CHAPTER X.

THE JUNE CONVENTION—REORGANIZING THE STATE GOVERNMENT.

MEN WHO LEFT THEIR IMPRESS.

At two o'clock, afternoon of the 11th day of June, 1861, the men who were to wield a potent hand in shaping the destinies of the western part of the Old Dominion, whose work therein and in its wider influence was to extend far down the reaches of time, came together in the old Washington Hall, where their constituents and predecessors had on the 13th of May raised the banner of resistance to the insurrection and usurpation at Richmond.

Francis H. Peirpoint, destined to head the rehabilitated Commonwealth, and to seat its authority four years lated in the reconquered capital on the James, called the Convention to order and moved that Dr. Dennis B. Dorsey, of Morgantown, be called to the chair.

Gibson L. Cranmer, who had been one of the secretaries of the May Convention, a man of scholarly and professional attainments, was made temporary secretary.

Rev. Gordon Battelle, an eminent minister of the Methodist Church, then presiding elder of the Wheeling district, opened the session with prayer.
Arthur I. Boreman moved for a committee on credentials. This committee as appointed later consisted of Arthur I. Boreman, John J. Brown, of Preston; Col. James Evans, of Monongalia; Lewis Wetzel, of Mason, and Daniel Lamb, of Ohio.

A Committee on Rules was moved by Hon. John S. Carlile, of Harrison, and constituted as follows: John S. Carlile, George McC. Porter, of Hancock; Daniel Polsley, of Mason; Harrison Hagans, of Preston; Andrew Flesher, of Jackson.

George McC. Porter, who had distinguished himself in the Richmond Convention as a loyalist of unflinching
courage, was a young lawyer of talents and personal graces, fated to an early death. It was he who first suggested to the writer to preserve documentary and other material and write the history of the events then transpiring around us. "Why not do this yourself?" I asked Mr. Porter. There was a prescient sadness in his reply: "I shall not be here." His death occurred in 1866.

A committee on permanent organization moved by Francis H. Peirpoint was composed of Mr. Peirpoint, W. H. Copley, of Wayne; Elbert H. Caldwell, of Marshall; John S. Burdett, of Taylor, and Chapman J. Stuart, of Doddridge.

At the opening of the second day’s session, the Committee on Credentials reported the following list of gentlemen entitled to seats—some chosen delegates June 4th, others ex-officio as members of the General Assembly:

Barbour—John H. Shuttlesworth and Spencer Dayton, delegates.
Cabell—Albert Laidley, H. of D. (declined to take oath and returned home; name stricken from roll June 19th.)
Ohio—Thomas H. Logan and Andrew Wilson, H. of D.; Daniel Lamb, James W. Paxton, George Harrison and Chester D. Hubbard, delegates.
Randolph and Tucker—Solomon Parsons, delegate.
Roane—T. A. Roberts, delegate.
Wetzel—James G. West, H. of D.; Reuben Martin and James P. Ferrell, delegates.
Wirt—James A. Williamson, H. of D.; Henry Newman and E. T. Graham, delegates. (Williamson did not appear, and June 19th his name was stricken from the roll.)
Alexandria—Henry S. Martin and James T. Close, delegates.
Fairfax—John Hawxhurst and Eben E. Mason, delegates.
Hampshire—James Carskadon, S.; Owen D. Downey, George W. Broski, James H. Trout and James I. Barrick, delegates.
Hardy—John Michael, delegate.
Lewis—Presly M. Hale and J. A. J. Lightburn, delegates.
Mason—Lewis Wetzel, H. of D.; Charles B. Waggener and Daniel Polsley, delegates.

Additional members were admitted during June and August sessions as follows:
THE JUNE CONVENTION.

Tucker—Samuel Crane, delegate.
Barbour—Nathan H. Taft and David M. Meyers, delegates.
Upshur—John Love, delegate.
Webster, Braxton and Nicholas—Henry C. Moore, delegate.
Kanawha—Lewis Ruffner and Greenbury Slack, delegates.
Putnam—George C. Boyer, H. of D.; Dudley S. Montague and
John Hall, delegates.
Marshall—James Burley, S.
Monongalia—Thomas Cather, S.
Jefferson—George Koonce, delegate.
Lewis—Blackwell Jackson, delegate.
Jackson—James A. Smith, delegate.
Harrison—Charles S. Lewis, delegate (in place of Lot Bowen, re­signed).
Marion—Ephraim B. Hall, delegate (in place of F. H. Peirpoint, appointed Governor).

The permanent organization of the Convention was
effected by making:

Arthur I. Boreman, President.
Gibson L. Cranmer, Secretary.
Thomas Hornbrook, Sergeant-at-Arms.

A MODERN CARNOT.

Thomas Hornbrook, in connection with public affairs,
was a sort of man-of-all-work. He did everything that was
left undone by others, and led in doing the many things
which nobody else had the forethought to see needed to be
done. He looked after the preparations always necessary when
meetings were to be held, announcements to be made,
quarters, hall and committee-rooms to be provided; he or­
ganized, like another Carnot, the munitions indispensable
to every kind of enterprise which could forward the Union
cause. He was Surveyor of Customs, and for the emergency was armed with arbitrary powers and charged with the duty of preventing the shipment of any goods to the interior which might be intended for rebel supplies. He had more than enough business of his own to fill all his waking hours; but somehow he could always lend a hand to push along the car of progress in any good cause to which he gave himself. He had been an early and ardent Republican and it was a labor of love with him to help along everything calculated to promote the cause of the Union, the new State and free State.
One fruit of Mr. Hornbrook's selection as sergeant-at-arms was that when the Convention adjourned at the close of the second day it was to meet next morning in the United States court room in the Custom House; and here all their succeeding sessions were held.

