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THE IDEOLOGY OF EQUALITY: JAMES MURRAY MASON AND ANTEBELLUM POLITICS

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THE IDEOLOGY OF EQUALITY:
JAMES MURRAY MASON AND
ANTEBELLUM POLITICS

A Thesis
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
History

by
Adam J. Zucconi
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Accepted by:
Dr. Paul Anderson, Committee Chair
Dr. Rod Andrew, Jr.
Dr. James Burns

ABSTRACT

Most studies of antebellum Virginia politician James Murray Mason examine his post-Senate career as Confederate ambassador to England. Those that do explore his tenure as a senator and, earlier, state politician, misinterpret his ideology and portray him as a proslavery demagogue. Perhaps most troubling, few delve into the political context of Virginia, and the forces and tensions present in the Commonwealth during this period. This study seeks to question this historiographical trend by asking a question basic to any understanding of Mason's career: What was the foundation of James M. Mason's political ideology, and how did he balance it as a representative of a state with a large slaveholding *and* nonslaveholding population? This paper analyzes Mason's tenure as a delegate in the Virginia General Assembly and as a representative in the U.S. Congress, and places his rhetoric in the context of early antebellum Virginia. It considers such factors as an entrenched aristocracy in state government, slavery, and internal improvement projects. What emerges during his time as a state politician was an ideological foundation that espoused equality for all white Virginians, nonslaveholders and slaveholders alike. Next, the paper studies Mason's career in the Senate. Using his speeches and actions, this paper illustrates that while Mason altered his rhetoric as a senator, his ideological foundation remained constant. The ascendancy of the Republican Party and election of Abraham Lincoln threatened Mason's conception of a government that balanced the forces of property and political power. Accordingly, Mason advocated secession as a proper remedy.

DEDICATION

To Mom and Dad

ACKNOWLEDGEMENTS

There are many individuals who contributed to the completion of this thesis. I would first like to thank my adviser and committee chair, Dr. Paul Anderson. Over the past two years, Dr. Anderson listened to my jumbled and often incoherent thoughts concerning my topic, and was somehow able to make sense of all of it and guide me in the right direction. His acuity was essential to the completion of this thesis. I would also like to thank the other committee members, Dr. Rod Andrew, Jr. and Dr. James Burns. Both greatly contributed to the formation and strengthening of my thesis.

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Last and most important, I thank Mom and Dad. Their unfailing support and love not only over the past two years but also throughout my life have been

instrumental to my development as a student, a son, and as a person. Words will never be able to capture and articulate my love for them. This work is lovingly dedicated to them.

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INTRODUCTION

In the hushed but electric Senate chamber, the eminent South Carolinian seemed like a shell of his former self. The fiery eyes that once burned so fiercely had dimmed. The health that sustained him had failed. Yet all gathered knew that until his last breath, Senator John C. Calhoun would fight for a unified and dignified South. On this day, March 4, 1850, however, Calhoun's voice did not echo through the Senate. Instead, Senator James Murray Mason of Virginia spoke the South Carolinian's final pronouncement. "[The Union] cannot, then, be saved by eulogies on the Union, however splendid or numerous," Mason thundered. "There is but one way by which it can [be saved], and that is, by a full and final settlement on the principle of justice, of all the questions at issue between the two sections." Mason finished the rest of Calhoun's speech, asserting that should the North fail to fulfill its responsibilities with the South, secession was imminent.¹

To many in and around Washington, Calhoun's choice of Mason seemed appropriate. The Virginian was a strong supporter of the senator from South Carolina. "Nature has given him [Calhoun] a mind of the very highest order," Mason believed, "and it is cultivated and improved to the uttermost extent of acquirement and profound study."² Much like Calhoun, Mason resented the antagonistic North and its constant criticisms of slaveholders. While not a grand planter—he owned at most thirteen slaves—he was a staunch defender of slavery. A strict constructionist,

¹ Final speech of John C. Calhoun, reprinted in Alexander H. Stephens, *A Comprehensive and Popular History of the United States* (Philadelphia: The National Publishing Co., 1882), 517-518.

² J.M. Mason to Sarah Maria Mason, January 1, 1839, reprinted in Virginia Mason, *The Public Life and Diplomatic Correspondences of James M. Mason by his Daughter Virginia* (Roanoke, VA: The Stone Printing and Manufacturing Co., 1903), 46 [hereafter cited as Mason, *Public Life*].

Mason believed that the Constitution, a document forged with the help of his grandfather, explicitly restrained the powers of the federal government and empowered states and individuals. Calhoun espoused many of these arguments during his tenure, closely aligning the two senators. But while historians have dissected the ideology of the speech's writer, none have fully and adequately explored the ideology of the orator.

James Murray Mason was born in 1798 in Washington, D.C., and reared in one of Virginia's most prominent aristocratic families. His family traced its lineage to the early days of the republic and even back to England, and had been a constant fixture in politics in both countries. James was a scion of George Mason, a renowned Virginian and Founding Father. The elder Mason was the author of the Virginia Bill of Rights, a set of explicit and inherent principles. As an influential delegate during the Constitutional Convention of 1776, he pressed for the inclusion of those same protections, a sign of his wariness of a strong and centralized government. Even though his anti-slavery stance was unpopular in a state founded on the institution, Virginians appreciated his devotion to individual rights and his service to the Commonwealth.³

Except for the nagging issue of slavery, James Murray Mason internalized much of his grandfather's ideology. James also took a hands-on approach to learning

³ Robert W. Young, *Senator James Murray Mason: Defender of the Old South* (Knoxville: The University of Tennessee Press, 1998), 3. While a slaveholder, George Mason recognized the moral perils of slavery. He called it a "slow poison" that "contaminat[es] the Minds [*sic*] and Morals [*sic*]" of people. Quote found on, Gunston Hall: Home of George Mason, "George Mason's Views on Slavery," http://www.gunstonhall.org/georgemason/slavery/views_on_slavery.html [accessed November 4, 2009].

about politics and the workings of government. His father John Mason, a local politician, was a commissary general of prisoners during the War of 1812. Furthermore, close proximity to the Capitol allowed James to follow political debates. He listened intently and kept abreast of pertinent political issues. Mason supplemented this practical education by attending the University of Pennsylvania. Upon graduation, he moved to Williamsburg and studied law at the College of William & Mary. Following law school, Mason moved to Richmond and was mentored by Benjamin Watkins Leigh, a noted lawyer and outspoken defender of the eastern aristocracy.⁴ After he gained admission to the bar, Mason and his wife surprised their families by deciding *not* to settle in the Tidewater region. Instead, Mason set up his practice in Winchester, a post-frontier town in Frederick County in the Shenandoah Valley.⁵ Initially, Mason struggled as a lawyer. He found little work, and relied heavily on his father for financial support. But after three difficult years, Mason achieved financial independence and, with it, an opportunity to pursue politics.⁶

Mason's rise to politics came at a pivotal moment in Virginia's history. By the 1820s, the Old Dominion was in a state of flux. Virginians steadily migrated away from the plantation society based in the Tidewater that traditionally had dominated state affairs. These aristocrats used their blue blood to justify their claims to high

⁴ Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States' Rights, and the Nullification Crisis* (New York: Oxford University Press, 1987), 126.

⁵ Mason's choice to settle in Winchester deserves careful consideration. The town, with its network of highways, was a crossroads between eastern and western Virginia and Virginia and Maryland. Here, residents exchanged commercial and agricultural goods, along with ideas and opinions.

⁶ Young, *Mason*, 3-6.

elective offices. Following the Revolutionary War, however, internal and external factors undermined their standing. Numerous Tidewater planters, having spent lavishly prior to the war in order to buttress their social status, found themselves indebted to British merchants.⁷ Faced with declining tobacco production due to soil exhaustion and mounting debt, some moved west and settled in the rich and fertile grounds of the Piedmont.

Both the Tidewater and Piedmont possessed navigable rivers that facilitated transportation and plantation-based commerce, and the geography and climate fostered agricultural development. This area soon resembled the cotton plantations of South Carolina and Georgia, both in substance and in style. Its culture idealized the republican form of government, celebrated the virtues of slavery, and demanded deference from nonslaveholding yeomen. By the 1810s and 1820s, the interests of residents in the Tidewater paralleled those in the Piedmont.

These interests, however, differed sharply from residents who lived in the area west of the Piedmont. Populated largely by émigrés from outside Virginia, the Shenandoah Valley and area west of the Alleghany Mountains—known as the Trans-Alleghany—offered a region distinct from the Piedmont and Tidewater.⁸ The Valley, the Blue Ridge Mountains forming its eastern border and Alleghany Mountains forming its western border, possessed a soil and climate best suited to production of corn and wheat. West of the Shenandoah Valley, the mountainous topography of the

⁷ A discerning account of one family faced with this threat is Cynthia A. Kierner, *Scandal at Bizarre: Rumor and Reputation in Jefferson's America* (Charlottesville: University of Virginia Press, 2004).

⁸ It should be noted that these geographic names were conceived by the Virginia 1850-51 Constitutional Convention.

Trans-Alleghany left little room for large-scale farming. Mineral deposits, including coal and salt, along with abundant timber, however, made the section a prime area for manufacturing. These factors inhibited plantation-style slavery, and as a result western counties possessed far fewer slaves than the Tidewater and Piedmont. And though both western regions witnessed a rapidly increasing white population, the lack of slaves left both the Shenandoah Valley and Trans-Alleghany vulnerable to a state government designed by and for the state's slaveholding aristocracy.⁹

Because eastern aristocrats dominated the state government (as they had the colonial government), they curtailed egalitarian and democratic measures in order to consolidate their power. Strict suffrage qualifications and inequitable representation prevented western residents from equal participation in the state government; westerners possessed fewer voices in the state legislature to fight for their interests. Because the government acted without their consent, residents in the Shenandoah Valley and Trans-Alleghany perceived themselves as white slaves to eastern aristocrats.

Faced with a shifting political and demographic environment and acute sectional tensions, the issue of maintaining supporters in both sections became critical for Mason as an aspiring politician. Mason maneuvered through this complex milieu by cultivating a Janus-faced persona. While a state delegate and representative in Congress from a western district, Mason denounced attempts to

⁹ The Trans-Allegheny experienced a five-hundred percent growth rate between 1790 and 1830, faster than the rest of the state combined. This exceptional growth rate resulted from a large influx of immigrants from Pennsylvania, Ohio, and New Jersey. William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York and Oxford: Oxford University Press, 1990), 170.

subjugate the will of the majority. He attacked the philosophy that the protection of property superseded democratic ideals, and fought assertions that slavery deserved political weight. But as Mason rose to senator, external and internal threats to slavery challenged Mason's ideology. Discontented white Virginians became more openly hostile to the institution, and the Republican Party presented a manifest threat on Virginia's doorstep. Accordingly, Mason took steps to ensure the protection of slavery as a means of preserving equality for white southerners. He embraced the benefits derived from the institution, and attacked those who attempted to curtail or question its legitimacy and political being. Ultimately, while Mason's focus shifted during his tenure as a politician, his ideological platform remained constant as he fought for a system of government that kept the forces of property and political power "nearly equipollent" but always "divellent."

A study of Mason has several benefits. He provides an entry point into a complex and shifting period in Virginia and United States history. The path of his career mirrors that of the forty years preceding the Civil War, a time of intense wariness over the feasibility of an incipient republic composed of diverse interests, peoples, and forces. Furthermore, having served on both the state and national levels, Mason allows an opportunity to examine the interplay of political tensions in Virginia and the nation.

Historiographically, there is an opportunity to reveal a truer portrait of James Murray Mason. Robert Young's biography of Mason presents him as the

“quintessential southerner.”¹⁰ Young points to Mason’s penchant for defending slavery, protecting the Constitution from loose interpretations, his aristocratic ancestry, and his friendship with South Carolinian John C. Calhoun. Ultimately, Mason appears as a southern demagogue in Young’s study. Yet the author fails to address key aspects of Mason’s career. Notably absent is discussion concerning the changing circumstances in Virginia, and how this affected Mason. Also, if Mason constantly espoused southern dogma, what accounts for his popularity, especially in the moderate, nonslaveholding West? With his western sympathies, how did Mason continually win reelections from a legislature dominated by the Tidewater and Piedmont? Further, why did Mason’s private actions often differ from his public pronouncements? Without the answers to these questions, what emerges is a pedestrian interpretation of a key antebellum politician.

Other studies paint similar pictures. Burton J. Hendrick claims that Mason was an “old fashioned Virginian” who represented the ideals of his state’s Revolutionary ancestors.¹¹ He also argues that Mason celebrated slavery “because it aroused hostility in the North.”¹² Hendrick’s analysis glosses over Mason’s pre-senatorial accomplishments, and instead portrays Mason as a prophet of disunion. Henry T. Shanks states that Mason “was a ‘fire eater’ who by no means represented the majority of sentiment in Virginia.”¹³ Hendrick and Shanks afford little attention

¹⁰ Young, *Mason*, xi.

¹¹ Burton J. Hendrick, *Statesmen of the Lost Cause: Jefferson Davis and His Cabinet* (New York: The Literary Guild of America, 1939), 235.

¹² *Ibid.*, 243.

¹³ Henry T. Shanks, *The Secession Movement in Virginia, 1847-1861* (Richmond: Garrett and Massie Publishers, 1934), 27.

to Mason's time as a state delegate, and therefore what emerges is a misguided interpretation of his actions as a senator. One contemporary study that hints at a new interpretation of Mason is William G. Shade's *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861*. Shade concedes that Mason's past as a delegate "suggests a more complex relationship between states' rights sentiment and the support for democratic reform."¹⁴ Shade also notes that by the 1840s, Mason and fellow Senator Robert M.T. Hunter were the "dominant voices in the Virginia Democracy."¹⁵ The few other studies mentioning Mason focus primarily on his time as Confederate diplomat to England and the *Trent* affair.¹⁶

One glaring deficiency of these previous studies of Mason is that they are antiquated. Within the last decade, however, new scholarship examining antebellum Virginia has emerged. This boon has provided an opportunity to address Mason in the context of antebellum Virginia, and better understand his reaction to the different forces and tensions he confronted. William Link's *Roots of Secession: Slavery and Politics in Antebellum Virginia* explores how increased militancy among slaves threatened slaveholders' hegemony. The desire from slaveholders to protect their power and property hastened their demand for secession. Soon, this intersection between politics and slavery dominated discourse in the state, and became an important element in Virginia's decision to secede.

¹⁴ William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861* (Charlottesville and London: University of Virginia Press, 1996), 14-15.

¹⁵ *Ibid.*, 96.

¹⁶ See Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: The University of North Carolina Press, 2010); and, Norman B. Ferris, *The Trent Affair: A Diplomatic Crisis* (Knoxville, TN: University of Tennessee Press, 1977).

Other studies focusing on cultural issues further elucidate antebellum Virginia. Peter Carmichael's *The Last Generation: Young Virginians in Peace, War, and Reunion* examines the social, economic, and political dynamics of Virginia, and how young men grew restless while the state languished under "old fogyism."¹⁷ Growing weary of endless procrastination and debate, this cadre of young men supported secession as a means of instigating a revolution against their elders. In *Why Confederates Fought: Family and Nation in Civil War Virginia*, Aaron Sheehan-Dean demonstrates that the existence of a strong level of solidarity concerning three critical factors—a prosperous economy, companionate marriages, and a liberal democracy—and the desire to perpetuate these elements led many to support secession and war. These studies and others elucidate the multifarious interests and influences existing in the Commonwealth.

The objective of this study is to examine how James Murray Mason fought for equality for white southerners, both at the state and national level. In setting out to describe antebellum history, it is critical to explore national and state level issues. Residents weighed both local and national concerns when discussing politics, and studies examining this period must do the same. Examining the circumstances in Virginia, specifically those surrounding constitutional and political developments, reveals the shifting environment Mason called home. For deciphering Mason's ideology, it is important to examine his speeches and actions, as they represent the

¹⁷ Peter Carmichael, *The Last Generation: Young Virginians in Peace, War, and Reunion* (Chapel Hill and London: The University of North Carolina Press, 2005), i.

most accessible evidence.¹⁸ However, it is essential to examine this rhetoric in both his pre-senatorial and senate career. Doing so demonstrates that Mason did not *alter* his ideology so much as *shift* it to confront new tensions. By combining domestic and national elements, this study demonstrates that his goal was to ensure a form of government that kept the forces emanating from slavery and political power “nearly equipollent.”¹⁹

¹⁸ Union troops—ironically from the newly formed state of West Virginia—destroyed most of his letters when they razed his home in Winchester, Virginia in 1862. His children destroyed many of the letters before they abandoned their homes to enemy forces.

¹⁹ It should be noted that dividing the study into two chapters was intentional. It underscores the significance of both local and national politics during the early and mid-19th century, as well as providing a demarcation between Mason’s years as a state politician and those as a senator.

CHAPTER 1: JAMES MURRAY MASON AND STATE POLITICS, 1826-1847

In 1826, James Murray Mason entered the election for the House of Delegates for Frederick County. He canvassed the region, basing his political platform on a call for a new constitutional convention to revise the antiquated document. His stance on this issue resonated with Frederick's residents. The constitution's artificial restrictions on suffrage and inequitable representation relegated western citizens to minority status. Mason's position proved favorable as Frederick County elected the Winchester lawyer as their representative by a narrow margin of sixteen votes.²⁰

While his opponents echoed his stance on revising the state constitution, Mason's surname undoubtedly aided his election. As William G. Shade notes in *Democratizing the Old Dominion*, political parties during this period were still embryonic. Therefore, a candidate's surname often carried more weight than political affiliation. Mason's ancestry, while a crucial component of his political creed, also lent credence in a society that valued pedigree in politicians. Equipped with a prestigious last name, Mason began his journey in politics.

MASON, VIRGINIA, AND THE TUMULTUOUS 1820S

In the 1820s and 1830s, Virginia appeared to be in a state of economic, political, and social decline. A feeling of ambivalence and pessimism pervaded the citizenry. Virginia congressman James Mercer Garnett mourned the present

²⁰ Mason polled 396 votes, while his two opponents received 380 and 207 respectively. James L. Bugg, "The Political Career of James Murray Mason: The Legislative Phase," (Ph.D. diss., University of Virginia, 1950), 56.

condition of his state in 1827. “Virginia—poor Virginia furnishes a spectacle at present, which is enough to make the heart of her real friends sick to the very core,” he moaned.²¹ A few years later, Benjamin Watkins Leigh echoed similar misgivings. “Where...are our arts, our literature, our manufactures, our commerce? Whither has the Genius [*sic*] of Virginia fled?” he asked. “Virginia has declined, and is declining—she was once the first State in the Union—now she has sunk to be the third, and will soon sink lower in the scale.”²² Travelers to Virginia likewise noted a pervasive sense of malaise. While these elite politicians lamented the decline of the Old Dominion, analysis reveals that their myopic conclusions about the whole state should have focused on one particular region.

