

## THIRD EDITION.

## The State of Things in North West Virginia.

*To the Senate of the United States; The Supreme Court of the United States; The People of North West Virginia.*

The present usurped and tyrannical despotism in North-Western Virginia has declared my office of Judge of the 20th Judicial Circuit vacant; and this, notwithstanding I have at all times, in season and out of season, on the bench, and in public discourses, preserved, protected and defended the Constitution of the United States as the supreme law of the land: notwithstanding I was the first man in North-Western Virginia to take ground for the determined support of the Union; Notwithstanding that for this, my firm and constant support of the Union, the Convention at Richmond have instituted an inquiry looking to my removal from the same office, because of this, my loyalty to the Union; notwithstanding I have in every act and sentiment, publicly or privately done or expressed, maintained the supremacy of the Constitution of the United States and the perpetuity of the Union in its moral integrity, as the great representative of National Republicanism in the world; notwithstanding I have maintained all this by my solemn acts of office declaring the doctrines of secession lawless and unconstitutional; notwithstanding I have thus declared the Ordinance of Secession passed by the Convention of Virginia, and all its acts, laws and other proceedings intended or used to carry such ordinance into effect, void, as being against the Constitution of the Union, and inimical to its integrity; notwithstanding I have in my solemn official acts, declared the officers and soldiers of the United States, who are on the soil of Virginia, for the protection of national property and to execute the laws of the Union, to be here in the peace of the Commonwealth and under the protection of its laws.

Notwithstanding all these, this usurped and lawless faction in the State which now sets itself above the regular Constitution of the State and prescribes to me an oath above the Constitution, and seeks to impose on me an *ex post facto* qualification unknown to the Constitution; notwithstanding that this faction cannot place their touch on a single expression of sentiment nor a single act of unkindness, or hostility to the Union or to the movement of the Union so far as the Union has taken ground for the defence of the Union sentiment in Virginia or elsewhere; notwithstanding that they cannot point to a single expression which connects me in principle or sentiment with the Secession movement, farther than once in a private conversation with A. W. Campbell, now Postmaster at Wheeling, and before the Administration

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had manifested any intention to resort to arms for the subjugation of the South, and when there was no reason to believe that it so intended, other than what I could and did gather from him in that conversation as an agent somewhat in its confidence, that on that occasion I said I was opposed to coercion in the then existing state of things; although in the inception of the matter I was in favor of stringent and somewhat decisive measures, as the late Attorney-General of the United States (Mr. Stanton) can bear me witness in my fidelity to the Union. I then believed that the attempt to coerce would bring on the country all the horrors of a civil war, as I believed it on the 31st of October 1860 when I warned Mr. Lincoln of the very present state of affairs and besought him to save the country. I believed then in March as I believe now that coercion was only another name for subjugation and that subjugation, *now on this day* only means an application of the principles and the private revenges of Sumner and Wilson and that this would bring on the country all the horrors of civil war and the overthrow of constitutional liberty and the establishment of despotism, and before God I believe it, as I expressed it in tones of sorrow in the middle of last January on declining to take one of the highest posts known to the Government of the United States; notwithstanding I have in my private life and public conduct, the grace of God assisting me thereto, endeavored to walk with humility and sincerity and to avoid all double mindedness.

And this is to be required of me because they have acted by their test-oath on the infernal and devilish principle of Couthon, which they have transferred here from the blood and filth of the lowest cess-pool of the French revolution, when he said in the club of Jacobins as the test of personal safety and qualification for office, "What hast thou done to be hanged if the counter-revolution should arrive?" And my reply to these and to you is, that I have faithfully stood by the Constitutions and constitutional laws and public liberty, and have not lent myself to faction, to arrogance, to imbecility, to corruption for sake of office and venality.

They know that it is no fear of consequences which induces this course of conduct on my part; they know that I have no hope, expectation or belief of a counter-revolution, though much life may be lost and that I believe that the government is strong enough to protect them; and is pledged by constitutional principles, in the enforcement of the laws of the Union, and not on the idle fallacy of the demand of an unconstitutional and in no legitimate sense of the phrase, a *de facto* Governor to protect them against domestic violence; and that it will protect them because in body and soul, they are transferred to it and to its destructive principles, as I now believe, beyond the sanctity and requirements of any and all constitutional obligations.

They know that it is no corruption on my part, for I have only to take the little test-oath furnished by Couthon and my present office is secure to me beyond a peradventure.

They all know, some of them have said to me, that I am wanted for their Supreme Court, if I will take the gentle and fraternal oath of Couthon.

They know that whatever of danger, distrust and surveillance is to be encountered, comes here in pursuing an independent course, and that subservience will avoid all this. Whatever of property and wife and children, and all I hold dear on this earth is in their jurisdiction, and for myself, before heaven, I defy and denounce their tyranny and usurpation and their Couthon test-oath, besmeared with blood and the deep curses of the French Anarchy.