REGARDLESS OF RICHMOND.

After permanent officers had been chosen, the next thing was to prescribe for them and for the members an oath, in which they promised to "support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the ordinances of the Convention which assembled in Richmond on the 13th day of February last to the contrary notwithstanding." This oath was administered to the President by Andrew Wilson, a justice of the peace for Ohio County; and by the President, in turn, to the members.

PRESIDENT BOREMAN PITCHES THE KEY.

President Boreman, in taking the chair, after reciting briefly what had been done by way of secession in Virginia and elsewhere, said:

Here in Western Virginia we have determined that, by the help of Him who rules on high, we will resist the action of the Richmond Convention, which has practiced upon us a monstrous usurpation of power, violated the Constitution of the country and every rule of right. We have determined, I say, to resist it; and under this determination we are found here to-day to take definite action such as will result in Western Virginia, if not the whole of Virginia, remaining in the Union of our fathers.
The next thing was a series of resolutions, offered by Mr. Carlile, thanking the United States authorities for their prompt response to the call for protection; thanking General McClellan for rescuing the people of Western Virginia from the destruction and spoliation inaugurated by the rebel forces; hailing Colonel Kelley and "our own gallant First Regiment" as "deliverers from the ruin and slavery provided by the conspirators who have temporary possession of our State;" repudiating the "secession heresy" that the march of Federal troops into Virginia for the protection of Virginia citizens of the United States is an "invasion."

A Committee on Business, to whom should be referred all resolutions in reference to State and Federal relations, was appointed on Mr. Carlile's motion and composed as follows: John S. Carlile, Daniel Lamb, F. H. Peirpoint, Harrison Hagans, Peter G. Van Winkle, Ralph L. Berkshire, Daniel Polsley, William I. Boreman, Elbert H. Caldwell, Daniel Frost, George McC. Porter, Daniel D. T. Farnsworth and William H. Copley. Afterwards, on motion of Mr. Burdett the following were added: James T. Close, James Carskadon, John Hawxhurst and Samuel Crane.

CARLILE STILL THE LEADER.

This committee on whom the serious work of the Convention was to fall embraced a half dozen of the ablest men in the body, and as able as will be found anywhere in
a similar body. Mr. Carlile, by moving for the committee, had, with his accustomed adroitness, taken the lead of the Convention, as it entitled him to the chairmanship. There was at this time no lack of robustness in Mr. Carlile's loyalty to the United States. His talents as an orator and tactician, his aggressive and self-reliant temper, the clean-cut vigor of his attitude towards the rebellion, the intrepidity of his course at Richmond, had given him a commanding position of leadership. If there were heartburnings because of his large share in the popular applause, it did not show itself here.

**FIRST MOVE FOR DIVISION.**

Before the close of this day's session, Dr. Dorsey offered for reference to the Business Committee the following:

*Resolved,* That it shall be in part the business of this Convention to make the requisite preparatory arrangements for separation from Virginia and the formation into a new State of such counties as are represented in this body by delegates or otherwise and are desirous of entering into the new State organization.

*Resolved,* That said preliminary arrangements when made by the Convention shall, in compliance with the Constitution of the United States, be submitted for approval to the Legislature now convened in this city as being the only loyal and legitimate Legislature of the State of Virginia; and afterwards, if approved by it, shall be submitted to the Congress of the United States.

*Resolved,* That this mode of meeting the present exigencies of Western Virginia is preferable to that of reconstructing the government of Virginia, inasmuch as it is equally legal and does not impose upon us the calamity of an overburdened State debt, Va.—20
no part of which we owe in equity, or the scarcely less disastrous calamity of repudiating that debt and thus ruining the financial credit of the State.

A FALSE NOTE.

Dr. Dorsey erred, it seems to the writer, in supposing that Western Virginia might by any particular mode of procedure run away from its just responsibility for a portion of the Virginia debt, and that it owed no part of this debt in equity. He forgot to recognize the third party in interest, the creditors, and their equity. There were two distinct equities to be considered: that between the two sections of the State; that between them both and the creditors. Capitalists had loaned their money to the Commonwealth on the tax-paying capacity and property liability of the entire territory. They were not to blame for the unequal and unjust disposition made of their money by the borrower as between the eastern and western sections. However unfairly it may have been distributed by the State, that was no concern of the creditors, and it could not impair their rights nor diminish their security.

DECLARATION OF GRIEVANCES.

Early in the sitting of June 13th, Mr. Carlile, from the Business Committee, reported a "Declaration of the People of Virginia," a document which took a prominent place in the proceedings and records as laying the groundwork on which to erect the structure of reorganization. The paper had been drawn by Mr. Carlile himself, who was not so close and precise a draftsman as some other members of the committee, who could have prepared a
paper more exactly expressive of what the Convention wanted to say. As first reported, the first paragraph of the declaration contained this statement: "And the existing constitution does not confer upon the General Assembly the power to call a convention to alter its provisions, or to change the relations of the Commonwealth, without the previously expressed consent of such majority" (meaning a popular majority). The fact was that the constitution of 1851 did not permit the General Assembly to do just that thing—looking to the future exercise of the power, there is reason to believe, for just such sinister purpose as lay behind the call of the Assembly together by Letcher in January, 1861. Mr. Van Winkle detected the error, and the declaration was corrected to say that the Convention had been called without the previously expressed consent of such majority as required by Virginia precedents. Granville Parker in his "Formation" makes the point that the calling of the Convention was not "therefore a usurpation" as the declaration puts it, though there was plenty of usurpation afterwards. A proposition was made in the Assembly to submit the question of calling a convention to popular vote, but was voted down. The same cabal—at least the same purpose—which had omitted the requirement from the constitution was not going to risk defeat now by making this concession to the people. Mr. Parker claims that neither earlier constitutions nor the practice theretofore required the question of calling a convention to be submitted to popular vote, and that all previous conventions had been convened by the Assembly without expression of such popular approval. On the other hand, Mr. Willey in his "Sketch" says the action of
the Assembly in January, 1861, was "without precedent;" that "no convention had previously assembled in Virginia until the question had first received the sanction of the people."

It was ordered that the declaration be printed and made the order for the next day.

PAXTON SOUNDS A TRUE NOTE.

In this day's session Mr. Paxton offered the following:

Resolved, That the people of Northwestern Virginia have long and patiently borne the position of political inferiority forced upon them by unequal representation in the State Legislature and by unjust, oppressive and unequal taxation; but that
the so-called ordinance of secession, passed by the Convention which met in Richmond on the 13th of February, last, is the crowning act of infamy which has aroused them to a determination to resist all injustice and oppression and to assert and forever maintain their rights and liberties in the Union and under the Constitution of the United States.

The resolution having been read, Mr. Paxton said:

In considering matters that come before us, it is very difficult but very important that we all realize the actual existence of war. We must not forget that we are now engaged in a struggle for the Nation's very existence; that our differences are not now being settled, as heretofore, at the ballot-box, peacefully and quietly, but by the bayonet and at the cannon's mouth. You, sir, and I, and every American citizen, this day are parties to this struggle on one side or the other, as loyalists or rebels; and he who sympathizes with, who, directly or indirectly, aids or encourages either side, is just as much a party to this war as if on the tented field. I assert, and in doing so appeal to all past observation and experience for my justification, that there is not nor can there be any real neutrality; that assumed neutrality, either by a State or by an individual, is practical secession.

* * * We are fully committed to the war of patriotism against treason; and I am very sure from the indications here that there will be neither faltering nor hesitation now. The time has come for action—for active resistance to the despotism that will overwhelm us as surely as we remain tacit and inactive. We are now called upon to perform our part—and it is no unimportant one—towards the preservation and perpetuity of this great government. We must and will be sustained in the effort by the whole force and power of the Federal government. And, sir, we shall succeed in driving treason and rebellion beyond our borders. That is our mission. Let us do that work.

Let it be noted here that James W. Paxton, of Wheeling, was one of the most attractive figures in the Convention; would have been so in any body of which he might have been a member. A man of remarkably fine physique
—six feet four in stature and nobly proportioned; a handsome, striking face, expressing great intelligence; dark waving hair, worn rather long according to the fashion of that day; a man of wealth, always handsomely dressed and perfectly groomed; of simple democratic manners; an ardent hater of slavery, though himself a slaveholder—and perhaps the only one in Virginia who had voted for Lincoln; possessed of wide information and strong good sense; not given to talk, but capable on occasion of expressing pregnant thoughts in fitting words,—if Mr. Paxton had had less money he might have had more ambition; and driven by this and the spur of poverty, he might have made a distinguished figure in political life.

Mr. Carlile, from the Business Committee, offered a resolution which was adopted, inviting the loyal people in counties not yet represented to send delegates to the Convention.

Mr. Frost submitted one for reference, requesting all persons within the limits of Virginia engaged in rebellious movements against the United States to “desist and return to their allegiance,” and requiring all “seditious assemblages to disperse, and all companies mustered into the service of the Southern Confederacy to be immediately disbanded.” This was suggested as basis of an ordinance.

REORGANIZATION ORDINANCE.

After the opening on the fourth day, Mr. Carlile reported from the committee an ordinance for the reorganization of the State government, which was made the order for the following Wednesday, the 19th. Mr. Carlile announced that the Central Committee appointed by the
May Convention had taken steps whereby 2,000 stand of
good arms had been procured, 500 of which had arrived
in the city that day and the other 1,500 of which would
be there that evening or next morning.

DISSECTING THE DECLARATION.

The Declaration coming up as the order of the day,
Mr. Dorsey thought there was an error or inadvertency
in one sentence of the first paragraph. It set forth that
when any form of government is found inadequate for the
true purpose of government, it is the right and duty of
the people to alter or abolish the same; that the Virginia
bill of rights expressly reserves this right to a majority
of the people, but that "under the existing constitution
the General Assembly has no power to call a convention
to alter its provisions or change the relations of the Com­
monwealth without the previously expressed consent of
such majority." Mr. Dorsey thought this seemed to mean
that with the previously expressed consent of such major­
ity, a convention called by the General Assembly had the
power "to change the relations of the Commonwealth;"
and if that meant Federal "relations," this was a virtual
concession of the doctrine of secession. His objection to
this document, however, related to its connection with
other documents as being part of a systematic plan which
had been prepared by the Committee reporting the Declar­
ation.

Mr. Carlile said there was no squinting towards the
heresy of secession in the language quoted. The right
spoken of is the right of the people to alter or abolish their
government—the right of revolution. Mr. Dorsey asked what “relations” were meant in the clause, and how “change the relations of the Commonwealth?”

Mr. Carlile replied that it meant such change as might be effected by an amendment to the Constitution of the United States. Such an amendment ratified by the constitutional number of States might affect the present relations which Virginia has to the United States and give it another and different relation; and the people of Virginia by the ratification of such an amendment would in this way have the right to “change their relations.” After the restoration of peace he hoped one of the first acts of the people of the States would be a National Convention, which should, if it did nothing else, change our relations so far as treason is concerned. He wanted to see a little more stringent provision on that subject. He wanted that which goes to destroy the perpetuity of our government, whether it be an overt act or not, to be punished as treason. This was all the declaration meant—to cover the right, never denied, of revolution.

