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Document (1)

1. *Shepard's* Munn v. Illinois 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77, 1876 U.S. LEXIS 1842 (U.S., March 1, 1877)

Client/Matter: -None-

Requested Categories:

Appellate History - Requested

Citing Decisions - None applied

Other Citing Sources - None applied

Table of Authorities - None applied



Shepard's®: Report Content

Appellate History:Requested

▲ **Citing Decisions:**None Applied

Other Citing Sources:None Applied

Table Of Authorities:None Applied

Shepard's®:▲ [Munn v. Illinois](#) 94 U.S. 113,4 Otto 113,24 L. Ed. 77,1876 U.S. LEXIS 1842: (U.S. March 1, 1877)

No subsequent appellate history. [Prior history](#) available.

Appellate History (2)

Prior

1. [Munn v. People](#), 69 Ill. 80, 1873 Ill. LEXIS 303 ▲

Court: Ill. | **Date:** September 1, 1873

2.  **Citation you Shepardized™**

Appeal dismissed by:

[Munn v. Illinois](#), 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77, 1876 U.S. LEXIS 1842 ▲

Court: U.S. | **Date:** March 1, 1877

Citing Decisions (1482)

Analysis:Distinguished by (12), Criticized by (1), Followed by (15), Parallel at (1), Cited in Dissenting Opinion at (55), Cited in Concurring Opinion at (22), Explained by (5), Followed in Concurring Opinion at (2), Cited in questionable precedent at (1), "Cited by" (1393)

Headnotes:HN12 (118), HN13 (36), HN5 (25), HN4 (22), HN6 (17), HN1 (16), HN15 (16), HN7 (12), HN9 (8), HN3 (4), HN11 (3), HN10 (2), HN14 (2), HN2 (1)

U.S. Supreme Court

1. [Obergefell v. Hodges](#), 576 U.S. 644, 135 S. Ct. 2584, 192 L. Ed. 2d 609, 2015 U.S. LEXIS 4250, 83 U.S.L.W. 4592, 25 Fla. L. Weekly Fed. S 472, 115 A.F.T.R.2d (RIA) 2015-2309, 99 Empl. Prac. Dec. (CCH) P45341 ▲

B Cited in Dissenting Opinion at: 135 S. Ct. 2584 p.2634; 192 L. Ed. 2d 609 p.663

If the Fifth Amendment uses “liberty” in this narrow sense, then the Fourteenth Amendment likely does as well. See *Hurtado v. California*, 110 U.S. 516, 534-535, 4 S. Ct. 111, 28 L. Ed. 232 (1884). Indeed, this Court has previously commented, “The conclusion is . . . irresistible, that when the same phrase was employed in the Fourteenth Amendment [as was used in the Fifth Amendment], it was used in the same sense and with no greater extent.” *Ibid.* And this Court’s earliest Fourteenth Amendment decisions appear to interpret the Clause as using “liberty” to mean freedom from physical restraint. In *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77 (1877), for example, the Court recognized the relationship between the two Due Process Clauses and Magna Carta, see *id.*, at 123-124, 24 L. Ed. 77, and implicitly rejected the dissent’s argument that ““liberty” encompassed “something more . . . than mere freedom from physical restraint or the bounds of a prison,” *id.*, at 142, 24 L. Ed. 77 (Field, J., dissenting).

If the Fifth Amendment uses “liberty” in this narrow sense, then the Fourteenth Amendment likely does as well. See *Hurtado v. California*, 110 U.S. 516, 534-535, 4 S. Ct. 111, 28 L. Ed. 232 (1884). Indeed, this Court has previously commented, “The conclusion is . . . irresistible, that when the same phrase was employed in the Fourteenth Amendment [as was used in the Fifth Amendment], it was used in the same sense and with no greater extent.” *Ibid.* And this Court’s earliest Fourteenth Amendment decisions appear to interpret the Clause as using “liberty” to mean freedom from physical restraint. In *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77 (1877), for example, the Court recognized the relationship between the two Due Process Clauses and Magna Carta, see *id.*, at 123-124, 24 L. Ed. 77, and implicitly rejected the dissent’s argument that ““liberty” encompassed “something more . . . than mere freedom from physical restraint or the bounds of a prison,” *id.*, at 142, 24 L. Ed. 77 (Field, J., dissenting).


If the Fifth Amendment uses “liberty” in this narrow sense, then the Fourteenth Amendment likely does as well. See *Hurtado v. California*, 110 U.S. 516, 534-535, 4 S. Ct. 111, 28 L. Ed. 232 (1884). Indeed, this Court has previously commented, “The conclusion is . . . irresistible, that when the same phrase was employed in the Fourteenth Amendment [as was used in the Fifth Amendment], it was used in the same sense and with no greater extent.” *Ibid.* And this Court’s earliest Fourteenth Amendment decisions appear to interpret the Clause as using “liberty” to mean freedom from physical restraint. In *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77 (1877), for example, the Court recognized the relationship between the two Due Process Clauses and Magna Carta, see *id.*, at 123-124, 24 L. Ed. 77, and implicitly rejected the dissent’s argument that ““liberty” encompassed “something more . . . than mere freedom from physical restraint or the bounds of a prison,” *id.*, at 142, 24 L. Ed. 77 (Field, J., dissenting).

Discussion:  **Court:** U.S. | **Date:** June 26, 2015

2. [Verizon Communs., Inc. v. FCC](#), 535 U.S. 467, 122 S. Ct. 1646, 152 L. Ed. 2d 701, 2002 U.S. LEXIS 3559, 70 U.S.L.W. 4396, 15 Fla. L. Weekly Fed. S. 233, 2002 Cal. Daily Op. Service 4078, 2002 D.A.R. 5139, 26 Comm. Reg. (P & F) 890 ▲

LB Cited by: 122 S. Ct. 1646 p.1655; 152 L. Ed. 2d 701 p.716; 535 U.S. 467 p.477
 ... Smyth v. Ames, 169 U.S. 466 , 470-476 , 42 L. Ed. 819 , 18 S. Ct. 418 (1898) (statement of case); **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . As this job became more complicated, legislatures established specialized administrative agencies, first local or state, then federal, to set and regulate rates. Barnes 173-175; Phillips 115-117. See, e.g., Minnesota Rate Cases, ...


Discussion:  **Court:** U.S. **Date:** May 13, 2002

3. [Washington v. Glucksberg](#), 521 U.S. 702, 117 S. Ct. 2258, 117 S. Ct. 2302, 138 L. Ed. 2d 772, 1997 U.S. LEXIS 4039, 65 U.S.L.W. 4669, 11 Fla. L. Weekly Fed. S 190, 97 Cal. Daily Op. Service 5008, 97 D.A.R. 8150 

B Cited in Concurring Opinion at: 521 U.S. 702 p.759; 117 S. Ct. 2258 p.2279; 138 L. Ed. 2d 772 p.812

... Dred Scott expressed willingness to review legislative action for consistency with the Due Process Clause even as they upheld the laws in question. See, e.g., Bartemeyer v. Iowa, 18 Wall. 129 , 133-135 (1874) ; **Munn v. Illinois, 94 U.S. 113, 123-135(1877)** ; Railroad Comm'n Cases, 116 U.S. 307 , 331 (1886) ; Mugler v. Kansas, 123 U.S. 623 , 659-670 (1887) . See generally Corwin, Liberty Against Government, at 121-136 (surveying the Court's early ...


Discussion:  **Court:** U.S. **Date:** June 26, 1997

4. [Albright v. Oliver](#), 510 U.S. 266, 114 S. Ct. 807, 127 L. Ed. 2d 114, 1994 U.S. LEXIS 1319, 62 U.S.L.W. 4078, 7 Fla. L. Weekly Fed. S 717, 94 Cal. Daily Op. Service 457, 94 D.A.R. 855 

LB Cited by: 510 U.S. 266 p.286; 114 S. Ct. 807 p.819; 127 L. Ed. 2d 114 p.132

... (Marshall, J. , concurring); Martinez v. California , 444 U.S. 277 , 281-282 , 62 L. Ed. 2d 481 , 100 S. Ct. 553 (1980) ; **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . But given the state tort remedy, we need not conduct that inquiry in this case. * * * For these reasons, I concur in the judgment of the Court holding that the dismissal of petitioner Albright's complaint was proper. JUSTICE ...


Discussion:  **Court:** U.S. **Date:** January 24, 1994

5. [Lucas v. S.C. Coastal Council](#), 505 U.S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798, 1992 U.S. LEXIS 4537, 60 U.S.L.W. 4842, 6 Fla. L. Weekly Fed. S 715, 92 D.A.R. 9030, 34 Env't Rep. Cas. (BNA) 1897, 22 Env'tl. L. Rep. 21104 

B Cited in Dissenting Opinion at: 505 U.S. 1003 p.1069; 112 S. Ct. 2886 p.2921; 120 L. Ed. 2d 798 p.847

... power to revise the law governing the rights and uses of property. Until today, I had thought that we had long abandoned this approach to constitutional law. More than a century ago we recognized that "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . As Justice Marshall observed about a position similar to that adopted by the Court ...


Discussion:  **Court:** U.S. **Date:** June 29, 1992 **Headnotes::** HN12

6. [FCC v. Florida Power Corp.](#), 480 U.S. 245, 107 S. Ct. 1107, 94 L. Ed. 2d 282, 1987 U.S. LEXIS 937, 55 U.S.L.W. 4236, 14 Media L. Rep. (BNA) 1455, 62 Rad. Reg. 2d (P & F) 287 

LB Cited by: 480 U.S. 245 p.253; 94 L. Ed. 2d 282 p.291

... consistently with the constitution, limit stringently the return recovered on investment, for investors' interests provide only one of the variables in the constitutional calculus of reasonableness. So long as the rates set are not confiscatory, the Fifth Amendment does not bar their imposition. U.S. Const. amend. V . regulation of rates chargeable from the employment of private property devoted to public uses is constitutionally permissible. See **Munnv.Illinois, 94 U.S. 113, 133-134(1877)** ...

Discussion:  **Court:** U.S. | **Date:** February 25, 1987

7. [Walters v. Nat'l Ass'n of Radiation Survivors](#), 473 U.S. 305, 105 S. Ct. 3180, 87 L. Ed. 2d 220, 1985 U.S. LEXIS 151, 53 U.S.L.W. 4947 

B **Cited in Dissenting Opinion at:** 473 U.S. 305 p.370; 87 L. Ed. 2d 220 p.264

... governmental expense, or any type of additional procedure. They simply want to exercise their right to choose, to consult, and to employ the services of legal counsel in order to conduct and manage their personal affairs -- a right that should be unfettered in a free society. We are concerned with the individual's right to spend his own money to obtain the advice and assistance of independent counsel in advancing his claim against the Government. 20 See **Munnv.Illinois, 94 U.S. 113(1877)** ...

Discussion:  **Court:** U.S. | **Date:** June 28, 1985

8. [Arkansas Elec. Cooperative Corp. v. Arkansas Public Serv. Comm'n](#), 461 U.S. 375, 103 S. Ct. 1905, 76 L. Ed. 2d 1, 1983 U.S. LEXIS 28, 51 U.S.L.W. 4539, 52 Pub. Util. Rep. 4th (PUR) 514 

LB **Cited by:** 461 U.S. 375 p.377; 76 L. Ed. 2d 1 p.6

... Maintaining the proper balance between federal and state authority in the regulation of electric and other energy utilities has long been a serious challenge to both judicial and congressional wisdom. On the one hand, the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the States. See **Munnv.Illinois, 94 U.S. 113(1877)** . On the other hand, the production and transmission of energy is an activity particularly likely ...

Discussion:  **Court:** U.S. | **Date:** May 16, 1983

9. [Loretto v. Teleprompter Manhattan CATV Corp.](#), 458 U.S. 419, 102 S. Ct. 3164, 73 L. Ed. 2d 868, 1982 U.S. LEXIS 150, 50 U.S.L.W. 4988, 8 Media L. Rep. (BNA) 1849 

B **Cited in Dissenting Opinion at:** 458 U.S. 419 p.454; 73 L. Ed. 2d 868 p.894

... But this Court long ago recognized that new social circumstances can justify legislative modification of a property owner's common-law rights, without compensation, if the legislative action serves sufficiently important public interests. See **Munnv.Illinois, 94 U.S. 113, 134(1877)** ("A person has no property, no vested interest, in any rule of the common law. . . . Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to ...

Discussion:  **Court:** U.S. | **Date:** June 30, 1982 | **Headnotes::** HN12


10. [PruneYard Shopping Center v. Robins](#), 447 U.S. 74, 100 S. Ct. 2035, 64 L. Ed. 2d 741, 1980 U.S. LEXIS 129, 6 Media L. Rep. (BNA) 1311 

LB **Cited by:** 447 U.S. 74 p.92; 64 L. Ed. 2d 741 p.759

... . Similarly, in the context of a claim that a guest statute impermissibly abrogated common-law rights of tort, the Court observed that the Due Process Clause does not forbid the "creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object." **Silver v.**

Silver , 280 U.S. 117 , 122 (1929) . And in **Munnv.Illinois, 94 U.S. 113(1877)** , the Court upheld a statute limiting the permissible rate for the warehousing of grain. ...


Discussion:  **Court:** U.S. | **Date:** June 9, 1980 | **Headnotes::** HN12

11. [Quern v. Jordan](#), 440 U.S. 332, 99 S. Ct. 1139, 59 L. Ed. 2d 358, 1979 U.S. LEXIS 67 

LB Cited by: 440 U.S. 332 p.357; 59 L. Ed. 2d 358 p.377

... , 3 Am. L. Rec. 745 , 748 (Super. Ct. Cincinnati 1874) ; 1 J. Wilson, Works 305 (1804); cf. Keith v. Clark , 97 U.S. 454 , 460-461 (1878) ; **Munnv.Illinois, 94 U.S. 113, 124(1877)** ; Georgia v. Stanton , 6 Wall. 50 , 76-77 (1868) ; Butler v. Pennsylvania , 10 How. 402 , 416-417 ...


Discussion:  **Court:** U.S. | **Date:** March 5, 1979

12. [Duke Power Co. v. Carolina Env'tl. Study Group](#), 438 U.S. 59, 98 S. Ct. 2620, 57 L. Ed. 2d 595, 1978 U.S. LEXIS 38, 11 Env't Rep. Cas. (BNA) 1753, 8 Env'tl. L. Rep. 20545 

LB Cited by: 438 U.S. 59 p.88; 57 L. Ed. 2d 595 p.620

... thereby. Indeed, statutes limiting liability are relatively commonplace and have consistently been enforced by the courts. "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases , 223 U.S. 1 , 50 (1912) , quoting **Munnv.Illinois, 94 U.S. 113, 134(1877)** . The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," Silver v. ...


Discussion:  **Court:** U.S. | **Date:** June 26, 1978

13. [Moore v. East Cleveland](#), 431 U.S. 494, 97 S. Ct. 1932, 52 L. Ed. 2d 531, 1977 U.S. LEXIS 17 

B Cited in Dissenting Opinion at: 431 U.S. 494 p.548; 52 L. Ed. 2d 531 p.568

... state statute and to insist that the challenger bear the burden of demonstrating its unconstitutionality; and there is a broad category of cases in which substantive review is indeed mild and very similar to the original thought of **Munnv.Illinois,94 U.S. 113, 132(1877)** , that "if a state of facts could exist that would justify such legislation," it passes its initial test. There are various "liberties," however, which require that infringing legislation be given closer judicial scrutiny, ...

Discussion:  **Court:** U.S. | **Date:** May 31, 1977


14. [Cantor v. Detroit Edison Co.](#), 428 U.S. 579, 96 S. Ct. 3110, 49 L. Ed. 2d 1141, 1976 U.S. LEXIS 4, 15 Pub. Util. Rep. 4th (PUR) 401, 1976-1 Trade Cas. (CCH) P60947 

B Cited in Dissenting Opinion at: 428 U.S. 579 p.634; 49 L. Ed. 2d 1141 p.1175

... that the body of state jurisprudence which formed the model for the Sherman Act coexisted with state laws permitting regulated industries to operate under governmental control in the public interest. Indeed, state regulatory laws long antedated the passage of the Sherman Act and had, prior to its passage, been upheld by this Court against constitutional attacks. 21 See **Munn v. Illinois,94 U.S. 113, 125** ("Under [the police] powers the government regulates the conduct of its citizens one ...

Discussion:  **Court:** U.S. | **Date:** July 6, 1976

15. [Hudgens v. NLRB](#), 424 U.S. 507, 96 S. Ct. 1029, 47 L. Ed. 2d 196, 1976 U.S. LEXIS 5, 91 L.R.R.M.

(BNA) 2489, 78 Lab. Cas. (CCH) P11278 

B Cited in Dissenting Opinion at: 424 U.S. 507 p.543; 47 L. Ed. 2d 196 p.221

... When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munn v. Illinois, 94 U.S. 113, 126(1877)** .I The interest of members of the public in communicating with one another on subjects relating to the businesses that occupy a modern shopping center is substantial. Not only employees ...


Discussion:  **Court:** U.S. | **Date:** March 3, 1976

16. [North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores, Inc.](#), 414 U.S. 156, 94 S. Ct. 407, 38 L. Ed. 2d 379, 1973 U.S. LEXIS 181 

LB Cited by: 414 U.S. 156 p.167; 38 L. Ed. 2d 379 p.387

... , was a creation at war with the earlier constitutional view of legislative power. The Liggett case, being a derelict in the stream of the law, is hereby overruled. The Liggett case was a creation at war with the earlier constitutional view of legislative power, **Munnv.Illinois, 94 U.S. 113, 132, 134** , and opposed to our more recent decisions. **Olsen v. Nebraska** , 313 U.S. 236 , 241 ; **Williamson v. Lee Optical Co .**, 348 U.S. 483 , ...


Discussion:  **Court:** U.S. | **Date:** December 5, 1973

17. [Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Com.](#), 393 U.S. 186, 89 S. Ct. 354, 21 L. Ed. 2d 334, 1968 U.S. LEXIS 2907 

LB Cited by: 393 U.S. 186 p.192; 21 L. Ed. 2d 334 p.340

... with respect to the regulation of vehicles, control of traffic and use of streets, highways, and other vehicular facilities" 5 Pub. L. 86-794, § 3 , 74 Stat. 1050. The term "police power" is a vague one which "embraces an almost infinite variety of subjects." **Munnv.Illinois, 94 U.S. 113, 145(1877)** (economic regulation of grain storage an aspect of police power). It is broad enough to embrace the full range of the Secretary's power over the Mall, which even prior to the ...

Discussion:  **Court:** U.S. | **Date:** November 25, 1968

18. [Permian Basin Area Rate Cases](#), 390 U.S. 747, 88 S. Ct. 1344, 20 L. Ed. 2d 312, 1968 U.S. LEXIS 2917, 28 Oil & Gas Rep. 689, 75 Pub. Util. Rep. 3d (PUR) 257 

LB Cited by: 390 U.S. 747 p.768; 20 L. Ed. 2d 312 p.337

... the Constitution does not forbid the imposition, in appropriate circumstances, of maximum prices upon commercial and other activities. A legislative power to create price ceilings has, in "countries where the common law prevails," been "customary from time immemorial" **Munnv.Illinois, 94 U.S. 113, 133** . Its exercise has regularly been approved by this Court. See, e. g., **Tagg Bros . v. United States** , 280 U.S. 420 ; **Bowles v. Willingham** , 321 U.S. 503 . No more ...

Discussion:  **Court:** U.S. | **Date:** May 1, 1968


19. [Griswold v. Connecticut](#), 381 U.S. 479, 85 S. Ct. 1678, 14 L. Ed. 2d 510, 1965 U.S. LEXIS 2282 

B Cited in Dissenting Opinion at: 381 U.S. 479 p.511; 14 L. Ed. 2d 510 p.531

... Indeed, Brother WHITE appears to have gone beyond past pronouncements of the natural law due

process theory, which at least said that the Court should exercise this unlimited power to declare state acts unconstitutional with "restraint." He now says that, instead of being presumed constitutional (see **Munnv.Illinois, 94 U.S. 113, 123** ; compare *Adkins v. Children's Hospital* , 261 U.S. 525 , 544) , the statute here "bears a substantial burden of justification when attacked under the ...

Discussion:  **Court:** U.S. | **Date:** June 7, 1965


20. [Bell v. Maryland](#), 378 U.S. 226, 84 S. Ct. 1814, 12 L. Ed. 2d 822, 1964 U.S. LEXIS 824 

B Cited in Dissenting Opinion at: 378 U.S. 226 p.341; 12 L. Ed. 2d 822 p.864

LB Cited by: 378 U.S. 226 p.298, p.314; 12 L. Ed. 2d 822 p.839, p.848

... an innkeeper refuse to entertain a guest where his house is not full, an action will lie against him, and so against a carrier, if his horses be not loaded, and he refuse to take a packet proper to be sent by a carrier If the inn be full, or the carrier's horses laden, the action would not lie for such refusal; but one that has made profession of a public employment, is bound to the utmost extent of that employment to serve the public." See **Munnv.Illinois, 94 U.S. 113, 126-130** ...


Discussion:  **Court:** U.S. | **Date:** June 22, 1964 | **Headnotes::** HN6, HN7

21. [Malloy v. Hogan](#), 378 U.S. 1, 84 S. Ct. 1489, 12 L. Ed. 2d 653, 1964 U.S. LEXIS 993 

B Cited in Dissenting Opinion at: 378 U.S. 1 p.21; 12 L. Ed. 2d 653 p.667

... The view of the Due Process Clause of the Fourteenth Amendment which this Court has consistently accepted and which has "thus far prevailed," ante , p. 4, is that its requirements are as "old as a principle of civilized government," **Munnv.Illinois, 94 U.S. 113, 123** , the specific applications of which must be ascertained "by the gradual process of judicial inclusion and exclusion . . . ," *Davidson v. New Orleans* , 96 U.S. 97 , 104 . Due process requires "observance of those ...

Discussion:  **Court:** U.S. | **Date:** June 15, 1964

22. [Kesler v. Department of Pub. Safety](#), 369 U.S. 153, 82 S. Ct. 807, 7 L. Ed. 2d 641, 1962 U.S. LEXIS 2220 

B Cited in Dissenting Opinion at: 369 U.S. 153 p.180; 7 L. Ed. 2d 641 p.659

... Case *v. Bowles* , 327 U.S. 92 , 101-102 ; *Napier v. Atlantic Coast Line R. Co .* , 272 U.S. 605 , 610-611 . See also **Munnv.Illinois, 94 U.S. 113** . Cf. *Southern Pacific Co . v. Arizona* , 325 U.S. 761 . In *Reitz v. Mealey* , 314 U.S. 33 , this Court upheld the New York variant of this legislation, according to the Court's opinion in the instant case, "because the statute was not designed to aid collection of debts but to enforce a policy against irresponsible driving, and because ...


Discussion:  **Court:** U.S. | **Date:** March 26, 1962

23. [Garner v. Louisiana](#), 368 U.S. 157, 82 S. Ct. 248, 7 L. Ed. 2d 207, 1961 U.S. LEXIS 28 

LB Cited by: 368 U.S. 157 p.182; 7 L. Ed. 2d 207 p.224

... **Munnv.Illinois, 94 U.S. 113** , holding that the prices charged by grain warehouses could be regulated by the State, a long list of businesses had been held to be "affected with a public interest." Among these were ferries, common carriers, hackmen, bakers, millers, wharfingers, and innkeepers. *Id .* , at 125 . The test used in **Munnv.Illinois** was stated as follows: "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the ...


Discussion:  **Court:** U.S. **Date:** December 11, 1961

24. [Williamson v. Lee Optical of Oklahoma, Inc.](#), 348 U.S. 483, 75 S. Ct. 461, 99 L. Ed. 563, 1955 U.S. LEXIS 1003 

LB Cited by: 348 U.S. 483 p.488; 99 L. Ed. 563 p.572

... , 335 U.S. 525 ; Daniel v. Family Ins. Co . , 336 U.S. 220 ; Day-Brite Lighting, Inc . v. Missouri , 342 U.S. 421 . We emphasize again what Chief Justice Waite said in **Munnv.Illinois, 94 U.S. 113, 134** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." [6] [7] [8] Secondly, the District Court held that it violated the Equal Protection Clause of the Fourteenth Amendment to subject opticians to this regulatory system and to ...


Discussion:  **Court:** U.S. **Date:** March 28, 1955 **Headnotes::** HN13

25. [Garner v. Teamsters, Chauffeurs & Helpers Local Union](#), 346 U.S. 485, 74 S. Ct. 161, 98 L. Ed. 228, 1953 U.S. LEXIS 2575, 1953 Am. Lab. Cas. 1394, 8 Ct. Dec. Relating N.L.R.A. 1491, 33 L.R.R.M. (BNA) 2218, 24 Lab. Cas. (CCH) P68020 

LB Cited by: 346 U.S. 485 p.496

... 143 N. Y. 271 , 38 N. E. 292 ; Chicago, B. & Q. R. Co . v. Jones , 149 Ill. 361 , 374 , 37 N. E. 247 , 250 ; see **Munnv.Illinois, 94 U.S. 113, 133-134** . But this private right proved too costly and sporadic to be effective as transport became a vast enterprise. As to interstate commerce, this right was superseded by the Interstate Commerce Act, which, in the public interest, authorized a public tribunal to prescribe reasonable rates and to award reparations for excessive ones. ...


Discussion:  **Court:** U.S. **Date:** December 14, 1953

26. [Adamson v. California](#), 332 U.S. 46, 67 S. Ct. 1672, 91 L. Ed. 1903, 1947 U.S. LEXIS 2876, 171 A.L.R. 1223 

B Cited in Dissenting Opinion at: 332 U.S. 46 p.79; 91 L. Ed. 1903 p.1923

... v. New York , 268 U.S. 652 , 666 (freedom of speech); prosecute for crime by information rather than indictment, *Hurtado v. People of California* , 110 U.S. 516 ; regulate the price for storage of grain in warehouses and elevators, **Munnv.Illinois, 94 U.S. 113** . But this Court also held in a number of cases that colored people must, because of the Fourteenth Amendment , be accorded equal protection of the laws. See, e. g., *Strauder v. West Virginia* , 100 U.S. 303 ; cf. *Virginia* ...

Discussion:  **Court:** U.S. **Date:** June 23, 1947

27. [Rice v. Santa Fe Elevator Corp.](#), 331 U.S. 218, 67 S. Ct. 1146, 91 L. Ed. 1447, 1947 U.S. LEXIS 2938 

B Cited in Dissenting Opinion at: 331 U.S. 218 p.238; 91 L. Ed. 1447 p.1463

LB Cited by: 331 U.S. 218 p.230; 91 L. Ed. 1447 p.1459

... See *Prudential Ins. Co . v. Benjamin* , 328 U.S. 408 , 430-436 . The question in each case is what the purpose of Congress was. [3] Congress legislated here in a field which the States have traditionally occupied. See **Munnv.Illinois, 94 U.S. 113** ; *Davies Warehouse Co . v. Bowles* , 321 U.S. 144 , 148-149 . So we start with the Constitutional Law, Supremacy Clause Federal Government, US Congress Governments, Police Powers HN3 There is an assumption that the historic police powers ...

Discussion:  **Court:** U.S. **Date:** May 5, 1947

28. [Colorado Interstate Gas Co. v. Federal Power Com.](#), 324 U.S. 581, 65 S. Ct. 829, 89 L. Ed. 1206, 1945 U.S. LEXIS 2621 ▲

LB Cited by: 324 U.S. 581 p.589; 89 L. Ed. 1206 p.1216

... indeed prescribed no formula for determining how the interstate wholesale business, whose rates are regulated, should be segregated from the other phases of the business whose rates are not regulated. Rate-making is essentially a legislative function. **Munnv.Illinois, 94 U.S. 113**. Congress, to be sure, has provided for judicial review of the Commission's orders. § 19. But that review is limited to keeping the Commission within the bounds which Congress has created. When Congress ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** April 2, 1945

29. [Carolene Products Co. v. United States](#), 323 U.S. 18, 65 S. Ct. 1, 89 L. Ed. 15, 1944 U.S. LEXIS 1352, 155 A.L.R. 1371 Q

LB Cited by: 323 U.S. 18 p.32; 89 L. Ed. 15 p.24

... United States v. Carolene Products Co., 304 U.S. 144, 153-54; Hebe Co. v. Shaw, 248 U.S. 297, 304; **Munnv.Illinois, 94 U.S. 113, 132**; South Carolina Highway Dept. v. Barnwell Bros., 303 U.S. 177, 191-92; Carmichael v. Southern Coal Co., 301 U.S. 495, 509; Townsend ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** November 6, 1944

30. [Bowles v. Willingham](#), 321 U.S. 503, 64 S. Ct. 641, 88 L. Ed. 892, 1944 U.S. LEXIS 1202, 28 Ohio Op. 180 ▲

LB Cited by: 321 U.S. 503 p.518; 88 L. Ed. 892 p.905

..., which involved the power of the Bituminous Coal Commission to fix minimum and maximum prices of bituminous coal, that high cost operators may be more seriously affected by price control than others. But it has never been thought that price-fixing, otherwise valid, was improper because it was on a class rather than an individual basis. Indeed, the decision in **Munnv.Illinois, 94 U.S. 113**, the pioneer case in this Court, involved a legislative schedule of maximum prices for a defined class ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** March 27, 1944

31. [Davies Warehouse Co. v. Bowles](#), 321 U.S. 144, 64 S. Ct. 474, 88 L. Ed. 635, 1944 U.S. LEXIS 1220 ▲

LB Cited by: 321 U.S. 144 p.148; 88 L. Ed. 635 p.640

... Chief Judge Vinson declared that this public warehouse possesses the basic indicia of a public utility and in addition has its rates fixed by an agency of the state, and under these circumstances must be considered a public utility within the meaning of the Act. He thought the state regulation should prevail over that of the Federal Price Administrator. In **Munnv.Illinois, 94 U.S. 113(1877)**, this Court recognized that Governments, Police Powers HN7 The business of public warehousing ...


Discussion: ■■■■■ | **Court:** U.S. | **Date:** January 31, 1944

32. [Federal Power Com. v. Hope Natural Gas Co.](#), 320 U.S. 591, 64 S. Ct. 281, 88 L. Ed. 333, 1944 U.S. LEXIS 1204 ●

LB Cited by: 320 U.S. 591 p.601; 88 L. Ed. 333 p.344

... least as great under the Fifth Amendment as is that of the States under the Fourteenth to regulate the prices of commodities in intrastate commerce." 315 U.S. p. 582 . Rate-making is indeed but one species of price-fixing. **Munnv.Illinois, 94 U.S. 113, 134** . The fixing of prices, like other applications of the police power, may reduce the value of the property which is being regulated. But the fact that the value is reduced does not mean that the regulation is invalid. **Block v. ...**

Discussion:  | **Court:** U.S. | **Date:** January 3, 1944

33. [West Virginia State Bd. of Educ. v. Barnette](#), 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628, 1943 U.S. LEXIS 490, 147 A.L.R. 674 

B Cited in Dissenting Opinion at: 319 U.S. 624 p.668; 87 L. Ed. 1628 p.1653

Court: U.S. | **Date:** June 14, 1943


34. [Federal Power Com. v. Natural Gas Pipeline Co.](#), 315 U.S. 575, 62 S. Ct. 736, 86 L. Ed. 1037, 1942 U.S. LEXIS 1062 

B Explained by: 315 U.S. 575 p.599, p.609; 86 L. Ed. 1037 p.1057, p.1062

Rate making is a species of price fixing. In a recent series of cases, this Court has held that legislative price fixing is not prohibited by the due process clause. We believe that, in so holding, it has returned, in part at least, to the constitutional principles which prevailed for the first hundred years of our history. **Munn v. Illinois, 94 U.S. 113**; **Peik v. Chicago & N. W. Ry. Co., 94 U.S. 164**.

See 134 U.S. at 455-56. Mr. ... Chief Justice Waite, who delivered the opinion in the Stone case as well as in the earlier decision in **Munn v. Illinois, 94 U.S. 113**, was therefore the author of the doctrine of "confiscation" and its corollary, "judicial review." His view was shared by such stout respecters of legislative power over utilities as Mr. Justice Miller (see **Fairman, Mr. Justice Miller and the Supreme Court, passim**), Mr. Justice Bradley (see his dissent in **Chicago, M. & St. P. Ry. Co. v. Minnesota, 134 U.S. 418, 461**), and Mr. Justice Harlan.


Discussion:  | **Court:** U.S. | **Date:** March 16, 1942

35. [Chambers v. Florida](#), 309 U.S. 227, 60 S. Ct. 472, 84 L. Ed. 716, 1940 U.S. LEXIS 911 

LB Cited by: 309 U.S. 227 p.235; 84 L. Ed. 716 p.721

... There have been long-continued and constantly recurring differences of opinion as to whether general legislative acts regulating the use of property could be invalidated as violating the due process clause of the Fourteenth Amendment . **Munnv.Illinois, 94 U.S. 113, 125** , dissent 136-154; **Chicago, M. & St. P. R. Co . v. Minnesota , 134 U.S. 418 , dissent 461-466**. And there has been a current of opinion -- which this court has declined to adopt in many previous cases -- that the Fourteenth ...

Discussion:  | **Court:** U.S. | **Date:** February 12, 1940

36. [United States v. Rock Royal Co-operative, Inc.](#), 307 U.S. 533, 59 S. Ct. 993, 83 L. Ed. 1446, 1939 U.S. LEXIS 1068 

LB Cited by: 307 U.S. 533 p.570; 83 L. Ed. 1446 p.1468

... retained by the states over intrastate commerce. The authority of the Federal Government over interstate commerce does not differ in extent or character from that retained by the states over intrastate commerce. Since **Munnv.Illinois** , this Court has had occasion repeatedly to give consideration to the action of states in regulating prices. 46 **Munnv.Illinois, 94 U.S. 113** ; **Budd v. New York , 143 U.S. 517** ; **Brass v. North Dakota , 153 U.S. 391** ; **German Alliance Insurance Co . v. ...**


Discussion:  **Court:** U.S. **Date:** June 5, 1939

37. [McCart v. Indianapolis Water Co.](#), 302 U.S. 419, 58 S. Ct. 324, 82 L. Ed. 336, 1938 U.S. LEXIS 3 

B **Cited in Dissenting Opinion at:** 302 U.S. 419 p.427, p.441; 82 L. Ed. 336 p.342

... federal courts did not interfere with state legislation fixing maximum rates for public services performed within the respective states. The state legislatures, according to a custom which this Court declared had existed "from time immemorial" 9 **Munnv.Illinois, 94 U.S. 113, 133** . decided what those maximum rates should be. This Court also said that "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 10 Id ., p. 134 ; see **Peik v. ...**


Discussion:  **Court:** U.S. **Date:** January 3, 1938 **Headnotes::** HN12, HN13

38. [Townsend v. Yeomans](#), 301 U.S. 441, 57 S. Ct. 842, 81 L. Ed. 1210, 1937 U.S. LEXIS 300 

LB **Cited by:** 301 U.S. 441 p.450, p.455; 81 L. Ed. 1210 p.1218

... So far as the present controversy turns upon the power of the State to give this sort of protection to this industry, provided its regulation is not arbitrary or confiscatory and in the absence of conflict with the federal power over commerce, our rulings are decisive in support of the state action. **Munnv.Illinois, 94 U.S. 113** ; **Budd v. New York** , 143 U.S. 517 ; **Brass v. Stoeser** , 153 U.S. 391 ; **German Alliance Insurance Co . v. Lewis** , 233 U.S. 389 ; **O'Gorman & Young ...**


Discussion:  **Court:** U.S. **Date:** May 24, 1937

39. [West Coast Hotel Co. v. Parrish](#), 300 U.S. 379, 57 S. Ct. 578, 81 L. Ed. 703, 1937 U.S. LEXIS 1119, 8 Ohio Op. 89, 1 L.R.R.M. (BNA) 754, 7 L.R.R.M. (BNA) 754, 1 Lab. Cas. (CCH) P17021, 1 Wage & Hour Cas. (BNA) 38, 108 A.L.R. 1330 

LB **Cited by:** 300 U.S. 379 p.392; 81 L. Ed. 703 p.709

... The power under the United States Constitution to restrict freedom of contract may be exercised in the public interest with respect to contracts between an employer and an employee. This power under the Constitution to restrict freedom of contract has had many illustrations. 2 **Munnv.Illinois, 94 U.S. 113** ; **Railroad Commission Cases** , 116 U.S. 307 ; **Willcox v. Consolidated Gas Co .**, 212 U.S. 19 ; **Atkin v. Kansas** , 191 U.S. 207 ; **Mugler v. Kansas ...**


Discussion:  **Court:** U.S. **Date:** March 29, 1937

40. [Morehead v. New York](#), 298 U.S. 587, 56 S. Ct. 918, 80 L. Ed. 1347, 1936 U.S. LEXIS 1044, 103 A.L.R. 1445 

B **Cited in Dissenting Opinion at:** 298 U.S. 587 p.632; 80 L. Ed. 1347 p.1366

... parties, had so seriously curtailed the regulative power of competition as to place buyers or sellers at a disadvantage in the bargaining struggle, such that a legislature might reasonably have contemplated serious consequences to the community as a whole and have sought to avoid them by regulation of the terms of the contract. **Munnv.Illinois, 94 U.S. 113** ; **Brass v. Stoeser** , 153 U.S. 391 ; **German Alliance Insurance Co . v. Lewis** , 233 U.S. 389 , 409 ; **Terminal Taxicab Co . v. ...**

Discussion:  **Court:** U.S. **Date:** June 1, 1936

41. [Carter v. Carter Coal Co.](#), 298 U.S. 238, 56 S. Ct. 855, 80 L. Ed. 1160, 1936 U.S. LEXIS 950 

LB Cited by: 298 U.S. 238 p.294; 80 L. Ed. 1160 p.1180

... of what was taken and what was left, the national powers of legislation were not aggregated but enumerated -- with the result that what was not embraced by the enumeration remained vested in the states without change or impairment. Thus, "when it was found necessary to establish a national government for national purposes," this court said in **Munnv.Illinois,94 U.S. 113** , 124 , "a part of the powers of the States and of the people of the States was granted to the United States and the ...

Discussion:  **Court:** U.S. | **Date:** May 18, 1936

42. [Nebbia v. New York](#), 291 U.S. 502, 54 S. Ct. 505, 78 L. Ed. 940, 1934 U.S. LEXIS 962, 89 A.L.R. 1469




B Cited in Dissenting Opinion at: 291 U.S. 502 p.555; 78 L. Ed. 940 p.966

LB Cited by: 291 U.S. 502 p.523, p.532, p.534; 78 L. Ed. 940 p.948, p.954

... Under our form of government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights 8 **Munnv.Illinois, 94 U.S. 113** , 124 , 125 ; Orient Ins. Co . v. Daggs , 172 U.S. 557 , 566 ; Northern Securities Co . v. United States , 193 U.S. 197 , 351 ...


Discussion:  **Court:** U.S. | **Date:** March 5, 1934

43. [Burnet v. Coronado Oil & Gas Co.](#), 285 U.S. 393, 52 S. Ct. 443, 76 L. Ed. 815, 1932 U.S. LEXIS 794, 1932 C.B. 265, 1932-1 C.B. 265, 10 A.F.T.R. (P-H) 1625, 3 U.S. Tax Cas. (CCH) P925 

B Cited in Dissenting Opinion at: 285 U.S. 393 p.408

... Allgeyer v. Louisiana , 165 U.S. 578 , with The Slaughter House Cases , 16 Wall. 36 ; Tyson v. Banton , 273 U.S. 418 , with **Munnv.Illinois, 94 U.S. 113** ; Muller v. Oregon , 208 U.S. 412 , and Bunting v. Oregon , 243 U.S. 426 , with Lochner v. New York , 178 U.S. 45 . The Court ...


Discussion:  **Court:** U.S. | **Date:** April 11, 1932

44. [New State Ice Co. v. Liebmann](#), 285 U.S. 262, 52 S. Ct. 371, 76 L. Ed. 747, 1932 U.S. LEXIS 785 

B Cited in Dissenting Opinion at: 285 U.S. 262 p.284, p.293, p.302; 76 L. Ed. 747 p.757, p.767

... . The evidence of the appellee certainly does not of itself show a state of facts justifying this Court in declaring the act invalid; and, considering the presumptions prevailing as to the validity of a state statute, we believe the act is constitutional under the following cases: **Munn v. Illinois,94 U.S. 113** ; Budd v. North Dakota, 153 U.S. 391 ; Spring Valley Waterworks v. Schottler, 110 U.S. 347 ; Noble State Bank v. Haskell, 219 U.S. 104 ; German Alliance Ins. Co. v. Lewis, 233 U.S. ...

Discussion:  **Court:** U.S. | **Date:** March 21, 1932

45. [Ribnik v. McBride](#), 277 U.S. 350, 48 S. Ct. 545, 72 L. Ed. 913, 1928 U.S. LEXIS 871, 56 A.L.R. 1327 


B Cited in Dissenting Opinion at: 277 U.S. 350 p.360; 72 L. Ed. 913 p.917

LB Cited by: 277 U.S. 350 p.355; 72 L. Ed. 913 p.915

... The business is one so involved with public interest and concern as to warrant its regulation by the State. Brazee v. Michigan, 241 U.S. 340 ; Adams v. Tanner, 242 U.S. 590 . A State may regulate fees to be charged by employment agencies. **Munn v. Illinois,94 U.S. 113** ; Budd v. New York, 143 U.S. 517 ; Brass v. North Dakota, 153 U.S. 391 ; German Alliance Ins. Co. v. Lewis, 233 U.S. 389 . In the

above cases, this Court, in effect, held that the right to regulate rates or fees depended ...

Discussion:  **Court:** U.S. | **Date:** May 28, 1928

46. [Williams v. Standard Oil Co.](#), 278 U.S. 235, 49 S. Ct. 115, 73 L. Ed. 287, 1928 U.S. LEXIS 323, 60 A.L.R. 596 

LB Cited by: 278 U.S. 235 p.239; 73 L. Ed. 287 p.308

... 242 U.S. 568 . Upon the facts disclosed in the record, the gasoline industry in Tennessee has been devoted to and is clothed with a public interest, and the legislation complained of was enacted in the proper exercise of the police power of the **State. Munn v. Illinois, 94 U.S. 113** ; Allnut v. Englis, 12 East 527; Brass v. North Dakota, 153 U.S. 391 ; Budd v. New York, 143 U.S. 517 ; German Alliance Ins. Co. v. Lewis, 233 U.S. 389 ; Stafford v. Wallace, 258 U.S. 495 ; Oklahoma Natural ...

Discussion:  **Court:** U.S. | **Date:** January 2, 1928

47. [Washington ex rel. Stimson Lumber Co. v. Kuykendall](#), 275 U.S. 207, 48 S. Ct. 41, 72 L. Ed. 241, 1927 U.S. LEXIS 616 

LB Cited by: 275 U.S. 207 p.212; 72 L. Ed. 241 p.245

... It was engaged in the general towboat business; it towed logs for others as well as for relator; it held itself out as a common carrier in that line of business, and by the tariff gave public notice to that effect. Its towboat was devoted to the public use, among other things, for the transportation of logs. By its own choice, it became a common carrier. Terminal Taxicab Co. v. Kutz , 241 U.S. 252 . The State had power to regulate its charges. **Munnv.Illinois, 94 U.S. 113** . The ...

Discussion:  **Court:** U.S. | **Date:** November 21, 1927


48. [Tyson & Brother--United Theatre Ticket Offices, Inc. v. Banton](#), 273 U.S. 418, 47 S. Ct. 426, 71 L. Ed. 718, 1927 U.S. LEXIS 707, 58 A.L.R. 1236 

B Cited in Dissenting Opinion at: 273 U.S. 418 p.447, p.455; 71 L. Ed. 718 p.730, p.732

LB Cited by: 273 U.S. 418 p.430; 71 L. Ed. 718 p.722, p.723

... 9. A declaration of the legislature that a business is affected with a public interest is not conclusive upon the judiciary in determining the validity of a regulation fixing prices in the business. P. 431. 10. The language of an opinion (**Munnv.Illinois, 94 U.S. 113, 126**) must be limited to the case under consideration. P. 433. 11. A business or property, in order to be affected with a public interest, must be such or be so employed as to justify the conclusion that it has been devoted ...

Discussion:  **Court:** U.S. | **Date:** February 28, 1927 | **Headnotes::** HN7


49. [Shafer v. Farmers Grain Co.](#), 268 U.S. 189, 45 S. Ct. 481, 69 L. Ed. 909, 1925 U.S. LEXIS 560 


Y Distinguished by: 268 U.S. 189 p.201; 69 L. Ed. 909 p.916

The defendants cite several cases as making for a different conclusion, but we do not so read them. In some the commerce clause was in no way involved, and those in which it was involved give no support to what is attempted in the Act now before us. In Munn v. Illinois, 94 U.S. 113, 123, 135, the question was whether, as respects an elevator devoted to storing grain for hire, the State could regulate the storage charge where part of the grain reached the elevator, or was destined to leave it, through the channels of interstate commerce. The Court held such a regulation admissible because of the public character of the elevator and because interstate commerce was affected only incidentally and remotely.

No restriction on buying or shipping was involved. (HN15)

Discussion:  **Court:** U.S. | **Date:** May 4, 1925 | **Headnotes:** HN15


50. [Chas. Wolff Packing Co. v. Court of Industrial Relations](#), 262 U.S. 522, 43 S. Ct. 630, 67 L. Ed. 1103, 1923 U.S. LEXIS 2668, 27 A.L.R. 1280 

 **Followed by:** 262 U.S. 522 p.534; 67 L. Ed. 1103 p.1108

First. The act declares that the preparation of human food is affected by a public interest and the power of the legislature so to declare and then to regulate the business is established in *Munn v. Illinois*, 94 U.S. 113; *Budd v. New York*, 143 U.S. 517; *Brass v. Stoeser*, 153 U.S. 391; *Noble State Bank v. Haskell*, 219 U.S. 104; *German Alliance Insurance Co. v. Lewis*, 233 U.S. 389; and *Block v. Hirsh*, 256 U.S. 135.

Discussion:  **Court:** U.S. | **Date:** June 11, 1923


51. [Missouri ex rel. Southwestern Bell Tel. Co. v. Public Service Com.](#), 262 U.S. 276, 43 S. Ct. 544, 67 L. Ed. 981, 1923 U.S. LEXIS 2642, 31 A.L.R. 807 

 **Cited by:** 262 U.S. 276 p.309; 67 L. Ed. 981 p.994

... , 343 , 344 ; Mr. Justice Harlan, *ibid*, p. 341; *Dow v. Beidelman*, 125 U.S. 680 , 690 , 691 ; and *Reagan v. Farmers' Loan & Trust Co.*, 154 U.S. 362 , 409 , 412 ; where the necessity of limiting the broad power of regulation enunciated in ***Munn v. Illinois*, 94 U.S. 113** , was first given expression. See also "Public Utilities, Their Cost New and Depreciation," by H. V. Hayes, pp. 255, 256. Twenty-five years ago, when *Smyth v. Ames* was decided, it was impossible to ascertain with accuracy, ...


Discussion:  **Court:** U.S. | **Date:** May 21, 1923


52. [Board of Trade v. Olsen](#), 262 U.S. 1, 43 S. Ct. 470, 67 L. Ed. 839, 1923 U.S. LEXIS 2609 

 **Followed by:** 262 U.S. 1 p.41; 67 L. Ed. 839 p.852

The Supreme Court of Illinois has so decided in respect to its publication of market quotations. *New York & Chicago Grain Exchange v. Chicago Board of Trade*, 127 Ill. 153. ... In view of the actual interstate dealings in cash sales of grain on the exchange, and the effect of the conduct of the sales of futures upon interstate commerce, we find no difficulty under *Munn v. Illinois*, 94 U.S. 113, 133, and *Stafford v. Wallace*, *supra*, in concluding that the Chicago Board of Trade is engaged in a business affected with a public national interest and is subject to national regulation as such. Congress may, therefore, reasonably limit the rules governing its conduct with a view to preventing abuses and securing freedom from undue discrimination in its operations.

Discussion:  **Court:** U.S. | **Date:** April 16, 1923

53. [Adkins v. Children's Hosp.](#), 261 U.S. 525, 43 S. Ct. 394, 67 L. Ed. 785, 1923 U.S. LEXIS 2588, 24 A.L.R. 1238 

 **Followed by:** 261 U.S. 525 p.546; 67 L. Ed. 785 p.792

(1) Those dealing with statutes fixing rates and charges to be exacted by businesses impressed with a public interest. There are many cases, but it is sufficient to cite *Munn v. Illinois*, 94 U.S. 113. The power here rests upon the ground that where property is devoted to a public use the owner thereby, in effect, grants to the public an interest in the use which may be controlled by the public for the common good to the extent of the interest thus created. It is upon this theory that these statutes have been upheld and, it may be noted in passing, so upheld even in respect of their incidental and injurious or destructive effect upon preexisting contracts.

Discussion:  **Court:** U.S. **Date:** April 9, 1923


54. [Stafford v. Wallace](#), 258 U.S. 495, 42 S. Ct. 397, 66 L. Ed. 735, 1922 U.S. LEXIS 2296, 23 A.L.R. 229



G Followed by: 258 U.S. 495 p.516; 66 L. Ed. 735 p.741

The act, therefore, treats the various stockyards of the country as great national public utilities to promote the flow of commerce from the ranges and farms of the West to the consumers in the East. It assumes that they conduct a business affected by a public use of a national character and subject to national regulation. That it is a business within the power of regulation by legislative action needs no discussion. That has been settled since the case of Munn v. Illinois, 94 U.S. 113.

Discussion:  **Court:** U.S. **Date:** May 1, 1922

55. [Truax v. Corrigan](#), 257 U.S. 312, 42 S. Ct. 124, 66 L. Ed. 254, 1921 U.S. LEXIS 1345, 27 A.L.R. 375 

B Cited in Dissenting Opinion at: 257 U.S. 312 p.348; 66 L. Ed. 254 p.270

... exercise of the legislative power of the State. That no person has a vested interest in any rule of law, entitling him to have it remain unaltered for his benefit, is a principle thoroughly settled by numerous decisions of this court, and having general application, not confined at all to the rights and liabilities existing between employers and employees, or between persons formerly occupying that relation. **Munn v. Illinois, 94 U.S. 113, 134** ; Hurtado v. California, 110 U.S. 516 , 532 ...


Discussion:  **Court:** U.S. **Date:** December 19, 1921

56. [Block v. Hirsh](#), 256 U.S. 135, 41 S. Ct. 458, 65 L. Ed. 865, 1921 U.S. LEXIS 1660, 16 A.L.R. 165 

G Followed by: 256 U.S. 135 p.157; 65 L. Ed. 865 p.871

Perhaps it would be too strict to deal with this case as concerning only the requirement of thirty days' notice. For although the plaintiff alleged that he wanted the premises for his own use the defendant denied it and might have prevailed upon that issue under the act. The general question to which we have adverted must be decided, if not in this then in the next case, and it should be disposed of now. -- The main point against the law is that tenants are allowed to remain in possession at the same rent that they have been paying, unless modified by the Commission established by the act, and that thus the use of the land and the right of the owner to do what he will with his own and to make what contracts he pleases are cut down. But if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since Munn v. Illinois, 94 U.S. 113. It is said that a grain elevator may go out of business whereas here the use is fastened upon the land. The power to go out of business, when it exists, is an illusory answer to gas companies and waterworks, but we need not stop at that. The regulation is put and justified only as a temporary measure.

Discussion:  **Court:** U.S. **Date:** April 18, 1921

57. [Brooks-Scanlon Co. v. Railroad Com. of Louisiana](#), 251 U.S. 396, 40 S. Ct. 183, 64 L. Ed. 323, 1920 U.S. LEXIS 1675 

LB Cited by: 251 U.S. 396 p.399; 64 L. Ed. 323 p.327

... If a company be taken to have granted to the public an interest in the use of a railroad it may withdraw its grant by discontinuing the use when that use can be kept up only at a loss. If the plaintiff be taken to have granted to the public an interest in the use of the railroad it may withdraw its grant by discontinuing the use when that use can be kept up only at a loss. **Munnv.Illinois, 94 U.S. 113, 126** . The principle

is illustrated by the many cases in which the constitutionality ...


Discussion:  **Court:** U.S. | **Date:** February 2, 1920

58. [Producers Transp. Co. v. Railroad Com. of California](#), 251 U.S. 228, 40 S. Ct. 131, 64 L. Ed. 239, 1920 U.S. LEXIS 1730 

LB Cited by: 251 U.S. 228 p.231; 64 L. Ed. 239 p.242

... 593 ; Northern Pacific Ry. Co. v. North Dakota , 236 U.S. 585 , 595 ; Associated Oil Co. v. Railroad Commission, 176 California, 518, 523, 526 . And see **Munnv.Illinois, 94 U.S. 113, 126** ; Louisville & Nashville R. R. Co. v. West Coast Naval Stores Co. , 198 U.S. 483 , 495 ; Weems Steamboat Co. v. People's Steamboat Co. , 214 U.S. 345 , 357 ; Chicago & Northwestern Ry. ...


Discussion:  **Court:** U.S. | **Date:** January 5, 1920

59. [Union Dry Goods Co. v. Georgia Public Service Corp.](#), 248 U.S. 372, 39 S. Ct. 117, 63 L. Ed. 309, 1919 U.S. LEXIS 2324, 16 Ohio L. Rep. 502, 9 A.L.R. 1420 

LB Cited by: 248 U.S. 372 p.375; 63 L. Ed. 309 p.311

... The presumption of law is in favor of the validity of the order and the plaintiff in error did not deny, as it could not successfully, that capital invested in an electric light and power plant to supply electricity to the inhabitants of a city is devoted to a use in which the public has an interest which justifies rate regulation by a State in the exercise of its police power. **Munnv.Illinois, 94 U.S. 113** ; Budd v. New York , 143 U.S. 517 ; German Alliance Insurance Co. v. Lewis ...


Discussion:  **Court:** U.S. | **Date:** January 7, 1919

60. [Van Dyke v. Geary](#), 244 U.S. 39, 37 S. Ct. 483, 61 L. Ed. 973, 1917 U.S. LEXIS 1604 

LB Cited by: 244 U.S. 39 p.47; 61 L. Ed. 973 p.982

... Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large." **Munn v. Illinois,94 U.S. 113, 126** . The property here in question was devoted by its owners to supplying a large community with a prime necessity of life. That Mrs. Van Dyke pumps the water on her own land, ...


Discussion:  **Court:** U.S. | **Date:** May 7, 1917

61. [Wilson v. New](#), 243 U.S. 332, 37 S. Ct. 298, 61 L. Ed. 755, 1917 U.S. LEXIS 2045 

B Cited in Dissenting Opinion at: 243 U.S. 332 p.384; 61 L. Ed. 755 p.789

... being dependent entirely upon the fact that the companies have seen fit to engage in interstate transportation, a branch of business from which, in my opinion, they are at liberty to withdraw at any time, -- so far as any authority of the Federal Government to prevent it is concerned, -- however impracticable such withdrawal may be. The extent to which regulation properly can go under such circumstances was defined very clearly by this court in the great case of **Munnv.Illinois, 94 U.S. 113** ...


Discussion:  **Court:** U.S. | **Date:** March 19, 1917

62. [New York C. R. Co. v. White](#), 243 U.S. 188, 37 S. Ct. 247, 61 L. Ed. 667, 1917 U.S. LEXIS 2105 

LB Cited by: 243 U.S. 188 p.198; 61 L. Ed. 667 p.672

... of liberty and property is of course recognized. But those rules, as guides of conduct, are not beyond alteration by legislation in the public interest. No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. **Munn v. Illinois, 94 U.S. 113, 134**; *Hurtado v. California*, 110 U.S. 516, 532; *Martin v. Pittsburg & Lake Erie R.R. Co.*, 203 U.S. 284, 294; *Second Employers' Liability Cases* ...


Discussion:  **Court:** U.S. | **Date:** March 6, 1917

63. [Gasquet v. Lapeyre](#), 242 U.S. 367, 37 S. Ct. 165, 61 L. Ed. 367, 1917 U.S. LEXIS 2197 

LB Cited by: 242 U.S. 367 p.369; 61 L. Ed. 367 p.370

... U.S. Const. art. I § 9 is not restrictive of state, but only of national, action. This is also true of U.S. Const. amend. V. Section 9 of Article I, as has long been settled, is not restrictive of state, but only of national, action. **Munn v. Illinois, 94 U.S. 113, 135**; *Morgan v. Louisiana*, 118 U.S. 455, 467; *Johnson v. Chicago & Pacific Elevator Co.*, 119 U.S. 388, 400. This is also true of the Fifth Amendment. ...


Discussion:  **Court:** U.S. | **Date:** January 8, 1917

64. [Terminal Taxicab Co. v. Kutz](#), 241 U.S. 252, 36 S. Ct. 583, 60 L. Ed. 984, 1916 U.S. LEXIS 1750 

LB Cited by: 241 U.S. 252 p.254; 60 L. Ed. 984 p.986

... that a person taking a taxicab at the station would control the whole vehicle both as to contents, direction, and time of use, although not, so far as indicated, in such a sense as to make the driver of the machine his servant, according to familiar distinctions. The last facts however appear to be immaterial and in no degree to cast doubt upon the plaintiff's taxicabs when employed as above stated being a public utility by ancient usage and understanding, **Munn v. Illinois, 94 U.S. 113, 125** ...


Discussion:  **Court:** U.S. | **Date:** May 22, 1916

65. [Rast v. Van Deman & Lewis Co.](#), 240 U.S. 342, 36 S. Ct. 370, 60 L. Ed. 679, 1916 U.S. LEXIS 1457 

LB Cited by: 240 U.S. 342 p.366; 60 L. Ed. 679 p.690

... And it is not required that we should be sure as to the precise reasons for such judgment or that we should certainly know them or be convinced of the wisdom of the legislation. *Southwestern Oil Co. v. Texas*, 217 U.S. 114, 126, 127. See also **Munn v. Illinois, 94 U.S. 113, 132**. But it may be said that judicial opinion cannot be controlled by legislative opinion of what are fundamental rights. This is freely conceded; it is the very essence of constitutional law, but its recognition ...


Discussion:  **Court:** U.S. | **Date:** March 6, 1916

66. [Chicago & A. R. Co. v. Tranbarger](#), 238 U.S. 67, 35 S. Ct. 678, 59 L. Ed. 1204, 1915 U.S. LEXIS 1644 

LB Cited by: 238 U.S. 67 p.76; 59 L. Ed. 1204 p.1210

... policy of legislation entitling him to insist that it shall remain unchanged for his benefit, so an immunity from a change of the general rules of law will not ordinarily be implied as an unexpressed term of an express contract. just as no person has a vested right in any general rule of law or policy of legislation entitling him to insist that it shall remain unchanged for his benefit (**Munn v. Illinois, 94 U.S. 113, 134**; *Hurtado v. California*, 110 U.S. 516, 532; *Buttfield v.* ...


Discussion:  **Court:** U.S. **Date:** June 1, 1915

67. [Michigan C. R. Co. v. Michigan R. Com.](#), 236 U.S. 615, 35 S. Ct. 422, 59 L. Ed. 750, 1915 U.S. LEXIS 1730 

LB Cited by: 236 U.S. 615 p.631; 59 L. Ed. 750 p.756

... the order requiring it to deliver them to the Detroit United Railway involves, as we think, a fundamental error, in that it overlooks the fact that the vehicles of transportation, like the railroad upon which they run, although acquired through the expenditure of private capital, are devoted to a public use, and thereby are subjected to the reasonable exercise of the power of the State to regulate that use, so far at least as intrastate commerce is concerned. **Munnv.Illinois, 94 U.S. 113** ...

Discussion:  **Court:** U.S. **Date:** March 8, 1915


68. [Pipe Line Cases](#), 234 U.S. 548, 34 S. Ct. 956, 58 L. Ed. 1459, 1914 U.S. LEXIS 1107 

B Cited in Dissenting Opinion at: 234 U.S. 548 p.565

LB Cited by: 58 L. Ed. 1459 p.1472

... in a manner to take it of public consequence, and affect the community at large." "When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munnv.Illinois, 94 U.S. 113** ; **Budd v. New York** , 143 U.S. 517 ; **Brass v. Stoesser** , 153 U.S. 391 ; **German Alliance Insurance Co. v. ...**

Discussion:  **Court:** U.S. **Date:** June 22, 1914


69. [German Alliance Ins. Co. v. Lewis](#), 233 U.S. 389, 34 S. Ct. 612, 58 L. Ed. 1011, 1914 U.S. LEXIS 1237 

B Cited in Dissenting Opinion at: 233 U.S. 389 p.424

LB Cited by: 233 U.S. 389 p.407; 58 L. Ed. 1011 p.1020, p.1027

... **Budd v. New York**, 143 U.S. 517 , S.C., 117 N.Y. 1 ; **State v. Edwards**, 86 Maine, 102 ; **Munnv.Illinois,94 U.S. 113** ; **Spring Valley Co. v. Schottler** , 110 U.S. 347 ; **Burlington v. Beasley**, 94 U.S. 310 ; **Dow v. Beidelman**, 125 U.S. 680 ; **Wabash &c. ...**

Discussion:  **Court:** U.S. **Date:** April 20, 1914

70. [Atlantic C. L. R. Co. v. Goldsboro](#), 232 U.S. 548, 34 S. Ct. 364, 58 L. Ed. 721, 1914 U.S. LEXIS 1385 

LB Cited by: 232 U.S. 548 p.558; 58 L. Ed. 721 p.726

... power of the State to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community; that this power can neither be abdicated nor bargained away, and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. **Slaughter-House Cases** , 16 Wall. 36 , 62 ; **Munnv.Illinois, 94 U.S. 113, 125** ; **Beer Co. v. Massachusetts** , 97 U.S. 25 , 33 ; **Mugler v. ...**

Discussion:  **Court:** U.S. **Date:** February 24, 1914

71. [Minnesota Rate Cases](#), 230 U.S. 352, 33 S. Ct. 729, 57 L. Ed. 1511, 1913 U.S. LEXIS 2714 ▲
- LB Cited by:** 230 U.S. 352 p.413; 57 L. Ed. 1511 p.1547
 ... Iowa , 94 U.S. 155 ; Peik v. Chicago & Northwestern Railway Co. , 94 U.S. 164 ; Winona & St. Peter R.R. Co. v. Blake , 94 U.S. 180 , and other cases, following **Munn v. Illinois, 94 U.S. 113** . The question was presented by acts of the legislatures of **Illinois** , Iowa , Wisconsin and Minnesota , passed in the years 1871 and 1874 in response to a general movement for a reduction of rates. The section of the country in which the demand arose was to a large degree homogeneous and ...
- Discussion:** ■■■■■ | **Court:** U.S. | **Date:** June 9, 1913
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72. [Second Employers' Liability Cases](#), 223 U.S. 1, 32 S. Ct. 169, 56 L. Ed. 327, 1912 U.S. LEXIS 2212 ▲
- LB Cited by:** 223 U.S. 1 p.50; 56 L. Ed. 327 p.346
 ... Johnson v. Southern Pacific Co., 196 U.S. 1 ; Schlemmer v. Buffalo &c. Ry. Co., 205 U.S. 1 . The common-law rule that contributory negligence is a bar to recovery may be altered or abolished by the legislature whenever, in its discretion, it sees fit to do so. **Munn v. Illinois, 94 U.S. 113, 134** ; Hurtado v. People of California, 110 U.S. 516 ; see also Wilmington Mining Co. v. Fulton, 205 U.S. 60 , 74 ; Bertholf v. O'Reilly, 74 N.Y. 509 , 524 . A legislature may by statute extend ...
- Discussion:** ■■■■■ | **Court:** U.S. | **Date:** January 15, 1912 | **Headnotes:** HN12
-
73. [Lindsley v. Natural Carbonic Gas Co.](#), 220 U.S. 61, 31 S. Ct. 337, 55 L. Ed. 369, 1911 U.S. LEXIS 1661 Q
- LB Cited by:** 220 U.S. 61 p.79; 55 L. Ed. 369 p.377
 ... who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. Bachtel v. Wilson, 204 U.S. 36 , 41 ; Louisville & Nashville R.R. Co. v. Melton, 218 U.S. 36 ; Ozan Lumber Co. v. Union County Bank, 207 U.S. 251 , 256 ; **Munn v. Illinois, 94 U.S. 113** , 132 ; Henderson Bridge Co. v. Henderson City, 173 U.S. 592 , 615 . Unfortunately the allegations of the bill shed but little light upon the ...
- Discussion:** ■■■■■ | **Court:** U.S. | **Date:** March 13, 1911
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74. [Chicago, B. & Q. R. Co. v. McGuire](#), 219 U.S. 549, 31 S. Ct. 259, 55 L. Ed. 328, 1911 U.S. LEXIS 1653 Q
- LB Cited by:** 219 U.S. 549 p.568; 55 L. Ed. 328 p.339
 ... 173 U.S. 704 . See also Railroad Co. v. Gutierrez, 215 U.S. 87 . The Temple amendment under consideration was properly enacted in the exercise of the police power residing in the State of Iowa at the time it was exercised. Cases supra and **Munn v. Illinois, 94 U.S. 113** ; Barron v. Baltimore, 7 Pet. 243 ; Slaughter House Cases, 16 Wall. 36 ; Ex parte Davis, 21 Fed. Rep. 396 ; Railroad Co. v. Day, 82 Iowa, 344 ; Shelley v. St. Charles Co., 17 Fed. Rep. 210 ; Farmers' Loan & Trust ...
- Discussion:** ■■■■■ | **Court:** U.S. | **Date:** February 20, 1911
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75. [Weems S.B. Co. v. People's S.B. Co.](#), 214 U.S. 345, 29 S. Ct. 661, 53 L. Ed. 1024, 1909 U.S. LEXIS 1923 ▲
- Y Distinguished by:** 214 U.S. 345 p.356; 53 L. Ed. 1024 p.1029

The case of Munn v. Illinois, 94 U.S. 113, 127, has, in our judgment, no bearing upon the question before us. In that case and in those cited therein the discussion was in regard to the right of owners of property of the nature described to charge what they pleased for the doing of the business in which they were engaged. Their property was being used with their consent by and its use devoted to the public to any extent desired, and the only question was in regard to the compensation which they were entitled to ask for the business thus done. The complaint was that the charges were too great and were a violation of a law of the State and were not reasonable, and the answer made by the owners of the property was that it was their private property, and they had the right to charge what they pleased. The court said, as you have devoted your property to a use in which the public has an interest, you have granted to the public an interest in that use and the right, on the part of the State, to regulate charges which you shall make, to the end that they shall be just and reasonable.

Discussion:  **Court:** U.S. | **Date:** June 1, 1909

76. [McLean v. Arkansas](#), 211 U.S. 539, 29 S. Ct. 206, 53 L. Ed. 315, 1909 U.S. LEXIS 1785 

LB Cited by: 211 U.S. 539 p.546

... conflict with the public welfare. The State's right to exercise its police power in restraint of liberty of contract has been recognized in a large number of instances. *Patterson v. Enders*, 190 U.S. 169 ; *Harbinson v. Knoxville Iron Co.*, 183 U.S. 13 ; *In re Considene*, 83 Fed. Rep. 157 ; *Frisbie v. United States*, 157 U.S. 160 ; *Soon Hing v. Crowley*, 113 U.S. 703 ; *Holden v. Hardy*, 169 U.S. 366 ; **Munn v. Illinois, 94 U.S. 113** ; *Pierce v. Kimball*, 9 Maine, 54 ; *State v. Moore*, 10 ...


Discussion:  **Court:** U.S. | **Date:** January 4, 1909

77. [Louisville & N. R. Co. v. West Coast Naval Stores Co.](#), 198 U.S. 483, 25 S. Ct. 745, 49 L. Ed. 1135, 1905 U.S. LEXIS 1081 

LB Cited by: 198 U.S. 483 p.500; 49 L. Ed. 1135 p.1142

... These observations answer the contention of plaintiff that defendant, by erecting the wharf and using it in the way it does, has thereby devoted its property to a public use, and that it has thereby granted to the public an interest in such use, within the principle laid down in **Munn v. Illinois, 94 U.S. 113** . It has not devoted its wharf to the use of the public in so far as to thereby grant to every vessel the right to occupy its private property upon making compensation to defendant for ...

Discussion:  **Court:** U.S. | **Date:** May 29, 1905


78. [Dobbins v. Los Angeles](#), 195 U.S. 223, 25 S. Ct. 18, 49 L. Ed. 169, 1904 U.S. LEXIS 739 

Y Distinguished by: 195 U.S. 223 p.235; 49 L. Ed. 169 p.175

By the constitution of the State of California it is provided, art. XII, sec. 11, that any county, city, town or township may make and enforce within its limits all such local, police, sanitary or other regulations as are not in conflict with the general laws. In these provisions may be found a grant of power to the city of Los Angeles to control the location and erection of gasworks within the city limits. In the grant of such control the fact is recognized that while the erection and maintenance of such works is a lawful business pursuit and one essential to the welfare and comfort of the community, its prosecution requires the use of materials of such a character, and such construction and maintenance of the works as not to be dangerous or offensive when carried on within thickly populated parts of the city, and such rights are consequently justly subject to regulation in such manner as to protect the public health and safety. The Supreme Court of California, as may be gathered from its opinion in this case, based its decision upon the proposition that as the exercise of the right to control the location and construction of gasworks is within the power conferred by the legislature upon the city, the act of the municipality in question cannot be reviewed, because so to do would be a substitution of the judgment of the court for that of the council

upon a matter left within the exclusive control of the legislative body. To support this conclusion a citation is made from the opinion of this court in the case of Munn v. Illinois, 94 U.S. 113, to the effect that the legislature is the exclusive judge of the propriety of police regulation when the matter is within the scope of its power.


Discussion:  **Court:** U.S. | **Date:** November 14, 1904

79. [Minneapolis & S. L. R. Co. v. Minnesota](#), 186 U.S. 257, 22 S. Ct. 900, 46 L. Ed. 1151, 1902 U.S. LEXIS 893 

LB Cited by: 186 U.S. 257 p.261; 46 L. Ed. 1151 p.1155

... stand upon an equality, the latter being practically compelled to submit to such terms as the former may choose to exact, unless the state shall, acting in the interest of the public, elect to interfere and prescribe a maximum of charges. it is impossible for the State to exercise this power of regulation without interfering to some extent with the power of a railway to contract either with its customers or connecting lines. The power is one which was said in **Munnv.Illinois, 94 U.S. 113** ...

Discussion:  **Court:** U.S. | **Date:** June 2, 1902

80. [Louisville & N. R. Co. v. Kentucky](#), 183 U.S. 503, 22 S. Ct. 95, 46 L. Ed. 298, 1902 U.S. LEXIS 727 

LB Cited by: 183 U.S. 503 p.516; 46 L. Ed. 298 p.305

... We do not put the disability of the company to raise these questions upon the ground of an estoppel, strictly speaking, but upon the proposition that the company takes and holds its franchises and property subject to the conditions and limitations imposed by the State in its constitution. **Munn v. Illinois,94 U.S. 113** ; Davidson v. New Orleans, 96 U.S. 97 ; Railroad Commission Cases, 116 U.S. 307 . We are next to inquire whether the plaintiff in error has been exonerated from these constitutional ...


Discussion:  **Court:** U.S. | **Date:** January 6, 1902

81. [Cotting v. Kansas City Stock Yards Co.](#), 183 U.S. 79, 22 S. Ct. 30, 46 L. Ed. 92, 1901 U.S. LEXIS 1256 

LB Cited by: 183 U.S. 79 p.84, p.86; 46 L. Ed. 92 p.99

... The first we notice is the principal matter in respect to which testimony was offered, which has been most largely discussed by counsel on both sides, and that is the validity of the reduction in the charges of the stock yards company made by the act in question. Has the State the power to legislate on this matter, and, if so, can its legislation be upheld? In **Munn v. Illinois,94 U.S. 113** , it was held that the State had power to fix the maximum charges for the storing of grain in warehouses ...


Discussion:  **Court:** U.S. | **Date:** November 25, 1901

82. [Lake Shore & M. S. R. Co. v. Smith](#), 173 U.S. 684, 19 S. Ct. 565, 43 L. Ed. 858, 1899 U.S. LEXIS 1472 

LB Cited by: 173 U.S. 684 p.696

... right over these corporations, to make such a regulation, which discriminates against it and in favor of certain individuals, without any reasonable basis therefor, and which is not the fixing of maximum rates or the exercise of any such power. True it is that the railroad company exercises a public franchise and that its occupation is of a public nature, and the public therefore has a certain interest in and rights connected with the property, as was held in **Munn v. Illinois,94 U.S. 113, 125** ...

Discussion:  **Court:** U.S. **Date:** April 17, 1899

83. [Holden v. Hardy](#), 169 U.S. 366, 18 S. Ct. 383, 42 L. Ed. 780, 1898 U.S. LEXIS 1501 

LB Cited by: 42 L. Ed. 780 p.782

... (b.) But however this may be, it is well settled that, when relating to business enterprises, the business or occupation at which such regulations are directed must be affected with a "public interest," and that the regulation must be for the protection o benefit of the public generally, as we have above contended, and not of an individual or segregated class of individuals under the circumstances we have mentioned. This court, in the case of **Munn v. Illinois,94 U.S. 113, 126** , defines the ...


Court: U.S. **Date:** February 28, 1898

84. [Interstate Commerce Com. v. Cincinnati, N. O. & T. P. R. Co.](#), 167 U.S. 479, 17 S. Ct. 896, 42 L. Ed. 243, 1897 U.S. LEXIS 2111, 10 Ohio F. Dec. 556 

LB Cited by: 167 U.S. 479 p.500; 42 L. Ed. 243 p.253

... ; St. Louis & San Francisco Railway v. Gill, 156 U.S. 649 , 663 ; Cincinnati, New Orleans &c. Railway v. Interstate Commerce Commission, 162 U.S. 184 , 196 ; Texas & Pacific Railway v. Interstate Commerce Commission, 162 U.S. 197 , 216 ; **Munn v. Illinois,94 U.S. 113, 144** ; Peik v. Chicago & Northwestern Railway, 94 U.S. 164 , 178 ; Express cases, 117 U.S. 1 , 29 . It will be perceived that in this case the Interstate Commerce Commission assumed the right to prescribe rates which ...

Discussion:  **Court:** U.S. **Date:** May 24, 1897

85. [Missouri P. R. Co. v. Nebraska](#), 164 U.S. 403, 17 S. Ct. 130, 41 L. Ed. 489, 1896 U.S. LEXIS 1877 

Y Distinguished by: 164 U.S. 403 p.416; 41 L. Ed. 489 p.494

Nor does this case show any such exercise of the legislative power to regulate the conduct of the business, or the rate of tolls, fees or charges, either of railroad corporations or of the proprietors of elevators, as has been upheld by this court in previous cases. Munn v. Illinois, 94 U.S. 113; Chicago, Burlington & Quincy Railroad v. Illinois, 94 U.S. 155; Dow v. Beidelman, 125 U.S. 680; Budd v. New York, 143 U.S. 517; Brass v. Stoesser, 153 U.S. 391; Covington & Cincinnati Bridge Co. v. Kentucky, 154 U.S. 204, 213, 214; Louisville & Nashville Railroad v. Kentucky, 161 U.S. 677, 696.

Discussion:  **Court:** U.S. **Date:** November 30, 1896

86. [Louisville & N. R. Co. v. Kentucky](#), 161 U.S. 677, 16 S. Ct. 714, 40 L. Ed. 849, 1896 U.S. LEXIS 2194



LB Cited by: 161 U.S. 677 p.695; 40 L. Ed. 849 p.857

... prohibited from doing so or not, but otherwise may legislate with respect to corporations, whether expressly permitted to do so or not. While the police power has been most frequently exercised with respect to matters which concern the public health, safety or morals, we have frequently held that corporations engaged in a public service are subject to legislative control, so far as it becomes necessary for the protection of the public interests. In the case of **Munn v. Illinois,94 U.S. 113** ...

Discussion:  **Court:** U.S. **Date:** March 30, 1896

87. [Covington & Cincinnati Bridge Co. v. Kentucky](#), 154 U.S. 204, 14 S. Ct. 1087, 38 L. Ed. 962, 1894

U.S. LEXIS 2229 ▲

LB Cited by: 154 U.S. 204 p.213, p.214; 38 L. Ed. 962 p.967

... and does not extend to fixing tariffs upon passengers or merchandise carried from one State to another, is also settled by more recent decisions, although it must be admitted that cases upon this point have not always been consistent. The question of the power of the States to lay down a scale of charges, as distinguished from their power to impose taxes, was first squarely presented to the court in **Munn v. Illinois, 94 U.S. 113**, in which a power was conceded to the State to prescribe regulations ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** May 26, 1894 | **Headnotes:** HN1588. [Brass v. North Dakota](#), 153 U.S. 391, 14 S. Ct. 857, 38 L. Ed. 757, 1894 U.S. LEXIS 2192 ▲**B Cited in Dissenting Opinion at:** 153 U.S. 391 p.405; 38 L. Ed. 757 p.762**LB Cited by:** 153 U.S. 391 p.399; 38 L. Ed. 757 p.757, p.760

... conducted such public warehouses located in cities containing not less than one hundred thousand inhabitants should procure licenses and should give bond conditioned for compliance with the law; prescribed maximum rates for storing and handling grain; and declared certain penalties for the failure to procure licenses. The validity of this law was upheld by the Supreme Court of Illinois, *Munn v. People*, 68 Illinois, 80; and that judgment was affirmed by this court. **Munn v. Illinois, 94 U.S. 113** ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** May 14, 189489. [Budd v. New York](#), 143 U.S. 517, 12 S. Ct. 468, 36 L. Ed. 247, 1892 U.S. LEXIS 2039 ▲**G Followed by:** 143 U.S. 517 p.528, p.535; 36 L. Ed. 247 p.250

The main question involved in these cases is whether this court will adhere to its decision in *Munn v. Illinois*, 94 U.S. 113.

B Cited in Dissenting Opinion at: 143 U.S. 517 p.548

... , with whom concurred MR. JUSTICE FIELD and MR. JUSTICE BROWN, dissenting. I dissent from the opinion and judgment in these cases. The main proposition upon which they rest is, in my judgment, radically unsound. It is the doctrine of **Munn v. Illinois, 94 U.S. 113**, reaffirmed. That is, as declared in the syllabus and stated in the opinion in that case: "When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** February 29, 189290. [Chicago, M. & St. P. Ry. v. Minnesota](#), 134 U.S. 418, 10 S. Ct. 462, 33 L. Ed. 970, 1890 U.S. LEXIS 1984 ▲**B Cited in Dissenting Opinion at:** 134 U.S. 418 p.461; 33 L. Ed. 970 p.983


... of this court sustaining the right of legislatures to establish the rates which common carriers may charge, and to declare by legislative action what are reasonable rates, we confess to some hesitation in entering upon an extended discussion of the question. In **Munn v. Illinois, 94 U.S. 113, 133, 134**, in the opinion of the late Chief Justice Waite, is to be found a history of legislative control of property clothed with public interest, as well as also an exhaustive discussion of the principles ...

Discussion: ■■■■■ | **Court:** U.S. | **Date:** March 24, 189091. [Georgia R. & Banking Co. v. Smith](#), 128 U.S. 174, 9 S. Ct. 47, 32 L. Ed. 377, 1888 U.S. LEXIS 2207 ▲

LB Cited by: 128 U.S. 174 p.180; 32 L. Ed. 377 p.380

... or devoted, affected with a public use. There have been differences of opinion among the judges of this court in some cases as to the circumstances or conditions under which some kinds of property or business may be properly held to be thus affected, as in **Munn v. Illinois, 94 U.S. 113, 126, 139, 146** ; but none as to the doctrine that when such use exists the business becomes subject to legislative control in all respects necessary to protect the public against danger, injustice, and oppression. ...


Discussion:  **Court:** U.S. | **Date:** October 29, 1888

92. [Kidd v. Pearson](#), 128 U.S. 1, 9 S. Ct. 6, 32 L. Ed. 346, 1888 U.S. LEXIS 2193 

LB Cited by: 128 U.S. 1 p.23; 32 L. Ed. 346 p.351

... persons engaged in it, without constituting a regulation of it within the meaning of the Constitution," unless, under the guise of police regulations, it "imposes a direct burden upon interstate commerce," or "interferes directly with its freedom." Hall v. De Cuir, 95 U.S. 485 , 487 , 488 , Chief Justice Waite delivering the opinion of the court in that case, citing Sherlock v. Alling, 93 U.S. 99 , 103 ; State Tax on Railway Gross Receipts, 15 Wall. 284 ; **Munn v. Illinois, 94 U.S. 113** ...


Discussion:  **Court:** U.S. | **Date:** October 22, 1888

93. [Dow v. Beidelman](#), 125 U.S. 680, 8 S. Ct. 1028, 31 L. Ed. 841, 1888 U.S. LEXIS 1955 

G Followed by: 125 U.S. 680 p.686; 31 L. Ed. 841 p.842

In Munn v. Illinois, 94 U.S. 113, decided at October Term, 1876, after affirming the doctrine that by the common law carriers or other persons exercising a public employment could not charge more than a reasonable compensation for their services, and that it is within the power of the legislature "to declare what shall be a reasonable compensation for such services, or, perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable," the Chief Justice said: "To limit the rate of charges for services rendered in a public employment, or for the use of property in which the public has an interest, is only changing a regulation which existed before. It establishes no new principle in the law, but only gives a new effect to an old one." 94 U.S. 133, 134.


Discussion:  **Court:** U.S. | **Date:** April 16, 1888

94. [Mugler v. Kansas](#), 123 U.S. 623, 8 S. Ct. 273, 31 L. Ed. 205, 1887 U.S. LEXIS 2204 

LB Cited by: 123 U.S. 623 p.660; 31 L. Ed. 205 p.210


... While police power does not exist with the whole people to control rights that are purely and exclusively private, government may require each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. **Munn v. Illinois, 94 U.S. 113** , 124 , while power does not exist with the whole people to control rights that are purely and exclusively private, government may require "each citizen to so conduct himself, and so use his own property, as not unnecessarily ...

Discussion:  **Court:** U.S. | **Date:** December 5, 1887 | **Headnotes:** HN4

95. [Philadelphia & Southern Mail S. S. Co. v. Pennsylvania](#), 122 U.S. 326, 7 S. Ct. 1118, 30 L. Ed. 1200, 1887 U.S. LEXIS 2112 

G Followed by: 122 U.S. 326 p.346; 30 L. Ed. 1200 p.1205

Court: U.S. | **Date:** May 27, 1887

96. [Johnson v. Chicago & Pacific Elevator Co.](#), 119 U.S. 388, 7 S. Ct. 254, 30 L. Ed. 447, 1886 U.S. LEXIS 2004 

LB Cited by: 119 U.S. 388 p.400; 30 L. Ed. 447 p.451

... so far as this case is concerned, obnoxious to the objection that it is a regulation of commerce which gives preference to the ports of Illinois over those of another State, within the inhibition of subdivision 6 of § 9 of Article 1 of the Constitution of the United States. As was said in **Munn v. Illinois, 94 U.S. 113, 135**, Constitutional Law, Congressional Duties & Powers Congressional Duties & Powers, Bills of Attainder & Ex Post Facto Clause HN4 U.S. Const. art. 1, § 9, cl. 6, ...

Discussion:  **Court:** U.S. **Date:** December 13, 1886

97. [Wabash, St. Louis & Pac. Ry. v. Illinois](#), 118 U.S. 557, 7 S. Ct. 4, 30 L. Ed. 244, 1886 U.S. LEXIS 1950



Y Distinguished by: 118 U.S. 557 p.566; 30 L. Ed. 244 p.257

In Munn v. Illinois, 94 U.S. 113, 135, the language of this court upon that subject is as follows:

B Cited in Dissenting Opinion at: 118 U.S. 557 p.593

LB Cited by: 118 U.S. 557 p.564; 30 L. Ed. 244 p.247

... ; Hardy v. Atchison, Topeka & Santa Fe Railroad, 18 Am. & Eng. Railroad Cas. 432; Stone v. Illinois Central Railroad, 18 Am. & Eng. Railroad Cas. 416; New York v. Miln, 11 Pet. 102 ; State v. Railroad Co. , 24 West Vir. 783; Telegraph Co. v. Texas, 105 U.S. 460 . Mr. W. C. Goudy, for plaintiff in error, cited the following authorities not cited on Mr. Greene's brief: **Munn v. Illinois, 94 U.S. 113** ; Pensacola Telegraph Co. v. Western Union Telegraph Co., 96 U.S. 1 ; Brown v. Houston, ...

Discussion:  **Court:** U.S. **Date:** October 25, 1886 **Headnotes::** HN15

98. [Morgan's S.S. Co. v. Louisiana Bd. of Health](#), 118 U.S. 455, 6 S. Ct. 1114, 30 L. Ed. 237, 1886 U.S. LEXIS 1945 

LB Cited by: 118 U.S. 455 p.467; 30 L. Ed. 237 p.243

... , it is unaffected by the constitutional provision alluded to. Woodbury, J., in Passenger Cases, 7 How. 283 , 541 ; The Brig Wilson v. United States, 1 Brock. 423 , 432 ; Butler v. Hopper, 1 Wash. C.C. 499 ; Pennsylvania v. Wheeling Bridge Co., 18 How. 421 , 435 ; **Munn v. Illinois, 94 U.S. 113, 135** . We see no error in the judgment of the Supreme Court of Louisiana , and it is Affirmed. MR. JUSTICE BRADLEY dissented. ...


Discussion:  **Court:** U.S. **Date:** May 10, 1886

99. [Railroad Com. Cases](#), 116 U.S. 307, 6 S. Ct. 334, 29 L. Ed. 636, 1886 U.S. LEXIS 1764 

LB Cited by: 116 U.S. 307 p.330; 29 L. Ed. 636 p.644

... charges by them to be received for transportation," &c. This would have been implied from the rest of the charter if there had been no such provision, and it is argued that, unless it had been intended to surrender the power of control over fares and freights, this section would not have been inserted. The argument concedes that the power of the company under this section is limited by the rule of the common law which requires all charges to be reasonable. In **Munn v. Illinois, 94 U.S. 113** ...


Discussion:  **Court:** U.S. **Date:** January 4, 1886

100. [Hurtado v. California](#), 110 U.S. 516, 4 S. Ct. 111, 28 L. Ed. 232, 1884 U.S. LEXIS 1716 

LB Cited by: 110 U.S. 516 p.532; 28 L. Ed. 232 p.237

... the general good, can only be applied to cases coming clearly within the scope of its spirit and purpose, and not to legislative provisions merely establishing forms and modes of attainment. Such regulations, to adopt a sentence of Burke's, "may alter the mode and application but have no power over the substance of original justice." Tract on the Popery Laws, 6 Burke's Works, ed. Little & Brown, 323. Such is the often-repeated doctrine of this court. In **Munn v. Illinois, 94 U.S. 113-134** ...


Discussion:  **Court:** U.S. | **Date:** March 3, 1884

101. [Spring Valley Water Works v. Schottler](#), 110 U.S. 347, 4 S. Ct. 48, 28 L. Ed. 173, 1884 U.S. LEXIS 1702 

LB Cited by: 110 U.S. 347 p.354; 28 L. Ed. 173 p.176

... They are elected by the people for that purpose, and whatever is within the just scope of the purpose may properly be entrusted to them at the discretion of the legislature. That it is within the power of the government to regulate the prices at which water shall be sold by one who enjoys a virtual monopoly of the sale, we do not doubt. That question is settled by what was decided on full consideration in **Munn v. Illinois, 94 U.S. 113**. As was said in that case, such regulations do not deprive ...


Discussion:  **Court:** U.S. | **Date:** February 4, 1884

102. [United States v. Stanley](#), 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835, 1883 U.S. LEXIS 928 

B Cited in Dissenting Opinion at: 109 U.S. 3 p.37

... , this court, speaking by Mr. Justice Nelson, said that a common carrier is "in the exercise of a sort of public office, and has public duties to perform, from which he should not be permitted to exonerate himself without the assent of the parties concerned." To the same effect is **Munn v. Illinois, 94 U.S. 113**. In *Olcott v. Supervisors*, 16 Wall. 678, it was ruled that railroads are public highways, established by authority of the State for the public use; that they are none the less public ...

Discussion:  **Court:** U.S. | **Date:** October 15, 1883 | **Headnotes::** HN7

103. [Ruggles v. Illinois](#), 108 U.S. 526, 2 S. Ct. 832, 27 L. Ed. 812, 1883 U.S. LEXIS 1062 


Y Distinguished by: 108 U.S. 526 p.531; 27 L. Ed. 812 p.815

The company by its original charter was authorized to transport passengers and property and to receive compensation therefor. This, if there had been nothing more, would, under the rule stated in *Munn v. Illinois*, 94 U.S. 113, and the several railroad cases decided at the same time, require the company to carry at reasonable rates, and leave the legislature at liberty to fix the maximum of what would be reasonable. So that, laying aside the limitations of the old charter, the question here is whether the amending section relied on has the effect of taking away from the State this power of legislative regulation.

LB Cited by: 108 U.S. 526 p.535

... companies for fares and freights, unless restrained by some contract in the charter." The right to a reversal of the present judgment rests on the question whether this company has any such restraining contract, and that depends on the effect to be given the amending section 6. The company by its original charter was authorized to transport passengers and property and to receive compensation therefor. This, if there had been nothing more, would, under the rule stated in **Munn v. Illinois, 94 U.S. 113** ...


Discussion:  | **Court:** U.S. | **Date:** May 7, 1883

104. [Antoni v. Greenhow](#), 107 U.S. 769, 17 Otto 769, 2 S. Ct. 91, 27 L. Ed. 468, 1882 U.S. LEXIS 1269, 4 Ky. L. Rptr. 847 

LB Cited by: 107 U.S. 769 p.775; 27 L. Ed. 468 p.471

... We ought never to overrule the decision of the legislative department of the government, unless a palpable error has been committed. If a state of facts could exist that would justify the change in a remedy which has been made, we must presume it did exist, and that the law was passed on that account. **Munn v. Illinois, 94 U.S. 113** . We have nothing to do with the motives of the legislature, if what they do is within the scope of their powers under the Constitution. The right of the coupon-holder ...

Discussion:  | **Court:** U.S. | **Date:** March 5, 1883

105. [Sinking-Fund Cases](#), 99 U.S. 700, 9 Otto 700, 25 L. Ed. 496, 25 L. Ed. 504, 1878 U.S. LEXIS 1595, 14 Ct. Cl. 594 

B Cited in Dissenting Opinion at: 99 U.S. 700 p.747

Court: U.S. | **Date:** May 5, 1879

106. [Central Pacific Railroad Co. v. Gallatin](#), 25 L. Ed. 504 

B Cited in Dissenting Opinion at: 25 L. Ed. 504 p.511

Court: U.S. | **Date:** May 5, 1879

107. [Hall v. De Cuir](#), 95 U.S. 485, 5 Otto 485, 24 L. Ed. 547, 1877 U.S. LEXIS 2197 

LB Cited by: 95 U.S. 485 p.487; 24 L. Ed. 547 p.548

... upon it; for, as has been often said, "legislation may in a great variety of ways affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution." Sherlock v. Alling, 93 U.S. 103 ; State Tax on Railway Gross Receipts, 15 Wall. 284 . Thus, in **Munn v. Illinois, 94 U.S. 113** , it was decided that a State might regulate the charges of public warehouses, and in Chicago, Burlington, & Quincy Railroad Co. v. Iowa , id. 155 ...

Discussion:  | **Court:** U.S. | **Date:** January 14, 1878

108. [Burlington v. Beasley](#), 94 U.S. 310, 4 Otto 310, 24 L. Ed. 161, 1876 U.S. LEXIS 1866 


LB Cited by: 94 U.S. 310 p.314; 24 L. Ed. 161 p.164

Court: U.S. | **Date:** March 26, 1877

109. [Stone v. Wisconsin](#), 94 U.S. 181, 4 Otto 181, 24 L. Ed. 102, 1876 U.S. LEXIS 1847 


B Cited in Dissenting Opinion at: 94 U.S. 181 p.185

Court: U.S. | **Date:** March 1, 1877

110. [Winona & S. P. R. Co. v. Blake](#), 94 U.S. 180, 4 Otto 180, 24 L. Ed. 99, 1876 U.S. LEXIS 1846 

G Followed by: 94 U.S. 180 p.180; 24 L. Ed. 99 p.99


Court: U.S. | **Date:** March 1, 1877

111. [Peik v. Chicago & N. W. R. Co.](#), 94 U.S. 164, 4 Otto 164, 24 L. Ed. 97, 1876 U.S. LEXIS 1844 

G Followed by: 94 U.S. 164 p.176; 24 L. Ed. 97 p.98

LB Cited by: 24 L. Ed. 97 p.99

Court: U.S. | **Date:** March 1, 1877

112. [Chicago, B. & Q. R. Co. v. Iowa](#), 94 U.S. 155, 4 Otto 155, 24 L. Ed. 94, 1876 U.S. LEXIS 1843 

G Followed by: 94 U.S. 155 p.161; 24 L. Ed. 94 p.95

B Cited in Dissenting Opinion at: 24 L. Ed. 94 p.96

Court: U.S. | **Date:** March 1, 1877

1st Circuit - Court of Appeals

113. [Federal Deposit Ins. Corp. v. Ponce](#), 904 F.2d 740, 1990 U.S. App. LEXIS 7799 

G Followed by: 904 F.2d 740 p.746

On appeal, this court's role is limited to a determination of whether the district court properly applied the law. We find it did, and thus we need go no further. Furthermore, by affirming this decision, we do not grant mayors any more power than that which was provided by the electorate, the Municipal Assembly, and the ordinances enacted. It has been held, and we reiterate now under the circumstance of this case and this specific argument, that "for protection against abuses by legislature [or politicians] the people must resort to the polls, not the courts." *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77 (1876). **(HN13)**


Discussion:  | **Court:** 1st Cir. P.R. | **Date:** May 14, 1990 | **Headnotes:** HN13

114. [Tenoco Oil Co. v. Department of Consumer Affairs](#), 876 F.2d 1013, 1989 U.S. App. LEXIS 7798 

LB Cited by: 876 F.2d 1013 p.1022

... 107 S. Ct. 1107 (1987); *Permian Basin Area Rate Cases*, 390 U.S. at 768 ("A legislative power to create price ceilings has, 'in countries where the common law prevails,' been 'customary from time immemorial. . . .") (quoting *Munn v. Illinois*, 94 U.S. 113, 133, 24 L. Ed. 77(1876)); *Nebbia v. New York*, 291 U.S. at 530. Turning to the specifics of the May 20, 1986 order (but putting aside, for the moment, the alleged inadequacy of the 3.6 cents and 8.6 cents margins), we cannot ...


Discussion:  | **Court:** 1st Cir. P.R. | **Date:** June 2, 1989

115. [United States v. Puerto Rico](#), 721 F.2d 832, 1983 U.S. App. LEXIS 16139, 20 Env't Rep. Cas. (BNA) 1189, 14 Envtl. L. Rep. 20003 

LB Cited by: 721 F.2d 832 p.839

... the maintenance of litigation anent state water pollution laws in federal courts would not adversely affect federal compliance with such laws. 9 It is not for us to gauge the wisdom of Congress' judgment on these issues; that is, after all, the prerogative of the electorate. *Munn v. Illinois*, 94 U.S. 113, 134,


24 L. Ed. 77(1876) . See, e.g., *Harris v. McRae* , 448 U.S. 297 , 326 , 65 L. Ed. 2d 784 , 100 S. Ct. 2671 (1980) ; *Maher v. Roe* , 432 U.S. 464 , ...


Discussion:  | **Court:** 1st Cir. P.R. | **Date:** October 11, 1983

116. [Bangor & A. R. Co. v. Bangor Punta Operations, Inc.](#), 482 F.2d 865, 1973 U.S. App. LEXIS 8471, 17 Fed. R. Serv. 2d (Callaghan) 784, Fed. Sec. L. Rep. (CCH) P94093, Fed. Sec. L. Rep. (CCH) P 94093

LB Cited by: 482 F.2d 865 p.869

... required service for the public, that the State would be, if railroads were free, and conducted by State authority. Nor does the ownership of railroads, whether it be in the State or a private corporation, affect the nature of their use, since in either case the function to be exercised and the uses to be subserved are public." *Id.* at 275-76 . It can, of course, be argued that all manner of businesses are affected with a public interest. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** ...


Discussion:  | **Court:** 1st Cir. Maine | **Date:** August 3, 1973

117. [Mora v. Mejias](#), 223 F.2d 814, 1955 U.S. App. LEXIS 4612 

LB Cited by: 223 F.2d 814 p.816


... officio. Price control, like any other form of regulation, is unconstitutional only if arbitrary, discriminatory, or demonstrably irrelevant to the policy the legislature is free to adopt, and hence an unnecessary and unwarranted interference with individual liberty. a state in the exercise of its police power may regulate the prices to be charged by an industry if its legislature determines that the public interest requires such regulation. 3 **Munn v. Illinois, 1876, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** 1st Cir. P.R. | **Date:** June 9, 1955

118. [Roig v. Puerto Rico](#), 147 F.2d 87, 1945 U.S. App. LEXIS 4437 

LB Cited by: 147 F.2d 87 p.90

... and it does not contest the power of the legislature to regulate, under the police power, a private business vested with the public interest. *Olsen v. Nebraska*, 313 U.S. 236 , 62 S.Ct. 862 , 86 L.Ed. 1305 , 133 A.L.R. 1500 ; *Nebbia v. New York*, 291 U.S. 502 , 54 S.Ct. 505 , 78 L.Ed. 940 , 89 A.L.R. 1469 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . The Supreme Court of Puerto Rico found that the Central El Ejemplo was a business substantially affected with the public interest and ...

Discussion:  | **Court:** 1st Cir. P.R. | **Date:** January 29, 1945

1st Circuit - U.S. District Courts

119. [Johnson v. Celester](#), 105 F. Supp. 3d 145, 2015 U.S. Dist. LEXIS 67362 

LB Cited by: 105 F. Supp. 3d 145 p.151

... Dictionary's definition of the word "liberty" and two centenarian Supreme Court decisions neither of which stands for any related proposition, and the continued validity of which is highly suspect. See *Booth v. People of State of Illinois* , 184 U.S. 425 , 428 , 22 S. Ct. 425 , 46 L. Ed. 623 (1902) (upholding regulation barring commodities option contracts as not violative of Fourteenth Amendment "liberty"); **Munn v. People of State of Illinois, 94 U.S. 113, 142, 24 L. Ed. 77(1876)** ...

Discussion:  | **Court:** D. Mass. | **Date:** May 22, 2015

120. [Int'l Parking Mgmt. v. Garcia Padilla](#), 634 F. Supp. 2d 174, 2007 U.S. Dist. LEXIS 69044 

LB Cited by: 634 F. Supp. 2d 174 p.184

... In re Permian Basin Area Rate Cases, 390 U.S. at 769 ; See also Bowles v. Willingham, 321 U.S. 503 , 518 , 64 L. Ed. 2d 641 , 88 L. Ed. 2d 892 (1944) (citing **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** for support). No constitutional objection gains force merely because "high cost operators may be more seriously affected...than others." Bowles v. Willingham, 321 U.S. 503 , 518 , 64 S. Ct. 641 , 88 L. Ed. 2d 892 (1944) . Although the circumstances ...

Discussion:  **Court:** Dist. P.R. | **Date:** September 11, 2007

121. [Texaco Puerto Rico, Inc. v. Ocasio Rodriguez](#), 749 F. Supp. 348, 1990 U.S. Dist. LEXIS 13654 

LB Cited by: 749 F. Supp. 348 p.356

... Re Permian Basin Area Rate Cases , 390 U.S. 747 , 768 , 20 L. Ed. 2d 312 , 88 S. Ct. 1344 (1968) ("A legislative power to create price ceilings has, in countries where the common law prevails, been customary from time immemorial . . .") (quoting **Munn v. Illinois, 94 U.S. 113, 133, 24 L. Ed. 77(1876)**) . Likewise, the court found that "rational people could have thought (whether or not wisely is beyond our purview) that wholesaler price controls were a desirable way to protect ultimate ...

Discussion:  **Court:** Dist. P.R. | **Date:** October 3, 1990

122. [United States v. Seven Oaks Dairy Co.](#), 10 F. Supp. 995, 1935 U.S. Dist. LEXIS 1841 

LB Cited by: 10 F. Supp. 995 p.1001

... If the power to fix prices, in the circumstances here disclosed, cannot be brought within the constitutional grant under the Commerce Clause , it is to be presumed that Congress never intended to grant such power to the Secretary. This is only recognizing the presumption that a statute of the legislative branch is a constitutional enactment. **Munnv. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Erie Railroad Co. v. Williams, 233 U.S. 685 , 34 S. Ct. 761 , 58 L. Ed. 1155 , 51 L.R.A. (N.S.) ...

Discussion:  **Court:** D. Mass. | **Date:** May 17, 1935

2nd Circuit - Court of Appeals

123. [Expressions Hair Design v. Schneiderman](#), 808 F.3d 118, 2015 U.S. App. LEXIS 21521 

LB Cited by: 808 F.3d 118 p.130

... This principle is illustrated most vividly by the fact that price-control laws, which necessarily prevent sellers from communicating certain (illegal) prices, have never been thought to implicate the First Amendment . See, e.g., **Munn v. Illinois, 94 U.S. (4 Otto) 113, 125, 24 L. Ed. 77(1876)** ("[It] has been customary . . . in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix ...

Court: 2d Cir. | **Date:** September 29, 2015


124. [Expressions Hair Design v. Schneiderman](#), 803 F.3d 94, 2015 U.S. App. LEXIS 17156 

LB Cited by: 803 F.3d 94 p.106

... This principle is illustrated most vividly by the fact that price-control laws, which necessarily prevent sellers from communicating certain (illegal) prices, have never been thought to implicate the First Amendment . See, e.g., **Munn v. Illinois, 94 U.S. (4 Otto) 113, 125, 24 L. Ed. 77(1876)** ("[It] has

Shepard's®: Munn v. Illinois, 94 U.S. 113

been customary . . . in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a ...

Discussion:  **Court:** 2d Cir. | **Date:** September 29, 2015

125. [FTC v. Verity Int'l, Ltd.](#), 443 F.3d 48, 2006 U.S. App. LEXIS 8184, 38 Comm. Reg. (P & F) 83, 2006-1 Trade Cas. (CCH) P75182 ▲

LB Cited by: 443 F.3d 48 p.58

... by reference to their ordinary meaning to the 1933 Congress that used them). The concept of a common carrier dates from the English common law and can be traced back to at least 1670 and the writings of Lord Chief Justice Hale. See **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1876)** (referencing Lord Hale's treatise). Early common-carrier law applied to "almost all workers and tradesmen," requiring them to "serve the public generally and to do so on just and reasonable terms," ...

Discussion:  **Court:** 2d Cir. N.Y. | **Date:** March 27, 2006

126. [Gronne v. Abrams](#), 793 F.2d 74, 1986 U.S. App. LEXIS 26219 ✚

LB Cited by: 793 F.2d 74 p.78

... , 50 S. Ct. 57 (1929) ; Meeker v. Lehigh Valley Railroad Co. , 236 U.S. 412 , 430 , 59 L. Ed. 644 , 35 S. Ct. 328 (1915) ; **Munn v. Illinois, 94 U.S. (4 Otto) 113, 134, 24 L. Ed. 77(1876)** . As the Supreme Court stated in Munn : A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. Rights of property which have been created by the common law cannot be taken away without ...

Discussion:  **Court:** 2d Cir. N.Y. | **Date:** June 16, 1986 | **Headnotes:** HN12

127. [Metropolitan Transp. Authority v. Interstate Commerce Com.](#), 792 F.2d 287, 1986 U.S. App. LEXIS 25508 Ⓐ

LB Cited by: 792 F.2d 287 p.296


... railroad property at a nominal rate and that, as a result of that lease, receives substantial aid from the federal government claiming that a federal agency is taking its leased property improperly because the compensation the authority receives is limited to avoidable costs.) Petitioners' argument fails for two reasons. In the first place, we agree with Amtrak that proceeding by way of section 402(a) is not a taking. Since Munn v. Illinois , 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1876)** ...


Discussion:  **Court:** 2d Cir. | **Date:** June 4, 1986

128. [United States v. Consolidated Edison Co.](#), 580 F.2d 1122, 1978 U.S. App. LEXIS 10488, 4 Fed. R. Evid. Serv. (CBC) 316 ▲

LB Cited by: 580 F.2d 1122 p.1128


... has a general responsibility to provide electricity, one founded in its monopoly and the public service nature of its business. See Wolff Packing Co. v. Industrial Court , 262 U.S. 522 , 535-36 , 67 L. Ed. 1103 , 43 S. Ct. 630 (1923) ; **Munn v. Illinois, 94 U.S. 113, 124-30, 24 L. Ed. 77(1876)** . Remedies, Restitution Utility Companies, Buying & Selling of Power Utility Companies, Liability HN6 Under the statutory law of New York a public utility has a duty to "furnish and provide ...


Discussion:  **Court:** 2d Cir. N.Y. | **Date:** June 26, 1978

129. [In re Adelphi Hospital Corp.](#), 579 F.2d 726, 1978 U.S. App. LEXIS 10490, 4 Bankr. Ct. Dec. (LRP) 554, Bankr. L. Rep. (CCH) P66882, 17 Collier Bankr. Cas. (MB) 699 

LB Cited by: 579 F.2d 726 p.727

... (McKinney 1977). To be valid, provision for compensation to the storing hospital might be necessary. Perhaps the records could be housed with the State Bureau of Records Management, in the Office of General Services. See 9 N.Y. C.R.R. Part 295. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)**. It further argues, relying on *Otte v. United States*, 419 U.S. 43, 57, 42 L. Ed. 2d 212, 95 S. Ct. 247 (1974), that expenditures necessarily incurred are expenses of administration, ...


Discussion:  **Court:** 2d Cir. N.Y. | **Date:** June 26, 1978

130. [Commissioner v. Shamberg's Estate](#), 144 F.2d 998, 1944 U.S. App. LEXIS 4282, 32 A.F.T.R. (P-H) 1295, 44-2 U.S. Tax Cas. (CCH) P9446, 1944-2 U.S. Tax Cas. (CCH) P 9446 

B Cited in Dissenting Opinion at: 144 F.2d 998 p.1008


... would surely not be a "political subdivision," despite the fact that it would, as a so-called "public service corporation," vicariously be performing for the states "traditional state functions," by supplying bridge and tunnel services to the public. 7 Such companies have been called "public service" corporations because they render services which could be directly rendered by the state as part of its "governmental" functions. Thus, in **Munn v. Illinois, 94 U.S. 113, 122, 130, 24 L. Ed. 77** ...


Discussion:  **Court:** 2d Cir. | **Date:** August 24, 1944 | **Headnotes::** HN7

131. [M. Witmark & Sons v. Fred Fisher Music Co.](#), 125 F.2d 949, 1942 U.S. App. LEXIS 4507, 52 U.S.P.Q. (BNA) 385 

B Cited in Dissenting Opinion at: 125 F.2d 949 p.965

... Even, however, in the court-houses, there were those who, not long after the Civil War, asserted their independence of the style in words and ideas, generally prevailing in the court-rooms. Chief Justice Waite was one of them. See **Munn v. Illinois, 1877, 94 U.S. 113, 24 L. Ed. 77**. *Holden v. Hardy*, 1898, 169 U.S. 366, 18 S.Ct. 383, 42 L. Ed. 780 and *Knoxville Iron Co. v. Harbison*, 1901, 183 U.S. 13, 22 S.Ct. 1, 46 L. Ed. 55, are also impressive as signs that the judicial thought-ways ...

Discussion:  **Court:** 2d Cir. N.Y. | **Date:** February 11, 1942

132. [C. A. Weed & Co. v. Lockwood](#), 266 F. 785, 1920 U.S. App. LEXIS 1757 

LB Cited by: 266 F. 785 p.788

... Wearing apparel, declared to be one of the necessities, is well within this sphere of legislation. To so legislate does not interfere with the police powers of the state. Food and wearing apparel control, during a war emergency, are properly the subject for war legislation, and by limiting charges for such necessities Congress does not take property without due process of law. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 79**. The court, speaking through Chief Justice Waite, there said: "In ...

Court: 2d Cir. N.Y. | **Date:** May 26, 1920

133. [Dueber Watch-Case Mf'g. Co. v. E. Howard Watch & Clock Co.](#), 66 F. 637, 1895 U.S. App. LEXIS 2674 

LB Cited by: 66 F. 637 p.645

... pleases, and may equally refuse to buy from or to sell to any one with whom he thinks it will promote his business interests to refuse to trade. That is entirely a matter of his private concern, with which governmental paternalism has not as yet sought to interfere, except when the property he owns is "devoted to a use in which the public has an interest"; and such public interest in the use has as yet been found to exist only in staple commodities of prime necessity. **Munn v. Illinois, 94 U.S. 113 ...**

Discussion:  **Court:** 2d Cir. N.Y. | **Date:** March 5, 1895

2nd Circuit - U.S. District Courts

134. [United States v. Campbell](#), 111 F. Supp. 3d 340, 2015 U.S. Dist. LEXIS 80647 

G Followed by: 111 F. Supp. 3d 340 p.344


The Supreme Court of the United States has directed that courts should not "impute to Congress an intent to pass legislation that is inconsistent with the Constitution as construed by this Court." *United States v. X-Citement Video, Inc.*, 513 U.S. 64, 73, 115 S. Ct. 464, 130 L. Ed. 2d 372 (1994). Courts must not declare an act to be unconstitutional "unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained." *Munn v. Ill.*, 94 U.S. 113, 123, 24 L. Ed. 77 (1876). Indeed, "[a] facial challenge to a legislative act is . . . the most difficult challenge to mount successfully, since the challenger must establish that no set of circumstances exists under which the Act would be valid." *City of N.Y. v. United States*, 179 F.3d 29, 33 (2d Cir. 1999) (internal quotation and citation omitted).

Discussion:  **Court:** Western Dist. N.Y. | **Date:** June 22, 2015

135. [Hickey v. City of New York \(In re World Trade Ctr. Disaster Site Litig.\)](#), 270 F. Supp. 2d 357, 2003 U.S. Dist. LEXIS 10397 

LB Cited by: 270 F. Supp. 2d 357 p.376

... *Duke Power Co. v. Carolina Env'tl. Study Group, Inc.*, 438 U.S. 59, 88, 57 L. Ed. 2d 595, 98 S. Ct. 2620 (1978). "Our cases have clearly established that '[a] person has no property, no vested interest, in any rule of the common law.'" *Id.* at 88 n.32 (quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)**). See also *In re TMI*, 89 F.3d 1106, 1113 (3d Cir. 1996); *O'Conner v. Commonwealth Edison Co.*, 13 F.3d 1090, 1102 (7th Cir. 1994); *Ducharme v. Merrill* ...

Discussion:  **Court:** Southern Dist. N.Y. | **Date:** June 20, 2003 | **Headnotes:** HN12

136. [Morris v. City of Buffalo](#), 1998 U.S. Dist. LEXIS 7597 

LB Cited by:

... to the extent that it provides that "no Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another ***." *Morris* will not be permitted to assert a claim under this provision because Article I, section 9 of the Constitution "operates only as a limitation of the powers of Congress, and in no respect affects the States in the regulation of their domestic affairs." **Munn v. Illinois, 94 U.S. 113, 135, 24 L. Ed. 77(1876)**. *Morris* also ...


Discussion:  **Court:** Western Dist. N.Y. | **Date:** April 30, 1998

137. [Hanlin Group, Inc. v. Power Authority of New York](#), 703 F. Supp. 305, 1989 U.S. Dist. LEXIS 399 

LB Cited by: 703 F. Supp. 305 p.309

... states have a "traditional responsibility in the field of regulating electrical utilities for determining questions of need, reliability, cost, and other related state concerns"); *Arkansas Elec. Coop. Corp. v.*


Arkansas Pub. Serv. Comm'n , 461 U.S. 375 , 377 , 76 L. Ed. 2d 1 , 103 S. Ct. 1905 (1983) (citing **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**) . Even when no state law claim is presented, federal courts must abstain from adjudicating matters of "overriding state interest." ...


Discussion:  | **Court:** Southern Dist. N.Y. | **Date:** January 13, 1989

138. [Long Island Lighting Co. v. Cuomo](#), 666 F. Supp. 370, 1987 U.S. Dist. LEXIS 7042 

LB Cited by: 666 F. Supp. 370 p.396, p.406

... property is devoted to public uses has long been considered near the core of a state's police power. There is a long-standing policy allowing states great latitude in devising the method in which they will determine an electric utility's just and reasonable rates. The regulation of rates charged by private utilities whose property is devoted to public uses has long been considered near the core of a state's police power. See **Munn v. Illinois, 94 U.S. (4 Otto) 113, 133-34, 24 L. Ed. 77(1877)** ...

Discussion:  | **Court:** Northern Dist. N.Y. | **Date:** August 4, 1987 | **Headnotes:** HN6

139. [In re New York N. H. & H. R. Co.](#), 330 F. Supp. 131, 1971 U.S. Dist. LEXIS 12893, Bankr. L. Rep. (CCH) P64356 

B Explained by: 330 F. Supp. 131 p.147

The Commission went on to mention that the Eastern Texas case cited Brooks-Scanlon Co. v. Railroad Commission of Louisiana, 251 U.S. 396, 40 S.Ct. 183, 64 L.Ed. 323 (1920), which had held that a railroad may abandon even a branch line that loses money and cited in support of this, Munn v. Illinois, 94 U.S. 113, 126, 24 L.Ed. 77 (1876). It then stated that the Munn and Scanlon cases had been overruled sub silentio by Colorado v. United States, 271 U.S. 153, 166, 168, 46 S.Ct. 452, 70 L.Ed. 878 (1926), which preserved "the Commission's role in weighing the advantages and disadvantages of abandonment of branch lines." Through further discussion in the report and in its briefs and oral arguments the Commission seemed to have adopted a general doctrine that it had the power to compel the continued deficit operation, regardless of devastating losses, provided, it could find it was in the public interest to do so. Pursuant to this theory it decided that, despite the New Haven estate's losses of 60 to 70 million by December 31, 1968, it could withhold the right to abandon for another year and thereby saddle the New Haven with at least another \$ 15 million in losses. The Supreme Court rejected the Commission's claims. 399 U.S. 457-467, 90 S.Ct. 2054.


Discussion:  | **Court:** Dist. Conn. | **Date:** June 11, 1971

140. [In re New York, N. H. & H. R. Co.](#), 304 F. Supp. 793, 1969 U.S. Dist. LEXIS 10977 

LB Cited by: 304 F. Supp. 793 p.802

... Fourteenth Amendment . Justice Holmes' opinion said, inter alia , "A carrier cannot be compelled to carry on even a branch of business at a loss, much less the whole business of carriage * * *." 251 U.S. at 396, 40 S. Ct. at 183 . He cited **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** , apparently merely for its dictum that one who devotes his property to public use and thereby subjects it to regulation "may withdraw his grant by discontinuing the use." 94 U.S. at 126 . The holding ...

Discussion:  | **Court:** Dist. Conn. | **Date:** May 28, 1969

141. [Grace Line, Inc. v. Panama Canal Co.](#), 143 F. Supp. 539, 1956 U.S. Dist. LEXIS 4189 

LB Cited by: 143 F. Supp. 539 p.549

... No one questions that in the absence of a statute a shipper has a common law right to the service of a

common carrier without unreasonable exactions. Cf. *Texas & Pac. Ry. Co. v. Abilene Cotton Oil Co.*, 204 U.S. 426 , 436 , 27 S.Ct. 350 , 51 L.Ed. 553 ; *Lewis-Simas-Jones Co. v. Southern Pac. Co.*, 283 U.S. 654 , 51 S.Ct. 592 , 75 L.Ed. 1333 ; **Munn v. Illinois,94 U.S. 113, 122, 24 L.ed. 77** . Nor is there any doubt that the defendant as a government corporation is liable for the ...

Discussion:  | **Court:** Dist. N.Y. | **Date:** June 28, 1956

142. [United States v. Associated Press](#), 52 F. Supp. 362, 1943 U.S. Dist. LEXIS 2156 

LB Cited by: 52 F. Supp. 362 p.373

... activities are to be deemed so "clothed", whenever the courts find them to be, shall deny power to the courts to effect the legislative will. Indeed, the whole matter is a red herring which should no longer be allowed to break the scent. Since *Nebbia v. People of State of New York*, 291 U.S. 502 , 54 S.Ct. 505 , 78 L.Ed. 940 , 89 A.L.R. 1469 , there cannot be any excuse for misunderstanding the matter -- there has really been none since **Munn v. State of Illinois,94 U.S. 113, 24 L.Ed. 77** ...

Discussion:  | **Court:** Dist. N.Y. | **Date:** October 6, 1943

143. [Spielman Motor Sales Co. v. Dodge](#), 8 F. Supp. 437, 1934 U.S. Dist. LEXIS 1411 

LB Cited by: 8 F. Supp. 437 p.440

... Fixation of prices for trade-ins is based upon the fact, sufficient to satisfy the Legislature, that the retail automobile industry has been adversely affected by economic conditions sufficiently to create an emergency. In *Nebbia v. People*, supra , the court said on page 535 of 291 U.S., 54 S. Ct. 505, 515 , after referring to **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , that "many other decisions show that the private character of a business does not necessarily remove it from the realm ...

Discussion:  | **Court:** Dist. N.Y. | **Date:** October 5, 1934

144. [Brooklyn Borough Gas Co. v. Prendergast](#), 16 F.2d 615, 1926 U.S. Dist. LEXIS 1618 

LB Cited by: 16 F.2d 615 p.617

Court: Dist. N.Y. | **Date:** December 13, 1926

145. [New York & Richmond Gas Co. v. Prendergast](#), 10 F.2d 167, 1925 U.S. Dist. LEXIS 1411 

LB Cited by: 10 F.2d 167 p.186











Court: Dist. N.Y. | **Date:** December 18, 1925

146. [Brooklyn Union Gas Co. v. Prendergast](#), 7 F.2d 628, 1925 U.S. Dist. LEXIS 1260 

LB Cited by: 7 F.2d 628 p.634, p.660

... control a subsequent one in its exercise. Contracts must be understood as made in reference to the possible exercise of the rightful authority of the government, and no obligation of the contract can extend to defeat the legitimate government authority. the power of the Legislature to authorize the making of a contract as to rates is limited. The regulation of rates to be charged by a public utility is an exercise of the police powers of the state (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Dist. N.Y. | **Date:** June 24, 1925

147. [Marcus Brown Holding Co. v. Feldman](#), 269 F. 306, 1920 U.S. Dist. LEXIS 823 
- LB Cited by:** 269 F. 306 p.316
 ... At common law the property of these men was held to be devoted to a public use, and their occupations were public business. State v. Edwards, 86 Me. 102 , 29 Atl. 947 , 25 L.R.A. 504 , 41 Am. St. Rep. 528 . From this ancient doctrine grew the famous series of "elevator cases." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Budd v. New York, 143 U.S. 517 , 12 Sup. Ct. 468, 36 L. Ed. 247 ; Brass v. North Dakota, 153 U.S. 391 , 14 Sup. Ct. 857, 38 L. Ed. 757 . In and by these ...
Discussion:  | **Court:** Dist. N.Y. | **Date:** December 15, 1920
-
148. [C. A. Weed & Co. v. Lockwood](#), 264 F. 453, 1920 U.S. Dist. LEXIS 1201 
- LB Cited by:** 264 F. 453 p.455
 ... 540, 41 L. Ed. 1007 , for example wherein language is used apparently upholding this view. But, conceding that Congress is "subject to applicable constitutional limitations," it has nevertheless been decided by the Supreme Court, in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , that a state has power to regulate the conduct of its citizens toward each other, and, whenever necessary for the public welfare, it may determine how property in which the public has an interest may be used. It ...
Discussion:  | **Court:** Dist. N.Y. | **Date:** May 1, 1920
-
149. [Westinghouse Electric & Mfg. Co. v. Binghamton R. Co.](#), 255 F. 378, 1919 U.S. Dist. LEXIS 960 
- LB Cited by:** 255 F. 378 p.408
 ... Governments, Police Powers HN25 The public has an interest which justifies rate regulation by a state in the exercise of its police power. the public has an interest which justifies rate regulation by a state in the exercise of its police power. **Munn v. Illinois, 94 U.S. 113 [24 L. Ed. 77]** ; Budd v. New York, 143 U.S. 517 [12 Sup. Ct. 468, 36 L. Ed. 247] ; German Alliance Ins. Co. v. Lewis, Superintendent of Insurance of the State of Kansas, 233 U.S. 389 , 407 [34 Sup. Ct. 612, ...
Discussion:  | **Court:** Dist. N.Y. | **Date:** January 22, 1919
-
150. [In re Watson](#), 15 F. 511, 1882 U.S. Dist. LEXIS 3 
- LB Cited by:** 15 F. 511 p.520
Discussion:  | **Court:** Dist. Vt. | **Date:** December 1, 1882
-
- 3rd Circuit - Court of Appeals**
151. [In re Asbestos Litigation](#), 829 F.2d 1233, 1987 U.S. App. LEXIS 12646, CCH Prod. Liab. Rep. P11554 
- LB Cited by:** 829 F.2d 1233 p.1239
 ... law would govern. That case approved a statutory ceiling on recoverable damages because the statute provided a "reasonably just" substitute for state law remedies. 438 U.S. at 93-94 . In response to objections raised by potential plaintiff-victims, the Court cited **Munn v. Illinois, 94 U.S. (4 Otto) 113, 134, 24 L. Ed. 77(1876)** , for the principle that "[a] person has no property, no vested interest, in any rule of the common law." The Munn Court had no doubt that " Federal & State ...
Discussion:  | **Court:** 3d Cir. N.J. | **Date:** September 22, 1987 | **Headnotes:** HN12

152. [Daughters of Miriam Center for the Aged v. Mathews](#), 590 F.2d 1250, 1978 U.S. App. LEXIS 6672 ▲

LB Cited by: 590 F.2d 1250 p.1257

... and that " "(f)or protection against abuses by legislatures the people must resort to the polls, not to the courts.' " 15 Williamson v. Lee Optical of Oklahoma, Inc., 348 U.S. 483 , 488 , 75 S. Ct. 461 , 464 , 99 L. Ed. 563 (1955) , Quoting **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77(1876)** . The constitutional legitimacy that inheres in Congress by virtue of its accountability to the electorate is absent, however, from the administrative process, and consequently, serious ...

Discussion: ■■■■■ | **Court:** 3d Cir. N.J. | **Date:** December 29, 1978 | **Headnotes::** HN13

153. [Mobilfone of Northeastern Pa. v. Commonwealth Tel. Co.](#), 571 F.2d 141, 1978 U.S. App. LEXIS 12702, 1978-1 Trade Cas. (CCH) P61873 ▲

LB Cited by: 571 F.2d 141 p.146

... from the nature of the powers and duties given to a particular government entity", here the Public Utility Commission. IV . The power of the state to regulate competition among public utilities has been recognized by the Supreme Court since 1876. See **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77(1876)** . We believe that recognition of this power is a legitimate factor for determining immunity from federal antitrust laws, and that most antitrust challenges in the public utility context ...

Discussion: ■■■■■ | **Court:** 3d Cir. Pa. | **Date:** February 8, 1978

154. [Delaware, L. & W. R. Co. v. Morristown](#), 14 F.2d 257, 1926 U.S. App. LEXIS 2029 ●

LB Cited by: 14 F.2d 257 p.259

... disturbed, and the owner suffers injury, this does not deprive him of his property without due process of law, nor take it without just compensation, nor deny him the equal protection of law. It is either damnum absque injuria, or, in the theory of the law, he is compensated for it by sharing the general benefit which the regulations confer. 1 Dillon's Municipal Corporations (5th Ed.) § 301; Welsh v. Morristown, 121 A. 697 , 98 N.J. Law, 630 ; **Munn v. Illinois,94 U.S. 113, 24 S. Ct. 77 ...**

Court: 3d Cir. N.J. | **Date:** March 26, 1926 | **Headnotes::** HN6

3rd Circuit - U.S. District Courts

155. [Kaehly v. City of Pittsburgh](#), 988 F. Supp. 888, 1997 U.S. Dist. LEXIS 22953, 1998-2 Trade Cas. (CCH) P72244 ◆

LB Cited by:

... . "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Williamson v. Lee Optical Co. of Oklahoma, Inc. , 348 U.S. 483 , 487-88 , 99 L. Ed. 563 , 75 S. Ct. 461 (1954) (quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**) . 4 The constitutional challenges raised by plaintiffs are not unique and, in fact, have previously been addressed by a number of federal courts. In City of New Orleans , 427 U.S. 297 , 49 L. Ed. 2d ...

Discussion: ■■■■■ | **Court:** Western Dist. Pa. | **Date:** December 17, 1997 | **Headnotes::** HN13

156. [Kaehly v. City of Pittsburgh](#), 988 F. Supp. 888, 1997 U.S. Dist. LEXIS 7203, 1997-1 Trade Cas. (CCH) P71777, 1997 WL 306883 ●

LB Cited by: 988 F. Supp. 888 p.892

Court: Western Dist. Pa. | **Date:** March 3, 1997

157. [Homebuilders Ass'n of Bucks/Montgomery Counties, Inc. v. Trappe](#), 1991 U.S. Dist. LEXIS 6019 

LB Cited by:

... , 84 , 100 S. Ct. 2035 , 2042 , 64 L. Ed. 2d 741 (1980) ; see id. at 92-94, 100 S. Ct. at. 2046-47 (Marshall, J., concurring); **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** ; Matter of Roberts, 682 F.2d 105 , 107 (3d Cir. 1982) ; cf. Ruckelshaus v. Monsanto Co., 467 U.S. 986 , 1012 , 104 S. Ct. 2862 , 2877-78 , ...


Discussion:  | **Court:** Eastern Dist. Pa. | **Date:** May 3, 1991

158. [Kentucky West Virginia Gas Co. v. Pennsylvania Public Utility Com.](#), 650 F. Supp. 659, 1986 U.S. Dist. LEXIS 16077 

LB Cited by: 650 F. Supp. 659 p.663

... Maintaining the proper balance between federal and state authority in the regulation of electric and other energy utilities has long been a serious challenge to both judicial and congressional wisdom. On the one hand, the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the States. See **Munn v. Illinois, 94 US 113, 24 L Ed 77(1877)** . On the other hand, the production and transmission of energy is an activity particularly ...


Discussion:  | **Court:** Middle Dist. Pa. | **Date:** December 23, 1986

159. [Horsemen's Benevolent & Protective Asso. v. Pennsylvania Horse Racing Com.](#), 530 F. Supp. 1098, 1982 U.S. Dist. LEXIS 9286, 1982-1 Trade Cas. (CCH) P64604 

LB Cited by: 530 F. Supp. 1098 p.1101


... **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77(1877)** , when the Court upheld an Illinois statute setting maximum warehouse charges for the storage of grain: (It) has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. Id. at 125, **24 L.**

Discussion:  | **Court:** Eastern Dist. Pa. | **Date:** January 8, 1982

160. [Adamik v. Pullman Standard](#), 439 F. Supp. 784, 1977 U.S. Dist. LEXIS 13098 

LB Cited by: 439 F. Supp. 784 p.787

... "Any conclusion that an individual has a vested right in the continued existence of an immutable body of negligence law would necessitate the invalidation of the No Fault Act as a violation of Article I, Section 11, and the due process clause of the Fourteenth Amendment to the Federal Constitution . "However, the practical result of such a conclusion would be the stagnation of the law in the face of changing societal conditions. In 1876, in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , the ...


Discussion:  | **Court:** Western Dist. Pa. | **Date:** November 4, 1977 | **Headnotes::** HN12

161. [Chlystek v. Kane](#), 412 F. Supp. 20, 1976 U.S. Dist. LEXIS 15329 

LB Cited by: 412 F. Supp. 20 p.23

... power of railroads and their influence upon public officials. To subvert systems of public utility regulation designed to protect the public from extortionate and discriminatory rates, the railroad magnates turned to a friendly federal judge who granted an injunction against enforcement of the regulatory laws, as being "confiscatory" and resulting in deprivation of property without due process of law. 8 For a description of the situation see **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** ...


Discussion:  | **Court:** Western Dist. Pa. | **Date:** April 30, 1976

162. [Delaware River Port Authority v. Tiemann](#), 403 F. Supp. 1117, 1975 U.S. Dist. LEXIS 15323, 6 Env'tl. L. Rep. 20402 

LB Cited by: 403 F. Supp. 1117 p.1124

... Premian Basin, supra, were fashioned to set reasonable and just rates which private, profit-oriented utilities might charge. 13. Of course, 'when private property is devoted to a public use, it (becomes) subject to public regulation.' **Munn v. Illinois, 94 U.S. 113, 130, 24 L. Ed. 77(1877)**. Such utilities are, as noted, entitled to rates which allow them to attract capital and compensate investors. But the Delaware River Port Authority is not such a utility. Rather, it is a public ...


Discussion:  | **Court:** Dist. N.J. | **Date:** November 12, 1975

163. [In re Penn Cent. Transp. Co.](#), 382 F. Supp. 856, 1974 U.S. Dist. LEXIS 7786 

LB Cited by: 382 F. Supp. 856 p.867

... The legitimacy of 'common carrier responsibility' is, of course, not in question, but the duration of that responsibility is. Stated briefly, the issue is whether the government may treat a common carrier whose government-sponsored monopoly is no longer profitable, as if it remained profitable. In the so-called Granger case, **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)**, the Supreme Court articulated the 'public interest' theory upon which economic regulation was based for almost 60 years: ...

Discussion:  | **Court:** Eastern Dist. Pa. | **Date:** July 2, 1974

164. [In re Richards](#), 43 F. Supp. 733, 1942 U.S. Dist. LEXIS 3074, 51 Am. B.R. (n.s.) 684, Bankr. L. Rep. (CCH) P53700 

LB Cited by: 43 F. Supp. 733 p.734

... .However, no case has been cited or found in which the doctrine has been applied to a company merely because it was affected with a public interest. The claimant has offered no other reason for the application of the "Six Months Rule" to the debtor other than it is affected with a public interest within the rule of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. This reason is of little effect when it is noted that the Supreme Court expressed doubt that the rule could be extended to a water ...

Discussion:  | **Court:** Dist. Pa. | **Date:** March 18, 1942

165. [Kent Stores of New Jersey v. Wilentz](#), 14 F. Supp. 1, 1936 U.S. Dist. LEXIS 1252 

LB Cited by: 14 F. Supp. 1 p.8

... The regulation of certain enterprises affected with a public interest is permissible. the regulation of certain enterprises "affected with a public (the spelling is Sir Matthew's, not ours) interest." Ingenious counsel included the phrase in their brief in the first challenge to state regulation of business. **Munn v.**

Shepard's®: Munn v. Illinois, 94 U.S. 113

Illinois, 94 U.S. 113, 24 L.Ed. 77 . The history of the matter has been brilliantly exposed by Messrs. Hamilton and McAllister in 39 Yale Law Journal 1089 and 43 H.L.Rev. ...

Discussion:  | **Court:** Dist. N.J. | **Date:** March 11, 1936

166. [United States v. Mayor & Council of Hoboken](#), 29 F.2d 932, 1928 U.S. Dist. LEXIS 1661 

LB Cited by: 29 F.2d 932 p.937

Court: Dist. N.J. | **Date:** August 10, 1928

167. [United States v. Chemical Foundation, Inc.](#), 294 F. 300, 1924 U.S. Dist. LEXIS 1853 

LB Cited by: 294 F. 300 p.326

... Property becomes clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. Property becomes "clothed with a public interest when used in a manner to make it of public consequence and affect the community at large." **Munn v. Illinois, 94 U.S. 113, 126 (24 L. Ed. 77)** . In Clark v. Nash, 198 U.S. 361, 25 Sup. Ct. 676, 49 L. Ed. 1085, 4 Ann. Cas. 1171, a use of property was declared to be public which, independent of the conditions ...


Discussion:  | **Court:** Dist. Del. | **Date:** January 3, 1924

168. [American Brake Shoe & Foundry Co. v. Pittsburgh R. Co.](#), 270 F. 812, 1918 U.S. Dist. LEXIS 656 

LB Cited by: 270 F. 812 p.814

... equally balanced, that is to say, when the desire of all parties may be realized in accordance with the foregoing suggestion, it is plain that all the obligations of a public service corporation are, and must naturally be, met by those of the public who are served by it. The foregoing principles are really fundamental, and are growing more and more generally accepted as such, as appears by various recent decisions of the courts. An interesting case is **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Dist. Pa. | **Date:** May 1, 1918

169. [In re Wyoming Valley Co-op. Asso.](#), 198 F. 436, 1912 U.S. Dist. LEXIS 1322, 28 Am. B.R. 462 

LB Cited by: 198 F. 436 p.439

... of persons supposed to be incapable of contracting, as in the case of infants and insane persons, and to contracts contrary to good morals or public policy, as in the case of gaming contracts and contracts in general restraint of trade; it may interfere to regulate the contract of persons pursuing a public business, or who have voluntarily devoted their property to a public use, so that it has become affected with public interest." **Munn v. People, 94 U.S. 113, 24 L. Ed. 77** ; Commonwealth v. ...

Discussion:  | **Court:** Dist. Pa. | **Date:** August 21, 1912

170. [Wilmington City R. Co. v. Taylor](#), 198 F. 159, 1912 U.S. Dist. LEXIS 1288 


LB Cited by: 198 F. 159 p.186

... to all would be legal, and therefore a partial reduction must be also legal. Prima facie, the maximum rates as fixed by the legislature are reasonable. This, of course, applies to rates actually fixed by that body. * * * True it is that the railroad company exercises a public franchise and that its occupation is of a

public nature, and the public therefore has a certain interest in and rights connected with the property, as was held in **Munn v. Illinois, 94 U.S. 113, 125 [24 L. Ed. 77]** ...

Discussion:  **Court:** Dist. Del. | **Date:** March 5, 1912


4th Circuit - Court of Appeals

171. [Johnson v. Quattlebaum](#), 664 Fed. Appx. 290, 2016 U.S. App. LEXIS 19701, 2016 WL 6471732 

LB Cited by: 664 Fed. Appx. 290 p.292


... appellate court's construction of the statute. In evaluating a facial challenge to a state law, a federal court must, of course, consider any limiting construction that a state court or enforcement agency has proffered. In considering a constitutional challenge, we bear in mind that "[e]very statute is presumed to be constitutional." *United States v. Bollinger*, 798 F.3d 201, 207 (4th Cir. 2015) (alteration in original) (quoting **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77(1876)**) ...


Discussion:  **Court:** 4th Cir. S.C. | **Date:** November 2, 2016

172. [United States v. Bollinger](#), 798 F.3d 201, 2015 U.S. App. LEXIS 14542 

LB Cited by: 798 F.3d 201 p.207


... Appellate court review of a constitutional question recognizes that every statute is presumed to be constitutional. As such, appellate courts will invalidate a congressional enactment only upon a plain showing that Congress has exceeded its constitutional bounds. Our review of a constitutional question recognizes, however, that "[e]very statute is presumed to be constitutional." **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77(1876)**. As such, we will "invalidate a congressional enactment ...

Discussion:  **Court:** 4th Cir. N.C. | **Date:** August 19, 2015

173. [Star Sci., Inc. v. Beales](#), 278 F.3d 339, 2002 U.S. App. LEXIS 872 

LB Cited by: 278 F.3d 339 p.349


... "it is for the legislature, not the courts, to balance the advantages and disadvantages" of economic legislation. *Lee Optical*, 348 U.S. at 487. This deference is appropriate because the people may "resort to the polls" to protect themselves against abuses by the legislature. *Id.* at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**). Now applying this highly deferential standard, we determine whether *Star Scientific* has demonstrated that the Virginia General ...

Discussion:  **Court:** 4th Cir. Va. | **Date:** January 22, 2002 | **Headnotes:** HN13

174. [Hope Natural Gas Co. v. Federal Power Com.](#), 134 F.2d 287, 1943 U.S. App. LEXIS 4204 

LB Cited by: 134 F.2d 287 p.295

... In order not to be confiscatory, rates must yield a fair return upon the present fair value of the property. not to be confiscatory, rates must yield a fair return upon the present fair value of the property has long been well settled by Supreme Court decisions. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, established the principle that Regulators, Public Utility Commissions Pipelines & Transportation, Eminent Domain Proceedings Utility Companies, Rates HN10 Rates of public utilities are ...

Discussion:  **Court:** 4th Cir. | **Date:** February 16, 1943

175. [North Carolina Pub. Serv. Co. v. Southern Power Co.](#), 282 F. 837, 1922 U.S. App. LEXIS 2709, 33

A.L.R. 626 ▲

LB Cited by: 282 F. 837 p.844

... In such public service it cannot pick and choose its customers. The principle is applied under varying conditions by the authorities cited in the margin. 2 N.Y. & Queens Gas Co. v. McCall, 245 U.S. 345 , 38 Sup. Ct. 122, 62 L. Ed. 337 ; Lumbard v. Stearns, 4 Cush. (Mass.) 60; **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77** ; Mason v. Consumers' Power Co., 119 Minn. 225 , 137 N.W. 1104 , 41 L.R.A. (N.S.) 1181 , Ann. Cas. 1914B, 19; Haugen v. Albina Light & Water Co., 21 Or. ...

Discussion: ■■■■■ | **Court:** 4th Cir. N.C. | **Date:** May 10, 1922176. [Atlantic C. L. R. Co. v. Finn](#), 195 F. 685, 1912 U.S. App. LEXIS 1418 ⓘ**LB Cited by:** 195 F. 685 p.688

... the court to inquire or determine whether a state of facts existed calling for the enactment of the legislation in question. That is for the exclusive consideration of the Legislature. If, under any possible state of facts, the act would be constitutional and valid, the court is bound to presume that such condition existed. **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**; State v. Peckham, 3 R.I. 289 ; In re Ten Hour Law, 24 R.I. 603 , 54 Atl. 602 [61 L.R.A. 612] ." On this point ...

Discussion: ■■■■■ | **Court:** 4th Cir. S.C. | **Date:** April 9, 1912**4th Circuit - U.S. District Courts**177. [United States v. Wyatt](#), 2010 U.S. Dist. LEXIS 8676 ⓘ**LB Cited by:**

... Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional, unless it is clearly so. Thus, to establish that a statute is unconstitutional, a defendant must make a plain showing that Congress has exceeded its constitutional bounds. "Every statute is presumed to be constitutional." **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77(1876)** . And, "[t]he courts ought not to declare one to be unconstitutional, unless it is clearly so." Id


Discussion: ■■■■■ | **Court:** Eastern Dist. Va. | **Date:** January 27, 2010 | **Headnotes:** HN1178. [Boyd v. Bulala](#), 647 F. Supp. 781, 1986 U.S. Dist. LEXIS 18099 ●**LB Cited by:** 647 F. Supp. 781 p.787

... The right to recover in a personal injury action is a part of the common law, and a person has no property, no vested interest, in any rule of the common law. The right to recover in a personal injury action is a part of the common law, and the Supreme Court declared over a century ago, "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . Moreover, although the constitutions of certain states specifically ...


Discussion: ■■■■■ | **Court:** Western Dist. Va. | **Date:** November 5, 1986 | **Headnotes:** HN12179. [E. L. Bowen & Co. v. American Motors Sales Corp., etc.](#), 153 F. Supp. 42, 1957 U.S. Dist. LEXIS 3205 ▲**LB Cited by:** 153 F. Supp. 42 p.46

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought (citing authorities). We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24**

L.Ed. 77 , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' The serious question presented is whether the statutes now under consideration are ...

Discussion:  **Court:** Dist. Va. | **Date:** July 9, 1957 | **Headnotes::** HN13

5th Circuit - Court of Appeals

180. [Rowell v. Pettijohn](#), 816 F.3d 73, 2016 U.S. App. LEXIS 3961 

LB Cited by: 816 F.3d 73 p.80


... . "[A] state is free to adopt whatever economic policy may reasonably be deemed to promote public welfare, and to enforce that policy by legislation adapted to its purpose". *Nebbia v. People of N.Y.* , 291 U.S. 502 , 537 , 54 S. Ct. 505 , 78 L. Ed. 940 (1934) (upholding law setting prices for milk); see also **Munn v. People of State of Ill., 94 U.S. (4 Otto) 113, 125, 24 L. Ed. 77(1876)** ("In their exercise [of these powers] it has been customary . . . in this country from its first ...

Court: 5th Cir. Tex. | **Date:** March 2, 2016

181. [American Real Estate Institute, Inc. v. Alabama Real Estate Com.](#), 605 F.2d 931, 1979 U.S. App. LEXIS 10731 

LB Cited by: 605 F.2d 931 p.934

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. We emphasize again what Chief Justice Waite said in **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." *Id.* at 488, 75 S. Ct. at 464-65 (citations omitted). The regulations at issue were adopted after recommendation ...


Discussion:  **Court:** 5th Cir. Ala. | **Date:** November 2, 1979 | **Headnotes::** HN13

182. [Southern Louisiana Area Rate Cases v. Federal Power Com.](#), 428 F.2d 407, 1970 U.S. App. LEXIS 10240, 37 Oil & Gas Rep. 311, 90 Pub. Util. Rep. 3d (PUR) 269, Util. L. Rep. (CCH) P11121 

LB Cited by: 428 F.2d 407 p.428

... , 88 S. Ct. at 1361 . See also *West Coast Hotel Co. v. Parrish*, 1937, 300 U.S. 379 , 57 S. Ct. 578 , 81 L. Ed. 703 ; *Nebbia v. New York*, 1934, 291 U.S. 502 , 54 S. Ct. 505 , 78 L. Ed. 940 ; **Munn v. Illinois, 1877,94 U.S. 113, 24 L. Ed. 77** . The producers have a fifth amendment right not to be forced to sell or surrender their property without either due process or just compensation, but the Constitution gives them no right to raise prices irrespective of Commission approval in ...

Discussion:  **Court:** 5th Cir. | **Date:** March 19, 1970

183. [Gomillion v. Lightfoot](#), 270 F.2d 594, 1959 U.S. App. LEXIS 3363 

B Cited in Dissenting Opinion at: 270 F.2d 594 p.611

... , ' * * * the declaration that the Constitution * * * shall be the supreme law of the land, is empty and unmeaning declamation.' *M'Culloch v. Maryland*, 4 Wheat. 316 , 433 , 4 L.Ed. 579 , 608 . The suggestion, implicit if not expressed, that 'for protection against abuses by Legislators the people must resort to the polls, not to the Court.' **Munn v. State of Illinois, 1877,94 U.S. 113, 134, 24 L.Ed. 77** ; *Williamson v. Lee Optical of Oklahoma*, 1955, 348 U.S. 483 , 488 , 75 S.Ct. 461 ...

Discussion:  **Court:** 5th Cir. Ala. | **Date:** September 15, 1959

184. [England v. Louisiana State Board of Medical Examiners](#), 263 F.2d 661, 1959 U.S. App. LEXIS 4968



LB Cited by: 263 F.2d 661 p.666, p.672

... upon various state laws which regulated alleged property and liberty guarantees on the basis of public health and welfare. These cases developed the well-known early policy of judicial restraint in economic due process. E.g., **Munn v. Illinois, 1876,94 U.S. 113, 24 L.Ed. 77** ; Barbier v. Connolly, 1885, 113 U.S. 27 , 5 S.Ct. 357 , 28 L.Ed. 923 ; Yick Wo v. Hopkins, 1885, 118 U.S. 356 , 6 S.Ct. 1064 , 30 L.Ed. 220 ; Mugler v. State of Kansas, 1887, 123 U.S. 623 , ...

Discussion: **Court:** 5th Cir. La. | **Date:** January 23, 1959

185. [Magnolia Petroleum Co. v. Federal Power Com.](#), 236 F.2d 785, 1956 U.S. App. LEXIS 4845, 6 Oil & Gas Rep. 185, 15 Pub. Util. Rep. 3d (PUR) 364

B Cited in Dissenting Opinion at: 236 F.2d 785 p.806

... relief of self-help -- that is, termination -- is denied him because he must obtain Commission consent here as well. Whether as to existing contracts or the making of new ones, a producer knows that this subjects him to the far-reaching responsibilities of a public utility -- a status which courts are reluctant to impose because of the inevitable encroachment upon normal business freedom unless the statutory command is clear, **Munn v. People of the State of Illinois,94 U.S. 113, 24 L.Ed. 77** ...

Discussion: **Court:** 5th Cir. | **Date:** June 30, 1956

186. [Gulf, M. & O. R. Co. v. Illinois C. R. Co.](#), 225 F.2d 816, 1955 U.S. App. LEXIS 4941

B Cited in Dissenting Opinion at: 225 F.2d 816 p.828

... would the Commission be powerless to permit the abandonment of that part of the burden of operation? When G.M. & O.'s private contractual obligation to I.C. came to conflict with its public duty to the extent, as found by the Commission, that the benefit to the public outweighed 'any injury which may be inflicted thereby on the protesting railroad,' (Emphasis supplied) it seems to me that the private obligation ceased to exist. See **Munn v. People of Illinois,94 U.S. 113, 125, 24 L.Ed. 77** ...

Discussion: **Court:** 5th Cir. Ala. | **Date:** August 18, 1955

187. [West Coat Naval Stores Co. v. Louisville & N. R. Co.](#), 121 F. 645, 1903 U.S. App. LEXIS 4647

LB Cited by: 121 F. 645 p.650

... with a public interest, and the wharfage must be reasonable.' The proof in this case shows that numerous steamers landed at appellant's wharf daily, discharging passengers and baggage, as well as freight, from different ports in the waters of Puget Sound and elsewhere; and it also shows that the appellant receives the sum of 25 cents per ton for every ton of freight going out or coming in over said wharf. We think that the language of the court in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion: **Court:** 5th Cir. Fla. | **Date:** April 7, 1903

5th Circuit - U.S. District Courts

188. [Rodriguez v. Christus Spohn Health Sys.](#), 2009 U.S. Dist. LEXIS 131398

LB Cited by:

... 98 S.Ct. at 2638 . Our cases have clearly established that "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases , 223 U.S. 1 , 50 , 32 S.Ct.

169 , 175 , 56 L.Ed. 327 (1912) , quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed.77(1877)** . The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," Silver v. Silver ...

Discussion:  | **Court:** Southern Dist. Tex. | **Date:** December 9, 2009 | **Headnotes::** HN12

189. [Meadows v. Odom](#), 360 F. Supp. 2d 811, 2005 U.S. Dist. LEXIS 3224 

LB Cited by: 360 F. Supp. 2d 811 p.815


... It is enough that there is an evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it." 26 Id., at 488, 75 S. Ct. at 464 . (Emphasis added). The Court 27 The Court also noted that in **Munn v. State of Illinois,94 U.S. 113, 134, 24 L. Ed. 77(1876)** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Williamson, at 488, 75 S. Ct. at 465 . (Emphasis added). ...

Discussion:  | **Court:** Middle Dist. La. | **Date:** March 2, 2005 | **Headnotes::** HN13

190. [George v. Bourgeois](#), 852 F. Supp. 1341, 1994 U.S. Dist. LEXIS 7974 

LB Cited by: 852 F. Supp. 1341 p.1352

... The Constitution contains no definition of the word "deprive," as used in the Fourteenth Amendment . To determine its signification, therefore, it is necessary to ascertain the effect which usage has given it, when employed in the same or a like connection. **Munn v. Illinois,94 U.S. 113, 123, 24 L. Ed. 77(1876)** . Therefore, we must determine whether the renewal of George's contract for only one year deprived the plaintiff of her property interest in renewal. If it did not, the defendants ...


Discussion:  | **Court:** Eastern Dist. Tex. | **Date:** May 31, 1994 | **Headnotes::** HN2

191. [Corr-Williams Wholesale Co. v. Stacy Williams Co.](#), 622 F. Supp. 156, 1985 U.S. Dist. LEXIS 14298, 1986-1 Trade Cas. (CCH) P 66910 

LB Cited by: 622 F. Supp. 156 p.159

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought . . . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. (4 Otto.) 113, 134 [24 L. Ed. 77]** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' Fundamental Rights, Procedural Due Process Constitutional Law, Substantive Due Process HN5 The ...

Discussion:  | **Court:** Southern Dist. Miss. | **Date:** October 31, 1985 | **Headnotes::** HN12

192. [Rayborn v. Mississippi State Bd. of Dental Examiners](#), 601 F. Supp. 537, 1985 U.S. Dist. LEXIS 23424 

LB Cited by: 601 F. Supp. 537 p.540

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought . . . "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Williamson v. Lee Optical of Oklahoma, Inc ., 348 U.S. 483 , 488 , 99 L. Ed. 563 , 75 S. Ct. 461 (1955) (citations omitted) quoting **Munn v. Illinois, 94 U.S. (4 Otto.) 113, 134, 24 L. Ed. 77(1876)**

Discussion:  | **Court:** Southern Dist. Miss. | **Date:** January 15, 1985 | **Headnotes::** HN13

193. [England v. Louisiana State Board of Medical Examiners](#), 246 F. Supp. 993, 1965 U.S. Dist. LEXIS 7219 

LB Cited by: 246 F. Supp. 993 p.997

... 75 S. Ct. 461 , 464 , 99 L. Ed. 563 (1955) , is for the legislature. And, ordinarily, "[for] protection against abuses by legislatures the people must resort to the polls, not to the courts." Munn v. State of Illinois , 94 U.S. (4 Otto) 113, 134, **24 L. Ed. 77(1876)** . For "[the] day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out ...


Discussion:  | **Court:** Eastern Dist. La. | **Date:** November 9, 1965 | **Headnotes::** HN13

194. [New York Title & Mortg. Co. v. Tarver](#), 51 F.2d 584, 1931 U.S. Dist. LEXIS 1544 

LB Cited by: 51 F.2d 584 p.585, p.586


... A state government, under powers inherent in every sovereignty, may enact laws to regulate a business, otherwise private in nature, that has become affected with a public interest; under its police power, so long as such regulation is not arbitrary and unreasonable. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; German Alliance Ins. Co. v. Lewis, Sup't of Ins. of Kansas, 233 U.S. 389 , 34 S. Ct. 612 , 58 L. Ed. 1011 , L.R.A. 1915C, 1189; La Tourette v. McMaster, 248 U.S. 465 , 39 S. ...


Discussion:  | **Court:** Dist. Tex. | **Date:** June 3, 1931 | **Headnotes::** HN1

195. [Texas v. Eastern T. R. Co.](#), 283 F. 584, 1922 U.S. Dist. LEXIS 1331 

LB Cited by: 283 F. 584 p.593

... . In point of fact the state is not seriously maintaining the contrary to principles declared by these opinions. Railroad having granted the public an interest in its use, it may withdraw its grant by discontinuing the use, when that use can only be kept up at a loss. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Brooks-Scanlon Co. v. Railroad Commission, supra. Giving effect to this principle is to declare that, notwithstanding the obligation of the charter contract to construct, maintain, ...

Discussion:  | **Court:** Dist. Tex. | **Date:** August 11, 1922

196. [O'Keefe v. New Orleans](#), 273 F. 560, 1921 U.S. Dist. LEXIS 1280 

LB Cited by: 273 F. 560 p.563

... adopted in 1879 and at different subsequent times, during which period all the franchises in question were granted, the police power was by express constitutional prohibition made inalienable and rendered not subject to abridgment. It is hardly necessary to cite authorities in support of the proposition that ratemaking is a sovereign power of the state, for it was declared so to be as far back as **Munn v. Illinois,94 U.S. 124, 24 L. Ed. 77** , and the doctrine has been reaffirmed in a multitude ...

Discussion:  | **Court:** Dist La. | **Date:** April 21, 1921

197. [Galveston Electric Co. v. Galveston](#), 272 F. 147, 1921 U.S. Dist. LEXIS 1331, 1921 U.S. Dist. LEXIS 1332, 2 A.F.T.R. (P-H) 1383 

LB Cited by: 272 F. 147 p.150

Court: Southern Dist. Tex. | **Date:** February 10, 1921

198. [Galveston Electric Co. v. Galveston](#), 272 F. 147, 1921 U.S. Dist. LEXIS 1331, 2 A.F.T.R. (P-H) 1383

LB Cited by:

... pillars, two in number, having been hewn and shaped by the decisions of the Supreme Court, are broad and enduring, and are a sufficient basis for the whole structure of the law which has been built upon them. The first is that principle which inheres in sovereignty, "the power to govern men and things," in short, the police power, in the contemplation of which it was authoritatively declared in **Munn v. Illinois**, 94 U.S. 125, 24 L. Ed. 77, that, when private property is devoted to a public ...

Discussion:  | **Court:** Southern Dist. Tex. | **Date:** February 10, 1921


5th Circuit - U.S. Bankruptcy Courts

199. [In re Gulf Water Benefaction Co.](#), 2 B.R. 357, 1980 Bankr. LEXIS 5631, 5 Bankr. Ct. Dec. (LRP) 1402



LB Cited by: 2 B.R. 357 p.361

... As the traditional forum for settling disputes of this nature, the state courts have a greater familiarity with matters at hand and are therefore better equipped to deal with problems of this nature. License Cases, 16 U.S. 513, 46 U.S. (5 How.) 504, 12 L. Ed. 256 (1846); **Munn v. Illinois**, 94 U.S. 113, 24 L. Ed. 77 (1876); National League of Cities v. Uesry, 426 U.S. 833, 49 L. Ed. 2d 245, 96 S. Ct. 2465 (1976). Here we are confronted with a state statute, a state agency ...

Discussion:  | **Court:** Bankr. Southern Dist. Tex. | **Date:** January 31, 1980

6th Circuit - Court of Appeals

200. [Northwest Airlines, Inc. v. County of Kent](#), 955 F.2d 1054, 1992 U.S. App. LEXIS 1237 ▲

B Cited in Dissenting Opinion at: 955 F.2d 1054 p.1066

... , a unanimous opinion where the last three sentences of this passage were quoted with obvious approval. Rate-making, including the cost-allocation component of rate-making, "is essentially a legislative function." Colorado Interstate Gas, 324 U.S. at 589, citing **Munn v. Illinois**, 94 U.S. 113, 24 L. Ed. 77 (1876). Where, as here, a challenged rate structure rests on essentially legislative judgments that meet the applicable statutory test, it is not appropriate for the courts to substitute ...

Discussion:  | **Court:** 6th Cir. Mich. | **Date:** February 3, 1992

201. [Hartford Fire Ins. Co. v. Lawrence, Dykes, Goodenberger, Bower & Clancy](#), 740 F.2d 1362, 1984 U.S. App. LEXIS 19967, 1984 Fire & Casualty Cas.(CCH) P66053 ▲

LB Cited by: 740 F.2d 1362 p.1367

... common law, to attain a permissible legislative object, despite the fact that otherwise settled expectations may be upset thereby. Indeed, statutes limiting liability are relatively commonplace and have consistently been enforced by the courts. [a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1, 50, 32 S. Ct. 169, 56 L. Ed. 327 (1912), quoting Munn v. Illinois, 94 U.S. (4 Otto.) 113, 134, 24 L. Ed. 77 (1877) ...

Discussion:  | **Court:** 6th Cir. Ohio | **Date:** July 31, 1984 | **Headnotes:** HN12

202. [Mathis v. Eli Lilly & Co.](#), 719 F.2d 134, 1983 U.S. App. LEXIS 16203, CCH Prod. Liab. Rep. P9798 ◆

LB Cited by: 719 F.2d 134 p.138

... Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object, despite the fact that otherwise settled expectations may be upset thereby. a) person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases , 223 U.S. 1 , 50 [56 L. Ed. 327 , 32 S. Ct. 169] (1912) , quoting **Munn v. Illinois, 94 U.S. 113, 134 [24 L. Ed. 77] (1877)** . The "Constitution ...

Discussion:  **Court:** 6th Cir. Tenn. | **Date:** October 7, 1983 | **Headnotes::** HN12

203. [United Steel Workers v. United States Steel Corp.](#), 631 F.2d 1264, 1980 U.S. App. LEXIS 15393, 105 L.R.R.M. (BNA) 2312, 89 Lab. Cas. (CCH) P12220, 1980-2 Trade Cas. (CCH) P63486 

LB Cited by: 631 F.2d 1264 p.1281

... wishes now to reconsider and expand the view of seniority which it expressed in Ford Motor Co. v. Huffman, 345 U.S. 330 , 73 S. Ct. 681 , 97 L. Ed. 1048 (1953) , this case offers a vehicle. Id. at 1065 . Appellants, however, cite and rely upon a decision of the **Supreme Court of the United States, Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** , claiming "that a corporation affected by the public interest, which seeks to take action injurious to that interest, may be restrained from ...


Discussion:  **Court:** 6th Cir. Ohio | **Date:** July 25, 1980 | **Headnotes::** HN11

204. [Tennessee v. United States](#), 256 F.2d 244, 1958 U.S. App. LEXIS 5453 

LB Cited by: 256 F.2d 244 p.257

... (police) power can neither be abdicated nor bargained away, and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. In re Slaughter-House Cases, 16 Wall. 36 , 62 , 21 L.Ed. 394 ; **Munn v. State of Illinois,94 U.S. 113, 125, 24 L.Ed. 77, 84** ; Beer Co. v. Massachusetts, 97 U.S. 25 , 33 , 24 L.Ed. 989 , 992 ; Mugler v. State of Kansas, 123 U.S. 623 , 665 , 8 S.Ct. 273 , 31 L.Ed. 205 ...

Discussion:  **Court:** 6th Cir. Tenn. | **Date:** May 26, 1958 | **Headnotes::** HN5

205. [Consolidation Coal Co. v. Martin](#), 113 F.2d 813, 1940 U.S. App. LEXIS 3465 

LB Cited by: 113 F.2d 813 p.817

... Acceptance of substantially all requests for service constituted an election to engage in such business. The company has in practical effect devoted its property in part to a public function. Cf. Wingrove v. Public Service Commission, 74 W. Va. 190 , 81 S.E. 734 , L.R.A. 1918A, 210. Hence it is subject to public regulation. **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77** . Within the scope of recent decisions of the Supreme Court, the character and extent of the use of the property in ...

Discussion:  **Court:** 6th Cir. Ky. | **Date:** June 7, 1940

6th Circuit - U.S. District Courts

206. [Miller v. United States](#), 2019 U.S. Dist. LEXIS 135571, 2019 WL 3779464 

LB Cited by:

... § 2260A 's conviction was predicated on a violation of § 2422 , well as a violation of § 2251 , both crimes encompassing attempted acts. (See Superseding Indictment at 159-61.) All federal statutes are presumed constitutional. **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77(1876)** ; see Liberty Coins, LLC v. Goodman , 748 F.3d 682 , 694 (6th Cir. 2014) . At best, Miller has identified a split in persuasive

authority as to whether § 2260A , a presumptively constitutional statute, ...


Discussion:  **Court:** Northern Dist. Ohio | **Date:** August 12, 2019

207. [United States v. Al-Maliki](#), 2018 U.S. Dist. LEXIS 232159

LB Cited by:

... ban on illicit sexual noncommercial conduct would not likely have been successful. Indeed, competent counsel would have reasonably begun his analysis by recognizing the uphill battle faced by any defendant raising a constitutional challenge under the Foreign Commerce Clause . All federal statutes are presumed constitutional. **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77(1876)** ; see Liberty Coins, LLC v. Goodman , 748 F.3d 682 , 694 (6th Cir. 2014) (there is a strong presumption ...


Court: Northern Dist. Ohio | **Date:** September 24, 2018

208. [Rose v. Village of Peninsula](#), 875 F. Supp. 442, 1995 U.S. Dist. LEXIS 1023 

LB Cited by: 875 F. Supp. 442 p.456

... Allgeyer v. State of Louisiana, 165 U.S. 578 , 589 , 41 L. Ed. 832 , 17 S. Ct. 427 (1897) (at a minimum, the "liberty" mentioned in the Fourteenth Amendment "means . . . the right of the citizen to be free from . . . physical restraint"); **Munn v. Illinois, 94 U.S. 113, 142, 24 L. Ed. 77(1877)** (Field, J., dissenting) ("By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the bounds of a prison. It means freedom to ...

Discussion:  **Court:** Northern Dist. Ohio | **Date:** January 27, 1995

209. [Lake Carriers' Ass'n v. Kelley](#), 527 F. Supp. 1114, 1981 U.S. Dist. LEXIS 18105, 17 Env't Rep. Cas. (BNA) 1305, 12 Envtl. L. Rep. 20350 

LB Cited by: 527 F. Supp. 1114 p.1129

...); Louisville & Nashville R.R. Co. v. Melton, 218 U.S. 36 (30 S. Ct. 676 , 54 L. Ed. 921); Ozan Lumber Co. v. Union County Bank, 207 U.S. 251 , 256 (28 S. Ct. 89 , 91 , 52 L. Ed. 195); **Munn v. Illinois, 94 U.S. 113 , 132 (24 L. Ed. 77)** ; Henderson Bridge Co. v. Henderson City, 173 U.S. 592 , 615 (19 S. Ct. 553 , 562 , 43 L. Ed. 823)." Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61 , ...


Discussion:  **Court:** Eastern Dist. Mich. | **Date:** December 16, 1981

210. [Bazdar v. Koppers Co.](#), 524 F. Supp. 1194, 1981 U.S. Dist. LEXIS 15422 

LB Cited by: 524 F. Supp. 1194 p.1203

... does not forbid the "creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object." Silver v. Silver, 280 U.S. 117 , 122 , 50 S. Ct. 57 , 58 , 74 L. Ed. 221 (1929) . In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** , the Court stated, "a person has no property, no vested interest, in any rule of the common law Rights of property which have been created by the common law cannot be taken away without Due Process; ...

Discussion:  **Court:** Northern Dist. Ohio | **Date:** October 28, 1981

211. [Johnson v. Koppers Co.](#), 524 F. Supp. 1182, 1981 U.S. Dist. LEXIS 18086, 33 Fed. R. Serv. 2d (Callaghan) 660 

LB Cited by: 524 F. Supp. 1182 p.1193

... does not forbid the "creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object." Silver v. Silver, 280 U.S. 117 , 122 , 50 S. Ct. 57 , 58 , 74 L. Ed. 221 (1929) . In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** , the Court stated, a person has no property, no vested interest, in any rule of the common law Rights of property which have been created by the common law cannot be taken away without Due Process; ...

Discussion:  **Court:** Northern Dist. Ohio | **Date:** October 28, 1981

212. [1981 U.S. Dist. LEXIS 18420](#) 

LB Cited by:

... does not require that the legislature replace an abrogated common law system with a quid pro quo. the state legislature may create new rights or abolish old common law rights in obtaining a permissible legislative object. Silver v. Silver, 280 U.S. 117 , 122 (1929) ; **Munn v. Illinois,94 U.S. 113(1877)** . The supreme Court in Martinez v. State of Cal., 100 S.Ct. 553 , 557 (1980) stated that, "the state's interest in fashioning its own rules of tort law is paramount to any discernible ...


Discussion:  **Court:** Northern Dist. Ohio | **Date:** March 5, 1981

213. [Davis v. Hubbard](#), 506 F. Supp. 915, 1980 U.S. Dist. LEXIS 16564 

LB Cited by: 506 F. Supp. 915 p.931

... no right is held more sacred, or is more carefully guarded * * * than the right of every individual to the possession and control of his own person, free from all restraints on interference of others, unless by clear and unquestionable authority of law. See also, id. at 252, 11 S. Ct. at 1001 ; **Munn v. Illinois,94 U.S. 113, 142, 24 L. Ed. 77(1876)** (Field, J., dissenting). More specifically, Search & Seizure, Scope of Protection Procedural Due Process, Scope of Protection Fundamental ...


Discussion:  **Court:** Northern Dist. Ohio | **Date:** September 16, 1980

214. [Greater Fremont, Inc. v. Fremont](#), 302 F. Supp. 652, 1968 U.S. Dist. LEXIS 11731, 21 Ohio Misc. 127, 47 Ohio Op. 2d 133, 15 Rad. Reg. 2d (P & F) 2013 

LB Cited by: 302 F. Supp. 652 p.667

... The power to regulate rates is another manifestation of the exercise of the police power for the public welfare. It has long been recognized and is part of the common law. The power to regulate rates is another manifestation of the exercise of the police power for the public welfare. It has long been recognized and is part of the common law. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** . But without exception, each of the professions or services so regulated was reasonably necessary ...


Discussion:  **Court:** Northern Dist. Ohio | **Date:** December 30, 1968

215. [Lewis v. Grand Rapids](#), 222 F. Supp. 349, 1963 U.S. Dist. LEXIS 7254 

LB Cited by: 222 F. Supp. 349 p.386

... where one may choose, and to act in such manner, not inconsistent with the equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities, and to give them their highest enjoyment." People ex rel. Kuhn v. Common Council, 70 Mich. 534 , 38 N.W. 470 (1880) , quoting from **Justices**

Field and Strong in Munn v. Illinois, 94 U.S. 113, 142, 24 L.Ed. 77. (Emphasis supplied.) ...**Discussion:**  **Court:** Western Dist. Mich. | **Date:** September 13, 1963

- 216.
- [In re Louis Wohl, Inc.](#)
- , 50 F.2d 254, 1931 U.S. Dist. LEXIS 1390
- 

B Explained by: 50 F.2d 254 p.255

The reasoning upon which trustee's contention is based is interesting, and is substantially as follows: The United States Supreme Court in Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, charted a new course with respect to certain businesses which, originally private enterprises and under no duty to serve for a reasonable compensation, became by reason of special elements clothed with a public interest and under a duty to serve the public without discrimination. In Munn v. Illinois, two elements were relied upon: First, that the business was of great public importance; and, second, that it was of a monopolistic character. It is here claimed that the newspaper business has become of such great public importance as to warrant the conclusion arrived at in the Munn case with respect to grain warehousemen, that the owners have granted to the public an interest in the property, and further, that under the facts herein disclosed the Detroit News and the Detroit Times exercise what is virtually a monopoly in the evening newspaper filed.

Discussion:  **Court:** Dist. Mich. | **Date:** May 27, 1931

- 217.
- [Swetland v. Curtiss Airports Corp.](#)
- , 41 F.2d 929, 1930 U.S. Dist. LEXIS 2207
- 

LB Cited by: 41 F.2d 929 p.934

... Both the Constitution of the United States and the Constitution of this state in broad terms protect rights of property, but neither contains any classification or definition of property, any more than they reveal the content of the word "liberty." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. The determination of what the term "property" includes is a judicial function (and, within constitutional powers, a legislative function). An owner's rights in land in this state are amply protected ...

Discussion:  **Court:** Dist. Ohio | **Date:** July 7, 1930

- 218.
- [Kentucky Power & Light Co. v. Maysville](#)
- , 36 F.2d 816, 1929 U.S. Dist. LEXIS 1741
- 

LB Cited by: 36 F.2d 816 p.819

... the power of the state to regulate their rates, their contracts in reference thereto would still be subject to the commonlaw rule that they could not exact more than a reasonable compensation for the service rendered, and, in case of a controversy as to what constituted a reasonable rate, the courts would have jurisdiction to determine the matter. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Dow v. Beidelman, 125 U.S. 680, 8 S. Ct. 1028, 31 L. Ed. 841. It does not seem to me, ...









Discussion:  **Court:** Dist. Ky. | **Date:** November 8, 1929



- 219.
- [Dickelman Mfg. Co. v. Pennsylvania R. Co.](#)
- , 34 F.2d 70, 1929 U.S. Dist. LEXIS 1405
- 



LB Cited by: 34 F.2d 70 p.74

... If the statute is construed to make the railroad company liable in the circumstances set forth in the second defense, does it offend against the Fourteenth Amendment in that it deprives the railroad company of its property without due process of law? As early as 1876, Justice Waite said, in **Munn v. Illinois, 94 U.S. 113, 124 (24 L. Ed. 77)**: Procedural Due Process, Scope of Protection Courts, Common Law HN3 A person has no property, no vested interest, in any rule of the common law. ...



Discussion:  **Court:** Dist. Ohio | **Date:** January 23, 1929



220. [Standard Oil Co. v. Hall](#), 24 F.2d 455, 1927 U.S. Dist. LEXIS 1724 
- LB Cited by:** 24 F.2d 455 p.458
 ... It is undoubtedly true, as the state contends, that with changing social and economic conditions there have been extensions of detailed public regulation. None of them, in our opinion, approaches the limits of this legislation. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , was perhaps the first. It involved grain elevators standing at "the gateway or commerce," taking toll from all who passed, as in different degrees did Budd v. New York, 143 U.S. 517 , 12 S. Ct. 468 , 36 L. Ed. 247 ...
- Discussion:**  **Court:** Dist. Tenn. | **Date:** August 20, 1927
-
221. [United States v. Gordin](#), 287 F. 565, 1922 U.S. Dist. LEXIS 1076, 1922 U.S. Dist. LEXIS 1077, 1 Ohio Law Abs. 466 
- LB Cited by:** 287 F. 565 p.567
Court: Dist. Ohio | **Date:** November 24, 1922
-
222. [United States v. Gordin](#), 287 F. 565, 1922 U.S. Dist. LEXIS 1076, 1 Ohio Law Abs. 466
- LB Cited by:**
 ... It has been held that given articles and property may, by virtue of circumstance, become clothed with a public interest, when used in a manner to make them of public concern and affect the community at large. Thus affected with a public interest are elevators or storehouses, where grain or other property is stored, **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Budd v. N.Y., 143 U.S. 517 , 12 Sup. Ct. 468, 36 L. Ed. 247 ; Brass v. North Dakota ex rel. Stoesser, 153 U.S. 391 , 14 Sup. ...
- Discussion:**  **Court:** Southern Dist. Ohio | **Date:** November 24, 1922
-
223. [United States v. Ford](#), 265 F. 424, 1920 U.S. Dist. LEXIS 1130 
- LB Cited by:** 265 F. 424 p.425
 ... The right to regulate business, including the fixing of prices for essential commodities, in furtherance of a constitutional power of the United States, exists when the business sought to be regulated is one in which the public has an interest beyond that of the persons who participate in the individual transactions therein. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . Businesses which are purely private in times of peace may become matters of vital public concern in times of war. The ...
- Discussion:**  **Court:** Dist. Ohio | **Date:** May 29, 1920
-
224. [Henry L. Doherty & Co. v. Toledo Rys. & Light Co.](#), 254 F. 597, 1918 U.S. Dist. LEXIS 770 
- LB Cited by:** 254 F. 597 p.602
 ... , Ann. Cas. 1916A, 18, and cases therein cited, and the recent decisions of the Supreme Court of the United States above referred to. It is for the public authorities, in the first instance, to regulate the rates to be charged for the service of such a corporation (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Spring Valley Water Works v. Shottler, 110 U.S. 347 , 4 Sup. Ct. 48, 28 L. Ed. 173 ; Reagan v. Farmers' Loan & T. Co., 154 U.S. 362 , 397 , 14 Sup. Ct. 1047, 38 L. Ed. 1014 ...
- Discussion:**  **Court:** Dist. Ohio | **Date:** August 2, 1918


225. [Mutual Film Co. v. Industrial Com.](#), 215 F. 138, 1914 U.S. Dist. LEXIS 1680 
- LB Cited by:** 215 F. 138 p.144
 ... , 549 , 87 N.W. 785 , 55 L.R.A. 618 ; Fitte v. City of Atlanta, 121 Ga. 567 , 568 , 49 S.E. 793 , 67 L.R.A. 803 , 104 Am. St. Rep. 167 . Besides, the rule of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and the class of decisions following it, prevails in Ohio as to purely local matters (Zanesville v. Gas Co., 47 Ohio St. 1 , 30 , 31 , 23 N.E. 55); and, since complainants devote their films to a use in which the public is interested, they must for that reason submit to ...
- Discussion:**  **Court:** Dist. Ohio | **Date:** April 2, 1914

226. [Citizens' Ins. Co. v. Clay](#), 197 F. 435, 1912 U.S. Dist. LEXIS 1434 
- LB Cited by:** 197 F. 435 p.437
 ... statute and decision above cited, and it was agreed by counsel that noncompetitive agreements among agents existed in parts of the state. It is enough to say that in this business a degree of monopoly is probable, unless prevented by appropriate legislation. It seems measurably analogous to the elevator business involved in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and Budd v. New York, 143 U.S. 517 , 12 Sup. Ct. 468, 36 L. Ed. 247 . And see Carroll v. Greenwich Ins. Co., 199 ...
- Discussion:**  **Court:** Dist. Ky. | **Date:** June 10, 1912

7th Circuit - Court of Appeals

227. [Arlotta v. Bradley Ctr.](#), 349 F.3d 517, 2003 U.S. App. LEXIS 23431 
- LB Cited by:** 349 F.3d 517 p.523
 ... The Court determined that the ordinance was unconstitutional because it was a governmental attempt to regulate prices. Id . at 440 . The Court stated that, absent an emergency, price regulation was permissible only when the business to be regulated was "affected with a public interest." Id. at 430 (quoting **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1876)**) . The entertainment industry did not satisfy this criterion. Id . at 434 . Tyson was short-lived. In 1934, the Supreme ...
- Discussion:**  **Court:** 7th Cir. Wis. | **Date:** November 18, 2003

228. [Mercer v. Magnant](#), 40 F.3d 893, 1994 U.S. App. LEXIS 32679, 94 TNT 245-19 
- LB Cited by:** 40 F.3d 893 p.898
 ... , the district court took up their constitutional submission. We reproduce the court's entire discussion: This court is very reluctant to judicially second guess the actions of elected state legislators and agrees wholeheartedly with the values announced by Chief Justice Morrison Waite in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** and with the first Justice Harlan 's dissent in The Civil Rights Cases, 109 U.S. 3 , 27 L. Ed. 835 , 3 S. Ct. 18 (1883) , and Pollock v. Farmers' ...
- Discussion:**  **Court:** 7th Cir. Ind. | **Date:** November 17, 1994

229. [Maguire v. Thompson](#), 957 F.2d 374, 1992 U.S. App. LEXIS 2658 
- LB Cited by:** 957 F.2d 374 p.379
 ... and the American Naprapathic Association, is an integral part of the representative system. Lobbying activities, properly conducted, are not a constitutional defect. With this in mind, the answer to the

naprapaths' complaint is to be found not in an evidentiary hearing, but in the century-old advice of the Supreme Court : "for protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77(1876)**


Discussion:  **Court:** 7th Cir. Ill. | **Date:** February 26, 1992 | **Headnotes::** HN13

230. [In re Chicago, R. I. & P. R. Co.](#), 794 F.2d 1182, 1986 U.S. App. LEXIS 26452 

LB Cited by: 794 F.2d 1182 p.1184


... This closed the window of opportunity for the Rock Island, restoring the system that had been interrupted by the Rock Island's transition from railroad to real estate magnate. The reorganization court held the statute preempted by the bankruptcy laws on the ground that it reduced the value of the estate. We disagreed, because rent control of grain elevators has been constitutional since *Munn v. Illinois* , 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1876)** , and a bankrupt's property rights are governed ...


Discussion:  **Court:** 7th Cir. Ill. | **Date:** June 24, 1986

231. [In re Chicago, R. I. & P. R. Co.](#), 772 F.2d 299, 1985 U.S. App. LEXIS 22715, 13 Collier Bankr. Cas. 2d (MB) 390 

LB Cited by: 772 F.2d 299 p.302


... The propriety of state regulation of grain elevators as a business affected with a public interest is settled law. The propriety of State regulation of grain elevators as a business "affected with a public interest" has been settled law ever since *Munn v. Illinois* , 94 U.S. (4 Otto) 113, 125-32, **24 L. Ed. 77(1876)** . Familiar also are the rent control laws customary in war time, and continuing to this day in New York City and perhaps elsewhere in places suffering a shortage of rental housing. ...

Discussion:  **Court:** 7th Cir. Ill. | **Date:** August 28, 1985

232. [Pitts v. Unarco Industries, Inc.](#), 712 F.2d 276, 1983 U.S. App. LEXIS 25911, CCH Prod. Liab. Rep. P9674 

LB Cited by: 712 F.2d 276 p.279

... *Logan v. Zimmerman Brush Co.* , 455 U.S. 422 , 71 L. Ed. 2d 265 , 102 S. Ct. 1148 ; an unaccrued cause of action is not. *Silver v. Silver* , 280 U.S. 117 , 122 , 74 L. Ed. 221 , 50 S. Ct. 57 ; **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ; *Martin v. Pittsburg & L.E.R. Co.* , 203 U.S. 284 , 295 , 51 L. Ed. 184 , 27 S. Ct. 100 ; *Ducharme v. Merrill-National Laboratories* , 574 F.2d 1307 (5th Cir. 1978) , ...


Discussion:  **Court:** 7th Cir. Ind. | **Date:** July 11, 1983 | **Headnotes::** HN12



233. [Lucas v. Wisconsin Electric Power Co.](#), 466 F.2d 638, 1972 U.S. App. LEXIS 8100 



B Cited in Dissenting Opinion at: 466 F.2d 638 p.659



LB Cited by: 466 F.2d 638 p.642

... The Commission's regulations are, of course, much more detailed than the statutory provisions of chapter 196, of which the above are only a sampling. The Company does not challenge the state's power to impose these regulations. Cf. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; *Nebbia v. New York* , 291 U.S. 502 , 54 S. Ct. 505 , 78 L. Ed. 940 . The commission's rule covering deposits, guarantees and disconnects (§ 113.13) contains the following provision specifically attacked by plaintiff ...



Discussion:  **Court:** 7th Cir. Wis. | **Date:** August 2, 1972


234. [Natural Gas Pipeline Co. v. Federal Power Com.](#), 120 F.2d 625, 1941 U.S. App. LEXIS 4624 
- LB Cited by:** 120 F.2d 625 p.630
- ... But if, as must be conceded, the industry is subject to regulation in the public interest, what constitutional principle bars the state from correcting existing maladjustments by legislation touching prices? We think there is no such principle. * * * This court concluded [In **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77**] the circumstances justified the legislation as an exercise of the governmental right to control the business in the public interest; that is, as an exercise of the police power. ...
- Discussion:**  **Court:** 7th Cir. | **Date:** April 14, 1941

235. [Wilner v. United States](#), 68 F.2d 442, 1934 U.S. App. LEXIS 4878 
- LB Cited by:** 68 F.2d 442 p.444
- ... It is well settled that Federal Government, Claims By & Against HN4 A sovereign may, by legislation, abrogate the right previously granted to sue it. a sovereign may, by legislation, abrogate the right previously granted to sue it. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Id.*, 69 Ill. 80; *Orr v. Allen*, 248 U.S. 35, 39 S. Ct. 23, 63 L. Ed. 109. Section 17 of the Act of March 20, 1933, deals with claims of the same general character as those which are now cognizable in the United ...
- Discussion:**  **Court:** 7th Cir. Ill. | **Date:** January 12, 1934

236. [Journal of Commerce Pub. Co. v. Tribune Co.](#), 286 F. 111, 1922 U.S. App. LEXIS 2553 
- LB Cited by:** 286 F. 111 p.113
- ... legal and moral right is on the assumption that publishing a newspaper is a private business. Appellant's suggestion that the business is "impressed with a public interest" (citing *Inter-Ocean Publishing Co. v. Associated Press*, 184 Ill. 438, 56 N.E. 822, 48 L.R.A. 568, 75 Am. St. Rep. 184, and **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**) needs no attention, we think, except to show that it is not being passed unnoticed. 2. Federal basis for damages. As there are no acts under ...
- Discussion:**  **Court:** 7th Cir. Ill. | **Date:** October 3, 1922


7th Circuit - U.S. District Courts

237. [Homily v. Klugiewicz](#), 2005 U.S. Dist. LEXIS 19534 
- Y Distinguished by:**
- Finally, even if plaintiff could show that defendant deprived him of a protected liberty or property interest, he has not shown that such right was clearly established at the time defendant acted. Plaintiff cites *Booth v. Illinois*, 184 U.S. 425, 46 L. Ed. 623, 22 S. Ct. 425 (1902) and *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77 (1876) for the proposition that the Constitution protects one's right to do business without governmental interference. However, in both of these cases the Court upheld against Fourteenth Amendment challenges legislation that impeded the plaintiffs' ability to engage in certain businesses.
- Discussion:**  **Court:** Eastern Dist. Wis. | **Date:** September 8, 2005

238. [Smith v. Boyle](#), 959 F. Supp. 982, 1997 U.S. Dist. LEXIS 4993 
- LB Cited by:** 959 F. Supp. 982 p.983
- ... In the main, federal courts should stay out of political matters. Federal judges have no business

meddling in uniquely state questions unless those issues are in direct conflict with the United States Constitution. In 1877, the U.S. Supreme Court held that to redress legislative action, "the people must resort to the polls, not to the courts." 1 **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . The bottom line: This Court concludes that the redistricting claim here is a nonjusticiable ...


Discussion:  **Court:** C. Dist. Ill. | **Date:** April 16, 1997 | **Headnotes:** HN13

239. [Frye v. Akron](#), 759 F. Supp. 1320, 1991 U.S. Dist. LEXIS 3759 

LB Cited by: 759 F. Supp. 1320 p.1326

... those damages awarded "for the loss of enjoyment of life, or for the value of life itself, as measured separately from the economic productive value that an injured or deceased person would have had." Black's Law Dictionary (6th ed. 1990). The deprivation of life that is prohibited by the Fourteenth Amendment includes "not only of life [itself], but of whatever God has given to everyone with life for its growth and enjoyment. . . ." **Munn v. Illinois, 94 U.S. 113, 142, 24 L. Ed. 77(1876)** ...

Discussion:  **Court:** Northern Dist. Ind. | **Date:** March 8, 1991

240. [Thillens, Inc. v. Fryzel](#), 712 F. Supp. 1319, 1989 U.S. Dist. LEXIS 3883, 1989-2 Trade Cas. (CCH) P68823 

LB Cited by: 712 F. Supp. 1319 p.1323

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Whether or not Thillens framed its earlier lawsuit in federal constitutional terms, then, ...

Discussion:  **Court:** Northern Dist. Ill. | **Date:** April 7, 1989 | **Headnotes:** HN13

241. [Sherrod v. Berry](#), 629 F. Supp. 159, 1985 U.S. Dist. LEXIS 13854 

LB Cited by: 629 F. Supp. 159 p.163


... Grover , J., dissenting). The deprivation of life that is prohibited by the Fourteenth Amendment includes "not only of life [itself], but of whatever God has given to everyone with life for its growth and enjoyment" **Munn v. Illinois, 94 U.S. (4 Otto) 113, 142, 24 L. Ed. 77(1876)** (Field, J., dissenting). In other words, the loss of life means more than being deprived of the right to exist, or of the ability to earn a living; it includes deprivation of the pleasures of life. This ...


Discussion:  **Court:** Northern Dist. Ill. | **Date:** November 15, 1985

242. [Hines v. Elkhart General Hospital](#), 465 F. Supp. 421, 1979 U.S. Dist. LEXIS 15086 

LB Cited by: 465 F. Supp. 421 p.427


... than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77(1876)** ...

Discussion:  **Court:** Northern Dist. Ind. | **Date:** January 15, 1979 | **Headnotes:** HN12

243. [Bartlett Frazier Co. v. Hyde](#), 56 F.2d 245, 1932 U.S. Dist. LEXIS 1036 

LB Cited by: 56 F.2d 245 p.246

... page 41 of 262 U.S., 43 S. Ct. 470, 67 L. Ed. 839): "In view of the actual interstate dealings in cash sales of grain on the exchange and the effect of the conduct of the sales of futures upon interstate commerce, we find no difficulty under **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and Stafford v. Wallace, supra [258 U.S. 495, 42 S. Ct. 397, 66 L. Ed. 735, 23 A.L.R. 229], in concluding that Federal Government, US Congress HN4 The Chicago Board of Trade is engaged in a business affected ...

Discussion:  | **Court:** Dist. Ill. | **Date:** February 12, 1932

244. [Farmers' Livestock Com. Co. v. United States](#), 54 F.2d 375, 1931 U.S. Dist. LEXIS 1876 

LB Cited by: 54 F.2d 375 p.379

... the buying and selling of livestock on a public stockyard on behalf of others is not affected with a public use, in view of the opinions in Tagg et al. v. U.S. (D.C.) 29 F.(2d) 750 , affirmed 280 U.S. 420 , 50 S. Ct. 220 , 74 L. Ed. 524 . In view of the decisions in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Stafford v. Wallace, 258 U.S. 495 , 42 S. Ct. 397 , 66 L. Ed. 735 , 23 A.L.R. 229 ; Terminal Taxicab Co. v. Kutz, 241 U.S. 252 , 36 S. Ct. 583 , 60 L. Ed. 984 , Ann. Cas. ...

Discussion:  | **Court:** Dist. Ill. | **Date:** December 14, 1931

245. [Streator Aqueduct Co. v. Smith](#), 295 F. 385, 1923 U.S. Dist. LEXIS 1108 

LB Cited by: 295 F. 385 p.388

Court: Dist. Ill. | **Date:** June 1, 1923

246. [American Coal Mining Co. v. Special Coal & Food Com.](#), 268 F. 563, 1920 U.S. Dist. LEXIS 906 

LB Cited by: 268 F. 563 p.567

... To my mind there are two classes of cases that illustrate the right of the state to exercise its police power. Over on the one side fall all of the cases in which there is a public franchise, or a public service, or a public utility. Over on that side belong, also, innkeepers along with the carriers, and to that class was added, in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , the warehouse, which had been a private warehouse. Pipelines & Transportation, Eminent Domain Proceedings Governments, ...

Discussion:  | **Court:** Dist. Ind. | **Date:** October 2, 1920

8th Circuit - Court of Appeals

247. [Minnesota Gas Co. v. Public Service Com., Dep't of Public Service](#), 523 F.2d 581, 1975 U.S. App. LEXIS 12610 

LB Cited by: 523 F.2d 581 p.583

... rates which will supersede those specified in a preexisting contract between a municipality and a privately owned utility company. Clearly, if neither party were a governmental subdivision, no serious federal question would be presented. Regulation of public utility rates has long been held an area of public interest subject to State police power legislation, Block v. Hirsh , 256 U.S. 135 , 157 , 65 L. Ed. 865 , 41 S. Ct. 458 (1921) ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** ...


Discussion:  | **Court:** 8th Cir. Minn. | **Date:** September 26, 1975

248. [St. Louis v. Mississippi River Fuel Corp.](#), 97 F.2d 726, 1938 U.S. App. LEXIS 3855 ▲

LB Cited by: 97 F.2d 726 p.729


... of necessity be for a public use, and therefore be coupled with a public interest; otherwise the Commission can have no authority whatever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation. **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77** . Since the sole right of regulation depends upon the public interest, the subdivisions quoted above, and which define an electric plant and an electric corporation, mean the same, whether the idea ...

Discussion:  **Court:** 8th Cir. Mo. | **Date:** July 5, 1938

249. [Thompson v. Siratt](#), 95 F.2d 214, 1938 U.S. App. LEXIS 4095, 36 Am. B.R. (n.s.) 114, Bankr. L. Rep. (CCH) P5005 

LB Cited by: 95 F.2d 214 p.217

... No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ; New York Central R. Co. v. White, 243 U.S. 188, 198, 37 S. Ct. 247 , 61 L. Ed. 667 , L.R.A. 1917D, 11, Ann. Cas. 1917D, 629. The question now before us was recently considered by the Circuit ...


Discussion:  **Court:** 8th Cir. Mo. | **Date:** March 15, 1938

250. [Drainage Dist. No. 2 v. Mercantile-Commerce Bank & Trust Co.](#), 69 F.2d 138, 1934 U.S. App. LEXIS 3467 

LB Cited by: 69 F.2d 138 p.141


... We ought never to overrule the decision of the legislative department of the government unless a palpable error has been committed. If a state of facts could exist that would justify the change in a remedy which has been made, we must presume it did exist, and that the law was passed on that account. **Munn v. Illinois, 94 U.S. 113, 132 [24 L.Ed. 77]** . We have nothing to do with the motives of the legislature, if what they do is within the scope of their powers under the constitution." ...

Discussion:  **Court:** 8th Cir. Ark. | **Date:** February 8, 1934

251. [Marrs v. Oxford](#), 32 F.2d 134, 1929 U.S. App. LEXIS 3722, 67 A.L.R. 1336 

LB Cited by: 32 F.2d 134 p.139

... public against threatened evils. Arbitrary and unreasonable regulations, clearly ineffective in accomplishment of the claimed public interest, will be stayed; but the presumption is in favor of a law or ordinance passed in the exercise of the power, until the contrary is shown. In *Dobbins v. Los Angeles*, 195 U.S. 223 , 235 , 25 S.Ct. 18 , 20 (49 L.Ed. 169), the court said: "The observations of Mr. Chief Justice Waite in that connection [**Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77**] ...


Discussion:  **Court:** 8th Cir. Kan. | **Date:** March 25, 1929

252. [United States v. Oklahoma Gas & Electric Co.](#), 297 F. 575, 1924 U.S. App. LEXIS 2857 

LB Cited by: 297 F. 575 p.577

... claimed that the state was powerless in the exercise of its police power to regulate rates charged by an electric light and power company in its business of supplying electricity to the people, nor in view of well-settled law could it be urged with any confidence that such exercise of the police power of the state impaired the obligation of contracts or took property without due process of law within the meaning of the federal and state Constitutions. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** 8th Cir. Okla. | **Date:** February 29, 1924

253. [Farmers' Grain Co. v. Langer](#), 273 F. 635, 1921 U.S. App. LEXIS 1514, 19 A.L.R. 148 

LB Cited by: 273 F. 635 p.649

... the marketing of grain in interstate commerce, and authorities in support of the power to regulate warehouses are not in point. The two leading cases upon the power to regulate warehouses and the distinction between this power and the power to regulate commerce are **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and *Wabash, etc., Ry. Co. v. Illinois*, 118 U.S. 557, 7 Sup. Ct. 4, 30 L. Ed. 244. The principles established by these cases were followed in *Budd v. N.Y.*, 143 U.S. 517, 12 ...

Discussion:  **Court:** 8th Cir. N.D. | **Date:** May 3, 1921

254. [Nowata County Gas Co. v. Henry Oil Co.](#), 269 F. 742, 1920 U.S. App. LEXIS 1910 

LB Cited by: 269 F. 742 p.745, p.746


... 141 Pac. 620, L.R.A. 1915C, 282, Ann. Cas. 1915D, 471; *V.S. Bottle Co. v. Mountain Gas Co.*, 261 Pa. 523, 104 Atl. 667; *Public Utilities Com. of Kansas v. Wichita R. & L. Co. (C.C.A.)* 268 Fed. 37 (decided this term by this court); **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *C., B. & Q.R.R. Co. v. Nebraska*, 170 U.S. 57, 18 Sup. Ct. 513, 42 L. Ed. 948; *Manigault v. Springs*, 199 U.S. 473, 26 Sup. Ct. 127, 50 L. Ed. 274; ...


Discussion:  **Court:** 8th Cir. Okla. | **Date:** November 22, 1920

255. [Chicago, B. & Q. R. Co. v. Winnett](#), 162 F. 242, 1908 U.S. App. LEXIS 4441 

LB Cited by: 162 F. 242 p.247

... be exercised by the Legislature itself or be delegated by it to a commission established for that purpose, and that courts of equity will not interfere by injunction to control the exercise of this power in advance, are propositions established beyond question by the following authorities: **Munn v. Illinois, 94 U.S. 113, 144, 24 L. Ed. 77**; *Peik v. Chicago N. W. Railway*, 94 U.S. 164, 178, 24 L. Ed. 97; *Express Cases*, 117 U.S. 1, 6 Sup. Ct. 542, 628, 29 L. Ed. 791 ...


Discussion:  **Court:** 8th Cir. Neb. | **Date:** April 17, 1908

256. [Muskogee Nat. Tel. Co. v. Hall](#), 118 F. 382, 1902 U.S. App. LEXIS 4532 

LB Cited by: 118 F. 382 p.386


... *Wabash, St. L. & P.R. Co. v. Illinois*, 118 U.S. 557, 566, 567, 7 Sup. Ct. 4, 30 L. Ed. 244; *Chicago, B. & Q.R. Co. v. Iowa*, 94 U.S. 155, 163, 24 L. Ed. 94; **Munn v. Illinois, 94 U.S. 113, 135, 24 L. Ed. 77**. From any point of view, therefore, when this case was decided by the United States court of appeals in the Indian Territory on October 4, 1901, the Muskogee National Telephone Company, in view of the then recent act of congress ...

Discussion:  **Court:** 8th Cir. Indian Terr. | **Date:** October 27, 1902


257. [Dodge v. Mission Township](#), 107 F. 827, 1901 U.S. App. LEXIS 4027, 54 L.R.A. 242 

Y Distinguished by: 107 F. 827 p.833

The argument of counsel for the plaintiff in error that the promotion of the construction and operation of this mill is a public purpose, because the legislature declared in the act authorizing the issue of the bonds that the mills aided thereby were public mills, and because the supreme court in *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77, *Budd v. People*, 143 U.S. 517, 12 Sup. Ct. 468, 36 L. Ed. 247, and *Brass v. Stoesser*, 153 U.S. 391, 14 Sup. Ct. 857, 38 L. Ed. 757, held that the business of receiving and storing grain for compensation in elevators, warehouses, and docks might be declared by the legislatures of the states to be of a public character, and might be regulated under their police power, has not been overlooked. But that contention cannot prevail, because the object of the promotion of this mill and of its operation was clearly private, and a legislature cannot by its mere fiat make a private object a public one for the purpose of taxation, and also because the limits of the power to tax are by no means the same as the limits of the police power of the states. Many private occupations, as the sale of intoxicants, the driving of carriages for hire, and the construction of private buildings along the streets of a city, bear such a relation to the public welfare that they may be regulated under the police power of a state, when there is an entire absence of power in its legislature to tax the property of its citizens to promote or maintain these enterprises.

Discussion:  **Court:** 8th Cir. Kan. **Date:** April 11, 1901

8th Circuit - U.S. District Courts

258. [LSP Transmission Holdings, LLC v. Lange](#), 329 F. Supp. 3d 695, 2018 U.S. Dist. LEXIS 110491, 2018 WL 3075976 

LB Cited by: 329 F. Supp. 3d 695 p.700

... Electricity placed on transmission lines becomes part of an integrated, interstate system. State regulation of industries, such as the electrical industry, has long been recognized as a valid exercise of a state's police powers. See *Munn v. Illinois*, 94 U.S. 113, 126, 24 L. Ed. 77(1876) (explaining that state regulation of property that is used in a way that is of public consequence is a valid exercise of the state's powers). The principal federal statute governing electricity generation ...

Court: Dist. Minn. **Date:** June 21, 2018

259. [Minnesota Gas Co. v. Public Service Com., Dep't of Public Service](#), 394 F. Supp. 327, 1974 U.S. Dist. LEXIS 11629 

LB Cited by: 394 F. Supp. 327 p.331

... , again held that an inconsistent franchise provision must yield to State statute. The Court there noted: ""* * * if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since *Munn v. State of Illinois*, 94 U.S. 113, 24 L. Ed. 77(1877) ."" *Western States Utilities*, supra , at 308, 65 N.W.2d at 261 , quoting Justice Holmes in *Block v. Hirsh*, 256 U.S. 135 , 157 , 65 L. Ed. 865 ...

Discussion:  **Court:** Dist. Minn. **Date:** December 12, 1974

260. [Harlow v. Ryland](#), 78 F. Supp. 488, 1948 U.S. Dist. LEXIS 2507 

LB Cited by: 78 F. Supp. 488 p.491, p.492

... property right, no vested interest in any rule of the common law. The common law is no sacred institution, and stands in no stronger position than any other law. Rights of property created by the common law which have vested cannot be taken away without due process. But the law itself being but

a rule of conduct may be changed at the will of the legislature. The only limitation to prevent such a change would be a constitutional limitation. **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77 ...**

Discussion:  | **Court:** Dist. Ark. | **Date:** July 6, 1948 | **Headnotes:** HN12

261. [United States v. United Shoe Machinery Co.](#), 264 F. 138, 1920 U.S. Dist. LEXIS 1177 

LB Cited by: 264 F. 138 p.151

... No person has a vested right, under the common law or decisions of courts, entitling him to insist that it shall remain unchanged for his benefit, although in the opinion of the Legislature it is injurious to the public welfare, and therefore subject to the police power. **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ; Second Employers' Liability Cases, 223 U.S. 1, 50, 32 Sup. Ct. 169, 56 L. Ed. 327, 38 L.R.A. (N.S.) 44 ; New York Central R.R. v. White, 243 U.S. 188, 198 ...

Discussion:  | **Court:** Dist. Mo. | **Date:** March 31, 1920

262. [Chicago, R. I. & P. R. Co. v. Ketchum](#), 212 F. 986, 1913 U.S. Dist. LEXIS 991 

LB Cited by: 212 F. 986 p.995

... exceptional, and partial legislation upon the subject of the sale of tickets to individuals willing and able to purchase a quantity at any one time. The latter is not an exercise of the power to establish maximum rates. "True it is that the railroad company exercises a public franchise, and that its occupation is of a public nature, and the public therefore has a certain interest in and rights connected with the property, as was held in **Munn v. Illinois, 94 U.S. 113, 125 [24 L. Ed. 77]** ...

Discussion:  | **Court:** Dist. Iowa | **Date:** August 2, 1913

263. [Wells Fargo & Co. v. Johnson](#), 205 F. 60, 1913 U.S. Dist. LEXIS 1525 

LB Cited by: 205 F. 60 p.85

... commission to furnish certain information to the board of assessment and equalization, and providing that the same shall be considered by such board in making a valuation of the property of the express companies for the purpose of taxation. Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt, the expressed will of the Legislature should be sustained. **Munn v. Ill., 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  | **Court:** Dist. S.D. | **Date:** April 2, 1913 | **Headnotes:** HN1

264. [Ft. Smith Light & Traction Co. v. Ft. Smith](#), 202 F. 581, 1912 U.S. Dist. LEXIS 994 

LB Cited by: 202 F. 581 p.586

Discussion:  | **Court:** Dist. Ark. | **Date:** December 31, 1912

9th Circuit - Court of Appeals

265. [Newman v. Sathyavaglswaran](#), 287 F.3d 786, 2002 U.S. App. LEXIS 6881, 2002 Cal. Daily Op. Service 3221, 2002 D.A.R. 4099 

LB Cited by: 287 F.3d 786 p.798

... , J. concurring) ("There are limits on governmental authority to abolish 'core' common-law rights."). 14 Of course, states may choose between multiple legal rules that are consistent with the basic principles of

Shepard's®: Munn v. Illinois, 94 U.S. 113

the common law "at the will, or even the whim, of the legislature." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** ; accord *Duke Power Co. v. Carolina Env'tl. Study Group, Inc.* , 438 U.S. 59 , 88 n. 32, 57 L. Ed. 2d 595 , 98 S. Ct. 2620 (1978) ("Our cases have ...

Discussion:  | **Court:** 9th Cir. Cal. | **Date:** April 16, 2002

266. [United States v. Bines](#), 1995 U.S. App. LEXIS 24295 

LB Cited by:

... We decline Martin's invitation to second-guess Congress where it has a rational basis for its statute. In the words of Chief Justice Waite , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . Because this circuit has determined on several occasions that the differing penalties for crack and powder cocaine have a rational basis, we hold that § 841 does not violate Martin's ...

Discussion:  | **Court:** 9th Cir. Cal. | **Date:** August 15, 1995 | **Headnotes::** HN13

267. [Boylan v. United States](#), 310 F.2d 493, 1962 U.S. App. LEXIS 3596, 15 Fed. Carr. Cas. (CCH) P81503



Y Criticized by: 310 F.2d 493 p.498

In the face of this doctrinal change of position by the Supreme Court, the fact that certain state courts still adhere to Chief Justice Waite's 'affected with a public interest' dictum announced in *Munn v. Illinois*, 94 U.S. 113, 126, 24 L.Ed. 77, is without significance in federal adjudication.

Discussion:  | **Court:** 9th Cir. Or. | **Date:** November 19, 1962

268. [Pacific Natural Gas Co. v. Federal Power Com.](#), 276 F.2d 350, 1960 U.S. App. LEXIS 5154, 33 Pub. Util. Rep. 3d (PUR) 295 

LB Cited by: 276 F.2d 350 p.353


... matter to the courts, we cannot find in the Act any provision which says that a common law action cannot be brought by the buyer to recover overcharges on rates which have been found by the Commission, in the exercise of its powers under 717c(e), to be excessive. But passing that difficulty, we do not believe that the legislative power is helpless to abolish a common law right without enacting a statutory right in its place. As stated in **Munn v. Illinois, 1876,94 U.S. 113, 134, 24 L.Ed. 77** ...


Discussion:  | **Court:** 9th Cir. | **Date:** March 14, 1960 | **Headnotes::** HN12

269. [United Truck Lines, Inc. v. United States](#), 216 F.2d 396, 1954 U.S. App. LEXIS 4286 

LB Cited by: 216 F.2d 396 p.399


... to all comers, and the latter utilize the services in keeping with the declared purpose of the corporation. The corporate business is on its face clothed with a public interest; and while the ferry may not be a public way by virtue of state law, it is made so by the facts. Cf. **Munn v. Illinois,94 U.S. 113, 132, 24 L.Ed. 77** . 3. Consult, also, on the general subject *Town of Vidalia v. McNeely*, 274 U.S. 676 , 47 S.Ct. 758 , 71 L.Ed. 1292 . Similarly to the present, that case had ...

Discussion:  | **Court:** 9th Cir. Or. | **Date:** October 13, 1954

270. [Ackroyd v. Winston Bros. Co.](#), 113 F.2d 657, 1940 U.S. App. LEXIS 3429 

LB Cited by: 113 F.2d 657 p.660

... Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. It is the extent and character of the use, which makes it public. "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large." **Munn v. Illinois, 94 U.S. 113, 126, 24 L.Ed. 77** . It is the extent and character of th use which makes it public. Van Dyke v. Geary, 244 ...

Discussion:  **Court:** 9th Cir. Mont. | **Date:** July 17, 1940

9th Circuit - U.S. District Courts

271. [Desoto Cab Co. v. Picker](#), 196 F. Supp. 3d 1107, 2016 U.S. Dist. LEXIS 94809 

LB Cited by: 196 F. Supp. 3d 1107 p.1113

... As an initial matter, the Court notes that some of Flywheel 's arguments are problematic. For example, Flywheel essentially conceded at the hearing that TNCs are, in fact, public utilities within the meaning of the Johnson Act. See **Munn v. Illinois, 94 U.S. 113, 126, 129, 24 L. Ed. 77(1876)** (noting that the government's power to regulate private property arises when the private property "is 'affected with a public interest'"; adding that this principle is the source of "the power ...


Court: Northern Dist. Cal. | **Date:** July 20, 2016 | **Headnotes::** HN7

272. [Italian Colors Rest. v. Harris](#), 99 F. Supp. 3d 1199, 2015 U.S. Dist. LEXIS 39030 

LB Cited by: 99 F. Supp. 3d 1199 p.1207

... ("If the challenged classification bears a reasonable relationship to the accomplishment of some legitimate government objective, the statute must be upheld."). The Court finds that this is not an economic regulation that controls what is charged or paid for something. See **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77(1876)** . As conceded by the government in its briefing, " section 1748.1 [does not] instruct retailers how to assign their prices." Def. Reply, ECF No. 29, at 8. Instead, ...


Discussion:  **Court:** Eastern Dist. Cal. | **Date:** March 25, 2015

273. [In re Consolidated United States Atmospheric Testing Litigation](#), 616 F. Supp. 759, 1985 U.S. Dist. LEXIS 16402 

LB Cited by: 616 F. Supp. 759 p.767

... common law. The U.S. Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object, despite the fact that "otherwise settled expectations" may be upset thereby. "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases , 223 U.S. 1 , 50 [56 L. Ed. 327 , 32 S. Ct. 169] (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134 [24 L. Ed. 77]** ...

Discussion:  **Court:** Northern Dist. Cal. | **Date:** August 28, 1985 | **Headnotes::** HN12


274. [Times Newspapers, Ltd. \(of Great Britain\) v. McDonnell Douglas Corp.](#), 387 F. Supp. 189, 1974 U.S. Dist. LEXIS 11822, 19 Fed. R. Serv. 2d (Callaghan) 714, 1 Media L. Rep. (BNA) 2346 

LB Cited by: 387 F. Supp. 189 p.203

... Milson Co. v. Southland Corp., 16 F.R.Serv.2d 110 (N.D.Ill. 1972) In antitrust suit, Court ordered sequestration of plaintiffs, their employees and agents so they couldn't attend depositions until their own were taken. 49. **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1876)** State may properly regulate

and fix charges for grain storage. A person must submit to be controlled by the public for the common good, "to the extent of the interest he has created," as to property clothed with ...

Discussion:  **Court:** Central Dist. Cal. | **Date:** November 28, 1974

275. [Rank v. United States](#), 142 F. Supp. 1, 1956 U.S. Dist. LEXIS 3083 

LB Cited by: 142 F. Supp. 1 p.147


Court: Dist. Cal. | **Date:** February 7, 1956

276. [Merced Dredging Co. v. Merced County](#), 67 F. Supp. 598, 1946 U.S. Dist. LEXIS 2206 

LB Cited by: 67 F. Supp. 598 p.605

... Every legislative enactment is rightly presumed to be constitutional. Unless the judicial branch is compelled to say the questioned enactment is clearly out of constitutional bounds, the expressed will of the legislative should be given effect. **Munn v. Illinois, 1876,94 U.S. 113, 123, 24 L.Ed. 77** ; Sage Stores Co. v. Kansas, 1944, 323 U.S. 32 , 35 , 65 S.Ct. 9 , 89 L.Ed. 25 . Courts will always assume that the legislative body has acted according to its honest judgment for the ...

Discussion:  **Court:** Dist. Cal. | **Date:** June 29, 1946

277. [Great N. R. Co. v. Nagle](#), 16 F. Supp. 532, 1936 U.S. Dist. LEXIS 2058 

LB Cited by: 16 F. Supp. 532 p.535

... here. The plaintiff may be making money from its sawmill and lumber business but it no more can be compelled to spend that than it can be compelled to spend any other money to maintain a railroad for the benefit of others who do not care to pay for it. If the plaintiff be taken to have granted to the public an interest in the use of the railroad it may withdraw its grant by discontinuing the use when that use can be kept up only at a loss. **Munn v. Illinois,94 U.S. 113, 126, 24 L.Ed. 77** ...


Discussion:  **Court:** Dist. Mont. | **Date:** October 1, 1936

278. [In re Plumer](#), 9 F. Supp. 923, 1935 U.S. Dist. LEXIS 1934, 28 Am. B.R. (n.s.) 117 

LB Cited by: 9 F. Supp. 923 p.926

... , and this power is not exhausted by one act, but may be invoked when present needs, standards, and wisdom and justice require. In re Landquist (D.C.) 70 F.(2d) 929 . In re Radford (D.C.) 8 F. Supp. 489 , 26 A.B.R. (N.S) 47 . The power of the Congress being fixed, and the act being temporary, the validity is established. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . The purpose of the act being temporary, and, as such, is justified. Wilson v. New, 243 U.S. 332 , 345 , 346 , ...

Discussion:  **Court:** Dist. Cal. | **Date:** February 21, 1935

279. [Associated Press v. Kvos, Inc.](#), 9 F. Supp. 279, 1934 U.S. Dist. LEXIS 1207 

LB Cited by: 9 F. Supp. 279 p.283

Court: Dist. Wash. | **Date:** December 18, 1934

280. [Great Northern Utilities Co. v. Public Service Com.](#), 52 F.2d 802, 1931 U.S. Dist. LEXIS 1702 ▲

LB Cited by: 52 F.2d 802 p.807

... is a limitation of the powers of all the departments of the state government," while "the Fifth Amendment in no manner affected the powers granted Congress by the Constitution." Yet the very case most heavily relied upon by the plaintiff, **Munn v. Illinois, 94 U.S. 113, 123-124, 24 L. Ed. 77**, does not sustain this view. In discussing the "due process of law" clause of the Fourteenth Amendment, Mr. Chief Justice Waite said: "While this provision of the amendment is new in the Constitution ...

Discussion: ■■■■■ | **Court:** Dist. Mont. | **Date:** August 18, 1931 | **Headnotes:** HN3

281. [Marx v. Maybury](#), 36 F.2d 397, 1929 U.S. Dist. LEXIS 1700 A

LB Cited by: 36 F.2d 397 p.398

... of lotions, cosmetics, antiseptics, etc., requires study, training, and experience. The state has inherent power for public welfare to "govern men and things," and within the Fifth and Fourteenth Amendments may regulate "the sweeping of chimneys" and fix fees therefor, or "the rates or commissions of auctioneers" (**Munn v. Illinois, 94 U.S. 113, at page 125, 24 L. Ed. 77**), and with such adjudged power, where treatment requires personal touch, it must be held to have power to prescribe ...

Discussion: ■■■■■ | **Court:** Dist. Wash. | **Date:** December 4, 1929

282. [Jungst v. Baldrige](#), 51 F.2d 379, 1929 U.S. Dist. LEXIS 1151 A

LB Cited by: 51 F.2d 379 p.382

... 17 Tex. Civ. App. 602, 43 S.W. 616; chapter 92, Comp. Laws Colo. 1921 (sections 4756-4764); 3 Corp. Jur. p. 188. And in principle its validity is thought to be supported by the Slaughter House Cases, 83 U.S. (16 Wall.) 36, 21 L. Ed. 394; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Armour & Co. v. N. Dakota, 240 U.S. 510, 36 S. Ct. 440, 60 L. Ed. 771, Ann. Cas. 1916D, 548; Brazee v. Michigan, 241 U.S. 340, 36 S. Ct. 561, 60 L. Ed. 1034, Ann. Cas. 1917C, 522. Just ...

Discussion: ■■■■■ | **Court:** Dist. Idaho | **Date:** August 28, 1929

283. [Pacific Spruce Corp. v. McCoy](#), 294 F. 711, 1923 U.S. Dist. LEXIS 1178 +

LB Cited by: 294 F. 711 p.715

... concern, and that affects the community at large. When, therefore, one, in effect, sets apart his property to a use in which the public has an interest, it may be said that he, in effect, grants or devotes such use to the public, and, as a consequence, must submit to be controlled by the public for the common good, "to the extent of the interest he has thus created." **Munn v. Illinois, 94 U.S. 113, 126 (24 L. Ed. 77)**. The doctrine thus promulgated has been reaffirmed by the Supreme Court ...

