

REVOLUTION OR REFORM IN 1836: MARYLAND'S PREFACE TO THE DORR REBELLION

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DURING the 1960 session of the Maryland General Assembly, two attempts to alter the state's Constitution were decisively defeated. The desire to provide more equitable legislative representation prompted the introduction of this legislation. In each instance reformers were defeated in the legislative chambers which they wished to alter. By no means were these the first instances of agitation on the question of legislative representation or basic governmental reforms in Maryland. These issues have raged throughout the state's existence, dividing parties, sections and economic and social interests. At no time was the social and political order more seriously threatened than in 1836 when crisis conditions nearly destroyed Maryland's governing institutions.¹ Tracing the development and implications of that crisis, as well as comparing it with similar agitation in Rhode Island five years later are the main purposes of this article. As such, this examination illumines partisan political activity which resulted from the clash between advocates of democratic reforms and the defenders of the aristocratic old order. Several traditional explanations of political activity are analyzed in an attempt to provide a satisfactory theoretical framework for this episode.

¹ While this episode is covered in most of the standard histories of Maryland, it receives fullest coverage in J. T. Scharf, *History of Maryland from the Earliest Period to the Present Day* (3 vols.; Baltimore, 1879). For a comprehensive chronological survey see Bernard C. Steiner, "The Electoral College for the Senate of Maryland and the Nineteen Van Buren Electors," *Annual Report of the American Historical Association* (1895), pp. 129-67.

I

Under Maryland's Constitution of 1776, state senators were selected by an electoral college composed of two electors from each county and one each for the cities of Annapolis and Baltimore. These electors were chosen and convened in September every five years to select the fifteen members of the Maryland Senate. Vacancies occurring in the Senate between elections were to be filled by the remaining senators.

Commentators viewing the construction of the Senate early in its existence paid it glowing tribute. Samuel Chase termed it "virgin gold," and it was eulogized in *Federalist 63* as an admirable precedent for the presidential electoral college and the aristocratic features of the United States Senate.² Paralleling the presidential electoral college, however, the Maryland counterpart soon became an instrument of party politics. As party lines solidified, a majority on the electoral college was usually translated into unanimous control of the Senate, and this pattern persisted throughout successive changes in partisan dominance. Only in 1826 was a bipartisan Senate chosen. This was done by victorious Democrats in accordance with a campaign pledge to create a "liberal Senate," but given a partisan reversal in the election of 1831, the then ascendant Whigs reverted to the old formula and selected fifteen Whig Senators.³

The process of filling Senate vacancies by the choice of the remaining senators also led to severe criticism. During one five-year period, it was claimed that all but one of the senators were selected by sitting senators. This method of appointment often led to the selection of incompetent personnel. John V. L. McMahan, who admired the theory underlying the creation of the Senate, acknowledged in 1831 that the method of filling vacancies was a considerable drawback of that legislative body.

was expected that persons, themselves selected for their high qualifications, were peculiarly fitted for the selection of their fellows. Yet, although men may beget like as an involuntary consequence,

² John V. L. McMahan, *An Historical View of the Government of Maryland* (Baltimore, 1831), I, 480.

³ Steiner, p. 133. The Senate chosen in 1826 was composed of eleven Democrats and four Federalists. The latter party was active in Maryland long after it had disappeared as a national force. Without any gap, it evolved into the Whig Party by 1831.

they will not always voluntarily appoint like. They cannot, in general bear 'a rival near the throne;' and much less will they bring a rival near it.⁴

Given the partisan flavor of the senatorial electoral college and the vicious method of filling vacancies, it is no wonder that critics of the Senate considered it reduced from "virgin gold" to a tarnished whore.

Other characteristics of the governmental apparatus established by Maryland's Constitution of 1776 also raised the ire of agitators afflicted with the principles of Jacksonian democracy. Though its members were elected by direct popular vote, and Maryland had removed property qualifications for suffrage in 1802, the lower house was grossly malapportioned by the third decade of the eighteenth century. The Constitution merely doubled the composition of the senatorial college in constructing a lower chamber. Each county, regardless of size or population, had four delegates; the cities of Annapolis and Baltimore each received two seats in the popular assembly. With the special representation of the two cities, Maryland in 1836 had the equivalent of twenty counties. Hence if a party could gain majorities in the eleven most sparsely populated jurisdictions, it could secure a majority of seats in the lower house and, through the peculiarities of the senatorial electoral college, all of the seats in the Senate.

As if control of the legislative process by the small counties was not enough, the Constitution of 1776, written at a time of reaction against royal governors in the several states, also provided for the selection of the Governor and the Governor's Council by an annual joint ballot in the legislature. A malapportioned legislature, therefore, not only determined legislative policy, but chose the state's chief executive officers as well. Small wonder that citizens of heavily populated jurisdictions considered the governmental deck stacked against them. Nor was this simply a pattern of heavily versus sparsely populated counties; in general, Whig strength within the state was centered in the tidewater counties. These areas held a relatively

⁴ McMahan, I, 489. McMahan, a Whig, advocated reforms of the Senate and other state institutions, but as the crisis developed in 1836, he fought bitterly against the insurgent Van Buren Democrats. Following the crisis, he was selected to be a senator, but he declined to serve.

small portion of the state's population, but a relatively large number of counties. The Democratic-Republicans were principally located in the heavily populated areas in the northern and western areas of the state. With this division of partisan strength the existing pattern greatly increased the prospect of Whig control of the state government.

