

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name Wheeling Custom Houseother names/site number West Virginia Independence Hall

2. Location

street & number 16th and Market streets☐ not for publicationcity, town Wheeling☐ vicinitystate West Virginiacode 47county Ohiocode 069zip code 26003

3. Classification

Ownership of Property

- ☐ private
☐ public-local
☒ public-State
☐ public-Federal

Category of Property

- ☒ building(s)
☐ district
☐ site
☐ structure
☐ object

Number of Resources within Property

Contributing	Noncontributing
<u>1</u>	<u> </u> buildings
<u> </u>	<u> </u> sites
<u> </u>	<u> </u> structures
<u> </u>	<u> </u> objects
<u> </u>	<u> </u> Total

Name of related multiple property listing: _____

Number of contributing resources previously
listed in the National Register

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this
☐ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the
National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.
In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. ☐ See continuation sheet.

Signature of certifying official _____

Date _____

State or Federal agency and bureau _____

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. ☐ See continuation sheet.

Signature of commenting or other official _____

Date _____

State or Federal agency and bureau _____

5. National Park Service Certification

I, hereby, certify that this property is:

- ☐ entered in the National Register.
☐ See continuation sheet.
☐ determined eligible for the National
Register. ☐ See continuation sheet.
☐ determined not eligible for the
National Register.
☐ removed from the National Register.
☐ other, (explain:) _____

Signature of the Keeper _____

Date of Action _____

6. Function or Use

Historic Functions (enter categories from instructions)

government

custom house, post office, court

Current Functions (enter categories from instructions)

museum

7. Description

Architectural Classification

(enter categories from instructions)

Renaissance Revival (called Italianate
on drawings at time and sometimes called
that now, but this is more appropriate)

Materials (enter categories from instructions)

foundation stone

walls stone (sandstone)

roof metal (now steel)

other structural system: iron

Describe present and historic physical appearance.

ARCHITECTURAL HISTORY OF THE BUILDING

(Illustrated by Photographs and Exhibits 1-13 sent with original nomination)

1-2. Specifications and plans for the building apparently were carried out with considerable but not complete exactitude in every minor detail. As the plans indicate, the building was to serve three main purposes: custom house, post office, and federal court.

3. Original form of the building is faithfully reproduced in this drawing from Frank Leslie's illustrated newspaper, showing an August 10, 1861 assembly. The building was constructed from uniformly gray sandstone, quarried locally. It has a basement and three floors, but on the north side of the top floor there was a mezzanine to accommodate jury rooms.

4. This photograph, probably taken about 1870, reveals four of the eight chimneys.

5. The court room on the third floor is shown in a Harper's Weekly publication of June, 1861, as sketched by Jasper Green. The artist has made the room appear somewhat higher and larger than it actually is.

6-9. Original space breakups are essentially as shown in the Mullett floor plans of 1870. [in possession of Tracey Stephens - marked Mullett on left hand side]

10. The custom house originally was located on lot, 132' square, with ample space at sides and rear to accomodate visitors and the mails. It is this space of 132' that is being nominated, because of its historical character and because this space is essentially necessary to proper display of the building. As the 1889 atlas map shows, the advent of the B&O Railroad and street cars made 16th and Market a busy corner.

11. A photograph taken in 1889 or later shows a watchman's tower for controlling gates at the crossing. The "wart" erected in 1889-90 housing stairs and elevator also is shown. During this reconstruction, the cast iron doors were removed, wall gas fixtures were replaced by chandeliers, both sets of original interior staircases were removed, and some exterior windows and doors exchanged functions.

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12. This photograph, taken in May, 1969, shows the south side addition of 1912-13, the later fourth story addition, and the Greek portico erected when the Citizens' National Bank occupied the first floor. Photographic evidence that the fourth floor addition is later than the side is revealed by an illustration in the 1913 city directory not shown here.

13. Photographs taken after razing the fourth floor and side show the south side with front view (13) and back view (14), revealing that the rear of the building has undergone little if any change. The south side has been extensively damaged by addition of the wing, even the sandstone blocks having been chipped to accomodate plaster. The hole left by the stairwell addition has been filled in by cement blocks. Space breakups inside are very close to what they were originally.

Supplementary text on structural significance of building:

The skeletal iron-framed system of the Wheeling Custom House is an important example of the development of the use of iron in buildings, which ultimately led to the rise of the skyscraper in Chicago at the end of the nineteenth century. At the time of its construction, there was great concern on the part of architects and engineers to produce fire-proof buildings as a result of a number of catastrophic fires which took place in American cities during the nineteenth century. Iron, a noncombustible material, was then used as a substitute for wood in buildings.

In the case of the Wheeling Custom House, this resulted in an innovative use of wrought iron beams, girders, and cast iron columns. Although the building is not a true skeletal structure since it has load-bearing walls, the interior of the building consists of an all-iron frame. The floor beams, which are among the first structural "I" beams used anywhere, support flat jack arch floors, and they in turn are supported on large wrought iron box beams. The box beams were carried on cast iron columns throughout the height of the building.

The most notable feature of the skeletal system is the use of 9"-rolled wrought iron beams. These were produced by the Trenton Iron Works after a considerable struggle to perfect a rolling system for "I" shaped sections. The first beams, which were 7" rolled wrought iron beams, were produced in 1854. By 1856, 9" beams were being rolled and supplied to the U.S. Treasury for a number of its custom house buildings. Although these beams lack the quality control of modern rolled sections and utilized a wrought iron with excessive amounts of sulphur and phosphorus, these beams nevertheless represent a revolution in iron components in buildings.

Captain Bowman, who was a chief engineer for the U.S. Treasury in the 1850s, worked closely

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with the Trenton Iron Works on some of its original framing systems. He was instrumental in introducing skeletal iron framing into a series of federal buildings in the 1850s. Thus, the Wheeling Custom House is one of the earliest surviving examples of the use of large rolled wrought iron sections in a skeletal framing system.

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Section B: Architectural Description

The Wheeling Custom House was designed by Ammi B. Young, Supervising Architect of the U.S. Treasury from 1852 to 1865. He worked under Captain Alexander H. Bowman, Engineering-in-Charge, Office of Construction, U.S. Department of the Treasury. Young designed the building in what he called the "Italian, with Greek details" style, better known today as the Renaissance Revival style.¹ This was, to him, a new style in the mid-1850s. Young's building opened in the spring of 1859. While changes were made to the building over the years, as documented in the photographs attached to the nomination, the existing building (except the 1870 roof design) has been restored to Young's original design. Fortunately, the building opened so close to its period of greatest significance (1861-1865) that no changes had been made by 1861.

The three-story symmetrical sandstone building has blocks laid in an ashlar pattern. The stones on the first story have heavy rusticated joints, typical of the Renaissance Revival style. The three central bays of the five-bay west (main) facade project out approximately one foot. The main entrance to the building consists of five doors (three in line with the windows and two additional) in that projecting section. On the south side, there are three vertical bays, with an additional two doors on the first story, so that one has an arrangement of door, window, door, window, door. Because this had been an interior wall when another bay was added to the south end of the original building in the twentieth century, this facade was restored by applying "Dekoset" to the entire exterior of the building to replicate the original appearance of the sandstone.² On the east facade (the rear of the building), there are five bays with no projecting section. The arrangement of windows and doors on this facade is window, door, window, window, window, door, window. On the north facade, there are again three bays, with only three openings on the first floor; the central one of which is a door. Sandstone beltcourses surround the building between the first and second and second and third floors. They are original except on the south side, where they were reconstructed of "Dekoset" as part of the restoration efforts. The cornice surrounding the building features brackets with dentils as part of the three-part entablature. The dentils and brackets on the south side are also of "Dekoset" as part of the restoration. There are sandstone steps on the west (original) and south (reconstructed) sides. A modern concrete ramp to the door on the east side provides access for the disabled.