Discussion: ■■■■■ | **Court:** Dist. Or. | **Date:** December 17, 1923

284. [United States v. Spokane Dry Goods Co.](#), 264 F. 209, 1920 U.S. Dist. LEXIS 1179 I

LB Cited by: 264 F. 209 p.213

... return to the public and in order to secure something to the public not otherwise attainable." Cooley's Principles of Constitution, p. 234. It has generally been supposed that these exceptions are somewhat enlarged upon by the decision in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and kindred cases. Thus,

in discussing the effect of the decision in that case, Mr. Justice Field in a dissenting opinion said: "The public is interested in the manufacture of cotton, woolen and silken fabrics, ...

Discussion:  **Court:** Dist. Wash. | **Date:** March 13, 1920

285. [A. M. Holter Hardware Co. v. Boyle](#), 263 F. 134, 1920 U.S. Dist. LEXIS 1238 

LB Cited by: 263 F. 134 p.136


... nature of the business, wherein its proper conduct concerns more than the parties to any single transaction, wherein by reason of peculiar circumstances the business sustains such relation to the public that they are affected by its consequences -- in all, in marked contrast to ordinary mercantile business and ordinary employment. See *German Alliance, etc., Co. v. Kansas*, 233 U.S. 406 , 34 Sup. Ct. 612, 58 L. Ed. 1011 , L.R.A. 1915C, 1189. From **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Dist. Mont. | **Date:** January 13, 1920

286. *Johnson v. Kennecott Copper Corp.*, 5 Alaska 571

LB Cited by: 5 Alaska 571 p.573

Court: Dist. Alaska | **Date:** October 17, 1916

287. [Yee Gee v. San Francisco](#), 235 F. 757, 1916 U.S. Dist. LEXIS 1411 

LB Cited by: 235 F. 757 p.764

... in the conduct of his business -- legitimate and harmless in its essential character -- beyond a point reasonably required for the protection of the public, is too thoroughly settled to call for any extended citation of authority in its support. And while at an earlier period the question of the reasonableness of regulatory measures was deemed more largely a legislative than a judicial one (*Brown v. Maryland*, 12 Wheat. 419 , 6 L. Ed. 678 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Dist. Cal. | **Date:** July 20, 1916

288. [Murray v. Pacific Coast S. S. Co.](#), 207 F. 688, 1913 U.S. Dist. LEXIS 1342 

LB Cited by: 207 F. 688 p.690

... section 8, art. 1, of the Constitution of the United States , the fifth, seventh, and section 1 of the fourteenth amendments to the Constitution , and section 21, art. 1, of the Constitution of the state of Washington . Plaintiff relies upon the following authorities: **Munn v. Illinois,94 U.S. 113-134,24 L. Ed. 77** ; *State v. Heldenbrand*, 62 Neb. 136 , 87 N.W. 25 , 89 Am. St. Rep. 743 ; *Danforth v. Groton Water Co.*, 178 Mass. 472 , 59 N.E. 1033 , 86 Am. St. Rep. 495 ; *Pittsburgh*, ...

Discussion:  **Court:** Dist. Wash. | **Date:** September 16, 1913

289. [Stoll v. Pacific Coast S. S. Co.](#), 205 F. 169, 1913 U.S. Dist. LEXIS 1538 

LB Cited by:


... *Martin v. Railroad Co.*, 203 U.S. 284 , 27 Sup. Ct. 100, 51 L. Ed. 184 , 8 Ann. Cas. 87 ; *Littleton v. Fowler*, 1 Salk. 282; *Blackstone's Com.* 431; *Gray v. Portland Bank*, 3 Mass. 364 , 3 Am. Dec. 156 ; *Harlow v. Humiston*, 6 Cow. (N.Y.) 189 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; *Mining Co. v. Firstbrook*, 36 Colo. 498 , 86 Pac. 313 , 10 Ann. Cas. 1108 ; *Western Union Telegraph Co. v. Miling*

Shepard's®: Munn v. Illinois, 94 U.S. 113

Co., 218 U.S. 406 , 31 Sup. Ct. 59, 54 L. Ed. 1088 , 36 L.R.A. (N. S.) 220, 21 ...

Discussion:  **Court:** Dist. Wash. | **Date:** April 28, 1913290. [Christianson v. King County](#), 196 F. 791, 1912 U.S. Dist. LEXIS 1593 **LB Cited by:** 196 F. 791 p.798

... "In this country, when title to land fails for want of heirs and devisees, it escheats to the state as part of its common ownership, either by mere operation of law, or upon an inquest office, according to the law of the particular state." There is nothing sacred about this or any other rule of the common law; for, as said by the court in **Munn v. Illinois, 94 U.S. 113 , 134 (24 L. Ed. 77)**: "A person has no property, no vested interest, in any rule of the common law. That is only one of the ...

Discussion:  **Court:** Dist. Wash. | **Date:** May 7, 1912 | **Headnotes::** HN12**10th Circuit - Court of Appeals**291. [Powers v. Harris](#), 379 F.3d 1208, 2004 U.S. App. LEXIS 17926 **LB Cited by:** 379 F.3d 1208 p.1225

... But it is for the legislature, not the courts, to balance the advantages and disadvantages of the [FSLA's] requirements." Williamson , 348 U.S. at 487 . Under our system of government, Plaintiffs "must resort to the polls, not to the courts" for protection against the FSLA's perceived abuses. Id . at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**) . As Winston Churchill eloquently stated: "Democracy is the worst form of government except for all those other ...


Discussion:  **Court:** 10th Cir. Okla. | **Date:** August 23, 2004292. [Aves v. Shah](#), 1997 U.S. App. LEXIS 26420**LB Cited by:** 1997 U.S. App. LEXIS 26420**Court:** 10th Cir. Kan. | **Date:** September 24, 1997293. [Aves by & Through Aves v. Shah](#), 1997 U.S. App. LEXIS 26378, 1997 Colo. J. C.A.R. 2087 **LB Cited by:**


... A State may abolish a common-law cause of action without violating the Constitution, even though "otherwise settled expectations may be upset thereby." Duke Power Co. v. Carolina Env'tl. Study Group , 438 U.S. 59 , 88 n.32, 57 L. Ed. 2d 595 , 98 S. Ct. 2620 (1978) (quotations omitted); see **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** ("A person has no property, no vested interest, in any rule of the common law."); see also Silver v. Silver , 280 U.S. 117 , 122 , ...

Discussion:  **Court:** 10th Cir. Kan. | **Date:** September 24, 1997 | **Headnotes::** HN12294. [Superior Oil Co. v. Western Slope Gas Co.](#), 758 F.2d 500, 1985 U.S. App. LEXIS 29881, 84 Oil & Gas Rep. 463 **B Cited in Dissenting Opinion at:** 758 F.2d 500 p.503

... will be increased regularly at the behest of utilities. It is very probable that there will never be a reduction of rates if this formula is employed. The history of regulation goes back quite a good ways. Perhaps the earliest of these cases is the Supreme Court's decision in Munn v. Illinois , 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1877)** . In that case the rationale was very well set forth. Chief Justice Waite


wrote for the Court and he outlined why there was a need for protection of the consumers ...

Discussion:  **Court:** 10th Cir. Colo. | **Date:** March 20, 1985

295. [Cottonwood Mall Shopping Center, Inc. v. Utah Power & Light Co.](#), 440 F.2d 36, 1971 U.S. App. LEXIS 11391, 89 Pub. Util. Rep. 3d (PUR) 196, 1971 Trade Cas. (CCH) P73510 

LB Cited by: 440 F.2d 36 p.43


... United States v. Stephen Brothers Line, 5 Cir., 1967, 384 F.2d 118 . Utah recognizes that a cooperative is a business "affected with a public interest," Garkane, supra , 100 P.2d at 574 , and therefore subject to regulation under the 1965 changes. But beginning with **Munn v. Illinois, 1877,94 U.S. 113, 24 L. Ed. 77** , the Courts have moved in a direction of giving the legislature almost limitless power to regulate private commercial activity. The handwriting on the wall is plain: "The ...

Discussion:  **Court:** 10th Cir. Utah | **Date:** March 12, 1971


296. [Chickasha Cotton Oil Co. v. Cotton County Gin Co.](#), 40 F.2d 846, 1930 U.S. App. LEXIS 3268, 74 A.L.R. 1070 

LB Cited by: 40 F.2d 846 p.847, p.848

... , the parties conceded and the court assumed as a basis of decision the validity of the state laws requiring a license for a gin, and classifying it as a public utility; and it is persuasive the court entertained that view. It was said in **Munn v. Illinois,94 U.S. 113, at pages 132 and 133, 24 L. Ed. 77** : "For our purposes we must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed. For ...

Discussion:  **Court:** 10th Cir. Okla. | **Date:** April 28, 1930

10th Circuit - U.S. District Courts

297. [Aves by & Through Aves v. Shah](#), 914 F. Supp. 443, 1996 U.S. Dist. LEXIS 1080 

LB Cited by: 914 F. Supp. 443 p.448

... . A higher level of scrutiny may be appropriate when the state restricts a fundamental such as a vested property right, but such a level of review is not warranted simply because the legislature has somehow impaired a common law right of action. See New York Central R. Co. v. White, 243 U.S. 188, 197-98, 61 L. Ed. 667 , 37 S. Ct. 247 (1917) ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77, 4** (Otto) 113, 134 (1876). Although the plaintiffs, in the absence of the challenged provisions of ...

Discussion:  **Court:** Dist. Kan. | **Date:** January 18, 1996

298. [In re Traders Compress Co.](#), 381 F. Supp. 789, 1973 U.S. Dist. LEXIS 13457, Bankr. L. Rep. (CCH) P65498, 1974-2 Trade Cas. (CCH) P 75425 


G Followed by: 381 F. Supp. 789 p.795

Our own Supreme Court in Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 (1876), interpreted and expanded this common law concept when it faced the question of whether Illinois had the power to fix the maximum of charges for the storage of grain in public warehouses. In holding that Illinois had such power, the Court stated: ... "This brings to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is 'affected with a public interest,' it ceases to be juris privati only. . . .

Discussion:  **Court:** Western Dist. Okla. | **Date:** May 29, 1973

299. [Farmers' Gin Co. v. Hayes](#), 54 F. Supp. 47, 1943 U.S. Dist. LEXIS 1756 ▲
- LB Cited by:** 54 F. Supp. 47 p.54
 ... consequence to some government regulation. They have come to hold such a peculiar relation to the public that this is superimposed upon them. In the language of the cases, the owner by devoting his business to the public use, in effect grants the public an interest in that use and subjects himself to public regulation to the extent of that interest although the property continues to belong to its private owner and to be entitled to protection accordingly. **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77 ...**
- Discussion:** ■■■■■ | **Court:** Dist. Okla. | **Date:** December 28, 1943
-
300. [United States v. Kinnebrew Motor Co.](#), 8 F. Supp. 535, 1934 U.S. Dist. LEXIS 1438 Ⓐ
- LB Cited by:** 8 F. Supp. 535 p.543
 ... , 2 L.R.A. 411 , 11 Am. St. Rep. 107 . In view of the actual interstate dealings in cash sales of grain on the exchange, and the effect of the conduct of the sales of futures upon interstate commerce, we find no difficulty under **Munn v. Illinois,94 U.S. 113, 133, 24 L. Ed. 77** , and Stafford v. Wallace, supra , in concluding that the Chicago Board of Trade is engaged in a business affected with a public national interest and is subject to national regulation as such." In State of Minn. ...
- Discussion:** ■■■■■ | **Court:** Dist. Okla. | **Date:** November 12, 1934
-
301. [United States v. Eason Oil Co.](#), 8 F. Supp. 365, 1934 U.S. Dist. LEXIS 1388 Ⓐ
- LB Cited by:** 8 F. Supp. 365 p.375
 ... , 2 L.R.A. 411 , 11 Am. St. Rep. 107 .In view of the actual interstate dealings in cash sales of grain on the exchange, and the effect of the conduct of the sales of futures upon interstate commerce, we find no difficulty under **Munn v. Illinois,94 U.S. 113, 133, 24 L. Ed. 77** , and Stafford v. Wallace, supra , in concluding that the Chicago Board of Trade is engaged in a business affected with a public national interest and is subject to national regulation as such." Coronado Coal Co. ...
- Discussion:** ■■■■■ | **Court:** Dist. Okla. | **Date:** September 22, 1934
-
302. [Continental Baking Co. v. Woodring](#), 55 F.2d 347, 1931 U.S. Dist. LEXIS 1944 ◆
- LB Cited by:** 55 F.2d 347 p.353
 ... 283 U.S. 527 , 537 , 51 S. Ct. 540 , 75 L. Ed. 1248 , 73 A.L.R. 1464 ; Brown-Forman Co. v. Kentucky, 217 U.S. 563 , 573 , 30 S. Ct. 578 , 54 L. Ed. 883 ; **Munn v. Illinois,94 U.S. 113, 132, 24 L. Ed. 77** . It is abundantly settled that the Legislature may consider the difficulties of administration in the enactment of statutes. In Purity Extract & Tonic Co. v. Lynch, 226 U.S. 192 , 33 S. Ct. 44 , 57 L. Ed. 184 , it was held that the difficulties besetting the administration ...
- Discussion:** ■■■■■ | **Court:** Dist. Kan. | **Date:** December 15, 1931 | **Headnotes::** HN9
-
303. [Owens v. Corporation Com. of Oklahoma](#), 41 F.2d 799, 1930 U.S. Dist. LEXIS 2181 Ⓚ
- LB Cited by:** 41 F.2d 799 p.802
 ... statute regulating the charge for service rendered by country elevators dotted over the state, was upheld; and the close analogy to Township of Burlington v. Beasley, 94 U.S. 310 , 24 L. Ed. 161 , where

a steam grist mill was held to be a public utility; and the general language used in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and in *Budd v. New York*, 143 U.S. 517, 12 S. Ct. 468, 36 L. Ed. 247, and the opinions expressed in *Tallassee Oil Co. v. H.S. & J.L. Holloway*, 200 Ala. ...

Discussion:  | **Court:** Dist. Okla. | **Date:** January 10, 1930

11th Circuit - U.S. District Courts

304. [Cox Cable Communications v. United States](#), 866 F. Supp. 553, 1994 U.S. Dist. LEXIS 14902, 76 Rad. Reg. 2d (P & F) 1553 

LB Cited by: 866 F. Supp. 553 p.557

... . . . to strike down . . . laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. (Cits.). . . . We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 24 L. Ed. 77**, "For protection against abuses by the legislatures the people must resort to the polls, not to the courts." *Williamson v. Lee Optical of Oklahoma*, 348 U.S. 483, 487-88, 75 S. Ct. 461 ...


Discussion:  | **Court:** Middle Dist. Ga. | **Date:** October 14, 1994 | **Headnotes:** HN13

305. [Cash Inn of Dade, Inc. v. Metropolitan Dade County](#), 706 F. Supp. 844, 1989 U.S. Dist. LEXIS 1900 

LB Cited by: 706 F. Supp. 844 p.847

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L. Ed. 77**, "For protection against abuses by legislatures the people must report to the polls, not to the courts." *Id.* (citations omitted). *Judicial Review, Standards of Review HN3* The rational basis or, as ...


Discussion:  | **Court:** Southern Dist. Fla. | **Date:** February 14, 1989

306. [J.L. v. Parham](#), 412 F. Supp. 112, 1976 U.S. Dist. LEXIS 16437 

LB Cited by: 412 F. Supp. 112 p.127

... , it was introduced into the Constitution of the United States as a limitation upon the powers of the National Government, and by the 14th, as a guaranty against any encroachment upon an acknowledged right of citizenship by the Legislatures of the States." *Munn v. People of Illinois*, 1876, 94 U.S. (4 Otto) 113, **24 L. Ed. 77, 83(1876)**. Called upon in innumerable cases to determine what adult persons are protected by the guaranties of this amendment, it nevertheless was ninety-one years ...

Discussion:  | **Court:** Middle Dist. Ga. | **Date:** February 26, 1976 | **Headnotes:** HN3

307. [Publix Cleaners, Inc. v. Florida Dry Cleaning & Laundry Board](#), 32 F. Supp. 31, 1940 U.S. Dist. LEXIS 3273 

LB Cited by: 32 F. Supp. 31 p.35

... *United States v. Rock Royal Co-Op.*, 307 U.S. 533, 59 S.Ct. 993, 83 L.Ed. 1446, sustaining as against like objections under the Fifth Amendment, minimum price regulations for milk under the Federal Agricultural Marketing Agreement Act, 7 U.S.C.A. § 601 et seq.; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, sustaining an Illinois statute fixing maximum prices for storing grain; *German Alliance Ins. Co. v. Lewis*, 233 U.S. 389, 34 S.Ct. 612, 58 L.Ed. 1011, L.R.A. 1915C, 1189, sustaining ...


Discussion:  | **Court:** Dist. Fla. | **Date:** March 12, 1940

308. [Georgia R. & P. Co. v. Railroad Com. of Georgia](#), 278 F. 242, 1922 U.S. Dist. LEXIS 903, 2 A.F.T.R. (P-H) 1586 

LB Cited by: 278 F. 242 p.244

... the taking from it of these franchises, nor the use of them, in the sense of the Constitution. Business which from its nature or from circumstances of monopoly is of public concern is undertaken with the implication that charges made the public therein shall be reasonable. Private property devoted thereto becomes affected with a public interest. Public regulation of the charges is but the enforcement of the duty to make only reasonable charges. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Northern Dist. Ga. | **Date:** January 26, 1922

309. [Williams v. The Lizzie Henderson](#), 29 F. Cas. 1373, F. Cas. No. 17726a, 1880 U.S. Dist. LEXIS 4 

LB Cited by:

... , as well as the states, is forbidden to make any discrimination in enacting commercial or revenue regulations." Wherever the idea has been expressed that this clause is not a prohibition upon the states, it has been in connection with the idea of internal commerce or domestic affairs. *Cooley v. Port Wardens*, 12 How. [53 U.S.] 299 ; **Munn v. Illinois, 94 U.S. 113** . In *Cooley v. Port Wardens* [supra] it was cited, and, instead of dismissing it as not applying to any action of the state, the ...


Discussion:  **Court:** Southern Dist. Fla. | **Date:** May 1, 1880

11th Circuit - U.S. Bankruptcy Courts

310. [Allen v. National Enquirer \(In re TSC Express\)](#), 187 B.R. 29, 1995 Bankr. LEXIS 1298

LB Cited by: 187 B.R. 29 p.35

... may, consistently with the Constitution, limit stringently the return recovered on investment, for investors' interests provide only one of the variables in the constitutional calculus of reasonableness. So long as the rates set are not confiscatory, the Fifth Amendment does not bar their imposition. regulation of rates chargeable from the employment of private property devoted to public uses is constitutionally permissible. See **Munn v. Illinois, 94 U.S. 113, 133-134, 24 L. Ed. 77(1877)** ...

Discussion:  **Court:** Bankr. Northern Dist. Ga. | **Date:** August 14, 1995


D.C. Circuit - Court of Appeals

311. [Jersey Cent. Power & Light Co. v. FERC](#), 768 F.2d 1500, 248 U.S. App. D.C. 67, 1985 U.S. App. LEXIS 20780, Util. L. Rep. (CCH) P13045 

B Cited in Dissenting Opinion at: 768 F.2d 1500 p.1506


... (1898) . The "fair value" test announced in *Smyth* had itself been a sharp departure from the more traditional understanding that courts were not to second-guess prices fixed by the legislature, see, e.g., *Munn v. Illinois* , 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1877)** ; *Peik v. Chicago & N.W. Ry. Co.* , 94 U.S. (4 Otto) 164, 24 L. Ed. 97 **(1877)** , and that, in particular, investors in regulated companies had no vested right to financial success, see *Covington & Lexington Turnpike Rd.* ...

Discussion:  **Court:** D.C. Cir. Ct. of App. | **Date:** August 2, 1985

312. [National Asso. of Regulatory Utility Comm'rs v. Federal Communications Com.](#), 525 F.2d 630, 173 U.S. App. D.C. 413, 1976 U.S. App. LEXIS 13523, 35 Rad. Reg. 2d (P & F) 1484, 1976-1 Trade Cas. (CCH) P60865 

LB Cited by: 525 F.2d 630 p.640


... The late nineteenth century saw the advent of common carriers being subjected to price and service regulations as well. At first challenged as deprivations of property without due process, these early regulations were upheld on the basis of the near monopoly power exercised by the railroads, coupled with the fact that they "exercise a sort of public office" in the duties which they perform. 54 **Munn v. Illinois, 94 U.S. (4 Otto) 113, 130, 24 L. Ed. 77(1876)** . For an historical discussion ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** January 5, 1976 | **Headnotes::** HN7

313. [American Export--Isbrandtsen Lines, Inc. v. Federal Maritime Com.](#), 444 F.2d 824, 143 U.S. App. D.C. 366, 1970 U.S. App. LEXIS 8761 

LB Cited by: 444 F.2d 824 p.828

... passes over their piers.Efficiency of manpower, ships and vehicles is dependent upon the prompt handling of such cargo and determines whether the flow of interstate and foreign commerce is obstructed or facilitated. The public interest in their efficient operation is unquestioned. In the leading case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** , the Supreme Court in considering the status of grain elevators in Illinois that stood at the gateway of commerce, remarked: Carrier ...


Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** June 11, 1970

314. [Benson v. Schofield](#), 236 F.2d 719, 98 U.S. App. D.C. 424, 1956 U.S. App. LEXIS 2823 

LB Cited by: 236 F.2d 719 p.723

... consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control.' 25. **Munn v. Illinois, 1877,94 U.S. 113, 126, 24 L.Ed. 77** ...


Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** June 29, 1956

315. [Jordan v. American Eagle Fire Ins. Co.](#), 169 F.2d 281, 83 U.S. App. D.C. 192, 1948 U.S. App. LEXIS 3797 

LB Cited by: 169 F.2d 281 p.288

... In respect to the public regulation of the rates of private concerns in peacetime, which is what we have here, the minimum requirements are clearly established. It is unnecessary to repeat here the classic consideration of rate-making in Munn v. People of Illinois . 25. 1877, **94 U.S. 113, 24 L.Ed. 77** . It was there pointed out that Fundamental Rights, Eminent Domain & Takings Fundamental Rights, Procedural Due Process Procedural Due Process, Scope of Protection HN11 He who enters upon ...


Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** April 12, 1948

316. [Federal Trade Com. v. Claire Furnace Co.](#), 285 F. 936, 52 App. D.C. 202, 1923 U.S. App. LEXIS 2637, 5 F.T.C. 584 

LB Cited by: 285 F. 936 p.943

... has not been clearly defined. A corporation devoted wholly to the service of the public, and whose revenues are derived from fixed uniform charges for the various services rendered, as an insurance company (German Alliance Insurance Co. v. Kansas, 233 U.S. 389 , 34 Sup. Ct. 612, 58 L. Ed. 1011 ,

L.R.A. 1915C, 1189), or an elevator company (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77**), or a bank (Noble State Bank v. Haskell, 219 U.S. 104 , 31 Sup. Ct. 186, 55 L. Ed. 112 , 32 ...


Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** January 2, 1923


317. [Children's Hospital of District of Columbia v. Adkins](#), 284 F. 613, 52 App. D.C. 109, 1921 U.S. App. LEXIS 2498 

B Cited in Dissenting Opinion at: 284 F. 613 p.629

LB Cited by: 284 F. 613 p.620

... We are of the opinion that the act cannot be upheld upon the theory that the contracting for labor between private individuals is a business impressed with a public interest. Unlike the operation of an elevator to handle indiscriminately the grain of the public and the rates to be charged for such service (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77**), or the trust relation arising from the depositing of funds in banks (Noble State Bank v. Haskell, 219 U.S. 104 , 31 Sup. Ct. 186, 55 ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** February 14, 1921


318. [Hirsh v. Block](#), 267 F. 614, 50 App. D.C. 56, 1920 U.S. App. LEXIS 2214, 11 A.L.R. 1238 

B Cited in Dissenting Opinion at: 267 F. 614 p.627

LB Cited by: 267 F. 614 p.619

... The power to fix rental rates between private individuals is not analogous to nor controlled by the decisions which have upheld the power of the Legislature to fix rates for service where the owner has devoted the business affected to a public use. In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , the owner of the grain elevator had for years devoted it to a public use in handling grain for the public generally. The court, upholding the power of the Legislature of Illinois to fix rates for ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** June 2, 1920

319. [Terminal Taxicab Co. v. Harding](#), 43 App. D.C. 120, 1915 U.S. App. LEXIS 2580 

LB Cited by:


... to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in doing so to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold." **Munnv.Illinois,94 U.S. 113, 125, 24 L. Ed. 77, 84** . The word "taxicab" has come into use as aptly descriptive of a cab operated by motor power, electricity, or other artificial means, and it has been held to be included in the class of common carriers. Lynch v. ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** February 1, 1915

320. [Bunch v. United States](#), 40 App. D.C. 156, 1913 U.S. App. LEXIS 2062

LB Cited by:

... judgment debtors, and, since that right is preserved by the Code, no constitutional right of appellants has been invaded. The test in such cases always is whether the effect of such legislation will be to increase the responsibility of joint obligors. If it does not, then, as was said by Mr. Justice Van Orsdel in White v. Connecticut General L. Ins. Co. 34 App. D.C. 460 , it is a "mere regulation of the procedure of the courts." In **Munnv.Illinois,94 U.S. 113, 134, 24 L. Ed. 77, 87** ...


Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** March 6, 1913 | **Headnotes::** HN12

321. [Bunch v. Keppler](#), 40 App. D.C. 156

LB Cited by: 40 App. D.C. 156 p.159

... judgment debtors, and, since that right is preserved by the Code, no constitutional right of appellants has been invaded. The test in such cases always is whether the effect of such legislation will be to increase the responsibility of joint obligors. If it does not, then, as was said by Mr. Justice Van Orsdel in *White v. Connecticut General L. Ins. Co.* 34 App. D.C. 460, it is a "mere regulation of the procedure of the courts." In *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77, 87 ...

Court: D.C. Cir. Ct. of App. | **Date:** March 6, 1913

322. [McNamara v. Washington Terminal Co.](#), 35 App. D.C. 230, 1910 U.S. App. LEXIS 5887 

LB Cited by:


... That the right of contract is subject to many limitations imposed in the interests of the general public, or to preserve the public health, morals, or safety, is, of course, not denied. The decisions of the Supreme Court of the United States are replete with declarations to that effect. In *Munn v. Illinois*, 94 U.S. 113, 24 L. Ed. 77, a statute fixing the maximum charges for the storage of grain, and prohibiting charges for larger amounts, was sustained. A California statute making ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** May 10, 1910

323. [Lappin v. District of Columbia](#), 22 App. D.C. 68, 1903 U.S. App. LEXIS 5513 

LB Cited by: 22 App. D.C. 68 p.76


... it was introduced into the Constitution of the United States as a limitation upon the powers of the national government, and by the 14th as a guaranty against any encroachment upon an acknowledged right of citizenship by the legislatures of the States.' *Munn v. Illinois*, 94 U.S. 113, 123, 24 L. Ed. 77, 83. " *Moses v. United States*, 16 App. D.C. 428, 434, 50 L. R. A. 535. In a recent case in this court involving the regulation of a calling that was made under authority of an ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** May 5, 1903 | **Headnotes:** HN3

324. [Moses v. United States](#), 16 App. D.C. 428, 1900 U.S. App. LEXIS 5309, 50 L.R.A. 532 

LB Cited by: 16 App. D.C. 428 p.434

... it was introduced into the Constitution of the United States as a limitation upon the powers of the National Government, and by the Fourteenth as a guaranty against any encroachment upon an acknowledged right of citizenship by the legislatures of the States." *Munn v. Illinois*, 94 U.S. 113, 123, 24 L. Ed. 77. At the same time, all property of the citizen is necessarily held under the implied liability that its use may be so regulated that it shall not be injurious to the equal right of ...

Discussion:  | **Court:** D.C. Cir. Ct. of App. | **Date:** May 8, 1900 | **Headnotes:** HN3

D.C. Circuit - U.S. District Court

325. [Service Employees International Union, Local 82 v. District of Columbia Government](#), 608 F. Supp. 1434, 1985 U.S. Dist. LEXIS 19905 

LB Cited by: 608 F. Supp. 1434 p.1448

... 488, 75 S. Ct. 461, 464, 99 L. Ed. 563 (1955). "For protection against abuses by legislatures," "

the Court emphasized, "the people must resort to the polls, not to the courts." Id., 75 S. Ct. at 464-65 (quoting **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**). Plaintiff's complaints are essentially political ones. As plaintiff's counsel himself has candidly admitted, the union's members are "dissatisfied with the results of the legislative process, [and] ...


Discussion:  **Court:** District of D.C. | **Date:** May 10, 1985 | **Headnotes:** HN12, HN13

326. [Harrell v. Tobriner](#), 279 F. Supp. 22, 1967 U.S. Dist. LEXIS 7595 

B **Cited in Dissenting Opinion at:** 279 F. Supp. 22 p.34

... Cases enunciating and applying this doctrine are legion. The following are a few of them: Trustees of Dartmouth College v. Woodward, 17 U.S. 518, 4 Wheat. 518, 625, 4 L. Ed. 629; Legal Tender Cases, 79 U.S. 457, 12 Wall. 457, 531, 20 L. Ed. 287; **Munn v. State of Illinois, 94 U.S. 113, 123, 24 L. Ed. 77**; United States v. Harris, 106 U.S. 629, 635, 1 S. Ct. 601, 27 L. Ed. 290; Close v. Glenwood Cemetery, 107 U.S. 466, 475, ...

Discussion:  **Court:** District of D.C. | **Date:** November 8, 1967


327. [Brotherhood of Locomotive Firemen & Enginemen v. Chicago, B. & Q. R. Co.](#), 225 F. Supp. 11, 1964 U.S. Dist. LEXIS 7937, 55 L.R.R.M. (BNA) 2089, 48 Lab. Cas. (CCH) P18680 

LB **Cited by:** 225 F. Supp. 11 p.21

... The power of the Government to regulate persons engaged in a public calling or in a calling coupled with a public interest has its roots in the common law. If a business of this type enters interstate commerce, the legislative power is lodged in Congress as a result of authority conferred on it to regulate commerce between the States. Some of these principles were summarized and enunciated by the Supreme Court in the celebrated case of **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77**, ...

Discussion:  **Court:** District of D.C. | **Date:** January 8, 1964


Temporary Emergency Court of Appeals

328. [Mobil Oil Corp. v. Tully](#), 653 F.2d 497, 1981 U.S. App. LEXIS 12456 

LB **Cited by:** 653 F.2d 497 p.499

... to be applied in determining whether the exercise by a state of its police power in the adoption of a statute may be challenged successfully under the Supremacy Clause. "Congress legislated here in a field which the States have traditionally occupied. See **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**; Davies Warehouse Co. v. Bowles, 321 U.S. 144, 148-149 (64 S. Ct. 474, 477-478, 88 L. Ed. 635). So we start with the assumption that Constitutional Law, Supremacy Clause Governments, ...

Discussion:  **Court:** Temp. Emer. Ct. App. | **Date:** June 10, 1981

329. [Davies Warehouse Co. v. Brown](#), 137 F.2d 201, 1943 U.S. App. LEXIS 4100 

B **Explained by:** 137 F.2d 201 p.208


Complainant points to the decision of the Supreme Court in Munn v. Illinois, 1876, 94 U.S. 113, 126, 24 L. Ed. 77, which held that the rates of a public warehouseman were subject to regulation by a state and it argues that its business was thereby adjudicated to be a public utility. The decision in the Munn case was based upon the proposition that such a business was "affected with a public interest" and consequently its charges might be regulated by the state under the police power without violation of the Fourteenth Amendment. The court did not discuss the question as to whether the business was a public utility.

B **Cited in Dissenting Opinion at:** 137 F.2d 201 p.211

... It has been designated as a business wherein exist peculiar conditions bearing such a substantial and definite relation to the public interest as to justify an indulgence of the legal fiction of a grant by the owner to the public of an interest in the use, 12 Tyson & Brother United Theatre Ticket Offices v. Banton, 273 U.S. 418 , 438 , 47 S.Ct. 426 , 71 L.Ed. 718 , 58 A.L.R. 1236 . Cf. Munn v. Illinois, 94 U.S. 113 , 126, 24 L.Ed. 77 . and permitting the imposition of governmental ...

Discussion:  **Court:** Temp. Emer. Ct. App. | **Date:** May 28, 1943


Commerce Court

330. [Prairie Oil & Gas Co. v. United States](#), 204 F. 798, 1913 U.S. Commerce Ct. LEXIS 10 

LB Cited by: 204 F. 798 p.809

... made. The owner of a private wharf on a navigable stream does not, on that account only, hold it by a different title from the owner of any other property which he may use himself or permit others whom he may select to use, while at the same time denying its use by any one else." And this suggests the clear distinction between the question here presented and the questions decided in a number of well-known cases, all of kindred character, such as **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Comm. Ct. | **Date:** March 11, 1913

331. [Hooker v. Interstate Commerce Com.](#), 188 F. 242, 1911 U.S. Commerce Ct. LEXIS 16 

LB Cited by: 188 F. 242 p.252

... Under the second proposition we cannot disturb the order of the Commission on the theory that it fixed rates so high as to be violative of the fifth amendment to the Constitution , unless it shall clearly appear to us that the constitutional rights of the shippers were invaded thereby. The fixing of the schedule of rates complained of was a legislative act. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Peil v. Chicago N.W. Ry. Co., 94 U.S. 164 , 24 L. Ed. 97 ; Express Cases, 117 U.S. ...

Discussion:  **Court:** Comm. Ct. | **Date:** July 20, 1911


Federal Circuit - Court of Appeals

332. [Branch ex. rel. Maine Nat'l. Bank v. United States](#), 69 F.3d 1571, 1995 U.S. App. LEXIS 31896 

LB Cited by: 69 F.3d 1571 p.1578


... than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. **Munnv.Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** . Applying the same principle, the Supreme Court later rejected a constitutional challenge to a workmens' compensation law that abrogated various common ...

Discussion:  **Court:** Fed. Cir. | **Date:** November 13, 1995 | **Headnotes::** HN12

333. [Fern v. United States](#), 908 F.2d 955, 1990 U.S. App. LEXIS 11886, 12 Employee Benefits Cas. (BNA) 1936 

LB Cited by: 908 F.2d 955 p.959

... , 37 S. Ct. 247 (1917) ; Second Employers' Liability Cases , 223 U.S. 1 , 50 , 56 L. Ed. 327 , 32 S. Ct. 169 (1911) ; **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** ("a person has no property, no vested interest, in any rule of common law. Rights of property which have been created [by common law] may not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim, of the legislature, unless prevented by constitutional ...

Discussion:  **Court:** Fed. Cir. | **Date:** July 16, 1990 | **Headnotes::** HN12

Court of Customs & Patent Appeals


334. [United States v. Davies Turner & Co.](#), 48 C.C.P.A. 159, 1961 CCPA LEXIS 170, C.A.D. 784 

LB Cited by: 48 C.C.P.A. 159 p.163, p.167

... the usual, ordinary and established cartage charges should have been assessed, and that the excessive amount should be refunded. We further claim that the assessment of duties made herein is illegal and void. * * * * * If, under the law, cartage charges such as those involved herein must be reasonable, and we believe they must, **Munn v. Illinois, 94 U.S. 113, 134** ; Chicago, Burlington and Quincy Railroad Company v. Iowa, 94 U.S. 155 , 161 ; Covington and Cincinnati Bridge Co. v. ...

Discussion:  **Court:** Court of Customs and Patent Appeals | **Date:** August 4, 1961


U.S. Circuit Court of Appeals

335. [In re Arkansas Rate Cases](#), 187 F. 290, 1911 U.S. App. LEXIS 5397 

G Followed by: 187 F. 290 p.299


The leading case on the subject of the state's power to regulate rates of corporations engaged in the management of public utilities is Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77. Mr. Chief Justice Waite, in his opinion in that case, after carefully reviewing the English as well as American authorities on that subject, and referring to the police power as authority for such legislation, epitomizes his conclusions as follows:


Discussion:  **Court:** Cir. Ct. Dist. Ark. | **Date:** May 3, 1911

336. [Shepard v. Northern P. R. Co.](#), 184 F. 765, 1911 U.S. App. LEXIS 5078 

LB Cited by: 184 F. 765 p.771

... Subject to the constitutional limitation, which has been stated, a state may enact and enforce laws prescribing reasonable fares and rates for and otherwise regulating its intrastate commerce, although the operation of such laws remotely or incidentally affects interstate commerce, such as statutes regulating elevator charges (**Munn v. Illinois, 94 U.S. 113, 135, 24 L. Ed. 77** ; Budd v. New York, 143 U.S. 517 , 545 , 12 Sup. Ct. 468, 36 L. Ed. 247); requiring track connections at a junction ...

Discussion:  **Court:** Cir. Ct. Dist. Minn. | **Date:** April 8, 1911 | **Headnotes::** HN15

337. [Taylor v. Anderson](#), 197 F. 383, 1911 U.S. App. LEXIS 4817 


LB Cited by: 197 F. 383 p.386


Court: Cir. Ct. Dist. Okla. | **Date:** March 4, 1911

338. [American Surety Co. v. Shallenberger](#), 183 F. 636, 1910 U.S. App. LEXIS 5754 

LB Cited by: 183 F. 636 p.639


... The right to regulate the charges for services of those whose business is devoted to a public use has been thoroughly established. It is also well settled that the right exists in the state to regulate the charges to be made by those whose business is affected by a public interest. **Munn v. Illinois, 94 U.S. 113-125, 24 L. Ed. 77** ; Budd v. New York, 143 U.S. 517 -544 , 12 Sup. Ct. 468, 36 L. Ed. 247 ; Brass v. North Dakota, 153 U.S. 391 , 14 Sup. Ct. 857, 38 L. Ed. 757 . The three ...

Discussion:  **Court:** Cir. Ct. Dist. Neb. | **Date:** November 7, 1910

339. [Laighton v. Carthage](#), 175 F. 145, 1909 U.S. App. LEXIS 5736 

LB Cited by: 175 F. 145 p.149

... corporation expires, the relation thereafter between the parties is no otherwise than that of a corporation engaged in a quasi public business for which a franchise is necessary to confer the absolute right. So long as it continues in such business, it is subject to regulation by the state, or the municipality, a subordinate agency of the state. But it is under no obligation to continue at the pleasure of the public, and it may elect to quit. **Munn v. Illinois,94 U.S. 113-126,24 L. Ed. 77** ...

Discussion:  **Court:** Cir. Ct. Dist. Mo. | **Date:** December 10, 1909

340. [Oregon R. & Nav. Co. v. Campbell](#), 173 F. 957, 1909 U.S. App. LEXIS 5125 

LB Cited by: 173 F. 957 p.971

... The proposition was advanced that the law was unconstitutional, because it seemed to delegate legislative power. After stating the settled rule of law, as determined by what are known as the "Granger Cases," and others following them (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Chicago, etc., R.R. Co. v. Iowa, 94 U.S. 155 , 24 L. Ed. 94 ; Peik v. Chicago, etc., Railway Co., 94 U.S. 164 , 24 L. Ed. 97), that the power of fixing rates is purely legislative, the court says: "There ...

Discussion:  **Court:** Cir. Ct. Dist. Or. | **Date:** September 28, 1909

341. [Kansas Natural Gas Co. v. Haskell](#), 172 F. 545, 1909 U.S. App. LEXIS 5018 

LB Cited by: 172 F. 545 p.566

... "It is one of the privileges of every American citizen to adopt and follow such lawful industrial pursuit, not injurious to the community, as he may see fit, without unreasonable regulation or molestation." And, again: "There is no more sacred right of citizenship than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor." The same learned justice, in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , said: "By the ...


Discussion:  **Court:** Cir. Ct. Dist. Okla. | **Date:** July 3, 1909

342. [United States Tel. Co. v. Central Union Tel. Co.](#), 171 F. 130, 1909 U.S. App. LEXIS 5577, 16 Ohio F. Dec. 370 

LB Cited by: 171 F. 130 p.145

... "Where private property is, by the consent of the owners, invested with a public interest, or privilege, for the benefit of the public, the owner can no longer deal with it as his private property only but must hold it subject to the rights of the public, in the exercise of that public interest conferred for their benefit." And also, from **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** : "Property does become clothed with a public interest when used in a manner to make it of public consequence ...

Discussion:  **Court:** Cir. Ct. Dist. Ohio | **Date:** May 20, 1909

343. [Southern P. Co. v. Bartine](#), 170 F. 725, 1909 U.S. App. LEXIS 5548 

LB Cited by: 170 F. 725 p.749

... "He, in effect, grants to the public an interest in such use, and must, to the extent of that interest,


submit to be controlled by the public for the common good as long as he maintains the use. When private property is devoted to public use, it is subject to public regulation; if the right to regulate exists, the right to establish the reasonable compensation for services as one of the means of regulation is implied." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Fundamental Rights, Procedural ...


Discussion:  | **Court:** Cir. Ct. Dist. Nev. | **Date:** March 3, 1909 | **Headnotes:** HN6

344. [Spring Valley Water Co. v. San Francisco](#), 165 F. 667, 1908 U.S. App. LEXIS 5412 

LB Cited by: 165 F. 667 p.676


... **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . This is the principle which justifies and sustains that section of the Constitution of California in which it is made the duty of the board of supervisors to regulate water rates. In reply to the claim that the power to fix water rates is virtually left in the hands of the water consumers because the consumers elect the supervisors, and this is a violation of the principle that no man shall be a judge in his own cause, the Supreme Court in Spring ...


Discussion:  | **Court:** Cir. Ct. Dist. Cal. | **Date:** October 7, 1908 | **Headnotes:** HN6, HN10

345. [Perkins v. Northern P. R. Co.](#), 155 F. 445, 1907 U.S. App. LEXIS 5268 

LB Cited by: 155 F. 445 p.453

... rates now existing between these cities and Fargo (and the same with Grand Forks and other places) that they would be liable to prosecution for discrimination. And it would seem to be very difficult to avoid that conclusion, and the conclusion that these rates fixed in respect to Minnesota do necessarily and directly affect interstate commerce. But, on the other hand, we have decisions of the Supreme Court, going back at least as far as the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Cir. Ct. Dist. Minn. | **Date:** September 23, 1907

346. [Poor v. Iowa C. R. Co.](#), 155 F. 226, 1907 U.S. App. LEXIS 5244 

LB Cited by: 155 F. 226 p.226

... questions are solved by the courts in favor of the validity of such enactments. It is when, and only when, the court has no doubt as to the invalidity, that such a decree is rendered; and, when there is no doubt, courts do not hesitate to so declare. In the so-called **Granger Cases, 94 U.S. 113-187, 24 L. Ed. 77, 94, 97, 99, 102** , in 1876, the Supreme Court held that a Legislature has the power to enact a maximum rate statute. In case of State v. Railroad Commissioners, 36 N.W. ...


Discussion:  | **Court:** Cir. Ct. Dist. Iowa | **Date:** July 11, 1907

347. [Home Tel. & Tel. Co. v. Los Angeles](#), 155 F. 554, 1907 U.S. App. LEXIS 5282 

LB Cited by: 155 F. 554 p.561, p.569

... Telephone Services, Long Distance Telephone Services HN1 A state has power to regulate charges for telephone service. This power may be delegated to municipalities. a state has power to regulate charges for telephone service is well settled (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Chicago, etc., T.R. Co. v. Iowa, 94 U.S. 155 , 24 L. Ed. 94 ; Spring Valley W. Co. v. Schottler, 110 U.S. 347 , 4 Sup. Ct. 48, 28 L. Ed. 173 ; R.R. Commission Cases, 116 U.S. 307 , 6 Sup. Ct. ...

Discussion:  | **Court:** Cir. Ct. Dist. Cal. | **Date:** July 8, 1907

348. [Globe Elevator Co. v. Andrew](#), 144 F. 871, 1906 U.S. App. LEXIS 3908 

LB Cited by: 144 F. 871 p.879


... and not a mere incident. The states may also protect the public health, morals, and safety, and pass regulations to promote order, public convenience, or the general prosperity. State inspection laws manifestly intended, and in good faith calculation, to protect the public health, morals, or safety, or prevent deception or imposition upon the public generally, are valid. the states may regulate charges for local facilities of interstate commerce (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Cir. Ct. Dist. Wis. | **Date:** April 20, 1906

349. [Weems S.B. Co. v. People's S.B. Co.](#), 141 F. 454, 1905 U.S. App. LEXIS 4905 

LB Cited by: 141 F. 454 p.456

... if a man set out a street in new building on his own land, it is now no longer bare private interest, but is affected by a public interest." This quotation from Lord Hale has been referred to approvingly by the Supreme Court of the United States at least twice -- in the case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and Transportation Co. v. Parkersburg, 107 U.S. 699 , 2 Sup. Ct. 739, 27 L. Ed. 584 . Reference may also be had to Gould on Waters (3d Ed.) § 119; Barrington b. ...

Discussion:  | **Court:** Cir. Ct. Dist. Va. | **Date:** October 17, 1905

350. [Nashville, C. & St. L. R. Co. v. Taylor](#), 86 F. 168, 1898 U.S. App. LEXIS 2262 

LB Cited by: 86 F. 168 p.185

Court: Cir. Ct. Dist. Tenn. | **Date:** March 15, 1898

351. [Railroad & Tel. Cos. v. Board of Equalizers](#), 85 F. 302, 1897 U.S. App. LEXIS 3036 


LB Cited by: 85 F. 302 p.324

Court: Cir. Ct. Dist. Tenn. | **Date:** December 23, 1897

352. [Cotting v. Kansas City Stock-Yards Co.](#), 82 F. 850, 1897 U.S. App. LEXIS 2805 

LB Cited by: 82 F. 850 p.852, p.853

... Therefore it is that the proper legislative body has the power to fix a limit to such charges, to the end that they may not become excessive and unreasonable. To such regulations every person and corporation must submit, when their property is of such character, or is so situated and subject to such environments, that many people are compelled to become their patrons. **Munn v. Illinois,94 U.S. 113, 130** . 2. While much business is transacted at the Kansas City stock yards, consisting in ...


Discussion:  | **Court:** Cir. Ct. Dist. Kan. | **Date:** October 28, 1897


353. [Cotting v. Kansas City Stock-Yards Co.](#), 82 F. 839, 1897 U.S. App. LEXIS 2804 

LB Cited by: 82 F. 839 p.844

... , and the law requires it to keep a general office for the transaction of business within the state, and the use of the property is one in which the public has an interest. The question presented here is essentially


the same as in the cases of **Munn v. Illinois,94 U.S. 113** ; Budd v. New York, 143 U.S. 517 , 12 Sup. Ct. 468; Brass v. North Dakota, 153 U.S. 391 , 14 Sup. Ct. 857; State Taxes on Railway Receipts, 15 Wall. 293 ; Cooley v. Board of Wardens, 12 How. 299 ; Packet Co. v. ...

Discussion:  **Court:** Cir. Ct. Dist. Kan. | **Date:** October 4, 1897

354. [United States v. Hopkins](#), 82 F. 529, 1897 U.S. App. LEXIS 2774 

LB Cited by: 82 F. 529 p.538, p.540

... , 11 Sup. Ct. 851; Budd v. New York, 143 U.S. 517 , 12 Sup. Ct. 468; Kidd v. Pearson, 128 U.S. 1 - 20 , 9 Sup. Ct. 6; U.S. v. E.C. Knight Co., 156 U.S. 1 , 15 Sup. Ct. 249; **Munn v. Illinois,94 U.S. 113** ; In re Greene, 52 Fed. 113 ; Henderson v. Mayor. etc., 92 U.S. 259 ; Covington & C. Bridge Co. v. Kentucky, 154 U.S. 204 , 14 Sup. Ct. 1087; Henderson Bridge Co. v. Kentucky, 166 U.S. 150 , 17 Sup. Ct. 532. Perhaps a fair test of the character of defendants' rules and ...

Discussion:  **Court:** Cir. Ct. Dist. Kan. | **Date:** September 20, 1897

355. [Cotting v. Kansas City Stock-Yards Co.](#), 79 F. 679, 1897 U.S. App. LEXIS 3063 

LB Cited by: 79 F. 679 p.682

... 8 Sup. Ct. 1028. It is contended that this is not such a public corporation or business as justifies the legislature in imposing rules and regulations for its government, but a brief reference to decided cases dispels this contention. **Munn v. Illinois,94 U.S. 113** ; Chicago, B. & Q.R. Co. v. Iowa , Id. 155 ; Spring Valley Waterworks v. Schottler, 110 U.S. 347 , 4 Sup. Ct. 48; Chicago, M. & St. P. Ry. Co. v. Minnesota, 134 U.S. 418 , 10 Sup. Ct. 462, 702 ; Banking Co. v Smith, 128 ...

Discussion:  **Court:** Cir. Ct. Dist. Kan. | **Date:** April 12, 1897


356. [Southern P. Co. v. Board of R. Comm'rs](#), 78 F. 236, 1896 U.S. App. LEXIS 3037 

Y Distinguished by: 78 F. 236 p.255

As to the power of the legislature to fix prices, the court cited and followed Munn v. Illinois, 94 U.S. 113, which, at that time, had not been directly modified, as it came to be afterwards, but, with caution, said:

LB Cited by: 78 F. 236 p.255


... like character to supply their customers at prices to be fixed by the municipal authorities of the locality; and, as an independent proposition, we see no reason why such a regulation is not within the scope of legislative power, unless prohibited by constitutional limitations or valid contract obligations. Whether expedient or not is a question for the legislature, not the courts." As to the power of the legislature to fix prices, the court cited and followed **Munn v. Illinois,94 U.S. 113** ...

Discussion:  **Court:** Cir. Ct. Dist. Cal. | **Date:** November 30, 1896

357. [Clyde v. Richmond & D. R. Co.](#), 57 F. 436, 1893 U.S. App. LEXIS 2785 

LB Cited by: 57 F. 436 p.439


... To secure the enforcement of this rule so far as railroads are concerned, railroad commissioners are appointed, whose duty it is to see that rates for the transportation of freight, and sometimes of passengers, are just and reasonable. The establishment of such commission is clearly within the constitutional rights of the states. **Munn v. Illinois,94 U.S. 113** ; Water Works v. Schottler, 110 U.S. 347 , 4 Sup. Ct. Rep. 48; Railroad Commission Cases, 116 U.S. 307 , 6 Sup. Ct. Rep. 334, ...

Discussion:  **Court:** Cir. Ct. Dist.S.C. | **Date:** September 15, 1893

358. [Richmond & D. R. Co. v. Trammel](#), 53 F. 196, 1892 U.S. App. LEXIS 2005 

LB Cited by: 53 F. 196 p.200

... statute, and the peculiar facts existing there. The principle announced is too clear, and the rule laid down is too broad, to be thus restricted. It is also claimed that the decision in *Budd v. New York*, 143 U.S. 517, 12 Sup. Ct. Rep. 468, by its reaffirmance of the **Munn Case, 94 U.S. 113**, is, in effect, a departure from the *Minnesota* case. The language of the supreme court in the *Budd Case*, in reference to the decision in the *Minnesota* case, is as follows: "It is further contended ...


Discussion:  **Court:** Cir. Ct. Dist. Ga. | **Date:** November 4, 1892

359. [Henry v. Roberts](#), 50 F. 902, 1892 U.S. App. LEXIS 1791

LB Cited by: 50 F. 902 p.904

... *Keokuk*, 95 U.S. 80. In **Munn v. Illinois, 94 U.S. 113**, a state law was upheld which regulated the warehouse charges on grain brought into Illinois in the course of interstate commerce; and so in the present case, even if it can be true that such commerce may be indirectly affected, it would seem that the state may validly regulate the charges to be allowed for the use of land bordering upon its navigable waters in the absence of private agreement. It was also held in **Munn v. Illinois** ...

Discussion:  **Court:** Cir. Ct. Dist. MD. | **Date:** May 16, 1892 | **Headnotes::** HN15

360. [Cleveland Gaslight & Coke Co. v. Cleveland](#), 71 F. 610, 1891 U.S. App. LEXIS 1141, 35 Week. L. Bull. 155, 9 Ohio F. Dec. 258 

LB Cited by: 71 F. 610 p.613

... public privilege, then there is one limitation upon the power of regulation, and that limitation is that in the reduction of price or in the reduction of the compensation for services you must not go beyond the limits of reasonable compensation. Now, what is the adjudication of the United States on this subject? I will notice it but a moment. The question came up in **Munn v. Illinois, 94 U.S. 113**, in reference to the elevator company. The question there presented was this: Is a company or ...

Discussion:  **Court:** Cir. Ct. Dist. Ohio | **Date:** November 14, 1891

361. [State ex rel. Postal Tel. Cable Co. v. Del. & Atl. Tel. & Tel. Co.](#), 47 F. 633, 1891 U.S. App. LEXIS 1486



B Explained by: 47 F. 633 p.636, p.637


That such duty is incumbent on every common carrier is elementary law, and will be admitted without discussion. It had its foundation in public right which is superior to private interest. It has been said that a man is not compelled to put his property to public use, but that, when he does, the manner of its use may be controlled and regulated by law. Familiar examples of this proposition may be found in municipal ordinances and legislative enactments relating to hackney coaches, taverns, warehouses, ferries, etc.; and the doctrine has been fully considered and established by the supreme court of the United States in *Munn v. Illinois*, 94 U.S. 113.

LB Cited by: 47 F. 633 p.634, p.638

... relating to hackney coaches, taverns, warehouses, ferries, etc.; and the doctrine has been fully considered and established by the supreme court of the United States in **Munn v. Illinois, 94 U.S. 113**. The controversy in that case originated in a statute of the state of **Illinois**, which provided a maximum


charge for the storage and handling of grain in warehouses and elevators appropriated to those uses in Chicago and other places in the state having not less than 100,000 inhabitants. **Munn ...**


Discussion:  **Court:** Cir. Ct. Dist. Del. | **Date:** July 1, 1891

362. [Smythe v. Henry](#), 41 F. 705, 1890 U.S. App. LEXIS 2063 

LB Cited by: 41 F. 705 p.707

... That old and well-settled rule of the common law does not apply to this legislative grant. The sovereign power of the legislature is superior to the immemorial rules and usages of the common law. The legislative power of the state is restricted only by the state and federal constitutions, and it may change the rules of the common law whenever such alterations are deemed best for the general welfare, and do not conflict with the constitutional rights of citizens. **Munnv.Illinois,94 U.S. 113 ...**

Discussion:  **Court:** Cir. Ct. Dist.N.C. | **Date:** February 11, 1890

363. [Chicago & N. W. R. Co. v. Dey](#), 35 F. 866, 1888 U.S. App. LEXIS 2558, 1 L.R.A. 744 

LB Cited by: 35 F. 866 p.873, p.874, p.877

... because of an attempted delegation of legislative power. Their argument is brief and clear. It is that the power of fixing rates is purely legislative, and, in support of that, several decisions of the supreme court are cited, particularly in what are known as the **Granger Cases,94U.S. 113-187** . Thus, in *Chicago v. Iowa* , Id. 161, the court says: "Railroad companies are subject to legislative control as to their rates of fare and freight." In the case of *Peik v. Railway Co.*, **94 ...**


Discussion:  **Court:** Cir. Ct. Dist. Iowa | **Date:** July 27, 1888

364. [Samuels v. Louisville & N. R. Co.](#), 31 F. 57, 1887 U.S. App. LEXIS 2564 

LB Cited by: 31 F. 57 p.60


... by rail may do the same thing. The company owns the property, and the capital employed in the construction and operation of its road, but it must not be forgotten that in such operation of its railroad it is also in the enjoyment of a public franchise; and in the control of the property it has not the same measure of power that persons have and exercise over property that is affected by no public use, and operated without the exercise of any public franchise. **Munnv.Illinois,94 U.S. 113 ...**

Discussion:  **Court:** Cir. Ct. Dist. Ala. | **Date:** April 1, 1887

365. [Kessinger v. Hinkhouse](#), 27 F. 883, 1886 U.S. App. LEXIS 2184 

LB Cited by: 27 F. 883 p.886

Court: Cir. Ct. Dist. Iowa | **Date:** June 1, 1886


366. [Menacho v. Ward](#), 23 Blatchf. 502, 27 F. 529, 1886 U.S. App. LEXIS 2124 

LB Cited by: 27 F. 529 p.533

... As their business is "affected with a public interest," it is subject to legislative regulation. "In matters which do affect the public interest, and as to which legislative control may be exercised, if there are no statutory regulations upon the subject, the courts must determine what is reasonable." WAITE, C.J., in


Munn v. Illinois, 94 U.S. 113, 134 . It is upon this foundation, and not alone because the business of common carriers is so largely controlled by corporations exercising ...

Discussion:  | **Court:** Cir. Ct. Dist. N.Y. | **Date:** May 15, 1886 | **Headnotes:** HN11

367. [Kansas v. Walruff](#), 26 F. 178, 1886 U.S. App. LEXIS 1814 

LB Cited by: 26 F. 178 p.197

Court: Cir. Ct. Dist. Kan. | **Date:** January 22, 1886

368. [In re Ziebold](#), 23 F. 791, 1885 U.S. App. LEXIS 1992 


LB Cited by: 23 F. 791 p.793

Court: Cir. Ct. Dist. Kan. | **Date:** May 14, 1885

369. [Missouri ex rel. Baltimore & O. Tel. Co. v. Bell Tel. Co.](#), 23 F. 539, 1885 U.S. App. LEXIS 1954 

LB Cited by: 23 F. 539 p.540

... protected as such. Starting from that as a basis, while every property owner may determine for himself to what he will devote his property, yet the moment he puts that property into what I perhaps may, for lack of a better expression, define as the channels of commerce, that moment he subjects that property to the laws which control commercial transactions; just as in the warehouse cases, (Munn v. State of Illinois , decided by the supreme court of the United States , and reported in **94 U.S. 113** ...

Discussion:  | **Court:** Cir. Ct. Dist. Mo. | **Date:** March 31, 1885

370. [Farmers' Loan & T. Co. v. Stone](#), 20 F. 270, 1884 U.S. App. LEXIS 2195 

Y Distinguished by: 20 F. 270 p.276

The cases of Munn v. Illinois, 94 U.S. 113; Chicago, B. & Q.R. Co. v. Iowa, Id. 155; Peik v. Chicago & N.W.R. Co. Id. 164, are relied upon to sustain the validity of the act as to the latter class of cases. The first-named case was in relation to warehouses situated in Illinois, and does not, in my opinion, apply to the question under consideration. In the second case the railroad about which the controversy arose was wholly within the state of Iowa. The last case at first view would seem to sustain the position assumed by counsel, but when examined will be found only to apply to such commerce as is of domestic concern, and to transportation within the state, and that carried without the state of Wisconsin, but controlled by the laws of that state, the constitution of which reserves to that state the power to alter or repeal the laws in relation to railroad companies.

Discussion:  | **Court:** Cir. Ct. Dist. Miss. | **Date:** April 24, 1884

371. [Louisville & N. R. Co. v. Railroad Com.](#), 19 F. 679, 1884 U.S. App. LEXIS 1895 


Y Distinguished by: 19 F. 679 p.698


HAMMOND, J. It is, in our judgment, a grave misapprehension of the Granger Cases to affirm that they support the legislation involved in this controversy. Munn v. Illinois, 94 U.S. 113; Chicago, etc., R. Co. v. Iowa, Id. 155; Peik v. Chicago, etc., R.R. Id. 164; Chicago, etc., R.R. v. Ackley, Id. 179; Winona, etc., R.R. v. Blake, Id. 180; Stone v. Wisconsin, Id. 181; Shields v. Ohio, 95 U.S. 319. The overshadowing question in those cases, obviously, was that arising out of the claim to entire exemption from all legislative

control over their business by the warehousemen and common carriers.

LB Cited by: 19 F. 679 p.702, p.705

... discussed are decisive of the case, we do not deem it necessary to further consider or discuss them in this case. The prayer of complainants for a preliminary injunction will be granted. HAMMOND, J. It is, in our judgment, a grave misapprehension of the Granger Cases to affirm that they support the legislation involved in this controversy. **Munn v. Illinois, 94 U.S. 113** ; Chicago, etc., R. Co. v. Iowa , Id. 155 ; Peik v. Chicago, etc., R.R. Id. 164 ; Chicago, etc., R.R. v. ...


Discussion:  **Court:** Cir. Ct. Dist. Tenn. | **Date:** February 29, 1884

372. [Illinois C. R. Co. v. Stone](#), 20 F. 468, 1884 U.S. App. LEXIS 1966 

Y Distinguished by: 20 F. 468 p.475

The cases of Munn v. Illinois, 94 U.S. 113; Chicago, B. & Q.R. Co. v. Iowa, Id. 155; and Peik v. Chicago & N.W.R. Co. Id. 164, are relied upon to sustain the validity of the act as it now stands. The first-named case was in relation to a warehouse situated wholly in Illinois, and does not, in my opinion, apply to the question under consideration. In the second case, the railroad about which the controversy arose was wholly within the state of Iowa. The last case, at first view, would seem to sustain the position assumed by counsel.

Discussion:  **Court:** Cir. Ct. Dist. Miss. | **Date:** 1884

373. [Sharp v. Whiteside](#), 19 F. 156, 1883 U.S. App. LEXIS 2491 


LB Cited by: 19 F. 156 p.160

Court: Cir. Ct. Dist. Tenn. | **Date:** October 1, 1883

374. [Santa Clara County v. Southern P. R. Co.](#), 18 F. 385, 1883 U.S. App. LEXIS 1867 

LB Cited by: 18 F. 385 p.450

Court: Cir. Ct. Dist. Cal. | **Date:** September 17, 1883

375. [Bryant v. Western U. Tel. Co.](#), 17 F. 825, 1883 U.S. App. LEXIS 2337 

LB Cited by: 17 F. 825 p.831

Court: Cir. Ct. Dist. Ky. | **Date:** May 2, 1883

376. [Spring Valley Water-Works v. Bartlett](#), 8 Sawy. 555, 16 F. 615, 1883 U.S. App. LEXIS 1847 

G Parallel at: 16 F. 615 p.615

LB Cited by: 16 F. 615 p.628, p.629, p.630, p.639, p.640, p.641

Court: Cir. Ct. Dist. Cal. | **Date:** March 9, 1883


377. [Denver & N. O. R. Co. v. Atchison, T. & S. F. R. Co.](#), 4 McCrary 338, 15 F. 650, 1883 U.S. App. LEXIS 2055, 4 Ky. L. Rptr. 839 

LB Cited by: 15 F. 650 p.652, p.659

... with foreign nations, and among the several states." The clause referred to directs what shall be done within the state for the advantage of the people of the state. Whatever the effect may be on interstate commerce until congress shall act on the subject, such regulation is within the authority of the state.

Munnv.Illinois,94 U.S. 113 ; Peik v. Chi. & N.W. Ry. Co. Id. 164 . Many witnesses in the service of prominent railway companies were examined as to the course of business ...


Discussion:  **Court:** Cir. Ct. Dist. Colo. | **Date:** February 24, 1883


378. [Rae v. Grand Trunk R. Co.](#), 14 F. 401, 1882 U.S. App. LEXIS 2774 

LB Cited by: 14 F. 401 p.404

... authorizing railroads to receive compensation for the transportation of passengers and merchandise over their lines. It was stated by Mr. Justice SWAYNE to be such an act as forms "a portion of the immense mass of legislation which embraces everything within the territory of a state not surrendered to the general government, all which can be most advantageously exercised by the states themselves."


See, also, C., B. & Q.R. Co. v. Iowa, 94 U.S. 155 ; **Munnv.Illinois,94 U.S. 113** ; Sherlock v. ...

Discussion:  **Court:** Cir. Ct. Dist. Mich. | **Date:** November 1, 1882

379. [Railroad Tax Cases](#), 8 Sawy. 238, 13 F. 722, 1882 U.S. App. LEXIS 2045 

LB Cited by: 13 F. 722 p.782, p.783

Court: Cir. Ct. Dist. Cal. | **Date:** September 25, 1882

380. [Memphis & L. R. R. Co. v. Nolan](#), 14 F. 532, 1882 U.S. App. LEXIS 2786, 4 Ky. L. Rptr. 840 

LB Cited by: 14 F. 532 p.535

Court: Cir. Ct. Dist. Tenn. | **Date:** September 9, 1882

381. [New Orleans Water-Works Co. v. St. Tammany Water-Works Co.](#), 4 Woods 134, 14 F. 194, 1882 U.S. App. LEXIS 2732 


LB Cited by: 14 F. 194 p.202

Court: Cir. Ct. Dist. La. | **Date:** September 1, 1882

382. [McCoy v. Cincinnati, I. St. L. & C. R. Co.](#), 13 F. 3, 1882 U.S. App. LEXIS 2606, 5 Ohio F. Dec. 154 

LB Cited by: 13 F. 3 p.7

Court: Cir. Ct. Dist. Ohio | **Date:** July 31, 1882

383. [Le Grand v. United States](#), 12 F. 577, 1882 U.S. App. LEXIS 2546 

LB Cited by: 12 F. 577 p.584

Court: Cir. Ct. Dist. Tex. | **Date:** July 6, 1882

384. [Tilley v. Savannah, F. & W. R. Co.](#), 4 Woods 427, 5 F. 641, 1881 U.S. App. LEXIS 2087 ▲
- LB Cited by:** 5 F. 641 p.650, p.654, p.661
" But even when there is no such constitutional provision as exists in this state, it has been held that "where property has been clothed with a public interest, the legislature may fix a limit to that which shall in law be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the legislature, not the courts, must be appealed to for the change." Peik v. Chicago, etc., Ry. Co. 94 U.S. 164 ; **Munnv.Illinois,94 U.S. 113** . Looking, ...
- Discussion:** ■■■■■ | **Court:** Cir. Ct. Dist. Ga. | **Date:** February 9, 1881
-
385. [Allerton v. Chicago](#), 9 Biss. 552, 6 F. 555, 1880 U.S. App. LEXIS 2713 ⓘ
- LB Cited by:** 6 F. 555 p.559
 ... demanded in that case was \$100. It seems to me that the question involved in this case arose substantially in that, and it was decided by the supreme court of the state that it was a valid exercise of the power to regulate a particular business. That is also the view taken by the supreme court of Pennsylvania in the cases referred to. In view of these decisions, and of several decisions of the supreme court of the United States within the last few years, (**Munnv.Illinois,94 U.S. 113** ...
- Discussion:** ■■■■■ | **Court:** Cir. Ct. Dist. Ill. | **Date:** December 10, 1880
-
386. [Lavin v. Emigrant Industrial Sav. Bank](#), 18 Blatchf. 1, 1 F. 641, 1880 U.S. App. LEXIS 2028 ⓘ
- LB Cited by:** 1 F. 641 p.654
 ... doubt that the raising of an estoppel against a person claiming his property is, to all intents and purposes, depriving him of it, within the meaning of such a constitutional provision, as truly as the actual vesting of the title to it in another would do. It absolutely and entirely deprives him of the use and enjoyment of it. In the recent case of **Mannv.Illinois,94 U.S. 113** , it was held that a statute of **Illinois** , regulating the price which warehousemen should charge for the use of ...
- Discussion:** ■■■■■ | **Court:** Cir. Ct. Dist.N.Y. | **Date:** April 1, 1880
-
387. [Williams v. Hopkins](#), 2 Cranch C.C. 98, 1814 U.S. App. LEXIS 265, 29 F. Cas. 1365, F. Cas. No. 17722, 2 D.C. 98
- LB Cited by:** 29 F. Cas. 1365 p.1375
Court: Cir. Ct. Dist. D.C. | **Date:** April 1, 1814
- Federal Claims Court**
388. [Chevy Chase Land Co. v. United States](#), 37 Fed. Cl. 545, 1997 U.S. Claims LEXIS 44 ▲
- LB Cited by:** 37 Fed. Cl. 545 p.583
 ... , or even earlier, as it was under English common law as applied during colonial times. Such a characterization of common law as at one point constituting a static body of law is undoubtedly artificial. Over a century ago, in Munn v. Illinois it was explained, "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **94 U.S. 113, 134, 24 L. Ed. 77(1877)** . Working within a system in which state ...
- Discussion:** ■■■■■ | **Court:** Fed. Cl. | **Date:** March 10, 1997 | **Headnotes:** HN12

389. [MENOMINEE TRIBE OF INDIANS](#), 1981 U.S. Ct. Cl. LEXIS 1313

LB Cited by:

... This deprived them of the full and beneficial use of their land and therefore constituted a taking. Plaintiffs' right to administer, sell, or encumber its forest without statutory or deed restrictions is a property right protected by the fifth amendment . 156 See & cf. *Armstrong v. United States*, 364 U.S. 40 (1960) ; *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555 (1935) ; *Chicago M. & St. P. Ry. v. Minnesota*, 134 U.S. 418 (1890) ; **Munn v. Illinois,94 U.S. 113(1876)** ...

Discussion:  **Court:** Court of Claims | **Date:** January 2, 1981

390. [MENOMINEE TRIBE OF INDIANS](#), 1979 U.S. Ct. Cl. LEXIS 799 

LB Cited by:

... value. This deprived them of the full and beneficial use of their land and therefore constituted a taking. Plaintiffs' right to administer, sell, or encumber its forest without statutory or deed restrictions is a property right protected by the fifth amendment . 112 Citing, *Armstrong v. United States*, 346 U.S. 40 (1960) ; *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555 (1935) ; *Chicago M. & St. P. Ry. v. Minnesota*, 134 U.S. 418 (1890) ; **Munn v. Illinois,94 U.S. 113(1876)** ...

Discussion:  **Court:** Court of Claims | **Date:** March 22, 1979

391. [Parish v. United States](#), 57 Ct. Cl. 529, 1922 U.S. Ct. Cl. LEXIS 285 

LB Cited by: 57 Ct. Cl. 529 p.534

... , 54 C. Cls. 169 ; 257 U.S. 138 ; *Miller v. United States* , 11 Wall. 268 ; *Hamilton v. Dillin* , 21 Wall. 73 ; **Munnv.Illinois, 94 U.S. 113** ; *C. B. & Q. Ry. v. Drainage Commissioners* , 200 U.S. 561 . The court, in arriving at the just compensation to which the plaintiff is entitled, has taken into consideration the value of the property taken at the time it was taken, and that value was the value of the machinery set up and ready for operation, and the expense of placing the machinery ...

Discussion:  **Court:** Court of Claims | **Date:** November 6, 1922

392. [Pine Hill Coal Co. v. United States](#), 55 Ct. Cl. 433, 1920 U.S. Ct. Cl. LEXIS 51 

LB Cited by: 55 Ct. Cl. 433 p.440

... It in effect declared that certain products had become clothed by the necessities of war and the exigencies of the situation with a public interest. Provision is made for requisitioning the plant or business, as well as for purchasing the entire output. So long as the owner continued to operate he came within the terms of the law, but as was said in **Munnv.Illinois, 94 U.S., 113, 126** , "He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit ...

Court: Court of Claims | **Date:** June 14, 1920

393. [Morrisdale Coal Co. v. United States](#), 55 Ct. Cl. 310, 1920 U.S. Ct. Cl. LEXIS 85 

LB Cited by: 55 Ct. Cl. 310 p.316

... war power, but under the power of Government inherent in every sovereignty, "the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own

property, when such regulation becomes necessary for the public good." **Munn v. Illinois, 94 U.S., 113, 125**. "Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. Where, therefore, one devotes his property ...

Court: Court of Claims | **Date:** April 26, 1920 | **Headnotes::** HN5

U.S. Tax Court

394. [Prichard Funeral Home v. Comm'r](#), T.C. Memo 1962-259, 1962 Tax Ct. Memo LEXIS 49, 21 T.C.M. (CCH) 1399, T.C.M. (RIA) P62259 **I**

LB Cited by:

... Fourteenth Amendment to the Constitution of the United States prohibits the respondent's action in this case is also without merit. The Fourteenth Amendment constitutes a limitation on the powers of the States, but not on those of the **Federal Government. Munn v. Illinois, 94 U.S. 113(1876)**. Decision will be entered under Rule 50. ...

Discussion:  | **Court:** Tax Court | **Date:** November 5, 1962

395. [Cooper v. Commissioner](#), T.C. Memo 1962-226, 1962 Tax Ct. Memo LEXIS 83, 21 T.C.M. (CCH) 1190, T.C.M. (RIA) P62226 **I**

LB Cited by:

... ; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Petitioner's reliance on the Fourteenth Amendment is misplaced. The Supreme Court in **Munn v. Illinois, 94 U.S. 113(1876)** held that the Fourteenth Amendment is a restriction upon action by the States and is not a limitation on the Federal Government. It is also worthy of note that section 71 under circumstances ...

Discussion:  | **Court:** Tax Court | **Date:** 1962

Administrative Agency Decisions

396. [NEXUS Gas Transmission, LLC](#), 172 F.E.R.C. P61199, 2020 FERC LEXIS 1224 **A**

LB Cited by:

... . The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876)**. The Court found that businesses affected with a ...

Court: Federal Energy Regulatory Commission | **Date:** September 3, 2020

397. [Nat'l Fuel Gas Supply Corp.](#), 172 F.E.R.C. P61039, 2020 FERC LEXIS 1104

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876)** ...

Court: Federal Energy Regulatory Commission | **Date:** July 17, 2020

398. [Mt. Valley Pipeline, LLC](#), 171 F.E.R.C. P61232, 2020 FERC LEXIS 877 ▲

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** June 18, 2020

399. [Transcon. Gas Pipe Line Co., LLC](#), 171 F.E.R.C. P61032, 2020 FERC LEXIS 703 Ⓐ

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** April 16, 2020

400. [Transcon. Gas Pipe Line Co., LLC](#), 171 F.E.R.C. P61031, 2020 FERC LEXIS 922 Ⓐ

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** April 16, 2020

401. [Columbia Gas Transmission, LLC](#), 170 F.E.R.C. P61247, 2020 FERC LEXIS 924 Ⓐ

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** March 25, 2020


402. [Columbia Gas Transmission, LLC](#), 170 F.E.R.C. P61246, 2020 FERC LEXIS 923 Ⓐ

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of

their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** March 25, 2020

403. [Jordan Cove Energy Project L.P.](#), 170 F.E.R.C. P61202, 2020 FERC LEXIS 389 

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**


Court: Federal Energy Regulatory Commission | **Date:** March 19, 2020

404. [Columbia Gas Transmission, LLC](#), 170 F.E.R.C. P61045, 2020 FERC LEXIS 92, 2020 WL 402208 

B Cited in Concurring Opinion at:

... "public interest" was clear at the time the NGA was adopted. The NGA's use of the phrase affected with the public interest is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase affected with the public interest as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** January 23, 2020

405. [Adelphia Gateway, LLC](#), 169 F.E.R.C. P61220, 2019 FERC LEXIS 1869, 2019 WL 7040249 

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**


Court: Federal Energy Regulatory Commission | **Date:** December 20, 2019

406. [Tenn. Gas Pipeline Co.](#), 169 F.E.R.C. P61230, 2019 FERC LEXIS 1867 

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876) ...**

Court: Federal Energy Regulatory Commission | **Date:** December 19, 2019

407. [El Paso Natural Gas Co., L.L.C.](#), 169 F.E.R.C. P61133, 2019 FERC LEXIS 1707, 2019 WL 6243024 

B Cited in Concurring Opinion at:

... interest" was clear at the time the NGA was adopted. The NGA's use of the phrase "affected with the public interest" is consistent with the States' use of this phrase when enacting laws regulating public utilities. Historically, state legislatures used the phrase "affected with the public interest" as the basis of their authority to regulate rates charged for the sale of commodities, rendered services, or use of private property. **Munn v. Illinois, 94 U.S. 113, 125-26, 24 L. Ed. 77(1876)** ...

Court: Federal Energy Regulatory Commission | **Date:** November 21, 2019

408. [City of New Orleans v. Entergy Corp.](#), 59 F.E.R.C. P63016, 1992 FERC LEXIS 1166 ▲

LB Cited by: 59 F.E.R.C. P63016

... Principles of Public Utility Rates (1988), pp. 86, et seq. The term "rate" is "universally accepted as contemplating the measure of the carrier's compensation for the service," *State of North Dakota v. N. Pac. Ry. Co.*, 153 ICC 215, 222 (1929). See also, **Munn v. Illinois, 94 U.S. 113, 125(1877)** (rate regulation analogous to statutes regulating "the price of use of private property"). In this case, the "measure" of an operating company's compensation for its service under the schedules ...

Court: Federal Energy Regulatory Commission | **Date:** May 14, 1992

409. [In the Matter of Cedar Chem. Co.](#), 1988 EPA App. LEXIS 49, 2 E.A.D. 584 Ⓐ

LB Cited by: 1988 EPA App. LEXIS 49 p.8

... has declared that the production facilities and other property of the industry are "clothed [or affected] with a public interest" so as to grant the public the right, for example, to control production, prices, or marketing decisions. 5 See **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1877)** (the public's right arises from an "interest" in the use to which the property is put); *Nebbia v. New York*, 291 U.S. 502, 54 S. Ct. 505, 78 L. Ed. 940 (1934)

Court: E.P.A. | **Date:** June 9, 1988

410. [Cities Serv. Gas Co.](#), 2 F.E.R.C. P63033, 1978 FERC LEXIS 822 Ⓐ

LB Cited by:

... transportation of additional gas that CS expects to acquire in this area. Thus, CS would be wholly dependent on CIG's willingness to agree to acceptable arrangements to transport any additional gas that CS could obtain in this area, if CS is required to rely solely on CIG for its gas transmission requirements. CIG is in the position of the Illinois grain warehouses considered by the United States Supreme Court in the landmark *Munn v. Illinois* decision, **94 U.S. 113, 24 L. Ed. 77(1877)**. ...

Court: Federal Energy Regulatory Commission | **Date:** February 28, 1978

411. [IDAHO POWER COMPANY, DOCKET NO. E-7229](#), 46 F.P.C. 384, 1970 FPC LEXIS 470

LB Cited by:

... If the company seriously means this, then it is hereby advised it is wrong. The court cases so holding, under Section 206 of the Federal Power Act (and Section 5 of the Natural Gas Act, in pari materia), are so numerous as to beggar station. So moved is Wells by the company's extraordinary statement that its reply brief collects a total of 20 cases on the subject, from the Supreme Court on down, starting with **Munn v. Illinois, 94 U.S. 113** and including of course the trilogy of *Mobile*, ...

Court: F.P.C. | **Date:** August 18, 1970

412. [STANDARD OIL COMPANY OF CALIFORNIA, DOCKET NO. CI60-333; DORSEY BUTTRAM, CI60-442; GEORGE P. CAULKINS, JR., CI60-560; GULF OIL CORPORATION, CI60-636](#), 27 F.P.C. 1153, 1961 FPC LEXIS 659

LB Cited by:

... price for the Red Wash gas, producer profit limitation resulting from the imposition of that price is simply a necessary consequence of Commission regulation in the public interest. See the governing principles of the common law, restated in **Munn v. Illinois, 94 U.S. 113**. The basic question remains: What are the principles on which we find the correct price for the Red Wash gas? PRELIMINARY CONSIDERATIONS In respect of the incidents of the sale of gas by producers to interstate ...

Court: F.P.C. | **Date:** September 28, 1961

413. [SEABOARD OIL COMPANY, ET AL., N1 DOCKET NO. G-13169, ET AL.n1 According to a motion filed with the Commission, Texaco Seaboard Inc. effective as June 1, 1958, has acquired from Seaboard Oil Company all of Seaboard's assets, properties, business and good will and has assumed all of the liabilities of Seaboard. Texaco Seaboard is a wholly owned subsidiary of The Texas Company. On June 6, 1958, Texaco Seaboard Inc. filed an "Amended Application for Certificate" etc.](#), 20 F.P.C. 330, 1958 FPC LEXIS 635 **I**

LB Cited by:

... manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but, so long as he maintains the use, he must submit to the control." **Munn v. Villinois, 94 U.S. 113** ...

Court: F.P.C. | **Date:** June 17, 1958

414. [IN THE MATTERS OF ST. CROIX FALLS MINNESOTA IMPROVEMENT COMPANY AND ST. CROIX FALLS WISCONSIN IMPROVEMENT COMPANY, IT-5669, IT-5670](#), 3 F.P.C. 13, 1942 FPC LEXIS 2, 43 Pub. Util. Rep. (n.s.) 1 **Q**

LB Cited by: 3 F.P.C. 13 p.22

... Where there is common control it is not sufficient merely to show that the prices are no higher or are even less than obtainable elsewhere, for such evidence was offered in *Western Distributing Co. v. Public Service Commission of Kansas*, supra (298 U.S. 119), and held insufficient to prove the reasonableness of a charge. * * * In **Smith v. Illinois Bell Telephone Co.**, supra , the court, because of the interrelationship, demanded to know the cost to the holding company of the services ...

Court: F.P.C. | **Date:** February 17, 1942

415. [IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY, PACIFIC POWER & LIGHT COMPANY, PORTLAND GENERAL ELECTRIC COMPANY, PUGET SOUND POWER & LIGHT COMPANY, WASHINGTON WATER POWER COMPANY, IT-5647](#), 2 F.P.C. 369, 1941 FPC LEXIS 3 **I**

LB Cited by: 2 F.P.C. 369 p.378

... public office, and have duties to perform in which the public is interested." They were granted no authority to participate in political matters and were not created for the purpose of moulding public

opinion. Chief Justice Waite, Speaking for the Supreme Court of the United States , as far back as 1877, in **Munn v. Illinois (94 U.S. 113, 24 L.Ed. 77)**, stated that: when, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an ...

Court: F.P.C. | **Date:** February 27, 1941

416. **C.D. 2126**

LB Cited by:

417. **7 F.C.C.R. 7369, F.C.C. Comm'n Order No. 92-440, 71 Rad. Reg. 2d (P & F) 506▲**

LB Cited by: 7 F.C.C.R. 7369 p.7479; F.C.C. Comm'n Order No. 92-440

Other Federal Decisions

418. **25 Op. Att'y Gen. 423**

LB Cited by: 25 Op. Att'y Gen. 423 p.423

419. **84 F.C.C.2d 445, F.C.C. Comm'n Order No. 80-742+**

LB Cited by: 84 F.C.C.2d 445 p.486

420. **64 F.C.C.2d 1, F.C.C. Comm'n Order No. 77-150▲**

LB Cited by: 64 F.C.C.2d 1 p.47

421. **2 F.C.C.2d 877, F.C.C. Comm'n Order No. 66-204, 7 Rad. Reg. 2d (P & F) 71Ⓐ**

LB Cited by: 2 F.C.C.2d 877 p.888

422. **46 F.P.C. 384, 90 Pub. Util. Rep. 3d (PUR) 512, Util. L. Rep. (CCH) P11233Ⓐ**

LB Cited by: 46 F.P.C. 384 p.404

423. [27 F.P.C. 1153, 44 Pub. Util. Rep. 3d \(PUR\) 1, Util. L. Rep. \(CCH\) P10270](#) ▲

LB Cited by: 27 F.P.C. 1153 p.1165

424. [20 F.P.C. 264, 25 Pub. Util. Rep. 3d \(PUR\) 157, Util. L. Rep. \(CCH\) P9824](#) Q

LB Cited by: 20 F.P.C. 264 p.337

425. [334 I.C.C. 25](#) ◆

LB Cited by: 334 I.C.C. 25 p.55

426. [1936 A.M.C. 1624](#)

LB Cited by: 1936 A.M.C. 1624 p.1634

Alabama Supreme Court

427. [State v. Lupo](#), 984 So. 2d 395, 2007 Ala. LEXIS 220 A

B Cited in Concurring Opinion at: 984 So. 2d 395 p.410

Justice See, writing for the Court, observed: ... "While this Court has not engaged in a campaign to strike down economic legislation, it has applied some of the less activist substantive-due-process formulations previously employed by the Supreme Court of the United States. For example, in *Franklin v. State ex rel. Alabama State Milk Control Bd.*, 232 Ala. 637, 642-44, 169 So. 295, 299-300 (1936), this Court acknowledged the Supreme Court's pre-*Lochner* 'affected-with-the-public-interest' test in upholding a statute regulating the production of milk. (Citing *Munn v. Illinois*, 94 U.S. (4 Otto) 113, 130, 24 L. Ed. 77 (1876) (holding that a state law regulating rates charged by grain elevators did not violate the elevator operators' substantive-due-process rights because the statute was 'affected with the public interest' and, thus, within the police power of the state)).

Discussion: **Court:** Ala. | **Date:** October 12, 2007

428. [Alabama Power Co. v. Citizens of Ala.](#), 740 So. 2d 371, 1999 Ala. LEXIS 212, 33 Ala. B. Rep. 3130 A

LB Cited by: 740 So. 2d 371 p.380

... 642-44 , 169 So. 295 , 299-300 (1936) , this Court acknowledged the Supreme Court's pre- *Lochner* "affected-with-the-public-interest" test in upholding a statute regulating the production of milk. (Citing *Munn v. Illinois* , 94 U.S. (4 Otto) 113, 130, **24 L. Ed. 77(1876)** (holding that a state law regulating rates charged by grain elevators did not violate the elevator operators' substantive-due-process rights because the statute was "affected with the public interest" and, thus, within the ...

Discussion: **Court:** Ala. | **Date:** July 16, 1999

429. [Alabama Power Co. v. Citizens of Ala.](#), 1998 Ala. LEXIS 307, 33 Ala. B. Rep. 565 

LB Cited by: 33 Ala. B. Rep. 565 p.581


Court: Ala. | **Date:** December 11, 1998

430. [Henderson by & Through Hartsfield v. Alabama Power Co.](#), 627 So. 2d 878, 1993 Ala. LEXIS 584 

LB Cited by: 627 So. 2d 878 p.914

... view; the following appeared in footnote 32: "Our cases have clearly established that '[a] person has no property, no vested interest, in any rule of the common law.' Second Employers' Liability Cases , 223 U.S. 1 , 50 , 32 S. Ct. 169 , 175 , 56 L.Ed. 327 (1912) , quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77(1877)** . The 'Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative ...

Discussion:  | **Court:** Ala. | **Date:** June 25, 1993 | **Headnotes::** HN12

431. [Friday v. Ethanol Corp.](#), 539 So. 2d 208, 1988 Ala. LEXIS 685 

LB Cited by: 539 So. 2d 208 p.212

... 218 U. S. 36 , 54 L. Ed. 921 , 30 S. Ct. 676 ; Ozan Lumber Co. v. Union County Bank , 207 U. S. 251 , 256 , 52 L. Ed. 195 , 28 S. Ct. 89 ; **Munn v. Illinois, 94 U. S. 113, 132, 24 L. Ed. 77** ; Henderson Bridge Co. v. Henderson City , 173 U. S. 592 , 615 , 43 L. Ed. 823 , 19 S. Ct. 553 ." (Emphasis supplied.) Chief Justice Warren , writing for a majority of the United States Supreme Court in McGowan v. Maryland , ...


Discussion:  | **Court:** Ala. | **Date:** December 30, 1988

432. [Alabama Power Co. v. Citizens of Alabama](#), 527 So. 2d 678, 1988 Ala. LEXIS 108 

LB Cited by: 527 So. 2d 678 p.683

... has observed that "the regulation of utilities is one of the most important of the . . . police power of the states." Arkansas Elec. Co-op. v. Arkansas Pub. Serv. , 461 U.S. 375 , 377 , 103 S. Ct. 1905 , 76 L. Ed. 2d 1 (1983) (citing **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**) . In Lindsay v. Mayor and City Council of Anniston , 104 Ala. 257 , 16 So. 545 (1883) , this Court noted, regarding businesses affected by the public interest: "The power lies in the legislature, ...


Discussion:  | **Court:** Ala. | **Date:** February 26, 1988

433. [State v. Manley](#), 441 So. 2d 864, 1983 Ala. LEXIS 4879 

LB Cited by: 441 So. 2d 864 p.881

... Under our governmental form, the people elect their representatives to exercise legislative power. In order to appreciate the legislature's relationship to organic law and thus its power derived under it, it is helpful to recall our political history. In **Munn v. People of Illinois, 94 U.S. 113, 124, 24 L. Ed. 77(1876)** , the United States Supreme Court described our legislative heritage in this manner: "When the people of the United Colonies separated from Great Britain , they ...

Discussion:  | **Court:** Ala. | **Date:** November 2, 1983

434. [Franklin v. State](#), 232 Ala. 637, 169 So. 295, 1936 Ala. LEXIS 328 

LB Cited by: 232 Ala. 637 p.642; 169 So. 295 p.299

... Usury laws are of an ancient house. Tariffs for the protection of home industries are upheld. Sugar bounties have not been declared unconstitutional. *United States v. Realty Co.*, 163 U.S. 427 , 16 S. Ct. 1120 , 41 L. Ed. 215 . The rates of grain elevators (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77**) and cotton gins may be regulated (*Frost v. Corporation Commission of Oklahoma*, 278 U.S. 515 , 49 S. Ct. 235 , 73 L. Ed. 483). Rate fixing in the business of insurance has been ...


Discussion:  **Court:** Ala. | **Date:** June 11, 1936

435. [Woco Pep Co. v. Montgomery](#), 213 Ala. 452, 105 So. 214, 1925 Ala. LEXIS 372 

LB Cited by: 213 Ala. 452 p.455; 105 So. 214 p.216

... (*Powell v. State*, 69 Ala. 10 ; *Jones v. Motley*, 78 Ala. 370 ; *Foshee v. State*, 15 Ala. App. 113 , 72 So. 685 ; *Dreyfus v. City of Montgomery*, 4 Ala. App. 270 , 58 So. 730 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; *Boyd v. Alabama*, 94 U.S. 645 , 24 L. Ed. 302 ; *Burgess v. City of Brockton*, 235 Mass. 95 , 126 N.E. 456 ; *State v. Cote*, 122 Me. 450 , 120 A. 538 ; *Mahaney v. Cisco* [Tex. Civ. App.] 248 S.W. 420 ...


Discussion:  **Court:** Ala. | **Date:** May 14, 1925

436. [State v. Goldstein](#), 207 Ala. 569, 93 So. 308, 1922 Ala. LEXIS 155 

LB Cited by: 207 Ala. 569 p.571, p.577; 93 So. 308 p.312, p.317

... . [The author then proceeds to a discussion of the exceptional cases in which the power may be exercised on the theory that the service, or the business, or the property, upon which the restraint is imposed is devoted to a public use or or affected with a public interest , as exemplified particularly in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** .] What circumstances shall affect property with a public interest is not very clear. The mere fact that the public have an interest in the existence ...


Discussion:  **Court:** Ala. | **Date:** May 25, 1922 | **Headnotes::** HN1

437. [Ortman v. Ortman](#), 203 Ala. 167, 82 So. 417, 1919 Ala. LEXIS 174 

LB Cited by: 203 Ala. 167 p.167; 82 So. 417 p.417

... life for his family that is not successfully contradicted or overturned in this proceeding; nor does it appear that such "condition" of his family was inconsistent with their former station or condition in life and was unnecessary to their maintenance at the time of the rendition of the decree. A man owes a duty of such maintenance to his family as well as to the state; not only that he keep them from becoming a charge upon the body politic (**Munn v. Illinois,94 U.S. 113, 124, 24 L. Ed. 77** ...

Discussion:  **Court:** Ala. | **Date:** May 15, 1919


438. [Tallasse Oil & Fertilizer Co. v. Holloway](#), 200 Ala. 492, 76 So. 434, 1917 Ala. LEXIS 491, L.R.A. (n.s.) 1918A280 

LB Cited by: 200 Ala. 492 p.493; 76 So. 434 p.435

... classed by the common law, for the reason that they are of comparatively modern invention, dating back no further than the year 1792. The question as to when private property becomes so clothed with a

public interest and used in such a manner as to make it of public consequence was treated by the Supreme Court of the United States in *German Alliance I. Co. v. Lewis*, 233 U.S. 389 , 34 S. Ct. 612 , 58 L. Ed. 1011 , L.R.A. 1915C, 1189, and also in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Ala. | **Date:** June 21, 1917

439. [Southern Express Co. v. Whittle](#), 194 Ala. 406, 69 So. 652, 1915 Ala. LEXIS 255, L.R.A. (n.s.) 1916C278 

LB Cited by: 194 Ala. 406 p.430; 69 So. 652 p.659

... . If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munn v. Illinois, 94 U.S. 113, 24 [24 L. Ed. 77]** , while power does not exist with the whole people to control rights that are purely and exclusively private, government may require each citizen to so conduct himself, and so use ...

Discussion:  | **Court:** Ala. | **Date:** June 17, 1915 | **Headnotes:** HN4

440. [Railroad Com. of Alabama v. Alabama G. S. R. Co.](#), 185 Ala. 354, 64 So. 13, 1913 Ala. LEXIS 666, L.R.A. (n.s.) 1915D98 

LB Cited by: 185 Ala. 354 p.365; 64 So. 13 p.17

... addressed to and considered by this court in nearly every case in which the power of the state to regulate railway charges has been called in question, and the answer made to it in those cases is equally pertinent here. Indeed, it is impossible for the state to exercise this power of regulation without interfering to some extent with the power of a railway to contract either with its customers or connecting lines. The power is one which was said in **Munn v. Illinois , 94 U.S. 113 [24 L. Ed. 77]** ...


Discussion:  | **Court:** Ala. | **Date:** June 30, 1913

441. [State ex rel. Ferguson v. Birmingham Waterworks Co.](#), 164 Ala. 586, 51 So. 354, 1910 Ala. LEXIS 10, 137 Am. St. Rep. 69, 27 L.R.A. (n.s.) 674 

LB Cited by: 164 Ala. 586 p.590; 51 So. 354 p.355

... As a business affected with a public use, a water company that has the power of eminent domain must serve all with equal facilities and without discrimination. Such a business is therefore affected with a public use.-- *Mobile v. Bienville Water Company*, 130 Ala. 379 , 30 So. 445 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; *Lumbard v. Albina Light & Water Co.*, 21 Ore. 411 , 28 P. 244 , 14 L.R.A. 424 ; *Am. Waterworks v. State ex rel. Walker*, 46 Neb. 194 , 64 N.W. 711 , 30 L.R.A. ...


Discussion:  | **Court:** Ala. | **Date:** January 11, 1910

442. [Mobile v. Bienville Water Supply Co.](#), 130 Ala. 379, 30 So. 445, 1900 Ala. LEXIS 92 

LB Cited by: 130 Ala. 379 p.384; 30 So. 445 p.447

... *Reagan v. Farmers' Loan & Trust Co.* , 154 U.S. 362 , 398 , 38 L. Ed. 1014 , 14 S. Ct. 1047 ; *Waterworks v. Schottler* , 110 U.S. 347 , 28 L. Ed. 173 , 4 S. Ct. 48 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Mr. Beach, touching this question, observes: "The franchise of laying pipes through city streets and selling water to the inhabitants thereof, being in the nature of a public use, or natural monopoly, carries with it the duty to supply water to all impartially and at reasonable ...

Discussion:  | **Court:** Ala. | **Date:** November 1, 1900

443. [Lindsay v. Mayor, etc., of Anniston](#), 104 Ala. 257, 16 So. 545, 1893 Ala. LEXIS 65, 53 Am. St. Rep. 44, 27 L.R.A. 436 

LB Cited by: 104 Ala. 257 p.261; 16 So. 545 p.546

... the power to prescribe rules for the conduct of the business, or the manner in which the occupation or employment is to be pursued. Hackmen, cartmen and wagoners, engaged in the carriage of goods or persons for hire, by the common law are regarded as common carriers, and the power lies in the legislature, in the absence of constitutional restraint or limitation, to regulate, to prescribe the rules according to which their business may be conducted.-- **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Ala. | **Date:** November 1, 1893

444. [Mangan v. State](#), 76 Ala. 60, 1884 Ala. LEXIS 297 

LB Cited by: 76 Ala. 60 p.63

... of life, liberty or property, without due process of law. This was determined adversely to appellant in the cases of *Dorman v. State*, 34 Ala. 216, and *Davis v. State*, supra, as respects this limitation upon the legislative power by the State constitution. And in **Munn v. Illinois, 94 U.S. 113 [24 L. Ed. 77]**, C. J. Waite, after considering the term "due process of law," as previously understood, observes: "From this it is apparent that, down to the time of the adoption of the Fourteenth ...

Discussion:  **Court:** Ala. | **Date:** December 1, 1884


445. [Davis v. State](#), 68 Ala. 58, 1880 Ala. LEXIS 361, 44 Am. Rep. 128 

LB Cited by: 68 Ala. 58 p.63

... This the Legislature had the power to do.--Tiffany's Gov. & Const. Law, § 318; *Beer Co. v. Massachusetts*, 97 U.S. 25 [24 L. Ed. 989]; *Bartemeyer v. Iowa*, 18 Wall. 129 [21 L. Ed. 929]. There is no constitutional objection to it.-- **Munn v. Illinois, 94 U.S. 113 [24 L. Ed. 77]**. In discussing the subject of a prohibitory liquor law, confined to a specified locality, which was urged as being violative of this same clause in the Constitution, Walker, J., in *Dorman v. State*, supra ...

Discussion:  **Court:** Ala. | **Date:** December 1, 1880


Alabama Court of Appeals

446. [State v. Goldstein](#), 18 Ala. App. 587, 93 So. 308, 1922 Ala. App. LEXIS 242 

LB Cited by: 1922 Ala. App. LEXIS 242 p.591, p.597

... . [The author then proceeds to a discussion of the exceptional cases in which the power may be exercised on the theory that the service, or the business, or the property, upon which the restraint is imposed is devoted to a public use or affected with a public interest, as exemplified particularly in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**.] What circumstances shall affect property with a public interest is not very clear. The mere fact that the public have an interest in the existence ...

Discussion:  **Court:** Ala. Ct. App. | **Date:** June 13, 1922 | **Headnotes::** HN1

447. [Dreyfus v. Montgomery](#), 4 Ala. App. 270, 58 So. 730, 1912 Ala. App. LEXIS 298 

LB Cited by: 4 Ala. App. 270 p.274; 58 So. 730 p.732

... A detailed discussion of the facts is unnecessary. The appellant has devoted his property to a use in

which the public had an interest thereby granting the public an interest in that use--and he must therefore submit to be controlled in the user by the public through its duly constituted officers for the common good.-- **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . If the ordinance is not consistently enforced, as would seem to be one of the inferences that could be drawn from the statement ...

Discussion:  | **Court:** Ala. Ct. App. | **Date:** April 9, 1912

Other Alabama Decisions


448. [Re Southern Bell Telephone and Telegraph Company](#), 1954 Ala. PUC LEXIS 2

LB Cited by:

... The commission has found valuable assistance in the article appearing in the American Ear Association Journal for December, 194S, at page 1096, et seq., entitled: "Public Utility Property: Views of Commission Counsel As to Valuation," by Everett C. McKeage, chief counsel of the California Public Utility Commission. As Mr. McKeage points out in this article, the concepts of valuation of public utility property have developed only since 1877 when **Munn v. Illinois,94 US 113, 133, 134, 24** ...

Court: Ala. P.S.C. | **Date:** April 21, 1954

Arizona Supreme Court

449. [Arizona Corp. Comm'n v. Nicholson](#), 108 Ariz. 317, 497 P.2d 815, 1972 Ariz. LEXIS 319 

LB Cited by: 108 Ariz. 317 p.320; 497 P.2d 815 p.818

... 6 A.L.R.2d 481 (1949) . When one devotes his property to a use in which the public has an interest he, in effect, grants to the public an interest in that use, and must submit to control by the public for the common good. **Munn v. State of Illinois,94 U.S. 113, 24 L.Ed. 77(1877)** . The Commission relies heavily upon the case of Natural Gas Service v. Serv-Yu Cooperative, supra , to support the position that the plaintiffs in this case are a public service corporation. The Court held in ...


Discussion:  | **Court:** Ariz. | **Date:** May 26, 1972

450. [Visco v. State](#), 95 Ariz. 154, 388 P.2d 155, 1963 Ariz. LEXIS 260 

LB Cited by: 95 Ariz. 154 p.159; 388 P.2d 155 p.158

... Three basic powers of government are involved in the solution of the questions here presented. First, there is the power to adopt economic regulations, particularly to fix prices, for the "public callings". The limitations upon this power imposed by the Fourteenth Amendment were discussed in detail by Chief Justice Waite in **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77** . This was a forward looking decision. Specifically, the power of a state to add grain elevators to the class of callings ...










Discussion:  | **Court:** Ariz. | **Date:** December 26, 1963

451. [Tucson v. Polar Water Co.](#), 76 Ariz. 404, 265 P.2d 773, 1954 Ariz. LEXIS 238 

LB Cited by: 76 Ariz. 404 p.410; 265 P.2d 773 p.776

... as is the property of a public utility, that it is subject to such regulation as the body politic may impose from time to time for the protection of the people and the promotion of the general welfare. These principles were clearly denounced in **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77** . Chief Justice Waite there said: " * * * Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes ...

Discussion:  | **Court:** Ariz. | **Date:** January 18, 1954

452. [Buehman v. Bechtel](#), 57 Ariz. 363, 114 P.2d 227, 1941 Ariz. LEXIS 206, 134 A.L.R. 1374 
- LB Cited by:** 57 Ariz. 363 p.371; 114 P.2d 227 p.230
 ... , 56 A.L.R. 1327 . Compare: Louisville & N.R. Co. v. Kentucky, 161 U.S. 677 , 16 Sup. Ct. 714 , 40 L. Ed. 849 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Chas. Wolff Packing Co. v. Court of Industrial Relations, 262 U.S. 522 , 43 Sup. Ct. 630 , 67 L. Ed. 1103 , 27 A.L.R. 1280 . " Nebbia v. New York, 291 U.S. 502 , ...
- Discussion:**  **Court:** Ariz. | **Date:** June 16, 1941
-
453. [Phoenix v. Kasun](#), 54 Ariz. 470, 97 P.2d 210, 1939 Ariz. LEXIS 173, 127 A.L.R. 84 
- LB Cited by:** 54 Ariz. 470 p.475; 97 P.2d 210 p.212
 ... duties are raised by implication of law as between the utility and the persons whom it serves, and no contract is necessary to give them. Inasmuch, therefore, as one who devotes his property to a use in which the public has an interest, in effect grants to the public an interest in the use thereof, he must submit to being controlled by the public for the common good to the extent of the interest thus created and so long as such use is continued. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...
- Discussion:**  **Court:** Ariz. | **Date:** December 18, 1939
-
454. [Haddad v. State](#), 23 Ariz. 105, 201 P. 847, 1921 Ariz. LEXIS 97 
- LB Cited by:** 23 Ariz. 105 p.115; 201 P. 847 p.851
 ... **Munn v. Illinois, 94 U.S. 126, 24 L. Ed. 77** . See, also Elliott on Roads and Streets, 3d ed., § 526. State & Territorial Governments, Legislatures Employment Relationships, At Will Employment Transportation Law, Intrastate Commerce HN10 The employment of hackmen and draymen whose places of business are in the public highway is a proper subject for police regulation at common law. And recent authority classes these and the like occupations with privileges exercisable only at the will of the ...
- Discussion:**  **Court:** Ariz. | **Date:** November 16, 1921
-
455. [Inspiration Consol. Copper Co. v. Mendez](#), 19 Ariz. 151, 166 P. 278, 166 P. 1183, 1917 Ariz. LEXIS 74 
- LB Cited by:** 19 Ariz. 151 p.163; 166 P. 278 p.283
 ... No person has a vested interest in any rule of law, entitling the person to insist that it shall remain unchanged for the person's benefit. No person has a vested interest in any rule of law, entitling him to insist that it shall remain unchanged for his benefit. **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87** ; Hurtado v. California, 110 U.S. 516 , 532 , 28 L. Ed. 232 , 237 , 4 Sup. Ct. Rep. 111 , 292 ...
- Discussion:**  **Court:** Ariz. | **Date:** July 2, 1917
-
456. [Salt River Valley Canal Co. v. Nelssen](#), 10 Ariz. 9, 85 P. 117, 1906 Ariz. LEXIS 86, 16 Am. Ann. Cas. (o.s.) 796, 12 L.R.A. (n.s.) 711 
- LB Cited by:** 10 Ariz. 9 p.12; 85 P. 117 p.119
 ... A public-service corporation does not enjoy its franchise solely for the profit of its promoters or stockholders. While it uses the franchise there rests upon it a duty to render to the public, at a reasonable rate, the services for which it was created. **Munn v. Illinois, 94 U.S. 113, 126, 134, 24 L. Ed. 77** . It is clear in reason, and is well settled by precedents that where statutes prescribe maximum

rates, one from whom a rate has been exacted in excess of the legal maximum, may sue ...

Discussion:  **Court:** Ariz. | **Date:** March 30, 1906


Arkansas Supreme Court

457. [North Little Rock Water Co. v. Waterworks Com. of Little Rock](#), 199 Ark. 773, 136 S.W.2d 194, 1940 Ark. LEXIS 40 

LB Cited by: 199 Ark. 773 p.785; 136 S.W.2d 194 p.199

... water system. The arrangement for furnishing water to the North Little Rock system was not changed when the city of Little Rock acquired the property of the Water Company south of the river. There was a change only in the source of supply. The entire original plant had been devoted to serving water to both cities, and they were alike interested in the continuance of that service. It was said by the Supreme Court of the United States in the case of **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Ark. | **Date:** January 29, 1940

458. [ARKANSAS R.R. COMM'N v. CASTETTER](#), 180 Ark. 770, 22 S.W.2d 993, 1929 Ark. LEXIS 461, 68 A.L.R. 1018 

LB Cited by: 180 Ark. 770 p.785; 22 S.W.2d 993 p.999

... a business may be said to be affected with a public interest, to-wit, when it is such that the public must use its commodities in such manner as to make it of public consequence; where the nature of the service rendered has become indispensable for the convenience and happiness of the people, and where it is fairly probable that excessive charges and arbitrary control of the business may arise. The leading case perhaps on this subject is that of **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Ark. | **Date:** December 1, 1929

459. [Pulaski Heights Sewerage Co. v. Loughborough](#), 95 Ark. 264, 129 S.W. 536, 1910 Ark. LEXIS 168, 29 L.R.A. (n.s.) 319 

LB Cited by: 95 Ark. 264 p.266; 129 S.W. 536 p.536

... use, he must submit to the control." "Upon this principle, the Legislature can fix the maximum of charge for the storage of grain in public warehouses, and for carriage of freight and passengers by common carriers. From the same source comes the power to regulate millers, bakers, hackmen, ferriers, wharfingers, innkeepers, and the like; 'and in so doing to fix the maximum of charge to be made for services rendered, accommodations furnished and articles sold.' **Munn v. Illinois, 94 U.S. 113 ...**










Discussion:  **Court:** Ark. | **Date:** May 30, 1910

460. [Cottonwood Lumber Co. v. Hardin](#), 78 Ark. 95, 92 S.W. 1118, 1906 Ark. LEXIS 201 

LB Cited by: 78 Ark. 95 p.98; 92 S.W. 1118 p.1120


... reason of those decisions that hold that limitation laws and laws regulating the registration of deeds are not unconstitutional when a reasonable time is given within which the effect of such a statute as it applies to rights of action already existing or to existing conveyances may be avoided and rendered harmless in respect to vested rights. **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; **Turner v. New York** , 168 U.S. 90 , 42 L. Ed. 392 , 18 S. Ct. 38 ; **Saranac Land & Timber Co . v. ...**

Discussion:  **Court:** Ark. | **Date:** February 24, 1906

461. [CARSON v. ST. FRANCIS LEVEE DIST.](#), 59 Ark. 513, 27 S.W. 590, 1894 Ark. LEXIS 81 
- LB Cited by:** 59 Ark. 513 p.532; 27 S.W. 590 p.593
 ... 17 N.W. 389 , which has become a leading case on the subject. Public works of the kind have been very generally considered as coming within the scope of legislative power. *Mayor of Baltimore v. State* , 74 Am. Dec. 572 , note 590-595; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; *Williams v. Mayor* , 2 Mich. 560 ; *Egyptian Levee Co. v. Hardin* , 27 Mo. 495 ; *Hagar v. Reclamation District* ...
Discussion:  | **Court:** Ark. | **Date:** July 21, 1894
-
462. [LEEP v. RAILWAY CO.](#), 58 Ark. 407, 25 S.W. 75, 1894 Ark. LEXIS 111, 41 Am. St. Rep. 109, 23 L.R.A. 264 
- LB Cited by:** 58 Ark. 407 p.415; 25 S.W. 75 p.77
 ... storage of grain in public warehouses, and for carriage of freight and passengers by common carriers. From the same source comes the power to regulate millers, bakers, hackmen, ferries, wharfingers, innkeepers, and the like; "and in so doing to fix the maximum of charge to be made for services rendered, accommodations furnished, and articles sold." *Munn v. Illinois* , **94 U.S. 113** , 24 L. Ed. 77 ; *Budd v. New York* , 143 U.S. 517 , 36 L. Ed. 247 , 12 S. Ct. 468 ; *Dow v. Beidelman* , ...
Discussion:  | **Court:** Ark. | **Date:** February 3, 1894
-
463. [Dow v. Beidleman](#), 49 Ark. 325, 5 S.W. 297, 1887 Ark. LEXIS 27 
- LB Cited by:** 49 Ark. 325 p.335; 5 S.W. 297 p.302
 ... The present company was never organized under the act of 1853. 41 Ark. 436 ; 112 U.S. 609 . If organized at all, it was under the Constitution of 1874, and subject to all its provisions and regulations. Const., art. 12, sec. 6. As to the power of the State to regulate rates, see 116 U.S. 307 ; **94 U.S. 113** ; *id.*, 155 . Whether the regulation is reasonable or not is for the Legislature to determine, not the courts. This court, however, is not called upon in this case to determine this difficult ...
Discussion:  | **Court:** Ark. | **Date:** May 1, 1887
-
464. [Little Rock & Fort Smith Ry. v. Hanniford](#), 49 Ark. 291, 5 S.W. 294, 1887 Ark. LEXIS 26 
- LB Cited by:** 49 Ark. 291 p.296
 ... regulate the speed of railroad trains; and may require railroad companies to place guards at bridges and other points of danger, notwithstanding the railroad affected may run through more than one State, or connect with railroads operated in other States, and may be engaged in transporting freight from one State to another. *Railroad Co. v. Husen*, 95 U.S. 465 , 24 L. Ed. 527 ; *Chicago & Alton R. Co. v. Pierson*, 12 Am. & Eng. R. Cas. 156. In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...
Discussion:  | **Court:** Ark. | **Date:** May 1, 1887
-
465. [Bostick v. State](#), 47 Ark. 126, 14 S.W. 476, 1886 Ark. LEXIS 78 
- LB Cited by:** 47 Ark. 126 p.130; 14 S.W. 476 p.477
 ... Whenever the owner of property devotes it to a use in which the public has an interest, he, in effect, grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public for the common good. This gives by implication the power to regulate ferries, common

carriers, hackmen, bakers, butchers, hucksters, millers, wharfingers, inn-keepers, etc. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . The case was tried upon an agreed statement of ...

Discussion:  **Court:** Ark. | **Date:** May 1, 1886

466. [Ft. Smith v. Ayers](#), 43 Ark. 82, 1884 Ark. LEXIS 12 

LB Cited by: 43 Ark. 82 p.83

... The ordinance in question is construed to be a mere police regulation and not a measure for raising revenue. And the license fee demanded is not a tax upon an occupation, but a compensation for issuing the license, for keeping the necessary record and for municipal supervision over the business. Allerton v. Chicago, 9 Bissell 552, 6 F. 555 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Frankford and Philad. Passenger Co. v. Philadelphia, 58 Pa. 119 ; Johnson v. Philadelphia, 60 ...


Discussion:  **Court:** Ark. | **Date:** May 1, 1884

Arkansas

467. [Martin's Dec. Eq. 1](#)

LB Cited by: Martin's Dec. Eq. 1 p.307

California Supreme Court

468. [Hartwell Corp. v. Superior Court](#), 27 Cal. 4th 256, 115 Cal. Rptr. 2d 874, 38 P.3d 1098, 2002 Cal. LEXIS 590, 2002 Cal. Daily Op. Service 1064, 2002 D.A.R. 1295, 32 Env'tl. L. Rep. 20477 

LB Cited by: 27 Cal. 4th 256 p.281; 115 Cal. Rptr. 2d 874 p.896; 38 P.3d 1098 p.1116

... Business enterprises affected with a public interest are subject to government regulation under the state's police power. business enterprises "affected with a public interest" are subject to government regulation under the state's police power. (See **Munn v. Illinois (1876) 94 U.S. 113, 125-130 [24 L. Ed. 77, 84-86]** ; Gay Law Students Assn. v. Pacific Tel. & Tel. Co. (1979) 24 Cal. 3d 458, 476 [156 Cal. Rptr. 14, 595 P.2d 592] .) Regulated Industries, Energy & Utilities Energy ...

Discussion:  **Court:** Cal. | **Date:** February 4, 2002 | **Headnotes:** HN5

469. [Santa Monica Beach, Ltd. v. Superior Court](#), 19 Cal. 4th 952, 81 Cal. Rptr. 2d 93, 968 P.2d 993, 1999 Cal. LEXIS 2, 99 Cal. Daily Op. Service 95, 99 D.A.R. 131 

B Cited in Dissenting Opinion at: 19 Cal. 4th 952 p.992; 81 Cal. Rptr. 2d 93 p.118; 968 P.2d 993 p.1018

... claims for just compensation because property has been subjected to those laws. The level of judicial scrutiny accorded legislation subjected to due process challenges is irrelevant in a takings clause claim. That regulation of prices other than rents is a proper exercise of the police power is well established. This was recognized by the Supreme Court more than a century ago in **Munn v. Illinois (1876) 94 U.S. 113, 124 [24 L. Ed. 77]** . The validity of an Illinois statute fixing ...

Discussion:  **Court:** Cal. | **Date:** January 4, 1999

470. [Gay Law Students Assn. v. Pacific Tel. & Tel. Co.](#), 24 Cal. 3d 458, 156 Cal. Rptr. 14, 595 P.2d 592, 1979 Cal. LEXIS 268, 19 Empl. Prac. Dec. (CCH) P9268, 19 Fair Empl. Prac. Cas. (BNA) 1419 

LB Cited by: 24 Cal. 3d 458 p.476; 156 Cal. Rptr. 14 p.25; 595 P.2d 592 p.603

... implied covenant that such authority be utilized for the good of the public weal and not be abused for personal motives or prejudices. (See, e.g., Collier, pp. 70-71.) Centuries later, this "royal privilege" doctrine evolved into a broad common law principle which placed numerous obligations, including an obligation to avoid discriminatory conduct, upon enterprises said to be "affected with a public interest." (See, e.g., **Munn v. Illinois (1876) 94 U.S. 113 , 125-130 [24 L. Ed. 77 , 84-86]** ...

Discussion:  | **Court:** Cal. | **Date:** May 31, 1979

471. [Brown v. Merlo](#), 8 Cal. 3d 855, 106 Cal. Rptr. 388, 506 P.2d 212, 1973 Cal. LEXIS 265, 66 A.L.R.3d 505



LB Cited by: 8 Cal. 3d 855 p.882; 106 Cal. Rptr. 388 p.407; 506 P.2d 212 p.231

... Constitutions. Our holding, of course, in no way detracts from the principle that "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." (**Munn v. Illinois (1877) 94 U.S. 113 , 134 [24 L. Ed. 77 , 87]** .) Nothing we have said is intended to imply that only the common law rules of negligence can govern automobile liability. (15) We hold only that in undertaking any alteration or reform of ...

Discussion:  | **Court:** Cal. | **Date:** February 20, 1973 | **Headnotes:** HN12

472. [Schwartz-Torrance Inv. Corp. v. Bakery & Confectionery Workers' Union](#), 61 Cal. 2d 766, 40 Cal.

Rptr. 233, 394 P.2d 921, 1964 Cal. LEXIS 254, 57 L.R.R.M. (BNA) 2036, 50 Lab. Cas. (CCH) P51165 

LB Cited by: 61 Cal. 2d 766 p.771; 40 Cal. Rptr. 233 p.236; 394 P.2d 921 p.924

... has eloquently developed the thesis that "property rights" no longer enjoy the characteristic of absolutism formerly accorded them: "Property like liberty, though immune under the Constitution from destruction, is not immune from regulation essential for the common good. What the regulation shall be, every generation must work out for itself. The generation which gave us **Munnv.Illinois(1876)94 U.S. 113 [24 L.Ed. 77]** , and like cases, asserted the right of regulation whenever business ...

Discussion:  | **Court:** Cal. | **Date:** August 31, 1964

473. [Tunkl v. Regents of University of Cal.](#), 60 Cal. 2d 92, 32 Cal. Rptr. 33, 383 P.2d 441, 1963 Cal. LEXIS

226, 6 A.L.R.3d 693 

LB Cited by: 60 Cal. 2d 92 p.98; 32 Cal. Rptr. 33 p.37; 383 P.2d 441 p.445

... as a fit subject for special regulatory treatment and those which affect a relationship not generally subjected to particularized control." (11 So.Cal.L.Rev. 296 , 297 (1938) ; see also Note (1948) 175 A.L.R. 8 , 38-41 .) In **Munnv.Illinois(1877)94 U.S. 113 [24 L.Ed. 77]** , the Supreme Court appropriated the common law concept of a business affected with a public interest to serve as the test of the constitutionality of state price fixing laws, a role it retained until *Nebbia v. ...*

Discussion:  | **Court:** Cal. | **Date:** July 9, 1963

474. [People v. Western Air Lines, Inc.](#), 42 Cal. 2d 621, 268 P.2d 723, 1954 Cal. LEXIS 193 

LB Cited by: 42 Cal. 2d 621 p.635; 268 P.2d 723 p.731

... Constitution was adopted in 1879 does not make them any the less transportation companies within the meaning and contemplation of art. XII. From earlier times rates for the transportation of persons and property for hire as common carriers have been subject to government regulation and control. (

Munnv.Illinois, 94 U.S. 113, 125 [24 L.Ed. 77]; People v. Budd , 117 N.Y. 1 [22 N.E. 670 , 682 , 15 Am.St.Rep. 460 , 5 L.R.A. 559 ...


Discussion:  **Court:** Cal. | **Date:** April 2, 1954

475. [State Board of Dry Cleaners v. Thrift-D-Lux Cleaners, Inc.](#), 40 Cal. 2d 436, 254 P.2d 29, 1953 Cal. LEXIS 206 

LB Cited by: 40 Cal. 2d 436 p.442; 254 P.2d 29 p.32

... In considering whether legislation aims to promote the public welfare as a component part of the police power, the court properly recognized that the concept of public welfare had undergone a process of development through the years. Traditionally the power to legislate for the public welfare was not much more comprehensive than the power to legislate for the public health, safety and morals. In **Munnv.Illinois(1876),94 U.S. 113 [24 L.Ed. 77]** it was considered that only where a person ...

Discussion:  **Court:** Cal. | **Date:** March 10, 1953

476. [Ferrante v. Fish & Game Com.](#), 29 Cal. 2d 365, 175 P.2d 222, 1946 Cal. LEXIS 302 

LB Cited by: 29 Cal. 2d 365 p.372; 175 P.2d 222 p.226

... 54 L.Ed. 921] ; Ozan Lumber Co. v. Union County Bank , 207 U.S. 251 , 256 [28 S.Ct. 89 , 52 L.Ed. 195] ; **Munnv.Illinois, 94 U.S. 113, 132 [24 L.Ed. 77]** ; Henderson Bridge Co. v. Henderson City , 173 U.S. 592 , 615 [19 S.Ct. 553 , 43 L.Ed. 823] ." This court recently in ...

Discussion:  **Court:** Cal. | **Date:** December 6, 1946

477. [Market S. R. Co. v. Railroad Com.](#), 24 Cal. 2d 378, 150 P.2d 196, 1944 Cal. LEXIS 243 

LB Cited by: 24 Cal. 2d 378 p.396; 150 P.2d 196 p.206


... an unregulated period of the utility's operations, and which in the same period had been recouped from earnings by having been charged off to operating expenses. The court rejected the contentions that the rate base should reflect the reproduction cost and trended original cost, and that the well drilling costs of \$ 17,000,000 should have been included in the rate base. It said: "Ratemaking is indeed but one species of price-fixing. **Munnv.Illinois, 94 U.S. 113, 134 [24 L.Ed. 77]** ...

Discussion:  **Court:** Cal. | **Date:** July 3, 1944

478. [American Toll Bridge Co. v. Railroad Com. of California](#), 12 Cal. 2d 184, 83 P.2d 1, 1938 Cal. LEXIS 382 

LB Cited by: 12 Cal. 2d 184 p.195

... section 1, article XIV of the Constitution vesting the rate-making power in the board of supervisors), it was said: "These things are not of the contract; they appertain to the sovereignty of the state, and can not be bargained away," citing **Munnv.Illinois, 94 U.S. 113, 126 [24 L. Ed. 77]** . The retention by the state of the power to regulate tolls was sustained where the statute involved provided for a legislative reservation to reduce the road tolls when it should appear that they ...

Discussion:  **Court:** Cal. | **Date:** September 27, 1938

479. [Koyer v. McComber](#), 83 P.2d 1 

LB Cited by: 83 P.2d 1 p.6

Court: Cal. | Date: September 26, 1938

480. [Wholesale Tobacco Dealers Bureau, Inc. v. National Candy & Tobacco Co.](#), 11 Cal. 2d 634, 82 P.2d 3, 1938 Cal. LEXIS 337, 118 A.L.R. 486 ▲

LB Cited by: 11 Cal. 2d 634 p.653; 82 P.2d 3 p.14

... The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. (**Munn v. Illinois** , **94 U.S. 113 [24 L. Ed. 77]** .) The appellant's claim is, however, that this court, in there sustaining ...

Discussion: ■■■■■ | Court: Cal. | Date: July 28, 1938

481. [Geibel v. State Bar of California](#), 11 Cal. 2d 412, 79 P.2d 1073, 1938 Cal. LEXIS 317 ◆

LB Cited by: 11 Cal. 2d 412 p.421; 79 P.2d 1073 p.1077

... The memorandum of points and authorities is a mass of generalities, including extensive quotation from the Constitution of the United States, and citation of such land marks of constitutional law as *Marbury v. Madison* , 1 Cranch. 177 [2 L. Ed. 60] , and **Munnv.Illinois**, **94 U.S. 113, 134 [24 L. Ed. 77]** . Petitioner Geibel's name appears as attorney of record on the original complaint and the first amended complaint, while Geibel and Morfoot appear on the second amended complaint. ...

Discussion: ■■■■■ | Court: Cal. | Date: June 23, 1938

482. [Agricultural Prorate Com. v. Superior Court of Los Angeles County](#), 5 Cal. 2d 550, 55 P.2d 495, 1936 Cal. LEXIS 430 ▲

LB Cited by: 5 Cal. 2d 550 p.577; 55 P.2d 495 p.509

... , Nebbia advanced the argument in support of his claim that the statute was unconstitutional that the milk business was not subject to legislative control as it was not so affected with a public use as to bring it within that type of business which public interest demands or even permits to be regulated. The court after referring to the case of **Munn v. Illinois** , **94 U.S. 113 [24 L. Ed. 77]** , in which a state statute regulating elevator charges was sustained, went on to say: "The true interpretation ...

Discussion: ■■■■■ | Court: Cal. | Date: February 29, 1936

483. [Max Factor & Co. v. Kunsman](#), 5 Cal. 2d 446, 55 P.2d 177, 1936 Cal. LEXIS 424 Q

LB Cited by: 5 Cal. 2d 446 p.460, p.475; 55 P.2d 177 p.183, p.191

... speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. (**Munn v. Illinois** , **94 U.S. 113 [24 L. Ed. 77]** ...


Discussion: ■■■■■ | Court: Cal. | Date: February 28, 1936

484. [Forsyth v. San Joaquin Light & Power Corp.](#), 208 Cal. 397, 281 P. 620, 1929 Cal. LEXIS 402 

LB Cited by: 208 Cal. 397 p.404; 281 P. 620 p.623

... Jur. 815.) This same principle is enunciated in the case of Associated Pipe Line Co. v. Railroad Commission, 176 Cal. 518 [L. R. A. 1918C, 849, 169 Pac. 62, 65]. In that case this court said, quoting in part from the case of **Munn v. Illinois**, 94 U.S. 113 [24 L. Ed. 77, see, also, Rose's U. S. Notes]: Common Carrier Duties & Liabilities, State & Local Regulation Transportation Law, Commercial Vehicles HN4 When one devotes his property to a use in which the public have an ...


Discussion:  **Court:** Cal. | **Date:** October 22, 1929

485. [People v. Hickman](#), 204 Cal. 470, 268 P. 909, 1928 Cal. LEXIS 707 

LB Cited by: 204 Cal. 470 p.479; 268 P. 909 p.913

... will of the legislature, unless prevented by constitutional limitations. The great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. (**Munnv.Illinois**, 94 U.S. 113, 134 [24 L. Ed. 77] .) (9) The power to legislate must not be exercised in an arbitrary or despotic manner, but any legal proceeding enforced by public authority, whether sanctioned by age and custom, or newly devised in the discretion ...

Discussion:  **Court:** Cal. | **Date:** July 5, 1928 | **Headnotes::** HN12

486. [Allen v. Railroad Com. of California](#), 179 Cal. 68, 175 P. 466, 1918 Cal. LEXIS 700, 8 A.L.R. 249 

LB Cited by: 179 Cal. 68 p.72, p.94; 175 P. 466 p.467, p.477

... reasonably necessary to secure the health, safety, good order, comfort or general welfare of the community; that this power can neither be abdicated nor bargained away and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. (Slaughterhouse Cases, 6 Wall. 36, 62, [21 L. Ed. 394]; **Munnv.Illinois**, 94 U.S. 113, 125, [24 L. Ed. 77]; Beer Co. v. Massachusetts, 97 U.S. 25, 33, [24 L. Ed. 989]; Mugler v. ...

Discussion:  **Court:** Cal. | **Date:** October 1, 1918

487. [Associated Pipe Line Co. v. Railroad Com. of California](#), 176 Cal. 518, 169 P. 62, 1917 Cal. LEXIS 547, L.R.A. (n.s.) 1918C849 

LB Cited by: 176 Cal. 518 p.526; 169 P. 62 p.65

...), found in the same book (page 561), is authority for holding the contrary view. The fact that "the business is such that the public needs the use in the same, and that the conduct of the same is a matter of consequence," as found by the commission, is immaterial to the question. In one of the so-called elevator cases, that of **Munn v. Illinois**, 94 U.S. 113, [24 L. Ed. 77], it is said: "When, therefore, one devotes his property to a use in which the public have an interest, he in ...

Discussion:  **Court:** Cal. | **Date:** November 20, 1917

488. [Producers' Transp. Co. v. Railroad Com. of California](#), 176 Cal. 499, 169 P. 59, 1917 Cal. LEXIS 544 

LB Cited by: 176 Cal. 499 p.504; 169 P. 59 p.61

... 38 L. Ed. 757, 14 Sup. Ct. Rep. 857], Budd v. New York, 143 U.S. 517, [36 L. Ed. 247, 12 Sup. Ct. Rep. 468], and **Munn v. Illinois**, 94 U.S. 113, [24 L. Ed. 77], in the latter of which the court,

speaking through Chief Justice Waite, says: "When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the ...


Discussion:  **Court:** Cal. | **Date:** November 17, 1917

489. [Gray v. Reclamation Dist. No. 1500](#), 174 Cal. 622, 163 P. 1024, 1917 Cal. LEXIS 845 

LB Cited by: 174 Cal. 622 p.652; 163 P. 1024 p.1037

... made answer as follows: "The previous immunity from responsibility for such injury was nothing more than a general rule of law, which was not in terms or by necessary intendment imported into the contract. For just as no person has a vested right in any general rule of law or policy of legislation entitling him to insist that it shall remain unchanged for his benefit (**Munn v. Illinois, 94 U.S. 113, 134, [24 L. Ed. 77]** ; **Hurtado v. California** , 110 U.S. 516 , 532 , [28 L. Ed. 232 ...


Discussion:  **Court:** Cal. | **Date:** March 14, 1917

490. [Western Indem. Co. v. Pillsbury](#), 170 Cal. 686, 151 P. 398, 1915 Cal. LEXIS 451, 2 Cal. I.A.C. 1026 

LB Cited by: 170 Cal. 686 p.696; 151 P. 398 p.402

... been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will . . . of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstance." (**Munn v. Illinois, 94 U.S. 113, 134, [24 L. Ed. 77]** ; **Martin v. Pittsburg etc. R. R. Co.** , 203 U.S. 284 , 294 , [...


Discussion:  **Court:** Cal. | **Date:** August 4, 1915 | **Headnotes:** HN12

491. [Marin Water & Power Co. v. Sausalito](#), 168 Cal. 587, 143 P. 767, 1914 Cal. LEXIS 372 

LB Cited by: 168 Cal. 587 p.594; 143 P. 767 p.770

... intention of the framers of the constitution to make the section in question apply to the case of a municipal corporation owning its water system and purchasing water in bulk for sale to its inhabitants. The right to regulate rates to be paid for a service or commodity rests fundamentally upon the dedication to public use of the property of the person or corporation compelled to submit to the regulation. Such was the doctrine of the case of **Munn v. Illinois, 94 U.S. 123, [24 L. Ed. 77]** ...










Discussion:  **Court:** Cal. | **Date:** October 6, 1914

492. [Contra Costa Water Co. v. Oakland](#), 159 Cal. 323, 113 P. 668, 1911 Cal. LEXIS 325 

LB Cited by: 159 Cal. 323 p.333; 113 P. 668 p.673

... said: 'Judicial interference should never occur unless the case presents, clearly and beyond all doubt, such a flagrant attack upon the rights of property under the guise of regulations as to compel the court to say that the rates prescribed will necessarily have the effect to deny just compensation for private property taken for public use.' In **Munn v. Illinois, 94 U.S. 113, 126, [24 L. Ed. 77]** , the same court said, as has repeatedly since been said: Case or Controversy, Constitutionality ...

Discussion:  **Court:** Cal. | **Date:** January 19, 1911

493. [Denninger v. Recorder's Court of Pomona](#), 145 Cal. 638, 79 P. 364, 1904 Cal. LEXIS 645 
- LB** Cited by: 145 Cal. 638 p.641; 79 P. 364 p.364
Court: Cal. | **Date:** December 31, 1904
-
494. [In re Smith](#), 143 Cal. 368, 77 P. 180, 1904 Cal. LEXIS 827 
- LB** Cited by: 143 Cal. 368 p.371; 77 P. 180 p.181
 ... , art XI, sec. 11.) It is by virtue of this constitutional grant that the respondent argues that courts in construing the validity of the ordinance will take into consideration only the face of the ordinance and such facts as are within the judicial cognizance of the court, and herein reliance is had on the language of the supreme court of the United States in **Munnv.Illinois, 94 U.S. 113** , which declared: Judicial Officers, Judges Constitutional Law, State Constitutional Operation Courts, ...
Discussion:  | **Court:** Cal. | **Date:** May 31, 1904
-
495. [Greenberg v. Western Turf Asso.](#), 140 Cal. 357, 73 P. 1050, 1903 Cal. LEXIS 604 
- LB** Cited by: 140 Cal. 357 p.361; 73 P. 1050 p.1051
 ... Donnell v. State , 48 Miss. 661 ; 5 12 Am. Rep. 375 . United States v. Newcombe , 11 Phila. 519 ; Fed. Cas. No. 15,868; **Munnv.Illinois, 94 U.S. 113** .) Thus, in People v. King , 110 N. Y. 418 , it is said: -- "The business of conducting a theater or place of public amusement is also a private business, in which any one may engage in the absence of any statute or ordinance. But it has been the practice, which has passed unchallenged, for the legislature to confer upon municipalities ...
Discussion:  | **Court:** Cal. | **Date:** September 26, 1903
-
496. [Dobbins v. Los Angeles](#), 139 Cal. 179, 72 P. 970, 1903 Cal. LEXIS 795, 96 Am. St. Rep. 95 
- LB** Cited by: 139 Cal. 179 p.183; 72 P. 970 p.971
 ... But where the ordinance is reasonably within a proper consideration of and care for the public health, safety, or comfort, a court will not disturb the legislative act; it will not substitute its own views of what is proper in the premises for those of the legislative body. In **Munnv.Illinois, 94 U.S. 113** , the United States court states the rule thus: Appeals, Standards of Review Legislation, Enactment Legislation, Interpretation State & Territorial Governments, Legislatures HN4 If ...
Discussion:  | **Court:** Cal. | **Date:** May 29, 1903 | **Headnotes::** HN9
-
497. [Spring Valley Water Works v. San Francisco](#), 82 Cal. 286, 22 P. 910, 22 P. 1046, 1890 Cal. LEXIS 576 
- LB** Cited by: 82 Cal. 286 p.305; 22 P. 910 p.913
 ... the same court in later decisions, and by judges of other federal courts. In the case of Spring Valley Water Works v. Schottler , 110 U.S. 347 , Chief Justice Waite, who delivered the opinion in **Munnv.Illinois** , said: "That it is within the power of the government to regulate the prices at which water shall be sold by one who enjoys a virtual monopoly of the sale, we do not doubt. That question is settled by what was decided on full consideration in **Munnv.Illinois, 94 U.S. 113** ...
Discussion:  | **Court:** Cal. | **Date:** 1890
-

498. [Central P. R. Co. v. State Board of Equalization](#), 60 Cal. 35, 1882 Cal. LEXIS 395 

LB Cited by: 60 Cal. 35 p.60

Court: Cal. | **Date:** January 19, 1882

499. [Spring Valley Water Works v. Board of Supervisors](#), 61 Cal. 3, 1881 Cal. LEXIS 533 

LB Cited by: 61 Cal. 3 p.8

Court: Cal. | **Date:** June 6, 1881


California Courts of Appeal

500. [Pleasant Hill Bayshore Disposal, Inc. v. Chip-It Recycling, Inc.](#), 91 Cal. App. 4th 678, 110 Cal. Rptr. 2d 708, 2001 Cal. App. LEXIS 640, 2001 Cal. Daily Op. Service 7073, 2001 D.A.R. 8637 

LB Cited by: 91 Cal. App. 4th 678 p.690; 110 Cal. Rptr. 2d 708 p.716

... Authority over refuse has been treated as part of the police power that covers the plenum of authority to legislate for the general welfare of society. The police power is so important that it is deemed an inherent attribute of political sovereignty. (E.g., **Munn v. Illinois (1876) 94 U.S. 113, 125 [24 L. Ed. 77]**; In re Rameriz (1924) 193 Cal. 633, 649-650 [226 P. 914, 34 A.L.R. 51]; People v. K. Sakai Co. (1976) 56 Cal. App. 3d 531, ...


Discussion:  | **Court:** Cal. App. 1st Dist. | **Date:** August 14, 2001 | **Headnotes::** HN5

501. [Gerawan Farming, Inc. v. Veneman](#), 72 Cal. App. 4th 1025, 85 Cal. Rptr. 2d 598, 1999 Cal. App. LEXIS 556, 99 Cal. Daily Op. Service 4464, 99 D.A.R. 5679 

B Cited in questionable precedent at: 72 Cal. App. 4th 1025 p.1028; 85 Cal. Rptr. 2d 598 p.600


... ; even so, the court's decision impliedly recognized the broad scope of the states' police power to impose such a program of price supports. (Id . at p. 68 ; see Warehouse Co. v. Tobacco Growers' (1928) 276 U.S. 71, 72 L. Ed. 473, 48 S. Ct. 291 ; see generally **Munnv.Illinois(1876)94 U.S. 113, 125-130, 24 L. Ed. 77** [state police-power regulation of pricing in industries "affected with a public interest"].) Thus, the decision was based on the limitations of federal power: ...

Discussion:  | **Court:** Cal. App. 5th Dist. | **Date:** June 8, 1999

502. [Archibald v. Cinerama Hawaii Hotels, Inc.](#), 73 Cal. App. 3d 152, 140 Cal. Rptr. 599, 1977 Cal. App. LEXIS 1807 

LB Cited by: 73 Cal. App. 3d 152 p.157; 140 Cal. Rptr. 599 p.602

... references, we observe that the concern of the common law was and is limited to assuring each traveler freedom from unreasonably high rates. Since travel upon the highway at night was hazardous and there was little choice of lodging for the night, the common law approved restrictions upon innkeepers to insure a charge of "reasonable value" for services, to prevent them from extorting exorbitant rates. (See, e.g., **Munnv.Illinois(1877)94 U.S. 113, 125, 134 [24 L.Ed. 77, 84, 87]** ...


Discussion:  | **Court:** Cal. App. 3d Dist. | **Date:** September 6, 1977

503. [Regents of University of Cal. v. Hartford Acci. & Indem. Co.](#), 59 Cal. App. 3d 675, 131 Cal. Rptr. 112, 1976 Cal. App. LEXIS 1664 

LB Cited by: 131 Cal. Rptr. 112 p.133

...). The court acknowledged, "Our holding, of course, in no way detracts from the principle that 'the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.' (**Munnv.Illinois(1877)94 U.S. 113, 134**) Nothing we have said is intended to imply that only the common law rules of negligence can govern automobile liability. We hold only that in undertaking any alteration or reform of such rules the ...


Discussion:  | **Court:** Cal. App. 1st Dist. | **Date:** June 30, 1976 | **Headnotes::** HN12

504. [Ferreira v. Barham](#), 230 Cal. App. 2d 128, 40 Cal. Rptr. 739, 1964 Cal. App. LEXIS 854 

LB Cited by: 230 Cal. App. 2d 128 p.134; 40 Cal. Rptr. 739 p.744

... . There the court, although stating (p. 692) the legislation to be "radical, not to say revolutionary" in sweeping out of existence (in the covered field) questions of common law negligence, contributory negligence, assumption of risk, and the fellow-servant rule, held it did not violate either due process or equal protection. It considered it to be a proper exercise of the police power under the authority of **Munnv.Illinois, 94 U.S. 113, 134 [24 L.Ed. 77, 87]**, which it quoted (p. ...


Discussion:  | **Court:** Cal. App. 3d Dist. | **Date:** October 14, 1964 | **Headnotes::** HN12

505. [Doyle v. Board of Barber Examiners](#), 219 Cal. App. 2d 504, 33 Cal. Rptr. 349, 1963 Cal. App. LEXIS 2400 

LB Cited by: 219 Cal. App. 2d 504 p.512; 33 Cal. Rptr. 349 p.355

... of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. [Citations.] We emphasize again what Chief Justice Waite said in **Munnv.Illinois, 94 U.S. 113, 134 [24 L.Ed. 77, 87]**, 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" The two cases on which petitioner relies -- the federal decision, *Marx v. Maybury*, and the Delaware decision, *Hoff v.* ...


Discussion:  | **Court:** Cal. App. 3d Dist. | **Date:** August 21, 1963 | **Headnotes::** HN13

506. [San Francisco v. Western Air Lines, Inc.](#), 204 Cal. App. 2d 105, 22 Cal. Rptr. 216, 1962 Cal. App. LEXIS 2224 

LB Cited by: 204 Cal. App. 2d 105 p.133; 22 Cal. Rptr. 216 p.233

... designated public utilities, including airports. Indeed we seriously question, although it is not necessary for us here to decide, whether the status of City's airport as a public utility would be destroyed or affected even by the absence of such declaration in its charter, providing that there were found present the necessary characteristics of a dedication of such facility to a public use. (*Allen v. Railroad Com.*, supra, , 179 Cal. 68 ; **Munnv.Illinois(1876)94 U.S. 113 [24 L.Ed. 77]** ...

Discussion:  | **Court:** Cal. App. 1st Dist. | **Date:** May 28, 1962


507. [California State Auto. Asso. Inter-Insurance Bureau v. Downey](#), 96 Cal. App. 2d 876, 216 P.2d 882, 1950 Cal. App. LEXIS 1460 

LB Cited by: 96 Cal. App. 2d 876 p.892

... *Nebbia* argued that the milk industry was not a public utility, and that the public power over rates could be validly exercised only over business affected with a public interest -- that is, according to *Nebbia*, only over public utilities. The court conceded that the milk industry was not a public utility, but held that it was

a business affected with a public interest and therefore subject to regulation. Quoting from **Munn v. Illinois**, 94 U.S. 113 [24 L.Ed. 77], the court (p. 533) held ...


Discussion:  **Court:** Cal. App. | **Date:** April 10, 1950

508. [Balzer v. Caler](#), 74 P.2d 839, 1937 Cal. App. LEXIS 999 

LB Cited by: 74 P.2d 839 p.847

... However, under peculiar and extraordinary circumstances, statutes have been upheld which purport to regulate charges for services rendered by warehouses and elevators which to a considerable extent have the exclusive control and monopoly of handling vast commodities. Prominent among these authorities are the famous **Chicago Warehouse Cases, Munn v. People of Illinois, 94 U.S. 113, 24 L.Ed. 77**, upon which the appellant relies. The statutes in those and similar cases were upheld on the theory ...


Discussion:  **Court:** Cal. App. 3d Dist. | **Date:** December 18, 1937

509. [In re Application of Kazas](#), 22 Cal. App. 2d 161, 70 P.2d 962, 1937 Cal. App. LEXIS 84 

LB Cited by: 22 Cal. App. 2d 161 p.171; 70 P.2d 962 p.967

... to include legislation regulating property which by its nature had been dedicated to public use, for it was thought just to hold that where a person had entered the field of public service in the use of his property he must have impliedly consented to its regulation by public agencies for the public welfare. (**Munn v. People of Illinois**, 94 U.S. 113 [24 L. Ed. 77] .) The foregoing rules have been extended in recent years. In *Agricultural Prorate Com. v. Superior Court*, 5 Cal. 2d 550 ...


Discussion:  **Court:** Cal. App. | **Date:** July 22, 1937

510. [In re Application of Lasswell](#), 1 Cal. App. 2d 183, 36 P.2d 678, 1934 Cal. App. LEXIS 1250 

LB Cited by: 1 Cal. App. 2d 183 p.189; 36 P.2d 678 p.681

... peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. (**Munn v. Illinois**, 94 U.S. 113 [24 L. Ed. 77] .)" Adverting to the argument that the basis for the holding in the Munn, or elevator, case (**Munn v. Illinois**, 94 U.S. 113 [24 L. Ed. 77] ...

Discussion:  **Court:** Cal. App. | **Date:** September 30, 1934

511. [Webb v. Boyle](#), 125 Cal. App. 326, 13 P.2d 785, 1932 Cal. App. LEXIS 522 

LB Cited by: 125 Cal. App. 326 p.327; 13 P.2d 785 p.785

... Jur. 815.) This same principle is enunciated in the case of *Associated Pipe Line Co. v. Railroad Commission*, 176 Cal. 518 [L.R.A. N.S. 1918C 849, 169 P. 62, 65]. In that case this court said, quoting in part from the case of **Munn v. Illinois**, 94 U.S. 113, [24 L. Ed. 77]; see, also, Rose's U.S. Notes): *Common Carrier Duties & Liabilities, Duty to Provide Service HN4* When one devotes his property to a use in which the public have an interest, he in effect grants to the public ...

Discussion:  **Court:** Cal. App. | **Date:** August 11, 1932

512. *People v. Perry*, 291 P. 233


LB Cited by: 291 P. 233 p.241


Court: Cal. App. | **Date:** August 20, 1930

513. [Coast Counties Real Estate & Inv. Co. v. Monterey County Water Works](#), 96 Cal. App. 269, 274 P. 415, 1929 Cal. App. LEXIS 44 

LB Cited by: 96 Cal. App. 269 p.279; 274 P. 415 p.419

... 142 P. 878] ; Nourse v. Los Angeles, 25 Cal. App. 384 [143 P. 801] ; sec. 549, Civ. Code ; **Munn v. Illinois, 94 U.S. 113 [24 L. Ed. 77** , see, also, Rose's U.S. Notes].) In passing, we refer to the defendant's motion for a nonsuit at the termination of plaintiff's case, wherein the sole ground stated was that the evidence offered by plaintiff failed to show that the system established for the land of the Realty Company had become a paying investment. It seems that the usual contact ...


Discussion:  | **Court:** Cal. App. | **Date:** January 14, 1929

514. [Potter v. Smith](#), 48 Cal. App. 162, 191 P. 1023, 1920 Cal. App. LEXIS 368 

LB Cited by: 48 Cal. App. 162 p.163, p.167

Court: Cal. App. | **Date:** June 12, 1920

Unpublished California Appellate Decisions

515. [Asselin-Normand v. Raps Hayward LLC](#), 2018 Cal. App. Unpub. LEXIS 284, 2018 WL 387622 

LB Cited by:

... restrictions upon innkeepers to insure a charge of 'reasonable value' for services, to prevent them from extorting exorbitant rates." (Archibald v. Cinerama Hawaii Hotels, Inc. (1997) 73 Cal.App.3d 152 , 157 , 140 Cal. Rptr. 599 , citing **Munn v. Illinois(1877)94 U.S. 113, 125, 24 L. Ed. 77** .) No case has stretched this common law duty regulating hotel rates to mere inquiries by possible customers, adult or otherwise, regarding hotel pricing policies. There is a rather obvious factual ...

Court: Cal. App. 1st Dist. | **Date:** January 12, 2018

Other California Decisions

516. [Order Instituting Rulemaking to Develop a Risk-Based Decision-Making Framework to Evaluate Safety and Reliability Improvements and Revise the General Rate Case Plan for Energy Utilities.](#), 2020 Cal. PUC LEXIS 776

LB Cited by:

... The authority of state regulatory commissions dates back to 1877, when the U.S. Supreme Court upheld the power of government to regulate private industries by recognizing that certain economic activities were so critical to the functioning of a modern society that government has the right to oversee the prices charged to assure that such services are provided to the public in a reasonable manner. 19 **Munn v. Illinois, 94 U.S. 113, 146(1877)** . The Munn decision was limited by subsequent ...

Court: Cal. P.U.C. | **Date:** January 16, 2020

517. [In the Matter of the Application of AT&T COMMUNICATIONS OF CALIFORNIA, INC., a corporation, for authority to increase certain intrastate rates and charges applicable to telecommunications services furnished within the State of California \(U 5002 C\)](#), 1986 Cal. PUC LEXIS 887

LB Cited by:

... -C's claim, that such leased facilities are not used to provide direct public service stating: "The Commission is unable to accept that the facilities, because of the lease treatment necessitated by the mechanics of divestiture, have somehow lost their character of being affected with a public interest (**Munn v. People of Illinois (1877)94 U.S. 113, 126**) . Should the facilities in question be removed, a portion of the public would lose its ability to communicate, over public utility telephone ...

Court: Cal. P.U.C. | **Date:** November 14, 1986

518. [In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY for Authority to Implement a Residential Conservation Service \(RCS\) Program and to Increase Rates to Recover the First years Cost of the Program, and to Include the RCS Program Costs in the Conservation Cost Adjustment Procedure In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY for Authority to Implement a Zero Interest Weatherization Financing and Credits Program and to Increase Rates to Recover the First Year's Cost of the Program, and to Include the Weatherization Program Costs in the Conservation Cost Adjustment Procedure.](#), 1983 Cal. PUC LEXIS 611

LB Cited by:

... marketplace, its existence depends on SoCal's status as a public utility. Leads for the DSP come from inserts placed in the gas bill envelopes and from utility advertising. In D.82-02-135 the Commission provided funding for the combined DSP and WFCP. Since the proposed DSP would depend on SoCal's utility status, and on advertising placed in bills for public utility service, it follows that the program is a business affected with a public interest. (**Munn v Illinois (1877)94 US 113, 125, 24** ...

Court: Cal. P.U.C. | **Date:** March 2, 1983

519. [SoCal Gas Co. is authorized to continue its direct sales program separate from its advice referral activities in weatherization financing and credit programs.](#), 1983 Cal. PUC LEXIS 201, 10 Cal. Pub. Util. Comm'n 2d 790

LB Cited by:

... status as a public utility. Leads for the DSP come from inserts placed in the gas bill envelopes and from utility advertising. In D.82-02-135 the Commission provided funding for the combined DSP and WFCP. Since the proposed DSP would depend on SoCal 's utility status, on a advertising placed in bills and public utility service, it follows that the program is a business affected with a public interest. (**Munn v Illinois (1977)94 US 113, 125, 24** L ed 77, 81.) Restricting the material ...

Court: Cal. P.U.C. | **Date:** March 2, 1983

520. [Re The Pacific Telephone and Telegraph Company](#), 1964 Cal. PUC LEXIS 24

LB Cited by:

... .) In such circumstances, standards of public service are the guide. This respondent is obligated by the most fundamental rules of law and morals to operate in the public interest, the property and operations of respondent being impressed with that interest. A public utility devotes its property to the public use and, thereby, "grants to the public an interest in that use . . . (**Munn v Illinois [1877]94 U.S. 113, 126, 24** L ed 77, 84; Southern California Edison Co. v California R. Commission ...

Court: Cal. P.U.C. | **Date:** June 11, 1964

521. [Re The Pacific Telephone and Telegraph Company](#), 1964 Cal. PUC LEXIS 6

LB Cited by:

... .) In such circumstances, standards of public service are the guide. This respondent is obligated by the most fundamental rules of law and morals to operate in the public interest, the property and operations of respondent being impressed with that interest. A public utility devotes its property to the public use and, thereby, "grants to the public an interest in that use . . . (**Munn v Illinois [1877]94 U.S. 113, 126, 24** L ed 77, 84; Southern California Edison Co. v California R. Commission ...

Court: Cal. P.U.C. | **Date:** June 11, 1964

522. [Re Tax Treatment of Accelerated Depreciation](#), 1960 Cal. PUC LEXIS 14

LB Cited by:

... United Fuel Gas Co. v. Kentucky R. Commission, 278 US 300 , 309 , PUR1929A 433, 73 L ed 390, 396, 49 S Ct 150 .) Furthermore, a public utility devotes its property to the public use and, thereby, "grants to the public an interest in that use" (**Munn v. Illinois [1877]94 US 113, 126, 24** L ed 77, 84; Southern California Edison Co. v. California R. Commission [1936] 6 Cal 2d 737 , 754 , 17 PUR NS 311 , 59 P2d 808 .) In essence, a public utility is charged with the administering ...


Court: Cal. P.U.C. | **Date:** April 12, 1960

523. [In the Matter of the Application of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, for authority to increase certain intrastate rates and charges applicable to telephone services furnished within the State of California due to increased depreciation expense.](#), 1984 Cal. PUC LEXIS 1363, 15 Cal. Pub. Util. Comm'n 2d 232

LB Cited by:

... contention, beyond these mere assertions. The Commission is unable to accept that the facilities, because of the lease treatment necessitated by the mechanics of divestiture, have somehow lost their character of being affected with a public interest (**Munn v People of Illinois (1877)94 U.S. 113, 126**) . Should the facilities in question be removed, a portion of the public would lose its ability to communicate, over public utility telephone lines, with another portion of the public. What more ...


Court: Cal. P.U.C.

524. [PT&T Co. authorized to file and place into effect two-tier and companion rates for Dimension PBX service.](#), 1977 Cal. PUC LEXIS 463, 82 Cal. Pub. Util. Comm'n 725 

LB Cited by:

... is limited by the physical conditions under which the enterprise is conducted. The enterprise requires the power of eminent domain; it needs the right to take private property for public use. The enterprise cannot operate without a franchise, a permit to install its facilities in public streets and roadways. 11 Dissenting opinion of Justice Vinson in *Davies Warehouse v Brown* (1943) 137 F 2d 201 . [7][8] As a business affected by the public interest 12 **Munn v Illinois (1877)94 US 11324** ...

Court: Cal. P.U.C.


525. [In California Community Television Assn. v. General Telephone Co. of California and Southern California Edison Co., complaint dismissed \(after completion of proposed report procedures\) for lack of jurisdiction of defendants' CATV pole attachment services.](#), 1972 Cal. PUC LEXIS 1157, 73 Cal. Pub. Util. Comm'n 507 

LB Cited by:

... Complainant argues that constitutional and statutory definitions of the public utility services over which this Commission has jurisdiction are irrelevant if the services are rendered pursuant to the utility's "monopoly over a necessity", and has cited a number of court cases which, it asserts, support that view (**Munn v. Illinois, 94 U.S. 113** ; 24 L. Ed. 77 (1877) and other cases discussed in its Opening Brief, pp. 82-91). Those cases, in our opinion, do no such thing. Although they recognize, ...

Court: Cal. P.U.C.


Colorado Supreme Court

526. [Bushnell v. Sapp](#), 194 Colo. 273, 571 P.2d 1100, 1977 Colo. LEXIS 688 

LB Cited by: 194 Colo. 273 p.283; 571 P.2d 1100 p.1107

... has long recognized that a person has no property, no vested interest, in any rule of the common law. the United States Supreme Court has long recognized: "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77** . Our court has previously sustained the legislature when it abolished civil actions for breach of promise to marry, alienation of affections, criminal conversation, and seduction, Goldberg v. Musim , 162 Colo. 461 ...

Discussion:  **Court:** Colo. | **Date:** November 21, 1977

527. [Allardice v. Adams County](#), 173 Colo. 133, 476 P.2d 982, 1970 Colo. LEXIS 515 

LB Cited by: 173 Colo. 133 p.150; 476 P.2d 982 p.991

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. * * * [citations omitted]. We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77, 87** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" We are unable to find a sufficient lack of public benefit to require us to ...


Discussion:  **Court:** Colo. | **Date:** November 16, 1970 | **Headnotes::** HN13

528. [Western Colorado Power Co. v. Public Utilities Com.](#), 159 Colo. 262, 411 P.2d 785, 1966 Colo. LEXIS 718 

LB Cited by: 159 Colo. 262 p.279; 411 P.2d 785 p.794

... The power to regulate entities affected with a public interest is a function of the police power of the state, and any business or activity which is affected with a public interest may be so classified and so regulated. Eachus v. People , 124 Colo. 454 , 238 P.2d 885 ; Nebbia v. New York , 291 U.S. 502 ; **Munn v. Illinois, 94 U.S. 113** ; Idaho Power & Light v. Blomquist , 141 Pac. 1083 (Idaho 1914) ; Boone County Rural Electric Membership Corporation, et al. v. Public Service Commission ...

Discussion:  **Court:** Colo. | **Date:** February 14, 1966

529. [Vogts v. Guerrette](#), 142 Colo. 527, 351 P.2d 851, 1960 Colo. LEXIS 702 

LB Cited by: 142 Colo. 527 p.539; 351 P.2d 851 p.858

... "No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." (Citations.) Mountain Timber Co. v. Washington , 243 U.S. 219 , 37 Ct. 260 , 61 L. Ed. 685 sustained upon similar grounds the workmen's compensation act of the State of Washington . In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , sustaining a statute of Illinois which fixed maximum

charges for the storage of grain in public warehouses, the court said: "But ...


Discussion:  **Court:** Colo. | **Date:** May 2, 1960

530. [Public Utilities Com. v. Colorado Inerstate Gas Co.](#), 142 Colo. 361, 351 P.2d 241, 1960 Colo. LEXIS 676 

LB Cited by: 142 Colo. 361 p.372, p.384; 351 P.2d 241 p.246, p.252

... precedent is that there have emerged no clear-cut distinctions or identifying characteristics which infallibly divide public utilities from ordinary types of business enterprises. The most that can be said is that there clearly has been a firm, steady and progressive evolution in the climate of opinion in the regulatory field from the days of Lord Chief Justice Hale in *De Portibus Maris*, 1 Hargrove Law Tracts 78, in the 17th century through **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** ...


Discussion:  **Court:** Colo. | **Date:** April 11, 1960

531. [Mosko v. Dunbar](#), 135 Colo. 172, 309 P.2d 581, 1957 Colo. LEXIS 308, 32 Lab. Cas. (CCH) P70670 

LB Cited by: 135 Colo. 172 p.178; 309 P.2d 581 p.584

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought * * *. We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L. Ed. 77**, 'for protection against abuses by legislatures the people must resort to the polls, not to the courts.'" Plaintiffs in their brief as grounds for holding House Bill No. 45 unconstitutional, state: "The ...


Discussion:  **Court:** Colo. | **Date:** April 1, 1957 | **Headnotes:** HN13

532. [Eachus v. People](#), 124 Colo. 454, 238 P.2d 885, 1951 Colo. LEXIS 227 

LB Cited by: 124 Colo. 454 p.458; 238 P.2d 885 p.887

... , 22 Colo. 513 at 528 . "Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained.' **Munn v. People, 94 U.S. 113** ." To the Consumers' League case, supra, we add only *Chicago, B. & Q. Railroad Co. v. School District*, 63 Colo. 159, 166, 165 Pac. 260; *Rinn v. Bedford*, 102 Colo. 475, 477, 84 P. (2d) 827. [4] Secondly, the ...


Discussion:  **Court:** Colo. | **Date:** November 19, 1951 | **Headnotes:** HN1

533. [Smith Bros. Cleaners & Dyers, Inc. v. People](#), 108 Colo. 449, 119 P.2d 623, 1941 Colo. LEXIS 239, 5 Lab. Cas. (CCH) P60911 

LB Cited by: 108 Colo. 449 p.452; 119 P.2d 623 p.625

... prices any more than it speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois, 94 U.S. 113** ...

Discussion:  **Court:** Colo. | **Date:** September 8, 1941

534. [Walker v. Bedford](#), 93 Colo. 400, 26 P.2d 1051, 1933 Colo. LEXIS 453, 1933 Colo. LEXIS 454 

LB Cited by: 93 Colo. 400 p.423; 26 P.2d 1051 p.1060

Court: Colo. | **Date:** October 18, 1933

535. [Walker v. Bedford](#), 93 Colo. 400, 26 P.2d 1051, 1933 Colo. LEXIS 453

LB Cited by:

... 45 Pac. 444 , 450 . "Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional, unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained." **Munn v. Illinois,94 U.S. 113, 123** . These are the words of Chief Justice Waite: "Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the government cannot ...


Discussion:  | **Court:** Colo. | **Date:** October 18, 1933 | **Headnotes::** HN1

536. [People by Keyes v. United Mine Workers](#), 70 Colo. 269, 201 P. 54, 1921 Colo. LEXIS 325 

LB Cited by: 70 Colo. 269 p.272; 201 P. 54 p.56

... the Governor seized the coal mines, when a strike had stopped the production of coal, and operated them with volunteers until the emergency had passed. Other instances might be cited. Can it be said that a business with such possible consequences is not affected with a public interest? The answer must be No. The authorities are decidedly in favor of this conclusion. The leading case is **Munn v. Illinois,94 U.S. 132, 24 L. Ed. 77** , which involved contracts by grain elevators. In State ...


Discussion:  | **Court:** Colo. | **Date:** April 4, 1921

537. [Denver v. Denver & R. G. R. Co.](#), 63 Colo. 574, 167 P. 969, 1917 Colo. LEXIS 368, 18 L.R.A. 659 

LB Cited by: 63 Colo. 574 p.576; 167 P. 969 p.970

... social conditions as a complex civilization may require, carries with it the power to remove the track, without regard to the character of the right upon which it was first established and maintained. The nature of the company's business, clothed as it is with a public interest, brings it peculiarly within the scope of the police power, from a reasonable exercise of which, when properly set in motion, it cannot escape. This rule is laid down in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Colo. | **Date:** September 1, 1917

538. [Chicago, B. & Q. R. Co. v. School Dist.](#), 63 Colo. 159, 165 P. 260, 1917 Colo. LEXIS 284 

LB Cited by: 63 Colo. 159 p.166; 165 P. 260 p.263


... An act is to be overthrown only when it is clear and unquestioned that it violates the fundamental law. An act is to be overthrown only when it is clear and unquestioned that it violates the fundamental law. People v. Rucker, 5 Colo. 455 , 458 ; People v. Goddard, 8 Colo. 432 , 437 , 7 Pac. 301 ; **Munn v. People of the State of Illinois,94 U.S. 113, 24 L. Ed. 77** . These cases are quoted from, with approval, in Consumers' League v. C. & S. Ry. Co., 53 Colo. 54 , 58 , 125 Pac. ...

Discussion:  | **Court:** Colo. | **Date:** April 1, 1917

539. [Consumers' League of Colorado v. Colorado & S. R. Co.](#), 53 Colo. 54, 125 P. 577, 1912 Colo. LEXIS 234 

LB Cited by: 53 Colo. 54 p.58; 125 P. 577 p.578

... Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained. "Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained." **Munn v. People, 94 U.S. 113** . It is evident, from the foregoing judicial ...

Discussion:  **Court:** Colo. | **Date:** May 6, 1912 | **Headnotes::** HN1

540. [Vindicator Consol. Gold Min. Co. v. Firstbrook](#), 36 Colo. 498, 86 P. 313, 1906 Colo. LEXIS 537 

LB Cited by: 36 Colo. 498 p.511; 86 P. 313 p.317

... A person has no property or vested interest in any rule of the common law. That is one of the forms of municipal law, and is no more sacred than any other. A person has no property or vested interest in any rule of the common law. That is one of the forms of municipal law, and is no more sacred than any other. -- **Munn v. Illinois, 94 U.S. 113** (134). That the act in question may be regarded by some as harsh or unjust because imposing too great a liability is not a matter which we can consider ...


Court: Colo. | **Date:** April 1, 1906 | **Headnotes::** HN12

541. [White v. Farmers' Highline Canal & Reservoir Co.](#), 22 Colo. 191, 43 P. 1028, 1896 Colo. LEXIS 227, 31 L.R.A. 828 

LB Cited by: 22 Colo. 191 p.198; 43 P. 1028 p.1030

... Although it is difficult to define the boundaries of the police power of the state, such regulations as those prescribed by the statute under consideration are by the decisions of the highest courts declared to be within such power. In the Sinking-Fund Cases, 99 U.S. 700, Mr. Justice Bradley, referring to the Granger Case, reported in **94 U.S. 113**, stated the principle as follows: "The inquiry there was as to the extent of the police power in cases where the public interest is affected; ...

Discussion:  **Court:** Colo. | **Date:** 1896

542. [Wheeler v. Northern Colo. Irrigating Co.](#), 10 Colo. 582, 17 P. 487, 1887 Colo. LEXIS 267, 3 Am. St. Rep. 603 

LB Cited by: 10 Colo. 582 p.590; 17 P. 487 p.490

Court: Colo. | **Date:** December 1, 1887

Colorado Court of Appeals

543. [Colorado & S. R. Co. v. Davis](#), 21 Colo. App. 1, 120 P. 1048, 1912 Colo. App. LEXIS 85 

LB Cited by: 21 Colo. App. 1 p.6; 120 P. 1048 p.1050

... 36 Colo. 498, 510, 86 P. 313; Rio Grande Sampling Co. v. Catlin, 40 Colo. 450, 94 P. 323. And in which cases the supreme court has cited in support thereof the following: **Munn v. Ill., 94 U.S. 113, 134, 24 L. Ed. 77**; Dreyburg v. Merker G. M. & M. Co., 55 P. 367; Mo. Pac. Ry. Co. v. Mackey, 127 U.S. 205, 32 L. Ed. 107, 8 S. Ct. 1161. It does not appear to us that in determining the question as to whether section 22 of article 5 of the state constitution relative ...

Discussion:  **Court:** Colo. Ct. App. | **Date:** 1912

Other Colorado Decisions

544. [Re Colorado Interstate Gas Company](#), 1959 Colo. PUC LEXIS 6

LB Cited by:

... utility to serve the public. Historically, and by employing common sense, this cannot be the true test or a sole test, for readiness to serve the public includes all small shops as well as great and extensive industries. This test of offering to do business with the public has been challenged as a true test. See (1915) Adler, Business Jurisprudence, 28 Harvard Law Review 135 . Dedication of facilities has likewise been used as a test. **Justice Waite, in Munn v. Illinois (1877)94 US 113, 24 ...**

Court: Colo. P.U.C. | **Date:** January 19, 1959


Connecticut Supreme Court

545. [Sanzone v. Board of Police Comm'rs](#), 219 Conn. 179, 592 A.2d 912, 1991 Conn. LEXIS 288 

LB Cited by: 219 Conn. 179 p.197; 592 A.2d 912 p.922

... , 283 , 363 A.2d 1 , appeal dismissed, 423 U.S. 1041 , 96 S. Ct. 763 , 46 L. Ed. 2d 631 (1975) ; see also **Munnv.Illinois,94 U.S. 113, 134, 24 L. Ed. 77(1876)** . The nuisance action formerly available against a municipality in addition to a plaintiff's rights under General Statutes § 13a-149 ; see, e.g., Ryzkiewicz v. New Britain, 193 Conn. 589 , 479 A.2d 794 (1984) ; Murphy v. Ives, ...

Discussion:  **Court:** Conn. | **Date:** June 11, 1991 | **Headnotes::** HN12

546. [Gentile v. Altermatt](#), 169 Conn. 267, 363 A.2d 1, 1975 Conn. LEXIS 822 

LB Cited by: 169 Conn. 267 p.283; 363 A.2d 1 p.10

... shall have remedy by due course of law, and right and justice administered without sale, denial or delay." This provision appears in the constitution of 1818 and in its several revisions and reenactments, and has been referred to as the right to redress. **State v. Perkins**, 88 Conn. 360 , 368 , 91 A. 265 . Its importance in this dispute is illustrated by the following language from **Munnv.Illinois,94 U.S. 113, 134, 24 L. Ed. 77** : Justiciability, Case & Controversy Requirements ...

Discussion:  **Court:** Conn. | **Date:** August 5, 1975 | **Headnotes::** HN12

547. [Connecticut Co. v. New Haven](#), 103 Conn. 197, 130 A. 169, 1925 Conn. LEXIS 122 

LB Cited by: 103 Conn. 197 p.208; 130 A. 169 p.173

... General Assembly save by a delegation to some other body equipped to administer such functions. The power delegated was that of exercising reasonable regulation and control over public utilities and is based upon the principle announced in **Munnv.Illinois, 94 U.S. 113, 126, 24 L. Ed. 77** : "When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for ...

Discussion:  **Court:** Conn. | **Date:** July 30, 1925


548. [Turner v. Connecticut Co.](#), 91 Conn. 692, 101 A. 88, 1917 Conn. LEXIS 72 

LB Cited by: 91 Conn. 692 p.697; 101 A. 88 p.90

... "To limit the rate of charges for services in a public employment, or for the use of property in which the public has an interest, is only changing a regulation which existed before. It establishes no new principle

in the law, but only gives a new effect to an old one." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** . The remedy for the enforcement of reasonable rates provided by our Act was new in this jurisdiction. So long as the company establishes reasonable rates these cannot be ...


Discussion:  **Court:** Conn. | **Date:** June 14, 1917 | **Headnotes:** HN12

549. [Faulkner v. Solazzi](#), 79 Conn. 541, 65 A. 947, 1907 Conn. LEXIS 79, 9 Am. Ann. Cas. (o.s.) 67, 9 L.R.A. (n.s.) 601 

LB Cited by: 79 Conn. 541 p.542; 65 A. 947 p.947

... , 38 L. Ed. 385 ; Woodruff v. New York & N.E. R. Co ., 59 Conn. 63 , 83 , 20 A. 17 . That the property of a barber-shop has no such devotion to the public use as is contemplated in the cases which have followed **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , is too clear for argument. It is equally clear that Protection of Rights, Public Versus Private Discrimination HN3 The common law has never recognized barber-shops as possessing that peculiar public quality, as places of public ...

Discussion:  **Court:** Conn. | **Date:** March 6, 1907

550. [Fair Haven & W. R. Co. v. New Haven](#), 75 Conn. 442, 53 A. 960, 1903 Conn. LEXIS 16 


LB Cited by: 75 Conn. 442 p.451; 53 A. 960 p.964

... limits, however, the legislative department is the judge of what the circumstances demand. To this end it is vested with a large discretion, and no legislative utterance will be invalidated unless in a clear case. The constitutionality of such legislation will be presumed, and where no reasons are apparent for holding the decision arbitrary, oppressive, partial or unreasonable, the courts will refuse to interfere.

Munn v. Illinois, 94 U.S. 113 ; Lawton v. Steele , 152 id. 133 ; Powell v. ...


Discussion:  **Court:** Conn. | **Date:** January 20, 1903

Connecticut Appellate Court

551. [Reichert v. Sheridan](#), 34 Conn. App. 521, 642 A.2d 51, 1994 Conn. App. LEXIS 199 

LB Cited by: 642 A.2d 51 p.56

... 169 Conn. 267 , 283 , 363 A.2d 1 (1975) , appeal dismissed, 423 U.S. 1041 , 96 S. Ct. 763 , 46 L. Ed. 2d 631 (1976) , quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)** . The common law created the employee's right of action against third party tortfeasors; the "shall not affect" clause of § 31-293 (a) preserved that right. The abatement provision alters the right, as is the legislature's prerogative. ...

Discussion:  **Court:** Conn. App. Ct. | **Date:** May 31, 1994 | **Headnotes:** HN12

Connecticut Superior Court

552. [Connecticut Light & Power Co. v. Connecticut Dep't of Public Utility Control](#), 1990 Conn. Super. LEXIS 88 

LB Cited by:

... has noted, in making a public/private distinction: "when. . . one devotes his property to the use in which the public has an interest, he, in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created."

Munn v. Illinois, 94 U.S. 113, 126(1877) . If a business is (1) affected with a public interest, and (2) bears an intimate connection with the processes of transportation and ...

Discussion:  **Court:** Connecticut Superior Court | **Date:** May 1, 1990

Other Connecticut Decisions

553. [Re The Southern New England Telephone Company](#), 1962 Conn. PUC LEXIS 1

LB Cited by:

... In this latter case, the Supreme Court stated as follows, on p. 601 of 320 US, p. 199 of 51 PUR NS: "Rate making is indeed but one species of price fixing. **Munn v Illinois (1877)94 US 113, 134, 24 L ed 77, 87.** The fixing of prices, like other applications of the police power, may reduce the value of the property which is being regulated. But the fact that the value is reduced does not mean that the ...

Court: Conn. D.P.U.C. | **Date:** February 6, 1962

Delaware Supreme Court


554. [State v. Hobson](#), 46 Del. 381, 7 Terry 381, 83 A.2d 846, 1951 Del. LEXIS 36 

LB Cited by: 7 Terry 381 p.400; 83 A.2d 846 p.856

... 6 Terry 300 , 72 A. 2d 439 ; and see Harlow v. Ryland , (D. C.) 78 F. Supp. 488 , and **Munn v. Illinois, 94U.S.113, 24L. Ed.77** . Before these principles can be applied to the case at bar, however, a preliminary objection of the State (apparently not concurred in by the amici curiae) must be noticed. It is suggested by the Attorney General, and forcefully argued, that the doctrine of judicial review under the ...

Court: Del. | **Date:** October 18, 1951

Delaware Court of Chancery

555. [Wilmington v. Turk](#), 14 Del. Ch. 392, 129 A. 512, 1925 Del. Ch. LEXIS 39 

LB Cited by: 14 Del. Ch. 392 p.406; 129 A. 512 p.518

... People v. Oak Park , 266 Ill. 365 , 107 N.E. 636 , and Schait v. Building Inspector , 97 N.J.L. 390 , 117 A. 517 , are garage cases and clearly rest upon a legitimate regard for the peace and comfort of a residential neighborhood. **Munn v. Illinois, 94U.S. 113, 24 L. Ed. 77** , belongs to a class of cases with which we cannot here be concerned. It holds that Local Governments, Ordinances & Regulations Governments, Police Powers Real Property Law, Zoning HN17 Private property devoted ...


Court: Del. Ch. | **Date:** May 27, 1925

Delaware Superior Court

556. [In re Diamond State Tel. Co.](#), 48 Del. 317, 9 Terry 317, 103 A.2d 304, 1954 Del. Super. LEXIS 99 

LB Cited by: 9 Terry 317 p.326; 103 A.2d 304 p.310

... been authorized to determine just and reasonable rates based upon either the original cost of, or the fair value of the utility property. Due process provisions of the Constitution require that rates be fixed at levels which would insure the yielding of a fair return on the fair value of the utility property. he who devotes his property to the public use does so charged with full notice that it may be subject to governmental regulation 6 See **Munn v. Illinois, 94U.S.113, 24L. Ed.77** ...

Discussion:  | **Court:** Del. Super. Ct. | **Date:** February 19, 1954

557. [Becker v. State](#), 37 Del. 454, 7 W.W. Harr. 454, 185 A. 92, 1936 Del. LEXIS 39 

LB Cited by: 7 W.W. Harr. 454 p.467; 185 A. 92 p.98

... is dependent upon a reasonable necessity for its exercise to protect the health, morals, or general welfare of the public. More specifically, the circumstances must be such as create a peculiarly close relation between the public and those engaged in it, as where a business has come to be of such public

consequence that it substantially affects the community at large. Chas. Wolff Packing Co. v. Court of Industrial Relations, supra ; **Munn v. Illinois,94U.S.113, 126, 24L. Ed.77 ...**

Discussion:  **Court:** Del. Super. Ct. | **Date:** May 20, 1936

558. [Gallegher v. Davis](#), 37 Del. 380, 7 W.W. Harr. 380, 183 A. 620, 1936 Del. LEXIS 27 

LB Cited by: 7 W.W. Harr. 380 p.391; 183 A. 620 p.624

... be taken away without due process; but the law itself, as a rule of conduct, within constitutional limits, may be changed at the will of the legislature. The great office of statutes is to remedy defects in the common law as they develop, and to adapt it to the change of time and circumstance. **Munn v. Illinois,94U.S.113, 24L. Ed.77** ; Mackin v. Detroit-Timkin Axle Co., 187 Mich. 8 , 153 N.W. 49 . Negligence is merely the disregard of some duty imposed by law; and the nature ...

Court: Del. Super. Ct. | **Date:** January 13, 1936 | **Headnotes::** HN12

Delaware Court of General Session

559. [State v. Wickenhoefer](#), 22 Del. 120, 6 Penne. 120, 64 A. 273, 1906 Del. LEXIS 32 

LB Cited by: 6 Penne. 120 p.129; 64 A. 273 p.276

... It is obvious that the purpose of the Legislature, in the passage of the act, was to suppress this particular species of usury in the territory in which it was believed to prevail, by subjecting guilty persons to the penalties provided in the act. Brannon vs. the Fourteenth Amendment , 233 and 235 ; Kreibohm vs. Yancey, 154 Mo. 67 , 55 S.W. 260 ; **Munn vs. Ill.,94U.S.113, 24 L. Ed. 77** ; **U. S. vs. Cruikshank**, 92 **U.S.** 542 , 23 L. Ed. 588 ; In re Kemmler, 136 **U.S.** 436 , ...

Discussion:  **Court:** Del. Gen. Sess. | **Date:** June 16, 1906

D.C. Court of Appeals

560. [Quinn v. Dougherty](#), 30 F.2d 749, 58 App. D.C. 339, 1929 U.S. App. LEXIS 2511 

LB Cited by: 30 F.2d 749 p.750

... Unquestionably, if an engine house were such an agency of the public police that its location at a given point were necessary to secure the health, safety, good order, comfort, or even the general welfare of the community, it is settled law that neither the "contract" nor the "due process" clauses of the Constitution could interfere with the power of Congress in the premises. SlaughterHouse Cases, 16 Wall. 36 , 62 , 21 L. Ed. 394 ; **Munn v. Illinois,94 U.S. 113, 125, 24 L. Ed. 77** ; ...

Discussion:  **Court:** D.C. | **Date:** January 7, 1929

District of Columbia

561. 1 D.C. (n.s.) 52

LB Cited by: 1 D.C. (n.s.) 52 p.70

Other District of Columbia Decisions

562. [Re Georgetown University](#), 1992 D.C. PUC LEXIS 21

LB Cited by:

... D.C. Code Sections 43-402 and 43-501 . Id. at 3, 4. According to the Association, these provisions require the Commission to "determine the public interest and do so on a proactive basis." Id., citing Formal Case No. 37 (May 2, 1918); **MunnvIllinois,94 U.S. 113, 24 L.Ed. 77(1877)** . Moreover, the

Association contends that with no record evidence the Commission "invented" a planning horizon of twenty-nine yearc for the cogeneration facility. Id. at 5. Tho Association contends ...

Court: D.C.P.S.C. | **Date:** April 17, 1992

Florida Supreme Court

563. [Palm Beach Mobile Homes, Inc. v. Strong](#), 300 So. 2d 881, 1974 Fla. LEXIS 4768 ▲

LB Cited by: 300 So. 2d 881 p.885

... effect of overriding the power of the state to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community; that this power can neither be abdicated nor bargained away, and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. Slaughter-House Cases, 16 Wall. 36 , 21 L. Ed. 394 , 404 ; **Munn v. Illinois,94 U.S. 113, 125, 24 L. Ed. 77, 84 ...**

Discussion: ■■■■■ | **Court:** Fla. | **Date:** July 10, 1974

564. [Lasky v. State Farm Ins. Co.](#), 296 So. 2d 9, 1974 Fla. LEXIS 3813 ▲

LB Cited by: 296 So. 2d 9 p.17

... be non-existent. What we actually are doing is presuming the existence of circumstances supporting the validity of the Legislature's action, in the absence of any evidence to the contrary. This is the course we must follow, pursuant to **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** ; State ex rel. Adams v. Lee, 122 Fla. 639 , 166 So. 249 (1935) ; and Ex Parte Lewis, 101 Fla. 624 , 135 So. 147 (1931) . Assuming the circumstances to be as described above, the act before us is reasonably ...

Discussion: ■■■■■ | **Court:** Fla. | **Date:** April 17, 1974

565. [Kluger v. White](#), 281 So. 2d 1, 1973 Fla. LEXIS 4966 ▲

LB Cited by: 281 So. 2d 1 p.8

... that time. The Legislature is admittedly restricted in the extent to which it can retroactively affect common law rights of redress which have already accrued. However, there is authority in abundance for the proposition that 'no person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit.' New York Cent. R.R. v. White, 243 U.S. 188 , 198 , 37 S. Ct. 247 , 250 , 61 L. Ed. 667 ; **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77 ...**

Discussion: ■■■■■ | **Court:** Fla. | **Date:** July 11, 1973 | **Headnotes:** HN12

566. [Adams v. Miami Beach Hotel Asso.](#), 77 So. 2d 465, 1955 Fla. LEXIS 3266 ◆

LB Cited by: 77 So. 2d 465 p.467

... Where a business is affected with a public interest private rights must yield to reasonable regulation in the interest of the common welfare. where the business is affected with a public interest private rights must yield to reasonable regulation in the interest of the common welfare. **Munn v. State of Illinois,94 U.S. 113, 24 L. Ed. 77** . This Court is committed to the doctrine that Criminal Offenses, Fraud Governments, Police Powers HN3 A state's police power may be exercised to protect ...


Discussion: ■■■■■ | **Court:** Fla. | **Date:** January 21, 1955

567. [Tampa Electric Co. v. Cooper](#), 153 Fla. 81, 14 So. 2d 388, 1943 Fla. LEXIS 553 ▲

LB Cited by: 153 Fla. 81 p.83; 14 So. 2d 388 p.389

... Petitioner contends that the whole theory of the suit is one to regulate and control utility rates. It is also contended that the regulation of utility rates is a legislative function under both State and Federal Law, particularly **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77** , and Section 30, Article 16, Constitution of Florida , and cannot therefore be interfered with by the courts. Respondents do not question the general rule as thus stated but they say that since the Legislature ...

Discussion:  | **Court:** Fla. | **Date:** May 28, 1943

568. [State v. Georgia S. & F. R. Co.](#), 139 Fla. 115, 190 So. 527, 1939 Fla. LEXIS 1632, 1939 Fla. LEXIS 1633, 123 A.L.R. 914 

LB Cited by: 139 Fla. 115 p.120; 190 So. 527 p.529

Court: Fla. | **Date:** July 7, 1939

569. [State v. Georgia S. & F. R. Co.](#), 139 Fla. 115, 190 So. 527, 1939 Fla. LEXIS 1632, 123 A.L.R. 914

LB Cited by:

... under statutory authority by a common carrier and the rates charged therefor are subject to duly authorized and properly exercised governmental regulation, to correct abuses and to prevent unjust discrimination and excessive charges; and such governmental regulation may be as provided by statute, evidentiary burdens being placed upon the carriers, and all being subject to applicable limitations under the State and Federal Constitutions. See **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Fla. | **Date:** July 7, 1939

570. [Miami Laundry Co. v. Florida Dry Cleaning & Laundry Bd.](#), 134 Fla. 1, 183 So. 759, 1938 Fla. LEXIS 1065, 119 A.L.R. 956 

LB Cited by: 134 Fla. 1 p.40, p.49; 183 So. 759 p.775, p.779

... The decisions of the courts are not all in accord by any means on this subject. As stated in Miami Home Milk Producers Association v. Milk Control Board, the outstanding cases decided by the Federal Supreme Court dealing with the question of the power of a State to regulate prices in industries other than those usually classed as public utilities are probably the following: **Mun v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; German Alliance Insurance Co. v. Lewis, 233 U.S. 389 , 34 S.C. 612 ...

Discussion:  | **Court:** Fla. | **Date:** July 27, 1938

571. [Miami Laundry Co. v. Florida Dry Cleaning & Laundry Bd.](#), 134 Fla. 1, 183 So. 759, 1938 Fla. LEXIS 1066, 119 A.L.R. 956

LB Cited by:

... subject in consequence to some government regulation. They have come to hold such a peculiar relation to the public that this is superimposed upon them. In the language of the cases, the owner by devoting his business to the public use, in effect grants the public an interest in that use and subjects himself to public regulation to the extent of that interest although the property continues to belong to its private owner and to be entitled to protection accordingly. **Munn v. Illinois,94 U.S. 113** ...


Discussion:  | **Court:** Fla. | **Date:** July 27, 1938

572. [Miami Home Milk Producers Ass'n v. Milk Control Board](#), 124 Fla. 797, 169 So. 541, 1936 Fla. LEXIS 1198 

LB Cited by: 124 Fla. 797 p.811; 169 So. 541 p.546

... police powers of our legislative bodies may properly be exercised without unjustly encroaching upon those basic personal and property rights of the individual citizen which are protected by our State and Federal Constitutions. The outstanding cases decided by our Federal Supreme Court, dealing with the question of the power of a State to regulate prices in industries other than those usually classed as public utilities, are probably the following: **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Fla. | **Date:** July 16, 1936

573. [State ex rel. Fulton v. Ives](#), 123 Fla. 401, 167 So. 394, 1936 Fla. LEXIS 990 

LB Cited by: 123 Fla. 401 p.442; 167 So. 394 p.411

... any more than it speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon prices, the State is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois,94 U.S. 113 ...**


Discussion:  **Court:** Fla. | **Date:** March 16, 1936

574. [State ex rel. Triay v. Burr](#), 79 Fla. 290, 84 So. 61, 1920 Fla. LEXIS 670 

LB Cited by: 79 Fla. 290 p.344, p.352; 84 So. 61 p.77, p.78

... 40 Sup. Ct. Rep. 183 Feb'y 2, 1920; Minneapolis, St. P. & S.S.M.R. Co. v. State of North Dakota ex rel. McCue, 236 U.S. 585, 35 Sup. Ct. Rep. 429; Norfolk & W.R. Co. v. Attorney General of State of West Virginia, 236 U.S. 605, 35 Sup. Ct. Rep. 437; **Munn v. Illinois,94 U.S. 113**, text 126; Pensacola & A.R. Co. v. State, 25 Fla. 310, 5 South. Rep. 833; Union Dry Goods Co. v. Georgia Public Service Corp., 248 U.S. 372, \$? Sup. Ct. . The State has the power to reduce ...

Discussion:  **Court:** Fla. | **Date:** March 19, 1920

575. [State ex rel. Clarkson v. Philips](#), 70 Fla. 340, 70 So. 367, 1915 Fla. LEXIS 268, Am. Ann. Cas. 1918A138 

LB Cited by: 70 Fla. 340 p.352; 70 So. 367 p.371

... 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. Bactel v. Wilson, 204 U.S. 36, 41; Louisville & Nashville R.R. Co. v. Melton, 218 U.S. 36; Ozan Lumber Co. v. Union County Bank, 207 U.S. 251, 256; **Munn v. Illinois,94 U.S. 113, 132**; Henderson Bridge Co. v. Henderson City, 173 U.S. 592, 615; Lindsley v. Natural Carbonic Gas Company, William S. Jackson, Attorney ...

Discussion:  **Court:** Fla. | **Date:** November 18, 1915

576. [Peninsular Industrial Ins. Co. v. State](#), 61 Fla. 376, 55 So. 398, 1911 Fla. LEXIS 462 

LB Cited by: 61 Fla. 376 p.382; 55 So. 398 p.400

... Bactel v. Wilson, 204 U.S., 36, 41; Louisville & Nashville R.R. & Co. v. Melton, 18 U.S., 36; Ozan Lumber Co. v. Union County Bank, 207 U.S., 251, 256; **Munn v. Illinois,94 U.S., 113, 132**;

Henderson Bridge Co. v. Henderson City, 173 U.S., 592 , 615 ." Lindsley v. Natural Carbonic Gas Company, William S. Jackson. Attorney General of the state of New York , et al., U.S. , 31 Sup. Ct. Rep., 337 , decided March 13, 1911. ...


Court: Fla. | **Date:** 1911

577. [State ex rel. Burr v. Atlantic C. L. R. Co.](#), 59 Fla. 612, 52 So. 4, 1910 Fla. LEXIS 377 

LB Cited by: 59 Fla. 612 p.628; 52 So. 4 p.9

... 29 L. Ed. 791 . If this may be said to be a drayage service it is not a private drayage service, as suggested by respondent, but a public drayage business. Where does the company get authority to do a private drayage business? As the court said, in **Munn v. Ill.,94 U.S. 113** , text 125, 24 L. Ed. 77 , Local Governments, Property Governments, Public Improvements State & Territorial Governments, Property HN5 Property becomes clothed with a public interest when used in a manner to make it of ...


Discussion:  | **Court:** Fla. | **Date:** 1910

578. [Atlantic C. L. R. Co. v. Coachman](#), 59 Fla. 130, 52 So. 377, 1910 Fla. LEXIS 302, 20 Am. Ann. Cas. (o.s.) 1047 

LB Cited by: 59 Fla. 130 p.138; 52 So. 377 p.380

... The common or public carrier of goods exercises a sort of public office, and his business, therefore, is affected with a public interest. The common or public carrier of goods exercises a sort of public office, and his business, therefore, is affected with a public interest. **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77** . Since railroad companies are created by the State for quasi-public purposes and are thereby affected by a public interest, the legislature may to the extent of such ...

Discussion:  | **Court:** Fla. | **Date:** 1910 | **Headnotes::** HN7

579. [State ex rel. Ellis v. Atlantic C. L. R. Co.](#), 53 Fla. 650, 44 So. 213, 1907 Fla. LEXIS 337, 12 Am. Ann. Cas. (o.s.) 359, 13 L.R.A. (n.s.) 320 

LB Cited by: 53 Fla. 650 p.676; 44 So. 213 p.219

... 6 Fla. 610 . All public service corporations are bound by the universally recognized law: that they shall serve all who apply, with adequate facilities for reasonable compensation and without discrimination, and are subject to public regulation. **Munn v. Ill.,94 U.S. 113** . Haugen v. Albina, Etc., Co., 21 Ore. 411 . Olmstead v. Proprietors, 47 N.J.L. 311 . Chicago, Etc., Co. v. People, 56 Ill. 365 . Nebraska Tel. Co. v. State, 55 Neb. 627 -634 . Watauga Water Co. v. Wolfe, 99 Tenn. 429 ...


Discussion:  | **Court:** Fla. | **Date:** 1907

580. [State ex rel. Lamar v. Jacksonville Terminal Co.](#), 41 Fla. 377, 27 So. 225, 1899 Fla. LEXIS 221 

LB Cited by: 41 Fla. 377 p.406; 27 So. 225 p.234

... This regulation is not directed against, but is in aid of, interstate commerce; it affects it only incidentally. It is not subject to the objection that it is an unconstitutional interference with interstate commerce. Lake Shore & Michigan Southern Railway Co. v. Ohio, 173 U.S. 285 , 19 Sup. Ct. Rep. 465 , and authorities therein cited; **Munn v. Illinois,94 U.S. 113** ; Budd v. New York, 143 U.S. 517 , 12 Sup. Ct. Rep. 468 ; Brass v. North Dakota ex rel. Stoesser, 153 U.S. 391 , 14 ...

Discussion:  | **Court:** Fla. | **Date:** June 1, 1899

581. [Pensacola & A. R. Co. v. State](#), 25 Fla. 310, 5 So. 833, 1889 Fla. LEXIS 126, 3 L.R.A. 661 

LB Cited by: 25 Fla. 310 p.316; 5 So. 833 p.836

... violation upon the part of a railroad company of any rule or regulation of the Commissioners, and relate to matters of detail not necessary to an understanding of the statute in so far as either its general purpose, or its effect in the case before us is concerned. The question of the extent of the power of the Legislature in the regulation of the charges of common carriers for carrying persons and property is not settled or defined. The doctrine of the case of **Munn vs. Illinois, 94 U.S., 113** ...

Court: Fla. | **Date:** 1889


582. [Johnson v. Pensacola & P. R. Co.](#), 16 Fla. 623, 1878 Fla. LEXIS 29, 26 Am. Rep. 731 

LB Cited by: 16 Fla. 623 p.661

... He is bound by law to receive goods into his warehouse for a reasonable price and reward . The principles which underlie this rule, as announced by Lord Hale, are stated by the English courts as the basis of their conclusions as to this matter. So in a case in the **Supreme Court of the United States, (4 Otto 113, 134)**, where it proposed to state the common law on the subject, the views of Lord Hale, and these decisions of the courts of England, are cited as giving the true rule. In Allnut ...


Discussion:  | **Court:** Fla. | **Date:** June 1, 1878

Florida District Court of Appeals

583. [Doe v. Shands Teaching Hosp. & Clinics](#), 614 So. 2d 1170, 1993 Fla. App. LEXIS 2084, 18 Fla. L. Weekly D 585 

LB Cited by: 614 So. 2d 1170 p.1174

... 958 (4th Cir. 1984) ; Jewson v. Mayo Clinic, 691 F.2d 405 , 411 (8th Cir. 1982) . Moreover, the United States Supreme Court has commented that "[a] person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1877)** . Nor does the constitution "forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object." Duke Power Co. v. Carolina ...

Discussion:  | **Court:** Fla. Dist. Ct. App. 1st Dist. | **Date:** February 19, 1993 | **Headnotes::** HN12

Other Florida Decisions

584. [In Re: Resolution of petition\(s\) to establish nondiscriminatory rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, F.S.](#), 1996 Fla. PUC LEXIS 1860

LB Cited by:

... (emphasis added) It has long been established that property which has been dedicated to a public purpose can be regulated and even permanently physically occupied as long as the regulation involves the dedicated public purpose. See , **Munn v. Illinois, 94 U.S. 113, 126(1876)** . Under this analysis, the taking issue is not reached except to the extent that there is inadequate compensation for the use of the property or a mandate to use the property in a manner to which it has not been dedicated. ...

Court: Fla. P.S.C. | **Date:** October 1, 1996

585. [In Re: Resolution of petition\(s\) to establish nondiscriminatory rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies](#)

[pursuant to Section 364.162, F.S.](#), 1996 Fla. PUC LEXIS 1543

LB Cited by:

... (emphasis added) It has long been established that property which has been dedicated to a public purpose can be regulated and even permanently physically occupied as long as the regulation involves the dedicated public purpose. See **Munn v. Illinois, 94 U.S. 113, 126(1876)**. Under this analysis, the taking issue is not reached except to the extent that there is inadequate compensation for the use of the property or a mandate to use the property in a manner to which it has not been dedicated. ...

Court: Fla. P.S.C. | **Date:** September 12, 1996

586. [In Re: Resolution of petition\(s\) to establish nondiscriminatory rates, terms, and conditions for resale involving local exchange companies and alternative local exchange companies pursuant to Section 364.161, F. S.](#), 1996 Fla. PUC LEXIS 1340

LB Cited by:

... (Emphasis added). It has long been established that property which has been dedicated to a public purpose can be regulated and even permanently physically occupied as long as the regulation involves the dedicated public purpose. See **Munn v. Illinois, 94 U.S. 113, 126(1876)**. Under this analysis, the taking issue is not reached except to the extent that there is inadequate compensation for the use of the property or a mandate to use the property in a manner to which it has not been dedicated. ...

Court: Fla. P.S.C. | **Date:** June 24, 1996

587. [In Re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.](#), 1994 Fla. PUC LEXIS 290

LB Cited by:

... Intermedia, in essence, questions the historically rooted expectation of the LECs regarding their "used and useful" property. Intermedia argues that it has long been established that property which has been dedicated to a public purpose can be regulated and even permanently physically occupied as long as the regulation involves the dedicated public purpose. Intermedia quotes **Munn v. Illinois, 94 U.S. 113, 126(1876)** as follows: Property does become clothed with a public interest ...

Court: Fla. P.S.C. | **Date:** March 10, 1994

Georgia Supreme Court

588. [S&S Towing & Recovery, Ltd. v. Charnota](#), 309 Ga. 117, 844 S.E.2d 730, 2020 Ga. LEXIS 454 

LB Cited by: 309 Ga. 117 p.123; 844 S.E.2d 730 p.735

... rights that may inhere in common law causes of action") (emphasis in original); Georgia Lions Eye Banks, Inc. v. Lavant, 255 Ga. 60, 61 (2) (335 SE2d 127) (1985) ("A person has no property, no vested interest, in any rule of the common law.") (punctuation omitted; quoting **Munn v. Illinois, 94 U.S. 113, 134 (24 LE 77) (1877)**). We recognize that the legislature's definition of "vicious" in the second sentence of OCGA § 51-2-7 departs from the common understanding of the term and ...


Discussion:  | **Court:** Ga. | **Date:** June 16, 2020

589. [Georgia Lions Eye Bank, Inc. v. Lavant](#), 255 Ga. 60, 335 S.E.2d 127, 1985 Ga. LEXIS 934, 54 A.L.R.4th 1209 

LB Cited by: 255 Ga. 60 p.62; 335 S.E.2d 127 p.129

... than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois, 94 U. S. 113, 134 (24 LE 77) (1876)** ...


Discussion:  **Court:** Ga. | **Date:** October 9, 1985 | **Headnotes:** HN12

590. [Teasley v. Mathis](#), 243 Ga. 561, 255 S.E.2d 57, 1979 Ga. LEXIS 989 

LB Cited by:

... The legislature, however, may modify or abrogate common law rights of action (*Silver v. Silver*, 280 U.S. 117 (50 S. Ct. 57 , 74 L. Ed. 221) (1929) ; *Arizona Employers' Liability Cases*, 250 U.S. 400 (39 S. Ct. 553 , 63 L. Ed. 1058) (1918) ; **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77) (1876)**) , as well as statutorily created rights, *Kelly v. Hall* , supra. Therefore, eliminating the right to sue for exemplary damages where there are no serious injuries is well within the province ...


Discussion:  **Court:** Ga. | **Date:** April 24, 1979

591. [Moultrie v. Burgess](#), 212 Ga. 22, 90 S.E.2d 1, 1955 Ga. LEXIS 527 

LB Cited by: 212 Ga. 22 p.23; 90 S.E.2d 1 p.3

... are raised by implication of law as between the utility and the persons whom it serves, and no contract is necessary to give rise to them. Inasmuch, therefore, as one who devotes his property to a use in which the public has an interest in effect grants to the public an interest in the use thereof, he must submit to being controlled by the public for the common good to the extent of the interest thus created and so long as such use is continued. **Munn v. Illinois, 94 U.S. 113 (24 L. ed. 77 ...**

Discussion:  **Court:** Ga. | **Date:** October 13, 1955

592. [Franklin v. Harper](#), 205 Ga. 779, 55 S.E.2d 221, 1949 Ga. LEXIS 594 

LB Cited by: 205 Ga. 779 p.792; 55 S.E.2d 221 p.231

... *v. Rouse* , 17 Ga. 56 ; *Swindle v. Brooks* , 34 Ga. 67 ; *Hardeman v. Downer* , 39 Ga. 425 ; **Munn v. Illinois, 94 U.S. 113 (24 L. ed. 77)** ; *The Chinese Exclusion Case*, 130 U.S. 581 (9 Sup. Ct. 623 , 32 L. ed. 1068) ; *Chicago & Alton Railroad Co. v. Tranbarger*, 238 U.S. 67 (35 Sup. Ct. 678 , 59 L. ed. 1204). It may be that those voters who are now on the permanent voters' list will be put to great inconvenience in registering again, but this standing alone is not a sufficient ...

Discussion:  **Court:** Ga. | **Date:** September 16, 1949

593. [Holcombe v. Georgia Milk Producers Confederation](#), 188 Ga. 358, 3 S.E.2d 705, 1939 Ga. LEXIS 515



LB Cited by: 188 Ga. 358 p.377; 3 S.E.2d 705 p.716

... the police power of the State extends to a reasonable regulation of the milk industry in order to assure to the public an adequate supply of wholesome, healthful milk; and that the legislature shall judge of the necessity and the nature of these regulations so long as they are not arbitrary in nature or capriciously founded. The majority opinion in the *Nebbia* case, supra, was largely predicated on the holding in *Munn v. Illinois, 94 U.S. 112 , 133 (24 L. ed. 77)*, and *German Alliance Ins.* ...


Discussion:  **Court:** Ga. | **Date:** June 17, 1939

594. [Harrison v. Hartford Steam-Boiler Inspection & Ins. Co.](#), 183 Ga. 1, 187 S.E. 648, 1936 Ga. LEXIS 166 

LB Cited by: 183 Ga. 1 p.7; 187 S.E. 648 p.652

... subdivisions have no reference or application to such a case as is now before us. The first is applicable, but it furnishes no support to the contention of the defendant in error. As stated by Mr. Justice Sutherland, the case of **Munn v. Illinois, 94 U.S. 113**, is sufficient citation to support the proposition that there may be an interference with a contract as to those dealing with statutes fixing charges to be exacted or contracts made by businesses impressed with a public interest. **Munn** ...

Discussion:  | **Court:** Ga. | **Date:** June 13, 1936

595. [McIntyre v. Harrison](#), 172 Ga. 65, 157 S.E. 499, 1931 Ga. LEXIS 29 

LB Cited by: 172 Ga. 65 p.86; 157 S.E. 499 p.509

... regulated, provided always that the regulation is reasonable and not arbitrary. That is the test of constitutionality. If the business is not affected with a public interest, then it does not fall within the regulatory powers of the State. In **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**, a case decided in 1876, it was declared, in the first headnote: "Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary ...


Discussion:  | **Court:** Ga. | **Date:** February 10, 1931 | **Headnotes:** HN5

596. [Georgia Public Service Com. v. Saye & Davis Transfer Co.](#), 170 Ga. 873, 154 S.E. 439, 1930 Ga. LEXIS 262 

LB Cited by: 170 Ga. 873 p.881; 154 S.E. 439 p.443

... Motor-vehicles operated for hire, as in the present instance, are affected with the public interest and come within the police powers of the State. They are dependent upon collecting hire from some of the public, and are using the public highway. **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**; Lottery Case, 188 U.S. 321 (supra); Hammond Packing Co. v. Montana, 233 U.S. 331, 58 L. Ed. 985, 34 S. Ct. 596 (supra); German Alliance Insurance Co. v. Kansas, supra; ...


Discussion:  | **Court:** Ga. | **Date:** July 26, 1930

597. [Schoen Bros. v. Pylant](#), 162 Ga. 565, 134 S.E. 304, 1926 Ga. LEXIS 239, 46 A.L.R. 1480 

LB Cited by: 162 Ga. 565 p.570; 134 S.E. 304 p.306

... In the latter case it is a private enterprise that serves the public and in which it is interested to the extent of its necessities and convenience. The former is clearly within the control of the legislature, while the latter may not be. Many authorities, however, go to that extent. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Budd v. New York, 143 U.S. 517, 36 L. Ed. 247, 12 S. Ct. 468, and cases cited." See also Wartman v. Philadelphia, 33 Pa. 202. The Supreme Court ...


Discussion:  | **Court:** Ga. | **Date:** July 15, 1926

598. [Georgia-Carolina Lumber Co. v. Wright](#), 161 Ga. 281, 131 S.E. 173, 1925 Ga. LEXIS 344 

LB Cited by: 161 Ga. 281 p.284; 131 S.E. 173 p.175

... Supreme Court of the United States was not dealing with indirect burdens, such as storage charges for grain in warehouses where a part of the grain reached the elevator, or was destined to leave it, through the channels of interstate commerce. **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**. That court held such a regulation admissible because interstate commerce was affected only incidentally and remotely, and no restriction on buying and shipping was involved. See *Cargill Co. v. Minnesota*, ...


Discussion:  | **Court:** Ga. | **Date:** November 14, 1925

599. [Morris v. Atlanta N. R. Co.](#), 160 Ga. 775, 129 S.E. 68, 1925 Ga. LEXIS 253 

LB Cited by: 160 Ga. 775 p.779; 129 S.E. 68 p.71

... to spend any other money to maintain a railroad for the benefit of others who do not care to pay for it. If the plaintiff be taken to have granted to the public an interest in the use of the railroad, it may withdraw its grant by discontinuing the use when that use can be kept up only at a loss. **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77** ." In the case of *Erie R. Co. v. Board of Public Utility Commissioners*, 254 U.S. 394 (41 S. Ct. 169, 65 L. Ed. 322), the same court held ...


Discussion:  | **Court:** Ga. | **Date:** August 13, 1925

600. [Coffee v. Gray](#), 158 Ga. 218, 122 S.E. 687, 1924 Ga. LEXIS 115 

LB Cited by: 158 Ga. 218 p.225; 122 S.E. 687 p.690

... Constitutional Law, Substantive Due Process HN2 One who devotes his property to public use subjects it to public regulation. But such regulation must be reasonable, and not arbitrary. One who devotes his property to public use subjects it to public regulation. **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**. But such regulation must be reasonable, and not arbitrary. Constitutional Law, Substantive Due Process Types of Contracts, Express Contracts Transportation Law, Rail Transportation HN3 ...


Discussion:  | **Court:** Ga. | **Date:** April 29, 1924

601. [Jackson v. Beavers](#), 156 Ga. 71, 118 S.E. 751, 1923 Ga. LEXIS 205 

LB Cited by: 156 Ga. 71 p.76; 118 S.E. 751 p.753

... In the exercise of this power it has been customary in England, and in this country from its early colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, and other callings in which persons devote their property to public use, and in so doing to fix the charges for services rendered, accommodations furnished, and articles sold. **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)** . One of our earliest statutes regulates millers and fixes as their toll ...

Discussion:  | **Court:** Ga. | **Date:** July 14, 1923

602. [Cutsinger v. Atlanta](#), 142 Ga. 555, 83 S.E. 263, 1914 Ga. LEXIS 461, Am. Ann. Cas. 1916C280, L.R.A. (n.s.) 1915B1097 

LB Cited by: 142 Ga. 555 p.565

... the keeping of lodging houses or rooming houses is a business so far affecting the public interest as to authorize the grant of legislative authority for its regulation and licensing, in order to see that such houses do not become places for the practice of vice or crime or menaces to the public welfare. **Munn v. Illinois, 94 U.S. 113, 129 (24 L. Ed. 77)** ; *Bostick v. State*, 47 Ark. 126 (14 S.W. 476). In regard to conferring upon city officials a discretionary power to grant or refuse ...

Discussion:  **Court:** Ga. | **Date:** October 3, 1914

603. [Railroad Com of Georgia v. Louisville & N. R. Co.](#), 140 Ga. 817, 80 S.E. 327, 1913 Ga. LEXIS 272, Am. Ann. Cas. 1915A1018, L.R.A. (n.s.) 1915E902 

LB Cited by: 140 Ga. 817 p.825; 80 S.E. 327 p.331

... been called in question, and the answer made to it in those cases is equally pertinent here. Indeed, it is impossible for the State to exercise this power of regulation without interfering to some extent with the power of a railway to contract either with its customers or connecting lines. The power is one which was said in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, to have been customarily exercised in England from time immemorial, and in this country from its first colonization, for ...


Discussion:  **Court:** Ga. | **Date:** November 18, 1913

604. [State v. Western & A. R. Co.](#), 138 Ga. 835, 76 S.E. 577, 1912 Ga. LEXIS 734 

LB Cited by: 138 Ga. 835 p.840; 76 S.E. 577 p.580

... or such interstate commerce as directly affected the people of the State; and that, until Congress acted in relation to the matter, the law was valid, though it indirectly affected those beyond the State. **Peik v. Chicago etc. Ry. Co.**, 94 U.S. 164, 178 (24 L. Ed. 97); **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**; **Chicago etc. R. Co. v. Iowa**, 94 U.S. 155 (24 L. Ed. 94). At that time Congress had not established the interstate railroad commission or enacted laws for the ...


Discussion:  **Court:** Ga. | **Date:** November 15, 1912

605. [Southern R. Co. v. Melton](#), 133 Ga. 277, 65 S.E. 665, 1909 Ga. LEXIS 209 

LB Cited by: 133 Ga. 277 p.314; 65 S.E. 665 p.681

... language of the Supreme Court, it must be conceded that the power to fix rates is legislative, yet the line of demarkation between legislative and administrative functions is not easily discerned. The one runs into the other." It was held, however, that the statute authorizing the commission to make a schedule of railroad charges was not unconstitutional as an attempted delegation of legislative power, following the decisions in what is known as the Granger cases, **94 U.S. 113, 137 (24 L. Ed. 77 ...**


Discussion:  **Court:** Ga. | **Date:** September 25, 1909

606. [Jones v. North Georgia Electric Co.](#), 125 Ga. 618, 54 S.E. 85, 1906 Ga. LEXIS 231, 5 Am. Ann. Cas. (o.s.) 526, 6 L.R.A. (n.s.) 122 

LB Cited by: 125 Ga. 618 p.628; 54 S.E. 85 p.89

... **v. Schottler**, 110 U.S. 347, 28 L. Ed. 173, 4 S. Ct. 48; **Gibbs v. Consolidated Gas Co.**, 130 U.S. 396, 32 L. Ed. 979, 9 S. Ct. 553; **Munn v. Ill., 94 U.S. 113, 24 L. Ed. 77**; **Snell v. Clinton Electric Co.**, 89 Am. St. Rep. 341; **Cincinnati, H. & D. R. Co. v. Bowling Green**, 57 Ohio St. 336, 49 N.E. 121; 2 Beach on Priv. Corp., §§ 834-836. Under the particular conditions then existing, this court in **Loughbridge ...**


Discussion:  **Court:** Ga. | **Date:** May 16, 1906

607. [Central of Ga. Ry. Co. v. Murphey](#), 116 Ga. 863, 43 S.E. 265, 1903 Ga. LEXIS 110, 60 L.R.A. 817 

LB Cited by: 116 Ga. 863 p.865; 43 S.E. 265 p.266

... when private property is "affected with a public interest," the owner of such property "grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public for the common good, as long as he maintains the use." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . It is also equally well settled, that Eminent Domain Proceedings, Constitutional Limits & Rights Elements, Public Use Rail Transportation, Lands & Rights of Way HN2 The incorporation ...

Discussion:  | **Court:** Ga. | **Date:** January 9, 1903

608. [Brown v. Jacobs Pharmacy Co.](#), 115 Ga. 429, 41 S.E. 553, 1902 Ga. LEXIS 441, 90 Am. St. Rep. 126, 57 L.R.A. 547 

LB Cited by: 115 Ga. 429 p.444; 41 S.E. 553 p.559

... Many other cases to the same effect in principle might easily be cited, were their citation deemed at all necessary." Unquestionably any person who does not occupy a public or quasi-public position (like public officials, railroad companies, etc.), or whose property has not become impressed with any public or quasi-public use (**Munn v. Illinois (1876), 94 U.S. 113, 24 L. Ed. 77**), may ordinarily deal with any other person at his option. It may also be conceded, at least for the sake of ...


Discussion:  | **Court:** Ga. | **Date:** April 30, 1902

609. [Georgia Railroad v. Smith](#), 70 Ga. 694, 1883 Ga. LEXIS 400 

LB Cited by: 70 Ga. 694 p.699

Court: Ga. | **Date:** February 1, 1883

Georgia Court of Appeals

610. [Southern Bell Tel. & Tel. Co. v. Beach](#), 8 Ga. App. 720, 70 S.E. 137, 1911 Ga. App. LEXIS 123 

LB Cited by: 8 Ga. App. 720 p.722; 70 S.E. 137 p.138

... among which are those of furnishing, for a reasonable compensation, to any inhabitant of the locality served by them, telegraphic or telephonic service for legitimate purposes, without unfair discrimination, either as to manner of service or rate. Their property has been employed by them, voluntarily, in such a manner as to become 'affected with a public interest,' as that term has been defined by the Supreme Court of the United States [in **Munn v. Illinois, 94 U.S. 113, 126 (24 L. Ed. 77** ...

Discussion:  | **Court:** Ga. Ct. App. | **Date:** February 7, 1911

Hawai'i Supreme Court

611. [Territory by Public Utils. Comm'n v. Fung](#), 34 Haw. 52, 1936 Haw. LEXIS 1 

LB Cited by: 34 Haw. 52 p.55


... and is a public utility as defined in chapter 261, section 7940, R. L. 1935. As such, within constitutional limitations, he is subject to reasonable regulation consistent with the welfare of the public he seeks to serve and appropriate to its protection. (**Munn v. Illinois, 94 U.S. 113** ; **Budd v. New York** , 143 U.S. 517 ; 2 Wyman, Public Service Corporations, § 1401.) The power to regulate utilities is included in the attribute of sovereignty known as the "police power" and locally is ...

Discussion:  | **Court:** Haw. | **Date:** December 23, 1936


612. [Territory by Public Utils. Comm'n v. Inter-Island Steam Navigation Co.](#), 33 Haw. 890, 1936 Haw.

