

= William Owsley =

William Owsley ( March 24 , 1782 ? December 9 , 1862 ) was an associate justice on the Kentucky Court of Appeals and the 16th Governor of Kentucky . He also served in both houses of the Kentucky General Assembly and was Kentucky Secretary of State under Governor James Turner Morehead .

Owsley studied law under John Boyle . After briefly serving in the state legislature , he was appointed by Governor Charles Scott to serve alongside Boyle on the Kentucky Court of Appeals . During his service on the court , Owsley was involved in the Old Court @-@ New Court controversy . In 1824 , the state legislature , unhappy with the court 's rulings against debt relief legislation , attempted to abolish the court and replace it with a new court . For a time , both courts operated simultaneously , and both claimed to be the court of last resort in the state . Supporters of the old court won control of the legislature and abolished the new court in 1826 . Owsley resigned from the Court of Appeals two years later .

In 1831 , Owsley returned to the state legislature , where he served until Governor Morehead appointed him secretary of state in 1834 . He resumed his legal practice in 1836 and in 1843 , retired from that profession . The next year , he was nominated for governor on the Whig ticket and defeated William O. Butler in the general election . Through fiscally conservative policies , he was able to reduce the state 's debt . In spite of his opposition to the Mexican @-@ American War , large numbers of Kentucky 's citizens volunteered for military service . Owsley 's popularity declined sharply when he attempted to remove Benjamin Hardin as Secretary of State . Hardin successfully challenged his removal in court , then resigned in protest of Owsley 's actions and charged him with practicing nepotism in his appointments . After his term as governor , Owsley never again sought public office . He died December 9 , 1862 and was buried in Belleview Cemetery in Danville , Kentucky .

= = Early life = =

William Owsley was born March 24 , 1782 in Virginia . He was the third of thirteen children born to William and Catherine ( Bolin ) Owsley . Owsley was a first cousin to U.S. Representative Bryan Owsley , whose father Anthony was the elder William Owsley 's brother . In 1783 , his family relocated to Lincoln County , Kentucky , settling between the settlements of Crab Orchard and Stanford . He was of English ancestry . Owsley was dedicated to his studies in the public schools of the area , and obtained a better education than most of his peers . On March 30 , 1802 , he was appointed adjutant of the 26th Regiment of the Kentucky Militia .

For a time , Owsley taught at a country school , and in 1803 , he married Elizabeth Gill , one of his students . Gill was almost seventeen ; Owsley was twenty @-@ one . The couple had six children . During his time as a teacher , Owsley also studied surveying and eventually became a deputy surveyor . Later , he served as a deputy sheriff under his father , who was High Sheriff of Lincoln County . While in this capacity , he attracted the attention of John Boyle , who offered Owsley the use of his library . Owsley availed himself of this opportunity , and read law with Boyle . In 1809 , Owsley opened a legal practice in Garrard County .

= = Kentucky Court of Appeals = =

Owsley 's political career began in 1809 when he was elected to the Kentucky House of Representatives , serving one term . Governor Charles Scott appointed him to the Kentucky Court of Appeals in 1810 , where he served alongside his teacher , John Boyle . Soon after Owsley 's appointment , the legislature reduced the number of justices on the court , and Owsley resigned his seat . He was elected to the state House again in 1811 . When a vacancy on the Court of Appeals occurred in 1813 , Governor Isaac Shelby re @-@ appointed Owsley to the court .

One of the court 's most crucial decisions during Owsley 's tenure was in the case of Commonwealth of Kentucky v. James Morrison , which held that the Bank of the United States did

not have the right to establish branches in Kentucky . The Supreme Court of the United States later overturned this ruling .

A second important decision in which Owsley was a participant was the case of Blair , etc. v. Williams , which invalidated the Kentucky Replevin Act of 1820 . This law granted debtors a two @-@ year grace period in repaying their debts unless their creditors would accept notes from the Bank of Kentucky . Owsley and his colleagues opined that this law was in violation of the Contract Clause of the U.S. Constitution . The decision was extremely unpopular with the Commonwealth 's citizens , but it was re @-@ affirmed by the court 's opinion in the related case of Lapsley v. Brashcars and Barr .