Windows and doors throughout the building have round stone arches and stone surrounds. The heavy cast iron double front doors were recast at Centre Foundry in Wheeling to the original design. The double doors on the south side and the door on the east side are all new. The door on the east end of the south side is a replica of the original door; the center one on that side is an emergency exit from the stairway. The east side door is a modern glass door that is not part of the restoration effort. The double-hung windows are all 12/8. The interior

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cast-iron shutters (some original, others recast at Centre Foundry) on all the windows, the iron doors, window and door frames were part of an effort to make the building fireproof. If all of Wheeling burned, as could easily happen in a nineteenth-century city, this building was designed to survive.

Young's original design for the roof of the building was not adequate. The low-pitched roof did not provide proper drainage. Also, because of the heavy air pollution in Wheeling at the time, the iron roof had rusted out by 1867. At that time, Alfred B. Mullett, Supervising Architect of the U.S. Treasury from 1865 to 1874, designed a new roof. The original roof line of the building was raised to provide better drainage. Mullett's corrugated iron roof apparently lasted longer than Young's, but it was removed when a fourth floor was added to the building in the twentieth century. When the fourth floor was removed, the Mullett roof line was retained to avoid the flat pitch of Young's design. The new roof is of corrugated terne-coated stainless steel. The original sandstone chimneys of Young's design were reconstructed to his design as part of the restoration effort, but they are capped and non-functioning now.

Every attempt was made to restore the interior of the building to Young's design wherever possible. The original iron framing system is still in place as noted above. The modern heating/ventilating, and air-conditioning system was fitted into the wrought iron box beams and cast iron columns and utilizes the flues of the original chimneys to hide the ductwork needed for the new system. New electrical outlets have been hidden in the woodwork or floors of the building as needed. The original piping for the gas lighting is still in the building and used in part to supply gas to the lighting fixtures in the vestibule and courtroom. A modern elevator has been installed adjacent to the original stair tower on the south side of the building. This stairway did not remain and has been replaced with a stairway that meets code for emergency egress. On the north end of the building, the original stairways only connected the vestibule to the second floor and the third floor to the mezzanine. The vestibule section was replicated, and a new stairway to provide emergency egress was built to connect this section with the courtroom. To accommodate these stairways and the elevator, the halls had to be shortened slightly at both ends of the building on all three floors.

The lower level (basement) of the building houses the mechanical systems, as they were originally, since Young designed a centrally-heated building with supplementary fireplaces. These systems are now located on the east end of the building, with restrooms on the north end. The remainder of the space is used for changing exhibitions and meeting space to view the interpretive film. It is considered an unrestored area. A section of the original brick jack arch and iron beam floor framing system has been left exposed for interpretive purposes here.

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The first floor houses the vestibule on the west side and the original post office work space on the east side. That work space is now occupied by an exhibit area and gift shop and is not currently fully restored. The vestibule has been restored to its original appearance, with iron stairways and balustrades leading from the vestibule to the stair towers; these stairways and balustrades were recast by Centre Foundry to the original design. The floor of the vestibule is Minton tile, a replacement of the original Minton tile floor in both color and pattern. The pink granitizing on the exterior stone walls was restored by Malcolm Robson, a fifth-generation English grainer who has also worked on buildings such as Mount Vernon. Robson was responsible for almost all the graining in the building. The interior side of the iron doors are painted bronze. All the iron shutters and window frames throughout the building have been grained to resemble oak, as they were originally. The original screen that separated the vestibule and post office has been restored, except that the original gold lettering on the post office boxes has not yet been replicated.

On the second floor, baseboards, round arch door frames, and doors have been grained to resemble the original oak graining. The Minton tile hallway floor replicates the original in design and color. The original flooring on this floor is in the governor's office. Elsewhere on this floor, the pine flooring has been replicated. The door frames and baseboards on this floor are grained to resemble oak. The walls are of painted plaster.

On the third floor, the small rooms at the south end have been painted to resemble the original. The courtroom has been restored to its 1863 appearance as shown in a Harper's Weekly illustration. The pine flooring in the center of the room is original, while that on the outside of the railing is new; all has been treated with linseed oil to replicate the original treatment. The replicated benches and railings in this room are grained to resemble mahogany; they were originally made of mahogany. The judge's desk is a replica. Over the south entrance to this room is an unrestored section of the wall, unrestored because the paint analysis done on this section revealed pencil cartoons done by the artist before his original paint scheme. The wainscoting, columns, doors, and door framing are grained to resemble oak. The south doors are covered with green baize to resemble the original. Behind the courtroom, in the stair tower, is a section of the original cast iron stairs for the building. This leads to a mezzanine level with two small jury rooms, which have not been restored. A stairway to the roof is between the two rooms.

Notes

1. Paul D. Marshall, "West Virginia Independence Hall/Wheeling Custom House: Historic Structure Report," draft typescript report for West Virginia Independence Hall Foundation, 31 December 1986, p. 16.

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2. "Dekoset" was a product which was franchised by Universal Restoration, Inc. of Washington, D.C. This is the treatment that was used on the Renwick Gallery in Washington, D.C. This was a proprietary system, no longer used, which consisted of the use of fiberglass for replicating stone trim and a sand-epoxy mortar coating to match original stone or terra cotta work.

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

☒ nationally ☐ statewide ☐ locally

Applicable National Register Criteria ☐ A ☐ B ☐ C ☐ D National Historic Landmark criteria: 1

Criteria Considerations (Exceptions) ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G

Areas of Significance (enter categories from instructions)

architecture
politics/government
military

Period of Significance

1861-1865

Significant Dates

1861-1865

NHL theme: VI The Civil War
subtheme: E Political and Diplomatic
Scene

Cultural Affiliation

Significant Person

Architect/Builder

Ammi B. Young, later alterations
by Alfred Mullett

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

The United States Custom House at Wheeling (West Virginia Independence Hall) qualifies for designation as a National Historic Landmark under the theme VI(F) -- The Civil War, Political and Diplomatic Scene because it was the site of the events leading to the creation of the state of West Virginia during the Civil War. The constitutionality of that decision has been debated since the war.

The construction of a Custom House in Wheeling in 1859 reflected the city's importance as an inland port. The city had been designated as a port of entry in 1831. After the completion of the Baltimore and Ohio Railroad to Wheeling in 1852, the city was a critical transportation center linking the National Road, the first bridge across the Ohio River (the Wheeling Suspension Bridge), and the railroad. The increased flow of goods demanded a custom house that would also serve other federal agencies, including the post office. The federal government bought property at 16th and Market streets in 1855, and Ammi B. Young designed the custom house, which opened in 1859.

The building acquired national significance during the Civil War as the home of the pro-Union state conventions of Virginia in the spring and summer of 1861, the capitol of loyal Virginia from June 1861 until June 1863, and the site of the first constitutional convention for West Virginia from November 1861 to February 1862 and the recalled session of the convention in February 1863. Each of those functions brought the building into the limelight of the national press and focused the attention of both the United States and Confederate States upon the Restored Government of Virginia and West Virginia. The events and transactions in the Custom House raised immensely important constitutional and political questions in the 1860s. They provided a unique episode in the history of the United States and presented a sobering series of legal and constitutional acts and precedents for the nation.

☒ See continuation sheet

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The creation of West Virginia added much to the political, military, and economic history of the Civil War as well as the constitutional history of the nation. Loyalist steps toward separation from the secessionist Virginia government and statehood efforts by the Unionist leaders of western Virginia allowed U.S. military commanders to justify an invasion of western Virginia in the late spring of 1861 as necessary for the protection of loyal citizens from Confederate oppression. That invasion enabled Union forces to push the battle lines away from the Ohio River and Mason-Dixon Line toward the Allegheny Mountains, providing a natural defensive barrier and denying easy access for Confederate forces to the heart of the North. The early invasion also brought the Baltimore and Ohio Railroad and the upper Ohio River, two vital transportation links, into Union control. Those transportation routes proved indispensable to transporting troops and supplies between the eastern and western theatres of war and preserving economic ties between the Northeast and Northwest. Indeed, when the boundaries of West Virginia were set, permanent Union control of the B&O Railroad was an important consideration. In the event of a Confederate victory or negotiated peace, the railroad company did not want any part of its property to lie in Virginia. If the course of the Virginia government in Richmond in 1861 had gone unchallenged, the Union might have lost control and use of the railroad.