MR. DORSEY’S PLAN.

Mr. Dorsey expressed himself satisfied with the explanation. His only remaining objection to the declaration was as part of a general plan towards which the Convention was moving: first, to declare that the offices in the State were vacant; then to proceed to make arrangements for filling them; then to go on, step by step, to the other arrangements necessary for the reconstruction of the government of Virginia. The other plan, indicated, rather
than drawn out, in his resolutions submitted Tuesday, was to go as far in this other plan as necessary; to call together the Legislature of Virginia and then to submit to that Legislature the proposition of separating Western from Eastern Virginia and establishing a new State government. He proceeded to elaborate the argument. He held that both plans were identical in principle; that the Federal government would recognize action taken under either. It was a revolutionary movement altogether. Both plans were revolutionary; and if the general government could recognize one, it could the other. He himself was for pushing the separation, and not waiting till the eastern part of the State had been whipped into submission. His objection to the plan of reorganization as far as developed by the committee was that it made no specific provision for the coming separation; which he deemed the paramount object in the minds of Western Virginians. For his part, he would not vote for a single provision that might be proposed by the committee unless he could see a distinct intention to provide for the separation.

Mr. Van Winkle said he had long been convinced that every interest of Northwestern Virginia demanded separation from the East; and under other circumstances, he believed such separation ought to be effected in a friendly manner. Whenever the time should come, he was willing to do everything he could to effect a separation. But he did not favor Dr. Dorsey's plan of putting that before the other objects to be accomplished by the Convention.

Mr. Carlile would remind his friend from Monongalia that as yet there was no Legislature to give its consent, as required, to the separation. Let us first, he said, repudiate
Letcher and his transfer to the Southern Confederacy; let us assemble a Legislature here of our own that will be recognized by the United States government as the Legislature of Virginia; and with the assent of such a Legislature to our separation, the way is clear. "Two great objects," he said, "influence and govern my actions. The first, I am free to say—the dearest and nearest my heart—is the perpetuity of the Union." When that had been assured, they could consider the interests of their own immediate section of the State.

John D. Nichols, of Brooke, favored the plan of the committee. The people of Brooke, he said, feel in the matter of a division of the State like Dr. Dorsey: that they have no identity of interest with the eastern part of the State, and have long sought to effect the purpose indicated by that gentleman; but there were steps that could not be taken at this preliminary stage of the proceedings. They owed constitutional obligations to the Federal government and needed its countenance and protection. The plan proposed by the committee was the only one that could be adopted at this stage of the proceedings to insure recognition and continued favor with the general government.

Dr. Dorsey wished to explain that he had not favored (as some seemed to have understood) a violent and informal separation of the State without the intervention of any preliminaries whatever. He proposed to go on with his plan so far as it was necessary to the assembling of the Legislature; then to propose to that Legislature the matter
of dividing the State; then to submit its action to Congress for ratification, according to the spirit and very letter of the Constitution of the United States.

In the next day's session, Mr. Flesher, of Jackson, offered for reference resolutions declaring null and void any levies made by county or corporation courts in aid of the rebel army. He said he did this understanding that the Jackson County Court had ordered a levy of $3,000 for the support of rebel soldiers enlisted in that county.

HOW THE RICHMOND CONVENTION WAS CAPTURED.

On the seventh day, pending the consideration of the Declaration as the order of the day, Mr. Peirpoint addressed the Convention at considerable length. In the course of his remarks he said:

When the Virginia Convention assembled at Richmond it was ascertained that three-fourths of it were opposed to disunion. But the plot began to converge to a point. Major Anderson was in Fort Sumter and it was well known that his provisions were nearly run out. It was known the very day they would run out, and that he must be reinforced either in provisions or in provisions and men both. The Virginia Secessionists then called their mob convention to meet in Richmond on the 16th of April. A messenger was sent from Richmond to Charleston the day before Fort Sumter was fired upon. He made his speech there saying there was one thing that must be done, and Virginia would secede. They knew in Charleston what that thing was; and Governor Pickens ordered Fort Sumter to be attacked. The attack was made, and a dispatch came to the Governor of Virginia from the Governor of South Carolina saying: "Fort Sumter is fired upon; what will Virginia do now?" It is said the Convention would not even then have dissolved their connection with the United States but the Secessionists, without
the authority of the Governor, dispatched troops to seize Harper’s Ferry and Gosport Navy Yard with all their munitions of war. The declarations had gone forth from Charleston throughout the South that they intended to seize the Capital immediately; that Lincoln and his cabinet were trembling in their seats and were consulting whether to remove to Philadelphia or New York. Thus they forced the President to issue his proclamation for 75,000 troops. They knew he would be bound to issue the proclamation or retire in disgrace; that Virginia must be called on for her quota of troops or secession be acknowledged. The proclamation came. Virginia was called on; and then the proclamation was styled by the conspirators the crowning act of infamy of the Administration, on account of which they must secede. Thus the plot was laid and consummated. The plot had been conceived in perjury at Washington and carried out by falsehood throughout the country, attended by coercion, insult, and a reign of terror which was equally concerted throughout Virginia as well as in the other Southern States.

This was in June. If Mr. Peirpoint had then known what was to be disclosed by Letcher six months later regarding his treasonable preparations for war long before the Richmond Convention met, he might not have said, as he did, that the seizure of Harper’s Ferry and Gosport was “without authority of the Governor.” It is true the Metropolitan Hall junta seems to have taken the reins, but certainly with Letcher’s full consent; for it is a matter of official record that the muskets captured at Harper’s Ferry were distributed under Letcher’s orders, part of them to the rebel militia in Baltimore.

