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John E. Massey : lawyer, minister, public servant, educator

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JOHN E. MASSEY

Lawyer, Minister, Public Servant, Educator

BY

PATTIE PHILLIPS HARGROVE

A THESIS

SUBMITTED TO THE GRADUATE FACULTY

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VIRGINIA

INTRODUCTION

When you study the life of a man, it is necessary also to know the times in which he lived. The events that are taking place influence the life of the man. Therefore I think it is good to know a little of the history of Virginia during the time of John E. Massey. For the century in which he lived the great Civil War took place which influenced the lives of the people of the nation and which especially affected Virginians because part of the war was fought on the soil of Virginia.

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CHAPTER I
HIS EARLY LIFE

John E. Massey was born on April 2, 1819. His ancestors were from England, and his father was the clerk of the Mile Road Baptist Church. John Massey was the youngest of seven children. The school which he attended was made of unhewn logs with spaces between filled with split saplings and mud. A writing desk was constructed at one end of the house by fastening two planks in a slanting position on a frame about four feet high. A log was left out of the wall a little above the desk in order to give light and ventilation. The benches of this school were made of split logs sawed on the top with legs driven into holes which were bored at the bottom. These benches were so high that the feet of the smaller scholars could not reach the floor which was in many cases the bare earth.¹

The books used in these schools were inadequate and there were very few of them. They used the New York Speller,

1. Massey, John E., Autobiography of John E. Massey, ed. Elizabeth H. Hancock, (New York, 1909), pp. 9-16.

Pike's Arithmetic, and Murray's Grammar. Usually the pupils read from the New Testament. One boy had the book called Robinson Crusoe which he read and another boy had a copy of Pilgrim's Progress which he could read.²

In 1836 John E. Massey attended the Virginia Baptist Seminary which is now Richmond College. It is said that he walked a great distance to get there and carried his belongings in a pillow case. In 1839 he attended Dr. Gillespie's school in Louisa County. In 1841 he re-entered Richmond College. At eighteen he joined a large volunteer military company. Soon after he joined the company, the captain resigned and he was elected captain.³

Next John E. Massey studied law under the instruction of Starke W. Morris of Louisa Court House. He worked during the day and studied at night. His work during the day consisted in making spinning-wheels and chairs in his father's shop. He sold these articles and paid for his books and instruction. He was licensed to practice law in 1843 by Judges Richard H. Fields, John B. Clopton and Peter N. Nichols. After he had received his license to practice law, he went to Loudoun County.⁴

He substituted for his brother in preaching one time.

2. Ibid, p. 16.
3. Ibid, pp. 17-18.
4. Ibid, p. 19.

It was then he decided that he would give up the profession of a lawyer and would become a preacher. On November 22, 1844, John E. Massey was licensed to preach. On August the thirtieth in 1847 he married Margaret Ann Kable. They lived in Harrisonburg for seven years. In 1854 he accepted calls at Mt. Ed church in Albemarle and Hebron and Adiel churches in Nelson County. In 1862 Mr. Massey's health failed and he had to discontinue preaching. He bought Ash Lawn, a farm in Albemarle County, that had been the home of President Monroe.⁵

5. Ibid, pp.20-26.

CHAPTER II

VIRGINIA FROM THE REVOLUTIONARY WAR UNTIL 1874

To understand the position that Virginia was in after the Civil War, it is necessary to know of her policies before the war. From the Revolutionary War until the Civil War there were four main stages in the furtherance of the system of "Public Works" of Virginia. This system was inaugurated in 1784 when the state became a minority stockholder in corporations created for the improvement of the James and Potomac Rivers. These companies were converted into one fund pledged for fifty years to the sole purpose of improving traffic and communication. This was managed by a special "Board of Public Works".⁶

"In 1838 the legislature directed the board to obtain money by selling state bonds. This was an important step as it meant the state was entering, on credit, a business that was necessarily speculative. Here practically began the state debt. Twelve years later the fully developed

6. Pearson, Charles C., The Readjuster Movement in Virginia, (New Haven, 1917), pp. 1-2.

policy was embodied in an act, still in force when the Civil War began, under which the board might borrow 'from time to time, on the credit of the State of Virginia, such sums of money as may be needed to redeem the engagements of the state', which, of course, included not only new investments but also unearned interest."⁷

There was one purpose indicated by the act of 1816. The policy was to knit together and develop fully the Commonwealth of Virginia as an economic unit. This unity was demanded by the state's geographic divisions, the rivalry of outside markets and the untouched wealth of the trans-Alleghany region. It was thought that railroads, canals and turnpikes were the best instrumentalities. Therefore the state borrowed and spent for these. Some businesses and political parties tried to shape the entire system, but none of them seriously opposed it as a whole. In 1861 when the policy was ended abruptly, it had pre-empted the natural lines of commerce. For instead of building and owning outright, the state endeavored to entice the capital into transportation ventures by chartering stock companies and becoming a partner in them. For the thirty-five millions invested down to 1861, the state secured, besides smaller investments, a canal from Richmond to the Valley and a railroad system which cost nearly seventy millions and was nearly one-half as long in miles as that of

7. Ibid, p. 2

all New England. On the whole, fiscal conditions and prospects in 1860 appeared to be satisfactory.⁸

During the Civil War one-third of Virginia was taken and made into West Virginia. The rest of Virginia was made into Military District Number One. It was governed by the Federal Government for five years.⁹ The state's system of public works was in utter ruin. The canal from Richmond to the Valley which had been one of Virginia's main investments was now just a gash. The railroad had to be rebuilt and the state debt was thirty-eight millions. The farms had deteriorated because of the fighting that had taken place in Virginia during the war. Also the people of Virginia now had no slaves.¹⁰

The legislature was elected in 1866 and was treated by the military commander as merely provisional. He allowed it to remain in session long enough to increase the anti-bellum debt of Virginia about eight million dollars by capitalizing the war interest on it.¹¹ The legislature assumed full responsibility for the entire anti-bellum principal. The legislature also authorized the funding of the entire war-time interest into bonds bearing the same rate of interest on the whole. This was to begin the following year. Chief among the reasons for this policy was a scrupulous regard for the

8. Ibid, pp. 2-5.

9. Massey, op. cit., p. 40

10. Pearson, op. cit., pp. 7-8.

11. Massey, op. cit., p. 40.

state's unblemished fiscal record.¹² After the legislature had met, the government would not allow it to meet again for the next five years of military rule. Virginia was now in the position of being neither in nor out of the union.¹³

In 1867-69 there was a convention held to frame a constitution for the part of Virginia that remained after the admission in 1862 of West Virginia into the Federal Union. This convention was composed mainly of carpetbaggers, negroes, and scalawags. The constitution was believed to have been composed by General B. F. Butler known as "Beast Butler". If the constitution adopted by the "Underwood Convention" had been adopted as a whole by the people of Virginia, it would have deprived practically every respectable white man in Virginia of the right of suffrage. President Grant permitted the disfranchising act to be voted on separately. Fortunately this clause was defeated, but 84,404 scalawags and negroes voted for it. By voting for it, they voted to disfranchise "nearly the entire virtuous, intelligent, and property-holding citizenship of Virginia".¹⁴

Many people voted for the constitution although it was not good, so that a pretext for continuing military rule would not be caused by this rejection of the constitution.

12. Pearson, op. cit., p. 10

13. Massey, op. cit., p. 40

14. Ibid, p. 41

The Fourteenth Amendment of the Federal constitution made many Virginians ineligible to office. It says: "No person shall be Senator, or Representative in Congress or elector of President and Vice-President or hold any office, civil or military, under the United States or under any state who, previously having taken an oath as a member of Congress, or as a member of any State legislature, or as an executive, or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof."¹⁵

There were very few in Virginia who had not taken part in the so-called "insurrection" or "rebellion". If the Virginian had not actually fought and taken part in the war on the side of the South, he had given aid to the South. So this amendment made practically every person of Virginia ineligible for public offices. As I have said before, Virginia was neither in nor out of the Union after the war. About 1870, Virginia returned to the Union.

Prior to the war the political parties in Virginia were known as the Whigs and Democrats. These two parties differed mainly in means to an end to be gained rather than the end itself.¹⁶ John E. Massey's father was an "old-line Whig". John Massey accepted his father's sentiments and

15. Ibid. p. 42

16. Ibid., p. 42

campaigned for Henry Clay. When he visited his brother in Bellingham, Massachusetts, he traveled through the Middle and New England states. Mr. Massey found out that the Democrats were the friends of the South.¹⁷ After the war the two parties, the Whigs and the Democrats, joined as the "Conservative Party of Virginia". This party was against the negroes, the scalawags and the carpetbaggers.¹⁸

In 1861, Virginia's debt was \$31,187,999.32. People owning bonds sold them for as little as eleven dollars a hundred.¹⁹ In January 1870, at the first legislature of re-constructed Virginia, twenty-seven negroes had seats. The State debt was \$45,000,000 which is \$36 for each person or \$62 for each white person.²⁰

In the first election under the new constitution, Gilbert C. Walker, an adventurer from New York, was elected governor and John F. Lewis, a Republican, was elected lieutenant-governor. The legislature was nearly equally divided between Conservatives and the combination of their opponents who had a small majority.²¹

Governor Walker urged a "restoration of credit" policy. He wanted the entire debt of forty-five millions to be

17. Ibid, p. 27.

18. Ibid, p. 42.

19. Ibid, p. 44.

20. Pearson, op. cit., p. 24.

21. Massey, op. cit., p. 42.

funded into uniform coupons bearing the same rate of interest as the old. They should complete the exchange of the state's interest in public works for state bonds. Also all property should be taxed at its true value, and they should reach out for other sources of revenue possible under the new constitution. In this way, the honor of the state would be restored. To this, the legislature responded readily.²²

Governor Walker and his brother bought the bonds at the low price before he made his speech on the restoration of credit. This speech was made on Wall Street two weeks before it was presented to the legislature. Governor Walker also stated the taxable values of Virginia were \$723,115,589. This was \$138,016,266.23 more than before the war. The result of the speech was the Funding Bill of 1871. This scheme provided for calling in the bonds that had been issued by the old State of Virginia (ante-bellum Virginia) and giving in exchange for them, new bonds for two-thirds of their amounts, and certificates of indebtedness for the remaining third. These new bonds were to be both "registered and coupon", and the holders of either were to have the right to exchange them for the other at pleasure. Each class was to bear six per cent per annum payable semi-annually on the first of January and on the first of July. They were to run thirty-four years. Coupon bonds were to have sixty-eight coupons attached to them and be

22. Pearson, op. cit., pp. 26-27.

receivable for all taxes, debts and dues, due the State at and after their maturity, and this was to be expressed upon their face. The name of the State treasurer should be lithographed on them. The bonds were to be one hundred dollars and multiples. When they were issued, they were to be signed by the State treasurer and countersigned by the Second Auditor.²³

This scheme when it was first voted on was defeated by a decided majority. Governor Walker was angry about this, but he gave an entertainment at the Executive Mansion. This was attended by all the scalawags, carpetbaggers and negroes. Later the bill was passed by a small majority.²⁴

"Among the railroad acts of the legislature of 1865-67 was one permitting General William Mahone and others to merge, under careful restrictions, the managements of three lines from Norfolk to Bristol and to build extensions with a view to connecting eventually the seaboard with the Mississippi and the Ohio. This was the Atlantic, Mississippi and Ohio Railroad. This plan met opposition from those who opposed consolidation on the theoretical grounds and those with conflicting business interests. Mahone at first received the cooperation of Governor Walker in forcing through the legislature, with the aid of the Republican vote, an act granting the Atlantic, Mississippi and Ohio valuable privileges and

23. Massey, op. cit., pp. 45-46.

24. Ibid, p. 46.

completely crushing the opposition within the consolidating roads. Others, apparently with Mahone's assistance received similar charters. But these acts were soon seen to be only a part of the governor's 'free railroad' policy."²⁵

