

The Marshall Court: 1801-1835



Fletcher v Peck

Facts of the Case:

In 1795, the Georgia state legislature passed a land grant awarding territory to four companies. The following year, however, the legislature voided the law and declared all rights and claims under it to be invalid (in other words, they **nullified** the contract). In 1800, **John Peck** acquired land that was part of the original legislative grant. He then sold the land to **Robert Fletcher** three years later, claiming that past sales of the land had been legitimate. Fletcher argued that since the original sale of the land had been declared invalid, Peck had no legal right to sell the land and thus committed a breach of contract.

Question:

Could the contract between Fletcher and Peck be invalidated by an act of the Georgia legislature?

Conclusion:

In a unanimous opinion, the Court held that since the estate had been legally "passed into the hands of a purchaser for a valuable consideration," the *Georgia legislature could not take away the land or invalidate the contract*. Noting that the Constitution did not permit bills of attainder or ex post facto laws, the Court held that *laws annulling contracts or grants made by previous legislative acts were unconstitutional*.

Decisions

Decision: 5 votes for Peck, 0 vote(s) against

McCulloch v. Maryland

Facts of the Case:

In 1816, Congress chartered The **Second Bank of the United States**. In 1818, the state of **Maryland** passed legislation to impose taxes on the bank. **James W. McCulloch**, the cashier of the Baltimore branch of the bank, refused to pay the tax.

Question:

The case presented two questions: Did Congress have the authority to establish the bank? Did the Maryland law unconstitutionally interfere with congressional powers?

Conclusion:

In a unanimous decision, the Court held that *Congress had the power to incorporate the bank and that Maryland could not tax instruments of the national government employed in the execution of constitutional powers*. Writing for the Court, Chief Justice Marshall noted that Congress possessed unenumerated powers not explicitly outlined in the Constitution. Marshall also held that while the states retained the power of taxation, "the constitution and the laws made in pursuance thereof are supreme. . .they control the constitution and laws of the respective states, and cannot be controlled by them."

Decisions

Decision: 7 votes for McCulloch, 0 vote(s) against

"Has Congress the power to incorporate a bank? . . . In discussing this question, the council for the State of Maryland have deemed it of some importance, in the construction of the Constitution, to consider that instrument not as emanating from the people but as the act of sovereign and independent states. The powers of the general government, it has been said, are delegated by the states, who alone are truly sovereign; and must be exercised in subordination to the states, who alone possess supreme dominion. It would be difficult to sustain this proposition."

Decision in *McCulloch v. Maryland* (1819)

Dartmouth v. Woodward

Facts of the Case:

In 1816, the New Hampshire legislature attempted to change **Dartmouth College**--a privately funded institution--into a state university. The legislature changed the school's corporate charter by transferring the control of trustee appointments to the governor. In an attempt to regain authority over the resources of Dartmouth College, the old trustees filed suit against **William H. Woodward**, who sided with the new appointees.

Question:

Did the New Hampshire legislature unconstitutionally interfere with Dartmouth College's rights under the **Contract Clause**?

Conclusion:

In a 6-to-1 decision, the Court held that the *College's corporate charter qualified as a contract between private parties, with which the legislature could not interfere*. The fact that the government had commissioned the charter did not transform the school into a civil institution. Chief Justice Marshall's opinion emphasized that the term "contract" referred to transactions involving individual property rights, not to "the political relations between the government and its citizens."

Decision: 5 votes for Dartmouth College, 1 vote against

Cohens v. Virginia

Facts of the Case:

An act of Congress authorized the operation of a lottery in the District of Columbia. The Cohen brothers proceeded to sell D.C. lottery tickets in the state of Virginia, violating state law. State authorities tried and convicted the Cohens, and then declared themselves to be the final arbiters of disputes between the states and the national government.

Question:

Did the Supreme Court have the power under the Constitution to review the Virginia Supreme Court's ruling?

Conclusion:

In a unanimous decision, the Court held that the Supreme Court had jurisdiction to review state criminal proceedings. Chief Justice Marshall wrote that the Court was bound to hear all cases that involved constitutional questions, and that this jurisdiction was not dependent on the identity of the parties in the cases. Marshall argued that state laws and constitutions, when repugnant to the Constitution and federal laws, were "absolutely void." After establishing the Court's jurisdiction, Marshall declared the lottery ordinance a local matter and concluded that the Virginia court was correct to fine the Cohens brothers for violating Virginia law.

