

S P E E C H

OF

HON. K. V. WHALEY,

OF VIRGINIA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

JULY 11, 1862,

ON A BILL TO PROVIDE FOR THE ADMISSION OF WEST VIRGINIA INTO
THE UNION AS A STATE.

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WASHINGTON, D. C.
SCAMMELL & CO., PRINTERS, COR. SECOND & IND. AVENUE, THIRD FLOOR.
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SPEECH.

Mr. WHALEY said:

Mr. SPEAKER: The people of West Virginia, with unparalleled unanimity, through their Representatives, ask for the separation of their portion of the State from East Virginia, and the admission of it into the Union as a separate, independent, and sovereign community. If it were a Territory of our national domain, with her superficies of about twenty-four thousand square miles, and with her population of nearly four hundred thousand souls, asking admission into the Union, there would be no hesitancy. If it were a mere question of the division of a large State, you would at once refuse to entertain the proposition. If there were not urgent public and Federal reasons therefor, affecting essentially the peace, happiness, and prosperity of West Virginia, you should promptly decline to consider the suggestion of the division of the "Old Dominion." If the causes demanding the separation were transient and evanescent, or such as could be removed without political convulsion and in a nation's lifetime, or such as might continue without the greatest detriment and injustice, if the highest welfare and safety of the Union could be preserved in the present status of affairs, the case would be different.

For eighty years have the people of West Virginia suffered from her unnatural connection with East Virginia. For nearly three generations has she petitioned and sought for the adoption of a liberal and

just policy toward her. For almost a century has she borne the oppression, insult, and contumely of Eastern legislation without redress and without relief. Forty years ago, hoping for no change in policy from the Eastern aristocracy, she sought the division of the State; some contending that the Blue Ridge, and others the Alleghany mountains, should constitute the boundary. The seaboard and Piedmont districts, instead of modifying legislation and rendering it less odious to the people of West Virginia, sought to make it more permanently oppressive by detaching the valley from us, extending internal improvements of all descriptions into that section, uniting the people commercially and socially with Richmond, treating the West as her rival in commerce, her enemy, and an inferior.

After the metropolitan city of Maryland had extended a branch of its road to Winchester, the Virginia Legislature denied further charters. The breeding of slaves for southern markets served also to detach the valley from the West and assimilate it to the East. Of the forty-four millions of State debt expended in internal improvements up to January 1, 1861, only one and a half millions have been expended in West Virginia. Not only has Virginia refused to permit us to improve our country, but when Baltimore proposed to build railroads through our territory at her own expense, the Legislature refused a charter.

The antagonism usually finding place between communities with social organiza-

tions so widely different as those of Western and Eastern Virginia, developed to such a degree that John Randolph of Roanoke spoke in the convention of Virginia of 1829 of the valley and Western Virginia as parts of the State "which I must call alien to us, and forever separated from our interests and feelings, torn by factions, marked by lines which divide her into two different people—distinct in feeling, distinct in possessions, different and antagonizing interests." Mr. Baldwin, of Augusta, predicted that "if slave representation should be forced upon them, the final result will be the separation of the State." So oppressive had the legislation become, with no hope of relief in the ordinary way, that Mr. Goode, in the convention of Virginia in 1851, proposed that the House of Delegates and the Senate should each be divided into two chambers, one composed of those east, and the other of the members west of the Blue Ridge, and requiring votes by chambers, and a majority of each chamber necessary to appropriate or raise money by taxes, loans, or otherwise. Mr. Wise said, "we [the East] had kept their nose [of the West] to the grindstone for the last seventy-five years in agony."

In 1860 there were 490,887 slaves, of whom only 12,771 were west of the Alleghanias. By the monstrous system of taxation, so unjust to the West, no slave, though worth \$1,800 in the market, can be valued over \$300 for taxation; and no slave under twelve years can be taxed, though worth seven or eight hundred dollars. Thus, \$200,000,000 of slave property owned in the East, its chief property, has never been taxed at all, while legislation has mainly been for this property and its interests; and while every species of income and property in the West has been fully taxed, even to the earnings of the humble toiler for daily bread barely sufficient for family support. Licenses must be paid for at enormous prices for every branch of business, except the breeding, working, and selling of negroes, giving monopoly to the slave interest of the East, and crushing the free labor of the West. In addition to the recording fee, the poor man, buying his piece of wild land to clear him a home, must pay his one dollar tax to the State before his deed can be recorded. So with all forms of legal process, whether relating

to the living or the dead.

