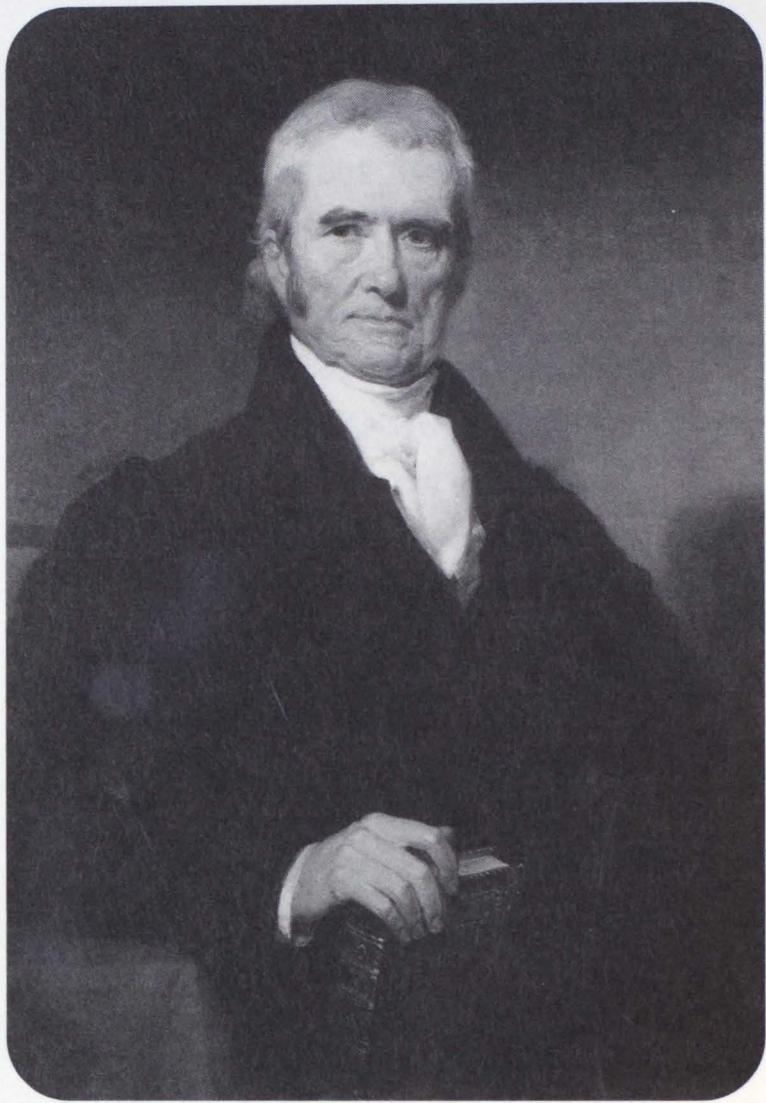


John Marshall *and the Heroi*



ge of the Supreme Court

R. Kent Newmyer



LOUISIANA STATE UNIVERSITY PRESS

Baton Rouge

Heroes
Thomas Marshall
Patrick Henry
George Washington

How deep was the unrelenting
mutual hatred between
Jeff. and Marshall

If you fought in the
revolution you got
4000 acres of land

Marshall and Jefferson
were cousins
who did Adams offer
Court Justice before
Marshall

Marshall - tall
sineury
thick head of hair
sociology
nonjudgemental
devoid of malice
Marshall - a
moderate Federalist
Jefferson -
a Republican

ran for Congress 1799

1st mission to France w Pinckney and Gerry
Sec State under Adams

Nominated Jan 20, 1801 - confirmed Jan 27

uncontested power of judicial review
Marshall feared State legislatures

6 years as a soldier - 32 yrs. at ratification of Consti.

6 years. minor lawyer and member Virginia Leg.

died in 1835 at 79 - remained "a young man of the revolution"

Came from family place at Oak Hill at 19

Why did he fight in the 1st place / he was 1 of 15

formal education - brief stint at Wand Wary - studied with
Rev. Thomsons and Campbell

Bible / English lit Shakespeare / Pope etc.

William Blackstone - Commentaries on law

He was more American than English

rights of property - paramount

work on Marshall farm done by slaves / oldest son was John

a Walker - chief walking companion of JGA

the leveling effect of the Frontier

he had an obsession with acquiring land

Wartons -

Marshall learned "People were the ultimate source of
power in a republic" p 24

→ Washington learned the danger of self-interest and ambitions

Marshall chose to support Constitution in light of opposition
from fellow Virginian

wanted to make Mary Ambler his wife (Polly)

begins law practice in Fauquier County lives at Oak Hill

Polly in Richmond - married Jan 3, 1783

two sons 84/87 Thomas Jaquelin 89-92 lost 4 children
Polly went on to have 4 - led to illness "insane" maybe

died 1831 =

joined Richmond's slaveholders

preference for John Locke (was a land speculator

- his distrust of state government

importance of land greed in American life

House of Delegates at 26 in 1782

IM critical of state govt - he was a nationalist

supported judicial reforms in 1784

coming to belief that only those with property should govern (P 48)