THE GROUNDS FOR RESTORATION.

Towards the close of his remarks, Mr. Peirpoint thus defined the attitude of this Convention:
The Constitution of the United States guarantees to every State (and I take it only to the loyal people of that State) the right to a republican form of government. The Virginia declaration of rights says the people have a right to peaceably assemble and alter or amend their form of government when it may become necessary. This exigency is upon us. The government of the State is in rebellion against the United States—against the laws and loyal people of Virginia. We, representing these people here, are bound to take immediate action to protect their lives and property. We assemble lawfully, being sent hither by the loyal people of Virginia, according to the mode prescribed by the convention which met in this city in May last, to do whatever is necessary to be done for the safety and protection of the loyal people of Virginia. And, sir, I would not be afraid to-day to place my position and that of this Convention for legality, and to stake my life upon it, before the best jurists and statesmen in the civilized world who understand anything about constitutional liberty and the facts with which we are surrounded, and risk their decision. * * * I am sure that the President and Congress must and will recognize us as the rightful government of the State. To do otherwise would be to say that by the forms of law we are bound to lie until our hands and feet are tied, until our property is taken from us and ourselves swung upon the gallows. God's law, nature's law, man's law never did impose any such obligations as these upon any man or people where they were acting with a true and loyal heart and upright intention to assert their rights legally. Sir, there can be nothing in law, nothing in reason, nothing in principle nor in practice that can be brought against us. Everything is in our favor and everything must aid and sustain us in our efforts.

THE DECLARATION FINDS FITTING PARALLEL.

The declaration was then passed to its engrossment; and in the afternoon, the document having been engrossed on parchment, it was put to vote and adopted by the unanimous vote of all present, fifty-six in number. Mr. Carlile
remarked that it was a happy coincidence and one that he hailed as an auspicious omen "that we have fifty-six votes recorded in favor of our declaration, and we may remember there were just fifty-six signers to the Declaration of Independence." The remark produced great applause and feeling throughout the hall. Another coincidence remarked by a member was that the date was the anniversary of the battle of Bunker Hill. Another that might have been mentioned as even more fitting, was that it was the anniversary of the day when in the States General of France, summoned by Louis XVIth, after long waiting for the other two orders to join them, the Tiers Etat, or "Commons," of France declared themselves the National Assembly and thus began the great Revolution.

TO ARREST PUBLIC ENEMIES.

The following day provision was made for procuring State seals, the design to be the same as the existing Virginia seal with the addition of the words: "Liberty and Union." The Committee on Business reported an ordinance "to authorize the apprehending of suspicious persons in time of war." The ordinance proposed to so amend the code of Virginia that the Governor might cause to be
apprehended and secured, and compelled to leave the State, "all suspicious subjects or citizens of any foreign state or power at war with the United States," and then proceeded to set forth what had been done at Richmond, the effect of which had been—so far as force could make it effective—to place Virginia in subjection to the Confederate States of America. This ordinance was for the benefit of those who recognized the legality of such transfer of allegiance. It also provided for the punishment of sheriffs and others paying public money to the pretended authority of the Confederate States or the illegal State government at Richmond, now waging war against the United States. The Committee also followed with an ordinance fixing salaries of State and other officers.

Farnsworth brings up division.

Mr. Farnsworth, of Upshur, offered this resolution:

Resolved, That one of the great objects of this Convention in reorganizing the State government is that we may place the same in position of loyalty to the United States, in order that we may soon be able by constitutional legislation to separate ourselves from our oppressors in Eastern Virginia and be admitted a new and separate State in the glorious Union of States.

Resolved, That the President of this Convention communicate the foregoing resolution to the President of the United States and his cabinet.

A lengthy discussion followed the offer of these resolutions. Mr. Farnsworth explained that his object was to show to the people by an authorized expression of the Convention that it intended to take such steps as would create a new State, and to show the object of the steps the Convention was now taking.
Mr. Caldwell, of Marshall, thought it was at once a courtesy and due to the Federal government that something like what was indicated in the resolution should be communicated to the President and his Cabinet as an expression of the views and intentions of this Convention.

DORSEY CHANGES HIS MIND.

Dr. Dorsey said it was well known that he had been advocating this new State movement as earnestly as he knew how; but after mature consideration of the subject, and after having had several resolutions like this submitted to him in private, he had come to the conclusion that it would be exceedingly inapposite for this Convention to pass such a resolution at this stage of its proceedings, since by doing so we would be anticipating the future action of the Legislature of Virginia as well as of this Convention. This was not the proper time, he had become convinced, to make a proposition for a division of the State. When the State government had been fully reorganized, then such propositions might be submitted. This announcement, Dr. Dorsey said, might seem incongruous with his former position; but the plans he had proposed looked to just such an arrangement.

Mr. Carlile suggested that as the proposition to divide the State might excite the hostility of the great capitalists in New York, who held the bulk of the Virginia debt, and their influence might be used at Washington against the recognition of the reorganized State, it would be wise to wait until we had been recognized as part and parcel of the United States and as lawful authorities of Virginia.
before making the new-State plan conspicuous. "I regret," he said, "that we have to postpone this subject of a separation for an hour; but high above all things is the perpetuity of the Union. What would admission as a new State into the Union be worth if your Union itself should be destroyed?"

Mr. Van Winkle remarked that public expectation in the western counties had been turned to this Convention as if its only business was to separate Western from Eastern Virginia; "but we come here and find that it is necessary for us to take an entirely different course of action." He suggested, however, whether it was not "due to the constituents of many members that there should be some authorized expression by the Convention on this subject, exhibiting the reasons of necessity that induce us to abandon a course which it was supposed we were about to adopt?"

