Harrison County in the Secession Crisis and Civil War

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This thesis titled

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ABSTRACT

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Harrison County in the Secession Crisis and Civil War

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This project looks at the political culture of Harrison County, Virginia, from the secession crisis until the constitutional convention at the end of 1861 that would help establish the new state of West Virginia. Harrison County, as well as the rest of northwestern Virginia, rejected the efforts of the authorities in Richmond to pull Virginia out of the Union. Once secession was finally realized, Harrison County, along with all of northwestern Virginia, sought to turn the tables and have their region secede from Virginia. What caused the people of Harrison County to become, within a few months, dedicated revolutionaries that would separate themselves from Richmond at all costs? What values drove the way Harrison County approached the road to separate statehood? There are three major themes that are evident in their political culture. First, they placed great importance on maintaining the authority of popular will. They also sought to uphold strict constructionist principles when interpreting the Constitution and the spirit of the law. But when the success of the new state movement was in jeopardy, they put aside their principles and made decisions based on expediency.
DEDICATION

To those who throughout history have realized the objective value of human life, and acted on it.
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Without their unwavering support, I doubt I could have finished this work.
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INTRODUCTION

The secession crisis and American Civil War tested the loyalties and values of Americans more than any other event in early American history. Virtually every state, region, and locality was either a military or political battleground. Virginia experienced more upheaval than perhaps any other state. Most famously, federal and Confederate armies vied for control of Richmond, the Confederate capitol. But behind the scenes, a different kind of battle raged. The northwestern portion of the state rejected secession and sought to separate from Virginia. Harrison County, which contained a unionist majority, found itself caught in the middle of a political and military struggle as the trials of the secession crisis made way for the horrors of war. Three political trends influenced Harrison County’s response to secession and war: the importance of factoring in popular will when making any political decision, maintaining strict construction of the Constitution as much as possible, and most importantly, when forced to choose between preserving its principles and seeing the new state succeed, making expedient decisions.

Harrison County lies in the north-central part of the state of West Virginia. It sits only a few miles south of Grafton, one of the cities linking the Baltimore and Ohio railroad which was extremely important for Northern logistics during the American Civil War. Clarksburg has always been the county seat and was home to some of West Virginia’s most influential individuals during this period. Clarksburg was the birthplace of the separate statehood movement, an effort on the part of northwestern Virginians to create the state of West Virginia out of the Old Dominion. John Snyder Carlile, a local attorney, grew up in Clarksburg and can be considered, more than anyone else, the father
of the state of West Virginia. Carlile was perhaps northwest Virginia's most forceful advocate during the state secession convention of 1861, which lasted from February 13 until May 1. John J. Davis, also an attorney, acted as a representative for Harrison County at many political conventions and left extensive commentary on events during 1861. Henry Haymond was a captain in the Union army and wrote a history of Harrison County long after the war. Thomas W. Harrison and John M. Powell, both representatives from Harrison County at the constitutional convention of 1861-62, promoted their county’s interests without compromise.

Harrison County, of course, experienced secession and war in a unique way. Its location in the northwestern portion of Virginia was a significant influence on how Harrison County residents thought about and reacted to the national crisis. Northwesterners had a long history of conflict with the more populous Tidewater and Piedmont regions of Virginia. Slave-based agriculture that included crops such as tobacco dominated these regions, while the northwest had few slaves and relied mostly on small farming and natural resources such as salt to survive. Northwestern Virginia traded mostly with the northern United States. Only four percent of Harrison County’s population consisted of slaves, a small percentage when compared with the eastern counties. The Allegheny Mountains separated northwestern Virginia from the rest of the state, which affected trade and ultimately contributed to sectionalism between the two regions.¹

Why is this topic important? One of the initial reasons for beginning this project was the desire to understand sectionalism between North and South in a new light. Many studies of this nature looks at the issue as if it was a court case with each side exchanging roles as plaintiff and defendant. Some historians simply look at Southern and Northern apologists attacks against each other and try to find which issues were contentious enough to warrant a division of the nation. Northwestern Virginia offers a chance for an entirely new kind of study. As a whole, it was one of the most evenly divided regions in terms of loyalties. Unlike the people of South Carolina and Massachusetts, the loyalties of northwestern Virginians were uncertain. Though the counties bordering the Ohio River were clearly loyal to the Union, the counties along the Alleghany Mountains often leaned toward the Confederacy. Northwestern Virginia not only felt the tug from the North and South to join their respective causes, it also was the center of a contest between Virginia and Ohio and Pennsylvania over which side the region would support. Northwestern Virginia’s partial investment in slavery ensured that an alliance with either faction would not be automatic in the event of war. As a result, northwestern Virginia offers a chance to study national sectionalism in a relatively neutral setting. Northwestern Virginians, given their ties to both North and South, symbolized the jury in the court case that had the chance to hear the arguments and decide for themselves who presented the most convincing case. It is what convinced the jury of the merits of a particular argument that makes this study special.

This study also offers an opportunity to engage and expand on relevant historical scholarship. While almost all historians of sectionalism in Virginia have focused on what factors led to the separation of the northwest from the Old Dominion, this study seeks to discover what made issues such as unequal taxation and representation divisive to begin with. For example, what made unfair representation a major point of protestation from the northwest against the authorities in Richmond while slavery, something that many historians mistakenly consider to be central to the differences between the northwest and east, was not? In fact, many people from Harrison County came out in hearty defense of the peculiar institution. On the surface, there seem to be major contradictions in the political philosophy of Harrison County. This study seeks to find the source of this seeming paradox, and concludes that an understanding of the roots of Harrison County’s political culture explains why these people seem inconsistent.

The central argument in this project aims to determine general trends in Harrison County’s political culture that drove it to act in the manner it did during the national crisis. Popular will was most influential during the secession crisis but continued to play a role during the new state movement. First, it shaped the way Harrison County assessed the secession crisis. To the people of Harrison County, it was unthinkable that a popular majority could possibly support disunion; as a result, they believed that extremists in Richmond were conspiring to remove Virginia from the Union, with or without the approval of the people. This is why, for example, Harrison County heavily favored submitting any resolution passed by the Virginia Secession Convention for popular approval. When it became clear as time passed that most Virginians did indeed favor
secession, Harrison County still would not accept it. Even though the results of the May 23, 1861 secession referendum came out in favor of secession, Harrison County still claimed that the popular will had been violated since Richmond officially allied Virginia with the Confederacy before the votes had even been counted. Harrison County’s definition of popular will was therefore of a more localized version than statewide or national. The northwest, in its eyes, held a separate authority from the rest of the state that in effect gave it the authority to nullify the actions of the Richmond government. One suspects that this sort of thinking evolved from the decades of statewide conflict that alienated the northwest from the east, but this is beyond the scope of this project.

Strict constitutional constructionism was also a guiding factor throughout this entire period. The people of Harrison County had a particular interpretation of the Constitution that they were rarely willing to compromise. It can best be termed a mix of the Southern rights platform which viewed slavery as a basic constitutional right, a love for the Union, and an emphasis on maintaining old traditions and the spirit of the Constitution. As a result, Harrison County was an enigma when it came to national politics and was difficult for outsiders to understand. Its strict principles took priority, even when it could cost the county. For example, many people such as John J. Davis rejected calls for a bill that would confiscate the property of disloyal citizens. While having Confederate sympathizers near their homes was a very unsettling thought, men like Davis believed that the effect of a confiscation bill, which would violate the sacred right to property as well as free speech, was worse than simply allowing disloyal citizens to avoid punishment altogether. Their strict principles would be most clear in the
formation of West Virginia’s constitution. Harrison County’s representatives opposed numerous measures that either violated the spirit of the law, such as high taxation policies, or those that again violated sacred rights.

As important as it was, strict constructionism was not the overriding factor in Harrison County politics. As idealistic as the people were, a measure of expediency was always present. Though Harrison County maintained its principles on virtually every issue, it had one desire that trumped its cherished values: forming a new state. The people of Harrison County tried their best to maintain their values at all times. However, when disagreements with loose constructionists, whose ideas included emancipation and the confiscation of disloyal persons’ property, threatened the new state, political principles took second place. As the new state movement progressed, Harrison County had to make more decisions based on expediency than it would have liked. For example, if the popular voice of the people threatened the new state, then the representatives of Harrison County were more than willing to set it aside so a “greater good” could be accomplished. How to treat disloyal persons in the region was also a major point of contention. Though it would have been more beneficial to the war effort to punish dissidents, Harrison County thought it was not worth the cost.

This project will look at Harrison County during two crucial stages of the national crisis that became the American Civil War. The first chapter will cover Harrison County’s involvement in the Virginia secession crisis. Though the northwestern portion of Virginia uttered many threats of a division of the state if the major issues of contention were not addressed, secession challenged Harrison County to either act or stay silent.
With its hand forced, Harrison County finally revealed its true loyalties. It immediately expressed that the majority of its population was loyal to the Union. This was not to say that its residents were huge fans of the Lincoln administration or the Republican Party in general, however. Though the North was contemptible in many ways, the prospect of being joined to a Southern Confederacy was a nightmare to most. To the people of the northwest, the Confederacy symbolized their oppressors in eastern Virginia, only it came with greater dictatorial powers. What makes their reaction quite strange, however, is that it, along with the majority of the extreme northwest, voted for John C. Breckinridge, the uncompromising proslavery candidate in the election of 1860. This was likely the result of Harrison County’s proslavery outlook, which remained strong until early 1862. The situation Harrison County found itself in during the secession crisis, and a look at the consequences of its decision to support the Union, offers an excellent opportunity to understand a county and even a region unlike any other in the United States.

A look at the secession crisis will allow several important questions to be asked about Harrison County’s experiences and politics before the war. Despite Harrison County’s unique circumstances, some of the same questions that might be asked of other regions during secession still apply. How did Harrison County deal with the escalating tension from the election of Abraham Lincoln as president in November 1860 until Virginia's decision to all but join the Confederacy on May 24, 1861? Were Harrison County's loyalties divided? How did local unionists and secessionists justify their positions? What grievances did each side have toward the North or South, or perhaps
even their own state? What was Harrison County's attitude toward the prospect of war? How did its residents intend to deal with war after it became inevitable in April 1861?

The second chapter of this study will look at Harrison County from the outbreak of war until the formation of West Virginia’s first constitution in February 1862. The reason for this time frame is straightforward. Virginia’s secession left Harrison County utterly bewildered and unsure what course to take politically. From May 23, 1861, until the end of the year, Harrison County did much soul searching and debate, leading most of its inhabitants to the conclusion that the oft-tinkered idea of a separation from Virginia might indeed be the best course of action. Chapter two will study how this decision was made, focusing on the political debate in the county and also on the two regional conventions in Wheeling that came together with the expressed purpose of determining the northwestern response to secession. The constitutional convention itself is perhaps the best source for determining Harrison County’s political motivations since it was the most important gathering of citizens from the northwest during the national crisis. Its representatives to the convention believed as much and made their opinions clear during numerous debates. A glance at how the start of war affected Harrison County will also be important because ultimately the course of the war and of the political crisis were inseparable. For example, studying the letters of John J. Davis leads the reader to the not unexpected conclusion that wartime developments affected the way he thought the northwest should respond. War only held a moderate influence on Davis’ sentiments, however. His core political values, which were not unlike those of most Harrison County
residents, went unchanged. War, therefore, allows the historian to discover what these core values were and why political thought began to change, at least on the surface.

Several important questions arise in this time period which chapter two will address. Now that war was underway, how did Harrison County deal with it? How unique were its wartime experiences? For example, did it experience a great deal of violence and political upheaval from the presence of fighting in or near its borders? What kind of commentary did the people of Harrison County have to offer regarding the progress of the war, and how much did it reveal about their political sentiments? How did the people of Harrison County feel about the unprecedented political undertaking known as the New State Movement? What role did it play in the forging of the state of West Virginia?

At the national level, the secession crisis is a well-studied event. Several prominent books discuss the origins of sectionalism between the North and South. Since secession and war came hand-in-hand, many sources address not only what precipitated secession, but also what drove Confederates to keep fighting. Perhaps the best general work is William Freehling’s two-volume *The Road to Disunion*. His work discusses the events and political sentiments that made secession possible, yet still left the South internally divided once war came. While not a study of the nation as a whole, Daniel W. Crofts’ *Reluctant Confederates* looks at the three most populous Border States, Virginia, North Carolina, and Tennessee. He narrates the role of the unionists in the national struggle, what they hoped to achieve, and why they ultimately failed. Jon L. Wakelyn’s
Confederates against the Confederacy is a particularly good study of the role prominent individuals and groups played in resisting and undermining the secessionist tide. ³

An abundance of historical literature on Virginia’s secession crisis has influenced this work. Charles Henry Ambler, one of the most prominent historians of West Virginia, concentrated mostly on the reasons for sectionalism in the state as well as the legal maneuverings in the northwest during this time period. However, his usually good work left out the nature of Unionism in the northwest, which goes beyond mere sectional differences. Works such as Showdown in Virginia by William Freehling and Craig Simpson have focused more on what drove Virginia to leave the Union rather than what split the state down the middle. Craig Simpson’s biography on Henry Alexander Wise, one of the key players in Virginia’s secession crisis, showed just how climactic an event the Virginia secession crisis became. Aaron Sheehan-Dean’s excellent Why Confederates Fought discussed the motivations that kept Virginia soldiers in the war for so long, helped inspire this project. ⁴


The literature on northwestern Virginia’s road to statehood often intersects with work on the broader topic of sectionalism in Virginia as well as military events in the region during the war. As a result, there are few specialized studies that focus on the politics of the statehood movement. James C. McGregor’s *The Disruption of Virginia* is one such work. He traces the roots of sectionalism in the state and concludes that West Virginia’s statehood was not only unconstitutional, but only a minority of the people was in favor of it. John E. Stealey III’s in depth *West Virginia's Civil War-Era Constitution: Loyal Revolution, Confederate Counter-Revolution, and the Convention of 1872* provides an insightful if brief look at the statehood movement. Charles Henry Ambler’s biography of Francis H. Pierpont, the first governor of the Restored Government of Virginia, discusses the genesis and progression of the statehood movement in great detail.\(^5\)

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Northwestern Virginia’s unionist sympathies, rural demographics, and wartime experiences link it closely to other regions such as eastern Tennessee, western North Carolina, and northern Alabama. Recent historiography has focused in depth on how each of these areas experienced secession and the Civil War. *Loyalty and Loss*, by Margaret M. Storey, points out that though northern Alabama consisted on a high percentage of slaveholders, the communal and familial bonds of loyal citizens created a significant unionist base in the area. In western North Carolina, as Gordon McKinney and John Inscoe point out, family and community also contributed to the formation of both unionist and secessionist pockets in the western highlands. *The Scalawags*, by James Baggett, is also a valuable source for this topic. While a general survey of anti-Confederate sentiment and activities in the South from around 1850 until well into Reconstruction, his work does much to determine the motivations unionists had in rejecting Confederate authority, even when their enemies heavily outnumbered them.6

These and other studies on unionism in the rural South help situate northwestern Virginia in a broader context and show how the motivations that drove unionism in this

region were unique. While family ties and community seem to have united unionists in North Carolina, Alabama, and other areas, northwestern Virginia did not share this trait. While loyalties to family and friends undoubtedly played a role in keeping northwestern Virginia loyal to the Union, politics was the driving factor for most, it seems. This is evident in the fact that northwestern Virginia’s response to secession and war largely consisted of political outcry; the actions of the secessionists in Richmond provoked all sorts of political backlash from the northwest, whether in the form of local meetings, personal frustration, or thoughts of counterrevolution. The new state movement was also a political response to the ordinance of secession. As a result of West Virginia’s unique response to disunion, the central argument in this project is even less surprising.

