

**EULOGIES ON
JOHN MARSHALL**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649313433

Eulogies on John Marshall by George H. Williams

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GEORGE H. WILLIAMS

**EULOGIES ON
JOHN MARSHALL**

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EULOGIES ON JOHN MARSHALL

Delivered by George H. Williams at the Capitol in Salem, and by Horace G. Platt at Cordray's Theatre, in Portland, and Proceedings in the Courts on John Marshall Day, February 4, 1901, in Commemoration of the Services of John Marshall, Chief Justice of the United States. * * * * *

**Published by the Oregon Bar Association.
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F. V. SALTER & CO., PRINTERS, SEASIDE, ORE.

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**Proceedings in the Courts
on John Marshall Day, Feb-
ruary 4, 1901, in Commemo-
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John Marshall, Chief Jus-
tice of the United States.♦♦**

At 10 o'clock A. M. on the 4th day of February, 1901, on the opening of the United States District and Circuit Courts at Portland, Oregon, Judge Charles B. Bellinger presided, and by invitation four Judges of the State Circuit Court occupied the bench with him; namely, Judges Arthur L. Frazer, Jno. B. Cleland, Alfred F. Sears, Jr., and M. C. George. A large number of members of the bar were in attendance.

The following resolutions were presented in behalf of the bar, and were ordered to be entered in the journal:

Whereas, on the 4th day of February, 1801, John Marshall entered upon his great life work as Chief Justice of the Supreme Court of the United States, at a time when the Constitution was yet a novel and untried experiment, and the impoverished people were but just recovering from the devastating effects of the war for independence; and thereafter, throughout the period of a third of a century, while he adorned the bench, in passing upon cases involving the scope and functions of the national government, and the limitations upon the powers of the states, the jurisdiction and powers of the Federal Courts, and difficult questions of growing importance relating to

the expanding commerce and the industrial development of the country, he was ever the embodiment of wisdom and learning, and of those virtues that are the attributes of the judicial office; so that, as it was with Washington and with Lincoln in other emergencies, he may justly be said to have been the man for the hour, fitted by nature and by training to accomplish what a man of less ability or of different mold would have failed to accomplish; and so that it may be repeated of Marshall, as was said of him by one of his associates upon the bench, that he was "the very personification of justice itself, as he ministered at its altars in the presence of the nation."

And whereas, it is fitting that this centennial anniversary shall be marked by more than a passing thought, and that some expression be given by the courts and the bar of the profound sense of obligation that is imposed upon mankind by his judicial labors, and particularly by his luminous exposition of the principles that underlie the American Constitution and his fearless application of those principles to cases that were submitted to him for decision.

And whereas, this day has, by general consent, been designated as "John Marshall Day," and voluntarily set aside by the people of the nation in memory of him who is at once the pride and the exemplar of his profession.

Now, therefore, be it resolved, by the bench and bar here assembled, that in commemoration of the accession of Chief Justice Marshall to the Supreme Bench of the United States, this day be observed as a holiday, and that the United States District and

Circuit Courts for the District of Oregon, and the several departments of the State Circuit Court and the County Court for Multnomah County be requested to adjourn for the day, and to spread upon their several journals this resolution, that it may be perpetuated as a memorial in the records of these tribunals and as an expression of our appreciation of Marshall's position in the history of our country.

The following named members of the bar addressed the Court upon subjects previously assigned to them: "The Times of Marshall," C. E. S. Wood; "Osborn v. Bank of the United States," John B. Cleland; "Gibbons v. Ogden," Zera Snow; "The Trial of Aaron Burr," W. D. Fenton; "The Dartmouth College Case," A. F. Sears, Jr.; "The Marbury Case," C. B. Bellinger.

At the conclusion of these proceedings the court adjourned for the day.

At a subsequent hour, the State Circuit Courts also directed the entry of the foregoing resolutions in their journals.

At 2 o'clock P. M., a large meeting of the bench and bar and the public assembled at Cordray's Theater, Portland, on which occasion Mr. Horace G. Platt, of San Francisco, was introduced by Judge Bellinger; and he then delivered the oration printed herewith.

At Salem, appropriate ceremonies were had before the State Circuit Court in the morning, and at 7:30 P. M., at the request of the Legislative Assembly, the Governor and the Justices of the Supreme Court,

Mr. George H. Williams delivered an oration in the Hall of Representatives at the Capitol, before the state officers and members of the Legislature and a representative gathering of the citizens of Salem. The address is appended.

By proclamation, the Governor set aside the afternoon of the day as a public holiday, and throughout the state the day was observed with suitable ceremonies. The schools and colleges closed, after appropriate proceedings, including lectures and addresses commemorating the life and work of Chief Justice Marshall.

ADDRESS

On JOHN MARSHALL Delivered by Hon. Geo. H. Williams before the Legis- lative Assembly of the State of Oregon, February 4, 1901.

Daniel Webster, in one of his great speeches, said: "By ascending to an association with our ancestors, by contemplating their example and studying their character; by partaking their sentiments and imbibing their spirits, by accompanying them in their toils, by sympathizing in their sufferings and rejoicing in their successes and triumphs, we mingle our existence with theirs and seem to belong to their age." Today we commemorate the appointment 100 years ago of John Marshall as Chief Justice of the Supreme Court of the United States, and ascend with hearts full of pride and gratitude to an association with the men and events of that day. Washington, Madison, Hamilton, Jefferson and many others not less worthy were working out the problem of self-government, but in this constellation of patriots and statesmen none shone with a clearer, steadier and stronger light than John Marshall. Whatever may have been the shortcomings of Virginia in modern times, when she was a colony, she was old enough and good enough to produce men whose deeds shed imperishable luster upon the history of our country. Washington deservedly and by universal consent holds the first place in

the hearts of his countrymen, but if merit is to be determined by the value of his services, then next to Washington among Virginians John Marshall "leads all the rest."

To say this is not to disparage the great abilities or merits of Madison, Jefferson or others, but to say that Marshall had greater opportunity than his compeers to render valuable services to his country. And I may add that Jefferson and Madison made some serious mistakes as to matters of government, but none of any consequence was ever made by Marshall. Thomas Jefferson devoted his great talents and influence to the cause of his country in the War of the Revolution, but when the independence of the colonies was achieved, he differed with Washington, Hamilton, Jay and others as to the nature of the General Government and the rights of the States, and his resolutions of 1798, incubated by slavery, finally broke out into a bloody war for the dissolution of the Union. Madison was infected with the same ideas, as indicated in his Virginia resolutions of 1799, but in his old age he became more conservative and more favorable to the supremacy of the Federal Government.

Marshall, from the beginning of his public career to the end of his life, builded, supported and defended an indestructible Union under a Government within its constitutional limits, of absolute sovereignty over the States. Washington, Hamilton and Adams, with their followers, called "the Federal party," favored a broad and liberal construction of the Constitution adequate to the growing necessities of the country. Jefferson, Madison and their followers, called "the