LEXIS 16 **LB Cited by:** 33 Haw. 890 p.900


... It is not enough to prevent the State from acting that the road in Mississippi is used in aid of inter-state commerce. Legislation of this kind to be unconstitutional must be such as will necessarily amount to or operate as a regulation of business without the State as well as within." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, was a case involving an Act of the State of Illinois to regulate public warehouses and the warehousing and inspection of grain. **Munn** and Scott, the managers ...

Discussion:  **Court:** Haw. | **Date:** July 25, 1936613. [Territory v. McCandless](#), 24 Haw. 485, 1918 Haw. LEXIS 11 **LB Cited by:** 24 Haw. 485 p.494

... regarding railroad charges was sustained for the reason that the business of a railroad calls for extraordinary legal privileges in the exercise of eminent domain -- has some of the features of a de jure as well as of a de facto monopoly. In the majority opinion of the court in the renowned case of **Munn v. Illinois, 94 U.S. 113**, the constitutionality of the state legislation fixing warehouse rates was sustained upon the ground that the business of grain elevators in the city of Chicago, ...

Discussion:  **Court:** Haw. | **Date:** October 31, 1918**Idaho Supreme Court**614. [Stevenson v. Prairie Power Coop.](#), 118 Idaho 31, 794 P.2d 620, 1990 Ida. LEXIS 75 **LB Cited by:** 118 Idaho 31 p.36; 794 P.2d 620 p.625**Discussion:**  **Court:** Idaho | **Date:** May 29, 1990615. [Jones v. State Bd. of Medicine](#), 97 Idaho 859, 555 P.2d 399, 1976 Ida. LEXIS 372 **LB Cited by:** 97 Idaho 859 p.867; 555 P.2d 399 p.407

... which create obviously discriminatory classifications this Court will examine the means by which those classifications are utilized and implemented in light of the asserted legislative purpose. However, the burden of showing the absence of a reasonable relationship under the means-focus test remains with the one who assails the classification. *Lindsley v. Natural Carbonic Gas Co.*, 220 U.S. 61, 33 S.Ct. 337, 55 L.Ed. 369 (1911); **Munn v. Illinois, 94 U.S. 113, 132, 24 L.Ed. 77(1877)** ...

Discussion:  **Court:** Idaho | **Date:** October 15, 1976 | **Headnotes:** HN12616. [Powell v. McKelvey](#), 56 Idaho 291, 53 P.2d 626, 1935 Ida. LEXIS 61 **LB Cited by:** 56 Idaho 291 p.321; 53 P.2d 626 p.639

... We think not. . . . We are not aware of any rule whereby an act of the legislature must specify the conditions on which its validity must depend, but, on the contrary, the court will assume the existence of such conditions until it is apparent that they do not exist. In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, wherein the supreme court of the United States had under consideration the constitutionality of a state law, this language is used: "For our purposes we must assume that, if ...

Discussion:  **Court:** Idaho | **Date:** November 20, 1935

617. [Ex parte Crane](#), 27 Idaho 671, 151 P. 1006, 1915 Ida. LEXIS 90, L.R.A. (n.s.) 1918A942 ▲
- LB Cited by:** 27 Idaho 671 p.682; 151 P. 1006 p.1008
 ... equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77, 84** ...
- Discussion:** ■■■■■ | **Court:** Idaho | **Date:** September 11, 1915 | **Headnotes:** HN4
-
618. [Jones v. Power County](#), 27 Idaho 656, 150 P. 35, 1915 Ida. LEXIS 79 ◆
- LB Cited by:** 27 Idaho 656 p.666; 150 P. 35 p.37
 ... in point upon the validity of an act relating to certain public improvements authorized in cities which had been organized since a particular date is the case of Owen v. City of Sioux City, 91 Iowa 190, 59 N.W. 3. "We must assume that, if a state of facts could exist which would justify such legislation, it actually did exist when the statute under consideration was passed." (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**.) MORGAN, J. Sullivan, C. J., and Budge, J., concur. MORGAN ...
- Discussion:** ■■■■■ | **Court:** Idaho | **Date:** July 16, 1915
-
619. [Idaho Power & Light Co. v. Blomquist](#), 26 Idaho 222, 141 P. 1083, 1914 Ida. LEXIS 61, Am. Ann. Cas. 1916E282 Ⓐ
- LB Cited by:** 26 Idaho 222 p.241; 141 P. 1083 p.1088
 ... The doctrine that private property devoted to public use is subject to public regulation is too well settled to require the citation of many authorities. We have not only a long line of decisions by the supreme court of the United States, commencing as early, at least, as the decision of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, but a long line of state decisions, and the law is well settled that Corporate Formation, Corporate Existence, Powers & Purpose State & Territorial Governments, ...
- Discussion:** ■■■■■ | **Court:** Idaho | **Date:** June 27, 1914 | **Headnotes:** HN6

Illinois Supreme Court

620. [Hooker v. Ill. State Bd. of Elections](#), 2016 IL 121077, 2016 Ill. LEXIS 1514, 407 Ill. Dec. 392, 63 N.E.3d 824 Ⓐ
- B Cited in Dissenting Opinion at:** 63 N.E.3d 824 p.854; 407 Ill. Dec. 392 p.422; 2016 IL 121077 p.105
 As the ultimate sovereign, the people can, 'within constitutional restrictions imposed by the Federal constitution, delegate the powers of government to whom and as they please. They can withhold or [e]ntrust it, with such limitations as they choose.' Hawthorn v. People, 109 Ill. at 306; accord City of Eastlake v. Forest City Enterprises, Inc., 426 U.S. 668, 672, 96 S. Ct. 2358, 49 L. Ed. 2d 132 (1976) ('all power derives from the people' who can delegate it to representative instruments which they create or reserve to themselves the power to deal directly with matters which might otherwise be assigned to the legislature). ... *** Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77 (1876)."
- Court:** Illinois Supreme Court | **Date:** August 25, 2016
-
621. [Heaton v. Quinn \(In re Pension Reform Litig.\)](#), 2015 IL 118585, 2015 Ill. LEXIS 499, 392 Ill. Dec. 1, 165 Lab. Cas. (CCH) P61590, 32 N.E.3d 1 ▲

LB Cited by: 32 N.E.3d 1 p.25; 2015 IL 118585 p.78

... Scalia , JJ.), not the federal courts (see *Chisholm v. Georgia* , 2 U.S. (2 Dall.) 419 , 457 , 1 L. Ed. 440 , 2 Dall. 419 (1793)) . The powers they have reserved are shown in the prohibitions set forth in their state constitutions. **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77(1876)** . The people of Illinois give voice to their sovereign authority through the Illinois Constitution. It is through the Illinois Constitution that the people have decreed how their sovereign ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** May 8, 2015

622. [People v. Boeckmann](#), 238 Ill. 2d 1, 932 N.E.2d 998, 2010 Ill. LEXIS 966, 342 Ill. Dec. 537 

B Cited in Concurring Opinion at: 238 Ill. 2d 1 p.26; 932 N.E.2d 998 p.1013; 342 Ill. Dec. 537 p.552

It is enough that there is an evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it." *Williamson*, 348 U.S. at 487-88, 99 L. Ed. at 572, 75 S. Ct. at 464. ... A court will not strike down a law on due process grounds merely because the law may be "unwise, improvident, or out of harmony with a particular school of thought." *Williamson*, 348 U.S. at 488, 99 L. Ed. at 572, 75 S. Ct. at 464. In such instances, if the people seek change in the law, they "must resort to the polls, not to the courts." *Williamson*, 348 U.S. at 488, 99 L. Ed. at 572, 75 S. Ct. at 464-65, quoting *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77, 87 (1876).

Discussion:  **Court:** Illinois Supreme Court | **Date:** June 24, 2010


623. [Hayen v. County of Ogle](#), 101 Ill. 2d 413, 463 N.E.2d 124, 1984 Ill. LEXIS 271, 78 Ill. Dec. 946, 114 Lab. Cas. (CCH) P56203, 27 Wage & Hour Cas. (BNA) 89 

LB Cited by: 101 Ill. 2d 413 p.421; 463 N.E.2d 124 p.128

... v. *Lee Optical* (1955), 348 U.S. 483 , 488 , 99 L. Ed. 563 , 572 , 75 S. Ct. 461 , 464 .) In order to obtain relief from legislation on such grounds, "the people must resort to the polls, not to the courts."

Munn v. Illinois(1877),94 U.S. 113, 134, 24 L. Ed. 77, 87 . We hold that the Prevailing Wage Act does not violate the due process clause , for it bears a rational relationship to a legitimate State interest. The same observations sustain the Act against attack under the ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 19, 1984

624. [Joseph Triner Corp. v. McNeil](#), 363 Ill. 559, 2 N.E.2d 929, 1936 Ill. LEXIS 775, 104 A.L.R. 1435 

LB Cited by: 363 Ill. 559 p.572; 2 N.E.2d 929 p.935

... charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the State is incapable of directly controlling the price itself.

This view was negated many years ago. -- **Munnv.Illinois,94 U.S. 113** ." The court reviewed numerous decisions (*German Alliance Ins. Co. v. Lewis* , 233 U.S. 389 , *Griffith v. Connecticut* , 218 id. 563 , *O'Gorman & Young v. Hartford Fire Ins. Co.* 282 id. 251 , *Frisbie v. ...*


Discussion:  **Court:** Illinois Supreme Court | **Date:** June 10, 1936

625. [People ex rel. Lowe v. Marquette Nat'l Fire Ins. Co.](#), 351 Ill. 516, 184 N.E. 800, 1933 Ill. LEXIS 691 

LB Cited by: 351 Ill. 516 p.541; 184 N.E. 800 p.809

... said that "when private property is affected with a public interest it ceases to be *juris privati* only, and it becomes clothed with public interest when used in a manner to make it a public consequence and affect the community at large." **Munnv.Illinois,94 U.S. 113** . Public regulations of the insurance business

exhibit it to be the conception of the law-making bodies of the country, without exception, that the business of insurance so far affects the public welfare as to invoke and require ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** February 23, 1933

626. [Komorowski v. Boston Store of Chicago](#), 341 Ill. 126, 173 N.E. 189, 1930 Ill. LEXIS 853 

LB Cited by: 341 Ill. 126 p.129; 173 N.E. 189 p.190

... no property -- no vested interest -- in any rule of the common law. That is only one of the forms of municipal law and is no more sacred than any other. Indeed, the great office of statutes is to remedy defects in the common law as they are developed and to adapt it to the changes of time and circumstances. (**Munnv.Illinois,94 U.S. 113** ; Second Employer's Liability case, 223 U.S. 1 ; Deibeikis v. Link-Belt Co. 261 Ill. 454 ; Bertholf v. O'Reilly, 74 N.Y. 509 ; Jensen v. ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** October 25, 1930 | **Headnotes::** HN12

627. [Palmyra Tel. Co. v. Modesto Tel. Co.](#), 336 Ill. 158, 167 N.E. 860, 1929 Ill. LEXIS 919 

LB Cited by: 336 Ill. 158 p.164; 167 N.E. 860 p.862


... The purpose of the act is to bring under control of the public, for the common good, property applied to a public use in which the public has an interest. The owner of such property must submit to be controlled by the public to the extent of its interest as long as such public use is maintained. (**Munnv.People,94 U.S. 113** ; People v. Western Union Telegraph Co. 166 Ill. 15 ; Inter- Ocean Publishing Co. v. Associated Press, 184 id. 438 .) To constitute a public use all persons ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** June 19, 1929

628. [Wood v. Chase](#), 327 Ill. 91, 158 N.E. 470, 1927 Ill. LEXIS 1026 

LB Cited by: 327 Ill. 91 p.99; 158 N.E. 470 p.473

... No person has a vested interest in any rule of the common law or in any enactment of the General Assembly . The great office of statutes is to remedy defects in the common law and statutory laws as they are developed and to adapt them to the changes of time and circumstances. (**Munnv.People of Illinois,94 U.S. 113** , book 24 L.C. P. Co. Cas. 77; Grand Trunk Western Railway Co. v. Industrial Com. 291 Ill. 167 .) We are aware of no constitutional provision in this State that deprives ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** October 22, 1927

629. [Davis v. Keystone Steel & Wire Co.](#), 317 Ill. 278, 148 N.E. 47, 1925 Ill. LEXIS 1020 

LB Cited by: 317 Ill. 278 p.282; 148 N.E. 47 p.49


... providing a maximum rate of charges did not violate either of the constitutional provisions in question. (**Munnv. People**, 69 Ill. 80 .) The case was then taken to the Supreme Court of the United States , which affirmed the judgment, holding that the statute did not violate the fourteenth amendment of the Federal constitution or any other provision of that instrument, and that the fixing of maximum rates is a legislative function. (**Munnv.Illinois,94 U.S. 113** .) In Budd v. ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 24, 1925

630. [Lowenthal v. Chicago](#), 313 Ill. 190, 144 N.E. 829, 1924 Ill. LEXIS 859 

LB Cited by: 313 Ill. 190 p.194; 144 N.E. 829 p.831


... and harmless in its essential character, beyond a point reasonably required for the protection of the public. It is for the judiciary to ascertain and declare the limitation. (*Condon v. Village of Forest Park*, 278 Ill. 218 ; **Munn v. Illinois, 94 U.S. 113** ; 7 McQuillin on Mun. Corp. sec. 893.) Things which may or may not be injurious to the public, according to the manner in which they are managed, conducted and regulated, may be licensed for the purpose of regulation. (*Condon v. ...*


Discussion:  **Court:** Illinois Supreme Court | **Date:** June 17, 1924

631. [Pub. Util. Comm'n ex rel. Ill. Cent. R.R. v. Smith](#), 298 Ill. 151, 131 N.E. 371, 1921 Ill. LEXIS 1061 

LB Cited by: 298 Ill. 151 p.159; 131 N.E. 371 p.374


... by a spur-track with the railway company's main track should be subject to the control of the Public Utilities Commission. (*Public Utilities Com. v. Lake Erie and Western Railroad Co.* 277 Ill. 574 ; see, also, *Public Utilities Com. v. Cleveland, Cincinnati, Chicago and St. Louis Railway Co.* 296 id. 513 .) In **Munn v. People, 94 U.S. 113** , it was held that public elevators are instruments of commerce and transportation, subject to public regulation. In view of that decision it ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 21, 1921

632. [Rabbitt v. Frank C. Weber & Co.](#), 297 Ill. 491, 130 N.E. 787, 1921 Ill. LEXIS 1186 

LB Cited by: 297 Ill. 491 p.496; 130 N.E. 787 p.789

... the very security of property requires notice of some kind to the owner before he should be deprived of it, and justice can never be administered in its true spirit when either the person or property is condemned without notice. The principle did not originate in the American system of constitutional law. (**Munn v. Illinois, 94 U.S. 113** .) It was preserved in Magna charta but was known before and regarded as a part of the ancient English Liberties; (*Ochoa v. Hernandez y Morales*, ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 21, 1921

633. [Chicago v. O'Connell](#), 278 Ill. 591, 116 N.E. 210, 1917 Ill. LEXIS 1099, 8 A.L.R. 916 


LB Cited by: 278 Ill. 591 p.603; 116 N.E. 210 p.214


Court: Illinois Supreme Court | **Date:** April 19, 1917

634. [Perkins v. Bd. of Comm'rs](#), 271 Ill. 449, 111 N.E. 580, 1916 Ill. LEXIS 2668, Am. Ann. Cas. 1917A27 

LB Cited by: 271 Ill. 449 p.472; 111 N.E. 580 p.589

... Petitioners, 16 Pick. 87 ; *Ogden v. Saunders*, 12 Wheat. 213 ; *Parker v. State*, 133 Ind. 178 ; **Munn v. Illinois, 94 U.S. 113** ; *Pennsylvania Railroad Co. v. Riblet*, 66 Pa. St. 164 ; *Railway Co. v. Smith*, 62 Ill. 268 ." In our judgment the law in question is constitutional and must be sustained. It is further insisted that the act confers no authority upon the commissioners ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** February 16, 1916

635. [State Pub. Util. Comm'n ex rel. Macon Cnty. Tel. Co. v. Bethany Mut. Tel. Ass'n](#), 270 Ill. 183, 110 N.E. 334, 1915 Ill. LEXIS 2065, Am. Ann. Cas. 1917B495 

LB Cited by: 270 Ill. 183 p.185; 110 N.E. 334 p.335


... and supervision of owners and operators of property devoted to a public use. The purpose of the act is to bring under control by the public, for the common good, property applied to a public use in which the public has an interest. The owner of such property must submit to be controlled by the public to the extent of its interest as long as such public use is maintained. (**Munn v. People, 94 U.S. 113** ; **People v. Western Union Telegraph Co.** 166 Ill. 15 ; **Inter-Ocean Publishing Co. v. ...**

Discussion:  | **Court:** Illinois Supreme Court | **Date:** October 27, 1915

636. [State Public Utilities Com. v. Monarch Refrigerating Co.](#), 267 Ill. 528, 108 N.E. 716, 1915 Ill. LEXIS 2355, Am. Ann. Cas. 1916A528 

LB Cited by: 267 Ill. 528 p.534; 108 N.E. 716 p.718


Court: Illinois Supreme Court | **Date:** April 22, 1915

637. [Chicago v. M. & M. Hotel Co.](#), 248 Ill. 264, 93 N.E. 753, 1910 Ill. LEXIS 2155 

LB Cited by: 248 Ill. 264 p.273; 93 N.E. 753 p.756

... was distinguished on the ground that the statute had been changed so as to confer the power since the Collins case was decided. Defendant in error contends that the hotel business is impressed with a public interest and for that reason it is subject to control and regulation under the police power. The case of **Munn v. People, 94 U.S. 113**, is relied on as establishing this contention. In that case, on page 125, Mr. Chief Justice Waite, speaking for the majority, said: "This brings us ...


Discussion:  | **Court:** Illinois Supreme Court | **Date:** December 21, 1910

638. [People v. Steele](#), 231 Ill. 340, 83 N.E. 236, 1907 Ill. LEXIS 3033, 121 Am. St. Rep. 321, 14 L.R.A. (n.s.) 361 

LB Cited by: 231 Ill. 340 p.347; 83 N.E. 236 p.238

... 204 U.S. 359 . The cases of Munn v. People are the leading cases on police power, and the doctrine therein laid down is the doctrine relied upon in support of the right to the exercise of police power in relation to theaters. Munn v. People, 69 Ill. 80 ; **94 U.S. 113** . The business of ticket scalping is subject to control, and even suppression, under police power. Burdick v. People, 189 Ill. 600; Cincinnati v. Brill, 7 Ohio, 534 . Any private enterprise may become affected ...

Discussion:  | **Court:** Illinois Supreme Court | **Date:** December 17, 1907

639. [Chicago v. Cicero](#), 210 Ill. 290, 71 N.E. 356, 1904 Ill. LEXIS 3065 

LB Cited by: 210 Ill. 290 p.298; 71 N.E. 356 p.359

... v. Illinois, 108 U.S. 536 ; Munn v. People, 69 Ill. 80 ; Munn v. Illinois, 4 Otto, 113 ; Winona and St. Peter Railroad Co. v. Blake, **id. 180** ; Chicago, Burlington and Quincy Railway Co. v. Iowa , **id.** 155 ; Shields v. Ohio, 95 U.S. 319 ; Franklin Life Ins. Co v. People, 200 Ill. 619 ...


Discussion:  | **Court:** Illinois Supreme Court | **Date:** June 23, 1904


640. [Chicago Union Traction Co. v. Chicago](#), 199 Ill. 484, 65 N.E. 451, 1902 Ill. LEXIS 2866, 59 L.R.A. 631



LB Cited by: 199 Ill. 484 p.523; 65 N.E. 451 p.461


... the legislature has power to regulate the charges of common carriers. The legislature, having such power, can confer it upon the common council of the city. In other words, the municipality may exercise the power by delegation from the state. The general doctrine is that the legislature has power to regulate the charges of common carriers. (**Munnv.Illinois,94 U.S. 113** ; Chicago, etc. Railroad Co. v. Iowa , id. 155 ; Ruggles v. People, 91 Ill. 256 ; Ruggles v.Illinois, ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** October 25, 1902

641. [Inter-Ocean Pub. Co. v. Associated Press](#), 184 Ill. 438, 56 N.E. 822, 1900 Ill. LEXIS 2786, 75 Am. St. Rep. 184, 48 L.R.A. 568 

LB Cited by: 184 Ill. 438 p.448; 56 N.E. 822 p.824


... public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public for the common good as long as such use is maintained. The manner in which it is devoted to a use in which the public has an interest may be very diverse and the public interest in such use may be of a widely variant character; but where the use is one in which the public is interested or has an interest, public control is necessary for the common good. (**Munnv.People,94 U.S. 113** ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** February 19, 1900

642. [Rogers Park Water Co. v. Fergus](#), 178 Ill. 571, 53 N.E. 363, 1899 Ill. LEXIS 2845 

LB Cited by: 178 Ill. 571 p.577; 53 N.E. 363 p.364


... The expediency of measures and the reasonableness of rates are legislative questions, and when these rates are fixed before the acceptance of the franchise by the charter or ordinance they become part of the contract and are protected by the constitution. **Munnv.Illinois,94 U.S. 113** ; Ruggles v.Illinois, 108 id. 536 ; 91 Ill. 256 ; Dow v. Beidelman, 125 U.S. 680 ; Railroad Co. v. Iowa, 94 id. 183 ; ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** February 17, 1899

643. [Danville v. Danville Water Co.](#), 178 Ill. 299, 53 N.E. 118, 1899 Ill. LEXIS 2810, 69 Am. St. Rep. 304 

LB Cited by: 178 Ill. 299 p.309; 53 N.E. 118 p.122

... the present instance grants to the defendant the exclusive right of supplying the city and its inhabitants with gas for a term of twenty years. * * * It is unreasonable, therefore, to inger that it was the intention of the legislature to exempt the defendant from all public control in respect to the terms, upon which it should be required to discharge its duties to the public, unless such intention is found clearly expressed in the charter. The charter expresses no such intention." In **Munnv.** ...


Discussion:  **Court:** Illinois Supreme Court | **Date:** February 17, 1899

644. [People ex rel. Woodyatt v. Thompson](#), 155 Ill. 451, 40 N.E. 307, 1895 Ill. LEXIS 1378 

LB Cited by: 155 Ill. 451 p.465; 40 N.E. 307 p.310


... Petitioners, 16 Pick. 87 ; Ogden v. Saunders, 12 Wheat. 213 ; Parker v. State, 133 Ind. 178 ; **Munnv.Illinois,94 U.S. 113** ; Pennsylvania Railroad Co. v. Riblet, 66 Pa. St 164 ; Railway Co. v. Smith, 62 Ill. 268 . Keeping this rule of construction in mind, and having stated the rules prescribed by the constitution which are limitations upon the power of the General Assembly ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 2, 1895

645. [Chicago, B. & Q. R. Co. v. Jones](#), 149 Ill. 361, 37 N.E. 247, 1894 Ill. LEXIS 1538, 41 Am. St. Rep. 278, 24 L.R.A. 141 

LB Cited by: 149 Ill. 361 p.374; 37 N.E. 247 p.250


... not delegate the duty of regulating and fixing the charges, so as to make them equal and reasonable, to such a board of commissioners as was provided for in the Minnesota statute. Subsequently, in the case of *Budd v. New York*, 143 U.S. 517, the case of *Chicago, etc. Railway Co. v. Minnesota*, supra, was reviewed and explained; the doctrine of *Munnv. Illinois*, supra, and of the other cases known as the Granger cases, in 94 U.S. 155 -181, was adhered to; and it was held, that ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** April 2, 1894

646. [American Live-Stock Com. Co. v. Chicago Live-Stock Exchange](#), 143 Ill. 210, 32 N.E. 274, 1892 Ill. LEXIS 919, 36 Am. St. Rep. 385, 18 L.R.A. 190 

LB Cited by: 143 Ill. 210 p.239; 32 N.E. 274 p.282

... for which the courts, unaided by legislation, would be able to find no just or satisfactory criterion or test. But when the Legislature, acting upon a competent state of facts, has interposed and declared the business to be *juris publici*, all difficulty is removed. The views here expressed do not conflict with what was decided in *Munnv.Illinois,94 U.S. 113*. The question raised and decided in that case was as to the constitutionality of the act of the Legislature of this State, declaring ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** October 31, 1892

647. [Frorer v. People](#), 141 Ill. 171, 31 N.E. 395, 1892 Ill. LEXIS 970, 16 L.R.A. 492 

LB Cited by: 141 Ill. 171 p.185; 31 N.E. 395 p.399


Court: Illinois Supreme Court | **Date:** June 15, 1892

648. [New York & C. Grain & Stock Exchange v. Board of Trade](#), 127 Ill. 153, 19 N.E. 855, 1889 Ill. LEXIS 1021, 11 Am. St. Rep. 107, 2 L.R.A. 411 

LB Cited by: 127 Ill. 153 p.158; 19 N.E. 855 p.858

... There is no question involved in this case of gambling contracts, or of so-called "bucket shops." There is no evidence in the record tending to show that appellant is engaged in a gambling business or dealing in "puts" and "calls," and it is admitted that the business it is doing is not in violation of law. We think the case made by the bill of complaint and the proofs brings it within the rule announced by the Supreme Court of the United States in *Munnv. People of Illinois*, supra, and, ...

Discussion:  **Court:** Illinois Supreme Court | **Date:** January 25, 1889 | **Headnotes::** HN6

649. [Millett v. People](#), 117 Ill. 294, 7 N.E. 631, 1886 Ill. LEXIS 973, 57 Am. Rep. 869 

LB Cited by: 117 Ill. 294 p.303; 7 N.E. 631 p.635

Court: Illinois Supreme Court | **Date:** June 12, 1886

650. [Chicago Dock & Canal Co. v. Garrity](#), 115 Ill. 155, 3 N.E. 448, 1885 Ill. LEXIS 538 


LB Cited by: 115 Ill. 155 p.169; 3 N.E. 448 p.454


Court: Illinois Supreme Court | **Date:** November 14, 1885

651. [Wabash, S. L. & P. R. Co. v. People](#), 105 Ill. 236, 1883 Ill. LEXIS 85 

LB Cited by: 105 Ill. 236 p.254

... it must be so from inevitable necessity. The people must have protection against injustice and wrong; and it must be, from the very nature of our dual system of government, that the legislatures of the States in such cases may afford protection until Congress shall take action,--and the absolute necessity for protection vindicates the wisdom of the doctrine. The same objection was interposed to the Railroad and Warehouse law, in the case of **Munnv.Illinois, 94 U.S.113, 24 L. Ed. 77 ...**

Discussion:  | **Court:** Illinois Supreme Court | **Date:** 1883

652. [Magner v. People](#), 97 Ill. 320, 1881 Ill. LEXIS 14 

LB Cited by: 97 Ill. 320 p.336

Court: Illinois Supreme Court | **Date:** February 1, 1881


653. [People ex rel. McCrea v. Soldiers' Home & Baptist Theological Union](#), 95 Ill. 561, 1880 Ill. LEXIS 210



LB Cited by: 95 Ill. 561 p.568

... far reaching rule, as contended for by some persons, must, I think, from overpowering necessity, if for no other reason, be limited by cases pressing for a modification. In this case, no more liberal construction in favor of the State is required than was given in the case of **Munnv.The People, 94 U.S. 113** . Whilst this, in its ultimate results, will, I am fully persuaded, prove as important to the State as that, I believe these attempted grants and exemptions should, for the same reason ...


Discussion:  | **Court:** Illinois Supreme Court | **Date:** June 1, 1880

654. [People v. Harper](#), 91 Ill. 357, 1878 Ill. LEXIS 331 

LB Cited by: 91 Ill. 357 p.371

... class at the expense of another, so long as they are reasonable. That the statute before us is not liable to the objection of unconstitutionality on this ground is sufficiently shown by the reasoning in **Munn et al. v. The People** , 69 Ill. 80 , and **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . 4th. The objection that the inspection fee is a burden levied in a manner and by officers not recognized by the constitution, is based upon a misapprehension. Governments, Police Powers Tax, State ...

Discussion:  | **Court:** Illinois Supreme Court | **Date:** September 1, 1878

655. [Ruggles v. People](#), 91 Ill. 256, 1878 Ill. LEXIS 319 


LB Cited by: 91 Ill. 256 p.262

... special privileges from the State, but were, as citizens of the State, exercising the business of storing and handling grain for individuals. This case was taken to the Supreme Court of the United States , and the doctrine was affirmed. See **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . So it may be assumed

that the doctrine is fully established, that the General Assembly has such power over private persons. That court further held, in *Chicago, Burlington and Quincy Railroad Co. v. ...*

Discussion:  **Court:** Illinois Supreme Court | **Date:** September 1, 1878

Illinois Appellate Court

656. [People ex rel. Harris v. Parrish Oil Prod.](#), 249 Ill. App. 3d 664, 622 N.E.2d 810, 1993 Ill. App. LEXIS 1199, 190 Ill. Dec. 780 

LB Cited by: 249 Ill. App. 3d 664 p.667; 622 N.E.2d 810 p.814; 190 Ill. Dec. 780 p.784

... The proposition that a person shall not be deprived of life, liberty, or property without due process of law is as old as any principle of civilized government and is found in the Magna Charta and in substance, if not in form, in nearly all constitutions adopted by the several States. (**Munn v. Illinois(1877),94 U.S. 113, 24 L. Ed. 77** .) The due process provisions of the Illinois constitution and the fourteenth amendment to the Federal Constitution have been construed to be similar in ...

Discussion:  **Court:** Ill. App. Ct. 5th Dist. | **Date:** August 5, 1993

657. [Pioneer Towing, Inc. v. Illinois Commerce Com.](#), 99 Ill. App. 3d 403, 425 N.E.2d 1109, 1981 Ill. App. LEXIS 3173, 54 Ill. Dec. 892 

LB Cited by: 99 Ill. App. 3d 403 p.405; 425 N.E.2d 1109 p.1111

... businesses affected with a public interest. A legislative enactment is presumed to be constitutional and all reasonable doubts must be resolved in its favor. One assailing a statute has the burden of showing that it does not rest upon any reasonable basis but is entirely arbitrary. The legislature, of course, has the authority to set fair and reasonable rates to be charged by businesses affected with a public interest. (*Munn v. People* (1873), 69 Ill. 80 , aff'd (1876), **94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Ill. App. Ct. 1st Dist. | **Date:** August 14, 1981

658. [Union Cnty. Reg. Bd. of Sch. Trs. v. Union Cnty. Historical Soc.,y](#), 52 Ill. App. 3d 458, 367 N.E.2d 541, 1977 Ill. App. LEXIS 3312, 10 Ill. Dec. 153 

LB Cited by: 52 Ill. App. 3d 458 p.460; 367 N.E.2d 541 p.542

... Rev. Stat. 1975, ch. 32, par. 503b) and in the Illinois Savings and Loan Act (Ill. Rev. Stat. 1975, ch. 32, par. 796). A private, not-for-profit corporation is certainly a body corporate, but is it body politic? An often quoted definition of "body politic" is found in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** . "A body politic,' as aptly defined in the preamble of the Constitution of Massachusetts , 'is a social compact by which the whole people covenants with each citizen, ...

Discussion:  **Court:** Ill. App. Ct. 5th Dist. | **Date:** September 8, 1977 | **Headnotes:** HN4

659. [People ex rel. Tinkoff v. Northwestern University](#), 333 Ill. App. 224, 77 N.E.2d 345, 1947 Ill. App. LEXIS 387 

LB Cited by: 333 Ill. App. 224 p.230; 77 N.E.2d 345 p.348


...). We cannot say that a private educational institution is in a business essentially public in its nature rendering the corporation so engaged subject to public control, as a telegraph and telephone company (*Inter-Ocean v. Associated Press* , 184 Ill. 438 , 56 N.E. 822), or a virtually monopolistic warehouse (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**). In *Parks v. Northwestern University* it was said that the charter secures to all persons of good moral character who have made sufficient ...

Discussion:  **Court:** Ill. App. Ct. 1st Dist. | **Date:** December 10, 1947

660. [Central Trust Co. v. Calumet Co.](#), 260 Ill. App. 410, 1931 Ill. App. LEXIS 1194 

LB Cited by: 260 Ill. App. 410 p.416


... Utilities Commission v. Bethany Mut. Tel. Ass'n, 270 Ill. 183, where it was held that the purpose of the Public Utilities Act, Cahill's St. ch. 111a, was to bring under control property "as long as such public use is maintained." The same language is found in **Munn v. Illinois, 94 U.S. 113**, where it was held, in effect, that the act applies only so long as the owner maintains the use in which the public has an interest and not when this use is discontinued. See also State v. Pub. Service ...


Discussion:  | **Court:** Ill. App. Ct. | **Date:** March 1, 1931

661. [Rathbun v. Ocean Acci. & Guarantee Corp.](#), 219 Ill. App. 514, 1920 Ill. App. LEXIS 175 

LB Cited by: 219 Ill. App. 514 p.523

... person taking a taxicab at the station would control the whole vehicle both as to contents, direction and time of use, although not, so far as indicated, in such a sense as to make the driver of the machine his servant, according to familiar distinctions. The last facts, however, appear to be immaterial and in no degree to cast doubt upon the plaintiff's taxicabs, when employed as above stated, being a public utility by ancient usage and understanding (**Munn v. Illinois, 94 U.S. 113, 125**) ...

Discussion:  | **Court:** Ill. App. Ct. | **Date:** October 1, 1920

662. [Kerz v. Galena Water Co.](#), 139 Ill. App. 598, 1908 Ill. App. LEXIS 613 

LB Cited by: 139 Ill. App. 598 p.604

... "It is well settled that parties who carry on a business which is public in its nature must serve all who apply on equal terms and at reasonable rates." City of Danville v. Danville Water Co., 178 Ill. 299; Wagner v. City of Rock Island, 146 Ill. 139; Munn v. People, 69 Ill. 80; **Munn v. Illinois, 94 U.S. 113**; 29 Am. & Eng. Encyc. of Law (2d ed.), 12. Utility Companies, Rates HN6 A corporation existing by the grant of public franchises and supplying the great conveniences and necessities ...

Discussion:  | **Court:** Ill. App. Ct. | **Date:** 1908

663. [News Publishing Co. v. Associated Press](#), 114 Ill. App. 241, 1904 Ill. App. LEXIS 410 

LB Cited by: 114 Ill. App. 241 p.252


... necessarily to all alike, common to all, and upon equal terms." The court further say: "The appellee corporation being engaged in a business upon which a public interest is engrafted, upon principles of justice, it can make no distinction with respect to persons who wish to purchase information and news, for purposes of publication, which it was created to furnish." It seems to us clear that under the authority of this case and the celebrated case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Ill. App. Ct. | **Date:** 1904

664. [People's Gas Light & Coke Co. v. Hale](#), 94 Ill. App. 406, 1900 Ill. App. LEXIS 673 


LB Cited by: 94 Ill. App. 406 p.422

Court: Ill. App. Ct. | **Date:** October 1, 1900

665. [Dean v. Chicago G. R. Co.](#), 64 Ill. App. 165, 1896 Ill. App. LEXIS 866 

LB Cited by: 64 Ill. App. 165 p.167

... Rev. Stat. ch. 24, art. 5, § 1(42), the city council is given power to license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation. The legislature has power to regulate the charges of common carriers. **Munn v. Illinois, 4 Otto 113** ; C., B. & Q. Ry. Co. v. Iowa, 4 Otto 155 ; Ruggles v. People, 91 Ill. 256 ; Same, 108 U.S. 526 . As to limitations upon this power, see Chicago, ...

Discussion:  **Court:** Ill. App. Ct. | **Date:** March 1, 1896

Illinois Circuit Court

666. People v. Walser, 3 Ill. Cir. Ct. 58

LB Cited by: 3 Ill. Cir. Ct. 58 p.60

Court: Ill. Cir. Ct.

667. Dunbar v. American Tel. & Tel. Co., 3 Ill. Cir. Ct. 1

LB Cited by: 3 Ill. Cir. Ct. 1 p.33

Court: Ill. Cir. Ct.

668. Standard Glass Co. v. Chicago Tel. Co., 2 Ill. Cir. Ct. 154

LB Cited by: 2 Ill. Cir. Ct. 154 p.164

Court: Ill. Cir. Ct.

669. Public Grain & Stock Exchange v. Western Union Tel. Co., 1 Ill. Cir. Ct. 548

LB Cited by: 1 Ill. Cir. Ct. 548 p.557

Court: Ill. Cir. Ct.

Indiana Supreme Court

670. [KS&E Sports v. Runnels](#), 2017 Ind. LEXIS 308, 72 N.E.3d 892 

LB Cited by: 72 N.E.3d 892 p.907

... . Runnels suggests he has just such an interest here—a common-law cause of action and remedy—that the statute took away. But "as a matter of federal constitutional law, no person has a vested interest or property right in any rule of common law." Cheatham v. Pohle , 789 N.E.2d 467 , 471-72 (Ind. 2003) (citing **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**) . The statute predates Runnels's claim, so this is not a case where he acquired a property interest in an accrued cause ...


Discussion:  **Court:** Indiana Supreme Court | **Date:** April 24, 2017 | **Headnotes:** HN12

671. [Cheatham v. Pohle](#), 789 N.E.2d 467, 2003 Ind. LEXIS 440 

LB Cited by: 789 N.E.2d 467 p.471

... McIntosh v. Melroe , 729 N.E.2d 972 , 977 (Ind. 2000) ; Martin v. Richey , 711 N.E.2d 1273 , 1283 (Ind. 1999) . And, as a matter of federal constitutional law, no person has a vested interest or property right in any rule of common law. **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** . As a result, the General Assembly is free to eliminate punitive damages completely, as other states have done, and also has wide discretion in modifying this "quasi-criminal" sanction. Indeed, ...


Discussion:  | **Court:** Indiana Supreme Court | **Date:** May 30, 2003 | **Headnotes::** HN12

672. [Johnson v. St. Vincent Hosp.](#), 273 Ind. 374, 404 N.E.2d 585, 1980 Ind. LEXIS 683 

LB Cited by: 273 Ind. 374 p.386; 404 N.E.2d 585 p.594


... Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois, (1877)94 U.S. 113, 24 L.Ed. 77** , quoted in *Hurtado v. State* ...


Discussion:  | **Court:** Indiana Supreme Court | **Date:** May 16, 1980 | **Headnotes::** HN12

673. [Sidle v. Majors](#), 264 Ind. 206, 341 N.E.2d 763, 1976 Ind. LEXIS 449 

LB Cited by: 264 Ind. 206 p.223; 341 N.E.2d 763 p.774


... no one has a vested interest in any rule of the common law. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, within constitutional limits, may be changed at the will of the legislature. The great office of statutes is to remedy defects in the common law as they develop, and to adopt it to the change of time and circumstance. **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77** ; *Mackin v. Detroit-Timkin* ...


Discussion:  | **Court:** Indiana Supreme Court | **Date:** February 16, 1976 | **Headnotes::** HN12

674. [Foltz v. Indianapolis](#), 234 Ind. 656, 130 N.E.2d 650, 1955 Ind. LEXIS 187 

LB Cited by: 234 Ind. 656 p.664; 130 N.E.2d 650 p.654

... **Munnv.Illinois(1876),94 U.S. 113, 24 L. Ed. 77** , the court said on page 125: "In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackman, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some ...

Discussion:  | **Court:** Indiana Supreme Court | **Date:** December 16, 1955

675. [Williams v. Citizens' Gas Co.](#), 206 Ind. 448, 188 N.E. 212, 1933 Ind. LEXIS 8 

LB Cited by: 206 Ind. 448 p.453; 188 N.E. 212 p.213


Court: Indiana Supreme Court | **Date:** December 22, 1933

676. [State ex rel. Nejdil v. Bowman](#), 199 Ind. 436, 156 N.E. 394, 1927 Ind. LEXIS 46 

LB Cited by: 199 Ind. 436 p.452; 156 N.E. 394 p.399

... 24 L. R. A. 469 ; Carr v. State, supra ; Fletcher v. Peck (1810), 6 Cranch (U.S.) 87, 3 L. Ed. 162 ; **Munn v. Illinois (1876), 94 U.S. 113, 24 L. Ed. 77** ; Sinking-Fund Cases (1878), 99 U.S. 700 , 25 L. Ed. 496 , 25 L. Ed. 504 ; Henderson Bridge Co. v. Henderson City (1898), 173 U.S. 592 , 43 L. Ed. 823 , 19 S. Ct. 553 ; Fairbank ...


Discussion:  **Court:** Indiana Supreme Court | **Date:** April 19, 1927 | **Headnotes:** HN1

677. [Pittsburgh, C., C. & S. L. R. Co. v. State](#), 180 Ind. 245, 102 N.E. 25, 1913 Ind. LEXIS 111, L.R.A. (n.s.) 1915D458 

LB Cited by: 180 Ind. 245 p.252; 102 N.E. 25 p.28


... 137 , 14 S. Ct. 499 , 38 L. Ed. 385 ; Mugler v. Kansas (1887), 123 U.S. 623 , 8 S. Ct. 273 , 31 L. Ed. 205 ; **Munn v. Illinois (1876), 94 U.S. 113, 145, 24 L. Ed. 77** . Case or Controversy, Constitutionality of Legislation Evidence, Judicial Notice Legislative Facts, Domestic Laws HN6 Courts will not attempt fine distinctions with respect to the matter of reasonableness, or unreasonableness of a statute, and ordinarily it must be plain that no circumstances can justify an act before ...

Discussion:  **Court:** Indiana Supreme Court | **Date:** June 3, 1913

678. [Ayers v. State](#), 178 Ind. 453, 99 N.E. 730, 1912 Ind. LEXIS 109, Am. Ann. Cas. 1915C549 

LB Cited by: 178 Ind. 453 p.458; 99 N.E. 730 p.732


... 26 S. Ct. 554 , 50 L. Ed. 896 , 5 Ann. Cas. 909 ; McLean v. Arkansas (1909), 211 U.S. 539 , 29 S. Ct. 206 , 53 L. Ed. 315 ; **Munn v. Illinois (1876), 94 U.S. 113, 24 L. Ed. 77** ; Slaughter-House Cases (1872), 16 Wall. 36 , 21 L. Ed. 394 . We perceive no objection to the act on any of the grounds urged against it, and the judgment is therefore affirmed. ...

Discussion:  **Court:** Indiana Supreme Court | **Date:** November 6, 1912

679. [Winfield v. Public Service Com.](#), 187 Ind. 53, 118 N.E. 531, 1911 Ind. LEXIS 86 

LB Cited by: 187 Ind. 53 p.65; 118 N.E. 531 p.535

... v. Garrett (1913), 231 U.S. 298 , 305 , 34 S. Ct. 48 , 58 L. Ed. 229 ; Stone v. Farmers' Loan, etc., Co., supra, 347 ; **Munn v. Illinois (1876), 94 U.S. 113, 24 L. Ed. 77** ; Louisville, etc., R. Co. v. Mottley (1910), 219 U.S. 467 , 31 S. Ct. 265 , 55 L. Ed. 297 , 34 L. R. A. (N. S.) 671 ; Reagan v. Farmers' Loan, etc., Co. (1893), 154 U.S. 362 ...

Discussion:  **Court:** Indiana Supreme Court | **Date:** January 11, 1911

680. [Southern I. R. Co. v. Railroad Com. of Indiana](#), 172 Ind. 113, 87 N.E. 966, 1909 Ind. LEXIS 14 

LB Cited by: 172 Ind. 113 p.121; 87 N.E. 966 p.969

... manner in which a citizen shall use his own property. Hence, it is generally and logically held that, because of the public character of the business carried on by railroads, and the mutual interest the public has in these operations, such companies, as to their state business, unless protected by their charters, are subject to legislative control as to their rates of fare and freight. **Munn v. Illinois (1876), 94 U.S. 113 at 113-125, 24 L. Ed. 77** ; Chicago, etc., R. Co. v. Iowa (1876), ...

Discussion:  **Court:** Indiana Supreme Court | **Date:** April 2, 1909

681. [Knight & Jillson Co. v. Miller](#), 172 Ind. 27, 87 N.E. 823, 1909 Ind. LEXIS 5, 18 Am. Ann. Cas. (o.s.) 1146 ▲

LB Cited by: 172 Ind. 27 p.43; 87 N.E. 823 p.830

... restraining monopolies, is not a denial of due process of law. Regulation in reason is not a denial of due process of law, and this may be true either as to special occupations or as to general classes of business. Notable instances are: Slaughter House Cases (1872), 16 Wall. 36 , 21 L. Ed. 394 . An elevator case: **Munnv.Illinois(1876),94 U.S. 113, 24 L. Ed. 77** . Oleomargarine cases: Powell v. Pennsylvania (1888), 127 U.S. 678 , 8 Sup. Ct. 992 , 1257 , 32 L. Ed. 253 ; Plumley v. ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** March 16, 1909

682. [State ex rel. Goodwine v. Cadwallader](#), 172 Ind. 619, 87 N.E. 644, 1909 Ind. LEXIS 75 ▲

LB Cited by: 172 Ind. 619 p.638; 87 N.E. 644 p.651

... is, by the consent of the owner, invested with a public interest or privilege for the benefit of the public, the owner can no longer deal with it as private property only, but must hold it subject to the rights of the public in the exercise of that public interest or privilege conferred for their benefit." Allnutt v. Inglis (1810), 12 East 527. The doctrine of this early case is the acknowledged law. It is stated somewhat differently in **Munnv.Illinois(1876),94 U.S. 113, 24 L. Ed. 77** ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** March 11, 1909

683. [State v. Barrett](#), 172 Ind. 169, 87 N.E. 7, 1909 Ind. LEXIS 20 +

LB Cited by: 172 Ind. 169 p.179; 87 N.E. 7 p.11

... "Rights for the most part are relative, and the mere fact that a statute or ordinance, which may reasonably be regarded as conducive to the welfare of the public, regulates a trade or business or lays some burden upon it, does not render it unconstitutional." The following cases are in point: Slaughter House Cases (1872), 16 Wall. 36 , 21 L. Ed. 394 ; **Munnv.Illinois(1876),94 U.S. 113, 24 L. Ed. 77** . It may very properly be said that mining coal is a matter in which the public has ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** February 5, 1909 | **Headnotes::** HN9

684. [Indiana R. Co. v. Calvert](#), 168 Ind. 321, 80 N.E. 961, 1907 Ind. LEXIS 118, 11 Am. Ann. Cas. (o.s.) 635, 10 L.R.A. (n.s.) 780 +

LB Cited by: 168 Ind. 321 p.331; 80 N.E. 961 p.965

... would compel property owners either to allow buildings to remain upon sites which should be better improved, or to wreck such buildings as a means of getting rid of them. The principle which finds expression in the maxim, sic utere tuo ut alienum non laedas, has been said to be the source of the police powers, and to furnish the implied condition upon which every member of society possesses and enjoys his property. **Munnv.Illinois(1877),94 U.S. 113, 24 L. Ed. 77** ; Orient Ins. Co. v. ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** April 4, 1907


685. [Western Union Tel. Co. v. State](#), 165 Ind. 492, 76 N.E. 100, 1905 Ind. LEXIS 162, 6 Am. Ann. Cas. (o.s.) 880, 3 L.R.A. (n.s.) 153 ▲


LB Cited by: 165 Ind. 492 p.500; 76 N.E. 100 p.103

... equal right to the same, but "when the owner of property devotes it to a use in which the public has an

interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use."


Munn v. Illinois (1876), 94 U.S. 113, 24 L. Ed. 77 ; Inter-Ocean Pub. Co. v. Associated Press (1900), 184 Ill. 438 , 56 N.E. 822 , 75 Am. St. 184 , 48 L. R. A. 568 ; Hockett v. ...


Discussion:  **Court:** Indiana Supreme Court **Date:** November 28, 1905

686. [United States Exp. Co. v. State](#), 164 Ind. 196, 73 N.E. 101, 1905 Ind. LEXIS 21 

LB Cited by: 164 Ind. 196 p.211; 73 N.E. 101 p.106

... corporations that enjoy the grant of extraordinary powers from the state, and which divide with them the profits of a business, in the proper performance of which the entire public has an interest, can take up a local habitation and do business in the state, and yet successfully defy the effort of the lawmaking power to compel them to live up to their common-law obligations. Such a view of the law is profoundly erroneous. In the case of **Munn v. Illinois (1876), 94 U.S. 113, 125, 24 L. Ed. 77** ...

Discussion:  **Court:** Indiana Supreme Court **Date:** February 3, 1905

687. [Adams Express Co. v. State](#), 161 Ind. 328, 67 N.E. 1033, 1903 Ind. LEXIS 172 

LB Cited by: 161 Ind. 328 p.346; 67 N.E. 1033 p.1039

... curtailed, and liberty restricted or taken away. As the public peace, safety, and well-being are the very end and object of free government, legislation which is necessary for the protection and furtherance of this object can not be defeated on the ground that it interferes with the common law rights of some of the citizens, or even deprives them of such rights. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Lawton v. Steele, 152 U.S. 133 , 14 S. Ct. 499 , 38 L. Ed. 385 ; Barbier v. ...

Discussion:  **Court:** Indiana Supreme Court **Date:** June 26, 1903

688. [Parks v. State](#), 159 Ind. 211, 64 N.E. 862, 1902 Ind. LEXIS 25, 59 L.R.A. 190 

LB Cited by: 159 Ind. 211 p.219; 64 N.E. 862 p.866

... **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77** . But it is evident that he must concede to society, in return for the enjoyment of its privileges, a large measure of authority over his conduct and possessions, and that in the process of development from a rude state of society to a complex civilization the zone of personal and private rights that are beyond legislative control must constantly diminish. Holden v. Hardy, supra. The maxim, sic utere tuo ut alienum non laedas: so ...

Discussion:  **Court:** Indiana Supreme Court **Date:** October 7, 1902 **Headnotes:** HN4

689. [Indiana Natural & Illuminating Gas Co. v. State](#), 158 Ind. 516, 63 N.E. 220, 1902 Ind. LEXIS 173, 57 L.R.A. 761 

LB Cited by: 158 Ind. 516 p.519; 63 N.E. 220 p.221

... 146 Ind. 655 , 36 L. R. A. 535 , 46 N.E. 17 ; State, ex rel., v. Consumers Gas Trust Co., 157 Ind. 345 , 61 N.E. 674 ; **Munn v. People, 94 U.S. 113, 24 L. Ed. 77** ; State v. Columbus Gas, etc., Co., 34 Ohio St. 572 , 32 Am. Rep. 390 ; Delaware, etc., R. Co. v. Central Stock-Yard, etc., Co., 45 N.J. Eq. 50 , 17 A. 146 , 6 L. R. A. 855 ; Shepard ...

Discussion:  **Court:** Indiana Supreme Court **Date:** March 11, 1902

690. [Indianapolis v. Navin](#), 151 Ind. 139, 47 N.E. 525, 1897 Ind. LEXIS 124 ▲

LB Cited by: 151 Ind. 139 p.144; 47 N.E. 525 p.526

... would amount to confiscation or the taking of property without compensation or due process of law. A statute containing such requirements would be in violation of the provisions of the constitution of the State, as well as the provisions of the constitution of the United States. Chicago, etc., R. R. Co. v. Iowa, supra ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Stone v. Farmers' Loan and Trust Co., supra ; Georgia Banking Co. v. Smith, supra ; Chicago, etc., R. W. Co. v. ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** June 11, 1897

691. [Rushville v. Rushville Natural Gas Co.](#), 132 Ind. 575, 28 N.E. 853, 1891 Ind. LEXIS 2, 15 L.R.A. 321 ●

LB Cited by: 132 Ind. 575 p.584; 28 N.E. 853 p.856

... the extent of the interest thus acquired by the public, submit to the control of such property by the public for the common good. where the owner of property devotes it to a use in which the public have an interest, he must, to the extent of the interest thus acquired by the public, submit to the control of such property by the public for the common good. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; City of Zanesville v. Zanesville Gas Co., 47 Ohio St. 1, 23 N.E. 55 ; Hockett v. ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** October 31, 1891

692. [Jamieson v. Indiana Natural Gas & Oil Co.](#), 128 Ind. 555, 28 N.E. 76, 1891 Ind. LEXIS 371, 12 L.R.A. 652 ▲

LB Cited by: 128 Ind. 555 p.573; 28 N.E. 76 p.82

... in effectuation of the general power. Cooley v. Port Wardens of Philadelphia, 53 U.S. 299, 12 HOW 299, 13 L. Ed. 996 ." But the principle had long before been stated in stronger and clearer terms, and it has been often asserted and enforced. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Sherlock v. Alling, 93 U.S. 99, 23 L. Ed. 819 ; County of Mobile v. Kimball, 102 U.S. 691, 26 L. Ed. 238 ; Ouachita, etc., Co. v. Aiken, ...

Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** June 20, 1891

693. [State ex rel. Corwin v. Indiana & O. Oil, Gas & Mining Co.](#), 120 Ind. 575, 22 N.E. 778, 1889 Ind. LEXIS 463, 6 L.R.A. 579 ▲

LB Cited by: 120 Ind. 575 p.580; 22 N.E. 778 p.779


... 30 L. Ed. 1187, 7 S. Ct. 1126, is much more restrictive of the rights of the states than that asserted in Smith v. Alabama, supra ; Nashville, etc., R. W. Co. v. Alabama, supra ; **Munn v. State, 94 U.S. 113, 24 L. Ed. 77**, and many earlier cases. But it is evident that the act under examination can not, under the rule laid down by the court of last resort, be deemed a legitimate exercise of the police power. The act does not assume to provide for the safety, health, or comfort ...


Discussion: ■■■■■ | **Court:** Indiana Supreme Court | **Date:** November 6, 1889

694. [Central Union Tel. Co. v. State](#), 118 Ind. 194, 19 N.E. 604, 1889 Ind. LEXIS 514, 10 Am. St. Rep. 114 ◆

LB Cited by: 118 Ind. 194 p.207; 19 N.E. 604 p.611

... , and Central U. Tel. Co. v. Bradbury, supra , and authorities cited in those cases; Johnson v. State, 113 Ind. 143 , 15 N.E. 215 ; **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ; Ouachita Packet Co. v. Aiken, 121 U.S. 444 , 30 L. Ed. 976 , 7 S. Ct. 907 ; Patterson v. Kentucky, 97 U.S. 501 , 24 L. Ed. 1115


Discussion:  **Court:** Indiana Supreme Court **Date:** January 22, 1889

695. [Central Union Tel. Co. v. Bradbury](#), 106 Ind. 1, 5 N.E. 721, 1886 Ind. LEXIS 46 

LB Cited by: 106 Ind. 1 p.8; 5 N.E. 721 p.725


... set out, so far as it affects any question involved in this cause, is little, if anything, more than a statutory extension of the law, applicable to common carriers generally, to telephone companies doing a general telephone business, and as such telephone companies are common carriers independently of any statute, and as common carriers are proper subjects of legislative control, we see no objection to the validity of that section. **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ; Hockett v. ...


Discussion:  **Court:** Indiana Supreme Court **Date:** March 23, 1886

696. [Hockett v. State](#), 105 Ind. 250, 5 N.E. 178, 1886 Ind. LEXIS 438, 55 Am. Rep. 201 

LB Cited by: 105 Ind. 250 p.258; 5 N.E. 178 p.183


... Connecticut Telephone Co., 44 Am. R. 237 , n. It is now a well settled legal proposition that property thus devoted to a public use becomes a legitimate subject of legislative regulation and control. In recognition of that doctrine the case of **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** , has become a leading case. It was, in general terms, held in that case, that when the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest ...

Discussion:  **Court:** Indiana Supreme Court **Date:** February 20, 1886

697. [State v. Boswell](#), 104 Ind. 541, 4 N.E. 675, 1886 Ind. LEXIS 16 

LB Cited by: 104 Ind. 541 p.543; 4 N.E. 675 p.677

... State, 30 Wis. 129 (11 Am. R. 559); State v. Barnett, 3 Kan. 250 . There are many cases declaring a general principle which gives full and sure support to the conclusion reached by the courts in the cases cited. **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ; Walker v. Sauvinet, 92 U.S. 90 , 23 L. Ed. 678 ; Kennard v. Louisiana, 92 U.S. 480 , 23 L. Ed. 478 ; Davidson v. New Orleans, ...


Discussion:  **Court:** Indiana Supreme Court **Date:** January 29, 1886

698. [Brechbill v. Randall](#), 102 Ind. 528, 1 N.E. 362, 1885 Ind. LEXIS 90, 52 Am. Rep. 695 

LB Cited by: 102 Ind. 528 p.529; 1 N.E. 362 p.363

... 76 U.S. 41 , 9 Wall. 41 , 19 L. Ed. 593 ; U.S. v. Reese, 92 U.S. 214 , 23 L. Ed. 563 ; **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ; Railroad Co. v. Husen, 95 U.S. 465 , 24 L. Ed. 527 ; Civil Rights Cases, 109 U.S. 3 , 27 L. Ed. 835 , 3 S. Ct. 18 . Subject Matter Jurisdiction, Federal Questions Constitutional Law, Supremacy Clause Governments, Police Powers ...


Discussion:  **Court:** Indiana Supreme Court **Date:** May 26, 1885

699. [Standard Oil Co. v. Combs](#), 96 Ind. 179, 1884 Ind. LEXIS 282, 49 Am. Rep. 156 

LB Cited by: 96 Ind. 179 p.184


... 12 Wheat. 419 . Many acts of legislation indirectly affecting commerce have been upheld, and the general rule is that if the legislation does not assume the form or effect of a regulation of commerce, it will not violate the National Constitution. **Munn v. Illinois, 94 U.S. 113** ; Sherlock v. Alling, 93 U.S. 99 ; State Tax Case, 15 Wall. 284 ; Cooley v. Board, etc., 12 How. 299 ; Harrigan v. Connecticut River, etc., Co., ...

Discussion:  **Court:** Indiana Supreme Court | **Date:** June 17, 1884


700. [Western Union Tel. Co. v. Pendleton](#), 95 Ind. 12, 1884 Ind. LEXIS 129, 48 Am. Rep. 692 

LB Cited by: 95 Ind. 12 p.15

... **94 U.S. 113** ; Civil Rights Cases, 109 U.S. 3 . The power of enacting laws upon this subject resides solely and exclusively in the States, and extends to all matters of personal and property rights within the States. A denial of the right to legislate upon matters connected with commerce and its instrumentalities would result in evils of great magnitude. If there be no such power, then the State can not regulate the speed of railroad trains where the railroad line extends beyond the State, nor ...


Discussion:  **Court:** Indiana Supreme Court | **Date:** April 4, 1884 | **Headnotes:** HN15

Indiana Court of Appeals

701. [Johnson v. Gupta](#), 682 N.E.2d 827, 1997 Ind. App. LEXIS 935 

LB Cited by: 682 N.E.2d 827 p.830


... Constitution does prohibit the legislature from taking away vested property rights created by the common law. The Indiana Constitution does prohibit the legislature from taking away vested property rights created by the common law. Johnson , 404 N.E.2d at 594 (citing **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**) . However, there are no vested rights or property rights at issue here. Healthcare Litigation, Actions Against Healthcare Workers Actions Against Healthcare Workers, Doctors ...


Discussion:  **Court:** Ind. Ct. App. | **Date:** July 21, 1997

702. [United States Steel Corp. v. Northern Indiana Public Service Co.](#), 482 N.E.2d 501, 1985 Ind. App. LEXIS 2769 

LB Cited by: 482 N.E.2d 501 p.505

... principles apply. It could logically be said that parking garages today fall within the category of warehouses, inns and livery stables, originally. The first test of a public calling or "business affected with a public interest" was that of economic necessity. 75 Univ.Penn.L.Rev. 411 ; 4 Justice Arterburn was the author of this law review article published in 1927. Its title was "The Origin and First Test of Public Callings." **Munn v. State of Illinois, 1876, 94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Ind. Ct. App. | **Date:** September 11, 1985

703. [Thompson v. State](#), 425 N.E.2d 167, 1981 Ind. App. LEXIS 1581 

LB Cited by: 425 N.E.2d 167 p.172

... Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and

circumstances." **94 U.S. 113, 134, 24 L. Ed. 77** . Placed in its historical context of time ...

Discussion:  **Court:** Ind. Ct. App. | **Date:** August 19, 1981 | **Headnotes::** HN12

704. [Indiana State Highway Com. v. Rickert](#), 412 N.E.2d 269, 1980 Ind. App. LEXIS 1771 

LB Cited by: 412 N.E.2d 269 p.274

... as a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.' This definition was quoted with approval by the Supreme Court of the United States in **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77, 84(1876)** , and by this Court in *Durham v. Cotton Mills*, 141 N.C. 615, 642, 54 S.E. 453 (1906) . Ballentine's Law Dictionary defines the related term 'body politic' ...

Discussion:  **Court:** Ind. Ct. App. | **Date:** November 13, 1980 | **Headnotes::** HN4

Other Indiana Decisions

705. [In the Matter of the Petition of Indiana & Michigan Electric Company, An Indiana Corporation, for Authority to Make Upward Adjustments in Its Existing Electric Service Rates, for Approval of New Schedules of Rates, Rules and Regulations Therefor](#), 1982 Ind. PUC LEXIS 15

LB Cited by:

... , and recognition of all costs associated with providing such service, including nuclear decommissioning and fuel disposal costs, are legitimate areas of state concern appropriately addressed by this Commission. See, *Panhandle Eastern Pipeline Co. v. Michigan Public Service Commission* (1951) 341 US 329 ; See also, **Munn v. Illinois (1877) 94 US 113** ; *German Alliance Insurance Co. v. Lewis* (1914) 233 US 389 ; *Nebbia v. New York* (1934) 291 US 502 ; *Rudd v. New York* (1982) 143 US 517 ...

Court: Ind. U.R.C. | **Date:** December 22, 1982

Iowa Supreme Court

706. [CMC Real Estate Corp. v. Iowa DOT, Rail & Water Div.](#), 475 N.W.2d 166, 1991 Iowa Sup. LEXIS 331 

LB Cited by: 475 N.W.2d 166 p.170

... Iowa economy. Accord *In re Chicago, Rock Island & Pac. R.R.*, 772 F.2d at 302 ("The propriety of State regulation of grain elevators as a business 'affected with a public interest' has been settled law ever since **Munn v. Illinois, 4 Otto 113, 125-32, 94 U.S. 113, 125-32, 24 L. Ed. 77(1876)** ."). We cannot say that this public purpose is without foundation. Therefore, we must conclude that if any taking occurred in this case, pursuant to section 327G.62 , that taking was for ...










Discussion:  **Court:** Iowa | **Date:** September 18, 1991

707. [Davenport Water Co. v. Iowa State Commerce Com.](#), 190 N.W.2d 583, 1971 Iowa Sup. LEXIS 884 

LB Cited by: 190 N.W.2d 583 p.593


... Fourteenth Amendment is appropriate in determining whether, as an abstract proposition of law, use of the "original cost or prudent investment" approach is per se unconstitutional. An informative analysis of all such cases, starting with **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** , to and including *Federal Power Commission v. Hope Natural Gas Co.*, 320 U.S. 591, 64 S. Ct. 281, 88 L. Ed. 333 (1944) , is set forth in *Utah Power & Light Co. v. Public Service Commission*, 107 Ut. ...

Discussion:  **Court:** Iowa | **Date:** September 27, 1971

708. [Abolt v. Ft. Madison](#), 252 Iowa 626, 108 N.W.2d 263, 1961 Iowa Sup. LEXIS 504 
- LB Cited by:** 252 Iowa 626 p.635; 108 N.W.2d 263 p.268
 ... , that the city could convey to a railroad by lease the same rights which might have been acquired by eminent domain. Other precedents to like effect need not be cited since this is expressly provided by Code section 384.3(2) and (3) , heretofore referred to. The leading case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , holds use of property for storage of grain in public warehouses is a public use so the state legislature might constitutionally fix maximum rates for such storage. The ...
Discussion:  **Court:** Iowa | **Date:** March 7, 1961
-
709. [Sperry & Hutchinson Co. v. Hoegh](#), 246 Iowa 9, 65 N.W.2d 410, 1954 Iowa Sup. LEXIS 465 
- LB Cited by:** 246 Iowa 9 p.35; 65 N.W.2d 410 p.425
 ... Tolerton & Warfield Co. v. Iowa State Board of Assessment and Review, supra, 222 Iowa 908, 914 , 270 N.W. 427 , citing with approval Rast v. Van Deman & Lewis Co., supra, 240 U.S. 342 (see page 357); McGuire v. Chicago, B. & Q. R. Co., 131 Iowa 340 , 350 , 108 N.W. 902 , 33 L.R.A. N.S. 706 (citing **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77**); Lindsley v. Natural Carbonic Gas Co., 220 U.S. 61 , 78 , 31 S. Ct. 337 , 55 L. Ed. 369 , 377 , Ann. Cas. 1912C 160; State v. Pitney, ...
Discussion:  **Court:** Iowa | **Date:** July 26, 1954
-
710. [State v. Woitha](#), 227 Iowa 1, 287 N.W. 99, 1939 Iowa Sup. LEXIS 185, 123 A.L.R. 884 
- LB Cited by:** 227 Iowa 1 p.10; 287 N.W. 99 p.103
 ... sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ." In the case at bar the sole purpose of the Act is the regulation of the sale of motor vehicle fuel and to prevent unfair methods of doing business. It is also claimed ...
Discussion:  **Court:** Iowa | **Date:** June 1, 1939
-
711. [State ex rel. Fletcher v. Northwestern Bell Tel. Co.](#), 214 Iowa 1100, 240 N.W. 252, 1932 Iowa Sup. LEXIS 193 
- LB Cited by:** 214 Iowa 1100 p.1104; 240 N.W. 252 p.254
 ... where private property becomes, by the consent of the owners, invested with a public interest or privilege for the benefit of the public, the owner of such property can no longer deal with it strictly as private property, but must deal with it in its relation to the public. Allnut v. Inglis, 12 East Reports (Eng.) 527; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; State v. Cadwallader, supra. Basing its argument upon this rule, the Indiana court reached the conclusion in the Cadwallader ...
Discussion:  **Court:** Iowa | **Date:** June 1, 1932
-
712. [Wissenburg v. Bradley](#), 209 Iowa 813, 229 N.W. 205, 1930 Iowa Sup. LEXIS 166, 67 A.L.R. 1075 
- LB Cited by:** 209 Iowa 813 p.816; 229 N.W. 205 p.207
 ... such a statute and such a proceeding, without a trial by jury, does not violate either the Federal or the state constitutional provisions, has been repeatedly held. Appellant places great reliance upon the

language of the Supreme Court of the United States in **Munn v. Illinois**, 94 U.S. 113 (24 L. Ed. 77). The case involved a statute fixing the maximum charges for the storage of grain in a warehouse. There is an interesting discussion of the Fourteenth Amendment in the case, but nothing ...


Discussion:  | **Court:** Iowa | **Date:** February 1, 1930

713. [Peverill v. Board of Sup'rs](#), 208 Iowa 94, 222 N.W. 535, 1929 Iowa Sup. LEXIS 285 

LB Cited by: 208 Iowa 94 p.109; 222 N.W. 535 p.542

... 25 L. Ed. 496, 25 L. Ed. 504), acceded to the doctrine that it was in some respects a limitation on the police power. It was referred to again in the Slaughter-House Cases, 16 Wall. (U.S.) 36 (21 L. Ed. 394), and again in the Granger cases, **Munn v. Illinois**, 94 U.S. 113 (24 L. Ed. 77); but the question is left shrouded in mystery in that case, although Justice Field, in his dissenting opinion, intimates quite clearly that the police power was limited by the due-process amendment. ...

Discussion:  | **Court:** Iowa | **Date:** April 1, 1929

714. [Ferguson v. Illinois C. R. Co.](#), 202 Iowa 508, 210 N.W. 604, 1926 Iowa Sup. LEXIS 308, 54 A.L.R. 1 

LB Cited by: 202 Iowa 508 p.513; 210 N.W. 604 p.606

... to be transported would be engaged in said business in such a manner that the use was, as a matter of fact, a public use. The leading case in this country recognizing that there may be such a public use of privately owned property is the case of **Munn v. Illinois**, 94 U.S. 113 (24 L. Ed. 77), where the warehouses in the city of Chicago were involved. In *Bankhead v. Brown*, 25 Iowa 540, we had under consideration the establishment of a private road under an act of the legislature, and we ...

Discussion:  | **Court:** Iowa | **Date:** October 1, 1926


715. [Baird Bros. v. Minneapolis & S. L. R. Co.](#), 181 Iowa 1104, 165 N.W. 412, 1917 Iowa Sup. LEXIS 359



LB Cited by: 181 Iowa 1104 p.1122; 165 N.W. 412 p.418

... *Jackson v. Chicago & N. W. R. Co.*, (S. D.) 147 N.W. 732. Prior to the enactment of the Interstate Commerce Act, it was recognized by the United States Supreme Court that railroads must carry when called upon to do so, and could make only a reasonable charge. **Munn v. Illinois**, 94 U.S. 113 (24 L. Ed. 77); *Chicago, B. & Q. R. Co. v. Iowa*, 94 U.S. 155 (24 L. Ed. 94). In suits brought for the enforcement of rights concerning interstate commerce, but not for the specific enforcement ...

Discussion:  | **Court:** Iowa | **Date:** December 1, 1917

716. [Huston v. Des Moines](#), 176 Iowa 455, 156 N.W. 883, 1916 Iowa Sup. LEXIS 190 

LB Cited by: 176 Iowa 455 p.467; 156 N.W. 883 p.888

... *State v. Des Moines City R. Co.*, 159 Iowa 259, 140 N.W. 437; *Commonwealth v. Kingsbury* (Mass.), 199 Mass. 542, 85 N.E. 848; *City of Des Moines v. Keller*, 116 Iowa 648, 88 N.W. 827; **Munn v. Illinois**, 94 U.S. 113 (24 L. Ed. 77). Local Governments, Duties & Powers HN17 What the legislature may do itself, in the matter of regulation and control of streets in a municipality, it may delegate to a municipality to do, itself. But the city must act within the power given, or necessarily ...

Discussion:  | **Court:** Iowa | **Date:** June 1, 1916

717. [Hunter v. Colfax Consol. Coal Co.](#), 175 Iowa 245, 154 N.W. 1037, 157 N.W. 145, 1916 Iowa Sup. LEXIS 148 ▲

LB Cited by: 175 Iowa 245 p.283; 154 N.W. 1037 p.1051

... The following acts have been sustained, against objection that they impinge upon the protection of contracts and of the right to contract afforded by the Constitution of the United States : A statute fixing minimum charges for the storage of grain and prohibiting contracts for larger ones (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**); prohibiting attorneys from contracting for a larger fee than \$ 10 for prosecuting pension claims has been held to be a valid exercise of the police power ...

Discussion: ■■■■■ | **Court:** Iowa | **Date:** April 1, 1916

718. [Eckerson v. Des Moines](#), 137 Iowa 452, 115 N.W. 177, 1908 Iowa Sup. LEXIS 105 ▲

LB Cited by: 137 Iowa 452 p.476; 115 N.W. 177 p.186

... "We are not aware of any rule whereby an act of the Legislature must specify the conditions on which its validity must depend, but, on the contrary, the court will assume the existence of such conditions until it is apparent that they do not exist." And in **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77)**, a case in which the constitutionality of an act of the Illinois Legislature was drawn in question, this was said: "For our purposes, we must assume that, if a state of facts could exist which ...

Discussion: ■■■■■ | **Court:** Iowa | **Date:** February 1, 1908

719. [McGuire v. Chicago, B. & Q. R. Co.](#), 131 Iowa 340, 108 N.W. 902, 1906 Iowa Sup. LEXIS 68, 33 L.R.A. (n.s.) 706 ◆

LB Cited by: 131 Iowa 340 p.350; 108 N.W. 902 p.905

... It is not for the court to inquire or determine whether a state of facts existed calling for the enactment of the legislation in question. That is for the exclusive consideration of the Legislature. If under any possible state of facts the act would be constitutional and valid, the court is bound to presume that such condition existed. **Munn v. Illinois , 94 U.S. 113 (24 L. Ed. 77)**; State v. Peckham , 3 R.I. 289 ; In re Ten Hour Law , 24 R.I. 603 (54 A. 602). IV. Is the statute objectionable ...

Discussion: ■■■■■ | **Court:** Iowa | **Date:** July 1, 1906

720. [Cedar Rapids Water Co. v. Cedar Rapids](#), 118 Iowa 234, 91 N.W. 1081, 1902 Iowa Sup. LEXIS 460 ▲

LB Cited by: 118 Iowa 234 p.258; 91 N.W. 1081 p.1090

... The general power of the legislature to provide for the regulation of rates in any business affected with the public interest has been very generally conceded. The general power of the legislature to provide for the regulation of rates in any business affected with the public interest has been very generally conceded since the decision in the leading case, **Munn v. Illinois , 94 U.S. 113 (24 L. Ed. 77)**. See, also, Budd v. New York , 143 U.S. 517 (12 S. Ct. 468 , 36 L. Ed. 247). VI. If, ...

Discussion: ■■■■■ | **Court:** Iowa | **Date:** October 1, 1902


721. [Solan v. Chicago, M. & St. P. R. Co.](#), 95 Iowa 260, 63 N.W. 692, 1895 Iowa Sup. LEXIS 286, 58 Am. St. Rep. 430, 28 L.R.A. 718 ◆

LB Cited by: 95 Iowa 260 p.263; 63 N.W. 692 p.693

... The statute was enacted by the state in the exercise of the police power with which it is vested, and it is

applicable to all contracts entered into within its jurisdiction. The question involved is not different in principle from that decided by the supreme court of the United States in what are known as the Granger Cases. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Chicago, B. & Q. R. Co. v. Iowa 94 U.S. 155, 24 L. Ed. 94; Peik v. Railway Co., 94 U.S. 164." Appellant ...


Discussion:  **Court:** Iowa | **Date:** May 1, 1895

722. [Owen v. Sioux City](#), 91 Iowa 190, 59 N.W. 3, 1894 Iowa Sup. LEXIS 228 

LB Cited by: 91 Iowa 190 p.196; 59 N.W. 3 p.4

... controlling importance, is this: that the record is not an affirmative showing that conditions, relations and circumstances of the character claimed as essential to the validity of the act do not exist. We are not aware of any rule whereby an act of the legislature must specify the conditions on which its validity must depend, but on the contrary, the court will assume the existence of such conditions until it is apparent that they do not exist. In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Iowa | **Date:** May 1, 1894

723. [Radford v. Thornell](#), 81 Iowa 709, 45 N.W. 890, 1891 Iowa Sup. LEXIS 226 

LB Cited by: 81 Iowa 709 p.714; 45 N.W. 890 p.891

... 68 Iowa 286, 25 N.W. 131; Railroad v. Husen, 95 U.S. 465, 5 Otto 465, 24 L. Ed. 527; License Cases, 5 HOW 504; **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77**. As bearing on the exclusive authority of the federal courts in matters that may affect property of a bankrupt estate, see Clark v. Ewing, 9 Biss. 440, 3 F. 83, where the statute giving to federal courts jurisdiction "of all matters and proceedings in bankruptcy" is to some extent construed, and other ...

Discussion:  **Court:** Iowa | **Date:** 1891

724. [Radford v. Thornell](#), 81 Iowa 709, 45 N.W. 890, 1891 Iowa Sup. LEXIS 456

LB Cited by:

... 68 Iowa 286, 25 N.W. 131; Railroad v. Husen, 95 U.S. 465, 5 Otto 465, 24 L. Ed. 527; License Cases, 5 HOW 504; **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77**. As bearing on the exclusive authority of the federal courts in matters that may affect property of a bankrupt estate, see Clark v. Ewing, 9 Biss. 440, 3 F. 83, where the statute giving to federal courts jurisdiction "of all matters and proceedings in bankruptcy" is to some extent construed, and other ...



Discussion:  **Court:** Iowa | **Date:** 1891



725. [Hart v. Chicago & N. W. R. Co.](#), 69 Iowa 485, 29 N.W. 597, 1886 Iowa Sup. LEXIS 301 

LB Cited by: 69 Iowa 485 p.491; 29 N.W. 597 p.599



... The statute was enacted by the state in the exercise of the police power with which it is vested, and it is applicable to all contracts entered into within its jurisdiction. The question involved is not different in principle from that decided by the supreme court of the United States, in what are known as the Granger Cases. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Chicago, B. & Q. R'y Co. v. Iowa, 94 U.S. 155; Peik v. Chicago & N. W. R'y Co., 94 U.S. 164. The judgment ...



Discussion:  **Court:** Iowa | **Date:** October 1, 1886



726. [Carton & Co. v. Illinois C. R. Co.](#), 59 Iowa 148, 13 N.W. 67, 1882 Iowa Sup. LEXIS 291 
- LB Cited by:** 59 Iowa 148 p.153; 13 N.W. 67 p.69
 ... in granting the charter especially reserved the right to part of the earnings of the road, and the power to do so was upheld upon the principle that if the State had itself built the road and operated it, it would have been entitled to its earnings. The cases of **State v. Munn, 94 U.S. 113, 24 L. Ed. 77** ; C., B. & Q. R. R. Co. v. Iowa 94 U.S. 155 ; and Peck v. C., & N. W. R. R. Co. , 94 U.S. 164 , do not appear to us to sanction the validity of acts of the State legislature regulating ...
- Discussion:**  **Court:** Iowa | **Date:** June 1, 1882

727. [Ahern v. Dubuque Lead & Level Mining Co.](#), 48 Iowa 140, 1878 Iowa Sup. LEXIS 73 
- LB Cited by:** 48 Iowa 140 p.144
 ... Legislature can fix the tolls to be charged by mill owners, and the owners of bridges; the charges to be made by the owner of wharves, docks, elevators, etc., and can prescribe a tariff of freights to be charged by railroad corporations. It is not claimed that a court and jury, or other tribunal, shall be called upon to determine the compensation to be charged in such cases. Dubuque v. Stout , 32 Iowa 80 ; Dubuque v. Stout , Id. 47; **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77** ...
- Discussion:**  **Court:** Iowa | **Date:** June 1, 1878

Kansas Supreme Court

728. [Hilburn v. Enerpipe Ltd.](#), 309 Kan. 1127, 442 P.3d 509, 2019 Kan. LEXIS 107, 2019 WL 2479464 
- LB Cited by:** 309 Kan. 1127 p.1137; 442 P.3d 509 p.516
 ... Its meaning was fixed in 1859. The proper method of constitutional change is by amendment, not legislation.' 246 Kan. at 369-70 (Herd , J., dissenting). "Even the case that is generally considered the source of recognition of legislative power to modify common law, **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** , is explicit about constitutional limitations on the power: 'Rights of property which have been created by the common law cannot be taken away without due process; but ...
- Discussion:**  **Court:** Kan. | **Date:** June 14, 2019 | **Headnotes::** HN12

729. [Miller v. Johnson](#), 295 Kan. 636, 289 P.3d 1098, 2012 Kan. LEXIS 480, 2012 WL 4773559 
- B Cited in Dissenting Opinion at:** 295 Kan. 636 p.706; 289 P.3d 1098 p.1141
Discussion:  **Court:** Kan. | **Date:** October 5, 2012


730. [Blue v. McBride](#), 252 Kan. 894, 850 P.2d 852, 1993 Kan. LEXIS 77 
- LB Cited by:** 252 Kan. 894 p.903; 850 P.2d 852 p.860
 ... 93 L.Ed. 632 , 69 S.Ct. 550 (1949)] ; Day-Brite Lighting, Inc. v. Missouri , 342 U.S. 421 [, 96 L.Ed. 469 , 72 S.Ct. 405 (1952)] . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134, [24 L.Ed. 77(1877)]** 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' "Secondly, the District Court held that it violated the Equal Protection Clause of the Fourteenth Amendment to subject opticians to this ...
- Discussion:**  **Court:** Kan. | **Date:** April 16, 1993 | **Headnotes::** HN13

731. [Energy Reserves Group, Inc. v. Kansas Power & Light Co.](#), 230 Kan. 176, 630 P.2d 1142, 1981 Kan. LEXIS 259, 71 Oil & Gas Rep. 228 

LB Cited by: 230 Kan. 176 p.189; 630 P.2d 1142 p.1153

... "Both the nature of the regulation provided by H.B. 2680, and the commodity regulated, are high on the list of priorities of governmental restrictions and regulations. I refer to price regulation and energy. There is an abundance of precedent for price control legislation much more stringent than H.B. 2680, beginning with **Munn v. Illinois, 94 U.S. 113** [, **24 L.Ed. 77**] (1876), and continuing through the Permian Basin Area Rate Cases, 390 U.S. 747 [, 20 L.Ed.2d 312, 88 S.Ct. 1344] ...


Discussion:  **Court:** Kan. | **Date:** July 17, 1981

732. [Manzanares v. Bell](#), 214 Kan. 589, 522 P.2d 1291, 1974 Kan. LEXIS 380 

LB Cited by: 214 Kan. 589 p.598; 522 P.2d 1291 p.1300

... Fourteenth Amendment to the United States Constitution and Section 18 of the Bill of Rights of the Kansas Constitution do not forbid the creation of new rights, or the abolition of rights recognized by the common law. (*Wright v. Pizel*, 168 Kan. 493, 214 P. 2d 328; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Silver v. Silver*, 280 U.S. 117, 74 L. Ed. 221, 50 S. Ct. 57.) In *Williams v. City of Wichita*, 190 Kan. 317, 374 P. 2d 578, we said: "... From the earliest days ...

Discussion:  **Court:** Kan. | **Date:** May 7, 1974

733. [Wright's Estate v. Pizel](#), 168 Kan. 493, 214 P.2d 328, 1950 Kan. LEXIS 344 

LB Cited by: 168 Kan. 493 p.502; 214 P.2d 328 p.334

... "It is within the power of the State to change or modify, in accord with its conceptions of public policy, the principles of the common law in regard to the relation of master and servant; and, in cases within the proper scope of the police power, to impose upon the master liability for the willful act of his employe." In **Munn v. Illinois, 94 U.S. 113, 24 L. ed. 77**, sustaining a statute of the state of Illinois which fixed maximum charges for the storage of grain in public warehouses within ...


Discussion:  **Court:** Kan. | **Date:** January 28, 1950

734. [Farmers' Co-op. Com. Co. v. Wichita Bd. of Trade](#), 121 Kan. 348, 246 P. 511, 1926 Kan. LEXIS 94, 54 A.L.R. 295 

LB Cited by: 121 Kan. 348 p.355; 246 P. 511 p.515

... The conduct of the grain business, as regulated by defendant, and the market information distributed by it, materially affect the price of wheat in Kansas. The evidence discloses but one other board of trade in the state--that at Hutchinson--although there may be others. Judged by the rules stated in the decided cases (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Stock Exchange v. Board of Trade et al.*, 127 Ill. 153, 19 N.E. 855; *House v. Mayes*, 219 U.S. 270, 55 L. Ed. 213, ...

Discussion:  **Court:** Kan. | **Date:** 1926

735. [State v. Howat](#), 116 Kan. 412, 227 P. 752, 1924 Kan. LEXIS 96 

LB Cited by: 116 Kan. 412 p.419; 227 P. 752 p.756

... and clothing and the transportation of freight and passengers were regarded as essential industries--a general shutting down of any of these would cause serious loss and injury to the public; by their

reasonably continuous and efficient operation the public would not suffer. But how was that to be accomplished by legislation? Predicated upon the doctrine of **Munn v. Illinois, 94 U.S. 113**, and allied cases, if the essential industries named were declared by the legislature to be impressed with ...

Discussion:  | **Court:** Kan. | **Date:** 1924

736. [Chicago, B. & Q. R. Co. v. Reed](#), 114 Kan. 190, 217 P. 322, 1923 Kan. LEXIS 56 

LB Cited by: 114 Kan. 190 p.197; 217 P. 322 p.325

... Indeed the state's present demand for restoration of this service is equivalent to an informal grant of permission to continue such business. For several years the defendants permitted their property to be devoted to a public use, and it is fundamental that such property is subject to governmental regulation. As said Chief Justice Waite, in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, 87**: "They entered upon their business and provided themselves with the means to carry it on subject to ...

Discussion:  | **Court:** Kan. | **Date:** July 1, 1923

737. [State ex rel. Helm v. Trego County Co-op. Tel. Co.](#), 112 Kan. 701, 212 P. 902, 1923 Kan. LEXIS 465



LB Cited by: 112 Kan. 701 p.703; 212 P. 902 p.903

... Indeed the state's present demand for restoration of this service is equivalent to an informal grant of permission to continue such business. For several years the defendants permitted their property to be devoted to a public use, and it is fundamental that such property is subject to governmental regulation. As said by Chief Justice Waite, in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, 87**: "They entered upon their business and provided themselves with the means to carry it on subject to ...


Discussion:  | **Court:** Kan. | **Date:** 1923

738. [Court of Industrial Relations v. Chas. Wolff Packing Co.](#), 109 Kan. 629, 201 P. 418, 1921 Kan. LEXIS 339 

LB Cited by: 109 Kan. 629 p.640; 201 P. 418 p.423

... The defendant argues that the compensation paid to its employees for services rendered is not affected with a public interest, but does not argue that the defendant's business is not affected with a public interest. In response to the defendant's argument we begin by quoting from **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, where the supreme court of the United States said: "This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine ...







Discussion:  | **Court:** Kan. | **Date:** July 1, 1921

739. [State ex rel. Hopkins v. Howat](#), 109 Kan. 376, 198 P. 686, 1921 Kan. LEXIS 146, 25 A.L.R. 1210 

LB Cited by: 109 Kan. 376 p.409; 198 P. 686 p.701

... contracts. The distinction, we think, has no basis in principle (*Noble State Bank v. Haskell*, 219 U.S. 104, 55 L. Ed. 112, 31 S. Ct. 186), nor has the other contention that the service which cannot be demanded cannot be regulated. " **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, is an instructive example of legislative power exerted in the public interest. The constitution of Illinois declared all elevators or storehouses, where grain or other property was stored for a compensation, ...

Discussion:  | **Court:** Kan. | **Date:** 1921

740. [State ex rel. Brewster v. Mohler](#), 98 Kan. 465, 158 P. 408, 1916 Kan. LEXIS 108 
- LB Cited by:** 98 Kan. 465 p.472; 158 P. 408 p.411
 ... no act is ever declared to be unconstitutional except where the party challenging it is directly affected and prejudiced by some specific invasion of his constitutional rights. A commission merchant's business is that of a warehouseman and sales agent. As a warehouseman, his business is subject to state control notwithstanding the goods which he handles may be commodities of interstate commerce. (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** .) As a sales agent, the commission merchant is ...
Discussion:  **Court:** Kan. | **Date:** July 1, 1916
-
741. [Ratcliff v. Wichita Union Stockyards Co.](#), 74 Kan. 1, 86 P. 150, 1906 Kan. LEXIS 1, 10 Am. Ann. Cas. (o.s.) 1016, 118 Am. St. Rep. 298, 6 L.R.A. (n.s.) 834 
- LB Cited by:** 74 Kan. 1 p.7; 86 P. 150 p.152
 ... supreme court of the United States there is little room for contention that the business of operating stockyards like those at the city of Wichita is not affected with a public interest, nor within the scope of legislative regulation. In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , it was expressly decided that a warehouseman who receives and stores grain for compensation is engaged in a business of a public nature; that the public has an interest in the use to which he devotes his property; ...
Discussion:  **Court:** Kan. | **Date:** 1906 | **Headnotes::** HN5
-
742. [Iola v. Birnbaum](#), 71 Kan. 600, 81 P. 198, 1905 Kan. LEXIS 190, 6 Am. Ann. Cas. (o.s.) 267 
- LB Cited by:** 71 Kan. 600 p.603; 81 P. 198 p.199
 ... of the individual to his body in its completeness and without dismemberment." (Bertholf v. O'Reilly , 74 N.Y. 509 , 515 , 30 Am. Rep. 323 .) "The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed." (Field , J., in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** .) Procedural Due Process, Scope of Protection Local Governments, Claims By & Against Intentional Torts, Assault & Battery HN3 The right to recover damages from municipalities on ...
Discussion:  **Court:** Kan. | **Date:** 1905
-
743. [State v. Durein](#), 70 Kan. 13, 80 P. 987, 1904 Kan. LEXIS 2 
- LB Cited by:** 70 Kan. 13 p.31; 80 P. 987 p.993
 ... it, equally conceded that the right to manufacture drink for one's own personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77** ...
Discussion:  **Court:** Kan. | **Date:** July 1, 1904 | **Headnotes::** HN4
-
744. [State v. Smiley](#), 65 Kan. 240, 69 P. 199, 1902 Kan. LEXIS 42, 67 L.R.A. 903 
- LB Cited by:** 65 Kan. 240 p.282; 69 P. 199 p.213
 ... meant than mere freedom from physical restraint or the bonds of a prison. It means freedom to go


where one may choose, and to act in such a manner, not inconsistent with the equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities and give to them their highest enjoyment." (Mr. Justice Field , in **Munn v. Illinois**, **94 U.S. 113**, **24 L. Ed. 77** .) The federal constitution ...

Discussion:  | **Court:** Kan. | **Date:** 1902

745. [In re Gray](#), 64 Kan. 850, 68 P. 658, 1902 Kan. LEXIS 289 


LB Cited by: 68 P. 658 p.658

Court: Kan. | **Date:** 1902

746. [Smalley v. Bowling](#), 64 Kan. 818, 68 P. 630, 1902 Kan. LEXIS 285 

LB Cited by: 64 Kan. 818 p.818


Court: Kan. | **Date:** 1902

747. [Missouri, K. & T. R. Co. v. Simonson](#), 64 Kan. 802, 68 P. 653, 1902 Kan. LEXIS 284, 91 Am. St. Rep. 248, 57 L.R.A. 765 

LB Cited by:

... important. It cannot be said, therefore, that a statute forbidding the carrier to dispute in court a written admission made by it as a basis of contract liability is an unwarranted exercise of legislative power. It must be borne in mind that the business of a common carrier is one which is "clothed with a public interest." That was pithily remarked by Sir Mathew Hale nearly 400 years ago. It was quoted by the supreme court of the United States in **Munn v. Illinois**, **94 U.S. 113**, **24 L. Ed. 77** ...

Discussion:  | **Court:** Kan. | **Date:** 1902

748. [State ex rel. Godard v. Johnson](#), 61 Kan. 803, 60 P. 1068, 1900 Kan. LEXIS 131, 49 L.R.A. 662 

LB Cited by: 61 Kan. 803 p.848; 60 P. 1068 p.1083

... by the railroad companies themselves, which the public claim are and will continue to be too high under prevailing conditions, that public may not have a standing in court likewise to adjudicate the question. The business of railroad transportation is of vital public concern. It is clothed with a public interest. It is not *juris privati* . That was decided in the case of **Munn v. Illinois**, **94 U.S. 113**, **24 L. Ed. 77** , and has been repeated in a multitude of decisions since that one was made. ...

Discussion:  | **Court:** Kan. | **Date:** 1900

749. [In re Pryor](#), 55 Kan. 724, 41 P. 958, 1895 Kan. LEXIS 256, 49 Am. St. Rep. 280, 29 L.R.A. 398 

LB Cited by: 55 Kan. 724 p.730; 41 P. 958 p.960

... statute hereinbefore fully quoted, a gas or water company may lay its pipes and mains through the streets of a city only with the consent of the municipal authorities, and under such regulations as they may prescribe; but the regulations are only as to the laying of pipes and mains, and have nothing to do with the price of the gas or water passing through the pipes and supplied to consumers. Counsel for the respondent cites the leading case of **Munn v. Illinois**, **94 U.S. 113**, **24 L. Ed. 77** ...


Discussion:  **Court:** Kan. | **Date:** July 1, 1895

750. [Board of R. Comm'rs v. Symns Grocer Co.](#), 53 Kan. 207, 35 P. 217, 1894 Kan. LEXIS 410 

LB Cited by: 53 Kan. 207 p.212; 35 P. 217 p.219


... just, because it has not yet reached and revised a rate for shipments of like merchandise under different conditions and in smaller quantities? We think not. It is well settled that it is competent for the state legislature to establish rates and classifications to be charged by railroad companies for the transportation of passengers or freight between points on their line within the state, and also that this power may be largely delegated to boards of commissioners. **Munn v. Illinois, 94 U. S. 113** ...

Discussion:  **Court:** Kan. | **Date:** January 6, 1894

751. [State v. Fulker](#), 43 Kan. 237, 22 P. 1020, 1890 Kan. LEXIS 81, 7 L.R.A. 183 

LB Cited by: 43 Kan. 237 p.241; 22 P. 1020 p.1022

Court: Kan. | **Date:** 1890

752. [Mikesell v. Durkee](#), 36 Kan. 97, 12 P. 351, 1886 Kan. LEXIS 10 

LB Cited by: 36 Kan. 97 p.98; 12 P. 351 p.352

... enjoin the same. And they seem further to admit that the railroad in the present case is a private railroad and a railroad for merely private purposes, unless it is public by virtue of its being used in connection with the defendants' grain elevator. They claim, however, that this use of the railroad makes it a public railroad and a railroad for public purposes. The only authority, however, which they cite as furnishing any support to this claim, is the case of **Munn v. Illinois, 94 U.S. 113** ...

Discussion:  **Court:** Kan. | **Date:** July 1, 1886


753. [Hardy v. Atchison, T. & S. F. R. Co.](#), 32 Kan. 698, 5 P. 6, 1884 Kan. LEXIS 257 

LB Cited by: 32 Kan. 698 p.715; 5 P. 6 p.13

... Our opinion is, therefore, that § 57--which was repealed by the legislature in 1883--if intended to apply to inter-state commerce, was in violation of the constitution of the United States, and therefore void. The conclusion we have reached could not be disputed, were it not for the case of *Peik v. Chicago & Northwestern Rly. Co.*, 94 U.S. 164, 24 L. Ed. 97, and the language of the court in **Munn v. State of Illinois, 94 U.S. 113, 24 L. Ed. 77**, and *Railroad Co. v. Iowa*, id. 155. We ...

Discussion:  **Court:** Kan. | **Date:** July 1, 1884


Kansas Court of Appeals

754. [Pardo v. UPS](#), 56 Kan. App. 2d 1, 422 P.3d 1185, 2018 Kan. App. LEXIS 30, 2018 WL 2454921 

LB Cited by: 56 Kan. App. 2d 1 p.12; 422 P.3d 1185 p.1195


... § 18 of the Bill of Rights of the Kansas Constitution do not forbid the creation of new rights, or the abolition of rights recognized by the common law." *Manzanares v. Bell*, 214 Kan. 589, 598, 522 P.2d 1291 (1974); see **Munn v. Illinois, 94 U.S. (4 Otto) 113, 134-35, 24 L. Ed. 77(1876)**. "No one has a vested right in common-law rules governing negligence actions which would preclude substituting a viable statutory remedy for one available at common law. The legislature can modify ...

Discussion:  **Court:** Kan. Ct. App. | **Date:** June 1, 2018 | **Headnotes:** HN12

755. [STATE v. WILSON](#), 7 Kan. App. 428, 53 P. 371, 1898 Kan. App. LEXIS 347 

LB Cited by: 7 Kan. App. 428 p.437; 53 P. 371 p.374

... "The question in each case is whether the legislature has adopted the statute in the exercise of a reasonable discretion, or whether its action be a mere excuse for an unjust discrimination or the oppression or spoliation of a particular class." We are not to inquire into the motive nor to question the wisdom of the legislature in the enactment of the present law. In **Munn v. Illinois, 94 U.S. 113, 132, 24 L. Ed. 77**, which involved the construction of a statute regulating elevator charges, ...

Discussion:  **Court:** Kan. Ct. App. | **Date:** March 1, 1898

Kentucky Supreme Court

756. [Crafton v. Board of Trustees](#), 554 S.W.2d 82, 1977 Ky. LEXIS 484 

LB Cited by: 554 S.W.2d 82 p.84

... If we were to believe that either one or both of these methods were unwise or foolish, we could not refuse to recognize or enforce them. The General Assembly has the right to be illogical and at times even frivolous. "For protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**. The decision of the Court of Appeals is affirmed and the cause is remanded to the Henderson Circuit Court ...


Discussion:  **Court:** Ky. | **Date:** July 1, 1977 | **Headnotes:** HN13

757. [Kentucky Traction & Terminal Co. v. Murray](#), 176 Ky. 593, 195 S.W. 1119, 1917 Ky. LEXIS 86 

LB Cited by: 176 Ky. 593 p.601; 195 S.W. 1119 p.1122

... case be invoked. The presumption is that when public contracts are entered into it is with the knowledge that parties cannot by making agreements on subjects involving the rights of the public withdraw such charges from the police power of the legislature." To the same effect are the following authorities: State, ex rel v. Superior Court, 67 Wash. 37, 120 P. 861; Home Telephone Co. v. Los Angeles, 211 U.S. 265, 53 L. Ed. 176, 29 S. Ct. 50; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Ky. | **Date:** June 22, 1917

758. [Illinois C. R. Co. v. Doherty's Adm'r](#), 153 Ky. 363, 155 S.W. 1119, 1913 Ky. LEXIS 849, 47 L.R.A. (n.s.) 31 

LB Cited by: 153 Ky. 363 p.378; 155 S.W. 1119 p.1125

... Hennington v. Georgia, 163 U.S. 299, 41 L. Ed. 166, 16 S. Ct. 1086; Gladson v. Minnesota, 166 U.S. 427, 41 L. Ed. 1064, 17 S. Ct. 627; Sinnot, &c., v. Davenport, &c., 22 How. 227, 16 L. Ed. 243; Fitch v. Livingston, 4 Sandford 492, and **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. It will also be noticed that the Act itself says that it is for the benefit of interstate employes in "certain cases," and those employes having no one dependent upon them are excluded. I also ...


Discussion:  **Court:** Ky. | **Date:** April 23, 1913

759. [Commonwealth v. Hodges](#), 137 Ky. 233, 125 S.W. 689, 1910 Ky. LEXIS 562 

LB Cited by: 137 Ky. 233 p.244; 125 S.W. 689 p.692

... Constitutions; and the courts cannot look further into the propriety of a penal statute than to ascertain whether the Legislature had the power to enact it. In the case of state enactments the court does not have to look for a specific grant of power authorizing the passage of the law; the court simply has to ascertain whether or not the power has been denied. If there is doubt, the expressed will of the Legislature should be sustained. **Munn v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Ky. | **Date:** February 24, 1910

760. [Bedford-Bowling Green Stone Co. v. Oman](#), 115 Ky. 369, 73 S.W. 1038, 24 Ky. L. Rptr. 2274, 1903 Ky. LEXIS 107 

LB Cited by: 115 Ky. 369 p.379; 73 S.W. 1038 p.1040

... annexed; and they are required to supply, to the extent of their resources, adequate facilities for the transaction of all business offered, and to deal fairly and impartially with their patrons. *McCoy v. C., I. St. L. & C. R. R. Co. (C. C.)*, 13 F. 3 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . And they have no right to contract with a corporation or individual to give exclusive rights to transfer any commodity over any part of their line. . . . The contention is made for the railroad ...

Discussion:  **Court:** Ky. | **Date:** April 28, 1903

761. [Louisville & N. R. Co. v. Pittsburg v. K. Coal Co.](#), 111 Ky. 960, 64 S.W. 969, 23 Ky. L. Rptr. 1318, 1901 Ky. LEXIS 268, 98 Am. St. Rep. 447, 55 L.R.A. 601 

LB Cited by: 111 Ky. 960 p.963; 64 S.W. 969 p.970

... the purpose of exercising the functions and performing the duties of common carriers. These duties are defined by law, and in accepting their charters they necessarily took with them all the duties and liabilities annexed; and they are required to supply, to the extent of their resources, adequate facilities for the transaction of all business offered, and to deal fairly and impartially with their patrons. *McCoy v. Railroad Co. (C. C.)* 13 F. 3 ; **Munn v. Illinois, 94 U.S. 113 (24 L. Ed. 77 ...**


Discussion:  **Court:** Ky. | **Date:** November 13, 1901

762. [Louisville Tobacco Warehouse Co. v. Commonwealth](#), 106 Ky. 165, 49 S.W. 1069, 20 Ky. L. Rptr. 1747, 1899 Ky. LEXIS 15, 57 L.R.A. 33 

LB Cited by: 106 Ky. 165 p.173; 49 S.W. 1069 p.1071

... *Clark v. Louisville Water Co.*, 90 Ky. 515 , [14 S.W. 502] ; *Com. v. Mackibben*, 90 Ky. 384 , [29 Am. St. Rep., 382 ; 14 S.W. 372] . Nor do we think, under the case of *Nash v. Page*, 80 Ky. 539 , [44 Am. St. Rep., 490] , following the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , that property becomes clothed with a public interest when used in a manner to make it of public consequence, and to affect the community at large. "When, therefore, one devotes his property to a use ...

Discussion:  **Court:** Ky. | **Date:** March 14, 1899

763. [Union Nat'l Bank v. Brown](#), 101 Ky. 354, 41 S.W. 273, 19 Ky. L. Rptr. 540, 1897 Ky. LEXIS 203, 72 Am. St. Rep. 420, 38 L.R.A. 503 


LB Cited by: 101 Ky. 354 p.358; 41 S.W. 273 p.273

... powers for the protection of the inhabitants of a State. These are local matters, and must be governed and regulated by the State. (See *U.S. v. Dewitt*, 76 U.S. 41 , 9 Wall. 41 , 19 L. Ed. 593 ; *U.S. v. Reese*, 92 U.S. 214 , 23 L. Ed. 563 ; **Munn v. Ills., 94 U.S. 113, 24 L. Ed. 77** ; Civil Rights cases, 109 U.S. 3 ,

Shepard's®: Munn v. Illinois, 94 U.S. 113

and Breechbill v. Randolph, 102 Ind. 528 ; Tod v. Wick, 36 Ohio St. 370 .) In the case of Patterson v. the State of Kentucky., 97 U.S. 501 , 24 L. Ed. 1115 , the court ...

Discussion:  **Court:** Ky. | **Date:** May 29, 1897

764. [Ohio & M. R. Co. v. Tabor](#), 98 Ky. 503, 32 S.W. 168, 17 Ky. L. Rptr. 568, 1895 Ky. LEXIS 8 

LB Cited by: 98 Ky. 503 p.515


... of the police power with which it is vested, and it is applicable to all contracts entered into within its jurisdiction. The question involved is not different in principle from that decided by the Supreme Court of the United States in what are known as the Granger Cases. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Chicago , B. & Q. Ry. Co. v. Iowa , Id. , 155 ; Peik v. Chicago & N. W. Ry. Co., Id. , 164 ." It seems clear to us that the contract relied upon by appellant is in ...

Discussion:  **Court:** Ky. | **Date:** September 24, 1895

765. Ohio & M. R. Co. v. Tabor, 36 S.W. 18, 17 Ky. L. Rptr. 1411

LB Cited by: 36 S.W. 18 p.21

Court: Ky. | **Date:** September 24, 1895

766. [Nash v. Page](#), 80 Ky. 539, 4 Ky. L. Rptr. 477, 1882 Ky. LEXIS 100, 44 Am. Rep. 490 

LB Cited by: 80 Ky. 539 p.545


Court: Ky. | **Date:** December 14, 1882

Kentucky Court of Appeals

767. [Louisville & N. R. Co. v. Central Stock Yards Co.](#), 133 Ky. 148, 97 S.W. 778, 30 Ky. L. Rptr. 18, 1906 Ky. LEXIS 276 

LB Cited by: 133 Ky. 148 p.176; 97 S.W. 778 p.788

... And looking to the decisions of the courts of last resort of other States with respect to such contracts we find nearly all of them in harmony with our own; those here cited being strongly in point. Peoria & R. I. R. Co. v. C. V. M. Co., 68 Ill. 489 ; **Munn v. Ill., 94 U.S. 113, 24 L. Ed. 77** ; McCoy v. Railroad Co. (C. C.) 13 F. 3 ; Inter Ocean Co. v. Associated Press, 184 Ill. 438 , 56 N.E. 822 , 48 L. R. A. 568 , 75 Am. St. Rep. 184 ; Chicago & N.W. R. Co. v. People, 56 Ill. ...

Discussion:  **Court:** Ky. Ct. App. | **Date:** November 15, 1906

Kentucky

768. Louisville Tobacco Warehouse Co. v. Commonwealth, 48 S.W. 420, 20 Ky. L. Rptr. 1047

LB Cited by: 48 S.W. 420 p.425

Date: 1898

769. [Covington & L. Turnpike Road Co. v. Sandford](#), 20 S.W. 1031, 14 Ky. L. Rptr. 689 

LB Cited by: 20 S.W. 1031 p.1033

Date: 1893

Other Kentucky Decisions

770. [In the Matter of: THE PETITION BY AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC. FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE SOUTH INCORPORATED CONCERNING INTERCONNECTION AND RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996](#), 1997 Ky. PUC LEXIS 1245

LB Cited by:

... . However, the Commission rejects GTE's argument to the extent it implies GTE has some inalienable right to a particular level of profit. Furthermore, property which has been dedicated to a public purpose can be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois, 94 U.S. 113, 126(1876)** . Thus, to the limited extent that collocation and unbundled facilities requirements may constitute a "taking," there is no constitutional violation ...

Court: Ky. P.S.C. | **Date:** February 14, 1997

771. [In the Matter of: THE PETITION BY AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC. FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE SOUTH INCORPORATED CONCERNING INTERCONNECTION AND RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996](#), 1997 Ky. PUC LEXIS 193

LB Cited by:

... . However, the Commission rejects GTE's argument to the extent it implies GTE has some inalienable right to a particular level of profit. Furthermore, property which has been dedicated to a public purpose can be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois, 94 U.S. 113, 126(1876)** . Thus, to the limited extent that collocation and unbundled facilities requirements may constitute a "taking," there is no constitutional violation ...

Court: Ky. P.S.C. | **Date:** February 14, 1997

772. [In the Matter of: THE PETITION BY AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC. FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE SOUTH INCORPORATED CONCERNING INTERCONNECTION AND RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996](#), 1997 Ky. PUC LEXIS 1247

LB Cited by:

... . However, the Commission rejects GTE's argument to the extent it implies GTE has some inalienable right to a particular level of profit. Furthermore, property which has been dedicated to a public purpose can be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois, 94 U.S. 113, 126(1876)** . Thus, to the limited extent that collocation and unbundled facilities requirements may constitute a "taking," there is no constitutional violation ...

Court: Ky. P.S.C. | **Date:** January 29, 1997

773. [In the Matter of: THE PETITION BY AMERICAN COMMUNICATIONS SERVICES, INC., AND ITS LOCAL EXCHANGE OPERATING SUBSIDIARIES, FOR ARBITRATION WITH GTE SOUTH, INC. AND CONTEL OF KENTUCKY PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996](#), 1997 Ky. PUC LEXIS 1233

LB Cited by:

... The Commission does not agree that a "taking" occurs in such a cross-connection if GTE is justly compensated. Property which has been dedicated to a public purpose may be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois, 94 U.S.**

113, 126(1876) . Moreover, the portion of the FCC Order that requires GTE to permit cross-connection has not been stayed, and its provisions are binding. Accordingly, cross connection between collocated ...

Court: Ky. P.S.C. | **Date:** January 17, 1997

774. [In the Matter of: THE PETITION BY AMERICAN COMMUNICATIONS SERVICES, INC., AND ITS LOCAL EXCHANGE OPERATING SUBSIDIARIES, FOR ARBITRATION WITH GTE SOUTH, INC. AND CONTEL OF KENTUCKY PURSUANT TO THE TELECOM-MUNICATIONS ACT OF 1996](#), 1997 Ky. PUC LEXIS 189

LB Cited by:

... The Commission does not agree that a "taking" occurs in such a cross-connection if GTE is justly compensated. Property which has been dedicated to a public purpose may be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois,94 U.S. 113, 126(1876)** . Moreover, the portion of the FCC Order that requires GTE to permit cross-connection has not been stayed, and its provisions are binding. Accordingly, cross connection between collocated ...

Court: Ky. P.S.C. | **Date:** January 17, 1997

775. [In the Matter of: PETITION BY MCI FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE SOUTH CASE NO. 96-4 INCORPORATED CONCERNING INTERCONNECTION AND RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996](#), 1996 Ky. PUC LEXIS 433

LB Cited by:

... . However, the Commission rejects GTE's argument to the extent it implies GTE has some inalienable right to a particular level of profit. Furthermore, property which has been dedicated to a public purpose can be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois,94 U.S. 113, 126(1876)** . Thus, to the limited extent that collocation and unbundled facilities requirements may constitute a "taking," there is no constitutional violation ...

Court: Ky. P.S.C. | **Date:** December 23, 1996

776. [In the Matter of: PETITION BY MCI FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE SOUTH INCORPORATED CONCERNING INTERCONNECTION AND RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996](#), 1996 Ky. PUC LEXIS 248

LB Cited by:

... However, the Commission rejects GTE's argument to the extent it implies GTE has some inalienable right to a particular level of profit. Furthermore, property which has been dedicated to a public purpose can be regulated and even physically occupied if the regulation involves the dedicated public purpose. **Munn v. Illinois,94 U.S. 113, 126(1876)** . Thus, to the limited extent that collocation and unbundled facilities requirements may constitute a "taking," there is no constitutional violation ...

Court: Ky. P.S.C. | **Date:** December 23, 1996

Louisiana Supreme Court

777. [City of Baton Rouge v. Ross](#), La. 94-0695, 654 So. 2d 1311, 1995 La. LEXIS 1142 ▲

LB Cited by: 654 So. 2d 1311 p.1319

... not constitutionally delegated to the federal government or constitutionally appropriated by the federal Congress , as the residuary sovereigns in our federal system. See *Brown v. Maryland* , 25 U.S. (12

Wheat) 419 , 6 L.Ed. 678 (1827) ; **Munn v. Illinois, 94 U.S. (4 Otto) 145, 24 L.Ed. 77(1859)** . In Louisiana , "the constitution presupposes the existence of the police power and is to be construed with reference to that fact." Borden v. Louisiana State Board of Education , 123 ...


Discussion:  | **Court:** La. | **Date:** April 28, 1995

778. [Amato v. Latter & Blum, Inc.](#), 227 LA. 537, 79 So. 2d 873, 1955 La. LEXIS 1273 

LB Cited by: 227 LA. 537 p.542; 79 So. 2d 873 p.875

... Charles Wolff Packing Co. v. Court of Industrial Relations of State of Kansas, 262 U.S. 522 , 43 S.Ct. 630 , 633 , 67 L.Ed. 1103 , the United States Supreme Court stated: "* * * The circumstances which clothe a particular kind of business with a public interest, in the sense of Munn v. [State of] Illinois ", **94 U.S. 113, 24 L.Ed. 77** , "and the other cases, must be such as to create a peculiarly close relation between the public and those engaged in it, and raise implications of an affirmative ...

Discussion:  | **Court:** La. | **Date:** March 21, 1955

779. [Bd. of Barber Examiners v. Parker](#), 190 LA. 214, 182 So. 485, 1938 La. LEXIS 1285 

LB Cited by:

... , 95 So. 805 , 27 A.L.R. 1526 ; Bacon v. Walker, 204 U.S. 311 , 317 , 27 S.Ct. 289 , 51 L.Ed. 499 . Mr. Chief Justice Waite, in the case of **Munn v. Illinois, 1876,94 U.S. 113, 124, 24 L.Ed. 77, 83** , put the foregoing fundamental principle of democratic government in the following words: "When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. ...

Discussion:  | **Court:** La. | **Date:** May 30, 1938

780. [Board of Barber Examiners v. Parker](#), 190 LA. 214, 182 So. 485, 1938 La. LEXIS 1284 

LB Cited by: 190 LA. 214 p.257, p.276; 182 So. 485 p.499, p.505

... nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois,94 U.S. 113, 24 L Ed. 77** ." The court then goes on to discuss and show the applicability of the decision in **Munn v. Illinois**, ...


Discussion:  | **Court:** La. | **Date:** March 7, 1938

781. [New Orleans v. Le Blanc](#), 139 La. 113, 71 So. 248, 1915 La. LEXIS 2098

LB Cited by:

... exercise of the right to control the location and erection of gasworks is within the power conferred by the Legislature upon the city, the act of the municipality in question cannot be reviewed, because so to do would be a substitution of the judgment of the court for that of the council upon a matter left within the exclusive control of the legislative body. To support this conclusion, a citation is made from the opinion of this court in the case of **Munn v. Illinois,94 U. S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** La. | **Date:** November 29, 1915

782. [New Orleans v. Le Blanc](#), 139 LA. 113, 71 So. 248, 1915 La. LEXIS 2098, 1916 La. LEXIS 1764 

LB Cited by: 139 LA. 113 p.128; 71 So. 248 p.254

Court: La. | **Date:** 1915

783. [Morgan's L. & T. R. & S. S. Co. v. Railroad Com. of Louisiana](#), 127 LA. 636, 53 So. 890, 1910 La. LEXIS 875 

LB Cited by: 127 LA. 636 p.669; 53 So. 890 p.901

... , supra, and is supported by previous decisions in the following, among other, cases, to wit: **Granger Cases, 94 U.S. 113, 155, 165, 179, 180, 181, 24 L. Ed. 77, 94, 97, 99, 102** ; Railroad Commission Cases, 116 U.S. 307 , 331 , 6 Sup. Ct. 334 , 388 , 1191 , 29 L. Ed. 636 ; Dow v. Beidelman, 125 U.S. 689 , 8 Sup. Ct. 1028 ...


Discussion:  | **Court:** La. | **Date:** November 14, 1910

784. [Morgan's L. & T. R. & S. S. Co. v. Railroad Com. of Louisiana](#), 109 LA. 247, 33 So. 214, 1902 La. LEXIS 145 

LB Cited by:

... Plaintiffs cite Metropolitan Trust Co. v. Houston & T. C. R. Co. of Texas (C. C.) 90 Fed. 683 ; Southern Pac. Co. v. Board of Railroad Com'rs (C. C.) 78 Fed. 236 ; Reagan v. Trust Co., 154 U.S. 362 -407, 14 Sup. Ct. 1047 , 38 L. Ed. 1014 ; **Munn v. Illinois (Granger Cases) 94 U.S. 113, 24 L. Ed. 77** ; Railroad Co. v. Tompkins, 176 U.S. 167 , 20 Sup. Ct. 336 , 44 L. Ed. 417 ; Stone v. Trust Co., 116 U.S. 307 , 6 Sup. Ct. 334 , 388 , 1191 , 29 L. Ed. 636 ...

Discussion:  | **Court:** La. | **Date:** December 15, 1902

785. [State v. Canal & C. R. Co.](#), 50 La. Ann. 1189, 24 So. 265, 1898 La. LEXIS 365, 56 L.R.A. 287 

LB Cited by: 50 La. Ann. 1189 p.1205; 24 So. 265 p.271

Court: La. | **Date:** June 21, 1898

786. [State v. Blaser](#), 36 La. Ann. 363, 1884 La. LEXIS 130 

LB Cited by: 36 La. Ann. 363 p.367

... , 28, 577 ; 6 Ala. 899 ; 7 Ind. 86 ; 8 Ind. 34 , 57 ; 11 Rich. S. C. Law, 55; 25 Mo. 37 ; 3 Wall. 320 ; 12 Wall. 349 ; **94 U.S. 113, 125** ; 97 U.S. 25 . See also our jurisprudence in the following cases: 2 La. 219 ; 4 La. Ann. 278 , 335 ; 14 La. Ann. 842 ; 15 La. Ann. 337 ; 23 La. Ann. 723 ; 26 La. Ann. 340 ; 31 La. Ann. 828 ; ...

Discussion:  | **Court:** La. | **Date:** March 1, 1884 | **Headnotes::** HN5

Other Louisiana Decisions

787. [GENERAL ORDER \(CORRECTED\) 1 Section 7\(A\)\(2\) and the title to Section 7 have been revised to be consistent with Staff's final proposed changes to the September 20, 1983 General Order, which were approved by the Commission at the October 15, 2008 Business & Executive Session.](#), 2009 La. PUC LEXIS 105

LB Cited by:

... This section is a replication of what was provided in the September 20, 1983 General Order. For many years it has been recognized that utility property is impressed with a public interest, and, hence, the enterprise is subject to regulation. This principal originated in this country with the case of **Munn v. Illinois, 94 U.S. 113(1877)**, and has remained viable to this time. The objectives of regulation have been variously stated, as supplying a competitive equivalent in a monopoly situation, ...

Court: La. P.S.C. | **Date:** May 27, 2009

788. [\[NO NAME IN ORIGINAL\]](#), 2008 La. PUC LEXIS 254

LB Cited by:

... This section is a replication of what was provided in the September 20, 1983 General Order. For many years it has been recognized that utility property is impressed with a public interest, and, hence, the enterprise is subject to regulation. This principal originated in this country with the case of **Munn v. Illinois, 94 U.S. 113(1877)**, and has remained viable to this time. The objectives of regulation have been variously stated, as supplying a competitive equivalent in a monopoly situation, ...

Court: La. P.S.C. | **Date:** October 29, 2008

789. [Ex parte Southern Bell Telephone & Telegraph Company](#), 1958 La. PUC LEXIS 3

LB Cited by:

... Constitution has prescribed no formula or technique for the precise implementation of our authority to fix "reasonable and just" rates. We are, therefore, obliged to explore other sources for proper guidance. In the case of *Colorado Interstate Gas Co. v. Federal Power Commission* (1945) 324 US 581, 58 PUR NS 65, 71, 89 L ed 1206, 65 S Ct 829, the United States Supreme Court said: "Rate making is essentially a legislative function. **Munn v. Illinois (1877) 94 US 113, 24 Led 77** ...

Court: La. P.S.C. | **Date:** October 10, 1958

Maine Supreme Judicial Court

790. [State v. Johnson](#), 265 A.2d 711, 1970 Me. LEXIS 264, 1 Env't Rep. Cas. (BNA) 1353, 46 A.L.R.3d 1414

**LB Cited by:** 265 A.2d 711 p.714

... Our State has applied a strict construction of the constitutional provisions as to land. See Opinion of the Justices, 103 Me. 506, 511, 69 A. 627, and *State v. McKinnon*, 153 Me. 15, 20, 133 A.2d 885. We find no constitutional definition of the word "deprive," **Munn v. Illinois, 94 U.S. 113, 123, 24 L. Ed. 77**, since Fundamental Rights, Eminent Domain & Takings Local Governments, Police Power Governments, Police Powers HN13 The constitutionally protected right of property is ...

Discussion: | **Court:** Me. | **Date:** May 21, 1970


791. [Maine Milk Com. v. Cumberland Farms Northern, Inc.](#), 160 Me. 366, 205 A.2d 146, 1964 Me. LEXIS 43

LB Cited by: 160 Me. 366 p.373; 205 A.2d 146 p.149

... to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. * * * * So far as the

requirement of due process is concerned, and in the absence of other constitutional restriction, ...

Discussion:  **Court:** Me. | **Date:** December 3, 1964

792. [Application of Casco Castle Co.](#), 141 Me. 222, 42 A.2d 43, 1945 Me. LEXIS 8 

LB Cited by: 141 Me. 222 p.227; 42 A.2d 43 p.45

... which recognize that there are circumstances which will justify the withdrawal of property devoted to public service from such a use. From two cases language is quoted which carries implication that the issue is for determination by the property owner. In **Munn et al. v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77**, Mr. Justice Waite speaking for a majority of the Court declared that although one who devoted his property to public service granted the public a right therein and must submit ...

Discussion:  **Court:** Me. | **Date:** March 30, 1945

793. [State v. Old Tavern Farm, Inc.](#), 133 Me. 468, 180 A. 473, 1935 Me. LEXIS 46, 101 A.L.R. 810 

LB Cited by: 133 Me. 468 p.474; 180 A. 473 p.476

... , 101 Va. 473 , 44 S.E. 717 ; Adams v. Milwaukee , 144 Wis. 371 , 129 N.W. 518 , affirmed 228 U.S. 572 , 57 L. Ed. 971 , 33 S. Ct. 610 . **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , and German Alliance Insurance Company v. Lewis , 233 U.S. 389 , 58 L. Ed. 1011 , 34 S. Ct. 612 , sustain the right of a State to control private business when clothed with a public use. These two cases, however, go only to fixing prices. ...

Discussion:  **Court:** Me. | **Date:** July 22, 1935

794. [In re Searsport Water Co.](#), 118 Me. 382, 108 A. 452, 1919 Me. LEXIS 105 

LB Cited by: 118 Me. 382 p.387; 108 A. 452 p.455

... However, neither the conclusions nor the reasoning can be said to be harmonious in all the decisions. Certain principles are no longer questioned. The control or regulation of rates by public utilities is a legislative or governmental function and a legitimate exercise of the police powers of the state. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Minnesota Rate Cases , 230 U.S. 352 , 413-415 , 433 , 57 L. Ed. 1511 , 33 S. Ct. 729 . Kennebec Water Dist. v. Waterville , 97 Me. ...


Discussion:  **Court:** Me. | **Date:** December 9, 1919

795. [In re Guilford Water Co.'s Service Rates](#), 118 Me. 367, 108 A. 446, 1919 Me. LEXIS 104 

LB Cited by: 118 Me. 367 p.371; 108 A. 446 p.448

... plenary power to determine what quantity of money should be paid by the Sangerville Company to the Guilford Company for water to be supplied the former by the latter. That the State, as an attribute of sovereignty, is endowed with authority to regulate the rates of charges of Public Utilities, is past dispute. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Home Teleph. & Teleg. Co. v. Los Angeles , 211 U.S. 265 , 53 L. Ed. 176 , 29 S. Ct. 50 ; Minnesota Rate Cases , 230 U.S. 352 , 57 ...


Discussion:  **Court:** Me. | **Date:** December 1, 1919 | **Headnotes:** HN5

796. [Brown v. Gerald](#), 100 Me. 351, 61 A. 785, 1905 Me. LEXIS 68, 109 Am. St. Rep. 526, 70 L.R.A. 472 

LB Cited by: 100 Me. 351 p.372; 61 A. 785 p.794

... obligation to the public to perform all those duties in which the public are interested, and to aid in the performance of which the right of eminent domain was granted. It can be compelled to perform them, and at reasonable rates. It subjects itself to public regulation and control, and to forfeiture of its charter for failure to perform. It devotes its property to public use, and in a way the public have acquired an interest in the use of the property. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Me. | **Date:** June 29, 1905

797. [Kennebec Water Dist. v. Waterville](#), 97 Me. 185, 54 A. 6, 1902 Me. LEXIS 30, 60 L.R.A. 856 

LB Cited by: 97 Me. 185 p.201; 54 A. 6 p.12

... It must serve the public faithfully and impartially, and must charge no more than reasonable rates for service. Brunswick Gas Light Co. v. United Gas Fuel & Light Co., 85 Me. 532, 35 Am. St. Rep. 385, 27 A. 525. The Legislature may limit the tolls of such a corporation so that they shall be reasonable. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Smyth v. Ames, 169 U.S. 466, 42 L. Ed. 819, 18 S. Ct. 418. Unreasonable charges may be reached by the restraining hand of the ...

Discussion:  **Court:** Me. | **Date:** December 27, 1902

798. [State v. Edwards](#), 86 Me. 102, 29 A. 947, 1893 Me. LEXIS 81, 41 Am. St. Rep. 528, 25 L.R.A. 504 

LB Cited by: 86 Me. 102 p.105; 29 A. 947 p.948

... In the latter case, it is a private enterprise that serves the public and in which it is interested to the extent of its necessities and convenience. The former is clearly within the control of the legislature, while the latter may not be. Many authorities, however, go to that extent. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Budd v. New York, 143 U.S. 517, 36 L. Ed. 247, 12 S. Ct. 468, and cases cited. The public is interested to be well and reasonably served at the store of ...

Discussion:  **Court:** Me. | **Date:** December 19, 1893

799. [Boston & M. R. Co. v. County Comm'rs of York County](#), 79 Me. 386, 10 A. 113, 1887 Me. LEXIS 92



LB Cited by: 79 Me. 386 p.395; 10 A. 113 p.115

... crossing, the lighting of the railroad in cities and villages." Pierce on Railroads, 462. Although the charter may have prescribed one kind of fence to be built by the railroad company, the legislature may afterward lawfully require another kind of fence. Pierce on Railroads, 463. Neither is this police power confined to saving life or limb. It may protect business interests by prohibiting discriminations, by regulating tariffs, by enforcing facilities for the public. Munn's case, **94 U.S. 113 ...**

Discussion:  **Court:** Me. | **Date:** June 2, 1887

Other Maine Decisions

800. [MAINE PUBLIC UTILITIES COMMISSION](#), 2011 Me. PUC LEXIS 239

LB Cited by:

... Prosecutorial staff advocates for setting a high standard as is befitting of the special care that should be shown by a utility operating in the public interest in matters of consequence to its customers and the public. As support for the application of such a high standard of care, prosecutorial staff cites the seminal case of **Munn v. Illinois, 94 U.S. 113, 126(1877)** and its progeny, without, however, satisfactorily explaining how the legal and policy justifications for checking the ...

Court: Me. P.U.C. | **Date:** May 13, 2011

801. [Kimball Lake Shores Association & Douglas P. Forbes](#), 1980 Me. PUC LEXIS 1

LB Cited by:

... Court, in this case, seems habituated to overstatement. Although the necessity of the service provided may influence whether it is to be considered as a public utility, it tells one very little about whether that service is devoted to public or private use. Possibly, the Court was confusing the "public use" test with the "affected with a public interest" test, announced in a series of cases represented by **Munn v. Illinois, 94 U.S. 113(1876)**, and which merely provides the constitutional ...

Court: Me. P.U.C. | **Date:** January 31, 1980

Maryland Court of Appeals

802. [Delmarva Power & Light Co. v. PSC](#), 370 Md. 1, 803 A.2d 460, 2002 Md. LEXIS 155 ▲

LB Cited by: 370 Md. 1 p.6; 803 A.2d 460 p.463

... governments eventually came to accept the principle, as a matter of political economy, that the public good was best served by not only permitting, but assuring, a monopolistic structure, coupled with extensive government control over the rates, service, and operations of such a structure. See Herbert Hovenkamp, *Technology, Politics, and Regulated Monopoly: An American Historical Perspective*, 62 TEX. L. REV. 1263, 1282-84 (1984); **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** ...

Discussion: ■■■■■ | **Court:** Md. | **Date:** April 8, 2002

803. [AT&T v. State Dep't of Assessments & Taxation](#), 345 Md. 596, 693 A.2d 815, 1997 Md. LEXIS 59 ⓘ

LB Cited by: 345 Md. 596 p.604; 693 A.2d 815 p.819

... Stripped of any reference to time or other circumstances, the term "public utility" does not have a plain meaning that includes as an essential element the enjoyment of a natural monopoly. For example, an article by G. Robinson, *The Public Utility Concept in American Law*, 41 Harv. L. Rev. 277 (1928), was written in the period after **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**, but before *Nebbia v. New York*, 291 U.S. 502, 54 S. Ct. 505, 78 L. Ed. 940 (1934). The author ...

Discussion: ■■■■■ | **Court:** Md. | **Date:** May 9, 1997

804. [Murphy v. Edmonds](#), 325 Md. 342, 601 A.2d 102, 1992 Md. LEXIS 23 ▲

LB Cited by: 325 Md. 342 p.364; 601 A.2d 102 p.112

... , quoting *Second Employers' Liability Cases*, 223 U.S. 1, 50, 32 S.Ct. 169, 175, 56 L.Ed. 327, 346 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77, 87(1877)**. The *Duke Power* opinion concluded (438 U.S. at 93-94, 98 S.Ct. at 2641, 57 L.Ed.2d at 624): "The general rationality of the Price-Anderson Act liability limitations -- particularly with reference to the important congressional purpose of encouraging ...

Discussion: ■■■■■ | **Court:** Md. | **Date:** February 7, 1992 | **Headnotes:** HN12

805. [Hill v. Fitzgerald](#), 304 Md. 689, 501 A.2d 27, 1985 Md. LEXIS 888 ▲

LB Cited by: 304 Md. 689 p.703; 501 A.2d 27 p.34

... either by extending or reducing the period of limitations, so as to regulate the time within which suits

may be brought, provided that the new law allows a reasonable time after its enactment for the assertion of an existing right or the enforcement of an existing obligation."@ Id. at 363-64, 66 A.2d 795 (citation omitted). As the common law is subject to legislative change, there is no vested right in any common law rule. Munn v. Illinois , 94 U.S. (4 Otto) 113, 134, **24 L.Ed. 77(1876)** ...


Discussion:  **Court:** Md. | **Date:** December 10, 1985

806. [Whiting-Turner Contracting Co. v. Coupard](#), 304 Md. 340, 499 A.2d 178, 1985 Md. LEXIS 902 

LB Cited by: 304 Md. 340 p.360; 499 A.2d 178 p.189

... ."@ The issue there was whether the condition precedent of nonbinding arbitration to the filing of a malpractice action against a health care provider offended art. 19. As relevant to that issue we referred to the rule of Munn v. Illinois , 94 U.S. (4 Otto) 113, 134, **24 L.Ed. 77, 87(1877)** that there is no vested interest in any rule of the common law. After illustrating that principle with cases sustaining the elimination of a previously recognized tort action by the enactment of "no ...

Discussion:  **Court:** Md. | **Date:** October 23, 1985 | **Headnotes::** HN12

807. [Attorney Gen. v. Johnson](#), 282 Md. 274, 385 A.2d 57, 1978 Md. LEXIS 367 

LB Cited by: 282 Md. 274 p.282; 385 A.2d 57 p.62

... , and we simply cannot conclude that the additional expense and delay mandated by this malpractice claims statute is so unreasonable in relation to its legitimate goal that it contravenes due process. When we recall that there is no vested interest in any rule of the common law, Munn v. Illinois , 94 U.S. (4 Otto) 113, 134, **24 L. Ed. 77(1877)** , so that the common law "may be abrogated or changed as the General Assembly may think most conducive to the general welfare," The State v. ...

Discussion:  **Court:** Md. | **Date:** April 5, 1978 | **Headnotes::** HN12

808. [Westchester West No. 2 Ltd. Partnership v. Montgomery County](#), 276 Md. 448, 348 A.2d 856, 1975 Md. LEXIS 738 

LB Cited by: 276 Md. 448 p.455; 348 A.2d 856 p.861

... The opposed view [was] stated by Mr. Justice Holmes. . . . * * * "Those two opposed views of public policy are considerations for the legislative choice. The Liggett case was a creation at war with the earlier constitutional view of legislative power. **Munn v. Illinois, 94 U.S. 113, 132, 134, 24 L.Ed. 77** , and opposed to our more recent decisions. Olsen v. Nebraska ex rel. Western Ref. & Bond Ass'n, 313 U.S. 236 , 241 , 61 S.Ct. 862 , 85 L.Ed. 1305 ; Williamson v. Lee Optical ...










Discussion:  **Court:** Md. | **Date:** December 18, 1975

809. [Maryland Bd. of Pharmacy v. Sav-A-Lot, Inc.](#), 270 Md. 103, 311 A.2d 242, 1973 Md. LEXIS 668 

LB Cited by: 270 Md. 103 p.126; 311 A.2d 242 p.254


... Olsen v. Nebraska , 313 U.S. 236 ; Lincoln Union v. Northwestern Co. , 335 U.S. 525 ; Daniel v. Family Ins. Co. , 336 U.S. 220 ; Day-Brite Lighting, Inc. v. Missouri , 342 U.S. 421 . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Id. at 488 . It is against this background that this statute should be evaluated. A statute similar to ours ...

Discussion:  **Court:** Md. | **Date:** October 31, 1973 | **Headnotes::** HN13

810. [Baltimore Transit Co. v. Public Service Com.](#), 206 Md. 533, 112 A.2d 687, 1955 Md. LEXIS 217 
- LB Cited by:** 206 Md. 533 p.558; 112 A.2d 687 p.698
 ... This Court does not sit as a board of revision. Whether any vitality remains in the rule that the owner of the utility is entitled to the independent judgment of the reviewing court on both the laws and the facts, after the decisions of the Supreme Court in *Nebbia v. New York*, 291 U.S. 502, 78 L. Ed. 940, and the *Hope* case, or whether the Court has made the full circle back to the rule of **Munn v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77**, we need not decide. Even the independent ...
Discussion:  **Court:** Md. | **Date:** March 24, 1955
-
811. [Montgomery County v. Bigelow](#), 196 Md. 413, 77 A.2d 164, 1950 Md. LEXIS 427 
- LB Cited by:** 196 Md. 413 p.425; 77 A.2d 164 p.168
 ... 1916 registration and licensing fees were more important to the state as a source of revenue, than they now are, and to the motor vehicle owner also duplication was a serious menace. In 1943 regulation of taxicabs (as distinguished from other motor vehicles) was not a subject for which any provision was made in Article 66 1/2. In England and America, regulation of hackmen and their charges was one of the oldest kinds of rate regulation. **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77** ...
Discussion:  **Court:** Md. | **Date:** December 6, 1950
-
812. [Lewis v. Cumberland](#), 189 Md. 58, 54 A.2d 319, 1947 Md. LEXIS 317 
- LB Cited by:** 189 Md. 58 p.67; 54 A.2d 319 p.323
 ... compensation or a suit by the customer to recover excessive compensation exacted from him. The law implies a reasonable compensation, measured by what is ordinarily charged for like services under like conditions -- a measure difficult to apply by finding evidence of like services under like conditions. Direct or delegated legislative determination of maximum rates "establishes no new principle in the law, but only gives a new effect to an old one." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ...
Discussion:  **Court:** Md. | **Date:** July 8, 1947
-
813. [Wampler v. Le Compte](#), 159 Md. 222, 150 A. 455, 1930 Md. LEXIS 107 
- LB Cited by:** 159 Md. 222 p.225; 150 A. 455 p.457
 ... , 54 L. Ed. 921, 30 S. Ct. 676 ;; *Ozan Lumber Co. v. Union County Nat. Bank*, 207 U.S. 251, 256, 52 L. Ed. 195, 28 S. Ct. 89; **Munn v. Illinois, 94 U.S. 113, 132, 24 L. Ed. 77**; *Henderson Bridge Co. v. Henderson City*, 173 U.S. 592, 615, 43 L. Ed. 823, 19 S. Ct. 553." The statute here assailed gives to the owners of land in this state, subject to the regulations therein contained, certain gunning privileges on the waters in front of their lands, if exercised by them ...
Discussion:  **Court:** Md. | **Date:** May 22, 1930
-
814. [State v. J. M. Seney Co.](#), 134 Md. 437, 107 A. 189, 1919 Md. LEXIS 89 
- LB Cited by:** 134 Md. 437 p.440; 107 A. 189 p.190
 ... v. Texas, 217 U.S. 114, 126, 127, 54 L. Ed. 688, 30 S. Ct. 496. See also **Munn v. Illinois, 94 U.S. 113, 132, 24 L. Ed. 77**." "But it may be said that Bill of Rights, Fundamental Freedoms Courts,

Authority to Adjudicate HN3 Judicial opinion can not be controlled by legislative opinion of what are fundamental rights. It is the very essence of constitutional law, but its recognition does not determine supremacy in any given instance. While the courts must exercise a judgment ...


Discussion:  | **Court:** Md. | **Date:** May 14, 1919

815. [Yeatman v. Towers](#), 126 Md. 513, 95 A. 158, 1915 Md. LEXIS 162 

LB Cited by: 126 Md. 513 p.518; 95 A. 158 p.160

... Contracts, even as between individuals, when entered into are necessarily subject to the control of the police power of the State, whenever such contract relates to matters which are or may be subject to the exercise of such powers, and as far back as the case of **Munn v. The People, 94 U.S. 113**, it was laid down that when the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must to the extent of that interest ...


Discussion:  | **Court:** Md. | **Date:** June 24, 1915

816. [Laird v. Baltimore & O. R. Co.](#), 121 Md. 182, 88 A. 348, 1913 Md. LEXIS 207 

LB Cited by: 88 A. 348 p.350


... passed an act establishing a maximum rate for railroads in that state. The decision held that the statute was applicable to that portion of the Chicago, Burlington & Quincy Railroad located in Iowa, upon the principle enunciated in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, which dealt with the rates to be charged for storage of grain in a warehouse situated in Illinois. And it is the same doctrine which is involved in the two other cases cited. It therefore follows that the Baltimore ...

Discussion:  | **Court:** Md. | **Date:** June 25, 1913

817. [Public Service Com. v. Baltimore & O. R. Co.](#), 121 Md. 179, 88 A. 347, 1913 Md. LEXIS 74, Am. Ann. Cas. 1915B728 

LB Cited by: 121 Md. 179 p.185


Court: Md. | **Date:** June 25, 1913

818. [State v. Potomac Valley Coal Co.](#), 116 Md. 380, 81 A. 686, 1911 Md. LEXIS 78 

LB Cited by: 116 Md. 380 p.398; 81 A. 686 p.693

... general public as distinguished from those of certain communities or localities, but we can not accept this as a satisfactory distinction. That contention was made in **Millett v. People, 117 Ill. 294, 7 N.E. 631**, in reliance upon **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, but was not approved, the Court saying: "The public are not compelled to resort to mine owners any more than they are compelled to resort to the owners of wood or turf, or even to the owners of grain, domestic ...


Discussion:  | **Court:** Md. | **Date:** June 24, 1911

819. [Cochran v. Preston](#), 108 Md. 220, 70 A. 113, 1908 Md. LEXIS 87, 15 Am. Ann. Cas. (o.s.) 1048, 129 Am. St. Rep. 432, 23 L.R.A. (n.s.) 1163 

LB Cited by: 108 Md. 220 p.228; 70 A. 113 p.114

... The power to prescribe regulations demanded by the general welfare for the common protection of all, is known as the police power of the State, and is inherent in every sovereignty. Prentice on Police Power, p. 6; Comm. v. Alger, 7 Cush. 53 ; **Munnv.Illinois,94 U.S. 113** . Among the police powers of the State the right to regulate the height of buildings in a city is one that cannot be questioned. Lewis on Eminent Domain, sec. 156; Tiedeman on State and Federal Control of Persons ...

Discussion:  | **Court:** Md. | **Date:** June 24, 1908

820. [Baltimore & O. R. Co. v. Waters](#), 105 Md. 396, 66 A. 685, 1907 Md. LEXIS 59, 12 L.R.A. (n.s.) 326 

LB Cited by: 105 Md. 396 p.421; 66 A. 685 p.694

... laws inconsistent with the provisions of that Act, thus indicating its purpose to amend the charter of 1826 in so far as it may be in conflict with that Act. But apart from that consideration we are of opinion that this Act cannot be availed of to defeat the proposed road. In *Dobbins v. Los Angeles*, 195 U.S. 223 , it was contended upon the supposed authority of **Munnv.Illinois,94 U.S. 113** , that the Legislature is the exclusive judge of the propriety of police regulation when the matter ...


Discussion:  | **Court:** Md. | **Date:** April 3, 1907

821. [Kenneweg v. Allegany County Comm'rs](#), 102 Md. 119, 62 A. 249, 1905 Md. LEXIS 142 

LB Cited by: 102 Md. 119 p.127; 62 A. 249 p.252

... respects is there intrinsically any denial of the equal protection of the law. State legislation is not obnoxious to this provision, if all persons subject to it are treated alike under similar circumstances and conditions in respect both to the privileges conferred and the liabilities imposed. *Mo. Pa. R. Co. v. Mackey*, 127 U.S. 205 ; **Munnv.Illinois,94 U.S. 113** . There is no such thing as an inherent right in any political party to insist that all political parties shall hold their ...

Discussion:  | **Court:** Md. | **Date:** November 16, 1905

822. [Hart v. State](#), 100 Md. 595, 60 A. 457, 1905 Md. LEXIS 40 

LB Cited by: 100 Md. 595 p.608; 60 A. 457 p.461

Court: Md. | **Date:** March 22, 1905


823. [Chesapeake & Potomac Tel. Co. v. Baltimore & Ohio Tel. Co.](#), 66 Md. 399, 7 A. 809, 1887 Md. LEXIS 39, 59 Am. Rep. 167 

LB Cited by: 66 Md. 399 p.415; 7 A. 809 p.812

... of the City of Baltimore for its business. It is likewise invested with the power of eminent domain, the right to take private property for its uses; this latter fact alone shows that the appellant is engaged in a public employment, because private property cannot be taken in invitum except for a public use. This being the case, it is now the well settled law that property thus devoted to a public use is subject to judicial and legislative regulation and control. **Munn vs. Illinois,94 U.S., 113** ...

Discussion:  | **Court:** Md. | **Date:** January 5, 1887

Maryland Court of Special Appeals

824. [Jackson v. Dackman Co.](#), 181 Md. App. 546, 956 A.2d 861, 2008 Md. App. LEXIS 107 

LB Cited by: 181 Md. App. 546 p.567; 956 A.2d 861 p.874

... Allen v. Dovell, 193 Md. 359, 363-64, 66 A.2d 795 (1949)). The Court further noted that because "common law is subject to legislative change, there is no vested right in any common law rule." Hill, 304 Md. at 703 (citing **Munn v. Illinois, 94 U.S. (4 Otto) 113, 134, 24 L. Ed. 77(1876)**). Likewise, Jury Trials, Right to Jury Trial Fundamental Rights, Trial by Jury in Civil Actions State & Territorial Governments, Legislatures HN24 Several restrictions upon traditional remedies ...

Discussion:  **Court:** Md. Ct. Spec. App. | **Date:** September 10, 2008 | **Headnotes:** HN12

825. [Reinhardt v. Anne Arundel County](#), 31 Md. App. 355, 356 A.2d 917, 1976 Md. App. LEXIS 499 

LB Cited by: 31 Md. App. 355 p.363; 356 A.2d 917 p.922

... It imposes no duty or tax. The statute does not infringe upon these provisions of the Constitution. With respect to section 9, Clause 6, it should be noted, as the court below pointed out, the "provision operates only as a limitation of the powers of Congress, and in no respect affects the States in the regulation of their domestic affairs. **Munn v. Illinois, 94 U.S. 113, 135** ." (b) Attack upon Anne Arundel Code § 17-710 The Fourteenth Amendment Appellant contends that § 17-710 ...

Discussion:  **Court:** Md. Ct. Spec. App. | **Date:** May 5, 1976

Other Maryland Decisions

826. [General Electric Company v Baltimore Gas and Electric Company](#), 1978 Md. PSC LEXIS 79, 69 Md. P.S.C. 89

LB Cited by:

... which the transportation service would be rendered, have been dedicated to a public use. Distribution of gas through those pipelines involves a public use without reference to the ownership of the gas. As stated by Chief Justice Waite in the case of Munn v Illinois, 4 (1876) **94 US 113, 24 L Ed 77, 84** . "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property ...

Court: Md. P.S.C. | **Date:** April 26, 1978


827. [Celanese Fibers Company v Columbia Gas of Maryland, Inc.](#), 1976 Md. PSC LEXIS 7, 68 Md. P.S.C. 61

LB Cited by:

... "Contracts, even as between individuals, when entered into are necessarily subject to the control of the police power of the state, whenever such contract relates to matters which are or may be subject to the exercise of such powers, and as far back as the case of **Munn v The People, 94 US 113**, it was laid down that when the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must to the extent of that interest ...

Court: Md. P.S.C. | **Date:** August 6, 1976

Massachusetts Supreme Judicial Court


828. [Klein v. Catalano](#), 386 Mass. 701, 437 N.E.2d 514, 1982 Mass. LEXIS 1561 

LB Cited by: 386 Mass. 701 p.706; 437 N.E.2d 514 p.518

... There is a "distinction between a cause of action which has accrued and the expectation which every citizen has if a legal wrong should occur to find redress according to the rules of statutory and common law applicable at that time. . . . ' [N]o person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit.' New York Cent. R.R. v. White, 243 U.S. 188, 198

[1917]. **Munnv.Illinois, 94 U.S. 113, 134** [1876]." Pinnick v. ...

Discussion:  **Court:** Mass. | **Date:** July 7, 1982

829. [Pinnick v. Cleary](#), 360 Mass. 1, 271 N.E.2d 592, 1971 Mass. LEXIS 703, 42 A.L.R.3d 194 

LB Cited by: 360 Mass. 1 p.11; 271 N.E.2d 592 p.599

... No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. "[no] person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." New York Cent. R.R. v. White, 243 U.S. 188, 198.

Munnv.Illinois,94 U.S. 113, 134. And, as we shall demonstrate in more detail below, legislative actions based on this principle, prospectively modifying or abrogating common law causes ...

Discussion:  **Court:** Mass. | **Date:** June 29, 1971 | **Headnotes::** HN12

830. [Springfield Ins. Co. v. State Tax Com.](#), 342 Mass. 505, 174 N.E.2d 455, 1961 Mass. LEXIS 775 

LB Cited by: 342 Mass. 505 p.512; 174 N.E.2d 455 p.459

... as imports and exports. It also may apply to taxes on documents or activities essential to importation and exportation of goods, if the taxes are the equivalent of a direct tax upon the goods. Article 1, § 9, limits only the powers of the Congress, not those of the States. See **Munnv.Illinois,94 U.S. 113, 135**; Johnson v. Chicago & Pac. Elev. Co. 119 U.S. 388, 400; Richfield Oil Corp. v. State Bd. of Equalization, 329 U.S. 69, 76-77; Emprese Siderurgica, S. A. v. ...

Discussion:  **Court:** Mass. | **Date:** May 1, 1961


831. [Vigeant v. Postal Tel. Cable Co.](#), 260 Mass. 335, 157 N.E. 651, 1927 Mass. LEXIS 1460, 53 A.L.R. 867



LB Cited by: 260 Mass. 335 p.339; 157 N.E. 651 p.653

...; Ozan Lumber Co. v. Union County Bank, 207 U.S. 251, 256, 28 S. Ct. 89, 52 L. Ed. 195; **Munnv.Illinois, 94 U.S. 113, 132, 24 L. Ed. 77**; Henderson Bridge Co. v. Henderson City, 173 U.S. 592, 615, 43 L. Ed. 823, 19 S. Ct. 553." One of the most elaborate statements is found in Truax v. Corrigan ...


Discussion:  **Court:** Mass. | **Date:** June 30, 1927

832. [Boston & A. R. Co. v. New York C. R. Co.](#), 256 Mass. 600, 153 N.E. 19, 1926 Mass. LEXIS 1296 

LB Cited by: 256 Mass. 600 p.610; 153 N.E. 19 p.22

... the possible exercise by the Commonwealth of its police power. One whose rights, such as they are, are subject to State restriction, cannot remove them from the power of the State by making a contract about them. The contract will carry with it the infirmity of the subject matter. As a railroad is devoted to a public use, it is subject to public regulation and to the possible exercise by the Commonwealth of its police power. See **Munnv.Illinois, 94 U.S. 113, 24 L.Ed. 77**. Bulkeley v. ...


Discussion:  **Court:** Mass. | **Date:** June 30, 1926

833. [In re Opinion of Justices](#), 247 Mass. 589, 143 N.E. 808, 1924 Mass. LEXIS 1184 

LB Cited by: 247 Mass. 589 p.598; 143 N.E. 808 p.811

... Krumseig , 172 U.S. 351 . Holcombe v. Creamer , 231 Mass. 99 , 105 . If these laws are to be upheld only in the light of the common law history of interest for the use of money, **Munnv.Illinois, 94 U.S. 113, 153, 154** , German Alliance Ins. Co. v. Kansas , 233 U.S. 389 , 432 , 433 , we are of opinion that in view of the history of the theatre in this Commonwealth it stands on the same footing. There are examples of more or less definite fixing of prices in connection with ...

Discussion:  **Court:** Mass. | **Date:** April 1, 1924

834. [Selectmen of Brookline v. Boston & A. R. Co.](#), 236 Mass. 260, 128 N.E. 97, 1920 Mass. LEXIS 834 

LB Cited by: 236 Mass. 260 p.272; 128 N.E. 97 p.101

... denial nor an infringement of the obligation of contracts in the imposition upon them in particular instances of the entire expense of the performance of acts required in the public interest, in the exercise of legislative discretion; nor are they thereby deprived of property without due process of law, by statutes under which the result is ascertained in a mode suited to the nature of the case, and not merely arbitrary and capricious.' See also **Munn v. Illinois,94 U. S. 113, 126, 24 L. Ed. 77** ...

Discussion:  **Court:** Mass. | **Date:** July 2, 1920

835. [Attorney Gen. v. Boston & A. R. Co.](#), 160 Mass. 62, 35 N.E. 252, 1893 Mass. LEXIS 20, 22 L.R.A. 112



LB Cited by: 160 Mass. 62 p.86, p.96; 35 N.E. 252 p.255, p.260

... and evidence of the right to the payment and to an action for it. The fact that this statute gives the railroad the ticket in hand on the spot, at the time when the service is performed, does not invalidate the statute, nor make it obnoxious to the legal tender clause, if it could require the service to be performed without the ticket, and with only a right of action for the service. The act does not amount to a deprivation of property without due process of law. **Munn v. Illinois,94 U.S. 113** ...


Discussion:  **Court:** Mass. | **Date:** November 3, 1893

836. [Boston & A. R. Co. v. Cambridge](#), 159 Mass. 283, 34 N.E. 382, 1893 Mass. LEXIS 143 

LB Cited by: 159 Mass. 283 p.286; 34 N.E. 382 p.383

... Legislature has the right to impose, without consideration, either upon the railroad company, or upon the instrumentalities charged with building and repairing highways; and this irrespective of any reserved right to amend corporate charters, or to control mere agencies of the government. **Thorpe v. Rutland & Burlington Railroad** , 27 Vt. 140 . **Munnv.Illinois, 94 U.S. 113** . **Beer Co. v. Massachusetts** , 97 U.S. 25 . **Stone v. Mississippi** , 101 U.S. 814 . **Butchers' Union Co. v. ...**

Discussion:  **Court:** Mass. | **Date:** June 20, 1893

837. [Sawyer v. Davis](#), 136 Mass. 239, 1884 Mass. LEXIS 72, 49 Am. Rep. 27 

LB Cited by: 136 Mass. 239 p.243

... in particular cases as they arise; always recognizing that the ownership of property does not of itself imply the right to use or enjoy it in every possible manner, without regard to corresponding rights of others as to the use and enjoyment of their property; and also that the rules of the common law, which have from time to time been established, declaring or limiting such rights of use and enjoyment, may themselves be changed as occasion may require. **Munnv.Illinois, 94 U.S. 113, 134** ...

Discussion:  **Court:** Mass. | **Date:** January 9, 1884 | **Headnotes:** HN12


838. [Salem v. Maynes](#), 123 Mass. 372, 1877 Mass. LEXIS 297 

LB Cited by: 123 Mass. 372 p.374

... All contracts between individuals, and even charters granted by the state, are subject to the exercise of local police power. All contracts between individuals, and even charters granted by the state, are subject to the exercise of this power. Commonwealth v. Intoxicating Liquors, 115 Mass. 153. Woodlawn Cemetery v. Everett, 118 Mass. 354. **Munn v. Illinois, 94 U.S. 113**. The St. of 1872, c. 243, has conferred on the cities and towns in this Commonwealth authority to pass such ...

Discussion:  **Court:** Mass. | **Date:** November 28, 1877

Michigan Supreme Court

839. [Rafaeli, LLC v. Oakland Cty.](#), 2020 Mich. LEXIS 1219, 2020 WL 4037642 

B Cited in Concurring Opinion at:

Court: Mich. | **Date:** July 17, 2020

840. [In re Legislature's Request for An Opinion, etc.](#), 384 Mich. 82, 180 N.W.2d 265, 1970 Mich. LEXIS 192 

LB Cited by: 384 Mich. 82 p.89; 180 N.W.2d 265 p.266

... State Board of Escheats (1943), 307 Mich 506 ; Beacon Club v. Kalamazoo County Sheriff (1952), 332 Mich 412 ; Gartland Steamship Company v. Corporation & Securities Commission (1954), 339 Mich 661 , and cases cited therein; **Munn v. Illinois (1876), 94 U.S. 113 (24 L Ed 77)**. Legislation, Interpretation HN1 It is incumbent upon the supreme court to give effect to the plain and clear intent of the legislature irrespective of possible view of any justice or justices that such ...

Discussion:  **Court:** Mich. | **Date:** October 5, 1970

841. [Chesapeake & O. R. Co. v. Michigan Public Service Com.](#), 382 Mich. 8, 167 N.W.2d 438, 1969 Mich. LEXIS 87 

LB Cited by: 382 Mich. 8 p.52; 167 N.W.2d 438 p.456

... decisions that disprove the C & O's vested right claims and prove that from the days of the formation of the C & O corporation, and other similar railroad corporations, a railroad's duties and public rights have been definitely established. **Munn v. Illinois (1876), 94 U.S. 113 (24 L Ed 77)**, which has been a legal guidepost since 1876, establishes the railroad's duty to the public, as follows (pp 125, 126, 130): "Under these powers the government regulates the conduct of its citizens ...

Discussion:  **Court:** Mich. | **Date:** May 5, 1969 | **Headnotes::** HN5


842. [Northern Michigan Water Co. v. Michigan Public Service Com.](#), 381 Mich. 340, 161 N.W.2d 584, 1968 Mich. LEXIS 116 

LB Cited by: 381 Mich. 340 p.351; 161 N.W.2d 584 p.589

... involved a question of whether the utility could promulgate rates after its franchise fixed rate obligations had expired. Huron Cement Co. v. Public Service Commission (1958), 351 Mich 255 , had to do with the commission's authority to order a utility to serve a new area. Gas company cases and railroad cases cited are not directly on the point. **Munn v. Illinois (1877), 94 U.S. 113 (24 L Ed 77)**,

and other Federal cases cited in the briefs establish the general proposition, as claimed ...


Discussion:  **Court:** Mich. | **Date:** October 21, 1968

843. [Jaarda v. Van Ommen](#), 265 Mich. 673, 252 N.W. 485, 1934 Mich. LEXIS 491 

LB Cited by: 265 Mich. 673 p.694; 252 N.W. 485 p.492


... are of an ancient house. Tariffs for the protection of home industries are upheld. Sugar bounties have not been declared unconstitutional. *United States v. Realty Co.*, 163 U.S. 427 (16 Sup. Ct. 1120). The rates of grain elevators (**Munnv.Illinois,94 U.S. 113**) and cotton gins may be regulated (*Frost v. Corporation Commission of Oklahoma*, 278 U.S. 515 [49 Sup. Ct. 235]). Rate fixing in the business of insurance has been upheld. *German Alliance Insurance Co. v. ...*


Discussion:  **Court:** Mich. | **Date:** February 1, 1934

844. [Bowerman v. Sheehan](#), 242 Mich. 95, 219 N.W. 69, 1928 Mich. LEXIS 734, 61 A.L.R. 859 

LB Cited by: 242 Mich. 95 p.98; 219 N.W. 69 p.70

... municipal law, and is no more sacred than any other. Rights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will * * * of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munnv.Illinois,94 U.S. 113, 134** ...

Discussion:  **Court:** Mich. | **Date:** April 3, 1928 | **Headnotes::** HN12

845. [Moore v. Harrison](#), 224 Mich. 512, 195 N.W. 306, 1923 Mich. LEXIS 959 

LB Cited by: 224 Mich. 512 p.522; 195 N.W. 306 p.309

... Courts, Authority to Adjudicate HN21 For protection against abuses by legislatures the people must resort to the polls, not to the courts. "For protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munnv.Illinois,94 U.S. 113, 134** . The order denying the writ of mandamus will be set aside and the case remanded for further proceedings in conformity with this opinion. McDONALD , CLARK , BIRD , and STEERE , JJ., concurred with SHARPE , J. ...

Discussion:  **Court:** Mich. | **Date:** October 1, 1923 | **Headnotes::** HN13

846. [Kalamazoo v. Kalamazoo Circuit Judge](#), 200 Mich. 146, 166 N.W. 998, 1918 Mich. LEXIS 809 

LB Cited by: 200 Mich. 146 p.157; 166 N.W. 998 p.1001

... has an interest he submits it to the extent of that interest to public control, and where the property is devoted to a public use and is charged with such public interest the State, in the interest of the public, may prescribe reasonable rates for such public use. **Munnv.Illinois,94 U.S. 113** . But, except by contract, the fixing of rates is a governmental legislative function. Pond on Public Utilities, § 419; 3 Dillon on Municipal Corporations (5th Ed.), § 1325; *Home Telephone Co. v. ...*


Discussion:  **Court:** Mich. | **Date:** March 27, 1918

847. [Lawson v. Connolly](#), 175 Mich. 375, 141 N.W. 623, 1913 Mich. LEXIS 802, 45 L.R.A. (n.s.) 1152 

LB Cited by: 175 Mich. 375 p.377; 141 N.W. 623 p.624

... from its first colonization to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, and other similar employments, and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold." **Munnv.Illinois,94 U.S. 113** . Relief From Judgments, Void Judgments Legislation, Interpretation Local Governments, Police Power HN3 The business of the companies being of a class of business subject to police regulation, ...


Discussion:  **Court:** Mich. | **Date:** May 28, 1913

848. [Sonsmith v. Pere Marquette R. Co.](#), 173 Mich. 57, 138 N.W. 347, 1912 Mich. LEXIS 985 

LB Cited by: 173 Mich. 57 p.77; 138 N.W. 347 p.356

... as a rule of conduct, may be changed at the will * * * of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.' **Munnv.Illinois,94 U.S. 113, 134** ; *Martin v. Railroad Co.*, 203 U.S. 284 , 294 [27 Sup. Ct. 100 , 8 Am. & Eng. Ann. Cas. 87]; *The Lottawanna*, 21 Wall. [U.S.] 558, 577; *Western Union Tel. Co. v. ...*


Discussion:  **Court:** Mich. | **Date:** November 8, 1912 | **Headnotes::** HN12

849. [Pingree v. Michigan C. R. Co.](#), 118 Mich. 314, 76 N.W. 635, 1898 Mich. LEXIS 1002, 53 L.R.A. 274 

LB Cited by: 118 Mich. 314 p.323; 76 N.W. 635 p.638

... road and establishing the contemplated business. If that had been done, the charter might have presented a contract against future legislative interference; but it was not, and the company invested its capital relying upon the good faith of the people and the wisdom and impartiality of legislators for protection against wrong under the form of legislative regulation." Again, in *Peik v. Railway Co.* , 94 U.S. 164 , he said: "In **Munnv.Illinois, 94 U.S. 113** , and *Chicago, etc., R. Co. v. ...*

Discussion:  **Court:** Mich. | **Date:** October 3, 1898

850. [Smith v. Lake Shore & M. S. R. Co.](#), 114 Mich. 460, McGrath No. 1671, 72 N.W. 328, 1897 Mich. LEXIS 1124 

LB Cited by: 114 Mich. 460 p.489; 72 N.W. 328 p.338

... Supreme Court of the United States , upon the ground that the public had an interest in the business, and it was therefore subject to the control of the legislature so far as fixing the rates was concerned, thereby protecting the public from exorbitant charges. **Munnv.Illinois, 94 U.S. 113** . The same principle is the basis for the exercise of the police power in regard to railroads, elevators, hacks, ferries, etc. If the legislature does not possess the power in the one case to compel the ...

Discussion:  **Court:** Mich. | **Date:** October 1, 1897

851. [Stimson v. Muskegon Booming Co.](#), 100 Mich. 347, 59 N.W. 142, 1894 Mich. LEXIS 816 

LB Cited by: 100 Mich. 347 p.350; 59 N.W. 142 p.143

... 1. The power of the Legislature to regulate tolls or rates of fare to be charged by corporations which have devoted their property to a public use has been settled in this State in *Wellman v. Railway Co.* , 83 Mich. 592 , as well as by the Supreme Court of the United States in **Munn v. Illinois, 94 U.S. 113** ; *Ruggles v. Illinois* , 108 Id. 526 ; *Railway Co. v. Minnesota* , 134 Id. 418 ; *Railway Co. v. Wellman* , 143

Id. 339 . 2. It is not within the power of the Legislature, under section ...


Discussion:  **Court:** Mich. | **Date:** May 22, 1894

852. [Wellman v. Chicago & G. T. R. Co.](#), 83 Mich. 592, 47 N.W. 489, 1890 Mich. LEXIS 1001 

LB Cited by: 83 Mich. 592 p.611, p.622; 47 N.W. 489 p.494, p.498

... United States Supreme Court . The right of the Legislature to fix the maximum charges of rates upon railroads, if such rates are reasonable, under the Federal Constitution, has been frequently sustained by the United States Supreme Court . **Munn v. Illinois, 94 U.S. 113** ; Railroad Co. v. Iowa , 94 U.S. 155 ; Peik v. Railway Co. , 94 U.S. 164 ; Railroad Co. v. Ackley , 94 U.S. 179 ; Ruggles v. Illinois , 108 U.S. 526 (2 S. Ct. 832); ...

Discussion:  **Court:** Mich. | **Date:** December 24, 1890


853. [People ex rel. Kuhn v. Common Council](#), 70 Mich. 534, McGrath No. 1259, 38 N.W. 470, 1888 Mich. LEXIS 847 

LB Cited by: 70 Mich. 534 p.537; 38 N.W. 470 p.471

... liberty, as used in the provision, something more is meant than mere freedom from physical restraint. *
* * It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities and to give them their highest enjoyment." Field and Strong , JJ., in **Munn v. Illinois, 94 U.S. 113, 142** ...

Discussion:  **Court:** Mich. | **Date:** June 1, 1888

Michigan Court of Appeals

854. [Dome Pipeline Corp. v. Public Service Com.](#), 176 Mich. App. 227, 439 N.W.2d 700, 1989 Mich. App. LEXIS 154 

LB Cited by: 176 Mich. App. 227 p.236; 439 N.W.2d 700 p.704

... cases limit the concept of "public utility" to a company which has a legal obligation to serve any member of the public. In rejecting that approach, other courts have noted that is merely one way of defining a public utility, but that a public utility also embraces any business which is affected with a public interest. As noted by the United States Supreme Court in **Munn v Illinois, 94 U.S. 113, 126 ; 24 L Ed 77(1876)** : Property does become clothed with a public interest when used ...

Discussion:  **Court:** Mich. Ct. App. | **Date:** April 3, 1989

Other Michigan Decisions


855. [In the matter, on the Commission's own motion, of proceedings on the appropriate regulatory treatment of Radio Common Carriers and other Specialized Common Carriers within the State of Michigan](#), 1979 Mich. PSC LEXIS 313

LB Cited by:

... The positions of the parties having been set forth, the Commission will first address the fundamental question of jurisdiction over RCCs in the State of Michigan . The Commission thinks it is also important to make a brief assessment of those characteristics which are common to regulated industries. It was not until **Munn v Illinois,94 US 113(1877)** that the State's right to regulate the prices charged to the public by a "business affected with a public interest" (public utility) was finally ...

Court: Mich. P.S.C. | **Date:** October 16, 1979

Minnesota Supreme Court

856. [Western States Utilities Co. v. Waseca](#), 242 Minn. 302, 65 N.W.2d 255, 1954 Minn. LEXIS 646 

LB Cited by: 242 Minn. 302 p.308; 65 N.W.2d 255 p.261


... 41 S. Ct. 458 , 460, 65 L. ed. 865, 871, 16 A.L.R. 165 , stated: " * * * if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since **Munn v. Illinois,94 U.S. 113** ." This type of regulation comes within the domain of the public interest and must be differentiated from what in fact constitutes regulation of contracts between individuals or private contracts not coupled or connected ...

Discussion:  **Court:** Minn. | **Date:** May 28, 1954

857. [In re Enger's Will](#), 225 Minn. 229, 30 N.W.2d 694, 1948 Minn. LEXIS 682, 1 A.L.R.2d 1048 

LB Cited by: 225 Minn. 229 p.238; 30 N.W.2d 694 p.700

Court: Minn. | **Date:** January 30, 1948

858. [Enger's Will](#), 225 Minn. 229, 30 N.W.2d 694, 1948 Minn. LEXIS 515, 1 A.L.R.2d 1048 

LB Cited by:

... , 121 N.E. 153 . See, State ex rel. Blaisdell v. Billings, 55 Minn. 467 , 57 N.W. 206 , 43 A.S.R. 525; Hurtado v. California, 110 U.S. 516 , 4 S. Ct. 111 , 292, 28 L. ed. 232; Davidson v. New Orleans, 96 U.S. 97 , 24 L. ed. 616; **Munn v. Illinois,94 U.S. 113, 24** L. ed. 77; State v. Rose, 33 Del. 168 , 132 A. 864 , 45 A.L.R. 85 ; 12 C.J., Constitutional Law, § 957; 16 C.J.S., Constitutional Law, §§ 567, 568; 12 Am. Jur., Constitutional Law, §§ 568, 569, 573, 609. The term ...

Discussion:  **Court:** Minn. | **Date:** January 9, 1948

859. [State ex rel. Pavhk v. Johannes](#), 194 Minn. 10, 259 N.W. 537, 1935 Minn. LEXIS 923 

LB Cited by: 194 Minn. 10 p.16; 259 N.W. 537 p.539

... subjects himself to a more intimate public regulation is only to be determined by the process of exclusion and inclusion and to gradual establishment of a line of distinction. It is not a matter of legislative discretion solely. It depends on the nature of the business, on the feature which touches the public, and on the abuses reasonably to be feared. to be subject to regulation by the police power the business regulated must be clothed with a public interest. **Munn v. Illinois,94 U.S. 113, 24** ...

Discussion:  **Court:** Minn. | **Date:** March 15, 1935










860. [State ex rel. Olson v. Guilford](#), 174 Minn. 457, 219 N.W. 770, 1928 Minn. LEXIS 1175, 58 A.L.R. 607



LB Cited by: 174 Minn. 457 p.460; 219 N.W. 770 p.771


... The determination of the legislature is ordinarily final, presumptively valid; but the presumption is not conclusive. Grisim v. South St. Paul L. Exch. 152 Minn. 271 , 188 N.W. 729 . For our purposes it is sufficient that a state of facts could exist which would justify this legislation. Our inquiry relates to the power, not to the expediency. **Munn v. Illinois,94 U.S. 113, 24** L. ed. 77. Every reasonable presumption must be indulged in favor of the validity of the statute. Unless ...

Discussion:  **Court:** Minn. | **Date:** May 25, 1928

861. [Hoff v. First State Bank](#), 174 Minn. 36, 218 N.W. 238, 1928 Minn. LEXIS 1081 
- LB Cited by:** 174 Minn. 36 p.42; 218 N.W. 238 p.241
 ... a matter of vital public interest and affects the public welfare. If legislation on such subject reasonably tends to promote the best interest of the creditors of such banks and the public, then it should not be held unreasonably or arbitrarily to restrict the liberty to contract within the law in force when such contract is made. A business in which the public has an interest or use and which affects the public welfare is subject to regulation by statute. **Munn v. Illinois,94 U.S. 113, 24** ...
Discussion:  **Court:** Minn. | **Date:** March 2, 1928
-
862. [Grisim v. South St. Paul Live Stock Exchange](#), 152 Minn. 271, 188 N.W. 729, 1922 Minn. LEXIS 526 
- LB Cited by:** 152 Minn. 271 p.277; 188 N.W. 729 p.731
 ... regulations as the legislature may think necessary and expedient, provided always that it does not transcend the governing and controlling power vested in it by the Constitution. In short, the subordination of property rights to the just exercise of the police power is as complete as it is to the proper exercise of the taxing power. *State v. St. Paul, M. & M. Ry. Co.* 98 Minn. 380 , 108 N.W. 261 , 28 L.R.A. (N.S.) 298 , 120 Am. St. 581 , 8 Ann. Cas. 1047 ; **Munn v. Illinois,94 U.S. 113, 24** ...
Discussion:  **Court:** Minn. | **Date:** June 2, 1922
-
863. [State v. Rogers & Rogers](#), 149 Minn. 151, 182 N.W. 1005, 1921 Minn. LEXIS 617 
- LB Cited by:** 149 Minn. 151 p.154; 182 N.W. 1005 p.1006
 ... The act provides for the licensing by the Railroad and Warehouse Commission of all commission merchants, brokers, etc., engaged in handling consignments of live stock at public stock-yards and the fixing of reasonable commission charges. Prior to this it had defined public stock-yards, placed them under control of the Railroad and Warehouse Commission, and provided for the fixing of reasonable charges. *Laws 1919*, p. 554, c. 461. **Munn v. Illinois,94 U.S. 113, 24** L. ed. 77, is the leading case ...
Discussion:  **Court:** Minn. | **Date:** May 27, 1921
-
864. [State ex rel. Lachtman v. Houghton](#), 134 Minn. 226, 158 N.W. 1017, 1916 Minn. LEXIS 624, L.R.A. (n.s.) 1917F1050 
- LB Cited by:** 134 Minn. 226 p.241; 158 N.W. 1017 p.1023
 ... injure another. * * * Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good." **Munn v. Illinois,94 U.S. 113, 124, 125, 24** L. ed. 77. In *Gundling v. Chicago*, 177 U.S. 183 , 188 , 20 Sup. Ct. 633 , 635, 44 L. ed. 725, it was said: "Regulations respecting the pursuit of a lawful trade or business are of very frequent occurrence in the ..."
Discussion:  **Court:** Minn. | **Date:** July 28, 1916 | **Headnotes::** HN4, HN5
-
865. [Mathison v. Minneapolis S. R. Co.](#), 126 Minn. 286, 148 N.W. 71, 1914 Minn. LEXIS 637, L.R.A. (n.s.) 1916D412 
- LB Cited by:** 126 Minn. 286 p.291; 148 N.W. 71 p.73
 ... 97 N.E. 602 , 39 L.R.A. (N.S.) 694 . The power to abolish such defenses rests upon the principle that

no person has any property right or vested interest in a rule of law, and that the legislature may change such rules at its pleasure. **Munn v. Illinois, 94 U.S. 113, 24** L. ed. 77; *Mondou v. New York, N.H. & H. Ry. Co.* 223 U.S. 1, 32 Sup. Ct. 169, 56 L. ed. 327; *Borgnis v. Falk Co.* 147 Wis. 327, 133 N.W. 209; *Sawyer v. El Paso & N.E. Ry. Co.* 49 Tex. Civ. App. 106, 108 S.W. 719 ...


Discussion:  **Court:** Minn. | **Date:** July 3, 1914

866. [State v. Chicago, M. & S. P. R. Co.](#), 114 Minn. 122, 130 N.W. 545, 1911 Minn. LEXIS 1049, Am. Ann. Cas. 1912B1030, 33 L.R.A. (n.s.) 494 

LB Cited by: 114 Minn. 122 p.129; 130 N.W. 545 p.548

... promote the general welfare, and the defendant holds its property under the implied obligation that its use of it shall not be injurious to the community. The regulation and abatement of nuisances is one of the ordinary functions of the police power of the state. *Fertilizing Co. v. Hyde Park*, 97 U.S. 659, **24** L. ed. 1036; **Munn v. Illinois, 94 U.S. 113, 24** L. ed. 77; *Mugler v. Kansas*, supra; *Powell v. Pennsylvania*, supra. It appearing that the legislature had power or authority to ...


Discussion:  **Court:** Minn. | **Date:** March 10, 1911

867. [Vega S.S. Co. v. Consolidated Elevator Co.](#), 75 Minn. 308, 77 N.W. 973, 1899 Minn. LEXIS 472, 74 Am. St. Rep. 484, 43 L.R.A. 843 

LB Cited by: 75 Minn. 308 p.312; 77 N.W. 973 p.974

... The statute in question is a police regulation. The business of storing and handling grain in such an elevator is affected with a public interest, is merely a link in the chain of commerce, and may be regulated by the legislature to a very considerable extent. See **Munn v. Illinois, 94 U.S. 113, 126**. The legislature has the right to give to the act of the weighmaster in weighing grain a high character as evidence, and to provide that such act can be impeached only when the party complaining ...


Discussion:  **Court:** Minn. | **Date:** January 20, 1899

868. [Jacobson v. Wisconsin, M. & P. R. Co.](#), 71 Minn. 519, 74 N.W. 893, 1898 Minn. LEXIS 604, 70 Am. St. Rep. 358, 40 L.R.A. 389 

LB Cited by: 71 Minn. 519 p.528; 74 N.W. 893 p.894

... state commerce by reason of the putting in of a connection, this gives the state tribunals jurisdiction; and, in disposing of the case, they may take into consideration the whole necessity resulting from the whole benefit which will accrue to all classes of commerce. If there is some necessity resulting from the benefit which will accrue to exclusively state commerce by reason of the putting in of the connection, this gives the state tribunals jurisdiction (**Munn v. Illinois, 94 U.S. 113, 126** ...

Discussion:  **Court:** Minn. | **Date:** April 15, 1898

869. [Stewart v. Great N. R. Co.](#), 65 Minn. 515, 68 N.W. 208, 1896 Minn. LEXIS 319, 33 L.R.A. 427 

LB Cited by: 65 Minn. 515 p.517; 68 N.W. 208 p.209

... They are connecting links in the chain of transportation between the farmers' wagons and the railway cars. Their use in facilitating the handling, storage, and transportation of the products of the state is a public use, and subject to legislative regulation and control. *Rippe v. Becker*, 56 Minn. 100, 57 N.W. 331; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Budd v. New York*, 143 U.S. 517, 12 S. Ct. 468, 36 L. Ed. 247; *Brass v. North Dakota*, 153 U.S. 391, 14 S. Ct. 857, 38 ...

Discussion:  **Court:** Minn. | **Date:** July 17, 1896

870. [Rippe v. Becker](#), 56 Minn. 100, 57 N.W. 331, 1894 Minn. LEXIS 10, 22 L.R.A. 857 

LB Cited by: 56 Minn. 100 p.108; 57 N.W. 331 p.331

... The right of the state, in the exercise of its police power, to regulate the business of receiving, weighing, inspecting, and storing grain for others, in elevators or warehouses, as being a business affected with a public interest, is now settled beyond all controversy. This power extends even to fixing the charges for such services. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; **Budd v. New York** , 143 U.S. 517 , (12 S. Ct. 468 , 36 L. Ed. 247 .) And State & Territorial Governments, ...

Discussion:  **Court:** Minn. | **Date:** January 5, 1894


871. [State ex rel. Railroad & Warehouse Commission v. Chicago, M. & St. P. R. Co.](#), 38 Minn. 281, 37 N.W. 782, 1888 Minn. LEXIS 373 

LB Cited by: 38 Minn. 281 p.297; 37 N.W. 782 p.785

... unless protected by their charters, were subject to legislative control as to their rates of fare and freight; that for protection against wrong, under the form of legislative regulation, they must rely entirely upon the good faith of the people, and the wisdom and impartiality of the legislature. See **Granger Cases, 94 U.S. 113 at 113-187** . The result was so different from the preconceived ideas of the railway companies that they were slow to realize the full import of these decisions, and ...

Discussion:  **Court:** Minn. | **Date:** April 20, 1888 | **Headnotes:** HN11

Mississippi Supreme Court

872. [Miss. Power Co. v. Miss. PSC](#), 168 So. 3d 905, 2015 Miss. LEXIS 315 

B Followed in Concurring Opinion at: 168 So. 3d 905 p.918


This privilege or prerogative of the king, who in this connection only represents and gives another name to the body politic, is not primarily for his profit, but for the protection of the people and the promotion of the general welfare. ... *Munn*, 94 U.S. at 125-126

B Cited in Concurring Opinion at: 168 So. 3d 905 p.917

P30. Like any business, a utility company is a "profit making enterprise, run by [businesspeople, who] no doubt . . . seek to charge the rate [they think] the traffic will bear." *Miss. Power Co. v. Goudy*, 459 So. 2d 257, 271 (Miss. 1984) (Hawkins, J., specially concurring). But, unlike most other businesses, it is precluded from doing so. Based on principles of English common law, government has the right to regulate businesses charged with a public interest, for reasons discussed by the United States Supreme Court in *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77 (1876), the case which marked the beginning of the constitutional price-regulation doctrine in this country, with its holding that Illinois had the power to fix the prices charged by grain- elevator operators. On the other hand, because it is allowed monopoly status, the utility company, in large measure, is immune from the natural forces of competition that regulate prices in the open market.

Id. at 546-47 (emphasis added). ... The concept, however, was also expressed in *Munn*, where the Supreme Court spoke to an English case, *Aldnutt v. Inglis*, 12 East, 527, decided in 1810, in which the question was presented whether the London Dock Company could charge arbitrary rates for storing imported wines, after having obtained authority under the general warehousing act to engage in such services. *Munn*, 94 U.S. at 127.

Discussion:  **Court:** Miss. | **Date:** June 11, 2015

873. [Miss. Power Co. v. Miss. PSC](#), 2015 Miss. LEXIS 81, 2015 WL 574723 

B Followed in Concurring Opinion at:


P29. Like any business, a utility company is a "profit making enterprise, run by [businesspeople, who] no doubt . . . seek to charge the rate [they think] the traffic will bear." *Miss. Power Co. v. Goudy*, 459 So. 2d 257, 271 (Miss. 1984) (Hawkins, J., specially concurring). But, unlike most other businesses, it is precluded from doing so. Based on principles of English common law, government has the right to regulate businesses charged with a public interest, for reasons discussed by the United States Supreme Court in *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77 (1876), the case which marked the beginning of the constitutional price-regulation doctrine in this country, with its holding that Illinois had the power to fix the prices charged by grain-elevator operators. On the other hand, because it is allowed monopoly status, the utility company, in large measure, is immune from the natural forces of competition that regulate prices in the open market.

This privilege or prerogative of the king, who in this connection only represents and gives another name to the body politic, is not primarily for his profit, but for the protection of the people and the promotion of the general welfare. ... *Munn v. Ill.*, 94 U.S. at 125-126.

B Cited in Concurring Opinion at:


Id. at 546-47 (emphasis added). ... The concept, however, was also expressed in *Munn*, where the Supreme Court spoke to an English case, *Aldnutt v. Inglis*, 12 East, 527, decided in 1810, in which the question was presented whether the London Dock Company could charge arbitrary rates for storing imported wines, after having obtained authority under the general warehousing act to engage in such services. *Munn*, 94 U.S. at 127.


Discussion:  **Court:** Miss. | **Date:** February 12, 2015

874. [Stone v. Farish](#), 199 Miss. 186, 23 So. 2d 911, 1945 Miss. LEXIS 280 

LB Cited by: 199 Miss. 186 p.199; 23 So. 2d 911 p.914

... Administrative Tribunals, *Miss. L. Journal*, Vol. 4, p. 184; Wiel, *Administrative Finality*, 38 H. L. Rev. 447; Albertson, *Judicial Review of Administrative Action*, 35 H. L. Rev. 127; Hart, *Administrative Justice and the Supremacy of Law*, 29 *Geo. L. J.* 543 ; Pound, *Administrative Process*, 30 *Am. Bar. Ass'n Journal* 121; Morgenthau, *Implied Limitations on Regulatory Powers*, 11 *U. Chi. L. Rev.* 91 . For answer to threat of abuse of discretion, see ***Munn v. State of Illinois*, 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Miss. | **Date:** November 26, 1945

875. [Dorsey v. Murphy](#), 188 Miss. 291, 194 So. 603, 1940 Miss. LEXIS 29 

LB Cited by: 188 Miss. 291 p.308; 194 So. 603 p.606

... Such rules and regulations may be different from a personal business or that of a corporation not so affected by a public use. See *Noble State Bank v. Haskell*, 219 U.S. 104 , 31 S. Ct. 186 , 55 L. Ed. 112 , 32 L. R. A. (N. S.) 1062 , *Ann. Cas.* 1912A 487; *Shallenberger v. First State Bank*, 219 U.S. 114 , 31 S. Ct. 189 , 55 L. Ed. 117 ; ***Munn et al. v. People of the State of Illinois*, 94 U.S. 113, 24 L. Ed. 77 .** The duties and obligations of guardians in dealing with their trust are ...

Discussion:  **Court:** Miss. | **Date:** March 18, 1940

876. [Albritton v. Winona](#), 181 Miss. 75, 178 So. 799, 1938 Miss. LEXIS 53, 115 A.L.R. 1436 

LB Cited by: 181 Miss. 75 p.104; 178 So. 799 p.807

...); (2) under the social and economic conditions then existing, which conditions are ever changing and each case must be decided on the social and economic conditions that exist when the statute was enacted or, probably, at the time the case is decided; and (3) under social and economic theories which are no longer universally entertained. *Home Building & Loan Association v. Blaisdell*, *supra* ; *West*

Coast Hotel Co. v. Parrish, supra ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; German ...

Discussion:  **Court:** Miss. | **Date:** February 7, 1938


877. [Federal Compress & Warehouse Co. v. McLean](#), 166 Miss. 739, 147 So. 325, 1933 Miss. LEXIS 369



LB Cited by: 166 Miss. 739 p.749; 147 So. 325 p.326

... 47 L. Ed. 394 . The assembling of the cotton in the warehouse and its compression are acts preliminary, convenient for, but not absolutely essential, to its transportation to other states or countries. Authorities supra; and **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77** ; W. W. Cargill Company v. Minnesota, 180 U.S. 452 , 21 S. Ct. 423 , 45 L. Ed. 619 ; Merchants Exchange of St. Louis v. Missouri, 248 U.S. 365 , 39 S. Ct. 114 , 63 L. Ed. 300 ; 12 C. J. 38, pp. 94, 103. The ...


Discussion:  **Court:** Miss. | **Date:** April 3, 1933

878. [Jackson v. McPherson](#), 162 Miss. 164, 138 So. 604, 1932 Miss. LEXIS 110 

LB Cited by: 162 Miss. 164 p.179; 138 So. 604 p.606

... of the Constitution does not impair the police power of a state or a municipality. 113 U.S. 27 ; Chicago & Burlington R. R. Co. v. People, 200 U.S. 561 ; C. & A. R. R. Co. v. J. L. & A. R. R. Co., 105 Ill. 388 ; Windsor v. Whitney, 95 Conn. 357 , 111 At. 354 ; **Munn v. Illinois,94 U.S. 113** ; Barbier v. Connelly, 113 U.S. 27 . While the police power of the state cannot be so arbitrarily exercised as to deprive persons of their property without due process of law or deny them equal protection ...


Discussion:  **Court:** Miss. | **Date:** January 4, 1932

879. [Jackson v. Mississippi Fire Ins. Co.](#), 132 Miss. 415, 95 So. 845, 1923 Miss. LEXIS 31 

LB Cited by: 132 Miss. 415 p.433; 95 So. 845 p.852

... from engaging therein, and then, after so doing, exempting the property of such corporations from all sorts of taxes. That the power of the state to declare certain kinds of business to be affected with a public use is very large, and the precise limits thereof cannot be clearly foreseen or foretold, but must be left to the legislative discretion and the circumstances existing at the time, is shown by a careful reading of the opinion in the case of **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Miss. | **Date:** March 1, 1923

880. [Yazoo & M. V. R. Co. v. G. W. Bent & Co.](#), 94 Miss. 681, 47 So. 805, 1909 Miss. LEXIS 331, 22 L.R.A. (n.s.) 821 

LB Cited by: 94 Miss. 681 p.691; 47 So. 805 p.809


... is an unwarranted exercise of legislative power. It must be borne in mind that the business of a common carrier is one which is 'clothed with a public interest.' That was pithily remarked by Sir Matthew Hale nearly four hundred years ago. It was quoted by the supreme court of the United State in **Munn v.Illinois,94 U.S. 113, 24 L. Ed. 77** , and made the basis of the decision in that case and in many subsequent ones decided by that and other courts. Now, pretermittting the question as to ...

Discussion:  **Court:** Miss. | **Date:** March 1, 1909

881. [Louisville, N. O. & T. R. Co. v. State](#), 66 Miss. 662, 6 So. 203, 1889 Miss. LEXIS 162, 14 Am. St. Rep.

599, 5 L.R.A. 132 **LB Cited by:** 66 Miss. 662 p.674; 6 So. 203 p.205

... common carrier for transportation of freight within the state, could be applied to a contract for continuous transportation from a point without to a point within the state. It was held that it could not, since the contract was for interstate commerce and as such not within state regulation or control. In delivering the opinion of the court, Miller, J., reviews the cases of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; Chicago, etc., R. R. Co. v. Iowa, 94 U.S. 155, and Peik v. ...

Discussion:  **Court:** Miss. | **Date:** April 1, 1889882. [Stone v. Yazoo & M. V. R. Co.](#), 62 Miss. 607, 1885 Miss. LEXIS 120, 52 Am. Rep. 193 **LB Cited by:** 62 Miss. 607 p.639


... We submit that there are no less than ten decisions of the Supreme Court of the United States overruling the position relied upon by the complainants, that State regulation of railroad charges for transportation is in conflict with the power of Congress to regulate commerce among the States. **Munn v. Illinois, 94 U.S. 113**; Chicago, etc., Co. v. Iowa, lb. 155; Peik v. Chicago, etc., Railway Co., lb. 164; Chicago, etc., Railroad Co. v. Ackley, lb. 179; Winona and St. P. Railroad Co. v. ...

Discussion:  **Court:** Miss. | **Date:** April 1, 1885**Missouri Supreme Court**883. [Blaske v. Smith & Entzeroth, Inc.](#), 821 S.W.2d 822, 1991 Mo. LEXIS 132 **LB Cited by:** 821 S.W.2d 822 p.834

... due process violation occurs if this non-property right is eliminated by a change in the law. The Court, in holding that due process has not prohibited the abolition of causes of action, stated: Our cases have clearly established that "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1, 50, 56 L. Ed. 327 (1912), 32 S. Ct. 169 quoting, **Munn v. Illinois, 94 U.S. 113, 134(1877)**. The "Constitution does not ...

Discussion:  **Court:** Mo. | **Date:** December 17, 1991 | **Headnotes:** HN12884. [State ex rel. Missouri Dep't of Agriculture v. McHenry](#), 687 S.W.2d 178, 1985 Mo. LEXIS 329 **LB Cited by:** 687 S.W.2d 178 p.182


... Bartley v. Special School District, 649 S.W.2d 864 (Mo. banc 1983). The regulation here in issue, moreover, is manifestly governmental. The interest of the state in regulating grain marketing facilities was recognized in **Munn v. Illinois, 94 U.S. (4 Otto.) 113, 24 L. Ed. 77(1876)**. § 411.012, RSMo 1984 Supp. states that Ch. 411 "constitutes an exercise of state policy and regulatory power for the purpose of enhancing grain production and marketing." The statutes exist, not purely ...

Discussion:  **Court:** Mo. | **Date:** April 2, 1985885. [State v. Oil, Chemical & Atomic Workers International Union](#), 317 S.W.2d 309, 1958 Mo. LEXIS 629, 42 L.R.R.M. (BNA) 2780, 35 Lab. Cas. (CCH) P71847 **LB Cited by:** 317 S.W.2d 309 p.325

... It is within the legislative authority to classify and deal with businesses affected with the public interest. The classification of utility employees and union representatives cannot be said to be lacking any adequate or reasonable basis. It is unnecessary for the state legislature to cover the whole field of

possible abuses. It is within the legislative authority to classify and deal with businesses affected with the public interest. **Munn v. Illinois,94 U.S. 113** . The classification of utility ...

Discussion:  | **Court:** Mo. | **Date:** September 29, 1958

886. [Clayton v. Nemours](#), 353 Mo. 61, 182 S.W.2d 57, 1944 Mo. LEXIS 405 

LB Cited by: 353 Mo. 61 p.66; 182 S.W.2d 57 p.60

... (1) When private property is devoted to a public use which is of public consequence and affects the public at large, the owners thereby grant to the public an interest in that use, and, to the extent of the use, must submit to be controlled by the public for the public good. **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 1** . c. 84; 37 Am. Juris., sec. 314. (a) All private property is held subject to the valid exercise of the police power. *Kingshighway Pres. Ch. v. Sun Realty Co.*, 324 ...

Discussion:  | **Court:** Mo. | **Date:** July 3, 1944

887. [Curators of Central College v. Rose](#), 182 S.W.2d 145, 1944 Mo. LEXIS 616 

LB Cited by: 182 S.W.2d 145 p.149

...): "The previous immunity from responsibility for such injury was nothing more than a general rule of law, which was not in terms or by necessary intendment imported into the contract. For just as no person has a vested right in any general rule of law or policy of legislation entitling him to insist that it shall remain unchanged for his benefit (**Munn v. Illinois,94 U.S. 113, 134, 24 L.Ed. 77, 87** ; *Hurtado v. California*, 110 U.S. 516 , 532 , 4 S.Ct. 111 , 292 , 28 L.Ed. 232 , ...


Discussion:  | **Court:** Mo. | **Date:** July 3, 1944 | **Headnotes::** HN12

888. [State ex rel. Buchanan County Power Transmission Co. v. Baker](#), 320 Mo. 1146, 9 S.W.2d 589, 1928 Mo. LEXIS 733 

LB Cited by: 320 Mo. 1146 p.1152; 9 S.W.2d 589 p.591

... "In determining whether a corporation is or is not a public utility, the important thing is not what its charter says it may do but what it actually does. [*Terminal Taxicab Co. v. Kutz*, 241 U.S. 252 .] " Also, the absence of a franchise or the absence of the exercise of the right of eminent domain are not determinative of the question. [**Munn v. Illinois,94 U.S. 113** ; *Guiding Principles of Public Service Regulation*, pp. 20 to 30.] The statutes involved are as follows: *Electric Power Industry*, ...

Discussion:  | **Court:** Mo. | **Date:** October 2, 1928

889. [Arnold v. Hanna](#), 315 Mo. 823, 290 S.W. 416, 1926 Mo. LEXIS 541 

LB Cited by: 315 Mo. 823 p.841; 290 S.W. 416 p.423

... "A commission merchant's business is that of a warehouseman and sales agent. As a warehouseman, his business is subject to state control notwithstanding the goods which he handles may be commodities of interstate commerce. [**Munn v. Illinois,94 U.S. 113.**] As a sales agent, the commission merchant is subject to state control, although the commodities sold by him may be of an interstate character. [*Hopkins v. United States*, 171 U.S. 578 ; *W. W. Cargill Co. v. Minnesota*, 180 U.S. 452 .] ...

Discussion:  | **Court:** Mo. | **Date:** October 8, 1926

890. [State ex rel. Barrett v. Hedrick](#), 294 Mo. 21, 241 S.W. 402, 1922 Mo. LEXIS 53 ▲

LB Cited by: 294 Mo. 21 p.78; 241 S.W. 402 p.421

... The business of public warehouses differs from those affected by other inspection acts in that it is clothed with a public interest and is subject to regulation, and in this State regulated (Sec. 6018, R. S. 1919) in the matter of charges which may be exacted for services rendered. [**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77.**] There are also differences between the character of the evils intended to be prevented by grain inspection and those at which other inspection acts strike. Out of ...

Discussion: ■■■■■ | **Court:** Mo. | **Date:** April 29, 1922

891. [State ex rel. McAllister v. Albany Drainage Dist.](#), 290 Mo. 33, 234 S.W. 339, 1921 Mo. LEXIS 46 ⓘ

LB Cited by: 290 Mo. 33 p.57; 234 S.W. 339 p.341

... Property may be said to be clothed with a public interest when used in a manner to make it of public consequence and thereby affect the community at large. Property may be said to be clothed with a public interest when used in a manner to make it of public consequence and thereby affect the community at large. [**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77.**] While in form this proceeding is in behalf of the public to test a corporate franchise, the matters involved are mainly, if not altogether ...

Discussion: ■■■■■ | **Court:** Mo. | **Date:** October 8, 1921

892. [Southwest M. R. Co. v. Public Service Com.](#), 281 Mo. 52, 219 S.W. 380, 1920 Mo. LEXIS 4 ⓘ

LB Cited by: 281 Mo. 52 p.60; 219 S.W. 380 p.382

... "It is settled that the general police power of the State embraces the regulation of the service and rates of public utility enterprises for the promotion of public convenience and the general welfare." [Harvard Law Review, Nov. 1918, p. 741.] (Italics ours). See, also, **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and a number of other decisions, including State ex rel. Sedalia v. Pub. Serv. Com., 204 S.W. 497 . See, also, Union Drygoods Co. v. Ga. Pub. Serv. Com. U.S. Sup. Ct. Ad. ...

Discussion: ■■■■■ | **Court:** Mo. | **Date:** February 16, 1920

893. [State ex rel. M. O. Danciger & Co. v. Public Service Com.](#), 275 Mo. 483, 205 S.W. 36, 1918 Mo. LEXIS 83, 18 A.L.R. 754 ▲

LB Cited by: 275 Mo. 483 p.494; 205 S.W. 36 p.40

... For the operation of the electric plant must of necessity be for a public use, and therefore be coupled with a public interest; otherwise the Commission can have no authority whatever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation. [**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77.**] Since, the sole right of regulation depends upon the public interest, the subdivisions quoted above, and which define an electric plant and an electric ...

Discussion: ■■■■■ | **Court:** Mo. | **Date:** July 16, 1918

894. [Kansas City v. Holmes](#), 274 Mo. 159, 202 S.W. 392, 1918 Mo. LEXIS 11, L.R.A. (n.s.) 1918D1016 ⬢

LB Cited by: 274 Mo. 159 p.165; 202 S.W. 392 p.393

... that property subject to taxation shall be taxed in proportion to its value. These three propositions can best be considered together, for the question at once arises as to what branch of the governmental

powers these ordinances refer. The police power, as was said by the Supreme Court of the United States in **Munn. v. Illinois,94 U.S. 113, 125, 24 L. Ed. 77** , and repeated by this court in Houck v. Drainage District, 248 Mo. 373 , 384 , 154 S.W. 739 , "are nothing more or less than ...

Discussion:  | **Court:** Mo. | **Date:** April 8, 1918 | **Headnotes::** HN4, HN5

895. [State ex rel. Rhodes v. Public Service Com.](#), 270 Mo. 547, 194 S.W. 287, 1917 Mo. LEXIS 47 

LB Cited by: 270 Mo. 547 p.563; 194 S.W. 287 p.290

... The question of the right of a Legislature to fix reasonable maximum rates for the carriage of freight and passengers, absent any specific authority such as is contained in section 14 of article 12 of our Constitution, is too well settled in this State and in all other jurisdictions for either cavil or dispute. [**Granger Cases,94 U.S. 113at113-187** ; Saratoga Springs v. Saratoga Light & Power Co., 191 N.Y. 123 , 83 N.E. 693 ; Reagan v. Farmers' Loan & Trust Co., 154 U.S. 362 , 38 ...

Discussion:  | **Court:** Mo. | **Date:** April 9, 1917

896. [State ex rel. Barker v. Merchants' Exch. of St. Louis](#), 269 Mo. 346, 190 S.W. 903, 1916 Mo. LEXIS 137, Am. Ann. Cas. 1917E871 

LB Cited by: 269 Mo. 346 p.365; 190 S.W. 903 p.907

... The police powers of the State has full recognition by the Federal government, and unless the laws passed in pursuance of such powers unduly interfere with the commerce clause of the Federal Constitution they have been upheld by the United States Supreme Court . [Pittsburg Coal Co. v. Louisiana, 156 U.S. 590 , 39 L. Ed. 544 , 15 S. Ct. 459 ; Sherlock v. Alling, 93 U.S. 99 , 23 L. Ed. 819 ; **Munn v. Illinois,94 U.S. 113** , 24 L. Ed. 77 ; Turner v. Maryland, 107 U.S. 38 , 27 L. Ed. ...


Discussion:  | **Court:** Mo. | **Date:** December 21, 1916

897. [State use of Hubbard & Moffitt Com. Co. v. Cochrane](#), 264 Mo. 581, 175 S.W. 599, 1915 Mo. LEXIS 96 

LB Cited by: 264 Mo. 581 p.590; 175 S.W. 599 p.601

... household furniture and effects, as well as valuables kept in safe deposits. The extent and variety of the business, including within its scope the subjects of the chief industry of the people of the State, as well as the common articles of commerce, early evolved the legal principle that the conduct of this business necessarily affected the public and made its regulation a proper exercise of the police power of the State and Federal Government. [**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77.**] ...










Discussion:  | **Court:** Mo. | **Date:** April 1, 1915

898. [Houck v. Little River Drainage Dist.](#), 248 Mo. 373, 154 S.W. 739, 1913 Mo. LEXIS 31 

LB Cited by: 248 Mo. 373 p.384; 154 S.W. 739 p.741

... The taxing power is an incident to every function of the State, but under our system of government it cannot stand alone. Every tax must rest on a public purpose to which its proceeds must be devoted. The police powers on the other hand, as was said by Chief Justice Waite in **Munn v. Illinois,94 U.S. 113, 125, 24 L. Ed. 77** , quoting from Chief Justice Taney in the License Cases, 5 How. 583 , "are nothing more or less than the powers of government inherent in every sovereignty, . . . that ...

Discussion:  | **Court:** Mo. | **Date:** March 1, 1913 | **Headnotes::** HN5


899. [McGrew v. Missouri P. R. Co.](#), 230 Mo. 496, 132 S.W. 1076, 1910 Mo. LEXIS 218 
- LB Cited by:** 230 Mo. 496 p.522; 132 S.W. 1076 p.1083
 ... The reservations by the people are shown in the prohibitions of the constitutions" of the states. The state constitutions are not grants of power, but are restrictions on the powers which the state government would otherwise possess. [**Munn v. Illinois,94 U.S. 113, 24 L. Ed.77** ; State v. Tower, 185 Mo. 79 , 84 S.W. 10 ; Exparte Roberts, 166 Mo. 207 , 212 , 65 S.W. 726 ; State ex rel. v. Sheppard, 191 Mo. 497 , 506 ...
- Discussion:**  | **Court:** Mo. | **Date:** November 12, 1910
-
900. [House v. Mayes](#), 227 Mo. 617, 127 S.W. 305, 1910 Mo. LEXIS 114 
- LB Cited by:** 227 Mo. 617 p.641; 127 S.W. 305 p.310
 ... (1) The act under which petitioner is prosecuted is a valid act as a police regulation requiring that all sales of grain, seed, hay and coal shall be made on the basis of the actual weight thereof for the purpose of preventing fraud in the sales of such commodities. Police power defined: 4 Bl. Com. 162; Cooley, Const. Lim., 572; 1 Tiedeman, Police Power, sec. 1, p. 2; 22 Am. and Eng. Ency. Law (2 Ed.), 916; 8 Cyc. 863; **Munn v. Illinois,94 U.S. 113** ; State ex rel. v. Mercantile Co., 184 Mo. ...
- Discussion:**  | **Court:** Mo. | **Date:** April 26, 1910
-
901. [State ex rel. Hadley v. Standard Oil Co.](#), 218 Mo. 1, 116 S.W. 902, 1909 Mo. LEXIS 316 
- LB Cited by:** 218 Mo. 1 p.379; 116 S.W. 902 p.1019
Court: Mo. | **Date:** March 9, 1909
-
902. [Merchants' Exchange of St. Louis v. Knott](#), 212 Mo. 616, 111 S.W. 565, 1908 Mo. LEXIS 160 
- LB Cited by:** 212 Mo. 616 p.643; 111 S.W. 565 p.572
 ... **Munn v. Illinois,94 U.S. 113** ; 22 Cyc. 1368. (5) The State inspection and weighing of grain provided for by the Act of 1907, is not an unlawful interference with interstate commerce. **Munn v. Illinois,94 U.S. 113** ; Pittsburg, etc., Coal Co. v. La., 155 U.S. 590 ; Turner v. Maryland, 107 U.S. 38 ; 22 Cyc. 1365. (6) The Act of 1907 is not violative of section 1 of the Fourteenth Amendment to the Federal Constitution . Brannon on the Fourteenth Amendment , 222; **Munn v. Illinois,94 U.S. 113**
- Discussion:**  | **Court:** Mo. | **Date:** June 6, 1908
-
903. [McCully v. Chicago, B. & Q. R. Co.](#), 212 Mo. 1, 110 S.W. 711, 1908 Mo. LEXIS 118 
- LB Cited by:** 212 Mo. 1 p.30; 110 S.W. 711 p.719
 ... discriminatory, exceptional and partial legislation upon the subject of the sale of tickets to individuals willing and able to purchase a quantity at any one time. The latter is not an exercise of the power to establish maximum rates. "True it is that the railroad company exercises a public franchise and that its occupation is of a public nature, and the public therefore has a certain interest in and rights connected with the property, as was held in **Munn v. Illinois,94 U.S. 113, 125, 24 L. Ed. 77** ...
- Discussion:**  | **Court:** Mo. | **Date:** May 13, 1908

904. [Ex parte Berger](#), 193 Mo. 16, 90 S.W. 759, 1906 Mo. LEXIS 97, 112 Am. St. Rep. 472, 3 L.R.A. (n.s.) 530 

LB Cited by: 193 Mo. 16 p.27; 90 S.W. 759 p.761

... and it was unlawful to take any money for the use of money, and this law was rigidly enforced by the temporal authorities of England until the reign of Henry VIII., when the legal right to take interest was first created by act of Parliament (37 Henry VIII., cap. 9), and ever since in England and in this country, this right has existed in legal contemplation as the creature of statutory enactment. As was said by Mr. Justice Field in **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Mo. | **Date:** January 23, 1906

905. [State v. Bixman](#), 162 Mo. 1, 62 S.W. 828, 1901 Mo. LEXIS 141 

LB Cited by: 162 Mo. 1 p.60; 62 S.W. 828 p.844

... The inspection of beer and other malt and distilled liquors can only be required by the State in the exercise of its police powers, for which a reasonable inspection fee may be required to be paid by the person manufacturing it, as a condition precedent to its offer for sale, but its purpose can not be diverted for the purpose of raising money or revenue. As was said by Mr. Justice Field, in his dissenting opinion in the Munn case, **94 U.S. 113**: "One may go, in like manner, through the whole ...


Discussion:  **Court:** Mo. | **Date:** April 15, 1901

906. [State ex rel. Star Pub. Co. v. Associated Press](#), 159 Mo. 410, 60 S.W. 91, 1901 Mo. LEXIS 5, 81 Am. St. Rep. 368, 51 L.R.A. 151 

LB Cited by: 159 Mo. 410 p.424; 60 S.W. 91 p.94

... "the amount of business annually transacted at said stock-yards is such as to constitute the market thus established the largest live-stock market in the world." If the facts just related did not impress the business with a public use, it is difficult to conceive what facts could do so, and in addition to the utterances heretofore quoted in the Live Stock Commission case, the court there also said: "The views here expressed do not conflict with what was decided in **Munn v. Illinois, 94 U.S. 113** ...


Discussion:  **Court:** Mo. | **Date:** January 25, 1901

907. [Kreihohm v. Yancey](#), 154 Mo. 67, 55 S.W. 260, 1900 Mo. LEXIS 157 

LB Cited by: 154 Mo. 67 p.84; 55 S.W. 260 p.266

... authorities of England until the reign of Henry VIII, when the legal right to take interest was first created by Act of Parliament (37 Henry VIII cap. 9), and ever since in England and in this country, this right has existed in legal contemplation as the creature of statutory enactment. As was said by Mr. Justice Field in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, Defenses, Usury HN5 The practice of regulating by legislation the interest receivable for the use of money, when considered ...


Discussion:  **Court:** Mo. | **Date:** February 5, 1900

908. [State ex rel. National Subway Co. v. St. Louis](#), 145 Mo. 551, 46 S.W. 981, 1898 Mo. LEXIS 106, 42 L.R.A. 113 

LB Cited by: 145 Mo. 551 p.574; 46 S.W. 981 p.987

... is not absolutely free, for the city has the right to make reasonable wharf charges, and so may the defendant make reasonable charges when performing wharf duties. But, it is said, the city has no control over the charges which defendant may make. If this elevator company has, as we hold, engaged to execute a public trust, then it is subject to public regulations, and the State may prescribe regulations even as to the charges. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Whether the State ...

Discussion:  | **Court:** Mo. | **Date:** July 6, 1898

909. [Seawell v. Kansas C., F. S. & M. R. Co.](#), 119 Mo. 222, 24 S.W. 1002, 1893 Mo. LEXIS 122 

LB Cited by: 119 Mo. 222 p.237; 24 S.W. 1002 p.1005

... in the two opinions, with which we have no concern, as our course must be guided by the ruling of the majority of the court, this much must be conceded, that the distinction between the case there in hand and cognate cases such as **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** and Peik v. Railroad , 94 U.S. 164 , in both of which the opinions of the court were written by Chief Justice Waite, and the cases of Hall v. DeCuir; The Daniel Ball; Lord v. Steamship Co. and Gloucester Ferry ...

Discussion:  | **Court:** Mo. | **Date:** December 23, 1893

910. [State v. Loomis](#), 115 Mo. 307, 22 S.W. 350, 1893 Mo. LEXIS 54, 21 L.R.A. 789 

LB Cited by: 115 Mo. 307 p.320, p.329; 22 S.W. 350 p.353, p.356

... persons of the right to make and enforce ordinary contracts, and they introduce a system of state paternalism which is at war with the fundamental principles of our government, and, as we have before said, are not due process of law. It cannot be said that these defendants, in operating their coal mines, are pursuing a public business, or that they have in any way, shape or form devoted their property to a public use; and this being so the cases of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Mo. | **Date:** March 25, 1893

911. [State v. Loomis](#), 20 S.W. 332, 1892 Mo. LEXIS 260 

LB Cited by: 20 S.W. 332 p.335

... 120 U. S. 68 , 7 Sup. Ct. Rep. 350 ; Railway Co. v. Humes, 115 U. S. 512 , 6 Sup. Ct. Rep. 110 ; Barbier v. Connolly, 113 U. S. 27 , 5 Sup. Ct. Rep. 357 ; Soon Hing v. Crowley, 113 U. S. 703 , 5 Sup. Ct. Rep. 730 ; **Munn v. Illinois, 94 U. S. 113** ; Powell v. Pennsylvania, 127 U. S. 678 , 8 Sup. Ct. Rep. 952 , 1257 ; State v. Addington, 12 Mo. App. 214 , and 77 Mo. 110 ; Ex parte Swann, 96 Mo. 44 , 9 S. W. Rep. 10 ; Perkins v. Railway Co., 103 Mo. 52 ...

Discussion:  | **Court:** Mo. | **Date:** October 10, 1892

912. [Belcher's Sugar Refining Co. v. St. Louis Grain Elevator Co.](#), 101 Mo. 192, 13 S.W. 822, 1890 Mo. LEXIS 170, 8 L.R.A. 801 

LB Cited by: 101 Mo. 192 p.206; 13 S.W. 822 p.826

... 32 Vt. 367 ; Kelsey v. King, 32 Barb. 410 ; Railroad v. Applegate, 8 Dana, 289 ; St. Louis v. Elevator Co. , 2 Dillon, 70; Building Ass'n v. Telephone Co., 88 Mo. 369 ; Acts, 1863, Adjourned Session, p. 223; Gould on Waters, p. 214, sec. 118; **Munn v. Illinois, 94 U.S. 113-151** ; Ferry Co. v. Hankey, 31 Md. 348 ; Keokuk v. Packet Co., 32 Iowa, 80 ; Railroad v. Ellerman, 105 U.S. 166 ; Barney

v. Packet Co., 4 Dillon, 324. (2) The St. Louis Grain Elevator Company has full authority, ...

Discussion:  **Court:** Mo. | **Date:** April 1, 1890


913. [State use of School Fund v. Wabash, S. L. & P. R. Co.](#), 83 Mo. 144, 1884 Mo. LEXIS 355 ▲

LB Cited by:

... pass them, but their validity has been bottomed on the principle that, when private property is devoted by the owner to a public use, some right of such use is reserved or inheres in the legislature to regulate the use. It is upon these principles that such laws as licensing and regulating ferries, requiring railroad companies to build fences on each side of their tracks, to erect and maintain cattle guards, gates and farm crossings have been upheld. In the case of **Munn v. Illinois, 94 U.S. 113** ...

Discussion:  **Court:** Mo. | **Date:** October 1, 1884


Missouri Court of Appeals

914. [Home Tel. Co. v. Granby & Neosho Tel. Co.](#), 147 Mo. App. 216, 126 S.W. 773, 1910 Mo. App. LEXIS 550 

LB Cited by: 147 Mo. App. 216 p.240; 126 S.W. 773 p.780

... "Where private property is, by the consent of the owner invested with a public interest or privilege for the benefit of the public, the owner can no longer deal with it as his private property only, but must hold it subject to the rights of the public, in the exercise of that public interest or privilege conferred for their benefit." Allnutt v. Inglis, 12 East. 527. In **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77** (2d l. Ed. 77), private parties owned certain warehouses or elevators used in receiving, ...

Discussion:  **Court:** Mo. Ct. App. | **Date:** March 8, 1910

915. [GUPTON v. CARR \(In re Estate of PURL\)](#), 147 Mo. App. 105, 125 S.W. 849, 1910 Mo. App. LEXIS 538 

LB Cited by: 147 Mo. App. 105 p.119; 125 S.W. 849 p.853

... banking, when carried on by an individual, to state supervision, merely recognizes it as impressed with a public character, recognizes it as a business in which the public has an interest. In like manner and by like reasoning and for like cause, an individual engaged in operating a grain elevator for hire is recognized as engaged in a public employment, devoting his property to a public use and thereby subjecting himself to the control of the state. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Mo. Ct. App. | **Date:** February 1, 1910

916. [Vanderberg v. Kansas City, Mo., Gas Co.](#), 126 Mo. App. 600, 105 S.W. 17, 1907 Mo. App. LEXIS 441 

LB Cited by: 126 Mo. App. 600 p.607; 105 S.W. 17 p.20


... 52 Mich. 499 ; Moray v. Gas Co., 38 N. Y. 185 ; Pub. Co. v. Associated Press, 184 Ill. 438 ; Waterworks Co. v. State ex rel., 46 Neb. 194 ; Gas & Mill Co. v. Mendenhall, 142 Ind. 538 ; Coy v. Gas Co., 146 Ind. 655 ; **Munn v. Illinois,94 U.S. 113** ; Railroad v. Transit Co., 45 N. J. Eq. 50 . (2) When a dispute arises between a company and a consumer, the latter is entitled to have his rights investigated by the courts. Sickel v. Gas Co. , How. Pr. (N. Y.) 33; 66 How. Pr. (N. ...

Discussion:  **Court:** Mo. Ct. App. | **Date:** November 4, 1907

917. [State ex rel. Payne v. Kinloch Tel. Co.](#), 93 Mo. App. 349, 67 S.W. 684, 1902 Mo. App. LEXIS 378 

LB Cited by: 93 Mo. App. 349 p.358; 67 S.W. 684 p.686

... Indeed, the same abridgment of the right of contract is applied to other persons or corporations than carriers, if engaged in employments of a public character, such as innkeepers, warehousemen, mills, bakers, gas and water companies and perhaps still others. **Mumm v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; People v. Budd, 117 N. Y. 1 ; 143 U.S. 517 ; Waterworks Co. v. State, 46 Neb. 194 ; 30 L. R. A. 447 , 64 N.W. 711 ; Smith v. Tel. Co., 42 Hun 454 ; State ex rel. v. Joplin Waterworks ...