Politically, Tidewater Virginians had dominated the executive and judicial branches since the nation’s inception. Four of the first five presidents were from eastern Virginia, and Fauquier County lawyer John Marshall lorded over the Supreme Court by establishing precedents for future cases. However, political passivity gripped Virginia in the early 1800s, coinciding with eastern Virginia’s decline in national power. When native son Thomas Jefferson ran for president in 1800, only twenty-five percent of eligible voters cast a ballot. His reelection bid four years later compelled only eleven percent of Virginians to vote. By 1820, only three

²¹ James Mercer Garnett to John Randolph, October 16, 1827, reprinted in Robert P. Sutton, “Nostalgia, Pessimism, and Malaise: The Doomed Aristocrat in Late Jeffersonian Virginia,” *Virginia Magazine of History and Biography*, 76, no.1, (January 1968): 42.

²² *Proceedings and Debates of the Virginia State Convention of 1829-1830* (New York: Da Capo Press, 1971), 404-405 [hereafter referred to *Proceedings and Debates*]. For a thorough analysis concerning the migration of Virginians in the eighteenth and nineteenth centuries, see David Hackett Fischer and James C. Kelly, *Bound Away: Virginia and the Westward Movement* (Charlottesville and London: University of Virginia Press, 2000).

percent of the eligible electorate went to the polls for another native son, James Monroe.²³ What accounts for this apathy? Virginia still practiced the *viva voce* method of balloting, an intimidating practice where residents voiced their votes in front of their neighbors. But closer examination reveals an important insight. Following the American Revolution, eastern elites in Virginia discovered themselves working beside political novices. A revised constitution ratified in 1776 created new legislative offices, and the creation of new counties across the state allowed more commoners to enter politics. This action dismayed many Tidewater aristocrats, and led some to become less engaged in politics. After the Revolution, only one out of the seventeen men who served on the governor's council from 1765 to 1776 stayed active in politics. By 1787, Virginia's gentry held only one-tenth of the seats in the General Assembly.²⁴

Virginia's economy underwent dramatic changes as industry developed across the state. As Alexis de Tocqueville noted in his visit to the United States in the 1830s, the rise of commercial manufacturers in the North embodied the potential for development and prosperity. In Virginia, however, a nostalgic Tidewater aristocracy feared the dehumanizing aspects of industrialization and the possibility of labor unrest. Accordingly, they shunned manufacturing possibilities and tenaciously clung to an agrarian and slave-labor model. Industry, though, continued to emerge anyway as an important economic force, especially in western Virginia. Even though eight

²³ Susan Dunn, *Dominion of Memories: Jefferson, Madison, and the Decline of Virginia* (New York: Basic Books, 2007), 9. Partly contributing to political apathy in 1820 was a lack of an opposing candidate, a result of the decline in popularity of nominating caucuses.

²⁴ Kierner, *Scandal at Bizarre*, 16-17.

out of ten workers across the state labored in agriculture, the nonagricultural sector grew fifty percent from 1820 to 1840. During harvest time in the Shenandoah Valley, rural mechanics often hired themselves out to farmers.²⁵

Virginia's coal industry also proved to be an economic boon. The Old Dominion led Pennsylvania in bituminous coal trade until 1828, and, prior to 1842, the Richmond Coal Basin alone produced two million tons of coal. Western Virginia was the center of this industry, and exported nearly seventy percent of the state's coal by 1840. Western counties like Kanawha and Ohio accounted for nearly three-fifths of the state's production, and coal mining and exporting became an increasingly profitable industry, linking western counties with cities like Baltimore and Pittsburgh.²⁶

While the manufacturing sector appeared promising, agriculture fluctuated. Tobacco exhausted the soil in the Tidewater. Planters, needing new land, migrated along with their slaves to the Piedmont. Tobacco prices, though, remained capricious for the following decade. Other staple crops such as corn, potatoes, and oats grew in nearly every county, as did animal husbandry. Wheat and cotton also emerged as cash crops, especially in the Piedmont.²⁷ While the proliferation of new crops indicated agricultural diversification, other factors signaled a stagnant economy lagging behind other states. Trade declined sharply from 1800 to 1850, with human chattel becoming the leading export after the closing of the international slave trade

²⁵ Shade, *Democratizing the Old Dominion*, 32-34.

²⁶ *Ibid.*

²⁷ *Ibid.*, 32-33.

in 1808.²⁸ The decline in the value of farmland during the 1820s reflected the overall downturn in the economy. As a whole, farmland was worth approximately one-third less than in neighboring Pennsylvania. In areas where the white-to-black ratio was 15-1, the value of the land was \$7 per acre, an indication that fewer slaves meant higher land value. A lower white-to-black ratio of approximately 2-1 resulted in the land being valued at only \$4.50 per acre.²⁹

Perhaps the greatest hindrance to economic prosperity was the lack of internal improvements, notably west of the Blue Ridge Mountains. Residents in western Virginia, many of whom were recent immigrants, were among the state's poorest. Western poverty made it difficult to raise the three-fifths of the capital needed to build roads and canals required by the constitution.³⁰ Their land, though, was rich in natural resources such as timber, salt, and coal.

To easterners, though, political rationality overshadowed any desire to spend on western improvements. Eastern politicians argued that since they paid the majority of taxes, they should receive the benefits derived from those dues. Accordingly, the General Assembly directed most of the funding to support projects in eastern part of the Commonwealth. Money formed only part of the issue.

²⁸ Dunn, *Dominion of Memories*, 10. As an example, Virginia's exports in 1800 were \$4.5 million. A comparatively small state, Massachusetts, had exports of \$11 million. In 1853, the value of Massachusetts' exports rose to \$16 million, while Virginia's exports declined to a paltry \$3 million.

²⁹ *Ibid.*, 9.

³⁰ Francis Pendleton Gaines, Jr., "The Virginia Constitutional Convention of 1850-51: A Study in Sectionalism" (Ph.D. diss., University of Virginia, 1950), 14; Michael Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (Oxford and New York: Oxford University Press, 1999), 86. Poverty plagued western counties. Out of the most prosperous thirty-six counties in Virginia, only one was in present-day West Virginia. Of the bottom third least prosperous counties, seventeen of the thirty-six were in this same region.

Improving the commercial and financial development of the West took capital away from the Tidewater and Piedmont regions and thus weakened those regions while it strengthened the Shenandoah Valley and Trans-Allegheny. This argument over internal improvements became a recurring and tense contest between the East and West during subsequent constitutional conventions.³¹

Capturing the decline of aristocratic Virginia were novelists such as John Pendleton Kennedy, George Tucker, and Nathaniel Beverly Tucker. Kennedy's novel, *Swallow Barn, or a Sojourn in the Old Dominion*, explored the life of the Tidewater aristocracy, including the customs and habits of plantation life. While Kennedy celebrated aspects of plantation agriculture, he critiqued slavery in the Tidewater and foreshadowed its eventual demise. George Tucker's *Valley of Shenandoah: Or Memoir of the Graysons* began ominously, stating that Colonel Grayson, the "ancient cavalier," is dead, along with his affluence and antique chivalry. Tucker used the colonel as a metaphor for the decline of Tidewater aristocrats, and posited that these morally degenerate elites were ultimately doomed to destitution and failure. Nathaniel Beverly Tucker's *George Balcombe* examined the darker side of plantation life for aristocrats, tracing the tale of a planter who frivolously spent his money and now lived in poverty.³²

It appeared that the Virginia aristocracy was a dying breed, yet these signs failed to push them toward reform. Aristocrats often remarked that external influences, not internal circumstances, bred discontent and entropy. Benjamin

³¹ Shade, *Democratizing the Old Dominion*, 14, 42-43, passim.

³² Sutton, "Nostalgia, Pessimism, and Malaise," 43, 47.

Watkins Leigh pointed to the states north of the Mason-Dixon Line as the cause for Virginia's woes. Any physical or moral

plague originate[s] in the North, [and] it is sure to spread to the South and invade us sooner or later: the influenza—the smallpox—the varioloid—the Hession fly—the Circuit Court System—Universal suffrage, all come from the North—and they always cross above the falls of the great rivers.³³

By placing blame for the deterioration of Virginia on outside influences, aristocrats remained insular and ready to reject any attempt to introduce change into society.

As a western delegate, James M. Mason faced this intransigent Tidewater aristocracy as an outsider himself. Perhaps most difficult, though, was the ideology that he confronted. Eastern aristocrats clung tenaciously to a republican model of government practiced since the colonial era. In this model, commoners were deferential to their superiors, and power flowed from the top down. Elites stood atop the pyramid, while slaves formed the bottom layer. Mechanics, artisans, yeoman farmers, and shopkeepers occupied the area above chattel but below elites. Often, though, eastern elites blurred the distinction between black slaves and white free men, leaving many sensitive to the notion that slavery was essentially degrading.

Property ownership, whether land or slaves, formed a critical component of republican ideology. Freed from the constraints of working, landowning and slaveholding elites could concentrate on philosophizing about the science of government. Their property and wealth also (supposedly) released them from sins such as avarice and ambition. By extension, these independent men could institute an incorruptible form of government that sought the best for the public good, which

³³ *Proceedings and Debates*, 404-405.

included the masses. External influences and circumstances, however, such as a burgeoning democratic population outside of the Tidewater and a diversifying economy, challenged this ideology. What resulted in Virginia was a reactionary corps of elites that sought to preserve a threatened ideal of government and society. It was into this complex and shifting environment that Mason entered.

DELEGATE MASON

Internal improvement projects were polarizing issues both domestically and nationally. Proponents saw the economic benefit wrought by these projects, while opponents viewed them as an overextension of government power. For Virginians in the Trans-Allegheny and Shenandoah Valley, internal improvements were critical projects that increased capital and facilitated transportation and trade. Under the John Quincy Adams administration, the federal government dramatically increased its involvement in internal improvements, allocating money for canals, bridges, and roadways.³⁴

In February 1827, the 19th Congress proposed the construction of the Cumberland Road and the Chesapeake and Ohio Canal in Virginia. Both projects aimed to facilitate transportation between the Trans-Alleghany and Shenandoah Valley with markets in Maryland, Ohio, Indiana, and Illinois, and divert trade from Richmond and other eastern Virginia towns and cities. Representing the western town of Winchester, Mason was expected to support internal improvements,

³⁴ Holt, *American Whig Party*, 7.

including these two, which would bring much-needed capital to the area. Instead, Mason spurned his constituency and supported resolutions introduced by House Delegate William Branch Giles that condemned these projects as an overextension of the federal government. Mason's support of these resolutions exposed him to the ire of his constituents.³⁵

Even though the Giles resolutions denounced protective tariffs—a move supported by farmers—the constituency's anger focused on Mason's refusal to support federally funded internal improvement projects. He responded to their angst and dismay by penning an open letter. In it, he reaffirmed his support for state appropriated projects, but maintained that federal involvement in state matters established a dangerous precedent for future issues. "In practice it has been found," Mason argued, "...that the extension of the Federal power tends to consolidation, from which, when once established, there is no alternative between despotism or civil war." He voted against the internal improvements, believing that to affirm them would be to give the federal government unwarranted and unconstitutional powers. "Now I would ask, whether, had it been the intention of the framers of the Constitution to confer so important a power as this...?" he wrote. Had it been their intention, he articulated, the founders would have explicitly written it.³⁶

Mason's strict constructionism was evident, but the deeper issue of tariffs troubled him. The most onerous part of federal tariffs was their inherent inequality.

³⁵ Young, *Mason*, 7-8.

³⁶ *Richmond Enquirer*, April 10, 1827. Speech is also reprinted in Mason, *Public Life*, 22-26. Mason received less than twenty-two percent of the vote in a four-man contest. Bugg, "The Political Career of James Murray Mason," 89.

They amounted to a “tax [on] the rest of the community for the benefit of a particular class.” The “burthen” created by these measures was “particularly heavy,” and ultimately placed manufacturing interests above agricultural concerns. Moreover, tariffs tilted the government to support the former over the latter. Mason perceived this policy as “oppressive” and “calamitous” and voted against these measures. His argument fell on deaf ears; he was defeated for reelection.³⁷

Mason’s respite from politics proved short-lived. In January 1828, Andrew Jackson supporters appointed Mason to the state nominating convention. That same March, buttressed by Jackson’s popularity, Mason was elected again to the House of Delegates in 1829.³⁸ John Randolph of Roanoke, a prominent state and national politician, believed that the citizens corrected their previous injustice. “Frederick County has redeemed nobly her errors and expiated her offences [*sic*],” he wrote to Mason.³⁹ Politics in Virginia, though, were unsettled. Across the South, democratic and egalitarian measures cropped up in the newer states of the southwest, such as Alabama and Mississippi.⁴⁰ But Virginia continued to operate under the oligarchic 1776 state constitution. Cries for revising the state constitution surfaced. Westerners demanded democratic reforms, notably the ‘one white man, one vote’ principle and equitable representation in the state legislature. Tidewater elites, favoring limitations on the political process, abhorred opening up the political

³⁷ Mason, *Public Life*, 23.

³⁸ Young, *Mason*, 9.

³⁹ John Randolph to J.M. Mason, April 12, 1828, reprinted in Mason, *Public Life*, 26.

⁴⁰ For example, Mississippians achieved universal white manhood suffrage by 1830, while Alabama promoted popular elections and term limits for all state judgeships. See Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York and London: W.W. Norton & Company, 2005), 341.

process to commoners. The subsequent constitutional convention revealed sharp and diametrically opposed ideologies between the two sections.

Western agitation for reform had been building for several years, and rested upon perpetuating grievances.⁴¹ What made the calls for a new constitutional convention in the late 1820s different from previous years was the West's growing realization of its population increase and the decline of the Tidewater's. Counties in the Trans-Allegheny region experienced a rapid population growth from 1820 to 1829; there the population grew approximately forty percent while the Tidewater grew only about two percent.⁴² This shift in the balance of population largely resulted from outward migration of planters and aspiring planters, one indication of the economic paralysis gripping the Tidewater.⁴³ A rapidly expanding population west of the Blue Ridge required an updated political system to confront new economic, political, and social issues. Witnessing other southern slaveholding states achieve democratic reforms only increased westerners' demands for a new constitution.

With a growing number of voices clamoring for change, easterners sensed that a constitutional convention seemed imminent. Some rationalized, though, that lending support to these calls could solidify eastern control. With a strong majority,

⁴¹ Gaines, "The Virginia Constitutional Convention of 1850-51," 48-49. These grievances included continual refusal by the General Assembly to secure federal aid for internal improvements, and failure to support a new constitutional convention to address the deficiencies of the constitution. Westerners continued their petitions, and on multiple occasions, hinted at disunion.

⁴² Wilentz, *Rise of American Democracy*, 341.

⁴³ From 1800 to 1820, plantation owners with approximately seventy-five thousand slaves left the Tidewater region for greener pastures in Kentucky, Tennessee, Alabama, and Mississippi. Shade, *Democratizing the Old Dominion*, 19.

easterners could control the agenda and proceedings, and reaffirm their hegemony. In 1828, the public voted on the question of convening a constitutional convention, and the resulting vote revealed sectional cleavages. Only one-fourth of the Tidewater voted in favor of the convention, and nearly half of the Piedmont joined the call for reform. But it passed overwhelmingly in the West, and comfortably across the entire state.⁴⁴ The passage of the referendum, along with mandating public ratification of the final constitution, represented clear victories for the West. But when it came to apportioning the delegates for the assembly, easterners still maintained a clear advantage. Nearly two-thirds were from either the Piedmont or Tidewater, including prominent conservatives Benjamin Watkins Leigh, Littleton W. Tazwell, and John Randolph. Western Virginians hoping for a more equitable constitution placed their faith in reformers such as Philip Doddridge, Charles Mercer Fenton, and James Murray Mason.⁴⁵

THE INADEQUACIES OF THE VIRGINIA CONSTITUTION

The convention convened in early October 1829. Former presidents James Madison and James Monroe served as delegates, along with Governor William

⁴⁴ The final statewide vote for assembling a constitutional convention was 21,896 for and 16,637 opposed.

⁴⁵ Dickson Bruce, Jr., *The Rhetoric of Conservatism: The Virginia Convention of 1829-30 and the Conservative Tradition in the South* (San Marino, CA: Kingsport Press, 1982), 34-35. Mercer, a delegate from Loudoun County, was president of the Chesapeake & Ohio Canal Co., and later served as chairman of the U.S. House of Representatives Committee on Roads and Canals. Doddridge, a former state senator and state delegate from Brooke County, was the leader of the reform delegation. Mason was not originally chosen as a delegate. He finished fifth in a vote where the first four were sent to Richmond. However, Hierome Opie resigned his seat for personal reasons and Mason replaced him.

Branch Giles, U.S. senators John Tyler and Littleton W. Tazwell, and U.S. Supreme Court Chief Justice John Marshall.⁴⁶ The delegation faced the issue of revising the antiquated state constitution, a document that strengthened the East at the expense of the West. In order to understand the dilemma that delegates such as Mason faced, it is important to understand the mechanics behind the constitution, and why reforming the document became a polarizing issue in Virginia.

The conservative constitution, framed during the apex of Revolutionary fervor, maintained the basic framework of the colonial government and secured Tidewater dominance. Except for the absence of a king, privy council, and royal governor, the constitution closely resembled the old colonial charter.⁴⁷ Fearing a tyrannical leader, framers forged the constitution to empower the legislative branch and weaken the executive branch. The authors believed that the legislature was the branch closest to the people, and thus should be the representative of the people's will. The legislature quickly emerged as the dominant force in the state. Instead of securing the governor's signature for a bill to become law, the General Assembly enacted legislation with a simple majority. Furthermore, legislation was not subject to executive veto. While all bills originated in the House of Delegates, the Senate approved, amended, or rejected any legislation. All of these measures greatly

⁴⁶ Monroe was actually chosen as president of the convention, but his lack of popularity resulted in him being replaced by Philip Barbour, a Jacksonian from Orange County. See Bruce, *Rhetoric of Conservatism*, 32-33.

⁴⁷ Richard R. Beeman, *Patrick Henry: A Biography* (New York: McGraw-Hill, 1974), 104.

enhanced the legislature's power, and few checks and balances restrained its authority.⁴⁸

The executive branch consisted of a governor and an executive council of eight members. The legislature elected the governor and council members, with the former serving one-year terms and the latter twelve years. The governor was, essentially, politically impotent. His main duty was carry out laws whenever the legislature delegated that power to him instead of the county courts. While he made minor judicial and administrative appointments, the legislature appointed the remainder, including important state officials. The governor also could not dissolve or prorogue the legislature, or take additional action against the General Assembly.⁴⁹

The judicial branch, likewise, augmented the power of the legislature and the aristocracy. The county court, a body composed of justices drawn almost exclusively from the upper class, controlled local governments. Justices served life terms and, upon the consent of the legislature, the governor appointed justices for any vacancies. The county court system became another extension of the legislature, following the mandates set forth by that branch. What the 1776 constitution amounted to was a legislative dictatorship that easterners controlled from its inception.⁵⁰

⁴⁸ Gaines, "The Virginia Constitutional Convention of 1850-51," 32; Bruce, *The Rhetoric of Conservatism*, 8-9.

