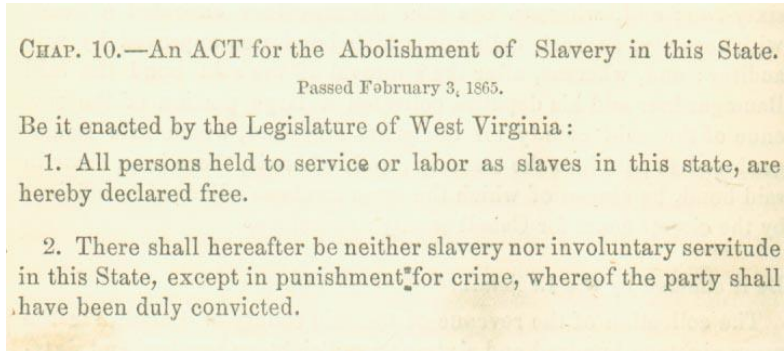


ON THIS DAY IN WEST VIRGINIA HISTORY FEBRUARY 3



On February 3, 1865, the West Virginia Legislature passed an act abolishing slavery in the state.

CSO: SS.8.22, ELA.8.20, ELA.8.21

Investigate the Document: (*Acts of Legislature, 1865; Wheeling Intelligencer, Feb. 2, 1865*)

1. What percentage of the states had to agree to support the abolishment of slavery for the 13th amendment to be ratified?
2. Using your own words, describe the atmosphere in the galleries following the announcement of the vote that confirmed the passage of the 13th amendment.
3. *“The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free; and all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years, shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein.”* This passage, cited in the article, is a reference to *this* supplementary bill that paved the road to statehood for West Virginia a few years prior, in 1863. Does this legislation provide freedom for all enslaved people in West Virginia? If not, who was excluded?

Think Critically: Think Critically: Why do you think the Emancipation Proclamation freed only those slaves living in the Confederate States? Why did the Emancipation Proclamation not apply to slaves living in West Virginia? Which constitutional amendment abolished slavery in the United States? What two additional amendments radically enhanced the rights of African Americans in the aftermath of the Civil War? What was the system of state and local laws adopted in the aftermath of these constitutional amendments that were designed to enforce racial segregation in the southern United States?

- **Essay:** (400-500 words) Use the following prompts to complete the essay on slavery.
 - Why did slavery in the United States last so long? Why was the South slower than the North to relinquish the practice of slavery? How did the Dred Scott Decision and John Brown’s Raid on Harpers Ferry inflame sectional tensions? Was slavery the cause of the Civil War? Do regional and political tensions exist today like those in the 19th century?

Daily Intelligencer.

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WHEELING, W. VA. THURSDAY MORNING, FEBRUARY 2, 1865.

NO. 12.

Thursday Morning, February 2.

The End of Slavery near at hand.

As announced yesterday morning in our Washington dispatches, Congress has passed the constitutional amendment forever abolishing Slavery throughout the United States. It passed the House by the decided vote of 119 yeas to 56 nays. It passed the Senate last session by an equally decided vote. The amendment has now to be ratified by three-fourths of the States, and it will then be a part of the Constitution of the United States, and as valid and binding as such, as any other provision. The scene that followed the announcement of the vote is thus given in a dispatch to the *Pittsburgh Commercial*.

The announcement in these dispatches some weeks ago that Tammany Hall was bringing its influence to bear on the passage of the Constitutional amendment prohibiting slavery, and that its success was therefore assured, received its full ratification in the House this afternoon. The largest audience of the session packed the galleries and lobbies, flooded the reporter's gallery with ladies, and overflowed into all the vacant spaces on the floor. Appeals were made, as usual, from the Democratic side to have the vote postponed, and there were implied threats of filibustering unless it was, but Ashley refused to make any further delay, and the Democrats wisely resolved to submit.

"The final announcement of the vote was the signal for a whirlwind of applause, wholly unprecedented in congressional annals. The galleries led off, giving cheer after cheer; members on the floor then joined in shouting, throwing up their hats and clapping their hands, while the ladies in the galleries waved their handkerchiefs, and the very pages on the floor joined in the demonstrations of delight. The Democrats had been very fierce in their demands for order, when there had been some applause over the affirmative votes of some of their own number, and had very imperiously demanded the enforcement of the rules, but the storm of applause that now swept through the chamber was too much to resist, and so they sat silent and solemn in their seats.

"Amid all the rejoicings it is now earnestly hoped that the Legislatures, particularly those of the great leading States, will promptly take up the amendment and pass it through without delay. The effect of prompt action in the present shape of the peace negotiations will be particularly valuable, and the Union leaders here hope before the end of the week to hear of decisive action from New York, Pennsylvania, Ohio, and the other great States."