Constitutional Ratifying Convention June 1788

Marshall made 3 speeches

33 yrs
old

Albert Bev. says Marshall's one ^{conception} purpose (p267)
"American Nationalism"

Southern Biography Series
Bertram Wyatt-Brown, Editor

How did the XYZ mission make Marshall
into a genuine American hero. ^{Embassy Henry} 1797
4 days Adams made him Sec of War ^{and cc Pickens}
Secretary of State - 9 months
then Chief Justice
He was a land speculator like Talleyrand who owned
some American land -
demanded a monetary tribute - bribes

Marshall easy conviviality, casual summer
and frontier accent manner

BOOKNOTES
BRIAN P. LAMB
C-SPAN AIR DATE

____/____/____

655. R. Kent Newmyer
John Marshall and the Heroic Age of the Supreme Court
Taped: 12/17/01
Aired: 2/24/02
Tape #: 167904

BOOKNOTES
2002-02-24

Copyright © 2001 by Louisiana State University Press
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Manufactured in the United States of America
First printing
10 09 08 07 06 05 04 03 02 01
5 4 3 2 1

Designer: Amanda McDonald Scallan
Typeface: Sabon
Typesetter: Coghill Composition Co., Inc.
Printer and binder: Thomson-Shore, Inc.

Library of Congress Cataloging-in-Publication Data

Newmyer, R. Kent

John Marshall and the heroic age of the Supreme Court / R. Kent

Newmyer.

p. cm. — (Southern biography series)

Includes bibliographical references and index.

ISBN 0-8071-2701-9 (cloth : alk. paper)

1. Marshall, John, 1755-1835. 2. Judges—United States—Biography. 3. United States. Supreme Court—Biography.
I. Title. II. Series.

KF8745.M3 N49 2001

347.73'2634—dc21

2001001766

Frontispiece: Portrait of John Marshall by Henry Inman, 1831. Courtesy of Philadelphia Bar Association.

The paper in this book meets the guidelines for permanence and durability of the Committee on Production Guidelines for Book Longevity of the Council on Library Resources.Ⓢ

Slavery p414

Marshall's household slaves 11 or 12 throughout

course of life

Virginia - 400,000 slaves

Richmond 38.6% slaves

not evidence he whipped slaves as T. J. did
at death gave Robin Sperlock choir of freedom - stayed

with his daughter Mary

did not condemn it on moral grounds
he simply accepted it

lifetime member of American Colonization Society

12,000 free blacks emigrated to Liberia

He spoke for ^{the majority in} 49% of all cases heard during his
term

59% of all constitutional law cases

wrote massive biography of George Washington

Unlike Webster he did not quest for fame

genuinely a modest man

he was born an aristocrat

Liberty Bell cracked while tolling his death

Joseph Stow commended him to write a ^{auto} biographical letter
in 1827

Lincoln worked to preserve what Marshall proclaimed
in his opinion

When Jefferson was sworn in by Marshall
in 1801 - T.J. felt federal judiciary would
have to be humbled

Jefferson vs. Marshall p 149

J.M. saw T.J. as an evil genius behind
state's right movement

J.M. wanted energizing the court

T.J. " to humble it

court was out of sync with rise of political parties
went of six

Marbury (William) in 1803 Court's future
was uncertain
role of J.M.'s brother James in case

attacks on Samuel Chase was House trying
to get back at Court for declaring Marbury
or legislation unconstitutional

Aaron Burr - July 1804 - Hamilton killed
came before Marshall's Richmond Circuit Court
charged with treason
various phases of treason trial lasted from March
to mid-Sept 1807

you say Pres. T.J. came off as impetuous, vindictive
and self righteous Marshall was patient, methodical
and disarmingly modest. p 209
when pushing for
Court's powers.

law should govern not men

he was a believer in the intent of the framers
he was not a status quo conservative

a soldier
a lawyer-legislator
a ratifier of the constitution
a Federalist defender of revolutionary truth

Slaves - owned, rented, bought, sold them - no number
is definitive 1-6- etc. p329

Marshall's intellectual face-off with
Spencer Roane, John Taylor, John Randolph, Jefferson

Marshall speaks as a Burkean conservative

① McCulloch - universal touchstone of constitutional
pivotal position in establishing principal interpretation
of "Judicial Review" - 2nd Bank of U.S.

② Cohens - definitive statement on authority of
lottery tickets sales in defiance of Virginia law
Court's Appellate standing
Section 25 (P364) Spencer Roane

③ Marbury

Liberty Bell
cracked while
tolling J.M.'s death
16 years of silence

Joe Stoy
Albert Beveridge
4 vols: 1919- (P476)
Pulitzer 1920
Cong. - in 1912 lost
Sen. from Illinois

He was a full Virginia
rode the circuit
only 2 months a year
in D.C.

daughter Mary his favorite
Manservant Robin Spurlock
36 grandchildren by
1831

Episcopal - did not
take communion
William & Mary - board
active Mason
American Colonization
Society Virginia Pres.