

6th circuit judge was colorful character

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■ 'Good Republican' campaigned for Democrat.

■ *Second of two parts.*

In the 1876 election, A.S. Wallace, a York native and white Republican member of Congress, was a candidate for reelection, stumping the 6th congressional district. Thomas Mackey, judge of the 6th circuit, followed Wallace at every stop, making counter-speeches supporting Gen. Wade Hampton — the Democratic candidate — for governor of South Carolina.



Nearby history

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At the same time, Mackey declared that he was still a good Republican who supported Rutherford B. Hayes, the Republican candidate for president.

The 1876 election for president was disputed when four states, including South Carolina, returned conflicting sets of ballots. When the highly partisan investigation was over, Hayes was declared president. Judge Thomas Mackey was one of many who testified before the Senate investigating committee. He also accompanied Wade Hampton to Washington on his famous visit to Hayes, which resulted in the withdrawal of federal troops from South Carolina.

In South Carolina, a Democratic legislature replaced a Republican-controlled one. However, the Democrats did not toss out every Republican appointee. In gratitude for his support of Hampton, they reelected Mackey to the bench, where he remained as circuit judge until the fall of 1883 when he moved to Washington and opened a law office.

Mackey visited South Carolina at least once after he went to Paris, Tex., to practice law. Col. T.Y. Williams of Lancaster recollected that he was in Chester after Mackey returned from Texas and saw Mackey with a large crowd gathered around him.

Williams asked Mackey what he was doing in South Carolina.

Mackey's reply: "I have returned to light the torch of civilization in South Carolina. While abroad I engaged in farming near Paris and made a number of experiments with lightning bugs. I succeeded in crossing a lightning bug with a bee so that I have now presented science with a bee that will work all night."

It was a typical example of Mackey's brand of humor. Mackey also said that the reason he had to leave Charleston in his youth was that he made the assertion that "elsewhere in the world there were steeples taller than St. Michael's."

When Mackey switched from the Republican Party to the Democratic Party, he told people that the Republican Party had "seven distinct principles — five loaves and two small fishes." Even more outrageously, as he set out to testify before the state Supreme Court, he stated that he intended to tell the court that he had "13 conclusive reasons in support of his position, which reasons he had on his person." Whereupon he produced and exhibited two six-shooters and a bowie knife.

Mackey died, poverty-stricken, in Washington on April 8, 1909, and was buried in Arlington (Va.) Cemetery. He was survived by six sons.

One, Crandall Mackey, wrote a letter in 1932 about his family history. Crandall Mackey wrote that the family of his grandfather, John Mackey, born 1766, moved from Georgia to Lancaster County. There, 13-year-old John Mackey was a part of a group of youngsters, including Andrew Jackson, who foraged horses for patriot soldiers during the Revolution.

The Mackey family history states that Mackey "graduated in law at Harvard University." However, Harvard University says that "records in the University Archives do not show that Thomas Jefferson Mackey attended or was graduated from the Harvard Law School."

Not everything written about Mackey was favorable:

"It is a sad fact that Judge Mackey often rendered decisions according to his prejudices rather than his reason." And "... he could always find law for any decision or ruling he saw fit to make. If he couldn't find it, he invented it as he went along."

But the writer of the last quote also wrote, "His impulses were good, he was a fighter from the heart, and he had a way of arriving at substantial justice by the most absurd routes."

Surely, there has been no more colorful character who sat on the bench in this area than Mackey, judge of the 6th circuit.

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