

KENTUCKY STATE POLITICS IN THE EARLY 1850'S

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Kentucky's last antebellum decade was one of transition. Railroads were beginning to revolutionize transportation; public education was winning recognition; an improved agricultural system was on the threshold; the institution of slavery was on the defense in a life-or-death struggle with crusading abolitionists; and politically the Commonwealth was experiencing a metamorphosis that resulted in significant repercussions.

As a daughter of the Old Dominion, Kentucky had remained loyal to the political philosophy of Jeffersonian Republicanism from 1792 to 1832. The political followers of Andrew Jackson were able to elect John Breathitt governor in the latter year even though Henry Clay carried the state for the Whigs against Jackson in the Presidential canvass of the same year. From 1838 to 1850 the Whig Party dominated Kentucky politics. Election after election gave this party control over the executive and legislative branches of the state government. Since the constitution provided that most of the positions of honor and profit be filled by appointments of the governor, the Whigs became the office holders, and the Democrats anxiously looked forward to the time when this condition could be remedied. Popular election of all state officers became a basic plank in the Democratic platform.¹

The half century of Kentucky's second constitution (1799-1849) was an era of continuous agitation for reform. Bills calling for a constitutional convention were introduced into almost every session of the legislature between 1799 and 1847. Soon after ratification of the second constitution, those who were dissatisfied began to exert pressure for a new convention. As early as 1803 such a motion was presented to the legislature, but it failed for lack of a second. Ben Hardin announced in a speech in Frankfort in 1850 that from 1810 to 1833 he sat in one or the other branch of the Kentucky legislature and "voted every year against a bill to take the sense of the people on the proposition to call a convention."²

Several forces contributed to the calling of the third constitutional convention. The spirit of constitutional reform was in the air. Defects of the Constitution of 1799 were no worse in the late forties than they had ever been, but they became more pronounced as time went on. Antislavery proponents saw an opportunity to strike at the slavery article of Kentucky's

second constitution, and, paradoxically, many of the proslavery group welcomed a chance to insure the perpetuation of slavery in the state as far as constitutionally possible. Democrats hoped for better results if the three-day election period were reduced. Abuses of the appointive power had brought opposition from the more democratic elements in both parties. The need for judicial reform had been noted in most of the governors' messages since the War of 1812, and aside from party criticism was one of the chief objectives of the reformers in 1849. Friends of education were anxious to have some constitutional guarantee to protect the school fund. Many taxpayers favored a limit to the state debt to prevent prodigal legislators from saddling the Commonwealth with burdensome financial obligations. Political reformers advocated biennial sessions for the legislature, reapportionment of representation, and limitation of executive power.³

Political opposition to calling a new constitutional convention came largely from the Whigs. They were naturally fearful that a new constitution might undermine their dominant political position. Many citizens looked upon change as fraught with mischief, and general inertia prevented others from becoming interested in a new constitution. A number of slaveholders maintained that the agitation for a new fundamental law originated with the emancipationists.

In order to call a constitutional convention, it was necessary to submit the question to the electorate at two annual elections, and the majority of the voters had to approve the call. The legislature of 1846-47 authorized the submission of the question to the people, and in the August election a majority of 44,672 favored the proposal. In 1848 the question received a majority of 38,792.⁴ In the period prior to the election of delegates to the constitutional convention, the people of the state were educated on the pros and cons of a new constitution. Two newspapers, the *Convention*, favoring the change, and the *Examiner*, objecting to any changes, were created.⁵ In the August election of 1849, 100 delegates were chosen, fifty-two Democrats and forty-eight Whigs. The convention met in the capitol building at Frankfort on October 1, 1849, and remained in session for eighty-two days.⁶

Among the delegates attending this constituent assembly were such prominent men as James Guthrie, later to be United States Secretary of the Treasury, Robert N. Wickliffe, Kentucky's largest slaveholder, Ben Hardin, Garrett Davis, Charles Wickliffe, and Archibald Dixon. Conspicuous by their absence were such Kentucky leaders as Henry Clay, John J. Crittenden, Thomas F. Marshall, Charles Morehead, Robert J. Breckinridge, John C. Breckinridge, and Orlando Brown.⁷

The product of the convention included remedies for most of the obvious weaknesses of the second constitution. Some general changes made

in the document were: non-interference with the relation existing between master and slave; election of state officers, including judges, by the people; biennial sessions of the legislature; specific or local legislation taken away from the legislature or greatly restricted; the legislature was forbidden to create a state debt beyond a certain limit without submitting it to the people; the school fund was to be set apart and kept inviolate; elections were confined to one day; by meeting certain population requirements, cities were given representation in both houses; the whole resources of the sinking fund were to be applied to pay the interest and principal of the state debt until it should all be paid; and legislative sessions were limited to sixty days unless a two-thirds majority of both houses should rule otherwise.⁸

An election was set for the first Monday and Tuesday of May, 1850, to determine the will of the people regarding the proposed constitution.⁹ If a majority of the votes favored the new fundamental law, the convention would reassemble in June and formally proclaim the document.

