

= Marcus Morton =

Marcus Morton ( 1784 ? February 6 , 1864 ) was an American lawyer , jurist , and politician from Taunton , Massachusetts . He served two terms as Governor of Massachusetts and several months as Acting Governor following the death in 1825 of William Eustis . He served for 15 years as an Associate Justice of the Massachusetts Supreme Judicial Court , all the while running unsuccessfully as a Democrat for governor . He finally won the 1839 election , acquiring exactly the number of votes required for a majority win over Edward Everett . After losing the 1840 and 1841 elections , he and was reelected in another narrow victory in 1842 .

The Massachusetts Democratic Party was highly factionalized , which contributed to Morton 's long string of defeats . His brief periods of ascendancy , however , resulted in no substantive Democratic @-@ supported reforms , since the dominant Whigs reversed most of the changes enacted during his terms . An opponent of the extension of slavery , he split with longtime friend John C. Calhoun over that issue , and eventually left the party for the Free Soil movement . He was considered by Martin Van Buren as a potential vice presidential running mate in 1848 .

= = Early years = =

Morton was born in East Freetown , Massachusetts in 1784 , the only son of Nathaniel and Mary ( Cary ) Morton . Sources report his day of birth to be either February or December 19 . His father was a farmer who was politically active , serving for a time on the Governor 's Council . Morton received his early education at home , and was placed at age fourteen in the academy of Reverend Calvin Chaddock at Rochester , Massachusetts .

In 1801 Morton was admitted to Brown University with the sophomore class , and graduated in 1804 . During his time at Brown came to adopt Jeffersonian ideas , making an outspoken anti @-@ Federalist speech at his commencement . He then read law at Taunton for a year in the office of Judge Seth Padelford , after which he entered Tapping Reeve 's law school in Litchfield , Connecticut . There he was a schoolmate of John C. Calhoun , who served as a mentor and friend for many years . Moving back to Taunton , he was admitted to the Norfolk County bar in 1807 and opened a practice . In December of that year he married Charlotte Hodges , with whom he had twelve children . He later received honorary law degrees from Brown ( 1826 ) , and Harvard ( 1840 ) .

= = Entry into politics = =

Morton honed his partisan skills in Taunton , frequently speaking out against Federalism , which dominated Massachusetts politics . In 1808 Governor James Sullivan offered him the post of district attorney for Bristol County , but he demurred because the office was still held by his teacher , Judge Padelford . He did , however , accept the post when it was offered to him in 1811 by Elbridge Gerry .

Morton was nominated by the Democratic @-@ Republicans to run for Congress in 1814 , but lost by a wide margin to Laban Wheaton in what was then seen as a strongly Federalist district . Two years later he was , to some surprise , victorious in a rematch with Wheaton despite Federalist strength in other races . Morton was reelected in 1818 , but narrowly lost to Francis Baylies in 1820 . In Congress he supported Andrew Jackson , whose actions in the Seminole Wars were being scrutinized , and opposed the Missouri Compromise . Morton was personally opposed to slavery , but did not often let it inform his political decisions until later in life ; he preferred instead to focus his efforts on other priorities . Despite this , his written statements on slavery were to become a matter of contentious debate when party factions within the Democratic Party sought to use them against him in the 1840s . In these early years he was also a proponent of free trade ; like many Massachusetts politicians , he later adopted a strong protectionist stance , calling the early period " the lamest ... of my life " .

= = Supreme Judicial Court and runs for governor = =

In 1823 Morton was elected to the Massachusetts Governor 's Council , and the following year was elected Lieutenant Governor , serving under Republican Governor William Eustis . When Eustis died in office in February 1825 , Morton served as acting governor until the election a few months later . Since the 1824 election had virtually eliminated the Federalist Party as a force in the state , Federalists and wealthy Republicans were coalescing into what became known as the National Republican Party ( predecessor to the Whigs ) . Morton disagreed with this trend ( calling the National Republicans " aristocratic " ) , preferring Jacksonian @-@ style Democracy instead , and refused to stand for election as governor in 1825 . He was , however , prevailed to run again for lieutenant governor , and he won the post , serving under Levi Lincoln Jr . , who had been nominated by both the Republicans and a rump Federalist coalition . Morton was unhappy with what he termed Whig elitism ( he accused Lincoln in 1830 of being a " tool of monied aristocracy " ) , and resigned the lieutenant governorship . Lincoln promptly appointed Morton as an associate justice of the Massachusetts Supreme Judicial Court ( SJC ) , a post he would hold until 1840 .

= = = Jurisprudence = = =

Morton was the only Democrat on the SJC , all the other justices having been appointed by Federalists . Despite this , Morton wrote a few notable decisions . He wrote the court 's decision in *Charles River Bridge v. Warren Bridge* , a case that eventually went to the United States Supreme Court . The plaintiffs were proprietors of the Charles River Bridge , a toll bridge constructed between Boston and Charlestown in 1786 , and the defendants were proprietors of a competing bridge to which the state had issued a charter in 1828 . The plaintiffs argued that the defendant 's charter infringed on their charter , in which they claimed the state granted them an exclusive right to control the crossing . The SJC split 2 ? 2 , and dismissed the case so that it could be heard by the Supreme Court . Morton wrote the decision favoring the defendants , pointing out that if the state was going to grant an exclusive right , it had to do so explicitly , and it had not done so in this case . This reasoning was upheld in 1837 by the Taney Supreme Court .

