

One of the most striking passages I find in one of the resolutions of the Bar of Charleston, South Carolina, of all the States the one most opposed to Marshall's opinions as to the proper construction of the Constitution. It is as follows: "Though his authority as Chief Justice of the United States was protracted far beyond the ordinary term of public life, no man dared covet his place or express a wish to see it filled by another. Even the spirit of party respected the unsullied purity of the Judge; and the fame of the Chief Justice has justified the wisdom of the Constitution, and reconciled the jealousy of freedom to the independence of the judiciary."

A study of the character and life of Marshall would be beneficial to any one as an example to be followed, but to none so much as to those who have just been, or are about to be, admitted to the Bar. It does not come to all of us to be judges, nor to those who are judges, whatever may be their talents, does the opportunity come to rival Marshall's great fame. But every one of us may hold him up before us as an example, and feel that the nearer we can conform our lives and conduct to his, the nearer we shall come to the highest perfection of the man, the lawyer, and the judge. [Long-continued applause and cheers.]

GOVERNOR M'LEAN.

I think I may safely assume the privilege in behalf of every one present to extend to the orator of the day a unanimous vote of thanks for his accurate, exhaustive and charming presentation of his subject. [Applause.] I now have the pleasure of introducing to you the John Marshall of Connecticut, Honorable Simeon E. Baldwin. [Long-continued applause and cheers.]

ADDRESS BY HONORABLE SIMEON E. BALDWIN.

Mr. President and Gentlemen: There is something very impressive in this gathering. The Bar of Connecticut is here, but it is not simply a gathering of the Bar. The State is here in the presence of His Excellency, the Governor, but it is not simply a gathering in the name of the State, for you meet within the walls of the great University of Connecticut, which is yet more than the University of Connecticut. Here she has her home, but where, where are the bounds of the influence

of Yale? [Great applause and cheers.] And why is it that the University on this occasion here in Connecticut, and at Harvard also, meets the Bar and the State to celebrate this day?

There are two reasons; first, that the University, the modern University in America, makes, as a large part of her life work, the teaching of political science, and that all thoughtful students of political science have come to feel that, in governments under written constitutions like ours, the safety of the State depends upon the intelligence and the firmness of the judiciary, and John Marshall stands, more than any other man, for the judiciary of America.

And another thing: we owe it to Jefferson that the first University course in law offered in America was given at William and Mary College during the hot days of the Revolution. It was in 1779, as has been said by the Dean, that Jefferson, revolutionizing the curriculum of William and Mary, striking out chairs he deemed superfluous, brought in the chair of the law of nature and the law of nations and municipal law, and appointed to fill it one of the greatest judges whom Virginia has ever produced, Chancellor Wythe, a signer of the Declaration of Independence.

Marshall, as has been said, was then an officer in the Continental Army. He had begun the study of law at eighteen. He had pursued it for a year or two in a country office, then entered the army, and during a lull in the Revolution, came to William and Mary to be one of this first class under Chancellor Wythe. The country owes a great debt to Wythe and to Jefferson for having given this young law student the opportunity of learning, not only the municipal law of Virginia, which almost any one could teach, but the law of nature and of nations, which few could teach, but which Wythe could.

Much has been said and justly said in the press as this celebration drew on, and has been said to-day, of Marshall as a constitutional lawyer. I am not sure but his work for American law was even greater as a judge, in shaping, what to us was to be accepted as international law. The number of causes involving constitutional points decided while Marshall was on the Bench was about sixty. The number of causes turning on points of international law decided during the same period was over one hundred, and they were important questions and serious questions.

The judiciary of a country like ours, where the judiciary is independent of the Executive, is a great power in making for

war or in making for peace, with respect to its power to decide questions of international meaning; prize cases; cases such as the Behring Sea controversy recently called forth. Marshall's maiden opinion was one turning on international law, in the case of the *Amelia*, delivered at the August term of the Court in 1801. At least three doubtful points of international law, involving the rights of neutrals, came before him in that case, and the decision gave form and precision where form and precision before had been wanting. And that was but the first, as I have said, of a long line. I might weary you with speaking of the points that Marshall made clear which before were not, in the field of the laws of nations; but let me say this: the highest court in England, not many years ago, having occasion to consider the rights of a foreign sovereign as to property coming on English soil, said that any student, any judge, who had occasion to investigate that question, must go first to the opinion of Chief Justice Marshall of the United States, in the case of the *Exchange*.

Marshall, then, won his spurs as a judge, not simply as a constitutional lawyer but as an international lawyer.

And now let me say another thing with reference to why this University may welcome and celebrate this day. It has been the tradition of this University in organizing its Law Department not to shut its doors against those who are not college graduates. If John Marshall were to come to-day to some law schools in the United States, as he was at twenty-four, he could not enter, because he was not a college graduate.

The College can do much for a man. The College can lift, broaden, inspire, but it cannot create the native faculty. After all, the native faculty, that is in the man, is the real title to permanent and lasting success.

And so I say Marshall came to William and Mary as to a university, untrained by college, undisciplined by college life; but well disciplined by patient reading, by deep thought, by participation in the school of life during those stirring days of the Revolution. By the camp-fires of Valley Forge, in the watches of the night, in quiet thought, in solitary meditation he had educated himself; and the man that does that and does it well has done more for himself than even a college could.

Mention has been made of the contest between Marshall and Jefferson in the case of Burr. Jefferson was no friend to Marshall, and yet he was his best friend, for it was Jefferson, as I have said, who, by revolutionizing the curriculum of Wil-

liam and Mary, made it possible for Marshall to study into the real foundations of the law; it was Jefferson in that way who made possible Marshall's great career, a career called great not only by Americans, but wherever international law is known and respected. [Long-continued applause and cheers.]

GOVERNOR M'LEAN.

Gentlemen: I will next introduce a lawyer and a judge who would make a good Chief Justice of the United States, and who has proceeded further on the road in that direction than any other lawyer in Connecticut, Honorable Nathaniel Shipman of the Circuit Court of Appeals of the United States. [Great applause.]

ADDRESS BY HON. N. SHIPMAN, LL.D., OF THE CIRCUIT COURT  
OF THE UNITED STATES.

Mr. Chairman, Dean Wayland, Mr. President, and Brethren of the Bar of Connecticut :

The analyses, by Mr. Perkins and by Judge Baldwin of the constitutional law of this country, which Judge Marshall created, and his contribution to the international law of the civilized world, leave nothing to be said upon those subjects.

In the development of the system of common law, and of equity, which our ancestors brought with them from their English homes, and to which they adhered with respect, and sometimes with reverence, the Chief Justice was forcibly logical, and forever instructive. Not to go into details, the trial of Aaron Burr, to which Mr. Perkins has alluded, is a classic never equalled and not yet approached. The unerring self-control by which the presiding judge mentally rose above the mists and miasma of popular excitement, and the clearness of judgment which fastened upon and grappled with the central fact of the case were never more perfectly exhibited than in the trial of Colonel Burr; and upon that trial alone Marshall's reputation as a great judge could safely rest.

There are two things which I want to say about Justice Marshall's judicial career, and neither of them has the merit of novelty, for I suppose that each one will be said at least ten times in each meeting in the forty-eight States to-day. The first is this: