

If the Constitution of the United States had not given to the judiciary a right to decide on the constitutionality of Federal laws—yet if such power could be exercised, it could not be by a juror, from this consideration—it is a maxim of law in all the states, that the courts have the exclusive right to decide every question, as to the admissibility of evidence in every case, civil or criminal, whether the evidence be by act of assembly, or by deed, or other writing, or by witnesses.

JUDGE CHASE concluded with observing, that, if he knew himself, the opinion he had delivered and the reasons offered in its support, flowed not from political motives, or reasons of state, with which he had no concern, and which he conceived never ought to enter courts of justice, but from a deliberate conviction of what the Constitution and the law of the land required. I hold myself equally bound to support the rights of the jury, as the rights of the court. I consider it of the greatest consequence to the administration of justice, that the powers of the court, and the powers of the petit jury, should be kept distinct and separate. I have uniformly delivered the opinion, "that the petit jury have a right to decide the law as well as the fact, in criminal cases;" but it never entered into my mind that they, therefore, had a right to determine the constitutionality of any statute of the United States. It is my duty to execute the laws of the United States with justice and impartiality, with firmness and decision, and I will endeavor to discharge this duty with the assistance of the Fountain of wisdom, and the Giver of all human reason and understanding.

#### THE VERDICT AND SENTENCE.

After two hours, the jury returned with a verdict of *guilty*, upon which the court sentenced the defendant to a fine of two hundred dollars, and an imprisonment of nine months.