For eighty years, as at the present, the East has denominated the western lands "waste and unappropriated," and has sold them and granted patents of any portions to all who will pay, until the whole country has been affected—two, three, or more, frequently paying taxes on the same land at the same time, thus increasing the revenue from the West, keeping titles unsettled, defrauding and impoverishing the people; the Legislature repeatedly exonerating lands in the East justly assessed, and by the same act enforcing the payment of a like tax against western lands by ordering sale. There has been one statute of limitation for lands east, and another for lands west of the Alleghanias.

One of the greatest injuries sustained by our Western people has been an organized opposition to a system of free schools and popular education, by which the bright but untutored minds of our mountain ranges and humbler classes have not been developed, while colleges and seminaries for the rich have been fostered by Eastern legislation. To keep the people in ignorance is a part of the policy of *their masters*, the forty thousand slave-owners of East Virginia. Since 1776, Virginia has had thirty-three Governors, of whom West Virginia has had five, and twenty-four United States Senators, of which West Virginia has had but three.

But the greatest wrong and insult which has degraded us politically and socially is what is called the "mixed basis of representation." In the west portion of the State there exists a large majority of white population, and in the other portion the slave property interest, and giving rise to diversity of sentiment. The East insists upon protection of property by apportionment of representation; that the majority of the people should not rule, but the majority of interests; that the great wealth of the State is in slaves, and that the forty thousand slaveholders of the East should rule; that while eight hundred and ninety-eight thousand people have, say fifty representatives, \$495,000 of taxes must also have fifty representatives; that slavery, and not free white men, is the element of political power; that more than one hundred and twenty-five thousand citizens of the West are properly denied representa-

tion in the councils of the State; that, with an immense majority of free white men in the West, the legislative power is rightly placed in the hands of the minority, giving them thirty majority on joint ballot in General Assembly, as Mr. Scott said in the Virginia convention, "to secure property [slaves] by not surrendering the legislative control to a majority of mere numbers." As Mr. Beal also said, "to protect slavery from West Virginia."

The West, on the contrary, while valuing property, values persons more; declares that according to every principle of republican freedom the whole majority, and not slaves, should rule; that a minority of interests should not govern a majority of people; that one dollar in money should not be counted equal to two white men; that all men are by nature free and independent; that all power is vested in and derivable from the people; that a majority of the people is the only true basis of legislative power; that any other basis is a palpable infraction of the great American doctrine. There is a heartfelt and almost universal earnestness of sentiment on the other side of the Alleghanies, that a majority of the community is the true source of political power; that no man or set of men are entitled to exclusive emoluments or privileges, and that by the property basis a sectional minority inflicts political degradation on a large majority of the population; that a denial to the majority of the people of the right to protect themselves, each and all alike, is the denial of all republican principle; that everything should not pay tribute to the slave power; that the doctrine of the sovereignty of the people is sanctified by time, and tested and confirmed by experience, commended by treasure expended, the blood shed, and the sufferings endured in the American Revolution.

The principle of mixed representation, based partly on property, was imported from South Carolina and planted in the Commonwealth of Virginia—and later, also, that of secession. And do you now wonder, under such discipline, that when more than a year ago these oppressors, whose cup of iniquity was running over, plunged into treason and rebellion, that the people of the West, loyal and true, should not only have rallied under the national flag, but

also have rejoiced to escape from such bondage? Then was reorganized the State government. Our young men and men of middle age gathered around the nation's standard, and rallied, leaving wives and children, aged parents and property, to the mercy of guerrillas and bandits, and numbering as many, proportionately, in the loyal army as any portion of the country, where such sacrifices as ours are unknown. We have done our duty faithfully in this crisis.

