

A Detailed Case Descriptions and Comparisons

Seed decision: Mugler v Kansas. A new Kansas law prohibited the sale and manufacture of intoxicating liquor. Prior to the passage of the Kansas law, Mugler built a brewery. Mugler was indicted for violating the law and having manufactured intoxicating liquors without a permit. The main issue is if the Kansas law violated the Due Process Clause of the Fourteenth Amendment. More specifically, does prohibiting the sale and manufacture of intoxicating liquors, subsequently lowering the economic value of property, deprive the owner of that property and as articulated in the Due Process Clause of the Fourteenth Amendment?

The court decided that the Kansas law does not infringe on Fourteenth Amendment rights or privileges. It stated that the principle requiring property holders not to use their property so as to be injurious to the community was compatible with the Fourteenth Amendment. Moreover, the court reasoned that a prohibition on the use of property, by valid legislation, for purposes of protecting the health and safety of the community, cannot be deemed a taking or an appropriation of property for public benefit. Since the legislation did not restrict the owner's control, right to dispose, or ability to use property for lawful purposes, no taking had occurred. If the legislature needs to act due to public safety, it cannot discontinue such activity because individuals suffer inconveniences.

Yick Wo v Hopkins. A San Francisco ordinance required all laundries in wooden buildings to hold a permit issued by the city's Board of Supervisors. The board had total discretion over who would be issued a permit. The majority of laundry businesses were operated by Chinese workers, but not a single Chinese owner was granted a permit. Yick Wo and Wo Lee, who operated a laundry business without a permit, were imprisoned after refusing to pay a fine. They sued for habeas corpus and argued that discriminatory enforcement of the ordinance violated their rights under the Equal Protection Clause of the Fourteenth Amendment.

The Supreme Court of California and the Circuit Court of the United States for the District of California denied the claims. The main problem was if the unequal enforcement of the ordinance violates Yick Wo and Wo Lee's rights under the Equal Protection Clause of the Fourteenth Amendment? The Court concluded that, despite the impartial wording of the law, its biased enforcement violated the Equal Protection Clause and therefore violated the provision of the Fourteenth Amendment. The judgment of the Supreme Court of California and Circuit Court of the United States for the District of California were reversed, and the cases remanded.

Like the seed decision, the main problem of this case is a state law that allegedly infringes the Fourteenth Amendment. While the seed decision focuses more on the Due Process Clause, this case addresses the Equal Protection and Citizenship Clause. So we say it is *not related*.

Munn v Illinois. The legislature of Illinois regulated grain warehouses and elevators by establishing maximum rates that private companies could charge for their use and storage of agricultural products. The grain warehouse firm Munn and Scott was found guilty of violating the law. The company appealed the conviction on the grounds that the law was an unconstitutional deprivation of property without due process of law and that

the rates deny the warehouse equal protection that violated the Fourteenth Amendment. The court ruled in favor of the State. It argued that the states can regulate the use of private property when the regulation is necessary for the public good. Moreover, the court declared that even though interstate commerce is the responsibility of Congress, a state could take action in the public interest without impairing the federal control.

Similar to the seed decision, the main problem of this case is a state law that allegedly infringes the Fourteenth Amendment. Like the seed decision, this case addresses the violation of the Due Process Clause of the Fourteenth Amendment. In both cases the court argued that individual interests outweigh public interests which justifies the regulations. This led both cases to be ruled in favor of the state. The case is *related*.

Lifestock Dealers Butchers v Crescent City Lifestock 1870. An act passed by the legislature of the State of Louisiana prohibited all persons and corporations to land, keep, or slaughter any animals at any place within the city and parishes of New Orleans. Only the company created and organized under the new act, the "Crescent City Live-stock Landing and Slaughter Company" was entitled to do the aforementioned. The act was passed on March 1869 and was described as an act to protect the health of the city of New Orleans. A group of excluded butchers sought an injunction against the monopoly on the grounds that they were prevented from practising their trade.

The state courts upheld the law. The appeal was based on the following grounds: the act created an involuntary servitude forbidden by the Thirteenth Amendment, it abridges the privileges and immunities of citizens of the U.S., it denied plaintiffs the equal protection of the laws and deprived them of their property without due process of law, which is all protected under the Fourteenth Amendment. The court stated the involuntary servitude of the Thirteenth Amendment is restricted to personal servitude, not a servitude attached to property and that only privileges and immunities of U.S. citizens are protected by the Fourteenth Amendment so that those of state citizens are unaffected. Moreover, the equal protection clause of the Fourteenth Amendment is primarily intended to prevent discrimination against blacks. The court concluded that the prohibition of the plaintiffs' trade cannot be held to be a deprivation of property with regard to the Fourteenth Amendment. This case was the first case requiring interpretation of the amendments.

