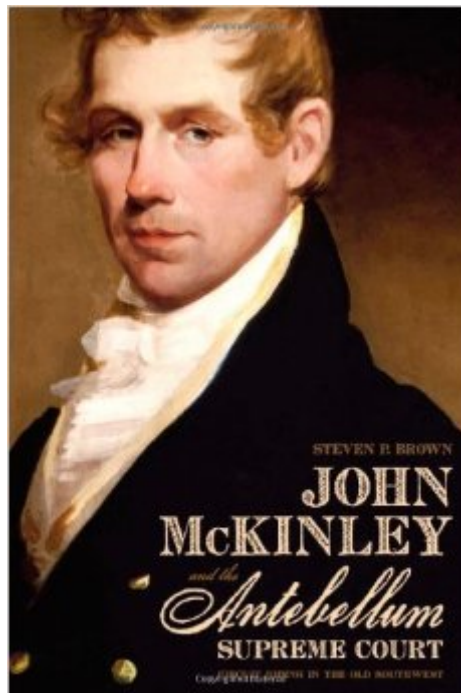


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# John McKinley And The Antebellum Supreme Court: Circuit Riding In The Old Southwest



## Synopsis

John McKinley and the Antebellum Supreme Court presents a portrait of US Supreme Court justice John McKinley (1780–1852) and provides a penetrating analysis of McKinley's time and place, the exigencies of his circuit work, and the contributions he made to both American legal history and Alabama. Steven P. Brown rescues from obscurity John McKinley, one of the three Alabama justices, along with John Archibald Campbell and Hugo Black, who have served on the US Supreme Court. A native Kentuckian who moved in 1819 to northern Alabama as a land speculator and lawyer, McKinley was elected to the state legislature three times and became first a senator and then a representative in the US Congress before being elevated to the Supreme Court in 1837. He spent his first five years on the court presiding over the newly created Ninth Circuit, which covered Alabama, Arkansas, Louisiana, and Mississippi. His was not only the newest circuit, encompassing a region that, because of its recent settlement, included a huge number of legal claims related to property, but it was also the largest, the furthest from Washington, DC, and by far the most difficult to traverse. While this is a thorough biography of McKinley's life, it also details early Alabama state politics and provides one of the most exhaustive accounts available of the internal workings of the antebellum Supreme Court and the very real challenges that accompanied the now-abandoned practice of circuit riding. In providing the first in-depth assessment of the life and Supreme Court career of Justice John McKinley, Brown has given us a compelling portrait of a man active in the leading financial, legal, and political circles of his day.

## Book Information

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## Customer Reviews

Steven Brown has written the definitive biography of Justice John McKinley who served from 1837 to his death in 1852: "John McKinley and the Antebellum Supreme Court: Circuit Riding in the Old Southwest." This is an impressive accomplishment as McKinley's papers are lost. His legacy survives only in his decisions, the legislative record and in the fragmented form of the papers of contemporaries and obscure press accounts. The first half of the book covers McKinley's Kentucky and Alabama pre-Supreme Court years including Senate and House stints representing Alabama in the Jackson Administration. McKinley abandoned Federalist roots and forged ties to Jackson, Van Buren and Polk. Brown judges McKinley a key actor in defeating efforts to force Jackson to drop Van Buren as his running mate in 1832 and reversing the Alabama legislature's endorsement of Senator Hugh White in 1836. Brown notes but could not verify contemporary speculation that Van Buren offered McKinley a Supreme Court seat in return for his 1836 support. That pledge could have gone to naught had William Smith whom Jackson appointed in early 1837 assumed his seat. Smith was 75 and McKinley never took the Senate seat he won in 1836 suggesting the nomination was a bow to an old ally that Jackson and Van Buren did not expect to be honored. In April 1830 then Senator McKinley delivered a toast: "The Constitution of the United States: The compact of sovereign and independent States, instituted for national purposes only; limited and specific in its powers but supreme within the prescribed sphere of its action. The powers not delegated belong to the States exclusively" (p. 86).

The author of this solid judicial biography claims that not only have historians paid little or no attention to Justice John McKinley (1780-1852), those who have only heaped scorn on him. I, quite frankly, despite studying the Court's history for 45 years, cannot recall ever hearing of McKinley. So this bio is long overdue. I believe the key theme of the book is that McKinley has been unfairly treated by historians, was dutiful in discharging his judicial duties, and was somewhat a better legal scholar than generally admitted by his critics. This mission to rehabilitate McKinley somewhat limits the reach of the book, but the author makes a pretty solid case despite the absence of much historical material upon which to predicate his case. McKinley did not maintain his papers, and as a result donated nothing to archives such as the Library of Congress. To fill this gap, the author has researched computerized newspaper files (he quotes, for example, from the "Newark Advocate" from Ohio) and other limited printed sources. It appears he has reviewed any printed material referencing the Justice. So this is as complete a bio as we likely are to have of the Justice. The first five chapters (including an excellent introductory profile of McKinley) are devoted to a chronological discussion of McKinley's origins, education, and especially his extensive political activities in both

Alabama state politics and in the House and Senate on the federal level. His gradual evolution from Federalist to enthusiastic Jacksonian is well traced. Along the way, the author covers the history of the Old Southwestern area of the U.S., including in particular Alabama. For students of the Court, the book picks up with the final four chapters on McKinley's Court career.

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