



Francis H. Pierpont

*Courtesy of The University of North Carolina Press*

# The City of Alexandria — One Time Capital of Virginia

By ROBERT NELSON ANDERSON\*

Any article dealing with the existence of the City of Alexandria as the one time Capital of Virginia must consider the story of Francis Harrison Pierpont who was born in what was then Monongalia County, Virginia, on January 25, 1814, for the two are interwoven. School teacher, lawyer, industrialist, father of the so-called Restored Government of Virginia and its Governor (1861-68); father of West Virginia (1861-63); United States Congressman (1870); U.S. Collector of Internal Revenue (1881); he died in Pittsburgh, Pa., at the home of his daughter on March 24, 1899, and was buried in Fairmont, West Virginia. His was a very full life and we can only touch on the highspots leading up to the establishment of the City of Alexandria as one time Capital of Virginia.<sup>1</sup> But in order to place these particular events in their proper perspective it is necessary to review some of the earlier events and happenings in Virginia and the South that brought this about.

By 1840 Virginia began to recover from a severe agricultural depression. But even as Virginia grew more prosperous the agitation over slavery was carrying her down the road to civil war. The controversy over slavery in the territories and the debates over the fugitive slave law made for increased bitterness between North and South during the 1850's but the attempted slave insurrection on Virginia's own soil supported by John Brown of Kansas, an Absolutionist, did most to excite Virginian emotions and fears.

The victory of Abraham Lincoln in the presidential election of 1860 led the States of the far South to take a long-threatened step and withdraw from the Union. South Carolina seceded on December 20, 1860,<sup>2</sup> and was followed by five other Southern States, namely: Georgia, Florida, Alabama, Mississippi, and Louisiana. On February 8, 1861, at Montgomery, Alabama, these six states established a new nation called the Confederate States of America.

Although political, economic and social interests drew Virginia toward the Confederacy, Virginians hesitated to withdraw from the Union their fathers had done so much to establish and maintain. Unionist sentiment was still strong in many areas, particularly in the western part of the State,

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\* Third president of the Arlington Historical Society and first editor of its *Magazine*.

<sup>1</sup> For greater detail on the life history of Pierpont, see the excellent biography by Charles H. Ambler, Professor of History, West Virginia University, published by the University of North Carolina Press, Chapel Hill, 1937.

<sup>2</sup> See *American Heritage Civil War Chronology*, New York, 1960, as to this and some other dates herein.

and Virginians participated in futile attempts to reach a compromise between the Lincoln Government at Washington and the Confederates in Montgomery. But on March 1, 1861, the United States Congress formally refused to consider Virginia's peace conference proposals.

Three days after the surrender of the Federal garrison at Fort Sumter President Lincoln called for 75,000 volunteers from all the states that were still in the Union to put down the "insurrection" in the South. Governor John Letcher of Virginia refused to provide a single man for this purpose, and on April 17, 1861, a secret Virginia Convention, called in February to consider the Commonwealth's course of action, rather than share in the subjugation of Virginia's sister states, by a vote of 88 to 55 adopted an Ordinance of Secession.<sup>3</sup> The Ordinance of Secession was ratified by the people on May 23, 1861, by a margin of more than six to one. Most of the votes against withdrawal came from the far western counties. Thus Virginia joined the Confederacy just two days after the Confederate Congress had voted (May 21, 1861) to move the Confederate Capital to Richmond and from that time on Richmond was the center of the new nation.

In the month between the action of the Virginia Convention on Secession and the ratification of this action by the people of Virginia, the only step taken by the defenders of the City of Washington was a limited surreptitious reconnaissance of the areas around the Virginia end of the Aqueduct and Long Bridges. However, on the night of May 23-24, 1861, 10,000 Federal troops crossed the Potomac into Virginia and occupied the City of Alexandria and thus, in the words of Miss C. B. Rose, Jr., in her article on "Civil War Forts in Arlington" (*The Arlington Historical Magazine*—October 1960, page 14), "beginning for Arlington one of its most important periods historically."

