

**THE FIFTH BORDER STATE:
SLAVERY AND THE FORMATION OF WEST VIRGINIA, 1850-1868**

by

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Abstract

Civil War historians unfairly treat West Virginia as an oddity. They tend to see it as the dissident part of Virginia that resisted its secession in 1861 to protest decades of economic neglect. Some explain this process from the area more closely resembling Pennsylvania and Ohio than to its parent. Each centers his or her interpretations on the paucity of slavery in the region in 1860. I suggest another possibility: West Virginia was a border state. Four slave states, Delaware, Maryland, Kentucky, and Missouri, remained loyal to the Union. Each had fewer slaves than in the Upper and Lower South states, but each defended the practice for as long as possible. Their allegiances concerned both sides in the Civil War. President Abraham Lincoln worked tirelessly to preserve their loyalties to the Union, demonstrating great flexibility when dealing with them, especially on slavery. On the other hand, Confederate leader Jefferson Davis sought to keep all slaveholding states under his domain. Men from each state joined both armies as well as numerous guerrilla bands. Recent scholarship has renewed interest in finding the nexus of social and political divisions within each state, yet historians may have neglected another place that endured similar ordeals.

My dissertation will integrate West Virginia into the border states. Although it did not exist as an independent polity at the war's beginning like the

other states, the federal government treated northwestern Virginia as if it were one before and after statehood. My work starts by challenging long-held beliefs about the region's politics and society. The population was in fact mostly southern in ancestry and proslavery in attitude. Only the small yet vital northern panhandle differed. The landholding class and an urban middle class shared rule over a stratified population of laborers, farmers, and slaves. During the 1850s, the region consistently supported the South and its mother state against northern agitation over slavery. Northwestern Virginians were, I believe, content with the status quo if desirous of economic progress. When secession came, however, the region split along geographic and economic lines. Middle-class Unionists seized power from landowners who seceded with Virginia. These loyalists sought to form a new state to show that slavery was safe under the Constitution while treason led only to its destruction. Even so, bitter disputes over slavery almost thwarted the project. Conservatives demanded no federal interference on the issue. More radical leaders sought a gradual emancipation plan as a war measure. A compromise plan resolved the deadlock and allowed West Virginia to enter the Union as a slave state in 1863. Lincoln's flexible approach to the border states permitted this to happen. As with the other border states, he tolerated the northwest's stubborn attachment to slavery, and exempted it and the four others from the Emancipation Proclamation. West Virginia's war would drag on for two more costly years. Armies fought over it in seemingly endless battle against each other. Guerrilla warfare plagued most of its territory. As in other border states,

the Thirteenth Amendment, which ended slavery, caused great dissention in the state.

In short, West Virginia was not an oddity or a mere dissident appendage of another state. It is fairer to call it a Border State. Its mix of northern and southern influences, class structures, intense debate over slavery, and divided wartime allegiances more closely resembled its four neighbors than it did eastern Virginia. Civil War historians need to include West Virginia as a fifth border state arising from a combination of factors rather than see it as a singular entity born from special circumstances.

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I take full responsibility for any errors in analysis and evidence in my work.

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Introduction

Historians have taken for granted that the formation of West Virginia was a unique experience of the American Civil War. They have accepted the century-old narrative of the mountaineers resisting the secession of Virginia as the truth behind the state's formation. It goes like this: the west struggled with the east over taxation, suffrage, and legislative representation from the Revolution to the Civil War. The planter class in the eastern part of the state did not believe that the west shared their support for slavery, so they retained power for themselves. The west saw this as an impediment to their rights and openly questioned the institution of slavery. Constitutional and economic changes in 1829-1830 and 1850-1851 redressed some of these concerns, including the construction of the Baltimore and Ohio Railroad which linked the region to the Atlantic seaports. The east, however, still held much of the political power. When Virginia considered seceding from the Union after a decade of tensions over the future of slavery, the western counties prevented the measure. South Carolina's attack Fort Sumter in April 1861 and President Abraham Lincoln summoning of troops from the loyal states to put down the rebellion prompted many western Virginians to support secession. Other delegates, mainly from the northwestern part of the state, refused to obey and returned to the city of Wheeling to form a government of their own. Two bloody years later, West Virginia joined the Union as a free state after discarding slavery as a congressional condition for statehood.

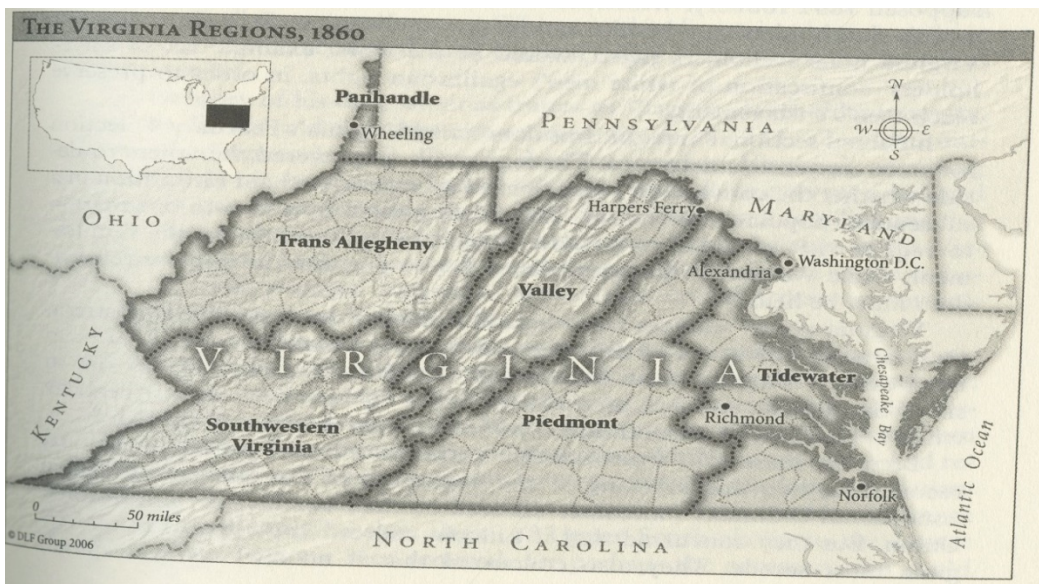
From this, historians have inferred numerous views of the new state. Some argued that the northwestern part of Virginia was more like the North than

the South. Many pointed to the limited presence of slavery in the region as the basis for its allegiances, even to the point of being abolitionist. All identified the long-standing differences with eastern Virginia as the reason for West Virginia's formation. From this, they concluded that its creation was a unique experience. To be fair, it was the only geographic change made in the United States during the Civil War. These ideas are flawed. Limited interest in the subject has allowed them to persist. Natives of the state contributed virtually all of the literature. Although as skilled as any historians, their paucity of numbers has prevented the topic from evolving as in other states. The subject deserves more attention than that. This dissertation reassesses the formation of West Virginia as a more common response to southern secession by comparing it to the other four Border States of Delaware, Kentucky, Maryland and Missouri. It focuses on the state's prewar connections to slavery and its wartime debates over the institution.

Located in the northernmost portion of the southern Appalachian Mountains, West Virginia is best known today for its scenery, recreational opportunities, coal mining and poverty. The state's connections to slavery are not as famous. Many historians have argued that West Virginia had little to do with its parent state and the peculiar institution in general. A recent history by Allen Guelzo described the experience as "the nonslaveholding mountain counties creat[ing] their own state ... in August 1861 -- effectively seceding from secession." James M. McPherson's esteemed *Battle Cry of Freedom* likewise was more generous but still clung to inaccurate notions. "Slaves and slaveowners were rare among these narrow valleys and steep mountainsides. The region's

culture and economy were oriented to nearby Ohio and Pennsylvania rather than to the faraway lowlands of Virginia,” he wrote. Eric Foner came closest to the truth when he described “the four slave states and part of a fifth that had remained within the Union.” He called West Virginia’s formation “both the culmination of deep-rooted sectional divisions within Virginia and the overthrow of the western region’s own antebellum elite, which had generally supported secession.” Slavery in the region where blacks made up 5 percent of the population, ended “partially of its own volition” with a referendum.¹

Map 1: The Virginia Regions, 1860²



Each of these historians understates the grip of slavery in the region. It is not their fault. They based their arguments on the existing literature, which is in

¹ Allen C. Guelzo, *Fateful Lightning: A New History of the Civil War and Reconstruction* (New York: Oxford University Press, 2012), 367; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Vintage, 1988), 297-99; Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988), 37-38.

² Map is found in William W. Freehling, *Road to Disunion, vol. 2: Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007), 505.

many cases dated. For more than a century, the study of West Virginia has been a local affair. Its early historians preferred a narrative of noble mountaineer patriots liberating themselves from oppression by eastern slaveholding planters. Virgil Lewis, later the state's first archivist, contributed the first history of West Virginia in 1889. To him, the Civil War was as an opportunity to free whites instead of blacks. Westerners, he wrote, "regarded secession as being ruinous in its effect and maintained that safety could be found nowhere except beneath the folds of the flag." He argued, moreover, in favor of a united population to this end. "Men of every political faith, though differing widely upon nearly all other issues, were united upon this -- opposition to secession," he wrote. This notion of a united population defending themselves against an alien enemy formed a key part of West Virginia identity down to the present day.³

Charles Henry Ambler codified these arguments as the state's first professional historian. A student of Frederick Jackson Turner, Ambler wrote more than a dozen books, directed numerous theses and dissertations, and founded the West Virginia and Regional History Collection at West Virginia University's library. His first book, *Sectionalism in Virginia from 1776 - 1861*, mixed Lewis's arguments with Turner's frontier thesis in a scholarly format. Ambler argued that the two halves of Virginia had always been incompatible, with the aristocratic east dominating and abusing the egalitarian and democratic west. The tipping point came in the 1720s when Scots-Irish and Germans migrated into the Shenandoah Valley. Their settlement of the western side of the

³ Virgil A. Lewis, *A History of West Virginia in Two Parts* (Philadelphia: Hubbard Brothers, 1889), 329.

colony came “at a period before the society and institutions of the coast had reached the Blue Ridge,” and interrupted “the westward advance of her peculiar institutions” with “a new society, naturally hostile to things Virginian.” These people, he continued, moved into the trans-Allegheny all the way to the Ohio River. Ambler argued that east and west agreed on slavery despite the former seeing the latter as weak on the issue. Ultimately, disputes over internal improvements drove the west to reject secession in 1861. Ambler’s approach influenced his textbooks from which generations of West Virginians and others learned about the state’s history. His students Festus Summers, Milton Gerofsky, and George Ellis Moore carried on his thesis in their own works well into the 1960s.⁴ Although skilled, these historians allowed the idea of two Virginias bound to separate for a century.

Only three works in the Ambler period covered the slavery issue. Alruthus Taylor argued in 1921 that the west was inherently different and incompatible with the east. Slavery, moreover, had no place there. In his view, the west was antislavery from the start, not out of any moral conviction but its leaders acted “because of their conviction that slavery was an economic evil.” When Virginia seceded, he argued that eastern neglect had compelled the west to look to Ohio and Pennsylvania for inspiration. The result was inevitable. One historian dared to state that West Virginia was proslavery. In 1922, James C. McGregor argued in *The Disruption of Virginia* that the formation of the state was done with limited legality and authority. He shared with Ambler that geography

⁴ Charles Henry Ambler, *Sectionalism in Virginia from 1776 to 1861* (Chicago: University of Chicago Press, 1910), 13, 312-13.

and demographics separated eastern and western Virginia. In his view, however, slavery offered an important link between elites in both sections. When the state seceded, West Virginia insisted that it supported the institution, just not leaving the Union. Its opposition to secession, McGregor argued, was justifiable but forming a new state was not. He accused the state makers of collaborating with the Republicans and abolitionists. Yet it appears that his book attracted little attention in a historical field dominated by Ambler and his students. In 1956, one of them traced the institution from its colonial origins all the way to the date West Virginia abolished it. George Ellis Moore argued that geography prevented slavery from taking root there as it had in the Shenandoah Valley. The region “proved nearly impregnable to it. This is not to say that no slavery existed there...but in its Western form slavery was quite different from the Eastern institution.” While no friend to abolitionists, he concluded that “even in its modified form, slavery was comparatively insignificant in Western Virginia.” Slavery ended, much as in Taylor’s article, by legislative action against which little opposition occurred. These works make the act of abolishing slavery sedate and tensionless, as if it was no real trouble. Each fits well into the prevailing Ambler school of West Virginia’s early history up to that time.⁵

In the 1960s, the first major challenge to the Ambler thesis came in Richard Orr Curry’s *A House Divided*. Published in 1964, Curry’s book challenged the idea of a united population, arguing that considerable support for

⁵ Alruthus A. Taylor, “Making West Virginia a Free State,” *Journal of Negro History* 6, no. 2 (April 1921): 131-173; James C. McGregor, *The Disruption of Virginia* (New York: MacMillan, 1922); George Ellis Moore, “Slavery As a Factor in the Formation of West Virginia,” *West Virginia History* 18, no. 1 (October 1956): 5-89.

secession and substantial resistance to statehood existed in the region. He redefined the geography of “western Virginia” into only the northwestern part of the state. Using convention minutes and voting patterns, he pointed out the divisions among Unionists in the statehood movement. Instead of the overwhelming support as Lewis and Ambler claimed, Curry concluded that only 60 percent of northwestern Virginians located along the Ohio River and the Pennsylvania line supported the Union. He argued that slavery “clouded” the Unionist cause but otherwise posed little challenge to the statehood process. His sources included the surviving newspapers and personal papers which previous historians appear to have ignored in favor of Ambler’s thesis. *A House Divided* has properly been the most cited work on West Virginia’s secession since its publication.

Curry’s work is still a profitable read but it has some weaknesses. For all of Curry’s revisionist reputation, it is remarkable for what he does not change. His approach challenges the Unionist thesis point for point. While this is a substantial improvement over its predecessors, he does not address the social history of the region. Curry continues Ambler’s idea of a region inherently different from the east. He just reduced its scope by excluding the Shenandoah Valley and the southwest. Addressing the long-ignored slavery issue was innovative but it comes across as a trouble, rather than as a pivotal issue or motive. Like so many before him, he ended his book with the achievement of statehood. Curry is not alone in this. His successors tended to fall into the same

east-west paradigm, though they expanded their scope to other aspects of West Virginia during this period.⁶

In the 1970s and 1980s, newer scholars also challenged Ambler's thesis. John A. Williams contributed the long overdue social element to West Virginia's history. His 1972 article "The New Dominion and the Old," argued that the Unionists who made the state accomplished only a brief pause in its history. During the war, they displaced the old landowning elites who supported secession to separate the northwest from Virginia. Afterwards, the Unionists' grip on power ebbed as their predecessors rebuilt the Democratic Party using personal connections like Redemptionists in other states. Once they changed the state constitution in 1872, they held power for more than twenty years until technological improvements such as railroads and mass media replaced face-to-face ties. Unlike Curry and Ambler, Williams's analysis included a stratified society with numerous classes and regions within the state in conflict with each other. He carried this interpretation into his *West Virginia: A History*. In a series of essays, he argued that detrimental outside influences have dictated the state's direction from the start of white settlement. Revolutionary-era land speculators, pro-Virginia landowners, Unionist politicians needing outside help to make the state, middle-class industrialists, government programs, and big corporations all, he argued, undermined local authority and weakened the state. Although controversial for its negativity, Williams' placement of groups within the state into conflict with each other was a major innovation. He gave only three

⁶ Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964).

paragraphs to the status of slavery in the state, arguing that the state was no antislavery haven as some believed. He, like Curry, could only cover the subject as much as his research allowed.⁷

The major historian of slavery in West Virginia has been John E. Stealey. His research focused on the Kanawha Valley, the area of the state with the largest slave population. Its salt-making industry, which he studied in his dissertation and book *The Antebellum Kanawha Salt Business and Western Markets*, clarified how important slavery was to the entire region. Labor shortages required the presence of enslaved workers, many of whom became skilled in salt manufacturing. Stealey followed up on this work with articles on slavery in West Virginia. The problem with his work is its tight focus. The Kanawha Valley was only one part of a diverse state. We still know relatively little about the politics of slavery in places such as Clarksburg, Morgantown, Parkersburg and Wheeling. Stealey managed to poke a hole in the antislavery interpretation but it remained almost intact.⁸

Historians of Virginia meanwhile continued to see the northwest as the antithesis of the rest of the state. Henry T. Shanks followed Ambler's idea of the west being incompatible with the east, and hence refusing to secede. Later works did the same. Daniel Croft's statistical analysis revealed that the propensity to form political parties in the Virginia constitutional convention allowed Unionists,

⁷ John Alexander Williams, "The New Dominion and the Old: Antebellum and Statehood Politics as the Background of West Virginia's 'Bourbon Democracy,'" *West Virginia History* 33, no. 4 (July 1972): 317-407; John Alexander Williams, *West Virginia: A History*. 2nd ed. (Morgantown: West Virginia University Press, 2001).

⁸ John E. Stealey, *The Antebellum Kanawha Salt Business and Western Markets* (Lexington: University Press of Kentucky, 1993). See also his "Slavery and the West Virginia Salt Industry," *Journal of Negro History* 59 (1974): 105-31.

especially those from the northwestern counties, to prevent it from supporting secession. William G. Shade argued that economic changes in the 1830s and 1840s, such as industrialization and urbanization, brought new men and the west to prominence. The latter, he wrote, still felt isolated from the east as they changed the constitution in 1850-1851. With both sides anxious, a compromise which expanded the suffrage to white men but kept planter power intact soothed tensions. Likewise, William Link recently argued that escalating tensions over slavery, encouraged by the enslaved, directed Virginia towards secession and dismemberment. As the east became increasingly agitated over events such as John Brown's raid on Harpers Ferry in 1859, the northwest, he believed, became alienated and developed a new consciousness.⁹

This continued east-west thesis is perhaps the obvious basis on which to study the formation of West Virginia, but the persistence of the Ambler thesis limits its potential. One of the main avenues that could challenge Ambler comes from Appalachian historians. In their studies of the mountainous parts of Virginia, Kentucky, North Carolina, Tennessee, and Georgia, this small but skilled group shared a common goal of breaking down the barriers with the rest of the South. Instead of being an isolated, classless society that outsiders deplored or lamented, antebellum Appalachia had strong connections to the outside world and felt their influence. John Inscoe's *Mountain Masters* demonstrated how

⁹ Henry T. Shanks, *The Secession Movement in Virginia 1847-1861* (New York: AMS Press, 1937); Daniel Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989); William G. Shade, *Democratizing the Old Dominion: The Second Party System in Virginia, 1824-1861* (Charlottesville: University Press of Virginia, 1996); William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003).

western North Carolina strongly backed slavery and the state's secession. Martin Crawford added the roles that external connections and kinship ties played in sectional allegiances in Ashe County, North Carolina. Noel Fisher, Todd Groce, and Robert Tracy McKenzie followed the same path in their respective studies on East Tennessee, the region aside from West Virginia cited as a major geographic center of southern Unionism. Jonathan Dean Sarris's study of wealth and nativity dictating the allegiances of two North Georgia counties revealed how fine the lines of allegiances could be. My own work on Kanawha County in western Virginia follows in their path.¹⁰

Kenneth W. Noe used the Appalachian historians' approaches to critique both Ambler and Curry in his *Southwest Virginia's Railroad*. He argued that the tail end of the state evolved in a decade into a proslavery economy and polity when a railroad linked it to Richmond. The region felt the impact of global market capitalism in reduced farm sizes, changes in crops, and increasing wealth disparities. The area's few towns grew quickly as the railroad brought new people and markets to them. When secession occurred, he argued that, like parts of Appalachia to its south, the southwest supported joining the Confederacy. The

¹⁰ John C. Inscoe, *Mountain Masters: Slavery and Sectional Conflict in Western North Carolina* (Knoxville: University of Tennessee Press, 1987); John C. Inscoe and Gordon B. McKinney, *Heart of Confederate Appalachia: Western North Carolina in the Civil War* (Chapel Hill: University of North Carolina Press, 2000); Martin Crawford, *Ashe County's Civil War: Community and Society in the Appalachian South* (Charlottesville: University Press of Virginia, 2001); Noel C. Fisher, *Partisan Politics and Guerrilla Warfare in East Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1997); W. Todd Groce, *Mountain Rebels: East Tennessee Confederates and the Civil War 1860-1870* (Knoxville: University of Tennessee Press, 1999); Robert Tracy McKenzie, *Lincolnton and Rebels: A Divided Town in the American Civil War* (New York: Oxford University Press, 2006); Jonathan Dean Sarris, *A Separate Civil War: Communities in Conflict in the Mountain South* (Charlottesville: University Press of Virginia, 2006); See also Kenneth W. Noe and Shannon H. Wilson, eds., *Civil War in Appalachia: Collected Essays* (Knoxville: University of Tennessee Press, 1997). No comparable work exists for Eastern Kentucky.

region's population suffered the war's effects acutely but, aside from a few dissidents, stayed with the cause until the end. Noe's work indicates how Appalachia had the capacity for change even before the war. It proved adaptable to slavery, industrialization and modernization. His research refutes Ambler's notion of a united west, and Curry's avoidance of the area in his book. Southwest Virginia sided with the Confederacy, Noe concludes, because of its economy and politics changed with the building of the railroad.¹¹

West Virginia has benefitted from the influence of Appalachian historians but with mixed results. John Shaffer argued in *Clash of Loyalties* that Unionists and Confederates in Barbour County differed only in their nativity. Those with deeper ties to Virginia supported secession while more recent arrivals stayed loyal. James Cook's thesis argued that partisan politics influenced allegiances in Harrison County. Kenneth Fones-Wolf examined Wheeling's secessionists, and concluded that a fear of Republicans and their free labor ideology motivated that city's few rebels. In an earlier work, I argued that local secessionists came from the most prominent citizens, many of whom owned slaves. In contrast, Unionists had diametrically opposed social backgrounds. I concluded that connections to the outside world, particularly ties to the slave economy, motivated sectional allegiances there.¹² These works have opened up fresh insights into how West

¹¹ Kenneth W. Noe, *Southwest Virginia's Railroad: Modernization and the Sectional Crisis in the Civil War Era* (Urbana: University of Illinois Press, 1994).

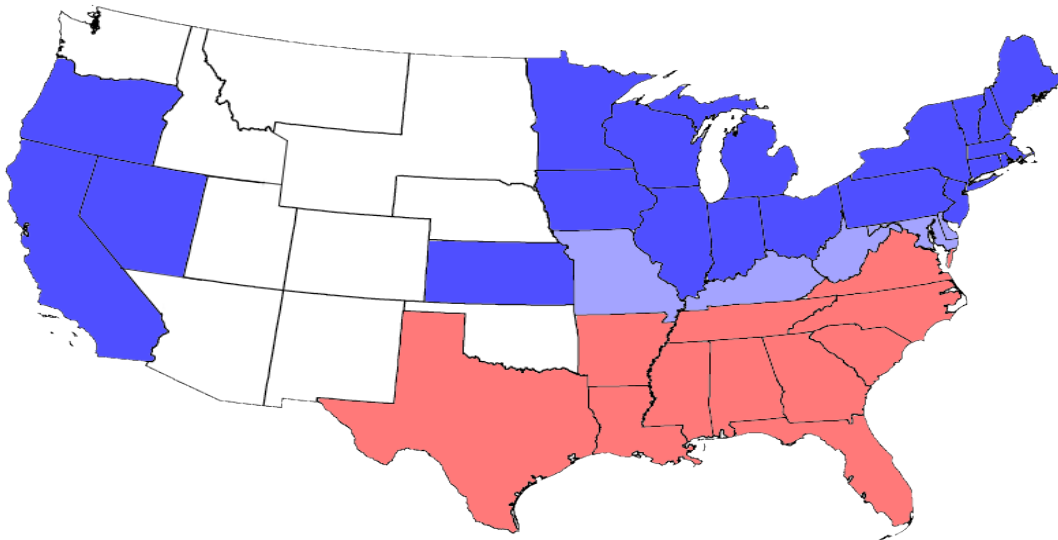
¹² John Shaffer, *Clash of Loyalties: A Border County in the Civil War* (Morgantown: West Virginia University Press, 2003); James H. Cook, "The Secession Crisis in Harrison County, West Virginia," (master's thesis, West Virginia University, 1993); Kenneth Fones-Wolf, "'Traitors in Wheeling': Secessionism in an Appalachian Unionist City," *Appalachian Journal* 13, vols. 1 and 2 (Spring/Fall 2007): 75-95; Scott A. MacKenzie, "The Civil War in Kanawha County, Western Virginia, 1860-1861," *West Virginia History -- A Journal of Regional Studies* New Series 4, no. 1 (Spring 2010): 33-57.

Virginia responded to the Civil War. They all are county-level studies in a diverse state. Wheeling's experience differs from Kanawha's, for example. A new statewide study is necessary to see how far Appalachian historiography can go.

There is another possibility still. West Virginia is not the only part of the Mountain South to border the North. Several other states also do so, known in the 1860s as the border states. Delaware, Kentucky, Maryland, and Missouri each lay between the Upper and Lower South states and the North. Scholars appear to have taken this field for granted for a long time. The classic work for many years was Edward C. Smith's *The Borderland in the Civil War*, published in 1927. He argued that allegiances softened in the area, with northerners being tolerant of slavery while southerners tended to be Unionists. The two halves shared common populations and economic goals before and during the war. Smith pointed to the strength of Copperheads in the border areas as proof that they agreed more than they disagreed. His work stood alone until the 1990s when William W. Freehling's *Road to Disunion* came out. In two massive volumes, he argued that the diversity of the South kept the dictatorial planter class in South Carolina and eastern Virginia under control for many years. Multiple layers such as the Lower South, Upper South and Border South, as well as east-west divisions brought wide diversity to the region. The further an area was from the Lower South and its extensive slavery, he claimed, the less one was likely to support secession. The border states, where slavery was lightest, refused to follow the rest of the South. West Virginia acted the same way by rejecting the eastern planters' call for

secession. This, he concluded, explained why the Civil War occurred in 1861 and not earlier. His smaller volume, *The South versus the South*, argued that Lincoln turned whites and blacks in the Border States against the Confederacy.¹³

Map 2: The Border States¹⁴



Freehling's work revived interest in the Border States. The field had not been fallow but instead focused on individual states. Barbara Field's work on Maryland and Patience Essah's study of Delaware each cover how those states dealt with slavery and emancipation. Kentucky, Harold Tallant stated, remained deadlocked over slavery long before and after the war. Missouri fell out so bitterly, according to Michael Fellman, that a costly guerrilla war ensued. In the past couple of years, new scholarship has attempted to link the Border States collectively rather than individually. Stanley Harrold argued that the attachment

¹³ Edward C. Smith, *The Borderland in the Civil War* (New York: MacMillan, 1927); William W. Freehling, *Road to Disunion*, vol. 1: *Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990); William W. Freehling, *Road to Disunion*, volume 2, *ibid.*; William W. Freehling, *The South versus the South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001).

¹⁴ Public Domain Map from Wikipedia,
http://en.wikipedia.org/wiki/File:USA_Map_1864_including_Civil_War_Divisions.png

of those states to the federal government to keep the North at bay radicalized the Lower South into seceding. William C. Harris's comparisons of Lincoln's approach to Kentucky, Maryland, and Missouri (he excluded Delaware and West Virginia) gave him much credit for allowing the border states to work towards the Union in their own way. The most extensive study comes from Aaron Astor, who compared Kentucky and Missouri. He argues that conservative Unionists initially remained loyal so long as slavery was protected. When "two mutually reinforcing internal rebellions" occurred, one of white secessionists and the other of black slaves, transpired through the war and emancipation, these conservatives abandoned their Unionism after the war and adopted the Confederate memory of the war. Christopher Phillips's small yet valuable tome agreed. In response to Harris, he gives the military and paramilitary aspects of the Border States more attention. He argued that the chaos of war and emancipation led these four states -- he included Delaware -- to reconfigure their memory afterwards to become the Border South rather than the border states.¹⁵

Despite this upswing in interest, one area remains relatively untouched. West Virginia still stands apart from each work. In fact, thus far, only one scholar has suggested that it ought to be considered to be a border state. Allison Fredette

¹⁵ Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985); Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University of Virginia Press, 1996); Harold Tallant, *Evil Necessity: Slavery and Political Culture in Antebellum Kentucky* (Lexington: University Press of Kentucky, 2008); Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri During the American Civil War* (New York: Oxford University Press, 1990); Stanley Harrold, *Border War: Fighting Over Slavery Before the Civil War* (Chapel Hill: University of North Carolina Press, 2010); William C. Harris, *Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011); Aaron Astor, *Rebels on the Border: Civil War, Emancipation and the Reconstruction of Kentucky and Missouri* (Baton Rouge: Louisiana State University Press, 2012); Christopher Phillips, *The Civil War in the Border South* (Santa Barbara, CA: Praeger, 2013).

argued that the legal status of women differed from the North and the South under the Republican rule from 1861 to 1870. A conscious effort to distance the new state from Virginia led to the implementation of women's property laws. Early state leaders, some northern-born, others southern-born, she believed, allowed for multiple opinions on the subject. This made the border regions distinct from the North and the South. On the other hand, John Stealey's 1,200-page *West Virginia's Civil War-Era Constitution* argued that West Virginia was unique. He took issue with historians who placed the state into the southern states during Reconstruction. In his view, West Virginia did not undergo such a process, but rather a counter-revolution against the Republican state makers. This made comparisons to Confederate states misleading. At the same time, West Virginia was not a border state either. "Temptation exists to compare the Mountain State with Kentucky, Maryland, Missouri or Delaware," he warned, "but significant differences emphasize the exceptional and unique West Virginia experience."¹⁶ These contrasting opinions, one coming from a young scholar arguing for a distinctive border condition, the other from an experienced historian defending the state's singularity point to the future path that its historiography will take. This dissertation argues that West Virginia ought to be reconsidered as a Border State. The politics of slavery and slaveholding in the late antebellum and wartime periods resemble the range of experiences in Delaware, Kentucky, Maryland, and Missouri more than Appalachia, Virginia, or the rest of the South. Each rejected

¹⁶ Allison Fredette, "The View from the Border: Republicans and Women's Rights in the Age of Emancipation," *West Virginia History* New Series 3, no. 1 (Spring 2009), 57-80; John E. Stealey, *West Virginia's Civil War-Era Constitution: Loyal Revolution, Confederate Counter-Revolution, and the Constitution of 1872* (Kent, OH: Kent State University Press, 2013).

secession because they believed that the Constitution best protected slavery. In many cases, that attachment came with conditions that bedeviled President Lincoln throughout the war. They responded to the need for emancipation differently. Kentucky and Delaware each rejected it outright, while Maryland and Missouri approved it only after political upheavals. Northwestern Virginia and West Virginia fit into this range.¹⁷ These limitations allow for a more accurate analysis of the region during the antebellum and wartime periods. As Table 1 below indicates, the northwest fits within the range of slave and free black populations. As this chart shows, northwestern Virginia had more slaves than Delaware but far fewer than the others in both 1850 and 1860. It also had a smaller free black population than the others, although as a percentage of population the region had comparable amounts to Kentucky and Missouri. The figures tell only part of the story; at the least, they show that northwestern Virginia can fit in with the Border States. This indicates a strong commitment to maintaining the color line between freedom and enslavement. Both Essah and Fields have argued that the paucity of slavery in Delaware and Maryland did not mean freedom was an improvement. Whites denied blacks citizenship, education,

¹⁷ I define “northwestern Virginia” as the thirty-five counties bordering the Ohio River to the west, the Pennsylvania and Maryland borders to the north, a line along the western side of the Blue Ridge Mountains and north of the Kanawha River. They include Barbour, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Nicholas, Ohio, Pleasants, Preston, Putnam, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, and Wood. The excluded Potomac and eastern panhandle counties include Pocahontas, Pendleton, Hardy, Hampshire, and Morgan. Berkeley and Jefferson counties joined West Virginia after statehood. Southwestern counties include Greenbrier, Monroe, Raleigh, Boone, Logan, McDowell, and Mercer. Five others, Lincoln, Mingo, Grant, Mineral, and Summers formed after statehood.

and employment opportunities. The same could be true of northwestern Virginia.¹⁸

Table 1: Border State Slavery¹⁹

	<u>Delaware</u>	<u>Kentucky</u>	<u>Maryland</u>	<u>Missouri</u>	<u>NWVA</u>
1850 Total	91,532	982,405	583,034	682,044	203,941
1850 Slave	2,290	210,981	90,368	87,422	7,889
1850 Free Black	18,073	10,011	74,723	2,618	1,374
1850 Pct Slave	3%	21%	15%	13%	4%
1850 Pct FB	20%	1%	13%	>1%	1%
1860 Total	112,216	1,155,684	687,049	1,182,012	264,669
1860 Slave	1,798	225,483	87,189	87,189	6,457
1860 Free Black	19,829	10,684	83,942	3,572	1,045
1860 Pct Slave	2%	20%	13%	13%	2%
1860 Pct FB	18%	1%	12%	>1%	>1%

The dissertation uses the following outline. Chapter 1 delves into the United States census to determine northwestern Virginia's ties to slavery. Far from being incidental as many have claimed, slavery was accepted in the region. The northern panhandle had few slaves, but still believed in and defended the institution. Chapter 2 examines the politics of slavery in the northwest in the 1850s. Protecting the institution dominated the region's newspaper editorials, more so than taxation, suffrage, and representation. The region consistently voted to reject antislavery elements within its borders. Chapter 3 covers the northwest's response to the secession crisis. Contrary to popular belief, the main issue was the protection of slavery. Their delegates pleaded with the convention that the

¹⁸ Essah, *A House Divided*, 128; Fields, *Slavery and Freedom on the Middle Ground*, 35-39.

¹⁹ Data compiled from Historical Census Browser, University of Virginia, Geospatial and Statistical Data Center, accessed May 31, 2014, <http://mapserver.lib.virginia.edu/collections/stats/histcensus/index.html>.

northwest was reliable on the issue. Initially divided on the subject, the eastern planters turned on them when the northwest asked for a minor redress of a taxation issue. Had they agreed to it, the state of West Virginia may not have formed. When the meeting approved a secession measure after Fort Sumter and Lincoln's call for troops, the northwestern delegates withdrew to Wheeling to create or "reorganize" a loyal Virginia government and to form their own state where slavery was safe. The measure proved so popular that in disgust the once proud northwestern part of the Old Dominion approved of seceding from the state.

The remaining three chapters deal with the formation of the new state. At every turn, slavery dogged the proceedings. In Chapter Four, the northwestern Unionists endured a costly war from Confederate troops and guerrillas to form a proslavery constitution in 1861 and 1862. Inspired by John S. Carlile of Harrison County, the convention successfully rebuffed attempts to introduce the slavery issue. The delegates had public opinion on their side. Things changed in the following year. Chapter 5 shows how the Confederate offensive into the Border States in the summer of 1862 split the Unionist camp into two parts.

Unconditional Unionists accepted the need for emancipation, albeit gradually. Conservatives, on the other hand, stubbornly rejected congressional demands that West Virginia free its slaves. Carlile, the latter's main figure, ruined his career over the matter. Waitman T. Willey rose to the challenge with a compromise that won the day. Chapter Six examines how slavery persisted in the overlooked first two years of West Virginia statehood. Alrutheus Taylor, George Moore, and

Richard Curry each end their accounts at this point. The story carries on long afterwards. Conservatives still held considerable sway in the new state, making proslavery statements in the years after joining the Union. Unconditionals fought against them to secure their rule, but never did. Their weakness led them prevent their opponents, including returning Confederates, from participating in public life. In the end, slavery died as hard in West Virginia as it did in the other Border States.

The sources for this dissertation come from a variety of places. The majority are newspapers from the West Virginia and Regional History Collection at West Virginia University in Morgantown. The *Wheeling Daily Intelligencer* is often cited as the voice of the northwest. This is not true. In fact, only a small minority from the northern panhandle supported secession from Virginia. Instead, I pieced together a wide range of other newspapers, including the *Kanawha Valley Star*, *Cooper's Clarksburg Register*, the *Morgantown True American*, the *Clarksburg National Telegraph*, and others to create a more rounded picture of the political scene before and during the war. In particular, I sought election returns from the region throughout the period to identify where political parties drew their support. I also used personal papers as much as possible, particularly those of Senator Waitman T. Willey, governor Arthur I. Boreman, and Confederate auditor Jonathan M. Bennett in the West Virginia and Regional History Collection in Morgantown, and the executive papers of Francis M. Pierpont (Virginia's Unionist governor) and John Letcher (its Confederate governor) at the Library of Virginia in Richmond, to add perspective. I found

previously unused records from the federal District Court in Western Virginia at the National Archives branch in Philadelphia. They allowed me to track treason cases heard by the court in Wheeling, Clarksburg, and Charleston during the war. One caveat exists. Virtually no Confederate sources from West Virginia's wartime period have survived. The only ones I could find come from two issues of *The Guerrilla*, a newspaper published in Charleston during the brief Confederate occupation in late 1862. Otherwise, their motives must be inferred from their actions, of which Unionists spoke about at length.

This dissertation aims to prove that West Virginia is not a unique experience of the Civil War. Instead, its history resembles that of the Border States, Maryland and Missouri in particular. A tighter than previously believed attachment to slavery and shifting politics between Unconditional and conservative factions, make the northwest more like those states than either Appalachia or Virginia. Historians ought to reconsider West Virginia's uniqueness as a result. They followed the state's own scholarship, quite properly, for a long time but never really escaped its limitations. Appalachian historians offered some alternatives, but if viewed as a border state, West Virginia can open new questions and suggest answers about its experience in the Civil War.

Chapter One: Part of the South:
The Social and Economic Structure of Antebellum Northwestern Virginia

Historians see different things in West Virginia. Mainstream scholars point to its northern borders, limited enslaved population, and separation from Virginia during the Civil War as proof of the strength of southern Unionism. James McPherson spoke for them when he described West Virginia's "culture and economy" as being "oriented to nearby Ohio and Pennsylvania rather than to the faraway lowlands of Virginia." The state's own historians use this approach to explain its origins. Charles Henry Ambler's thesis of a distinct and democratic west bound to separate from the decadent and aristocratic east stood for decades until Richard Orr Curry pointed to substantial support for disunion in the region. Recent Students of the border states ignore West Virginia entirely. They are all mistaken. These descriptions only apply to the northern panhandle region, the narrow sliver of land between Pennsylvania and Ohio. They ignore the thirty other counties containing over 200,000 people that lay closer to the heart of Virginia. Their tighter connections to their state and to slavery gave them a different and more tortuous experience than the northern panhandle. By ignoring them, historians oversimplify one of the messiest and most contested places in the entire Civil War era.¹

¹ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Vintage, 1989), 297-298; Charles H. Ambler, *Sectionalism in Virginia from 1776-1861* (Chicago: University of Chicago Press, 1908); Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964); William Harris excludes West Virginia in his *Abraham Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011), 9; Christopher Philips barely mentions it at all, citing a report in a footnote and Wheeling once in his *The Civil War in the Border South* (Santa Barbara, CA: Praeger, 2013), 123n3 and 44.

This chapter aims to correct these notions about northwestern Virginia. Appalachian historians have provided some insights as to achieve this goal. As a field, they search for the ways by which the Mountain South connected to the rest of the country and to the world economy and their effects. So far, their works have focused areas deeper within the South such as southwestern Virginia, east Tennessee, western North Carolina, and north Georgia.² Northwestern Virginia bordered the North. I argue that this area also had numerous connections to the North but aside from the northern panhandle, the vast majority of the region felt it was southern in nature. The chapter considers three points. First, while transportation links tied the region to the outside world, they did not result in any adoption of the mores and ideas of its northern neighbors. The panhandle showed the more noticeable signs of leaving the South, but the rest of the region clung to its mother state and to slavery in spite of lingering differences with eastern Virginia. Second, its population consisted of mostly Virginians who accepted slavery even if they did not own any enslaved persons or benefitted from it in other ways. Third, patterns gleaned from the census indicate that only the richest and most influential citizens owned slaves. They exerted power over the local economy and political office out of proportion to their small numbers. I base this chapter on a sample derived from the United States Census for 1850 and 1860. It

² Kenneth W. Noe, *Southwest Virginia's Railroad: Modernization and the Sectional Crisis in the Civil War Era* (Urbana: University of Illinois Press, 1994); Noel C. Fisher, *War at Every Door: Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1999); W. Todd Groce, *Mountain Rebels: East Tennessee Confederates and the Civil War, 1860-1870* (Knoxville: University of Tennessee Press, 1999); Robert Tracy McKenzie, *Lincolmites and Rebels: A Divided Town in the Civil War* (New York: Oxford University Press, 2006); John C. Inscoc, *Mountain Masters: Slavery and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1987); Jonathan Dean Sarris, *A Separate Civil War: Communities in Conflict in the Mountain South* (Charlottesville: University of Virginia Press, 2006).

includes three counties to represent the variations within the Northwest. Ohio County stands in for the northern panhandle. Harrison represents the central part of the region. Kanawha exemplifies the southern portion. From it, I will compare and contrast patterns of nativity, slaveholding, and political behavior among these counties. This source base provides ample proof that northwestern Virginia was more diverse than previously believed and had a substantial interest in slavery.

Northwestern Virginia was as well connected to the outside world as any area west of the Blue Ridge Mountains before the Civil War. Nature provided the earliest transportation routes, particularly the mighty Ohio River. Stretching for a thousand miles from Pittsburgh to Cairo, Illinois, the Ohio served as the main highway for westward migration. Many communities grew up along the river, including Marietta, Ironton, and Cincinnati in Ohio, New Albany in Indiana, and Louisville and Paducah in Kentucky, as Richard Wade has pointed out. Yet, Virginia also claimed and settled its lands over the Appalachians towards the Ohio River, which marked its western boundary. Its early residents migrated there and implanted deeply Virginia's legal institutions such as the county court system. The towns of Wheeling, Parkersburg, and Guyandotte (the last destroyed during the Civil War and replaced by Huntington) arose much like the others. The linkages made by the river placed these communities in competition with each other. Parkersburg and Marietta, for example, squared off for years. Guyandotte and Gallipolis, Ohio, did too. Neither proved as intensive or as durable as the rivalry between Wheeling and Pittsburgh. For the first half of the Nineteenth Century, those cities competed with each other. The latter prevailed,

as Diane Barnes has argued, because Wheeling had neither the strength nor the numbers to prevail. Yet only the panhandle adopted its competitor's ways, becoming increasingly industrialized in the process.³

The Ohio was not the only river connecting the northwest to the world. The Great Kanawha was navigable for one hundred miles through Cabell, Wayne, Kanawha, and Fayette counties. This important area developed another early industrial economy in Appalachia. Salt production began in the 1810s. Starting in small skiffs and progressing to steamships in later decades, barrels of salt headed down the Kanawha to the Ohio River to the meatpacking markets of Cincinnati, St. Louis, and New Orleans. Many Charleston salt makers grew wealthy from this trade. As John Stealey has argued, the Kanawha salt business influenced politics and economics both within the state and in the rest of the country. The need for laborers led early industrialists to import enslaved Africans to toil alongside whites in the dangerous salt factories, coal mines or on the river. By 1850, Kanawha had the largest slave population in northwestern Virginia. Its river links made it possible. Though its leaders eagerly sought a railroad to expand their trade with the Atlantic Coast, a line did not reach the Kanawha Valley until the 1870s. The Little Kanawha served the same purpose for Parkersburg though nowhere near its greater counterpart.⁴

³ Richard C. Wade, *The Urban Frontier: Pioneer Life in Early Pittsburgh, Cincinnati, Lexington, Louisville and St. Louis* (Chicago: University of Chicago, 1959); L. Diane Barnes, "Urban Rivalry in the Upper Ohio Valley: Wheeling and Pittsburgh in the Nineteenth Century," *Pennsylvania Magazine of History and Biography* 123 (July 1999): 201-26; Kim Grunewald, *River of Enterprise: The Commercial Origins of Regional Identity in the Ohio Valley, 1790-1850* (Bloomington: Indiana University Press, 2002).

⁴ John E. Stealey, *The Antebellum Kanawha Salt Business and Western Markets* (Lexington: University Press of Kentucky, 1993).

The headwaters of the Monongahela River linked the central northwest to Pittsburgh. Its tributaries, the Tygart, the Cheat and the West Fork rivers, offered an alternative to difficult overland travel. These branches were not mere creeks or streams. Steamboats plied these waters as early as the 1820s. Indeed, Virginia made several attempts to dam and control the West Fork in the early Nineteenth century but without success. Many important towns sprang up along these rivers, including Morgantown, Philippi, Fairmont, and Clarksburg. Few parts of the northwest lacked at a natural transportation route to the outside world before the Civil War.⁵

Artificial means emerged in the early Nineteenth century but only for certain areas. In the wake of the War of 1812, the federal government constructed a road to link the new western territories to the east. The Cumberland or National Road passed through the northwestern part of Virginia, connecting Cumberland, Maryland, to Vandalia, Illinois. Passing through southwestern Pennsylvania, it reached Wheeling in 1818. The road, according to Billy Joe Peyton, encountered numerous delays due to surveying, construction, and funding. Once finished, it had mixed effects. On one hand, it encouraged urbanization in places such as Wheeling and Cumberland. Immigration and trade increased as a result. On the other, Peyton concluded that its strained creation made it difficult to call the Cumberland or National Road a success. Railroads overtook it in Maryland

⁵ Gerald W. Sutphin, "River Transportation," West Virginia Encyclopedia, accessed 31 August 2013, <http://www.wvencyclopedia.org/articles/93>; Wallace Venable, "West Fork River," West Virginia Encyclopedia, accessed 1 September 2013, <http://www.wvencyclopedia.org/articles/1002>; William H. Gillespie, "The Monongahela River," West Virginia Encyclopedia, accessed 1 September 2013, <http://www.wvencyclopedia.org/articles/2018>.

within a decade. Yet, he concluded that it left an important mark on American society. By 1820, therefore, the National Road tied the northern panhandle to the Atlantic coast. The remainder of northwestern Virginia would lack such high quality routes for many years to come.⁶

The northern panhandle benefitted from developments in neighboring states. Canal building marked the early nineteenth century's first attempt at rapid, regular communications. From the late 1810s up to the Civil War, several states constructed artificial waterways. The most famous is the Erie Canal in New York, which linked the Hudson River and the Great Lakes in 1823. The Ohio and Erie Canal opened in 1833, connecting the eastern part of the state with routes in neighboring states. Pennsylvania's canals, constructed between 1826 and 1834, likewise cut across the state in several directions. Some parts of northwestern Virginia benefitted from these canals by linking the Monongahela to the Atlantic Ocean. While expensive, slow to build, and restricted by the elements, canals improved trade and movement throughout these states. George R. Taylor argued that they should not be rejected as failures. High construction costs aside, he pointed to their continued use later in the century. Moreover, turnpikes and even railroads also lost money over time. Thus, efforts in other states helped to connect parts of the northwest with the outside world.⁷

Virginia's failure to build a similar canal project compounded its transportation problem. Encouraged by and even personally surveyed by George

⁶ Billy Joe Peyton, "To Make the Crooked Ways Straight and the Rough-ways Smooth: Federal Government's Role in Laying Out and Building the Cumberland Road," (PhD diss., West Virginia University, 1999).

⁷ George Rogers Taylor, *The Transportation Revolution, 1815-1860* (New York: Holt, Reinhart and Winston, 1964), 55.

Washington himself, the James River and Kanawha Canal never reached its intended terminals in northwestern Virginia. Technology was not the issue. While still short of its destination, the James River and Kanawha Canal had covered a respectable two hundred miles by 1851. Political tensions impeded progress more than the digging. Conservative eastern counties with large slave populations feared losing control over their bondsmen to those with less invested in the institution. Turnpikes proved equally slow to develop. Macadamized or hardened roads such as the Northwestern Turnpike and the Staunton-Parkersburg Turnpike started in the 1810s but the latter would not be finished until 1850. Northwesterners must have salivated as they compared the more rapid progress that Ohio and Pennsylvania made while their own state stumbled along. Sean Patrick Adams offered some insights as to why. He argued that a superior legal, business, and government arrangement allowed the Keystone State to build its canals and turnpikes faster than the Old Dominion's. At the same time, Virginia's planters slowed the process to protect their massive interest in slavery. The northwest languished as a result. This did not mean that they opposed slavery in any way.⁸

The progress of other states combined with Virginia's own shortcomings generated tensions within the state. Northwestern frustration over eastern neglect boiled over at convention in 1830. Many disliked the new constitution. Abner Maxwell of Harrison County spoke for many in the northwest as he appealed to

⁸ Wayland Fuller Dunaway, *History of the James River and Kanawha Company* (New York: Columbia University Press, 1922); Sean Patrick Adams, *Old Dominion, Industrial Commonwealth: Coal, Politics and Economy in Antebellum America* (Baltimore: Johns Hopkins University Press, 2004); Billy Joe Peyton, "Turnpikes," *West Virginia Encyclopedia*, accessed 31 August 2013, <http://www.wvencyclopedia.org/articles/797>.

his fellow freeholders. “The new constitution which has been palmed on us by our eastern friends (if I am right in so calling them) is so irrepublican in its principles and so hostile to the best interests of the West that it must meet with my most decided vote to reject it,” he declared. He continued that he could not support a government which “consigns one portion of the Commonwealth to perpetual slavery to the other.” A select few demanded that decisive action be taken against Richmond. One letter in the *Wheeling Gazette* demanded that the western counties appoint commissioners to “treat with the eastern nabobs for a division of the state – peaceably if we can, forcibly if we must!” The *Wheeling Compiler* echoed these sentiments. If the eastern planters prevailed in the constitutional convention, “we still have, provided the entire west will move unanimously with the counties, in this section of the state, once chance left, and that is Separation.” These sentiments may seem prophetic in hindsight. Historians such as Charles Ambler used them to demonstrate the insurmountable problems created by having two different sections operating under the same barely democratic regime. It appears that few others in the region felt this way. The northwest may have been frustrated with their commonwealth but they still clung to it.⁹

Virginia’s relief finally came through in 1851 but achieved little for the northwest. The constitutional convention that year approved funding for railroads throughout the state. The southwest, Shenandoah Valley, and northwest would soon have iron rails linking each to the Atlantic. By mid-decade, the situation

⁹ *Clarksburg Enquirer*, April 19, 1830; *Wheeling Gazette*, April 6, 1830; *Wheeling Compiler*, March 10, 1830; both cited from Charles H. Ambler, *Sectionalism in Virginia from 1776 to 1861* (Chicago: University of Chicago Press, 1908), 170-71, 174.

improved dramatically for all, but least so for the northwest. Governor Joseph Johnson of Harrison boasted to the Assembly in 1855 that the networks of road and rail “afford all the facilities for travel and transportation the most fastidious could desire. ... It may truly be said that she (the Northwest) wants little and asks less.” He exaggerated its success. Like the National Road before it, the Maryland-based Baltimore and Ohio linked only part of the region. The railroad connected Wheeling to Baltimore via its terminus at Harpers Ferry. By 1857, another line extended westward to Parkersburg via Grafton. In both cases, as Richard Orr Curry has argued, the rails focused trade towards Baltimore or Philadelphia while the Shenandoah and the southwest linked to southern cities such as Richmond and Norfolk. While anything would have improved the situation, these new links only reinforced rather than relieved intrastate issues.¹⁰

This discussion omits concurrent railroad building in Ohio and Pennsylvania. Those states had finished lines about the same time as the Baltimore and Ohio arrived in Wheeling. The Ohio River area lay in the middle of the great age of railroads. Multiple lines ran around the area, though rarely perfectly. The Marietta and Cincinnati line ran to Marietta, upriver from Parkersburg. Yet, without a bridge crossing the Ohio River, the company maintained a ferry to carry passengers and cargo between the lines. A similar situation existed in Wheeling. The Ohio Central Railroad connected Columbus to Belmont, just across the river. The Wheeling Suspension Bridge, a symbol of

¹⁰ Johnson cited in Ambler, 301; Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964), 26; The standard work on antebellum railroads is Albert Fishlow’s *American Railroads and the Transformation of the Ante-bellum Economy* (Cambridge: Harvard University Press, 1965).

engineering prowess at the time, opened in 1849 but handled only foot and wagon traffic. Its collapse three years later spurred legal action between Pennsylvania and Virginia that went all the way to the United States Supreme Court. Future secretary of war Edwin M. Stanton served as Pennsylvania's attorney. Indeed, no rail bridge would cross the Ohio River until after the Civil War. The Pennsylvania and Ohio Railroad came within a few miles of Hancock County at the top of the northern panhandle. It is entirely possible that Hancock residents could have used these lines for trade and travel. Baltimore and Ohio reinforced, rather than improved or opened, the links the panhandle enjoyed with the rest of the country. Other parts languished behind. As we have seen, many natural and artificial routes tied northwestern Virginia to the outside world. The northern panhandle enjoyed the best quality connections such as the National Road and the various railroads. The Kanawha River allowed that part of the state to thrive independently of the rest. The majority of the northwest had to live with poorer quality connections due to official lethargy in Richmond.¹¹

The best way to measure the effect of these connections is to evaluate the demographics of the area. The people who moved down the river influenced the northwest's development. The origins of the population are often cited as the reason for the northwest's actions. As David Hackett Fischer argues in *Albion's Seed*, migrants from northern England, Scotland and Ireland bypassed the eastern

¹¹ See Edward Hungerford, *The Story of the Baltimore and Ohio Railroad, 1827-1927* (New York: G. P. Putnam, 1928), John F. Stover, *History of the Baltimore and Ohio Railroad* (West Lafayette: Purdue University Press, 1987), and James D. Dilts, *The Great Road: The Building of the Baltimore and Ohio, the Nation's First Railroad, 1828-1853* (Stanford: Stanford University Press, 1996). The legal case itself is *State of Pennsylvania v. Wheeling and Belmont Bridge Company* 59 U.S. 421 (1855), Justia: United States Supreme Court Center, accessed 31 August 2013, <http://supreme.justia.com/cases/federal/us/59/421/case.html>.

part of Virginia to settle in the mountains and the Ohio River Valley during these years. Though he simplifies and exaggerates, Fischer accurately points to the movement of peoples to the mountains. They imparted the culture from those parts on to the area. He argues that architecture, place names, cuisine, recreation, and family structures carried forth from the British Isles to the Appalachians. Their stout-hearted descendants included Andrew Jackson, James K. Polk, John C. Calhoun, and many others. Charles Ambler argued along similar lines even earlier than Fischer, maintaining that the northwest consisted of a different kind of people than the rest of the state. He called the migration of Scots-Irish and Germans to the Shenandoah Valley in the early eighteenth century “an important epoch in Virginia’s history” because it blocked “the westward advance of her peculiar institutions” and planted “a new society, naturally hostile to all things Virginian.” These people provided the basis for the northwest section after the Revolution. Yet Ambler neglected the roles of the most important white settlers. These were not aspiring farmers but land speculators and merchants. Whites, including George Washington, staked their claims in the trans-Allegheny region in the years before and after the Revolution, often without ever seeing them. Acquiring land once belonging to the Shawnee, these people sold it in turn at a profit for others. Otis Rice correctly concludes that these men set the rules that govern the area to this day. Land meant wealth, whether owned by locals or absentees.¹²

¹² David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989); Ambler, 13; Otis K. Rice, *The Allegheny Frontier: West Virginia Beginnings, 1730-1830* (Lexington: University Press of Kentucky, 1970).

The population census makes clear what kinds of people lived in northwestern Virginia. Economic records exist but they do not specify from where goods and services came or went. Tracking nativity, on the other hand, allows us to see from where people came. By 1851, the northwest had enjoyed more than half a century of regular contact with the rest of the country. By all accounts, the should have absorbed its neighbors' attributes. Appalachian historians have long argued that the mountain regions of the South possessed many of the same features as the coastal areas, including slavery. John Inscoc in particular demonstrated this in western North Carolina. Kenneth W. Noe showed how, in less than a decade, a railroad to Richmond converted large sections of southwest Virginia into a proslavery economy. Yet the bulk of northwestern Virginia did not become northern. Only the northern panhandle changed, being swamped with northerners and foreign immigrants alike. My sample demonstrates this trend by comparing the nativity of adult heads of household in each of the three counties. As Table 2 below shows, the northern panhandle became less Virginian than the rest between 1850 and 1860. Only 30 percent of Ohio County residents were born in either Virginia or another southern state, mostly from Maryland, in 1850. That number remained roughly the same, sinking slightly to 28 percent in 1860. At the same time, the foreign-born population, mostly Germans and Irish, rose from 38 to an astonishing 50 percent due to the demands for industrial and domestic labor. Northern-born persons, mostly Pennsylvanians, declined from 30 to 22 percent. In the panhandle,

therefore, native-born Virginians did not even make up a majority. McPherson's claims appear to be correct on this point.