Similar to the seed decision, the Court had to interpret and apply due process for a regulation in the public interest. The case is *related*.

Butchers Benevolent Crescent City Lifestock 1872. This is another opinion with the same background as the previous case (see *Lifestock Dealers Butchers v Crescent City Lifestock 1870*), but with a different plaintiff. Again the decision of the court rules that the Fourteenth Amendment did not forbid Louisiana's use of its police powers to regulate butchers. The Court held that the Fourteenth Amendment's Privileges or Immunities Clause affected only rights of U.S. citizenship. Therefore, according to the court, the butcher's Fourteenth Amendment rights had not been violated.

As before, this is *related*.

Lochner v New York. The state of New York enacted the Bakeshop Act, a statute which forbade bakers to work more than 60 hours a week / 10 hours a day. *Lochner* was ac-

cused of permitting an employee to work more than 60 hours in one week. He was charged with fines. *Lochner* appealed but lost in state court. He argued that the Fourteenth Amendment should have been interpreted to contain the freedom of contract among the rights encompassed by substantive due process. In his view the right to purchase or to sell labor should be part of the liberty protected by the amendment.

The question that arises is if the Bakeshop Act violates the liberty protected by the Due Process Clause of the Fourteenth Amendment. The court invalidated the New York statute on the grounds, that it interfered with the freedom of contract and therefore the Fourteenth Amendment's right to liberty afforded employer and employee. Moreover the New York statute failed the rational basis test for determining whether the government action is constitutional. The majority reasoned that the Bakeshop Act had no rational basis because long working hours did not dramatically undermine employees' health and baking is not dangerous per se.

Same as in the seed decision, the court said that the power of the courts to review legislative action in a matter affecting the general welfare exists only when a statute enacted to protect the public health or safety has no real or substantial relation to those objects, or is a plain invasion of rights secured by the Fourteenth Amendment. Different from the seed decision, however, the court found the enacted New York statute to have no rational basis and ruled in favor of the plaintiff. This case is *related*.

Allgeyer v. Louisiana. A Louisiana statute prohibited out-of-state insurance companies from conducting business in Louisiana without maintaining at least one place of business and authorized agent within state. The intention behind the implementation of the statute was that it protects citizens from deceitful insurance companies. Allgeyer & Company violated the statute by purchasing insurance from a New-York-based company. The issue was whether the Louisiana statute violates the Fourteenth Amendment's Due Process Clause, which protects companies' liberty to enter in to contracts with businesses of their own choice.

The court ruled in favor of the plaintiff and found that the Louisiana statute deprived Allgeyer & Company of its liberty without Due Process under the Fourteenth Amendment. Moreover, it found that the Fourteenth Amendment extends to protect individuals from restrictions of their freedom to contract in pursuit of one's livelihood or vacation.

Unlike in the seed decision, the Supreme Court of the United States chose to analyze the possible violation of the Fourteenth Amendment from the standpoint of the person rather than the company. The state maintains policing power in relationship to the company, but it cannot legislate in such manner as to deny an individual's liberty. In the seed decision however, the court decided that public health and safety is to prioritize over the individual. This is *related*.

Calder v. Wife. A Connecticut probate court denied Mr. and Mrs. Caleb Bull (the stated beneficiaries of Norman Morrison's will) an inheritance. When the Bulls wanted to appeal the decision more than 1,5 years later, they found that a state law prohibited appeals not made within 18 months of the ruling. The Bulls persuaded the Connecticut legislature to change the restriction, which enabled them to successfully appeal the case. Calder, the initial inheritor of Morrison's estate, took the case to the Supreme

Court. The main issue was, if the Connecticut legislation violates Art. 1 Section 10 of the Constitution, which prohibits ex post facto laws.

The court decided that the Connecticut legislation was not an ex post facto law arguing that restrictions against ex post facto laws were not designed to protect citizens' contract rights but only criminal matters. Moreover, all ex post facto laws are retrospective, but all retrospective laws are not necessarily ex post facto and even vested property rights are subject to retroactive laws.

This case is *not related*.

Davidson v. New Orleans. The city of New Orleans sought to make an assessment on certain real estate within the the parishes of Carroll and Orleans for the purpose of draining swamp lands there. A part of John Davidson's estate was included in the assessment and was assessed for \$50,000. The main issue was whether Mrs. Davidson (widow of Mr. Davidson) was being deprived of her property without due process of law clause of the Fourteenth Amendment.