The Governor's Council especially rankled the Democrats. At a Baltimore meeting of mechanics and workingmen in September, 1836, for instance, the Council was denounced as "odious political machinery . . . which is totally irresponsible to the people, and shields all its acts by a secrecy as impenetrable that of the inquisition."⁵ Moreover, the Council seemed to be an incubator for Federalist and, later, Whig Governors; no fewer than ten adherents of those parties graduated from the council to the executive mansion. Only one Democrat accomplished the same feat.⁶

Agitation for reform ran as a swift undercurrent during most the years after 1800, and in some instances the reformers gained important objectives. As already recounted, universal manhood suffrage was won in 1802 on the heels of the election of the first Democratic Governor in Maryland.⁷ During the incumbency of another Democratic Governor, property requirements for holding public office were removed in 1810. Little was done about the basic pattern of legislative representation, although efforts were made in 1808, 1811 and 1818 to alter the Senate. A constitutional amendment designed to abolish the Governor's Council and provide for the election of the Governor by the people was passed at the 1825 session of the General Assembly, but the amendment did not receive the necessary favorable treatment in the following legislative session.⁸ In 1835, two mild reforms attained legislative assent, but they could not be effective until the legislature repeated its approval at the 1836 session. One doubled Baltimore's representation in the lower house; the other created Carroll County out of portions of Baltimore and Frederick counties. Each of these

⁵ *Niles Weekly Register*, LI (October 8, 1836), 95.

⁶ From 1777 until 1836, nine Democrats and eighteen Federalist-Whigs held the office.

⁷ Elihu S. Riley, *A History of the General Assembly of Maryland: 1635-1904* (Baltimore, 1905), p. 333.

moves would expand the legislative power of the populous area in and to the west of Baltimore, but these were mild palliatives in comparison with the demands of reformers during that legislative session. They recommended legislation which would provide for the direct election of the Governor and Senate, eliminate the Governor's Council and apportion representation in the lower house on the basis of population. The Whig majority in the House beat back these efforts with ease. In addition, four memorials and petitions from citizens who advocated a constitutional convention were summarily tabled during the session.⁹

II

Given the inequities of the institutional framework and the consistent refusal of the vested minority to alter the pattern substantially, frustration within the populous areas of the state and the Democratic Party created a potentially explosive situation. The outcome of the election of senatorial electors held in September, 1836, provided the spark which threatened to destroy the entire edifice of government in Maryland. In that election, the Democrats secured a majority of nearly 3,000 popular votes out of a total of 44,000 votes cast,¹⁰ but the apportionment of electors enabled the Whigs to win twenty-one of the forty seats on the electoral college. Appalled at the prospect that a minority of the electorate and a scant majority on the electoral college could select a Senate composed exclusively of Whigs, Democrats throughout the state resolved upon a pattern of defiance which they felt would force the Whigs to accede to demands for reform.

Defiance was set within a legal framework, however, as the Democrats seized upon a constitutional provision which stipulated that twenty-four electors constituted a quorum of the electoral college. Any number of electors less than that figure could not conduct business except to adjourn from day to day. It has been suggested that this constitutional requirement of a quorum in excess of the more usual majority was written into the state's basic charter at the insistence of the tidewater

⁹ Maryland, *Journal of Proceedings of the House of Delegates of Maryland*, December Session, 1835 (Annapolis), pp. 90-91, 155-56, 442.

¹⁰ *Hagerstown Torch Light and Public Advertiser*, September 22, 1836. The Democratic candidates received 53.4% of the total vote.

counties which desired to protect their minority position within Maryland's governmental institutions.¹¹

Regardless of its origin, the undemocratic quorum provision was utilized by the Democrats in their attempt to foster reform. Specifically, the nineteen Democratic electors simply refused to attend the electoral college when it was to convene. With the absence of a quorum the twenty-one Whigs could do nothing but adjourn daily. Democratic strategy was disarmingly simple. Their electors would refuse to attend the electoral college unless the Whigs agreed to select at least eight reform Democrats as senators. This should be done, according to the Democrats, in recognition of the mandate for reform reflected in the tabulation of popular votes in the recent election. Aware that the Whigs would accept this demand with extreme reluctance, the Democrats were prepared to play a waiting game in a situation where time seemed to be on their side.

While the electoral college remained prostrate, the passage of time would soon mark the end of the current Senate's term. Without the selection of a new Senate, there could not be a General Assembly. Without a legislature, a Governor and Council could not be selected. Lacking legislative and executive authority, Maryland would revert to a state of nature in which the people could construct a new government through a constitutional convention. With this in mind, the Democrats scheduled a reform convention in Baltimore in November and called for the selection of delegates to it.

