

# Power of federal judiciary over legislation - its origin ; the power to set aside laws ; boundaries of the power ; judicial independence ; existing evils and remedies.

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## **Judiciary: Functions, Importance and an Essential Quality of Judiciary**

So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. · Within the legislative branch, each house of Congress serves as a check on possible abuses of power by the other.

### **Judicial Branch**

Hence, in the early immigration cases the Supreme Court faced the problem of identifying the source of the federal government's exclusive and plenary power over immigration. Even the number of Supreme Court Justices is left to Congress — at times there have been as few as six, while the current number nine, with one Chief Justice and eight Associate Justices has only been in place since 1869.

### **The Supreme Court has changed throughout history**

Not surprisingly, the Supreme Court agreed, famously announcing its authority to rule on the validity of laws—known as judicial review—in the case of *Marbury v. Law* enforcement agents who investigate crimes often have to search houses, seize possible evidence, and arrest people.

## **Judiciary: Functions, Importance and an Essential Quality of Judiciary**

Article I Courts Congress created several Article I, or legislative courts, that do not have full judicial power. Furthermore, it is the role of the federal government to oversee matters of national concern, while it is the province of the states to govern local matters. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

**Power of federal judiciary over legislation : its origin : the power to set aside laws : boundaries of the power : judicial independence : existing evils and remedies (eBook, 1912) [localize-ing.justmote.me]**

If, therefore, the legislature pass any laws, inconsistent with the sense the judges put upon the constitution, they will declare it void. Richard Nixon 1913—1994; served 1969—74 , for instance, unsuccessfully tried to use executive privilege amidst the Watergate scandal.

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