The court ruled against the plaintiff. The court stated that whenever a state takes property for public use, and state laws provide a mode for contesting the charge in the ordinary courts, and if due notice is given to the person, and if there is a full and fair hearing, there is no cause for a suit charging lack of due process of the law. Moreover, the court said that a due process of law does not imply a regular proceeding in a court of justice and that the Fourteenth Amendment was not being infringed.

Similar to the seed case, this case discusses the Due Process Clause of the Fourteenth Amendment. Like in the seed case the state argued that whenever by the laws of a state, or by state authority a burden is imposed upon property for the public use, with notice to the person and/or adequate compensation, it cannot be said to deprive the owner of this property without due process of law. This is *related*.

Muller v. Oregon. Oregon enacted a law that limited women to 10 hours of work in factories and laundries. Curt Muller, the owner of a laundry business, was fined when he violated the law. Muller appealed the conviction. The main issue was whether the Oregon law violated the Fourteenth Amendment.

The court upheld Oregon law. Even though the case *Lochner v. New York* dealt with the same issues of limiting work hours, the court distinguished this case because of the existing difference between the sexes. Furthermore, the court reasoned that the child-bearing nature and social role of women provided a strong state interest in reducing their working hours.

Similar to in the seed case, the court found the enacted Oregon law to have rational basis since the law protects public health and therefore does not violate the Fourteenth Amendment. *Related*.

Kidd v Pearson. An Iowa state law made the manufacture of liquor in the state illegal, even when the liquor was for sale and consumption out-of-state. The main issue was whether or not the state law was in conflict with the power of Congress to regulate interstate commerce.

The Court decided that there is no conflict and the state law is valid. The Court erected a distinction between manufacture and commerce. The state law regulated man-

ufacturing only. The justices feared that a broad view of commerce that would embrace manufacturing would also embrace the power to regulate every step of industry. The court ruled that there was not a conflict between Congress' power to regulate interstate commerce and the state law covering manufacturing within a given state. Therefore, the law was valid.

This case is different from the seed case in its focus on interstate commerce rather than due process. But it discusses similar issues as in the seed case. In the seed case the court decided that a state has the right to prohibit or restrict the manufacture of intoxicating liquors within her limits; to prohibit all sale and traffic in them in said State; to inflict penalties for such manufacture and sale, and to provide regulations for the abatement as a common nuisance of the property used for such forbidden purposes; and that such legislation by a State is a clear exercise of her undisputed police power, which does not abridge the liberties or immunities of citizens of the United States, nor deprive any person of property without due process of law, nor in any way contravenes any provision of the Fourteenth Amendment to the Constitution of the United States. In this case the court agreed with the decision of the lead case and ruled similarly in that matter. It is *related*, mostly on factual grounds but also it is somewhat legally related.

Lawton v Steele. A New York statute preserved fisheries from extractive and exhaustive fishing. It said that nets set upon waters of the state or on the shores of or islands in such waters in violation of the statutes of the state enacted for the protection of fish, may be summarily destroyed by any person and asked certain officers to remove them. Steele, a game and fish protector, removed nets of the alleged value of \$525 belonging to the plaintiff.

The taking and destruction of the nets were claimed to have been justifiable under the statutes of the state relating to the protection of game and fish. Plaintiffs claimed there was no justification under the statutes, and if they constituted such justification upon their face, they were unconstitutional. The court decided in favor of the defendant, and held the New York statute to be constitutional.

Similar to the seed case, this case discusses whether or not the Fourteenth Amendment was violated with regard to the Due Process Clause. This case is *related*.

Geer v Connecticut. A Connecticut statute provided that it is prohibited to kill woodcock, ruffed grouse, and quail for conveyance across state borders. Geer was convicted of possessing woodcock, ruffed grouse, and quail with the unlawful intent of transporting them out of state.

The Court concluded that the state had the right to keep the game birds within the state for all purposes and to create and regulate its own internal state commerce with respect to the birds. Therefore the statute did not violate the Constitution. The Court explained that the state had the police power to preserve a food supply that belonged to the people of Connecticut by requiring that the commerce in game birds be kept within the state.

Similar to the seed case, the court decided a due process case with regard to the benefit of the people of the state. *Related*.

Groves v Slaughter. A provision of the Mississippi constitution disallowed bringing slaves into the state for sale. Slaughter took a group of slaves to Mississippi to sell them. He accepted partial payment. The note fell due but remained unpaid. A federal court eventually held that Slaughter was entitled to recover the amount of the contract. This prohibition was challenged as being an unlawful restriction of interstate commerce in violation of the Commerce Clause. The provision did not become effective until a supporting statute was enacted, but that supporting statute followed the sale in question. Hence, the court decided that the contract was valid.