The national importance of the Custom House is better understood through an examination of the events in Richmond in 1861. Those events began with Governor John Letcher's call of the Virginia General Assembly into extraordinary session in January 1861 to consider Virginia's course in light of secession movements in the lower South and the Republican stand against compromise. The legislature took a definite stand in favor of states' rights and modernized the state militia in anticipation of sectional violence, but it delegated its responsibility for deciding the vital issues of the time to a state convention.¹

The convention assembled at Richmond on February 13, 1861. It consisted of 152 delegates, about fifty of whom had been elected as Unionists and thirty who had been elected as Secessionists. Supposedly, the convention assembled to explore peace proposals and conciliatory measures, but delegates from western counties saw the opportunity to demand constitutional revisions in their favor and turned the assembly into a constitutional convention. In 1861, westerners believed that easterners would concede to long-standing western demands for proportional representation, equal taxation, and additional internal improvements to gain western support in portraying Virginia as a united state in the eyes of the North and South.²

Agents sent from the Confederacy also sought to influence the proceedings at the Richmond Convention. In the face of Lincoln's moves to relieve Fort Sumter, ^{and} his April 15 call for troops, the convention voted 88 to 55 on April 17 for secession. With the convention out of control, westerners fled back to their homes to escape derision and threats of physical violence.³

Western delegates returned home with reports of the usurpation of power by eastern Virginians and coercion by Confederate agents at the Richmond Convention. Emergency county meetings were called to consider those reports. At one such assembly in Clarksburg, the participants called for the "wisest, best, and discreetest men" of Virginia to meet in Wheeling on May 13.

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The statewide meeting, which became known as the First Wheeling Convention, met in Washington Hall, on the northeast corner of 12th and Market streets, on May 13-15, 1861.⁵ Delegates represented twenty-seven counties, including Berkeley, Frederick, and Hampshire east of the Allegheny Mountains. The 436-member convention included John S. Carlile, John J. Jackson, Waitman T. Willey, Chester D. Hubbard, John S. Burdett, Campbell Tarr, Marshall M. Dent, and George M. Porter, all of whom had attended the convention at Richmond.⁶

The practical goals of the First Wheeling Convention lay with the sense of the urgent need to keep western Virginia from being treated as an enemy by overwhelming Union forces. In fact, a handful of delegates hoped that both the North and South would treat the region as neutral territory. However, such hopes soon disappeared when the strategic importance of western Virginia became apparent. Most delegates saw an alliance with the United States as advantageous to western Virginia.⁷

George E. Moore, historian of the Civil War in West Virginia, detailed the military considerations of western Virginians, the strategic value of the region to both sides, and the wisdom of the pro-Union alliance of western Virginia. Economic ties between western Virginia and the Ohio Valley region were strong, and delegates thought it unwise to risk their disruption. The delegates also understood that an unclear stand on the part of western Virginia could cause the region to become a much more bitterly contested battleground. Many also saw the chance to finally remedy sectional inequities in Virginia through a western alliance with the North.⁸

Early in the convention, the venerable John J. Jackson of Wood County, whose son presided over the U.S. District Court in the Custom House, emerged as a leader.⁹ He counseled that the convention should be an open forum of public opinion. Jackson saw the meeting merely as the opportunity to list grievances against the state government and to formulate plans for defeating the secession ordinance at the polls on May 23. He believed that drastic measures, such as separation from the Old Dominion, should be considered only as measures of last resort.¹⁰

John S. Carlile of Harrison County arose as a rival to Jackson. He contended that the delegates at the convention held the authority to take definite action and not merely "to consult and adjourn and go home." With those differences in mind, a Committee on Credentials and a Committee on State and Federal Relations were chosen.¹¹

The Committee on Credentials designated the members of the convention as "official" in an effort to produce a sense of order in the proceedings. Afterwards, Carlile asked that the Committee on State and Federal Relations draft an ordinance separating thirty-three western counties from the rest of Virginia. He also called for the writing of a constitution for the 33-county-state to be known as "New Virginia." Believing that Virginia might consider itself well rid of the quarrelsome western region, Carlile argued that the consent of the her state had to be obtained before Virginia's secession from the United States became permanent. He believed that was the only way that the separation would comply with the third section of Article Four of the U.S. Constitution concerning the formation of new

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states. John Carlile argued that his proposal for a state of New Virginia should be submitted to the voters on May 23 for the secession referendum. This drew angry reactions from moderates, and in the end Carlile agreed to postpone the decision on his resolution until after the May 23 secession referendum, accepting the position of chairman of the powerful interim Central Committee.¹²

The Committee on State and Federal Relations did not recommend the formation of a new state. Instead, it counseled the delegates to wait for the results of the statewide referendum on secession. The committee called for a second convention in Wheeling on June 11 in the event that the secession ordinance won approval from the voters. Loyalist voters would elect delegates to a "Second Wheeling Convention" at a special election on June 4. Those delegates would represent the existing legislative districts and have the authority to act for Virginia.¹³ Members of the General Assembly elected May 23 were also members of the June convention.¹⁴

After the convention adjourned, the Central Committee had the duty to lead the campaign against the secession ordinance and reconvene the convention in case of emergency. Carlile, himself, wrote an address to Virginians urging the defeat of the ordinance. The committee's most important actions involved correspondence with Union leaders in Washington and other states, coordinating military operations with Union commanders, and mustering and arming militia forces. Indeed, the governor of Massachusetts provided weapons and ammunition to the Central Committee for use by Unionist militia; these arms were stored in the Custom House, with Thomas Hornbrook as acting military storekeeper. The committee also was largely responsible for setting an agenda for the Second Wheeling Convention.¹⁵

The vote on the secession ordinance was a foregone conclusion. Governor Letcher placed the total figures, which appear to be exaggerated, at 125,950 in favor of secession and 20,373 against.¹⁶ Charles Ambler wrote that 44,000 out of 48,000 western votes opposed secession.¹⁷ More recently, revisionist historian Richard Curry placed the vote in the western counties at approximately 34,000 against secession and 19,000 in favor.¹⁸ Many election returns undoubtedly were tampered with by both sides, some historical records have been lost or destroyed since they were choice targets for destruction by both Union and Confederate troops, and Virginia's viva voce voting provisions led to intimidation and inaccurate counts. Historians must rely upon the exaggerated returns and secondary sources to make educated conclusions about the returns. It is certain, however, that a majority of voters voted for secession, and most western voters opposed secession.

Virginians would have found it difficult to overturn secession, at any rate, since the state government had already accomplished the fact. Before all western delegates had left the Richmond Convention, Virginia forces had seized the U.S. armory and arsenal at Harpers Ferry, federal naval property at Norfolk, and other government facilities throughout Virginia. They had not, however, seized the Custom House at Wheeling.¹⁹ State officials had negotiated a treaty with the Confederate States of America, accepted Confederate troops Virginia, and joined the Confederacy. Governor Letcher had activated the state militia and called for troops to resist federal action.²⁰ Thus, the government of Virginia had violated its own laws and ordinances by putting secession in effect before the people

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approved it. One can understand why many Virginians, required to verbally vote in counties occupied by Confederate soldiers, might concede the fact of secession. In Ohio County, where Union sentiment was strong, secessionists were afraid to vote in favor of secession. Even abstaining might have drawn suspicion upon citizens whose neighbors knew whether they had voted in the mass, viva voce elections.