The five and one-half months interval between the constitutional convention and the ratifying election witnessed a spirited discussion throughout the Commonwealth. Both Whigs and Democrats attempted to make political capital from their approval or disapproval of certain provisions in the new constitution, but the Whigs were more vociferous in their denunciations. Prominent Whigs such as Chief Justice George Robertson, Garrett Davis, Lieutenant-Governor John L. Helm, and Thomas F. Marshall were outspoken in their opposition. They called themselves "Friends of Constitutional Liberty," and branches were set up in several counties.¹⁰ On May 1, 1850, the Whig editor of the Lexington *Observer and Reporter* wrote that

within a few days, the people of Kentucky will decide the most important question that has ever been submitted to them. They will determine whether it is their purpose to live under a form of government, which during more than fifty years, has secured to them all every blessing which any government can secure to man; or whether they prefer to cast away that glorious monument of all our progress, and choose in its stead a form of government which no man fully comprehends, but which all men see is expressly designed, as well as admirably contrived, to produce a universal revolution in society.

Three days later the same editor identified his chief objection to the new constitution, saying: "It touches so deeply the purity and stability of the Judicial Department of the Government." He concluded by admonishing the people to hesitate before they rushed into "this perilous experiment."¹¹

Generally, the people were not opposed to the new constitution. They heartily endorsed it by a vote of 71,653 in favor to 20,302 against.¹² On June 11, 1850, the new constitution was officially signed by the delegates,

each signing two copies. Following this ceremony, James Guthrie, president of the convention, officially proclaimed the new organic law.¹³

The Mexican War brought in its wake the most serious threat to the Union that the Republic had encountered. The introduction of the Wilmot Proviso in 1846 forbidding slavery in any territory acquired as a result of the war brought the fiery passions of the partisans in the slavery controversy to the surface again. The South looked expectantly to a new slavery dominion to be acquired from Mexico, but the North opposed any further extension of slave territory. On more than one occasion the Wilmot Proviso passed in the House only to fail in the Senate. The Treaty of Guadalupe Hidalgo in 1848 terminated the war, with the United States acquiring New Mexico, Utah, and California, but the status of slavery in these territories remained unsettled. In addition Texas and New Mexico became involved in a bitter boundary dispute.

Increased abolitionist activities in the border states particularly led to a demand for a more stringent fugitive slave law. Slavery and slave auctions in the District of Columbia were gall to the antislavery faction, and they were demanding that the Congress do something about it.

In January, 1848, just prior to the signing of peace with Mexico, gold was discovered in Sutter's millrace in California. Stories of the ease of making a fortune by separating gold particles from the sand by the use of a common washbowl were circulated over the civilized world. By the end of 1849 California was swarming with fortune seekers and adventurers, most of whom were not too dedicated to the principles of the Decalogue. In the absence of a territorial government, law and order were in the hands of the impotent military. With the approval of President Zachary Taylor a convention met in Monterey and drafted a constitution prohibiting slavery. It was approved by a large majority of the voters and California was now knocking at the doors of Congress for permission to become the thirty-first state in the Union.

When the Congress met in December, 1849, the Union was in danger of dissolution. A formidable secession movement was developing in the South in spite of the fact that this section had an equal vote in the Senate, dominated the cabinet and Supreme Court, and the occupant of the White House was born and reared south of the Mason and Dixon line. In addition the South had won a low tariff and had acquired slave territory in Louisiana, Florida, and Texas. But the Cotton Kingdom was suffering from a deep sense of insecurity; even an admission that slavery could not expand was too much to concede to the abolitionists.¹⁴

There was no question that Kentucky would support the Union if

it were jeopardized. In his message on December 31, 1849, Governor John J. Crittenden had expressed Kentucky's Unionist sympathies:

Dear as Kentucky is to us, she is not our whole country. The Union, the whole Union, is our country; and proud as we justly are of the name of *Kentuckian*, we have a loftier and more far-famed title—that of *American Citizen*—a name known and respected throughout the world, and, which wherever we may be, has power to protect us from the despotism of Emperor or King.¹⁵

In the same message the governor pointed out the commercial and economic necessity for Kentucky and the other western states to preserve the Union.¹⁶ In 1850, the Kentucky legislature instructed the governor to have a suitable block of native marble sent to Washington to take its place in the monument then being erected in memory of the "Father of his Country," and that the following words be engraved thereon: "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union."¹⁷

The Kentucky legislature was quick to sense the threat to the Union, and on February 1, 1849, voted to return Henry Clay to the United States Senate.¹⁸ In November the aged and frail Kentuckian returned to Washington to lead the greatest congressional battle of his waning career.