The Whigs, however, refused to guarantee the selection of a majority of Democrats in the new Senate. They also declined to accept a Democratic compromise which specified the selection of a majority of senators who, regardless of partisan affiliation, advocated a constitutional convention. The deadlock remained, but public agitation increased in succeeding weeks as the partisan disputants attempted to show that public sentiment supported their goals.

Public meetings, the most common and significant expression of public opinion during this period, played an important role as the controversy developed and moved to a climax. The instructions followed by the nineteen Democratic electors had

¹¹ Scharf, III, 190.

been formulated and endorsed at a meeting in Frederick on September 10, 1836. Similar meetings were held in Elkton, Bel Air, Hagerstown and Baltimore in succeeding weeks. Protests against the action of the nineteen electors were organized and staged by Whigs in Baltimore, Hagerstown, Cumberland, Leonardtown and Rockville. These meetings usually followed a distinct format. Following the selection of officers and the appointment of a resolutions committee, the entire assemblage would vote, invariably in the affirmative, on the resolutions as drafted. Democrats in Hagerstown called for reform, and in ominous tones acknowledged that "usual means of redress have proven ineffectual. We must, therefore, recur to first principles, adopting as our motto the language of the (Maryland) bill of rights . . ." which reserved for the people the power to reconstitute their government.¹² In reply, Whigs warned against the danger involved in the course followed by their partisan opponents. "The crisis is an awful one . . . if the revolutionary spirit, now stalking abroad amongst us, is not promptly subdued . . . upon you will rest the fearful responsibility of being the first in the country of Washington, to give liberty a mortal wound."¹³

In several instances, the dispute threatened to leave the forensic level as tempers responded to the frayed nerves produced by the increasing tension. Amid scuffling, outnumbered reformers in Allegany County attempted to adjourn a meeting in Cumberland on October 14 by "blowing out the lights, and leaving." Order and illumination were restored, and anti-reform resolutions were adopted. Some time earlier, a "committee of vigilance" had been created in the Cumberland area. Composed of nine members, the committee was instructed "to communicate information of any revolutionary movement to the several committees appointed in other districts . . ." ¹⁴ It was also in Cumberland that the local grand jury returned indictments against the electors who boycotted the senatorial electoral college. Because these electors intend "to subvert the government and endanger the public tranquility," the jury

¹² *Niles Weekly Register*, LI (October 22, 1836), 120.

¹³ *Ibid.*, (October 1, 1836), 69-70.

¹⁴ *Ibid.*, (October 1, 1836), 74. (October 29, 1836), 134.

presented them "as unfaithful public agents and disturbers of the public peace."¹⁵

In the meantime, three events significantly affected the situation and forced the reluctant Democratic electors to reappraise their strategy. The first two were the elections held in October to select members of Maryland's lower house, and, in November to select presidential electors. In each instance, the Whigs won overwhelming victories. The October polling reflected a reversal of the senatorial college election held the month before. This time the Whigs captured an impressive majority of the popular vote and translated this majority into an enormous share of the seats in the House of Delegates. Altogether, sixty Whigs and only twenty Democrats were elected to that chamber. Several mitigating factors, however, tended to exaggerate the extent of this triumph. In the hub of Democratic strength, Frederick County, the Democratic slate of nominees withdrew from the ballot. This conceded the selection of four Whigs from that county who otherwise would not have been expected to win.¹⁶ It has already been noted that the equal representation of counties in the lower house operated advantageously for the Whigs since they held predominant strength in most of the sparsely populated counties. Despite these qualifications, the Whig victory was decisive,¹⁷ and the results led Whigs to contend

There is not . . . in our whole political history, a more signal instance of prompt and emphatic rebuke, administered at the hands of the people, to derelict public servants, than that which the results of our late election furnishes.¹⁸

Several Democrats interpreted the election results as a mandate for the ends sought by the nineteen truant electors, but in general these explanations seemed to be frantic rationalizations

¹⁵ *Ibid.*, (October 22, 1836), 122.

¹⁶ The Frederick County Democratic nominees removed their names on the grounds that a constitutional convention was scheduled by the reformers on the third Monday in November. Given this call for a basic re-examination of the state's charter, the Democrats in Frederick argued that the election of delegates to the lower house would be superfluous. The Van Burenites also lacked a delegate ticket in Worcester County, but the latter was normally a Whig stronghold. Scharf, III, 194.

¹⁷ Whig candidates for the eighty seats received 83,212 votes while the Democrats polled 66,204. *Niles Weekly Register*, LI (October 8 and 15, 1836), 85, 100.

¹⁸ *Hagerstown Torch Light and Public Advertiser*, October 13.

of an increasingly tenuous position.¹⁹ One of the nineteen, John Sellman of Anne Arundel County, broke ranks shortly after the election and joined the Whigs in the electoral college.

