on, the Court's Reporter from 1816 through 1827, who appeared with Webster in *Ogden* v. *Saunders*;[419] Thomas Swann from the District of Columbia, who had an "immense" Supreme Court practice,[420] appearing eighty times in the period under consideration; and Charles J. Ingersoll, United States district attorney from Phildelphia, who was something of an orator himself, delivering an address in 1823 in which he argued that "the brutal, ferocious and inhuman law of the feudalists," the "arbitrary rescripts of the Civil Law, and the harsh doctrines of the Common Law have all been melted down by the general mildness of American institutions."[421]

In addition to these, a handful of notables appeared before the Marshall Court as lawyers on their way to illustrious careers in other occupations or professions. These included Francis Scott Key, the author of "The Star-Spangled Banner"; future politicians Henry Clay, James Knox Polk, Thomas Hart Benton, and William Crawford; and Roger Taney, who succeeded Wirt as attorney general of the United States in 1827 and who was to follow Marshall as Chief Justice. The federal bar in the last twenty years of the Marshall Court was a highly educated, multitalented elite, still comprised largely of men from eastern seaboard cities who often combined advocacy with elective office, who for the most part earned ample salaries, who engaged in scholarship and other literary pursuits, and who were usually trained orators. All told, the period from 1815 to 1835 was one of the highwater marks in the history of the Supreme Court bar.

What were the consequences of this proliferation of charismatic and talented advocates? One should recall here the modes of appellate advocacy and internal Court deliberation obtaining at the time. Given the character of the Marshall Court's litigation process, it seems likely that oral advocacy made a significant contribution to Marshall Court decisions, often forming the sole basis of the Justices' information about a case. While some Justices might have previously heard a case on circuit, and even decided it on that level, the Court as a whole was free to regard the circuit decisions of Justices as having no binding effect.[422] In the context of the Court's deliberative process Tazewell's succinct presentations of the facts and issues, Webster's telling appeals to the predispositions of individual Justices, Emmet's impassioned eloquence, Martin's thorough canvass of authorities, Wirt's graceful logic, or Pinkney's authoritative pronouncements might well have clarified a Justice's position on a case he and his colleagues were about to moot.

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[419] Wheaton is portrayed in this volume in Chapter VI.

[420] Warren, *History of the American Bar*, 261.

[421] As quoted in ibid., 509.

[422] See Justice Johnson's remarks in *The Amanda*, reported in Charleston *City Gazette*, Jan. 18, 1822.