Table 2: Nativity by Percentage of Adult Heads of Household 1850-1860¹³

County	Ohio		Harrison		Kanawha	
	<u>1850</u>	<u>1860</u>	<u>1850</u>	<u>1860</u>	<u>1850</u>	<u>1860</u>
Virginians	23	24	86	82	85	83
Foreigners	38	50	1	4	5	6
Northerners	30	22	8	9	6	7
Southerners	7	4	3	4	4	1
Total (rounded)	<u>98</u>	<u>100</u>	<u>98</u>	<u>99</u>	<u>100</u>	<u>97</u>

Both Harrison and Kanawha's demographics contradict him. The populations in each differ sharply from that in Ohio and the Panhandle. Each had more than 80 percent of Virginia births. In both, the numbers declined slightly in the 1850s but not to any noticeable degree. Harrison's Virginians ebbed imperceptibly from 86 to 82 percent. Kanawha's Virginia population similarly declined from 85 to 83 percent. Those of foreign, northern or southern birth remained steady during this time. Harrison, which lay about one hundred miles south of Ohio, had as many southerners as the more distant Kanawha. The same was most likely true for other interior counties. Those along the Ohio River such as Wood, Tyler, Mason and Cabell may have had fewer Virginians than Harrison or Kanawha. They lacked the Wheeling area's factories to attract influxes of new people. The panhandle developed differently, while the rest stayed Virginian.

¹³ Sample comes from the U.S. Department of the Interior, Census Office, Manuscript Census Schedules, Harrison, Kanawha and Ohio counties, Virginia, Schedules 1 (Free Population) and 2 (Slave Population) for the Seventh (1850) and Eighth (1860) Census. Available at Ancestry.com. Hereafter, Census Sample.

These demographics gave the bulk of the northwest a population familiar with and tolerant of slavery.

Historians also underestimate the power slavery held over northwestern Virginians. Virtually all from Charles Ambler onwards claim that the environment precluded slavery from having much influence in the mountains. Even his biggest critic Richard Curry agreed on this point. “The institution of slavery,” he wrote, “did not -- indeed, could not -- thrive in the cold, mountainous regions of the Northwest.” George Moore claimed that only 1 percent of the population owned slaves. Only about two thousand people owned slaves there, most of them held between one and five. These are reliable observations. Plantation agriculture did not exist in the northwest. Slaveholders made up a tiny percentage of the population. Yet, neither view deeply investigates the matter. My research asks who owned these slaves, what they did with them, and what effect slavery had upon them.¹⁴

New research into slavery allows us to challenge the idea that it had little role in the northwest. Slavery’s importance to the rising middling classes, as discussed by Jonathan Dean Wells, Jennifer Green, and Frank Byrne, and used by Upper and Lower South artisans to advance themselves, as related by Diane Barnes and Michele Gillespie, allow us to see how whites of all classes and both genders used enslaved persons in both public and private settings. Northwestern Virginia is a good example by which to test these arguments. Some of its own historians claim that slavery was a mostly urban phenomenon, even though the

¹⁴ Curry, 23; George Ellis Moore, *A Banner in the Hills: West Virginia’s Statehood* (New York: Appleton-Century-Crofts, 1963), 2.

area had only one city (Wheeling) and a few smaller towns. Its importance stems from its ability to provide upward mobility in an otherwise static environment. My evidence uses the census from 1850 and 1860. From this, I determined who owned slaves, how many they owned, the owner's occupation and wealth, and whether they lived in an urban or rural environment. I argue that slaveholding was a mark of higher status, one toward which all whites sought to achieve. From this, a clearer understanding of how strong an influence slavery exerted on a place where most believe it had none.¹⁵

Every part of northwestern Virginia had a connection with slavery. At some point since the start of white settlement, master and slave existed in every county. Some historians state that the northernmost and southernmost counties -- Hancock and McDowell -- had no slaves in 1860. This was only true of that year's census. A decade earlier, the former had three slaves and two masters. The latter did not exist at the time but its parent Logan County had 87 slaves that year and 148 in 1860. Overall, the thirty-six counties in 1850 held a total of 12,605 people in bondage. Ten years later, the number of counties had increased to forty-two while the slave population dropped to 10,915. In 1860, the largest was Kanawha with 2,187 slaves, followed by Greenbrier with 1,525 and Hardy with 1,073. Those with the smallest slave populations after the slaveless Hancock

¹⁵ Jonathan Dean Wells, *Origins of the Southern Middle Class, 1800-1861* (Chapel Hill: University of North Carolina Press, 2003); Jennifer R. Green, *Military Education and the Emerging Middle Class of the Old South* (New York: Cambridge University Press, 2008), Frank J. Byrne, *Becoming Bourgeois: Merchant Culture in the South 1820-1865* (Lexington: University Press of Kentucky, 2006); L. Diane Barnes, *Artisan Workers of the Upper South: Petersburg, Virginia, 1820-1865* (Baton Rouge: Louisiana State University Press, 2008), and Michele Gillespie, *Free Labor in an Unfree World: White Artisans in Slaveholding Georgia, 1789-1860* (Athens: University of Georgia Press, 2000). See also Jonathan Dean Wells and Jennifer R. Green's collection of essays *The Southern Middle Class in the Long Nineteenth Century* (Baton Rouge: Louisiana State University Press, 2011).

and McDowell were the newly formed county of Webster with just three persons. Three other counties had similarly small populations. Calhoun had only nine, Pleasants had fifteen and Brooke only eighteen. The median county slave population for all of northwestern Virginia was ninety-eight in 1860, a decline from 160 a decade earlier. The census has to be used carefully. It lists only masters who owned slaves in a particular county. They did not have to live there. Alexander M. Campbell of Brooke County may have owned only one slave at home, but he held eighteen more slaves in Sabine Parish, Louisiana, along the Texas border. It is unclear how many more northwestern Virginia masters owned slaves elsewhere, or how many absentees owned slaves there. Slaveholding, therefore, had a substantial range throughout the northwest, from large populations to small ones. It also held steady and showed no signs of ending anytime soon. Yet this tells us nothing about how whites used them.¹⁶

Northwestern Virginia slaveholding depended on its social hierarchy. The image of the noble mountaineer living on a self-sufficient farm isolated from the rest of the world is not true. As Henry Shapiro and others have argued, such observations came from outsiders imposing their views on Appalachia as a whole. Even so, it took historians until the 1980s to refute the notion of a uniform mountain population. Appalachian scholars such as John Inscoe and Kenneth W. Noe demonstrated great social stratification in the Mountain South due to the

¹⁶ Historical Census Browser. University of Virginia, Geospatial and Statistical Data Center, accessed September 1, 2013, <http://mapserver.lib.virginia.edu/collections/stats/histcensus/index.html>.; John E. Stealey III, *West Virginia's Civil War Constitution: Loyal Revolution, Confederate Counter-Revolution and the Convention of 1872* (Kent: Kent State University, 2013), 117. Campbell is listed as owner of eighteen persons in the Slave Population schedules for Sabine Parish, Louisiana.

influence of slavery. The northwest part of Virginia had a full range of classes among its white population. On top were the landholding elite who owned six or more slaves. Below them were the yeomen or smaller farmers with 100 acres or less and who, if they owned any slaves at all, held between one and five slaves. The region's few towns held its middle class of professionals and merchants. The vast majority of the white population, the landless laboring plain folk, rested below them. The enslaved made up the bottom. The lines between some of these classes blurred at times. Merchants and yeomen, for example, intermingled based on wealth patterns alone. Lawyers and landholders built strong relationships, too. Slaves and some poor whites sometimes worked side by side at the same jobs. Family connections may have also bridged some gaps.¹⁷

A statistical evaluation reveals the extent of slaveholders' economic authority throughout the northwest. Overall, they exerted control over the local economy far above their numbers. The census for 1850 included amounts for real estate held by each household. The 1860 schedules added personal wealth, which included slaves as chattel property. The census sample uses only adult heads of household, which does not include dependents, spouses, or others who may have owned more property. Including those few people would not significantly alter the overall total. The numbers varied throughout the region, as Table 3 below indicates. In Ohio County, the fifty-two slaveholders controlled 18 percent of real

¹⁷ Henry Shapiro, *Appalachia On Our Mind: The Southern Mountains and Mountaineers in the American Consciousness, 1870-1920* (Chapel Hill: University of North Carolina Press, 1986); Allen W. Batteau, *The Invention of Appalachia* (Tucson: University of Arizona Press, 1990); John C. Inscoc, *Mountain Masters: Slavery and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1996), Kenneth W. Noe, *Southwest Virginia's Railroad: Modernization and the Sectional Crisis in the Civil War Era* (Urbana: University of Illinois Press, 1994).

estate in 1850. Ten years later, the thirty-six remaining still held almost the same rate. They also owned 10 percent of personal wealth. Ohio appears to be typical for the northern panhandle and constitutes one extreme in this comparison. Harrison's 117 owners in 1850 held one-third of its real estate alone. A decade later, that amount increased to nearly 40 percent. They owned a remarkable 56 percent of its personal wealth. Kanawha represents the other extreme. Its 277 owners in 1850 held 78 percent of its real estate. In 1860, its 192 owners still held 56 percent of all real estate in the county. They also possessed 72 percent of its personal wealth. These figures point to the power slavery held in the northwest. For most there, it meant a huge gap between themselves and everyone else. The panhandle had the lowest figures, indicating slavery's lesser economic grasp in the area. Kanawha, on the other hand, shows the virtual hegemony the master class had over the population, free and enslaved alike. Farther south, their control made it harder to accumulate more property. Harrison stands between the two. Its small master class held an excessively high amount of wealth yet some room existed for advancement.

In short, Ohio County's slaveholders exerted the least power, while Kanawha's held the most authority. Harrison's masters stood between them in wielding economic and political influence.

Table 3: Slaveholders' Share of Property by County, 1850-1860¹⁸

	1850		
	Total Real Estate in dollars	Slaveholder's Amount	Pct
Ohio	6,124,132	1,074,380	18
Harrison	2,663,881	865,988	33
Kanawha	2,305,002	1,794,645	78

	1860					
	Total Real Estate in dollars	Slaveholders' Amount	Pct	Total Personal in dollars	Slaveholder's Amount	Pct
Ohio	8,014,099	1,253,650	16	3,851,985	392,540	10
Harrison	4,862,326	1,909,467	39	2,019,538	1,145,666	56
Kanawha	2,733,722	1,520,924	56	2,281,184	1,631,836	72

Slaveholding existed mostly among the higher ranks of northwestern Virginia society, not just its highest. Some included the leading landholders or descendants of the first white pioneers. A significant minority, one-third in each county, came from the middling class of urban professionals. Historians such as Jonathan Dean Wells, Jennifer Green, and Frank Byrne debate the exact definition of this class. I have chosen to apply here Green's interpretation of a nonagricultural professional living in an urban area. These include lawyers, merchants, grocers, and the like. The middling classes had a large stake in slavery. They owned about one-third of all the slaves in the sampled counties. Lawyers deserve special mention here. They had a special interest in the slave

¹⁸ Census sample.

system. Westward expansion after the American Revolution brought slaves from the east to aid the landholder in staking his or her claims. Lawyers founded the court systems and secured the land titles from which the former, including many absentees, grew wealthy. As Stephen Aron pointed out about Kentucky, the lawyers thwarted the promise of a poor man's frontier. Those who came later had to deal with their hegemony. In time, the elites and their lawyers controlled political offices in the northwest, generously aided by the eastern planters and their undemocratic constitutions. John Williams called these lawyers a "buckskin elite" but often they held as much wealth as their patrons. They also, he continued, formed connections with a wide variety of people in their home counties and elsewhere. These ties made them important and vital figures in local politics.¹⁹

In Ohio County, slaveholding was rare but still important. The original landholders, those with the last names Zane and McCullough, tended to have large property holdings into the thousands of dollars. Mary L. Zane had \$100,000 in real estate in 1850. Samuel McCullough, a farmer, held about \$12,000 that year. Interestingly, none of either name owned slaves. The largest holder was Virginia-born Lydia S. Cruger, who owned thirteen slaves. Living outside Wheeling, she had no stated employment but possessed some \$32,000 in real estate, making her a prosperous woman and possibly a widow. Behind her was

¹⁹ Wells, *Origins of the Southern Middle Class.*; Green, *Military Education and the Emerging Southern Middle Class*, especially 34-35 for her definition of middle class; and Byrne, *Becoming Bourgeois*; Stephen Aron, *How The West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore: Johns Hopkins University Press, 1999); John A. Williams, "The New Dominion and the Old: Antebellum and Statehood Politics as the Background of West Virginia's "Bourbon Democracy," *West Virginia History* 33, no.4 (July 1972): 334-37.

Daniel Steenrod, a New York-born farmer and another early settler also living in Ohio County. His \$100,000 in property included nine slaves. In 1850, half of Ohio's masters lived in the countryside and/or farmed. The rest lived in Wheeling or a neighboring village and held nonagricultural positions. By 1860, the number of urban dwellers increased to two-thirds or eleven of thirty-five. In 1850, eighteen of Ohio County's fifty-one owners consisted of middling-class heads of households. Middling masters included the Pennsylvania-born S. Brady, a bank cashier, who owned four slaves. John J. Yarnall, a Virginia-born hotel keeper, also owned four. Merchant William Paxton from Ireland owned one slave as did several others. A decade later, that number stayed the same, with ten of thirty-five owners having such a background. One was Sherrard Clemens, a lawyer and politician who owned two slaves. In Ohio County, few other households owned slaves in 1850. Such masters included a grocer, a lottery vendor, a steamboat captain, and one laborer, Virginia-born Mason Foreman of the town of West Liberty. It is not clear how he, who held no property, acquired a slave. It is possible that he inherited him or her. In 1860, only two such men, carpenter Alex Pannell and miller Isaac Kelley, owned slaves. Regardless of their numbers, masters clung tightly to their bondsman. The absence of any slave houses indicates that they lived in close proximity to their owners. Escape occurred but not as often as one may think. The census lists eleven slaves as fugitives of one hundred. In January 1861, the *Wheeling Daily Intelligencer* reported the sensational case of an enslaved woman named Lucy. She fled the custody of William and James Goshorn for Cleveland, Ohio.²⁰ On the other hand, it lists

²⁰ *Wheeling Daily Intelligencer*, January 25, 1861.

only a single manumission, a legally difficult process in 1850s Virginia. It must have been hard to keep slaves in a county surrounded on two sides by free states. Conceivably, few if any slave traders would risk sending more to the Panhandle. Slaveholding was thus scarce, existing mostly to the older generation and to a smattering of professionals and artisans.

Ohio County compensated by exploiting other forms of labor. Plenty of immigrants were available to work. Of the 662 heads of household listed as laborers in the census, three hundred came from the German states and a further two hundred came from Ireland. This underestimates the overall number, because those in other professions are not included. Limited numbers of free blacks also lived there. With only 230 free blacks in 1850, and 126 in 1860, there was little chance of blacks threatening the all-white labor market as in other southern or northern cities. The limited numbers reduced those slaves able to be hired out by those who could not afford them. Moreover, young women provided an alternative to slavery. A total of 340 households of 4,049 in the 1860 census employed a domestic or servant. Most of them were immigrants from Germany, Ireland, or England, with about 40 percent native-born. All but four of the 368 domestics were women. Only nine were black or mulatto. Ages ranged from fifty down to a mere ten years old. A handful of households had both slaves and domestics. An additional forty-three women worked as washers, mostly Germans and Irish. Ohio County's limited attachment to slavery, therefore, masks that they had alternatives. For every one enslaved worker there, more than ten others

occupied a similar degraded status. This makes Wheeling and Ohio County more like the North than the South.

Harrison County embraced slave labor more extensively than Ohio. Its founding family, the Davissons, no longer ruled the county. Just two heads of household bore that name in 1850. Granville, a clerk, owned one slave and held \$1,600 in property. Its master class included two-thirds farmers and landholders and one-third middling class, with a handful of artisans. It had a much larger slave population than Ohio. In 1850, 145 masters owned a total of 482 enslaved persons there. A decade later, that number had risen to 163 masters and 575 slaves, most likely due to the coming of the Baltimore and Ohio Railroad in 1857. The 1850 census does not separate out towns from the countryside so it is impossible to delineate where anyone lived. Based on the county's two census districts, a total of 341 slaves lived in District 21 while 141 lived in District 22. In 1860, more masters owned more slaves. Contrary to a history of Harrison County written in 1910, most slaves were not urban or domestics. Of that number, ninety-four lived in the country, listed as "not stated." A further forty lived in Clarksburg, while the remaining seven came from the surrounding communities of Bridgeport, Lumberport, Milford, and West Milford. Fully half, or eighty-four, of those owners are listed as farmers or combined farming with another activity. The rest varied in occupation from doctors, merchants, bankers, ministers, lawyers, clerks and other officials. The largest owner was Judge George H. Lee, who held thirteen slaves. One such lawyer was John S. Carlile, who owned no slaves when he lived in Barbour County in 1850 but had one in

Harrison a decade later. A handful of artisans such as blacksmiths, carpenters, cabinet makers, hatters, saddlers, tailors, tanners, and a wagon maker owned one or two slaves. For these men, slave ownership may have been their way up in the world, as Diane Barnes and Michele Gillespie have argued. More slaves in Harrison meant greater access to the institution by more whites.²¹

Remarkably, Harrison lacked both a free black population and an immigrant community. More than 85 percent of adult heads of household came from Virginia alone in 1850. A further 13 percent were northern born, mostly Pennsylvanians. Only 4 percent, mostly Marylanders, came from elsewhere in the South. Just 2 percent emigrated from another country, mostly Ireland. By 1860, the numbers had changed little. Virginians made up 82 percent of the heads of household, northerners 9 percent, and other southerners remained at further 4 percent. Immigrants now numbered 5 percent, many of them Irish laborers who helped to build the railroad in previous years. Only one non-white headed a household in the 1860 census. Mary Robinson, a Virginia born mulatto with only \$10 in personal property, lived outside of Clarksburg. Like Ohio County, many domestics worked in the homes of others. The census lists thirty-four women and three men as domestics. Of those, all of the men and thirteen of the women were black or mulatto. Their ages ranged from an astonishing nine to 106, though the median was twenty years old. Most came from Virginia; eight were Irish, with others from the North. With so few free blacks or immigrants available as laborers or domestics, social mobility depended on slaves. As shown above, numerous artisans and middling-class professionals owned slaves. If they, the

²¹ Barnes, *ibid.*; Gillespie, *ibid.*

artisans in particular, could own slaves, many others could have leased or rented slaves to work with or for them. Slavery was in fact an important part of the Harrison County economy.

Kanawha County depended on enslaved labor for its daily existence. With more than three thousand slaves in 1850 and about 2,200 in 1860, the county's habits resembled eastern Virginia more than Ohio or Harrison. Unlike the others, its original white settlers retained a great deal of authority and economic power. The Ruffners owned both slaves and large amounts of real estate. James Ruffner, a farmer, owned twelve slaves and \$4,000 in real estate. His kinsman David held eight slaves and \$4,600 of real estate. These examples do not include family members who had different last names. It would take a significant genealogical study to determine those connections. The majority of Kanawha's wealthy came later on in the nineteenth century. Many ventured there to make salt, a profitable commodity in antebellum America. Kanawha was the most proslavery county in the northwest. Whereas Ohio and Harrison County masters held between one and three slaves, the median for Kanawha in both 1850 and 1860 was ten slaves. Some individual Kanawhans owned more slaves than whole northwestern counties. Lewis Ruffner, son of one of the earliest white families, owned forty-seven for his salt business in 1850 and twenty-three in 1860. John D. Lewis held an astonishing 152 slaves in 1850 and eighty-five a decade later. Likewise, John N. Clarkson owned 127 in 1850 and seventy-one in 1860. John Stealey ascribes market conditions for the decline rather than any antislavery views. Free blacks and or mulattos headed thirty-seven households in 1850. A decade later, thirty

did so. Few of these had any property, and women headed a disproportionate number of them. The census lists few free domestics, possibly due to the large number of slaves available in the county. Its commitment to slavery was almost absolute.²²

A range of employers used slaves in Kanawha. They included middling class and artisan alike, and even a few poorer folk. Of 277 heads of slaveholding households in 1850, seventy-five farmed and fifty-one listed no profession. Salt-makers numbered a further twenty-three owners, each of them averaging about fifteen slaves. Professionals such as physicians, lawyers, agents, merchants, tavern keepers, and managers owned many more slaves. Yet, artisans such as coopers, carpenters, well borers, grocers and tailors also held a few. The census listed four laborers owning slaves. A decade later, slaveholding had become a more elusive goal for some. The 1860 census listed 188 slaveholders heading households. Almost half, or ninety, farmed. Salt-makers continued to hold the largest numbers, with a median of thirteen slaves per owner. Middling-class men such as physicians, merchants, lawyers, and hotel keepers made up the next largest group. Artisans appeared less often than before. Many coopers, engineers, grocers, a miller, a millwright, a printer and a saddler owned at least one slave each. One farm laborer, James Sisson of Sissonville in the northern part of the county, owned three. As with Mason Foreman of Ohio County, he may have received his slaves by inheritance. Slaveholding may have become rarer for artisans, most likely due to rising slave costs and declining need in the Kanawha

²² Stealey, *Antebellum Kanawha Salt Business and Western Markets*, 156

salt economy, but it was still an option. For many it was their way up the social ladder.

The overall picture supports the thesis that slaveholding could bring success in northwestern Virginia if possible. Table 4 below indicates that owning just one slave could catapult someone from the up to the next level in Ohio and Harrison counties. Comparing the overall median wealth in 1850 and 1860 with the median for slaveholders in total and for those owning a single slave reveals this trend. Acquiring an enslaved person by purchase or inheritance in Ohio increased an individual's wealth from \$0 to \$8,000 in 1850, or two-thirds of the slaveholder's median that year. A decade later, the overall median wealth remained low in both real and personal wealth. Yet, one's wealth shot up into the thousands of dollars if one acquired a slave. The same happened in Harrison County. In 1850, owners of one slave had four times as much median wealth as non-slaveholders. A decade later, the amount increased to five times as much. Owning one slave was not enough for one to rise significantly in Kanawha due to the large slave presence there. Indeed, the numbers indicate that it took owning ten slaves to become moderately wealthy there. In 1850, owners of one slave had a median wealth of \$0. Those owning ten had a median of only \$500, a fraction of that in Ohio or Harrison. By 1860, one slave could propel median wealth to \$1,000 in real estate and \$1,200 in personal property. Even that number was only one-third the median for Kanawha slaveholders. It took ten slaves to approach their median wealth. Clearly, owning a slave in northwestern Virginia was a priceless advantage that many used if they could.

Table 4: Effects of Slave Ownership in Ohio, Harrison and Kanawha, 1850-1860²³

<u>Year</u>	<u>Ohio</u>		<u>Harrison</u>		<u>Kanawha</u>	
	<u>1850</u>	<u>1860</u> (Real/Personal)	<u>1850</u>	<u>1860</u> (Real/Personal)	<u>1850</u>	<u>1860 (Real/Personal)</u>
<u>Overall Median</u>	\$0	\$0/\$100	\$400	\$400/\$200	\$0	\$0/\$75
<u>Slaveholder Median</u>	\$12,000	\$15,000/ \$3,000	\$3,400	\$5,477/\$2,000	\$1,000	\$3,800/ \$3,720
<u>One Slave</u>	\$8,000	\$5,500/ \$2,300	\$1,800	\$2,900/\$1,000	\$0	\$1,000/ \$1,200
					Ten Slaves: \$500	Ten: \$3,000/\$2,700

Yet, in all counties, slaves tended to be in limited availability and, even if possible, unaffordable to buy. Some may have been able to lease or hire a slave, but only wealthier people could do so.

Many slaveholders used their wealth to start and sustain political careers. As much as the 1851 Virginia constitution eased tensions between east and west, the wealthiest still held local offices in the area. Many had hoped for change. Abia Minor stood for election as the sheriff of Harrison County in 1852. He appealed to the voters about how the new constitution allowed men aged twenty-one and up to “go up to the polls and elect the makers and ministers of his laws without being questioned by the Sheriff, whether they owned a negro, a horse or a clock, intimating thereby that the possession of wealth was the only requisite qualification of a voter.”²⁴ Minor, a wealthy Pennsylvania-born farmer with no slaves, won the election based on this call for crossing class lines. Yet his victory did not mark much change.

²³ Figures come from the sample derived from the census.

²⁴ *Cooper's Clarksburg Telegraph*, May 12, 1852.

Slaveholders held a disproportionate number of offices in northwestern Virginia. A comparison of lists of officeholders from purely local elections to the census reveals clear wealth patterns of whom northwestern Virginians chose to govern them. Those for governor, president and Congress are excluded here, although Harrison County's Joseph Johnson became Virginia's first democratically elected governor in 1851. Lists for Ohio County are not available, but they exist for the city of Wheeling. A mix of upper and middling-class men rotated through civic offices including that of the mayor, city sergeant, treasurer, and clerk. The fifteen men found in the 1850 census had a median wealth as \$5,900. Only four owned slaves, but even that number indicates a gross over-representation amongst the population. Five of Wheeling's twelve lawyers served in these positions, mostly as mayor. Middling men such as physician James Tanner, bank cashiers S. Brady and Daniel Lamb (the latter became an important figure in the statehood movement), and pork packer William W. Shriver also held these offices. Interestingly, non-Virginians held almost all of these offices. Only Henry Chapline, who served as a city sergeant from 1854 to 1855, was born in the Old Dominion. The long-standing city treasurer, Richard W. Harding, came from Ireland. The remainder came from Pennsylvania, Maryland and Ohio. Little had changed by 1860. The median income stayed high at \$3,000 in real estate and \$2,000 in personal property. None owned slaves by that time, even among those listed in the 1850 census. Many, though, employed domestics. More Virginians held office. Yet, the only foreigners to hold office were Irish. No Germans did so despite their large presence in the

community. Slaveholders had lost their grip on Ohio County and the northern panhandle by the time of the Civil War as the industrial economy took its place in that area. The middling class there had taken charge.²⁵

Harrison County's officers had a similar experience. Its sheriffs, clerks, and delegates to Richmond each came from wealthy or middling class backgrounds according to the 1850 census. The nineteen men who held these offices from 1830 to 1860 had a median wealth in real estate of \$5,000. Eleven of them owned slaves, each holding a median of five each. The aforementioned Judge George Lee had thirteen slaves. Waldo Goff, a New York-born "gentleman" and head of a prominent family, had eight. Future governor Joseph Johnson, owner of six slaves in 1850, served as a delegate three years earlier. Like in Ohio County, Virginia-born men held fewer of these offices. Despite numbering more than 80 percent of the total Harrison population, Virginians made up less than half of all officers. Only nine of them held office. The remaining ten included New Yorkers, Pennsylvanians, Marylanders, a Connecticut man, and a New Jerseyan. Middling-class men held as many offices as farmers or wealthier men. Augustine J. Smith and William A. Harrison practiced law. Others included physician Jesse Flowers, engineer Luther Haymond, merchant Charles Lewis (whose lawyer son Charles S. Lewis later served in the secession convention), and Daniel Kinchloe whose occupation is "not stated." Six men farmed while three others had held office before such as

²⁵ The lists of officers comes from J. H. Newton, G. G. Nichols, and A. G. Sprankle, *History of the Panhandle being Recollections of Ohio, Brooke, Marshall and Hancock, West Virginia* (Wheeling: J. A. Caldwell, 1879), 185-186; Eugene D. Genovese, *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South*, 2nd ed., with a new introduction (Middletown, CT: Wesleyan University Press, 1989), 21.

judge or clerk. Two men, saddler Cyrus Vance (whose descendant and namesake served as Secretary of State in the Carter administration 120 years later) and tailor Charles Holden represented the artisans in the sample. Neither of them owned slaves.²⁶

Slaveholding was essential for political success in Kanawha. Only the richest held office there. The sample's overall median property value was a \$13,500, higher than Ohio's and Harrison's combined. The twelve men who served as delegates to Richmond between 1830 and 1860 included ten slaveholders. Combined, they had ten slaves each. Their masters sent almost all of them to work in the salt business. Two of the three salt-makers, John D. Lewis and Lewis F. Donnally, owned more than one hundred slaves each, making them among the wealthiest men in the entire northwest. The other salt maker, James H. Fry, had thirteen slaves. All held an elite or middling occupation. Four of them, George W. Summers, Benjamin H. Smith, R. A. Thompson, and James M. Laidley, officially practiced law but their huge slave holdings indicate that they earned a substantial part of their income by leasing their bondsman to the salt business. One of the two farmers in the group, Charles Ruffner, must have done the same with his eight slaves given his family's connections to the salt industry. The other farmer, James Welch, owned no slaves. Doctor Spicer Patrick owned thirty-five slaves but, according to the 1850 census, employed five in the city for his personal use. The remainder, the census continues, lists them as working in the country, again presumably for the salt business. The other physician, Daniel

²⁶ The lists of officeholders come from Henry Haymond, *History of Harrison County, West Virginia, from the Early Days of Northwestern Virginia to the Present* (Morgantown: Acme Publishing Company, 1910), 230-232.

Smith, lists no property but leasing his thirteen slaves could have sustained a comfortable lifestyle for him and his wealthy wife. No real change occurred by 1860, save for the election of Isaac Noyes Smith, the son of Benjamin H. Smith, as delegate in 1859. The slaveholders' control over Kanawha, therefore, was virtually absolute in both reality and in comparison to Harrison or Ohio counties.²⁷

In conclusion, northwestern Virginia had a greater diversity than previously believed. Too many historians support James M. McPherson's statement that it adopted the ways of Ohio and Pennsylvania. By doing so, they ignore for the sake of convenience the rest of the region. Appalachian scholars have unlocked ways to clarify the issue. Seeking the ways by which the Mountain South connected to the outside world allows us to see the divergences existing within the region. The northwest certainly had its variations. The numerous natural and artificial connections to the outside world did not make it northern. Ohio County came closest to that standard. It had the fewest connections to the slave economy, the most diverse population, and one where the middling class had overtaken the original settlers as its governors. Kanawha County was the reverse. Despite having reliable river communications to the North, its economy depended heavily on slave labor. Its Virginia-born population and a ruling class made up of the combined upper and middling classes made it more like parts of the Deep South. Harrison County mixed elements of the other two. It also had a large majority of Virginians and a substantial need for enslaved

²⁷ The lists of officeholders come from William S. Laidley, *History of Charleston and Kanawha County, West Virginia and Representative Citizens* (Chicago: Richmond-Arnold Publishing, 1911), 151-58.

laborers like Kanawha. At the same time, the county's population used the institution to their advantage. White workers could thrive there without facing competition from large numbers of immigrants or slaves. Its society and economy could modernize and adapt according to market needs. This represents the norm for northwestern Virginia in the antebellum period, rather than the northern panhandle as commonly claimed. It was, therefore, part of the South.

The conclusions reached in this chapter are only part of the story. We have seen how the northwest existed with and used slavery, the core of its southern identity. There has been no explanation of what its population thought of its situation. In the 1850s, the entire nation debated the future of slavery. Northwestern Virginians participated in this debate as fervently as anyone. Far from being a decade of peace, the slavery controversies of the 1850s laid the foundations for the crises that led directly to West Virginia's formation.

Chapter Two:
Increasing Strife and Discord: The Politics of Slavery in Northwestern Virginia,
1851-1859

Slavery's political influence greatly outweighed its small yet important footprint in northwestern Virginia. This became shockingly apparent during the turbulent 1850s. Historians tend to see to this period as a time of relative peace within the state. Charles Ambler described the decade as "a brief period of political accord," in Virginia politics. A new constitution stabilized the state by granting, after long delays, universal male suffrage, opening up the governorship and other offices to popular election, and the funding of internal improvements to the west. Richard Orr Curry concurred that tensions had ebbed but problems still remained. Virginia historians Henry T. Shanks, William Shade, and William A. Link agree with them. They all underestimate the extent to which the politics of slavery worked in the region. They based their works on a limited range of sources that the northwest opposed the peculiar institution for political and economic reasons rather than moral ones. This chapter argues that northwesterners were proslavery. They voted to prevent any effective antislavery movement or view to exist in the region. Indeed, as the decade progressed and national tensions over slavery escalated, the region supported the more aggressively proslavery Democratic Party more than its opponents. By 1860, the issue had overtaken internal improvements as the key issue before the voters. Far from being a time of peace, therefore, the 1850s proved to be a time of increasing strife and discord for northwestern Virginians.¹

¹ Charles H. Ambler, *Sectionalism in Virginia from 1776-1861*. 2nd ed. (Morgantown: West Virginia University Press, 2008), 300; Richard Orr Curry, *A House Divided: Statehood*

This chapter deals with how the region debated the slavery issue in this pivotal decade. In short, it was the principal issue of the day. Partisanship and allegiances to Virginia and the South belied the meager numbers of slaves and slaveholders. The northwest had to live with the image of being antislavery for many years. The state's eastern planters questioned their western brethren's reliability on the issue from the 1830s onwards. They hindered the commonwealth's political and economic development for years to out of fears that others would threaten their slave property. When they reluctantly allowed granted universal male suffrage and internal improvements in 1851, the effects of these reforms ran headlong into the rising national tensions over slavery. This chapter compares the election returns from the decade's presidential, gubernatorial, and congressional elections to the newspaper editorials of the time. They clearly show an increasing, rather than decreasing, commitment to slavery throughout the region. While no Garrisonian or Douglassian style of abolitionist existed in the region, editors attacked their rivals for perceived weaknesses on the issue. Democrats, Whigs, Know-Nothings, and later Republicans attacked each other as northern and abolitionist throughout these years. Voting returns correspond to these trends, indicating a rejection of parties or views seen as moderate on the issue. By 1860, when the North elected the allegedly antislavery

Politics and the Copperhead Movement in West Virginia (Pittsburgh: University of Pittsburgh Press, 1964), 23-27; Henry T. Shanks, *The Secession Movement in Virginia, 1847-1861* (New York: AMS Press, 1934); William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861* (Charlottesville: University Press of Virginia, 1996); William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003).

Republican Abraham Lincoln to office, northwestern Virginia had endured ten years of controversy over the issue.

The notion that western Virginia opposed slavery started from the earliest times but came to a head in the early 1830s. The constitutional convention that year demonstrated the huge gulf between the two sections. Eastern leaders demanded that the state protect their investment in slaves. In the process, they expressed little faith in the ability of nonslaveholders in general and the west in particular to help them. Abel Upshur (later Secretary of the Navy who died in an accident on the USS Princeton in 1844) of Northampton County on the Eastern Shore, as far removed as one could get from the west in Virginia, decried any bargain with nonslaveholders. “It must be manifest to all,” he said to the convention, “that the slave-holder of the east cannot calculate on the co-operation of the slave-holder of the west, in any measure calculated to protect that species of property, against demands made upon it by other interests, which to the western slave-holder, [and] are of more importance and immediate concern.” In response, Philip Doddridge of Brooke County in the northern panhandle claimed that such laws violated not only the basic rights of westerners but their proslavery beliefs. “It is feared,” he said, “that forsaking the example of their fathers, they will become freebooters; not that they will plunder their immediate neighbors, nor that they will have courage enough to attack the minority with open force.” He continued that slavery had a future in the west as neighboring northern states tightened up their enforcement rules. The Supreme Court of Ohio ordered stricter measures to keep slaves out of the state. Pennsylvania, he argued, had always

been friendly to masters retrieving their property. “I have no doubt,” Doddridge argued, “that there are many western citizens who will purchase slaves again, when the causes before mentioned shall render their property secure.” Ultimately, Upshur and the eastern planters prevailed with the help of the Shenandoah Valley. The 1830 Constitution restricted the franchise to white males twenty-one years or older who held \$25 or more in property. This meant that in the northwest only 31,000 of 76,000 potential voters could vote or hold office. Moreover, it kept representation based on a mixed basis of whites and blacks as per the federal constitution, against western desires for a whites-only basis. The northwest voted against the new constitution by 84 percent, but in vain. The southwest also opposed it by similar numbers. The rest of the state ratified it, maintaining the status quo. Yet at this point the west lamented that it had not yet been able to employ more enslaved labor.²

Any eastern sympathy for the west’s proslavery beliefs ended with Nat Turner’s uprising in 1831. The attack on whites in southeastern Virginia killed about sixty whites and as many as two hundred blacks, mostly in retaliations afterwards. The ensuing debate raised the question of ending slavery. Two options emerged, gradual emancipation or immediate colonization. Many even in eastern Virginia entertained the idea of ridding the state of slavery, an act that Allison Freehling called unthinkable even a few months before. The debate fell

² No author listed, *Proceedings and Debates of the Virginia State Convention of 1829-30* (Richmond: Samuel Shepherd and Company for Ritchie and Cook, 1830), 74-76, 86-88; Otis Rice and Stephen W. Brown, *West Virginia: A History*. 2nd ed. (Lexington: University Press of Kentucky, 1993), 91. Charles Ambler and Festus Summers also claim that the west “had spoken indulgently of Negro slavery and had even predicted its westward expansion” in the 1830 convention in *West Virginia: The Mountain State*. 2nd ed. (Englewood Cliffs, N.J., Prentice-Hall, 1958), 145; Kenneth W. Noe, *Southwest Virginia’s Railroad: Modernization and the Sectional Conflict in the Civil War Era* (Urbana: University of Illinois Press, 1994), 16.

along geographic lines. Western delegates voted near-unanimously for William Ballard Preston's resolution to remove all slaves from the state immediately and without compensation. Some trans-Allegheny members made overtly antislavery statements. George W. Summers of Kanawha County called slavery "the fountain of all of Virginia's ills" that harmed the development of "a wise and extensive system of internal improvements." Many easterners reeled in horror at this suggestion. Yet, as Freehling argues, abolitionists and conservatives disagreed only on the means by which to end slavery. None argued for a Garrisonian-style of abolition with concomitant establishment of racial equality. The remainder of the state split on the issue but defeated it. The image of the west opposing slavery would stick in the minds of eastern planters for years to come.³

The west continued to endure eastern mistrust on slavery for two more decades. Much occurred in the 1830s and 1840s that laid the foundations for the state's responses during the Civil War. First, the formation of the Whig and Democratic Parties realigned and reenergized politics in Virginia. Each organized and mobilized the voters in every county. In turn, William G. Shade concluded, these parties linked localities to national issues. Virginia, he wrote, "developed a coherent, fairly modern and relatively democratic two-party system that evolved through two systems" namely the organizations created during the Jacksonian era in the early 1830s and the subsequent association candidates made with party labels. Second, the drive for suffrage continued with as much vigor as before. When the state government rejected an apportionment plan in 1841,

³ Allison G. Freehling, *Drift Towards Dissolution: The Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982), 157-59.

northwesterners rallied in Charleston and Clarksburg in protest. Many proposed to hold a convention at Lewisburg in Greenbrier County, but nothing came of it. The power of the Richmond Junto, a coalition of eastern and Valley politicians seeking to reserve more for their regions, Ambler argued, further isolated the west.⁴ Third, social and political developments in these two decades altered politics in the northwest. The middle class began to overtake the old landed elites like Doddridge. Their ranks included, as Shade put it, “a new breed of professional politicians whose adherence to partisanship contrasted sharply with the disavowals of their predecessors.” Their appearance, he continues, made the rise of parties more powerful and articulate.⁵ A more vigorous yet seemingly slave-free west sharpened eastern planter concerns for how they would control the state and its bondsmen and women.

Events in these years sustained those beliefs. The northwest continued to take contrary approaches to slavery as a national issue than did the east in the 1830s and 1840s. The first time was during the Nullification Crisis. South Carolina’s threats to thwart federal authority over a tariff brought a mixed response from the rest of the country. Virginia itself split on the issue into Union and States’ Rights factions. As Ambler argued, no geographic pattern existed for either party, and many northwesterners backed the States’ Right Party. When the vote came, the west and much of the Valley succeeded in defeating a mild message of support for South Carolina from the Virginia Assembly. The second time was the publication of Henry Ruffner’s 1847 tract *Address to the People of*

⁴ Shade, *Democratizing the Old Dominion*, 113; Ambler, *Sectionalism in Virginia*, 254-57.

⁵ Shade, 159-60.

West Virginia encouraging the gradual abolition of slavery there. The Kanawha native lived in Lexington when he published it. By far the most important antislavery tract to come out of Virginia in these years, it decried the institution on political and economic grounds. Ruffner cited census figures comparing the western counties to other states to show how slavery retarded trade, the development of industry, and even of education. His treatise attacked abolitionists and the eastern master class in equal measure. The actions of the former, he wrote, threatened “the Federal Constitution which guarantees the rights of slaveholders, and the Federal Union which is the glory and safeguard of us all.” Doing so, moreover, put themselves against every American and, ironically, “from the opposite extreme, those Southern politicians and ultra-proslavery men ... who so often predict and threaten a dissolution of the Union. Thus it is that extremes often meet.” His ultimate goal was a compromise between the two poles. Ruffner, scion of a slaveholding family, defended the rights of masters at every turn. He intended to free the west while protecting the east’s interest in slaves. Regardless of his goals, eastern interests saw tracts like this as emblematic of the entire west. In both cases, they viewed these stances as regional weakness if not defiance on slavery in some way. In the eyes of the eastern planters, westerners were abolitionists.

Northwestern Virginians thus went into the 1850-1851 constitutional convention with a bad reputation but with new people. The northwest elected twenty of its best, brightest, and richest to represent the region in Richmond. None had previously attended the 1829-1830 meeting. They included new

middle-class men who had risen in the previous decades. Lawyers John S. Carlile of Harrison, Peter G. Van Winkle of Wood, and Waitman T. Willey of Monongalia each attended, alongside more established figures such as Benjamin H. Smith and George W. Summers of Kanawha. According to the 1850 census, their median real estate wealth was \$8,000. Twelve men owned a total of seventy-three slaves, including Willey who owned five. They included twelve lawyers, a merchant, a doctor, a millwright, a court clerk, and a saddler, but only two farmers. William G. Brown of Preston County both farmed and practiced law. Only two owned no property, while the rest held substantial amounts of land. Fourteen of these twenty were native-born Virginians; two each came from Maryland and Pennsylvania, and one each from New York and New Jersey (Van Winkle). There was also a youthful group with a median age of forty-four years, compared to fifty-five overall. They fit in well with Shade's arguments about the 1850 convention. The presence of so many rising figures with close connections to Virginia and to slavery indicated that a new wave had begun in the northwest.⁶

These middle-class men exhibited a resurgence in proslavery views in the northwest. Much like Philip Doddridge two decades before, Waitman T. Willey argued that their region also had an interest in slavery. The east, he claimed, risked antagonizing potential allies in their need to protect the institution:

Can it be expected that men will ardently and cordially support negro slavery when by doing so they have virtually cherishing the property which is making slaves of themselves? What will be the result? It is impossible that the morbid, pseudo-philanthropic spirit of northern abolitionism should ever find a resting-place in Virginia. But will not hostility to slavery be engendered by the incorporation of such a principle into the Constitution? Your slaves, by this principle, drive us from the

⁶ Census Sample; Shade, *Democratizing the Old Dominion*, 269-71.

common place of civil rights, and usurp our place. Will the spirit of free men endure it? Never! Either the principle must be abolished, or you will excite a new species of political abolition against property itself. You will compel us to assume an attitude of antagonism towards you, or towards the slave, and like the man driven to the wall; we shall be forced to destroy our assailants to save our own liberty.

George W. Summers complemented Willey by encouraging calm amongst the easterners. He acknowledged their right to be vigilant but perhaps, “sometimes [you are] a little too excitable, and you had better have some cool men, with mountain air fanning their temples, to help you when you go into these consultations down south.” Using the menace of conflict, Summers concluded that “[w]e will give you our help, but we must come in as equals and brethren -- equals in the cabinet as well as in the field -- equals in the power to declare the war as well as to wage it.” It did not work. With the east having a majority of delegates, this had little chance of success until Henry A. Wise of Accomack County in the Eastern Shore forged proslavery compromises. The west received internal improvements, universal male suffrage, majority-basis voting in the Assembly and direct election of the governor and lieutenant governor. In exchange, the east retained its control over the state senate until 1865 and, most important of all, a tax system that privileged slaveholders. In effect, as Richard Curry has argued, it was the other compromise of 1850 and changed little. “These concessions were designed for the defense of slavery rather than for the promotion of democracy,” he wrote.⁷ He is largely correct. Tensions ebbed temporarily but the perception of the northwest being weak on slavery remained.

⁷ Willey speech quoted from Ambler, *Sectionalism in Virginia*, 269; Summers speech from Ronald L. Lewis and John C. Hennen, eds., *West Virginia: Documents in the History of a Rural-Industrial State* (Dubuque, IA: Kendall/Hunt Publishing Company, 1993), 83-85; Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill: University of North Carolina Press, 1985), 78-87, and Curry, *A House Divided*, 22-23.

Willey’s and Summers’s statements indicate that the region had to convince the stubborn planters in the east of their sincerity. They would have a long way to go.

Curry overlooked one change. The 1851 constitution greatly expanded the franchise. Its predecessor restricted suffrage to adult white males aged twenty-one and over who owned \$25 or more in property. Removing this provision increased the number of voters by remarkable numbers in the northwest. Using the 1850 census for Ohio, Harrison and Kanawha counties, the suffrage increased from between 60 percent to over 300 percent. Table 5 below shows the changes in the number of voters based on the census. This trend applies best to Harrison and Kanawha. The former had a larger group of freeholders in its population. The latter had a rather large number of landless laborers and tenant farmers who had previously lacked the means to acquire sufficient wealth to vote. In each the suffrage still included a vast majority of native-born Americans.

Table 5: Increase in Suffrage by 1851 Virginia Constitution by County⁸

	Ohio	Harrison	Kanawha
Pre-1851	939	1,036	529
Post-1851	2,797	1,716	1,806
Increase	298%	166%	341%

This was not the case in Ohio County. Its substantial foreign-born population had a large potential to upset the status quo. The expansion in suffrage increased the number of possible voters of foreign birth from 302 to 1,206. Those of northern origin went up from 305 to 902, while southerners, including Virginians, increased from 362 to 827. What had been a balanced system where no faction

⁸ I derived these figures using the Census Sample by taking all adult male heads of household and subtracting those who had less than \$25 in property.

had a majority now turned against those familiar with slavery. It must be admitted, though, that the census does not mention who among the immigrants had become a United States citizen. Their actual numbers may be far below their potential ones. Community pressure may have ensured that as many ethnic voters as possible cast ballots. The census lists about a dozen taverns run by German-born proprietors in Wheeling alone. Combined with at least one German language newspaper and a sudden influx of émigrés from the 1848 revolutions in Europe, it is likely that the community itself ensured that naturalized citizens turned out in high numbers on Election Day. In 1855, at the height of Know-Nothing strength, Wheeling Germans rallied to oppose the *Democratic Times and Gazette's* criticism of immigrants as agitators and rioters. Tensions between native-born and immigrant voters continued for the rest of the decade. Just before the 1860 election, the *Wheeling Daily Intelligencer* appealed “to the Germans” to attend a rally with them as a peace offering. “No persons turn out more liberally and oftener to hear their opponents,” it stated, “and we hope that the German portion of those who are opposed to us will return the compliment by turning out to hear our side of the question.” It would take a civil war to bridge the gap between the Germans and the native-born. This expansion gave a wider range of people, including eastern elites, northwestern elites, the middling-class, and the enslaved, access to politics as William A. Link has argued.⁹

⁹ Kenneth Fones-Wolf, “Caught Between Revolutions: Wheeling Germans in the Civil War,” in Kenneth Fones-Wolf and Ronald L. Lewis, eds., *Transnational West Virginia: Ethnic Communities and Economic Change, 1840-1940* (Morgantown: West Virginia University Press, 2002), 19-50; *Wheeling Daily Intelligencer*, April 28, 1855, and October 30, 1860; Link, *Roots of Secession*, 9.

The expansion of the franchise changed the region's partisan allegiances. Before 1851, the majority of voters voted for the Democrats with the Whigs closely behind. In the 1848 presidential election, for example, of the then-twenty-four counties in the northwest, the area gave Democrat Lewis Cass 7,890 votes to Whig Zachary Taylor's 7,560. Thirteen of those counties voted for the former, and eleven to the latter. The new constitution doubled the number of voters. This first revealed itself in the 1851 governor's election. This, the first popular election for the commonwealth's chief executive in state history, pitted two northwesterners against each other. Democrat Joseph Johnson of Harrison County received 15,181 of the region's votes and the election as a whole while 12,245 citizens in the region gave Whig George W. Summers of Kanawha their support. Sixteen counties in the area voted Democrat while twelve others voted Whig. Only two – Putnam and Taylor – voted differently than in the presidential election in the following year. Johnson won the entire state. A few months later, in the 1852 presidential election, the Democrat Franklin Pierce received 15,181 ballots to the Whig candidate Winfield Scott's 12,245. More counties voted Democrat (eighteen) than Whig (ten). Four counties changed their allegiances, three of them (Putnam, Taylor, and Tucker) to the Democrats and Wayne to the Whigs by a narrow margin. This trend widened as the decade progressed.¹⁰

¹⁰ All election returns come from Michael J. Dubin, *United States Gubernatorial Elections, 1776-1860: The Official Results by State and County* (Jefferson, NC: McFarland and Company, 2003), 283-287; Kenneth C. Martis, author and editor, with Ruth Anderson Rowles, Cartographer and Assistant Editor, *The Historical Atlas of United States Congressional Districts, 1789-1983* (New York: The Free Press, 1982), 82-105; Michael J. Dubin, *United States Presidential Elections, 1788-1860: The Official Results by County and State* (Jefferson, NC: McFarland & Company, 2002). Hereafter cited as Election Returns.

One consequence of the expanding franchise was a new wave of partisan newspapers.

Northwestern Virginia had plenty of them before 1851. Many had a short run. The most enduring were the Democratic *Wheeling Gazette*, and the Whiggish *Parkersburg Gazette* and the *Kanawha Republican* of Charleston. New journals emerged in response to the new constitution in 1851. *Cooper's Clarksburg Register*, a Democratic paper, started that year. Its editor, the New York-born painter William P. Cooper, intended the paper to be “interesting to all classes of society.” He aimed “for every man in this section of the country to take the ‘Register’,” by “filling its columns with all the current news of the day, foreign local and political, besides devoting a very liberal portion to literature and useful reading. We shall also give a weekly report of the markets.” Other papers formed around this time included two Whiggish journals, the *Wellsburg Herald* and the *Wheeling Times*. In 1855, the Democratic *Kanawha Valley Star* began publication, first in Putnam County, but later moving to Charleston the following year. The *Morgantown American Union* also started that year to serve the new Know-Nothing party, and later the Opposition faction. The area’s links to papers from neighboring cities such as Pittsburgh, Cincinnati, Marietta, Winchester, Staunton, Richmond, and points beyond also gave its readers access to a wider range of information. This was a well-connected and well-informed part of the country.¹¹

¹¹ *Cooper's Clarksburg Register*, November 12, 1851. Cooper also stated how difficult it was for papers to prosper in the northwest.

None of these papers had the influence comparable that the *Wheeling Daily Intelligencer* did. Begun in August 1852, the Ohio County paper began inauspiciously in support of the Whig Party. Owned by E. B. Swearingen and Oliver L. Taylor and edited by Taylor and J. H. Pendleton, the *Intelligencer* aimed like the *Register* to reach the broadest possible audience. “Many of our readers are laborers, who have neither the time, inclinations, nor means to enable them to take read many papers,” Pendleton wrote in the inaugural issue. “Hence,” he continued:

We are satisfied that we can better accommodate they want by a combination of newspaper elements than in any other manner. The same may be true in some particulars, of every class of newspaper readers, and hence we have determined to combine in the most available manner, the Political Scientific, Literary, Commercial, Agricultural, Local, and general business intelligence of the day.

The editors claimed early in the paper’s run to have spent a considerable amount of money and effort to come up with the best publication in the region. They boasted of its improved type and format, made possible by the latest Boston steam press machine “which cannot be excelled in the precision and neatness of its impressions by any in the country.” The *Intelligencer* came in daily and weekly formats as well, a huge advantage over the other northwestern papers, which appeared only weekly. It was a force to be reckoned with.¹²

Whatever its technical merits may have been, the *Intelligencer*’s political leanings and intentions soon came under close scrutiny from other papers. Throughout the decade, the Democratic press and even some Whigs attacked it for allegedly holding antislavery views. One column from the *Register* typified

¹² *Wheeling Daily Intelligencer*, August 24, 1852, and September 6, 1852.

their criticisms. Its editor accused the *Intelligencer's* editors (by now Archibald W. Campbell and J. H. McDermot who had acquired it in October 1856)¹³ of being pro-black and abolitionist. It is worth quoting whole:

Any person who has a stomach sufficiently strong to read the frothy ebullitions that spume up daily and weekly from the columns of his journal would frankly say, if questioned, the editor of the *Intelligencer* and that greasy, manumitted African, Fred Douglas (sic), were working together. We are sorry we were mistaken as to the origin of this wooly editor – never once supposing that he could be a Virginian but some venal scribbler who had been purchased out of Yankeeland, as is the manner of some to procure slaves in the South, for the use of his masters. And if he will come out into this “Hoop-pole region,” as he terms one of the oldest and wealthiest counties in Western Virginia, we have our eye just now on a big, skinny nigger, whom we will procure, at the expense of three shillings, current money, to imbue his lank digits in the ample folds of the editor’s cravat, and give him such a general and thorough shaking up as will send terror to his jaundiced heart, paralysis to every bloodless limb, and scare him out of him every idea of being a nigger-stealer again.¹⁴

Cooper came close to the truth in one respect. Campbell was born in Ohio but to parents from Brooke County. Otherwise, his race-baiting editorial indicates a clear view on where this paper stood in the minds of northwestern Democrats. Yet it is mistake to think that the *Intelligencer* was antislavery. A review of its editorials from its inception in 1852 onward reveals a proslavery and pro-Virginia paper throughout the period and despite changes in editorship. It simply was not proslavery enough for the Democratic press that had swung increasingly towards that pole during this pivotal time.

As a Whig paper, the *Intelligencer* followed the party line scrupulously. This meant throwing off attacks from both proslavery and abolitionists alike. In

¹³ Charles A. Wingerter, ed., *History of the Greater Wheeling Area: A Chronicle of Progress and a Narrative Account of the Industries, Institutions and People of the City and Tributary Territory* (Chicago: Lewis Publishing, 1912), 1: 274.

¹⁴ *Cooper's Clarksburg Register*, July 16, 1858.

the aftermath of Winfield Scott's defeat in the 1852 presidential election, the editors of the *Wheeling Times* attacked the Whigs for being weak on slavery and the Compromise of 1850. Pendleton and Taylor defended the party's record on the issue. "We are Union men all, we are compromise men all, and above all we are Virginians, and so long as we remain such, so long will we stand or fall with Virginia in defense of her Constitutional rights, so long will we advocate the fugitive slave law," they proclaimed. In another editorial the following day, they attacked articles from the *Times* and another Democratic paper, the *Wheeling Argus*. They regarded the *Times*' article as "most unfortunate and improper" for "placing the Whig party of our city in a false position." They stood on their "conviction, that the notice of the *Argus* superadds to the impropriety of the article of the *Times*, a most unjust and illiberal effort to identify the Whig with principles as foreign to its feelings and impulses, as they are suicidal to the interests of Virginia."¹⁵

The *Intelligencer* had its share of critics in the region even among other Whig papers. The *Parkersburg Gazette and Courier* described its editors as having "down right disingenuous and jesuited reasoning" when it came to internal improvements. The Wheeling area, it claimed, had interests different from the rest of the northwest. The *Kanawha Republican* agreed with Parkersburg newspaper about their rival. Its editor, E. W. Newton, criticized the *Intelligencer* over the failure of Wheeling and other northwestern delegates to support the construction of the Covington and Ohio Railroad. The *Intelligencer* responded in kind. The Kanawha editor had made a mistake, it argued. In fact, the

¹⁵ *Wheeling Daily Intelligencer*, November 9, 1852 and November 10, 1852.

representatives in question voted for the railroad. Moreover, they pointed out that one of Kanawha's delegates, Spicer Patrick, a local doctor, had done more to stop the bill. "No one cause or person in our judgment," the *Intelligencer* said, "are the true friends of the Covington bill more indebted for their defeat than to the impracticable and headstrong (or the opposite) course of one of her delegation, a man [Patrick] ... whose general course of speech-making and meddling with what does not concern him is well calculated to drive off from the support of a bill which he supports, its warmest friends." Seeking peace between Ohio and Kanawha, the editors stated that our "sympathies and feelings as Virginians have always been with the Central Railroad and its connections. Its friends have been our friends, and we would gladly have them continue such and be such to them, but the *Republican* knows that the reciprocity is the basis of mutual good feeling."¹⁶ The latter's response is unknown, but these two condescending attitudes must have hardened the *Intelligencer's* critics' attitudes towards it.