Almost coincident with the passage through Congress of the amendment above referred to, our House of Delegates yesterday passed a bill supplementary, we may say, to our Constitution, forever abolishing every vestige of slavery in this State. We say supplementary, although the bill is independent of the constitutional provision contained in section 7th of article 11th, and in no wise conflicts with it in our judgement and in the judgement of a majority of the House, and consequently does not go before the people for ratification. Section 7th, as our readers are aware, contains the congressional amendment to our constitution as it first came from the Constitutional Convention, providing for the gradual emancipation of slaves under certain ages, and is as follows:

"The children of all slaves born within the limits of this State after the Fourth day of July 1863, shall be free; and all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty one years; and all slaves over ten and under twenty one years, shall be free when they arrive at the age of twenty five years; and no slave shall be permitted to come into the State for permanent residence therein."

Our summary of House proceedings this morning will show the general drift of opinion in that body as to the power of the legislature in regard to further enactments on the subject of slavery in this state. The bill passed yesterday was the same offered by Mr. Ferguson a few days ago and is as follows:

As it enacted by the Legislature of West Virginia: 1. All persons held to service or labor as slaves in this State are hereby declared free.

2. There shall hereafter be neither slavery nor involuntary servitude in this State, except in punishment of crime, whereof the party shall have been duly convicted.

This bill wipes out the remnant of slavery in West Virginia at a blow. It was not offered or passed as an amendment to the constitution. The constitution simply prescribes a limit beyond which certain persons of certain ages shall not be held slaves and makes no enactment at all in regard to those supposed to be left in slavery for life. Had the constitution been entirely silent on slavery Mr. Ferguson's bill would have been undisputedly proper and operative, for the powers of the legislature are only restricted by the constitution. Because it was not silent, however, and because it prescribed a limit to the bondage of certain slaves there are some who construe the 7th section to be negatively an enactment enslaving for life all other slaves. There is some force in this construction we admit.—

We really suppose that it was in the contemplation not only of Congress but of our Convention, that those who were not emancipated by Section 7th remained slaves for life. But still the section does not say so; it ignores any further recognition of slavery, and the constitution makes no provision elsewhere in regard to the existence of such an institution. We all understand this matter aright as a question of fact and disconnected with legal technicalities. We all know that it was the desire, as it is now, of the people of this State to be rid of slavery, and in this spirit section 7th was inserted in the constitution and ratified afterwards at the polls. The Section was the minimum of what the people desired at the time, and stands now merely as a breakwater that has answered its purpose to guard the for-

mation of new land marks. At the time West Virginia moved on the subject of slavery no other slave State had moved, and we did not want to move too fast. But now we see that we are outstripped by Maryland and Missouri, and that even Congress is one day ahead of us. No one imbued with an appreciation of the times in which we live and alive to the public sentiment of the country, regards the desire and determination of the people to be done with slavery forever and everywhere as inconsistent with their ultimate best interests. Now is the time, when the movement is general, to clear away all remnants of the institution and bury it entirely out of our sight. We hope, therefore, that the Legislature will at once ratify the grand amendment just passed by Congress which decrees in words that posterity will register in letters of gold, that hereafter and forever slavery shall nowhere exist within the limits of the republic.

WEST VIRGINIA LEGISLATURE

SENATE.

WEDNESDAY, Feb. 1, 1865.

Prayer by Rev. Mr. Babcock.

A message from the House announced that it had passed and asked concurrence in the bill to authorize the Holliday's Cove Rail Road Company to borrow money.— The bill was read the first time and referred to the Committee on Internal Improvements.

Mr. Maxwell from the Committee on the Judiciary, reported back, with a recommendation that it pass, the House bill amending the law for the maintenance of illegitimate children, which was read the second time.

On motion of Mr. Atkinson the Senate bill requiring banks of this State to redeem their issues in legal tender money of the United States, was recommitted, and the Senate bill providing for free Schools for the city of Wheeling.

A message from the House by Mr. McGrew announced that it had passed and asked concurrence in the bill, making an appropriation of \$2872 25, to pay expenses of the Weston Hospital to Jan. 1, 1865.— The bill was read the first time and referred to the Committee on Humane and Criminal Institutions.

The Senate bill to authorize the release of Mortgages, deeds of trust, and other recorded liens, was amended and tabled for further consideration.

The following resolutions were referred :

By Mr. Farnsworth : To inquire into the expediency of chartering the Monongahela and Greenbrier Railroad, to run from some point on the State line in Monongalia county, by Morgantown, Fairmont, Clarksburg and Buckhannon, to connect with the Covington & Ohio Railroad, near Lewisburg.

By Mr. Peck: To inquire into the expediency of providing that the Recorders' Courts for Probate be kept open at all times.

By Mr. Maxwell: To inquire into the expediency of authorizing the clerk of townships to take the bonds of, and administer the oaths to the surveyors of roads.