Mr. Pearson in his book, The Readjuster Movement in Virginia, says: "The legislature . . . endeavored to give effect to the democratic ideas embodied in the new constitution. At the same time, influenced by city capitalistic interests and with the expectation of restoring public, and thereby private, credit, it adopted a 'free railroad' policy and enacted the 'Funding Act'. Under the former, the control as well as ownership of the railroad passed, or would pass, almost entirely into private hands. Under the Funding Act, the annual debt interest, collectable through tax-receivable coupons, almost equalled the entire revenue of the state. Accompanying results were a bitter railroad war in the legislature and the cry that the interests of the people had been sold out."²⁶

In 1874 Governor Walker's term ended, and he returned to New York. General James L. Kemper was elected governor. Massey in his book said that he ably and faithfully filled the office. He was thoroughly honest and was a "high-toned gentleman, well qualified for the high office he held, and he was conscientious in discharging duties."²⁷ When Kemper

25. Pearson, op. cit., pp. 27-28.

26. Ibid, pp. 33-34.

27. Massey, op. cit., p. 52

was elected governor of Virginia, the Republican party began to pay in full for the indignities which it had attempted to heap upon the ex-confederates.²⁸

By 1875 two attempts had been made by the conservatives to undo the Funding Act. These attempts failed. The Readjuster party was now formed. The Readjusters objected to recognizing the whole debt of the state as valid, and they insisted that it had been "readjusted".²⁹

28. Pearson, op. cit., p. 49.

29. Ibid, p. 63.

CHAPTER III

MASSEY'S COUPON BILL

In 1874-1875, John E. Massey prepared a bill entitled "An Act to Protect the State from Counterfeit and Surreptitiously Obtained Coupons". This bill was called "Parson Massey's Coupon Bill". It was stated in Section 1 of the bill: "Be it enacted by the General Assembly of Virginia that it shall be the duty of the Secretary of the Commonwealth, whenever coupon bonds that have been issued by the State of Virginia are presented to him for the purpose, to write upon all matured coupons attached thereto, but upon none others the word 'Genuine', and to affix his name and the date of the said endorsement thereon. Section 2: That all holders of coupon bonds that may have been issued by the State of Virginia may, at their pleasure, have the matured coupons attached thereto endorsed as provided in section first of this act. Section 3: That no paper purporting to be a coupon that has not on it the endorsement provided for in this act shall be received in payment of any taxes, debts, dues, or demands due the Commonwealth.

Section 4: This act shall be in force from its passage."³⁰

The Funder newspapers of the State opened up against Massey. They charged that he was a demagogue and repudiationist. They also claimed that the bill was a scheme to defraud creditors. The bill was finally defeated. A cartoon about the death of the bill and the funeral was drawn. The Southern Intelligencer said this about the bill and Mr. Massey: "But the Intelligencer man, not yet satisfied with his observations around this mournful bury-ground of the Readjusters sought their great high priest in the Senate - one of the wisest counsellors and boldest warriors they have, the fighting chaplain of their army, the renowned Parson Massey from the classic hills of Albemarle, and right glad we were we found him! He is, or should be, a great favorite with his flock. His ambassadorial character, his position both of legate from the skies and minister on earth, his vast fund of ecclesiastical, Biblical, political, legal, and constitutional lore makes him invaluable to his people, whether for spiritual comfort or the rougher and bloodier action of the 'tented field' . . . If any mishap had befallen him we could see no trace of it in his beaming face . . . To us he presented a very pleasing aspect; we found him wondrously civil and clever, ready to impart any information at his command, and fully resolved to continue the fight for readjustment

30. Massey, op. cit., p. 54.

after his own notions to the bitter end.³¹

"Scanning him we said: 'If this man be dead, he is the liveliest looking corpse we ever saw' ... Yes, Colonel Massey still lives. The Readjusters are not dead, and the hottest campaign within the knowledge of the oldest inhabitant may be looked for in the election of next fall."³²

The bill was to guard against counterfeit and stolen coupons. Mr. Massey introduced the bill for that purpose. Officials said that it was a reflection upon them. In less than three months from the defeat of the bill, one of the clerks was in the penitentiary.³³

31. Ibid, p. 57.

32. Ibid, p. 58.

33. Ibid, p. 58.

CHAPTER IV

JOHN E. MASSEY ON THE FUNDING ACT

In 1875, John E. Massey published a pamphlet in which he spoke of the debt of Virginia. He was against the Funding Act, but in his pamphlet he gives both his views and quotations from advocates of the Funding Bill. Therefore I am including the pamphlet in its entirety. It reflects the views that John E. Massey had and also shows the political attitudes of his times.

Pamphlet Published by John E. Massey in 1875³⁴

"Fellow-citizens: I have been requested by many persons, for whose wish and opinion I have great respect, to publish, in a form suitable for general circulation, several articles I wrote under the above caption (Debts and Taxes) for one of our county papers.

"There is no subject in which Virginians feel deeper interest, or to which they are giving more attention, than that which pertains to the obligation and the resources of Virginia. Desire for information upon this subject is almost universal.

34. Ibid, pp. 59-97.

No political speaker complies with the wishes and fulfills the expectation of his hearers without saying something upon it. The political press, it is true, strives most earnestly to silence and to quiet this spirit of inquiry, but, like Banquo's ghost, 'it will not down at their bidding'. Yet, strange as it may seem, though the political papers, with but few exceptions, earnestly oppose investigation and discussion of the subject, they rarely fail to publish all that can be said on one side of it.

"The deep and general interest felt upon this subject is not surprising. It is a subject of real and practical importance, in which all are interested. It should, therefore, be fully, yet fairly and calmly discussed. It should be considered and dealt with as practical business men consider and deal with their private and individual interests.

"The Debt of Virginia of 1861

was, according to official report, \$31,187,999.32. It is claimed that the payment of this debt, with its accumulated interest, devolves upon the present State of Virginia.

"Is This Claim Valid?

"From and after the 17th of April, 1861, the Federal Government neither treated nor regarded Virginia as a State. Section 3 of Article 4 of the Constitution of the United States says: 'No new state shall be formed or erected within the jurisdiction of any other State'. Yet, on the 31st of December, 1862, the Federal Government provided for the ad-

mission of West Virginia into the Union as a new State, entirely separate from, and independent of, the jurisdiction of Virginia. This would have been a palpable violation of the Section I have quoted if the Federal Government regarded Virginia as a State.

"On the 9th of April, 1865, the Confederate forces under General Lee surrendered to the forces of the Federal Government. From that time until January 26, 1870, all that remained of the old State, after the formation of West Virginia, was held and treated as a conquered province. It was constituted into 'Military District No. 1', and held and governed as such until the time last stated. Whatever of civil government there was during this period was merely provisional. Governors Pierpont and Wells were military appointees and held their appointments and performed the function of their office under the control of, and subject to the dictation of, military commanders. It was expressly declared that 'any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, contrive, or supercede the same.'

"When it pleased the Federal Government to permit 'Military District No. 1' to become a State, it not only prescribed the plan of procedure by which it was to be done, but dictated the main features of the Constitution to be framed, and prescribed the conditions upon which the newly formed

State would be admitted into the Union. Among other conditions imposed, we were required to emancipate all our slaves, which constituted more than one-half of our available property; and to 'repudiate' the whole of the Confederate debt, and all the debt of Virginia that was contracted after the 17th of April, 1861. This carried with it not only her entire currency, but all her 'Treasury notes', all the stocks her citizens held in her banks, and every evidence of indebtedness issued after the time above stated. Many of Virginia's best citizens - those that consecrated their all to the preservation of her rights and the maintenance of her honor - had invested nearly everything they possessed in these securities, and were not only impoverished, but totally ruined by this arbitrary exercise of power.

"When Virginia was admitted into the Union on the 26th of January, 1870, she entered it as an entirely new State. She was not the same in her territorial limits, her citizenship, nor her organic law as the Virginia of 1861. Under these circumstances I cannot believe she was under any legal or moral obligation to pay the debt of the old State, or ought to have assumed it.

"The Federal Government, having destroyed the old State, divided her territory, and compelled her former citizens to give more than one-half of their property, without any compensation therefor, and to repudiate every obligation she assumed after April 17, 1861, ought to have assumed and paid

her debt. This opinion is sustained by the highest judicial authority. Governor Kemper said, in a message addressed to the Virginia Legislature, March 27, 1874: 'In view of well settled principles of public law, it is interposing between us and our creditors, and dividing and destroying the original entity of the Commonwealth, became liable for at least so much of her debt as is due to non-resident creditors'.

"This claim is not based upon the simple fact that Virginia was conquered by the Federal Government, or that her territory was divided, or that her organic law has been changed.

"It is based upon the facts that the Federal Government completely destroyed the entity or being of the State; so that there was no State against which the creditors could proceed, or from which they could collect their debt, - that the Federal Government not only destroyed the State, but the property of her citizens upon the faith of which the debt had been contracted, and without which it could not be paid. In other words, the Federal Government having gone between the State and its creditors, and having destroyed both the State and its assets, or means of paying its debt, thereby became responsible to its creditors.

"I do not refer to the expenses of the war, or the losses resulting legitimately from it, but to the total destruction on more than one-half of our property after the war (without any justifiable reason), and the consequent diminution of the residue. In consideration of these facts Virginia ought to

have been assumed by the Federal Government.

"The claim that the Virginia of to-day is bound to pay the debt of Virginia of 1861 is based upon the assumption that the debt followed the soil, and is a valid obligation upon its occupants. If it had followed the citizens or the personal property of the old State, or both of these combined, it could find but a small remnant of them in existence. Almost the entire personal property of the State has been changed to a corresponding degree.

"Her lands are almost the only thing that remains. How far the public debts of one generation bind the lands or other property of the succeeding generation, under any circumstances, is a question worthy of serious consideration.

"Without attempting its discussion, I will give a few brief extracts from the writings of one whose wisdom, statesmanship, and patriotism are universally acknowledged, and whose opinion upon any question of State policy is entitled to the greatest respect.

"In a letter written by Mr. Jefferson to Mr. Madison, which may be found on the 27th to the 32nd page of the third volume of "The Writings of Thomas Jefferson", he says:

"The question whether one generation of man has a right to bind another seems never to have been stated either on this side or our side of the water, yet it is a question of such consequence as not only to merit decision, but place, also, among the fundamental principles of every government.

The course of reflection in which we are immersed here (Paris) on the elementary principles of society, has presented this question to my mind; and that no such obligation can be transmitted I think very capable of proof.

" . . . I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life, that he who succeeds to lands is required to pay the debts of his predecessor; without considering that this requisition is municipal only, not moral, flowing from the will of the society, which has found it convenient to appropriate the lands of a descendant on condition of a payment of his debt; but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature . . .

"The earth belongs always to the living generation.

"The conclusion, then, is that neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time.

" . . . At first blush it may be laughed at as the dream of a theorist, but examination will prove it to be solid and salutary.'

"The claim that the public debt of the old State followed the soil, and is a valid charge upon its occupants, under all the circumstances detailed, cannot be sustained

upon any right principles.

"But upon the assumption that such was the case, but what would be equitable settlement of it - First between Virginia and West Virginia; and, secondly, between the States and the bondholders?

"If the debt followed the soil, when the soil was divided the debt ought to have been divided in the same proportions that the soil was. This is too self-evidently correct to need any arguments to enforce it. Hence, assuming that the new State of Virginia contains two-thirds of the territory of the old State, it devolves upon her to settle two-thirds of the debt. No principle of equity requires her to assume settlement of a greater proportion of the debt than she holds of the territory.

"Official report, as already stated, showed the debt of Virginia of 1861 to \$31,187,999.32. July 1, 1871, it was \$46,914,208.25. This increase of \$15,726,208.93 was interest that accrued from January 1, 1861 to July 1, 1871, which, by an act passed in 1866, and the act of March 30, 1871, commonly known as the 'Funding Bill', was converted into principal. Of this sum \$1,973,074.08 was interest upon interest.

"The advocates of the 'Funding Bill' claim that by the passage of that bill Virginia was relieved of one-third of her debt.

