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A Brief Enquiry Into the True Nature and Character of Our Federal Government; Being a Review of Judge Story's Commentaries on the Constitution of Th

By Abel Parker Upshur

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Excerpt: . case or not. He does not ask whether the federal court has interpreted the law correctly or not, but whether or not she ever consented that congress should pass the law. If congress had such power, he has no relief, for the decision of the highest federal court is final; if congress had not such power, then he is oppressed by the action of a usurped authority, and has a right to look to his own State for redress. His State may interpose in his favor or not, as she may think proper. If she does not, then there is an end of the matter; if she does, then it is no longer a judicial question. The question is then between new parties, who are not bound by the former decision; between a sovereign State and its own agent; between a State and...



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