The *Intelligencer* changed little after the Whig Party collapsed in 1854. It had an unusual relationship with its erstwhile successor, the American Party, better remembered as the Know-Nothings. Some editorials claimed that it opposed the party, yet in others it gave qualified support. In February 1855, the editors rebuffed an accusation from the Democratic-oriented *Argus* that it supported the new party. "We are decidedly inclined to the opinion that we have not struck our colors to the Know-Nothings or to any other party faction or men. We are also decidedly inclined to the opinion that we are advocating no principle

¹⁶ *Parkersburg Gazette and Courier*, July 30, 1853; *Wheeling Daily Intelligencer*, February 28, 1854.

inconsistent with the uniform course of this paper and that our colors are now flying where they have always been,” the editors stated. A few weeks later, the newspaper called for unity among the parties to obtain more improvements for the northwest. “Let us, then, one and all, Whigs, Democrats, and Know-Nothings, look to this common end, namely, the good of the country,” it opined, “and in order to attain it we must have a strong delegation in Richmond this winter; men who can comprehend and advocate great State questions...” Weeks later, the *Intelligencer* reprinted the party’s platform but with a proviso that neither it nor the *Times and Gazette* assumed responsibility for it. “The apparent difference between the two papers is that the editors of the *Intelligencer*,” it opined, “approve the principles but oppose the order, whilst Wharton (the other editor) approves the order but hates the principles.” The *Intelligencer* denied having any anti-Catholic or antiforeign attitudes. It claimed to have supported the American Party in the state and congressional elections, “because we thought it to be the best State ticket.” They went on to state saying that they did not “advocate the State ticket as blindly as did the editor of the *Gazette*.” The proof of the accusations came from the newspaper’s support for schools. These editors took few punches in this petty journalistic war. Rather, the party’s stance on slavery lay behind this odd statement. Its platform condemned pro- and antislavery forces for threatening national unity. The Constitution prevented the federal government from interfering with slavery where it existed and into the western territories. This middling stance suited the *Intelligencer*’s approach to the issues of the day. It also encouraged the view among Democrats that it was an antislavery paper.¹⁷

¹⁷ *Wheeling Daily Intelligencer*, February 3, April 19, and June 22, 1855; The Know-

The *Intelligencer* defended slavery most strongly as a national issue. Once again, its rivals accused it of being opposed to the Kansas-Nebraska Act. On July 31, 1855, the newspaper responded to these misrepresentations. Denouncing the idea spread by northern sympathizers that slaves will supplant white laborers, the editors stated that “this is not true either in theory or in fact. We have no desire to produce such a result, and if we had, we would have the slave subservient to the white laborer and not, as others would, make them their equal.” They also fully supported the prevailing idea of the United States as a compact that protected the rights of all, meaning slavery. “The great objects of the Union,” it stated was to protect “the rights of person and property which as voluntary parties thereto they necessarily retained and protected, seem to be lost sight of in the popular appears with which we are daily favored.” The South, moreover, entered into the federal compact as “a voluntary party to that compact of equality as well as a bond of union.” The rival editor of the *Intelligencer* claimed that he “must be blinded by either prejudice or passion” if he “cannot see that it was impossible for Southern members of the Convention, or Southern States afterwards, to have adopted a frame of government which afforded only partial protection to the property rights of one section, while it afforded full and adequate protection to the entire property of the other section of the Union.” The Nebraska Act, they concluded, was well within the parameters of the

Nothing Platform of 1855 is found in the June 30, 1855, edition of the *Morgantown American Union*. John David Bladek has argued that this middling stance was common among Virginia’s Know-Nothing papers. Ultimately, it helped ruin the party’s chances because it undermined any claim to be a permanent fixture. “‘Virginia is Middle Ground’: The Know-Nothing Party and the Virginia Gubernatorial Election of 1855,” *Virginia Magazine of History and Biography*, 106, no. 1 (1998): 119-28.

Constitution's sole requirement that the states adopt a republican form of government. "The Nebraska bill does the same ... It acknowledges Southerners to be equal with Northerners and to have the same rights to have and dispose of their property," opined the *Intelligencer*.¹⁸

The Democratic press had no such misgivings about the Know-Nothings. Their editors used every chance they had to attack this upstart party. The *Register* appears to have taken the defection of John S. Carlile from the Democrats to the new party as a personal insult. In April 1854, Cooper lamented this decision, which brought him "a commingled sensation of gratification and regret." He stated that he was "gratified that he (Carlile) has secured the nomination, because it is generally understood that he joined the order to obtain it and it would be a pity to disappoint him. The personal relations which exist between us make us regret that he could consent to place himself in his present position."¹⁹ In time, Cooper accused the Know- Nothings of being "the first secret political society that we have any knowledge of." Moreover, it was "antagonistic to the principles of this government, so peculiar for the free and public discussions of all political questions." Since white Americans descended from foreigners, the *Register* continued, the Know-Nothings' nativist platform was "unwise, unjust, un-American and unbecoming any but an egotist and a bigot." Cooper later accused the party's secrecy for perverting the course of democracy in the North. The *Register* printed reports that local men disrupted a Know-Nothing meeting in Buckhannon in Upshur County, refusals by New Yorkers to accept their presence,

¹⁸ *Wheeling Daily Intelligencer*, July 31, 1855.

¹⁹ *Cooper's Clarksburg Register*, April 11, 1855.

and Philadelphians turning on their mayor from that party when he forced female Catholic school teachers to resign. Worst of all, they disrupted a Catholic funeral in Springfield, Massachusetts. They even egged a man in Marion County.²⁰

In spite of this opposition, the Know-Nothings dented the Democratic shield in the northwest. Two elections in 1855 for state governor and for Congress revealed that the upstart party had more support than many had realized. Democrat Henry Wise won the former race by 83,314 to Thomas S. Flournoy's 73,351. Despite Wise writing a lengthy platform condemning Flournoy and his party as abolitionists, this was a narrower margin than some expected. More than one-third of the counties voted for the new party, including Wise's own Accomack County. Yet in the northwest, the Know-Nothings won by a margin of 138 votes. This may have confirmed Wise's private fears about the allegiances of the region. During a visit to Point Pleasant in Mason County in March 1855, he wrote to his wife about how he appreciated the beauty of the place, but "these Western people are *not Virginians* in their social or political sympathies." Moreover, "I would like to lord over it only if I could hold my niggers here. But they can't and are a coarse and menial and ill-mannered people." Though no one but him and his wife knew these views, northwestern Democrats sympathized with them. They too felt that the gubernatorial returns exposed the region to such criticisms.²¹

²⁰ *Cooper's Clarksburg Register*, April 23, 1854; August 23, 1854; August 30, 1854; September 13, 1854.

²¹ Quoted in Craig Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill: University of North Carolina Press, 1985), 113.

The congressional election added to their woes. The Eleventh District, which included much of the region, elected John S. Carlile by a razor-thin 391-vote margin over Democrat Charles S. Lewis. He became the only Know-Nothing to be elected from Virginia, and the only non-Democrat elected in the region in the 1850s. His experience was not a complete aberration. The *Register* tried to justify their defeat. They claimed that Harrison County was a hard one for Democrats having voted for Summers for governor in 1851 and expected to support Flournoy in the same way. They were mistaken in both cases. In the first, the county sent its native son Joseph Johnson to Richmond by a vote of 893 to 588. The second disappointed them too, as Wise received 1,017 of Harrison's votes to his opponent's 921, a respectable showing for the new and controversial party. Democrats never forgot their defeat in 1855. Ultimately, Carlile's time in Congress was undistinguished, but his opponents used his party's stance on the Nebraska issue to rally their forces.²²

The defense of slavery became the northwestern Democrats' new approach. The issue had never been absent from their minds beforehand, but now they emphasized it to recover from their defeat that year. Following Wise's victory, northwestern Democrats attacked anyone whom they deemed weak on protecting the institution. Their first victim was the *Wheeling Gazette*, a small Know-Nothing paper. In the summer of 1855, the *Register* attacked it for free soil views, such as repealing the fugitive slave act, the compensated emancipation of slaves in the District of Columbia, and of the Kansas-Nebraska Act. Hoping that

²² Election Returns; Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992), 164-165, *Cooper's Clarksburg Register*, June 13, 1855; Bladek, "Virginia is Middle Ground," *ibid.*

its comments offended none of its readers, the *Register* accused the *Gazette* of treason to Virginia. No party in this state should advocate “the treasonable doctrines that the people of the different localities shall not frame their own laws, as is avowed in the declaration that there shall be no more slave territory,” it stated. It was bad enough that the Know-Nothings had been, it continued, “abolitionized in the North, but it proves to be infected with the same disease at the South, and in our own state, and section of the State.” It encouraged people to leave that party, which “accepts such doctrines, and unite with those who have ever opposed them, in sweeping them away, that our own section of country may not rest under the imputation of being traitors to the Constitution, and traitors to our interests.” These strong comments appeared to have had an effect on the Clarksburg community. A week later, the *Register* reported to have lost numerous subscribers. More said that its business would increase if it supported the party. Cooper resisted, and even mocked, their threats. Despite the potential financial strains, he was “not ... willing to sacrifice a vital principle of government to self-interest, as long as there were other means of producing an honorable livelihood for ourself and family, we incurred their displeasure and DEFIED their hostility. We imagine that there were never a more vindictive, unscrupulous and wicked combination against one poor individual that was formed in that order against us.” Undeterred by the financial strain in an already difficult market, Cooper said he bought new type for the next volume of the paper. Such was the dedication northwestern Democrats had for their party and for slavery.²³

²³ *Cooper's Clarksburg Register*, July 25, 1855, and August 1, 1855.

Another Democratic paper exceeded even these views. The *Star of the Kanawha Valley* began in mid-1855 at Buffalo in Putnam County. In the following year, it moved to Charleston and changed its name to the *Kanawha Valley Star*. This part of the northwest tended to vote for the main anti-Democratic party, whether it was the Whigs, Know-Nothings, Opposition, or the Constitutional Union Party. Ironically, the Kanawha Valley had the greater concentrations of slaves than the counties above it. The *Star's* editorials attacked anyone whom they deemed to be unreliable on slavery. In 1855, they attacked the Know-Nothings's candidate for lieutenant governor, J. M. H. Beale from the Shenandoah Valley. In a speech at Parkersburg, Beale said that slavery was evil and harmed society, "while he at the same time announced himself being a slaveholder, and not an abolitionist." In its attempt to give him an impartial hearing, the *Star* said that if he won the office, the editor feared that his victory will "be hailed by Northern Abolitionists as an antislavery triumph in Virginia."²⁴ The *Star* joined in the *Register's* fight against the *Wheeling Gazette* as a Free Soil paper, but added its rivalry with the Whiggish *Kanawha Republican* to the mix. It claimed that "the general tenor of the selections and editorials in the *Republican* have an awful squinting towards Freesoilism; and all we ask of the *Republican* is for it to define its position upon that subject as fully and as plainly as the "Gazette" has."²⁵ The *Star* refused to compromise with anyone whom they considered to be moderate or even weak on slavery.

²⁴ *Star of the Kanawha Valley*, April 4, 1855.

²⁵ *Ibid.*, August 8, 1855.

The Know-Nothings tried to defend themselves without much success. Only one of their papers has survived, the *Morgantown American Union*. Its editorials indicate a strong support for slavery. In its inaugural issue in June 1855, the newspaper attacked Catholics and foreigners for stirring up the abolitionists. First, the power of the Papacy threatened to outweigh the responsibilities for American citizens. “Against the political encroachments of Jesuitism, they are as determinedly opposed, knowing that wherever the Pope reigns, the ecclesiastical is superior to the civil power,” they stated. Moreover, this power encouraged northern fanatics on slavery. “With mistaken notions of Liberty, and more erroneous ideas of their Constitutional prerogatives as citizens,” the *American Union* stated, “they begin to dictate the abolition of Slavery, and in the ranks of mad-cap factionists, they join in a war upon the peculiar institutions of the South, and oppose the States in rights guaranteed by the Constitution.” Taking away suffrage from foreigners and Catholics, therefore, made sense since abolition was a foreign idea, having “waxed strong and exacting by reason of trans-Atlantic sympathy and emigration, and it is no difficult matter to discover these well-defined elements.” These appeals failed miserably in Monongalia County, where the Democrats outpolled the Americans 1,316 to 653 in the governor’s race in 1855. In a closer race, the voters in the Tenth Congressional District reelected Zedekiah Kidwell, a Democrat, to his place in Washington. Their statements in later issues indicate why. The editors printed numerous columns defending themselves against accusations of bigotry and for trying to distance themselves from the old parties. The latter was

particularly serious because former Whigs made up their largest pool of potential supporters, as John David Bladek has pointed out. The Americans faced an uphill battle to keep enough of these former Whig voters in line against furious Democratic accusations of being soft on slavery.²⁶

The 1856 presidential election gave northwestern Democrats their opportunity for revenge. They saw their party as the only truly Unionist party, pillorying their opponents as troublemakers on every issue and on slavery in particular. They even encouraged the dismemberment of the state. The *Register* reported in April of that year that the northern panhandle ought to secede from Virginia and to join Pennsylvania. “We hope that no objection will be made to their desire. Their interests and feelings are with Pennsylvania, and there is where they ought to belong,” it wrote. With no love lost, the *Register* continued that if “Wheeling had been bought by the State twenty years ago, burnt and corn-planted on the ground, the Commonwealth would have made money by the operation.” The new allegedly antislavery Republican Party drew Democrats’ special ire. When the *Register* discovered that a branch had opened up in the panhandle, it repeated this same idea, “We said some time ago that the ‘panhandle’ ought not to belong to Virginia.” Other Democratic papers felt the same way. The appropriately titled *Fairmont True Virginian* attacked the *Wellsburg Herald* for apologizing for slavery. In a strongly-worded proslavery editorial, it pilloried the northern panhandle paper for its sentiments:

How unlike your countrymen you must imagine slaveholders to be. We have no doubt that slavery is infinitely stronger than the tie that binds the

²⁶ *Morgantown American Union*, June 30, 1855; Election returns; Bladek, “Virginia is Middle Ground,” *ibid.*

several states of this Union together. The men of the South might sacrifice a good deal for the Union; but to suppose that they will give up property worth...hundreds of millions of dollars, is to suppose that they have no selfishness at all. Hence the efforts of the abolitionists and the encouragement which the *Herald* unintentionally gives them, all tend to a dissolution of our glorious Union.

The *True Virginian* insisted that no apology was therefore necessary when slavery benefitted the country in many ways.²⁷ The *Star of the Kanawha Valley* agreed. Calling the Know-Nothings “the leading humbug ever to deceive the people,” the editor accused them of being a divisive force in national affairs. “They appealed to the lowest and basest feelings of our natures,” as they “attempted to array all the various Protestant denominations against the Catholics,” thereby “depriving one religious denomination of its political rights though the Constitution of our country grants the same rights and privileges to each and all.” Responsible for this was “a set of office-seekers who were determined to break down the Democratic Party.”

Whig and Know-Nothing papers tried to fight back. Divisions in their ranks rendered their efforts moot. The *Morgantown American Union* insisted that it was proslavery. It blamed the current Pierce administration for re-opening the slavery issue with Kansas-Nebraska Act. “The repeal of a time-honored compact and the annunciation of Squatter Sovereignty by the Nebraska-Kansas bid (sic),” the newspaper argued, has “ignited and fanned the flame of civil discord until rank disunion stalks abroad with menacing men.” Moreover, the *American Union* claimed that the “recklessness of the Pierce dynasty has opened a chasm in which that possibility looms up in horrid ghastliness. We must say, further, that we do

²⁷ *Cooper's Clarksburg Register*, April 25, 1856, and August 22, 1856; *Fairmont True Virginian*, April 19, 1856; *Star of the Kanawha Valley*, May 16, 1856.

not believe, viewing the present condition under Pierce rule, that the Union would survive another four years of such administration as the last.” The *Wheeling Daily Intelligencer* tried to take the middle ground between the Democrats and the Know-Nothings by clinging to the Whigs. This year saw the resurgence of the ‘Old Line Whig Party’ in the northwest. In April, it printed the resolutions from the party’s convention in Augusta County as proof that the party and its principles still existed. “The principles of the Whig party are *the* principles of the country,” it proudly boasted. “No matter by what name our party may be designated by its opponents, our principles are living, Union-preserving principles, and when forgotten by the patriots of our country, may God have mercy upon our Union, for it will be tattered and torn...”. The *Intelligencer* sighed with relief when the delegates rejected a resolution to support former president Millard Fillmore and the Know-Nothings in the election. The Old Line Whigs ultimately did back that ticket, much to this paper’s deep regret. For the rest of the year, the *Intelligencer* continued following the Whig line, condemning the North, abolitionists and Republicans alike. It was not enough to overcome their opponents.²⁸

As the election drew nearer, Democrats escalated their attacks. They expressed great concern for the fusion of Know-Nothings with the Republicans, which had won the Pennsylvania election that year. The *Register* met with disgust when it printed a report that local Harrison County men had cheered this development. “We imagined that there were no Fillmore men left in Virginia, with sympathies for the black flag of niggerism,” it stated. The Know-Nothings

²⁸ *Morgantown American Union*, June 7, 1856; *Wheeling Daily Intelligencer*, April 3, 1856 and May 22, 1856.

have, moreover, “put on the worst garb of fanatical disunion” and supported John C. Frémont “the standard bearer of the wildest, the maddest fanaticism to [President James] Buchanan, the champion of States rights, the Constitution and the laws.” In the next issue, the *Register* went so far as to say the election was about one issue: “whether fanaticism or the Constitution is to reign supreme over the land.” They confidently predicted that Buchanan would win, yet more eagerly sought that Virginia’s voters send the Know-Nothings a message to “indicate the estimation with which the sectionalists are held.” The *Kanawha Valley Star* saw slavery and the Constitution as perfectly united in an appeal to the area’s few Democrats. It invoked simple patriotism to both country and party. The latter had, it claimed, “never faltered for a moment, but battled with noble courage for those principles of the Constitution, which secures the same equality of privileges in the government.”²⁹ Northwestern Democrats saw themselves as the only party committed to the status quo of slavery and the Union. Their attacks using both elements delegitimized their opponents and never gave them a chance to recover.

Their tactics paid off. Buchanan won a larger majority in the northwest than Pierce had four years before. In that election, the Democratic candidate received 15,181 votes from the region to his opponent’s 12,245 ballots, a margin of 2,936 votes. Of the twenty-eight counties in the region, eighteen went for the winner while ten sided with the loser. In 1856, the Democratic received 20,048 votes while Fillmore received 13,560. This time, the margin doubled to 6,488 votes. Adding two counties to the region mattered little. Of the thirty counties,

²⁹ *Cooper’s Clarksburg Register*, October 24, 1856 and October 31, 1856; *Kanawha Valley Star*, October 23, 1856.

twenty-five voted Democratic candidate while five favored the Know-Nothings. Five counties switched allegiances, all towards the Democrats. Even mighty Ohio County, a longtime Whig stronghold, switched sides. The Republicans made their first showing in this election. They received a mere 273 votes, all but ten from northern panhandle counties. The remainder came from Upshur County in the interior. Buchanan handily won the state with 86,959 votes to Fillmore's 56,821, again almost double the margin from 1852. The *Kanawha Valley Star* spoke for many Democrats in pronouncing victory. "It will be regarded as the day when the people of this confederacy decided that the Constitutional Rights of the slave-holding states shall be maintained and preserved inviolated," it argued, "and when the people of this Union decided by an overwhelming vote that the Constitution ...recognized the institution of slavery and protected the rights flowing therefrom." The politics of slavery had a much greater appeal to the northwest than before. Other parties tried the same approach but failed to win over many voters.³⁰

Flush with victory, the Democrats continued their attacks on dissenters into the new year of 1857. They had two objectives. The first was taking on Eli Thayer. The Massachusetts-born businessman and politician embarked on an experiment in free labor by founding a community named Ceredo in the northwest. In June, the *Wheeling Daily Intelligencer* labeled this experiment "the friendly invasion of Virginia." It praised the arrival of these colonists from the North into the region, first in Monongalia County and later to Wayne. They promised to bring in fresh people and energy to the region. "A new style of

³⁰ Election Returns; *Kanawha Valley Star*, November 11, 1856.

cultivation, hitherto unthought of in old Monongalia, will be inaugurated, just as the German colonies have done in Texas and all the settlements in Western Pennsylvania,” the *Intelligencer* boasted. Three days later, the same paper defended them against opponents in the east. The *Richmond Whig* condemned Thayer’s colony as a threat to the whole state. The *Intelligencer* in turn criticized their rivals for failing to get his side of the story. Over the next few months, the newspaper printed more favorable articles about Thayer and his activities. In general, the *Intelligencer* supported his program, calling these newcomers a modernizing force for the region. “The fact is that the people of that region of the country, as well as all over the Western division of our State, are beginning to take up to their true interests. This they can see only be reached by an influx of population – of the right kind of population – which does not consist of Captains and Colonels, but of bone and sinew laborers -- men who have the heart and hands to go to work and rid out the wilds and open up the hills of our highly favored Western Virginia,” it opined. These editorials infuriated an already aggressive sector of the population who viewed any deviation from their rule as an attack on the whole country.³¹

This positive spin incurred the wrath of the northwest’s own Democratic press. The *Kanawha Valley Star*, whose location in Charleston placed it closer to Wayne, expressed contempt for Thayer and his settlement. “We are satisfied that Eli Thayer, his minions and confederates, now prowling about through our portion of the State,” the *Star* stated, “are governed by mercenary motives in part, mostly by the hope of gradually building up an abolition party in the

³¹ *Wheeling Daily Intelligencer*, August 2, 1857, and August 5, 1857.

Commonwealth.” Two months later, the *Star* said that Thayer’s activities in Wayne and Cabell “have done much to cast a stigma on the fair name of those counties.” Moreover, the newspaper condemned his actions. “A man who comes into the State at the head of an organized society, the avowed purpose of which is to revolutionize public opinion; to introduce free-labor into the State,” the *Star* argued, “and to oppose, indirectly, the cherished institutions of the State, and thereby injure the rights of slave-holders should, of course, be denounced by every Virginian.”³²

The *Fairmont True Virginian* expressed its harsh sentiments this way: “We do not exchange with the *Wheeling Intelligencer*, and therefore cannot know much of its contents; but a friend of ours informs us that the “german [German, meaning foreigner] with a white skin and a black heart, who conducts that paper has been pouring out some of the vials of his Black Republicanism upon us.” Elsewhere in this same issue, it condemned Thayer in equally harsh terms. Critical of support given to the colony in Parkersburg and Cincinnati papers, the editor stated that we “regard the whole thing as a humbug, so far as any result affecting our institutions is concerned.” He disliked the notion of northerners “squatting down upon our mountain lands.” Moreover, he demanded that these newcomers mind their own business. “There are thousands and tens of thousands more of these Abolitionists who have so often traduced Virginia, who would nevertheless jump at an opportunity of getting any sort of a local habitation within her borders. We say, let the poor and oppressed come from Massachusetts as well

³² *Kanawha Valley Star*, June 30, 1857 and September 1, 1857.

as from Ireland to our noble old mother State, but them keep a civil tongue in their heads, and not slander the land that keeps them from starving,” he wrote.³³

It appears that the people of Wayne and Cabell Counties felt the same way. In late September 1857, a meeting chaired by local lawyer Albert G. Jenkins passed resolutions opposing the project. The preamble accused Thayer of making “such representations of the enterprise as to induce a few persons to vote for such resolutions which were so worded that their phrazeology has been seized by the abolitionist press to represent that the sentiment of the people of this place was not antislavery.” The other resolutions expressed devotion to Virginia and her institutions, slavery in particular.³⁴

The other major Democratic objective was to rid the region of John S. Carlile. His election to Congress as a Know-Nothing infuriated party loyalists. Shortly after the 1856 presidential election, he wrote a long open letter in which he declined to seek the office again for “a seeming difference of opinion between the majority and myself, as to the means to be employed in the administration of the government to advance our interests and maintain our institutions.” Slavery agitation, he continued, had weakened the Union. He left the Democratic Party because they had “allowed itself to be diverted from the maintenance of the principles of democracy...and has accepted the sectional issue which the fanaticism of the non-slaveholding States has from an early period in our history sought to bring about, but in which effort they never have been successful, had it not been for the conduct of the present administration...” His critics refused to

³³ *Fairmont True Virginian*, September 7, 1857.

³⁴ *Cooper's Clarksburg Register*, September 25, 1857.

believe him. They derided the notion that he was a “simon-pure Democrat.” Instead, he declined to run again because “he knows that if he did he would be defeated, and like a cunning gamester, he will make no risks with the chances against him.” They closed their column with a sentence heavily laden in irony, stating that “[h]is present official term closes his public career, at least in this country, and we wish him a safe concealment in the shades of an oblivious retirement.”³⁵

As soon as the presidential election ended, Democratic papers in the 11th district displayed a banner supporting Jenkins for Congress. He was ideal for their purposes: a slaveholding lawyer. His Harvard education seems to have been ignored. The campaign appears to have started just as early, about April 1857. Carlile, also a lawyer, came under scrutiny for his land reform and revenue bill while in Congress. He proposed to sell Virginia’s land holdings on the western frontier to pay for internal improvements, an old Whig idea. The *Intelligencer* praised him for the plan. His critics condemned it as unconstitutional, believing only tariffs could provide revenue for the government. Citing the founders, a letter to the *Register* stated that the “Democratic policy has always been to keep the Tariff down to such a standard as will meet the expenses of government. ... [To] favor this land distribution is nothing more than to favor a protective system. Mr. Carlile advances one of the most simple, foolish and palpably absurd propositions that can be conceived of.” He faced stern opposition the entire way. A week later, he and Jenkins spoke in Upshur County. Carlile said that if re-elected his land deal would bring Virginia out of its degraded state. His opponent

³⁵ *Cooper’s Clarksburg Register*, December 26, 1856.

“called upon him to know what he had done during the two years he had been in Congress that he should be re-elected, [and] asked if he had fulfilled his pledges to the people to put down the influence of foreigners and catholics?”³⁶

Jenkins rode the Democratic wave to victory. He received 7,758 votes to Carlile’s 6,653 votes, a huge margin, and won the Eleventh Congressional District. The same wave appears to have influenced the Tenth District too. Up there, Wheeling lawyer Sherrard Clemens pounded his Know-Nothing opponent, a Mr. Dunnington (no first name is available) by a margin of 7,074 to 2,821 votes, a difference of 4,253. This was almost three times the difference in the previous election, when the Democrat won by 1,200 votes. Because the 1855 returns by county are not available, it is difficult to evaluate the scope of the change. One bit is clear. Kanawha County experienced the only significant change in its voting patterns in this election. Before this, the anti-Democratic candidate received only one-third of the vote. In this election, Carlile won the county but with 10 percent less of the vote than before. He received 57 percent of the vote to 43 percent for Jenkins. The *Kanawha Valley Star* delighted in their victory. In a column titled “the Funeral,” it boasted:

We will risk the assumption of the fact in making the statement that we have triumphed in the late election, wherever we have contested the field. We don’t look for contradiction in telegrams, post-riders and newspapers. We have a quiet conviction that we have beaten the opposition everywhere, which we mean to indulge and express. We don’t mean to wait to receive the news of its death; but in due and decent time we mean to bury it, regardless of any fraudulent pretensions it may set up to life. We have even employed our lawyer, who is now impatiently waiting to move the proper court of probate to cast the administration of its insolvent

³⁶ Ibid., April 10, 1857, and April 17, 1857.

estate on some body. We have also arranged its funeral in such a way that our venerable contemporary of the *Republican* may have a monopoly of grief on that occasion.

It also suggested an epitaph for the Know-Nothings:

Here in death, lying,
(As in life, it generally lied.)
Is the Great American Party,
Colossal in its premises;
The greatest benefit it has conferred
on man-
Is in dying without performing them.
It was an indulgent parent to its
offspring
Who were of many kinds and colors,
And of widely differing faiths.
It fought the Catholic and foreigner
And the wild thirst for office;
And, finally in its benevolence,
Went for giving everything to
everybody.
It did but little harm,
Chiefly for want of opportunity and
power;
And with the purity and virtues
always ascribed to the dead.

It went to a premature grave with
them unexhibited.
The grief of its offspring is
inconsolable,
Chiefly because it left them no
offices or money
The worst thing it ever did
Was in not dying sooner!
Thoughtless Reader!
Learn in this veracious epitaph
How this great party died for its
country's good,
Fortunate in having so true friend to
weep
Over its ashes.
The American people are reconciled
to their grief,
By the reflection that no country
Ever lost less by the death of a party
Than ours by this

The *Star* also planned to hold a mock funeral for their opponents outside of the offices of the *Kanawha Republican*.⁸³ Northwestern Democrats saw this time as their shining moment. With their enemies prostrate, they could afford to be arrogant. It was to be a short-lived victory.

Within six months of defeating their last major opponent, northwestern Democrats received the first of many body blows to their cause. National affairs turned decisively against their party. In January 1858, after months of intense debate, President Buchanan approved of the Lecompton Constitution, which would have made Kansas a slave state. Democrats in Congress split on the matter, particularly when Senator Stephen A. Douglas of Illinois sided with the Republicans in opposition to it. Ultimately, Congress defeated the measure and delayed Kansas's entry into the Union until 1861. The northwest region of

⁸³ Election returns; *Kanawha Valley Star*, June 2, 1857.

Virginia also felt its effects. Oddly, the surviving Democratic papers say nothing about the Lecompton affair. The still Whiggish but always provocative *Wheeling Daily Intelligencer* did. It attacked Governor Wise for supporting it. It corrected the *Washington Star*, a Democratic paper, for saying the governor's actions represented the whole state. It was "unnecessarily precipitate and sweeping in its assertion, and mistaken, at least, by one half. We are sorry that the Western members of the Virginia delegation did give any grounds for such a belief – for we are very certain that it does neither themselves nor their respective constituencies any credit in the eyes of the world." To them, the governor was "a fire-eater, as a disunionist (in certain events)" and most important divided the state, having "become popular with one part of the people of the State and unpopular with another." Wise's actions on Lecompton "took all parties by surprise."⁸⁴

Northwestern Democrats used every trick to attack their opponents on Lecompton. Later that year, the *Intelligencer* reported that the *Wheeling Argus*, a Democratic paper, told its readers that Congressman Sherrard Clemens had made a special deal with the former paper over his opposition to Lecompton. This was not true, and Clemens later supported the measure with his party. The *Argus* appears to have used such attacks on numerous occasions. Because no issues have survived, we have only its rival (and, interestingly enough, its next-door neighbor in Wheeling) the *Intelligencer* as a source. It could be as stubborn as the *Argus*. In March, it stated plainly that Democrats saw any dissenter as an abolitionist. The *Argus*, it maintained, acted in ways like France where Louis

⁸⁴ *Wheeling Daily Intelligencer*, January 28, 1858.

Napoleon suppressed newspapers at will. “The big Court Organ at the seat of Government, and the provincial Organs, like the *Argus*, set up an onslaught on these men [dissenters] – heaping on them such name as to take away their social caste and place them under the ban of dainty orthodox. Because a man opposes Lecompton, he is a ‘negrophilist’ – he is a ‘wooly head’ – a confrere of Fred. Douglas (sic), and all that sort of approbium,” the *Intelligencer* opined. Though the evidence is slim here, it is clear that northwestern Democrats united around the slavery issue in an attempt to mollify divisions over Lecompton.⁸⁵ Yet no matter how hard they tried, the issue weakened their party for all to see.

The 1859 governor’s election indicates that the Democrats began to lose ground in what should have been an easy victory. Slavery was the key issue here. Each side attacked the other for being weak on the subject. Democrats made their stances clear: slavery was legal and any attack upon it was grounds for secession. Their candidate was John Letcher of Lexington. The Opposition, the name given to the coalition of former Know-Nothings (the party collapsed after the 1857 election), Old Line Whigs, and others, attempted to form its own proslavery agenda. They selected an eastern slaveholder, William L. Goggin of Bedford County, as its candidate for governor. A western slaveholder, Waitman T. Willey of Monongalia County, stood for lieutenant governor (the officers were elected separately). One of their key weapons was Letcher’s signature on the Ruffner

⁸⁵ Ibid., February 18, 1858, and March 10, 1858. Clemens appears to have taken criticisms seriously. In mid-1858, he fought and lost a duel with O. Jennings Wise, the editor of the southern rights’ journal the *Richmond Enquirer* and son of the governor. His serious injuries essentially ended his political career, depriving northwestern Democrats of one of their most able figures. Had he been able, he could have had a profound influence on the West Virginia statehood movement. Simpson, *A Good Southerner*, 178-79.

pamphlet from 1847. Even though he repudiated it just three years later, its legacy haunted him throughout the campaign. Wise's supporters, according to his biographer, among the Democrats resisted having such a liability on the ticket. Letcher won their nomination, but the campaign proved to be a difficult one. Northwestern Opposition papers attacked him over the Ruffner pamphlet. The party started its own journal, the *Clarksburg Weekly Campaign*, for this election. In April 1859, the newspaper said that they will "wager our heads that [he] will get the *antislavery* vote in Northern and Northwestern Virginia, bordering Pennsylvania and Ohio. Mark that, Eastern Virginians. We have no such feeling here, and it is nonsense, ridiculous nonsense, to try to conceal the fact of its hydra existence." Boney misinterprets this statement to mean that the region was opposed to slavery. He probably believed, as many easterners did, that the northwest was unreliable on the issue.⁸⁶

The Democrats tried to retaliate against these attacks. Letcher did not visit to the northwest during the election. One report from the Opposition *Wheeling Gazette* stated that he did not come due to a headache. It is known that he suffered from numerous maladies during this time. Only a pair of Democratic papers from this time has survived so a broader picture is not available. One was the *Parkersburg News*, which launched weak attacks on the Opposition. In May, it called them "obstinately consistent in bearing false witness against us." Their whole performance thus far consists of "a bare opposition, without even a

⁸⁶ *Clarksburg Weekly Campaign*, April 18, 1859; F. N. Boney, *John Letcher of Virginia: The Story of Virginia's Civil War Governor* (Tuscaloosa: University of Alabama Press, 1966), 75-90. See also William S. Hitchcock, "The Limits of Southern Unionism: Virginia Conservatives and the Gubernatorial Election of 1859," *Journal of Southern History* 47, no. 1 (February 1981): 57-72.

difference of opinion, or an avowed theory of their own, as a pretext for the change.” The *News* revealed, more than it realized, that the two parties were actually so closely aligned. This similarity in purpose led Letcher to jump in to save his party. To compensate for his absence and to motivate the faithful, he printed an open letter renouncing again the Ruffner pamphlet. He clearly intended it for his partisan audience. At the time, he claimed that he never regarded slavery as a moral evil. His status as a slaveholder “by purchase rather than inheritance” proved his sincerity. He continued by saying “such an opinion was held by a large number of the citizens of Virginia, on both sides of the Blue Ridge.” In the last decade, the slavery question “has been much better understood, not only in Virginia, but throughout the South,” where the question “has been discussed with an ability never before expended upon it.” Having reconsidered his view, he “became entirely satisfied that not only that opinion, as to the social and political influences of the institution, was erroneous, but I acknowledged my error.” Ruffner’s pamphlet contained “many things so exceptional,” that one man refused to help pay for its publication. The other newspaper, the *Kanawha Valley Star*, backed his view: “We have no doubt that Mr. Letcher is as safe a man as any Virginia statesman possibly can be.”⁸⁷

Letcher won the election but the results of the election indicate a cresting of Democratic support. The northwest gave him 16,744 votes to Goggin’s 12,893. Compared to the 1856 presidential election, this represented a halving of

⁸⁷ *Wheeling Gazette*, April 21, 1859; *Kanawha Valley Star*, July 13, 1859; *Parkersburg News*, May 5, 1859. Goggin did not visit the northwest either, but Willey did. According to Shanks, he deemphasized slavery in favor of internal improvements. He based this on a single letter in the Willey papers. The newspapers at the time clearly disagree, making a big effort to attack Letcher as weak on slavery. Shanks, *Secession Movement in Virginia*, 59.

the Democratic majority. In that ballot, they outpaced the Know-Nothings by 6,488 votes. In 1859, the difference declined by 40 percent to 3,851. There was to be no such funeral in Charleston as had happened two years before. Even Ceredo, the only truly antislavery community in the northwest, voted for Goggin, the defender of southern rights. He received seventy votes to the twenty-nine given to Letcher, the alleged abolitionist. Historians agree that the Democrats won an empty victory. Charles Ambler went so far as to call it a defeat, but he erroneously said that “Democratic editors who spoke for the southern platform in western Virginia refused to concede that negro slavery had been an issue in the election, and insisted that only southern rights and political theories in general had been involved.” This is not true. The Democrats focused on slavery to the extent the limited evidence provides. They had to fight against the pamphlet to keep the faithful in line, and to withstand a strong proslavery onslaught by the Opposition. Henry Shanks is closer to the truth, arguing that the Ruffner pamphlet had a definite effect on the outcome. It “probably had eight in this election, particularly in turning votes from Letcher but not in gaining him votes for him in the west.” Wise’s hostility to him lay behind the deterrence. The northwest had proven itself reliable on slavery by being able to accommodate two proslavery parties.⁸⁸

The first test of these views came just months later when John Brown and his followers raided the United States arsenal at Harpers Ferry in Jefferson County. Newspaper reports from northwestern papers are in fact scarce but point to a prompt and united response in favor of slavery and the Union. The *Wheeling*

⁸⁸ Election Returns; *Wheeling Daily Intelligencer*, June 14, 1859; Ambler, *Sectionalism in Virginia*, 325; Shanks, *Secession Movement in Virginia*, 61.

Daily Intelligencer, the first to report, urged calm on the day after the raid. With the telegraph carrying stories about a grudge against the railroad, government employees striking, and an attempted servile insurrection, panic would worsen things, it argued. Instead, the newspaper initially urged patience; “time and its attending patient military and civil investigations are what are wanted, and until these are had and published, all speculation is but idle.” At the bottom of this column, the editor issued an update indicating that an insurrection had in fact occurred. The next day, the *Intelligencer* had a firmer and more thorough opinion on the subject. Aiming for the middle ground, it condemned northern abolitionists and southern fireeaters with equal vigor. The North had to be taught a lesson in dealing with its fanatics, who attacked the Constitution and encouraged slave uprisings. A healthy revision will “teach the Northern people ... to look upon their [abolitionist] principles in the proper light, and will inspire in their minds more of a deep-seated hostility to their wicked and disorganizing ravings.” The South, too, deserved a lecture. Sitting on top of four million slaves asked for trouble. “Our security,” it wrote, “lies in advancing, not in retreating. We must look to the future of the two races. We must go back and read up the opinions of the fathers of the Republic as to the probable issue of slavery in this country.” Recalling Jefferson’s fear of another Haitian rebellion, the *Intelligencer* urged its readers to remember how “he dwelt so earnestly on his plan for a Central American colonization of the race. Something of this sort has got to be done.” The *Intelligencer* responded to Harpers Ferry by defending of slavery, but its

critics saw in its pages what they feared the most: a chink in the armor of the South.⁸⁹

Democratic papers responded in the harshest terms. The *Kanawha Valley Star* expressed outrage and horror at the attack. “Never in the history of this government has anything occurred to equal the infamous plot attempted at Harper’s Ferry...An act of such outrage and infamy never was before perpetrated in this country!,” it reported. A large meeting a month in Charleston later demanded a strong response to any abolitionist threat. Numerous militia groups formed there, primarily from the middling class of urban professionals whose livelihoods depended on the slave-labor intensive salt companies. Similar reactions occurred throughout the region, as well as the rest of the South. Even Wheeling had its own new militia, the Virginia State Fencibles. Indeed, the *Daily Union*, another Wheeling paper, hailed the strong response of the city to Harpers Ferry as if “uncontaminated by her Abolitionist neighbors gave more than her quota of men and arms.” Democrats took no notice of this. The *Parkersburg News* attacked the *Intelligencer’s* proslavery credentials. It accused the Wheeling paper of allying with the *Richmond Whig*, an Opposition paper, and of being soft on protecting slavery. Only the Democratic Party, the *News* stated, could “stand alone in its devotion to the Constitution and the Union, the only National party in existence. If this is established, if the Southern Opposition organization goes ever to the support of Abolition nominees, then it is the Democratic fold the only place for National men in any quarter.” Yet the *News* hoped that the *Whig* would back down. It opined that “it not only bear being classed as an ally of the *Wheeling*

⁸⁹ *Wheeling Daily Intelligencer*, October 20, 1859.

Intelligencer, or counted as the latest adherent to Black Republicanism in Virginia.” Harpers Ferry further escalated the slavery debate in the northwest.⁹⁰

The run-up to the 1860 election proved to be crucial for the northwest. Just as after the 1857 election when Democrats finally prevailed over the Know-Nothings, only to have their fortunes ruined by their party’s splitting over the Lecompton Constitution, the one thing the northwest feared most happened: the rise of a reportedly antislavery party in their midst. Ever since the new party started, the region’s leaders of every party condemned the Republicans as abolitionists. They received only 273 votes in the 1856 presidential election. Hitherto the region had successfully dealt with threats like Eli Thayer. The pronouncement of the *Wheeling Intelligencer* and the *Wellsburg Herald* as Republican papers that summer shook the entire region. The party had been taking root in the region for some time. In February 1860, the *Intelligencer* printed the proceedings of a Republican meeting in Hancock County, at the very top of the panhandle. Someone scribbled the words “First Republican Meeting in W. Va” into the margins of the paper. In truth, meetings and rallies had occurred in previous years but no paper had, until June 11, 1860, endorsed the party. On that day, the *Intelligencer* announced to the region, the state, and the country that it supported Abraham Lincoln for president. The paper also sought to obtain the Republican National Convention for the city of Wheeling. In response to its critics, the paper defended its decision by printing articles by famous southerners

⁹⁰ Ibid., October 24, 1859, December 16, 1859, November 30, 1859 and January 11, 1860; *Parkersburg News*, October 20, 1859 (the page itself reads October 13, but this is most likely an error). See also Scott A. MacKenzie, “The Slaveholder’s War: The Secession Crisis in Kanawha County, Western Virginia, 1860-1861,” *West Virginia History: A Journal of Regional Studies* New Series 4, no.1 (Spring 2010): 33-59.

on the negative effects of slavery. In April, it published an 1829 document titled “The Abolition of Slavery” that argued for the gradual elimination of the institution. Slavery, it predicted, impaired the white working man’s ability to progress, impaired economic development, and hindered democracy by giving the master class a large degree of authority over white and black alike. Antagonized local Democrats viewed this as being abolitionism, and a sign of weakness on the northwest’s part to the rest of the state.⁹¹

This article may be the source of the mistake historians make about the northwest in the antebellum period. The problem is that the *Intelligencer* is the only surviving paper from this pivotal time. As a result, those researching it, from Charles Henry Ambler to William A. Link, rely on it too much as representative of the entire area. This creates a false impression. When seen in the light of editorials and election returns from other parts of the northwest, the *Intelligencer* represented a tiny and wildly unpopular minority party in a heavily proslavery and Democratic region. This was in spite of the *Intelligencer*’s claim to be the most widely read paper in western Virginia. The election returns from 1860 provide ample proof of this. The Republicans received 1,808 votes in the northwest, 1,398 or 77 percent of which came from the four panhandle counties (Hancock, Brooke, Ohio, and Marshall), which had a significant northern or foreign-born majority. The remaining 410 came from the rest of the region, mostly clinging to the Pennsylvania or Ohio borders. Their numbers, varying from 110 in Preston to one in Marion, were so small that they had no effect on the outcome. Republicans did not win a single county. Only in Hancock County, the northernmost part of

⁹¹ *Wheeling Daily Intelligencer*, June 11, 1860, and April 20, 1860.

the South, did they come second. They placed third in Ohio County. While the nativity of the panhandle supports who may have supported the Republicans, those in the remainder are unclear. Whoever they were, the viva voce voting system made their choice known to those around them. They could not have been popular among their neighbors.⁹²

Overall the 1860 election strongly resembled the governor's ballot the year before. The Democratic vote split into Breckinridge and Douglas wings, yet still prevailed. The former won 16,340 votes while the latter received 5,031 votes. Combined, they received 21,731 votes. The Constitutional Union Party, the successor to the Opposition Party, received 13,436 votes. Democrats also won the state by a razor-thin margin of 322 votes (74,701 to Breckinridge's 74,379 votes). Even if the Republicans and other anti-Democrats had fused, as the editor of the *Wheeling Daily Intelligencer* claimed in September 1859, they could not have won. Nineteen of the region's now thirty-five counties voted for a Democratic candidate, all but four for Breckinridge. A further eleven supported Bell and Everett. Wood County's balloting ended in a tie between the two. Only two counties, Fayette and Tucker, switched parties between the 1859 governor's and 1860 presidential elections. Both backed the Democrats. Three others could not be determined. The northwest rejected the allegedly antislavery party by wide margins, just as they had done since 1851.⁹³

In conclusion, northwestern Virginia endured the 1850s rather than coasted through them as previously claimed. Contrary to previous accounts, the

⁹² Ambler, *Sectionalism in Virginia*; Link, *Roots of Secession*; Election Returns.

⁹³ Election Returns; Shanks, *Secession Movement in Virginia*, 61.

region was almost uniformly proslavery. The northwest fought hard to correct the image eastern Virginia had of it being the reverse. Slavery, rather than the lack of internal improvements and other grievances, was the most important issue of the day. The actions of its partisan press and its newly expanded voting base indicate considerable hostility to abolitionists or even to moderates. Their experiences fighting John S. Carlile and the Know-Nothings, and Eli Thayer and his Ceredo colony continually sharpened the blades with which the northwestern Democrats sought to cut out any dissent on slavery. Only the Kanawha Valley and its strong Whig tendencies deviated from this Democratic hegemony, yet they showed the same vigor in defending slavery. All saved their harshest criticisms for the *Wheeling Daily Intelligencer*. Despite holding genuine proslavery views, that paper never shook a reputation for weakness on the matter. The region's elites and voters viewed its conversion to the Republican Party, itself a proslavery act and by no means an electoral threat to the region, as the final act of betrayal to the state of Virginia. If the 1850s was a time of calm, as Ambler and Curry have claimed, it is only in comparison to what came later.

Historians should rethink the idea of the northwest being distinct from the rest of the state. Too many see the region as the weaker or moderate portion of the Old Dominion. This survey of the newspapers of the period indicates that it was just as committed to slavery as any part, even in the northern panhandle. Scholars base their views on the *Intelligencer* because it was the only paper to cover the entire period. Doing so infers that a tiny and controversial minority spoke for a diverse region. A comparison with it to the other papers of the time

and election returns reveals their error. Northwestern Virginia saw allegiance to the Old Dominion as loyalty to slavery. The secession crisis of 1861 would test these bonds and find them to be durable.

Chapter Three: Making a Border State:
Northwestern Virginia in the Secession Crisis, January to October 1861

Protecting slavery turned northwestern Virginia into the state of West Virginia. The drive by the slaveholding states to defend their large investment in human property after the 1860 election shook the nation to its core. White southerners in the main agreed on the right to secede, but applied it differently. Majorities in the more northern Border and Upper South states held out for months after the Lower South left the Union. Virginia responded in a unique way. When South Carolina's secessionists attacked Fort Sumter and President Lincoln responded with a call for 75,000 loyal volunteers, most of the state backed secession. The northwestern part of the state turned the doctrine against itself and separated from Virginia. Historians have explained the formation of West Virginia as the product of decades of intrastate tensions. From Charles Henry Ambler onwards, they have argued that easterners' need to protect slavery prevented them from granting equal political and economic rights to nonslaveholders throughout the state. While the Shenandoah Valley and southwestern Virginia gradually embraced the slave economy, the northwest appeared to have little if any interest in it. Hence, historians concluded that this explained their refusal to secede and the formation of their own free state in response. This view has some shortcomings. For one, it relies too much on limited evidence for what northwesterners thought about state affairs. For the most part, scholars used one newspaper, the notorious *Wheeling Daily Intelligencer*, and constitutional convention minutes from 1830, 1850-1851 and 1861. They skip over more than thirty years of history. The first chapter

examined the region's ties to the slave economy. The last chapter addressed this issue by arguing that slavery was the key concern rather than taxes or representation. Second, this interpretation continues to see the secession of northwestern Virginia as an internal matter. Its proximity to the North suggests an alternative: it acted more like a Border State. Addressing these criticisms will suggest new questions about why the northwest resisted secession with a secession movement of its own.¹

This chapter argues that northwestern Virginia responded to secession in ways similar to the four other Border States. Many citizens in Delaware, Maryland, Kentucky, and Missouri resisted leaving the Union because they believed that the Constitution protected slavery more effectively than disunion did. Recent historians have identified a range of experiences among these four states in this time. Delaware remained loyal but refused to abandon slavery. Marylanders rioted when federal troops entered Baltimore in April 1861 and forced its state government to flee. Kentuckians sought neutrality. Missouri fell into anarchy as two armies, two governments, and large numbers of guerrillas fought over it.² Northwestern Virginia's experiences generally fit within this range, as this chapter demonstrates. Following its course through the secession crisis demonstrates this trend. The northwest's delegates to the state Constitutional Convention argued consistently that their main motivation was the

¹ Charles Henry Ambler, *Sectionalism in Virginia from 1776 to 1861* (Chicago: University of Chicago Press, 1908).

² The new literature consists of Aaron Astor, *Rebels on the Border: Civil War, Emancipation and the Reconstruction of Kentucky and Missouri* (Baton Rouge: Louisiana State University Press, 2012); Christopher Phillips, *The Civil War in the Border South* (Santa Barbara, CA: Praeger, 2013); Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: University of North Carolina Press, 2010); William C. Harris, *Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011).

protection of slavery. Their efforts kept the Unionist party together and prevented Virginia from seceding. Fort Sumter and Lincoln's call on the loyal states to put down the rebellion shattered the party. Down but not out, the northwestern representatives returned home to take power on their own authority. On their own initiative, they rallied loyal citizens but faced opposition from local secessionists as well as questions about their own legitimacy. By mid-June 1861, these men had deposed the seceded government in Richmond from power in the northwest and issued a declaration of independence from Virginia. By October, they succeeded in forming a proslavery state of their own. Northwestern Virginia's course more resembles Missouri and Maryland in having to form new governments than in more stable Kentucky and Delaware, but it shared with all four the reason for its resisting secession: the protection of slavery.³

Northwestern Virginians intensely debated the secession question in the days after the Deep South states left the Union. South Carolina, the most radical

³ This chapter uses the newspapers of the period, conference debates, and public resolutions to examine how northwestern Virginia achieved this goal unique to the period of the American Civil War. Several limitations exist on the newspapers from this period. First, too many scholars have relied upon the *Wheeling Daily Intelligencer*, which, as shown in Chapter 2, represented a tiny minority of northwestern opinion. Its editorials present a misleading view of the region's views on slavery and secession. Therefore, it is used sparingly and critically here in relation to other papers from the time. At times, it must be used since the *Intelligencer* contains articles on other parts of northwestern Virginia that have no surviving paper of their own. This allows us to see how places beyond the northern panhandle responded to secession, even though it tended to reprint only Unionist sources. Second, virtually no secessionist papers from the first three months of 1861 have survived, and only a few exist from afterwards. The *Kanawha Valley Star*, the most ardent pro-secession paper in the northwest, runs only between April and June 1861. This limits our ability to appreciate fully secessionist opinion before the convention. Third, James H. Cook's study of Harrison County claimed that Unionists prepared their assertions to justify their cause. He proposed "that the language of intrastate sectionalism, far from being truly representative of public sentiment, was a rhetorical device employed by old-line Whigs and by Democratic 'outsiders' at a time when they felt highly insecure about their future political fate." Cook's innovative idea renders Unionist statements unreliable as to their true intentions. Yet it supports the argument that short-term causes lay behind the formation of West Virginia. This chapter therefore uses the newspapers as sparingly as possible in favor of other evidence. James H. Cook, "The Secession Crisis in Harrison County, West Virginia," (master's thesis, West Virginia University, 1993), 106.

of the slaveholding states, declared independence on December 20, 1860. The other Lower South states, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas, had followed them by the end of February. According to scholars such as James Huston, each did so to protect their massive investment in slave property from the newly elected Republican president, Abraham Lincoln. The Upper and Border South states resisted immediate secession, preferring not to take such a risky decision. Many in slave-rich eastern Virginia nonetheless demanded that their entire state follow them. The western half of the state, namely the Shenandoah Valley, the southwest and the northwest, split on the matter. Opinion there varied from outright secession; cooperation or “conditional Unionism,” whereby adherents would wait and see what the Lincoln administration would do regarding slavery and secession; and “unconditional Unionism,” which rejected secession entirely. Historians such as Daniel Crofts, William A. Link, and Richard Orr Curry have argued that the northwestern Virginia was a hotbed of the last category.⁴

The evidence points towards more conditional Unionism in the area than once believed. Early in 1861, opinion varied from a firm rejection of secession to demanding a say on the state’s actions. Even though the northwest set aside old grievances to defend Virginia and slavery in the 1850s, the secession crisis revived talk about representation and taxation. Some of their rhetoric included

⁴ Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989); William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2006); Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964); James L. Huston, *Calculating the Value of the Union: Slavery, Property Rights and the Economic Origins of the Civil War* (Chapel Hill: University of North Carolina Press, 2002).

talk of separating from the state if these demands were not met. The *Middlebourne Plain Dealer* of Tyler County stated on January 8 that western complaints had to be addressed before secession. It defended secession as “a right that we can exercise wherever a sufficient cause arises to justify” but applied it to western grievances against the east. “Combine all the reasons which the Gulf States can set up for secession, and they will not equal the grievances which Western Virginia is now bearing,” it boasted. They feared that the east would drag them out of the Union and into anarchy.

The *Morgantown Star* meanwhile issued several resolutions insisting that any convention have white basis for representation, equal taxation on all property, and that its decisions be subject to popular referendum. In another column right below it, the *Star* proclaimed that the west had been carrying the east for a long time. It condemned secession as cowardly, insisting that “we shall exhaust every honorable means to procure equal laws and taxation for our section of the State within the State.” If this is impossible, then “we shall not secede, but we shall demand a separation from Eastern Virginia.”⁵ Others at this early stage asked only that they be allowed to vote on the matter. On January 12, a meeting in Wetzel County, a small panhandle county as far removed from the Deep South as one could get, passed anti-Northern resolutions. Responsibility for “the agitation of the slavery question...the denial by the North of the rights of the southern people in the territories of the U.S., the nullification of certain acts of Congress providing for the rendition of fugitive slaves, and the disposition of people of the Northern states to resist the execution of said law,” lay firmly at the feet of the

⁵ Quoted in the *Wheeling Daily Intelligencer*, January 8 and January 14, 1861.

North. Moreover, the meeting called upon Virginia to hold a convention to discuss secession, albeit having its decision “returned to the people for their approval or rejection.” William A. Link has argued that the range of northwestern views notwithstanding, the region had developed “a new political consciousness [and] offered an aggressive critique of the politics of slavery.” He was right on the first part. On the second, he errs in believing that the northwest was critical of slavery. As Chapter 2 showed, few in the region voiced any dissent towards the institution. The vast majority supported the practice.⁶

Those desiring a convention received their wish on January 15, 1861. This is one of the few points where northwestern Virginia differed from the other border states. The other four rejected calling one. Virginia, like the Upper South states of North Carolina and Arkansas, held conventions. Tennessee alone narrowly rejected the idea. Each of the Lower South states also summoned similar meetings. In many, such as South Carolina, the question was one of immediate or conditional secession. Sufficient dissent existed in the Georgia convention to force changes to the state constitution, as Michael P. Johnson has argued, to enhance the rights of ordinary citizens while maintaining planter rule. Governor John Letcher heeded the call by the Virginia legislature to convene a meeting on the subject of secession and peace. It was, as his biographer stated, a

⁶ Link, *Roots of Disunion*, 9-10; see also his “This Bastard New Virginia: Slavery, West Virginia Exceptionalism, and the Secession Crisis,” *West Virginia History – A Journal of Regional Studies* New Series 3, no. 1 (Spring 2009): 37-56.

compromise between the Unionist and secessionist camps to give each a chance to talk while delaying as long as possible.⁷

Debate in the northwest escalated in the wake of the announcement. The always controversial *Wheeling Daily Intelligencer* first had to fend off attacks from the Democratic *Wheeling Union* that “abolitionists in the free states” aided the paper. “It is useless for the *Union*, by either its editors or correspondents,” it stated, “to try to make out that the *Intelligencer* has to be supported by foreign aid, when the fact is apparent that it (the *Union*) lives on about one-half the home support the *Intelligencer* gets.” The next day, it pitted the west against the east. If slaves were taxed at the same rate as other property, it argued, then “the State would raise just one clear million dollars in revenue than she now does, and the taxes on the poor whites who are the burthen for the State for the benefit of Eastern slave owners would be reduced from three quarters to one half.” Moreover, the newspaper reminded taxpayers to “think of this, men of Western Virginia, when the traitors ask you to vote for secession and a Southern Cotton Nigger Confederacy.” In a long attack on “suppositionous disunionists,” the newspaper claimed that western Virginia had no common cause with the seceded states. “We feel no different, in fact, now than we ever did. No wrongs, no oppression, no danger, no infringement is upon us or threatens us. We have not an interest in all the wide world that is in jeopardy. Our trade lies where it always did. We buy and sell to the same people. They are in all respects the same to us,” it reported. After comparing secession to the character of Doctor Frankenstein in

⁷ F. N. Boney, *John Letcher of Virginia* (Tuscaloosa: University of Alabama Press, 1966), 104-105.