⁴⁹ Gaines, "The Virginia Constitutional Convention of 1850-51," 29-34.

⁵⁰ *Ibid.*

THE BATTLE OVER REPRESENTATION

The most contentious and divisive issue that delegates wrestled with was representation. The House of Delegates based the allocation of representatives on county units instead of total population. Therefore, a small eastern county elected the same number of representatives as a larger western county. For example, Loudon County in the northern Piedmont, while seventeen times more populous than Warwick County in the Tidewater, still had the same number of representatives. The senate was arbitrarily divided, with easterners controlling fifteen of the twenty-four seats.⁵¹ By maintaining control of both houses, eastern aristocrats influenced and largely directed the direction of the state. The state legislature often dictated and influenced state affairs, including determining its position on national issues. Furthermore, the legislative branch controlled the purse strings of the government, and could reject or approve internal improvements.⁵²

Bitter arguments and vitriolic accusations filled the protracted debate over representation. Western delegates accused easterners of being snobbish aristocrats, while Tidewater delegates stubbornly clung to their republican principles. Westerners favored apportionment based solely on “white basis” (or as easterners referred to it, “King Numbers”), leaving slaves and taxes out of the equation.⁵³ With a

⁵¹ Ibid., 36.

⁵² Holt, *American Whig Party*, 85-86, passim.

⁵³ If delegates approved the “white basis,” the Trans-Allegheny would have thirty-six delegates, four more than that of the Tidewater. The Valley would have twenty-six, while the Piedmont would have the most at forty. In the state Senate, white basis would give both the Tidewater and Trans-Allegheny eight senators. The Piedmont would have ten, while six senators would represent the Shenandoah Valley. See Table V “Proposed Representation in House of Delegates,” in Alison Goodyear Freehling,

growing white population, the West appeared poised to surpass the East, and pushed hard for this method.⁵⁴ Eastern and western leaders attacked each other's position. Philip Doddridge believed that the West symbolized the new Virginia. "With astonishing rapidity," Doddridge exclaimed, the West was "sufficiently strong and powerful to burst asunder any chain by which you may attempt to bind them, with as much ease as the thread pats in a candle blaze."⁵⁵

Conservative Abel P. Upshur forcefully countered that those who have the greatest stake in government, that is, those who paid the majority of taxes, should control it. Farfetched democratic principles like equality and universal suffrage should not determine how the government works, he insisted. Accordingly, only landowning and slaveholding men should participate in government. Upshur's argument became the rallying cry for the East throughout the convention.⁵⁶

Benjamin Watkins Leigh, a conservative leader, also argued that white population and taxation should determine representation. With over 469,000 slaves taxed in the East, easterners' wealth dwarfed that of their western brethren. Leigh's proposal would enable them to secure an even larger majority.⁵⁷ Although this proposal failed to generate enough votes, he authored a new plan based on the federal

Drift Toward Dissolution: The Virginia Slavery Debate of 1831-1832 (Baton Rouge and London: Louisiana State University Press, 1982), 271.

⁵⁴ In the 1830 U.S. Census, the total eastern population was over 830,000, compared to the meager 378,000 in western counties. Slaves made up nearly half of the population in the east, approximately two-hundred less than the total white population. U.S. Bureau of the Census, "State of Virginia, 1830," <http://www2.census.gov/prod2/decennial/documents/1830a-01.pdf> [accessed February 2, 2010].

⁵⁵ *Proceedings and Debate*, 89.

⁵⁶ Dickson, *Rhetoric of Conservatism*, 61-62.

⁵⁷ U.S. Bureau of the Census, "State of Virginia, 1830," <http://www2.census.gov/prod2/decennial/documents/1830a-01.pdf> [accessed February 2, 2010].

model, that is, on white population and 3/5 slaves. This would have given eastern Virginian a majority of thirty-eight delegates, including giving the Piedmont the same amount of representation as the entire West.⁵⁸ Without the necessary majority, this too was defeated. A new plan, offered by delegates James Pleasants of Goochland County, gained the support from moderates in the Piedmont and Shenandoah Valley. Pleasants proposed to base the House on white population and the Senate on the federal numbers. Led by Upshur, easterners rejected this and supported another, more favorable plan based on the “mixed basis” and similar to Leigh’s original proposal.⁵⁹

A solid western bloc, though, proved unable to defeat this plan. By a 55 to 41 vote, delegates ratified the new reapportionment proposal. This new system of allocation further solidified the West as a political minority. The East maintained a twenty-two vote majority in the House of Delegates, and its seventy-eight delegates owned over a thousand slaves, while the fifty-six western delegates possessed close to one-hundred slaves total.⁶⁰ In the state Senate, the East gained four seats, giving them nineteen to the West’s thirteen. The West’s hope of a more equitable representation proved false.⁶¹

⁵⁸ See Table V “Proposed Representation in House of Delegates,” in Freehling, *Drift Toward Dissolution*, 271. The Tidewater would have thirty-eight delegates, the Piedmont forty-eight, the Valley twenty-one, and the Trans-Allegheny only twenty-seven.

⁵⁹ Bruce, *Rhetoric of Conservatism*, 63-64.

⁶⁰ Thirty-one delegates represented the twenty-six counties in the Trans-Allegheny, and the new constitution gave twenty-five representatives for the Shenandoah Valley’s fourteen counties. The constitution allotted forty-two delegates for the Piedmont’s twenty-four counties, while thirty-six delegates represented the Tidewater’s thirty-six counties. See Table VII “Taxable Slaveholdings and Voting Records of 1831-1832 House Members,” in Freehling, *Drift Toward Dissolution*, 272-278.

⁶¹ Bruce, *Rhetoric of Conservatism*, 63-64; Shade, *Democratizing the Old Dominion*, 177.

THE BATTLE OVER SUFFRAGE

The battle over suffrage proved tense but not as bitter a struggle as the one over representation. Voting restrictions favored the wealthy. Under the 1776 Constitution, only white males who possessed fifty acres of unimproved land or owned twenty-five acres along with a house could cast a ballot.⁶² These restrictions resulted in widespread disenfranchisement. Voting qualifications disqualified twenty-seven percent of white men in the Tidewater and approximately one-third of voters in the Piedmont. These numbers were appreciably higher in the West. Close to forty-four percent in the Trans-Allegheny could not vote, and that number increased to fifty percent in the Shenandoah Valley.⁶³ On November 17, 1829, Monongalia County delegate Eugenius Wilson proposed extending suffrage to include all taxpayers. Reformers used the Virginia Bill of Rights and its principle of equality to buttress their position. Wilson noted that twenty-two of the twenty-four states in the Union had more democratic suffrage requirements than Virginia. After losing the battle over reapportionment, western hopes hinged on opening voting to all white men.⁶⁴

After intense politicking by easterners, moderates in the Piedmont grew wary of extending voting rights too far, including the radical proposal of universal suffrage. Tidewater delegates reminded the delegation that the French Revolution resulted from such democratic measures, inciting a sarcastic outburst from Doddridge. “We

⁶² Bugg, “Political Career of James Murray Mason,” 60.

⁶³ Robert Paul Sutton, “The Virginia Constitutional Convention of 1829-30: A Profile Analysis of Late Jeffersonian Virginia,” (Ph.D. diss., University of Virginia, 1967), 259-261.

⁶⁴ Bruce, *Rhetoric of Conservatism*, 66.

should imagine that we are listening to [Edmund] Burke on the French Revolution. All the horrors of that volcano are set before us, as if in our madness, we were ready to plunge into it," he protested.⁶⁵ Moderates, fearing what an enlarged (and largely nonslaveholding) electorate could demand, joined conservatives and opposed radical extensions of suffrage rights.⁶⁶ Instead, only housekeepers and leaseholders acquired the right to vote, increasing the number of eligible voters to approximately one-half to one-third of the eligible electorate across the state.⁶⁷ These new voting qualifications, however, retained property as a critical principle in casting a ballot. Republicanism lived on.

Other defeats compounded western losses. The county court system remained undisturbed, largely due to the work of John Marshall.⁶⁸ While the tenure of the governor increased to three years, efforts for direct election failed. Tidewater planters and prominent politicians arduously worked to perpetuate the framework of

⁶⁵ *Proceedings and Debates*, 425.

⁶⁶ With more planters leaving the Tidewater and establishing plantations in the Piedmont region, protecting slavery soon became an important issue in both regions. As Freehling notes, most counties in these two regions of the state contained over forty-percent slaves. In the Trans-Allegheny, most counties possessed fewer than ten percent slaves, and the region's northern-most counties had only one to five percent slaves. The region as a whole possessed only four percent of the state's total slave population. See Freehling, *The Road to Disunion: Secessionists at Bay*, 165; Table II "Virginia Population in 1830—A Summary," in Freehling, *Drift Toward Dissolution*, 269.

⁶⁷ Merrill Peterson, *Democracy, Liberty, Property: The State Constitutional Conventions of the 1820s* (Indianapolis: Bob-Merrill Co., 1966), 281; Bruce, *The Rhetoric of Conservatism*, 66. The new voting laws extended suffrage to all white males twenty-one years or older who owned land worth \$25, leased land for five consecutive years for \$20, or were heads of the household who paid taxes in the county of residence for at least one year. A housekeeper was one who was responsible for the maintenance of a residence.

⁶⁸ Marshall argued that the current system enabled judges to mete out punishment judiciously and independently without fear of rebuttal from an oversight body. The system also promoted peace, he believed. "But it is a truth, that no state in the Union, has hitherto enjoyed more complete internal quiet than Virginia," Marshall stated while discussing the county court system. *Proceedings and Debates*, 505.

the previous constitution. The revised constitution was still a clear manifestation of Tidewater strength in the Old Dominion.⁶⁹

In the West, the new constitution was a disappointment. Every county in the Trans-Allegheny went decidedly against ratification. As a whole, the region polled 11,289 to 2,123 against ratification.⁷⁰ In Logan County, the opposition vote was 255-2. In Ohio County, nestled between Pennsylvania and Ohio, the final tally was 643-3, opposed. In Philip Doddridge's Brooke County, not a single resident cast a ballot for ratification. The *Wheeling Gazette* believed that the new constitution was unsuitable for "free people"⁷¹ and called for western politicians to seek "a division of the state—peaceably if we can, forcibly if we must."⁷² On October 1, 1830, citizens in Wheeling in northwestern Virginia called a meeting to discuss annexing the portion of that state to Maryland.⁷³

Eastern Virginians viewed the new constitution more favorably. Benjamin Watkins Leigh's Chesterfield County overwhelmingly supported ratification by a 461-15 margin.⁷⁴ The Tidewater as a whole ratified the new constitution, 7,674 to 1,091. While statewide it gained sixty-three percent approval, that victory was deceiving.

⁶⁹ Bruce, *Rhetoric of Conservatism*, 66-67.

⁷⁰ Gaines, "The Virginia Constitutional Convention of 1850-51," 63.

⁷¹ *Wheeling Gazette*, March 12, 1830, quoted in Charles Ambler, *Sectionalism in Virginia, From 1776-1861* (New York: Russell & Russell, Inc., 1964), 171.

⁷² *Wheeling Gazette*, April 6, 1830, quoted in Ambler, *Sectionalism in Virginia*, 171.

⁷³ Ambler, *Sectionalism in Virginia*, 173.

⁷⁴ Bruce, *Rhetoric of Conservatism*, 67-68. The constitution passed 26,055 to 15,563. Mason's Frederick County narrowly approved the revised constitution by a margin of thirteen votes. For an overview of the convention, see David L. Pullman, *The Constitutional Conventions of Virginia: From the Foundation of the Commonwealth to the Present Time* (Richmond, VA: John T. West Publisher, 1901).

Only those qualified to vote under the previous constitution could vote on the new one. The East solidified its control over the Old Dominion.⁷⁵

REPUBLICAN IDEOLOGY AT WORK

To secure a conservative and largely unchanged constitution, eastern delegates couched their assertions in republican principles and language. Conservative delegate John Scott believed that the government protected people from primordial human nature. In the “dark shades of the human character,” he believed, were “ambition and avarice.”⁷⁶ If left unchecked, these passions would distort perception and corrupt the human mind and, by extension, the government. Abel P. Upshur echoed this maxim, asserting that the “dependent poor man” could not comprehend “any thing [*sic*] like independence, either in conduct or opinion.”⁷⁷ The “peasantry of the west,” Leigh haughtily announced, will never have the capacity to govern.⁷⁸ Independence freed men from their passions and emotions, two substantive feelings that the dependent men of the West could not comprehend.

Property ownership, whether land or human chattel, augmented this philosophy. Property prohibited independent men from succumbing to the sins of greed and ambition, and instead allowed them to make calculated and informed decisions that supposedly benefited the entire community and government.

⁷⁵ Gaines, “The Virginia Constitutional Convention of 1850-51,” 63. The Shenandoah Valley ratified the new constitution, 3,842 to 2,097, while the Piedmont overwhelmingly supported it, 12,417 to 1,086.

⁷⁶ *Proceedings and Debates*, 125.

⁷⁷ *Ibid.*, 367.

⁷⁸ *Ibid.*, 158.

Furthermore, the permanence and independence stemming from property cultivated virtue. “Land,” William Branch Giles concluded, “is the best and only solid indestructible foundation for Government.”⁷⁹ Richmond delegate Philip N. Nicholas summed up conservative fears of a more democratic state.

As long as political power is placed as it is now in Virginia, in the hands of the middling classes, who, though not rich, are yet sufficiently so, to secure their independence, you have nothing to fear from wealth. But place power in the hands of those who have none, or a very trivial stake in the community, and you expose the poor and dependent to the influence and seductions of wealth.⁸⁰

The other form of property, slavery, maintained a conspicuous place in the conversation. At the convention, approximately eighty-two percent of the state’s political elite had at least one slave. More than one-third of those aristocrats owned more than twenty slaves.⁸¹ During the convention, delegates reminded the congregation of the “horrors” of Santo Domingo. Just as conservatives argued that democracy wrought the terror of the French Revolution, they also brought up the shadow of revolt when discussing slavery. Conservative Philip Barbour believed if the convention opened the political process to nonslaveholders, Virginians would “soon expect to see realized here, the frightful and appalling scenes of horror and desolation, which were produced in St. Domingo.”⁸² The fear of slave revolts caused many moderates and conservatives to argue for greater protection of the peculiar

⁷⁹ Ibid., 240

⁸⁰ Ibid., 367.

⁸¹ See Table 5.4 “Slaveholding of the political elite, 1788-1861,” and Table 5.5 “Slaveholding status of members of the House of Delegates, 1788-1860,” in Shade, *Democratizing the Old Dominion*, 176-177.

⁸² *Proceedings and Debate*, 91.

institution. The most effective way of achieving this was to maintain slaveholder hegemony.

Mason assailed eastern representatives who wished to insert slavery into representation. He attacked the principle that “representation and taxation ought to go together,” and that “property, nakedly as such, ought of right to be represented in the convention.”⁸³ Quoting the Bill of Rights and the Founding Fathers, Mason opined that the government’s power came from the people—that is, white males. “The people of Virginia, and not the slaves of that people,” Mason asserted, “are those who wield the political power.”⁸⁴ Therefore, the government should base representation only on free whites. Eastern delegates who rejected this principle were ready to declare the “very substratum of popular government...a vain and unsubstantial shadow.”⁸⁵

While a proponent of slavery and a slaveholder himself, he opposed any inclusion of slavery into apportionment. Only the “free white people of this Commonwealth” deserved representation, he asserted.⁸⁶ These citizens gave their consent to their delegates to represent them in government, a gesture Mason deemed as “an act of the people in their highest sovereignty.”⁸⁷ Slaves could not participate in government because they did not possess consent, and therefore were excluded from

⁸³ Speech, January 3, 1829, reprinted in Mason, *Public Life*, 28. It should be noted that Mason gave this speech while in the House of Delegates, but it was a reaction to eastern plans to fight for a plan of representation based on slaves and the white population.

⁸⁴ *Ibid.*, 27.

⁸⁵ *Ibid.*, 28.

⁸⁶ *Ibid.*, 27.

⁸⁷ *Ibid.*, 27.

representation. Instead, the government must focus on what the majority—free whites—demanded because they possessed the consent to be governed.

In the enunciation of these great principles the *people* alone are recognized as the depositaries of political power—the will of that people is shown by the voice of their *majority* and that will is supreme.⁸⁸

Mason refused to abide by “mere abstractions,” and accordingly diverged from eastern delegates who argued the supremacy of property in government. Rather, he declared that property and power were “divellent.”⁸⁹ These two important principles must complement one another, and remain in equilibrium. Indeed, property, if unchecked, would “tyrannize over power.” Power, too, “if not restrained will lord...over property.” Government then, he averred, should balance the rights of property and democratic principles and make them “nearly equipollent.”⁹⁰ A system of government must demonstrate no preference to one form of property over another, one section over another, or property over government. Any form of government that failed to do so risked corruption and revolution.

In a later speech, Mason continued his fight for a balanced form of government. He remained steadfast that “the foundations of our institutions were subverted” by a minority who robbed the “free white population” of their political voice.⁹¹ Mason perceived this contest as one “in which the *Government* is on one side, and the *people* are on the other.”⁹² While he assailed the current system of government and demanded an *ad valorem* tax on all forms of property, he opposed

⁸⁸ Ibid., 29 [emphasis in original].

⁸⁹ Ibid., 29. Divellent means drawing or tending to draw apart.

⁹⁰ Ibid., 29. Equipollent means equal in force, power, or validity.

⁹¹ *Proceedings and Debate*, 687.

⁹² Ibid [emphasis in original].

the passage of any measures that threatened slavery. Mason conceded that slavery “should be sacred in their [slaveowners’] hands,” and understood the “anxiety” many felt about their peculiar property. Yet Mason failed to see why nonslaveholders “should surrender to them our birth-right” and passively submit to “exaction.”⁹³ Therefore, the Frederick delegate supported a plan where federal numbers would determine representation in the Senate, while the House of Delegates would be “pure,” that is, based on the white basis.⁹⁴ Even though slavery warranted protection, that protection should not supersede or impede the right of white nonslaveholders to participate in government.

During the convention, Mason established a clear ideological platform. While a slaveholder, he opposed any calculation of slavery into representation, but conceded that the government should not take any “profane approach” to threaten the institution. His push for this balanced system of government compelled him to seek the introduction of an *ad valorem* tax policy that would balance the interests of the “grain-grower of the West” with the “more favored neighbour [*sic*] of the East.”⁹⁵ Furthermore, Mason advocated a form of government and representation that acquiesced slaveholders in the East and nonslaveholders in the West. He was also one of the most consistent fighters for western Virginians, and voted to support

⁹³ Ibid., 688.

⁹⁴ Ibid.

⁹⁵ Ibid. Equal taxation was a sticking point for many Virginians until 1861, as many slaveholders feared that it was a tacit attempt to abolish slavery. Mason’s stance on this issue likely represented a means to achieve some means of political equality, and he even conceded that if an *ad valorem* tax was implemented, he could not see “any real ground of apprehension” for slavery’s fate.

reform measures over eighty percent of the time.⁹⁶ Mason's stance on the principles of majority rule, equitable representation, and greater suffrage rights for all free white men, however, did not indicate a radical nature, as some eastern delegates attacked.⁹⁷ It represented his attempt to introduce a system of government that balanced property and political power.

THE NULLIFICATION CRISIS

While the Constitutional Convention was prominent and divisive in Virginia, South Carolina stirred sectional controversies with its posture against the "Tariff of Abominations." Led by John C. Calhoun, South Carolinians argued that the Tariff of 1828 benefited northern manufacturers at the expense of southern farmers and planters. Moreover, many southerners charged that the tariff represented a tacit attempt to subvert and destroy slavery. Viewing it as hurtful, Calhoun urged South Carolina to nullify the tariff.

But South Carolina was not the sole focus of the Nullification Crisis. As Richard Ellis asserts in *The Union at Risk: Jacksonian Democracy, States' Rights, and the Nullification Crisis*, many across the nation considered Virginia a pivotal state during this crisis. The Old Dominion was one of the leading anti-tariff states, and viewed as the likely leader in any sectional crisis. Furthermore, if President Jackson resorted to force to coerce the rebellious Palmetto State, federal troops would have to

⁹⁶ See Table 1 "Delegates to the Virginia Convention of 1829-30, by orientation," in Bruce, *Rhetoric of Conservatism*, 36-37.

⁹⁷ A conservative delegate attacked Mason's assertion that property, possessing no physical force, did not necessitate representation. The convention censured Mason for his stance. Bugg, "The Political Career of James Murray Mason," 104.

march through Virginia. Conservative Democrats like Governor John Floyd, Senator John Tyler, and Benjamin Watkins Leigh condemned Jackson's actions, and sympathized with and supported South Carolina and Calhoun.⁹⁸

Due to splintering in the state Democratic Party, pro-Jackson forces largely controlled the rhetoric coming out of the Old Dominion. They reproached South Carolina for acting unilaterally and not seeking a constitutional remedy. Jackson's support in the Commonwealth remained strong when in early December 1832—after South Carolina voted to nullify the tariff but before Jackson's Force Bill—the Virginia General Assembly elected William Cabell Rives to the Senate by an overwhelming majority. Rives was an ardent supporter of Jackson, and described himself as both anti-tariff and anti-nullification.⁹⁹

In Virginia, support or opposition for Jackson mirrored the sectional internal divide. The slave-dense areas of the Tidewater and Piedmont regions criticized the president's militant stance, while citizens in the Shenandoah Valley and Trans-Allegheny areas applauded the president's actions. Meetings throughout the western part of the state, including Kanawha, Monongalia, and Allegheny counties, and the towns of Wheeling and Staunton, echoed support for the president and denounced the actions of South Carolina.¹⁰⁰

As in other counties, Mason's home, Frederick County, further investigated the circumstances surrounding the crisis. The county formed a committee to report

⁹⁸ Ellis, *The Union at Risk*, 123-125.

⁹⁹ *Ibid.*, 127. Rives easily won, securing 153 of the 161 votes. As Ellis states, though, the numbers do not describe the amount of opposition Rives faced, but he concedes that the vote nonetheless reflects the extent of Jackson's strength in Virginia in early December 1832.

¹⁰⁰ *Ibid.*, 128-133.

on the Nullification Crisis and the militant stance assumed by the president. Mason, part of this seven-man committee, sided with the minority faction that supported President Jackson, but concomitantly nullification and, when necessary, disunion. The minority report did “venerate the Union of the States as the palladium of our liberty, the source of our dignity and influence abroad, and of our tranquility and prosperity at home.”¹⁰¹ Outside of this praise, the minority formulated a two-pronged argument against the federal government and tariffs. The members opined that as a sovereign body, a state could legally secede if it believed the federal government abused the interests of the state.¹⁰² The other aspect of this argument denounced the inherent inequality established by federal tariffs. These tariffs placed manufacturers over farmers, and thus tilted the government to favor the former over the latter.

Mason offered a resolution that further articulated this position. He viewed taxes “as nothing more than the contribution paid by the citizen for the support of the government.” Tariffs, however, superseded this purpose. Mason perceived them “as a departure from the meaning of the Constitution and repugnant to the character of our institutions.”¹⁰³ In a larger context, Mason perceived these tariffs as augmenting the industrializing North while hampering the agricultural South. These federal tariffs placed one form of property and one section over another, and failed to maintain equilibrium between power and property. Essentially, Mason viewed federal tariffs as privileging one form of property over another, and as the North’s

¹⁰¹ Mason, *Public Life*, 35.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 36.

political majority continued to grow in Congress, that perception appeared increasingly manifest and dangerous to slavery.¹⁰⁴

Mason's stance on the Nullification Crisis, specifically his legitimization of secession, cost him reelection following the 1831-1832 session—the second time voters rejected him. Following defeat, he focused on his law career until 1837 when he accepted the Democratic nomination for representative. He won easily, but Mason's outward disgust for President Martin Van Buren generated angst from the national Democratic Party. He opposed Van Buren's solutions to the Panic of 1837, including the requirement that citizens pay solely with specie.¹⁰⁵ For farmers in Mason's district, this hard money policy proved burdensome and limited their ability to pay taxes. While congressional Van Burenites struggled to maintain support for the measures, Mason continually denounced the measures as an overextension of the federal government. He refused to toe the party line, and upon the close of Congress, failed to receive support from the Democratic Party for a second term. After being treated as a "*heretic*" by Democrats, Mason returned to Winchester.¹⁰⁶

THE DEBATE OVER SLAVERY AND EMANCIPATION

While Mason was out of the political arena, circumstances in Virginia concerning slavery rapidly changed. Nat Turner's rebellion on August 22, 1831 forced residents and politicians to consider emancipating slaves and removing all

¹⁰⁴ Ibid., 35-36.

¹⁰⁵ Ibid., 40.

¹⁰⁶ Ibid., 41 [emphasis in original]. In part of an extant diary entry, Mason stated that after being rejected by the Democratic Party, he focused on his growing law practice and declined overtures to return to politics.

African-Americans from the state. On January 16, 1832, Albemarle Delegate Thomas Jefferson Randolph rose in the legislature to offer his vision of the future. The scion of the former president stated that what occurred in Southampton was only the beginning of a long line of tribulations that would befall future generations.¹⁰⁷ Faced with this apocalyptic crisis, Randolph proposed a deportation plan that would rid the state of all African-Americans. Female slaves born after July 4, 1840 would be freed at eighteen, twenty-one years of age for males. Following emancipation, former slaves would join already free African-Americans and become wards of the state. They would labor as wards until they earned enough money to offset the costs of shipping them to Africa. According to Randolph's calculations, Virginia would be rid of blacks by 1861.¹⁰⁸

Many delegates from the Shenandoah Valley and Trans-Alleghany supported Randolph's *post-nati* plan. While approving this plan, they also attacked republican assertions that property superseded security, democratic reforms, and the public weal. Shenandoah Valley delegate, slaveholder, and future governor James McDowell, Jr. asserted that "property must yield" when it came in conflict with the public good.¹⁰⁹ Berkeley County delegate Charles J. Faulkner echoed similar sentiments. "Private rights and individual claims," Faulkner asserted, "must yield to

¹⁰⁷ Thomas Jefferson Randolph, *The Speech of Thomas J. Randolph in the House of Delegates of Virginia, on the Abolition of Slavery* (Richmond: Thomas W. White Press, 1832), 8.

¹⁰⁸ Wilentz, *Rise of American Democracy*, 345.

¹⁰⁹ James McDowell, Jr., *Speech of James McDowell, Jr., In the House of Delegates of Virginia, on the Slave Questions* (Richmond: Thomas W. White Press, 1832), 15.

the overruling and paramount interests of the common weal.”¹¹⁰ Faulkner argued that when slavery conflicted with the “rights of the community,” slaveholding interests must acquiesce.¹¹¹

Apologists quickly came to the defense of the institution. Petersburg delegate John Thompson Brown reminded the legislature of that emancipation would decrease Virginia’s political power. If the Old Dominion abolished slavery, “Congress will...be willing to abolish slavery, if it were for no other purpose than to lessen the political weight.”¹¹² Slaveholder and Dinwiddie Delegate General William Henry Brodnax commanded one of the first militias to arrive in Southampton County during Turner’s revolt. He reproached the legislature for including nonslaveholders in this issue, and, further, putting the question of emancipation and removal to a popular referendum. “This scheme of submission would, in effect,” he continued, “exactly bring upon us the principles of that celebrated *white basis*, against which we struggled so earnestly in the late convention.”¹¹³ He warned that the same “bloody scenes of the French Revolution” would befall Virginia if the legislature allowed the public to vote.¹¹⁴ For Brodnax and other eastern slaveholding delegates, small slaveholders joining nonslaveholders signaled a dangerous precedent for future issues.

¹¹⁰ Charles J. Faulkner, *The Speech of Charles Jas. Faulkner, (Of Berkeley) in the House of Delegates of Virginia on the Policy of the State with Respect to Her Slave Population* (Richmond: Thomas W. White Press, 1832), 15.

¹¹¹ *Ibid.*, 14.

¹¹² John Thompson Brown, *Speech of John Thompson Brown on the Abolition of Slavery* (Richmond: Thomas W. White Press, 1832), 18.

¹¹³ *Ibid.*, 18 [emphasis in original].

¹¹⁴ *Ibid.*, 19, 20 [emphasis in original].

Westerners coalesced behind a vague resolution that emphasized the expediency of removing slaves from Virginia. Easterners supported a motion to table the debate. With a state legislature tilted to favor easterners, the vote was predictable. The western-backed proposal lost, 73-58. Defeat, however, failed to stop the discussion of slavery in the Commonwealth.¹¹⁵ Instead, defections from eastern delegates defeated a motion to table future discussion of slavery. Compromise ensued, and what emerged from this political wrangling was a proposal offered by Archibald Bryce, Jr. He argued for the deportation and colonization of free blacks first, followed by colonizing slaves once public opinion on emancipation crystallized. With fifteen eastern delegates defecting from the original seventy-three, Bryce's proposal passed. However, the act was too vague for any real action, and instead represented only a small symbolic victory.¹¹⁶

The other palpable threat came in 1847. A group of citizens from Rockbridge County in the Shenandoah Valley renewed the debate concerning emancipation and removal of slaves and African-Americans. The "Address to the People of West Virginia," commonly referred to as the "Ruffner Pamphlet" after its principal author Henry Ruffner, forcefully argued for the elimination of slavery west of the Blue Ridge. The Washington College president believed that by elucidating the economic, social, and political effects of slavery, more residents would realize the degrading aspects of slavery and push for emancipation. Therefore, Ruffner advocated gradual

¹¹⁵ Freehling, *Road to Disunion: Secessionists at Bay*, 188; Wilentz, *Rise of American Democracy*, 346.

¹¹⁶ Freehling, *Road to Disunion: Secessionists at Bay*, 188-189. Many of the eastern delegates who switched were from districts with a large number of working class individuals, such as mechanics, shopkeepers, and laborers.

emancipation in western Virginia followed by a law that would ban future importation of slaves into the region. Once this occurred, democratic measures would inevitably follow.¹¹⁷

The “Ruffner Pamphlet” articulated the grievances of both slaveholders and nonslaveholders in the Trans-Allegheny and Shenandoah Valley.¹¹⁸ Ruffner attacked the eastern slaveocracy for their political monopoly, and called their governance “unjust.”¹¹⁹ Virginians languished under a reactionary and insular government that continually uplifted property over white equality. As long as slavery existed, inequality would be perpetual. Ruffner hoped that the pamphlet would gain proponents throughout the state, and that a statewide discussion concerning the practicability of slavery and the current political system would produce another constitutional convention.

The results, however, were disappointing. While the pamphlet gained large circulation through Virginia, acceptance was minimal.¹²⁰ Around Richmond, the pamphlet stirred few, and remained largely unnoticed in the press. Even around his hometown, Ruffner was scorned. Looking back at the pamphlet, Ruffner stated, “West of the Allegheny the pamphlet was better received; but in East Virginia some

¹¹⁷ For a dated but thorough treatment of the “Ruffner Pamphlet,” see William Gleason Bean, “The Ruffner Pamphlet of 1847: An Antislavery Aspect of Virginia Sectionalism,” *The Virginia Magazine of History and Biography*, 61, no. 3 (July 1953): 260-282.

¹¹⁸ Included among these grievances were continual refusals to call for a constitutional convention, and lack of internal improvements west of the Blue Ridge Mountains. Most egregiously, these white residents loathed how the political system buttressed slavery and regarded western nonslaveholders as slaves, a level of shame supposedly only reserved for African-Americans.

¹¹⁹ Henry Ruffner, *Address to the People of West Virginia* (Lexington, VA: R.C. Noel, 1847), 5.

¹²⁰ Wilentz, *The Rise of American Democracy*, 589.

papers denounced it as abolitionist.”¹²¹ The true weight of the “Ruffner Pamphlet” would not be felt until 1859.

Still, the threats concerning the future of slavery were manifest. While there is little evidence concerning Mason’s stance, an undated memorandum may shed some light. Mason stated that any attempt to abolish slavery in Virginia would “meet with universal ridicule, and my word for it, would not receive a single solitary vote.”¹²² He also scorned any attempt to emancipate slaves. He considered the notion of emancipating slaves and letting this “large group of unrestrained freemen” wander as “ridiculous.”¹²³ Furthermore, Mason later declared that slavery was the “best condition to which the African race had ever been subjected,” and that the institution “had the effect of ennobling both races, the white and the black.”¹²⁴ Therefore, Mason likely opposed any attempt to remove slaves from Virginia.

SENATOR MASON

In early January 1847, Virginia Democratic Senator Isaac Pennybacker died suddenly. Pennybacker, from the town of Harrisonburg in the Shenandoah Valley, was a senator principally because of a political compromise between the East and West. His constituents viewed him as an able fighter for westerners’ rights, but

¹²¹ Henry Ruffner to the *Kanawha Republican*, July 15, 1858, quoted in *Valley Star*, August 12, 1858.

¹²² Memorandum, undated, quoted in Young, *Mason*, 47. A penciled note dates it as “1829?” but Young believes that given the references, it is likely from 1860.

¹²³ *Ibid.*, 49.

¹²⁴ *Congressional Globe*, 36th Congress, 1st session (Washington, D.C.: Congressional Globe Office, 1860), 557.

eastern Democrats did not see him as too radical.¹²⁵ Mason's defense of western political and civil rights during the 1830 Constitutional Convention along with his political heritage placed his name on a short list of possible candidates to replace Pennybacker. The *Winchester Virginian* passionately supported Mason's nomination. Stating that it would be "utterly superfluous to state in detail the claims and qualifications of Col. Mason," the paper argued that the Winchester lawyer had "attained and sustained a place among the first men and first Statesmen of our good old Commonwealth."¹²⁶ The battle for election, however, was not easy.

Even with strong support from western Democrats, Mason was dropped after the second round of balloting. However, a coalition of Calhoun Democrats (many from the Tidewater) and Whigs renominated the Winchester lawyer. A delegate from the Tidewater county of Gloucester declared his support for Mason because he believed him to be a defender of the interests of slaveholders.¹²⁷ After the fourth round of balloting, Mason secured a majority, edging out other western politicians like George W. Summers and James McDowell, Jr.¹²⁸ On January 21, 1847, the Virginia legislature elected James Murray Mason; four days later, after taking the

¹²⁵ Bugg, "The Political Career of James Murray Mason," 262; Shade, *Democratizing the Old Dominion*, 266.

¹²⁶ *Winchester Virginian*, January 21, 1847. At this time, Mason was Colonel of a Regiment of Militia in Winchester, and was occasionally referred to this before his senatorial career.

¹²⁷ Bugg, "The Political Career of James Murray Mason," 269.

¹²⁸ What likely hurt both of these politicians' chances was the stance they took on slavery during the emancipation debates of 1832. Both attacked the institution, and Summers believed that the debate signaled the collapse slavery both in Virginia and the nation. This idea will be more fully explored in a later section.

oath, he assumed his place in the Senate.¹²⁹ He remained there for the next fourteen years.

ANALYSIS

Mason took important steps during his pre-senatorial career to solidify his standing in the emerging West. He lived among fellow westerners in Winchester, and witnessed the ramifications of the existing political system. He also was often seen chopping wood, tending to his garden, and he dressed simply, all of which provided a tangible connection between him and those whom he represented.¹³⁰ These actions also assured his constituents that he was not an aristocrat looking to perpetuate and consolidate his power. Constituents also associated him with the larger Jacksonian movement that sought to wrest control out of the hands of the few and place it into the hands of the masses. During his time as a delegate in the Constitutional Convention of 1829-1830, he consistently fought for equal rights for westerners, and championed an enlargement of the electorate and equitable representation. This track record later assisted him during bids for reelection.

His time as a delegate and representative also illustrated important aspects of his political ideology. A slaveholder, he believed that slavery was beneficial for both races, and he remained committed to its perpetuation. But he loathed how the current political system uplifted this form of property over the majority's will. This

¹²⁹ Ibid., 268-269. Mason received votes on the final ballot from forty-two Democrats and sixty Whigs, similar to the same coalition that elected Hunter to the Senate.

¹³⁰ Young, *Mason*, xii. Charles Francis Adams, Jr. described Mason as usually wearing "homespun" suits. Charles Francis Adams, Jr., *1835-1915: An Autobiography* (Boston: Houghton Mifflin, 1916), 47.

qualification prevented the free white people of Virginia from participating in the political system and subverted sovereignty. Instead, Mason fought for a balanced form of government that provided citizens an equal stake in government and maintained an equal interest in protecting property.

But as attacks on slavery increased during his senatorial years, Mason refocused his efforts on preserving an institution he called “essential to the very existence of the nation.”¹³¹ Moreover, slavery was a critical element of southern culture. “The safety and integrity of the Southern States (to say nothing of their dignity and honor) are indissolubly bound up with domestic slavery,” Mason later asserted.¹³² External pressures came from an emerging Free Soil Party and then Republican Party, and radical abolitionists increased their vitriol against the institution. Internally, threats continued. Western Virginians still demanded a democratic government, and, without concessions, a few slaveholders feared that they might become abolitionists. As internal and external threats increased, Mason viewed disunion as a logical step to preserve sovereignty, democracy, and slavery.

¹³¹ Mason quoted in Young, *Mason*, 47.

¹³² Memorandum, August 9, 1851, in Mason, *Public Life*, 85.