On November 7, votes were cast in the presidential contest that pitted Willam Henry Harrison against Martin Van Buren. The results paralleled those of October as the Whig candidate received an impressive majority in Maryland. Once again, the voters seemed to voice their concern over the threat to the established order posed by the Democrats. Despite their impressive victory in September, the Democrats met stunning defeats in the two succeeding months while they attempted to translate their popular support into a program of basic governmental reform.

From the beginning of the prolonged dispute in mid-September until early November, Governor Veazey, an ardent and conservative Whig, remained silent. He refused to enter the fray in any official capacity although correspondence sent to his office as early as September 24, 1836 advised him to take positive action to circumvent the Democratic tactics.²⁰ With the results of the presidential election in hand, Veazey took the offensive. His proclamation of November 8 bitterly castigated the recusant electors as "unfaithful agents" who "seem vainly to have imagined that the effect of their conduct would be the destruction and overthrow of the constitution and government of the state." If the Democratic plot would be allowed to run its course, Veazey contended that

... these unprecedented, unconstitutional, disorderly and revolutionary occurrences and proceedings . . . are fraught with incalculable evils and mischiefs, and *must* . . . greatly disturb the tranquility and peace of the state . . . and . . . involve us in all the horrors and unspeakable calamities of anarchy, intestine commotion and CIVIL WAR, and therefore, demand from the executive the adoption of such constitutional and legal measures as may seem to them best adapted to quiet the public mind . . . to defeat the unholy designs and purposes . . . and maintain and support the constitution and authority of the government.²¹

¹⁹ At least two of the nineteen Democratic electors made public attempts to justify their continued refusal to join the electoral college. *Niles Weekly Register*, LI (October 15, 1836), 105.

²⁰ Letter from Thomas C. Worthington to Governor Thomas W. Veazey, September 24, 1836; Maryland, Governor, "Miscellaneous Papers and Accounts," Maryland Hall of Records.

²¹ *Niles Weekly Register*, LI (November 12, 1836), 165.

After portraying the anarchical ends pursued by the Democrats, Governor Veazey unveiled the weapon designed to thwart the strategy of the recusant electors. He called the recently elected House of Delegates and the Senate which had been constituted in 1831 into a special session on November 21. This unique amalgamation of an old Senate and a new House could then, according to Veazey, adopt such measures as might be necessary to preserve the constitution of the state. The proclamation concluded with the resounding command that civil officers of the state vigilantly perform their duties, and that "all military officers and citizens . . . hold themselves in readiness, in case their services may become necessary."²²

The gubernatorial request for military preparedness did not go unheeded. In Prince George's County, the Planters Guards tendered their services to the executive, and the commanding officer issued a call for volunteers to meet at Upper Marlboro on November 19.²³ From another sector, Governor Veazey was advised of compliance with his order along with somewhat distressing intelligence; the armory at Frederick reported a woeful deficiency of supplies in the eventuality of a "draught." The commander of the garrison wrote that

to place us, then, in a condition to render efficient service in any contingency which may arise out of the anarchy which threatens us, I respectfully suggest to your Excellency the precautionary measure of ordering two thousand stand of arms to the armory . . . subject to such disposition as the crisis may require.²⁴

Meanwhile, some Democrats remained unmoved by the force of the Governor's logic. The *Baltimore Republican*, a mouth-piece for Jacksonian Democrats, united in a polemical denunciation of the proclamation "issued by King Veazey, by the advice of their *high mightynesses*, the executive council." In no uncertain terms, Veazey was accused of usurping authority in calling the hybrid General Assembly into special session. "We own no despot's sway," the editorial proclaimed, and it concluded with the admonition to resist any attempt ". . . to

²² *Ibid.*

²³ *Ibid.*, (November 19, 1836), 185.

²⁴ Letter from Brigadier General Thomas C. Worthington to Governor Thomas W. Veazey, Frederick, November 11, 1836; Maryland, Governor, "Miscellaneous Papers and Accounts," Maryland Hall of Records.

sustain the present rotten constitution and the rotten-hearted cormorants who are feeding at the public crib under its provisions." ²⁵ Within a week, the reform convention opened in Baltimore. Almost every county had chosen delegates for this conclave. The group reiterated the reform sentiments which had shaped and guided their activity during the preceding months, and they bitterly decried the aspersions cast upon them by Governor Veazey. ²⁶

Yet the election results took their toll. Just as one Democrat capitulated after the October election and joined the senatorial electoral college, so too did four others following the presidential contest. These Democrats joined the college on November 19—significantly the date on which the Planters Guards grouped at Upper Marlboro. With twenty-six members, the electoral college finally achieved a quorum, and a unanimous slate of Whigs were selected to sit in Maryland's upper chamber. Each senator-elect received twenty-one votes; the five Democrats cast blank ballots. ²⁷ The battle which had racked the state for more than two months was over.