"Hon. J. M. Hudgin, of Caroline, one of the original

supporters of that measure, said in a speech delivered in the House of Delegates of Virginia on February 9, 1875, and for which he was warmly congratulated by its friends:

"It does seem to me harsh and unreasonable in those who denounce the Funding Bill and claim superior wisdom and experience in public matters, and who are in fact most responsible for this debt, to ask or expect the abandonment of a contract that has virtually lifted \$15,000,000 of debt from the shoulders of the tax-paying people of this State. I invite the anti-funders to deny this statement.'

"The Richmond Enquirer, one of the most zealous advocates of the Funding Bill, said in its leading editorial of February 7, 1872:

"By this bill each creditor is required to surrender his bonds or certificates of debt to be cancelled, and in place thereof is to receive a new bond bearing six per cent, or two-thirds of his debt. For the other third the State is responsible only for so much as she may receive from West Virginia.

"... The consideration on the part of the creditor is the release of one-third of his debt. For this consideration, the State contracts to pay him two-thirds of his original debt, with six per cent. interest (that being the original interest) on the entire two-thirds.'

"The Charlottesville Chronicle, another zealous advocate of the Funding Bill, reiterates the same sentiments.

In its issue of June 25, 1875, speaking of the one-third for which certificates of indebtedness have been given, it said:

"It means that the State, in its distinctly stated position of trustee, contemplated nothing more than the payment of such sum as she might obtain from West Virginia on a settlement and the creditors so understood the arrangement. The adjustment was deemed a practical settlement of the question so far as Virginia is concerned, and nobody (we venture to say not even Mr. Massey) believes for a moment that the creditors will ever attempt to hold Virginia responsible for it further than West Virginia may agree to pay. Nobody recognizes it as a part of our debt, or expects it to give any further trouble.'

"This claim (that the Funding Bill reduced the debt of Virginia) is generally, if not universally, urged by its supporters and advocates. Thus the political press has taught, and thus the people have been made to believe.

"How Far Do Facts Sustain This Claim?

"The debt of Virginia, as before stated, in January, 1861, was \$31,187,999.32. No one denies that the whole State, as it then existed, was bound for this debt with its accruing interest. One-third of the territory of Virginia, with its taxable property, was taken from her. Now suppose it to be true (I am sorry it is not) that the remaining two-thirds of the State were fully released by the Funding Bill from every obligation to pay any part of the third for which

certificates of indebtedness are given, how would that reduce the debt?

"If the whole of the State were bound for the whole of the debt, how does dividing the State and the debt in equal proportions reduce the amount that either part has to pay? If three rows of corn are to be hoed by three men, I suppose each man will be expected to hoe one row. Now, who would attempt to convince two of these men that their labor would be reduced by discharging one man and abandoning one row? I fear that in the case we are now considering we shall find that while one-third of the laborers have been discharged that amount of labor has been increased - that while the whole debt has been increased fully fifty per cent.

"The decision of the Court of Appeals, in the case of Higginbotham against the Commonwealth, settles the principle that if Virginia, as she now exists, is bound for any part of the debt of Virginia as she existed in 1861, she is bound for the whole of it.

"But, as before stated, the advocates of the Funding Bill claim that the passage of the bill by the legislature of Virginia and the acceptance of its terms by bondholders reduced the debt of Virginia by releasing her from one-third of her indebtedness. Two things are necessary to the establishment of this claim. It must first be shown that Virginia of 1871 was bound for the whole debt of Virginia of 1861.

"She surely could not be released from anything for

which she was not bound. It must be shown, secondly, that the Funding Bill released the State of Virginia from one-third of the debt that they contend she was bound for before its passage. Can either of these propositions be sustained?

"I think it has been shown that Virginia cannot be equitably charged with more than two-thirds of the debt of the old State, even upon the assumption that this debt followed the soil and became a valid charge upon its occupants.

"Does the Funding Bill release Virginia from all obligations for one-third of the debt of the old State, except so much as she may receive from West Virginia?

"If it were the purpose of the framers of that bill to make a contract with the holders of Virginia bonds by which the present State of Virginia would be released from the payment of one-third of the amount of their bonds, in consideration of her dismemberment, and of the advantages they would secure by the exchange of their old ante-bellum bonds for new ones with tax-receivable coupons, they ought to have done so in language so plain and unambiguous that none could misunderstand its meaning.

"Did They Do This?

"The third section of the Funding Bill reads: 'Upon the surrender of the old and the acceptance of the new bonds for two-thirds the amount due as provided in the last preceding section, there shall be issued to the owner or owners, for the other one-third of the amount due upon the old bonds,

stock, or certificate of indebtedness so surrendered, a certificate bearing the same date as the new bond, setting forth the amount of the bond which is not funded as provided in the last preceding section, and that payment of said amount with interest thereon, at the rate prescribed in the bond surrendered, will be provided for in accordance with such a settlement as shall hereafter be had between the States of Virginia and West Virginia in regard to the public debt of the State of Virginia existing at the time of the dismemberment, and that the State of Virginia holds said bonds, so far unfunded, in trust for the holder or his assignee.'

"This means nothing more than that the holders of these certificates are to defer their collection until Virginia has reasonable time to ascertain how much (if any) of the debt of West Virginia will agree to pay. It does not release Virginia from the payment of one dollar, but leaves her bound for every dollar of it, both principal and interest.

"Whatever portion of the debt of the old State West Virginia pays will be applied to the payment of this third. Whatever she fails to pay will, according to the provisions of the Funding Bill, be demanded of Virginia. In this way, and in this way only, 'payment of said amount with interest thereon at the rate prescribed in the bond surrendered, will be provided for in accordance with such settlement as shall hereafter be had between the States of Virginia and West Virginia in regard to the public debt of Virginia existing

at the time of the dismemberment.' If West Virginia pays the whole amount of this one-third, Virginia will be relieved of it all. If West Virginia pays but one-half of it, Virginia will be called on for the other half. If West Virginia pays none of it, Virginia will be called upon for the whole amount.

"The Funding Bill does not provide for the payment of so much of this third as West Virginia agrees to pay, but for the payment of the whole of it in accordance with such settlement as the two States may make - settling the portion of the debt proper to be borne by each State, respectively.

"That this is the proper construction of the Funding Bill is, I think susceptible of clear proof.

"Governor Walker, 'the father of the Funding Act, said, in his message urging its passage:

"It was never intended or contemplated that there should be a division between the two State of the original indebtedness in this original form. Such a transaction would be impracticable, if not impossible. The obvious intent and meaning of all the legislation upon this subject, by each state, is, that whatever amount the State of West Virginia ought to assume should be paid into the treasury of the State of Virginia, to be by her used in the extinguishment of the original debt. The bonds are the bonds of the State of Virginia, not West Virginia; and to the treasury of Virginia does the creditor look for the payment of his debt. This view was incorporated into the legislation of 1866, and resanctioned

by the people of this State in the adoption of our present Constitution, the 19th Section of the 10th Article of which declares: 'The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the State of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the State.'

"'Again, in advance of any settlement, how can it be arbitrarily assumed that one-third of the debt is the proper proportion to be paid by West Virginia? What is the basis of this assumption? . . . Until, however, a final adjustment of this matter is reached, it can only be regarded in the light of a claim or asset of uncertain value, not in any wise affecting our liability for the whole debt. Whatever sum may be eventually realized from this claim must be paid into the treasury of our State and applied to the liquidation of the debt of Virginia the same as other funds appropriated for that purpose. But thus far there have been no satisfactory indications that the State of West Virginia intended to acknowledge herself liable to us for any portion of the public debt.'

"The Richmond Enquirer of February 7, 1872, contains this editorial note: 'Read the letter from Sligo from our intelligent correspondent. That's the way it strikes an outsider. Oh, that the legislature would pause!'

"What does this 'intelligent correspondent from Sligo'

say?

"He says: 'The opponents of the Funding Bill say that it contains not only the germ of repudiation, but the full-grown plant itself. None of this side of the Atlantic thus accept it. The State of Virginia agreed by that bill to pay interest on two-thirds of its debt, but it did not repudiate the remaining third. It issued on that third a certificate of indebtedness, bearing interest at six per cent., and to be paid in accordance with such settlement as shall hereafter be had between the States of Virginia and West Virginia, and the State holds such bonds so far as unfunded for the holder or his assigns. There is no germ of repudiation there. Whatever West Virginia pays the holder will get and if it be found on a settlement that West Virginia owes nothing, the State of Virginia will be liable for the whole sum. We do not doubt that West Virginia is liable for some portion of the old debt. Whatever it shall pay, the holders of the certificates of indebtedness shall receive, and the State of Virginia (East) is accountable for the balance. That is my reading of this certificate, and I believe the true meaning of it. I do not consider it a sham, but a reality; and if Virginia be the State I thought when I purchased, I believe the certificate of indebtedness to be as good a security as any bond in the world.'

"Here we see that the 'father of the Funding Act' and English bondholders agree perfectly in their construction of it.

"Examination of the 'Journal of the House of Delegates of 1871' must satisfy any fair man that the framers of the Funding Bill never intended to require the holders of the old State bonds to relieve Virginia from the payment of the third for which they gave their certificates of indebtedness. When the bill was under consideration Mr. Turner, of Rappahannock, moved to strike from the section I have quoted the words 'that the State of Virginia holds said bonds, so far as unfunded, in trust for the holder or his assignee', and to insert in their stead the following: 'Setting forth also, in the body of said certificate, a proviso in the following words: But the State of Virginia is not, and will not be bound, in any manner or form, for the payment now or at any future time, of this certificate, or any part thereof; but this is without any prejudice to the rights of the holder thereof to demand payment of the same of the State of West Virginia.' This was a plain and definite proposition, in unmistakable language. If it had been adopted it would have been settled beyond doubt, that those who surrendered their old bonds and accepted new ones for two-thirds of their amount thereby relinquished all claim against Virginia for the remaining third. Who can doubt that this proposition would have been agreed to by the framers of the Funding Bill if it had been their purpose to release Virginia from one-third of the then existing debt. This amendment was rejected, and its rejection shows that it was not the purpose of those

that rejected it to require the bondholder to relinquish any claim he had, or supposed he had, against Virginia for a single dollar.

"Mr. Daniel moved to add to the third section the following: 'And it is provided that the funding of two-thirds of the bonds, stocks, and certificates aforesaid, is authorized and granted only upon the condition that the owners of such bonds, stocks, and certificates do release and discharge the State of Virginia from all liability (if any exists) to pay the remaining one-third thereof, until there shall have been a final settlement between the State of Virginia and West Virginia, in regard to the public debt of the State of Virginia existing at the time of its dismemberment.' This amendment did not, like the former, propose to release the State of Virginia from the unfunded third forever, but only to exempt her from its payment until she had a final settlement with West Virginia. But even this proposition was rejected.

"Mr. Daniel then moved to amend the bill by inserting after the word assignees, near the middle of the third section, the following: 'And it is hereby provided that the certificates authorized by this Section to be issued are intended to be mere certificates of debt, and shall not be received or receivable by the State of Virginia in discharge of any debt or obligation to said State for which certificates of debt are receivable.' This proposition was

likewise rejected.

"Here were positive and repeated refusals to engraft on the Funding Bill any provision that would discharge the State of Virginia from payment of the unfunded third. How anyone, with all the facts before him, can believe the Funding Bill reduced the public debt, or that by its acceptance the bondholder relinquished any claim for any part of his bond, is wholly incomprehensible. Here were three clear and definite propositions made with a view of settling this very question:

"First. That Virginia should not be responsible in any manner or form, or at any time, for the certificates of indebtedness issued for the unfunded third. Yet this was not to prejudice the right of the holder to recover it from West Virginia.

"Secondly. That Virginia should be released 'from all liability, if any exist,' to pay these certificates until she should have a final settlement with West Virginia.

"Thirdly. That these certificates should 'not be construed to be certificates of debt'. That is against Virginia.

