

the infallible logic of his reasoning. Marshall was not a scholar of the common law ; his early studies were cut short by his active campaigning in the Revolutionary War. His mind was of the kind that reasons out a system for itself. For expounding international law he received training when Minister to France at the time of the X Y Z letters, when member of Congress, and later when Secretary of State to President Adams. For creating the constitutional law of the nation he had the best possible preparation in supporting the Constitution at the convention of his native State, and in defending the policy of the first administrations. His opportunity as Chief Justice to form the constitutional law of the land was unparalleled, and he performed the task ably. The power of the Supreme Court to revise the decisions of State courts, the power of Congress to establish a national bank, the exemption of the machinery of Federal government from State taxation, — these are but a few of the many fundamental questions which came before him to be decided for the first time. His principle was that of neither broad nor narrow construction ; he strove simply to give to the words of the Constitution the meaning which all the surrounding circumstances showed to be the obvious one. In deciding the meaning he could but choose the meaning obvious to himself, that is, to a man imbued with the strongest federalist convictions in favor of a centralized government. His positions seem to us at times forced or pedantic ; and yet it is hard to see how a man of strong convictions could have avoided his failing. His service was in creating a strong national government in the face of jealous States, when a strong government was sorely needed.

Closely associated with Marshall in his judicial life, although some years his junior, was a New England man, Joseph Story. He was born at Marblehead, on the Massachusetts coast, and grew up with a passion for the sea, the impetuous, emotional, and mystery-loving temperament which draws its breath from the ocean. He was a handsome man, well-dressed, a fluent and cultivated talker, one of those who would be singled out among a roomful as a leader of men. Story graduated with high honors at Harvard College, became member of the State legislature, and later of Congress. His life, however, was mainly given to legal study, and he was pre-eminently fitted for the position on the Supreme Bench of the United States to which he was appointed by President Jefferson in 1811. He was a scholar ; the Year Books were his friends, and the old English Chancery Reports his companions. Constitutional law he learned from Marshall, in spite of the fact that he was a Republican in politics ; but international law and the law of Admiralty and Prize Courts he made his own ; and with Chancellor Kent he shares the credit of having originated equity practice in America. He was a bitter enemy of slavery ; and his addresses to the grand juries in condemnation of the slave trade were influential in stamping out the last traces of slavery in New England. In 1829 he received the appointment as Dane Professor of Law at Harvard University. There he lectured without notes, for his immense store of knowledge was always at his command ; often he would talk for an hour on a point which it had not occurred to him beforehand to mention. The lectures were popular, always suggestive, often impressive. Beside these labors, Story was an indefatigable writer, his works showing great learning, and seldom being open to the imputation of error or inaccuracy to which the impulsive mind of the writer might have led. His writings have the merit, rare in law books or judicial opinions, of having a literary style.