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COLLECTION REGISTER

Name: **Taney, Roger Brooke** (1777-1864) **MC 2002.3**

Material: Legal Papers (1770-1834)

Volume: 3 linear feet (Document Boxes 1-6)

Donation: Gift of Roscoe Bonisteel and Boyd Lee Spahr, 1967

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BIOGRAPHICAL SKETCH

Roger Brooke Taney was born March 17, 1777 on the Taney Plantation along the Patuxent River, in Maryland's Calvert County. The Taney family had come to the colony as indentured servants in the mid-seventeenth century but, after serving out their term of servitude, they later established themselves as prosperous tobacco farmers in the rich agrarian economy of southern Maryland. Taney grew up as a Maryland Roman Catholic with rural gentry privilege, was educated privately and then entered Dickinson College in 1792.

While at Dickinson, Taney came under the tutelage of Dr. Charles Nisbet, arguably one of the greatest educators of his day. If the correspondence between Nisbet and Taney's father throughout 1792-1795 are any indication, the Principal became almost a surrogate father to the young and talented student. Taney was a leading member of the Belles Lettres Society and graduated as *valedictorian* of the twenty-four students in the class of 1795. This honor he always valued since the students themselves at the time were responsible for such selection.

Taney studied law under Judge Jeremiah Townley Chase in Annapolis before being admitted to the Maryland bar on June 19, 1799. After a brief time as a Federalist state representative, he began his legal career in earnest in Frederick, Maryland. There he also met and married Anne Phoebe Charlton Key, the sister of Francis Scott Key, in January, 1806. The couple would have six daughters.

Taney was elected to the Maryland State Senate in 1816 and came to dominate the state's Federalists. By 1820 he had also established himself as one of the leading attorneys in Maryland and in September, 1827 accepted the position of State Attorney General. As the Federalist Party faded away, Taney looked for other political outlets. He had always been an avid supporter and admirer of General Andrew Jackson, acting as

chairman of the Jackson Central Committee of Maryland in the 1828 election. His longtime support was recognized in 1831 when President Jackson appointed him to the first of what were to be several posts in his cabinet. He initially served as both Attorney-General and acting Secretary of War. In a cabinet shuffle in 1833, Jackson appointed Taney as Secretary of the Treasury. The national controversy over the role of the Bank of the United States dictated that this was a highly sensitive post, but one for which Taney's long experience in banking law qualified him well. Taney would serve from September 23, 1833 until his Senate confirmation was rejected and he resigned on June 24, 1834. Jackson then sought to have him appointed to the Supreme Court as an associate justice but this nomination was also blocked in the Senate. Jackson persisted, however, and on December 28, 1835, he nominated Taney to fill the vacancy on the Court left by the death of the legendary Chief Justice John Marshall. This time, despite the usual Whig opposition, he was confirmed and he took the oath of office on March 28, 1836.

Taney's actions in his first decades largely calmed initial Whig fears that his appointment would politicize the Court and he settled into a careful career marked by strict construction of, not only the Constitution where it supported state sovereignty, but also of contract, as in *Charles River Bridge vs. Warren Bridge*. However, one case in particular has been the hallmark of Taney's tenure as Chief Justice. In 1856, a seemingly unnecessary supporting case for the 1820 Missouri Compromise, *Dred Scott v Sandford*, was allowed before the Court. Taney wrote the majority opinion in the Scott case, confirming slaves as property by ruling against Negro citizenship and then declaring that the Compromise itself was unconstitutional because Congress had no right, under the constitutional protection of private property, to bar slavery from new territories.

As a child of Southern gentry, Taney immediately came under extreme Republican attack for this decision. He was personally opposed to slavery, having freed his own slaves, but his southern sensibilities and his own intimate knowledge of the institution led to his belief in the common southern anti-slavery solution of repatriation, as opposed to abolition. The case dogged the rest of his nine years as Chief Justice, even though he displayed a certain judicial brilliance in his later decisions with long and thoughtful opinions on the role of the states and national government in fugitive slave cases, in *Ableman v. Booth* just before the Civil War, and on the rights of civilians in wartime in *Ex Parte Merryman* during the conflict itself.

Plagued all of his life with ill health and never a rich man, Chief Justice Roger Brooke Taney died on October 12, 1864, unmourned by most Northern supporters of a war against rebellion he believed privately the Union had no legal right to wage. He was 87 years old.

COLLECTION DESCRIPTION

The Roger Brooke Taney Legal Papers Collection is housed in six document boxes and consists exclusively of papers relating to Taney's law practice in Frederick, Maryland. The collection is arranged alphabetically by case files, first by plaintiff and then by defendant. Ranges of dates are provided whenever possible for each case. The majority of the materials are dated between 1800 and 1820; a few cases contain materials

dating back to the late eighteenth century, although this is usually because the documents are pertinent to a case contemporary to Taney's law practice. The dates provided do not necessarily denote the beginning date of the case, but instead the date of a particular document provided in support of the case. As such, the dates present the broadest possible time period appropriate to the individual litigation. Arranged at the end of the collection is one folder with miscellaneous papers which cannot be identified or connected with any particular legal action represented elsewhere in this collection.

With over seven hundred individual cases represented, this collection provides a comprehensive look at Taney's early legal career and at early nineteenth century legal practice in Maryland. A significant portion of the cases cover a variety of financial disputes and misdemeanors, while a smaller portion have to do with more serious crimes. The documents available on each individual case vary between legal briefs, bonds of payment, payment receipts, affidavits, arrest warrants, subpoenas, deeds, contracts, wills, and personal notes.

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Folder 15)	Matthews, William v. Hughes, Joseph	1808
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	Nathan Maynard	1806-1808
Folder 16)	Maynard, Benjamin and Brice v. Hobbs, Thomas	
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Folder 19)	McKane, Nancy v. McMahon, William	
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1 01001 21)	Miller, Joseph v. Snyder, Christian	1808
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1 01001 ==)	Mummey, Thomas v. Myers, John	1806-1807
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Folder 26)	Norris, John v. Meredith, Levi	1802-1815
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Foldom ()2)	Owings, Samuel and Richard v. Lawrence, John	1805-1811
Folder 02)	Owings, William v. Banker, Abraham	1801-1811
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	Parker, Isaac v. Hobbs, Philemon	1814-1818
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Folder 02)	Keller, Henry and Francis Richmond	1820
Folder 03)	Pearre, Alexander v. Stewart, Thomas	1806
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Folder 04)	Penn, Shederick v. Kemp, Peter	1800-1808
Folder 04)	Pepper, Frederick v. Jenkins, John	1806-1808
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Foldon 05)	Phillips, Levy v. Cumming, William	1814
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Folder 06)	Philpott, Samuel v. Werner, Henry and	1010
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roluel 08)	Quinlan, Patrick v. Hobbs, Samuel Quinlan, Patrick v. Lyon, Isaac	1808
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Folder 10)	Rice, John v. Darnall, Benedict	1813-1815
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Folder 09)	Thomas, Adam v. Lepley, John	1805-1807
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Folder 10)	Thomas, Philip v. Key, John Ross	1804-1805
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Folder 11)	Todd, Warfield v. Shelton, Thomas	1813-1815
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rolder 10)	Wagner, Mary v. Taylor, Elloch Wagner, Mary v. Todd, Joshua	1814-1815
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roluci 10)	Warfield, Thomas v. Wood, Jonathan	1812-1814
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Folder 27)	Miscellaneous papers and notes	

This collection register was prepared by Robert K. Reeves, April 2002