I denounce their tyranny and usurpation—

Because it is unconstitutional in its origin, proceedings and ends. It violates the spirit of the Constitution of the United States, in this, that upon what they affirm and I know is intended to be by many of them, it is the inaugurating movement of a new State, without the prerequisite required by the 3rd Section of the Constitution of the United States.

It violates the spirit of the Constitution of the United States on the part of the Administration, because it is an interference in the internal administration of affairs of the State, beyond the protection of its loyal and obedient citizens; it is protecting *them* in the violation of the Constitution of the State: in taking from the people, lawlessly, the right to elect their Governor and Lieutenant-Governor; in the appointment of an irresponsible Executive Council of State or Revolutionary Directory unknown to the Constitution and the laws; in sustaining a fragment of a Legislature without any constitutional quorum in legislating for an entire people; in protecting and enforcing the laws of a legislature which does not in a legal and constitutional manner embrace one-twentieth of the constitutionally appointed and apportioned legislative jurisdiction of the Commonwealth; in supplying vacancies, even to this poor fragment of authority, by modes of election unknown to the laws and the Constitution, and otherwise in calling together this fragment and fiction, this arrant falsehood of a legislature, by means lawless, unprecedented and revolutionary;—for these reasons, and for many and divers other reasons, are to be denounced the proceedings of this lawless and revolutionary body in its own conduct and in the conduct of the administration at Washington, who are cognizant of its acts; who have countenanced and counselled these lawless proceedings in their general purpose, if not in detail; who have, in my solemn judgment, used the leaders in this factious State for other and ulterior purposes; and in all this both parties must know that they violate the Constitution, and the very soul and spirit of the Union itself; and still more, for that violation of the guarantee of a republican form of government to the State which has been violated in every step of these proceedings in which a minority, above all constitutions and authorized modes of proceeding, govern and legislate for the majority in the State, yea, and over the very minority it pretends to represent in its violation of its own State Constitution and laws, peacefully, and with all the forms of law and order, adopted for their government and security. And shall I take this Couthon test-oath and bind myself to its lawlessness and disorder, and bind myself to those private, it may be, and ulterior purposes which entered into the council of Senators and

Cabinet officers at Washington, when they counselled or approved the steps taken, and pledged *their party* to see it through; when this step was taken by them, and they saw the deep pledge which may not have been expressed in the bargain; that West Virginia gave to whatever might be required at its hands, shall I take this test-oath and bind body, soul and conscience to the untold and unknown results complicated in these lawless and unconstitutional combinations and movements?

Will you, Senators of the United States, who are not already in complicity with this affair, justify this flagrant usurpation; this lawless invasion of public liberties; this unconstitutional overthrow of all constitutions; this foul interposition of an administration in the affairs of an internal government of the State, for purposes beyond those recognized by the spirit and the compromises of the sacred instrument under which you act, and which in a great measure has been brought about by that state policy at Washington, which says "we will not violate the *letter* of the Constitution, but if you want our protection you must violate your own Constitution and laws, and principles of public liberty, and the voice of legal majorities, constitutionally expressed," upon which is based all of republicanism which is guaranteed by our forms of government, and the express stipulations of the very instrument which I fear, is made the pretext of, civil war and fraternal slaughter; and when you, the people of Western Virginia, have done this, you are sold to us for all purposes which may be demanded of you.

To you, the solemn judges of the Constitution and the Laws, I appeal to maintain the integrity of conscience and to leave your final protest, when the occasion shall come, on that page of your records on which is written your protest against the despotic repeal of the *habeas corpus*, that last refuge of Liberty against Tyranny.

To you the people whom I have served faithfully, and how well your own vote in honest judgment of two to one over my competitor, only a short time since, would authorize me to say to you I appeal to become calm and considerate and ask yourselves whither these things tend?—Where are they to end?

Venality, profligacy and the ambition of a few men in political combination with a false and prurient philanthropy, which on one side has been the heart and core of all our troubles has misled us far onward to destruction; and by using honest and lawful sentiments and perverting them have induced the lawlessness prevailing amongst you and leading to anarchy or despotism just ahead.

I shall be no party to this; I shall take no Couthon test-oath; I shall borrow no lessons of action or conduct from the cess-pool of Jacobinism and revolution. As I opposed Secessionism in the South I oppose it in the venal and place hunting factionism of the officials who wear the lion's robe at the seat of lawless rule in Wheeling.

I oppose their proceedings because they are, from root to branch, unconstitutional, unwarrantable and unnecessary. Because in what they have done, they and the Administration at Washington have violated the spirit of the Constitution of the United States; because in nothing that they have done have they conformed to the Constitution of the

State which they say they intended only to reorganize; and because they have organized so as to give high offices to men, who under other circumstances could never have reached to more than the venal and corrupt dribs of party compensation and who would have deemed themselves favored with the office.

I opposed it because it saddles you and me upon every principle of national and international law with the heavy State debt of near fifty millions, little or no portion of which was contracted for the benefit of North Western Virginia, and which under existing circumstances we cannot avoid except by base repudiation; and of which, if a constitutional mode of proceeding had been adopted we need not have assumed any share, or only such share as justice and equity would have dictated.