"Each and all of these propositions were rejected by the Funders. Their rejection was proof, positive, that it was their purpose not to do the very thing that it is now claimed they did do. Yet there are men who, either from ignorance or design, persist in declaring: 'the adjustment

was deemed a practical settlement of the question so far as Virginia is concerned, and nobody believes for a moment that the creditors will ever attempt to hold Virginia responsible for it, further than West Virginia may agree to pay. Nobody regards it as a part of our debt, or expects it to give any further trouble.' - Charlottesville Chronicle of June 25th, 1875. The facts already stated sufficiently show the fallacy and absurdity of such declarations; yet I will give one incident more, which conclusively refutes them.

"Hon. J. H. Dooley, one of the members of the last House of Delegates, from the City of Richmond, is a Virginia bondholder, and was secretary of the 'meeting of the Virginia bondholders', which was held in the Senate Chamber on the 10th of November, 1874. It is fair, therefore, to presume that he is well informed as to the expectations and purposes of Virginia bondholders. During the last session of the legislature he offered a bill, which was referred to the Finance Committee, and reported favorably from it, authorizing and instructing the commissioners of the sinking fund 'to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company,' and to receive in payment for it 'the principal of the unfunded bonds of the State issued prior to 1871.'

"No provision was made for leaving one-third of the old bonds for West Virginia. That was bad enough, but not the worst.

"The bill goes on: 'But the purchaser or purchasers may, at his or their option, pay for the said stock in new funded bonds of the equivalent of the aforementioned unfunded bonds; that is to say, two-thirds in the funded bonds and one-third in West Virginia certificates.'

"What better evidence can be given of the purpose and expectations of the advocates of the Funding Bill? While Virginia is unable to pay four per cent. upon the two-thirds of the debt for which she has given new bonds, a proposition is made by a leading bondholder, and endorsed by the Finance Committee of the Virginia legislature to pay off these 'West Virginia Certificates' to the extent of one-third of Virginia's interest in the Richmond, Fredericksburg and Potomac Railroad. This was but an entering wedge. Had it proved successful, it would soon have been followed by others of similar character. I confidently believe that if the bondholders ever get control of the Virginia legislature, every dollar of the debt of the old State, with all its accumulated and compounded interest, will be converted into new bonds, with tax-receivable coupons. Then, your legislature, no matter what may be its character, will be compelled to increase taxation sufficiently to pay interest upon the whole debt of the old State, and to defray expenses of government and public schools. This will amount to virtual confiscation.

"The inexorable logic of facts enforces the conclusion that whatever may have been the case before the passage of

the Funding Bill, Virginia, by its passage, was made responsible for the whole debt of the old State, with all its accumulated and compounded interest. Before we can decide upon the necessary steps for the proper settlement of a debt we must ascertain its amount.

"How was the Funding Bill passed? And how was it received by the people? I will answer this by an extract from Governor Kemper's address before the 'bondholders' meeting'. Governor Kemper said: 'There are those who have always denied the obligation of the Funding Act. They allege that the Act was not only a surprise to the people and passed it in contravention of their will, not only that it tied up the hands of the State without the fair consent of the State, but that the circumstances attending its passage were such as ought to avoid it. They allege, not only that many holders of Virginia bonds, including members of our own citizens, have been compelled to part with them at a ruinous depreciation, not only that the bonds thus sold are doubtless held by speculators, who obtained them at half of less than half their value, but they allege that the bonds thus bought up by stock brokers, having peculiar facilities to guide them, as a speculation of which the Funding Bill was the crowning act. They allege that corrupt means were directed by every approachable avenue to effect the passage of the bill, and did effect its passage; that a short time before its passage, and on votes testing its merits in the

House of Delegates, the political party of the minority voted, with one exception, against it, and that an adjournment being had, and the bill coming up soon thereafter on its passage, the same party, with perhaps one exception, voted for it, and by their votes effected its passage.'

"What, then, is the present amount of the public debt?

"As already stated, it was on January 1, 1861, \$31,187,999.32. On July 1, 1871, it had increased, by the conversion of interest into principal, to \$46,914,208.25. The Funding Bill authorized the issue of new bonds for two-thirds of this sum, and certificates of indebtedness for the remaining one-third. But as both of these are 'evidences of debt', and both bear interest, they will be considered jointly as constituting the 'public debt'.

"Interest on \$46,914,208.25 from July 1, 1871, to July 1, 1875, at six per cent. per annum, is \$11,259,409.98. About \$4,500,000 of this sum has been paid, leaving about \$6,759,409.98 of unpaid interest that has accrued in four years, making the debt, principle and interest on July 1, 1875, \$53,673,618.23. During the four years above given the commissioners of the sinking fund purchased bonds to the amount of \$499,630.74, which reduced the principal of the debt by that amount.

"Not knowing the precise time when the various purchases were made, I am not prepared to say when they ceased to be part of the public debt, and have, therefore, calculat-

ed interest on the whole amount to July 1, 1875. This is a matter of but little moment, as the bonds held by the commissioners of the sinking fund still bear interest, though they are no longer 'outstanding obligations, or a part of the debt proper of the State.' If, therefore, we desire to know how much revenue would have to be raised to pay the annual interest on the State bonds and certificates of indebtedness, we must add the residue of the sinking fund, which is about \$5,500,000, to the \$46,914,208.25. The whole of this bears interest. So that while the principal of the 'outstanding debt' is a little over \$46,400,000, the amount which is bearing interest on this sum at six per cent. is \$3,144,852.49. According to the estimate of the Auditor of Public Accounts, the sum of \$1,287,747.50 is necessary to meet the annual current expenses of the State. This added to the amount needed to pay full interest on the public debt and the sinking fund, makes \$4,434,599.99, that must be raised annually for State purposes alone. The whole amount of State taxes now collected is \$2,421,945.41. So that, counting for the cost of collecting, we must double the present rates of taxation, or the debt will continue to increase by the accumulation of interest.

"What are Virginia's resources for meeting this obligation?"

"In 1861, when the debt was \$31,187,999.32, the taxable property of Virginia was assessed at \$585,099,322.77. This

did not include any slaves under twelve years old. The Constitution exempted all slaves under that age from taxation, and fixed the taxable value of all over that age at \$300 each. This was not more than one-half of their average cash value. As every kind of property is now taxed, we cannot understand the resources of Virginia in 1860, as compared with what they are now, unless we take into consideration slaves as well as other property.

"The official record shows that the value of the slaves in Virginia under twelve years old was \$163,556,000. The value of those over the age was doubtless greater than the value of those under it. But estimating it to be just the same, we find the value of slaves alone was \$327,112,000. About one-twenty-fifth of this was in West Virginia, leaving the value of slaves in that part of the old State which is now included in Virginia \$314,027,520. Other personal property within the same part of the State was assessed at \$101,636,721.09, and the real estate at \$294,134,470.56 - making a total of values in 1860 of \$709,807,711.65.

"The Auditor's report shows that the entire property, in 1873, was assessed at \$336,686,433.23. That is, \$18,217,422.59, less than half as much as was owned in the same counties in 1860.

"Thus when, in 1860, the value of property was \$709,807,711.65, the public debt was \$31,187,999.32. That is, there was more than \$22 worth of property for each dollar of debt.

"In 1873, the assessed value of property was \$336,684,433.23,

and the debt, exclusive of unsettled interest, was \$46,914,208.25. That is, about \$7 worth of property for each dollar of debt.

"It should be borne in mind that many that are taxed now that were not taxed in 1860, and that property is taxed much higher in proportion to its value now than it was then. So that the difference between the real value of property in 1860 and in 1873 was still greater than these figures show it to have been.

"If the Funding Bill had released Virginia from that portion of the debt for which certificates of indebtedness were issued and from one-third of the unfunded debt, as some claim it did, the debt would, of course, be one-third less than I have shown it to be. The Auditor's report is based upon that assumption. And in a speech made in the legislature last session, upon a subject which did not necessitate inquiry into the amount of the debt, I used his figures, and spoke of the debt as being, in round numbers, about \$30,000,000. Every intelligent reader will readily understand this. We now speak of the debt as it is; not as it is reported upon as unwarrantable assumption.

"Official documents of the Federal Government show that property in Virginia is assessed about fifty per cent. higher, in proportion to its value, than it is in New York, Pennsylvania, and the six New England States, and thirty-five per cent. higher than it is in all the other States of the Union.

"The destruction of more than half our property is not

the only loss we have sustained. That which remains is far less valuable than it was. Thousands of acres of land which have been offered for sale, under judicial decrees, remain unsold because they will not bring three-fourths of their assessed value, though they are offered upon a credit of one, two, and three years, while their assessment is designed to fix their cash value.

"It may be safely affirmed that the people of Virginia are less able to pay one dollar now than they were able to pay three in 1860.

"Can Virginia pay the whole of the debt of 1861, with its accumulated and compounded interest? or even two-thirds of it?

"In the appendix to the last annual message of Governor Kemper we have this extract from official documents.

State Revenues derived from taxation . . .	\$2,421,945.41.
Amount reported county, township, road and local school levies	2,217,538.49
Amount of unreported county, town- ship, road, and local school levies, as estimated by tax collectors, etc . . .	282,461.51
Total of taxes paid, under State laws, for one year	5,094,263.50
During the same year the United States Government collected in Virginia in	

the shape of internal revenue taxes \$ 7,318,015.56

And assuming what is far short of the truth, that the money directly and indirectly drawn from the people of Virginia by the United States tariff taxation, is in the proportion of the population of the State to that of the whole country, it is shown that Virginia pays, by reason of the national customs law, the further sum of . 5,976,401.95

Total in one year \$18,388,681.01

"This is about five and one half per cent. upon the entire amount of taxable property of every description in the State. 'And yet,' says Governor Kemper, 'These burthens are annually increasing, and the incomplete returns already received are enough to render it certain that the total of taxes paid by Virginia in the fiscal year just ended will turn out to be larger than for the preceding year.'

"Let it be borne in mind that only one-third of the lands of Virginia are productive, and have to bear not only their own taxes, but the taxes also of the two-thirds, which are mainly unproductive. Yet the taxes now paid, either directly or indirectly under State and Federal laws, amount to nearly six per cent. under the whole property, both productive and unproductive.

"Can the people of Virginia bear an increase of taxation?

I do not know that I can better answer this question than by quoting a paragraph from Governor Kemper's address before the bondholders' meeting held in the City of Richmond on the 10th of November, 1874. It is as follows:

"Let it be remembered, also, that our people are borne down with an enormous private indebtedness, exceeding, it is estimated, the amount of our large State indebtedness, all of which is pressed for payment and much of which is due beyond the Commonwealth, and it will be seen that all our resources and energies are being strained to the utmost point of endurance. If these facts are borne in mind, it will be understood why it is that well-authenticated reports are not unfrequently made of farms whose annual production falls short of the amount of their annual taxes of indispensable farm animals and implements, and lands also being sold for taxes - and all through no want of industry or economy on the part of the farmer. These facts, borne in mind, will teach others what the logic of experienced suffering has taught us, that any material increase of taxation on lands at this time would be virtual confiscation of lands.'

"Again, in a message to the Legislature on the 27th of March, 1874, the Governor says: 'The proposition is too obviously true to be argued that taxes on lands cannot now be increased. Such increase would be virtual confiscation of private property. If the State were subjected to such pressure as would enforce immediately compliance with all her

bankruptcy, and would prove alike disastrous to debtor and creditor.'

"I think it may be safely affirmed that, so far from the people of Virginia being able to bear an increase of taxation, they are now taxed higher than they ought to be, or than they are able to bear. The agricultural, the manufacturing, the mercantile, the mechanical and the professional interests, each and all, are suffering and languishing under the almost insupportable burdens they are bearing.

"Yet with the heavy taxes we are paying, so enormously disproportioned to our resources, the public debt is constantly increasing. 'The increased rate of taxation has fallen short of enabling the government to pay full interest on two-thirds of the original debt, by an average annual deficiency of \$1,062,578.05.

