

extracts from judgments of the Supreme Court dealing with these respective questions.

In the leading case of *Sturges v. Crowninshield* (4 Wheaton, 122, 192), decided in 1819, Mr. Chief Justice Marshall, delivering the opinion of the court, said:

Previous to the formation of the new constitution, we were divided into independent states, united for some purposes, but in most respects, sovereign. . . . When the American people created a national legislature, with certain enumerated powers, it was neither necessary nor proper to define the powers retained by the states. These powers proceed, not from the people of America, but from the people of the several states; and remain, after the adoption of the constitution, what they were before, except as far as they may be abridged by that instrument.

In the leading case of *Gibbons v. Ogden* (9 Wheaton, 1, 187), decided in 1824, Mr. Chief Justice Marshall, delivering the opinion of the court, said:

As preliminary to the very able discussions of the constitution, which we have heard from the bar, and as having some influence on its construction, reference has been made to the political situation of these states, anterior to its formation. It has been said, that they were sovereign, were completely independent, and were connected with each other only by a league. This is true.

In the leading case of *McCulloch v. State of Maryland* (4 Wheaton, 316, 403), decided in 1819, Mr. Chief Justice Marshall, delivering the opinion of the court, said:

The convention which framed the constitution was indeed elected by the state legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing congress of the United States, with a request that it might "be submitted to a convention of delegates, chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification." This mode of proceeding was adopted;