

among other things, it is declared that the Constitution shall be the supreme law of the land. By the third article, it is established "that the judicial power of the United States shall be vested in one supreme court, and in such other inferior courts as Congress may from time to time ordain and establish; and that the judicial power shall extend to all cases in law and equity, arising under the Constitution and laws of the United States."

Among the cases which may arise under the Constitution, are all the restrictions on the authority of Congress, and of the state legislatures.

It is very clear, that the present case arises under the Constitution, and also under a law of the United States, and therefore it is the very case to which the Constitution declares the judicial powers of the United States shall extend.

It is incontrovertible that the Constitution is the supreme law, and therefore, it must be the rule by which the Federal and state judges are bound to regulate their decisions. By the sixth article of the Constitution, it is provided (among other things) that all members of Congress, and of the several state legislatures, and all judicial officers of the United States, and of the several states, shall be bound by an oath or affirmation to support the Constitution. By this provision, I understand that every person, so sworn or affirmed, promises that he will preserve the Constitution as established, and the distribution of powers thereby granted; and that he will not assent to any amendment or alteration thereof, but in the mode prescribed in the fifth article; and that he will not consent to any usurpation by any one branch of the legislature upon the other, or upon the Executive, or by the Executive upon either branch, or by any department or officer of government, of the power granted to another; or that the power granted to either shall be exercised by others.

I also understand by this engagement, that the person taking it, promises also that he will oppose by his example, argument, advice, and persuasion, and by all other means in his power, force only excepted, any design, advice or attempt to impair or destroy the Constitution.