The Second Wheeling Convention convened in Washington Hall on June 11 in reaction to the secession vote. It included 105 delegates from 38 counties. Five of those counties lay east of the Allegheny Mountains. Three counties near the District of Columbia (Alexandria, Fairfax, and Loudoun) sent delegates. Yet, 15 counties west of the mountains sent no delegates.²¹ A number of writers conclude that many counties sent no delegates because the convention failed to gain popular support. James G. Randall concluded that, "considered as a revolutionary body, it [the convention] was in no sense representative of the State of Virginia for which it presumed to act."²²

Unionist leaders granted that the conventions at Wheeling were revolutionary, but they preferred to compare the meetings with the First and Second Continental Congresses. It should also be remembered that Confederate forces occupied not only eastern Virginia, but > Potomac, Kanawha, Greenbrier, Cheat, and Tygart Valley regions. Open elections for convention delegates would have been dangerous in many counties on June 4. Many delegates, representing the majority in their own districts, sincerely believed that they also represented subjugated minorities or even silent majorities in Confederate-occupied counties.

The convention selected Arthur I. Boreman, a member of the General Assembly, as president on June 12.²³ It resolved to thank U.S. authorities for honoring the request of the Central Committee for troops to defend against Confederate military action. As a result of that request, Major General George B. McClellan led troops from Ohio into Virginia and to the first land battle of the Civil War at Philippi. The convention also specifically thanked McClellan for saving the northwestern counties from the Confederate threat.²⁴

In recognition for his service on the Central Committee, John S. Carlile received the appointment as chairman of the Committee on Business, which dealt with the important issue of state and federal relations. Interestingly, when Dennis B. Dorsey of Monongalia County renewed calls for the creation of a new state, Carlile dampened the movement. Dorsey feared that if the western counties did not separate from Virginia, they would shoulder the entire burden of the state debt after the war.²⁵ The editor of the Virginia Weekly Star of Morgantown reasoned that eastern Virginia would be in no economic shape to pay its share of the debt because of the devastation of war and the removal of slaves from property tax assessments. He accused Carlile of changing his mind because of collusion with New York bondholders. The newspaper commented that Northern investors in Virginia state bonds stood to lose if the state could not pay its debt. The separation of east and west lessened the chances of the debt payment.²⁶

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On Thursday, June 13, the convention met for the first time in the United States Court Room at the Custom House. That same day, the Committee on Business presented "A Declaration of the People of Virginia Presented in Convention at the City of Wheeling, Thursday, June 13, 1861," which stated that the Richmond government was illegal, due to secession, and the acts of the Richmond Convention, therefore, were null and void. It declared that offices held by Confederate sympathizers were vacant and called for loyal members of the General Assembly to convene as part of a reorganized government. According to the ordinance, a governor and other executive officers would be chosen by the convention.²⁷

The actual reorganization of Virginia occurred on June 19, 1861, when the convention adopted the ordinance and created the Restored Government of Virginia. On the following day, June 20, the convention chose Francis H. Pierpont as governor and selected a lieutenant governor, executive council, and attorney general.²⁸

During the next few weeks, the United States sanctioned the existence of the new government in view of military and political necessities. For example, the War Department, under President Lincoln's direction, honored Governor Pierpont's request for more troops, giving the state government the recognition of the executive branch. On July 4, 1861, the House

Representatives seated John Carlile, William G. Brown, and Kellian V. Whaley as congressmen from Virginia and recognized them as representatives of the Restored Government.²⁹ Five days later, the General Assembly, meeting in extraordinary session, selected Waitman T. Willey and John S. Carlile as U.S. senators from Virginia.³⁰ The United States Senate recognized the legitimacy of the Restored Government of Virginia when it replaced Robert M. T. Hunter and James Mason with Willey and Carlile as senators from Virginia by a vote of 35 to 5.³¹ Thus, the government in Wheeling had the approval of the executive branch and both houses of Congress. Despite academic arguments about the constitutionality of the Restored Government and charges that it was a minority government, the real question was laid to rest when the federal government recognized its legitimacy. That became an important consideration when the mother state's approval was needed for the creation of West Virginia by the federal government.

Governor Pierpont, himself, justified his government by the simple fact that the Richmond government no longer had the right to function because it had violated state constitutional procedures and, by secession, no longer existed as a real state government. The people exercised the right to change corrupt governments when they organized the government at Wheeling.³² Further, the process, though revolutionary, was not disorderly. Unionist leaders observed established procedures as far as practicable. The General Assembly consisted of legitimately elected members who would have gone to Richmond if war had not erupted. Since the legislature traditionally had been the dominant branch of government in Virginia, the universally recognized authority of those legislators becomes very important in considering the legitimacy of the Restored Government. In addition, it is important to stress that the General Assembly called for a state election to sanction Pierpont's

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For our purposes, it is most important to note that Pierpont and other executive officials located their offices in the Custom House, and the General Assembly held most of its sessions in that building until June 1863.³⁴ The General Assembly, convening on July 1, failed to achieve a quorum, even under emergency rules, on the first day.³⁵ While some historians attribute that to the unpopularity of the reorganized government, the effects of the Confederate occupation of many counties and, often ignored, the effect of early summer farm responsibilities upon the attendance of some legislators must be considered. Nonetheless, the houses of the General Assembly did gradually increase in number as Union troops occupied more and more counties. The General Assembly did select a secretary of state, auditor, and treasurer and eventually declared state and local offices held by disloyal citizens vacant. However, in its first session, the General Assembly refused to simply be a "rubber stamp" for the wishes of the Second Wheeling Convention and, therefore, insisted upon a more deliberative process for the creation of a new state.³⁶

The adjourned session of the Second Wheeling Convention reconvened in the Custom House on August 6, 1861. Despite objection from D.D.T. Farnsworth of Upshur County that the convention lacked legislative sanction from the General Assembly of the Restored Government, the convention prepared resolutions to create a new, 38-county state. Carlile called for the immediate writing of a constitution for the new state, but the convention tabled his proposals as too impetuous.³⁷

A Committee on a Division of the State reported an ordinance on August 13 that would create a state from nearly all the counties west of the Blue Ridge Mountains and bordering the Potomac River.³⁸ Opponents said that the convention should wait until 1862 to gain voter input on the boundaries of the new state.³⁹

However, the convention eventually referred the dispute to a compromise committee. On August 20, that committee proposed a 39-county state to be known as "Kanawha," an important concession to southern delegates. Greenbrier, Pocahontas, Hampshire, Hardy, Berkeley, Morgan, and Jefferson counties could join with the approval of their voters. Other counties could also apply for inclusion. By a vote of 48 to 27, the convention decided that the whole question would be put before the voters in October.⁴⁰ At that election, the people would also elect delegates to a constitutional convention. The Second Wheeling Convention adjourned the following day.⁴¹

On October 24, 1861, the separation ordinance was approved by a vote of 18,408 to 781. Thirty-eight percent of the voters in the affected counties participated.⁴²

The constitutional convention convened at the Custom House on November 26, 1861 with 61 delegates in attendance, elected John Hall of Mason County as president. On December 3, delegates proceeded to debate the first important issue, the naming of the state. They

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withdrew "Kanawha" from consideration, and finally settled on "West Virginia" as the name. During proceedings to alter the boundaries of the proposed state, several delegates, elected as opponents of statehood, tried to include counties which would certainly vote against the constitution and defeat the effort toward separation. Other delegates, influenced by the B & O Railroad, sought the inclusion of all the counties through which the railroad ran. In the end, the convention decided to add Greenbrier, Mercer, McDowell, Monroe, and Pocahontas counties to the state and allow Hardy, Hampshire, Morgan, and Pendleton to vote to join. Later, Berkeley, Jefferson, and Frederick could choose to join.⁴³

The convention also tackled the important national issue of slavery during its debates. Several delegates owned slaves, others were abolitionists, and some felt that slavery was economically detrimental. Gordon Battelle, from Ohio County, twice proposed resolutions providing for gradual emancipation through the emancipation of newborn slaves, a ban on blacks entering the state, and African colonization. At one point, Battelle insisted that the resolutions be put to a public referendum. As a final compromise, blacks, slave or free, were to be banned from entering the state.⁴⁴ This was a particularly controversial issue in the border states where slavery existed but where the Lincoln Administration was careful not to alienate the states by tampering directly with the institution.

