

December 1933

A History of West Virginia

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Recommended Citation

C. C. Williams Jr., *A History of West Virginia*, 40 W. Va. L. Rev. (1933).

Available at: <https://researchrepository.wvu.edu/wvlr/vol40/iss1/24>

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state legislation, which involves the whole great problem of allocation of powers under our federal system.

Thus, while the work is an extremely valuable criticism of the "judicial power", the difficult assignment of making out a case for some positive adjustment in our system which will exclude or modify judicial review remains to be done.

—JEFF B. FORDHAM.

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A HISTORY OF WEST VIRGINIA. By Charles Henry Ambler. New York, N. Y.: Prentice-Hall, Inc. 1933. Pp. 622.

A few decades ago, it was almost impossible for one to obtain precise information as to the settlement and growth of West Virginia. In more recent times, a steady flow of literature has appeared, with the publication of "scores of historical monographs and papers, together with numerous source materials," — which, as the author explains in his preface, has made possible and desirable a new history of the state. Dr. Ambler has succeeded very well in describing the main features of its progress, both in the early past and of late years, without becoming involved in intricacies of detail that might serve to confuse or distract attention from the broad lines of West Virginia's development. If the scholar seeks further enlightenment on any of the manifold phases of the subject, the comprehensive and thorough working bibliography will suffice for any ordinary research.

The characteristics of a book, most important to the reader in this day and age, are interest and clarity. In both, the present volume meets the requisite standard. It is intended to be serviceable both to historian and to layman, — a perilous project for any author. Yet there is the presentation of a well-balanced picture, comprising in ample fashion the entire period from the aborigines down to the legislative session of 1933. Institutional beginnings, in "Tidewater" Virginia as well as in Allegheny Highland, are clearly sketched. One finds an outline of political and economic life, in all its social background, rather than simply a bare collection of events and personalities.

More specifically, customs and environment of the people are described in vivid style, whether the period be pioneer or post-

Revolutionary, ante-bellum or later nineteenth-century. The importance of transportation and communications in the transition from wilderness to modern urban civilization has wisely been stressed: industry and markets readily expand as the region gradually becomes available to business enterprise. Still, throughout this process, the separatist tendencies of sturdy folk of the Trans-Allegheny persisted, tending to favor dismemberment in 1829 and eventually culminating in separate statehood. Indeed, independence in thought and action might almost be the *motif* of this new work. What part commercial contacts with Pittsburgh and Cincinnati may have played in fostering such a spirit¹ has hardly been revealed. If, as Senator Willey said, West Virginia "properly belongs to the valley of the Mississippi", surely research ought some day to establish a far-reaching influence exerted by sister states in that valley, — an influence which has profoundly modified local characteristics and interests.

Ratification of the Federal Constitution by Virginia must always be of historical interest to every practitioner and student of constitutional law. Dr. Ambler has shed new light on the problem of the attitude of western Virginians towards nationalism.¹ Contrary to accepted theories, the frontiersmen were, on the whole, definitely in favor of a strong central government. Moreover, *Martin v. Hunter's Lessee*² has been discussed at length in this book,³ — and properly so, relating as it did to the subject of Virginian land titles. Dr. Ambler also brings out the fact that the Indiana claimants actually filed suit against the Commonwealth of Virginia,⁴ their action in conjunction with the decision of *Chisholm v. Georgia*⁵ leading directly to adoption of the Eleventh Amendment. There is a wealth of material covering the various constitutional conventions which were of such moment to Virginia and later to West Virginia: the Virginia Convention of 1829-1830 has in particular received most adequate treatment.⁶ Every West Virginia lawyer should be familiar with the accom-

¹ Pp. 182 *et seq.*

² 1 Wheat. 304, 4 L. ed. 97 (1816).

³ Pp. 172 *et seq.*

⁴ P. 175. The bill in equity was styled, — "William Grayson and others v. The Commonwealth of Virginia."

⁵ 2 Dall. 19, 1 L. ed. 419 (1793).

⁶ Pp. 211-228.

plishments of the constitutional assemblies of 1861-1862⁷ and 1872.⁸

The task which the learned author has set himself has been admirably performed. The book should prove of no inconsiderable value to the legal profession in West Virginia.

—C. C. WILLIAMS, JR.

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⁷Pp. 324 *et seq.*

⁸Pp. 370-375.