The Whigs scored impressive victories in the wake of the total failure of the Democratic strategy. Not only did the Whigs retain unanimous control of the senate, they also increased their majority in the lower house and captured the state for their presidential candidate. Democrats saw their popular vote majority in September overwhelmingly reversed in the two succeeding elections. It would have taken more than normal modesty to keep Whigs from proclaiming that the forces of reform and revolt were repudiated with the expression of confidence in Whig principles and methods.

III

One might expect that the Whig victory would have made improbable the demands for reform espoused by the Democrats. At least, it would be supposed that the latter would have to

²⁵ *Niles Weekly Register*, LI (November 12, 1836), 165-66.

²⁶ Scharf, III, 194.

²⁷ *Niles Weekly Register*, LI (November 26, 1836). See Heinrich Ewald Buchholz, *Governors of Maryland from the Revolution to the Year 1908* (Baltimore, 1908), p. 128. The four Democratic electors were Wesley Linthicum of Anne Arundel County, Marcy Fountain of Caroline County and Enoch George and John B. Thomas of Queen Anne's County.

await more favorable election results before they could seriously hope for the enactment of their goals. However, in the ensuing regular session of the General Assembly which began on December 26, 1836, nearly all of the reform proposals were enacted in the most extensive revision of a constitution made during a legislative session in Maryland. Provision was made for the direct election of the Governor and the Senate, the Governor's Council was abolished and replaced by a Secretary of State, and the lower house was reapportioned on the basis of a population formula rather than the principle of county equality. Tied in with the governmental reforms was a rider which stipulated that only the unanimous vote of the legislature could abolish slavery in Maryland.

This amendment received second legislative assent during the 1837 session and became effective in 1838. Of the major reforms advocated by the Democrats, the omnibus package covered all but the recommendations of limited terms for judges and the popular election of county clerks and registers. Moreover, the Whigs refrained from passing legislation urged by Governor Veazey to strengthen the state's laws relating to conspiracy and sedition. Given the turmoil which occurred during the fall of 1836, the Whigs might naturally have enacted vindictive legislation designed to embarrass their political enemies. The select committee appointed "to inquire into the expediency of reporting a bill making it a high crime and misdemeanor for citizens to conspire against the constitution of the state" returned an unfavorable report buttressed by the conclusion that the existing law plus general executive powers would be sufficient to meet any future crisis. ²⁸

Several seemingly plausible explanations can be offered to account for the unexpected reforms sponsored and enacted while Whigs held huge legislative majorities. Dynamic and far-sighted executive leadership, the Whig desire to steal Democratic thunder by championing reform in order to become a permanent majority in the state, or merely a holding action to stave off more radical reform in the future are three explanations.

Advocating the shrewd and vigorous leadership of Governor Veazey to explain the inauguration of reform has been a tack

²⁸ *Niles Weekly Register*, LII (April 1, 1837), 73-74.

followed by a number of commentators. Heinrich Bucholz, for example, argued that Veazey was the master strategist in the paradoxical situation in which "the foes of republicanism" granted the State republican reforms.²⁹ Similarly, another writer noted that "having triumphed over lawlessness the Governor himself took the initiative in remedying the grievous conditions which had caused the trouble," and the legislature followed the executive's wishes.³⁰ As a prime illustration of his dominant position, these writers point to Veazey's unanimous re-election by the legislature on January 2, 1837.

Other than the results of the gubernatorial election of 1837 there is little to support the view that Veazey played an important, or even an active role in the development of the reform legislation. Even his unanimous re-election is less than a convincing index of his sway over the legislature. Governors were elected annually by the legislature, and they were allowed to serve a maximum of three years. Unless a party lost its legislative majority, governors typically served for the permitted three terms. Hence it was not particularly surprising to have the Whigs support Veazey for re-election. Nor was his unanimous selection particularly noteworthy. The minority party in the Maryland legislature usually did not cast its votes for a specific candidate. Minority members either submitted blank ballots or refrained from voting altogether. In light of the fact that the Whigs controlled seventy-five seats in the General Assembly, Veazey's total of seventy votes presumably included only Whig support.³¹

Moreover, the available documents indicate that Veazey did not provide a great deal of positive leadership on the constitutional revision. His proclamation calling the special session, his address to that session, and his addresses to the two succeeding regular sessions contain no more than one paragraph in each instance on the subject. Typically, he made a general comment about reform near the end of the message and deferred to the judgment of the legislature on specific measures. When

²⁹ Bucholz, p. 124.

³⁰ *Tercenary History of Maryland* (Baltimore, 1925), IV, 46. See also Matthew Page Andrews, *History of Maryland: Province and State* (Garden City, N. Y., 1929), p. 464.

³¹ *Niles Weekly Register*, LI (January 7, 1837), 289. Eighty-one votes were cast; eleven blanks.

the short-lived special session met, Veazey's message dismissed the importance of constitutional reform on the grounds that liberty had not been endangered. He acknowledged, however, that it might be desirable to reapportion the lower house on a population basis similar to that used for the United States House of Representatives. This was the only specific proposal Veazey referred to the legislature in official communications. In contrast, he devoted lengthy sections of his messages to detailed expositions of legislation he considered necessary on the subjects of education, internal improvements and seditious activity. Indeed, the fate of the last recounted above gives an indication of Veazey's leadership abilities in reverse. Although on several occasions he strongly recommended strengthening the sedition laws, the legislature refused to follow his guidance.

