Name

Institution

Course

Date

Marybury v. Madison

**Facts and Procedure History**

Thomas Jefferson defeated incumbent John Adams in the 1800 presidential election. However, before Jefferson was sworn in on March 4, 1801, President Adams and Congress passed the Judiciary Act of 1801, leading to the creation of new courts, adding more judges, and expanding the president’s control over the appointment of judges.

With the backing of the Judiciary Act of 1801, the outgoing president appointed 16 new circuit judges and 42 new justices of the peace.

The Senate quickly approved the appointments. However, they did not take their respective offices until their commissions were provided to them by the Secretary of State. In the appointments, William Marbury had been appointed Justice of the Peace in the District of Columbia. However, his commission, together with those of several other appointees, was not delivered before the outgoing president left the office.

Jefferson, the incoming president, instructed his new Secretary of State, James Madison, not to deliver the undelivered commissions. Consequently, Marbury filed a petition before the Supreme Court, seeking to compel James Madison to deliver the commissions.

**Law**

The U.S. Constitution creates some limits not to be exceeded by various government departments.

Section 13 of the Judiciary Act of 1789 defined the jurisdiction of the Supreme Court.

**Legal Questions**

Does the Supreme Court have the authority to order the delivery of their commissions?

Do the plaintiffs have a right to receive their commissions?

**Holding Vote**

1) Yes. 4 2. No. 0

Reasoning (Marshall for the Court)

Because Marbury’s commission had already been signed by the president and sealed by the Secretary of State, he has a legal right to the commission.

The signing and sealing completed the appointment process, hence renunciation of the commission a violation of the law. A writ of mandamus is such a remedy to government violation of the law.

The Constitution is the supreme law. It spells out certain limits on how the various arms of the government can exercise their authority, including the legislature. Devoid of such limits, the legislature would enjoy raw power. Therefore, an Act of parliament that is inconsistent with the Constitution is unconstitutional, hence not a law.

It is categorical the jurisdiction and duty of the judiciary to express itself on what the law is. Any legal issue before the court must be decided according to the law. When a case comes to the Supreme Court, the court must decide that case according to the law. In the event that statutory law is inconsistent with the limits imposed by the Constitution, the fundamental law prevails and governs the statutory law. Or else, it is not desired that the Constitution limit government.

The plaintiff cannot receive a mandamus from the court. According to the Constitution, there are two categories of jurisdiction for the Supreme Court: the original and appellate. Article III gives Congress the power to regulate appellate jurisdiction. However, no such power is afforded the original jurisdiction.

The Judiciary Act of 1789 exceeds the power given to Congress by the Constitution. Consequently, the court does not have legitimate jurisdiction over the matter at hand, thus, declines Marbury’s prayers.

Dissenting Opinion: none

Work Cited

Marybury v. Madison (1803)