"Hence the debt has been increasing at the annual rate of \$1,062,578.05 by the accumulation of unpaid interest on only two-thirds of the debt. Virginia is bound by the Funding Bill for the remaining third, or so much thereof as West Virginia fails to pay. West Virginia refuses to pay any part of it. Hence, according to the theory of 'the last dollar men', Virginia must pay the whole. The annual interest upon this third is \$938,284.04. Add this to the \$1,062,578.05, which Governor Kemper says is the 'average annual deficiency' upon the interest upon the other two-thirds, and we have an average annual increase of the debt of \$2,000,862.09. That

is to say, the heavy taxes which the people of Virginia are now paying are not sufficient to pay the annual interest on the debt by \$2,000,862.09, and the debt is, therefore, with slight exception given below, becoming that much larger every year. It has been increasing at this rate for more than four years, except the small diminution which has been made by the purchase of bonds by the commissioners of the sinking fund. The whole amount of these purchases for four years, as reported to the last session of the General Assembly, was \$499,623.74. That is, while the 'outstanding obligations of the State' have been reduced at the average annual rate of only \$124,907.68 by the purchase of State bonds for the use of the 'sinking fund', the debt has been increased, during the same period, at the average annual rate of nearly two millions of dollars. How long will it require at this rate to pay the debt? No one can fail to see that a continuance of this state of things must result in disaster to both debtor and creditor. What are we to do?

"Undeniable facts show that our taxes are not sufficient to pay the accruing interest on the whole debt by more than two millions of dollars! They also show that they are not sufficient to pay the annually accruing interest on two-thirds of the debt, which have been funded, by more than a million of dollars! The Funding Bill pledges the State to pay full interest upon these two-thirds semi-annually. Its friends declare its obligations to be 'sacred' - that every

infracton of it wounds the sacred honor of Virginia. They say to the bondholder, substantially: 'You shall have every dollar of your bond according to the Funding Bill contract.' They know this pledge cannot be redeemed without increasing taxes! Yet they say to taxpayers: 'No man must be sent to the Legislature who does not pledge himself beforehand that he will not increase the taxes!' This is the consistency of those who prate of Virginia honor, as though they supposed only themselves to be its possessors! This is practical repudiation of what they declare to be a solemn obligation. It is repudiation in its worst form! Not open, frank and manly; but covert, deceptive, and cowardly! It is carrying one face to the creditor and another to the debtor! I forewarn you, fellow-citizens, that there is a 'masked battery' behind these pretences! These men know that unless they can make you believe they are opposed to increasing taxes, you will never put them where they can do it! Once give them the power and their tune will be changed, and you will pay for the music! I wish to see a manly course pursued. We should lay before the creditors a clear statement of our views as to what we ought to pay and what we are able to pay. Make an equitable settlement with them, and faithfully comply with its terms. But, it is asked: 'Has there not been a final settlement?' There has been a partial settlement, but not a final one. No settlement can be final which satisfies nobody. There is no respectable member of any party, or of

all parties combined, who are satisfied with the present status of the debt. This is shown by the overtures that have been made, the meetings that have been held, and the general anxiety for information upon the subject - an anxiety which will continue to manifest itself until it is gratified.

"Is Virginia morally bound for the whole debt of the old State? Or for two-thirds of it, without any abatement, even upon the assumption that the debt followed the soil? Before answering this question we must inquire into the cause of her losses, and endeavor to ascertain who is responsible for it.

"But little need be said of the cause of our losses. They resulted either directly or indirectly from the war.

"Who is responsible for the cause which produced these results?

"I do not mean for those remote causes - Federal aggressions, Northern interferences, etc., which led to it. But which of the two classes - bondholders and taxpayers - is responsible for the act of secession which made Virginia a battlefield? I think I may safely answer, both are responsible for it; and each one equally so. If secession was right, bondholders and taxpayers share equally the honor of having advocated it. If it were wrong, each was equally blameworthy. If we had succeeded, each class would have shared in the benefits of success in due proportion. If we lost by it, each should bear his due proportion of the loss. There may have been individual exceptions, but as a general

rule bondholders are as fully responsible for our present condition as any other class. We know that some who are now the most zealous advocates of bondholders, and who insist upon paying the 'last dollar', no matter who may be ruined by it, were the most blatant secessionists - not only ready to 'wade in blood', but to 'die in the last ditch'; and were resolved to leave Virginia if she did not secede. If these last ditch men had entered the first ditch, instead of getting others in and then speculating upon their necessities and the necessities of their families, there would be fewer 'last dollar' men now. Yet I suppose bondholders and taxpayers were equally responsible for the losses sustained, and ought, therefore, to bear their equal proportions of them. Citizens of a State sustain similar relations to each other that members of a business firm do. If it be not positively expressed, there is, at least, a tacit understanding that each shall bear the responsibilities and expenses, share the profits, and sustain the losses of the firm in proportion to his interest in it. The same rule applies to the State. Each shares his due proportion of its benefits, and should bear his due proportion of its losses. This applies only to the transactions of the corporation. No member of it is responsible for, nor can claim any benefit arising from, any individual transaction of any other member of it. Hence what may be said with regard to the public debt, has neither reference nor application to private debts.

"As citizens of the State, we are joint partners, and each, in proportion to what he has, must contribute to its support, meet its obligations and share its losses. It would not be equitable for some of the partners to be benefited and others damaged by their joint act. This will be the inevitable result if the 'last dollar men' prevail. It may be illustrated thus: A, B, C, D, and E are citizens of Virginia. A owns \$10,000 worth of State bonds; B, C, D, and E each own \$5,000 worth of land and \$5,000 worth of negroes. They all advocate secession, and are equally responsible for the results. These results are consequences of their joint act. The result is that B, C, D, and E lose all their negroes outright, and the value of their land is reduced to one-half of what it was before the war. A's \$10,000 of bonds suffer no depreciation, but, by the reduction in the price of lands, their purchasing power is doubled. They will now buy all the land owned by B, C, D, and E, though they would only have bought half of it before the war. Thus, by the joint act of all five - each one of them being equally responsible with the others - four have been totally ruined, while one is enabled to purchase twice as much property with his bonds as he could have done before the war. Is this just? Is it right? I have no prejudice against bondholders. I deplore the unfortunate circumstances which deprive them of any part of their lands; but they must bear their part of the common misfortune. I do not wish them to fare worse than

their fellow-citizens. They ought not to desire to fare better.

"We made common cause, and jointly resolved upon secession. We entered the contest together, and bore ourselves through it nobly. Together we staked our all upon the result. That result proved disastrous. Neither class should charge this result upon the other, nor seek to evade its just proportion of responsibility or loss, by placing an undue proportion of either on the other.

"Our motto should be: Equal justice to all; especial immunities to none.

"What would be the practical workings of this principle?

"First. It would exclude all interest upon the public debt during the war. It is generally conceded that no interest ought to be charged upon private debts during the war. Various reasons have been assigned for this. I suppose the main reason to be, that private rights were merged in the rights and authority of the State. Men did not belong to themselves. Neither their time, labor, nor property was at their disposal. As, therefore, all private rights and interests of debtors were suspended for four years, it has been thought equitable and right that interest upon indebtedness should be suspended during the same time. I can see no sufficient reason why this rule should not apply to public debts as well as to private. If this view of the subject be right, the taxpayers of Virginia ought not, and, in justice, cannot, be required to pay any interest which accrued upon

the public debt during the war, while no interest is allowed upon private debts during the same time.

"Secondly. It would require the scaling of State bonds in just the same proportion that other property has been reduced. Bondholders and taxpayers would then fare alike. Each would lose in precisely the same proportion. This may be caviled at, but cannot be contemned. It rests upon the immutable principles of justice. It neither asks, nor concedes, more than is right. A settlement based upon these principles would reflect honor upon both debtor and creditor.

"What I have said thus far upon this point has special reference to Virginia bondholders.

"Nearly one-half the public debt is owned in those States which composed the 'Federal Union' during the war. What would be an equitable settlement between these bondholders and Virginia taxpayers?

"If a creditor should wantonly or wrongfully destroy property belonging to his debtor, I suppose no one would deny that the debtor ought to receive credit on his bond to the amount of damage he had wrongfully sustained at the hands of his creditor. What will be the effect of the application of this perfectly just principle to the present case? A simple statement of facts will suggest the answer. Our Northern creditors were not content with having destroyed the old State and divided her territory, but, without reason or justice, took from us largely more than one-half of our entire property without giving us any compensation

whatever for it.

"Are we not, therefore, justly entitled to have bonds they hold against us credited in at least an equal proportion to the loss we have sustained at their hands?

"I have not desire to awaken or revive sectional prejudices by anything I have said or may say. I wish to bury these in the sea of forgetfulness, and to cultivate feelings of friendship and amity between every portion of our common country. I am simply stating facts, which must be taken into consideration if we ever make an equitable settlement of this vexed and complicated question.

"That these creditors should, in view of the well-known facts raise the cry of dishonor against the taxpayers of Virginia because they are not willing, under these circumstances, to increase the burdens they are now unjustly bearing to pay the last dollar of their bonds, while refusing to give them any credit for the property wrongfully taken from them, is a most remarkable case of moral perversity! If there be anything more remarkable, it is that any man who claims to be a Virginian, and boasts and prates of Virginia honor, should join in this cry! Virginians must not only have fallen and degenerated, but have become truly craven if they can tamely submit to such ignominious injustice without raising a manly protest against. If the very men who are raising and reiterating the cry of dishonor against those who defend the just rights of taxpayers were called on to arbitrate just such a case

between other parties, and were perfectly free from interest and prejudice, I have no doubt but they would adopt the same view of the case that has been presented above. These are the only principles upon which a perfectly equitable settlement can be made. Any material departure from them must do injustice to one or the other party. If we ask more than is right, we do injustice to others. If we concede them more than is right, we do injustice to ourselves. We should take no position that cannot be vindicated upon perfectly equitable principles.

"There is yet another class of bondholders. A little more than one-fourth of the debt of Virginia of 1861 is owned in Europe. The holders of this part of the debt are not responsible for our losses. They are neither responsible for the war and its legitimate consequences on the one hand, nor for the wanton destruction of our property on the other. I am not apprised, therefore, of any equitable ground upon which we can claim a settlement of that part of the debt which was owned in Europe, at the close of the war, at less than its face value. Arguing, therefore, upon the assumption that the debt of 1861 followed the soil of the old State, and is a valid obligation upon its present occupants, it develops upon us to pay two-thirds of the debt due to European bondholders. We ought not, however, to be under the necessity of even considering this question. Beyond all reasonable doubt the Federal Government is 'liable for at least so much of the

debt as is due to non-resident creditors.'

"I have endeavored to consider this subject in its various parts upon strictly equitable principles, and to ascertain what adjustments of it would be just and right to all parties concerned.

"The conclusions to which I have arrived, in view of all facts which ought to be taken into consideration are;

"First. Virginia cannot be equitably required to settle more than two-thirds of the debt of Virginia of 1861.

"Secondly. No interest ought to be allowed on these two-thirds during the four years of the war.

"Thirdly. The bonds held both in Virginia and the Northern States ought to be scaled in full proportion to the destruction of the property of Virginia taxpayers.

"Fourthly. The bonds held by Europeans ought to be paid at their face value by the Federal Government.

"Virginia should in no event pay more than two-thirds of their amount. No interest should be paid on these two-thirds during the war; and the claimant should be required to establish the fact that his bond was owned in Europe at the close of the war.

"I believe a settlement made in accordance with the views and upon the principles set forth would command the respect and approval of all impartial and unprejudiced men the world over.

"The result of so equitable a settlement would be that

the present debt of Virginia could not exceed \$15,000,000, and might fall far below that sum.

"It is said 'the wind is tempered to the shorn lamb.' And here we see that the reduction of our ability to pay has been accomplished with a corresponding diminution of our moral obligation. The same cause which rendered us unable to pay the whole debt relieved us from all moral obligation to pay it all.

"Such a settlement as I suggested would be equitable to all parties. Neither the bondholder nor the taxpayer would be placed in either a better or worse condition relatively to the other than he occupied when the debt was created.