Mary Shelley's novel, the *Intelligencer* finally tied the northwest to its general location. "We are here on the banks of the Ohio, at the upper end of the Ohio valley, far north of the Southern boundaries of the State of Ohio, Indiana and Illinois, and they in the north, too, and they [are] free soil in their votes, too, because that is their interest. And not only this, but we are north of many of our Pennsylvania neighbors, and more than all we are north of Mason and Dixon's line, above which certainly no man can be Southern." Such claims clearly place the *Intelligencer* as apart from the rest of the northwest. It represented only the northern panhandle.⁸

Many papers and public meetings disagreed. For example, a meeting in Boothsville in Marion County reveals that some residents from there, Taylor, and Harrison counties blamed the North. One resolution stated that the "southern states have no reasonable grounds on which to base a hope that their rights will be respected, or that the Administration of Abraham Lincoln will be more conservative than the principles on which he was elected." They issued an ultimatum that "when all constitutional efforts have been exhausted, it will be the duty and interest of Virginia to remain with the South." A meeting in small Gilmer County echoed these views. Its attendees resolved that "a crisis has arrived in which it is neither safe nor honorable for our State and section to

⁸ For more on the conventions in other states, see William C. Harris, *Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011), 26; Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University Press of Virginia, 1996), 161-62; Crofts, *Reluctant Confederates*; James W. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville: University of Arkansas Press, 1987), Michael P. Johnson, *Towards a Patriarchal Republic: The Secession of Georgia* (Baton Rouge: Louisiana State University Press, 1977), William W. Freehling, *Road to Disunion*, vol. 2, *Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007); *Wheeling Daily Intelligencer*, January 16, 17, and 21, 1861.

remain inactive spectators to the dangers by which they are surrounded.” The Republican Party’s course would, they believed, “end in the degradation and ruin of the [South.]” Virginia must call a convention, while the North has “it in their power to reinstate the once friendly relations that existed between the two sections but just and reasonable that the initiative step for that purpose should be taken by the Northern states.”⁹

Yet other newspapers held views similar to the *Intelligencer*. The *Kanawha Republican*, one of the region’s more conservative papers, denounced secession as a plot against the federal government. “The conspiracy against the Union is now fully developed,” it reported. After denouncing Senator James M. Mason as “a treasonable Disunionist,” it stated to its friends that “the question now directly before them is Union or Disunion, their rights, peace and prosperity in the Union, or civil war. It appears to us the prompt and patriotic action of the sovereign masses of the people, under God, can alone save the Union and the liberties of the Republic.” Another letter from this same paper added economic issues to the debate. The author, known as “A Tax Payer,” wrote that joining the Southern Confederacy violated the rights of free men. “Why sir,” he asked, “there is not a negro sold, or hired on your streets, that is now allowed the privilege of choosing his master, and are we, at the insistence of a few hot heads, to be degraded below the level of a slave.” It also meant higher taxes for all. Virginia now, he argued, cost every person \$6.20 per year; the new regime would cost a bit under \$9, an increase of one-third. “With such taxes as these, what is to

⁹ *Wheeling Daily Intelligencer*, January 19, 1861; *Fairmont True Virginian*, January 26, 1861; *Parkersburg News*, January 26, 1861.

become of us? With trade and commerce prostrated, every farm, horse, cow, pig, all the property of the citizens, would be brought to the auction block, to pay the taxes, and the whole would be swept away at one blow, and our whole people left completely bankrupt,” he asked the editor. He then appealed to everyone to vote for Unionist candidates and for reference to the people.¹⁰

The convention election of February 4, 1861, reflected these diverse views. Voters in statewide elections picked their delegates to represent them in Richmond. The northwest picked many men with strong ties to slavery. Of thirty-two delegates, exactly half, sixteen men, owned a total of sixty-six slaves. Kanawha delegates owned the most. Spicer Patrick, a doctor, held the most with twenty-two, while his neighbor, lawyer George W. Summers, owned fourteen. James W. Hoge of neighboring Putnam County possessed six. Those closer to the North had similar stakes. William G. Brown of Preston County owned seven. Sherrard Clemens of Ohio County and Waitman T. Willey of Monongalia each held two slaves. John S. Carlile of Harrison owned one. Combined these slaveholding delegates had real estate wealth worth \$10,400 and personal wealth amounting to \$4,080. These amounts made them among the wealthier residents of the northwest.

When compared to the convention as a whole, they also indicate that the region was the poorer part of the state. Four delegates, James C. Bruce of Halifax, William M. Ambler of Louisa, Wood Bouldin of Charlotte, and Jeremiah Morton of Greene County, each owned more slaves than all the northwestern delegates combined. Of the 135 conventioners, 107 or 80 percent owned a total

¹⁰ *Wheeling Daily Intelligencer*, January 21, 1861.

of 1,886 slaves, or an average of fourteen each. Stated differently, while 50 percent of northwestern delegates owned no slaves, only 20 percent of the totals were nonslaveholders. The other delegates also had significantly more wealth than the northwestern men. Their median personal wealth was \$14,000 and their personal wealth came to \$15,346. Only in Virginia nativity did northwesterners (84 percent) slightly exceed the rest of the delegates (82 percent). Although the numbers indicate that the northwest had less of a stake in the slave economy than most of Virginia, it nonetheless had one.¹¹

The debate continued after the delegates' election. As before, many resisted secession, hoping that the North and the Lincoln administration would cooperate with the South. The *Intelligencer* praised the result as a victory for the Union. If “a majority of Union Delegates have been elected to this convention, then this miserable (but almost serious) farce of secession is about to be played out,” it boasted days after the election. The *Kingwood Chronicle* from Preston County echoed these sentiments. Its editor insisted that reunion was essential to maintain the laws. Fully backing a peace convention, sponsored by Virginia, and then meeting in Washington, he stated that the proposed changes made federal law unassailable by anyone. The “necessity of ratification of amendments to the Constitution by *three-fourths of all the States*; thus making it imperative that twenty-seven of the twenty-eight remaining States must vote in favor of the proposed amendments, whatever they may be.” He expressed such confidence in this scheme that “several of the seceded States may, however, acquiesce in the

¹¹ Data about the backgrounds of the delegates throughout this chapter comes from an Excel file that I compiled from the 1860 Manuscript Census found on the Ancestry.com website.

amendments that may be proposed by the peace convention” because it brought about “a peaceable adjustment of difficulties; and not simply an adjustment but a re-union upon a firm and unmistakable basis, admitting of no equivocation or argument as to its meaning and requirements.”

Others urged that a harder line be taken. The delegate from Wetzel County in the northern panhandle, Leonard S. Hall, urged the others to send the North an ultimatum on pain of secession. The *Intelligencer* condemned him as a traitor. “Is it thus the Western people are to be betrayed? Are their delegates, elected upon declarations of fealty to the Union, to join the league of traitors the moment they set foot within the State Capitol,” it asked. Refusing to be “dragged submissively at the heels of a few self-constituted lords of Cotton,” the editor reminded readers that all hope was not lost. “The action of the Convention is to be submitted to the people, and every man who betrays his constituents signs his own death warrant,” it boasted. The *Intelligencer* overstated the case and ignored what may have been happening in Wetzel. Views like Hall’s existed throughout the northwest. Few spoke so openly as he, but unconditional Confederates were in fact abroad in the region if only a small minority.¹²

The views of northwestern speakers in the convention have distorted historians’ interpretations of the region’s views on the questions at hand. Far from being antislavery, the record indicates that its delegates were closer in sympathy to their counterparts than previously believed. They expressed strong devotion to slavery in particular. On March 4, the day of Lincoln's inauguration

¹² *Wheeling Daily Intelligencer*, February 7, 1861; *Kingwood Chronicle*, February 16, 1861; *Wheeling Daily Intelligencer*, February 21, 1861.

in Washington, Waitman T. Willey of Monongalia made a forceful early argument that secession would ruin the state. He gave the enslaved a remarkable degree of agency in the matter. “You dissolve the Union. What then?” he asked. “The common national obligation is destroyed. Will not the Negro find it out? The motives to flee across the line would be increased, because the Negro would know that whenever he crosses that line, he will be free. There will be no fugitive slave law for his recovery, and he will know it,” he said. Willey extolled the virtues of the federal government and asserted that Lincoln posed no danger to the South or to slavery. Secessionist demagoguery exaggerated the menace of personal liberty laws, which he said were rarely enforced. Indeed, far from showing how powerless Virginia was, Harpers Ferry demonstrated the state’s strength. Willey then addressed the heart of the matter. “A dissolution of the Union will be the commencement of the abolition of slavery, first in Virginia, then in the Border States, and ultimately throughout the Union. Will it not, sir, make a hostile border for Virginia, and enable slaves to escape more rapidly because more securely? Will it not, virtually, bring Canada to our doors? The slave ... will know that when he reaches the line he will be safe, and escape he will,” he asked. Willey then appealed for state unity on the basis of shared economic potential with slavery. Railroads, he argued, “are in a fair way of commanding a monopoly of the Southern trade, and directing to the great natural outlet at Norfolk. There are in my own section of the State, North-western Virginia, mineral resources extensive enough to furnish the basis of an empire’s

greatness.” He concluded by stating simply, “Let Virginia secede and all these bright prospects are forever dashed to pieces.”¹³

John S. Carlile was even more explicit in his defense of slavery. In his mind, the northwest was as Virginian as any other part. On March 7, he called his constituents “a brave, and a gallant, and a law abiding people.” Moreover, he continued, they supported their state and slavery despite its limited presence in the region. “A more loyal people to the soil of their birth is nowhere to be found,” he said, “a people devoted to the institution of slavery, not because of their pecuniary interest in it, but because it is an institution of the State, and they have been educated to believe in the sentiment...which I cordially endorse, that African slavery, as it is exists in the Southern states, is essential to American liberty.” Like Willey, Carlile insisted that the federal government was proslavery; betraying it meant disaster. As proof, he pointed to his personal status as a slaveholder, that occurred “not by inheritance, but by purchase.” He also shared with Willey the view that secession invited abolition and economic ruin. The “extended frontier, with our defenseless sea coast, tell me the amount of money that would be required so to fortify the State, in the event of a revolution, as to afford the slightest protection not only to our slave property, but against those John Brown forays upon a larger scale?” He and Willey may have tailored their speeches to the convention, but this does not lessen their meaning. They had a decade of experience in defending slavery and the South under their belts.¹⁴

¹³ William W. Freehling and Craig M. Simpson, eds., *Showdown in Virginia: The 1861 Convention and the Fate of the Union* (Charlottesville: University of Virginia Press, 2010), 16-21.

¹⁴ *Ibid.*, 22-30.

George W. Summers of Kanawha took a more restrained view. He argued that Virginia had different issues at stake than the Deep South did. The territorial question had little bearing on the Old Dominion, he said on March 12. “What interest, compared to ours, has the Cotton states in the territorial question? Is there a man from South Carolina, Georgia, Louisiana, Mississippi or Alabama, who would leave the fertile fields of the South, to migrate with his negroes into Arizona or New Mexico?,” he stated. Secession meant “the entire abandonment of all connection with and control over [the territorial question].” The northwest had to protect the four hundred plus-miles of border with free states. Summers declared that secession placed the entire state at risk. “We are to protect slave property in States south of us, but to lose our own. So far from secession rendering the institution of slavery more secure in Virginia, it will be the potent cause of insecurity,” he implored the delegates.¹⁵ Like Willey and Carlile, he concluded that secession meant ruin for slavery, the state, and their region.

The northwest’s delegates found many supporters among other Virginia Unionists. George Brent of Alexandria City agreed with Willey and Carlile that secession meant a costly disaster for the state and slavery. South Carolina and the other cotton states, he argued on March 8, exaggerated the threat northern forces posed to slavery. More important, Virginia had no reason to share in these concerns. “The causes ... which have been most generally assigned for the secession of Virginia, are, in my humble opinion, more specious and plausible, than sound or real. We are told that the South has been excluded from the territories, that Southern planters have been prevented from emigrating there with

¹⁵ Ibid., 43-48.

their property,” he said. After admitting that the South had a legal claim to the territories, he wondered if it ever would be used. “The absolute right is one thing, but the practicality of its exercise is another. In that view, I take the ground that it has little real practical value,” Brent stated. Like Carlile, he shared the belief that the border areas would lose their slaves if the Lower South seceded. “The extreme Southern States, having two tiers of slaveholding states between them, have had little to complain of in regard to run-away negroes,” he said. “And for these reasons, for these wrongs, for these grievances, not endured by the Cotton states but endured by the Border States, Virginia has been invited by these Cotton States into an immediate secession ... I will endeavor to show that Virginia is not invited to a banquet of peace, harmony, union, prosperity and power, but she is invited to a carnival of death,” Brent iterated. Secession would, he concluded, be “the doom of slavery within the border States” requiring massive fortifications and standing armies to maintain it.¹⁶

John Baldwin of Augusta County gave a long, rambling, but still important speech lasting three days in support of the Union. Between March 21 and 23, he attacked the seceded states for weakening the South’s position in Congress by withdrawing many senators and representatives. Doing so threatened to place the Border States in jeopardy against a northern majority. “It becomes the Border States to stand firm together, and to demand from the people of the North guarantees and securities, ample and complete, and overflowing in their abundance, against the new dangers to which we are to be exposed, and against the recurrence of this miserable, abominable agitation which

¹⁶ Ibid., 31-42.

has brought us into this serious difficulty,” he said. Thus weakened, slavery would end in Virginia, making the state in his concluding words, “the Yankees of the South.” Hugh Nelson of Clarke County in the Shenandoah Valley argued that secession would worsen a bad situation made by personal liberty laws, allegations of southern exclusion from the territories, and northern fanaticism as represented by Lincoln. On March 26, he urged that Virginia take the initiative and extract concessions from the North to win back the seceded states. “I think, Mr. Chairman, Virginia, by the noble sacrifices and successful efforts she has from time to time made, for the formation and preservation of the Union, has well-earned for herself, the proud position of a great pacificator. I trust her voice will again be portent to still the troubled waves, and that the North and the South will listen to that voice,” he concluded.¹⁷

Secessionists surprisingly accepted the northwest’s stance on slavery if not its Unionism. On March 16, James Holcombe of Albemarle County demanded immediate departure to protect slavery from a Union poisoned by northern fanaticism. “Antagonistic forces have been working during the same period upon the hearts and minds of the Southern people, producing a revolution as complete but in another direction.” Not even the Border States were reliable on this subject, he believed, based on his reading of the census because “the white is gaining on the black population,” in those states. Indeed, he said that the Cotton States had more to fear by continued attachment to a Union than the Border States. Delaying secession threatened to wreck “every material interest of this Commonwealth...under the uncertainty as to what is to be her future policy.”

¹⁷ Ibid., 75-88, 89-93

While he agreed to deliberate the subject, he said that “protracted one moment beyond that period, would not only be a weakness but a crime.” Finally, he urged the West and the northwest in particular to consider their positions carefully. They would not be threatened by slave insurrections, but “the destruction of slave property would only affect you by the re-action of our ruin.” “By all the hallowed associations of our common ancestry and common glory,” he said. Holcombe implored the “gentlemen of the West, to let us march, keeping together, through all the future, as our fathers have done in the past.”¹⁸

George Wythe Randolph of Richmond also saw the west as an asset. A grandson of Thomas Jefferson, he agreed that western Virginia had to be saved from the abolitionized North. The slaveholding east does “not feel Northern competition to such an extent as Western Virginia,” he said. Criticizing statements by Carlile and Willey, he continued that despite the region’s mineral wealth “the population [is] restricted in the main to agriculture and to ... agriculture not very productive” because “their labor is exposed to overwhelming competition of the North.” Bringing them into the Confederacy would, he argued, allow them to “receive protection from northern industry, and they will be what they ought to be – the manufacturers and miners of a great nation.” Though earlier critical of northwestern delegates, he lectured to the convention that for all its faults, at least it was proslavery. “Let not Western Virginia suppose that she has no interest in the slavery question, because she owns but few slaves. She has

¹⁸ Ibid., 61-74.

a vast interest in our system of labor,” he said. Such views must have boosted the secessionist cause in the northwest. They, too, had allies.¹⁹

George Richardson of Hanover County in the Tidewater doubted the northwest’s reliability on slavery but still saw it as southern. Like Randolph, he blamed the north and Great Britain for the sectional conflict. Their attacks on slavery and hypocrisy given their establishment of the institution wounded Virginia’s honor. Britain, he said on April 3 and 4, “which now so bitterly denounces us for our domestic institutions, must be charged with the existence of slavery among us.” The North, moreover, “took up and carried on the trade with an avidity which showed her constitutional thirst for and keenness in the pursuit of gain.” The South, meanwhile, tried to stop the influx of slavery. Virginia alone, he said, “passed no less than twenty-three acts to suppress it; the other Southern States also endeavored to put an end to it,” but British vetoes kept it in place. He had little faith in hopes for reconciliation with the North. At the same time, Richardson criticized Summers for thinking that the East would abandon the West when it seceded. He cited the limited and shrinking enslaved populations in many northwestern counties to support his idea that Virginia had to stop de-enslavement. “Sir, I want to stop this fearful wave, to roll it back from our Western brethren, their homes and families. To affect this, let the Southern States in solid column leave the Northern Confederacy, and establish on our free State frontier a line of military posts which will prevent further encroachments by the abolitionists,” he said. In contrast to Carlile’s statements, building forts posed no problem for Richardson. Many European countries did the same without undue

¹⁹ Ibid., 49-61.

burdens. Once freed from northern control and taxes, the South would “no more feel the burthen of maintaining an army of fifteen or twenty, or thirty thousand men, than a giant would feel the stroke of a pigmy’s arm.” The northwest’s pleas to being reliable on slavery remained weak at best to men like Richardson.²⁰

At the same time as the convention debated slavery, northwestern delegates raised the issue of equal taxation. They hoped that by proving their reliability on the slavery issue could lead to a resolution on the matter. William G. Brown of Preston County, himself the owner of seven enslaved persons, first mentioned the issue on March 7. He said that redressing the tax issue was necessary if Virginia seceded to pay for the forthcoming war. “While I am opposed to all steps that will involve us in war,” he said, “yet I declare ... [that] in the event that war must come, every dollar’s worth I have shall be subject to taxation...to arm and clothe the true and brave men that we may send to the field.” Surely, he believed, the east would wish the same for those defending their lives and property. Several days later, Waitman Willey put forward a motion for a committee to investigate this matter. He specifically defended his own personal connections to slavery in his speech. “Allow me to remark, in this connection, that I am a slaveholder myself [he owned two], and I ask upon what principle of right and property...is wholly exempt from taxation? Why is it that because I am a slaveholder I shall be exempt from the burdens of the Commonwealth, and my neighbor, equally worthy with me, though not a slaveholder, is to bear the burdens which I ought to bear,” he said.²¹

²⁰ Ibid., 122-29.

²¹ Ibid., 134-36.

Northwestern newspapers split on the matter. The *Fairmont True Virginian*, in one of its few surviving issues from 1861, supported the proposed taxation changes. “The idea of increasing the taxes of the people of Virginia at such a time as this is not to be entertained for a moment without feelings of indignation. Already as high as any people ought to bear, our taxes cannot be increased without subjecting us to great oppression. Yet the Auditor talks as coolly of increasing them as if to call for money were to make it abundant,” the newspaper opined. Only secession provided relief. “Among all the plans which may be devised or proposed looking to this end, none strikes us as being so feasible, so natural and so well calculated as the proposition that Virginia shall resume her sovereignty, and, instead of giving all her revenues from imposts to the General Government, apply them to the payment of her debts, and to the support of her own government,” it stated. This way, the *True Virginian* argued, would ruin the state by undermining slavery. Torn between secessionists and Unionists, the paper believed that remaining in the “Northern confederacy is to submit to dishonor, at the same time that it will drive all of the vile slave holders of the East, who pay two-thirds of the tax out of the State and thus ruin and impoverish us of the West by increasing the tax upon lands to an enormous and intolerable extent.” They proposed a compromise whereby Virginia sets up tariffs for itself to protect its economy. By, in their words, “tak[ing] off, if possible, all taxes now paid upon property, and we believe that she will at once enter upon a career of prosperity such as she has never hitherto known.”

The *Wheeling Daily Intelligencer* scoffed at the idea. It supported the first part of its idea about adjusting the taxes, but called the secession part “a plan [which] ought to be patented, otherwise, it is possible Barnum may get hold of it, and exhibit it as a great curiosity alongside of the “What is it?,” it reported. Given that the *True Virginian* represented the Democratic majority in the northwest, more people possibly adhered to its view than that of the less popular and more controversial *Intelligencer*. The future of slavery remained the key issue for each.²²

Regardless of partisan sentiment in the Trans-Allegheny, the eastern planters in the convention resisted any change at all. Increasing the tax burden, Miers Fisher of Northampton County said, would further weaken both Virginia and the Union. Doing so would “continue to allow the stamp of inferiority for ever to be put upon us,” for all must recognize that “our rights have been invaded, our interests paralyzed, our honor infringed, by the Northern States of this confederacy.” Thomas Branch of Petersburg City also rejected the idea as a plan for economic ruin. He said that “we cannot afford to lose our slave labor by over taxation. The time [has] not yet arrived to agitate this question, but when the Convention shall have determined that the State shall leave the Union, then there should be a reorganization of the organic law upon the basis above stated.”

This stubbornness again placed northwestern delegates on the defensive on slavery. On March 18-19, William G. Brown said that it was “unkind to charge upon that people hostile to slavery. [Your] peculiar property and every

²² *Fairmont True Virginian*, March 30, 1861; *Wheeling Daily Intelligencer*, April 1, 1861.

kind of property is much safer in the care and keeping of that people that have been denounced as Abolitionists here, than in the care and keeping of the mixed crowd that you see on your streets here shouting in a disorderly manner and at unusual hours.” It is not clear whom he meant by the last statement, but he insisted that the northwest was reliable on slavery. Benjamin Wilson of Harrison County similarly appealed for unity. He declared that “if we are to fight the battles of that interest, we contend that they should be subjected to the same rule of taxation as other property. We have no bargain to make, no measure to propose, but such as we believe will best promote the interest of Virginia.” The eastern planters in the chamber must have rolled their eyes at these statements.²³

Even other western delegates disputed the northwest’s stance. Allen Taylor Caperton of Monroe County, then part of southwestern Virginia, sympathized with Willey but believed that taxation distracted the convention from the main issue of secession. “The question is not now whether the principle of taxation embodied in our State Constitution is right or not,” he said to the convention on March 18. “Upon that proposition, I find myself with the mover of the resolutions. But I am opposed to action now, because it is not the proper time for such action, on account of the peculiar circumstances under which we assembled,” Caperton stated. With Eastern Virginia concerned about northern interference, “[i]t would [not] be right and proper ... to avail ourselves of this occasion. Would we value concessions obtained under duress?” When the proper time comes, he concluded, “we will unite with these gentlemen ... to obtain ... reform ... of taxation. This I do not regard as the proper time. I regard the effort

²³ Freehling and Simpson, *Showdown in Virginia*, 138-39.

now as having an injurious effect upon our national difficulties ... [and] as not fair towards our neighbors of the East.” Samuel Woods of Barbour County defended the northwest against Caperton’s stubbornness on the taxation issue. “I came here not to bargain, or beseech for my rights, but to ask, demand them, and insist upon them, because I hold in high regard to the rights of citizens of Virginia in Virginia, that a right that is not worth asking for ought to be abandoned,” he said. But, at the same time, Woods called for state unity. “We make no threats, we appeal to your native magnanimity; we appeal to your sense of justice and right, and we still believe that that appeal will be met with fraternal spirit. We deem it of the utmost importance to Virginia, at this crisis in her history, that there shall be no division of sentiment among her people, no cause of division, whether ostensible or real, but that she can be united as one people, from the Ohio to the Chesapeake,” he concluded. An impasse had begun.²⁴

Wiley tried to break the deadlock with a compromise. Between March 28 and April 2, he urged his fellow delegates to come to terms. First, he discussed the timing of the whole affair. Wiley said that Caperton claimed raising the taxation issue “bring[s] into the deliberations of this body matters calculated to increase dissensions.” Wiley claimed that he “offered it as a peace measure ... [to] show to the people of the Commonwealth ... a disposition to extend full justice to them.” He then turned the debate into one between nonslaveholding and slaveholding populations in the state. It was unfair for white working men and farmers to face full taxation while slaveholders did not, regardless of section. Some, he claimed, “said that this is a sectional question...brought here by

²⁴ Ibid., 143-44.

Western men for the purpose of sowing dissensions and strife in the deliberations of this body. I demand to know whether the 43,000 non-slaveholding tax-payers in Eastern Virginia have not a right to be heard upon this floor as much as the non-slaveholding taxpayers West of the Blue Ridge?" He concluded by arguing that failing to address western concerns placed its wealth in the hands of others:

This tide of traffic and wealth, from want of the means of direct outlet to its natural places of deposit at Richmond, Alexandria, Norfolk, and on the banks of the Chesapeake, is diverted from its natural channel and is turned away through the Northern ice and snows to New York, or down through the swamps and miasma of the South; thus securing Black Republican power by the diversion of capital from our state, concentrating it in the North, increasing Northern population and power, and increasing the ratio of representation against us, decade after decade, while we stand here with this immense property untaxed, which if taxed, would be sufficient to obviate all these evils.

Such sentiments intended but failed to bridge the gap between the two sections.

By then, secessionists and even some Unionists grew wary of the northwest's attempts to win them over on tax reform. Fortunately for them, the convention voted down a secession measure 88 to 45, but this only gave Unionists more time to incur secessionists' attacks. The timing issue alone could have thwarted their efforts, but the menace of ruinous taxation to eastern rule was too much to bear.²⁵

Willey's arguments subsequently had little effect on secessionists. Henry A. Wise, the former governor who had hanged John Brown eighteen months before, gave a short retort to the northwesterner. On April 10-11, he agreed with Caperton that it "was unjust to the people of Virginia, either East or West, to seize upon a moment like this...to divide us upon our own internal questions."

Moreover, he continued, he wanted to see western resolve on slavery before he

²⁵ Ibid., 145-47.

answered their concerns. “There are some men,” he said, “from the East and from the West both, that I cannot rely upon any more to defend my rights upon the negro question; and I especially intend, before giving to these gentlemen additional power to tax slave property, to be well satisfied that they are willing to unite with me to defend the rights of slave property.” Cyrus Hall of Pleasants and Ritchie Counties in the northwest tried to defend his region against Wise’s attack. “Instead of keeping our people sound upon the slave interest of Virginia, you gentlemen of the East, will give the right of way for the extension of the underground railroad over Virginia soil. Instead of keeping the terminus of this Abolition improvement on the Western bank of the Ohio River, in a short time you will find its terminus in the valley of Virginia.” He concluded “If ... we are going to have a fight with the North about this slave property of yours ... I want that property to support us while we fight.” The final word lay with William C. Wickham of Henrico County near Richmond. He denied that the East threatened western rights. Citing tax figures, he calculated that the proposal would triple the amount owned on slave property. In 1859, he said, the tax on slaves amounted to \$326,487.60. The proposed increase would, if the average value of slaves at \$500 apiece (a gross underestimate), that number would rise to \$1,000,000. He retorted to Hall that “the imposition of this tax on young negroes would be a more dangerous blow to the institution of slavery in the State of Virginia than any single act that could be done by the government.” Amazingly, the convention approved of Willey’s motion to form a committee on the taxation issue by a large

margin of 63 to 26. The timing could not have been worse. The vote was held on April 11, 1861.²⁶

Events on the following day changed the course of Virginia history. South Carolina's attack on Fort Sumter on the morning of April 12 began the state's move towards secession. When news arrived in Richmond later that day, few delegates sought to discuss further allegiance to Virginia and to slavery, or taxes. The question now became one of secession. Unionists continued fighting. They first won a motion to send commissioners to determine President Lincoln's actions. While they traveled to Washington for the meeting, Jubal Early of Franklin County told the convention that Virginia must remain loyal but vigilant. "This act," he said, "has done nothing to advance the cause of the Confederate States. In Virginia, the mass of the people will never be found sanctioning their cause." He continued that they must guard against allowing Confederate troops from marching across Virginia to attack Washington. "I trust that the issue will never be forced upon us, but when it does come, mark it, that the invasion of our soil will be promptly resisted." His words sparked a confrontation with Thomas F. Goode of Mecklenburg County. A secessionist, Goode said that though the convention had been divided on the issue, the "great popular heart of Virginia is now throbbing with sympathy and unison with those gallant men who, upon Carolina's soil, are battling unto death for the common rights of the South." Indeed he added that soon Confederate soldiers would march north rather than "wait to be cut down around their own altars and firesides, and amid their wives and children." Goode included a particular attack on northwestern Virginians.

²⁶ Ibid., 148-50.

He claimed that eastern Virginians “will neither be held in this government under a Republican administration by the powers at Washington, nor by the powers that, perchance, may lie West of the Allegheny mountains.” This indicated how in a brief time the northwest had sunk in the eyes of other Virginians. The two sparred until the debate closed. Two days later, Lincoln fulfilled the convention’s worst fears and called for troops from the loyal states to put down the rebellion.²⁷

On April 17, the convention shrugged off last-minute appeals by Unionists and voted on immediate secession. The final tally came to eighty-eight for approving the ordinance and sending it to the voters for ratification to fifty-five against it. The matter still required ratification by the electorate, scheduled more than a month later on May 23. Northwestern delegates voted six for the measure, twenty-five against and one --Benjamin Wilson of Harrison County -- did not vote. Surprisingly, of the twelve northwestern slaveholders in the delegation, only one of the supporters, Henry L. Gillespie of Fayette and Raleigh counties, owned a slave, just one in his case. Neither of the two who later changed their votes on April 23, Alpheus F. Haymond of Marion and George Berlin of Upshur, owned a slave.

Feeling defeated, the delegates met in Sherrard Clemens’s room at the Powhatan Hotel to discuss their course of action. None wanted to give up the fight. For the past ten years they defended their state and the institution of slavery against its foes. In the convention, they did the same as well as pressing for remedies to the taxation issue, hoping to mend the divisions in the state. If eastern Virginia had acquiesced, a possibility if given enough time, then the

²⁷ Freehling and Simpson, *Showdown in Virginia*, 160-64.

northwest would have followed their state much as poorer Georgians did following their constitutional convention in January. The attack on Fort Sumter, Lincoln's call for troops, and the convention's support for secession dashed those hopes. The northwest's leaders sought a new course of action. They decided to seize power for themselves and to form a new proslavery government for the whole state to prove to all that the Union best protected the institution. They had no authority to do so from anyone. Doing so meant going against the established authority of their state and a considerable portion of public sentiment. They would follow a path familiar to the Border States. While the Upper South states left the Union, Delaware, Kentucky, Maryland, and Missouri remained loyal though their populations disputed the decision. Maryland saw its citizens attack Union soldiers in Baltimore, its legislature chased out of its capitol over the issue, and an occupation by federal troops on its soil all within one week. Missouri sought neutrality but local Union militias essentially seized power from Confederate sympathizers in St. Louis. Considerable fighting ensued throughout the state, including the pivotal battle of Wilson's Creek in August. Its Unionists would take over in a convention in July to keep the state in the Union. Kentucky also declared neutrality, while Delaware declared its allegiance to the Union. Northwestern Virginia fit nicely into the examples of Missouri and Maryland. All it lacked was political independence.²⁸

²⁸ A State of Convenience, West Virginia Department of Culture and History. Accessed December 11, 2013. <http://www.wvculture.org/history/statehood/rcdelegates.html>; Curry, *A House Divided*, 34. Hereafter, A State of Convenience Website. See also Frank H. Towers, *The Urban South and the Coming of the Civil War* (Charlottesville: University Press of Virginia, 2005).

Arriving home from Richmond on April 21, the delegates started the process of forming a border state. Carlile fired his own first shot the next day in Clarksburg. More than a thousand men turned out on short notice. At his urging, the gathering approved two resolutions on how to respond to the secessionists. The first stated that the convention had acted illegally by taking action to defend the state before the people had a chance to vote on secession. The law required “that no such ordinance shall have force or effect, or be of binding obligation upon the people of this State, until the same shall have been ratified by the voters at the polls.” Yet, he continued, the governor and his officials already had violated this by seizing ships, blocking the Elizabeth River, taking over the customs houses in Norfolk and Richmond, seizing the federal arsenal at Harpers Ferry, and insulting the United States flag. Thus, he said, they “inaugurated a war without consulting those in whose name they profess to act.” Moreover, he concluded, this left the northwest vulnerable to coercion. The meeting then moved to recommend “to the people in each and all of the countries comprising Northwestern Virginia to appoint delegates, not less than five in number, of their wisest, best, and discreetest men” to gather in Wheeling three weeks later “to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency.” Carlile’s call for a particular kind of delegate to the next meeting indicates that he sought new leaders to come forward and take the place of the old ones whose ties to Virginia made them less adaptable to what he and others had planned.²⁹

²⁹ A State of Convenience Website, accessed May 24, 2014 <http://www.wvculture.org/history/statehood/clarksburgconvention.html>. Carlile’s statement that

Opposition appeared almost immediately. In the succeeding days, two events occurred in response to the early signs of northwestern resistance. The first happened in Clarksburg. Former governor Joseph Johnson called for a rally of his own for the Southern Rights Men of Harrison County. “War is upon us!” the meeting of a mere sixty men began its resolutions. The 75,000 men called by Lincoln would, they claimed, provide the “means for the slaughter of those who know their rights and dare maintain them.” The Lower South States are “to be trampled under the iron heel of Black Republican despotism.” “FREEMEN OF HARRISON! Will you stand by and permit this war to be waged without any interference or remonstrance? You are bound to assume a position.” With the Union permanently dissolved, Johnson said, there was no point in resisting. “This dark and bloody drama which Abraham Lincoln”, he stated, “is desiring to open up before the country the people of Virginia by PROMPT ACTION, may avert.” At its conclusion, the message became less aggressive. “We do not propose to you to go to war,” it read, preferring to show the world a sign of a southern unity. Doing so, it concluded, “make such a start that others may be induced to follow, or at least wipe out the strain and stigma of being looked upon as coercionists and the minions of the bloody crew who are preparing to destroy our homes, and worse than all, the liberties of the Commonwealth.”³⁰

The other event occurred in Richmond on that same day. The convention voted to approve of Willey’s changes to the ad valorem taxation plan. Before the

Richmond acted illegally “by seizing ships” may refer to the capture of the Gosport dockyard at Norfolk, but he does not refer to it by name in the Clarksburg Resolutions.

³⁰ Elizabeth Cometti and Festus P. Summers, eds. *The Thirty-Fifth State: A Documentary History of West Virginia* (Morgantown: West Virginia University Press, 1966), 296-98.

vote on secession, eastern Virginia opposed even mentioning this idea either for its potential for economic ruin or for its poor timing. Just nine days after voting to send a disunion ordinance to the voters, the same men approved these changes by a wide margin of sixty-six ballots to twenty-six. Things had changed.

Jeremiah Morton, a secessionist from Orange and Greene Counties, saw the need for unity despite the burdens he and his constituents would now face. Approving the taxation charges sought by westerners would bring all Virginians together.

“How triumphantly will our friends from the West who have voted with us for the ordinance of secession...return to their constituents, if by their fidelity in remaining at their posts this ordinance should pass. Instead of being censured by their constituents, they will stand higher than ever, while those who have deserted their posts will be remembered only with scorn and infamy,” he said. Benjamin Wilson of Harrison, one of the few northwestern delegates who remained in the convention after April 17 --he did not vote that day-- congratulated Morton and the others for their decision. Clarksburg, he added, was in turmoil. Citing Clarksburg paper, he said that a local meeting -- Carlile’s -- sought to “throw off allegiance to Virginia. That proceeding was based upon the passage of the ordinance of secession and a refusal to pass the ordinance in relation to the tax question.” He may have been mistaken, as the resolutions do not mention any such issue. Nonetheless, he went on about how Unionists had threatened secessionists and women having to arm themselves in response. “I hope, therefore,” he said, “that the East will concede this act of justice, and defeat the

purposes of those who are seeking to make this question the basis of discord and division in the North-west.”³¹

When Wilson spoke, the situation was still repairable. Opinion on how to respond to Virginia’s secession varied throughout the northwest well into May. The Letcher Papers at the Library of Virginia indicate the vulnerability northwestern secessionists felt after convention approved of secession. On April 18, C. D. Moss informed the governor that a Wheeling militia company had “offered their services to ‘Old Abe’ to aid in subjugating the Southern States.” Four days later, and one day after the Clarksburg Resolutions, William P. Cooper, the former editor of the Democratic *Cooper’s Clarksburg Register*, asked Letcher if he could form a company of troops. “I can raise such a company,” he reassured the governor, which would be “comprised of our mountaineers, who I believe, will be as good men for actual service as the world can provide.” On April 29, James M. H. Beale of Point Pleasant in Mason County pleaded for “a supply of arms. Give us arms. Give us arms.” On April 29, D. S. Morris, the secessionist editor of the *Virginia Patriot* of Pruntytown in Taylor County remarked at how he had “lost, in consequence, of this change in my paper, several hundred of his subscribers” in several counties.³²

The *Kanawha Valley Star* reappeared to encourage the secessionist cause in that area. On April 22, its editor told his readers to prepare for war. “Now that

³¹ Freehling and Simpson, *Showdown in Virginia*, 204-206.

³² C.D. Moss to Letcher, April 18, 1861; W. P. Cooper to Letcher, April 23, 1861; James M. H. Beale to Letcher, April 29, 1861; and D. S. Morris to Letcher, April 29, 1861; Virginia. Governor (1860-1864: Letcher). Executive papers of Governor John Letcher, 1859-1863. Accession 36787. State Government Records Collection, The Library of Virginia, Richmond, Virginia (Hereafter, Letcher Papers, LVA).

the government exists no longer...it will be our duty, as well as our pleasure, to advance the interests of Virginia and the South alone. With Virginia are all our sympathies and hopes,” E. W. Norton opined. He then condemned Lincoln and the North for their fanaticism. “In utter disregard and contempt of every overture and prayer of Virginia for peace, and without any authority of Congress, Mr. Lincoln and his advisers have declared war against the South,” he wrote. Abolitionism was on their minds as, he claimed, “federal soldiers are flooding into Washington city by thousands; negroes are in the ranks with white men. Civil war is commenced, and it behooves every man who loves his species now calmly to consider how it can be stopped.” He tried to feed antiabolitionist sentiment with an account of black and white soldiers massing around Washington. Yet the *Star*’s exaggerations appealed mostly to those closely associated with slavery.³³

The hopes many had that the northwest would patiently await the May 23 ballot evaporated quickly. Newspapers waged wars of words on what the northwest would do. The *Intelligencer* made some of the more provocative attacks. In a long, rambling column, it argued that the west had always suffered under the east. “From time immemorial Western Virginia has been but the serf of the East, subjected to unjust taxation of unequal representation, caused which alone have heretofore been considered sufficient to justify separation in more instances than one,” it wrote. “[A]s the West has grown in power, she has hoped that her rights would be acknowledged and her wishes respected, but hoped

³³ *Kanawha Valley Star*, April 22, 1861; see also Scott A. MacKenzie, “The Slaveholder’s War: The Secession Crisis in Kanawha County, Western Virginia, 1860-1861,” *West Virginia History – A Journal of Regional Studies* New Series 4, no. 1 (Spring 2010), 33-59.

against hope, as it now appears.” Calling the convention “the culmination of the catastrophe everything that could be conceived,” the *Intelligencer* asserted the violence inherent among the secessionists. The secrecy of their actions against the Union allowed Virginia to be taken over by Jefferson Davis. “Men of the Northwest, this is where Virginia stands today – this is how you stand – this is has been your treatment, these indignities you have suffered,” the paper called on its loyal readers.

The *Kanawha Valley Star*, meanwhile, issued a brief and unsubtle message. “Should the abolitionists of Ohio send an invading army into Western Virginia, not a soldier among them will ever return alive. The mountain boys would shoot them down like dogs,” it declared. Still more joined local guard units. Many had remained in place since John Brown’s raid on Harpers Ferry eighteen months before, but this time they served at cross purposes. The Kanawha Riflemen gathered in and around in that county. Two more units, the Charleston Sharpshooters and the Coal River Rifles, also formed in the county. Wheeling had both its Union Guard as well as a prosecession militia, the Shriver Greys. In May, local hostility drove the latter to leave Ohio County on the last steamboat “not required to undergo military inspection.” After arriving in Parkersburg, they marched nearly 300 miles to Charleston, and finally to Lewisburg in Greenbrier County. The Letcher papers belie the boasting and feats of endurance. Secessionists frequently complained to the governor about their vulnerability both from outside and inside the region. On May 25, a letter writer from Nicholas County warned that “the unprotected condition of the western

portion of the state of Virginia [with] no troops to guard them.” He suggested that “it would be well for you to have some troops along the Ohio River to keep [federal troops] out.” On the same day, William D. Moore of Fayette County likewise warned Letcher that a large number of men “think it entirely unnecessary to enlist so many soldiers, while there are some who openly avow hostile sentiments to our interests, and some few have acknowledged themselves ready to aid the armies of Lincoln.”³⁴ The secessionist cause in the northwest clearly operated at great disadvantages in the region. Separated from the east, which had problems of its own, menaced from the northern states and from local Unionists, they had little chance of success of keeping the area under Richmond’s rule.

The Wheeling Conventions provided Unionists with means to prevail over the secessionists. On May 13, northwestern Unionists organized themselves to defend their cause after Virginia seceded. The call from Clarksburg three weeks before spread quickly. The group that met at the first Wheeling Convention formed with little organization, frustrating Carlile’s idea for five delegates from each county. Their method of election was either poor or lacking. Its 436 members represented only twenty-five northwestern counties. Five counties contributed more than half of all delegates. Hancock County at the tip of the northern panhandle sent thirty-two representatives. Marshall County, immediately south of Wheeling, had sixty-nine delegates. Ohio and Monongalia had thirty-eight, while Wood had seventy. More seriously, only nine of the forty-

³⁴ *Wheeling Daily Intelligencer*, April 27, 1861, and April 30, 1861; *Kanawha Valley Star*, April 30, 1861; Lowell Reidenbaugh, *27th Virginia Infantry* (Lynchburg: H. E. Howard, 1993), 5-6; MacKenzie, “The Slaveholder’s War,” *ibid*; “A Virginian” to Letcher, May 25, 1861, Letcher Papers, LVA; William D. Moore to Letcher, May 25, 1861, Letcher Papers, LVA.

nine northwestern delegates who served in the Richmond convention attended. Few if any came from the Kanawha Valley, which was still undergoing an intense debate on how to respond to the crisis. The rest who came to Wheeling seem to have appeared by personal choice.

The backgrounds of the new delegates represented a dramatic shift away from the northwest's earlier leadership. Of the 436 attendees to the May convention, the 1860 census contained information on 296 men. Compared to those who attended the Richmond convention, those in Wheeling had a much lower median real estate wealth of \$3,000. Their median personal wealth amounted to \$1,000. Only twenty-three members, a mere 7 percent, owned a combined fifty-six slaves. Of that number, only four had served in the Richmond Convention: Carlile, Willey, John J. Jackson of Wood County, and John S. Burdett of Taylor County. Waldo P. Goff of Harrison owned the largest number with seven slaves. Only 55 percent of the delegates were born in Virginia, as opposed to nearly all among previous leaders. The bordering states of Pennsylvania (21 percent), Ohio (7 percent), and Maryland (4 percent) provided much of the rest. Foreign births (mostly from Ireland and Germany) numbered 6 percent. The large representation from the northern panhandle counties accounts for this change. Landowning farmers made up the largest group at 34 percent, followed by merchants (12 percent), lawyers and attorneys (6 percent) and landless farmers (5 percent). The remainder included artisans such as bricklayers, carpenters, and mill and factory workers, along with other professionals like lumber merchants and clerks of the county court. Whatever its legality, in other

words, the Wheeling Convention attracted a certain range of men. Far from an agrarian loyalist movement, the convention included members who were well-off, owning land, stores or businesses, and tightly connected to the world economy. The limited number of lawyers indicates their ties to the establishment. In short, the breakdown of delegates to the first Wheeling Convention proves that Unionism appealed to the urban middle class.

Its composition nonetheless made it most receptive to the ideas floated by its leaders. Debate raged on whether to form a new state immediately, an idea supported by Carlile, versus awaiting the May 23 election as suggested by Willey. On May 15, the last day of the convention, the attendees voted almost unanimously on fourteen resolutions. It is not clear who voted against them or why. They included a rejection of Virginia's secession ordinance, a denunciation of the links forged by Richmond and the Confederate government in late April, which they called "plain and palpable violations of the Constitution of the United States and are utterly subversive of the rights and liberties of the people of Virginia," and an encouragement to the voters to reject secession on May 23. Another resolution called for a second meeting to be held starting on June 11. More appointed a central committee made up of middle-class men including Carlile and a few others including the hitherto little known Marion County lawyer Francis H. Pierpont. At the end of the convention, Carlile and Willey stood up and encouraged the population to put aside their differences. Carlile admitted that he felt lost after the Richmond convention voted to secede. Believing fervently "upon this government, I have resolved to do all that I can, in any and every

position, to preserve it, and aid and cooperate with my fellow citizens in its preservation.” Saving it, he concluded, was “to be secured by and through the erection of a new State; by and through, it may be, scenes of blood [and] accomplished by deeds of daring.” Willey, meanwhile, called upon his fellow citizens to fight the secession ordinance on May 23, but not to despair if they lost. “If we give something like a decided preponderating vote of a majority in the northwest, that alone secures our rights. That alone, at least, secures an independent state if we desire it,” he said.³⁵

At the end of the convention, the central committee issued a declaration to the people of northwestern Virginia. It shows most clearly the weak grasp that Unionist leaders had at the time. The document asked that the population unite to “save ourselves from the innumerable evils consequent upon secession and all the horrors of civil war.” Revisiting their frequent complaint of about being dragged into rebellion against their will, the resolution asked why they should carry on with the once illustrious but now corrupted state of Virginia “to be organized over, and made slaves of, by the haughty arrogance and wicked machinations of would-be Eastern despots...” Brave action now, it continued, meant that they could escape the traitors. It was not always so. “The people, stunned by the magnitude of the crime, have, for a time, offered no resistance, but as returning reason enables them to perceive distinctly the objects and purposes of the vile perpetrators of the deed, their hearts swell within them,” it boasted. Its body consisted of simple patriotism to the Union. “Let all our ends be directed to the creation of an organized resistance to the despotism of the tyrants, who have been

³⁵ Cometti and Summers, eds., *The Thirty-Fifth State*, 305-10.

in session in Richmond . . . that we may maintain our position in the Union under the flag of our common country. We have already detained you too long, the time for action, prompt, firm and decided, has come, confidently calculating that you will give your body, soul, strength, mind and all the energies of your nature to the work of saving your country from becoming the theater of a bloody war,” it read. The proclamation cited the words of Howell Cobb, the Georgia secessionist serving as president of the Confederate Congress, about turning the border areas of the South into a battlefield while the Gulf States remained untouched. Concluding with even more sanguine appeals to patriotism, the proclamation beckoned to the northwest’s men: “Your destiny is in your own hands. If you are worthy descendants of worthy sires you will rally to the defense of your liberties, and the Constitution which has protected and blessed you will still extend over you it[s] protecting aegis. If you hesitate or falter all is lost, and you and your children to the latest posterity are destined to perpetual slavery.” The proclamation of May 15, 1861 contained no plans for the future; neither did it mention the Lincoln administration, nor anything about slavery beyond a degraded status for whites if they failed to fight. Instead, it reveals the desperation of Unionist leaders in these early days.³⁶

Their situation worsened a week later in the long-awaited May 23 vote on secession. The result could only disappoint Unionist leaders. In the thirty-five counties in northwestern Virginia, the voters rejected secession 28,604 to 9,445. Twenty-three of its counties voted in the negative, but ten more were in the

³⁶ Ronald L. Lewis and John C. Hennen, Jr., eds., *West Virginia: Documents in the History of a Rural-Industrial State* (Dubuque, IA: Kendall/Hunt Publishing Company, 1991), 94-96.

affirmative, while no returns are available for Mason and Roane Counties. If the additional thirteen counties of what later became West Virginia were included, the yes votes would more than double. According to Richard Orr Curry's research into the election returns, 34,677 voters rejected secession while 19,121 supported it. The statewide result backed secession by a vast margin. The most often cited figure is 120,950 Virginians voted to secede, while 20,373 opposed it. This number may not include the northwestern counties. Even so, the result was mixed at best. According to Curry, only two-thirds of the northwestern Virginia population opposed secession in many cases with varying degrees of allegiance. The gamble to resist secession with a new state looked to be in trouble.³⁷

Fortunately for them, the United States Army saved them from disaster. Three days after the election, Brig. Gen. George B. McClellan arrived in Wheeling with a small army of loyal Ohio, Indiana, and Kentucky troops to take charge of the region and to stabilize the situation. He was exactly what the Unionist cause in northwestern Virginia needed. Richard Orr Curry has rightly said that Ohio came to the rescue, albeit after Governor William Denison Jr. of Ohio delayed sending his state's troops over the border until after the election. On May 26, McClellan issued a proclamation to the people of the northwest. He intended to reassure the population that they were in the best of hands. "VIRGINIANS: The General Government has long enough endured the machinations of a few factious rebels in your midst," he began. He continued that rebels had failed to stop the citizenry from "expressing your loyalty at the polls,"

³⁷ Otis K. Rice and Stephen W. Brown, *West Virginia: A History*. 2nd ed. (Lexington: University Press of Kentucky, 1993), 120; Freehling, *Road to Disunion: vol.2: Secessionists Triumphant*, 526.

and now “seek to inaugurate a reign of terror, and thus force you to their schemes, and submit to the yoke of the traitorous conspiracy dignified by the name of Southern Confederacy.” Many northwestern Unionists had used the same language when resisting secession, even when they placed conditions on accepting it. He later stated that the government stayed far from the region to prevent anyone from saying that it influenced the late election. Now completed, he said, “I have ordered troops to cross the river. They come as your friends and brothers as enemies only to the armed rebels who are preying upon you. Your homes, your families, and your property are safe under our protection. All your rights shall be religiously respected.” It was like music to the ears of Unionist leaders. The best had yet to come. McClellan stated that neither he nor his men would interfere with slavery. Confederate claims that the federal presence “will be signaled by interference with your slaves, understand one thing clearly – not only will we abstain from all such interference, but we will, on the contrary, with an iron hand, crush any attempt at insurrection on their part.” He then ordered his soldiers to defend the rights of Virginians. “I place under the safeguard of your honor the persons and property of the Virginians. I know that you will respect their feelings and all their rights,” he commanded. In a single document, McClellan saved the Unionist cause in the northwest by appealing to the same principles the locals sought: a steady and firm hand and respect for property, including slavery even though the area had relatively few enslaved persons.

Union troops fanned out as quickly as they could across the northern part of the region in late May and early June. Their main goal was the protection of

the Baltimore and Ohio Railroad, the key route between Washington and the western states. An element of McClellan's force commanded by Col. Thomas A. Morris managed to rout a Confederate garrison at Philippi in Barbour County on June 2 in what was the first land battle of the Civil War. A second victory at Rich Mountain in Randolph County on July 11 further secured the Union grip on the area. McClellan could have done more but Lincoln summoned him to Washington to rebuild the main Union Army after its repulse at the First Battle of Bull Run.

The southern part of the northwest, the Kanawha Valley, did not come under Union occupation until after that. A few weeks before, its leaders, including former convention delegate George W. Summers, had asked McClellan to leave them alone for the time being. He complied, which allowed secessionist militias to assert their authority over the region. Their control was not complete, however. In late May, two men, Green Slack and Lewis Ruffner, left Charleston to attend the Second Wheeling Convention. Their departure provoked the local commander, Col. Christopher Tompkins of Putnam County, to issue a proclamation. "Men of Virginia! Men of Kanawha! To Arms! ... You cannot serve two masters. You have not the right to repudiate allegiance to your own State. Be not seduced by his sophistry or intimidated by his treats. Rise and strike for your firesides and altars," it said. Few rallied to him. Tompkins soon found his position so untenable that he had to call upon Richmond for help. Governor Letcher sent his predecessor, Henry Wise, to his aid. Not even the presence of the man who hanged John Brown accompanied by a legion of 4,000

soldiers could prevent Kanawhans from welcoming United States troops into the county. On the retreat eastward, Wise described the situation to Letcher. The local militias “lost from three to five hundred by desertion. But one man deserted from the Legion.” They were, moreover, “for nothing like warlike uses here.” The whole Kanawha Valley, Wise concluded, was “wholly disaffected and traitorous.” By the end of July, therefore, United States troops had occupied the most important parts of northwestern Virginia for the Union war effort. Their experience closely resembled that in other parts of the Border States. While Kentucky resisted having any Union or Confederate troops on its soil, Unionists in Missouri and Maryland depended on them. With the northern panhandle, the Baltimore and Ohio Railroad, and the Great Kanawha River under control, the Unionist cause held the bases they needed to form a new state.³⁸

The second Wheeling Convention, held between June 11 and 24 as the Union army solidified its safety, settled some of the political questions in the northwest much as the army did the military ones. Its attendance fell more into line with Carlile’s desires as expressed in the Clarksburg Resolution. The number and range of counties represented now included the Kanawha Valley, and even the City of Alexandria and Fairfax County around the federal capital. Its membership became more rigorous, due in part to actual elections held in some if not all counties. In all, the number of delegates decreased from 436 to 105.

³⁸ Clayton R. Newell, *Lee vs. McClellan: The First Campaign* (Washington, DC: Regency Press, 2010), Craig M. Simpson, *The Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill: University of North Carolina Press, 1985), 252-61; MacKenzie, “Slaveholder’s War”; see also Mark A. Snell, *West Virginia and the Civil War: Mountaineers Are Always Free* (Charleston, SC: The History Press, 2011).

Of those in attendance, the census had information on eighty of them. Half of its members served in the first convention. Not surprisingly, their respective delegations had similar economic characteristics. Their median real estate wealth amounted to \$4,000, with \$1,500 in personal wealth, slightly more than before. A total of ten men, one in eight, owned a combined fifty-one slaves. One delegate, Lewis Ruffner of Kanawha County, possessed half of them alone. Only two farmers owned no land. This time, more native-born Virginians attended, fifty-six or 70 percent. Northern-born made up a further twenty, or one-quarter. Landowning farmers and lawyers made up half of the delegates, while merchants, physicians, and other professions made strong showings. These were the ideal kind of men whom Unionist leaders sought to back their plan: mostly southern, wealthy, and sympathetic to slavery.

One of the second convention's first acts was to form the Reorganized Government of Virginia. On June 13, the delegates issued the Declaration of the People of Virginia Represented in Convention at Wheeling, effectively its declaration of independence from the commonwealth. Sponsored by Carlile, it expanded on the central committee's May 15 declaration. It stated that the "preservation of their dearest rights and liberties and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth." It also denounced "all acts of said Convention and Executive, tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void." It moved beyond declarations in its last sentence, calling for the removal of the "offices of all who

adhere to the said Convention and Executive, whether legislative, executive or judicial.” The next day, the delegates passed an ordinance implementing this idea in full. Headed by a governor and a lieutenant governor with a cabinet of five advisers, the general assembly and senate would meet in Wheeling and have the full powers of the state government. The membership of each branch would come from the convention delegates. Of twenty-nine traceable delegates, eleven served in the first convention, and, through considerable overlap, nineteen went to the second. The combined houses had a median real estate wealth of \$4,000, and a median personal wealth of \$2,850. Six delegates owned a combined total of forty-two slaves, but again Lewis Ruffner owned most of them. Most delegates were native Virginians. Landowning farmers outnumbered lawyers, but others worked as physicians, clerks, and lumber merchants. Only one of the eight landless men farmed.³⁹ The reorganized state government would differ substantially from its predecessor but it served northwestern Unionists’ needs well.