Discussion:  **Court:** Mo. Ct. App. | **Date:** March 18, 1902

Other Missouri Decisions

918. [In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line in Marion County, Missouri, and an Associated Switching Station Near Palmyra, Missouri](#), 2015 Mo. PSC LEXIS 646

LB Cited by:

... Missouri Supreme Court held that the brewery was not a public electric utility. In doing so, the court relied on the United States Supreme Court decision that paved the way for all state regulation of public utilities, **Munn v. Illinois** . 8 **94 U.S. 113(1876)** . That decision held that state regulation of a private business was permissible only if the owner of the business had devoted the business to a "public use" for which the public interest justified public regulation. In the ...

Court: Mo. P.S.C. | **Date:** July 22, 2015

919. [Re Mrs. Ruby Williamson Bonham](#), 1956 Mo. PSC LEXIS 86

LB Cited by:

... ". . . For the operation of the electric plant must of necessity be for a public use, and therefore be coupled with public interest; otherwise the commission can have no authority whatever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation. **Munn v. Illinois (1877) 94 U.S. 113, 24 L ed 77**. Since the sole right of regulation depends upon the public interest, the subdivisions quoted above, and which define an electric plant ...

Court: Mo. P.S.C. | **Date:** May 16, 1956


920. [In the matter of the application of MRS. RUBY WILLIAMSON BONHAM for authority to discontinue the operation of a water system at Mokane, Missouri](#), 1956 Mo. PSC LEXIS 49

LB Cited by:

... ". . . For the operation of the electric plant must of necessity be for a public use, and therefore be coupled with a public interest; otherwise the Commission can have no authority whatever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation. **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77** . Since the sole right of regulation depends upon the public interest, the subdivisions quoted above, and which define an electric plant ...

Court: Mo. P.S.C. | **Date:** May 16, 1956


Montana Supreme Court

921. [State ex rel. Olsen v. Public Serv. Comm'n](#), 129 Mont. 106, 283 P.2d 594, 1955 Mont. LEXIS 31 

LB Cited by: 129 Mont. 106 p.116; 283 P.2d 594 p.599

... Its rates and charges could not be regulated or controlled if its business were not affected with a public interest. *H. Earl Clack Co. v. Public Service Comm'n*, 94 Mont. 488 , 22 P.2d 1056 ; *New State Ice Co. v. Liebmann*, 285 U.S. 262 , 52 S. Ct. 371 , 76 L. Ed. 747 . In the early case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77, 84** , the court referred to the common-law of England as stated by Lord Chief Justice Hale to the general effect that property such as that used by a ...

Discussion:  **Court:** Mont. | **Date:** March 7, 1955

922. [State v. Gleason](#), 128 Mont. 485, 277 P.2d 530, 1954 Mont. LEXIS 73 

LB Cited by: 128 Mont. 485 p.489; 277 P.2d 530 p.532

... Constitution. *Tyson & Bro. United Theatre Ticket Offices v. Banton*, supra ; *Ribnik v. McBride*, 277 U.S. 350 , 48 S. Ct. 545 , 72 L. Ed. 913 , 56 A. L. R. 1327 ; Compare: *Louisville & N. R. Co. v. Kentucky*, 161 U.S. 677 , 16 S. Ct. 714 , 40 L. Ed. 849 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . *Chas. Wolff Packing Co. v. Court of Industrial Relations*, 262 U.S. 522 , 43 S. Ct. 630 , 67 L. Ed. 1103 , 27 A. L. R. 1280 . "*Nebbia v. New York*, 291 U.S. 502 , 54 S. Ct. 505 , ...

Discussion:  **Court:** Mont. | **Date:** July 16, 1954

923. [State ex rel. Public Serv. Comm'n v. District Court](#), 107 Mont. 240, 84 P.2d 335, 1938 Mont. LEXIS 79 

LB Cited by: 107 Mont. 240 p.251; 84 P.2d 335 p.340

... and limb. The difference between the instanced cases and the instant case is in degree only." There is here no contention that the Power Company is not a public utility; in other words, its business is affected with a public interest, and, therefore, is subject to regulation. (**Munn v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77** .) Whether the state, through the Public Service Commission, may regulate a public utility to the extent of protecting solely a private right need not here ...

Discussion:  **Court:** Mont. | **Date:** November 15, 1938

924. [Sherlock v. Greaves](#), 106 Mont. 206, 76 P.2d 87, 1938 Mont. LEXIS 11 

LB Cited by: 106 Mont. 206 p.210; 76 P.2d 87 p.93


... In determining the status of plaintiffs it may be helpful to consider some of the applicable principles of public utility law from this and other jurisdictions. Perhaps the first case in this country dealing with the question of public interest and dedication of property to public use, is **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . In the course of his majority opinion, Chief Justice Waite said: "Property does become clothed with a public interest when used in a manner to make it of public ...


Discussion:  **Court:** Mont. | **Date:** 1938

925. [Great N. Utils. Co. v. Public Serv. Comm'n](#), 88 Mont. 180, 293 P. 294, 1930 Mont. LEXIS 152 

LB Cited by: 88 Mont. 180 p.205; 293 P. 294 p.298

... If the Public Service Commission Act authorizes the fixing of minimum rates and prohibits the charging of less, it is violative of the "due process of law" clause of the Fourteenth Amendment to the Constitution of the United States . We make this statement with the utmost confidence in view of the decision of the supreme court of the United States in the case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , in which case that court for the first time considered the legislative power of a ...


Discussion:  **Court:** Mont. | **Date:** July 29, 1930 | **Headnotes::** HN1

926. [State v. Gateway Mortuaries, Inc.](#), 87 Mont. 225, 287 P. 156, 1930 Mont. LEXIS 66, 68 A.L.R. 1512 

LB Cited by: 87 Mont. 225 p.247; 287 P. 156 p.162

... determining whether a law is within the police power, it need not be found that facts exist which would justify it, but it is enough that a state of facts can reasonably be presumed to exist which would justify it, in which case it will be presumed they did exist and that the law was passed for that reason. It is only when no state of circumstances could exist to justify the exercise of the power that the law will be declared void. (State v. Pitney, supra ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Mont. | **Date:** March 31, 1930

927. [American Sur. Co. v. Butler](#), 86 Mont. 584, 284 P. 1011, 1930 Mont. LEXIS 33 

LB Cited by: 86 Mont. 584 p.593; 284 P. 1011 p.1015

... Montana Elevator Co. , 65 Mont. 250 , 211 P. 222 ; State ex rel. Broadwater Farms Co. v. Broadwater Elevator Co. , 61 Mont. 215 , 201 P. 687) ; their dealings have only to do with intrastate commerce, and are subject to regulation by the state (**Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77 ;** Cargill Co. v. Minnesota , 180 U.S. 452 , 45 L. Ed. 619 , 21 S. Ct. 423 ; Merchants Exchange v. Missouri , 248 U.S. 365 , 63 L. Ed. 300 ...

Discussion:  **Court:** Mont. | **Date:** February 13, 1930

928. [Billings Util. Co. v. Public Serv. Comm'n](#), 62 Mont. 21, 203 P. 366, 1921 Mont. LEXIS 264 

LB Cited by: 62 Mont. 21 p.33; 203 P. 366 p.368

... Fourteenth Amendment to the Constitution of the United States . The decisions of the United States supreme court are, therefore, absolutely controlling. The development of the principles now thought controlling will be found in these cases: **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ;** Spring Valley Water Works v. Schottler, 110 U.S. 347 , 28 L. Ed. 173 , 4 S. Ct. 48 ; Railroad Commission Cases, 116 U.S. 307 , 29 L. Ed. 631 , 6 S. Ct. 334 , 388 , ...

Discussion:  **Court:** Mont. | **Date:** December 19, 1921

929. [Public Serv. Comm'n v. Helena](#), 52 Mont. 527, 159 P. 24, 1916 Mont. LEXIS 83 

LB Cited by: 52 Mont. 527 p.535; 159 P. 24 p.25

... , and of the numerous courts which have passed upon this question, a city in its ownership of property devoted to a public use does so as a legal individual subject to all the rights and liabilities to which any other person or corporation owning property of a like nature is. Public utilities or businesses charged with a public interest are subject to control by the state under its police power. (**Munn v. Illinois,94 U.S. 113, 126, 24 L. Ed. 77 ;** City of Madison v. Madison Gas & Electric ...

Discussion:  **Court:** Mont. | **Date:** July 17, 1916


930. [Orient Ins. Co. v. Northern Pac. Ry.](#), 31 Mont. 502, 78 P. 1036, 1905 Mont. LEXIS 214 

LB Cited by: 31 Mont. 502 p.510; 78 P. 1036 p.1038

... Warehouses are therefore provided for this purpose, and the business of a warehouseman is just as

much a link in wool commerce as its transportation to market by the railroad company. The business of warehousing grain has been recognized by the Supreme Court of the United States to be a part of the commerce of the country. (**Munn v. Illinois**, 94 U.S. 113, 24 L. Ed. 77 .) 5. Further error is alleged upon the refusal of the court to allow defendant to show that Hunter & Anderson were the owners ...

Discussion:  | **Court:** Mont. | **Date:** January 6, 1905

931. [Bullard v. Northern Pac. Ry.](#), 10 Mont. 168, 25 P. 120, 1890 Mont. LEXIS 67, 11 L.R.A. 246 

LB Cited by: 10 Mont. 168 p.180; 25 P. 120 p.122

... charges by railroad companies for the transportation of persons and property within its own jurisdiction, unless restrained by some contract in the charter, or unless what is done amounts to a regulation of foreign or interstate commerce." (See, also, **Munn v. Illinois**, 94 U.S. 113, 24 L. Ed. 77 ; **Peik v. Chicago & N. W. R. R. Co.** 94 U.S. 164 , 24 L. Ed. 97 ; **Winona & St. Peter R. R. Co. v. Blake** , 94 U.S. 180 , 24 L. Ed. 99 ; **Stone** ...

Discussion:  | **Court:** Mont. | **Date:** July 1, 1890

Other Montana Decisions

932. [IN THE MATTER OF the Complaint of SHOSHONE CONDOMINIUM HOTEL OWNERS ASSOCIATION, a Montana Facility, Complainant, v. ABACO ENERGY SERVICES, LLC a North Dakota Limited Company, Defendant](#), 2016 Mont. PUC LEXIS 66

LB Cited by:

... 66. A service provider meeting the statutory definition of a public utility may be exempted from this status if it satisfies the group service criteria described in **Lockwood Water Users Ass'n v. Anderson**, 168 Mont. 303 , 542 P.2d 1217 (1975) . 67. "[W]hen private property is devoted to a public use, it is subject to public regulation." **Munn v. Illinois**, 94 U.S. 113, 130(1876) . 68. Property becomes "clothed with a public interest when used in a manner to make it of public consequence ...

Court: Mont. P.S.C. | **Date:** December 13, 2016

933. [IN THE MATTER OF the Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, and Mountain Water Company for Approval of a Sale and Transfer of Stock](#), 2015 Mont. PUC LEXIS 52

LB Cited by:

... 2015). Second, the City argues that most of the sought protection of these documents concerns inputs and products of sensitive analyses --not the models themselves--which should not be considered trade secret. *Id.* at pp. 10-11 . 18. With regards to why these documents were prepared, the asset in question is certainly clothed in the public interest. **Great N. Utils. Co. v. Public Serv. Comm'n**, 88 Mont. 180 , 205 , 293 P.294 (1930) (quoting **Munn v. Ill.**, 94 U.S. 113, 126(U.S. 1877)) ...

Court: Mont. P.S.C. | **Date:** June 5, 2015

934. [IN THE MATTER OF 2013 Regulatory Annual Reports](#), 2015 Mont. PUC LEXIS 14

LB Cited by:

... determining whether these officers and managers hold a position of public trust, it must be noted "when 'one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created.'" **Great N. Utils. Co. v. Public Serv. Comm'n**, 88 Mont. 180 , 205 , 293 P.294 (1930) (quoting **Munn v. Ill.**, 94 U.S. 113, 126(U.S. 1877)) ...


Court: Mont. P.S.C. | **Date:** February 9, 2015

935. [IN THE MATTER OF the Consolidated Petition by Mountain Water Company for Declaratory Rulings and Application for Approval of Sale and Transfer of Stock in Park Water Company](#), 2011 Mont. PUC LEXIS 52

LB Cited by:

... quoting Lord Chief Justice Hale: "When 'one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created'["]. The Court also cited from **Munn v. Illinois, 94 U.S. 113(1876)** , "Property becomes clothed with a public interest when used in a manner to make it of public consequence and affect the community at large." ...

Court: Mont. P.S.C. | **Date:** June 28, 2011


936. [IN THE MATTER OF the Joint Application of NorthWestern Corporation and Babcock & Brown Infrastructure Limited, BBI US Holdings Pty Ltd., BBI US Holdings II Corp., and BBI Glacier Corp. for Approval of the Sale and Transfer of NorthWestern Corporation Pursuant to a Merger Agreement](#), 2007 Mont. PUC LEXIS 54, 259 Pub. Util. Rep. 4th (PUR) 493 

LB Cited by:

... , quoting Lord Chief Justice Hale: "When 'one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created'["]. The Court also cited from **Munn v. Illinois, 94 U. S. 113(1876)** , "Property becomes clothed with a public interest when used in a manner to make it of public consequence and affect the community at large." ...

Court: Mont. P.S.C. | **Date:** July 31, 2007


Nebraska Supreme Court

937. [Schendt v. Dewey](#), 246 Neb. 573, 520 N.W.2d 541, 1994 Neb. LEXIS 186 

LB Cited by: 246 Neb. 573 p.578; 520 N.W.2d 541 p.546

... . See, State v. Hirsch , 245 Neb. 31 , 511 N.W.2d 69 (1994) ; Denver Wood Products Co., supra . In addition, a person has no vested right in any common-law rule. Munn v. Illinois , 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1876)** ; Peterson v. Cisper , 231 Neb. 450 , 436 N.W.2d 533 (1989) ; Prendergast v. Nelson , 199 Neb. 97 , 256 N.W.2d 657 (1977) . The discovery rule in effect prior to the enactment of § 25-222 was a common-law rule, announced in Spath v. Morrow ...



Discussion:  | **Court:** Neb. | **Date:** August 19, 1994

938. [Peterson v. Cisper](#), 231 Neb. 450, 436 N.W.2d 533, 1989 Neb. LEXIS 101 

LB Cited by: 231 Neb. 450 p.457; 436 N.W.2d 533 p.537

... a legislative branch of the state government would have been a superfluity. One of the main purposes for which that branch of government is created is that the common law may from time to time be changed or abrogated in those instances wherein, by reason of changed social conditions, or other reasons, it may become ineffectual for the preservation of public or private rights. "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134** ...

Discussion:  | **Court:** Neb. | **Date:** March 10, 1989 | **Headnotes:** HN12

939. [Prendergast v. Nelson](#), 199 Neb. 97, 256 N.W.2d 657, 1977 Neb. LEXIS 759 
- LB Cited by:** 199 Neb. 97 p.104; 256 N.W.2d 657 p.663
 ... claimant is informed of what others think of the merits of his claim. If he disagrees, he still has access to the courts for a vindication of what he thinks his rights may be. The law specifically provides that the statute of limitations is tolled during the period the matter is subject to consideration by the medical review panel and for a period of 90 days following its opinion. The following quotation from **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** (1876), cited in Campbell v. City ...
Discussion:  **Court:** Neb. | **Date:** 1977 | **Headnotes::** HN12
-
940. [Campbell v. Lincoln](#), 195 Neb. 703, 240 N.W.2d 339, 1976 Neb. LEXIS 984 
- LB Cited by:** 195 Neb. 703 p.711; 240 N.W.2d 339 p.343
 ... this power is that the legislature cannot remove a bar or limitation which has already become complete, and that no limitation shall be made to take effect on existing claims without allowing a reasonable time for parties to bring action before these claims are absolutely barred by a new enactment. The law itself as a rule of conduct may be changed at the will or even at the whim of the Legislature unless prevented by constitutional limitations. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...
Discussion:  **Court:** Neb. | **Date:** April 1, 1976 | **Headnotes::** HN12
-
941. [State ex rel. Towle v. Eyen](#), 130 Neb. 416, 264 N.W. 901, 1936 Neb. LEXIS 66 
- LB Cited by:** 130 Neb. 416 p.419; 264 N.W. 901 p.902
 ... The law hedges about the ownership of property with certain restraints and liabilities. It is a well-settled rule that the owner of property will not be permitted to use the same in such a manner that will unnecessarily injure another. Patterson v. Kentucky, 97 U.S. 501, 24 L. Ed. 1115; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. If the powers of the court in cases such as this are required to be limited to such an extent as to enjoin only the appellant from allowing misbehavior, ...
Discussion:  **Court:** Neb. | **Date:** February 14, 1936
-
942. [State ex rel. Sorensen v. Nebraska State Bank](#), 124 Neb. 449, 247 N.W. 31, 1933 Neb. LEXIS 56 
- LB Cited by:** 124 Neb. 449 p.456; 247 N.W. 31 p.34
 ... vainglorious, had they not devised modes of enforcing their decrees, sufficiently stringent to compel obedience and sufficiently varied to answer every conceivable emergency." Freeman, Executions (2d ed.) sec. 8a. Approved in Sanford v. Anderson, 69 Neb. 249, 95 N.W. 632. See, also, Matteson v. Creighton University, 105 Neb. 219, 179 N.W. 1009. The subject of this action is the assets of an insolvent state bank in the course of litigation. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...
Discussion:  **Court:** Neb. | **Date:** February 24, 1933
-
943. [Klattenburg v. Qualsett](#), 114 Neb. 18, 205 N.W. 577, 1925 Neb. LEXIS 8 
- LB Cited by:** 114 Neb. 18 p.21; 205 N.W. 577 p.579
 ... Beach v. Peabody, 188 Ill. 75, 58 N.E. 679. See, also, Ex parte Berger, 193 Mo. 16, 112 Am. St. Rep. 472, 90 S.W. 759; Munn v. Illinois (dissenting opinion by **Justice Field**), **94 U.S. 113, 136, 24 L. Ed. 77**; Morley v. Lake Shore & M. S. R. Co., 146 U.S. 162, 36 L. Ed. 925, 13 S. Ct. 54. In the

case of *Beach v. Peabody*, supra, which involves the same question we have here, Justice Magruder says in part: "The value of the use of money, or the rate of interest which ...


Discussion:  **Court:** Neb. | **Date:** October 26, 1925

944. [State ex rel. Martin v. Howard](#), 96 Neb. 278, 147 N.W. 689, 1914 Neb. LEXIS 50 

LB Cited by: 96 Neb. 278 p.293; 147 N.W. 689 p.694

... conservative district court that a nation-wide business, such as that of fire insurance, is affected with a public interest which justifies its regulation, even to the extent of fixing maximum rates by an administrative agency or department of the government. The court goes back to the maxim of Lord Hale that, when private property is "affected with a public interest, it ceases to be *juris privati* only," which was amplified and applied in the opinion in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Neb. | **Date:** May 29, 1914

945. [Ex parte Barrett](#), 85 Neb. 769, 124 N.W. 153, 1910 Neb. LEXIS 12 

LB Cited by: 85 Neb. 769 p.775; 124 N.W. 153 p.156

... the liquor traffic, and such regulation of transportation is substantially related to that subject. An exercise of the provisions of rule 12, so far as involved herein, is not the usurpation of authority, but is merely the exercise of that police power that extends to a reasonable regulation of the owner's use of his private property as distinguished from an appropriation of such property by the sovereign power.

Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 : "Under the powers inherent in every ...

Discussion:  **Court:** Neb. | **Date:** January 5, 1910 | **Headnotes::** HN5

946. *Ray v. Colby & Tenney*, 97 N.W. 591, 5 Neb. Unoff. Rep. 151

LB Cited by: 5 Neb. Unoff. Rep. 151 p.15497 N.W. 591 p.592

Court: Neb. | **Date:** December 2, 1903

947. [State v. Heldenbrand](#), 62 Neb. 136, 87 N.W. 25, 1901 Neb. LEXIS 195, 89 Am. St. Rep. 743 

LB Cited by: 62 Neb. 136 p.140; 87 N.W. 25 p.26

... branch of the state government would have been a superfluity. One of the main purposes for which that branch of government is created is that the common law may from time to time be changed or abrogated in those instances wherein, by reason of changed social conditions, or other reasons, it may become ineffectual for the preservation of public or private rights. "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ...

Discussion:  **Court:** Neb. | **Date:** June 19, 1901 | **Headnotes::** HN12


948. [Wabaska Electric Co. v. Wymore](#), 60 Neb. 199, 82 N.W. 626, 1900 Neb. LEXIS 131 

LB Cited by: 60 Neb. 199 p.202; 82 N.W. 626 p.627

... right to furnish light to its private customers on such terms as may be mutually satisfactory to the parties concerned. The defendant has plainly no power or authority to regulate the plaintiff's charges for lights furnished to the inhabitants of Wymore. The legislature has, of course, the right to fix the price at which gas or electric lights shall be supplied by one who enjoys a monopoly of the business by reason of


having an exclusive franchise (**Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Neb. | **Date:** May 2, 1900

949. [State ex rel. Mattoon v. Republican V. R. Co.](#), 17 Neb. 647, 24 N.W. 329, 1885 Neb. LEXIS 221, 52 Am. Rep. 424 

LB Cited by: 17 Neb. 647 p.656; 24 N.W. 329 p.331

... Rogers L. & M. Works v. Erie R. R. Co., 20 N.J. Eq. 385 . P. & R. I. R. R. v. Mining Co. , 12 Am. L. R. (N. S.), 272. People v. N. Y. & H. R. R. Co., 9 Eng. and Am. R. R. cases, 1. Sanford v. R. R. Co., 24 Pa. 381 . McCoy v. C. I. St. L. & C. R. R., 13 Fed. Rept., 3. **Munn v. Illinois,94 U.S., 113** . Messenger et al. v. Pa. R. R. Co., 36 N.J.L. 407 . Id., 37 N.J. L. 531. Leavenworth Co. v. Miller, 7 Kans., 479 . C. & N. W. R. R. Co. v. People, 56 Ill. 367 . Hallenbeck v. Hand, ...

Discussion:  **Court:** Neb. | **Date:** July 1, 1885 | **Headnotes::** HN6


950. [State ex rel. Webster v. Nebraska Tel. Co.](#), 17 Neb. 126, 22 N.W. 237, 1885 Neb. LEXIS 105, 52 Am. Rep. 404 

LB Cited by: 17 Neb. 126 p.136; 22 N.W. 237 p.240

... 4. Defendant contends, that the telephone system being its private property, it, like any owner of private property may use, or refuse to use; grant the use, or refuse the grant, as he will, and it may refuse. The principle is correct, the error in the conclusion lies in the premise. Aldrutt v. Inglis, 12 East, 527. See also **Munn v. Illinois,94 U.S., 113** . Sickles v. Gas Co., 64 How. Pr., 33 . Thurston & Hall, for respondent. Upon the facts and law in this case the defendant makes the following ...

Discussion:  **Court:** Neb. | **Date:** 1885

Nebraska Court of Appeals

951. [Howard Kool Chevrolet v. Blomstedt](#), 2 Neb. Ct. App. 493, 511 N.W.2d 222, 1994 Neb. App. LEXIS 23, 25 U.C.C. Rep. Serv. 2d (CBC) 310 

LB Cited by: 2 Neb. Ct. App. 493 p.503; 511 N.W.2d 222 p.228

... Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, 183 Neb. 410 , 160 N.W.2d 232 (1968) . [11] Observing that a person has no vested right in any rule of common law, the Nebraska Supreme Court quoted the U.S. Supreme Court from **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** , and stated: "A person has no property, no vested interest, in any rule of the common law. . . . The law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, ...

Discussion:  **Court:** Neb. Ct. App. | **Date:** January 25, 1994 | **Headnotes::** HN12


Nevada Supreme Court

952. [Nevada Indus. Comm'n v. Reese](#), 93 Nev. 115, 560 P.2d 1352, 1977 Nev. LEXIS 490 

LB Cited by: 560 P.2d 1352 p.1357; 93 Nev. 115 p.123

... Deibeikis v. Link-Belt Co., 104 N.E. 211 (Ill. 1914) ; Hunter v. Colfax Consol. Coal Co., 154 N.W. 1037 (Iowa 1915) ; State ex rel. Davis-Smith Co. v. Clausen, 117 P. 1101 (Wash. 1911) ; Zancanelli v. Central Coal & Coke Co., 173 P. 981 (Wyo. 1918) ; **Munn v. Illinois,94 U.S. 113(1876)** . We turn to consider the final reason given by the district judge in declaring the aforementioned amendments to the Nevada Industrial Insurance Act unconstitutional: "Said sections of Chapter 762 illegally ...


Discussion:  **Court:** Nev. | **Date:** March 9, 1977

953. [Ex parte Kair](#), 28 Nev. 127, 80 P. 463, 1905 Nev. LEXIS 1, 6 Am. Ann. Cas. (o.s.) 893, 113 Am. St. Rep. 817 

LB Cited by: 80 P. 463 p.466; 28 Nev. 127 p.147
 ... 30 N.W. 308 , 1 Am. St. Rep. 638 ; People v. Bellet , 99 Mich. 151 , 57 N.W. 1094 , 22 L. R. A. 696 , 41 Am. St. Rep. 589 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . The decisions in California and New York holding statutes that limit labor on public works to eight hours to be unconstitutional are not considered applicable here, because such employment was not claimed to be unsafe or injurious to health. These cases are not only overthrown by ...


Discussion:  **Court:** Nev. | **Date:** 1905

New Hampshire Supreme Court

954. [Opinion of Justices](#), 113 N.H. 205, 304 A.2d 881, 1973 N.H. LEXIS 237 

LB Cited by: 113 N.H. 205 p.210; 304 A.2d 881 p.885
 ... 29 L. Ed. 2d 296 , 91 S. Ct. 1811 (1971) . It would apply only to accidents which will occur after its enactment and would not invade any vested constitutional rights guaranteed by these articles of the State constitution. **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77, 87(1876)** . In those cases where the plaintiff does not incur "reasonable and necessary expenses" for medical treatments in excess of five hundred dollars or sustain a physical injury of the type defined in RSA 407-C:9 ...

Discussion:  **Court:** N.H. | **Date:** May 14, 1973

955. [State v. Maine C. R. R.](#), 77 N.H. 425, 92 A. 837, 1914 N.H. LEXIS 187 

LB Cited by: 77 N.H. 425 p.427; 92 A. 837 p.838
 ... that they may better serve the public in that capacity. They are therefore engaged in a public employment, and... subject to legislative control as to their rates of fare and freight unless protected by their charters." Chicago etc. R. R. v. Iowa , 94 U.S. 155 , 161 ; **Munnv.Illinois, 94 U.S. 113** . "The legislature has power to fix rates, and the extent of judicial interference is protection against unreasonable rates." Chicago etc. Ry. v. Wellman , 143 U.S. 339 , 344 ; Reagan v. ...

Discussion:  **Court:** N.H. | **Date:** December 1, 1914

Other New Hampshire Decisions

956. [Re New England Telephone and Telegraph Company](#), 1991 N.H. PUC LEXIS 8

LB Cited by:
 ... can be divided into submarkets with different price elasticities, the monopolist can further increase its profit by practicing price discrimination, charging lower prices in markets where demand is more elastic and higher rates in markets where demand is less responsive to price. The optimal blending of the legal and economic rationales for regulation is to prevent companies that provide goods and services that are "affected with the public interest", **Munn v. Illinois, 94 U.S. 113(1877)** ...

Court: N.H.P.U.C. | **Date:** June 10, 1991

New Jersey Supreme Court

957. [Hackensack v. Winner](#), 82 N.J. 1, 410 A.2d 1146, 1980 N.J. LEXIS 1313, 104 L.R.R.M. (BNA) 2259 

LB Cited by: 82 N.J. 1 p.19

Court: New Jersey Supreme Court | **Date:** January 22, 1980

958. [Hutton Park Gardens v. Town Council of West Orange](#), 68 N.J. 543, 350 A.2d 1, 1975 N.J. LEXIS 165



LB Cited by: 68 N.J. 543 p.557; 350 A.2d 1 p.8

... , 24 N.J.L. 718 (E. & A. 1853) (discussing county regulation of ferry rates). The United States Supreme Court first passed on the constitutionality of state price control statutes in **Munn v. Illinois, 94U.S.113, 24L. Ed.77(1877)** and Peik v. Chicago & N.W.R. Co. , **94U.S.** 164 , **24L. Ed.** 97 **(1877)** and gave them its almost unqualified approval. The Court, however, steadily retreated from this position through the 1920s and until its decision in *Nebbia v. New York* ...

Discussion: **Court:** New Jersey Supreme Court | **Date:** December 11, 1975

959. [Greisman v. Newcomb Hospital](#), 40 N.J. 389, 192 A.2d 817, 1963 N.J. LEXIS 196

LB Cited by: 40 N.J. 389 p.396; 192 A.2d 817 p.821

... Lombard v. Louisiana , 373 **U.S.** 267 , 83 S. Ct. 1122 , 10 **L. Ed.** 2d 338 , 343 (1963) . See also **Munn v. Illinois, 94U.S.113, 24L. Ed.77(1877)** ; *German Alliance Ins. Co. v. Lewis* , 233 **U.S.** 389 , 34 S. Ct. 612 , 58 ...

Discussion: **Court:** New Jersey Supreme Court | **Date:** July 1, 1963 | **Headnotes::** HN6

960. [General Electric Co. v. Passaic](#), 28 N.J. 499, 147 A.2d 233, 1958 N.J. LEXIS 180

LB Cited by: 28 N.J. 499 p.517; 147 A.2d 233 p.243

... here, either direct or circumstantial, although the inquiry was less than exhaustive. Our statute does not embody a different policy. There can be no doubt of that. The Legislature may, for good reason related to the general welfare, classify warehousing as a public employment, even where the warehouse is established and conducted by private individuals. **Munn v. Illinois, 94U.S.113, 24L. Ed.77(1876)** ; *People v. Budd* , 117 N.Y. 1 , 22 N.E. 670 , 5 L.R.A. 559 ...

Discussion: **Court:** New Jersey Supreme Court | **Date:** December 22, 1958

961. [State v. Mundet Cork Corp.](#), 8 N.J. 359, 86 A.2d 1, 1952 N.J. LEXIS 341

LB Cited by: 8 N.J. 359 p.371; 86 A.2d 1 p.7

... If he suffers injury, it is either *damnum absque injuria* , or, in theory of the law, he is compensated for it by his sharing the general benefits which the regulations are intended and calculated to secure. *Dill. Mun. Corp.* 555, § 301; **Munn v. Illinois, 94U.S.113** ." Refer also to *Northwestern Laundry v. Des Moines* , 239 **U.S.** 486 , 60 **L. ed.** 396, 401 (1916). The ordinance here in question is a reasonable exercise of legislative authority. The final question to be disposed of ...

Discussion: **Court:** New Jersey Supreme Court | **Date:** January 21, 1952


962. [St. John Baptist Greek Catholic Church v. Gengor](#), 121 N.J. Eq. 349, 189 A. 113, 1937 N.J. LEXIS 545

LB Cited by: 121 N.J. Eq. 349 p.355; 189 A. 113 p.116

... 230 U.S. 139 ; 33 S. Ct. 1033 ; 57 L. Ed. 1427 ; 12 C. J. 1252, 1255. This doctrine, rooted in natural justice and shielded by the twenty-ninth chapter of Magna Charta, is of the essence of the constitutional guaranties of due process of law. **Munn v. Illinois, 94 U.S. 113** ; 24 L. Ed. 77 . If section 8 be given a strict, literal interpretation, it is radically deficient, at least in so far as it is applicable to the existing


corporation, in that it fails to condition the surrender of the ...


Discussion:  **Court:** New Jersey Court of Errors & Appeals | **Date:** January 22, 1937

963. [Ross v. Edgewater](#), 115 N.J.L. 477, 180 A. 866, 1935 N.J. Sup. Ct. LEXIS 398 

LB Cited by: 115 N.J.L. 477 p.489; 180 A. 866 p.873


... Connecticut, 161 **U.S.** 519 ; 16 S. Ct. 600 ; 40 L. Ed. 793 ; **Munnv.Illinois,94U.S.113** ; 24 L. Ed. 77 . And thus is classified the reasonable exercise of the police power to serve legitimate public needs. As was said by Chief Justice Chase , in *Steamship Co. v. Portwardens*, 73 **U.S.** (6 Wall.) 31; 18 L. Ed. 749 ...

Discussion:  **Court:** New Jersey Supreme Court (1790-1948) | **Date:** September 25, 1935

964. [Welsh v. Morristown](#), 98 N.J.L. 630, 121 A. 697, 1923 N.J. Sup. Ct. LEXIS 292 

LB Cited by: 98 N.J.L. 630 p.634; 121 A. 697 p.699

... he suffers injury, it is either *damnum absque injuria*, or, in theory of the law, he is compensated for it by his sharing the general benefits which the regulations are intended and calculated to secure. *Dill. Mun. Corp.* 555, § 301; **Munnv.Illinois,94U.S.113** . The question here is not precisely the right of the railroad company to make the contract with the prosecutor for the exclusive parking privilege. The prosecutor relies mainly upon the case of *Thompson's Express Co. v. ...*


Discussion:  **Court:** New Jersey Supreme Court (1790-1948) | **Date:** July 20, 1923

965. [East Jersey Water Co. v. Board of Public Utility Comm'rs](#), 98 N.J.L. 449, 119 A. 679, 1923 N.J. LEXIS 221 

LB Cited by: 98 N.J.L. 449 p.452; 119 A. 679 p.680

... this company has not been vested with the power of eminent domain, and because, under its charter, it is under no obligation to supply the water diverted by it to the public or any portion thereof, it is a mere private corporation, operating a water system in which the public has no interest. But this contention is unsound. In the leading case of **Munnv.Illinois,94U.S.113** , the question for determination was whether warehouses located in Chicago, in which grain shipped from the far ...

Discussion:  **Court:** New Jersey Court of Errors & Appeals | **Date:** February 2, 1923

966. [State v. Trenton](#), 97 N.J.L. 241, 117 A. 158, 1922 N.J. LEXIS 177 

LB Cited by: 97 N.J.L. 241 p.246; 117 A. 158 p.160

... their business and property are thereby expressly affected with a public interest; and, under well-settled rules of law, become thereby subject to the exercise of the police power when exerted by the state in behalf of the general body politic. This doctrine was promulgated by the United States Supreme Court , in 1876, in **Munnv.Illinois,94U.S.113** , and it has been consistently and repeatedly followed in subsequent adjudications in that court and in the states generally, until the principle ...

Discussion:  **Court:** New Jersey Court of Errors & Appeals | **Date:** March 6, 1922

967. [Public Service Gas Co. v. Board of Public Utility Comm'rs](#), 84 N.J.L. 463, 87 A. 651, 1913 N.J. Sup. Ct. LEXIS 89 

LB Cited by: 84 N.J.L. 463 p.484; 87 A. 651 p.660


... the law as it exists and not to change it because possibly individuals have been unwise or ill advised. At the time of the consolidation of the companies in the Passaic district in 1899, it was well understood that the rates of public service companies were subject to public regulation. If there were any doubt of this at the common law, the doubt was set at rest by the decision of the United States Supreme Court in *Munn v. Illinois* (and the other "Granger cases" in 1877), **94U.S.113** ...

Discussion:  **Court:** New Jersey Supreme Court (1790-1948) | **Date:** June 7, 1913

968. [Sexton v. Newark Dist. Tel. Co.](#), 84 N.J.L. 85, 86 A. 451, 1913 N.J. Sup. Ct. LEXIS 146 

LB Cited by: 84 N.J.L. 85 p.93; 86 A. 451 p.454

... process; but the law itself, as a rule of conduct, may be changed at the will * * * of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.' **Munn v. Illinois, 94 U.S. 113, 134**; *Martin v. Pittsburg and Lake Erie Railroad Co.*, 203 **U.S.** 284, 294; *The Lottawanna*, 21 Wall, 558, 577; *Western Union Telegraph Co. v. ...*

Discussion:  **Court:** New Jersey Supreme Court (1790-1948) | **Date:** February 25, 1913 | **Headnotes:** HN12

969. [McCarter v. Firemen's Ins. Co.](#), 73 A. 414, 1909 N.J. LEXIS 347 

LB Cited by: 73 A. 414 p.414

Court: New Jersey Court of Errors & Appeals | **Date:** July 8, 1909

970. [McCarter v. Firemen's Ins. Co.](#), 74 N.J. Eq. 372, 73 A. 80, 1909 N.J. LEXIS 271 

LB Cited by: 74 N.J. Eq. 372 p.378, p.394; 73 A. 80 p.82

... 2. The business of fire insurance as it is carried on in this state by corporations created, licensed and regulated by the state, is a business affected with a public interest within the meaning of this rule. 3. Quasi -public corporations, i. e. , those "affected with a public interest" defined. 4. The case of *Munn v. Illinois*, **94 U.S. 113**, applied. 5. A contract in restraint of trade entered into by fire insurance companies, the necessary effect and the actual result of which are to control ...










Discussion:  **Court:** New Jersey Court of Errors & Appeals | **Date:** June 14, 1909

971. [Raritan River R. Co. v. Middlesex & S. Traction Co.](#), 70 N.J.L. 732, 58 A. 332, 1904 N.J. LEXIS 150 


LB Cited by: 70 N.J.L. 732 p.744; 58 A. 332 p.336

... there is a statute, the courts follow the rule of law thus prescribed; where the statute violates the constitution, as by prescribing rates so low as to be unremunerative, so as to amount to a taking of property without compensation or without due process of law, the courts follow the constitution, disregarding the statute. **Munn v. Illinois, 94 U.S. 113, 134**; *Chicago, &c., Railroad Co. v. Iowa*, **U.S.** 115, 162; *Peik v. Chicago, &c., Railway Co.*, Id. 164, 178; *Ruggles v. ...*


Discussion:  **Court:** New Jersey Court of Errors & Appeals | **Date:** June 20, 1904 | **Headnotes:** HN12

972. [Combs v. Lakewood Tp.](#), 68 N.J.L. 582, 53 A. 697, 1902 N.J. Sup. Ct. LEXIS 47 
- LB Cited by:** 68 N.J.L. 582 p.583; 53 A. 697 p.697
 ... Hotchkiss, 76 N.W. Rep. 142 ; People v. Sawyer, 106 Mich. 428 ; **Munn v. Illinois, 4 Otto 113** .
 The second reason is that the ordinance makes a distinction between the rights of citizens of the same township. No basis of fact is discoverable to which this reason can apply. Instances of an identical or similar exercise of municipal control that have been supported by the courts are taken as follows from the source above indicated: ...
- Discussion:**  | **Court:** New Jersey Supreme Court (1790-1948) | **Date:** November 10, 1902
-
973. [Delaware, L. & W. R. Co. v. Central Stock-Yard & Transit Co.](#), 46 N.J. Eq. 280, 19 A. 185, 1889 N.J. LEXIS 82, 6 L.R.A. 863 
- LB Cited by:** 46 N.J. Eq. 280 p.281; 19 A. 185 p.185
 ... The business of maintaining stock-yards, for the reception of cattle belonging to others than the proprietor of the yards, is in itself so analogous to the business of warehousemen, that, in the present trend of judicial opinion, it would probably be considered lawful for the legislature to deal with it as a public employment, even if established and conducted by private individuals. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; People v. Budd (N. Y. Ct. of App.), 117 N.Y. 1 , 22 N.E. ...
- Discussion:**  | **Court:** New Jersey Court of Errors & Appeals | **Date:** November 1, 1889
-
974. [State v. Newton](#), 50 N.J.L. 534, 14 A. 604, 1888 N.J. Sup. Ct. LEXIS 39 
- LB Cited by:** 50 N.J.L. 534 p.539; 14 A. 604 p.607
 ... , 15 Wall. 284 , 21 L. Ed. 164 , with Philadelphia S. S. Co. v. Pennsylvania , 122 U.S. 326 , 30 L. Ed. 1200 , 7 S. Ct. 1118 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , and following cases, with Wabash R. R. Co. v. Illinois , 118 U.S. 557 , 30 L. Ed. 244 , 7 S. Ct. 4 , and Machine Co. v. Gage , 100 U.S. 676 , 25 L. Ed. 754 ...
- Discussion:**  | **Court:** New Jersey Supreme Court (1790-1948) | **Date:** June 15, 1888
- New Jersey Superior Court, Appellate Division**
975. [In re Petition of South Jersey Gas Co. etc.](#), 226 N.J. Super. 327, 544 A.2d 402, 1988 N.J. Super. LEXIS 253 
- LB Cited by:** 226 N.J. Super. 327 p.334; 544 A.2d 402 p.405
 ... that a water company which diverted water from public streams and distributed it to municipalities for the use of their residents was a public utility even though it had no obligation under its charter to supply the water diverted by it to the public for general use. The court quoted from **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 (1876)** : Governments, Police Powers HN3 Property becomes clothed with a public interest when used in a manner to make it of public consequence and affect ...
- Discussion:**  | **Court:** New Jersey Superior Court-Appellate Division | **Date:** July 6, 1988
-
976. [Magierowski v. Buckley](#), 39 N.J. Super. 534, 121 A.2d 749, 1956 N.J. Super. LEXIS 507 
- LB Cited by:** 39 N.J. Super. 534 p.557; 121 A.2d 749 p.762
 ... of common law. That is only one of the forms of the municipal law, and is no more sacred than any other. * * * Indeed the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. State of Illinois,**

94U.S.113, 134, 24L. Ed.77(1876), cited with approval in *Second Employers' Liability Cases*, *Mondou v. New York, N.H. & H.R. Co.*, 223 **U.S.** 1, 50, 32 S. Ct. 169, 56 **L. Ed.** ...

Discussion:  | **Court:** New Jersey Superior Court-Appellate Division | **Date:** March 23, 1956
Headnotes: HN12


New Jersey Superior Court, Law Division

977. [Bel-Air Motel Corp. v. Title Ins. Corp.](#), 183 N.J. Super. 551, 444 A.2d 1119, 1981 N.J. Super. LEXIS 817 

LB Cited by: 183 N.J. Super. 551 p.556; 444 A.2d 1119 p.1122

... The adoption of a local improvement ordinance is an exercise of the police power, conferred upon municipalities by the state legislature. The adoption of a local improvement ordinance is an exercise of the police power, conferred upon municipalities by the state legislature. **Munn v. Illinois, 94U.S.113, 145-146, 24L.Ed.77(1876)**. The exercise of that right did appear in the public records of the municipality at the time the title insurance policy was issued. Information concerning ...

Discussion:  | **Court:** New Jersey Superior Court-Law Division | **Date:** August 31, 1981

978. [Rybeck v. Rybeck](#), 141 N.J. Super. 481, 358 A.2d 828, 1976 N.J. Super. LEXIS 878 

LB Cited by: 141 N.J. Super. 481 p.506; 358 A.2d 828 p.841

... It can be improved judicially, *Collopy v. Newark Eye and Ear Infirmary*, 27 N.J. 29 (1958), or legislatively. One of the valid purposes of legislation is to remedy defects in the common law and to mold the law to new problems and needs. **Munn v. Illinois, 94 U.S. [4 Otto] 113,24L. Ed.77(1876)**. The New Jersey Constitution provides that Legislation, Expiration, Repeal & Suspension HN11 See N.J. Const. art. XI, § I, para. 3. "[a]ll laws, statutory and otherwise * * * ...

Discussion:  | **Court:** New Jersey Superior Court-Law Division | **Date:** April 30, 1976

979. [Troy Hills Village, Inc. v. Fischler](#), 122 N.J. Super. 572, 301 A.2d 177, 1971 N.J. Super. LEXIS 385 

LB Cited by: 122 N.J. Super. 572 p.580; 301 A.2d 177 p.182

... validly abolish a common law right or remedy, prospectively, without furnishing an adequate substitute. The Legislature may validly abolish a common law right or remedy, prospectively, without furnishing an adequate substitute. *Magierowski v. Buckley*, supra at 557. As was stated in **Munn v. Illinois, 94U.S.113, 134, 24L. Ed.77(1876)**, cited with approval in *Second Employers' Liability Cases*, *Mondou v. New York, N.H. & H.R. Co.*, 223 **U.S.** 1, 32 S. Ct. 169, 56 **L. Ed.** ...

Discussion:  | **Court:** New Jersey Superior Court-Law Division | **Date:** July 12, 1971

980. [Glaser v. Pennsylvania R. Co.](#), 82 N.J. Super. 16, 196 A.2d 539, 1963 N.J. Super. LEXIS 257 

LB Cited by: 82 N.J. Super. 16 p.19; 196 A.2d 539 p.541

... sought in 1887 to establish a coordinated system in the interest of the nation as a whole, the roads involved, and the passenger and freight clientele. 49 **U.S.C.A.** §§ 1 to 1542. This legislation followed the enactment of the so-called "Granger Laws" in the Middle West, the famous "Granger Cases" headed by **Munn v. Illinois, 94U.S.113, 24L. Ed.77(1877)**, and the depressions of 1873 and 1885 which terminated the local ownership of railroads and saw the beginnings of great interstate ...

Discussion:  | **Court:** New Jersey Superior Court-Law Division | **Date:** December 9, 1963

981. [Gilman v. Newark](#), 73 N.J. Super. 562, 180 A.2d 365, 1962 N.J. Super. LEXIS 657 ▲

LB Cited by: 73 N.J. Super. 562 p.600; 180 A.2d 365 p.386

... it is either *damnum absque injuria*, or, in theory of the law, he is compensated for it by his sharing the general benefits which the regulations are intended and calculated to secure. *Dillon's Mun. Corp.* 5th Ed. 555, § 301. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ." (Emphasis added) Plaintiffs thus held their property subject to appropriate municipal regulation in the field of health, safety, welfare and morals. *Chicago & Alton R. Co. v. Tranbarger*, 238 U.S. 67, 77 ...

Discussion: ■■■■■ | **Court:** New Jersey Superior Court-Law Division | **Date:** April 6, 1962

New Jersey County Court

982. [State v. Packard-Bamberger & Co.](#), 16 N.J. Misc. 479, 1938 N.J. Misc. LEXIS 54, 2 A.2d 599 Ⓐ

LB Cited by: 16 N.J. Misc. 479 p.484; 2 A.2d 599 p.602

... , 71 L. Ed. 893, 47 S. Ct. 506; *Ribnik v. McBride*, 277 U.S. 350. Nothing is gained by reiterating the statement that the phrase is indefinite. By repeated decisions of this court, beginning with **Munn v. Illinois, 94 U.S. 113**, that phrase, however it may be characterized, has become the established test by which the legislative power to fix prices of commodities, use of property, or services, must be measured." The question, "when is a business 'affected with a public interest,'" ...

Discussion: ■■■■■ | **Court:** New Jersey County Court | **Date:** October 24, 1938

NJ Ct of Chancery

983. [Johnson & Johnson v. Weissbard](#), 120 N.J. Eq. 314, 184 A. 783, 1936 N.J. Ch. LEXIS 68 ●

LB Cited by: 120 N.J. Eq. 314 p.324; 184 A. 783 p.789

... morals, safety, or welfare (generally included within the objects of its 'police power') depend upon the maintenance of fixed prices; third, instances where prices of commodities other than those included in the first two are fixed by reason of a compelling emergency which justifies such interference by the state. Within the first class are included such cases as **Munn v. Illinois, 94 U.S. 113**; 24 L. Ed. 77 (rates for storage in grain elevators); *German Alliance Insurance Co. v. Lewis*, Superintendent ...

Discussion: ■■■■■ | **Court:** New Jersey Chancery Court | **Date:** May 12, 1936

984. [In re Mechanics Trust Co.](#), 119 N.J. Eq. 141, 181 A. 423, 1935 N.J. Ch. LEXIS 17 ▲

LB Cited by: 119 N.J. Eq. 141 p.153; 181 A. 423 p.430

... The banking business is charged with the public interest and it is subject to regulation under the police power of the state; consequently, the rights of all persons having a direct contact with that business may be altered and changed in a reasonable manner. **Munn v. Illinois, 94 U.S. 113, 132**; 24 L. Ed. 77; *Manigault v. Springs*, supra; *Block v. Hirsh*, 256 U.S. 135; 65 L. Ed. 865, 41 S. Ct. 458; *Edgar A. Levy Leasing Co. v. Siegel*, 258 U.S. 242; 66 L. Ed. 595, 42 S. Ct. ...

Discussion: ■■■■■ | **Court:** New Jersey Chancery Court | **Date:** November 4, 1935

985. [Walsche v. Sherlock](#), 110 N.J. Eq. 223, 159 A. 661, 1932 N.J. Ch. LEXIS 154 ▲


LB Cited by: 110 N.J. Eq. 223 p.252; 159 A. 661 p.673

... civilization. Any combination which seeks to control the supply of that labor, even though only in a certain class of work such as the building trades, is a monopoly in the making, is in restraint of trade and void. *Lehigh Structural Steel Co. v. Atlantic Smelting and Refining Works*, supra; *Curran v. Galen*, supra

Shepard's®: Munn v. Illinois, 94 U.S. 113

; Berry v. Donovan, supra ; Conners v. Connolly, supra ; Brooks v. Cooper, supra. In **Munn v. Illinois, 94 U. S. 113** ; 94 L. Ed. 77 , contracts between individuals respecting the ...

Discussion:  **Court:** New Jersey Chancery Court | **Date:** March 24, 1932

986. [Jacquelin v. Erie R. Co.](#), 69 N.J. Eq. 432, 61 A. 18, 1905 N.J. Ch. LEXIS 148 

LB Cited by: 69 N.J. Eq. 432 p.444; 61 A. 18 p.23

... see also note to 24 L.R.A. 564 . The strongest argument which the complainants could make would be founded upon the decisions and opinions of the supreme court of the United States in the so-called "Granger Cases," beginning with Munn v. Illinois, **94 U.S. 113** ; 24 L. Ed. 77 . A long and instructive note, with all the subsequent decisions, will be found in 9 Rose's Notes on U. S. Reports, p. 21 . From what is said by the court in the Munn Case , one might be led to conclude that ...

Discussion:  **Court:** New Jersey Chancery Court | **Date:** February 1, 1905

987. [Delaware, L. & W. R. Co. v. Central Stock-Yard & Transit Co.](#), 45 N.J. Eq. 50, 17 A. 146, 1889 N.J. Ch. LEXIS 78, 6 L.R.A. 855 

LB Cited by: 45 N.J. Eq. 50 p.60; 17 A. 146 p.150

... possession of another man's property, with its accompanying duties and responsibilities, forced upon him against his will." This must be so from the very nature of such transactions, for all bailments, not made by force of statutory regulation, rest in contract, and no contract can exist without consent, express or implied. Warehouses, for the storage of grain, must, however, since the decision of the Elevator cases, reported under the title of Munn v. Illinois, **94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** New Jersey Chancery Court | **Date:** February 1, 1889

Other New Jersey Decisions

988. [IN THE MATTER OF THE PETITION OF SUEZ WATER NEW JERSEY, INC. FOR APPROVAL OF A PILOT PROGRAM TO FACILITATE THE REPLACEMENT OF LEAD SERVICE LINES AND A RELATED COST RECOVERY MECHANISM](#), 2020 N.J. PUC LEXIS 358

LB Cited by:

... Moreover, argued Rate Counsel, the Company's attempt to distinguish its proposal from extensive contrary legal precedent is unavailing. Both the Courts and the Board have long required investments to be both owned by the utility and used and useful in the public service in order to be recoverable in rates, citing to **Munn v. Illinois, 94 U.S. 113, 125-26(1877)** ; St. Joseph Stock Yards Co. v. U.S., 298 U.S. 38 , 51 (1936) ; Duquesne Light Co. v. Barasch , 488 U.S. 299 , 307 (1989) ...

Court: New Jersey Board of Public Utilities | **Date:** September 9, 2020

989. [Re Camden Cogen, L.P.](#), 158 Pub. Util. Rep. 4th (PUR) 637, 1995 N.J. PUC LEXIS 14

LB Cited by:

... A determination as to whether an entity is operating for the public use depends on the facts of each case. The underlying consideration is whether the character and extent of a particular operation affects the public at large in a way which requires submittal to public regulation for the common good. See, **Munn v. Illinois, 94 U.S. 113, 24 L. ed. 77 (1876)** ; Lewandowski v. Brookwood Musconetcong River. Ass'n., 37 N.J. 433 (1962) ; Petition of South Jersey Gas, supra. ...

Court: New Jersey Board of Public Utilities | **Date:** January 11, 1995

990. [South Jersey Gas Company v. SunOlin Chemical Company](#), 1987 N.J. PUC LEXIS 12

LB Cited by:

... and the extent to which the public interest is affected. New Jersey law supports this view. As noted by the ALJ, the court in *East Jersey Water Co. v. New Jersey Pub. Utility Comrs.*, 98 N.J.L. 448, 452, -- Atl. -- (1922) (quoting **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77[1876]**), concluded that a utility may be recognized by its predominant characteristic, i.e., whether its operations are impressed with a public interest: "Property becomes clothed with a public interest ...

Court: New Jersey Board of Public Utilities | **Date:** August 18, 1987

New Mexico Supreme Court

991. [Public Serv. Co. v. New Mexico Pub. Serv. Comm'n](#), 1991-NMSC-083, 112 N.M. 379, 815 P.2d 1169, 1991 N.M. LEXIS 314, 30 N.M. B. Bull. 842 ▲

LB Cited by: 112 N.M. 379 p.385; 815 P.2d 1169 p.1175

... responds solely to the highly specialized and narrow issue of confiscatory rate structures, not to alleged takings arising from continued regulation of public utility property. The appropriate standard, according to PNM, is the "public interest" test articulated in **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77(1877)**, not the "end result" test of *Hope and Duquesne Light*. While we agree that Procedural Due Process, Scope of Protection Electric Power Industry, State Regulation Inverse ...

Discussion: ■■■■■ | **Court:** N.M. | **Date:** July 9, 1991

992. [Pueblo of Isleta v. Tondre](#), 1913-NMSC-067, 18 N.M. 388, 137 P. 86, 1913 N.M. LEXIS 90

LB Cited by:

... If it be admitted that the legislature has the right to regulate the use and distribution of water, under its police power, such right to regulate must be held to extend to rights in existence at the time of the attempted regulation. As said by Mr. Justice Waite, in the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, "It matters not in this case that these plaintiffs in error had built their warehouse and established their business before the regulations complained of were adopted. What ...

Discussion: ■■■■■ | **Court:** N.M. | **Date:** September 1, 1913

993. [Pueblo of Isleta v. Tondre](#), 18 N.M. 388, 137 P. 86, 1913 N.M. LEXIS 90, 1913 N.M. LEXIS 91 ↗

LB Cited by: 18 N.M. 388 p.398; 137 P. 86 p.89

Court: N.M. | **Date:** September 1, 1913

994. [Agua Pura Co. v. Mayor of Las Vegas](#), 1900-NMSC-002, 10 N.M. 6, 60 P. 208, 1900 N.M. LEXIS 2, 50 L.R.A. 224 ▲

LB Cited by: 10 N.M. 6 p.28; 60 P. 208 p.216

... ; and in so far as it thus is deprived while other persons are permitted to receive reasonable profits upon their invested capital, the company is deprived of the equal protection of the laws." It is contended by appellants that the decision in this case was contrary to the doctrine laid down by the Supreme Court in the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and has been modified or overruled by the case of *Budd v. New York*, 143 U.S. 517, 36 L. Ed. 247, 12 S. Ct. 468, ...

Discussion: ■■■■■ | **Court:** N.M. | **Date:** January 16, 1900

Other New Mexico Decisions

995. [IN THE MATTER OF A DECLARATORY ORDER REGARDING THIRD-PARTY ARRANGEMENTS FOR RENEWABLE ENERGY GENERATION](#), 2009 N.M. PUC LEXIS 85

LB Cited by:

... scenario constitutes "acting like" a public utility. By the same account, we understand that Griffith's operation of his water utility in this manner make it untenable for him to unreasonably deny an individual homeowner access to the subdivision's water supply service after an unrelated, private dispute. See *id.* 21. As the United States Supreme Court held in the seminal case **Munn v. State of Illinois, 94 U.S. 113(1876)** : "Property does become clothed with a public interest when used ...

Court: N.M.P.U.C. | **Date:** December 17, 2009

996. [Re Public Service Company of New Mexico](#), 1989 N.M. PUC LEXIS 4

LB Cited by:

... United States Supreme Court decisions shows that the used and useful principle is, in fact, a constitutionally permissible regulatory tool, and as such is far more accommodating to regulatory realities than PNM claims. In **Munn v. Illinois, 94 U.S. 113, 24 L.Ed.77(1877)**, the Court upheld the right of the State of Illinois to regulate the prices charged to farmers for the storage of grain in grain elevators. The Court recognized that the public interest may override the interests ...

Court: N.M.P.U.C. | **Date:** April 5, 1989

New York Court of Appeals

997. [Kim v. City of New York](#), 90 N.Y.2d 1, 681 N.E.2d 312, 1997 N.Y. LEXIS 101, 659 N.Y.S.2d 145 ▲

LB Cited by: 90 N.Y.2d 1 p.8; 681 N.E.2d 312 p.315; 659 N.Y.S.2d 145 p.148

... forms of municipal law, and is no more sacred than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself ... may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances" **Munn v Illinois, 94 US 113, 134)** ...

Discussion: ■■■■■ | **Court:** N.Y. | **Date:** February 18, 1997 | **Headnotes:** HN12

998. [Crescent Estates Water Co. v. Public Service Com.](#), 77 N.Y.2d 611, 571 N.E.2d 694, 1991 N.Y. LEXIS 534, 569 N.Y.S.2d 386 ▲

LB Cited by: 77 N.Y.2d 611 p.622; 571 N.E.2d 694 p.700; 569 N.Y.S.2d 386 p.392

... In these circumstances, the Commission's determination that Crescent should not imprudently abandon its decision to expand has both reasonable support in the record and a rational basis. Unlike a private company, a public utility enjoys a municipally awarded franchise, and therefore is "clothed with a public interest." (*Rochester Gas & Elec. Corp. v Public Serv. Commn.*, *supra*, at 322, quoting **Munn v Illinois, 94 U.S. 113, 126**.) The public interest requires that the Commission, by exercising ...

Discussion: ■■■■■ | **Court:** N.Y. | **Date:** April 4, 1991

999. [Rochester Gas & Electric Corp. v. Public Service Com.](#), 71 N.Y.2d 313, 520 N.E.2d 528, 1988 N.Y. LEXIS 86, 525 N.Y.S.2d 809 ◆

LB Cited by: 71 N.Y.2d 313 p.322; 520 N.E.2d 528 p.532; 525 N.Y.S.2d 809 p.813

... , 444 U.S. 164 ; Loretto v Teleprompter Manhattan CATV Corp ., 458 U.S. 419 ; Midwest Video Corp. v Federal Communications Commn ., 571 F2d 1025 , 440 U.S. 689 ; New York Tel. Co. v Town of N. Hempstead , 41 NY2d 691 ; **Munn v Illinois, 94 U.S. 113** ; Matter of Utica Tr. Corp. v Feinberg , 277 App Div 464 ; Interstate Commerce Commn. v Oregon-Washington R. R. Co ., 288 U.S. 14 ; People v Adirondack Ry. Co ., 160 NY 225 , 176 U.S. 335 ; Pocantico Water Works Co. v Bird , 130 ...

Discussion:  **Court:** N.Y. | **Date:** February 11, 1988

1000 [Montgomery v. Daniels](#), 38 N.Y.2d 41, 340 N.E.2d 444, 1975 N.Y. LEXIS 2242, 378 N.Y.S.2d 1 

B **Cited in Concurring Opinion at:** 38 N.Y.2d 41 p.71; 340 N.E.2d 444 p.463; 378 N.Y.S.2d 1 p.27

LB **Cited by:** 38 N.Y.2d 41 p.56; 340 N.E.2d 444 p.453; 378 N.Y.S.2d 1 p.14

... Plaintiffs' argument that where a cause of action triable by jury exists today, the Legislature can do nothing tomorrow to limit or to abolish that cause of action, carried to its logical extension, would seriously handicap the Legislature in carrying out its most basic function -- "to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances" (**Munn v Illinois, 94 U.S. 113, 134** supra ; cf. NY Const, art I, § 14). We are obliged ...


Discussion:  **Court:** N.Y. | **Date:** November 25, 1975 | **Headnotes::** HN12

1001 [Amsterdam-Manhattan, Inc. v. City Rent & Rehabilitation Admin.](#), 15 N.Y.2d 1014, 207 N.E.2d 616, 1965 N.Y. LEXIS 1467, 260 N.Y.S.2d 23 

LB **Cited by:** 15 N.Y.2d 1014 p.1017; 207 N.E.2d 616 p.618; 260 N.Y.S.2d 23 p.25

... 291 U.S. 502 , 531 , price fixing of milk); Tyson & Brother v. Banton (273 U.S. 418 , theatre tickets); Power Comm. v. Pipeline Co . (315 U.S. 575 , natural gas); **Munn v. Illinois (94 U.S. 113** , warehouses); Tagg Bros. v. United States (280 U.S. 420 , stockyards); Sunshine Coal Co. v. Adkins (310 U.S. 381 , bituminous coal act); Producers Transp. Co. v. Railroad Comm . (251 U.S. 228 , pipe lines); Brass ...


Discussion:  **Court:** N.Y. | **Date:** April 15, 1965

1002 [St. Clair v. Yonkers Raceway, Inc.](#), 13 N.Y.2d 72, 192 N.E.2d 15, 1963 N.Y. LEXIS 1024, 242 N.Y.S.2d 43 

LB **Cited by:** 13 N.Y.2d 72 p.82; 192 N.E.2d 15 p.19; 242 N.Y.S.2d 43 p.49

... should not be the test, but whether, in fact, the Constitution of the State of New York is being flouted. It is well settled that no person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit (New York Cent. R. R. Co. v. White , 243 U.S. 188 ; **Munnv.Illinois, 94 U.S. 113** ; I. L. F. Y. Co. v. City Rent & Rehabilitation Administration , 11 N Y 2d 480 ; I. L. F. Y. Co. v. Temporary State Housing Rent Comm ., 10 N Y 2d ...

Discussion:  **Court:** N.Y. | **Date:** July 10, 1963


1003 [Staten Island Edison Corp. v. Maltbie](#), 296 N.Y. 374, 296 N.Y. (N.Y.S.) 374, 73 N.E.2d 705, 1947 N.Y. LEXIS 926, 8 A.L.R.2d 825 

LB **Cited by:** 296 N.Y. 374 p.390; 73 N.E.2d 705 p.712

... rates charged by the owners of private property devoted to public utility uses may be regulated by the States in the exercise of their police power, but a State cannot take away an owner's right to reasonable

compensation for such use (**Munn v. Illinois, 94 U.S. 113**). It follows that any prescription, by a State, of rates too low for just compensation to the public utility corporation is confiscatory and offends against the Fourteenth Amendment's requirement of due process (*Smyth v. ...*


Discussion:  **Court:** N.Y. | **Date:** May 22, 1947

1004 [In re West's Estate](#), 289 N.Y. 423, 289 N.Y. (N.Y.S.) 423, 46 N.E.2d 501, 1943 N.Y. LEXIS 1165, 149 A.L.R. 1365 

LB Cited by: 289 N.Y. 423 p.431; 46 N.E.2d 501 p.505

... between life tenant and remainderman of the proceeds of a salvage operation. Remainder interests in a trust have no right either by common law or by statute to have the income from a trust investment appropriated to the repayment of advances made out of principal for the protection of the investment, and such an appropriation constitutes an accumulation of income offensive to the public policy of this **State**. (**Munn v. Illinois, 94 U.S. 113**; *Hascall v. King*, 162 N. Y. 134; *Thorn v. ...*


Discussion:  **Court:** N.Y. | **Date:** January 14, 1943

1005 [Hanfgarn v. Mark](#), 274 N.Y. 22, 274 N.Y. (N.Y.S.) 22, 8 N.E.2d 47, 1937 N.Y. LEXIS 811 

LB Cited by: 274 N.Y. 22 p.26; 8 N.E.2d 47 p.48

... Legislature is not prohibited by that constitutional provision from correcting an evil growing out of the marriage relation. *Jesse C. Rogers and Samuel Binder* for appellant. The Legislature, by the exercise of its police power, had the right to abolish causes of action for alienation of affections and criminal conversation as a matter of public policy. (**Munn v. Illinois, 94 U.S. 113**; *Fearon v. Treanor*, 272 N. Y. 268; *Noble State Bank v. Haskell*, 219 U.S. 104; *Holden v. ...*


Discussion:  **Court:** N.Y. | **Date:** April 27, 1937

1006 [People v. Nebbia](#), 262 N.Y. 259, 262 N.Y. (N.Y.S.) 259, 186 N.E. 694, 1933 N.Y. LEXIS 943 

LB Cited by: 262 N.Y. 259 p.269; 186 N.E. 694 p.698

... Minnesota, 274 U.S. 1; *Williams v. Standard Oil Co.*, 278 U.S. 235; *New State Ice Co. v. Liebmann*, 285 U.S. 262.) Fixing minimum prices to consumers is a common form of utility regulation. (**Munn v. Illinois, 94 U.S. 113**; *Gt. Northern U. Co. v. Pub. Serv. Comm.*, 88 Mont. 180; *People ex rel. South Glens Falls v. Pub. Serv. Comm.*, 225 N. Y. 216.) *Pound*, Ch. J. Crane, Lehman, Hubbs and Crouch, JJ., concur with *Pound* ...

Discussion:  **Court:** N.Y. | **Date:** July 11, 1933

1007 [Edgar A. Levy Leasing Co. v. Siegel](#), 230 N.Y. 634, 230 N.Y. (N.Y.S.) 634, 130 N.E. 923, 1921 N.Y. LEXIS 914 

LB Cited by: 230 N.Y. 634 p.643; 130 N.E. 923 p.927

... there is little if anything left of the constitutional provisions relating to the protection of property and the right to contract with reference to it. The power to fix rental rates between private individuals is not analogous to nor controlled by the decisions which have upheld the power of the legislature to fix rates for service where the owner has devoted the business affected to a public use. In **Munn v. Illinois (94 U.S. 113)**, chiefly relied upon by the respondent, the owner of a grain ...


Discussion:  **Court:** N.Y. | **Date:** March 8, 1921

1008 [People ex rel. Durham Realty Corp. v. La Fetra](#), 230 N.Y. 429, 230 N.Y. (N.Y.S.) 429, 130 N.E. 601, 1921 N.Y. LEXIS 851, 16 A.L.R. 152 

LB Cited by: 230 N.Y. 429 p.445; 130 N.E. 601 p.607

... The power of regulation exists, however, and is not limited to public uses or to property where the right to demand and receive service exists or to monopolies or to emergencies. It may embrace all cases of public interest, and the question is whether the subject has become important enough for the public to justify public action. ([Munnv.Illinois, 94 U.S. 113](#) ; [Budd v. New York](#) , 143 U.S. 517 ; [Brass v. Stoesser](#) , 153 U.S. 391 ; [German Alliance Ins. Co. v. Kansas](#) , 233 U.S. ...


Discussion:  **Court:** N.Y. | **Date:** March 8, 1921

1009 [People v. Crane](#), 214 N.Y. 154, 214 N.Y. (N.Y.S.) 154, 108 N.E. 427, 1915 N.Y. LEXIS 1222, Am. Ann. Cas. 1915B1254, L.R.A. (n.s.) 1916D550 

LB Cited by: 214 N.Y. 154 p.184; 108 N.E. 427 p.437

... Nor can it be correctly contended that any treaty that exists between the United States and any foreign government excludes the citizens of that government who reside here from the operation of the police power of the state. If the police power includes, as has been said, "the power to govern men and things" ([Munnv.Illinois, 94 U.S. 113, 125](#)) , that power does not become less potent when it is applied exclusively to public property being used for public purposes. So far as those trades ...

Discussion:  **Court:** N.Y. | **Date:** February 25, 1915

1010 [Aaron v. Ward](#), 203 N.Y. 351, 203 N.Y. (N.Y.S.) 351, 96 N.E. 736, 1911 N.Y. LEXIS 790, 38 L.R.A. (n.s.) 204 

LB Cited by: 203 N.Y. 351 p.356; 96 N.E. 736 p.737

... to deny equal enjoyment of any accommodation, facilities and privileges of inns, common carriers, theaters or other places of public resort or amusement regardless of race, creed or color, and gave the party aggrieved the right to recover a penalty of from fifty to five hundred dollars for the offense. The statute was upheld on the ground that under the doctrine of [Munn v. Illinois \(94 U.S. 113\)](#) theaters and places of public amusement (the case before the court was that of a skating rink) ...


Discussion:  **Court:** N.Y. | **Date:** November 21, 1911

1011 [People ex rel. New York, N. H. & H. R. Co. v. Willcox](#), 200 N.Y. 423, 200 N.Y. (N.Y.S.) 423, 94 N.E. 212, 1911 N.Y. LEXIS 1425 

LB Cited by: 200 N.Y. 423 p.437; 94 N.E. 212 p.217

... and control the use of property to promote the general welfare. All property is held subject to the general police power of the state to regulate or control its use to secure the general safety and public welfare. ([Bertholf v. O'Reilly](#) , 74 N. Y. 509 ; [Munnv.Illinois., 94 U.S. 113](#) .) Manure had been loaded upon cars of the relator in its yard at 132d street and Lincoln avenue for many years. On June 23d, 1896, the board of health of the city of New York issued to the relator a ...


Discussion:  **Court:** N.Y. | **Date:** January 24, 1911

1012 [Wright v. Hart](#), 182 N.Y. 330, 182 N.Y. (N.Y.S.) 330, 75 N.E. 404, 1905 N.Y. LEXIS 932, 14 Am. B.R. 565 

LB Cited by: 182 N.Y. 330 p.350; 75 N.E. 404 p.411

... power of the legislature. The requirement of notice is less burdensome than the imposition of a lien. While the statute in question disturbs freedom of contract, so does fixing the price of elevating grain (*People v. Budd* , 117 N. Y. 1 ; **Munnv.Illinois, 94 U.S. 113**); the prohibition of options to buy or sell grain at a future time (*Booth v.Illinois* , 184 U.S. 425), and the annulment of all contracts for the sale of corporate stocks for future delivery, or on margin (*Otis v. ...*


Discussion:  **Court:** N.Y. | **Date:** October 3, 1905

1013 [Thousand Island S.B. Co. v. Visger](#), 179 N.Y. 206, 179 N.Y. (N.Y.S.) 206, 71 N.E. 764, 1904 N.Y. LEXIS 1086 

LB Cited by: 179 N.Y. 206 p.210; 71 N.E. 764 p.765

... Hedgeman , 14 Wend. 421 ; *Decker v. Fisher* , 4 Barb. 592 ; *Ledyard v. Ten Eyck* , 36 Barb. 102 .) The wharves mentioned are private and not public. Wharves may be private or public even though owned by an individual. (**Munnv.Illinois, 94 U.S. 113** ; *O'Neil v. Annette* , 27 N. J. L. 290 ; *Schermerhorn v. N. Y.* 3 Edw. Ch. 119 ; *Gould on Waters* [2d ed.], § 105; *Pearsall v. Post* , 20 Wend. 111 , 425 ...

Court: N.Y. | **Date:** August 5, 1904

1014 [People ex rel. Connecting T. R. Co. v. Miller](#), 178 N.Y. 194, 178 N.Y. (N.Y.S.) 194, 70 N.E. 472, 1904 N.Y. LEXIS 700 

LB Cited by: 178 N.Y. 194 p.198, p.204; 70 N.E. 472 p.473, p.476


... on the brief), for respondent. The earnings of the relator are not "derived from business of an interstate character" within the meaning of those terms as used in section 184 of the Tax Law , and the tax imposed by the comptroller is valid. (**Munnv.Illinois, 94 U.S. 113** ; *Budd v. New York* , 143 U.S. 517 ; *Brass v. North Dakota* , 153 U.S. 391 ; *People v. Budd* , 117 N. Y. 1 ; *People ...*

Discussion:  **Court:** N.Y. | **Date:** April 8, 1904

1015 [New York Cement Co. v. Consolidated Rosendale Cement Co.](#), 178 N.Y. 167, 178 N.Y. (N.Y.S.) 167, 70 N.E. 451, 1904 N.Y. LEXIS 699 

LB Cited by: 178 N.Y. 167 p.176; 70 N.E. 451 p.453

Court: N.Y. | **Date:** April 5, 1904 | **Headnotes:** HN5, HN7

1016 [People ex rel. Pennsylvania R. Co. v. Knight](#), 171 N.Y. 354, 171 N.Y. (N.Y.S.) 354, 64 N.E. 152, 1902 N.Y. LEXIS 863, 98 Am. St. Rep. 610 

LB Cited by: 171 N.Y. 354 p.358; 64 N.E. 152 p.153

... If this be the true doctrine as to the transportation of property, I do not see why it is not equally the true doctrine as to the transportation of persons. I have suggested that there was some doubt whether under the authorities the relator's cab service could become a part of interstate commerce. In **Munn v. Illinois (94 U.S. 113** , Chicago elevator cases), in answer to the claim that the warehouses and elevators were instrumentalities of interstate commerce, it was said by the court: "The ...

Discussion:  **Court:** N.Y. | **Date:** June 10, 1902

1017 [People ex rel. Tyroler v. Warden of City Prison](#), 157 N.Y. 116, 157 N.Y. (N.Y.S.) 116, 51 N.E. 1006, 1898 N.Y. LEXIS 567, 68 Am. St. Rep. 763, 43 L.R.A. 264 ▲

LB Cited by: 157 N.Y. 116 p.141, p.145; 51 N.E. 1006 p.1015, p.1016

... 487, 488; *Sherlock v. Alling*, 93 U.S. 99, 103; *State Tax on Railway Gross Receipts*, 15 Wall. 284; **Munn v. Illinois, 94 U.S. 113**; *C., B. & Q. R. R. Co. v. Iowa*, 94 U.S. 155; *Pound v. Turk*, 95 U.S. 459.) The act of 1897 does indeed affect ticket brokers who were, in a sense, engaged in interstate commerce, but it cannot properly be said that it was an effort on the part of the legislature of this state to regulate commerce, within the meaning of the Federal Constitution. ...

Discussion:  **Court:** N.Y. | **Date:** November 22, 1898

1018 [Lough v. Outerbridge](#), 143 N.Y. 271, 143 N.Y. (N.Y.S.) 271, 38 N.E. 292, 1894 N.Y. LEXIS 947, 42 Am. St. Rep. 712, 25 L.R.A. 674 ▲

LB Cited by: 143 N.Y. 271 p.277; 38 N.E. 292 p.294

... plaintiffs have presented the facts and demanded relief, or to the practice and procedure. The time and place to raise and discuss these questions was at or before the trial, and as they were not then raised the case must be examined and disposed of upon the merits. The defendants were engaged in a business in which the public were interested, and the duties and obligations growing out of it may be enforced through the courts and the legislative power. (**Munn v. Illinois, 94 U.S. 113**; *People v. ...*

Discussion:  **Court:** N.Y. | **Date:** October 9, 1894

1019 [People v. Ewer](#), 141 N.Y. 129, 141 N.Y. (N.Y.S.) 129, 36 N.E. 4, 1894 N.Y. LEXIS 1107, 9 N.Y. Cr. 1, 38 Am. Rep. 788, 25 L.R.A. 794 ▲

LB Cited by: 141 N.Y. 129 p.132; 36 N.E. 4 p.5

... the community and the propriety of its exercise, within constitutional limits, is purely a matter of legislative discretion, with which courts cannot interfere." The assumption of the exercise of this extraordinary and very necessary power has been the subject of severe criticism in the opinions of judges, when it has been sought thereby to regulate and control in the interest of the public the conduct of corporate or individual business transactions. **Munn v. State of Illinois (94 U.S. 113 ...**

Discussion:  **Court:** N.Y. | **Date:** January 30, 1894

1020 [Forster v. Scott](#), 136 N.Y. 577, 136 N.Y. (N.Y.S.) 577, 32 N.E. 976, 1893 N.Y. LEXIS 631, 18 L.R.A. 543 ▲

LB Cited by: 136 N.Y. 577 p.584; 32 N.E. 976 p.977

Court: N.Y. | **Date:** January 17, 1893

1021 [People v. Budd](#), 117 N.Y. 1, 117 N.Y. (N.Y.S.) 1, 22 N.E. 670, 1889 N.Y. LEXIS 1405, 7 N.Y. Cr. 189, 15 Am. St. Rep. 460, 5 L.R.A. 559 ▲

LB Cited by: 117 N.Y. 1 p.10, p.34; 22 N.E. 670 p.673

... and learned members, and yet in doing so we but give voice to the sentiments which, as we believe,

possess judges and citizens alike throughout the land. It is only in the performance of our official duty that we venture to differ from that court regarding matters which we are bound to decide, and when there is an equal obligation to decide them in accordance with our own deliberate views. The case of **Munn v. Illinois (94 U.S. 113)**, has been referred to, in our court but sparingly, as there ...

Discussion:  **Court:** N.Y. | **Date:** October 15, 1889

1022 [People ex rel. Annan v. Walsh](#), 117 N.Y. 1, 117 N.Y. 621, 117 N.Y. (N.Y.S.) 621, 22 N.E. 682, 22 N.E. 1127, 1889 N.Y. LEXIS 1467 ▲

LB Cited by: 22 N.E. 682 p.682

Court: N.Y. | **Date:** October 15, 1889

1023 [Buffalo E. S. R. Co. v. Buffalo S. R. Co.](#), 111 N.Y. 132, 111 N.Y. (N.Y.S.) 132, 19 N.E. 63, 1888 N.Y. LEXIS 999, 19 N.Y. St. 574, 2 L.R.A. 384 ▲

LB Cited by: 111 N.Y. 132 p.141; 19 N.E. 63 p.66

Court: N.Y. | **Date:** November 27, 1888

1024 [People v. O'Brien](#), 111 N.Y. 1, 111 N.Y. (N.Y.S.) 1, 18 N.E. 692, 1888 N.Y. LEXIS 997 ▲

LB Cited by: 111 N.Y. 1 p.48; 18 N.E. 692 p.702

... and amend confers power to pass all needful laws for the regulation and control of the domestic affairs of a corporation, freed from the restrictions imposed by the Federal Constitution upon legislation impairing the obligation of contracts. (**Munnv.Illinois, 94 U.S. 113, 123 .**) We think no well considered case has gone further than this, while in many cases such power has been expressly held to be limited to the effect stated. In the language of Chief Justice Marshall in *Fletcher v. ...*

Discussion:  **Court:** N.Y. | **Date:** November 27, 1888

1025 [People v. King](#), 110 N.Y. 418, 110 N.Y. (N.Y.S.) 418, 18 N.E. 245, 1888 N.Y. LEXIS 892, 18 N.Y. St. 353, 6 Am. St. Rep. 389, 1 L.R.A. 293 ▲

LB Cited by: 110 N.Y. 418 p.424; 18 N.E. 245 p.247

... Duane , 98 Mass. 1 ; Murray's Lessee v. Hoboken Land and Imp. Co. , 18 How. 272 ; Ogden v. Saunders , 12 Wheat. 259 ; **Munnv. State of Illinois, 94 U.S. 113 .**) Under the general grant of power, the exercise of a legislative power by the state legislature will be presumed constitutional, and will be sustained unless brought clearly within some of the exceptions of the Constitution; an adverse or doubtful construction is not sufficient to condemn an act. (...

Discussion:  **Court:** N.Y. | **Date:** October 2, 1888

1026 [Boardman v. Lake S. & M. S. R. Co.](#), 84 N.Y. 157, 84 N.Y. (N.Y.S.) 157, 1881 N.Y. LEXIS 387 ▲

LB Cited by: 84 N.Y. 157 p.186

... and the State laws conflict with those of Congress . (Ogden v. Saunders , 12 Wheat. 213 ; Sturges v. Croninshield , 4 id. 122 , 191; 1 Kent's Com. 388.) The same rule applies to the legislation

which has been considered. The case of **Munn v. Illinois (94 U.S. 113)** is cited by the appellant's counsel; and it is there held where warehouses are situated within a State, it may prescribe regulations for them, notwithstanding they are used as instruments by those engaged in inter-State, ...

Discussion:  **Court:** N.Y. | **Date:** March 1, 1881 | **Headnotes::** HN15

1027 [Bertholf v. O'Reilly](#), 74 N.Y. 509, 74 N.Y. (N.Y.S.) 509, 1878 N.Y. LEXIS 774, 30 Am. Rep. 323 

LB Cited by: 74 N.Y. 509 p.522

... , to show how far courts have gone in upholding legislation affecting private rights and property, as a due exercise of the police power residing in the State. Those cases are The Slaughter-House Cases (83 U.S. 36 , 16 Wall. 36 , 21 L. Ed. 394), and **Munnv.The State of Illinois (94 U.S. 113, 4 Otto 113, 24 L. Ed. 77)**. The first case involved the question of the validity of a statute of Louisiana , passed in 1869, granting to a corporation, created by the act, the exclusive right ...


Discussion:  **Court:** N.Y. | **Date:** November 12, 1878

1028 People v. King, 42 Hun 186, 5 N.Y. St. 138

LB Cited by: 42 Hun 186 p.187

Court: N.Y.


New York Supreme Court App. Div.

1029 [Ness v. Pan American World Airways](#), 142 A.D.2d 233, 535 N.Y.S.2d 371, 1988 N.Y. App. Div. LEXIS 12457 

LB Cited by: 142 A.D.2d 233 p.238; 535 N.Y.S.2d 371 p.374


... " 'Where' * * * 'one devotes his property to a use in which the public have an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created' " (People v King , 110 NY 418 , 428 , quoting from **Munn v Illinois, 94 U.S. 113, 126** ; see also, Grannan v Westchester Racing Assn ., 16 App Div 8 , 13 , revd 153 NY 449). As was stated in the early case of Babb ...

Discussion:  **Court:** N.Y. App. Div. 2d Dep't | **Date:** November 28, 1988

1030 [Alford v. New York](#), 115 A.D.2d 420, 496 N.Y.S.2d 224, 1985 N.Y. App. Div. LEXIS 54806 

LB Cited by: 496 N.Y.S.2d 224 p.226; 115 A.D.2d 420 p.422


... The fact that claimants' causes of action may have accrued before the law's effective date is of no consequence. There is no vested right to the double recovery of damages previously allowed at common law. Indeed, "[a] person has no property, no vested interest, in any rule of the common law." (Montgomery v Daniels , 38 NY2d 41 , 56 , citing **Munn v Illinois, 94 U.S. 113, 134** .) The Legislature was thus free to bring all actions not commenced by October 1, 1984 within the ambit of ...

Discussion:  **Court:** N.Y. App. Div. 1st Dep't | **Date:** December 19, 1985 | **Headnotes::** HN12

1031 [Comiskey v. Arlen](#), 55 A.D.2d 304, 390 N.Y.S.2d 122, 1976 N.Y. App. Div. LEXIS 14566 

LB Cited by: 55 A.D.2d 304 p.308; 390 N.Y.S.2d 122 p.125


... the factual questions raised at the trial. The panel's recommendation is, in effect, an expert opinion which is to be evaluated by the jury in the same manner as it would evaluate any other expert opinion, as directed by the instructions of the Trial Justice. At most, subdivision 8 constitutes another legislative exception to the hearsay rule. Under these circumstances, the Legislature has merely amended the rules of evidence, which is within its power to do (see **Munn v Illinois, 94 U.S. 113** ...

Discussion:  | **Court:** N.Y. App. Div. 2d Dep't | **Date:** December 20, 1976 | **Headnotes:** HN12

1032 [Lerner v. Casey](#), 2 A.D.2d 1, 154 N.Y.S.2d 461, 1956 N.Y. App. Div. LEXIS 4853 

LB Cited by: 2 A.D.2d 1 p.9; 154 N.Y.S.2d 461 p.468


Court: N.Y. App. Div. 2d Dep't | **Date:** June 25, 1956

1033 [Madden v. Queens County Jockey Club, Inc.](#), 269 A.D. 644, 58 N.Y.S.2d 272, 1945 N.Y. App. Div. LEXIS 3059 

LB Cited by: 269 A.D. 644 p.646; 58 N.Y.S.2d 272 p.274

... Holstein-Friesian Association, 41 Hun 439, 441.) Although the nature of the business is such as to place it within a field affected by public interest to an extent that it is properly subject to legislative regulation (*People v. Budd*, 117 N.Y. 1, 7; **Munn v. Illinois, 94 U.S. 113**; see *Western Turf Association v. Greenberg*, 204 U.S. 359), the Legislature has not seen fit to provide, as to racecourses, that the public be admitted without discrimination. Its failure so to ...

Discussion:  | **Court:** N.Y. App. Div. | **Date:** November 5, 1945

1034 [Christie v. 46th St. Theatre Corp.](#), 265 A.D. 255, 39 N.Y.S.2d 454, 1942 N.Y. App. Div. LEXIS 5729 

LB Cited by: 265 A.D. 255 p.257; 39 N.Y.S.2d 454 p.457


...) which determined that a theatre could exclude the dramatic critic Metcalfe. For respondent to sustain his recovery, he must show that the common-law rule has been abrogated, either by constitutional provision or a legislative enactment not violative of the Constitution. **Munn v. Illinois (94 U.S. 113)** was a pioneer decision in this country as to certain principles here involved, although the facts differed. It is stated in that opinion: "But Constitutional Law, Substantive Due Process ...


Discussion:  | **Court:** N.Y. App. Div. | **Date:** December 29, 1942

1035 [In re Healy's Will](#), 255 A.D. 361, 8 N.Y.S.2d 394, 1938 N.Y. App. Div. LEXIS 4741 

LB Cited by: 255 A.D. 361 p.365; 8 N.Y.S.2d 394 p.399

... Using the word "live" in its broader sense, namely, to be in possession of "all those limbs and faculties by which life is enjoyed," and not in the restricted sense of "mere animal existence," gives full expression to the reasonably obvious intent of the testatrix. (Dissenting opinion in **Munn v. Illinois, 94 U.S. 113, 142**; cited with approval in *MacMullen v. City of Middletown*, 112 App. Div. 81, 88.) We, therefore, construe the above expression as if it read "and in case she does ...

Discussion:  | **Court:** N.Y. App. Div. | **Date:** November 16, 1938

1036 [Fearon v. Treanor](#), 248 A.D. 225, 288 N.Y.S. 368, 1936 N.Y. App. Div. LEXIS 6124 

LB Cited by: 248 A.D. 225 p.227; 288 N.Y.S. 368 p.371


... common law. Indeed, the great office of legislation is to correct abuses and deficiencies in the common law as they manifest themselves and to adapt it to the changes of time and circumstances. (State Const. art. I, § 16; **Munn v. Illinois**, 94 U.S. 113 .) The test in such cases, and the test to be applied here, is whether the invasion of a private right is justified by some recognized public interest to be served. (Noble State Bank v. Haskell , 219 U.S. 104 ; Village of Euclid v. ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** May 29, 1936

1037 [Scudder v. Hoyt](#), 218 A.D. 11, 216 N.Y.S. 305, 1926 N.Y. App. Div. LEXIS 5853 

LB Cited by: 218 A.D. 11 p.17; 216 N.Y.S. 305 p.310


... The exacting of usury was an offense at common law and is generally prohibited as unconscionable in civilized governments. That it is properly subject to the police power of the State cannot be doubted: **Munn v. Illinois**, 94 U.S. 113 ; State v. Griffith , 83 Conn. 1 ; Iowa S. Association v. Heidt , 107 Ia. 297 . This power as was said by Chief Justice Taney in License Cases , 5 Howard, 583 , and reaffirmed in **Munn** ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** June 4, 1926 | **Headnotes::** HN5

1038 [People v. Weller](#), 207 A.D. 337, 202 N.Y.S. 149, 1923 N.Y. App. Div. LEXIS 5959 

LB Cited by: 207 A.D. 337 p.341; 202 N.Y.S. 149 p.152

... upon municipalities the power to regulate by ordinance the licensing of theatres and shows, and to enforce restrictions relating to such places, in the public interest, and no one claims that such statutes are an invasion of the right of liberty or property guaranteed by the Constitution. "The statute in question assumes to regulate the conduct of owners or managers of places of public resort in the respect mentioned. The principle stated by Waite , Ch. J., in **Munn v. Illinois** (94 U.S. 113 ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** November 30, 1923 | **Headnotes::** HN5

1039 [Spencer Kellogg & Sons, Inc. v. Delaware, L. & W. R. Co.](#), 204 A.D. 243, 197 N.Y.S. 380, 1922 N.Y. App. Div. LEXIS 8933 

LB Cited by: 204 A.D. 243 p.246; 197 N.Y.S. 380 p.382

... rates for their services as they see fit. Although an elevator is not a common carrier, yet when elevating service is rendered by a railroad in connection with transportation, such elevating service is by Federal statute made a part of transportation so as to be subject to regulation by the Interstate Commerce Commission. The rates for elevating grain at such warehouses as the plaintiff's are subject to regulation by statute as a public service. (**Munn v. Illinois**, 94 U.S. 113 ; People v. ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** December 22, 1922

1040 [Edgar A. Levy Leasing Co. v. Siegel](#), 194 A.D. 482, 186 N.Y.S. 5, 1920 N.Y. App. Div. LEXIS 6674 

LB Cited by: 194 A.D. 482 p.499; 186 N.Y.S. 5 p.16

... an owner of private property who devotes it to a use in which there is a direct public interest, such as storing and elevating grain or conducting a warehouse or an inn, subjects such use of his property to the police power of the State with respect to regulations fixing the charge to be made for the services rendered and the accommodations furnished. (**Munnv.Illinois, 94 U.S. 113** ; Budd v. New York , 143 id. 517 , affg. 117 N. Y. 1 ; Brass v. Stoesser , 153 U.S. 391 ; Nash v. ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** December 24, 1920

1041 [Bronx Gas & Electric Co. v. Public Service Com.](#), 190 A.D. 13, 180 N.Y.S. 38, 1919 N.Y. App. Div. LEXIS 4058 

LB Cited by: 190 A.D. 13 p.18; 180 N.Y.S. 38 p.43

... customary from time immemorial for the Legislature to declare what shall be a reasonable compensation under such circumstances, or, perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable." (**Munnv.Illinois, 94 U.S. 113, 133** .) In one of the most recent cases the same court said: "It has frequently been pointed out that prescribing rates for the future is an act legislative, and not judicial, in kind." (Louisville & Nashville R. R. Co. v. ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** December 19, 1919

1042 [Pensabene v. F. & J. Auditore Co.](#), 155 A.D. 368, 140 N.Y.S. 266, 1913 N.Y. App. Div. LEXIS 5085, 2 Bradb. 212 

LB Cited by: 2 Bradb. 212 p.230


Court: N.Y. App. Div. | **Date:** February 21, 1913

1043 [People ex rel. Delaware & H. Co. v. Public Service Com.](#), 140 A.D. 839, 125 N.Y.S. 1000, 1910 N.Y. App. Div. LEXIS 3054 

LB Cited by: 140 A.D. 839 p.843; 125 N.Y.S. 1000 p.1003

... prescribe the terms and conditions upon which it may live and exercise its franchise, and to pass all needful laws for the regulation and control of its domestic affairs, freed from the restrictions imposed by the Federal Constitution upon legislation impairing the obligation of contracts. (People v. O'Brien , 111 N.Y. 1 , 18 N.E. 692 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Mayor, etc. v. Twenty-third St. R. Co. , 113 N.Y. 311 , 21 N.E. 60 .) In the case of Hinckley v. ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** November 16, 1910

1044 [New York Tel. Co. v. Siegel-Cooper Co.](#), 137 A.D. 158, 121 N.Y.S. 1033, 1910 N.Y. App. Div. LEXIS 631 

LB Cited by: 137 A.D. 158 p.161; 121 N.Y.S. 1033 p.1035

... 143 N.Y. 271) the court recognized the right theretofore existent both in the courts and in the Legislature to enforce the duties and obligations growing out of the business of common carriers, as one in which the public was interested. (**Munnv.Illinois, 94 U.S. 113** ; People v. Budd , 117 N.Y. 1 .) Applying the principles of the common law, it was held that a common carrier undertook generally, and not as a casual occupation, to convey and deliver goods for a reasonable compensation, ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** March 11, 1910

1045 [Saratoga Springs v. Saratoga Gas, Electric Light, Heat & Power Co.](#), 122 A.D. 203, 107 N.Y.S. 341, 1907 N.Y. App. Div. LEXIS 2403 

LB Cited by: 122 A.D. 203 p.229; 107 N.Y.S. 341 p.360

... mistake to say that the Legislature, or a commission created by it, may in any case fix the rate. The common law fixes the rate; the Legislature or the act of the commission is simply an enforcement of the common-law rate. "In fact the common-law rule which requires the charge to be reasonable is itself a regulation as to price. Without it the owner could make his rates at will and compel the public to yield to his terms, or forego the use." (**Munnv.Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** November 20, 1907 | **Headnotes::** HN12


1046 [Boswell v. Security Mut. Life Ins. Co.](#), 119 A.D. 723, 104 N.Y.S. 130, 1907 N.Y. App. Div. LEXIS 3234



LB Cited by: 119 A.D. 723 p.729; 104 N.Y.S. 130 p.134

... and a reservation of the right to alter and amend confers power to pass all needful laws for the regulation and control of the domestic affairs of a corporation, freed from the restrictions imposed by the Federal Constitution upon legislation impairing the obligation of contracts. (**Munnv.Illinois, 94 U.S. 113, 123** .) "Now, the plaintiff, when he became the general agent of the defendant under his contract, became vitally and essentially connected with its "domestic affairs." He became ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** May 8, 1907

1047 [People ex rel. Lodes v. Department of Health](#), 117 A.D. 856, 103 N.Y.S. 275, 1907 N.Y. App. Div. LEXIS 366 

LB Cited by: 117 A.D. 856 p.863; 103 N.Y.S. 275 p.279

... beyond a limited number, under the police power of the state, which arises from and rests on the community right of self protection and self preservation. Reference to a list of cases in illustration may not be attributed to the overgrown habit of citation when it is possible for such a momentous question to arise in our free government as is presented by this case (**Munnv.Illinois, 94 U.S. 113** ; **Mugler v. Kansas** , 123 U.S. 623 ; **Crowley v. Christensen** , 137 U.S. 86 ; **Wilson v.** ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** March 15, 1907 | **Headnotes::** HN7

1048 [MacMullen v. Middletown](#), 112 A.D. 81, 98 N.Y.S. 145, 1906 N.Y. App. Div. LEXIS 607 

LB Cited by: 112 A.D. 81 p.88; 98 N.Y.S. 145 p.150

... The deprivation not only of life, but of whatever God has given to every one with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not frittered away by judicial decision." (Per Field, J., dissenting, in **Munnv.Illinois, 94 U.S. 113** .) "'Due process of law,' is not confined to judicial proceedings, but extends to every case which may deprive a citizen of life, liberty or property, whether the proceeding be judicial, administrative or executive ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** March 22, 1906

1049 [Williams v. Port Chester](#), 97 A.D. 84, 89 N.Y.S. 671, 1904 N.Y. App. Div. LEXIS 2568 

LB Cited by:

... and application, but have no power over the substance of original justice." (Tract on Popery Laws, 6 Burke's Works [ed. Little & Brown], 323, cited in *Hurtado v. California*, supra , 532 .) (See, also, **Munn v. Illinois, 94 U.S. 113, 134** , which requires that every right, when withheld, must have a remedy, and every injury its proper redress.) (Chief Justice Marshall in *Marbury v. Madison* , 1 Cranch 137 , citing 3 Black. Comm. 109; *Stief v. Hart* , 1 N.Y. 20 ; *Sadler v. ...*


Discussion:  **Court:** N.Y. App. Div. | **Date:** July 1, 1904

1050 [People ex rel. Connecting T. R. Co. v. Miller](#), 84 A.D. 174, 82 N.Y.S. 582, 1903 N.Y. App. Div. LEXIS 1733 

LB Cited by:

... These charges also cover a ten-day storage privilege and for freights remaining longer than that an additional storage charge is made. The shortest storage period is about ten days, and the longest about three months. This work is done by the relator for various railroad and other transportation companies having terminals on Buffalo harbor. The character of elevator warehouses as related to interstate commerce was a subject of comment in the well-known case of **Munn v. Illinois (94 U.S. 113 ...**

Discussion:  **Court:** N.Y. App. Div. | **Date:** May 1, 1903 | **Headnotes:** HN14, HN15

1051 [Buffalo v. Buffalo Gas Co.](#), 81 A.D. 505, 80 N.Y.S. 1093, 1903 N.Y. App. Div. LEXIS 921 

LB Cited by: 81 A.D. 505 p.508; 80 N.Y.S. 1093 p.1095


... Budd , 117 N.Y. 1 ; *Spring Valley Water Works v. Schottler* , 110 U.S. 347 ; *Cotting v. Kansas City S. Y. Co.* , 183 U.S. 79 ; **Munn v. Illinois, 94 U.S. 113 .**) In other States the right of the Legislature to legislate upon the precise lines involved here has been sustained. (*Louisville Gas Co. v. Dulaney & Alexander* , 100 Ky. 405 ; *State ex rel. Attorney-General v. Columbus Gas, etc., Co.* , 34 Ohio St. 572 ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** March 1, 1903

1052 [People v. Lochner](#), 73 A.D. 120, 76 N.Y.S. 396, 1902 N.Y. App. Div. LEXIS 1518, 16 N.Y. Cr. 520 

LB Cited by: 73 A.D. 120 p.122; 76 N.Y.S. 396 p.398

... A state in the exercise of its constitutional power may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his property. A State in the exercise of its constitutional power may regulate the conduct of its citizens toward each other, and when necessary for the public good, the manner in which each shall use his property. (**Munn v. Illinois, 94 U.S. 113** ; *People v. Budd* , 117 N.Y. 1 .) So in the examination ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** May 1, 1902

1053 [People ex rel. Pennsylvania R. Co. v. Knight](#), 67 A.D. 398, 73 N.Y.S. 790, 1901 N.Y. App. Div. LEXIS 2708 

LB Cited by: 67 A.D. 398 p.401; 73 N.Y.S. 790 p.792

... entitled to exemption from the tax. Business only remotely incidental to interstate commerce like that of conducting a hotel or warehouse or the cab service now under consideration is not necessarily or

essentially connected with interstate commerce. Such business is clearly distinguishable from the maintenance of offices and employment of agents in soliciting interstate freight as in the case of *Norfolk & Western Railroad Co. v. Pennsylvania* (136 U.S. 114). In **Munn v. Illinois (94 U.S. 113 ...**

Discussion:  **Court:** N.Y. App. Div. | **Date:** December 1, 1901 | **Headnotes:** HN15

1054 [In re Renville](#), 46 A.D. 37, 61 N.Y.S. 549, 1899 N.Y. App. Div. LEXIS 2743 

LB Cited by: 46 A.D. 37 p.45; 61 N.Y.S. 549 p.556

... their private business or requires them to give information about it to those who desire such information. No franchise has been conferred upon this voluntary association by the public which justifies an interference by the public with its method of conducting its business, and to grant such an application would, it seems to me, be an interference with the liberty of the individual which is protected by the Constitution and the law. The doctrine established in **Munn v. Illinois (94 U.S. 113 ...**

Discussion:  **Court:** N.Y. App. Div. | **Date:** December 1, 1899

1055 [People ex rel. Oneida Tel. Co. v. Central New York Tel. & Tel. Co.](#), 41 A.D. 17, 58 N.Y.S. 221, 1899 N.Y. App. Div. LEXIS 1321 

LB Cited by: 41 A.D. 17 p.19; 58 N.Y.S. 221 p.223

... therefore, not permissible. When corporate or even individual property becomes from its situation and use employed as a monopoly of the public service, its use can be regulated by statute so as to prevent extortion or excessive charges (**Munnv.Illinois, 94 U.S. 113**), yet to compel service at unremunerative rates is equivalent to taking private property without just compensation, or taking it from one and giving it to another, and, therefore, not permissible. (*Chicago, etc., Ry. Co. v. ...*

Discussion:  **Court:** N.Y. App. Div. | **Date:** May 1, 1899

1056 [Frost v. Michenor](#), 32 A.D. 628, 54 N.Y.S. 1100, 1898 N.Y. App. Div. LEXIS 1846

LB Cited by: 54 N.Y.S. 1100 p.1100

... enhanced and made more enjoyable by the conveniences and refinements of art. It is private property, but property which cannot be duplicated by any competitor. Of course the public have an interest in the attractions which nature has thus lavished for their admiration and amusement, and the defendants, seeking profit out of such interest, have devoted the glen to the public use, upon payment of their price of admission, and, therefore, within the doctrine of **Munn v. Illinois (94 U.S. 113 ...**

Discussion:  **Court:** N.Y. App. Div. | **Date:** July 1, 1898

1057 [Grannan v. Westchester Racing Ass'n](#), 16 A.D. 8, 44 N.Y.S. 790, 1897 N.Y. App. Div. LEXIS 634 

LB Cited by: 16 A.D. 8 p.13; 44 N.Y.S. 790 p.793

Court: N.Y. App. Div. | **Date:** April 1, 1897

1058 [Bronk v. Barckley](#), 13 A.D. 72, 43 N.Y.S. 400, 1897 N.Y. App. Div. LEXIS 25 

LB Cited by: 13 A.D. 72 p.80; 43 N.Y.S. 400 p.406


... Cases like the one under consideration, where a constitutional amendment is claimed to have a retrospective operation and to invalidate an authorized contract entered into in pursuance of an authority conferred by the Legislature, are clearly distinguishable from that class of cases like *People v. Budd* (117 N.Y. 1); **Munn v. Illinois (94 U.S. 113)**, and *The Buffalo East Side R. R. Co. v. Buffalo Street R. R. Co.* (111 N.Y. 132), where it has been held that a Legislature could lawfully ...

Discussion:  **Court:** N.Y. App. Div. | **Date:** 1897


1059 [New York Board of Fire Underwriters v. Whipple](#), 2 A.D. 361, 37 N.Y.S. 712, 1896 N.Y. App. Div. LEXIS 353 

LB Cited by: 2 A.D. 361 p.365; 37 N.Y.S. 712 p.715

... The police power authorizes the government of a state to regulate the conduct of its citizens towards each other, and when necessary for the public good, the manner in which each shall use his own property. it authorizes the government of the State to regulate the conduct of its citizens towards each other, and when necessary for the public good, the manner in which each shall use his own property. (**Munnv.Illinois, 94 U.S. 113 .**) The rules laid down in that case, although meeting with strong ...


Discussion:  **Court:** N.Y. App. Div. | **Date:** March 1, 1896


New York Miscellaneous Courts

1060 [Cherry v. Koch](#), 129 Misc. 2d 346, 491 N.Y.S.2d 934, 1985 N.Y. Misc. LEXIS 3069 

LB Cited by: 129 Misc. 2d 346 p.356; 491 N.Y.S.2d 934 p.943

... Where the right sought to be protected is not fundamental, the questioned State legislation enjoys a strong presumption of regularity and need bear only a rational relationship to a legitimate State interest to be constitutional (*Katzenbach v Morgan* , 384 U.S. 641 , 656-658 ; **Munn v Illinois, 94 U.S. 113, 132**) . Applying this criteria to the instant case this court holds that there is no recognized fundamental right to engage in commercial sex or prostitution (*Matter of Dora P .* , ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** June 17, 1985

1061 [People ex rel. Lewis v. Safeco Ins. Co.](#), 98 Misc. 2d 856, 414 N.Y.S.2d 823, 1978 N.Y. Misc. LEXIS 2896 

LB Cited by: 98 Misc. 2d 856 p.864; 414 N.Y.S.2d 823 p.828

... The power of the State to regulate insurance companies is not absolute; an insurer is still entitled to due process of law. Clearly, the power of the State to regulate insurance companies is not absolute -- an insurer is still entitled to due process of law. (See, generally, **Munn v Illinois, 94 U.S. 113** ; *Moore v Metropolitan Life Ins. Co .* , 33 NY2d 304 ; *Health Ins. Assn. of Amer. v Harnett*, supra.) Due process, as involved here, consists of two important concepts. Bill of Rights, Fundamental ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** December 1, 1978

1062 [In re M.](#), 95 Misc. 2d 581, 409 N.Y.S.2d 638, 1978 N.Y. Misc. LEXIS 2469 


LB Cited by: 95 Misc. 2d 581 p.594; 409 N.Y.S.2d 638 p.646

... a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. *Bachtel v. Wilson* , 204 U.S. 36 , 41 ; *Louisville & Nashville R. R. Co. v. Melton* ,

Shepard's®: Munn v. Illinois, 94 U.S. 113

218 U.S. 36 ; Ozan Lumber Co. v. Union County Bank , 207 U.S. 251 , 256 ; **Munn v. Illinois, 94 U.S. 113, 132** ; Henderson Bridge Co. v. Henderson City , 173 U.S. 592 , 615 ." (See, also, Massachusetts Bd. of Retirement v Murgia , 427 U.S. 307 , 313 , supra; Usery v Turner Elkhorn ...

Discussion:  **Court:** N.Y. Sur. Ct. | **Date:** October 26, 1978

1063 [Halpern v. Gozan](#), 85 Misc. 2d 753, 381 N.Y.S.2d 744, 1976 N.Y. Misc. LEXIS 2053 

LB Cited by: 85 Misc. 2d 753 p.758; 381 N.Y.S.2d 744 p.747

... right to be secure in one's person or health but rather the economic and social one to recover civil damages when these have been invaded. Therefore, the Legislature is free to experiment and to innovate and to do so at will, or even 'at the whim' (**Munn v Illinois, 94 U.S. 113, 134** ; North Dakota Pharmacy Bd. v Snyder's Stores , 416 U.S. 156), so long as it has any reasonable basis for its enactment. (McGowan v Maryland , 366 U.S. 420 , 426 ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** February 6, 1976


1064 [Lustig v. Congregation B'Nai Israel](#), 65 Misc. 2d 1052, 319 N.Y.S.2d 994, 1971 N.Y. Misc. LEXIS 1731



LB Cited by: 65 Misc. 2d 1052 p.1058; 319 N.Y.S.2d 994 p.1000


... A person has no property, no vested interest, in any rule of the common law. So long as the legislation is addressed to a legitimate end, it may not be stricken as unconstitutional, even though it may interfere with rights established by existing contracts. "A person has no property, no vested interest, in any rule of the common law". (**Munnv.Illinois, 94 U.S. 113, 134**) . So long as the legislation is addressed to a legitimate end, "it may not be stricken as unconstitutional, even though ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** March 29, 1971 | **Headnotes:** HN12

1065 [New York C. R. Co. v. Lefkowitz](#), 46 Misc. 2d 68, 259 N.Y.S.2d 76, 1965 N.Y. Misc. LEXIS 2069, 59 L.R.R.M. (BNA) 2095 

LB Cited by: 46 Misc. 2d 68 p.92; 259 N.Y.S.2d 76 p.102

... Farrington v. Pinckney , 1 N Y 2d 74 , 88) ; neither may we set aside the legislative action because other and more efficient methods of solving the problem may exist, or merely because compliance with the statutes may be burdensome (cf. **Munnv.Illinois, 94 U.S. 113** ; Ferguson v. Skrupa , 372 U.S. 726 , supra ; Standard Oil Co. v. Marysville , 279 U.S. 582 , supra). The cost of compliance with the laws is, of course, an element properly to be taken into consideration in ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** April 8, 1965

1066 [People v. Cassese](#), 43 Misc. 2d 869, 251 N.Y.S.2d 540, 1964 N.Y. Misc. LEXIS 1577 

LB Cited by: 43 Misc. 2d 869 p.873

... "The hackmen who ply the streets for hire are because of that fact engaged in a public employment which naturally and necessarily differentiates their position from that of private livery men ." (Emphasis supplied.) (Yellow Taxicab Co. v. Gaynor , 82 Misc. 94 , 181 ; **Munnv.Illinois, 94 U.S. 113** .) Transportation Law, Public Transportation HN6 A private carrier is one who holds himself out as carrying only for those persons with whom he may choose to contract. The distinction between ...

Discussion:  **Court:** N.Y. County Ct. | **Date:** July 10, 1964

1067 [Malone v. Custom Manor, Inc.](#), 4 Misc. 2d 976, 158 N.Y.S.2d 241, 1956 N.Y. Misc. LEXIS 1217 

LB Cited by: 4 Misc. 2d 976 p.980; 158 N.Y.S.2d 241 p.245

... "When * * * one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created" (**Munn v. Illinois, 94 U.S. 113, 126**). The State Legislature is without constitutional power, however, to regulate services rendered or property used unless the business or property involved is affected with a public interest and ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** December 27, 1956

1068 [Findley Lake Property Owners, Inc. v. Mina](#), 31 Misc. 2d 356, 154 N.Y.S.2d 775, 1956 N.Y. Misc. LEXIS 1758 

LB Cited by: 31 Misc. 2d 356 p.389; 154 N.Y.S.2d 775 p.806

... The defendants set up public interest as a third defense, alleging that the reliance of the public for many years on the continuous level of not less than the top of the town-installed gates, and its use of the waters and beaches for fishing, swimming and picnicking has affected that minimum level with the public interest. Counsel cites **Munn v. Illinois (94 U.S. 113)** in support of the proposition that private property devoted to a public use is subject to public regulation. However, a study ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** June 26, 1956 | **Headnotes::** HN6

1069 [Lerner v. Casey](#), 138 N.Y.S.2d 777, 1955 N.Y. Misc. LEXIS 2681 

LB Cited by: 138 N.Y.S.2d 777 p.782

... A statute is presumed to be constitutional and the courts may not declare it unconstitutional unless it is clearly so. If there is any doubt the expressed will of the legislature should be upheld. a statute is presumed to be constitutional and the courts may not declare it unconstitutional unless it is clearly so. If there is any doubt the expressed will of the Legislature should be upheld, **Munn v. State of Illinois, 94 U.S. 113, 123, 24 L.Ed. 77** ; see also Matter of Fay, 291 N.Y. 198 , ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** January 25, 1955 | **Headnotes::** HN1

1070 [Suppus v. Bradley](#), 101 N.Y.S.2d 557, 1950 N.Y. Misc. LEXIS 2292 

LB Cited by: 101 N.Y.S.2d 557 p.565

... , 87 N.Y.S.2d 226 , Id., 299 N.Y. 205 , 86 N.E.2d 563 , Id., 299 N.Y. 601 , 602 , 86 N.E.2d 115 ; Certiorari denied, 338 U.S. 859 , 70 S.Ct. 100 ; **Munn v. Illinois, 1876, 94 U.S. 113, 24 L.Ed. 77** ; Budd v. People of State of New York, 143 U.S. 517 , 536 , 12 S.Ct. 468 , 36 L.Ed. 247 ; Taylor v. Bowles, Em.App., 145 F.2d 833 , 834 , certiorari denied, 327 U.S. 767 , ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** December 1, 1950

1071 [Home Gas Co. v. Eckerson](#), 197 Misc. 793, 94 N.Y.S.2d 221, 1950 N.Y. Misc. LEXIS 1339 

LB Cited by: 197 Misc. 793 p.796; 94 N.Y.S.2d 221 p.224


... If the position of the respondent was carried to its ultimate conclusion, it would operate to prevent a purchase of supply of natural gas by a public utility from a private corporation regardless of public necessity or convenience. The courts have long held that it is not necessary for a corporation to sell or service all of the public directly. (*Matter of Burns* , 155 N. Y. 23 , 49 N.E. 246 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , supra .) Even though as admitted here the petitioner ...


Discussion:  | **Court:** N.Y. County Ct. | **Date:** January 18, 1950

1072 [Shielcrawt v. Moffett](#), 49 N.Y.S.2d 64, 1944 N.Y. Misc. LEXIS 2059 

LB Cited by: 49 N.Y.S.2d 64 p.70

... 48 N.E.2d 275 . Nevertheless, 'Every statute is presumed to be constitutional. The courts ought not to declare one unconstitutional, unless it is clearly so. If there is doubt the expressed will of the legislature should be sustained.' **Munn v. Illinois,94 U.S. 113, 123, 24 L.Ed. 77** . Whereas the presumption is not an alchemy which magically transmutes the invalid into the valid, the burden is on the assailant of the law to show that it does not rest upon any reasonable basis. *Lindsley* ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** May 17, 1944 | **Headnotes::** HN1

1073 [Kelly-Sullivan, Inc. v. Moss](#), 180 Misc. 3, 39 N.Y.S.2d 797, 1943 N.Y. Misc. LEXIS 1574 

LB Cited by: 180 Misc. 3 p.5; 39 N.Y.S.2d 797 p.799

...), which invalidated a similar statute on the ground that it exceeded the constitutional limitations imposed upon the exercise of the police power. It would serve little purpose to analyze precedents based upon familiar principles hitherto thought applicable. (Cf. *Slaughter-House Cases* , 16 Wall. 36 ; **Munnv.Illinois, 94 U.S. 113** ; *Davidson v. New Orleans* , 96 U.S. 97 ; *Hurtado v. California* , 110 U.S. 516 ; *Butchers' Union Co. v. Crescent City Co.* , 111 U.S. 746 ; with *Chicago*, ...


Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** February 10, 1943

1074 [Abbye Employment Agency, Inc. v. Robinson](#), 166 Misc. 820, 2 N.Y.S.2d 947, 1938 N.Y. Misc. LEXIS 1370 

LB Cited by: 166 Misc. 820 p.824; 2 N.Y.S.2d 947 p.951

... which fix minimum charges for services to applicants is invalid. It has been held that, unless the business is "affected with a public interest," the Constitution prohibits legislation fixing prices or charges for services and requires that same be left to the free agreement of the parties. (**Munnv.Illinois, 94 U.S. 113** ; *Wolff Co. v. Industrial Court* , 262 id. 522 ; *Tyson & Bro. v. Banton* , 273 id. 418 ; the *Ribnik* case and others referred to therein.) The Legislature, we are ...

Discussion:  | **Court:** N.Y. App. Term | **Date:** February 14, 1938

1075 [Coty, Inc. v. Hearn Dep't Stores, Inc.](#), 158 Misc. 516, 284 N.Y.S. 909, 1935 N.Y. Misc. LEXIS 1685 

LB Cited by: 158 Misc. 516 p.522; 284 N.Y.S. 909 p.916

... , instances where the State has determined that the public health, morals, safety or welfare (generally included within the objects of its "police power") depend upon the maintenance of fixed prices; third ,

instances where prices of commodities other than those included in the first two are fixed by reason of a compelling emergency which justifies such interference by the State. Within the first class are included such cases as **Munn v. Illinois (94 U.S. 113 ; 24 L. Ed. 77)** (rates for storage ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** November 25, 1935


1076 [People ex rel. McDonough v. Bratowsky](#), 154 Misc. 432, 276 N.Y.S. 418, 1934 N.Y. Misc. LEXIS 1887



LB Cited by: 154 Misc. 432 p.438; 276 N.Y.S. 418 p.425


... ancient house. Tariffs for the protection of home industries are upheld. Sugar bounties have not been declared unconstitutional. (**United States v. Realty Co.** , 163 U.S. 427 .) The rates of grain elevators (**Munnv.Illinois, 94 U.S. 113**) and cotton gins may be regulated. (**Frost v. Corporation Commission of Oklahoma** , 278 U.S. 515 .) Rate fixing in the business of insurance has been upheld. (**German Alliance Ins. Co. v. Kansas** , 233 U.S. 389 ; **O'Gorman & Young, Inc., v. ...**

Discussion:  | **Court:** N.Y. Magis. Ct. | **Date:** December 20, 1934

1077 [Morrison v. Gentler](#), 152 Misc. 710, 273 N.Y.S. 952, 1934 N.Y. Misc. LEXIS 1595 

LB Cited by: 152 Misc. 710 p.711; 273 N.Y.S. 952 p.954

Court: N.Y. Mun. Ct. | **Date:** September 7, 1934

1078 [People ex rel. Bryant v. Sheriff of Erie County](#), 123 Misc. 859, 206 N.Y.S. 533, 1924 N.Y. Misc. LEXIS 1222, 41 N.Y. Cr. 533 

LB Cited by: 123 Misc. 859 p.862; 206 N.Y.S. 533 p.536

... **v. O'Reilly** , 74 N. Y. 509 , 522 . A few references may be made, notably, **The Slaughter-House Cases** , 83 U.S. 36 , 16 Wall. 36 , 21 L. Ed. 394 , and **Munnv.Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77** , which **Andrews, J.**, in **Bertholf Case**, supra , says (p. 523) "may be deemed to have carried the right of legislative interference with private rights and property to its utmost limit, but they illustrate the scope of the police power in legislation; * * *" **The adulteration of milk.** ...


Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** November 5, 1924


1079 [Groetzinger v. Forest Hills Terrace Corp.](#), 123 Misc. 274, 205 N.Y.S. 125, 1924 N.Y. Misc. LEXIS 910



LB Cited by: 123 Misc. 274 p.276; 205 N.Y.S. 125 p.127

... A business by circumstances and its nature may arise from private to public concern and consequently become subject to governmental regulation. a business by circumstances and its nature may arise from private to public concern and consequently become subject to governmental regulation. **German Alliance Ins. Co. v. Lewis**, supra , citing **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; **Budd v. New York** , 143 U.S. 517 ; **Brass v. North Dakota** , 153 U.S. 391 . What makes for the general ...


Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** May 10, 1924

1080 [Grimshaw v. Garden City Co.](#), 120 Misc. 273, 199 N.Y.S. 167, 1923 N.Y. Misc. LEXIS 926 

LB Cited by: 120 Misc. 273 p.274; 199 N.Y.S. 167 p.167

... of water rates and charges for sewer service in an action brought to determine reasonable rates for water supply and sewer service. Although the term that a business "affects public interest" as it is used by the courts where the question of rate regulation is under consideration (**Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; **People v. Budd** , 117 N. Y. 1 , 22 N.E. 670), is an elastic term and may be stretched to the breaking point, so that almost any private enterprise might be restricted ...


Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** February 1, 1923

1081 [Ullmann Realty Co. v. Tamur](#), 113 Misc. 538, 185 N.Y.S. 612, 1920 N.Y. Misc. LEXIS 1934 

LB Cited by: 113 Misc. 538 p.558; 185 N.Y.S. 612 p.624

... Occupations and trades of farriers, millers, tailors, bakers and the like in olden times, it was observed, if left unregulated would practically become unlimited in their power to prey upon the people in the exaction of returns. Economic conditions invested them with a degree of interest to the public, the latter possessed an interest in their use. **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** , was the first definite announcement of the principle here, though from the standpoint of precedent ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** December 1, 1920

1082 [Heyman v. Osterweis](#), 113 Misc. 282, 185 N.Y.S. 311, 1920 N.Y. Misc. LEXIS 1903 

LB Cited by: 113 Misc. 282 p.283; 185 N.Y.S. 311 p.312

... with the other housing acts, would be unconstitutional because, assuming that the leasing of tenements is a business charged with a public use, and as such subject to the exercise of the police power, the result of these acts is to force upon the landlord the continuance of such use and to deprive him of his right to "withdraw his grant by discontinuing the use." See **Munnv.Illinois,94 U.S. 113-126,24 L. Ed. 77** . While I put my decision on the foregoing ground, I may properly add that ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** October 1, 1920

1083 [Morrell v. Brooklyn Borough Gas Co.](#), 113 Misc. 65, 184 N.Y.S. 651, 1920 N.Y. Misc. LEXIS 1796 

LB Cited by: 113 Misc. 65 p.69; 184 N.Y.S. 651 p.654

... 50 Misc. Rep. 450 , 458 , 100 N.Y.S. 570 ; *affd.*, 115 A.D. 69 , 100 N.Y.S. 625 ; *aff'd*, 188 N. Y. 334 , 81 N.E. 141 ; **Munnv.Illinois,94 U.S. 113, 126, 24 L. Ed. 77** . I cannot, however, agree with the contention of defendant's counsel that because the statutory rate has been declared unconstitutional and void that defendant may resort to the common-law right of owners of public utilities, within reasonable limits, to fix their own prices for services rendered. ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** September 1, 1920

1084 [New York Trust Co. v. Buffalo & Lake Erie Traction Co.](#), 112 Misc. 414, 183 N.Y.S. 278, 1920 N.Y. Misc. LEXIS 1580 

LB Cited by: 112 Misc. 414 p.419; 183 N.Y.S. 278 p.281

... 35 S. Ct. 437 , P. U. R. 1915 C 293 . * * * If the plaintiff be taken to have granted to the public an interest in the use of the railroad it may withdraw its grant by discontinuing the use when that use can be


kept up only at a loss. **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77, 84** . P. 213. In *Gilchrist v. Waycross Street & Suburban Ry. Co.*, 246 Fed. Repr. 952, the whole street railway abandoned because of loss: "The street railway company was insolvent; it could not operate ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** June 1, 1920

1085 [Seventy-Eighth St. & Broadway Co. v. Rosenbaum](#), 111 Misc. 577, 182 N.Y.S. 505, 1920 N.Y. Misc. LEXIS 1439 

LB Cited by: 111 Misc. 577 p.582; 182 N.Y.S. 505 p.508


... *v. Murphy*, 195 N.Y. 126, 136, 88 N.E. 17, while substantially the same law was upheld in 1915 in *People ex rel. Publicity Leasing Co. v. Ludwig*, 218 N.Y. 540. In the famous case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, the court held, in substance, that Governments, Police Powers HN8 When the owner of property devotes it to a use in which the public has an interest, he grants to the public an interest in such use, and must, to the extent of that interest, submit to ...


Discussion:  **Court:** N.Y. Mun. Ct. | **Date:** May 1, 1920 | **Headnotes:** HN4

1086 [Herkey v. Agar Mfg. Co.](#), 90 Misc. 457, 153 N.Y.S. 369, 1915 N.Y. Misc. LEXIS 1065 

LB Cited by: 90 Misc. 457 p.462; 153 N.Y.S. 369 p.372

... Here it was said: "There is no room for holding, in a constitutional system, that private reputation is any more subject to be removed by statute from full legal protection than life, liberty or property. It is one of those rights necessary to human society that underlie the whole social scheme of civilization." The same words are as applicable to protection from another's gross negligence or assault. The case of **Munn v. Illinois, 94 U.S. 113**, quoted in *Second Employers' Liability Cases* ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** May 1, 1915 | **Headnotes:** HN12

1087 [Yellow Taxicab Co. v. Gaynor](#), 82 Misc. 94, 143 N.Y.S. 279, 1913 N.Y. Misc. LEXIS 710 

LB Cited by: 82 Misc. 94 p.106; 143 N.Y.S. 279 p.290

... *Law Tracts*, 78. The underlying principle there asserted was that businesses of certain kinds sustain such a peculiar relation to the public interests that there is superinduced upon them the right of public regulation. This principle is firmly fixed in our modern constitutional law. *People v. Budd*, 117 N. Y. 1, *affd.*, *Budd v. New York*, 143 U.S. 517; *Munn v. Illinois*, 94 id. 113. As was well said by **Chief Justice Waite in Munn v. Illinois, supra**, in the exercise by government ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** August 1, 1913

1088 [Windsor v. New York C. & H. R. R. Co.](#), 82 Misc. 38, 143 N.Y.S. 645, 1913 N.Y. Misc. LEXIS 670 

LB Cited by: 82 Misc. 38 p.41; 143 N.Y.S. 645 p.647


... It is competent for the legislature to regulate not only the business of common carriers, but also the business of warehousemen. it is competent for the legislature to regulate not only the business of common carriers, but also the business of warehousemen. **Munn v. Illinois, 94 U.S. 113**; *Cotting v. Kansas City Stock Yards Co.*, 183 id. 92; *Nash v. Page*, 80 Ky. 539; *State v. Columbus, G. L. & C. Co.*, 34 Ohio St. 572; *Baker v. State*, 54 Wis. 368; *Webster Telephone Case*, 17 Neb. ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** August 1, 1913

1089 [Shultz v. Skaneateles R. Co.](#), 66 Misc. 9, 122 N.Y.S. 445, 1910 N.Y. Misc. LEXIS 39 

LB Cited by: 66 Misc. 9 p.18; 122 N.Y.S. 445 p.451


... "We do not say that a case may not arise in which it will be found that a State, under the form of regulating its own affairs, has encroached upon the exclusive domain of Congress in respect to interstate commerce, but we do say that upon the facts as represented to us in this record, that has not been done." **Munn v. State of Illinois,94 U.S. 113, 135** . In the case at bar it must be presumed that there was some traffic arrangement, express or implied, as to receipt, carriage or delivery of ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** 1910 | **Headnotes:** HN15

1090 [Greenwald v. Weir](#), 59 Misc. 431, 111 N.Y.S. 235, 1908 N.Y. Misc. LEXIS 542 

LB Cited by: 59 Misc. 431 p.434, p.437; 111 N.Y.S. 235 p.238, p.239

... where "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use, he must submit to the control." **Munn v. Illinois,94 U.S. 113, 126** . The stringent rule of liability to which common carriers have always been subjected ...

Discussion:  **Court:** N.Y. App. Term | **Date:** June 1, 1908

1091 [Akers v. Mutual Life Ins. Co.](#), 59 Misc. 273, 112 N.Y.S. 254, 1908 N.Y. Misc. LEXIS 503 

LB Cited by: 59 Misc. 273 p.277; 112 N.Y.S. 254 p.257

... his lawful services is the common-law right of every individual and a part of municipal law. It is subject to legislative regulation which does not transcend constitutional guarantees and the wisdom of any such regulation presents no judicial question. The right to contract for his lawful services is the common-law right of every individual and a part of our municipal law. It is subject to legislative regulation which does not transcend constitutional guarantees (**Munn v. Illinois,94 U.S. 113** ...


Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** May 1, 1908

1092 [Brooklyn Union Gas Co. v. New York](#), 50 Misc. 450, 100 N.Y.S. 570, 1906 N.Y. Misc. LEXIS 102 

LB Cited by: 50 Misc. 450 p.457; 100 N.Y.S. 570 p.573

... only. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created.

Munn v. Illinois,94 U.S. 113 ; C. B. & Q. R. R. Co. v. Iowa, 94 U.S. 155 ; Peik ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** May 1, 1906 | **Headnotes:** HN13


1093 [New York Cement Co. v. Consolidated Rosendale Cement Co.](#), 37 Misc. 746, 76 N.Y.S. 469, 1902

N.Y. Misc. LEXIS 220 **LB Cited by:** 37 Misc. 746 p.753; 76 N.Y.S. 469 p.474

... injunction asked for by showing either: That the defendant cement company is the successor in interest of the Delaware & Hudson Canal Company and controlled by the rates of toll fixed by the charter of that company (*People v. Budd*, 117 N.Y. 1 ; **Munn v. Illinois, 94 U.S. 113**), or that the rates of toll proposed to be charged if not regulated by law are still unreasonable and excessive. *Sterne v. Metropolitan Telephone & Telegraph Co.*, opinion of Justice Ingraham , not reported, 19 A.D. ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** April 1, 19021094 [Fayetteville & S. R. & T. Co. v. Fayetteville](#), 37 Misc. 223, 75 N.Y.S. 180, 1902 N.Y. Misc. LEXIS 86**LB Cited by:** 37 Misc. 223 p.226; 75 N.Y.S. 180 p.183


... For a general discussion of this inherent power which resides in the Legislature and the public reference may be made to the well-known cases of *People v. Budd*, 117 N.Y. 1 ; *People ex rel. New York El. L. Co. v. Squire*, 107 N.Y. 593 , and **Munn v. State of Illinois, 94 U.S. 113** . Corporate Formation, Corporate Existence, Powers & Purpose Governments, Police Powers HN4 Governmental authority in these matters, the police power in short, permanently resides in the State. It is inalienable. ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** February 1, 19021095 [Dillon v. Erie R. Co.](#), 19 Misc. 116, 43 N.Y.S. 320, 1897 N.Y. Misc. LEXIS 9 **LB Cited by:** 19 Misc. 116 p.120; 43 N.Y.S. 320 p.323

... and affected with a public interest, which it is, therefore, within the province of the legislature, in the proper exercise of its police power, to regulate (*Reagan v. Farmers' L. & T. Co.*, 154 U.S. 362 , 38 L. Ed. 1014 ; *Budd v. New York*, 143 U.S. 517 , 36 L. Ed. 247 ; **Munn v. Illinois, 94 U.S. 113**, **24 L. Ed. 77** ; *Tiedeman's Lim. of Police Power*, § 189, etc.), and the other, that the legislature, in the enactment of the Railroad Law of 1890, plainly intended and actually undertook to ...

Discussion:  **Court:** N.Y. App. Term | **Date:** 18971096 [People v. New York, N. H. & H. R. Co.](#), 8 N.Y.S. 672, 1890 N.Y. Misc. LEXIS 1711, 55 Hun 409 **LB Cited by:** 55 Hun 409 p.412; 8 N.Y.S. 672 p.674

... *v. Railroad Co.* , 27 Vt. 140 , *supra*. Indeed, all property is held subject to the general police power of the state to regulate and control its use, to secure the general safety and the public welfare. *Bertholf v. O'Reilly* , 74 N.Y. 509 ; **Munn v. Illinois, 94 U.S. 113** . Having arrived at these conclusions, the only question for consideration is, what was intended by the legislature in naming the limit of 50 miles, as contained in the statute. It is justly observed by plaintiff's counsel ...

Discussion:  **Court:** N.Y. Sup. Ct. | **Date:** January 24, 18901097 [People v. Moore](#), 3 N.Y.S. 159, 1888 N.Y. Misc. LEXIS 531, 50 Hun 356 **LB Cited by:** 50 Hun 356 p.359; 3 N.Y.S. 159 p.161

... *Iron & Ore Company* for such public use as was incident to the wants, convenience, and happiness of

the people residing there. To the extent of this public use the company subjected its private property to the law which regulates public rights. **Munnv.Illinois, 94 U.S. 113** . No doubt it can depopulate its village, and restore its lands to the solitude of its exclusive private dominion. But so long as it enjoys the benefits of public association and communication it must accept the burdens ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** October 1, 1888

1098 [In re Annon](#), 2 N.Y.S. 275, 1888 N.Y. Misc. LEXIS 139, 50 Hun 413, 6 N.Y. Cr. 57 

LB Cited by: 50 Hun 413 p.415; 6 N.Y. Cr. 57 p.75; 2 N.Y.S. 275 p.275

... to the conclusions that have been reached, and apply them to the case under consideration. For a full discussion of the subject I refer to the following cases: Association v. Crescent City , 1 Abb. 388 , 15 F. Cas. 649 ; Slaughter-House Cases , 83 U.S. 36 , 16 Wall. 36 ; **Munnv.Illinois, 94 U.S. 113** ; Bertholf v. O'Reilly , 74 N.Y. 509 ; In re Jacobs , 98 N.Y. 98 ; People v. Marx , 99 N.Y. 377 , 2 N.E. 29 ; People ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** October 1, 1888

1099 [Wilson v. Commercial Telegram Co.](#), 3 N.Y.S. 633, 1888 N.Y. Misc. LEXIS 921 

LB Cited by: 3 N.Y.S. 633 p.636

... , and also the decision of Justice Dykman , were based on the doctrine of **Munnv.Illinois, 94 U.S. 113** , in which it was held that property, when used in a manner to make it of public consequence and affect the community at large, became clothed with a public interest, and might be controlled by the public for the common good, and the plaintiff's whole argument is based on the doctrine in this case. I am unable to see how **Munnv.Illinois** has any application to the question involved ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** September 17, 1888


New York General Session Court

1100 [People v. Newman](#), 109 Misc. 622, 180 N.Y.S. 892, 1919 N.Y. Misc. LEXIS 688, 38 N.Y. Cr. 169 

LB Cited by: 109 Misc. 622 p.628; 180 N.Y.S. 892 p.897

... **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ; Inter-Ocean Co. v. Associated Press, 184 Ill. 438 , 56 N.E. 822 ; New York & Chicago Grain & Stock Exchange v. Board of Trade, 127 Ill. 153 , 19 N.E. 855 . The fact that a license is required does not make the business a public employment. The cases where a business has been regarded as affected with a public interest have been cases where the person or corporation engaged in the business was acting under a franchise or cases affecting ...

Discussion:  | **Court:** N.Y. Gen. Sess. | **Date:** December 1, 1919

1101 [People v. Cuneen](#), 94 Misc. 509, 159 N.Y.S. 967, 1916 N.Y. Misc. LEXIS 1186, 34 N.Y. Cr. 335 

LB Cited by: 94 Misc. 509 p.527; 159 N.Y.S. 967 p.977

Court: N.Y. Gen. Sess. | **Date:** March 1, 1916


New York

1102 [People v. Rosenberg](#), 22 N.Y.S. 56, 67 Hun 52

LB Cited by: 67 Hun 52 p.6022 N.Y.S. 56 p.61

Date: 1893


Other New York Decisions

1103 [In re Rochester Tel. Corp.](#), 1993 N.Y. PUC LEXIS 13, 33 NY PSC 529, 145 Pub. Util. Rep. 4th (PUR) 419 

LB Cited by:


... price of a building permit; that the easement was to benefit the public at large made it no less confiscatory. Rochester Telephone suggests a revenue imputation would impose a similarly unlawful condition on its use of its property, but the situations can readily be distinguished. Most obviously, Nollan did not involve a public utility, whose property, though still privately owned, has been devoted "to a use in which the public has an interest." 2 **Munn v. Illinois, 94 U.S. 113, 140(1876)** ...

Court: N.Y.P.S.C. | **Date:** July 6, 1993

1104 [Hempel v. American Airlines, Inc.](#), 102 Misc. 2d 563, 423 N.Y.S.2d 778, 1979 N.Y. Misc. LEXIS 2907 

LB Cited by: 102 Misc. 2d 563 p.565; 423 N.Y.S.2d 778 p.780

... plaintiff's argument overlooks the fact that the Legislature, in providing an action for wrongful death created a right unknown at common law and that the Court of Appeals has refused to create one. It cannot be unconstitutional to create a right which has certain limitations. (Ratka v St. Francis Hosp ., 44 NY2d 604 .) (Even if a common-law cause of action for wrongful death had existed, a person has no property or vested right in rules of common law [**Munn v Illinois, 94 U.S. 113, 134**] ...

Discussion:  | **Court:** N.Y. Sup. Ct. | **Date:** 1979 | **Headnotes:** HN12


1105 [MALLACH v. RIDLEY](#), 1888 N.Y. Misc. LEXIS 1817, 24 Abb. N. Cas. 172 

LB Cited by:

... roads and streets, prevent the members of the community from purchasing supplies of tradesmen not designated by it, nor prevent such tradesmen from entering upon such streets to deliver wares so bought. Such trademen's act in entering upon the road for such purpose is not a trespass [Citing Munn v. Illinois, 91 **U. S.113**]. Landon , J., said : To the extent of this public use the company subjected its private property to the law which regulates public rights (**Munn Illinois,94U. S.113** ...

Court: N.Y. App. Term | **Date:** 1888

North Carolina Supreme Court

1106 [Lowe v. Tarble](#), 313 N.C. 460, 329 S.E.2d 648, 1985 N.C. LEXIS 1552 

LB Cited by: 313 N.C. 460 p.461; 329 S.E.2d 648 p.650

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134 [24 L.Ed. 77, 87]** , "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Williamson v. Lee Optical Co. , 348 U.S. 483 , 488 , 99 L.Ed. 563 , 572 (1955) (citations ...


Discussion:  | **Court:** N.C. | **Date:** May 7, 1985 | **Headnotes:** HN13

1107 [Student Bar Asso. Board of Governors, etc. v. Byrd](#), 293 N.C. 594, 239 S.E.2d 415, 1977 N.C. LEXIS 1010 

LB Cited by: 293 N.C. 594 p.600; 239 S.E.2d 415 p.420

... as a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This definition was quoted with approval by the Supreme Court of the United States in **Munn v. Illinois, 94 U.S. 113, 124, 24 L.Ed. 77, 84(1876)**, and by this Court in *Durham v. Cotton Mills*, 141 N.C. 615, 642, 54 S.E. 453 (1906). Ballentine's Law Dictionary defines the related term "body politic ...


Discussion:  **Court:** N.C. | **Date:** December 15, 1977 | **Headnotes::** HN4

1108 [State v. Harris](#), 216 N.C. 746, 6 S.E.2d 854, 1940 N.C. LEXIS 385, 128 A.L.R. 658 

LB Cited by: 216 N.C. 746 p.757; 6 S.E.2d 854 p.862

... 277 U.S. 350, 72 L. Ed. 913, 56 A. L. R., 1327, 48 S. Ct. 545. Compare: *Louisville & N. R. Co. v. Kentucky*, 161 U.S. 677, 40 L. Ed. 849, 16 S. Ct. 714; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Chas. Wolff Packing Co. v. Court of Industrial Relations*, 262 U.S. 522, 67 L. Ed. 1103, 27 A. L. R., 1280, 43 S. Ct. 630. *Nebbia v. New York*, 291 U.S. 502, 78 L. Ed. 940, 54 S. Ct. 505, upon which the prosecution seems to lean rather heavily, deals with the suggested ...


Discussion:  **Court:** N.C. | **Date:** February 2, 1940

1109 [Appeal of Parker](#), 214 N.C. 51, 197 S.E. 706, 1938 N.C. LEXIS 263 

LB Cited by: 214 N.C. 51 p.58; 197 S.E. 706 p.711

... Zoning regulations are predicated upon the exercise of granted police powers. The valid exercise of these powers must always be grounded in necessity, and that necessity must be in the interest of the public safety, health, morals, or general welfare. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Nectow v. Cambridge*, 277 U.S. 183, 72 L. Ed. 842, 48 S. Ct. 447. Granting that reasonable zoning regulations are permissible, under the express and implied powers delegated to municipalities, ...

Discussion:  **Court:** N.C. | **Date:** June 22, 1938

1110 [State v. Stowe](#), 190 N.C. 79, 128 S.E. 481, 1925 N.C. LEXIS 13, 40 A.L.R. 559 

LB Cited by: 190 N.C. 79 p.83; 128 S.E. 481 p.483

... process' clause has the effect of overruling the power of the State to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community; that this power can neither be abdicated nor bargained away, and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. *Slaughterhouse cases*, 16 Wall. 36, 62; **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77** ...

Discussion:  **Court:** N.C. | **Date:** June 24, 1925

1111 [Gray v. Central Warehouse Co.](#), 181 N.C. 166, 106 S.E. 657, 1921 N.C. LEXIS 37 

LB Cited by: 181 N.C. 166 p.170; 106 S.E. 657 p.659

... protection of the law, and will not be allowed to exercise all the privileges that have heretofore belonged to warehousemen, and evade all the duties and responsibilities of their position by the passage of a resolution disclaiming that they are operating their houses in the capacity of warehousemen, but as commission merchants." This opinion from Kentucky , which is second only to this State in the production of tobacco, further says: "The case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** N.C. | **Date:** April 6, 1921

1112 [Salisbury & S. R. Co. v. Southern Power Co.](#), 179 N.C. 18, 101 S.E. 593, 1919 N.C. LEXIS 7, 12 A.L.R. 304 

LB Cited by: 179 N.C. 18 p.42; 101 S.E. 593 p.605


Court: N.C. | **Date:** December 20, 1919

1113 [Carolina-Tennessee Power Co. v. Hiwassee River Power Co.](#), 175 N.C. 668, 96 S.E. 99, 1918 N.C. LEXIS 135 

LB Cited by: 175 N.C. 668 p.677; 96 S.E. 99 p.103

... at p. 207: "The defendant corporation operates under the franchise from the city, which permits it to lay its pipes in the public streets and otherwise to take benefit of the right of eminent domain. Besides, from the very nature of its functions it is 'affected with a public use.' In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , which was a case in regard to regulating the charges of grain elevators, it was held that in England, from time immemorial, and in this country from its colonization, ...


Discussion:  **Court:** N.C. | **Date:** May 28, 1918

1114 [Lawrence v. Nissen](#), 173 N.C. 359, 91 S.E. 1036, 1917 N.C. LEXIS 304 

LB Cited by: 173 N.C. 359 p.362; 91 S.E. 1036 p.1037

... Neither is it necessary that we should find that conditions actually exist that require the enactment of the ordinance. It is sufficient if a state of facts could exist which would justify it. As said by the Supreme Court of the United States in the case of **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** : "For our purposes we must assume that if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed. For us ...

Discussion:  **Court:** N.C. | **Date:** April 11, 1917

1115 [Glenn v. Southern Express Co.](#), 170 N.C. 286, 87 S.E. 136, 1915 N.C. LEXIS 387, L.R.A. (n.s.) 1918B438 

LB Cited by: 170 N.C. 286 p.295; 87 S.E. 136 p.141

... judgment of their own, it by no means is true that every law is void which may seem to the judges who pass upon it excessive, unsuited to its ostensible end, or based upon conceptions of morality with which they disagree. Considerable latitude must be allowed for differences of view as well as for possible peculiar conditions which this Court can know but imperfectly, if at all." Otis v. Parker, 187 U.S. 606 , 47 L. Ed. 323 , 23 S. Ct. 168 . In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** N.C. | **Date:** December 1, 1915

1116 [J. M. Pace Mule Co. v. Seaboard A. L. R. Co.](#), 160 N.C. 215, 76 S.E. 513, 1912 N.C. LEXIS 145 

LB Cited by: 160 N.C. 215 p.220; 76 S.E. 513 p.514

Court: N.C. | **Date:** November 20, 1912

1117 [Clinton-Dunn Tel. Co. v. Carolina Tel. & Tel. Co.](#), 159 N.C. 9, 74 S.E. 636, 1912 N.C. LEXIS 217 

LB Cited by: 159 N.C. 9 p.15; 74 S.E. 636 p.638

... property is by the consent of the owner invested with a public interest or privilege for the benefit of the public, the owner can no longer deal with it as private property only, but must hold it subject to the rights of the public in the exercise of that public interest or privilege conferred for their benefit." Allnut v. Inglis (1810), 12 East, 527. The doctrine of this early case is the acknowledged law. It is stated somewhat differently in **Munn v. Ill(1876),94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  | **Court:** N.C. | **Date:** April 17, 1912

1118 [Virginia-Carolina Peanut Co. v. Atlantic C. L. R. Co.](#), 155 N.C. 148, 71 S.E. 71, 1911 N.C. LEXIS 367



LB Cited by: 155 N.C. 148 p.163; 71 S.E. 71 p.77


Court: N.C. | **Date:** May 3, 1911

1119 [Reid & Beam v. Southern R. Co.](#), 150 N.C. 753, 64 S.E. 874, 1909 N.C. LEXIS 143, 17 Am. Ann. Cas. (o.s.) 247 

LB Cited by: 150 N.C. 753 p.758; 64 S.E. 874 p.876

... Branch's case, 77 N.C. 347 ; Railroad v. Florida, 203 U.S. 261 ; Railroad v. Humes, 115 U.S. 512 ; Mobile v. Kimball, 102 U.S. 691 , 26 L. Ed. 238 ; **Munn v. Illinois,94 U.S. 113** . The opinion then quotes from that of Associate Justice Field , in Humes case, 115 U.S. 512 , both on the right to enact such statutes and the necessity for their proper enforcement, as follows: Governments, Legislation Legislation, Statutory Remedies & Rights ...

Discussion:  | **Court:** N.C. | **Date:** May 25, 1909

1120 [State v. Southern R. Co.](#), 145 N.C. 495, 59 S.E. 570, 1907 N.C. LEXIS 330, 13 L.R.A. (n.s.) 966 

LB Cited by: 145 N.C. 495 p.533; 59 S.E. 570 p.583

... may itself fix the maximum and thus exclude judicial inquiry, or it may merely provide that the rate shall be reasonable, or that reasonable rates shall be determined by a commission or by the common law, when the question of reasonableness is open to judicial investigation. They further asserted that the Court, in Railway v. Minnesota , had virtually overruled **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and the cases afterwards decided and based upon the principle of that case. When ...

Discussion:  | **Court:** N.C. | **Date:** December 4, 1907

1121 [Efland v. Southern R. Co.](#), 146 N.C. 135, 59 S.E. 355, 1907 N.C. LEXIS 13 

LB Cited by: 146 N.C. 135 p.139; 59 S.E. 355 p.356

... 203 U.S. 261 , 51 L. Ed. 175 , 27 S. Ct. 109 ; Railway v. Humes, 115 U.S. 512 ; Mobile v. Kimball, 102 U.S. 691 , 26 L. Ed. 238 ; **Munn v. Illinois,94 U.S. 113** . As said by Associate Justice Fields , in Helms' case, supra, Damages, Punitive Damages State & Territorial Governments, Legislatures Governments, Police Powers HN4 The power of the State to impose fines and penalties for a violation of its statutory requirements is coeval with government; and the mode in which they ...


Discussion:  **Court:** N.C. | **Date:** November 20, 1907

1122 [Stone & Co. v. Atlantic C. L. R. Co.](#), 144 N.C. 220, 56 S.E. 932, 1907 N.C. LEXIS 133 

LB Cited by: 144 N.C. 220 p.223; 56 S.E. 932 p.933

... 77 N.C. 347 , being the first case in this Court in which an action was brought to recover a penalty for failing to ship goods, Rodman, J., discusses the validity of the statute and holds that it is clearly within the police power, citing **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . This case was followed in Katzenstein's case, 84 N.C. 694 , Keeter's case, 86 N.C. 348 , Whitehead's case, 87 N.C. 260 , McGowan's case, 95 N.C. 417 , and Walker v. Railroad, 137 N.C. 168 ...


Discussion:  **Court:** N.C. | **Date:** April 3, 1907

1123 [Durham v. Eno Cotton Mills](#), 141 N.C. 615, 54 S.E. 453, 1906 N.C. LEXIS 146, 7 L.R.A. (n.s.) 321 

LB Cited by: 141 N.C. 615 p.642; 54 S.E. 453 p.462

... injurious to the health, morals, or safety of the community, cannot, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the State that its use by any one, for certain forbidden purposes, is prejudicial to the public interests." It was said in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** N.C. | **Date:** May 28, 1906 | **Headnotes:** HN4, HN5

1124 [CORPORATION COMM'N v. RAILROAD](#), 137 N.C. 1, 49 S.E. 191, 1904 N.C. LEXIS 321, 115 Am. St. Rep. 636 

LB Cited by: 137 N.C. 1 p.15; 49 S.E. 191 p.196

... The general power of the Legislature to provide reasonable rules and regulations, directly or through a commission, has been held by us in Express Co. v. R. R., 111 N.C. 463 , 16 S.E. 393 , 32 Am. St. Rep. 805 ; in Corporation Commission v. R. R., 127 N.C. 288 , and cases there cited. Among the Federal decisions, this was asserted in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and has been reiterated in numerous cases since, collected 9 Rose's Notes, pp. 21-55. The doctrine is ...


Discussion:  **Court:** N.C. | **Date:** December 13, 1904

1125 [LUMBER CO. v. RAILROAD](#), 136 N.C. 479, 48 S.E. 813, 1904 N.C. LEXIS 294, 1 Am. Ann. Cas. (o.s.) 52 

LB Cited by: 136 N.C. 479 p.483; 48 S.E. 813 p.814

... Common carriers are fixed with a public use. They exercise a branch of the public franchise. They can condemn rights of way solely because the land "is taken for a public use. " They are subject to governmental supervision and to the reduction or regulation of their charges by the Legislature directly or by commissioners appointed by its authority. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , and citations to same; 9 Rose's Notes, 21-55. In all the great countries of the world, except ...

Discussion:  **Court:** N.C. | **Date:** November 15, 1904

1126 [Griffin v. Goldsboro Water Co.](#), 122 N.C. 206, 30 S.E. 319, 1898 N.C. LEXIS 226, 41 L.R.A. 240 

LB Cited by: 122 N.C. 206 p.207; 30 S.E. 319 p.319

... The defendant corporation operates under the franchise from the city, which permits it to lay its pipes in the public streets and otherwise to take benefit of the right of eminent domain. Besides, from the very nature of its functions it is "affected with a public use." In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , which was a case in regard to regulating the charges of grain elevators, it was held that, in England from time immemorial and in this country from its colonization, it has been ...

Discussion:  **Court:** N.C. | **Date:** May 24, 1898

1127 [State ex rel. Caldwell v. Wilson](#), 121 N.C. 425, 28 S.E. 554, 1897 N.C. LEXIS 255 

LB Cited by: 121 N.C. 425 p.458; 28 S.E. 554 p.558

... to the Constitution do not necessarily require an indictment by the grand jury in a prosecution by a State for murder; and that a conviction upon an information for murder in the first degree, and a sentence of death thereon, was not without due process of law, and was, therefore, not in violation of the Constitutional provision. *McNulty v. Cal.*, 149 U.S. 645 , 37 L. Ed. 882 , 13 S. Ct. 959 ; *Vincent v. Cal.* , *ib.*, 648. In **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77** , the Chief ...


Discussion:  **Court:** N.C. | **Date:** September 1, 1897 | **Headnotes:** HN12

1128 [State v. Johnson](#), 114 N.C. 846, 19 S.E. 599, 1894 N.C. LEXIS 158 

LB Cited by: 114 N.C. 846 p.849; 19 S.E. 599 p.600

... in the municipality. Upon this same principle, all agreements for building are deemed to be entered into in view of the contingency that such power may be granted by the legislature (when it has not already been delegated) while the contract is still in fieri. Persons, in contemplation of law, contract with reference to the existence and possible exercise of this authority when it is vested in the municipality. *Salem v. Maynes*, 123 Mass. 372 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** N.C. | **Date:** February 1, 1894

1129 [State v. Whitaker](#), 114 N.C. 818, 19 S.E. 376, 1894 N.C. LEXIS 149 

LB Cited by: 114 N.C. 818 p.821; 19 S.E. 376 p.377

... applies only to the Federal courts, and is not a restriction on the States, which may provide for the trial of criminal and civil cases in their own courts, with or without jury, as authorized by the State Constitution.

Shepard's®: Munn v. Illinois, 94 U.S. 113

Cooley Cons. Lim. (6 Ed.), 30; Walker v. Sauvinet, 92 U.S. 90, 23 L. Ed. 678; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. There are instances, though infrequent, when this writ has been invoked. It has been granted Wrongful Death & Survival, Damages Jurisdiction, Jurisdictional ...

Discussion:  | **Court:** N.C. | **Date:** February 1, 1894

1130 [Bass v. Roanoke Navigation & Water Power Co.](#), 111 N.C. 439, 16 S.E. 402, 1892 N.C. LEXIS 203, 19 L.R.A. 247 

LB Cited by: 111 N.C. 439 p.448; 16 S.E. 402 p.405

... the law-making power of the State has the unquestioned right to provide the means of enforcing existing contracts, as distinguished from the power of imposing a new obligation, divesting a right or destroying a remedy. Hare's Con. L., pp. 787 and 789; Cooley Const. Lim. (4 Ed.), p. 469; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. Even if the courts, in the exercise of equity jurisdiction, could not, before the passage of our statutes, take the property of a quasi public corporation in ...

Discussion:  | **Court:** N.C. | **Date:** September 1, 1892

1131 [Durham & N. R. Co. v. Richmond & D. R. Co.](#), 104 N.C. 673, 10 S.E. 664, 1889 N.C. LEXIS 253 

LB Cited by: 10 S.E. 664 p.664

Court: N.C. | **Date:** September 1, 1889

1132 [Richmond & D. R. Co. v. Durham & N. R. Co.](#), 104 N.C. 658, 10 S.E. 659, 1889 N.C. LEXIS 252 

LB Cited by: 104 N.C. 658 p.673

Court: N.C. | **Date:** September 1, 1889

1133 [Whitehead & Stokes v. Wilmington & W. R. Co.](#), 87 N.C. 255, 1882 N.C. LEXIS 58 

LB Cited by: 87 N.C. 255 p.265

... acts, the state must be permitted to adopt such rules and regulations as may be necessary for the promotion of the general welfare of the people within its territory, though in doing so, it may indirectly operate upon commerce outside its immediate jurisdiction **Munn v. Illinois, 4 Otto 113**; Chicago, &c., v. Iowa, lb., 155. In view of the special circumstances of this case, our conclusion is that the defendant is exonerated from liability to the penalty, and that there is error in the ...

Discussion:  | **Court:** N.C. | **Date:** October 1, 1882 | **Headnotes:** HN7, HN15

1134 [Branch v. Wilmington & W. R. Co.](#), 77 N.C. 347, 1877 N.C. LEXIS 96 

LB Cited by: 77 N.C. 347 p.349

Court: N.C. | **Date:** June 1, 1877

1135 [Perry v. Perry](#), 80 N.C. App. 169, 341 S.E.2d 53, 1986 N.C. App. LEXIS 2142 ▲

LB Cited by: 80 N.C. App. 169 p.176; 341 S.E.2d 53 p.58

... The great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. " [T]he great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances."

Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77, 87(1877) . Legislation, Interpretation HN17 A law is presumed constitutional until the contrary is shown, and the burden is on the party ...

Discussion: ■■■■■ | **Court:** N.C. Ct. App. | **Date:** April 1, 1986 | **Headnotes:** HN12

1136 [State ex rel. Utilities Com. v. Mackie](#), 79 N.C. App. 19, 338 S.E.2d 888, 1986 N.C. App. LEXIS 2022 ▲

LB Cited by: 79 N.C. App. 19 p.34; 338 S.E.2d 888 p.898

... Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good. **Munn v. Illinois, 94 U.S. 113, 126, 24 L.Ed. 77(1877)** . VI In summary, we affirm that portion of the Commission's Final Order ...

Discussion: ■■■■■ | **Court:** N.C. Ct. App. | **Date:** February 4, 1986

Other North Carolina Decisions

1137 [Re Nantahala Power and Light Company](#), 1962 N.C. PUC LEXIS 12

LB Cited by:

... "When, . . . one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control ." (**Emphasis-added.**) **Munn v Illinois (1877)94 US 113, 126, 24 L ed 77.** In another landmark case, Wolff ...

Court: North Carolina Utilities Commission | **Date:** December 17, 1962

North Dakota Supreme Court

1138 [State ex rel. Langer v. Northern Pac. Ry.](#), 43 N.D. 556, 172 N.W. 324, 1919 N.D. LEXIS 1 ●

LB Cited by: 43 N.D. 556 p.571, p.603; 172 N.W. 324 p.330, p.345

... In fact, it was the exaction of "arbitrary and excessive duties for cranage, wharfage, etc.," that led to the exercise of the power of control which was vindicated in the statement referred to. See 2 Hargrave, Law Tracts, 78. That this power is a part of the state's police power is hardly open to question, since the decision in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . In that case, Chief Justice Waite, delivering the opinion of the court, quoted the definition of the police powers as ...

Discussion: ■■■■■ | **Court:** N.D. | **Date:** April 1, 1919 | **Headnotes:** HN12

1139 [Cofman v. Ousterhous](#), 40 N.D. 390, 168 N.W. 826, 1918 N.D. LEXIS 91, 18 A.L.R. 219 ▲

LB Cited by: 40 N.D. 390 p.400; 168 N.W. 826 p.828

... deceit, cheating and imposition, is equally within the power, and a state may prescribe all such regulations as in its judgment will secure or tend to secure the people against the consequences of fraud." 6 R. C. L. p. 208; State v. Armour & Co., 27 N.D. 177 , L.R.A. 1916E, 381, 145 N.W. 1033 , Ann. Cas. 1916B, 1149, 240 U.S. 510 , 60 L. Ed. 771 , 36 S. Ct. 440 , Ann. Cas. 1916D, 548; State ex rel. Gaulke v. Turner, 37 N.D. 635 , 164 N.W. 924 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** N.D. | **Date:** August 12, 1918

1140 [Peterson v. Fargo M. S. Ry.](#), 37 N.D. 440, 164 N.W. 42, 1917 N.D. LEXIS 117 

LB Cited by: 37 N.D. 440 p.458; 164 N.W. 42 p.47

... , 29 L. Ed. 463 , 6 S. Ct. 110 ; Barbier v. Connolly, 113 U.S. 27 , 28 L. Ed. 923 , 5 S. Ct. 357 ; Soon Hing v. Crowley, 113 U.S. 703 , 28 L. Ed. 1145 , 5 S. Ct. 730 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Peirce v. Van Dusen, 69 L.R.A. 705 , 24 C.C.A. 280, 47 U.S. App. 339, 78 F. 693 ; State v. Northern P. R. Co. 36 Mont. 582 , 15 L.R.A.(N.S.) 134 , 93 P. 945 , 13 Ann. Cas. 144 ; Honorable Isaac F. Redfield, chief justice of the Vermont supreme court ...

Discussion:  **Court:** N.D. | **Date:** July 14, 1917

1141 [Minneapolis, S. P. & S. S. M. Ry. v. State Bd. of R.R. Comm'rs](#), 30 N.D. 221, 152 N.W. 513, 1915 N.D. LEXIS 119, Am. Ann. Cas. 1917B1205 

LB Cited by: 30 N.D. 221 p.239; 152 N.W. 513 p.521

... We have given to the railway companies extraordinary rights, such as eminent domain. They are also essentially businesses which are "clothed with a public interest," which are to a greater or lesser extent monopolies, and which are, therefore, subject, even under the common law, to legislative control. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . On the other hand, the constitutional provisions which forbid a deprivation of property without due process of law and the general spirit of fair ...


Discussion:  **Court:** N.D. | **Date:** April 23, 1915

1142 [State ex rel. Stoeser v. Brass](#), 2 N.D. 482, 52 N.W. 408, 1892 N.D. LEXIS 37 

LB Cited by: 2 N.D. 482 p.497, p.508; 52 N.W. 408 p.413, p.417

... Chapter 126 of the Session Laws of 1891 considered, and §§ 4 and 11 thereof held to be constitutional, in so far as they define public warehouses, and in so far as they prescribe maximum rates of charges for elevating and storing grain in the public warehouses, as they are defined in § 4 of the act. **Munn v. Illinois,69 Ill. 99, 94 U.S. 113** ; People v. Budd, 22 N. E. Rep. 670 , 682 , 117 N. Y. 1 ; Budd v. People, 12 Sup. Ct. Rep. 468 -- followed. Held, further , that the record does ...

Discussion:  **Court:** N.D. | **Date:** April 25, 1892

1143 [Yeatman v. King](#), 2 N.D. 421, 51 N.W. 721, 1892 N.D. LEXIS 24, 33 Am. St. Rep. 797 

LB Cited by: 2 N.D. 421 p.425; 51 N.W. 721 p.722

... due process of law,' can a state make anything due process of law which by its own legislation it choses to declare such? To affirm this is to hold that the prohibition of the state is of no avail, or has no application, where the invasion of private rights is affected under the form of state legislation." In the **Munn Case,94 U.S. 113** , the language of Mr. Justice FIELD is equally emphatic. Speaking of the

provision in the constitution of Illinois declaring certain grain elevators public ...

Discussion:  **Court:** N.D. | **Date:** February 23, 1892

1144 [Northern Pac. Ry. v. Barnes](#), 2 N.D. 310, 51 N.W. 386, 1892 N.D. LEXIS 17 

LB Cited by: 2 N.D. 310 p.346; 51 N.W. 386 p.395

...;) subjecting them to a special law to determine, for purposes of taxation, the value of their property (Kentucky Railroad Tax Cases, 115 U.S. 321 , 6 S. Ct. 57 , 29 L. Ed. 414 ;) the regulation of the charges which they may make for their services (**Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; the Granger Cases, 94 U.S. 155 ; Stone v. Trust Co., 116 U.S. 307 , 6 Sup. Ct. Rep. 334 , 388 , 1191 , 29 L. Ed. 636 ;) requiring them to fence their railroad tracks, and, in case of failure ...

Discussion:  **Court:** N.D. | **Date:** January 12, 1892

Other North Dakota Decisions

1145 [Re Montana-Dakota Utilities Company](#), 1955 N.D. PUC LEXIS 1

LB Cited by:

... to withdraw its application in Case No. 5279. This commission is faced in this case with a most trying, troublesome, and vexatious problem. This commission is compelled to call to mind the words of the United States Supreme Court in its decision in the **Munn v. Illinois Case (1877)94 US 113, 132, 24 L ed 77** , in which the court said, speaking of property owners whose business and affairs are affected with a public interest, "they stand ... in the very 'gateway of commerce,' and take ...

Court: N.D.P.S.C. | **Date:** November 25, 1955


Ohio Supreme Court

1146 [Pratte v. Stewart](#), 125 Ohio St. 3d 473, 2010-Ohio-1860, 929 N.E.2d 415, 2010 Ohio LEXIS 1044 

LB Cited by: 125 Ohio St. 3d 473 p.481; 929 N.E.2d 415 p.423

... Moreover, "[a] person has no property, no vested interest, in any rule of the common law. *** Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois(1876),94 U.S. 113, 134, 24 L.Ed. 77** ; see also Groch at P 117 . Thus, as we affirmed in Groch , Constitutional Law, Separation of Powers HN11 A court would encroach upon the Ohio Legislature's ability to guide the development ...

Discussion:  **Court:** Ohio | **Date:** May 5, 2010 | **Headnotes:** HN12

1147 [Stetter v. R.J. Corman Derailment Servs., L.L.C.](#), 125 Ohio St. 3d 280, 2010-Ohio-1029, 927 N.E.2d 1092, 2010 Ohio LEXIS 723, 30 I.E.R. Cas. (BNA) 901, 159 Lab. Cas. (CCH) P60962 

LB Cited by: 125 Ohio St. 3d 280 p.289; 927 N.E.2d 1092 p.1104

... Leis v. Cleveland Ry . Co. (1920), 101 Ohio St. 162 , 128 N.E. 73 , paragraph one of the syllabus (because there is no property or vested right in rules of the common law, "they may be added to or repealed by legislative authority"); see also **Munn v. Illinois(1876),94 U.S. 113, 134, 24 L.Ed. 77** (there is no vested interest in any rule of the common law; alteration of the common law is permissible unless prohibited by specific constitutional limitations). Constitutional Law, Separation ...

Discussion:  **Court:** Ohio | **Date:** March 23, 2010 | **Headnotes:** HN12

1148 [Arbino v. Johnson & Johnson](#), 116 Ohio St. 3d 468, 2007-Ohio-6948, 880 N.E.2d 420, 2007 Ohio LEXIS 3354 ▲

B Cited in Concurring Opinion at: 116 Ohio St. 3d 468 p.495; 880 N.E.2d 420 p.447

"A person has no property, no vested interest, in any rule of the common law. * * * Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prohibited by constitutional limitations." Munn v. Illinois (1876), 94 U.S. 113, 134, 24 L.Ed. 77. (HN12)

Discussion: ■■■■■ Court: Ohio | Date: December 27, 2007 | Headnotes:: HN12

1149 [Morris v. Savoy](#), 61 Ohio St. 3d 684, 576 N.E.2d 765, 1991 Ohio LEXIS 2117 ▲

LB Cited by: 61 Ohio St. 3d 684 p.696; 576 N.E.2d 765 p.775

... but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.' Munn v. Illinois (1876), 94 U.S. 113, 134 [24 L.Ed. 77, 87]; Second Employers' Liability Cases (1912), 223 U.S. 1, 50 [32 S.Ct. 169, 175, 56 L.Ed. 327 ...

Discussion: ■■■■■ Court: Ohio | Date: August 27, 1991 | Headnotes:: HN12

1150 [Strock v. Pressnell](#), 38 Ohio St. 3d 207, 527 N.E.2d 1235, 1988 Ohio LEXIS 280, 75 A.L.R.4th 729 ▲

LB Cited by: 38 Ohio St. 3d 207 p.214; 527 N.E.2d 1235 p.1241

... be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." Munn v. Illinois (1876), 94 U.S. 113, 134; Second Employers' Liability Cases (1912), 223 U.S. 1, 50; see Western Union Tel. Co. v. ...

Discussion: ■■■■■ Court: Ohio | Date: August 24, 1988 | Headnotes:: HN12

1151 [Hardy v. VerMeulen](#), 32 Ohio St. 3d 45, 512 N.E.2d 626, 1987 Ohio LEXIS 345 ●

LB Cited by: 32 Ohio St. 3d 45 p.49; 512 N.E.2d 626 p.630

... under the common law cannot be taken away without due process, but the law itself as a rule of conduct may be changed at the will of the legislature unless prevented by constitutional limitations. The great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to new circumstances. Mondou v. N.Y., N. H. & H. Rd. Co., 223 U.S. 1; Munn v. Illinois, 94 U.S. 113; Martin v. P. & L.E. Rd. Co., 203 U.S. 284; and Western Union Tel. Co. v. ...

Discussion: ■■■■■ Court: Ohio | Date: August 12, 1987 | Headnotes:: HN12

1152 [Dayton Power & Light Co. v. Public Utilities Com.](#), 4 Ohio St. 3d 91, 4 Ohio B. 341, 447 N.E.2d 733, 1983 Ohio LEXIS 673 +


LB Cited by: 4 Ohio St. 3d 91 p.99; 447 N.E.2d 733 p.739

... opinion, was compelled to dissent in an ironic turnabout. 390 U.S., at pages 829-845. In the words

Shepard's®: Munn v. Illinois, 94 U.S. 113

of one commentator, "with the Permian decision the Court has completed a long circle back to almost where it started in Munn [v. Illinois (1876), **94 U.S. 113**] 92 years previous. The Constitution no longer provides any special protection for the utility investor. Regulation is deemed no different from any other governmental action; it can 'limit stringently' the profitability of ...


Discussion:  | **Court:** Ohio | **Date:** April 13, 1983

1153 [Portsmouth v. Public Utilities Com.](#), 108 Ohio St. 272, 1 Ohio Law Abs. 882, 140 N.E. 604, 1923 Ohio LEXIS 215 

LB Cited by: 108 Ohio St. 272 p.276; 140 N.E. 604 p.606

... ; San Diego Land & Town Co. v. National City , 174 U.S., 739 , 19 Sup. Ct., 804, 43 L. Ed., 1154 ; Minn. Rate Cases , 230 U.S., 352 , 33 Sup. Ct., 729, 57 L. Ed., 1511 , 48 L. R. A. (N. S.), 1151 , Ann. Cas., 1916A, 18; **Munnv.Illinois, 94 U.S., 113, 24 L. Ed., 77** ; Smyth v. Ames , 169 U.S., 466 , 18 Sup. Ct., 418, 42 L. Ed., 819 ; San Diego Land & Town Co. v. Jasper , 189 U.S., 439 , 23 Sup. Ct., 571, 47 L. Ed., 892 , and ...


Court: Ohio | **Date:** June 19, 1923

1154 [Board of Comm'rs v. Public Utilities Com.](#), 107 Ohio St. 442, 1 Ohio Law Abs. 389, 140 N.E. 87, 1923 Ohio LEXIS 264, 30 A.L.R. 429 

LB Cited by: 107 Ohio St. 442 p.453; 140 N.E. 87 p.91

... commissions, has been so universal, and covers so many phases of the subject of utility service, that it must be admitted that the exercise of the police power has been carried to much greater lengths than the mere control of continued operation or abandonment. The right to authorize the abandonment of utility service is in principle no different from the right to regulate such service. The right of regulation has never been doubted since the case of **Munnv.Illinois, 94 U.S., 113, 24 L. Ed., 77** ...


Court: Ohio | **Date:** May 1, 1923

1155 [State v. Norval Hotel Co.](#), 103 Ohio St. 361, 133 N.E. 75, 1921 Ohio LEXIS 177, 19 Ohio L. Rep. 371, 19 A.L.R. 637 

LB Cited by: 103 Ohio St. 361 p.363; 133 N.E. 75 p.76

... governmental regulation. The underlying principle is that business of certain kinds holds such a peculiar relation to the public interest that there is induced upon it the right of public regulation. when an owner devotes private property to the public use he so devotes it bound with notice that it will be subject to public regulation, both as to its use and as to the compensation to be paid for it. (**Munnv.Illinois, 94 U.S., 113** .) As was said by the court in German Alliance Ins. Co. v. ...

Court: Ohio | **Date:** October 4, 1921


1156 [Celina & Mercer County Tel. Co. v. Union-Center Mut. Tel. Ass'n](#), 102 Ohio St. 487, 133 N.E. 540, 1921 Ohio LEXIS 214, 19 Ohio L. Rep. 125, 21 A.L.R. 1145 

LB Cited by: 102 Ohio St. 487 p.501; 133 N.E. 540 p.544

... ." (Green v. State Civil Service Commission , 90 Ohio St., 252 .) Recognizing the same fundamental doctrine, this court, in County of Miami v. City of Dayton , 92 Ohio St., 215 , upheld the constitutionality of the Conservancy Act. In **Munnv.Illinois, 94 U.S., 113, 130** , the United States supreme court , reiterated a well founded principle, to-wit: "When private property is devoted to a public use, it is subject

to public regulation." In *Allnutt v. Inglis*, 12 East, 527, ...

Court: Ohio | **Date:** June 14, 1921 | **Headnotes::** HN6

- 1157 [Cleveland v. Public Utilities Com.](#), 102 Ohio St. 341, 131 N.E. 714, 1921 Ohio LEXIS 243, 66 Week. L. Bull. 219, 19 Ohio L. Rep. 59 

LB Cited by: 102 Ohio St. 341 p.348; 131 N.E. 714 p.716

... of a public utility corporation is devoted to the public use it must be used by the company in the performance of its duty to the public, and in this behalf is subject to governmental supervision both as to its use and the compensation to be paid for it. (*Atlantic Coast Line Rd. Co. v. N. Carolina Corporation Comm.*, 206 U.S., 1; **Munnv.Illinois, 94 U.S., 113**; *Lima Telephone & Telegraph Co. v. Public Utilities Commission*, supra, 110, 121.) But the Cleveland company had the right ...


Court: Ohio | **Date:** April 26, 1921

- 1158 [State ex rel. Cleveland Tel. Co. v. Court of Common Pleas](#), 98 Ohio St. 164, 120 N.E. 335, 1918 Ohio LEXIS 201, 63 Week. L. Bull. 208 

LB Cited by: 98 Ohio St. 164 p.211; 120 N.E. 335 p.347

... et al., 26 Idaho, 222; *Seattle Electric Co. v. City of Seattle*, 78 Wash., 203; *Puget Sound Traction, Light & Power Co. v. Reynolds et al.*, 244 U.S., 574; **Munnv.Illinois, 94 U.S., 113**; *Home Telephone & Telegraph Co. v. City of Los Angeles*, 211 U.S., 265, and *Lima Tel. & Teleg. Co. v. Public Utilities Commission*, ante, 110. Recurring again to the home-rule constitution conferring police power upon charter cities, we find that provision limited by the following ...

Court: Ohio | **Date:** April 30, 1918


- 1159 [Lima Tel. & Tel. Co. v. Public Utilities Com.](#), 98 Ohio St. 110, 120 N.E. 330, 1918 Ohio LEXIS 199 

LB Cited by: 98 Ohio St. 110 p.121; 120 N.E. 330 p.333

... When private property is devoted to the public use, its owner so devotes it bound with notice that it will be subject to public regulation both as to its use and as to the compensation to be paid for it. When private property is devoted to the public use, its owner so devotes it bound with notice that it will be subject to public regulation both as to its use and as to the compensation to be paid for it.

Munnv.Illinois, 94 U.S., 113. As already shown the statutes of Ohio, Section 499-8 ...


Court: Ohio | **Date:** April 30, 1918 | **Headnotes::** HN6

- 1160 [Fassig v. State](#), 95 Ohio St. 232, 116 N.E. 104, 1917 Ohio LEXIS 255, 62 Week. L. Bull. 62, 15 Ohio L. Rep. 6 

LB Cited by: 95 Ohio St. 232 p.248; 116 N.E. 104 p.108

... common law cannot be taken away without due process, but the law itself as a rule of conduct may be changed at the will of the legislature unless prevented by constitutional limitations. The great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to new circumstances. *Mondou v. N. Y., N. H. & H. Rd. Co.*, 223 U.S., 1; **Munnv.Illinois, 94 U.S., 113**; *Martin v. P. & L. E. Rd. Co.*, 203 U.S., 284, and *Western Union Tel. Co. v. ...*


Court: Ohio | **Date:** January 23, 1917 | **Headnotes::** HN12

1161 [Newark Natural Gas & Fuel Co. v. Newark](#), 92 Ohio St. 393, 111 N.E. 150, 1915 Ohio LEXIS 233 

LB Cited by: 92 Ohio St. 393 p.401; 111 N.E. 150 p.152

... the public has an interest the public is thereby granted an interest in such business and it is subject to control for the common good. Such company is entitled, therefore, only to a fair return on the value of that which is employed for the public convenience (**Munnv.Illinois, 94 U.S., 113** ; San Diego Land & Town Co. v. National City , 174 U.S., 739), and such return should be based upon the reasonable value of the property at the time it is being used by the public. Willcox v. ...

Court: Ohio | **Date:** July 2, 1915


1162 [State ex rel. Yaple v. Creamer](#), 85 Ohio St. 349, 97 N.E. 602, 1912 Ohio LEXIS 103, 39 L.R.A. (n.s.) 694 

LB Cited by: 85 Ohio St. 349 p.397; 97 N.E. 602 p.606

... process; but the law itself, as a rule of conduct, may be changed at the will * * * of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.

Munnv.Illinois, 94 U.S., 113, 134 ; Martin v. Pittsburg & Lake Erie R. R. Co. , 203 U.S., 284 , 294 ; The Lottawanna , 21 Wall., 558, 577 ; Western Union Telegraph Co. v. ...


Court: Ohio | **Date:** February 6, 1912 | **Headnotes::** HN12

1163 [East Ohio Gas Co. v. Akron](#), 81 Ohio St. 33, 90 N.E. 40, 1909 Ohio LEXIS 99, 54 Week. L. Bull. 421, 7 Ohio L. Rep. 406, 26 L.R.A. (n.s.) 92 

LB Cited by: 81 Ohio St. 33 p.57; 90 N.E. 40 p.43

... The defendant in error seems to be insistent that inasmuch as the plaintiff in error is a corporation serving the public, it in some way becomes absolutely subject to control by the public which it serves. The answer to this claim is very well expressed by the Supreme Court of the United States, speaking through Chief Justice Waite, in **Munnv.Illinois, 94 U.S., 113** , 126 : Local Governments, Police Power HN3 Property does become clothed with a public interest when used in a manner to ...


Court: Ohio | **Date:** October 19, 1909

1164 [State v. Marble](#), 72 Ohio St. 21, 73 N.E. 1063, 1905 Ohio LEXIS 140, 50 Week. L. Bull. 94, 2 Ohio L. Rep. 495, 106 Am. St. Rep. 570, 70 L.R.A. 835 

LB Cited by: 72 Ohio St. 21 p.33; 73 N.E. 1063 p.1066

... The earlier decisions were to the effect that the only question for judicial consideration was whether a condition for legislation existed, if it did the matter was entirely within the discretion of the legislature. A resort to the polls was the only road to relief from abuse or mistake. (**Munnv.Illinois, 94 U.S., 113** .) But the later cases are that the Constitutional Law, Substantive Due Process Governments, Police Powers HN7 Police power is subject to express state constitutional limitations ...

Court: Ohio | **Date:** February 28, 1905

1165 [Cincinnati, H. & D. R. Co. v. Bowling Green](#), 57 Ohio St. 336, 49 N.E. 121, 1897 Ohio LEXIS 134, 41 L.R.A. 422 

LB Cited by: 57 Ohio St. 336 p.345; 49 N.E. 121 p.123

... such rights and powers, and bearing such relation to the public, the power to arbitrarily fix the price at which it will furnish light to those who desire to use it. Beach on Corporations, section 834, 835, 836; Zanesville v. Gas Light Co., 47 Ohio St., 1; **Munnv.Illinois, 94 U.S., 113**; Spring Valley Water Works v. Schottler et al., 110 U.S., 347; Gibbs v. Baltimore Gas Co., 130 U.S., 408; The City of St. Louis v. The Bell Telephone Co., 96 Mo., 623; Nebraska v. ...

Court: Ohio | **Date:** November 17, 1897

1166 [Zanesville v. Zanesville Gas-Light Co.](#), 47 Ohio St. 1, 23 N.E. 55, 1889 Ohio LEXIS 64 ▲

LB Cited by: 47 Ohio St. 1 p.30; 23 N.E. 55 p.59

... 6 S. Ct. 265, 29 L. Ed. 510. The rights of the public are never presumed to be surrendered to a corporation unless the intention to surrender clearly appears in the law. Perrine v. Ches. and Del. Canal Co., 50 U.S. 172, 13 L. Ed. 92. **Mann v. Illinois, 94 U. S. 113, 24 L. Ed. 77**. Cooley on Const. Lim., 233, 234. State ex rel. v. Columbus Gas L. & C., Co., 34 O. S. 572. The "rule should be adhered to with unyielding tenacity." BIRCHARD, J., in Moorehead et al. v. R. R. Co. ...

Discussion: ■■■■■ | **Court:** Ohio | **Date:** December 10, 1889 | **Headnotes::** HN10

1167 [Scofield v. Lake Shore & M. S. R. Co.](#), 43 Ohio St. 571, 3 N.E. 907, 1885 Ohio LEXIS 195, 54 Am. Rep. 846 ▲

LB Cited by: 43 Ohio St. 571 p.618; 3 N.E. 907 p.928

... public corporations, exercising franchises granted in consideration of accommodations afforded the public, are required, and may be compelled by the courts to afford reasonable and impartial facilities of transportation. Their charges, when not regulated by charter or by statute, must be reasonable, and the courts will determine whether their charges are reasonable: **Munnv.Illinois, 94 U.S. 113**, 133; Chicago v. Iowa, 94 U.S. 155; Reg. v. Grand Junction Co., 4 A. & El. 16. ...

Discussion: ■■■■■ | **Court:** Ohio | **Date:** 1885

1168 [State ex rel. Attorney Gen. v. Columbus Gas Light & Coke Co.](#), 34 Ohio St. 572, 1878 Ohio LEXIS 184, 32 Am. Rep. 390 ▲

LB Cited by: 34 Ohio St. 572 p.582

... public. The whole matter is left to be determined by such rules and regulations, not inconsistent with the laws of the state, as the directors may prescribe. The business in which the defendant is engaged largely concerns the public. As already remarked, the main purpose of its creation was to subserve the public interest. In **Munnv.Illinois, 94 U.S. 113**, it was laid down, in respect to natural persons, that Local Governments, Police Power HN3 Where the owner of property devotes it to ...


Discussion: ■■■■■ | **Court:** Ohio | **Date:** December 1, 1878

1169 [Lake S. & M. S. R. Co. v. Cincinnati, S. & C. R. Co.](#), 30 Ohio St. 604, 1876 Ohio LEXIS 356, 2 Week. L. Bull. 275 ▲

LB Cited by: 30 Ohio St. 604 p.616


Court: Ohio | **Date:** December 1, 1876

Ohio Court of Appeals

1170 [Bundy v. Five Rivers Metroparks](#), 152 Ohio App. 3d 426, 2003-Ohio-1766, 787 N.E.2d 1279, 2003 Ohio App. LEXIS 1687 

LB Cited by: 152 Ohio App. 3d 426 p.438; 787 N.E.2d 1279 p.1288

... Rights of property created by the common law which have vested cannot be taken away without due process. But the law itself being but a rule of conduct may be changed at the will of the legislature. The only limitation to prevent such a change would be a constitutional limitation. **Munn v. Illinois(1876),94 U.S. 113, 134, 24 L. Ed. 77** . The appellants' right to sue in negligence did not vest before the enactment of PSTLA. They have no constitutional right to require a particular form ...

Discussion:  **Court:** Ohio Ct. App., Montgomery County | **Date:** April 4, 2003 | **Headnotes:** HN12

1171 [State v. Combs](#), 2000 Ohio App. LEXIS 200 

LB Cited by: 2000 Ohio App. LEXIS 200 p.9


... connotes the power of the will to follow the dictates of its unrestricted choice and to direct the external acts of the individual without restraint, coercion, or control from other persons. See Booth v. Illinois (1902), 184 U.S. 425 , 46 L. Ed. 623 , 22 S. Ct. 425 ; **Munn v. Illinois(1877),94 U.S. 113, 24 L. Ed. 77** . Crimes Against Persons, Kidnapping HN5 Ohio Rev. Code Ann. § 2905.02(A)(2) prohibits conduct whereby the actor knowingly restrains the liberty of another person. The ...

Discussion:  **Court:** Ohio Ct. App., Greene County | **Date:** January 28, 2000

1172 [State, Ex rel. Riverside Methodist Hosp. v. Gillie](#), 1978 Ohio App. LEXIS 10577 

LB Cited by:


... guidance and insight into a complex and difficult area. The jury still remains, under the statute, as the ultimate arbiter of the factual questions raised. Under these circumstances, it is clear that the Legislature, in enacting section 148-a of the Judiciary Law, has merely amended the rules of evidence, which is within its power to do (see Munn v. Illinois , **94 U.S. 113, 24 L. Ed. 77** , supra). Under the same reasoning, the claim that the statute unconstitutionally denies a fundamental ...

Discussion:  **Court:** Ohio Ct. App., Franklin County | **Date:** May 16, 1978

1173 [Advance Mortgage Corp. v. Novak](#), 1977 Ohio App. LEXIS 9716 

LB Cited by:


... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. * * * [Citations omitted]. We emphasize again what Chief Justice Waite said in Munn v. Illinois , **94 US 113, 134, 24 L ed 77, 87**, 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" Williamson v. Lee Optical of Oklahoma (1955), 348 U.S. 483 , 487-488, 99 L. ed. 563, ...


Discussion:  **Court:** Ohio Ct. App., Cuyahoga County | **Date:** June 9, 1977 | **Headnotes:** HN13

1174 [Curtiss v. Cleveland](#), 74 Ohio Law Abs. 499, 130 N.E.2d 342, 1955 Ohio App. LEXIS 689 

LB Cited by: 130 N.E.2d 342 p.348

... THIS RESULTS, NOT BECAUSE THE CITY MAY NOT REPEAL OR AMEND THE EXISTING ORDINANCE, BUT BECAUSE IN ENACTING THE NEW LEGISLATION IT MUST STAY WITHIN CONSTITUTIONAL LIMITATIONS WHICH EXCLUDE ARBITRARY AND UNREASONABLE ACTION AS LACKING DUE PROCESS OF LAW. AS IS SAID IN MONDOU V. NEW YORK, N. H. & H. RD. CO., 223 U. S. 1 , 50 , 56 L. ED., 327 , 32 S CT., 169, 38 L. R. A. (N. S.), 44 , **WHEREIN THE COURT QUOTES FROM MUNN V. ILLINOIS, 94 U. S. 113, 134, 24 L. ED., 77 .** 'A PERSON HAS NO PROPERTY, ...


Discussion:  | **Court:** Ohio Ct. App., Cuyahoga County | **Date:** November 23, 1955 | **Headnotes::** HN12

1175 [Maxwell v. Ohio Fuel Gas Co.](#), 61 Ohio App. 394, 15 Ohio Op. 262, 22 N.E.2d 639, 1938 Ohio App. LEXIS 257 

LB Cited by: 61 Ohio App. 394 p.402; 22 N.E.2d 639 p.643

... agreed facts no intimation of its desire to surrender its franchise. It has not so signified its intention to the city. Neither are we advised of any application having been made to the commission for leave to withdraw its service from Zanesville . We find it silently continuing its service. East Ohio Gas Co. v. City of Akron , 81 Ohio St., 33 , 57 , 90 N. E., 40 , speaks the thought we would convey. Therein the court quotes from **Munnv.Illinois, 94 U.S., 113, 126, 24 L. Ed., 77 ...**

Court: Ohio Ct. App., Muskingum County | **Date:** December 30, 1938

1176 [Clifton Hills Realty Co. v. Cincinnati](#), 60 Ohio App. 443, 12 Ohio Op. 418, 27 Ohio Law Abs. 321, 21 N.E.2d 993, 1938 Ohio App. LEXIS 418 

LB Cited by: 60 Ohio App. 443 p.450; 21 N.E.2d 993 p.998

... This results, not because the city may not repeal or amend the existing ordinance, but because in enacting the new legislation it must stay within constitutional limitations which exclude arbitrary and unreasonable action as lacking due process of law. As is said in Mondou v. New York, N. H. & H. Rd. Co. , 223 U.S., 1 , 50 , 56 L. Ed., 327 , 32 S. Ct., 169, 38 L. R. A. (N. S.), 44 , wherein the court quotes from **Munnv.Illinois, 94 U.S., 113, 134, 24 L. Ed., 77 .** Separation of Powers, ...

Court: Ohio Ct. App., Hamilton County | **Date:** March 28, 1938 | **Headnotes::** HN12

1177 [Southern Ohio Finance Corp. v. Wahl](#), 34 Ohio App. 518, 171 N.E. 369, 1929 Ohio App. LEXIS 510 

LB Cited by: 34 Ohio App. 518 p.523; 171 N.E. 369 p.371

... county is not a body corporate, but rather a subordinate political division, an instrumentality of government, clothed with such powers and such only as are given by statute, and liable to such extent and such only as the statutes prescribe." "A body politic * * * is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." **Munnv.Illinois, 94 U.S., 113, 124, 24 L. Ed., 77 ...**


Court: Ohio Ct. App., Hamilton County | **Date:** April 29, 1929 | **Headnotes::** HN4

1178 [Lowellville v. East End Traction Co.](#), 33 Ohio App. 523, 169 N.E. 831, 1928 Ohio App. LEXIS 410 

LB Cited by: 33 Ohio App. 523 p.527; 169 N.E. 831 p.832

... Gas-Light Co. v. City of Zanesville , 47 Ohio St., 35 , 23 N. E., 60 ; East Ohio Gas Co. v. City of Akron , 81 Ohio St., 33 , 90 N. E., 40, 26 L. R. A. (N. S.), 92, 18 Ann. Cas., 332 , and **Munnv.Illinois94 U.S., 113, 126, 24 L. Ed., 77** . It follows from these authorities that, when the street car company continued to operate its cars over this street after the expiration of the ordinance, without objection from the village, both the traction company and the village were subject ...


Court: Ohio Ct. App., Mahoning County | **Date:** June 11, 1928

1179 [Newark v. Newark Natural Gas & Fuel Co.](#), 3 Ohio App. 383, 25 Ohio Cir. Dec. 94, 20 Ohio C.A. 254, 20 Ohio C.C. (n.s.) 254, 1914 Ohio App. LEXIS 140, 59 Week. L. Bull. 411 

LB Cited by: 20 Ohio C.C. (n.s.) 254 p.271; 3 Ohio App. 383 p.407

... defendant company operated under another ordinance of the city of Newark in furnishing it and its inhabitants with gas and was so engaged at the time of the passage of the March 6, 1911, ordinance. Its relation to the public, therefore, then became fixed so far as being subject to public control. In *Cotting v. Kansas City Stock Yards Co.* , 183 U.S. 79 , 84 , 46 L. Ed. 92 , 22 S. Ct. 30 , Justice Brewer, delivering the opinion therein, quotes from **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Ohio Ct. App., Licking County | **Date:** September 26, 1914

1180 [City of Springfield v. Springfield Gas Co.](#), 21 Ohio Cir. Dec. 446, 12 Ohio C.C. (n.s.) 392, 1907 Ohio Misc. LEXIS 357 

LB Cited by: 12 Ohio C.C. (n.s.) 392 p.396

... corporations organized for the purpose of lighting municipalities, etc., may supply natural gas for such purposes; that such corporations shall have the power of eminent domain. They belong to the class known as public service corporations. Their property is "devoted to a use in which the public have an interest and to the extent of that interest must submit to be controlled by the public for the common good so long as such use is maintained." **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  | **Court:** Ohio Ct. App., Clark County | **Date:** May 17, 1907


Ohio Court of Common Pleas

1181 [International Brotherhood, F. & O. v. Cincinnati Gas & Electric Co.](#), 33 Ohio Op. 99, 1946 Ohio Misc. LEXIS 193, 17 Ohio Supp. 179 

LB Cited by:

... that would arise between the terms of the Constitution and the power claimed in favor of the Legislature. *Cooley's Const. Lim.* pp. 126, 236, 245, 252, 255; 36 Cyc. 944; *Chamberlain v. Wood*, 15 S. D. 216 , 88 N. W. 109 , 56 L. R. A. 187 , 91 Am. St. Rep. 674 ; *Bon Homme County v. Berndt*, 15 S. D. 494 , 90 N. W. 147 ; *Munn v. Illinois* , **94 U.S. 113, 24 L. Ed. 77** ; *Commonwealth v. Reeder*, 171 Pa. 505 , 33 Atl. 67 , 33 L. R. A. 141 . "With these rules in view we will examine the question ...

Discussion:  | **Court:** Ohio C.P. | **Date:** April 5, 1946

1182 [Heimlich v. Dispatch Printing Co.](#), 17 Ohio N.P. (n.s.) 161, 25 Ohio Dec. 182, 1915 Ohio Misc. LEXIS 1, 60 Week. L. Bull. 33 

LB Cited by:

... Rights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. **Munn v. Illinois**, 94 U.S. 113 [24 L. Ed. 77] . Mr. Justice Matthews in *Hurtado* ...

Discussion:  | **Date:** 1915 | **Headnotes:** HN12

- 1183 [Gratiot & Brownsville Tel. Co. v. Brownsville Farmers' Tel. Co.](#), 13 Ohio N.P. (n.s.) 429, 23 Ohio Dec. 682, 1911 Ohio Misc. LEXIS 106 

LB Cited by:

... Sec. 207: 'While preparation for establishing the service are going on the business should not be regarded as yet upon a public basis. Thus, where a railroad is under construction and not yet publicly open for passengers, it is not a common carrier of passengers.' And in **Munn v. Illinois**, 94 U.S. 113 [24 L. Ed. 77] , the court says: "This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what is without ...

Discussion:  | **Court:** Ohio C.P. | **Date:** September 1, 1911

Other Ohio Decisions

- 1184 [In the Matter of the Commission Investigation Relative to the Establishment of Local Exchange Competition and Other Competitive Issues](#), 1996 Ohio PUC LEXIS 361

LB Cited by:

... Cincinnati Bell is a public utility and a common carrier under Title 49 of the Ohio Revised Code. As such, it has voluntarily dedicated the property through which it provides telephone service to a public use. As stated by the **United States Supreme Court in Munn v. Illinois, 94 U.S. 113 (1877)**, when private property is devoted to a public use, it is subject to public regulation. 32 Conspicuously absent from Cincinnati Bell 's legal analysis is any discussion of the most recent United ...

Court: Ohio P.U.C. | **Date:** June 12, 1996

- 1185 [State ex rel. Schneider v. Gullatt Cleaning & Laundry Co.](#), 32 Ohio N.P. (n.s.) 121, 1934 Ohio Misc. LEXIS 1445 

LB Cited by:

... invalidity is made to appear and so the contest must be against the specific regulation on the ground that it operates unequally or has no reasonable relation to the object to be attained, or that the object is not a valid purpose of government--is not a public purpose. For long it was contended that regulation by price-fixing had limitations not applicable to other forms of regulation, but in view of the trend of decisions from **Munn v. Illinois**, 94 U.S. 113, 24 L. Ed. 77, to *Nebbia v. ...*

Discussion:  | **Court:** Ohio C.P. | **Date:** May 5, 1934


- 1186 [Kahn Bros. Co. v. Youngstown](#), 25 Ohio N.P. (n.s.) 30, 1924 Ohio Misc. LEXIS 2008 

LB Cited by:

... , Justice Clark uses the following language: "It (the court) will interfere with the action of such authority only when it is plain and palpable that it has no real or substantial relation to the public health, safety,

morals or to the general welfare." **94 U.S. 113, 24 L. Ed. 77** , Munn v. Illinois : "Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other and when necessary for the public good, the manner in which each shall ...


Discussion:  | **Court:** Ohio C.P. | **Date:** May 1, 1924

1187 [Uhlman v. Sherman](#), 22 Ohio N.P. (n.s.) 225, 31 Ohio Dec. 54, 1919 Ohio Misc. LEXIS 53 

LB Cited by:

... **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . Scope, Quasi-Public Facilities HN8 Property becomes clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. 'Property,' Chief Justice Waite continues, 'does become clothed with a public interest, when used in a manner to make it of public consequence and affect the community at large.' When therefore, one devotes his property to a use in which the public has an interest, he in effect ...


Discussion:  | **Court:** Ohio C.P. | **Date:** September 1, 1919

1188 [King Powder Co. v. Thrasher](#), 20 Ohio N.P. (n.s.) 401, 28 Ohio Dec. 356, 1918 Ohio Misc. LEXIS 12 

LB Cited by:

... Under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other, and when necessary for the public good the manner in which each shall use his own property. "Under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other, and when necessary for the public good the manner in which each shall use his own property." **Munn v. Illinois , 94 U.S. 113 [24 L. Ed. 77]** . From the colonization ...


Discussion:  | **Court:** Ohio C.P. | **Date:** 1918 | **Headnotes::** HN5

1189 [Zumkehr v. Diamond Portland Cement Co.](#), 14 Ohio N.P. (n.s.) 166, 23 Ohio Dec. 224, 1913 Ohio Misc. LEXIS 2, 58 Week. L. Bull. 157 

LB Cited by:


... be taken away without due process; but the law itself as a rule of conduct, may be changed at the will * * * of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munnv.Illinois, 94 U.S. 113, 134 [24 L. Ed. 77]** ; **Martin v. Railroad** , 203 U.S. 284 [27 S. Ct. 100 ; 51 L. Ed. 184] ; **Rodd v. Heartt** ...

Discussion:  | **Date:** March 31, 1913

1190 [Baltimore & O. Ry. v. Railroad Com. of Ohio](#), 10 Ohio N.P. (n.s.) 665, 21 Ohio Dec. 468, 1910 Ohio Misc. LEXIS 67 

LB Cited by:

... difference between the power to pass a law and the power to adopt rules and regulations to carry into effect a law already passed, is apparent and strikingly great, and this we understand to be the distinction recognized by all the courts as the true rule in determining whether or not in such cases a legislative power is granted. The former would be unconstitutional, whilst the latter would not." **People v. Harper** , 91 Ill. 357 ; **Munn v. Illinois , 94 U.S. 113 , 155 , 164 [24 L. Ed. 77]** ...

Discussion:  **Court:** Ohio C.P. | **Date:** December 19, 1910

1191 [State v. Rodefer](#), 5 Ohio N.P. (n.s.) 337, 18 Ohio Dec. 76, 1907 Ohio Misc. LEXIS 12, 52 Week. L. Bull. 313

LB Cited by:

... "The assumption of the exercise of this extraordinary and very necessary power has been the subject of severe criticism in the opinions of the judges, when it has been sought thereby to regulate and control in the interest of the public the conduct of corporate or individual transactions. **Munn v. Illinois, 94 U.S. 113 [24 L. Ed. 77]**, may be referred to as starting a current of authority in this country. But no such criticism can find just grounds for caviling at legislation whose ends clearly ...


Discussion:  **Date:** May 13, 1907

1192 [Hume v. Hamilton , Glendale & Cincinnati Traction Co.](#), 13 Ohio Dec. 70, 1902 Ohio Misc. LEXIS 69



LB Cited by:

... "A person has no property, no vested interest, in any rule of the common law. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations." Cooley Const. Limit. (5 ed.) 439, citing Munn. v. Illinois , **94 U.S. 113, 134, 24 L. Ed. 77** . But it is said that this suit was pending at the time, ...

Discussion:  **Court:** Ohio C.P. | **Date:** 1902 | **Headnotes:** HN12

1193 [Toledo v. Northwestern Ohio Natural Gas Co.](#), 6 Ohio N.P. 531, 8 Ohio Dec. 277, 1898 Ohio Misc. LEXIS 110 

LB Cited by:

... right and are bound to the same duties and to the same extent as the Toledo Natural Gas Co., those matters being implied though not expressed in their contract. Neither company could lawfully make and enforce a scale of prices that should be unequal, unreasonable or extortionate, though the common council should unite with the gas companies in approving such schedule. Chief Justice Waite, in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , on this subject, says: Local Governments, Police Power ...

Discussion:  **Court:** Ohio C.P. | **Date:** 1898

1194 [Fisher v. B. & O. R. Co.](#), 3 Ohio N.P. 283, 6 Ohio Dec. 67, 1896 Ohio Misc. LEXIS 275

LB Cited by:

... The rights of the public are never presumed to be surrendered to a corporation unless the intention to surrender clearly appears in the law. The rule should be adhered to with unyielding tenacity. "The rights of the public are never presumed to be surrendered to a corporation unless the intention to surrender clearly appears in the law." Perrine v. Ch. & Del. Canal Co., 9 HOW 172 , 13 L. Ed. 92 . **Munn v. Ill., 94 U.S. 113, 24 L. Ed. 77** . Cooley on Const. Lim., 233, 234. State ex rel. ...

Discussion:  **Court:** Ohio C.P. | **Date:** October 29, 1896

1195 [CAIN v. WESTERN UNION TEL. CO.](#), 10 Ohio Dec. Rep. 267, 1888 Ohio Misc. LEXIS 127

LB Cited by:


... its business, while it is a private corporation, and professedly is carrying on a private business, yet, in the language of some of the decisions, it is a private business "affected with a public interest," and therefore subject to public control, and that that feature of the contract ought to be nugatory as against the proposition I have named; that the principle so clearly and forcibly laid down by Chief Justice Waite in the case of **Munn v. The State of Illinois, 94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Ohio C.P. | **Date:** 1888

1196 [CITY OF ZANESVILLE v. ZANESVILLE GAS-LIGHT CO.](#), 1 Ohio Cir. Dec. 73, 1 Ohio C.C. 123, 1885 Ohio Misc. LEXIS 50 

LB Cited by: 1 Ohio C.C. 123 p.126

... will not be presumed. "The rights of the public are never presumed to be surrendered to a corporation, unless the intention to surrender clearly appears in the law." *Perrine v. Ches. & Del. Canal Co.*, 50 U.S. 172, 9 HOW 172, 13 L. Ed. 92; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. The case of *The State ex rel. v. Columbus Gas-light & Coke Co.*, 34 Ohio St. 572, involves the construction of the charter of the Columbus Gas-light and Coke Company, which was incorporated ...

Discussion:  **Court:** Ohio Circuit Court | **Date:** May 1, 1885

1197 [THOMS v. GREENWOOD](#), 6 Ohio Dec. Rep. 639, 1878 Ohio Misc. LEXIS 218, 7 Am. L. Rec. 320 

LB Cited by:

... If this power is to be limited to the carriage of passengers and freights within the borders of each of those states, respectively, it is no more than what they would have power to do, were there no such terms incorporated in their laws in reference to this railway. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Peik v. Chicago, etc., Railway*, 94 U.S. 164, 4 Otto 164, 24 L. Ed. 97. In the latter case, it is held, "until congress shall act in reference to the relations of ...

Discussion:  **Court:** Ohio Cincinnati Super. Ct. | **Date:** October 1, 1878


Oklahoma Supreme Court

1198 [Southwestern Bell Tel. Co. v. Oklahoma Corp. Comm'n](#), 1994 OK 38, 873 P.2d 1001, 1994 Okla. LEXIS 48 

LB Cited by: 873 P.2d 1001 p.1012

... is of no moment in reaching for the correct answer to today's question. Ratemaking was the responsibility of the British Parliament before our tripartite division of government came into being. 18 Before the founding of our Nation, the English Parliament set rates and tariffs by acts. See **Munn v. Illinois, 94 U.S. 113, 123-124, 24 L. Ed. 77, 83-84(1877)**, for a discussion of the extensive British and American antecedents in legislating specific rates for firms "affected with a public ...

Discussion:  **Court:** Okla. | **Date:** April 13, 1994


1199 [Shebester v. Triple Crown Insurers](#), 1992 OK 20, 826 P.2d 603, 1992 Okla. LEXIS 24, 17 U.C.C. Rep. Serv. 2d (CBC) 295, 63 Okla. B.J. 450 

LB Cited by: 826 P.2d 603 p.611

... 34 S.Ct. 612, 617-8, 58 L.Ed. 1011 (1914). In that case the United States Supreme Court noted

the words of Lord Chief Justice Hale in his seventeenth-century treatise *De Portibus Maris* (1 Harq. Law Tracts 78), quoted earlier in **Munn v. Illinois, 94 U.S. 113, 126, 24 L.Ed. 77, 84(1876)**: "that when private property is 'affected with a public interest' it ceases to be *juris privati* [of private right] only" and it becomes "clothed with a public interest when used in a manner ..."


Discussion:  **Court:** Okla. | **Date:** February 11, 1992

1200 [Davis Oil Co. v. Cloud](#), 1986 OK 73, 766 P.2d 1347, 1986 Okla. LEXIS 194, 102 Oil & Gas Rep. 318 

LB Cited by: 766 P.2d 1347 p.1350

... "[a] person has no property, no vested interest, in any rule of the common law." *Second Employers' Liability Cases*, 223 U.S. 1, 50, 32 S. Ct. 169, 175, 56 L. Ed. 327 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)**. The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," *Silver v. Silver*, 280 U.S. 117, 122, 50 S. Ct. 57, 58, ...

Discussion:  **Court:** Okla. | **Date:** November 18, 1986 | **Headnotes:** HN12

1201 [Adwon v. Oklahoma Retail Grocers Ass'n](#), 1951 OK 43, 204 Okla. 199, 228 P.2d 376, 1951 Okla. LEXIS 419 

LB Cited by: 204 Okla. 199 p.203; 228 P.2d 376 p.380

... "It is settled by recent decisions of this court that a State Legislature is without constitutional power to fix prices at which commodities may be sold, services rendered, or property used, unless the business or property involved is 'affected with a public interest.'" And: "Nothing is gained by reiterating the statement that the phrase is indefinite. By repeated decisions of this court, beginning with **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, that phrase, however it may be characterized, ..."


Discussion:  **Court:** Okla. | **Date:** February 27, 1951

1202 [State ex rel. Osage County Sav. & Loan Ass'n v. Worten](#), 1933 OK 545, 167 Okla. 187, 29 P.2d 1, 1933 Okla. LEXIS 56 

LB Cited by: 167 Okla. 187 p.192; 29 P.2d 1 p.6

... power of the state to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community; that this power can neither be abdicated nor bargained away, and is inalienable even by express grant; and that all contract and property rights are held subject to its fair exercise. *Slaughter House Cases*, 83 U.S. 36, 16 Wall. 36, 62, 21 L. Ed. 394 at 394-404; **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77, 84** ...

Discussion:  **Court:** Okla. | **Date:** October 17, 1933


1203 [Oklahoma Natural Gas Corp. v. State](#), 1932 OK 463, 161 Okla. 104, 17 P.2d 488, 1932 Okla. LEXIS 460 

LB Cited by: 161 Okla. 104 p.113; 17 P.2d 488 p.496

... with the view of equalizing the amount of gas taken from the land in proportion to the potential of the wells, as contrasted with the adjoining or offsetting wells. The contention is made that the royalty owners have a right to be considered, notwithstanding their lease contracts, and the authorities cited are **Munn v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77**, which appears to be one of the parent cases on the

subject of private property being impressed with certain burdens by reason of ...

Discussion:  **Court:** Okla. | **Date:** June 14, 1932

1204 [C. C. Julian Oil & Royalties Co. v. Capshaw](#), 1930 OK 452, 145 Okla. 237, 292 P. 841, 1930 Okla. LEXIS 211 

LB Cited by: 145 Okla. 237 p.251; 292 P. 841 p.855

... 51 L. Ed. 357 ; Louisville, etc., R. Co. v. Melton, 218 U.S. 36 , 30 S. Ct. 676 , 54 L. Ed. 921 ; Ozan Lumber Co. v. Union County Nat. Bank, 207 U.S. 251 , 256 , 28 S. Ct. 89 , 52 L. Ed. 195 ; **Munn v. Illinois,94 U.S. 113, 132, 24 L. Ed. 77** ; Henderson Bridge Co. v. Henderson, 173 U.S. 592 , 615 , 19 S. Ct. 553 , 43 L. Ed. 823 ." In the case at bar, counsel for the Commission have cited the cases of Bacon v. Walker, 204 U.S. 311 , 51 L. Ed. 499 ...


Discussion:  **Court:** Okla. | **Date:** October 14, 1930

1205 [Bromide Crushed Rock Co. v. Dolese Bros. Co.](#), 1926 OK 534, 121 Okla. 40, 247 P. 74, 1926 Okla. LEXIS 43 

LB Cited by: 121 Okla. 40 p.42; 247 P. 74 p.76

... for the purpose of exercising the functions and performing the duties of common carriers. These duties are defined by law, and, in accepting their charters, they necessarily take with them all the duties and liabilities incident thereto; and they are required to supply to patrons similarly situated equal facilities for the transportation of all business offered and to deal fairly and impartially with such patrons. McCoy v. Railway Co., 13 F. 3 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Okla. | **Date:** June 8, 1926

1206 [Eagle-Picher Lead Co. v. Henryetta Gas Co.](#), 1925 OK 467, 112 Okla. 65, 239 P. 890, 1925 Okla. LEXIS 538 

LB Cited by: 112 Okla. 65 p.68; 239 P. 890 p.893

... gas rates upon application of a public service company need not be given unless specifically required by the statute." A discussion of a somewhat similar question is found in Home Telephone Co. v. Los Angeles, 211 U.S. 265 , 53 L. Ed. 176 , 29 S. Ct. 50 , and **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77** , wherein it is held that Utility Companies, Contracts for Service Utility Companies, Rates HN6 A corporation or individual cannot divest the state of its power to regulate and control public ...

Discussion:  **Court:** Okla. | **Date:** June 9, 1925

1207 [Burkburnett Bridge Co. v. Cobb](#), 1925 OK 52, 108 Okla. 21, 233 P. 463, 1925 Okla. LEXIS 91 

LB Cited by: 108 Okla. 21 p.23; 233 P. 463 p.464

... as they possess is limited to matters of a strictly local nature, and does not extend to fixing tariffs upon passengers or merchandise carried from one state to another, is also settled by more recent decisions, although it must be admitted that cases upon this point have not always been consistent. "The question of the power of the states to lay down a scale of charges, as distinguished from their power to impose taxes, was first squarely presented to the court in **Munn v. Illinois,94 U.S. 113** ...

Discussion:  **Court:** Okla. | **Date:** January 27, 1925 | **Headnotes:** HN15

1208 [Ex parte Tindall](#), 1924 OK 669, 102 Okla. 192, 229 P. 125, 1924 Okla. LEXIS 169 

LB Cited by: 102 Okla. 192 p.199; 229 P. 125 p.131

... It is laid down as a fundamental principle that persons or corporations engaged in occupations in which the public have an interest or use may be regulated by statute. "It is laid down as a fundamental principle that persons or corporations engaged in occupations in which the public have an interest or use may be regulated by statute." 6 R. C. L., sec. 217, p. 224; **Munn v. Ill. (U. S.)24 L. Ed. 77** ; also 8 Cyc. 1070; 12 C. J. 1167-1172; Black's Const. Law (3rd Ed.) 97, 413, 397-394; 399. 403. ...

Discussion:  **Court:** Okla. | **Date:** September 9, 1924

1209 [Oklahoma Light & Power Co. v. Corporation Com. of Oklahoma](#), 1923 OK 881, 96 Okla. 19, 220 P. 54, 1923 Okla. LEXIS 180 

LB Cited by: 96 Okla. 19 p.24; 220 P. 54 p.58

... that this is superimposed upon them. In the language of the cases, the owner, by devoting his business to the public use, in effect grants the public an interest in that use and subjects himself to public regulation to the extent of that interest, although the property continues to belong to its private owner and to be entitled to protection accordingly. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Spring Valley Water Works v. Schottler, 110 U.S. 347 , 28 L. Ed. 173 , 4 S. Ct. 48 ; Budd ...


Discussion:  **Court:** Okla. | **Date:** October 30, 1923

1210 [Western Union Tel. Co. v. Carter](#), 1923 OK 491, 93 Okla. 269, 220 P. 635, 1923 Okla. LEXIS 416 

LB Cited by: 93 Okla. 269 p.270; 220 P. 635 p.636

... If the owner voluntarily places his property along with the property of other owners to create a common carrier system, he cannot complain that his property become subject to the regulatory powers usually and ordinarily applied by the state to the common carriers. **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77, 78** : State ex rel. Helm v. Trego County Co op. Telegraph Co. et al. (Kan.) 112 Kan. 701 , 212 P. 902 . The Corporation Commission in the former action, and this court in the present ...

Discussion:  **Court:** Okla. | **Date:** July 10, 1923

1211 [Okmulgee Gas Co. v. Corporation Comm'n](#), 1923 OK 218, 95 Okla. 213, 220 P. 28, 1923 Okla. LEXIS 140 

LB Cited by: 95 Okla. 213 p.221; 220 P. 28 p.35

... "(d) For the transportation, delivery, or furnishing of water for domestic purposes or for power. "The term 'Commission' shall be taken to mean Corporation Commission of Oklahoma ." The rule is well established that when private property is devoted to public use, it is subject to public regulation. **Munn et al. v. Illinois,94 U.S. 113, 24 L. Ed. 77** . It appears from the evidence in the record that during the year ending November 31, 1921, the total sales of gas for all purposes by the gas ...

Discussion:  **Court:** Okla. | **Date:** April 17, 1923 | **Headnotes::** HN6

1212 [Ex parte Mayes](#), 1917 OK 447, 64 Okla. 260, 167 P. 749, 1917 Okla. LEXIS 639 

LB Cited by: 64 Okla. 260 p.262; 167 P. 749 p.751

... That particular and inherent power of the state which has for its purpose the accomplishment of these results is known as the police power. It includes and comprehends within its exercise all those general laws and internal regulations which are necessary to secure the peace, good order, health, and comfort of society. *Gibbons v. Ogden*, 22 U.S. 1 , 9 Wheat. 1 , 202 , 6 L. Ed. 23 ; *Slaughter-House Cases*, 16 Wall. 36 , 21 L. Ed. 394 ; **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Okla. | **Date:** September 18, 1917

1213 [Adams v. Iten Biscuit Co.](#), 1917 OK 47, 63 Okla. 52, 162 P. 938, 1917 Okla. LEXIS 483 ▲

LB Cited by: 63 Okla. 52 p.55; 162 P. 938 p.941

... the citizen has no property in a rule of law, and that, while rights which have accrued to him under the operation of existing laws and have thereby become vested may not be taken away by a change of the rules, he cannot be heard to complain if the rule is changed before any rights have accrued to him thereunder. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; *Edwards v. Johnson*, 105 Ind. 594 , 5 N.E. 716 ; *Bryson v. McCreary*, 102 Ind. 1 , 1 N.E. 55 ; *Kirby v. Pa. R. Co.*, 76 Pa. 506 ...

Discussion:  **Court:** Okla. | **Date:** January 9, 1917

Oklahoma Court of Criminal Appeals

1214 [Ex parte Strauch](#), 1945 OK CR 31, 80 Okla. Crim. 89, 157 P.2d 201, 1945 Okla. Crim. App. LEXIS 295



LB Cited by: 80 Okla. Crim. 89 p.104; 157 P.2d 201 p.208

... , 54 L. Ed. 921 [47 L.R.A. N.S. 84] ; *Ozan Lumber Co. v. Union County Nat. Bank*, 207 U.S. 251 , 256 , 28 S. Ct. 89 , 52 L. Ed. 195 , 197 ; **Munn v. Illinois,94 U.S. 113, 132, 24 L. Ed. 77, 86** ; *Henderson Bridge Co. v. Henderson*, 173 U.S. 592 , 615 , 19 S. Ct. 553 , 43 L. Ed. 823 , 831 . The court applies the rules above announced to the facts in that case. They are applicable in many respects to the case here. Many of the cases above cited fully discuss and adhere to these ...

Discussion:  **Court:** Okla. Crim. App. | **Date:** March 21, 1945

1215 [Ex parte Herrin](#), 1939 OK CR 95, 67 Okla. Crim. 104, 93 P.2d 21, 1939 Okla. Crim. App. LEXIS 122 ▲

LB Cited by: 67 Okla. Crim. 104 p.126; 93 P.2d 21 p.31

... than it speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the state is incapable of directly controlling the price itself. This view was negated many years ago. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Okla. Crim. App. | **Date:** August 4, 1939


1216 [Ex parte Fuller](#), 1925 OK CR 422, 31 Okla. Crim. 289, 238 P. 512, 1925 Okla. Crim. App. LEXIS 396 ▲

LB Cited by: 31 Okla. Crim. 289 p.293; 238 P. 512 p.513

... affect the public morals, health, or the general welfare of society, such as dance halls, billiard parlors, slaughter houses, and any other business where it may be reasonably necessary to protect the public

against imposition and has a reasonable relation to public welfare. State ex rel. Sampson v. Sheridan, 25 Wyo. 347 , 170 P. 1 , 1 A. L. R. 955 ; Guthrie, Fourteenth Amendment , pp. 73, 74, 75 and 76, 1 Thayer, Cases on Const. Law, p. 693; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Okla. Crim. App. | **Date:** August 1, 1925

1217 [State v. Coyle](#), 1912 OK CR 126, 7 Okla. Crim. 50, 122 P. 243, 1912 Okla. Crim. App. LEXIS 81 

LB Cited by: 7 Okla. Crim. 50 p.73; 122 P. 243 p.253

... subsequent one by its enactments, it could in the same degree reduce the legislative power of its successors; and the process might be repeated until, one by one, the subjects of legislation would be excluded altogether from their control, and the constitutional provision that the legislative power shall be vested in two houses would be, to a greater or less degree, rendered ineffectual." (Cooley's Const. Lim. [7th Ed.] p. 174.) In the case of **Munn v. Illinois,94 U.S. 113at page 134 (24 L. Ed. 77 ...**

Discussion:  **Court:** Okla. Crim. App. | **Date:** March 19, 1912

1218 [In re McNaught](#), 1909 OK CR 10, 1 Okla. Crim. 528, 99 P. 241, 1909 Okla. Crim. App. LEXIS 8 

LB Cited by: 1 Okla. Crim. 528 p.542; 99 P. 241 p.246

... England only as guards against executive usurpation and tyranny, here they have become bulwarks also against arbitrary legislation; but in that application, as it would be incongruous to measure and restrict them by the ancient customary English law, they must be held to guaranty not particular forms of procedure, but the very substance of individual rights to life, liberty, and property. * * * "Such is the often-repeated doctrine of this court. In **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Okla. Crim. App. | **Date:** January 11, 1909 | **Headnotes::** HN12

Oklahoma Court of Appeals

1219 [STATE ex rel. CLIFTON v. REESER](#), 1975 Okla. Civ. App. LEXIS 118, 46 Okla. B.J. 598

LB Cited by:

... The court went on to say that if such state law regulating the business of opticians was unwise, improvident or out of harmony with a particular school of thought, the Due Process Clause of the Fourteenth Amendment was not available to strike it down, and quoted Chief Justice Watie in **Munn v. Illinois,94 U.S. 113, 134, 23L. Ed. 77, 87** , "For protection against abuses by legislatures the people must resort to the polls, not to the Courts." The issue of whether an optician can make tests ...

Court: Okla. Ct. App. | **Date:** March 18, 1975 | **Headnotes::** HN13


Oregon Supreme Court

1220 [Hertz Corp. v. Heltzel](#), 217 Ore. 205, 341 P.2d 1063, 1959 Ore. LEXIS 357 

LB Cited by: 217 Ore. 205 p.213; 341 P.2d 1063 p.1066

... of the public interest or need that will sustain an act of this nature. The subject has been treated numberless times and certainly nothing we could say here would add to the learning on the subject. Two of the cases most cited are **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , and Wolff Packing Co. v. Court of Industrial Relations , 262 U.S. 522 , 67 L ed 1103, 43 S Ct 630 . A statement in a somewhat kindred case of Frost Trucking Co. v. R. R. Comm. , 271 U.S. 583 , 70 L ed 1101, ...


Discussion:  **Court:** Or. | **Date:** July 15, 1959

1221 [Gilbertson v. Culinary Alliance & Bartenders' Union](#), 204 Ore. 326, 282 P.2d 632, 1955 Ore. LEXIS 264, 36 L.R.R.M. (BNA) 2001, 27 Lab. Cas. (CCH) P69089 

LB Cited by: 204 Ore. 326 p.369; 282 P.2d 632 p.653

... , [93 L. Ed. 632 , 69 S. Ct. 550] ; Day-Brite Lighting, Inc. v. Missouri, 342 U.S. 421 , [96 L. Ed. 469 , 72 S. Ct. 405] . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134, [24 L. Ed. 77,]** 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" In view of the holdings of the highest court of the nation that injunctive relief may be granted by a state court against picketing which violates the ...


Discussion:  **Court:** Or. | **Date:** March 30, 1955 | **Headnotes::** HN13

1222 [Voyt v. Bekins Moving & Storage Co.](#), 169 Ore. 30, 119 P.2d 586, 1941 Ore. LEXIS 104 

LB Cited by: 169 Ore. 30 p.46; 119 P.2d 586 p.593

... (1932) ; Reaves Warehouse v. Commonwealth , 141 Va. 194 , 126 S.E. 87 (1925) ; Gray v. Central Warehouse Co. , 181 N.C. 166 , 106 S.E. 657 (1921) ; **Munn v. People of Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** . Though not held to an insurer's liability as in the case of a common carrier the alleged contracts of a warehouseman purporting to limit the amount of recovery against it for its own negligence should be carefully scrutinized in the light of public policy. ...

Discussion:  **Court:** Or. | **Date:** November 25, 1941

1223 [Savage v. Martin](#), 161 Ore. 660, 91 P.2d 273, 1939 Ore. LEXIS 68 

LB Cited by: 161 Ore. 660 p.674; 91 P.2d 273 p.279

... To this we add that the court in the Nebbia case discarded the phrase, "affected with a public interest", in its previous general acceptance, as the test of the state's power to regulate prices and rates. It was said, relative to the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , that "'affected with a public interest' is the equivalent of 'subject to the exercise of the police power'", and that the phrase "can, in the nature of things, mean no more than that an industry, for adequate ...


Discussion:  **Court:** Or. | **Date:** June 6, 1939

1224 [Van Winkle v. Fred Meyer, Inc.](#), 151 Ore. 455, 49 P.2d 1140, 1935 Ore. LEXIS 31 

LB Cited by: 151 Ore. 455 p.472, p.474; 49 P.2d 1140 p.1147, p.1148

... 274 U.S. 1 , 71 L. Ed. 893 , 47 S. Ct. 506 ; Ribnik v. McBride, 277 U.S. 350 , 72 L. Ed. 913 , 48 S. Ct. 545 . Nothing is gained by reiterating the statement that the phrase is indefinite. By repeated decisions of this court, beginning with **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , that phrase, however it may be characterized, has become the established test by which the legislative power to fix prices of commodities, use of property, or services, must be measured. As applied in particular ...


Discussion:  **Court:** Or. | **Date:** October 1, 1935

1225 [Anderson v. Thomas](#), 144 Ore. 572, 26 P.2d 60, 1933 Ore. LEXIS 112 

LB Cited by: 144 Ore. 572 p.607; 26 P.2d 60 p.72

... to the findings of the Interstate Commerce Commission in its report above mentioned, the business of contract carriers exceeds that of common carriers by fifty per cent, measured in ton-miles. Their business necessarily affects the public because of its volume, and to a marked degree. Because of the volume of such business the legislature had a right to infer that the operations of contract carriers did affect the public generally. In the case of **Munn v. Illinois**, **94 U.S. 113 (24 L. Ed. 77 ...**


Discussion:  **Court:** Or. | **Date:** October 17, 1933

1226 [In re Hood River](#), 114 Ore. 112, 227 P. 1065, 1924 Ore. LEXIS 3 

LB Cited by: 114 Ore. 112 p.259; 227 P. 1065 p.1110

... by prescription and adjudication, given to many of these nonriparian users a valid right to the use of the water thus appropriated. Finally, as to vested rights in land: In Oregon, as well as in the State of California, rights of property which have been created by the common law cannot be taken away without due process: **Munn v. Illinois**, **94 U.S. 113 (24 L. Ed. 77**, see, also, Rose's U.S. Notes); Second Employers' Liability Cases, 223 U.S. 1, 50 (56 L. Ed. 327, 38 L. R. A. ...


Discussion:  **Court:** Or. | **Date:** July 29, 1924

1227 [Woodburn v. Public Service Com.](#), 82 Ore. 114, 161 P. 391, 1916 Ore. LEXIS 102, Am. Ann. Cas. 1917E996, L.R.A. (n.s.) 1917C98 

LB Cited by: 82 Ore. 114 p.120; 161 P. 391 p.393

... utility inheres in the power to govern. The regulation of rates for the purpose of promoting the health, comfort, safety, and welfare of society is an exercise of the police power, and is therefore an attribute of sovereignty. Power to govern men and things is inherent in government, and when an owner devotes his property to a use in which the public has an interest, he must submit to be regulated and controlled by the public for the common good: **Munn v. Illinois**, **94 U.S. 113 (24 L. Ed. 77 ...**

Discussion:  **Court:** Or. | **Date:** December 5, 1916

1228 [State v. Bunting](#), 71 Ore. 259, 139 P. 731, 1914 Ore. LEXIS 177, Am. Ann. Cas. 1916C1003, L.R.A. (n.s.) 1917C1162 

LB Cited by: 71 Ore. 259 p.266; 139 P. 731 p.734

... The legislature is the exclusive judge of the propriety and necessity of legislative interference within the scope of legislative power. If a state of facts could exist which would justify legislation, it would be presumed that it did exist: In re Ten-Hour Law, etc., supra; State v. Peckham, 3 R.I. 289; **Munn v. Illinois**, **94 U.S. 113 (24 L. Ed. 77)**. As a general rule statutes should be sustained unless their unconstitutionality is clear beyond a reasonable doubt. Such doubt should ...

Discussion:  **Court:** Or. | **Date:** March 17, 1914 | **Headnotes:** HN9

1229 [State v. Corvallis & E. R. Co.](#), 59 Ore. 450, 117 P. 980, 1911 Ore. LEXIS 167 

LB Cited by: 59 Ore. 450 p.457; 117 P. 980 p.982

... when property is set apart by its owner to a public use he, by the dedication, impliedly agrees to be governed by such reasonable regulations as the public may adopt that are designed to promote the

common convenience or to advance the general welfare. "Property," says Mr. Chief Justice WAITE, in **Munn v. Illinois**, 94 U.S. 113, 126 (24 L. Ed. 77), "does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, ...

Discussion:  **Court:** Or. | **Date:** September 19, 1911

1230 [Board of Canal & Lock Comm'rs v. Willamette Transp. & Locks Co.](#), 6 Ore. 219, 1877 Ore. LEXIS 1



LB Cited by: 6 Ore. 219 p.229

... held that all property which is affected with a public interest ceases to be juris privati only, and becomes subject to regulation for the public benefit, and property is affected with a public interest whenever it is devoted to such use as to make it of public consequence and to directly affect the public at large. (Am. Law Reg., Sept. 1877, p. 526; 94 U.S. 113.) If that principle is correct, then there can be no question in regard to the canal and locks being the subject of legislative control. ...

Discussion:  **Court:** Or. | **Date:** December 1, 1877 | **Headnotes::** HN5

Oregon Tax Court

1231 [Powerex Corp. v. Dep't of Revenue](#), 2020 Ore. Tax LEXIS 42, 2020 WL 3989160

LB Cited by:

... . The court invalidated the Board's order, concluding that it constituted a taking for private use. Id. The court contrasted cases involving grain elevators and warehouses because in those cases "grain was received indiscriminately from the public for storage at great terminal centers." Id. ; see **Munn v. Illinois**, 94 US 113, 121, 24 L Ed 77(1876) (noting that warehousemen, "[l]ike common carriers, * * * are required by law to receive grain from all persons, and store the same upon ...

Discussion:  **Court:** Or. T.C. | **Date:** July 15, 2020

Other Oregon Decisions

1232 [In the Matters of The Application of Portland General Electric Company for an Investigation into Least Cost Plan Plant Retirement \(DR 10\)](#), 2008 Ore. PUC LEXIS 370, 269 Pub. Util. Rep. 4th (PUR) 1



LB Cited by:

... service, and rates. As the Oregon Supreme Court first recognized in 1877, when one "devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." 15 Board of Canal and Locks Comm'rs v. Willamette Transp. and Locks Co., 6 Or 219, 229 (1877), quoting **Munn v. Illinois**, 94 US 113, 126, 24 L Ed 77(1877) ...

Court: Or. P.U.C. | **Date:** September 30, 2008

Pennsylvania Supreme Court

1233 [Keystone Water Co., White Deer Dist. v. Pennsylvania Public Utility Com.](#), 477 Pa. 594, 385 A.2d 946, 1978 Pa. LEXIS 948

LB Cited by: 477 Pa. 594 p.620; 385 A.2d 946 p.960

... proper rate base to be \$ 33,700,000, the "actual legitimate cost." On petition for review to the court of appeals, the company contended that the rates based on actual legitimate costs were confiscatory and unreasonable. The court of appeals agreed, concluding an actual legitimate cost basis could not produce a fair return to the company. In reversing, the Supreme Court concluded: "Rate-making is indeed but one species of price-fixing. **Munn v. Illinois**, 94 U.S. 113, 24 L.Ed. 77(1877) ...


Discussion:  **Court:** Pa. | **Date:** April 7, 1978

1234 [Parker v. Children's Hospital of Philadelphia](#), 483 Pa. 106, 394 A.2d 932, 1978 Pa. LEXIS 1092 

LB Cited by: 483 Pa. 106 p.127; 394 A.2d 932 p.943

... Moreover, the rationale urged by appellants would create, "the stagnation of the law in the face of changing societal conditions" to which this Court has previously referred. *Singer v. Sheppard*, supra ; *Jackman v. Rosenbaum*, supra. See also **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77(1876)** . Appellants reliance upon our decision in *Commonwealth ex rel. Banks v. Cain* , 345 Pa. 581 , 28 A.2d 897 (1942) in this context is misplaced. They point to the language in that decision as ...


Discussion:  **Court:** Pa. | **Date:** 1978

1235 [Fadgen v. Lenkner](#), 469 Pa. 272, 365 A.2d 147, 1976 Pa. LEXIS 757 

LB Cited by: 469 Pa. 272 p.281; 365 A.2d 147 p.152

... , 402 Pa. 164 , 174-175 , 166 A.2d 501 , (1960); *Appeal of Cummings* , 11 Pa. 273 , 276 (1948) . Appellee admits that there is no vested right in the continued recognition of all causes of action, **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77(1876)** ; 8 We recently approved this principle in *Singer v. Sheppard* , 464 Pa. 387 , 346 A.2d 897 (1975) , wherein we quoted at length from *Jackman v. Rosenbaum Co.* , 263 Pa. 158 , 175 , 106 A. 238 ...

Discussion:  **Court:** Pa. | **Date:** October 8, 1976

1236 [Singer v. Sheppard](#), 464 Pa. 387, 346 A.2d 897, 1975 Pa. LEXIS 1078 

LB Cited by: 464 Pa. 387 p.399; 346 A.2d 897 p.903

... Any conclusion that an individual has a vested right in the continued existence of an immutable body of negligence law would necessitate the invalidation of the No-fault Act as a violation of Article I, Section 11, and the due process clause of the Fourteenth Amendment to the Federal Constitution . However, the practical result of such a conclusion would be the stagnation of the law in the face of changing societal conditions. In 1876, in **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77** , the ...

Discussion:  **Court:** Pa. | **Date:** June 26, 1975 | **Headnotes::** HN12


1237 [Best v. Zoning Bd. of Adjustment](#), 393 Pa. 106, 141 A.2d 606, 1958 Pa. LEXIS 330 

LB Cited by: 393 Pa. 106 p.110; 141 A.2d 606 p.609


... *Mutual Loan Co. v. Martell*, 222 U.S. 225 , 233 (1911) ; *House v. Mayes*, 219 U.S. 270 , 282 (1911) . This power is plenary except as limited by the State or Federal Constitutions. 4 **Munn v. Illinois, 94 U.S. (4 Otto) 113, 123-124(1876)** ; *Sharpless v. Mayor of Philadelphia*, 21 Pa. 147 , 160-164 (1853) . Fundamental Rights, Eminent Domain & Takings Constitutional Law, Substantive Due Process HN3 The only restrictions upon the power of the legislature to regulate private property ...

Discussion:  **Court:** Pa. | **Date:** May 2, 1958


1238 [Brotherhood of R. Trainmen v. Walker](#), 377 Pa. 396, 105 A.2d 363, 1954 Pa. LEXIS 527, 26 Lab. Cas.

(CCH) P68615 **LB Cited by:** 377 Pa. 396 p.401; 105 A.2d 363 p.365


... of its sovereign police power exercised in behalf of the security of the Commonwealth and the health and welfare of its citizens. Neither the Railway Labor Act, nor any other Federal statute, can deprive Pennsylvania of its sovereign police power exercised in behalf of the security of the Commonwealth and the health and welfare of its citizens. In the case of **Munn v. Illinois, 94 U.S. 113**, it was urged against the State of Illinois that one of its statutes, establishing rates of charges ...

Discussion:  **Court:** Pa. | **Date:** May 25, 19541239 [Commonwealth v. Nelson](#), 377 Pa. 58, 104 A.2d 133, 1954 Pa. LEXIS 497 **LB Cited by:** 377 Pa. 58 p.80; 104 A.2d 133 p.144

... to exclude States from exercising their police power must be clearly manifested." In *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, the Court said (page 230): "Congress legislated here in a field which the States have traditionally occupied. See **Munn v. Illinois, 94 U.S. 113**; *Davies Warehouse Co. v. Bowles*, 321 U.S. 144, 148-149. So we start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear ...

Discussion:  **Court:** Pa. | **Date:** January 25, 19541240 [Hertz Drivurself Stations, Inc. v. Siggins](#), 359 Pa. 25, 58 A.2d 464, 1948 Pa. LEXIS 359, 7 A.L.R.2d 438 **LB Cited by:** 359 Pa. 25 p.35; 58 A.2d 464 p.470

... *Olsen v. Nebraska*, 313 U.S. 236, 245-246), it may be presently helpful to keep in mind the basic justification for sovereign policing in the public interest of private property in respect of its productive capacity for private uses. In **Munn v. Illinois, 94 U.S. 113(1876)**, Mr. Chief Justice WAITE quoted at length from Sir MATTHEW (Lord Chief Justice) HALE'S interesting treatises of approximately three centuries ago -- *De Jure Maris* and *De Portibus Maris*, 1 Hargrave Law Tracts, ...

Discussion:  **Court:** Pa. | **Date:** March 26, 19481241 [Milk Control Board v. Eisenberg Farm Products](#), 332 Pa. 34, 200 A. 854, 1938 Pa. LEXIS 742 **LB Cited by:** 332 Pa. 34 p.41; 200 A. 854 p.857**Court:** Pa. | **Date:** June 30, 19381242 [Rohrer v. Milk Control Board](#), 322 Pa. 257, 186 A. 336, 1936 Pa. LEXIS 794 **LB Cited by:** 322 Pa. 257 p.262; 186 A. 336 p.338, p.350

... These statutes, and many others which might be dug up from the past, 5 See "Business Regulation in Early Pennsylvania," *Temple Law Quarterly*, February, 1936 (volume X, No. 2), pages 155-178. were among those referred to by **Chief Justice WAITE in Munn v. Illinois, 94 U.S. 113, 125, 132**; "Under these powers [that is, the police powers] the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation ...

Court: Pa. | **Date:** June 26, 1936

1243 [Overlook Development Co. v. Public Service Com.](#), 306 Pa. 43, 158 A. 869, 1932 Pa. LEXIS 400 ▲

LB Cited by: 306 Pa. 43 p.50; 158 A. 869 p.872

Court: Pa. | **Date:** January 5, 1932

1244 [Appeal of White](#), 287 Pa. 259, 134 A. 409, 1926 Pa. LEXIS 339, 53 A.L.R. 1215 Q

LB Cited by: 287 Pa. 259 p.264; 134 A. 409 p.411

... State of Massachusetts , dividing the City of Boston into two height districts: Welch v. Swasey, 193 Mass. 364 . The ordinance was proper: Hadacheck v. Sebastian, 239 U.S. 394 ; Cusack v. Chicago, 242 U.S. 526 ; Noble State Bank v. Haskell, 219 U.S. 104 ; **Munn v. Illinois,94 U.S. 113** . Ordinances such as the one here under consideration have met with the approval of the courts of New York, Massachusetts and Kansas: Lincoln Trust Co. v. Williams, 229 N.Y. 317 ; Re Opinion of Justices, ...

Discussion: ■■■■■ | **Court:** Pa. | **Date:** June 26, 1926

1245 [Commonwealth ex rel. Woodruff v. Benn](#), 284 Pa. 421, 131 A. 253, 1925 Pa. LEXIS 529 ▲

LB Cited by: 284 Pa. 421 p.434; 131 A. 253 p.257

... Originally, state legislatures passed statutes fixing prices, or rates, to be charged by public service companies. The courts could decide whether a specific price charged under certain circumstances was reasonable, but they could not prescribe rates for the future. The immemorial and exclusive right of legislatures to fix rates for future application was upheld in **Munn v. Illinois,94 U.S. 113** . To meet the demands of the great industrial age in which we are living, the Federal Interstate ...

Discussion: ■■■■■ | **Court:** Pa. | **Date:** November 23, 1925

1246 [Girard Point Storage Co. v. Southwark Foundry Co.](#), 105 Pa. 248, 1884 Pa. LEXIS 88 I

LB Cited by:

... established for private purposes, and by them the public is at best but incidentally benefited. If, however, the property and buildings, of every person and association whose trade or business in any degree advanced the common welfare, were exempt from the ordinary forms of lien and execution, the collection of debts would soon become so tedious and expensive that, in most instances, their abandonment would be the better policy. Nor can we understand how the case of **Munnv.Illinois,4 Otto 113** ...

Discussion: ■■■■■ | **Court:** Pa. | **Date:** February 26, 1884

1247 [Insurance Co. of North America v. Commonwealth](#), 87 Pa. 173, 1878 Pa. LEXIS 138 I

LB Cited by:

... The constitutionality of a state tax law must be determined, not upon the form or agency collecting the

tax, but by the subject on which the burden is laid. the constitutionality of a state tax law must be determined, not upon the form or agency collecting the tax, but by the subject on which the burden is laid: Tonnage Tax Cases, 79 U.S. 204 , 12 Wall. 204 , 20 L. Ed. 370 ; **Mummv.Illinois,94 U.S. 113, 4 Otto 113, 24 L. Ed. 77** . As said in Doyle v. Continental Ins. Co., 94 ...


Discussion:  | **Court:** Pa. | **Date:** June 3, 1878


Pennsylvania Superior Court

1248 [Jenkins v. Hospital of the Medical College of Pa.](#), 401 Pa. Super. 604, 585 A.2d 1091, 1991 Pa. Super. LEXIS 204 

LB Cited by: 401 Pa. Super. 604 p.621; 585 A.2d 1091 p.1099

... by establishing unreasonable classifications among motor vehicle accident victims. Although the Court referred to the legislature's power to abolish a cause of action, *id.* , 464 Pa. at 397 , 346 A.2d at 902 , and observed that "[a] person has no property, no vested interest, in any rule of common law," *id.* , 464 Pa. at 399 , 346 A.2d at 903 [quoting **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L.Ed. 77(1876)**] , the opinion does not address the retroactivity question that is now ...

Discussion:  | **Court:** Pa. Super. Ct. | **Date:** January 31, 1991

1249 [Tsarnas v. Jones & Laughlin Steel Corp.](#), 262 Pa. Super. 417, 396 A.2d 1241, 1978 Pa. Super. LEXIS 4364 

LB Cited by: 262 Pa. Super. 417 p.423; 396 A.2d 1241 p.1244


... and the due process clause of the Fourteenth Amendment to the Federal Constitution . "However, the practical result of such a conclusion would be the stagnation of the law in the fact of changing societal conditions. In 1876, in **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77** , the United States Supreme Court recognized that due process was not violated when legislative action modified the common law. The Court ruled: "A person has no property, no vested interest, in any rule of common ...

Discussion:  | **Court:** Pa. Super. Ct. | **Date:** December 28, 1978 | **Headnotes:** HN12

1250 [Philadelphia Transp. Co. v. Pennsylvania Public Utility Com.](#), 155 Pa. Super. 9, 37 A.2d 138, 1944 Pa. Super. LEXIS 432 

LB Cited by: 155 Pa. Super. 9 p.32; 37 A.2d 138 p.148

... the commission," section 301 of the same act, as amended, 66 PS § 1141, prescribes that "Every rate made, demanded, or received by any public utility, . . . shall be just and reasonable, and in conformity with regulations or orders of the commission . . ." It is sufficiently evident that a fair return on an inflated and excessive valuation precludes the establishment of just and reasonable rates. 2 "Rate-making is indeed but one species of price-fixing. **Munn v. Illinois, 94 U.S. 113, 134, 24** ...


Discussion:  | **Court:** Pa. Super. Ct. | **Date:** April 18, 1944


1251 [Rohrer v. Milk Control Board](#), 121 Pa. Super. 281, 184 A. 133, 1936 Pa. Super. LEXIS 195 

LB Cited by: 121 Pa. Super. 281 p.291, p.315; 184 A. 133 p.138, p.148

... inns, cabs, and grist mills. (3) Businesses which, though not public at their inception, have become such by devoting their business to a public use thereby granting the public an interest in that use and subjecting themselves to public regulation to the extent of that interest, although the property continues to belong to its private owner and to be entitled to protection accordingly. In this class are included public


warehouses for storage of grain: **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Pa. Super. Ct. | **Date:** March 16, 1936 | **Headnotes::** HN5

1252 [Brink's Express Co. v. Public Service Com.](#), 117 Pa. Super. 268, 178 A. 346, 1935 Pa. Super. LEXIS 411 

LB Cited by: 117 Pa. Super. 268 p.275; 178 A. 346 p.349


... Common Carrier Duties & Liabilities, State & Local Regulation HN6 If a business is not affected with a public interest, it is not subject to public regulation. Its business is not 'affected with a public interest.' Therefore, it is not subject to public regulation. See **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77 .**" To same effect see Boro. of Ambridge v. P. S. C., 108 Pa. Super. 298 , 304 , 165 A. 47 . Common Carrier Duties & Liabilities, State & Local Regulation HN7 A private ...

Discussion:  **Court:** Pa. Super. Ct. | **Date:** April 15, 1935

1253 [Borough of Ambridge v. P. S. C.](#), 108 Pa. Super. 298, 165 A. 47, 1933 Pa. Super. LEXIS 187 

LB Cited by: 108 Pa. Super. 298 p.306; 165 A. 47 p.49


... White v. Smith, 189 Pa. 222 , 228 , 42 A. 125 . Appellant is not engaged in the business of supplying water to the public. Its business is not affected with a public interest. Therefore, it is not subject to public regulation. See **Munn v. People of Illinois,94 U.S. 113, 4 Otto 113, 24 L. Ed. 77 .**" The A. M. Byers Company, under the admitted facts, is neither a de facto nor a de jure public service company. Throughout appellant's argument appears the controlling thought in support of ...

Discussion:  **Court:** Pa. Super. Ct. | **Date:** March 3, 1933

1254 [Steigler v. Peach Bottom Tp. Road Petitioners](#), 105 Pa. Super. 66, 161 A. 719, 1932 Pa. Super. LEXIS 14 

LB Cited by: 105 Pa. Super. 66 p.70; 161 A. 719 p.720

... Every statute is presumed to be constitutional. The courts ought not to declare one unconstitutional, unless it is clearly so. If there is doubt, the express will of the legislature should be sustained. "Every statute is presumed to be constitutional. The courts ought not to declare one unconstitutional, unless it is clearly so. If there is doubt, the express will of the legislature should be sustained": **Munn v. Illinois,94 U.S. 113, 123, 24 L. Ed. 77 ;** Com. ex rel. v. Liveright et al., ...

Discussion:  **Court:** Pa. Super. Ct. | **Date:** May 4, 1932 | **Headnotes::** HN1

1255 [Pennsylvania Chautauqua v. Public Service Com.](#), 105 Pa. Super. 160, 160 A. 225, 1932 Pa. Super. LEXIS 30 

LB Cited by: 105 Pa. Super. 160 p.164; 160 A. 225 p.226

... In that case the charter of the company expressly forbade it to engage in public service, but the Supreme Court sustained the jurisdiction of the Public Utilities Commission and held that the company's taxicabs were "a public utility by ancient usage and understanding (**Munn v. Illinois,94 U.S. 113, 125 ;** 24 L. Ed. 77 , 84) , as well as common carriers by the manifest meaning of the act." The decisions of our Supreme Court are to the same effect. In Beetem v. Carlisle Light, Heat & ...

Discussion:  **Court:** Pa. Super. Ct. | **Date:** 1932

1256 [Overlook Development Co. v. Public Service Com.](#), 101 Pa. Super. 217, 1931 Pa. Super. LEXIS 312



LB Cited by: 101 Pa. Super. 217 p.225

... compelled, under proper circumstances, to extend its facilities to accommodate the public, but the private property of an individual cannot be appropriated for that purpose without due process and without making or securing compensation. Charles G. Baker, and with him Zimmerman, Myers and Kready, for appellants. -- Appellant was not engaged in a business affected with a public interest and the commission therefore had no jurisdiction to enter the orders complained of: **Munn v. Illinois,94 U.S. 113** ...

Discussion: **Court:** Pa. Super. Ct. | **Date:** February 27, 1931

1257 [Franke v. Johnstown Fuel Supply Co.](#), 70 Pa. Super. 446, 1918 Pa. Super. LEXIS 275

LB Cited by: 70 Pa. Super. 446 p.456

... that law. When the shareholders accepted the charter of the company and proceeded to exercise the franchises thereby granted they invested the public or such limited portion of the public with a use or right of use in the commodity which they supplied. This constitutes a public use -- such a use as might have been in the contemplation of the parties when the company was organized: Arnsperger v. Crawford, 101 Md. 247 ; Penna. Mu. Life Ins. Co. v. Philadelphia, supra ; **Munn v. Ill.,94 U.S. 113** ...

Discussion: **Court:** Pa. Super. Ct. | **Date:** October 30, 1918

1258 [Relief Electric Light, Heat & Power Co's Petition](#), 63 Pa. Super. 1, 1916 Pa. Super. LEXIS 89, 3 Pa. Corp. 442

LB Cited by: 63 Pa. Super. 1 p.6

... in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good. To the extent of the interest he has thus created, he may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control": **Munn v. Illinois,94 U.S. 113** ...

Discussion: **Court:** Pa. Super. Ct. | **Date:** March 1, 1916

1259 [Commonwealth v. Young](#), 57 Pa. Super. 521, 1914 Pa. Super. LEXIS 228

LB Cited by: 57 Pa. Super. 521 p.524


... governments. It is properly subject to the police power of the state. The exacting of usury was an offense at common law and is generally prohibited as unconscionable in civilized governments. That it is properly subject to the police power of the state cannot be doubted: **Munn v. Illinois,94 U.S. 113** ; State v. Griffith, 83 Conn. 1 ; Iowa S. Association v. Heidt, 107 Iowa 297 . This power as was said by Chief Justice Taney in License Cases, 5 Howard, 583 , and reaffirmed in **Munn v. Illinois**, ...

Discussion: **Court:** Pa. Super. Ct. | **Date:** July 15, 1914 | **Headnotes:** HN5

1260 [Ashworth v. Pittsburg R. Co.](#), 44 Pa. Super. 326, 1910 Pa. Super. LEXIS 174

LB Cited by: 44 Pa. Super. 326 p.329


... Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens towards each other, and when necessary for the public good, the manner in which each shall use his own property. Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens towards each other, and when necessary for the public good, the manner in which each shall use his own property: **Munn v. Illinois, 94 U.S. 113** . The classification of cities being ...


Discussion:  | **Court:** Pa. Super. Ct. | **Date:** October 10, 1910 | **Headnotes:** HN5

1261 [Pennsylvania R. Co. v. M. O. Coggins Co.](#), 38 Pa. Super. 129, 1909 Pa. Super. LEXIS 100 

LB Cited by: 38 Pa. Super. 129 p.136


... ; Walters v. Detroit United Railway Company, 102 N. W. Repr. 745. The supreme court of the United States has decided that a state may regulate under its police power the rates charged by a warehouseman on goods shipped in from other states: **Munn v. Illinois, 94 U.S. 113** . The state has the undoubted right to regulate the rates and charges of carriers within its own territorial limits, even though such regulations may remotely affect interstate commerce, provided, always, that it does not impose ...

Discussion:  | **Court:** Pa. Super. Ct. | **Date:** February 26, 1909 | **Headnotes:** HN15


1262 [Commonwealth v. Brown](#), 8 Pa. Super. 339, 1898 Pa. Super. LEXIS 64 

LB Cited by: 8 Pa. Super. 339 p.351

... contracts of persons supposed to be incapable of contracting, as in the case of infants and insane persons, and to contracts contrary to good morals or public policy as in the case of gaming contracts and contracts in general restraint of trade; it may interfere to regulate the contracts of persons pursuing a public business or who have voluntarily devoted their property to a public use so that it has "become affected with a public interest:" **Munn v. People, 94 U.S. 113, 24 L. Ed. 77** ; in the ...

Discussion:  | **Court:** Pa. Super. Ct. | **Date:** October 10, 1898


Pennsylvania Commonwealth Court

1263 [Popowsky v. Pennsylvania PUC](#), 676 A.2d 731, 1996 Pa. Commw. LEXIS 191 

LB Cited by: 676 A.2d 731 p.735

... Next, OCA argues that the PUC abused its discretion when it granted Columbia the option to accept or reject the incentive rate making method. OCA asserts that the PUC conferred legislative power upon Columbia contrary to law. See **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** . We do not agree. The PUC gave Columbia the option to accept or reject modifications to both the capacity release program and the gas cost incentive program within twenty days of the entry of the order. Columbia ...

Discussion:  | **Court:** Pa. Commw. Ct. | **Date:** May 13, 1996


1264 [Robson v. Penn Hills School Dist.](#), 63 Pa. Commw. 250, 437 A.2d 1273, 1981 Pa. Commw. LEXIS 1942 

LB Cited by: 63 Pa. Commw. 250 p.256; 437 A.2d 1273 p.1277

... Nevertheless, the law itself, as a rule of conduct, may be changed at the will, or even the whim, of the legislature, unless prevented by constitutional limitations. The great office of statutes is to remedy defects in the common law as they are developed and to adapt it to changes of time and circumstances. See **Munn v. Illinois, 94 U.S. 113(1877)** ; Singer v. Sheppard , 464 Pa. 387 , 346 A.2d 897 (1975) .


Therefore, nothing in Article I, Section 11, prevents the legislature from extinguishing ...

Discussion:  **Court:** Pa. Commw. Ct. | **Date:** December 16, 1981 | **Headnotes:** HN12

1265 [Brungard v. Hartman](#), 46 Pa. Commw. 10, 405 A.2d 1089, 1979 Pa. Commw. LEXIS 1970 

LB Cited by: 46 Pa. Commw. 10 p.22; 405 A.2d 1089 p.1095

... declared that no one has a vested right in the maintenance of the status quo of the common law torts and commented with respect to a contrary rule as follows: However, the practical result of such a conclusion would be the stagnation of the law in the face of changing societal conditions. In 1876, in **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77**, the United States Supreme Court recognized that due process was not violated when legislative action modified the common law. The Court ruled: ...

Discussion:  **Court:** Pa. Commw. Ct. | **Date:** September 14, 1979

Pennsylvania Court of Common Pleas

1266 [Commonwealth ex rel. Milk Control Com. v. Hollinger](#), 1951 Pa. Dist. & Cnty. Dec. LEXIS 311, 79 Pa. D. & C. 49, 2 Cumberland L. J. 39 

LB Cited by:

... the price of milk to its lowest price than to likewise reduce the price of other foodstuffs such as meat, vegetables, potatoes, or clothing. Though there is Biblical authority for the statement, "Man shall not live by bread alone" (Matthew 4:4), certainly bread is one of the principal foodstuffs of civilized races throughout the world, yet its production and distribution is free from governmental regulation. (Such was not always the case however; see **Munn v. Illinois, 94 U.S. 113, 125, 132** ...


Discussion:  **Court:** Pa. C.P. | **Date:** April 19, 1951

1267 [Brody v. Marshall](#), 1950 Pa. Dist. & Cnty. Dec. LEXIS 183, 72 Pa. D. & C. 197 

LB Cited by:

... provides for the licensing of ticket brokers and that it shall be unlawful to resell tickets to places of amusement at a price in excess of the maximum premium, plus the established price and lawful taxes as stamped or written thereon. Plaintiffs rely on *Tyson & Brother v. Banton*, 273 U. S. 426 and *Hertz Drivurself Stations v. Siggins et al.*, 359 Pa. 25, which in turn cites the *Tyson* case, *Wolff Packing Co. v. Court of Industrial Relations*, 262 U. S. 535, and **Munn v. Illinois, 94 U. S. 113** ...


Discussion:  **Court:** Pa. C.P. | **Date:** May 18, 1950

1268 [Commonwealth v. Hodin](#), 1938 Pa. Dist. & Cnty. Dec. LEXIS 220, 34 Pa. D. & C. 270, 33 Luz. Legal Reg. Rep. 9 

LB Cited by:


... them. In the language of the cases, the owner by devoting his business to the public use, in effect grants the public an interest in that use and subjects himself to public regulation to the extent of that interest although the property continues to belong to its private owner and to be entitled to protection accordingly. **Munn v. Illinois, 94 U. S. 113**; *Spring Valley Water Works v. Schottler*, 110 U. S. 347; *Budd v. New York*, 117 N. Y. 1, 27; s. c. 143 U. S. 517; *Brass v.* ...


Discussion:  **Court:** Pa. C.P. | **Date:** December 1, 1938

- 1269 [Schuylkill Haven v. Manbeck](#), 1935 Pa. Dist. & Cnty. Dec. LEXIS 251, 22 Pa. D. & C. 467, 27 Mun. L. Rep. 191, 34 Schuyl. L. Rec. 196 

LB Cited by:


... policy of the Commonwealth, certainly the legislature itself may do so. Therefore, when the legislature restricts the supply of electric current within a municipality to the municipality itself, it is declaring the public policy of the Commonwealth and is granting an exclusive privilege or franchise or a monopoly. Such action is justifiable under the police power, which, of course, is not restricted by the Federal Constitution: Slaughter-House Cases, 83 U. S. 36 ; **Munn v. Illinois,94 U. S. 113** ...


Discussion:  **Court:** Pa. C.P. | **Date:** February 18, 1935

- 1270 [Derbyshire's Estate](#), 1931 Pa. Dist. & Cnty. Dec. LEXIS 24, 16 Pa. D. & C. 200 

LB Cited by:

... The question is, therefore, presented -- can the legislature retrospectively empower the court to terminate this trust? If it can, the exceptions should be sustained. At the outset, it should be recalled what was so well stated by **Chief Justice Waite in Munnv.Illinois,94 U. S. 113, 123** : Case or Controversy, Constitutionality of Legislation HN2 Every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional, unless it is clearly so. If there is ...

Discussion:  **Court:** Pa. C.P. | **Date:** December 14, 1931

- 1271 [Commonwealth v. Miller](#), 1926 Pa. Dist. & Cnty. Dec. LEXIS 285, 8 Pa. D. & C. 445, 29 Dauph. Co. 153 

LB Cited by:

... New Orleans, 96 U. S. 97 ; Lawton v. Steele, 152 U. S. 133 . But of recent years that court has extended the doctrine to substantive law making reasonableness the test. It has thus applied it to legislation relating to police power: **Munnv.Illinois,94 U. S. 113(1876)** ; Burns Baking Co. v. Bryan, 264 U. S. 504 (1924) ; Pierce v. Society, 45 Sup. Ct. 571 (1925) ; to the power of taxation: Fallbrook Irrigation District v. Bradley, 164 U. S. 112 ; to the power of eminent ...

Discussion:  **Court:** Pa. C.P. | **Date:** April 5, 1926

- 1272 [Delaware Ice Co. v. Easton](#), 1923 Pa. Dist. & Cnty. Dec. LEXIS 362, 4 Pa. D. & C. 35

LB Cited by:

... powers of government may sometimes incidentally affect property rights according to established usages and recognized principles familiar to courts, yet even these powers are not without limitations, as they can be exercised only to promote the public good and are always subject to judicial scrutiny," citing, besides a number of other cases, **Munnv.Illinois,94 U. S. 113, 141** ; Henderson v. Mayor, 92 U. S. 259 ; Brimmer v. Rebman, 138 U. S. 78 ; Chicago & St. Paul R. R. Co. v. ...

Discussion:  **Court:** Pa. C.P. | **Date:** January 15, 1923

Other Pennsylvania Decisions


- 1273 [APPLICATION OF RICHARD DEAN, t/d/b/a RICHARD DEAN'S WATER HAULING SERVICE](#), 1974 Pa. PUC LEXIS 71, 47 Pa. PUC 721

LB Cited by:

... question necessarily dependent on the facts of the particular case. There are two traditional tests used by the United States Supreme Court to support or disprove the contention that a particular activity was a public utility -- necessity and monopoly. **Munn v. Illinois, 94 U.S. 113** . In the instant case, it does not appear that Dean's proposed service is a necessary service in view of the fact that there are other businesses providing the same service. If the consumers depended on Dean ...

Court: Pa. P.U.C. | **Date:** June 17, 1974


Rhode Island Supreme Court

1274 [Opinion to Governor](#), 95 R.I. 109, 185 A.2d 111, 1962 R.I. LEXIS 137 

LB Cited by: 95 R.I. 109 p.114

... general mass of legislative powers, then possessed by the states, only such portions as it was thought wise to confer upon the federal government; and in order that there should be no uncertainty in respect of what was taken and what was left, the national powers of legislation were not aggregated but enumerated--with the result that what was not embraced by the enumeration remained vested in the states without change or impairment." See **Munn v. Illinois, 94 U.S. 113, 124, 24 L. Ed. 77** ...


Discussion:  | **Court:** R.I. | **Date:** October 18, 1962

1275 [State v. Guyette](#), 81 R.I. 281, 102 A.2d 446, 1954 R.I. LEXIS 79 

LB Cited by: 81 R.I. 281 p.286; 102 A.2d 446 p.448

... Peckham, 3 R.I. 289 ; Fritz v. Presbrey, 44 R.I. 207 , 212 , 116 A. 419 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Morrison v. Lamarre, 75 R.I. 176 , 65 A.2d 217 . Similar language was used by the United States supreme court to express the general rule in Pacific States Box & Basket Co. v. White, 296 U.S. 176 , 185 , ...


Discussion:  | **Court:** R.I. | **Date:** February 5, 1954

1276 [Morrison v. Lamarre](#), 75 R.I. 176, 65 A.2d 217, 1949 R.I. LEXIS 29 

LB Cited by: 75 R.I. 176 p.185; 65 A.2d 217 p.222

... Peckham, 33 R.I. 541 , 82 A. 487 ; Sayles v. Foley, 38 R.I. 484 , 96 A. 340 . The same rule obtains in other jurisdictions. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Wellington et al. Petitioner, 16 Pick. 87 , 95 . 6 R. C. L. 76, § 73. The issue raised in the cases at bar is one which has aroused considerable public interest. Petitioners contend in effect that the law is harsh and unwise and the court can and should for that reason set the alleged obnoxious statute aside ...


Discussion:  | **Court:** R.I. | **Date:** March 29, 1949

1277 [Fritz v. Presbrey](#), 44 R.I. 207, 116 A. 419, 1922 R.I. LEXIS 22 

LB Cited by: 44 R.I. 207 p.212; 116 A. 419 p.422

... Cleveland v. Tripp , 13 R.I. 50 . In the Opinion to the Governor , 24 R.I. 603 , 54 A. 602 , it was said, "Both this court in State v. Peckham , 3 R.I. 289 , and the Supreme Court of the United States in **Munn v. People, 94 U.S. 113, 24 L. Ed. 77** , have declared that the legislature is the exclusive judge of the propriety and necessity of legislative interference within the scope of legislative power. If a state of facts could exist which would justify legislation, it is to be presumed ...

Discussion:  **Court:** R.I. | **Date:** March 14, 1922 | **Headnotes::** HN9

1278 [O'Neil v. Providence Amusement Co.](#), 42 R.I. 479, 108 A. 887, 1920 R.I. LEXIS 14, 8 A.L.R. 1590 

LB Cited by: 42 R.I. 479 p.511; 108 A. 887 p.899

... , 28 L. Ed. 1145 , 5 S. Ct. 730 , an act prohibiting work in laundries from 10 P. M. to 6 A. M.; to the same effect see *Barbier v. Connolly* , 113 U.S. 27 , 28 L. Ed. 923 , 5 S. Ct. 357 . In **Munn v. People of Ill.**, **94 U.S. 113**, **24 L. Ed. 77** , an act fixing the maximum charge for storing grain and prohibiting contracts for a larger amount, and in *Frisbie v. U. S.* , 157 U.S. 160 , 39 L. Ed. 657 , 15 S. Ct. 586 , an act of Congress prohibiting attorneys from contracting for a ...

Discussion:  **Court:** R.I. | **Date:** February 2, 1920 | **Headnotes::** HN9

1279 [Sayles v. Foley](#), 38 R.I. 484, 96 A. 340, 1916 R.I. LEXIS 7 

LB Cited by: 38 R.I. 484 p.496; 96 A. 340 p.345

... defences of the employer is not made universal, but is limited to actions against employers who do not accept the compensation scheme of the act. The benefit to the employee results from and is wholly incidental to the depriving of the employer of what hitherto has been held to be his right. The employee is deprived of no prior existing right. The General Assembly has power to repeal these defences, originating in rulings of the court. **Munn v. Illinois**, **94 U.S. 113**, **114**, **24 L. Ed. 77** ...


Discussion:  **Court:** R.I. | **Date:** January 26, 1916

1280 [Greenough v. Allen Theater & Realty Co.](#), 33 R.I. 120, 80 A. 260, 1911 R.I. LEXIS 111 

LB Cited by: 33 R.I. 120 p.140; 80 A. 260 p.267

... , 3 Fairf. 403. All contracts between individuals, and even charters granted by the State, are subject to the exercise of this power. *Commonwealth v. Intoxicating Liquors* , 115 Mass. 153 . *Woodlawn Cemetery v. Everett* , 118 Mass. 354 . **Munn v. Illinois**, **94 U.S. 113**, **24 L. Ed. 77** . "The St. of 1872, c. 243, has conferred on the cities and towns in this Commonwealth authority to pass such ordinances and by-laws, and on this court jurisdiction in equity to restrain the construction ...


Discussion:  **Court:** R.I. | **Date:** July 5, 1911

1281 [In re Ten-Hour Law](#), 24 R.I. 603, 54 A. 602, 1902 R.I. LEXIS 129, 61 L.R.A. 612 

LB Cited by: 24 R.I. 603 p.606; 54 A. 602 p.603

... "It is also a maxim of constitutional law that a legislature is presumed to have acted within constitutional limits, upon full knowledge of the facts, and with the purpose of promoting the interests of the people as a whole, and courts will not lightly hold that an act duly passed by the legislature was one in the enactment of which it had transcended its power." Both this court in *State v. Peckham* , 3 R.I. 289 , and the Supreme Court of the United States in **Munn v. People**, **94 U.S. 113** ...


Discussion:  **Court:** R.I. | **Date:** June 24, 1902 | **Headnotes::** HN9

1282 [Gardner v. Providence Tel. Co.](#), 23 R.I. 262, 49 A. 1004, 1901 R.I. LEXIS 129, 55 L.R.A. 113 

LB Cited by: 23 R.I. 262 p.268; 49 A. 1004 p.1006

... and which it receives special privileges from the public that it may render, is analogous to that of a common carrier, and its obligations to the public are to be determined upon the same principles which have long been settled with reference to persons or corporations engaged in business which requires special public concessions. The general principle is laid down in **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . The application to telephone companies is made in many cases. In *State v. ...*

Discussion:  **Court:** R.I. | **Date:** July 25, 1901

1283 [State v. Brown & Sharpe Mfg. Co.](#), 18 R.I. 16, 25 A. 246, 1892 R.I. LEXIS 1, 17 L.R.A. 856 

LB Cited by: 18 R.I. 16 p.35; 25 A. 246 p.253

... might regard corporate bodies as proper subjects for legislation not permissible, perhaps, in relation to natural persons. We think chapter 918 is within the reserved power of the General Assembly to enact, so far as reasonableness is concerned, if they deem it expedient. In the words of Chief Justice Waite in **Munnv.Illinois,94 U.S. 113, 132, 24 L. Ed. 77** : "For us the question is one of power, not of expediency. . . . Of the propriety of legislative interference within the scope ...

Discussion:  **Court:** R.I. | **Date:** October 3, 1892

1284 [Providence Coal Co. v. Providence & W. R.R.](#), 15 R.I. 303, 4 A. 394, 1886 R.I. LEXIS 24 

LB Cited by: 15 R.I. 303 p.311; 4 A. 394 p.399

... Chicago, &c. R. R. Co. 94 U.S. 164 , 24 L. Ed. 97 ; Chicago, &c. R. R. Co. v. Iowa , 94 U.S. 155 , 24 L. Ed. 94 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . The exceptions are sustained in so far as they are based upon the omission of the defendants to answer the allegations of the bill as to transactions reaching beyond the limits of the State. NOTE. -- Subsequently to the above opinion the ...

Discussion:  **Court:** R.I. | **Date:** May 5, 1886

Other Rhode Island Decisions

1285 [IN RE: ISLAND HI-SPEED FERRY, LLC, PROPOSED PASSENGER RATES AND FERRY SCHEDULE, PETITION FOR WAIVER OF RATE HEARING AND INVESTIGATION, AND MOTION FOR EXEMPTION FROM RATE FILING REQUIREMENT](#), 1999 R.I. PUC LEXIS 8

LB Cited by:

... The Commission began utilizing maximum price regulation, sometimes called "price caps" , for the New England Telephone Company (now d/b/a Bell Atlantic - Rhode Island) in 1992. However, the initial pricing under the formula was originally set through application of rate base/ rate of return regulation. as it has evolved over more than one hundred years. See, e.g., **Munn v. Illinois,94 U.S. 113(1877)** . The courts have found a reasonable rate to be a rate that, when applied to the utility's ...


Court: R.I.P.U.C. | **Date:** March 31, 1999

1286 [Holmes v. Burns](#), 1982 R.I. Super. LEXIS 153

LB Cited by:

... the courts 'approach constitutional questions with great deliberation, exercising their power in this

respect with the greatest possible caution and even reluctance; and they should never declare a statute void, unless its invalidity is, in their judgment, beyond reasonable doubt.' (Citation omitted) The United States Supreme Court, although it did not use this express language concerning the burden of proof, said as much in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**. Case ...

Discussion:  **Court:** Rhode Island Superior Court | **Date:** October 29, 1982 | **Headnotes::** HN1


South Carolina Supreme Court

1287 [R.L. Jordan Co. v. Boardman Petroleum, Inc.](#), 338 S.C. 475, 527 S.E.2d 763, 2000 S.C. LEXIS 36 

LB Cited by: 338 S.C. 475 p.477; 527 S.E.2d 763 p.765

... economic relationships, such as this price control statute, are subject to a unique constitutional test, which most fail to pass. The traditional approach acknowledges that, "Beyond doubt, the state has the power to regulate and control the price that one in private business may charge for goods or services where such business is 'affected with a public interest.'" *Gwynette v. Myers*, 237 S.C. 17, 115 S.E.2d 673 (1960) [citing *Munn v. Illinois*, 94 U.S. (4 Otto) 113, **24 L. Ed. 77(1877)**] ...


Discussion:  **Court:** S.C. | **Date:** February 14, 2000

1288 [Stone v. Salley](#), 244 S.C. 531, 137 S.E.2d 788, 1964 S.C. LEXIS 129 

LB Cited by: 244 S.C. 531 p.547; 137 S.E.2d 788 p.796

... Involved here is no question of public health, safety or morals. * * * Beyond doubt, the state has power to regulate and control the price that one in private business may charge for goods or services where such business is 'affected with a public interest.' **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. That, conversely, it may not fix prices in a business not so affected, is manifest * * * from the fact that the police power is concerned with public, not private welfare * * * ...

Discussion:  **Court:** S.C. | **Date:** August 6, 1964

1289 [Gwynette v. Myers](#), 237 S.C. 17, 115 S.E.2d 673, 1960 S.C. LEXIS 84 

LB Cited by: 237 S.C. 17 p.25, p.39; 115 S.E.2d 673 p.677, p.684

... "It is settled by recent decisions of this court that a state Legislature is without * * * power to fix prices at which commodities may be sold, services rendered, or property used, unless the business or property * * * is 'affected with a public interest.' * * * By repeated decisions of this court, beginning with **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, that phrase, however it may be characterized, has become the established test by which the legislative power to fix prices of commodities, ...

Discussion:  **Court:** S.C. | **Date:** July 26, 1960


1290 [Twin City Power Co. v. Savannah River Electric Co.](#), 163 S.C. 438, 161 S.E. 750, 1930 S.C. LEXIS 84 

LB Cited by: 163 S.C. 438 p.478; 161 S.E. 750 p.762

... 17 W. Va. 812; *Wheeling & Belmont Bridge Co. v. Bridge Co.*, 138 U.S. 287, 11 S. Ct. 301, 34 L. Ed. 967; *Vermont Corp. v. Dunn*, 95 Vt. 144, 112 A. 223, 12 A. L. R., 1495; *Munn v. Illinois*, **94 U.S. 113**, 24 L. Ed. 77; *Diamond Jo v. Davenport*, 114 Iowa 432, 87 N.W. 399, 54 L. R. A. 859. OBJECTION No. 3 The plaintiff contends that as the land on the west side of the river, essential to the

development of the defendant's project, is located in the ...


Discussion:  **Court:** S.C. | **Date:** November 26, 1930

1291 [State v. Ferri](#), 111 S.C. 219, 97 S.E. 512, 1918 S.C. LEXIS 126 

LB Cited by: 111 S.C. 219 p.228; 97 S.E. 512 p.515

... "Against the argument that the statute was such a despotic interference with the rights of private property as to be tantamount, in its practical effect, to a deprivation of ownership, 'without due process of law,' the Court said that the statute sought only to regulate and control the transportation of cotton in one particular condition of it, and was a mere police regulation, to which there was no constitutional objection, citing **Munn v. Illinois (94 U.S. 113, 24 L. Ed. 77)**. It added ...

Discussion:  **Court:** S.C. | **Date:** November 15, 1918

1292 [Brennen v. Southern Express Co.](#), 106 S.C. 102, 90 S.E. 402, 1916 S.C. LEXIS 276 

LB Cited by: 106 S.C. 102 p.115; 90 S.E. 402 p.406

... it, equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munn v. Illinois, 94 U.S. 113, 124 (24 L. Ed. 77 ...**


Discussion:  **Court:** S.C. | **Date:** October 14, 1916 | **Headnotes::** HN4

1293 [State v. Mullins](#), 87 S.C. 510, 70 S.E. 9, 1911 S.C. LEXIS 16

LB Cited by: 87 S.C. 510 p.512; 70 S.E. 9 p.10

... that a general law providing for a cotton weigher at all markets where cotton is sold would not breach the right of contract. In Freund on Police Power, at section 274, it is said: 'Laws tending to prevent fraud and to require honest weights and measures in the transaction of business have been sustained in the Courts, although in compelling certain mode of dealing have interfered with the freedom of contract.' In **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77**, the Supreme Court of U.S. held: 'That ...


Court: S.C. | **Date:** February 1, 1911

1294 [KIRK v. BOARD OF HEALTH](#), 83 S.C. 372, 65 S.E. 387, 1909 S.C. LEXIS 166, 23 L.R.A. (n.s.) 1188 

LB Cited by: 83 S.C. 372 p.387; 65 S.E. 387 p.392

... . "If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the State. But if it could, we must presume it did. Of the propriety of legislative interference, within the scope of legislative power, the legislature is the exclusive judge." **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77**; Barbier v. Connolly, 113 U.S. 27, 28 L. Ed. 923, 5 S. Ct. 357; Soon Hing v. Crowley, 113 U.S. 703, 28 L. Ed. ...

Discussion:  **Court:** S.C. | **Date:** August 19, 1909 | **Headnotes::** HN9

1295 [McCullough v. Brown](#), 41 S.C. 220, 19 S.E. 458, 1894 S.C. LEXIS 100, 23 L.R.A. 410 

LB Cited by: 41 S.C. 220 p.247; 19 S.E. 458 p.472

... But the court held, that while "the right of the State, in the exercise of its police power, to regulate the business of receiving, weighing, inspecting, and storing grain in elevators and warehouses as being a business affected with a public interest, is now settled beyond all controversy" by the case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and others on the same line, yet that the act there in question could not be regarded as a police regulation of the business, and that the police ...

Discussion:  **Court:** S.C. **Date:** April 19, 1894

1296 [Hall v. South Carolina R. Co.](#), 25 S.C. 564, 1886 S.C. LEXIS 173 

LB Cited by: 25 S.C. 564 p.568

... should have been admitted as a statement of a fact, having more or less bearing upon the merits of the case, as the judge in his judgment might determine in the further progress of the case, and which he could explain in his charge. But if we are wrong here, that portion of this report which referred to regulations in reference to having the depot open a reasonable time before the departure of trains, we think was competent, under the principle of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** S.C. **Date:** November 22, 1886 **Headnotes:** HN14, HN15


1297 [Railroad Comm'rs v. Railroad Co.](#), 22 S.C. 220, 1885 S.C. LEXIS 12 

LB Cited by: 22 S.C. 220 p.236

... as a general rule, each state may control, as a matter of "domestic concern," all the railroads and other things--proper subjects of public control--which are located entirely within the borders of the state, although such regulating control may affect incidentally general inter-state commerce, with which the subject may connect. This proposition is well illustrated by the somewhat famous case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. In that case an immense grain elevator or warehouse ...

Discussion:  **Court:** S.C. **Date:** April 28, 1885

South Dakota Supreme Court

1298 [Cleveland v. City of Lead](#), 2003 SD 54, 663 N.W.2d 212, 2003 S.D. LEXIS 82 

LB Cited by: 663 N.W.2d 212 p.222

... which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to changes of time and circumstance. Id. P84, 544 N.W.2d at 203 (citing **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1876)**) ...


Discussion:  **Court:** S.D. **Date:** May 14, 2003

1299 [Vilhauer v. Horsemen's Sports](#), 1999 SD 93, 598 N.W.2d 525, 1999 S.D. LEXIS 114 

LB Cited by: 598 N.W.2d 525 p.531

... branch of the state government would have been a superfluity. One of the main purposes for which that branch of government is created is that the common law may from time to time be changed or abrogated in those instances wherein, by reason of changed social conditions, or other reasons, it may become ineffectual for the preservation of public or private rights. "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ...


Discussion:  **Court:** S.D. | **Date:** July 21, 1999 | **Headnotes:** HN12

1300 [Wegleitner v. Sattler](#), 1998 SD 88, 582 N.W.2d 688, 1998 S.D. LEXIS 90 

LB Cited by: 582 N.W.2d 688 p.692

... U.S. [59] at 88 n.32, 98 S. Ct. [2620] at 2638 n.32, 57 L. Ed. [595] at 720 n.32 (quoting Silver v. Silver, 280 U.S. 117, 122, 50 S. Ct. 57, 74 L. Ed. 221 (1929)). **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1876)** echoes this point: A person has no property, no vested interest, in any rule of the common law Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may ...

Discussion:  **Court:** S.D. | **Date:** August 5, 1998 | **Headnotes:** HN12

1301 [Green v. Siegel, Barnett & Schutz](#), 1996 SD 146, 557 N.W.2d 396, 1996 S.D. LEXIS 152 

LB Cited by: 1996 SD 146; 557 N.W.2d 396 p.401

... United States Supreme Court holds that a person has no property, no vested interest, in any rule of the common law. the United States Supreme Court had held 'a person has no property, no vested interest, in any rule of the common law.' **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1876)**. This continues to be the existing rule of law to his day. Duke Power Co. v. Carolina Environmental Study Group, Inc. 438 U.S. 59, 88 n.32, 98 S. Ct. 2620, 2638 n.32, 57 L. Ed. 2d ...


Discussion:  **Court:** S.D. | **Date:** December 31, 1996 | **Headnotes:** HN12

1302 [Knowles ex rel. Knowles v. United States \(In re Certification of Questions of Law\)](#), 1996 SD 10, 544 N.W.2d 183, 1996 S.D. LEXIS 11 

LB Cited by: 1996 SD 10; 544 N.W.2d 183 p.198

... Clearly at this point, the Territorial Legislature could substantially alter or modify these statutes as only one year before, the United States Supreme Court had held "a person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1876)**. This continues to be the existing rule of law to this day. Duke Power Co. v. Carolina Environmental Study Group, Inc., 438 U.S. 59, 88, n.32, 98 S. Ct. 2620, 2638 n.32, ...

Discussion:  **Court:** S.D. | **Date:** January 31, 1996 | **Headnotes:** HN12

1303 [In re Farmers Coop. Ass'n](#), 69 S.D. 191, 8 N.W.2d 557, 1943 S.D. LEXIS 11 

LB Cited by: 69 S.D. 191 p.198; 8 N.W.2d 557 p.560

... The Cooperative asserts alternatively that its operations are a part of interstate commerce, or they so affect that commerce as to fall within the reach of the federal power. That such warehousing by country elevators is a part of interstate commerce has never been declared by the Supreme Court of the United States. To the contrary, it said in **Munn v. Illinois, 94 U.S. 113, 135, 24 L. Ed. 77**, in upholding state

regulation of terminal elevators, "The warehouses of these plaintiffs in error ...

Discussion:  **Court:** S.D. | **Date:** March 18, 1943 | **Headnotes::** HN15

1304 [Lead v. Western Gas & Fuel Co.](#), 45 S.D. 280, 187 N.W. 162, 1922 S.D. LEXIS 45 

LB Cited by: 45 S.D. 280 p.284; 187 N.W. 162 p.164

... of operation will terminate its franchise rights. Under these circumstances and in view of our holding that the parties were powerless to contract as to rates, we are of the opinion that appellant had the undoubted right to cease the operation of its plant. **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77, 84** ; Brooks-Scanlon Co. v. Railroad Com., 251 U.S. 396 , 40 S. Ct. 183 , 64 L. Ed. 323 ; P. U. R. 1920C, 579; Lyon & Hoag v. Railroad Com., 183 Cal. 145 , 190 P. 795 , 11 A. L. ...


Discussion:  **Court:** S.D. | **Date:** March 4, 1922

1305 [Dwyer v. Chicago, & N. W. Ry.](#), 41 S.D. 535, 171 N.W. 760, 1919 S.D. LEXIS 44 

LB Cited by: 41 S.D. 535 p.546; 171 N.W. 760 p.764

... Upon further reflection, I am of the view that the police power, in its broad sense, includes the power to compel the owner of property to so use it as not to unnecessarily injure another, and therefore that the statute in question does rest upon the police power of the state. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; 9 Ency. U.S. S. Ct. 512. GATES , J., concurs in the dissent. ...

Discussion:  **Court:** S.D. | **Date:** April 1, 1919

1306 [State ex rel. Richards v. Whisman](#), 36 S.D. 260, 154 N.W. 707, 1915 S.D. LEXIS 152, L.R.A. (n.s.) 1917B1 

LB Cited by: 36 S.D. 260 p.268; 154 N.W. 707 p.709

... and the power claimed in favor of the Legislature. Cooley's Const. Lim. pp. 126, 236, 245, 252, 255; 36 Cyc. 944; Chamberlain v. Wood, 15 S.D. 216 , 88 N.W. 109 , 56 L. R. A. 187 , 91 Am. St. Rep. 674 ; Bon Homme County v. Berndt, 15 S.D. 494 , 90 N.W. 147 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Commonwealth v. Reeder, 171 Pa. 505 , 33 A. 67 , 33 L. R. A. 141 . With these rules in view we will examine the question presented. Section 1, art. 3, State Constitution, as it originally ...


Discussion:  **Court:** S.D. | **Date:** November 4, 1915

1307 [Street v. Farmers' Elevator Co.](#), 34 S.D. 523, 149 N.W. 429, 1914 S.D. LEXIS 164 

LB Cited by: 34 S.D. 523 p.531; 149 N.W. 429 p.431

... We must remember that the business of a public warehouseman, being public in its nature, is a special subject for regulation under the police power of the state. This business is as public in its nature as that of public carriers or of insurance companies. As said by Chief Justice Waite in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , at a time when the business of storing grain was in its infancy, in speaking of such business: "Certainly, if any business can be clothed 'with public interest ...


Discussion:  **Court:** S.D. | **Date:** November 24, 1914

1308 [State v. Scougal](#), 3 S.D. 55, 51 N.W. 858, 1892 S.D. LEXIS 34, 44 Am. St. Rep. 756, 15 L.R.A. 477 

LB Cited by: 3 S.D. 55 p.75; 51 N.W. 858 p.865

... It is further contended that if the business of banking other than the issue of demand notes to circulate as currency, is not a franchise, and the business cannot be prohibited under the police power, still such banking is affected with a public use, so that it may be regulated by law like public warehouses, as held in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**. The decision in that case was based upon the principle that all shippers of grain through the city of Chicago were of necessity ...

Discussion:  **Court:** S.D. **Date:** April 5, 1892 **Headnotes:** HN7


1309 [State v. Brennan](#), 2 S.D. 384, 50 N.W. 625, 1891 S.D. LEXIS 38 

LB Cited by: 2 S.D. 384 p.390; 50 N.W. 625 p.626

... These cases rest upon the acknowledged right of the states of the Union to control their purely internal affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the general government. In **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, the court said that, while power does not exist with the whole people to control rights that are purely and exclusively private, government may require each citizen ...

Discussion:  **Court:** S.D. **Date:** December 22, 1891 **Headnotes:** HN4


Tennessee Supreme Court

1310 [Leggett v. Duke Energy Corp.](#), 308 S.W.3d 843, 2010 Tenn. LEXIS 408, 2010-1 Trade Cas. (CCH) P77000, 2010 WL 11679203 

LB Cited by: 308 S.W.3d 843 p.854

... has "legislated . . . in [a] field which the States have traditionally occupied." Rice, 331 U.S. at 230 (citing Davies Warehouse Co. v. Bowles, 321 U.S. 144, 148-49, 64 S. Ct. 474, 88 L. Ed. 635 (1944); **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)**). Finally, because "[p]re-emption . . . is always a federal question," Int'l Longshoremen's Ass'n, AFL-CIO v. Davis, 476 U.S. 380, 388, 106 S. Ct. 1904, 90 L. Ed. 2d 389 (1986), our conclusion in a pre-emption ...


Discussion:  **Court:** Tenn. **Date:** April 23, 2010

1311 [Jorgensen-Bennett Mfg. Co. v. Knight](#), 156 Tenn. 579, 3 S.W.2d 668, 1927 Tenn. LEXIS 153, 3 Smith (Tenn.) 579, 60 A.L.R. 393 

LB Cited by: 156 Tenn. 579 p.585; 3 S.W.2d 668 p.670

... sought to be taxed is wholly within the State, and said business is but a mere incident to interstate business, such fact furnishes no obstacle to the valid taxation by the State of the business which is entirely local. (Post, p. 584.) Citing: Express Company v. Minnesota, 223 U.S. 335, 56 L. Ed. 459; Osborne v. Florida, 164 U.S. 650, 41 L. Ed. 486; New York ex rel. Penn. Railroad Co. v. Knight, 192 U.S. 21, 48 L. Ed. 325; 12 C. J., 97; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Tenn. **Date:** December 1, 1927 **Headnotes:** HN15

1312 [Scott v. Nashville Bridge Co.](#), 143 Tenn. 86, 223 S.W. 844, 1919 Tenn. LEXIS 27, 16 Thompson 86 

LB Cited by: 143 Tenn. 86 p.119; 223 S.W. 844 p.853

... No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. **Munn v. Ill., 94 U.S. 113**, 24 L. Ed. 77 "The common law bases the employer's liability for injuries to the employee upon the ground of negligence; but negligence is merely the disregard of some duty imposed by law; and the nature and extent ...

Discussion:  **Court:** Tenn. | **Date:** December 1, 1919

1313 [Great Falls Power Co. v. Webb](#), 123 Tenn. 584, 133 S.W. 1105, 1910 Tenn. LEXIS 26, 15 Cates 584



LB Cited by: 123 Tenn. 584 p.597; 133 S.W. 1105 p.1109

... Where a corporation and its property are affected by a public use, it will be under governmental control, and the legislature may at any time make more specific the duties clearly implied from the act of incorporation, and fix the rates for the services rendered. (Post, p. 597.) Cases cited and approved: Crumley v. Water Co., 99 Tenn. 420 ; Water Co. v. Wolfe, 99 Tenn. 429 ; **Munn v. Illinois,94 U.S. 113** ; Budd v. New York, 143 U.S. 517 ; Brass v. North Dakota, 153 U.S. 391 . 6. SAME. ...

Discussion:  **Court:** Tenn. | **Date:** December 1, 1910

1314 [Webster v. State](#), 75 S.W. 1020, 1903 Tenn. LEXIS 133 

LB Cited by: 75 S.W. 1020 p.1023

... . And the exercise of this power with respect to the manufacture and sale of intoxicating liquors, even to the extent of abolishing them, is not a denial of an equal protection of the law, nor a violation of the fourteenth amendment to the Constitution of the United States . Cooley's Constitutional Limitations, 720; **Munn v. Illinois,94 U. S. 113, 24 L. Ed. 77** ; Mugler v. Kansas, 123 U. S. 623 , 8 Sup. Ct. 273 , 31 L. Ed. 205 ; Kidd v. Pearson, 128 U. S. 1 , 9 Sup. Ct. 6 , 32 L. ...

Discussion:  **Court:** Tenn. | **Date:** June 27, 1903

1315 [Webster v. State](#), 110 Tenn. 491, 82 S.W. 179, 1903 Tenn. LEXIS 75, 2 Cates 491 

LB Cited by: 110 Tenn. 491 p.505; 82 S.W. 179 p.182

... fourteenth amendment to the constitution of the United States . (Post, pp. 504-506.) Cases cited and approved: Theilan v. Porter, 14 Lea, 626 ; Boston Beer Company v. Massachusetts, 97 U.S. 25 ; Bartemeyer v. Iowa, 18 Wall., 129 ; Mugler v. Kansas, 123 U.S. 623 ; Powell v. Pennsylvania, 127 U.S. 683 ; **Munn v. Illinois,94 U.S. 113** ; Kidd v. Pearson, 128 U.S. 1 ; Crowley v. Christensen, 137 U.S. 86 ; Miller v. Ammon, 145 U.S. 421 ; Gray v. Connecticut, 159 U.S. 74 ; Foster v. ...


Discussion:  **Court:** Tenn. | **Date:** April 1, 1903


1316 [Mayor, etc., of Knoxville v. Knoxville Water Co.](#), 107 Tenn. 647, 64 S.W. 1075, 1901 Tenn. LEXIS 119, 23 Pickle 647, 61 L.R.A. 888 

LB Cited by: 107 Tenn. 647 p.671; 64 S.W. 1075 p.1081

... authority delegated by the Legislature to counties or municipalities, may regulate public utilities, and the rates to be charged for public service by corporations or individuals, rendering any service to the

public. This doctrine has been applied to elevators, telephones, gas companies, water companies and other public or quasi public servants. The leading case on this subject is that of **Munnv.Warehouses, 94 U.S. 113, 24 L. Ed. 77** . See, also, Turnpike Co. v. Croxton , (Ken.) 23 ...


Discussion:  | **Court:** Tenn. | **Date:** September 1, 1901

1317 [Ryan v. Louisville & N. Terminal Co.](#), 102 Tenn. 111, 50 S.W. 744, 1898 Tenn. LEXIS 12, 18 Pickle 111, 45 L.R.A. 303 

LB Cited by: 102 Tenn. 111 p.119; 50 S.W. 744 p.746


... That the charter of a railroad terminal company fixes no rates to be charged for the use of its property does not stamp it as a private enterprise. "The corporation and its property being affected by a public use will be under governmental control, and the Legislature may at any time fix rates and make more specific the duties clearly implied from the Act of incorporation." (Post, pp. 124, 125 .) Cases cited and approved: **94 U.S., 113** ; 143 U.S., 517 ; 153 U.S., 391 . 5. SAME. Same . An enterprise ...

Discussion:  | **Court:** Tenn. | **Date:** December 1, 1898

1318 [Smith v. State](#), 100 Tenn. 494, 46 S.W. 566, 1897 Tenn. LEXIS 140, 16 Pickle 494, 41 L.R.A. 432 

LB Cited by: 100 Tenn. 494 p.498; 46 S.W. 566 p.567


Court: Tenn. | **Date:** December 1, 1897

1319 [Shields v. Clifton Hill Land Co.](#), 94 Tenn. 123, 28 S.W. 668, 1894 Tenn. LEXIS 31, 10 Pickle 123, 45 Am. St. Rep. 700, 26 L.R.A. 509 

LB Cited by: 94 Tenn. 123 p.148; 28 S.W. 668 p.674


... Townsend, Peck, 15; Wynne v. Wynne, 2 Swan. 405 ; Collins v. Railroad, 9 Heis., 847; Marr v. Bank, 4 Lea, 585 ; Knoxville v. Bird, 12 Lea, 121 ; Demoville v. Davidson County, 87 Tenn., 223 ; **94 U.S., 113** ; 97 U.S., 25 ; 101 U.S., 814 ; 108 U.S., 150 -1, 488 ; 2 Peters, 412 . 5. SAME. Same . A law which facilitates the intention of the parties to a contract by removing its invalidity does not impair any vested right. (Post, p. 152 .) Case cited: 2 Peters, 412 ...

Discussion:  | **Court:** Tenn. | **Date:** September 1, 1894

1320 [Ragan & Buffet v. Aiken](#), 77 Tenn. 609, 9 Lea 609, 1882 Tenn. LEXIS 110, 42 Am. Rep. 684 

LB Cited by: 77 Tenn. 609 p.617

... public corporations exercising franchises granted in consideration of accommodations afforded the public, are required and may be compelled by the courts to afford reasonable and impartial facilities of transportation. Their charges, when not regulated by charter or by statute, must be reasonable, and the courts will determine whether their charges are reasonable: **Munnv.Illinois, 94 U.S. 113, 133, 24 L. Ed. 77** : Chicago v. Iowa , 94 U.S. 155 , 24 L. Ed. 94 ; Reg. v. Grand Junction ...

Discussion:  | **Court:** Tenn. | **Date:** September 1, 1882


Tennessee Court of Appeals

1321 [Holston River Electric Co. v. Hydro Electric Corp.](#), 17 Tenn. App. 122, 66 S.W.2d 217, 1933 Tenn. App. LEXIS 50 

LB Cited by: 17 Tenn. App. 122 p.133; 66 S.W.2d 217 p.223

... "The corporation and its property, being affected by a public use, will be under governmental control, and the Legislature may at any time fix rates and make more specific the duties clearly implied from the act of incorporation. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Budd v. New York, 143 U.S. 517 , 12 S. Ct. 468 , 36 L. Ed. 247 ; Brass v. North Dakota, 153 U.S. 391 , 14 S. Ct. 857 , 38 L. Ed. 757 .' "To the same effect see Crumley v. Watauga Water Company, 99 Tenn. 420 ...

Discussion:  **Court:** Tenn. Ct. App. | **Date:** March 27, 1933


1322 [Yellow Cab Co. v. Teller](#), 9 Tenn. App. 416, 1929 Tenn. App. LEXIS 106 

LB Cited by: 9 Tenn. App. 416 p.421

... taking a taxicab at the station would control the whole vehicle both as to contents, direction, and time of use, although not, so far as indicated, in such a sense as to make the driver of the machine, his servant according to familiar distinctions. The last facts however, appear to be immaterial, and in no degree to cast doubt upon the plaintiff's taxicab when employed as above stated being a public utility by ancient usage and understanding. **Munn v. Illinois, 94 U.S. 113, 125, 24 L. Ed. 77** ...

Discussion:  **Court:** Tenn. Ct. App. | **Date:** March 28, 1929


Texas Supreme Court

1323 [Patel v. Tex. Dep't of Licensing & Regulation](#), 469 S.W.3d 69, 2015 Tex. LEXIS 617, 58 Tex. Sup. Ct. J. 1298 

B Cited in Dissenting Opinion at: 469 S.W.3d 69 p.133

The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . For protection against abuses by legislatures the people must resort to the polls, not to the courts. **(HN13)**


Discussion:  **Court:** Tex. | **Date:** June 26, 2015 | **Headnotes::** HN13

1324 [Robinson v. Crown Cork & Seal Co.](#), 335 S.W.3d 126, 2010 Tex. LEXIS 796, 54 Tex. Sup. Ct. J. 71 

B Cited in Concurring Opinion at: 335 S.W.3d 126 p.155

Although I emphatically disagree with the dissent's view that an accrued cause of action is too indefinite, and its owner's expectations too insignificant, to warrant constitutional protection, I readily concede that "no one has a vested right . . . or a property right, in a mere rule of law." ___ S.W.3d at ___ (Wainwright, J. dissenting) (quoting Middleton, 185 S.W. at 560). The continuation of a rule of law in the abstract, however, is very different from the preservation of a claim that has already accrued under that law. Although a "person has no property, no vested interest, in any rule of the common law," nevertheless, "[r]ights of property which have been created by the common law cannot be taken away without due process." Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77 (1877). **(HN12)**

Discussion:  **Court:** Tex. | **Date:** October 22, 2010 | **Headnotes::** HN12


1325 [City of Corpus Christi v. PUC of Tex.](#), 51 S.W.3d 231, 2001 Tex. LEXIS 55, 44 Tex. Sup. Ct. J. 823, 44 Tex. Sup. Ct. J. 1101 

B Cited in Concurring Opinion at: 51 S.W.3d 231 p.241

... Article III, Section 51 of the Texas Constitution. (We consider that constitutional challenge in the next

section.) But the Legislature has the unquestioned police power, as we have seen, to regulate utility rates. 107 Arkansas Elec. Coop. Corp. , 461 U.S. at 377 (citing **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)**) . It acted well within that power when it decided that transition charges are to be collected as a utility rate for power consumed in the future rather than a general ...


Discussion:  **Court:** Tex. | **Date:** June 6, 2001

1326 [Lucas v. United States](#), 757 S.W.2d 687, 1988 Tex. LEXIS 52, 31 Tex. Sup. Ct. J. 423 

B **Cited in Dissenting Opinion at:** 757 S.W.2d 687 p.711

If the separation of powers is to be meaningful, the legislative branch of government must have authority to pass laws which alter the availability and scope of remedies. To hold otherwise would eviscerate the Legislature's ability "to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77, 87 (1876). See also *Silver v. Silver*, 280 U.S. 117, 122, 50 S. Ct. 57-58, 74 L. Ed. 221, 224-25 (1929).

Discussion:  **Court:** Tex. | **Date:** May 11, 1988

1327 [State v. Southwestern Bell Tel. Co.](#), 526 S.W.2d 526, 1975 Tex. LEXIS 240, 18 Tex. Sup. Ct. J. 417 

LB **Cited by:** 526 S.W.2d 526 p.529

... Bell is a privately owned public utility supplying a necessary communication service in which, for all intents and purposes, it enjoys a monopoly. It is a business affected with a public interest. This concept is expressed in **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1876)** : Real Property Law, Eminent Domain Proceedings HN4 Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, ...

Discussion:  **Court:** Tex. | **Date:** July 9, 1975

1328 [Railroad Com. of Texas v. Houston Natural Gas Corp.](#), 155 Tex. 502, 289 S.W.2d 559, 1956 Tex. LEXIS 639 

LB **Cited by:** 155 Tex. 502 p.505; 289 S.W.2d 559 p.561

... competition, no true barter and sale, and the business operates under governmental regulation. During the last three-quarters of a century the judicial effort to cast this problem in legal terms which will meet the test of confiscation under the Federal Due Process clause has absorbed some of the best efforts of the great operative minds of our law. A few of these are Gray, Holmes, Hughes , Learned Hand, Brandeis , and Jackson. Starting in 1877 with **Munn v. Illinois,94 U.S. 113, 24 L. Ed 77** ...

Discussion:  **Court:** Tex. | **Date:** March 21, 1956

1329 [Daniel v. Tyrrell & Garth Inv. Co.](#), 127 Tex. 213, 93 S.W.2d 372, 1936 Tex. LEXIS 305 

LB **Cited by:** 127 Tex. 213 p.218; 93 S.W.2d 372 p.374

... 29 S. W. (2d) 316 ; *Shaw v. Lone Star Building & Loan Assn. (Com. Appls.)*, 71 S. W. (2d) 863 . It is the rule that the contracts, and rates to be charged, by those engaged in a business affected by a public interest, may be regulated. **Munn v. Illinois,94 U.S., 113, 24 L. Ed., 77** ; *Union Dry Goods Co. v. Georgia P. S. Corp.*, 248, U.S. , 372, 63 L. Ed., 309 , 39 Sup. Ct., 117, 9 A. L. R., 1420 . The business of insurance generally is now recognized to be one affected by public interest. ...

Court: Tex. | **Date:** April 8, 1936

1330 [Miller v. Letzerich](#), 121 Tex. 248, 49 S.W.2d 404, 1932 Tex. LEXIS 115, 85 A.L.R. 451 ▲

LB Cited by: 121 Tex. 248 p.263; 49 S.W.2d 404 p.412

... "The previous immunity from responsibility for such injury was nothing more than a general rule of law, which was not in terms or by necessary intendment imported into the contract. For just as no person has a vested right in any general rule of law or policy of legislation entitling him to insist that it shall remain unchanged for his benefit (**Munn v. Illinois,94 U.S., 113, 134** ; Hurtado v. California, 110 U.S., 516 , 532 ; Buttfield v. Stranahan, 192 U.S., 470 , 493 ; Martin v. ...

Court: Tex. | **Date:** April 6, 1932 | **Headnotes::** HN12

1331 [Culberson v. Ashford](#), 118 Tex. 491, 18 S.W.2d 585, 1929 Tex. LEXIS 130 ◆

LB Cited by: 118 Tex. 491 p.495; 18 S.W.2d 585 p.586

... 71 L. Ed., 893 , 52 A.L.R., 163 ; Ribnik v. McBride, 277 U.S., 350 , 48 S. Ct., 545, 72 L. Ed., 913 . Nothing is gained by reiterating the statement that the phrase is indefinite. By repeated decisions of this court, beginning with **Munn v. Illinois,94 U.S., 113, 24 L. Ed., 77** , that phrase, however it may be characterized, has become the established test by which the legislative power to fix prices of commodities, use of property, or services, must be measured. As applied in particular ...

Court: Tex. | **Date:** June 19, 1929

1332 [Denison v. Municipal Gas Co.](#), 117 Tex. 291, 3 S.W.2d 794, 1928 Tex. LEXIS 67 ◆

LB Cited by: 117 Tex. 291 p.302; 3 S.W.2d 794 p.798

... The second proposition, that Chap. 14, Third Called Session of the Thirty-sixth Legislature, is unconstitutional "because it attempts to take away from the courts created by the State Constitution duties conferred upon them, and to place such duties upon non-judicial officers," appears to have been abandoned. At least it has not been argued. The question involved in this proposition was definitely settled in **Munn v. Illinois,94 U.S., 113, 24 L. Ed., 77** . Courts, Authority to Adjudicate HN6 ...

Court: Tex. | **Date:** February 22, 1928

1333 [Middleton v. Texas Power & Light Co.](#), 108 Tex. 96, 185 S.W. 556, 1916 Tex. LEXIS 54 ▲

LB Cited by: 108 Tex. 96 p.107; 185 S.W. 556 p.559

... , 97 N. E., 602, 39 L. R. A. (N. S.), 694 , and authorities cited; Noble State Bank v. Haskell, 219 U.S., 104 , 32 L. R. A. (N. S.), 1062 ; Assaria State Bank v. Dolley, 219 U.S., 21 ; Engel v. O'Malley, 219 U.S., 128 ; Mondon v. N. Y., N. H. & H. R. R., 223 U.S., 346 ; **Munn v. Illinois,94 U.S., 113-154** ; Holden v. Hardy, 169 U.S., 366 ; Holst v. Roe, 39 Ohio St., 340 , 48 Am. Rep., 459 ; State v. Cassidy, 22 Minn., 312, 21 Am. Rep., 765 ; Ohio Oil Co. v. Indiana, 177 U.S., 211 ...

Court: Tex. | **Date:** April 26, 1916 | **Headnotes::** HN12

1334 [Western Union Tel. Co. v. Rosentreter](#), 80 Tex. 406, 16 S.W. 25, 1891 Tex. LEXIS 1013 Q

LB Cited by: 80 Tex. 406 p.418; 16 S.W. 25 p.29

... having received the telegram it was bound to transmit it -- is applicable to the present contention. In any event the court was not required to select the isolated facts relied on by the defendant and charge that they, per se, constituted a legal excuse. **Munn v. Illinois, 94 U.S., 113**. The remaining portion of the sixth assignment not already disposed of relates to the effect of the regulation of the company that its office would "not be open from 10 a. m. until 4 p. m. on Sunday," as testified ...

Court: Tex. | **Date:** March 24, 1891

1335 [Ladd v. Southern Cotton Press & Mfg. Co.](#), 53 Tex. 172, 1880 Tex. LEXIS 53 ▲

LB Cited by: 53 Tex. 172 p.191

... privati juris under the common law and previous statutes, which may be declared publici juris by the legislature. This seems in effect what was held by the supreme court of the United States to have been done by the legislature of **Illinois (4 Otto 113 at 125, 24 L. Ed. 77)**. But as this is not the character of this case, we are not called upon to express an authoritative opinion on the point. It is sufficient for us to say that in the absence of legislation to that effect, a party who ...

Discussion: ■■■■■ | **Court:** Tex. | **Date:** March 26, 1880

Texas Court of Criminal Appeals

1336 [Ex parte George](#), 152 Tex. Crim. 465, 215 S.W.2d 170, 1948 Tex. Crim. App. LEXIS 1360

LB Cited by:

... 218 U.S. 36, 30 S. Ct. 676, 54 L. Ed. 921 (47 L.R.A., N.S. 84); Ozan Lumber Co. v. Union County Nat. Bank, 207 U.S. 251, 256, 28 S. Ct. 89, 52 L. Ed. 195, 197; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, 86**; Henderson Bridge Co. v. Henderson, 173 U.S. 592, 615, 19 S. Ct. 553, 43 L. Ed. 823, 831." See, also, 9 Tex. Jur., Constitutional Law, Secs. 119 and 120, p. 555, et seq.; 12 Am. Jur., Sec. 476, p. 140; 16 C.J.S., Constitutional Law, Sec. 507, p. 1006. ...

Discussion: ■■■■■ | **Court:** Tex. Crim. App. | **Date:** October 6, 1948

1337 [Ex parte George](#), 152 Tex. Crim. 465, 215 S.W.2d 170, 1948 Tex. Crim. App. LEXIS 1360, 1948 Tex. Crim. App. LEXIS 1361 +

LB Cited by: 152 Tex. Crim. 465 p.470; 215 S.W.2d 170 p.173

Court: Tex. Crim. App. | **Date:** 1948

1338 [Ex parte Tigner](#), 139 Tex. Crim. 452, 132 S.W.2d 885, 1939 Tex. Crim. App. LEXIS 669 +

LB Cited by: 132 S.W.2d 885 p.895

Court: Tex. Crim. App. | **Date:** June 23, 1939

1339 [Ex parte Tigner](#), 139 Tex. Crim. 452, 132 S.W.2d 885, 1939 Tex. Crim. App. LEXIS 669

LB Cited by:


... 54 L. Ed. 921 , 30 S. Ct. 676 ; Ozan Lumber Co. v. Union County Nat. Bank, 207 U.S. 251 , 256 , 52 L. Ed. 195 , 197 ; 28 S. Ct. 89 ; **Munn v. Illinois,94 U.S. 113, 132, 24 L. Ed. 77, 86** ; Henderson Bridge Co. v. Henderson, 173 U.S. 592 , 615 , 43 L. Ed. 823 , 831 , 19 S. Ct. 553 ." These rules have, in varying language, been applied in numerous decisions of the Supreme Court of the United States in construing legislative enactments against the contention that they violated ...


Discussion:  **Court:** Tex. Crim. App. | **Date:** June 23, 1939

1340 [Karr v. State](#), 122 Tex. Crim. 88, 54 S.W.2d 92, 1932 Tex. Crim. App. LEXIS 647

LB Cited by: 122 Tex. Crim. 88 p.92; 54 S.W.2d 92 p.93


... Tyson & Bro.-United Theatre Ticket Offices v. Banton, 273 U.S. 418 , 430 , 47 S. Ct. 426 , 71 L. Ed. 718 , 722 , [58 A. L. R., 1236] , the phrase is not capable of exact definition; but, nevertheless, under all the decisions of this court from **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , it is the standard by which the validity of pricefixing legislation, in respect of a business like that here under consideration, must be tested. "In the Tyson & Bro.- United Theatre Ticket Offices ...

Discussion:  **Court:** Tex. Crim. App. | **Date:** October 26, 1932

1341 [Gatlin v. State](#), 86 Tex. Crim. 339, 217 S.W. 698, 1919 Tex. Crim. App. LEXIS 427 

LB Cited by: 217 S.W. 698 p.698


Court: Tex. Crim. App. | **Date:** December 3, 1919

1342 [Ex parte Flake](#), 67 Tex. Crim. 216, 149 S.W. 146, 1911 Tex. Crim. App. LEXIS 581 

LB Cited by: 67 Tex. Crim. 216 p.221; 149 S.W. 146 p.148

... argument made in support of it, equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munn v. Illinois,94 U.S. 113** ...


Discussion:  **Court:** Tex. Crim. App. | **Date:** October 11, 1911 | **Headnotes::** HN4

1343 [Ex parte Cramer](#), 62 Tex. Crim. 11, 136 S.W. 61, 1911 Tex. Crim. App. LEXIS 184, Am. Ann. Cas. 1913C588, 36 L.R.A. (n.s.) 78 

LB Cited by: 62 Tex. Crim. 11 p.19; 136 S.W. 61 p.65

... City of St. Louis v. Weitzel, 130 Mo. 600 , 31 S.W. 1045 ; City Council of Charleston v. Pepper, 1 Rich. Law (S.C.), 364; Browne v. Mobile, 122 Ala. 159 at 160 , 25 So. 223 ; United States Distilling Co. v. Chicago, 112 Ill. 19 , 1 N.E. 166 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; City of Covington v. Woods, 98 Ky. 344 , 33 S.W. 84 ; Oil City v. Oil City Trust Co., 11 Pa. Co. Ct. Rep. 350 ; Chilvers v. People, 11 Mich. 43 ; Ash v. People, 11 Mich. 347 ; Desty on Taxation, ...

Discussion:  **Court:** Tex. Crim. App. | **Date:** March 29, 1911


1344 [Ex parte Denny](#), 59 Tex. Crim. 579, 129 S.W. 1115, 1910 Tex. Crim. App. LEXIS 381 

LB Cited by: 59 Tex. Crim. 579 p.584; 129 S.W. 1115 p.1117

... Upon question of reasonableness of license fee: *Brewster v. City of Pine Bluff*, 65 S.W. 934 ; *City of Fayetteville v. Carter*, 12 S.W. 573 , and cases cited in opinion. Upon question of validity of ordinance under authority of general powers conferred on city: **Munn v. Ill.,94 U.S., 113** ; *Barbier v. Connelly*, 113 U.S., 27 ; *Nashville v. Linck*, 80 Tenn., 499 ; *Hill v. St. Louis*, 60 S.W. 116 ; *Scudder v. Hinshaw*, 134 Ind., 56 : *Kinsley v. Chicago*, 124 Ill., 359 , and cases cited in opinion. ...

Discussion:  **Court:** Tex. Crim. App. | **Date:** June 15, 1910

Texas Court of Appeals

1345 [Bailey v. Smith](#), 581 S.W.3d 374, 2019 Tex. App. LEXIS 5448 

B Cited in Dissenting Opinion at: 581 S.W.3d 374 p.413

... ("At the same time, the general rule we adopt in this case makes ample allowance for preserving, in ways not inconsistent with the commerce clause, the legitimate state concerns for conservation and protection of wild animals underlying the 19th-century legal fiction of state ownership."); **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)** ("Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule ...


Court: Tex. App. Austin | **Date:** June 28, 2019

1346 [City of Allen v. PUC of Tex.](#), 161 S.W.3d 195, 2005 Tex. App. LEXIS 1990 

LB Cited by: 161 S.W.3d 195 p.209


... has said that 'the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the States.'" (quoting *Arkansas Elec. Coop. Corp. v. Arkansas Pub. Serv. Comm'n*, 461 U.S. 375 , 377 , 76 L. Ed. 2d 1 , 103 S. Ct. 1905 (1983) ; **Munn v. Illinois, 94 U.S.113, 125, 24 L. Ed. 77(1877)**) . One commentator has concluded that there is no power in the municipality to supervise and regulate utilities where the purpose of the state law ...

Discussion:  **Court:** Tex. App. Austin | **Date:** March 17, 2005 | **Headnotes::** HN5

1347 [Eisen v. State](#), 40 S.W.3d 628, 2001 Tex. App. LEXIS 868 

LB Cited by: 40 S.W.3d 628 p.635

... no property, no vested interest, in any rule of the common law. The United States Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object. A person has no property, no vested interest, in any rule of the common law." *Mondou v. New York, N.H. & R.H. Co.*, 223 U.S. 1 , 50 , 32 S. Ct. 169 , 175 , 56 L. Ed. 327 (1912) (quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)**) ...


Discussion:  **Court:** Tex. App. Waco | **Date:** February 7, 2001 | **Headnotes::** HN12

1348 [Texas Workers' Compensation Comm'n v. Garcia](#), 862 S.W.2d 61, 1993 Tex. App. LEXIS 2502 

LB Cited by: 862 S.W.2d 61 p.113

... think judges have allowed the common law or a statutory scheme to get out of hand, they are within their rights to seek a cure from the legislature. After all, legislatures are in the business of governing, and governing sometimes calls for a change in court-made rules. "Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77, 87(1877)** ...

Discussion:  **Court:** Tex. App. San Antonio | **Date:** August 11, 1993 | **Headnotes:** HN12


1349 [San Antonio & A. P. R. Co. v. Wilson](#), 4 Tex. Civ. Cas. 565 sec. 323, 4 Tex. Civ. Cas. 565, 19 S.W. 910, 1892 Tex. App. LEXIS 181 

LB Cited by: 19 S.W. 910 p.911

... of eminent domain, with exclusive privileges and great monopolistic power over the commerce and interests of the people, it is essentially public in all its relations and duties as a public carrier. It devolves upon the state to see that the great trust is not abused, and its duties are properly performed. **Munn v. Illinois, 94 U. S. 113**. Article 10, § 2, of the state constitution declares that all railroads are public highways, and railroad companies common carriers; that the legislature shall ...

Discussion:  **Court:** Tex. App. | **Date:** June 25, 1892

Texas Court of Civil Appeals

1350 [In re Johnson](#), 554 S.W.2d 775, 1977 Tex. App. LEXIS 3174 

LB Cited by: 554 S.W.2d 775 p.784


... , Bee, Live Oak, McMullen and San Patricio Counties with respect to anyone who may desire an official transcription of the testimony from his particular Court. Therefore, Johnson can in effect, be characterized as a business affecting the public interest. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** approved by our Supreme Court in *State v. Southwestern Bell*, supra : " Case or Controversy, Constitutionality of Legislation HN12 Property does become clothed with a public interest when ...

Discussion:  **Court:** Tex. Civ. App. Corpus Christi | **Date:** June 30, 1977

1351 [Nunley v. State Bd. of Ins.](#), 552 S.W.2d 624, 1977 Tex. App. LEXIS 3054 

LB Cited by: 552 S.W.2d 624 p.629

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought . . . We emphasize again what Chief Justice Waite said in *Munn v. Illinois*, 94 U.S. (4 Otto) 113, 134, **24 L. Ed. 77, 87**, 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" Appellants challenge Section 8 of the regulation as being a penalty provision and unconstitutional ...


Discussion:  **Court:** Tex. Civ. App. Eastland | **Date:** June 2, 1977 | **Headnotes:** HN13

1352 [Texas Optometry Bd. v. Lee Vision Center, Inc.](#), 515 S.W.2d 380, 1974 Tex. App. LEXIS 2686 

LB Cited by: 515 S.W.2d 380 p.385

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77**, Legislation, Enactment HN9 For protection against abuses by legislatures the people must resort to the polls, not to


the courts. 'For protection against abuses by legislatures the people must resort to the ...


Discussion:  | **Court:** Tex. Civ. App. Eastland | **Date:** October 18, 1974 | **Headnotes::** HN13

1353 [Lo-Vaca Gathering Co. v. Missouri K. T. R. Co.](#), 476 S.W.2d 732, 1972 Tex. App. LEXIS 2553 

LB Cited by: 476 S.W.2d 732 p.735

... When private property is devoted to a public use, it is subject to public regulation, and the private right in property is lost only to the extent of the interest created in the public use of such property. when private property is devoted to a public use, it is subject to public regulation," and that the private right in property is lost only to the extent of the interest created in the public use of such property. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)**; Houston & T. C. Ry. ...

Discussion:  | **Court:** Tex. Civ. App. Austin | **Date:** February 9, 1972 | **Headnotes::** HN6

1354 [Athens v. Gulf States Tel. Co.](#), 380 S.W.2d 687, 1964 Tex. App. LEXIS 2620 

LB Cited by: 380 S.W.2d 687 p.690


... , this power has been expressly delegated to the city commissions and councils, subject to certain conditions prescribed by the legislature for the exercise of such power. There are two statutes relating to appellants' power and duty to regulate rates for appellee. They are Tex. Rev. Civ. Stat. Ann. arts. 1175 , § 12 , 1124 (1925). The power to regulate rates of public utilities is inherent in the Legislature. **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77**; Missouri, K. & T. Railway Co. v. Empire ...


Discussion:  | **Court:** Tex. Civ. App. Tyler | **Date:** May 7, 1964

1355 [Houston v. Southwestern Bell Tel. Co.](#), 263 S.W.2d 169, 1953 Tex. App. LEXIS 1621 

LB Cited by: 263 S.W.2d 169 p.171

... the power to regulate rates of public utilities has been expressly delegated by the legislature to city commissions and councils subject to conditions prescribed by state statutes, principally Tex. Rev. Civ. Stat. Ann. arts. 1175 and 1124 . Courts do not and cannot regulate rates of public utilities. That is exclusively and inherently a legislative prerogative. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77**; Missouri-Kansas & T. Ry. Co. v. Empire Express Company, Tex.Com.App., 221 S.W. ...

Discussion:  | **Court:** Tex. Civ. App. | **Date:** December 9, 1953

1356 [Baytown v. General Tel. Co.](#), 256 S.W.2d 187, 1953 Tex. App. LEXIS 2229 

LB Cited by: 256 S.W.2d 187 p.190

... to regulate rates, prescribing that the cities shall exercise their power to regulate public utility rates but base the same upon the fair value of the property devoted to furnishing service. The power to regulate rates of public utilities is inherent in the Legislature. **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77**; Missouri, K. & T. Railway Co. v. Empire Express Co., Tex.Com.App., 221 S.W. 590; Daniel v. Tyrrell & Garth Investment Co., 127 Tex. 213 , 93 S.W.2d 372 . The Legislature may ...

Discussion:  | **Court:** Tex. Civ. App. | **Date:** February 19, 1953

1357 [Southwestern Bell Tel. Co. v. Texas State Optical](#), 253 S.W.2d 877, 1952 Tex. App. LEXIS 1898 

LB Cited by: 253 S.W.2d 877 p.888

... Section is also bound under the same cover with the alphabetical list of subscribers and is thus automatically preserved, conveniently at hand to the telephone and the person using it, for the benefit of all. In truth, the Classified Section and the service it performs is unique and is a virtual monopoly in fact. See *District of Columbia v. Chesapeake & Potomac Tel. Co.*, 86 U.S. App.D.C. 124 , 179 F.2d 814 . For instances of a virtual monopoly, see **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  | **Court:** Tex. Civ. App. | **Date:** October 23, 1952

1358 [Slater v. El Paso](#), 244 S.W.2d 927, 1951 Tex. App. LEXIS 1866

LB Cited by:

... 54 L. Ed. 921 (47 L.R.A., N.S., 84); *Ozan Lumber Co. v. Union County Nat. Bank*, 207 U.S. 251 , 256 , 28 S. Ct. 89 , 52 L. Ed. 195 , 197 ; **Munn v. Illinois,94 U.S. 113, 132, 24 L. Ed. 77, 86 ;** *Henderson Bridge Co. v. Henderson*, 173 U.S. 592 , 615 , 19 S. Ct. 553 , 43 L. Ed. 823 , 831 ." Another well settled rule was stated in *Watts v. Mann*, Tex.Civ.App., 187 S.W.2d 917 , 926 ...

Discussion:  | **Court:** Tex. Civ. App. El Paso | **Date:** October 24, 1951

1359 [Slater v. El Paso](#), 244 S.W.2d 927, 1951 Tex. App. LEXIS 1866, 1951 Tex. App. LEXIS 1867 


LB Cited by: 244 S.W.2d 927 p.929

Court: Tex. Civ. App. | **Date:** 1951

1360 [Board of Ins. Comm'rs v. Kansas City Title Ins. Co.](#), 217 S.W.2d 695, 1949 Tex. App. LEXIS 1546

LB Cited by:


... is a business affected by public interest and subject to legislative control. *Daniel v. Tyrrell & Garth Inv. Co.*, 127 Tex. 213 , 93 S.W.2d 372 . This legislative prerogative is for the protection of the people and the promotion of the general welfare. **Munn v. State of Illinois,94 U.S. 113, 24 L. Ed. 77 .** No public interest would be served by holding the contract between Hexter and the Title Company invalid. Hexter does not hold itself out as engaging in the insurance business. The ...

Discussion:  | **Court:** Tex. Civ. App. Austin | **Date:** January 19, 1949

1361 [Connor v. University Park](#), 142 S.W.2d 706, 1940 Tex. App. LEXIS 625 

LB Cited by: 142 S.W.2d 706 p.709


... litigation, to amend the ordinance in the respects mentioned, as appellant acquired no vested right by reason of having filed an application for a permit to remodel and use the residence as an office for the practice of dentistry. It follows therefore, that, if either of the last two amendments adopted is valid, the rights of the parties are to be determined as of the present time, rather than the time the application for a permit was made. See **Munn v. People of Illinois,94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Tex. Civ. App. | **Date:** June 8, 1940

1362 [State v. Lone Star Gas Co.](#), 86 S.W.2d 484, 1935 Tex. App. LEXIS 1351 

LB Cited by: 86 S.W.2d 484 p.497

... The Constitution and laws of a state are a part and parcel of the terms of a corporate franchise, and the right of the state in the exercise of its police power to change franchise or contract rates in the protection of the inalienable rights and general welfare of its citizens is settled. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Milwaukee Electric Ry., etc., Co. v. R. R. Com., 153 Wis. 592 , 142 N.W. 491 , L. R. A. 1915F, 744, Ann. Cas. 1915A, 911, affirmed in Id., 238 U.S. 174 , ...


Discussion:  **Court:** Tex. Civ. App. | **Date:** July 10, 1935

1363 [Harris v. Municipal Gas Co.](#), 59 S.W.2d 355, 1933 Tex. App. LEXIS 581 

LB Cited by: 59 S.W.2d 355 p.356

... Texas except such portion as is delegated to the United States by virtue of the United States Constitution. When an enterprise is affected by a public use, the power of the government of such public exists to regulate its rates. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Rate making in such cases, as far as prospective effect is decreed, is a legislative function, City of Denison v. Municipal Gas Co., 117 Tex. 291 , 3 S.W.2d 794 , and in this state is inherent in the Legislature ...

Discussion:  **Court:** Tex. Civ. App. | **Date:** March 18, 1933

1364 [Gulf States Utilities Co. v. State](#), 46 S.W.2d 1018, 1932 Tex. App. LEXIS 90 

LB Cited by: 46 S.W.2d 1018 p.1021

... property devotes it to a use in which the public has an interest, he thereby, in effect grants to the public an interest in such use, and does to the extent of that interest, submit his property to be controlled by the public for the common good as long as such interest is maintained." To the same effect is Wolff Packing Co. v. Industrial Court, 267 U.S. 552 , 45 S. Ct. 441 , 69 L. Ed. 785 , relied upon by appellant. See, also, as leading cases, **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Tex. Civ. App. | **Date:** 1932

1365 [Commercial Standard Ins. Co. v. Board of Ins. Comm'rs](#), 34 S.W.2d 343, 1930 Tex. App. LEXIS 1059 

LB Cited by: 34 S.W.2d 343 p.344


... when a business, otherwise private in nature, becomes affected with a public interest it may be regulated by the state under its police power, so long as such regulation is reasonable and in the interests of the public; and that the fire insurance business falls within that class. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; German Alliance Ins. Co. v. Lewis, 233 U.S. 389 , 34 S. Ct. 612 , 58 L. Ed. 1011 , L. R. A. 1915C, 1189; Wilson v. New, 243 U.S. 332 , 347 , 37 S. Ct. 298 , 61 ...

Discussion:  **Court:** Tex. Civ. App. | **Date:** October 1, 1930

1366 [Lastinger v. Toyah Valley Irr. Co.](#), 167 S.W. 788, 1914 Tex. App. LEXIS 763 

LB Cited by: 167 S.W. 788 p.791

... property which receives a right or privilege from the government, and of which use is made in dealing with the public, becomes a legitimate subject for a reasonable governmental regulation. In Weill on Water Rights (3d Ed.) § 1247, it is said: "The common law of public service agencies is, since **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, familiar, being, in general terms, that property devoted to the public service or use is affected with the public duty of performing reasonable service ...


Discussion:  **Court:** Tex. Civ. App. | **Date:** May 28, 1914

1367 [St. Louis S. R. Co. v. Arkansas & T. Grain Co.](#), 42 Tex. Civ. App. 125, 95 S.W. 656, 1906 Tex. App. LEXIS 211 

LB Cited by: 42 Tex. Civ. App. 125 p.129; 95 S.W. 656 p.658

... has never been as to the existence of this power, but as to what is to be deemed an encroachment upon it; for, as has been often said, 'legislation may in a great variety of ways affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution.' Sherlock v. Alling, 93 U.S. 99; State Tax on Railway Gross Receipts, 15 Wall. 284. Thus, in **Munn v. Illinois, 94 U.S. 113**, it was decided that Congressional Duties & Powers, Commerce Clause ...

Discussion:  **Court:** Tex. Civ. App. | **Date:** February 24, 1906

1368 [Waters-Pierce Oil Co. v. State](#), 19 Tex. Civ. App. 1, 44 S.W. 936, 1898 Tex. App. LEXIS 175 

LB Cited by: 19 Tex. Civ. App. 1 p.10; 44 S.W. 936 p.940

... The rights of the individual must yield to the public wants, and his conduct and all property held by him is subject to the control of the State, to the end that he shall so demean himself and use his property with as little hurt and injury to the public as possible. "As said in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, while power does not exist with the whole people to control rights that are purely and exclusively private, government may require each citizen to so conduct himself, and ...

Discussion:  **Court:** Tex. Civ. App. Austin | **Date:** March 9, 1898 | **Headnotes::** HN4

1369 [Gulf, C. & S. F. R. Co. v. Eddins](#), 7 Tex. Civ. App. 116, 26 S.W. 161, 1894 Tex. App. LEXIS 269 

LB Cited by: 7 Tex. Civ. App. 116 p.127; 26 S.W. 161 p.166

... this extent, it is not obnoxious to the Federal Constitution upon that subject. Many laws a State may pass that may incidentally affect interstate commerce, but will not control or regulate it, within the meaning of the commerce clause of the Constitution, and this authority exists whether such laws are the proper exercise of the police power of the State or not. The case of Budd v. New York reaffirms the doctrine of the "Granger cases" in **94 United States, 113, 155, 164, 169, 180, 181** ...

Court: Tex. Civ. App. Austin | **Date:** April 25, 1894

Texas Commission of Appeals

1370 [Missouri, K. & T. R. Co. v. Empire Express Co.](#), 221 S.W. 590, 1920 Tex. App. LEXIS 461 

LB Cited by: 221 S.W. 590 p.593

... reasonableness of the requirements as to facilities and of the rates as fixed, and, if found

unreasonable, restrain their enforcement; but they cannot go further, and determine facilities and establish rates deemed reasonable. Whether a rate fixed and established is reasonable and equal is a proper question for judicial determination; but what would be a reasonable and equal rate, and the promulgation of such rate, is legislative in its character. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77 ...**

Discussion:  | **Court:** Tex. Comm'n App. | **Date:** May 12, 1920

Texas

1371 [Missouri, K. & T. Ry. v. Moore](#), 4 Tex. Civ. Cas. 323 sec. 214, 4 Tex. Civ. Cas. 323, 15 S.W. 714

LB **Cited by:** 4 Tex. Civ. Cas. 323 sec. 214 p.324

Date: 1891

Utah Supreme Court


1372 [Utah Power & Light Co. v. Public Serv. Comm'n](#), 107 Utah 155, 152 P.2d 542, 1944 Utah LEXIS 117



LB **Cited by:** 107 Utah 155 p.165; 152 P.2d 542 p.546

... statutes require the Commission to use a value rate base in establishing rates. A logical starting point for an analysis of the development of constitutional limitations on the power of legislatures to regulate the rates charged for the use of privately owned property is the case of **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . This case involved an attempt by the state of **Illinois** to regulate the prices charged for elevator services in the handling of grain. The owners of the elevators ...

Discussion:  | **Court:** Utah | **Date:** October 10, 1944

1373 [Thompson v. Harris](#), 107 Utah 99, 152 P.2d 91, 1944 Utah LEXIS 119 

LB **Cited by:** 107 Utah 99 p.105; 152 P.2d 91 p.94

... into the instant case of evidence of previous unrelated crimes cannot be the test of due process at least in a situation where this evidence is not introduced as proof of the commission of the instant crime but of a status of habitual criminality even though that charge is joined with that of the instant crime. In **Munnv.Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** , it was said: " Procedural Due Process, Scope of Protection Courts, Common Law Legislation, Enactment HN4 A person has no property, ...

Discussion:  | **Court:** Utah | **Date:** October 4, 1944

1374 [Rowell v. State Bd. of Agric.](#), 98 Utah 353, 99 P.2d 1, 1940 Utah LEXIS 13 

LB **Cited by:** 98 Utah 353 p.365; 99 P.2d 1 p.6

... under the Federal Constitution to fix minimum prices to be paid to producers and to be paid by consumers is definitely set at rest by **Nebbia v. People of State of New York** , 291 U.S. 502 , 54 S. Ct. 505 , 78 L. Ed. 940 , 89 A.L.R. 1469 . That decision founded on **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , and **German Alliance Insurance Co. v. Lewis** , 233 U.S. 389 , 34 S. Ct. 612 , 58 L. Ed. 1011 , L.R.A. 1915C, 1189, held that the right of a state to fix prices did not depend ...


Discussion:  | **Court:** Utah | **Date:** February 7, 1940

1375 [State v. Packer Corp.](#), 77 Utah 500, 297 P. 1013, 1931 Utah LEXIS 65 

LB Cited by: 77 Utah 500 p.531; 297 P. 1013 p.1025

... Van De Carr , 199 U.S. 552 , 26 S. Ct. 144 , 50 L. Ed. 305 , involving an ordinance regulating the sale and distribution of milk in the city of New York under the supervision of and upon conditions imposed by the Public Board of Health; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Budd v. New York , 143 U.S. 517 , 12 S. Ct. 468 , 36 L. Ed. 247 ; Bross v. Stoesser , 153 U.S. 391 , 14 S. Ct. 857 ...

Discussion:  **Court:** Utah | **Date:** April 7, 1931

1376 [Salt Lake City v. Industrial Comm'n](#), 58 Utah 314, 199 P. 152, 1921 Utah LEXIS 38, 18 A.L.R. 259 

LB Cited by: 58 Utah 314 p.323; 199 P. 152 p.155

... 41 ; Louisville & Nashville R. R. Co. v. Melton , 218 U.S. 36 ; Ozan Lumber Co. v. Union County Bank , 207 U.S. 251 , 256 ; **Munnv.Illinois, 94 U.S. 113, 132** ; Henderson Bridge Co. v. Henderson City , 173 U.S. 592 , 615 ." 1. Tested by the rules stated in the excerpt quoted, not only does it appear that the classification made in the instant case is not arbitrary or capricious so as to render it obnoxious to the ...

Discussion:  **Court:** Utah | **Date:** June 11, 1921

1377 [Monetaire Mining Co. v. Columbus Rexall Consol. Mines Co.](#), 53 Utah 413, 174 P. 172, 1918 Utah LEXIS 22 

LB Cited by: 53 Utah 413 p.432; 174 P. 172 p.179

... Counsel, in their brief, however, argue with much vigor that the decision, if permitted to stand, will have disastrous results for many reasons. Indeed, the arguments advanced, in their nature and essence, differ little from those advanced in opposition to the decisions in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Highland Boy Mining Co. v. Strickley , 28 Utah 215 , 78 P. 296 , 1 L. R. A. (N. S.) 976 , 107 Am. St. Rep. 711 , 3 Ann. Cas. 1110 , affirmed in 200 U.S. 527 , 26 S. ...


Discussion:  **Court:** Utah | **Date:** March 11, 1918

1378 [Scranton Leasing Co. v. Industrial Comm'n](#), 51 Utah 368, 170 P. 976, 1918 Utah LEXIS 110 

LB Cited by: 51 Utah 368 p.374; 170 P. 976 p.979

... such legislation which relieves it from the charge of being obnoxious to constitutional provisions intended to safeguard private rights. For the foregoing reasons it seems to the court that the property and property rights connected with plaintiff's business are affected with a public interest. This subjects it to state superintendence and governmental control. **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Budd v. New York , 143 U.S. 517 , 12 S. Ct. 468 , 36 L. Ed. 247 ; Brass v. ...

Discussion:  **Court:** Utah | **Date:** January 29, 1918

1379 [Highland Boy Gold Mining Co. v. Strickley](#), 28 Utah 215, 78 P. 296, 1904 Utah LEXIS 68, 3 Am. Ann. Cas. (o.s.) 1110, 107 Am. St. Rep. 711, 1 L.R.A. (n.s.) 976 


LB Cited by: 28 Utah 215 p.231; 78 P. 296 p.297

... Legislative enactments are presumed to be constitutional unless the contrary clearly appears. legislative enactments are presumed to be constitutional unless the contrary clearly appears, see Fletcher v. Peck, 6 Cranch 87 , 3 L. Ed. 162 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; Stewart v.

Shepard's®: Munn v. Illinois, 94 U.S. 113

Board of Supervisors, etc., 30 Iowa 9 , 1 Am. Rep. 238 ; State v. Tingey, 24 Utah 225 , 67 P. 33 , and cases cited; State ex rel. v. Lewis, 26 Utah 120 , 72 P. 388 . The reason for the rule, ...

Discussion:  **Court:** Utah | **Date:** October 26, 1904


1380 [Brown v. Western Union Tel. Co.](#), 6 Utah 219, 21 P. 988, 1889 Utah LEXIS 23 

LB Cited by: 6 Utah 219 p.236; 21 P. 988 p.990

... because the company has the right to establish rules for its government, therefore those rules determine the question of negligence or no negligence. It must be remembered that this defendant, in offering its services to the public, and receiving the money of people for sending dispatches from one point to another, is, to say the least of it, occupying the position of a public institution. In the language of Chief Justice Waite, in the case of **Munnv.Illinois, 94 U.S.113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Utah | **Date:** June 1, 1889

Vermont Supreme Court

1381 [Valcour v. Morrisville](#), 110 Vt. 93, 2 A.2d 312, 1938 Vt. LEXIS 124 

LB Cited by: 110 Vt. 93 p.101; 2 A.2d 312 p.315

... come to serve the same territory; but such do not thereby lose their character as public service corporations, and they remain subject to regulation and control." **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , is cited as based upon this theory, and it is said that this theory affords a test of public use at the same time, logical, workable and satisfactory so far as the matter of regulation is concerned. In **Munnv.Illinois**, supra , it is said: "Property does become clothed with ...

Discussion:  **Court:** Vt. | **Date:** November 1, 1938

1382 [In re James](#), 97 Vt. 362, 123 A. 385, 1924 Vt. LEXIS 171 

LB Cited by: 97 Vt. 362 p.367; 123 A. 385 p.387

... thereby devoting his vehicles to a public use, and by the statute in question was declared to be a common carrier; and being such carrier he was subject to reasonable regulations under the police power of the State. The fact that he was not operating under authority of a charter from the State, but by individual enterprise, makes no difference in this respect. State v. Edwards , 86 Me. 102 , 29 A. 947 , 25 L. R. A. 504 , 41 A. S. R. 528. In **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77 ...**


Discussion:  **Court:** Vt. | **Date:** February 6, 1924

1383 [Rutland R.R., L. & P. Co. v. Clarendon Power Co.](#), 86 Vt. 45, 83 A. 332, 1912 Vt. LEXIS 148, 44 L.R.A. (n.s.) 1204 

LB Cited by: 86 Vt. 45 p.51; 83 A. 332 p.334

... regulation because it is affected with a public interest. On the other hand, selling merchandise in a country store is a private enterprise not because it is free from legislative regulation, but it is free from such regulation because it is a private business. It is upon this theory that the court based its decision in the much discussed and oft cited case of **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , the doctrine of which in this respect has been repeatedly adhered to and affirmed. ...

Discussion:  **Court:** Vt. | **Date:** May 20, 1912

1384 [Lawrence v. Rutland R.R.](#), 80 Vt. 370, 67 A. 1091, 1907 Vt. LEXIS 115, 13 Am. Ann. Cas. (o.s.) 475, 15 L.R.A. (n.s.) 350 

LB Cited by: 80 Vt. 370 p.389; 67 A. 1091 p.1097

... The law was held unconstitutional, but the Court expressly said that the defendants in operating their coal mines were not pursuing a public business, and had not in any way devoted their property to a public use, and that therefore the cases of **Munn v. Illinois, 94 U.S. 113**, and **Budd v. New York**, 143 U.S. 517, were not in conflict with its decision. Those were warehouse cases, in which it is held that when a person engages in the warehouse business, he subjects himself to legislative ...

Discussion:  | **Court:** Vt. | **Date:** November 16, 1907

1385 [Clarendon v. Rutland Ry.](#), 75 Vt. 6, 52 A. 1057, 1902 Vt. LEXIS 84 

LB Cited by: 75 Vt. 6 p.16; 52 A. 1057 p.1060

... This subject is considered in 19 Am. & Eng. Ency. (1st ed.) 884, and it is there said to be settled that the construction and operation of a railroad is a business "affected with a public interest," so that the State has a right to control and regulate it. Among the cases cited in the notes are **Munn v. Illinois, 94 U.S. 113**; **Chicago etc. R. Co. v. Iowa**, 94 U.S. 155, 164, 183-187; **Peik v. Chicago etc. R. Co.**, 94 U.S. 164. That railroad corporations hold their property and ...

Discussion:  | **Court:** Vt. | **Date:** August 27, 1902

Other Vermont Decisions

1386 [Re Restructuring of the Electric Utility Industry in Vermont](#), 1996 Vt. PUC LEXIS 6

LB Cited by:

... has established several principles that guide the determination of claims that utility property has been taken in violation of this Takings Clause. The first of these guiding constitutional principles is that property devoted to a public purpose is subject to a different takings analysis than private property not so devoted. Starting in 1877 with its decision in **Munn v. Illinois, 94 U.S. 113**, through its decision in **Duquesne Light Co. v. Barasch**, 488 U.S. 299 (1989), the United ...

Court: Vt. P.S.B. | **Date:** December 30, 1996


Virginia Supreme Court

1387 [Pulliam v. Coastal Emergency Servs., Inc.](#), 257 Va. 1, 509 S.E.2d 307, 1999 Va. LEXIS 3 

LB Cited by: 257 Va. 1 p.20; 509 S.E.2d 307 p.318

... due process clause. 240 Va. at 54, 392 S.E.2d at 821. We said further that "Code § 8.01-250 does not disturb a vested right, for 'nobody has a vested right in the continuance of the rules of the common law.'" Id. (citing **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)**). Continuing, we stated that "Procedural Due Process, Scope of Protection Courts, Common Law Legislation, Statute of Limitations HN7 U. S. Const. amend. XIV does not forbid a legislature from abolishing ...

Discussion:  | **Court:** Va. | **Date:** January 8, 1999 | **Headnotes:** HN12

1388 [Hess v. Snyder Hunt Corp.](#), 240 Va. 49, 392 S.E.2d 817, 1990 Va. LEXIS 104, 6 Va. Law Rep. 2565 

LB Cited by: 240 Va. 49 p.54; 392 S.E.2d 817 p.821

... v. Eller , 228 Va. 115 , 120 , 319 S.E.2d 750 , 753 (1984) . In the present case, Code § 8.01-250 does not disturb a vested right, for " [n]obody has a vested right in the continuance of the rules of the common law." **Munnv.Illinois, 94 U.S. 113, 134(1877)** ; accord *Mondou v. New York, N.H. & H.R. Co.* , 223 U.S. 1 , 30 (1912) . Code § 8.01-250 merely " prevent[s] what might otherwise be a cause of action, from ever arising." Rosenberg , ...

Discussion:  **Court:** Va. | **Date:** June 8, 1990 | **Headnotes::** HN12

1389 [Industrial Development Authority v. La France Cleaners & Laundry Corp.](#), 216 Va. 277, 217 S.E.2d 879, 1975 Va. LEXIS 281 

LB Cited by: 216 Va. 277 p.283; 217 S.E.2d 879 p.883

... See also, *U.S. v. Carolene Products*, 304 U.S. 144 , 154 , 58 S. Ct. 778 , 82 L. Ed. 1234 (1938) ; **Munnv.Illinois,94 U.S. 113, 132, 24 L. Ed. 77(1876)** . Guided by the several rules we have posited, we now consider whether the relevant evidence before the trial court was sufficient to show that IDA's action was designed to promote a public purpose. Much of the data VHL furnished IDA in support of its project was intended to show that commercial laundries were doing a negligible ...


Discussion:  **Court:** Va. | **Date:** September 5, 1975

1390 [New York, Philadelphia & Norfolk R.R. Ferry Co. v. County of Northampton](#), 196 Va. 412, 83 S.E.2d 773, 1954 Va. LEXIS 235 

LB Cited by: 196 Va. 412 p.426; 83 S.E.2d 773 p.781

... to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to public control." **Munnv.Illinois,94 U.S. 113** , p. 126, 24 L. Ed. 77 . [4] Water Transportation, Ferries Ferries, Abandonment Water Transportation, State & Local ...

Discussion:  **Court:** Va. | **Date:** October 11, 1954

1391 [Reynolds v. Milk Comm'n of Virginia](#), 163 Va. 957, 179 S.E. 507, 1935 Va. LEXIS 255 

LB Cited by: 163 Va. 957 p.967, p.987; 179 S.E. 507 p.511, p.519


... accommodation, ease, or enjoyment from the existence or operation of the business; and, while the word has not always been limited narrowly as strictly denoting 'a right,' that synonym more nearly than any other expresses the sense in which it is to be understood." And again: "The significant requirement is that the property shall be devoted to a use in which the public has an interest, which simply means, as in terms it is expressed at page 130 [of **Munnv.Illinois,94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Va. | **Date:** March 29, 1935

1392 Reynolds v. Milk Com. of Virginia, 177 S.E. 44

LB Cited by: 177 S.E. 44 p.50 p.56

Court: Va. | **Date:** November 15, 1934

1393 [Aetna Ins. Co. v. Commonwealth](#), 160 Va. 698, 169 S.E. 859, 1933 Va. LEXIS 251 

LB Cited by: 160 Va. 698 p.712; 169 S.E. 859 p.864

... , the court said: "In approaching the consideration of a case of this kind we start with the presumption that the act of the legislature is valid, and upon any company seeking to challenge its validity rests the burden of proving that it infringes the constitutional guaranty of protection to property. The case must be a clear one in behalf of the railroad company or the legislation of the State must be upheld." In **Munn v. Illinois, 94 U.S. 113, 123, 24 L.Ed. 77** , it was said: " Legislation, ...

Discussion:  | **Court:** Va. | **Date:** June 15, 1933 | **Headnotes:** HN1

1394 [Tobacco Growers' Co-op. Ass'n v. Danville Warehouse Co.](#), 144 Va. 456, 132 S.E. 482, 1926 Va. LEXIS 263 

LB Cited by: 144 Va. 456 p.467; 132 S.E. 482 p.485

... Agriculture & Food, Distribution, Processing & Storage of Food & Agricultural Products HN14 Public warehouses are affected with a public interest and hence subject to regulation. public warehouses are affected with a public interest and hence subject to regulation, has not been questioned since the decision of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , * * *." (Italics ours.) In **Danville Warehouse Co. v. Tobacco Growers' Co-Op. Asso.**, 143 Va. 741 , 129 S.E. 739 , the Special ...

Discussion:  | **Court:** Va. | **Date:** March 18, 1926

1395 [Reaves Warehouse Corp. v. Commonwealth](#), 141 Va. 194, 126 S.E. 87, 1925 Va. LEXIS 400 

LB Cited by: 141 Va. 194 p.202; 126 S.E. 87 p.90

... jurisdiction." Ex parte Settle, 114 Va. 715 , 718 , 77 S.E. 496 . [8] That public warehouses are affected with a public interest and hence subject to regulation has not been seriously questioned here since the decision of **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77** ; nor in England since 1810, when it was so held in **Allnut v. Inglis**, 12 East 527. The doctrine was there attributed to Lord Hale. **Nash v. Page**, 80 Ky. 539 , 4 Ky. L. Rep. 477 , 44 Am. Rep. 490 ; **Budd v. ...**


Discussion:  | **Court:** Va. | **Date:** January 15, 1925

1396 [Town of Victoria v. Victoria Ice Light & Power Co.](#), 134 Va. 134, 114 S.E. 92, 1922 Va. LEXIS 150, 28 A.L.R. 562 

LB Cited by: 134 Va. 134 p.151; 114 S.E. 92 p.97

... **Stone v. Trust Co.** , 116 U.S. 307 , 347 , 6 S. Ct. 334 , 388 , 1191 , 29 L. Ed. 636 ; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; **Louisville, etc., R. Co. v. Mottley** , 219 U.S. 467 , 31 S. Ct. 265 , 55 L. Ed. 297 , 34 L. R. A. (N. S.) 671 ; **Reagan v. Farmers' L. & Tr. Co.** , 154 U.S. 362 ...


Discussion:  | **Court:** Va. | **Date:** September 21, 1922

1397 [Bowman v. Virginia State Entomologist](#), 128 Va. 351, 105 S.E. 141, 1920 Va. LEXIS 109, 12 A.L.R. 1121 

LB Cited by: 128 Va. 351 p.369; 105 S.E. 141 p.147

... , 29 Cyc. 1152-3, 12 C. J. 933, 8 Cyc. 873, note; Young's Case , 101 Va. 853 , 45 S.E. 327 ; Eubank v. Richmond , 110 Va. 749 , 67 S.E. 376 , 19 Ann. Cas. 186 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . [7] However, as appears from the authorities just cited Legislation, Interpretation Governments, Police Powers HN12 A large discretion is vested in the legislature to determine what the interests of the public require, and also as to what is necessary for the protection of such ...


Discussion:  **Court:** Va. | **Date:** November 18, 1920

1398 [Withers v. Jones' Ex'x](#), 126 Va. 500, 102 S.E. 68, 1920 Va. LEXIS 6 

LB Cited by: 126 Va. 500 p.519; 102 S.E. 68 p.75

... power of the States in order to provide a guaranty against any encroachment upon rights of property by statute law of the States which does not provide for due process of law. 9 F. Stat. Anno. pp. 424-5, 510, citing, among other authorities, **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77, 83** , and Slaughter House Cases , **83 U.S. (16 Wall.) 36** , 21 L. Ed. 394 . The object of such constitutional provision is to nullify all State statute law which otherwise, by its authority, might deprive ...


Discussion:  **Court:** Va. | **Date:** January 22, 1920

1399 [Hopkins v. Richmond](#), 117 Va. 692, 86 S.E. 139, 1915 Va. LEXIS 86, Am. Ann. Cas. 1917D1114 

LB Cited by: 117 Va. 692 p.716; 86 S.E. 139 p.146

... but not less entitled to protection as a right. When, therefore, we declare a right to maintain separate relations as far as is reasonably practicable, but in a spirit of kindness and charity, and with due regard to equality of rights, it is not prejudice or caste, but simply to suffer men to follow the law of races established by the Creator himself, and not to compel them to intermix contrary to their instincts.' "In **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , C. J. Waite, in commenting ...


Discussion:  **Court:** Va. | **Date:** September 9, 1915 | **Headnotes:** HN5

1400 [Jeter v. Vinton-Roanoke Water Co.](#), 114 Va. 769, 76 S.E. 921, 1913 Va. LEXIS 142, Am. Ann. Cas. 1914C1029 

LB Cited by: 114 Va. 769 p.784; 76 S.E. 921 p.927

... individual to a public use of water is in the nature of a public right possessed by reason of his status as a person of the class for whose benefit the water is appropriated or dedicated. All who enter the class may demand the use of the water, regardless of whether they have previously enjoyed it or not." Hildreth v. Monticello Creek Water Co. , 139 Cal. 22 , 30 , 72 P. 395 , 398 . The general principles, says the opinion of the court in **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** ...

Discussion:  **Court:** Va. | **Date:** January 16, 1913

1401 [Hunter v. Commonwealth](#), 107 Va. 909, 60 S.E. 102, 1908 Va. LEXIS 152 

LB Cited by: 107 Va. 909 p.911

... private property rests, is, that the public are directly affected by such use. Where the public are not so affected, there is no occasion -- and, indeed, no authority -- for the exercise of this paternal governmental function; and any such attempted regulation would constitute an unwarrantable invasion of private right. In the "Sinking Fund Cases," 99 U.S. 700 , 25 L. Ed. 504 , Mr. Justice Bradley, in discussing the scope


of the decision in **Munnv.Illinois, 94 U.S.113, 24 L. Ed. 77 ...**

Discussion:  **Court:** Va. | **Date:** January 23, 1908

1402 [Charlottesville & Albemarle Ry. Co. v. Rubin](#), 107 Va. 751, 60 S.E. 101, 1908 Va. LEXIS 135 

LB Cited by: 60 S.E. 101 p.102

Court: Va. | **Date:** January 16, 1908

1403 [Commonwealth v. Atlantic Coast Line Ry. Co.](#), 106 Va. 61, 55 S.E. 572, 1906 Va. LEXIS 108, 9 Am. Ann. Cas. (o.s.) 1124, 117 Am. St. Rep. 983, 7 L.R.A. (n.s.) 1086 

LB Cited by: 106 Va. 61 p.70; 55 S.E. 572 p.575

... **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , which announced the broad doctrine that a state government has the inherent right to regulate and control railroad companies and other public service corporations and to prescribe the rates and charges that they should be allowed to make. In that case the power of the Legislature of **Illinois** to fix by law the maximum of charges for storage of grain in warehouses in Chicago and other places in the state was the question at issue, and upon the ...

Discussion:  **Court:** Va. | **Date:** November 22, 1906 | **Headnotes::** HN6

1404 [Fallsburg v. Alexander](#), 101 Va. 98, 43 S.E. 194, 1903 Va. LEXIS 7, 99 Am. St. Rep. 855, 61 L.R.A. 129

LB Cited by: 101 Va. 98 p.109; 43 S.E. 194 p.198

... duties, since it is "a public service corporation," the right of public control arises from the grant of the franchise of eminent domain, and when the company undertakes to devote its property and its products to the public use, it becomes subject to public regulations. This proposition is unquestionably sound and sustained by the authorities cited -- **Munnv.The People of Ill., 94 U.S. 113, 24 L. Ed. 77** ; **Budd v. N. Y.** , 143 U.S. 517 , 36 L. Ed. 247 , 12 S. Ct. 468 ; **Brass v.** ...

Discussion:  **Court:** Va. | **Date:** January 15, 1903

Other Virginia Decisions

1405 [APPLICATION OF THE POTOMAC EDISON COMPANY d/b/a ALLEGHENY POWER](#), 2007 Va. PUC LEXIS 466, 258 Pub. Util. Rep. 4th (PUR) 303

LB Cited by:

... concerns a matter of public interest, Allegheny cannot rely on a private contract defense to circumvent its obligations under the MOU . It is well established that "[w]hen private property is affected by the public interest it ceases to be juris privati only." 99 Id. (quoting **Munn v. Illinois,94 U.S. 113, 126(1876)**) . Consumer Counsel further notes that the "jurisdictional generation assets that Allegheny transferred were private property devoted to the public use of providing ...

Court: Va. Corp. Comm'n | **Date:** June 28, 2007


1406 [PETITION OF KENTUCKY UTILITIES COMPANY d/b/a OLD DOMINION POWER COMPANY](#), 1998 Va. PUC LEXIS 249

LB Cited by:

... Furthermore, the TVA Act does not grant any retail service rights to rural electric cooperatives.

Instead, it simply authorizes sales of surplus power, and directs the TVA board to set out the terms under which the sale may occur. Service territories have historically been encompassed within the police power reserved to the states, and there is a strong presumption against finding federal preemption in areas traditionally subject to state police powers. 9 **Munn v. Illinois, 94 U.S. 113(1877)** ...

Court: Va. Corp. Comm'n | **Date:** October 19, 1998

1407 [Palmer v. Fulcher](#), 1987 Va. Cir. LEXIS 133, 10 Va. Cir. 202 

LB Cited by: 10 Va. Cir. 202 p.204

... The Court is further of the opinion that it erred in following Judge Fortkort 's opinion that the Virginia Constitutional right to trial by jury was violated. The law is clearly established that there is no vested interest in any rule of the common law. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** ; Duke Power Co. v. Carolina Environmental Study Group, Inc., supra. As such, no interference was had with Plaintiff's right to trial by jury for the purpose of ascertaining Plaintiff's ...

Discussion:  | **Court:** Va. Cir. Ct. | **Date:** October 14, 1987

Washington Supreme Court

1408 [Amunrud v. Bd. of Appeals](#), 158 Wn.2d 208, 143 P.3d 571, 2006 Wash. LEXIS 725, 30 A.L.R.6th 775 

LB Cited by: 158 Wn.2d 208 p.228; 143 P.3d 571 p.581

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought"); Ferguson v. Skrupa , 372 U.S. 726 , 730 , 83 S. Ct. 1028 , 10 L. Ed. 2d 93 (1963) (the Court announced it was returning "to the original constitutional proposition" enunciated in **Munn v. Illinois, 94 U.S. (4 Otto) 113, 24 L. Ed. 77(1877)** , "that courts do not substitute their . . . economic beliefs for the ...


Discussion:  | **Court:** Wash. | **Date:** September 21, 2006

1409 [Development Servs. of Am., Inc. v. City of Seattle](#), 138 Wn.2d 107, 979 P.2d 387, 1999 Wash. LEXIS 358 

B Cited in Dissenting Opinion at: 138 Wn.2d 107 p.125; 979 P.2d 387 p.396

... concurring) ("This [the social compact] does not confer power upon the whole people to control rights which are purely and exclusively private, but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non l[a]jedas "" (quoting **Munn v. Illinois, 94 U.S. 113, 124-25, 24 L. Ed. 77(1876)**) ...


Discussion:  | **Court:** Wash. | **Date:** June 10, 1999 | **Headnotes:** HN4

1410 [Weden v. San Juan County](#), 135 Wn.2d 678, 958 P.2d 273, 1998 Wash. LEXIS 475 

B Cited in Dissenting Opinion at: 135 Wn.2d 678 p.728; 958 P.2d 273 p.298

... , J., concurring) ("This does not confer power upon the whole people to control rights which are purely and exclusively private, but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non laedas. "" (quoting **Munn v. Illinois, 94 U.S. (4 Otto) 113, 124-25, 24 L. Ed. 77(1876)**) (citation ...

Discussion:  **Court:** Wash. | **Date:** July 9, 1998

1411 [Christianson v. Snohomish Health Dist.](#), 133 Wn.2d 647, 946 P.2d 768, 1997 Wash. LEXIS 735 

B Cited in Concurring Opinion at: 133 Wn.2d 647 p.668; 946 P.2d 768 p.778

... is a fundamental maxim. It belongs exclusively to the local State Legislatures, to determine how a man may use his own, without injuring his neighbor." *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 53-54, 6 L. Ed. 23 (1824). The United States Supreme Court in **Munn v. Illinois, 94 U.S. (4 Otto) 113, 124-25, 24 L. Ed. 77(1876)**, said: When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to ...


Discussion:  **Court:** Wash. | **Date:** November 13, 1997

1412 [Aetna Life Ins. Co. v. Washington Life & Disability Ins. Guaranty Asso.](#), 83 Wn.2d 523, 520 P.2d 162, 1974 Wash. LEXIS 929 

LB Cited by: 83 Wn.2d 523 p.534; 520 P.2d 162 p.169

... **Munn v. Illinois, 94 U.S. 113, 134, [24 L. Ed. 77]**, "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Eight years later in *Ferguson v. Skrupa*, 372 U.S. 726, 10 L. Ed. 2d 93, 83 S. Ct. 1028, 95 A.L.R.2d 1347 (1963), the court sustained, as a permissible exercise of legislative discretion, a state statute prohibiting the operation of a "debt adjusting" business except as incident to the legitimate practice of law without even ...

Discussion:  **Court:** Wash. | **Date:** March 21, 1974 | **Headnotes::** HN13

1413 [State ex rel. Pacific Northwest Bell Tel. Co. v. Washington Utilities & Transp. Com.](#), 66 Wn.2d 411, 403 P.2d 73, 1965 Wash. LEXIS 877 

LB Cited by: 66 Wn.2d 411 p.432; 403 P.2d 73 p.87

... review of a utility commission's orders is limited to keeping the commission within the bounds which the legislative body has created. When no formula was provided for a commission to follow, courts are not warranted in rejecting the one which the commission employs, unless it plainly contravenes the statutory scheme of regulation. If a formula was prescribed, it would be the duty of the commission to follow it. Rate-making is essentially a legislative function. **Munn v. Illinois, 94 U.S. 113** ...

Discussion:  **Court:** Wash. | **Date:** June 10, 1965

1414 [Overlake Homes, Inc. v. Seattle-First Nat'l Bank](#), 57 Wn.2d 881, 360 P.2d 570, 1961 Wash. LEXIS 455 

LB Cited by: 57 Wn.2d 881 p.885; 360 P.2d 570 p.573

... That act did not deprive the plaintiff of any right which it hitherto had, and it was well within the power of the legislature to change the common law. As the supreme court of the United States said, in the opinion of Mr. Justice Waite, in **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77**, "... A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. Rights of property which ...

Discussion:  **Court:** Wash. | **Date:** March 23, 1961 | **Headnotes::** HN12

1415 [Labberton v. General Casualty Co.](#), 53 Wn.2d 180, 332 P.2d 250, 1958 Wash. LEXIS 294 ▲

LB Cited by: 53 Wn.2d 180 p.186; 332 P.2d 250 p.254

... Appellant insists that there was no damage because of injury to property within the meaning of the insuring clause previously noticed. Appellant seizes upon a passage from an opinion of the supreme court of Illinois in *Munn v. People*, 69 Ill. 80, affirmed sub nomine **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, that anticipated profits are not property. However, that court was not concerned with an insuring clause such as the one with which we are called upon to deal here because ...

Discussion: ■■■■■ | **Court:** Wash. | **Date:** November 28, 1958

1416 [State v. Sears](#), 4 Wn.2d 200, 103 P.2d 337, 1940 Wash. LEXIS 487 ▲

LB Cited by: 4 Wn.2d 200 p.228; 103 P.2d 337 p.350

... The constitutionality of state legislation undertaking the regulation of private enterprise has long been a source of the most difficult questions presented to the courts of this country. Perhaps the most vexations of the problems in this general category have had to do with price control. A long line of decisions of the supreme court of the United States, beginning with *Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77*, has adhered to the test that only businesses "affected with public interest" ...

Discussion: ■■■■■ | **Court:** Wash. | **Date:** June 5, 1940

1417 [Inland Empire Rural Electrification, Inc. v. Department of Public Service](#), 199 Wash. 527, 92 P.2d 258, 1939 Wash. LEXIS 621 ▲

LB Cited by: 199 Wash. 527 p.537; 92 P.2d 258 p.262

... Were the law construed to apply to private corporations not serving the public, a serious question would arise as to its constitutionality under the fourteenth amendment of the United States constitution and Art. I, § 3 of the constitution of the state of Washington. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Michigan Public Utilities Com. v. Duke*, 266 U.S. 570, 69 L. Ed. 445, 45 S. Ct. 191, 36 A.L.R. 1105; *Frost & Frost Trucking Co. v. Railroad Commission*, 271 U.S. 583 ...

Discussion: ■■■■■ | **Court:** Wash. | **Date:** July 10, 1939

1418 [Blanchard v. Golden Age Brewing Co.](#), 188 Wash. 396, 63 P.2d 397, 1936 Wash. LEXIS 683 ▲

LB Cited by: 188 Wash. 396 p.441; 63 P.2d 397 p.416

... to the time of the accident. Assuming that at common law respondent would have had a right of action, the rule upon which such right was founded was changed by the legislature, which it had the right to do. A person has no vested interest in any rule of the common law. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *New York Central R. Co. v. White*, 243 U.S. 188, 198, 37 S. Ct. 247, 61 L. Ed. 667, Ann. Cas. 1917D, 629; *Silver v. Silver*, 280 U.S. 117, 50 S. Ct. 57, 74 L. ...


Discussion: ■■■■■ | **Court:** Wash. | **Date:** December 7, 1936 | **Headnotes:** HN12

1419 [Prater v. Department of Public Service](#), 187 Wash. 335, 60 P.2d 238, 1936 Wash. LEXIS 707 ▲

LB Cited by: 187 Wash. 335 p.346; 60 P.2d 238 p.242

... of traffic to the end that all necessary facilities should be maintained and that the public should not be inconvenienced by inordinate uses of its highways for purposes of gain. This is not a case of a denial of the use of the highways to one class of citizens as opposed to another, or of limitations having no appropriate relation to highway protection." In any event, we think that our views on this aspect of the statute find ample support in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , ...


Discussion:  | **Court:** Wash. | **Date:** August 20, 1936

1420 [Shea v. Olson](#), 185 Wash. 143, 53 P.2d 615, 1936 Wash. LEXIS 418, 111 A.L.R. 998 

LB Cited by: 185 Wash. 143 p.156; 53 P.2d 615 p.620

... The effective date of the act was prior to the time of the accident. Assuming that at common law respondent would have had a right of action, the rule upon which such right was founded was changed by the legislature, which it had the right to do. Procedural Due Process, Scope of Protection Courts, Common Law HN6 A person has no vested interest in any rule of the common law. A person has no vested interest in any rule of the common law. **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77** ...


Discussion:  | **Court:** Wash. | **Date:** January 8, 1936 | **Headnotes:** HN12

1421 [Robinson v. Silver Lake R. & L. Co.](#), 153 Wash. 261, 279 P. 1109, 1929 Wash. LEXIS 936 

LB Cited by: 153 Wash. 261 p.271; 279 P. 1109 p.1112


... , and Attorney General v. Haverhill Gaslight Co. , 215 Mass. 394 , 101 N.E. 1061 . We conceive the applicable law to be as announced by Chief Justice Waite , speaking for the United States supreme court in the famous warehouse case of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , as follows: "Looking, then, to the common law, from whence came the right which the Constitution protects, we find that Transfer Not By Deed, Dedication HN8 When private property is "affected with a public ...

Discussion:  | **Court:** Wash. | **Date:** August 5, 1929

1422 [State v. Miller](#), 149 Wash. 545, 271 P. 826, 1928 Wash. LEXIS 924 

LB Cited by: 149 Wash. 545 p.550; 271 P. 826 p.829

... Unless we can say that no fact could possibly exist to justify the act of the legislature, we must assume that such a state of facts actually did exist. In State ex rel. Stimson Timber Co. v. Kuykendall , 137 Wash. 602 , 243 P. 834 , we quoted approvingly from **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** , as follows: "'For our purpose we must assume that, Legislation, Enactment HN4 If a state of facts could exist that would justify legislation, it actually did exist when the statute now ...

Discussion:  | **Court:** Wash. | **Date:** November 9, 1928


1423 [State ex rel. Stimson Timber Co. v. Kuykendall](#), 137 Wash. 602, 243 P. 834, 1926 Wash. LEXIS 972, 55 A.L.R. 954 

LB Cited by: 137 Wash. 602 p.607; 243 P. 834 p.836

... without due process of law. Appellant admits that there are certain instances where private property may be regulated, even to the point of specifying the rates to be charged for services, where such businesses are affected with a public interest, or devoted to a public use, but contends that the towboat business is not of that character. The leading case in this country upon the question of the right to

regulate the rates charged for service is **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Wash. | **Date:** February 25, 1926

1424 [Fisher Flouring Mills Co. v. Brown](#), 109 Wash. 680, 187 P. 399, 1920 Wash. LEXIS 952 

LB Cited by: 109 Wash. 680 p.692; 187 P. 399 p.403

... "to include all those regulations designed to promote the public convenience, the general welfare, the general prosperity, and extends to all great public needs, as well as regulations designed to promote the public health, the public morals, or the public safety." And marking the way for our present pursuit, citing and quoting from the cases of **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, and Home Telephone & Telegraph Co. v. Los Angeles, 211 U.S. 265, 53 L. Ed. 176, 29 S. Ct. 50, ...


Discussion:  **Court:** Wash. | **Date:** January 29, 1920

1425 [State v. Rossman](#), 93 Wash. 530, 161 P. 349, 1916 Wash. LEXIS 1228, L.R.A. (n.s.) 1917B1276 

LB Cited by: 93 Wash. 530 p.533; 161 P. 349 p.351

... There can be no doubt of the right of a citizen to pursue a lawful calling in a lawful way; but it is equally true that there can be no doubt of the right of the state, through its Legislature, to regulate a business which may become unlawful by improper and unlawful means. In **Munn v. Illinois, 94 U. S. 113, at page 124, 24 L. Ed. 77**, it was said: Governments, Police Powers HN4 When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual ...


Discussion:  **Court:** Wash. | **Date:** December 5, 1916

1426 [Wishkah Boom Co. v. Greenwood Timber Co.](#), 88 Wash. 568, 153 P. 367, 1915 Wash. LEXIS 1159 

LB Cited by: 88 Wash. 568 p.573; 153 P. 367 p.369

... 53 L. Ed. 186; Montana W. & S. R. Co. v. Morley (D. C.) 198 Fed. 991, 1008; Western U. Tel. Co. v. Myatt (C. C.) 98 Fed. 335, 341; Detroit v. Detroit Citizens' St. Ry. Co., 184 U. S. 368, 22 Sup. Ct. 410, 46 L. Ed. 592; **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77**; Peik v. Chicago, etc., 94 U. S. 164, 24 L. Ed. 97; Dow v. Beidelman, 125 U. S. 680, 8 Sup. Ct. 1028, 31 L. Ed. 841; C., B. & Q. R. R. Co. v. Iowa, 94 U. S. 155, 161 ...


Discussion:  **Court:** Wash. | **Date:** December 15, 1915

1427 [State ex rel. Hill v. Bridges](#), 87 Wash. 260, 151 P. 490, 1915 Wash. LEXIS 1076 

LB Cited by: 87 Wash. 260 p.263; 151 P. 490 p.492

... Appellants' argument in this regard, when summed up, is that the Legislature never intended to put the commission in competition with those who manufacture ice or maintain cold storage warehouses. To carry the contention to its logical conclusion, we would have to hold that the commission could not even build docks and wharves, because others are already engaged in the business. Whenever the public assumes to operate a public utility -- since **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77**, a ...

Discussion:  **Court:** Wash. | **Date:** September 13, 1915

1428 [State v. Walter Bowen & Co.](#), 86 Wash. 23, 149 P. 330, 1915 Wash. LEXIS 1178, Am. Ann. Cas. 1917B625 

LB Cited by: 86 Wash. 23 p.26; 149 P. 330 p.331

... As a general proposition, the questions of the wisdom, necessity, and policy of the law are for the legislature to determine, and if the legislature proceeds regularly, violating no other constitutional restriction or prohibition, the questions of fact as to the wisdom, necessity, and policy of the law are conclusively determined if a state of facts could exist which would justify the legislation in question.

Munn v. Illinois, 94 U.S. 113 ; Home Tel. & Tel. Co. v. Los Angeles , 211 U.S. 265 ...


Discussion:  | **Court:** Wash. | **Date:** June 9, 1915

1429 [State v. Northern Express Co.](#), 80 Wash. 309, 141 P. 757, 1914 Wash. LEXIS 1311 

LB Cited by: 80 Wash. 309 p.325, p.330; 141 P. 757 p.763, p.765

... doctrine that, when one devotes one's property to a public use, one grants to the public an interest in that use, and must submit to be controlled by the public for the public good to the extent of the interest one has created. One may withdraw one's grant by discontinuing the use, but, so long as one maintains the use, one must submit to control. The whole theory of state control of public service corporations is based upon the doctrine, as expressed in **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77** ...


Discussion:  | **Court:** Wash. | **Date:** June 30, 1914

1430 [State v. Pitney](#), 79 Wash. 608, 140 P. 918, 1914 Wash. LEXIS 1247, Am. Ann. Cas. 1916A209 

LB Cited by: 79 Wash. 608 p.612; 140 P. 918 p.920

... If a state of facts can reasonably be presumed to exist which would justify the legislation, the court must presume that it did exist and that the law was passed for that reason. If no state of circumstances could exist to justify the statute, then it may be declared void because in excess of the legislative power. In **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77** , speaking upon this question it was said: 'For our purposes we must assume that, if a state of facts could exist that would justify ...

Discussion:  | **Court:** Wash. | **Date:** May 16, 1914

1431 [State ex rel. Webster v. Superior Court of King County](#), 67 Wash. 37, 120 P. 861, 1912 Wash. LEXIS 1118, Am. Ann. Cas. 1913D78, L.R.A. (n.s.) 1915C287 

LB Cited by: 67 Wash. 37 p.41; 120 P. 861 p.863

... The power to regulate and control the rates of common carriers has been held to be a legitimate exercise of the police power of the state. The power to regulate and control the rates of common carriers has been held to be a legitimate exercise of the police power of the state. Home Telephone Co. v. Los Angeles , 211 U.S. 265 ; **Munn v. Illinois, 94 U.S. 113** ; Chicago etc. R. v. Iowa , 94 U.S. 155 . Public Utility Commissions, Authorities & Powers Utility Companies, Rates Governments, Police ...

Discussion:  | **Court:** Wash. | **Date:** January 27, 1912

1432 [Puget S. E. R. Co. v. Railroad Com. of Washington](#), 65 Wash. 75, 117 P. 739, 1911 Wash. LEXIS 899, Am. Ann. Cas. 1913B763 

LB Cited by: 65 Wash. 75 p.83; 117 P. 739 p.743


... manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." **Munn v. Illinois, 94 U.S. 113** ...

Discussion:  | **Court:** Wash. | **Date:** September 14, 1911

1433 [State ex rel. Tacoma Industrial Co. v. White River Power Co.](#), 39 Wash. 648, 82 P. 150, 1905 Wash. LEXIS 918, 2 L.R.A. (n.s.) 842 

LB Cited by: 39 Wash. 648 p.667; 82 P. 150 p.152


Court: Wash. | **Date:** September 5, 1905

1434 [Barrington v. Commercial Dock Co.](#), 15 Wash. 170, 45 P. 748, 1896 Wash. LEXIS 158, 33 L.R.A. 116 

LB Cited by: 15 Wash. 170 p.175; 45 P. 748 p.749

... landed at appellant's wharf daily, discharging passengers and baggage as well as freight from different ports in the waters of Puget Sound and elsewhere, and it also shows that the appellant receives the sum of twenty-five cents per ton for every ton of freight going out or coming in over said wharf. We think that the language of the court in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, is applicable here, viz., that appellant "stands in the very gateway of commerce; and takes toll from ...

Discussion:  | **Court:** Wash. | **Date:** July 18, 1896

1435 [LIM v. TERRITORY OF WASHINGTON](#), 1 Wash. 156, 24 P. 588, 1890 Wash. LEXIS 32, 9 L.R.A. 395 

LB Cited by: 1 Wash. 156 p.172; 24 P. 588 p.592

... exclusively private, but it does authorize the establishing of laws requiring each citizen to so conduct himself and so use his own property as not unnecessarily to injure another. This is the very essence of government. See **Munn v. State of Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77**. It is contended here that the legislature, being the sole and absolute judge of the effect upon the individual, of the act forbidden, has decided every act of smoking or inhaling opium to be injurious ...

Discussion:  | **Court:** Wash. | **Date:** February 28, 1890 | **Headnotes::** HN4

Washington Court of Appeals

1436 [Grays Harbor Energy, LLC v. Grays Harbor County](#), 151 Wn. App. 550, 213 P.3d 609, 2009 Wash. App. LEXIS 1981 

LB Cited by: 151 Wn. App. 550 p.556; 213 P.3d 609 p.612

... away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law ... and to adapt it to the changes of time and circumstances." *Overlake Homes, Inc. v. Seattle-First Nat'l Bank*, 57 Wn.2d 881, 885, 360 P.2d 570 (1961) (quoting **Munn v. Illinois, 94 U.S. (4 Otto) 113, 134, 24 L. Ed. 77(1876)**) ...

Discussion:  | **Court:** Wash. Ct. App. | **Date:** August 11, 2009 | **Headnotes::** HN12

Other Washington Decisions

1437 [In the Matter of Amending and Repealing Rules in WAC 480-108](#), 2014 Wash. UTC LEXIS 856

LB Cited by:

... to dedicate its facilities to public use. No doubt, there appears to be something tautological in this reasoning: if you hold yourself out as a utility, you are a utility. The second factor we must consider is the market power of the company. The theoretical underpinning of utility regulation is that the regulated company is a natural monopoly, and it is more efficient for a monopoly to provide the service than the competitive market. 82 See **Munn v. Illinois, 94 U.S. 113, 151-52(1876)** ...

Court: Wash. U.T.C. | **Date:** July 30, 2014

1438 [In re Application TV-1831 Increased Rates in WUTC Tariff No. 4-A, Item 860, Logs: All Species](#), 1986 Wash. UTC LEXIS 35

LB Cited by:

... the petitions challenge the Commission's right to accept a recommended operating ratio range of 93-95. The Commission disagrees. The power of government to set the maximum rates to be charged by common carriers has been well established in law for three centuries. See, 1 Harg. Law Tracts 78 (1687). The theory was adopted and given force in **Munn v. Illinois, 94 U.S. 113, 24 L.Ed. 77(1876)**. At 24 L.Ed. 84, the court said: Property does become clothed with a public interest when used ...

Court: Wash. U.T.C. | **Date:** May 19, 1986

West Virginia Supreme Ct. of Appeals

1439 [State ex rel. Ohio County Comm'n v. Samol](#), 165 W. Va. 714, 275 S.E.2d 2, 1980 W. Va. LEXIS 655



LB Cited by: 165 W. Va. 714 p.727; 275 S.E.2d 2 p.9

... to strike down state laws, regulatory of business and industrial conditions because they may be unwise, improvident, or out of harmony with a particular school of thought * * *. We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77**, 'for protection against abuses by Legislatures the people must resort to the polls not to the courts.'" Id at 488, 75 S.Ct. at 464. It is significant, however, that the Court has never wholly abandoned ...

Discussion: | **Court:** W. Va. | **Date:** 1980 | **Headnotes:** HN13

1440 [Prager v. W. H. Chapman & Sons Co.](#), 122 W. Va. 428, 9 S.E.2d 880, 1940 W. Va. LEXIS 72, 129 A.L.R. 1114

LB Cited by: 122 W. Va. 428 p.438; 9 S.E.2d 880 p.885

... Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even the whim of the legislature, unless prevented by constitutional limitations." **Munnv.Illinois, 94 U.S. 113, 134, 24 L. Ed. 77**. The legislature of this state is not so prevented. **Watts v. Railway Co.**, supra, pp. 147, 148. The only cited case supporting the view of the majority is **Ives v. Railroad** ...

Discussion: | **Court:** W. Va. | **Date:** June 22, 1940 | **Headnotes:** HN12

1441 [Public Serv. Comm'n v. Harpers Ferry & Potomac Bridge Co.](#), 114 W. Va. 291, 171 S.E. 760, 1933 W. Va. LEXIS 68

LB Cited by: 114 W. Va. 291 p.294; 171 S.E. 760 p.761

... control for the common good. That doctrine was pronounced by Lord Chief Justice Hale nearly three centuries ago, and it was traced in the Laurel Fork decision from Lord Hale through English and state cases to **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**, where it was approved by the Supreme Court of the United States. Since the Laurel Fork decision, that doctrine has been recognized in our own cases of *Moore v. Railway Co.*, 80 W. Va. 653, 660, 93 S.E. 762, and *State v. ...*


Discussion:  **Court:** W. Va. | **Date:** November 14, 1933

1442 [Clarksburg Light & Heat Co. v. Public Serv. Comm'n](#), 84 W. Va. 638, 100 S.E. 551, 1919 W. Va. LEXIS 83 

LB Cited by: 84 W. Va. 638 p.645; 100 S.E. 551 p.553


... The increasing population of the country, closer relations existing between its inhabitants, brought about not only by the increase in population, but the more efficient means of communication, has rendered in recent years many lines of enterprise subject to public regulation which in the past had been considered matters of purely private concern. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *People v. Budd*, 117 N.Y. 1, 22 N.E. 670; *German Alliance Ins. Co. v. Kansas*, 233 U.S. ...

Discussion:  **Court:** W. Va. | **Date:** October 7, 1919

1443 [Watts v. Ohio V. E. R.R.](#), 78 W. Va. 144, 88 S.E. 659, 1916 W. Va. LEXIS 81 


LB Cited by: 78 W. Va. 144 p.148; 88 S.E. 659 p.660

Court: W. Va. | **Date:** April 4, 1916

1444 [Collins v. Degler](#), 74 W. Va. 455, 82 S.E. 265, 1914 W. Va. LEXIS 147 


LB Cited by: 82 S.E. 265 p.267


Court: W. Va. | **Date:** June 9, 1914

1445 [Wingrove v. Public Serv. Comm'n](#), 74 W. Va. 190, 81 S.E. 734, 1914 W. Va. LEXIS 102, L.R.A. (n.s.) 1918A210 

LB Cited by: 74 W. Va. 190 p.194; 81 S.E. 734 p.736

... against obligation on its part to continue it indefinitely or at all. It is now devoting its property in part to a public function, and, in so doing, has subjected it to governmental regulation and control for the time being. Governments, Public Improvements HN2 When private property is devoted to public use, it is subject to public regulation. "When private property is devoted to public use, it is subject to public regulation." **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77**; *Gas Co. v. ...*


Discussion:  **Court:** W. Va. | **Date:** April 21, 1914 | **Headnotes::** HN6

1446 [Carnegie Natural Gas Co. v. Swiger](#), 72 W. Va. 557, 79 S.E. 3, 1913 W. Va. LEXIS 87, 46 L.R.A. (n.s.) 1073 

LB Cited by: 72 W. Va. 557 p.571; 79 S.E. 3 p.9

... , (Ky.) 109 S.W. 328 , as well as *Olmsted v. Proprietors of the Morris Aqueduct* , 47 N. J. L. 311 , are likewise in point. So also are the cases of *Gibbs v. Balt. Gas Co.* , 130 U.S. 396 ; **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** . On the question of the public necessity for the use of the property, covered by the last two propositions relied on, it may be said generally, that Pipelines & Transportation, Easements & Rights of Way Pipelines & Transportation, Pipelines ...

Discussion:  **Court:** W. Va. | **Date:** May 27, 1913

1447 [Pittsburg Hydro-Electric Co. v. Liston](#), 70 W. Va. 83, 73 S.E. 86, 1911 W. Va. LEXIS 194, 40 L.R.A. (n.s.) 602 

LB Cited by: 70 W. Va. 83 p.90; 73 S.E. 86 p.89

... as are chartered for the purpose of supplying such current to the public, with the right of eminent domain. A heretofore wasted natural power can thus be made to supply a public need, and the state still retain the right to prescribe reasonable regulations for the protection of the public. For no public service corporation, or company can escape this inherent sovereign power which is always reserved to the state. 1 Lewis on Em. Dom., sec. 246; **Munnv.Illinois, 94 U.S. 113** ; *Gas Co . v. ...*


Discussion:  **Court:** W. Va. | **Date:** December 5, 1911

1448 [Coal & Coke Ry. Co. v. Conley](#), 67 W. Va. 129, 67 S.E. 613, 1910 W. Va. LEXIS 13 

LB Cited by: 67 W. Va. 129 p.199, p.205; 67 S.E. 613 p.643, p.646

... In such event the enforcement of the rates should be enjoined even in a case where the value of the property depends upon the value to be assigned to real estate by the evidence of experts." All of this comes back to the doctrine expressed in the original and leading case on the subject, **Munnv.Illinois, 94 U.S. 113** , and the English principles and precedents upon which it is founded. The state only intervenes to prohibit arbitrary, excessive and unreasonable charges for public services. ...


Discussion:  **Court:** W. Va. | **Date:** March 8, 1910

1449 [Charleston Natural Gas Co. v. Low](#), 52 W. Va. 662, 44 S.E. 410, 1901 W. Va. LEXIS 73 

LB Cited by: 52 W. Va. 662 p.671; 44 S.E. 410 p.413

... , Chief Justice Fuller, delivering the opinion of the court says: "These gas companies entered the streets of Baltimore under their charters in the exercise of the equivalent of the power of eminent domain, and are to be held as having assumed an obligation to fulfill the public purposes to subserve which they were incorporated." In **Mumv.Illinois,94 U.S. 113, 24 L. Ed. 77** , Chief Justice Waite said: "Enough has already been said to show that, Fundamental Rights, Eminent Domain & Takings ...

Discussion:  **Court:** W. Va. | **Date:** March 30, 1901 | **Headnotes::** HN6


1450 [STATE v. PEEL SPLINT COAL CO.](#), 36 W. Va. 802, 15 S.E. 1000, 1892 W. Va. LEXIS 122, 17 L.R.A. 385 

LB Cited by: 36 W. Va. 802 p.815, p.830, p.846, p.857; 15 S.E. 1000 p.1004, p.1009, p.1015, p.1019 ... of an act. (15) The courts have no right to set aside, to arrest, or nullify a law passed in relation to a subject within the scope of the legislative authority, on the ground that it conflicts with their notions of natural right, absolute justice, or sound morality." These principles, thus clearly announced by this Court, are sustained by all the best authorities, by the elementary writer and by the Supreme Court of the

Shepard's®: Munn v. Illinois, 94 U.S. 113

United States . In the leading case of Munn v. Illinois , **94 U.S. 113** ...**Discussion:**  **Court:** W. Va. | **Date:** October 6, 1892 | **Headnotes::** HN121451 [STATE v. PEEL SPLINT COAL CO.](#), 36 W. Va. 802, 15 S.E. 1000, 1892 W. Va. LEXIS 123**LB** Cited by:


... State v. Gas Co. , 34 Ohio St. 572 , 582 , (in 1878) **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , was cited with approval, as holding that, where the owner of property devotes it to a use in which the public have an interest, he, in effect, grants to the public an interests in such use, and must, to the extent of that interest, submit to be controlled by the public for the common good, so long as he maintains the use; and the court added that in **Munnv.Illinois** the principle was ...

Discussion:  **Court:** W. Va. | **Date:** October 6, 18921452 [State v. Goodwill](#), 33 W. Va. 179, 10 S.E. 285, 1889 W. Va. LEXIS 23, 25 Am. St. Rep. 863, 6 L.R.A. 621 **LB** Cited by: 33 W. Va. 179 p.184; 10 S.E. 285 p.287

... and regulate trade, property would cease to exist, and trade would exist only as an engine of fraud; but this does not authorize the government to do for its people what they can do for themselves. The natural law of supply and demand is the best law of trade. In **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , and other cases involving the same questions, the Supreme Court of the United States has held that persons or corporations engaged in occupations in which the public have an interest ...

Discussion:  **Court:** W. Va. | **Date:** November 18, 18891453 [Laurel Fork & Sand Hill R.R. v. West Va. Transp. Co.](#), 25 W. Va. 324, 1884 W. Va. LEXIS 138 **LB** Cited by: 25 W. Va. 324 p.338

... **Munnv.Illinois, 94 U.S. 113, 24 L. Ed. 77** , that Corporate Formation, Corporate Existence, Powers & Purpose Legislation, Statutory Remedies & Rights State & Territorial Governments, Legislatures HN21 A legislature has a right to regulate the compensation for the use of all property and for services in connection with it, the use of which affects the "community at large," and though the charter of a company confers the power to make reasonable charges, the whole matter is reserved to be ...

Discussion:  **Court:** W. Va. | **Date:** December 13, 1884 | **Headnotes::** HN71454 [State v. Railroad Co.](#), 24 W. Va. 783, 1884 W. Va. LEXIS 110, 49 Am. Rep. 290 **LB** Cited by: 24 W. Va. 783 p.793**Court:** W. Va. | **Date:** May 3, 1884**Other West Virginia Decisions**1455 [BFI WASTE SYSTEMS OF NORTH AMERICA, INC., a corporation, Complainant, v. TOWN OF MASON, Mason County, and JAMES ALLEN HARPER, doing business as SOUTHERN OHIO DISPOSAL, Pomeroy, Ohio, Defendants](#), 2003 W. Va. PUC LEXIS 2363**LB** Cited by:

... **Munn v. Illinois, 94 US 113, 24 L Ed 77(1877)** . The U.S. Supreme Court summarized it this way in *Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission*, 461 U.S. 375 (1983) : Maintaining the proper balance between federal and state authority in the regulation of electric and other energy utilities has long been a serious challenge to both judicial and congressional wisdom. On the one hand, the regulation of utilities is one of the most important of the functions ...

Court: W. Va. P.S.C. | **Date:** May 30, 2003

Wisconsin Supreme Court

1456 [Watkins v. Milwaukee County Civil Service Com.](#), 88 Wis. 2d 411, 276 N.W.2d 775, 1979 Wisc. LEXIS 1919 ▲

LB Cited by: 88 Wis. 2d 411 p.417; 276 N.W.2d 775 p.778

... , the legislature recognized other bodies politic by providing for service on "other bodies politic" independent of the state. At common law, "body politic" referred to "a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." **Munn v. Illinois, 94 U.S. 113, 124(1876)** . Under the common law definition, there is but one body politic: the state. However, under sec. 801.11(4) ...

Discussion: ■■■■■ | **Court:** Wis. | **Date:** March 27, 1979 | **Headnotes:** HN4

1457 [White House Milk Co. v. Reynolds](#), 12 Wis. 2d 143, 106 N.W.2d 441, 1960 Wisc. LEXIS 517 **A**

LB Cited by: 12 Wis. 2d 143 p.150; 106 N.W.2d 441 p.445

... *Daniel v. Family Ins. Co.* 336 U. S. 220 , 93 L. Ed. 632 , 69 S. Ct. 550 ; *Day-Brite Lighting, Inc., v. Missouri* , 342 U. S. 421 , 96 L. Ed. 469 , 72 S. Ct. 405 . We emphasize again what Mr. Chief Justice Waite said in **Munn v. Illinois, 94 U. S. 113, 134, 24 L. Ed. 77** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" We conclude that the facts pertaining to the marketing of milk in Wisconsin , the evils which may reasonably ...

Discussion: ■■■■■ | **Court:** Wis. | **Date:** December 2, 1960 | **Headnotes:** HN13

1458 [Kuhl Motor Co. v. Ford Motor Co.](#), 270 Wis. 488, 71 N.W.2d 420, 1955 Wisc. LEXIS 292, 55 A.L.R.2d 467

LB Cited by:


... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. [Citing cases.] We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134 [24 L. Ed. 77]** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" It would seem reasonably clear that one of the chief objectives of the legislature in enacting ...

Court: Wis. | **Date:** June 28, 1955

1459 [Kuhl Motor Co. v. Ford Motor Co.](#), 270 Wis. 488, 71 N.W.2d 420, 1955 Wisc. LEXIS 292, 1955 Wisc. LEXIS 293, 55 A.L.R.2d 467 ▲

LB Cited by: 270 Wis. 488 p.502; 71 N.W.2d 420 p.427

Discussion: ■■■■■ | **Court:** Wis. | **Date:** 1955 | **Headnotes:** HN13

1460 [State ex rel. Carter v. Harper](#), 182 Wis. 148, 196 N.W. 451, 1923 Wisc. LEXIS 296, 33 A.L.R. 269 

LB Cited by: 182 Wis. 148 p.155; 196 N.W. 451 p.454

... 17 S. Ct. 864 , 42 L. Ed. 260 . It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare." In **Munn v. Illinois,94 U.S. 113, at p. 124,24 L. Ed. 77** , it is said: "When one becomes a member of society he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. 'A body politic,' as aptly ...

Discussion:  **Court:** Wis. **Date:** December 11, 1923


1461 [Waukesha Gas & Electric Co. v. Railroad Com.](#), 181 Wis. 281, 194 N.W. 846, 1923 Wisc. LEXIS 219



LB Cited by: 181 Wis. 281 p.296; 194 N.W. 846 p.852

... that the property of the plaintiff is being taken, not that it is deprived of the benefit of market fluctuations in the value of materials and labor. With all due respect, the proposition that the cost of reproduction new less depreciation, although it should no doubt be considered, is entitled to controlling or even considerable weight under present abnormal conditions, appears to us to be unsound. In the first place it ignores the fact that under **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ...


Discussion:  **Court:** Wis. **Date:** July 14, 1923

1462 [Sperry & Hutchinson Co. v. Weigle](#), 166 Wis. 613, 166 N.W. 54, 1917 Wisc. LEXIS 227, Am. Ann. Cas. 1918D707 

LB Cited by: 166 Wis. 613 p.624; 166 N.W. 54 p.58

... And it is not required that we should be sure as to the precise reasons for such judgment or that we should certainly know them or be convinced of the wisdom of the legislation. *Southwestern Oil Co. v. Texas*, 217 U.S. 114 , 30 S. Ct. 496 , 54 L. Ed. 688 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ." 240 U.S. 342 , 365 , 60 L. Ed. 679 , 36 S. Ct. 370 . We recognize the foregoing consideration of that court as expressive of the true basis of the legislation embodied in ch. 480, which ...

Discussion:  **Court:** Wis. **Date:** December 20, 1917

1463 [Krom v. Antigo Gas Co.](#), 154 Wis. 528, 140 N.W. 41, 1913 Wisc. LEXIS 260 

LB Cited by: 154 Wis. 528 p.533; 140 N.W. 41 p.44

... Such persons and corporations have always been under a legal duty to furnish reasonably adequate service at reasonable rates and without discrimination to all who are entitled to apply for service. *Shepard v. Milwaukee G. L. Co.* 6 Wis. 539 ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** ; *Kennebec W. Dist. v. Waterville*, 97 Me. 185 , 54 A. 6 , 60 L. R. A. 856 ; *Madison v. Madison G. & E. Co.* 129 Wis. 249 (108 N.W. 65), and cases cited in that case on page 265. The effect of the ...


Discussion:  **Court:** Wis. **Date:** October 7, 1913

1464 [Frank A. Graham Ice Co. v. Chicago, M. & S. P. R. Co.](#), 153 Wis. 145, 140 N.W. 1097, 1913 Wisc. LEXIS 142 

LB Cited by: 153 Wis. 145 p.157; 140 N.W. 1097 p.1102

... been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will . . . of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." Citing **Munn v. Illinois,94 U.S. 113, 134, 24 L. Ed. 77** ; Martin v. P. & L. E. R. Co. 203 U.S. 284 , 294 , 27 S. ...


Discussion:  **Court:** Wis. | **Date:** April 8, 1913 | **Headnotes::** HN12

1465 [Madison v. Madison Gas & Electric Co.](#), 129 Wis. 249, 108 N.W. 65, 1906 Wisc. LEXIS 48, 9 Am. Ann. Cas. (o.s.) 819, 116 Am. St. Rep. 944, 8 L.R.A. (n.s.) 529 

LB Cited by: 129 Wis. 249 p.264; 108 N.W. 65 p.68

... & Hobbins, attorneys, and oral argument by Mr. G. W. Bird and Mr. Aylward. They contended that, in the absence of limitation of rates by franchise or contract, gas must be furnished to consumers at reasonable rates. 14 Am. & Eng. Ency. of Law (2d ed.) 928; Lindsley, Rate Regulation, 36; Allnutt v. Inglis, 12 East, 527, 538, 540; Cincinnati, H. & D. R. Co. v. Bowling Green, 57 Ohio St. 336 , 345 , 346 , 49 N.E. 121 , 123 , 124 ; **Munn v. Illinois,94 U.S. 113** ; Root v. L. I. R. Co. 114 ...

Discussion:  **Court:** Wis. | **Date:** October 9, 1906


1466 [Baker v. State](#), 54 Wis. 368, 12 N.W. 12, 1882 Wisc. LEXIS 77 

LB Cited by: 54 Wis. 368 p.373; 12 N.W. 12 p.15

... 94 U.S. 391 , 24 L. Ed. 248 , it was held that a law of that state prohibiting persons not citizens thereof from planting oysters in the soil covered by her tide-waters was not in violation of the constitution of the United States. In **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** , affirming S. C., 69 Ill. 80 , it was held that the legislature of Illinois had power to regulate public warehouses, and the warehousing and inspection of grain within that state, and to enforce the same by ...

Discussion:  **Court:** Wis. | **Date:** March 14, 1882 | **Headnotes::** HN5

Wisconsin Court of Appeals

1467 [Northern States Power Co. v. National Gas Co.](#), 2000 WI App 30, 232 Wis. 2d 541, 606 N.W.2d 613, 1999 Wisc. App. LEXIS 1415, 30 Env'tl. L. Rep. 20280 

LB Cited by: 232 Wis. 2d 541 p.548; 606 N.W.2d 613 p.617

... Such persons and corporations have always been under a legal duty to furnish reasonably adequate service at reasonable rates and without discrimination to all who are entitled to apply for service. Shepard v. Milwaukee G.L. Co. , 6 Wis. 539 [(1858)]; **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** [(1876)]; Kennebec W. Dist. v. Waterville , 97 Me. 185 , 54 A. 6 , 60 L.R.A. 856 [(1902)]; Madison v. Madison G. & E. Co. , 129 Wis. 249 (108 N.W. 65) [(1906)], and cases cited in that ...

Discussion:  **Court:** Wis. Ct. App. | **Date:** December 30, 1999

1468 [Wisconsin Power & Light Co. v. Public Service Com.](#), 148 Wis. 2d 881, 437 N.W.2d 888, 1989 Wisc. App. LEXIS 101 


LB Cited by: 148 Wis. 2d 881 p.891; 437 N.W.2d 888 p.892

... Companies providing electric service, like other utilities, are regulated because they are "affected with a public interest." Madison v. Madison Gas & Electric Co. , 129 Wis. 249 , 264 , 108 N.W. 65 , 68

(1906) (emphasis added), quoting **Munn v. Illinois, 94 U.S. 113, 126(1877)**, a case generally regarded as the foundation of the American system of public utility regulation. See M. Glaeser, *Outlines of Public Utility Economics* 162 (1927). Property does become clothed with a ...

Discussion:  | **Court:** Wis. Ct. App. | **Date:** January 26, 1989


Wyoming Supreme Court

1469 [Hoem v. State](#), 756 P.2d 780, 1988 Wyo. LEXIS 88 

LB Cited by: 756 P.2d 780 p.794

... Williamson v. Lee Optical of Oklahoma, 348 U.S. 483, 75 S. Ct. 461, 99 L.Ed 563 (1955)). It is appropriate that "to attempt to meet a crisis, the Legislature is free to experiment and to innovate and to do so at will, or even 'at the whim.' **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ." Prendergast v. Nelson, supra, 256 N.W.2d at 668. The legislature will review this act at its next session. It should be free to review the compiled data, hold hearings, and modify the act as ...


Discussion:  | **Court:** Wyo. | **Date:** June 14, 1988

1470 [Shunn v. State](#), 742 P.2d 775, 1987 Wyo. LEXIS 508 

LB Cited by: 742 P.2d 775 p.778


... The purpose of statutes has been held to be to remedy defects in the common law and to adapt it to changes of time and circumstance. Second Employers' Liability Case, 223 U.S. 1, 32 S. Ct. 169, 56 L. Ed. 327 (1912); and **Munn v. Illinois, 94 U.S. 113, 4 Otto 113, 24 L. Ed. 77(1876)**. See also, 15A AmJur.2d Common Law 818, p. 618 n.81 (1976). "The adoption of common law by Wyoming was not an adoption of a set code of law. Nor was the adoption one of status or nonchanging law." ...

Discussion:  | **Court:** Wyo. | **Date:** September 18, 1987

1471 [Steffey v. Casper](#), 357 P.2d 456, 1960 Wyo. LEXIS 80 

LB Cited by: 357 P.2d 456 p.462

... A good deal of testimony was introduced in the Casper case. We do not think that it is necessary to set out the testimony in detail except to say that it bears out at least many of the matters which are hereinafter mentioned. It is a rule of law well settled that if a state of facts could exist which would justify the legislature in forbidding the use of trading stamps it must be presumed to have existed. **Munn v. Illinois, 1876, 94 U.S. 113, 24 L. Ed. 77**; State v. Hobson, 1951, 7 Terry ...


Discussion:  | **Court:** Wyo. | **Date:** November 29, 1960

1472 [Application of Northern Utils. Co.](#), 70 Wyo. 225, 247 P.2d 767, 1952 Wyo. LEXIS 30 

LB Cited by: 70 Wyo. 225 p.256; 247 P.2d 767 p.783

... fails to provide a formula for the Commission to follow, courts are not warranted in rejecting the one which the Commission employs unless it plainly contravenes the statutory scheme of regulation. Under 15 U.S.C.S. § 717 et seq., the appropriateness of the formula employed by the Commission in a given case raises questions of fact, not of law. "Rate-making is essentially a legislative function. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Congress to be sure has provided for judicial ...


Discussion:  | **Court:** Wyo. | **Date:** September 2, 1952

1473 [Zancanelli v. Central Coal & Coke Co.](#), 25 Wyo. 511, 173 P. 981, 1918 Wyo. LEXIS 17 

LB Cited by: 25 Wyo. 511 p.526; 173 P. 981 p.983

... to fault, provided such injury is not caused by the culpable negligence of the employed. The common law defenses known as contributory negligence, fellow servant rule and assumption of risk are subject to legislative action. No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit. (**Mum v. Illinois,94 U.S. 113** ; Hurtado v. California, 110 U.S. 516 ; Martin v. Pittsburg & Lake Erie Ry. Co., 203 U.S. 284 ; Chicago & Alton R. ...

Discussion:  **Court:** Wyo. | **Date:** July 11, 1918 | **Headnotes::** HN12

1474 [Swan v. United States](#), 3 Wyo. 151, 9 P. 931, 1886 Wyo. LEXIS 1 

LB Cited by: 3 Wyo. 151 p.155; 9 P. 931 p.933

... supreme court of the United States affirm that every statute is presumed to be constitutional. The courts ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained. **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . The organic act being the constitution of the territory, the foregoing authorities, and many others to the same effect, are clearly applicable to the present case. If section 1014 may be held ...

Discussion:  **Court:** Wyo. | **Date:** January 23, 1886 | **Headnotes::** HN1

Puerto Rico Supreme Court

1475 [El Pueblo de Puerto Rico v. "Eastern Sugar Associates, a Trust"](#), 72 P.R.R. 548, 72 P.R. Dec. 587, 1951 PR Sup. LEXIS 204 

LB Cited by: 72 P.R.R. 548 p.553

... 338 U.S. 604 , 614 et seq.; Frost v. Corporation Commission , supra ; New State Ice Co. v. Liebmann , supra ; **Munnv.Illinois, 94 U.S. 113** . Cf. Davies Warehouse Co . v. Bowles , 321 U.S. 144 , y la opinión disidente en ese mismo caso en la corte inferior en 137 F.2d 201 , 209 (Emerg. C. A., 1943) ; United States v. Champlin Co . , 341 U.S. 290 . El Juez Asociado Sr. Negrón Fernández se inhibió. ...

Discussion:  **Court:** P.R. | **Date:** May 29, 1951

1476 [Rodolfo F. Aponte v. Tribunal del Distrito Judicial de San Juan, P.R.](#), 67 P.R.R. 788, 67 P.R. Dec. 840, 1947 PR Sup. LEXIS 154 

LB Cited by: 67 P.R.R. 788 p.794

... habían estado pagando, a menos que ésta sea modificada por la Comisión creada por la ley, y que en esa forma el uso de la propiedad y el derecho del dueño a hacer con lo suyo lo que le plazca y a celebrar los contratos que desee quedan menoscabados. Pero si el interés público queda establecido, la reglamentación de los alquileres es una de las primeras formas en que se manifiesta, y la validez de esa reglamentación ha quedado sentada desde que se decidió el caso de Munn v. Illinois, **94 U.S. 113** ...

Discussion:  **Court:** P.R. | **Date:** December 4, 1947

1477 [Angel Luis Lopez v. Tribunal de Distrito de San Juan.](#), 67 P.R.R. 163, 67 P.R. Dec. 176, 1947 PR Sup. LEXIS 29 

LB Cited by: 67 P.R.R. 163 p.163


Court: P.R. | **Date:** April 11, 1947

1478 [Americo Miranda v. Corte de Distrito de San Juan.](#), 63 P.R.R. 155, 63 P.R. Dec. 161, 1944 PR Sup. LEXIS 107 

LB Cited by:

... a menos que dicho canon sea modificado por la comisión establecida por la misma ley, y que en esa forma el uso de la tierra y el derecho del dueño a hacer lo que le plazca con su propiedad y a celebrar los contratos que quiera, quedan suprimidos. Empero, si el interés público ha quedado establecido, la reglamentación de los cánones es la primera forma en que ese interés se hace sentir, y la validez de esa reglamentación ha quedado sentada desde **Munnv.Illinois, 94 U.S. 113, 24 L. ed. 77** ...

Discussion:  | **Court:** P.R. | **Date:** March 6, 1944

1479 [Pueblo v. A. Roig, Sucrs.](#), 63 P.R.R. 17, 63 P.R. Dec. 18, 1944 PR Sup. LEXIS 83 

LB Cited by: 63 P.R.R. 17 p.22

... ; Hale, The Constitution and the Price System; Some Reflection on *Nebbia v. New York* (1934), 34 Columbia L. Rev. 401 ; Finkelstein, From **Munnv.Illinois** to *Tyson v. Bahton*; A study in the Judicial Process (1927), 27 Columbia L. Rev. 769 ; Goldsmith and Winks, Price Fixing: From *Nebbia* to *Guffey*, Selected Essays on Constitutional Law, vol. 2, pág. 531. Basta consignar que fué en el famoso caso **Munnv.Illinois, 94 U.S. 113(1873)** que por primera vez se injertó en el derecho constitucional ...

Discussion:  | **Court:** P.R. | **Date:** February 1, 1944

Dakota Territories

1480 [Territory ex rel. McMahon v. O'Connor](#), 5 Dakota 397, 1889 Dakota LEXIS 7, 41 N.W. 746

LB Cited by:

... such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munnv.Illinois, 94 U.S. 113, 124, 24 L. Ed. 77**, while power does not exist with the whole people to control rights that are purely and exclusively private, ...

Discussion:  | **Court:** Dakota | **Date:** February 21, 1889 | **Headnotes::** HN4

1481 [Territory ex rel. McMahon v. O'Connor](#), 5 Dakota 397, 1889 Dakota LEXIS 7, 41 N.W. 746

LB Cited by:

... such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated, that society has the power to protect itself, by legislation, against the injurious consequences of that business. As was said in **Munnv.Illinois, 94 U.S. 113, 124, 24 L. Ed. 77**, while power does not exist with the whole people to control rights that are purely and exclusively private, ...

Discussion:  | **Court:** Dakota | **Date:** February 21, 1889 | **Headnotes::** HN4

1482 **Territory ex rel. McMahon v. O'Connor**, 5 Dakota 397, 37 N.W. 765, 41 N.W. 746, 3 L.R.A. 355, 3 L.R.A. 355 

LB Cited by: 5 Dakota 397 p.410; 41 N.W. 746 p.752

Court: Dakota | **Date:** February 4, 1888

Other Citing Sources: (1402)

Other Citations

1. [Re Mrs. Ruby Williamson Bonham](#), 1956 Mo. PSC LEXIS 73
 ... ". . . For the operation of the electric plant must of necessity be for a public use, and therefore be coupled with public interest; otherwise the commission can have no authority whatever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation. **Munn v. Illinois (1877)94 U.S. 113, 24** L ed 77. Since the sole right of regulation depends upon the public interest, the subdivisions quoted above, and which define an electric plant and an ...
Content: Other Citations | **Date:** May 16, 1956

2. [1 TAXATION OF PUBLIC UTILITIES @ 2.02](#)
 ... considered affected with the public interest and, as such, could not operate on the same basis as other private enterprises. Entities serving the public interest were required by law to charge reasonable prices and provide adequate service and properly maintained facilities. 5 Garfield, P and Lovejoy, W, Public Utility Economics , 4 (Prentice-Hall, 1964). The principles set forth by Sir Matthew served as a foundation for the landmark Supreme Court decision in Munn v. Illinois . 6 **94 US 113(1877)** ...
Content: Other Citations

3. [9 Thompson on Real Property, Thomas Editions @ 81.02](#)
 ... regulating the harmful effects of both unrestrained capitalism and the industrial revolution, now in full bloom, legal representatives of those regulated continued to push the federal courts to recognize a due process limitation on state legislative authority. The breakthrough came in Munn v. Illinois, where the Court, while holding the particular rate regulations before it constitutional, did so because the grain elevators involved were "affected with a public interest." 30 **94 U.S. 113(1877)** ...
Content: Other Citations

4. [2 Thompson on Real Property, Thomas Editions @ 14.02](#)
 ... 117 S.E.2d 85 (Va. 1960) . The government may, in the legitimate exercise of the police power, enact laws requiring owners of property to use the same so as not unnecessarily to injure others. 111 Slaughter-House Cases, 83 U.S. 36 (1872) ; **Munn v. Illinois,94 U.S. 113(1876)** ; Nebbia v. New York, 291 U.S. 502 (1934) ; Tulare Irrigation Dist. v. Lindsay -Strathmore Irrigation Dist., 45 P.2d 972 (Cal. 1935) (water control); People v. Commonwealth Edison Co., 32 N.E.2d 902 (Ill. 1941) ...
Content: Other Citations

5. 180-18005 Oil & Gas Reporter 180-5
Content: Other Citations

Annotated Statutes

6. **U.S. Const. Amend. 14**

... Meaning of “deprive” As Constitution contains no definition of word “deprive” as used in Fourteenth Amendment, to determine its signification, it is necessary to ascertain effect which usage has given it, when employed in same or like connection. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, 1876 U.S. LEXIS 1842 (1877)** . 67. Nature of procedural due process Applicability of procedural due process rights is not governed by any wooden distinction between “rights” and “privileges.” Board of ...

Content: Statutes

7. **U.S. Const. Art. 1, @ 8, Cl 3**

... —Storage State statute fixing maximum of charges for storage of grain is not unconstitutional as regulation of commerce, although warehouses affected are used by those engaged in interstate commerce as well as in commerce within state. **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77, 1876 U.S. LEXIS 1842 (1877)** . Regulation of charges of grain elevator is not regulation of interstate commerce, although grain passing through it is brought from another state. *Budd v. New York*, 143 U.S. 517, ...

Content: Statutes

8. **U.S. Const. Art. 1, @ 9, Cl 6**

... *Morgan's S.S. Co. v. Louisiana Bd. of Health*, 118 U.S. 455, 6 S. Ct. 1114, 30 L. Ed. 237, 1886 U.S. LEXIS 1945 (1886) . Art. I, § 9, cl. 6 operates only as limitation of powers of Congress, and in no respect affects states in regulation of their domestic affairs. **Munn v Illinois (1877) 94 US 113, 4 Otto 113, 24 L Ed 77** ; *Johnson v. Chicago & Pacific Elevator Co.*, 119 U.S. 388, 7 S. Ct. 254, 30 L. Ed. 447, 1886 U.S. LEXIS 2004 (1886) . Word “state” in Art. I, § 9, cl. 6, does ...

Content: Statutes

9. **Utah Code Ann. @ 54-4-21**

... *Utah Power & Light Co. v. Public Serv. Comm'n*, 107 Utah 155, 152 P.2d 542, 1944 Utah LEXIS 117 (Utah 1944) . Constitutional requirements. For lengthy discussion of development of substantive constitutional law regarding rate legislation from **Munn v. Illinois, 94 U.S. (94 Otto) 113, 24 L. Ed. 77(1876)**, to *Federal Power Com. v. Hope Natural Gas Co.*, 320 U.S. 591, 64 S. Ct. 281, 88 L. Ed. 333, 1944 U.S. LEXIS 1204 (U.S. 1944), see *Utah Power & Light Co. v. Public Serv. Comm'n*, ...

Content: Statutes

10. **Utah Code Ann. sec. 54-4-21**

... *Utah Power & Light Co. v. Public Serv. Comm'n*, 107 Utah 155, 152 P.2d 542, 1944 Utah LEXIS 117 (Utah 1944) . Constitutional requirements. For lengthy discussion of development of substantive constitutional law regarding rate legislation from **Munn v. Illinois, 94 U.S. (94 Otto) 113, 24 L. Ed. 77(1876)**, to *Federal Power Com. v. Hope Natural Gas Co.*, 320 U.S. 591, 64 S. Ct. 281, 88 L. Ed. 333, 1944 U.S. LEXIS 1204 (U.S. 1944), see *Utah Power & Light Co. v. Public Serv. Comm'n*, ...

Content: Statutes

Law Reviews and Periodicals

11. [ARTICLE: MAYDAY, MAYDAY: MAINE'S LOBSTERMEN NEED EXEMPTION FROM FEDERAL ANTITRUST LAWS](#), 19 *Ocean & Coastal L.J.* 145

... taken arbitrary and excessive duties for crantage, wharfage, pesage . . . neither can they be enhanced to an immoderate rate; but the duties must be reasonable and moderate For now the wharf and crane and other conveniences are affected with a public interest, and they cease to be *juris privati* only; as if a man set out a street in new building on his own land, it is now no longer bare private interest, but is affected by a public interest. 80 **Munn v. Illinois, 94 U.S. 113, 150 (1876)** ...

Content: Law Reviews | **Date:** 2013

12. [**ESSAY: COMMON CARRIER ESSENTIALISM AND THE EMERGING COMMON LAW OF INTERNET REGULATION**](#), 67 Ad. L. Rev. 133

... This test, articulated in canonical form by the English jurist Sir Matthew Hale in the 1670s, eventually found its way into Lochner-era American constitutional law as a way to justify various forms of economic regulation on certain firms deemed common carriers. 178 See, e.g., **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)**; see also Daniel A. Lyons, Net Neutrality and Nondiscrimination Norms in Telecommunications, 54 ARIZ. L. REV. 1029, 1043-44 (2012). A final test has focused on the ...

Content: Law Reviews | **Date:** 2015

13. [**ARTICLE: PRIVATIZING DUE PROCESS**](#), 57 Ad. L. Rev. 963

... Justice Harlan's memorable dissent invoked the "public use" doctrine to justify the federal legislation. *Id.* (Harlan, J. dissenting) at 37-38. Justice Harlan cited *Munn v. Illinois*, where the Court justified state regulation of private elevators as a "business... affected with a public interest." *Id.* (citing **Munn v. Illinois, 94 U.S. (4 Otto) 113, 130 (1876)**). By restricting coverage of the Due Process Clause to state action, the Court left private discrimination to be regulated (or not) by state ...

Content: Law Reviews | **Date:** 2005

14. [**ANNUAL REGULATION OF BUSINESS FOCUS: PRIVATIZATION: PUBLIC PURPOSE AND PRIVATE SERVICE: THE TWENTIETH CENTURY CULTURE OF CONTRACTING OUT AND THE EVOLVING LAW OF DIFFUSED SOVEREIGNTY**](#), 52 Ad. L. Rev. 859

... The empirical and legal fictions of government regularity have likely inhibited the deployment of traditional legal principles to order the performance of public purpose by private actors. Our legal tradition has long recognized that private actors may perform public purposes. This, for example, is the common law premise of modern public utility regulation. 250 See **Munn v. Illinois, 94 U.S. 113(1876)**, regarding the common law origins of the police power that, having been imparted into our ...

Content: Law Reviews | **Date:** 2000

15. [**ARTICLE: INTEREST GROUPS, JUDICIAL REVIEW, AND THE ORIGINS OF BROADCAST REGULATION**](#), 49 Ad. L. Rev. 549

... standard of "businesses affected with a public interest" to reject this price regulation on grounds of substantive due process. Rabin, *supra* note 29, at 1254 n.188 (noting Nebbia court's rejection of narrow reading of "business affected with a public interest" standard used in **Munn v. Illinois, 94 U.S. 113, 126 (1876)**). In the same year, the Court recognized that existing conditions sometimes justified governmental incursions into the realm of private contracts. 45 Home Bldg. and Loan ...

Content: Law Reviews | **Date:** 1997

16. [**CONFERENCE ADDENDUM: REGULATING IN PURSUIT OF EFFICIENT AND JUST PRICES**](#) *, 8

Admin. L.J. Am. U. 913

... In light of this principle, it is not surprising to see a major increase in demands for economic regulators in nation after nation as nations privatize state-owned utilities. There is a necessary connection between heavy reliance on private ownership of utilities and heavy reliance on economic regulators. Sean P. Madden, Takings Clause Analysis of Utility Rate-making Decisions: Measuring Hope's Investor Interest Factor, 58 Fordham L. Rev. 427, 431 (citing **Munn v. Illinois, 94 U.S. 113(1876)** ...

Content: Law Reviews | **Date:** 1995

17. [**ARTICLE: SCALIA, PROPERTY, AND DOLAN v. TIGARD: THE EMERGENCE OF A POST-CAROLINE PRODUCTS JURISPRUDENCE**](#), 29 Akron L. Rev. 1

... law violated the Due Process Clause of the Fourteenth Amendment, which in his view protected certain fundamental rights such as the right to property and freedom from government interference in following an economic calling. Four years later, in *Munn v. Illinois*, 136 **94 U.S. 113(1876)**. the Court again refused to strike down a state regulation, this time a law establishing maximum rates for grain stored in elevators. Again as in *Slaughter-House*, both the majority and dissenting opinions ...

Content: Law Reviews | **Date:** 1995

18. [**ARTICLE: INHERENT SOVEREIGN POWERS: THE INFLUENTIAL YET CURIOUSLY UNCONTROVERSIAL FLIP SIDE OF NATURAL RIGHTS**](#), 4 Ala. C.R. & C.L. L. Rev. 133

... This understanding did not stress the needs of a particular community but the requirements of public welfare. It did not reason from enacted texts but from the nature of society and government. The dissenters did not challenge these propositions. *Munn v. Illinois* 50 **94 U.S. 113(1876)**. likewise characterized the police powers as those "inherent in every sovereignty" 51 *Id.* at 125. and further established their natural law foundations by linking them explicitly with a social contractarian ...

Content: Law Reviews | **Date:** 2013

19. [**SYMPOSIUM: WHEN DOES RETROACTIVITY CROSS THE LINE?: WINSTAR, EASTERN ENTERPRISES AND BEYOND: Substantive Due Process and Regulatory Takings: A Reappraisal**](#), 51 Ala. L. Rev. 977

... and pressures from a growing national business community argued for more federal protection of property rights. 115 See, e.g., Richard C. Cortner, *The Iron Horse and the Constitution: The Railroads and the Transformation of the Fourteenth Amendment* (1993). These efforts started to bear fruit in *Munn v. Illinois*, 116 **94 U.S. 113, 126 (1876)**. where the Court stated that it was particularly appropriate to defer to state regulation of grain elevators since they were "affected with a ...

Content: Law Reviews | **Date:** 2000

20. [**Building a Better Path to Office: Selected Topics in Elections Law: ARTICLE: CAN INDEPENDENT REDISTRICTING COMMISSIONS LEAD US OUT OF THE POLITICAL THICKET?**](#), 9 Alb. Gov't L. Rev. 288

... as the most effective solution to bad laws. 29 *Williamson v. Lee Optical of Okla., Inc*, 348 U.S. 483, 488 (1995). "For protection against abuses by legislatures the people must resort to the polls, not to the courts." *Id.* (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). While this is a reasonable suggestion with respect to ordinary legislation, the polls offer no solution when legislatures rig elections. 30 See Carson & Crespin, *supra* note 7, at 458. The voters cannot resort ...

Content: Law Reviews | **Date:** 2016

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21. [ARTICLE: RESULTS FROM THE LABORATORIES OF DEMOCRACY: EVALUATING THE SUBSTANTIVE OPEN COURTS CLAUSE AS FOUND IN STATE CONSTITUTIONS](#), 82 Alb. L. Rev. 1449
- ... considered whether a state legislature could abolish a cause of action without running afoul of the constitution. 75 See *Wilmington Star Mining Co. v. Fulton*, 205 U.S. 60, 74 (1907). Arguably, the Supreme Court of the United States may have addressed the issue a century earlier. See **Munn v. Illinois, 94 U.S. 113, 134(1876)** ("A person has no property, no vested interest, in any rule of the common law... The law itself, as a rule of conduct, may be changed ...
- Content:** Law Reviews | **Date:** 2018
-
22. [ARTICLE: THE "ORDERED LIBERTY" OF SUBSTANTIVE DUE PROCESS AND THE FUTURE OF CONSTITUTIONAL LAW AS A RHETORICAL ART: VARIATIONS ON A THEME FROM JUSTICE CARDOZO IN THE UNITED STATES SUPREME COURT](#), 70 Alb. L. Rev. 1473
- ... United States of America : Analysis and Interpretation 1674 (Johnny H. Killian et al. eds., 2004). soon thereafter the Court came to embrace due process as a substantive check on state regulation of economic liberty. 42 See, e.g., **Munn v. Illinois, 94 U.S. 113, 134-35 (1876)**; *Allgeyer v. Louisiana*, 165 U.S. 578, 589 (1897). Thus, fundamental rights, as a term of art, having first explicitly appeared in an Article IV Privileges and Immunities Clause case in 1823, 43 *Corfield v. ...*
- Content:** Law Reviews | **Date:** 2007
-
23. [LEGAL DEVELOPMENTS: "FAIR RENTS" OR "FORCED SUBSIDIES" UNDER RENT REGULATION: FINDING A REGULATORY TAKING WHERE LEGAL FICTIONS COLLIDE](#), 59 Alb. L. Rev. 1293
- ... (finding unconstitutional a congressional statute which made it a criminal offense to discharge an employee because of his membership in a labor organization). Compare *Block v. Hirsh*, 256 U.S. 135, 159 (1921) (upholding a rent regulation); *Railroad Comm'n Cases*, 116 U.S. 307, 333-37 (1886) (upholding the regulation of railroad fares); **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)** (upholding various price regulations). However, whether or not the incorporation of economic analysis into judicial ...
- Content:** Law Reviews | **Date:** 1996
-
24. [ARTICLE: TAHOE-SIERRA PRESERVATION COUNCIL, INC.: A SHIFT OR COMPROMISE IN THE DIRECTION OF THE COURT ON PROTECTING ECONOMIC AND PROPERTY RIGHTS](#), 10 Alb. L. Envtl. Outlook 229
- ... moratorium or persuade a willing buyer to assume the risk at no cost. Moreover, such an assumption means that the use of the land will not change after the moratorium. Obviously, land use controls that permanently lower the use classification after expiration of the moratoria will affect value. This loss or risk weighs heavily on the right to transfer ownership of the land and imposes a horrific exit-burden, which untimely falls on a few businesses. 243 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ...
- Content:** Law Reviews | **Date:** 2005
-
25. [ARTICLE: THE SUN ALSO RISES: PROSPECTS FOR SOLAR DISTRICT HEATING IN THE UNITED STATES](#), 25 Alb. L.J. Sci. & Tech. 165
- ... State authority to regulate the rates charged by public utilities was first recognized in U.S. law in the landmark *Munn v. Illinois* case, which upheld the power of a state legislature to regulate rates charged

by grain storage warehouses on the shores of **Lake Michigan**. See **94 U.S. 113, 135-36 (1876)**. Munn established that "property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes ...

Content: Law Reviews | **Date:** 2015

26. [ARTICLE: Ex parte Young: Relativity in Practice](#), 72 Am. Bank. L.J. 455

... Chicago could charge. "Reflecting the continued ascendancy of the liberal views that had achieved dominance with the rise of Jacksonian democracy some four decades earlier," seven Justices joined to give "a ringing affirmation of legislative regulatory power." 89 Siegel, *supra* note 86, at 195-96. Writing for the majority, Chief Justice Waite held that, "when private property is devoted to a public use, it is subject to public regulation." 90 Munn v. Illinois, **94 U.S. 113, 130 (1876)**. ...

Content: Law Reviews | **Date:** 1998

27. [ARTICLE: Guaranteed Protection of the Public Interest Needed in the Case of Investor Owned Energy Utility Financial Failure](#), 60 Am. Bank. L.J. 203

... Existing state statutes and court decisions during the twenty-five years prior to the enactment of the Bankruptcy Act of 1898 had been fully litigated and interpreted, and those subject to them were satisfied with the existing system. 5 Id. III. SHARED CHARACTERISTIC: "AFFECTATION WITH A PUBLIC INTEREST" Ever since **Munn v. Illinois**, 6 **Munn v. Illinois, 94 U.S. 113(1876)**. decided by the Supreme Court in 1876, it has been settled that certain businesses, even though privately ...

Content: Law Reviews | **Date:** 1986

28. [ARTICLE: Bankruptcy Analysis of a Financially-Troubled Electric Utility.](#) *, 59 Am. Bank. L.J. 135

... public consequence and to affect the community at large, the owners of that property "have clothed the public with an interest in their concerns" and must be "subject to the power of the body politic to require them to conform to such regulations as might be established by the proper authorities for the common good. . . . Without (such regulation) the owner could make his rates at will, and compel the public to yield to his terms, or forego the use." **Munn v. Illinois, 94 U.S. 113, 133-34 (1876)**. ...

Content: Law Reviews | **Date:** 1985

29. [ARTICLE: THE SUBSTANTIVE DUE PROCESS DECISIONS OF MR. JUSTICE HOLMES](#), 36 Am. Bus. L.J. 437

... (resale price of theater tickets). With the exception of Ribnik, 277 U.S. at 358 (property and freedom of contract), these cases involved deprivations of property alone. They pursued what might regarded as the negative implications of **Munn v. Illinois, 94 U.S. 113, 125-36 (1876)**, which established that the states have considerable power to regulate businesses affected with a public interest. The price-fixing cases evidently proceeded on the theory that for businesses not affected with a public ...

Content: Law Reviews | **Date:** 1999

30. [NOTE: Life on the Line: Pondering the Fate of a Substantive Due Process Challenge to the Death Penalty](#), 40 Am. Crim. L. Rev. 1329

... Many scholars consider the Court's efforts to read substance into the Due Process Clause to have begun in earnest in the 1870s, 115 See, e.g., BORK, *supra* note 42, at 42-43 (identifying Davidson v. New Orleans, 96 U.S. 97 (1877), as "validating [substantive due process] as constitutional doctrine");

STONE ET AL., supra note 114, at 711-12 (identifying **Munn v. Illinois, 94 U.S. 113(1877)**, as the first of the antecedents of *Lochner v. New York*, 198 U.S. 45 (1905)). coming ...

Content: Law Reviews | **Date:** 2003

31. [**ARTICLE: Private Credentialing of Health Care Personnel: An Antitrust Perspective * Part One ****](#), 9 Am. J. L. and Med. 131

... held that a medical society's "virtual monopoly" over a physician's eligibility for hospital privileges rendered its membership policies subject to scrutiny. 88 Id. at 597, 170 A.2d at 799. The notion that "virtual monopoly" supplies a warrant for regulating a private business has ancient roots. See **Munn v. Illinois, 94 U.S. 113(1876)**. Such uses of ancient doctrines to extend judicial oversight to new institutions is questionable on the ground that modern legislatures have long ...

Content: Law Reviews | **Date:** 1983

32. [**ARTICLE: From Petitions for Gratuities to Claims for Damages: Personal Injuries and Railroads During the Industrialization of the United States**](#), 57 Am. J. Legal Hist. 261

... WILLIAM E. NELSON, THE AMERICANIZATION OF THE COMMON LAW: THE IMPACT OF LEGAL CHANGE ON MASSACHUSETTS SOCIETY, 1760-1830, at 133 (1975). The Court eventually distinguished between businesses that were purely private and businesses that were "affected with a public interest." 160 **Munn v. Illinois, 94 U.S. 113, 130 (1876)**. The Supreme Court interpreted "businesses affected with a public interest" broadly. In *Munn v. Illinois*, Chief Justice Morrison R. Waite, speaking for the Court, ...

Content: Law Reviews | **Date:** July 1, 2017

33. [**ARTICLE: ANTITRUST REGULATION AND THE FEDERAL-STATE BALANCE: RESTORING THE ORIGINAL DESIGN**](#), 70 Am. U.L. Rev. 75

... The Court recognized that various intrastate activities affected interstate commerce. 179 See, e.g., *Kidd v. Pearson*, 128 U.S. 1, 22-23 (1888) (recognizing that a ban on manufacturing reduced interstate commerce); *Smith v. Alabama*, 124 U.S. 465, 481-82 (1888) (intrastate locomotive operation); **Munn v. Illinois, 94 U.S. 113, 135(1876)** (grain storage fees). Still, so long as the impact of these activities--and state regulation thereof--upon interstate ...

Content: Law Reviews | **Date:** October 1, 2020

34. [**Article: WI-FI EVERYWHERE: UNIVERSAL BROADBAND ACCESS AS ANTITRUST AND TELECOMMUNICATIONS POLICY**](#), 55 Am. U.L. Rev. 1697

... (providing that all charges for transportation of passengers or by railroad "shall be reasonable and just," and prohibiting any "undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic"); **Munn v. Illinois, 94 U.S. 113, 125 (1876)** ("It has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, ... wharfingers, innkeepers, ...

Content: Law Reviews | **Date:** August 1, 2006

35. [**ARTICLE: FROM SPECIAL PRIVILEGE TO GENERAL UTILITY: A CONTINUATION OF WILLARD HURST'S STUDY OF CORPORATIONS ***](#), 49 Am. U.L. Rev. 81

... law requiring rates to be just and reasonable failed to provide an effective means for enforcement of its

provisions). See generally Miller, *supra*, at 59-96 (examining the history of the drive to reform railroad rate law in Illinois). The Granger Laws were eventually upheld by the Supreme Court. See **Munn v. Illinois, 94 U.S. 113, 135 (1876)** (concluding that an Illinois statute that fixed grain storage charges was not "repugnant to the Constitution"). Many of the Granger Laws, however, were ...

Content: Law Reviews | **Date:** October 1, 1999

36. [ARTICLE: NATURAL LAW, ARTICLE IV, AND SECTION ONE OF THE FOURTEENTH AMENDMENT](#), 47 Am. U.L. Rev. 351

... In the nineteenth-century mind, there was a well-defined notion of the legitimate sphere of government action in regulating the fundamental rights of the citizenry, which was not meant to be disturbed by the Fourteenth Amendment. 241 The Supreme Court subsequently acknowledged the state's right of regulation as preserved under the Fourteenth Amendment in **Munn v. Illinois, 94 U.S. 113(1876)**. The Court stated that individuals, upon entering society, conferred upon the government the power ...