Clay's well-known "Omnibus Bill" provided for (1) admission of California as a free state; (2) organization of territorial governments in Utah and New Mexico without mention of slavery; (3) a new and more effective fugitive slave law; (4) abolition of the domestic slave trade in the District of Columbia; (5) settlement of the boundary dispute between Texas and New Mexico with assumption of the Texan national debt by the United States government. The debate was long and bitter. Daniel Webster's "Seventh of March" speech was an impassioned appeal for the Union; John C. Calhoun, physically unable to present his speech, denounced the proposed compromise as unfair to the South; William H. Seward, speaking for the "conscience" Whigs, opposed the measure by appealing to a higher law than the Constitution. President Taylor favored the admission of California, but was unimpressed by the other proposals.

During the spring and summer of 1850, the debate raged both inside and outside of Congress. Clay mustered the remainder of his physical strength in his attempt to get his compromise package approved, only to fail. But the death of Taylor on July 9 and the accession of Millard Fillmore to the presidency gave a much needed boost to the compromisers. The bill was finally defeated on July 31, and the Kentucky leader retired to Newport Beach to recuperate his health. Before his return to Washington in late August, all the Compromise measures except the District of Columbia bill had been taken up and passed singly. This was

accomplished under the astute leadership of Stephen A. Douglas working closely with the new administration. On September 17, 1850, the Compromise became a reality, while both North and South rejoiced that these vexatious issues had been settled.¹⁹

During the exciting debate of 1850 the great mass of Kentuckians approved the program of their noted senator. Many counties held public rallies in which the compromise measures were endorsed.²⁰ Perhaps the most authentic expression of Kentucky's feelings on this subject came from a meeting in Frankfort, on June 10, 1850, of the delegates to the Kentucky constitutional convention. This body passed the following resolution:

Resolved, That we, the delegates to the constitutional convention of the State of Kentucky, representing every county in the Commonwealth, and nearly equally the two great parties of the State, most earnestly deprecate whatever threatens the integrity of that venerated character of our liberties

Resolved, That we cordially approve the patriotic endeavor of the Committee of Thirteen to reconcile the existing differences between the northern and southern sections of our confederacy, and that Kentucky will give her undivided support in the attainment of an object so necessary for the welfare of our common country.²¹

Another evidence of anti-secessionist sentiment in Kentucky was shown by the legislature's refusal to send delegates to the Nashville Convention in 1850. This brain child of Calhoun was highly publicized as a disunionist meeting. Nine Southern states sent representatives to talk on secession. Six slave states, including Kentucky, refused to send delegates. In Frankfort a senate resolution to co-operate in this movement was laid on the table by a majority of three to one.²²

More than any other person, Clay was responsible for inculcating these Union sentiments in the hearts and minds of Kentuckians. During the crisis of 1850 he said: "If Kentucky tomorrow unfurls the banner of resistance, I never will fight under that banner. I owe a paramount allegiance to the Union; a subordinate one to my own state."²³

The compromise measures were considered nonpartisan in Kentucky. Generally speaking, Democrats, as well as Whigs, supported them in the national Congress, even though many Whigs attempted to center attention upon themselves as saviors of the Union.²⁴ Success of the Compromise, and the leading role played by Clay, were more than pleasing to the Union-loving Kentuckians. The hero of Ashland returned to Lexington, arriving on the evening of October 2, 1850, and his coach was drawn to the Phoenix Hotel by men from the jubilant crowd that had gathered to welcome him.²⁵ A Public Festival was given at Lexington on the seventeenth in his honor. Ex-Governor Thomas Metcalfe presided,

and John C. Breckinridge, the young hopeful of Kentucky Democracy, presented the following toast to Henry Clay:

It is enough to say that Kentucky occupies no doubtful position in reference to the late adjustment. She considers it just and honorable to all sections of the confederacy—she feels that it has preserved both the Constitution and the Union—she endorses the votes of her representatives and applauds their patriotism.²⁶

On November 15, 1850, by a unanimous vote of both houses, Clay was given a public reception by the Kentucky legislature. In his speech to the legislators, Clay defended the compromise measures one by one, and expressed the opinion that they were permanently settled and, with the exception of the Fugitive Slave Law, approved by the country at large. He referred to the formation of a new party and remarked that "if it should be necessary to form such a party, and it should be accordingly formed, I announce myself, in this place, a member of that union party, whatever may be its component element."²⁷

Kentucky politics had been dominated by the Whigs since 1836. In 1848 Kentucky's Whig Senator, John J. Crittenden, resigned his seat to accept his party's nomination for governor. The Democrats ran Lazarus W. Powell, but the Whig candidate was successful. Later in the same year, Kentucky Whigs gave a comfortable majority to Zachary Taylor, and for the first time Kentucky saw one of her native sons elevated to the presidency.²⁸