The man the convention chose to be the new governor exemplified the northwest’s middle class. Francis H. Pierpont had ties to both the North and the South. Born in Fairmont in Marion County, he attended Allegheny College in Meadville, Pennsylvania. He was also relatively unknown in state politics, unlike Willey (a former candidate for lieutenant governor in 1859) and Carlile (a former congressman). As such he could appeal to a wider variety of supporters. On June 17, his comments on the declaration passed the day before confirmed his status as

³⁹ A State of Convenience Website, accessed December 17, 2013.
<http://www.wvculture.org/history/statehood/wheelingconvention20613.html>.

a firm opponent of secession and yet safe on slavery. He condemned the rebellion as a longstanding conspiracy against the Constitution. He felt that,

it must be obvious -- perhaps patent to every observer of the history of this country -- that the crisis now upon us is not the result of any momentary revulsion that has come upon the country, or of any sudden outburst of feeling in any one section of the country; but that it is the result sir, of mature deliberation, concocted in treason, for the express purpose of breaking up constitutional liberty in this country.

Eastern Virginia had also been part of this conspiracy by virtue of its ties to the Confederate Congress before its secession. Pierpont's view on slavery may surprise some but it is entirely consistent with the northwestern loyalists' belief in it. Only those loyal to the Union could believe in slavery. He disputed the idea that slavery "was the great object of this revolution. I deny Sir, the whole proposition from beginning to end. And I assert that slavery was only the occasion, the pretext for the rebellion, and for the steps taken to bring it on." The conspirators "wanted a different government -- one more suited to their tastes and habits of life." Even Eastern Virginians gave the Union "a majority of the votes, even of slaveholders themselves -- showing very clearly that they did not regard secession necessary in order to protect their interests in slave property, because they felt that under the Constitution of the United States, and the laws passed by Congress, that institution was entirely safe." More condemnations of secession followed. It appeared that the Unionists found the right man for the job.⁴⁰

Pierpont was careful to appeal to as many people as possible. He wavered in a discussion of statehood, in part because his role was to govern Virginia, not the proposed new state. While recognizing that many desired such a move, he

⁴⁰ A State of Convenience Website, accessed December 17, 2013.
<http://www.wvculture.org/history/statehood/wheelingconvention20617.html>.

said that putting down the rebellion came first. This meant deposing disloyal office holders to allow the loyal to hold elections:

We will have Judges, Sheriffs and Prosecuting Attorneys to enforce the laws. That is the way this thing must work, or not work at all. As to dividing the State -- which, I have no doubt, will ultimately be done, and which I will favor at the proper time -- I would remark that the putting down of rebellion, the lending of a helping hand to aid the Government, the maintenance of constitutional liberty in this land of ours, from the St. Lawrence to the Rio Grande, is of vastly more importance to us, and to the world, than the formation of a new State out of Western Virginia, at this time.

Yet, in a veiled critique of conservative Unionists, Pierpont also disclaimed the idea that statehood meant a revolutionary act. This, he said “is neither revolution nor rebellion. It is merely doing what we are bound to do in this exigency, for the protection of our lives and property.” He then compared the act of rebellion to a crime, which requires “a guilty knowledge and intent against the law and authority of the land.” Slyly comparing treason to murder, he said that murder “implies a guilty intent on the part of the party who commits it. The murderer deliberately lies in wait with malice aforethought to take the life of his fellow man.” Instead, the convention and its delegates resembled the man defending himself against the murderer. “The man who is caught in an exigency and meets his fellow man who attempts to take his life, if he defends himself and kills his assailant, is not a murderer. He merely acts in self-defense. There is none of the attendants of murder attaching to the transaction. He is simply doing that which is necessary to protect his life,” he said. It was music to the ears of northwestern

Unionists. Like McClellan leading his troops in the mountains, Pierpont was the ideal figure to save the cause from its certain destruction had it been left alone.⁴¹

A few days later, the convention elected Pierpont to the governorship. The date itself would later seem auspicious: June 20, 1861, two years to the day before West Virginia joined the Union. His address to the delegates included a strong class argument for their situation. The leaders of the rebellion, he said, had come up with a new ideology: “the people are not the source of all power.” To them, the capital class:

ought to represent the legislation of the country, and guide it and direct it; maintaining that it is dangerous for the labor of the country to enter into the legislation of the country. This ... is the principle that has characterized the revolution that has been inaugurated in the South; they maintaining that those who are to have the privilege of voting ought to be of the educated class, and that the legislation ought not to be represented by the laboring classes.

The convention rejected this idea and maintained the rights of the people all over Virginia to govern themselves. His views did not mention slavery at all, but he frequently invoked “the law,” “rights” and “principle” as a virtue for those loyal to the Union. For example: “We ... are but recurring to the great fundamental principle of our fathers, that to the loyal people of a State belongs the law-making power of that State. The loyal people are entitled to the government and governmental authority of the State. And, fellow-citizens, it is the assumption of that authority upon which we are now about to enter.” Pierpont saw class as the motive force in the Unionist movement. So long as northwestern loyalists could see themselves as fighting against the privileged and for their government, they

⁴¹ Ibid.

would remain in line. He and other Unionists could also serve as their leaders, so long as they discarded their previous ties to the old regime. Many never would.⁴²

The seceded government in Richmond was one of them. On June 14, Governor John Letcher issued a proclamation of his own to the people of the northwest. His strong choice of words indicates his desire to reassert his authority over the rebellious region. The state had voted by an overwhelming majority to secede from the United States, he said. “It is the duty of good citizens to yield to the will of the State. The majority therefore have a right to govern.” Virginia, having exercised her right to secede, will now “assert her independence. She will maintain it at every hazard. She is sustained by the power of her sister Southern States, ready and willing to uphold her cause.” He called upon the northwest “by all the considerations which have drawn us together, as one people heretofore, to rally to the standard of the Old Dominion.” After appealing to their patriotism to Virginia, he informed his readers that “there may be traitors in the midst of you who for selfish ends have turned against their mother, and would permit her to be ignominiously oppressed and degraded.” He said that troops had been ordered to the northwest, based at Huttonsville in Randolph County, for the people’s protection, but Letcher must have known about the defeat at Philippi two weeks before. Nonetheless he carried on with claims that “men of the Southern Confederate States glory in coming to your rescue.” It is unknown how many heeded this call, but it matters not. McClellan defeated the troops at Rich Mountain in the same county on July 11.⁴³

⁴² Cometti and Summers, eds., *The Thirty-Fifth State*, 325-27.

⁴³ *Ibid.*, 316-18.

The Second Wheeling Convention resumed its session on August 6 and quickly brought up the statehood issue. A week later, the ordinance came up for debate. It set out the initial boundaries of the new state around thirty-nine counties with several more invited to join if they so desired. It also set a date for an election on the matter on October 24. Some spirited debate emerged. The delegates split into proponents of statehood and those who doubted its legality or timing. James G. West of Wetzel County, the committee chair, said that the time was now. The new state posed no burdens on either the federal government or the new government of Virginia. On August 15, A. F. Ritchie of Marion County fell into the latter category. He believed that a new state was a “violation of the spirit, if not the letter of the Constitution, and cited the clause in reference to the formation of new States; that the consent of the whole State must be had, and not one-third or one-fourth.” The slavery issue was central to his thinking. Statehood now, he believed would “embarrass the action of the General Government in its effort to put down rebellion; that the slavery question must come up in the formation or adoption of a Constitution, and this would not only create controversy in Congress, but bring about divided sentiment among our own people, which must result very disastrously.” He simply asked for delay on the matter to prevent damage to the Union cause in Virginia.

Charles S. Lewis of Harrison County, who replaced the resigned Lot Bowen, echoed this sentiment. Statehood would, he feared, open the hitherto avoided slavery question. He said that he opposed secession “because he believed it would strike a death blow at the institution of slavery.” Only the “silent laws of

political economy” could end slavery in a particular area. Opening the debate would let abolitionists and emancipationists speak their heresies. His next words speak right to the heart of the border state Unionists. “Word had gone forth that they were afraid to organize a State government here,” he said, “lest the emancipationist should raise his head in our midst; that there was danger of this being a free State or breaking up in confusion and he wanted to meet the question now and see whether this was the case or not.” The Unionists sought to protect slavery with the new state, and tried to prevent the issue from taking over the proceedings. Questions over Virginia’s debt and changes to the proposed border almost did. When the entire convention voted on the matter on August 17, the ordinance prevailed fifty to twenty-eight. Now the voters would decide on the fate that Unionist leaders had set before them.⁴⁴

In conclusion, northwestern Virginia responded to the secession crisis in ways similar to those of the Border States. Between January and October 1861, its path from a dedicated part of Virginia to the brink of separate statehood resembled the experiences of its four soon to be sisters. It started the period by participating in a convention, which each Border State rejected, but over which northwestern Virginia had no choice. Nonetheless, the debates reveal the desires of the region to protect slavery. Its delegates battled eastern representatives over how best to secure the peculiar institution within its borders. They held the Unionist cause together for many weeks, despite raising the disruptive issue of equal taxation. The attack on Fort Sumter and Lincoln’s call for loyal troops

⁴⁴ A State of Convenience Website, accessed December 17, 2013 (West) <http://www.wvculture.org/history/statehood/wheelingconvention20813.html> for West, and <http://www.wvculture.org/history/statehood/wheelingconvention20815.html> (Ritchie and Lewis).

broke the deadlock in favor of the secessionists. After this moment, the parallels between northwestern Virginia and the Border States become clear. Like Missouri and Maryland, its Unionists had to battle for power against local enemies. The Wheeling Convention followed Maryland's assembly at Frederick by two weeks and Missouri's constitutional convention by two months. Each state endured military occupation; indeed, the Union cause depended on federal troops for its continued existence. Unionists were motivated by the need to defend the status quo, meaning slavery, in each state, Kentucky and Delaware included. Northwestern Virginia lacked only political independence. It would remedy this deficiency in 1862.

Chapter Four: Behind Friendly Lines:
Forming a Constitution in Wartime, May 1861 - April 1862

The West Virginia Unionists took an enormous gamble in 1861. They rejected the secession of Virginia by forming a state of their own. The Union, they believed and hoped, best protected the institution of slavery. Seizing power and leading the population towards them flew in the face of local and delicate popular opinion. They succeeded, prompting the only geographic change during the American Civil War. Historians have tended to see West Virginia's formation as a unique event. Most recently, John Stealey argued that though it was a 'border state' (which he deliberately wrote in lower case) "significant differences emphasize the exceptional and unique West Virginia experience." He based his view on the tendency of historians to insert the state into the South during the war and Reconstruction.

This chapter dissents from this argument. Recent literature on the Border States offers points of comparison, it argues, that justify placing West Virginia into that select group. Its history with Union and Confederate strategies and its constitutional debates over slavery compare well to the range of experiences in Delaware, Kentucky, Maryland, and Missouri. Like the others, northwestern Virginia required military assistance to sustain the Union cause, though Lincoln kept his troops out of Kentucky until the Confederacy violated its self-proclaimed neutrality in February 1862. He likewise steered a cautious course on the slavery issue to maintain the allegiances of the Border States. Instead of being detached or isolated from the rest of the country, or unique as Stealey claimed, West Virginians responded to the war going on around them in the same ways as the

other Border States. Their Unionism depended on judicious federal involvement in their internal affairs. As this chapter will show, the gamble paid off.¹ The Border States became contested territory as soon as the war began. Both Union and Confederate authorities claimed the four states and their people as their own. Union strategy changed over time but one factor formed its base: returning the seceded states to their original allegiance. The loyal Border States did not fit into this idea, as their governments had remained under federal law, albeit warily. To soften the blow of standing armies in and around civilians, President Lincoln aimed federal policies to win back or preserve the loyalties of the people in the seceded states and the border ones as well. He used the Union Army sparingly in the border states to achieve this end. Federal troops acted quickly and controversially in Maryland but for good reason. Losing the Old Line State would threaten Washington and the vital rail links between the city and the rest of the country. Delaware never endured any military occupation. Federal forces also saved Missouri for the Union by defeating secessionist militias in St. Louis and later fighting them to a draw at Wilson's Creek in the southwestern part of the state in August. Kentucky declared its neutrality at the start of the war and threatened to fight against any foe if they crossed into its territory. Lincoln respected Kentuckians' wishes, famously stating that he would like to have God on his side, but he must have Kentucky. The Confederates invaded the state in February 1862, which Donald Stoker called "a cataclysmic strategic mistake

¹ John E. Stealey, *West Virginia's Civil War-Era Constitution: Loyal Revolution, Confederate Counter-Revolution, and the Convention of 1872* (Kent, OH: Kent State University Press, 2013), 13.

nearly comparable to bombarding Fort Sumter.” Kentucky, true to its word, sided with the Union, and exposed the Lower South to attack.²

Lincoln’s policies included in particular protecting slavery where it existed. As he said in his first inaugural address, he stood by the pledge that he had “no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.” Yet, in the next paragraph, Lincoln reiterated a statement that the “maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes.” He aimed these statements at the Border States, the leaders of which worried that the Republican president would break his promises now that war had begun. Lincoln proved his legendary flexibility, as argued by William C. Harris, by letting these Border State Unionists work at their own pace while under military protection.³

Confederate strategy had no such flowing language or firm statements. Indeed, as Joseph L. Harsh argued, no equivalent statement of goals existed at all.

² James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1989), 284; Donald Stoker, *The Grand Design: Strategy and the U.S. Civil War* (New York: Oxford University Press, 2010), 48-51. See also William R. Freehling, *The South vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001); Mark Grimsley, *The Hard Hand of War: Union Military Policy towards Southern Civilians, 1861-1865* (New York: Cambridge University Press, 1995).

³ “First Inaugural Address of Abraham Lincoln,” The Avalon Project: Documents in Law, History and Diplomacy. Accessed February 10, 2014 http://avalon.law.yale.edu/19th_century/lincoln1.asp; William C. Harris, *Lincoln and the Border States: Preserving the Union* (Lawrence: University Press of Kansas, 2011).

He argued that it had three objectives nonetheless: preserving “its own independence, its territorial integrity, and the union of the slave states.” This meant defending a country similar in size and diverse geography as its opponent with fewer resources. It also meant including the four Border States that had rejected secession if their white populations split on the issue. Problems also existed in regions such as East Tennessee, among elements in white populations with fewer ties to the slave economy in Arkansas, Texas, Louisiana, and throughout the Mountain South, and the allegiances of the four million-strong enslaved population. The Confederacy basically assumed that all within its claimed boundaries would support the new country. As a part of Virginia, the northwest fit into their strategy. This assumption belied the decades of intrastate tension. As the preceding chapter demonstrated, eastern politicians and editorialists mocked the northwest’s reliability on the slavery issue in the preceding years and in the constitutional convention only weeks before. Since seceding the state government and the Confederacy went to great lengths to exert their control over the area. Achieving these aims, Harsh continues, “mandated aggressive military operations.” Both sides in sum would fight for control of the northwest from the war’s first day until its last, and then beyond.⁴

Implementing these strategies proved to be easier said than done. The northwest bounced between jurisdictions throughout the war. On May 9, 1861, the War Department placed it within the Department of the Ohio, whose boundaries included Ohio, Indiana, and Illinois as well as northwestern Virginia.

⁴ Joseph L. Harsh, *Confederate Tide Rising: Robert E. Lee and the Making of Southern Strategy, 1861-1862* (Kent, O.H.: Kent State University Press, 1998), 7.

Four months later, in September 1861, it formed the independent but short-lived Department of Western Virginia. In March 1862, the War Department split off the Mountain Department to cover the counties bordering the then-tumultuous Shenandoah Valley. Its military force became a corps in the Army of Virginia in late June 1862 to defend Washington after the Union defeat in the Seven Days Battles. From then onwards, the fate of the fledgling state depended on the fortunes of the Eastern Theater. In September, the Middle Department absorbed the Mountain Department to reinforce the main eastern army, the Army of the Potomac, in the wake of the Battle of Antietam. It protected the western flank of the eastern theater for two years. On occasion, detached armies would raid into Virginia in support of the main effort. A revived Department of West Virginia finally took shape in December 1864. Each change required a new commander who brought new methods to fighting the war in the region.⁵

The Confederacy had a simpler arrangement but more acute problems. For the first eighteen months of the war, two separate armies operated in the region to protect the authority of the state government. The Army of the Kanawha served that particular river valley, while the Army of the Northwest covered the parts north of it. In February 1862, the latter became part of what would soon be restyled the Army of Northern Virginia. The former remained semiautonomous, ending up at Fort Donelson in Tennessee. Higher priorities such as battling the main Union army limited, but did not prevent, efforts to recapture the northwest. On November 25, 1862, the Trans-Allegheny

⁵ John H. Eicher and David J. Eicher, *Civil War High Commands* (Stanford: Stanford University Press, 2001).

Department assumed responsibility for Western Virginia, which also included both the southwest and the northwest. This new arrangement relieved the Army of Northern Virginia from the responsibility of protecting the region. On September 27, 1864, until its surrender, the Confederate government transformed the Trans-Allegheny Department into the Department of East Tennessee and Western Virginia to deal with those two regions, by which time Union occupation placed both areas out of its reach. Like their Union counterparts, the Confederate departments had numerous commanders with their own approaches towards their administration.⁶

Finding troops for northwestern Virginia challenged both sides. Even before the May 23 election on the secession ordinance, Richmond had ordered loyal militias to form in response to President Lincoln's call for 75,000 troops to put down the rebellion in the Lower South. On April 25, the convention directed that the governor implement military measures for the defense of the state. Four days later, Jefferson Davis's chief military adviser, Maj. Gen. Robert E. Lee, ordered officers throughout the state, including the northwest, into action. Major Alonzo Loring in Wheeling received instructions to "muster into service of the State such volunteer companies as may offer themselves...for the protection of the terminus of the Baltimore and Ohio Railroad." Lieutenant Colonel John McCausland was to "proceed to the valley of the Kanawha, and muster into the service of the State such volunteer companies (not exceeding ten)" and adopt a "strictly defensive, and you will endeavor to give quiet and assurance to the inhabitants." The next day, Lee ordered Maj. Francis Boykin to assume

⁶ Ibid.

command of volunteers and protect the railroad at Grafton. He sent the northwest's troops "two hundred muskets, of the old pattern, flintlocks," regretting "that no other arms are at present for issue." Another order directed the ordnance department to forward the weapons.⁷ On paper, at least, Richmond had a rudimentary command structure in the northwest but lacked the troops as yet.

Northwesterners responded to Lee's orders according to their allegiances. Many militia companies gathered in the coming days. The most famous was the Kanawha Riflemen, commanded by a Charleston lawyer named George S. Patton, the grandfather of the World War II general. The militias assumed authority over that region as soon as the Virginia convention backed secession, despite both of its delegates voting against the measure. At the same time, Unionists in the northern panhandle formed militia units. On April 21, citizens met at the court house in Wheeling to form three companies for local service. Mayor Andrew J. Sweeney participated in the events at hand. A week later, seventy men formed the Henry Clay Guards in in that same city. The North Wheeling Guards gathered as well the next day. These competing mobilizations indicate how tense the situation had become since the convention moved to secede.⁸

On May 3, Governor Letcher escalated the situation with a fiery proclamation. He did so in response to Lincoln's call for 42,000 soldiers on three-year enlistments, which he depicted as threatening the state. In it, he

⁷ U.S. War Department, *The War of the Rebellion: A Compilation of Official Records of the Union and Confederate Armies* (Washington, DC: Government Printing Office, 1880), series 1, volume 2, 788-91. Hereafter cited as *OR*.

⁸ Scott A. MacKenzie, "The Slaveholder's War: The Secession Crisis in Kanawha County, Western Virginia, 1860-1861," *West Virginia History: A Journal of Regional Studies*, New Series 4, no. 1 (Spring 2010): 33-57; Lowell Reidenbaugh, *27th Virginia Infantry* (Lynchburg, V.A.: H. E. Howard, 1993), 5-6; *Wheeling Daily Intelligencer*, April 22, 1861, April 30, 1861, and May 2, 1861.

authorized the militias and gave them a special mission. “The sovereignty of the Commonwealth of Virginia having been denied,” he proclaimed, “her territorial rights assailed, [and] her soil threatened with invasion by the authorities at Washington, and every artifice which could inflame the people of the Northern States and misrepresent our purposes and wishes, it becomes the solemn duty of every citizen of this State to prepare for impending conflict.” In a classic act of legerdemain, Letcher authorized “the commanding general of the military forces of this State to call out and cause to be mustered into the service of Virginia.”⁹ He had already done so elsewhere in his jurisdiction in the days beforehand. The proclamation energized those leaning towards secession. The *Kanawha Valley Star* reported meetings in and around Charleston in support of the governor’s action. Many prominent citizens attended one held on May 6, including Captain Patton and the two delegates who voted against secession in the convention, George W. Summers and Spicer Patrick. It declared that the coming conflict would “be one of the most murderous, exterminating and barbarous character,” and resolved to raise \$10,000 for defending the area. In contrast, Union newspapers, even the *Wheeling Daily Intelligencer*, offered no specific response to Letcher’s proclamation. Indeed the newspaper listed the four places where secessionists could rendezvous and enlist into Confederate service, while adding no editorials that mentioned the governor’s document. Yet its pages are full of meetings throughout the northwest in support of the Union and military measures against secessionists.¹⁰

⁹ *OR*, series 1, vol. 2, 802.

¹⁰ *Kanawha Valley Star*, May 7, 1861; *Wheeling Daily Intelligencer*, May 8, 1861.

Some groups may have organized early, but hesitancy best characterizes the mood in the northwest. Many Virginians refused to be swayed by the state convention's authority or the actions of the federal government. Enlistment patterns of the 1st Virginia Infantry (Union) formed in Wheeling indicate that many others still hesitated to take sides as they awaited the May 23 referendum on secession. Roughly half of the 1st Virginia's recruits came from the panhandle, while the other half consisted of men born elsewhere, particularly in Ohio, Pennsylvania, and abroad. The Confederates reported similar problems. On May 10, Boykin wrote to Lee about the problems he encountered in Grafton. "The feeling in nearly all of our counties is very bitter, and nothing is left undone by the adherents of the old Union to discourage those who are disposed to enlist in the service of the State," he stated. Boykin later said that organizations like the meetings and militias "exist in most of the counties pledged to the support of what they term the Union." Even worse for his small command, he had heard "rumors about forces being sent from Ohio and Pennsylvania for the purpose of holding the Baltimore and Ohio Railroad at Grafton. I have no doubt from the confidence and bearing of the Union men in and around here that they are expecting aid from some quarter." Defending his post, he thought, was "impracticable to undertake it with the very small force which could be gotten here soon." He asked for reinforcements from the east, believing that the section was "verging on a state of actual rebellion," with loyal men being "afraid to leave their families among men who recognize as a leader John S. Carlile, who openly proclaims that the laws of the State should not be recognized." Even Lee, the dedicated soldier,

acknowledged the problems in his reply to Boykin. “You must persevere,” he wrote, “and call out companies from the well-affected counties, and march them to Grafton, or such another point in that vicinity.” Lee ordered him to go to Beverly in Randolph County, to meet Col. George Porterfield. These communiques show how hard it was for both sides to mobilize the population to their cause, but also their determination to hold on to this region.¹¹

More reports in May revealed the disparity between intention and effect in recruiting. Porterfield encountered problems similar to Boykin. In his letter to Richmond on May 14, he sought men and artillery to help his situation in the northwest. “The loyal citizens of this section much need and should have all the protection the State can give them,” he wrote. “There is much disaffection in this and the adjoining counties, and opposition to the lawful action of the State authorities is certainly contemplated.” A day later, he reported again that the force he had gathered “is very weak, compared with the strength of those in this section who, I am assured, are ready to oppose me.” He blamed his problems on “a few bad men [who] have done much mischief by stirring up rebellion among the people ... representing to them the weakness of the state and its inability or disposition to protect them, the power of the Government at Washington, and their willingness to give any aid required to resist the State authorities.” He continued that the resistance had become so extensive that the weapons his men needed fell into the hands of the enemy. “The force in this section,” he raved, “will need the best rifles.”

¹¹ Mark Bell, “‘In their Hearts of their Countrymen as True Heroes’: A Socio-Economic, Political and Military Portrait of the 1st Virginia (U.S.) Infantry, 1861” (MA thesis, Shippensburg University, 2000); *OR*, series 1, vol. 2, 827-28, 830.

Lee expressed regret at Porterfield's lack of success. "I hope you will spare no pains to preserve the integrity of the State, and to prevent the occupation of the Baltimore and Ohio Railroad by its enemies," he replied. "In answer to your inquiry as to the treatment of traitors, I cannot believe that any citizen of the State will betray its interests, and hope all will unite in supporting the policy she may adopt." Yet after the May 23 election, Colonel Tompkins likewise reported to local commander Col. Richard Garnett that his situation in the Kanawha Valley was precarious and excited. "The divided sentiment of the people adds to the confusion, and except the few loyal companies now mustered into the service of the State, there are few of the people who sympathize with the secession policy," he wrote. Porterfield, Lee and Tompkins tried to speak from positions of strength, but each admitted weaknesses in their positions.¹²

The Confederate situation went from bad to worse in June 1861. On May 26, McClellan led several thousand Ohio, Indiana, and Kentucky troops into northwestern Virginia. They chased the few rebels in the major towns of Wheeling, Morgantown, and Clarksburg. On June 2, McClellan marched his army around Philippi in Barbour County. In a night attack, he took Porterfield's Confederates by surprise. The rout, called "the Philippi Races" by a jubilant northern press, further undermined the tenuous Confederate cause in the region. Major Michael G. Harman of the Virginia Volunteers wrote to Lee about the situation. He believed that Porterfield was "entirely unequal to the position he occupies. The affair at Philippi was a disgraceful surprise, occurring about daylight there being no picket guard or guard of any kind on duty." He asked Lee

¹² *OR*, series 1, vol. 2, 843, 855, 873-74, 888.

for a new leader. “The safety of the Northwest ... depends on an immediate change of commanders,” he wrote. Harman also asked for reinforcements to regain possession of the region. Porterfield’s own report likewise smacked of desperation. To Lee, he complained about the low quality of his troops. Officers and men alike were “not only deficient in drill, but ignorant ... of the most ordinary duties of the soldier.” He asked for good staff officers to help improve discipline and administration of his force. More important, he worried about his own reputation, which “has been injured by the character of my command; in fact, if it has been intended to sacrifice me, I could not have expected less support than I have had.” He also exaggerated his opponent’s capabilities. He claimed that “two companies of negroes, armed and uniformed, have been seen at Fairmont,” and how the property of loyal citizens had been “driven off by the traitors, assisted by Northern troops.” Porterfield’s report is filled with the rantings of a career-minded officer, but his superiors gave him a difficult task and woefully inadequate means to achieve it. Yet he remained committed to maintaining control of the northwest.¹³

The Union Army had the same policy towards the region. McClellan ordered his units to take up positions in northwestern Virginia. Their principal points of defense included the Baltimore and Ohio Railroad, a vital link between the eastern and western states, and the Kanawha River Valley. By the end of May, the towns of Grafton, Clarksburg, Parkersburg, and Wheeling all hosted regiments from Ohio, Indiana, Kentucky, and Illinois, as well as regiments of loyal Virginians. Victory at Philippi on June 2 had secured these gains. The

¹³ *OR*, series 1, vol. 2, 70-71.

federal army occupied the Kanawha Valley in mid-July, more than a month after other parts of the northwest, and after local leaders had asked McClellan to leave the area alone. He agreed at first but soon ordered Brig. Gen. Jacob D. Cox to invade and occupy it. After a brief repulse at Scarey Creek in Putnam County, his army achieved its goal a few days later.¹⁴ Cox's men marched into Charleston on July 20. They soon occupied positions at Gauley Bridge in Fayette County. United States forces had secured themselves along the area's major transportation routes in northwestern Virginia. These proved to be the most defensible positions in the region.

These units used these bases for further operations in the mountains. On July 11, McClellan attacked a Confederate force at Rich Mountain in Randolph County. His chief subordinate, Brig. Gen. William S. Rosecrans, led the decisive flanking attack. The sharp and bloody battle ended in a Union victory, even killing the enemy commander Richard S. Garnett. Following a smaller victory at Corrick's Ford, McClellan issued a proclamation to his troops. "I am more than satisfied with you," he began. He then cited the large gains of several guns, colors, weapons, a thousand prisoners and two commanders, one slain, at a cost of twenty dead and sixty wounded. "You have proved that Union men, fighting for the preservation of our government, are more than a match for our misguided and erring brethren," he explained.¹⁵ McClellan's success brought him national acclaim and a promotion to general in chief in Washington. On July 14, he

¹⁴ Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill: University of North Carolina Press, 1985), 254-259; MacKenzie, "The Slaveholder's War."

¹⁵ *OR*, series 1, vol. 2, 236; Terry Lowry, *The Battle of Scarey Creek: Military Operations in the Kanawha Valley, April-July 1861*, Rev. ed. (Charleston, WV: Quarrier Press, 1989); MacKenzie, "Slaveholder's War," and Simpson, *A Good Southerner*.

boasted to his chief of staff that the troops he and his leadership defeated “are the crack regiments of Eastern Virginia, aided by Georgians, Tennesseans and Carolinians. Our success is complete, and secession is killed in this country.” He left for his new assignment on July 23.¹⁶

His successor discovered that the situation was not as glowing as portrayed. Rosecrans took over the Department of the Ohio on the next day, a reward for his successful flanking attack at Rich Mountain.¹⁷ Unlike McClellan, he knew northwestern Virginia. In the 1850s, he managed a coal company in the Kanawha Valley. Better understanding the situation, Rosecrans placed his headquarters in Clarksburg (rather than in Cincinnati where McClellan had located his) to be closer to the action, even though his department stretched all the way to the Mississippi River. The next day, he reorganized his troops and created small bases each with its own regiment to form a chain from Weston down to Sutton in the exact center of the region. Rosecrans then issued fresh orders to his command. He stated his desire that “all officers and soldiers under his command to be animated by the true spirit of the soldier,” which he defined as “patient training, watchfulness, and care.” This way, he concluded “may we expect to roll back the tide which has for the moment checked our onward movement for the restoration of law and order, and with them peace and all its blessings.” His next order created the District of the Cheat River, the location of the next major action

¹⁶ *OR*, series 1, vol. 2, 204.

¹⁷ Jack Zinn, *The Battle of Rich Mountain* (Parsons, WV: McClain Printing Company, 1971), 32

in northwestern Virginia. For the time being, though, most of the region was in the hands of a capable Union commander.¹⁸

The Confederates had not given up, however. Within days of Garnett's defeat at Rich Mountain, Lee appointed William W. Loring to command the northwestern army. On July 20, he ordered Loring to take up defensive positions such as mountain passes in order to protect the Virginia Central Railroad. By uniting the forces in the area, they could "thus be effected for a decisive blow, and, when in your judgment proper, it will be made." The next day, Lee encouraged Loring to take more advanced positions on Cheat Mountain and Middle Mountain, each overlooking major turnpikes, if McClellan remained idle. He also authorized him to recruit in Pocahontas and Greenbrier Counties. Another order dated from that same day further showed Lee's determination to occupy as much of the region as possible. He told Loring that three fresh Tennessee regiments were en route to Staunton that could be, if he desired, sent to Middle Mountain. Those under Loring's command agreed with this strategy. Henry R. Jackson received the task of rebuilding it in the Shenandoah. Though his troops were depleted and exhausted, he intended send them back into action. In his report to Richmond, he stated that the three Indiana regiments at Cheat Mountain were "admirably armed and equipped," but two of them neared the

¹⁸ William M. Lamers, *The Edge of Glory: A Biography of General William S. Rosecrans, U.S.A.* (New York: Harcourt, Brace and World, 1961), 17-18; *OR*, series 1, vol. 2, 762-63, 766; Jack Zinn, *R. E. Lee's Cheat Mountain Campaign* (Parsons, WV: McClain Publishing Company, 1974), 101. Rosecrans' reputation has been revived in recent years. Frank P. Varney challenged Ulysses S. Grant's negative appraisal of his subordinate in his memoirs. *General Grant and the Rewriting of History: How the Destruction of General William S. Rosecrans Influenced Our Understanding of the Civil War* (El Dorado Hills, CA: Savas Beatie, 2013).

expiration date on their enlistments. “They are all going home,” he wrote, “saying that they have had enough of it, and apparently shocked by the carnage on Rich Mountain.” His troops needed rest and refitting before heading back into the northwest. Lee replied to Jackson that “[o]ur brave troops must bear up against misfortune. Reverses must happen, but they ought only to stimulate us to greater efforts.” While supplies were unavailable, Lee told him that “four Virginia regiments, one Arkansas, three Tennessee and two Georgia regiments, and two field batteries” had been sent to his army. These reports indicate the dedication the Confederates had to the northwest’s place under their rule.¹⁹

As Loring rebuilt his army to head west, he received a major setback. Henry A. Wise’s troops in the Kanawha Valley had retreated eastward after being forced out by Cox’s federal army. He commanded Virginia troops and thus had a degree of autonomy from the Confederates. Lee hoped that the former governor would cooperate all the same. Foreseeing the retreat, on July 24 Lee ordered Wise to concentrate his army with Loring’s in the Shenandoah Valley if he had to withdraw. “Keep your command concentrated,” he commanded, “and be prepared to unite with General Loring or operate as circumstances on your line of communication may dictate.” Lee regretted that he could not send reinforcements, yet placed his hope in the local population. “It was hoped that the good citizens of Kanawha Valley would by this time have rallied under your standard and given you the force you desired. The late proclamation of the governor, authorizing the mobilization of the militia of the State ... will, I trust,

¹⁹ *OR*, series 1, vol. 2, 986-89, 993. For an inadequate biography of Loring, see William L. Wessels, *Born to Be a Soldier: The Military Career of William Wing Loring of St. Augustine, Florida* (Fort Worth: Texas Christian University Press, 1971).

yet gives you the troops you desire.” Lee did not know that Wise had abandoned Charleston on that same day.

When he arrived back in the Shenandoah on August 1, Wise revealed the situation to his superiors. The United States Army had four times the number of troops as he. He reported that he had “found they were collecting some fifteen thousand troops at Weston and moving to Summersville, at the same time moving up the Kanawha Valley and jamming me at any point I might select to occupy.” Despite some mistakes and numerous casualties, Wise stated that “the retreat has been, upon the whole, creditably in order.” The local population failed to live up to Lee’s prediction. Wise reported that “the State volunteers under my command lost from three to five hundred by desertion. But one man deserted from the Legion.” Moreover, he described the Kanawha Valley as “wholly disaffected and traitorous.” The militias such as the Kanawha Riflemen “are nothing for warlike uses here.” Lastly, he blamed the strategy of trying to reclaim the northwest for his failure. The people there, he said, “are worthless who are true, and there is no telling who is true. You cannot persuade these people that Virginia can or ever will reconquer the northwest, and they are submitting, subdued and debased. I have fallen back not a minute too soon.” He asked for supplies to replenish his depleted force. By the beginning of August, the Confederacy had no armies in any part of northwestern Virginia, but this did not deter them from their mission.²⁰

Both armies rested and recuperated for the time being. United States troops occupied such a strong position that they believed the war was over in the

²⁰ *OR*, series 1, vol. 2, 1011-12.

region. During this time, the Reorganized Government of Virginia began to assert its authority in the territory under U.S. control. In Kanawha County, for example, Governor Pierpont appointed new county and local officers such as sheriffs and tax collectors. The statehood movement began to take form. In late June, the second Wheeling Convention agreed to hold a referendum on whether to separate from Virginia, set for October 24. Much could still happen in the intervening time. On August 20, General Rosecrans issued a proclamation to the loyal people of western Virginia. “You are the vast majority of the people!,” he declared. He praised them for rejecting the idea of secession, which the Confederates.

“[C]ontrary to your interests and your wishes they have brought war to your soil. Their tools and dupes told you must vote for secession as the only means to insure peace; that unless you did so, hordes of abolitionists would overrun you, plunder your property, steal your slaves, abuse your wives and daughters, seize upon your lands, and hang all those who opposed them,” it read. Rosecrans and his armies, in contrast, aimed to “restore that law and order of which you have been robbed, and to maintain your right to govern yourselves under the Constitution and laws of the United States.” He pledged to show no mercy for perpetrators and their collaborators, while protecting the citizenry and private property. The general asked that each district “choose five of its most reliable and energetic citizens [to form] a committee of public safety, to act in concert with the civic and military authorities and be responsible for the preservation of peace and good order.” The *Wheeling Daily Intelligencer* criticized Rosecrans for not giving this proclamation to a local paper, it first appearing in a Cincinnati paper. The *Intelligencer* wrote

that the general “was issuing his bulletins more for buncombe rather than for actual service.” The effect of the miscommunication is unknown, but his words reassured Unionists that they were in safe hands.²¹

The Confederates, in contrast, prepared for renewed campaigning in the northwest. Confederate commanders had no shortage of enthusiasm for the mission. Their disagreements on how to do it caused serious problems. The main dispute was the rivalry between Henry A. Wise and John B. Floyd, one of Loring’s subordinates and another former Virginia governor as well as secretary of war under James Buchanan. The one-time political allies simply could not cooperate on the battlefield. Wise’s biographer attributes the problems to his subject’s bombastic nature. When his disorganized army returned from the Kanawha, Floyd marched his 1,200 men into Wise’s camp and told him he would complete the mission. The former’s report to Davis bears this out. The retreat lay “open completely the southwestern part of this State,” he wrote, impugning Wise’s efforts. His failure prevented Floyd from taking a particular route to the valley, causing in his words “a great alarm. It emboldens the tories and dispirits our people.” He then asked to unite his troops with Wise’s plus ten thousand more if that was not enough to retake the area. A week later, Floyd wrote to Wise asking for details on the status of his troops. The reply was as blunt as it was long. Wise stated that the disorganized situation of his army prevented accurate reports. He had contradictory orders from Samuel Cooper, the Inspector General,

²¹ *OR*, series 1, vol. 5, 576-77; *Wheeling Daily Intelligencer*, August 26, 1861; Scott A. MacKenzie, “The Civil War in Kanawha County, West Virginia, 1860-1865 (master’s thesis, University of Calgary, 2007). ‘Buncombe’ refers to a politician’s statement to his constituents designed to mollify them.

and Lee that “prevented the assembling of my command up to this time.” Rampant desertions, numerous arrests with courts-martial, and most of all a poor supply situation added to his woes. Nonetheless, Floyd aggravated the situation by asking as a favor for supplies of “sabers and pistols, such as you have to spare, for 300 mounted men.” He also asked for “a company and two 6-pounders for a week’s service you would greatly oblige me.” The postscript read: “It is important to have the arms and company here tonight.” Wise replied that he had none to spare, but sent a detachment of twenty-four artillerymen. He did not say if they had any guns or not. Floyd must have relished in his rival’s predicament.²²

Wise chafed under these perceived insults. He resented seeing his authority undermined. On August 17, he wrote to Floyd about incidents on the preceding day. One lieutenant colonel came to him with orders “remonstrating against my general orders to my command that orders from you and reports to you and from my officers should be communicated through me, on the ground of the distance of my headquarters, and calling on me to revoke that order.” Another of the same rank reported to Wise with an order from Floyd ordering his regiment to join his command. That order specifically stated that “any orders whatever in any way conflicting with yours (the colonel’s) you thereby revoke.” Wise pointed Floyd to an order from Lee from the previous week placing him and him alone in command. In a block quotation, the order read “the military propriety of communicating through you all orders for its movement is so apparent that I think no orders on the subject necessary.” Wise then “respectfully” asked that the colonel’s order be revoked, thereby maintaining his authority. Floyd’s reply

²² *OR*, series 1, vol. 5, 766, 777-78.

compounded the issue. He said that his authority “affecting any part of the troops composing your Legion immediately under your command has never been question[ed] by me.” Since Wise, he argued, had set up such an awkward command arrangement whereby orders to Floyd had to go through him only, it “will necessarily result in requiring your officers to disobey the orders of your superior.” This rebuff grievously insulted Wise.²³

This note compelled Wise to ask Lee for clarification. He tried to make peace between two of his principal subordinates responsible for the northwestern part of his beloved Virginia. Lee reminded Wise of the need to obey the orders of a commanding officer. “The rights of officers are not hereby violated,” he wrote, when troops are detached from one commander to another for special purposes. “The necessities of war require the organization of forces to be adapted to the service to be performed, and sometimes brigades and separate commands have to be remodeled accordingly,” Lee continued. His next statement put Wise on the spot. “The transmission of orders to troops through their immediate commanders is in accordance with usage and propriety.” If he detached a unit to Floyd, he ceased to be its direct commander. Therefore, Wise was mistaken in his actions. Lee concluded that he refused to involve himself in the affair, saying only that he intended his remarks “to show why I have not considered orders on the subject necessary.” He left Wise and Floyd to settle the matter among themselves. It only made things worse. On August 24, Wise asked to be relieved from Floyd’s command. He considered his legion to be an independent command, but Floyd “may divide and detail it in part...so as to deprive me of all opportunity to

²³ *OR*, series 1, vol. 5, 791.

organize and protect it.” The two had agreed, “for the first time,” on a plan to attack Carnifex Ferry. Wise’s force marched one way, but retreated when it found no enemy. Floyd then seized the initiative, risking his baggage and artillery. He demanded that Wise detach troops to him to allow him to complete the mission. In the process of crossing a river, Floyd sank the only boat in the area, killing four men and isolating his army. “I am willing, anxious, to do and suffer anything for the cause I serve,” Wise wrote, “but I cannot consent to be even subordinately responsible for General Floyd’s command, nor can I consent to command in dishonor.” He did not get his wish. These two bitter rivals and their armies continued to blunder around Pocahontas County into September.²⁴

Their inability to cooperate cost them the Battle of Carnifex Ferry. Wise continued to assert his authority over his legion, even though Lee himself asked him to cooperate with Floyd. He pointed out to Wise that “it would be highly prejudicial to separate your Legion from General Floyd. It might be ruinous to our cause in the valley. United, the force is not strong enough; it could affect nothing divided.” Agreeing to forward this report to Richmond, Lee told Wise that he “cannot recommend the division of the Army of the Kanawha.” On the day of the battle, September 10, Wise sent Floyd a long message about the situation. To block a potential incursion by Rosecrans’s advancing U.S. troops, he “respectfully advise[d] that your force shall re-cross the Gauley,” and “that you send my whole Legion over New River to Coal River, to penetrate Kanawha Valley.” The implications of this request are astounding. Wise asked to disengage from an approaching enemy force to head towards a heavily defended

²⁴ *OR*, series 1, vol. 5, 804-805.

area for purely political motives. Floyd, understandably, rejected it. “The safety of my whole command may, and probably will, depend upon the receipt of this order, send me 1,000 of your infantry and one battery of artillery,” he wrote to Wise. He complied, and sent more later, but it was too late. Rosecrans had won the battle and sent the Confederates reeling back towards the Shenandoah Valley. Two days later, Inspector General Samuel Cooper gave Lee permission, countersigned by President Davis, to transfer Wise’s Legion to any place other than under Floyd’s command. “It is clearly evident that the commands of Generals Floyd and Wise cannot cooperate with any advantage to the service.” Regiments from Mississippi and Georgia replaced the legion. Lee did not do so for two whole weeks until pressured by Cooper. Wise reluctantly agreed to the order. He would spend some time in his native southeastern Virginia and South Carolina before resigning his commission.²⁵

Floyd carried on the Confederacy’s work in northwestern Virginia alone, though with Loring’s permission. After Carnifex Ferry, he changed tactics. Instead of massing an army to recapture the region, he ordered smaller raids into it. He also divided the region into areas he believed had more sympathy for the Confederacy. In a long message to Secretary of War Judah P. Benjamin, Floyd outlined his ideas. First, the Kanawha River split the region into northern and southern halves. The people in the former “are generally disloyal to the South.” Moreover, the enemy had 15,000 men there. His presence there would “effectually prevent them from extending their dominion to the southern half of

²⁵ *OR*, series 1, vol. 5, 842, 844-45, 879; Terry Lowry, *September Blood: The Battle of Carnifex Ferry* (Charleston, WV: Pictorial Histories, 1985); Simpson, *A Good Southerner*.

the valley. It will also preserve the people of that part of the country in their present temper and opinions, which are excellent.” Second, controlling the southern half would “destroy all appearance of legality in the proceedings” of the “pretended new State of Kanawha.” Third, he could influence the neighboring state of Kentucky. Floyd later stated that by placing a base in Logan County and guarding the mountain passes between it and Charleston with sufficient supplies and men, he could achieve these ends in spite of the worsening weather. It was a bold plan. Whether or not Floyd, a military amateur, could have pulled it off is an open question. Yet he was correct about the allegiances south of the Kanawha River.²⁶

Fortunately for him, he found the ideal man to carry on the war in that region. John N. Clarkson was one of the largest slaveholders in Kanawha County. A determined secessionist, he gathered a cavalry regiment for service in his home region. In late October 1861, Floyd sent his unit to reconnoiter and raid the valley with the intention of disrupting polling stations for the election on separating the northwest from Virginia. Floyd reported to Benjamin that the mission was “highly successful; the election was broken up, the Unionists fired on and some of them killed, and 40 prisoners, notorious for their hatred of the Confederacy and their robberies and cruelties to their secessionist neighbors, brought prisoners to my camp.” Clarkson’s own report on the raid boasts of his exploits. He originally planned to “surprise the small force of the enemy stationed” near Charleston, but changed his objective upon “learning that there would be a large attendance on Paint and Cabin Creeks [on the eastern end of Kanawha County] on

²⁶ *OR*, series 1, vol. 5, 900-1.

the election to be held the next day.” After forcing a steamship to turn around, a rare feat for cavalry, Clarkson attacked the polling station. “We succeeded in breaking up the election on both of these creeks, taking and bringing away the poll-books,” he wrote. “We also captured a large number of disloyal citizens on both streams, including their ringleaders.” The expedition succeeded in gaining valuable intelligence about the area, which he claimed were not enough to prevent future cavalry raids. As such, more operations “will encourage our loyal citizens who are compelled to remain at home, and intimidate the traitors to feel that we are near the valley, and that we will enter it at every practicable point, and that we will avail ourselves of every opportunity to visit them.” Clarkson certainly had the energy and the ruthlessness required to take the war into the northwest.²⁷

Floyd followed up on this raid with an even longer one in the middle of November. This time, he led a daring operation all the way to his home county of Cabell on the Ohio River. He did not submit a report, but a Union officer, J. C. Wheeler of the 9th Virginia Infantry, wrote one to Rosecrans. He described the carnage wrought by the rebels. His unit had only 150 men in camp, was “completely surprised by 700 cavalry, under command of Jenkins [Clarkson, the editor corrected], the guerrilla chief, and cut to pieces and captured,” losing horses, stores, and rifles. More than 100 Union soldiers were killed, wounded, or captured at an equivalent cost to Clarkson’s raiders. Kellian V. Whaley, a future West Virginia congressman, stood among those captured. They also arrested many prominent civilians. Wheeler reported that the “attack was so sudden and unexpected that not more than 40 of our men got into line to resist them” while

²⁷ *OR*, series 1, vol. 5, 924-25, 377-78.

others fought well. In the aftermath of the raid, he stated that Ohioans burned the town of Guyandotte in retaliation for allegedly supporting the raid. Floyd's strategy appeared to be working. He at least laid the foundations for future operations, but the former governor would not command them. In mid-December, Davis moved him to the western theater. Floyd became infamous for abandoning Fort Donelson to a Union force led by the rising Ulysses S. Grant in February 1862.²⁸

The defensive posture taken by Union commanders encouraged other enemies to attack. Guerrillas posed a constant threat to their operations. The Reorganized Government of Virginia took a special interest in this matter. On October 8, Governor Pierpont wrote to Rosecrans about sending a regiment to Calhoun and Wirt Counties where rebels had "assembled 200 strong, and have killed 7 Union men last week, and are burning property daily." He added that Colonel J. A. J. Lightburn's regiment at Roane Court House could go. "Let them quarter and feed on the enemy," he implored the general, indicating stern measures for the enemy. A month later, Pierpont again asked Rosecrans to send more troops to a key location. "Can't you spare General [Henry W.] Benham's brigade to assist General [Benjamin F.] Kelley in holding his position at Romney and enable him to advance? It is of great importance at this time," he wrote. The governor's concern was real. The vital Baltimore and Ohio Railroad ran through that area in Hampshire County. Rosecrans knew the situation just as well as Pierpont. It is unclear if the general resented the governor's interference.²⁹

²⁸ *OR*, series 1, vol. 5, 411-12.

²⁹ *OR*, series 1, vol. 5, 615, 639.

The generals obliged as best they could, but the War Department had other priorities. In November, the Department of West Virginia formed to cover the region. Rosecrans would finally have the flexibility to handle the turbulent northwest. Yet, later that month, McClellan ordered many of the troops assigned there to other theaters. On November 19, he told Rosecrans to redeploy eight regiments from his command to Kentucky. In response that same day, Rosecrans informed the general-in-chief of the challenges he faced. The enemy was still strong in the region. His army was already holding its position, yet he needed to rid of “the lazy, cowardly, slothful and worthless officers” commanding it. Rosecrans described McCook as “not want[ing] to be acting.” Benham “will never do when there is any great or dangerous enterprise,” adding “I have tried him sufficiently, and will never trust him more.” Schenck was ill. Cox was “the only reliable man here.” He asked for more officers, as well as command over the Ohio counties bordering northwestern Virginia. His next communication with Washington indicates mixed success. He reported that he ordered the arrest of Benham “for unofficer-like neglect of duty” for heading to New York without permission. Three of his Ohio regiments had been dispatched to Maj. Gen. Don Carlos Buell in Kentucky. Heading for Wheeling himself, Rosecrans reported the disposition of his department. While he himself did not comment on its strengths or weaknesses, the scattered placement of individual regiments across a wide area indicates a defensive posture around major transportation routes – namely the railroad, the Kanawha River, and the Ohio River. The worsening weather contributed to his decision. He pointed to Wytheville, Logan Court-House and

Romney, where Kelley had his forces, as possible points of conflict. Despite these shortcomings, the Union presence in the northwest at the end of November 1861 had effectively cut the region off from the rest of Virginia. Rosecrans's biographer argued "the enemy had been driven not only from the Kanawha Valley, but from all the country west of Meadow Bluff and north of Raleigh." While the general was "disgusted" with the poor performance of some commanders, the author concluded that he "had succeeded better than any other Union general in 1861." The forthcoming state of West Virginia was the main reward for all of his hard work.³⁰

The statemakers now tried to make good on what generals and soldiers had achieved. The day before Rosecrans sent this message, the constitutional convention began in Wheeling. This one organized a wider range of counties than the previous meetings, including delegates from those on the southern fringes such as Greenbrier and McDowell Counties. The Constitutional Convention's membership resembled its predecessors. As before, the delegates tended to be from the middle class. The census contains information on forty-nine of the sixty-one attendees. Their median real estate wealth was \$4,000 and personal wealth was \$1,000. Neither figure represented a significant change from the second Wheeling Convention, whose congregants had a median real estate wealth of \$4,000 and \$1,500 in personal wealth. The first had figures of \$3,000 and \$1,000, respectively. All but one, farmer Andrew Mann of Greenbrier, owned land. There were twelve farmers and thirteen lawyers. Only a handful served in the earlier conventions due to the requirement for elections for delegates in most, but

³⁰ *OR*, series 1, vol. 5, 647, 656-57; Lammers, *Edge of Glory*, 60-62.

not all counties. Twelve attended the first, eight in the second, and only two participated in both. Only six delegates owned slaves, as compared to ten in the second Wheeling convention. Combined they held a total of sixty-eight slaves, of which three Kanawhans, Benjamin H. Smith (representing Logan County), Lewis Ruffner and James H. Brown owned fifty-nine. Significantly, native Virginians made up thirty-four or 70 percent of the delegates, with twelve from the northern states. The second convention had an identical proportion. In short, the men responsible for shaping the first West Virginia constitution shared common characteristics with other Unionists including wealth, landownership and nativity. Slaveholding was scarce, and concentrated in one area, Kanawha County. Protected from the danger posed by Confederate troops and guerrillas, the northwesterners sought to make a constitution that protected slavery and fed Unionist ambitions.³¹

The convention debated many topics in its three-month session between November 26 and February 18, 1862. Controversy surrounded all but one of them. The slavery issue arose early in the session. On November 30, Robert Hagar, a minister from Boone County, brought forward resolutions on ending the practice of slavery in the new state. He declared that since “Negro slavery is the origin and foundation of our national troubles, and the cause of the terrible rebellion in our midst, that is seeking to overthrow our government; and whereas slavery is incompatible with the Word of God, and detrimental to the interests of a

³¹ Charles H. Ambler, “The Makers of West Virginia,” *West Virginia History* 2, no. 4 (July 1941): 267-78. West Virginia Department of Archives and History, accessed February 11, 2014 http://www.wvculture.org/history/journal_wvh/wvh2-4.html.

free people, as well as a wrong to the slaves themselves.” Therefore, he moved that “the Convention inquire into the expediency of making the proposed new State a *free* state, and that a provision be inserted in the Constitution for the gradual emancipation of all the slaves within the proposed boundary of the new State, to be submitted to the people for their approval or rejection.” His insistence on gradual abolition was a common one, dating back to the 1829-1830 convention. Few even in the northern states embraced immediate emancipation. Yet, Hagar’s humanizing of the slave was a new idea that ran against the proslavery beliefs of the period. The press split on the issue. The *Parkersburg Gazette* opposed raising the issue at all, which drew the ire of the *Wheeling Daily Intelligencer*. The latter called ignoring the issue “simply preposterous. It is the great grievance to be remedied. Had it not been for that grievance we should not have been in revolution.” The *Intelligencer* stated plainly what many in the panhandle believed: “We have nothing to expect in the future except from the Free States.”³²

Unsurprisingly, Hagar’s motion prompted firm responses from the delegates. Daniel Lamb of Ohio County suggested that the legislative committee take up the idea. He said that “the committee from the further consideration of the present apportionment of members of Congress, under the census of 1860.” Lamb intended to delay the issue as much as possible. James H. Brown of Kanawha County, the owner of four slaves that year, took it one step further. He

³² “Debates and Proceedings of the First Constitutional Convention of West Virginia, November 30, 1861,” A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc113061.html> (hereafter cited by Constitutional Convention and date); *Wheeling Daily Intelligencer*, December 7, 1861.

said that the legislative committee need not discuss the issue at all. Only a state legislature should do so. Brown thought it was “manifest that in accordance with the Constitution of the United States that [the] question devolves on the legislature of the State and not on the Convention; that there is nothing now before this body properly on that subject.” Lamb agreed to this idea, as did the other delegates. Brown made another motion to end the debate. His simple yet effective resolution stated “that it is unwise and impolitic to introduce the discussion of the slavery question into the deliberations of this Convention.”

Though no vote was taken on the matter, it appears that the other delegates agreed with him. While the issue reemerged later in the convention, for the time being it would not “cloud” the proceedings, as Richard Orr Curry claimed. It may have saved the statehood process from collapsing as soon as it started.³³

Issues other than slavery marred the drafting process as well. One of the first controversies involved adopting a new name for the state. The October 24 election asked the voters if they supported a new state to be named Kanawha. Their approval did not settle the idea. On December 3, the convention moved to change the name. Debate ensued. Waitman Willey said that he preferred ‘West Virginia’ for it had long been in use. While he condemned Virginia for sullyng its good name with treason, even referring to the old state as “the flesh-pots of Egypt,” he believed that the people of the northwest still owed some allegiance to the name. Willey said:

Here are cherished memories connected with that old state in old times that will never be obliterated while memory holds her seat. Whatever may

³³ Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964), 90-99.

have been the course of Virginia towards us in recent times, even West Virginia owes a duty which she ought to have the magnanimity to acknowledge. On her soil our own goddess of liberty was born; and however much her devoted followers may have discarded her worship by the introduction of false gods, still I cling to the memories of the past, and I shall cherish that until memory is no more...

Ohio-born Gordon Battelle of Ohio County was more determined. He preferred to keep the name Kanawha for more revolutionary reasons. "We are now forming a new State. I for one would want a new name -- a fresh name -- a name which if it were not symbolical of especially new ideas would at least be somewhat indicative of our deliverance from very old ones," he said. Willey won in the end. A majority of delegates -- thirty in all -- chose the name "West Virginia," while only nine including Battelle, preferred "Kanawha." An additional five split among the names "Western Virginia," "Allegheny," and "Augusta."³⁴ No part of the statehood process went uncontested.

The debate over voting methods generated even more controversy. Many sought to replace the existing oral or *viva voce* system with the secret ballot. Those with a northern background generally supported the idea. Granville Parker of Cabell County said that *viva voce* only worked among equals. "In the nature of things that equality can never exist. It has never existed in any community. It cannot exist. It is impracticable," he added. His experiences in his home state of Massachusetts convinced him of the need for secret ballots. Employers coerced their workers' voting decisions:

I have had some experience in some of the northern States where capital is aggregated and manufacturing is carried on by large aggregated capital and in those States - in the city of Lowell for instance, where some fifteen

³⁴ Constitutional Convention, December 3, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc120361.html>.

thousand operatives are dependent for the support of themselves and families on their employment by these companies; I have seen it -- it would be by ballot, open ballot, but never by *viva voce* - the espionage and dictation was carried to that extent that the agent or overseer would come and stand at the ballot box; and that influence was carried to that extent that the legislature took it in hand in Massachusetts, and made it secret ballot -- every man's ballot to be enclosed in an envelope and that envelope sealed - should not carry it open, but it should be in an envelope and that envelope sealed up. Well, in that way they obviated it. If there were two ballots in an envelope, they threw them both out. Well, that cured this difficulty -- that, I know.