In northwest Virginia following the adoption of the Secession Ordinance events moved as rapidly and as illegally as they did east of the mountains at the same time. Of the 47 delegates from what is now West Virginia in the Secession Convention at Richmond only fifteen or about 1/3 of the total voted in favor of secession. In the absence of a better criterion this vote may be taken as an index to the sentiments of leaders in northwest Virginia.

It is interesting to note that Francis H. Pierpont, who within less than six months was to play a leading role in northwest Virginia, was not a delegate to the Secession Convention at Richmond. An ardent anti-slavery and Union man, he had supported Lincoln in the election of 1860. As early as April 3, 1861, he had written a friend that the difficulty that was developing between the great sections of the Union could not be "settled without a fight."<sup>4</sup>

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<sup>3</sup> *Ordinances Adopted by the Convention of Virginia in Secret*, April and May, 1861, p. 3; *Acts of General Assembly of the State of Virginia passed in 1861*, Richmond, 1861.

<sup>4</sup> Charles H. Ambler, *Francis H. Pierpont*, Chapel Hill, N.C., 1937; p. 79.

The Virginia Secession Ordinance was no sooner adopted than the people of northwest Virginia including the delegates who had not voted against it, began to express themselves in opposition. As usual the method was through mass meetings. A large meeting on April 22, 1861, at Clarksburg adopted resolutions recommending among other things that "the people" in each of the counties comprising northwest Virginia elect no less than five of "their wisest, best and discreetest men, to meet in Convention on the 13th day of May next (at Wheeling), to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency."<sup>5</sup>

### The Wheeling Conventions

The Wheeling Convention for which Pierpont's speeches helped pave the way, met in Washington Hall on the 13th of May 1861 as planned. Present were 430-odd delegates representing 27 counties, all but one of which, Frederick, are now a part of West Virginia. On the second day of the Convention, John S. Carlisle, who had been a member of the Virginia Secession Convention, revealed his main purpose was to proclaim a "New State" in the Federal Union. However, from the first, leading members of the Wheeling Convention, including Pierpont, opposed Carlisle's plan as precipitate and revolutionary. As a result the Wheeling Convention merely condemned the Virginia Secession Ordinance as "unconstitutional, null and void" and urged the voters of northwest Virginia to repudiate the Ordinance and to elect the forbidden representatives to the Federal Congress as well as the usual members to the General Assembly. Perhaps the most important action accomplished was that authorizing "the people" of all counties of northwest Virginia on the 4th of June to appoint delegates to a General Convention to meet on the 11th of the same month at a place to be indicated later.

On the appointed day the body thus assembled met in Washington Hall and was known thenceforth as "the Second Wheeling Convention." It consisted of about 100 delegates representing 34 counties, all but two of which, Alexandria and Fairfax, are now a part of West Virginia. With preliminaries out of the way the Convention went through the motions of reorganizing the Government of Virginia, both state and local, on a loyal basis.

On June 19th, the Convention adopted "An Ordinance for the Re-organization of the State Government" of Virginia.<sup>6</sup> Loyal persons elected in the preceding May were declared to be "the Legislature of the State" which was authorized "to discharge the duties and exercise the powers pertaining to the General Assembly." Until the seal of the Commonwealth could be

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<sup>5</sup> *Ibid.*, p. 82.

<sup>6</sup> *Ordinances of the Convention Assembled at Wheeling*, June 11, 1861, Wheeling, Va., 1861; pp. 40-42.

ORDINANCES  
OF THE  
CONVENTION,  
ASSEMBLED AT WHEELING,  
ON THE  
11TH OF JUNE, 1861.

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*Printed by Authority of the Convention.*

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WHEELING, VA:

1861.