Perhaps the most poignant indication of Governor Veazey's relationship to the reform amendment is contained in a letter written during his last year in the executive mansion. Although he called upon his correspondent to destroy the letter "as soon as you read it," it has survived as a penetrating self-analysis of this enigmatic politician.

Contrast my situation with what it was before the alteration of the Constitution. Then I had a council of friends around me, that was ready and willing to sustain me in all difficulties and to whom I could appeal for advice and council [*sic*] without any fear of being misled, and with a clerk that I knew to be the best qualified man for the office in the State . . . And now . . . what is my situation? I am here in this empty chamber without a Council, without clerk, without one friend to whom I can turn, to ask advice.

Following this bitter comparison, Veazey looked forward with anticipation to the time when he could "lay down this office and return once more to my happy home."³² It is difficult to reconcile this image of a frustrated, defeated and lonely man with the claim that Veazey was a shrewd and dynamic political strategist who provided the impetus for the successful passage of the reform bill.

As a second explanation of the action taken by the Whig

³² Letter from Governor Thomas W. Veazey to Col. Nathaniel Williams, March 9 1838; Maryland Hall of Records. The letter was written nearly ten months before the end of Veazey's third term.

Party as it enacted the reform legislation, it can be argued that through this tactic the Whigs hoped to cloak themselves as the responsible and trustworthy exponents of reform. In so doing, they would borrow liberally from the campaign platform of the opposing party, thus enhancing their party's position in the eyes of the public while at the same time sapping the appeal of the opposition. This process has frequently been cited as a prime characteristic of a party's method to attain and remain in a majoritarian position. The bare chronology of events in this Maryland episode would seem to be consistent with this interpretation. Yet there is very little evidence which suggests that the Whigs actually intended to follow this strategem. It is true that shortly after the electoral college impasse developed, Baltimore Whigs proclaimed that "Our motto is, '*constitutional reform and no revolution.*'" Self-proclaimed friends of reform, they conceded that the state constitution should be amended in certain respects.⁵³ The position espoused by these Baltimoreans, must be weighed against several factors. First, the Democrats held predominant power within the city; even in the Whig landslide in the October election for lower house representatives, Democrats won both of the city's seats. Under these circumstances, it might be expected that the Whigs would tend to be more liberal than in areas where they held overwhelming control. Secondly, given the minority position of Whigs within Baltimore, it would be assumed that they would wield a restricted voice within Whig conclaves.

If the argument is accepted that the Whigs intended to cast themselves as reformers in order to become the permanent majority in Maryland, a review of election results from 1838 until the Civil War shows that the Whigs fared poorly in the attempt. A Democrat became the first popularly elected Governor in 1838, and Democrats competed for the office successfully in four of the succeeding six elections. Only in 1843 on the heels of nearly disastrous Democratic fiscal policies and in 1857 when the Know Nothing candidate emerged victorious was the Democratic hold on the state's highest executive office broken.

Speaking from a perspective fifteen years after the crisis, a

⁵³ *Niles Weekly Register*, LI (October 1, 1836), 70-74. Details were not given outlining the specific amendments considered desirable, however.

Whig delegate to the Constitutional Convention of 1851 may have accurately presented the feelings commonly held by Whigs when the reform legislation was passed. After admitting that the reforms now merited his "gratitude and approbation," he acknowledged that when the innovations were made "he was compelled to regard it as the darkest hour in the modern annals of our State."⁵⁴ Similarly, another Whig delegate bitterly complained that "in 1836 the Legislature . . . yielded to the principles and demands of demagogues . . . That year will ever be looked upon and held in memory, as the beginning of our downfall."⁵⁵ Neither of these comments can be construed as indications of shrewd Whig acceptance of the reform badge. Of course, by 1851, hindsight, noting the frequent victories of the opposition, may have embittered the most ardent Whig reformer.

Even shortly after the passage of the reform amendments, however, the Whigs illustrated reluctance to take credit for the reforms. During a hotly contested campaign for a congressional seat in western Maryland, Whigs bombarded the incumbent, Francis Thomas, with vitriolic references to his participation in the revolt of the nineteen. A typical campaign tract emphasized "nineteen reasons" why Thomas should not be re-elected without mentioning the Whig reform record.⁵⁶ Doubtless the Whigs felt it advantageous to tie "revolution" to Thomas, but at a time when emotions had cooled this amounted to giving him credit for reform as well. Thomas was re-elected.