Following these decisions , the General Assembly attempted to remove all three justices from their positions , but lacked the two @-@ thirds majority required for impeachment . The Assembly then attempted to abolish the Court of Appeals and create a new one , beginning the Old Court @-@ New Court controversy . The members of the existing court ? Owsley , John Boyle , and Benjamin Mills ? continued functioning in that role , while a new court of four pro @-@ relief justices was organized by the legislature . For a time , both courts claimed to be the court of last resort in Kentucky , but by 1826 , supporters of the Old Court won control of the legislature and abolished the New Court .

Having seen the court through the Old Court @-@ New Court controversy , Chief Justice Boyle resigned in 1826 . In December 1828 , Mills and Owsley also resigned . Their resignations were an attempt to silence criticism from the defeated New Court faction that they held their seats in defiance of the will of the people . Old Court supporters hoped both men would be re @-@ nominated and re @-@ confirmed by the legislature , making the New Court 's charge less credible . Accordingly , newly elected governor Thomas Metcalfe submitted both men to the legislature for confirmation , but the nominations were defeated in the state senate . Thus ended Owsley 's tenure on the court . It was , at the time , the longest tenure of any Court of Appeals justice except John Boyle . Owsley returned to his legal practice , and his case load soon compelled him to move to Frankfort .

= = Governor of Kentucky = =

Owsley returned to the state House in 1831 , and served in the state senate from 1832 to 1834 . He also served as a presidential elector for Henry Clay in 1833 . When James Turner Morehead ascended to the governorship upon the death of John Breathitt , he appointed Owsley Secretary of State for his shortened term from 1834 to 1836 . In 1843 , Owsley retired from the practice of law and purchased a farm in Boyle County .

In 1844 , Owsley was elected governor on the Whig ticket , defeating Democrat William O. Butler by a vote of 59 @,@ 792 to 55 @,@ 089 . A fiscal conservative , Owsley reduced the state 's deficit slightly , and was reluctant to rebuild the state penitentiary , which was damaged by fire . Despite his reluctance to spend , he urged the General Assembly to increase funding for public education . " Nothing but money will do it , " proclaimed Owsley , " and it is left to the appropriate department ? the legislature ? to determine on the expediency or in expediency of raising it . " In response , the Assembly passed only a small tax to benefit public education . Education made progress during Owsley 's tenure , largely due to his appointment of Robert J. Breckinridge as public school superintendent in 1847 . Breckinridge is credited as the architect of Kentucky 's antebellum educational system .

In 1845 , Secretary of War William L. Marcy requested that Kentucky provide militiamen to bolster Zachary Taylor 's forces in the new state of Texas . Owsley all but refused the request , but when word of Marcy 's request reached the citizens of the state , they volunteered in great numbers and rushed to reinforce Taylor . Owsley was similarly lethargic in responding to Marcy 's call for troops for service in the Mexican ? American War . He joined fellow Kentucky Whigs John J. Crittenden and Henry Clay in deriding the conflict as " Mr. Polk 's War " . However , postal workers in the state opened Marcy 's letter before delivering it to Owsley and had spread the word that the federal government had once again requested troops . By the time Owsley made the formal call for volunteers on May 22 , 1846 , an entire regiment of Kentucky troops had already been organized .

Despite his personal opposition to the war , Owsley boasted in his report to Marcy that the Commonwealth had raised 13 @, @ 700 volunteers , more than five times the number requested of him .

Later , Owsley 's tenure would be marred by a conflict with Benjamin Hardin , his Secretary of State . Hardin believed that by supporting Owsley in the gubernatorial election , he would obtain some influence in Owsley 's choices for other appointments . Tensions between Hardin and Owsley worsened as Hardin became increasingly frustrated with his lack of influence . On September 1 , 1846 , Owsley removed Hardin from his cabinet , charging that Hardin had abandoned his duties because he did not reside in Frankfort . Hardin challenged this premise for his removal , and when Owsley nominated George B. Kinkead to replace Hardin , the state senate voted 30 ? 8 that no vacancy existed . The Kentucky Court of Appeals upheld this decision . Vindicated , Hardin then resigned , charging Owsley with practicing nepotism . In the Kentucky Constitution of 1850 , the governor was stripped of his power to remove the Secretary of State from office .

Following his term as governor , Owsley retired to his farm in Danville , Kentucky , where he lived until the death of his wife in 1858 . After this , he lived with his children until he died December 9 , 1862 . He is buried at Bellview Cemetery in Danville . Owsley County , Kentucky is named in his honor . Pleasant Retreat , his home in Garrard County during his early political career , is listed on the National Register of Historic Places .