

Clarke County & Virginia's Road to Secession

Katarina Wonders

After South Carolina seceded from the United States in December 1860, states in the Deep South followed suit in January 1861. With Mississippi, Florida, Alabama, Georgia, and Louisiana out with South Carolina, Texas also left on February 1st, 1861.¹ However, not all Southern states were able to make such a quick decision to join the Confederacy, as evidenced by Virginia's well-known qualms and eventual creation of West Virginia.

The Tidewater and Piedmont regions of Virginia easily aligned themselves with Confederate interests, given their wealth that relied heavily on their historic use of slavery. However, the Western half of the state, along the Shenandoah and bordering Free states, were more cautious about cutting ties from the Union.² Clarke County, represented by Hugh Mortimer Nelson, resident of Long Branch Plantation, was a prime example of this wary approach to secession.

On March 26th, 1861, when the delegates were debating secession in a State Convention, Nelson gave a speech discussing his hesitations. Nelson begins by praising the U.S. Constitution and its bonding of the Union, arguing that the Confederacy's adoption of its principles for its own government is evidence of the document's sanctity. He followed this opening with a plea for further compromise and negotiation among the States. Establishing his argument for such a dialogue, he listed what he considered to be the three reasons behind Southern secession:

- “1st. The passage of certain laws by some of the non-slaveholding States, called the Personal Liberty Bills.
- 2d. The alleged intention of the majority in power, to exclude our peculiar institution from the common territory; and
- 3d. The fanatical spirit which prevails in the non-slaveholding States, which threatens ultimately to destroy that institution where it now exists—and this spirit as exhibited, in the election of a President, on a sectional platform with the avowed purpose of its ultimate extinction.”³

These propositions align with the commonly accepted historical explanations for Southern discontent and eventual secession. First, the “Personal Liberty Bills” were laws instated by a number of Northern States to counter the 1793 and 1850 Fugitive Slave Acts, which demanded the return of escaped slaves to their Southern masters. These Liberty Laws were instated in Connecticut, Massachusetts, Michigan, Maine, New Hampshire, Ohio, Pennsylvania, Wisconsin, and Vermont. They included provisions such as right to trial by jury for fugitive upon appeal and protection against unfair seizure and perjury by possible owner. Prior to the enactment of these laws, it was possible for a capture to find a black man and call him a fugitive

¹ "Secession Was Anything but Unanimous." The Cotton Boll Conspiracy. January 24, 2011. Accessed July 20, 2015.

² "Creation of West Virginia." West Virginia, Creation of. Accessed July 20, 2015.

³ Nelson, Hugh M. "State Convention Speech." Lecture, March 26, 1861.

regardless of actual slave status.⁴

In 1861, Southerners viewed these counteractive laws as yet another, increasingly vitriolic, blow to their slave-based economy and way of life. Nelson's second point alludes to the broader trend of tension between slave and non-slave states in deciding the status of incoming territories. Finally, his third point discusses what many Southern states saw as the "last straw," the election of Abraham Lincoln as president without the support of a single Southern state.

In reaction to these points, Nelson took a more reasoned approach, asking for more compromise. He stated that this plea was tempered by his residence in a county further North: "..., we who live on the border of the slaveholding States are accustomed to take a practical view of this question and are much less excited on this subject than those who live at a distance from the borders, and who reason abstractly upon it."⁵ He urged his fellow delegates to also adopt this approach, as secession will only bring more evil upon the nation. The costs of war would be greater than any hopeful resolution, and that separation would only make retrieval of fugitive slaves more difficult, since it would involve crossing into foreign territory.⁶

Rather than secession, Nelson suggested that there instead be Constitutional amendments, which would divide the country along the 36°30' parallel, with slavery legal below it, like in the Missouri Compromise of 1820. Additionally, amendments would further codify Fugitive Slave laws. However, if the issue is not settled after this final attempt at negotiation, Nelson was amenable to a "dignified, peaceful, and fair separation" from the Union.⁷

Finally, Nelson moved to close his speech by preemptively responding to possible criticisms, the first of which is that his practical approach only meant a lack of love for Virginia and its heritage. Nelson rebuts that he is solely guided by the interest of his home state, and does not want to see it come to any harm in war.⁸ Second, Nelson responds to the argument that the North would not be interested in further negotiation. The Clarke County delegate argues that, given the North's economic reliance on the South's high production of raw materials through slavery, the Union would be open to negotiation for the sake of stability. Vice versa, Nelson also acknowledged the South's dependence on the North's manufacturing system given him and his fellow statesmen's inability to compete with England and the North's industry.⁹

Nelson closed his speech with a philosophically reasoned statement, evidence of his practicality, asking: "Would you break up this Union because there are acknowledged evils in our system of government? Is there any human institution which is unattended with evils?"¹⁰

While Virginia did secede in April, Nelson was not alone in his hesitation. The delegates continued to debate the passage of an Ordinance of Secession, taking their first vote on April 4th, 1861, where it initially failed with 63 counties for, 93 against, and 3 split. The next vote was taken on April 17th, where the ordinance passed with a vote of 97 counties for, 48 against, and 4

⁴ "Personal-liberty Laws | United States History." Encyclopedia Britannica Online. Accessed July 22, 2015.

⁵ Nelson, Hugh M. "State Convention Speech." Lecture, March 26, 1861.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

split. 12 of the counties against later changed their vote to for, 10 of which were border counties, 9 of which are now counties in West Virginia.¹¹

By the end of April, 118 delegates signed in favor of the ordinance. By June or later, this number increased to 176. Only 33 delegates were left against the ordinance, 14 of which were expelled and replaced, one of which died, one of which resigned, and one of which simply did not return to convention.¹² At this time in 1861, North-Western counties began the anti-secession movement, culminating in the Wheeling Convention and creation of West Virginia in June 1863.¹³

While Hugh M. Nelson still voted against secession on April 17th, he was one of the delegates to change his vote and eventually signed the ordinance.¹⁴ However, the process was not straightforward or without pause. Unlike South Carolina and other more Southern States, Virginia is a prime example of how secession was not an easy decision for all, especially given the state's proximity to Northern bordering states and its own internal economic divisions.

¹¹ "How Virginia Convention Delegates Voted on Secession." Library of Virginia. Accessed July 20, 2015.

¹² Ibid.

¹³ "Creation of West Virginia." West Virginia, Creation of. Accessed July 20, 2015.

¹⁴ "How Virginia Convention Delegates Voted on Secession." Library of Virginia. Accessed July 20, 2015.