The assumption that the Whigs embraced mild reforms in order to stave off more radical efforts by the Democrats generates a certain plausibility. Without doubt, Whig axioms with respect to the nature of political representation and the division between legislative and executive power were seriously threatened by Democratic agitation. Even the victory in the immediate battle might not placate Whig fears that the Democrats might accomplish a drastic overhaul of the state's institutions in the future. Adopting basic governmental reforms on their

⁵⁴ *Maryland, Debates and Proceedings of the Maryland Reform Convention to Revise the State Constitution* (Annapolis, 1851), I, 162.

⁵⁵ *Ibid.*, p. 439.

⁵⁶ See, for example, *Hagerstown Torchlight and Public Advertiser*, July 13, 1837. Thomas participated in drafting the resolutions followed by the nineteen. He also appeared in Annapolis to devise strategy after the boycott had begun. He was elected Governor in 1841.

own initiative, the Whigs could hope to avoid extreme action by the opposition later. At the same time, by passing the reform amendment while they held legislative majorities, the Whigs were able to remove the institution of slavery from the vicissitudes of subsequent majorities.

A critical factor remains inconsistent with the explanation that the reform was simply a holding action. The amendment sponsored by the Whigs was much more extreme than would be expected in that event. Any of the reforms taken singly could easily be viewed consistently with this doctrine. The combination of reforms in the omnibus revision of the Constitution goes well beyond the scope of expected compromise. Viewed from this perspective, it would be a bit like using the guillotine as a cure for a head cold.

The explanations offered by commentators as well as general interpretations of political activity fail to account for significant factors involved in the emergency and the reforms which resulted from it. As an alternative, it seems instructive to approach the episode from a different perspective. Instead of attempting to discern positive action designed by Whig leaders to abet a partisan cause, an emphasis on the extent to which Whigs were caught by forces which they could neither comprehend nor control may provide the key to understanding this paradoxical situation. When the Democratic electors decided to boycott the senatorial electoral college on the grounds that the voice of the majority demanded that course of action, Whigs responded with well-reasoned attacks on majoritarianism and defenses of aristocratic representative and executive institutions. Within two months, the Whig Party received two ringing endorsements at the polls. Instead of taking advantage of the endorsements to substantiate their principles, the Whigs seemed to be perplexed by the election results. Ironically, they were dependent upon the will of the majority to buttress undemocratic principles. The temperamental outlook of the Whig Party—its collection of traditions, aspirations and ideals—mitigated against its effective use of a majoritarian mandate. In a sense, the Whigs became victims of their own success because they were unable to reconcile the concept of the popular mandate with their prevailing political maxims.

To sharpen the focus on the theory of the temperamental

outlook of a political party as an explanation of the results of the 1836 crisis, it is plausible to assume that the Whigs would have felt more at home in the political battle utilizing undemocratic institutional devices rather than a popular mandate. When the elections resulted in impressive Whig victories, the Whigs, as repositories of popular favor, seemed to respond almost automatically with sponsorship of the reforms advocated by their opponents. The inclusion of the slavery rider in the reform measure reflected the confusion and panic which seemed to engulf the Whig approach to reform. Not that it would be unexpected for a political party to adopt constitutional safeguards for a policy cherished by many of its members; what is more noteworthy is the fact that the Whigs felt constrained to express the safeguard in terms which specified that slavery could never be repealed in Maryland without the unanimous consent of both legislative chambers. Couching the constitutional restriction with a requirement of unanimity, the Whigs seemed to recognize that they had unwittingly unleashed a set of drastic reforms which would react to their disadvantage. Nevertheless, the reforms were enacted.

The Whig psychology is also illustrated in the action taken by Governor Veazey after he called the legislation into special session. As already recounted, he issued a call for the newly elected House of Delegates and the old Senate to convene. Partisan rebuttal to this action emphasized the alleged usurpation of authority and unconstitutionality of Veazey's maneuver, and in the process, party lines were abruptly switched. Democrats, champions of wide-sweeping executive power on the national level, advocated a narrow construction of executive authority. Whigs, propagators in the not-too-distant past of "King Andrew" charges, found their leader assailed in similar terms. Obviously stung by criticism which suggested a deviation from the Whig doctrine of legislative supremacy, Veazey devoted a substantial portion of his special session message to an exposition of the legal precedents justifying the appearance of a heterogeneous legislature. The message is all the more revealing when it is noted that the General Assembly was never formally organized during the special session to carry on legislative business.³⁷ Normally, a chief executive awaits word that

³⁷*Niles Weekly Register*, LI (December 3, 1836), 213-14. The lower house

the legislature is organized before submitting messages to it. That Governor Veazey refused to wait under these circumstances lends credence to the opinion that he felt constrained to issue a public justification of his action at all costs. In effect, he was compelled to disassociate himself from an alleged deviation from basic Whig tenets. The clutch of the temperamental demeanor of the Whig Party seemed to hold Veazey firmly in sway.