And because this State debt so made your own was in my firm belief a cause in inducing this very course of conduct in the organizing of this State in the West in order to saddle you with this intolerable debt, so as secure to its mortgage on the young, growing and prosperous portion of the State,--the Wall Street bondholders knowing that Old Virginia harrassed by war and exhausted in her resources could not meet the responsibility, and this because I believe that an agent of these Wall Street bondholders was during the sittings of the Convention in Wheeling promoting this scheme for this and other purposes and with the countenance and support of the Administration whose confidential communications he bore, and who, upon his arrest in Western Virginia, was discharged on the order of a high functionary at Washington.

They ask me to subscribe to such perjury and treason as the following:

"I swear that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the 11th of June, 1861," and the same as interpreted by its Governor on the 4th of July, in the lawless and unconstitutional arrest of our citizens by his foreign and insolent soldiery! I swear to sustain its outrages on constitutional law! I swear to enforce its lawless jurisdictions as promulgated by its Revolutionary Council; from its Governor on the streets, telling foreign soldiers to seize persons on the streets for no offence known to the laws of the land other than the police regulations of Wheeling. To submerge the civil law in military misrule, and deny the writ of HABEAS CORPUS, or consent to its repeal and destruction; to enforce the Government of Virginia, 'as vindicated' by a Convention formed, as this was, by delegates without a constituency; ruled, as it was by the consultation of Carlile and the Abolitionist, Underwood; and never submitted to the people for ratification; begun in lawlessness, conducted in violation of constitutional principles, interpreted by ignorance and enforced by the bayonet. I swear to uphold such a vindication and restoration of honest, frank, manly Old Virginia!

I who have been duly elected under the Constitution duly framed by the whole people, in their sovereign and honest integrity, and have sworn to support that Constitution, and to be faithful and true to the Commonwealth under that Constitution until it is legally modified; shall I or any honest-hearted man forswear that oath by taking an oath which, day after day and occasion after occasion, requires the acknowledgment of acts, which violate the first oath? I would, if I could, spare others—I cannot spare myself, nor will I countenance this usurpation.

I refuse to touch the taint and grime of this test-oath, also, because the oligarchy at Wheeling is, in the main, composed of the drippings and leavings of that old party, to whose very heart the offices of the republic had become a corrupt, a degrading and a constant desire in their life pursuit of them through all forms of party and all changes of name and all bargains and corruptions in the combinations of disappointed and greedy place hunters to that last act of infamy and disloyalty to integ-

erty and worth, the trade and sale of body and soul to abolitionism and the introduction of negro equality on the soil of Virginia, that this is so and that the usurped, lawless and unconstitutional rule at Wheeling was the suggestion of northern venality, northern fanaticism, northern policy and northern avarice I verily believe and for the reasons given and for others; the argument upon which it is based is the fallacious and inconsequential production of the Major Dalgetty of Massachusetts politics the man who has ever had an argument and a coat for that presidential candidate who was most likely to succeed.

Because the money of the North has been tendered to these men and the the Minnie muskets of Massachusetts have been received at Wheeling.

Because I know that the plan suggested by Hoadly, of Massachusetts, endorsed by Sumner, of the Senate, and placed in the hands of Postmaster-General Blair, was forwarded to Wheeling to a well-known agent of the Government, and has constituted the staple of the argument on which these most wrongful proceedings have been instituted and consummated, in the violation of constitutions, in the overthrow of well-settled forms of proceeding, and in the initiation of despotic powers.

And because the man who now exercises the Executive power of this usurped government said, just before their last Wheeling Convention, "that slavery will be crushed out of Virginia," and the language and the tone and the manner bespoke, to my judgment, the knowledge of the foregone purpose of those who had undertaken the job.

These things, men of Western Virginia, may, perhaps, have your present concurrence; but believe one who has fifty-five years of practical experience and knowledge of the human heart and human affairs, and pause while I tell you that there is a fearful day in the future unless you get back to ancient forms of proceeding, and to the love of that order which grows out of obedience to law and to that obedience which is an enlightened regard for private conscience and public interests, based, as Mr. Van Winkle says, on the Constitutional integers of society.

I now take my stand by the dying words, as it were, of Stephen A. Douglas, as he declared them in conversation at Bellaire, O., on his way home to his death and funeral, "This Administration is responsible for the war, and I will hold them so at the proper time, before the American people." And if responsible, how else than because they have sacrificed the lives and the treasures of the People to their Party purposes? And their party purposes are read in the inaugurating movement of this Hoadly-Sumner vengeance perpetrated on Virginia, and the South by this new fangled despotism organized contrary to all forms of law and primary organizations of our forms of government.

The sacrifices which I have made in behalf of Constitutional Freedom entitle me, whether it will protect me or not in doing so, to speak freely in its behalf.

July 4th, 1861.

GEO. W. THOMPSON.