Another issue which assumed national importance in later years as the subject of a U.S. Supreme Court case was the Virginia debt. As pointed out earlier, the subject occupied a prominent place in the minds of the founding fathers of West Virginia. Convention delegates generally agreed that West Virginia should assume the share of the Virginia debt which had been incurred through expenditures benefitting western Virginia. The new constitution required the Legislature to establish a sinking fund that would be used to absolve the debt over a 34-year period.⁴⁵

Post-war negotiations between West Virginia and Virginia to set West Virginia's share of the debt broke down when Virginia sued West Virginia in the Supreme Court for the return of Berkeley and Jefferson counties. The Virginia General Assembly took unilateral action in 1871 and assigned one-third of its 1861 debt to West Virginia. That amount approximated \$34 million. West Virginia claimed its share as less than \$1 million. In fact, a special committee of the West Virginia Legislature determined that Virginia actually owed West Virginia over \$500,000 because of the inequitable tax system that had existed during the antebellum period. Virginia sued West Virginia for its share of the debt. The Supreme Court ruled that West Virginia owed \$7,182,507. In 1919, the Legislature finally made arrangements to retire the debt, which had doubled due to interest charges, over a 20-year period. This great controversy originated at the constitutional convention in the Custom House in 1862.⁴⁶

The constitutional convention unanimously approved the constitution of West Virginia on February 18, 1862, and adjourned February 20, subject to recall. An election held on April

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18 resulted in the approval of the constitution by a vote of 18,862 to 514. The next step involved gaining the approval of the legislature of the mother state as required by the U.S. Constitution. Even if the legislature at Richmond consented, the legality of such approval would be doubtful since that legislature did not adhere to the U.S. Constitution. The legitimacy of the Restored Government of Virginia became vital at that point. Its respect of the constitutions of both Virginia and the United States, as opposed to the actions of the Richmond government, became a deciding factor in legitimizing West Virginia statehood in the minds of Congressmen, President Lincoln, and his cabinet. Governor Pierpont convened the General Assembly in Wheeling on May 6, 1862, and on May 13 the General Assembly approved the creation of West Virginia with 48 counties and the possible addition of Berkeley, Jefferson, and Frederick counties if they approved the constitution.⁴⁷

The state's founders could then seek to satisfy the other requirements of Section Three, Article Four of the U.S. Constitution. Senator Waitman T. Willey of Virginia submitted the application by West Virginia for admission to the Union to the U.S. Senate on May 29, 1862. The Committee on Territories assigned Senator John S. Carlile the task of drafting the Senate bill for the admission of West Virginia in honor of his leading role in creating the state. Carlile surprised the nation by waiting until the last days of the congressional session and submitting a self-defeating bill. His bill added 15 counties which supported the Confederacy to the proposed new state, called for a new constitutional convention to approve the revisions, and provided for the emancipation of slave children born after 1863. The bill surely would have been defeated by the U.S. Senate, and western Virginians almost universally opposed it.⁴⁸

The statehood bill faced other threats when abolitionist Charles Sumner, U.S. Senator from Massachusetts, attempted to amend it so that slaves in West Virginia would be freed on July 4, 1863. Though defeated by the Senate, his amendment efforts further delayed the legislation and further endangered the whole statehood movement. Waitman T. Willey tried to save the bill from Carlile's and Sumner's tampering. On July 1, he proposed a provision for the state constitution that would provide for the gradual emancipation of slaves. The provision would free any slave children born after July 4, 1863, but Willey believed that the first constitutional convention could be recalled to consider the revisions. He did not believe, as Carlile did, that a new constitutional convention was necessary. Benjamin Wade of Ohio further amended the bill to provide for the emancipation of slaves who were under twenty-one years of age on July 4, 1863, as soon as they reached the age of twenty-one. Despite strenuous objections, the statehood bill passed the U.S. Senate on July 14, 1862, by a vote of 23 to 17.⁴⁹

Opponents had successfully delayed the bill so that the House of Representatives did not consider the Senate bill until Congress reconvened in December. The House of Representatives reassembled on December 1, considered the bill on December 10, 1862, and approved it by a vote of 96 to 55.⁵⁰ Petitions from citizens in the proposed new state

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flooded the House of Representatives, urging them to approve the statehood bill.

President Lincoln took the bill under consideration on December 21 and asked his cabinet for advice.⁵¹ Cabinet officers offered equally divided opinions on the legitimacy of the Restored Government to authorize the new state. Secretary of State William H. Seward supported statehood and wrote: "The political body which has given consent is incontestably Virginia."⁵² Secretary of the Treasury Salmon P. Chase also supported the act, saying of the Restored Government, "In every case of insurrection involving the persons exercising the power of the State, when a large body of the people remain faithful, that body so far as the Union is concerned must be taken to constitute the state."⁵³ Secretary of War Edwin M. Stanton concurred in his reply: "I have been unable to perceive any point on which the act of Congress conflicts with the Constitution."⁵⁴ Yet, others opposed the statehood bill. Secretary of the Navy Gideon Welles remarked, "We cannot close our eyes to the fact that the fragment of the State which in the revolutionary tumult has instituted a new organization is not possessed of the records, archives, symbols, traditions or capital of the Commonwealth."⁵⁵ Postmaster General Montgomery Blair also opposed and wrote: "As to the expediency of the measure, I do not think it either necessary . . . or proper to take the new step insisted on now."⁵⁶ Attorney General Edward Bates said: "It seems to me that this is a mere abuse, nothing less than an attempted secession, hardly valid under the flimsy forms of law."⁵⁷

However, Abraham Lincoln signed the bill on December 31, as West Virginians nervously waited for his decision.⁵⁸ He justified the action in part as follows:

The division of the State is dreaded as a precedent. But a measure made expedient by war is no precedent for times of peace. It is said that the admission of West Virginia is secession and tolerated only because it is our secession. Well, if we call it by that name there is still difference enough between secession against the Constitution and secession in favor of the Constitution. I believe the admission of West Virginia into the Union is expedient.⁵⁹

The constitutional convention reconvened in the Custom House on February 12, 1863. Waitman T. Willey spoke in favor of the proposed revisions to the constitution as contained in the statehood act. Attempts to obtain compensation for loyal slaveholders for the loss of their property failed, and the revisions passed the convention on February 17 with a vote of 54 in favor and none opposing. The voters approved the revisions to the constitution on March 26 by a vote of 27,749 to 572. Immediately, the president received the results, and Lincoln issued a proclamation on April 20 for the official admission of West Virginia on June 20, 1863.⁶⁰

West Virginia voters elected their first state officials on May 28, 1863. The Constitutional Union Party, led by gubernatorial candidate Arthur I. Boreman, won without marked opposition. About one-third of the area of the state, mostly in the South, did not

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participate in the elections.⁶¹

West Virginia became the thirty-fifth state on June 20, 1863. On that day, the Restored Government of Virginia vacated the Custom House for new headquarters in Alexandria, Virginia. That building, at 415 Price Street, still exists and has been recently restored.⁶² The West Virginia governor and other elected executive officers (auditor, treasurer, etc.) remained in their second floor offices in the Custom House until the end of April 1864.⁶³ The legislature moved to offices in the Linsley Institute building at the northwest corner of Chapline and 15th streets on June 20. That building still exists but has been heavily altered over the years and is now used as an office building. Thus, the Custom House resumed its function as the federal building and courthouse for West Virginia; in addition, the new West Virginia State Library was housed on the second floor. During the twentieth century, the building was known as the Conservative Life Building until about 1964, when it became known as West Virginia Independence Hall.