Mr. Burdett said the world knew we were looking ulteriorly to a division of the State. Wall street would know it despite all efforts to cover it up. The lobby would be in Washington just the same, and we would have to fight them anyhow. But he did not think any serious obstacle would be thrown in our way.

Mr. Snyder, of Monongalia, obtained leave to read a resolution declaring that "the geographical position and business and social relations of Western Virginia are such that her vital interests demand a division of the State; that the proper time to make such demand will be when Virginia has a legally constituted Legislature; that then we will use our utmost endeavors to consummate that division."
Mr. Barnes, of Marion, also by permission, read a resolution declaring it "inexpedient at this time to take into consideration the subject of a division of the State."

Mr. Hubbard, of Ohio, said the case before the people was no longer one of choice or even of preference. It had become one of duty. "We are not here," he said, "to create a State but to save one; not here to create a government but to help save a government." He hoped they would say nothing now about the division of the State. "If we find in the future that we can do better to separate, I shall be as willing as any other man."

Mr. Farnsworth said he merely wanted the people to know by some expression from the Convention that they were in earnest in having professed to be for a division of the State at the proper time. The resolution did not contemplate the creation of a State at this time, but only to let the people know why they were reorganizing the whole State. As serious objections were made, however, he was willing to withdraw the resolution.

Mr. Vance, of Harrison, hoped he would not withdraw. His own people were in favor of an immediate division of the State, and had sent him there to assist in that object. When the Legislature should meet it was his desire and that of his constituents to divide the State.

Mr. Tarr, of Brooke, said the first inquiry should be, Have we a State government? If not, let us first procure the endorsement of the Federal government, and then provide the ways and means for a division of the State.

Mr. Vance was perfectly aware, and so were the people, that the first object is to maintain the government and secure its perpetuity; but the resolution before them did
not contemplate that the State be divided until that had been accomplished. What they wanted was to show that division is the ulterior object.

CARLILE SAYS NOT OPPORTUNE.

But why at this time, asked Mr. Carlile, when we are surrounded by most embarrassing circumstances, due to our own embarrassments? * * * The truth should always be spoken when we speak at all; but the whole truth should not always be spoken. * * * What if we do contemplate a division of the State, would it forward the object to promulgate the declaration in a special and authoritative manner? In an hour like this, when the question is, Shall we save the State; when we are particularly helpless to save ourselves; when the very Government itself has by this rebellion been bankrupted; when it is engaged in this life and death struggle to maintain its own existence; and when we have come here to aid if we can in this struggle—why should we now be discussing that which is utterly impossible and which more belongs to days of peace than to hours of war? If we could divide the State to-day, who would desire to do so under existing circumstances? In a short time the power of this Government may be established. Then we may be acknowledged as the government of Virginia and may provide for that which is essential to our interests. When we are trying now to resist this attempt at transferring us to a rebellious government, shall we be distracted with measures of secondary importance, as all must admit this question of separation to be at this hour?

Daniel Frost, of Jackson, moved to refer the resolutions to a special committee with instructions to report an address to the people of Virginia. Dr. Dorsey moved to table but withdrew at the suggestion of his colleague, Mr. Snyder. Mr. Tarr renewed the motion to table and it was carried by 50 to 17. Twenty-one members were absent. This was the end of division discussion for the June session.
Resolutions of respect for the late Stephen A. Douglas, whose death had then just occurred, were moved by George Harrison, of Ohio, a Douglas Democrat, and adopted.

REORGANIZATION.

The ordinance for the reorganization of the State government came up next day, the 19th; and during consideration of it, Mr. West, of Wetzel, proposed an amendment making persons who had voted to ratify the ordinance of secession "ineligible to hold any post or office of honor or profit, civil or military, in this State during the existence of hostilities by the seceding States against the government of the United States." The motion received only ten votes. The ordinance having been slightly amended, was then adopted by unanimous vote of those present, 76, in shape as follows:

AN ORDINANCE for the Re-organization of the State Government.

The People of the State of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. A Governor, Lieutenant-Governor and Attorney-General for the State of Virginia, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office for six months, or until their successors be elected and qualified; and the General Assembly is required to provide by law for an election of Governor and Lieutenant-Governor by the people as soon as in their judgment such election can be properly held.

2. A Council, to consist of five members, shall be appointed by this Convention, to consult with and advise the Governor, respecting such matters pertaining to his official duties
as he shall submit for consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the Governor.

3. The Delegates elected to the General Assembly on the twenty-third day of May last, and the Senators entitled under existing laws to seats in the next General Assembly, together with such Delegates and Senators as may be duly elected under the Ordinances of this Convention, or existing laws, to fill vacancies, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices from the passage of this Ordinance until the end of the terms for which they were respectively elected. They shall assemble in the City of Wheeling, on the first day of July next, and proceed to organize themselves as prescribed by existing laws, in their respective branches. A majority in each branch of the members qualified as aforesaid, shall constitute a quorum to do business. A majority of the members of each branch thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-seventh Section of the fourth Article of the Constitution of the State.

4. The Governor, Lieutenant-Governor, Attorney-General, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the Judges and Clerks of the several Courts, Sheriffs, Commissioners of the Revenue, Justices of the Peace, officers of city and municipal corporations, and officers of militia, and officers and privates of volunteer companies of the State, not mustered into the service of the United States, shall each take the following oath or affirmation before proceeding in the discharge of their several duties:

"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, any thing in the Constitution and laws of the State of Virginia, or in the Ordinances of the Convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding;
and that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the 11th day of June, 1861.