*Title page of the Ordinances of "the Second Wheeling Convention" which include "An Ordinance for the Reorganization of the State Government" of Virginia [the so-called Restored Government] adopted June 19, 1861, and "An Ordinance to Provide for the Formation of a New State [West Virginia] out of a Portion of the Territory of this State," adopted August 20, 1861.*

ACTS  
OF THE  
GENERAL ASSEMBLY,  
PASSED AT THE  
EXTRA SESSION,  
HELD  
JULY FIRST, 1861.  
AT THE  
CITY OF WHEELING.

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WHEELING:

PRINTED AT THE DAILY PRESS BOOK AND JOB OFFICE, 186, MARKET STREET.

1861.

*Title page of the Acts of the first General Assembly held after the establishment of the so-called Restored Virginia Government.*

altered so as to suit the needs of the Restored Government, an order of the Convention authorized the use of the seal of the Commonwealth with the additional words "Liberty and Union." Through the efforts of Pierpont and others, plans and proposals looking to the immediate dismemberment of Virginia and the formation of a New State were abandoned in a concerted effort "to put down rebellion and restore peace to the country."

Following the adoption of the Ordinance, Francis H. Pierpont, on June 20, 1861, was unanimously elected Governor of Virginia to serve until such time as an "election can be properly held."

Six days after the adjournment of the Convention, or on July 1, 1861, the General Assembly convened at Wheeling in extraordinary session in pursuance of a call of June 22nd, issued by Governor Pierpont and the authorization of the Convention.<sup>7</sup> The General Assembly consisted of eleven Senators and forty-nine Delegates representing forty-eight counties. With all those present the proposed New State was a perennial topic which the contemporaneous victories of the Union forces in northwest Virginia pushed to the front. However, after much discussion the General Assembly merely adopted a series of resolutions to the effect that the dissimilarities between the industrial and commercial interests of eastern and western Virginia were such as to require the division of the State but that such action was inexpedient at that time. It was further resolved that the preliminaries leading to such a movement "should emanate from a Convention and not from a General Assembly."

Despite the fact that the Restored Government was not yet two months old, the Second Wheeling Convention reconvened August 6th, the date fixed at the time of its adjournment. Leaders in the "inner tier" of counties were determined to have the New State movement go ahead. Indeed, former secessionists were said to be eager to board the New State bandwagon. At first the various positions taken resulted in temporary chaos. However, as in previous conventions the Wheeling lawmakers found a way out of their difficulties through compromise: the Convention, on August 20, 1861, adopted "An Ordinance to Provide for the Formation of a New State out of a Portion of the Territory of this State."<sup>8</sup> The vote on adoption was 48 for, 27 against. Among the "inner" counties, Marion, the home of Pierpont, stood alone in opposition to dismemberment. The negative vote in the counties east of the Allegheny Mountains may have been because they were not included in the proposed New State without condition. Delegates from the three counties along the Potomac to the east of Jefferson in what is now Virginia, namely Loudoun, Fairfax, and Alexandria, voted against dismemberment.

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<sup>7</sup> *Acts of the General Assembly* passed at the Extra Session, July 1, 1861, at the City of Wheeling; Wheeling, Va., 1861.

<sup>8</sup> *Ordinances of the Convention Assembled at Wheeling*, June 11, 1861; pp. 54-59.

## The State of Kanawha

As finally approved in the Dismemberment Ordinance the New State, to be called the State of Kanawha, was to embrace 39 counties, all west of the Allegheny Mountains. Delegates to a proposed Constitutional Convention were to be chosen by the qualified voters on the following October 24, 1861, when the vote on the Dismemberment Ordinance was also to be taken. On or before November 15th, the result of this vote was to be determined and proclaimed, and, if it were favorable to dismemberment, duly elected delegates were to meet on November 26, 1861, and draft a Constitution for the proposed New State.

As planned, a representative Convention assembled in Wheeling November 26, 1861, to frame a Constitution for the proposed State of Kanawha. There were 61 delegates. As in the Second Wheeling Convention the question of a suitable name for the state received the attention of the Constitution framers. After much debate, in the course of which affection was disclosed for "Virginia" and something of bitterness for "Kanawha," the name of the proposed state was changed to West Virginia.