"The bondholder would receive neither a greater nor less proportion of his bond than the taxpayer retained of his property.

"Some are so weakminded, or so blinded by prejudice, as to charge that these views savor of repudiation. It is a source of regret that there are any who either cannot or will not distinguish between an equitable settlement of a debt and its repudiation! I am sorry for such. They lack either a common perspicacity or common honesty. In either case they are to be pitied.

"Repudiation is wholly out of the question. It should not be thought of except as the dernier resort. It is the imperative duty of both individuals and States to pay their just debts to the utmost of their ability. Both individuals

and States may inquire into the justice of claims which may be brought against them; and they cannot be censured for refusing to pay them if they are not just. But when once their justice is established, the obligation to pay is imperative. Nothing short of her own preservation justifies a State in refusing to meet her just obligations. The obligation of self-preservation is paramount with States as well as with individuals. A State may not, for any cause, destroy her own existence. To preserve herself she must protect her citizens. If the individual members of society be properly protected, society will be safe. But if the rights of individuals be disregarded, the society will soon be destroyed. When, therefore, demands upon a State become so unreasonable or exorbitant that compliance with them would crush her citizens, and thus endanger her own life, then, and only then, may she repudiate her just obligations.

"Many who fully concur with the views I have presented oppose agitation of the subject because they see no way of relief.

"I'll try' has accomplished wonders. 'I cannot' never accomplished anything. None can deny that we are bearing an unjust weight of debt; and a weight much greater than we are able to bear. I have always believed that when the people of Virginia fully understand their rights and duties, they will promptly and firmly maintain the one and perform

the other.

"The case is by no means hopeless, though hedged about by difficulties. United and persistent effort will, beyond doubt, bring forth fruit.

"The questions which address themselves to us are: What are we able to do? And what, under all the circumstances, ought we to do? Let us consider these subjects well, decide them wisely, and then firmly and perseveringly adhere to what we believe to be right, both to ourselves and to others.

"Very respectfully,

"John E. Massey

"Ash Lawn, Albemarle Co., Va.,

"Sept. 23, 1875."

Thus by this pamphlet, you can see the views of John E. Massey and also the powerful and descriptive way he has of expressing himself. He knows his own mind and he is not afraid to say what he thinks. He has used numerous examples to prove his points and has expressed in clear meaningful language his thoughts.

He has said that he thinks that: (1) Virginia cannot be required to pay more than two-thirds of the debt of the State of Virginia in 1861. (2) No interest should be on the two-thirds debt during the four years of the war. (3) The bonds held in Virginia and in the Northern States should

be scaled in proportion to the destruction of the taxpayers of Virginia. (4) The bonds held by the people of Europe should be paid at their face value by the Federal Government, but the person should have to prove that bond was owned in Europe at the close of the war.

CHAPTER V

JOHN E. MASSEY AS A MEMBER OF THE HOUSE OF
DELEGATES AND OF THE SENATE OF VIRGINIA
AND CANDIDATE FOR CONGRESS

In 1875, John E. Massey was reelected to the House of Delegates.³⁵ In 1877 Massey announced himself a candidate for the Senate of Virginia by this:

"To the Voters of the Senatorial District, composed of the Counties of Albemarle and Greene:

"Fellow-Citizens: Numerous calls have been made upon me to announce myself a candidate for a seat in the Senate of Virginia, from this district, for the approaching Senatorial term.

"As I have served the county of Albemarle the last five years in the House of Delegates, you have had ample opportunity to inform yourselves of my political views, financial policy, and principles which govern my actions, and to judge how far your interests are safe in my hands.

35. Ibid, p. 98

"Next to the approbation of God and of my own conscience, I prize the approval of good and intelligent men. My aim has been so to discharge my legislative duties that those that vote for me should have no cause to regret it, and that those that voted against me should have no cause to regret my election without their vote. The very many assurances I have received from my former supporters and opposers of their hearty approval of my past services, and of their increased confidence, is the richest and most gratifying reward that could be given me. If I needed any stimulus to faithful and unremitting care of the interests entrusted to me, these assurances would supply it.

"Deeply grateful for your past support and confidence, I now, in compliance with many calls, which I believe to express the popular will, announce that if it be your pleasure to nominate me, at the convention that has been called to meet in Charlottesville on the 24th instant, as a candidate for a seat in the Senate of Virginia, and to elect me to that position, I shall try to serve you faithfully and to the best of my ability.

"Very respectfully,

"John E. Massey

"Ash Lawn, Albemarle Co., Va.,

"September 11, 1877."³⁶

36. Ibid, pp. 131-132.

John E. Massey was elected. He then prepared a bill requiring that the capitation tax and ten cents on every one hundred dollars of personal property be used for educational purposes. This bill was vetoed by Governor Holiday.³⁷

I have spoken before of the Funding Bill and the people who supported it. On February 25, 1879 the Readjuster party was formed. The Funders claimed that the new State of Virginia was bound for the debt of the old State of Virginia shown in the Funding Bill of 1871. The Readjusters did not believe this to be true. One of the main ones of the Readjuster party was General William Mahone of whom I have spoken in connection with the railroads. General Mahone owned the Whig and made it the Readjuster organ. Massey was also a supporter of the Readjuster party.³⁸

On January 2, 1880, John E. Massey was made Auditor of Public Accounts.³⁹ This job he did well, and he understood the shallower aspects of finance and the deep needs of his people.⁴⁰

On February 14, 1881, A. M. Lybrook, P. G. Hale, S. H. Newberry and B. F. Williams bolted their party caucus. They

37. Ibid, p. 136

38. Ibid, pp. 148-149.

39. Ibid, p. 178.

40. Malone, Dumas, Dictionary of American Biography, (New York, 1943), p. 382.

went against "Mahoneism" which was the boss rule of General William Mahone. These were known as the Big Four. They were later joined by John E. Massey.⁴¹

"William Mahone was essentially a self-made man. He was the son of a poor but respected merchant in one of the older counties. He was educated at V. M. I. through the aid of friends. For a time he taught school, and then he built railroads, notably the Norfolk and Petersburg of which he became president. Entering the war as Colonel, he came out Major-general. 'Mahone's brigade' was noted for superior equipment and condition, and at Appomattox mustered out more than any other."⁴²

"Mahone was perhaps the first in the South to grasp the possibilities of railroad consolidation. One of three loosely connecting and dilapidated roads, he soon created into a splendid trunk line nearly crossing the state from east to west, and of this he became the president with the munificent salary of \$25,000. To this line he diverted from more direct routs the northward-bound cotton of the South to Norfolk where allied steamships connected. In

41. "The Big Four and John E. Massey", Senate Document #7, (Richmond, 1932), p. 3.

42. Pearson, op. cit., p. 68

token of his hopes he called the road the 'Atlantic, Mississippi and Ohio.'⁴³

General Mahone had public influence enough to carry out railroad plans. He tried to mould public opinion through his newspaper, the Whig. He was always close to the governor, and his men were in the proper places, on committees and departmental offices. He brought forth new men, and gradually a "Mahone following" was built up.⁴⁴

Mahone's railroad policy had neglected or injured certain sections. Foremost among these were Richmond, the Valley, and part of the "Southwest". These sections bore him illwill, and he was dubbed the "Railroad Ishmael" by competing interests.⁴⁵

In 1882, John E. Massey decided to run for Congress. He made a speech in July, 1882 in which he spoke of running for Congressman-at-large:

"To the Voters of Virginia:

"Fellow-Citizens: Virginia will be entitled to ten representatives in the next Congress of the United States. As there are but nine Congressional districts in the State, one Congressman will be elected from the 'State at large'.

"In response to numerous calls from men in different portions of the State for whose opinions and wishes I have

43. Ibid, p. 68.

44. Ibid, p. 69.

45. Ibid, p. 69.

great respect, I have announced myself as candidate for that position.

"I think you know me sufficiently well to believe me sincere when I assure you that, if I were to be governed alone by my own feelings and preferences, I should never again be candidate for any political office.

"I recognize the fact, however, that no ordinary personal considerations can justify any son of Virginia in declining to render any legitimate service which her welfare demands, when called upon to do so by his fellow-citizens and his own convictions of duty.

"I am, therefore, before you for your suffrages, and shall fully and gratefully appreciate your support.

"While, however, I shall highly appreciate your votes, I shall appreciate your confidence and respect still more highly.

"I could not expect to enjoy these if I were to obtain your votes by either misrepresenting to, or withholding from, you my opinions upon the questions involved in the approaching election.

"It is therefore due to both you and myself that I state clearly, yet as briefly as I can, my position.

"For several years past the settlement of the State debt and other questions incidental to it have absorbed so much of the attention of the people of Virginia that they have given comparatively little attention to Federal affairs.

These were not political questions. The most stalwart Democrat and the most stalwart Republican divided and took directly opposite positions upon them. The men of each side were, no doubt, equally honest - each acting in accordance with their honest convictions of right. Neither Democrat nor Republican were less Democrat or less Republican because of their being either Readjusters or Funders.

"The leaders of both the Readjuster party and the Funder party were Democrats; each appealed to the Republicans to cooperate with them in the settlement of the State debt and other questions of State policy, assuring them that by doing so they in nowise sacrificed their political affiliations or principles. These questions upon which both political parties were divided are now settled so far as legislation can settle them.

"The Richmond "Whig, which was the organ of the Readjuster party, says: 'The Readjusters have passed every measure to which they were formally pledged, and more. They have fulfilled every promise, and more. They have redeemed every pledge, and more.'

"The Woodstock Virginian says: 'Certainly nothing failed that the platform promised.'

"The question which separated men of the same political party from, and arrayed them against, one another, having been settled, no partition wall or dividing line stands between them.

"Neither the one nor the other should indulge in criminations or recriminations, but, forgetting all differences and unpleasantnesses which may ever have existed between them, should unite their counsels and combine which will most certainly save Virginia from the dangers that threaten her.

"We should aim to preserve for her that high and honorable position which she has ever held among her sister States, and, if possible, raise her still higher and crown her with still greater honor and prosperity.

"I need scarcely inform you, my fellow-citizens, that I first formulated and enunciated the principles of Readjustment, and that I have stood firmly and unswervingly by those principles at all times, in all places, and under all circumstances, from an honest conviction of right and duty. These facts are well-known to all.

"I was, however, a Virginian and a Democrat before the question of Readjustment ever arose, and my advocacy of Readjustment never lessened my devotion to my State or changed my political principles.

"I have always conceded to those who differed with me the same right to think, speak, and act for themselves that I have claimed for myself, and have treated both them and their opinions courteously and respectfully. Yet my political position has been so well understood in my county and my district that I have never been a candidate for either the House of Delegates or the Senate without having a regular

Republican ticket against me.

"I regret the necessity of thus speaking of myself, but should deem it unmanly to ask your support without giving you an honest and clear statement of my political position.

"The questions involved in the approaching contest are vital to your interests, rights and liberties.

"It must be apparent to all observers of public matters that men who cared nothing for the principles of the Read-juster party, and never joined it until they saw in it the surest road to their own elevation to place and power, are now seeking to make merchandise of the State, which elevated them to their present positions, that they may still further enhance their power and increase their wealth.

"When Senator Hill and others criticised so severely what they supposed would be the course of General Mahone in the Senate of the United States before he had given a vote, I disapproved of their course and censured them for it.

"And when General Mahone repelled these attacks, declared he was a 'better Democrat' than his assailants, and asserted his independence of caucus dictation, I applauded him for it.

"I did not suppose it possible that he who had always boasted of his Democracy, and who had but a short time before sworn that the vote of Virginia should 'never be cast for Garfield', had even then formed an alliance with the Republican party, and would soon after be devising a plan

for handing the whole State over to Arthur in exchange for the Federal patronage of Virginia.

"I could not believe that any son of Virginia would thus degrade his grand old mother, if he had not forced that belief upon me by the most indubitable evidence.

