

# Exhibit 168

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in the case of:

**People of the Republic of Texas  
and the  
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS  
(and all it's Political Subdivisions)  
and  
UNITED STATES  
(and all it's Political Subdivisions)**

**Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct reprints of the:**

**West Virginia Statehood, directly from The West Virginia Library Commission.**

**This attestation is made on August 18, 1998.**

**Attest:** *Jocelyn Savage*

*D. Roy West*  
**Witness to source and above signature**

*Merle Ann West*  
**Witness to above signatures**

## West Virginia Statehood

From the formation of the earliest communities, a sectionalism developed between western and eastern Virginia. The Virginia State Constitution, adopted in 1776, granted voting rights only to white males owning at least 25 acres of improved or 50 acres of unimproved land. This reflected the interest of eastern Virginia, discriminating against the emerging class of small land owners in western Virginia. Furthermore, the constitution delegated a disproportionate representation in the state General Assembly to eastern Virginia by allowing only two delegates per county, regardless of population. In a letter to the *Richmond Examiner* in 1803, under the pseudonym "A Mountaineer," Harrison County delegate John G. Jackson condemned both the property qualifications and the unbalanced representation. In Virginia at this time, only white men who owned land were allowed to vote. Since many western Virginians did not own the land on which they lived, they did not have the right to vote.

Delegates from the Shenandoah Valley and regions westward attended conventions held in Staunton in 1816 and 1825. In general, these failed to produce any long-term answers to the problems. In response to the earlier convention, the Virginia General Assembly passed a number of acts for the benefit of western Virginia. The reapportionment of the Senate based upon white population gave western regions greater representation. Previously, representation was based on the total population, including slaves. Due to the large slave population of eastern Virginia and the general absence of slaves in western Virginia, representation in the General Assembly favored the East. The creation of a Board of Public Works to legislate internal improvements provided hope of developing more roads and canals in the West. The General Assembly also established the first state banks in western Virginia at Wheeling and Winchester.

In response to a referendum, a convention gathered in Richmond on October 5, 1829, attended by such prominent Virginians as James Madison, James Monroe, John Marshall, and John Tyler, to develop a new constitution. Eastern Virginian conservatives defeated virtually every major reform, including the most significant issue of granting the vote to all white men regardless of whether they owned land, and the election of the governor and judges by the people.

Statewide, the new constitution was approved by a margin of 26,055 to 15,566, although voters in present-day West Virginia rejected it 8,365 to 1,383. Calls for secession began immediately, led by newspapers such as the *Kanawha Republican*. Over the next twenty years, the General Assembly eased some of this sectional tension. Nineteen new western counties were organized, granting greater representation. A number of internal improvements were made in the West, including the Staunton-Parkersburg Turnpike and the Northwestern Turnpike.

In 1831, the issue of African Americans came to the forefront following Nat Turner's raid, which killed sixty-one whites in Southampton County, Virginia. That same year, William Lloyd Garrison first printed his newspaper, *The Liberator*, marking the beginning of an organized national movement to end slavery, called abolitionism. Some abolitionists disapproved of slavery on a moral basis. Others, including prominent western Virginia political leaders, supported abolitionism because they felt slaves were performing jobs which white laborers should be paid to do. Washington College President Henry Ruffner, the son of Kanawha Valley salt industry pioneer David Ruffner and a slaveholder himself, wanted to end slavery in trans-Allegheny Virginia in order to provide more paying jobs for white workers. He outlined this theory in an address delivered to the Franklin Society in Lexington, Virginia, in 1847. His speech, later printed in pamphlets and distributed nationally, stated that slavery kept white laborers from moving into the Kanawha Valley. To prove this theory, Massachusetts abolitionist Eli Thayer established an industrial town at Ceredo in Wayne County, beginning in 1857. The laborers, white New England

emigrants, were all paid for their work. The experiment failed when some of the investors were unable to contribute and a national economic depression restricted the availability of additional money.

In 1850, the year in which Congress adopted extensive compromises to ease the growing tensions between North and South in the country, Virginia delegates once again met in Richmond to settle problems between East and West in its own state. Eastern Virginian conservatives reached agreement with the West on the major issues remaining from the 1829 convention. All white males over the age of twenty-one were given the right to vote regardless of whether they owned property. The convention also approved the election of the governor and judges by the people. Delegates, including many from western Virginia, agreed to a provision allowing for property to be taxed at its total value, except for slaves, who would be valued at rates well below their actual worth. Many eastern Virginia slaveholders now paid less in property taxes than before, placing a greater burden on the western counties. At this Reform Convention, the West was represented by entirely new delegates, who had not participated in the 1829 convention. Several of these delegates to the Reform Convention rose to political prominence, including Joseph Johnson (the first Virginia governor from trans-Allegheny Virginia), Charles J. Faulkner, Gideon D. Camden, John Janney, John S. Carlile, Waitman T. Willey, Benjamin Smith, and George W. Summers.

Over the next few years, the state government tried to gain support from western Virginia by completing various internal improvements. However, the 1857 national depression defeated these efforts to improve the western Virginia economy. The salt industry in the Kanawha Valley gradually collapsed. Mills and factories throughout all of present-day West Virginia were forced to close. Yet, due to the new 1850 Constitution, eastern and western Virginians seemed closer politically than they had been at any time in history.