Content: Law Reviews | **Date:** December 1, 1997

37. [ARTICLE: PROPERTY RIGHTS AND THE CONSTITUTION: WILL THE UGLY DUCKLING BECOME A SWAN? *](#), 37 Am. U.L. Rev. 9

... (upholding ICC determination that benefits of new shipper's market entry outweighed adverse effect). price controls, 164 See *Nebbia v. New York*, 291 U.S. 502, 521 (1934) (upholding regulation of milk prices charged by dealers to storekeepers); **Munn v. Illinois, 94 U.S. 113, 135 (1877)** (affirming regulation of grain storage rates charged by warehouse owners). and similar matters, the Court is disadvantaging one group of property holders and favoring another. Why should the Court step ...

Content: Law Reviews | **Date:** 1987

38. [SYMPOSIUM: THE WASHINGTON COLLEGE OF LAW PROGRAM FOR ADVANCED STUDIES IN FEDERAL REGULATION INTENSIVE SEMINAR SERIES: COLLECTIVE RATEMAKING AND CONSENSUAL DECISIONMAKING, AUGUST 20, 1982: RATE REGULATION AND ANTITRUST IMMUNITY IN TRANSPORTATION: THE GENESIS AND EVOLUTION OF THIS ENDANGERED SPECIES.](#), 32 Am. U.L. Rev. 335

... Hence, a state government could regulate private property dedicated to a public use. The Court also noted that regulation of the grain elevators was a domestic concern, and therefore found that the state was free to exercise its governmental powers over such a concern, "even though in so doing it [might] indirectly operate upon commerce outside its immediate jurisdiction." 24 *Munn v. Illinois, 94 U.S. 113, 135 (1876)*. Thus, the state's power to regulate would be restricted only when Congress ...

Content: Law Reviews | **Date:** 1983

39. [TRANSPORT AT THE MILLENNIUM: The Road to Now](#), 553 Annals 30

... and the U.S. Supreme Court began to chip away at the laissez-faire bedrock on which railroads had constructed their empires. The High Court held that, "when the owner of property devotes it to a use in which the public has an interest, he in effect grants the public an interest in such use." 12 **Munn v. Illinois, 94 U.S. 113(1876)**. Railroads' resourceful counsel countered by arguing that the U.S. Constitution prohibits states from interfering with railroads passing through their jurisdiction ...

Content: Law Reviews | **Date:** September 1, 1997

40. [ARTICLE: TYRANNY AND ADMINISTRATIVE LAW](#), 59 Ariz. L. Rev. 49

... Network Interconnection and Takings , 54 SYRACUSE L. REV. 369, 381-82 (2004) ("The authority of state (or federal) government to engage in common carrier-type regulation and regulation of industries affected with the public interest were established in cases such as **Munn v. Illinois, 94 U.S. 113(1877)**; Traditionally, the most important of these regulations was the standard of care to which they were held. In addition, they cannot discriminate in service, but must charge, as a general rule, ...

Content: Law Reviews | **Date:** 2017

41. [NOTE: Border Crossing, Club Hopping, and Underage "Possession" of Alcohol: An Analysis of the Law Enforcement Response to the Problem of Cross-Border Underage Drinking in Southern Arizona](#), 43 Ariz. L. Rev. 709

... . Although the substantive effect of the "due process" language in both amendments is identical, inasmuch as the statutory language at issue is contained within a state criminal statute, this section will refer only to the Due Process Clause of the Fourteenth Amendment. Of course, the Due Process Clause of the Fifth Amendment applies where the constitutionality of a federal statute or regulation is at issue. See **Munn v. Illinois, 94 U.S. 113, 124 (1876)**. Although this broad constitutional proscription ...

Content: Law Reviews | **Date:** 2001

42. [ARTICLE: THE ARIZONA "PRIVATE AFFAIRS" CLAUSE](#), 51 Ariz. St. L.J. 723

... During this period, discussions over the meaning of "private affairs" occurred most often in the context of debates over government investigation and regulation of the marketplace. In 1876, the pivotal decision in *Munn v. Illinois* upheld the authority of the state to regulate the prices of grain elevators. 37 **Munn v. Illinois, 94 U.S. 113, 121-22 (1876)**. That case--which attracted great attention at the height of the Populist Era--drew the line between public and private by establishing ...

Content: Law Reviews | **Date:** 2019

43. [ARTICLE: ECONOMIC LIBERTY AND THE ARIZONA CONSTITUTION: A Survey of Forgotten History](#), 49 Ariz. St. L.J. 355

... and pointedly refused to analyze any of those potential purposes, pithily opining that "[f]or protection against abuses by legislatures the people must resort to the polls, not to the courts."

122

Id.

at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134(1876)**)

Content: Law Reviews | **Date:** 2017

44. [SYMPOSIUM LAWYER ADVERTISING: Advertising and Intermediaries in Provision of Legal Services: Bates in Retrospect and Prospect](#), 37 Ariz. St. L.J. 307

... Broadly speaking, these developments had the cumulative effect of disestablishing the bar as a semi-public vocational fraternity and reconstituting it as a service industry recognized as being "affected with a public interest." 10 The phrase was employed notably in **Munn v. Illinois, 94 U.S. 113, 126 (1876)**, one of many cases in the evolution of the relationship between government regulatory authority and the principle of due process. *Bates* was a landmark decision in this transformation. The ...

Content: Law Reviews | **Date:** 2005

45. [SYMPOSIUM ARTICLE: Continuity and Change in Commerce Clause Jurisprudence](#), 55 Ark. L. Rev. 1009

... may be true - we are not told how nebulous they are often recognized to be, nor by whom - but it is clear that the rule restricting rate regulation to businesses affected with a public interest had by 1914 been established for thirty-seven years, and that the number of businesses that had been so deemed was exceedingly small. Before 1914, only grain elevators, 43 See *Brass v. Stoeser*, 153 U.S. 381 (1894); *Budd v. New York*, 143 U.S. 517 (1892); **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2003

46. [SYMPOSIUM ARTICLE: "the railroad system has burst through State limits": Railroads and Interstate Commerce, 1830-1920](#), 55 Ark. L. Rev. 933

... This ruling inaugurated an era of judicial scrutiny of railroad rate fixing. James W. Ely, Jr., *The Railroad Question Revisted: Chicago, Milwaukee and St. Paul Railway v. Minnesota and Constitutional Limits on State Regulations*, 12 Great Plains Q. 121 (1992). For a discussion of the Munn doctrine, see infra notes 46-48 and accompanying text. In *Munn v. Illinois*, 46 **94 U.S. 113(1876)**. involving the regulation of grain elevators, and a cluster of companion cases, the Supreme Court ...

Content: Law Reviews | **Date:** 2003

47. [TJAGSA PRACTICE NOTES: Legal Assistance Items](#), 1990 Army Law. 48

... did not assert directly that they had a property right in federal preemption of state law, the court, "lest there be any question," held that "a person has no property, no vested interest, in any rule of common law." Id. (quoting **Munn v. Illinois, 94 U.S. 113, 134(1876)**) . CPT Connor. *New Hampshire Holds Military Retirement Pay Divisible as Property Overturning a decision handed down ten years ago*, 136 *Baker v. Baker*, 421 A.2d 998 (N.H. 1980) . the New Hampshire Supreme Court ...

Content: Law Reviews | **Date:** October 1, 1990

48. [ARTICLE: E PLURIBUS UNUM: LIBERALISM'S MARCH TO BE THE SINGULAR INFLUENCE ON CIVIL RIGHTS AT THE SUPREME COURT](#), 19 Barry L. Rev. 49

... (Brewer, J., dissenting) ("The paternal theory of government is to me odious. The utmost possible liberty to the individual, and the fullest possible protection to him and his property, is both the limitation and duty of government."); **Munn v. Illinois, 94 U.S. 113, 134 (1877)** ("[In matters] in which the public has no interest, what is reasonable must be ascertained judicially"); *The Railroad Commission Cases*, 116 U.S. 307, 345-46 (1886) (power of State to regulate is limited); *Chicago v.* ...

Content: Law Reviews | **Date:** 2013

49. [ARTICLE: THE ROLE OF DEFERENCE IN JUDICIAL REVIEW OF PUBLIC USE DETERMINATIONS](#), 39 B. C. Envtl. Aff. L. Rev 243

... Thus, the court concluded that although a court's ability to scrutinize takings cases is limited, "it clearly remains a critical constitutional component." 234 Id. at 1138. The U.S. Supreme Court seems to have adopted the opposite view, essentially stating that the remedy to abusive governmental action often lies in the ballot box and not the federal courtroom. 235 See **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. In an 1876 decision, *Munn v. Illinois*, the Court stated that the ...

Content: Law Reviews | **Date:** 2012

50. [NOTE: FAST FOOD, ZONING, AND THE DORMANT COMMERCE CLAUSE: WAS IT SOMETHING I ATE?](#), 35 B. C. Envtl. Aff. L. Rev 259

... GOVERNMENT 120 (2005). "The police power's defining characteristic [is] its very undefinability. Virtually every definition of the police power [is] accompanied by the remark that it cannot be, and has not been, defined." *Id.* The U.S. Supreme Court first began to elucidate the scope of the police power in the landmark cases *Munn v. Illinois* and *Mugler v. Kansas*. 70 EAGLE, *supra* note 7, § 2-3; see *Mugler v. Kansas*, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2008

51. [**NOTE: Police Power and the Public Trust: Prescriptive Zoning Through the Conflation of Two Ancient Doctrines**](#), 28 B. C. Envtl. Aff. L. Rev 683

... The police power allows property regulation, which in turn protects the part of the economy tied to real estate interests (such as real estate development or a business's ability to control rental expenses). 246 See *id.* at 772. The classic police power case, *Munn v. Illinois*, illustrates this point. **94 U.S. 113(1877)**. There, Chief Justice Taney defined the police power as the authority of "every sovereign to the extent of its dominions." *Id.* at 126-27. The private landowner ...

Content: Law Reviews | **Date:** 2001

52. [**COMMENT: ALASKA'S NUISANCE STATUTE REVISITED: FEDERAL SUBSTANTIVE DUE PROCESS LIMITS TO COMMON LAW ABROGATION**](#), 24 B. C. Envtl. Aff. L. Rev 347

... The precise due process limitations to common law change are not clear. 92 See *Duke*, 438 U.S. at 82-94; *New York Cent. R.R.*, 243 U.S. at 196-206. Legislatures unquestionably have the power to alter the common law by statute. 93 See *Silver v. Silver*, 280 U.S. 117, 121 (1929); **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ("A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. ...

Content: Law Reviews | **Date:** 1997

53. [**ARTICLE AND COMMENT: CONSTITUTIONAL PROTECTION FOR THE UTILITY INVESTOR: THE CONFISCATION DOCTRINE AFTER CLEVELAND ELECTRIC ILLUMINATING CO. v. PUBLIC UTILITIES COMMISSION OF OHIO**](#), 12 B. C. Envtl. Aff. L. Rev 527

... The scope of the fifth and fourteenth amendments became controversial in the 1800's, when federal and state governments recognized the need to regulate certain businesses affecting the public interest. One common form of regulation was the setting of rates which, as the United States Supreme Court ruled in *Munn v. Illinois*, 162 **94 U.S. 113(1876)**, was not a taking. The issue before the Court in *Munn* was the constitutionality of an Illinois statute requiring grain elevator operators ...

Content: Law Reviews | **Date:** 1985

54. [**ARTICLE AND COMMENT: STATE TAXATION OF ENERGY RESOURCES: AFFIRMATION OF COMMONWEALTH EDISON COMPANY V. MONTANA**](#), 10 B. C. Envtl. Aff. L. Rev 503

... the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the states as required by our dual form of government . . .". *Id.* at 13. or whether the regulation entailed a direct, substantial or an indirect, incidental burden on commerce. 218 **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** 1982

55. [ARTICLE: MADE IN THE U.S.A.: CORPORATE RESPONSIBILITY AND COLLECTIVE IDENTITY IN THE AMERICAN AUTOMOTIVE INDUSTRY](#), 53 B.C. L. Rev. 821

... The English corporate form had initially been closely tied to an ideal of publicly beneficial business; this concept was generally accepted in the Early Republic. 53 See Amer, supra note 52, at 26. Even in the late nineteenth century, the U.S. Supreme Court referred to a general duty of private corporations to act in ways that served the public interest. See **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. When, therefore, one devotes his property to a use in which the public has an interest, ...

Content: Law Reviews | **Date:** May 1, 2012

56. [ARTICLE: THE TRANSFORMATION OF AMERICAN ENERGY MARKETS AND THE PROBLEM OF MARKET POWER](#), 53 B.C. L. Rev. 131

... that dot the American electric power landscape. But the model that eventually emerged as dominant in American natural gas and electricity markets was that of a private (investor owned) "public utility." As far back as Munn v. Illinois 58 **94 U.S. 113, 133-36 (1876)**. The Court concluded that the operation of grain elevators in Chicago was an industry that was "affected with a public interest," upholding price regulations on grain storage activities imposed by the State of Illinois. Id. ...

Content: Law Reviews | **Date:** 2012

57. [ARTICLE: MOBILE INTERNET ACCESS: TECHNOLOGY, COMPETITION, AND JURISDICTION](#), 23 B.U. J. SCI. & TECH. L. 123

... See, e.g., Joseph H. Beale, The Law of Innkeepers and Hotels: Including Other Public Houses, Theatres, Sleeping Cars 8 (1906) ("Having undertaken such a public business, and the public need being concerned, the innkeeper must supply his service to all."); Nat'l. Ass'n. of Regulatory Utility Comm'rs. v. FCC, 525 F.2d 630, 640 (D.C. Cir. 1976) [hereinafter NARUC I] (citing **Munn v. People of State of Illinois, 94 U.S. 113, 130 (1876)**) (early common carrier regulations on rail carriers in the ...

Content: Law Reviews | **Date:** 2017

58. [ARTICLE: QUIET-REVOLUTION RULINGS IN CONSTITUTIONAL LAW](#), 99 B.U.L. Rev. 2061

... 268 U.S. at 672. To the extent that ipse dixit declarations work this way, they serve to expand the Court's power in the long run, even as the Justices act with seeming self-abnegation in the present moment. 240 See, e.g., **Munn v. Illinois, 94 U.S. 113, 134 (1877)** (upholding state regulation of grain elevator prices because such prices are infused with "public interest" while asserting broad judicial authority to police state regulation of "mere private contracts"). ...

Content: Law Reviews | **Date:** October 1, 2019

59. [ARTICLE: PRIVATE ORDERING IN THE MARKET FOR PROFESSIONAL SERVICES](#), 94 B.U.L. Rev. 179

... regulation that forbade anyone but a licensed optometrist or ophthalmologist from dispensing glasses (including merely putting previously dispensed lenses into new frames), legislative solutions are the preferred cure for unwise and improvident state regulations. 172 Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483, 488 (1955) ("For protection against abuses by legislatures the people must resort to the polls, not to the courts." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**)). ...

Content: Law Reviews | **Date:** 2014

60. [ARTICLE: TRANSPORTING COMMUNICATIONS](#), 89 B.U.L. Rev. 871
 ... Following the second thread, from which the meaning (but not the label) of "common carriage" came, certain basic transportation businesses (e.g., operators of ports or cranes through a license with the sovereign) historically had a duty to serve all comers and serve them equally. 20 See Matthew Hale's 1670 description of port facilities, bridges, ferries, and the like as being private businesses that are nonetheless "affected with the public interest." **Munn v. Illinois, 94 U.S. 113, 127-29 (1876)** ...
Content: Law Reviews | **Date:** June 1, 2009
-
61. [ARTICLE: PATENTS AS CONSTITUTIONAL PRIVATE PROPERTY: THE HISTORICAL PROTECTION OF PATENTS UNDER THE TAKINGS CLAUSE](#), 87 B.U.L. Rev. 689
 ... (stating the canon applied in Charles River Bridge that a monopoly grant obtained by a legislative "act ... being in derogation of the common law, is to be taken strictly"). They also limited constitutional protections afforded to traditional, tangible private property deemed to be "affected with the public interest." 58 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (quoting Matthew Hale, A Treatise in Three Parts, in 1 A Collection of Tracts Relative to the Law of England 1, 78 (Francis Hargrave ...
Content: Law Reviews | **Date:** June 1, 2007
-
62. [SYMPOSIUM: LOCHNER CENTENNIAL CONFERENCE: SOME VARIETIES AND VICISSITUDES OF LOCHNERISM](#), 85 B.U.L. Rev. 881
 ... Judicial review of rate and price regulation under the Due Process Clause was not exhausted by determinations of whether the business in question was affected with a public interest. A series of decisions handed down in the two decades following Munn v. Illinois 130 **94 U.S. 113, 130 (1877)** (upholding a state's rate regulation of grain warehouses against a Fourteenth Amendment due process attack on grounds that "private property ... devoted to a public use ... is subject to public regulation"). ...
Content: Law Reviews | **Date:** June 1, 2005
-
63. [ARTICLE: LIBERTY AND ANTITRUST IN THE FORMATIVE ERA](#), 79 B.U.L. Rev. 1
 ... , J., concurring); see also *id.* at 760-66 (Bradley, J., concurring); see also *Bartemeyer v. Iowa*, 85 U.S. (18 Wall.) 129, 138 (1874) (Field, J., concurring) (invoking Slaughterhouse dissent). Just five years later, in *Munn v. Illinois*, 78 **94 U.S. 113(1876)**. the Court had occasion to confront more directly the extent to which the Due Process Clause might void legislation inconsistent with the classical paradigm. There Ira Munn and George Scott, partners who owned a grain elevator ...
Content: Law Reviews | **Date:** February 1, 1999
-
64. [LECTURE: DEFENDING THE LIFEWORLD: SUBSTANTIVE DUE PROCESS IN THE TAFT COURT ERA](#), 78 B.U.L. Rev. 1489
 ... We might begin to explore this question by briefly examining the doctrine of property "affected with a public interest." The doctrine exemplifies the revival of Lochnerism during the Taft Court. First propounded in 1876 in the famous case of *Munn v. Illinois*, 93 **94 U.S. 113, 126 (1876)**. For a good discussion of the background of the case, see Harry N. Scheiber, *The Road to Munn: Eminent Domain and the Concept of Public Purpose in the State Courts*, 5 *Persp. Am. Hist.* 329, 402 (1971). the ...
Content: Law Reviews | **Date:** December 1, 1998
-
65. [ARTICLE: LIGHT, AIR, OR MANHATTANIZATION?: COMMUNAL AESTHETICS IN ZONING](#)

[CENTRAL CITY REAL ESTATE DEVELOPMENT](#), 78 B.U.L. Rev. 445

... By the end of the 19th century, though, the philosophical bedrock of "salus populi suprema est lex" ceded to "sic utere tuo ut alienum non laedas." 205 Use your own so as not to injure another. The legal pronouncement of this shift occurred in *Munn v. Illinois*, 206 **94 U.S. 113, 126-29 (1876)** (holding that an owner of private property must submit to control by the public only to the extent that he devotes his property to a public use). in which the Supreme Court upheld the regulation ...

Content: Law Reviews | **Date:** April 1, 1998

66. **[ARTICLE: THE GHOST OF LOCHNER: MODERN TAKINGS DOCTRINE AND ITS IMPACT ON ECONOMIC LEGISLATION](#)**, 76 B.U.L. Rev. 605

... matter of legislative discretion. The amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to the use and income of the property, as well as to its title and possession. **94 U.S. 113, 142-43 (1876)**. ...

Content: Law Reviews | **Date:** October 1, 1996

67. **[NOTE: FEDERALISM AND OFFSITE EMERGENCY PLANNING FOR NUCLEAR REACTORS: THE SHOREHAM IMPASSE](#)**, 66 B.U.L. Rev. 229

... *Kelly v. Johnson*, 425 U.S. 238, 247 (1976) ("The promotion of safety of persons and property is unquestionably at the core of the State's police power, and all state and local governments employ uniformed police force to aid in the accomplishment of that purpose."); ***Munn v. Illinois*, 94 U.S. 113, 125 (1876)** ("[P]olice powers . . . are nothing more or less than the powers of government inherent in every sovereignty."). Since the legal authority to implement its own offsite emergency plan was denied ...

Content: Law Reviews | **Date:** March 1, 1986

68. **[ARTICLE: FROM TURNPIKE TO NUCLEAR POWER: THE CONSTITUTIONAL LIMITS ON UTILITY RATE REGULATION +](#)**, 65 B.U.L. Rev. 65

... Supreme Court ratemaking cases developed three intertwined themes. First, the Court gradually established the principle of judicial review of the constitutionality of state ratemaking. Second, the Court looked initially to takings principles, and later to the takings clause itself, as the source of substantive constitutional review. Finally, the Court incrementally constructed the substantive standards for the constitutional review of ratemaking. *Munn v. Illinois*, 17 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 1985

69. **[ARTICLE: REDISCOVERING JACOBSON IN THE ERA OF COVID-19](#)**, 100 B.U. L. Rev. Online 117

... *Chi., Milwaukee & St. Paul Ry. Co. v. Minnesota ex rel. R.R. & Warehouse Comm'n*, 134 U.S. 418, 458-59 (1890). This approach differed from the Court's earlier approach to reviewing economic regulations under the Fourteenth Amendment in cases such as ***Munn v. Illinois*, 94 U.S. 113, 123, 135-36(1876)**, which held that a statute that set a maximum grain storage capacity for warehouses did not violate the Fourteenth Amendment. The newer approach was more consonant with the ...

Content: Law Reviews | **Date:** 2020

70. **[ARTICLE: On Doctrinal Confusion: The Case of the State Action Doctrine](#)**, 2016 BYU L. Rev. 575

... 36 Amalgamated Food Emps. Union v. Logan Valley Plaza, 391 U.S. 308, 318 (1968). Some ambitious advocates turned to an abandoned relic of the Lochner-era jurisprudence, the category of "affected by a public interest," 37 See **Munn v. Illinois, 94 U.S. 113, 139-40 (1877)**. As a limitation on the constitutional scope of economic regulation under the Due Process Clause, the Court rejected an inquiry into whether a business is "affected by public interest" in *Nebbia v. New York*, 291 U.S. ...

Content: Law Reviews | **Date:** 2016

71. [COMMENT: Bormann Revisited: Using the Penn Central Test To Determine the Constitutionality of Right-To-Farm Statutes](#), 2006 BYU L. Rev. 1381

... that, within constitutional limits not exactly determined, the Legislature may change the common law as to nuisances, and may move the line either way, so as to make things nuisances which were not so, or to make things lawful which were nuisances, although by so doing it affects the use or value of property. 3 *Town of Grundy Ctr. v. Marion*, 1 N.W.2d 677, 682 (Iowa 1942) (quoting *Commonwealth v. Parks*, 30 N.E. 174, 174 (Mass. 1892)); see also **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ...

Content: Law Reviews | **Date:** 2006

72. [COMMENT: Using History to Reshape the Discussion of Judicial Review](#), 1994 BYU L. Rev. 151

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 39 348 U.S. 483, 488 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**) (citations omitted). This passage denotes ...

Content: Law Reviews | **Date:** 1994

73. [COMMENTS: Using History to Reshape the Discussion of Judicial Review](#), 1993 BYU L. Rev. 151

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 39 348 U.S. 483, 488 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**) (citations omitted). This passage denotes ...

Content: Law Reviews | **Date:** 1993

74. 16 BYU L. Rev. 575

Content: Law Reviews

75. [ARTICLE: THE RECAPTURE OF PUBLIC VALUE ON THE TERMINATION OF THE USE OF COMMERCIAL LAND UNDER TAKINGS JURISPRUDENCE AND ECONOMIC ANALYSIS](#), 15 BYU J. Pub. L. 183

... *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 834 (1987) (imposing limits of exercise of police power authority). The U. S. Supreme Court had recognized the right of states to regulate prices charged by businesses "affected with a public interest." **Munn v. Illinois, 94 U.S. 113 (1877)**. In *Nebbia*, the Court upheld the authority of the states to regulate prices as part of the states' general powers to promote the public welfare. *Nebbia*, 291 U.S. at 537; see John N. Drobak, Constitutional ...

Content: Law Reviews | **Date:** 2001

76. [ARTICLE: Penn Central and Its Reluctant Muftis](#), 66 Baylor L. Rev. 1

... During the late nineteenth century, utilities and common carriers, especially railroads, saw an increase in regulation, 74 The early cases proceeded gradually by expanding the circumstances under which regulation was affected with a "public interest." See, e.g., **Munn v. Illinois, 94 U.S. 113, 125-26 (1877)** (holding the storage-houses and other special business could be regulated if there was a sufficient public interest without violating due process). followed by extensive business regulation ...

Content: Law Reviews | **Date:** 2014

77. [ARTICLE: Exactions for the Future](#), 64 Baylor L. Rev. 511

... ("A prohibition simply upon the use of property for purposes that are deduced, by valid legislation, to be injurious to the health, morals, or safety of the community, cannot, in any just sense, be deemed a taking or an appropriation of property for the public benefit."); **Munn v. Illinois, 94 U.S. 113, 125 (1876)** ("Under [the police power] the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes ...

Content: Law Reviews | **Date:** 2012

78. [ARTICLE: The Art of Statutory Construction: Texas Style](#), 64 Baylor L. Rev. 339

... United States Supreme Court held long ago, certain legislative powers were vested exclusively in the federal government or prohibited to be exercised by the states. 52 See U.S. Const. art. VI, cl. 2, read in conjunction with art. I, §§8, 10; **Munn v. Illinois, 94 U.S. 113, 123 (1876)**. After it is determined what legislative power the states do not have at their disposal, the question remains as to what specific powers the states have in governing the lives and property of their citizens. ...

Content: Law Reviews | **Date:** 2012

79. [Article: The Neutrality Principle: The Hidden Yet Powerful Legal Axiom at Work in Brown versus Board of Education*](#), 8 Berkeley J. Afr.-Am. L. & Pol'y 5

... government neutrality is a criterion for adjudicating conflict (a means) rather than a preordained outcome of a conflict (an end). Applying government neutrality as a test in the realm of segregation revealed that the arbitrary separation of citizens results in class favoritism, even if separate but equal facilities are provided. Government neutrality does not always produce a minimalist government result; 347 This was true even during the Lochner era. See **Munn v. Illinois, 94 U.S. 113(1877)**; ...

Content: Law Reviews | **Date:** 2006

80. [Article: The Origins of Due Process in India: The Role of Borrowing in Personal Liberty and Preventive Detention Cases](#), 28 Berkeley J. Int'l L. 216

... , an early economic regulation of property rights decision, in which the majority actually upheld state regulation fixing the price of storage rates for grain elevators and requiring licensing for such facilities, on the ground that the property at issue "was affected with a public interest." 85 **Munn v. Illinois, 94 U.S. 113(1876)**. Justice Field's dissent in Munn, was one of the first decisions in American constitutional history to articulate a conception of substantive due process whereby ...

Content: Law Reviews | **Date:** 2010

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81. [ARTICLE: Why Incentives for "Patent Holdout" Threaten to Dismantle FRAND, and Why It Matters](#), 32 Berkeley Tech. L.J. 1383
- ... Sir Matthew Hale in his treatise *De Portis Maribus*, which noted that it was proper to impose price limitations on businesses "affected with the public interest, or monopolies." See Richard A. Epstein, *The Reflections and Responses of a Legal Contrarian*, 44 *Tulsa L. Rev.* 647, 669 n.61 (2008). That rule was incorporated into English law in *Allnut v. Inglis* in 1810. 104 *Eng. Rep.* 206 (K.B. 1810). Finally, in 1876, it worked its way into American law in **Munn v. Illinois, 94 U.S. 113 (1876)**. ...
- Content:** Law Reviews | **Date:** 2017
-
82. [ARTICLE: FEDERALISM IN TRANSITION: RECALIBRATING THE FEDERAL-STATE REGULATORY BALANCE FOR THE ALL-IP ERA](#), 29 Berkeley Tech. L.J. 1131
- ... Beginning in 1868, these efforts led to the creation of state railroad commissions that attempted to "bring the interests of the public and those of the corporations" into some sort of harmony. 36 THOMAS K. MCCRAW, *PROPHETS OF REGULATION* 32 (1984). A more aggressive and somewhat more coherent approach to regulating "public utilities" began in the wake of **Munn v. Illinois**, 37 **Munn v. Illinois, 94 U.S. 113 (1877)**. an 1877 U.S. Supreme Court case that upheld the authority of state ...
- Content:** Law Reviews | **Date:** 2014
-
83. [ARTICLE: Accommodating Bias in the Sharing Economy](#), 83 *Brook. L. Rev.* 613
- ... from his establishment, a prohibition which could only be lifted if a driver engaged in some sort of misconduct. 27 Markham, 8 N.H. at 531. The theory, was that "[p]roperty . . . become[s] clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large." 28 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (stating that "when private property is 'affected with a public interest, it ceases to be *juris privati* only'" (quoting Lord Chief ...
- Content:** Law Reviews | **Date:** 2018
-
84. [SYMPOSIUM: THE POST-CARBON WORLD: ADVANCES IN LEGAL AND SOCIAL THEORY: ARTICLE: Breaking Energy Path Dependencies](#), 82 *Brook. L. Rev.* 559
- ... The legal regime governing the electricity industry has remained relatively unchanged since the 1900s. Based on principles of public utility law, electric utilities enjoyed monopolies with near guaranteed rates of return in exchange for service. 64 **Munn v. Illinois, 94 U.S. 113, 128-29 (1877)**; SEVERIN BORENSTEIN & JAMES BUSHNELL, *ENERGY INST. AT HAAS, THE U.S. ELECTRICITY INDUSTRY AFTER 20 YEARS OF RESTRUCTURING 2* (2015), <https://ei.haas.berkeley.edu/research/papers/WP252.pdf> [<https://perma.cc/G22Z-7MXF> ...
- Content:** Law Reviews | **Date:** 2017
-
85. [NOTE: Like a Good Neighbor: A STATE FARM SOLUTION TO THE FCC'S NET NEUTRALITY LIMBO](#), 78 *Brook. L. Rev.* 1587
- ... State Farm and Fox standard of review. A. Principles Over half a century before the Communications Act was enacted, the Supreme Court eloquently declared that a common carrier "stand[s] . . . in the very 'gateway of commerce.'" 127 **Munn v. Illinois, 94 U.S. 113, 132 (1876)**. In 1934, Congress passed the Communications Act and imposed mandatory Title II regulations upon "common carriers," defined by the statute as "any person engaged as a common carrier for hire, in interstate or foreign ...

Content: Law Reviews | **Date:** 2013

86. [THE TENTH ABRAHAM L. POMERANTZ PROGRAM: WALL STREET IN TURMOIL: WHO IS PROTECTING THE INVESTOR?: ARTICLE: Dependence and Hierarchy Among Constitutional Theories](#)*, 70 Brook. L. Rev. 141

... circumstances at the time of contracting. Only up to a certain point can contract theory itself determine what constitutes a valid and binding contract. The necessary further considerations are, broadly speaking, largely a matter of recourse to central elements of natural law or natural rights theories. Indeed, the generation of the framers and their successors often thought of constitutional matters in contractualist or "social compact" 249 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124 (1876)** ...

Content: Law Reviews | **Date:** 2004

87. [ARTICLE: In Defense of the "Old" Public Health: The Legal Framework for the Regulation of Public Health](#)*, 69 Brook. L. Rev. 1421

... every man may fix what price he pleases upon his own property or the use of it; but if, for a particular purpose, the public have a right to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take the benefit of the monopoly, he must as an equivalent perform the duty attached to it on reasonable terms. 42 104 Eng. Rep. at 210-11. The United States Supreme Court adopted this principle in **Munn v. Illinois**, 43 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2004

88. [ARTICLE: SAME-SEX UNION ANNOUNCEMENTS: WHETHER NEWSPAPERS MUST PUBLISH THEM, AND WHY WE SHOULD CARE](#)*, 68 Brook. L. Rev. 721

... delved even deeper into the issue. Uhlman concerned a complaint by a businessman that the community newspaper had refused to accept his advertisement. Bearing in mind the Supreme Court's observation that "property does become clothed with a public interest, when used in a manner to make it of public consequence and affect the community at large," 399 Id. at *4 (quoting **Munn v. Illinois, 94 U.S. 113(1877)**). the Uhlman court addressed the claim that the newspaper was "so 'affected with ...

Content: Law Reviews | **Date:** 2003

89. [THE SECOND CIRCUIT REVIEW -- 1981-1982 TERM: CONSTITUTIONAL LAW: COMMENTARY: FREEDOM OF INFORMATION AND THE FIRST AMENDMENT IN A BUREAUCRATIC AGE](#), 49 Brook. L. Rev. 835

... some other private party. Because the citizen's right to know derives from his right to control the actions of his government, and not from any right to appropriate the efforts of other citizens that may have wound up in government files, the case for non-disclosure is likely to be stronger in this context. The public interest should be held to outweigh the private, however, once the information is used to support a government policy decision. Cf. **Munn v. Illinois, 94 U.S. 113, 126 (1877)** ...

Content: Law Reviews | **Date:** 1983

90. [ARTICLE: THE "RIGHT" RIGHT TO ENVIRONMENTAL PROTECTION: WHAT WE CAN DISCERN FROM THE AMERICAN AND INDIAN CONSTITUTIONAL EXPERIENCE](#), 43 Brooklyn J. Int'l L. 75

... **Munn v. Illinois, 94 U.S. 113(1877)**. See also Normawati Binti Hashim, Constitutional Recognition of the Right to Healthy Environment: The Way Forward, 105 PRQCEDIA--SOC. & BEHAV. SCI. 204 (2013). The Court observed: By the term 'life,' as here used, something more is meant than mere animal

existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by the amputation of ...

Content: Law Reviews | **Date:** 2017

91. [ARTICLE: PROPERTY, LIBERTY, AND THE RIGHTS OF THE COMMUNITY: LESSONS FROM MUNN V. ILLINOIS](#), 30 Buff. Pub. Interest L.J. 157

... be presumed to be valid. Munn v. Illinois was one of eight related cases known as the Granger Cases. 3 Chicago, Burlington & Quincy R.R. v. Iowa, 94 U.S. 155 (1887); S. Minnesota R.R. v. Coleman, 94 U.S. 180 (1887); **Munn v. Illinois, 94 U.S. 113(1877)**; Winona & St. Peter R.R. v. Blake, 94 U.S. 180 (1877); Chicago, Milwaukee & St. Paul Ry. v. Ackley, 94 U.S. 179 (1877); Stone v. Wisconsin, 95 U.S. 181 (1877); Peik v. Chicago & Nw. Ry., 94 U.S. 164 (1877); ...

Content: Law Reviews | **Date:** 2011

92. [BOOK REVIEW: To Improve the State and Condition of Man: The Power to Police and the History of American Governance](#), 53 Buff. L. Rev. 1215

... Over the following thirty years, Slaughter-House's minority became Lochner's majority. Field reiterated his demands that the Court develop a new police power jurisprudence in Munn v. Illinois (1877), which upheld state regulation of property - grain elevators - devoted to a use in which the public had an interest. 143 See **94 U.S. 113(1877)**. In dissent, Field once more condemned indiscriminate state resort to its police power, "which, from the language often used respecting it, one would ...

Content: Law Reviews | **Date:** 2005

93. [ARTICLE: Antitrust Antifederalism](#), 96 Cal. L. Rev. 1

... On the "affected with the public interest" idea the colonies inherited from British common law, see Martin Loughlin, The Idea of Public Law 6, 77-80 (2003). In Munn v. Illinois, the Supreme Court justified rate regulation of an unincorporated grain elevator firm on the ground that it was affected with the public interest, and traced this distinction to common law. **94 U.S. 113, 125-26 (1876)**. Madison probably did not imagine that Congress would charter manufacturing or commercial corporations, ...

Content: Law Reviews | **Date:** February 1, 2008

94. [ARTICLE: The Value of Irony: Legal Orthodoxy and Henry James's Washington Square](#), 95 Cal. L. Rev. 1027

... If the right to sell one's labor is linked to the community in which it is sold, that right is impaired by state action affecting it. See, e.g., Fried's discussion of a contemporary competing "'positive' notion of liberty that measured the individual's power to affect his of her desires" following the English Victorian political philosopher T. H. Green. Fried, supra note 36, at 37. See also Justice Field's dissent in **Munn v. Illinois, 94 U.S. 113, 142 (1876)** ("By the term 'liberty' ... something ...

Content: Law Reviews | **Date:** August 1, 2007

95. [Contracts in the Modern Supreme Court](#), 81 Cal. L. Rev. 431

... Allan H. Macurduy, Classical Nostalgia: Racism, Contract Ideology, and Formalist Legal Reasoning in Patterson v. McLean Credit Union, 18 Rev. L. & Soc. Change 987, 1002-10 (1990-91). The concern with possible harm to the public also explains the Court's upholding state regulation of monopolies and businesses "affected with a public interest." **Munn v. Illinois, 94 U.S. 113, 130 (1876)**; see also Robert

H. Lande, Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation
...

Content: Law Reviews | **Date:** March 1, 1993

96. [ARTICLE: A Theory of Law and Information: Copyright, Spleens, Blackmail, and Insider Trading](#), 80 Cal. L. Rev. 1413

... The same, familiar tensions play themselves out in the public sphere of debate. Do private citizens have a right of access to privately held communications media in order to participate in public debate? The citizens would portray the television station as a means of public communication tinged with a public interest, cf. **Munn v. Illinois, 94 U.S. 113(1876)** (upholding a state statute that regulated grain storage charges on public interest grounds), and would demand state intervention ...

Content: Law Reviews | **Date:** December 1, 1992

97. [COMMENT: Section 2212: A Remedy for Veterans -- With a Catch.](#), 75 Cal. L. Rev. 1513

... In re Consolidated United States Atmospheric Testing Litig., 616 F. Supp. 759, 767 (N.D. Cal. 1985) (quoting Duke Power Co. v. Carolina Env'tl. Study Group, 438 U.S. 59, 88 n.32 (1978), in turn quoting Second Employers' Liability Cases, 223 U.S. 1, 50 (1912), finally quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**), aff'd, 820 F.2d 982 (9th Cir. 1987) cert. denied, 56 U.S.L.W. 3590 (Feb. 29, 1988). A return to the sources of that statement reveals that it refers to the unremarkable ...

Content: Law Reviews | **Date:** July 1, 1987

98. 73 Cal. L. Rev. 1159

Content: Law Reviews

99. [ARTICLE: The Metaphysics of American Law](#), 73 Cal. L. Rev. 1151

... the Court conducted an extended analysis of the public power to regulate contracts, in each instance relating the exception to the general liberty of contract to the public nature of the business, the incapacity of a party, or the possibility of fraud. See *Budd v. New York*, 143 U.S. 517 (1892) (distinguishing regulable and nonregulable contractual relations on the basis of the presence or absence of public interest); **Munn v. Illinois, 94 U.S. 113(1876)** (same); *Commonwealth v. Perry*, ...

Content: Law Reviews | **Date:** July 1, 1985

100. [ARTICLE: "We the People": John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action.](#), 73 Cal. L. Rev. 52

... at 231. Justice Story saw the arrangement as an implicit contract between the community as a collective whole and each individual member, wherein the community agreed to protect its citizens on the condition that they obey its laws. *Id.* at 237. In *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 471 (1793), Chief Justice Jay describes the Constitution as "a compact made by the people of the United States ." See also **Munn v. Illinois, 94 U.S. 113, 124 (1876)** ("A body politic,' as aptly defined ...

Content: Law Reviews | **Date:** 1985

101. [COMMENT: Public Rights and the Rule of Law in American Legal History](#), 71 Cal. L. Rev. 217
 ... For a shrewd critique of the instrumentalism-formalism distinction, see Paine, Instrumentalism v. Formalism: Dissolving the Dichotomy, 1978 WIS. L. REV. 997. In fact, public rights doctrine was not an invention of the court in Munn v. Illinois. 65 94 U.S. 113(1877). The doctrine was sufficiently developed by midcentury to support the proliferation of governmental interventions that occurred later in the century. The Granger Laws of the 1870's, for example, together with the doctrine ...
Content: Law Reviews | **Date:** March 1, 1984
-
102. [COMMENT: Public Utility Bill Inserts, Political Speech, and the First Amendment: A Constitutionally Mandated Right to Reply](#), 70 Cal. L. Rev. 1221
 ... affirmed the constitutional right of a corporation to engage in political debate, the next question was whether state-regulated monopoly corporations, with their unique position of power and their obligation to operate in the public interest, 23 See Munn v. Illinois, 94 U.S. 113, 130-32 (1876); infra note 47. would be entitled to engage in political debate under the protection of the first amendment. This issue came before the Supreme Court only two years later in Consolidated ...
Content: Law Reviews | **Date:** September 1, 1982
-
103. [COMMENT: THE AMERICANS WITH DISABILITIES ACT OF 1990: THE INCREDIBLE SHRINKING LEGISLATION? A CLOSER LOOK AT CHEVRON v. ECHAZABAL AND THE EXPANSION OF THE DIRECT THREAT DEFENSE](#), 32 Cap. U.L. Rev. 761
 ... : "This Court, in defining the meaning of deprivation of life,' said: The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. . . . The deprivation not only of life, but whatever God has given to everyone with life . . . is protected by the provision in question." Id. (alterations in original). See also Munn v. Illinois, 94 U.S. 113, 142 (1876). He painted a grim picture for the justices of the future of the eugenics movement. 18 Buck, ...
Content: Law Reviews | **Date:** 2004
-
104. [ARTICLE: A Requiem for Morality: A Response to Peter M. Cicchino](#), 30 Cap. U.L. Rev. 711
 ... Rodes, supra note 44, at 6. The essence of Justice Field's notion of liberty is that only two things circumscribe a man's freedom of action: the confines of his property, and the necessity of his neighbor for a like freedom. 125 Munn v. Illinois, 94 U.S. 113, 136 (1876) (Field, J., dissenting). Justice Brewer, dissenting in even starker terms, lamented that "the paternal theory of government is to me odious." Budd v. New York, 143 U.S. 517, 551 (1892) (Brewer, J., dissenting). In Professor ...
Content: Law Reviews | **Date:** 2002
-
105. [ARTICLE: Justice Clarence Thomas and the Supreme Court's Rediscovery of the Tenth Amendment](#), 25 Cap. U.L. Rev. 339
 ... (upholding state law requiring racial segregation in public transportation); Pace v. Alabama, 106 U.S. 583 (1883) (upholding a state statute imposing more severe penalties for living "in adultery or fornication" when the parties were of different races); Munn v. Illinois, 94 U.S. 113(1877) (upholding the state's power to set maximum rates for grain elevators and other business "affected with a public interest"); Bradwell v. Illinois, 83 U.S. (16 Wall.) 130 (1873) (upholding the state's ...
Content: Law Reviews | **Date:** 1996

106. [NOTE: The Trope of Parity](#), 36 Cardozo Arts & Ent LJ 181
 Bellia et al., supra note 29, at 215. As providers of Internet infrastructure , BIAS companies are in a market "affected with the public interest," 175 . Walter H. Hamilton, *Affectation with Public Interest*, 39 Yale L.J. 1089, 1100-01 (June 1930); see also **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. which is the type of market where common carrier-style obligations have historically arisen. 176 . Bellia et al., supra note 29, at 220. In addition to concerns about monopolistic ...
Content: Law Reviews | **Date:** 2018
-
107. [ARTICLE: The New Utilities: Private Power, Social Infrastructure, and the Revival of the Public Utility Concept](#), 39 Cardozo L. Rev. 1621
 ... where the Court formulated the "public interest test," arguing that businesses "affected with the public interest" may be subjected to regulation, courts struggled to identify which businesses were sufficiently affected by the public interest to warrant regulatory oversight. 43 **Munn v. Illinois, 94 U.S. 113(1877)**. Ultimately, the Court dropped this public interest test in the 1934 case *Nebbia v. New York* , conceding that any business may be regulated by legislatures acting on a rational ...
Content: Law Reviews | **Date:** May 1, 2018
-
108. [NOTE: Where Techs Rush in, Courts Should Fear to Tread + : How Courts Should Respond to the Changing Economics of Today](#), 38 Cardozo L. Rev. 761
 ... in a series of cases, the Court rejected due process challenges to government economic regulations but noted in dicta that it would invalidate laws that contravened natural rights. 46 E.g., *Mugler v. Kansas*, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1876)** (rejecting an attack on a state law regulating the rates of grain elevators); Chemerinsky, supra note 33, at 640. The fundamental shift occurred in *Allgeyer v. Louisiana* , where the Court recognized substantive economic ...
Content: Law Reviews | **Date:** December 1, 2016
-
109. [ARTICLE: The Non-Discrimination Principle in Open Source Licensing](#), 37 Cardozo L. Rev. 1297
 ... These explanations find their jurisprudential genesis in the historic decision of **Munn v. Illinois** , where the Supreme Court held that the market power retained by a cartel of grain warehouses justified the imposition of common carrier regulation. 165 **Munn v. Illinois, 94 U.S. 113(1876)**. Since *Munn*, this rationale has become a dominant justification for the imposition of non-discrimination access rules. 166 Nachbar, supra note 158, at 93. These competition-based justifications ...
Content: Law Reviews | **Date:** April 1, 2016
-
110. [ARTICLE: Threshold Liberty](#), 37 Cardozo L. Rev. 503
 ... See Joseph J. Ellis, *American Creation: Triumphs and Tragedies at the Founding of the Republic* 228 (2008). The Framers appointed the people as the American sovereign, making government dependent upon the consent of the governed and thereby subordinating government to the people themselves. 20 See **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (summarizing the basic political theory of the country). They also enshrined certain rights in the Constitution, shielding individual liberty from ...
Content: Law Reviews | **Date:** December 1, 2015
-
111. [ARTICLE: Contract Theory and the Failures of Public-Private Contracting](#), 34 Cardozo L. Rev. 2211

... For an interesting account of the evolving meaning of "public interest" in communications policy, see William D. Rowland, Jr., *The Meaning of "The Public Interest" in Communications Policy, Part I: Its Origins in State and Federal Regulation*, 2 *Comm. L. & Pol'y* 309 (1997). There are two historic justifications for the doctrine - that certain businesses exhibit a degree of monopoly control 224 See the discussion of "virtual monopoly" in **Munn v. Illinois, 94 U.S. 113, 127-134 (1877)**. ...

Content: Law Reviews | **Date:** August 1, 2013

112. [**SYMPOSIUM ACKNOWLEDGE RACE IN A "POST-RACIAL" ERA: CORPORATE PREROGATIVE, RACE, AND IDENTITY UNDER THE FOURTEENTH AMENDMENT**](#), 32 *Cardozo L. Rev.* 885

... Justice Field played a critical role in both the development and expansion of corporate prerogatives and the narrow reading of the Fourteenth Amendment by the Court that marginalized blacks. Reading his dissents in both *Munn v. Illinois* 14 **94 U.S. 113(1877)** (Field, J., dissenting). and *Slaughter- House* , 15 83 U.S. 36 (1873) (Field, J., dissenting). it is clear that he was an early proponent of both corporate prerogative and substantive due process as a means to cease government ...

Content: Law Reviews | **Date:** 2011

113. [**SYMPOSIUM: THE FUTURE OF SELF-INCRIMINATION: FIFTH AMENDMENT, CONFESSIONS, & GUILTY PLEAS: ARTICLE: ORIGINALISM'S EXPIRATION DATE**](#), 30 *Cardozo L. Rev.* 1295

... No long adjudication lag for an Amendment ended during the heart of the *Lochner* period, but Osborn confirms that natural law reasoning was alive in 1872 and further previews of substantive due process rights were issued by 1877. 85 See **Munn v. Illinois, 94 U.S. 113, 125-26, 134 (1877)** (rejecting the instant attack on a rate cap, however); Tribe, *supra* note 38, at 1341-52 (detailing the era). Yet the Court drew on originalist sources when it ended two long adjudication lags in this era. ...

Content: Law Reviews | **Date:** December 1, 2008

114. [**THE DECLINE OF THE NATION STATE AND ITS EFFECT ON CONSTITUTIONAL AND INTERNATIONAL ECONOMIC LAW: CONTRIBUTION: FUGITIVES AND AGRARIANS IN A WORLD WITHOUT FRONTIERS**](#), 18 *Cardozo L. Rev.* 1031

... governments to aim comprehensive regulatory schemes at the multiple bottlenecks in any industrial food delivery system--ostensibly to cure market failure, but more plausibly to redistribute wealth from disfavored or powerless groups (i.e., agribusiness and food consumers) to farmers and other patrons of the special interest state. 113 See, e.g., *West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186 (1994); *United States v. Butler*, 297 U.S. 1 (1936); **Munn v. Illinois, 94 U.S. 113(1877)**; ...

Content: Law Reviews | **Date:** December 1, 1996

115. [**ARTICLE: CORPORATE PREROGATIVE, RACE, AND IDENTITY UNDER THE FOURTEENTH AMENDMENT**](#), 2011 *Cardozo L. Rev. De Novo* 885

... opinion on the matter was soon to be overturned with the help of one of the dissenting Justices. Justice Field played a critical role in both the development and expansion of corporate prerogatives and the narrow reading of the Fourteenth Amendment by the Court that marginalized blacks. Reading his dissents in both *Munn v. Illinois* 14 **94 U.S. 113(1877)** (Field, J., dissenting). and *Slaughter-House* , 15 83 U.S. 36 (1873) (Field, J., dissenting). it is clear that he was an early proponent ...

Content: Law Reviews | **Date:** 2011

116. [NOTE: FOUL PLAY: TENNESSEE'S UNEQUAL APPLICATION OF ITS JOCK TAX AGAINST PROFESSIONAL ATHLETES](#), 13 Cardozo Pub. L. Pol'y & Ethics J. 333

... The Court has a preference for issues involving non-suspect classes, such as taxation, to be resolved through the legislative process and the election of state officials who can be directly held accountable for their legislative decisions via the political process. 79 See also **Munn v. State of Ill., 94 U.S. 113, 134 (1876)** ("For protection against abuses by legislatures the people must resort to the polls, not to the courts."). But see Edward L. Barrett, Rational Basis Standard for Equal Protection ...

Content: Law Reviews | **Date:** 2014

117. [TRIBUTE TO PROFESSOR JONATHAN L. ENTIN: BEFORE THERE WAS GOOGLE, THERE WAS JONATHAN ENTIN](#), 67 Case W. Res. L. Rev. 1019

... In a recent unpublished experiment, for example, Entin responded to a case name search more quickly than Google 73% of the time. (Imaginary unpublished paper on file with author). Further, unlike Google, Entin has never been subject to a network outage. he would be able to tell you not only the name of the case, 3 E.g., **Munn v. Illinois, 94 U.S. 113 (1877)**. but also its author, 4 Id. (Waite, C.J., majority opinion). the names of the Justices that dissented, 5 Id. at 136 ...

Content: Law Reviews | **Date:** 2017

118. [NOTE: "GET OUT NOW OR RISK BEING TAKEN OUT BY FORCE": JUDICIAL REVIEW OF STATE GOVERNMENT EMERGENCY POWER FOLLOWING A NATURAL DISASTER](#), 57 Case W. Res. L. Rev. 265

... has observed that a state's police power "is a vague one which 'embraces an almost infinite variety of subjects.'" 141 Universal Interpretive Shuttle Corp. v. Wash. Metro. Area Transit Comm'n, 393 U.S. 186, 192 n.5 (1968) (quoting **Munn v. Illinois, 94 U.S. 113, 145 (1877)**); see also The Slaughter-House Cases, 83 U.S. 36, 62 (1872) (The police power of a state "is, and must be from its very nature, incapable of any very exact definition or limitation. Upon it depends the security ...

Content: Law Reviews | **Date:** 2006

119. [NOTE: Eminent Domain for Private Development - An Irrational Basis for the Erosion of Property Rights](#), 55 Case W. Res. L. Rev. 409

... Some have argued that judicial intervention is not needed because the political process will protect property owners since they could reverse any governmental action by replacing their representatives at the next election. 138 See e.g. Williamson v. Lee Optical Co., 348 U.S. 483, 488 (1955) ("For protection against abuses by legislatures . . . the people must resort to the polls, not to the courts." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**)). This may be true if the governmental ...

Content: Law Reviews | **Date:** 2004

120. [SYMPOSIUM: THE NEW FEDERALISM AFTER UNITED STATES V. LOPEZ: PANEL IV: What's a Constitution for Anyway? Of History and Theory, Bruce Ackerman and the New Deal](#), 46 Case W. Res. L. Rev. 885

... problem of regulating railroads, perhaps the single most important American industry of the late nineteenth and early twentieth centuries. The Court's initial reaction to governmental regulation, which began at the state level, was to affirm the broad authority of states to regulate under their police power. 105 See, e.g., **Munn v. Illinois, 94 U.S. 113 (1877)** (upholding state regulation of grain warehouses under the Fourteenth Amendment); Chicago, B. & Q.R.R. v. Iowa, 94 U.S. 155 (1877) ...

Content: Law Reviews | **Date:** 1996

121. [NOTE](#), 43 Case W. Res. L. Rev. 1299

... appropriate governmental interest suitably furthered by the differential treatment. Both the nature of the classification and the individual rights upon which it may infringe must be scrutinized to determine legislative compliance with equal-protection standards. (citations omitted). Id. at 91. The U.S. Supreme Court has stated that commonlaw rights can be legislatively altered without violating due process 209 See Ward, supra note 30, at 438; **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ...

Content: Law Reviews | **Date:** 1993

122. [NOTE: The Municipally Owned Electric Company's Exemption From Utility Commission Regulation: The Consumer's Perspective](#), 33 Case W. Res. L. Rev. 294

... responsibility for utility regulation to state legislatures, which must conform to the minimum guidelines established by the Court. PURPA's voluntary guidelines apply only to large electric suppliers, both municipal and investor-owned, and offer a prototype for state legislation consistent with federal energy policy. 1. Constitutional Protections The first Supreme Court case supporting state regulation of public utility companies was decided in 1876. In **Munn v. Illinois 76 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 1983

123. [COMMENT: PRIVATE PARTIES AND THE FFDC: HOW CREATIVE LITIGANTS HAVE CIRCUMVENTED SECTION 310 AND UNDERMINED THE NLEA'S EXPRESS PREEMPTION AMENDMENTS](#), 62 Cath. U.L. Rev. 1061

... ("The doctrine that prevailed in *Lochner* . . . and like cases--that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely--has long since been discarded."); *Mugler v. Kansas*, 123 U.S. 623, 657-59, 663-64 (1887) (discussing the right of states to regulate and ban the sale of intoxicating liquors to promote the general welfare): **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)** (upholding an Illinois law providing for the inspection of grain ...

Content: Law Reviews | **Date:** 2013

124. ["TAKING" THE IMPERIAL JUDICIARY SERIOUSLY: SEGMENTING PROPERTY INTERESTS AND JUDICIAL REVISION OF LEGISLATIVE JUDGMENTS](#), 42 Cath. U.L. Rev. 771

... ("The judicial establishment is neither equipped ... nor prepared" to lay down effective pollution policy "as a by-product of private litigation."). Therefore, as new needs become apparent, it has been "the great office of statutes ... to remedy defects in the common law ... adapting it to the changes of time and circumstances." **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. For a more detailed discussion see John A. Humbach, *Evolving Thresholds of Nuisance and the Takings Clause*, 18 Colum. J. Envtl L. ...

Content: Law Reviews | **Date:** 1993

125. [COMMENT: REFORMING TORT REFORM: IS THERE SUBSTANCE TO THE SEVENTH AMENDMENT?](#), 38 Cath. U.L. Rev. 737

... has stated in support of the right of a legislature to alter tenets of the common law that "[a] person has no property, no vested interest, in any rule of the common law . . . but the law itself, as a rule of conduct, may be changed at the will, or even the whim, of the Legislature." 86 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. Some lower courts have read this language expansively as implying an almost unlimited

legislative empowerment to alter common law rights of action and, specifically, ...

Content: Law Reviews | **Date:** 1989

126. [COMMENT: THE DIVERSITY PRINCIPLE AND THE MFJ INFORMATION SERVICES RESTRICTION: APPLYING TIME-WORN FIRST AMENDMENT ASSUMPTIONS TO NEW TECHNOLOGIES.](#), 38 Cath. U.L. Rev. 471

... Lord Hale developed his theory of regulation around the rights and powers of the King to regulate those things used in common by all persons. *Id.* at 761. Those things, "affected with a publick [sic] interest", according to Lord Hale, cease to be *juris privati* (things of personal and real property). *Id.* at 759-61 (quoting **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)** (referencing Hale, *De Portibus Maris*, HARG. LAW TRACTS 78 (1787)). Approximately 200 years after Lord Hale set out the ...

Content: Law Reviews | **Date:** 1989

127. [DISTRICT OF COLUMBIA SURVEY: THE DIVISIBILITY OF PENSION INTERESTS ON DIVORCE: THE DISTRICT OF COLUMBIA UPS THE ANTE.](#), 33 Cath. U.L. Rev. 1087

... individually, thereby making that property part of the marital estate, the statute operates as a retroactive deprivation of property. This challenge raises the question of whether the legislature may constitutionally affect property rights. That it may do so through the exercise of its police power is well settled. A state is vested with police power authorizing it to limit the use of property so that it may effect desirable societal goals. 96 See, e.g., **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 1984

128. [ARTICLE: Mine and Thine Distinct: What Kelo Says About Our Path](#), 10 Chap. L. Rev. 1

... The theory that railroads were public entities because of their common carrier status was questionable from the outset. Railroad travel was certainly not free, and the owners of railroad companies often became immensely wealthy, in part at the expense of landowners who lost their property. Still, the theory made some sense at a time when business enterprises were rarely subject to regulation. 90 In fact, when, in the 1876 case of **Munn v. Illinois, 94 U.S. 113(1876)**, the Supreme Court upheld ...

Content: Law Reviews | **Date:** 2006

129. [URBAN RUNOFF, WATER QUALITY, AND THE ISSUE OF LEGAL, AUTHORITY SYMPOSIUM: ARTICLE: Runoff and Reality: Externalities, Economics, and Traceability Issues in Urban Runoff Regulation](#), 9 Chap. L. Rev. 409

... In property law, furthermore, the concept of *sic utere tuo ut alienum non laedas* dominates, where individuals may use their property as they wish so long as they internalize the costs of their actions, and respect their neighbors by not imposing negative externalities. 67 See, e.g., **Munn v. Illinois, 94 U.S. 113, 145 (1876)** ("The doctrine that each one must so use his own as not to injure his neighbor - *sic utere tuo ut alienum non laedas* - is the rule by which every member of society must ...

Content: Law Reviews | **Date:** 2006

130. [ARTICLE: The Right to Earn a Living](#), 6 Chap. L. Rev. 207

... term "liberty," as used in the [Fourteenth Amendment], something more is meant than mere freedom from physical restraint or the bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal rights of others, as his judgment may dictate for the

promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities, and give to them their highest enjoyment. **94 U.S. 113, 142 (1876)** ...

Content: Law Reviews | **Date:** 2003

131. [FOREWORD: The "Necessary" History of Property and Liberty](#), 6 Chap. L. Rev. 1

... In that case it meant that the licensed warehouse could charge only the rates that other warehouses, acting in competitive markets, could charge customers for goods bound for sale in England. The principle articulated in Allnutt was carried over to the United States in Munn v. Illinois, 67 **94 U.S. 113(1876)**, which rejected a constitutional challenge to the maximum rates that Illinois set for grain elevators that operated along-side the railroad tracks on the grounds that they were ...

Content: Law Reviews | **Date:** 2003

132. [ARTICLE: The Natural Law Bridge Between Private Law and Public International Law](#), 13 Chi. J. Int'l L. 47

... It is just these rules that form the basis of the complex system of public utility regulation that is applied to power, gas, electricity, trains, and communications. 44 For the original incorporation of this doctrine into American law, see **Munn v Illinois,94 US 113(1876)**. For an historical account of the transition, see Richard A. Epstein, Principles for a Free Society: Reconciling Individual Liberty with the Common Good 282-87 (Perseus 1998). There is no question that setting and enforcing ...

Content: Law Reviews | **Date:** 2012

133. [ARTICLE: INTERNATIONAL HUMAN RIGHTS LAW IN PRACTICE: India: Implementing Sex Equality Through Law](#), 2 Chi. J. Int'l L. 35

... issue was a state police regulation, framed in accordance with directives provided by a national Police Act, according to which people who had a criminal record or were in other ways suspected of "a determination to lead a life of crime" could be subject to unannounced domiciliary visits, often in the middle of the night, and could also be followed and spied on when outside the house. Justices Mathew, Iyer, and Goswami, citing the 1877 US case Munn v Illinois, 30 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2001

134. [SYMPOSIUM: 150TH ANNIVERSARY OF THE DRED SCOTT DECISION: ARTICLE: BENJAMIN CURTIS: TOP OF THE LIST](#), 82 Chi.-Kent L. Rev. 277

... (1873). The Court chose not to use due process in a substantive fashion. In 1877, however, the majority in Munn v. Illinois, found that economic regulations could indeed result in a dispossession of private property without due process. See **94 U.S. 113(1877)**. By Streichler's account, Curtis essentially invented substantive due process one year before Taney stretched the Fifth Amendment in Dred Scott to invalidate the Missouri Compromise, thus giving Curtis cause to resent Taney for ...

Content: Law Reviews | **Date:** 2007

135. [NoteLEARNING FROM THE STORM: LESSONS FOR ILLINOIS FOLLOWING CALIFORNIA'S EXPERIENCE WITH ELECTRICITY RESTRUCTURING](#), 77 Chi.-Kent L. Rev. 333

... Imagine also that, though still bound by a statutory "duty to serve," 159 The modern concept of a utility's "duty to serve" can be traced to the Supreme Court's ruling regarding whether Chicago grain elevators were devoted to public use. **Munn v. Illinois,94 U.S. 113(1876)**. The Court determined that

property is "clothed with a public interest when used in a manner ... of public consequence [that affects] the community at large." Id. at 126; Bosselman et al., supra note 23, at 148. the ...

Content: Law Reviews | **Date:** 2001

136. [**FREEDOM: CONSTITUTIONAL LAW: CHARLES FAIRMAN, FELIX FRANKFURTER, AND THE FOURTEENTH AMENDMENT**](#), 70 Chi.-Kent L. Rev. 1197

... staked out a judicial position which would have sustained the New Deal legislation. 36 In 1937, Frankfurter described the ideas underlying the Commerce Clause decisions of the Marshall, Taney, and Waite Courts as having "persisting vitality." Frankfurter, supra note 16, at 2. Waite's decision in **Munn v. Illinois, 94 U.S. 113 (1876)**, was said to have "laid the foundation for Congressional entry into fields of comprehensive regulations of economic enterprise." Frankfurter, supra note 16, ...

Content: Law Reviews | **Date:** 1995

137. [**ARTICLE: CONGRESSIONAL INTENT AND AGENCY DISCRETION -- NEVER THE TWAIN SHALL MEET: THE MOTOR CARRIER ACT OF 1980**](#), 58 Chi.-Kent L. Rev. 1

... the justification for the burdens gradually expanded into the broader objective of protecting the public interest. In essence, the public was deemed to have an interest in the property of those who devoted it to a public purpose. See Braden, The Story of the Historical Development of the Economic Regulation of Transportation, 19 ICC PRAC.J. 650, 660-61 (1952). Thus, as the United States Supreme Court emphasized in its seminal decision of **Munn v. Illinois, 94 U.S. 113 (1876)**: common ...

Content: Law Reviews | **Date:** 1981

138. [**ARTICLE: ANTITRUST VIA RULEMAKING: COMPETITION CATALYSTS**](#), 16 Colo. Tech. L.J. 33

... Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. 20 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. There was more than one public consideration ...

Content: Law Reviews | **Date:** 2017

139. [**ARTICLE: REFLECTIONS ON NETWORK TRANSITIONS AND SOCIAL CONTRACTS FOR THE BROADBAND WORLD**](#), 13 Colo. Tech. L.J. 45

... Social contract language in telecommunications policy has a long, if somewhat fuzzy, history. It is often conflated with the notion that telecommunications carriers are public utilities, and thereby imbued with social obligations. In the 1876 case of Munn v. Illinois, the Supreme Court found that grain elevator operators were "affected with a public interest," 14 **Munn v. Illinois, 94 U.S. 113, 127 (1876)** (quoting Matthew Hale, De Portibus Maris (1670)). allowing for government regulation ...

Content: Law Reviews | **Date:** 2015

140. [**ENERGY REGULATION: THE ROLE OF NON-UTILITY SERVICE PROVIDERS IN SMART GRID DEVELOPMENT: SHOULD THEY BE REGULATED, AND IF SO, WHO CAN REGULATE THEM?**](#), 9 Colo. Tech. L.J. 531

... PUC can determine how advanced meters are installed and how they allow consumers to respond to real-time pricing. Because many aspects of smart grid development depend upon PUC decisions in these

three areas, PUCs retain substantial control over how the smart grid develops. However, this control does not extend to NUSP-consumer interactions. PUCs regulate "public utilities." The definition of "public utility" is derived from English common law, 140 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ...

Content: Law Reviews | **Date:** 2011

141. [ARTICLE: EXCLUSIVE JOINT VENTURES AND ANTITRUST POLICY](#), 1995 COLUM. BUS. L. REV. 1

... through St. Louis. The Association's control of common facilities obviated the need for expensive and unnecessary duplicate lines and bridges, and it meant that all cargo could be efficiently transferred from one carrier to another. There were also collateral results that the Court did not mention. For example, grain elevators needed to be strategically located at railroad transfer points so that they could easily load and unload the railroad cars. 87 See **Munn v. Illinois, 94 U.S. 113(1877)** ...

Content: Law Reviews | **Date:** 1995

142. [ARTICLE: BEYOND THE "FOUR WALLS" IN AN AGE OF TRANSNATIONAL JUDICIAL CONVERSATIONS CIVIL LIBERTIES, RIGHTS THEORIES, AND CONSTITUTIONAL ADJUDICATION IN MALAYSIA AND SINGAPORE](#), 19 Colum. J. Asian L. 428

... Court of Appeal Judge Gopal Sri Ram, in defining "life" in Article 5(1), found that this included a "right to livelihood." In so deciding, Judge Ram borrowed from U.S. sources that read the Due Process Clause in the Fourteenth Amendment as being designed to secure for individuals "the essential conditions for the pursuit of happiness," life thus went beyond "mere animal existence." 459 **Munn v. Illinois, 94 U.S. 113, 142 (1877)** (Field, J., dissenting). This approach was adopted in Indian ...

Content: Law Reviews | **Date:** 2006

143. [ARTICLE: Trout of Bounds: The Effects of the Federal Circuit Court of Appeals' Misguided Fifth Amendment Takings Analysis in Casitas Municipal Water District v. United States](#), 36 Colum. J. Envtl. L. 59

... The fish passage regulations demonstrate that government modification of private property use to protect wildlife without compensation to landowners was a standard part of the eighteenth century "social compact." 119 Hart, supra note 114, at 314-15 (citing **Munn v. Illinois, 94 U.S. 113, 124 (1877)**). As originally proposed by James Madison, the Takings Clause provided that a property owner shall not be "obliged to relinquish his property where it may be necessary for public use, without a ...

Content: Law Reviews | **Date:** 2011

144. [ARTICLE: What's Good for School Finance Should Be Good for Environmental Justice: Addressing Disparate Environmental Impacts Using State Courts and Constitutions](#), 30 Colum. J. Envtl. L. 135

... family needs... . The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people."); *Berman v. Parker*, 348 U.S. 26, 33 (1954) ("The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary."); **Munn v. Illinois, 94 U.S. 113, 142 (1877)** ...

Content: Law Reviews | **Date:** 2005

145. [Evolving Thresholds of Nuisance and the Takings Clause](#), 18 Colum. J. Envtl. L. 1

... new common law test of legislative validity is a major analytical innovation. Historically, it was "the great office of statutes ... to remedy defects in the common law," adapting the common law "to the changes of time and circumstances." 12 **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. After Lucas, however, remedial statutes to improve the common law will now be subject to preemption by the common law. Such preemption is effectively mandated whenever the case is one of total taking and the reviewing ...

Content: Law Reviews | **Date:** 1993

146. [**ARTICLE: A Critique of Consumer Advocacy Against the Restatement of the Law of Consumer Contracts**](#), 54 Colum. J.L. & Soc. Probs. 49

... While this Note does not oppose federal legislation, it takes the position that state-level regulation is a better vehicle for addressing consumer harms because it treats the problem at its point of origin. States have a long-recognized police power to regulate economic relationships between their citizens. 242 See **Munn v. Illinois, 94 U.S. 113, 125(1876)** ("Under [the police] powers, the government regulates the conduct of its citizens one towards another, and the ...

Content: Law Reviews | **Date:** 2020

147. [**ARTICLE: DEFYING CONGRESSIONAL INTENT: JUSTICES MILLER AND BRADLEY ALTER THE COURSE OF RECONSTRUCTION**](#), 10 Colum. J. Race & L. 82

... Operators of railway companies, inns, and places of amusement thus became agents of the state, and, in Harlan's view, citing **Munn v. Illinois**, 243 **Munn v. Illinois, 94 U.S. 113(1877)**. their acts of discrimination were adverse state action within the meaning ...

Content: Law Reviews | **Date:** 2020

148. [**ARTICLE: STRANDED ASSETS AND EFFICIENT PRICING FOR REGULATED UTILITIES: A FEDERAL TAX SOLUTION**](#), 11 Colum. J. Tax. L. 39

... Hovencamp, supra note 199, at 807-818. See United States v. Winstar, 518 U.S. 839 (1996); **Munn v. Illinois, 94 U.S. 113(1876)**; Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837). Furthermore, ...

Content: Law Reviews | **Date:** 2019

149. [**NOTE: Bringing Economic Justice Closer to Home: The Legal Viability of Local Minimum Wage Laws Under Home Rule**](#), 39 Colum. J.L. & Soc. Probs. 93

... Finally, the jurisprudential revolution that led up to West Coast Hotel offers a third, more conceptual account of the relationship between minimum wage regulations and private law. Sixty years of jurisprudential development, 121 See generally CUSHMAN, supra note 14, at 45-105; see also **Munn v. Illinois, 94 U.S. 113, 126 (1877)** (upholding the first law regulating prices because the price of grain is "cloaked" with a use in which the public has an interest); Holden v. Hardy, 169 U.S. 366, ...

Content: Law Reviews | **Date:** 2005

150. [**ARTICLE: THE SEPARATION OF PLATFORMS AND COMMERCE**](#), 119 Colum. L. Rev. 973

... of common carrier regulation is devoid of any mention of monopoly, nor is market power an element of

modern common carrier regulation of many industries. For instance, inns have traditionally been subject to the same liability in the presence or absence of competition." (footnote omitted)). Direct government oversight tended to hinge more on the degree to which an industry was, as the Supreme Court termed it, "affected with a public interest." 241 **Munn v. Illinois, 94 U.S. 113, 130 (1876)** ...

Content: Law Reviews | **Date:** May 1, 2019

151. [**ESSAY: CONSTRUCTING CITIZENSHIP: EXCLUSION AND INCLUSION THROUGH THE GOVERNANCE OF BASIC NECESSITIES**](#), 118 Colum. L. Rev. 2447

... While some have dismissed the public utility tradition as a failure of administrative rate-setting, 47 See *Nebbia v. New York*, 291 U.S. 502, 536-37 (1934) (abandoning as unworkable the "affected by the public interest" test adopted in **Munn v. Illinois, 94 U.S. 113, 150 (1877)**). the emergence of public utility regulation represented a critical phase of state-building, as reformers and policymakers innovated the institutions, tools, and practices that would become the modern administrative ...

Content: Law Reviews | **Date:** December 1, 2018

152. [**ARTICLE: THE POWER TO WAGE WAR SUCCESSFULLY**](#), 117 Colum. L. Rev. 613

... Substantive due process rights of the Fifth and Fourteenth Amendments were generally understood during that period to bar, respectively, federal and state regulation of "private" activities. Businesses and activities that were not "affected with the public interest" were largely protected from government interference or control. 226 See **Munn v. Illinois, 94 U.S. 113, 130-32 (1876)** (upholding state price-fixing for grain elevators because they were found to be businesses "affected with a public ...

Content: Law Reviews | **Date:** April 1, 2017

153. [**ARTICLE: MANDATING ACCESS TO TELECOM AND THE INTERNET: THE HIDDEN SIDE OF TRINKO**](#), 107 Colum. L. Rev. 1822

... This concept received its fullest exposition when the Court established in *Munn v. Illinois* that businesses affected with a public interest represented an exception to the constitutional limits on regulation imposed by the *Lochner* era conception of economic rights protected by substantive due process. 314 See **94 U.S. 113, 126 (1876)**. The Court abandoned this line of jurisprudence in its landmark opinion in *Nebbia v. New York*, in which the Court concluded that "there is no closed class ...

Content: Law Reviews | **Date:** December 1, 2007

154. [**ARTICLE: ADJUDICATION IN THE POLITICAL BRANCHES**](#), 107 Colum. L. Rev. 559

... Tellingly, courts took a more plenary role when particular regulations were alleged to invade a company's core private rights. The rate regulation cases are good examples. Even during the *Lochner* era, legislatures could regulate the prices charged by "businesses affected with a public interest" (such as common carriers and utility companies). 147 See **Munn v. Illinois, 94 U.S. 113, 123-34 (1876)** (interpreting Due Process Clauses of Fifth and Fourteenth Amendments); see also Barry Cushman, *Rethinking* ...

Content: Law Reviews | **Date:** April 1, 2007

155. [**NOTE: RIGHTS AS PROPERTY**](#), 104 Colum. L. Rev. 1315

... interests are viewed as coming within the broader category of "life, liberty, or property" or within the narrower category of "property" alone. Second, this Note presumes that the Court's early identification of

"vested rights" with property, see *Mondou v. N.Y., New Haven & Hartford R.R. Co.*, 223 U.S. 1, 50 (1911) (affirming Munn's credo that individual has no vested interest in the law, which "may be changed at the will ... of the legislature" (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**)), ...

Content: Law Reviews | **Date:** June 1, 2004

156. [**ARTICLE: THE GREAT TRANSFORMATION OF REGULATED INDUSTRIES LAW**](#), 98 Colum. L. Rev. 1323

... *Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 502-04 (1996) (principal opinion of Stevens, J., joined by Kennedy & Ginsburg, JJ.); see *id.* at 518-28 (Thomas, J., concurring). Not since the demise of the negative implication of *Munn v. Illinois* 221 **94 U.S. 113(1877)**. Munn had held that an Illinois law regulating the prices that warehouses could charge for the storage of grain was constitutional because these businesses were "affected with a public interest." 94 U.S. at 126, 130. ...

Content: Law Reviews | **Date:** October 1, 1998

157. [**SYMPOSIUM: TELECOMMUNICATIONS LAW: UNSCRAMBLING THE SIGNALS, UNBUNDLING THE LAW: ARTICLE: THE INVISIBLE BARBECUE**](#), 97 Colum. L. Rev. 945

... favored by those whose economic interests it favors. The broadcasters and the politicians each have something to offer the other, and both eschew thoughtways that would reduce the value of what they have to trade. That's how barbecue guest lists are made. But scholarship has a duty to transcend such self-serving limitations of discussion. To be sure, broadcasters have been seen, much like railroads, as businesses "affected with a public interest." 7 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ...

Content: Law Reviews | **Date:** May 1, 1997

158. [**SYMPOSIUM: TELECOMMUNICATIONS LAW: UNSCRAMBLING THE SIGNALS, UNBUNDLING THE LAW: ARTICLE: THE LEGAL PROCESS AND POLITICAL ECONOMY OF TELECOMMUNICATIONS REFORM**](#), 97 Colum. L. Rev. 835

... From its origins in landmark Supreme Court decisions on public utility regulation 6 See, e.g., *Bluefield Water Works & Improvement Co. v. Public Serv. Comm'n*, 262 U.S. 679 (1923); *Smyth v. Ames*, 169 U.S. 466, *aff'd as modified*, 171 U.S. 361 (1898); **Munn v. Illinois, 94 U.S. 113(1876)**. to the 1996 Act, the tortuous path of federal telecommunications law has shown that the notion of life cycles describes not only administrative agencies, but the full range of activities and ...

Content: Law Reviews | **Date:** May 1, 1997

159. [**ARTICLE: THE ORIGINAL UNDERSTANDING OF THE TAKINGS CLAUSE AND THE POLITICAL PROCESS**](#), 95 Colum. L. Rev. 782

... For an analysis of these cases along the lines indicated in the text, see Lunney, *supra* note 100, at 190921. For a discussion of the phrase "clothed with a public interest" in the caselaw, see *id.* at 1914. For the origins of the doctrine that regulation of property affected with a public interest was valid, see **Munn v. Illinois, 94 U.S. 113, 126 (1877)**; Scheiber, *supra* note 69 (placing Munn in context). At the time of *Pennsylvania Coal*, Supreme Court case law was still consistent with the ...

Content: Law Reviews | **Date:** May 1, 1995

160. [**NOTE: BRIGHT LINES IN THE BIG CITY: SEAWALL, TENANT SUCCESSION RIGHTS, AND THE JURISPRUDENCE OF TAKINGS**](#), 91 Colum. L. Rev. 609

... (finding no taking because "[t]here is no requirement that the apartments in question be used for purposes which bring them under the Act"); cf. *FCC v. Florida Power Corp.*, 480 U.S. 245, 252 (1987) ("required acquiescence is at the heart of the concept of occupation"); see also **Munn v. Illinois, 94 U.S. 113, 126 (1876)**: When . . . one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled ...

Content: Law Reviews | **Date:** April 1, 1991

161. [**NOTE: THE NEW DEAL COURT: EMERGENCE OF A NEW REASON**](#), 90 Colum. L. Rev. 1973

... Then came a remarkable clarification of the hazy term of art, "affected with a public interest". The phrase did not, as business had strained to construe it (and as the Court had held since the 1880s), encompass only public utilities and businesses franchised by the state. Rather, Roberts referred to the opinion in *Munn v. Illinois*, 116 **94 U.S. 113(1877)**, which introduced the phrase to modern constitutional law: "Property does become clothed with a public interest when used in a ...

Content: Law Reviews | **Date:** November 1, 1990

162. [**NOTE: "SHE'S GOT BETTE DAVIS\\$\(S\\$\) EYES": * ASSESSING THE NONCONSENSUAL REMOVAL OF CADAVER ORGANS UNDER THE TAKINGS AND DUE PROCESS CLAUSES**](#), 90 Colum. L. Rev. 528

... existing property rights. 65 Government action which alters or abolishes a common-law right does not necessarily violate the fifth or fourteenth amendment since there is generally no property right in a common-law rule itself. See **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. But see *Hodel v. Irving*, 481 U.S. 704, 716-17 (1987) (virtual total abolition of right to pass property through descent and devise held a taking). In contrast, government action which conflicts with a generally recognized ...

Content: Law Reviews | **Date:** March 1, 1990

163. [**NOTE: BOOK NOTES. THE FOURTEENTH AMENDMENT: FROM POLITICAL PRINCIPLE TO JUDICIAL DOCTRINE. By William E. Nelson**](#), 89 Colum. L. Rev. 1966

... the Supreme Court interpreted the amendment narrowly to protect only those rights granted to blacks as citizens of the federal government and rights that are inherent in federal citizenship, such as the right to petition the government (pp. 155-64). Four years later, in *Munn v. Illinois*, 7 **94 U.S. 113(1877)**, the Court read the amendment more broadly by guaranteeing rights for everyone, not just blacks, and by protecting economic rights, not just those of national citizenship. Nelson ...

Content: Law Reviews | **Date:** December 1, 1989

164. [**NOTE: ANTITRUST IMMUNITY FOR STATE AGENCIES: A PROPOSED STANDARD**](#), 85 Colum. L. Rev. 1484

... report accompanying the Sherman Act evinced a congressional unwillingness to "invade the legislative authority of the several states." H.R. Rep. No. 1707, 51st Cong., 1st Sess. 1 (1890). In addition, Congress must have been aware that the states had long regulated the industries and occupations within their jurisdictions. See **Munn v. Illinois, 94 U.S. 113, 125 (1876)**; Handler, *Reforming the Antitrust Laws*, 82 Colum. L. Rev. 1287, 1330 (1982). Because the Sherman Act does not "occupy the ...

Content: Law Reviews | **Date:** November 1, 1985

165. 82 Colum. L. Rev. 444

Content: Law Reviews

166. 81 Colum. L. Rev. 1418

Content: Law Reviews

167. 78 Colum. L. Rev. 1363

Content: Law Reviews

168. 78 Colum. L. Rev. 258

Content: Law Reviews

169. 77 Colum. L. Rev. 979

Content: Law Reviews

170. 76 Colum. L. Rev. 1

Content: Law Reviews

171. 75 Colum. L. Rev. 328

Content: Law Reviews

172. 74 Colum. L. Rev. 1410

Content: Law Reviews

173. [ARTICLE:SPATIAL FRAMEWORKS AND THE MANAGEMENT OF DISSENT: FROM PARKS TO FREE SPEECH ZONES](#), 16 Comm. L. & Pol'y 383

... note 26, at 249 ("[P]olitical ideals of liberty and equality, not the economic ideal of an unregulated market, dominated late nineteenth century American judicial thought."). In making that argument, some have pointed to the 1877 decision of the Supreme Court of the United States in *Munn v. Illinois* 39 94

U.S. 113(1877). involving the price regulation of grain warehouses and elevators. In the decision, the Court did not simply back private property ownership, but rather created what might ...

Content: Law Reviews | **Date:** 2011

174. [**ARTICLE: Conceptualizing the "Digital Divide": Closing the "Gap" by Creating a Postmodern Network that Distributes the Productive Power of Speech**](#), 6 Comm. L. & Pol'y 123

... Transportation (Willis-Graham) Act of 1920, Pub. L. No. 15, ch. 20, 42 Stat. 27 (1921) (codified as amended in scattered titles and sections of U.S.C.). Common carriage was generally conceived as a requirement on private enterprise whose business was "clothed in the public interest" 163 **Munn v. Illinois, 94 U.S. 113, 133 (1876)**. to "justly and reasonably" 164 Id. at 127. provide nondiscriminatory access to the carrier service. 165 See ROBERT BRITT HORWITZ, THE IRONY OF ...

Content: Law Reviews | **Date:** 2001

175. [**ARTICLE: CAN THE FIRST AMENDMENT PROTECT PUBLIC SPACE ON U.S. MEDIA SYSTEMS? THE CASE OF PUBLIC ACCESS TELEVISION**](#), 5 Comm. L. & Pol'y 349

... , that property takes on a public function when it has public consequences, when it affects the larger community and when the public has an interest in the uses to which it has been dedicated. In such cases, even privately owned property must be regulated to serve the common good. 177 See Hudgens v. NLRB, 424 U.S. 507, 544 (1976) (Marshall, J., dissenting) (citing **Munn v. Illinois, 94 U.S. 113(1877)**). Recognition of public access television as a public forum requires public forum law ...

Content: Law Reviews | **Date:** 2000

176. [**ARTICLE: THE JOURNALIST AS CITIZEN ACTIVIST: THE ETHICAL LIMITS OF FREE SPEECH**](#), 4 Comm. L. & Pol'y 1

... meaningful way to the public square and help to enrich the democratic process. However, these expressive activities, no matter how virtuous and intellectually enriching they might be, are protected only from government encroachment. 72 As early as 1877 the Supreme Court, in upholding rate regulation of monopolistic grain storage warehouses, acknowledged that there might be sufficient reason to limit corporate behavior where it affects the public interest. **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 1999

177. [**ARTICLE: THE PUBLIC NETWORK**](#), 17 CommLaw Conspectus 67

... De Portibus Maris]. stockyards, 67 Gustavus H. Robinson, The Public Utility Concept in American Law , 41 HARV. L. REV. 277, 281 (1928) (collecting cases establishing the justification for nondiscriminatory access). grain elevators, 68 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (allowing the state of Illinois to regulate grain elevators when necessary for the public good). slaughterhouses, 69 See Herbert Hovenkamp, Technology, Politics, and Regulated Monopoly: An ...

Content: Law Reviews | **Date:** 2008

178. [**ARTICLE: Utilizing "Essentiality of Access" Analyses to Mitigate Risky, Costly and Untimely Government Interventions in Converging Telecommunications Technologies and Markets**](#), 11 CommLaw Conspectus 251

... See generally Levy, supra note 19, at 229-81 (discussing the development of case law during the nineteenth century that delineated constitutional limitations on states' exercise of their police powers). Of

particular importance here is the concept of "businesses affected with a public interest," which developed under the English common law, and is recognized by the United States Supreme Court in *Munn v. Illinois*, 57 **94 U.S. 113(1876)**. Under this concept, the permissible scope of State ...

Content: Law Reviews | **Date:** 2003

179. [ARTICLE: You Say You Want a Revolution? Fact and Fiction Regarding Broadband CMRS and Local Competition](#), 7 CommLaw Conspectus 233

... character of a privately owned network is conceptually related to the term "affected with the public interest," which early on established an antitrust law rationale for regulation of facilities deemed economically essential. 43 See generally, *Munn v. Illinois*, **94 U.S. 113(1876)**. By virtue of the monopoly granted to wireline LECs, government became involved in the rates charged and the investments made on the public's behalf. Hence, the term "public switched telephone network" came to ...

Content: Law Reviews | **Date:** 1999

180. [ARTICLE: Taking Aim at the Takings Argument: Using Forward-Looking Pricing Methodologies to Price Unbundled Network Elements](#), 5 CommLaw Conspectus 231

... established constitutional jurisprudence, a statutory scheme which justly compensates a regulated entity for any constitutionally significant diminution of property value, will not run afoul of the Fifth Amendment prohibition against takings without just compensation unless the scheme fails to substantially advance a legitimate state interest. 20 See, e.g., *FCC v. Florida Power Corp.*, 480 U.S. 245 (1987); *Agins v. Tiburon*, 477 U.S. 255 (1980); *Munn v. Illinois*, **94 U.S. 113(1976)**. ...

Content: Law Reviews | **Date:** 1997

181. [ARTICLE: The Public Interest and Bell Entry into Long-Distance Under Section 271 of the Communications Act](#), 5 CommLaw Conspectus 203

... (quoting *De Portibus Maris*, Hargrove Law Tracts (1787)); see also Glen O. Robinson, *The Federal Communications Act: An Essay on Origins and Regulatory Purpose*, in *A Legislative History of the Communications Act of 1934*, at 3, 15 n.54 (Max D. Paglin ed., 1989). In 1877, the Supreme Court made the "public interest" part of American jurisprudence in *Munn v. Illinois*, 12 **94 U.S. 113(1877)**. through its following Lord Hale's teaching, and by upholding a state law setting maximum rates for ...

Content: Law Reviews | **Date:** 1997

182. [ARTICLE: REGULATORY TREATMENT OF MOBILE SERVICES: THE FCC ATTEMPTS TO CREATE REGULATORY SYMMETRY](#), 2 CommLaw Conspectus 1

... not regarded as basically dependent upon the changing nature of the various technologies to which they were applied. The 1886 Cullom Report . . . treated railroads as one part of the overall evolution of transportation and communication as a whole and explicitly discussed telegraph communication in the same general context. 38 *Id.* at 26-27 (footnotes omitted) (citing Cullom Report, S. Rep. No. 46, 49th Cong., 1st Sess. 3-4, 31-32, 40 (1886)). See also *Munn v. Illinois*, **94 U.S. 113, 129 (1877)** ...

Content: Law Reviews | **Date:** 1994

183. [SYMPOSIUM ON ANTITRUST AND IP: Legal Remedies For Patent Infringement: From General Principles To FRAND Obligations For Standard Essential Patents](#), 9 Competition Pol'y Int'l 69

... contracts in question involve a single supplier, such alternatives are not available, so the common law

from the earliest time imposed a duty on the party that was the sole supplier of single services to provide them on what are now called fair, reasonable and nondiscriminatory, or FRAND terms. 5 For the history of these rules, see Allnut v. Inglis, 104 Eng. Rep. 206 (K.B. 1810), which worked its way into the American law of public utility regulation in **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** 2013

184. [**ARTICLE: A HYBRID MODEL OF SELF-REGULATION AND GOVERNMENTAL REGULATION OF ELECTRONIC COMMERCE**](#), 19 Santa Clara Computer & High Tech. L.J. 1

... **Munn v. Illinois, 94 U.S. 113(1876)**, is considered the cornerstone of Supreme Court regulatory jurisprudence and, more importantly, the beginning of modern economic regulation by the government. 4 Robert Rabin, Federal Regulation in Historical Perspective, 38 Stan. L. Rev. 1189, 1208 (1986); Harold Furchtgott-Roth, Before the Federalist Society, Telecommunications Practice Group, Federalist Society National Convention (Nov. 12, 1998), available at http://www.fcc.gov/Speeches/Furchtgott_Roth/sphfr818.txt ...

Content: Law Reviews | **Date:** December 1, 2002

185. [**SYMPOSIUM ARTICLE: The September 11TH Victim Compensation Fund: Fund Approaches to Resolving Mass Tort Litigation**](#), 9 Conn. Ins. L.J. 121

... Plaintiffs also argued that the limitation on liability "failed to provide a satisfactory quid pro quo for the common law rights of recovery that the Act abrogated." Schwartz, *supra* note 45, at 291. The Court, however, cited to earlier decisions that "clearly established" that "a person has no property, no vested interest, in any rule of the common law." Duke Power, 438 U.S. at 88 n.32 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). Also, the United States Supreme Court found that ...

Content: Law Reviews | **Date:** 2002

186. [**FEATURE: Modernism and Antimodernism in the Federal Courts: Reflections on the Federal District Court for the District of Connecticut on the 100th Anniversary of Its New Haven Courthouse**](#), 48 Conn. L. Rev. 219

... the contracts clause; Prigg v. Pennsylvania 20 41 U.S. (16 Pet.) 539, 541-42 (1842) (declaring that federal law provided exclusive remedy for return of runaway slaves). on the fugitive slave problem; and cases like Munn v. Illinois 21 **94 U.S. 113, 125 (1877)** (recognizing power of the state to "regulate[] . . . the manner in which [a citizen] use[s] his own property[]" when such regulation [is] necessary for the public good"). and Lochner v. New York , 22 198 U.S. 45, ...

Content: Law Reviews | **Date:** November 1, 2015

187. [**ARTICLE: COMMON LAW, CIVIL LAW, AND THE ADMINISTRATIVE STATE: FROM COKE TO LOCHNER**](#), 24 Const. Commentary 601

... becoming a state. But the second, and more important reason, was that the Fourteenth Amendment imposed similar common-law-based limitations on the scope of legislative power in all of the states. 198 Slaughterhouse, 83 U.S. (16 Wall.) at 105-06. Justice Field was again in the minority when the Court decided Munn v. Illinois 199 **94 U.S. 113(1877)**. in 1877. The case concerned a state law that imposed a maximum charge for storing grain in a particular category of elevator in ...

Content: Law Reviews | **Date:** 2007

188. [BUT CF....: THE POTABLE CONSTITUTION](#), 15 Const. Commentary 1
 ... but Quentin Tarantino has described hamburgers as "the cornerstone of any nutritious breakfast." Pulp Fiction (Miramax Film Corp. 1994). Assorted baked products. Lochner v. New York, 198 U.S. 45 (1905); Utah Pie Co. v. Continental Baking Co., 386 U.S. 685 (1967) Wheaties. Wickard v. Filburn, 317 U.S. 111 (1942); **Munn v. Illinois, 94 U.S. 113(1876)**. Sugar. Secretary of Agric. v. Central Roig Ref. Co., 338 U.S. 604 (1950); United States v. E.C. Knight Co., 156 U.S. 1 (1895). ...
Content: Law Reviews | **Date:** 1998
-
189. [NOTE: NEW YORK'S TIME TO SHINE: TURNING WEAKNESSES IN STATE SOLAR ENERGY POLICY INTO AN OPPORTUNITY FOR NATIONAL LEADERSHIP](#), 29 Cornell J. L. & Pub. Pol'y 237
 ... Id. However, for the purposes of regulation, the government would treat utilities as public entities because they provide an essential service to society. 67 See Eisen et al., supra note 62. See also **Munn v. Illinois, 94 U.S. 113, 126(1876)** (Although Munn v. Illinois did not deal with utility regulation specifically, it stood for the proposition that "property does become clothed with a public interest when used in a manner to make it of public consequence, ...
Content: Law Reviews | **Date:** 2019
-
190. [ARTICLE: COMPETITION POLICY AND THE GREAT DEPRESSION: LESSONS LEARNED AND A NEW WAY FORWARD](#), 23 Cornell J. L. & Pub. Pol'y 255
 ... (1927). and employment agency fees all failed this test. 109 Ribnik v. McBride, 277 U.S. 350 (1928). An exception "proved the rule," as government was free to regulate prices of industries "affected with a public interest." 110 **Munn v. Illinois, 94 U.S. 113(1876)**. While the contours of this category were vague, certain principles emerged. 111 See Charles Wolff Packing Co. v. Kansas Court of Indus. Relations, 262 U.S. 522, 535-42 (1923) (elaborating principles determining ...
Content: Law Reviews | **Date:** 2013
-
191. [ARTICLE: COURTING DISASTER: SYSTEMIC FAILURES AND REACTIVE RESPONSES IN RAILWAY SAFETY REGULATION](#), 20 Cornell J. L. & Pub. Pol'y 533
 ... In their early legal challenges to the constitutionality of these commissions, the railroads argued that the administrative agencies were usurping the powers of both the legislative and judicial branches of state government. 45 See **Munn v. Illinois, 94 U.S. 113(1876)**. Initially, the U.S. Supreme Court rejected these attacks, holding that if the commissions used procedures paralleling the functions of the other branches, their legal authority to create these commissions would stand. ...
Content: Law Reviews | **Date:** 2011
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192. [ARTICLE: THE THIRD WAVE OF FEDERAL TORT REFORM: PROTECTING THE PUBLIC OR PUSHING THE CONSTITUTIONAL ENVELOPE?](#), 8 Cornell J. L. & Pub. Pol'y 591
 ... abrogation of well-established common law protections against arbitrary deprivations of property raises a presumption that its procedures violate the Due Process Clause."). There also is sentiment in a number of cases upholding state laws altering common law rights such as Munn v. Illinois 417 **94 U.S. 113(1876)**. and Silver v. Silver 418 280 U.S. 117 (1929). for the propositions that: "[a] person has no property, no vested interest in any rule of the common law" 419 Munn, ...
Content: Law Reviews | **Date:** 1999

193. [NOTE: UNITED STATES V. LOPEZ AND THE CHILD SUPPORT RECOVERY ACT OF 1992: WHY A NICE IDEA MUST BE DECLARED A CASUALTY OF THE STRUGGLE TO SAVE FEDERALISM](#), 6 Cornell J. L. & Pub. Pol'y 753
- ... Under this novel interpretation, the Tenth Amendment was no longer an independent, substantive limitation protecting and maintaining the federal system the Framers had created. 206 For cases in which the Court had interpreted the Tenth Amendment as such a limitation see, e.g., *United States v. E.C. Knight Co.*, 156 U.S. 1, 11 (1895); **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)**; *United States v. DeWitt*, 76 U.S. (9 Wall.) 41, 45 (1869); *New Orleans v. United States*, 35 U.S. 662, 736 ...
- Content:** Law Reviews | **Date:** 1997
-
194. [ARTICLE: TOO BIG TO SUPERVISE: THE RISE OF FINANCIAL CONGLOMERATES AND THE DECLINE OF DISCRETIONARY OVERSIGHT IN BANKING](#), 103 Cornell L. Rev. 1529
- ... To ensure that supervisors had wide latitude in carrying out their duties, Congress did not explicitly define "unsafe and unsound" or "prudent operation." Because banks were businesses "affected with a public interest," 13 See, e.g., **Munn v. Illinois, 94 U.S. 113, 126-30 (1877)** (differentiating businesses affected with a public interest). Congress wanted supervisors to be able to address deficiencies "whenever an institution had been harmed or the interests of the depositors had been ...
- Content:** Law Reviews | **Date:** September 1, 2018
-
195. [ARTICLE: BAIT AND SWITCH: WHY UNITED STATES V. MORRISON IS WRONG ABOUT SECTION 5](#), 100 Cornell L. Rev. 603
- ... corporations, keepers of inns, and managers of places of public amusement are agents or instrumentalities of the State, because they are charged with duties to the public, and are amenable, in respect of their duties and functions, to governmental regulation. *Id.* This argument proceeds by taking the public/private line the Court had drawn to distinguish private enterprises from those "affected with a public interest" and hence subject to greater regulation, see **Munn v. Illinois, 94 U.S. 113, 130 (1877)**, ...
- Content:** Law Reviews | **Date:** March 1, 2015
-
196. [ARTICLE: FEDERAL SEARCH COMMISSION? ACCESS, FAIRNESS, AND ACCOUNTABILITY IN THE LAW OF SEARCH](#), 93 Cornell L. Rev. 1149
- ... The term is taken from Lord Matthew Hale's seventeenth-century English treatise. See generally Breck P. McAllister, *Lord Hale and Business Affected with a Public Interest*, 43 Harv. L. Rev. 759, 759 (1930). The phrase was later appropriated by nineteenth-century American courts, which developed the category of private businesses subject to special public duties and regulation. See **Munn v. Illinois, 94 U.S. 113(1876)**. of the information age, namely search engines. Proposals of any ...
- Content:** Law Reviews | **Date:** September 1, 2008
-
197. [ARTICLE: ACCESS TO NETWORKS: ECONOMIC AND CONSTITUTIONAL CONNECTIONS](#), 88 Cornell L. Rev. 885
- ... As a result, the Court acknowledged that the Constitution forbids rates that are set so low as to be confiscatory. 175 See, e.g., *Covington & Lexington Tpk. Rd. Co.*, 164 U.S. at 597; see also *Stone v. Wisconsin*, 94 U.S. 181, 184 (1876) (Field, J., dissenting) (stating that excessively low rates can result in "practical confiscation"); **Munn v. Illinois, 94 U.S. 113, 142 (1876)** (Field, J., dissenting) ("If the legislature of a State ... can determine, against the consent of the owner, the ...
- Content:** Law Reviews | **Date:** May 1, 2003

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198. [**SYMPOSIUM: BOWSHER V. SYNAR: GOVERNMENTAL FUNCTIONS AND CONSTITUTIONAL DOCTRINE: THE HISTORICAL CONSTITUTION.**](#), 72 Cornell L. Rev. 553
- ... Houston, E. & W. Tex. Ry. v. United States, 234 U.S. 342 (1914) (Shreveport Rate Case); Chicago, Burlington & Quincy R.R., v. Chicago, 166 U.S. 226 (1897) (condemnation of railroad property upheld in face of due process challenge); see also **Munn v. Illinois, 94 U.S. 113 (1877)** (upholding state regulation of prices of grain warehouses). and the federal antitrust laws. 133 See Northern Sec. Co. v. United States, 193 U.S. 197 (1904) (dissolving combination scheme between ...
- Content:** Law Reviews | **Date:** March 1, 1987
-
199. 59 Cornell L. Rev. 440
- Content:** Law Reviews
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200. [**ARTICLE: LEGAL THEORY AND PROPERTY JURISPRUDENCE OF OLIVER WENDELL HOLMES, JR., AND LOUIS D. BRANDEIS: AN ANALYSIS OF PENNSYLVANIA COAL COMPANY V. MAHON,**](#) 38 Creighton L. Rev. 1179
- ... Coal in place is land; and the right of the owner to use his land is not absolute. He may not so use it as to create a public nuisance; and uses, once harmless, may owing to changed conditions, seriously threaten the public welfare. Whenever they do, the legislature has power to prohibit such uses without paying compensation. 143 Id. at 417 (Brandeis, J., dissenting); cf. **Munn v. Illinois, 94 U.S. 113, 145 (1887)** (Field, J., dissenting) ("The doctrine that each one must so use his own as ...
- Content:** Law Reviews | **Date:** 2005
-
201. [**ANNUAL SURVEY OF THE UNITED STATES SUPREME COURT AND FEDERAL LAW: CASENOTE: TAKINGS CLAUSE: A NEWLY-MINTED HURDLE FOR CITY PLANNERS: DOLAN V. CITY OF TIGARD,**](#) 28 Creighton L. Rev. 559
- ... The government had the authority to exercise its police power in order to protect the health, welfare, and safety of its citizens, subject to the requirement of the Due Process Clause that the law have a rational basis. 98 Id. at 7-8 (citing **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). However, as the use of zoning ordinances and land-use regulations increased, property owners began to invoke the Takings Clause in an attempt to escape government interference. 99 Summers, 142 U. Pa. L. ...
- Content:** Law Reviews | **Date:** February 1, 1995
-
202. [**COMMENT: Regulating Twitter as a Public Utility to Ensure Nondiscrimination,**](#) 50 Cumb. L. Rev. 597
- ... 148 Id. at 72 . To use the phrase that reappears over and over in utility cases of the era, the courts held that state intervention was justified when an industry was "'affected with a public interest.'" 149 **Munn v. Illinois, 94 U.S. 113, 126 (1877)** . This language initially appeared in the context of English common law relating to so-called "public callings" and the duties of common carriers. 150 Novak, supra note 145, at 145-46. The duties ...
- Content:** Law Reviews | **Date:** 2019
-

203. [ARTICLE: THE FOURTEENTH AMENDMENT: JUSTICE BRADLEY'S TWENTIETH CENTURY LEGACY](#), 29 Cumb. L. Rev. 143

... as he became one of the staunchest defenders of State regulation of railroad rates. 138 See *id.* at 1189. He is also said to have written an outline for Chief Justice Waite's opinion in the Court's landmark opinion in *Munn v. Illinois* 139 **94 U.S. 113(1877)**, upholding Illinois 's regulation of grain elevators in Chicago. 140 See Friedman, *supra* note 118, at 1189. In 1877, Justice Bradley was chosen as the last, tie-breaking Commissioner for the Electoral Commission that decided ...

Content: Law Reviews | **Date:** 1998

204. [CENTENNIAL ARTICLE: A Canal and Its City: A Selective Business History of Chicago](#), 11 DePaul Bus. L.J. 125

... overruled the rate law in 1873, after which it was re-enacted along more cautious lines. The copying of this law by Iowa, Minnesota, and Wisconsin furnished relief from one of the farmers' worst complaints. The railroads fought this legislation all the way to the U.S. Supreme Court. In October 1876, in the decision of *Munn v. Illinois*, 47 **94 U.S. 113(1877)**, the Supreme Court gave opinions favorable to the farmers. Chicago in 1874 had fourteen elevators to handle the business of ...

Content: Law Reviews | **Date:** 1998

205. [COMMENT: The Health Care Industry and Its Medical Care Providers: Relationship of Trust or Antitrust?](#), 8 DePaul Bus. & Comm. L.J. 251

... noted that it would not "strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought... . 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" Williamson, 348 U.S. at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). Scope of practice regulations establish boundaries within and between medical care professions and attempt to ...

Content: Law Reviews | **Date:** 2010

206. [COMMENT: Held Captive: How Increased Regulation Arrests Railroads' Ability to Serve the Nation](#), 5 DePaul Bus. & Comm. L.J. 731

... U.S. 275 (1875); *Ward v. Maryland*, 79 U.S. 418 (1870); *Pennsylvania v. Wheeling Bridge Co.*, 54 U.S. 518 (1851). The United States Supreme Court upheld instances of state regulation in *Munn v. Illinois*; 47 **94 U.S. 113(1876)**. *Chicago, Burlington, & Quincy Railroad Co. v. Iowa*; 48 **94 U.S. 155 (1876)**. *Peik v. Chicago & North-Western Railway Co.*; 49 **94 U.S. 164 (1876)**. *Chicago, Milwaukee, & St. Paul Railroad Co. v. Ackley*; 50 **94 U.S. 179 (1876)**. ...

Content: Law Reviews | **Date:** 2007

207. [ARTICLE: THE CONSTITUTIONALIZATION OF TORTS?](#), 65 DePaul L. Rev. 357

... See *id.* ("Of course, the State remains free to create substantive defenses or immunities for use in adjudication - or to eliminate its statutorily created causes of action altogether ... "). Indeed, as far back as 1876, the Court explained that a "person has no property, no vested interest, in any rule of the common law." 117 **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. Thus, "rights of property which have been created by the common law cannot be taken away without due process; but the law ...

Content: Law Reviews | **Date:** 2016

208. [COMMENT: THE RETURN TO LOCHNERISM? THE REVIVAL OF ECONOMIC LIBERTIES FROM DAVID TO GOLIATH*](#), 52 DePaul L. Rev. 675
- ... See generally Clegg et al., supra note 129. Finally, the character of the government action examines whether the taking was for public use. 154 Id. at 32. See also Mugler v. Kansas, 123 U.S. 623 (1887) (upholding state prohibition law in first regulatory takings case); **Munn v. Illinois, 94 U.S. 113(1877)** (upholding regulation of grain storage prices because property subjected to public use is subject to price regulation). As with any ad hoc analysis, the danger that the clause may ...
- Content:** Law Reviews | **Date:** 2002
-
209. [ARTICLE: HUMAN RIGHTS IN INDIA - FIFTY YEARS AFTER INDEPENDENCE](#), 26 Denv. J. Int'l L. & Pol'y 93
- ... **Munn v. Illinois 94 U.S. 113, 142 (1877)**. "Life, even behind the iron bars, said the sensitized judiciary," did not mean mere "animal existence." 128 See id. at 1691, 1703, 1706. This led the Court to hold that death row prisoners were entitled to all the amenities on par with ordinary prisoners, that is, food, clothing and a bed. 129 See id. at 1703. Infliction of torture, mental or physical on such prisoners who were in the safekeeping of prison authorities was unconstitutional. ...
- Content:** Law Reviews | **Date:** 1997
-
210. [ARTICLE: Rael v. Taylor and the Colorado Constitution: How Human Rights Law Ensures Constitutional Protection in the Private Sphere](#), 26 Denv. J. Int'l L. & Pol'y 1
- ... Olin Mathieson Chem. Corp. v. Francis, 134 Colo. 160, 301 P.2d 139 (1956). This idea finds historical support in the interpretation of rights by the U.S. Supreme Court, which has held that life means something more than a mere basal existence. 135 **Munn v. Illinois, 94 U.S. 113(1877)**. It is interesting to note that this idea has not received much attention recently in U.S. courts, even though this theory has been expanded and followed in some states. 136 E.g., "The right to work ...
- Content:** Law Reviews | **Date:** 1997
-
211. [ARTICLE: The Waite Court at the Bar of History](#), 81 Denv. L. Rev. 449
- ... AMERICAN GOVERNMENT, supra note 101, at 48. Moreover, given the nature of those amendments, cases arising under them typically involved a claim by an individual or a business enterprise that constitutional rights had been violated. 105 See, e.g., **Munn v. Illinois, 94 U.S. 113, 125-126 (1876)**. In Waite's day, there were not only more people, but more laws that affected them. 106 See THOMAS H. JOHNSON, THE OXFORD COMPANION TO AMERICAN HISTORY 645 (1966) (noting that the population of ...
- Content:** Law Reviews | **Date:** 2003
-
212. [ARTICLE: The Progressiveness of the Lochner Court](#), 75 Denv. L. Rev. 453
- ... Olsen v. Nebraska ex rel. W. Reference & Bond Ass'n, 313 U.S. 236 (1941). each of which struck down a state price regulation. 27 Additionally, these cases indirectly relied upon another much discussed due process decision that preceded the Lochner era: **Munn v. Illinois, 94 U.S. 113(1876)**. Generally, Munn established that the states have considerable power to regulate businesses "affected with a public interest." Munn, 94 U.S. at 130. The trio of cases discussed here might be said to ...
- Content:** Law Reviews | **Date:** 1998
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213. [81 Denv. U.L. Rev. 449](#)

... AMERICAN GOVERNMENT, supra note 101, at 48. Moreover, given the nature of those amendments, cases arising under them typically involved a claim by an individual or a business enterprise that constitutional rights had been violated. 105 See, e.g., **Munn v. Illinois, 94 U.S. 113, 125-126 (1876)**. In Waite's day, there were not only more people, but more laws that affected them. 106 See THOMAS H. JOHNSON, THE OXFORD COMPANION TO AMERICAN HISTORY 645 (1966) (noting that the population of ...

Content: Law Reviews

214. [ARTICLE: Circuit-Specific Application of the Internal Revenue Code: An Unconstitutional Tax](#), 81 Denv. U.L. Rev. 113

... Rather, its purpose is to prevent the federal government from discriminating between states. Pennsylvania v. The Wheeling & Belmont Bridge Co., 59 U.S. 421, 435 (1855). Like the Tax Uniformity Clause, the Port Preference Clause is a limit on the federal government, and not state governments. **Munn v. Illinois, 94 U.S. 113, 135 (1876)**. The Port Preference Clause and the Tax Uniformity Clause "were proposed together and reported out of a special committee as an interrelated limitation on the ...

Content: Law Reviews | **Date:** 2003

215. [ARTICLE: ENTITY PRESERVATION AND PASSPORT AGRICULTURE: EU VS. USA](#), 7 Drake J. Agric. L. 381

... As early as the late 1800s the broadening of regulation to cover 'rights' of the public can be seen in government intervention designed to ensure that businesses acted in the public interest, for example, in 1876 in **Munn v. Illinois**, 33 **Munn v. Illinois, 94 U.S. 113 (1876)**. the Supreme Court upheld the right of the State of Illinois to regulate prices charged by Chicago grain elevator owners. 34 See generally Pipes, supra note 31, at 249. In Roosevelt's "Four Freedoms" State ...

Content: Law Reviews | **Date:** 2002

216. [ARTICLE: AFTER DEREGULATION: CONSTRUCTING AGRICULTURAL POLICY IN THE AGE OF "FREEDOM TO FARM"](#), 5 Drake J. Agric. L. 3

... The industrial challenge to the American agrarian order prompted the large-scale political movements of the late nineteenth century and gave rise to the jurisprudential endorsement of government interference in the economy in order to protect the wider public, circumscribing the scope of *juris privati*, the uses of private property outside the public interest. 245 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (quoting the seventeenth century work of Lord Chief Justice Hale, who concluded that ...

Content: Law Reviews | **Date:** 2000

217. [ARTICLE: THE LEGAL FOUNDATIONS FOR STATE LAWS GRANTING LABOR UNIONS ACCESS TO EMPLOYER PROPERTY](#), 62 Drake L. Rev. 689

... wrote in a concurrence to the Pruneyard decision, Court doctrine had long held that states have a broad right to define and modify property rights: "Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will ... of the legislature." 133 *Id.* at 92 (Marshall , J., concurring) (alteration in original) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). A number of other states ...

Content: Law Reviews | **Date:** 2014

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218. [ARTICLE: ADAPTING HUMAN RIGHTS](#), 26 Duke Envtl. L. & Pol'y F. 1
 ... These natural monopolies create challenges with respect to pricing, particularly where they involve private property that has become "affected with a public interest," or private property that the general public must be able to access. 53 See **Munn v. Illinois, 94 U.S. 113, 124-25 (1877)** (explaining when "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common ...
Content: Law Reviews | **Date:** 2015
-
219. [ARTICLE: SPEAKING TRUTH TO POWER COMPANY REGULATORS: THE CONSEQUENCES OF MODERN REGULATORY INCENTIVES AND ADMINISTRATIVE EXPEDIENCY](#), 25 Duke Envtl. L. & Pol'y F. 185
 ... (reviewing an Administrative Law Judge decision that used the "reasonable and prudent" standard). This standard has been enshrined by statute across the country, endeavoring to balance a utility's right to a reasonable rate of return with protecting consumers from unfair pricing. 19 **Munn v. Illinois, 94 U.S. 113, 133-35 (1877)**; see also *Gulf Power Co. v. Bevis*, 296 So. 2d 482, 488 (Fla. 1974) (establishing the Florida law equivalent of *Munn v. Illinois*). Under ANCR, it is instead ...
Content: Law Reviews | **Date:** 2014
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220. [ARTICLE: TRANSMISSION SITING IN DEREGULATED WHOLESALE POWER MARKETS: RE-IMAGINING THE ROLE OF COURTS IN RESOLVING FEDERAL-STATE SITING IMPASSES](#), 15 Duke Envtl. L. & Pol'y F. 315
 ... Further, the dormant commerce clause allows substantial state government intervention in the setting of prices, subsidies, and taxes, so long as a state does not engage in differential treatment in the same market in ways that burden interstate competition. 49 For example, one of the leading cases suggesting that the dormant commerce clause allows the setting of rates is **Munn v. Illinois, 94 U.S. 113 (1876)** (upholding legislative approval of joint price agreement by grain elevators in Chicago ...
Content: Law Reviews | **Date:** 2005
-
221. [ARTICLE: THE CONSTITUTION IN THE SUPREME COURT: 1921-1930.](#), 1986 Duke L.J. 65
 ... *Holden v. Hardy*, 169 U.S. 366, 391 (1898) (upholding maximum hour legislation for miners because the "right of contract . . . is itself subject to certain limitations which the State may lawfully impose in the exercise of its police power"); **Munn v. Illinois, 94 U.S. 113, 145 (1877)** (Field, J., dissenting) ("The doctrine that each one must so use his own as not to injure his neighbor . . . is the rule by which every member of society must possess and enjoy his property."); T. COOLEY, CONSTITUTIONAL ...
Content: Law Reviews | **Date:** February 1, 1986
-
222. [NOTE: EVERY GRAIN OF SAND: WOULD A JUDICIAL TAKINGS DOCTRINE FREEZE THE COMMON LAW OF PROPERTY?](#), 61 Duke L.J. 433
 ... Stevens's dissent emphasized the principle that state governments, in regulating private property rights, ought to be afforded some flexibility to respond to new social emergencies and to serve the evolving needs of the public. 24 See *id.* at 1069 ("More than a century ago we recognized that "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**)). ...

Content: Law Reviews | **Date:** November 1, 2011

223. [FORTY-FIRST ANNUAL ADMINISTRATIVE LAW ISSUE: THE FCC AND THE FUTURE: ARTICLE: THE NETWORK UTILITY](#), 60 Duke L.J. 1761

... Progressives built on this foundation to justify reforms that restricted businesses' dealings with their customers, employees, and competitors. The first legal challenge was to fit this "common carriage" concept into a doctrinal rubric. The second was to expand common carriage to cover the newly emerging business powers of an industrializing nation. The leading case, **Munn v. Illinois**, 132 **Munn v. Illinois, 94 U.S. 113(1876)**. was decided in 1876. 133 Id. at 113. The Supreme ...

Content: Law Reviews | **Date:** May 1, 2011

224. [NOTE: CONSTITUTIONAL LIMITS ON PRIVATE POLICING AND THE STATE'S ALLOCATION OF FORCE](#), 59 Duke L.J. 519

... (1787), reprinted in The Essential Federalist and Anti-Federalist Papers 110, 131 (David Wootton ed., 2003) ("In a free government ... the whole society engages to protect each individual."). - the state is endowed with certain responsibilities that, by their collective nature, cannot be left solely to the individual. 20 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124 (1876)** ("When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not ...

Content: Law Reviews | **Date:** December 1, 2009

225. [SPECIAL SYMPOSIUM ISSUE: THE FIFTH ANNUAL PUBLIC LAW CONFERENCE: HONORING THE SCHOLARSHIP AND CONTRIBUTIONS OF WILLIAM VAN ALSTYNE: Article: CONDUIT-BASED REGULATION OF SPEECH](#), 54 Duke L.J. 1359

... and "the flow of wheat from the West to the mills and distributing points of the East" 15 Bd. of Trade v. Olsen, 262 U.S. 1, 36 (1923); see also Lemke v. Farmers Grain Co., 258 U.S. 50, 53-54 (1922); Dahnke-Walker Milling Co. v. Bondurant, 257 U.S. 282, 290-91 (1922); **Munn v. Illinois, 94 U.S. 113, 130-31 (1877)**; cf. Stafford v. Wallace, 258 U.S. 495, 516 (1922) (describing stockyards as "great national public utilities" dominating "the flow of commerce from the ranges and farms ...

Content: Law Reviews | **Date:** April 1, 2005

226. [ARTICLE: The Abstruse Science: Kelo, Lochner, and Representation Reinforcement in the Public Use Debate](#), 46 Duq. L. Rev. 375

... Court recognized only a very narrow category of legitimate governmental objectives that might justify interfering with property interests, primarily those designed to correct harms that were either attributable to a regulated interest or objectionable at common law. 70 See Sunstein, supra note 8, at 877. The government could, in keeping with common law, regulate businesses that were "affected with a public interest." Thus, in **Munn v. Illinois** 71 **94 U.S. 113(1876)**. the Court rejected ...

Content: Law Reviews | **Date:** 2008

227. [COMMENT: Street Crime, Interstate Commerce, and the Federal Docket: The Impact of United States v. Lopez](#), 34 Duq. L. Rev. 71

... (invalidating, for the first time, a federal law regulating petroleum products as exceeding the commerce power because the law impinged on the police power reserved to the states). and Morrison Waite, 93 Chief Justice Waite served from 1874 to 1887. See **Munn v. Illinois, 94 U.S. 113(1877)** (upholding state regulation of railroad rates because railroads are private property devoted to public purposes). According

to Professor Frankfurter, this case "laid the foundation of Congressional entry ...

Content: Law Reviews | **Date:** 1995

228. [ARTICLE: Reform Incentives, Transform the Grid: Making Good on Hawai'i's Renewable Energy Ambitions](#), 45 Ecology L.Q. 583

... nineteenth and early twentieth centuries through the combined efforts of muckraking eastern journalists, populist Great Plains legislators, and the Supreme Court, this "peculiarly American institution" has now been practiced continuously in every state of the union for more than a century. 84 *Id.*; George H. Miller, *Railroads and the Granger Laws* 161-71 (1971); Hirsh, *supra* note 81, at 2; McCraw, *supra* note 81, at 6, 56-58, 116. See generally **Munn v. Illinois, 94 U.S. 113, 133-36(1876)** ...

Content: Law Reviews | **Date:** 2018

229. [Note: Letting Solar Shine: An Argument to Temper the Over-the-Fence Rule](#), 36 Ecology L.Q. 851

... The regulatory consensus evolved from the case of *Munn v. Illinois* and the efforts of Governor Robert "Fighting Bob" La Follette of Wisconsin. The Supreme Court first endorsed the regulatory consensus in the United States in *Munn v. Illinois*. 50 **94 U.S. 113(1877)**. In 1870, the Illinois Legislature passed a law declaring grain elevators in Chicago vital to the public interest, thereby permitting regulation of their rates. 51 *Id.* at 132. The issue in the case was whether ...

Content: Law Reviews | **Date:** 2009

230. [ARTICLE: Goblets of Fire: Potential Constitutional Impediments to the Regulation of Global Warming](#), 35 Ecology L.Q. 835

... *Huron Portland Cement Co. v. City of Detroit*, 362 U.S. 440, 443 (1960). The retail regulation of utilities is also a traditional function of local police power of the states. 206 *Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n*, 461 U.S. 375, 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113(1877)**). The generation and transmission of electric energy, however, are activities particularly likely to affect more than one state. 207 *Id.* The Supreme Court has recognized that "it ...

Content: Law Reviews | **Date:** 2008

231. [ARTICLE: Background Principles and the Rule of Law: Fifteen Years after Lucas](#), 35 Ecology L.Q. 1

... See, e.g., Humbach, *supra* note 13, at 3 ("Historically, it was 'the great office of statutes ... to remedy defects in the common law,' adapting the common law 'to the changes of time and circumstances.' After *Lucas*, however, remedial statutes to improve the common law will now be subject to preemption by the common law." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Rather than presuming constitutional validity and burdening property owners with proving that government had gone too far, ...

Content: Law Reviews | **Date:** 2008

232. [ARTICLE: Revitalizing the Presumption Against Preemption to Prevent Regulatory Gaps: Railroad Deregulation and Waste Transfer Stations](#), 34 Ecology L.Q. 1147

... commentary in recognizing some validity in the reasons for the presumption's decline. In its standard formulation, the presumption was triggered only by "traditional" state police powers, which could have been understood as synonymous with "longstanding." Both terms would have accurately described the state laws at issue in *Rice*, because the state warehousing laws at issue were longstanding and had been upheld by the Court seventy years beforehand. 207 **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2007

233. [NOTE: Kelo v. City of New London: The More Things Stay the Same, the More They Change](#), 33 Ecology L.Q. 545

... (Brandeis, J. dissenting). This broad power has no precise definition. See Sax, supra note 110 (explaining the breadth of the police power). The concept has been used in wide-ranging contexts to justify government regulation including fire regulation (**Munn v. Illinois, 94 U.S. 113, 146 (1876)**); garbage disposal control (Gardener v. Michigan, 199 U.S. 325 (1905)); restrictions on prostitution (L'Hote v. City of New Orleans, 177 U.S. 587 (1900)); and restrictions on liquor (Beer Co. v. ...

Content: Law Reviews | **Date:** 2006

234. [Article: The First Water-Privatization Debate: Colorado Water Corporations in the Gilded Age](#), 33 Ecology L.Q. 313

... Colo. Const. art. XVI, 8, discussed supra text accompanying note 89. and relevant statutes. 139 Wheeler, 17 P. at 490. For this last strand of its reasoning the court cited the recent Granger Cases, in which the U.S. Supreme Court had upheld state regulation of railroads, 140 **94 U.S. 113(1887)**. as well as Illinois precedents on the same issue. 141 Vincent v. Chicago & Alton R.R. Co., 49 Ill. 33 (1868) (holding that railroad cannot discriminate in charges for service ...

Content: Law Reviews | **Date:** 2006

235. [ARTICLE: Pipes, Wires, and Bicycles: Rails-to-Trails, Utility Licenses, and the Shifting Scope of Railroad Easements from the Nineteenth to the Twenty-First Centuries](#), 27 Ecology L.Q. 351

... The Grangers were a coalition of farming interests in the midwest who were frustrated by the discriminatory pricing and unreliable schedules of the highly competitive railroads. See id. at 380-81; see also Solon Buck, The Granger Movement 9 (1913); Gabriel Kolko, Railroad and Regulation 1877-1916, 127-54 (1965). The Grangers were also responsible for a variety of state railroad regulatory schemes that were upheld by the Supreme Court in **Munn v. Illinois,94 U.S. 113(1876)**. who were fighting ...

Content: Law Reviews | **Date:** 2000

236. [ARTICLE: Renouncing the Public Trust Doctrine: An Assessment of the Validity of Idaho House Bill 794](#), 24 Ecology L.Q. 461

... did not enact a public utility statute until 1913. See Idaho Code 61-101 to 130. The public use concept was a response to the laissez-faire era of water distribution in the West in the 1860s and 1870s and the Supreme Court's decision in **Munn v. Illinois,94 U.S. 113(1876)**, which ruled that property devoted to public uses was subject to state regulation. See 2 Samuel Weil, Water Rights in the Western States, chs. 52-53 (3d ed. 1911). As the Idaho Conservation League noted in a brief to the ...

Content: Law Reviews | **Date:** 1997

237. [ARTICLE: POLICE POWERS AND THE CONSTITUTION OF INDIA: THE INCONSPICUOUS ASCENT OF AN INCONGRUOUS AMERICAN IMPLANT](#), 28 Emory Int'l L. Rev. 63

... . However, where property is taken in pursuance of police powers, no compensation is payable under this clause. See generally Sax, supra note 3, at 36. This power has been thought to be an avatar of the common law power to abate nuisances. 112 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124, 147 (1876)**; see also David A. Thomas, Finding More Pieces for the Takings Puzzle: How Correcting History Can

Clarify Doctrine, 75 U. Colo. L. Rev. 497, 544 (2004). Thomas points out that "police power ...

Content: Law Reviews | **Date:** 2014

238. [ARTICLE: MEDICAL MALPRACTICE AS WORKERS' COMP: OVERCOMING STATE CONSTITUTIONAL BARRIERS TO TORT REFORM](#), 67 Emory L.J. 975

... for injuries to the employee upon the ground of negligence; but negligence is merely the disregard of some duty imposed by law; and the nature and extent of the duty may be modified by legislation, with corresponding change in the test of negligence. Indeed, liability may be imposed for the consequences of a failure to comply with a statutory duty, irrespective of negligence in the ordinary sense 312 Id. at 198 (citations omitted) (first citing **Munn v. Illinois, 94 U.S. 113, 134 (1876)**); ...

Content: Law Reviews | **Date:** 2018

239. [ARTICLE: SECRET JURISDICTION](#), 65 Emory L.J. 1313

... provided that "any reasonably conceivable state of facts" 228 Id. at 313 (quoting *FCC v. Beach Commc'ns, Inc.*, 508 U.S. 307, 313 (1993)). will support a rational-basis finding, whether or not there is evidentiary support for it. 229 Id.; see also **Munn v. Illinois, 94 U.S. 113, 132 (1876)** ("If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the State. But if it could, we must presume it ...

Content: Law Reviews | **Date:** 2016

240. [ARTICLE: ALL THINGS IN PROPORTION? AMERICAN RIGHTS REVIEW AND THE PROBLEM OF BALANCING](#), 60 Emory L.J. 797

... to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. We emphasize again what Chief Justice Waite said in *Munn v. Illinois*, "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 212 *Williamson v. Lee Optical of Okla., Inc.*, 348 U.S. 483, 497-88 (1955) (citations omitted) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). ...

Content: Law Reviews | **Date:** 2011

241. [ARTICLE: THE MOST IMPORTANT \(AND BEST\) SUPREME COURT OPINIONS AND JUSTICES](#), 60 Emory L.J. 407

... 5 U.S. (1 Cranch) 137 (1803); *Brown v. Board of Education*, 347 U.S. 483 (1954); *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819); *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824); *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866); **Granger Cases, 94 U.S. 113(1876)**; *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937); *United States v. Nixon*, 418 U.S. 683 (1974); *Baker v. Carr*, 369 U.S. 186 (1962); and *Charles River Bridge v. Warren Bridge*, 36 U.S. (11 Pet.) 420 ...

Content: Law Reviews | **Date:** 2010

242. [THE 2010 RANDOLPH W. THROWER SYMPOSIUM THE NEW DEAL: FROM DE-REGULATION TO RE-REGULATION: LAW AND THE SOCIAL CONTROL OF AMERICAN CAPITALISM](#), 60 Emory L.J. 377

... Era: A Case Study of Government and the Economy, 1820-1861 (1969); George Rogers Taylor, *The Transportation Revolution, 1815-1860*, in 4 *The Economic History of the United States* (1951). But the legal history of public utilities only really exploded after the influential *United States Supreme Court*

decision in Munn v. Illinois in 1877. 118 **94 U.S. 113(1877)**. In that well-known case dealing with the constitutional legitimacy of so-called Granger laws, the Court upheld an Illinois ...

Content: Law Reviews | **Date:** 2010

243. [ARTICLE: FILBURN'S LEGACY](#), 52 Emory L.J. 1719

... Although other Supreme Court cases have hinged on the perceived need to maintain "the flow of wheat from the West to the mills and distributing points of the East and Europe," 173 Chi. Bd. of Trade v. Olsen, 262 U.S. 1, 36 (1923); see also Lemke v. Farmers Grain Co., 258 U.S. 50, 53-54 (1922); Dahnke-Walker Milling Co. v. Bondurant, 257 U.S. 282, 290-91 (1921); **Munn v. Illinois, 94 U.S. 113, 131 (1876)**; cf. Stafford v. Wallace, 258 U.S. 495, 516 (1922) (describing "the various stockyards ...

Content: Law Reviews | **Date:** 2003

244. [INTEGRATED RESOURCE PLANNING AND DEMANDSIDE MANAGEMENT IN ELECTRIC UTILITY REGULATION: PUBLIC UTILITY PANACEA OR A WASTE OF ENERGY?](#), 43 Emory L.J. 815

... CHARLES F. PHILLIPS, JR., THE REGULATION OF PUBLIC UTILITIES: THEORY AND PRACTICE 79 (1988). In the seminal case of Munn v. Illinois, the Supreme Court recognized economic regulation by states as an acceptable exercise of the police power. 3 **94 U.S. 113(1887)**. The Court in Munn upheld state legislation which set a maximum price for grain elevator service. Reasoning that grain elevators were like common carriers which had traditionally been regulated, the Court found grain elevators ...

Content: Law Reviews | **Date:** 1994

245. [ARTICLE: CAUSES OF ACTION AS PROPERTY: LOGAN v. ZIMMERMAN BRUSH CO. AND THE "GOVERNMENT-AS-MONOPOLIST" THEORY OF THE DUE PROCESS CLAUSE](#), 31 Emory L.J. 491

... defense affected. The only interest being "deprived" was the ability, or "right," to assert a claim against the State in the future if the facts for such a claim actually arose. This claim to a right that is unassociated with any particular "thing" or set of concrete events certainly is not a "property" interest. As the Supreme Court noted over a hundred years ago, "A person has no property, no vested interest, in any rule of the common law," 96 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. ...

Content: Law Reviews | **Date:** 1982

246. [ARTICLE: INCONSISTENT WITH THE PUBLIC INTEREST: FERC'S THREE DECADES OF DEFERENCE TO ELECTRICITY CONSOLIDATION](#), 39 Energy L. J. 233

... stock ownership necessarily entitles the stock owner to the full premium is to reason in a circle. The question is: "Are the owners of target stock entitled to the premium?" The answer cannot be: "Yes, because they are owners of the stock." In utility regulation, the benefits from owning stock are affected by regulatory decisions. Shareholders impliedly accept that regulation can devalue their holdings. That has been the law since medieval times. 196 **Munn v. Illinois, 94 U.S. 113, 126 (1877)** ...

Content: Law Reviews | **Date:** 2018

247. [ARTICLE: PROTECTING LOW-INCOME RATEPAYERS AS THE ELECTRICITY SYSTEM EVOLVES](#), 37 Energy L. J. 265

... : A Guide 3, 7 (Mar. 2011) [hereinafter RAP Guide]. Although the early electric companies of the late 19th century were initially allowed to compete openly with coal, peat, and other energy providers subject

to only loose city regulations, eventually, they soon became viewed like other businesses similarly "affected with a public interest." **Munn v. Illinois, 94 U.S. 113(1877)**. That is, like grain terminals, warehouses, railroads and other industries at the time, electric companies were soon ...

Content: Law Reviews | **Date:** 2016

248. [ARTICLE: THE ENVIRONMENTAL PROTECTION AGENCY AND THE CLEAN POWER PLAN: A PARADIGM SHIFT IN ENERGY REGULATION AWAY FROM ENERGY REGULATORS](#), 36 Energy L. J. 355

... ("Under a fully regulated system, an electricity utility enters into a 'regulatory compact' with the public: in return for a monopoly over electricity service in a given area; the utility agrees to provide service to all requesting customers and to charge only the retail rates set by the [Regulatory] Commission."). In 1887, the Supreme Court in *Munn v. Illinois* 70 **94 U.S. 113(1887)**. laid the foundation of the regulatory compact when it found "that when private property is "affected ...

Content: Law Reviews | **Date:** 2015

249. [ARTICLE: THE RIGHT TO SELF-GENERATE AS A GRID-CONNECTED CUSTOMER](#), 36 Energy L. J. 305

... Since the country's early years, the U.S. Supreme Court has recognized the importance of property rights as defined in English common law. In the often-cited case of *Munn v. Illinois*, the Court wrestled with a situation where an activity that might otherwise be private becomes one that is clothed with a public interest and, therefore, may be subject to regulation. 14 **Munn v. Ill., 94 U.S. 113, 126 (1877)**. The Court cited Lord Chief Justice Hale who, two hundred years earlier, distinguished ...

Content: Law Reviews | **Date:** 2015

250. [ARTICLE: KEEPING THE LIGHTS ON: EXAMINING AND RE-IMAGINING NLRA PREEMPTION IN A TIME OF ELECTRIC NECESSITY](#), 35 Energy L. J. 415

... *Arizona v. United States*, "In preemption analysis, courts should assume that the historic police powers of the States are not superseded unless that was the clear and manifest purpose of Congress." 132 S. Ct. 2492, 2501 (2012) (citations omitted). B. Regulation of Public Utilities The legal authority for the regulation of public utilities can be traced to the seminal case of **Munn v. Illinois**, 41 **Munn v. Illinois, 94 U.S. 113(1876)**. in which the Court determined that, because grain ...

Content: Law Reviews | **Date:** 2014

251. [ARTICLES: Retail Wheeling: Is this Revolution Necessary? *](#), 25 Energy L. J. 161

... In the gentlest way, I suggest that lawyers who are acquainted with some of the seminal decisions of the Supreme Court on the regulation of industry ought to be reasserting themselves at this time. They should not leave matters entirely in the hands of neo-classical economists. *Munn v. Illinois* (*Munn*), 32 **94 U.S. 113(1877)**. which involved price regulation of grain warehouses, brought into our jurisprudence the concept of the business "affected with a public interest." 33 This is derived ...

Content: Law Reviews | **Date:** 2004

252. [ARTICLES: Appropriateness of Imposing Common Carrier Status on Interstate Natural Gas Pipelines *](#), 25 Energy L. J. 21

... 49 U.S.C. §§ 10101 -11917 (1976 & Supp. V 1981); see infra notes 85-86. now known as the

Interstate Commerce Act. For the first time, a federal statute incorporated the common law obligations of common carriers. Several years before, in *Munn v. Illinois*, 73 **94 U.S. 113(1877)**. In 1871, Illinois passed a law licensing warehouses and elevators and setting maximum rates. *Id.* at 115. Two Chicago elevator owners refused to obtain a license and continued charging rates above the statutory ...

Content: Law Reviews | **Date:** 2004

253. [**ARTICLE: MARKET-BASED RATEMAKING AND THE WESTERN ENERGY CRISIS OF 2000 AND 2001**](#), 24 Energy L. J. 321

... may not be required to use its property for the benefit of the public without receiving just compensation for the services rendered by it. How such compensation may be ascertained, and what are the necessary elements in such an inquiry, will always be an embarrassing question. 6 *Id.* at 546. See also **Munn v. Ill., 94 U.S. 113, 127-28 (1876)** (quoting *Aldnutt v. Inglis*, 12 East 527 (1810)): There is no doubt that the general principle is favored, both in law and justice, that every man may fix ...

Content: Law Reviews | **Date:** 2003

254. [**ARTICLE: THE USED AND USEFUL TEST: IMPLICATIONS FOR A RESTRUCTURED ELECTRIC INDUSTRY**](#), 23 Energy L. J. 349

... Rather than investment costs, the Court decided to focus on the measures of value that could be used to determine whether rates established were confiscatory. This itself represented a retreat from the Court's views in **Munn v. Illinois**, twenty years earlier. 14 **Munn v. Illinois, 94 U.S. 113(1876)**. In the ensuing 125 years, regulation in the "public interest" has evolved. Whether that evolution represents advancement, of course, is a matter of political and economic philosophy. In *Smyth*, ...

Content: Law Reviews | **Date:** 2002

255. [**BOOK REVIEW: ENERGY LAW AND POLICY FOR THE 21st CENTURY by James E. Hickey, Jr., Suedeem G. Kelly, Marla E. Mansfield, Joseph P. Tomain, and Donald N. Zillman.**](#), 21 Energy L. J. 479

... in natural gas, OJ No L 204 of 21.07.1997 at 1; Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996, concerning common rules for the internal market in electricity, OJ No L 027 of 30.01.1997. The United States' Energy-Environmental Policy is the subject of Chapter Six, which is authored by Professor Tomain. The Chapter begins with a thirty page summary of major energy law events, beginning with *Munn v. Illinois* 6 **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2000

256. [**ARTICLE: TAKINGS AND BEYOND: IMPLICATIONS FOR REGULATION**](#), 19 Energy L. J. 25

... Such arguments prompted the Court to focus on the scope of the police power as well as the nature and use of property when considering a possible due process violation. 171 The focus on the "use" of property supported the Court's conclusion in **Munn v. Illinois, 94 U.S. 113(1877)**, that businesses affected with the public interest could be regulated and that such regulation did not deprive a company of property without due process of law. See generally Harry N. Scheiber, *The Road to Munn*: ...

Content: Law Reviews | **Date:** 1998

257. [**ARTICLE: RETAIL WHEELING: IS THIS REVOLUTION NECESSARY?**](#), 15 Energy L. J. 351

... In the gentlest way, I suggest that lawyers who are acquainted with some of the seminal decisions of

the Supreme Court on the regulation of industry ought to be reasserting themselves at this time. They should not leave matters entirely in the hands of neo-classical economists. *Munn v. Illinois* (*Munn*), 32 **94 U.S. 113(1877)**. which involved price regulation of grain warehouses, brought into our jurisprudence the concept of the business "affected with a public interest." 33 This is ...

Content: Law Reviews | **Date:** 1994

258. [ARTICLE: OPEN ACCESS AND TRANSITION COSTS: WILL THE ELECTRIC INDUSTRY TRANSITION TRACK THE NATURAL GAS INDUSTRY RESTRUCTURING?](#), 15 Energy L. J. 273

Content: Law Reviews | **Date:** 1994

259. [ARTICLE: A REQUIEM FOR REGULATORY TAKINGS: RECLAIMING EMINENT DOMAIN FOR CONSTITUTIONAL PROPERTY CLAIMS](#), 49 Env'tl. L. 307

... When legislation attempted to accomplish the same ends, the courts generally permitted the same harms to befall landowners without requiring compensation as they had under private nuisance litigation. 184 *Mugler v. Kansas*, 123 U.S. 623, 668-69, 678 (1887); ***Munn v. Illinois*, 94 U.S. 113, 123, 125-26, 130 (1876)**; *Hadacheck v. Sebastian*, 239 U.S. 394, 404-05, 412 (1915); and *Miller v. Schoene*, 276 U.S. 272, 277, 279-80 (1928) were all cases where the court denied compensation for property ...

Content: Law Reviews | **Date:** 2019

260. [COMMENT: THE CONSTITUTIONAL PUBLIC TRUST DOCTRINE](#), 49 Env'tl. L. 263

... when the Revolution took place, the people of each state became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the general government." See *Martin v. Waddell's Lessee*, 41 U.S. (16 Pet.) 367, 410 (1842). and ratification of the United States Constitution. 22 See ***Munn v. People of State of Illinois*, 94 U.S. 113, 124 (1876)** ...

Content: Law Reviews | **Date:** 2019

261. [ESSAY: A BLAST FROM THE PAST: THE PUBLIC TRUST DOCTRINE AND ITS GROWING THREAT TO WATER RIGHTS](#), 46 Env'tl. L. 461

... drought and water scarcity happen over a long time frame, with fresh water sources facing overuse and eventually drying out. That time frame could impact the extent to which an owner could be found to have reasonably expected a drought. 2. Public Utilities In a long line of cases dating to the end of the 19th century, the Supreme Court has held that states may regulate private property, "when such regulation becomes necessary for the public good." 131 ***Munn v. Illinois*, 94 U.S. 113, 125 (1876)**. ...

Content: Law Reviews | **Date:** 2016

262. [ARTICLE: THE FEDERAL PUBLIC TRUST DOCTRINE: MISINTERPRETING JUSTICE KENNEDY AND ILLINOIS CENTRAL RAILROAD](#), 45 Env'tl. L. 399

...] wrote many influential public lands decisions and was also influential in the Court's adoption of the doctrine of substantive due process to reign in state police powers, which might help explain his unwillingness to rely on the state's police power to regulate the railroad in *Illinois Central*. His reasoning in dissent in the *Slaughterhouse Cases*, 83 U.S. 36 (1873), and ***Munn v. Illinois*, 94 U.S. 113(1877)**, eventually became majority opinions after he left the Court in decisions like ...

Content: Law Reviews | **Date:** 2015

263. [ARTICLE: "DANCING BACKWARD IN HIGH HEELS": EXAMINING AND ADDRESSING THE DISPARATE REGULATORY TREATMENT OF ENERGY EFFICIENCY AND RENEWABLE RESOURCES](#), 43 *Envtl. L.* 255

... granting utilities exclusive service territories - i.e., creating regulated monopolies - would result in lower prices and more reasonable rates for customers. 24 See Brad Sherman, A Time to Act Anew: A Historical Perspective on the Energy Policy Act of 2005 and the Changing Electrical Energy Market, 31 *Wm. & Mary Env'tl. L. & Pol'y Rev.* 211, 215-16 (2006) (explaining **Munn v. Illinois, 94 U.S. 113(1876)**, the Supreme Court case that provided for government control of monopoly industries ...

Content: Law Reviews | **Date:** 2013

264. [SYMPOSIUM: GREENING THE GRID: BUILDING A LEGAL FRAMEWORK FOR CARBON NEUTRALITY: SYMPOSIUM ARTICLE: "STEEL IN THE GROUND": GREENING THE GRID WITH THE UTILITY](#), 39 *Envtl. L.* 931

... (discussing the development of common law rules created to constrain monopolies granted by the British Crown). The first justification is the economic argument about efficiency. 81 *Id.* at 1530. The second justification is that regulation should support those products or services "affected with the public interest." 82 See **Munn v. Illinois, 94 U.S. 113, 127 (1876)** (quoting Lord Matthew Hale, *De Portibus Maris*, reprinted in 1 *A Collection of Tracts Relative to the Law of England* 72, ...

Content: Law Reviews | **Date:** 2009

265. [ARTICLE: ADVANCING THE SOVEREIGN TRUST OF GOVERNMENT TO SAFEGUARD THE ENVIRONMENT FOR PRESENT AND FUTURE GENERATIONS \(PART II\): INSTILLING A FIDUCIARY OBLIGATION IN GOVERNANCE](#), 39 *Envtl. L.* 91

... make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)**. ...

Content: Law Reviews | **Date:** 2009

266. [COMMENT: KING COUNTY, WASHINGTON ORDINANCE 15053: IS "THE MOST RESTRICTIVE LAND-USE LAW IN THE NATION" CONSTITUTIONAL?](#), 36 *Envtl. L.* 257

... uses the Due Process Clause of the Fourteenth Amendment to strike down state laws ... because they may be unwise, improvident, or out of harmony with a particular school of thought... . For protection against abuses by legislatures the people must resort to the polls, not to the courts. 146 *Aetna Life Ins. Co. v. Wash. Life & Disability Ins. Guar. Ass'n*, 520 P.2d 162, 169 (Wash. 1974) (quoting *Williamson v. Lee Optical*, 348 U.S. 483, 488 (1955) and **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). ...

Content: Law Reviews | **Date:** 2006

267. [SYMPOSIUM ARTICLE: THE RULE OF CAPTURE -- AN OIL AND GAS PERSPECTIVE](#), 35 *Envtl. L.* 899

... The fact that the ownership theories are involved in statutory cases reflects in part the prevailing constitutional review theories of the era, namely that the due process clause acted as a constraint on the

government's power to regulate private property and contractual rights. 72 See **Munn v. Illinois, 94 U.S. 113, 125 (1877)** (stating that statutes regulating use of private property may violate the Fourteenth Amendment to the United States Constitution); Scott v. McNeal, 154 U.S. 34, 50-51 ...

Content: Law Reviews | **Date:** 2005

268. [**ARTICLE: A NEW TIME FOR DENOMINATORS: TOWARD A DYNAMIC THEORY OF PROPERTY IN THE REGULATORY TAKINGS RELEVANT PARCEL ANALYSIS**](#), 34 *Envtl. L.* 175

... and early twentieth centuries, compensation cases centered exclusively on physical appropriations of land or physical invasions of land for the public welfare, and did not limit the rights of the government to regulate land, even when the regulation destroyed all use and value. 24 *Hadacheck v. Sebastian*, 239 U.S. 394 (1915); **Munn v. Illinois, 94 U.S. 113(1894)**; *Lawton v. Steele*, 152 U.S. 133 (1894); *Mugler v. Kansas*, 123 U.S. 623 (1887); *Pumpelly*, 80 U.S. at 180-81. ...

Content: Law Reviews | **Date:** 2004

269. [**2002 ENERGY LAW SYMPOSIUM: THE PAST AND FUTURE OF ELECTRICITY REGULATION**](#), 32 *Envtl. L.* 435

... The particular market imperfection in the electric industry was natural monopoly and government responded with command-and-control regulations setting the prices that could be charged by utilities and limiting the profits that utilities could earn. 43 **Munn v. Illinois, 94 U.S. 113(1876)**. In *Munn*, the Illinois state legislature set grain elevator prices. The United States Supreme Court upheld the statute on the basis that the regulation of "virtual" or natural monopolies of goods, affecting ...

Content: Law Reviews | **Date:** 2002

270. [**TAKINGS LAW SYMPOSIUM: REGULATORY TAKINGS: A HISTORICAL OVERVIEW AND LEGAL ANALYSIS FOR NATURAL RESOURCE MANAGEMENT**](#), 29 *Envtl. L.* 881

... Challenges to government regulation were present even in the nineteenth century. In the most often cited cases from this period, however, the Supreme Court upheld regulations as valid exercises of police powers by state governments. 40 See, e.g., *Mugler v. Kansas*, 123 U.S. 623, 668-69 (1887) (upholding a law prohibiting sale and manufacture of liquor); **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (upholding a law requiring licenses to store grain in warehouses). The source of state police ...

Content: Law Reviews | **Date:** 1999

271. [**ARTICLE: PROPERTY AS A PUBLIC CONVERSATION, NOT A LOCKEAN SOLILOQUY: A ROLE FOR INTELLECTUAL AND LEGAL HISTORY IN TAKINGS ANALYSIS**](#) n1, 26 *Envtl. L.* 1095

... Indeed, the exception derives from, and embodies, Shaw 's axiom that landowners may not use their land so as to injure the public. The public rights principle is also present in the concept of "property affected with a public interest" used in *Munn* 343 **94 U.S. 113, 126 (1877)**. Quoting Lord Chief Justice Hale, the Court stated, "when private property is "affected with a public interest, it ceases to be juris privati only." to describe public utilities, but today applicable to ecologically ...

Content: Law Reviews | **Date:** 1996

272. [**SYMPOSIUM ON THE PUBLIC TRUST AND THE WATERS OF THE AMERICAN WEST: YESTERDAY, TODAY AND TOMORROW: INTRODUCTION AND OVERVIEW: THE PUBLIC TRUST: A FUNDAMENTAL DOCTRINE OF AMERICAN PROPERTY LAW.**](#), 19 *Envtl. L.* 515

... Stephen J. Field and the American Judicial Tradition, in THE FIELDS AND THE LAW 5-20 (P. Bergan, O. Fiss & C. McCurdy eds. 1986). In his view, businesses other than state-created monopolies were inherently private. Therefore, in 1877, he dissented from Munn v. Illinois, 41 94 U.S. 113(1877). where the Court held that a state did not violate the Constitution when it regulated the rates to be charged by grain warehouses. Control of the harbor of a great city, on the other hand, was ...

Content: Law Reviews | **Date:** 1989

273. [ARTICLE: CALIFORNIA'S NUCLEAR DISPOSAL LAW CONFRONTS THE NUCLEAR WASTE MANAGEMENT DILEMMA: STATE POWER TO REGULATE REACTORS.](#), 14 Env'tl. L. 359

... In order to ensure "the protection of the public in the role of consumer," states have exercised their "historic police powers" since 1876 to regulate economic and other matters related to public utilities. 463 See J. BONBRIGHT, PRINCIPLES OF PUBLIC UTILITY RATES 4 (1961). In Munn v. Illinois, the Supreme Court recognized the need for state police powers to regulate business "affected with a public interest," 464 94 U.S. 113, 126 (1876). which included public utility property devoted ...

Content: Law Reviews | **Date:** 1984

274. [ARTICLE: BONNEVILLE POWER ADMINISTRATION RATEMAKING: AN ANALYSIS OF SUBSTANTIVE STANDARDS AND PROCEDURAL REQUIREMENTS.](#), 13 Env'tl. L. 929

... Thus government regulation of investor-owned utility rates is intended to protect the consumer from monopolistic prices and unsatisfactory service. In addition, the investor-owned utility has stockholders. This means that the private utility has a constitutional right under the fourteenth amendment's due process clause to have an opportunity to earn a just and reasonable return on its investments. 10 Mann v. Illinois, 94 U.S. 113, 133-34 (1876); Bluefield Water Works & Improvement Co. ...

Content: Law Reviews | **Date:** 1983

275. [ARTICLE: FROM SYMBIOSIS TO SYNERGY: A CASE STUDY OF PUBLIC AND PRIVATE ELECTRIC POWER IN THE PACIFIC NORTHWEST.](#), 13 Env'tl. L. 637

... This Article explores the concept of the use of the private sector for public purposes. Of course, that is exactly what a private utility is -- a private entity under public regulation and direction doing what could alternatively be done by a government agency. This is an ancient concept firmly rooted in American law, at least since Munn v. Illinois 3 94 U.S. 113(1877). Schedules may be rearranged between projects depending on needs of sponsoring utilities. in 1877. Short of an ...

Content: Law Reviews | **Date:** 1983

276. [ARTICLE: IT'S MY PARTY AND I'LL DO WHAT I WANT TO: POLITICAL PARTIES, UNCONSTITUTIONAL CONDITIONS, AND THE FREEDOM OF ASSOCIATION.](#), 12 First Amend. L. Rev. 65

... parties are sometimes considered to be "state actors" that must adhere to constitutional limitations on their autonomy. 4 Parties have also been analogized to common carriers, whose businesses are "clothed with a public interest," Munn v. Illinois, 94 U.S. 113, 126 (1877), and are therefore subject to a greater degree of regulation than that applicable to other businesses. See Samuel Issacharoff, Private Parties with Public Purposes: Political Parties, Associational Freedoms, and Partisan ...

Content: Law Reviews | **Date:** 2013

277. [ARTICLE: Internet Governance and Democratic Legitimacy](#), 62 Fed. Comm. L.J. 205
 ... 391 Id . And, to be clear, Hoover's reference to public utility principles was likely a reference to the common-law principle of "juris public" identified by Matthew Hale and later elaborated by Chief Justice Morrison Waite in **Munn v. Illinois, 94 U.S. 113, 126-129 (1877)**, not rate regulation per se. The "public interest" here is expressed as an objective claim on behalf of merchants en masse to be free to engage in commerce. These sentiments translated into a public licensure regime that, ...
Content: Law Reviews | **Date:** March 1, 2010
-
278. [ARTICLE: Internet Governance and Democratic Legitimacy](#), 62 Fed. Comm. L.J. 205
 ... 391 Id . And, to be clear, Hoover's reference to public utility principles was likely a reference to the common-law principle of "juris public" identified by Matthew Hale and later elaborated by Chief Justice Morrison Waite in **Munn v. Illinois, 94 U.S. 113, 126-129 (1877)**, not rate regulation per se. The "public interest" here is expressed as an objective claim on behalf of merchants en masse to be free to engage in commerce. These sentiments translated into a public licensure regime that, ...
Content: Law Reviews | **Date:** April 1, 2010
-
279. [ARTICLE: The Contrasting Policies of the FCC and FERC Regarding the Importance of Open Transmission Networks in Downstream Competitive Markets](#), 57 Fed. Comm. L.J. 243
 ... Over the years, the idea of businesses affected with a public interest became linked with the concept of monopoly. To the extent this linkage assumed importance under economic theory, direct regulation began to be thought of necessary to discipline monopolies... . However, Munn [**Munn v. Illinois, 94 U.S. 113(1877)**] and its progeny essentially justify regulation on the basis of the nature of the activity and not exclusively upon its monopoly characteristics. This view is insufficiently considered ...
Content: Law Reviews | **Date:** March 1, 2005
-
280. [ARTICLE: Verizon Communications, Inc. v. FCC - Telecommunications Access Pricing and Regulator Accountability through Administrative Law and Takings Jurisprudence](#), 56 Fed. Comm. L.J. 563
 ... Deregulatory Takings 2, supra note 89, at 861. The most relevant category of takings jurisprudence relates to rate setting. The regulation of rates chargeable for the employment of private assets for public uses is constitutionally permissible, 92 **Munn v. Illinois, 94 U.S. 113, 133-134 (1877)**. although the charge cannot be so unjust as to be confiscatory. 93 See Covington & Lexington Tpk. Rd. Co. v. Sanford, 164 U.S. 578, 597 (1896). The case of Federal Power Commission v. Hope ...
Content: Law Reviews | **Date:** May 1, 2004
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281. [NOTE: Enhancing Competition: Are Proposed Federal Communications Commission Rules that Treat Local Exchange Carrier Access to Multiple Tenant Environments a Taking?](#), 55 Fed. Comm. L.J. 99
 ... , in that the right to charge high fees becomes the right to access at lower fees, does not equal physical occupation. 157 Id. at 526-27. The government can clearly regulate the rates of a public service - even if conducted on private property 158 **Munn v. Illinois, 94 U.S. 113, 133 (1877)**. - "so long as the rates set are not confiscatory." 159 FCC v. Florida Power Corp., 480 U.S. 245, 253 (1987). The argument falters, however, because of the nature of the service in question. ...
Content: Law Reviews | **Date:** December 1, 2002

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282. [ARTICLE: A Common Carrier Approach to Internet Interconnection](#), 54 Fed. Comm. L.J. 225
 ... As the common law emerged into the sixteenth and seventeenth centuries, however, cases based on the law of common callings focused on a narrow set of trades and professions: carriers of all kinds, and occupations (such as warehousing) associated with transportation - most notably innkeepers. 146 **Munn v. Illinois, 94 U.S. 113, 125 (1876)** ("it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, ...
Content: Law Reviews | **Date:** March 1, 2002
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283. [ARTICLE: The Public Interest Standard: Is It Too Indeterminate to Be Constitutional?](#), 53 Fed. Comm. L.J. 427
 ... 50 Fed. Comm. L.J. 605, 610 n.19 (1998) (citations omitted). The "public interest" phrase was imported into the federal statute from an Illinois railroad statute, 99 Id. which acquired the phraseology from the Supreme Court's 1876 decision in Munn v. Illinois. 100 **94 U.S. 113, 126 (1876)**. In Munn, which involved state regulation of grain storage elevators, the Court held that states lawfully "may regulate the use of private property when such use was "affected with a public ...
Content: Law Reviews | **Date:** May 1, 2001
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284. [ARTICLE: The "Public Interest" Standard: The Search for the Holy Grail](#), 50 Fed. Comm. L.J. 605
 ... Newton N. Minow & Craig L. LaMay, Abandoned in the Wasteland: Children, Television, and the First Amendment 4 (1995). The phrase came from an 1887 Illinois railroad statute which was adapted into the Federal Transportation Act of 1920. In **Munn v. Illinois, 94 U.S. 113, 126 (1876)**, the Supreme Court held that states may regulate the use of private property when the use was "affected with a public interest." In the Transportation Act of 1920, which amended the Interstate Commerce Act, the device ...
Content: Law Reviews | **Date:** May 1, 1998
-
285. [Article: First Amendment Trump?: The Uncertain Constitutionalization of Structural Regulation Separating Telephone and Video](#), 50 Fed. Comm. L.J. 281
 ... cations Act contains a recurrent theme that communications carriers should be regulated to serve the public interest, convenience, and necessity. 71 Telecommunications Act of 1996, sec. 104, 151, 47 U.S.C.A. 151 (West Supp. 1997); Id. 214, 310(d); see also **Munn v. Illinois, 94 U.S. 113(1876)** (sustaining legislative policy on rates for grain elevators and introducing the leitmotif of the "public interest"). In light of this quasi-public character, free speech rights to communicate over ...
Content: Law Reviews | **Date:** March 1, 1998
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286. [Article: FCC Reform: Governing Requires a New Standard](#), 49 Fed. Comm. L.J. 289
 ... the Interstate Commerce Commission, and the Postmaster General. See Sydney W. Head, Broadcasting in America 133 (3d ed. 1976). has its legal origin in the late 1800s when Congress was focused on railroad regulation and the public interest standard. 15 **Munn v. Illinois, 94 U.S. 113(1876)**. The Supreme Court held that states may regulate the use of private property when the use was "affected with the public interest." Id. at 126 (citation omitted). What evolved was regulation, ...
Content: Law Reviews | **Date:** February 1, 1997
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287. [SPECIAL ISSUE ON THE SIXTIETH ANNIVERSARY OF THE COMMUNICATIONS ACT OF 1934: ESSAY: Reflections on the Sixtieth Anniversary of the Communications Act](#), 47 Fed. Comm. L.J. 311

... earlier statutes, has two parents. Some state common carrier laws in the nineteenth century required issuance of a certificate of convenience and necessity before railroad and street railway service could be provided. The "public interest," by contrast, was an earlier concept, already the subject of a Supreme Court case in 1876, that generally served as a standard by which some states limited maximum charges to the public for certain services. 7 See **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** December 1, 1994

288. [COMMENT: The FCC and Regulation of Broadcast Indecency: Is There a National Broadcast Standard in the Audience?](#), 41 Fed. Comm. L.J. 369

... The interest in preserving and promoting morality is included in the broad category of "police powers" traditionally reserved for the states. 138 See e.g., *Great Atlantic & Pacific Tea Co. v. Cottrell*, 424 U.S. 366, 371 (1976); **Munn v. Illinois, 94 U.S. (4 Otto) 113, 123-25 (1876)**. In a companion case to *Miller*, the Court reaffirmed the States' interest in this area. It said that "[t]he States have a long-recognized legitimate interest in regulating the use of obscene material in ...

Content: Law Reviews | **Date:** July 1, 1989

289. [ARTICLE: "Getting The Message": Statutory Approaches to Electronic Information Delivery and the Duty of Carriage](#), 37 Fed. Comm. L.J. 217

... to regulate the terms of electronic message delivery seems established beyond disinterested argument. The scope of such regulation, at one time thought to be constrained by the Due Process Clause and its drawing of boundaries around regulatable "common carriage," has long been free of all that lore. *Munn v. Illinois* 116 **94 U.S. 113(1876)**. The cases did recognize, and reflect, the customary practice of regulating as common carriage "the transmission of intelligence," *German Alliance* ...

Content: Law Reviews

290. [ARTICLE: PUTTING THE GOVERNMENT TO THE \(HEIGHTENED, INTERMEDIATE, OR STRICT\) SCRUTINY TEST: DISPARATE APPLICATION SHOWS NOT ALL RIGHTS AND POWERS ARE CREATED EQUAL](#), 10 Fl. Coastal L. Rev. 421

... note 2, at 43 ("A regulation was either 'within' or 'without' the police power. If it were within the police power, it satisfied due process standards."). public regulation, while entities implicating only private interests had to remain unregulated. 23 See **Munn v. Illinois, 94 U.S. 113, 127, 130, 134 (1876)**. "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 24 *Id.* at 134; see also *Mugler v. Kansas*, 123 U.S. 623, 665 (1887) (making ...

Content: Law Reviews | **Date:** 2009

291. [RIGHTS, PATENTS, MARKETS AND THE GLOBAL AIDS PANDEMIC](#), 14 Fla. J. Int'l L. 261

... conception of private property, TRIPS embodies a form of IPR protection aimed at realizing the maximum profit possible in the marketplace. Under the alternative view, TRIPS can be conceptualized as embodying a vision that balances the returns producers seek for their research and development and the benefits that IPRs extend to society. Here, the focus is much broader than giving producers of IPRs the right to realize the maximum profit possible. 182 In **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)**, ...

Content: Law Reviews | **Date:** 2002

292. [ARTICLE: REGULATION AND THE MARGINALIST REVOLUTION](#), 71 Fla. L. Rev. 455

... He made that argument in reference to strategically located English seaports which held effective monopolies in their service area. 78 Id. The United States Supreme Court quoted Hale in upholding state price regulation of grain elevators strategically located along railroad tracks. 79 **Munn v. Illinois, 94 U.S. 113, 127, 129, 154 (1876)**. The Court quoted De Portibus Maris as follows: A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take ...

Content: Law Reviews | **Date:** March 1, 2019

293. [ARTICLE: HOW THE FEDERAL CAUSE OF ACTION RELATES TO RIGHTS, REMEDIES, AND JURISDICTION](#), 67 Fla. L. Rev. 849

... Take, for example, the development of substantive due process rights under the Fourteenth Amendment. In the late nineteenth century, people thought that these rights, to the extent they existed as discrete rights, mirrored the protections afforded English citizens under the common law. 246 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124 (1877)**. By the early twentieth century, the Court had left the common law behind as the model for the Due Process Clause. In *Lochner v. New York*, 247 ...

Content: Law Reviews | **Date:** March 1, 2015

294. [ARTICLE: DUNWODY DISTINGUISHED LECTURE IN LAW: THE CONSTITUTIONAL PARADOX OF THE DURBIN AMENDMENT: HOW MONOPOLIES ARE OFFERED CONSTITUTIONAL PROTECTIONS DENIED TO COMPETITIVE FIRMS](#), 63 Fla. L. Rev. 1307

Content: Law Reviews | **Date:** December 1, 2011

295. 53 Fla. L. Rev. 727

Content: Law Reviews

296. [ARTICLE: MURR V. WISCONSIN AND THE INHERENT LIMITS OF REGULATORY TAKINGS](#), 47 Fla. St. U.L. Rev. 99

... Government's authority to promote the public good - the public health, welfare, and safety - was broad. The Court recognized that each citizen "necessarily parts with some rights or privileges" in order to enable the government to adopt laws to further the public good. 165 **Munn v. Illinois, 94 U.S. 113, 124 (1876)**; see also Ernst Freund, *The Police Power* § 16, at 12 (1904) (noting that sometimes individual interests must yield to the public welfare). Further, this ...

Content: Law Reviews | **Date:** 2019

297. [COMMENT: INSURERS UNDER FIRE: ASSESSING THE CONSTITUTIONALITY OF FLORIDA'S RESIDENTIAL PROPERTY INSURANCE MORATORIUM AFTER HURRICANE ANDREW](#), 22 Fla. St. U.L. Rev. 731

... (2) place an embargo upon insurers' capital and assets, thereby usurping the insurers' fundamental

rights to control their property and exclude others from the benefit of that property; and (3) lack a proper public purpose in that they primarily benefit a discrete and identifiable class rather than the general public. The power of the state to regulate insurance companies is not absolute, as an insurer is still entitled to due process of law. 57 E.g., **Munn v. Illinois, 94 U.S. 113 (1876)**. ...

Content: Law Reviews | **Date:** 1995

298. [**ARTICLE: RESPONSIBILITY, CAUSATION, AND THE HARM-BENEFIT LINE IN TAKINGS JURISPRUDENCE**](#), 6 Fordham Envtl. Law J. 433

... So long as the regulated rates enabled the railroads to earn a reasonable return on their investments, the regulations would not amount to takings, and any pecuniary loss the railroads experienced as a result of the rate regulations would be noncompensable. 63 See, e.g., **Munn v. Illinois, 94 U.S. 113, 133-34 (1877)**; see also Block v. Hirsh, 256 U.S. 135, 157 (1921) ("It may be assumed that the interpretation of 'reasonable' [as defining the level at which apartment rents are to be set] ...

Content: Law Reviews | **Date:** 1995

299. [**ARTICLE: BUBBLES \(OR, SOME REFLECTIONS ON THE BASIC LAWS OF HUMAN RELATIONS\)**](#), 26 Fordham Envtl. Law Rev. 133

... BLACK'S LAW DICTIONARY 1960 (10th ed. 2014) (translating the maxim as "use your property so as not to damage another's; so use your own as not to injure another's property"). One may use her property as she wishes so long as she internalizes the costs of her actions, that she respects her neighbors by not imposing negative externalities. 7 See, e.g., **Munn v. Illinois, 94 U.S. 113, 145 (1876)** (defining and explaining the importance of the sic utere maxim). And, in property law, we ...

Content: Law Reviews | **Date:** 2015

300. [**2019 FORDHAM INTERNATIONAL LAW JOURNAL SYMPOSIUM ISSUE "INTERNATIONAL TRADE: ISOLATIONISM, TRADE WARS, & TRUMP": NOTE: THE GAP IN MARITAL RAPE LAW IN INDIA: ADVOCATING FOR CRIMINALIZATION AND SOCIAL CHANGE**](#), 42 Fordham Int'l L.J. 1519

... Article 21 of the Constitution bestows the right to life and the right to personal liberty. 108 INDIA CONST., art. 21. Maneka Gandhi v. Union of India, (1978) SCR 621 (India). Under **Munn v. Illinois**, the US Supreme Court recognized that the right to life is more than a mere animal existence. 109 **Munn v. Illinois, 94 U.S. 113 (1877)**. This interpretation was later affirmed by the Supreme Court of India under Bandhua Mukti Morcha v. Union of India. 110 Bandhua Mukti Morcha ...

Content: Law Reviews | **Date:** May 1, 2019

301. [**COLLOQUIUM: CIVIL LITIGATION ETHICS AT A TIME OF VANISHING TRIAL: WHAT DOES IT MEAN TO SAY THAT PROCEDURE IS POLITICAL?**](#), 85 Fordham L. Rev. 2203

... that limited government regulation of prices to only those businesses supposedly "affected with a public interest." 66 Id. at 416. "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large." **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (declining a due process challenge to a statute regulating grain elevator storage rates on the basis that they are private property "affected with a public interest"). This ...

Content: Law Reviews | **Date:** April 1, 2017

302. [**ARTICLE: BEYOND CITIZENS UNITED**](#), 84 Fordham L. Rev. 2755

... see also *Dandridge v. Williams*, 397 U.S. 471 (1970). In run-of-the-mill cases, then, "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 235 *Lee Optical*, 348 U.S. at 488 (citing **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Still, while the concern with the democratic status of our proposals may be reasonable, it is ultimately misplaced. The argument for this position we develop here has several elements, some relevant across ...

Content: Law Reviews | **Date:** May 1, 2016

303. [**NOTE: UNEARTHING THE PUBLIC INTEREST: RECOGNIZING INTRASTATE ECONOMIC PROTECTIONISM AS A LEGITIMATE STATE INTEREST**](#), 81 *Fordham L. Rev.* 1485

... should make explicit its implicit endorsement that economic protectionism is a legitimate state interest precisely because economic protectionism may, in the state's own legislative wisdom, plausibly serve the public interest. 81 *Fordham L. Rev.* 1485 Introduction For protection against abuses by legislatures the people must resort to the polls, not to the courts. 1 *Williamson v. Lee Optical*, 348 U.S. 483, 488 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**) (internal quotation ...

Content: Law Reviews | **Date:** December 1, 2012

304. [**NOTE: IS COMPULSORY COURT-ANNEXED MEDICAL MALPRACTICE ARBITRATION CONSTITUTIONAL? HOW THE DEBATE REFLECTS A TREND TOWARDS COMPULSION IN ALTERNATIVE DISPUTE RESOLUTION**](#), 75 *Fordham L. Rev.* 2685

... Legislature acted to meet a crisis situation We are dealing with the fundamental right to adequate medical care. To provide this type of care, the Legislature has found it necessary to try to eliminate nonmeritorious malpractice claims and to limit the amount of the recovery in those claims found to have merit. To attempt to meet a crisis, the Legislature is free to experiment and to innovate and to do so at will, or even "at the whim." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). ...

Content: Law Reviews | **Date:** April 1, 2007

305. [**NOTE: IF YOU CAN'T BEAT 'EM, JOIN 'EM: IMPLICATIONS FOR NEW YORK'S SCALPING LAW IN LIGHT OF RECENT DEVELOPMENTS IN THE TICKET BUSINESS**](#), 72 *Fordham L. Rev.* 1171

... , in a 5-4 decision, held that the state's police power to regulate the conduct of a business or to restrict dealings in private property existed "only where the business or the property involved has become "affected with a public interest." 140 *Id.* at 430 (quoting **Munn v. Illinois, 94 U.S. 113, 126 (1876)**). Businesses clothed with a public interest, the Court wrote, fall into one of three classes: those which expressly or impliedly have a duty to render public service (railroads and ...

Content: Law Reviews | **Date:** March 1, 2004

306. [**SYMPOSIUM: FIDELITY IN CONSTITUTIONAL THEORY: FIDELITY AS TRANSLATION: FIDELITY AND CONSTRAINT**](#), 65 *Fordham L. Rev.* 1365

... Substantive due process under the Fourteenth Amendment was born in the battle over legislative control of rates - rates of both (1) public utilities and railroads, and (2) businesses affected with a public interest. The ability of states to regulate both was upheld in the gaggle of cases decided under the name of *Munn v. Illinois* , 59 **94 U.S. 113(1876)**. but it was only the lead case, *Munn*, that really raised any great concern at the time. It was well accepted that the rates of railroads ...

Content: Law Reviews | **Date:** March 1, 1997

307. [ARTICLE: A STREAM OF LEGAL CONSCIOUSNESS: THE CURRENT OF COMMERCE DOCTRINE FROM SWIFT TO JONES & LAUGHLIN.](#) 61 Fordham L. Rev. 105
- ... Breck P. McAllister, Lord Hale and Business Affected with a Public Interest, 43 Harv. L. Rev. 759, 768-69 (1930). The doctrine of a business affected with a public interest was first introduced into American constitutional law in *Munn v. Illinois*, 34 **94 U.S. 113(1877)**. a case involving the validity of an Illinois statute regulating rates for grain elevators. Upholding the Illinois regulation against charges that it deprived the petitioner of his property without due process ...
- Content:** Law Reviews | **Date:** October 1, 1992
-
308. [ARTICLE: Following Dead Precedent: The Supreme Court's Ill-Advised Rejection of Anticipatory Overruling.](#) 59 Fordham L. Rev. 39
- ... 273 U.S. 418 (1927). a 1927 decision. Tyson held that New York had no power to regulate the resale prices of theatre and sports tickets because they were not "affected with a public interest." 185 Tyson & Brother, 273 U.S. at 430 (quoting **Munn v. Illinois, 94 U.S. 113, 126 (1877)**). After Tyson, the Supreme Court decided *Nebbia v. New York*, 186 291 U.S. 502 (1934). which upheld a state statute regulating the retail price of milk. *Nebbia* said that due process required only ...
- Content:** Law Reviews | **Date:** October 1, 1990
-
309. [NOTE: TAKINGS CLAUSE ANALYSIS OF UTILITY RATEMAKING DECISIONS: MEASURING HOPE'S INVESTOR INTEREST FACTOR.](#) 58 Fordham L. Rev. 427
- ... supra note 5, at 115-31 (discussing state and federal utility regulators). This Note concludes that a reviewing court must consider all prudently incurred investment when weighing the investor interest under *Hope*. I. BACKGROUND: FROM MUNN TO HOPE In *Munn v. Illinois*, 21 **94 U.S. 113(1876)**. the Supreme Court determined that government regulation of prices was constitutional. 22 See *id.* at 130 ("when private property is devoted to a public use, it is subject to public regulation"). ...
- Content:** Law Reviews | **Date:** December 1, 1989
-
310. [ARTICLE: THE PRIVATIZING OF PUBLIC WEALTH.](#) 23 Fordham Urb. L.J. 101
- ... funds that subsidize corporations in order to ensure that the funds promote the public interest. We need strategies that challenge the "stacked deck" of corporate privileges and immunities so that metropolitan communities may wield their inherent power. One logical place to begin to advance such strategies is in state legislatures. Legislators possess the authority 180 The state's authority to regulate private property in the public interest derives from **Munn v. Illinois.94 U.S. 113(1877)** ...
- Content:** Law Reviews | **Date:** 1995
-
311. [SYMPOSIUM ARTICLE: FREEDOM FADING: ON DEMENTIA, BEST INTERESTS, AND PUBLIC SAFETY.](#) 35 Ga. L. Rev. 593
- ... interests of third parties. In legal terms, much of the discussion has focused on the notion that the constitution (state or federal) provides inherent regulatory or police powers that enable the government to protect the citizenry except in the face of the most basic or fundamental rights of the individual. 10 See, e.g., *Mugler v. Kansas*, 123 U.S. 623 (1887) (affirming state prohibition law in case that pitted individual liberty against common good); **Munn v. Illinois,94 U.S. 113(1876)** ...
- Content:** Law Reviews | **Date:** 2001
-

312. [ARTICLE: LLC STATUTES: USE BY ATTORNEYS](#), 29 Ga. L. Rev. 693
 ... includes the right to modify or limit existing causes of action and to create new causes of action: "The legislature, however, may modify or abrogate common law rights of action as well as statutorily created rights." 109 *Teasley v. Mathis*, 255 S.E.2d 57, 58-59 (Ga. 1979) (citing *Silver v. Silver*, 780 U.S. 117 (1929); *Arizona Copper Co. v. Hammer*, 250 U.S. 400 (1918); **Munsh v. Illinois, 94 U.S. 113(1876)**; *Kelly v. Hall*, 12 S.E.2d 881 (Ga. 1941)); see *Bryan v. Georgia* ...
Content: Law Reviews | **Date:** 1995
-
313. [ARTICLE: On Reintegrating Workers' Compensation and Employers' Liability](#), 21 Ga. L. Rev. 843
 ... This quid pro quo is not a constitutional requirement. As the Supreme Court has often reiterated: "No person has a vested interest in any rule of law." 52 *New York Cent. R.R. Co. v. White*, 243 U.S. 188, 198 (1917) (upholding constitutionality of workers' compensation statute); see **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. The constitutional requirements of substantive due process and equal protection, however, are not necessarily coterminous with the felt necessity that the law be just ...
Content: Law Reviews | **Date:** 1987
-
314. [ARTICLE: THE PROPERTY PLATFORM IN ANGLO-AMERICAN LAW AND THE PRIMACY OF THE PROPERTY CONCEPT](#), 29 Ga. St. U.L. Rev. 453
 ... The right to exclude is the basis for the controlling axiom in American property law that "each one must so use his own as not to injure his neighbor-- sic utere tuo ut alienum non laedas --[which] is the rule by which every member or society must possess and enjoy his property." 54 **Munn v. Illinois, 94 U.S. 113, 145 (1876)**; see also Harold Demsetz, *Toward a Theory of Property Rights*, 57 AM. ECON. REV. 347, 348 (1967). Stated differently, one may act as they wish so long as they internalize ...
Content: Law Reviews | **Date:** 2013
-
315. [ARTICLE: Mitigating Malheur's Misfortunes: The Public Interest in the Public's Public Lands](#), 31 Geo. Envtl. L. Rev. 509
 ... The first time the Supreme Court relied on the "public interest" was in 1877, in a case involving a challenge to legislative price-fixing of certain businesses, like grain elevators and railroads, "affected with a public interest." 326 **Munn v. Illinois, 94 U.S. 113(1876)**. See Hamilton, *supra* note 301, at 1092-93 (tracing the origins of a narrower test, "affected with the public interest," as applied to price-fixing statutes to a treatise penned by Sir Matthew Hale in 1676). Hamilton ...
Content: Law Reviews | **Date:** 2019
-
316. [NOTE: Not So Natural: Manmade Earthquakes in Oklahoma and the Measured Response to Mitigate Them](#), 29 Geo. Envtl. L. Rev. 369
 ... <https://www.occeweb.com/Comm/commissionhist.htm> (last visited Feb. 20, 2017) [hereinafter OCC History]. The U.S. Supreme Court defined a public service corporation as one whose business services are considered essential to the public welfare. 46 **Munn v. Illinois, 94 U.S. 113(1876)** (holding that when a private company's business affects the community at large, it becomes a public entity subject to state regulation). The Commission first began regulating oil and gas in 1914 by restricting ...
Content: Law Reviews | **Date:** 2017
-
317. [ARTICLE: Making the Most of Cooperative Federalism: What the Clean Power Plan has Already](#)

[Achieved](#), 29 Geo. Envtl. L. Rev. 301

... State utility commissions continue to regulate the siting of power plants and regulation of retail sales of electricity, and states have "primacy" in this regard. 142 Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n, 461 U.S. 375 (1983) ("the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the states"); **Munn v. Ill., 94 U.S. 113 (1877)** (standing for the principle that regulation of public utilities generally is ...

Content: Law Reviews | **Date:** 2017

318. [NOTE: A "RIGHT WITHOUT A REMEDY": AN ANALYSIS OF THE SOVEREIGN IMMUNITY ISSUES IMPLICATED BY STATE POWER \(OR THE LACK THEREOF\) OVER IMMIGRATION FOLLOWING ARIZONA V. UNITED STATES](#), 26 Geo. Immigr. L.J. 629

... License Cases, 46 U.S. 504, 583 (1847). generally includes: "[w]hatever affects the peace, good order, morals and health of the community." 36 See Universal Interpretive Shuttle Corp. v. Washington Metro. Area Transit Comm'n, 393 U.S. 186, 195 n.5 (1968); **Munn v. Illinois, 94 U.S. 113, 145 (1877)**. However, states' rights have increasingly diminished within the last twenty years. The Commerce Clause cases of the 1990s illustrated that almost any justification could be used for extending ...

Content: Law Reviews | **Date:** 2012

319. [SYMPOSIUM: CONSTITUTIONAL LIMITATIONS AT 150: SIXTH ANNUAL SALMON P. CHASE LECTURE: The Problem of General Constitutional Law: Thomas McIntyre Cooley, Constitutional Limitations, and the Supreme Court of the United States, 1868-1878](#), 18 Geo. J.L. & Pub. Pol'y 1

... loved this passage and quoted it six years later in Munn v. Illinois .
24 **Munn v. Illinois, 94 U.S. 113, 144 (1877)** . Cooley , too, endorsed Pumpelly in the third edition of Constitutional Limitations , published in 1874. ...

Content: Law Reviews | **Date:** 2020

320. [SYMPOSIUM: WHO'S AFRAID OF SUBSTANTIVE DUE PROCESS PAPERS: Twelve Problems with Substantive Due Process](#), 16 Geo. J.L. & Pub. Pol'y 397

... 12. The history of citizens-only privileges makes the Privileges or Immunities Clause the only plausible source for a constitutional ban on unreasonable discrimination . 16 Geo. J.L. & Pub. Pol'y 397
INTRODUCTION I structure my Article normatively, as twelve attacks on the doctrine stemming from Munn v. Illinois 1 **94 U.S. 113, 125 (1877)** (noting that under "some circumstances," price regulations may violate due process); see also Mugler v. Kansas, 123 U.S. 623, 661 (1887) (explaining ...

Content: Law Reviews | **Date:** 2018

321. [SYMPOSIUM: THE ORIGINAL MEANING AND CONTINUING RELEVANCE OF THE THIRTEENTH AMENDMENT: PAPER: Duly Convicted: The Thirteenth Amendment as Procedural Due Process](#), 15 Geo. J.L. & Pub. Pol'y 73

... equality with all others in similar circumstances of the privilege of pursuing an ordinary calling or trade, and of acquiring, holding, and selling property, is an essential part of his rights of liberty and property as guaranteed by the fourteenth amendment"); Mugler v. Kansas, 123 U.S. 623, 661 (1887) (asserting that a statute is unconstitutional if it has "no real or substantial relation" to purported goals of promoting public health, morals, or safety); **Munn v. Illinois, 94 U.S. 113, 125 (1877)** ...

Content: Law Reviews | **Date:** 2017

322. [**SYMPOSIUM: IS THE RATIONAL BASIS TEST UNCONSTITUTIONAL?: ARTICLE: LITIGATION WITHOUT ADJUDICATION: WHY THE MODERN RATIONAL BASIS TEST IS UNCONSTITUTIONAL**](#), 14 Geo. J.L. & Pub. Pol'y 537

... Through a process of fits and starts, including cases that marked the so-called "switch in time that saved nine" during the New Deal era, the rational basis test has come to be the default standard for deciding challenges to discriminatory and freedom-restricting government policies. 5 See, e.g., **Munn v. Illinois, 94 U.S. 113, 132 (1877)** (upholding an Illinois law setting maximum charges for grain storage and explaining that "[i]f no state of circumstances could exist to justify such ...

Content: Law Reviews | **Date:** 2016

323. [**SYMPOSIUM: IS THE RATIONAL BASIS TEST UNCONSTITUTIONAL?: ARTICLE: Classical Rational Basis and the Right to Be Free of Arbitrary Legislation**](#), 14 Geo. J.L. & Pub. Pol'y 493

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought . . . "For protection against abuses by legislatures the people must resort to the polls, not the courts." 79 Williamson, 348 U.S. at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). Post- Williamson rational basis cases ...

Content: Law Reviews | **Date:** 2016

324. [**ARTICLE: Comment: Whose Morality Is It Anyway?: Recognizing the Tension Between Morality Laws and the Establishment Clause**](#), 13 Geo. J.L. & Pub. Pol'y 49

... ("Many attempts have been made in this court and elsewhere to define the police power, but never with entire success . . . No one denies, however, that it extends to all matters affecting the public health or the public morals."); **Munn v. Illinois, 94 U.S. 113, 145 (1876)** ("Whatever affects the peace, good order, morals, and health of the community, comes within [the police powers'] scope."); Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 62 (1872) (The police power "is, and must be from its ...

Content: Law Reviews | **Date:** 2015

325. [**ARTICLE: A Crisis of Confidence and Legal Theory: Why the Economic Downturn Should Help Signal the End of the Doctrine of Efficient Breach**](#), 24 Geo. J. Legal Ethics 357

... must give up natural rights to a sovereign, consent to its regulatory and punitive powers, and agree to abide by the rules of conduct. In the immediate aftermath of the Civil War, the Supreme Court found occasion to reiterate the political theory of the nation: "When one becomes a member of [organized] society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain." 65 **Munn v. Illinois, 94 U.S. 113, 124 (1876)**. ...

Content: Law Reviews | **Date:** 2011

326. [**ARTICLE: The Trump Administration and the Law of the Lochner Era**](#), 107 Geo. L.J. 1323

... Lochner was decided in 1905, but the Fuller Court's pre-1905 jurisprudence already elaborated principles later applied in Lochner. See, e.g., Allgeyer v. Louisiana, 165 U.S. 578 (1897). Well before Allgeyer, Justice Field's dissents in **Munn v. Illinois, 94 U.S. 113 (1877)**, and The Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873), supplied the "founding texts of Lochner era constitutionalism."

Stephen A. Siegel, Lochner Era Jurisprudence and the American Constitutional Tradition ...

Content: Law Reviews | **Date:** May 1, 2019

327. [ARTICLE: Regulating Online Content Moderation](#), 106 Geo. L.J. 1353

... Constitutionalizing these activities would require a more radical modification of the state action doctrine than any that has come before--either one that makes the platform the state actor because its actions are "affected with a public interest," 75 The Court adopted this theory of state action in **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ("[W]e find that when private property is 'affected with a public interest, it ceases to be juris privati only."), before rejecting it in the Civil ...

Content: Law Reviews | **Date:** June 1, 2018

328. [ARTICLE: Nullification as Law](#), 102 Geo. L.J. 579

... hinted at things to come. The substantive due process rights in the Fourteenth Amendment became a mechanism to curtail government regulation of corporations and property interests. Slaughter-House, 83 U.S. at 109-10 (Field , J., dissenting); **Munn v. Illinois, 94 U.S. 113, 138 (1876)** (Field , J., dissenting). In his lengthy dissent in Slaughter-House , Field went so far as to suggest the notion that corporations were like people with human-like interests in the protection of substantive due ...

Content: Law Reviews | **Date:** March 1, 2014

329. [NOTE: Comparing Apples to Apples: A Federalism-Based Theory for the Use of Founding-Era State Constitutions to Interpret the Constitution](#), 100 Geo. L.J. 295

... Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. (18 How.) 272, 276-77 (1856); see also Pac. Mut. Life Ins. Co. v. Haslip, 499 U.S. 1, 29-35 (1991) (Scalia , J., concurring in the judgment); Duncan v. Louisiana, 391 U.S. 145, 169-70 (1968) (Black, J., concurring); **Munn v. Illinois, 94 U.S. 113, 123-25 (1876)**. Chapter thirty-nine of the Magna Carta reads: "No free man shall be taken, imprisoned, disseised, outlawed, banished or in any way destroyed, nor will We proceed against ...

Content: Law Reviews | **Date:** November 1, 2011

330. [ARTICLE: RESPONSE: Treanor's Mahon](#), 86 Geo. L.J. 907

... Treanor points out that under Supreme Court doctrine developed in the last quarter of the nineteenth century, states could regulate rates only of those businesses "affected with a public interest," 121 Treanor, supra note 3, at 837 (quoting **Munn v. Illinois, 94 U.S. 113, 129 (1876)**). so that the rate regulation power was significantly narrower than the police power. 122 See id. at 836-39. This leads to a further refinement of the "first regulatory takings case" claim: perhaps ...

Content: Law Reviews | **Date:** February 1, 1998

331. [ARTICLE: RESPONSE: Pennsylvania Coal v. Mahon: The Erratic Takings Jurisprudence of Justice Holmes](#), 86 Geo. L.J. 875

... The same danger of abuse arises under the monopoly prong of the takings analysis. In Munn v. Illinois , the Supreme Court provoked a full debate of this danger by introducing into American law the elusive concept of a business "affected with (clothed by) the public interest." 32 **94 U.S. 113(1876)**. For a history of the basic test, see Walton H. Hamilton, Affection with Public Interest , 39 YALE L.J. 1089 (1930), whose ironic denunciation of the constitutional uses of the doctrine ...

Content: Law Reviews | **Date:** February 1, 1998

-
332. [ARTICLE: Jam for Justice Holmes: Reassessing the Significance of Mahon](#), 86 Geo. L.J. 813
 ... the position that compensation was never owed if the regulation was a valid exercise of the police power. This view accorded with the original understanding of the Takings Clause; under the original understanding, the clause did not apply to regulations. 132 See supra note 6 and accompanying text. This approach became problematic after the Supreme Court adopted a broad view of the permissible scope of the police power in its 1877 decision *Munn v. Illinois*. 133 **94 U.S. 113(1877)**. ...
Content: Law Reviews | **Date:** February 1, 1998
-
333. [BOOK REVIEW: American Law Through English Eyes: A Century of Nightmares and Noble Dreams](#), 84 Geo. L.J. 2215
 ... (administrative regulation of workers' compensation); *Holden v. Hardy*, 169 U.S. 366 (1898) (eight-hour day for miners); *Dent v. West Virginia*, 129 U.S. 114 (1889) (occupational licensing); *Mugler v. Kansas*, 123 U.S. 623 (1887) (regulation of liquor trade); ***Munn v. Illinois*, 94 U.S. 113(1876)** (regulation of rates and service of public utilities). What is missing from Duxbury's chapter is an account of formalism at the working level, of ordinary doctrinal reasoning in the courts, ...
Content: Law Reviews | **Date:** June 1, 1996
-
334. [COLLOQUY: The Public's Interest in Public Affairs Discourse, Democratic Governance, and Fairness in Broadcasting: A Critical Review of the Public Interest Duties of the Electronic Media](#), 82 Geo. L.J. 269
 ... century, the Supreme Court sustained the substantive regulation of private business activities that were thought to be "affected with a public interest." In construing these activities, the Court considered not only their nature, but also their treatment at common law. In *Munn v. Illinois* 45 **94 U.S. 113(1876)**. for example, the Court upheld state regulation of grain elevator storage rates although such regulations burdened the exercise of economic liberty and property rights. Chief ...
Content: Law Reviews | **Date:** December 1, 1993
-
335. [SYMPOSIUM: "Economic Rights," Implied Constitutional Actions, and the Scope of Section 1983.](#), 77 Geo. L.J. 1493
 ... D. CURRIE, THE CONSTITUTION IN THE SUPREME COURT 369-78 (1985) (analyzing early development of substantive due process theory). Substantive due process challenges to state regulatory action fared poorly at first, but began to make some headway by the end of the nineteenth century. Compare *Smyth v. Ames*, 169 U.S. 466, 526, 546-47, 550 (1898) (invalidating railroad rate regulation on substantive due process grounds) with ***Munn v. Illinois*, 94 U.S. 113, 154 (1877)** (upholding rate regulation ...
Content: Law Reviews | **Date:** April 1, 1989
-
336. [ARTICLE: The Classical Corporation in American Legal Thought.](#), 76 Geo. L.J. 1593
 ... Most state price regulation during the eighteenth and early nineteenth centuries was accomplished through the use of corporate charters. 242 See 2 J. DAVIS, ESSAYS IN THE EARLIER HISTORY OF AMERICAN CORPORATIONS 227-30 (1917) (charters of canal, bridge, and turnpike corporations included regulation of tolls). Even at the time of *Munn v. Illinois*, 243 **94 U.S. 113(1877)**. when the Supreme Court first affirmed the constitutionality of rate regulation of unincorporated enterprises, ...

Content: Law Reviews | **Date:** June 1, 1988

337. 70 Geo. L.J. 861

Content: Law Reviews

338. [ARTICLE: FINANCIAL MARKET BOTTLENECKS AND THE "OPENNESS" MANDATE](#), 23 Geo. Mason L. Rev. 69

... Id. at 255-56. In the U.S., common carrier duties made their early appearance in iconoclastic cases pertaining to public utilities and railroads in the 1800s. 147 See, e.g., Interstate Commerce Act of 1887, ch. 104, 24 Stat. 379; **Munn v. Illinois, 94 U.S. 113, 125 (1876)**; Speta, supra note 36, at 251-52. Through the ebbs and flows of rate regulation and deregulation, some of the core characteristics of common carrier duties have endured - namely, the duty to openly serve, on a nondiscriminatory ...

Content: Law Reviews | **Date:** 2015

339. [ARTICLE: JURISDICTION, JURISPRUDENCE, AND LEGAL CHANGE: SOCIOLOGICAL JURISPRUDENCE AND THE ROAD TO INTERNATIONAL SHOE](#), 10 Geo. Mason L. Rev. 59

... of the public, and there is, in our judgement, no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health. . . . [Therefore the] act is . . . an illegal interference with the rights of individuals. 183 Id. at 57-61. This formal reasoning can be seen throughout the Court's substantive due process cases, back even to the 1877 term when Justice Field wrote Pennoyer v. Neff and Munn v. Illinois. 184 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2001

340. [ARTICLE: EXIT RIGHTS AND INSURANCE REGULATION: FROM FEDERALISM TO TAKINGS](#), 7 Geo. Mason L. Rev. 293

... But each good doctrine seems, in constitutional law at least, to have its evil twin. In this case, the rival definition of "affected with the public interest," received its constitutional debut in the United States in Munn v. Illinois. 7 **94 U.S. 113(1876)**. Munn incorporated Hale only to move beyond it. Id. at 128-32, 139. In Munn, the Supreme Court seemed to say that an industry was "affected with the public interest" so long as it was very large and its customers had to use its ...

Content: Law Reviews | **Date:** 1999

341. [ARTICLE: ENTRY RESTRICTIONS IN THE LOCHNER COURT](#), 4 Geo. Mason L. Rev. 405

... could be licensed as insurance brokers. Considering a substantive due process challenge to this questionable requirement, the Court declared insurance a business "clothed with a public interest and subject, therefore, to the regulating power of the state." 151 Id. at 467. The case on which it relied for the proposition, German Alliance Insurance Co. v. Lewis, 152 233 U.S. 389 (1914). was an application of the Court's 1877 decision in Munn v. Illinois. 153 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 1996

342. [ARTICLE: Rational Basis and the 12\(b\)\(6\) Motion: An Unnecessary "Perplexity"](#), 25 Geo. Mason U. Civ. Rts. L.J. 43

... But it was *Nebbia* that marked the final adoption of that test as the standard of review across the whole range of economic and social legislation. That case eliminated the "affected with a public interest" standard, in use since 1876, 66 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. and adopted the far more expansive rule that government may "adopt whatever economic policy may reasonably be deemed to promote public welfare," so long as "the laws passed are seen to have a reasonable relation ...

Content: Law Reviews | **Date:** 2014

343. [ARTICLE: A Public Convenience and Necessity and Other Conspiracies Against Trade: A Case Study from the Missouri Moving Industry](#), 24 Geo. Mason U. Civ. Rts. L.J. 159

... , the Supreme Court held that although the grain silos at issue did not meet the definition of monopoly or utility, they were nevertheless in a unique market position such that they were "affected with a public interest," and thus were similar to monopolies, and could be regulated on that account. **94 U.S. 113, 126 (1877)**. In dissent, Justice Stephen Field argued that this theory unduly expanded the concept of monopoly. *Id.* at 140 ("If this be sound law, if there be no protection, either ...

Content: Law Reviews | **Date:** 2014

344. [ARTICLE: THE ORIGINAL SENSE OF THE \(EQUAL\) PROTECTION CLAUSE: SUBSEQUENT INTERPRETNFION AND APPLICATION](#), 19 Geo. Mason U. Civ. Rts. L.J. 219

... list pertain to substantive fairness in legislation: "no arbitrary deprivation of life or liberty, or arbitrary spoliation of property" (paraphrasing the requirement of substantive due process the Court adopted in 1877's *Munn v. Illinois* 270 **94 U.S. 113, 125-26 (1877)**) ("[I]t is apparent that, down to the time of the adoption of the Fourteenth Amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner ...

Content: Law Reviews | **Date:** 2009

345. [ARTICLE: SHOULD WE BE CONCERNED ABOUT DATA-OPOLIES?](#), 2 Geo. L. Tech. Rev. 275

... <https://www.justice.gov/opa/speech/assistant-attorney-general-makan-delrahim-delivers-remarks-college-europe-brussels> [<https://perma.cc/K38A-PYE2>]. Contrary to the AAG's assertion, the common law has imposed special duties on monopolies. See, e.g. , **Munn v. People of State of Illinois, 94 U.S. 113, 127-28 (1876)** ("There is no doubt that the general principle is favored, both in law and justice, that every man may fix what price he pleases upon his own property, or the use of it; but if for ...

Content: Law Reviews | **Date:** 2018

346. [ARTICLE: REGULATING INFORMATIONAL INFRASTRUCTURE: INTERNET PLATFORMS AS THE NEW PUBLIC UTILITIES](#), 2 Geo. L. Tech. Rev. 234

... the gas company to "capriciously select" whom to serve, and those that permitted the company to arbitrarily and without notice invade the privacy of the home of the user for inspections or to arbitrarily cut off service. 15 *Id.* at 548-49. Similarly, in the famous 1876 case of *Munn v. Illinois* , the U.S. Supreme Court approved state police power legislation and regulation covering grain warehouses, invoked the concept of common carriage, 16 **Munn v. Illinois, 94 U.S. 113, 129 (1876)**. ...

Content: Law Reviews | **Date:** 2018

347. [EMERGING INDIA REMARKS: INDIA'S CONSTITUTION AND INDIVIDUAL RIGHTS: DIVERSE PERSPECTIVES](#), 41 Geo. Wash. Int'l L. Rev. 327

... of norms from U.S. jurisprudence gradually led to a loosening of the Gopalan straight jacket. Kharak Singh itself quoted approvingly from an earlier U.S. Supreme Court judgment, which held that liberty involves more than "mere freedom from physical restraint" 132 **Munn v. Illinois, 94 U.S. 113, 142 (1876)**. The journey from Gopalan thus reached Maneka Gandhi, 133 Maneka Gandhi v. Union of India, (1978) 2 S.C.R. 621, 672-73. The journey is truly significant since Chief Justice Kania ...

Content: Law Reviews | **Date:** 2009

348. [ESSAY: BOYAKASHA, FIST TO FIST: RESPECT AND THE PHILOSOPHICAL LINK WITH RECIPROCITY IN INTERNATIONAL LAW AND HUMAN RIGHTS](#), 38 Geo. Wash. Int'l L. Rev. 349

... In property law, respect underlies the concept of sic utere tuo ut alienum non laedas, in which one may use his property as he wishes so long as he internalizes the costs of his actions while respecting neighbors and not causing negative externalities. 11 See, e.g., **Munn v. Illinois, 94 U.S. 113, 145 (1886)** ("The doctrine that each one must so use his own as not to injure his neighbor - sic utere tuo ut alienum non laedas - is the rule by which every member of society must possess and enjoy ...

Content: Law Reviews | **Date:** 2006

349. 81 Geo. Wash. L. Rev. 12

Content: Law Reviews

350. [ARTICLE: The Gild That Is Killing the Lily: How Confusion over Regulatory Takings Doctrine Is Undermining the Core Protections of the Takings Clause](#), 73 Geo. Wash. L. Rev. 429

... The Supreme Court eventually adopted the prudent investment rule, but only after a misguided detour. After initially suggesting that legislative ratesetting was not subject to judicial review under the Constitution, 60 See Chi., Milwaukee & St. Paul R.R. Co. v. Ackley, 94 U.S. 179, 179 (1877); Peik v. Chi. & North-Western Ry. Co., 94 U.S. 164, 178 (1877); **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. the Court held in 1886 that the state's power to regulate rates was limited by the ...

Content: Law Reviews | **Date:** April 1, 2005

351. [TEXTUALISM AND THE CIVIL WAR AMENDMENT: Translating the Privileges or Immunities Clause](#), 66 Geo. Wash. L. Rev. 1241

... (discussing the demise of the wage fund theory). The Waite Court's refusal to tolerate the correction of unequal bargaining power as a legitimate "public purpose" was based on the premise that the inequalities of bargaining power, if they existed, affected the distribution of wealth between the bargaining parties but had no external effects on the rest of society. See **Munn v. Illinois, 94 U.S. 113, 134-35 (1876)**. By the 1930s the progressive critique of classical economics had dislodged the nineteenth-century ...

Content: Law Reviews | **Date:** August 1, 1998

352. [Reconstructing the Jurisdictional Foundation of Antitrust Federalism](#), 61 Geo. Wash. L. Rev. 658

... The "Granger Movement" brought together a variety of agricultural interests intent upon inducing state regulation of railroad and grain elevator rates that were viewed as excessive and monopolistic and emerged as one of the earliest proponents of antitrust legislation. See Letwin, *supra* note 2, at 232-33. The friction that the movement spawned with the railroads climaxed in **Munn v. Illinois, 94 U.S. 113(1876)**, and a later series of cases, which unsuccessfully challenged the power of the states ...

Content: Law Reviews | **Date:** March 1, 1993

353. [**ARTICLE: Medical Malpractice Screening Panels: Proposed Model Legislation to Cure Judicial Ills.**](#), 58 Geo. Wash. L. Rev. 181

... As such, the provision permitting the admission of the panel decision was a "legislative exception to the hearsay rule," 179 Comiskey, 55 A.D.2d at 309, 390 N.Y.S.2d at 126. under the legislature's power to amend the rules of evidence. 180 Id. (citing **Munn v. Illinois, 94 U.S. 113(1876)**); see State ex rel. Strykowski v. Wilkie, 81 Wis. 2d 491, 528, 261 N.W.2d 434, 451 (1978) (characterizing an admissibility provision as a "rule of evidence" in which litigants have no vested ...

Content: Law Reviews | **Date:** November 1, 1989

354. [**NOTE: FINE-TUNING DEREGULATION: THE INTERSTATE COMMERCE COMMISSION'S USE OF ITS GENERAL RAIL-EXEMPTION POWER.**](#)*, 53 Geo. Wash. L. Rev. 827

... common law required railroads to provide common carrier service at reasonable rates. In the early years of the American rail industry, this duty was enforced by courts and through provisions in state corporate charters. T. KEELER, supra note 2, at 19-21. Anticompetitive practices by the railroads and a series of fraudulent construction projects led many states to establish regulatory bodies in the mid-1800s. D. HARPER, supra note 2, at 457-60. In **Munn v. Illinois, 94 U.S. 113(1877)**, ...

Content: Law Reviews | **Date:** August 1, 1985

355. [**MEMORIAL: DAVID CURRIE AND GERMAN CONSTITUTIONAL LAW: Republication - Lochner Abroad: Substantive Due Process and Equal Protection in the Federal Republic of Germany**](#), 9 German Law Journal 2179

... (concurring opinion). Miller battled bravely, but he had lent significant support to the enemy with his freewheeling opinion in Loan Association v. Topeka . 5 87 U.S. 655 (1875). The fire was kept flickering in dissent 6 E.g. , **Munn v. Illinois, 94 U.S. 113, 136-54(1877)** (Field, J.). and in majority opinions upholding laws against due process and equal protection challenges only because they were reasonable. 7 E.g. , Mugler v. Kansas, 123 U.S. 623 , 661-72 (1887); ...

Content: Law Reviews | **Date:** 2008

356. [**ARTICLE: Justice Stephen Field's Expansion of the Fourteenth Amendment: From the Safeguards of Federalism to a State of Judicial Hegemony**](#), 43 Gonz. L. Rev. 77

... tom.burrell@yahoo.com . "We know that [legislative power] is a power which may be abused; but that is no argument against its existence. For protection against abuses by legislatures the people must resort to the polls, not to the courts." 1 **Munn v. Illinois, 94 U.S. 113, 134 (1877)** (Waite, C.J.) (reviewing the constitutionality of a law setting the maximum price charged for storing warehouse grain). 43 Gonz. L. Rev. 77 | . Introduction For too long, individuals and the courts have treated ...

Content: Law Reviews | **Date:** 2007

357. [**FROM THE BAG: PROTECTION OF PRIVATE PROPERTY FROM PUBLIC ATTACK**](#), 10 Green Bag 2d 495

... , in the celebrated "Granger" cases, reported in the 94 U.S., sustained the power of the public, and affirmed legislative control. The question in those cases was not as to the extent, but as to the existence of such control. Those decisions, sustaining public control over the tariffs of railroads and other common carriers as a part of the police power of the State, were accompanied by the case of **Munn vs. Illinois, 94**

U.S., 113 , putting warehouses in the same category. The scope of this decision, ...

Content: Law Reviews | **Date:** 2007

358. [FROM THE BAG: DAVID JOSIAH BREWER ADDRESSES YALE LAW SCHOOL](#), 10 Green Bag 2d 483

... congruent with the ends in question. I will not develop this point here because Brewer does not address the topic at all. But the omission makes him seem unduly anti-statist in this regard, just as he comes across as unduly pro-statist in dealing with the taxation issues. Rate and Use Regulation Brewer finally comes into his element when he deals with the question of how the state may regulate the use of property. As is evident from his discussion of the *Munn v. Illinois* 4 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2007

359. [ARTICLE: Public Accommodations and the Civil Rights Act of 1964: A Surprising Success?](#), 36 Hamline J. Pub. L. & Pol'y 1

... therefore, one devotes his property to a use in which the public has an interest, he in effect, grants to the public an interest in the use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. (1 Harg.LawTracts 78, cited with approval by **Mr. Chief Justice Waite in Munn v. Illinois,94 U.S. 113, 126(1877)**) ...

Content: Law Reviews | **Date:** 2015

360. [COMMENT: FRANKENSTEIN INCORPORATED: THE RISE OF CORPORATE POWER AND PERSONHOOD IN THE UNITED STATES](#), 28 Hamline L. Rev. 203

... privilege." 40 *Id.* at 137. Nonetheless, several cases involving railroads came before the United States Supreme Court in 1876, and the railroad companies' counsel argued that the Fourteenth Amendment should apply to corporations. 41 **Munn v. Illinois,94 U.S. 113, 119-20(1876)** (arguing that a regulation on the fees an owner can charge for use of a grain elevator is repugnant to the Fourteenth Amendment); *Chicago, Burlington, & Quincy R.R. Co. v. Iowa*, 94 U.S. 155 , 160 **(1876)** ...

Content: Law Reviews | **Date:** 2005

361. [ARTICLE: The Right to Comprehensive Educational Opportunity](#), 47 Harv. C.R.-C.L. L. Rev. 47

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought For protection against abuses by legislatures the people must resort to the polls, not to the courts. *Williams v. Lee Optical Co.*, 348 U.S. 483, 489 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). For discussions of Roosevelt's ...

Content: Law Reviews | **Date:** 2012

362. [ARTICLE: Regulating Race: Asian Exclusion and the Administrative State](#), 37 Harv. C.R.-C.L. L. Rev. 1

... create a railroad commission, or a district court for railroads, and in both cases do precisely the same things with the same officers in the same way without raising many constitutional issues. The Constitution demands a federal judicial structure that is not so flexible. The Supreme Court's role in federalizing railroad regulation in the late nineteenth century must be analyzed in the context of interstate commerce

jurisprudence as a whole. In *Munn v. Illinois*, 35 94 U.S. 113(1876). ...

Content: Law Reviews | **Date:** 2002

363. [NOTE: Reading the Privileges or Immunities Clause: Textual Irony, Analytical Revisionism, and an Interpretive Truce](#), 35 Harv. C.R.-C.L. L. Rev. 569

... It seems that Miller, who would not read constitutional text to allow judicial freewheeling, somehow thought it more restrained to allow freewheeling with no text at all. Two years later, the Court's hold on judicial restraint began to slip. In *Munn v. Illinois*, 146 94 U.S. 113(1876), the Court narrowly rejected an attack on a state law regulating grain elevator rates, holding that the defendant's regulated property was affected with a public interest. 147 See *id.* at 134. The ...

Content: Law Reviews | **Date:** 2000

364. [ARTICLE: THE UNCOMFORTABLE CONVERGENCE OF ENERGY AND ENVIRONMENTAL LAW](#), 41 Harv. Envtl. L. Rev. 339

... The history of public utility regulation dates to the mid-nineteenth century, beginning with municipal efforts to control natural monopolies, and giving way to state regulation by the early 1900s. See Tomain, *supra* note 1, at 356-57. The constitutionality of public utility regulation was settled by the Supreme Court in *Munn v. Illinois*, 94 U.S. 113, 126 (1876) (upholding state regulation of private industries "affected with a public interest"). Yet in comparison to infrastructure licensing, ...

Content: Law Reviews | **Date:** 2017

365. [ARTICLE: TEACHING AN OLD DOG NEW TRICKS: ADAPTING PUBLIC UTILITY COMMISSIONS TO MEET TWENTY-FIRST CENTURY CLIMATE CHALLENGES](#), 38 Harv. Envtl. L. Rev. 371

... law states, "all charges made or demanded by any public utility for any service rendered by it ... shall be just and reasonable." 46 N.H. Rev. Ann. New Hampshire § 374:2 (2012). The authority of public utility commissions to set and regulate rates was upheld against significant judicial challenge, beginning in the late nineteenth century. In *Munn v. Illinois*, 47 94 U.S. 113, 135 (1877), a case involving the regulation of grain elevators by the state of Illinois, the Supreme Court ...

Content: Law Reviews | **Date:** 2014

366. [ARTICLE: BEYOND NETWORK NEUTRALITY](#), 19 Harv. J. Law and Tec 1

... Regulatory Conflict in the Gilded Age: Federalism and the Railroad Problem, 97 YALE L.J. 1017, 1044-54 (1988); Robert L. Rabin, Federal Regulation in Historical Perspective, 38 STAN. L. REV. 1189, 1197-208, 1219-20 (1986). Following the landmark Supreme Court decision in *Munn v. Illinois*, 206 94 U.S. 113, 126 (1876); accord *Budd v. New York*, 143 U.S. 517, 532 (1892) ("The right of the legislature to regulate the charges for services in connection with the use of property ...

Content: Law Reviews | **Date:** 2005

367. [ARTICLE: TORT LIABILITY, THE FIRST AMENDMENT, AND EQUAL ACCESS TO ELECTRONIC NETWORKS](#), 5 Harv. J. Law and Tec 65

... is the voluntary assumption of the service by the business. 34 See *Wheeler v. Northern Colorado Irrigating Co.*, 17 P. 487, 490 (Colo. 1887). The business always has the option to cease operation, but once in operation, the business must serve reasonably. 35 See *Munn v. Illinois*, 94 U.S. 113, 126 (1876); *McDuffee v. Portland & R. R.R.*, 52 N.H. 430, 448-49 (1873); see also *Nash v. Page*, 80 Ky.

539, 544 (1882). It is an all or nothing arrangement. The business may take ...

Content: Law Reviews | **Date:** 1992

368. [ARTICLE: TWENTIETH-CENTURY AMERICA AS A DEVELOPING COUNTRY: CONFLICT, INSTITUTIONS, AND THE EVOLUTION OF PUBLIC LAW](#), 57 Harv. J. On Legis. 25

... In contrast, the national government had the authority to achieve considerably greater coordination across the national economy. In *Wabash v. Illinois*, 45 118 U.S. 557 (1886) . the Supreme Court reversed its earlier position in *Munn v. Illinois* 46 **94 U.S. 113(1877)** . by recognizing a role for more expansive federal legislation based on the Commerce Clause while limiting state powers. In *Munn* , the Supreme Court had recognized state authority to experiment ...

Content: Law Reviews | **Date:** 2020

369. [ARTICLE: FEDERALISM AND FEDERAL LIABILITY REFORM: THE UNITED STATES CONSTITUTION SUPPORTS REFORM](#), 36 Harv. J. On Legis. 269

... , unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances . 82 *Mondou*, 223 U.S. at 50 (emphasis added) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The Court also noted that despite the fact that employer liability had traditionally been a matter of state law, Congress had a legitimate interest in replacing the patchwork of state laws ...

Content: Law Reviews | **Date:** 1999

370. [ARTICLE: YAKUS AND THE ADMINISTRATIVE STATE](#), 42 Harv. J.L. & Pub. Pol'y 807

... Public Rights, Private Rights, and Statutory Retroactivity , 94 GEO. L.J. 1015, 1020-22 (2006) (discussing the notion of private and public rights). the characteristics of industries "affected with a public interest," 33 See, e.g. , **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)**; see also BARRY CUSHMAN, RETHINKING THE NEW DEAL COURT: THE STRUCTURE OF A CONSTITUTIONAL REVOLUTION 48-51 (1998) (discussing *Munn* and its progeny). and other concepts and doctrines that are central to the ...

Content: Law Reviews | **Date:** 2019

371. [ARTICLE: STATE "COMPETITOR'S VETO" LAWS AND THE RIGHT TO EARN A LIVING: SOME PATHS TO FEDERAL REFORM](#), 38 Harv. J.L. & Pub. Pol'y 1009

... the Court protected economic liberty against unjust interference, it was often neglectful of this charge. Thus in *The Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1873), it refused to invalidate Louisiana 's slaughterhouse monopoly, and in **Munn v. Illinois, 94 U.S. (4 Otto) 113(1876)**, it allowed price regulation of non-monopoly industries. Worse, women were almost wholly excluded from the right to economic liberty; the Court upheld restrictions on this freedom in cases like *Bradwell* ...

Content: Law Reviews | **Date:** 2015

372. [ARTICLE: STRICT LIABILITY OFFENSES, INCARCERATION, AND THE CRUEL AND UNUSUAL PUNISHMENTS CLAUSE](#), 37 Harv. J.L. & Pub. Pol'y 1065

... a violation of its statutory requirements is coeval with government; and the mode in which they shall be enforced, whether at the suit of a private party or at the suit of the public, and what disposition shall be made of the amounts collected, are merely matters of legislative discretion."). Legislators listened when

the courts said that legislatures may revise tort law rules because no one enjoys a property interest in the common law. 33 See **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ...

