

3- provide a case brief for the case of marbury v. madison. include all relevant ...

[Law](#)



Instruction: Task: Case Brief Case: Marbury v. Madison (1803) Facts: In this case, the Supreme Court introduced the opinion that an action of Congress may be nullified in the event that it turns out that it does not lie within the limits set by the Constitution. It pits James Madison against William Marbury, who was awaiting his commission, after being one of the appointees to the Justice of the Peace. As a result of this failure to receive the commission, Marbury went to the Supreme Court in order to compel the Secretary of State at the time, James Madison, to deliver the commission (Dixon & Ginsburg 189).

Issue: Is the Supreme Court within legal limits to have the jurisdiction of issuing the commission (or writs)?

Holding: No. The Supreme Court held that it would not issue the writ despite finding out that the petitioner (Marbury) was entitled to it.

Reasoning: While the Supreme Court found out that Marbury was entitled to the writ, the act of trying to compel Madison by going to the Supreme Court was found to be unconstitutional, and therefore making it illegal for the writ to be issued through that procedure. On the other hand, it was noted that Madison should have provided the writ, but this could not be remedied as the provision that enabled Marbury to present his right to the Supreme Court was in itself out of order (Herring 299). Therefore, the petition fell short, with the major point of reasoning being that the Supreme Court did not have the constitutional mandate to issue writs, as this extends the limits that Article III set in regards to the jurisdiction of the Supreme Court.

Works Cited.

Dixon, Rosalind & Ginsburg, Tom. Comparative Constitutional Law.

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Herring, Jonathan. Criminal Law. Texas, TX: Palgrave Macmillan, 2011. Print.