CHAPTER 2: MASON ON THE NATIONAL STAGE, 1847-1861

By the time Mason rose to senator, dynamics in Virginia were rapidly changing. As William Link illustrates in *Roots of Secession: Slavery and Politics in Antebellum Virginia*, Virginia's developing economy challenged the traditional master-slave relationship. Railroads and tobacco companies in Richmond and Petersburg commonly hired slaves, providing them a form of agency absent in longstanding plantation agriculture.¹³³ Slaves also practiced self-hiring and "living out," measures supported by businesses but condemned by slaveholders who worried that these practices eroded their control. A slave's existence outside of the control of their masters represented a fundamental challenge to slaveholders' paternalism. Runaways, arson, stealing, and murders by slaves contributed to this tense atmosphere. Furthermore, approximately 60,000 free blacks lived throughout Virginia. In a state with nearly half a million slaves and a large free black population, the threat of rebellions and the disintegration of slaveholder authority appeared manifest. A large influx of foreign-born immigrants into Tidewater and Piedmont cities looking for manufacturing jobs enhanced an atmosphere of paranoia.¹³⁴

Western Virginia moved in a different direction. An increasingly agitated and alienated western nonslaveholding class despised how previous constitutions favored slaveholders and made nonslaveholders politically impotent. Political and civil policies such as representation and taxation constantly privileged slaveholders over

¹³³ In the 1850s, fifty-two tobacco factories in Richmond employed approximately 3,400 hired slaves. From 1840-1860, the number of hired slaves in Richmond grew by 56%. William A. Link, *Roots of Secession* (Chapel Hill and London: The University of North Carolina Press, 2003), 82.

¹³⁴ *Ibid.*, 38, 46-47.

nonslaveholders. Moreover, political parties were undergoing substantial transformations. The two-party system collapsed throughout most of the Deep South with the demise of the Whig Party in the mid-1850s. However, until April 1861, a viable two-party system remained in Virginia. The formation of the Republican Party in western Virginia, anathema elsewhere in Virginia and the South, symbolized disenchantment by westerners to an established institution, and exacerbated regional tensions. The emergence of the Know-Nothing Party, which hastened the collapse of the Whig Party, further complicated politics on the state and national level. Economic diversification further challenged a society largely built around one institution.¹³⁵

These forces and tensions also played out in the nation. Senator Mason, faced with this shifting environment, maintained his ideology but altered his rhetoric. As a state delegate, he had sought protections for white southerners, and demanded a form of government that balanced the forces of property and political power. He even questioned slavery's political element. Mason articulated these arguments as a means of supporting equality for white Virginians. As a senator, he supported the political weight of slavery, and continually reminded other senators of the constitutionality of the institution. These measures, Mason argued, prevented the North from tyrannizing the South. Accordingly, Mason denounced any attempts to subvert these guarantees.

¹³⁵ Ibid., 82. For example, by 1860, Richmond possessed seventy-seven iron-making foundries, and four of the nation's largest flour mills.

THE WILMOT PROVISIO

In August 1846, President Polk asked Congress for more than \$2 million to fund negotiations with Mexico. An avid expansionist, Polk intimated his desire to obtain Mexican territory following the conclusion of the Mexican-American War. For many northern Democrats, the expansion of slavery was unacceptable. Following Polk's request, Pennsylvania Democrat David Wilmot introduced an amendment that would ban all forms of slavery in any lands acquired from Mexico. The House of Representatives, largely on a sectional vote, passed the bill, 85-79. In the Senate, southern senators (along with northern Whig John Davis) rejected the proposal. Though defeated, the Wilmot Proviso signaled a significant salvo against southern slavery interests.¹³⁶

In the Old Dominion, the Democratic Party articulated the state's official position concerning the Proviso. Many Virginia Democrats condemned the Proviso, and the Virginia Legislature passed resolutions demanding an end to Congressional interference with slavery in the territories. The resolutions alluded to formal resistance if northern representatives continued to press the Wilmot Proviso.¹³⁷ While not a planter, Mason understood the ramifications of the Proviso. He was determined to "expose" and "defeat" any attempt to keep slavery from territories that

¹³⁶ Freehling, *Road to Disunion: Secessionists at Bay*, 458.

¹³⁷ Holt, *Rise and Fall of the American Whig Party*, 385; Young, *Mason*, 50.

were open to all citizens.¹³⁸ Mason wrestled with the Wilmot Proviso when the Senate debated the settling of the Oregon territory in 1848.

Oregon represented a constitutional litmus test in Mason's eyes. Many southerners did not expect slavery to expand as far north as Oregon, yet symbolically the status of the territory proved more significant. Furthermore, the Wilmot Proviso presented an acute danger to the future of slavery in future territories. Afraid that the federal government would stipulate Oregon to be a free territory and thus sanction the Wilmot Proviso, Mason questioned the North's attack on slavery.

We are now to discuss...whether a numerical majority has the power, under constitutional sanction, to interfere with the institutions of the Southern States, by forbidding their extension into territory, the common property of the Union, and thus to disparage and impair the political weight which has been assigned by the Constitution to this portion of the Confederacy.¹³⁹

He asserted that slaves, as a form of property, were a Constitutional right, and further, that the North had agreed to this provision. The political and "representative weight" assigned to slaves provided further justification.¹⁴⁰

As Mason continued his speech, he recapitulated those provisions found in the Constitution that legitimized slavery, and that concessions made by the South were made to appease the North. "For each one of these guarantees," Mason stated, "a full and ample equivalent was given to the Northern and Eastern States."¹⁴¹ These measures balanced the rights of slaveholders and nonslaveholders, and prevented one from tyrannizing the other. The Wilmot Proviso defaced that principle. Mason

¹³⁸ James M. Mason, *Speech of James M. Mason, of Virginia, on The Bill to Organise a Territorial Government for the Territory of Oregon* (Washington, D.C.: John T. Towers, 1848), 3.

¹³⁹ *Ibid.*, 4.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*, 5.

asserted that a territory was “common property,” and he reproached other senators who believed that the measure did not “destroy the equality between the citizens of the States.”¹⁴² The Proviso, though, represented only one challenge to a balanced system of government. Mason charged that the Free Soil Party, whose goal was to destroy “the slave power,” presented another palpable threat.¹⁴³ The emergence of this party signaled a possible disruption of a government designed to protect the interests of southerners and northerners, slaveholders and nonslaveholders.

The Wilmot Proviso disturbed Mason more than he publicly acknowledged. In a private meeting with Vice President George M. Dallas in early January 1849, Mason offered his solution to the Wilmot Proviso. According to Dallas, Mason appeared “extremely excited on the Slavery [*sic*] question.” While sipping tea, Mason informed Dallas that southerners were poised to form a bloc to oppose the Wilmot Proviso. Those southern representatives who refused to join this coalition, Mason contended, would be met “with immolation by their constituents.” However, Mason’s diatribe against the Proviso did not stop there. “He was resolved,” Dallas wrote, “...on separating from the Union should any law as the Wilmot Proviso be adopted.” Dallas quickly refuted Mason’s assertion, declaring that Virginia would have to act unilaterally because other southern states would refuse to join this secession movement. While Dallas conceded that Mason represented the “opinion and spirit” of Virginia, indecisiveness and lack of cohesiveness among southern

¹⁴² Ibid., 11.

¹⁴³ Ibid., 15.

representatives prohibited a southern coalition from coalescing in opposition to the Proviso. Dallas ended the entry without further notes on Mason.¹⁴⁴

The importance of slavery in the South remained a fixture in Mason's early senatorial career. In a letter to his wife, Mason confided that the issue of government interference in slavery was the paramount issue in southern politics. "The great question of interference in *any form* with the institution of slavery, by the federal gov. [*sic*] has become the touchstone of party in the South," he wrote.¹⁴⁵ Mason, though, remained confident in the South's ability to defeat the Proviso. He believed that those who considered themselves compelled to defend the Proviso were "shrinking from the trial," and that they had underestimated the resolve of southern states to defeat the measure.¹⁴⁶

For Mason's colleague and friend, John C. Calhoun, the introduction of the Proviso stirred the South Carolinian to revisit the idea of forming a unified southern party. However, Calhoun fell ill in early 1850, and penned his final speech to the Senate in late February. He initially asked his fellow senator from South Carolina, Andrew Pickens Butler, to read it. Butler declined citing poor eyesight, and Calhoun chose Mason to replace him.¹⁴⁷ Realizing the importance of this event, Mason hurriedly printed a typed copy to make it easier for him to read. As he stood behind the South Carolinian, he declared, "It affords me great pleasure to comply with the

¹⁴⁴ George M. Dallas, "Diary and Letters of George M. Dallas, December 4, 1848-March 6, 1849," *The Pennsylvania Magazine of History and Biography*, 73, no. 4 (October 1949): 492.

¹⁴⁵ J.M. Mason to Elizabeth Mason, February 4, 1850, Container No. 1, Box 81, J.M. Mason Papers, Manuscript Division, Library of Congress, Washington, D.C. [emphasis in original].

¹⁴⁶ *Ibid.*

¹⁴⁷ Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford University Press, 1987), 460.

request of the honorable Senator, and to read his remarks.”¹⁴⁸ He stood behind Calhoun as he read the speech. After the speech, Calhoun left the Senate with the aid of his friends.

The reaction to Mason reading the speech was minimal. Newspapers such as *The New York Herald*, *The New York Tribune*, and the *Charleston Courier* focused on the substance of the speech and the eminence of Calhoun. Little attention was placed on the reader. Recalling the event in a letter to Edmund Hubbard, a Virginia resident requesting a copy of the speech, Calhoun briefly mentioned that the speech was “read by Mr. Mason of your state.”¹⁴⁹ In a letter to his son-in-law, Thomas Green Clemson, Calhoun wrote that he had the speech “read by a friend.”¹⁵⁰ Judging from Calhoun’s perspective, the act meant nothing more than a friend doing a favor for another friend.

For Mason, though, the action meant something larger. While no letters from Mason concerning this event remain, one can infer what this action meant by examining those around him. In the memoirs of her father, Virginia Mason believed that the moment was larger than words. “The fact that Mr. Mason was selected to read this speech,” she contended, “is sufficient evidence that it touched responsive

¹⁴⁸ *Congressional Globe*, 31st Congress, 1st session (Washington, D.C.: Congressional Globe Office, 1850), 451.

¹⁴⁹ John C. Calhoun to Edmund W. Hubbard, March 9, 1850, reprinted in *The Papers of John C. Calhoun*, vol. XXVII, 1848-1849, eds. Clyde N. Wilson and Shirley Bright Cook (Columbia, SC: University of South Carolina Press, 2003), 226 [hereafter cited as *Papers of Calhoun*].

¹⁵⁰ John C. Calhoun to Thomas G. Clemson, March 10, 1850, reprinted in *Papers of Calhoun*, 227.

chords in his mind and heart.”¹⁵¹ Mason likely inferred that his selection by Calhoun symbolized the elder statesman passing the torch of southern defense to the Virginian. Joseph Scoville, a close friend of Calhoun, mocked Mason’s interpretation. In a letter reprinted in *The New York Herald*, Scoville stated that Mason “aspires to wear the mantle of Mr. Calhoun, [but] is not able to fill the half slippers of the great dead.”¹⁵² To those around Calhoun, the great mediator between slaveholders and yeomanry, the South Carolinian was irreplaceable.

THE FUGITIVE SLAVE ACT

Calhoun’s speech came at a pivotal moment. While partly aimed at an overly aggressive and antagonistic North, it was also a reply to the compromise measures under consideration. One of those proposals was Mason’s Fugitive Slave Law. Mason introduced the legislation on January 4, and the Senate Judiciary Committee, chaired by fellow southerner and friend Andrew Pickens Butler, approved the bill for debate on January 16. Symbolically, runaway slaves posed a tremendous problem. They represented the diminution of slaveholders’ hegemony and a challenge to their paternalism.

Slaves also contributed to the political weight of the South. They artificially inflated the region’s and individual southern states’ representation, and prevented the South from falling further into the minority. Moreover, Virginia’s close proximity

¹⁵¹ Mason, *Public Life*, 72. This claim by Virginia Mason deserves scrutiny because of the distance between the event and her recollection, and it may represent a form of revisionist history. However, it does indicate that some viewed Mason’s reading as a profound moment.

¹⁵² Joseph Scoville to James G. Bennett, reprinted in *The New York Herald*, May 3, 1850.

to the North also weighed on Mason's mind as the state's adjacency to northern states increased the possibility of runaways. Internally, eastern slaveholders wondered if nonslaveholders in the Trans-Alleghany and Shenandoah Valley would condone runaways as a means of achieving political equality and subverting eastern ascendancy. A free African-American population added to this abolition paranoia. By 1850, Virginia possessed the second-largest free African-American population. To whites, free blacks represented possible agents of subversion and rebellion.¹⁵³

Ever since his ascension to the senate, Mason had attacked northern states for enacting laws that nullified the existing fugitive slave law, and for threatening southern slaveholders who wished to retrieve their chattel.¹⁵⁴ He proposed a more stringent Fugitive Slave Law in hopes of remedying these problems.¹⁵⁵ It would also represent another constitutional guarantee designed to balance the interests of slaveholders with political power. Ultimately, Mason sought to make it more difficult for northerners to renege on their constitutional obligations.

Following the introduction of the bill, some southerners attacked the measure as weak and ineffectual. Mason himself feared that the law would be "of little worth of securing the rights" of slaveholders because of northern intransigence and hostility. Yet, he felt that it was his "duty" to support this bill because of its

¹⁵³ Virginia had 54,333 free blacks, while neighboring Maryland possessed 74,723. Besides these two, only Louisiana, 17,462, and South Carolina, 8,960, had a significant free black population. Other cotton states such as Mississippi and Alabama had less than 1,000 free blacks. University of Virginia Geospatial and Statistical Data Center: Historical Census Browser [http://mapserver.lib.virginia.edu/php/newlong3.php] [accessed January 12, 2011 to January 14, 2011].

¹⁵⁴ Mason, *Speech... on The Bill to Organise a Territorial Government for...Oregon*, 6.

¹⁵⁵ It should be noted that Mason formed the Fugitive Slave Law of 1850 to strengthen an existing Fugitive Slave Law present in the Constitution's Article IV, Section 2.

importance to the people he represented.¹⁵⁶ Other bills proposing California statehood, settling the territorial claims of Utah and New Mexico, and abolishing slavery in the nation's capitol presented roadblocks for politicians. Mason and nine other southern senators, afraid of California's admission to the Union as a free state, penned a protest against that measure. In the letter, they condemned the bill admitting California because it deprived southern slaveholding states of "equality"—the "common and equal enjoyment of the territory."¹⁵⁷ The California bill obviated "safeguards" that ensured the rights of slaveholders and nonslaveholders, and destroyed the "equality" and "dignity" of those the senators represented.¹⁵⁸

The compromise measures stirred some of Mason's constituents to request him to attend a meeting in New Market in Shenandoah County. Mason declined the offer, stating that he could not afford to be absent from Washington, but he articulated his position on the compromise. He attacked the "perverse and wicked counsels" that sought to "destroy the equality of the States [*sic*]" and "break up...Southern institutions."¹⁵⁹ Mason proclaimed that he would only support the compromise measures if they "ensure[d] the just equality of all the States, in the benefits as well as the burdens of a common government." If it failed to assure this equality, he would "clearly and decidedly" oppose its ratification.¹⁶⁰ Mason lived up to his words. While Kentucky Senator Henry Clay attempted to get multiple

¹⁵⁶ Mason, *Public Life*, 81.

¹⁵⁷ Letter reprinted in Mason, *Public Life*, 78-79.

¹⁵⁸ *Ibid.*, 80.

¹⁵⁹ James M. Mason to David Hedrick and others, Committee, July 23, 1850, reprinted in Mason, *Public Life*, 76.

¹⁶⁰ *Ibid.*, 77.

proposals through in one bill, called the Omnibus Bill, it confronted stiff opposition from southern politicians, including Mason. It was only through careful maneuvering—and the death of Zachary Taylor—that the bills passed individually through Congress.¹⁶¹

Mason's Fugitive Slave Law passed by a vote of twenty-seven to twelve, with twenty-one senators abstaining. For southern senators, the bill represented a test of honor, and, accordingly, all of them supported Mason's bill. The final wording of the bill proved extremely controversial. Judges appointed commissioners who could extradite alleged fugitive slaves residing in the North and revoke any of the purported runaway's civil rights. While in the North, judges denied suspected runaways a trial by jury and revoked habeas corpus. Mason also included a monetary reward in the bill. Judges who found the purported runaway guilty earned \$10, while finding the alleged fugitive innocent netted the judge \$5. Perhaps most controversial, the law also extended to northern citizens. The Fugitive Slave Law allowed commissioners to form a posse composed of local citizens to hunt fugitive slaves; those who refused to join were subject to a \$1,000 fine and six months in jail.¹⁶²

Following ratification, Mason supported the provisions in the bill. Senator Lewis Cass from Michigan asked if Mason would "go to hunt up a murder or forger,

¹⁶¹ Wilentz, *Rise of American Democracy*, 649; Shade, *Democratizing the Old Dominion*, 258. For a full treatment of the Compromise of 1850, see Holt, *American Whig Party*, 459-532. Mason and Robert M.T. Hunter both supported the Fugitive Slave Law and the bill organizing Utah and New Mexico without any reference to slavery. Both senators adamantly opposed the Texas border settlement issue, abolishing slavery in Washington, D.C., and admitting California as a free state. Both senators' votes mirrored the requests of the Virginia General Assembly, as well as influence from Mississippi Senator Jefferson Davis.

¹⁶² Freehling, *Road to Secession: Disunionists at Bay*, 500-501.

or thief who had escape from another State?” Mason responded he would, “if it was necessary to execute the law.”¹⁶³ Mason declared that his constituents were “deeply interested in the execution of this law” as Virginians lost “some hundred thousand dollars annually” because of fugitive slaves.¹⁶⁴ In a speech later in 1851, Mason reaffirmed his authorship of the Fugitive Slave Law. The people “will find...that it carries with it the safety of the Union.”¹⁶⁵

Publicly, Mason supported the Compromise of 1850, and declared that he would ensure his constituents followed the laws. “If [the laws] are allowed to remain as they are, and are efficiently executed,” Mason insisted, “there is no purpose or desire on the part of the people of my State [*sic*] to disturb them.”¹⁶⁶ Furthermore, Mason assured other senators that the measures did not compel Virginia to seek secession. “For what has passed, Virginia does not seek disunion. None can look with greater horror than do her people upon disunion for disunion’s sake,” he pronounced.¹⁶⁷ Mason voiced Virginia’s unwavering devotion to the Union, but also cautioned northern senators who continued to assail slaveholders. If “the rights of the minority are violated...[Virginia] will be the first to repudiate and to disown” this corrupted and unequal form of government.

Privately, Mason denounced the Compromise of 1850, the *second* time that his public pronouncements differed from his private thoughts and actions. “The

¹⁶³ *Congressional Globe*, 31st Congress, 2nd Session (Washington, D.C.: Congressional Globe Office, 1851), 296.

¹⁶⁴ *Ibid.*, 295.

¹⁶⁵ James M. Mason, *Remarks of Hon. J.M. Mason, of Virginia, on the Compromise Measures, Delivered in the Senate, December 17, 1851* (Washington, D.C.: Congressional Globe Office, 1851), 7.

¹⁶⁶ Mason, *Remarks...on the Compromise Measures*, 7.