Fully do I endorse what one of our worthy Senators from Virginia [Mr. WILLEY] said in the convention of 1851:

"Our own glorious history amply vindicates the patriotism of the masses who shed their blood most freely in our revolutionary struggle for independence. Whom did the Father of his Country lead to victory? Upon whom did he rely in the 'dark days which tried men's souls'? Was it upon the slave owner, the land owner, the man of merchandise, the wealthy? I will venture the assertion that seven tenths of those noble men had no title to a foot of the soil they enriched by their blood, shed in defence of it; and when they shouldered their knapsacks they carried on their backs their entire stock of goods and chattels. Yet we confided in them. We placed in their keeping our lives and fortunes and sacred honor, and we were not betrayed. Why the shouts of the victories of Chapultepec and Buena Vista are still echoing in our mountains and floating across your lowlands? Who fought these brilliant achievements? Our landlords, our slave owners, or the wealthy proprietaries of the country? No, sir. No!"

I would fill our hills and valleys with a population loving the Union, men of industry and enterprise; would give to our free and manly people the control of their own legislation, and emancipate them from the thralldom of disloyal and wasted Eastern Virginia.

Mr. Speaker, this is a question in which the whole people of America have a deep interest. It is the appeal of West Virginia for equal rights, for the rights of the people against the rights of money—mammon against liberty. Will the gentlemen of this Congress, Democrats and Republicans, discard the tried and well-established doctrine of the right of the majority to govern? Will you not guaranty to us the enjoyment of this right? Will you permit every vestige of liberty to be swept away from Virginia? Safety, quiet, peace, and liberty can only be found in separation. Will you compel us to continue a connection not only repulsive to our feelings, but utterly repugnant to all the principles of free government? Will you force us to be ruled over by an odious and most offensive aristocracy? to be dependent serfs of our Eastern lords? Will the Republican and Democratic masses of the North sustain you

in compelling our free people to live in such galling degradation and bondage?

West Virginia is law-abiding. She has been ardently attached to the good old Commonwealth. When the East was in peril, western men flew to the rescue and sacrificed even life itself in defending the border towns and cities from fire and sword, and eastern property from pillage. The East in the late secession movement has repaid us by calling a convention unsanctioned, without the consent of a majority, usurping powers to our injury; by pretended ordinances requiring us to separate from and wage war against the Government of the United States, and against the citizens of friendly neighboring States; attempting to subvert the Union of Washington and his copatriots, and to transfer our allegiance to a rebellious confederacy, and to place the whole military force and operations of the Commonwealth under the control of the rebellious southern confederacy; instituting a reign of terror to suppress the free expression of the will of the people; making elections a mockery and a fraud; instituting war by seizing the property of the Federal Government; organizing and mobilizing armies to capture and destroy the capital of the nation; attempting to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State.

The Western Virginians are, and always have been, of the race of American pioneers—the conquerors and cultivators of the wild regions of the New World—mountaineers by nature, and democrats, in the legitimate sense of the word, by instinct. They belong to the advance guard of modern civilization. In principle, policy, and interest, they are of the progressive party of the American people. Everything in them and around them and before them impel them to *proceed*—nothing that allows them to recede. By this difference of character and conditions, they are morally and politically divorced from Eastern Virginia. A mountain chain divides us geographically; a gulf as broad as that between Abraham and Dives, lies between us in spirit, institutions, and destiny. Sooner or later the virtual division so long felt to be necessary, will and must be acknowledged and established in fact.

In the State of Virginia, immediately

before its ordinance of secession, there were 490,887 slaves; of these there were but 12,771 in West Virginia, or one in thirty-nine of the whole number, while its free population numbers 334,921, or closely approaching one-third. From such a diversity of interests as the difference in slave population, and from such a preponderance of political power in the State to sustain the system of work without wages against the free labor of the West, helped out, as it has been, by the atrocious principle of slave property representation, it is easy to infer the malign influences that have retarded our progress in everything necessary to our welfare. Our contributions to public measures have not been paid back to us in the internal improvements which our country demands; nor in the free school system, to our advancement in all that makes a people prosperous and happy. The tide of emigration has been turned away from a country tempting to the men that are building up an empire in the Northwest as “the sun visits in his wide career.” Our mountains full of minerals; our coal, marble, salt, rock oil, are all held under the ban of a middle age policy of legislation. Our rivers are unimproved, and our valleys are shut out of the markets that a happier government would long since have opened to them. The mass of these mischiefs is too great and too numerous for statement, as the injury is beyond calculation. They may be summed up in one generally comprehensive and terribly significant fact. The State of Virginia, larger than Pennsylvania and Maryland put together, as old as either, and naturally richer than both, advanced in free population but 156,063, or twelve and a half per cent., in the last ten years; while Pennsylvania made an increase of 594,584 persons, equal to twenty-five and three-quarters per cent., more than double the rate of growth in that great product which in a country like ours is the sign and a proof of all other kinds of progress.