In 1838 Morton was the lone dissenter in *Commonwealth v. Kneeland* , the last time in the nation that someone was convicted of blasphemy . Abner Kneeland , a vitriolic former Universalist minister turned pantheist , had made statements Christians found offensive . Convicted by the trial court , Kneeland had appealed , and two more highly politicized trials ended in hung juries before the conviction was upheld in appeals . The full SJC took up the case in March 1836 . Kneeland , representing himself , argued that the statements he made did not rise to level specified by the statute , and argued that the statute violated the First Amendment to the United States Constitution . Chief Justice Lemuel Shaw , writing for the court majority , found that Kneeland 's speech satisfied the legal definition of blasphemy , and by narrow construction found that the law did not violate the state constitution 's protections of free speech and religion . In his dissent Morton argued for a more liberal reading of the Article 2 of the state constitution ( which addressed religious freedoms ) , and argued that every person " has a constitutional right to discuss the subject of God , to affirm or deny his existence . I cannot agree that a man may be punished for wilfully doing what he has a legal right to do . " Governor Edward Everett refused to pardon Kneeland , who served sixty days in prison . The case is now one of the most frequently cited American cases on blasphemy .

= = = Perennial candidate for governor = = =

The political situation in the late 1820s and 1830s was quite fluid . The Democrats were highly factionalized , with three major groups vying with one another for control of the party apparatus . Morton 's support base consisted mainly of farmers , industrial and shipyard laborers , and recent immigrants . A second faction , dominated by Theodore Lyman , consisted of merchants and wealthy coastal interests opposed to Whig interests . The third faction , which successfully controlled the party apparatus in its early years , was headed by David Henshaw , who had split from the John

Quincy Adams camp over political aspects of the bridge controversy . Henshaw was the principal party organizing force , while Morton became a perennial gubernatorial candidate , running for the office each year from 1828 to 1843 . The party was supported in its organizing efforts by Morton 's friend John Calhoun , who served as Vice President under Adams and Jackson . Morton generally did no overt campaigning , sensitive to maintaining the appearance of neutrality as a judge .

Morton was never able to make significant electoral inroads on Lincoln 's majorities in the years the latter held the governor 's seat ( 1825 ? 34 ) . This was principally because opposition to the National Republicans was fragmented , exemplified by the Free Bridge Party and the Anti @-@ Masonic Party , the latter of which in particular siphoned off significant numbers of Democratic votes in the 1832 election . Despite attempts by both the National Republicans and the Democrats to woo the Anti @-@ Masons into their fold , neither was able to . Morton was mildly anti @-@ Mason , but Henshaw was a Freemason , and Morton apparently did not recognize the potential power of the Anti @-@ Masons despite their significant electoral showing . As a result , the Democrats lacked the voting strength to unseat the National Republicans . The Democrats were also splintered in 1832 and 1833 , when the Working Men 's Party drew support by attacking both of the larger parties for their lack of attention to labor issues . Morton was sufficiently disheartened by his repeated failures that he considered abandoning his quest for the governorship in 1832 ; Henshaw convinced him to soldier on . In 1831 Morton broke ranks with his friend John Calhoun over the latter 's support for nullification , which Morton believed was based on his support for slavery . This also caused fractures in the Massachusetts Democratic Party , with Henshaw siding with Calhoun and the southern Democrats .

The closest Morton came to victory before 1839 was in the 1833 election , when Lincoln stepped down . In a four @-@ way race involving Worcester Congressman John Davis ( running as a National Republican ) and John Quincy Adams ( running as an Anti @-@ Mason ) as his principal opponents ( along with a Working Men 's candidate ) , none of the candidates received the required majority . The state legislature chose Davis , the largest vote @-@ getter , after Adams withdrew in Davis ' favor .

By the late 1830s activists for the abolition of slavery had grown into a potent political force in the state . Both Whigs and Democrats ( including Morton ) had avoided the issue in pursuit of other political objectives , but abolitionists began regularly requesting formal statements from candidates for office on the subject . Morton was known to be personally opposed to slavery , and this gained him votes in the 1837 and 1838 elections despite the vacillating answers he gave to such requests . His opponent in those elections , Edward Everett , was also opposed to slavery , but had in 1826 made a speech sympathetic to the rights of slaveholders , which was used against him . Morton 's faction within the Democratic Party also gained strength due to the organizational skill of historian George Bancroft , and successful moves spearheaded by Morton to change the methods by which lower @-@ level party leaders were chosen . David Henshaw resigned from the politically important post as the collector of the Port of Boston in 1837 , starting a struggle within the party for this valuable patronage plum . Morton was one several potential recipients , but eventually dropped out , suggesting it go instead to George Bancroft . Bancroft , from the western part of the state , attracted support from the Working Men into the Democratic fold .

