sea, an enemy to mankind. There have been, in several sections of the State, bands of guerillas and plunderers collected together, not acting under any regular milir y commission or military order. I would most earnestly warn them to disperse, return to their homes, give up their arms and submit themselves to the laws of the land. The Union men throughout the land desire peace and obedience to the laws, not vengeance.

Fortunate have we been in Western Virginia, in the position we assumed, and in the measures heretofore adopted to maintain it. We must recognize in the result, the guidance of a wise and beneficent Providence directing our counsels. That that Providence, gentlemen, may still protect and guide us, so that all our acts shall promote the welfare and happiness of the people, is my sincere and earnest wish.

Wheeling, Va., Dec. 2, 1861. F. H. PEIRPOINT.