Virginia constitution convention

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Evelyn Davidson

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Westhampton
Virginia stood in 1829-30 at the end of the epoch of nationalism and of her dictatorship in federal affairs. The South had not felt to an appreciable degree the coalescent power which the demand for cotton, slaves, and land should wield. Virginia had not begun to reflect the prosperity of her Southern neighbors. Men recognized that there existed an eastern and western Virginia as clearly as in that day of Patrick Henry - only the west was further away, beyond a mountain barrier. Eastern Virginia of 1830 was unmistakably decadent: her handsome estates going to ruin, her plantations overstocked with slaves, and her fields poor at best, worn by wasteful cultivation. Failure seemed apparent. Then there were the prosperous and growing counties of the Piedmont Foothills in which slavery had spread, but not long enough ago to have spent its force or to obtrude its tragic economic aspects. The fertile soil of the valley was supporting a thriving population upon which slavery was fastening a growing hold. Across the Appalachian Highlands was the true west in Virginia - here slavery had done little more than make its appearance, and the people's way of life was distinct from that of Eastern Virginia. These Westerners had come out
strong in their advocacy of the nationalism of the preceding
decade - much to the horror of the Eastern aristocrats who
blamed the failure of their social system on the powers of
the central government, and expected to see fire breathing
dragons appear, coming over the government roads across the
mountains.

For fifty years a struggle had been waged in Vir-
ginia to call a constitutional convention when in December
1827 the House of Delegates by a vote of a hundred and four-
ten to eighty-six and the Senate by fourteen to ten passed
a resolution to refer the much mooted question to the qualifi-
ced voters of the state, who returned a vote twenty-one
thousand, eight hundred and seventy six for and sixteen
thousand, six hundred and thirty seven against a convention.
The legislature finally agreed after much contention that
each senatorial district should elect four delegates to the
convention, this plan giving thirty-six delegates to the
west and sixty to the East. The Convention assembled in the
state Capitol on October 5, 1829. This assemblage has always
been regarded as one of the greatest in point of intellect
ever held in Virginia. There were among the members the ex-
presidents Madison and Monroe; Chief Justice John Marshall;
Governor William B. Giles; United States senators John Tyler
and L. W. Tazwell; eleven congressmen, among them John Randolph, C. F.
Mercer, P. P. Borrourand, Philip Doddridge; Judges Dade, Green and Upshur; and Benjamin W. Leigh; Chapman Johnson and Lewis Summers. Monroe was elected president, and four committees: the Bill of Rights, the Executive, the Judicial and the Legislative were appointed. The state was clearly divided into two sections, which were aligned on opposing sides in this Convention—the western reformers, and the eastern conservatives. The reformers contended that the Declaration of Rights and political formulae of 1776 contained "eternal truths"; they favored majority rule in state and national government; they quoted from the Declaration that all men are by nature free and independent, having inalienable rights; that power derived from the people should govern for the common good. The older and larger class of conservatives had as their leaders Madison, Monroe, Randolph, Tazewell, and Giles, men who also claimed allegiance to the theories of 1776. Yet they were believers in strict construction, venerating the work of the founders and fearing an increase of power in the west. The smaller and more aggressive group of conservatives were younger men led by B. W. Leigh and P. Upshur. They were strict constructionists, opposing nationalism, and leaving behind the principles of 1776. These men represented an impoverished section and sought at all costs to retain their minority rule. They called the arguments used by the reformers' metaphysical subtleties; they had only to look at the slaves to see
that all men were not born equal; they preferred to quote from the Déclaration that to acquire and possess property was justifiable.