It is the author’s hope that this project will contribute to a new level of scholarship on Civil War politics. Tracing local, state, or national political culture to its roots is an important task for the historian of this period. The tensions that divided the nation were not always the result of rivalries between the Republican and Democratic parties, nor were they simply the consequences of the significant social differences between the North and South. On the local level, political beliefs and actions often trumped consistency and logic, making them essential elements to consider when studying the origins of sectionalism. Harrison County’s story is a prime example of how political culture could play a most powerful role in the fate of the region and, in many ways, the nation.
CHAPTER I: HARRISON COUNTY IN THE SECESSION CRISIS

As secession drew near for their state, the residents of Harrison County exhibited sentiments from pessimism to apathy. Many were restless in their efforts to find a solution to the crisis, and they organized several political events to come up with solutions. Others were vocal in their denunciations of the opposing factions and often chose to portray the contest as one between villain and victim, aggressor and defender. They not only pointed out why they thought a faction was in the wrong, but also presented their case for why the other had a right to defend itself. Moreover, there was little of the fire-eater rhetoric that was present throughout the Deep South. Almost no one welcomed the prospect of war, be they unionists or secessionists. Instead, they often tried to figure out a way to stay out of the war. Most Harrison County residents appear to have been conservative in their political beliefs, proclaiming staunch support for Southern rights. Few denied the right of secession, but many declared that it was inexpedient and that the South should try all possible means of reconciliation before declaring its independence.

The secession crisis presents a unique opportunity to understand a fundamental aspect of Harrison County political culture during the mid-nineteenth century. In many accounts, the notion of “popular will” is present at varying degrees. However, the version of popular will adopted by residents of Harrison County is far different from the contemporary terms of “democracy” or “popular sovereignty.” Popular sovereignty holds that the majority of voters in a state or nation have the ultimate authority on legal matters. This was not the definition Harrison County residents used. Many people expressed their
feelings that secession violated the popular will, even after it passed in a statewide referendum. If they truly believed in the principle of popular sovereignty, they would have complied with the wishes of the majority and followed Virginia out of the Union. Their actions, however, signaled that they refused to accept the majority vote. Harrison County was inconsistent on this issue, but since popular will dominated their response to Virginia’s secession, it was clearly a fundamental aspect of local political culture.7

Harrison County unionists rationalized their rejection of secession by evoking conspiracy theories. They pointed to a perceived scheme organized by a few men to drag Virginia out of the Union. They claimed that secessionists would look for any opportunity to start a war with the North and force Virginia's hand, with or without popular approval. They did not make up these accusations based on falsified evidence; several events, such as Virginia's coalition with the Confederacy before the referendum votes could be counted, confirmed in their minds that their suspicions had been correct.

The themes of strict constructionist principles and making decisions based on expediency are not as evident during the secession crisis as they became during the statehood movement. There are a couple reasons for this. First, Harrison County was involved in discussing the merits of unionism versus secession rather than debating standard legal matters or writing constitutions. While it is clear that loyalty to the union was a cherished value for most people from Harrison County, the secession crisis in Virginia did not address complex legal matters such as the right to property. Harrison

7 For more on popular sovereignty, see Christopher Childers, The Failure of Popular Sovereignty: Slavery, Manifest Destiny, and the Radicalization of Southern Politics (Lawrence, KA: University of Kansas, 2012).
County also did not have to act with expediency since most of its citizens would never accept secession, making them unionists by default. Nevertheless, the fact that Harrison County would not compromise on issues such as the submission of a secession ordinance to popular referendum or pursuing all possibilities for compromise between the North and South before assenting to disunion builds a foundation for defining what Harrison County’s constructionist principles entailed.

During the last months of 1860, after the election of Lincoln and onset of the secession crisis, Harrison County residents were, like most Americans, concerned about the future of the nation. They were divided over what the future held and what course they should take, but they were not polarized to the degree that they would be during the final months of the secession crisis. As time passed and the nation edged closer to war, the people of Harrison County began taking sides and expressed mounting anger toward their opponents.

During November and December 1860, Harrison County residents exhibited sentiments from depression to extreme optimism. John J. Davis was one of the most important and respected residents of Clarksburg. Born in Clarksburg in 1835, he attended law school in Lexington, Virginia and was admitted to the bar in Harrison County by his twentieth birthday. During the secession crisis and subsequent Civil War, he served as a delegate to the Wheeling Conventions that had the purpose of deciding what course the Northwest should take. He went on to have a very successful postwar political career because of his election to Congress in 1870 and served in various other posts until his
death in 1916.\textsuperscript{8} During the secession crisis, Davis expressed his feelings on the impending division between North and South to Anne Kennedy, his future wife.

I have endeavored...to banish politics from my thoughts, and to resume my usual avocation. But the result of the election, and the disastrous and fearful consequences which are threatened, are such as excite and disturb me, very much. Men in their rage threaten to pull down the temple of Liberty and trample Freedom under their feet. Civil war, bloodshed and desolation seem to hang over our beloved land, and unless Almighty interposes the arm of Omnipotence to avert the dangers that environ us, I see no hope- I hope and believe, that Va. will stand boldly for the cause of Liberty and the Union, and by her prudent counsels, wisdom and moderation, check the progress of fanaticism and avert the evil. God grants us peace and safety! Prdon [sic] my allusion to politics. I know you dislike it, yet I find it difficult to refrain from an expression of feeling for the safety of the Union.

Davis's depression over the crisis would only grow stronger as the months passed. He did not defend Lincoln or the Republican Party. He thought that Lincoln's election was the beginning of the end for freedom. Though Davis was likely a Democrat and did not own slaves, he did not point to the Republican Party as the aggressors. He believed that secessionists were the ones who would destroy the Union, not Lincoln. He also feared that the secessionists, in their zeal to protect their rights, would accomplish only the universal destruction of liberty across the land.\textsuperscript{9}

The \textit{Western Virginia Guard}, a unionist newspaper in Clarksburg, tried to give a moderate account of the crisis then unfolding across the nation. In a republished article, it commented that the author of an unknown Virginia newspaper gave “some very sensible remarks.” The author asserted that they were “not indifferent to the great


\textsuperscript{9} John J. Davis to Anne Kennedy, November 10, 1860, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
excitement in the South on account of the action of South Carolina” in considering secession, yet would try to give “an impartial statement of the condition of the public mind.” This task was difficult because “such times of panic create a thousand unfounded rumors which mislead” the public. “But there is not sufficient cause for alarm. The whole affair is overrated. The hot-headed ones throughout the South make a great deal of noise; the cool-headed ones deprecate the hasty action of the excited ones, and will use their voices and influence against it as soon as it becomes necessary.” The newspaper predicted that cool-headed men would prevail. For example, “when the facts of the case become clearly known to the people of Florida and Texas, they will oppose secession, though some of the politicians of these two States now bid South Carolina be of good cheer.”

Though it did not doubt that South Carolina was actively seeking independence, the *Western Virginia Guard* denounced what it considered to be wild rumors coming and going over the telegraph lines. It was especially concerned about the effect these rumors would have on Virginia. “One day comes a report that Virginians are arming all over the State, to be ready to help South Carolina, the next day we hear from a reliable source that the story is all bosh – that Virginians are quietly minding their own business, although, of course, somewhat excited by the rumors.” The *Western Virginia Guard* did not say how it knew which sources were reliable or not, but it is clear that it thought the facts supported its feelings that moderation would prevail. The only way the secessionists would carry the day would be to overexcite the people. “It is exactly what they want. And they hope

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10 “The Secession Excitement,” *Western Virginia Guard*, December 1, 1860.
to make something out of it...If they can continue this excitement” then they may well pull the South out of the Union.\textsuperscript{11}

The \textit{Western Virginia Guard} took a surprising approach to the position of large slave owners in the crisis. The general feelings of the time were that the slave owners were secession's most dedicated proponents. This newspaper argued, however, that they were actually unionists at heart and would fight against secession. Quoting a letter from Richmond to the \textit{Baltimore American},

The largest slaveholders in the South are at this moment the most conservative and Union men in it. This is a fact to which I challenge contradiction from any quarter. Nay, more, it is true of South Carolina. I heard only a few days ago, from one of our most estimable and reliable Democratic citizens, that one of the wealthiest, probably the wealthiest and largest slaveholder in South Carolina, who is able to equip and arm at his own expense several regiments of soldiers, was solicited by Mr. [Robert Barnwell] Rhett\textsuperscript{12} to give his support to the secession cause. His reply was this:

'Mr. Rhett, every one knows I began life here a poor man. I made all my money in the Union, bought all my negroes in the Union, raised all my cotton in the Union, sold it and got the proceeds of it in the Union, and I think the Union is good enough for me. I desire to live and die in the Union, and I shall exhort my children to do the same.'

Such is the general sentiment of the largest slaveholders in the South. It is the sentiment of men who know their rights, and who consider it no more necessary to proclaim eternally their intent to protect with their lives, their wives or children, if attacked by robbers and ruffians. When that attack comes, depend upon it they will be heard from but the 'tongue' will be in their 'swords.'

This writer, and by extension the \textit{Western Virginia Guard}, were of the opinion that slave owners were not only loyal but also would vocally oppose any efforts at disunion.\textsuperscript{13}

\textsuperscript{11}Ibid.

\textsuperscript{12}A leading secessionist.

\textsuperscript{13}The veracity of this letter cannot be confirmed. The \textit{Western Virginia Guard} says of the writer: “It is scarcely possible to conceive any motive this writer, a Southern man, could have, for misrepresenting
The Western Virginia Guard also attacked the Richmond Enquirer, a solidly secessionist paper that attained a large circulation throughout the state. Though it respected the zeal with which the Enquirer normally pursued important issues, “it manifests the same zeal for a bad cause,” that of secession. Unfortunately, the prestige of the Enquirer gave it “an influence in Virginia; and men whose best judgment is against its doctrines, and who know it is not a safe guide and teacher, are yet led away by it, and influenced by its vigorous editorials. It is now...aiding to circulate secession doctrines, and increase the excitement.” If it were not for the unrest the Enquirer was stirring up through its powerful editorials, the voice of political moderation would likely prevail.\(^{14}\)

To summarize its position toward the impending crisis, the Western Virginia Guard quoted an 1814 article by the National Intelligencer, which was possibly in response to New England’s threat of secession during the War of 1812.

‘No man, no association of men, no State or set of States has the right to withdraw itself from the Union of its own account. The same power which knit us together can unknit. The same formality which formed the links of the Union is necessary to dissolve it. The majority of the States which formed the Union must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union or distract the efficacy of...constitutional law, is treason--treason to all intents and purposes.’ This is what we call sound doctrine.

The Western Virginia Guard did not deny the legality of secession. Instead, it believed that only through a majority popular vote among the states was secession possible.\(^{15}\)

\(^{14}\)Ibid.

\(^{15}\)Ibid.
Situating popular will in a national context was not a common argument from the people of Harrison County.

In contrast to John Davis's pessimism and the *Western Virginia Guard*’s optimism, some Harrison County residents did not take the situation seriously at all. An advertisement in the December 1, 1860 issue, which was published twenty days before South Carolina seceded, used the excitement to its advantage.

*Figure 1. Harrison County newspaper advertisement.*
The ad used “disunion,” which was of course the most controversial term in existence during that period, as an eye-catcher. “Disunion” did not hold dire consequences in the mind of the advertiser since he was willing to toss it around lightly.\(^{16}\)

On December 3, 1861 – seventeen days until South Carolina’s secession – John J. Davis, in another letter to Anne Kennedy, expressed his deepening depression over the coming storm. “The future...is still dark and I fear the worst. Your interest and happiness and my own individual prosperity depends on the perpetuity of our glorious Union. Ought we not pray for its preservation? I have thought so much on the subject that I find it difficul [sic] to turn my thoughts into another channel.” It may well have been concern for his future marriage that Davis was worried about. Without income from his career as an attorney, he could not have supported his future wife.\(^{17}\)

Sometime in January or February, 1861, Davis wrote another letter expressing his feeling that secession was all but inevitable and that Clarksburg was as gloomy as ever. After a day of celebration during a local wedding, the town fell back into a state of anxiety and depression. “The wedding's over, our town has relapsed into dullness so far as social pleasures are concerned. Mud and politics are the topics of conversation in all circles. The bride and bridegroom are rejoicing, while the politician and the single man are discussing National affairs.”


\(^{17}\)John J. Davis to Anne Kennedy, December 3, 1860, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
The Southern fire has reached Va. and I fear she will follow South Carolina and the other seceding States. The secession spirit is spreading rapidly in this State and I verily believe that Va. will be out of the Union by the 22\textsuperscript{nd} of Feb. Destruction is hanging over us. What the result will be I know not. I fear it will end in Civil war. It seems like a judgment of the Almighty, to punish us as a people for our wickedness. Peaceable separation is a delusion. Secession means revolution, and the latter is never peaceful.

Davis blamed the politicians at the federal level for the crisis. He claimed that they were not making real efforts at compromise. Instead, they sat idly by while the nation descended into chaos.

Our public servants seem to have abandoned us to the tender mercies of fanatics--North and South. They are quietly standing by at the Capitol looking at the desolation and ruin around them. Noble old [John J.] Chittenden [sic: Crittenden], the best Roman of them all, is the only true patriot in our National...Councils. He is true to his Country. The others are time serving politicians. Oh! for a Jackson and a Clay to crush out the treason that is stalking abroad in the land, and bring the government back to its ancient mooring.

Like many Harrison County residents, Davis did not reject the legality of secession or the right of revolution. However, he hoped that all options available would be exhausted and that war would serve as a last resort. “I cannot consent to give up the Union until we exhaust all Constitutional means of redress, and then, if we fail, I say raise the standard of rebellion and call on the God of battles to protect us.” Davis held firm on this conviction, even when it threatened to dissolve his relationship with Anne Kennedy. “I am sorry you do not endorse my political opinions. We must agree, I suppose, to disagree.” He also had a falling out with Miss Emma, a hardcore secessionist, who appears to have been
Anne's sister. Even under this pressure, Davis did not yield to the secessionist cause, which showed how deep his unionist convictions really were.\textsuperscript{18}

Henry Haymond was a Clarksburg native who also had a firsthand experience with secession. Born on January 6, 1837, he worked in the office of Judge John S. Hoffman and was studying law when the war began. He was only twenty-four years old when the first Union and Confederate troops organized at Clarksburg and marched off to fight. He became a captain in the Eighteenth U.S. Infantry Regiment and fought in several major battles, including Perryville, Chickamauga, and Corinth. He remained in the army until 1870 and participated in some of the campaigns against the Indian tribes in the West. Many years after he retired from the army, Haymond wrote a history of Harrison County where he discussed some of his experiences during the Civil War.\textsuperscript{19}

Haymond was certainly no secessionist; he made his feelings toward the Confederacy clear at the very beginning of his chapter on the Civil War. “After the election of Mr. Lincoln in November [sic] 1860, the Southern States began to hold conventions and pass ordinances pretending to dissolve their relations to the United States Government.” Haymond maintained a political philosophy similar to Lincoln’s. Unlike men such as John J. Davis, Haymond believed that secession was illegal under all circumstances and that the Confederacy was simply an armed rebellion, not a legitimate political entity.\textsuperscript{20}

\textsuperscript{18} John J. Davis to Anne Kennedy, undated, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.

\textsuperscript{19} History of Harrison County, 315-39.