This unanimity of Whig feeling was destined to wane during the following year. On February 17, 1849, Clay wrote to Richard Pindell, what has been called his "emancipation" letter. He stated that of all that Kentucky had contributed to the civilized world, nothing "would equal in greatness and grandeur that of being the pioneer State in removing from her soil every trace of human slavery and in establishing the descendants of Africa, within her jurisdiction, in the native land of their forefathers."²⁹ These same views of gradual emancipation had been expressed by Clay before, but the proximity of this letter to the campaign for election of delegates to the constitutional convention gave an added impetus to the emancipation forces. Only three antislavery delegates were chosen, but many proslavery Whigs voted for Democrats. The latter party controlled the convention and was able to elect James Guthrie, president, on a strict party vote. An embryonic feeling was developing that the Whigs were not absolutely correct on the all-important slavery question. It should be pointed out, however, that at this same election the Whigs won a majority of thirty votes on a joint ballot in the legislature.³⁰

The rift between Kentucky's two most outstanding Whigs, Clay and

Crittenden, augured ill for party harmony in the state. In 1848 Crittenden had supported Taylor in preference to Clay for the Presidential nomination, and the latter had treated Crittenden coolly ever since. Nor had Clay been too cordial with the Taylor administration. Former Whig Congressman Richard Hawes wrote to Governor Crittenden:

The chief difficulty with this administration is with Mr. Clay, who is beyond doubt determined that it shall be kept down, unless it shall be a convenience to him in reaching the Presidency. I would like to see you in the Senate, but Mr. Clay & his friends stand in the way.³¹

President Taylor's unexpected death on July 9, 1850, and the succession of Fillmore to the presidency had important political repercussions in Kentucky. The new president chose Kentucky's governor for the post of attorney-general in his cabinet, and on July 30, 1850, Governor Crittenden resigned to accept the appointment. Lieutenant-Governor John L. Helm succeeded to the governorship. Crittenden had been an "unwilling" governor and while holding the office was somewhat in the role of a "caged lion."³² Relations among Clay, Fillmore, and Crittenden were described in a letter from Clay to his son:

My relations with Mr. Fillmore are perfectly friendly and confidential. In the appointment of Mr. Crittenden I acquiesced. Mr. F. asked me how we stood? I told him that the same degree of intimacy between us which once existed, no longer prevailed; but that we were on terms of civility. I added that, if he thought of introducing him into his Cabinet, I hoped that no consideration of my present relations to him would form any obstacle.³³

Political leaders of both major parties looked expectantly to the election of 1851, the first statewide canvass since the adoption of the new constitution. Whigs were somewhat embarrassed because their leadership had not supported the new document, so they stressed that they were the Union party which had saved the Union through the Compromise of 1850. The personal differences between Clay and Crittenden and the expanding nucleus of emancipationists were also obstacles to be overcome. The Whig State Convention met at Frankfort, February 22, 1851, and nominated Archibald Dixon for governor and John B. Thompson for lieutenant-governor. After making the nominations unanimous, the convention passed resolutions supporting national unity, the compromise measures of 1850, the new constitution, the United States Constitution and all laws made under it, and the efforts of Henry Clay to preserve the Union.³⁴

Dixon was a close personal and political friend of Clay, but differed markedly on the emancipation issue. Since there was scarcely any chance for success of Clay's emancipation scheme, Dixon felt that it was impolitic and dangerous to agitate the question. These slavery views plus his

opposition to the popular election of judges, now provided under the constitution, induced Dixon to publish a statement to "The Whigs of Kentucky" on December 28, 1850, asking, in the name of party harmony, that he not be chosen as the Whig gubernatorial candidate.³⁵ The convention did not honor his request.

In 1851 the Democrats sensed their favorable political position as the party that had taken the lead in advocating the adoption of the new constitution. Popular reforms introduced by the new instrument were claimed as evidence of democratic political wisdom. To the Whig claim of being the Union party, the Democrats countered that the Kentucky Democracy had supported the Compromise and that more Northern Democrats than Northern Whigs had voted for it. Furthermore, the Democrats maintained, that except for the leadership of Clay, the Compromise was a Democratic measure.³⁶ Democrats also tried to make political capital of the Compromise by including the following statement in their platform:

That Kentucky had regarded, with the most painful solicitude, the encroachments of the north upon the rights of the South, in violation of the great principles of justice and equality, upon which the Union was formed; and that, while she acquiesces in the late adjustment by our national legislature, she believes the concessions in that adjustment were magnanimously made, as heretofore, by the slave to the free States.³⁷

The Democratic Convention met at Frankfort on January 8 and nominated Lazarus W. Powell for governor and Robert N. Wickliffe for lieutenant-governor.

