

# Marbury v. madison

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Marbury v. Madison Task Marbury v. Madison is a landmark case of 1803 that brought about Judicial Review in the United States. It resulted from the political struggle between the Federalists and the Democrat-Republicans. The case set a precedent that is adopted even in judicial decision made to date. The decision has provided the definition to checks and balances in the branches of the government.

### Marbury v. Madison

The case resulted from a political strife between the Democratic - Republican Party and Federalists. After losing the presidential bid in 1800, the Federalists went ahead to alter the Judiciary Act of 1798 hence empowering the President with the mandate to appoint Federal judges. The President issued the slots and the senate approved them (Smith, 1996, p. 524). Some appointments, however, were termed void. The legislation was later amended, and Jefferson later eliminated some commissions, including Marbury, and re-assigned some slots to the Democratic-Republican members. Marbury filed a petition in the Supreme Court for the writ of mandamus. This led to the issues as to whether Marbury had a right to the commission, whether the law awards him a remedy, whether the Supreme Court had the original jurisdiction to issue writs of mandamus, whether the Supreme Court had the mandate to review acts of Congress and thereby determine whether they were unconstitutional and whether the Congress could increase the Supreme Court's mandate as provided for under Article III of the Constitution.

The court held that Marbury bore a right to the commission and had a remedy. It was further provided that the Supreme Court bore the mandate to review and determine whether acts of Congress were unconstitutional, that <https://assignbuster.com/marbury-v-madison-essay-samples/>

Congress had no mandate to expand the Supreme Courts original jurisdiction beyond what is provided for under the Constitution's Article III and that the Supreme Court lacks the original jurisdiction to issue writs of mandamus.

This decision resulted in instituting of the model of Judicial Review, which is the judiciary's ability to assert a law as unconstitutional. The case facilitated the principle of checks and balances within the government. It was, therefore, a win for the Democrat-Republicans as Marbury failed to attain the position of Justice of the Peace.

#### References

Smith, J. E. (1996). John Marshall: Definer of a Nation. New York: Henry Holt & Company