

**Opinions delivered in the circuit
court of the United States**

1803-1831

Mss.345.41.M35

American Philosophical Society
2006
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Summary Information

Repository	American Philosophical Society
Creator	Marshall, John, 1755-1835
Title	Opinions delivered in the circuit court of the United States
Date [inclusive]	1803-1831
Call number	Mss.345.41.M35
Extent	0.5 Linear feet
Extent	62 items
Location	LH-MV-B-4
Language	English
Abstract	<p>John Marshall was appointed the fourth chief justice of the United States by President John Adams. In the thirty four years he served on the bench, Marshall presided over the Court's evolution into an institution with power equal to both the executive and legislative branches of the Federal Government.</p> <p>The Marshall collection consists of manuscript drafts for 62 opinions delivered by the chief justice in the Fourth Circuit Court of the United States between 1803 and 1831. These opinions seem to be from cases heard in Richmond, VA. The collection is arranged chronologically by the court term.</p>

Preferred Citation

Cite as: John Marshall, Opinions delivered in the circuit court of the United States, American Philosophical Society.

Background note

John Marshall was appointed the fourth chief justice of the United States by President John Adams. In the thirty four years he served on the bench, Marshall presided over the Court's evolution into an institution with power equal to both the executive and legislative branches of the Federal Government.

Born on September 24, 1755 in Fauquier County, Virginia, John Marshall was the eldest of Thomas and Mary Randolph Keith Marshall's fifteen children. Educated primarily by his father, except for one year at Campbell Academy in Westmoreland County and a year of study with the parish priest, Marshall gained more from his exposure to the colonial Virginia gentry through his father than any formal education could have provided him. While serving as an officer in the Virginia Line of the Continental army during the American Revolution, Marshall was able to attend lectures on law and natural philosophy at the College of William and Mary in the spring and summer of 1780. This comprised the extent of Marshall study of the law, but was enough to make him eligible for a law license.

After moving to Richmond, VA in 1784 Marshall quickly became a successful lawyer, practicing in the state's superior courts. Between 1787 and 1788 Marshall was active in the debates over the Constitution, and participated as a delegate to Virginia's ratifying convention of June 1788. Despite requests to run for Congress or accept a federal appointment, Marshall continued to practice law into the 1790s. Finally in June 1797 Marshall accepted an appointment from President John Adams to a commission charged with settling differences with France. Although the mission failed when the French refused to negotiate until they received a loan and a bribe from the United States, Marshall's handling of what became known as the XYZ Affair proved to be a personal triumph. Marshall continued his career in public service by running for and serving in Congress from December 1799 to May 1800, and accepting the appointment as secretary of state for John Adams in May 1800. At the end of his administration, President Adams chose Marshall to fill the position of chief justice of the Supreme Court.

During Marshall's thirty four year tenure as chief justice, the court evolved into a strong government body through its use of judicial review. In rulings such as *Maurbury v. Madison* and *McCulloch v. Maryland*, the Marshall Court established the Constitution as the supreme law of the land, as well as the Courts role as interpreter of the Constitution. Equally significant was Marshall's leadership of the court, being open to the opinions and views of his associate justices to bring about a unified opinion from the Court. As part of his duties as a Supreme Court Justice, Marshall also presided over the Fourth Circuit Court of the United States, which heard cases in Richmond, VA and Raleigh, NC.

Despite failing health as he approached 75, Marshall remained sharp intellectually, and continued his judicial duties. In 1831 Marshall travelled to Philadelphia to undergo successful surgery to remove a bladder stone. Four years later, he would return to the city to seek medical treatment for a liver ailment. This time the chief justice was not as fortunate, and died in Philadelphia on July 6, 1835.

Scope & content

The Marshall collection consists of manuscript drafts for 62 opinions delivered by the chief justice in the Fourth Circuit Court of the United States between 1803 and 1831. These opinions seem to be from cases heard in Richmond, VA. The collection is arranged chronologically by the court term.

