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A Well-Wisher to Good Government *Virginia Independent Chronicle*, 18 June 1788

A well-wisher to good Government, with all due deference to the Honorable and very respectable Assembly now convened at Richmond, begs leave to submit the following amendment to the new Constitution as worthy of their attention.

For maintaining and preserving this Constitution inviolate—there shall be established one Supreme Censorial Court, which shall be called the Court of Ariopagus,¹ which Court shall be composed of the Chief Justice or other Senior Judge of the Supreme Fœderal Court to be appointed by the Congress, and the Senior Judge of each State Court that now is or hereafter may be—all of whom shall be the Senior Judges for the time being, and ex officio be Judges of the said Court of Ariopagus at the time when the same shall be convened.

And in any time hereafter if any state party to this Constitution, shall be of opinion that the Congress shall have enacted any law contrary to this Constitution, or that the Judiciary of Congress shall have exercised Jurisdiction in Cases not authorised by this Constitution—and the said state shall by vote of the Legislature thereof declare any such Law or Judiciary proceeding to be contrary to this Constitution, the said Legislature shall enter such upon their journals with their reasons for the same—and transmit the same to the President of Congress for the time being, who shall lay the same before the Legislature of the said Congress at their then next meeting, in order that the said Legislature may by law remove the grounds of the complaint of the said state. But if the Legislature of the Congress shall refuse or neglect so to do at their next session—and the State Legislature shall persevere in their opinion—In all such cases the said President of Congress shall, upon the address of such State Legislature, convene as soon as may be the said Court of Ariopagus, to be composed of the Senior Judges as aforementioned, if their health will admit of their attendance, but if not, then of the next Senior Judge who can attend, to be nominated by the President and the Executives of the several States respectively—which Court shall meet at the residence of Congress, and at such time as the President shall appoint—and after having taken an oath, or made affirmation, that they will faithfully and impartially decide upon the several points to them to be submitted as aforesaid, which oath shall be administered by the President or Vice President of Congress, and by him certified and entered upon the register of the said Court of Ariopagus—the said Court, or three fourths of the members thereof, who shall attend, shall have full power and authority to decide upon all such Acts of Congress and proceedings of the Judiciary of the United States, as shall have been submitted to their consideration in manner afore described, and confirm or annul the same as in their judgment shall seem right; and in all such cases where the same shall be annulled, full restitution shall forthwith

be made to the State or States, party or parties, who have been aggrieved by the said Act of Congress, or Judiciary thereof.—Provided always, that a majority of the whole number of the Judges of the said Court of Ariopagus, shall concur in opinion before any such Law or Judiciary proceeding shall be annulled or reversed.—And the Judges of the said Court of Ariopagus shall receive for their services in attendance at the said Court, _____ pounds per diem, and also the further sum of _____ shillings per mile, for travelling to the said Court, with the like sum for returning, and no more.—And the said Court shall be dissolved so soon as the business before them, and to them submitted, as afore mentioned, shall be determined.

1. The ancient Greek Council or Court of Areopagus could declare as null any laws in violation of the constitution.

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