

For the most part, therefore, the reputation of Judges is confined to the narrow limits of their own local jurisdiction, and many of those exquisite judgments, which have cost days and nights of the most elaborate study, and which have been the basis of a long series, variety of learning and elegant demonstration, are justly numbered among the lost treasures of the human mind. The most celebrated of the best of our lawyers, and live only in the dusty repositories of their oracles. The fame of the warrior is forever embodied in the histories of his country, and is covered with the warm lights reflected back by the pens of a distant age. The orator and the statesman live not merely in the recollections of their powerful eloquence, or in the records of their successful policy, but in the character of the generations to which they lead, but are brought forth for public ac-

lumes, in collegiate declamations, in the works of rhetoricians, in the school books of boys, and in the elegant extracts of nature's life. Not to go back to the ancients, the speeches of Chatham, Burke, and Sheridan, and Pitt, and Fox, and Granten will be familiar to the ears and uttered by the voices of thousands, who never heard of the gigantic learning of Coke, the commanding judgment of Holt, the infinitely varied professional attainments of Hardwicke, the felicitous and

surviving genius of Mansfield, the cautious and unerring sagacity of Eldon, the most preternatural union of judicial sequence, exquisite diction, and sound principles in Stowell ; or, to name a few among the illustrious living and dead of our own country, the unostentatious but vigorous sense of Tiddman, the profound and acute discernment of Parsons, or the exhausting diligence and polished strength of Kent.

After upon a minute survey of the life of Chief Justice Marshall. How-
ever instructive or interesting, such a course might be
in the profession, the considerations al-
ready adverted to, sufficiently admonish
that it would not be very welcome to
the mass of other readers. But there is
the class of cases, which ought not to be
overlooked, because it comes home to the
business and bosom of every citizen of his
country, and is felt in every gradation of
from the Chief Magistrate down to

grave discussions of constitutional law, which during his life have attracted such a crowd of talents of the bar in the Supreme Court, and sometimes agitated the whole nation. If all others of the "chief justice" had been as good as he, the country had been a different place. His luminous judgments would have given an enviable immortality to his name.

"There is in the discharge of this delicate and important duty, which is peculiar to our institutions, a moral grandeur

no other country on earth are the acts of the legislature liable to be called in question and ever set aside if they do not conform to the standard of the constitution. Even in England, where the principles of civil liberty are cherished with uncommon ardor, and private justice is administered with a pure and elevated independence, the acts of Parliament are by no means free from the influence of a very theory of the government, in a

unlawful or overruled. They form the law of the land, which controls the prerogative and even the descent of the crown itself, and may take away the life and property of the subject without trial and without appeal. The only security is the moderation of Parliament itself, and the representative responsibility. The case is not otherwise in America. The state and national constitutions form the supreme law of the land, and the Judges are sworn to maintain these charters of liberty.

ther these special delegations of power to the people (who in our governments are alone the depositaries of supreme authority and sovereignty) in their original and true intentment. It matters not how popular a statute may be, or how commanding the majority by which it has been enacted; it may stand the test of the constitution, or it fails. The hardihood may question its constitutionality, and its final fate must be settled upon grave argument and debate by the Judges.

Not is this the more theory of the constitution. It is a function, which has been performed, and not a few acts of state as well as national legislation have been brought to this severe scrutiny; and after the fullest consideration some have been pronounced to be void, because they were unconstitutional. And these judgments have been acquiesced in, and obeyed, even when they were highly offensive to the pride and sovereignty of the state.

"Such in America, is the majesty of the law—Such is the homage of a free people to the institutions created by themselves—Such is the consciousness of every citizen, that he holds his life, his liberty, and his property by the judgment of his peers and the sovereignty of the constitution. What, after all, is the marvellous in this political machinery, in the simplicity of its structure, and the ease of its operation—

achievement of such mighty objects would require the aid of every sort of external means of influence to guard and assist its success. He would imagine, that the humiliations of such a state must have the advantage of both, first, of pecuniary aid, of great wealth, of extensive patronage, and of the succor of military resources. How great would be his surprise to learn, that the Jews, who are to decide these questions, in the East,

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