\textsuperscript{20} Ibid. 315.
Though Haymond did not acknowledge that he held any sympathy for the Southern Rights position, John J. Davis continued to be ambivalent. While traveling by train, he encountered a group of “Black Republicans,” a derogatory term for the members of the Republican Party who supposedly wanted to force black equality on the South. “I wish Miss Emma had been there to have heard them talk. How she would have stamped her foot and scolded. I could scarcely repress my indignation and for a moment lost sight of my conservatism, and felt extremely Southern.” Davis was torn between a sentimental attachment to the South as he knew it and political expediency. Haymond, however, was vocal in his denunciations of secession and rebellion.²¹

Public meetings in Harrison County that proclaimed support for the Union occurred frequently throughout the secession crisis. Haymond claimed that these meetings “appealed to the loyalty and manhood of all concerned.” The term “manhood” is important. It hearkens back to the point that popular sovereignty was important, but adds a new dimension to the question of political culture. Maintaining a popular voice in all circumstances was the only barrier against oligarchy, and it preserved the individual white male's honor as it allowed him to fulfill his duty to society. Each white male held a voice that was a building block in the democratic structure, and any voice removed would make the building unstable. The town meetings allowed these voices to be heard and maintained at least some semblance of popular authority. Haymond noted “that the ballot box was the only medium known to the constitution for a redress of grievances and to it alone would they appeal.” Since the ballot was synonymous with popular authority, and

²¹John J. Davis to Anne Kennedy, March 10, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
simultaneously the only way to address the secession crisis, each white male voter had a voice that could influence the future of the nation. To highlight the importance of the ballot, Haymond continues by writing “that it was the duty of all citizens to uphold and support the lawful constituted authorities.” Not only did the voters have to take their responsibility seriously, but they were the only defense against a tyrannical oligarchy.22

In keeping with the value placed on individual political voices, Haymond described the importance of the Union meeting of January 19, 1861, which nominated representatives to the state secession convention. Those that attended the meeting expressed strong loyalty to the Union and “would adhere to it for ‘weal or woe.” The meeting also agreed on a platform for the convention. They listed six resolutions that fell in line with not only the majority Union sentiment in the county, but also the widespread importance placed on popular voice and the rejection of oligarchy. Any measure that did not at least survey popular sentiment was anathema.23

The first resolution expressed fundamental unionist values. It promised not to elect or support any secessionist delegate to the Virginia secession convention. It is important to note that the voters imposed a prerequisite for being elected a delegate that included taking an oath of loyalty to the Union, or at least against secession. This was an effective tactic; most men from Harrison County took the oath of loyalty very seriously, and would not take it unless they were sincere. The importance placed on honoring one’s


23 Ibid. 233-34.
word also applied to those who refused the oath. When Union forces occupied Harrison County early in the war, they required all persons who wished to leave the area to obtain a pass from the commanding Union officer. The only prerequisite was taking the oath of loyalty. Dorothy Davis, author of a thorough and comprehensive history of Harrison County, told the story of Eli Marsh, a very powerful man in the county before the war. Marsh supported secession, but was afraid of doing so publicly when Union troops were in town. As a result, he chose to maintain open neutrality. He would not support the Confederacy, but at the same time would not profess his loyalty to the United States.²⁴

Marsh’s “neutrality” could not last forever. Still a resident of Clarksburg, he technically needed a pass to leave the area due to the military’s effort to control spies and raiders, yet through political connections managed to obtain one without taking the oath. One day, another commander, Charles Leib, replaced Marsh’s friend. Marsh came to him expecting the same leniency, but found none. Marsh tried to argue against the necessity of taking an oath, but found that Leib was unshakeable. Leib later recounted that “Colonel [Marsh] was satisfied we were in earnest. He remained in town six weeks, growling at the Government, the tyranny of the military authorities. After six weeks of lamentation he took the oath.” Based on Marsh’s actions, it is clear that taking the oath of loyalty was no trivial matter. The people of Harrison County, whether secessionist or unionist, treated oath-taking in similar fashion. In terms of the January 19 meeting in Clarksburg, its first resolution exploited the serious matter of oath-taking to ensure that a hardcore unionist representative would be elected. If even a powerful man such as Eli

Marsh would not violate an oath, the participants in the meeting could be fairly sure that their elected delegates would not either.\textsuperscript{25}

The fourth, fifth, and sixth resolutions exemplified the suspicion Harrison County unionists held toward the Eastern “oligarchy.” The participants in the January 19 meeting suspected a coup on the part of a few power-hungry men and took steps to prevent it. They placed themselves “against any resolution to be laid down as an ultimatum” to the Northern states that they obviously would reject, allowing the oligarchy to claim “just cause for seceding from the Union.” John Carlile, one of Harrison County’s representatives to the secession convention and a leading unionist in the Northwest, followed this resolution to the letter by opposing several resolutions that secessionists intended as stepping stones to disunion.\textsuperscript{26}

The fifth resolution added to the defense against oligarchy. It denounced the notion that the Virginia state government could dissolve the ties between the individual and the federal government. This assertion was directly related to the themes of popular voice and defense against oligarchy. If the state government, which, in the minds of Harrison County unionists, was under the control of the eastern elites, decided to break away from the Union, this action would be nothing short of the coup d’état they had always feared. Harrison County unionists, like most northwestern Virginians, had

\textsuperscript{25} Ibid.
\textsuperscript{26} See John Carlile’s speeches and debates during the Virginia secession convention. Carlile often proposed amendments to offending resolutions that would require popular approval for passage. These resolutions would certainly have not passed in a referendum, which forced the supporters of the resolution to either vote down Carlile’s amendment or drop the resolution entirely. University of Richmond, “Virginia Secession Convention,” University of Richmond Library, \url{http://collections.richmond.edu/secession/} (accessed April 4, 2013).
perceived themselves as victims of Eastern oppression. If the East succeeded in taking the state out of the Union, the northwest would lose an important ally in the form of the federal government because northwestern Virginia would be forced into the rebellious Confederacy, and it would suffer even greater hardships in a Tidewater and Piedmont-dominated government. They also would lose their voice in national politics. Though never really influential at the state or federal levels, northwestern Virginians still held onto the principle that they would at least be heard. As their reaction to the May 24 alliance with the Confederacy shows, Harrison County unionists cared more about having their voice heard than they did about losing the referendum. Their notion of popular will, therefore, involved the voice of their region rather than the state as a whole. As they saw it, the state had no right to impose its will on the theoretically sovereign people of the northwest.27

The final resolution was the culmination of all the suspicions and conspiracy theories that Harrison County unionists held toward the East. The unionist residents of Harrison County pledged to “oppose all deliberation and discussion by the members of said Convention in secret session.” Their fears proved correct in the end, as the secession convention withdrew into secret session on April 16. The result of this secret session was the adoption of a secession ordinance. The idea of a secret session in itself was anathema to the unionists of Harrison County. The only thing that was “secret” about a secret session was that fact that the proceedings were not available to the public. Without a

27One of the best sources on sectionalism within Virginia is James McGregor’s The Disruption of Virginia. The first half of his book provides a good understanding of what drove the division between the east and northwest. James C. McGregor, The Disruption of Virginia (New York: Macmillan, 1922), pp. 1-182.
supply of information coming from their representatives, the people were utterly at the mercy of the government. They had no basis on which to recall renegade delegates or voice their opinions through newspaper articles or letters. “Secret session,” to Harrison County unionists, meant the inability to exercise their public voice and a lack of accountability for the state government, two things they opposed at all costs.²⁸

 Shortly after the January 19 meeting, a mass gathering of people of all political parties, whether Douglas Democrat, Breckinridge Democrat, or Constitutional Union, occurred.²⁹ One thing they all had in common was “their devotion to the Union and their opposition to secession.” This meeting nominated John S. Carlile and Charles S. Lewis to be delegates to the secession convention. The voters elected Carlile, but Lewis lost as a result of the influence of the secessionists. Benjamin Wilson, a Southern Rights candidate, was elected in his place.³⁰


²⁹During their national convention in 1860, the Democratic Party had split between Northern Democrats and Southern Democrats. Northern Democrats chose Stephen A. Douglas as their presidential nominee. Douglas was a conservative who had argued for popular sovereignty in the unorganized territories that belonged to the United States. Popular sovereignty meant that the voters could choose whether to allow slavery in their state. Southern Democrats, on the other hand, favored a tougher approach to the slavery issue, one which would allow slavery in all the territories and would not subject it to a referendum. The Southern Democrats nominated John C. Breckinridge as their candidate for the presidency. The Constitutional Union party was popular in the Border States since it proposed John Bell as a compromise candidate. Its platform consisted of a strict constructionist interpretation of the Constitution in regard to slavery which was supposed to settle the sectional conflict once and for all.

It would be misleading to say that Harrison County was utterly unionist in sentiment. The county's status as the birthplace of the statehood movement and its home to prominent unionist men such as John Carlile do not tell the whole story of political sentiment in the area. Other prominent men such as Thomas “Stonewall” Jackson were natives of Harrison County. Jackson, of course, became one of the leading Confederate generals during the war. Many Harrison County residents rejected the idea that conspirators were scheming to take over the state during the secession crisis. In fact, they saw the “Black Republicans” of the North as the real threat to their way of life.\textsuperscript{31}

A “States' Rights” meeting occurred at roughly the same time as the Union meeting in January. This group nominated Robert Johnston and Benjamin Wilson to be delegates. In a testament to the secessionist influence in the county, voters chose Benjamin Wilson to join Carlile at the convention. Robert Johnston laid out the “Southern Rights” platform in a circular to the people of Harrison County. Though of significant length, the circular shows just how intense secessionist sentiment in the county could be.

War is upon us! A most fearful, terrible and devastating war has been inaugurated by the present administration; it has been forced upon the people of the South and the proclamation of Lincoln calling for 75,000 men to carry out the infamous behests of the North to murder the citizens of our sister Southern States, is published in our midst, and Virginia is called upon to furnish her quota of men and means for the slaughter of those who know their rights and dare maintain them...[the] Southern States are to be trampled under the iron heel of Black Republican despotism. The battle cry and shout of an insolent and vindictive Northern fanatic, who claims by the votes of your enemies to be your master, is now heard; he is now arming a civil war and inciting blood and rapine at the hands of the slave; is now calling upon you to aid him in coercion, to carry fire

\textsuperscript{31}Ibid.
and sword into the homes of those to whom you are endeared by every tie of
consanguinity of interest and affection.

This secessionist rhetoric fell in line with that of the secessionist majority of the state.
Themes such as “war is already upon us” and resistance to “coercion” dominated the
speeches of secessionists during the state convention. Men such as Henry Alexander
Wise, a representative to the convention from the far Eastern county of Princess Anne and
former governor from 1855-59, had argued that war already existed between the North
and South and demanded the state take preemptive action to defend itself against
Northern invasion. Wise was an exceptional case since he actually followed through on
his proposals by organizing an attack on the federal garrisons at Harpers Ferry and
Norfolk in mid-April.32 Many Harrison County secessionists tried to avoid violence if
possible and proposed to fight a defensive war only.33

The secessionists of Harrison County did not take a militarized approach to
secession. They wanted to avoid war at all costs and argued that war would not change
the fact that the South was, in spirit, already independent from the North. The North
would waste its time trying to conquer a people who had nothing in common with them.
A circular from the secessionists warned the residents of Harrison County that war would
be inevitable if they did not act quickly: “The Union is dissolved, it cannot be cemented
again and made a Union by the spilling of blood. The independence of the Southern
seceded States should be at once acknowledged; civil war and destruction should not

32 Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (University of North
Carolina, 1985).

33 Henry Haymond, *History of Harrison County, West Virginia* (1910; repr., Parsons, WV: McClain
wrap this land in flames, and internecine strife should not be forced upon us.” In contrast to fire-eaters such as Edmund Ruffin who relished the opportunity to teach the arrogant Yankees a lesson, the secessionists of Harrison County were opposed to military action. It is possible that their vulnerable geographic position on the other side of the Allegheny Mountains was the driving factor behind this opposition. In the event of war, the northwest would quickly succumb because of the easy access from Ohio and Pennsylvania and difficult access from Virginia and the rest of the South. What is perhaps most important is the fact that these secessionists denied the North's right to use military force, yet said almost nothing about the Confederate actions at Fort Sumter on April 14 and the seizures of Harpers Ferry and Norfolk a few days later. Despite their opposition to war, the Harrison County secessionists believed that, with an expression of public will, they could induce the North to leave the Confederacy alone.

FREEMEN OF HARRISON! This dark and bloody drama which Abraham Lincoln is desiring to open up before the country, the people of Virginia by PROMPT ACTION may avert; we invite you to meet with us in solemn assembly; let every man come to Clarksburg on FRIDAY, THE 26TH DAY OF APRIL to take counsel together and take such action as the circumstances then surrounding us may require. We do not propose to you to go to war, but we want the great heart of the people to beat audibly, as we know it does silently, responsive to our Southern sisters in this perilous hour of their sad calamity. We are opposed to coercion:-we deplore the necessity of revolution. We therefore invite you to meet with us and say that no hostile force whose aim shall be the depredation of the South shall polute [sic] the soil of Virginia with impunity.

Harrison County secessionists thought an expression of public will might deter the North, even though war was already upon the nation by the 26th of April. Their faith in the

\[34\] Ibid.
power of popular will points to its importance in Harrison County political culture, a theme that is common among both the unionists and secessionists of Harrison County. Harrison County’s obsession with popular will defied reality, yet they clearly thought it was powerful enough to deter a nation at war.\(^{35}\)

Harrison County secessionists also catered to the Eastern elite by claiming that their sentiments matched those of the Tidewater and Piedmont. During the secession crisis, the East had often accused the northwestern counties of being “submissionists” to Black Republican rule and of being willing to allow the North to invade Virginia and “subjugate” her people. They hoped to erase this stigma by displaying public sympathy toward the Confederacy.

We may, under the providence of the God of armies, make such a start that others may be induced to follow, or at least wipe out the stain 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.

Also of note is the presence of the theme of conspiracy. “Bloody crew” likely referred to Lincoln and the abolitionists of the North who, according to these secessionists, were sending “minions,” or federal troops, to usurp the rights of Virginians. A group of Northern men were conspiring in much the same manner as the Eastern elites supposedly were. Harrison County residents, regardless of political sentiment, were feeling like victims under the oppression of tyrants, be they Northern or Southern.\(^{36}\)

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\(^{35}\)Ibid.

\(^{36}\)Ibid.
The secessionists blamed Lincoln for starting the secession crisis and stated that Northerners elected him merely to perpetuate the “irrepressible conflict” between the North and South. A few days after the April 26th circular, a meeting took place that outlined these grievances. According to Haymond,

The meeting in a long preamble complained of the hostility of the Northern States towards the South and denounced in severe language the election of Abraham Lincoln as a sectional candidate and as one who had no other claim to public notice, than his opposition to all the Southern States and his invention of the doctrine of an irrepressible conflict between the people of the North and those of the South.

In a reverse conspiracy theory, the secessionists believed Lincoln was part of a coup that had the subjugation of the South in mind.\textsuperscript{37}

The secessionists adopted a couple resolutions that outlined their position on the national crisis. The first stated that they “thoroughly approve[d] the principles and actions of the General Assembly” and recommended that “all citizens loyal to the commonwealth, should at once...organize themselves into volunteer companies, procure arms and prepare themselves and stand ready to fight the battles of Virginia.” The second “condemn[ed] the proposition to divide the State [of Virginia]” and warned the residents of Harrison County “not allow themselves to be seduced by wicked and reckless men” who had the destruction of the state in mind. Much like the unionists who were relying on the federal government to put down a state-level dictatorship, the secessionists were depending on the same state government to protect them from federal despotism. The secessionists were just as vocal in expressing the right of their protector to defend itself.

The resolutions that the unionists laid out stated that the federal government had the right to assert its authority in the state. These secessionist resolutions countered this argument by stating that the state government of Virginia was justified in its fight against Lincoln's “concentrated despotism.” The secessionists’ view of popular will, therefore, was not local, by statewide in nature. They believed the people of Virginia as a whole had the final authority and that the people of the northwest were bound by this decision.38

The secessionists also thought it was important to show loyalty to their protector, much like the unionists. The unionists decided to meet at Wheeling to announce their support for the federal government, while the secessionists thought that organizing into military units showed devotion to the state. The secessionists saw their unionist neighbors as accomplices to Northern despotism who sought to subjugate them by any means possible. In contrast to the unionists’ idea that a few men were conspiring to drag that state into secession, the secessionists thought a similar conspiracy sought to break the Northwest off from the rest of Virginia.39

On Saturday, April 20th, 1861, three days after the delegates in Richmond adopted a secession ordinance and referred it to popular approval, John J. Davis, likely seated in front of a fire in his study as was his nightly routine, reflected on its implications. The darkness of that evening seemed to seep into his thoughts.

You do not know how sad I am tonight. Darkness, gloom and shadow hang over the future, and how it will all end the Almighty alone knows. Before you hear from me again or perhaps, before this reaches you, my own state may be drenched in blood--I feel just as if [all] my hopes and aspirations were blasted. My country, the Union, to preserve which I would have laid down my life, is gone- gone

38 Ibid.
39 Ibid.
beyond the hope of reconstruction. Your father's prediction has been fulfilled. You and I are no longer citizens of the same government—at least so far as the action of the Va. convention can make us so, we are foreigners. I hope we shall never be so in feeling. Va. has seceded. Madness ruled the hour, and our people are now to fight the battles of South Carolina upon their own soil. You doubtless have heard of all that has transpired in our state. The wildest excitement and confusion prevails. Despondency and gloom are visible in the countenances of everyone, and none know what to do, or what the end will be.

Davis continued to blame emotion and overreaction as the causes of secession. Davis could only hope that his dear Anne, who lived in Baltimore, would not suffer at the hands of irrational men as he had. “You are still in the Union and I hope your people will be guided by the dictates of reason and patriotism, and not be led away by passion and prejudice from the Stars and Stripes, the emblem of peace, greatness and nationality.”