5. If any elective officer who is required by the preceding section to take such oath or affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact, to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy, at some convenient and early day to be designated in said writ; of which due publication shall be made for the information of the persons entitled to vote at such election; and such writ may be directed, at the discretion of the Governor, to the Sheriff or Sheriffs of the proper county or counties, or to a Special Commissioner or Commissioners to be named by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed by the Governor he shall fill the vacancy without writ, but if such officer be appointed otherwise than by the Governor or by election, the writ shall be issued by the Governor directed to the appointing power, requiring it to fill the vacancy.

VANCE DISCERNS A STAR-CHAMBER.

In the afternoon was passed an ordinance for "apprehending suspicious persons," having first been amended, on motion of Mr. Lamb, to provide "that the powers vested in the Governor by this ordinance shall be exercised only upon satisfactory evidence and with concurrence of a majority of his Council." When it came to the vote, Mr. Vance denied the power of the Convention to pass such an ordinance. He did not want to make such a star-chamber of this Convention as had been done at Richmond. This was a matter that belonged entirely to the Legislature and should be left for its action. If this Convention were to do all the legislating for the State, there would be no need of a Legislature at all.
Mr. Lamb replied that by the action of the May Convention the people had authorized this body "to devise such measures and take such action" as the safety and welfare of the people they represented might demand. That was their authority, and they all knew the exigencies of the times did demand that they should take this action.

Mr. Burdett remarked that in revolutionary times like these they could not and must not be bound down to the strict letter of laws and constitutions. For his part, he meant to take his share of the responsibility. The ordinance was passed with but three votes against: President Boreman, Vance and Williamson.

TO VACATE OFFICES.

Next day Dr. Dorsey moved a resolution to instruct the Committee on Business to report an ordinance "declaring vacant the offices of all office-holders in the Commonwealth who voted for the ordinance of secession." Mr. Crane suggested that this be made a resolution of inquiry only. He opposed it on the ground that many voted for the ordinance who now heartily support this movement, and there were office-holders who did not vote for it who were bitter Secessionists. Dr. Dorsey had no confidence in the Unionism of anybody who had voted for the ordinance. He believed those who would be left in the offices unless something like this were adopted, would give them a great deal of trouble. Mr. West supported the resolution as in line with the amendment offered by him yesterday. In his county, which had given a majority of seven
hundred against the ordinance, all the officers were Seces-
sionists. He wanted to restore the reputation of his peo-
ple, who had been proclaimed at Richmond as for dis-
union. He wanted the world to know that Wetzel County
was not represented in this Convention by Leonard S.
Hall.

SIGNING THE DECLARATION.

The hour having arrived for the formality of the sign-
ing of the declaration, the document having been en-
grossed on parchment was first signed by the President and
laid on the Secretary's table. The members as their names
were called by the secretary in the order of counties came
forward and signed, one at a time, and retired to their
seats, all the other members remaining seated till called.
All the members present, 83 in number, thus came for-
ward and signed. Henry C. Moore, of Webster, who was
admitted in the afternoon session, signed afterwards.

The declaration and signatures, as they appear in the
official journal of the Convention are as follows:

A DECLARATION OF THE PEOPLE OF VIRGINIA.

The true purpose of all government is to promote the wel-
fare and provide for the protection and security of the governed;
and when any form or organization of government proves inade-
quate for or subversive of this purpose, it is the right, it is the
duty, of the latter to alter or abolish it. The Bill of Rights of
Virginia, framed in 1776, reaffirmed in 1830, and again in 1851,
expressly reserves this right to the majority of her people. The
act of the General Assembly calling the Convention which
assembled at Richmond in February last, without the previously
expressed consent of such majority, was therefore a usurpation;
and the Convention thus called has not only abused the powers
nominally entrusted to it but, with the connivance and active aid of the Executive, has usurped and exercised other powers to the manifest injury of the people, which, if permitted, will inevitably subject them to military despotism.

The Convention by its pretended ordinances has required the people of Virginia to separate from and wage war against the Government of the United States and against the citizens of neighboring States with whom we have heretofore maintained friendly, social and business relations.

It has attempted to subvert the Union founded by Washington and his co-patriots in the purer days of the Republic, which has conferred unexampled prosperity upon every class of citizens and upon every section of the country.

It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States and required their submission to its pretended edicts and decrees.

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy for offensive as well as defensive purposes.

It has, in conjunction with the State Executive, instituted wherever their usurped power extends a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud.

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government and by organizing and mobilizing armies with the avowed purpose of capturing or destroying the capital of the Union.

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances treason against the former.

We, therefore, the delegates here assembled in Convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises and viewing with great concern the deplorable condition to which this once happy Commonwealth must be reduced unless some regular, adequate remedy is speedily adopted, and appealing to the Supreme Ruler
of the Universe for the rectitude of our intentions, do hereby, in the name and on behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties and their security in person and property imperatively demand the reorganization of the government of the Commonwealth; and that all acts of said Convention and Executive tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said Convention and Executive, whether legislative, executive or judicial, are vacated.


An order was made, on motion of Mr. Close, of Alexandria, that a copy of the Declaration and signatures be sent to the President of the United States by special messengers to be designated by the President of the Convention.

**STATE OFFICERS CHOSEN.**

In the afternoon session, the Convention proceeded to elect State officers under operation of the ordinance adopted the day before. The following were unanimously chosen:

For Governor—Francis H. Peirpoint.
For Lieut.-Governor—Daniel Polsley.
For Governor’s Council—Peter G. Van Winkle, William A. Harrison, William Leasure, Daniel Lamb, James W. Paxton.

The choice of an Attorney General was deferred until Saturday.
THE OATH THEY TOOK.