"Think of it, my fellow-citizens! Virginia with all her past glory and renown! - with all her future hopes and prospects! - Virginia, the (Mother of State and of states - men'! - You and I and our children! - all to be bartered for a few offices, to be filled with submissive tools that are willing to yield the most abject and servile obedience to autocratic rule for the trifling honors and emoluments of a paltry office! Was ever so noble a heritage sold for so poor a mess of pottage?

"But, my fellow-citizens, though the sale may be agreed upon, the transfer cannot be made without your consent. If you are unwilling to be made merchandise and delivered over to your purchaser, it cannot be done. The power and the right to exercise it are in your own hands. That you will exercise it wisely I cannot doubt.

"You may be told that the present Federal Administration is friendly to Virginia, and that this friendly disposition ought to be reciprocated. No one will more fully appreciate kindness than I, or more readily reciprocate acts. But what has the Republican party of the North done for Virginia that places her under obligation to it? Are

we to thank it for its protective tariff, which imposes a heavy tax on Virginians to enrich Northern manufacturers? Are we to admire it because it imposes a heavy tax upon the tobacco and whiskey and brandy which are raised and manufactured in Virginia? Shall we praise it for its odious internal-revenue system of taxation, which floods the State with Federal office-holders to annoy and vex our citizens and fatten upon them? We must be blind to both our interests and our rights when we do.

"Let no one infer from what I have said that I charge General Mahone with having special admiration or kind feeling for a Republican. He cares not a fig for a Republican or a Democrat farther than he can use him for his own benefit. If a man is a Mahoneite, he needs no other recommendation or qualification. This fits him for office, whether he be a Democrat or a Republican. If he be an Anti-Mahoneite, it matters not how true, how honest, and how capable he may be no other charge is necessary to insure his removal from office, though he may be filling it well, whether he be a Democrat or a Republican. Self is the controlling consideration! Under the flag of Democracy he is seeking to march Virginia into the camp of stalwart Republicanism for his own benefit. Under the banner of liberalism and opposition to rings and cliques he has inaugurated the most autocratic rule; he has displayed more intollerance of other men's rights of thought, speech, and action and required more

servile submission to his will and authority, than was ever before witnessed among any free people. Under the popular cry of equal rights for all the people, and opposition to monopolies, he so shaped legislation that, but for the sagacity, the patriotism, the honesty, and the independence of the noble Big Four, equal rights would now be but an empty name, and the very term a mockery; and the aggregate power of all monopolies concentrated into his hands - a bit in each man's mouth while he held the reins and whip.

"Are Virginians ready for such humiliation and wrong? You have fought and bled in defence of your rights and your liberty. Will you now sit tamely by and see them taken from you without an effort to prevent it? Remember that 'peace hath her victories no less than war'. A grand but bloodless victory is within your reach. Put forth your hands and grasp it. Your banners are now unfurled and floating proudly in the breeze. By the blessing of Him who rules the nations it shall never trail in the dust, and never be furled until victory perches upon it.

"Very respectfully,

"John E. Massey

"July 10th, 1882."⁴⁶

In the same year of 1882 in the month of August, Colonel Frank G. Ruffin wrote a letter unveiling "Mahoneism". This letter was written after Colonel Ruffin was requested

46. Massey, op. cit., pp. 238-244.

to write one by Mr. Massey. In his letter, Colonel Ruffin said he became acquainted with Mahone in 1869 in the Wells-Walker contest. Colonel Ruffin said that Mahone usurped the power of the Readjuster party. Also he stated that Mahone turned to President Arthur and then wanted the State of Virginia to change. Mahone when he was a member of the United States Senate had the power of deciding vote and did not use it. All that Mahone did for Virginia while he was in the United States Senate was to get two court houses built.⁴⁷

Also John E. Massey when he ran for Congressman-at-large for the State charged that General Mahone left his place in the United States Senate for nearly two months, consecutively, to oversee the Virginia Legislature and dictate to it. He told what its acts should be as to the men and the means. He tried to railroad through his schemes.⁴⁸

47. Virginia Political Pamphlets, Vol. 1, pp. 2-15.

48. Christian, W. Asbury, Richmond - Her Past and Present, (Richmond, 1912), p. 375.

CHAPTER VI

MASSEY-WISE CONTESTED ELECTION
AND MASSEY AS LIEUTENANT-GOVERNOR

The Democrats supported Massey in the election of 1882, but he was defeated by 5,800 votes.⁴⁹ Massey then on December 25, 1882 notified the State that he contested the election of John S. Wise. This was referred to the committee on Elections (and ordered to be printed - January 10, 1884). The election was contested because:⁵⁰

1. "On the seventh of November in the election in which John S. Wise represented the Coalition or Mahone party and John E. Massey was for the Democratic party, Wise had legally unqualified people voting for him."⁵¹
2. "The scheme was devised and adopted by Wise and official representatives of his party prior to the election."⁵²
3. "Mr. Massey contended (and if denied intended to prove) that there was a conspiracy to get disqualified votes. In

49. "The Richmond Dispatch", April 25, 1901, Whole number 15603.

50. "Miscellaneous Document" 27, Part 1, p. 1.

51. Ibid, p. 1.

52. Ibid, p. 1.

the Commonwealth, the collection of delinquent taxes were shown in this way.

1. In every case, the appointee was one of Wise's partisans.
2. Lists were not given appointees, but the collectors receipted everyone who agreed to vote for Wise.
3. No bond was required before a collector entered upon his duties.
4. Many cases when bonds were required, both the 'collector' and his sureties were absolutely insolvent.
5. In Richmond John D. Snelling issued nearly 1,000 bogus tax receipts.
6. Collectors were furnished with blank receipts to give people if they voted for Wise.
7. Some receipts were signed without any taxpayer's name on it."⁵³

4. "Many people voted for Wise because of an erroneous and partisan opinion given by Attorney General F. S. Blair who said that if a name was not on the delinquent list, then the person could vote because he had never been assessed. Massey believed that some of these were under 21 and others were non-residents."⁵⁴

5. "Massey said Wise organized a system of bribery and intimidation which was helped by Senator William Mahone.

1. Mahone replaced all men in Federal offices favorable to Massey by some who wanted Wise.
2. Mahone threatened those holding these offices and State offices with removal if they did not contribute part of their salary to the election for Massey's defeat.

53. Ibid, p. 2.

54. Ibid, p. 2.

3. The day before the election the Hon. Robert H. Hughes judge of the district court issued instructions to United States officers which allowed people to vote who were not qualified.
 4. Democratic judges of Clay Ward (1st precinct) which was the largest white and Democratic precinct of the city were arrested for the offense of discharging their legal and sworn duty.
 5. Also that Wise as acting District Attorney swore that he would have every election officer arrested who refused to accept the receipts of Snelling and that he would prosecute them himself.
 6. He detained the judges of the first precinct of Clay Ward.
 7. S. Brown Allen, auditor of public accounts, returned the bond of Snelling.
 8. S. Brown Allen refused to let Massey or anyone for Massey examine the books and papers of the auditor's office because he knows that they would show about delinquent taxes.
 9. The employees of the Government at the navy-yard in Gosport who were known to be opposed to Wise were replaced.
 10. Terrorism was used at the fourth precinct of Portsmouth, Virginia."⁵⁵
6. "Massey was deprived of fourteen votes at Hog Island precinct."⁵⁶
 7. "Massey was deprived of fifty-seven votes in Gloucester County."⁵⁷
 8. "Massey was deprived of the votes in Gloucester because the votes were not sealed properly."⁵⁸

55. Ibid, pp. 2-4.

56. Ibid, p. 4..

57. Ibid, p. 5.

58. Ibid, p. 5.

9. "There were from 15,000 to 20,000 fraudulent votes. Therefore Massey received from 10,000 to 15,000 more legal votes than Wise."⁵⁹

Wise answered Massey and said he (Massey) was not the candidate of any party. Therefore he did not receive the support of any party. Wise also said, "And I shall insist and argue from the facts and figures appearing on a comparison of the said votes and tables, that your pretences in your said notice of contest are not only false, but weak, vain and shallow."⁶⁰

During one debate between Massey and Wise, Wise slapped Massey. Massey said to him, "Sir, if I could wash your heart's blood from my hands as easily as I could bear your insult, you would not live another minute."⁶¹

The year of 1885 was one of the most important years in the political life of Virginia and Richmond. General William Mahone opened the Republican convention on July 15. At this convention, John S. Wise was nominated for Governor and H. C. Wood for Lieutenant-Governor. On the 29th of July, the Democrats held their convention. General Fitzhugh Lee was nominated Governor and John E. Massey was nominated Lieutenant-Governor. Fitzhugh Lee and John E. Massey were

59. Ibid, p. 5.

60. Ibid, p. 6.

61. "The Richmond Dispatch", April 25, 1901, Whole Number 15603.

elected the following November by 16,000 majority.⁶²

While he was Lieutenant-Governor, John E. Massey wrote a letter to a Northern paper about the negroes in the South. He said that there was no hostility between the whites of the South and the negroes. He considered the whites the superior race and the negroes the inferior race. To produce greater food, there should be ample education for both races. Honest labor should be encouraged. Also to produce greater good, outsiders should not interfere and say that the rights of the negroes should be respected.⁶³

62. Christian, op. cit., p. 396.

63. Massey, op. cit., pp. 271-273.

CHAPTER VII

JOHN E. MASSEY - SUPERINTENDENT OF PUBLIC INSTRUCTION

On January 2, 1890 John E. Massey took the office of Superintendent of Public Instruction. He succeeded Buchanan in this office. He was shrewd, imperturbable and well informed.⁶⁴ Heatwole said in his book: "He brought to the public school system of the state the power of a strong advocate and a discriminating judgment in matters relating to the educational need of the State. He could carry an audience with him upon almost any topic he chose to discuss before them. He traveled extensively in all parts of the State, persuading the people to look well to the education of the 600,000 children of school age. He put the emphasis upon the 'intensive' aspect of public education, and sought to improve the quality of teaching rather than to extend the system to a greater number of children. He sought to make more worthy of support the system already so well established. He set for his task the

64. Bruce, Philip A., Virginia - Rebirth of the Old Dominion, (Chicago, 1929), p. 202.

improvement of the teaching force of the State."⁶⁵

John E. Massey made many trips through the State and demonstrated his remarkable power of persuasion in a series of addresses to the people at large. These speeches told of the value of education. He expanded on the requirement for a more liberal taxation for the support of the schools. He showed the advantages of a superior type of schoolhouse over the disadvantages of the loghouse which was so generally seen and in which he had had his early education. He showed the demand for a better trained teacher and for more normal schools. He emphasized the need for a higher average in the daily attendance of children of the school age.⁶⁶

"In 1890 only 47 division superintendents reported having held county institutes, which had meant so much as a method of improving the quality of teaching in the 70's and 80's. Sixty-seven of the superintendents had not held these meetings in their counties. These institutes were revived, and under the lead of City Superintendent E. C. Glass of Lynchburg a 'School of Methods' was operated every summer, first, at Lynchburg (1880), and then at Bedford City, Roanoke, and Charlottesville. This summer school became

65. Heatwole, Cornelius J., History of Education in Virginia, (New York, 1916), pp. 253-254.

66. Bruce, op. cit., p. 202.

the leading agency of its kind in the state, and for a time attracted the attention over the entire South. Leading experts in all the fields of education were employed as instructors. The attendance of the teachers often reached 1,200."⁶⁷

"State Superintendent Massey ordered the examination for certificates to be held at the close of this school in August and at the same date all over the State, and in this way secured greater control over the matter of certificating teachers than had yet been obtained in the history of the state school system."⁶⁸

"At the session of the summer school at Bedford City, in July, 1891, at a called meeting of the superintendents of the state, the Virginia State Teacher's Association was organized and has grown to such proportions as to attract from two to three thousand teachers at its annual meetings, which are held each year at the Thanksgiving holiday season."⁶⁹

"In 1894, at the urgent suggestion of Superintendent Massey, the Legislature passed an act including the 'Summer Institutes' as a part of the scheme of popular education; and set aside \$2,500 for their support. With the gift from the Peabody Fund to this cause, these schools became permanent agencies for the training of teachers. The act also