It is instructive to examine the role of the Democratic Party as the crisis developed and reached a climax. Throughout the episode, Democrats frequently found themselves espousing action contrary to the basic principles of their party. In succession, the Democrats utilized the undemocratic quorum requirement in the senatorial electoral college, condemned Governor Veazey by advocating narrow construction of executive authority, and, at least for the fourteen Democratic electors who never relented in their boycott of the electoral college, rejected the indication of popular sentiment reflected in the October and November elections. When the Whig-dominated legislature promptly passed the reform amendment, the Democrats were placed in an awkward position. To counter this development, the Democrats fell back on two partisan pleas. First, they attempted to gain credit for the passage of the reforms on the grounds that their activity had forced the Whigs to act. Thus, at their state convention in 1838, the Democrats argued that the united and determined efforts of the Democratic Party forced the legislature to adopt the constitutional amendment.⁴⁵

Secondly, the Democrats argued that reform was incomplete and pointed specifically to the judiciary where no changes were made. Consistent with the claim that additional reform was necessary, the Democrats continued to agitate for a constitutional convention.⁴⁶ This remained a party war cry until 1850 when the necessary machinery was created to hold a convention. Despite the forthright pleas for additional reform, it is interesting to note that the reform convention of 1850-1851 constructed a new Constitution which did not alter considerably the governmental structure produced by the amended Consti-

organized, but the Senate was unable to secure a quorum. After five fruitless days the House adjourned.

⁴⁵ *Maryland Gazette* (Annapolis), June 7, 1838.

⁴⁶ *Ibid.*, April 12, 1838.

tion of 1776. As the Democrats developed these arguments, it was also incumbent upon them to deny the revolutionary implications of the 1836 conflict. Naturally, they did not wish to carry the rebel mantle in succeeding elections. Thus, in 1851, a Democrat who had been a Whig in 1836, blocked the charge that Maryland in 1836 provided a parallel with the Dorr rebellion in Rhode Island. He argued that "there was nothing in the condition or character of the State of Maryland to justify any parallel."⁴⁰

To be sure, Democrats trod a precarious line when at one and the same time they argued that their activity had forced the Whigs to pass reform, but that the agitation was not revolutionary in character. On several occasions, the balance was lost. For example, Baltimore Democrats proclaimed in 1838:

The ruling party that passed our reform bill were [sic] the only party in the State opposed to reform, and they resisted it until they lost the power of governing without it. . . . The wheels of government were locked and brought to a stand by the reformers, before the Whig party consented to any change of the Constitution. . . . They promised us no reform until they were reduced to the last extremity of political existence.⁴¹

Similarly, when the Democrats issued the call for a constitutional convention to be held in mid-November, 1836, it was emphasized that the convention would be clothed with full power to provide the remnants of a government until a new constitution could be drawn. In both of these statements, the suggestion and acknowledgment of a revolutionary situation cannot be disputed.

Thus, despite Democratic claims to the contrary the agitation in 1836 bears distinct similarity to the Dorr Rebellion in Rhode Island five years later. In both cases, incensed spokesmen for the popular majority in the state urged the right of the people to construct a new government as the only alternative to the iniquities of political representation produced by the existing order. With swathing strokes, the reformers in Maryland and Rhode Island advocated majority rights and powers against institutional machinery which allowed a minority to retain

⁴⁰ *Maryland, Debates and Proceedings of the Maryland Reform Convention to Revise the State Constitution*, I, 156.

⁴¹ *Maryland Gazette* (Annapolis), July 8, 1838.

power. John C. Calhoun quickly recognized the proposals of the Maryland reformers as a threat to his sectional position. In Senate debate on the question of the admission of Michigan into the Union, he bitterly assailed the concept that "the authority of numbers" should prevail over the authority of law. The acceptance of this principle, according to Calhoun, would overthrow constitutional government and subvert all social order. "It is the identical principle which prompted the late revolutionary and anarchical movement in Maryland, and which has done more to shake confidence in our system of government than any event since the adoption of our constitution." Calhoun rejoiced that the "patriotism and intelligence" of the people of Maryland caused the movement to fail.⁴²

IV

From the perspective of partisan politics, "reform or revolution" in 1836 represents a panorama of ironies. The episode began when ardent democrats utilized an undemocratic institutional device in order to gain reform. It ended when the former opponents of reform enacted a comprehensive constitutional amendment which provided most of the reforms desired by the democrats. In between, the parties switched sides on a number of basic issues, a process in keeping with the American political tradition. It has been said that he who wins the battle of the choice of the battlefield wins the battle. In this case, both sides lost the crucial preliminary conflict to ascertain the terrain on which the fight would be held. Democrats entered the fray in the vanguard of popular support which they felt made their position impregnable. Within two months, defeats at the polls stripped the Democratic Party of this support. Conversely, Whigs, armed with elaborate defenses of the aristocratic order, found themselves lionized by the masses. The results? Whigs won the immediate battle almost by default and the old order triumphed over insurrection. Yet, having also lost their battle field, the conservatives sanctioned a series of reforms destined to reduce drastically their hold on the governmental apparatus of the State. The decades after 1836 witnessed the final irony; Whigs consistently decried their own reforms, and Democrats strove mightily to receive credit for them.

⁴² *Niles Weekly Register*, LI (January 14, 1837), 308.