With respect to Negro slavery, the Convention adopted a rather innocuous provision to the effect that "No slave shall be brought or free person of color come into this State for permanent residence after this Constitution goes into operation." Despite the disappointment in some circles because of this provision of the Constitution regarding Negro slavery the Convention ended its work under otherwise auspicious circumstances and on April 3, 1862, the Constitution was approved in a popular referendum by a vote of 18,862 for, to 514 against.

Following the adjournment of the regular session of the Restored Government's General Assembly on February 13th, 1862,<sup>9</sup> and the adjournment of the Constitutional Convention five days later, the Restored Government's General Assembly met in extraordinary session on May 6th, 1862, to take final action on the dismemberment of Virginia and the formation and admission of West Virginia. On May 18th, 1862, the General Assembly of the Restored Government, which five days before had given final assent to the dismemberment of Virginia and the formation of West Virginia,<sup>10</sup> adjourned. The *Wheeling Intelligencer* hopefully announced that its next meet would be in Richmond.

On May 22nd, Governor Pierpont was elected the Restored Government's Governor by the people. In compliance with an act of the Assembly<sup>11</sup> he

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<sup>9</sup> *Acts of the General Assembly* passed at the Regular Session held December 2, 1861, at the City of Wheeling, Wheeling, Va., 1862.

<sup>10</sup> *Acts of the General Assembly* passed at the Extra Session held May 6, 1862, at the City of Wheeling, Wheeling, Va., 1862; pp. 3-4.

<sup>11</sup> *Acts of the General Assembly* held December 2, 1861, in the City of Wheeling, pp. 26-27.



ACTS  
OF THE  
GENERAL ASSEMBLY,  
PASSED AT THE  
REGULAR SESSION,  
HELD  
December Second, 1861,  
AT THE  
CITY OF WHEELING.

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WHEELING:  
PRINTED AT THE DAILY PRESS BOOK AND JOB OFFICE.

1862.

*Title page of the Acts of the second General Assembly held after the establishment of the so-called Restored Virginia Government. Chapter II of these Acts contain an Act*

## CHAPTER II.

### AN ACT to provide for the organization of the County Court of Alexandria, and other purposes.

Passed December 10, 1861.

1. WHEREAS, It appears to the General Assembly that an election was held on the 20th day of November, 1861, in the county of Alexandria, for Justices of the Peace and other county officers, to supply vacancies created under the operation of the ordinance entitled, "An Ordinance ascertaining and declaring in what cases offices are vacated under the Declaration of June 19, 1861,"—and it is important to provide for the speedy organization of the County Court of said county, and for the qualification of said officers :

Be it enacted by the General Assembly, That the commissions issued and delivered by the Governor of this Commonwealth to the Justices so elected, shall be legal and valid ; and the said Justices, or such number of them as the law requires, after having qualified as such by taking the several oaths prescribed by law, are authorized and empowered to hold the County Courts of said county, and perform all the duties and functions of Justices of the Peace therein, any existing law to the contrary notwithstanding; and it may be lawful for such Court to hold a special term on the third Monday of the present month.

2. Be it further enacted, That it shall be lawful for the person chosen at said election to be the Clerk of said Court, to administer (before he himself is qualified according to law) all necessary oaths to the said Justices; and the said oaths, so taken and administered, shall be as effectual, to all intents and purposes, as if taken and administered after the qualification of said Clerk.

3. This Act shall be in force from its passage.

*to provide for the organization of the County Court of Alexandria and other purposes passed December 10, 1861. This Act shows the authority possessed by the so-called Restored Virginia Government over the County of Alexandria (now Arlington)*

JOURNAL  
OF  
THE SENATE  
OF THE  
COMMONWEALTH OF VIRGINIA,  
REGULAR SESSION,  
IN THE  
CITY OF WHEELING,  
On Monday, the 2d day of December, 1861.