Decisions:

Decision: 7 votes for Virginia

Johnson v. McIntosh

Facts of the Case:

In 1775, Thomas Johnson and other British citizens purchased land in the Northwest Territory, then in the colony of Virginia, from members of the Piankeshaw Indian tribes. This purchase was arranged under a 1763 proclamation by the King of England. Thomas Johnson left this land to his heirs. In 1818, William M'Intosh purchased from Congress, 11,000 acres of the land originally purchased by Johnson. Upon realizing the competing claims on the land, Johnson's heirs sued M'Intosh in the United States District Court for the District of Illinois to recover the land. The District Court ruled for M'Intosh, reasoning that M'Intosh's title was valid since it was granted by Congress. Johnson's heirs appealed to the Supreme Court.

Question:

Was M'Intosh's claim to the disputed land superior to Johnson's claim because M'Intosh's claim was the result of Congressional action?

Conclusion:

Yes. In a unanimous decision, the Court held M'Intosh's claim superior to Johnson's, affirming the District Court. In an opinion authored by Chief Justice John Marshall, the Court established that the federal government had "the sole right" of negotiation with the Native American nations. Through the Revolutionary War and the treaties that followed, the United States earned the "exclusive right...to extinguish [the Indians'] title, and to grant the soil." The Indians themselves did not have the right to sell property to individuals. M'Intosh's claim, which was derived from Congress, was superior to Johnson's claim, which was derived from the non-existent right of Indians to sell their land.

Decisions:

Decision: 7 votes for M'Intosh

Gibbons v. Ogden

Facts of the Case:

A New York state law gave two individuals (**Robert Fulton and Robert Livingston**, who then gave steamboat rights to **Aaron Ogden**) the exclusive right to operate steamboats on waters within state jurisdiction. Laws like this one were duplicated elsewhere which led to friction as some states would require foreign (out-of-state) boats to pay substantial fees for navigation privileges. In this case a steamboat owner (**Thomas Gibbons**) who did business between New York and New Jersey challenged the monopoly that New York had granted, which forced him to obtain a special operating permit from the state to navigate on its waters.

Question:

Did the State of New York exercise authority in a realm reserved exclusively to Congress, namely, the regulation of interstate commerce?

Conclusion:

The Court found that New York's licensing requirement for out-of-state operators was inconsistent with a congressional act regulating the coasting trade. The New York law was invalid by virtue of the *Supremacy Clause*. In his opinion, **Chief Justice Marshall** developed a clear definition of the word *commerce*, which included navigation on interstate waterways. He also gave meaning to the phrase "among the several states" in the Commerce Clause. Marshall's was one of the earliest and most influential opinions concerning this important clause. He concluded that *regulation of navigation by steamboat operators and others for purposes of conducting interstate commerce was a power reserved to and exercised by the Congress.*

Decisions

Decision: 6 votes for Gibbons, 0 vote(s) against

Worcester v. Georgia

Facts of the Case:

In September 1831, Samuel A. Worcester and others, all non-Native Americans, were indicted in the Supreme Court for the county of Gwinnett in the state of Georgia for "residing within the limits of the Cherokee nation without a license" and "without having taken the oath to support and defend the constitution and laws of the state of Georgia." They were indicted under an 1830 act of the Georgia legislature entitled "an act to prevent the exercise of assumed and arbitrary power by all persons, under pretext of authority from the Cherokee Indians." Among other things, Worcester argued that the state could not maintain the prosecution because the statute violated the Constitution, treaties between the United States and the Cherokee nation, and an act of Congress entitled "an act to regulate trade and intercourse with the Indian tribes." Worcester was convicted and sentenced to "hard labour in the penitentiary for four years." The U.S. Supreme Court received the case on a writ of error.

Question:

Does the state of Georgia have the authority to regulate the intercourse between citizens of its state and members of the Cherokee Nation?

Conclusion:

No. In an opinion delivered by Chief Justice John Marshall, the Court held that the Georgia act, under which Worcester was prosecuted, violated the Constitution, treaties, and laws of the United States. Noting that the "treaties and laws of the United States contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the union," Chief Justice Marshall argued, "The Cherokee nation, then, is a distinct community occupying its own territory in which the laws of Georgia can have no force. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States." The Georgia act thus interfered with the federal government's authority and was unconstitutional. Justice Henry Baldwin dissented for procedural reasons and on the merits.

Decisions:

Decision: 4 votes for Worcester, 3 votes for Georgia.

Name: _____ Period: _____ Date: _____

The Marshall Court Cases

<i>Court Case</i>	<i>Date</i>	<i>Main Issue</i>	<i>Importance</i>	<i>Federal or State?</i>
Marbury v. Madison	1803	James Madison (Secretary of State) refused to appoint William Marbury to the Supreme Court	Judicial Review – Supreme Court can determine constitutionality	Federal, Supreme Court increased power
Fletcher v. Peck	1810			
McCulloch v. Maryland	1819			
Dartmouth College v. Woodward	1819			

Cohens v. Virginia	1821			
Johnson v. McIntosh	1823			
Gibbons v. Ogden	1824			
Worcester v. Georgia	1832			