Mr. Slack, by leave, introduced a bill for the relief of George W. Spruce, of Kanawha county, which was read the first time.

(The President presented an invitation from the citizens of Wheeling to the members to attend a festival, to be given to Major General Heinzelman at Washington Hall on Thursday evening. The invitation was cordially accepted.)

Adjourned.

HOUSE OF DELEGATES.

WEDNESDAY, Feb. 1, 1865.

The House was opened with prayer by the Rev. Mr. Blakey.

The House bill making an appropriation to discharge the liabilities of the West Va. Hospital for the insane, was read a third time, and passed.

The House bill for the abolishment of slavery in this State, was read a third time and put upon its passage.

Mr. Patrick said that most of the slaves in the State were old and infirm, and perfectly useless to their owners. If they are declared free they will have to be provided for in some way. It was merely a question of humanity. His own servants—all who were efficient—went off in '62, leaving only two old and infirm slaves. One of these became infatuated with freedom not long since. The speaker fitted her out and she went to Ohio. She returned in a short time, saying she had once belonged to Gov. Giles, and had met with no sort of respect in Ohio.

Mr. Keller believed slavery was a curse to the nation, but he didn't believe it was competent or constitutional for the Legislature to pass the bill, for we have no right to take private property for public use without just compensation. Besides, he was not willing to be taxed for the support of negroes that the slaveholders had worked to death.

Mr. Downey had decided in his own mind to vote against the bill. There were features in it that he did not like. He had been opposed to slavery all his life, but had always been opposed to meddling with it. He said we had no right to take the property of any man, without compensation. He said there were men in the House, and out of it, who would denounce him as a Copperhead, but he opposed the bill conscientiously. As had been well remarked, only the old and infirm servants remain, and they will be well treated by their masters, who are bound to take care of them. Mr. Downey, in conclusion, alluded to a negro boy who had run off from Fairmont, and returned recently to that place, remarking that the people of Ohio did not know how to treat a Virginia gentleman.

Mr. Holman said that the boy alluded to came back because he thought he was free, his master, a rebel, having in the meantime, died.

Mr. Adams opposes the bill on account of its unconstitutionality. It would be declared void by the supreme court of the State.

Mr. Riddle, in speaking to the humanity side of the question, said that if the slave owners had half the charity that their friends attribute to them, they certainly would not turn their old and infirm servants out upon the cold world after having had the benefit of their services for 101 these many years. There was not a solitary word in the constitution to prevent the Legislature from passing the bill. In regard to the matter of compensation, he said the opponents of the bill contended that all the good negroes are gone. What then, are we expected to pay for? Something that is perfectly valueless? Certainly not. He thanked God that he had the privilege of voting for the bill. He should record his vote for weal or woe, and old Bony (the name by which he was known at home,) would never shrink from it.

Mr. Pinnell opposed the bill at some length, addressing himself to the unconstitutionality of the bill and the absence of any proposition to compensate owners for the slaves designed to be liberated.

Mr. Gilmore said the subject was worn out. We are all sick of it. The bill will pass by a handsome majority, and no new light has been or is likely to be thrown

upon the subject. He hoped the useless discussion would close at once.

Mr. Gregory spoke in favor of the bill.

Mr. Van Winkle opposed the bill for the reason that in his judgment it was not competent, under the constitution, for the Legislature to take the action proposed. He was no friend of slavery, but he could not conscientiously give the proposition his support in its present shape.

Mr. Ferguson said that he had hoped that the members would be allowed to vote upon the subject without discussion, and but for the fact that the friends of the bill might seem to be overwhelmed by the immense volume of light that had been thrown upon the subject, he should say nothing. He said that gentlemen whose hearts were overflowing with the milk of human kindness would be permitted to take care of their old and infirm slaves in case of the passage of the bill, just as they are at present. The gentleman from Kanawha, (Mr. Patrick) could continue to support the illustrious relic of Gov. Giles, to whom he had alluded. Those who favor the constitutional amendment and who at the same time speak of the inhumanity of emancipation, forget that it is quite as inhuman to emancipate by constitutional amendment as by bill. In regard to compensation, the speaker said that the President's proclamation had made no provision for compensation even to the loyal owners of slaves. It is not safe for us to trust to the action of Congress in this matter. If Congress adopts the proposed amendment to the Constitution of the United States it will require the sanction of three-fourths of the States of the Union, and there was no telling when the great object would be accomplished. If it was right to abolish slavery in West Virginia there is no reason why we should not do it at once, no matter what Congress proposes to do.

Mr. Ferguson then proceeded to discuss the question of the constitutionality of the bill, showing that the legislature had just as much right to abolish slavery as if the constitution had been silent upon the subject. He admitted that slavery was practically dead in the State, but we still have all the odium of the institution and none of its benefits. We should therefore get rid of it as speedily as possible and the bill was the speediest and best way to do it. The institution is driving capital and energy out of the State and we should not cling to it a day longer.