Despite constitutional questions at the time and among historians, Congress and the President found sanction in the constitution for the legitimacy of West Virginia and the Restored Government of Virginia. After the war, the Virginia government and the U.S. Supreme Court gave de facto recognition by recognizing the existence of a state government in West Virginia during the law suits over boundaries and the debt. If West Virginia had been considered to be any entity besides a state, either Virginia or the Supreme Court would have asked a lower court to take original jurisdiction in the suits.

Chronology of Events in the Wheeling Custom House, 1861-1865

Note: This section is based on R.Y. Spence's "West Virginia Independence Hall: From Custom House to State House," as edited by Beverly Fluty.⁶⁴ This chronology shows how the building and rooms in the building were used during the Civil War, when the building was used as a post office, Custom House, federal court, military center (arsenal), state house, capitol of Virginia, executive offices for West Virginia, quartermaster's office, armory, and space for the legislative, executive, and judicial branches of the government.

March 21-22, 1859: Wheeling's post office and custom house opened.

September 7, 1860: The federal court opened in the Wheeling Custom House for the first time.

April 20, 1861: "Information entitled to credit was lodged at the Post Office last night to the effect that an order had been issued by Gov. Letcher to one or more of the State military companies here to take and occupy the Custom House." Citizens rallied to defend the building and avoid the plight of other federal installations captured by Letcher's government in Richmond. (Daily Intelligencer, 20 April 1861)

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May 10, 1861: Daily Intelligencer announced that the citizens of Wheeling would raise "Stars and Stripes" over Wheeling Custom House next Monday afternoon [May 13] in en masse display of patriotism. The Daily Intelligencer for May 14 announced that over 5,000 had attended the festivities on the previous day. John Carlile spoke for statehood from the steps of the Custom House at this event.

May 14, 1861: 500 stand of arms arrived from State of Massachusetts for "the loyal city of Wheeling"; 1,500 more were expected on May 15. (Daily Intelligencer, 15 May 1861)

May 25, 1861: In a letter to Hon. Samuel P. Chase, Thomas Hornbrook, Surveyor of the Port of Wheeling, asked the government to take possession of the records of the telegraph office [not in Custom House but shows power of those in building]; some of Wheeling's secessionist citizens were communicating with "the rebels" in eastern Virginia. (National Archives, RG 56, G Series)

May 27, 1861: Due to the outbreak of war, delivery of mail to the seceded states was suspended, but the Wheeling post office, located in the Custom House, would continue to provide local mail service and to send letters north and to the western regions of Virginia.

June 13, 1861: The Second Wheeling Convention was called to order in the Custom House, after moving from Washington Hall.

June 13, 1861: John A. Carlile presented the document entitled "A Declaration of the People of Virginia, represented in Convention, at the City of Wheeling," a document often considered the "birth certificate of the Restored Government of Virginia" (Spence, 40).

June 19, 1861: The convention adopted "A Declaration of the People of Virginia" by a vote of 56 to 0. That night a caucus nominated Francis H. Pierpont for governor. (Spence, 41)

June 20, 1861: Francis H. Pierpont was elected governor by a unanimous vote of the convention. (Spence, 41). "A Declaration of the People of Virginia" was officially signed by the members of the convention.

The Wheeling Custom House was to be the capitol of the Restored Government of Virginia, housing both the executive and legislative functions of the government loyal to the Union, from June 20, 1861 to June 20, 1863. (Daily Intelligencer, 4-27-1864).

June 24, 1861: The United States Custom House was described as follows:

The building of the United States Custom House, in this city, was a fortunate thing for the new Government inaugurated last week by the Convention. It is nothing more or less than a fine State House -- a good deal finer than the one tenanted by the traitors at Richmond. The magnificent United States Court Room is just the hall for the Convention and will be just the place for the legislature when the

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Convention adjourns. And if the two bodies met together, which we presume they will, there is a fine spacious chamber on the floor beneath, quite the thing for the latter body. Then the different committee rooms, Governor's room &c., seem almost to have been made to order. We never could see before what all these fine rooms were set apart for. Now we know, and we begin to draw upon our ancient Calvinistic ideas, and see foreordination all around us. . . . (Wheeling Daily Intelligencer, 24 June 1861).

June 25, 1861: The second Wheeling Convention completed its work and adjourned until August 6, 1861. The Restored Government of Virginia began work in the Wheeling Custom House immediately. Francis H. Pierpont moved into an office on the southeastern corner of the second floor of the Wheeling Custom House (Spence, 43).

July 1, 1861: The General Assembly of the Restored Government met in the United States Court Room at the Custom House.

July 3, 1861: The Daily Intelligencer announced that some 75 boxes of arms were deposited the Custom House yesterday. These arms, plus those already deposited, had turned the Custom House/State House/Post Office into an arsenal.

July 18, 1861: A letter sent from the Collector of Customs (Thomas Hornbrook) at the Custom House to Secretary of the Treasury Salmon P. Chase:

By general consent of the Union men of Our City, County, and of loyal men of Western Virginia, friendly possession has been taken of the Second & Third stories of the Custom house Building in this City. (With the exception of My Office) for the use of the N.W. Va Convention, and Legislature and Senate of Va, (now in session) together with the different departments of the Commonwealths the Office rooms the U.S. Court room & other rooms are all taken care of and kept clean at their expense. I have kept an eye to the property and the furniture generally and try to see that they are taken care of.

An armed guard of soldier of from 10 to 15 men are on duty every Night by Governor F. H. Pierpoints request to protect the Building and property.

I am intimately acquainted with Governor and his Council and offices of the different departments and with the members of the Legislature and Senators of the Commonwealth of Va. They all by general consent have taken an interest in the Building & property generally as part and parcel of their own.

I am extremely happy to say my self that I much prefer the possession of the Building by Union Men than Secessionists.

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Mr. A. W. Campbell P. M. takes care of his apartment in the P.O. first floor, and if you desire me to take charge of the 2d and 3d floors of the Custom Hous [sic] building and its furniture and allow Our new government to make use of and keep possession of the same for any indefinate time (not interfearing with the Custom House offices and Inspectors when appointed and the use of the U.S. Court room when needed) Will you please give me some instructions, on this subject, and I remain [?] Very Truly [?], Thos. Hornbrook, Collector of Customs. (National Archives, RG 56, "G Series")

August 6, 1861: The Second Wheeling Convention was called to order in the Custom House.

September 1861: The delegates to the recessed session of the Second Wheeling Convention were in Wheeling to complete their work for the Restored Government. (Spence, 46)

October 31, 1861: Letter from Thomas Keaton, special agent to Secretary of the Treasury Chase, in regard to the lock on the vault in Hornbrook's office: "Knowing as I did that there were at the time some two millions of dollars in the vault belonging to the different Paymasters in the Army. . . ." (National Archives)

November 27, 1861 to February 18, 1862: The Constitutional Convention (officially "the convention to frame a new constitution for the state") was held for the new state in the court room at the Custom House.

November 29, 1861: The Daily Intelligencer announced that the House of Representatives and Senate would meet at Linsley Institute next Monday, through arrangements made by Hornbrook.

December 24, 1861: Story in Daily Intelligencer noting that Hornbrook was on trial for storing ammunition and "explosive matter" in the Custom House. At the trial, the newspaper reported on Christmas Day, Hornbrook claimed he was acting as "State Armorer." [Later, the keg powder was removed from the building, but the fixed ammunition remained because Gen. William Rosecrans did not feel that was a danger.]

May 6, 1862: Pierpont convened General Assembly to take "final action in the proposed division of the State of Virginia." (Lewis, 322) There is no documentation on the site of this meeting of the assembly.

May 13, 1862: General Assembly approved creation of West Virginia.

July 8, 1862: Soldiers' Aid Society organized in Custom House Court Room. (Spence, 54)

July 19, 1862 and August 7, 1862: Notices in the Daily Intelligencer that the Military

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Committee was meeting in the Custom House Court Room in response to Lincoln's call for Virginia to provide 2,080 men for 3-year terms of service, or the duration of the war. Pierpont urged all members of the legislature to act as agents to procure men for military duty.