¹⁶⁷ *Ibid.*, 8.

pseudo compromise of the slave question, claimed to have been effected by the measures of this session,” Mason wrote, “will, in its consequences, be found fatal, either to the Union of the States, or to the institution of slavery.”¹⁶⁸ What happened in the interim was inconsequential. “The rest,” he believed, “is a question of time, and of time only.”¹⁶⁹ The compromise measures placed the government “in direct hostility to the institution of slavery” and afforded the South “no escape.” As with his stance against the Wilmot Proviso, Mason believed the Compromise of 1850 curtailed slaveholders’ rights. The measures failed to provide equal access to territories for all citizens, truncated slavery’s expansion, and limited the South’s political power.

REELECTION

On December 7, 1850, the Virginia General Assembly met to decide if Mason’s performance warranted another six years in office. Opponents attacked his friendship with the secessionists of South Carolina, his votes against the compromise measures, and the senator’s supposed disunionist proclivities. Others challenged Mason’s ability to represent the more conservative elements of the state. But Mason’s friends rallied to his side. Emphasizing that Mason publicly proclaimed no antagonistic will toward the Compromise of 1850, allies declared that Mason’s defeat would signal that Virginia was cowering from the North. Further, they deflected arguments that questioned Mason ability to represent the entire state, saying that his

¹⁶⁸ Memorandum, August 9, 1851, in Mason, *Public Life*, 84-85.

¹⁶⁹ *Ibid.*, 85.

pursuit of equality in the national government mirrored his attempts to enact that same principle in Virginia.¹⁷⁰

Ultimately, Mason won easily. He secured every Democratic vote in the state legislature, and, receiving one hundred-twelve votes, distanced himself from westerner George W. Summers and former governor James McDowell, Jr.¹⁷¹ Mason declared that his “triumphant majority” was immediately disseminated by the General Assembly in order to indicate “more emphatically its decided approbation of my course in the Senate, [and] on the slavery questions.”¹⁷² The paucity of votes for Mason’s opponents demonstrated an important mindset among Virginians. Opponents noted that McDowell’s brother-in-law was Missouri Senator Thomas Hart Benton, a slaveowner who voiced his concerns about the moral implications of the institution. Many in Virginia worried that McDowell carried similar sentiments. The former governor’s past also damaged his credibility. He served as vice president of the Virginia Colonization Society during the slavery debates in 1832, and was a strong supporter of some form of emancipation.¹⁷³

Summers, while a favorite in northwest Virginia, gained infamy for his stance on abolition during the 1832 debates over slavery. A nonslaveholder then, Summers believed that the deliberation over slavery in Virginia signaled the eventual collapse of the institution. Summers advocated gradual emancipation like Thomas Jefferson Randolph, and condemned eastern attempts to intertwine government and property.

¹⁷⁰ Bugg, “The Political Career of James Murray Mason,” 448-450.

¹⁷¹ Ibid. Summers received thirty-six votes, while McDowell only received two.

¹⁷² Mason, *Public Life*, 86.

¹⁷³ Shade, *Democratizing the Old Dominion*, 197, 211.

The noted conservative Benjamin Watkins Leigh attacked Summers, declaring him a radical on the issue. By 1850, Summers was a substantial slaveholder, but his past remarks continued to hinder his political ambitions.¹⁷⁴

News of Mason's reelection soon reached his neighbors. Residents in Charles Town rejoiced at his reelection. A local newspaper stated that the town bell was rung, and the town passed six resolutions honoring Mason. One resolution celebrated this "distinguished" and "faithful" senator who "obeyed his state" and "faithfully represented his constituents." The resolutions implored Mason to "persevere" on his current course of fighting for the South's constitutional rights.¹⁷⁵

Other publications in the state echoed similar sentiments. Not reelecting "this pure patriot and statesman," the Norfolk *Southern Argus* declared, would have placed "an ineffaceable stain upon the character of the State."¹⁷⁶ The *National Intelligencer* asserted that this signaled the Commonwealth's stance on preserving the Constitution and the Union.¹⁷⁷ The *Daily Union*, based in Washington, D.C., believed that the voice of moderation was alive in Virginia, and that the state would abide by the recent compromise measures.¹⁷⁸

¹⁷⁴ Ibid., 204.

¹⁷⁵ Mason, *Public Life*, 86-87.

¹⁷⁶ *Southern Argus*, December 11, 1850, reprinted in Mason, *Public Life*, 87.

¹⁷⁷ *National Intelligencer*, December 9, 1850, reprinted in Bugg, "The Political Career of James Murray Mason," 450

¹⁷⁸ *Daily Union*, December 8, 1850, reprinted in Bugg, "The Political Career of James Murray Mason," 451.

CONSTITUTIONAL REFORM...AGAIN

Western Virginians' demands for a new constitution finally achieved success in 1850. After numerous petitions from western residents, the legislature acquiesced in calling for a new constitutional convention.¹⁷⁹ This body of delegates was sharply different than the previous convention. Nearly all delegates during the 1829-30 constitutional convention matured during the battles between Federalists and Democratic-Republicans fighting over the interpretation of republicanism and what path was best for the nation. Delegates to 1850 convention—approximately eighty-percent of whom were born after 1800—had lived all their lives under the two-party system and were thus exposed to more democratic ideals.¹⁸⁰

Occupations of the delegates differed as well. In the previous convention, fifty-seven percent of the delegates were planters, while only one-third were involved in non-agricultural pursuits. In the 1850-51 convention, planters made up twenty-eight percent of delegation. Non-agricultural professions increased dramatically, providing over one-half of the occupations for delegates.¹⁸¹ Large slaveowners were less represented as well. In the previous convention, half of the delegates owned approximately twenty to fifty slaves. Sixteen percent of those owned more than fifty,

¹⁷⁹ Gaines, "The Virginia Constitutional Convention of 1850-51," 76-87. The previous constitutional convention required the state to revisit representation in 1841. Numerous petitions from residents in the Trans-Alleghany and Shenandoah Valley failed to achieve any success. By 1842, residents held public protests in cities such as Clarksburg, Charleston, and Lewisburg. Some encouraged the region to secede from Virginia. By 1845, even Governor James McDowell, Jr. failed to persuade the legislature to call for a convention. Easterners acquiesced in 1849, hoping to convene a constitutional convention before the 1850 census results became available.

¹⁸⁰ Shade, *Democratizing the Old Dominion*, 269.

¹⁸¹ Table 8.1. "Occupation of the delegates in the two antebellum constitutional conventions," in Shade, *Democratizing the Old Dominion*, 270. Lawyers formed over one-third of the total delegation, the largest percentage of any occupation.

and nonslaveholding delegates comprised only seven percent of the delegation. In the latter convention, forty percent of delegates did not possess slaves, while only five percent owned more than fifty.¹⁸²

The factors behind this dramatic demographic shift illumine the economic and social dynamics in Virginia. Approximately one-fifth of convention delegates possessed more than twenty slaves, but, not surprisingly, nine out of ten of those lived in the eastern part of the state.¹⁸³ Economic diversification and increased education opportunities enabled citizens to pursue career paths outside of slave ownership and agriculture. By 1850, Virginia invested more than \$18 million into manufacturing establishments, a nearly sixty-two percent increase since 1840, and ranking it first among slave states. The value of its manufacturing products was close to \$36 million, nearly equal to that of New Jersey. Furthermore, more than sixty-seven thousand Virginians went to public schools in 1850, the fourth most among southern states. In terms of higher education, Virginia had twice as many colleges, twelve, as Massachusetts.¹⁸⁴

Demographics were changing as well. More than twenty-two thousand people born outside the United States called Virginia home, placing the Old Dominion

¹⁸² Table 8.2. "Slaveholding of the delegates in two antebellum constitutional conventions," in Shade, *Democratizing the Old Dominion*, 271.

¹⁸³ Shade, *Democratizing the Old Dominion*, 272. The number of nonslaveholders in the House of Delegates since the last constitutional convention continued to rise. In 1831, twenty-six delegates possessed no slaves; in 1850, that number had increased to 35. See Table 5.5. "Slaveholding status of members of the House of Delegates, 1788-1860," in Shade, *Democratizing the Old Dominion*, 177.

¹⁸⁴ University of Virginia Geospatial and Statistical Data Center: Historical Census Browser [<http://mapserver.lib.virginia.edu/php/newlong2.php>] [accessed January 12, 2011 to January 14, 2011].

fourth among slave states.¹⁸⁵ Immigration was such an important issue that Wheeling delegate John Knote asked that the ensuing debates be printed in both English and German so that his constituents could follow the proceedings.¹⁸⁶ Modernization, while not accelerating at the same rate in states north of the Mason-Dixon Line, created new opportunities for residents outside of the traditional roles of planter and even farmer.

The convention assembled in Richmond in October 1850, but voted to adjourn until the following year when the census results became available.¹⁸⁷ When the convention resumed in January 1851, representation became the paramount topic. The *Richmond Enquirer* was aware of the controversy surrounding the mixed basis. “We hear many allusions made to the basis question—dark spots on the horizon indicate a storm which may burst upon the Old Commonwealth,” the newspaper commented.¹⁸⁸ By waiting an extra year, westerners saw that their white population outweighed that of the East by approximately ninety-thousand. But the majority of the slave population rested in the Piedmont and Tidewater regions, and easterners demanded protection for their property.¹⁸⁹

Fauquier County delegate Judge Robert E. Scott, a large slaveholder, wondered why Virginia should reform the government and base it on a principle that “instead

¹⁸⁵ Ibid.

¹⁸⁶ Gaines, “The Virginia Constitutional Convention of 1850-51,” 112.

¹⁸⁷ Western solidarity, along with eastern absenteeism, allowed delegates to pass a motion 66 to 62 for adjournment. Gaines, “The Virginia Constitutional Convention of 1850-51,” 112.

¹⁸⁸ *Richmond Enquirer*, January 7, 1851.

¹⁸⁹ University of Virginia Geospatial and Statistical Data Center: Historical Census Browser [<http://mapserver.lib.virginia.edu/php/newlong2.php>] [accessed January 12, 2011 to January 14, 2011]. By 1850, the white population in the West was 494,763 compared to 401,104 in the East. The slave population in 1850 in the eastern regions was 411,379, and only 63,234 in the West.

of affording protection to property, will lay it open to be plundered at the discretion of a mere majority.”¹⁹⁰ Culpeper delegate James Barbour mocked westerner insistence that their simple majority constituted a shift in power. “That the majority have the right to exercise all power, and the minority have no right to exercise any power at all” was an irrational and dangerous principle, Barbour insisted.¹⁹¹ This principle resonated with many, as many southerners saw this same struggle on the national stage. Easterners constantly reminded the delegation that approximately two-thirds of state revenue came from the East’s property.¹⁹² Therefore, those with the greatest interest in government deserved the greatest voice.

Underlining these claims were fears of abolitionism. By 1850, more than eighty percent of slaves resided in the eastern part of the state.¹⁹³ Easterners worried that opening up the political system to nonslaveholders would provide an opening for abolitionism. “I tremble when I anticipate the day,” Barbour proclaimed, “when the unrestricted control over the powers of this government shall pass into hands not interested in the preservation of that property.” Barbour confronted western claims that slave labor interfered with free white labor by labeling their accusation as outsider radicalism. “It is this very argument upon which the free soil party of the

¹⁹⁰ *Register of the Debates and Proceedings of the Virginia Reform Convention* (Richmond: R.H. Gallaher, 1851), microfiche, 284 [hereafter referred to *Register of the Debates*].

¹⁹¹ *Ibid.*, 367.

¹⁹² Shade, *Democratizing the Old Dominion*, 276.

¹⁹³ University of Virginia Geospatial and Statistical Data Center: Historical Census Browser [http://mapserver.lib.virginia.edu/php/newlong2.php] [accessed January 12, 2011 to January 14, 2011].

north bases itself,” Barbour warned other slaveholding delegates.¹⁹⁴ While western leaders declared their disgust for radical abolitionism—“It is impossible,” Monongalia County Waitman T. Willey declared, “that the morbid, pseudo-philanthropic spirit of northern abolitionism should ever find a resting-place in Virginia”—eastern planters were unconvinced.¹⁹⁵

Rockbridge County Delegate John Letcher, a contributor to the “Ruffner Pamphlet,” advocated the white basis over the use of the mixed basis. To allay fears that the white basis would threaten slaveholders, Letcher reminded the delegation of the work of Senator James Murray Mason, a white basis advocate. Letcher stated that Mason “employed his brilliant talents in advocating the white basis of representation” in the previous convention. And, Letcher suggested, Mason’s position on representation failed to arouse any hostility toward slavery. Letcher could not find “any man in Eastern Virginia or elsewhere...more trustworthy, or who would have gone further in defence [*sic*] of the peculiar interests and rights of the Old Dominion,” or a “representative from a slaveholding state [who] has been more faithful to the interest, honor, and rights of the South.”¹⁹⁶

By using Mason as his example, Letcher emphasized that a representative could balance the interests of slaveholders and nonslaveholders. Western delegates did not desire abolition, but rather equal opportunity in the political system. Mason

¹⁹⁴ James Barbour, *Speech of James Barbour, Esq., of Culpeper, in the Committee of the Whole, on the basis question, delivered in the Virginia Reform Convention, on Thursday, February 27, 1851*, (Richmond: R.H. Gallaher, 1851), microfiche, 12.

¹⁹⁵ Waitman T. Willey, *Speech Delivered in the Constitutional Convention of 1850-51* (Richmond: Ritchies & Dunnivant, 1851), quoted in Ambler, *Sectionalism in Virginia*, 269.

¹⁹⁶ John Letcher, *Speech of John Letcher, ESQ. of Rockbridge on the Basis Question, Delivered in the Committee of the Whole Convention, March 14, 1851*. (Richmond: Ritchies & Dunnivant, 1851), 9.

echoed this same demand for equality while a delegate and now as a senator.

Ultimately, Letcher hoped that by glorifying Mason and his ideology, eastern delegates would open up the government, and institute democratic and egalitarian reforms.

Gridlock over representation and other issues including suffrage lasted until mid-1851. Rumors of possible disunion surfaced, and became increasingly manifest as the convention dragged on. On May 16, Delegate Samuel Chilton of Fauquier County finally broke the political siege when he proposed amending a previous bill offered by a committee. In the House of Delegates, the West would get eighty-two of the 150 seats, while the East would get thirty of the fifty positions in the Senate. The legislature would then be in charge of revisiting apportionment in 1865. If it still could not decide, the public would vote on four available options. After some minor changes, delegates ratified the bill on May 21, 51-44.¹⁹⁷

With representation settled, other minor issues received little objection from either section. Suffrage expansion met little resistance, as Whigs and Democrats across the state sought to increase their electorate. Some obdurate conservatives advocated some form of property ownership for voting privileges, but their calls appeased few. On July 16, delegates ratified a committee proposal to institute

¹⁹⁷ Link, *Roots of Secession*, 22-23. The final bill stipulated that each house construct its own plan for apportionment, and then give them to the governor for ratification by the people. If the legislature was unable to agree on a proposal, residents would have their choice of four different options: suffrage basis for both houses, the mixed basis for both houses, suffrage for the House and taxation in the Senate, and suffrage for the House and mixed basis in the Senate. If one of these proposals failed to garner a majority, then the top two would be placed in a runoff.

universal manhood suffrage, 83 to 26.¹⁹⁸ Fourteen days later, delegates voted 75 to 35 to pass the new constitution and subsequently sent it to the public for ratification.¹⁹⁹

The debate over reform represented the same ideological battle that occurred in the Commonwealth twenty years earlier. The constitutional convention illustrated the pervasiveness of conservative thought in the Old Dominion, but also an emerging democratic ethos, especially in the western part of the state. Mason was a powerful proponent of this movement. He believed that government should keep the forces of property and political power “nearly equipollent.” Moreover, by opening up the political system, Mason sought to ensure a form of government that supported the rights of all white southerners. Other western leaders, like future governor John Letcher, concurred, and fought for those same benefits.

MASON’S FIGHT FOR SOUTHERN EQUALITY

Mason’s strong senatorial record for championing slaveowners’ rights aided his reelection in November 1855. A.D. Banks, a member of the Hunter wing of the Democrat Party, assured Hunter that Mason faced no threat to reelection.²⁰⁰ “It

¹⁹⁸ Gaines, “The Virginia Constitutional Convention of 1850-51,” 245-247. Richmond Delegate Hector Davis argued that only taxpayers and those who held at least \$25 worth of land should be allowed to vote. Fairfax Delegate William Edwards believed that only those who were current with their state and county taxes should be allowed to cast a vote. Some delegates went as far to desire the implementation of a poll tax. The final bill allowed all white males above the age of twenty-one, and who had lived in the state for two years and their district for twelve months preceding an election to vote. Restrictions were placed on paupers, the mentally handicap, and non-commissioned military personnel.

¹⁹⁹ *Ibid.*, 277. Western delegates voted as one bloc, unanimously supporting its passage, while about half of eastern delegates voted for its passage.

²⁰⁰ By 1855, the Democratic Party in Virginia comprised one wing that supported Hunter and another that backed Henry Wise. Hunter’s support for an unpopular homestead bill in 1854 exacerbated factions in the state Democratic Party, and largely ruined any chance of him seeking higher political office. Perhaps most significantly, the death of Thomas Ritchie, head of the Richmond Junto and

affords me great pleasure,” Banks wrote to Hunter, “to communicate the agreeable fact that Mason’s re-election is *un fait accompli*. *There will be no opposition*. The movement against him has signally failed and about the first business of the session will be his triumphant re-election.²⁰¹ Mason trounced opposition forces. While rumors abounded that former governor John B. Floyd desired Mason’s seat, the incumbent easily won. The stiffest challenge came not from Floyd but George W. Summers who, once again, found himself on the losing end of an election for higher office. Mason’s firm stance on protecting slavery during his tenure as senator demonstrated his passion for the institution, and left few to doubt that he represented the peculiar interests of Virginia. Securing 124 out of 192 votes, Mason remained in the Senate and asserted himself as a prominent leader of Virginia politics.²⁰²

By the mid-1850s, while Virginians extolled Mason, many northerners, especially abolitionists, regarded him as anathema for his proslavery ideology. Massachusetts Senator Charles Sumner declared that while Mason “holds the commission of Virginia...he does not represent that early Virginia...which gave to us the pen of [Thomas] Jefferson, by which the equality of men was declared.” Rather, Mason embodied “that other Virginia, from which [George] Washington and Jefferson now avert their faces; where human beings are bred as cattle for the

editor of the *Richmond Enquirer*, in 1854 removed the glue that kept the disparate branches of the state Democratic Party together. See Charles Ambler, *Thomas Ritchie: A Study in Virginia Politics* (Richmond: Bell Book & Stationary Co., 1913).

²⁰¹ A.D. Banks to R.M.T. Hunter, November 23, 1855, reprinted in *Correspondence of Robert M.T. Hunter*, ed. Charles Henry Ambler, (New York: De Capo Press, 1971), 171 [emphasis in original].

