

Q) The judgement in Marbury Vs Madison (1803) case by the US supreme court empowered it as a guarantor of the constitution - [20]

a) Marbury vs Madison (1803)

b) Introduction:

Marbury vs Madison is a landmark Supreme Court case in US that established the principle of judicial review. Heard in 1803, it laid the foundation for the courts power to interpret the constitution and determine the constitutionality of laws passed by Congress, thus shaping

Maxim

the balance of power among the branches of govt.

2) Back ground:

On the final days of his presidency, John Adams appointed a significant number of justices of the peace for the District of Columbia, one of whom was William Marbury. However, Marbury's commission was not delivered before the new president, Thomas Jefferson, took office. The new secretary of state, James Madison, refused to deliver Marbury's commission, leading to Marbury's legal action.

3) Legal Proceedings:

Marbury petitioned the Supreme Court, seeking a writ of mandamus, which would compel Madison to deliver the commission. The case landed in the Supreme Court under chief justice John Marshall.

4) Key Issues

4) Jurisdiction:

The first question the court had to consider was whether it had the jurisdiction to hear the case. Marbury relied on the Judiciary Act of 1789, which granted the Supreme Court the power to issue writs of mandamus.

4.2) Constitutional Question:

The second and more critical issue was the constitutionality of Judiciary Act 1789. Marbury's legal team argued that a section of the Act expanded the court's original jurisdiction beyond what was allowed.

5) Court's Ruling:

5.1) Jurisdiction:

Marshall held that Marbury had a legal right to his commission, and therefore, the court had the jurisdiction to hear the case.

5.2) Constitutional Review:

Marshall ruled that the section of the ~~constitution~~ judiciary Act 1789 grants the court the power to issue writs of Mandamus was constitutional. He argued that it violated the constitution's separation of powers by extending the court's original ~~power~~ jurisdiction beyond what the constitution allowed.

6) Significance:

6.1) Establishment of Judicial Review:

Marshall's masterful verdict has been widely hailed. In the face of attacks on the judiciary launched by Jefferson and his followers, Marshall needed to make a strong statement to maintain the status of the supreme court as the head of a coequal branch of government. By asserting the power to declare acts of congress unconstitutional, Marshall claimed for the court a paramount position as the interpreter of the

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Constitution.

The case established the principle of judicial review, authority review and invalidate government actions inconsistent with the constitution.

Although *Marbury vs Madison* set an abiding precedent for the courts power in that area, it did not end the debate over court's purview, which has continued for more than two centuries. Despite this, the fact remains that the court has claimed and exercised the power of judicial review through most of U.S. history. Judge Learned Hand noted that the power of judicial review had been used recurrently, so much so that the nation had grown used to it.

6.2) Checks and Balances:

The case solidified the concept of checks and balances. This was of vital importance for it ensured that no branch of the government would be conferred with unchecked, unbridled absolute powers.

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6.3) Strengthening the judiciary:

The ruling enhanced the status of the judiciary, making it an equal player in the governmental system, alongside the executive & legislative branches.

7) Conclusion:

In summary, *Marbury vs Madison* marked a ~~pivotal~~ pivotal moment in American legal history, shaping the role of judiciary and defining its power to interpret the constitution - a legacy that continues to influence American jurisprudence to this day.