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WHEELING:  
A. S. TROWBRIDGE, STATE PRINTER.

1861.

*Title page of the Journal of the Senate for the second General Assembly held after the establishment of the so-called Restored Virginia Government. This Journal (p. 203) reports Senate Bill No. 19 which was "An Act for the cession of Alexandria County [now Arlington] to the United States of America, to constitute a part of the*

On motion of Mr. Close,

No. 19 Senate Bill, entitled "An Act for the cession of Alexandria county to the United States of America, to constitute a part of the permanent seat of the General Government," was taken up.

The question being upon the amendment offered by Mr. Close on yesterday, was put and decided in the affirmative.

On motion of Mr. Stuart, the substitute was further amended by adding thereto the following: "This Act shall not go into effect until after the question shall be submitted to the qualified voters of the territory proposed to be ceded, and a majority vote in favor of the proposition."

The question upon the adoption of the substitute as amended, was put and decided in the affirmative.

The bill as amended was then read the third time. The question being upon the passage of the bill as amended, the yeas and nays were demanded; which demand being sustained, the vote was recorded as follows:

YEAS—Messrs. Burley, Cather, Close, Fletcher, Gist and Slack—6.

NAYS—Messrs. Carleton, Jackson, Stuart and Watson—4.

ORDERED, That the Clerk inform the House of Delegates of the passage of said bill, and request their concurrence.

On motion of Mr. Gist,

No. 48 House Bill, entitled "An Act appropriating the public revenue for the fiscal years 1861-2, 1862-3, and a part of the fiscal year 1863-4," was taken up.

Mr. Gist moved that the Senate recede from the first amendment to said bill, viz: After the words, "To pay Clerks in the Auditor's office," strike out "\$800 to the first and \$500 to the second," and insert "\$700 to the first and \$400 to the second."

The question was put thereupon, and decided in the negative.

Mr. Cather moved that the Senate recede from the second amendment to said bill, viz: After the words, "To salary of Clerk of the Treasury," strike out "\$200." The question was put thereupon and decided in the negative.

Mr. Jackson moved that the Senate recede from the third amendment to said bill, viz: After the words, "To the Civil Contingent Fund," strike out "\$15,000" and insert "\$20,000."

Mr. Jackson moved that the Senate recede from the fourth amendment to said bill, viz: Strike out, "To the Clerk of the House of

*permanent seat of the General Government." This bill was passed by the Senate and had it also passed the House, what is now Arlington County would probably be a part of the District of Columbia.*

was chosen to fill an unexpired term caused by the secession of Virginia and Governor Letcher's efforts to ally her with the Southern Confederacy. With thirty-two counties voting, four of which, Accomac, Alexandria, Northampton and Fairfax are now a part of Virginia, he received a total of 14,824 votes and despite the fact that this total was less than one-tenth of the voting strength of Virginia under normal conditions he was declared the "duly elected Governor of Virginia."

Shortly thereafter, on May 29th, 1862, a petition requesting the admission of West Virginia to separate statehood was presented to the United States Senate by Senator Willey who had been named Senator by the Restored Government. In the course of the debate that followed the Senate made the admission of West Virginia conditional upon her acceptance of an amendment to her Constitution providing for the gradual abolition of Negro Slavery (the so-called Willey amendment).

Thereafter, a personal and factional bitterness developed with respect to the West Virginia Statehood bill and its favorable action by the House of Representatives on December 10, 1862, was hailed locally with delight. However, when President Lincoln failed to sign the Statehood bill immediately following its approval by Congress advices began to reach Wheeling to the effect that a veto was expected. But as a result of some maneuvering and persuasion on the part of the proponents of the bill Lincoln signed it on December 31, 1862.

Had there been no other hurdles to clear, the joy occasioned by this act would have been unrestrained among its friends. But since that admission was only conditional, it was necessary to reconvene the Constitutional Convention in order to hold another popular referendum. On February 20, 1863, a second Constitutional Convention met and unanimously ratified the Willey amendment, and designated Wheeling as the capital of the New State.