Messrs. Carlile and Lamb were appointed to wait upon Governor Peirpoint and inform him of his election. The Governor soon after appeared in the hall, and the oaths of office were administered to him, in the presence of the Convention, by Andrew Wilson, a justice of the peace for Ohio County. The form of oath administered to the State officers, as revised by the Committee on Business and accepted by the Convention, was the following:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the Convention which assembled in Richmond on the 13th day of February last, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as vindicated and restored by the Convention which assembled in Wheeling on the 11th day of June, 1861.

ADDRESS BY THE GOVERNOR.

Governor Peirpoint, by invitation, ascended to the President's stand and made a brief address. He said that for three-quarters of a century the government of the United States had rested upon the intelligence of the people and on the theory that in the people resides all power. But a new doctrine had been introduced by those at the head of the revolution in the Southern States. They try to divide the people into two classes—the laboring class and the capitalistic class. They had for several years been industriously propagating the idea that capital ought to control the legislation of the country, maintaining that it was dangerous for labor to enter into legislation.
They maintain that the ballot should be wielded only by the educated classes and labor excluded from any voice in the shaping of legislation. This idea had been covertly advanced in only portions of Virginia. Up to within a short time she had stood firm by the doctrines of the fathers. But now the propagators of this new doctrine had attempted to force it upon them by terror and at the point of the bayonet. "We have been driven," he said, "into the position we occupy to-day by the usurpers at the South who have inaugurated this war upon the soil of Virginia and have made it the great Crimea of this contest, which has been inaugurated with a view of making the distinction indicated. We are but adhering to the great fundamental principle of our fathers, that to the loyal people of a State belongs the law-making power of that State. It is the assumption of that authority upon which we are now about to enter."

**EX POST FACTO.**

After the retirement of the Governor, Dr. Dorsey withdrew his resolution in regard to vacating the offices of those who had voted for secession to make way for another likely to better harmonize the views of the members.

Mr. Carlile, by general consent, wished to say for the consideration of those who favored such propositions as Dr. Dorsey's that they violated the spirit of the Constitution of the United States, being equivalent to an ex post facto law. At the time the men whom it was proposed to turn out of office voted for the ordinance of secession, no penalty attached to the act; and this depriving them of a
prerogative on account of that vote was equivalent to establishing a penalty. To inflict a penalty for having exercised a guaranteed right would be to abridge that right. It would never do to inaugurate any such rule in a body assembled for the purpose of protecting the rights and liberties of a free people.

Dr. Dorsey said it was not the design to inflict punishment but to protect the people for the future against official acts of those who had committed themselves to a doctrine and a series of projects inimical to the rights of the people.

Mr. Stuart, of Doddridge, said it was the first time he had ever heard that a man holding an office under the Constitution of the United States had a right to vote for an ordinance of secession. Such an act was a violation of the oath taken by all officers to support that Constitution, and was therefore a crime and a perjury.

Mr. Carlile replied that if it was perjury, the prosecuting attorneys ought to enforce the punishment of perjury, which would disqualify from holding any office thereafter.

The following morning Dr. Dorsey moved for a "Committee on Offices," to whom all propositions in regard to vacating offices could be referred; but the matter was allowed to lie over until the next week; and the Convention proceeded to pass an ordinance relating to receipts and disbursements and providing for the appointment of auditor and secretary of the Commonwealth. The Convention then went into the election for Attorney General, and chose Col. James S. Wheat, of Wheeling. Mr. Flesher
offered a resolution for reference looking to the establishment of Federal recruiting stations in each county.

ARMs BROUGHT TO WHEELING.

Mr. Burdett suggested an inquiry regarding the disposition to be made of the 2,000 stand of arms now in the city. Mr. Carlile said the committee were unanimous in the conclusion that they should be handed over to the State authorities here for arming the volunteer militia of the State which would be organized in a few days. These were the arms shipped to Wellsburg at the instance of the Brooke County delegation who went to Washington. Mr. Burdett had proposed that as there was no possibility of the guns being needed at Wellsburg they be brought to Wheeling and utilized in arming the volunteers; and he with some others of the members went to Wellsburg and arranged for the reshipment of the arms, coming down with them on the boat and landing them on Wheeling Island.

THE CONVENTION RESTS.

On Tuesday, the 25th of June, the twelfth day of the sitting, a resting-place in the work having been reached, the Convention, having arranged for earlier recall if needed, adjourned to the 6th of August. Mr. Farnsworth had sought to have the adjournment made subject to recall by the Governor, so that if matters should not be in trim for the resumption of work when August 6th came around, the reassembling could be deferred to a later day; but the suggestion did not meet with favor.
In his parting remarks to the Convention, President Boreman noted that thirty-four counties were represented, a territory embracing almost one-third of the white population of Virginia. Their work, he said, had been well done; and it now only remained to go home and assist in putting the government they had restored into effective operation. On the day of the adjournment an address issued by order of the Convention was promulgated. It embraced a careful and able review of events at Richmond, including this interesting paragraph:

The proceedings of the Richmond Convention up to the 17th of April were evidently intended by those in the secret to persuade the members favorable to the perpetuity of the Union, and the people at large, that it was intended to propose terms on which it could be maintained. On the day named, the mask was thrown aside and the ordinance of secession passed. This was done in secret session, and no immediate promulgation of the facts was made to the people; nor until since this Convention assembled was the injunction of secrecy so far removed that the vote on the passage of the ordinance was made public. It now appears that more than one-third of the whole convention voted against it, and that nine members were absent. Up to this time the debates which preceded the vote are concealed from the people, who are thus denied a knowledge of the causes which in the opinion of the majority rendered secession necessary and justified so gross a disregard of their lately expressed will.