This is somewhat related to the small part of the seed case related to the Interstate Commerce Clause. But it is unrelated to the main focus on Due Process. *Unrelated.*

Rast v. Van Deman. A Florida statute of 1913 imposed special license taxes on merchants using profit sharing coupons and trading stamps. A suit was brought to restrain the enforcement of the statute on the ground that it violates the contract and the commerce clauses and the due process and equal protection provisions of the Fourteenth Amendment.

The court decided that the statute does not offend any constitutional provisions but held that the statute showed that the conditions of complainant's business and property engaged therein are such that enforcement of the statute would produce irreparable injury, it furnishes ground for equitable relief.

Like the seed case, this case addresses the violation of the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment. This is about taxes, rather than regulation, though, so it is *unrelated*.

County of Mobile v. Kimball. An act created a board of commissioners for the improvement of the river, harbor, and bay of Mobile, and required the president of the commissioners of revenue of Mobile County to issue bonds to the amount of \$1,000,000, and deliver them, when called for, to the board, to meet the expenses of the work directed. The board was authorized to apply the bonds, or their proceeds, to the cleaning out, deepening, and widening of the river, harbor, and bay of Mobile, or to the construction of an artificial harbor in addition to such improvement. The board of commissioners entered into a contract with the complainants, Kimball and Slaughter, to dredge and cut a channel through a designated bar in the bay. The work agreed upon was completed and accepted by the board through its authorized engineer. The amount due to them was not fully paid.

The court decided that the act of the Legislature of Alabama is invalid, as it conflicts with the commercial power vested in Congress.

This case is on an *unrelated* issue.

Brass v. ND. Ex Rel. Stoeser. A North Dakota state law defined persons operating grain elevators as public warehouse men and regulated their fees and charges. Brass, such an operator, refused to receive certain grain at the storage charges provided by the law, alleging they were too low, and a writ of mandate was issued out of the State Court to require him to do so.

The court affirmed, holding that the power of the State to regulate the grain elevator business did not depend upon the fact of a practical monopoly by the elevator own-

ers. The Court held the law to be constitutional under which the elevator operator was required to make contracts at fees and charges under conditions.

The main issue is upon whether or not the Congress may legislate commercial power. The court decided that the harbor board, created by a law of the State, was authorized to make contracts for a public work in which the county was specially interested, and by which it would be immediately and directly benefited, and to require obligations of the county to meet the expenses incurred. Furthermore, the court argued that it is enough that by force of the law of its creation it could bind the county for work for which it contracted. Having thus bound the county, the contractors are entitled to the bonds stipulated, or their equivalent in money.

Like the seed case, this case addresses the violation of the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment. It is *related*.

Erie R. Co. v. Williams. The contention of plaintiff is that the Labor Law is repugnant to the Fourteenth Amendment because it deprives the company of property and the employees of liberty without due process of law. The court decided that the law operates not only to require the railroads to pay their employees semi-monthly, but prohibits them from making contracts with their employees which shall vary the time of payment.

The court rejected both contentions of plaintiff and sustained the law as an exercise of the power over plaintiff's charter; and that the requirement of semi-monthly payments was an unconstitutional interference with interstate commerce. The Supreme Court affirmed the previous decision.

Similar to the seed case, this case discusses whether or not the Fourteenth Amendment was violated with regard to the Equal Protection Clause and Due Process Clause. This case is *related*.

Hall v. Geiger-Jones Co. The Ohio blue sky law is a restraint upon the disposition of certain property, and requires dealers in securities evidencing title to or interest in such property to obtain a license. Under the blue sky laws, brokers who sold securities within Ohio were to be licensed to do so. To obtain a license, a designated executive officer needed to be satisfied of the good business repute of the applicants and their agents, and licenses, when issued, could be revoked by him upon ascertaining that the licensees were of bad business repute, violated any provision of the act, or engaged in illegitimate business or fraudulent transactions. Appellee Geiger-Jones Co. filed an action seeking to enjoin enforcement of Ohio's blue sky laws. The district granted the injunctive relief. Hall appealed.

The main question was whether or not the Ohio's blue sky laws were properly enjoined. The Supreme Court reversed the district court's judgment and remanded the matter for further proceedings. The Court ruled that the powers conferred to Hall were not arbitrary or violative of the due process clause of Fourteenth Amendment. Moreover, the blue sky laws did not interfere with interstate commerce and, therefore, did not violate the commerce clause. According to the Court, such regulation affected interstate commerce in securities only incidentally.

Similar to the seed case, this case discusses whether or not the Fourteenth Amendment was violated with regard to the Due Process Clause. It is *related*.