Davis still held out hope for his own state. “There may be hope for us yet, the act calling the convention provides that its action shall be submitted to the people for ratification or rejection. They may refuse to ratify the ordinance. I hope they will.”

On Thursday, May 2nd, 1861, John J. Davis made an addition to the return address at the top of his letter: “C.S.A.” Confederate States of America. Davis had no illusion about where the loyalties of the state authorities laid. The referendum on the secession ordinance was three weeks away, yet Davis thought that Virginia would side with the Confederacy. Indeed it already had in many ways. On April 24th, Robert E. Lee was given control of Virginia forces and began preparations to defend against invasion.  

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40 John J. Davis to Anne Kennedy, April 20, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.

41 James I. Robertson, Jr., Civil War Virginia: Battleground for a Nation (University of Virginia, 1991), pp. 21-22.
Davis knew well who Lee's welcoming party would be greeting with sword, musket and cannon. And so did his neighbors.

Every kind of business is suspended and the professional men, the artisan, mechanic, laborer and even divines have become idle loafers in the streets of our town. Nothing is talked of or thought about but war,- to 'kill' 'kill' is the sound that greets the ear from every quarter and the muttering thunder bursting from the patriotic hearts of the Union men presages a dire conflict between friends and neighbors in our midst...Men meet and with solemn faces ask one another 'What shall we do'? 'I am ruined'. From morning until late at night groups of anxious looking and despairing faces may be seen congregated in the streets, confused and bewildered by what is transpiring around them. Even the bar rooms are closed and the poor besotted wretches, whose frequent visits to those dens of misery brought ruin and poverty upon them are suddenly struck with soberness and express sorrow and regret at the downfall of the Gov't, Oh! it is a sad day for us...Everybody is armed here. Such a spirit as is now rife in the land is destructive of good government, social order and morality.

Davis took time to point out who was to blame for the chaos.

From a star of the first magnitude in the coronet of the Republic, Va. has fallen to a position below even that of Little South Carolina, that State of great pretensions but little power. The [secession] convention has assurped [usurped] powers not delegated to it, and without the consent of the people has attached us to the [marked out “S. Confederacy”], deprived us of the elective franchise by appointing delegates to the Southern Congress and done other acts of tyranny to which no free people should submit...Thank God Western Va. is loyal, and I hope her people will resist the usurpations of that body, and like freemen assert and maintain their rights.

Davis, like those in his community, was devastated on a personal level as a result of the secession ordinance.

I am doing nothing now. The convention has suspended all civil proceedings in our courts and stayed all executions until the further order of that body...My profession is worth nothing to me now, the offices of the profession in this place are nearly all closed. Perhaps I may become a soldier. There is a general roar of indignation in Western VA. AT THE ACTION OF THE CONVENTION? AND RESISTANCE is the watchword.
Davis admitted he was getting caught up in the “excitement” as well. The lust for violence had infected many of the residents of Clarksburg, and Davis was starting to show some of the symptoms. Davis thought it was strange,

but I can't help iy [sic]. My coolness and moderation leave me whenever I think that fetters are being riveted on my limbs and I am to be under a most — ---- military despotism. I was about to use 'bad words'. I am armed like a desperado. My revolver has been my constant companion for the last two weeks. I am ashamed sometimes when I think of it.

Despite his new-found blood lust, Davis maintained, like many Harrison County residents, that he would stay out of the war if possible.

Tho' I am a Unionist in a just cause, no son of Virginia would shoulder a musket in her defense more quickly...Whenever I am convinced that Virginia has suffered great wrongs at the hands of the Federal Gov't, sufficient to justify her revolting, her cause is my cause. I owe a paramount allegiance to the whole Union- a subordinate one to my own State...[However,] I will not fight at all if I can help it.

Davis was deeply ambivalent about his loyalties to Virginia and the nation. Though he was ready for a fight and decided he would repel any invaders from the East or South, Davis wished he could maintain his normal life. His conflicting feelings on the situation were common among Harrison County residents. 42

Harrison County secessionists also wanted to avoid armed conflict, yet, like Davis, were prepared to take up arms if absolutely necessary. Some of them believed that the federal government had usurped the popular will. In their minds, the Lincoln administration had stepped beyond its Constitutional bounds, giving the people no choice but to prepare to defend themselves. A “mechanic” named Daniel E. Sumner who “earns his bread by the sweat of his brow” wrote to the Clarksburg Register, appealing “To the

42 John J. Davis to Anne Kennedy, May 2, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
Young Men of Harrison [County].” He regretted the difficulties the national crisis placed on these young men, yet urged them to do their “duty” and oppose a federal government that had violated its constitutional powers. “Would to God that I could point out to you a course of conduct by which we might avert the dire calamities which seem certain soon to befall our native land...[You must] act with prudence and care in the discharge of those duties which, heretofore, we probably have considered as trivial.” He brought their attention back to the founders of the nation and the actions they took in drawing up the boundaries of the union of states.

It was foreseen that sovereign States might at some time become dissatisfied and wish to take to themselves that portion of their sovereignty delegated to the general government. Then it was that this question came before the [Constitutional] Convention[::] 'Shall the General Government have power to make war against a State?' And James Madison, the father of the Constitution, said NO, and by a powerful speech, established forever from the mind of the Convention the idea of 'coercion,' and accordingly nothing was inserted in the Constitution to empower the United States to make war against one or more of the States.43

Sumner used the theme of federal “coercion” of the states as a basis for deciding who the villain was. Unlike some of the unionists who proclaimed the federal government's right to defend itself against rebellious individuals, this secessionist claimed the exact opposite. He reasoned that the federal government had rebelled against its constitutional

prerogatives and the people of Virginia, and the Deep South, had no choice but to act in self-defense.\textsuperscript{44}

Sumner elaborated on the federal government's duties to the people and how it had violated them. He pointed out four duties “without which it is certain the Union could never have been formed.” First, “the citizens of each State’ should ‘be entitled to all the privileges and immunities of citizens in the several States.”’ Second, “that fugitives from justice in any State might not evade punishment by escaping into another.” Third, “for the protection of negro slavery...'no person held to service or labor in one State under the laws thereof, escaping into another,’ should 'in consequence of any law or regulation therein, be discharged from such service or labor, but' should 'be delivered up on claim of the party to whom such service or labor' might 'be due.”’ Finally, “The Constitution of the United States...’ should 'be the supreme law of the land.”’

The first three “violations” referred to commonly held grievances among the secessionists of the South. Southern Rights radicals insisted that the North had violated the law providing protection for slave owners who carried their slaves into the North, which Sumner referred to in his first point. The second and third points represented the anger over escaped slaves and Northern “personal liberty laws” that allowed the fugitives to avoid transportation back to the South. Many Southerners believed that the personal liberty laws were in direct violation of the fugitive slave laws which required the North to cooperate in apprehending and returning escaped slaves. That Sumner repeated these charges is certainly not surprising. However, his fourth indictment is noteworthy. On its

\textsuperscript{44}Daniel E. Sumner, “To the Young Men of Harrison,” \textit{Clarksburg Register}, May 10, 1861.
face, it seems that “the Constitution of the United States should be the supreme law of the land” is a fundamentally unionist argument. Sumner did not see it that way. He believed Northerners had violated the Constitution and given the South no choice but to secede in its favor.\(^4\) “[These rights] have been basely violated; plighted faith has been disregarded, and hatred deep and dire has taken the place of fraternal regard in the hearts of those whom we and our fathers once considered brethren and fellow citizens...Who is to blame for all these things? I answer, the North, and the North alone.” Sumner included numerous other commonly held secessionist grievances in addition to the idea that the North was out to destroy slavery and that it had instigated a division between the sections. What is clear, however, is that he felt the North had violated the laws of the nation and given the Southern states no choice but to secede.\(^4\)

Like many Harrison County residents and even northwestern Virginians who supported the Union, Henry Haymond believed secession constituted two evils. First, he thought that secession was simply a power play on the part of a small minority to drag Virginia into the Confederacy. The Virginia secession convention, which had debated the course Virginia should take in the national crisis from February until April 1861, adopted

\(^4\) This was one of the strangest ironies of the history of northwestern Virginia politics during the war. Each side had to reconcile secession with their loyalties to their state, the Confederacy, or the Union. Sumner may have claimed to be seceding in favor of the Constitution, but Lincoln invoked an identical argument in justifying West Virginia's secession from Virginia. “The division of a State is dreaded as a precedent. But a measure made expedient by a war, is no precedent for times of peace. It is said the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we can call it by that name, there is still difference enough between Secession against the Constitution, and Secession in favor of the Constitution.” See George Ellis Moore, *A Banner in the Hills: West Virginia's Statehood* (New York: Meredith Publishing, 1963), 236-37.

\(^4\) Daniel E. Sumner, “To the Young Men of Harrison,” *Clarksburg Register*, May 10, 1861.
an ordinance of secession on April 17. One of the mandates for the convention, which the voters who selected the delegates had approved, was the submission of any action for popular approval. However, the May 23 popular referendum on the secession ordinance was, according to Haymond, simply for show. “The authorities without waiting for the action of the people, on the 24th day of May” had allied the state with the Confederacy. As Haymond pointed out, the Virginia government was not willing to wait for the results of the referendum. In his mind, the small group of men in charge had imposed their will on the rest of the state, regardless of popular sentiment or legal barriers.\textsuperscript{47}

To be fair, waiting for the results of the referendum would not have changed anything; Virginians voted to secede by a large majority.\textsuperscript{48} However, for Haymond it was the usurpation of popular sovereignty that bothered him. This idea points to Haymond’s second concern toward secession. In speaking of Virginia’s alliance with the Confederacy on May 24, he remarked “this was a high handed proceeding and a direct violation of all the principles of popular Government.” Talking about the secession crisis nearly forty-five years later, Haymond surely realized how the May 23 vote turned out. However, his concerns lay with the fact that the state government had not bothered to ascertain public will and had violated the law in doing so. It was as if his vote, and those of the rest of Virginians, did not matter. For Haymond, the implications of not having a political voice were dreadful. The trivializing of the referendum was bad enough. Even


worse, the notion of American “democracy,” which he had grown to appreciate, was under attack. The denial of a popular voice was the destruction of democracy; with democracy usurped, the “authorities without waiting for the action of the people” were the real power in the land. Dictatorship was replacing democracy, and Haymond wanted no part of it.49

The failure of the unionists to prevent secession in the state convention did not deter loyal Harrison County residents from seeking to stay in the Union. John S. Carlile and the rest of the unionist delegates from the northwest returned home to figure out what their next step should be. Carlile was in a grave mood. According to witnesses, he “seemed depressed and disturbed and spoke a few words in solemn tones to his neighbors and friends. He warned them that by the prejudice and passions of designing men a conspiracy was formed to destroy the National Government.” He told them to take heart, however. “In a few days a meeting would be called to decide the policy to be pursued in the present crisis.” It is important to note that Carlile himself believed that a small group of people were attempting to overthrow the government and place themselves in charge. Faced with these prospects, Harrison County unionists sought redress for their grievances against their own state through any means possible. The secession ordinance started a chain of events that would last from April 1861 until July 1863, culminating in the division of Virginia into two states. This time, however, the northwestern counties seceded from their own state. Separate statehood was a long way down the road,

however, and Harrison County unionists first had to decide how to remain true to the Union.\footnote{Ibid. 334.}

On the 22\textsuperscript{nd} of April, roughly twelve hundred people met in Clarksburg to decide the options Harrison County had now that secession was on its way. Haymond took great pride in the meeting and claimed that it changed the dynamic for the northwest during this volatile period. The “meeting acted with courage and a determination unsurpassed in history, struck the keynote of the situation and took steps which added thousands to the Union ranks and resulted in the formation of the State of West Virginia.” The presence of John Carlile ensured that the meeting would be memorable. “John Carlile and his eloquent and patriotic utterances poured forth with all the earnestness and oratory of his gifted nature, and abilities, swayed the hearts and feelings of that vast audience as the wind moves the forest trees.” Carlile certainly was a gifted politician; a look at his speeches during the secession convention show a brilliant man who was able to argue with the most skilled politicians in the land. Carlile carried his ability over into the April 22\textsuperscript{nd} meeting. After Carlile had spoken, “intense excitement prevailed in this assembly and all seemed impressed with the dangers of the situation that now faced them and with the importance of their acting with courage and discretion.”\footnote{Ibid. 334-35.}

One thing the April 22\textsuperscript{nd} meeting affirmed was the Harrison County unionists' fear of a small group taking control without the endorsement of the people. “The meeting reaffirmed its allegiance to the Federal Government and denounced the Virginia
authorities for inaugurating a war without the consent of the people.” The conspiracy of Eastern elites to drag the state into war had, in these people's minds, been accomplished. This was no longer a counter-factual argument; secession and war were a reality and now Harrison County unionists had to find a way to deal with the issues themselves. Their solution? Appoint a convention of thoroughly Union men to decide what the northwest should do. They favored concerted action not only because the northwestern counties held similar views of the secession crisis, but also to serve as a buffer to protect the region from Eastern, and Confederate, incursions. The meeting adopted two important resolutions that called for a Union meeting at Wheeling and elected representatives from Harrison County, two of which were Carlile and Davis. The Wheeling Convention was to be a closely guarded secret. These unionists, like many in the Northwest, were fearful of military force on the part of the East. Now that the conspirators had dragged Virginia out of the Union, the people of the northwest expected a vengeful response from the new dictators if any attempt were made to divide the state. Wheeling was a heavily unionist town that would give the delegates some breathing room outside the secessionist-dominated East. More importantly, it was far from the reach of the conspirators due to its location across the river from Ohio. In the event that secessionist forces tried to disrupt the convention, the unionists hoped that they could count on Ohio and Pennsylvania to send troops to their aid.\footnote{Ibid.}

Over a period of about seven months, the realities (and horrors) of a nation divided struck the whole country. Harrison County was like the rest of the nation; it felt
unsure of what the future held. Some of its citizens hoped for some kind of solution, and it seems they even expected it. They were deeply attached to both the federal and state governments and did not want to have to choose between them. As events began forcing them to choose sides, they maintained their resistance to war. Both unionists and secessionists hoped to avoid bloodshed at all costs. When avoiding war became impossible in May 1861, they resorted to extreme measures. The separate statehood movement was an attempt to keep the northwest out of the front lines. Many of its proponents thought that a show of loyalty to the federal government would induce the North to send troops for the protection of their homes. Even though Harrison County became a depot for the Union armies, they were content knowing that they had at least stayed out of the war. This does not tell the whole story though. Several Harrison County residents formed militia companies that served either the Union or Confederacy. Though their numbers were small, it shows that not everyone objected to violence. The enormous gulf between pacifists and militants highlights the complex sentiments of the county and how the bottom line was that people really had no idea what to do. People felt a need to react in some way, and the diversity of reactions shows how confused Harrison County residents were about their situation. Whether they would come to terms with the complexities of their situation had yet to be seen.  

After war became a reality in June 1861, how did the people of Harrison County deal with their crushed hopes for peace? Were their fears of conspiracy confirmed in their minds? Since Union troops captured Clarksburg early in the first couple months of

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the war, did unionists see them as saviors or conquerors? Did the strict control exerted by Union forces leave citizens concerned that their popular voice was being silenced? These are some questions that should be asked of the bellum period. As the war escalated and the people of Harrison County chose sides, those that remained in the county seem to have settled into their new lives quickly because they finally found the stability they had been searching for. In the early months of the war, after Union forces occupied Harrison County, women apparently treated the Union soldiers kindly since there is no evidence of any harsh military measures against the local population. Most of the secessionists left to join the Confederate Army, leaving loyal citizens in charge of the county. Confederate and Union forces never fought any significant battles in the county. The prevalence of peace leads one to conclude that the majority of the people of Harrison County looked back on the war in a positive light. Federal troops seem to have been a welcome addition to their community and good times abounded. Other parts of the South were not so lucky—Kentucky experienced several major battles and eventually came under hard military policies such as the suspension of habeas corpus and censorship of the press. Many Kentuckians looked back on their loyalty to the Union as a grave mistake and adopted a neo-Confederate memory of the war. General William Sherman’s march through Georgia and South Carolina brought the hard hand of war to these states and left an extremely bitter taste in the mouths of their residents. Because Harrison County avoided the ravages of war, it stands to reason that it reaffirmed its Union loyalties long after the war had ended. But if their all-important popular voice was infringed upon, one can expect a very different outcome.
CHAPTER II : HARRISON COUNTY TO STATEHOOD

With the issue of secession settled and the first shots of the Civil War fired, Harrison County found itself having to contend with the ramifications of a nation divided. Those that dreamt of simply staying out of the conflict could no longer do so; Northern and Southern armies quickly converged upon northwestern Virginia in hopes of securing its important strategic assets. It is no exaggeration to say that the new crisis Harrison County found itself in was much more complicated than dealing with disunion. The secession crisis contained a single major issue that the people of Harrison County had to deal with, namely whether withdrawal from the Union was in their best interests. In the new crisis, Harrison County had already made the decision to remain loyal to the Union. But what would this choice entail? Could the North be counted on to protect northwestern Virginia from Confederates that were angry at having lost this important region? More importantly, who would govern this region? Harrison County and the northwest rejected the authority of the Virginia state government, so who was the real authority in the area now? To answer these questions, the people of the northwest embarked upon a quest to separate their region from Virginia into its own sovereign state.