September 5, 1862: An attempted robbery led to strict security for the building. The Custom House vault was located on the second story in the corner of the Collector of Customs' [Hornbrook's] room. It contained money belonging to the Pay Department. (Spence, 50) The Daily Intelligencer described the flight of the would-be robbers from the "Collector's room [Hornbrook's office in the southwest corner of the building] into the Adjutant General's office [now Records and Files room next to Governor's office, across hall from Collector's room], through the office of the Secretary of the Commonwealth and into the Auditor's office [which would have been in the northeast corner of the building]."

September 12, 1862: The Daily Intelligencer announced that samples for 4,500 uniform coats ordered by Pierpont could be seen at Hornbrook's office.

September 22, 1862: Letter from B. Smith, U.S. District Attorney, in the National Archives noted that 162 cases of treason and 27 civil cases were pending for trial in the U.S. Court Room in Wheeling in the District Court of the United States for the Western District of Virginia.

December 3, 1862: The Daily Intelligencer announced that the House of the General Assembly would meet at the Custom House Court Room on December 4, while the Senate would meet at the Linsley Institute.

1862: The 1879 History of the Pan-Handle describes the Custom House in 1862 as follows: The reorganized State of Virginia found an upper wing of the United States, beneath which it could bid defiance to the storm of adverse circumstances that now surrounded it, and the officers thereof, with the consent of Mr. Hornbrook, occupied, first as a hall for the State convention, the United States court room, and second as halls for the Legislature, the United States court room and his own official business room, and third the state officers, governor, secretary of state, adjutant general, treasurer of state and auditor of state were consecutively ranged from south to north on the east side of the second floor of the building, and they there remained until the advent of the new State of West Virginia.

The necessities of war had well nigh converted the custom house into an arsenal. Mr. Hornbrook, the surveyor, was also acting military storekeeper to Gov. F. H. Pierpoint, of the restored government of Virginia, in the distribution of United States supplies to the volunteers for the United States army, as well as agent for His Excellency in the care and keeping of stores belonging to the militia of the state. And as the dangers of the times rendered it inexpedient to take the arms

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and ammunition beyond the city limits for a long time, tons of those convincing arguments in war found a safe and convenient place of deposit within the custom house walls, the first receipt of which was one hundred boxes (2,000) guns from Governor Andrews, of Massachusetts, to Mr. Hornbrook, for the use of the loyal people of Western Virginia.

The courtesy of Captains Young and Stephens, the local inspectors of that date, was also brought into requisition and the United States paymasters department was allowed to occupy their room in the northwest corner, on the second floor of the building, and the inspectors attended to their office business in the third story, and in a room under the control of the United States marshal, while the care of Mr. Hornbrook for the public weal induced him to give up his office vault for the paymaster's use.

Thus we find matters at the custom house in 1862 (p. 205)

There was apparently no final authority on responsibility for the building and no clear way protecting it.

Week of April 22, 1863: Wheeling's citizens celebrated the creation of the new state of West Virginia. The Custom House would serve as the seat of the new government. (Spence, 55)

June 20, 1863: The official birthday of West Virginia. Arthur I. Boreman inaugurated as the first governor of West Virginia at Linsley Institute in Wheeling. Boreman would serve as governor for five years. The House and Senate of West Virginia moved to Linsley Institute that same day so that both groups could be in the same building and so that the governing bodies would not have to contend with the noise on the street in front of the Custom House. Executive offices stayed in the Custom House. The Restored Government of Virginia moved to Alexandria, Virginia.

June 1863: Hornbrook was put on trial for alleged abuses of the permit system related to the customs system. The grand jury brought two indictments against Hornbrook in September 1863.

February 25, 1864: The local inspector's office was occupied by the Paymaster. (National Archives)

April 27, 1864: The Daily Intelligencer on this date reported that the executive branch of the West Virginia government had finally left the Wheeling Custom House; the governor, auditor, treasurer, adjutant & quartermaster general, and secretary of state had moved their offices from the Custom House to Linsley Institute. The federal government continued operate the building as a Custom House, court, and post office.

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September 19-20, 1864: The Post Office was named a first class post office. (Spence, 64).
Rough and Ready Fire Company was presented with a silver trumpet at the Custom House for its work protecting the city.

Post-Civil War History of the Custom House

May 20, 1865: The Wheeling Daily Register for this date reported that the military court martial assembled at the Custom House the previous day.

September 29, 1866; October 10, 1866: References in the National Archives to the fact that the State Library of West Virginia was located in the second floor southeast room and the one adjacent to it.

January 14, 1867 Reference in the National Archives to the fact that military authorities had been in the Office of the Inspector at the Custom House from 1861 to 1866. They had their own furniture and took it with them when they left.

1870, Alfred Bult Mullett, an architect of the Treasury like Young, steepened the roof lines of the building, made some minor changes inside, and installed steps leading to a doorway on the south rear of the building. His 10 original drawings in color are in the possession of the West Virginia Independence Hall Foundation. In 1889-90, a "wart" was added to the central portion of the south side to accommodate a radial wrought-iron stairway constructed around an elevator. This revision occasioned a great deal of recrimination and controversy at the time and was generally regarded as an unnecessary expense.

In 1907, a new federal building was erected at the corner of 12th and Chapline streets in Wheeling. This move made it possible for the government to sell the old Custom House to Joseph Speidel and associates on August 31, 1912. At this time, a three-story addition was made to the south side of the building, and it became known as the Conservative Life Building.

In December 1913, the first floor was occupied by the Citizens National Bank, which added a Greek portico and steps to the front.

The Conservative Life group occupied the second floor. The third floor became the office building for the Hazel-Atlas Company. When this company's space needs grew, a fourth floor was added to accommodate them.

In 1963, the Centennial year of the State of West Virginia, the State purchased the property for \$100,000 and leased it to the West Virginia Independence Hall Foundation. In 1969, the State Legislature appropriated \$125,000, its first installment, toward the

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restoration of the building to its appearance during the Civil War period. Funds have also been contributed from private sources and various federal agencies. As a first step, in 1969-70, the top floor and addition on the south side of the building were removed. Numerous prominent architects and consultants have been used over the years, as the West Virginia Independence Hall Foundation has continued to be responsible for the restoration of the building. In 1980, the foundation gave the building back to the State of West Virginia, which now manages it as part of the Department of Culture and History. The building is now open to the public and houses exhibits related to area history.

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Notes

1. Charles H. Ambler and Festus P. Summers, West Virginia: The Mountain State, 2nd ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1958), pp. 188-189.

2. Otis K. Rice, West Virginia: A History. (Lexington: University Press of Kentucky, 1985), pp. 114-115.

3. Ibid., pp. 116-117.

4. Ibid., p. 117.

5. Washington Hall was later destroyed by fire.

6. Ibid., p. 118.

Virgil A. Lewis, ed., How West Virginia Was Made (Charleston: News-Mail Co., 1909), pp. 34, 48, 54, 64.

8. George Ellis Moore, A Banner in the Hills (New York: Appleton-Century-Crofts, 1963), pp. 48-53, 65-76.

9. John J. Jackson, Jr., was also a delegate at the May convention.

10. Lewis, How West Virginia Was Made, pp. 36-40, 42-43.

11. Ibid., pp. 36-40, 41, 45.

12. Ibid., pp. 48-53, 58-59, 64-66.

13. Ibid., pp. 62-65.

14. How West Virginia Was Made, p. 77; Daily Intelligencer, 8 August 1861; Daily Intelligencer, 29 May 1861; Daily Intelligencer, 5 June 1861; and Daily Intelligencer, 4 June 1861.