Gordon Battelle echoed this idea. He favored the idea because his constituents did, but because “voting by ballot very greatly contributes to the freedom of elections.” *Viva voce* gave “an undue power to men of wealth, influence and position -- especially to party leaders -- to unjustly control the exercise by others of the right of franchise. We may say this ought not to be so, that men ought to vote their real sentiments in the face of all intimidations; but that I judge does not alter the fact that they really do not.”³⁵

The boundary issue finally sparked intense debate. Proponents sought to include counties beyond the thirty-five in the northwest. John Carlile, the Reorganized Government’s senator in Washington, famously expanded the new state’s boundaries by including thirteen from the Shenandoah Valley. On December 7, the convention resolved to bring into the new state seven others: Pocahontas, Greenbrier, Mercer, McDowell, Buchanan, and Wise. At the time, each had become battlegrounds or guerrilla country. Willey worried about the legality of bringing them in without their consent. “I think it is wrong, sir,” he said. “It cannot have my consent. Therefore I propose bringing them in and

³⁵ Constitutional Convention, December 5, 1861, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc120561.html>.

giving them an opportunity to vote upon the Constitution which we shall submit to them and then to ask the legislature, if they vote to come in -- to give them at least an opportunity to include them within the limits of the new State.” He reduced the number to just two, Pocahontas and Greenbrier. William G. Brown of Preston County argued that many of the counties included in the proposed state included those “unsound upon the Union question.” Indeed, based on census figures, the disloyal would outnumber the loyal. He continued about the implications, saying that someday “we may have the next executive officer of this State, sir, a secessionist. Ah, even the bandit guerilla Jenkins may be made the governor of the new State of West Virginia by this operation, or some other man entertaining similar sentiments.” On December 10, the convention counted the enslaved when calculating the overall population of the new state.³⁶

Opponents of statehood existed in the convention. Curry argued that some delegates followed Carlile’s example in Congress by enlarging the state’s boundaries beyond the northwest in order to stop the whole process. Chapman J. Stuart of Doddridge County, whom Curry called a major obstructionist in the Second Wheeling Convention and in the current one, appealed to western unity to rationalize his stance. Abandoning our fellow westerners exposed them to our mutual enemies. Leaving these counties out of the new state would, he said, “drive those people from you, and tie them up with the people of eastern Virginia with whose interests they are totally at variance. They will be trammled, sir, and

³⁶ Constitutional Convention, December 5, 1861, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc121061.html>. Brown was remarkably prescient. Henry M. Mathews of Greenbrier County, a Confederate major, became governor in 1877.

made ‘hewers of wood and drawers of water’ during the remainder of their governmental life.” He proposed including more than a dozen additional counties from the Shenandoah Valley and southwestern Virginia into the new state, as he had done in the earlier meeting. In the end, the convention settled on adding nine more counties south of the Kanawha (Boone, Logan, Mercer, Wyoming, Raleigh, McDowell, Greenbrier, Monroe, and Pocahontas) and allowed for Pendleton, Hardy, Hampshire, Morgan, Berkeley, Jefferson, and Frederick to join the new state in the future. Only the last did not. The vote passed thirty-nine to seven. Stuart voted in the affirmative.³⁷

The importation of northern ideas caused considerable debate. Early in the convention, Harman Sinsel of Taylor County and Granville Parker of Cabell County proposed plans for a public education system. They sought out examples from Ohio and Pennsylvania for West Virginia to follow. John Powell of Harrison County moved that the new state have laws restricting the sale of intoxicating liquors. Delegates had few problems with the requirement that all laws be of only one subject each. On January 7, Daniel Lamb of Ohio County defended the idea given its frequency in other constitutions. “This same provision will be found in the constitutions of many other states -- of New York, Ohio, Indiana and at least a dozen more,” he said. “It may occasion some inconvenience at times, it is true, but do we not run a greater risk on the other side? What would become of the difficulty of making towards the end of the

³⁷ Constitutional Convention, December 7, 1861, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc120761.html>; Curry, *A House Divided*, 87; Constitutional Convention, February 12, 1862, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc021262.html>.

session, any bill that may have progressed towards its final stage an omnibus to carry along everything?” The measure passed. They kept some southern ideas. On that same day, the delegates approved an antidueling provision, lifted from the Virginia constitution, for the new state. A plan to replace the powerful county courthouses and the cliques of lawyers surrounding them with more democratic townships drew the ire of some. William Brown spoke for many when he called the idea “a Yankee institution” the likes of which will face “very serious prejudices to institutions coming from that quarter.” The statehood process appears to have released a logjam of ideas that many northwesterners had sought for years but lacked the ability to implement.³⁸

Some Virginia-born men even backed the secret ballot, especially in the wake of secession. Virginia-born Robert Hagar moved everyone with his story about viva voce in Boone County’s secession ballot. More would have supported the Union, he said, but since “[i]t was declared previous to the election that any and all who should vote for the Union should be hung forthwith on the public square.” Some Union men, he continued, tried to do so at the courthouse, but when they encountered “a drunken mob arrayed against them there, their hearts failed them.” This situation tainted the vote due to the “the power invested in the hands of a few there. They have monopolized the places -- merchants, lawyers,

³⁸ Constitutional Convention, December 2, 1861, A State of Convenience, all accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc120261.html>; January 7, 1862, <http://www.wvculture.org/history/statehood/cc010762.html>; January 17, 1862, <http://www.wvculture.org/history/statehood/cc011762.html>.

prosecuting attorneys, and clerks.” Hagar’s example of Boone County confirms scholarship about the kinds of people who became Confederates in Appalachia.³⁹

Proponents of viva voce voting defended the practice in which they believed. They tended to be southerners. Virginia-born James H. Brown of Kanawha County stated that because he had “yet to see a fraud practiced in an election or a voter quail before the presence of some august citizen with whom he differs in the high prerogative of voting.” He valued the current system for its cultural values. Stating publicly one’s vote, he said, “tend[ed] to encourage a manly independence in the voter, and leads him to prize the privilege of voting more highly -- a most important consideration in an elective government. The one system appeals to the voters as independent freemen, the other appeals to their fears and sense of inferiority.” Chapman J. Stuart, also Virginia born, agreed with Brown on the cultural attributes of viva voce voting. He said that he had

greater confidence in the high-toned, independent, moral character of our people than some of my friends seem to have, because I must say in all my experience when I have been a candidate, I have never yet seen a solitary man influence another man's vote. Never have. That is an independent character that seems to be stamped and inherent in the principles of Virginia; and I am loth, sir, to leave it, from the fact that I cannot see any good growing out of, or any evil to be removed by, a ballot vote.

Ultimately the convention approved of the secret ballot.⁴⁰

³⁹ Ibid. Martin Crawford, W. Todd Groce, and I have pointed to those most connected to the global economy, as well as having kinship ties, tended to support secession. Yet, many of the same types of people north of Boone, in areas protected by the United States Army, tended to support the Union. See Martin Crawford, *Ashe County's Civil War: Community and Society in the Appalachian South* (Charlottesville: University Press of Virginia, 2001); W. Todd Groce, *Mountain Rebels: East Tennessee Confederates in the Civil War, 1860-1870* (Knoxville: University of Tennessee Press, 1999); and MacKenzie, “The Slaveholder’s War.”

⁴⁰ Constitutional Convention, December 5, 1861, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc120561.html>.

Internal improvements, as always, drew the greatest attention. A north-south split emerged in the convention on how to pay for new roads, turnpikes, railroads and waterways. Delegates from the Kanawha Valley desired them to improve ties between their section and the outside world. Those from better connected areas such as Harrison, Wood, Monongalia and the panhandle counties sought to avoid excessive debts. The latter won initial motions, one by the margin of twenty-five votes against Kanawha's ideas to twenty-three in favor, much to the Kanawha Valley delegates' frustration. This potentially could have ended the statehood movement. Chapman Stuart called it "the most fatal stab that has yet been given to the prospects of the new state." Fortunately, Henry Dering of Monongalia County worked out a compromise. The convention accepted without debate motions that kept a Virginia law allowing the state to subscribe to stock plans and corporations for improvements as Kanawhans desired, but required that any investments "shall be paid for at the time of subscription" or from taxes "levied for the ensuing year, sufficient to pay for the subscription in full" as the others sought. As West Virginia scholars have said, the compromise allowed the convention to adopt the new constitution with a degree of harmony.⁴¹

Slavery reappeared towards the end of the session but did not disrupt it. Gordon Battelle of Ohio County had made two previous motions on the matter without success. On December 14, he asked that the committee on general and fundamental provisions hear his motion to forbid slaves from entering the new state, and that the legislature be empowered to "make such just and humane

⁴¹ Charles Henry Ambler and Festus P. Summers, *West Virginia: The Mountain State*. 2nd ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1958), 235; Otis K. Rice and Stephen W. Brown, *West Virginia: A History*, 2nd ed. Lexington: University Press of Kentucky, 1993), 145.

provisions as may be needful for the better regulation and security of the marriage and family relatives between slaves; for their proper instruction; and for the gradual and equitable removal of slavery from the State.” He revised this motion on January 27, abandoning the welfare of all slaves in favor of freeing the children of the enslaved in three years’ time. The legislature will see to their “apprenticeship of such children during their minority, and for their subsequent colonization.” The delegates did not respond to either one. James H. Brown’s resolution on keeping slavery out of the convention had worked. Yet, on February 12, Battelle tried again with a motion that bore little resemblance to the first. It stated simply that “No slave shall be brought, or free person of color come, into this State for permanent residence after this Constitution goes into operation; and all children born of slave mothers after the year eighteen hundred and seventy, shall be free -- the males at the age of twenty- eight, and the females at the age of eighteen years; and the children of such females shall be free at birth.” He also attached a provision for a ballot on the emancipation question. The convention accepted it without debate and, forty-eight in favor to one, with only William W. Brumfield of Wayne County dissenting, agreed to place it into the constitution. The dilution of these emancipation proposals indicates the strength of proslavery views in the convention. Because federal policy and law at the time avoided the subject, it is unsurprising that Battelle had to water down his proposals, and even those of Hagar, to virtually nil.⁴²

⁴² Constitutional Convention, December 14, A State of Convenience, accessed February 11, 2014, <http://www.wvculture.org/history/statehood/cc121461.html>., January 27, <http://www.wvculture.org/history/statehood/cc012762.html>, February 12, <http://www.wvculture.org/history/statehood/cc021262.html>, Ambler and Summers, *ibid.*, 234.

What Attorney General Edward Bates called “an original, independent act of revolution” now went to the voters. On February 18, the convention suspended, but did not close, its proceedings. On April 3, 1862, the electorate approved of the constitution by a margin of 18,682 in favor and 514 against. As with previous wartime elections, the reliability of balloting was questionable at best. No returns came from those counties located in the southern and eastern panhandle sections added to the state with little input. The rest had such lopsided margins that coercion may have kept many from the polls. Yet, as with the other measures, the process went forward. Battelle’s emancipation ballot had a similarly wide margin, 6,052 in favor of gradual emancipation to 616 against. Fewer counties participated than those that ratified the constitution, and only two (Cabell and Hampshire) were outside the core of the northwest. The 3rd Virginia Infantry also posted a return. Curry called this “a turning point in the history of statehood politics.” He based this conclusion on the unexpected strength of antislavery opinion in the region, supported by sympathetic northern panhandle papers the *Wellsburg Herald* and the *Wheeling Daily Intelligencer* and the scattered and uneven returns. He neglected the role of federal war policies in force at the time. Lincoln and the Army tried to win back the allegiances of Unionists rather than coerce them. They protected northwestern Virginians from the rebels but let them form their state in their own way. While a few tinkered with the idea of gradual emancipation, the majority sought no change.⁴³ It was no turning point. That would come later in 1862.

⁴³ Curry, *A House Divided*, 81, 97; *Wheeling Daily Intelligencer*, April 23, 1862.

In conclusion, northwestern Virginia's experiences between the middle of 1861 and early 1862 resembled that of the Border States. Two main factors prove this point. First, the military situation looked like those in Missouri and Maryland. While Kentucky remained neutral and Delaware stood at a distance, Unionist and secessionist militias in the northwest battled for control over the region. As in those two states, the federal army settled the matter in May and June 1861. In this sense, the Battle of Carnifex Ferry became the equivalent to the Battle of Wilson's Creek in Missouri. It seems that no equal to the Pratt Street riots in Baltimore or the Camp Jackson affair in St. Louis occurred in Wheeling. The war carried on throughout 1862 as Confederate units attempted to reclaim the state as part of their strategy of uniting all of the slave states. Virginia's bickering leaders, Floyd and Wise, proved incapable of the task. They lacked the skill and the resources even if they could cooperate. With Rosecrans in command of Union forces, aided by arduous terrain and harsh weather, they never stood a chance. To be fair, the strategy was unworkable because of the distance of the border states stood at a distance from the Upper and Lower South. As in the other four states, federal arms safely cocooned the region, though the guerrillas menace evolved into a campaign of terror. Nature and the Union Army ensured that the Unionist leaders' gamble would pay off.

Second, northwestern Virginians vigorously defended slavery. Its constitutional delegates clung to the institution in spite of its limited presence in the region. Hagar's and Battelle's proposals met with stubborn resistance. Some conservative members employed extreme measures such as the idea of an

unnecessarily large state to prevent debate. Cooler heads prevailed on that matter. In the end, they reached a meaningless compromise over forbidding free blacks from entering the new state. Other issues posed more serious threats. Internal improvements nearly derailed the measure by splitting the Kanawha Valley from the rest of the state. The name of the state, the introduction of northern ideas, voting methods, and the boundary also generated more controversy than slavery. In fact, it was the one issue around which all, save for one lone dissenter, agreed. While no other border state had to form a constitution at this time – Maryland and Missouri would in 1864 and 1865 respectively – the issues remain the same. Like the other four, northwestern Virginia insisted on keeping its slavery intact. The next chapter takes the story through the pivotal year of 1862 and into 1863 when the region finally achieved political independence, but at enormous cost.

Chapter Five: Very Severe Trials:
Statehood, Emancipation, and the Rise of Unconditional Unionism, 1862-1863

Northwestern Virginia responded to the events of 1862 as the other Border States did. Its Unionism hinged on the federal government's protection of slavery from northern abolitionists and southern secessionists. As the Civil War entered its second year, they appeared to have succeeded. Yet events later in the year both outside the region and within it changed everything. The Confederate offensive in that summer raised the stakes so high that emancipation became a Union war aim. An increasingly vicious guerrilla war terrorized the region's citizens. Kinship ties between rebels and certain Unionists suggested to the remainder that sterner measures were necessary to win the war. This division split northwestern Unionists into two camps, unconditional and conservative. In other states, intense debates erupted over emancipation with diverse results. As such, West Virginia deserves to be considered a Border State rather than a dissident part of an Upper South state or a part of the North, as other scholars have maintained. Slavery did more than cloud the issue of statehood as Richard Curry argued. A social revolution had to occur to make emancipation possible.¹

This chapter examines how the region with the second fewest number of slaves in the border region abolished the peculiar institution. It starts with a discussion of the guerrilla war, which affected the entire region in a myriad of ways. Its deleterious effect on the population hardened Unionist attitudes against the rebellion and anyone associated with it, as had occurred in other states. Second, an analysis of the internal debate on emancipation from the newspapers

¹ Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964), 90-99.

and archival sources indicates strong attachment to slavery in a region long believed to have little investment. The more radical Unconditional Unionists dared to ask if ending slavery in the state was a bad idea. Conservatives, like their counterparts in the other states, violently opposed the idea. The experience of Kanawha County further reveals that the tensions between the two had a class basis. Unconditional Unionists there struggled to govern when long-established local elites placed their family ties to secessionists ahead of their loyalty to the federal and state governments. The Confederate offensive into the Border States in the summer of 1862, which included an invasion of northwestern Virginia, changed the whole situation. The experience allowed unconditional Unionists to gain the upper hand in the emancipation debate. Faced with accepting the Willey Amendment to their proslavery constitution, conservatives fought back and, lost, but survived for another day. The social revolution was not a complete one yet it managed to bring West Virginia into the Union as a free state, and the first of the Border States to embrace emancipation.

War gripped the northwest in the winter of 1861 and early 1862. In November, the main opposing armies in the east entered winter quarters in and around Washington after months of stalemate after the bloody first Battle of Bull Run in July. While Maj. Gen. George B. McClellan, fresh from West Virginia, reorganized and retrained the Union Army of the Potomac outside Washington, his Confederate counterpart Joseph E. Johnston did the same for the Confederate army in Virginia. In March 1862, McClellan moved his mighty army by sea to

the Virginia Peninsula to strike at Richmond from the east. As spring became summer, the Confederate capital and its cause seemed doomed.

The secondary mountain front was active as well. Regular Union and Confederate units fought through the winter of 1861 and into the spring of 1862, mainly in around the upper shoulder of the Shenandoah Valley, for control of the Baltimore and Ohio Railroad. Thomas J. “Stonewall” Jackson’s rebels and William S. Rosecrans’s Unionists battled so often that the town of Romney in Hampshire County changed hands multiple times during this period. Through horrible weather conditions and command problems between Jackson and his main subordinate William W. Loring, the Confederates stayed true to their strategy of protecting the territorial integrity of the slaveholding states. Irregular forces such as Turner Ashby’s cavalry raiders also operated in the valley, though they preferred to defend their home regions rather than take the war into the other areas. Confederate units from the northwest such as the 22nd Virginia of the Kanawha Valley also aimed to recover their native lands from their enemies. While divided in goals, the Confederacy’s armies held the bulk of Virginia in their grasp. They ensured that northwestern secessionists had friends not far away.²

Guerrillas, meanwhile, had plagued northwestern Virginia from the first day of the war until its last and then beyond. Their importance to the overall war is only now being fully appreciated by historians. Daniel Sutherland has argued

² Thomas H. Rankin, *Stonewall Jackson’s Romney Campaign, January 1 – February 20, 1862* (Lexington: H. E. Howard, 1994), Paul Christopher Anderson, *Blood Image: Turner Ashby in the Civil War and the Southern Mind* (Baton Rouge: Louisiana State University Press, 2002), Terry Lowry, *22nd Virginia* (Lexington, VA: H. E. Howard, 1994), Peter Cozzens, *Shenandoah 1862: Stonewall Jackson’s Valley Campaign* (Chapel Hill: University of North Carolina, 2009).

that these bands influenced the course of the war and ultimately cost the Confederacy the war. Guerrillas “forced Union commanders to alter their military strategies and occupation policies,” which in turn “contributed to the erosion of Confederate morale and unity.” The guerrilla war broke from any outside control and “splintered a national bid for independence into a hundred local wars for survival and shook public confidence in the ability of the government to protect its own citizens.” Guerrillas in Northwestern Virginia had that effect. Bands such as the Moccasin Rangers terrorized civilians in Calhoun, Webster, and Braxton Counties. The *Wheeling Daily Intelligencer* reported in December 1861 that in Gilmer County, they “robbed seven Union families in the neighborhood of Glenville, of everything they possessed in the shape of bed clothing, wearing apparel, &c., and left them in a lamentable condition at this inclement season. All the horses have been taken from the neighborhood.” One of the most famous women from the Civil War in West Virginia, Nancy Hart, spied for this band.³ Kenneth W. Noe meanwhile has argued that a group of Confederate bushwhackers who captured in Fayette County in March 1862 came from the same community. Their social backgrounds, so far as the limited evidence could show, included numerous landowners and older men. Noe used their example to disprove the notion of these being poor marauders and criminals of popular lore.

³ Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2010), 31, 278-79; *Wheeling Daily Intelligencer*, December 13, 1862.

The combination of social status and military prowess gave the secessionist guerrillas more influence over the northwest than their mere numbers indicated.⁴

Unionists also formed bands. The most notable were the Snake Hunters of Wood County. Led by Captain John P. Baggs, the unit preyed, as its name implied, on the Moccasin Rangers and other guerrillas. The *Intelligencer* applauded his actions. On October 7, 1861, it hailed Baggs as the ideal common man for killing a notorious guerrilla near Moundsville. Seeking recruits, the newspaper reported that Baggs “says that he wants men who have no fondness for gilt-edged clothes or office – men who expect to fight on principle.” At times, his personal conduct brought him scorn. Baggs was arrested and court-martialed twice but acquitted each time. He nonetheless received praise from Unionists. A meeting in Wirt County, heavily afflicted by guerrillas, held on March 8, 1862, extolled him for “the security and protection we have felt for our persons and property since Capt. Baggs came among us,” and asked that for the interposition of the General in Chief of this department, and if not incompatible with the public service, to return him to this post.” A year later, more misconduct charges and health problems caused his dismissal from the service for the rest of the war.⁵

⁴ Kenneth W. Noe, “Who Were the Bushwhackers? Age, Class, Kin and Western Virginia’s Confederate Guerrillas, 1861-1862,” *Civil War History* 49, no. 1 (March 2003): 5-31. See also, Kenneth W. Noe “Exterminating Savages: The Union Army and Mountain Guerrillas in Southern West Virginia, 1861-1862,” in *The Civil War in Appalachia: Collected Essays*, ed. by Kenneth W. Noe and Shannon H. Wilson (Knoxville: University of Tennessee Press, 1997).

⁵ *Wheeling Daily Intelligencer*, October 7, 1861; Linda Fluharty, “Captain John P. Baggs: Company ‘A’ 11th West Virginia Infantry: The Snake Eaters,” accessed March 1, 2014, <http://www.lindapages.com/cwar/11wvi-jbaggs.htm>; There was another unit called the Snake Hunters, a company of Preston County men who served in a Maryland regiment. “West Virginia Snake Hunters, Company H, 3rd Regiment, Potomac Home Brigade of Maryland Infantry,” last modified December 16, 2006, accessed March 1, 2014. http://digginguproots.com/roots_snakehunters.htm.

The military employed increasingly severe actions against the guerrilla menace. Initial measures such as making captives take the oath of allegiance to the United States failed. In October, the *Wheeling Daily Intelligencer* reported that rebels in Wirt County mocked the process. They could attack Unionists and their property with impunity. If they took the oath then federal officers had to let them go. “All the rebels in that county will walk up in a body and take the oath every day for a week if permitted to do so. They like it. They regard it as license to do as they please.”

Just as the raiders themselves attacked and murdered civilians, the Union Army soon responded in kind. Daniel Sutherland cites one heinous example. In early 1862, Brig. Gen. Benjamin F. Kelley took the 1st West Virginia Infantry to seek out and destroy the band led by Perry Connolly, whose raids disrupted the Baltimore and Ohio Railroad. After attacking his camp, the Union soldiers “beat the guerrilla chief to death with gun butts, burned the house of the family on whose land he had encamped, and confiscated the family’s livestock.”

Coincidentally, Connolly’s lover was Nancy Hart. She may have started being a Confederate spy based on a quest for revenge for his death, but much of her life is shrouded in myth.

These harsh tactics were typical. Kenneth Noe argued that northwestern Virginia provides historians with “an early and especially graphic illustration of the transition from noble hopes to violent reality.” McClellan and Rosecrans tried to ignore or minimize the grotesque nature of guerrilla atrocities, but their soldiers thought differently. As they battled the elusive mountaineers, Noe writes that

they felt “trapped in what increasingly seemed a backwater of the war, bored and bitter when they were not afraid, Federals grew to fiercely hate their tormentors.” Adding the opaque lines between civilian and guerrilla and a belief that the civilian authorities let them off too easily, the Army adopted sterner measures against their foes. Fortunately, new generals approved of these measures. George Crook, for example, an experienced Indian fighter, and units like the 36th Ohio seldom took any prisoners. John C. Frémont adopted their ideas when he took command of the new Mountain Department in March 1862. He as well as Jacob D. Cox in the Kanawha Valley cracked down hard on guerrillas, especially those in sparsely populated, guerrilla controlled Webster County in the following month.⁶

Unionist civilians demanded these harsh penalties for the guerrillas. Many counties held meetings and passed resolutions on establishing proper measures for dealing with them. Because the only surviving newspapers are Unionist in nature, only editorials and actions from their side are available. Participants in a meeting in Pleasants County on April 16, 1862, for example, declared that they would “protect ourselves from the intrusion of traitors and rebels, from the contamination of their hell-born doctrine of secession, as well as their presence...unless they give undoubted evidence of a change of principle and a willingness to support the Constitution of the United States and the restored Government of Virginia.” They also formed a committee of twelve citizens “to notify returning rebels that their sojourn here is not desirable unless they conform

⁶ *Wheeling Daily Intelligencer*, October 30, 1861; Noe, “Exterminating Savages,” 106, 110, 113-14.

to the course of conduct.” A meeting in Harrison County made similar declarations. It resolved to “politely suggest” to Confederates and those who “still give evidence of sympathy with treason and traitors” to return to their allegiance to the Government of the United States in good faith,” or leave the county. Taylor County Unionists depicted guerrilla warfare as “entirely at variance with civilization, also selfish, unnatural and wicked, and wherever carried on is only pursued for personal revenge and personal interest.” A meeting there resolved that “we are utterly opposed to the same, and are willing to do all in our power...to suppress any sets of lawlessness that may come into our knowledge.” In an interesting twist, those who voted for secession stated that they were “doubly desire[ous] to express our disapproval of Southern guerrillas making this the theatre of their actions.” These civilian meetings give little doubt as what northwestern Virginia Unionists thought about secessionists.⁷

Turning these resolutions into action was a different matter. The courts offered little help in battling guerrillas and secessionists. Early in the war, federal law aimed to win secessionists back to the Union with lenient sentences. In July 1861, Congress passed the Seditious Conspiracy Act, which set penalties of between \$500 and \$5,000 in fines and/or six months to six years in prison for those accused of breaking it. John J. Jackson of Wood County presided over the district court in western Virginia. His impeccable Unionist credentials included opposition to secession in the Richmond convention and service in the first Wheeling Convention. Yet his judgments inflicted light sentences to secessionist

⁷ *Wheeling Daily Intelligencer*, April 16 and 22, 1862; *Clarksburg National Telegraph*, May 2, 1862.

civilians who wanted to reconcile with the government. Jacob C. Baas, a historian of the court and its judge, argued that the law was designed “to cover overt activities short of actual treason, such as the advocacy of resistance to the Union war effort. Indictments secured under this statute were ordinarily used to detain ‘political prisoners’ and were rarely pursued toward a conviction.”⁸ The accused, accompanied by a guarantor, acknowledged his disloyalty and posted a surety or monetary bond to ensure his behavior until the next session of the court. For example, on October 19, 1861, James H. Rogers and George Goshorn, both of Kanawha County, posted the \$500 bond and took the oath of allegiance. Jacob Goshorn, a relative of the accused and a former prosecession mayor of Charleston who had taken the oath of allegiance to the Union, acted as guarantor. That same day, James Ruffner posted \$500 bond with the help of Benjamin H. Smith, and Andrew B. Hogue did the same aided by Davis Estelle. The accused had to obey the terms of their release, including not speaking in favor of secession or against the federal or reorganized state governments, or aid guerrillas, and to appear in person at the next court date. Otherwise, they faced no further impairments from the courts.⁹

The problem lay with the federal government. The first and second confiscation acts, passed on August 6, 1861, and July 17, 1862, respectively, proved inadequate in both authority and enforcement. Despite massive northern

⁸ Jacob C. Bass Jr., “John Jay Jackson Jr.: His Early Life and Public Career, 1824-1870” (PhD diss., West Virginia University, 1975), 116. This section comes in part from Scott A. MacKenzie, “The Civil War in Kanawha County, West Virginia 1860-1865” (master’s thesis, University of Calgary, 2007), 57-60.

⁹ U. S. District Court for the Charleston Division of the Southern District of West Virginia, Law Court Record Book, 319-320. Record Group 21: Records of District Courts of the United States, 1685-1991. National Archives and Records Administration Mid-Atlantic Region, Philadelphia.

pressure to seize the land and slaves of rebels, neither measure, according to both John Syrett and Silvana Siddali, had the teeth to fulfill those goals. Both separately blamed radical and moderate Republicans for watering down the bills in order to avoid the slavery issue. Lincoln and his attorney general, Edward Bates, moreover, restricted enforcement of the bills throughout the war. The result prevented a social revolution from occurring. Border areas like northwestern Virginia felt the effects as much as any part of the rebellious states. Bates ordered federal justices such as Jackson to weaken their sentences accordingly. His ordering of sureties to carry over from one session to the next proves this point. It meant that all an accused secessionist had to do was to abide by the terms mentioned above to remain at large. Jackson's court issued hundreds of treason indictments during the war, but few ever received full prosecution or seizure of property. As Baas argued, "cases of disloyalty were dealt with in a most routine fashion. Judge Jackson customarily admonished the individual before the court and proceeded to the next case."¹⁰ In effect, he sent out into the divided society of wartime northwestern Virginia those who once sided with secession.

Civilians intensely disliked this arrangement. A rally in Mason County took issue with the court's leniency. The meeting protested "against releasing on bail, or otherwise, prominent rebels who have been indicted for treason or conspiracy against the government of the United States." This act was, they

¹⁰ John Syrett, *The Civil War Confiscation Acts: Failing to Reconstruct the South* (New York: Fordham University Press, 2005); Silvana R. Siddali, *From Property to Person: Slavery and the Confiscation Acts* (Baton Rouge: Louisiana State University Press, 2005); Bass, "John Jay Jackson Jr.," 118-19.

continued, “unwise, impolitic, and dangerous to the peace and safety of the community.” They expected an influx of suspected traitors will “encourage the disloyal and insurrectionary party to effect a more thorough organization among their friends and sympathizers.” The meeting resolved to enact stern measures against them, including forming a committee of safety to report on the activities of suspected traitors, appoint a county police force, and urge that “no loyal citizen ought to bail a rebel,” or aid his release except for lawyers.¹¹ The presence of so many suspected traitors added to the troubles posed by guerrillas and the demands of the war.

The courts also had a problem with charging guerrillas properly. In December 1861, Union troops captured Dan Dusky, a former Calhoun County judge, Jacob Varner, and several other members of the Moccasin Rangers for terrorizing Ripley in Jackson County. Justice Jackson, Commonwealth attorney Benjamin H. Smith and the court heard that the accused had taken bags of mail from the post office, raided the local courthouse for weapons and took goods from a store. He indicted them for robbing the mails rather than for treason. Smith argued that because they threatened others in the process, they merited more serious and potentially capital charges. Their defense attorneys, A. B. Caldwell and Gideon L. Cranmer, who had recently been deposed as a judge for failing to take the required oath to support the Wheeling Convention, argued that because their clients held commissions from Governor Letcher in Richmond, their actions were not treason. Instead, the lawyers argued, they merited the lesser charges of robbing the mails. Their intention, Caldwell argued, differed from the essence of

¹¹ *Wheeling Daily Intelligencer*, April 24, 1862.

the crime. “They were there as rebels to aid and abet the cause of secession. They didn’t go there to rob the post office. The only felonious intent is a treasonable intention and for that alone they can be punished,” the newspaper reported Caldwell’s words. The grand jury accepted this argument and indicted them on those grounds. The federal court record book shows that the same panel charged dozens of other men with treason, yet these defendants faced the lesser charges. In the end, Dusky, Varner, and their associates received sentences ranging between three and four years in a federal prison. Ironically, they faced sterner sentences than did most accused traitors.¹²

Another issue arose during the time which ultimately turned the tide in favor of the radicals. The ties between conservatives and secessionists made the former increasingly unpopular in many circles. The example of Kanawha County demonstrates that the divide often ran along kinship and community ties, as Appalachian historians have long argued in regard to other areas. A clique consisting of the families that founded Kanawha County in 1789 ruled it throughout the antebellum period. The Ruffner family was the first white family to settle in present-day Charleston. Joseph Ruffner bought land there from a nonresident speculator in 1793. His descendants formed one of the most prominent and successful kin groups in the area. One grandson, Henry Ruffner, wrote the famous antislavery tract in 1847. Another, Lewis Ruffner, was one of the first to make salt in Kanawha County.

¹² *Wheeling Daily Intelligencer*, April 15, 1862 and April 21, 1862; U. S. District Court for the Wheeling Division of the Northern District of West Virginia, Law Court Record Book. Record Group 21: Records of District Courts of the United States, 1685-1991. National Archives and Records Administration Mid-Atlantic Region, Philadelphia, PA.

More families followed them in the early years of the nineteenth century. Isaac Noyes came to Kanawha from New York in 1804 at the age of nineteen with his brothers Franklin and Bradford. Starting as a furrier, he progressed to saltmaking and then became a merchant before retiring in 1848. Brothers Lewis and George Summers ventured there to begin lucrative legal careers about this time. Benjamin H. Smith left Rockingham County to practice law in Kanawha. Smith later married Noyes's daughter. Spicer Patrick moved from New York to start his medical practice, to which he added salt making. John Slack, Esq. came to Kanawha County around this time as well. His sons John Slack, Sr. and Green likewise made their fortunes and served in local government. Akin to elsewhere in Appalachia, intermarriage, cooperation and business partnerships coalesced into networks of kin-based community groups.¹³

These connections splintered when Virginia seceded. Many sons, such as Isaac Noyes Smith, Alfred Patrick, and several Ruffners, entered into Confederate service. Their fathers, on the other hand, stayed with the Union. Benjamin H. Smith became the United States attorney during the war. Lewis Ruffner served in the second Wheeling Convention. Spicer Patrick and George W. Summers

¹³ This is not to imply that this county represents the whole region, but the Kanawha letters in the Pierpont Executive Papers contain the most extensive coverage of a single northwestern Virginia county in existence. My analysis includes evidence from elsewhere as much as possible. Biographical details are taken from George W. Atkinson, *A History of Kanawha County from Its Organization in 1789 until the Present Time* (Charleston: West Virginia Journal, 1876), 250-327; Henry Ruffner, *Address to the People of West Virginia; Showing that slavery is injurious to the public welfare, and that it may be gradually abolished, without detriment to the rights and interests of slaveholders. By A Slaveholder of West Virginia* (Lexington, VA: R.C. Noel, 1847); Martin Crawford, *Ashe County's Civil War: Community and Society in the Appalachian South* (Charlottesville: University of Virginia Press, 2001). Parts of this section will appear in print in the Fall 2014 issue of *West Virginia History*.

represented the county in the secession convention, where each opposed leaving the Union. Other families such as the Slacks stayed loyal to the Union. Friction between these kin groups began when Wheeling appointed Green Slack as the new clerk of the county court and John Slack as sheriff. They threw themselves into the task of resuming civilian government. The first signs of trouble came when several of these men wrote letters to Governor Pierpont requesting the release of John Goshorn, who had been arrested as a hostage after the Confederates did the same to loyal people. John Slack described him as “my nearest neighbor” who “notwithstanding he is a secessionist, he is the most liberal and tolerant towards his opponents.” Smith and James M. Doddridge also asked for his discharge. All agreed, they wrote, that Goshorn “is essentially a man of kind feeling and peaceful disposition. We have known him since he was a boy.” In a postscript, Doddridge stated that the letter “would meet with the hearty concurrence of many Union men in this county without exception.” Green Slack also agreed with releasing Goshorn, but expressed concerns about the allegiances of others. He reported that he had sent Goshorn and Andrew Parks, a prominent lawyer, to Wheeling as ordered, but regretted that others such as “Alexander T. Laidley, James Mason and David Clarkson had not been sent for.” He informed Pierpont about the “quasi-Union men here with B. H. Smith at the head who will embargo any action that may have taken to effect the object we have in view, especially when the liberties of a certain class of citizens and connections are involved.” Cliques in the once close community began to emerge.¹⁴

¹⁴ John Slack to Pierpont, Sept 8, 1861; Benjamin H. Smith and James M. Doddridge to Pierpont, September 8, 1861; and Green Slack to Pierpont, September 8, 1861. Francis M.

These fractures widened even more during the search for office holders. The Slacks sought to find loyal men to serve as justices of the peace and commissioners of revenue. Numerous warrants attest to their efforts. The Slacks had considerable trouble finding office-seekers willing to support the Reorganized Government. Doubts about its legality and longevity thwarted conservative Unionists. Their misgivings influenced others. Green Slack admitted to Pierpont:

[t]he Union men still hesitate. I told the presiding justice yesterday that we could not wait he must take a position one side or the other. He said he was decidedly in favor of the "new government" but he could not take the oath at present and his course intimidates others. I intend to press the matter and if they still persist in refusing I will so report and let their places be filled. There are, however, many of them whom I would very much regret to lose.¹⁵

Few from the old regime came forward. Only five of twenty-six men chosen had held office before. In addition to the two John Slacks mentioned above, David McComas retained his judgeship, John W. Field stayed on as commissioner of revenue, and Spicer Patrick became a justice of the peace. The other twenty-one occupied positions varying from constable to notary public. Within three months almost all of them had to be replaced. On December 30, John Slack reported that only five still held their posts, and two of those, Matthew P. Wyatt and Charles P. Leavens, had been captured. As a result, he had to find new men to replace them.¹⁶

Pierpont Executive Papers, Library of Virginia. (Hereafter cited as Pierpont Executive Papers, LVA) In a letter dated September 10th, Green Slack asked that Parks be kept in custody since "his antecedents having been so notorious."

¹⁵ Green Slack to Pierpont, August 27, 1861, Box 2, Folder 1, Pierpont Executive Papers, LVA. The warrants for new office holders in July-August-September 1861 are in Box 2, Folders 2-4; the December warrant is in Box 4, Folder 1.

¹⁶ John Slack to Pierpont, December 30, 1861, Reel 5833, Pierpont Executive Papers, LVA.

About the same time, Benjamin H. Smith ran his own affairs independently of the Slacks. On December 24, 1861, he wrote to Pierpont about the Kanawha board for river improvements, a state government board separate from the county. He named several men to the board, including John D. Lewis (whom the Slacks sought as a justice of the peace), John P. Hale (then in rebel service with the 22nd Virginia), Joel Ruffner, Thomas N. Ayers, and John Hall. The latter had faced charges of being in rebel service. He defended his actions in a letter to Pierpont. Hall claimed that he, a recent Virginia Military Institute graduate, had been contracted by Col. John McCausland to serve as drillmaster to the Border Rangers, a local militia. He claimed that he served in this capacity for two or three weeks, all before the state's secession, "when they were considered to be state troops." After that act, he obeyed his father's wishes and terminated his agreement. As such, Hall argued that he had not been disloyal. A military court-martial was held, but it is not clear what action was taken. Either way, Hall's allegiances place him close to those wealthier men who made up northwestern Virginia's earliest secessionists and conservatives. These ties only deepened when Smith named the board's executives. As the superintendent, he named William J. Rand, who had collected tolls for years, and Christopher C. Roy as his deputy. Both were old friends of Smith's.¹⁷ It was as if Smith ran a government parallel to that of the Slacks, each with men of their choosing.

A dispute over internal improvements further exposed the two factions in Kanawha. In September 1861, a flood seriously damaged the salt refineries and

¹⁷ John T. Hall to Pierpont, no date but believed to be October 12, 1861, and Smith to Pierpont, December 24, 1861, Reel 5834, Pierpont Executive Papers, LVA.

the towns along the river. The disruption to river traffic threatened the local economy as much as guerrillas did. Smith wrote to Pierpont in the following March about clearing “[a] dredge boat that was worked off; it is thought may still be reclaimed as it lodged a few miles below town,” and resume river traffic.¹⁸ He asked Rand, his brother-in-law, to lead these efforts, who in turn employed the services of Elisha Williams, a fellow toll collector. He had voted for secession in the May 1861 referendum. When word of his employment became known, county leaders took issue with the appointment. In May, Green Slack wrote to Governor Pierpont about the matter:

Our mutual friend “Benny” [Benjamin H. Smith] after being foiled in his efforts last winter to get a good place for his “sympathizing” brother in law in the capacity of collector of tolls (including the use of money which was an important item in broken down aristocracy) – has succeeded in “fixing the papers” so as to get “Billy” [William J. Rand] into the place of general superintendent of roads and rivers and treasurer and has already given a “good job” to a secession spy [Williams]. This was done in the absence of Mr. Ruffner and myself, or I am free to say (without egotism) that it would not have been done.¹⁹

While open to the charge of nepotism, Smith’s actions can be defended on the grounds that few loyal Kanawhans or slaves were available and willing to do the work. Lack of alternatives, therefore, probably prompted his actions, not disloyalty. Slack, on the other hand, spoke for another group who refused to accept a known secessionist working for the same government that he had initially sought to overthrow. They soon became the unconditional Unionists.

¹⁸ Benjamin H. Smith to Pierpont, March 6, 1862, Reel 5836, Pierpont Executive Papers, LVA.

¹⁹ Green Slack to Pierpont, May 24, 1862. AR1722, Box 6, Pierpont-Samuels Papers, West Virginia State Archives, Charleston.

A county-wide effort to remedy the situation arose in June. The Union Club of Charleston formed that month to protest Smith's actions. It published its constitution and resolutions in the *Kanawha Republican* for all to read.

According to Article 3:

The objects of this club are – to defend ourselves against secret sworn enemies in our midst who seek to crush and destroy our Union loving, and law-abiding citizens and to build up the doomed cause of rebellion, by insinuating themselves into offices and employing rebels as officers or laborers under them to the exclusion of loyal men, or otherwise aiding or abetting rebellion, particularly obstructing the course of justice.

The Union Club welcomed former secessionists into its ranks, provided they took the oath of loyalty to the Union. Otherwise, the club drew a strict line between Unionists and secessionists. They resolved also to “welcome all loyal men – men who prove themselves as such – back to our midst, but perjured traitors we will treat as such.”²⁰ The club vowed to hold secessionists accountable for their actions, through mass meetings, passing resolutions, and organized petitions, as the county did before the war. In June, the Union Club used those measures to against Smith and Rand. They contended that they had acted incorrectly by employing a known secessionist in the county government, and were therefore unfit to hold office. The Union Club resolved that Rand's appointment “meets our unqualified disapprobation. He has given no evidence whatever, of either support for, or sympathy, with either the Government of the United States or the restored Government of Virginia, since the passage of the Ordinance of Secession, but on the contrary has openly associated and sympathized with the

²⁰ *Kanawha Republican*, no date. Reprinted in the *Wheeling Daily Intelligencer*, June 21, 1862.

enemies of both since that.” The Union Club then asked Rand, but not Smith, to resign.

Smith’s response to these attacks shows the conservative mindset at work. In a July letter to Pierpont, he reveals both a different view of the Rand affair and a criticism of the Unionists. Smith informed the governor that the Union Club had its facts wrong. Rand was not a secessionist, although it was common knowledge that his son Noyes served in the 22nd Virginia. He employed Williams to recover a sunken dredge boat from the river. At worst, he argued, Rand employed a friend to recover the boat when few other options existed. Smith referred to the Union Club as a mob trying to disrupt loyal men for its own ends and against his own. After attending one of their meetings, Smith denounced their actions as extremist. He wrote that:

I have not met with any man [so] extreme in his course, who does not condemn this whole proceeding. It is only calculated to raise a quarrel among Union men, to divide and weaken us. This is no time for such folly. But we suspect that selfishness is at the bottom of the proceeding. ... I regard the present proceeding as a lawless attempt to control the free and prudent action of the Board in the performance of their duty.²¹

As one of the county’s leading figures and a prominent public official, Smith took the club’s accusations of disloyalty as criticism of his own abilities and loyalties. He was determined to carry on as before unfettered by outside concerns.

The Union Club’s petition indicates a shift in support towards a new polity. In August, it gathered signatures to ask the governor to take direct action against Smith, Rand, and Williams. In the petition, the club gathered the

²¹ Benjamin H. Smith to Pierpont, July 16, 1862, Box 7, Folder 1, Pierpont Executive Papers, LVA. Noyes “Plus” Rand served as an officer in the Kanawha Riflemen. His first name was that of his mother’s maiden name, indicating that the Rands and the Noyes, and by extension that of Benjamin H. Smith, were related.

“unanimous vote of hundreds of our people, assembled together ... respectfully requested Mr. Rand to resign, which request was formally, and in respectful language presented to Mr. Rand by the Executive Committee of the Union Club of Kanawha Court House.” Although Rand said he would resign, “Mr. Smith would not allow him to do so.”²² They also claimed that Smith had manipulated the improvements board for his own ends. He operated it without informing two of its five members of its decisions and used the remaining three to support his agenda, namely the appointment of Rand and Williams. The petition gathered several hundred names, although it is unclear how many came from Kanawha County. Nonetheless, the volume alone makes it the most extensive surviving petition from northwestern Virginia during the war. In so doing, the petition indicates the start of where unconditional Unionism diverged from the conservatives. They refused to compromise with the rebels and their associates in the broad Unionist coalition. The petition made it clear that only the truly faithful could govern. It declared that “the day of demagogues are past with us: for it is self-evident that it requires efficient and heavy blows, well directed, and well laid on, in order to save our Government, our freedom and our rights in a Free Government, vouchsafed to us by the Living God.”²³ The unconditional Unionists turned on anyone they considered to be too close to the enemy. They also proposed revolution against the old regime, which was based on family and

²² Union Club of Charleston Petition to Pierpont, August 19, 1862, Box 7, Folder 6, Pierpont Executive Papers, LVA. Underline in the original.

²³ Petitioners to Pierpont, August 19, 1862, Box 7, Folder 6, Pierpont Executive Papers, Library of Virginia. This document is the cover letter for numerous individual petitions dated June 2.

community connections. Smith's way of doing things, the old way based on personal connections, no longer fit into the new concept of politics.

The Confederate occupation of the Kanawha Valley in September and October 1862 further exposed kinship and community ties between conservative Unionists and rebels. In mid-September, the Army of Northwestern Virginia under General William W. Loring moved into the valley and defeated smaller Union forces in Fayette County and within Charleston itself. The soldiers of the 22nd Virginia were particularly eager to return home after over a year away. William Clark Reynolds, a clerk from Kanawha Salines, recorded his reactions in his diary. On September 11, he reported: "Reached the Kanawha Valley!" Two days later, he wrote, "Reached my home after an absence of fourteen months. Our army continued to drive the enemy before it. [We] had a considerable skirmish at Charleston." Reynolds, like his comrades, was most eager to see his family. On September 14, he reported that he "went to Malden and saw my relations and friends." Reynolds still had military duties to fulfill. After seeing his family, he reported for guard duty in Charleston. He said that he "stood sentinel for six hours over the vault of the Bank of Virginia burnt by the Yankees."²⁴ Other soldiers used their time in Kanawha to fulfill other obligations. The regimental history reported that Richard Q. Laidley and Noyes Rand married their wives and sent them eastward to Greenbrier County.²⁵ For Kanawha's Confederates, the occupation was a homecoming. For the Slacks and their allies, it was a time of reckoning.

²⁴ Reynolds, William Clark. Diary, 1862. Civil War Collection, West Virginia State Archives. Hereafter, Reynolds Diary, West Virginia State Archives.

²⁵ Lowry, *22nd Virginia Infantry*, 37.

The Confederates quickly encountered the limits of kinship and community ties during their tenure in the county. Recruitment was one of their first priorities. At first, Loring boasted that he could enlist as many as five thousand soldiers from the Kanawha Valley.²⁶ He soon discovered that few potential recruits remained in the area. Many residents, not just Unionists, fled west towards the Ohio River with the Union Army rather than face Confederate conscription and/or reprisals. Those who remained proved reluctant to join up. Recruiting duty tore William Reynolds from his family in the Salines. He recorded in his diary that on September 17, “Maj. Gen. Loring gave me authority to raise a company of cavalry.” Two days later, he reported meager results. He said that he “went over to Chap Reynolds’s and he and I went up to the mouth of Field’s Creek trying to raise recruits for my company. Was not very successful everybody having already volunteered.”²⁷ The regimental history of the 22nd Virginia also reported few enlistments, and those who did quickly changed their minds. It reported that the regiment “alone gained approximately 75 men, although a few deserted during the retreat from Charleston.”²⁸ The Confederates had little success recruiting in Kanawha County during this time because the small prosecession population had already given many of its young men to the army in 1861.

The county’s Confederates, coming from their traditional leadership caste, employed other means to win support. Their newspaper, the *Guerilla*, the only

²⁶ George Ellis Moore, *A Banner in the Hills: West Virginia’s Statehood* (New York: Appleton-Century-Crofts, 1963), 171.

²⁷ Reynolds Diary, West Virginia State Archives.

²⁸ Lowry, *22nd Virginia Infantry*, 38.

surviving source of its type, indicates significant attempts to earn popular support for their side. They first called on local businesses to use Confederate currency. Inflation had ruined the appeal before it began. “A great many merchants have re-opened their stores to the public. Others, however, still keep themselves and their goods shut up in the dark, because they have some scruples about taking Confederate money,” the newspaper reported. Because Loring’s army could not force the merchants to take their currency, they used their newspaper to kindly encourage compliance. The *Guerrilla* hoped that “they will soon come to their senses, and show that they appreciate their deliverance from the Northern vandals, by immediately opening their stores and offering their goods at the same rate they sold to the Yankees. And it is well here to add; that it is a great wrong and outrage, and it speaks poorly for anyone to take advantage of his fellow being in adversity.²⁹ Loring’s chief of staff, Henry Fitzhugh, a prewar Charleston banker, issued a general order to the population regarding the value of Confederate currency. “The money issued by the Confederate Government is secure, and is receivable in payment of public dues, and convertible into 8 per cent bonds. Citizens owe it to the country to receive it in trade; and it will therefore be regarded as good in payment for supplies purchased by the army. Persons engaged in trade are invited to resume their business and open their stores,” Fitzhugh proclaimed to what he hope was his people.³⁰ There is no sign that these financial appeals worked.

²⁹ *The Guerilla* (Charleston, VA), September 29, 1862.

³⁰ Quoted from Roy Bird Cook, “The Civil War Comes to Charleston” *West Virginia History* 23, vol. 2 (January 1962): 160.

Loring then resorted to using the slavery issue to win support. Conveniently for him, Lincoln announced the Emancipation Proclamation during the occupation. Using the *Guerilla*, the Confederates called the order to free slaves in areas in rebellion a desperate move. “Lincoln seems to be getting to the last stages of infamy and despair,” it reported. “Baffled and defeated at every point, he is now writhing under the punishment he promised us.” The latest Cincinnati papers, it continued, reported that “on the first of January 1863, [he will] cause to be emancipated all slaves, or persons of African descent, who shall then be in the employ of any person residing in any State still in rebellion against the United States.”³¹ The newspaper added that Lincoln’s acts further isolated him from the Union cause. Shifting its war aims from restoring the Union as it was into a crusade against slavery would alienate Unionists who still supported the institution. “Poor Abe,” the *Guerilla* stated, “like a drowning man, has for the last month been grasping at every little straw, but all has been of no avail, and he is now in the last struggles of death, with not the least hope to cheer him in his last moments.”³² Because the Proclamation threatened to undermine slavery, the basis for southern society, Loring anticipated a warmer response. Despite Kanawha’s status as the largest slave-owning county in western Virginia, the menace of abolishing slavery did not translate into more Confederate support. At the end of October, Loring’s army withdrew having achieved little except securing a few thousand bushels of salt.³³

³¹ *The Guerilla* (Charleston, VA), September 29, 1862.

³² *Ibid.*

³³ *Richmond Daily Dispatch*, October 2, 1862, cited 19,000 bushels had been left behind by the retreating Union troops.

The Unionists who escaped westward used the opportunity to reflect on the loyalties of their neighbors. While exiled in Point Pleasant in Mason County, Green Slack wrote a candid letter to Pierpont about the situation. “The county is entirely robbed and stripped of everything that is cutable. The families who remained have nothing left to subsist on and those that left of which there are many hundreds in this vicinity have nothing to go back to, and many of them brought little or nothing with them. The result most inevidently be a great and of suffering,” he wrote. Slack accurately pointed out that the county’s elites provided the basis of the secessionist population. He remarked “that there is not a salt maker in the Kanawha Valley who has ever before been accused of entertaining very strong Union sentiments except Lewis Ruffner and Fred Walker.” Slack also deplored the way that these elites deferred to Confederate officials. He wrote that “[t]hese men are very eloquent and lavish in their praise of the higher officers of the Confederacy, for their gentlemanly bearing and honorable deportment towards citizens and even Union men.”³⁴ When the occupation revealed what Confederate tyranny had to offer, Slack reflected the frustration that unconditional Unionists felt for those who could openly support the Confederacy when it was clear they had nothing to offer.

Slack particularly resented the continued conservative tolerance of Confederates in the county. Benjamin H. Smith managed to obtain permission for his son Isaac to return from Confederate service and resume his normal life without taking the oath of allegiance. A possibly exaggerated column in the

³⁴ G. Slack to Pierpont, October 19, 1862, Pierpont Papers, Library of Virginia, Box 9, Folder 1.

Fairmont National of August 1, 1863, stated that Smith “with a profusion of tears and most piteous appeals prevailed on the [Grand] Jury not to find an indictment against his own son for treason.”³⁵ True or not, they granted his wish. Isaac’s name does not appear in any of the U.S. District Court record books. Slack, the county sheriff, saw this as an attack on the rightful authority and on himself. In an October letter to Pierpont, he stated that he understood

that Ike Smith (the idol of old Benny’s heart) after refusing a great many offers of protection if he would come home and be loyal has after acting as Commissary Clerk for the army during its occupation of Charleston, graciously concluded to stay and resume his place at the bar providing he can do so without taking oath to the “Pierpont and Green Slack Government” (pardon me for associating those names, it’s only a quotation.)³⁶

He concluded that the time had come for unconditional Unionists to demonstrate that they were the proper authority in the county. The secessionists, particularly women, remained a constant source of irritation to local Unionists. “The great question now before us,” Slack wrote, “is what to do with the rebels in our midst. Many of the rascals have gone and left their rebel wives to communicate information and insult Union men claiming the protection which common gallantry awards to their sex. How are we to deal with them?”³⁷

Pierpont did not have an answer to this query. Conservatives continued to place personal connections above allegiances. The same Isaac Noyes Smith and John P. Hale resigned their commissions and attempted to resume their lives.

³⁵ *Fairmont National*, August 1, 1863.

³⁶ Ibid. The parenthetical sentence and the underlining was in the original.

³⁷ Ibid.

Smith's story has already been covered.³⁸ A physician turned saltmaker, Hale had paid for the 22nd Virginia's cannons out of his own pocket at the start of the war. Benjamin H. Smith and Lewis Ruffner nonetheless asked Pierpont to pardon the pair. They argued that neither man posed a threat to the Union government or the population. "They never took the oath of allegiance to the Southern Confederacy, having persistently refused to do so. During their detention within their jurisdiction they steadily and entirely rejected all overtures of business or office urged upon them. These gentlemen of high standing and nice sense of honor, are most valuable members of society whom the community here we may say unanimously desire to remain among us undisturbed," the authors argued.³⁹ Ruffner's participation here is especially interesting. His impeccable Unionist credentials and dedication to the new state should have placed him at odds with secessionists. He placed his connections to Hale above all that. The two had been business partners in Ruffner, Hale and Company, "a central sales agency" formed by many of Kanawha's salt manufacturers in 1856 to deal with the declining market.⁴⁰ Business apparently took precedent over politics. Slack already knew of Benjamin H. Smith's attitudes, but Ruffner's actions must have frustrated his attempts to assert Union control over the county.

Loring withdrew from the Kanawha Valley in October, having failed at his mission. Upon his return to the Shenandoah Valley, the Confederate War

³⁸ George W. Atkinson, ed., *Bench and Bar of West Virginia* (Charleston, WV: Virginian Law Book Company, 1919), 47.

³⁹ Benjamin H. Smith and Lewis Ruffner to Pierpont, November 8, 1862, Box 9, Folder 3, Pierpont Executive Papers, LVA.

⁴⁰ John E. Stealey, *The Antebellum Kanawha Salt Business and Western Markets* (Lexington: University Press of Kentucky, 1993), 184.

Department replaced him with John Echols. Loring spent the rest of the war in western theater, particularly around Vicksburg. The departure of his army allowed for the resumption of Union government. Local Unionists demanded tighter security in the valley. Green Slack, now back in Charleston, wrote to Pierpont in December 1862 that unconditional Unionists preferred the 8th Virginia to fulfill this role. They felt more secure with a regiment made up of local soldiers who remained in the county. The presence of the 8th Virginia would reassure local Unionists, some of whom threatened to leave. “There is intense feeling among the citizens,” Slack wrote, “at the bare moment of the fact of the removal of the Regt. Several of our citizens began to talk about ‘packing up’ to leave. For it is a fact well understood here that our Union citizens feel a greater security under the protection of the 8th than under 3 times the number of other troops.” Moreover, the 8th would be better equipped to deal with local secessionists. He wrote that “the secessionists and secession sympathizers have a greater terror at the presence of that regiment than they have at the presence of any other set of men.”⁴¹ Slack neglected to mention that his son Hedgeman commanded the unit, adding further proof to the role of kinship ties in determining allegiances.