The collection was presented to the Society in 1837 by John W. Brockenbrough, reporter of the court and editor of, *Reports of the Cases decided by the Honorable John Marshall, Late Chief Justice of the United States in the Circuit Court of the United States for the District of Virginia and North Carolina, From 1802 to 1833 Inclusive*, (Philadelphia: James Kay, 1837), 2 Vols. The collection was originally bound, with the individual cases separated by a sheet of paper containing the name of the case and the reference to its location in the Brockenbrough volumes. This reference has been included with the item descriptions.

Administrative Information

Publication Information

American Philosophical Society 2006

Provenance

Acquisition Information

Presented by Dr. Chapman on behalf of John Brockenbrough, Esq., of Richmond, Reporter of the court, 7 April 1837.

Processing Information

Recatalogued by J.J. Ahern, 2006.

Indexing Terms

Genre(s)

- Legal Records
- Official Government Documents and Records

Personal Name(s)

- Brockenbrough, John W., 1778-1838

Subject(s)

- Bank of the United States (1816-1836)
- Government Affairs
- Judicial opinions
- Law

- United States. Circuit Court (4th Circuit)
- War of 1812

Other Descriptive Information

This collection contains a series of federal circuit court decisions rendered by John Marshall. The cases heard span a wide range of areas and include such topics as international law, property, banking, bankruptcy, estates, laws of evidence, and trade. Among the cases he heard was *Livingston v Jefferson*, which involved property rights related to the United States' purchase of the Louisiana Territory. There are also a series of cases in 1819-1820 involving merchant ships that seem to be related to fallout from property disputes from the War of 1812. One case relates to the Bank of the United States.

These manuscript copies were printed in *Reports of the Cases decided by the Honorable John Marshall, Late Chief Justice of the United States in the Circuit Court of the United States for the District of Virginia and North Carolina, From 1802 to 1833 Inclusive*, (Philadelphia: James Kay, 1837).

Collection Inventory

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No. 1 Blane vs. Drummond	1803 November Term	6 pp
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1 Brock. R. 62		
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No. 2 Owen vs. Adams	1803 November Term	5 pp
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1 Brock. 72		
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No. 3 Corbet vs. Johnson	1805 May Term	8 pp
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No. 4 Dunbar vs. Miller	1805 May Term	8 pp
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No. 5 Waddington vs. Banks	1805 November Term	5 pp
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1 Br. 97		
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No. 6 Short vs. Skipwith	1806 November Term	12 pp
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1 Br. 103		
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No. 7 Calloway vs. Dobson	1807 May Term	6 pp
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1 Br. 119		
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No. 8 McCall vs. Harrison	1808 May Term	5 pp
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1 Br. 126		
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No. 9 Murdock vs. Shackelford	1808 May Term	4 pp
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1 Br. 131		
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1 Br. 135		
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No. 11 The United States vs. Hill	1809 May Term	5 pp
1 Br. 156		
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No. 12 Strode vs. The Stafford Justices	1810 May Term	5 pp
1 Br. 162		
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No. 13 Dixon vs. The United States	1811 May Term	9 pp
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No. 14 The United States vs. ---	1811 November Term	5 pp
1 Br. 195		
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No. 15 Livingston vs. Jefferson	1811 November Term	9 pp
1 Br. 205.		
First and second draughts of opinions.		
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No. 16 Hopkirk vs. MoConico	1812 May Term, 1812 June 12	6 pp
1 Br. 220.		
Opinion and Decree		
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No. 17 Scott vs. Jones	1812 November Term	4 pp
1 Br. 244		
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No. 17 ½ Evans vs. Jordan	1813 May Term	5 pp
1 Br. 248		
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No. 18 The United States vs. Feely	1813 May Term	5 pp
1 Br. 252		