15. Charles H. Ambler, Francis H. Pierpont (Chapel Hill: Univ. of North Carolina Press, 1937), pp. 89-90, 92, 94-97; and Moore, A Banner in the Hills, pp. 64, 66. The information about storing arms in the Custom House is related in Colonel Hubbard's address to the 1886 Tri-State Reunion, as documented in G.L. Crammer, History of Wheeling City and Ohio County, W.Va. and Representative Citizens (Chicago, 1902), pp. 215, 216; in J. H. Newton, ed.,

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History of the Pan-Handle; Being Historical Collections of the Counties of Ohio, Brooke, Marshall and Hancock, W. Va. (Wheeling, 1879), p. 205; and in "Arrival of Arms," Daily Intelligencer, 3 July 1861. An article on 6 August 1861 in the Daily Intelligencer refers to the expected arrival of weapons from Washington, D.C. Hornbrook was later put on trial for storing arms in the Custom House (Daily Intelligencer, 24 December 1861).

16. Ambler, Francis H. Pierpont, p. 94.

17. Ibid.

18. Richard Orr Curry, A House Divided (Pittsburgh: Univ. of Pittsburgh Press, 1964), p. 163.

19. Daily Intelligencer, 20 April 1861.

20. Moore, A Banner in the Hills, pp. 47-49.

21. Rice, West Virginia: A History, p. 121.

22. James G. Randall, Constitutional Problems under Lincoln (New York: D. Appleton & Co., 1926), p. 443.

23. Boreman had been a member of the Virginia General Assembly meeting in Richmond before secession. Choosing him as president lent credibility and continuity to the convention.

24. Lewis, How West Virginia Was Made, pp. 81, 84.

25. Ibid., pp. 83-84, 96-110.

26. Daily Intelligencer (Wheeling), 1 July 1861, p. 3.

27. Lewis, How West Virginia Was Made, pp. 92-93.

28. Rice, West Virginia: A History, pp. 121-122. Historians today spell the governor's name "Pierpont," but some contemporary sources spell it as "Peirpoint." It is possible that the "pont"/"point" distinction reflects a regional pronunciation still found in West Virginia in which "pont" is pronounced as "point."

29. New York Daily Tribune, 6 July 1861.

30. Daily Intelligencer, 10 July 1861.

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31. Ambler, Francis H. Pierpont, pp. 94, 103, 109-110, 113-114. Carlile, Brown, and Whaley were elected at the May 23, 1861 election, which confirmed the secession action of the Richmond convention. They were seated as representatives from Virginia, but the government in Richmond did not recognize them, since Richmond was no longer in the Union. The only "government" that recognized them when elected was the House of Representatives since there was not yet a Restored Government. After July 4, Brown and Whaley continued to represent the Restored Government in the House of Representatives; Carlile, after July 9, served in both the House of Representatives and Senate for the Restored Government until the next election.

32. Granville Davisson Hall, The Rending of Virginia (Chicago: Mayer & Miller, 1902), pp. 332-333, 340-341.

33. Ambler and Summers, West Virginia: The Mountain State, p. 206; Virginia (U.S.A.), General Assembly, Acts of the General Assembly, regular sess., 1861, chap. 31.

A few sessions of the legislature were held at Linsley Institute; for example, on 4 December 1862, the House of Delegates met in the Custom House Court room, while the Senate met at Linsley Institute (Daily Intelligencer, 5 December 1862).

35. Daily Intelligencer (Wheeling), 3 July 1861, p.3.

36. Rice, West Virginia: A History, p. 122; Virginia (U.S.A.), General Assembly, Acts of the General Assembly, extraordinary sess., 1861, p. 17.

37. Lewis, How West Virginia Was Made, pp. 186-190.

38. This committee was created on the day the adjourned session of the General Assembly reconvened.

39. Ibid., pp. 204-216.

40. Lewis, How West Virginia Was Made, pp. 295, 300. On August 21, Newman of Wirt County obtained permission to vote and voted nay, making it 48 to 28. Rice, in West Virginia: A History, gives the vote as 50 to 28 (p. 140).

41. Ibid., pp. 282-295.

42. Rice, West Virginia: A History, p. 140. Hagans, in Erection and Creation of the State of West Virginia (p. 70), and Lewis, in How West Virginia Was Made (p. 38), say the vote was 18,408 to 481, but Rice and other sources say 781.

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43. Ambler et al., Debates and Proceedings of the First Constitutional Convention of West Virginia (1861-1863) (Huntington, W.Va.: Gentry Brothers, 1942), 1: 103, 107, 308-372.
44. Ibid., 2:971, 3:421, 882.
45. Ibid., 3:879.
46. Ambler and Summers, West Virginia: The Mountain State, pp. 323-326.
47. Rice, West Virginia: A History, p. 146.
48. Ibid., pp. 146-147.
49. Ibid.
50. Ambler and Summers, West Virginia: The Mountain State, p. 241.
51. Rice, in West Virginia: A History, says that he received the bill on December 15.
52. Hall, The Rending of Virginia, p. 490.
53. Ibid., p. 491.
54. Ibid.
55. Ibid.
56. Ibid., p. 492.
57. Ibid., p. 493.
58. The Daily Intelligencer for December 1862 was full of stories about the progress of the bill from the House of Representatives to Lincoln's desk, with questions raised about the date Lincoln received the bill, whether he requested that it not be sent to him immediately so that he would have time to consider it more carefully, and whether Congress' adjournment on December 23rd affected the status of the yet-unsigned bill. Presumably, Lincoln had many other issues to consider at the time, especially since the Emancipation Proclamation was due to take effect on January 1, 1863.
59. Ibid., p. 496.
60. Rice, West Virginia: A History, pp. 150-151.

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61. Ibid., p. 152.

62. Beverly B. Fluty, 21 January 1988 telephone conversation with Mrs. James H. L. Jacob of Jacob & Roberts, realtors located across from "The State House," who sold the property.

63. Wheeling Intelligencer, 27 April 1864; Wheeling Intelligencer, 26 September 1863; and Williams' Wheeling Directory City Guide and Business Mirror for 1864.

64. Fluty's research is based on documents from the National Archives in the possession of the West Virginia Independence Hall Foundation, as well as on other research that she did on the time period.

9. Major Bibliographical References

See continuation sheet.

☐ See continuation sheet

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67)
has been requested
- ☒ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☒ recorded by Historic American Buildings
Survey # limited file only
- ☐ recorded by Historic American Engineering
Record # _____

Primary location of additional data:

- ☐ State historic preservation office
- ☐ Other State agency
- ☐ Federal agency
- ☐ Local government
- ☐ University
- ☐ Other

Specify repository:

Files of West Virginia Independence Hall
Foundation & Beverly Fluty, Ridge Runner
Farm, Stone Church Road, Wheeling, WV 2600

10. Geographical Data

Acreage of property .4 acres

UTM References

A

1	7
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5	2	3	7	0	0
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4	4	3	4	7	1	0
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Zone Easting Northing

C

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B

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Zone Easting Northing

D

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☐ See continuation sheet

Verbal Boundary Description

Property owned by the Public Land Corporation of West Virginia at southwest corner of 16th and Market streets, Wheeling, W.Va. Original National Register nomination in 1970 gave latitude as 40° 3' 51.35" and longitude as 80° 43' 18.81".

☐ See continuation sheet

Boundary Justification

This is property owned by Public Land Corporation of West Virginia, which owns Wheeling Custom House now. Property to north and west of building is privately owned and does not relate to Wheeling Custom House now. South and west boundaries are city streets.

☐ See continuation sheet

11. Form Prepared By

name/title Barbara J. Howe (see credits list for research assistance)

organization Public History Program date 18 March 1988

street & number West Virginia University telephone 304-293-2421

city or town Morgantown state West Virginia zip code 26506

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Credits

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Research on events in Wheeling Custom House by Beverly Fluty, president, West Virginia Independence Hall Foundation, and by Dorothy Akubue, Ph.D. student, West Virginia University Department of History, Morgantown, W.Va.

Research on events in Wheeling during statehood conventions by Beverly Fluty.

Research on significance of structural system of building by Emory L. Kemp, Professor of the History of Science and Technology and of Civil Engineering, West Virginia University, Morgantown, W.Va.

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Editor and project manager: Barbara J. Howe, Director of West Virginia University Public History Program