The legal process that northwestern Virginians took hinged on numerous technicalities and still divides historians today over its ultimate Constitutionality. In order for a new state to be formed from an existing one, the U. S. Constitution states that the proposal must have the approval of both Congress and the state legislature. Unfortunately, the future state of West Virginia was still a part of the Old Dominion and therefore needed the approval of the authorities in Richmond, something that almost
Delegates to a convention assembled in Wheeling, a city bordering the Ohio River that was safe in loyalist territory, in June 1861 came up with a clever solution. They argued that since the Richmond government had rebelled against the federal government, its offices were thereby vacated and open for new elections. As a result, northwestern Virginia elected new officials to fill these offices, establishing what became known as the Restored Government of Virginia. This body was given all the power and responsibilities of the Richmond government. With the Virginia state government effectively in the hands of the northwest, the region could now give itself permission to form a separate state. Though it was a bit of unprecedented legal maneuvering, the people of the northwest thought they were totally conforming to the letter of the Constitution in pursuing it.

The next major step was to construct a constitution for the new state. The many political conventions and referendums in the region since secession ensured a smooth start to the constitutional convention. The first constitutional convention began in late November 1861 and did not conclude until three months later. During the convention, the basic process of fleshing out the particulars of a legislative, executive, and judicial branch for the state were the focus of the proceedings. The new document was intended to be an original piece of work that was not based on the Virginia Constitution, but was fully in compliance with the examples and regulations set forth under the federal Constitution and those of the states. However, the convention also marked the point at

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54 While it would seem that Richmond had abandoned its position as governing authority over Virginia when it chose to secede, some historians have pointed out that Lincoln’s decision to maintain that none of the Confederate States had actually seceded kept the power in Richmond’s hands. They argue that, as a result, northwestern Virginians had no right to usurp its power. See Richard H. Owens, *Rogue State: The Unconstitutional Process of Establishing West Virginia Statehood.*
which a divide began growing between many northwestern Virginians over the character of their new state. Harrison County played a central role in this struggle, and it was perhaps this meeting that illuminated the roots of Harrison County’s political tradition the most.

In addition to the political fallout in northwestern Virginia, this chapter will look at how the people of Harrison County reacted to the first few months of the Civil War. How people viewed wartime events such as the Confederacy’s attempt to invade and control northwestern Virginia as well as the actions of the Lincoln administration influenced how people viewed the political situation in their own region. Harrison County’s sentiments can be better assessed in this chapter since most secessionists had left the county and travelled behind Confederate lines. The threat that the Confederacy posed, as well as disagreements with the federal government, changed the character of the new state movement. As a result, it is necessary to discuss the primary concerns of the people of Harrison County during the war and how events affected regional politics.

Harrison County and the War

In early September 1861, John J. Davis expressed his concern that the coming battle between General Robert E. Lee and General William Rosecrans would leave northwestern Virginia in the hands of the Confederacy. Although he “hope[d] for the best…I am doubtful as to the success of the Union forces.” He had reason to despair, since it appeared that the federal army was not going to commit manpower to the defense

55 For a detailed look at the Civil War in West Virginia, see Boyd B. Stutler, West Virginia in the Civil War (Charleston, WV: Education Foundation, 1966) and Theodore F. Lang, Loyal West Virginia From 1861 to 1865 (Baltimore, MD: Deutsch, 1895).
of the region. Davis had been serving as a guard for a repository of federal goods since manpower was in short supply. To supplement the lack of Union forces in Clarksburg, he and “the citizens were ordered out to make the force sufficient for that purpose.” Though he did not have to face down any secessionist guerillas, Marion County, just north of Clarksburg, was not so lucky. It had suffered from what appeared to be a local group of Confederate sympathizers. To further emphasize the need for regular troops in the area, Davis stated that the capture of the guerrillas required Union forces to march all the way from Wheeling.56

A few days later, Davis’ fears of a Confederate occupation of the northwest were assuaged. Contrary to the idea that the lack of Northern troops would allow an easy Confederate victory, reality was actually the exact opposite.

General Rosencranz [sic] has not been surrounded, nor made prisoner, but is now marching on Gen’l Lee with an army of thirty thousand well drilled troops. He has all the mountain passes strongly fortified, so that Lee will have to bring a much larger army than he is reported to be in command of if he is to be victorious.57

This was the beginning of a continuous seesaw between grave concern and a feeling of safety for Davis throughout the war.

Though he was in Wheeling on unstated personal business and at a safe distance from Lee’s army, Davis had other, more political reasons for fearing the wrath of the South. Since the Virginia government in Richmond had already aligned itself with the Confederacy, the prospect of separating from Virginia was an offense not only to the Old Dominion but also to the Confederate nation. This is why Davis feared that he “would

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56 John J. Davis to Anne Kennedy, September 2, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
57 Ibid.
probably be in more danger than other Unionists” if Lee managed to take Clarksburg.

“Every member of the Wheeling convention is regarded by the Davis Gov’t, as well as the Letcher State Gov’t as a traitor and guilty of treason in establishing a government hostile to them within their borders, and if any of us should fall into their hands we would doubtless be punished as traitors generally are.” Davis insisted he did not fear the threat posed by the rebels, though his courage did not extend to the level of foolhardiness. “I am not going to ‘run’ as long as there is a possibility of fighting them successfully, but when the odds become too great, I think ‘discretion the better part of valour’, and will try avoid Southern hemp.” Despite the chaos secession ushered in, he remained just as devoted to Virginia, and cherished his being a Virginian, as ever. He had taken a solemn oath in defense of his state, and he would be hard pressed to break it.

If they drive me from my native soil it shall be at the point of the bayonet, and when I return it shall be with either a sword or a musket…Of this you may be sure…I will never leave Va. until the danger becomes so great and so irresistible that to remain would be ‘foolhardiness.’ I have sworn to support and defend the cause in which I am engaged at all hazards, and time and circumstance will demonstrate how faithfully the vow will be kept.\(^{58}\)

Davis had placed his unionism and love for the new state movement above even his own life.

Davis shed further light on the question of how the people of Harrison County viewed the Union. According to his perspective, the Union was a self-sufficient entity that was not dependent on particular officeholders such as President Lincoln to survive. Its parameters had been established in the Constitution and it could, in Davis’ mind, survive even the most heinous dictator. Davis pointed out that he “regard[ed] the Gov’t,
or the Union as one thing, Mr. Lincoln and his officials as another, and the illegal and tyrannical acts of the latter cannot weaken or shake my attachment for the former. For such illegal acts there is a Constitutional remedy.” Though he hated the Lincoln administration and its purported strides toward imposing a dictatorship, his biggest grievance was the harsh and, in his mind, illegal activity of the U.S. military in prosecuting the war. Still, these violations of Union principles did not weaken Davis’ love for it. Lincoln’s “illegal acts shall never make me ashamed to avow my uncompromising love for the Union.”

Lincoln the dictator, however, paled in comparison to the abomination that was the Confederacy. Though Davis asserted that Constitutional remedies could take care of an out-of-control executive branch, secession and war were not one of them. “It is a poor way to exercise that remedy to trample the Constitution under foot, and destroy the government as the Southern States are doing.” Even though the Union military had been operating outside the law, they could do nothing to shake his “hatred and contempt of the miserable and wicked rebellion being carried on.” To further express his disdain for the Confederacy, he called on God to smite down its wickedness. “If God be a God of justice, the authors of [the rebellion] will reap their reward in the regions of that prince of rebels who…was hurled from the battlements of heaven by Michael…There is a day coming when the people of the South will weep bitterly over their folly and madness.”

Davis’ Christian faith also affected the way he viewed the contest between North and South. In virtually all of his letters to Anna Kennedy, a significant portion was

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59 John J. Davis to Anne Kennedy, September 18, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
60 Ibid.
devoted to a discussion of various passages from the Bible as well as theology in general. Though he disliked both North and South, he did not think it was becoming of Christians to endorse violence against their fellow countrymen. “Hatred is not a Christian virtue…it is wrong in Christians to manifest so much bitterness, even toward those who are really enemies.” He quoted the words of Isaiah to justify his plea for peace to overtake the nation. “If I could speak the word that would bring an honorable peace to the nation tomorrow, the swords of each army would be beat into ploughshares.” Nevertheless, he understood well that the contempt between professing Christians across the North and South had taken precedence over the commandments of the New Testament. Davis perhaps captured the mood between North and South best when giving an account of what would happen if the Confederates happened to meet Lincoln and his army in heaven. “Sesede [sic], I suppose.”

Davis was confident that northwestern Virginia was increasingly secure from Confederate attack as the months went by. Though “many false reports concerning the state of affairs in West Virginia” had exaggerated the threat the Confederate army posed to the region, “it is true, we are here constantly menaced and threatened by the Southern army which has made several ineffectual attempts to cross the mountains and crush out Unionism in this section.” One of the primary reasons for this new level of safety was not the presence of Union troops but the efforts of the Restored Government of Virginia to maintain law and order across the northwest. As a result, “people are becoming quiet and confident of safety again.” Unfortunately, the Restored Government was still in its

61 John J. Davis to Anne Kennedy, September 28, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
infant stages and could not take care of the whole of the future state of West Virginia. “In some sections of the West, in the Kanawha Valley, more than a hundred miles distant from here, the country is very unsettled- outrages upon the persons and property of Union men are committed, by armed bands of marauders, houses are burned and whole families...destitute.” Davis was confident in the abilities of the Restored Government to reach out to these needy areas and protect them from harassment. “In a short time that section will be rid of such parties and peace and quietness will be restored there.”

On October 24, a popular vote on whether the northwest should form its own state came out in heavy favor of the affirmative. To Davis, it was an utter relief. He hoped that this public showing of defiance against the Confederacy would persuade it to leave northwestern Virginia alone. “I hope Jeff Davis will let us depart in peace now, as we have given unmistakable evidence of our unwillingness to become subjects of his.” Davis was sick of the secession question, having been dealing with “all of the excitement and political discussion...for so many months.”

Though he falsely believed he was safe from the clutches of the Davis administration, Davis encountered a new enemy on the streets of Clarksburg: Union soldiers. “Clarksburg is not so quiet and orderly as it was...last summer. No one is safe from insult and violence. The scenes I witnessed today prove it. About five hundred soldiers were drunk, marching about the streets and fighting at every corneo [sic]...such scenes are of frequent occurrence.” The level of chaos was so great that Davis refused to

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62 John J. Davis to Anne Kennedy, October 23, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
63 John J. Davis to Anne Kennedy, November 4, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
allow his wife-to-be to come to town. “It required nearly a regiment of men to quell the disturbance,” leaving no one safe from potential harm.64

In the final weeks of 1861, it seemed that Union forces had finally secured at least the northern half of what would become the state of West Virginia. Two pro-Confederate guerrilla actions caught Davis eye and made him wary yet unconcerned. “About thirty-five miles southwest of [Clarksburg]…a party of guerrillas under the leadership of a Capt. Jno. E. Hays have driven all the Union men out of the northern part of Gilmer County, taken off all their property, burned their houses and killed several.” Though this raid was a safe distance away, the second gave him pause. “A few nights ago a similar party visited the lower end of this county and took off fifteen horses.” Nevertheless, despite the close proximity of this recent Confederate action, “we feel secure, as there are about one thousand federal troops here.”65

As 1861 came to a close and the New State Movement was speeding up, Davis once again found himself the political target of the Confederacy. “I must tell you…what Jeff Davis’ government had done. I and every other member of the Wheeling Convention stand indicted for high treason.66 The grand jury in the Confederate district court recently held at Staunton…found these indictments a few weeks ago.” Davis laughed at the weakness of the Confederacy’s latest move against him and the northwest. “They would brand me a criminal if they could. [However,] thanks to Uncle Sam, he has put a wall of bayonets between me and my enemies, over which they cannot pass.” He

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64 Ibid.
65 John J. Davis to Anne Kennedy, November 13, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
66 Emphasis in original.
clearly held much confidence in Lincoln’s ability to protect the region, even to the point of dismissing Confederate threats wholesale. In fact, he was confident that history itself would punish his accusers if the Union army did not get around to it. He predicted that the judge who presided over the indictments (his former preceptor) would be “consign[ed] to oblivion [along with] the names and memory of his conspirators.” Davis’ visions of neutrality during secession had given way to wholehearted unionism in the face of the Confederate threat.\textsuperscript{67}

Davis’ confidence in his safety was shattered once again at the news that Great Britain may have been planning to enter the war in support of the Confederacy. Clarksburg itself seemed to have shared Davis’ fears. “The city is all excitement this morning [of December 13, 1861]…The drums are beating in the streets, and already enlistments are going on here in anticipation of the war.” In the face of this newest threat, Davis was once again willing (and perhaps even eager) to take a stand against tyranny. In fact, he called on every American to resist British intervention. “It seems to me that this treacherous conduct on the part of England ought to abuse the just indignation and the spirit of determined resistance in the bosom of every American.” In perhaps the most revelatory moment concerning the importance of the Union of states to Davis, he pointed out just how much was worth sacrificing to preserve it. “My life and my services are at the disposal of my country, and I am willing to perish in the struggle

\textsuperscript{67} John J. Davis to Anne Kennedy, November 19, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
for its preservation. My life is worth but little to posterity, *the government more than millions of lives.*”

Davis’ concern about English intervention affected his temperament as a delegate to the Wheeling Convention. “In my last [meeting] I exhibited a decidedly war spirit- the news from England having thoroughly aroused my American blood.” While his patriotic side told him war was inevitable, his rationality led him to the conclusion that tensions between the U.S. and Britain were without substance. “I am afraid tho’, the opportunity will hardly be afforded me of distinguishing myself as a warrior. There will be a great deal of ‘bluster and brag’ on both sides and the matter will eventually be decided without resort to arms.”

Henry Haymond, recently commissioned a captain in the U.S. army, described to Davis his views on military life up to the final days of 1861. Haymond did not expect to see any action until spring. As a result, he hoped that he would get the chance to visit Wheeling, where Davis and other friends were staying. Being out of the loop on the New State Movement made him eager to find out what he could. He had many questions for Davis: “[Will] you give me a general outline of the doings of both [the legislature and the New State Convention?] In what will the proposed Constitution differ from the old one?” His only chance of making it to Wheeling, however, was if he came looking for recruits for the Union army. Haymond disliked recruiting duty, however, and for multiple reasons. First, because “the policy of the government is so illiberal towards recruiting

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68 Emphasis added; John J. Davis to Anne Kennedy, December 13, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
69 John J. Davis to Anne Kennedy, December 20, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
officers that it is generally best for them not to obtain any recruits.” Second, even if he wanted to seek out new soldiers, he thought he would be hard pressed to find any. It is unclear whether he thought there were not any more recruits available or if he simply did not want to search them out. However, “if recruits come to me I would enlist them, but I would not go after them, and endeavor to persuade them to enlist.”

Though war with Britain had been averted, Davis was both relieved and indignant that Britain would have dared challenge the U.S. in a time of dire need. Davis was angry at “the humiliation to which our country is subjected by the extreme demands of Great Britain.” Nevertheless, Davis could take comfort in the fact that the Confederacy was denied an advantage that surely would have given it victory. “I cannot but rejoice that a foreign war has been postponed and the hopes and expectations of the Confederates based thereupon have been disappointed.” Though he “anticipated that the affair would be settled [peacefully]…and consequently was prepared to hear the result,” he hoped that one day the U.S. would make Britain answer for its cowardly act. “At present it is our policy to give our whole attention to my Lord Davis and his armed followers, and when we have fully paid our compliments to him, we can…then call on our foreign neighbors for a reckoning of past accounts.”

