Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ IMPORTANT CASES OF THE MARSHALL COURT

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| Supreme Court Case Details of the Case | Explain how it expands the principal of Federalism |
| **Marbury v. Madison (1803)**  Marbury was appointed a federal judge by President John Adams on March 2, 1801. Thomas Jefferson, who became president two days later, directed his secretary of state, James Madison, not to deliver Marbury’s appointment papers. Marbury sued and asked the Supreme Court for a writ of mandamus to get the papers delivered. John Marshall, who wrote the decision, decided against Marbury. However, the important part of Marshall’s decision as his statement that section 14A of the Judiciary Act of 1789 empowering the court to issue a writ of mandamus was contrary to the Constitution. This section of the law gave the court original jurisdiction in this matter when it should only have had appellate jurisdiction. |  |
| **Fletcher v. Peck (1810)**  The Georgia legislature had given large land grants along the Yazoo River to private land speculators in 1795. Because of fraud surrounding the grants, the next Georgia legislature rescinded them. The original grantees sued for the land and the case was brought to the Supreme Court. In his decision, John Marshall held that the original grants were valid contracts which could not be rescinded since all contracts were guaranteed under the Constitution (Article 1 Section 10, Clause 1). The second Georgia law rescinding the land grants was therefore unconstitutional. |  |
| **McCulloch v. Maryland (1819)**  McCulloch, cashier of the Baltimore branch of the Bank of the U.S. refused to pay a $15,000 tax levied on the bank by the state of Maryland. The question at issue was the right of a state to tax an agency established by the national government. In his decision, Chief Justice John Marshall state that Congress had the power to charter the bank, which was constitutional under the implied powers of Congress. IN addition he held that states could not tax a federal agency because this would make it possible for states to hinder the legitimate functions of the national government and could even force the agency out of business. “The power to tax,” wrote Marshall, “involved the power to destroy.” The Maryland tax was therefore unconstitutional. |  |
| **Dartmouth College v. Woodward (1819)**  In this decision Chief Justice John Marshall held that the state of New Hampshire acted illegally when it changed the provisions of the Dartmouth College charter, attempting to make the college a state, rather than private institution, without the consent of the college |  |
| **Gibbons v. Ogden (1824)**  In 1808 the state of New York gave Robert R. Livingston and Robert Fulton a monopoly to run steamboats on the Hudson River which ran between New York and New Jersey. Aaron Ogden, the plaintiff, had purchased an interest in the monopoly of Livingston and Fulton. He then brought suit in New York against the defendant, Thomas Gibbons, for operating a rival steamboat service between New York City and the New Jersey ports. Gibbons lost his case and appealed to the U.S. Supreme Court, which reserved the decision. At issue was the scope of the commerce clause of Article I, Section 8, Clause 3. Chief Justice John Marshall held that the New York monopoly was an unconstitutional interference with the power of Congress over interstate commerce. He condemned the view that the state and the federal government are equal sovereignties. Federal power is specifically enumerated, but within its sphere Congress is supreme. State legislation may be enacted in areas reserved to the federal government only if concurrent jurisdiction is feasible (as in the case of taxation.) |  |

**SAQ Practice** – Write your response on a separate sheet of paper

Answer parts a, b, and c.

a) Briefly explain the significance of the Marshall court during the first quarter of the 19th century.

b) Briefly explain how ONE of the Supreme Court cases under Marshall supports your answer in part a.

c) Briefly explain how ONE of the cases you chose in part b continued to have an influence in the judicial system.

**REMEMBER A.C.E.**

**A**nswer the question

**C**ite a specific piece of evidence

**E**xplain how the evidence supports your answer

**Practice Thesis Writing**

Throughout our history, the Supreme Court has acted as a partisan political body rather than a neutral arbiter of constitutional principles. Assess the validity of this generalization for the period 1803-1825.

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