### **Removal of the Restored Government**

The admission of West Virginia to separate statehood left in existence the Virginia Restored Government with Pierpont as Executive Head. The Old State Government under Governor Letcher, of course, continued to operate in Richmond. Having declined official preferment in West Virginia in which he had not held an elective office and of which he was already recognized as father, and with the elective officers of the New State determined to his satisfaction, Pierpont prepared to leave Wheeling and to establish the capital of the Restored Government elsewhere. He visited Norfolk, Portsmouth, Alexandria, and other places that were not under Confederate

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<sup>12</sup> See *Journal of the House of Delegates*, Extra Session held in the City of Wheeling, December 4, 1862, Wheeling, Va.; pp. 39, 43, 45, 90, 117; *Journal of the Senate*, Extra Session held December 4, 1862, Wheeling, Va., 1862; pp. 27, 29, 58, 62, 66, 70.

control with this in mind. It was perhaps on this journey that he, after a conference with Lincoln chose Alexandria for the capital of the Restored Government.<sup>12</sup> Alexandria was under the shadow of the Federal Capital, and as Pierpont's defensive forces were now reduced to a minimum, if indeed they were not entirely eliminated, he needed protection to carry on if in a more simple manner. Here his authority and administration, still recognized by President Lincoln and by Congress, were exercised over such portions of the remaining Virginia as came under the permanent control of the Union armies. From first to last the area administered by Pierpont was small. At no time did it comprise more than Alexandria, Fairfax, and Loudoun Counties, the Eastern Shore and the region in and about Norfolk.

Pierpont did not make this move to Alexandria without full realization of the consequences, which involved giving up a regime conceived and maintained in popular favor for one with no such favor and sustained largely by force. In this shift, which occurred in the early part of 1863, he was motivated by the hope that ultimately he would be instrumental in restoring the Mother of Commonwealths to her place in the Federal Union. Always his objective was Richmond, but nothing was neglected to make the Alexandria government effective and respectable. Already, by a Convention meeting in Alexandria on May 14, 1863, he had been nominated to succeed himself as Governor for the term beginning January 1, 1864. Also provisions were made to fill vacancies in the General Assembly. He had so husbanded his finances as to be able to carry on, even if taxes and other funds were lacking.

Despite frequent visits to Washington and less frequent ones to the White House, Pierpont's first months in Alexandria hung heavily upon him. Often his thoughts rested on his family. In a letter written to Julia, his wife, and those "dear children" during a hot spell in August 1863 he told them about his pleasant quarters in the City Hotel. These consisted of a room "connected with a nice parlor" which according to tradition had been Washington's ballroom.<sup>13</sup>

In keeping with a practice established at Wheeling he refused to see business callers on Sunday. The executive duties of the diminutive state, never arduous, permitted this.

The state election, postponed from time to time because of war conditions and other reasons<sup>14</sup> was held December 2, 1863. As a result and despite the fact the state constitution forbade a Governor to succeed himself, Pierpont was declared elected. The rationale was that he had filled an "unexpired" term. As announced in the *Alexandria Gazette*, December 4,

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<sup>13</sup> Charles H. Ambler, *op. cit.*, p. 214.

<sup>14</sup> See Act authorizing the Governor to postpone the May elections for the year 1863 passed January 30, 1863, in *Acts of the General Assembly* passed at Extra Session commenced December 4, 1862, Wheeling, Va., 1863; p. 31.

1863, he received 3,755 votes, probably the whole number cast as he was unopposed.