Davis was still afraid, however, that Britain meant to join with the Confederacy no matter what. Even though Secretary of State William Seward had done an admirable job soothing tensions over the Trent Affair, “the settlement…only postpones a war with

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70 Henry Haymond to John J. Davis, December 22, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
71 Emphasis in original.
72 Emphasis in original; John J. Davis to Anne Kennedy, December 30, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
England. At some day not very far distant such an event is inevitable.”

Davis was optimistic about the threat of foreign invasion, however. “We cannot successfully cope with our troubles at home and a foreign power at the same time and a peace at home would be the result.” Peace, even at the hands of defeat, was something Davis could look forward to.

At the close of the year 1861, Davis gave an assessment of what it would take to reunite the nation and repair the broken bonds between countrymen. Given the numerous setbacks the Union had suffered over the past few months, Davis was “less hopeful of a speedy and successful termination of the present war than I was some months ago. Indeed, I sometimes despair of ever again living under a truly Republican form of government.” He predicted doom for both North and South if they did not change their present courses of action. Consistent with his strict constructionist principles regarding the Constitution, he feared that both the Lincoln and Davis administrations were overstepping their bounds and establishing military dictatorships. His only hope for the reconstruction of the South (and the North, for that matter) was for it to bind itself to the U.S. Constitution and maintain a conservative interpretation in order to rid itself of the possibility of despotism. “My only hope of a restoration of the Union is, that there is a Union sentiment in the seceded States that will spring up when the Confederate army is beaten back, and taking hold of the government in each state will administer it in accordance with the Constitution and laws of the United States.” Davis feared the worst if a Unionist element could not be found in the South to apply his constitutional

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73 Ibid.
74 John J. Davis to Anne Kennedy, February 10, 1862, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
principles. “If there is no Union element left, then our cause is hopeless, and there must be two republics, or a military government established in the South, which I never wish to see.” Nevertheless, even if the Confederacy succeeded in dividing the nation, Davis would hold true to “the dear old flag with its Stars and Stripes.” Strikingly absent, once again, is any mention of loyalty to Lincoln. Davis would devote himself to the Union of states, not the present government.75

Harrison County and the New State Movement

On May 13, 1861, the citizens of northwestern Virginia, in a completely disorganized and chaotic fashion, sent representatives to a convention in Wheeling to decide what action their region should take in response to the ordinance of secession. The main actions the body took were to urge northwestern Virginians to vote against the secession ordinance, which was scheduled to be subject to popular referendum on May 23. It also condemned the actions of the secession convention as unconstitutional and, therefore, null and void. It was during this meeting that a dispute that would heavily influence the course the northwest would take over the next two years arose. The meeting was in almost unanimous agreement that a new state generally composing the counties of the northwest should be sought. What divided the delegates, however, was the means by which a new state should be formed. Waitman T. Willey, the representative from Monongalia County, gained the support of many delegates when he strongly argued for requesting that the state government of Virginia allow the northwest to depart in peace. This was, to Willey and the others, the only course of action possible since it was

75 John J. Davis to Anne Kennedy, December 30, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
the only one the law allowed. John S. Carlile, the representative from Harrison County, was more radical in his proposal, and had that much more support from his fellow delegates to show for it. Carlile advocated dissolving the ties between the northwest and the rest of Virginia immediately, without waiting for proper legal procedure. His plan was to have the Committee on State and Federal Relations, whose members had been appointed from the ranks of all the delegates to the convention, to simply decree that the state was severed. This disagreement developed into a bitter feud between the Carlile and Willey factions that lasted for several days. Willey was victorious in the end, but the rivalry between these two able politicians was far from over. Though the first Wheeling Convention was short, it got the separate statehood movement rolling. Now all the citizens of the northwest had to do was await the results of the secession referendum.  

Carlile’s actions during the first Wheeling Convention are worthy of note because they seem to deviate from Harrison County’s general adherence to strict constructionist principles. Though the course Willey had proposed for forming a new state was of questionable constitutionality, Carlile’s defied all legal boundaries and was nothing short of revolutionary. This event illustrates a conflict within Harrison County itself over how to reconcile maintaining strict constructionist principles while adhering to the will of the people. The people of Harrison County had made their views clear: a new state must be formed, and quickly. Since, at this point, Harrison County’s valued popular will and strict constructionism were in conflict, Carlile was making the most expedient choice possible, at least in his mind. The people of Harrison County, when faced with tough

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decisions that would ultimately force them to denounce a cherished political tradition, consistently made the most practical choice. This would be even more evident as the statehood movement progressed.

John C. Vance, another delegate from Harrison County, confirmed the sentiments of his constituents toward a division of the state. According to a note taker who witnessed the event, Vance declared that “his people…were in favor of an immediate division of the State. They had sent him there to assist in accomplishing that purpose.” Though they were indeed zealous for a new state, the people of Harrison County “did not all understand how it was to be done. Some thought the Convention could do it.” Vance, however, disagreed with the course Carlile had originally proposed, claiming that “it could not be done without the consent of the Legislature,” something almost all delegates seem to have agreed on at this point. “When the Legislature should meet it was his desire, and that of his constituents, to divide the State, and he would then use every effort to accomplish what they desire.” His only desire at that moment was for the convention to declare publicly that steps were being taken toward the formation of a new state.77

Vance, too, was being expedient in his outlook on the statehood movement. Like Carlile, he sought to reconcile strict constructionist principles with the desire for separation. Vance, however, seems to have found a better means for maintaining both popular will and strict constructionism. He advocated waiting on the restored state legislature to give permission to separate, and at the same time sought to appease popular will by notifying publicly the people of Harrison County that their wishes for separation

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were the top priority of the Wheeling Convention. While not everyone agreed on what was the most expedient decision, trying to maintain major political principles as much as possible was a goal almost everyone from Harrison County who left records behind shared.  

Carlile quickly saw the wisdom in Vance’s overall proposition and adopted a similar plan for the Second Wheeling Convention. After the secession referendum turned out a strong majority in favor of disunion, the people of the northwest sent delegates to a second convention in Wheeling that began on June 11. As soon as resolutions started being offered, Carlile proceeded to make two proposals. First, he wished to thank the U.S. government and military for sending troops into northwest Virginia to protect the loyal citizens there. Second, he proposed that the convention declare that the Virginia state government in Richmond was relieved of duty. All of its offices, whether executive, legislative, or judicial, were to be vacated. In doing so, Carlile had adopted the less radical plan of reorganizing the state government before beginning the process of separation. As time went by, the Second Wheeling Convention began to fill the vacancies left by Richmond and restore state authority with a temporary capitol in Wheeling.  

Carlile strongly disagreed with Vance’s assertion that the people of Harrison County did not understand the legal process by which a new state must be formed. While he admitted that he had come to realize the wisdom in approaching the question of separate statehood slowly and cautiously, he did not feel that the people of Harrison

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78 West Virginia Division of Culture and History, “Proceedings.”
79 West Virginia Division of Culture and History, “Proceedings.”
County were as ignorant of legal matters as John C. Vance claimed they were. “They know just as well as we do, and have probably found it out a little in advance of us, that at this time a division of the State cannot be effected, for the reason which they see in the Constitution of the United States, that it that it is only through it, and by virtue of its provisions, that a division can be had.” Carlile also pointed out the importance of maintaining the supremacy of the U.S. government in the minds of the people of Harrison County. “They know another thing, too, that a separation is worth nothing without the perpetuity of the Government to which we desire to attach ourselves, and that they must first address themselves to maintaining the Government.” In other words, without loyalty to the stars and stripes, separating from Virginia would be an exercise in futility. Carlile rejected the proposal to inform the public that separate statehood was the primary goal of the convention because, in his mind, it would create an unnecessary obstacle to the process.

In an hour like this when the question is: shall we save the State; when we are particularly helpless to save it ourselves; when the very Government itself has by this rebellion been bankrupted; when it is engaged in this death struggle to maintain its own existence, and when we have come here to aid, if we can, this effort of the Government in this struggle, - why should we now be discussing that which is utterly impossible and which more belongs to days of peace than to the hours of war?

What Carlile was implying was that the people of the northwest should not have their minds focused on forming a new state, which only a slow, tedious legal process could achieve. Instead, he, the delegates to the convention, and all other northwestern Virginians should focus on helping the federal government win the war. If they did not, and the North was defeated, then any dreams of a new state would have been quashed.
And remaining a part of Virginia was unthinkable to most. Once again, expediency led the way.  

Three days after the convention began, Carlile laid out his plan for the reorganization of the state government. First, a new governor and lieutenant governor would be appointed by the convention, along with a governor’s council of five members. Second, the delegates to the General Assembly who had been elected the previous May and those who currently held seats would be allowed to keep their seats only if they took an oath of loyalty to the United States. As a result, any empty seats would remain vacant and the General Assembly would operate with the delegates it had. Finally, every state officer or employee was to take the oath of loyalty or lose their jobs. 

Carlile’s next major move was to resist a resolution that would fire all state employees who had voted for the secession ordinance. According to an observer, “the points he made in his remarks were that such a resolution violated the spirit of the Constitution of the United States, as it was equivalent to an ex post facto law.” In other words, at the time of their voting in favor of secession, such an act was not a crime, and therefore the convention could not establish a law after the fact which would make them vulnerable to prosecution. When one delegate pointed out that these officers had violated their oath to protect the Constitution and therefore had indeed committed a crime, Carlile argued that “the prosecuting attorneys in the different counties ought to punish all those

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80 West Virginia Division of Culture and History, “Proceedings.”
81 West Virginia Division of Culture and History, “Proceedings.”
who had been guilty of this crime, and this would, if enforced, be all the punishment needed, as perjury would forever disqualify them from holding any office thereafter."

Carlile exhibited Harrison County’s strict constructionism when he resisted this bill. As their actions would show, the inhabitants of Harrison County placed their constitutional principles above their desire to punish disloyal citizens. And since the debate over what to do with disloyal citizens did not address any major political issues (at least to the people of Harrison County), strict constructionism overcame expediency. In this particular case, Carlile was concerned about the extreme nature of the proposed resolution. To fire leaders in Richmond who had actively worked to ally Virginia with the Confederacy was one thing, but firing everyone whose actions even hinted at disloyalty (in this case, voting for secession) was too much for Carlile to stomach. As Carlile pointed out, there were already laws on the books governing the conduct of state employees, and it made no sense for the Wheeling Convention to potentially overstep its bounds or violate the rights of individual citizens in an unnecessary proclamation.

The first gathering of the Restored General Assembly produced little of note when it came to Harrison County’s political participation in the first months of the war. Much of the proceedings focused on mundane legislative activities and the details of reorganizing the Virginia state government. One instance is important, however. In mid-July, 1861, John C. Vance, now a delegate in the General Assembly, proposed a resolution in response to Congress’ debate on whether to repeal the Fugitive Slave Law. He asked that the assembly instruct Virginia’s Congressional representatives to vote

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82 West Virginia Division of Culture and History, “Proceedings.”
against a repeal of the law and to resist any attempts with a similar goal. His rationale was straightforward:

The Federal Government has never deprived us of any constitutional right. If it had, or had intended to violate a plain provision of the Constitution, there are many of us here today who would not have been. We are for the Union, sir, because it has protected us, and under it we have grown mighty and are prosperous and happy. But we want that Union upon fair and honorable principles. We claim that we have got it on such; but if Congress attempts to do this thing...then they have violated their faith. I now want to instruct our Senators and request our Representatives in Congress to vote against this resolution repealing the Fugitive Slave Law. If it is the intention of that Congress - and it might be - to violate a plain provision of the Constitution, if it is their intention to trample upon our rights when they have said they shall be protected, we want to know it.

Since Vance did not think opposition to a repeal of the Fugitive Slave Act would jeopardize the new state movement, he was free to place the highest importance on Harrison County’s strict principles (which, of course, were proslavery). 83

Vance pointed out another reason why he wished the Fugitive Slave Law would remain in effect.

In my county there are nearly 600 slaves. So far, we have had the right and privilege of capturing them when they run away; but if this resolution passes Congress, the law is repealed, that protection is taken away from us. If it is to be taken from us by the Government, we want to know it, and we will seek protection somewhere else. We want nothing more than what we have. We are satisfied with the Constitution and Government as they are; and we are endeavoring now to carry it on as it has been endeavoring to protect it and crush out this rebellion in the South. And I hope and believe it will be crushed out, provided the Government maintains the position it has taken, and does not intend to violate this plain provision of the Constitution.

This was one of the first times slavery had come up in the discussion between the representatives of the northwest. Even more surprising was that one of the delegates had

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the nerve to defend the institution. Arthur I. Boreman, future governor of West Virginia, perhaps spoke for most representatives when he declared that he “had hoped…that this resolution would not be taken up. I hope that every member here will vote down any effort to introduce this negro controversy into our legislation. Our country has been nearly ruined by the agitation on this question; and I for one, think it should not be introduced here at all.”

In the end, Vance’s resolution was rejected; however, it is clear that slavery, though an issue that no one wanted to bring up, was important to the people of Harrison County. The reasons for this can be traced all the way back to the election of 1860, when northwestern Virginia cast a majority of its votes for John C. Breckinridge. As John C. Vance’s statements support, Harrison County included slavery as an essential and fundamental right protected under the Constitution. Even though Harrison County had few slaves and no motivation to protect slavery as an economic institution, they still sought to uphold it. What is interesting to note, however, is that Harrison County’s position on the issue would change within a year when its people voted overwhelmingly for the Willey Amendment to the new state constitution. The Willey Amendment provided for the gradual emancipation of slaves and would have been unthinkable for the people of Harrison County in July 1861. The obvious question is, what caused the people of Harrison County to change their minds? The answer seems clear given their political tendencies up to this point. At the time that Vance resisted any infringement on the right to own slaves, there were no major consequences to contend with. To Vance, the statehood movement would not suffer if he refused to compromise his constitutional

84 West Virginia Division of Culture and History, “General Assembly.”
principles. As long as he was free to oppose emancipation, making decisions based on expediency was not necessary. This was the element that caused the people of Harrison County to change their minds almost a year later. At the time the Willey Amendment was on the table, Harrison County had to make a tough decision: maintain its political convictions or acquire congressional approval for the new state. It could not have both. The Republican-dominated Congress would never allow it. When Harrison County was once again forced to choose what it wanted most, the statehood movement took priority.

During the state Constitutional Convention, which lasted from November 1861 until February 1862, numerous points of contention arose. One was over the name the state would have. As the convention moved forward, “Kanawha” seemed to have been the preferred name. However, by the end of the first week numerous delegates were suggesting alternatives or simply voicing disapproval of “Kanawha.” John M. Powell, one of two delegates from Harrison County, was among them.

I must say that if we represent the wishes of the people of Harrison we will strike out the name of Kanawha. I conversed with a great many persons in that county in regard to the name, and it was the unanimous request that if this Convention had the power, that they change the name. Strike out the name of Kanawha and insert the name of Western Virginia. That was the almost unanimous wish. A large meeting of citizens of Harrison was held at one point, and I was there, and a resolution was passed unanimously that the name of Kanawha be stricken out and Western Virginia inserted.

Powell did not get his way, however. When the question of naming the state came to a vote, “West Virginia” won with thirty votes out of a total of forty-four. “Kanawha” placed second with nine votes and received the support of the other representative from
Harrison County, Thomas W. Harrison. Powell cast one of the two votes in favor of “Western Virginia.” “Alleghany” and “Augusta” received the remaining votes.\textsuperscript{85}

If Powell was correct about what name the people of Harrison County preferred for their new state, then it can further support the argument that Harrison County wanted to conserve its prewar political sentiments throughout this period. Choosing a name for the new state was no minor issue; in effect, it illustrated where the hearts and minds of the people really lay. To choose a name such as Kanawha would proclaim that northwestern Virginia held little attachment to its parent state and was ready to cast away the remnants of the bond with Virginia and go its own way. Choosing to maintain Virginia in its name, however, showed that despite the differences the northwest had with the east, it still cherished its Virginia heritage. Since a majority of the people of Harrison County apparently wanted to keep “Virginia” as a part of their state’s name, they still valued being “Virginians.” And given their constitutional principles, this is not a surprising revelation.