The fight over representation took precedence as being of primary importance in the convention. The apportionment of representation is seen to be grossly unjust since it gave to the west with its white population of two hundred and fifty-four thousand, one hundred and ninety-six only eighty delegates and nine senators, while the east with a white population of three hundred and forty-eight thousand, eight hundred and seventy-three enjoyed one hundred and thirty-four delegates and fifteen senators. The West under the leadership of Philip Doddridge demanded the white population as the basis of representation; the East under Leigh advocated an average of the white population and taxes as the true basis. Upshur declared that there were two majorities always to be considered — a majority of numbers and a majority of interests. Mr. Monroe believed that "if no such thing as slavery existed, the people of the Atlantic border would meet their brethren of the west upon a majority of the free white population." The East was fearful for its slave property if the West should gain the ascendancy. There were three hundred and ninety-seven thousand negro slaves east of Blue Ridge and only fifty thousand west of it. Besides the \textit{White Basis} and the \textit{Mixed Basis},
Federal Numbers, Total Population, and Taxation alone were also advocated as basis of representation. Then it became evident that neither side would yield, five compromising plans were brought before the Convention; two for apportionment without constitutional basis; one for an average of white basis, mixed basis and Federal Numbers; another for White Basis in the lower house and Federal Numbers in the Senate; and another for an average of the White Basis and Federal Numbers in both houses. The Convention adapted Mr. Gordon's plan of more equitably distributing the representation without regard to a constitutional basis. The clause in the constitution with reference to this stated that in a House of Delegates of one hundred and thirty-four members, fifty-six were to be from the West, and seventy-eight from the East, in a Senate of thirty; thirteen were to be from the West, nineteen from East. Concerning future reapportionment Mr. Madison's resolution was carried stating that the "General Assembly after the year 1841 and at intervals thereafter of not less than ten years shall have authority, two thirds of each house concurring to make reapportionments of delegates and senators throughout the commonwealth so that the number of delegates shall not at any time exceed one hundred and fifty nor the senators thirty-six."

The discussion of suffrage in the Convention stood
next after that of representation. Virginia was the only state which continued to demand a freehold estate as the sole qualification for suffrage. At this time there were one hundred and forty-three thousand white men in Virginia, forty thousand were freeholders, and sixty thousand owned taxable personal property. The Western delegates wanted free manhood suffrage. There was also much sentiment in the east for an extension of the suffrage at the beginning of the Convention. Many conservatives wished for the extension of suffrage especially was general in small counties when all the land was taken up, and among the mechanics and shopkeepers of towns. Marshall read a MEMORIAL FROM A NUMEROUS AND RESPECTABLE BODY OF CITIZENS; THE NON-FREEHOLDERS OF RICHMOND, stating why they should be given the vote. Other such memorials were presented. Mr. Alexander Campbell of Bethany College proposed to extend elective franchise to free white men twenty-three years old. By another proposition suffrage would be granted to every free white man who had lived in the state during the previous year and had paid his taxes. James Monroe said that he went as far as the most liberal in desiring the extension of the franchise. Leigh in opposing extension said that the liberty of Virginia would die through excess. Randolph wished the Convention to adjourn sine die without attempting to change the constitution of 1776; he said; "such is the wisdom of our existing form of government that no proposition can be brought forward with a view to making
inroad that can demand a respectable majority. The reformers failed by the vote forty-four to forty-eight of extending the franchise to all tax payers. The following qualifications were agreed upon for voters: a twenty-five acre freehold of improved land acquired before 1830, a fifty acre freehold of unimproved land acquired before 1830, a twenty-five dollar freehold, a twenty-five dollar joint tenantship, a fifty dollar reversion. These raised the number of those enjoying franchise from one third of total number of free white men to one half.

The Constitution of 1830 did not settle the difference between the East and the West. Under the old Constitution the West had about thirty-three per cent of the Legislature. Now it had forty-one per cent. If the white basis had been accepted the West would have been entitled to forty-six per cent. No Constitutional basis could be arrived upon even though the West had come to the convention to demand principles. Still about fifty percent of free white men were excluded from franchise. Randolph prophesied well when he said that the work of the Convention would not last over twenty years. Some improvements were made over the old constitution: the legislature reduced from two hundred and fourteen to one hundred and thirty-four; the governor was given more authority, the Executive council was reduced in membership. Representation was more justly apportioned. The West and the East had come
to terms, not to an amicable understanding. The Constitution passed Convention fifty-five to forty. Cook of Frederick was the only delegate from west of Blue Ridge who voted aye. The vote for ratification among the people was twenty-six thousand and fifty-five against fifteen thousand, five hundred and sixty-six.