About two weeks later, the *Wheeling Daily Intelligencer* printed a letter from “Kanawha Valley” echoing the same ideas. The author, possibly Green Slack himself, said that the soldiers in the 8th were “well skilled in the use of the rifle and fully acquainted not only with all the roads and bypaths of that

⁴¹ Green Slack to Pierpont, December 29 1862, Pierpont/Samuels Papers. West Virginia State Archives, Charleston, WV.

mountainous country, but also with the proclivities and antecedents of all the inhabitants, knowing their friends from their foes, whatever might have been their professions of loyalty.”⁴² The latter skills would have been ideal for the Slacks. The occupation exposed the strong ties between the men of the 22nd Virginia and conservative Unionists. Returning the 8th Virginia to the Valley, therefore, would bolster their cause by keeping the loyal in line and the secessionists at bay.

The combined demands for strict measures against guerrillas and conservative Unionists led directly to the Unionist population finally turning against the war’s root cause, slavery. On April 4, the voters approved the new state’s constitution with 18,862 votes to approve to 514 against. Intimidation and fraud plagued the process. More ominously, a few counties also held a separate ballot on emancipation. It, too, passed by a margin of 6,052 votes in favor to 616 against it. The *Wheeling Daily Intelligencer* praised the measure, stating, “wherever a poll was opened for a vote on emancipation, the people voted. The vote in such counties compares very favorably with that on the Constitution. It is also to be observed that nearly always where the vote for emancipation fell short of the vote for the Constitution the residue is not against emancipation, but simply silent – men who were timid perhaps or in-different, but not proslavery; for we may be sure that every proslavery man who voted on the Constitution where the other poll was open voted against emancipation – and we find the number thus voting very small.”

Some northwestern Virginians echoed these sentiments. Thomas Johnston of Wheeling wrote to Senator Willey, “Our mountains and vallies, our cities and

⁴² *Wheeling Daily Intelligencer*, January 23, 1863.

towns are full of gradual Emancipationists, and I hope to see the day that the new state will be a free state.” Chester Hubbard of Wheeling stated how the term “abolitionist” has lost “all its terrors to me.” He was now earnestly for “a new state and a free state.” If not, “the Butternut will hand us over to the tender mercies of Eastern Virginia for all coming time.”⁴³

Other voices feared the growing trend. George W. Summers notably bemoaned the rise of antislavery views in the region. He urged Willey not “to meddle mischievously with the question of emancipation” and praised him for his “wise and conservative course, in the midst of the tinkering experimenters of the day.” Edward Bunker of Monongalia County likewise described the mood. “[O]ur people are making rapid strides to abolition. Many persons here and in Wheeling are endeavoring to injure your popularity and reputation simply because you have pursued a conservative constitutional course. I fear friend Willey that the day of Constitutional Liberty in this Country has passed, that the Bird of Freedom has gone never to return.” Henry Dering, also of Monongalia County, lamented the “whole series of Niger bills which are being introduced into Congress are all wrong, untimely and calculated to do mischief.” In the end, he told Willey that these new laws “palsy the arm of many a Union soldier and silence many an advocate, who has heretofore stood up for the Government and the war.”

⁴³ *Wheeling Daily Intelligencer*, April 22, 1862; Thomas Johnston to Willey, April 29, 1862, Waitman T. Willey Papers, West Virginia and Regional History Collection, West Virginia University, Morgantown, West Virginia (hereafter cited as Willey Papers, WVRHC); Chester Hubbard to Willey, May 2, 1862, Willey Papers, WVRHC.

Dering need not have worried, for the confiscation acts had little real effect on the federal government's war policies. Willey faced criticism from both sides and worried about the new state's prospects in Congress. He wrote to a friend in May that the other Border State senators considered West Virginia to be "an abolition scheme." On the other hand, the "abolitionists oppose us because they say it is a proslavery scheme. In consequence of these and other objections, such as the policy of Mr. Sumner and his followers, who are for remitting all the states back to a territorial condition -- you must perceive that the prospects of admission are not very flattering." None of this slackened his enthusiasm for a new state. Dering told Willey that "[w]e must have a separation from Old Virginia. [E]verything on our part demands it. [I]f it is settled we are forever to be tied to the dead carcass of Old Virginia, our part of the country will be depopulated."⁴⁴

Prominent conservatives fought back. In January 1862, John S. Carlile started the *Clarksburg National Telegraph*. Edited by an exiled East Tennessee Unionist, it brooked no compromise with either secessionists or abolitionists. Robert S. Northcott labelled Confederate leaders as madmen, professing "to be fighting for their rights in slavery when they are doing the very thing that will injure the institution, and should they prove successful, would destroy it."⁴⁵ The *Telegraph* opposed the Wheeling convention's antislavery motions. It hoped that "enough conservatism" would "keep out the everlasting Negro clause,

⁴⁴ George W. Summers to Willey, April 13, 1862; E. C. Bunker to Willey, April 19, 1862, Henry Dering to Willey, April 29, 1862, and Henry Dering to Willey, June 18, 1862, Willey Papers, WVHRC.

⁴⁵ *Clarksburg National Telegraph*, January 3, 1862.

notwithstanding the threats of [Horace] Greely and other freedom shriekers.” He also reminded his readers that Virginia was still a slave state. “Negroes according to the laws of Virginia are property, and no just legislation can reach them by way of remuneration to the owners,” he wrote, “Let the convention quietly give the negro the go by.”⁴⁶

The *Intelligencer* maintained the other side of the slavery issue. It printed for statements and comments suggesting gradual emancipation as a course of action. On February 15, a letter from “A Virginian” in Fairmont, Marion County, stated that it was imperative to hold a vote on the issue. Since, “the constitution will be submitted to the people for ratification,” he wrote, “why not submit this also; put it in the form in which Mr. Battelle proposed in his resolutions. Submit the question free or slave to the people, and whatever their decision, the friends of the measure will be satisfied.” “Henry” from Hancock County, at the very top of the northern panhandle, echoed these sentiments. The new state, he said, had two origins. “The first,” he wrote, “was the deep longing desire to escape the inequalities which slaveholding eastern Virginia had forced upon us, non-slaveholding western men. The second was a secret, restless desire on the part of aspiring politicians to create a new State in which they might obtain offices of place and emolument, which could not obtain in the old.” He did not explain exactly who these men were, but it is likely he meant John S. Carlile, James H. Brown, and other proslavery advocates in the region. The former had been in Congress in 1855 to 1857, while the latter had never held office due to his

⁴⁶ *Wheeling Daily Intelligencer*, February 3, 1862; *Clarksburg National Telegraph*, February 7, 1862.

Democratic allegiances in heavily Whiggish Kanawha County. He could also have meant anyone within a much larger group of people with whom he disagreed. The rest of the letter defended the Free State idea. Those intending to make the northwestern into a slave state would “run the chances of obtaining what they desire by awaiting the fate of Virginia.” “Henry” added that he would follow them if the electoral result favored keeping slavery, which further complicates how northwestern Virginians responded to emancipation.⁴⁷

The growing split between unconditional and conservative Unionists came at a fortuitous time for the former. Much had changed in the summer of 1862. A sudden Confederate offensive in June repelled the hundred-thousand strong Army of the Potomac that had besieged Richmond. Despite his army’s size, McClellan hesitated to attack the rebels, seize the city, and potentially end the war. The new Confederate commander after Johnston's wounding at Seven Pines, Robert E. Lee, exploited this idleness with great effect. Although winning only one engagement – Gaines’s Mill on June 27, 1862 -- in the Seven Days Battles, Lee sent McClellan’s army into retreat along the James River. For the next few weeks, the Army of the Potomac huddled along the Capes awaiting a final counterstroke that never came. Lee had other plans, and renamed his army after his next objective: Northern Virginia. His advance towards Washington in July and August, combined with erroneous press reports that slaves had joined the Confederate ranks, brought many to consider sterner measures against the institution. Congress passed the more stringent Second Confiscation Act in July, but Lincoln

⁴⁷ *Wheeling Daily Intelligencer*, February 15 and February 18, 1862. Kanawha’s Whig tendencies come from Scott A. MacKenzie, “The Slaveholder’s War,” *ibid.*

never enforced it. He did, on the other hand, start considering an emancipation proclamation in July that would free slaves in rebel hands. At the advice of his cabinet, the president shelved the plan until Union fortunes had improved. That time came when a Union Army repulsed a Confederate penetration into Maryland in September. While not a clear-cut victory, as Lee withdrew his army to fight another day, it was enough for Lincoln to publicize his preliminary Emancipation Proclamation. The timing was right for those seeking to detach themselves from slavery. Many still clung to it.

While the Emancipation Proclamation applied only to the rebellious states, the loyal ones felt its effects too. Although it did not even mention the four Border States or Tennessee, it specifically cited and excluded the “forty-eight counties designated as West Virginia,” as well as Berkeley County in what modern West Virginia calls the eastern panhandle, from its provisions. The president had something else in mind for them. Lincoln already had asked the Border States to adopt a compensated emancipation and colonization plan on two previous occasions. In March 1862, Lincoln appealed to their delegates to consider the proposal. At that time, the delegates rejected the idea, despite a promising sign from the Delaware Senate. In July, the result was the same, but some cracks in the façade also emerged. The majority of congressmen and senators, including John S. Carlile, refused the idea. They called it too expensive, controversial and unconstitutional since slavery was a state matter. Yet a minority reported that they would ask its constituents if they would consider emancipation:

[W]e will so far as may be in our power ask the people of the Border States, calmly, deliberately, and fairly, to consider your recommendations. We are the more emboldened to assume this position from the fact, now become history, that the leaders of the Southern rebellion have offered to abolish slavery amongst them as a condition to foreign intervention in favor of their independence as a nation.⁴⁸

Northwestern Virginia's remaining senator, Waitman T. Willey, and its three congressmen, William G. Brown, Jacob S. Blair and Kellan V. Whaley, each signed this report. This decision came about the same time Congress discussed the West Virginia Statehood Bill. Willey first introduced the bill on May 29. By July, Carlile's obstructions threatened to ruin it with ideas for enlarging the state into the Shenandoah and stopping any emancipation measure. He, like many northwestern and Border State conservatives, opposed federal interference with slavery. More radical senators such as Charles Sumner and congressmen like Thaddeus Stevens demanded in contrast that West Virginia abolish slavery as a condition for statehood. Seemingly at an impasse, on July 17, Willey proposed an amendment that bridged these two requirements. The measure, which soon would bear his name, required the constitutional convention to include a gradual emancipation clause, and to send it to the voters. This satisfied Republicans and War Democrats enough for it to pass the senate by a slim margin of twenty-three in favor to seventeen against. The House of Representatives still had to discuss

⁴⁸ Border State Congressmen to Abraham Lincoln, July 14, 1862, Abraham Lincoln Papers, Library of Congress, Washington, D.C.; Border State Congressmen to Abraham Lincoln, July 15, 1862, Abraham Lincoln Papers, Library of Congress, Washington, D.C. See also William C. Harris, *Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011), Patience E. Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University Press of Virginia, 1996); Glenn David Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and their Fight for Freedom* (Chapel Hill: University of North Carolina Press, 2012); Gary W. Gallagher, ed., *The Richmond Campaign of 1862: The Peninsula and the Seven Days* (Chapel Hill: University of North Carolina Press, 2000).

the matter, but its next session would not sit until December. After trying to avoid the slavery issue, northwestern Virginians now had to face it, as did the other border states.

The effects of the Emancipation Proclamation on West Virginia are difficult to measure. Its exemption from the proclamation's provisions misleads because Pierpont was alone among the border state governors to back the measure. Historians are remarkably quiet on the issue. Allen Guelzo's recent tome on the subject covers only Lincoln and the statehood bill. A lack of evidence, furthermore, prevents testing his thesis of the unintended effects the Proclamation had on the country, such as self-emancipation and black enlistment in West Virginia. Curry mentions it only in relation to John S. Carlile's conservatism. George E. Moore gave one sentence to the subject, arguing that the proclamation was more important than guerrillas in encouraging resistance to the Reorganized Government and to Lincoln. "Many westerners," he wrote, "believed that this pronouncement changed the character of the war from a defense of the Constitution into a crusade for abolition and consequently withdrew their earlier support of the Lincoln administration." Several problems exist with this assertion. First, northwestern Virginia contained far more Democrats than Republicans, so the number of converts could not have been large in the first place. Second, if he meant Unionists, then the numbers would increase but not by much. Third, we do not know his definition of withdrawing support. It

could mean anything from not voting all the way up to joining a guerrilla band or the Confederate Army. Moore could be correct but a fuller test is needed.⁴⁹

The newspapers indicate that partisan opinion remained as polarized as ever. The Republican *Intelligencer* gave its tacit approval. It reminded its readers that many predicted that secession would lead to the end of slavery, not the Union. “All thinking men have agreed that there was every probability that the institution of slavery would go under in this war,” it read. The prominent men making this prediction included Andrew Johnson, Joseph Holt, Parson William Brownlow in East Tennessee, and even John Carlile. “All the leading Union men of the border States have concurred in the opinion that the South had simply the choice between submission to the Federal Government or the destruction of slavery,” it concluded. This is not surprising given the *Intelligencer*’s antislavery stance in the previous year.

Conservatives nonetheless suffered considerable losses in the wake of the turn against slavery. Carlile himself became a major casualty. He continued to serve in Congress, but otherwise retreated from prominence after this time. John J. Davis of Harrison County, a fellow conservative, lamented his friend’s situation and the change in fortunes for their faction to his fiancée in August:

Some of his Union friends are very much “Down with him” and call him a secessionist. They have at least put me down among the secessionists. I wonder what they mean by Unionists? You will find a good many Republicans here. By the by the bitter feeling existing in society here growing out of politics makes it extremely difficult to tell who are ones friends & who are not. The spirit of intolerance manifested is really shameful.

⁴⁹ Allen C. Guelzo, *Lincoln’s Emancipation Proclamation: The End of Slavery in America* (New York: Simon and Schuster, 2004), 199-200 and 240-249; Curry, *A House Divided*, 110; Moore, *A Banner in the Hills*, 176.

Henry Dering of Monongalia County, meanwhile, wrote to Willey about the senator, “I have no doubt that that unscrupulous man Jno S. Carlile will do his best in setting all agencies to work that he can control to defeat us,” he wrote in December, “but mark he has lost his prestige and he will not be able to accomplish it.” Yet another figure, Daniel Lamb, defected from the statehood movement in response. Arthur Boreman wrote to Pierpont that the Ohio County Unionist “was not prepared for the statement made by him, or for the position taken by him in regard to the new state proposition at Washington. He seems to have fallen in with those whose minds are operated upon by the talk of Congressional dictation.”⁵⁰ The loss of these leaders did not paralyze conservatives, as many others such as Benjamin H. Smith and Judge Jackson still held positions of influence. Yet it was a major setback.

Conservatives still fought back as best they could against the radical upswing. The *Telegraph* continued to denounce Lincoln for issuing the proclamation. “The President was influenced by a desire to show to the ultra-wing of his party the utter futility of such measures,” Northcott wrote, “Paper bullets can never bring peace to the country.” The newspaper lamented allowing the military to have greater authority to deal with civilians, yet would stand by them as loyal citizens. “Constitutional liberty depends,” Northcott wrote, “upon that fundamental principle of our Government which makes the military

⁵⁰ John J. Davis to Anna Davis, August 22, 1862, John J. Davis Papers, WVRHC, found in Mark L. Guerci, “It Took a War: The End of Slavery in West Virginia” (bachelor’s thesis, College of William and Mary, 2011), 54; Henry Dering to Willey, December 16, 1862, Willey Papers, WVRHC; Arthur I. Boreman to Pierpont, July 30, 1862, Box 7, Folder 3, Pierpont Executive Papers, LVA.

subordinate to the civil power, a reversal of this principle is destructive to the liberty and security of the citizen. We therefore can but think it would have been better if the proclamations had not been issued but while we dissent from and disapprove them, we are none the less a Union man.”⁵¹

Having to accept emancipation in any form still was a major setback for conservatives. The *Telegraph* cited political changes in Ohio, Pennsylvania, and other northern states that would lead voters to abandon the Republicans and reduce Lincoln’s power. On October 11, Northcott opined that “Let every friend of the Constitution and the Union founded by our fathers be encouraged. Abolition rule is drawing to a close. The two dread enemies of our country – secessionists and abolitionists – will be overcome, when this is done, good men will breathe freely again, and peace once more bless our land.” In particular, Northcott urged people to vote on October 14 as these neighboring states had just done. “The abolitionists have a party and the secessionists a party. If we would save the Union, and preserve the Constitution, the country must have a party, and in the recent elections we have proof that such a party ‘lives, moves and has a being,’” he wrote.

The results disappointed them. While Democrats gained many votes in those states in the fall 1862 elections, winning two governorships and control of a few legislatures and eliminating the Republican majority in the House, they largely failed to overturn their opponents. It also meant that Lincoln could finally

⁵¹ *Wheeling Daily Intelligencer*, September 24, 1862; *Wheeling Daily Press*, September 13, 1862; *Clarksburg National Telegraph*, October 10, 1862. Curry has argued in a critical essay on West Virginia’s newspapers that the *Telegraph* was the most hardcore conservative journal while other Democratic papers disagreed with it only on the Willey Amendment. Curry, *A House Divided*, 185-186.

dismiss McClellan, a prominent Democrat, from military command once and for all.⁵²

Lincoln had the final say on the matter. On December 10, Congress approved the West Virginia statehood bill despite intense debates over its constitutionality. The largely partisan vote was ninety-six to fifty-five. Republicans supported the measure with eight-two votes to twelve against. Only four Democrats backed the bill, while thirty-two opposed it. Border State delegates split on the matter. Of twenty-four representatives voting, fifteen rejected statehood. The nine who supported it included three of Virginia's four delegates and two of Tennessee's Unionist congressmen.⁵³

The cabinet proved to be equally divided on how the president should react. Lincoln sought from his ministers legal opinions on the statehood matter. He asked them first if the matter was constitutional and, second, if it was expedient, that is if it will aid the war effort. The six members split evenly on it. Attorney General Edward Bates, Postmaster General Montgomery Blair, and Secretary of the Navy Gideon Welles opposed it. Bates, a Missourian born in Virginia, called it a revolutionary act, as he had done in 1861 in response to an inquiry by some northwestern conservatives. The Reorganized Government lacked the authority to give the required permission for the state's creation. The

⁵² *Clarksburg National Telegraph*, October 10, 1862; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Vintage, 1988), 561-62.

⁵³ The figures and names come from West Virginia Department of History and Culture, "U. S. House of Representatives Debate on West Virginia Statehood," <http://www.wvculture.org/history/statehood/ushousedebate121062.html>. The partisan allegiances come from the 1860 election results, found in Kenneth C. Martis, *The Historical Atlas of Political Parties in the United States Congress, 1789-1989* (New York: Macmillan Publishing Company, 1989), 114-15. Joseph Segar of the Eastern Shore was the lone Virginia dissenter.

bill itself gave Congress too much authority over the matter. Moreover, the timing was inopportune as it would make reunion more difficult.⁵⁴

The three remaining cabinet members -- Secretary of the Treasury Salmon P. Chase, Secretary of State William H. Seward, and Secretary of War Edwin M. Stanton – approved of statehood. Chase replied that the federal government had recognized the Reorganized Government from the start of the war, so everything it had done was constitutional. Moreover, he stated that it was foolish to abandon loyal citizens in their time of need. Seward, the *New Yorker*, agreed. The rebels, he answered, had trampled on the Constitution so their views no longer applied. The Union had the responsibility to enforce the laws of the country, and therefore the measure was expedient or all was lost. Moreover, he argued that since the formation of West Virginia did not mean the elimination of Virginia, the measure set no precedents. Stanton, a native of Steubenville in eastern Ohio who had worked in northwestern Virginia, wrote the shortest response of all, only a page and a half long. He agreed with Chase and Seward that the matter was legal. He found not a single point on which the bill conflicted with the Constitution. He called statehood an expedient act because it separated the free states from the slave ones. Foreseeing no harm to the country, indeed to its great benefit, he backed the bill. The present good was real and substantial, he replied to the

⁵⁴ Dallas S. Shaffer, "Lincoln and the 'Vast Question' of West Virginia," *West Virginia History* 32, no. 2 (January 1971): 86-100; Edward C. Bates to Abraham Lincoln, December 27, 1862, Lincoln Papers, Library of Congress. The Secretary of the Interior, Caleb Smith, had just resigned in favor of his deputy John Usher in December 1862, but neither submitted a comment on the matter.

president. These answers appealed directly to Lincoln's understanding of the war.⁵⁵

Lincoln sided with the supporters. He sought to build a new state as a weapon against the rebellion, a token of defiance in the wake of the defeat at Fredericksburg. In his response, dated December 31, 1862, he echoed Seward's words about excluding the views of rebels. "It is a universal practice in the popular elections in all these states," he declared, "to give no legal consideration whatever to those who do not choose to vote, as against the effect of the votes of those, who do choose to vote." Rebels made their choices. In his view of the matter, the bill was constitutional. "It is said," he replied to Blair, Bates, and Welles, "the devil takes care of his own, much more should a good spirit, the spirit of the Constitution and the Union, take care of its own. I think it cannot do less, and live." Lincoln admitted that it was up to Congress if the matter was expedient, yet he believed that it was. In his mind, West Virginia was an asset to be wielded not a liability to be shielded, especially in the dark days after Fredericksburg. "More than on anything else," he wrote, "it depends on whether the admission or rejection of the new State would under all the circumstances tend the more strongly to the restoration of the national authority throughout the Union. That which helps most in this direction is the most expedient at this time." He sided with Chase and Seward on aiding those who fought for the Union. "We can scarcely dispense with the aid of West-Virginia in this struggle," the president stated,

⁵⁵ Salmon P. Chase to Abraham Lincoln, December 29, 1862; William H. Seward, December 26, 1862; Edwin M. Stanton, December 26, 1862. Abraham Lincoln Papers, Library of Congress, Washington, D.C. Hereafter, Lincoln Papers, LC.

much less can we afford to have her against us, in Congress and in the field. Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials. We have so acted as to justify their hopes; and we cannot fully retain their confidence, and co-operation, if we seem to break faith with them. In fact, they could not do so much for us, if they would.

He also cited, in the briefest possible way, his view on the slavery question. He sympathized with Stanton here. It is worth quoting the one sentence he wrote on the subject whole. He stated simply: "Again, the admission of the new State, turns that much slave soil to free; and thus, is a certain, and irrevocable encroachment upon the cause of the rebellion." This single sentence supports the view that Lincoln showed the same great flexibility on West Virginia as he did for the other Border States. He was willing to make a fifth one, with slavery intact, if it meant aiding the Union war effort. While it was secession, he wrote that "still difference enough between secession against the Constitution, and secession in favor of the Constitution." With this in mind, he signed the West Virginia statehood bill into law on January 1, 1863, pending the resumption of the constitutional convention to adopt the Willey Amendment.⁵⁶

Responses to the statehood bill were predictable. The wives of three of West Virginia's leaders praised Lincoln for signing the bill. Mrs. Samuel Crane (the state auditor), Mrs. Francis H. Pierpont (the governor) and Mrs. Lucian A. Hagans (the secretary of state) signed a letter that read:

In the name of the loyal Ladies of West Va., we thank you, for our blessed New Year's Gift. As the wives of our State Officers, we are doubly grateful. You have saved us from contempt and disgrace. The wildest enthusiasm prevails. The people are running to & fro, each one anxious to bear the "Glad Tidings of this great Joy." A Happy New Year

⁵⁶ Abraham Lincoln, "Opinion on West Virginia Statehood." December 31, 1862, Lincoln Papers, LC.

to you Mr. President. May not another hair turn grey. May your cares be less, and may you live to receive the benedictions of our children's children.

The *Wheeling Daily Intelligencer* also gave its whole hearted support. “Never,” it proclaimed, “were a people more delighted with a New Years’ gift, for never did a people have such a one before.” The president’s actions “doubly endeared himself to the people of West Virginia by this act of his, which frees the bonds of their ancient oppressors; and brings to them at last the realization of their long ago dreams and deferred hopes of two generations.”

No copy of the *Telegraph* has survived to give us Northcott’s views or from other northwestern conservatives but they must have been upset by the looming emancipation debates. The Confederates attacked it immediately. Letcher told the General Assembly in Richmond that he would never surrender the region for any reason and demanded its return. It was an ominous portent of things to come in the new year. But for the moment, West Virginia’s slaves remained in bondage because the Lincoln and the white leaders of the new state had to subordinate their freedom for that of other Americans.⁵⁷

The constitutional convention provided conservatives with yet another chance to fight back against what they saw as abolitionist interference. On February 12, 1863, almost a year to the day since its last session ended, the convention reconvened in Wheeling to discuss the adoption of the Willey Amendment. Willey himself started with a long speech about the proposed

⁵⁷ Mrs. Samuel Crane, Mrs. Francis H. Peirpoint, and Mrs. Lucian A. Hagans to Abraham Lincoln, January 1, 1863, Lincoln Papers, LC; *Wheeling Daily Intelligencer*, January 3, 1863; F. N. Boney, *John Letcher of Virginia: The Story of Virginia’s Civil War Governor* (Tuscaloosa: University of Alabama Press), 178.

amendment on gradual emancipation. After asserting that the Reorganized Government was perfectly legal, he stated that his bill served the public good. Because it would free few slaves down the road, few would lose out while most stood to benefit. “Shall it be said we shall not remove the obstruction of a few hundred thousand dollars’ worth of slaves out of the great highway of our State to wealth, prosperity and power?,” he said. Willey continued along line that would not have said in years past. “Certainly,” he stated, “it cannot be the value of the property or interests affected by the act of admission, which constitutes the objection of the opponents to this measure. It must be the value attached to slavery as an institution and a desire to see it perpetuated and diffused all through our western counties, as it is in the eastern section of the state, which prompts this opposition to a division of the state.” Willey may appear to have changed his views on slavery in the four years since he defended the practice while pursuing the lieutenant governorship in the 1859 election. Yet he only protected his amendment which would free the enslaved in the far future. Most of the delegates could live with that.⁵⁸

For some, the Willey Amendment still went too far. Conservative members tried to disrupt the proceedings with demands for compensation. The next day, the convention set up a committee of five to investigate the matter. James H. Brown of Kanawha interrupted the convention by demanding compensation for loyal masters. The federal Constitution’s Sixth Amendment, he

⁵⁸ Debates and Proceedings of the First Constitutional Convention of West Virginia, A State of Convenience: The Creation of West Virginia: An Online Exhibit, accessed March 1, 2014. <http://www.wvculture.org/history/statehood/cc021263.html> for February 12. Hereafter, Resumed Session of Constitutional Convention, A State of Convenience Website.

argued, required the government to repay owners of property taken for public purposes. On the following day, the committee agreed that precedents and law allowed for compensation. They recommended passage of the Willey Amendment with a plan for compensation to loyal masters after statehood. Brown, described by Granville Davisson Hall, the convention's secretary, as "the special champion of the slaveholding interests," dissented and moved that Congress set aside two million dollars to pay owners to give up their slaves immediately. The label could have applied to everyone else. Shortly thereafter, James S. Wheat of Morgan County moved that any compensation come from the sale of rebel property, including the enslaved. In his heavily divided area, all of the masters sided with the Confederacy. "I have never seen a slaveholder that is loyal. I know, sir, that if this compensation is to be paid to loyal men, you will not lose a dollar. Let us tell them we will donate it. Whenever we appropriate for public uses I am willing to pay," Wheat said. In response, he moved to amend the proposal to pay the compensation from the sale of rebel property, including slaves, rather than by raising taxes on the loyal. It is an open question what would happen to the enslaved afterwards. The next day, the old obstructionist, Chapman Stuart of Doddridge County countered the motion. He, like a few others, was a loyal slaveholder. He explained to Wheat about the risks he ran in his position. "I want to show you one ... and if you don't believe he is loyal, come along with him and he will show you what sacrifices you have to make to be loyal." He said that he "would not be standing on this floor today had it not been for the fear I had

of the agitation of this present subject now before us.”⁵⁹ They would not give up without a fight.

This issue complicated the passage of the Willey Amendment but did not delay it much. After five days of bickering, the delegates voted down both Brown’s and Wheat’s proposals by a narrow margin of twenty-eight to twenty-six. This alone shows how strong conservative opinion was even at this later stage in the emancipation process. Wheat’s and Brown’s motions failed for different reasons. The convention's majority would never accept the first for it was unworkable in practice. As Stuart’s outbursts stated, all slaveholders felt threatened. The second called for the unpopular idea of both immediate and compensated emancipation. So they went with the original plan. The delegates voted fifty-four to zero with two abstentions to approve the Willey Amendment by itself. The convention closed on February 20 after approving a referendum on its actions a month hence. This unanimity indicates the soundness of Willey’s idea since even conservatives voted for it. It should prompt some rethinking by what West Virginia scholars mean by “radical” when referring to slavery politics in their state’s formation. The radicals still supported the institution, just not as much as conservatives did.

The more hardcore proslavery supporters carried on the fight in other ways. The main conservative newspaper, the *Clarksburg National Telegraph*, ceased publication when Northcott left its editorship to command the Federal 12th

⁵⁹ Resumed Session of Constitutional Convention, A State of Convenience Website, accessed March 2, 2014, <http://www.wvculture.org/history/statehood/cc021363.html> for February 13, <http://www.wvculture.org/history/statehood/cc021663.html> for February 16; Granville Davisson Hall, *The Rending of Virginia: A History* (1902; repr. Knoxville: University of Tennessee Press, 2000), 502.

West Virginia Infantry. He later spent nine months in the notorious Libby Prison in Richmond.⁶⁰ The surviving newspapers can attest to their opinions. The *Intelligencer* carried many stories about opposition to the new state. Conservatives decided to hold a convention of their own set for March 12, 1863, in Parkersburg. A meeting held in Ohio County three days before condemned the new constitution as abolitionist in nature and degrading to white labor. One speaker, Robert Sweeney, said that the influx of free blacks meant that more competition for jobs. White men who “now receive \$1.50 per day would then only get 75 cents.” The meeting resolved that it was the “duty of the Democratic Party, and of all who are opposed to abolitionism, to rally to the polls and vote against the amendments,” which were “injurious to our best interests.” A proposed conservative convention in Parkersburg convention failed to take place. Few appeared to participate. Indeed, the Wood County sheriff refused to open the courthouse to, of all people, Judge Jackson, a stubborn opponent of the amendment. The voters, meanwhile, approved the new constitution by 28,321 votes in favor to 572 against. One-quarter of the votes came from soldiers, almost all of them supportive of the measure, including those from as far away as the 4th West Virginia Infantry then encamped near Vicksburg, Mississippi. Even Richard Curry, a perceptive observer of the statehood movement, called it a “solid endorsement by northwestern Unionists.” Clearly, Copperhead leaders had misjudged the temper of the Unionists of West Virginia who desired statehood

⁶⁰ Linda Fluharty, “12th West Virginia Infantry,” Accessed March 2, 2014. <http://www.lindapages.com/wvcw/12wvi/12-northcott.htm>.

more than the perils of “Congressional dictation.” The stage was now set to make northwestern Virginia into a state of its own.⁶¹

In conclusion, a social and political revolution had occurred to turn West Virginia against slavery. The northwest did not turn against it out of some latent opposition to the institution as previous historians have claimed. On the contrary, the statehood movement began out of a desire to protect the region from the anarchy of secession. The civil war within and around the northwest in late 1861 and throughout 1862 ruptured the Unionist movement into unconditional and conservative factions. Guerrilla activity reached staggering proportions in 1862, with bands on both sides attacking each other with impunity. The army tried its best – and worst – to fight these marauders with limited success. The courts, meanwhile, had little ability to prosecute accused guerrillas or secessionists. Unionists of all backgrounds agreed on fighting the rebels. The powerful role of kinship ties between the enemy and the loyal led to conflict among the faithful. The example of Kanawha County indicates how the war ripped asunder these relationships. Conservative Unionists who placed family ties alongside or above their allegiance to the federal government and the Reorganized Government received the determined scorn of their neighbors. Events such as this hardened attitudes on both sides. The unconditional Unionists rode a wave started by the Confederate offensive of 1862 in which emancipation became a key issue. Despite intense conservative opposition in the newspapers and politicians, West Virginia committed itself to gradual emancipation as it entered the Union.

⁶¹ *Wheeling Daily Intelligencer*, March 16, 1863; Curry, *A House Divided*, 129; see also his appendix for county returns in the referendum, 150-51.

Instead, the Unionist drive that began to protect slavery had become a revolution against it. The political effects of slavery and slaveholding would last much longer. Indeed, they died hard in West Virginia.

Chapter Six: To the Bitter End:
Statehood and the Troubled Emancipation Process in West Virginia, 1863-1868

Slavery died hard in West Virginia. Emancipation in the new state did not occur with the passage of the Willey Amendment as many of its historians have claimed. Instead, the politics of slavery continued long after statehood and even after the war itself. Between April 1863 and the end of 1868, state politics felt the weight of the peculiar institution. The dialogue between unconditional and conservative Unionists hinged on this issue more than any other. Having become increasingly hostile to slavery and the old ruling class, the former sought the destruction of both. On the other hand, the latter opposed any radical measures. At the war's end, the status of returning Confederates added a new dimension to the debate. Unconditional Unionists had to remove many of their legal rights to prevent them from allying with conservatives, with whom they had strong personal connections. Even within Unionist ranks, sufficient opposition existed to complicate the ratification of the Thirteenth Amendment and the operations of the Freedmen's Bureau after the fighting ceased. In short, despite having a limited presence and economic interest in slavery, West Virginia's attachment to the peculiar institution died hard.¹

The persistence of the issue may surprise those familiar with West Virginia's history, but it was a common occurrence in the other Border States. Each of the four endured intense debates on the issue. Delaware and Kentucky

¹ George Ellis Moore, "Slavery as a Factor in the Formation of West Virginia," *West Virginia History* 18 (1956): 5-89; Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964). John E. Stealey, *Antebellum Kanawha Salt Business and Western Markets* (Lexington: University Press of Kentucky, 1993); Wilma Dunaway, *Slavery in the American Mountain South* (New York: Cambridge University Press, 2003).

furiously opposed emancipation until forced to do so by the Thirteenth Amendment. In fact, neither ratified it until 1901 and 1976, respectively. Maryland and Missouri each passed emancipation measures in 1864 and 1865, but in both the matter required heavy lifting. Radical parties in each had to first take over the state government, and then overcome internal dissention to make the law. Maryland managed to pass an immediate and unconditional law effective on November 1, 1864, with the help of the soldier vote. Missouri's legislature barely approved a gradual plan in early 1865 that would not free any slave for many years. This chapter shows how West Virginia had similar experiences with ending slavery. Using election returns and newspaper editorials, this chapter argues that the slavery issue continued to plague the new state long after the approval of the Willey Amendment.

On April 20, 1863, after two years of war, strife and political agitation, President Lincoln signed the West Virginia Statehood Bill into law. It declared that the new state would enter the Union two months later on June 20. Just three days later, Colonels John D. Imboden, William E. "Grumble" Jones, and their combined 7,000 men started a long-planned and frequently delayed raid into the northwest. Their goal was the destruction of the Baltimore and Ohio Railroad, which in their eyes divided Virginia and aided the Union war effort. They also intended to reassure northwestern secessionists that they had not been abandoned. To this end, Robert E. Lee detached two locally raised regiments, the 25th Virginia and the 31st Virginia, from his Army of Northern Virginia to Jones's and Imboden's forces. Both commanders pledged to protect private property, but

quickly lost sight of that goal. In April and May, they rampaged in a circular path as far north as Morgantown in Monongalia County, then all the way down to Sutton in Braxton County. On May 6, they attacked the new oil refineries at Oiltown (now Burning Spring) in Wirt County. Jones's report justified their destruction, which he estimated to be 150,000 barrels of oil. He admitted that the wells "are owned mainly by Southern men, now driven from their homes," but since the war began, "their property is appropriated either by the Federal Government or Northern men." While Jones claimed that he ordered his troops to respect private property, little escaped their hands, including Virginia Governor Pierpont's personal library. The raid, Jones concluded, netted a handful of prisoners, more than a dozen railroad bridges and one tunnel, and 2,200 horses and cattle, at a loss of seventy men killed, wounded, and missing.²

Imboden lamented that bad weather and roads limited his performance in the raid. "In the horrible conditions of the roads, I could not move with the celerity that was desirable," he reported upon his return to the Shenandoah Valley. Nonetheless, he boasted that he could add to Jones's total of destruction by "compell[ing] the enemy to destroy large and valuable stores" at several points in the region, adding similar numbers of cattle and prisoners, while losing only a few men. Moreover, he claimed that his men, unlike Jones's, respected the rights of

² Mark A. Snell, *West Virginia and the Civil War: The Mountaineers Are Always Free* (Charleston, SC: History Press, 2011), 89-92; Elizabeth Cometti and Festus P. Summers, eds., *The Thirty-Fifth State: A Documentary History of West Virginia* (Morgantown: West Virginia University Library, 1966), 433-35; see also Darrell L. Collins, *The Jones-Imboden Raid: The Confederate Attempt to Destroy the Baltimore and Ohio Railroad and Retake West Virginia* (Jefferson, NC: McFarland and Company, 2007) and Spencer C. Tucker, *Brigadier General John D. Imboden: Confederate Commander in the Shenandoah* (Lexington: University Press of Kentucky, 2003). The signed copy of Pierpont's Bible is located in the West Virginia State Museum in Charleston.

the inhabitants. He wrote that he “have heard scarcely a complaint of any wrong done to private rights of persons and property by the men under my command.” Imboden emphasized that his men, who included many Northwestern Virginians, obeyed his orders despite federal troops and local Unionists having “done much to provoke them to vengeance upon a dastard foe, which had outraged their unprotected families.” Whatever the truth behind these competing claims, the Jones-Imboden Raid marked the deepest Confederate penetration into northwestern Virginia during the entire war. Its duration and destructiveness exceeded Loring’s occupation of the Kanawha Valley six months before. Yet aside from scarring the region and frightening its Unionist population, the raid did not significantly affect the statehood movement.³

West Virginia finally entered the Union on June 20, 1863. While only details of the ceremony in Wheeling, its first capitol, have survived, it was a momentous occasion wherever Unionists could gather. The *Intelligencer* reported the proceedings in the new state capitol as “a great gala day in the city,” and “very coquettish.” With good weather, a parade moved through Wheeling amid displays “of bunting ... most attractive and reflected much credit upon the good taste and patriotism of the people.” In front of the Linsley Institute, a school being used as the temporary capitol building, the parade of militiamen and other celebrants stopped to hear the new governor take the oath. Arthur Ingraham Boreman of Parkersburg in Wood County had served in the state legislature from 1855 to 1861. Although a member of the Know-Nothing and Opposition parties, Boreman’s biographer describes his voting record as “bipartisan” for supporting a

³ Cometti and Summers, eds., *Thirty-Fifth State*, *ibid.*

wide range of internal improvements for the northwest. Boreman voted against secession in April 1861. Having supported the statehood movement from the beginning, he served as president of the Second Wheeling Convention. Two years later, he ran against conservative Peter Van Winkle -- also of Wood County -- as the Union Party's gubernatorial candidate. Boreman won the nomination but the voting tallies indicate that it was close match. Each county received votes according to its total white population in 1860. As a result, Boreman received 181,185 votes to Van Winkle's 122,291. The former's base included many of the counties along the Ohio River and Pennsylvania border. Ohio, Marion, Wood, Kanawha, and some interior counties, supported Van Winkle. Boreman's victories in the convention and in the general election in which he ran unopposed indicate strong conservative sentiment throughout the state.⁴

Nonetheless, the new governor's inaugural address included an aggressive agenda. In sharp contrast to his own accomplishments in the Virginia legislature in the 1850s, Boreman also embraced the notion of western grievances to win over a divided Unionist population. West Virginia, he began, "should long since have had a separate State existence." The east had "always looked upon that portion of the State west of the mountains, as a sort of outside appendage -- a territory in a state of pupillage." As a result, he continued that the "unfairness and inequality of legislation is manifest on every page of the statute book." The discrepancies in the legislature permitted the east to collect "heavy taxes from us, and have spent large sums in the construction of railroads and canals in the East,

⁴ *Wheeling Daily Intelligencer*, April 22, 1863 and May 9, 1863; Isaiah A. Woodward, "Arthur Ingraham Boreman: A Biography" (PhD diss., West Virginia University, 1970): 13-58. Wood County did not send a delegation to the First Wheeling Convention.

but have withheld appropriations from the West.” The ties to neighbors in Ohio and Pennsylvania, rather than Virginia, made it inevitable that the west had to abandon the old dominion.

He then argued that West Virginia occupied a position similar to the other Border States:

We were situated between the South and the North, and in case of a collision it must necessarily result that ours would be contested territory; that if we adhered to the Union the South would deal with us much more severely than if we were a part of a Northern State, or of one that had not attempted to secede; and that we would be, what we have since been so truthfully called by many, the great "breakwater" between the North and those in rebellion in the South.

This promise of foul treatment, already evidenced by the Confederate army and its allied guerrillas indiscriminately attacking civilians and taking hostages, led him to take a hard line against the rebels and conservative Unionists associated with them. He asked West Virginians if they should support “those who carp and cavil at everything that is done by the administration” or “object to the suspension of the *habeas corpus* and thereby attempt to prevent some traitor from receiving his just deserts,” and “object that slavery is destroyed as the result of the acts of those in rebellion, if the Union is thereby saved?” He aimed these comments at the conservatives whom, as shown in Chapter 5, had become increasingly associated with slavery and the rebels in the eyes of Unconditional Unionists.⁵

Boreman promised to do as much as possible to form the new state. He pledged to suppress the rebellion with all means at his disposal. The new governor regretted that such concerns prevented him from focusing more attention

⁵ West Virginia Department of History and Culture, A State of Convenience: An Online Exhibit, “Inaugural Address of Governor Arthur I. Boreman, June 20, 1863,” <http://www.wvculture.org/history/boremania.html> (accessed May 4, 2014).

on “the internal civil policy of the State,” yet he promised that “even amidst surrounding difficulties and dangers they shall not be entirely forgotten.” Boreman vowed to “advance the agricultural, mining, manufacturing and commercial interests of the State.” On top of that, he said it was his pleasure to “assist in the establishment of a system of education throughout the State that may give to every child among us, whether rich or poor, an education that may fit them for respectable positions in society.” These statements suggest that he sought to build a new state along northern lines. As Sean Patrick Adams argued, the new state sought to abandon Virginia’s ruinous policies towards coal mining. Although conflicts of interest between the Kanawha Valley and the northern panhandle emerged in the process of forming appropriate corporate law and taxation policy, radicals in the new state could, he wrote, “realize their desire to rid the slavery-addled politics of the Old Dominion.” These struggles are not surprising. Whereas the drive for statehood began to protect slavery from secession, the war split the movement into Unconditional and conservative wings. The latter refused to give up on the past. The former, which had taken charge, abandoned the old ways. Now in charge, the Unconditional Unionists faced new challenges with how to develop their economy without forced labor and within a new legal structure.⁶ Boreman’s inaugural left no doubts as to where his allegiances lay. Like other Unconditional Unionists, he looked to the future instead of the past. Conservatives continued to influence the process. The

⁶ Ibid.; Sean Patrick Adams, *Old Dominion, Industrial Commonwealth: Coal, Politics and Economy in Antebellum America* (Baltimore: Johns Hopkins University Press, 2004), 211-21.

conflict over what path to take would consume the region until the end of the war and beyond.

The battles over the new state's direction soon filled its newspapers. Unconditional and conservative Unionists stabbed and jabbed at each other in print over a variety of issues. The unconditional faction had two main journals. Edited by Archibald W. Campbell and John F. McDermot, the *Wheeling Daily Intelligencer* had been arguing for northwestern separation since the beginning of the war. A February editorial asked "why is it, and how it happens that those mountain ranges which divide the ancient Commonwealth into Eastern and Western parts have never been penetrated by any improvement calculated to unite them in ties of commercial interest and prosperity?"⁷ The newspaper's position on slavery had hardened into virtual abolitionism after statehood. Its columns regularly linked rebels and conservatives as enemies. On October 7, for example, it responded to a proslavery editorial in the *Southern Literary Messenger* by stating that "this definition agrees very well with one given by the Copperheads of the North in obedience to Beauregard's order, they call all Union men 'abolitionists.' Two days later, the *Intelligencer* wrote that loyal men should never vote for a man "who has opposed the new State, the Emancipation Proclamation, the Confiscation Act, the arming of negroes to kill rebels, or any measure calculated to render treason odious, impoverish traitors, and put down the rebellion." The editors likewise saw slavery as ruinous to the country. "Freedom has...always pursued a defensive policy. Slavery has always been aggressive," it stated on October 20. Its harmful effects on the federal

⁷ *Wheeling Daily Intelligencer*, February 25, 1863.

government had to stop. “We have tried the one,” the *Intelligencer* proclaimed, “and our present condition is the result. The other is the only way now open to peace and permanent tranquility.” This strident support for emancipation was at heart synonymous with for winning the war.⁸

Started in mid-1862, the *Fairmont National* held similar views. The newspaper’s editors, A. F. Ritchie and J. T. Ben-Gough, complemented the Wheeling newspaper in attacking conservatives and rebels. In April, it reported that secessionists and conservatives threatened revolt against the new state after its population voted for the Willey Amendment to its constitution. “Recent circumstances” have, the editors stated, “confirmed the conviction that the rebels, embracing many professing Union [men] are closely banded for military and political purposes. We would not be surprised if [in] a few weeks [they] would develop their purposes and make it necessary for Union men to trample them into the earth and effectually clear them out purely as an act of self-defense.” Conservative and rebel avoidance of the polls for that election proved how many West Virginians supported them. Failing to turn out demonstrated “that the vote against the Amendment is a mere sprinkle scattered over the State and was doubtless cast by such rebels as had not heard of the mandate from headquarters.”⁹

⁸ Ibid., October 9 and October 20, 1863.

⁹ *Fairmont National*, April 4, 1863. Ben-Gough was killed in action at the Second Battle of Winchester on June 13-15, 1863, while serving with the 12th West Virginia Infantry. William Hewitt and James N. Miller, *History of the Twelfth West Virginia Infantry and the Story of Andersonville and Florence* (Charleston, WV: 35th Star Publishing, 2011), 49. This book is actually a compilation of two narratives.

Conservative Unionists had their voice as well. Despite suffering a major defeat in having to accept the Willey Amendment, they remained a part of state politics. In February 1863, George C. Sturgis and William P. Willey, the senator's son, started the *Morgantown Monitor* to maintain the conservative cause. They denounced their twin foes in the inaugural issue. "Neither secession nor abolitionism have any charms for us, they wrote. The Union was "a physical necessity" and they expected "to employ all proper means for its restoration and preservation." But they attacked the abolitionists for being "as much to blame, if not more, than the rebels are, for the war now raging." The two ideologies were "like the blades on a pair of shears, it is only by contact with each other that any effect can be pronounced."¹⁰

All three papers agreed on one point if not in the application: free blacks and former slaves had no place in the new state. For all its antislavery rhetoric, the *Intelligencer* retained its white supremacy views from the past. It differed from other newspapers only in minimizing race baiting and the negative effects of emancipation on whites. In January, a column concluded that emancipation would have no effect on the region. In fact, it predicted an "exodus of the negro from among us" upon freedom. "A few will remain with their old masters," its author believed, "a few will linger around our own towns and cities as waiters and porters in hotels and steamboats, but the great bulk of emancipated slaves will scatter abroad and seek positions in other States where their services may be required." In February, the *Intelligencer* boasted that the new state would have "the strongest anti-free black laws of any loyal State in the Union" due to having

¹⁰ *Morgantown Monitor*, February 14, 1863.

“the old laws of Virginia on that subject” and its new constitution forbidding their entry. The *National* proposed to colonize blacks, an old yet still popular idea among whites, along with Confederates. The editors proposed to transport “every rebel and every negro, slave and free, to the shores of Africa.” While costly, it called the plan “the quickest and cheapest way to secure permanent peace and security in the country.”¹¹ Lumping rebels and blacks together pointed to a desire to shed the new state from the two things holding it back from its full potential.

The conservative *Monitor* not surprisingly lamented the turn in favor of abolition. Claiming not to “dislike the negro or from any partialities for the institution of slavery,” the editors reflected on politicians “constantly using and encouraging violent and hostile opposition to an institution recognized by the Constitution and by the framers and fathers of the Republic.” Praising slavery for improving “the condition, prospects and character of the negro,” they demanded to know why the Republicans in Washington “persisted in their wild and reckless theories, whose development has brought the Union to the very verge of the precipice?” Subsequently, they concluded that in order to preserve the country “in its original sanctity, THERE IS NEED OF CONSERVATISM TODAY.”¹² The *Monitor* ceased publication in February 1864, with nothing in its arsenal but attacking radicals and abolitionists.

¹¹ *Wheeling Daily Intelligencer*, January 14, 1863, February 10, 1863, and February 18, 1863; *Fairmont National*, April 4, 1863.

¹² *Morgantown Monitor*, February 14, 1863 and February 21, 1863. The *Monitor* stopped for unknown reasons but the last issue makes it clear that it was not for financial reasons. “We have been able not only to keep out of debt, and ‘hold our own,’ but have a snug little sum to our credit at our bankers.” *Morgantown Monitor*, February 13, 1864.

Unconditional and conservative factions clashed anew during the congressional and senate elections in August and October 1863. The *National* and the *Intelligencer* backed Archibald W. Campbell, the latter's editor, for a seat in the U.S. Senate. His opponent was Peter G. Van Winkle. The *Monitor* disparaged Campbell's claims to be a leading figure in the new state movement. "Although too timid to speak out," it stated, "[the author] goes on to discuss the merits of Mr. Campbell, the influence of his paper in securing the new State, and finally asserts that he (Mr. Campbell) is *the only man* in the State who merited the position." Moreover, the *Monitor* claimed that these editorials unfairly labelled the conservatives as disloyal. "If Mr. Campbell was really in want, if the office he is seeking was a king of necessity to his existence, it would palliate, at least to a small degree, the unfairness of his dealing with an opponent," the newspaper opined. After accusing Campbell of corruption and nepotism, the *Monitor* promised him that conservatives would fight back. "He has an opponent who will not push himself on the Legislation, who will not twist, and pull, and squirm, and wire-work, and maneuver, and write brilliant articles to get the position," it pledged.¹³ They need not have worried. The legislature selected Van Winkle the conservative.

In October, the polls opened for the new state's three congressional districts. The second district, which included Clarksburg, Fairmont, and Morgantown, proved to be the most contentious of the three. William G. Brown of Preston County, the conservative candidate, faced off against John S. Burdett of Taylor County, who was serving in the army at the time. The *National*

¹³ Ibid., June 20 and July 18, 1863.

denounced any candidate for having proslavery views in the congressional election in the Second District. The voters, the editors argued on October 13, “would prefer voting for some man who was an *original* advocate of free West Virginia.” The problem with the congressional election at the time was that none of the candidates met that requirement. Brown owned seven slaves in the 1860 census, while Burdett had one. “If we believed,” the *National* stated, “the logic of events since this Slaveholder’s Rebellion began had wrought no change in the opinions of none of them, we should oppose *all* of them with our might.” Brown won the election. The *National* lamented the outcome. “We deplore the result as a calamity,” the editor wrote. While Brown was a good man with a “character” that “is neither negative nor positive, but passive, pliant and unstable.” While his victory was “far from being a copperhead triumph, although he received the vote of the rebel sympathizers, because he stands pledged over and over again to support the present Administration.” If Burdett had not been in the army, the *National* proclaimed, he would have won. Brown defeated him because he had “his own personal effects, the want of loyal newspapers and the active support of the Court-house cliques, it is no wonder he was elected.”¹⁴ The conservative victories in two of the state’s three districts indicate that Unconditional Unionists still lacked the command of the people, as well as continuing hesitation to support the Lincoln administration.

The military situation, meanwhile, prevented either side from prevailing over the other. Despite winning important victories at Gettysburg and Vicksburg, the Union effort slowed in the fall and winter of 1863. The most important

¹⁴ *Fairmont National*, October 13, 1863, and October 31, 1863.

actions during that time occurred in East Tennessee. Maj. Gen. William S. Rosecrans, an early hero of the war in West Virginia, moved his army from its garrison role around Nashville through Chattanooga in August to secure that vital railroad junction and rescue the Unionist population there. After several days of maneuver in north Georgia, Confederate Gen. Braxton Bragg's army attacked and struck Rosecrans's troops on September 19. Reinforced by Lt. Gen. James H. Longstreet's corps from Virginia, the rebels inflicted an ignominious defeat on the federals at Chickamauga the next day. Only Maj. Gen. George H. Thomas's stubborn stand on Snodgrass Hill saved the Union Army. Rosecrans retreated north to Chattanooga. Bragg besieged him within the important rail and river hub of Chattanooga. Several weeks later, Grant moved in to break the siege in a sharp battle on October 29. The Confederates found themselves on the defensive. Bragg weakened his force by sending Longstreet to Knoxville to confront Maj. Gen. Ambrose Burnside's Army of the Ohio. On November 24, Joseph Hooker's troops captured Lookout Mountain. From its summit, they watched Grant's army capture Missionary Ridge on the next day. Chattanooga was now in Union hands, and soon thereafter Burnside successfully held Knoxville.¹⁵

One smaller battle fought roughly at the same time settled who would rule West Virginia forever. In November 1863, as Hooker's troops moved west using the Baltimore and Ohio Railroad, Col. William Averell launched a major raid from West Virginia towards the Virginia and Tennessee Railroad in the lower

¹⁵ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Vintage, 1989), 675; Robert Tracy McKenzie, *Lincolntonites and Rebels: A Divided Town in the American Civil War* (New York: Oxford University Press, 2006); William W. Freehling, *The South vs. the South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001).

Shenandoah Valley to cut off Confederate communications between Richmond and Knoxville. On November 6, 1863, Averell and his 5,000 troops ran headlong into John Echols' 2,000 Confederates at Droop Mountain in Pocahontas County. The day-long battle, later termed "the Gettysburg of West Virginia," was the largest ever fought in the state. As their respective artillery batteries dueled, Averell's infantry outflanked Echols' troops and forced them to retreat. The federal soldiers, most of who came from West Virginia along with some Ohioans, suffered forty-five killed, ninety-three wounded and two missing. Confederate casualties, according to historian Terry Lowry, are impossible to measure but he concluded that they numbered 33 dead, 100 wounded and 122 captured. Averell never reached the railroad. He retreated back to Greenbrier County to raid another day.

A month later, on December 6, Averell's command again plunged southward, to Salem, Virginia. After brushing aside the small garrison, his troopers destroyed parts of the railroad, bushels of salt, wagons, telegraph poles, and bridges, among other targets. He then sought to return to West Virginia, but Confederate units blocked his route. Skilfully, he evaded them all with minimal casualties despite miserable weather. While the damage was quickly repaired, the capture of East Tennessee rendered the major east-west link useless for a time.¹⁶

Yet the outcome was clear. While the guerrilla menace continued, historians

¹⁶ Snell, *West Virginia and the Civil War*, 115-116; Terry Lowry, *Last Sleep: The Battle of Droop Mountain, November 6, 1863* (Charleston, WV: Pictorial Histories, 1996), 259 and 269; See also Kenneth W. Noe, *Southwest Virginia's Railroad* (Urbana: University of Illinois Press, 1994), 130-38.

agree that this battle secured West Virginia for the Union, so long as it won the war.

Feats of arms notwithstanding, the federal government unwittingly dealt the Unconditional Unionist cause a setback at this moment. In a gesture of conciliation, President Lincoln issued his Proclamation of Amnesty and Reconstruction on December 8, 1863. It set out conditions for settling treason cases, such as providing the required oaths to take before a federal officer. More important, it established the rules for readmitting seceded states into the Union based on the “ten-percent” rule, or 10 percent of the prewar electorate voting in support of the new loyal government. Lincoln also insisted that the new states free their slaves and provide for their maintenance.

The last paragraph of the proclamation only applied to certain states then in rebellion. The loyal states, including Virginia, were exempted. It stated that the federal government had no authority “so far as it relates to state governments, has no reference to states wherein loyal state governments have all the while been maintained.” Lincoln clearly meant the Border States, which by now included West Virginia.¹⁷ Three months later, Lincoln strengthened the proclamation with another. On March 26, 1864, he ordered that it:

does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed, are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military, or naval authorities, or agents of the United States, as prisoners of war, or persons detained for offences of any kind, either before or after conviction; and that on the contrary it does apply only to those persons who, being yet at large, and free from any arrest,

¹⁷ Abraham Lincoln, “The Proclamation of Amnesty and Reconstruction, December 8, 1863,” Freedman and Southern Society Project, University of Maryland, accessed May 10, 2014, <http://www.freedmen.umd.edu/procamn.htm>.

confinement, or duress, shall voluntarily come forward and take the said oath, with the purpose of restoring peace, and establishing the national authority.