Introduction of a third party in this campaign was detrimental to the Whig cause. Cassius M. Clay, Kentucky's fiery emancipationist, led a small but sacrificial group of antislavery men in what was admittedly a forlorn hope. Early in 1851 Clay wrote to Robert J. Breckinridge that he had waited in vain for help from others, but now must "do something." He knew the dangers and probable result, but he also knew his duty. "I am a candidate for Governor! God knows, that nothing but the hand of destiny pushes me into this extremity—I go forth alone, among the ignorant—the brutal—the selfish—I go into known labor, and self denial, and certain defeat. But I may arouse the people to think."³⁸ Emancipationists selected George D. Blakey as their candidate for lieutenant-governor. The Whigs objected to this third party movement on the ground that the slavery issue in Kentucky had been settled by the third constitution and that further agitation at that time was not only useless but harmful.³⁹

The excitement of the governor's race was shared in each of Kentucky's ten congressional districts with the selection of a representative for the

lower house of Congress, but the choice in the Eighth District was the bellwether of them all. This was the famous Ashland District—home of Henry Clay—and consistently a Whig bailiwick. Democrats sensed that if they could break the chain of Whig victories in this district they would enjoy national notoriety as a sampling of the political current for the Presidential campaign of 1852. Whigs were equally aware of the shame and humiliation that would be heaped upon them if this Whig gibraltar sent a Democrat to Congress.

General Leslie Combs was chosen by the Whigs for their candidate. He was a veteran of the War of 1812, state legislator, and active party man. The Democrats nominated John C. Breckinridge—talented, ambitious, thirty-year-old state legislator.

The governor's race was prosecuted with enthusiasm in all of the state's one hundred counties. As was customary the major opponents spoke from the same "stump" in a series of debates. Powell and Dixon were fellow-townsmen from Henderson, neighbors, and bosom friends. They had been law partners, endorsed for each other, and each held power of attorney for the other. Throughout the campaign they traveled together, occupied the same room, and sometimes the same bed. And to the credit of both, their friendship survived this heated contest.⁴⁰

Whigs were aware that the Democratic machine was well-oiled and that they would have to exert their utmost in order to claim the victory. A Whig newspaper complained of "too much apathy" and warned that in spite of their 10,000 majority in the state, "if you are not ready to see the proud Whig banner which has so long floated in triumph over our State, trailed in the dust, soiled and torn, and spurned by locofoco heels, you must arouse yourselves, and go to work like men who have a great stake in [this] controversy."⁴¹

Election results were disappointing to the Whigs. Powell received 54,613 votes to Dixon's 53,763; Thompson, the Whig candidate, won over Wickliffe for lieutenant-governor by a vote of 53,599 to 47,454. Cassius M. Clay trailed badly with a vote of 3,621. Breckinridge defeated Combs by a plurality of 530 votes.⁴² Signal victories were won by the Democrats in the election of Powell and Breckinridge. Not since 1832, when they elected John Breathitt, had the Democrats been able to place their candidate in the governor's chair. The election of Breckinridge, in the very cradle of Whiggery, was considered nothing less than phenomenal. But in spite of these Democratic victories the Whigs won every state office except the governorship. Whigs were to control the newly elected state senate twenty to eighteen, and the new house was similarly dominated by the Whigs

fifty-five to forty-five. Kentucky's congressional representation for the Thirty-second Congress was composed of five Democrats and five Whigs with two Whig Senators.⁴³

In a post-mortem examination the Whigs attributed their failure to three causes: the indifference and general apathy of the Whigs, some disaffection in regard to their candidate, and the diversion made by Cassius M. Clay. They pointed out that Powell had polled 2,784 fewer votes in 1851 than he did against Crittenden in 1848; consequently, it was not Democratic strength but Whig lethargy that had led to defeat.⁴⁴ Dixon maintained that the emancipation vote was almost entirely weaned away from the Whigs, and that the narrow margin of 850 votes would easily have been overcome if all the Whigs had remained loyal.⁴⁵ In spite of these explanations, the election of 1851 had closed an era. Never again would the Whigs offer a gubernatorial candidate under their party label.

The Kentucky legislature that convened on November 3, 1851, had the rare privilege of choosing two United States Senators. Joseph R. Underwood's term expired March 4, 1853. Because of the Whig majority in the legislature it was understood that none but a Whig could be elected. Crittenden was anxious to return to the Senate. He had resigned in 1848 in the interest of party harmony to campaign for governor, and he said that he "might naturally and reasonably indulge the desire of being restored to my former position."⁴⁶ An element in the party opposed Crittenden. They argued that he had been in office a life time and had already been duly rewarded. The barrier between Clay and Crittenden was also a cloud in the sky. Clay threw his influence to Judge George Robertson who had recently been chosen Speaker of the Kentucky House. Senator William Preston led another faction that favored Dixon who was unacceptable to both Clay and Crittenden. The apparent deadlock lasted almost a month. On December 10, the Whigs went into caucus, after previously agreeing that the names of Crittenden and Dixon would not be presented, and finally settled on Lieutenant-Governor John B. Thompson. On the following day, the Whig candidate was elected over the Democrat, Francis P. Stone, by a vote of seventy-three to sixty-five.⁴⁷