### The Government in Alexandria

As long planned by Pierpont, on December 7, 1863, the General Assembly of the Restored Government met in regular session in the chambers of the City Council. Although only six Senators representing Fairfax, Alexandria, Accomac, Norfolk, and Loudoun Counties together with the City of Norfolk, and seven Delegates representing Norfolk, Loudoun, Alexandria, Northampton, and Prince William Counties were in attendance, they, under the direction of Pierpont, proceeded to legislate for the entire Commonwealth.<sup>15</sup>

Despite the indefiniteness of the territory over which he governed and the changed conditions under which he tried to carry on at Alexandria, Pierpont took his duties seriously. The customary message to the General Assembly offered a fine opportunity to expound his theories, as well as the practical exigencies, out of which the Restored Government had grown and much was made of the opportunity thus afforded. See *Journal of the House of Delegates*, Session 1863-4, Alexandria, Va. 1864 (pp. 6-19).

Following a plan then maturing in the mind of President Lincoln whose confidence Pierpont shared, Pierpont hoped to find enough capable and loyal persons who would assist in reorganizing the state government on a loyal basis, and that of each county as well. As a means to this end he recommended a Constitutional Convention.

Reflecting the traditional conservatism of Virginians and perhaps the mercenary interests of loyal masters, a member of the Assembly condemned the haste with which it was proposed "to perform one of the most momentous acts in the history of the state."<sup>16</sup> This and possibly other similar sentiments were reflected in the divided vote by which the Convention bill was passed. In the House of Delegates the vote was 7 for, 4 against, while the Senate was 5 for, 1 against.<sup>17</sup>

Among other acts of this session of the Alexandria Assembly was that of completing the personnel of the state government. An Act was passed authorizing local officers, wherever possible to resume and continue their functions and thus the Alexandria Government despite the ridicule which it sometimes invoked, became a going concern.

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<sup>15</sup> *Acts of the General Assembly* of the State of Virginia passed at Regular Session commencing December 7, 1863, Alexandria, Va., 1864.

<sup>16</sup> Charles H. Ambler, *op. cit.*, p. 220.

<sup>17</sup> "Act to provide for the election of Delegates by the people to a Convention to assemble in the City of Alexandria February 13, 1864, to alter and amend the Constitution of the State of Virginia," *Acts of the General Assembly* passed at Regular Session, Alexandria, 1864; pp. 4-8.

**ACTS**  
OF THE  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF VIRGINIA.**

PASSED AT THE  
**REGULAR SESSION.**

Commencing December 7th, 1863, in the 86th year of the Commonwealth



"STATE JOURNAL" PRINT, ROYAL STREET, ALEXANDRIA, VA.

1864.

*Title page of the first Acts of the so-called Restored Government of Virginia after the removal of that Government to the City of Alexandria in the spring of 1863.*



**CONSTITUTION**

OF THE

**STATE OF VIRGINIA,**

AND

**THE ORDINANCES**

ADOPTED BY

**THE CONVENTION**

WHICH ASSEMBLED AT

**ALEXANDRIA,**

**ON THE 13TH DAY OF FEBRUARY, 1864.**

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ALEXANDRIA,

D. TURNER, PRINTER TO THE STATE.

1864.

*Title page of the Constitution adopted for the State of Virginia after the removal of the so-called Restored Virginia Government to Alexandria City.*

On February 13, 1864, the Constitutional Convention met in Alexandria. It was composed of 16 delegates representing 15 counties, and was presided over by Le Roy G. Edwards of Portsmouth County. Actually the Convention made few changes in the Virginia Constitution of 1851 other than to abolish Negro slavery and to authorize regulatory laws for the freedmen. Under the latter, county courts were empowered to apprentice Negro children on the same terms and conditions as they did white children. A provision, the first in Virginia's fundamental law, authorized a free public school system for both blacks and whites. In keeping with a practice already adopted in West Virginia, the suffrage residence was reduced from three years to one, but former Confederates and their sympathizers were effectively disenfranchised. As in West Virginia all persons offering to vote were required to take an oath to support the Constitution of the United States and the Constitution of the Restored Government.<sup>18</sup>

The Convention adjourned April 7, 1864. In June, the new Constitution was submitted to the people for ratification. Although it was drafted for all Virginia, polls were taken in only the counties recognizing Pierpont's jurisdiction. In most of these the vote was light, and, because of war conditions, the true results were not definitely determined. Nevertheless, the Constitution was declared ratified.

