

**A DISCOURSE UPON THE LIFE, CHARACTER,
AND SERVICES OF THE HONORABLE JOHN
MARSHALL, LL. D., CHIEF JUSTICE OF THE
UNITED STATES OF AMERICA, PRONOUNCED
ON THE FIFTEENTH DAY OF OCTOBER, AT THE
REQUEST OF THE SUFFOLK BAR**

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A Discourse Upon the Life, Character, and Services of the Honorable John Marshall, LL. D.,
Chief Justice of the United States of America, pronounced on the fifteenth day of October, at the
request of the Suffolk Bar by Joseph Story

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JOSEPH STORY

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OF
THE HONORABLE
JOHN MARSHALL, LL.D.,
CHIEF JUSTICE OF THE UNITED STATES OF AMERICA,
PRONOUNCED ON THE FIFTEENTH DAY OF OCTOBER,
AT THE REQUEST OF THE
SUFFOLK BAR,
BY
JOSEPH STORY, LL.D.,
AND PUBLISHED AT THEIR REQUEST.

— A great and celebrated name; a name, that keeps the name of this country respectable
in every other on the globe — This light too is passed away, and set for ever.

BRANK.

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M DCCC XXXV.

ADVERTISEMENT.

THE narrative of facts and some of the reflections in this Discourse are taken from a biographical sketch, written by me some years ago for the North American Review. As those parts were derived from the most authentic sources, and as the reflections connected with them naturally grew out of the subject, I have not hesitated to adopt them, whenever they were appropriate to my present purpose. It would have been mere affectation to have attempted to avoid the same train of narrative or remark. This explanation is necessary to be made, lest I should be supposed to have appropriated without acknowledgment the labors of another person.

Cambridge, Oct. 16, 1835.

DISCOURSE.

THE funeral obsequies have been performed; the long procession has passed by; and the earth has closed over the mortal remains of Chief Justice Marshall. Time has assuaged the first agonies of grief of the immediate relatives, who were called to mourn over so afflictive a loss; and others, who, looking to the claims of private friendship or to the public interests, were astounded at a blow, which, though not unexpected, came at last with a startling force, have had leisure to recover from their perturbation, and may now contemplate the event with a calm though profound melancholy.

It is under these circumstances, that we are now assembled together, to devote a brief space of time to the consideration of his life, character, and services; and then to return again to the affairs of the world, edified, as I may hope, by what he was, and warmed and elevated by a nearer approach to excellencies, which, if we may not reach, we may yet gaze on with devout respect and reverence. I am not insensible of the difficulties of the task of worthily discharging the duties of the present occasion. I am but too conscious, how much more successfully it would have been accomplished in other hands; and how little is my own ability to do justice, even to my own feelings, in

attempting a sketch of such a man. I have not, however, felt at liberty to decline the part, which has been assigned to me in the commemorations of this day, lest I should be thought wanting in readiness to do homage to one, who was the highest boast and ornament of the profession. There is this consolation, nevertheless, in undertaking the task, that it requires no labored vindication of motives or actions. His life speaks its own best eulogy. It had such a simplicity, purity, consistency, and harmony, that the narrative of the events, in their natural order, invests it with an attraction, which art need not seek to heighten, and friendship may well be content to leave with its original coloring.

Of the great men, who have appeared in the world, many have been distinguished by the splendor of their birth or station; many by the boldness or variety of their achievements; and many by peculiarities of genius or conduct, which, from the extraordinary contrasts presented by them, have awakened the curiosity, or gratified the love of novelty, of the giddy multitude. I know not, how it has happened, but so, I fear, the fact will be found to be, that high moral qualities are rarely the passport to extensive popular favor or renown. Nay; a calm and steady virtue, which acts temperately and wisely, and never plunges into indiscretion or extravagance, is but too often confounded with dullness or frigidity of temperament. It seems as if it were deemed the prerogative, if not the attribute, of genius, to indulge itself in eccentricities, and to pass from one extreme to another, leaving behind it the dark impressions of its vices or its follies. The deeper movements of the soul, in the inmost workings of its thoughts, are supposed to display themselves, like

volcanoes in the natural world, by occasional explosions, which awe, but at the same time excite, the crowd of eager spectators. They are struck with admiration of what they do not comprehend ; and mistake their own emotions for the presence of superior power. They are bewildered by the shifting exhibition, alternately of brilliant deeds, and debasing passions, of intellectual efforts of transcendent energy, and paradoxes of overwrought ingenuity ; and being unable to fathom the motives or sources of anomalies, they confound extravagance with enterprise, and the dreams of wild ambition with lofty and well considered designs.