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No. 19 Peram vs. The United States	1813 May Term	8 pp
1 Br. 261		
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No. 20 Alston vs. Manford	1814 May Term	9 pp
1 Br. 266		
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No. 21 Bond vs. Newburn	1815 November Term	7 pp
1 Br. 316		
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No. 22 Mead vs. The Deputy Marshall of the Virginia District	1815 November Term	4 pp
1 Br. 324		
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No. 23 Wormsley vs. Wormsley	1817 November Term, 1817 December 16	12 pp
1 Br. 330.		
Opinion and Decree		
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No. 24 The United States vs. Schooner <i>Little Charles</i>	1819 November Term	4 pp
1 Br. 380		
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No. 25 The Brig <i>Caroline</i> vs. The United States	1819 November Term	5 pp
1 Br. 384.		
Note: This opinion is a United States Supreme Court opinion dated 16 March 1813.		
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No. 26 Prentiss vs. Barton	1819 November Term	6 pp
1 Br. 389		
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No. 27 Selden vs. Hendrickson	1819 November Term	9 pp
1 Br. 396		
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No. 28 The Schooner <i>Patriot</i> 1 Br. 407	1820 May Term	12 pp
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No. 29 The Brig <i>Wilson</i> . Huntress vs. The United States 1 Br. 423	1820 May Term	10 pp
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No. 30 Gallego vs. The United States 1 Br. 439	1820 May Term	5 pp
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No. 31 Anderson vs. Tompkins 1 Br. 456	1820 May Term	8 pp
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No. 32 Robertson vs. Miller 1 Br. 466	1820 November Term	9 pp
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No. 33 Backhouse vs. Jett 1 Br. 500	1821 May Term	13 pp
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No. 34 The United States vs. Shelton 1 Br. 517	1821 May Term	3 pp
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No. 35 Jacob vs. The United States 1 Br. 520	1821 November Term	6 pp
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No. 36 The United States vs. Mann 2 Br. 9	1822 May Term	7 pp
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No. 37 Furniss vs. Ellis 2 Br. 14	1822 May Term	8 pp
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No. 38 Hopkirk vs. Page	1822 May Term	18 pp

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2 Br. 20		
No. 39 Teakle vs. Bailey	1822 May Term	7 pp
2 Br. 43		
No. 40 Scott vs. Lenox	1822 November Term	5 pp
2 Br. 57		
No. 41 The United States vs. Nelson	1822 November Term	8 pp
2 Br. 64		
No. 42 Pendleton vs. The United States	1822 November Term	5 pp
2 Br. 75		
No. 43 Gaines vs. Spann	1823 May Term	9 pp
2 Br. 81. First sheet of opinion missing		
No. 44 The United States vs. Maurice	1823 May Term	16 pp
2 Br. 96. First sheet of opinion missing		
No. 45 Maxwell vs. Call	1823 November Term	5 pp
2 Br. 119		
No. 46 Mankin vs. Chandler	1823 November Term	8 pp
2 Br. 125		
No. 47 Hopkirk vs. Randolph	1824 May Term	18 pp
2 Br. 132		
No. 48 Hopkirk vs. Randolph	1824 May Term	4 pp
2 Br. 152.		

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Opinion on reargument.

No. 49 Byrd vs. Byrd	1824 November Term	7 pp
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2 Br. 169

No. 50 Brdy vs. Byrd	1825 May Term	5 pp
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2 Br. 179

No. 51 Bank of the United States vs. Winston	1825 May Term	4 pp.
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No. 52 The United States vs. Belew	1826 May Term	5 pp
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2 Br. 280

No. 53 Grivigne vs. Chevallie	1826 November Term	8 pp
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2 Br. 285

No. 54 Swan vs. Bank of the United States	1827 May Term	5 pp
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2 Br. 293

No. 55 Wright vs. Stanard	1828 May Term	6 pp
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2 Br. 311

No. 56 The United States vs. Moore	1828 May Term	7 pp
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2 Br. 317

No. 57 Black vs. Scott	1828 May Term	17 pp
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2 Br. 325

No. 58 Hamilton vs. Cunningham	1828 May Term	15 pp
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2 Br. 350

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No. 59 The United States vs. Graves 1828 May Term 9 pp
2 Br. 379

No. 60 Kirkpatrick vs. Gibson 1828 November Term 4 pp
2 Br. 388

No. 61 Bank of the United States vs.
McKenzie 1829 May Term 8 pp
2 Br. 393

No. 62 Wallis vs. Thornton 1831 May Term 10 pp
2 Br. 422