Clay was Kentucky's other senator in 1851, but old-age infirmities convinced him and his friends that he would not live until another meeting of the biennial legislature. If he did not resign before the expiration of the present legislature, Governor Powell would appoint a Democrat to the post. On December 17, 1851, Clay resigned, with the stipulation that it should not go into effect until August, 1852. Clay wanted to die in office. Crittenden did not desire the fractional term; so the legislature chose Dixon over Guthrie, by a vote of seventy-one to fifty-eight to be

Clay's successor in the national Senate.⁴⁸ The death of Clay on June 29, 1852, gave Governor Powell the opportunity to appoint a Democrat, David Merriwether, to fill out the few remaining weeks of Clay's term.⁴⁹

The year 1852 saw the culmination of legal reforms anticipated by the third constitution. This document made it mandatory upon the first legislature to convene after its adoption to appoint two boards of commissioners: "one to prepare a code of practice, both civil and criminal, in this commonwealth, by abridging and simplifying the rules of practice and laws in relation thereto; the other to revise and reduce into system the civil and criminal state law of Kentucky, so as to have but one law on the same subject."⁵⁰ By an act of the legislature, approved February 26, 1850, the governor was empowered to appoint two such boards of three persons each.⁵¹ Governor Crittenden appointed, and the senate unanimously confirmed, Madison C. Johnson, James Harlan, and Preston F. Loughborough as commissioners to simplify the rules of practice and Ephraim M. Ewing, Charles A. Wickliffe, and Squire Turner to codify the statutes.⁵² The commissioners to revise the statutes made a partial report to the General Assembly at its 1850 session, and the statutes, reported at that time, were passed to take effect on July 1, 1852. The object of the postponement was so the revision might be completed and the whole work submitted to the next legislature for its approval. The final report was accepted by the legislature of 1851-52.⁵³ A code of practice was adopted by the 1850-51 legislature and approved by Governor Helm on March 24, 1851.⁵⁴

Presidential elections in Kentucky during the fifties were no less exciting than they were before or since. In 1851 the Democrats had threatened Whig monopoly of Kentucky politics. The election of 1852 was to be either a knock-out blow by the political descendants of Andrew Jackson or a respite during which the Whigs would have another opportunity to meet the challenger in a more decisive encounter. Kentucky Whigs had become accustomed to hope for the nomination of the "Sage of Ashland" in these quadrennial elections, but the presidential ambitions of a younger Clay had subsided. Almost a year before the Whig convention of 1852, Clay had written to Daniel Ullman: "Considering my age, the delicate state of my health, the frequency and the unsuccessful presentation of my name on former occasions, I feel an unconquerable repugnance to such a use of it again. I can not, therefore, consent to it."⁵⁵ Kentucky's second choice for the nomination was Crittenden, but he also had withdrawn his name.⁵⁶

In the absence of a favorite son, Kentucky Whigs, almost unanimously, gave their support to President Fillmore. The dying Clay favored the

President on the ground that he had "been tried and found true, faithful, honest, and conscientious."⁵⁷ In reporting the action of the Whig state convention recommending the President, the Frankfort *Commonwealth* surmised "that, leaving Kentucky's own distinguished sons out of the question, Millard Fillmore is the first choice of ninety-nine hundredths of the Whigs of the State."⁵⁸

Generally speaking, when the Whig National Convention met in Baltimore on June 16, 1852, the Southern delegates were for Fillmore, the Northern ones for General Winfield Scott, and the New Englanders for Daniel Webster. The South was afraid of Scott because he was noncommittal on the compromise measures. The only controversial section of the platform was the last one, dealing with the Compromise, which was "acquiesced in by the Whig party." This clause was strongly opposed, but it was adopted by a vote of 212 to 70. On the first ballot for a Presidential candidate, Fillmore received 133, Scott 131, and Webster 29. Fillmore never received more than his initial ballot, but it took fifty-three ballots before Scott received 159 votes, which was twelve more than necessary for the nomination. William A. Graham, of North Carolina, won the vice-presidential nomination on the second trial.⁵⁹