Mr. Patrick said he had been an advocate of the gradual abolition of slavery for thirty years. He only spoke now as to the expediency of adopting this measure at this time. He had no doubt of the power of the Legislature to pass the bill.

Mr. Lamb said the members had had ample time to examine the subject and he did not suppose any vote could be changed by anything that might be said. It was not a question as to the right or wrong of slavery. It was not a question as to whether we should get rid of the institution. Nobody doubts that. The question is whether it is proper for us under the Constitution and our oaths to pass the measure in the shape in which it is presented to us. Mr. Lamb alluded to the section of the Constitution which defined and restricted the right of suffrage. It provided that "white male citizens" &c., should be entitled to vote, thereby plainly prohibiting a black citizen or a female citizen from exercising the right. In that respect it was precisely like the seventh section in regard to slavery, which provides that certain slaves shall be free at certain ages, the affirmative implying a negative. It was true that a single case would settle the Constitutionality of the question before the Supreme Court, but we could settle it much more readily and surely by a constitutional amendment. As to the danger expressed that the rebels would come back and vote the proposition down before the people, that matter would not be mended by the passage of the bill. If the rebels ever get this power they will have the power to send men to our Legislature to wipe out the bill from the statute book.

Mr. Ferguson replied to the parallel run by Mr. Lamb in the remarks of that gentleman, between the constitutional provision as to the right of suffrage and as to slavery. Because the constitution provides that slavery shall be abolished in a certain way, is no argument that it shall not be done in any other way. If the constitution had intended to fasten slavery upon the infant State, it would have said so in plain terms.

Mr. Goff announced his intention to vote against the bill, because he believed it to be unconstitutional. He had been accused for thirty-five years of being an abolitionist. If he were the autocrat of all America, he would wipe the word slavery from all our statute books, but he was not sufficiently clear as to the legality of the bill, and could not vote for it.

Mr. Scott spoke with reference to the constitutionality of the bill and said he should vote for the measure before the House. He was satisfied of the competency of the Legislature to act in the premises, and he believed the passage of the bill would result in great good in inviting enterprise and capital, and in developing the resources of the State. If there was any doubt upon the subject we should give those who need freedom the benefit of it.

The question was then taken upon the passage of the bill, with the following result:

Yeas—Boggs, Gasto, Cox, Crooks, Dyche, Ferguson, Fleming, Galloway, Gilmere, Gorrell, Gregory, Hagar, Hinchman, Holman, Little, Lough, Mairs, Michael, McWhorter, Patrick, Riddle, Scott, Segur, Smith, of Hancock, Smith, of Berkeley, Trainor, Wells, Wilson, and (Mr. Speaker) Kramer.—29.

Nays—Adams, Bonar, Oather, Goff, Hale, Keller, King, Kyle, Lamb, Morris, McGrew, Parks, Peterson, Phares, Pinnell, Stephenson, Van Winkle.—17.

Absent—Messrs. Alexander, Barnes, Cassaday, (has not yet taken his seat) Hyer, (has not yet taken his seat) and Koonce. Mr. Downey paired off with Mr. Chapline, a friend of the bill who was absent.

The Speaker read a note, from the Committee of Arrangements, inviting the members of the House to a complimentary supper to be given at Washington Hall this evening, to Major General Heintzleman.

The following resolutions were adopted:

By Mr. Lamb:

Resolved by the Legislature of West Virginia, That our senators and representatives in Congress be requested to procure, if possible, an amendment to the act of Congress, approved June 2, 1864, entitled "an act to provide a National Currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof so as to allow State banks having branches to become National banking associations under the said act, and to still use a portion of their capital for banking purposes, and keep offices of discount and deposit at the several places where such branches are now located."

Resolved further, That the President of the Senate and the Speaker of the House of Delegates be directed to certify and forward a copy of these resolutions to each of our Senators and Representatives in Congress.

By Mr. Trainor. That the Committee on Roads and Internal Navigation, inquire and report as to the expediency of authorizing the Superintendent of the Wheeling and Fairmont Turnpike to take the toll off said road in certain cases.

By Mr. Patrick: That the committee of

Roads and Internal Navigation inquire into the expediency of reporting a bill making an appropriation of four thousand dollars to aid in rebuilding Elk river bridge.

Mr. Gilmore, by leave, reported a bill in regard to the distribution of the capitation tax.

Mr. Holman, from the Committee on Private Corporations, reported a bill to enable the banks of this State to become banking institutions under the laws of the United States, which was read a first time.

Mr. Ferguson, from the Committee on the Judiciary, reported a bill to prohibit rebels from collecting debts from loyal citizens.

On motion, the House adjourned.