Everything changed with the approach of the Civil War. In November 1860, Abraham Lincoln was elected president, with virtually no support from the South. His election resulted in the country's southernmost states leaving the Union. On April 17, 1861, days after Lincoln's order to seize Fort Sumter in South Carolina, a convention of Virginians voted to submit a secession bill to the people. Led by Clarksburg's John S. Carlile, western delegates marched out of the Secession Convention, vowing to form a state government loyal to the Union. Many of these delegates gathered in Clarksburg on April 22, calling for a pro-Union convention, which met in Wheeling from May 13 to 15. On May 23, a majority of Virginia voters approved the Ordinance of Secession. It is not possible to determine accurately the vote total from present-day West Virginia due to vote tampering and the destruction of records. Some argue that secessionists were in the majority in western Virginia, while others feel Unionists had greater support.

Following a Union victory at the Battle of Philippi and the subsequent occupation of northwestern Virginia by General George B. McClellan, the Second Wheeling Convention met between June 11 and June 25, 1861. Delegates formed the Restored, or Reorganized, Government of Virginia, and chose Francis H. Pierpont as governor. President Lincoln recognized the Restored Government as the legitimate government of Virginia. John Carlile and Waitman T. Willey became United States Senators and Jacob B. Blair, William G. Brown, and Kellian V. Whaley became Congressmen representing pro-Union Virginia.

On October 24, 1861, residents of thirty-nine counties in western Virginia approved the formation of a new Unionist state. The accuracy of these election results have been questioned, since Union troops were stationed at many of the polls to prevent Confederate sympathizers from voting. At the Constitutional Convention, which met in Wheeling from November 1861 to February 1862, delegates selected the counties for inclusion in the new state of West Virginia. From the initial list, most of the counties in the Shenandoah Valley were excluded due to their control by Confederate troops and a large number of local

Confederate sympathizers. In the end, fifty counties were selected (all of present-day West Virginia's counties except Mineral, Grant, Lincoln, Summers, and Mingo, which were formed after statehood). Most of the eastern and southern counties did not support statehood, but were included for political, economic, and military purposes. The mountain range west of the Blue Ridge became the eastern border of West Virginia to provide a defense against Confederate invasion. One of the most controversial decisions involved the Eastern Panhandle counties, which supported the Confederacy. The Baltimore and Ohio Railroad, which ran through the Eastern Panhandle, was extremely important for the economy and troop movements. Inclusion of these counties removed all of the railroad from the Confederacy.

In terms of the constitution itself, the subject of slavery produced the most controversy. Delegate Gordon Battelle proposed the gradual emancipation of slaves already in the state and freedom to all children born to slaves after July 4, 1865. Although some delegates opposed Battelle's position, they knew they could not create a pro-slavery document and gain approval from Congress. Following much debate and compromise, the provision written into the constitution banned the introduction of slaves or free African Americans into the state of West Virginia, but did not address the issue of immediate or gradual emancipation.

The United States Constitution says a new state must gain approval from the original state, which never occurred in the case of West Virginia. Since the Restored Government was considered the legal government of Virginia, it granted permission to itself on May 13, 1862, to form the state of West Virginia.

When Congress addressed the West Virginia statehood bill, Massachusetts Senator Charles Sumner demanded an emancipation clause to prevent the creation of another slave state. Restored Government Senator Carlile wanted a statewide election to decide the issue. Finally, a compromise between Senator Willey and Committee on Territories Chairman Benjamin Wade of Ohio, determined that, after July 4, 1863, all slaves in West Virginia over twenty-one years of age would be freed. Likewise, younger slaves would receive their freedom upon reaching the age of twenty-one. The Willey Amendment prohibited some slavery but it permitted the ownership of slaves under the age of twenty-one.

The United States Senate rejected a statehood bill proposed by Carlile which did not contain the Willey Amendment and then, on July 14, 1862, approved a statehood proposal which included the Willey Amendment. Carlile's vote against the latter bill made him a traitor in the eyes of many West Virginians and he was never again elected to political office. On December 10, 1862, the House of Representatives passed the act. On December 31, President Lincoln signed the bill into law, approving the creation of West Virginia as a state loyal to the Union without abolishing slavery. The next step was to put the statehood issue to a vote by West Virginia's citizens. Lincoln may have had his own reasons for creating the new state, knowing he could count on West Virginia's support in the 1864 presidential election. On March 26, 1863, the citizens of the fifty counties approved the statehood bill, including the Willey Amendment, and on June 20, the state of West Virginia was officially created.

In May 1863, the Constitutional Union party nominated Arthur I. Boreman to run for governor. Boreman ran unopposed, winning the election to become the first governor of West Virginia. The Restored Government of Virginia, with Pierpont continuing as governor, moved to Alexandria, Virginia and eventually to Richmond following the war. Pierpont ordered an election to allow the residents of Jefferson and Berkeley counties to determine whether their counties should be located in West Virginia or Virginia. Union troops were stationed outside polling places to intimidate those who might vote for Virginia. Despite local support for Virginia, residents who actually filled out ballots voted overwhelmingly to place both counties in West Virginia. In 1865, Pierpont's government challenged the

legality of West Virginia statehood. In 1871, the United States Supreme Court awarded the counties of Jefferson and Berkeley to West Virginia.

The new state of West Virginia had sectional divisions of its own. While there was widespread support for statehood, public demands for the separation from Virginia came primarily from cities, namely Wheeling and Parkersburg. As a growing industrial region with improved transportation, northwestern Virginia businesses desired a more independent role in government. With the extension of the Baltimore and Ohio Railroad to Wheeling in 1853 and Parkersburg in 1857, the northwest depended much less on Richmond and eastern Virginia markets.