



## The Marshall Court – Essential Cases Review

John Marshall was appointed by John Adams, replacing John Jay as chief justice to the Supreme Court. Decisions of his court provided a strong, Federalist assertion of central government power. While the Federalist party fizzled by 1812, the Supreme Court under the leadership of John *Marshaled* on.

***Marbury v. Madison* (1803, Marshall).** The court established its role as the arbiter of the constitutionality of federal laws, the principle is known as **judicial review**

***Fletcher v. Peck* (1810, Marshall).** The decision stems from the Yazoo land cases, 1803, and upholds the **sanctity of contracts.**

***Martin v. Hunter's Lessee* (1816, Marshall).** Loyalist, Fairfax, had his land seized after Revolutionary War. He left land to relative following his death but Virginia seized it. Court overturned state court ruling. Jay's Treaty and Treaty of Paris both stated loyalist land would be returned. Significance of ruling: confirmed the **Supreme Court's right to overrule a state court.**

***McCulloch v. Maryland* (1819, Marshall).** The Court ruled that **states cannot tax the federal government,** i.e. the Bank of the United States; the phrase "the power to tax is the power to destroy"; confirmed the **constitutionality of the Bank of the United States.**

***Dartmouth College v. Woodward* (1819, Marshall).** New Hampshire had attempted to take over Dartmouth College by revising its colonial charter. The Court ruled that the charter was protected under the contract clause of the U. S. Constitution; **upholds the sanctity of contracts.**

***Gibbons v. Ogden* (1824, Marshall).** Clarified the commerce clause and **affirmed Congressional power over interstate commerce.**

***Johnson v. McIntosh* (1823, Marshall).** Established that Indian tribes had rights to tribal lands that preceded all other American law; **only the federal government could take land from the tribes.**

***Cherokee Nation v. Georgia* (1831, Marshall).** "The conditions of the Indians in relation to the United States is perhaps unlike that of any two people in existence," Chief Justice John Marshall wrote, "their relation to the United States resembles that of a ward to his guardian. . . (they were a) domestic dependent nation." Established a **"trust relationship"** with the tribes directly under federal authority.

***Worcester v. Georgia* (1832, Marshall).** Established tribal autonomy within their boundaries, i.e. the tribes were "distinct political communities, having **territorial boundaries** within which their authority is exclusive."

John Marshall died in 1835. He was replaced by Roger Taney, appointed by Andrew Jackson. Taney was not a pro-Federal power as Marshall and leaned more toward states rights.