Democrats in 1852 believed that the Whig party was rapidly falling apart and that they could regain control of the executive branch of the national government. There was no paucity of potential presidential candidates. Kentucky's favorite son was General William O. Butler, a veteran of the War of 1812 and the Mexican War, congressman for two terms, unsuccessful Democratic candidate for governor in 1844, vice-presidential nominee in 1848, slaveholder, and proponent of gradual emancipation.⁶⁰ Butler received considerable pre-convention support from the Thomas H. Benton faction and was the choice of Kentucky's Democratic Convention. The foes of Butler succeeded in incorporating a plank in the state platform stating that Congress had no power to prevent a slaveholder from taking his slaves into any territory in the United States. Butler was already being charged in the South with freesoilism; so he hurriedly endorsed this platform and alienated his Northern supporters.⁶¹ In the House of Representatives, John C. Breckinridge replied to the charges made by Edward C. Cabell, of Florida, that Butler was a "mum" candidate on the slavery question. The Kentucky congressman eulogized Butler as a very strong prospective candidate for the presidency.⁶² Linn Boyd, of Kentucky, Speaker of the national House, also had Presidential ambitions in 1852, but they died aborning.

The Democratic party was united when the delegates met in Baltimore on June 1 for the national convention. Consequently, they decided to

choose their nominee before drawing up a platform. On the first ballot General Lewis Cass received 116 votes; James Buchanan, 93; William L. Marcy, 27; Stephen A. Douglas, 20; Joseph Lane, 13; Samuel Houston, 8; and there were 4 scattered votes. On the thirty-fifth ballot Virginia gave fifteen votes to Franklin Pierce; by the forty-eighth trial he received fifty-five; and on the next ballot there was a "stampede" for the New Englander with all but six votes being cast for him. Kentucky's Butler received twenty-seven votes for vice-president on the first ballot, but William R. King, of Alabama, was chosen easily on the second trial. The platform accepted the compromise measures as final, and so the ensuing campaign was to be left devoid of any real difference between the two major parties.⁶³

Pierce's election by an electoral vote of 254 to 42 was ample evidence that the claimed dissensions within the Whig Party were more than imaginary. As was true in the Kentucky governor's election of the preceding year, the Whigs would never offer another Presidential candidate under their party label. Kentucky was joined only by Massachusetts, Tennessee, and Vermont in casting their electoral vote for Scott. The margin in Kentucky for the Whigs was 3,262; whereas, the margin of Taylor over Cass in 1848 had been 17,421. Scott's plurality was the smallest given to any Whig since the founding of the party. Pierce carried seventeen counties which went for Taylor in the preceding election. Kentucky voter participation in 1852 was the lowest it had been since 1836. This brief analysis suggests that Kentucky was on the threshold of a new political order, and that Kentucky Whiggery was on the way out.⁶⁴

Clay's death had removed the great bulwark of Whiggery from Kentucky and the nation. His passing made it indispensable that Kentucky Whigs would have to chart a new political course. Unfortunately, they assumed that the slavery controversy had been permanently settled by the Compromise of 1850, and rather than agitate the question further they chose to follow new, intriguing political doctrines.

Kentucky was represented in Pierce's cabinet by James Guthrie, Secretary of the Treasury. Guthrie's acquaintance with politics had been entirely in Kentucky. He had served in the state legislature and as president of the constitutional convention in 1849. Pierce was unacquainted with the Kentuckian, but the latter had been recommended as a Southern man with Union sentiments. The new secretary had made a fortune in business and brought to the treasury department a disciplined and business-like administration. "He showed himself a ruthless reformer, overhauling the treasury regulations, curbing extravagance, reducing the debt, and weeding out incompetence." Guthrie played an active part in financing the Louisville

and Nashville railroad and became Kentucky's outstanding railroad promoter prior to the Civil War.⁶⁵

The new administration was hardly under way when partisans began beating the political drums for the congressional races of 1853. Kentucky had five Whigs and five Democrats in the lower House at Washington, and naturally each party was anxious to enhance its strength at this election. Kentucky's well-known Ashland District again enjoyed considerable attention, both locally and nationally. John C. Breckinridge's one term in Congress had already marked him for possible greatness in the ranks of the nation's Democracy. There was no question but that he would again be the Democratic standard bearer in Kentucky's Eighth Congressional District. The Whig convention chose James Harlan, but he declined, and the nomination was given to Robert P. Letcher, who had never been defeated in a political race.

Letcher, an intimate friend of both Clay and Crittenden, was state representative four years, congressman, twelve years, governor from 1840-1844, and Minister to Mexico.⁶⁶ But his portly physique and epicurean tastes made him a good target for the opposition press. The Democratic *Kentucky Statesman* branded him as "the incarnate spirit of Old Fogyism . . . he has just enough of animal life to enjoy good dinners, good drinking and stale jokes."⁶⁷