= = Governor = =

In the 1839 election , an unrelated issue came up that finally gave Morton a victory . The Whig legislature had passed a bill promoted by temperance activists that banned the sale of liquor in quantities less than 15 US gallons ( 57 l ) ; this effectively outlawed service over a bar . The bill was seen by many as an instance of class elitism by the Whigs . The vote was so close that a recount was performed , and ballots were carefully scrutinized . One ballot counted for Morton contained the scrawl " Maccus Mattoon " ; despite efforts by Whig partisans to deny that the writer intended to vote for Morton , no person with that name was found anywhere in the state . Everett graciously refused to persist in contesting the balloting , and Morton was certified the winner with 51 @,@ 034 votes ( exactly half those cast ) to 50 @,@ 725 for Everett ( with another 307 votes being scattered ) .

With a hostile Whig @-@ dominated legislature , Morton 's reform agenda went nowhere . Proposals such as reductions in the poll tax and the number of capital crimes were defeated , but the Democrats were able to introduce some fiscal discipline and produced the first budget surplus in some years . The Whigs attacked his proposals as poor economic policy , and regrouped to focus on defeating him in 1840 . They convinced John Davis to return from the U.S. Senate to run against him , and Morton went down to defeat by a wide margin . He made some gains in the 1841 rematch . In 1842 the candidate of the upstart Liberty Party , an abolitionist party , secured enough votes to send the election to the state legislature . Because of the third party there were also a large number of vacancies in the state senate which was to choose the winner . The Liberty Party hoped to use its position in the balance of power to control the outcome , but a single Whig defector in the vote to fill the senate led to a Democratic majority in the chamber . The senate then went on to choose Morton as governor .

Morton once again called for a series of reforms , repeating those from 1840 , and including a proposal to transfer the tax burden from real to personal property . He was criticized by the Whigs for omitting any mention of slavery in his inaugural address . During his term the leaders of the various Democratic factions squabbled over executive and party appointments , and the death of President William Henry Harrison shortly after taking office brought on further party divisions as potential presidential nominees canvassed the state for support . As a consequence , much of the reform agenda was either not implemented at all , or only minimally , despite a nominally working Democratic @-@ Liberty coalition majority in the legislature . George Bancroft bemoaned the lost opportunity : " Never had a party a better opening than we have in Massachusetts , if all would but profit by our position . But they will not . "

In the 1843 election Morton was set against George N. Briggs , a Whig lawyer from rural Berkshire County , who was chosen to counter Morton 's appeal to rural voters . The Liberty candidate again won enough votes to deny either Briggs ( who won a 3 @,@ 000 vote plurality ) or Morton a majority , and the election was sent to the legislature . The legislature had been returned to Whig control , and thus elected Briggs . The Whigs promptly undid most of the few reforms that were enacted during Morton 's term .

= = Later years = =

Following his 1843 defeat , Morton finally decided to stop running for governor , yielding the nomination in 1844 to George Bancroft . In September 1844 he traveled to neighboring Rhode Island , where he agitated for the release of Thomas Wilson Dorr , the leader of Dorr 's Rebellion who had been sentenced to hard labor . Democratic sympathies for Dorr were used as ammunition against them by the Whigs in subsequent elections .

In 1845 President James K. Polk appointed Morton collector of the port of Boston ; he served four years . Approval of his nomination in the U.S. Senate became somewhat controversial , with southern Senators objecting to him because of earlier statements he had made in opposition to slavery . Even before his appointment was approved , he began using the politically important post in an effort to bring the state party membership more in line with his vision , but only succeeded in widening the already existing fractures in the party organization . The divide resulted in a delay of his confirmation due to political intrigues by the Henshaw faction , and caused a permanent break in political relations between Morton and Bancroft . After an acrimonious state convention in 1847 ( in which the Henshaw faction refused to allow platform items opposing slavery ) , Morton quit the party for the burgeoning Free Soil movement . Morton would refuse to support the Democrat @-@ Free Soil coalition that in 1850 saw the election of Democrat George S. Boutwell as governor and Free Soiler Charles Sumner as U.S. Senator .

In 1848 Morton was invited by Martin Van Buren to run as the Vice Presidential nominee on the Free Soil ticket . Morton refused , arguing that Van Buren ( a New Yorker ) needed geographic diversity . Van Buren finally chose Wisconsin 's Henry Dodge , but the party convention chose Massachusetts 's Charles Francis Adams . Morton campaigned for Van Buren , who ended up polling third .

Morton was a delegate to the Massachusetts Constitutional Convention of 1853 , and was elected on the Free Soil ticket to the Massachusetts House of Representatives in 1858 , serving one term .

= = Death and legacy = =

Morton died at his home in Taunton in 1864 and was buried in its Mount Pleasant Cemetery . His home in Taunton later became the original building of Morton Hospital and Medical Center . It was demolished in the 1960s during hospital expansion .

His son , also named Marcus , followed him onto the state 's supreme court , eventually serving as its Chief Justice . His daughter , Frances , was the mother of novelist Octave Thanet .