John J. Davis’ initial feelings about the Constitutional Convention were ones of disgust. He was afraid that the radicalism of many of his fellow delegates would be the ruin of the New State Movement. The convention was “a body of radicals and extremists, who are determined to change in toto the character of our State government and give us a Yankee constitution and laws. I am afraid they will defeat the whole movement in West Va.” Why would radicalism pose a threat to the formation of the state

of West Virginia? Though Davis does not say explicitly, the answer seems wrapped up in Davis’ stance as strict constructionist. As he made clear in his letters, he disliked both the Lincoln administration’s supposed illegal activities as well as the actions of those who had seceded which tore apart the Union. He clearly thought the people of the northwest were of like mind and therefore would reject any attempts to construct a state under the supervision of Lincolniters, much as they had rejected the actions of the Virginia Secession Convention. “I hope wise councils may yet prevail but the conservatives in the body are afraid of the result.”

One of the issues before the Constitutional Convention was how former Confederates who lived in its territory were supposed to be treated by law. On December 4, a lengthy debate occurred over this very subject. Some delegates hoped to give former Confederates a means to redeem themselves and regain their right to vote. Others were more vindictive however; they believed suffrage should be permanently denied to all who supported the rebellion. Thomas Harrison weighed in with his opinion near the end of the discussion.

I for one feel no disposition, in inaugurating this new State of ours, to hold out to men who have no regard for the law and none for the rights of their fellow citizens - I feel no disposition to hold out to them a full fellowship in all the rights of citizenship of the Commonwealth. If a man so far forgets himself as to disregard the rights of his fellow citizens, so far as to violate the laws by the commission of any infamous crime, I for one do not feel disposed to extend to him the hand of full fellowship ever afterwards. It may be a vindictive and harsh feeling, but I feel constrained to entertain it.

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86 John J. Davis to Anne Kennedy, December 7, 1861, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
87 West Virginia Division of Culture and History, “First Constitutional Convention.”
Harrison was not referring to those who had merely voted for secession. By the time the Constitutional Convention began, West Virginia had been plagued with numerous small-scale attacks from pro-Confederate guerillas. Harrison was arguing that these men, who dared to assault loyal northwestern Virginians, steal their property, and burn their homes, should receive no mercy either during the war or after. His actions, therefore, were clearly in keeping with Harrison County’s political philosophy.

The Constitutional Convention also addressed the matter of how many counties would make up the new state. Powell gave his thoughts on the issue. He opposed adding any more counties to the original group of thirty-nine because doing so would likely kill the new state movement.

You throw your arms around this element - this secession, this rebellious element, and introduce them; and you will find that at last they will sting like an adder and bite like a serpent. You will feel the effects of it when you come to present your Constitution to the Congress of the United States for their approval or rejection. They will tell you that you have an element embraced in your territory that is disloyal and that may finally control the legislation of your proposed State. You have embraced in your territory an element that may control the laws of the new State. The result is they reject us, having already a sufficient number of secessionists in the halls of Congress.

While the original thirty-nine counties heavily supported the Union, the same could not necessarily be said for bordering counties. Their loyalties were in question, and having counties that were pro-Confederate included in the state would undoubtedly sabotage it both at the state and federal levels.

Powell went one step further and laid out the benefits of not incorporating any more counties. First, having more territory, which some believed would make the new state more powerful, was not necessarily an ingredient for producing greatness.
Individuals have been disposed to look upon the territory included in the 39 counties as insignificant - as almost beneath the notice of Congress, being so small. But then have gentlemen considered that we have embraced in the 39 counties, exclusive of the five that have been added, more territory than they have in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, or Delaware, and almost as much territory as is embraced in the great State of South Carolina that has turned the world upside down. And now, those states that I have alluded to as being nearly as large as West Virginia are among the leading states of this great Union. They stand as high as any other states. May I not say that they are in the lead; that they are in advance in many of the pursuits of our country, of some of the larger states. It is not territory merely that constitutes a state a great one; but it is wealth and intelligence and enterprise that make a great state.

Powell did not rule out territorial expansion entirely, however.

[If the secessionist counties] come back; if they repent of their sins; if they come and bring forth fruits meet for repentance - then I have no objections to receiving them. But until they have done so, let us leave them outside; and if ever they want to come in and we want them - which I think is very doubtful - then it may be accomplished by other means.88

Powell was not greedy for territorial expansion. He would rather have seen the new state succeed than have every county of Virginia included.

Thomas W. Harrison made what would seem a very strange move at first glance during the third week of the constitutional convention. He proposed a resolution that would postpone the formation of a new constitution indefinitely. While this move would effectively undo everything the convention had accomplished up to that point, it was not surprising given Harrison County’s unique political values. Harrison considered himself first and foremost as being subject and answerable to the will of the people. While “popular will” had not come up as a major issue since secession, it was clearly still a vital element in Harrison County’s political philosophy. Referring to the original ordinance that called the Constitutional Convention, he pointed out that the “[people] provided,

88 West Virginia Division of Culture and History, “First Constitutional Convention.”
among other things that the Constitution which should [sic] agreed upon by this
Convention should be submitted to the people for their action on the 28th day of
December.” The convention was clearly not going to be able to meet this deadline.

Now, did the Convention which framed this ordinance mean that that was a mere
idle thing? That we should meet here and prepare and submit to the people a
constitution within a month? I think not, sir. I think it was intended by the framers
of that ordinance that we should take speedy action; and it has occurred to the
minds of all my people that that speedy action is simply to take this present
Constitution of Virginia and so modify it as to adapt it to our circumstances for
temporary use. The public mind is not now in that condition to discuss the
principles of constitutional government.

In keeping with the importance placed on popular will, Harrison was not only trying to
obey the will of the people in putting together a constitution as quickly as possible, but
also made their interests his top priority. He believed what was most essential for his
people was not a perfect constitution, but one that would meet the needs of northwestern
Virginia for the present. 89

Powell thought merely adapting the old Virginia constitution even had its benefits
when compared to developing an original document.

It seems to me...that this will also meet the views of our people, because in the
existing constitution there is a provision that in 1865 some modification should
take place in the arrangement of the constitution under which we are now living.
Perhaps that would be a suitable time, because our people are looking to that time.
It may be advisable to defer the formation of a new constitution for our people
until some such a time as that. I hope in that time the war will be over and the
country calmed down and the people will be ready to discuss and think about all
these radical changes which perhaps as a new kind of people we may find
necessary for our existence.

89 West Virginia Division of Culture and History, “First Constitutional Convention.”
The rest of the convention did not agree with Harrison’s proposal. They defeated it with an overwhelming majority. However, Harrison County’s position was never clearer; Harrison and Powell, its two delegates, cast the only votes in favor.  

Thomas W. Harrison clarified his position on how much authority the people should be given. The importance he placed on popular sovereignty was not without a foundation made of pragmatism. As much as he valued the democratic process, he did not delude himself into thinking that the people should be allowed to operate with virtual independence. Even the people’s voice needed something to guide it away from bad decisions. He pointed out that if the people “will do right all the time there is no need of law to restrain them…While I have great confidence in the judgment of the people, yet I do not believe that they are not liable to err; that they may not be led away by their passions or prejudices.”  

Expediency once again led the way when it came to major political decisions. Thomas W. Harrison also objected to raising taxes for internal improvements since the new state would hardly be able to afford to pay off current expenditures, much less new ones. As was his routine, he provoked the angst of the other delegates in opposing liberal taxation policies that the delegates from the counties bordering the Ohio River seemed to favor but those from the southeastern portion of what would become West Virginia opposed. He claimed to speak for the southeastern counties when he pointed out that “the object of this section is not to prevent the construction of works of

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90 West Virginia Division of Culture and History, “First Constitutional Convention.”  
91 West Virginia Division of Culture and History, “First Constitutional Convention.”
internal improvement by the State at all. But it is to provide that they shall be made on
the most economical plan.”

To understand Harrison’s reasons for opposing high taxes, one needs to reflect on
the prewar sectional division between eastern and northwestern Virginia. One of the
most important issues dividing the two sections was how much money was to be spent on
internal improvements. Northwestern Virginia needed roads, railroads, and even canals if
it was going to have any chance for attaining a flourishing economy. The General
Assembly delegates from eastern Virginia, however, were very reluctant to allocate more
funds for any internal projects. As a result, now that northwestern Virginia was free from
eastern oppression, many of the delegates were eager to splurge and spend as much
money as possible on various projects. While Thomas Harrison agreed with their views
for the most part, he believed they were abusing their new powers by raising taxes to
extreme levels. Just how much revenue would be necessary to complete all the internal
improvements was a matter of debate; however, Harrison claimed that “the annual
demand on us will be $820,000; to be laid on a people who in their best days have been
able to pay only $490,000 a year.” Though it may not have been illegal, to Thomas
Harrison the proposal violated the spirit of the law. The whole nation had been founded
under the principle of low taxation, and his strict political principles would not allow him
to support such a measure.

As the constitutional convention entered its second half and 1861 came to a close,
the divide between maintaining strict constitutional principles and acting on expediency

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92 West Virginia Division of Culture and History, “First Constitutional Convention.”
93 West Virginia Division of Culture and History, “First Constitutional Convention.”
became more apparent. There were two major reasons for this. First, northwestern Virginians were no longer able to maintain their strict constructionism and proceed with the formation of their state; the North, in particular Congress, as well as the vocal abolitionists, had demands of the prospective state, and their requirements did not always match up with northwestern Virginians’ views on the Constitution. Second, the demands of war, as almost always has been the case, are not compatible with the legal principles of times of peace and often require the sacrifice of cherished rights and privileges. The amount of influence that “abolitionists” and Northern “radicals” had in forming the new constitution drove many to all but abandon the New State Movement. Others, however, decided that they would rather compromise with Northerners and see their dreams come to fruition. The same concept applied to new wartime measures such as the confiscation of the property of disloyal citizens. Many believed that property was a sacred right that should not be violated even in wartime. Others were willing to sacrifice a few rights in order to provide security for the region. At no time since secession had the citizens of northwestern Virginia been so divided over politics; and this disagreement would only grow worse as time passed.

Like many people in Harrison County, the National Telegraph was critical of the progress made at the constitutional convention in Wheeling.

We are not acquainted with any of the members of the Convention, but we have no doubt they were all intelligent gentlemen, and labored to produce a Constitution that would meet the wants of the people, but it is evident that a majority of them misconceived their mission, and failed to discriminate between forming an organic law upon which to base future legislation, and legislating for present emergencies, for we find the Constitution burdened with a considerable amount of legislation.
The chief concern of the *Telegraph* was that the Constitution should have been as simple a document as possible so that once the national emergency had been rectified, a proper peacetime document could be forged with as few legal hurdles as possible.94

The *Telegraph* listed a series of other major grievances as well.

It provides that for the present, the State shall be divided into nine Senatorial districts, and each district elect two Senators. It would have been much better to have divided the State into eighteen districts and let each district be represented by one Senator. The people would then have an opportunity of becoming acquainted with those who offer themselves as candidates, and be better enabled to judge of their merits, and the Senator would also have a better opportunity of judging of the wants of his constituents.

One suspects that this objection stemmed from the treasured notion of popular voice, since the changes the *Telegraph* proposed would amplify the individual voter’s influence considerably. Finally, the *Telegraph* argued that the proposed constitution would raise raises beyond bearable levels. The reason taxes were being increased was the introduction of a township system which would multiply the number of public salaried offices considerably. “The Constitution certainly fastens three times the amount of tax upon the people which is necessary for the purpose of keeping up the State and county organizations.” In the end, the *Telegraph* believed the problems with the constitution were too great for it to be accepted. “The people of West Virginia had better do their work over than to adopt this Constitution. It would be a bad setting out for a State government, and we doubt not but it would hang over the State like an incubus, forever clogging its prosperity.”95

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95 Ibid.
John J. Davis expressed concern with the course that the Restored Government of Virginia, under Governor Francis Pierpont, was taking against Confederate sympathizers in the northwest. His strict constructionism would not allow for unconstitutional measures no matter how threatening internal dissidents may be. His “mind [had] been absorbed…in the investigation of a confiscation bill which is abut [sic] to be reported to our body, and which I think is fraught with infinite danger to our institutions and untold evils to our people.” A confiscation bill was one that proposed confiscating the property of any people who voluntarily supported the Confederacy. Though Davis does not mention this explicitly, one of the main objections to the confiscation of rebel property was that the means of determining what constituted “voluntary” aid was very poor. For example, a common tactic of secessionist guerrillas was to raid the property of loyal citizens at night and haul off horses and other goods. At the same time, these guerrillas often received support from pro-Confederate households in the form of lodging, food, and supplies. What was difficult to flesh out was which citizens were robbed and which freely gave of their means to these guerrillas. If a Confederate sympathizer was confronted about giving goods to the enemy, they could simply assert that the goods were stolen from them.\(^{96}\)

Another, perhaps more critical, example of the obscure nature of the confiscation bill lay in whether a citizen had spoken something that was disloyal or had written something that could be construed as supportive of the South. If someone could be charged with verbal or written disloyalty, then Davis and many others feared that no one

\(^{96}\) John J. Davis to Anne Kennedy, January 16, 1862, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
was safe from having their property confiscated. With really no way to establish criteria for determining disloyal speech, virtually anything could be interpreted as being supportive of the secessionists. Criticism of the federal or state government, its leaders, or their decisions could be seen as treasonous speech. Similarly, a word of praise about a Confederate general, though only commending their ability as a commander, could be construed the wrong way. Even worse, the establishment of a confiscation bill would violate the rights laid out in the U.S. Constitution, rights that had been cherished by Americans of all stripes for almost a century. Without a “Bill of Rights” to check the government, dictatorship would ensue.

The *National Telegraph* shared the concerns of the strict constructionists. It praised the efforts of those such as John S. Carlile to stop the infringement on personal rights. Carlile, at this time a U.S. Senator from the Restored Government of Virginia, had aroused the ire of loose constructionists in the northwest from his opposition to measures such as the confiscation bill. While many attacked Carlile for his actions, the *Telegraph* leapt to his defense, claiming that he was “a man who now has ‘Tray,’ ‘Blanch,’ ‘Sweetheart,’ and all the yelpers of the abolition kennel barking at his heels and charging him with disloyalty. ‘Oh Shame! Where is thy blush.’” Little wonder, then, that Davis and many others fretted over even the thought of a confiscation bill.\(^97\)

\begin{footnotesize}
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\item Jan. 17, 1862 Davis to Anna; Editorial, *National Telegraph*, March 21, 1862.
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Davis was concerned that the northwest was willing to abandon its strict constitutional principles for radicalism. Most likely due to his opposition to the confiscation bill, “I am afraid I have incurred the everlasting displeasure of some of my friends at home, because I said “rebels” had rights…A friend at home…think[s] I have
gone over to the South side.” Davis made repeated note of his hate for the legislature of
the Restored Government, almost certainly because he had detected the change in
political sentiment over the past few months. He would only do his duty as a
representative, since “conservatism is not to be tolerated here now.”

Davis’s constitutional principles put him at odds with the legislature of the
Restored Government and the constitutional convention of the northwestern counties. In
fact, what Davis believed was a surge in radicalism in the two bodies caused him once
again to express that, above all, he was still a Virginian. Davis saw no contradiction in
loyalty to the U.S. and to his native state. After all, “though we were Unionists out here”
at the time of secession, “we were also Virginians.” Fellow proponents of the new state
had come up with all sorts of names for the entity, such as “Kanawha,” “Western
Virginia” and even “Augusta.” After seeing the actions of the authorities in the
northwest, Davis could care less which name was chosen. “I believe the friends of our
New State project have despaired of its success. I certainly have.” As a consolation
prize, Davis wished only that “if Virginia can only be restored to the Union, I shall not
care to see her divided.” Davis’ strict constructionism was again reflected in this
statement. For Davis and many other proponents of the New State Movement, the
division of Virginia was only meant to preserve the pre-war state of the Union for the
people of the northwest. Secessionists in the East had violated the Constitution as

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98 John J. Davis to Anne Kennedy, February 5, 1862, John J. Davis Family Papers, West Virginia Collection, West Virginia University Library, Morgantown, WV.
northwestern Virginians saw it and could not be allowed to impose their agenda on the rest of the state.  