One of the most vocal, though not particularly significant, issues of the campaign was the "dead hand" of Henry Clay. Letcher called upon all Whigs to "stand by the grave of Henry Clay." The *Statesman* answered: "We want them to point to the clause in Mr. Clay's will and testament which made them the executors on that fame, or which directed that the defeat of John C. Breckinridge was necessary to his repose in the tomb."⁶⁸ Democrats pointed to the affectionate and highly complimentary eulogy made by Breckinridge in the House of Representatives upon the occasion of Clay's death, and the Whigs countered with: "Major Breckinridge's love for Mr. Clay was very great, according to his own account, but we believe nobody ever heard of it until it had become certain the great statesman would never again be a candidate for the Presidency."⁶⁹

Rumors were circulated that many Whigs were deserting to vote for Breckinridge. The Whigs scoffed at such reports, but Secretary of State James P. Metcalfe, unofficial adviser to the Democratic candidate, counseled Breckinridge to "give it to Old Bob like all the world, but not assail the Whig party any more than is absolutely necessary—not because they *deserve forbearance*, but *policy* requires that we do not offend *Breckinridge Whigs*."⁷⁰

Election results showed that many Whigs did step over the traces and vote Democratic. Breckinridge received 6,532 votes to 6,006 for Letcher, winning by a margin of 526. Less than a year before, the Ashland District had given Scott a majority of 626 votes over Pierce. Whigs carried the counties of Fayette, Bourbon, Franklin, and Woodford; Democrats carried Jessamine, Scott, and Owen. The latter county gave Breckinridge a majority of 875.⁷¹

The Democrats could hardly contain their glee. Metcalfe wrote to Breckinridge from Frankfort:

The Democracy here think *Ashland* should be purchased and presented to you. I suppose if it were done you would have no conscientious scruples about accepting it. I wish it would be done. If this must be the 'Ashland' district you are the man to live there. If not you must call your homestead 'Young America,' and this district must be the 'Young America' district.⁷²

In the state at large, the balance of five Whigs and five Democrats in Congress was maintained. The election for the state legislature increased the Whig majority in the senate from two to eight, but the house remained the same with the Whigs dominating fifty-five to forty-five.⁷³

One of the first accomplishments of this Whig-controlled legislature that convened December 31, 1853, was the election of Crittenden to succeed Dixon in the United States Senate when the latter's term expired on March 4, 1855. The Democrats supported Governor Powell, but were defeated by a vote of seventy-eight to fifty-nine.⁷⁴

The bitterness of the congressional election in the Ashland District was carried over to the General Assembly. Reapportionment of congressional districts in Kentucky brought ugly charges of gerrymandering from the Democrats, particularly the constituents of Breckinridge. A redistricting bill in the previous legislature had failed with a forty-seven to forty-seven vote. Accusations were made at that time that the Whigs were trying to legislate all the Democrats except Linn Boyd out of Congress.⁷⁵ Before the bill was passed, the Democrats were apprehensive. S. M. Major, editor of the Frankfort *Yeoman*, wrote to Breckinridge: "We fear for 'Sweet Owen.' She is now like a lamb in the hands of the butcher and we believe that the Whigs would sacrifice every thing rather than be denied the pleasure of striking a cowardly blow at the democrat of the Ashland District. . . . I guess he'd [Letcher] like to see Owen added to Indiana."⁷⁶ The apportionment bill passed by the legislature was so unpalatable to the Democrats that it brought a resounding veto from Governor Powell. He reminded the legislators that

in the voting population of the State—taking as the test the elections for a series of years—no one could claim for the dominant party in the State a greater

majority than from three to five thousand. Yet, with only this inequality, the dominant party have, by this bill, eight districts, while the minority are allowed not more than two, unless by extraordinary results.⁷⁷

Powell's veto was promptly overridden. The most flagrant violation of justice, in the eyes of the Democrats, was the shifting of Owen County from the Eighth to the Tenth District. Devotion of "sweet Owen" to Breckinridge had been almost unbelievable. Democrats pointed out that the new apportionment made a difference of 20,078 in voting strength between the Eighth and Tenth Districts; whereas, by retaining Owen in the Eighth, and Harrison and Nicholas in the Tenth, the difference would be only 5,884.⁷⁸ Of course the Whigs denied that they were attempting to legislate Breckinridge out of Congress, and they produced statistics to prove their point. According to them, Owen should never have been in the Eighth District but was placed there as a result of a gerrymander.⁷⁹ It would have taken the wisdom of Solomon to reapportion Kentucky in 1854 in a manner satisfactory to both parties.

Kentucky state politics in the early fifties showed a dominant trend toward the Democrats. The constitutional convention, gubernatorial election of 1851, and congressional races of 1851 and 1853 revealed considerable Democratic strength. Scott won over Pierce by a small margin, but was the last Whig Presidential aspirant to carry Kentucky. The unpleasantness between Clay and Crittenden, and the subsequent death of the former further reduced Whig chances for future success. A monopoly of Union loyalty was claimed by the Whigs, but the Democrats justifiably refused to acquiesce in such claims. Politically, Kentucky was on the threshold of a new era.