Content: Law Reviews | **Date:** 2014

373. [ARTICLE: MONOPOLIES AND THE CONSTITUTION: A HISTORY OF CRONY CAPITALISM](#), 36 Harv. J.L. & Pub. Pol'y 983

... 1 N.Y.U. J.L. & LIBERTY 334, 338-39 (2005). The Slaughter-House Cases closed a door on reading the Privileges or Immunities Clause to strike down grants of economic privilege and of monopoly, and other cases--such as *Munn v. Illinois* in 1877 388 **94 U.S. 113, 125-26 (1877)** (holding that the Fourteenth Amendment did not prohibit the state from regulating businesses involved in serving the public interest). and *Barbier v. Connolly* in 1885 389 113 U.S. 27, 31 (1885) (holding that ...

Content: Law Reviews | **Date:** 2013

374. [ARTICLE: THREE AGES OF BANKRUPTCY](#), 7 Harv. Bus. L. Rev. 187

... 155 (2011) ("[F]armlands with ready access to railroad stations, warehouses, and elevators had greater value than farmlands too far from a railroad for an easy haul. Towns competed so desperately for railroad connections . . ."); JAMES W. ELY, JR., RAILROADS AND AMERICAN LAW 80, 86 (2001). and the federal courts recognized as much. 16 The classic statement for railroads came from the Supreme Court's Chief Justice in **Munn v. Illinois, 94 U.S. 113(1876)**: When . . . one devotes his property ...

Content: Law Reviews | **Date:** 2017

375. [133 Harv. L. Rev. 920](#)

... 35 HARV. L. REV. 30 , 30 (1921) . In response, many states enacted "Granger Laws" that reduced railroad rates. 87 Id. Initially, those laws were sustained against challenge, 88 Id. (citing, inter alia, **Munn v. Illinois, 94 U.S. 113(1876)**) . but gradually the Court started to shift course. Cracks in the dike appeared by 1890, when the Court held, on opaque grounds, that a state railroad rate was unconstitutional. 89 ...

Content: Law Reviews | **Date:** 2020

376. [ESSAY: THAYER, HOLMES, BRANDEIS: CONCEPTIONS OF JUDICIAL REVIEW, FACTFINDING, AND PROPORTIONALITY](#), 130 Harv. L. Rev. 2348

... Thayer's later writing casts some doubt on his commitment to this distinction. See JAMES BRADLEY THAYER, JOHN MARSHALL (1901), reprinted in JAMES BRADLEY THAYER, OLIVER WENDELL HOLMES , AND FELIX FRANKFURTER ON JOHN MARSHALL 86 (1967) (praising **Munn v. Illinois, 94 U.S. 113(1877)**, for not striking down state legislation, even if "we should have been saved some trouble and some harm" from "ill-advised" and "unconstitutional" legislation). In introducing the idea of different standards of ...

Content: Law Reviews | **Date:** 2017

377. [NOTE: COPYRIGHT REFORM AND THE TAKINGS CLAUSE](#), 128 Harv. L. Rev. 973

... Similarly, the mere fact that a person enjoys some legal benefit does not entitle the person to continue enjoying it. 38 See *Bowen v. Gilliard*, 483 U.S. 587, 604-05 (1987); *Bowen v. Pub. Agencies Opposed to Soc. Sec. Entrapment*, 477 U.S. 41, 54-56 (1986); see also **Munn v. Illinois, 94 U.S.**

113, 134 (1877) ("A person has no property, no vested interest, in any rule of the common law."). And a property owner has no right to limitations that inhere in the title (including those ...

Content: Law Reviews | **Date:** 2015

378. [SYMPOSIUM: FREEDOM OF THE PRESS: FIRST AMENDMENT COMMON SENSE](#), 127 Harv. L. Rev. 2343

... general public. Much ink has been devoted to this history. As a reminder, courts formulated separate but closely related "public utility" and "common carrier" doctrines over hundreds of years in order to ensure that industries "affected with a public interest" 128 **Munn v. Illinois, 94 U.S. 113, 130 (1877)** (internal quotation marks omitted). provided equal access to goods and services that were viewed as essential to the growth of the nation. 129 Public utility" refers to an industry that ...

Content: Law Reviews | **Date:** June 1, 2014

379. [Recent Case: Local Government Law - Preemption - Southern District of New York Holds that New York City Hybrid Taxi Regulations Are Likely Preempted by the EPCA. - Metropolitan Taxicab Board of Trade v. City of New York, No. 08 Civ. 7837 \(PAC\), 2008 WL 4866021 \(S.D.N.Y. Oct. 31, 2008\)](#), 122 Harv. L. Rev. 2275

... Cabdriver 1 (2007) ("Taxi drivers provide a critically important mode of city transportation exceeded in patronage only by the subway."). and the City maintains significant control over the operation of the taxicab industry. 48 See, e.g., N.Y. City Charter § 2303(b)(1)-(6). Courts have long recognized this strict regulation of the taxi industry. See, e.g., **Munn v. Illinois, 94 U.S. 113, 125 (1877)** ("It has been customary in England from time immemorial, and in this country from its first ...

Content: Law Reviews | **Date:** June 1, 2009

380. [THE SUPREME COURT 2000 TERM: FOREWORD: WE THE COURT](#), 115 Harv. L. Rev. 4

... *Mugler v. Kansas*, 123 U.S. 623, 661-63 (1887) (finding that the state had a sufficient interest to prohibit the manufacture of beer); *Stone v. Farmers Loan & Trust Co.*, 116 U.S. 307, 331, 335 (1886) (warning that confiscatory rate regulation would violate due process); **Munn v. Illinois, 94 U.S. 113, 126-36 (1877)** (upholding state rate regulation because the Court found grain elevators "affected with a public interest"). increasing its enforcement of the Bill of Rights, 503 E.g., *Downes* ...

Content: Law Reviews | **Date:** November 1, 2001

381. [ARTICLES: COLONIAL LAND USE LAW AND ITS SIGNIFICANCE FOR MODERN TAKINGS DOCTRINE](#), 109 Harv. L. Rev. 1252

... According to the Court, determining whether statutes regulating private property were constitutionally valid required reference to the "rights of the citizen, as those rights stood at the common law." 10 *Pumpelly v. Green Bay Co.*, 80 U.S. (13 Wall.) 166, 178 (1872), quoted in *Mugler v. Kansas*, 123 U.S. 623, 668 (1887); see **Munn v. Illinois, 94 U.S. 113, 125 (1876)** (looking to "the common law, from whence came the right which the [Fourteenth Amendment] protects"); *infra* pp. 1287-88. ...

Content: Law Reviews | **Date:** April 1, 1996

382. [ARTICLE: THE RIGHT OF PRIVACY.](#), 102 Harv. L. Rev. 737

... interests, the Court began to read substantive guarantees into the clause as well. From the late 1870's to the turn of the century, the Court formulated an interpretation of due process in which the

predominant figure was a fundamental, potentially inviolate "liberty of contract" with which legislatures had no power to interfere. 26 See *Allgeyer v. Louisiana*, 165 U.S. 578, 589-91 (1897) (dicta); *Mugler v. Kansas*, 123 U.S. 623, 661 (1887); **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. ...

Content: Law Reviews | **Date:** February 1, 1989

383. [**NOTE: TAKING A STEP BACK: A RECONSIDERATION OF THE TAKINGS TEST OF NOLLAN V. CALIFORNIA COASTAL COMMISSION.**](#), 102 Harv. L. Rev. 448

... could interpret its constitution to limit the previously understood right of a shopping mall owner to exclude leafletters. In addition, the Court has consistently held that the state can abolish a legal cause of action. See, e.g., *Martinez v. California*, 444 U.S. 277, 281-82 (1980); *Silver v. Silver*, 280 U.S. 117, 122 (1929). It is well settled that "[a] person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. Nor does an ...

Content: Law Reviews | **Date:** December 1, 1988

384. [**COMMENTARIES: HOW DOES THE CONSTITUTION ESTABLISH JUSTICE?**](#), 101 Harv. L. Rev. 1026

... adoption of the post-war amendments. For the first time, the Constitution imposed substantial limitations directly upon the power of the states. For a time, the Court fumbled for the source of these constraints. The privileges or immunities clause of the fourteenth amendment seemed a likely candidate, but the Court rejected that path in *The Slaughter-House Cases*. 43 83 U.S. (16 Wall.) 36 (1873). It settled on the due process clause in *Munn v. Illinois*. 44 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** March 1, 1988

385. [**NOTE: WRONGFUL BIRTH ACTIONS: THE CASE AGAINST LEGISLATIVE CURTAILMENT.**](#), 100 Harv. L. Rev. 2017

... . WRONGFUL BIRTH STATUTES VIOLATE THE DUE PROCESS CLAUSE Although state legislatures enjoy wide latitude in regulating tort actions, in doing so they may not impermissibly interfere with rights implicitly or explicitly protected by the Constitution. 35 See **Munn v. Illinois, 94 U.S. 113, 134 (1877)**; *Hickman v. Group Health Plan, Inc.*, 396 N.W.2d 10, 13 (Minn. 1986). In addition, state constitutional provisions may prohibit the legislature from removing a recognized common law cause ...

Content: Law Reviews | **Date:** June 1, 1987

386. 89 Harv. L. Rev. 1281

Content: Law Reviews

387. 87 Harv. L. Rev. 693

Content: Law Reviews

388. [**ARTICLE: AN UNAPOLOGETIC DEFENSE OF THE CLASSICAL LIBERAL CONSTITUTION: A REPLY TO PROFESSOR SHERRY**](#), 128 Harv. L. Rev. F. 145

... welfare. The system that I defend does not impose any untoward limitations on the power of the state to engage in rate regulation and antitrust enforcement. Both these exercises of the police power were perhaps at the top of the Supreme Court's agenda during the pre-1937 period, during which the Court gave rise to some serious challenges on such questions as what it meant to impose price regulation on firms "affected with a public interest." 48 **Munn v. Illinois, 94 U.S. 113, 127 (1876)**; ...

Content: Law Reviews | **Date:** March 1, 2015

389. [STUDENT ARTICLE: Zoning, Taking, and Dealing: The Problems and Promise of Bargaining in Land Use Planning Conflicts](#), 7 Harv. Negotiation L. Rev. 337

... In 1876, the Supreme Court affirmed that although the state may not control rights that are exclusively private, it may require "each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another," 18 **Munn v. Illinois, 94 U.S. 113, 124 (1876)**. signifying the paradoxical nature of property ownership as a private right that necessarily implicates public responsibilities. Today, local governments vigorously wield the police power to protect various public ...

Content: Law Reviews | **Date:** 2002

390. [ARTICLE: The Health Insurance Mandate - a Tax or a Taking?](#), 42 Hastings Const. L.Q. 323

... In Gen. Motors Corp., Justice Roberts defined property as the "group of rights inhering in the citizen's relation to the physical thing." 323 U.S. at 377-78. But, this was likely intended to resolve the long-standing debate over whether the Fifth Amendment protected the asset itself or rights in it (see, e.g., **Munn v. Illinois, 94 U.S. 113(1877)**), not that protection was limited to physical (as opposed to intangible) things. 3. Koontz v. St. Johns River Water Management District Some of ...

Content: Law Reviews | **Date:** 2015

391. [ARTICLE: LEGAL CLAIMS AS PRIVATE PROPERTY: IMPLICATIONS FOR EMINENT DOMAIN](#), 36 Hastings Const. L.Q. 373

... in other areas of takings doctrine, in particular, the recurring notion of settled expectations regarding property as warranting heightened property rights protection. This idea is prominent, of course, in the Supreme Court's regulatory takings analysis. However, it also reflects the Court's early statements in *Munn v. Illinois*, where Chief Justice Waite stated that a "person has no property, no vested interest, in any rule of the common law." 126 **Munn v. Illinois, 94 U.S. 113, 134 (1877)** ...

Content: Law Reviews | **Date:** 2009

392. [Article: The Myth of "Laissez-Faire Constitutionalism": Liberty of Contract During the Lochner Era](#), 36 Hastings Const. L.Q. 217

... For the next two decades, the Court generally rejected Fourteenth Amendment challenges to state laws - and thus refrained from limiting the discretion of state legislatures in exercising police powers. See, e.g., *Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130 (1873) (refusing to interfere with a state's determination that women could not practice law); **Munn v. Illinois, 94 U.S. 113(1877)** (upholding an Illinois law setting maximum rates charged by grain elevators in Chicago, on the theory ...

Content: Law Reviews | **Date:** 2009

393. [ARTICLE: Completing the Energy Innovation Cycle: The View from the Public Utility Commission](#), 65 Hastings L.J. 1345

... This Article explores the critical, and often overlooked, role of state public utility commissions in determining whether innovative electricity generation technologies reach the marketplace. State PUCs regulate monopoly providers of electricity, a service "affected with a public interest" to protect the common good 23 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ("Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the ...

Content: Law Reviews | **Date:** June 1, 2014

394. [ARTICLE: The Price of Macroeconomic Imprecision: How Should the Law Measure Inflation?](#), 54 Hastings L.J. 1375

... (describing "monetary inflation" as "a phenomenon familiar to the nation's founders, but absent during much of the Nineteenth Century"). As the Supreme Court completed its jurisprudential arc from the "public interest" philosophy of the 1870s 152 See **Munn v. Illinois, 94 U.S. 113(1877)**; *Chicago, Burlington & Quincy R.R. Co. v. Iowa*, 94 U.S. 155 (1877); *Peik v. Chicago & N.W. Ry. Co.*, 94 U.S. 164 (1877); *Chicago, Milwaukee & St. Paul R.R. Co. v. Ackley*, 94 U.S. 179 (1877); ...

Content: Law Reviews | **Date:** July 1, 2003

395. [ARTICLE: Common Regulation: Legal Origins of State Power in America](#), 45 Hastings L.J. 1061

... See Chitty, *supra* note 72, at 107-242; Hale, *supra* note 68, at 201-321. Especially intriguing is the extensive attention each give to prerogatives regarding trade and commerce. Well into the late nineteenth century, American regulation in these areas continued to be directly influenced by the rationales and explanations supporting the notion of prerogative. 79 See **Munn v. Illinois, 94 U.S. 113(1876)**; *Budd*, 22 N.E. at 670; *O'Connor v. Pittsburgh*, 18 Pa. 187 (1851). Julius Goebel ...

Content: Law Reviews | **Date:** April 1, 1994

396. [ARTICLE: Perspectives on Cruzan: The Sirens' Lure of Invented Consent: A Critique of Autonomy-Based Surrogate Decisionmaking for Legally-Incapacitated Older Persons](#), 42 Hastings L.J. 779

... American College of Physicians as Amicus Curiae in Support of Petitioners at 27, *Cruzan v. Director* (No. 88-1503). Her life, the ACP concluded, "[did] not even rise to the level of 'mere animal existence.'" 61 *Id.* at 28 (quoting **Munn v. Illinois, 94 U.S. 113, 142 (1877)** (Field, J., dissenting)). To the National Academy of Elder Law Attorneys, Nancy's life was simply "organic life." 62 Amicus Curiae Brief of the National Academy of Elder Law Attorneys in Support of Petitioners ...

Content: Law Reviews | **Date:** March 1, 1991

397. [ARTICLE: The "Rule of Reason" in Antitrust Law: Property Logic in Restraint of Competition.](#), 40 Hastings L.J. 285

... problem. Even if nothing improper was done, a gap would appear between fair price and market price. That is, a monopoly price would be charged. Should the law characterize the monopoly profit as a property right or as a "fictitious" price? This battle had already been fought on constitutional grounds. As discussed above, *Munn v. Illinois* (and other "Granger" cases) recognized a state's right to regulate profit when there was a public interest in the industry. 114 **94 U.S. 113, 126 (1877)**. ...

Content: Law Reviews | **Date:** 1989

398. [BOOK REVIEW: Extending Equality: The Right to Municipal Services. THE WRONG SIDE OF THE TRACKS. BY CHARLES M. HAAR + AND DANIEL W. FESSLER. ++](#), 38 Hastings L.J. 1297

... from the law governing mills and ferries in medieval England. English courts imposed the obligation that those holding mill and ferry franchises must grant equal access to all persons and must maintain a reasonable level of service (pp. 75-77). In 19th century America, the railroad became the catalyst for judicial amplification of this common law doctrine. Adhering to the position that some businesses were "affected with a public interest," 11 **Munn v. Illinois, 94 U.S. 113, 130 (1876).** ...

Content: Law Reviews | **Date:** August 1, 1987

399. [**COMMENT: The Legislative-Adjudicative Distinction in California Land Use Regulation: A Suggested Response to Arnel Development Co. v. City of Costa Mesa.**](#), 34 Hastings L.J. 425

... San Diego Bldg. Contractors Ass'n v. City Council, 13 Cal. 3d 205, 211, 529 P.2d 570, 573, 118 Cal. Rptr. 146, 149 (1974). "For protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois, 94 U.S. 113, 134 (1876).** See supra note 113 & accompanying text. In the case of a small-scale rezoning, however, the impact on the owner and immediate neighbors of the subject property is often far greater than the impact on the general population. ...

Content: Law Reviews | **Date:** November 1, 1982

400. [**ARTICLE: Taking for Any Purpose?**](#), 9 Hastings W.-N.W. J. Env. L. & Pol'y 179

... determined that it was the legislature's role, not that of the courts "to balance the advantages and disadvantages" of the new law. 160 Id. at 487 The Court relied upon Judge Waite's wise statement: "For protection against abuses by legislators the people must resort to the polls, not to the courts." 161 **Munn v. State of Illinois, 94 U.S. 113, 134 (1876).** As long as the law is "rationally related to the public health and welfare," the legislature may regulate private enterprise. ...

Content: Law Reviews | **Date:** 2003

401. [**ARTICLE: IMPRUDENT POWER CONSTRUCTION PROJECTS: THE MALAISE OF TRADITIONAL PUBLIC UTILITY POLICIES.**](#), 13 Hofstra L. Rev. 507

... The requirement that utility companies provide service to the public on demand was derived from the early common law rules forbidding discrimination by persons engaged in providing common services such as innkeeping, carriage service, and warehousing. 29 See **Munn v. Illinois, 94 U.S. 113, 124-30 (1876).** This nondiscrimination requirement was imposed on common trades not only because they solicited business from the general public, but also because they provided services considered essential ...

Content: Law Reviews | **Date:** 1985

402. [**ARTICLE: UNION ORGANIZING AFTER LECHMERE, INC. v. NLRB -- A TIME TO REEXAMINE THE RULE OF BABCOCK & WILCOX.**](#), 12 Hofstra Lab. L.J. 65

... where he stated that "this Court long ago recognized that new social circumstances can justify legislative modifications of a property owner's common-law rights, without compensation, if the legislative action serves sufficiently important public interests." 309 Id. at 454 (Blackmun, J., dissenting) (citing **Munn v. Illinois, 94 U.S. 113, 134 (1877);** United States v. Causby, 328 U.S. 256, 260-61 (1946)). C. Specific Proposals for a New Program My proposals for implementing a new program ...

Content: Law Reviews | **Date:** 1994

403. [**ARTICLE: The Interpretation of the Basic Law -- Common Law and Mainland Chinese**](#)

[Perspectives](#), 30 Hong Kong L.J. 380

... Thayer's theory of constitutional interpretation and judicial review supports a presumption of the constitutionality of legislation which can be rebutted by cogent argument. This presumption still operates in American, Canadian and Australian constitutional law in some categories of cases, albeit not in cases involving civil liberties and human rights. 126 For relevant American materials, see *Fletcher v Peck* (1810) 10 U.S. 87 ; **Munn v Illinois (1876)94 U.S. 113** ; *Adkins v Children's* ...

Content: Law Reviews | **Date:** 2000

404. [ARTICLE: REGULATING RELIABILITY](#), 54 Hous. L. Rev. 1191

... 1. State Regulation of Reliability. Responsibility for reliability began with local utilities. In the late 19th century, the Supreme Court affirmed the ability of states to regulate entities "clothed with a public interest" and spawned the development of public utility law. 124 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. Most states developed statutes that regulated the rates charged by public utilities and often codified the common law principles that had developed surrounding such entities ...

Content: Law Reviews | **Date:** 2017

405. [NOTE: DON'T CRY OVER SPILT MILK: HETTINGA V. UNITED STATES*](#), 51 Hous. L. Rev. 681

... See Jackson, *supra* note 9, at 517, 524-25 (describing the Court's asserted neutrality toward economic legislation through legislative deference as a reaction to the Lochner era's judicial activism toward regulation and a result of a new unwillingness to review "nonfundamental rights"). The Supreme Court first articulated the rational basis test more than 100 years ago. 19 See **Munn v. Illinois, 94 U.S. 113, 132 (1876)** (holding that state regulation must be upheld if "a state of facts could ...

Content: Law Reviews | **Date:** 2013

406. [INTELLECTUAL PROPERTY AND INFORMATION LAW IN THE ADMINISTRATIVE STATE INSTITUTE FOR INTELLECTUAL PROPERTY & INFORMATION LAW SYMPOSIUM: IS THERE A ROLE FOR COMMON CARRIAGE IN AN INTERNET-BASED WORLD?](#), 51 Hous. L. Rev. 545

... See Matthew Hale, *De Portibus Maris*, reprinted in *A Collection of Tracts Relative to the Law of England*, from Manuscripts 72, 78 (Francis Hargrave ed., 1787) (c. 1670). received its most famous articulation in the landmark case of *Munn v. Illinois*. 39 **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)**. *Munn* arose during the era when the Supreme Court regularly held that a wide range of economic regulation represented an unconstitutional infringement of an individual's substantive due process ...

Content: Law Reviews | **Date:** 2013

407. [COMMENT: EASTERN PHILOSOPHY: A CONSTITUTIONAL ARGUMENT FOR FULL STRANDED COST RECOVERY BY DEREGULATED ELECTRIC UTILITIES](#), 36 Hous. L. Rev. 1411

... *GTE Northwest, Inc. v. Public Util. Comm'n*, 900 P.2d. 495, 500 (Or. 1995) (recognizing an unconstitutional taking in a similarly situated telecommunications scenario). Although these facilities are dedicated to the public's use, 299 See **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)** (explaining that property "becomes clothed with a public interest when used in a manner to make it of public consequence"). they remain the property of the utilities. 300 See *Gulf, Colo. & Santa Fe Ry. Co.* ...

Content: Law Reviews | **Date:** 1999

408. [COMMENT: BILLBOARD REGULATION AFTER METROMEDIA AND LUCAS](#), 31 Hous. L. Rev. 1555

... Spann v. City of Dallas, 235 S.W. 513, 515 (Tex. 1921). Government uses the police power to "regulate [] the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good." **Munn v. Illinois, 94 U.S. 113, 125 (1876)**; see also Mugler v. Kansas, 123 U.S. 623, 660-61 (1887) (stating that the legislature has the power to determine what actions are appropriate and necessary to promote the general welfare).

...

Content: Law Reviews | **Date:** 1995

409. [A VERY RATIONAL COURT](#), 30 Hous. L. Rev. 1509

... During the first two decades after the Civil War, the Court rejected the concept of substantive due process and interpreted the protection of the due process clauses of the Fifth and Fourteenth amendments to extend only to procedural rights. 15 See, e.g., Davidson v. New Orleans, 96 U.S. 97, 105 (1877) (holding that a party has not been deprived of his property without due process of law if he has "a fair trial in a court of justice"); **Munn v. Illinois, 94 U.S. 113, 134 (1877)** (noting that ...

Content: Law Reviews | **Date:** 1993

410. [ARTICLE: The Spiritual Nature Of Equality: Natural Principles Of Constitutional Law.](#), 28 How. L.J. 809

... E. CORWIN, CONSTITUTIONAL REVOLUTION, LTD. 7 (1941) (emphasis in the original). Even the most minimal standards of judicial scrutiny have evinced a concern that the police power of the State be exercised consistently with "the public good." 119 **Munn v. Illinois, 94 U.S. 113(1876)**. In Barbier v. Connally, 120 Barbier 113 U.S. at 27 . the first Supreme Court case to adopt the "similarly situated" standard as the governing principle of the equal protection clause, Justice ...

Content: Law Reviews | **Date:** 1985

411. [COMMENT: Eminent Domain: Condemnation of Professional Football Franchises and the Commerce Clause Defense.](#), 28 How. L.J. 773

... The English system, on the other hand, has not developed an eminent domain power which is equal to that which is exercised today in the United States. Stoebach, A General Theory of Eminent Domain, 47 WASH. L. REV. 553, 554-55 (1972). In **Munn v. Illinois, 94 U.S. 113(1876)**, the Supreme Court stated: When the people of the United Colonies separated from Great Britain , they changed the form, but not the substance, of their government. They retained for the purposes of government all ...

Content: Law Reviews | **Date:** 1985

412. [LAW & POLICY ROADMAP FOR THE CLEAN POWER PLAN: FOR THE GREATEST GOOD OF THE GREATEST NUMBER: MITIGATING CLIMATE CHANGE THROUGH CARBON DIOXIDE EMISSION REGULATION](#), 53 Idaho L. Rev. 287

... The battle for regulatory authority of electricity services began as early as the eighteenth century. From borrowing some of the ideals of English common law when first attempting to regulate the distribution and access to electricity back in 1877, 18 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (citing Lord Chief Justice Hale, De Portibus Maris, 1 Harg. Law Tracts, 78). to state regulatory commissions experimenting with regulatory authority during the nineteenth century, energy regulation ...

Content: Law Reviews | **Date:** 2017

413. [ARTICLE: THE HISTORY OF THE JUDICIAL REVIEW OF ADMINISTRATIVE POWER AND THE FUTURE OF REGULATORY GOVERNANCE](#), 38 Idaho L. Rev. 89
- ... Organized labor was a response to the massive pool of potential workers created by the waves of immigration that characterized the post-Civil War period unfair working conditions, exploitation, and inadequate compensation led to widespread labor unrest stimulating the need for government regulation. Annual immigration passed 300,000 persons in 1866 and rose to almost 790,000 in 1882. Id. at 80-83. In *Munn v. Illinois*, 60 **94 U.S. 113(1876)**. the U.S. Supreme Court upheld an Illinois ...
- Content:** Law Reviews | **Date:** 2001
-
414. [SYMPOSIUM: AFTER AGRARIAN VIRTUE](#), 53 Ind. L. Rev. 1
- ... 262 U.S. 1, 36 (1923); see also *Lemke v. Farmers' Grain Co.* 258 U.S. 50, 53-54 (1922); *Dahnke-Walker Milling Co. v. Bondurant*, 257 U.S. 282, 290-91 (1921); **Munn v. Ill., 94 U.S. 113, 130-31(1877)** . Even the production of chrysanthemums follows a three-way division of functions among breeders, self-propagators, and retail florists. ...
- Content:** Law Reviews | **Date:** 2020
-
415. [ARTICLE: Government Power Unleashed: Using Eminent Domain to Acquire a Public Utility or Other Ongoing Enterprise](#), 38 Ind. L. Rev. 55
- ... *Sidak & Spulber*, supra note 35, at 887 (explaining that these restrictions included "price regulations, quality-of- service requirements, and common-carrier regulations"). This article cites *Charles River Bridge v. Warren Bridge*, 36 U.S. (11 Pet.) 420 (1837) and **Munn v. Illinois, 94 U.S. 113, 124 (1877)** as evidence that the concept of regulatory contract has a historical lineage in contract. Id. at 891. See also *Tomain*, supra note 32, at 446 (describing the regulatory compact as imposing ...
- Content:** Law Reviews | **Date:** 2005
-
416. [ARTICLE: Abundant Media, Viewer Scarcity: A Marketplace Alternative to First Amendment Broadcast Rights and the Regulation of Televised Presidential Debates](#), 36 Ind. L. Rev. 101
- ... (requiring the Interstate Commerce Commission to determine whether a proposed extension to a railroad is required for the "present or future public convenience and necessity"); *Bd. of Trade of Chicago v. Olsen*, 262 U.S. 1, 41 (1923) (holding that because the Chicago grain exchange is a business "affected with a public national interest" it is "subject to national regulation as such"); **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (holding that when private property is devoted to a public interest, ...
- Content:** Law Reviews | **Date:** 2003
-
417. [ARTICLE: Rethinking Judicial Deference to Legislative Fact-Finding +](#), 84 Ind. L.J. 1
- ... The legislature may have held hearings but declined to include any factual findings in the legislation, or it may not have held any hearings at all. In either case, a court could still give deference to the legislature on the relevant facts by presuming that facts supporting the need for the legislation exist, whether or not such facts were actually established in the legislative process. The 1876 decision *Munn v. Illinois* 70 **94 U.S. 113(1876)**. was an early case in which the Supreme ...
- Content:** Law Reviews | **Date:** 2009
-
418. [NOTE: On Considering the Public Interest in Bankruptcy: Looking to the Railroads for Answers *](#),

72 Ind. L.J. 1211

... but there are suggestions that the public interest is broader than the interests of widows and orphans. The language that is so commonly used now, "affected with a public interest," is ancient-its use by the Supreme Court of the United States dates to 1876. 12 Lord Chief Justice Hale, *De Portibus Maris*, 1 Harg. Law Tracts 78, cited in **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. The question in dispute in *Munn* was whether the State of Illinois could prescribe a maximum rate for the storage ...

Content: Law Reviews | **Date:** 1997

419. [ARTICLE & ESSAY: The Future of Our Past: The Legal Mind and the Legacy of Classical Common-Law Thought](#) ⁺, 68 Ind. L.J. 743

... as public buildings or streets) -- then it should not come as a surprise that businesses that historically are monopolies, physically open to the public at large and that must serve all members of the public (such as ferries, mills, bridges, and turnpikes), are within the power of the state to regulate. What then becomes a "hard" question is whether a business is like a traditional category when it is something new, such as a grain elevator, see **Munn v. Illinois, 94 U.S. 113, 125-30 (1877)** ...

Content: Law Reviews | **Date:** 1993

420. [NOTE: Substantive Due Process Analysis and the Lockean Liberal Tradition: Rethinking the Modern Privacy Cases](#), 65 Ind. L.J. 723

... The theory of economic substantive due process developed gradually in the period following the Civil War. As early as the 1870s, members of the Supreme Court showed a willingness to limit legislative power concerning social welfare legislation. 83 In **Munn v. Illinois, 94 U.S. 113 (1877)**, the Court noted: "Undoubtedly, in mere private contracts, relating to matters in which the public has no interests, what is reasonable must be ascertained judicially." *Id.* at 134. One of the dissenters, ...

Content: Law Reviews | **Date:** 1990

421. [NOTE: The Role of the Family in Cadaveric Organ Procurement](#), 65 Ind. L.J. 167

... echoes this argument: "A person has no property, no vested interest, in any rule of the common law . . . [therefore] the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature" 88 *Id.* at 61, 355 S.E.2d at 128 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). One year after *Lavant*, the Florida Supreme Court rejected a similar claim to a constitutionally protected property right in corpses. 89 *Powell*, 497 So. 2d at 1193. ...

Content: Law Reviews | **Date:** 1989

422. [ARTICLE: Uniformity in Constitutional Interpretation and the Background Right to Effective Democratic Governance](#), 63 Ind. L.J. 539

... (1851). The value of the diversity of state legislation has been hailed by political conservatives. See, e.g., *Hammer v. Dagenhart*, 247 U.S. 251 (1918). In some instances, it also has been hailed by political liberals. See, e.g., **Munn v. Illinois, 94 U.S. 113 (1877)**. However, support often depends on which level of government was acting to regulate private activity. The importance of diversity in state constitutional law has recently been recognized as a counterweight to narrow ...

Content: Law Reviews | **Date:** 1988

423. [FACULTY SYMPOSIUM: IN COMMEMORATION OF THE INDIANA UNIVERSITY SCHOOL OF LAW](#)

[LIBRARY BUILDING: CONSTITUTIONAL LAW: The Second Death of Substantive Due Process](#), 62 Ind. L.J. 215

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . We emphasize again what Chief Justice Waite said in **Munn v. Illinois, 94 U.S. 113, 134 [(1877)]**, "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Id. at 487-88. The first life ...

Content: Law Reviews | **Date:** 1987

424. [ARTICLE: Is Uber a Common Carrier?](#), 12 ISJLP 135

... At the root of utility treatment is the determination, going back at least to the 1876 case of *Munn v. Illinois* in American jurisprudence, that not all private companies operate in the same relationship to the public interest. 20 **Munn v. Illinois, 94 U.S. 113, 153 (1876)**. See Werbach, *supra* note 15; Oren Bracha & Frank Pasquale, *Federal Search Commission? Access, Fairness, And Accountability In The Law Of Search*, 93 CORNELL L. REV. 1149, 1175 (2008) ("When a private party occupies ...

Content: Law Reviews | **Date:** 2016

425. [ARTICLE: THE CONSTITUTIONAL RIGHT TO A HEALTHY ENVIRONMENT: ENFORCING ENVIRONMENTAL PROTECTION THROUGH STATE AND FEDERAL CONSTITUTIONS](#), 11 Int'l Legal Persp. 185

... the Constitution of Bangladesh, but did not have national precedent on the subject. Relying on cases from the United States and India, the court concluded that the right to life included the right to be free from harmful food. 66 The Court cites **Munn v. Illinois, 94 U.S. 113(1877)** (right to life is something more than mere animal existence, it extends to all those limbs and faculties by which life is enjoyed); *Francis Coralie v. Union and Territory of Delhi*, AIR 1981 SC 746 (right ...

Content: Law Reviews | **Date:** 2001

426. [NOTE: Changing Signals: A New Approach to the Enforcement of Rail Passenger Traffic Preference in Response to the Passenger Rail Investment and Improvement Act of 2008](#), 38 Iowa J. Corp. L. 441

... A. The First Regulatory Era 1880-1920: Who's Running the Railroads? In 1876, the Supreme Court opened the door for state regulation of corporate activities and, with it, state regulation of railroads. The Court's decision in *Munn v. Illinois* 18 **Munn v. Illinois, 94 U.S. 113(1876)**. began an inconsistent (four-decade) period where power and governance shifted between state and federal government and gave broader and narrower deference to carriers. 19 See *infra* Part II.C (outlining ...

Content: Law Reviews | **Date:** 2013

427. [Article: Shareholder Primacy's Corporatist Origins: Adolf Berle and The Modern Corporation](#), 34 Iowa J. Corp. L. 99

... Dodd believed, correctly, that corporatism was making its way across the Atlantic and highlighted various constitutional and statutory foundations of corporatism already in place, foundations with transformative implications for corporate law. He pointed to **Munn v. Illinois, 94 U.S. 113(1877)**. an 1877 Supreme Court case which held that the state of Illinois had the power to set maximum prices for grain storage because such enterprises were "affected with a ...

Content: Law Reviews | **Date:** 2008

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428. [ARTICLE: When NIMBYs Attack: The Heights to Which Communities Will Climb to Prevent the Siting of Wireless Towers](#), 23 Iowa J. Corp. L. 469
- ... The FCC interpreted and regulated the Communications Act by using the public interest standard. 42 See id. at 313 ("Regulating in the public interest means deleting or updating unneeded and outdated regulations as much as it means implementing new regulations to govern new services and technologies."); **Munn v. Illinois, 94 U.S. 113(1876)** (discussing the "public interest" standard by which some states held certain public services to a price ceiling). The wireline telecommunications ...
- Content:** Law Reviews | **Date:** 1998
-
429. [SYMPOSIUM: MARKET 2000: The SEC's Market 2000 Report *](#), 19 Iowa J. Corp. L. 523
- ... The Securities Exchange Act of 1934, which circumscribes the authority of the SEC, stresses the role of regulatory oversight as protecting the "public interest." 58 The term "public interest" gained prominence in nineteenth century Supreme Court decisions that addressed the issue in the context of rulings that delineated bounds for regulation. **Munn v. Illinois, 94 U.S. 113(1876)**, is a landmark decision which sets limits on property rights when the public interest is involved. At the time, ...
- Content:** Law Reviews | **Date:** 1994
-
430. [ARTICLE: Inventing the Classical Constitution](#), 101 Iowa L. Rev. 1
- ... had upheld a similar law. At one point in his opinion for the Court, Chief Justice Waite used the term "social compact" to describe Acts of Parliament and state constitutions. At another point he quoted the 1780 Massachusetts Constitution as a social compact by which citizens contracted with one another for the "common good." 270 **Munn v. People, 94 U.S. 113, 124 (1876)**. Justice Harlan quoted the same language in *Jacobson*, 30 years later, when the Court upheld a Massachusetts statute ...
- Content:** Law Reviews | **Date:** November 1, 2015
-
431. [ESSAY: Antitrust Federalism and State Restraints of Interstate Commerce: An Essay for Professor Hovenkamp](#), 100 Iowa L. Rev. 2161
- ... has not acted. Instead of imposing uniform regulation, then, such preemption merely cleared the way for operation of the free market supported, of course, by various local forms of police power regulation and reasonable private contracts overcoming market failure. State regulation that merely restrained commerce "indirectly" or not at all generally fell outside congressional power and thus survived Dormant Commerce Clause review. 39 See, e.g., **Munn v. Illinois, 94 U.S. 113, 135 (1876)** (holding ...
- Content:** Law Reviews | **Date:** July 1, 2015
-
432. [ARTICLE: The Law of Vertical Integration and the Business Firm: 1880-1960](#), 95 Iowa L. Rev. 863
- ... grain elevators, which placed the railroads in the business of purchasing and storing grain as well as shipping it. This caused an outcry among farmers, particularly in the Midwest, who believed that the railroad companies were using railroad/grain-elevator combinations to suppress the price of wheat and corn. The controversy culminated in state legislation regulating grain-elevator prices, which the Supreme Court approved in *Munn v. Illinois*. 221 **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)**; ...
- Content:** Law Reviews | **Date:** March 1, 2010
-

433. [NOTE: Looking for Lochner in All the Wrong Places: The Iowa Supreme Court and Substantive Due Process Review](#), 84 Iowa L. Rev. 1141

... Yet as the challenges to the new statutes mounted, McCaskey argues that the Supreme Court, caving to contemporary economic theorists, "began to give a substantive construction to Fourteenth Amendment due process." *Id.* at 426-27. For the most part, the Iowa Court abstained. Actually, it was a pre-Lochner U.S. Supreme Court that first granted states the right to regulate their own railways. In 1877's *Munn v. Illinois*, 142 **94 U.S. 113, 132 (1877)**. the U.S. Supreme Court defined the parameters ...

Content: Law Reviews | **Date:** August 1, 1999

434. [ARTICLE: Law and Economics in the Creation of Federal Administrative Law: Thomas Cooley, Elder to the Republic](#), 83 Iowa L. Rev. 363

... 51 *Harv. L. Rev.* 212 (1937); Deborah L. Rhode, *Ethical Perspectives on Legal Practice*, 37 *Stan. L. Rev.* 589, 643-647 (1985). The need to draw such a line was widely observed in 1872 when the Supreme Court of the United States decided *Munn v. Illinois*. 104 **94 U.S. 113(1877)**. Illinois had enacted a scheme of rate regulation for grain elevators. The owner of an elevator protested, citing Cooley's famous treatise on *Constitutional Limitations*, 105 *Id.* at 120. and arguing that ...

Content: Law Reviews | **Date:** 1998

435. [ARTICLE: The Unhappy History of Federal Question Removal](#), 71 Iowa L. Rev. 717

... process revolution would think to preserve a federal forum for defenses that might later arise under the fourteenth amendment, there are a number of reasons why it might not have in 1894. The Court's reluctance to shuttle federal defenses through the lower federal courts in the first instance may have been influenced by its long-felt, if decreasing, hostility to the merits of due process challenges to state regulation. From its 1877 decision in *Munn v. Illinois* 205 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** March 1, 1986

436. [ARTICLE: Changing Conceptions of Property and Sovereignty in Natural Resources: Questioning the Public Trust Doctrine](#), 71 Iowa L. Rev. 631

... use in which the public has an interest, he, in effect, grants the public an interest in that use and must submit to public control for the common good, to the extent of the interest he has thus created. See **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. See generally E. FREUND, *supra* note 215, §§ 372-88, at 380-401. Courts reasoned that these properties were the subject of a limited grant from the private party back to the government. 218 **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. ...

Content: Law Reviews | **Date:** March 1, 1986

437. [COMMENT: Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue: Differential Taxation of the Press Violates the First Amendment](#), 69 Iowa L. Rev. 1103

... may be viewed as the denial of the power of the legislature to tax differentially rather than merely a limitation on a taxing power already granted. and this theme has been repeated many times since. 130 E.g., *Champion v. Ames*, 188 U.S. 321, 362-63 (1903); **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. For a more modern formulation of the principle, see *Williams v. Florida*, 399 U.S. 78, 91 n.28 (1970) (one "can get off the 'slippery slope' before [reaching] the bottom"). The implication ...

Content: Law Reviews | **Date:** May 1, 1984

438. [ARTICLE: Unborn Children as Constitutional Persons: VIII. Roe is a Violation of the Fifth Amendment Due Process Rights of Unborn Persons](#), 25 Issues L. & Med. 246
- ... denotes the fundamental nature of due process in our system of ordered liberty. Likewise, Chief Justice Waite declared in *Munn v. State of Illinois*, "Rights of property which have been created by the common law cannot be taken away without due process." 317 **Munn v. State of Illinois, 94 U.S. 113, 134 (1876)**. Yet, there is another aspect to the due process right of the unborn ignored by the *Roe v. Wade* opinion, one of procedure. An *Illinois* case, *Doe v. Scott*, 318 *Doe v. Scott*, ...
- Content:** Law Reviews | **Date:** 2010
-
439. [ARTICLE: Unborn Children as Constitutional Persons: VI. Supreme Court Jurisprudence Recognized the Due Process Rights of Unborn Persons Prior to Roe](#), 25 Issues L. & Med. 224
- ... *United States*. 248 5 U.S. (1 Cranch) at 162-63. Likewise, Chief Justice Waite declared in *Munn v. State of Illinois*, "Rights of property which have been created by the common law cannot be taken away without due process." 249 **Munn v. State of Illinois, 94 U.S. 113, 134 (1876)**. Ergo, it was in accordance with *Marbury* and *Munn* that Justice Gray held: "The record of the decree setting aside the will showed that neither these plaintiffs, nor any executors or successors of executors ...
- Content:** Law Reviews | **Date:** 2010
-
440. [ARTICLE: Unborn Children as Constitutional Persons: IV. The Purpose of Society is to Protect the Rights of Persons](#), 25 Issues L. & Med. 208
- ... (citing 1W. BLACKSTONE, COMMENTARIES *129) ("Blackstone, whose vision of liberty unquestionably informed the Framers of the Bill of Rights, . . . wrote that '[t]he right of personal security consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.'). Similarly, the Supreme Court itself has affirmed this general notion of our legal society in *Munn v. State of Illinois*. 122 **Munn v. State of Illinois, 94 U.S. 113(1876)**. ...
- Content:** Law Reviews | **Date:** 2010
-
441. [ARTICLE: Conforming to the Rule of Law: When Person and Human Being Finally Mean the Same Thing in Fourteenth Amendment Jurisprudence](#), 22 Issues L. & Med. 119
- ... more fully, a historical review is needed to demonstrate there had never been an unfettered constitutional right for an individual to harm an innocent human being, whether justified by personal privacy, choice, or liberty. In fact, the jurisprudence shows that until the cases of *Roe v. Wade* and *Casey*, the opposite has been true. A. Historical Limits on Personal Liberty In 1877, in **Munn v. Illinois**, 488 **Munn v. Illinois, 94 U.S. 113(1877)**. the U.S. Supreme Court grappled with the ...
- Content:** Law Reviews | **Date:** 2006
-
442. [ARTICLE: BE NICE - OR I'LL SUE: IS THIS A NEW PERIGEE FOR FAA/CUSTOMER RELATIONS? COX & NOVICKIS V. 5-STATE HELICOPTERS, INC. A CLASH OF PERSONAL AND PUBLIC RIGHTS](#), 70 J. Air L. & Com. 239
- ... [bo 2,6,9,1.] [il.6][ir.6] Skillful pilots gained their reputation from storms and tempests. Epicurus
 ADDENDUM: Answers to Pop Quiz : 1. *Marbury v. Madison*, 5 U.S. 137 (1803) . 2. Ex parte Milligan, 71 U.S. 2 (1866) . 3. **Munn v. Illinois, 94 U.S. 113(1876)** . 4. *United States v. Singleton*, 109 U.S. 3 (1883) . 5. *Plessy v. Ferguson*, 163 U.S. 537 (1896) . 6. *Muller v. Oregon*, 208 U.S. ...
- Content:** Law Reviews | **Date:** 2005

-
443. [ARTICLE: DISRESPECTFUL DISSENT: JUSTICE SCALIA'S REGRETTABLE LEGACY OF INCIVILITY](#), 18 J. App. Prac. & Process 201
- ... Justices filed separate opinions in an expanding range of cases, even while continuing to express reluctance in doing so. 37 *Id.* at 160, 161-66. But some Justices also occasionally issued unapologetic separate opinions expressing disdain for the Court's opinions. 38 In **Munn v. Illinois, 94 U.S. 113(1876)**, for example, Justice Field wrote that "the principle upon which the opinion of the majority proceeds is, in my judgment, subversive of the rights of private property, heretofore ...
- Content:** Law Reviews | **Date:** 2017
-
444. [ARTICLE: THE USE OF LEGAL MECHANISMS TO PROVIDE FOR AFFORDABLE HOUSING IN ENGLAND AND THE UNITED STATES](#), 4 J. Comp. Urb. L. & Pol'y 389
- ... From the last quarter of the nineteenth century 31
See e .g., **Munn v. Illinois, 94 U.S. 113(1877)** ; *Mugler v. Kansas*, 123 U.S. 623 (1887) .
until almost 1940, 32 ...
- Content:** Law Reviews | **Date:** 2020
-
445. [CRIMINAL LAW: "DEAREST PROPERTY": DIGITAL EVIDENCE AND THE HISTORY OF PRIVATE "PAPERS" AS SPECIAL OBJECTS OF SEARCH AND SEIZURE](#), 103 J. Crim. L. & Criminology 49
- ... process in *Hurtado*. Before 1937, the limited federal jurisdiction over commerce made the states the most important source of social welfare legislation. If *Murray's Lessee* had remained the law, *Entick* would have been fastened to the states as well as to the federal government. Instead, both before and after *Boyd* the Court applied a flexible test of substantive due process to state social-welfare regulations. Prior to *Lochner*, the leading cases were *Munn v. Illinois* 271 **94 U.S. 113(1876)**. ...
- Content:** Law Reviews | **Date:** 2013
-
446. [CENTENNIAL SYMPOSIUM: A CENTURY OF CRIMINAL JUSTICE: II. "JUSTICE" IN ACTION: THE SUPREME COURT GIVETH AND THE SUPREME COURT TAKETH AWAY: THE CENTURY OF FOURTH AMENDMENT "SEARCH AND SEIZURE" DOCTRINE](#), 100 J. Crim. L. & Criminology 933
- ... Hence, the *Boyd* ruling is best understood as a component of the justices' late nineteenth century campaign to create constitutional barriers against government regulation of business entities. Notably, the justices decided *Boyd* shortly after they reinvented the Due Process Clause of the Fourteenth Amendment to confer authority on the federal courts to assess the "reasonableness" of government regulations of business. 95 See **Munn v. Illinois, 94 U.S. 113(1876)**. In the same year, they enlarged ...
- Content:** Law Reviews | **Date:** 2010
-
447. [ARTICLE: ECONOMICS-BASED ENVIRONMENTALISM IN THE FOURTH GENERATION OF ENVIRONMENTAL LAW](#), 21 J. Envtl. & Sustainability L. 47
- ... The negative consequences of using one's property are not internalized. Externalities' control is essentially the implementation of the maxim underlying the right to exclude -- *sic utere tuo ut alienum non laedas* -- meaning that "each one must so use his own as not to injure his neighbor, . . . [which] is the rule by which every member or society must possess and enjoy his property." 51 **Munn v. Illinois, 94 U.S. 113, 145 (1876)**. Each of us, in using our own property, has a duty to internalize ...
- Content:** Law Reviews | **Date:** 2015

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448. [ARTICLE: ECONOMICS-BASED ENVIRONMENTALISM IN THE FOURTH GENERATION OF ENVIRONMENTAL LAW](#), 21 J. Envtl. & Sustainability L. 47
- ... The negative consequences of using one's property are not internalized. Externalities' control is essentially the implementation of the maxim underlying the right to exclude -- sic utere tuo ut alienum non laedas -- meaning that "each one must so use his own as not to injure his neighbor, . . . [which] is the rule by which every member or society must possess and enjoy his property." 51 **Munn v. Illinois, 94 U.S. 113, 145 (1876)**. Each of us, in using our own property, has a duty to internalize ...
- Content:** Law Reviews | **Date:** 2015
-
449. [Article: A Fundamental Constitutional Right of the Monied to "Buy Out Of" Universal Health Care Program Restrictions Versus the Moral Claim of Everyone Else to Decent Health Care: An Unremitting Paradox of Health Care Reform?](#), 3 J. Health & Biomed. L. 1
- ... Even in the Lochner era it assumed that governments could intrude into "private" markets "affected with a public interest." 191 Lochner v. N.Y., 198 U.S. 45, 57 (1905); Crowley v. Christensen, 137 U.S. 86 (1890) ("possession and enjoyment of all rights are subject to conditions...essential to safety, health...good order...of the community"); **Munn v. Ill., 94 U.S. 113, 130 (1876)** (state could regulate grain elevators because they were affected with the public's interests). Government ...
- Content:** Law Reviews | **Date:** 2007
-
450. [ARTICLE: Federalism and Concurrent Jurisdiction in Global Markets: Why a Combination of National and State Antitrust Enforcement is a Model for Effective Economic Regulation](#), 30 NW. J. INT'L L. & BUS. 285
- ... , such as interstate and foreign commerce. For example, in 1873, the Court relied on the states' traditional police power to uphold state commercial regulation in the Slaughter- House Cases. 195 The Slaughter-House Cases, 83 U.S. 36 (1872). In Munn v. Illinois , the Court affirmed the constitutionality of a state's exercise of its police power for the purpose of regulating private business. 196 **94 U.S. 113(1876)**. Other cases upholding state economic regulatory measures include ...
- Content:** Law Reviews | **Date:** 2010
-
451. [ARTICLE: Traditional Public Utility Law and the Demise of a Merchant Transmission Developer](#), 14 Nw. J. L. & Soc. Pol'y 318
- ... sense about these industries were their high fixed-capital requirements (electric power has long been the most capital intensive sector of the U.S. economy), substantial economies of scale, and extensive reliance on a network infrastructure that was expensive to build and maintain."). The companies became known as public utilities due to the requirement that they provide service to the public and, therefore, "became clothed with a public interest." 17 **Munn v. Illinois, 94 U.S. 113, 126 (1877)** ...
- Content:** Law Reviews | **Date:** 2019
-
452. [The Macroeconomic Court: Rhetoric and Implications of New Deal Decision-Making](#), 5 Nw. J. L. & Soc. Pol'y 87
- ... [T]he day is gone when this Court . . . [strikes down] laws, regulatory of business and industrial conditions because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . "For protection against abuses by legislatures, the people must resort to the polls, not the courts." 8 Lee Optical, 348 U.S. at 488 (citing **Munn v. Illinois,94 U.S. 113(1876)**). Rather than

promoting their own economic theories and their own views on how best to promote a stable ...

Content: Law Reviews | **Date:** 2010

453. [ARTICLE: The Rise and Permanence of Quasi-Legislative Independent Commissions](#), 27 J. L. & Politics 415

... began augmenting the investigative efforts of special and joint committees by establishing permanent independent commissions to conduct investigations. In 1887, one year after the Supreme Court struck down state regulation of railroad commerce, 32 See *Wabash, St. Louis & Pac. Rwy. Co. v. Illinois*, 118 U.S. 557, 574-75 (1886) (rejecting direct state burdens on interstate commerce). But see **Munn v. Illinois, 94 U.S. (4 Otto) 113, 135-36 (1877)** (permitting state regulation of businesses, including ...

Content: Law Reviews | **Date:** 2012

454. [ARTICLE: Grazing, Grimaud, and Gifford Pinchot: How the Forest Service Overcame the Classical Nondelegation Doctrine to Establish Administrative Crimes](#), 24 J. L. & Politics 169

... See also, Logan Sawyer III, *Jurisdiction, Jurisprudence, and Legal Change: Sociological Jurisprudence and the Road to International Shoe*, 10 Geo. Mason L. Rev. 59 (2001). the regulation of prices was limited to businesses that were "affected with the public interest;" 23 See, e.g., **Munn v. Illinois, 94 U.S. 113(1876)**. and the constitutionality of maximum hours legislation depended on whether the law was an exercise of the "police power." 24 See, e.g., *Lochner v. New York*, ...

Content: Law Reviews | **Date:** 2008

455. [ARTICLE: The Rehnquist Court's Federalism Decisions in Perspective](#), 15 J. L. & Politics 127

... Although the Waite Court was the first to suggest that the due process clause might serve as a substantive bar to state legislation, see *Mugler v. Kansas*, 123 U.S. 623, 661 (1887) (sustaining a law prohibiting intoxicating beverages) and **Munn v. Illinois, 94 U.S. 113, 142 (1877)** (Field, J., dissenting) (rejecting an attack on a state law regulating grain elevators), the Fuller Court was the first to invalidate state statutes and rate regulations on this ground, see *Lochner v. New York*, ...

Content: Law Reviews | **Date:** 1999

456. [ARTICLE: Power Plant Siting in a Deregulated Electric Energy Industry: Discerning the Constitutionality of Siting Statutes Under the Dormant Commerce Clause](#), 21 J. Land Use & Envtl. Law 91

... Vertical integration was the norm based on the belief that a vertically integrated firm was capable of providing electric energy in the most efficient manner. 15 Greg Goelzhauser, *Price Squeeze in a Deregulated Electric Power Industry*, 32 Fla. St. U. L. Rev. 225, 228 (2004). Traditionally, the electric utility was viewed as being "clothed with the public interest", 16 See **Munn v. Illinois, 94 U.S. 113(1876)**. Since *Munn*, certain industries have been thought of as being "clothed with ...

Content: Law Reviews | **Date:** 2005

457. [LEGAL HISTORY: Highlights in North American Litigation During the Twentieth Century on Artificial Fluoridation of Public Water Supplies](#), 14 J. Land Use & Envtl. Law 195

... but there never has been any reason to reject or overrule it altogether. 67 *Nebbia v. New York*, 291 U.S. 502 (1934), is sometimes cited as the beginning of the end of natural law jurisprudence in the field of economic regulation, but the case is better understood as a just extension of **Munn v. Illinois, 94**

U.S. 113(1877), in light of pressing economic circumstances not existing at the time of Fairmont Creamery Co. v. Minnesota, 274 U.S. 1 (1926). Likewise, West Coast Hotel Co. ...

Content: Law Reviews | **Date:** 1999

458. [Article: Should Google be Regulated as a Public Utility?](#), 9 J.L. Econ. & Pol'y 223

... grain elevators were uniquely situated between the river harbor and the railroad tracks. It was virtually impossible to move either the harbor or the rails, so the elevators were "virtual monopolies" for storing and transferring grain coming from "seven or eight great States of the West." 143 **Munn v. Illinois, 94 U.S. 113, 130, 132 (1876)**. In 1923, the Court refined its definition of affected with the public interest, dividing such firms into three categories: (1) Those which are carried ...

Content: Law Reviews | **Date:** 2013

459. [BRADLEY, BREYER, BUSH AND BEYOND: THE LEGAL REALISM OF LEGAL HISTORY*](#), 15 U. Fla. J.L. & Pub. Pol'y 57

... 101 Yale L.J. 1385, 1414-16 (1992). At the time of the Electoral Commission, Justice Bradley was also aiding Chief Justice Morrison Waite in forming the opinion sustaining government regulation of private industry that the Court would issue in Munn v. Illinois. 60 **94 U.S. 113(1877)**; see Fairman, supra note 19, at 184-86; Friedman, supra note 14, at 1189 (Justice Bradley's influence on the Munn opinion). Chief Justice Waite was not eligible to serve on the Electoral Commission ...

Content: Law Reviews | **Date:** 2003

460. [ARTICLE: LEGISLATIVELY REVISING KELO V. CITY OF NEW LONDON: EMINENT DOMAIN, FEDERALISM, AND CONGRESSIONAL POWERS](#), 32 J. Legis. 165

... Id. 1.13[2], 1.21[5] (citing 1 Blackstone's Commentaries 139). William Blackstone, with whom colonists were familiar, discussed the power, though he attributed it to remnants of feudalism. Id. At the commencement of the Revolution, the powers possessed by the British Parliament devolved to the governments of the respective states. 312 **Munn v. Illinois, 94 U.S. 113, 124 (1876)**. See 1 Nichols on Eminent Domain, supra note 300, 1.23[1]-[2]; cf. United States v. Curtiss-Wright Exp. Corp., ...

Content: Law Reviews | **Date:** 2006

461. [ARTICLE: Federalism in the Era of International Standards: Federal and State Government Regulation of Merchant Vessels in the United States \(Part IV\) *](#), 31 J. Mar. L. & Com. 15

... purpose or intent with respect to the regulation of warehouses -- a subject historically regulated by the states 1086 The Court cited two of its earlier cases to support its assertion that the state traditionally occupied the field of warehouse regulation: **Munn v. Illinois, 94 U.S. (4 Otto) 113(1876)** (upholding state regulation of grain warehouse rates), and Davies Warehouse Co. v. Bowles, 321 U.S. 144, 148-49 (1944). Similarly, in Jones v. Rath Packing Co., 430 U.S. 520, 525 (1977), ...

Content: Law Reviews | **Date:** 2000

462. [ARTICLE: IMPLICIT IN THE CONCEPT OF ORDERED LIBERTY: HOW OBERGEFELL V. HODGES ILLUMINATES THE MODERN SUBSTANTIVE DUE PROCESS DEBATE](#), 49 J. Marshall L. Rev. 1021

... (Jan. 1-27, 1784), reprinted in supra 3 THE PAPERS OF ALEXANDER HAMILTON, supra note 108, at 483-97 ("No citizen can be deprived of any right which the citizens in general are intitled to, unless forfeited by some offence. ") (emphasis added); **Munn v. Illinois, 94 U. S. 113, 134 (1875)** (describing

law, in the context of the due process clause, as a "rule of conduct"); Trustees of the Univ. of North Carolina v. Foy and Bishop 5 N.C. (1 Mur.) 57, 63 (1805) ("[I]ndividuals shall not be so ...

Content: Law Reviews | **Date:** 2016

463. [ARTICLE: DELAYING COMPETITION: HOW SOUND PUBLIC POLICY AND RIGOROUS ANTITRUST SCRUTINY CAN BE APPLIED TO CONTROVERSIAL PATENT SETTLEMENTS](#), 17 J. Marshall Rev. Intell. Prop. L. 654

... in 1890, the Sherman Act responded to populist anger over large companies engaging in a variety of practices, often involving product and service monopolization, that left consumers paying high prices for goods and services while companies raked in record profits. See also **Munn v. Illinois, 94 U.S. 113 (1876)**. § 1 of the Sherman Act prohibits "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States." § 2 of the ...

Content: Law Reviews | **Date:** 2018

464. [ARTICLE: FREE SPEECH ON PRIVATELY-OWNED FORA: A DISCUSSION ON SPEECH FREEDOMS AND POLICY FOR SOCIAL MEDIA](#), 28 Kan. J.L. & Pub. Pol'y 113

... N.Y. Times Co., 376 U.S. at 270. IV. SOLVING THE PROBLEM OF ONLINE SPEECH CENSORSHIP Social media are powerful vehicles for global dissemination of speech. 135 See Packingham, 137 S. Ct. at 1735. In light of this, and as fora open to the public, 136 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (quoting Lord Hale, C.J., De Portibus Maris, 1 HARG. LAW TRACTS 78). users must be given free speech protection on social media. 137 See generally, e.g., Reno v. ACLU, 521 U.S. 844, ...

Content: Law Reviews | **Date:** 2018

465. [ARTICLE: Other People's Money: Washington Legal Foundation v. Texas Equal Access to Justice Foundation](#), 6 Kan. J.L. & Pub. Pol'y 56

... , Justice Field observed that if the owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that he is permitted to retain the title and possession. . . . **Munn v. People of State of Illinois, 94 U.S. (4 Otto) 113, 142-43 (1876)** (Field, J., dissenting). In Lucas v. South Carolina Coastal Council , the Supreme Court observed that state background principles of property "rarely support prohibition of the 'essential use' of land." ...

Content: Law Reviews | **Date:** 1997

466. [NOTE: Burying Lochner: Why Courts Should Reject Coming Attempts to Revive Economic Due Process](#), 106 Ky. L.J. 463

... , might fail, if the right of each citizen to manufacture intoxicating liquors for his own use as a beverage were recognized. Such a right does not inhere in citizenship."). Justice Field painted with a broader brush. Echoing his fiery dissents in the Slaughter-House Cases 47 83 U.S. (16 Wall) 36, 83 (1872) (Field, J., dissenting). and Munn v. Illinois , 48 **94 U.S. 113, 136 (1876)** (Field, J., dissenting). in which he vocalized his career-defining belief that the Fourteenth Amendment ...

Content: Law Reviews | **Date:** 2017

467. [ARTICLE: Jural Rights under Kentucky's Constitution: Realities Grounded in Myth](#), 80 Ky. L.J. 953

... but the law itself, as a rule of conduct, may be changed at the will . . . of the legislature, unless

prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law . . . and to adapt it to changes of time and circumstances." 116 Id. at 903 (emphasis added by the court) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The court concluded that article 1, section 11 could be invoked only with respect to a "legal injury." The provision ...

Content: Law Reviews | **Date:** 1992

468. [ARTICLE: LEGAL REALISM: UNFINISHED BUSINESS](#), 107 Ky. L.J. O. 1

... to create price-regulating administrative agencies in *Munn v. Illinois* in 1877, but for more than 50 years starting in 1890 the Court insisted on supervising the prices those regulators set. 30 See *Chicago, M. & St. PR Co. v. Minnesota*, 134 U.S. 418, 458 (1890); **Munn v. Illinois, 94 U.S. 113, 124-26 (1876)**; FRIED, *supra* note 13, at 165-69, 176, 186-89; Robert L. Rabin, *Federal Regulation in Historical Perspective*, 38 STAN. L. REV. 1189, 1208-09 (1986) (discussing *Munn*). In ...

Content: Law Reviews | **Date:** 2018

469. [COMMENT: Screeches from the Red Hen: Public Accommodations Laws and Political Affiliation Discrimination in the United States and Louisiana](#), 80 La. L. Rev. 959

... *German All. Ins. Co. v. Kansas*, 233 U.S. 389, 408 (1914). In 1876, the United States Supreme Court in *Munn v. Illinois* defined "public interest" as arising when one uses her property in a way that affects the community at large. 41 **Munn v. Illinois, 94 U.S. 113, 126(1876)**. The term "public interest" developed from property law. Id. Once a person's property affects the community, she must "submit [that property] to be controlled by the public for the common ...

Content: Law Reviews | **Date:** 2020

470. [ARTICLE: Of Butchers, Bakers, and Casket Makers: St. Joseph Abbey v. Castille and the Fifth Circuit's Rejection of Pure Economic Protectionism as a Legitimate State Interest](#), 75 La. L. Rev. 933

... , the Court upheld a state law that set maximum rates for grain-storage warehouses; however, the Court simultaneously suggested that a state regulation may be invalidated as a violation of due process "[i]f no state of circumstances could exist to justify such a statute." 48 **Munn v. Illinois, 94 U.S. 113, 132-33 (1877)** ("If no state of circumstances could exist to justify such a statute, then we may declare this one void, because is excess of the legislative power of the State. But if it could, ...

Content: Law Reviews | **Date:** 2015

471. [ARTICLE: Government as Liberty's Servant: The "Reasonable Time, Place, and Manner" Standard of Review for All Government Restrictions on Liberty Interests](#), 68 La. L. Rev. 1

... ("[I]t is for the legislature, not the courts, to balance the advantages and disadvantages of a [policy] [So long as] the legislature might have concluded [the policy was necessary, it will be upheld] 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.'" (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Only in the exceptional case, where the government action affects a previously Court-identified liberty interest or suspect ...

Content: Law Reviews | **Date:** 2007

472. [COMMENT: A CRITIQUE OF INTEREST ON LAWYERS' TRUST ACCOUNTS PROGRAMS](#), 44 La. L. Rev. 999

... (1945); Fountain v. Metropolitan Atlanta Rapid Transit Auth., 678 F.2d 1038 (11th Cir. 1982). If the state is validly exercising its police power, it does not have to pay compensation. Agins v. City of Tiburon, 447 U.S. 255 (1980); **Munn v. Illinois, 94 U.S. 113(1876)**; South Terminal Corp. v. Environmental Protection Agency, 504 F.2d 646 (1st Cir. 1974); Johnson v. United States, 479 F.2d 1383 (Ct. Cl. 1973). "Taking" has the same meaning under both the fifth and fourteenth ...

Content: Law Reviews | **Date:** March 1, 1984

473. 28 Land & Water L. Rev. 425

Content: Law Reviews

474. [PUBLIC PERSPECTIVES ON PRIVATIZATION: PUBLIC SERVICE LAW: PRIVATIZATION'S UNEXPECTED OFFSPRING](#), 63 Law & Contemp. Probs. 63

... These cases could have supported the establishment of principles concerned with rights of equal access to public services, like those that developed in France that are described below. Indeed, in the United States, cases such as Allnut v. Inglis were influential in forming a basis for the constitutional acceptance of utility regulation. 9 The seminal case is **Munn v. Illinois, 94 U.S. 113(1876)**. For a more detailed account, see Craig, supra note 6, at 543-51. In the United Kingdom, ...

Content: Law Reviews | **Date:** 2000

475. 63 Law & Contemp. Probs. 4 63

Content: Law Reviews

476. [ARTICLE: In Defense of Progressive Legal Historiography](#), 36 Law & Hist. Rev. 1021

... and one whose "mind dwelt congenially with the historians, the moral philosophers, the great civilians, the sages of the common law," 432 Ibid., 591. fortuitously going "so far afield [as] to lug Lord Hale" into **Munn v. Illinois**, 433 Ibid., 588; **Munn v. Illinois, 94 U.S. 113(1877)**. and winning over Chief Justice Waite to the permissibility of regulating "business affected with the public interest." 434 Fairman, "The So-called Granger Cases," 587-678. We witness President Garfield ...

Content: Law Reviews | **Date:** November 1, 2018

477. [FORUM: ONCE MORE UNTO THE BREACH: LATE NINETEENTH-CENTURY JURISPRUDENCE REVISITED: Justice Stephen Field and "Free Soil, Free Labor Constitutionalism": Reconsidering Revisionism](#), 20 Law & Hist. Rev. 541

... By focusing on a few key cases, Progressives could demonstrate how what had originally been a minority position, expressed in vituperative dissents in the Slaughter-House 4 The Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 83-126 (1873). and Granger Cases, 5 **Munn v. Illinois, 94 U.S. 113, 136-54 (1877)**; Chicago, Burlington & Quincy R.R. Co. v. Iowa, 94 U.S. 155 (1876); Peik v. Chicago & N.W. Ry. Co., 94 U.S. 164 (1876); Chicago, Milwaukee & St. Paul R.R. Co. v. Ackley, ...

Content: Law Reviews | **Date:** 2002

478. [ARTICLE: A. V. Dicey, Lord Watson, and the Law of the Canadian Constitution in the Late Nineteenth Century](#), 16 Law & Hist. Rev. 495
- ... the state of Illinois to set maximum rates for grain storage, as provided in the state constitution. Chief Justice Waite, for the Supreme Court, held that the state could regulate private property when it is "affected with a public interest" (**94 U.S. 113 at 126** [1876]). Dicey also would have read about Munn and its progeny in Bryce's *American Commonwealth*, vol. 1, 267-68 ("they evidently represent a different view of the sacredness of private rights and of the powers of a legislature. . . .
- Content:** Law Reviews | **Date:** 1998
-
479. [ARTICLE: The Gender Caste System: Identity, Privacy, and Heteronormativity](#), 10 Law & Sex. 123
- ... The states' authority to do so lies in the states' police power, preserved by our federal Constitution, to regulate health, safety, and morality, which includes anything not specifically delegated to the federal government or otherwise prohibited by that Constitution. 138 See, e.g., **Munn v. State of Illinois, 94 U.S. 113, 124 (1876)**. A concomitant to the statutory assignation of sex is the common-law notion subscribed to by most courts, that such assignation, as a record of historical fact, ...
- Content:** Law Reviews | **Date:** 2001
-
480. [ARTICLE: SYMPOSIUM: ACCESS TO JUSTICE: Creating the Reasonable Child: Risk, Responsibility, and the Attractive Nuisance Doctrine](#), 42 Law & Soc. Inquiry 1122
- ... *Merryman v. Chicago, R.I. & P.R. Co.* (1892), 85 Iowa 634, 52 N.W. 545 (Iowa). *Minneapolis & St. L. Ry. Co. v. Beckwith* (1889), 129 U.S. 26, 9 S. Ct. 207 (Sup. Ct.). *Missouri Pac. Ry. Co. v. Humes* (1885), 115 U.S. 512, 6 S. Ct. 110 (Sup. Ct.). ***Minn v. People of State of Illinois (1876), 94 U.S. 113*** (Sup. Ct.). *Nashville Lumber Co. v. Busbee* (1911), 100 Ark. 76, 139 S.W. 301 (Ark.). *Nelson v. Burnham & Morrill Co.* (1915), 114 Me. 213, 95 A. 1029 (Maine). *Nolley v. Chicago, M., ...*
- Content:** Law Reviews | **Date:** 2017
-
481. [REVIEW ESSAY: SYMPOSIUM: Calavita's Invitation to Law & Society: An Introduction to the Study of Real Law: Lochner v. New York and the Challenge of Legal Historiography](#), 39 Law & Soc. Inquiry 242
- ... (S.D.N.Y. 1917). *Matter of Jacobs*, 98 N.Y. 98 (N.Y. Ct. Appeals 1885). *Meyer v. Nebraska*, 262 U.S. 390, 401 (1923). *Moore v. City of E. Cleveland*, 431 U.S. 494 (1977). *Morehead v. New York*, 298 U.S. 587 (1936). *Muller v. Oregon*, 208 U.S. 412 (1908). ***Munn v. Illinois, 94 U.S. 113(1877)***. *Nebbia v. New York*, 291 U.S. 502 (1934). *Pace v. Alabama*, 106 U.S. 583 (1883). *Palko v. Connecticut*, 302 U.S. 319 (1937). *Parrish v. West Coast Hotel*, 300 U.S. 379 (1937). *People v. Lochner*, 73 ...
- Content:** Law Reviews | **Date:** 2014
-
482. [REVIEW SECTION SYMPOSIUM The Legacy of LochnerLochner Revisionism Revisited Owen M. Fiss. History of the Supreme Court of the United States: Troubled Beginnings of the Modern State, 1888-1910. Vol. 8. New York: Macmillan, 1993. Pp. xix + 426. \\$ 75.00.Howard Gillman. The Constitution Besieged: The Rise and Demise of Lochner Era Police Powers Jurisprudence. Durham, N.C.: Duke University Press, 1993. Pp. x + 316. \\$ 17.95.Morton J. Horwitz. The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy. New York: Oxford University Press, 1992. Pp. ix + 361. \\$ 30.00](#), 24 Law & Soc. Inquiry 221
- ... and the tenure of a single chief justice. The perhaps inevitable problem of chronological isolation is particularly noticeable in a single place, Fiss's chapter on rate regulation. Fiss's focus there is on the justices' effort to limit ***Munn v. Illinois, 94 U.S. 113(1877)***, which had broadly subjected businesses

"affected with the public interest" to regulation. Fiss takes it as a given that Munn, because of the danger of redistribution it posed, was problematic for the Court. He does not, however, ...

Content: Law Reviews | **Date:** 1999

483. [ARTICLES OF GENERAL INTEREST: A Judicial Abandonment of Blacks? Rethinking the "State Action" Cases of the Waite Court](#), 41 Law & Soc'y Rev. 343

... In re Brosnahan, 18 F. 62 (1883). James v. Bowman, 190 U.S. 127 (1903). Leavenworth v. United States, 92 U.S. 733 (1876). Lochner v. New York, 198 U.S. 45 (1905). Logan v. United States, 144 U.S. 263, 288 (1892). Monroe v. Pape, 365 U.S. 167 (1961). **Munn v. Illinois, 94 U.S. 113(1877)**. Neal v. Delaware, 103 U.S. 370 (1880). Pace v. Alabama, 106 U.S. 583 (1883). People v. Salem, 20 Mich 452 (1870). Plessy v. Ferguson, 163 U.S. 537 (1896). Prigg v. Pennsylvania, 41 U.S. [16 Pet.] ...

Content: Law Reviews | **Date:** June 1, 2007

484. [ARTICLE: Officers' Rights: Toward a Unified Field Theory of American Constitutional Development](#), 34 Law & Soc'y Rev. 873

... Little v. Barreme, 6 U.S. 170 (1804). Lochner v. New York, 198 U.S. 45 (1905). Marbury v. Madison, 5 U.S. 137 (1803). Meyer v. Nebraska, 262 U.S. 390 (1923). Milwaukee Publishing Co. v. Burleson, 255 U.S. 407 (1921). Monroe v. Pape, 365 U.S. 167 (1961). **Munn v. Illinois, 94 U.S. 113(1877)**. N.A.A.C.P. v. Button, 371 U.S. 415 (1963). National Endowment v. Finley, 524 U.S. 569 (1998). National League of Cities v. Usery, 426 U.S. 883 (1976). New Jersey v. T.L.O., 469 U.S. 325 ...

Content: Law Reviews | **Date:** 2000

485. [ARTICLE: Keeping Up with New Legal Titles *](#), 109 Law Libr. J. 144

... decision and dissents and their repercussions. Chapter 4 examines the Slaughterhouse Cases 30 83 U.S. 36 (1873) (holding that the Privileges and Immunities Clause protected only rights stemming from national citizenship). and Munn , 31 **Munn v. Illinois, 94 U.S. 113(1877)** (holding that the Fourteenth Amendment does not prevent states from regulating grain warehouses). particularly highlighting Justice Field and his influential dissent in the Slaughterhouse Cases . Chapters ...

Content: Law Reviews | **Date:** 2017

486. [ARTICLE: PREVENTING FLAWED COMMUNICATION POLICIES BY ADDRESSING CONSTITUTIONAL PRINCIPLES](#), 2000 L. Rev. M.S.U.-D.C.L. 55

... Pennell v. City of San Jose, 485 U.S. 1 (1988) (rent control ordinance); Penn Cent. Transp. Co. v. New York City, 438 U.S. 104 (1978) (landmark law restricting use of air rights); Nebbia v. New York, 291 U.S. 502 (1934) (price fixing of milk); **Munn v. Illinois, 94 U.S. 113(1876)** (government regulation of prices). As stated earlier, according to the U.S. Supreme Court, the purpose of the Takings Clause is to prevent private parties from bearing unjust and unfair public burdens ...

Content: Law Reviews | **Date:** 2000

487. [COMMENT: RUNNING BEFORE WALKING: THE UNDERLYING COSTS OF PRIVATIZED VIOLENCE & THE FUTURE OF THE PRIVATIZED INDUSTRIAL COMPLEX](#), 15 Loy. J. Pub. Int. L. 63

... Like many political scholars after him, Hobbes recognized the conflicting motivations of the private individual charged with the public well-being, and that the private interests will often outweigh the public. The Framers personified this notion in the United States Constitution by spreading the vested powers and

limitations among the branches of the federal government, the states, and the people. 330 U.S. Const.; **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (This does not confer power upon ...

Content: Law Reviews | **Date:** 2013

488. [**ARTICLE: Loyola University New Orleans School of Law Commemorates the Fortieth Anniversary of the Landmark Decision in Lombard v. Louisiana**](#), 5 Loy. J. Pub. Int. L. 63

... It is logical, therefore, to say that the holder of a franchise acts for the state, because in fact it does. However, the majority of businesses in this country act not for the state, nor for the public, but for their private owners. It is true that since the decisions of this Court in **Munn v. Illinois, 94 U.S. 113**, and *Nebbia v. New York*, 291 U.S. 502, the state has the right to regulate all business for the public good, and not just those businesses which are public utilities or have ...

Content: Law Reviews | **Date:** 2004

489. [**COMMENT: EXHUMING THE PRIVILEGES OR IMMUNITIES CLAUSE TO BURY RATIONAL-BASIS REVIEW n1**](#), 60 Loy. L. Rev. 909

... As thoroughly discussed above, courts routinely defer to the legislature in the constitutional structure of checks and balances. 264 See *Williamson v. Lee Optical, Inc.*, 348 U.S. 483, 488 (1955) ("For protection against abuses by legislatures the people must resort to the polls, not to the courts." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**)); *Powers v. Harris*, 379 F.3d 1208, 1222 (10th Cir. 2004) (stating that "plaintiffs must turn to the Oklahoma electorate for its institution, ...

Content: Law Reviews | **Date:** 2014

490. [**COMMENT: SAME-SEX UNION ANNOUNCEMENTS: PRECIS ON A NOT SO PICAYUNE MATTER**](#), 49 Loy. L. Rev. 171

... advertisement. Relying in part upon the conclusion from the U.S. Supreme Court that ""property ... does become clothed with a public interest, when used in a manner to make it of public consequence and affect the community at large," 172 *Uhlman*, 1919 WL at 4 (quoting **Munn v. Illinois, 94 U.S. 113(1876)**). the judge addressed the claim that the newspaper was "so "affected with public interest' that it is a quasi public corporation." 173 *Id.* at 2. In holding that the newspaper that has ...

Content: Law Reviews | **Date:** 2003

491. [**NOTE: THE ADVENT OF THE MULTIFACTOR, SLIDING-SCALE STANDARD OF EQUAL PROTECTION REVIEW: OUT WITH THE TRADITIONAL THREE-TIER METHOD OF ANALYSIS, IN WITH ROMER v. EVANS**](#), 30 Loy. L.A. L. Rev. 1277

... *City of Cleburne*, 473 U.S. at 440. As the Court stated in *Williamson v. Lee Optical*, 56 348 U.S. 483 (1955). ""the people must resort to the polls, not to the courts," for protection against legislative abuses. 57 *Id.* at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Under the rational basis standard, legislation is presumed valid if the "classification drawn by the statute is rationally related to a legitimate state interest." 58 *City of Cleburne*, 473 U.S. at ...

Content: Law Reviews | **Date:** April 1, 1997

492. [**ARTICLE: Plunging Into Darkness: Energy Deregulation Collides with Scarcity**](#), 33 Loy. U. Chi. L.J. 823

... paradigm example of such pessimism can be found in the cable industry - replete with antitrust

offenses, unfettered monopoly power without meaningful price regulation, and concentration trends reaching into Internet access to threaten the diversity and competitive future of our most important industry: the world's communication assets. Now the other major underlying industry "affected with the public interest" as the leading case of Munn v. Illinois 195 **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2002

493. [ARTICLE: Monopoly Pricing in a Time of Shortage](#), 33 Loy. U. Chi. L.J. 791

... It would strain precedent and antitrust theory to impose monopolization liability for small but relatively higher cost suppliers. V . The Role of Regulation Regulation is a constitutionally approved alternative to competition in industries that are "affected with the public interest." 35 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. An industry where one firm has an exclusive right to produce a particular good or service is typically referred to as a "natural monopoly." Such exclusivity ...

Content: Law Reviews | **Date:** 2002

494. [CHILDLAW SYMPOSIUM ISSUE: Secrecy and Genetics in Adoption Law and Practice](#), 27 Loy. U. Chi. L.J. 277

... 93 HARV. L. REV. 1156, 1221-27 (1980) [hereinafter Developments]. While the Due Process Clause of the Fourteenth Amendment requires a state to assert some aspect of the public welfare in order to invoke its police power, 243 See **Munn v. Illinois, 94 U.S. 113, 118 (1877)**. state interventions in family relations have been recognized as a legitimate exercise of such powers. The "public custody" cases provide an example of the broad discretion states once had when exercising their police ...

Content: Law Reviews | **Date:** 1996

495. [ARTICLE: THE ORIGINAL UNDERSTANDING OF "Property" in the Constitution](#), 100 Marq. L. Rev. 1

... regulations and restrictions. If Blackstone and the language of law were more important than Locke's when it came to treating property as an institution, one would see property rights as far from absolute from 1776-1800.) (footnotes omitted); Wood, supra note 82, at 248. "Blackstone's influence would suggest a legalistic reading of property that would make it subject to numerous regulations and restrictions." 336 Schultz, supra note 62, at 486; see **Munn v. Illinois, 94 U.S. 113, 124 (1876)** ...

Content: Law Reviews | **Date:** 2016

496. [125 Years Since the Interstate Commerce Act: A Symposium in the Form of a Final Convocation: THE INTERSTATE COMMERCE ACT AS A MODEL OF REGULATION](#), 95 Marq. L. Rev. 1191

... direct regulation to bottlenecks or areas of monopoly power, as opposed to areas where competition in a relevant market is arguably adequate to maximize consumer welfare, induce efficiency, and adequately discipline the economic process without government intervention. So the world has changed. Whereas the original paradigm was held to be applicable (as a constitutional matter) to businesses characterized as "affected with a public interest," 3 **Munn v. Illinois, 94 U.S. 113, 126, 130 (1877)** ...

Content: Law Reviews | **Date:** 2012

497. [125 Years Since the Interstate Commerce Act: A Symposium in the Form of a Final Convocation: THE RISE AND FALL OF THE INTERSTATE COMMERCE COMMISSION: THE TORTUOUS PATH FROM REGULATION TO DEREGULATION OF AMERICA'S INFRASTRUCTURE](#), 95 Marq. L. Rev. 1151

... Few industries play as broad or vital a role in the economy as transportation. Throughout American history, a network of roads, canals, railroads, and airways has spurred growth by making possible the movement of goods from one market to another. Transportation has historically been identified as an industry "affected with a public interest." 144 **Munn v. Illinois, 94 U.S. 113, 126, 130 (1877)** (internal quotation marks omitted). The common carrier obligation - the principle that service ...

Content: Law Reviews | **Date:** 2012

498. [ARTICLE: REDISCOVERING A COHERENT RATIONALE FOR SUBSTANTIVE DUE PROCESS](#), 87 Marq. L. Rev. 1

... During the youth of post-Civil War substantive due process, the standard for judging the constitutionality of a restriction of liberty was simply whether the government had shown a substantial relationship to a legitimate societal need or public purpose. 24 That view of the Due Process Clause was born in **Munn v. Illinois, 94 U.S. 113(1877)**, in which the Court, although upholding an imposition upon private property under public utility theory, cautioned about restrictions imposed in matters ...

Content: Law Reviews | **Date:** 2003

499. [Note: Punitive Damage Awards After Honda Motor Co. v. Oberg: Analyzing the Triumverate of History, Due Process and the Jury](#), 6 Md. J. Contemp. L. Issues 377

... In that case, the Court refused to review the Constitutionality, under the Fourteenth Amendment, of a Louisiana statute that granted a monopoly to certain butchers, and thus precluded other butchers from working. Id. at 78. Eventually the Court did begin to review the substance of state economic regulations. See **Munn v. Illinois, 94 U.S. 113(1877)**; *Mugler v. Kansas*, 123 U.S. 623 (1887); *Allgeyer v. Louisiana*, 165 U.S. 578 (1897); *Lochner v. New York*, 198 U.S. 45 (1905). ...

Content: Law Reviews | **Date:** 1995

500. [SYMPOSIUM: 2015 MARYLAND CONSTITUTIONAL LAW SCHMOOZELEGAL EPISTEMOLOGIES](#), 75 Md. L. Rev. 210

... Just as the market conception of public effects was at the heart of the 1930s reconsideration of contract and property rights, the adoption of an ecological model beginning in the 1970s reimagined tort and criminal law. *Munn v. Illinois* 25 **94 U.S. 113(1876)**. relied for its analysis on the image of grain elevators standing at the "gateway" to a "toll" road of commerce. 26 Id. at 132. In later cases, the idea of extended consequences increasingly took on the clothing of naturalistic ...

Content: Law Reviews | **Date:** 2015

501. [SYMPOSIUM: The 2015 Maryland Constitutional Law SchmoozeFOREWORD: PRIVATE AND PUBLIC REVISITED ONCE AGAIN](#), 75 Md. L. Rev. 135

... See Keith Whittington, Some Dilemmas in Drawing the Public/Private Distinction in New Deal Era State Constitutional Law, 75 Md. L. Rev. 385 (2015). Governments could regulate only business "affected with a public interest." 2 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. *Lochner v. New York* 3 198 U.S. 45 (1905). and other cases implementing the freedom of contract said to be protected by the Due Process Clauses of the Fifth and Fourteenth Amendments focuses on whether the ...

Content: Law Reviews | **Date:** 2015

502. [SYMPOSIUM: THE MARYLAND CONSTITUTIONAL LAW SCHMOOZE: BEYOND ORIGINALISM:](#)

CONSERVATIVE DECLARATIONISM AND CONSTITUTIONAL REDEMPTION, 71 Md. L. Rev. 229

... and the people on its passage... If the amendment refers to the natural and inalienable rights which belong to all citizens, the inhibition has a profound significance and consequence... The privileges and immunities designated are those which of right belong to the citizens of all free governments." Id. at 96-97. See also **Munn v. Illinois, 94 U.S. 113, 140-44 (1877)** (Field, J., dissenting) (arguing for a liberal construction of the Fourteenth Amendment to prohibit Illinois from regulating ...

Content: Law Reviews | **Date:** 2011

503. **Note: CAPERTON v. A.T. MASSEY COAL CO.: SOMETHING IS ROTTEN IN THE STATE OF WEST VIRGINIA - A COMMON-LAW APPROACH TO CONSTITUTIONAL JUDICIAL DISQUALIFICATION**, 69 Md. L. Rev. 637

... and indeed, most of the Court's early due process cases involved individuals opposing the state qua state. 192 E.g., *Mugler v. Kansas*, 123 U.S. 623, 624-25 (1887) (indictment for violating a statute prohibiting manufacture and sale of liquor); *Hurtado*, 110 U.S. at 518 (statement of facts) (trial for murder); **Munn v. Illinois, 94 U.S. 113, 114-18 (1876)** (criminal prosecution for serving as public warehousemen without a license); *Murray's Lessee*, 59 U.S. (18 How.) at 274-76 (validity of ...

Content: Law Reviews | **Date:** 2010

504. **ARTICLE: FISH, DAMS, AND JAMES MADISON: EIGHTEENTH-CENTURY SPECIES PROTECTION AND THE ORIGINAL UNDERSTANDING OF THE TAKINGS CLAUSE**, 63 Md. L. Rev. 287

... *Mugler v. Kansas*, 123 U.S. 623, 668 (1887) (quoting *Pumpelly v. Green Bay Co.*, 80 U.S. 166, 178 (1872)). Such regulation was conventional when Americans formed the first "State constitutions, or other forms of social compact," 180 **Munn v. Illinois, 94 U.S. 113, 124 (1877)**. and it was part of "the understandings of our citizens" 181 *Lucas*, 505 U.S. at 1027. in a majority of states when the Takings Clause was ratified in 1791. 182 See supra note 175. In many states, such ...

Content: Law Reviews | **Date:** 2004

505. **FOREWORD: THE LEGAL HISTORY OF THE GREAT SIT-IN CASE OF BELL V. MARYLAND**, 61 Md. L. Rev. 761

... All that the Brief does is assert that property rights are not absolute, relying on cases involving railroad regulation and company towns. 43 See, e. .g., *Marsh v. Alabama*, 326 U.S. 501 (1946) (holding that actions taken by a "company town" are state action for Fourteenth Amendment purposes); **Munn v. Illinois, 94 U.S. 113 (1876)** (holding railroad regulation permissible). 2. The State's Response. - The State's answer on this issue was also short and succinct. Little time was spent on ...

Content: Law Reviews | **Date:** 2002

506. **ARTICLE: PROFESSIONAL SPORTS FRANCHISE RELOCATIONS FROM PRIVATE LAW AND PUBLIC LAW PERSPECTIVES: BALANCING MARKETPLACE COMPETITION, LEAGUE AUTONOMY, AND THE NEED FOR A LEVEL PLAYING FIELD**, 56 Md. L. Rev. 57

... principles. The court attempted to engage in affirmative regulation of a private monopolist's conduct, regulation that is normally undertaken, pursuant to legislative authority, by a specialized administrative body. 412 In 1876, the Supreme Court upheld the general authority of state legislatures to regulate private businesses having an impact on the local public interest. See **Munn v. Illinois, 94 U.S. 113, 133 (1876)**. Congress has the power to regulate businesses that affect the national ...

Content: Law Reviews | **Date:** 1997

507. [ARTICLE: PROPERTY RIGHTS IN THE BALANCE -- THE BURGER COURT AND CONSTITUTIONAL PROPERTY](#), 43 Md. L. Rev. 518

... Court abandoned its prior reification of property autonomy, at least with respect to business property. Instead, the Court adopted a view that property becomes "clothed with a public interest," and thus subject to the police power when used in a way that affects the public. 61 *Nebbia v. New York*, 291 U.S. 502, 539 (1934) (upholding state-imposed price controls on milk); *id.* at 533 (reviving decisional theory used in nineteenth century cases such as **Munn v. Illinois, 94 U.S. 113(1877)**). ...

Content: Law Reviews | **Date:** 1984

508. [ARTICLE: THE ROAD LESS TRAVELLED: THE MAINE ENERGY COST REDUCTION ACT, ECONOMIC FEDERALISM, AND A MODERN APPROACH TO PREEMPTION ANALYSIS UNDER THE NATURAL GAS ACT OF 1938](#), 67 Me. L. Rev. 311

... In the nascent stages of natural gas expansion, states became wary of the industry's increasing strength and attempted to regulate their activities, drawing upon the long history of public interest regulation enshrined in the states' police powers. 62 See **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** ("[The Constitution] does authorize the establishment of law requiring each citizen to so conduct himself . . . as [to] not unnecessarily injure another. This is the very essence of government ...

Content: Law Reviews | **Date:** 2015

509. [Article: Substantive Due Process Rediscovered: The Rise and Fall of Liberty of Contract](#), 60 Mercer L. Rev. 563

... to professions and callings demanding special skill and confidence." *Id.* (Bradley, J., concurring). In Bradley's view, "the natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life," including the practice of law. *Id.* at 141. and with so-called Granger laws enacted by state legislatures that set maximum rates for railroads and grain elevators. 248 E.g., **Munn v. Illinois, 94 U.S. 113, 125-26, 130, 134-35 (1877)** ...

Content: Law Reviews | **Date:** 2009

510. [Article: How Many Times Was Lochner-Era Substantive Due Process Effective?](#), 48 Mercer L. Rev. 1049

... Another held it unconstitutional to assess against a husband an income tax based on his income plus his wife's income. *Hoeper v. Tax Comm'n*, 284 U.S. 206, 214-18 (1931). The last case involved a federal tax on gifts. *Untermeyer v. Anderson*, 276 U.S. 440, 445-46 (1928). E. The "Regulated Industries" Cases With its 1877 decision in *Munn v. Illinois*, 82 **94 U.S. 113(1877)**. For descriptions of *Munn*, of the historical roots of the doctrine, and of its subsequent evolution, see, for example, ...

Content: Law Reviews | **Date:** 1997

511. [DEBATE: TAKINGS IN MICHIGAN: PRIVATE PROPERTY AND ENVIRONMENTAL PROTECTION](#), 2 Mich. L. & Pol'y Rev. 261

... if anybody wants to look it up it's 1997 Lexis NY 101, February 18, 1997, expressly holds that background principles of property law include both statutes and the common law of property, and that, in fact, the two are inseparable and evolved over time. Indeed, there is an old U.S. Supreme Court case **Munn v. Illinois, 94 U.S. 113 at 134**, I quote: "there is no vested interest in a rule of law that is developed under common law." In other words, the common law has historically been subject to

modification, ...

Content: Law Reviews | **Date:** 1997

512. [ARTICLE: STATE ACTION AND THE CONSTITUTION'S MIDDLE BAND](#), 117 Mich. L. Rev. 1

... period immediately prior to the New Deal revolution, it was widely thought that the public and private spheres were separated by an impermeable, categorical boundary defined by the Constitution. So long as the government remained within the public sphere of its police power, it was free to act, but the Constitution prohibited legislative invasion of the private sphere of individual choice. 72 For representative statements of this position, see **Munn v. Illinois, 94 U.S. 113, 124-25 (1877)** ...

Content: Law Reviews | **Date:** October 1, 2018

513. [ARTICLE: MEDICINE AS A PUBLIC CALLING](#), 114 Mich. L. Rev. 57

... The Granger laws came before the Supreme Court in 1877. In *Munn v. Illinois* and its companion cases, the Court seemed to accept the principle that the states lacked plenary power to regulate the affairs of purely private businesses. 87 See **94 U.S. 113, 126 (1877)**. But the Court rejected the claim that all private businesses had a constitutional right to conduct their business relations as they saw fit. The Court reasoned that some businesses were "affected with a public interest" and, ...

Content: Law Reviews | **Date:** October 1, 2015

514. [ARTICLE: PATIENTS AS CONSUMERS: COURTS, CONTRACTS, AND THE NEW MEDICAL MARKETPLACE](#), 106 Mich. L. Rev. 643

... does. See Anderson, All-payer Rate Setting, *supra* note 119, at 35-36. Consequently, as the Supreme Court said of public utilities in 1876, "in matters which do affect the public interest ... courts must determine what is reasonable." 237 **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. Another Supreme Court case echoed this sentiment: It has always been recognized that, if a carrier attempted to charge a shipper an unreasonable sum, the courts had jurisdiction to inquire into that matter and to ...

Content: Law Reviews | **Date:** February 1, 2008

515. [COLLOQUIUM: THE BOUNDARIES OF LIBERTY AFTER LAWRENCE V. TEXAS: LAWRENCE V. TEXAS AND JUDICIAL HUBRIS](#), 102 Mich. L. Rev. 1555

... In the early years after *Slaughter- House*, however, a minority of the Court also made efforts to bend the Due Process Clause into a general tool for banning statutes found to be oppressive, or unjustified by the public good. 26 See, e.g., **Munn v. Illinois, 94 U.S. 113, 140-42 (1877)** (Field, J., dissenting) (arguing that the due process provision secures to every individual the essential conditions for the pursuit of happiness and should never be narrowly construed). Field freely acknowledged ...

Content: Law Reviews | **Date:** June 1, 2004

516. [ARTICLE: THE MYTH OF CHOICE OF LAW: RETHINKING CONFLICTS](#), 97 Mich. L. Rev. 2448

... First, there are potential conflicts even where the law is all from one state. These conflicts are not considered to raise a choice-of-law issue because they are resolved by rules. And they go away fairly quickly - they do not persist as troubling questions. Again, this is because they are resolved by rules. The extent to which statutes can retroactively alter common law rights might once have been a difficult question - it was litigated 195 See, e.g., **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ...

Content: Law Reviews | **Date:** August 1, 1999

-
517. [VI: LEGAL HISTORY: THE ASSAULT THAT FAILED: THE PROGRESSIVE CRITIQUE OF LAISSEZ FAIRE](#)
[The Progressive Assault on Laissez Faire: Robert Hale and the First Law and Economics Movement. By Barbara H. Fried. Cambridge: Harvard University Press. 1998. Pp. x, 338. \\$ 55.](#), 97 Mich. L. Rev. 1697
- ... Allnut v. Inglis, 12 East 527, 530, 104 Eng. Rep. 206, 208 (K.B. 1810) (emphasis added). For a longer analysis of this problem, see Epstein, *supra* note 33, ch. 10. This passage worked its way across the Atlantic into *Munn v. Illinois*, 41 **94 U.S. 113, 126 (1876)**, where it posed the questions of what industries were affected by the public interest and what could be done about it. On the first point, Robert Hale and Fried both recognize that various state monopolies, including common ...
- Content:** Law Reviews | **Date:** May 1, 1999
-
518. [ARTICLE: RESPONSE: THE PROBLEMS WITH PRIVACY'S PROBLEM](#), 93 Mich. L. Rev. 1079
- ... Under the *Lochner* regime, this explanation made some sense. *Lochner* presupposed a natural and judicially discoverable line between public and private. The government was allowed to control businesses affected with the public interest precisely because they were public. 76 See, e.g., **Munn v. Illinois, 94 U.S. 113(1877)** (holding that a system of fixed maximum charges for grain-storage warehouses did not violate due process because the private property's use implicated a public interest). ...
- Content:** Law Reviews | **Date:** March 1, 1995
-
519. [INCORPORATING THE SUSPENSION CLAUSE: IS THERE A CONSTITUTIONAL RIGHT TO FEDERAL HABEAS CORPUS FOR STATE PRISONERS?](#), 92 Mich. L. Rev. 862
- ... (1890) (invalidating state rate-setting procedure via Due Process Clause); *Railroad Commn. Cases*, 116 U.S. 307 (1886) (sustaining regulation of railroad rates but suggesting that Fifth Amendment Takings Clause might apply to states); **Munn v. Illinois, 94 U.S. 113(1877)** (finding no due process violation but noting that some state regulation might deprive private property owners of constitutionally protected economic rights). the Court looked to the Clause as the source of individual liberty ...
- Content:** Law Reviews | **Date:** February 1, 1994
-
520. [ARTICLE: A CRITICAL REEXAMINATION OF THE TAKINGS JURISPRUDENCE.](#), 90 Mich. L. Rev. 1892
- ... noncompensable control by determining whether the property in question fell within the sphere of public authority (community) or the sphere of private authority (individual). If the Court determined that a property right fell within the sphere of private authority (a "private right"), then the right was "private property," and the government could control or interfere with the right only by purchasing it through eminent domain. 29 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124, 126 (1877)**. ...
- Content:** Law Reviews | **Date:** June 1, 1992
-
521. [VII. AMERICAN LEGAL HISTORY: JUDICIAL POWER AND REFORM POLITICS: THE ANATOMY OF LOCHNER V. NEW YORK. By Paul Kens.](#), 89 Mich. L. Rev. 1712
- ... (1903). As Kens himself notes, Holden made no general statement about shorter-hours laws and "the *Atkin* case still did not represent an expansion of [Holden]" (p. 109). Furthermore, Kens focuses on the important case of *Munn v. Illinois*, 24 **94 U.S. 113(1877)**, in which, despite upholding an Illinois law regulating grain storage rates, the Court made no statement suggesting it would not use the

due process clause to protect property from state regulation (p. 94). Most ...

Content: Law Reviews | **Date:** May 1, 1991

522. [**SYMPOSIUM: The New Public Law: REVIEW ESSAY: SUNSTEIN, STATUTES, AND THE COMMON LAW -- RECONCILING MARKETS, THE COMMUNAL IMPULSE, AND THE MAMMOTH STATE. AFTER THE RIGHTS REVOLUTION: RECONCEIVING THE REGULATORY STATE.**](#) By Cass Sunstein., 89 Mich. L. Rev. 907

... Eighteenth-century common law embraced a good deal of "regulation" (concerning, for example, inn keepers), as at least the Hamiltonians among the Constitution's drafters embraced regulation as well. Laissez faire notions find explicit mention in the analyses of Lord Abinger, Lemuel Shaw, and others reacting to the Industrial Revolution, and compete against continuing recognition that regulation is well justified for businesses "affected with a public interest." **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. ...

Content: Law Reviews | **Date:** February 1, 1991

523. [**ARTICLE: INFORMATION ECONOMICS AND CHEMICAL TOXICITY: DESIGNING LAWS TO PRODUCE AND USE DATA.**](#), 87 Mich. L. Rev. 1795

... Traditional public utility regulation builds upon the notion of a "natural monopoly," which is said to exist when the structure of an industry is such that a single firm can meet the demand more efficiently than can several or many firms. 168 The legal notion of a public utility has early common law origins, but began to develop into its present form in the latter half of the nineteenth century. See **Munn v. Illinois, 94 U.S. 113(1877)**; Hamilton, Affection with Public Interest, 39 ...

Content: Law Reviews | **Date:** June 1, 1989

524. [**ARTICLE: A JOB FOR THE JUDGES: THE JUDICIARY AND THE CONSTITUTION IN A MASSIVE AND COMPLEX SOCIETY +.**](#), 86 Mich. L. Rev. 657

... West Coast Hotel Co. v. Parrish, 300 U.S. 379, 390 (1937). During the entire era, the Court limited regulation of prices and rates to businesses "affected with a public interest." From its inception in the pre-Lochner case of **Munn v. Illinois, 94 U.S. 113, 125-26, 133-35 (1877)**, to its death nearly sixty years later in Nebbia v. New York, 291 U.S. 502, 536-39 (1934), this central concept remained a mystery. The Court flirted with the idea of monopoly as a defining element, but it did not ...

Content: Law Reviews | **Date:** February 1, 1988

525. 79 Mich. L. Rev. 1350

Content: Law Reviews

526. [**ARTICLE: THE POLITICAL REALITIES OF TELECOMMUNICATIONS POLICIES IN THE U.S.: HOW THE LEGACY OF PUBLIC UTILITY REGULATION CONSTRAINS ADOPTION OF NEW REGULATORY MODELS ***](#), 2003 Mich. St. DCL L. Rev. 757

... Examples might include the grant of some special governmental privilege, such as access to a public right-of-way, or perhaps even a legal monopoly like public utilities. However, such situations also include situations of "virtual monopoly" that arise without government involvement, such as firms strategically situated in terms of location (grain elevators) or time (innkeepers with respect to travelers). 20 See id. In fact, in the landmark case of **Munn v. Illinois, 94 U.S. 113(1877)**, the ...

Content: Law Reviews | **Date:** 2003

527. [ARTICLE: BARRY FRIEDMAN'S THE WILL OF THE PEOPLE: PROBING THE DYNAMICS AND UNCERTAINTIES OF AMERICAN CONSTITUTIONALISM](#), 2010 Mich. St. L. Rev. 663

... while long-established diversity jurisdiction remained their most commonly used and vigorously defended route into the national courts. Federal constitutional law generally gave wide berth to state laws regulating business 88 E.g., **Munn v. Illinois, 94 U.S. 113(1876)**. and only two years before the 1875 Act was passed The Slaughter- House Cases 89 83 U.S. (16 Wall.) 36 (1872). had disappointed business interests and essentially negated the Privileges and Immunities Clause as ...

Content: Law Reviews | **Date:** 2010

528. [ARTICLE: THE "BACKLASH" SO FAR: WILL AMERICANS GET MEANINGFUL EMINENT DOMAIN REFORM?](#), 2006 Mich. St. L. Rev. 709

... upheld a state law setting a minimum price for the sale of milk. At that time, the Court's precedent allowed government to regulate the prices charged in contracts between two private parties only when the product or service in question was "affected with a public interest." 37 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. But in *Nebbia*, the Court shuffled off a half century of case law and held that this test was no longer viable. 38 *Nebbia*, 291 U.S. at 536-38. Instead, states would ...

Content: Law Reviews | **Date:** 2006

529. [SYMPOSIUM: THE DEATH OF POLETOWN: THE FUTURE OF EMINENT DOMAIN AND URBAN DEVELOPMENT AFTER COUNTY OF WAYNE V. HATHCOCK: THE POLITICAL ECONOMY OF PUBLIC USE IN POLETOWN: HOW FEDERAL GRANTS ENCOURAGE EXCESSIVE USE OF EMINENT DOMAIN](#), 2004 Mich. St. L. Rev. 929

... This rationalization has a quaint ring in the twentieth century, where virtually all economic activities can be made subject to government regulation regardless of whether they acquired their assets by eminent domain or whether they were "affected with a public interest." 19 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. One attempt at line-drawing for "public use" would be to apply economic reasoning to the distinction and insist that public use be congruent with economists' understanding ...

Content: Law Reviews | **Date:** 2004

530. [SYMPOSIUM: THE DEATH OF POLETOWN: THE FUTURE OF EMINENT DOMAIN AND URBAN DEVELOPMENT AFTER COUNTY OF WAYNE V. HATHCOCK: PUBLIC-USE LIMITATIONS AND NATURAL PROPERTY RIGHTS *](#), 2004 Mich. St. L. Rev. 877

... While this phrase was not entirely free from ambiguity, in the main it applied to private beneficiaries of a state franchise or another form of state monopoly, or to companies that operated in conditions of natural monopoly. 116 See **Munn v. Illinois, 94 U.S. 113(1877)**. For a historical perspective on Munn and the concept of publici juris, see Harry N. Scheiber, *The Road to Munn: Eminent Domain and the Concept of Public Purpose in the State Courts*, in *LAW IN AMERICAN HISTORY* 327, 338-55 ...

Content: Law Reviews | **Date:** 2004

531. [SYMPOSIUM: Transitioning a Community Away from Fossil-Fuel Generation to a Green Economy: An Approach Using State Utility Commission Authority](#), 15 Minn. J.L. Sci. & Tech. 505

... Similar to the CPUC, other State Public Utility Commissions generally have broad power to consider the public interest in their regulation of utilities. 163 See generally FRED BOSSELMAN ET AL.,

ENERGY, ECONOMICS AND THE ENVIRONMENT 46-51 (Foundation Press 3d ed. 2010) (discussing **Munn v. Illinois, 94 U.S. 113(1877)**); 14 WILLIAM MEADE FLETCHER, FLETCHER CYCLOPEDIA OF THE LAW OF CORPORATIONS § 6674.30 (2012) (discussing how public utility commissions have authority that "extends to the ...

Content: Law Reviews | **Date:** 2014

532. [Article: When 1 + 1 No Longer Equals 2: The New Math of Legal "Additionality" Controlling World and U.S. Global Warming Regulation](#), 10 Minn. J.L. Sci. & Tech. 591

... Legally, all of these LSEs are located in-state or at least doing business in-state, and regulation is imposed at the retail level on all sellers in state of power to consumers. It is clear that state regulatory agencies have jurisdictional authority over retail power markets within their state. 137 See Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n., 461 U.S. 375, 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113(1977)**). The California carbon scheme covers all LSEs, including ...

Content: Law Reviews | **Date:** 2009

533. [ARTICLE: Graffiti, Speech, and Crime](#), 103 Minn. L. Rev. 1285

... , Justice Marshall argued that there is an inseparable relationship between private property and speech rights. Hudgens, 424 U.S. at 543 (Marshall, J., dissenting) ("Property does become "clothed with a public interest when used in a manner to make it of public consequence and affect the community at large." (quoting **Munn v. Illinois, 94 U.S. 113, 126 (1877)**)). In recognizing public forums - whether traditional or of more modern construct - the Court carves out spaces for speech, even in ...

Content: Law Reviews | **Date:** February 1, 2019

534. [Note: Your Local Solar Panel Store: Developing State Laws To Encourage Third-Party Power Purchase Agreements and Distributed Generation](#), 99 Minn. L. Rev. 705

... Borenstein & Bushnell, supra note 20, at 46-47 (noting that "each sector was thought of as a natural monopoly" - transmission and distribution because of duplicative services and generation "because of the large scale of efficient generation plants and the losses that occurred with long-distance transmission, which made it more efficient to have local areas served by one or a small number of generating plants") The Supreme Court's holding in **Munn v. Illinois, 94 U.S. 113(1876)** - although it ...

Content: Law Reviews | **Date:** December 1, 2014

535. [Article: The Police Power Revisited: Phantom Incorporation and the Roots of the Takings "Muddle"](#), 90 Minn. L. Rev. 826

... that the "power of the State over the property of the citizen" under Fourteenth Amendment due process "is well defined. The State may take his property for public uses, upon just compensation being made therefore," or it may tax or "control the use and possession of his property, so far as may be necessary for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property." 114 **94 U.S. 113, 145 (1876)** (emphasis added). The Munn case turned on ...

Content: Law Reviews | **Date:** April 1, 2006

536. [SYMPOSIUM: THE LAW AND ECONOMICS OF FEDERALISM: Foreword: Filburn's Forgotten Footnote - Of Farm Team Federalism and Its Fate](#), 82 Minn. L. Rev. 249

... was a facile sleight of hand. Although other Supreme Court cases have hinged on the perceived need

to maintain uninhibited domestic trade in wheat, 291 See *Chicago Board of Trade v. Olsen*, 262 U.S. 1, 34-36 (1923); *Dahnke-Walker Milling Co. v. Bondurant*, 257 U.S. 282, 290-92 (1922); *Lemke v. Farmers Grain Co.*, 258 U.S. 50, 53-54 (1921); **Munn v. Illinois, 94 U.S. 113, 131 (1877)**; cf. *Stafford v. Wallace*, 258 U.S. 495, 516 (1922) (describing "the various stockyards of the country ...

Content: Law Reviews | **Date:** December 1, 1997

537. [Life and Liberty: Their Original Meaning, Historical Antecedents, and Current Significance in the Debate Over Abortion Rights](#), 78 Minn. L. Rev. 585

... By the term life, as here used, something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed... The deprivation not only of life, but of whatever God has given to every one with life, for its growth and enjoyment, is prohibited by the provision in question ... 427 **Munn v. Illinois, 94 U.S. 113, 142 (1877)** (Field, J., dissenting) (emphasis added). Justice Field dissented in the Slaughter- House Cases ...

Content: Law Reviews | **Date:** February 1, 1994

538. [ARTICLE: The Economics of Legal History.](#), 67 Minn. L. Rev. 645

... , wrote an opinion declaring all state grants of monopoly power unconstitutional. See M. HORWITZ, supra note 16, at 134-36. Even a staunchly laissez faire Supreme Court Justice such as Field appreciated the distinction between competing businesses and regulated monopolies. In **Munn v. Illinois, 94 U.S. 113 (1876)**, Field dissented from a decision upholding an Illinois statute that turned the Illinois grain elevator business into a price-regulated industry. The legislation did not give ...

Content: Law Reviews | **Date:** February 1, 1983

539. 66 Minn. L. Rev. 95

Content: Law Reviews

540. [ARTICLE: Statutory Damage Caps: Analysis of the Scope of Right to Jury Trial and the Constitutionality of Mississippi Statutory Caps on Noneconomic Damages](#), 32 Miss. C. L. Rev. 109

... *Branch v. Indem. Ins. Co.*, 144 A. 696, 697 (Md. 1929) (recognizing legislative power to alter common law); *Noonan v. City of Portland*, 88 P.2d 808, 822 (Or. 1938) (same); *Howell v. Commonwealth*, 46 S.E.2d 37, 40 (Va. 1948) (same); see also **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ("A person has no property, no vested interest, in any rule of the common law."). This precedent, too, reinforces the conclusion that damage caps do not interfere with a jury's fact-finding function at common ...

Content: Law Reviews | **Date:** 2013

541. [Comment: The National Trend of Abolishing Actions for the Alienation of a Spouse's Affection and Mississippi's Refusal to Follow Suit](#), 28 Miss. C. L. Rev. 313

... *Strock v. Presnell*, 527 N.E.2d 1235, 1241 (Ohio 1988) (citing *Haskins v. Bias*, 441 N.E.2d 842 (1981)). However, the United States Supreme Court has explicitly declared that "[a] person has no property, no vested interest, in any rule of the common law." 57 *Id.* (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The Supreme Court of Ohio, in addressing the constitutionality of its statutory prohibition of alienation actions, rationalized that because "there is no property or ...

Content: Law Reviews | **Date:** 2009

542. [COMMENT: ANY CLUB THAT WOULD HAVE ME AS A MEMBER: THE HISTORICAL BASIS FOR A NON-EXPRESSIVE AND NON-INTIMATE FREEDOM OF ASSOCIATION](#), 81 Miss. L.J. 327

... As such, it is apparent that these courts were well aware of the quasi-public standard and had been utilizing it in their analysis of public accommodation laws. As mentioned earlier, in 1876 the Supreme Court endorsed the quasi-public standard for evaluating legislative regulation of commercial activity in *Munn v. Illinois*. 90 **94 U.S. 113(1876)**. It seems that post-Munn courts then amplified their evaluations of institutions' public characters in public accommodation contexts. In deciding ...

Content: Law Reviews | **Date:** 2011

543. [SYMPOSIUM: INDEPENDENT STATE GROUND: SHOULD STATE COURTS DEPART FROM THE FOURTH AMENDMENT IN CONSTRUING THEIR OWN CONSTITUTIONS, AND IF SO, ON WHAT BASIS BEYOND SIMPLE DISAGREEMENT WITH THE UNITED STATES SUPREME COURT'S RESULT?: CORRECTING SEARCH-AND-SEIZURE HISTORY: NOW-FORGOTTEN COMMON-LAW WARRANTLESS ARREST STANDARDS AND THE ORIGINAL UNDERSTANDING OF "DUE PROCESS OF LAW"](#), 77 Miss. L.J. 1

... Thus, he concluded that, because it met the test of being a form of process in use when the due process of law clause was framed, the distress warrant satisfied the requirements of "due process of law" in the Fifth Amendment. *Id.* at 280. The Justices continued to interpret due process according to historical English procedure in use at the time of the framing of the Bill of Rights in *Davidson v. City of New Orleans*, 96 U.S. 97, 101-02 (1877), and ***Munn v. Illinois*, 94 U.S. 113, 123-25 (1876)**. ...

Content: Law Reviews | **Date:** 2007

544. [ARTICLE: L.Q.C. LAMAR 1825-1893](#), 63 Miss. L.J. 5

...] tended not only to side with the carriers, but also to favor judicial scrutiny of state railroad rate schedules. . . . Yet, he was flexible enough to sometimes sustain state regulation over interstate commerce when the 'public interest' doctrine of ***Munn v. Illinois* [94 U.S. 113]** (1877) conformed to his own philosophy." (citation added). Furer, *supra* note 108, at 243. One Court critic accused Lamar of corruption in his decisions supporting carriers because of his past involvement with railroads ...

Content: Law Reviews | **Date:** 1993

545. [ARTICLE: THE JUDGE WHO ABSTAINED IN PLESSY v. FERGUSON: JUSTICE DAVID BREWER AND THE PROBLEM OF RACE](#), 61 Miss. L.J. 315

... 78 123 U.S. 623 (1887). In 1888, in a case involving the reasonableness of rates established by the Iowa Railroad Commission, Brewer rejected arguments that the United States Supreme Court 's 1873 landmark holding in *Munn v. Illinois* 79 **94 U.S. 113(1876)**. *Munn* and its companion cases upheld the so-called "Granger" laws that placed restrictions on railroads and grain elevator companies in the name of the public interest. obligated him to hold that the reasonableness of rates ...

Content: Law Reviews | **Date:** 1991

546. [ESSAY: SUBSTANTIVE DUE PROCESS AFTER MCDONALD V. CHICAGO](#), 80 Miss. L. J. Supra 49

... (No. 14,897) ("[W]hen it is declared that no state shall deprive any person of life, liberty, or property without due process of law, this declaration is . . . a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the state . . ."). (D) the history of

subsequent interpretations of the Due Process Clause; 16 See, e.g., **Munn v. Illinois, 94 U.S. 113, 125 (1877)** ("[D]own to the time of the adoption of the Fourteenth Amendment, ...

Content: Law Reviews | **Date:** 2010

547. [ARTICLE: A Challenge for Federalism: Achieving National Goals in the Electricity Industry](#), 18 Mo. Env'tl. L. & Pol'y Rev. 209

... had previously set out the criteria for public regulation of private property. In *Munn v. Illinois*, the court determined that regulation of private property was permissible "when such regulation becomes necessary for the public good." 12 **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. Elaborating, the Court wrote that when "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the ...

Content: Law Reviews | **Date:** 2011

548. [ARTICLE: A Challenge for Federalism: Achieving National Goals in the Electricity Industry](#), 18 Mo. Env'tl. L. & Pol'y Rev. 209

... had previously set out the criteria for public regulation of private property. In *Munn v. Illinois*, the court determined that regulation of private property was permissible "when such regulation becomes necessary for the public good." 12 **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. Elaborating, the Court wrote that when "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the ...

Content: Law Reviews | **Date:** 2011

549. [ARTICLE: PAST IS PROLOGUE: RECENT CARBON REGULATION DISPUTES IN EUROPE SHAPE THE U.S. CARBON FUTURE](#), 16 Mo. Env'tl. L. & Pol'y Rev. 650

... Legally, all of these LSEs are located in-state or at least doing business in-state. 100 See *id.* It is clear that state regulatory agencies have jurisdictional authority over retail power markets within its state. 101 *Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n*, 461 U.S. 375, 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113 (1877)**). The California carbon scheme covers all LSEs, including municipal LSEs. 102 See Seth Hilton, *The Impact of California's Global Warming ...*

Content: Law Reviews | **Date:** 2009

550. [CASENOTE: Conservation or Coercion: Federal Regulation of Intrastate Wetlands Under the Swambuster Provisions of the Food Security Act](#), 8 Mo. Env'tl. L. & Pol'y Rev. 59

... reflected industry's growing hostility toward progressive legislation aimed at protecting workers, unions, and consumers, and was primarily based on the belief that government regulations interfered with the natural rights of people to own and use their property and contract freely. 141 See *id.* As early as 1877, the Supreme Court indicated that under some circumstances, government regulation of business would violate due process. 142 See **Munn v. Illinois, 94 U.S. 113, 126 (1877)** ...

Content: Law Reviews | **Date:** 2001

551. [ARTICLE: Greening the Old New Deal: Strengthening Rural Electric Cooperative Supports and Oversight to Combat Climate Change](#), 85 Mo. L. Rev. 409

... note 135, at 61. In that case, the court affirmed that states have the power to set rates for in-state railroad travel and identified a convoluted set of factors that states would need to follow to ensure that

rates were not so low as to amount to a taking under the 14th Amendment of the Constitution. *Smyth v. Ames*, 169 U.S. 466 (1898); see also **Munn v. Illinois, 94 U.S. 113(1876)** (affirming constitutionality of state ...

Content: Law Reviews | **Date:** 2020

552. [ARTICLE: Drivers License Suspension for Offenses Not Involving a Motor Vehicle in Illinois: An Irrational Application of the Rational Basis Test](#), 32 N. Ill. U. L. Rev. 355

... This issue, if not a violation of due process, should be remedied by the voters as a form of legislative oversight, as it has long been held that "[f]or protection against abuses by the legislatures the people must resort to the polls, not to the courts." 145 **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. Overall, this decision by the legislature to single out not one, but a group of seven offenses, was one step in protecting the public from a group of dangerous sex and drug offenders which ...

Content: Law Reviews | **Date:** 2012

553. [ARTICLE: Equality in Culture and Law: An Introduction to the Origins and Evolution of the Equal Protection Principle](#), 24 N. Ill. U. L. Rev. 425

... These pronouncements, though eventually quite wrong, began a period of extreme reluctance to refer to or enforce the Equal Protection Clause, a period that would last over sixty years. 89 The Supreme Court set the groundwork for "substantive due process" as a basis for striking state laws in the 1870s and 1880s. See, e.g., **Munn v. Illinois, 94 U.S. 113(1876)**; *Mugler v. Kansas*, 123 U.S. 623 (1887). It may be no coincidence, therefore, that the rare use of equal protection doctrine to ...

Content: Law Reviews | **Date:** 2004

554. [COMMENT: Castration as an Alternative to Incarceration: An Impotent Approach to the Punishment of Sex Offenders](#), 15 N. Ill. U. L. Rev. 107

... provided for by the statute satisfied procedural due process requirements, and further, that no equal protection guarantees were violated because the statute applied uniformly to all feeble-minded patients in state institutions. 38 *Id.* at 207-08. In rejecting Ms. Buck's substantive due process argument based on the constitutional interest in bodily integrity, 39 *I.P. Whitehead*, Ms. Buck's attorney, based the bodily integrity argument on the dissent in **Munn v. Illinois, 94 U.S. 113(1877)** ...

Content: Law Reviews | **Date:** 1994

555. [2012 Legal Heritage of the Civil War Issue: ARTICLE: The Homestead Act, Pacific Railroad Act and Morrill Act](#), 39 N. Ky. L. Rev. 699

... By 1876 they had brought the issue of the laws' constitutionality before the Supreme Court, asking the Court to rule that an Illinois statute regulating grain elevator charges was a deprivation of property, without due process of law in violation of the Fourteenth Amendment. 169 **Munn v. Illinois, 94 U.S. 113 at 123 (1876)**. In *Munn v. Illinois* Chief Justice Waite wrote an opinion that upheld the statute on the ground that the states' historical right of police power includes the right ...

Content: Law Reviews | **Date:** 2012

556. [ARTICLE: THE HISTORICAL \(IN\)ACCURACY OF THE BRANDEIS DICHOTOMY: AN ASSESSMENT OF THE TWO-TIERED STANDARD OF STARE DECISIS FOR SUPREME COURT PRECEDENTS*](#), 86 N.C. L. Rev. 969

... Movement in constitutional interpretation and application - often involving no less striking departures from doctrines previously established - takes place also without specific overruling or qualification of the earlier cases. Compare, for example, *Allgeyer v. Louisiana*, 165 U.S. 578 , with *The Slaughter House Cases*, 16 Wall. 36 ; *Tyson v. Banton*, 273 U.S. 418 , with **Munn v. Illinois, 94 U.S. 113** ; *Muller v. Oregon*, 208 U.S. 412 , and *Bunting v. Oregon*, 243 U.S. 426 , with *Lochner* ...

Content: Law Reviews | **Date:** May 1, 2008

557. [ARTICLE: PUBLIC LAW LIMITATIONS ON PRIVATIZATION OF GOVERNMENT FUNCTIONS](#), 84 N.C. L. Rev. 397

... In this way, public law became an early instrument in the expansion of private enterprise. But public law also constrained this expanded private power. The concept of businesses "affected with a public interest" granted states regulatory control over private monopolies. In *Munn v. Illinois* , 59 **94 U.S. 113(1876)**. the Court traced the "affected with a public interest" concept back to English common law, 60 *Id.* at 123-25; see also Loughlin, *supra* note 25, at 77-80 (describing the ...

Content: Law Reviews | **Date:** 2006

558. [ARTICLE: THE PARTICULARLY DUBIOUS CASE OF HANS V. LOUISIANA: AN ESSAY ON LAW, RACE, HISTORY, AND "FEDERAL COURTS"](#), 81 N.C. L. Rev. 1927

... may require, even at the expense of a temporary failure to discharge the public debts, would be attended with greater evils than such failure can cause. 582 *Hans v. Louisiana*, 134 U.S. 1, 21 (1890) (emphasis added). The statement echoed the legal and political world of the *Slaughter-House Cases* and *Munn v. Illinois* , 583 **94 U.S. 113(1877)**. On the passing of the older constitutional world, see William J. Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* ...

Content: Law Reviews | **Date:** June 1, 2003

559. [ARTICLE: LOCHNER ERA JURISPRUDENCE AND THE AMERICAN CONSTITUTIONAL TRADITION.](#), 70 N.C. L. Rev. 1

... THOMAS COOLEY, A TREATISE ON THE CONSTITUTIONAL LIMITATIONS WHICH REST UPON THE LEGISLATIVE POWER OF THE STATES OF THE AMERICAN UNION 351-413 (repr. ed. 1972) (1st ed. 1868); *infra* text accompanying notes 453-94 (discussing *The Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1873), and **Munn v. Illinois, 94 U.S. 113(1877)**). In the middle phase, a majority of the Supreme Court adopted *Lochner* era principles; this touched off a dissenting scholarly tradition. See, e.g., Roscoe Pound, ...

Content: Law Reviews | **Date:** November 1, 1991

560. [SURVEY OF DEVELOPMENTS IN NORTH CAROLINA LAW, 1986: III. CONSTITUTIONAL LAW: Perry v. Perry: Retroactive Application of Under a Vested Rights Analysis.](#), 65 N.C. L. Rev. 1195

... The court noted the particular appropriateness of allowing a statute to be applied retroactively to change the common law in this case: "[T]he great office of statutes is to remedy defects in the common law as they are developed, and to adopt it to the changes of time and circumstances." 25 *Id.* at 176, 341 S.E.2d at 58 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). The court reached the correct result in *Perry*, and its equal protection analysis is unobjectionable, indeed laudable. ...

Content: Law Reviews | **Date:** August 1, 1987

561. [BRZONKALA, LOPEZ, AND THE COMMERCE CLAUSE CANARD: A SYNTHESIS OF COMMERCE CLAUSE JURISPRUDENCE](#), 29 N.M. L. Rev. 321
- ... The fact that states had economic incentives to maintain lower labor standards than their neighbors means that states were separately incompetent to administer laws which would improve the overall conditions of workers. The problem required a national solution. The Darby Court also quoted a passage from *Munn v. Illinois* 136 **94 U.S. 113(1876)**, emphasizing its finding that national action was necessary in this circumstance. The passage indicates that at the heart of the establishment ...
- Content:** Law Reviews | **Date:** 1999
-
562. [ARTICLE: REDISCOVERING THE CONSTITUTIONAL LINEAGE OF FEDERAL INDIAN LAW](#), 27 N.M. L. Rev. 273
- ... struck down a state criminal statute limiting the number of hours that bakery employees could work as an illegitimate interference with the freedom of contract guaranteed by the Fourteenth Amendment. 69 See *id.* at 64. Assuming without question that the "liberty to contract," like the right to own private property, 70 See **Munn v. Illinois, 94 U.S. 113, 125 (1877)** (recognizing that the Fourteenth Amendment constitutionalizes common-law protection of property rights). was protected by ...
- Content:** Law Reviews | **Date:** 1997
-
563. [ARTICLE: DOES GIDEON STILL MAKE A DIFFERENCE?](#), 2 N.Y. City L. Rev. 105
- ... (describing Justice Holmes chastisement of his fellow justices for reading Herbert Spencer's brand of utilitarian philosophy into the Constitution); see also H. SPENCER, SOCIAL STATICS 106 (1865). Thus, the seeds of substantive due process began to surface in majority opinions. The Supreme Court increasingly began to question state regulations 78 See **Munn v. Illinois, 94 U.S. 113, 132-34 (1877)** (deferring to the legislature's judgment on the issue but indicating a willingness to ...
- Content:** Law Reviews | **Date:** 1998
-
564. [Rent Stabilization Constitutional? Not Now](#), 40 NYRPLJ 31
- ... existing condition of things. The space in Washington is necessarily monopolized in comparatively few hands, and letting portions of it is as much a business as any other. Housing is a necessary of life. All the elements of a public interest justifying some degree of public control are present... But if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since **Munn v. Illinois, 94 U.S. 113** ...
- Content:** Law Reviews | **Date:** 2012
-
565. [NOTE: THE SEPTEMBER 11 VICTIM COMPENSATION FUND: LEGISLATIVE JUSTICE SUI GENERIS](#), 59 N.Y.U. Ann. Surv. Am. L. 513
- ... Reliance on the benefit of the existing state common law right to sue in tort for compensatory damages after sustaining property loss is certainly a property interest that should not be arbitrarily undermined. 123 Although the Court stated in **Munn v. Illinois, 94 U.S. 113, 134 (1876)** that people have no "vested interest in any rule of the common law," in discussing property rights the Court more recently stated: it is a purpose of the ancient institution of property to protect those claims ...
- Content:** Law Reviews | **Date:** 2004
-
566. [JUDGES' FORUM NO. 2: WHITHER DEREGULATION: A LOOK AT THE PORTENTS](#), 58 N.Y.U. Ann.

Surv. Am. L. 155

... compete with one another and thereby hopefully increase efficiency and lower prices. 19 Id. B. Other Rationales for Regulation These are some of the economic principles underlying regulation and deregulation. Another, less rigorous approach to regulation is based on the renowned old case of *Munn v. Illinois*. 20 **94 U.S. 113(1876)**. This case involved maximum prices charged by grain warehouses in Chicago in the 1870s. The warehouse owners had agreed upon a price per bushel of grain ...

Content: Law Reviews | **Date:** 2001

567. [**ARTICLE: COMPETITION AT THE GRID EDGE: INNOVATION AND ANTITRUST LAW IN THE ELECTRICITY SECTOR**](#), 25 N.Y.U. Envtl. L.J. 176

... of industries and professions regarding entry, price, and quality that predated the federal antitrust framework, crafting such an exemption was necessary if many practices that were required by states were not to create liability for private actors carrying them out. 98 For example, the regulation of the price of grain storage in Chicago grain elevators at issue in *Munn v. Illinois* began 19 years prior to passage of the Sherman Antitrust Act. See **Munn v. Illinois, 94 U.S. 113, 114 (1877)**; ...

Content: Law Reviews | **Date:** 2017

568. ARTICLE: MUDDLING THROUGH MODERN ENERGY POLICY: THE DORMANT COMMERCE CLAUSE AND UNMASKING THE ILLUSION OF AN ATTLEBORO LINE
24 N.Y.U. Envtl. L.J. 283

Content: Law Reviews | **Date:** 2016

569. [**ARTICLE: SUSTAINABLE ENERGY, ENVIRONMENTAL POLICY, AND STATES' RIGHTS: DISCERNING THE ENERGY FUTURE THROUGH THE EYE OF THE DORMANT COMMERCE CLAUSE**](#), 12 N.Y.U. Envtl. L.J. 507

... The specific mechanism for structuring any state renewable subsidies must not run afoul of Constitutional requirements. The regulation of utilities is a traditional function of local police power in the states. 397 *Ark. Elec. Coop. v. Ark. Pub. Serv. Comm'n*, 461 U.S. 375, 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113(1877)**). The generation and transmission of electric energy is an activity particularly likely to affect more than one state. 398 Id. Under the Federal Power Act ...

Content: Law Reviews | **Date:** 2004

570. [**ARTICLE: HOMELAND SECURITY AND FEDERAL RELIEF: A PROPOSAL FOR A PERMANENT COMPENSATION SYSTEM FOR DOMESTIC TERRORIST VICTIMS**](#), 9 N.Y.U. J. Legis. & Pub. Pol'y 663

... (denying plaintiff's Due Process challenge to the Swine Flu Act on grounds that plaintiff's cause of action arose after passage of the Act and emphasizing that plaintiff had no "prior vested right in a cause of action" under state law). As the Supreme Court stated in another context, "[a] person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. It is more likely that legislation affecting a tort claim reduced to final judgment would ...

Content: Law Reviews | **Date:** 2005

571. [**ARTICLE: TOWARD MEANINGFUL CABLE COMPETITION: GETTING BEYOND THE MONOPOLY MORASS**](#), 6 N.Y.U. J. Legis. & Pub. Pol'y 245

... Unbundling involves a physical collocation of equipment. However, unlike the situation in Loretto - where the statute only allowed the property owner a token \$ 1 - the entity whose facility is being "occupied" does receive a rate of compensation. In *Munn v. Illinois*, 437 **94 U.S. 113(1876)**. the Supreme Court upheld the state legislature's ability to set the rate for grain storage. Chief Justice Waite, noting that the operators had a "virtual monopoly," quoted Lord Ellenborough's ...

Content: Law Reviews | **Date:** 2002

572. [ARTICLE: PUBLIC ENERGY](#), 92 N.Y.U. L. Rev. 267

... Contracting Out: Now and Then Scholars typically treat electricity law as part of the specialized field of public utility law, which manages the prices and practices of certain private industries of major social importance. 39 See *Munn v. Illinois*, **94 U.S. 113, 126 (1876)** (tracing the origin of the concept within U.S. law of private property, which became "clothed with a public interest when used in a manner to make it of public consequence"); see also Boyd, *supra* note 22, at 1636-38 ("[Munn] ...

Content: Law Reviews | **Date:** April 1, 2017

573. [ARTICLE: DEBUNKING THE PURCHASER WELFARE ACCOUNT OF SECTION 2 OF THE SHERMAN ACT: HOW HARVARD BROUGHT US A TOTAL WELFARE STANDARD AND WHY WE SHOULD KEEP IT](#), 85 N.Y.U. L. Rev. 659

... While the state could regulate prices charged by firms "clothed with a public interest," such regulation simply interdicted cartel or monopoly pricing that exercised market power (and thus misallocated resources) without any offsetting benefits. 85 *Munn v. Illinois*, **94 U.S. 113, 133 (1876)**. Compare Sinking Fund Cases, 99 U.S. 700, 747 (1878) (Bradley, J., dissenting) (reading Munn as approving price regulation where "practical monopoly" was of such importance that "a tribute can be exacted ...

Content: Law Reviews | **Date:** June 1, 2010

574. [NOTE: WHAT COMMONWEALTH V. ALGER CANNOT TELL US ABOUT REGULATORY TAKINGS](#), 82 N.Y.U. L. Rev. 1746

... According to the Westlaw online database, Alger has been cited over 700 times. Almost 500 of those citations are from state and federal court decisions. Alger was repeatedly cited in seminal nineteenth-century Supreme Court cases such as *Mugler v. Kansas*, 123 U.S. 623, 665 (1887), *Munn v. Illinois*, **94 U.S. 113, 120, 121, 147 (1876)**, and *Slaughter-House Cases*, 83 U.S. 36, 62 (1872), not to mention its more recent prominence in Justice Blackmun 's dissent in *Lucas v. South Carolina Coastal ...*

Content: Law Reviews | **Date:** December 1, 2007

575. [ARTICLE: THE HISTORY OF THE COUNTERMAJORITARIAN DIFFICULTY, PART THREE: THE LESSON OF LOCHNER](#), 76 N.Y.U. L. Rev. 1383

... Nor, in fact, was Holmes's statement unprecedented in Supreme Court decisions, for the Court had said the very same thing in Munn, years earlier: "For protection against abuses by legislatures the people must resort to the polls, not to the courts." *Munn v. Illinois*, **94 U.S. 113, 134 (1877)**. The conventional story derives from the profound debates of the time. IV The Lesson of Lochner The problem with the revisionist project is not its history, it is its revisionism. As would be true of ...

Content: Law Reviews | **Date:** November 1, 2001

576. [ARTICLE: THE HISTORY OF THE COUNTERMAJORITARIAN DIFFICULTY, PART ONE: THE ROAD](#)

TO JUDICIAL SUPREMACY, 73 N.Y.U. L. Rev. 333

... Chicago, Milwaukee & St. Paul Ry. Co. v. Minnesota, 134 U.S. 418, 466 (1890) (Bradley, J., dissenting) ("If our legislatures become too arbitrary in the exercise of their powers, the people always have a remedy in their hands..."); **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ("For protection against abuses by legislatures the people must resort to the polls, not to the courts."). Horwitz is closer to the mark when he states, "[Progressives] argued that democracy required judicial restraint. Starting ...

Content: Law Reviews | **Date:** May 1, 1998

577. **ARTICLE: GIVINGS, TAKINGS, AND THE FALLACY OF FORWARD-LOOKING COSTS**, 72 N.Y.U. L. Rev. 1068

... telephone customer has acquired no ownership in the local exchange network by virtue of having paid regulated rates for service from an investor-owned LEC, just as he could not expect to have acquired any ownership interest in Texaco by virtue of having purchased gasoline from that company over a period of years. Chairman Hundt's comment fundamentally misapprehends the legal and economic significance, traceable to Munn v. Illinois 20 **94 U.S. 113(1876)**. and to earlier English common ...

Content: Law Reviews | **Date:** November 1, 1997

578. **ARTICLE: DEREGULATORY TAKINGS AND BREACH OF THE REGULATORY CONTRACT**, 71 N.Y.U. L. Rev. 851

... The Takings Clause, however, would emerge as the primary protection against regulatory incursions by government. During the years spanned by West River Bridge and The Binghamton Bridge the Court devised the doctrine of substantive due process. Although in 1887 the Court in Munn v. Illinois 148 **94 U.S. 113(1877)**. upheld a regulation of rates of grain elevators "affected with a public interest," 149 Id. at 125-27. by 1905 in Lochner v. New York 150 198 U.S. 45 (1905). ...

Content: Law Reviews | **Date:** October 1, 1996

579. **NOTE: PIETY AND PREJUDICE: FREE EXERCISE EXEMPTION FROM LAWS PROHIBITING SEXUAL ORIENTATION DISCRIMINATION**, 69 N.Y.U. L. Rev. 1176

... court also considered and rejected a claim that the public accommodations law, while within the general authority of the state, was unconstitutional because it invaded the constitutionally protected property rights of the defendant. 48 Id. at 248-49. The court, quoting a United States Supreme Court case upholding an Illinois law regulating licensing and other fees for grain elevators, 49 **Munn v. Illinois, 94 U.S. 113(1876)**. found that the "quasi-public" character of the accommodations ...

Content: Law Reviews | **Date:** December 1, 1994

580. **ARTICLE: FREEDOM FROM INCARCERATION: WHY IS THIS RIGHT DIFFERENT FROM ALL OTHER RIGHTS?**, 69 N.Y.U. L. Rev. 781

... , in People v. Marx, "The term "liberty," as protected by the Constitution, is not cramped into a mere freedom from physical restraint of the person of the citizen, as by incarceration, but is deemed to embrace the right of man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare'...." (quoting People v. Marx, 2 N.E. 29, 33 (N.Y. 1885)); **Munn v. Illinois, 94 U.S. 113, 142 (1876)** (...

Content: Law Reviews | **Date:** October 1, 1994

581. [NOTE: THE DESCENT OF ANTIDISCRIMINATION: ON THE INTELLECTUAL ORIGINS OF THE CURRENT EQUAL PROTECTION JURISPRUDENCE.](#), 66 N.Y.U. L. Rev. 1165
 ... McCulloch -tinted lenses. 89 See, e.g., Powell v. Pennsylvania, 127 U.S. 678, 684 (1888) (accepting, without questioning, state's factual justification for statute); The Sinking Fund Cases, 99 U.S. 700, 718 (1878) (same); see also **Munn v. Illinois, 94 U.S. 113, 132-33 (1876)** (constitutionality of state statute may be supported by any plausible justification). The Slaughter-House Cases did leave the door ajar for more exacting evaluations of legislative rationality in cases involving ...
Content: Law Reviews | **Date:** October 1, 1991
-
582. [ARTICLE: PRESUMPTIVE AND PER SE TAKINGS: A DECISIONAL MODEL FOR THE TAKING ISSUE.](#), 58 N.Y.U. L. Rev. 465
 ... **(1876)**, and is indirectly suggested, at least, by the existence of a due process clause not only in the fourteenth amendment but also directly prior to the takings clause in the fifth amendment as well. If the "same analytic problem" is involved, it seems more useful to identify the manner in which due process and takings analyses are related than to continue with the fiction that the two are located on different planets. The Court's opinions in Powell v. Pennsylvania, 127 U.S. 678 (1888); ...
Content: Law Reviews | **Date:** June 1, 1983
-
583. 49 N.Y.U. L. Rev. 740
Content: Law Reviews
-
584. [ECONOMIC POLICY IN THE HEMISPHERE: SUCCESSES AND FAILURES: A NEW INFLECTION POINT IN HEMISPHERIC ECONOMIC POLICIES?](#), 15 Law & Bus. Rev. Am. 35
 ... of economic liberalism. The National Banking Act of 1863, succeeded by the National Bank Act of 1864, sought, for instance, to bring stability to a financial system sorely in need of regulatory strengthening to support the federal government during the Civil War and to remedy the notable shortcomings of the earlier, less regulated banking systems. Only a short while later, Munn v. Illinois provided a clear legal basis for public utility regulation 9 **Munn v. Illinois, 94 U.S. 113(1876)**. ...
Content: Law Reviews | **Date:** 2009
-
585. [ARTICLE: INSIDERS, OUTSIDERS, AND THE AMERICAN DREAM: HOW CERTIFICATE OF NECESSITY LAWS HARM OUR SOCIETY'S VALUES.](#), 26 ND J. L. Ethics & Pub Pol'y 381
 ... New York , 158 291 U.S. 502 (1934). when the Court replaced the long-standing "affected with a public interest" test with the theory of "rational basis scrutiny." 159 The "affected with a public interest" test was adopted in Munn v. Illinois, **94 U.S. 113, 126 (1876)**. Justice Field dissented in Munn, pointing out that this test was originally devised to cover natural monopolies, and that the grain elevators at issue in that case were not natural monopolies. See id. at 139-40 (Field, ...
Content: Law Reviews | **Date:** 2012
-
586. [Article: Public Use, Substantive Due Process and Takings - An Integration](#), 74 Neb. L. Rev. 843
 ... It was not until after the Civil War, however, that the Supreme Court began to take a serious interest in using the Due Process Clauses of the Fifth Amendment and the recently ratified Fourteenth Amendment

for the purpose of reviewing the substance of various federal and state regulations. Starting with the cases examining the reasonableness of utility rate regulation, 19 Stone v. Farmer's Loan and Trust, 116 U.S. 307 (1886); **Munn v. Illinois, 94 U.S. 113 (1877)**. In both cases the ...

Content: Law Reviews | **Date:** 1995

587. [**FEATURE: LEGISLATIVE AND JUDICIAL HISTORY OF THE REGULATION OF PUBLIC UTILITIES IN NEVADA**](#), 5 Nev. Law. 31

... Inherent in the legal precedent of legitimate "economic regulation," the identifiable factual characteristic common to any particular business activity that invokes the exercise of governmental economic regulation is the determination that a particular business is somehow "affected with the public interest." Specifically, as described by the Supreme Court of the United States' decision in **Munn v. Illinois, 94 U.S. 113, 126 (1877)**: Property does become clothed with a public interest when used ...

Content: Law Reviews | **Date:** October 1, 1997

588. [**NOTE: Shutting the Barn Door Before the Horse is Stolen: How and Why State Public Utility Commissions Should Regulate Transactions Between a Public Utility and its Affiliates**](#), 4 Nev. L.J. 164

... , which provided that when a person commits property to a use in which the public has an interest, that person has granted the public an interest in that use, and must submit to be controlled by the public for the common good. 236 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. Legislatures have granted commissions broad supervisory powers to protect consumers from abuse and overreaching by utilities. For example, the California commission is vested with vast regulatory powers to supervise ...

Content: Law Reviews | **Date:** 2003

589. [**ARTICLE: Equity's Modification of Contract: An Analysis of the Twentieth Century's Equitable Reformation of Contract Law**](#), 33 New Eng. L. Rev. 265

... "It is plain that the Constitution does not forbid the imposition . . . of maximum prices upon commercial and other activities. A legislative power to create price ceilings has, in 'countries where the common law prevails,' been customary from time immemorial . . ." Id. at 768 (quoting **Munn v. Illinois, 94 U.S. 113, 133 (1876)**). Justice Harlan's opinion runs eighty-two pages in length with one hundred twenty-one footnotes. See id. In response to issues of legislative intrusion into the setting ...

Content: Law Reviews | **Date:** 1999

590. [**Note: Child Support Recovery Act: Unification or Usurpation? The CSRA in the Aftermath of United States v. Lopez**](#), 31 New Eng. L. Rev. 267

... (stating that "the day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down [laws and regulations], because they may be unwise, improvident, or out of harmony with a particular school of thought"); **Munn v. Illinois, 94 U.S. 113, 134 (1876)** (stating that "for protection against abuses by legislatures the people must resort to the polls, not to the courts"). ""Only by faithful adherence to this guiding principle of judicial review of legislation is it ...

Content: Law Reviews | **Date:** 1996

591. [**NOTE: The Drug Patent Term: Longtime Battleground in the Control of Health Care Costs**](#), 24 New Eng. L. Rev. 115

... SCHWARTZ & FLYNN, supra note 165, at 31. In 1876, the United States Supreme Court upheld the constitutionality of these statutes, conferring broad power to regulate businesses "clothed with a public interest." 297 Id. (quoting **Munn v. Illinois, 94 U.S. 113, 126 (1876)**). Federal legislation empowered the Interstate Commerce Commission to set reasonable rates for railroads, forbid unreasonable agreements among competing railroads and control railroad expansion and discontinuance. ...

Content: Law Reviews | **Date:** 1989

592. [ARTICLE: Stephen Field: Frontier Justice or Justice on the Natural Rights Frontier?](#), 6 Nexus J. Op. 121

... willingness to defer to state legislatures belies this claim. Instead, Field believed in defending a sphere of individual liberty that he believed was protected by the nature of republican government, and by the Constitution of the United States. Consider *Munn v. Illinois*, 12 **94 U.S. 113(1877)**. the 1877 case in which a majority of the Supreme Court upheld a state regulation of the prices that grain elevator operators could charge for their services. Such regulation was permissible, ...

Content: Law Reviews | **Date:** 2001

593. [FEDERAL COURTS, PRACTICE & PROCEDURE SYMPOSIUM: JUSTICE SCALIA AND THE FEDERAL COURT: JUSTICE SCALIA AND SHERMAN ACT TEXTUALISM](#), 92 Notre Dame L. Rev. 2013

... Congress included bans on manufacturing, even if the resulting products were destined for export, 164 Id. at 8-9. regulation of rates charged for the storage of grain, even though most such grain was destined for export, 165 See **Munn v. Illinois, 94 U.S. 113, 134-35 (1876)** (holding that a regulation of prices charged for storing grain exceeded the scope of the commerce power and thus survived "even though in so doing [the regulation] may indirectly operate upon commerce outside ...

Content: Law Reviews | **Date:** May 1, 2017

594. [ARTICLE: NAIVE ENERGY MARKETS](#), 92 Notre Dame L. Rev. 973

... Nowhere is that divide more prominent today than within the field of energy law, a body of regulation that encompasses two basic challenges: (1) the problem of ensuring well-functioning energy markets, and fair energy prices, 14 The justification for this kind of regulation is sometimes traced back to the seminal case of **Munn v. Illinois, 94 U.S. 113(1877)**, which merely recognized a historical truth: that the law permits price regulation of businesses that are "affected with a public interest." ...

Content: Law Reviews | **Date:** 2017

595. [SYMPOSIUM: "THE EVOLUTION OF THEORY": ARTICLE: THE DECLINE OF LEGAL CLASSICISM AND THE EVOLUTION OF NEW DEAL CONSTITUTIONALISM](#), 89 Notre Dame L. Rev. 2051

... Another pervasive theme of late nineteenth and early twentieth-century constitutional jurisprudence of economic liberty was the public-private distinction in which jurists differentiated between private entities and those subject to public economic regulation. First articulated by Chief Justice Waite in *Munn v. Illinois*, 40 **94 U.S. 113(1877)**. in which the Supreme Court upheld a state's power to prescribe the rates of a privately owned and operated grain elevator, 41 Id. at 130-32. ...

Content: Law Reviews | **Date:** May 1, 2014

596. [ARTICLE: NONINCORPORATION: THE BILL OF RIGHTS AFTER MCDONALD V. CHICAGO](#), 88 Notre Dame L. Rev. 159
- ... "The law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." *Id.* at 533 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The Court added that the text of the Fifth Amendment supported the conclusion that due process did not require grand ...
- Content:** Law Reviews | **Date:** November 1, 2012
-
597. [ARTICLE: POWERS, RIGHTS, AND SECTION 25](#), 86 Notre Dame L. Rev. 1241
- ... In his dissent in the Granger Cases, for example, he argued that unremunerative state-set railroad rates diminished the value of the railroad's property; such rates effectively took property for public use without compensation, and this taking violated the Due Process Clause. 141 See **Munn v. Illinois, 94 U.S. 113, 144 (1876)** (Field, J., dissenting); *Stone v. Wisconsin*, 94 U.S. 181, 184-85 (1877) (Field, J., dissenting); see also McCurdy, *supra* note 138, at 999-1001 (discussing Field's views ...
- Content:** Law Reviews | **Date:** July 1, 2011
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598. [ARTICLE: VIRTUAL TAKINGS: THE COMING FIFTH AMENDMENT CHALLENGE TO NET NEUTRALITY REGULATION](#), 86 Notre Dame L. Rev. 65
- ... Crawford would substitute in its place a more amorphous test that focuses upon whether the industry in question has a "special relationship" with the state, in the sense that their services are "fundamental to a successful polity." 260 *Id.* at 884. But this proposed definition provides no more clarity than Lord Hale's original formulation that a business be "affected by the public interest." 261 See *Munn v. Illinois, 94 U.S. 113, 126 (1876)*. As Crawford candidly notes, it is difficult ...
- Content:** Law Reviews | **Date:** February 1, 2011
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599. [ARTICLE: RETHINKING THE PRESUMPTION OF CONSTITUTIONALITY](#), 85 Notre Dame L. Rev. 1447
- ... standard in reviewing legislation that infringes fundamental rights or discriminates against suspect or quasi-suspect classes.) 28 See, e.g., *Vacco v. Quill*, 521 U.S. 793, 799 (1997). Although courts occasionally invoked the presumption of constitutionality as early as 1876, 29 See **Munn v. Illinois, 94 U.S. 113, 132 (1877)** (stating that the Court "must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration ...
- Content:** Law Reviews | **Date:** June 1, 2010
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600. [ARTICLE: CONSTITUTIONAL FALSE POSITIVES AND THE POPULIST MOMENT](#), 81 Notre Dame L. Rev. 821
- ... *Stone v. Wisconsin*, 94 U.S. 181, 183 (1877) (Field, J., dissenting) (rejecting the reasoning of the Granger Cases); *Peik v. Chi. & Nw. Ry. Co.*, 94 U.S. 164, 177-78 (1877) (rejecting a Dormant Commerce Clause attack on railroad rate regulation); **Munn v. Illinois, 94 U.S. 113, 130-35 (1877)** (rejecting other challenges to these state statutes); Jory, *supra* note 81, at 26 (lamenting that "these decisions have been practically annulled"); Ridge, *supra* note 84, at 297 (describing Ignatius Donnelly's ...
- Content:** Law Reviews | **Date:** March 1, 2006
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601. [ESSAY: STATES ARE PEOPLE TOO](#), 75 Notre Dame L. Rev. 1121
 ... Insurance Co. v. New Orleans, 13 F. Cas. 67, 68 (No. 7052) (C.C.D. La. 1870). Both the Slaughterhouse Cases 6 83 U.S. 36 (1873). For a good history of the case, see Herbert Hovenkamp, Enterprise and American Law 1836-1937, at 116-24 (1991). in 1873 and Munn v. Illinois 7 94 U.S. 113(1877); see also Charles Fairman, 7 History of the Supreme Court of the United States : Reconstruction and Reunion 1864-88, at 327-71 (1987). (and the other Granger cases) in 1877 made clear that ...
Content: Law Reviews | **Date:** March 1, 2000
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602. [ARTICLE: MODELING AND FORMALISM IN TAKINGS JURISPRUDENCE](#), 61 Notre Dame L. Rev. 372
 ... the takings issue without strict reliance on a use-dependency principle. The point is not that use-dependency is wrong or irrelevant to takings jurisprudence. The Court has invoked use-dependency in some takings cases. 186 Costonis asserts that the use-dependency test derives from the "clothed with a public interest" idea of **Munn v. Illinois,94 U.S. 113(1876)**. Costonis, supra note 6, at 487 n.93. In Munn, a state statute fixed the maximum charges for storage fees in grain warehouses. ...
Content: Law Reviews | **Date:** 1986
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603. [ARTICLE: Stop the Beach Renourishment: A Case of MacGuffins and Legal Fictions](#), 35 Nova L. Rev. 587
 ... (b) Second, once the Court decides what rights are covered under Substantive Due Process, then the Court judicially reviews the state action for compliance with those rights. 151 Id. Justice Field initiated use of the substantive due process doctrine under the Fourteenth Amendment in stinging dissents in the Slaughter-House Cases 152 83 U.S. (16 Wall.) 36, 83 (1872). and Munn v. Illinois . 153 94 U.S. 113, 136 (1877). The Slaughter-House Cases upheld a Louisiana law ...
Content: Law Reviews | **Date:** 2011
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604. [THE REHNQUIST YEARS: A SUPREME COURT RETROSPECTIVE: Opticians and Abortion: The Constitutional Myopia of Justice Rehnquist](#), 22 Nova L. Rev. 695
 ... on the state's behalf, and won a reversal of the lower court's decision. 11 Id. at 491. This was a fairly simple case for the Justices. A long line of precedent, stretching back to the nineteenth century, proclaimed the principle-as stated by the Court in Munn v. Illinois 12 94 U.S. 113(1876). in 1877- that "[f]or protection against abuses by legislatures the people must resort to the polls, not to the courts." 13 Id. at 134. In other words, if Oklahoma's opticians did not ...
Content: Law Reviews | **Date:** 1998
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605. [ARTICLE: LEGAL STRATEGIES FOR REINING IN "UNCONSCIONABLE" PRICES FOR PRESCRIPTION DRUGS + Grant funding from the Laura and John Arnold Foundation is gratefully acknowledged. The funder had no role in the design of the study or the drafting or revision of the manuscript.](#), 114 Nw. U.L. Rev. 859
 ... , TECHNOLOGICAL CHANGE IN REGULATED INDUSTRIES 1, 1-12 (William M. Capron ed., 1971). Among the earliest targets of rate regulation in the United States were grain elevators, warehouses, and canals, for which nineteenth-century courts held that rate regulation was justified because they were "monopoly" providers of services "affected with a public interest." **Munn v. Illinois,94 U.S. 113, 150-51(1876)** .
 with some significant ...
Content: Law Reviews | **Date:** 2020

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606. [**SYMPOSIUM: THE REHNQUIST COURT: THE INEVITABLE FAILURE OF NUISANCE-BASED THEORIES OF THE TAKINGS CLAUSE: A REPLY TO PROFESSOR CLAEYS**](#), 99 Nw. U.L. Rev. 231
 ... effectively freezes the State's common law, denying the legislature much of its traditional power to revise the law governing the rights and uses of property. Until today, I had thought that we had long abandoned this approach to constitutional law. More than a century ago we recognized that "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." *Id.* (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). ...
Content: Law Reviews | **Date:** 2004
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607. [**ARTICLE: LAND USE LAW IN THE EARLY REPUBLIC AND THE ORIGINAL MEANING OF THE TAKINGS CLAUSE**](#), 94 Nw. U.L. Rev. 1099
 ... (Indeed, this assertion goes back more than a century in the Court's decisions. n377) The evidence presented above overwhelmingly shows that this historical assertion is wrong. Prohibition of noninjurious uses was commonplace at the time of the Constitution. 378 See *Mugler v. Kansas*, 123 U.S. 623, 667 (1887); *Fertilizing Co. v. Hyde Park*, 97 U.S. 659, 667 (1878); **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. Property rights in America had lo g See supra notes 230-37 and accompanying ...
Content: Law Reviews | **Date:** 2000
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608. [**ARTICLE: LOOKING INSIDE OUT: INSTITUTIONAL ANALYSIS AND THE PROBLEM OF TAKINGS**](#), 92 Nw. U.L. Rev. 591
 ... *Lochner v. New York*, 198 U.S. 45, 53 (1905); *Holden v. Hardy*, 169 U.S. 366, 388 (1898); *Crowley v. Christensen*, 137 U.S. 86, 89-90 (1890); *Powell v. Pennsylvania*, 127 U.S. 678 (1888); *Mugler v. Kansas*, 123 U.S. 623, 667- 69 (1887); **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)**; *Beer Co. v. Massachusetts*, 97 U.S. 25 (1877). For a detailed description of the analysis, see McUsic, supra note 17, at 611-24. For commentary, both contemporary and current, see Thomas Cooley, *A Treatise* ...
Content: Law Reviews | **Date:** 1998
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609. [**ARTICLE: THE FEDERAL GOVERNMENT'S POWER TO ENACT COLOR-CONSCIOUS LAWS: AN ORIGINALIST INQUIRY**](#), 92 Nw. U.L. Rev. 477
 ... judiciary to scrutinizing whether a government actor had the power it was exercising. Until then, the allocation of power to a particular branch of government was subject to judicial review; but the exercise of an allocated power was not. Chief Justice Waite's comment in 1877 captures the traditional norm: "for protection against abuses by Legislatures" in exercising their allocated powers "the people must resort to the polls, not to the courts." 426 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. ...
Content: Law Reviews | **Date:** 1998
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610. [**ARTICLE: NO RIGHT TO EXCLUDE: PUBLIC ACCOMMODATIONS AND PRIVATE PROPERTY**](#), 90 Nw. U.L. Rev. 1283
 ... *State v. Edwards*, 29 A. 947 (Me. 1893) (distinguishing between public businesses, such as common carriers and mills, whose prices can be legislatively controlled and stores that are "private" and immune from such regulation). *Munn v. Illinois*, 545 **94 U.S. 113(1876)**. decided in 1873, justified legislative regulation of businesses "affected with a public interest." At the time the case was decided, it was not clear whether this category would be broad or narrow. Over the course of the ...

Content: Law Reviews | **Date:** 1996

611. [THAYER'S DOCTRINE: NOTES ON ITS ORIGIN, SCOPE, AND PRESENT IMPLICATIONS](#), 88 Nw. U.L. Rev. 28

Content: Law Reviews | **Date:** 1993

612. [NOTE: Fein v. Permanente Medical Group: Future Trends in Damage Limitation Adjudication](#), 80 Nw. U.L. Rev. 1643

... . One could argue that the state statute takes private property -- the individual's common law action for potentially unlimited noneconomic damages -- for a public use -- the preservation of adequate medical care at reasonable cost -- without providing "just compensation." The Supreme Court long ago ruled that "[a] person has no property, no vested interest, in any rule of the common law," 156 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. and the Court consistently has denied the existence ...

Content: Law Reviews | **Date:** 1986

613. [ARTICLE: 40th Anniversary of Roe v. Wade: Reflections Past, Present and Future](#), 40 Ohio N.U.L. Rev. 105

... be deprived of life, liberty, or property, without due process of law . . . 37 U.S. CONST. amend. V (emphasis added). The Fifth Amendment was designed to ensure protections against what some feared would be a strong and uncontrollable national government. 38 **Munn v. Illinois, 94 U.S. 113, 124 (1876)** (stating the Fifth Amendment was introduced into the Constitution as "a limitation on the powers of the national government"). Historically, the concept of due process originated under ...

Content: Law Reviews | **Date:** 2013

614. [SURVEY OF OHIO LAW: OHIO SUPREME COURT DECISIONS: III. CASES INVOLVING STATUTORY INTERPRETATION: F. Tolling Statute of Limitations in Child Abuse: Pratte v. Stewart, 125 OHIO ST. 3D 473, 2010-OHIO-1860, 929 N.E.2D 415 DECIDED MAY 5, 2010](#), 37 Ohio N.U.L. Rev. 919

... (citing Groch, 117 Ohio St. 3d at 212-13, 2008-Ohio-546 PP 117-19, 883 N.E.2d at 398-99). Thus, "[a] person has no property, no vested interest, in any rule of the common law." 60 Id., 2010-Ohio-1860 P 40, 929 N.E.2d at 423 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Applying Groch, the court found "Pratte did not have a vested right in the common-law discovery rule announced in Ault, and [the court] would offend the separation-of-powers doctrine by invalidating ...

Content: Law Reviews | **Date:** 2011

615. [STUDENT COMMENT: Leveling the Playing Field: Using Rational Basis With A Bite as Means of Overcoming the NCAA's Violation of Equal Protection](#), 37 Ohio N.U.L. Rev. 283

... On numerous occasions the Supreme Court has noted that it is not for the courts to declare legislation unconstitutional, but rather it is up to the people to use the democratic processes to change the law. 146 See, e.g., Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483, 488 (1955) "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Id. (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). Under rational basis review, economic ...

Content: Law Reviews | **Date:** 2011

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616. [ARTICLE: The Puzzle of the Constitutional Home](#), 80 Ohio St. L.J. 1099
 ... (1899); Smyth v. Ames, 169 U.S. 466, 466 (1898), aff'd, 171 U.S. 361 (1898); Chi., Milwaukee & St. Paul Ry. Co. v. Minnesota, 134 U.S. 418, 418 (1890); **Munn v. Illinois, 94 U.S. 113, 142(1876)**. But see Mo. Rate Cases, 230 U.S. 474, 476 (1913); Reagan v. Farmers' Loan & Tr. Co., 154 U.S. 362, 362 (1894). ...
Content: Law Reviews | **Date:** 2019
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617. [NOTE: A Proposed Approach to Judicial Takings](#), 73 Ohio St. L.J. 177
 ... Almost never will a court blatantly proclaim that its decision effected a dramatic change in the law. When a state legislature enacts a statute, however, a reasonable assumption is that the statute is a departure from preexisting law. 274 Id. at 1491 (observing that "[s]tatutes are, generally speaking, assumed to be new rules replacing common law background principles"); see also **Munn v. Illinois, 94 U.S. 113, 134 (1876)** (stating that "the great office of statutes is to remedy defects in the ...
Content: Law Reviews | **Date:** 2012
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618. [Article: The Judicial Restraint of the Warren Court \(and Why it Matters\)](#), 69 Ohio St. L.J. 255
 ... continued, "it is for the legislature, not the courts, to balance the advantages and disadvantages of the new requirement." 117 Id. The Court concluded, "[f]or protection against abuses by legislatures the people must resort to the polls, not to the courts." 118 Id. at 488 (citing **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The Warren Court thus reaffirmed the deferential baseline for evaluating legislation from Carolene Products. Absent evidence of invidious discrimination, the ...
Content: Law Reviews | **Date:** 2008
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619. [ARTICLE: The Death of the Regulatory Compact: Adjusting Prices and Expectations in the Law of Regulated Industries](#), 67 Ohio St. L.J. 1265
 ... of 1914 thus extended federal authority over intrastate railroad carriages with the potential to affect interstate commerce. Most important, Munn declined to prescribe judicial review, under any constitutional theory, as a palliative against ratemaking abuses: "the people must resort to the polls, not to the courts." 76 Munn v. Illinois, **94 U.S. 113, 134 (1877)**. As late as 1892, the Supreme Court suggested that federal courts lacked power to review utility or railroad rates set by the ...
Content: Law Reviews | **Date:** 2006
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620. [ARTICLE: The Lost Compromise: Reassessing the Early Understanding in Court and Congress on Incorporation of the Bill of Rights in the Fourteenth Amendment](#), 61 Ohio St. L.J. 1051
 ... dissent, argued that Field's supposedly "moderate reading" of the Fourteenth Amendment in Slaughter-House "quickly became the basic doctrine of American constitutional law." 153 Nelson, supra note 88, at 164. Nelson pointed to the 1877 decision in Munn v. Illinois, 154 **94 U.S. 113(1877)**, asserting that it thus "took only four years after . . . Slaughter-House . . . for Justice Field to command a majority on the Court in support of his views." 155 Nelson, supra note 88, at ...
Content: Law Reviews | **Date:** 2000
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621. [Article: Social Contract Neutrality and the Religion Clauses of the Federal Constitution](#), 57 Ohio St.

L.J. 1263

... Later opinions also hold that the Constitution "does not confer power upon the whole people to control rights which are purely and exclusively private, but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another." 183 **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (citing *Thorpe v. Rutland & B. R.R.*, 27 Vt. 140, 143 (1855)). These holdings support the social contract view, and they particularly ...

Content: Law Reviews | **Date:** 1996

622. [ARTICLE: Christopher G. Tiedeman, 'Laissez-Faire Constitutionalism' and the Dilemmas of Small-Scale Property in the Gilded Age](#), 51 Ohio St. L.J. 1349

... Whenever the business is itself a privilege or franchise, not enjoyed by all alike, or the business is materially benefited by the gift by the State of some special privileges to be enjoyed in connection with it, the business ceases to be strictly private, and becomes a quasi public business, and to that extent may be subjected to police regulation. 159 1 SFC, supra note 8, at 303. 1. Munn Thus Tiedeman was opposed to the Munn 160 **Munn v. Illinois, 94 U.S. 113(1877)**. doctrine that ...

Content: Law Reviews | **Date:** 1990

623. [ARTICLE: The Common-Law Background of Nineteenth-Century Tort Law](#), 51 Ohio St. L.J. 1127

... Consequently, strict liability was the appropriate standard because of "the public character and absolute duties of the common carrier," or, in the words of later judges, because of their status as businesses affected with a public interest. 125 Cole, 19 Wend. at 281. See *Hollister v. Nowlen*, 19 Wend. 234, 234 (N.Y. Sup. Ct. 1838). See also **Munn v. Illinois, 94 U.S. (4 Otto.) 113(1876)**; *Nebbia v. New York*, 291 U.S. 502 (1933). The crucial role common carriers played in the ...

Content: Law Reviews | **Date:** 1990

624. [SYMPOSIUM: CURRENT ISSUES IN INSURANCE LAW: ARTICLE: Statutory Prohibitions on the Negotiation of Insurance Agent Commissions: Substantive Due Process Review Under State Constitutions](#), 51 Ohio St. L.J. 773

... : Da Capa Press repr. ed. 1972) (1868). which was first published in 1868, gave strong support to the doctrine. 64 NOWAK, ROTUNDA, & YOUNG, supra note 57, at 340; SIEGAN, supra note 60, at 45-46. In the 1877 decision *Munn v. Illinois*, 65 **94 U.S. 113(1877)**. the Supreme Court suggested that the due process clause contained some implicit but nevertheless inherent restrictions on the economic regulatory authority of legislatures. The Court rejected due process and commerce clause challenges ...

Content: Law Reviews | **Date:** 1990

625. [ARTICLE: Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918. *? Copyright by James May 1989.](#), 50 Ohio St. L.J. 257

... sharply attacked state rate regulation of companies that had not received any special governmental privileges 392 Id. at 39-43, 66-67, 22 N.E. at 684-85, 693 (Peckham , J., dissenting). and strongly criticized the United States Supreme Court 's 1877 opinion in *Munn*. 393 **Munn v. Illinois, 94 U.S. 113(1877)**. See supra text accompanying notes 25-27. Exhibiting a philosophical embrace of rugged individualism and equal opportunity, 394 See Duker, supra note 384, at 50. Judge ...

Content: Law Reviews | **Date:** 1989

626. [ARTICLE: The Legitimacy Debate in Constitutional Adjudication: An Assessment and a Different Perspective](#), 44 Ohio St. L.J. 93
- ... in which the Court, without referring to the Constitution, struck down a tax that financed a bonus to attract a private manufacturer to a city. The Court clearly recognized that due process had a substantive meaning in cases such as **Munn v. Illinois, 94 U.S. 113(1876)**, and *Mugler v. Kansas*, 123 U.S. 623 (1887), in which it upheld state regulatory laws against due process challenges. In *Allgever v. Louisiana*, 165 U.S. 578 (1897), the Court invoked substantive due process to invalidate ...
- Content:** Law Reviews | **Date:** 1983
-
627. [COMMENT: Public Ownership of Public Utilities: Have Stockholders Outlived Their Useful Economic Lives@](#), 43 Ohio St. L.J. 821
- ... Anyone who has spent a cold night without heat, has lacked hot water with which to wash, or has had a medical emergency arise while his or her phone was disconnected knows that the essentiality of these services is not exaggerated. The common need for services provided by utilities is analogous to what the Court described as "affected with a public interest" in *Munn v. Illinois*, 3 **94 U.S. 113(1877)**. the landmark decision that laid the basis for public utility regulation. 4 Id. ...
- Content:** Law Reviews | **Date:** 1982
-
628. [COMMENT: Merchant Restraints: Credit-Card-Transaction Surcharging and Interchange-Fee Regulation in the Wake of Landmark Industry Changes](#), 68 Okla. L. Rev. 327
- ... Rejecting plaintiffs' First Amendment arguments, the court determined that the statute regulates conduct, not speech, and therefore free-speech guarantees were not implicated. 236 Id. at *8-10. The court cited precedent that affirmed the validity of price-control statutes which "necessarily prevent sellers from communicating certain (illegal) prices." 237 Id. at *8, 10; see, e.g., **Munn v. Illinois, 94 U.S. 113, 125 (1876)** ("[It] has been customary . . . in this country from its ...
- Content:** Law Reviews | **Date:** 2016
-
629. [ARTICLE: The Arbitrary Path of Due Process](#), 53 Okla. L. Rev. 197
- ... The striking contrast between the Court's unwillingness to amplify the procedural contributions of due process and its enthusiasm for judicial review of legislative policy under "substantive due process" notions is easily traced in even a rough timeline of decisions from the late nineteenth century and the first half of the twentieth century: **Munn v. Illinois, 94 U.S. 113, 125 (1877)** (noting in dicta that government price regulation might violate due process); *Hurtado v. California*, 110 U.S. ...
- Content:** Law Reviews | **Date:** 2000
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630. [ARTICLE: JUDICIAL SOLECISM REPEATED: AN ANALYSIS OF THE OKLAHOMA SUPREME COURT'S REFUSAL TO RECOGNIZE THE ADJUDICATIVE NATURE OF PARTICULARIZED RATEMAKING](#), 47 Okla. L. Rev. 601
- ... Both labels, judicial and legislative, are in some sense appropriate to describe the ratemaking process. Under a time test, most ratemaking can be considered legislative. An impact test, however, implicates the adjudicative label. And, an historical approach, although usually considered to lend support to the legislative label, leaves an ambiguous trail. Justice Opala, citing *Munn v. Illinois*, 32 **94 U.S. 113, 123-26 (1876)**. roots ratemaking's legislative label in history: the British ...
- Content:** Law Reviews | **Date:** 1994

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631. [ARTICLE: A PRICE-LEVEL \(INCENTIVE\) REGULATION PROPOSAL FOR OIL PIPELINES](#), 46 Okla. L. Rev. 415
- ... The common carrier concept evolved out of a societal need to regulate essential services provided by a business uniquely "affected with a public interest." 28 LORD HALE, DE PORTIBUS MARIS 78 (Hargrave Law Tracts No. 1, 1776) (written prior to 1676), quoted in **Munn v. Illinois, 94 U.S. 113, 125-16 (1876)**. Although monopoly power was not initially the touchstone justifying rate regulation, 29 At common law, the basis for classification of an entity as a "common carrier" was whether a ...
- Content:** Law Reviews | **Date:** 1993
-
632. [Article: Recovery of a Lost Decade \(or Is It Three?\): Developing the Capacity in Government Necessary to Reduce Carbon Emissions and Administer Energy Markets](#), 88 Or. L. Rev. 405
- ... In response to concerns over the implacable tendency of railroads to produce monopolies, American legislators, economists, and other public intellectuals initiated a system of monopoly regulation. 239 Railroads presented the first case of a phenomenon now called "natural monopolies," although earlier cases indicate the nation had begun to grapple with the issue. **Munn v. Illinois, 94 U.S. 113, 135 (1876)** (holding that a statute regulating rates charged by grain elevators at a railroad terminal ...
- Content:** Law Reviews | **Date:** 2009
-
633. [Articles: Charles Evans Hughes and the Blaisdell Decision: A Historical Study of Contract Clause Jurisprudence](#), 72 Or. L. Rev. 513
- ... civil rights. Hall et al., supra note 96, at 188. This period also underscored the importance of increased governmental regulation to implement economic and social progress. Id. at 353-56. Consequently, the burgeoning administrative and regulatory atmosphere produced legal and constitutional issues involving state police powers, contract rights, and substantive due process. Id. at 367-68. For early examples of these conflicts before the Supreme Court, see **Munn v. Illinois, 94 U.S. 113(1877)** ...
- Content:** Law Reviews | **Date:** 1993
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634. [ARTICLE: A BATTLE BETWEEN LAW AND SOCIETY IN MICRONESIA: AN EXAMPLE OF ORIGINALISM GONE AWRY](#), 21 Pac. Rim L. & Pol'y J. 295
- ... "Can any reasonable legislature choose this particular statute to achieve its goal?" In subjecting a statute to this second test, it must be pointed out that the statute is presumed to be valid. The challengers of the statute must bear the burden of proving that the statute is devoid of any rational basis. Additionally, with respect to economic measures, the courts do not substitute their social and economic beliefs for the judgment of legislative bodies. **Munn v. Illinois, 94 U.S. 113(1877)**; ...
- Content:** Law Reviews | **Date:** March 1, 2012
-
635. [COMMENT: Electric Vehicles and Time-of-Use Rates: The Impending Role of the New York State Public Service Commission in Regulating our Transportation Future](#), 28 Pace Env'tl. L. Rev. 568
- ... monopoly power, utilities accept regulation by the state. 42 For a classic discussion of the nature of public utilities in the United States, see generally Proprietors of the Charles River Bridge v. Proprietors of the Warren Bridge, 36 U.S. 420 (1837); **Munn v. Ill., 94 U.S. 113(1877)**; Smyth v. Ames, 169 U.S. 466 (1898). Utilities are further characterized by their service to the public interest, their duty to serve all members of the public in their respective territories, ...

Content: Law Reviews | **Date:** 2011

636. [ARTICLE: Thoughts on the Role of Substantive Due Process in the Federal Constitutional Law of Property Rights Protection](#), 25 Pace Envtl. L. Rev. 1

... The Slaughter-House Cases, 83 U.S. 36, 80-81 (1872). In that decision, the Court held the statute, having been enacted in a procedurally sufficient manner, to be valid despite its conferment of monopoly status upon a single company. See also, **Munn v. Illinois, 94 U.S. 113, 134 (1877)** ("For protection against abuses by legislatures the people must resort to the polls, not to the courts."). gained its initial traction in the Nineteenth Century. As early as 1887, the Supreme Court directly engaged ...

Content: Law Reviews | **Date:** 2008

637. [SYMPOSIUM: ELECTRICITY RESTRUCTURING AT A CROSSROADS: CONSUMER AND ENVIRONMENTAL IMPLICATION: INTRODUCTION: Competition, Environment, and the Electric Industry: A Special Symposium on Restructuring at the Crossroads](#), 18 Pace Envtl. L. Rev. 287

... Idaho Power & Light Co. v. Blomquist, 141 P. 1083 (Idaho 1914). and to protect consumers from the adverse effects of monopoly control - higher prices, restricted output, and the transfer of wealth from consumers to the utility. 2 See **Munn v. Illinois, 94 U.S. 113(1877)**. Publicly owned power systems, serving a significant minority of electricity consumers, have also followed the path of affordable prices based on production costs. The last several years have seen a major impetus ...

Content: Law Reviews | **Date:** 2001

638. [NOTE AND COMMENT: Electric Utility Regulation Reform in New York: Economic Competitiveness at the Expense of the Environment?](#), 13 Pace Envtl. L. Rev. 281

... an economic concept and one justification for government to regulate private enterprises. Un-regulated natural monopolies are not desirable from an economic standpoint because of the potential for economic waste and inefficient allocation of goods to consumers. Zillman & Lattman , supra note 8, at 134. See discussion infra part III. no longer exists. Yet the natural monopoly remains a fundamental basis for the regulation of public utilities. 15 **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. ...

Content: Law Reviews | **Date:** 1995

639. [ARTICLE: Regulatory Takings in the Shale Gas Patch](#), 19 Penn St. Envtl. L. Rev. 193

... Freyfogel, supra note 26, at 98. The maxim, "sic utere tuo ut alienum non laedas" refers to the Latin phrase used by courts to describe the correlative rights of neighboring property owners and the public. It means simply "use your own property in such manner as not to injure that of another." The Supreme Court first mentions the term in the context of a discussion of common law nuisance in **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)**. Thus, Courts faced with takings claims arising from shale ...

Content: Law Reviews | **Date:** 2011

640. [120 Penn. St. L. Rev. 923](#)

Content: Law Reviews

641. [Comment: Municipal Boundaries: A Barrier Between Customers and Adequate, Uniform, and](#)

[Affordable Utility Services](#), 120 Penn St. L. Rev. 923

... municipal corporation's monopoly status over its citizens and the great social interest involved in the utility services, customers may argue that the municipal corporation does owe them a duty of care. 82 See Barnes Laundry Co. v. Pittsburgh, 109 A. 535, 540 (Pa. 1920) (holding that a city operating a water plant was a monopoly and thus could not treat its customers unreasonably); see **Munn v. Illinois, 94 U.S. 113, 132 (1876)** (holding that the fourteen warehouses in Chicago owned ...

Content: Law Reviews | **Date:** 2016

642. [Comment: Municipal Boundaries: A Barrier Between Customers and Adequate, Uniform, and Affordable Utility Services](#), 120 Penn. St. L. Rev. 923

... municipal corporation's monopoly status over its citizens and the great social interest involved in the utility services, customers may argue that the municipal corporation does owe them a duty of care. 82 See Barnes Laundry Co. v. Pittsburgh, 109 A. 535, 540 (Pa. 1920) (holding that a city operating a water plant was a monopoly and thus could not treat its customers unreasonably); see **Munn v. Illinois, 94 U.S. 113, 132 (1876)** (holding that the fourteen warehouses in Chicago owned by the ...

Content: Law Reviews | **Date:** 2016

643. [ARTICLE: Thurgood Marshall and the Holy Grail-The Due Process Jurisprudence of a Consummate Jurist](#), 26 Pepp. L. Rev. 289

... Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will . . . of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. 159 Id. at 92-93 (Marshall, J., concurring) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1887)**). ...

Content: Law Reviews | **Date:** 1999

644. [COMMENT: Valuing the Environment: NOAA's New Regulations Under the Oil Pollution Act of 1990](#), 22 Pepp. L. Rev. 167

... Passive users are an important force in environmental protection. Although they may never actually use an area, passive users are actually damaged by an oil spill in that area. Their damages must be accounted for and compensated. "Whatever God has given to everyone with life for its growth and enjoyment" 351 **Munn v. Illinois, 94 U.S. 113, 142 (1876)** (Field, J., dissenting). must be defended. A reliable contingent valuation study is a valuable weapon for this defense. Contingent valuation ...

Content: Law Reviews | **Date:** December 1, 1994

645. [ARTICLE: Death Is Unconstitutional: How Capital Punishment Became Illegal in America -- A Future History](#), 6 Pierce L. Rev. 485

... Miller v. McKenna, 147 P.2d 531, 536 (Cal. 1944). Likewise, the principle that no person should be deprived of life, liberty, or property, except by due process of law, originated in Magna Carta. 75 Davidson v. City of New Orleans, 96 U.S. 97, 101 (1878); **Munn v. Illinois, 94 U.S. 113, 123 (1876)**. The principle "Ubi jus ibi remedium" -- wherever there is a right, there is a remedy -- originated in Magna Carta and the common law. 76 See, e.g., Smith v. Mercy Hosp. & Med. Ctr., ...

Content: Law Reviews | **Date:** 2008

646. [ARTICLE: Does the Alaska Constitution Provide Broader Protection for Taking or Damage of Property? An Analysis](#), 32 Pub. Land & Resources L. Rev. 27

... However, it also recognized that "changed circumstances or new knowledge may make what was previously permissible no longer so" with regard to property status. 140 Id. at 1031 (citing Restatement (Second) of Torts § 827 cmt. g (1979)); see also e.g. **Munn v. Ill., 94 U.S. 113, 134 (1876)** ("the great office of statutes is to remedy defects in the common law as they are developed, and to adopt it to the changes of time and circumstances"); *Cmmw. v. Parks*, 30 N.E 174 (Mass. 1892) ("the ...

Content: Law Reviews | **Date:** 2011

647. [Article: Nothing to Do With Personhood: Corporate Constitutional Rights and the Principle of Confiscation](#), 34 Quinnipiac L. Rev. 1

... regarding constitutional limitations on governmental regulation of business was liberty of contract. This doctrine, based upon the Fourteenth Amendment guarantee that no state shall deprive any person of liberty without due process of law, blurred any distinction between property and liberty beyond detection. Its earliest manifestations came in cases involving individuals and partnerships 147 E.g., *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1873); **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2015

648. [Article: Corporate Personhood: How the Courts Have Employed Bogus Jurisprudence to Grant Corporations Constitutional Rights Intended for Individuals](#), 28 Quinnipiac L. Rev. 523

... Note that in *Bartemeyer* there was no need to discuss the Fourteenth Amendment because it was not an issue in the case. Note also that in Justice Field 's unsolicited comments, he refers to a "citizen" without any reference to the fact that the term, as originally understood in the Fourteenth Amendment, was referring to persons of the Negro race. In *Munn v. Illinois* , 219 **94 U.S. 113(1876)**. Chief Justice Morrison R. Waite , in a decision that was viewed as signaling a vindication of ...

Content: Law Reviews | **Date:** 2010

649. [THE CONNECTICUT CONSTITUTION: CONNECTICUT'S MISUNDERSTOOD REMEDY CLAUSE](#), 14 Quinnipiac L. Rev. 217

... Concededly, the court in *Miller and Geisler* was utilizing these criteria to decide how to construe state constitutional guarantees that had more or less precise federal counterparts. Section 10's remedy clause, in contrast, has no federal counterpart whatsoever. But federal precedent may prove helpful nevertheless. Indeed, the Court turned to it in *Gentile*. *Gentile v. Altermatt*, 169 Conn. 267, 285, 363 A.2d 1, 12 (1975) (citing **Munn v. Illinois, 94 U.S. 113(1876)**, for the proposition that ...

Content: Law Reviews | **Date:** 1994

650. [ARTICLE: THE BIRTHPLACE OF CALIFORNIA AMERICAN BAR ASSOCIATION DELEGATE REPORT -- MID-YEAR MEETING 2016](#), 64 RI Bar Jnl. 31

... have witnessed a number of historic firsts during my tenure as your representative: the first African American ABA President, the first Hispanic officer in the ABA, the first African American woman President of the ABA, and now Mary Smith has been nominated for the Board, the first Native American officer of the ABA. This is a momentous change from the days when the ABA was an all-white male bastion, primarily as a reaction to the Supreme Court decision of **Munn vs. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** June 1, 2016

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651. [Article: Prisoners' Fundamental Right to Read: Courts Should Ensure that Rational Basis is Truly Rational](#), 21 Roger Williams U. L. Rev. 1
- ... ("We all teach our students, the Court never invalidates statutes unless it applies something more than "real" minimal scrutiny.") (footnote omitted). Historically, the Court has stated, "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 233 Williamson v. Lee Optical of Okla. Inc., 348 U.S. 483, 488 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). Williamson v. Lee Optical Co. is an early case where the court used rational ...
- Content:** Law Reviews | **Date:** 2016
-
652. [SYMPOSIUM: Retroactivity of Law: Foreward: The Dual Dichotomy of Retroactive Lawmaking](#), 3 Roger Williams U. L. Rev. 19
- ... draft charters and statutes with reservations allowing the state the right to alter or amend the charter in the future. A closely related factor was the onset of the Court's "substantive due process" phase, wherein the Court took upon itself to assess legislation in light of its inherent or fundamental fairness. See, e.g., Lochner v. New York, 198 U.S. 45 (1905); Allgeyer v. Louisiana, 165 U.S. 578 (1897); Mugler v. Kansas, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1877)**. ...
- Content:** Law Reviews | **Date:** 1997
-
653. [NOTES AND COMMENTS: THE PATH OF E-LAW: LIBERTY, PROPERTY, AND DEMOCRACY FROM THE COLONIES TO THE REPUBLIC OF CYBERIA](#), 24 Rutgers Computer & Tech. L.J. 223
- ... (sustaining a state prohibition law on the principle that the state, within its powers of police regulation, may enact such legislation on the grounds that public health, safety, and morals may be endangered by the use of intoxicating spirits, and that such legislation did not deprive citizens of constitutional rights); **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (upholding an Illinois law requiring operating licenses and setting the maximum rates that grain warehouses and elevators could charge ...
- Content:** Law Reviews | **Date:** 1998
-
654. [ARTICLE: POPE PIUS XI'S EXTRAORDINARY--BUT UNDESERVED--PRAISE OF THE AMERICAN SUPREME COURT](#), 14 Rutgers J. Law & Relig. 25
- ... the Court's expansive definition of "liberty" had qualified the right "to use" one's faculties by the phrase "in all lawful ways," but left unqualified the "right of the citizen to be free in the enjoyment of all his faculties." 158 Id. at 589. As Buck's attorneys pointed out in her petition for rehearing, this definition of "liberty" "would seem completely to comprehend the earlier definition of life given by Mr. Justice Field in the dissenting opinion in **Munn v. Illinois, 94 U.S. 113** ...
- Content:** Law Reviews | **Date:** 2012
-
655. [ARTICLE: Residential Religious Nuisance, Rluipa and Sic Utere Tuo Ut Alienum Non Laedas: "Like a Pig in the Parlor." n1](#), 5 Rutgers J. Law & Relig. 6
- ... ancestors to summon the local community to redress local evils, instead of relying upon king or legislature at a distance to do so - if a recognition of all these were to be stricken from the body of our constitutional law, a lifeless skeleton might remain). Id. "sic utere tuo ut alienum non laedas," which commands each one to use his own property so as not to injure his neighbor. 5 See Mugler v. Kansas, 123 U.S. 623, 660 (1887) (quoting **Munn v. Illinois, 94 U.S. 113, 124 (1876)**) ...

Content: Law Reviews | **Date:** 2004

656. [ARTICLE: A LICENSE TO SELL CASKETS? PREVELENT LICENSING LAWS ON THE LABOR MARKET AND JUDICIAL CONTROL](#), 15 Rutgers J.L. & Pub. Pol'y 64

... intermediate scrutiny, rational basis test), strict scrutiny is designed to protect "fundamental rights" from legislation intrusions, which means if it is to pass the scrutiny, the challenged laws must be narrowly tailored to achieve a compelling government interest, and rational basis test is designed to review legislations that does not concern "fundamental rights." 154 see Williamson v. Lee Optical, 348 U.S. 483, 488 (1955) (and quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). ...

Content: Law Reviews | **Date:** 2017

657. [ARTICLE: LEARNING TO DO JUSTICE: AN ESSAY ON THE DEVELOPMENT OF THE LOWER FEDERAL COURTS IN THE EARLY YEARS OF THE REPUBLIC](#), 29 Rutgers L.J. 555

... 1789, and the Bill of Rights had established the basic structure and defined the role of the lower federal judiciary. It remained to be seen, however, how these arrangements would work out in reality. In fact, the great tools of contemporary judicial craftsmanship lay far in the future, including the Fourteenth Amendment under which the federal judiciary could review, under certain circumstances, state law for content, 43 U.S. Const. amend. XIV . See, e.g., **Munn v. Illinois,94 U.S. 113(1876)** ...

Content: Law Reviews | **Date:** 1998

658. 67 Rutgers L. Rev. 1479

Content: Law Reviews

659. [Note: A Call for Federalism: The Role of State Government in Federally Controlled Energy Markets](#), 65 Rutgers L. Rev. 573

... Because of the vital nature of these services, the government had a proper and necessary reason to regulate them to ensure reliable service at a reasonable price. 4 Id. In 1876, a little over 200 years later, the Supreme Court adopted Justice Hale's words in Munn v. Illinois . 5 **94 U.S. 113, 126-28 (1876)**. Congress formally adopted the notion that electric utilities are "affected with a public interest" in the Federal Power Act. 16 U.S.C. § 824 (a) (2006) ("It is declared that the ...

Content: Law Reviews | **Date:** 2013

660. [ARTICLE: DROIT PATRIMOINE: THE BARNES COLLECTION, THE PUBLIC INTEREST, AND PROTECTING OUR CULTURAL INHERITANCE](#), 55 Rutgers L. Rev. 477

... "The police power touches upon the core functions of government The exercise of police power is necessary to adjust interpersonal relationships in such a way as to facilitate the general ability to live together in society." Id. It dates at least to 1876 when the Supreme Court decided Munn v. Illinois . 74 **94 U.S. 113(1876)**. There, the state legislature had limited the fees charged for warehouse grain storage. The warehouse owners argued that this violated the Fourteenth Amendment's ...

Content: Law Reviews | **Date:** 2003

661. [ARTICLE: On the Evolution of the Canonical Dissent](#), 52 Rutgers L. Rev. 781

... canonization of its dissents. In fact, on the few pre-New Deal occasions where the resurrection of dissenting opinions might have been appropriate, the Court instead struggled so assiduously to distinguish its prior caselaw--dissents and all--that it eschewed association with dissenting opinions from the past. Take, for instance, the Court's treatment of Justice Field's dissents in the Slaughter-House Cases 128 U.S. (1 Wall.) 36 (1872). and Munn v. Illinois . 13 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2000

662. [ARTICLE: Transition Losses in the Electric Power Market: A Challenge to the Premises Underlying the Arguments for Compensation](#), 52 Rutgers L. Rev. 649

... ERNST FREUND, THE POLICE POWER, PUBLIC POLICY AND CONSTITUTIONAL RIGHTS 7 (1976). The United States Supreme Court first addressed the question of the constitutionality of the states' regulation of private businesses in the 1877 case of Munn v. Illinois . 256 **94 U.S. 113, 124-25 (1877)** (establishing the right of government to regulate and set rates for monopoly providers acting in the public interest). The regulatory state can trace its roots to Europe and the American colonies as far back ...

Content: Law Reviews | **Date:** 2000

663. [WHAT DOES DUE PROCESS HAVE TO DO WITH JURISDICTION?](#), 46 Rutgers L. Rev. 1073

... The Supreme Court had always relied on common law and the common-law tradition to help clarify constitutional provisions. 406 E.g., Schick v. United States, 195 U.S. 65, 69 (1904); United States v. Wong Kim Ark, 169 U.S. 649, 654 (1898); **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)**; see Siegel, supra note 339, at 78-96. But it now went further, treating constitutional law as a species of federal common law to be developed by the Court. In Smith v. Alabama , 407 124 U.S. 465 ...

Content: Law Reviews | **Date:** 1994

664. [ARTICLE: Contrivance and Collusion: The Corporate Origins of Shareholder Derivative Litigation in the United States](#), 67 Rutgers U. L. Rev. 1479

... railroad counsel had been intensely focused on in the aftermath of a series of 1876 decisions known as the Granger Cases, in which the Supreme Court upheld state regulation of intrastate railroads and other common carriers, including the power to set rates. 227 See **Munn v. Illinois, 94 U.S. 113(1876)**; Chi., Burlington, & Quincy R.R. Co. v. Iowa, 94 U.S. 155 (**1876**); Peik v. Chi. & Nw. Ry. Co., 94 U.S. 164 (**1876**); Chi., Milwaukee, & St. Paul R.R. Co. v. Ackley, 94 U.S. 179 (**1876**); ...

Content: Law Reviews | **Date:** 2015

665. [100 YEARS OF STANDARD OIL ANTITRUST SYMPOSIUM: ARTICLE: STANDARD OIL AS LOCHNER'S TROJAN HORSE](#), 85 S. Cal. L. Rev. 783

... Justice Peckham had authored an opinion voiding a statute prohibiting firms from providing free products to induce the purchase of others, holding that such regulation infringed the liberty of traders and exceeded the police power. 57 People v. Gillson, 17 N.E. 343, 345-46 (N.Y. 1888). He also dissented from the court's holding that New York could regulate collusive prices charged by floating grain elevators, criticizing **Munn v. Illinois** , 58 **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** March 1, 2012

666. [100 YEARS OF STANDARD OIL ANTITRUST SYMPOSIUM: ARTICLE: SYMPOSIUM: 100 YEARS OF](#)

STANDARD OIL ANTITRUST ENERGY, 85 S. Cal. L. Rev. 429

... Bakeshop Act that intervened in employment agreements for paternalistic concerns to one of the parties to the agreement. The antitrust restraint of trade jurisprudence is mostly about harm to others that restraint of trade (the agreement) may cause. As such, the antitrust restraint of trade jurisprudence seems more like an ordinary application of the police powers at turns of the century. 55 See, e.g., **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)**; Ernst Freund, *The Police Power* (1904); W.P. ...

Content: Law Reviews | **Date:** March 1, 2012

667. **NOTE: NONE OF YOUR BUSINESS (INTEREST): THE ARGUMENT FOR PROTECTING ALL EMPLOYEE BEHAVIOR WITH NO BUSINESS IMPACT**, 76 S. Cal. L. Rev. 639

... imbalances in bargaining power in the labor market, lawmakers have chosen to steadily increase protections for employees, adding minimum wages, maximum hours, antidiscrimination laws, occupational safety laws, and even some current protection for employee autonomy that will be discussed later. As long ago as 1876, the Supreme Court held that the use of property in a manner that affects the public interest creates in the public the right of regulation. 43 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. ...

Content: Law Reviews | **Date:** March 1, 2003

668. **ARTICLES AND ESSAYS: THE CONSTITUTIONAL PERILS OF MODERATION: THE CASE OF THE BOY SCOUTS**, 74 S. Cal. L. Rev. 119

... regulation of common carriers, which include both transportation and communication carriers, starts from the premise that any private firm with a legal or de facto monopoly could engage in pricing or business practices that deviate from some social optimum. 50 The lineage is long. See, for example, *Allnutt v. Inglis*, 104 Eng. Rep. 206 (K.B. 1810), which relied on the earlier writing of Sir Matthew Hale. For the confused transfer to the United States, see **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** November 1, 2000

669. **ARTICLE: THE MARKETPLACE OF IDEAS, THE PUBLIC INTEREST, AND FEDERAL REGULATION OF THE ELECTRONIC MEDIA: IMPLICATIONS OF HABERMAS' THEORY OF DEMOCRACY**, 69 S. Cal. L. Rev. 1923

... value or quality over time by those entrusted with its care. Second, if public affairs discourse is a trust corpus, then the electronic media are public trustees and may be properly charged with well-defined fiduciary obligations. and drew upon fiduciary principles to guide licensee conduct and the development of public interest regulation. 12 This approach had a historical analogue in the regulation of businesses "affected with a public interest." In **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** September 1, 1996

670. **ARTICLE: THE FOURTEENTH AMENDMENT'S CONSTITUTION**, 69 S. Cal. L. Rev. 47

... Cases, it did not take the Supreme Court long to decide that the Fourteenth Amendment did indeed "constitute [the] court a perpetual censor upon ... the States." 117 *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 78 (1872). In *Munn v. Illinois*, 118 **94 U.S. 113(1876)**. the Justices embarked upon a jurisprudence embracing the idea that the Fourteenth Amendment protected a broad range of individual rights (in particular, economic rights). The Court reached this conclusion not by reinvigorating ...

Content: Law Reviews | **Date:** November 1, 1995

671. [ARTICLE: THE POLITICAL DIMENSION OF CONSTITUTIONAL ADJUDICATION.](#), 63 S. Cal. L. Rev. 1237

... can be taken as resting, not on rejection of substantive due process, but rather on a narrower reading of the due process clause than that later taken. This reading of *Loan Association v. Topeka* is further supported by Justice Miller's joining two years later in the opinion of the Court in *Munn v. Illinois*. 330 **94 U.S. 113(1876)**. There the Court held that, when a business is affected with a public interest, a state statute fixing maximum rates is unassailable under the due process ...

Content: Law Reviews | **Date:** July 1, 1990

672. [ARTICLE: A NEO-FEDERALIST TALE OF PERSONAL JURISDICTION.](#), 63 S. Cal. L. Rev. 257

... had good reason in 1877 to hesitate to assert a set of clear-cut limitations concerning the issues of personal jurisdiction raised by *Pennoyer*. His vision of the Reconstruction Amendments had been rejected by the Supreme Court in *Slaughterhouse* and again the previous term in *Munn v. Illinois*. 334 **94 U.S. 113(1877)**. *Munn* involved, inter alia, a challenge under the fourteenth amendment to an Illinois statute regulating warehousemen by fixing a maximum charge for grain storage. ...

Content: Law Reviews | **Date:** 1990

673. [ARTICLE: THE SHERMAN ACT AND THE BALANCE OF POWER.](#), 61 S. Cal. L. Rev. 1219

... *Fletcher v. Peck*, 8- 11 U.S. (6 Cranch) 328 (1810), through *Lochner v. New York*, 198 U.S. 45 (1905), and continues to make periodic appearances even after the "revolution" of 1937. The second tradition includes such well known decisions as ***Munn v. Illinois*, 94 U.S. 113(1877)**, and other validations of state "police powers." See also Urofsky, *State Courts and Protective Legislation During the Progressive Era: A Reevaluation*, 72 J. AM. HIST. 63 (1985) (state court affirmance of regulatory ...

Content: Law Reviews | **Date:** July 1, 1988

674. [ARTICLE: UNDERSTANDING THE NINETEENTH CENTURY CONTRACT CLAUSE: THE ROLE OF THE PROPERTY-PRIVILEGE DISTINCTION AND "TAKINGS" CLAUSE JURISPRUDENCE.](#), 60 S. Cal. L. Rev. 1

... the legislature authorizes privileged individuals, as a bank, to make currency, it grants what belongs to the public. The resumption of which privilege, by the public, without taking the chattels of the bank, affects no property, impairs no contract, infringes no right, but merely restores to its proper place, so much of popular sovereignty as was claimed by the grant of questionable authority, and in clear derogation of common right. *Id.*; see also ***Munn v. Illinois*, 94 U.S. 113, 153-55 (1877)** ...

Content: Law Reviews | **Date:** November 1, 1986

675. [LEAD ARTICLE: STEPPING STONES TO PROMINENCE: ILLINOIS SUPREME COURT JUSTICES AND U.S. SENATORS](#), 42 S. Ill. U. L. J. 561

... *Munn v. People*, 64 Ill. 80 (1873). In 1877, the U.S. Supreme Court, in the first of the "Granger" cases, affirmed every point in his ruling of the states' regulatory power over public service corporations. 141 HOWARD, *supra* note 100, at 364; ***Munn v. Illinois*, 94 U.S. 113, 136 (1876)**. Breese also maintained involvement in Democratic politics through his judicial tenure. 142 JOHN A. GARRATY AND MARK C. CARNES, 3 AMERICAN NATIONAL BIOGRAPHY 472 (1999). Breese remained on the Supreme ...

Content: Law Reviews | **Date:** 2018

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676. [COMMENT: Honest-Services Fraud: The Supreme Court Defuses the Government's Weapon of Mass Discretion in *Skilling v. United States*](#), 51 S. Tex. L. Rev. 1087
- ... In analogous cases where circuit courts have disregarded federalism concerns, the Supreme Court has employed various limiting principles to protect against unnecessary encroachment on states' rights. The Supreme Court - with the exception of a few narrow cases - has traditionally refused to create a coast-to-coast common law. 152 See **Munn v. Illinois, 94 U.S. 113(1876)**; *United States v. Reese*, 92 U.S. 214 (1875). The Court summarized its reluctance to interpret federal statutes in a ...
- Content:** Law Reviews | **Date:** 2010
-
677. [ARTICLE: THE LONG-ARM OF THE LAW: SOUTH CAROLINA'S LONG-ARM STATUTE AND THE INTERNET](#), 68 S.C. L. Rev. 47
- ... A half-century later in **Munn v. Illinois**, the Supreme Court established that local commerce having a "close and substantial" effect on interstate commerce was sufficient to establish federal interstate commerce jurisdiction. 255 **Munn v. Illinois, 94 U.S. (4 Otto) 113(1876)**. Almost a century after *Gibbons*, railroads were a precursor of the current Internet issue having the ability to transcend state lines or operate totally within state lines. *Houston, East & West Texas Railway Co.* ...
- Content:** Law Reviews | **Date:** 2016
-
678. [ARTICLE: Historicizing Judicial Scrutiny](#), 57 S.C. L. Rev. 1
- ... and Supreme Law 140, 156 (Edmond Cahn ed., 1954). By the 1880s, the Court had identified a category of businesses "affected with a public interest" that were subject to police power regulations if the regulation was not unreasonable. See **Munn v. Illinois, 94 U.S. 113(1876)**; see infra notes 203-15 and accompanying text. In at least one early-twentieth-century opinion, *O'Gorman & Young v. Hartford Fire Ins. Co.*, 282 U.S. 251 (1931), Justice Brandeis, for the Court, stated that since "the ...
- Content:** Law Reviews | **Date:** 2005
-
679. [ARTICLE: Reclaiming The Text of The Takings Clause](#), 46 S.C. L. Rev. 531
- ... repeatedly has recognized regulatory takings. *United States v. General Motors Corp.*, 323 U.S. 377 - 78 (1945). See also *Lucas*, 112 S. Ct. at 2900 n.15; *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304, 316-17 (1987) (collecting cases); **Munn v. Illinois, 94 U.S. 113, 141-45 (1877)** (Field, J., dissenting). To be sure, the requirement that the property be "taken for public use" will, as discussed below, defeat some claims of regulatory takings but few claims ...
- Content:** Law Reviews | **Date:** 1995
-
680. [ARTICLE: The Divergence of Corporate Finance and Law In Corporate Governance](#), 46 S.C. L. Rev. 449
- ... Nonetheless, constraints often have been placed on the means by which a corporation may reach this goal. However, the profit motive remains the ultimate legal purpose for which persons form corporations. At common law, it is a tenet of sovereignty that when necessary for the common good a government may regulate the manner in which citizens use their private property. 101 See **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. As the Supreme Court stated: Property does become clothed with a public ...
- Content:** Law Reviews | **Date:** 1995
-

681. [ARTICLE: "THE ORGANIC LAW OF A GREAT COMMONWEALTH": THE FRAMING OF THE SOUTH DAKOTA CONSTITUTION](#), 53 S.D. L. Rev. 203

... In the "Granger cases" of 1877, in which *Munn v. Illinois* served as the lead case, the Supreme Court upheld the power of states to regulate railroads, specifically noting that they were "clothed with a public interest." 254 Miller, *supra* note 215, at 187-88 (citing ***Munn v. Illinois*, 94 U.S. 113, 126 (1876)**); see Robert G. McCloskey & Sanford Levinson, *The American Supreme Court* 85-88 (2005). The *Munn* court also noted the tradition of regulating ferries, bakers, millers, and other commercial ...

Content: Law Reviews | **Date:** 2008

682. [STUDENT ARTICLE: KELO V. NEW LONDON: A DIVIDED COURT AFFIRMS THE RATIONAL BASIS STANDARD OF REVIEW IN EVALUATING LOCAL DETERMINATIONS OF 'PUBLIC USE'](#), 51 S.D. L. Rev. 193

... *Day-Brite Lighting, Inc., v. State of Mo.*, 342 U.S. 421 (1952)). "We emphasize again what Chief Justice Waite said in *Munn v. State of Illinois* ... "For protection against abuses by legislatures the people must resort to the polls, not to the courts." *Id.* (quoting **94 U.S. 113, 134 (1876)**). It would be inappropriate to institute a more strict standard of review on eminent domain than other similarly motivated governmental actions. Respondent's Brief, *supra* note 23, at 19. But while due process ...

Content: Law Reviews | **Date:** 2006

683. [ARTICLE: MARTIAL LAW AFTER THE STORM: A CONSTITUTIONAL ANALYSIS OF MARTIAL LAW AND THE AFTERMATH OF HURRICANE KATRINA](#), 35 S.U.L. Rev. 147

... *Home Bldg & Loan Ass'n v. Blaisdell*, 290 U.S. 398, 437 (1934); see also *Manigault v. Springs*, 199 U.S. 473, 481 (1905). In *Universal Interpretive Shuttle Corp. v. Wash. Metro. Area Transit Comm'n*, 393 U.S. 186, 192 n.5 (1968) (quoting ***Munn v. Illinois*, 94 U.S. 113, 145 (1877)**), the Supreme Court observed that a state's police power "is a vague one which 'embraces an almost infinite variety of subjects.'" In *Nebbia v. People of State of New York*, 291 U.S. 502, 524 (1934), the Supreme Court ...

Content: Law Reviews | **Date:** 2007

684. [ARTICLE: Juridical Subordination](#), 52 San Diego L. Rev. 825

... Public transportation, hotels, and places of public amusement were public or quasi-public functions, Justice Harlan continued, and "such discrimination [practiced by corporations and individuals in the exercise of their public or quasi-public functions] is a badge of servitude." 105 *Id.* at 43 (discussing ***Munn v. Illinois*, 94 U.S. 113 (1876)**). The Thirteenth Amendment afforded Congress the power to combat that badge of servitude through appropriate legislation, such as the Civil Rights ...

Content: Law Reviews | **Date:** 2015

685. [ARTICLE: The Privileges and Immunities Clause of Article IV, Section 2: Precursor of Section 1 of the Fourteenth Amendment](#), 34 San Diego L. Rev. 809

... Thus, congressional Republicans made a distinction between the legitimate regulation of a fundamental right and its abridgement or destruction. In the nineteenth century mind, there was a well-defined conception of the legitimate sphere of government action in regulating the fundamental rights of the citizenry. 327 The Supreme Court subsequently acknowledged this right of regulation in the states preserved under the Fourteenth Amendment in ***Munn v. Illinois*, 94 U.S. 113 (1876)**. The Court ...

Content: Law Reviews | **Date:** June 1, 1997

686. [ARTICLE: Owning Our Bodies: An Examination of Property Law and Biotechnology](#), 32 San Diego L. Rev. 1167

... community a property right in the mills. To this end, the community relied on one sentence from the United States Supreme Court decision in *Munn v. Illinois*: 77 **94 U.S. 113(1877)**. "So, too, in matters which do affect the public interest, and as to which legislative control may be exercised, if there are no statutory regulations upon the subject, the courts must determine what is reasonable." 78 U.S. Steel, 631 F.2d at 1281-82 (quoting *Munn v. Illinois*, **94 U.S. 113**, 134 (1877)). ...

Content: Law Reviews | **Date:** 1995

687. [ARTICLE: COMMUNITY RIGHTS AND THE MUNICIPAL POLICE POWER](#), 55 Santa Clara L. Rev. 675

... For instance, in *Munn v. People of State of Illinois*, the Court could announce that the police powers "are nothing more or less than the powers of government inherent in every sovereignty, ... that is to say, ... the power to govern men and things." 72 **Munn v. People of State of Illinois, 94 U.S. 113, 125 (1876)**. At the same time, the invocation of the police power grew to its now-more-familiar formulation arising out of the works like Blackstone's Commentaries, which spoke of - in some ...

Content: Law Reviews | **Date:** 2015

688. [BERLE II: THE SECOND ANNUAL SYMPOSIUM OF THE ADOLF A. BERLE, JR. CENTER ON CORPORATIONS, LAW & SOCIETY: The Judicial Control of Business: Walton Hamilton, Antitrust, and Chicago](#), 34 Seattle U. L. Rev. 1385

... Lord Hale in England in 1676 concerning the regulation of charges at a public wharf. Hale does not stress the term, and he does not make it a test for the right of the state to regulate prices. At that time, the regulation of prices was commonplace; in England "even to this day Parliament decides for itself how far it may go in the control of industry." 30 Hamilton, *supra* note 27, at 1094. The term came into American law in the famous case of *Munn v. Illinois* 31 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2011

689. [BOOK REVIEW: PROPERTY 101: IS PROPERTY A THING OR A BUNDLE?](#), 32 Seattle U. L. Rev. 617

... To illustrate, consider how the three different conceptions apply to a simple rent-control ordinance. Under the natural-rights regime, unless the state had granted the owner-landlord an exclusive, legal monopoly in the relevant rental market, 97 See, e.g., **Munn v. Illinois, 94 U.S. 113, 147-54 (1876)** (Field, J, dissenting). Natural-rights principles might also justify rate regulation when an owner enjoys not a legal but still a natural monopoly over a commercial service. However, some ...

Content: Law Reviews | **Date:** 2009

690. [ARTICLE: REGULATING THE BASEBALL MONOPOLY: ONE SUGGESTION FOR GOVERNING THE GAME](#), 5 Seton Hall J. Sports L. 35

... Professor Bonbright's observations complement court decisions which establish baseball as a peculiar business and which, concomitantly, nominate the game for some form of regulatory oversight. What Bonbright termed "special public importance" is directly comparable to the Supreme Court-espoused principle from *Munn v. Illinois* 131 **94 U.S. 113(1877)**. that certain private property is "affected with a public interest" 132 *Id.* at 126. and thus "ceases to be *juris privati* only

Content: Law Reviews | **Date:** 1995

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691. [COMMENT: Paper or Plastic: Speech in an Unlikely Place](#), 48 Seton Hall L. Rev. 931
 ... because the court was uncertain that New York 's no-surcharge law, in fact, prohibited dual-pricing schemes. 130 Id. at 140. The court began its analysis by noting that prices, alone, do not qualify as speech, 131 Id. at 130 (citing **Munn v. Illinois, 94 U.S. 113, 125 (1876)** (holding that prices do not qualify as speech within the meaning of the First Amendment and price-control laws have never been thought to implicate the First Amendment); Munn, 94 U.S. at 125 ("It has been ...
Content: Law Reviews | **Date:** 2018
-
692. [COMMENT: Limiting the Expansion of the Public Trust Doctrine in New Jersey: A Way To Protect and Preserve the Rights of Private Ownership](#), 36 Seton Hall L. Rev. 249
 ... Constitutional protections not only prohibit certain executive and legislative actions, they prohibit certain governmental actions in general, including those of the judiciary. Allowing one branch to violate the protections that our forefathers considered essential to free government defeats the purpose of having such protections at all. 320 See **Munn v. Illinois, 94 U.S. 113, 148 (1877)** (Field, J., dissenting) ("The fundamental maxims of a free government seem to require that the rights of ...
Content: Law Reviews | **Date:** 2005
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693. [ARTICLE: Clarifying General Jurisdiction](#), 34 Seton Hall L. Rev. 807
 ... On the other hand, however, the doctrinal conception of "due process of law" has long since been unhinged from potential narrow interpretations emanating from the literal text or intent of the provision. Shortly after the enactment of the Due Process Clause, the Court indicated that due process could be violated by state regulation unreasonably interfering with liberty or property rights. 483 **Munn v. Illinois, 94 U.S. 113, 125-26 (1877)**. Even before the Civil War, there are potential indications ...
Content: Law Reviews | **Date:** 2004
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694. [SYMPOSIUM: TORT LIABILITY, THE STRUCTURAL CONSTITUTION, AND THE STATES: PANEL ONE: STATE ATTORNEY GENERAL LITIGATION: REGULATION THROUGH LITIGATION AND THE SEPARATION OF POWERS: The State Tobacco Litigation and the Separation of Powers in State Governments: Repairing the Damage](#), 31 Seton Hall L. Rev. 563
 ... all manner of wholesome and reasonable laws, statutes and ordinances, either with penalties or without, not repugnant to the constitution, as they shall judge to be for the good and welfare of the commonwealth, and of the subjects of the same. It is much easier to perceive and realize the existence and sources of this power, than to mark its boundaries, or prescribe limits to its exercise. 107 Commonwealth v. Alger, 61 Mass. 53, 84 (1851). Accord **Munn v. Illinois, 94 U.S. 113, 124-25 (1877)**;
 ...
Content: Law Reviews | **Date:** 2001
-
695. [ARTICLE & ESSAY: Pennoyer v. Neff: The Hidden Agenda of Stephen J. Field](#), 28 Seton Hall L. Rev. 75
 ... Third, Field interpreted the Fourteenth Amendment in a way that is readily accepted today, but which was still in its infancy in 1877. The Fourteenth Amendment had only been ratified in 1868, and over the next nine years Justice Field dissented in most early Supreme Court interpretations of the new Amendment. Field's brethren on the Court held that general protection of economic rights to citizens was not afforded by the Fourteenth Amendment. 6 See **Munn v. Illinois, 94 U.S. 113, 136 (1876)** ...