Are we not right, Mr. Speaker, in crying out with the apostle, “who shall deliver us from the body of this death?” But we have already, by our own act, thrown off the decaying and corrupting carcass that so long cumbered and oppressed us, and we are now asking you to break the slender thread of State unity that fictitiously holds

us together here in representation and responsibility.

While the secession of Eastern Virginia seemed too monstrous to be possible, and while it stood merely as a temporary triumph of political desperadoes over the sober and better judgment of her real people, we who knew that the act of secession was a falsehood of the convention, and therefore believed that she could not be constrained into a mad and treasonable rebellion in fact and deed, as well as in words, hoped that ere this time she would return to loyalty; but the history of the last year, and the attitude of her people to-day, have opened our eyes. Instead of repentance, they exhibit nothing less than the very desperation of popular insanity. We no longer hope for their return to the spirit of unity and peace. Possibly we might forgive the bloodshed, the robberies, the imprisonments, which they have so ruthlessly inflicted upon us; but it is not possible for them to become worthy of such forgiveness, or capable of such forbearance. They first made themselves our enemies, and now they have made us theirs. We cannot again go, as a minority of the State, into their legislative councils; we will not again endure their malignant domination. The constructive unity of the State of Virginia is a mere legal fiction; in common English, it is not true of the present, and it is as clearly impossible in the future. We have for more than a year stood front to front at the point of the bayonet. We never can again stand side by side in their halls of legislation. They cannot beat us in the battle-field. We will not surrender to their superior numerical force at the ballot-box. They have never done us justice or shown us mercy in either. We choose, if we must choose, that in which we had the free use of our proper defences; and God be with the right.

We are constrained by the circumstances of this wicked rebellion to cast our fortunes in with our kindred of the free North and West. Give us our State independence, and we will repay it with such benefits as might well purchase a greater boon. The Alleghany chains on our eastern and southern borders are the natural boundaries for our State line, that is to be eternal, whatever happens to the semi-tropical regions of the Gulf and the eastern slope of the

Alleghanies south of the line that nature and civilization have dedicated to democratic liberty and equality. Our streams from their very fountain-heads flow into your rivers, and all the territory from the Alleghany peaks to the great lakes have one common interest, and must forever be one united people. Your northern lakes are within our neighborhood. Our interests are common, reciprocal, inseparable, and we have proved our fraternity, political and moral, by all that is difficult and dangerous in the separation of our political ties, and by the resolute endurance of all the cruelties of a civil war within our borders. The groans of our slain and imprisoned people, the flames of our burning dwellings, the devastation of our farms and villages, we offer in support of our claim; and finally we urge the necessity of the measure as a sufficient answer to all scruples that lawyers or politicians can urge. There can be no constitutional objection. The clause in the Federal Constitution which provides "that no new State shall be erected within the jurisdiction of any other State without the consent of the Legislature of the State concerned, and of Congress," is in all respects satisfied. Congress has already recognised the restored government of Virginia to be the true government of Virginia. The Senators which the Wheeling Legislature elected hold their seats as Senators of Virginia. This same Legislature has by vote authorized the formation of the new State, and it now requires only the ratifying vote of Congress to consummate the procedure in precise accordance with the Constitution. If the body of that State shall hereafter deem it hard that it was dismembered, it must be content to count it among infelicitous consequences, parricidal madness.

The New or West Virginia stands and promises ever to stand within the rights and duties of a member of the national compact. The Union rent and shattered by fratricidal strife, whether restored or divided, must be reconstructed. Why not in the territorial limits of the States as well as in the other conditions of the settlement where policy, expediency, and necessity alike demand it?

We appeal to this Congress in the name of the one hundred and twenty-five thousand of the white majority of West Vir-

