	Marbury v. Madison 1803
	Notes & Brief
Background knowledge for the	The Judiciary Act of 1789
Carrei	Section 13: The SC Shall have the Power to issue writes of Mandamus to any
	Person holding office. Crongouss gives the power 2 supreme court to issue write of mandemus.) Act of comput
	Ly The constitutional issue in Marbury v. Madison:
	. Whether or not this language is constitutional?
	report decland tis section of the law that gave he court jurisdiction to issue writes of Mondumy
NO	TE The court has durindy been doing tis during 1905 but congress have just codily it in sect. 13
	· SC has 2 types of jurisdiction: Cley to understand Marbury) I - orginal (Specified in constitution);
	I - orginal (specified in constitution);
	2 - APPAILARE
	It const. says this is your original yurisalistion +
	NOTE congress in sect. 13 has said "You can do tis (writes of mandemus)" under your original yorisdiction
	=
	we have a conflict
Note	* section 13 = day not appear in const. under he courts og. constitution]
Q. Did congress expand or change the	· congress has included issue Curits of Manduns) as a fifth live in OG jurisdiction.
•	can congress on its own amend the const. or would you consider its action amending the const.?
Courts original gurisdiction bic of Section 13?	Const. is saying you can do all 4 of the DG Juris liciton, but congres in this case is Saying you can do S
	which creatusa Conflict
Timeline:	
	Ables to exception: (Normber) + adams redites he is not going hore a and term + summer which is using adams + His successory of state is some marchall get.
who one the players/actors?	. President is youn adams + His secretary of State is John Marshall Juff. Lyduning last months of adams Presidency your Adams nominates your Marshall to also be chief gustlee of sc.
	Ly This case begins when yohn marshall is secretary of state or ends w/marshall issuing to opinion in marbury bic he has now become the chief justice of sc.
	Then -> yohn Adams losses presidery to Thomas yelf> secretory of shok is yours madism
	In meatime while all of this is haffening;
	adams also nominas Marbury to be 50 gustice of referre for dignit
	he case is decided by your marshall who was adoms. Sec. or. state initially
After adams 10 ses frez : he puts	, his 2 goons to so

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		a) - marchine in comment	
Continue;	Fedralist last both prezelection (ada -> now neg lost a te anti-leana	List Czerer sonions	
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	* marshall has no Prior judicial	reardist one new scored bic	
	experiences & still appaints to sc	now scared become my might on ange the policies + lows m	at they have by in
	experiences & still appaints to Sc bic its his boy.	flace. I unat do ne federalist do nou?	
	-		and it is the state
	(Mfortant:	. hy take take steps to seize	branch
		were to uphole this policions	branch Cyndiceny)
	C tris time SC (acted power to infl american pattices o marshall there + mat is important to this case, is	the well after puir free? is	
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	Courts		
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		Size of court to k to S es to vominate grage	Pact te Crts.
		10 v cannot appoint additional ferror	
	External check on crt. ,	congress determ. Size of court.	
Feb 27 1901	Passed granic hat -> 2 appoint 42	Justices of the Reale for D of cowmon	2.
	1801		
march 2, 1801		ams I submit to Senate 2 con	tim
	one of the 42 is marbury	had no experience or anyting	
	(bankar +	Investor	
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	31100	and it lass of lamates	
Final hours	Senate confirmed marbory to be	come sustice + adams signed ;	re comission
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		John John Marshall	/ "marbury
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	Brief
Facts:	Congress possed a low Cyudiacy Act of 1889) in that low sec. Is gove the sc the power 2 issue writes of mandmus under its og yvrisdiction, we have an instance where berson wants a or writes of mandmus; marshall sugs congress gave you the power to issue [,] did not get my commission & want my commission & the side and the static and and get my commission &
	the sc dmands s of state machson a give my commission.
aussions:	1. Did marbury have a right to commission? deserving femedo?
	a since marbory had a right 2 the commission, did the low provide him a nearedy? 3. was a request for a writ of mandamus filed in US. Sc., the proper namedy?
Final decisione:	1. Did marbury have a right to commission?
	Yes he was app. by Prez -> confir. by Senate -> Signed by frez & Seeb
	- divery is not Part of app. process
	its not in constitution & is irrelevant.
	2. since marbury had a right 2 the commission, did the law provide him a remedy?
	-> yes "if someone is legally wronged, the Law must provide ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
	3. was a request for a writ of mandamus filed in U.S. Sc, the proper nemedy?
	NO. Sect. 13 was represent 2 constitution
	<u>"congress gore me more forer which went against the</u> Ob grais. in Article 3."
Notei	
Congress it	"you conit give me more pour de cannot comme de contes OG soris.
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"From this point for warduit will (S4) text you for curve none (congress & brushdorf) what you curve for the construction of the second of	hut hows tis case involve?	It involves increasing the former of Supreme court (sc);	
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The S pointS: Marshall's five points in Marbury v. Madison (1803) 1 the Constitution established a government of imited power. 1 the Constitution is the Supreme law of the Land-th is superior to legislative enactmentsathenyie the Constitution would be unseederative in the 1 the constitution (is the Supreme law of the Land-th is superior to legislative enactmentsathenyie the Constitution and dury of the Judical department to say what the law is: 1. Judges take an oath to uphod the Constitution. It, Would be immoral for them to go reflect on an unconstitutional, the province and dury of the Judical department to say what the laws is: 2. Judges take an oath to uphod the Constitution. It, Would be immoral for them to go reflect to an unconstitutional and the does way much before it must have intended that the basic document be held superior to laws; i.e., the Supremary Clause. Market Proceedings of the Support of the Support of the Support of Support Market Proceedings of the Support of the Support of Support Market Proceedings of the Support of Support Market Proceedings of the Support of Support Market Proceedings of the Support of the Support of Support Market Proceedings of the Support Ma		, , , , , , , , , , , , , , , , , , ,	
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 Marshall's five points in Marbury v. Madison (1803) 1. The Constitution established a government of limited powers. 2. The Constitution is the Supreme law of the Land-Hit is superior to legislative enathermis—otherwise the Constitution would be useless/fulle 3. The court cannot cloce like yets of an unconstitutional act. Meabal listate: "It is emphatically, the province and duty of the judicial department to say what the law is." 4. Judges take an each to suphold the Constitution. It would be immoral for them to give effect to an unconstitutional reference to like your like the supermaxy Clause. 2. Secure: Ardide VI, paragraph Z, mentions the Constitution first before it mentions laws, and not the other way around, the reference to like your, i.e., the supremaxy Clause. 			
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		must have intended that the basic document be held superior to laws; i.e., the	
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Sc has authonity to determine constitutionality + if actions of congress or president or anybody conflict w/ courts interpretation

of constitution or courts interpretation of stature, then courts will strike it down as unconstitutional & unenforceable