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APPEALS OF WEST VIRGINIA
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JEFFERSON COUNTY COURTHOUSE

Historic Jefferson County Courthouse in Charles Town site of two treason trials

When West Virginia became the 35th state of the Union 150 years ago on June 20, 1863, Jefferson County was not officially part of the new state. It was not until November that Jefferson County was officially recognized as part of West Virginia.

The movement to form a new state from the western Virginia counties, which had been brewing for decades, gained extra momentum after Virginia voted to secede from the Union and join the Confederate States of America.

Representatives of Virginia's western counties established the Reorganized Government of Virginia, which remained loyal to the United States throughout the Civil War. The Reorganized Government was recognized as the legitimate government of Virginia by the U.S. Congress and by President Abraham Lincoln. According to the U.S. Constitution, a state cannot be formed from another state without that state's permission.

One of the Reorganized Government's first acts was to allow for the formation of a new state consisting of 48 western Virginia counties – but not including Jefferson County – and to allow the people of those counties to vote on forming a new state. The residents of those counties voted overwhelmingly to separate from Virginia and form a new state.

It was not until Feb. 4, 1863, that the Reorganized Government's General Assembly passed an act allowing Jefferson County residents to vote for or against annexation by West Virginia. The vote was taken May 28.

"There were two polling places in Jefferson County: Shepherdstown and Harpers Ferry," Doug Perks, president of the Jefferson County Historical Society, explained. "The vote in Shepherdstown was 198 for and two against being part of West Virginia. In Harpers Ferry, it was 48 for and two against."

While most of Jefferson County's residents were Southern sympathizers, Shepherdstown and Harpers Ferry were garrisoned by Union troops at that time. Votes were cast by voice vote and there were Union soldiers or

By John McVey

home guards stationed at the polling places. Voters had to step up and announce for all to hear whether they voted to become part of West Virginia or remain part of Virginia.

“You had marshal law in Jefferson County at the time,” Perks said. “And the Second Confiscation Act had been passed. Southern sympathizers were subject to removal, imprisonment; their property could be confiscated. So, there was intimidation.”

In November, Francis H. Pierpont, governor of the Reorganized Government of Virginia, certified Jefferson County’s vote to join the new state.

Meanwhile, the constitution of the State of West Virginia was presented to Congress May 15 with a proposal to admit it to the Union. The Senate approved the proposal July 14, and the House of Representatives voted for the proposal Dec. 10. Lincoln signed the bill Dec. 31, 1862.

On April 20, 1863, Lincoln signed the proclamation admitting West Virginia to the Union effective in 60 days – June 20, 1863.

However, it was not until 1866, when Virginia appealed to get Jefferson County back, that Congress officially recognized the county’s annexation by West Virginia. And it was not until 1871, when Virginia appealed Congress’ decision to the U.S. Supreme Court, that the high court finally put an end to the controversy, ruling Jefferson County was – and is – part of West Virginia.

“Without the B&O Railroad, there would not have been a vote in Jefferson County to become part of West Virginia,” Perks said. “The strategic importance of Harpers Ferry (and the B&O Railroad) was very apparent. Every time the railroad bridge across the Potomac River at Harpers Ferry was destroyed – and it was destroyed eight times in four years – it was rebuilt immediately.”

The militarily strategic importance of the Baltimore and Ohio Railroad was that it connected the western United States at Wheeling and the eastern United States at Baltimore. Supplies, war material and soldiers could be transported easily and quickly from the west to the eastern theater of war and vice versa if necessary. It was the transportation lifeline of the Northern war effort.

Construction of the nation’s first common carrier railroad, the B&O, began on July 4, 1828. Tracks

reached Harpers Ferry in 1837, crossing the Potomac River there.

The B&O Railroad was fought over repeatedly during the Civil War, with Federal troops trying to keep it open and Confederate troops trying to shut it down.

There have been three treason trials held in the United States and two of them have been held in the historic Jefferson County Courthouse in Charles Town, the county seat. The first was the 1859 treason trial of John Brown after his raid on the federal arsenal at Harpers Ferry.

The abolitionist tried to take over the U.S. arsenal and armory located in the village at the confluence of the Potomac and Shenandoah rivers. He failed and was captured by a contingent of Marines commanded by then-Col. Robert E. Lee and then-Lt. J.E.B. Stuart that President James Buchanan sent from Washington to put down the insurrection.

Seriously wounded during his capture in the arsenal’s firehouse, which came to be known as John Brown’s Fort, Brown attended his trial on a stretcher. He was found guilty of treason against the Commonwealth of Virginia and was hanged in Charles Town on Dec. 2, 1859.

Charles Town attorney Andrew Hunter assisted in Brown’s prosecution. From behind the judge’s bench, his portrait now oversees the proceedings in the second-floor courtroom of the Jefferson County Courthouse.

The second trial was the treason trial of union activists from southern West Virginia in 1922, the best known of whom was Bill Blizzard.

In 1921, about 15,000 armed miners began marching across the mountain ridge that separates Logan and Mingo counties with intentions of overthrowing the county governments, which were supporters of the mining companies.

About 5,000 heavily armed company guards met them on the ridge and the Battle of Blair Mountain ensued. President Warren G. Harding sent the U.S. Army and bombers of the U.S. Air Corps to put down the rebellion. The miners surrendered to the Army, but were charged with treason against the State of West Virginia by local authorities. Blizzard and several others were transferred to the Jefferson



Civil War reenactments are popular in historic Jefferson County.

PHOTO COURTESY OF THE SPIRIT OF JEFFERSON

County jail that had been built as an annex to the courthouse in 1918.

Blizzard was found not guilty by a jury, but Walter Allen was convicted of treason. He escaped from the jail and was never heard from again.

Jefferson County was formed in 1801 from the eastern part of Berkeley County and named for the new president of the United States, Thomas Jefferson.

Charles Town was laid out in 1786 by Charles Washington, George Washington's youngest brother. Charles set aside lots on the town square for the courthouse and other government buildings. The first courthouse was built there in 1808.

The second Jefferson County Courthouse built at the corner of George and Washington streets in the heart of Charles Town in 1836 was practically destroyed during the Civil War by Confederate cannon fire because the building had been occupied by Union forces. About all that was left were the exterior walls and the columns on the front of the building.

The county seat was moved to Shepherdstown at that time and remained there until after the Civil War.

Shepherdstown's residents built a new courthouse for the new county seat that eventually became McMurrin Hall, the foundation of today's Shepherd University.

The current Jefferson County Courthouse was built in the 1870s and a second story was added. The red brick Georgian style structure is listed on the National Register of Historic Places.

Jefferson County is brimming with historical sites, including Harpers Ferry National Historical Park and the site of the first meeting on American soil of the Niagara Movement, precursor to the NAACP; outdoor recreation like whitewater rafting and hiking the Appalachian Trail; entertainment at the wildly successful Hollywood Casino at Charles Town Races; several special events like the Mountain Heritage Arts and Crafts Festival and Contemporary American Theater Festival; and luxurious lodging and dining venues, including the Bavarian Inn and Lodge in Shepherdstown. **WVL**

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