Despite a bitter controversy over jurisdictional matters with the military headed by General Benjamin F. Butler, commander since 1863, with headquarters at Norfolk, of the eastern military district of Virginia and North Carolina, and despite the fact that it was at no time popular with Virginians, even those of their number that remained loyal, nevertheless, the Alexandria Government continued to function and collect taxes and continued to be recognized both by President Lincoln and Congress. One factor contributing to its unpopularity was the alien origin of its personnel. Except for Pierpont and Lucian A. Hagans, the Secretary of State, most of the officials were Northerners.

At the call of the Governor the General Assembly of the Restored Government met in extra session, December 5, 1864, for the purpose of adapting the Code of Virginia to the new Constitution. In an able message Pierpont described Virginia's condition insofar as he could learn, as deplorable indeed. Of first concern were the freedmen. Temperate and considerate in other things, Pierpont maintained that existing laws of Virginia relative to free Negroes and slaves contravened the laws of God. To correct this he recommended that Negroes be made amenable to the same laws and in the same manner as were whites in matters pertaining to punishment as well as in other things.

Notwithstanding the Governor's recommendations and evidence of their ability to deal with unprecedented situations, the Assembly enacted no laws

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<sup>18</sup> *Constitution of the State of Virginia and the Ordinances* adopted by the Convention which assembled at Alexandria, February 13, 1864, Alexandria, 1864.

of any importance.<sup>19</sup> It defeated a bill to give Negroes the right to testify in cases at law where whites were involved as well as a bill to provide free public schools for blacks and whites.

When Governor Pierpont went to Alexandria as head of the Virginia Restored Government, he did not at once take his family with him. Alexandria was then near the firing line, and the prominent part he had played in rescuing northwest Virginia from Confederate control, together with his quiet yet firm insistence that he was Governor of Virginia, subjected him to constant danger of indignity and even capture. While Pierpont only laughed at threats he received, he was not willing to expose the members of his family to the possibilities of these lurking dangers and arranged for them to remain at Washington, Pennsylvania, in the home of relatives. By June 1864, after the Confederates had almost abandoned the region about Washington and Alexandria, Pierpont decided to have his family near him, even if they could not yet reside in his capital city. He therefore established them for the summer at Laurel, Maryland. Whether significant or not, within one week after General Butler had been removed from the command at Norfolk, Governor Pierpont brought his family to reside at the Magnolia House in Alexandria.

#### **Removal to Richmond**

Following the fall of the Confederacy on April 9, 1865, and the death of President Lincoln on April 15, 1865, the removal of the Alexandria Government to Richmond was delayed. It was not until April 24 that President Johnson at a cabinet meeting decided to adhere to the late President's policy regarding this Government. Subsequently its removal was effected in pursuance of an Executive Order of May 9, 1865, "to reestablish the authority of the United States, and execute the law within the geographical limits known as the State of Virginia." On May 24, in pursuance of the President's order which recognized him as Governor of the State of Virginia, Pierpont left Alexandria for Richmond. With him came his miniature legislature of three Senators and nine Delegates. Thus the term of the Confederate Governor of Governor William Smith, elected in 1863, ended on May 9, 1865, although he did not formally surrender his office until May 20th.

The chief importance of the Alexandria Government was its effort to accomplish the plan launched at Wheeling for the restoration of Virginia to the Union. From the inception of the Government in West Virginia to its end, it was maintained with President Lincoln's aid and approval. Moreover, many of the laws enacted and proposed at Alexandria were shortly thereafter in effect not only in Virginia but elsewhere throughout the Confederate South. At no time, however, was Negro suffrage seriously mentioned in Alexandria.

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<sup>19</sup> *Acts of the General Assembly of the State of Virginia* passed at the Regular Session commencing December 5, 1864, Alexandria, 1865.