Lincoln also stated that those seeking amnesty had to approach him directly.¹⁸

This new proclamation essentially changed nothing as far as West Virginia was concerned. Hundreds of accused traitors continued to face charges and were required to post hefty bonds to secure their behavior. Only twelve took the new oath in the court's combined sessions in Wheeling, Clarksburg, and Charleston in April 1864, and all had to post bonds. Judge John J. Jackson, Jr. carried most of the remaining cases over to the succeeding terms, as he had several times before. Even fewer faced the full force of the law. The court seized the property of two Kanawha County Confederates, George S. Patton and John N. Clarkson, both of whom served in the rebel army. The fates of their slaves -- Clarkson owned seventy-one in 1860, while Patton owned only one -- are unknown.¹⁹

Another notable case involved Jonathan M. Bennett of Lewis County. He stayed on as Virginia's Commonwealth auditor after secession. Judge Jackson, his cousin, seized his property for this decision in August 1863. As a Confederate office holder, Bennett was not entitled to take the oath and had to apply to Lincoln

¹⁸ Abraham Lincoln: "Proclamation 111 - Concerning Amnesty," March 26, 1864. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=69991> (accessed May 18, 2014). Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 38. Many historians have marked this proclamation as the start of the process known as Reconstruction, although Foner points to the start of the West Virginia statehood movement as its first experiment. I disagree. The federal government treated Pierpont's government in Wheeling so quickly and thoroughly that it more closely resembles Lincoln's treatment of Maryland or Kentucky than that of Virginia or Tennessee.

¹⁹ Law Order Books, Clarksburg and Wheeling Courts, Record Group 21, Records of the U.S. District Court for Northern District of West Virginia, and Law Order Book, Charleston Court, Record Group 21, Records of the U.S. District Court for the Southern District of West Virginia, National Archives and Record Administration Mid-Atlantic Branch, Philadelphia, PA. Hereafter, Law Order Books, U.S. District Court.

directly, an impossibility given his position in Richmond at the time. Jackson also ordered a commissioner to inventory Bennett's property. A public auction of his law library and office furniture netted \$405. The *Wheeling Daily Intelligencer* paid \$16.40 for part of it, which must have rankled Bennett. Jackson himself bought the law library for \$55.53. Bennett's stocks and bonds also were liquidated to an amount of \$3,300. The court further allowed persons to reclaim property he owned to them. John Lyttle claimed that he and Michael Duffie had made a deal with Bennett to pay \$3,000 for a town lot in Weston. The court seized the several thousand acres of land that he owned with his partner Gideon N. Camden, who also faced a treason charge. Several other creditors sought relief from his estate, but the United States Marshall, Edward M. Norton, reported that "none were executed for want of time."²⁰

The state government worsened matters with its own leniency. Throughout 1864, the Boreman administration issued its own proclamations giving alleged traitors in the several counties sixty days in which to turn themselves into a federal or state officer. Once in custody, they had to swear oaths to the national and state constitutions. The proclamations identified by name hundreds of accused men in Calhoun, Taylor, Upshur, Jackson and

²⁰ Bennett's case file is found in Record Group 21, Records of the United States District Court, District of Western Virginia, Clarksburg Miscellaneous Case Reports, Criminal, 1861-1869, Box 3, NARA Mid-Atlantic Office, Philadelphia, PA; Jacob C. Baas, "John Jay Jackson Jr.: His Early Life and Public Career, 1824-1870" (PhD diss., West Virginia University, 1975), 164-68; Virgil Lewis, *A History of West Virginia in Two Parts* (Philadelphia: Hubbard Brothers, 1889), 639-44. Patton and Jenkins both died in 1864, so they could not recover their property. Patton's heirs moved to California after the war, where his famous grandson was born. This was but one case out of hundreds before the District Court in West Virginia. Had more been prosecuted like this, the history of the state would have been quite different. Its old antebellum ruling class would have been financially ruined. Yet it remained intact. Despite the commissioner's thorough efforts, the court restored the remainder of Bennett's property to him after the war

Kanawha Counties. It is not clear if they had their intended effect.²¹ The oath caused considerable trouble among the population. It was required for all voters and office holders. Many continued to see the new state as illegal and temporary, fully expecting the war to end in a negotiated settlement that would return the area to Virginia. The *Wellsburg Herald* reported that those of “the butternut persuasion in this locality” thus regarded the oath “with the greatest antipathy and abhorrence.” It was “an infringement of their rights” and “unconstitutional.” The *Herald*, as radical a newspaper as the *Intelligencer* or *National*, exposed their hypocrisy. “It is quite a noticeable feature that their constitutional rights are, in their estimation, synonymous with the liberty which they enjoy of embarrassing the government in its efforts to put down the rebellion,” it stated.²²

The revived *Clarksburg Weekly National Telegraph* disagreed. Resuming publication in March 1864 under the editorship of John T. Griffin, with the blessing of its previous editor, Robert S. Northcott, it became less conservative than its previous incarnation. In August, Griffin demanded to know why those in “West Virginia, Maryland and other border States, men and women who talk treason are arrested and either confined in prison or sent across the lines, while in Pennsylvania they talk the most damnable treason with impunity?” Surprisingly, this conservative sheet did not mean abolitionists, but rather referred to the extensive draft avoidance in that state. “In Pennsylvania, men speak of it [treason] and have to be drafted,” it claimed, while “In West Virginia, they

²¹ West Virginia Executive Department Papers, Microfilm in West Virginia and Regional History Collection, West Virginia University Library, Morgantown, West Virginia (hereafter, WVRHC).

²² *Wheeling Daily Intelligencer*, February 22, 1864.

volunteer because nobody dissuades them from it.” This range of opinions -- one of excessive tolerance towards rebel sympathizers, the other to loyal skedaddlers - - indicates a common desire for a Union victory. If that side won, then West Virginia’s future was secure.²³

In the meantime, the state became a base for more attacks into the heart of the Confederacy as a spring campaign approached. In March 1864, General Ulysses S. Grant assumed command of all the Union Armies. His first order was to make simultaneous offensives from east to west into the Confederate heartland. Historians call this strategy “concentration in time.” Lincoln approved of the idea with his famous homespun wit: “Good, those not skinning can hold a leg.” Grant personally accompanied the Army of the Potomac against Lee in Virginia, while Sherman moved on Atlanta from East Tennessee, Nathaniel Banks marched up the Red River in Louisiana, and Franz Siegel invaded the Shenandoah Valley. West Virginia was part of the last movement. In late April and early May, the Union Army launched raids from the state into the Shenandoah Valley and Southwestern Virginia. George Crook, the Indian and guerrilla fighter, headed southward to Dublin in Pulaski County, a major stop on the Virginia and Tennessee Railroad. Once there, his six-thousand man division attacked a smaller force at Cloyd’s Mountain on May 9. The Confederate commander, former northwestern Virginia Congressman Albert Gallatin Jenkins, died in the attack along with one-quarter of his force. A simultaneous raid by William Averell managed to destroy the New River Bridge and the salt works at Saltville, exacting revenge on Loring’s occupation of the Kanawha Valley in 1862. Grumble Jones

²³ *Clarksburg Weekly National Telegraph*, August 26, 1864.

and famed cavalryman John Hunt Morgan blocked Averell's way and prevented his men from doing more damage. The two Union commanders withdrew quickly when they learned of fighting in the Wilderness.²⁴

Farther north, a much larger force gathered to operate in the upper Shenandoah Valley. The new commander of the Department of West Virginia, Gen. David Hunter, formed his troops into the Army of Kanawha. Despite the name, it became a corps in his new Army of the Shenandoah when he replaced Sigel, who had lost the important Battle of New Market on May 21. Hunter would have been a controversial choice at any previous point. As the Union commander in the South Carolina Sea Islands in 1862, the New York-born abolitionist had ordered the slaves there to be freed. Lincoln countermanded the order, much like he had Frémont's similar declaration in Missouri a few months beforehand. Yet it appears that no one in the state disapproved of his presence. Hunter took his army on a whirlwind of destruction in May and June. Starting at Beverly in Randolph County, he proceeded east into the valley, then south towards Staunton. After defeating and killing "Grumble" Jones at the Battle of Piedmont on June 5, he captured the town. Briefly pausing to refit, Hunter plunged towards Lexington. While there, his soldiers burned down the Virginia Military Institute as punishment for their cadets' participation at the New Market. They also put Governor Letcher's house to the torch. Rapidly redeployed Confederate reinforcements under Jubal Early prevented Hunter's army from capturing Lynchburg. Frustrated but convinced that his mission had been

²⁴ McPherson, 722; Snell, 125-127; Brian C. McKnight, *Contested Borderlands: The Civil War in Appalachian Kentucky and Virginia* (Lexington: University Press of Kentucky, 2006), 197-98.

achieved, he moved his army back into West Virginia via the Kanawha Valley, leaving the Shenandoah Valley wide open to Early.²⁵ Lincoln relieved him of his command and sent him into virtual retirement.

Union fortunes stalled across the South temporarily when the 1864 offensive lost momentum in mid-summer. Sherman moved slowly on Atlanta, battling Joseph Johnston's army north of the city at places such as Resaca, Dalton, and Kennesaw Mountain, until President Davis replaced him with the aggressive John Bell Hood. The impetuous Kentuckian turned Texan attacked Sherman but lost, allowing the Union to besiege the city. Grant's overland campaign in Virginia meanwhile threw Lee's army back past Richmond to Petersburg in a series of costly if successful battles. Banks's offensive up the Red River failed after two defeats; a falling river level nearly cut off his withdrawal. Union forces recaptured some momentum when Sherman captured Atlanta in September. After a month-long pause to refit, Sherman moved his army across Georgia in his legendary "March to the Sea." He arrived in Savannah in late December, just in time to give the city to President Lincoln as a Christmas gift.

Lincoln launched his own campaign for re-election in November against George B. McClellan. Unconditional Unionists in the state responded with a strategy to win the 1864 presidential election. West Virginia's future remained tied to the war's progress. So long as the Union prevailed, the new state continued to exist. If the two sides somehow sought a negotiated peace, however remote that possibility was, reintegration with Virginia would be a distinct

²⁵ Edward A. Miller, *Lincoln's Abolitionist General: A Biography of David Hunter* (Columbia: University of South Carolina Press, 1997), 164-220.

possibility. Ralph Berkshire of Monongalia County wrote to his old friend Waitman Willey that their cause depended on defeating the Democrats. He warned the senator that the opposition will make “great exertions” to win the election. While he felt that “there is no shadow of doubt” that they would win, we must show great vigilance unless “our infant state” fall into conservative hands. In the weeks and days before, the parties and their newspapers mobilized the voters with furious editorials. Interestingly, each printed reassuring columns about how a National Union Party (the name the Republicans adopted in this election) would benefit the new state, rather than using scare tactics. The *Telegraph*, the more conservative newspaper, reminded readers in August about how best to develop the new state’s bountiful natural resources. Under Virginia rule, “a parcel of old aristocrats who were opposed to changing the old order of things” retarded the northwest’s growth. It cited that the reasons were “not that our people were less intelligent or less energetic than their neighbors of Pennsylvania and Ohio,” but as a new state “we have the power to develop our hitherto hidden resources.” The *Telegraph* cited the soil and climate as being well suited to wine making for “the vine thrives as well here as in any part of Ohio.”²⁶

The unconditional Union papers adopted a similar tactic as the *Telegraph*. A new radical newspaper, the *Morgantown Weekly Post*, reminded readers that Lincoln was not in favor of racial equality. Unionists who “felt themselves alienated in their sympathy toward the Government because of the policy of the President in enlisting negroes to fight against the rebels” should not feel that way,

²⁶ Ralph L. Berkshire to Waitman T. Willey, March 15, 1864, Willey Papers, WVRHC; *Clarksburg Weekly National Telegraph*, September 30, 1864.

editor Henry M. Morgan urged. The *Post* cited a letter from Lincoln to an Illinois judge saying how black enlistment was only a war measure, nothing more. The *Intelligencer* warned voters that if the Democrats won, they would return West Virginia to the old state, a process that they always opposed. Worse yet, “we will come under the rule of those who are now our enemies in the field, and will put upon us not only all the old inequalities of which we so long complained, but, in addition, our proportion of the ruinous taxes which have been enacted since.” These editorials pointed to the future that Unionists desired: separate statehood, northern-style economic development, a Union victory, and no racial equality.²⁷

The election validated those desires. Lincoln and East Tennessee’s Andrew Johnson won the election, but the results indicated the continuing sensitivity in the border areas. Lincoln won every state except Kentucky and Delaware, as well as McClellan’s home state of New Jersey. West Virginia voted for the President by a two-to-one margin, 23,152 votes to 10,483 for McClellan. On closer inspection, the statewide results find more conservative support there as well. In the northern panhandle, the margins tended to be narrow. Ohio County, the fount of northwestern Virginia Unionism, gave Lincoln only 2,138 votes to McClellan’s 2,008. Broken down further, the Democrat won five of Wheeling’s ten wards, as Table 6 below indicates. Table 7 below shows a sample of the statewide result. Broken down into four parts of the state, the returns reveal how conservative strength was highest in the northern panhandle and central counties. McClellan only won Wetzel County, but the others gave him respectable support. The

²⁷ *Morgantown Weekly Post*, October 15, 1864, and *Wheeling Daily Intelligencer*, October 27, 1864.

Kanawha Valley and Eastern Panhandle areas voted strongly for Lincoln, though guerrilla activity and Unionist intimidation influenced those elections. Many counties submitted no returns at all. Had those areas been more secure, it is possible that the Democratic vote would have been higher. Otis K. Rice and Stephen W. Brown noticed a drop of five thousand votes from the Willey Amendment referendum eighteen months before. They argue that it represented that “many Unionists who reluctantly supported a necessary condition for statehood wanted no part of Lincoln’s war measures”²⁸ While that would not have changed the national outcome, it would have given a closer result, akin to those in the northern panhandle.²⁹

Table 6: Wheeling, West Virginia Election Returns by Ward, 1864

Presidential Election

<u>Ward</u>	<u>Lincoln</u>	<u>McClellan</u>
Washington	202	306
Madison	194	205
Clay	256	196
Union	348	231
Center	198	230
Webster	246	155
Ritchie	295	232
Richland	112	160
Liberty	137	116
Triadelphia	160	177
	<u>2148</u>	<u>2008</u>

²⁸ Otis K. Rice and Stephen W. Brown, *West Virginia: A History*, 2nd ed. (Lexington: University Press of Kentucky, 1993), 155.

²⁹ *Wheeling Daily Intelligencer*, November 9, 1864, and November 10, 1864. The Wheeling ward returns contain mathematical errors in the original.

The press responses to the election results not surprisingly indicated little respect between the two sides. The *Intelligencer* showed no sympathy for the Democrats' strength despite the outcome. "All those who voted for McClellan made a great mistake," the editors stated on November 15, "but it is not necessary to suppose, nor do we suppose that all made it wilfully. The leaders high in the councils of the Democrats are men who are traitors to their country and allies to Jeff. Davis." It reserved harsh criticism for Wetzel County. It doubted its allegiances to the Union, calling it a "South Carolina at heart" for voting Democratic. "Her recent vote does her great injustice," the *Intelligencer* concluded. Even if we account for the newspaper's partisan biases, these indicate strong displeasure for the result. The *Morgantown Weekly Post* echoed these sentiments. While Lincoln's platform aimed at victory over the rebellion and the end to its root cause in slavery, McClellan's stances were merely "intended to catch the votes of the ultra-Peace men." Democratic "friends and supporters wore two faces, and at no time did they make a square, stand up fight on a well-defined issue. They angled for votes with any and all kinds of bait, and votes cast for McClellan mean anything or nothing, as his supporters may chance to believe." The *Telegraph* hailed the election return but lamented the actions of what it labelled "the Wheeling clique." It claimed that soldiers and citizens had been treated with "utter disregard" in how nominees were chosen.

Table 7: County Returns for 1864 Presidential Election³⁰

<u>Northern Panhandle</u>	Lincoln	McClellan	<u>Kanawha Valley</u>	Lincoln	McClellan
Brooke	464	401	Cabell	191	0
Hancock	424	297	Kanawha	1421	26
Marshall	1470	770	Putnam	338	109
Ohio	2,138	2,008			
Wetzel	329	756			

<u>Central Counties</u>	Lincoln	McClellan	<u>Eastern Panhandle</u>	Lincoln	McClellan
Barbour	593	293	Berkeley	726	0
Harrison	1323	863	Hampshire	163	7
Marion	1082	511	Hardy	254	0
Monongalia	1321	705	Jefferson	174	21
Preston	1,612	564	Morgan	265	0
Wood	1,496	591			

Some in Wheeling, instead, chose for them, specifically interfering with an election in Harrison County. “We ask the free people of West Virginia if they are willing to submit to the dictation of a few interested persons,” the *Telegraph* demanded to know. “We know they are not, for they value freedom too highly to permit themselves to be thus cheated out of their birthright.” Clearly partisanship directed these responses, yet there was more at work here. The unconditional newspapers saw the stronger than expected Democratic vote as a threat to the entire country and the future of their state.³¹ The conservative press, on the other hand, fought back from a position of strength.

³⁰ The chart containing the 1864 presidential election returns from West Virginia is found in Curry, 151-152.

³¹ *Wheeling Daily Intelligencer*, November 15, 1864, and November 16, 1864; *Morgantown Weekly Post*, December 3, 1864; *Clarksburg Weekly National Telegraph*, December 9, 1864.

Kanawha County felt the conservative's weight too. In the previous year, the county's longstanding elites split when some had placed family connections to Confederates above their allegiances to the Union. Some figures such as Benjamin H. Smith, Lewis Ruffner, and George W. Summers tried their hand in politics. Unconditional Unionists such as the Slack family took issue with their holier-than-thou attitudes. A new newspaper fed this response. The *West Virginia Journal* began in October to promote the radical cause in the election. Its editors proclaimed that "politically we are unconditionally for the Union" and supported the president "in all measures necessary to a vigorous prosecution of the war against the rebellion." For local affairs, it promised to "advocate only such men for office as we believe to be thoroughly Union." In the same issue, the editors urged voters to "suffer no false logic or chicanery" when choosing candidates. "This is a real struggle going on in this country. The question to be decided is whether the people -- the masses -- shall rule, or be ruled by certain individuals or families who indirectly claim that prerogative?," the newspaper inquired. The election for the state House of Delegates of a known conservative Unionist prompted a major response from the paper. Spicer Patrick, a long-serving physician, saltmaker and slaveowner, won, the *Journal* claimed, with the help of "every rebel sympathizer in the County voted his ticket. This is something for a 'good Union man' to be proud of." Two weeks later, after Kanawhans voted overwhelmingly for Lincoln, the paper condemned its cross-town rival, the *Republican*, of disloyalty. It described the editors as seeing the world with "but one eye on us...and that is the secesh eye. It is terribly indignant

at us ‘mud-sills’ because we don’t obey its dictates, and eulogize its warm sympathies for prominent secessionists and traitors.” The *Republican*’s editor, Enos W. Newton, “vouches for [returning rebels] in every conceivable shape, form, and manner asked of him.”³² Although no issues of the conservative *Kanawha Republican* have survived, the family connections between rebels and conservative Unionists were public knowledge.

The continued adventures of Isaac Noyes Smith and John P. Hale provided the most famous source of friction between Kanawhans. After leaving Confederate service under notorious circumstances, the pair attempted to resume their business activities without provoking further controversy. They failed. The *Journal* monitored their every activity. In December, a letter from “A Voter for Lincoln in 1864,” called out the *Republican* for defending the two in a “very weak effort.” The writer claimed, as was probably common belief, that neither Smith nor Hale had taken the oath of allegiance. Indeed, they “[have] not *positively and persistently refused* to take the Oath...and publicly and defiantly advertised and avowed their hostility to the Union....There is no law, human or divine, that requires forgiveness of injuries without repentance; and I ask where is the evidence of repentance?” he asked.

In January 1865, the *Journal* called Smith and Hale “representatives of the class of men against whom we are fighting. We had never heard them spoken of otherwise than as rebel sympathizers.” Aside from their treason, they now refused to participate in local affairs – a hypocritical statement from the *Journal* since they opposed them from doing exactly that. “But it still appears that they,

³² *West Virginia Journal*, October 28, 1864, November 2, 1864, and November 16, 1864.

being influential citizens here, have taken little or no public interest in the affairs of the County, State or Government – have withheld their influence from the cause of the Union – in fact, taking the seeming position of neutrals,” the *Journal* opined.³³

The unconditional Unionists sought revenge on the conservatives with the ratification of the Thirteenth Amendment which abolished slavery nationwide. On the surface, the process appeared straightforward. In Congress, all of West Virginia’s senators and representatives voted in favor of the measure. On April 8, 1864, senators Willey and Van Winkle supported the amendment. John S. Carlile did not vote. During the House’s first attempt at passage, William G. Brown also did not vote but the state’s other two congressmen -- Kellian V. Whaley and Jacob B. Blair -- voted in favor. On January 31, 1865, when the House of Representatives revisited the issue, all three voted for the amendment. It is noteworthy at how closely these tallies compare to the other Border States. Both of Missouri’s and Maryland’s senators voted for it, while each from Kentucky and Delaware opposed it. Similarly, they split their votes in the House. Four of Kentucky’s seven congressmen voted for it, along with Delaware’s lone representative. Seven of Missouri’s eight members and four of Maryland’s five congressmen also voted for the amendment. Four years before, the region sought

³³ *West Virginia Journal*, December 21, 1864, and January 11, 1865. Italics in the original. It appears that Smith and Hale evaded the scrutiny of the radicals for both went on to successful careers as a lawyer and a businessman, respectively. Nonetheless, their presence must have been particularly unpopular in a war-weary and vengeful county.

to protect the institution despite its limited physical and economic presence there. In January 1865, it appears that its wartime leaders happily signed it away.³⁴

Even unconditional Unionists in the Kanawha Valley had turned against slavery. The *West Virginia Journal* condemned it for forcing people to immigrate to the far west. “The very name of slavery,” it stated on January 27, “is a prompter to those fleeing from oppression, and they do not stop to enquire whether the reality yet exists here, but plod on the far west where every foot of soil is free.” It then asked the state legislature to follow Missouri, Tennessee, and Maryland in passing the amendment. The *Intelligencer* also condemned Delaware for its stubborn opposition to emancipation. While everyone else was ending the institution, “little Delaware...hugs the old institution of slavery as though the safety of the State depended on the perpetuity of that effete system.”³⁵

West Virginia’s own handling of the Thirteenth Amendment indicates that many still clung to the institution. A lack of evidence prevents easy identification of partisanship, but the voting on this issue indicates that Unconditionals had only a slight edge over the conservatives. The House heard the bill first on January 26, presented by James H. Ferguson of Cabell County. Four days later, debate began after its second reading. Daniel Lamb of Ohio County proposed a substitution to amend the state constitution because he claimed it lacked the legal authority to abolish slavery. Others opposed this idea as a delaying tactic. Ferguson had been a supporter of slaveholders’ rights but now he embraced emancipation. The

³⁴ *Congressional Globe*, Senate, 38th Congress, 1st session, 1864, 1490; *Congressional Globe*, House, 38th Congress, 1st session, 1864, 2995; *Congressional Globe*, House, 38th Congress, 2nd session, 1865: 531.

³⁵ *West Virginia Journal*, January 27, 1865.

legislature had the authority to act without amendment, he asserted, and he “wanted to strike the shackles off the slaves and make them what God intended them to be -- free men, and he wanted to do it as speedily as possible.” Lamb’s motion was rejected. On February 1, the House of Delegates passed it after a short debate. Spicer Patrick, now the speaker, owned twenty-two slaves in 1860, which made him the largest slaveowner in the legislature by a wide margin. He voted in favor of the amendment. He said that “[h]is own servants -- all who were efficient -- went off in '62, leaving only two old and infirm slaves. One of these became infatuated with freedom not long since.” The House passed it twenty-nine votes to seventeen.

The Senate took up the matter two days later. Daniel Haymond of Ritchie County, who was at the age of seventy-seven the oldest member of either house, moved to add compensation to the bill. James Burley of Marshall County suggested \$300, but the senators rejected both measures. With no further debate, the bill passed with a vote of seventeen to one, Haymond being the lone dissenter. John H. Atkinson of Hancock County declared “Slavery is dead at last.” To this, Vermont-born Daniel Peck of Ohio County lamented “Yes, and the smoke of its torment ascendeth up forever and ever!” Governor Boreman signed the bill the same day, and on February 4, West Virginia became one of the first states to ratify the Thirteenth Amendment.³⁶ The process was in many ways similar to Missouri’s and Maryland’s, where radical control of the legislature was required

³⁶ The proceedings of the House debate were published in *Wheeling Daily Intelligencer*, January 31, 1865, and February 1, 1865; the Senate debate appeared in *Wheeling Daily Intelligencer*, February 4, 1865; Kenneth R. Bailey, *Alleged Evil Genius: The Life and Times of Judge James H. Ferguson* (Charleston, WV: Quarrier Press, 2006), 29-30.

to pass the bill. Kentucky and Delaware had conservative-dominated assemblies and thus rejected it, and kept doing so for decades afterwards.

Meanwhile the war turned irrevocably against the Confederacy. Sherman's army wreaked havoc in the heart of secession territory in North and South Carolina. James Henry Wilson's cavalry plunged southwards from Tennessee into Alabama, and then marched eastward into Georgia. Grant and Maj. Gen. George Meade (commander of the Army of the Potomac) kept a close eye on Lee outside Petersburg, Virginia. Many West Virginia regiments served there also monitoring their one-time masters. On April 1, Meade attacked Lee and forced him to retreat westwards the next day. After a week-long chase across central Virginia, three Union armies cornered the remnants of the Army of Northern Virginia around Appomattox Court House. Lee, outnumbered, exhausted, and surrounded, surrendered. The war began to sputter to a halt over the next two months. A triumphant Lincoln now looked ahead to reconstructing the country and, in the immortal words of his Second Inaugural Address, "to establish and cherish a just and lasting peace amongst ourselves and with all nations."³⁷ He did not live to see this happen. A deranged actor and Confederate sympathizer from Maryland, John Wilkes Booth, martyred the President on April 14. The nation went into mourning. "Murder most fowl!" declared the *Intelligencer*. "We have no words to express the thrill of horror which ran through this community last Saturday morning, on the receipt of the news announcing the murder of the President." The editors declared that "We think of

³⁷ The Avalon Project: Documents in Law, History and Diplomacy, "Second Inaugural Address of Abraham Lincoln, March 4, 1865," http://avalon.law.yale.edu/19th_century/lincoln2.asp (accessed May 18, 2014).

Abraham Lincoln as of Moses, that man of God who led Israel nearly into the Promised Land.” The *Morgantown Weekly Post* had gone out of print in March. When it resumed publication on May 20, it likewise hailed the late President’s “generous nature that never distinguished the human character.” The *Telegraph* praised his successor, Andrew Johnson. The newspaper wrote that while the loyal people “have lost in the untimely death of Mr. Lincoln a good, wise, and beloved ruler ... one truly worthy has succeeded him, and one who will carry out the wise policy of his beloved and lamented predecessor.”³⁸

The end of the war meant the return of former Confederates to West Virginia. Many Unionists feared that these returnees would threaten the independence and future of the new state. A meeting in Kanawha County opposed their return. The former editor of the *Kanawha Valley Star*, Jonathan Rundle, returned from Confederate service and declared “if you [Union men] will treat us right and not insult us, we will keep quiet; but if you don’t, these hills will be filled with sharpshooters.” As sanguine as it may sound, Rundle’s comment had the ring of truth. Governor Boreman informed his brother about what a returning rebel could face, in the case of Kenner B. Stephenson, a family friend:

Poor fellow he should have taken my advice at the beginning, but he would not. On his mother’s account (who in my opinion has never been a rebel) I will have to aid him to get back. But he will not be able to stay. The people will treat him coolly. So much so that he will not feel at home. Indeed the people say that none of those renegade rebels shall return. I have not much sympathy for them. I was always fond of Kenner however & hope he will do better for the future.

³⁸ *Wheeling Daily Intelligencer*, April 17, 1865; *Morgantown Weekly Post*, May 20, 1865; *Clarksburg Weekly National Telegraph*, April 28, 1865.

Conservative Unionists tried to warn their Confederate friends about the risks. Those who sought a quiet return home could not be guaranteed a safe transit. R. J. McCandlish of Lewis County warned Jonathan M. Bennett about the challenges returnees faced: "I hardly know what to say in relation to your coming here at this time. Many have returned who I should think would be more obnoxious than yourself and are remaining unmolested. So that I hardly think there would be any objection to your return merely to settle up your business -- although it might be more prudent to delay it for a while." The potential for conflict between these former friends turned enemies was a real possibility. The Union Army set down strict rules for just this purpose in July. In a general order issued by the First Separate Brigade based in Charleston, returning Confederates had no rank nor could they express any sympathy for their cause. "No punishment is too severe to inflict upon a man even partially restored to citizenship after having committed treason," it read. The troops of the command received orders to monitor "these subdued people" and promptly report any transgressions.³⁹

Federal amnesty policies added fuel to this fire. The courts now had to finalize hundreds of treason charges issued since 1861. With Judge Jackson still presiding, his decisions reflected the leniency with which Lincoln and later Johnson desired for the vanquished. On May 29, 1865, the president issued a proclamation for "Granting Amnesty to Participants in the Rebellion, with Certain Exceptions." It provided detailed schedules for the granting of pardons. They

³⁹ *Wheeling Daily Intelligencer*, May 9, 1865; Arthur Boreman to James Boreman, May 12, 1865, Arthur I. Boreman Papers, WVRHC; Hereafter Boreman Papers, WVRHC; R. J. McCandlish to Jonathan M. Bennett, May 30, 1865, Jonathan M. Bennett Papers, WVRHC; Hereafter, Bennett Papers, WVRHC; *Wheeling Daily Intelligencer*, July 3, 1865.

excluded former Confederate civil or military officers, and those who held \$20,000 or more in property. This last clause stemmed from Johnson's antipathy for the planter class whom he and other poorer white Southerners blamed for starting the war. They and others exempted had to come to him for a presidential pardon. The provision had some role in West Virginia. One of the most notorious Confederates, John N. Clarkson of Kanawha County, was denied a pardon for his activities. His application contained a note from Edmund Longley who described him as a "very bad a pestilential rebel." He treated Union prisoners badly and for convincing people to abandon West Virginia for Confederate lines. When Clarkson tired of fighting, presumably after the 1862 raid, he gave up the saddle for the salt mill. Longley stated that Clarkson convinced the Richmond legislature "to seize the salt works of Stuart, Buchanan and Co on the ground that they were 'Yankees' in other words loyal, and make him, Clarkson, superintendent, to make salt for the Confederate Government, so called, and the State of Virginia." Moreover, Longley concluded that he "kn[e]w him to have been very cruel to slaves."⁴⁰ Men such as Clarkson would have no place in the new West Virginia.

The court handled the amnesty acts in an unorthodox way. Jackson issued pardons under one of two acts, the December 8, 1863 Proclamation of Amnesty and Reconstruction, and the May 29 act. The second, it appears, did not

⁴⁰ Andrew Johnson: "Proclamation 134 - Granting Amnesty to Participants in the Rebellion, with Certain Exceptions," May 29, 1865. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=72392> (accessed May 16, 2014); Case Files of Applications From Former Confederates for Presidential Pardons ("Amnesty Papers") 1865-1867; (National Archives Microfilm Publication M1003, 73 rolls); Records of the Adjutant General's Office, 1780's-1917, Record Group 94; National Archives, Washington, DC.

supersede the first. Both contained schedules of exemptions to the act, mainly for Confederate civil and military officers, or who had abandoned United States service to become one, or who had mistreated prisoners or free or enslaved blacks. The May 29 amnesty differed in two respects. First, issued after the war, it did not include the geographic limitations of the December 8 act made to protect the Border States. Second, it stated that anyone who took the earlier oath, including and especially the December 8 proclamation, and “since the date of said proclamation and who have not thenceforward kept and maintained the same inviolate” were not eligible. These conditions being so, it is not clear why Jackson gave out pardons under both acts after the end of the war.⁴¹ The most likely answer is in the wording of each proclamation. An accused person who took the December 8 oath and kept the peace would have been allowed to receive a pardon and the return of their property under the May 29 act. On the other hand, if the person broke the parole, he or she would not have received a pardon, but the previous amnesty still applied. Jackson, it seems, bent the rules to release former traitors including Jonathan M. Bennett out into the world. This may have been his way to fight the Unconditional Unionists.

The state government tried its best to meet the menace. Ever since 1861, Unionists had required officeholders to swear an oath of allegiance to the reorganized government, as many doubted its legality. Other Border States had

⁴¹ Mark A. Neely, *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1992); Jacob C Baas, “John Jay Jackson Jr.,” *ibid*; Jonathan W. White, *Abraham Lincoln and Treason in the Civil War* (Baton Rouge: Louisiana State University Press, 2011), 58-60. The literature on the subject provides few answers. Mark Neely does not even mention the proclamations in his study of civil liberties. Jacob Baas’ work on Jackson offers no answers. Jonathan White’s study of the John Merryman case in Maryland believes that Lincoln directed the courts to use the treason law to suppress dissent rather than to punish the actual crime. This would have been difficult in wartime conditions, especially so in the Border States.

similar requirements during the war, though as Anne Sarah Rubin has pointed out, few former Confederates took these vows seriously. An oath for teachers, which actually applied to all officeholders, had been passed as early as November 1863. The legislature passed the Voter's Test Oath act in February 1865 to prevent former rebels from participating in politics, and more controversially, to require loyal citizens to report any such attempts. On March 1, the legislature approved making the Voter's Oath act into a amendment to the constitution, so as to prevent it from being overturned by the courts. Some opposed it on the grounds that it was too draconian, that it would prevent those who had already taken the oath from voting. Others, including Governor Boreman, saw this as necessary. On May 12, he wrote to his brother on the subject:

We have a most desperate contest in this state going on just now over the proposition to amend our constitution so as to disfranchise rebels & rendering them ineligible for office. I have been utterly astounded at the great number of people that are opposed to this amendment. Some who have always been Republicans, & some, I am sorry to say it, who have served in the army during the whole war ... However, the soldiers are few who allow themselves to be thus deceived and misled ...we have all the wealth nearly & a great part of the talent against us.

The *Telegraph* supported the bill but not the idea. It proposed that former rebels be denied citizenship until 1870 rather than pass a law that could be repealed or ruled illegal. On the other hand, a letter to the *Parkersburg Times*, a new radical paper, asked that if rebels could vote, "What are to become of the liberal laws we are striving to introduce among our people. Will the township system be imperiled? What is to become of the free school system we are laboring to build up? How long will it be before an effort will be made to blot out our existence as a separate State?" The amendment passed in March 1866 and

had its intended effect. Tens of thousands of former Confederates could not vote. Yet in the process, the unconditional Unionists further antagonized the conservatives.⁴²

Some Confederates tried to claim that they were not disloyal at all. A fascinating and rare example comes from a Kanawha County rebel who sought readmission to the state bar. William A. Quarrier had practiced law there since 1853, and like most of his counterparts followed Virginia out of the Union. With the help of Benjamin H. Smith and George W. Summers, both of impeccable Unionist credentials, he wrote a seventy-seven-page affidavit on why he should return to his profession. Using every ounce of legal knowledge, Quarrier argued that he had never been disloyal to West Virginia. He owed his allegiance to Virginia, and obeyed its decision to secede. Yet when the Reorganized Government assumed the commonwealth's place in the Union, it maintained its legality. When the Reorganized Virginia governor Francis M. Pierpont vacated state offices in 1861, he did not include attorneys. Moreover, he had taken the oath to the federal government and to West Virginia, and ought to have his rights restored. As such, the new state had nothing on him. Quarrier, Smith, and Summers included every bit of their legal knowledge possible into this document, including Jefferson's Virginia and Kentucky Resolutions of 1798 and, rather strangely, speeches by John C. Calhoun. The latter may not have impressed the

⁴² "Test Oath Required of Teachers, November 16, 1863," in *West Virginia: Documents in the History of a Rural-Industrial State*, ed. by Ronald L. Lewis and John C. Hennen, Jr. (Dubuque, IA: Kendall/Hunt Publishing Company, 1993), 134; Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861-1868* (Chapel Hill: University of North Carolina Press, 2005), James Morton Callahan, *A Semi-Centennial History of West Virginia*, 164; Arthur I. Boreman to Jacob Boreman, May 12, 1865, Boreman Papers, WVRHC; *Clarksburg Weekly National Telegraph*, August 4, 1865; *Wheeling Daily Intelligencer*, October 12, 1865; Cometti and Summers, eds., *Thirty-Fifth State*, *ibid.*, 443-44.

state's attorney general, Daniel Polsley. He turned down the request. The *Intelligencer* hailed the decision for it "vindicates the great principles that underlie our system, as it is a correct decision of the important questions of law involved." It was only fair, it continued, since men like Quarrier who supported the "causeless and wicked attempt to overthrow our laws" must not be allowed to return to "the bosom of the communities they sought to ruin, demand, with unblushing effrontery, immediate restoration to the responsible official and highly honorable positions which they abandoned in the interests and treason."⁴³ Several years would pass before former rebels could practice law in West Virginia.

Conservatives did not let the proscriptions pass unnoticed. Long suppressed by the war, conservative newspapers resumed in late 1865 and early 1866 to promote their cause. They spoke out furiously about the radicals, Republicans, abolitionists, the voting proscriptions and the prospect of black suffrage. The *Wheeling Daily Register* spoke for many in late January. "If proscriptive and odious laws" are not repealed, then "a very large proportion of the residents of West Virginia would very gladly welcome a return to the bosom of the old State." More witnesses saw a future in the new state, once they removed the radicals from power. Rufus Maxwell of Tucker County wrote to Jonathan M. Bennett in February about the radical hold on the state government.

⁴³ Kanawha County Court Records, Reel KAN-214, Section 1865-22, no date but believed to be early November 1865, West Virginia and Regional History Collection, West Virginia University, Morgantown, West Virginia. *Wheeling Daily Intelligencer*, November 28, 1865. The *West Virginia Journal* of November 8, 1865, published Polsley's decision in full, covering the whole front page and one column on the second, and even more in their November 15th issue.

“Radicalism holds sway here with unrelenting hand, and I can’t help it,” he stated. “There [are] not more than 8 or 10 reliable conservatives in the house, and not more than half as many in the senate. The only hope is that the future may develop a better state of affairs.”

In March, the *Lewisburg Times* of Greenbrier County sounded a cheerier tone. It condemned the oaths as “impairing the freedom of speech and of the press...intended to perpetuate the power of the radical party in the State.” It also asked “every citizen who possesses the qualification of a voter, required by the Constitution, to appear as soon as possible before the Registrar of his Township and request that his name be registered.” In the same issue, the *Times* criticized the radical government’s heavy-handed actions. It claimed that the radicals “claim to be the only Union men, and yet in our own state, they are the only men who are resisting the restoration of harmony and Union.” It argued that bringing conservatives back into the fold was essential. “We can never conciliate and bring these people to a loyal support of the Government by persecuting them, and the welfare of our new State depends on allowing these feuds to subside in West Virginia,” the *Times* stated. Conservatives wanted to be a part of the state as well.⁴⁴ The proscriptions reduced their numbers by preventing former rebels from voting until 1871, when the Flick Amendment repealed them. In the following year, conservatives took their revenge on Unconditional Unionists by revising the state constitution.

⁴⁴ *Wheeling Daily Register*, no date but reprinted in *Wheeling Daily Intelligencer*, January 31, 1866; Rufus Maxwell to Jonathan M. Bennett, February 17, 1866, Bennett Papers, WVRHC; *Lewisburg Times*, March 31, 1866.

The issue of black suffrage divided radicals as well. The intense competition drove the *Clarksburg Weekly National Telegraph* to become more radical after the end of the war. Previously proslavery while supporting emancipation, its editor, Robert S. Northcott, embraced black suffrage as essential to securing the Union victory. “It is a measure considered indispensable by the best men, and we may say the most moderate men (not intense radicals) in the United States, in order to enable the negro to protect himself in his newly acquired position of freedom,” he opined. Northcott attacked the Democrats for opposing it, especially after President Johnson, whom they obeyed, supported it. “Hypocrites cannot maintain their consistency,” he opined, and “[t]heir damnable acts of dissembling will leak out in spite of their ingenuity. They praise every act of the President from the basest of motives.” Unionists should support it for “they can but see the justice and propriety of it.” J. E. Wharton of Wood County published a letter to the *West Virginia Weekly Post of Parkersburg*, a new radical paper started earlier that year. He supported social equality for blacks, if continued separation, when he wrote “I seek my circle of society, he seeks his.” At the same time, he opposed black suffrage except in extraordinary circumstances such as military service. Giving them full suffrage, he opined, “and the first contested election carried by the Negroes would be a signal for their concentration over that of the white.” These competing opinions support the argument of Stephen D. Engle, who listed “hesitation to press beyond emancipation for blacks” among several factors behind Border State wartime Unionism. Radical ambivalence and conservative hostility to blacks all but

ensured that the histories of West Virginia would say little if anything about them for a long time.⁴⁵

Reports from the Freedmen's Bureau bear out this antipathy for African Americans. Federal officers had a limited presence in West Virginia compared to other states. Their main task was monitoring the education of the newly freed men, women, and children. From the start, the officers reported mixed success in many parts of the state. In Hardy and Hampshire Counties, John Kimball, the schools superintendent, reported that "a rebellious spirit is yet very manifest" and where the "State School law is very obnoxious to a large portion of the people but taxes are levied and some advance is being made in establishing schools for the Whites. I found that nothing had been done for the Colored." Of Clarksburg, his colleague G. N. Clark reported in August 1867 that the condition "of the colored people is good, and in the same remark, is true of all counties visited; though in exceptional circumstances abuses are committed and go unpunished." He praised Upshur County school officials for being "deeply interested in the cause of education for all." In Harpers Ferry, on the other hand, he "learned from the agent of several outrages lately committed on colored people." Several months later, in May 1868, Kimball reported that little had changed. Citing cases of

⁴⁵ *Clarksburg Weekly National Telegraph*, February 16, 1866; *West Virginia Weekly Post of Parkersburg*, February 17, 1866; Stephen D. Engle, "Mountaineer Reconstruction: Blacks in the Political Reconstruction of West Virginia," *Journal of Negro History* 78, no. 3 (Summer, 1993): 139. For the next hundred years, historians almost forgot the role slavery and African Americans played in West Virginia's formation. Limited numbers did not help their cause unlike other border and southern states. In 1870, 17,980 blacks lived in West Virginia. A decade later, 25,886 lived there. In 1890, 32,690 resided in West Virginia, while by 1900, the number rose to 43,567. Each of these figures amounted to between 4 and 5 percent of the total state population.⁴⁵ These low figures limited their visibility to white historians, despite the state producing one of the first black American historians, Carter G. Woodson of Cabell County. Data compiled from Historical Census Browser. University of Virginia, Geospatial and Statistical Data Center, accessed May 15, 2014, <http://mapservr.lib.virginia.edu/collections/stats/histcensus/index.html>.

broken promises to build schools in Parkersburg, Fairmont, and Clarksburg, he remarked that “the school officers in West Virginia need to be visited and urged to the performance of their duties. In some places, they are timid, in others, negligent.” Indeed, in Charlestown in Jefferson County, General Oliver O. Howard, the director of the bureau “received a note from the Ku-Klux-Klan.”

Kimball’s last report in August 1868 indicates that racial conditions had soured in West Virginia. Despite starting Storer College for blacks in Jefferson County, he lamented the lack of interest and biases of local officials. He wrote that they “seem willing generally that the colored people should have schools, but they are not disposed to put these schools under white teachers.” Moreover, he recommended the recall of the Kanawha Valley agent “or the sending of another agent to take his place. The School Board promise to carry on the schools and they have a sufficient amount of funds for this purpose.” Indeed, his last paragraph pronounced his resignation to local conditions. “The colored people are no doubt dealt with unjustly in many cases, yet our agent has been able to reach but few of these wrongs. The great remedy is the ballot. The whites are friendly to the blacks in a certain way; they want them to stay in the country and do the work, and keep in their subordinate places.”⁴⁶

This brief glimpse into racial conditions after the war indicates that white West Virginians’ attitudes had changed little when the fighting stopped and slavery formally ended in December 1865. Blacks showed great interest in

⁴⁶ These reports are found in John E. Stealey, ed., “Reports of Freedmen’s Bureau District Officers on Tours and Surveys in West Virginia,” *West Virginia History* 43, no. 2 (Winter 1982): 145-55; See also John E. Stealey, “The Freedmen’s Bureau in West Virginia,” *West Virginia History* 39, nos. 2 and 3 (January and April, 1978): 99-142.

building schools, and whites in some parts wanted to help them, but old racial attitudes, corruption, and lethargy stymied any real statewide change. Slavery died hard in West Virginia, and racism survived intact. Far from ending with the Willey Amendment, the course of the early statehood period indicates significant continuing opposition to emancipation, which evolved into resentment once it was accomplished. First, the prolonged course of war itself dragged the process out for a long time. So long as the Confederacy remained in the fight, the chance of a negotiated settlement remained a possibility. In that case, the chance existed that slavery would remain in force and the state of West Virginia returned to its parent state. Unconditional Unionists and even some conservatives desired that their side win the war to prevent either from occurring. Second, sufficient opposition existed within the state to the prospect of emancipation to at least trouble the process. Unconditional and conservative Unionists fought amongst themselves over the slavery issue. The former accused their opponents of being beholden to the old order. For all their fury, the gubernatorial nomination process, the 1864 election returns, the state ratification of the Thirteenth Amendment, and resistance to the Freedmen's Bureau each demonstrate strong conservative resistance to Lincoln's war aims and the radicals who supported him. In this sense, West Virginia was not alone. Its experiences resemble those of Missouri and Maryland, which also endured a tortured debate on ending slavery. Radical parties in each of those states had to come to power to implement emancipation policies. This was perhaps easier to do in West Virginia since the Willey Amendment came from Congress, but the responses from conservatives indicate it was reviled no

less there than in any of the other Border States. Yet in each case, whites clung to the peculiar institution with considerable vigor. Rather than continuing to see West Virginia as a unique experience, these conclusions ought to make historians place it among the Border States with whom the Mountain State shared so much.

Conclusion

West Virginia's place in Civil War history needs to be reconsidered. It is perhaps natural to see it as a unique phenomenon. Many historians still see the separation of the northwestern part of Virginia in response to secession as an internal affair born of decades of acrimony. Only one parallel exists, East Tennessee, but threats aside, it did not abandon its parent state during the war. This dissertation aims to break West Virginia out of this narrow interpretive mold and to suggest a new approach. It proposes to view it as a Border State. Four slave states, Delaware, Kentucky, Maryland and Missouri, also refused to secede, at least in part because their leaders, among other things, believed that the Constitution best protected slavery. Their allegiance came with a price. President Lincoln spent vast amounts of time keeping them happy by avoiding the slavery issue. The present work argues that West Virginia's political and social responses to the war place it in the range of experiences in the Border States. Historians should bring the Mountain State out of the unusual and into the Civil War mainstream.

Scholars have taken the state's own literature on the subject at face value. The persistence of the differences with eastern Virginia has dominated the debate. Historians from Charles Henry Ambler to the present continue to state how planter neglect compelled the antislavery mountaineers to reject secession and form a new state. Richard Orr Curry pointed out how many northwestern Virginians followed their state, but he still laid the basis for the state's formation along the same lines as his predecessors. Those who came after him, such as John

Williams and John Stealey, added the effects of class conflict, industrial capitalism, and slavery to the debate, but they still followed the east-west tension thesis. In turn, scholars such as William Link, Daniel Crofts, and William Shade continue to view the northwest as the “other” Virginia. Appalachian historians offered some hope for change. They reexamined how the Mountain South connected to the outside world with startling results. Instead of being isolated, the region was well-attached to the global economy, often to its detriment. Kenneth Noe, for example, showed how southwest Virginia changed when a railroad connected it to the southern slave economy. Thus far, the stagnant literature on the northwest keeps it as one of the more unusual incidents of the Civil War.¹

The argument falls apart when one considers who West Virginia neighbors. Universally seen as a rogue part of Virginia, it abutted several other states with whom it shared a great deal. Works by Barbara Fields and Patience Essah treated Maryland and Delaware individually, while Kentucky went through a long period of neglect. Missouri’s guerrilla war received much attention while its politics remained virtually unknown until recently. Renewed interest in these states from Aaron Astor, William Harris, Christopher Phillips, and Stanley Harrold has breathed new life into the field. Their studies of multilayered social

¹ Charles Henry Ambler, *Sectionalism in Virginia from 1776 to 1861* (Chicago: University of Chicago Press, 1910); Richard Orr Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964); John Alexander Williams, “The New Dominion and the Old: Antebellum and Statehood Politics as the Background of West Virginia’s ‘Bourbon Democracy,’” *West Virginia History* 33, no. 4 (July 1972): 317-407; John E. Stealey, *The Antebellum Kanawha Salt Business and Western Markets* (Lexington: University Press of Kentucky, 1993); William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003); Daniel Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989); William G. Shade, *Democratizing the Old Dominion: The Second Party System in Virginia, 1824-1861* (Charlottesville: University Press of Virginia, 1996); Kenneth W. Noe, *Southwest Virginia’s Railroad: Modernization and the Sectional Crisis in the Civil War Era* (Urbana: University of Illinois Press, 1994).

conflict, Lincoln's approaches to their demands, the chaotic military situation and prewar debates over slavery have invigorated their importance to the Union and to the politics of emancipation. Even though West Virginia occupied a similar geographic space to the border states and boasted similar demographics, it remains aloof from the others in the minds of historians. This dissertation argues that this is a mistake. It seeks to make a case for it to be included among them even though it lacked political independence at the start of the Civil War. The same conditions existed there as in the others, such as a strong attachment to slavery in spite of lesser numbers than in the Upper or Lower South, and a tenuous commitment to the Union if not the North. In short, West Virginia deserves to be promoted from oddity to the status of common phenomenon.²

This dissertation has traced the political, social, and economic circumstances of northwestern Virginia from 1850 until 1868. Chapters 1 and 2 dealt with the pivotal 1850s, which some scholars have called a time of quiet. In reality, those years were tense and exciting. Taking cues from Appalachian historians, I argue that the region had a strong commitment to slavery and to its parent state. Slave ownership was a mark of distinction in the northwest. Harrison County's wealthier and middle-class families frequently held one and sometimes more in bondage. In Kanawha County, it was essential for the

² Aaron Astor, *Rebels on the Border: Civil War, Emancipation and the Reconstruction of Kentucky and Missouri* (Baton Rouge: Louisiana State University Press, 2012); William C. Harris, *Lincoln and the Border States: Preserving the Union* (Manhattan: University Press of Kansas, 2011); Christopher Phillips, *The Civil War in the Border South* (Santa Barbara, CA: Praeger, 2013); Stanley Harrold, *Border War: Fighting Over Slavery Before the Civil War* (Chapel Hill: University of North Carolina Press, 2010); Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985); Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University of Virginia Press, 1996).

saltmakers for their prosperity to own or lease slaves. Although Ohio County had few slaves, mostly remnants of the northern panhandle's early landowning families, it was still legal and practiced. Second, the political history of the 1850s belies both the peace of that decade and the idea that the northwest had little or no interest in slavery. The partisan newspapers from that time debated incessantly the need to protect the South and their "domestic institutions" from the North. Taxation, internal improvements and suffrage, the commonly cited reasons for tensions with eastern Virginia, rarely if ever appeared in the press. Voting patterns, moreover, indicate strong opposition to any entity considered to be antislavery. Eli Thayer and his Ceredo colony, the Know Nothing Party, and the *Wheeling Daily Intelligencer's* stances faced intense scorn from the voters. The decade before the Civil War was, therefore, a period of tension in which northwestern Virginia bound itself tightly to the Old Dominion and to slavery.

Everything changed in 1861. The secession of the Lower South states prompted discussions in the Upper South and Border States on whether or not to follow them or not after the election of the Republican Abraham Lincoln to the presidency. Each preferred to see what the new chief executive would do. As Chapter 3 argues, northwestern Virginia delegates used the time to plead the Unionist case. John S. Carlile of Harrison County and Waitman T. Willey of Monongalia County fervently supported the right of secession and slavery but argued that leaving the Constitution would lead to abolition and ruin. Their appeals won over many like-minded delegates. A broad coalition of Unionists kept Virginia from seceding for several weeks in early 1861. It even withstood a

northwestern appeal for tax relief. South Carolina's attack on Fort Sumter and Lincoln's call for loyal troops to suppress the rebellion shattered the Unionist Party. Northwestern delegates opposed seceding but faced overwhelming opposition from former allies. They voted again with their feet, leaving Richmond immediately to form a Unionist government in Wheeling. Their intention was to keep slavery safe in Virginia from the secessionists. Many in the northwest saw the "Reorganized Government" as an abolitionist plot and fought against it as Confederate soldiers and as guerrillas. Within six months, the once proud part of Virginia voted to separate itself from the Old Dominion. This came about from the need to protect slavery rather than long-standing differences over taxation, internal improvements, or suffrage.

At this point, northwestern Virginia began to act like a Border State. Like the other four, a coalition of conservative and moderate Unionists held power in Wheeling. The drafting of the West Virginia constitution bears out this trend. In Chapter 4, the state makers copiously avoided the slavery issue in their debates. Safely behind Union lines and commanded by conservative generals George B. McClellan and William S. Rosecrans, loyal northwesterners felt that all would be well. The newspapers of the day filled their pages with proslavery editorials. As a result, the convention strongly opposed the gradual emancipation plan proposed by Gordon Battelle of Ohio County and Robert Hagar of Boone County. Yet, as shown in Chapter 5, the war took its toll on the Unionists. The shock to the country when the Confederates launched their summer offensive into the Border States and guerrilla activity split the coalition. The Unconditional Unionists

believed abolishing slavery nationwide would end the rebellion, while the conservatives stubbornly insisted on no change at all. Congress sided with the former by making emancipation a condition for West Virginia statehood. The movement could have been dealt a death blow at this point. The experience of Kanawha County indicates that conservatives often placed their personal connections with Confederate relatives ahead of their sectional allegiances. This escalated tension between the two factions. Yet, Waitman Willey's compromise satisfied both sides in allowing the state makers to create a locally driven gradual emancipation plan. Faced with the choice of having Congress reject the new state, the constitutional convention approved of the Willey Amendment but with numerous attempts to delay or stop it. These events closely resemble that found in the other Border States. Conservatives in Kentucky and Delaware opposed Lincoln on emancipation entirely. Political changes in Maryland and Missouri, meanwhile, allowed more radical figures to take charge, rewrite their constitutions and end slavery, one immediately and the other gradually, in their states. West Virginia entered the Union under similar circumstances.

Slavery continued to plague the first years of statehood. Many historians ended their accounts at this point, but much happened after 1863 to demonstrate that these mountaineers had not yet embraced freedom. Conservative opinion remained strong. Unconditional Unionists had to fight them all the way to the end of the war. Electoral patterns from the 1864 presidential canvass and the passage of the Thirteenth Amendment indicate significant resistance to emancipation and the federal government. Although they came out on top at war's end, the

Unconditionals faced an onrush of returning Confederates whom they rightfully feared would align with conservatives against them. Proscriptions, a common occurrence in the Border States, proved essential to keeping Unconditionals in power. Last but not forgotten in this analysis is the condition of African Americans. The Freedmen's Bureau reports are the only real record in existence of their situation in West Virginia after the war. Its officers reported little real change throughout the state, despite some initiative from Unconditional Unionists turned into Republicans. As in the border states, slavery died hard and left a lasting impression on the region.

As this dissertation has shown, West Virginia's history during the Civil War was not unique. With the exception of having to form a new state government, its experiences fit well into those of the other Border States. West Virginia's experience closely resembles that of Maryland and Missouri in having changes in constitutions to allow for emancipation. Great opposition dogged them at every step. Delaware and Kentucky differ because conservatives in each remained in power and prevented state-driven emancipation. Rather than being a rogue appendage of the Old Dominion, West Virginia stands in better company among the loyal slave states as its fifth member. This finding has important consequences for historians. First, the state's own historians should break out of their east-west thesis and see themselves as part of the South, and the Border States in particular. Moreover, they should also see slavery as a key part of their history. Second, the study validates the Appalachian scholars in their quest to connect their region to the outside world. West Virginia proved to be as

proslavery as any part of the Mountain South. It simply chose to oppose the Confederacy. Last, Civil War historians will have to include West Virginia in a more regular way. Rather than being a land apart from the rest of the South, it fits well into the mainstream of the Civil War. A century of narrow historical inquiry led them to this position. This dissertation will convince them to accept West Virginia as the fifth Border State.

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