²⁰² Bugg, *The Political Career*, 563. Summers received sixty-six votes, while John Buchanan Floyd, John Letcher, and Thomas B. Miller each received one vote.

shambles.”²⁰³ Mason execrated Sumner’s speech and his assertions of a ruling “slaveocracy” or “slave power.” Slavery, he said, gifted the “charities of life that ennoble the nature of man.”²⁰⁴ Of course, Sumner, a staunch abolitionist, found the time to attack the Virginian for promoting the institution and supposedly deviating from his forefathers. Sumner worked diligently to expose a supposed conspiracy among slaveowners to control the government, and perceived the Virginia senator as part of this scheme.

Undeterred by northern attacks, Mason continued to support slavery as a critical institution to Virginia and the South. During the debates over the Kansas-Nebraska Act, Mason defied senators to explain how they could simply disregard slavery when many of the colonies sanctioned and supported the institution prior to the creation of the United States. “The institution of slavery,” Mason asserted, “existed when the Constitution was formed; it was recognised [*sic*] there as an existing social institution.”²⁰⁵ He continued his speech, asserting that the Constitution further legitimized slavery by designating it an element of “political power.”²⁰⁶ Slaveholding states acquired this constitutional right by conceding “full

²⁰³ Charles Sumner quoted in A.P. Butler, Josiah J. Evans, and R.M.T. Hunter, *The Massachusetts Resolutions on the Sumner assault and the slavery issue: Speeches of Senators Butler, Evans, and Hunter, Delivered in the Senate of the United States* (Washington, D.C.: Congressional Globe Office, 1856), 19.

²⁰⁴ Mason quoted in Mason, *Public Life*, 114.

²⁰⁵ James M. Mason and Lyman Trumbull, *Remarks of Senator Mason, of Virginia, and Senator Trumbull, of Illinois, on the Extension of Slavery into Free Territory, In the Senate of the United States, December 2, 1856*. (Washington, D.C.: Buell & Blanchard Printers, 1856), 3.

²⁰⁶ *Ibid.*

equivalents” to nonslaveholding states. Mason declared that this “contract” prevented one section from interfering with the rights of another.²⁰⁷

Mason perceived the perpetuation and protection of this “contract” as essential because it was a Constitutional safeguard. With the South “falling into a minority,” the region could not afford the degradation or repudiation of these Constitutional provisions. Rather, these measures must “be kept toward the minority” in order to obviate majority tyranny. Mason demanded that “every element of political power...guarantied [*sic*] to them [the South]...be fairly and honorably conceded.” The North’s failure to abide by this contract endangered the longevity of the Union.²⁰⁸

By the mid-1850s, external and internal factors threatened Mason’s quest for southern equality. The ascension and growth of the American or Know-Nothing Party in Virginia around 1855 represented another challenge. Started in New York City in 1843 as a nativist organization, the party gained a foothold in the South with the death of the Whig Party and the Kansas-Nebraska Act.²⁰⁹ Mason labeled the party a “Yankee device” that operated “without the sanction of law.”²¹⁰ According to Mason’s daughter Virginia, he actively canvassed the state assailing the evils of the

²⁰⁷ Ibid.

²⁰⁸ Ibid., 4.

²⁰⁹ Many southerners feared foreigner voters, namely Germans who supposedly held abolitionist sentiments, in determining the future of Kansas and Nebraska. With lax suffrage requirements in these two territories, southerners feared that slavery would flounder and die. The party also attracted a strong number of Democrats who held nativist feelings.

²¹⁰ J.M. Mason to Muscoe Russell Hunter Garnett, July 3, 1855, quoted in Link, *Roots of Secession*, 125.

party.²¹¹ He, along with other Democrats, vilified the Know-Nothing Party as quasi-abolitionist.²¹² This belief became manifest when the *Richmond Enquirer* uncovered a speech given by the Know-Nothing candidate for governor Thomas S. Flournoy. According to Flournoy, slavery retarded economic growth and inhibited prosperity. “No country can be prosperous with a slave population,” the *Richmond Enquirer* quoted Flournoy.²¹³ This argument was similar argument to those stated by westerners in 1829, but now the threats to slavery appeared increasingly tangible. Wise won the election, and although one northern “device” laid defeated, another more palpable threat loomed.²¹⁴

The rise of the Free Soil and Republican Party further complicated national and Virginia politics. In 1856, John C. Frémont, a former officer in the Mexican-American War, ran for president on the Republican ticket. For Mason, the sectional crisis reached a critical stage. The rapid ascendancy of the party worried the Virginian, especially because of its sectional nature. Fearing what a Republican president could dictate, Mason confided in Jefferson Davis his plans if Frémont won the election. “In the event of Frémont’s election,” Mason disclosed, “the South should not pause, but proceed at once to ‘immediate, absolute, and eternal

²¹¹ Mason, *Public Life*, 105.

²¹² See *Facts for the People of the South: Abolition Intolerance and Religious Intolerance United. Know-Nothingism Exposed* (Washington, D.C.: Union Office, 1855). It also did not help that many of the party’s politicians were from Massachusetts, home to Sumner and other radical abolitionists.

²¹³ *Richmond Enquirer*, April 2, 1855, quoted in Craig Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill and London: The University of North Carolina Press, 1985), 110.

²¹⁴ Simpson, *A Good Southerner*, 110-114. Wise received 83,424 votes, while Flournoy finished approximately 10,000 behind.

separation.”²¹⁵ Like many other Virginians, Mason believed that a Republican administration would begin to destroy slavery in the South. Using patronage, Republicans would appoint abolitionists to different posts throughout the South. As appointments increased, slavery would be in danger of extinction.

The *Richmond Enquirer* became one of the leading newspapers in Virginia to warn about the Republican threat. Republicans desired to “sacrifice the equal, just and constitutional rights of the slaveholding States,” and usher in an unequal system of government.²¹⁶ The threat appeared increasingly tangible when the newspaper looked to the western panhandle of the state. Here, where slaves were scarce, the Republican Party found fertile ground. An editorial in the Charlottesville *Jeffersonian* warned about the dangers of this sectional party. “In order to exterminate slavery[,] war is to be made on the Democratic party by Seward and his cohorts of Black Republicans,” the paper stated. In order to thwart these attempts, Virginians must “crush out the dangerous heresies of Seward and Co.”²¹⁷

Slavery continued to dominate discussions in the late 1850s. Many slaveholders, including Mason, believed that they received a critical judicial victory in 1857 with the *Dred Scott* decision. Mason celebrated the Supreme Court’s ruling. He supported Justice Taney’s “well-considered opinion” that slaves were not citizens

²¹⁵ J. M. Mason to Jefferson Davis, September 30, 1856, reprinted in Mason, *Public Life*, 118. *The New York Tribune* reprinted this letter during the war as an indication of Mason’s disunionist proclivities.

²¹⁶ *Richmond Enquirer*, August 12, 1856, reprinted in Link, *Roots of Secession*, 162.

²¹⁷ *Jeffersonian*, editorial, November 11, 1858.

and could not sue, and further that slaves were a form of property.²¹⁸ Therefore, slaveowners could legally take their property into any territory they desired. Mason reminded northern senators that they “were under an engagement of honor to abide by this judgment” and not interfere with the expansion of slavery into the territories.²¹⁹ Territories were a piece of “common property,” and all residents and states possessed “equal rights” in settling the area.²²⁰ Ultimately, he believed that Congress could not differentiate between “slave property and other property,” nor could it “deprive the owner of the benefit of the guarantees of the Constitution.”²²¹ Mason denounced the constant attempts by the majority to distinguish property and exclude southerners from territories that were supposedly open to all citizens.

THE 1860 PRESIDENTIAL ELECTION

Further occurrences in the nation and the state heightened sectional tensions. John Brown’s raid at Harpers Ferry frightened many across Virginia. “The whole state seems to be in a condition of frightened frenzy; and the action of its authorities, and the language of its Press [*sic*] betoken a state of...rash and perilous folly,” a reporter for the *New York Times* exclaimed. “Everything said or done concerning Slavery [*sic*] startles the community into instant terror,” the newspaper concluded.²²² Others newspapers asserted that Brown was only one man of a larger network of

²¹⁸James M. Mason, *Property in the Territories. Speech of Hon J.M. Mason, of Virginia, Delivered in the Senate of the United States, May 18, 1860* (Washington, D.C.: L. Towers, 1860), 5.

²¹⁹ *Ibid.*, 5

²²⁰ *Ibid.*, 2.

²²¹ *Ibid.*, 10.

²²² *New York Times*, November 21, 1859.

radical abolitionists living across the Mason-Dixon Line. These “reckless and restless tools of Northern Abolitionists” presented an acute danger for Virginia slaveowners, the *Norfolk and Portsmouth Herald* proclaimed.²²³

Mason, head of the senate committee selected to investigate the rebellion, was one of the first to interview Brown after his failed attack. In a letter to the *Constitution*, Mason applauded Virginia’s slaves for not following Brown, and emphasized, “There was no *insurrection* in any form whatsoever.” A lone miscreant, Brown acted without the assistance of any Virginians, black or white.²²⁴ Mason allayed fears of slave uprisings across Virginia, and applauded the slaves for their “loyalty” in preventing further bloodshed.²²⁵ Mason attempted to illustrate that slaves were content in the current state and were obedient to their masters. He made sure that northern senators understood that Virginia’s slaves were loyal and satisfied with their status, and would not join in rebellion against their owners.

Of the “reckless and restless tools of Northern Abolitionists,” perhaps none concerned more Virginians than Abraham Lincoln. Many slaveholders feared that the 1860 Republican presidential candidate was an instrument of abolitionists, and, when elected, would threaten their property. The *Richmond Enquirer* believed that the election represented a watershed moment in American history because southern ethos was at stake. “Never were our principles more imperiled than in the present warfare waged upon our constitutional rights by Black Republican enemies, headed

²²³ *Norfolk and Portsmouth Herald*, editorial, November 22, 1859.

²²⁴ J.M. Mason to editor of the *Constitution*, Oct. 21, 1859, reprinted in Mason, *Public Life*, 147 [emphasis in original].

²²⁵ Mason, *Public Life*, 148.

by their standard-bearer, Abe Lincoln,” the *Richmond Enquirer* believed.²²⁶ To preserve these rights, the newspaper supported the election of John Breckinridge.

The presidential election revealed important insights into the political situation in Virginia. By 1860, the Republican Party maintained a foothold in the state, especially in the panhandle. Here, a politician could openly announce that he was a Republican without fear of reprisal. The Wheeling *Daily Intelligencer*, one of the state’s most important Republican newspapers, announced a week prior to the election that it would commence “printing our electoral Republican tickets for all parts of the State.”²²⁷ The *Wellsburg Herald*, located in nearby Brooke County, harbored similar sentiments to the *Daily Intelligencer*. The *Herald* despised how eastern Virginians labeled the Republican Party as a radical abolition movement. While nearly all Virginia Republicans were not radical abolitionists, they did wish to see slavery’s expansion halted before it enveloped the entire state.²²⁸ The Republican Party became a vehicle for disgruntled nonslaveholders in their quest for true political, social, and economic equality.²²⁹

Constitutional Union candidate John Bell of Tennessee captured Virginia by a razor thin margin, 156 votes, or approximately 0.1% over Breckinridge. Bell received more than half the votes cast in urban areas, including in towns and cities in the Tidewater and northern Shenandoah Valley. Pro-southern candidate Breckinridge received his majority in the slave dense areas of the southwest, Tidewater, and

²²⁶ *Richmond Enquirer*, editorial, November 6, 1860.

²²⁷ *Daily Intelligencer*, October 24, 1860.

²²⁸ Link, *Roots of Secession*, 202-204.

²²⁹ *Ibid.*, 203-205.

Piedmont. Only twenty-seven percent of urban voters supported Breckinridge.²³⁰

The close election indicated that there existed a strong diversity of opinions among Virginians concerning the future of the state and the nation.

Lincoln's election in 1860 ushered in a period of uncertainty and debate across the state. The Republican candidate captured a small number of votes in Virginia, 1,887, with the majority in Hancock, Brooke, Ohio, Preston, Wood, and Fairfax counties.²³¹ Some violence befell a few residents who attempted to vote for Lincoln. According to the *Alexandria Gazette*, a man who voted for Lincoln "was seized...blacked completely with printer's ink, [and] mounted on his horse."²³² After Lincoln's inauguration, a newspaper stated that the new president was burned in effigy at Hampden Sydney College.²³³ An editorial in the Richmond *Daily Dispatch* foretold of doom for the state and the nation. "The event is the most deplorable one that has happened in the history of the country," the newspaper surmised.²³⁴

The Staunton *Vindicator*, though, urged patience and opted for a more conciliatory approach. The *Vindicator* asserted, "The Union and the Constitution *must* be maintained." The newspaper accused the *Richmond Enquirer* and *Richmond Examiner* of inflaming passions, and instead urged opposition to "any

²³⁰ Table 6.1. "Votes for Presidential Candidates in the Election of 1860," in Link, *Roots of Secession*, 208. Bell received 74,481 votes, while Breckinridge polled 74,325 votes. Douglas, the Northern Democrat candidate, received 16,198 votes.

²³¹ Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill and London: The University of North Carolina Press, 1989), 82; Link, *Roots of Secession*, 210.

²³² *Alexandria Gazette*, November 9, 1860.

²³³ *Alexandria Gazette*, March 20, 1861.

²³⁴ *Daily Dispatch*, editorial, November 8, 1860.

insane movements.”²³⁵ Throughout the state, opinions varied as to what a Republican administration meant for the Commonwealth.

Mason felt certain that Lincoln’s election was an ominous augury of future events. In a letter to Nathaniel Tyler, editor of the *Richmond Enquirer*, Mason declared Lincoln’s victory an “Anti-Federal act” buttressed solely by northern voters.²³⁶ The Republican Party’s “open and avowed mission” was to “destroy” southern interests and property, and refuse the South a “common right” to territories.²³⁷ Mason feared that northern “conspirators” would “foment divisions amongst our people” and “excite the servile class to insurrection and rapine.”²³⁸ He declared that Virginia would not be “passive” in this matter, and advocated calling for a convention to determine the state’s course and to maintain the “just rights of our people.”²³⁹

In a letter penned six days later to his sister-in-law, Mason prophesized about the sectional crisis. “The dissolution of the Union is a *fixed fact*,” he declared. “As certain as the sun rises, South Carolina goes out as soon as the *Act of Separation* can be reduced to form...*and she is right*.” Mason believed that, “with like speed,” Virginia and other slaveholding states would join the Palmetto State. Mason called the people of the North “blind and deaf” to the seriousness of the impending crisis. This conflict represented a “*social war*, declared by the North, a war by one form of society against another distinct form of society.” For Mason, Lincoln’s election and

²³⁵ *Vindicator*, editorial, November 9, 1860 [emphasis in original].

²³⁶ J.M. Mason to Nathaniel Tyler, November 23, 1860, reprinted in Mason, *Public Life*, 157.

²³⁷ *Ibid.*, 156, 158.

²³⁸ *Ibid.*, 157.

²³⁹ *Ibid.*, 159-160.

the ascendancy of the Republican Party was the culmination of abuses over the past thirty years. Moreover, the sectional nature of the Republican Party demonstrated to Mason that the North could obviate constitutional safeguards that were in place to protect the South.²⁴⁰

While state after state in the Deep South seceded following Lincoln's election, Virginia remained in the Union. In the wake of the election, the *New York Times* reported that it could not find "ten men who candidly admit" to disunion in Petersburg.²⁴¹ In a public letter to the Richmond *Daily-Dispatch*, Senator Robert M.T. Hunter maintained that Lincoln's election alone did not warrant disunion. Lincoln's election by "constitutional means" did not compel the junior senator to "break up this Union, without at least an honest effort to preserve it."²⁴²

But the threat of war and coercion failed to stir action in the Commonwealth. Many Virginians appeared unmoved by their representatives' pleas, with most citizens waiting to see what transpired. Unconditional unionists and moderate unionists resisted calls for secession even after the Deep South formed a government, and delegates from the Confederate government pleaded with state representatives to join the new southern government. "The great majority of their constituents," the *New York Times* reported, "have decided not to go out of the Union for existing causes of complaint."²⁴³ Around Lincoln's inauguration, many citizens waited to hear what the newly elected president would say concerning the

²⁴⁰ J.M. Mason to Anne Mason, November 29, 1860, reprinted in Mason, *Public Life*, 160-161 [emphasis in original].

²⁴¹ *New York Times*, Nov. 3, 1860.

²⁴² Richmond *Daily-Dispatch*, December 4, 1860.

²⁴³ *New York Times*, March 22, 1861.

sectional crisis. The Wheeling *Daily Intelligencer* believed that Lincoln's government "will make no war" and that his inaugural address will "strengthen the hands of the Union men all over the South" who will then destroy the "hydra-headed monster among them."²⁴⁴

In the month following Lincoln's election, Mason's secessionist sentiment became increasingly manifest in the Senate. The Virginia senator denounced the "great numerical majority" in the North that felt obligated to use the machinery of the federal government to "extinguish" slavery.²⁴⁵ He declared the current crisis as a war of "one political power against another political power," and reproached other senators who failed to recognize the rapidly forming sinews of conflict.²⁴⁶ In the wake of the withdrawal of the six Deep South states, Mason stated that he was desperately trying to conjure up an excuse for Virginia to stay in the Union. Exasperated, he said that he could not formulate one.²⁴⁷ Privately, Mason condemned Lincoln's Secretary of State William H. Seward. He characterized Seward's words as "fraudulent and tricky," and that his speeches espousing peace possessed "no offer of concession worth consideration."²⁴⁸ Mason perceived the newly-elected Republican administration as a signal of the South's perpetual status as a minority, and the implementation of a government that sought to reign in and eventually destroy the South's property.

²⁴⁴ *Daily Intelligencer*, March 6, 1861.

²⁴⁵ Mason, *Public Life*, 168.

²⁴⁶ *Ibid.*, 169.

²⁴⁷ *Ibid.*, 171.

²⁴⁸ J.M. Mason to Lewis E. Harvie, January 13, 1861, reprinted in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Ithaca, NY: Cornell University, 2000), 51: 5 [hereafter referred to *War of the Rebellion*].

THE VIRGINIA SECESSION CONVENTION

Virginia Governor John Letcher called for a state convention to convene in early January 1861 to address the crisis facing the country, and to recommend a course of action. Many in the Commonwealth hoped that the Peace Congress held in Washington, D.C. would produce a compromise.²⁴⁹ However, in letter published before commencement of the state or peace convention, Virginia's representatives, including Mason, established their case against the Republican Party. They stated that the Republican Party rejected "the right of property in slaves," or any attempt to bring this chattel into territories.²⁵⁰ Lincoln's party threatened slaveholding states with "*coercion and war*," and Republicans categorized southern demands for an equitable system of government as "unreasonable."²⁵¹

Privately, Mason believed that peace was impossible. "All hope of adjustment is gone," he divulged to his daughter.²⁵² In a letter to South Carolina Governor Francis W. Pickens, Mason believed that Virginia would not delay secession. "Virginia, I think, will go out by the 20th of February," he confided.²⁵³ Until then, Mason stated that he would remain in the Senate in order to determine the new administration's stance.

