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West Virginia was admitted to the Union as the 35th state on December 31, 1863, during the American Civil War. The state's admission was controversial, as it was formed from the western counties of Virginia, which had seceded from the Union and joined the Confederate States of America.

The legal questions surrounding West Virginia statehood centered on the issue of whether the state had a legitimate claim to exist. The Virginia Constitution of 1851 prohibited the division of the state, and the Confederate government refused to recognize the legitimacy of the new state.

The United States Congress, however, was sympathetic to the cause of West Virginia, and it passed a bill admitting the state to the Union on December 31, 1862. The bill was signed into law by President Abraham Lincoln on the same day.

The admission of West Virginia was a major victory for the Union, as it gave the North a majority in the United States Senate. The state also played a significant role in the war, as it provided troops and supplies to the Union army.

The legal questions surrounding West Virginia statehood were eventually resolved in the Supreme Court case of Virginia v. West Virginia (1870). In a unanimous decision, the Court held that West Virginia was a legitimate state, and that it had the right to secede from Virginia.

The Virginia Constitution of 1851 prohibited the division of the state without the consent of the General Assembly. However, the General Assembly of Virginia had seceded from the Union in 1861, and the northern counties of Virginia were loyal to the Union. These counties argued that the General Assembly of Virginia was no longer a legitimate governing body and that they had the right to secede from Virginia and form a new state.

The United States Congress passed a bill admitting West Virginia to the Union on December 31, 1862. The bill was signed into law by President Abraham Lincoln on January 26, 1863. However, the Virginia General Assembly continued to claim that West Virginia was an illegal state.

The legal questions surrounding West Virginia statehood were never definitively resolved. In 1870, the United States Supreme Court ruled in the case of Virginia v. West Virginia that the people of the northwestern counties of Virginia had the right to secede from Virginia and form a new state. However, the Court did not directly address the question of whether the Virginia General Assembly had the authority to consent to the formation of a new state.

The legal questions surrounding West Virginia statehood remain a matter of historical debate. However, the state of West Virginia has been recognized as a legitimate member of the United States since 1863.