Now a similar threat emerged from within the northwest itself. Rather than taking a dangerous position of Southern rights extremism like those of the east, many authorities in the Restored Government and Constitutional Convention had become “a body of radicals and anti-slavery sympathizers.” They “have formed a Yankee constitution which the people of West Va, unless I am mistaken as to their character, will never ratify.” Even worse, Davis was “afraid the radicals will keep us here to give our consent to the New England Constitution framed for us.” One of the most important questions at this point in the political debate was what Davis meant by “Yankee” or “New England” constitution. He certainly was not referring to the convention copying one of the constitutions from the states still in the Union. If that had been the case, then Davis would likely have been a happy man, since the northwest had long admired the egalitarian elements of the Northern states. What Davis was referring to, however, was the formation of a state constitution which codified abolitionism and, in all likelihood, desecrated constitutional rights, which Davis and others had long criticized the Lincoln administration over. Davis would not consent to the abolitionists radicalizing the constitution of the prospective state. He would rather the see the New State Movement fail and the northwest remain a part of Virginia. For Davis and many others, the issue

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99 Ibid.
was one of expediency, of choosing the lesser of two political evils. In this case, it is
clear what Davis considered to be the lesser evil.¹⁰⁰

Not everyone agreed with Davis’ sentiments, however. As would be seen, many
accepted the terms the antislavery element in Congress laid down just to avoid being
rejoined with Virginia. The *National Telegraph* was not as strict in its outlook on the
treatment of disloyal persons, but it tried to define what specifically constituted disloyal
speech.

Now if any person by his conduct and actions shows that he or she as the case
may be is attached and devoted to the so-called Confederate Government. If he
concurs in the plans and operations of that Government against the United States
in such a manner as to retard, in the least, the operations of the Government of the
United States, he is guilty of treason. Every man and woman that in their
ordinary conversion seizes upon every favorable opportunity of endeavoring to
bring the Government of the United States into bad odor, and extols the Southern
Confederacy so as to endeavor to seduce their hearers from their allegiance to the
Federal Government, is guilty of treason. [In addition,] any person cognizant of
the fact that any other person is guilty of treason…and fails to make the same
known, is guilty of misprision of treason and subject to its penalties.

This exceptionally vague language would have given Davis and other strict
constructionists chills down their spines. Not only would this proposal give the courts
enormous leeway in prosecuting cases of disloyalty, but penalizing those who did not
report such crimes would create the social and legal anarchy the conservatives feared.
The *Telegraph* also proposed three levels of treason that one could be tried for. “Actual
treason embracing the offences recognized by the Constitution; inceptive treas or [sic]
consisting of writing or speaking against the government of the United States, so as to
seduce the people from their allegiance and to render them dissatisfied with their

¹⁰⁰ John J. Davis to Anne Kennedy, February 10, 1862, John J. Davis Family Papers, West Virginia
Collection, West Virginia University Library, Morgantown, WV.
Government, and misprision of treason as now defined.” Inceptive treason alone would have angered Davis to the point of considering abandoning the new state movement. To justify its plan to combat treason, the *Telegraph* pointed out that the President would be subject to the same laws as everyone else. “Do not start now reader and say that we would have you gagged, and keep you from censuring a President of the United States for his misconduct, because we do not regard the President as the Government, but only as the administrator of the government…and his actions are as open to censure as those of the humblest individual.” The editor of the *Telegraph* missed the mark in this attempt to ease the fears of strict constructionists. Men like John J. Davis were less concerned with the establishment of a federal dictatorship than they were with legal tyranny in the form of taking away personal liberties.\(^\text{101}\)

To be fair, the *National Telegraph* was not as flexible in its views on the Constitution as it seemed. It is probably most accurate to classify the paper as moderately constructionist, since its views fell midway between those of Davis and the Restored Government. The *Telegraph* may have exhibited nothing but disdain for Confederate sympathizers, but it held equal contempt for Northern abolitionists. It especially disliked Horace Greeley, the editor of the *New York Tribune*, who was famous for his aggressive antislavery position. “That pestiferous organ of all that is filthy and despicable the New York *Tribune*, says in speaking of West Virginia: ‘One thing is certain, the new State must come without slavery, otherwise, it cannot hope to pass the gates of the Union.’” According to the *Telegraph*, a sizeable majority of loyal citizens

\(^{101}\)“Treason – the Necessity of More Stringent Laws Concerning It.” *National Telegraph*, January 3, 1862.
would fight tooth and nail over emancipation in their region, even though very few owned any slaves.

When we contemplate the persistent spirit with which fanatical abolitionists cling to the ebony, woolly-headed god of their idolatry, it almost makes us despair at times of our great republic. Were it not for the conservatism that has been manifested by the President and those who conduct the military affairs of the nation we should absolutely give up all hope of ever seeing our Government return to its wonted prosperity.

The editor, in the fashion of most Harrison County residents, saw another conspiracy at work. It thought that the abolitionists wanted to leave northwestern Virginia in the hands of newly emancipated slaves. This was completely unacceptable. The Telegraph did leave room for a form of emancipation, however. “If it is really the interest of West Virginia to be a free State, there is but one equitable way of arriving at it, and that is to liberate [the slaves] all at once and remunerate their owners for them, and colonize them.” While the Telegraph claimed that it opposed emancipation on the grounds that it was impractical and too expensive, it was clear that it feared the idea of free blacks residing in the northwest. Nevertheless, “we think that it would be much better if men would devote their energies at this time to endeavoring to restore the Union, and to the preservation of the liberties of the twenty millions of white people who are fighting to retain their free institutions.”

John S. Carlile was the champion of conservative values in northwestern Virginia, and his actions showed just how much conservatives cherished the sovereignty of the U.S. Constitution even during wartime. In March 1862, the U.S. Congress was debating a bill that would confiscate the property and free the slaves of any resident of the seceded

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102 “Greely and Battelle,” National Telegraph, February 7, 1862.
states who supported the rebellion. Carlile was naturally opposed to such an act, as “the objects of the bill, as stated in the title, are, in my opinion, beyond the power of accomplishment, if we regard our constitutional obligations.” Like the Lincoln administration, he did not believe the Confederacy had actually seceded. To him, the Confederates were still protected by and subject to the laws of the United States, even though they were in a state of rebellion. He was concerned with two effects the bill would have in particular: “the bill denies to the citizen the constitutional right of testing the constitutionality of the act before the Supreme Court.” Worse, since the leaders of the seceded states had used their power to subject all their constituents to a Southern Confederacy, every Confederate citizen would be found in violation of the confiscation bill. “Such a sweeping proposition, so unjust and cruel a measure, one better calculated to continue the war forever and exhaust the whole country, never has been in the history of the world, and I predict never will be again, proposed to any legislative assembly representing a civilized community.” Carlile understood Southern sentiments better than the rest of Congress, it seems. He realized that making the abolition of slavery, much less the destruction of the livelihoods of Confederate citizens, as war aims would make the South fight that much harder, perhaps to the last man. Such a war no nation could maintain, not even the United States. To make matters worse, the provisions of the bill were, in his opinion, illegal. “The slaves are to be emancipated in violation of the Constitution and in disregard of the acknowledged constitutional rights of their owners and of the States wherein they reside.” He dredged up the old sectional issue of whether
the federal government could interfere with slavery where it existed when he pointed out that

the want of power in Congress to interfere with slavery in the States where it exists has always heretofore been admitted; the most ultra abolitionists admit that Congress cannot interfere with slavery in the States, and because this is so they denounce the Constitution as a covenant with death and a league with hell.

Carlile proceeded to deride the abolitionists at length, concluding that in the event of emancipation, “the well-being, if not the existence, of the white race would demand their re-enslavement, and it would be done.”

The *Telegraph* fully supported John Carlile’s position against the confiscation bill. “The position taken by Mr. Carlile in this speech cannot be successfully controverted.” In perhaps one of the most telling (and least surprising) sentiments towards the war, the newspaper claimed that

to pass a wholesale confiscation act would not only be impolitic and inexpedient, but unjust and cruel in the extreme. Thousands of those bearing arms in the Confederate Army, are at heart loyal, but by the irrepressible force of circumstances or by actual impressment they have been thrown into the attitude of hostility to the Government. It would be exceedingly hard for men to have to suffer the penalty of treason for doing what they could not help. Let the leaders be hung and the private soldiers pardoned. That is the proper policy.

Despite its severe criticism of the proposed state constitution, the
*Telegraph* declared that it would accept the constitution if it was truly what northwestern Virginians wanted. “We have cast our lot amongst this people, and we are willing that a majority of them should control these matters, and if they adopt the Constitution we feel that though we may dislike it we can live

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103 “Speech of Hon. John S. Carlile, of Va., on the Bill to Cinfiscate the Property of the Rebels; Delivered in the Senate of the United States, March 11, 1862,” *National Telegraph*, March 28, 1862.

104 “Mr. Carlile’s Speech,” *National Telegraph*, March 28, 1862.
cheerfully under it with the other people of West Virginia.” Once again, popular will trumped personal preference.

Conclusion and Epilogue

After studying the sentiments of the people from Harrison County during this period, one defining principle should be clear. What drove the political machine from the end of secession until the formation of a new West Virginia constitution was a balancing act between maintaining strict constructionist principles and expediency with the ultimate goal of creating a new state. As long as their principles could be maintained without endangering the new state, the people of Harrison County were content to stick to their guns, so to speak. However, when they were forced to choose between maintaining their values and seeing the new state succeed, in almost every instance the state came first. These sentiments affected the way people reacted to the war as well. Any criticism or blessing of the Lincoln administration flowed from whether the executive was acting according to Harrison County’s principles. There are and would be, however, significant exceptions to this trend, especially after the period covered in this chapter. Some men, as would be seen, placed their constitutional principles above even the new state, and some such as John S. Carlile sacrificed their political careers for their beliefs.

With the first draft of their Constitution finished, Harrison County could do little more than observe as Congress debated approval. From the end of the Constitutional Convention in February 1861 until West Virginia’s first official day as a new state on June 20, 1863, the people of the northwest had little power over whether their experiment would succeed or not. The only real voice Harrison County had was its representative in 1862.

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the U.S. Senate, John S. Carlile. As his performance up to that point indicated, however, Carlile would do everything he could to promote the interests of his constituents and preserve their political values. The introduction of an emancipation amendment to the new state constitution, however, divided Harrison County. Men like Carlile believed emancipation was too costly to Harrison County’s political principles and resisted it bitterly. However, as the referendum on what was known as the Willey Amendment, named after the Northwest’s other Senator, Waitman Willey, wrapped up, the popular vote from the whole region came out 27,749 to 572 in favor of emancipation.\footnote{Cornelia Marshall, “The Admission of West Virginia to Statehood” (master’s thesis, Ohio State University, 1929), 30.} The people disagreed with Carlile; to them, their new state was worth even the destruction of slavery. This point showed just how much constructionist principles had declined in importance and how expediency in favor of statehood now dominated Harrison County’s political actions.

Carlile never gave up his fight to keep emancipation out of the state constitution. His first tactic for undermining the amendment was proposing its submission for popular referendum, which was consistent with Harrison County’s political values. Carlile mistakenly believed the people would reject such an amendment. When that failed, he argued that the constitutional convention in Wheeling had not actually represented all the counties included in the proposed state which, therefore, nullified all of its proceedings. This action surprised every member of Congress, not to mention Carlile’s friends from northwestern Virginia, because it was he who, more than anyone else, who had been instrumental in the growth of the statehood movement. Congress rejected Carlile’s
reasoning and the proposed constitution, along with the Willey Amendment, came up for
a vote. Carlile’s final act was to cast his vote against the approval of the Constitution.
This cost him his career; once Carlile’s term as Senator expired, he never held public

What happened to cause such a division between those who cherished political
principle and those who put statehood as their first priority? The answer seems clear. By
this time in northwestern Virginia’s history, the costs of separate statehood were
becoming higher every day. Expediency in favor of the new state was becoming more
difficult to choose over political principle. It was at this point that Carlile decided that
expediency was no longer worth the price. Thankfully, for West Virginia’s sake, his
constituents disagreed. Now that statehood was within reach, they could not be assuaged.
Political principle had gotten them through secession; now it was statehood’s turn to lead
West Virginia into the future.

Harrison County’s course to statehood and its eventual acceptance of
emancipation was a result of three major political forces: its definition of popular will, its
strict constitutional principles, and expediency in favor of statehood. A look at Harrison
County’s approach to the secession crisis helps understand the importance of popular will
and strict constructionism as well as determine the nature of each. The importance of
popular will is evident in Harrison County’s fears that a conspiracy on the part of the
Richmond authorities or even the federal government threatened to politically enslave its
citizens. For example, the resolutions adopted in the unionist meeting in Clarksburg in
January 1861 were precautions to prevent the success of a conspiracy of secessionists in
the state capitol. Tactics such as placing the secession convention in secret session were
seen as tools that conspirators might use to take the authority out of the hands of the
people entirely. Harrison County’s sense of popular will was not necessarily in favor of
popular authority across the state, however. Given the sectionalism between the
northwest and east for much of Virginia’s history, it is not surprising that Harrison
County tended to reserve the ultimate authority on matters such as secession for
themselves. This is evident in Harrison County’s response to the May 23 secession
referendum, in which they rejected the overwhelming vote in favor of disunion across the
state.

Popular will continued to be a force in Harrison County politics during the new
state movement. It was present in much of the language Harrison County’s
representatives used in the various conventions and meetings that were on the path to
statehood. One of the most striking examples was when Thomas W. Harrison and John
M. Powell, Harrison County’s delegates to the constitutional convention of 1861, cast the
only votes in favor of temporarily implementing Virginia’s old constitution so that the
deadline for a workable constitution, which had been set by a referendum, could be met.
That they were willing to scrap several weeks’ worth of work shows how dedicated they
were to adhering to the will of the people.

Strict constructionist principles also played a part in Harrison County’s politics
from 1861-62. One of the most notable examples was the defense of the institution of
slavery. In July 1861, John C. Vance, at this time a delegate from Harrison County to the
Restored government of Virginia, did his best to resist a Congressional measure that would overturn the Fugitive Slave Act. While defending slavery after its central role in initiating the Civil War may seem foolish to some, it was clear that Vance and others still valued the institution as a sacred constitutional right. These sentiments also applied to the right to property; Harrison County’s representatives resisted attempts to confiscate the property of Confederate sympathizers because, despite the wartime benefits of such a measure, individual rights took priority. The importance of maintaining the Constitution, or at least Harrison County’s view of it, continued to be a force in its politics until 1862 when, of course, John S. Carlile resisted emancipation in the new state. Though constitutional principles ultimately took second place in Harrison County politics, they still had a powerful hand in shaping the new state movement.

Expediency in favor of the new state was clearly the overriding political force in Harrison County from 1861-62. Its power can most clearly be seen in the transformation of Harrison County politics from the election of 1860 until the passage of the Willey Amendment in 1862. Harrison County’s majority vote for John C. Breckinridge, as well its periodic defense of slavery during this period, points toward a solidly Southern Rights platform existing at the beginning of the secession crisis. However, as has been seen, the one force that could override this political tradition was the new state movement. At first, Harrison County was able to maintain both its political principles and pass the challenges of the new state movement with little effort. However, as the Civil War placed increasingly severe demands on the nation and northwestern Virginia, maintaining both principle and the statehood movement was no longer possible. The most divisive
issue was slavery, of course, and Harrison County’s views on the peculiar institution changed with the demands of the new state movement. Some men such as Davis and Carlile believed that a new state was not worth the costs of emancipation, but Harrison County’s voters disagreed. Harrison County also faced the challenge of funding a new state, which required higher taxation and expenditures than the spirit of the law allowed. Since this issue did not directly threaten the success of the new state, Thomas W. Harrison was free to oppose high taxation. In the end, expediency was the catalyst in a changing political culture from the election of 1860 until the passage of the Willey Amendment.

Statehood was perhaps the most revolutionary event for West Virginia’s long-term history. From the early settlement of the northwest until the Civil War, much of the region’s history involved a conflict with the more populous eastern Virginia. This long-term sectionalism doubtless contributed to the formation of Harrison County politics during the secession crisis and Civil War. Statehood marked a new chapter in West Virginia’s history. No longer would politics center on a competition with the east; instead, West Virginia could pursue its own course. It could choose how to spend its own money; it could trade with whom it wished; and it could voice its own interests in Congress rather than having to compete with the east for a voice. The new state movement achieved just that: in practical terms, West Virginia was not that different from a newly admitted territory to the Union. Just how this infant state, born in the fires of the Civil War, would adapt to the challenges of disunion was yet to be seen.
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