On February 4, while the Peace Congress convened, Virginians voted to elect delegates to the convention. Of the 152 delegates, approximately one-sixth were

²⁴⁹ Politicians from fourteen northern states and seven slaveholding states, including Virginia, attended the Peace Congress. Absent were representatives from the Deep South, along with Arkansas, and some western states.

²⁵⁰ J.M. Mason to Virginia Mason, January 27, 1861, reprinted in Mason, *Public Life*, 176.

²⁵¹ Mason, *Public Life*, 177 [emphasis in original].

²⁵² J.M. Mason to Virginia Mason, January 27, 1861, reprinted in Mason, *Public Life*, 176.

²⁵³ J.M. Mason to Hon. F.W. Pickens, January 16, 1861, reprinted in *War of the Rebellion*, 51:6.

ardent secessionists and another one-sixth were unconditional unionists. The majority were moderates who sought measures that all Virginians, East and West alike, could agree upon. Frederick County asked Mason to run for delegate for their district, but he declined. He desired to stay in the Senate to see if Lincoln would take a conciliatory or militant approach to the crisis.²⁵⁴

During the convention, many western delegates took the floor to rail against their quasi-secessionist senators. On March 4, a delegate from Harrison County introduced a resolution condemning the course of Mason and Robert M.T. Hunter in the Senate. The motion stated that the senators' opposition to the Peace Congress "failed to reflect the opinions and wishes of the people of Virginia." The delegate pressed the convention to pass the resolution so that the country knew that not all residents in the Commonwealth mirrored their senators. Lacking a quorum, the delegate tabled the motion.²⁵⁵ Delegate John Carlile of Harrison County castigated Hunter's and Mason's opposition to the Crittenden Compromise. "Is it the lead of these gentlemen, that we are to follow in Virginia," Carlile questioned, "if we desire to preserve the Union?" Carlile stated that Mason and Hunter held "contempt" for Unionists, and had "usurped" the people of their sovereignty.²⁵⁶ He later intimated that these senators were treasonous.²⁵⁷

Eastern representatives, though, supported their senators. Northampton County Delegate Miers Fisher introduced a resolution passed by his constituents that

²⁵⁴ J.M. Mason to Virginia Mason, January 27, 1861, reprinted in Mason, *Public Life*, 176.

²⁵⁵ *Proceedings of the Virginia State Convention, 1861*, ed. George H. Reese (Richmond: Virginia State Library, 1965), I: 340 [hereafter cited as *Virginia State Convention*].

²⁵⁶ *Ibid.*, I: 472.

²⁵⁷ *Ibid.*, I: 473.

celebrated the work of the senators. The residents extended their “approbation and admiration” to Mason and Hunter for their “prompt, bold, and able support of the vital doctrines of State rights, and the rights of the South.” These men were “true to the honor, the rights, and interests of the State.” Any attempts by the convention to censure these representatives “should be denounced by every man who is not a Black Republican at heart.”²⁵⁸ A Piedmont delegate introduced similar resolutions from a meeting held in his home of Madison County. There, the assembly desired to express their “confidence in the ability, fidelity, and patriotism of Senators Mason and Hunter.” Madison County residents argued that these senators followed the precepts set forth by the state, and applauded their course in the Senate.²⁵⁹

While Virginia tarried, Mason remained confident that Virginia would leave the Union. On February 12, Mason sent a letter to newly elected Confederate President Jefferson Davis extending his congratulations. He also confided with Davis about the situation in the Old Dominion. “Virginia is still hanging back, on the delusive idea, that she can obtain adequate securities yet in the Union,” he wrote. However, when the Peace Congress failed, the convention “will go for separation at once.” In the interim, Mason assured Davis that “nothing shall be left undone on my part” to beget secession.²⁶⁰

On February 27, the Peace Congress submitted its proposals to the Congress. The following day, Mason and Hunter, both still in the Senate, voted against the

²⁵⁸ Ibid., 1: 691.

²⁵⁹ Ibid., 2: 746.

²⁶⁰ J.M. Mason to Jefferson Davis, February 12, 1861, reprinted in *The Papers of Jefferson Davis*, ed. Lynda Lasswell Crist and Mary Seaton Dix (Baton Rouge and London: Louisiana State University Press, 1992), 7: 39.

measures because of their ambiguity concerning slavery's extension into the territories. The failure to include an amendment to "guaranty the rights of the minority section" in taking their chattel west earned Mason's nay vote.²⁶¹ These votes exposed him to Unionist hostility and censure for not allowing Virginians to vote on the measures. Augusta County Unionist John Baldwin lashed out at Mason's "resistance" to the peace proposals, and questioned why he joined William H. Seward in opposition to the compromise, essentially labeling Mason a radical extremist. He urged the delegation to reconcile their differences with their senators before considering Virginia's future.²⁶²

A Tidewater delegate defended the senators. Mason and Hunter opposed the proposals because "it gave the South less than its due," while Seward voted against the measures because they strengthened the South too much.²⁶³ A delegate from Mecklenburg County in the Piedmont applauded the senators' actions. These "faithful sentinels" deserved the Commonwealth's "approbation" for their course for fighting for "Virginia's rights and Virginia's honor." Even if the convention censured these gentlemen, "they will go down, fighting the battles of the people of Virginia."²⁶⁴

Meanwhile, other proposals floundered in the convention. Some favored a border conference of all the remaining slave states, and others believed that forming a third nation, called the Central Confederacy, provided the best protection for

²⁶¹ Mason, *Public Life*, 180.

²⁶² *Virginia State Convention*, 2:195.

²⁶³ *Ibid.*, 2: 93-94.

²⁶⁴ *Ibid.*, 2: 531.

Virginians. Through all of this rhetoric and protracted debate over secession, clear themes became evident. In any form of government, western delegates demanded an equal voice in government. Because these westerners gave their consent to be governed, they also believed that the government should represent their interests. But unequal tax breaks for large slaveholders, and a system of government that still favored the eastern slaveocracy failed to truly represent westerners, many of whom did not possess slaves. Most importantly, westerners feared that slaveholders would continue to expand their political hegemony in the name of preserving their power over slaves. Many westerners, though, assured other delegates that they only loathed slavery when the expansion of slaveholder's dominion came at the expense of western rights.²⁶⁵

The constant drone of debate and procrastination filled the majority of the Virginia Secession Convention. A push to ratify secession failed on April 4, 88-45, and most delegates preferred to wait until Lincoln made a decision about Fort Sumter.²⁶⁶ Eight days later, those delegates received their answer. On April 12, 1861, the opening salvos of the Civil War were fired on Fort Sumter in Charleston, South Carolina. Yet what would seem to propel conditional Unionists to support immediate secession failed to do just that. Some delegates believed that the violence was an aberration and would be contained to Charleston, while others asserted that extremists in the Palmetto State likely fired the first shots. Still, many delegates

²⁶⁵ For treatment of the debates concerning secession, see William W. Freehling and Craig M. Simpson, eds., *Showdown in Virginia: The 1861 Convention and the Fate of the Union* (Charlottesville and London: University of Virginia Press, 2010).

²⁶⁶ Freehling and Simpson, eds., *Showdown in Virginia*, 153.

began to swing toward secession after these supposedly coercive attempts by the federal government. Two days later, news from Washington, D.C. triggered the collapse of the tenuous Union coalition.

On April 15, Lincoln called for 75,000 volunteers to quell the rebellion in the Deep South. His request for troops dramatically shifted the convention, dismaying moderates and ardent Unionists and reaffirming secessionists' militant stance against the tyrannical Republican administration. Looking back at Lincoln's announcement, the *Lynchburg Daily Virginian* declared, "It was this that swept away the last refuge of Union men in Virginia. They could not maintain their ground in the face of a Proclamation breathing nothing but vengeance, subjugation and war."²⁶⁷

Upon hearing Lincoln's call for troops, Mason believed that the issue of secession was decided. "This ends the question; Virginia will at once secede," he averred.²⁶⁸ Mason left his home in Winchester and went to Richmond before the final vote for secession took place. Sensing the mood of the convention, Mason penned a letter to Jefferson Davis, confiding, "You may rely now that Virginia will secede and promptly."²⁶⁹ He was correct. On April 17, delegates ratified the ordinance of secession 88-55, and set the vote for public ratification for May 23.²⁷⁰

²⁶⁷ *Lynchburg Daily Virginian*, editorial, May 2, 1861.

²⁶⁸ Mason, *Public Life*, 191.

²⁶⁹ J.M. Mason to Jefferson Davis, April 15, 1861, reprinted in Mason, *Public Life*, 192.

²⁷⁰ William W. Freehling, *The Road to Disunion: Secessionists Triumphant, 1854-1861* (Oxford: Oxford University Press, 2007), 526.

THE IMMEDIATE AFTERMATH OF SECESSION

In the interim, Virginia moved toward joining the Confederacy even without public consent. Four days after the vote to ratify secession, Mason informed Confederate President Jefferson Davis that Virginia is “*far* out of the Union.”²⁷¹ The procedures securing secession were “done only in naked compliance with the law calling the convention.” And, all of the Unionists in Virginia, besides “a few scattering on the banks of the Ohio,” had converted to secession. Mason asserted it was Fort Sumter that “sundered the Union for Virginia” and brought the Old Dominion into the Confederacy.²⁷²

With secession secured, delegates set about electing representatives for the Provisional Confederate Congress currently in Montgomery, Alabama. Prince George Delegate William Cabell Rives petitioned for Mason’s name to be placed among those considered.²⁷³ Soon, other delegates came out in support of Mason’s nomination. Peter Bouck Borst, a representative from Page County in the Shenandoah Valley, stated, “It would be the work of supererogation for me to say anything of the qualifications of Mr. Mason.” Borst noted Mason’s “long experience in public life, and his known zeal for Southern Independence” were attributes needed in the new Confederacy.²⁷⁴

Jackson County delegate Franklin Turner also spoke highly of Mason. Over the past year, the Trans-Alleghany representative stated that this “distinguished

²⁷¹ J.M. Mason to Jefferson Davis, April 21, 1861, reprinted in *The Papers of Jefferson Davis*, 7:113 [emphasis in original].

²⁷² Ibid.

²⁷³ *Virginia State Convention*, 4: 588.

²⁷⁴ Ibid., 4: 612.

gentleman” demonstrated his “fidelity to Southern interests.”²⁷⁵ Jeremiah Morton, a large slaveowner representing the Piedmont Counties Orange and Greene, also backed Mason.

Who can claim a nobler ancestry than he who is the grandson of George Mason, the immortal author of the Bill of Rights of Virginia? Who has stood up more boldly for Southern rights upon the floor of the Senate of the United States than James M. Mason? No one, sir; and none would prove more efficient and faithful in the discharge of the duties of this new office than he would. He has filled the station of United States Senator with distinction to himself and honor to his State.²⁷⁶

These pronouncements of Mason’s character and experience, though, failed to secure his election. Instead, Judge John White Brockenbrough won, 60-33.²⁷⁷ However, many delegates deemed this an insult to senator. Borst renominated him during a later vote, and this time Mason defeated his opponent Andrew R. Boteler, 54-45.²⁷⁸

Before Mason took his place in the Confederate Congress, Virginia Governor John Letcher, hoping to court Maryland into the Confederacy, appointed him as commissioner to the border state. After conversing with Confederate sympathizers, including former governors Thomas G. Pratt and Philip Francis Thomas, Mason thought that it would be difficult to get Maryland to join the Confederacy but not impossible. He believed that the state legislature would “unite the State with the Southern Confederacy, as soon as it may be prudent in them to do so.” There was “little military organization” to aid pro-Confederates, and these supporters were “almost destitute of arms.” To hasten Maryland’s unification with the other southern

²⁷⁵ *Ibid.*, 4: 613-614.

²⁷⁶ *Ibid.*, 4: 614.

²⁷⁷ *Ibid.*, 4: 614-615.

²⁷⁸ *Daily-Dispatch*, June 28, 1861.

states, Mason urged the Confederate government to “furnish arms” and “provide assistance in every form to advance the cause.” Until then, Mason assured Davis that he would work tirelessly to ensure Maryland joined the other southern states.²⁷⁹

Ten days after Mason relayed information concerning Maryland’s status, he penned a letter to the editor of the *Winchester Virginian*. In it, Mason responded to questions concerning lingering Unionists who refused to join the Confederacy, and what Virginia’s position would be if residents repudiated secession. He stated that the Ordinance of Secession severed Virginia’s ties with the Union, annulled the Constitution, and absolved citizens of their obedience to that government. However, if voters rejected secession, “Virginia must immediately change sides, and under the orders of that Government [*sic*] turn her arms against her southern sisters.” Mason reminded residents that the “gallant sons” of other slaveholding states were “ready and eager to lay down their lives, side by side with our sons, in defence [*sic*] of the soil of Virginia.” Failure to ratify secession would require Virginians to label these southerners as “traitors” who were guilty of “treason” against the federal government.²⁸⁰

With this potent and moving language, Mason attempted to mold public opinion to support secession as a means of joining the Confederacy. But for those Virginians, “who in their consciences cannot vote to separate Virginia from the United States,” Mason provided an ultimatum. “Honor and duty alike,” he averred, “require that they should not vote on the question; and if they retain such opinions,

²⁷⁹ J.M. Mason to Jefferson Davis, May 6, 1861, reprinted in *The Papers of Jefferson Davis*, 7: 149.

²⁸⁰ J.M. Mason to the Editor of the *Winchester Virginian*, May 16, 1861.

they must leave the State.” While it is difficult to gauge the impact of this demand, it represented a powerful supplication by one of the state’s leading politicians and sons. He also placed the issue of secession in simple terms. Virginians could welcome their southern brethren, or stay in a Union that would inevitably demand the state’s resources, money, and men, and place Virginians property in peril.

On July 24, Mason took his seat as representative in the Confederate Congress. Here, he argued for provisions to be sent to border states such as Maryland, Kentucky, and Missouri.²⁸¹ By August, with Confederate diplomacy floundering, Davis appointed Mason as Confederate ambassador to England. Davis cited the former senator’s experience, most notably his time spent as chairman of the Foreign Relations Committee, as his reasoning. Approximately a month later, Mason and newly appointed French ambassador John Slidell left to begin their diplomatic missions.²⁸² Mason would not see Virginia again until 1869.

²⁸¹ Young, *Mason*, 109.

²⁸² *Ibid.*, 111-113. After leaving Charleston on October 12, Mason and Slidell first sailed to Nassau and Cuba. After enjoying the local cuisine, the ambassadors boarded the British mail steamer *Trent*, but were apprehended by the U.S.S. *San Jacinto* and incarcerated in Boston. After a tense diplomatic crisis, Union forces released the pair on January 1, 1862, and Mason and Slidell continued to Europe.

CONCLUSION

Early in his political career, Mason established a clear ideological platform. He fought for a form of government that kept property and political power “nearly equipollent” but “divellent.” As a state delegate, he challenged eastern Virginians’ assertions that property superseded democracy. Furthermore, he spoke in support of expanding suffrage to slaveholders and nonslaveholders. He attacked the political weight assigned to slavery, and disregarded its use in determining apportionment. He also took important, practical steps to augment this ideology. He dressed simply, worked with his hands, and lived in the Shenandoah Valley. These steps demonstrated the ideological and physical distance he maintained from the eastern aristocracy, and though he and his constituents disagreed about certain issues, Mason’s fundamental principle enabled him to cultivate a strong measure of support in the Trans-Alleghany and Shenandoah Valley.

Mason’s ascension to the Senate in 1847 compelled him to alter his rhetoric, but not his ideological foundation. Faced with new tensions and forces as a senator, Mason spoke in defense of the one barrier that prevented the South from falling deeper into a minority—slavery. He celebrated slavery and its ancillary benefits, including how the Framers of the Constitution wove it into the fabric of the document, and established it as a representative weight. These measures justified the existence and expansion of slavery. His support of slavery echoed with slaveholders and nonslaveholders alike. Even though nonslaveholders did not possess this chattel, Mason’s stance on ensuring equality for all white southerners

prevented nonslaveholders from political subjugation. And Mason was extremely successful, if his runaway reelections are a testament to his popularity. Indeed, he received strong cross-sectional support across Virginia, both as a senator and during his nomination (and, eventual election) to the Confederate Provisional Congress.

For Mason, secession was a logical and legal step. During the Nullification Crisis, he opined that federal tariffs subverted equality by placing one form of enterprise over another and one section over another. Therefore, secession was a practical step that prevented further abuse by a majority. By 1860, the ascendancy of the sectional Republican Party compelled him to push for secession because he did not believe that an antislavery government ruled by an administration that sought to confine slavery, could balance the rights of property and power. Lincoln's doctrine of free-soil prohibited slaveowners from taking their chattel into western territories and thus prevented slaveowners' equality of access. Unable to expand, Mason's celebrated institution might perish. Moreover, with the political weight of the South truncated, he perceived the southern states becoming more of a minority.

Throughout his political career, Mason contradicted many of his public statements with his private thoughts. Two of the most prominent examples include his stance on the Wilmot Proviso and the Compromise of 1850. In each instance, Mason assailed the provisions in each as inherently unequal and detrimental to slavery and the South, but he did not espouse disunion. However, in private, he freely spoke of secession and prophesized about its eventuality. What accounts for this dichotomy? The most likely explanation was that Mason had to appease a diverse

constituency, and therefore, restrained his public rhetoric. Even though the Virginia legislature elected him, Mason could not openly expound disunion in a state that possessed a large number of nonslaveholders. The Old Dominion's position as a buffer between the Deep South and the North may have also had the added effect of muzzling Mason's rhetoric.

Mason's career illuminates much about the intrastate sectional crisis in Virginia, including how politicians handled the transition from republicanism to democracy. As William Shade intimated in his study, Mason contradicts the stereotype of proslavery ideologues who feared nonslaveholder intrusion and incorporation into the government. Instead, Mason was an exponent of democracy in a state controlled by old republicanism. His popular ideological platform helped him win many admirers, especially as the western part of Virginia continued to languish under eastern control. Like many western Virginians, Mason only despised slavery when it came in conflict with democratic ideals. But as slavery began to dominate the national discourse in the late 1840s and early 1850s, Mason shifted his ideology to protect the institution from threats, both real and perceived. Further research of other Virginia politicians, including Mason's colleague Robert M.T. Hunter, may yield similar findings.

In his biography of James Murray Mason, Robert Young concludes by stating this "conservative Virginian" strove to "maintain the republic of his grandfather." He took steps to defend the "Old South," and fought forces that threatened this ideal, the

most subversive of which was “democracy.”²⁸³ This interpretation, though, is misguided. Mason was not an archconservative who thwarted democratic principles in an effort to perpetuate a republican government or the Old South. Rather, Mason fought for a system of government that simply balanced the demands of nonslaveholders and slaveholders, and did not preference one enterprise, one section, or one collective body over another. Mason demanded a form of government that kept in equilibrium the forces emanating from property and power. While this ideological platform does not indicate a radical liberal, this certainly does not sound like the dogma of a backwards-looking reactionary either.

²⁸³ Young, *Mason*, 204-205.

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