67. Heatwole, op. cit., p. 254.

68. Ibid, p. 255

69. Ibid, p. 255

provided a course of graded instruction for the teachers attending, to cover a period of three years. The attendance upon these institutes for the year 1895 was the largest ever known in the state."⁷⁰

"Another event in the administration of Superintendent Massey was an attempt to open the doors of the University of Virginia to women. This came as a response to the movement for the higher education of women in the state. This scheme provided for the teaching to be done nominally under the supervision of the regular professors of the University. The plan permitted no women to attend lectures or the exercises of the University, but after an examination a certificate of proficiency might be given. Only one woman applied and the plan was finally abandoned."⁷¹

"After a visit to the North, Superintendent Massey recommended that industrial education be introduced into the schools. He highly commended the work done at the Hampton Normal and Agricultural Institute for Negroes, where training in the trades for the boys and domestic science for girls had been introduced."⁷²

"Superintendent Massey's final report contains interesting figures regarding the illiteracy in the state. Of 665,533 persons of school age, 232,949 could not read nor

70. Ibid, pp. 255-256.

71. Ibid, p. 256.

72. Ibid, pp. 256-257.

write; 117,592 were negroes. One-third of the entire school population were illiterate. The state superintendent published in his report of 1896-97 a chart of illiteracy for which it appears that Virginia was the seventh state in illiteracy, the order being: Virginia 30.2%, North Carolina 35.7%, Georgia 38.9%, Mississippi 40%, Alabama 41%, New Mexico 45.5%, South Carolina 45% and Louisiana 45.8%."73

"The final report of Superintendent Massey reveals the fact that there were 60 high schools in the state, nearly all of which were connected with the public school system. The following recommendations are made looking to the greater efficiency of the schools: (1) larger school funds, (2) more efficient teaching, (3) closer supervision, (4) graded courses of instruction for country schools, (5) institutes for normal training, (6) school libraries, (7) county high schools, (8) a state Board of Examiners, (9) better school houses."74

On December 23, 1894 the Norfolk Pilot contained a six column editorial on "The American Book-Trust and How It Operates in Virginia". The paper charged that John E. Massey of the old school board was bribed by J. W. Womack to put books on the school-board list. Governor O'Ferrall, Attorney General Scott, and Clerk McGilvray were also blamed.⁷⁵

73. Ibid, p. 257

74. Ibid, pp. 257-258.

75. "The Richmond Dispatch", December 25, 1894, Whole Number 13541.

The people of Virginia were satisfied with the books.⁷⁶

Massey said that he would act individually and said: "I enter a general denial to the charges, and shall prosecute the authors civilly and criminally to the full extent of the law."⁷⁷

Mr. Massey went to New York and returned with this letter from the American Book Company.

"Sir:

We have read the sensational article published in the Norfolk Pilot of Sunday last, charging the State Board of Education of Virginia and our representatives with wholesale bribery and corruption in connection with the adoption of school text-books for the State and awarding contracts for supply of the same. The proper tribunal to investigate such charges is a court of the Commonwealth of Virginia, and we shall only trespass on your space this time to say that every material charge, so far as it affects this company, or its representatives, its dealings, or its methods, is misleading, false, and libellous, and we assure the people of Virginia that the falsity of these charges and their libellous character will be fully established by suits which will be instituted at once.

"Respectfully,

American Book Company

New York, December 27, 1894⁷⁸

76. Ibid, December 27, 1894, Whole Number 13542.

77. Ibid, December 28, 1894, Whole Number 13543.

78. Ibid, December 29, 1894, Whole Number 13544.

On January 23, 1895 John E. Massey entered suit.⁷⁹ He claimed \$50,000 damages against the Norfolk Pilot.⁸⁰ Mr. Thom Neely and Richard Walke were his attorneys. Mr. Massey said that he had performed his duties, and the Pilot had tried to injure him by saying he acted dishonestly.⁸¹

The trial was held in the Corporation Courtroom. One reporter said this about the trial: "People jostled each other for seats and standing room, and had the place been ten times hotter, and the air far more disagreeable, the people would have crowded together and suffered and endured, so great was the curiosity to hear the opening of the case, the result of which will damn the Superintendent of Public Instruction in the estimation of the people of Virginia or elevate him to the highest rung of the ladder of fame than he ever attained before, and make him a popular idol."⁸²

During the trial John Wise, the attorney representing the Norfolk Pilot, brought up the old contest between Mr. Massey and himself.⁸³ The reporter of a Richmond newspaper on July 25 wrote: "Yesterday was Johnnie Wise's day in the Massey-Pilot suit and Mr. Wise found the opportunity which he has doubtless longed for to get in one more lick at his old enemy. It was an opportunity he did not neglect.

79. "The Times", January 24, 1895, Vol. 8, New Series #271.

80. Ibid, January 12, 1895, Vol. 8, New Series #261.

81. Ibid, February 5, 1895, Vol. 8, New Series #280.

82. Ibid, June 25, 1895, Vol. 9, New Series #116.

83. Ibid, June 27, 1895, Vol. 9, New Series #118.

Of its kind it was a great speech and may be fitly characterized as the eloquence of vituperation. Never, perhaps, in the history of Virginia has one man sat within the same room and heard such a merciless denunciation of himself as that which Mr. Massey heard yesterday afternoon from the lips of Mr. Wise. He called him mean, he called him dishonest, he called him a rascal, a sneak, a hypocrite, a devil in the livery of God, a liar, a money-lover, a thief who rooked the State and his creditor, a heartless miser who consigned his grandchild to a charitable institution and who palmed off to his wife the worthless stock of a boom-town company... In conclusion he asked the jury to send Massey home with the verdict of their contempt and the mark of their scorn upon him and doom him for the few years that remain to him to a life of shame and disgrace."⁸⁴

The views of the reporter himself were: "It was an awful thing, this appeal of Mr. Wise to the jury to put the brand of disgrace upon an old man. I never heard its like before; I hope I shall never hear it again. It seemed to me to hiss with the hatred of hell. I may do Mr. Wise an injustice. It may be that I have taken contempt for hatred. I simply give my impressions and give him the benefit of the doubt."⁸⁵

84. "The State", July 26, 1895.

85. Ibid, July 26, 1895

"And what of Mr. Massey? He sat and listened with the countenance of a stoic and kept his eye on Mr. Wise. When the speech was done, I asked Mr. Massey how he felt. 'I don't know', he replied. 'I hardly have grace sufficient to endure what I have had to pass through this afternoon.'"⁸⁶

It was also brought up in the trial about Mr. Massey charging for his "bridal trip". After the death of his first wife, the former Margaret Ann Kable, John E. Massey expected to be married for the second time in September, 1890. The bride-to-be, Miss Mattie E. McCreary, lived in Alabama. When John E. Massey arrived in Alabama, he was recalled to Blacksburg College. An epidemic of typhoid fever threatened to break out. As a member of the Executive Committee, of the Committee of Curriculum and of the Committee of Control, he had to return. Mr. Massey charged the college for the return trip and was accused by a young Senator of charging for his bridal trip. Mr. Massey showed that each person of the Senate at that time had a complimentary pass from the railroad. The Senator himself acknowledged that he had passes and used them.⁸⁷

The managing editor of the Norfolk Pilot at the time of the accusation was Rev. Sam W. Small. He resigned on

86. Ibid, July 26, 1895.

87. Massey, op. cit., pp. 285-287.

April 14, 1895.⁸⁸ It was shown that R. E. Byrd was the author of the article. This admission was published on June 30, 1895 in the Times: "When the Circuit Court convened this morning at 10:40, Mr. Wise arose and informed the court that the defence did not desire to make any admissions which may make Mr. R. E. Byrd liable for criminal prosecution for libel, but will be willing to admit for the purpose only of these civil proceedings that he was the author of the article of December 23, 1890 (should be 1894)."89

Mr. R. E. Byrd was questioned. "He was handed by Mr. Thom several letters to Mr. Small, and said he wrote them. One stated that he had 'Sent by mail Dec. 20th last installment of the Massey-trust article, and expressed the hope that all of it could be printed as it makes a powerful case against Massey. I want 2,000 copies sent me here (Winchester). I also want a copy sent to every member of the Legislature and Senate.'"90

Another witness was Senator H. D. Flood. He said: "I know the reputation of Mr. Massey, both political and general. I say it is very bad. I would not believe him under oath from my personal knowledge of him, politically

88. "The Times", June 26, 1895, Vol. 9, New Series #117.

89. Ibid, June 30, 1895, Vol. 9, New Series #121.

90. Ibid, June 30, 1895, Vol. 9, New Series #121.

and otherwise..."⁹¹

He continued: "I have voted for Mr. Massey since 1880. I was elected Commonwealth's attorney for Appomattox county, and am my own successor to the office. My election is now being contested, but I hold the certificate of election, and am holding the office. I was one of the attorneys for Ginn & Co., to represent them before the Board of Education in their meeting for the adoption of school books. I did not act for them, however, but referred them to R. E. Byrd, as I was very busy at the time, and could not attend to it."⁹²

Richard E. Byrd was witness again and said: "I am thirty-four years old, and reside in Winchester, Virginia. Have been prosecuting attorney for my county for many years. Have known John E. Massey personally for many years. I know his general reputation for truth and honesty. As Mr. Flood has said, I was in Richmond in the winter of 1893-94, taking care of the interests of my partner, who was a candidate for reelection to office, and Ginn & Co. at that time retained me, in connection with Mr. Flood, to represent them before the board in their competition against the American Book Company for the book contract of Virginia in the spring of 1894..."⁹³

91. Ibid, July 4, 1895, Vol. 9, New Series #124.

92. Ibid, July 4, 1895, Vol. 9, New Series #124.

93. Ibid, July 4, 1895, Vol. 9, New Series #124.

After five weeks, on July 27, 1895 this verdict was given. "We find against R. E. Byrd, S. W. Small and the Pilot Publishing Company, and assess damages at \$1,600 viz \$1,500 punitive, and \$100 actual. As to the other defendants we find them not guilty."⁹⁴

94. "The Times", July 28, 1895, Vol. 9, New Series #145.

CHAPTER VIII

RETIREMENT FROM PUBLIC LIFE AND HIS DEATH

In 1897 John E. Massey retired from public life.⁹⁵ On the twenty-fourth of April in 1901, he died at six-fifteen in the afternoon. He had a cold that developed into grippe. The week before he died, John E. Massey had been elected to the Constitutional Convention.⁹⁶

In the various accounts of his life, the Richmond Dispatch said that the first time that John E. Massey came into prominence was at a debate that he had with a Methodist minister. The debate lasted for several days and a stenographer was sent from Washington to the debate to take notes. This was the first time that a stenographer had come to Virginia. He was paid sixty dollars a day. Massey won the debate.⁹⁷

So much can be learned about John E. Massey from his numerous speeches. He was a person who could express him-

95. Massey, op. cit., p. 298.

96. "The Times", April 25, 1901, Vol. 16, Number 64.

97. "The Richmond Dispatch", April 25, 1901, Whole Number 15603.

self well and could convey his ideas with well-chosen words.

John E. Massey was deeply interested in the political life of Virginia. He was a man of decided ideas and expressed his opinion forcibly. He was vigorously against the Funding Act so he wrote the pamphlet quoted as Chapter four to tell why he disapproved of the Act.

In his political life, he was influenced by his two former professions, the law and the ministry. In fact, he was widely known as Parson Massey. He was an active member of the Readjuster party. He was always prominent in whatever field he entered.

In 1890 he was elected State Superintendent of Public Instruction. He held this position for two terms. During this time, he tried to get better education for the children of Virginia. He realized the need of it and also the need for better prepared teachers.

Thus John E. Massey performed his duties as lawyer, minister, public servant and educator. I think that this quotation fits John E. Massey well.

"With fame, in just proportion, envy grows;

The man that makes a character, makes foes."

Young: Epistles to Pope
Epis. 1, Line 27.

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