And yet, if there is any thing taught us, either by the precepts of Christianity, or the history of our race, it is, that true greatness is inseparable from sound morals ; that the highest wisdom is but another name for the highest talents ; that the genius, which burns with a pure and regulated flame, throws far and wide its beneficent light, to guide and cheer us ; while occasional coruscations serve only to perplex and betray us, or (to borrow the language of poetry) serve but to make the surrounding darkness more visible. The calm and patient researches of Newton and Locke have conferred far more lasting benefits on mankind, than all the achievements of all the mere heroes and conquerors of ancient or modern times. One patriot, like Epaminondas, Scipio, or Washington, outweighs a host of Alexanders, Cæsars, and Napoleons. The fame of Justinian, as a fortunate possessor of the imperial purple, would have long since faded into an almost evanescent point in history, if his memorable Codes of Jurisprudence had not secured him an enviable immortality, by the instruction, which

they have imparted to the legislation of all succeeding times. He, who has been enabled by the force of his talents, and the example of his virtues, to identify his own character with the solid interests and happiness of his country; he, who has lived long enough to stamp the impressions of his own mind upon the age, and has left on record lessons of wisdom for the study and improvement of all posterity; he, I say, has attained all, that a truly good man aims at, and all, that a truly great man should aspire to. He has erected a monument to his memory in the hearts of men. Their gratitude will perpetually, though it may be silently, breathe forth his praises; and the voluntary homage paid to his name will speak a language, more intelligible and more universal than any epitaph inscribed on Parian marble, or any image wrought out by the cunning hands of sculpture.

Reflections, like these, naturally crowd upon the mind upon the death of every great man; but especially of every one, who may be justly deemed a benefactor and ornament of his race. In the present case, there is little occasion to point out the manner or the measure of their application.

JOHN MARSHALL was born on the 24th day of September, 1755, (a little more than eighty years ago,) in the county of Fauquier, in the State of Virginia. His father was Thomas Marshall, a native of the same State, and at the time of his birth, a planter of narrow fortune and retired habits. Of this gentleman, who afterwards served with great distinction during the revolutionary war, having been appointed to the command of one of the Continental Regiments of Infantry, it is proper to say a few words in this place. He was a man of uncommon capacity and

vigor of intellect ; and though his original education was very imperfect, he overcame this disadvantage by the diligence and perseverance, with which he cultivated his natural endowments ; so that he soon acquired, and maintained throughout the course of his life, among associates of no mean character, the reputation of masculine sense, and extraordinary judgment and ability. No better proof, indeed, need be adduced to justify this opinion than the fact, that he possessed the unbounded confidence, respect, and admiration of all his children at that mature period of their lives, when they were fully able to appreciate his worth, and to compare and measure him with other men of known eminence. I have myself often heard the Chief Justice speak of him in terms of the deepest affection and reverence. I do not here refer to his public remarks ; but to his private and familiar conversations with me, when there was no other listener. Indeed, he never named his father on these occasions, without dwelling on his character with a fond and winning enthusiasm. It was a theme, on which he broke out with a spontaneous eloquence ; and, in the spirit of the most persuasive confidence, he would delight to expatiate upon his virtues and talents.—“My father,” (would he say with kindled feelings and emphasis,) “my father was a far abler man than any of his sons. To him I owe the solid foundation of all my own success in life.” Such praise from such lips is inexpressibly precious. I know not, whether it be most honorable to the parent, or to the child. It warms, while it elevates our admiration of both. What, indeed, can be more affecting than such a tribute of filial gratitude to the memory of a parent, long after death has set its seal upon his character, and at such a distance of