Content: Law Reviews | **Date:** 1997

696. [COMMENT: Automobile Insurance Reform in New Jersey: Could a Pure No-Fault System Provide a Final Solution?](#), 25 Seton Hall L. Rev. 1219

... rights of redress which have already accrued. However, there is authority in abundance for the proposition that "no person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." ... The citizen may find that events occurring after passage of such a statute place him in a different position legally from that which he would have occupied had they occurred before the passage of the statute. Id.; see also **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ...

Content: Law Reviews | **Date:** 1995

697. [CONSTITUTIONAL LAW - Fifth Amendment - Regulatory Takings Depriving All Economically Viable Use of a Property Owner's Land Require Just Compensation Unless the Government Can Identify Common Law Nuisance Or Property Principles Furthered by the Regulation - Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886 \(1992\)](#), 23 Seton Hall L. Rev. 1840

... (determining that state legislatures had the power to regulate and prohibit alcohol trafficking). The Justice rested this assertion on the policy judgment that an individual could not utilize his property in a manner that injured others. 28 Mugler, 123 U.S. at 660 (quoting **Munn v. Illinois, 94 U.S. 113, 124 (1876)**). The Munn Court based this policy judgment on the principle that members of society, while free to conduct their private affairs without governmental interference, were subject ...

Content: Law Reviews | **Date:** 1993

698. [NOTE: The Solar Resurrection: Keeping New Jersey's Solar Industry Alive at the Expense of Ratepayers](#), 38 Seton Hall Legis. J. 189

... New Jersey's energy industry has not always been open to the free market. Before 1999, both the generation and transmission of electricity was limited to local utilities. 10 Ashley J. Cerasaro, The Savings Are Electric, New Jersey Monthly Magazine (Apr. 10, 2012), <http://njmonthly.com/articles/lifestyle/the-savings-are-electric.html>. In **Munn v. Illinois, 94 U.S. 113(1876)**, the Supreme Court of the United States recognized that certain industries, like the public utility ...

Content: Law Reviews | **Date:** 2013

699. [ARTICLE: Article III, Judicial Restraint, and This Supreme Court](#), 72 SMU L. Rev. 235

... At its zenith, constitutional restraint opposes the very idea of judicial review, 175 See Posner, supra note 170, at 521. insisting that "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 176 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. Preeminent figures of the Supreme Court have championed the constitutional-restraint brand of judicial restraint over the past century and more, 177 See, e.g., Nat'l Fed'n of Indep. Bus. ...

Content: Law Reviews | **Date:** 2019

700. [SYMPOSIUM: GENERAL WELFARE AND REGIONAL PLANNING: HOW THE LAW OF UNINTENDED CONSEQUENCES AND THE MOUNT LAUREL DOCTRINE GAVE NEW JERSEY A MODERN STATE PLAN](#), 73 St. John's L. Rev. 1103

... Mount Laurel teaches that land use regulation must conform to the general welfare in order to be constitutional. Application of this "general welfare" criterion is not a special requirement of affordable

housing cases alone. Serving the "general welfare" is the ancient formulation that justifies (and therefore becomes a requirement for) any exercise of the "police power," the general power of government to interfere in private decision making. 49 See **Munn v. Illinois, 94 U.S. 113, 147 (1877)** ...

Content: Law Reviews | **Date:** 1999

701. [TEACHING THE FOURTEENTH AMENDMENT: TEACHING THE TRANSFORMATIVE FOURTEENTH AMENDMENT](#), 62 St. Louis U. L.J. 581

... Although the Court rejected the idea that the Due Process Clause encompassed plaintiffs' substantive claims in the Slaughter- House Cases, a few years later it accepted the idea that the Due Process Clause limited the states' regulatory power. 65 **Munn v. Illinois, 94 U.S. 113, 125, 134 (1877)**. It embraced the idea that the Clause protected substantive rights of liberty of contract and property rights at the end of the nineteenth century. 66 See *Allgeyer v. Louisiana*, 165 U.S. 578, ...

Content: Law Reviews | **Date:** 2018

702. [TEACHING THE FOURTEENTH AMENDMENT: TEACHING THE LOCHNER ERA](#), 62 St. Louis U. L.J. 537

... Over the past several years, I have taught a constitutional history seminar on the Lochner Era. One of the objectives of the course is to provide students with a sound understanding of the character of the Supreme Court 's substantive due process jurisprudence between 1877 - the year in which *Munn v. Illinois* 1 **94 U.S. 113, 113(1877)**. *Munn*, which is the foundational case for the "affected with a public interest" doctrine, receives Note treatment in many casebooks. See Paul Brest et ...

Content: Law Reviews | **Date:** 2018

703. [COMMENT: ATTACKS ON EXECUTIVES: REVIVAL OF THE INVASION OF MANAGEMENT DEFENSE AND PUBLIC UTILITY AUTONOMY](#), 50 St. Louis U. L.J. 629

... *Id.* While this section limits federal power to those areas not subject to regulation by the states, it also applies "to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce." *Id.* 824(b). The right of states to regulate private companies that affect the public is also a creation of legislature and was affirmed in *Munn v. Illinois* in 1876. 14 **94 U.S. 113(1876)**; see, e.g., Okla. Const. art. 9, 18 (The Commission ...

Content: Law Reviews | **Date:** 2006

704. [RESPONDENT: JUDICIAL EPOCHS IN SUPREME COURT HISTORY: SIFTING THROUGH THE FOSSIL RECORD FOR STITCHES IN TIME AND SWITCHES IN NINE](#), 47 St. Louis U. L.J. 677

... for instance, controls the choice of law in every case arising under the federal courts' diversity jurisdiction and in every claim those courts address through their supplemental jurisdiction. Yet it fails to make the top twenty-five in Kosma's study, although it does join other blockbusters such as *Munn v. Illinois*, 131 **94 U.S. 113(1877)**. *Ex parte Virginia*, 132 100 U.S. 339 (1880). *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, 133 268 U.S. 510 ...

Content: Law Reviews | **Date:** 2003

705. [CHILDRESS LECTURE: FREE-STANDING DUE PROCESS AND CRIMINAL PROCEDURE: THE SUPREME COURT'S SEARCH FOR INTERPRETIVE GUIDELINES](#), 45 St. Louis U. L.J. 303

... can serve to restrict the grounding for depriving a person of life, liberty and property, as well as restrict

the procedures applied in establishing that grounding. Prior to *Hurtado*, the Court had hinted at the possible adoption of what later came to be known as substantive due process, 191 See, e.g., *Munn v. Illinois*; **94 U.S. 113(1876)**; *Bank of Columbia v. Okley*, 17 U.S. (4 Wheat.) 235 (1819). See also discussion of these cases infra note 192. Much stronger support for the concept ...

Content: Law Reviews | **Date:** 2001

706. [CONFERENCE](#), 42 St. Louis U. L.J. 485

... They sometimes advanced the cause of the national government C particularly through their dormant Commerce Clause jurisprudence C in, for example, forbidding states from interfering with interstate commerce. 18 See *Wabash, St. Louis & Pacific Railway v. Illinois*, 118 U.S. 557 (1886); ***Munn v. Illinois*, 94 U.S. 113(1877)**; *Cooley v. Board of Wardens*, 12 How. 299 (U.S. 1851). Often, they simply allowed national power to increase. 19 See, e.g., *Swift v. United States*, 196 ...

Content: Law Reviews | **Date:** 1998

707. [ARTICLE: THE CIVIL RIGHTS CASES: THE RELEVANCY OF REVERSING A HUNDRED PLUS YEAR OLD ERROR](#), 42 St. Louis U. L.J. 451

... Most of the decision has been subsequently ignored. With the privileges and immunities clause being given such a limited definition, the Court soon gave a substantive content to due process which eventually made it unnecessary to revisit the stillborn Privileges and Immunities Clause. See ***Munn v. Illinois*, 94 U.S. 113(1876)** (one of the earliest cases seeming to recognize a substantive content to the Due Process Clause of the Fourteenth Amendment). For a different spin on the Slaughter-House ...

Content: Law Reviews | **Date:** 1998

708. [THE FUTURE OF HEALTH LAW: EXEMPLARY INSIGHT INTO TRENDING TOPICS: THE UNEASY RELATIONSHIP OF HOBBY LOBBY, CONESTOGA WOOD, THE AFFORDABLE CARE ACT, AND THE CORPORATE PERSON: HOW A HISTORICAL MYTH CONTINUES TO BEDEVIL THE LEGAL SYSTEM](#), 7 St. Louis U. J. Health L. & Pol'y 201

... AKHIL REED AMAR, THE BILL OF RIGHTS: CREATION AND RECONSTRUCTION PART II (1998). Known as the "African race theory" of the Fourteenth Amendment, the supposed limitation appeared to exclude corporations from any protections afforded by the Amendment. A few years later, in *Munn v. Illinois* 37 **94 U.S. 113, 125 (1877)**. and in *The Granger Cases*, 38 See, e.g., *Chi., Burlington, & Quincy R.R. Co. v. Iowa*, 94 U.S. 155 (1877); *Peik v. Chi. & Nw. Ry. Co.*, 94 U.S. 164 (1877); ...

Content: Law Reviews | **Date:** 2014

709. [COMMENT: Gay Rights Versus Religious Freedom, and the Influence of Obergefell v. Hodges on Distinguishing the Dividing Line](#), 48 St. Mary's L. J. 409

... ("Where ... one devotes his property to a use in which the public have an interest, he ... grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." (quoting ***Munn v. Illinois*, 94 U.S. 113, 126 (1876)**)). These entities have a right to conduct business as they wish, within certain parameters laid out by the federal government, such as being subject to taxes. Occasionally small business owners ...

Content: Law Reviews | **Date:** 2016

710. [TRIBUTE: REHNQUIST, INNSBRUCK, AND ST. MARY'S UNIVERSITY](#), 38 St. Mary's L. J. 1

... , U.S. Supreme Court, to author (May 1, 1991) (listing the cases the Chief Justice wanted to use on his reading list) (on file with St. Mary's Law Journal). By 2000, Rehnquist had added to that reading list: Ex Parte Milligan, 71 U.S. 2 (1866); The Slaughter House Cases, 83 U.S. 36 (1873); **Munn v. Illinois, 94 U.S. 113 (1876)**; Wabash, St. L. & P. Ry. Co. v. Illinois, 118 U.S. 557 (1886); Myers v. United States, 272 U.S. 52 (1926); Schenck v. United States, 249 U.S. 47 ...

Content: Law Reviews | **Date:** 2006

711. [NOTE AND COMMENT: CYBERSPACE: HOW DECENT IS THE DECENCY ACT?](#), 8 St. Thomas L. Rev. 593

... satisfied is that the government must be pursuing a legitimate governmental objective. This objective is commonly defined as any type of health, safety, or "general welfare" initiative. Second, there must to be a "minimally rational relation" between the means chosen by the government and the state objective. The government would have to act in a completely "arbitrary and irrational" way to fail in meeting this rational link between the means and the end. See **Munn v. Illinois, 94 U.S. 113, 134 (1876)**; ...

Content: Law Reviews | **Date:** 1996

712. [NOTE: A Proposal for the Effective International Regulation of Biomedical Research Involving Human Subjects](#), 34 Stan. J Int'l L. 163

... Another difficult question is posed by human experimentation that runs a significant risk of permanently injuring the test subject. To what extent does the right to life address interference with, or adverse impact, upon the living process? 69 In **Munn v. Illinois, 94 U.S. 113 (1877)**, Justice Field interpreted the expression "deprived of life" to refer to more than just death: By the term "life" as here used [in the Fourteenth Amendment to the U.S. Constitution], something more is meant ...

Content: Law Reviews | **Date:** 1998

713. [SYMPOSIUM: ESSAY: Public Accommodations Under the Civil Rights Act of 1964: Why Freedom of Association Counts as a Human Right](#), 66 Stan. L. Rev. 1241

... After offering that definition, Chief Justice Taft, writing for a unanimous Court, listed cases illustrating the types of concerns that were covered. 56 Id. at 535-36. These started with grain elevators, which were thought to have a "'virtual' monopoly" in Munn v. Illinois , 57 **94 U.S. 113, 131 (1877)**; see also Brass v. North Dakota ex rel. Stoeser, 153 U.S. 391, 399-405 (1894) (applying Munn and Budd v. New York, 143 U.S. 517 (1892), to uphold North Dakota 's regulation ...

Content: Law Reviews | **Date:** June 1, 2014

714. [ARTICLE: Understanding Changed Readings: Fidelity and Theory](#), 47 Stan. L. Rev. 395

... In the late nineteenth century, the bite of the substantive due process restriction on state regulatory power was much less than its bark. Progressives initially established a relatively broad scope for state regulatory power by arguing that a great deal of activity affected the public interest and therefore properly fell within the states' police power. Munn v. Illinois 279 **94 U.S. 113 (1876)**. was an early victory for this "interdependence" school. In Munn , proponents of state regulation ...

Content: Law Reviews | **Date:** February 1, 1995

715. [Labor, Property, and Sovereignty After Lechmere](#), 46 Stan. L. Rev. 305

... Pruneyard Shopping Ctr. v. Robins, 447 U.S. 74, 84 (1980). Moreover, it is clear that states have the

power to modify property rights without just compensation. See, e.g., *Martinez v. California*, 444 U.S. 277, 281-82 (1980); *Silver v. Silver*, 280 U.S. 117, 122 (1929); **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. and the NLRA's silence regarding employer property rights, this is a rather startling proposition. Yet the irony of Rum Creek does not arise chiefly from its distortion of preemption ...

Content: Law Reviews | **Date:** 1994

716. [ARTICLE: Demodeling Habeas.](#), 45 Stan. L. Rev. 575

... (rejecting a Contracts Clause challenge to statutory change in compensation and later replacement of canal commissioner); cf. *Mason v. Haile*, 25 U.S. (12 Wheat.) 370, 378-79 (1827) (holding that the discharge of a prisoner by the legislature was not impairment of contract). and later, setting rates. 213 See, e.g., **Munn v. Illinois, 94 U.S. 113, 123-36 (1877)** (rejecting Contract Clause, due process, and Commerce Clause challenges to grain storage fee regulations). With a high percentage ...

Content: Law Reviews | **Date:** February 1, 1993

717. [ARTICLE: The Metaphor of Standing and the Problem of Self-Governance.](#), 40 Stan. L. Rev. 1371

... other social organizations) are understood as wholes with parts. . . . [S]ociety is conceived of as a body (the whole) with . . . parts . . . structured metaphorically according to the configuration of the body. . . . The general concept of structure itself is a metaphorical projection of the CONFIGURATION aspect of PART-WHOLE structure.") A common example of a metaphor motivated by the use of this cognitive model for society is the body politic. See **Munn v. Illinois, 94 U.S. 113, 124 (1877)** ...

Content: Law Reviews | **Date:** July 1, 1988

718. [ARTICLE: The Political Economy of Substantive Due Process.](#), 40 Stan. L. Rev. 379

... of property or labor to set his own price, and of each property owner or laborer to receive fair market value in exchange. If a statute was deemed to interfere substantially with one of these marketplace rights, then it would be upheld only if the regulation were justified by a strong public interest. In the words of the Supreme Court, economic regulations would be upheld only if they applied to property "affected with the public interest." 318 **Munn v. Illinois, 94 U.S. 113, 127 (1876)** ...

Content: Law Reviews | **Date:** 1988

719. [ARTICLE: Federal Regulation in Historical Perspective](#), 38 Stan. L. Rev. 1189

... deliberations over a national regulatory scheme. It also generated a substantial amount of litigation over the appropriate scope of regulatory activity, litigation that quickly worked its way up to the Supreme Court. As a result, by the time the Court turned its attention to the Interstate Commerce Act, it had established a frame of reference for regulatory activity that strongly influenced the reception it afforded the newborn Commerce Commission. *Munn v. Illinois* 37 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** May 1, 1986

720. 25 Stan. L. Rev. 335

Content: Law Reviews

721. [STUDENT WORK: LEGAL SHELTER: A CASE FOR HOMELESSNESS AS A PROTECTED STATUS UNDER HATE CRIME LAW AND ENHANCED EQUAL PROTECTION SCRUTINY](#), 40 Stetson L. Rev. 435

... the Court opined, "The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought." 168 Id. at 488. The Court noted that ""for protection against abuses by legislatures the people must resort to the polls, not to the courts." 169 Id. (quoting **Munn v. Ill., 94 U.S. 113, 134 (1876)**). In ...

Content: Law Reviews | **Date:** 2011

722. [ARTICLE: EXECUTIVE DECISIONMAKING BY LOCAL LEGISLATURES IN FLORIDA: JUSTICE, JUDICIAL REVIEW AND THE NEED FOR LEGISLATIVE REFORM](#), 25 Stetson L. Rev. 627

... Between the 1880s and the 1930s, substantive due process under the Fourteenth Amendment was used to scrutinize any government action that regulated liberty (particularly economic contract liberty) or personal or real property. 278 I refer, of course, to the so-called Lochner era. For examples of due process applied to the regulation of the use of property, see **Munn v. Illinois, 94 U.S. 113(1876)** (applying Due Process Clause to statute regulating grain silos). What due process did not ...

Content: Law Reviews | **Date:** 1996

723. [LEAD ARTICLE: COMMON LAW CONSTITUTIONALISM AND ITS COUNTERPART IN JAPAN](#), 39 Suffolk Transnat'l L. Rev. 1

... has declared that the Due Process Clause guarantees common law rights. 91 Meyer v. Nebraska, 262 U.S. 390, 399 (1923); Lochner v. New York, 198 U.S. 45, 56 (1905) (holding that the Fourteenth Amendment protects liberty of contract, which is derived from common law); **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (finding the right which the Constitution protects comes from the common law); Slaughter-House Cases, 83 U.S. (1 Wall.) 36, 114-15 (1872) (Bradley, J., dissenting); see also ...

Content: Law Reviews | **Date:** 2016

724. [NOTE: Antisurcharge Laws and the First Amendment: Impermissibly Burdening Commercial Speech](#), 50 Suffolk U. L. Rev. 687

... (2017) . While preventing sellers from setting certain prices automatically makes merchants unable to communicate these prices to consumers, price control laws typically do not receive First Amendment scrutiny. See id. at 130 ; see also **Munn v. Illinois, 94 U.S. 113, 125(1876)** (allowing for government price regulation). But see 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 , 504-08 (1996) (plurality opinion) (refusing to allow restrictions on merchants' ability to advertise legally ...

Content: Law Reviews | **Date:** 2017

725. [SYMPOSIUM--THE EMPLOYMENT AND LABOR LAW PROFESSOR AS PUBLIC INTELLECTUAL: SHARING OUR WORK WITH THE WORLD: ARTICLE: A Theory of Adjudication: Law as Magic](#), 41 Suffolk U. L. Rev. 773

... categorical breakdown at the outset to identify concrete practices behind the general intuition that there is something magical about adjudication and to establish that the similarities between law and magic do not dissolve upon closer study. All five techniques of legal magic are exemplified in the similarities between the Trobriand spell quoted at the top of this section, employed to protect the village yam harvest, and the Supreme Court decision in Munn v. Illinois , 30 **94 U.S. 113(1876)** ...

Content: Law Reviews | **Date:** 2008

726. [NOTE: The Violence Against Women Act: Surviving the Substantial Effects of United States v. Lopez](#), 31 Suffolk U. L. Rev. 423

... (Holmes, J., dissenting) (arguing Court should not allow laissez-faire principles to influence judicial decision making); United States v. E.C. Knight Co., 156 U.S. 1, 16 (1895) (suggesting laissez-faire economic theories influenced decision); **Munn v. Illinois, 94 U.S. 113, 124-25, 134(1877)** (chronicling importance of laissez-faire theories in development of state and federal government); see also Stern, supra note 13, at 645 (advocating laissez-faire philosophy began to influence ...

Content: Law Reviews | **Date:** 1997

727. [ARTICLE: DELEGATION AND DUE PROCESS: THE HISTORICAL CONNECTION](#), 2009 Sup. Ct. Rev. 223

... the Court treated grain elevators and railroads as affected with a public interest and thus subject to plenary legislative control of rate-making, effectively without any required process and without judicial review for reasonableness. 41 **94 US 113(1877)**. Given this legislative competence, the Court would assume that facts existed to support the legislation. 42 94 US at 132 (referring to whether the rate regulations were necessary to address abuses by virtual monopolies). Judicial ...

Content: Law Reviews | **Date:** 2008

728. [ARTICLE: THE PLESSY ERA](#), 1998 Sup. Ct. Rev. 303

... strongly suggested that the state had no business interfering with voluntary integration of the races, which is precisely what the Day law accomplished. At a time when most of the Justices questioned the constitutional legitimacy of state interference with private contractual arrangements that created no traditional third-party harms, the Day law should have posed a more serious constitutional question than did the Louisiana railroad segregation statute. 59 **Munn v Illinois, 94 US 113(1877)**; ...

Content: Law Reviews | **Date:** 1998

729. [ARTICLE: A NATURAL RIGHTS PERSPECTIVE ON EMINENT DOMAIN IN CALIFORNIA: A RATIONALE FOR MEANINGFUL JUDICIAL SCRUTINY OF "PUBLIC USE"](#), 32 Sw. U. L. Rev. 569

Content: Law Reviews | **Date:** 2003

730. [ANTITRUST SYMPOSIUM: ANTITRUST ISSUES IN THE TELECOMMUNICATIONS AND SOFTWARE INDUSTRIES: TITANIC TELECOMMUNICATIONS](#), 25 Sw. U. L. Rev. 535

... Bell breakup, the Telecommunications Act of 1996 16 See Telecommunications Act, supra note 8. has swept away not only twelve years of regulation under the MFJ, but also twelve decades of legal experience accrued since Munn v. Illinois 17 **94 U.S. 113(1876)**. authorized the comprehensive regulation of firms and industries "affected with a public interest." 18 Id. at 126. Even as a barrage of legislative, regulatory, and judicial reforms cascades upon the regulation of broadcast ...

Content: Law Reviews | **Date:** 1996

731. [ARTICLE: Regulatory Property and the Jurisprudence of Quasi-Public Trust](#), 32 Sydney L. Rev. 221

... thrust of the present article is the suggestion that the solution to this problem is largely to be found in the legal and political ideology underpinning those 'gateway' facilities which in bygone centuries controlled access to the marketplace. 11 For a reference to the concept of property as a 'gateway', see Kevin Gray, 'Property in Thin Air' (1991) 50 Cambridge Law Journal 252, 304-5. This much older concern with the 'gateway of commerce' 12 See **Munn v Illinois, 94 US (4 Otto) 113, 132 ...**

Content: Law Reviews | **Date:** July 1, 2010

732. [ARTICLE: NETWORK INTERCONNECTION AND TAKINGS](#), 54 Syracuse L. Rev. 369

... Finally, and most important, from a historical perspective, common carriers, as the Supreme Court recognized in the famous Munn v. Illinois case, were subject to rate regulation, ruling that the state could regulate the rates charged by certain grain elevators used in loading grain to railroads. 72 **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)**. Given the constitutional barriers in regulating business before the Supreme Court changed its mind about such matters in the 1930s, the limits ...

Content: Law Reviews | **Date:** 2004

733. [ARTICLE: OLD WINE OR NEW? THE SHOCKS-THE-CONSCIENCE STANDARD AND THE DISTINCTION BETWEEN LEGISLATIVE AND EXECUTIVE ACTION](#), 50 Syracuse L. Rev. 981

... Arguably, these origins may be traced back still further to a series of decisions which, although upholding state laws against substantive due process challenges, announced the Court's authority to inquire into the "reasonableness" of legislation impacting private contracts. See, e.g., Mugler v. Kansas, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1877)**. Over the next three decades, a period now infamous as the "Lochner era," the Court repeatedly invoked due process to strictly ...

Content: Law Reviews | **Date:** 2000

734. [ARTICLE: MAKING EQUAL PROTECTION ANALYSIS MAKE SENSE](#), 49 Syracuse L. Rev. 1191

... Amendment does not profess to secure to all persons in the United States the benefit of the same laws and the same remedies," and that it does not outlaw "local and municipal regulations that do not injuriously affect or discriminate between persons or classes of persons."); United States v. Union Pac. R.R. Co., 98 U.S. 569, 604 (1878) (A federal law making special jurisdictional and procedural rules for suing railroads does not violate equal protection.); **Munn v. Illinois, 94 U.S. 113, 134-35 (1876) ...**

Content: Law Reviews | **Date:** 1999

735. [PERSPECTIVE: HOW I LEARNED TO STOP WORRYING AND LOVE THE SLAUGHTER-HOUSE CASES: AN ESSAY IN CONSTITUTIONAL- HISTORICAL REVISIONISM](#), 23 T. Jefferson L. Rev. 241

... (Harlan, J., dissenting). See generally Linda Przybyszewski, The Republic According to John Marshall Harlan (1999). Judicial restraint in the area of economic legislation continued to prevail in the 1870s, but the Fourteenth Amendment's evil twin of excessive economic libertarianism triumphed by around the turn of the century. 21 Compare **Munn v. Illinois, 94 U.S. 113(1877)** with Allgeyer v. Louisiana, 165 U.S. 578 (1897), Chicago, Burlington & Quincy R.R. Co. v. Chicago, 166 U.S. ...

Content: Law Reviews | **Date:** 2001

736. [ARTICLE: DOES THE U.S. CONSTITUTION CONSTRAIN STATE PRODUCTS LIABILITY DOCTRINE@](#), 92 Temple L. Rev. 189

... ("The Court could even hold that due process imposes constitutional limits not just on a state's

alteration or application of its procedural rules, but also on its substantive rules--its ability to abolish certain traditional defenses from its substantive tort law."). In his discussion, see *id.*, Professor Colby quoted **Munn v. Illinois, 94 U.S. 113, 134(1876)** ("Rights of property which have been created by the common law cannot be taken away ...

Content: Law Reviews | **Date:** 2019

737. [**ARTICLE: COMPARING FEDERAL JUDICIAL REVIEW OF ADMINISTRATIVE COURT DECISIONS IN THE UNITED STATES AND CANADA**](#), 73 Temp. L. Rev. 503

... had sanctioned federal control of economic practices through the Commerce Act. 59 *Id.* at 1209. This perspective was due to a considerable amount of litigation over the scope of state regulatory activity that had reached the Court. *Id.* at 1208. In one of the earliest Supreme Court regulatory decisions, **Munn v. Illinois, 94 U.S. 113, 126 (1876)**, the Court held that if private property is "affected with a public interest" it may be subjected to state regulatory control. See Rabin, *supra* note ...

Content: Law Reviews | **Date:** 2000

738. [**EMERGING ISSUES IN STATE CONSTITUTIONAL LAW: ARTICLE: OHIO TORT REFORM VERSUS THE OHIO CONSTITUTION**](#), 69 Temp. L. Rev. 1155

... have consistently held that the legislative branch of state government, unless prohibited by constitutional limitations, may modify or entirely abolish common-law actions... "There is no property or vested right in any of the rules of the common law...and they may be added to or repealed by legislative authority." *Strock v. Pressnell*, 527 N.E.2d 1235, 1241 (Ohio 1988) (quoting *Leis v. Cleveland Ry. Co.*, 128 N.E.2d 73 (Ohio 1920) (syllabus)). Accord **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. ...

Content: Law Reviews | **Date:** 1996

739. [**TAKING ON A NEW DIRECTION: THE REHNQUIST-SCALIA APPROACH TO REGULATORY TAKINGS**](#), 66 Temp. L. Rev. 197

... (Harlan sought to define the source of government's power to regulate landowner's conduct). He reasoned that government is empowered to require each citizen to use his own property so as not to injure the public. 42 *Id.* at 660 (citing **Munn v. Illinois, 94 U.S. 113, 124, 128-29 (1876)**). However, his sensible conclusion begs the question: what authority determines that particular behavior is injurious to the public? Justice Harlan ambiguously concluded that the power to define injurious ...

Content: Law Reviews | **Date:** 1993

740. [**COMMENT: RATIONAL BASIS REVIEW GOES BACK TO THE DENTIST'S CHAIR: CAN THE TOOTHLESS TEST OF HELLER V. DOE KEEP GAYS IN THE MILITARY?**](#), 4 Temp. Pol. & Civ. Rts. L. Rev. 167

... *Id.* at 489. Expressing the view that the democratic process was the proper way to address the issue, 55 *Id.* at 488 ("For protection against abuses by legislatures the people must resort to the polls, not the courts.") (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)** (upholding the State's right to regulate privately owned grain elevators)). the Court allowed the legislature to take reform "one step at a time," 56 *Id.* at 489. and defer the issue of ready-to-wear glasses for another ...

Content: Law Reviews | **Date:** 1994

741. [**ARTICLE: PROPERTY AND RADICALLY CHANGED CIRCUMSTANCES**](#), 74 Tenn. L. Rev. 463

... were initially created in response to emergency housing situations-particularly housing shortages resulting from World War I and II. 457 See, e.g., Block v. Hirsch, 256 U.S. 135, 157 (1921) (upholding first rent control statute enacted in Washington, D.C. during the First World War (citing **Munn v. Illinois** 94 U.S. 113(1876))); Peter Salsich, State and Local Regulation Promoting Affordable Housing, in The Legal Guide to Affordable Housing Development 73, 110 (Tim Iglesias & Rochelle ...

Content: Law Reviews | **Date:** 2007

742. [**ARTICLE: SECURING A RELIABLE ELECTRICITY GRID: A NEW ERA IN TRANSMISSION SITING REGULATION?**](#), 73 Tenn. L. Rev. 1

... enumerated powers; all powers not delegated to the national government are reserved to the states. Such reserved powers include the protection of the public health, safety, and welfare, and the enactment of social and economic legislation, which is given deferential review in federal courts. The United States Supreme Court has long ago affirmed the states' right to regulate private firms, such as utilities, that are "affected with a public interest." 159 **Munn v. Ill.**, 94 U.S. 113, 126 (1877); ...

Content: Law Reviews | **Date:** 2005

743. [**ARTICLE: ON THE 100TH ANNIVERSARY OF LOCHNER v. NEW YORK**](#), 72 Tenn. L. Rev. 455

... moved toward adopting the Due Process Clause of the Fourteenth Amendment in lieu of the Privileges or Immunities Clause as a means of limiting state authority to regulate economic matters. While the Court uniformly rejected due process challenges to state economic regulations during this time, on occasion the Court indicated that the Due Process Clause may set some limits on the authority of a state to enact economic regulations. In an 1877 decision, Mann v. Illinois , 49 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2005

744. [**ARTICLE: HOW MUCH IS THE TOLL TO ACCESS THE INFORMATION SUPERHIGHWAY? AN ANALYSIS OF THE APPROPRIATE MEASURE OF COMPENSATION FOR THE PARTIAL TAKING OF PUBLIC UTILITY PROPERTY**](#), 62 Tenn. L. Rev. 141

... 79 Id. at 253. the Supreme Court noted that "it was settled beyond dispute that regulation of rates chargeable from the employment of private property devoted to public uses is constitutionally permissible." 80 Id. (citing **Munn v. Illinois, 94 U.S. 113, 133-34 (1877)**). The Supreme Court stated that the regulation of maximum rates or prices "may, consistently with the Constitution, limit stringently the return recovered on investment, for investors' interests provide only one of the variables ...

Content: Law Reviews | **Date:** 1994

745. [**SYMPOSIUM: "THE LAW OF THE LAND": TENNESSEE CONSTITUTIONAL LAW: THE PROCESS OF SELECTING CONSTITUTIONAL STANDARDS: SOME INCONGRUITIES OF TENNESSEE PRACTICE**](#), 61 Tenn. L. Rev. 573

... Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 41 Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483, 487-88 (1955) (citations omitted) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). ...

Content: Law Reviews | **Date:** 1994

746. [ARTICLE: The Application of the Antitrust Laws to Regulated Industries](#), 44 Tenn. L. Rev. 1
 ... The constitutional basis for the highly stratified intensive regulatory protection and control that exists with respect to public utilities and other regulated industries is that the activities they perform are "clothed with a public interest." *Nebbia v. New York*, 291 U.S. 502, 533 (1934) (quoting **Munn v. Illinois, 94 U.S. 113, 126 (1877)**). will either enforce competition to the extent that it is deemed desirable and feasible, or will take other steps to ensure that society receives what would ...
Content: Law Reviews | **Date:** 1976
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747. [NOTE: Private Takings in Texas: Defining "Public Use" after Kelo](#), 12 Tex. J. Oil Gas & Energy L. 259
 ... The connection between common carriers and the ultimate public use should perhaps be noted. The assumption of public use by the courts for common carrier pipelines strongly relates to the long-held notion that such operations are strongly "affected with a public interest." 93 See **Munn v. Illinois, 94 U.S. 113, 130 (1876)** (holding that private property devoted to a public use is subject to public regulation); *Gulf Land Co. v. Atlantic Refining Co.*, 131 S.W. 2d 73, 82 (Tex. 1939) (declaring ...
Content: Law Reviews | **Date:** 2017
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748. [ARTICLE: UNJUST, UNREASONABLE, AND UNDULY DISCRIMINATORY: ELECTRIC UTILITY RATES AND THE CAMPAIGN AGAINST ROOFTOP SOLAR](#), 11 Tex. J. Oil Gas & Energy L. 211
 ... adding additional generating capacity, lowering consumer rates, and extending service to rural areas all benefited the public. Yet IOUs favored their own economic interests and frustrated the government's efforts to achieve these goals. It is predictable, and even desirable, that as for-profit corporations IOUs sought to defend themselves against competition. But what is noteworthy is that these companies that are "clothed in the public interest" 196 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. ...
Content: Law Reviews | **Date:** June 1, 2016
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749. [Article: Intellectual Liability](#), 88 Tex. L. Rev. 253
 ... Imagine, for example, the grant of a corporate charter to create a toll road. The charteree undoubtedly has a valuable economic right, but it is not a true property right - there is no right to exclude since the turnpike would be subject to a common-carrier obligation 20 See **Munn v. Illinois, 94 U.S. 113, 129 (1877)** (describing turnpike roads as traditionally regulated as common carriers). - but only a right to collect a fee for passage. In a world in which traveling on roads used to be ...
Content: Law Reviews | **Date:** December 1, 2009
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750. [SYMPOSIUM OF WATERBANKS, PIGGYBANKS, AND BANKRUPTCY: CHANGING DIRECTIONS IN WATER LAW: III. A NEW POLICY ERA: DOMESTIC INSTITUTIONS, TENTACULAR MOVES: A Conversation About Takings and Water Rights](#), 83 Tex. L. Rev. 1985
 ... was not a nuisance before the legislature acted, yet no compensation was owed once the legislature decided to outlaw the industry to protect the common good. As the Supreme Court once said, "the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." 55 **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. Legislatures have just as much power as courts to define the scope and permissible limits of property rights. ...
Content: Law Reviews | **Date:** June 1, 2005
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751. [ARTICLE: Lochner's Legacy's Legacy](#), 82 Tex. L. Rev. 1

... more sacred than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**)). ...

Content: Law Reviews | **Date:** November 1, 2003

752. [BOOK REVIEW: Justice Roberts and the Constitutional Revolution of 1937 - Was There a "Switch in Time"?](#), 78 Tex. L. Rev. 1347

... decision, Cushman argues, was the rejection of the "public/private distinction," which had characterized American jurisprudence since the 1870s. Earlier cases had insisted that private property could be regulated only when it was "affected with a public interest," that is, when it was "used in a manner to make it of public consequence, and affect a community at large." 10 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. In *Nebbia*, by contrast, Roberts declared that "affected with a public interest" ...

Content: Law Reviews | **Date:** May 1, 2000

753. [NOTE: The Liberal Tradition and the Constitution: Developing a Coherent Jurisprudence of Parental Rights](#), 78 Tex. L. Rev. 1287

... preference" of the judge); Robert Heineman, *Authority and the Liberal Tradition: From Hobbes to Rorty* 6 (2d ed. 1994) (asserting that this "ideological quagmire" can be traced to a misunderstanding on the part of Americans about "the nature of Anglo-American liberalism and its relationship to the social conditions within which it developed"). Unfortunately, our constitutional history reveals more of hubris and emotivism than of principled rationales. In *Munn v. Illinois*, 25 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** May 1, 2000

754. [COMMENTARY: The Second Coming of *Smyth v. Ames*](#), 77 Tex. L. Rev. 1535

... ("For the Framers so loved the land ... that they gave us their only written Constitution, that whosoever believeth in it should not perish, but have everlasting power." (paraphrasing John 3:16)). Longstanding tradition in public utility law traces *Smyth* and the confiscatory ratemaking doctrine to *Munn v. Illinois* 142 **94 U.S. 113(1876)**. and the Granger cases, 143 See *Chicago, Burlington & Quincy R.R. v. Iowa*, 94 U.S. 155 (1877); *Peik v. Chicago & N.W. Ry.*, 94 U.S. 164 (1876); ...

Content: Law Reviews | **Date:** May 1, 1999

755. [BOOK REVIEW: Let Us Now Praise Infamous Men. HISTORY OF THE SUPREME COURT OF THE UNITED STATES: TROUBLED BEGINNINGS OF THE MODERN STATE, 1888-1910. By Owen M. Fiss. *](#), 73 Tex. L. Rev. 661

... at 1406-08 (recognizing the value of Marshall's "formalist" approach to Commerce Clause cases, which relied on categorization, as opposed to a "realist" approach, which measures the economic impact of legislation). However, with the Court's first encounter with the regulatory state in *Munn v. Illinois*, 295 **94 U.S. 113(1877)**. a dynamic constitutionalism began to appear. This constitutionalism conceived of the Constitution as collating the fundamental principles of the Anglo-American ...

Content: Law Reviews | **Date:** February 1, 1995

756. [ARTICLE: The Role of Constitutional and Political Theory in Administrative Law](#), 64 Tex. L. Rev. 469

... The Court distinguished between businesses that were subject to government regulation because they were "affected with a public interest," 180 Compare West Coast Hotel Co. v. Parrish, 300 U.S. 379 (1937) (upholding state regulation of wages because the problem was affected with the public interest), with **Munn v. Illinois, 94 U.S. 113(1887)** (upholding state regulation of warehouses because they were affected with the public interest). See E. GELLHORN & R. PIERCE, supra note ...

Content: Law Reviews | **Date:** November 1, 1985

757. [ARTICLE: Technology, Politics, and Regulated Monopoly: An American Historical Perspective](#), 62 Tex. L. Rev. 1263

... Any grain elevator not located immediately at the intersection would require the additional, expensive steps of loading, transporting, and unloading the grain. If the intersection has room for only one grain elevator, then marginal cost pricing might require rate regulation; otherwise, the best-placed firm would be able to exclude any second-best-placed firm and still could charge monopoly rates. See infra text accompanying notes 260-72 (discussing **Munn v. Illinois, 94 U.S. 113(1887)**). ...

Content: Law Reviews | **Date:** April 1, 1984

758. [HISTORICAL OBSERVATION: The New Deal and the Emergency Powers Doctrine](#), 62 Tex. L. Rev. 67

... E. CORWIN, TOTAL WAR AND THE CONSTITUTION 35-37 (1947). Justice Butler apparently believed that the existence of a state of war imbued certain industries with a public interest, thus making it constitutional to regulate them. 279 U.S. at 260-61. Cf. **Munn v. Illinois, 94 U.S. 113(1877)** (government regulation of the prices charged by a business affected by a public interest did not violate the due process clause of the fourteenth amendment). Justice Butler, normally a laissez-faire ...

Content: Law Reviews | **Date:** August 1, 1983

759. 55 Tex. L. Rev. 759

Content: Law Reviews

760. 53 Tex. L. Rev. 1180

Content: Law Reviews

761. 53 Tex. L. Rev. 738

Content: Law Reviews

762. [ARTICLE: A CHALLENGE TOO EARLY: THE LAWSUIT TO INVALIDATE TEXAS DAMAGE CAPS TEN YEARS AGO AND ITS LIKELY FUTURE VINDICATION](#), 51 Tex. Tech L. Rev. 667

... (requiring that any displacement of a common law remedy provide "an injured person an effective and reasonable alternative remedy"). At the time of this 1917 decision, the vested-right framework discussed in *Duke Power* was already established. 118 See generally **Munn v. Illinois, 94 U.S. 113(1876)**. In **Munn v. Illinois**, the Supreme Court first expressed the concept and was cited as such in *Duke Power*. 119 See generally *id.* ...

Content: Law Reviews | **Date:** 2019

763. [HOW IMPORTANT SHOULD HISTORY BE TO RESOLVING FOURTH AMENDMENT QUESTIONS, AND HOW GOOD A JOB DOES THE SUPREME COURTH DO IN CONSTRUING HISTORY?: CAN YOU HANDLE THE TRUTH? THE FRAMERS PRESERVED COMMON-LAW CRIMINAL ARREST AND SEARCH RULES IN "DUE PROCESS OF LAW"-"FOURTH AMENDMENT REASONABLENESS" IS ONLY A MODERN, Destructive, JUDICIAL MYTH](#), 43 Tex. Tech L. Rev. 51

... Due process also became an important source of federal judicial power in 1868 when the Fourteenth Amendment extended that standard to the actions of state governments. 319 See *id.* at 199-200. Notably, within a decade the Supreme Court adopted "reasonableness" as the usual standard for assessing compliance with the new doctrine of substantive due process 320 **Munn v. Illinois, 94 U.S. 113, 113(1877)**. and also announced in 1886 that business entities were "persons" and thus enjoyed ...

Content: Law Reviews | **Date:** 2010

764. [ARTICLE: AN UNENUMERATED RIGHT: TWO VIEWS ON THE RIGHT OF PRIVACY](#), 40 Tex. Tech L. Rev. 249

... Not long after the Civil War, the Court affirmed this deference to a state's police power, beginning with the Slaughter- House Cases 180 See *The Slaughter-House Cases*, 83 U.S. 36, 57-60 (1872) (holding that states can regulate location of slaughter houses). and *Munn v. Illinois*. 181 **Munn v. Illinois, 94 U.S. 113, 123, 130-32 (1877)** (holding that a state can regulate the rates for grain elevators). But then, the Supreme Court dramatically changed course and determined that the ...

Content: Law Reviews | **Date:** 2008

765. [ARTICLE: A FOOL'S ERRAND? LEGAL LEGACIES OF RECONSTRUCTION IN TWO SOUTHERN STATES](#), 9 Tex. Wesleyan L. Rev. 1

... also rejected the Contract Clause argument in a series of cases in 1876, but it relied heavily on the fact that the constitutions of the states at issue reserved to their legislatures the power to alter corporate charters and concluded that the railroads accepted their charters subject to such condition. See, e.g., **Munn v. Illinois, 94 U.S. 113, 133-34 (1876)** (involving an Illinois railroad commission law); *Chicago, Burlington, & Quincy R.R. Co. v. Iowa*, 94 U.S. 155, 161-62 (1876) (upholding ...

Content: Law Reviews | **Date:** 2002

766. [ARTICLE: The Case for Rational Basis Review of General Suspicionless Searches and Seizures](#), 23 Touro L. Rev. 93

... legislatures to balance the needs of individuals against the needs of society. Where fundamental rights are not implicated, "it is for the legislature, not the courts, to balance the advantages and disadvantages of the new requirement." 27 *Williamson v. Lee Optical of Okla., Inc.*, 348 U.S. 483, 487 (1955). In general, "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 28 *Id.* at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). ...

Content: Law Reviews | **Date:** 2007

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767. [ARTICLE: The Property Rights Revolution That Failed: Eminent Domain in the 2004 Supreme Court Term](#), 21 Touro L. Rev. 929
- ... law violated the Due Process Clause of the Fourteenth Amendment, which protected certain fundamental rights such as the right to property and freedom from government interference in following an economic calling. Four years later in *Munn v. Illinois*, 23 **94 U.S. 113(1876)**. the Court again refused to strike down a state regulation establishing maximum rates for grain stored in elevators. Similar to the *Slaughter- House Cases*, both the majority and dissenting opinions defended economic ...
- Content:** Law Reviews | **Date:** 2006
-
768. [Article: Southwest Airlines, MCI, and Now Uber: Lessons for Managing Competitive Entry into Taxi Markets](#), 43 Transp. L. J. 101
- ... The statutory regimes that created special-purpose industry regulators grew on top of a common law of common carriage that had applied for centuries to so-called "public callings," which were largely co-extensive with the transportation and guild-run industries. 14 See generally James B. Speta, A Common Carrier Approach to Internet Interconnection, 54 Fed. Comm. L.J. 225, 251-58 (2002) (reviewing common law history of common carrier regulation); *Munn v. Illinois*, **94 U.S. 113, 125-26 (1876)** ...
- Content:** Law Reviews | **Date:** 2016
-
769. [ARTICLE: Transportation: A Legal History+](#), 30 Transp. L. J. 235
- ... *Barbier v. Connolly*, 113 U.S. 27, 31 (1884). B. The Due Process Clause The question of whether a state may regulate business practices consistent with the due process obligations of the 14th Amendment early on was addressed by the U.S. Supreme Court in *Munn v. Illinois*, 634 **94 U.S. 113(1876)**. in which the court upheld state regulation of grain elevator rates. 635 *Id.* at 135-36. *Munn* addressed the fundamental issue of whether private property was under the exclusive control ...
- Content:** Law Reviews | **Date:** 2003
-
770. [ARTICLE: Interstate Trucking: The Collision of Textbook Theory and Empirical Reality. *](#), 20 Transp. L. J. 185
- ... The U.S. Supreme Court in its seminal decision of *Munn v. Illinois* recognized that transportation firms are the gatekeepers of the larger market for the sale of commodities; hence, it is imperative that their price and service offerings be nondiscriminatory. 51 **94 U.S. 113(1876)**. If the market for transportation services is distorted, the market for the sale of commodities will be distorted as well. 52 P. DEMPSEY, *supra* note 1. A significant advantage that Fortune 500 companies ...
- Content:** Law Reviews | **Date:** 1992
-
771. [ARTICLE: Canadian Transport Liberalization: Planes, Trains, Trucks & Buses Rolling Across the Great White North. *](#), 19 Transp. L. J. 113
- ... injury to those enterprises or geographic regions disfavored by the pricing scheme. The U.S. Supreme Court has observed that "discriminatory rates . . . may affect the prosperity and welfare of a State They may stifle, impede, or cripple old industries and prevent the establishment of new ones." *Georgia v. Pennsylvania R.R.*, 324 U.S. 439, 450 (1945). Moreover, this distortion in transport pricing distorts the broader market for the sale of commodities. 269 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 1990

772. [ARTICLE: The Empirical Results of Deregulation: A Decade Later, and The Band Played On.](#) *, 17 Transp. L. J. 31

... These features distinguish transportation from most other industries, and explain why the provision of such services is regulated in the public interest, and has been since an early point in Anglo-American history. In its seminal decision of *Munn v. Illinois*, 200 **94 U.S. (4 Otto) 113(1877)**. the United States Supreme Court noted that beginning with the early common law of England, common carriers have been deemed to be "affected with a public interest" for they "stand in the very 'gateway ...

Content: Law Reviews | **Date:** 1988

773. [SYMPOSIUM: INTRASTATE REGULATION: Section 214 of the Staggers Rail Act: Is It Working as Congress Intended?](#), 14 Transp. L. J. 205

... has the power to "regulate commerce among the several states." While in the early 1800's many states enacted statutes which purported to regulate intrastate and interstate transportation, 6 See, ILL. CONST., art. VII; see also the so called "Granger cases" headed by **Munn v. Illinois, 94 U.S. 113(1877)**. by the latter part of the 19th century there were a number of federal legislative enactments dealing with interstate rail transportation including the Garfield Act of 1866 7 Garfield ...

Content: Law Reviews | **Date:** 1986

774. [COMMENT: Transportation Deregulation \(1976-1984\): Turning the Tide.](#), 14 Transp. L. J. 101

... While the Railroads generally supported federal regulation, they had however, found state regulation difficult to control. When the states first began regulating the railroads in the late 1860's and early 1870's, the railroads challenged the state regulations, alleging that regulation of interstate commerce was within the exclusive power of the United States under Art. I. § 8 of the U.S. Constitution. Although state regulation was generally upheld, see **Munn v. Illinois, 94 U.S. 113(1876)**; ...

Content: Law Reviews | **Date:** 1985

775. [SYMPOSIUM ARTICLE: Banks as Utilities](#), 90 Tul. L. Rev. 1241

... hackmen, bakers, millers, wharfingers, innkeepers, [etc.], and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States [upon] some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. 13 **Munn v. Illinois, 94 U.S. 113, 125 (1877)**. ...

Content: Law Reviews | **Date:** June 1, 2016

776. [ARTICLE: Liberty, Substantive Due Process, and Personal Jurisdiction](#), 82 Tul. L. Rev. 567

... Justice Field focused on the Privileges or Immunities Clause of the Fourteenth Amendment rather than the Due Process Clause as the specific textual source for this protection in the Slaughter- House Cases. See *id.* at 96. However, he urged in subsequent cases that the Due Process Clause provided this protection. See, e.g., **Munn v. Illinois, 94 U.S. 113, 137-43 (1877)** (Field, J., dissenting); *Bartemeyer v. Iowa*, 85 U.S. (18 Wall.) 129, 138-39 (1874) (Field, J., concurring). In other words, ...

Content: Law Reviews | **Date:** December 1, 2007

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777. [ARTICLE: Before Lochner - Diversity Jurisdiction and the Development of General Constitutional Law](#), 74 Tul. L. Rev. 1263
- ... able to pigeonhole ostensibly private enterprises as either "public" or "private" in character paralleled similar efforts to identify activities "affected with a public interest" that could be the proper subject of state regulation consistent with the (federal) Due Process Clause. See, e.g., Township of Burlington v. Beasley, 94 U.S. 310, 312-14 (1877) (holding that a bond issuance to build a grist mill open to the public was for a public purpose); **Munn v. Illinois, 94 U.S. 113, 124-26 (1876)** ...
- Content:** Law Reviews | **Date:** March 1, 2000
-
778. [ARTICLE/ESSAY: Justice Bradley's Civil Rights Odyssey Revisited](#), 70 Tul. L. Rev. 1979
- ... had, in other contexts, outlined and supported the historic and vast power of states to regulate common carriers and other activities which involved matters affected with the public interest. 95 See Chicago, M. & St. P. Ry. v. Minnesota, 134 U.S. 418, 463-64 (1890) (Bradley, J., dissenting); **Munn v. Illinois, 94 U.S. 113, 125-26, 133 (1877)** (partly ghost-written by Bradley according to Charles Fairman, The So-Called Granger Cases, Lord Hale & Justice Bradley, 5 Stan. L. Rev. 587, ...
- Content:** Law Reviews | **Date:** June 1, 1996
-
779. [ARTICLE: HUMAN RIGHTS AND HUMAN LIFE:AN UNEVEN FIT](#), 68 Tul. L. Rev. 1527
- ... 42 Rutgers L. Rev. 1, 34-39 (1989) (discussing the fundamental nature of health care autonomy). Further, because a deprivation of health can lead to a deprivation of life, rights related to health are closely linked to the right to life. See generally **Munn v. Illinois, 94 U.S. 113, 142 (1876)** (Field, J., dissenting) ("The inhibition against [deprivation of life] extends to all those limbs and faculties by which life is enjoyed."). Differential allocation of interests related to life, therefore, ...
- Content:** Law Reviews | **Date:** June 1, 1994
-
780. [ARTICLE: IDEOLOGICAL CONFLICT AND THE ORIGINS OF ANTITRUST POLICY](#), 66 Tul. L. Rev. 1
- ... BENJAMIN R. TWISS, LAWYERS AND THE CONSTITUTION: HOW LAISSEZ FAIRE CAME TO THE SUPREME COURT 50-55 (1942) (arguing that legal briefs incorporating laissez-faire ideology led the Supreme Court to adopt substantive due process). Although the Supreme Court initially recognized substantial state regulatory authority in the Slaughterhouse Cases 125 83 U.S. (16 Wall.) 36, 82 (1873). and in Munn v. Illinois, 126 94 U.S. 113, 134-36 (1877). it gradually retreated from those decisions. ...
- Content:** Law Reviews | **Date:** November 1, 1991
-
781. [COMMENT: THUS FAR AND NO FURTHER: THE SUPREME COURT DRAWS THE OUTER BOUNDARY OF THE RIGHT TO PRIVACY](#), 61 Tul. L. Rev. 907
- ... danger of losing legitimacy was the Court's strongest argument in favor of reversal. Courts must be careful not to usurp the duties of the legislature. This unfortunate result often occurs when courts base their rulings on due process. Once judges attempt to define "fundamental rights," they encounter the same difficulties encountered in the era of economic "substantive due process" 129 The Supreme Court originally rejected substantive due process in **Munn v. Illinois, 94 U.S. 113(1877)**, ...
- Content:** Law Reviews | **Date:** March 1, 1987
-

782. [COMMENT: IS LABOR A WIDGET: A COMPARATIVE STUDY](#), 59 Tul. L. Rev. 1517

... maximum prices for the storage of grain was unsuccessfully challenged by two operators of a grain elevator indicted for selling at rates in excess of those prescribed by the statute. 81 **Munn v. Illinois, 94 U.S. 113 (1876)**. The plaintiffs claimed that the statutes deprived them of "property in existence" 82 Id. at 120 (argument by plaintiffs). in violation of the fourteenth amendment. Not so, held the United States Supreme Court in Munn v. Illinois; 83 **94 U.S. 113 (1876)**. ...

Content: Law Reviews | **Date:** June 1, 1985

783. [ARTICLE: The Contracts Clause and the Court: A View of Precedent and Practice in Constitutional Adjudication](#), 54 Tul. L. Rev. 117

... 27 Vt. 328 (1854). and when the United States Supreme Court reached a similar result in 1872 in The Slaughter-House Cases, 83 83 U.S. (16 Wall.) 36 (1872). See also Railroad Comm'n Cases, 116 U.S. 307 (1886); **Munn v. Illinois, 94 U.S. 113 (1876)**. it seemed that the police power had emerged unscathed. The attack was renewed, however, in 1897 by the Court's decision in Allgeyer v. Louisiana, 84 165 U.S. 578 (1897). which overturned an attempt by Louisiana ...

Content: Law Reviews | **Date:** December 1, 1979

784. [ARTICLE: Remember the Essentials: Nuclear Power's Place in U.S. Electricity Markets](#), 92 Tul. L. Rev. Online 37

... climate change and how to respond, energy companies have a central role to play to advance solutions that provide clean and reliable electricity. While not a "perfect" solution in all respects, nuclear power is in fact an emissions-free, highly reliable electricity source that currently stands as the most accessible, proven, and large-scale answer. But the marketplace tells a different tale. By providing a service "clothed with a public interest," 3 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. ...

Content: Law Reviews | **Date:** April 1, 2018

785. [MINERAL LAW ISSUE: ARTICLE: THE TAKINGS JURISPRUDENCE OF THE WARREN COURT: A CONSTITUTIONAL SIESTA*](#), 31 Tulsa L.J. 643

... and noting that it applied here. The decision simply followed the general rule that enormous discretion is allowed the government in administrative proceedings, especially on matters of rate regulation which had been "customary since time immemorial" 85 Id., citing, as one might expect, **Munn v. Illinois, 94 U.S. 113, 133 (1876)**. in common law jurisdictions. Once again we have the Supreme Court on cruise control, without the slightest effort to examine whether the justifications for price ...

Content: Law Reviews | **Date:** 1996

786. [ARTICLE: THE TAKINGS JURISPRUDENCE OF THE WARREN COURT: A CONSTITUTIONAL SIESTA*](#), 31 Tulsa L.J. 643

... and noting that it applied here. The decision simply followed the general rule that enormous discretion is allowed the government in administrative proceedings, especially on matters of rate regulation which had been "customary since time immemorial" 85 Id., citing, as one might expect, **Munn v. Illinois, 94 U.S. 113, 133 (1876)**. in common law jurisdictions. Once again we have the Supreme Court on cruise control, without the slightest effort to examine whether the justifications for price ...

Content: Law Reviews | **Date:** 1996

787. [Article: SUPREME COURT SUPERSTARS: THE TEN GREATEST JUSTICES](#), 31 Tulsa L.J. 93
 ... Much of the substance of public law history in the next quarter century involved the elevation of the Slaughter-House dissents into the law of the land. The judicial development starts with cases involving railroad regulation. In the Granger Cases, 96 **94 U.S. 113(1876)**. the Court followed the strict Slaughter-House approach, ruling that the Due Process Clause did not subject the legislative judgment in fixing rates to judicial review: "For protection against abuses by legislatures the people ...
Content: Law Reviews | **Date:** 1995
-
788. [ARTICLE: HOW THE U.S. SUPREME COURT DEEMED THE WORKERS' COMPENSATION GRAND BARGAIN "ADEQUATE" WITHOUT DEFINING ADEQUACY](#), 54 Tulsa L. Rev. 375
 ... N.Y. Laws 1945, 1948-49. It is perhaps surprising that the Court bothered to justify state workers' compensation statutes at all, for courts had repeatedly pointed out that no one had a vested right in a rule of the common law. 76 **Munn v. Ill., 94 U.S. 113, 134 (1876)** ("A person has no property, no vested interest, in any rule of the common law."). For an exhaustive discussion of this point see John C.P. Goldberg, The Constitutional Status of Tort Law: Due Process and the Right to a Law ...
Content: Law Reviews | **Date:** 2019
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789. [THE REVISIONIST RIGHT: THE NEW U.S. CONSTITUTIONAL HISTORIES: REVISION OF PROGRESSIVE ERA HISTORY CONTINUES](#), 50 Tulsa L. Rev. 519
 ... Evidence of the importance of popular sovereignty and democracy in constitutional interpretation of the late nineteenth and early twentieth centuries is not difficult to find. Two well known judicial opinions immediately come to mind. Writing for a majority to uphold a state economic regulation in **Munn v. Illinois**, 39 **Munn v. Illinois, 94 U.S. 113(1877)**. Chief Justice Waite stated his commitment to popular democracy in a number of ways. "Every statute is presumed constitutional," ...
Content: Law Reviews | **Date:** 2015
-
790. [ARTICLE: MUSCOGEE CONSTITUTIONAL JURISPRUDENCE: VHAKV EM PVTAKV n1 \(THE CARPET UNDER THE LAW\)](#), 49 Tulsa L. Rev. 125
 ... , several significant American cases were issued in the same decade as the employment permit cases, and those cases emphasize the importance of keeping a check on government regulations that serve to limit activity of businesses. 276 See, e.g., *Mugler v. Kansas*, 123 U.S. 623 (1887); *Railroad Commission Cases*, 116 U.S. 307 (1886); **Munn v. Illinois, 94 U.S. 113(1876)**. These cases are important "for articulating that due process was a limit on the government's regulatory power, even ...
Content: Law Reviews | **Date:** 2013
-
791. [BOOK REVIEW: EARLY AMERICAN HISTORY: NEW PERSPECTIVES ON THE WAITE COURT](#), 47 Tulsa L. Rev. 109
 ... *Wabash, St. Louis & Pac. Ry. Co. v. Illinois*, 118 U.S. 557 (1886). the Court first applied the principle of the "dormant" interstate-commerce clause to state railroad regulation. The Waite Court also established in *Munn v. Illinois* (the so-called Granger Cases) 6 **Munn v. Illinois, 94 U.S. 113(1876)**. the doctrine that governments may regulate businesses affected with a public interest. Now primarily of historical interest, it is nonetheless an important and well-known decision, ...
Content: Law Reviews | **Date:** 2011

792. [LEGAL SCHOLARSHIP SYMPOSIUM: THE SCHOLARSHIP OF RICHARD A. EPSTEIN: THE REFLECTIONS AND RESPONSES OF A LEGAL CONTRARIAN](#), 44 Tulsa L. Rev. 647
- ... the common law, however, sees a useful place for the principle as a counterweight to the exercise of monopoly power. Doctrinally that position was long tied in English law to the notion of property "affected with the public interest," 61 Allnut v. Inglis, 104 E. R. 206, 209 (K.B. 1810) (relying on the earlier work of Sir Matthew Hale, De Portis Maribus, cited therein). This material later works itself into the fabric of American law in the famous case of **Munn v. Illinois, 94 U.S. 113(1876)** ...
- Content:** Law Reviews | **Date:** 2009
-
793. [ARTICLE: REVITALIZING THE QUIET NINTH AMENDMENT: DETERMINING UNENUMERATED RIGHTS AND ELIMINATING SUBSTANTIVE DUE PROCESS](#), 32 U. Balt. L. Rev. 169
- ... Furthermore, it did not restrict itself to aspects of the social compact found in the Constitution's text; instead, it argued in terms of theoretical principles. 314 Id. This conveys a balance between the Constitution's text and the natural law principles it was based upon. A wholly textual vision of rights ignores the natural law principles creating the text itself. In Munn v. Illinois , 315 **94 U.S. 113(1876)**. the Court concluded that although a body politic is a social compact ...
- Content:** Law Reviews | **Date:** 2003
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794. [SYMPOSIUM: REASSESSING THE CHICAGO SCHOOL OF ANTITRUST LAW: The Chicago School and the Forgotten Political Dimension of Antitrust Law](#), 87 U. Chi. L. Rev. 413
- ... for that proposition--the Court invoked the long-held common law rule distinguishing between an entirely private business that is free to choose with whom to deal and a business "affected with a public interest," 70 **Munn v. Illinois, 94 U.S. 113, 126(1877)** . a category that includes legal or natural monopolies that may be subject to a duty to provide services on fair, reasonable, and nondiscriminatory terms. 71 Richard A. Epstein, The History ...
- Content:** Law Reviews | **Date:** March 1, 2020
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795. [Review: The Structure of Classical Public Law](#), 75 U. Chi. L. Rev. 1917
- ... Morgan's Steamship Co v Louisiana Board of Health, 118 US 455, 465 (1886) (upholding quarantine laws); Escanaba Co v Chicago, 107 US 678, 687 (1882) (holding that states have plenary control over navigable rivers until Congress acts); **Munn v Illinois, 94 US 113, 135 (1877)** (permitting state regulation of grain elevator rates). Kennedy is not alone in overstating the exclusive character of postbellum federalism I, too, have been guilty. See Cushman, Rethinking the New Deal Court at 141-42 ...
- Content:** Law Reviews | **Date:** 2008
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796. [ARTICLE: The Origins of the American Public Trust Doctrine: What Really Happened in Illinois Central](#), 71 U. Chi. L. Rev. 799
- ... dissenting). where he argued that the grant of a monopoly charter to a butchering company violated the privileges and immunities of ordinary butchers to pursue a common occupation, 27 To the same effect, see Field's opinions in **Munn v Illinois, 94 US 113, 136-54 (1877)** (dissenting from a decision upholding state power to regulate warehouse rates), and Powell v Pennsylvania, 127 US 678, 687-99 (1888) (dissenting from a decision permitting the state to ban the sale of oleomargarine). Thus, ...
- Content:** Law Reviews | **Date:** 2004

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797. [ARTICLE: Formalism and Realism in Commerce Clause Jurisprudence](#), 67 U. Chi. L. Rev. 1089
 ... importation in response to a minor threat of disease; a state "may not, under the cover of exerting its police powers, substantially prohibit or burden either foreign or inter-state commerce," "beyond what is absolutely necessary for its self-protection"). Grain elevators were only "incidentally" connected with interstate commerce, and regulation of their rates was "a thing of domestic concern" operating on interstate commerce only "indirectly." 129 **Munn v Illinois, 94 U.S. 113, 135 (1877)** ...
Content: Law Reviews | **Date:** 2000
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798. [REVIEW: The New Deal Constitutional Revolution: Law, Politics, or What?: Rethinking the New Deal Court. Barry Cushman. Oxford University Press, 1998. Pp viii, 308.](#), 66 U. Chi. L. Rev. 1061
 ... a careful exploration of the premises that Nebbia repudiated. Prior to Nebbia, constitutional doctrine had two clear elements that expressed the more general concerns over government power and liberty, constitutionally protected freedom of contract and restrictive understandings of state and government powers. The Granger Cases of the 1870s established that governments could regulate the operations of businesses "affected with a public interest." 21 **Munn v Illinois, 94 US 113, 126 (1877).** ...
Content: Law Reviews | **Date:** 1999
-
799. [EXCHANGE: Give and Take: Public Use as Due Compensation in PruneYard](#), 64 U. Chi. L. Rev. 71
 ... See, for example, Joseph Story, Commentaries on the Law of Bailments § 476 (Little, Brown 9th ed 1878) (James Schouler, ed); Bell v Maryland, 378 US 226, 296-300 (1964) (Goldberg concurring) (gathering authorities). to regulating "businesses affected with a public interest" 13 See **Munn v Illinois, 94 US 113, 126 (1876)**, quoting Lord Chief Justice Hale, De Portibus Maris , in Francis Hargrave, ed, A Collection of Tracts Relative to the Law of England 45, 78 (E. Lynch, et al 1787).) ...
Content: Law Reviews | **Date:** 1997
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800. [EXCHANGE: Takings, Exclusivity and Speech: The Legacy of PruneYard v Robins](#), 64 U. Chi. L. Rev. 21
 ... entail a right to use your telephone for long distance calls at your expense. Small therefore is the perceived difference between commandeering phones and commandeering space when both are done without compensation. In response, it could be said that the protection afforded a home is not the same protection that is afforded a shopping center because, to borrow a phrase from an earlier era, the shopping center is "affected with the public interest." 81 See **Munn v Illinois, 94 US 113, 126 (1876)**, ...
Content: Law Reviews | **Date:** 1997
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801. [ARTICLE: The Ubiquity of Prophylactic Rules.](#), 55 U. Chi. L. Rev. 190
 ... (opinion of Brennan, White, and Marshall). See also Communist Party v. Subversive Activities Control Board, 367 U.S. 1, 94-95 (1961); U.S. v. Carolene Products Co., 304 U.S. 144, 154 (1938); Powell v. Pennsylvania, 127 U.S. 678, 685 (1888); **Munn v. Illinois, 94 U.S. 113, 132 (1876)**. If rational basis review is justified in this way, then it, too, is a prophylactic rule. This justification presupposes that an omniscient court -- or even a court that conducted an exhaustive factual ...
Content: Law Reviews | **Date:** 1988
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802. [COMMENT: The Personification of the Business Corporation in American Law.](#), 54 U. Chi. L. Rev. 1441
 ... yet the norm, certainly quite common. No one seriously believed that corporations' economic powers stemmed from their charters, though the rhetoric of the grant theory lingered on despite its substantive hollowness. Advocates of regulation were forced to turn to awkward conceptions of businesses "affected with the public interest" to carve out a way to deal effectively with corporate power. 43 See, for example, Chief Justice Waite's opinion in **Munn v. Illinois, 94 U.S. 113, 125-30 (1877)**. ...
Content: Law Reviews | **Date:** 1987
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803. [ARTICLE: The Constitution in the Supreme Court: The New Deal, 1931-1940.](#), 54 U. Chi. L. Rev. 504
 ... (gasoline dealers). See also Currie, 1986 Duke L.J. at 76-79 (cited in note 1). For the origins of the public interest requirement, see David P. Currie, *The Constitution in the Supreme Court: The First Hundred Years 1789-1888* at 370-73 (1985), discussing **Munn v. Illinois, 94 U.S. 113(1877)**. For the narrow conception of legitimate governmental ends reflected in the Taft Court decisions, see David P. Currie, *The Constitution in the Supreme Court: The Protection of Economic Interests, 1889-1910*, ...
Content: Law Reviews | **Date:** 1987
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804. [ARTICLE: The Comedy of the Commons: Custom, Commerce, and Inherently Public Property.](#), 53 U. Chi. L. Rev. 711
 ... power, nineteenth-century theorists saw as its chief concern those enterprises with economies of scale, or "natural monopolies" -- the railroads, the grain elevators, etc. -- where greater consumption created lower costs or higher average value per unit of production. 284 H. ADAMS, *supra* note 32, at 109-14 (control of "natural monopoly" -- enterprises with increasing returns to scale -- is the proper subject of the police power). The classic case is **Munn v. Illinois, 94 U.S. 113(1877)**, ...
Content: Law Reviews | **Date:** 1986
-
805. [ARTICLE: The Constitution in the Supreme Court: The Protection of Economic Interests, 1889-1910.](#), 52 U. Chi. L. Rev. 324
 ... justify their debatable dicta, but they transformed both conclusions into law. Indeed, it is for the aggressive invocation of substantive due process that the Fuller period is best known today. But an examination of the entire body of cases reveals that, even in those days, most laws passed muster under the due process and equal protection clauses; the exceptions should not be taken to have established the rule. A. Rate Regulation In 1877, in *Munn v. Illinois*, 276 **94 U.S. 113(1877)**, ...
Content: Law Reviews | **Date:** 1985
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806. [ARTICLE: Taking Institutions Seriously: Introduction to a Strategy for Constitutional Analysis](#), 51 U. Chi. L. Rev. 366
 ... *West Coast Hotel Co. v. Parrish*, 300 U.S. 379, 399-400 (1937). During the entire era, the Court limited regulation of prices and rates to businesses "affected with a public interest." From its inception in the pre-*Lochner* case of **Munn v. Illinois, 94 U.S. 113, 125-26, 133-35 (1877)**, to its death nearly 60 years later in *Nebbia v. New York*, 291 U.S. 502, 536-39 (1934), this central concept remained a mystery. The Court flirted with the idea of monopoly as a defining element, but it did not ...
Content: Law Reviews | **Date:** 1984

807. [ARTICLE: The Constitution in the Supreme Court: Limitations on State Power, 1865-1873](#), 51 U. Chi. L. Rev. 329

... Neither gave reasons. Both neglected to reveal why there was a "deprivation," and Bradley made no effort to explain why "due process of law" was wanting. Swayne seemed to contradict his own conclusions by proclaiming, once more without argument, that the phrase meant "the application of the law as it exists in the fair and regular course of administrative procedure." *Id.* Interestingly in light of his later opinions, e.g., **Munn v. Illinois, 94 U.S. 113, 136 (1876)** (dissenting opinion), ...

Content: Law Reviews | **Date:** 1984

808. [ARTICLE: The Constitution in the Supreme Court: Civil War and Reconstruction, 1865-1873](#), 51 U. Chi. L. Rev. 131

... In contrast to later cases, there was no suggestion that a strong state interest might justify the alleged deprivation. Cf. *Lochner v. New York*, 198 U.S. 45 (1905) (finding "no reasonable foundation for holding" a limitation on work hours "to be necessary or appropriate as a health law"); **Munn v. Illinois, 94 U.S. 113(1877)** (upholding regulation of rates of grain elevators "'affected with a public interest'" "when such regulation becomes necessary for the public good"). and it was ...

Content: Law Reviews | **Date:** 1984

809. [ARTICLE: Corporate Reorganizations and the Treatment of Diverse Ownership Interests: A Comment on Adequate Protection of Secured Creditors in Bankruptcy](#), 51 U. Chi. L. Rev. 97

Content: Law Reviews | **Date:** 1984

810. [ARTICLE: The Constitution in the Supreme Court: State and Congressional Powers, 1801-1835](#), 49 U. Chi. L. Rev. 887

... Trustees of Dartmouth College, 1 N.H. at 127. The Supreme Court was later to uphold public-utility regulation although it interfered with the freedom of the owners to manage their property. See, e.g., *Railroad Comm'n Cases*, 116 U.S. 307 (1886); **Munn v. Illinois, 94 U.S. 113(1867)**; cf. *Prune Yard Shopping Center v. Robins*, 447 U.S. 74, 83-84 (1980) (state may require shopping center to allow distribution of pamphlets). Yet even the modern decisions recognize that no formal ...

Content: Law Reviews | **Date:** 1982

811. [ARTICLE: The Origins of Substantive Due Process](#), 87 U Chi L Rev Online 815

... He then proceeded to discuss the scope of the police powers under the Commerce Clause cases. 271 *Id.* at 657-59, discussing the License Cases, 46 US (5 How) at 504. After citing to the earlier Fourteenth Amendment case of *Munn v Illinois*, 272 **94 US (4 Otto) 113(1876)**. Harlan asked: "But by whom, or by what authority, is it to be determined whether the manufacture of particular articles of drink, either for general use or for the personal use of the maker, ...

Content: Law Reviews | **Date:** May 1, 2020

812. [SYMPOSIUM: Genetics and the Law: The Ethical, Legal, and Social Implications of Genetic Technology and Biomedical Ethics: The Road to Eugenics](#), 3 U Chi L Sch Roundtable 491

... proposal. The aged are doomed to premature death, and it does not come with dignity. The Police

Power of the State The doctrine of the police power of the state, as decreed in the landmark Supreme Court decision of *Munn v. Illinois* is an example of fundamental utilitarianism. 72 See generally **Munn v. Illinois, 94 US 113(1876)**. This ruling established that the private interests of the individual must be subservient to the public interest, and formed the basis for the constitutionality ...

Content: Law Reviews | **Date:** 1996

813. [COMMENT AND CASENOTE: AN EASY CASE MAKES BAD LAW: THE MISAPPLICATION OF HEIGHTENED SCRUTINY IN MAXWELL'S PIC-PAC, INC. V. DEHNER, 887 F. SUPP. 2D 733 \(W.D. KY. 2012\)](#), 82 U. Cin. L. Rev. 331

... In short, "[t]he prohibition of the Equal Protection Clause goes no further than the invidious discrimination" 43 Id. and "for protection against abuses by legislatures the people must resort to the polls, not to the courts." 44 Id. at 488 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The result is that classifications held to the rational basis test will almost always be upheld, making this type of review a "virtual rubber stamp." 45 Richard H. Fallon, Jr., Foreword: ...

Content: Law Reviews | **Date:** 2013

814. [BOOK REVIEW: TALES OF THE COURT](#), 56 U. Cin. L. Rev. 1397

... turbulent seas of the concentration of economic power and of the inevitable intervention of government into markets. In the course of its steerage, the Court determined the extent to which states could protect investors, 32 See *Gelpcke v. Dubuque*, 68 U.S. (1 Wall.) 175 (1863). Chief Justice Rehnquist's preference for state regulation confronted his general preference for judicial restraint in this case. regulate monopoly power, 33 See **Munn v. Illinois, 94 U.S. 113(1877)** ...

Content: Law Reviews | **Date:** 1988

815. [COMMENT: THE NEW BREED OF MUNICIPAL DOG CONTROL LAWS: ARE THEY CONSTITUTIONAL?](#), 53 U. Cin. L. Rev. 1067

... *Jenkins v. Waxahachie*, 392 S.W.2d 482, 484 (Tex. Civ. App. 1965) (summary destruction). The right of states to exercise police power is not derived from any provision in the United States Constitution but traditionally is implied from state sovereignty. 18 See **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. The states' police power is older than the Constitution. See *Mayor of New York v. Miln*, 36 U.S. (11 Pet.) 102, 131-32 (1837). Police power encompasses the protection of the health, ...

Content: Law Reviews | **Date:** 1984

816. [ARTICLE: DISTRIBUTED RELIABILITY](#), 87 U. Colo. L. Rev. 887

... <http://americanhistory.si.edu/powering/past/h1main.htm> [<https://perma.cc/GHU3-FTN7>]. with the Supreme Court's important decision, *Munn v. Illinois* , opening the floodgates of state regulation of utilities that are "clothed [in the] public interest." 55 **94 U.S. 113, 126 (1877)**. Entities that provide an essential public service, like electricity, can often capture certain efficiencies. For instance, it would be inefficient for there to be three sets of competing transmission lines ...

Content: Law Reviews | **Date:** 2016

817. [COMMENT: TRUST AND THE GREEN CONSUMER: THE FIGHT FOR ACCOUNTABILITY IN RENEWABLE ENERGY CREDITS](#), 81 U. Colo. L. Rev. 893

... Nat'l Ass'n of Regulatory Utility Comm'rs, About NARUC, <http://www.naruc.org/about.cfm> (last visited

Feb. 14, 2010); Tomain & Cudahy, *supra* note 14, at 109-10. PUCs primarily regulate investor-owned utilities ("IOUs"), which are for-profit companies²² They are known as "public utilities" because they are "affected with a public interest." **Munn v. Illinois, 94 U.S. 113, 125-26 (1876)** (quoting Sir Matthew Hale, *De Portibus Maris*, in 1 Harg. Law Tracts 78 (1787)). that sometimes operate ...

Content: Law Reviews | **Date:** 2010

818. [**ARTICLE: ENVISIONING THE SMART GRID: NETWORK ARCHITECTURE, INFORMATION CONTROL, AND THE PUBLIC POLICY BALANCING ACT**](#), 81 U. Colo. L. Rev. 833

... interact with economic concerns to determine how utilities envision the smart grid. Accordingly, utilities do not view the smart grid as a source of new business opportunities and revenue streams, but as a means of reducing operating costs to incrementally improve profit margins under their legally constituted role as sellers of electricity. The legal bedrock of utility regulation is the notion, announced by the Supreme Court in *Munn v. Illinois*,⁴⁶ **Munn v. Illinois, 94 U.S. 113, 126 (1877)** ...

Content: Law Reviews | **Date:** 2010

819. [**ARTICLE: ACTIVISM IS NOT A FOUR-LETTER WORD**](#), 73 U. Colo. L. Rev. 1257

... was not the case in 1905. The *Lochner* Court viewed the police power as a specific grant of power, defined and sharply delineated by the purposes for which legislation was enacted. It understood its job as the task of scrutinizing whether the state had transgressed the bounds of that specific power. The controlling inquiry in this determination was whether the regulation was indeed a measure designed to protect the general welfare or common good.³⁶ See **Munn v. Illinois, 94 U.S. 113 (1877)** ...

Content: Law Reviews | **Date:** 2002

820. [**SYMPOSIUM OVERVIEW: PART II: UNBUNDLING AND OPEN ACCESS POLICIES: THE VERTICAL DIMENSION OF CABLE OPEN ACCESS**](#), 71 U. Colo. L. Rev. 975

... It also ignores that the "essential facilities" doctrine has the same genesis as common carrier regulation: the imposition of rules requiring both legal and factual monopolies to provide service to all comers at reasonable prices.⁵⁸ The seminal common carrier case is **Munn v. Illinois, 94 U.S. 113 (1876)**, in which the Supreme Court traced the common law history of common carrier regulation and noted that such regulation was based in large part on the existence of either legal or factual ...

Content: Law Reviews | **Date:** 2000

821. [**SYMPOSIUM OVERVIEW: PART I: A NEW REGULATORY REGIME FOR FEDERAL-STATE RELATIONS AND UNIVERSAL SERVICE SUPPORT: STANDING IN THE SHADOWS OF GIANTS: THE ROLE OF INTERGENERATIONAL EQUITY IN TELECOMMUNICATIONS REFORM**](#), 71 U. Colo. L. Rev. 921

... See generally John F. Duffy, *The FCC and the Patent System: Progressive Ideals, Jacksonian Realism, and the Technology Of Regulation*, 71 U. Colo. L. Rev. 1071 (2000). Surely it is not too much to inject some notion of responsibility toward the future into a body of law dedicated to markets "affected with a public interest."³⁰² See **Munn v. Illinois, 94 U.S. 113, 130 (1876)**. Profound concern for future generations is a bedrock principle of environmental law and scholarship.³⁰³ See ...

Content: Law Reviews | **Date:** 2000

822. [**SYMPOSIUM: "A NEW ERA FOR THE WESTERN PUBLIC LANDS": WHEN "PRIVATE" RIGHTS MEET "PUBLIC" RIGHTS: THE PROBLEMS OF LABELING AND REGULATORY TAKINGS**](#), 65 U.

Colo. L. Rev. 193

... (Marshall, J., concurring), the Court stated "[i]ndeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." Id. at 92-93 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). State law may provide some definitions of property, but it, too, is not static. The law before Lucas recognized this and also allowed distinctions between parties by defining the "property affected" by a regulation in broad ...

Content: Law Reviews | **Date:** 1994

823. [ARTICLE: CONSTITUTIONAL CONSTRAINTS ON STATE CHOICE OF LAW](#), 24 U. Dayton L. Rev. 39

... The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. 214 Id. at 488. . . . 'For protection against abuses by legislatures, the people must resort to the polls, not to the courts.' 215 Id. (citing **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). Similarly, in Ferguson v. Skrupa, 216 ...

Content: Law Reviews | **Date:** 1998

824. [ARTICLE: The Birth, Deaths, and Reincarnations of Substantive Due Process](#), 41 U. Haw. L. Rev. 1

... reasoned that the invalidated provision had deprived Dred Scott's "owner" of what the Court deemed his "property." Because there was no defect of a procedural nature--indeed, no procedure was used to accomplish the loss of "property"--the decision can be considered to have relied on a substantive component of the Due Process Clause. The first case in which the Court ruled that a state regulation did not violate due process was Munn v. Illinois . 22 **94 U.S. 113(1876)** (Little, Brown, ...

Content: Law Reviews | **Date:** 2018

825. [ARTICLE: Young Again](#), 35 U. Haw. L. Rev. 51

... In 1876, the Supreme Court held in the Granger Cases that states could fix maximum rates for common carriers and similar businesses and that courts would not second-guess state decisions. 52 See Charles Fairman, The So-Called Granger Cases, Lord Hale, and Justice Bradley, 5 Stan. L. Rev. 587 (1953) (the classic study). The principal case, Munn v. Illinois , 53 **94 U.S. 113(1876)**. dealt with rates for grain elevators. But the Court made it clear in companion cases that the Munn ...

Content: Law Reviews | **Date:** 2013

826. [NOTE: USING THE COMMERCE CLAUSE TO SHORT-CIRCUIT STATES' ABILITY TO PASS POWER COSTS ONTO NEIGHBORS](#), 2008 U. Ill. J.L. Tech. & Pol'y 149

... pdf/REPORT/53008.pdf (discussing regulation of California 's public utilities). The U.S. Supreme Court has given the green light to state government regulation of a business enterprise if the business is "affected with a public interest." 144 **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. In contrast, the scope of the federal government's regulation of the electric power industry has been much narrower; manifesting itself only in very specific circumstances. The Federal Power Commission ("FPC") ...

Content: Law Reviews | **Date:** 2008

827. 1978 U. Ill. L. Forum 21

Content: Law Reviews

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828. [ARTICLE: FACTS, FORMALISM, AND THE BRANDEIS BRIEF: THE ORIGINS OF A MYTH](#), 2013 U. Ill. L. Rev. 59
- ... His opinion, through a list of subsequent cases, remained a minority view on the Court. The high-water mark of judicial deference to legislative facts was likely reached in 1877 with Chief Justice Waite's words in *Munn v. Illinois*: "For our purposes we must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed." 83 ***Munn v. Illinois*, 94 U.S. 113, 132 (1877)**. By the 1880s, however, the ...
- Content:** Law Reviews | **Date:** 2013
-
829. [ARTICLE: YICK WO RE-REVISITED: NONBLACK NONWHITES AND FOURTEENTH AMENDMENT HISTORY](#), 2008 U. Ill. L. Rev. 1427
- ... In the 1870s and 1880s, "term after term the court was being pressed at the bar to reconsider the renunciation it had made in the Slaughter-House decision." 24 Charles Fairman, Mr. Justice Miller and the Supreme Court, 1862-1890, at 197-98 (Harvard Univ. Press 1939) (citing ***Munn v. Illinois*, 94 U.S. 113(1877)** and the other Granger Cases). Slaughter-House had been a 5-4 decision, with three lengthy dissents filed. By 1886, only three members of the Slaughter-House Court remained on the ...
- Content:** Law Reviews | **Date:** 2008
-
830. [ARTICLE: DECODING AND RECODING NATURAL MONOPOLY, DEREGULATION, AND INTELLECTUAL PROPERTY](#), 2008 U. Ill. L. Rev. 1125
- ... , who explicitly distinguishes intellectual property and other legal privileges from natural monopoly, presented a compelling case for reforming natural monopoly regulation in the 1970s. 9 See Richard A. Posner, *Natural Monopoly and Its Regulation* (1999). For an example of natural monopoly in the case law, see ***Munn v. Illinois*, 94 U.S. 113(1876)**. Even though the opinion does not use the phrase "natural monopoly," its discussion of property and regulation parallels the analysis of this Article ...
- Content:** Law Reviews | **Date:** 2008
-
831. [ARTICLE: PRICE THEORY, COMPETITION, AND THE RULE OF REASON](#), 2003 U. Ill. L. Rev. 77
- ... intrastate activities that affected interstate commerce "directly" with businesses "affected with a public interest" and thus subject to price regulation under then-prevailing applications of "substantive due process"); Meese, *supra* note 30, at 65-67 (concluding that formative era courts defined as "direct" those restraints that exercised market power without countervailing benefits and thus fell outside the protection of liberty of contract). See generally ***Munn v. Illinois*, 94 U.S. 113(1877)**. ...
- Content:** Law Reviews | **Date:** 2003
-
832. [LIMITATION OF LIABILITY FOR INTERRUPTION OF SERVICE FOR REGULATED TELEPHONE COMPANIES: AN OUTMODED PROTECTION?](#), 1993 U. Ill. L. Rev. 629
- ... Underlying this premise is the principle that property devoted to public use, or a use in which the public has an interest, grants to the public an interest in the use, which can be controlled by the public for the common good. 83 *Great N. Util. Co. v. Public Serv. Comm'n*, 293 P. 294, 298 (Mont. 1930) (explaining utility commission powers to regulate and control utilities (citing ***Munn v. Illinois*, 94 U.S. 113, 140 (1877))**). The appropriate regulatory body effectuates this control, and ...

Content: Law Reviews | **Date:** 1993

833. [ARTICLE: DE JURE HOUSING SEGREGATION IN THE UNITED STATES AND SOUTH AFRICA: THE DIFFICULT PURSUIT FOR RACIAL JUSTICE \\$\(+\\$\)](#), 1990 U. Ill. L. Rev. 763

... 226 U.S. 578 (1913). requirements of a veterinary certification of cows; 329 Adams v. Milwaukee, 228 U.S. 572 (1913). washing and ironing in public laundries after dark; 330 Barbier v. Connolly, 113 U.S. 27 (1885). grain storage 331 **Munn v. Illinois, 94 U.S. 113(1876)**. and breweries. 332 Mugler v. Kansas, 123 U.S. 623 (1887). To the extent that these cases discussed the use of the police power, they might have marginal relevance. Nevertheless, they were not ...

Content: Law Reviews | **Date:** 1990

834. [NOTE: A CASE OF JUDICIAL BACKSLIDING: ARTIFICIAL RESTRAINTS ON THE COMMERCE POWER REACH OF THE SHERMAN ACT](#), 1985 U. Ill. L. Rev. 163

... (state license tax on broker engaged in selling foreign bills of exchange held valid); Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1868) (foreign corporation tax against insurance company not a regulation of interstate commerce for insurance is local commerce only); **Munn v. Illinois, 94 U.S. 113(1877)** (storage of grain is interstate commerce). As the Senate debates indicate, Congress drafted the Act with the new, limited view of the commerce power clearly in mind. 2. Sherman's Use of ...

Content: Law Reviews | **Date:** 1985

835. [ARTICLE: THE DISPLACEMENT OF FEDERAL DUE PROCESS CLAIMS BY STATE TORT REMEDIES: PARRATT V. TAYLOR AND LOGAN V. ZIMMERMAN BRUSH COMPANY](#), 1982 U. Ill. L. Rev. 831

... property, no vested interest, in any rule of the common law Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will . . . of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. 206 **94 U.S. 113, 134 (1877)**. ...

Content: Law Reviews | **Date:** 1982

836. [54 U. Kan. L. Rev. 751](#)

... See supra text accompanying notes 9-12 (describing "theories of principle" approach to constitutional interpretation). Field's later opinions applied his theory of principles and reveal additional aspects of the theory. In Munn v. Illinois , 229 **94 U.S. 113(1877)**. a majority of seven Justices upheld Illinois 's regulation of prices charged by grain warehouses in Chicago on the basis of a two-part argument: that courts should defer to reasonable judgments by legislatures about facts ...

Content: Law Reviews

837. [AMERICAN REGULATORY POLICY: HAVE WE FOUND THE "THIRD WAY"?: SYMPOSIUM PAPER: networkindustries.gov.reg](#), 48 U. Kan. L. Rev. 829

... B. Basic Compact Terms To advance the objective of infrastructure expansion, policymakers had to justify government intervention in the marketplace, and more importantly, they had to determine the proper form of intervention. Again, Munn v. Illinois 34 **94 U.S. 113(1876)**. is instructive, and the rationale for intervention was twofold. First, the product was deemed to be in the public interest. Second,

the private market was seen to be a monopoly. In brief, the sin of monopoly power is ...

Content: Law Reviews | **Date:** May 1, 2000

838. [ARTICLE: Religious Freedom and Inmate Grooming Standards](#), 66 U. Miami L. Rev. 923

... ("The ultimate authority ... resides in the people alone"); see also Thomas Paine, *Common Sense* 65 (Penguin Books ed., 1986) (1776) (reminding the reader that pre-formal society exists prior to structured government, though it is common to conflate the two). It is true that "when one becomes a member of [organized] society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain," **Munn v. Illinois, 94 U.S. 113, 124 (1876)**, ...

Content: Law Reviews | **Date:** 2012

839. [ARTICLE: A Different Model for the Right to Privacy: The Political Question Doctrine as a Substitute for Substantive Due Process](#), 61 U. Miami L. Rev. 169

... Economic rights were once considered the pillar of human dignity and independence, just as non-economic rights now seem to be. See *The Slaughter-House Cases*, 83 U.S. at 97-98 (Field, J., dissenting) (referencing the liberty protected by the Fourteenth Amendment, describing the sanctity of private property as circumscribing a person's freedom); **Munn v. Illinois, 94 U.S. 113, 136 (1876)** (Field, J., dissenting) (arguing that "the principle upon which the opinion of the majority proceeds is ... subversive ...

Content: Law Reviews | **Date:** October 1, 2006

840. [CASENOTE: FCC v. Florida Power Corp.: Limiting the Utility of the Loretto Rule](#), 41 U. Miami L. Rev. 1149

... (Zoning ordinance excluding buildings devoted to business and trade is legitimate on ground that it bears a rational relation to the health and safety of the community.); *Block v. Hirsh*, 256 U.S. 135 (1921) (Proper use of the police power may modify tangible rights and, to that extent, rights can be cut down without pay.). One may trace the definition of "police power" to **Munn v. Illinois, 94 U.S. 113, 125 (1877)** (The government may regulate the conduct of its citizens one towards another, ...

Content: Law Reviews | **Date:** May 1, 1987

841. [ARTICLE: A FRAMEWORK FOR UNDERSTANDING PROPERTY REGULATION AND LAND USE CONTROL FROM A DYNAMIC PERSPECTIVE](#), 4 Mich. J. Envtl. & Admin. L. 303

... The U.S. Supreme Court has explained that these limitations and the government's enforcement of the same are "the very essence of government" reflecting the core of the compact-based social and political agreement regarding "the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another." **Munn v. Illinois, 94 U.S. 113, 124(1877)**. Nuisance and trespass are based in the right to exclude and are justified as adhering ...

Content: Law Reviews | **Date:** 2015

842. [NOTE: A PROPOSAL TO CAP TORT LIABILITY: AVOIDING THE PITFALLS OF HEIGHTENED RATIONALITY](#), 20 U. Mich. J.L. Reform 1215

... **Munn v. Illinois, 94 U.S. 113(1876)**). the court held that the legislature's classifications properly ensured the preservation of insurance coverage. Consequently, the court specifically sanctioned the state's right to address the malpractice insurance crisis in this fashion. The Nebraska court also rejected

the plaintiff's argument that the legislature does not have the right to change common law doctrines. The court declared that the legislature was not limited by a judicial requirement ...

Content: Law Reviews | **Date:** 1987

843. [**SYMPOSIUM: FDR and Obama: Are There Constitutional Law Lessons from the New Deal for the Obama Administration?: Unlikely Beginnings of Modern Constitutional Thought***](#), 15 U. Pa. J. Const. L. 291

... federal or state, to predetermined lists. Inherent power, then, is a useful escape from the tyranny of enumeration. There were others. If the enterprise to be regulated was "affected with a public interest," the regulation might be sustained. 51 **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. On the demise of the "affected with a public interest" doctrine, see generally Barry Cushman, Rethinking the New Deal Court: The Structure of a Constitutional Revolution 66-83 (1998), and Howard Gillman, ...

Content: Law Reviews | **Date:** October 1, 2012

844. [**Symposium: The Second Founding: Reconstructing Reconstruction: Some Problems for Originalists \(And Everyone Else, Too\)**](#), 11 U. Pa. J. Const. L. 1201

... , in 1877, the Court gave way a little bit: it suggested that state regulation of property might be subject to some challenge under the Fourteenth Amendment, but not so if the property was devoted to the "public interest." 103 **Munn v. Illinois, 94 U.S. 113, 125-26 (1877)**. The Court endowed the term "public interest" with such a capacious meaning, however, including within it railroads and grain elevators, that the majority opinion elicited a strong dissent from that longtime advocate for ...

Content: Law Reviews | **Date:** July 1, 2009

845. [**SYMPOSIUM: THE FUTURE OF UNENUMERATED RIGHTS: PART TWO OF THREE: ARTICLE: REGIME POLITICS, JURISPRUDENTIAL REGIMES, AND UNENUMERATED RIGHTS**](#), 9 U. Pa. J. Const. L. 107

... Holden v. Hardy, 169 U.S. 366, 395 (1898) ("If it be within the power of a legislature to adopt ... means for the protection of the lives of its citizens, it is difficult to see why precautions may not also be adopted for the protection of their health and morals."); **Munn v. Illinois, 94 U.S. 113, 125 (1876)** ("Under these [police] powers the government regulates the conduct of its citizens ... and the manner in which each shall use his own property, when such regulation becomes necessary for the ...

Content: Law Reviews | **Date:** October 1, 2006

846. [**COMMENT: LAW AND LIMITS: HOW CATEGORIES CONSTRUCT CONSTITUTIONAL MEANING**](#), 8 U. Pa. J. Const. L. 1005

... ("It seems to us that the real object and purpose were simply to regulate the hours of labor between the master and his employes (all being men, sui juris), in a private business, not dangerous in any degree to morals or in any real and substantial degree, to the health of the employes."). or affected with the public interest to allow regulation, 2 See, e.g., **Munn v. Illinois, 94 U.S. 113, 133 (1876)** (concluding that a state law limiting rates charged by grain warehouses is valid since grain ...

Content: Law Reviews | **Date:** September 1, 2006

847. [**ARTICLE: FORGET THE FUNDAMENTALS: FIXING SUBSTANTIVE DUE PROCESS**](#), 8 U. Pa. J. Const. L. 983

... As influential commentator Christopher Tiedeman put it, "this police power of the State extends to the protection of the lives, limbs, health, comfort and quiet of all persons, and the protection of all property within the State." Christopher G. Tiedeman, *A Treatise on the Limitations of the Police Power in the United States* 4 (1886) (citing *Thorpe v. Rutland R.R.*, 27 Vt. 140, 150 (1855)). A somewhat broader view is suggested by **Munn v. Illinois, 94 U.S. 113, 125 (1876)** (describing police ...

Content: Law Reviews | **Date:** September 1, 2006

848. [ARTICLE: THE TWO CONSTITUTIONAL VISIONS OF THE WORLD TRADE ORGANIZATION](#), 24 U. Pa. J. Int'l Econ. L. 1

... (theater tickets). The Court overturned maximum prices when the business was perceived to affect the public interest. *Block v. Hirsh*, 256 U.S. 135 (1921) (price controls for rental housing); *German Alliance Ins. Co. v. Lewis*, 233 U.S. 389 (1914) (price controls for fire insurance); **Munn v. Illinois, 94 U.S. 113(1877)** (grain elevators). laws restricting entry into certain businesses, 79 See *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932) (manufacture of ice); *Adams v. Tanner*, ...

Content: Law Reviews | **Date:** 2003

849. [ARTICLE: PRESIDENTIAL SIGNING STATEMENTS: A NEW PERSPECTIVE](#), 164 U. Pa. L. Rev. 1801

... Judicial Opinions as Binding Law and as Explanations for Judgments , 15 CARDOZO L. REV. 43, 49 n.26 (1993). For an updated list, see CALABRESI & YOO, *supra* note 14, at 436 n.5. While congressional enactments bear a strong presumption of constitutionality, 63 See, e.g. , **Munn v. Illinois, 94 U.S. 113, 123 (1877)** ("Every statute is presumed to be constitutional."). this presumption cannot be conclusive, otherwise Congress would be the sole judge of constitutionality. If that were the ...

Content: Law Reviews | **Date:** June 1, 2016

850. [ARTICLE: THE MORAL OF MACPHERSON](#), 146 U. Pa. L. Rev. 1733

... Corwin also argued that rights-based concepts were radically indeterminate. After the enactment of the Fourteenth Amendment, the Supreme Court insisted that the Due Process Clauses, like the Privileges or Immunities Clause, said nothing about the ability of government to regulate private economic transactions. 199 See Corwin, *Twilight*, *supra* note 180, at 72-73 (interpreting **Munn v. Illinois, 94 U.S. 113(1876)**, as instructing the railroads "to go to the polls and not the courts"). Yet, ...

Content: Law Reviews | **Date:** August 1, 1998

851. [ARTICLE: FEDERALISM AND FAMILIES.](#), 143 U. Pa. L. Rev. 1787

... (Fuller , C.J., dissenting) ("To hold that Congress has general police power would be to hold that it may accomplish objects not entrusted to the General Government, and to defeat the operation of the Tenth Amendment . . ."); **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)** (upholding an Illinois statute regulating public warehouses as a proper exercise of state authority over its domestic affairs); cf. *United States v. Dewitt*, 76 U.S. (9 Wall.) 41, 45 (1869) (striking down federal regulation ...

Content: Law Reviews | **Date:** June 1, 1995

852. [ARTICLE: SWITCHING TIME AND OTHER THOUGHT EXPERIMENTS: THE HUGHES COURT AND CONSTITUTIONAL TRANSFORMATION.](#), 142 U. Pa. L. Rev. 1891

... synthesis; he purportedly applied and did not attempt to reshape the doctrine, established through

many cases, that a state could regulate the price at which a commodity might be sold or a service rendered only if the business was "affected with a public interest." 135 See, e.g., Wolff Packing Co. v. Court of Indus. Relations, 262 U.S. 522, 537 (1923) (stating that regulation is justified when the business is "clothed" with a public interest); **Munn v. Illinois, 94 U.S. (4 Otto) 113, 126 (1876)** ...

Content: Law Reviews | **Date:** June 1, 1994

853. [**COMMENT: EFFECTIVE STATE REGULATION OF ENERGY UTILITY DIVERSIFICATION.**](#), 136 U. Pa. L. Rev. 1677

... Anyone who doubts the existence and value of this "invisible" subsidy need only look to the lengths and expense to which companies will go to protect their names from use by competitors. II . THE CURRENT STATUS OF REGULATION In exchange for receiving permission to conduct a monopoly business enterprise, utilities subject themselves to intensive scrutiny from governmental regulatory bodies. 77 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)** ("when . . . one devotes his property to a use ...

Content: Law Reviews | **Date:** June 1, 1988

854. [**ARTICLE: FEDERAL PREEMPTION AND PRIVATE LEGAL REMEDIES FOR POLLUTION.**](#), 134 U. Pa. L. Rev. 121

... No such adequate substitute for state common-law compensatory remedies exists in the federal air and water pollution and hazardous waste disposal statutes. In fact, no substitute exists at all. Generally, a person has no vested property interest in any particular common-law rule, 343 See, e.g., **Munn v. Illinois, 94 U.S. 113, 134 (1877)**; see also cases cited supra note 337 (concluding that by necessity any designated ceiling on liability will be arbitrary). and the due process clause ...

Content: Law Reviews | **Date:** December 1, 1985

855. [**ARTICLE: GOVERNING SCIENCE: PUBLIC RISKS AND PRIVATE REMEDIES**](#), 131 U. Pa. L. Rev. 1403

... are brought back to a sphere of regulation based upon risks to individual health and environment, rather than upon the content of research. Regulation based upon the police power, protecting the public health and safety, raises few significant constitutional problems. See Delgado & Millen, supra note 61, at 380. The police power enables states to legislate and take action to promote "the peace, good order, morals, and health of the community," **Munn v. Illinois, 94 U.S. 113, 145-46 (1876)**. ...

Content: Law Reviews | **Date:** May 1, 1983

856. [**BOOK REVIEW: EMULATING THE MARSHALL COURT: THE APPLICABILITY OF THE RULE OF LAW TO CONTEMPORARY CONSTITUTIONAL ADJUDICATION FOUNDATIONS OF POWER: JOHN MARSHALL, 1801-15. By George L. Haskins and Herbert A. Johnson.**](#), 131 U. Pa. L. Rev. 489

... note 33. Rehnquist would probably agree with the statement of Chief Justice Waite, who sat on the Court a century earlier, that "[f]or protection against abuses by legislatures, the people must resort to the polls, not to the courts." FOUNDATIONS, supra note 1, at 349 (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). By his cavalier attitude toward law, Rehnquist will help to undermine the ideal of the rule of law; the devitalization of that ideal, in turn, will tend to undermine the capacity ...

Content: Law Reviews | **Date:** December 1, 1982

857. 130 U. Pa. L. Rev. 1349

Content: Law Reviews

858. 126 U. Pa. L. Rev. 1281

Content: Law Reviews

859. [PLUS CA CHANGE, PLUS C'EST LA MEME CHOSE: 1990 AMENDMENTS TO THE CLEAN AIR ACT AND THEIR IMPACT ON UTILITY REGULATION](#), 55 U. Pitt. L. Rev. 171

... has also played a significant role in shaping the current framework of utility regulation. The earliest Supreme Court case to subject rate regulation of private companies devoted to public service to constitutional scrutiny was *Munn v. Illinois*. 137 **94 U.S. 113(1877)**. In *Munn* the court held that a state law fixing maximum rates for grain storage warehouses did not violate the Due Process Clause of the Fourteenth Amendment. 138 *Munn*, 94 U.S. at 133-34. While the Court recognized ...

Content: Law Reviews | **Date:** 1993

860. [ARTICLE: THE DUE PROCESS "RIGHT TO LIFE" IN CRUZAN AND ITS IMPACT ON "RIGHT-TO-DIE" LAW](#), 53 U. Pitt. L. Rev. 193

... "Life," as used in [the Fourteenth Amendment] . . . means something more than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. . . . The deprivation not only of life, but of whatever God has given to every one with life for its growth and enjoyment, is prohibited by the [Due Process Clause]. 13 WORDS & PHRASES 411 (1961) (quoting ***Munn v. Illinois*, 94 U.S. 113, 142 (1876)** (Field, J., dissenting)). Finally, Black's ...

Content: Law Reviews | **Date:** 1991

861. [NOTE: PACIFIC GAS & ELECTRIC CO. V. CALIFORNIA PUBLIC UTILITIES COMMISSION: PROPERTY IN AN ENVELOPE. +](#), 49 U. Pitt. L. Rev. 229

... A public utility is an entity, the property of which is devoted to the public service. 136 See J. BONBRIGHT, *supra* note 39, at 3-7. When private property is devoted to public service it ceases to be *juris privati* only, and becomes subject to public regulation. 137 ***Munn v. Illinois*, 94 U.S. 113(1876)**. See also Siegel, *supra* note 6, at 194-215. But when public utility property is not involved in the utility's disposition of its service to the public, it is that utility's private property ...

Content: Law Reviews | **Date:** 1987

862. [ARTICLE: RIGHT-TO-FARM LAWS: BREAKING NEW GROUND IN THE PRESERVATION OF FARMLAND. +](#), 45 U. Pitt. L. Rev. 289

... See generally Humbach, *supra* note 199, at 282 for other examples of acts of "deregulation" which are not compensable. In fact, the power of the legislature to modify common law rights is a crucial tool in the continued vitality of the common law. 267 ***Munn v. Illinois*, 94 U.S. 113(1876)** ("[T]he great office of statutes is to remedy defects in the common law as they are developed, and to adopt it to the changes of time and circumstances." *Id.* at 134.) Without such a tool there is a great ...

Content: Law Reviews | **Date:** 1984

863. [**ESSAY: THE HIGHEST COURT: A DIALOGUE BETWEEN JUSTICE LOUIS BRANDEIS AND JUSTICE ANTONIN SCALIA ON STARE DECISIS**](#), 51 U. Rich. L. Rev. 1149

... Movement in constitutional interpretation and application - often involving no less striking departures from doctrines previously established-takes place also without specific overruling or qualification of the earlier cases. Compare, for example, *Allgeyer v. Louisiana*, 165 U.S. 578 , with *The Slaughter House Cases*, 16 Wall. 36 ; *Tyson v. Banton*, 273 U.S. 418 , with **Munn v. Illinois, 94 U.S. 113** ; *Muller v. Oregon*, 208 U.S. 412 , and *Bunting v. Oregon*, 243 U.S. 426 , with *Lochner* ...

Content: Law Reviews | **Date:** May 1, 2017

864. [**ARTICLE: PUBLIC UTILITIES LAW**](#), 49 U. Rich. L. Rev. 137

... Electric utilities, including those in Virginia , have traditionally been regulated by states pursuant to their police powers. 2 *Evans B. Brasfield, Regulation of Electric Utilities by the State Corporation Commission* , 14 Wm. & Mary L. Rev. 589 , 589 (1973); see **Munn v. Illinois, 94 U.S. 113, 122, 126 (1876)** (authorizing rate and profit regulation of businesses "affected with a public interest"). In a traditionally regulated jurisdiction, the rates utilities may charge its customers, ...

Content: Law Reviews | **Date:** 2014

865. [**ALLEN CHAIR ISSUE 2011: EMERGING FROM THE GREAT RECESSION: ESSAY: MIXED AGENDAS AND GOVERNMENT REGULATION OF BUSINESS: CAN WE CLEAN UP THE MESS?**](#), 45 U. Rich. L. Rev. 1059

... Following the Civil War, the federal government gained increased power to regulate business based on the Commerce Clause and police powers granted in the Constitution. In 1877, the Supreme Court upheld the use of states' police power to regulate business in *Munn v. Illinois* . 17 See **94 U.S. 113, 135 (1877)**. Nevertheless, the Supreme Court often used the Due Process Clause of the Fourteenth Amendment to strike down state laws regulating business. 18 See, e.g., *Lochner v. New York*, 198 ...

Content: Law Reviews | **Date:** May 1, 2011

866. [**ARTICLE: PUTTING RATIONALITY BACK INTO THE RATIONAL BASIS TEST: SAVING SUBSTANTIVE DUE PROCESS AND REDEEMING THE PROMISE OF THE NINTH AMENDMENT**](#), 45 U. Rich. L. Rev. 491

... Over the next few years, the idea that due process could be invoked as a protection against arbitrary legislation appears to have been assumed by courts, but its parameters were uncertain. In *Munn v. Illinois* , the argument of the plaintiffs was that legislation fixing the maximum prices for grain storage violated due process because it was beyond the power of the state. 77 **94 U.S. 113, 123 (1876)**. The Court rejected this argument in deference to *Illinois* 's judgment that the property ...

Content: Law Reviews | **Date:** 2011

867. [**ESSAY: ON EQUALITY: THE ANTI-INTERFERENCE PRINCIPLE**](#), 45 U. Rich. L. Rev. 431

... The U.S. Supreme Court has explained that "the doctrine that each one must so use his own as not to injure his neighbor - sic utere tuo ut alienum non laedas - is the rule by which every member of society must possess and enjoy his property." 109 **Munn v. Illinois, 94 U.S. 113, 145 (1876)**; see also Harold Demsetz, *Toward a Theory of Property Rights*, 57 *Am. Econ. Rev.* 347, 348 (1967); Donald J.

Kochan, Runoff and Reality: Externalities, Economics, and Traceability Issues in Urban Runoff Regulation, ...

Content: Law Reviews | **Date:** 2011

868. [ARTICLE: OVERCOMING LOCHNER IN THE TWENTY-FIRST CENTURY: TAKING BOTH RIGHTS AND POPULAR SOVEREIGNTY SERIOUSLY AS WE SEEK TO SECURE EQUAL CITIZENSHIP AND PROMOTE THE PUBLIC GOOD](#), 42 U. Rich. L. Rev. 597

... (Black, J., dissenting). There is not much question that some members of the Supreme Court - perhaps most starkly, Justice Field - wanted to read the Fourteenth Amendment as legally protecting the inalienable natural rights referred to in the Declaration of Independence. See **Munn v. Illinois, 94 U.S. 113, 141-42 (1876)** (Field, J., dissenting); Arnold M. Paul, Conservative Crisis and the Rule of Law: Attitudes of Bar and Bench, 1887-1895, at 72 (Peter Smith ed., 1976) (1960) (citing Justice ...

Content: Law Reviews | **Date:** 2008

869. [ARTICLE: ECONOMIC REGULATION IN THE UNITED STATES: THE CONSTITUTIONAL FRAMEWORK](#), 40 U. Rich. L. Rev. 949

... Throughout American constitutional history, the police power of government has not been narrowly limited to law enforcement authorities fighting crime. Instead, the police power has been generally construed to include the power of government to regulate economic activity as well. The Supreme Court, in its 1877 opinion *Munn v. Illinois*, 19 **94 U.S. 113(1877)**. described broadly the government's inherent police power in a challenge to rate regulation of grain elevators by the Illinois ...

Content: Law Reviews | **Date:** March 1, 2006

870. [ESSAY: AN UNSUCCESSFUL ATTEMPT TO RESTORE JUSTICE GEORGE SUTHERLAND'S TARNISHED REPUTATION: A REVIEW ESSAY](#), 30 U. Rich. L. Rev. 815

... *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932); *Williams v. Standard Oil*, 278 U.S. 235 (1929); *Ribnik v. McBride*, 277 U.S. 350 (1928); *Tyson & Bro. v. Banton*, 273 U.S. 418 (1927). The English common law origin of this concept is discussed in **Munn v. Illinois, 94 U.S. (4 Otto) 113(1876)**. This notion was championed by Cooley who manipulatively used venerable common law maxims to limit the legislature's power. The doctrine that only a few businesses were devoted to the public ...

Content: Law Reviews | **Date:** May 1, 1996

871. [ARTICLE: JUDICIAL REVIEW AND THE FOURTEENTH AMENDMENT: THE FORGOTTEN HISTORY](#), 51 U. Tol. L. Rev. 281

... case and stated that "down to the time of the adoption of the Fourteenth Amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law." 246 **Munn v. Illinois, 94 U.S. 113, 125(1887)**. When a person devoted his property to a use which affected the public, the legislature had authority to regulate its use in the public interest. 247 ...

Content: Law Reviews | **Date:** 2020

872. [EX PARTE YOUNG SYMPOSIUM: A CENTENNIAL RECOGNITION: ARTICLE: EX PARTE YOUNG AND THE TRANSFORMATION OF THE FEDERAL COURTS, 1890-1917](#), 40 U. Tol. L. Rev. 931

... It was in 1890 that the Court, looking backward, solidified the post-Reconstruction settlement with its

decision in *Hans v. Louisiana*, 15 134 U.S. 1 (1890). There, it construed the Eleventh Amendment broadly to limit federal judicial power over the states, 16 *Id.* at 10. while it also reaffirmed the principle established in *Munn v. Illinois*, 17 **94 U.S. 113(1877)**. that the legislature, not the judiciary, exercised final authority over state economic regulation. ...

Content: Law Reviews | **Date:** 2009

873. [ARTICLE: The Common Carrier Privacy Model](#), 51 U.C. Davis L. Rev. 805

... before the New Deal, the question of which industries counted as common carriers had great consequence. The Supreme Court placed common carriers and other industries "affected with a public interest" outside of its strict limits on federal regulatory power proceeding from substantive due process and its restrictive interpretations of the Commerce Clause. 23 . **Munn v. Illinois, 94 U.S. 113, 126 (1876)**; see Candeub, *supra* note 8, at 382 ("Given the constitutional barriers in regulating business ...

Content: Law Reviews | **Date:** February 1, 2018

874. [Article: The Future of Internet Regulation](#), 43 U.C. Davis L. Rev. 529

... -BitTorrent network management issue represent emerging regulatory challenges that do not fit comfortably within the FCC's traditional models of regulation. The FCC traditionally asks whether private actors are providing critical infrastructure - one affected with a "public interest" 9 The phrase, which is long associated with utility regulation, dates back to **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. - and, if so, imposes a regime of common carrier regulation. This tradition is a longstanding ...

Content: Law Reviews | **Date:** December 1, 2009

875. [ARTICLE: The Politics of Separation: Review of Philip Hamburger's "Separation of Church and State"](#), 36 U.C. Davis L. Rev. 967

... in which the Court indicated that the government could not take certain action that would deprive slaveholders of their right to their slave property. The Court continued to apply versions of this vested rights interpretation in a "number of cases from the 1870s," such as *Bartemeyer v. Iowa*, **Munn v. Illinois**, and *Davidson v. New Orleans*. 63 Harrison, *supra* note 56, at 513-19 (discussing *Davidson v. New Orleans*, 96 U.S. 97 (1878), **Munn v. Illinois, 94 U.S. 113(1877)**, and *Bartemeyer* ...

Content: Law Reviews | **Date:** April 1, 2003

876. [Short Essay: From Immutable to Existential: Protecting who we are and who we want to be with the "equalerty" of the substantive due process clause](#), 12 J.L. & Soc. Challenges 220

... (Brewer, J., dissenting) ("the paternal theory of government is to me odious. The utmost possible liberty to the individual, and the fullest possible protection to him and his property, is both the limitation and duty of government."); **Munn v. Illinois, 94 U.S. 113, 134 (1877)** ("[in matters] in which the public has no interest, what is reasonable must be ascertained judicially"); *The Railroad Commission Cases*, 116 U.S. 307 (1886) (power of State to regulate is limited); *Santa Clara County* ...

Content: Law Reviews | **Date:** 2010

877. [ARTICLE: New "Conspiracy Theory" of the Fourteenth Amendment: Nineteenth Century Chinese Civil Rights Cases and the Development of Substantive Due Process Jurisprudence](#), 29 U.S.F. L. Rev. 353

... jurisprudence which generally deferred such policy decisions to the exclusive province of state and

local legislatures. For example, in 1877, the Court had held that a state may use its police power to regulate the use of private property "when such regulation becomes necessary for the public good." 135 **Munn v. Illinois, 94 U.S. 113, 125 (1876)**. The Court acknowledged that a state's power of economic regulation may be abused, but held that protection against such abuse must be sought from ...

Content: Law Reviews | **Date:** 1995

878. [TOWARD A CLEAN ENERGY FUTURE: POWERING INNOVATION THROUGH LAW: ARTICLE: Public Utility and the Low-Carbon Future](#), 61 UCLA L. Rev. 1614

... time for a restoration of the accent to the first word." Id.; see also Martin G. Glaeser, Public Utilities in American Capitalism 195-200 (1957 (discussing origins of public utility concept in the early church doctrine of a "just price" for certain kinds of goods and services and in the Medieval notion of "common callings," which referred to certain businesses that made their services available to all). The U.S. Supreme Court's famous decision in *Munn v. Illinois* 74 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** July 1, 2014

879. [ARTICLE: The Liberties of Equal Citizens: Groups and the Due Process Clause](#), 55 UCLA L. Rev. 99

... Frank Strong also traces the transformation of the Slaughter-House dissents from claims about the privileges of citizenship into claims sounding in substantive due process eventually vindicated in *Allgeyer v. Louisiana*. Id. at 424-26. Equality concerns sometimes entered into the Supreme Court's due process analysis on the side of the state. In the pre-*Lochner* case of **Munn v. Illinois, 94 U.S. 113(1876)**, the Court upheld state regulation of the rates of a public utility that had an effective ...

Content: Law Reviews | **Date:** October 1, 2007

880. [SYMPOSIUM: Constitutional "Niches": The Role of Institutional Context in Constitutional Law: The Commerce Clause and the Myth of Dual Federalism](#), 54 UCLA L. Rev. 1847

... *Reid v. Colorado*, 187 U.S. 137, 151 (1902). On the other hand, state regulations or taxes imposed on purely intrastate activities were routinely upheld as only "incidentally" or "remotely" affecting interstate commerce. Thus, for example, in *Munn v. Illinois*, 109 **94 U.S. 113(1876)**, the Court upheld Illinois' power to establish maximum rates for grain elevators, even though some of the grain was from or destined to other states, because the grain elevators' business was confined ...

Content: Law Reviews | **Date:** August 1, 2007

881. [ARTICLE: Price Theory and Vertical Restraints: A Misunderstood Relation](#), 45 UCLA L. Rev. 143

... People of the same trade seldom meet together, even for merriment or diversion, but the conversation ends in a conspiracy against the public or in some contrivance to raise prices. It is impossible indeed to prevent such meetings, by any law which either could be executed, or would be consistent with liberty and justice. Id. at 128 (emphasis added); see also **Munn v. Illinois, 94 U.S. 113(1877)** (Field, J., dissenting) (arguing that the price regulation of an elevator cartel violates due process); ...

Content: Law Reviews | **Date:** October 1, 1997

882. [ESSAY: FREE SPEECH AND UNFREE MARKETS](#), 42 UCLA L. Rev. 949

... To be sure, this asymmetry should not be overstated. There are whole categories of speech that have been excluded from First Amendment protection -- for example, incitement, obscenity, and fighting words.

But the *Lochner* regime also carved out large exceptions, permitting regulation of transactions "affected with a public interest,"¹⁴ See, e.g., **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. or of women's hours at work.¹⁵ See *Muller v. Oregon*, 208 U.S. 412 (1908). These exceptions ...

Content: Law Reviews | **Date:** April 1, 1995

883. [**SYMPOSIUM: DAMES & MOORE V. REGAN: A COMMENT ON THE CREATION AND RESOLUTION OF A "NONPROBLEM": DAMES & MOORE v. REGAN, THE FOREIGN AFFAIRS POWER, AND THE ROLE OF THE COURT + Copyright \(c\) 1982 by John E. Nowak & Ronald D. Rotunda,**](#) 29 UCLA L. Rev. 1129

... *Slaughter House Cases*, 34 83 U.S. (16 Wall.) 36 (1872) . to statements that the Court might invalidate "unreasonable" restrictions of economic liberty.³⁵ See *Mugler v. Kansas*, 123 U.S. 623 (1887) ; **Munn v. Illinois, 94 U.S. 113(1876)** . In the years between 1889 and 1932, the Court invalidated those federal laws which, according to a majority of justices, intruded on state sovereignty by displacing state authority over activities reserved ...

Content: Law Reviews | **Date:** August 1, 1982

884. [**ARTICLE: SOLAR ENERGY AND PUBLIC UTILITY RATE REGULATION,**](#) 26 UCLA L. Rev. 550

... INTRODUCTION: THE REGULATORY PROCESS In general, public utilities are private industries under public regulation.¹⁴ The legal principles governing public utility regulation were first articulated by the **Supreme Court in Munn v. Illinois, 94 U.S. 113(1877)** . The basic legal concept articulated by the Court in *Munn* is that regulation is proper when a business is "'affected with a public interest'" *Id.* at 126 . The Court went on to indicate that "[w]hen, ...

Content: Law Reviews | **Date:** February 1, 1979

885. [**ARTICLE: ABORTION, THE PUBLIC MORALS, AND THE POLICE POWER: THE ETHICAL FUNCTION OF SUBSTANTIVE DUE PROCESS,**](#) 23 UCLA L. Rev. 689

... 87 U.S. at 668 (Clifford, J., dissenting). In the late 1870's and the 1880's, the emerging doctrine of substantive due process was couched in terms highly deferential to legislative judgment,⁶² See, e.g., **Munn v. Illinois, 94 U.S. 113, 122, 132-33(1876)** . but the doctrine was nonetheless taking shape.⁶³ [The police power] does not confer power upon the whole people to control rights which are purely and exclusively private,... but it does authorize the ...

Content: Law Reviews | **Date:** April 1, 1976

886. [**BANKRUPTCY REFORM--1973: RAILROAD REORGANIZATION, SECTION 77, AND THE NEED FOR LEGISLATIVE REFORM,**](#) 21 UCLA L. Rev. 553

... If there is anything clear about reorganization, it is that it is not, nor can it be, a private matter between the trustees and its secured creditors. After all, railroads are in fact--rather than just in common law rhetoric--"affected with a public interest."⁴⁸ **Munn v. Illinois, 94 U.S. 113, 161(1877)** . This is not to suggest that there are not widely differing degrees of importance associated with the various lines and types of service provided--freight, intercity passenger, ...

Content: Law Reviews | **Date:** December 1, 1973

887. [**ARTICLE: THE CIVIL RIGHTS ACT OF 1875 AND THE CIVIL RIGHTS CASES REVISITED: STATE ACTION, THE FOURTEENTH AMENDMENT, AND HOUSING,**](#) 14 UCLA L. Rev. 5

... , 1 LEG. REP. 357 (1841), they are also called "public servants." The justification for including licensed places of amusement was placed squarely on a case which dealt with public regulation of monopolies. 69 109 U.S. at 41-42 . The case was **Munn v. Illinois,94 U.S. 113(1876)** . He concluded that discrimination by these businesses, when exercising "their public or quasi-public functions," is a "badge of servitude" forbidden by the thirteenth amendment; 70 ...

Content: Law Reviews | **Date:** 1966

888. [ARTICLE: A TECHNIQUE FOR CHANGE](#), 11 UCLA L. Rev. 481

... , Justices Black, Douglas and Murphy gave this historical exposition on the point: "Rate making is a species of price fixing. In a recent series of cases, this Court has held that legislative price fixing is not prohibited by the due process clause. We believe that, in so holding, it has returned, in part at least, to the constitutional principles which prevailed for the first hundred years of our history. **Munn v. Illinois,94 U.S. 113** ; Peik v. Chicago & N.W. Ry. Co., 94 U.S. 164 . Cf. ...

Content: Law Reviews | **Date:** 1964

889. [BOOK REVIEW: A CENTURY OF CIVIL RIGHTS](#), 9 UCLA L. Rev. 530

... state--through its admitted policy and licensing power -- and thus avoids exclusive reliance on the proposition that segregation by custom equals state action. He does, however, cite Bradley's dictum pertaining to "custom." Interestingly, Douglas' opinion meets the argument that discrimination on "private" property has no relation to state activities by citing such cases as Marsh v. Alabama 14 326 U.S. 501 (1946) . (the company town case) and Munn v. Illinois 15 **94 U.S. 113(1876)** ...

Content: Law Reviews | **Date:** 1962

890. [ARTICLE: An Innocent- Abroad: The Constitutional Corporate "Person"](#), 2 UCLA L. Rev. 155

... legislative power, 94 **Munn v. Illinois,94 U.S. 113(1877)** . See Hamilton, Affectionation With a Public Interest , 39 YALE L.J. 1089 (1930) ; McAllister, Lord Hale and Business Affected With a Public Interest , 43 HARV. L. REV. 759 (1930) . Both articles are reprinted in 2 Sel. Essays on Constitutional Law (1938). yet also leading Justice Field -- supported now only by Justice Strong -- to restate 95 Dissenting in **Munn v. Illinois,94 U.S. 113** ...

Content: Law Reviews | **Date:** February 1, 1955

891. [CASE NOTE: Constitutional Law: State Police Power: Constitutionality of State Statute Authorizing Administrative Board to Set Minimum Prices for Dry Cleaning Industry](#), 1 UCLA L. Rev. 100

... State Board of Dry Cleaners v. Thrift-D-Lux Cleaners , 254 P.2d 24 (Cal. 1953) . The early minimum price laws were held constitutional if the business was "clothed with a public interest" or "affected with a public use." 3 **Munn v. Illinois,94 U.S. 113(1876)** . Under this theory, state price regulation was upheld on insurance companies, stockyards, grain elevators, water companies, and railroads. 4 German Alliance Insurance Company v. Lewis, 233 U.S. ...

Content: Law Reviews | **Date:** December 1, 1953

892. [ARTICLE: DOMINANCE AND DEMOCRACY: THE LEGACY OF WOMAN SUFFRAGE FOR THE VOTING RIGHT](#), 5 UCLA Women's L.J. 103

... Court developed the judicial doctrines making segregation in the South legally possible, that it

interpreted the Fourteenth Amendment in such a manner that the main beneficiaries of its provisions were corporations and not persons, and that it aggressively promoted the doctrine of laissez faire economics so as to prohibit state laws designed to protect workers. See *Plessy v. Ferguson*, 163 U.S. 537 (1896) (validating the doctrine of "separate but equal"); **Munn v. Illinois, 94 U.S. 113(1877)** ...

Content: Law Reviews | **Date:** 1994

893. [ARTICLE: USED AND USEFUL PRINCIPLE: STILL RELEVANT IN UTAH](#), 25 Utah Bar J. 32

... The Principle of Used and Useful Is the Bedrock of Utility Regulation. In determining whether the state of Illinois had taken the property of grain warehousemen by legislating a maximum rate for grain storage, the United States Supreme Court in **Munn v. Illinois, 94 U.S. 113(1876)**, set forth the historic theory underlying public regulation of private property: [W]hen private property is affected with a public interest, it ceases to be *juris privati* only Property does become clothed ...

Content: Law Reviews | **Date:** February 1, 2012

894. [ARTICLE: A Three-Dimensional Approach to the Public-Private Distinction](#), 2008 Utah L. Rev. 635

... And like the government-declaration approach above, this categorization is wholly involuntary. In still other cases, courts adopt arguments by analogy. The notions of "public function," "affected with a public interest," 107 See **Munn v. Illinois, 94 U.S. 113, 126-34 (1877)**. "proprietary activity," 108 See, e.g., *Reeves, Inc. v. Stake*, 447 U.S. 429, 436-39 (1980) ("State proprietary activities may be, and often are, burdened with the same restrictions imposed on private market participants."); ...

Content: Law Reviews | **Date:** 2008

895. [ARTICLE: The Constitution and Property: Due Process, Regulatory Takings, and Judicial Takings](#), 2001 Utah L. Rev. 379

... *Noble State Bank v. Haskell*, 219 U.S. 104, 111-13 (1911) (discussing valid exercise of police power); *Lawton v. Steele*, 152 U.S. 133, 137 (1894) (discussing statutory restrictions on fishing as lawful exercise of police power); *Mugler v. Kansas*, 123 U.S. 623, 661 (1887); **Munn v. Illinois, 94 U.S. 113, 125 (1877)**; *Stoebuck*, supra note 4, at 1057; *Sax*, supra note 14, at 36 n.6; *McGinley*, supra note 3, at 10371. Ernst Freund has provided a classic definition of the police power, stating: The ...

Content: Law Reviews | **Date:** 2001

896. [COMMENT: Utah's Medical Malpractice Prelitigation Panel: Exploring State Constitutional Arguments Against a Nonbinding Inadmissible Procedure](#), 2000 Utah L. Rev. 359

... The plaintiff claimed that the statute deprived him of due process under both federal and state constitutions by abrogating common law rights of action. 136 See *id.* at 125. For the federal due process claim, the court held that a "person has no property, no vested interest, in any rule of the common law." 137 *Id.* (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The court reached a similar conclusion construing New York's Due Process Clause. Relying on *Montgomery v. Daniels*, ...

Content: Law Reviews | **Date:** 2000

897. [ARTICLE: The Origins of Regulatory Takings: Setting the Record Straight](#), 1996 Utah L. Rev. 1211

... . In a series of decisions stretching from 1877 to 1900, the Court incrementally qualified and narrowed the takings doctrine enunciated by Justice Miller until finally it emasculated the doctrine altogether. B. Retreat In 1877, the Court took its first step backward, in the case of *Railroad Co. v. Richmond*. 354

96 U.S. 521 (1877). One might argue that **Munn v. Illinois, 94 U.S. 113 (1876)**, was actually the first step in the retreat. There, the Court considered whether the state of ...

Content: Law Reviews | **Date:** 1996

898. [**ARTICLE: JUDICIAL SCRUTINY OF LEGISLATIVE ACTION THAT PRESENTS BIOETHICAL DILEMMAS**](#), 16 Va. J. Soc. Pol'y & L. 179

... This under-protected rights. In response, courts came to see their role in Fourteenth Amendment due process cases as "'tracing a boundary' between legitimate exercises of the police power and illegitimate, unconstitutional invasions of private rights." 130 Id. at 6. Courts applied boundary tracing in police-power due process cases from *Munn v. Illinois* 131 **Munn v. Illinois, 94 U.S. 113 (1877)**. in 1877 until the 1920s. 132 White, supra note 22, at 40-51. The Court's task was ...

Content: Law Reviews | **Date:** 2008

899. [**ARTICLE: LEGISLATING OR LITIGATING PUBLIC POLICY CHANGE: GUNMAKER TORT LIABILITY**](#), 12 Va. J. Soc. Pol'y & L. 140

... stated, "[a] person has no property, no vested interest, in any rule of the common law... The law itself ... may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations." 117 **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. Legislatures may limit the jurisdiction of courts. Actions brought by gun control advocates questioning the consistency of immunization legislation with constitutional protections have met a mixture of success 118 ...

Content: Law Reviews | **Date:** 2004

900. [**ARTICLE: THE GOVERNMENT-COULD-NOT-WORK DOCTRINE**](#), 105 Va. L. Rev. 1

... (overruling *Coppage and Adair*). "For protection against abuses by legislatures," the Court instructed people to "resort to the polls, not to the courts." 82 *Williamson v. Lee Optical of Okla. Inc.*, 348 U.S. 483, 488 (1955) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1877)**). B. 1943-1982 1. *West Virginia v. Barnette and Its Aftermath* In 1943, the Court had an "overnight shift" in its approach toward exemptions and compulsory laws. 83 *Kalven*, supra note 18, at 2. In ...

Content: Law Reviews | **Date:** March 1, 2019

901. [**ARTICLE: ADMINISTRATIVE RATIONALITY REVIEW**](#), 104 Va. L. Rev. 1399

... Federal judicial review of the "reasonableness" or "rationality" of legislation began in earnest after the adoption of the Fourteenth Amendment, which introduced the Equal Protection Clause and extended the requirements of due process to state actors. In cases like *Munn v. Illinois* 53 **94 U.S. 113 (1876)**. and *Mugler v. Kansas*, 54 123 U.S. 623 (1887). the Supreme Court announced an early version of what we now know as the rational basis test. As the Court itself explained ...

Content: Law Reviews | **Date:** December 1, 2018

902. [**ARTICLE: THE RATIONALITY OF RATIONAL BASIS REVIEW**](#), 102 Va. L. Rev. 1627

... For regulations regarding "property," though, the Court had a somewhat more ready ear. Just four years after *Slaughter- House*, in *Munn v. Illinois*, the Court found in the Due Process Clause a substantive limitation "old as a principle of civilized government," 31 **Munn v. Illinois, 94 U.S. 113, 123-24 (1876)**. denying to government a rather large and previously (at least as a matter of Supreme Court constitutional jurisprudence) unrecognized area of regulation: "power upon the whole people ...

Content: Law Reviews | **Date:** November 1, 2016

903. [NOTE: CHOICE OF LAW, THE CONSTITUTION, AND LOCHNER](#), 94 Va. L. Rev. 1509

... The exercise of government powers for the general good was presumed to be voluntary, on the premise that individuals willingly surrender some degree of their natural sovereignty in order to establish civil society and protect their own interests. 172 See **Munn v. Illinois, 94 U.S. 113, 124 (1876)** (stating that formation of the social compact "does not confer power upon the whole people to control rights which are purely and exclusively private; but it does authorize the establishment of laws ...

Content: Law Reviews | **Date:** October 1, 2008

904. [ARTICLE: THE ARTICLE III JURY](#), 87 Va. L. Rev. 587

... (discussing the understanding that Smyth prescribed a presentvalue formulation); Herbert Hovenkamp, *The Cultural Crises of the Fuller Court*, 104 Yale L.J. 2309, 2335-36 (1995) (reviewing Owen M. Fiss, *Troubled Beginnings of the Modern State, 1888-1910* (1993)) (describing limitations on governmental rate regulation not as an assault on **Munn v. Illinois, 94 U.S. 113(1877)**, but rather as an attempt to provide appropriate limits for a doctrine universally acknowledged to require some substantive ...

Content: Law Reviews | **Date:** June 1, 2001

905. [ARTICLE: Substantive Due Process and the Constitutional Text](#), 83 Va. L. Rev. 493

... The right of property in an article involves the power to sell and dispose of such article as well as to use and enjoy it. Any act which declares that the owner shall neither sell it nor dispose of it, nor use and enjoy it, confiscates it, depriving him of his property without due process of law. Id. at 137 (Field, J., concurring). *Munn v. Illinois* 63 **94 U.S. 113(1877)**. The economic reality underlying the case is described and analyzed in Edmund W. Kitch & Clara Ann Bowler, *The Facts* ...

Content: Law Reviews | **Date:** April 1, 1997

906. [NOTE: CONSTITUTIONAL RIGHTS AT THE JUNCTION: THE EMERGENCE OF THE PRIVILEGE AGAINST SELF-INCRIMINATION AND THE INTERSTATE COMMERCE ACT](#), 81 Va. L. Rev. 1989

... Challenges to the constitutionality of this new form of regulation emerged fairly rapidly, and on March 1, 1877 the Supreme Court decided six cases, known as the "Granger Cases," dealing with state rate regulation. 24 The most famous of these, **Munn v. Illinois, 94 U.S. 113(1877)**, involved the regulation of rates charged by grain elevators, but all five of the other cases involved railroads: *Chicago, B. & Q.R.R.*, 94 U.S. 155 ; *Peik*, 94 U.S. 164 ; *Chicago, M. & St. P.R.R.*, 94 U.S. ...

Content: Law Reviews | **Date:** October 1, 1995

907. [ARTICLE: ORIGINALISM AND THE DESEGREGATION DECISIONS](#), 81 Va. L. Rev. 947

... This included entities having common carrier or public accommodation responsibilities, but did not extend to such private entities as ordinary businesses or corporations, even though corporations are "created or regulated by law" in a certain sense. The distinction corresponds roughly to the notion of businesses deemed to be "affected with a public interest," which were subject to economic regulation under the jurisprudence of the day. 388 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. It ...

Content: Law Reviews | **Date:** May 1, 1995

908. [RETHINKING THE NEW DEAL COURT](#), 80 Va. L. Rev. 201

... generally Cushman, Doctrinal Synergies and Liberal Dilemmas, supra note 5, at 276-77 (describing Nebbia's dismantling of the public/private distinction in substantive due process jurisprudence as a milestone in American constitutional development); Cushman, A Stream of Legal Consciousness, supra note 5, at 130 (same); Walter H. Hamilton, Affected with a Public Interest, 39 Yale L.J. 1089 (1930) (discussing the Court's approach to government price controls from **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** February 1, 1994

909. [HURRICANES AND WINDFALLS: TAKINGS AND PRICE CONTROLS IN EMERGENCIES](#), 79 Va. L. Rev. 1235

... is inefficient to have multiple firms, each producing a smaller output at a higher cost per unit. Sensible public policy encourages efficiency (i.e., low unit costs) by granting a monopoly to a single producer while regulating the prices it may charge to prevent monopolist price increases and output restrictions. See Lipsey & Steiner, supra note 14, at 298-302. such as railroads and utilities that were "clothed with a public interest." 25 **Munn v. Illinois, 94 U.S. (4 Otto) 113, 126 (1876)**. ...

Content: Law Reviews | **Date:** August 1, 1993

910. [NOTE: HURRICANES AND WINDFALLS: TAKINGS AND PRICE CONTROLS IN EMERGENCIES](#), 79 Va. L. Rev. 1235

... inefficient to have multiple firms, each producing a smaller output at a higher cost per unit. Sensible public policy encourages efficiency (i.e., low unit costs) by granting a monopoly to a single producer while regulating the prices it may charge to prevent monopolist price increases and output restrictions. See Lipsey & Steiner, supra note 14, at 298-302. such as railroads and utilities that were "clothed with a public interest." 25 **Munn v. Illinois, 94 U.S. (4 Otto) 113, 126 (1876)**. ...

Content: Law Reviews | **Date:** August 1, 1993

911. [NOTE: CORPORATE PRIVILEGES FOR THE PUBLIC BENEFIT: THE PROGRESSIVE FEDERAL INCORPORATION MOVEMENT AND THE MODERN REGULATORY STATE](#), 77 Va. L. Rev. 603

... came to the conclusion that once a business enterprise had secured a monopoly in the absence of express special governmental privileges, it then became a de facto public utility subject to increased supervision. See, e.g., C. Van Hise, supra note 63, at 249-50 ("This principle has already been recognized by some common law decisions; and, in consequence, one class of business which earlier was regarded as purely private has become a public utility."); cf. **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** April 1, 1991

912. [ARTICLE: JUDICIAL TAKINGS](#), 76 Va. L. Rev. 1449

... The common law process is clearly one, at least in part, of "trial and error," but so are the legislative and administrative processes. Courts change the common law "to conform with changing ideas and conditions," but legislatures and administrative agencies are constantly writing and revising statutes and regulations for exactly the same purpose. 71 As the Supreme Court noted in **Munn v. Illinois, 94 U.S. 113(1876)**, "the great office of statutes is to remedy defects in the common law ...

Content: Law Reviews | **Date:** November 1, 1990

913. [NOTE: INNOVATIVE NO-FAULT TORT REFORM FOR AN ENDANGERED SPECIALTY](#), 74 Va. L. Rev. 1487

... The preceding analysis, however, does not address whether removal of this cause of action from the courts is itself an unconstitutional violation of due process. The Supreme Court has recognized that "[n]o person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." 97 New York Cent. R.R. v. White, 243 U.S. 188, 198 (1917); see also **Munn v. Illinois, 94 U.S. 113, 134 (1976)** ("A person has no property, no vested interest, in any ...

Content: Law Reviews | **Date:** November 1, 1988

914. [SYMPOSIUM ON THE THEORY OF PUBLIC CHOICE: CONSTITUTIONAL REGULATION OF LEGISLATIVE CHOICE: THE POLITICAL CONSEQUENCES OF JUDICIAL DEFERENCE TO LEGISLATURES](#), 74 Va. L. Rev. 373

... Judicial deference implicitly relies on the contention that legislatures themselves provide adequate protection for economic rights. Otherwise, as with political or civil rights, courts would surely provide scrutiny. This basis for deference can be found in the view first articulated in *Munn v. Illinois* 16 **94 U.S. 113(1877)**. and quoted in case after case in the modern era: "We know that [economic regulation] is a power which may be abused; but that is no argument against its existence. ...

Content: Law Reviews | **Date:** March 1, 1988

915. [ARTICLE: UNDERSTANDING THE LOCHNER ERA: LESSONS FROM THE CONTROVERSY OVER RAILROAD AND UTILITY RATE REGULATION](#)*, 70 Va. L. Rev. 187

... Tocqueville, *Democracy in America* 248 (J. Mayer & M. Lerner eds. 1966). the constitutionality of rate regulation soon came before the United States Supreme Court in the form of seven cases from four different midwestern states. 36 **Munn v. Illinois, 94 U.S. 113(1877)**; *Chicago, B. & Q. R.R. v. Iowa*, 94 U.S. 155 (1877); *Peik v. Chicago & Nw. Ry.*, 94 U.S. 164 (1877); *Lawrence v. Chicago & Nw. Ry.*, 94 U.S. 164 (1877); *Chicago, M. & St. P. R.R. v. Ackley*, 94 U.S. 179 (1877); ...

Content: Law Reviews | **Date:** March 1, 1984

916. 65 Va. L. Rev. 1

Content: Law Reviews

917. [NOTE: BOOM AND BUST FOR WHOM?: THE ECONOMIC PHILOSOPHY BEHIND THE 2008 FINANCIAL CRISIS](#), 4 Va. L. & Bus. Rev. 139

... Cf. Dorn, *supra* note 1, at 94 (arguing that regulation is a taking on the majority); Epstein, *supra* note 29, at 183 (claiming that the loss of any right in property is akin to a loss of the property itself). As the Supreme Court noted in *Munn v. Illinois*, 230 **94 U.S. 113, 133-34 (1877)**. government restrictions on industry do not constitute a taking of property, but merely a legitimate regulation of its use in order to protect others from harm. Indeed, the ideological underpinning of ...

Content: Law Reviews | **Date:** 2009

918. [ARTICLE: DORMANT COMMERCE CLAUSE'S AGING BURDEN](#), 49 Val. U.L. Rev. 723

... Preserving Federalism: Reconstruction and the Waite Court , 1978 SUP. CT. REV. 39, 53-56 (1978) (noting the effect of the Waite Court's "dual federalism" in upholding much state legislation). That Court, after all, upheld the Granger Laws, with Justice Field dissenting. **Munn v. Illinois, 94 U.S. 113, 135-36 (1876)**. Also, Chief Justice Waite echoed Chief Justice Marshall's broad construction of the commerce power, concluding it is not only Congress ' power but "duty . . . to see to it that ...

Content: Law Reviews | **Date:** 2015

919. [NOTE: ILLEGAL IMMIGRANTS AND PUBLIC EDUCATION: IS THERE A RIGHT TO THE 3 Rs?](#), 30 Val. U.L. Rev. 749

... Motor Vehicle Mfrs. Ass'n. v. State Farm Mut. Auto Ins. Co., 463 U.S. 29, 42 (1983) (recognizing that agencies must be given "ample latitude to 'adapt their rules and policies to the demands of changing circumstances.'" (quoting Permian Basin Area Rate Cases, 390 U.S. 747, 784 (1968)); **Munn v. Illinois, 94 U.S. 113, 134 (1876)** (holding that the purpose of statutes is to remedy flaws in the common law as they develop, and to adjust the law to the changes of time and circumstances); Davila-Bardales ...

Content: Law Reviews | **Date:** 1996

920. [NOTE: TAKINGS 1992: SCALIA'S JURISPRUDENCE AND A FIFTH AMENDMENT DOCTRINE TO AVOID LOCHNER REDIVIVUS](#) n1, 28 Val. U.L. Rev. 743

... Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470 (1987) (no taking). Due process analysis has the advantage of clear and coherent precedent, enabling legislatures to avoid foreseeable constitutional pitfalls when enacting land use regulation. See, e.g., **Munn v. Illinois, 94 U.S. 113(1877)**; Mugler v. Kansas, 123 U.S. 623 (1887), discussed infra notes 187-99; and more recently Moore v. City of East Cleveland, 431 U.S. 494 (1977) (holding that zoning ordinance restricting ...

Content: Law Reviews | **Date:** 1994

921. [ARTICLE: Zombie Energy Laws](#), 73 Vand. L. Rev. 1077

... property, the Court was more accommodating of regulations that interfered with utilities' property. In **Munn v. Illinois** , a decision that predated Lochner , the Supreme Court held that the legislature could cap rates and regulate services of companies in certain circumstances. 55 **Munn v. Illinois, 94 U.S. 113(1876)** . Specifically, Munn held that property ceased to be "purely and exclusively private" 56 Id. at 125 . when it was "affected with ...

Content: Law Reviews | **Date:** May 1, 2020

922. [NOTE: Do Your Job: Judicial Review of Occupational Licensing in the Face of Economic Protectionism](#), 70 Vand. L. Rev. 1663

... (noting that Lee Optical "has become a shorthand way of referring to the rubber-stamp form of rational basis review"). As Justice Douglas emphasized in Lee Optical, "For protection against abuses by legislatures the people must resort to the polls, not to the courts." 75 Lee Optical, 348 U.S. at 488 (citing **Munn v. Illinois, 94 U.S. 113(1876)**); see infra Section II.A. This tacit separation of powers argument typifies the thinking behind courts' and judges' reluctance to engage in meaningful ...

Content: Law Reviews | **Date:** October 1, 2017

923. [ARTICLE: The Regulatory Contract in the Marketplace](#), 69 Vand. L. Rev. 141

... Once a cornerstone of progress dating at least to the Industrial Revolution, the model - under which an entity "clothed with the public interest" assumes basic duties and submits to price regulation in exchange for a monopoly franchise - has been used to build everything from bridges to power lines. 2 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (upholding price regulation of grain elevators because they were "affected with a public interest"); see also *Proprietors of the Charles River Bridge* ...

Content: Law Reviews | **Date:** 2016

924. [Symposium: Pierce Butler: A Supreme Technician](#), 62 Vand. L. Rev. 695

... that the setting of rates for businesses "affected with a public interest" was exclusively a legislative function and that, if such rates were too low to earn a reasonable rate of return, legislative action was the only recourse. 319 **Munn v. Illinois, 94 U.S. 113, 126, 133-34 (1876)**. Munn involved Illinois legislation that set a schedule of maximum prices on grain elevators located in the city of Chicago. *Id.* at 123. The Supreme Court extended the Munn rule to the regulation of railroads ...

Content: Law Reviews | **Date:** March 1, 2009

925. [Symposium: Justice Sutherland Reconsidered](#), 62 Vand. L. Rev. 639

... nineteenth century, judges confronted with legal challenges to the plethora of economic regulations began to construe broadly the notions of liberty and property within the ambit of constitutional protection afforded by the Due Process Clause of the Fourteenth Amendment. For example, Justice Stephen Field, in his Munn dissent, recognized the importance of protecting the intangible use and value of property from incursion by political factions. 61 **Munn v. Illinois, 94 U.S. 113, 140-45 (1877)** ...

Content: Law Reviews | **Date:** March 1, 2009

926. [Symposium: Rufus W. Peckham and Economic Liberty](#), 62 Vand. L. Rev. 591

... Peckham. *Id.* at 548-52 (Brewer, J., dissenting). Peckham rejected the reasoning of the Supreme Court in *Munn v. Illinois* (1877), which held that states could prescribe rates for businesses "clothed with a public interest." 23 **Munn v. Illinois, 94 U.S. 113, 126 (1877)**. In his view, the state's authority to fix charges was confined to exceptional situations such as common carriers and those enterprises that had a privilege granted by government. Peckham flatly rejected the contention ...

Content: Law Reviews | **Date:** March 1, 2009

927. [Symposium: The Perils of Popularity: David Josiah Brewer and the Politics of Judicial Reputation](#), 62 Vand. L. Rev. 567

... in which the Court upheld the doctrine of separate but equal. Hylton, Judge Who Abstained, *supra* note 11, at 341-44. In addition, Brewer dissented in several cases in which the Court voted to uphold regulatory legislation in the tradition of *Munn v. Illinois*. 75 **94 U.S. 113, 135 (1878)**. The most famous example is the grain elevator regulation case *Budd v. New York*, 76 143 U.S. 517, 548-52 (1892). in which Brewer bitterly proclaimed that "the paternal theory of government ...

Content: Law Reviews | **Date:** March 1, 2009

928. [BOOK REVIEW: Property and Economic Liberty as Civil Rights: The Magisterial History of James W. Ely, Jr.](#), 52 Vand. L. Rev. 737

... Stephen J. Field in 1877: "All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a person of them deprives him of all that is desirable or valuable in the title and

possession." 10 **Munn v. Illinois, 94 U.S. 113, 141 (1877)** (Field, J., dissenting) quoted in 2 Ely, supra note 1, at xii. While Ely's historical collection does show property to be more broadly understood in terms of market value and earning capacity, this more sweeping conception ...

Content: Law Reviews | **Date:** April 1, 1999

929. [ARTICLE: The First Constitutional Tort: The Remedial Revolution in Nineteenth-Century State Just Compensation Law](#), 52 Vand. L. Rev. 57

... delegates looked to English rate regulation legislation as the basis for constitutional provisions directing the General Assembly to establish maximum rates for railroads and grain elevators. See Ill. Const. of 1870, art. XI, § 12; **Munn v. Illinois, 94 U.S. 113, 135-36 (1877)** (upholding Illinois grain elevator rate regulation against due process challenge); 2 Debates and Proceedings, supra note 254, at 1641-43. Before 1845, there was no general law in England about compensation for expropriation ...

Content: Law Reviews | **Date:** 1999

930. [ARTICLE: The Common Law "Duty To Serve" and Protection of Consumers in an Age of Competitive Retail Public Utility Restructuring](#), 51 Vand. L. Rev. 1233

... duties must be reasonable and moderate, though settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a public interest and they cease to be juris privati only; as if a man set out a street in a new building on his own land, and it is now no longer bare private interest, but is affected by a public interest. 33 Matthew Hale, De Portibus Maris (1670) (1 Hargrave Law Tracts 77-78 (1787)), quoted in **Munn v. Illinois, 94 U.S. 113, 127 (1876)**. ...

Content: Law Reviews | **Date:** October 1, 1998

931. [ARTICLE: The Role of the "Harm/Benefit" and "Average Reciprocity of Advantage" Rules in a Comprehensive Takings Analysis](#), 50 Vand. L. Rev. 1449

... The "fundamental principle" to which the Court referred was the common law's historical refusal to recognize as property rights uses that caused injury to the rights of others. The traditional saying is sic utere tuo ut alienum non laedes, or "use your property in such a manner as not to injure that of another." Black's Law Dictionary 1380 (West, 6th ed. 1990). See also **Munn v. Illinois, 94 U.S. 113, 124 (1877)** (asserting that the state may require "each citizen to so conduct himself, and so ...

Content: Law Reviews | **Date:** November 1, 1997

932. [ARTICLE: A Fault-Based Administrative Alternative for Resolving Medical Malpractice Claims.](#), 42 Vand. L. Rev. 1365

... Boyd I, 647 F. Supp. at 787. The right to a recovery for a personal injury is provided by the common law and, therefore, as established by the Supreme Court over a century ago, "[a] person has no property, no vested interest" in the rules of tort law. **Munn v. Illinois, 94 U.S. 113, 134 (1877)**, quoted in Duke Power, 438 U.S. at 88 n.32; Boyd I, 647 F. Supp. at 787. The right to a jury trial may prevent a legislature from modifying common-law actions. Sophie v. Fibreboard Corp., 112 ...

Content: Law Reviews | **Date:** October 1, 1989

933. [ESSAY: Rethinking the Judicial Reception of Legislative Facts.](#), 41 Vand. L. Rev. 111

... See Roberts, supra note 10, at 236 (indicating that "judicial notice is the art of thinking as practiced within the legal system" (emphasis in original)). Louis Brandeis began presenting general facts, 35

The Brandeis brief was not entirely a Brandeis innovation. See **Munn v. Illinois, 94 U.S. 113, 130-31 (1876)**, which Kenneth Culp Davis later renamed "legislative facts" because the Realists frankly recognized the courts' lawmaking function. 36 See Monahan & Walker, supra note 9, ...

Content: Law Reviews | **Date:** 1988

934. [ARTICLE: PROPRIETARY AND SOVEREIGN PUBLIC TRUST OBLIGATIONS: FROM JUSTINIAN AND HALE TO LAMPREY AND OSWEGO LAKE](#), 43 Vt. L. Rev. 1

... Hale maintained that the landowner had no "privilege or prerogative" over the river in which the whole people depended for transportation; instead, the king had jurisdiction over waterways, to be exercised "not primarily for his profit, but for the protection of the people and the promotion of the general welfare."

43 **Munn v. Illinois, 94 U.S. 113, 126 (1876)** (citing Hale, A Treatise, supra note 1, at 6). For a modern take on Hale, see Kevin D. Williamson, Masterpiece Cakeshop: The ...

Content: Law Reviews | **Date:** 2018

935. [VERMONT LAW SCHOOL'S 19TH ANNUAL CONFERENCE ON LITIGATING TAKINGS CHALLENGES TO LAND USE AND ENVIRONMENTAL REGULATIONS: TULANE UNIVERSITY SCHOOL OF LAW--NOVEMBER 4, 2016: PANEL: THE TAKINGS LEGACY OF JUSTICE ANTONIN SCALIA: A HOBBSIAN BUNDLE OF LOCKEAN STICKS: THE PROPERTY RIGHTS LEGACY OF JUSTICE SCALIA](#), 41 Vt. L. Rev. 733

... itself stated long ago: "A person has no property, no vested interest, in any rule of the common law Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." **Munn v. Illinois, 94 U.S. 113, 134 (1877)**. Private nuisance law requires an adjoining landowner to allege harm to her property caused by the defendant's use of her property. However, many uses generate serious harms on the public ...

Content: Law Reviews | **Date:** 2017

936. [LITIGATING TAKINGS CHALLENGES TO LAND USE AND ENVIRONMENTAL REGULATIONS: 14TH ANNUAL CONFERENCE-NOVEMBER 18, 2011: VERMONT LAW SCHOOL & GEORGETOWN UNIVERSITY LAW CENTER: Keynote Address](#), 36 Vt. L. Rev. 503

... Illinois is a case in which the Supreme Court says that it doesn't violate due process for the state to regulate grain storage, the rates charged by the owner of a granary, because it's a business "affected with a public interest." 15 **Munn v. Illinois, 94 U.S. 113, 130 (1876)**. That all of a sudden creates a third box. So you've got the physical seizure box, the takings clause; you've got the health and safety box, which is the due process box; and now you've got businesses "affected with ...

Content: Law Reviews | **Date:** 2012

937. [ARTICLE: THE PUBLIC VALUE OF ECOLOGICAL AGRICULTURE](#), 21 Vt. J. Envtl. L. 544

... Farmer groups influenced some of the major landmark legislative and judicial decisions of the progressive era. These included the Sherman Anti-Trust Act, which banned price-fixing agreements and other monopolistic behavior, and the Supreme Court decision in **Munn v. Illinois**, which affirmed state authority to regulate private industry actions like exploitative price-setting by grain companies. 158 See generally **Munn v. Illinois, 94 U.S. 113 (1877)** (holding state regulations ...

Content: Law Reviews | **Date:** 2020

938. [ARTICLE: FROM THE 2011 VERMONT JOURNAL OF ENVIRONMENTAL LAW SYMPOSIUM:](#)

"CHINA'S ENVIRONMENTAL GOVERNANCE: GLOBAL CHALLENGES AND COMPARATIVE SOLUTIONS": PRAGMATISM NOT DOGMATISM: THE INCONVENIENT NEED FOR BORDER ADJUSTMENT TARIFFS BASED ON WHAT IS KNOWN ABOUT CLIMATE CHANGE, TRADE, AND CHINA, 12 Vt. J. Envtl. L. 675

... Railroads, the electricity sector and other public utilities, which are generally investment intensive, fall into this category. It is no coincidence that increased government regulation over these sectors is also premised on the fact that these sectors generally provide services that are "affected with the public interest." 145 See **Munn v. Illinois, 94 U.S. 113(1876)** (discussing how private property ceases to be *juris privati* when "affected with a public interest"). Or as the Honorable ...

Content: Law Reviews | **Date:** 2011

939. **ARTICLE: BUNDLED RIGHTS AND REASONABLE EXPECTATIONS: APPLYING THE LUCAS CATEGORICAL TAKING RULE TO SEVERED MINERAL PROPERTY INTERESTS**, 11 Vt. J. Envtl. L. 525

... that all shall be governed by certain laws for the common good." This . . . authorize[s] the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. . . . Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. 15 **Munn v. Illinois, 94 U.S. 113, 124-25 (1876)**.

...

Content: Law Reviews | **Date:** 2010

940. **ARTICLE: LAW FOR THE ECOLOGICAL AGE**, 9 Vt. J. Envtl. L. 431

... note 48, at 1449-51 (discussing the general rule that loss of property rights due to legal evolution does not generate a right to compensation). Accordingly, we recognize no property right in any particular rule of the common law that could serve as the basis of a claim for compensation when that law is changed. 51 **Munn v. Illinois, 94 U.S. 113, 134 (1877)** ("A person has no property, no vested interest, in any rule of the common law."). We do not compensate losses caused by legislation, ...

Content: Law Reviews | **Date:** 2008

941. **ARTICLE: A PURPOSE-BASED THEORY OF CORPORATE LAW**, 65 Vill. L. Rev. 523

... (explaining how both corporate and non-corporate law operationalize this ever-present requirement). This fact - that non-corporate law regulates the corporation's relationships with its stakeholders - has been firmly established in U.S. law since at least 1877, when the Supreme Court decided **Munn v. Illinois**. 139 **94 U.S. 113(1877)**. There, an "unincorporated" company (a corporation 140 On the broad meaning of "corporation" as used in this Article, see ...

Content: Law Reviews | **Date:** 2020

942. **ARTICLE: INCOMPATIBLE THEORIES: NATURAL LAW AND SUBSTANTIVE DUE PROCESS**, 54 Vill. L. Rev. 247

... (striking down statute prohibiting dealings with noncompliant marine insurance companies on due process grounds); **Mugler v. Kansas**, 123 U.S. 623 (1887) (holding that statute prohibiting manufacture or sale of liquor does not deprive persons of property without due process of law); **Munn v. Illinois, 94 U.S. 113(1877)** (upholding statute regulating warehousing business on grounds that it did not "deprive persons of their property without due process of law"). For a discussion of substantive ...

Content: Law Reviews | **Date:** 2009

943. [Reuschlein Lecture: WHY THE SUPREME COURT LIED IN PLESSY](#), 52 Vill. L. Rev. 411

... contend that the law violated equal protection as to him, but the railroad was treated equally with other railroads. Thus, the application of the law to the railroad could more easily be challenged as an improper restriction of its interest in managing its own property. The Court began to talk after the Civil War about private businesses that were "affected with a public interest," or property devoted to a use in which the public had an interest. 217 See **Munn v. Illinois, 94 U.S. 113, 127 (1877)**. ...

Content: Law Reviews | **Date:** 2007

944. [ARTICLE: THE CONSTITUTIONAL DIMENSION OF A NATIONAL PRODUCTS LIABILITY STATUTE OF REPOSE](#), 40 Vill. L. Rev. 985

... Keaton v. Ribbeck, 391 N.E.2d 307, 308-09 (Ohio 1979). Indeed, a legislature can "do away entirely with wrongful death actions." Pitts v. Unarco Indus., Inc., 712 F.2d 276, 279 (7th Cir.), cert. denied, 464 U.S. 1003 (1984) (citing **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). The lessening of the risk of loss to manufacturers was deemed a legitimate purpose that should not be contravened by the courts. 57 Alexander, 952 F.2d at 1225 (citing Pitts, 712 F.2d at 280). The court further ...

Content: Law Reviews | **Date:** 1995

945. [ARTICLE: HOMER PLESSY'S FORGOTTEN PLEA FOR INCLUSION: SEEING COLOR, ERASING COLOR-LINES](#), 118 W. Va. L. Rev. 1181

... UNITED STATES SUPREME COURT , 1789-1969: THEIR LIVES AND MAJOR OPINIONS 762, 772-73 (Leon Friedman & Fred L. Israel eds., 1997). Because railroads were "clothed with a public interest," governments could regulate the fares they charged. 100 See **Munn v. Illinois, 94 U.S. 113, 133 (1876)** (discussing property rights as rights of "citizens"). It seemed to follow that Congress might have regulated intrastate railroads as public accommodations, with regard to race, under authority conferred ...

Content: Law Reviews | **Date:** 2016

946. [ARTICLE: RATIONAL ELECTRICITY REGULATION: ENVIRONMENTAL IMPACTS AND THE "PUBLIC INTEREST"](#), 113 W. Va. L. Rev. 739

... wharfage, pesage, etc., neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a public interest, and they cease to be juris privati only; as if a man set out a street in a new building on his own land, it is now a no longer bare private interest, but is affected by a public interest. 41 **Munn v. Illinois, 94 U.S. 113, 126 (1872)** ...

Content: Law Reviews | **Date:** 2011

947. [STUDENT WORK: CONFRONTING THE APPALACHIAN BREAKDOWN: n1 HISTORIC PRESERVATION LAW IN APPALACHIA AND THE POTENTIAL BENEFITS OF HISTORIC PRESERVATION FOR RURAL COMMUNITIES](#), 110 W. Va. L. Rev. 1303

... 198 U.S. 45 (1905); Holden v. Hardy, 169 U.S. 366 (1898); Allgeyer v. Louisiana, 165 U.S. 578 (1897); Chicago, Milwaukee & St. Paul Ry. v. Minnesota 134 U.S. 418 (1890); Wabash, St. Louis & Pac. Ry. v. Illinois, 118 U.S. 557 (1886); **Munn v. Illinois, 94 U.S. 113 (1876)**; The Slaughter-House Cases, 83 U.S. 36 (1873); Mayor of N. Y. v. Miln, 36 U.S. 102 (1837); Thorpe v. Rutland &

Burlington R.R., 27 Vt. 140 (Vt. 1854); Commonwealth v. Alger, 61 Mass. 53 ...

Content: Law Reviews | **Date:** 2008

948. [ARTICLE: PROPERTY'S PROBLEM WITH EXTREMES](#), 55 Wake Forest L. Rev. 1

... Property law even has a category described by the courts in the 1800s as property affected or "clothed with a public interest." 258

See, e.g., **Munn v. Illinois, 94 U.S. 113, 126(1876)** .

Incorporating ...

Content: Law Reviews | **Date:** 2020

949. [REALIZING THE PROMISE OF ELECTRICITY DEREGULATION: ARTICLE: RETHINKING REFORM OF ELECTRICITY MARKETS](#), 40 Wake Forest L. Rev. 497

... see Peter Z. Grossman, Is Anything a Natural Monopoly?, in The End of a Natural Monopoly: Deregulation and Competition in the Electric Power Industry 11-39 (Peter Z. Grossman & Daniel H. Cole eds., 2003); Harold Demsetz, Why Regulate Utilities?, 11 J. L. & Econ. 55, 56-59 (1968). although it has been accepted in law. The United States Supreme Court, drawing on earlier English precedent, accepted the idea of natural monopoly in the case of Munn v. Illinois, 46 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2005

950. [SYMPOSIUM ARTICLE: THE RHETORICAL USES OF MARBURY v. MADISON: THE EMERGENCE OF A "GREAT CASE"](#), 38 Wake Forest L. Rev. 375

... 3 U.S. (3 Dall.) 386 (1798), but not Marbury. Brief for Plaintiff in Error at 15-16, 30, Mugler v. Kansas, 123 U.S. 623 (1887). In **Munn v. Illinois, 94 U.S. 113(1877)**, the plaintiff cited a number of state court cases in support of its argument for an exercise of judicial review, but also did not cite Marbury. Brief for Plaintiffs in Error at 28-31, **Munn v. Illinois, 94 U.S. 113** (1877). For other cases in which parties challenging the constitutionality of state legislation did not ...

Content: Law Reviews | **Date:** 2003

951. [SPEECH: CONVOCATION ADDRESS, WAKE FOREST UNIVERSITY](#), 29 Wake Forest L. Rev. 999

... economic affairs. The Grange movement and other political alliances of farmers prevailed upon some state legislatures to design laws that would redress the balance between the individual farmer and small businessmen, on the one hand, and the railroads and their like on the other. Inevitably the railroads resorted to the courts to challenge such laws. In 1877, the Supreme Court of the United States declared state rate regulation constitutional in Munn v. Illinois, 3 **94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 1994

952. [COMPETING INTERESTS IN THE FETUS: A LOOK INTO PATERNAL RIGHTS AFTER Planned Parenthood v. Casey](#), 28 Wake Forest L. Rev. 987

... Nevertheless, the Court's interpretation of the Fourteenth Amendment to incorporate much of the Bill of Rights sets the course for judicial restriction of state action which infringes upon the liberties found within the expansive parameters of the first ten amendments. In other words, the Court began to recognize certain inviolable rights which deserved judicial protection. 25 See Mugler v. Kansas, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1877)**; see also LAURENCE H. TRIBE, ...

Content: Law Reviews | **Date:** 1993

-
953. [COMMENT: A CONSTITUTIONAL RIGHT TO SUE MANAGED CARE ORGANIZATIONS](#), 3 Wake Forest J.L. & Pol'y S.S. 1
- ... (regarding the right to interstate travel protected by the Privileges or Immunities Clause of the Fourteenth Amendment). From 1875 to 1920, federal courts ruled on the extent to which the Fourteenth Amendment Due Process Clause limited a state's options as to its laws of redress. 65 Goldberg, *supra* note 31, at 568; see also, e.g., **Munn v. Illinois, 94 U.S. 113(1876)**; *Mo. Pac. Ry. Co. v. Humes*, 115 U.S. 512 (1885); *Guy v. Donald*, 203 U.S. 399 (1906). The Court in this era ...
- Content:** Law Reviews | **Date:** 2013
-
954. [NOTE: Who's the Boss?: Statutory Damage Caps, Courts, and State Constitutional Law](#), 58 Wash & Lee L. Rev. 315
- ... (recognizing legislative power to alter common law); *Branch v. Indemnity Ins. Co.*, 144 A. 696, 697 (Md. 1929) (same); *Noonan v. City of Portland*, 88 P.2d 808, 822 (Or. 1938) (same); *Howell v. Commonwealth*, 46 S.E.2d 37, 40 (Va. 1948) (same); see also **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ("A person has no property, no vested interest, in any rule of the common law."); 1 SPEISER ET AL., *THE AMERICAN LAW OF TORTS* § 1:41, at 152 (commenting that statutes may abolish common law tort ...
- Content:** Law Reviews | **Date:** 2001
-
955. [ARTICLE: "A Less Proportion of Idle Proprietors": Madison, Property Rights, and the Abolition of Fee Tail](#), 58 Wash & Lee L. Rev. 167
- ... Act of June 4, 1812, ch. XCV, 2 Stat. 743, 747 (1850) (outlining rights of Missouri Territory inhabitants). Behind the organic acts stood the Constitution, operating by its own force on territorial laws, and several treaties. 120 See **Munn v. Ill., 94 U.S. 113, 125 (1877)** (noting history of state and territorial regulation coexisting with Constitutional due process rights); *Scott v. Sandford*, 60 U.S. (19 How.) 393, 450 (1857) (holding that Constitution applies in territories as ...
- Content:** Law Reviews | **Date:** 2001
-
956. [ARTICLE: PROPERTY AND LIBERTY-INSTITUTIONAL COMPETENCE AND THE FUNCTIONS OF RIGHTS](#), 51 Wash & Lee L. Rev. 1
- ... that society had a claim for their regulation but that the self-directedness of those activities meant that society had better be right about its claims in each regulatory case. The ease of showing the rightness of the societal claim increases as the impact of the activity on others increases, thus yielding the formula of the late nineteenth century that businesses "clothed with a public interest" could be regulated more easily than other businesses. 21 **Munn v. Illinois, 94 U.S. 113(1876)**. ...
- Content:** Law Reviews | **Date:** 1994
-
957. [STUDENT NOTE: The Virginia Gardasil Law: A Constitutional Analysis of Mandated Protection for Schoolchildren Against the Human Papillomavirus](#), 17 Wash. & Lee J. Civil Rts. & Soc. Just. 223
- ... (using the phrase "state police power" for the first time); see also *License Cases*, 46 U.S. (5 How.) 504, 583 (1847) (defining the state police power as "nothing more or less than the powers of government inherent in every sovereignty to the extent of its dominions"); see also **Munn v. Ill., 94 U.S. 113, 145 (1876)** (describing the police power as including "[w]hatever affects the peace, good order, morals and health of the community"). *Gibbons v. Ogden* 73 See *Gibbons v.* ...

Content: Law Reviews | **Date:** 2010

958. [ARTICLE: Substantive Due Process And Discourse Ethics: Rethinking Fundamental Rights Analysis](#), 13 Wash. & Lee J. Civil Rts. & Soc. Just. 41

... Thus, the Court had established that (1) legislation was an exercise of a right "affected with a public interest" if it regulated or benefited a public, rather than private, business, and (2) the exercise of such a right trumped individuals' private rights. Two years later, the Court again used this public/private interest principle in *Munn v. Illinois* 88 **Munn v. Illinois, 94 U.S. 113 (1876)**. to uphold legislation fixing maximum prices for the storage of grain in warehouses. 89 ...

Content: Law Reviews | **Date:** 2006

959. [NOTES & COMMENTS: DOES THE GHOST OF LOCHNER HAUNT MISSION SPRINGS? RUMINATIONS ON 1983 DUE PROCESS CLAIMS IN LIGHT OF MISSION SPRINGS, INC. V. CITY OF SPOKANE](#), 77 Wash. L. Rev. 203

... However, the due process clause does not impose procedural requirements when a decision is made in a legislative capacity. 63 See *Bi-Metallic*, 239 U.S. at 445-46; *Londoner*, 210 U.S. at 385-86. The reason for this is that the legislative process allows for input from the public and that input is deemed a proper safeguard. 64 See **Munn v. Illinois, 94 U.S. 113, 134 (1876)** ("For protection against abuses by legislatures the people must resort to the polls, not to the courts."). Legislative ...

Content: Law Reviews | **Date:** 2002

960. [ARTICLE: CORNERING THE QUARK: INVESTMENT-BACKED EXPECTATIONS AND ECONOMICALLY VIABLE USES IN TAKINGS ANALYSIS](#), 70 Wash. L. Rev. 91

... organized society, cannot be -- burdened with the condition that the State must compensate such individual owners for pecuniary losses they may sustain, by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community. In *Mugler*, Justice Harlan reasoned that the government has the power to require each citizen to use his or her property in a manner that does not injure the public. *Id.* at 660 (citing **Munn v. Illinois, 94 U.S. 113, 124 (1876)**). ...

Content: Law Reviews | **Date:** 1995

961. [ARTICLE: THE CHARITABLE STATUS OF NONPROFIT HOSPITALS: TOWARD A DONATIVE THEORY OF TAX EXEMPTION.](#), 66 Wash. L. Rev. 307

... The trust is one of the classic lessons taught by the fundamental turn in Constitutional jurisprudence that occurred earlier this century when, after over half a century of Supreme Court efforts to confine social and economic legislation to businesses "affected with the public interest," **Munn v. Illinois, 94 U.S. 113, 126 (1877)**, the Court abandoned substantive due process scrutiny with respect to such legislation, observing, "there is no closed class or category of businesses affected with a public ...

Content: Law Reviews | **Date:** April 1, 1991

962. [ARTICLE: CONSTITUTIONAL CHALLENGES TO THE PARTIAL REJECTION AND MODIFICATION OF THE COMMON LAW RULE OF JOINT AND SEVERAL LIABILITY MADE BY THE 1986 WASHINGTON TORT REFORM ACT.](#), 62 Wash. L. Rev. 681

... (adoption of an immunity statute); *Duke Power Co. v. Carolina Env'tl. Study Group*, 438 U.S. 59, 88 n.32 (1978); *Silver v. Silver*, 280 U.S. 117 (1929) (adoption of a host-guest statute); *New York Central Ry. Co. v. White*, 243 U.S. 188 (1917); Cf. **Munn v. Illinois, 94 U.S. 113, 134 (1876)**. and

Washington State Constitution. 4 Godfrey v. State, 84 Wn. 2d 959, 962-63, 530 P.2d 630 (1975) (adoption of comparative negligence); Shea v. Olsen, 185 Wash. 143, 53 P.2d 615 (1936) ...

Content: Law Reviews | **Date:** October 1, 1987

963. [**ARTICLE: SIN, SCANDAL, AND SUBSTANTIVE DUE PROCESS: PERSONAL JURISDICTION AND PENNOYER RECONSIDERED.**](#), 62 Wash. L. Rev. 479

... Pennoyer, like so many of Field's decisions, 150 See, e.g., Powell v. Pennsylvania, 127 U.S. 678, 690-91 (1888) (Field, J., dissenting); Butchers' Union Co. v. Crescent City Co., 111 U.S. 746, 759 (1884) (Field, J., concurring); **Munn v. Illinois, 94 U.S. 113, 138 (1877)** (Field, J., dissenting); Bartemeyer v. Iowa, 85 U.S. (18 Wall.) 129, 139-40 (1874) (Field, J., concurring); Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 83 (1873) (Field, J., dissenting); Cummings v. Missouri, ...

Content: Law Reviews | **Date:** July 1, 1987

964. [**ARTICLE: PRIVACY, ABORTION, AND JUDICIAL REVIEW: HAUNTED BY THE GHOST OF LOCHNER.**](#), 61 Wash. L. Rev. 293

... result is that legislation restricting contraception is constitutionally ultra vires because it intrudes on a personal matter not involving, and hence beyond, the public welfare. The power to police the public welfare may not extend to "rights which are purely and exclusively private." Perry, supra note 130, at 705 (quoting **Munn v. Illinois, 94 U.S. 113, 124 (1876)**). The Court is merely fulfilling its historic constitutional role of protecting the individual from the state. All that is at ...

Content: Law Reviews | **Date:** April 1, 1986

965. [**NEW DEAL SYMPOSIUM: THE GREAT DEPRESSION, THE NEW DEAL, AND THE AMERICAN LEGAL ORDER.**](#), 59 Wash. L. Rev. 723

... by Jacksonian ideas of entrepreneurial individualism, equality, and state sovereignty, they restricted the scope of both state and federal intrusion into the sphere of private economic decision making. They also denied the states the authority to regulate most private business firms, except those "affected with a public interest" such as railroads and other public utilities. 17 Wolff Packing Co. v. Court of Indus. Relations, 262 U.S. 522 (1923); **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** September 1, 1984

966. [**EVOLVING VOICES IN LAND USE LAW: A Festschrift in Honor of Daniel R. Mandelker: Part II: Discussions on the National Level: Chapter 3: Takings Issues: Making a Nuisance of Takings Law.**](#), 3 Wash. U. J.L. & Pol'y 149

... preexisting rules of State property law, while ignoring statutory law in force when the owner acquired title. To accept this proposition would elevate common law over statutory law, and would represent a departure from the established understanding that statutory law may trump an inconsistent principle of the common law. 144 Id. (citations omitted). Quoting Munn v. Illinois, 145 **94 U.S. 113(1876)**. the court ruled flatly that: [a] person has no property, no vested interest, in any ...

Content: Law Reviews | **Date:** 2000

967. [**EVOLVING VOICES IN LAND USE LAW: A Festschrift in Honor of Daniel R. Mandelker: Part I: Historical Background: Chapter 1: The Supreme Court: Prelude to Euclid: The United States Supreme Court and the Constitutionality of Land Use Regulation, 1900-1920.**](#), 3 Wash. U. J.L. & Pol'y

... : "We [judges] are not limited to the letter of the statute. We can look beyond that, and see what is the spirit and meaning of the law, and determine whether, under the guise of police regulation, rights guaranteed by the federal constitution are infringed." In his early years on the Supreme Court, he sought unsuccessfully to convince his colleagues to overrule the Court's 1878 holding in *Munn v. Illinois*, 21 **94 U.S. 113(1877)**. that the state police power included the right to regulate ...

Content: Law Reviews | **Date:** 2000

968. [ARTICLE: DEATH QUALIFICATION OF JURIES AS A VIOLATION OF THE SOCIAL CONTRACT](#), 12 Wash. U. Jur. Rev. 115

... Constitution "that laid down as a fundamental principle of the social compact that the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for 'the common good'"); cf. **Munn v. Illinois, 94 U.S. 113, 124(1876)** (finding that the state may regulate the maximum charges allowed for the storage of grain); *Home Tel. & Tel. Co. v. City of Los Angeles*, 155 F. 554, 568-69 (C.C.S.D. ...

Content: Law Reviews | **Date:** 2019

969. [NOTE: Does the Social Contract Justify Felony Disenfranchisement?](#), 1 Wash. U. Jur. Rev. 193

... Constitution "that laid down as a fundamental principle of the social compact that the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for 'the common good'"); cf. **Munn v. Illinois, 94 U.S. 113, 124(1876)** (finding that the state may regulate the maximum charges allowed for the storage of grain); *Home Tel. & Tel. Co. v. City of L.A.*, 155 F. 554, 568-69 (C.C.S.D. Cal. 1907) (power to regulate telephone charges); ...

Content: Law Reviews | **Date:** 2009

970. [ARTICLE: POLITICAL BARGAINING AND JUDICIAL INTERVENTION IN CONSTITUTIONAL AND ANTITRUST FEDERALISM](#), 83 Wash. U. L. Q. 521

... See supra notes 32-34 and accompanying text. When challenges were brought, federal courts typically deferred to state and local regulation. 38 A classic precedent, which formed the basis for much of twentieth century state regulation of public utilities, is **Munn v. Illinois, 94 U.S. 113(1876)**, which upheld legislative approval of joint price agreement by grain elevators in Chicago against a dormant commerce clause challenge, given concern with regulating a common carrier as a monopoly ...

Content: Law Reviews | **Date:** 2005

971. [NOTE: HOARDERS: CLARIFYING FERC'S POLICY, AS ARTICULATED IN ORDER NO. 888, AGAINST WITHHOLDING ELECTRIC TRANSMISSION CAPACITY](#), 94 Wash. U. L. Rev. 1343

... Whether a particular market is a natural monopoly market ... has occupied regulators for a century." Hempling, supra note 1, at 16. typically results from a finding that the service sought to be provided is essential to the public. 37 See, e.g., **Munn v. Illinois, 94 U.S. 113(1877)** (finding that the rates charged by grain storage facilities were subject to regulation because such facilities were affected with the public interest). Governmental entities then regulate the franchised monopoly ...

Content: Law Reviews | **Date:** 2017

972. [COMMENT: Bypassing the Bill of Rights - The Kansas Supreme Court's Use of Quid Pro Quo to Analyze the Inviolable Right to Trial by Jury \\$\(Miller v. Johnson, 289 P.3d 1098 \(Kan. 2012\)\\$\)](#), 53

Washburn L.J. 147

... In City of Topeka, the court said that the plaintiffs did not have a constitutionally-protected right to trial by jury because a violation of city ordinances does not trigger the right to a jury trial as recognized when the Kansas Constitution was adopted. Id. Although it is true that the legislature may abrogate common law rules in order to deal with the demands of the day, this power is not without limits. 202 See **Munn v. Illinois, 94 U.S. 113, 134 (1876)**; see also In re Appeal of ANR ...

Content: Law Reviews | **Date:** 2013

973. [**NOTES AND COMMENTS: LUCAS v. SOUTH CAROLINA COASTAL COUNCIL: WHERE HAS THE SUPREME COURT TAKEN US NOW?**](#), 15 Whittier L. Rev. 825

... He felt that "arresting the development of the common law is not only a departure from prior decisions; it is also profoundly unwise." 188 Id. See PruneYard Shopping Ctr. v. Robins, 447 U.S. 74, 93 (1980) (Marshall, J., dissenting) (freezing the common law "allows no room for change in response to changes in circumstances"); **Munn v. Illinois, 94 U.S. 113, 134 (1877)** (statutes remedy defects in the common law). But see Lochner v. New York, 198 U.S. 45 (1905) (common law rights immune ...

Content: Law Reviews | **Date:** 1994

974. [**ARTICLE: OUR IMPLIED CONSTITUTION**](#), 53 Willamette L. Rev. 295

... pricing, subject of course to the recognition that the rates charged over the full set of customers has to be high enough to allow the firm to recover its fixed as well as variable costs, with allowance for a reasonable rate of return on its investment. That position has long been accepted, often under the rubric of industries that are affected with the public interest. 50 . For some of the landmarks, see Allnutt v. Inglis, (K.B. 1810) 104 Eng. Rep. 206; **Munn v. Illinois, 94 U.S. 113(1876)**; ...

Content: Law Reviews | **Date:** 2017

975. [**NOTE: THE CONSTITUTIONALITY OF OREGON'S SPLIT-RECOVERY PUNITIVE DAMAGES STATUTE**](#), 38 Willamette L. Rev. 477

... Thus, if the legislation bears a reasonable relationship to a legitimate purpose, it will not violate substantive due process. 224 Parrish, 300 U.S. at 398-99. In the context of common-law causes of action, although a plaintiff has property rights created by the common law, 225 See **Munn v. Illinois, 94 U.S. 113, 126 (1876)**. some state supreme courts have held that the plaintiff does not have a vested interest in those property rights in the constitutional sense. 226 See supra ...

Content: Law Reviews | **Date:** 2002

976. [**COMMENT: A TALE OF TWO COURTS: DIFFERENCES BETWEEN OREGON'S APPROACH AND THE UNITED STATES SUPREME COURT'S APPROACH TO FIFTH AMENDMENT TAKINGS CLAIMS**](#), 31 Willamette L. Rev. 817

... which states, "while power does not exist with the whole people to control rights that are purely and exclusively private, government may require "each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another." (citing **Munn v. Illinois, 94 U.S. 113, 124 (1876)**). Unfortunately, no clear boundary exists delineating when government regulations "go too far." The Supreme Court acknowledged the difficulty of defining that boundary when it described the determination ...

Content: Law Reviews | **Date:** 1995

977. [ARTICLE: HISTORISM IN LATE NINETEENTH-CENTURY CONSTITUTIONAL THOUGHT](#), 1990 Wis. L. Rev. 1431

... Pomeroy also drew from his historian perspective when he reviewed the Court's initial decisions dealing with the emergent problems of industrial regulation. These decisions -- which allowed the states to grant monopoly status to corporations engaged in the slaughtering business 276 Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873). and to regulate the rates of private grain elevators, 277 **Munn v. Illinois, 94 U.S. 113(1877)**. -- upheld broad governmental discretion to control ...

Content: Law Reviews | **Date:** November 1, 1990

978. [1989 Wis. L. Rev. 925](#)

Content: Law Reviews

979. [ARTICLE: TENANT EVICTION PROTECTION AND THE TAKINGS CLAUSE.](#), 1989 Wis. L. Rev. 925

... Government has long had the power to regulate and modify private economic relations for the public welfare. In his sixteenth century treatise, Lord Chief Justice Hale of England reasoned that when private property "is affected with a public interest it ceases to be juris privati only." 43 1 F. HARGRAVE, DE PORTIBUS MARIS 78 (1787) (cited in **Munn v. Illinois, 94 U.S. 113, 126 (1876)**). The Supreme Court adopted this principle in its seminal economic regulation case, Munn v. Illinois, ...

Content: Law Reviews | **Date:** September 1, 1989

980. [ARTICLE: TENANT EVICTION PROTECTION AND THE TAKINGS CLAUSE.](#), 1989 Wis. L. Rev. 925

... Government has long had the power to regulate and modify private economic relations for the public welfare. In his sixteenth century treatise, Lord Chief Justice Hale of England reasoned that when private property "is affected with a public interest it ceases to be juris privati only." 43 1 F. HARGRAVE, DE PORTIBUS MARIS 78 (1787) (cited in **Munn v. Illinois, 94 U.S. 113, 126 (1876)**). The Supreme Court adopted this principle in its seminal economic regulation case, Munn v. Illinois, ...

Content: Law Reviews | **Date:** September 1, 1989

981. [ARTICLE: ANOTHER LOOK AT ECONOMIC SUBSTANTIVE DUE PROCESS.](#), 1987 Wis. L. Rev. 265

... If the business was "affected with a public interest," the courts would examine the reasonableness of the rates to determine their constitutionality. See Chas. Wolff Packing v. Court of Indus. Relations, 262 U.S. 522, 539-41 (1923); G. GUNTHER, supra note 6, at 461. The "affected with a public interest" doctrine originated with **Munn v. Illinois, 94 U.S. 113(1877)**. For statements of the criteria for its application, see, e.g., Tyson & Brother, 273 U.S. at 430-42; Chas. Wolff, 262 U.S. ...

Content: Law Reviews | **Date:** March 1, 1987

982. [1981 Wis. L. Rev. 207](#)

Content: Law Reviews

983. 1980 Wis. L. Rev. 1159

Content: Law Reviews

984. 1977 Wis. L. Rev. 1035

Content: Law Reviews

985. [ARTICLE: DUE PROCESS AS CHOICE OF LAW: A STUDY IN THE HISTORY OF A JUDICIAL DOCTRINE](#), 24 Wm. & Mary Bill of Rts. J. 1047

... My aim here is to connect these familiar developments in substantive due process with developments in procedural doctrines. 195 See supra Part I. I begin with the distinction between public and private interests, which underlay many of the new substantive due process doctrines. 196 See, e.g., **Munn v. Illinois, 94 U.S. 113, 133-34 (1876)** (describing the police power); Citizens Savings & Loan Ass'n v. Topeka, 87 U.S. (1 Wall.) 655, 664 (1874) (describing taxation). Public interests, ...

Content: Law Reviews | **Date:** May 1, 2016

986. [NOTE: ADJUSTING THE BENEFITS AND BURDENS OF ECONOMIC LIFE FOR THE PUBLIC GOOD: THE ACA'S MEDICAL LOSS RATIO AS A CONSTITUTIONAL REGULATION OF HEALTH INSURANCE COMPANIES](#), 24 Wm. & Mary Bill of Rts. J. 213

... When public utilities accept the grant of exclusive retail franchise and the obligation to serve, they also consent to existing and subsequent regulation. 249 See HEMPLING, supra note 229, at 15. This principle is over one hundred years old and began with Munn v. Illinois. 250 **94 U.S. 113(1877)**. In Munn, owners of grain elevators and warehouses challenged an Illinois statute that capped the prices they could charge, claiming that the profit cap was an unconstitutional taking ...

Content: Law Reviews | **Date:** October 1, 2015

987. [ARTICLE: CREATING HAMMER V. DAGENHART](#), 21 Wm. & Mary Bill of Rts. J. 67

... 113 For examples of such formalism within the Court's jurisprudence, see Pennoyer v. Neff, 95 U.S. 714 (1877) (requiring an out of state corporation to be doing business in a state for that state to assert personal jurisdiction) and **Munn v. Illinois, 94 U.S. 113(1876)** (limiting regulation of prices to businesses affected with the public interest). Knox's harmless items limit was in that way similar to the same kind of means- ends analysis now common in equal protection jurisprudence, ...

Content: Law Reviews | **Date:** October 1, 2012

988. [ARTICLE: "PROPERTY" IN THE CONSTITUTION: THE VIEW FROM THE THIRD AMENDMENT](#), 20 Wm. & Mary Bill of Rts. J. 1243

... (Douglas, J., concurring) (arguing that the case should be reargued in order to address concerns that the sculpture did not fall within the scope of "Writings" in Art. I, § 8, cl. 8); Schick v. United States, 195 U.S. 65, 79 (1904) (Harlan, J., dissenting) (complaining that the majority's interpretation "is unauthorized by the Constitution if its words be interpreted according to their ordinary meaning"); **Munn v. Illinois, 94 U.S. 113, 144 (1876)** (Field, J., dissenting) (citing prior authority ...

Content: Law Reviews | **Date:** May 1, 2012

989. [ARTICLE: THE CONSTITUTIONAL CANON AS ARGUMENTATIVE METONYMY](#), 18 Wm. & Mary Bill of Rts. J. 327

... (Field, J., dissenting) (arguing that the Privileges or Immunities Clause must jealously guard the "sacred right of labor"); id. at 116 (Bradley, J., dissenting) (locating the right to property among "the fundamental rights which can only be taken away by due process of law"). and Munn v. Illinois , 151 **94 U.S. 113, 136 (1876)** (Field, J., dissenting) (finding doctrine that allows legislative regulation of businesses affected with the public interest "subversive of the rights of private ...

Content: Law Reviews | **Date:** December 1, 2009

990. [ARTICLE: "SO LONG AS OUR SYSTEM SHALL EXIST": MYTH, HISTORY, AND THE NEW FEDERALISM](#), 14 Wm. & Mary Bill of Rts. J. 711

... - to prevent racial conflict, in the case of segregation. However, insofar as the judges did use the amendment to support laissez-faire, federalism was a progressive shield, overlooked in the later, New Deal historiography. Simply put, progressives wanted to assert traditional state police powers to control big business. In the 1870s and 1880s, there were few obstacles to doing so, as the courts gave legislatures a wide berth. 164 E.g., **Munn v. Illinois, 94 U.S. 113(1877)**; Slaughter-House ...

Content: Law Reviews | **Date:** December 1, 2005

991. [THE BUSINESS OF EXPRESSION: ECONOMIC LIBERTY, POLITICAL FACTIONS AND THE FORGOTTEN FIRST AMENDMENT LEGACY OF JUSTICE GEORGE SUTHERLAND](#), 10 Wm. & Mary Bill of Rts. J. 249

... , and comparable provisions within state constitutions, emerged as substantive limitations. Concerned with preserving both the value and use of property, 117 Justices Stephen J. Field and Joseph P. Bradley , in particular, understood that both tangible and intangible property rights inhered within liberty of contract. See, e.g., **Munn v. Illinois, 94 U.S. 113, 141 (1877)** (Field, J., dissenting) ("All that is beneficial in property arises from its use, and the fruits of that use; and whatever ...

Content: Law Reviews | **Date:** February 1, 2002

992. [ARTICLE: JUSTICE GEORGE SUTHERLAND AND ECONOMIC LIBERTY: CONSTITUTIONAL CONSERVATISM AND THE PROBLEM OF FACTIONS](#), 6 Wm. & Mary Bill of Rts. J. 1

... also narrowly interpreted the common law in his constitutional analysis of public control over private businesses. Since 1877, the Supreme Court had sustained public regulation of prices charged by private businesses who devoted their property to public use. In Munn v. Illinois , 350 **94 U.S. 113(1877)**. the Court upheld a law that fixed the price of grain charged by a private grain elevator. In so holding, the Court adopted a principle of common law intended to distinguish between private ...

Content: Law Reviews | **Date:** 1997

993. [NOTE: A Time to Act Anew: A Historical Perspective on the Energy Policy Act of 2005 and the Changing Electrical Energy Market](#), 31 Wm. & Mary Env'tl. L. & Pol'y Rev. 211

... The theory of a natural monopoly states that a single producer can more effectively realize economies of scale by avoiding the duplicate costs of infrastructure that are inherent with competing firms. 39 See Shapiro & Tomain, supra note 8, at 505. The United States Supreme Court recognized the theory of a natural monopoly in the case of Munn v. Illinois , 40 **94 U.S. 113(1876)**. and created the proposition

that a monopoly that affects the public good can be regulated by the government. ...

Content: Law Reviews | **Date:** 2006

994. [ARTICLE: WICKARD THROUGH AN ANTITRUST LENS](#), 60 Wm. & Mary L. Rev. 1335

... (invalidating state regulation of the price of grain exported to other states); Addyston Pipe & Steel Co. v. United States, 175 U.S. 211, 227-28, 234-35 (1899) (holding that the Sherman Act properly reaches horizontal agreement setting unreasonable prices for interstate sales); **Munn v. Illinois, 94 U.S. 113, 135 (1876)** (holding that states may regulate the price of storing grain that may later be shipped in interstate commerce "until Congress acts in reference to their inter-state relations"); ...

Content: Law Reviews | **Date:** 2019

995. [ARTICLE: ACCOMMODATING COMPETITION: HARMONIZING NATIONAL ECONOMIC COMMITMENTS](#), 60 Wm. & Mary L. Rev. 1149

... commitments affecting economic regulation. In the nineteenth century, the Supreme Court confronted the problem of whether a government that is required to protect contract and property rights could also act to prevent the exercise of market power. 1 See infra Part II. Any restraint on a seller's ability to charge monopoly prices, after all, would necessarily limit its contractual freedom and constrain how it uses its private property. 2 See **Munn v. Illinois, 94 U.S. 113, 142-43 (1877)** ...

Content: Law Reviews | **Date:** 2019

996. [ARTICLE: THE DERIVATIVE NATURE OF CORPORATE CONSTITUTIONAL RIGHTS](#), 56 Wm. & Mary L. Rev. 1673

... (Swayne, J., dissenting). In this early period after the passage of the Fourteenth Amendment, the Court also upheld, in *Munn v. Illinois* and its companion *Granger Cases*, legislation that set maximum railroad and grain storage rates. 59 **94 U.S. 113, 133-36 (1877)**. The *Granger Cases* included: *Stone v. Wisconsin*, 94 U.S. 181 (1877); *Winona & St. Peter R.R. v. Blake*, 94 U.S. 180 (1877); *Chicago, Milwaukee & St. Paul R.R. v. Ackley*, 94 U.S. 179 (1877); *Peik v. Chicago & ...*

Content: Law Reviews | **Date:** April 1, 2015

997. [SYMPOSIUM: THE LEGACY OF CHIEF JUSTICE JOHN MARSHALL: JOHN MARSHALL, McCULLOCH v. MARYLAND, AND "WE THE PEOPLE": REVISIONS IN NEED OF REVISING n1](#), 43 Wm. & Mary L. Rev. 1339

... Apparently asserting an even more state-oriented position, Chief Justice Waite asserted "that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." 30 **Munn v. Illinois, 94 U.S. 113, 124 (1876)**. Discussions, analyses, and allusions to founding popular sovereignty have continued in a steady stream to the present. Not counting recent "states' rights" decisions, 31 See ...

Content: Law Reviews | **Date:** March 1, 2002

998. [ARTICLE: THE FRAGMENTED LIBERTY CLAUSE](#), 41 Wm. & Mary L. Rev. 65

... rights of every individual must stand or fall by the same rule or law that governs every other member of the body politic, or land, under similar circumstances; and every partial, or private law which directly proposes to destroy individual rights . . . is unconstitutional and void."). The notion inhered in the very idea of government itself, as well as in the liberal vision of the reasons for having instituted government

in the first instance. 69 In **Munn v. Illinois, 94 U.S. 113(1876)**, ...

Content: Law Reviews | **Date:** December 1, 1999

999. [ARTICLE: WILL, JUDGMENT, AND ECONOMIC LIBERTY: MR. JUSTICE SOUTER AND THE MISTRANSLATION OF THE DUE PROCESS CLAUSE](#), 41 Wm. & Mary L. Rev. 3

... See Cooley, supra note 81, at 437. Finally, several decisions cited by the Justice as evidence of the widespread acceptance of substantive due process during the nineteenth century reached the same conclusion. 87 See *Mugler v. Kansas*, 123 U.S. 623 (1887); **Munn v. Illinois, 94 U.S. 113(1877)**; *Bartemeyer v. Iowa*, 85 U.S. 129 (1874). Justice Souter cited each of these decisions as evidence that substantive due process was widely accepted in the late nineteenth century. See Glucksberg, ...

Content: Law Reviews | **Date:** December 1, 1999

1000. [Environmental Law: Who pays for Carbon Costs? Uncertainty and Risk in Response to the Current Patchwork of Carbon Regulation for Public Utilities](#), 36 Wm. Mitchell L. Rev. 904

... (noting that the KCC "must be afforded a wide discretion in the methodology to be utilized in approaching the complex problems involved. The field of public utility regulation is a highly complex field and requires a great amount of expertise in arriving at a result which is fair and just to all interested parties."). It is well established that a state may, under its police power, regulate a business affected with the public interest. 155 See **Munn v. Illinois, 94 U.S. 113(1876)** (upholding ...

Content: Law Reviews | **Date:** 2010

1001. [LAND & WATER LAW DIVISION: ARTICLE: CAN'T SEE THE FOREST FOR THE FEES: AN EXAMINATION OF RECREATION FEE AND CONCESSION POLICIES ON THE NATIONAL FORESTS](#), 14 Wyo. L. Rev. 513

... Though the legal nature of the right granted is somewhat unclear, these permits give exclusivity that protects concessionaires from competition with other entities. The relationship between the agency and the concessionaire is analogous to the government's relationship with public utilities. The idea that when private property is "affected with a public interest," it is subject to government regulation and control is a cornerstone of public policy law. 86 **Munn v. Illinois, 94 U.S. 113, 128** ...

Content: Law Reviews | **Date:** 2014

1002. [GENERAL LAW DIVISION: ARTICLE: SUBSTANTIVE DUE PROCESS IN EXILE: THE SUPREME COURT'S ORIGINAL INTERPRETATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT](#), 13 Wyo. L. Rev. 151

... (1890); *Santa Clara Cnty. v. Southern Pac. R. Co.*, 118 U.S. 394 (1886); *The Railroad Comm'n Cases*, 116 U.S. 307 (1886); *Davidson v. New Orleans*, 96 U.S. 97 (1877); *Budd v. New York*, 143 U.S. 517 (1892) (Brewer, J., dissenting); **Munn v. Illinois, 94 U.S. 113(1876)**). In **Munn v. Illinois**, for example, the Court indicated that the Due Process Clause required police regulations to be "clothed with a public interest" in order to be constitutionally valid. 15 *Munn*, 94 ...

Content: Law Reviews | **Date:** 2013

1003. [NOTE: Beyond "Crimigration" and the Civil-Criminal Dichotomy - Applying Mathews v. Eldridge in the Immigration Context](#), 16 Yale H.R. & Dev. L.J. 141

... in any proceeding, such as the right to counsel, the right to a jury trial, or the right against

unreasonable searches and seizures. In a given proceeding, the Due Process Clauses of the Fifth and Fourteenth Amendments 35 This Note treats the constitutional requirement of due process as identical between the Fifth and Fourteenth Amendments, with the former applying to the federal government and the latter to state governments. See **Munn v. Illinois, 94 U.S. 113, 123-24** ("By the Fifth Amendment, ...

Content: Law Reviews | **Date:** 2013

- 1004 [**SYMPOSIUM: REVISITING THE PUBLIC UTILITY: ESSAY: Infrastructural Regulation and the New Utilities**](#), 35 Yale J. On Reg. 911

... The Essay proceeds as follows. Part I provides a brief overview of the historical public utility tradition. This Part suggests that rather than focusing on specific public utility policies like rate regulation or judicial attempts to address industries "affected by the public interest," 10 The "public interest test" emerged in the famous case of **Munn v. Illinois, 94 U.S. 113(1876)**, but was eventually abandoned by the Supreme Court in *Nebbia v. People of New York*, 291 U.S. 502 (1934). ...

Content: Law Reviews | **Date:** 2018

- 1005 [**SYMPOSIUM: REVISITING THE PUBLIC UTILITY: ESSAY: "Public Utility" Regulation: Some Economic and Moral Analyses**](#), 35 Yale J. On Reg. 875

... fluctuating-demand cycle.) In my terminology, "QV-investment competition" refers to the process through which investors reduce the supernormal profit-rates that would otherwise be generated on the QV investments in a given ARDEPPS by introducing additional QV investments into that ARDEPPS.) to be perfect or (in some difficult-to-define sense) "acceptably strong from a policy perspective." First articulated by the U.S. Supreme Court in 1877, 6 See **Munn v. Illinois, 94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 2018

- 1006 [**SYMPOSIUM: REVISITING THE PUBLIC UTILITY: ESSAY: Speculative Undertakings: Rate Regulation as a Branch of Corporate Finance**](#), 35 Yale J. On Reg. 779

... The law of regulated industries endeavors to lay the foundations of civilization--or at least to finance the most ambitious forms of infrastructure. Through Gilded Age legislation addressing industries "affected with a public interest," 25 **Munn v. Illinois, 94 U.S. 113(1877)**, the law of regulated industries has built "intricate and pervasive systems which furnish light, heat, power, water, transportation, and communication." 26 FELIX FRANKFURTER, *THE PUBLIC AND ITS GOVERNMENT* 81 (1930); ...

Content: Law Reviews | **Date:** 2018

- 1007 [**SYMPOSIUM: REVISITING THE PUBLIC UTILITY: ESSAY: Just Price, Public Utility, and the Long History of Economic Regulation in America**](#), 35 Yale J. On Reg. 721

... ("[I]n the case of a great number of the so-called public service companies of the present day the peculiar duties resting upon them grow out of the exercise of public franchises."). the notion that certain businesses are "affected with a public interest" 8 **Munn v. Illinois, 94 U.S. 113(1877)**; see also William J. Novak, *The Public Utility Idea and the Origins of Modern Business Regulation*, in *CORPORATIONS AND AMERICAN DEMOCRACY* 139, 157 (Naomi R. Lamoreaux & William J. Novak eds., ...

Content: Law Reviews | **Date:** 2018

- 1008 [**SYMPOSIUM: REVISITING THE PUBLIC UTILITY: Foreword to Revisiting the Public Utility**](#), 35 Yale

J. On Reg. 711

... Chair in Law and Associate Dean for Research, Vanderbilt University. ++ Professor of Law, Vanderbilt University. 35 Yale J. on Reg. 711 In *Munn v. Illinois* the U.S. Supreme Court upheld state price regulation of grain elevators. 1 **Munn v. Illinois, 94 U.S. 113(1876)**. The Court took some inspiration from Lord Mathew Hale's notion that a business "affected with a public interest" requires special regulatory attention. 2 See *id.* at 127; see also Walton H. Hamilton, *Affectation* ...

Content: Law Reviews | **Date:** 2018

1009 [Note: Don't Bury the Competition: The Growth of Occupational Licensing and a Toolbox for Reform](#), 31 Yale J. On Reg. 455

... ("It is enough that there is an evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it."); *id.* ("For protection against abuses by legislatures the people must resort to the polls, not to the courts" (citing **Munn v. Illinois, 94 U.S. 113, 134 (1876))**); cf. Letter from Oliver Wendell Holmes, Jr., to Harold J. Laski (Mar. 4, 1920), in 1 Holmes-Laski Letters 249 (Mark De Wolfe Howe ed., 1953) ("I always say, as you know, ...

Content: Law Reviews | **Date:** 2014

1010 [SPECIAL ISSUE TELECOMMUNICATIONS AND PROPERTY RIGHTS: ARTICLE: The Telecommunications Act of 1996, the Takings Clause, and Tensions in Property Theory](#), 22 Yale J. On Reg. 205

... In telecommunications, the main "regulatory" limit allows government to restrain operators' rights to exclude and control their rates. Under any understanding of how to apply general social-compact principles, when an owner receives a monopoly from the state, he cedes the right to exclude customers on any basis. 63 The best illustration of this position, even by a judge jealous of private-property rights, comes from Justice Field's dissenting opinion in **Munn v. Illinois, 94 U.S. 113(1876)**. ...

Content: Law Reviews | **Date:** 2005

1011 [BOOK REVIEW: Regulatory Education and Its Reform: Regulation and Deregulation: Cases and Materials, Jeffrey L. Harrison, Thomas D. Morgan & Paul R. Verkuil](#), 16 Yale J. On Reg. 145

... constitutional law, however, is pedagogical lifeblood for regulated industries. Unless the legal academy can reach some modest, provisional consensus about the content of a course in regulated industries, individual professors will slowly wither in a futile effort to guide their students through competing statutes and multiple regulatory agencies. The real contest lies in determining the content of the regulatory canon. The twelve decades separating *Munn v. Illinois* 10 **94 U.S. 113(1877)**. ...

Content: Law Reviews | **Date:** 1999

1012 [ARTICLE: Problems for Captive Ratepayers in Nonunanimous Settlements of Public Utility Rate Cases](#), 12 Yale J. On Reg. 257

... , 1 Harg. Law Tracts 78 (1670), Sir Matthew Hale, Chief Justice to King James I of England, wrote that when private property is affected with the public interest, the rates for public use must be reasonable and moderate. Lord Hale's reasoning was relied upon by the Court in *Munn v. Illinois*, **94 U.S. 113, 126 (1876)**. The common law notion of reasonable rates can be traced back to the Church Fathers' doctrine of just price. GLAESER, *supra* note 48, at 196-197. This decision set the constitutional ...

Content: Law Reviews | **Date:** 1995

- 1013 [ARTICLE: Public Utility Underwriting Costs and Regulatory Climate: An Examination of PUC and SEC Multiple Jurisdictions](#), 10 Yale J. On Reg. 17

... requirement continues to be enforced by the SEC and/or the PUCs. Rational expectations about the future enforcement of the competitive bid requirement would then be reflected in the price they would be willing to pay for new shares. II . State Regulation and the Role of the PUCs In 1877, the Supreme Court held in *Munn v. Illinois* that neither the Fifth nor the Fourteenth Amendment bars the government from controlling property "clothed with [the] public interest." 52 **94 U.S. 113, 126.** ...

Content: Law Reviews | **Date:** 1993

- 1014 [ARTICLE: Amazon's Antitrust Paradox](#), 126 Yale L.J. 710

... In the United States, the first case applying public utility regulations to a private business was *Munn v. Illinois*, in which the Supreme Court upheld state legislation establishing maximum rates that companies could charge for the storage and transportation of grain. 437 **94 U.S. 113(1877)**. When one "devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common ...

Content: Law Reviews | **Date:** 2017

- 1015 [ARTICLE: The Evolution of Shareholder Voting Rights: Separation of Ownership and Consumption](#), 123 Yale L.J. 948

... and from engaging in activities not expressly contemplated by the charter. Id. at 63. These restrictions, in turn, led many firms to adopt the trust form in order to obtain greater organizational flexibility - hence the term antitrust. Id. at 64. Similarly, many other forms of regulation in the nineteenth century, including pricing schemes for public utilities, also took place via corporate charters. Id. at 126. In fact, before the Supreme Court decision in ***Munn v. Illinois*, 94 U.S. 113(1877)**, ...

Content: Law Reviews | **Date:** 2014

- 1016 [ARTICLE: The One and Only Substantive Due Process Clause](#), 120 Yale L.J. 408

... dissenting opinions in *Slaughterhouse* and *Bartemeyer* discussed above, Justice Field urged the Court to strike down state legislation that he viewed as unreasonable and arbitrary under a police powers interpretation of the Fourteenth Amendment's Due Process Clause in a series of opinions in the 1870s and 1880s. See, e.g., *Powell v. Pennsylvania*, 127 U.S. 678, 690-92 (1888) (Field, J., dissenting); *Mo. Pac. Ry. Co. v. Humes*, 115 U.S. 512, 519-20 (1885); ***Munn v. Illinois*, 94 U.S. 113, 136-54 (1877)** ...

Content: Law Reviews | **Date:** December 1, 2010

- 1017 [NOTE: POPULAR CONSTITUTIONALISM, CIVIC EDUCATION, AND THE STORIES WE TELL OUR CHILDREN](#), 118 Yale L.J. 948

... U.S. history textbooks. Four focus on economic regulation (*Gibbons v. Ogden*, 171 22 U.S. (9 Wheat.) 1 (1824). *Muller v. Oregon*, 172 208 U.S. 412 (1908). *Munn v. Illinois*, 173 **94 U.S. 113(1876)**. and *Lochner v. New York* 174 198 U.S. 45 (1905).), three on criminal rights (*Gideon v. Wainwright*, 175 372 U.S. 335 (1963). *Miranda v. Arizona*, 176 384 U.S. 436 ...

Content: Law Reviews | **Date:** March 1, 2009

- 1018 [Article: The Constitutional Status of Tort Law: Due Process and the Right to a Law for the Redress of Wrongs](#), 115 Yale L.J. 524

... the redress of private wrongs, forms part of the basic structure of our government. And though the Constitution does not confer on any particular individual a right to a specific version of tort rules, all American citizens have a right to a body of law for the redress of private wrongs that generates meaningful and judicially enforceable limits on tort reform legislation. A person has no property, no vested interest, in any rule of the common law. 1 **Munn v. Illinois, 94 U.S. 113, 134 (1876).** ...

Content: Law Reviews | **Date:** December 1, 2005

- 1019 [SYMPOSIUM: Constitutional Moments and Punctuated Equilibria: A Political Scientist Confronts Bruce Ackerman's We the People](#), 108 Yale L.J. 2237

... transformation in judicial doctrine as well. The decisions of the 1894-1895 Term have often been given attention as a "moment" of such transformation. The doctrinal perspectives developed then and soon after subsequently expanded as legislative activities in new fields evoked legal challenge and judicial response. So far as rate-regulation is concerned, it is certainly worthy of note that the godfather of the Fuller Court, Justice Stephen Field, dissented in Munn v. Illinois, 58 **94 U.S. 113(1877)** ...

Content: Law Reviews | **Date:** June 1, 1999

- 1020 [BOOK REVIEW: The Takings Clause and Improvident Regulatory BargainsDeregulatory Takings and the Regulatory Contract: The Competitive Transformation of Network Industries in the United States. By J. Gregory Sidak & Daniel F. Spulber. Cambridge: Cambridge University Press, 1997. Pp. 656. \\$ 54.95.](#), 108 Yale L.J. 801

... guaranteed rate of return, or other mandated market conditions that would operate to guarantee the investors a competitive return in exchange for their willingness to give up the higher returns (and higher risks) that attend investment in a competitively structured market. The tradeoff would thus be reduced risk for the investor in exchange for reduced upside potential. But beginning with Munn v. Illinois, 74 **94 U.S. 113(1876).** the Supreme Court has generally upheld rate regulation as ...

Content: Law Reviews | **Date:** 1999

- 1021 [Book Review: Private Rights and Public Power: American Law, Capitalism, and the Republican Polity in Nineteenth-Century America](#), 107 Yale L.J. 823

... 94 U.S. 181 **(1877)**; Winona & St. P.R.R. v. Blake, 94 U.S. 180 **(1877)**; Chicago, M., & St. P.R.R. v. Ackley, 94 U.S. 179 **(1877)**; Peik v. Chicago & N.W. Ry., 94 U.S. 164 **(1877)**; Chicago, B., & Q.R.R. v. Iowa, 94 U.S. 155 **(1877)**; **Munn v. Illinois, 94 U.S. 113(1877)**; Charles Fairman, The So-Called Granger Cases, Lord Hale, and Justice Bradley, 5 Stan. L. Rev. 587, 587-91 (1953). I have previously demonstrated that in fact the Justices in 1876-1877 must have been entirely ...

Content: Law Reviews | **Date:** December 1, 1997

- 1022 [Article: Labor's Constitution of Freedom](#), 106 Yale L.J. 941

... legislature to pass the Kansas Industrial Court Act, the most ambitious piece of American labor legislation prior to the New Deal. The Act prohibited strikes in industries "affected with a public interest," which included all of the state's industries that were unionized or threatened with unionization. 100 See Kansas Industrial Court Act, ch. 29, 3(a), 6, 1920 Kan. Spec. Sess. Laws 38, 39. After invoking this broad language, apparently drawn from **Munn v. Illinois, 94 U.S. 113, 126 (1876)**, ...

Content: Law Reviews | **Date:** 1997

1023 [Article: "The Foundation of Our "Regulatory Takings' Jurisprudence": The Myth and Meaning of Justice Holmes's Opinion in Pennsylvania Coal Co. v. Mahon](#), 106 Yale L.J. 613

... ("While power does not exist with the whole people to control rights that are purely and exclusively private, government may require "each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another." (quoting **Munn v. Illinois, 94 U.S. 113, 124 (1876))**). The Court also rejected Mugler's claim that the manufacture of liquor for the personal use of the maker cannot be injurious to others, and affirmed the preeminence of the legislature in making such factual ...

Content: Law Reviews | **Date:** December 1, 1996

1024 [Note: Residential Associations as State Actors:Regulating the Impact ofGated Communities on Nonmembers](#), 105 Yale L.J. 761

... Finally, at common law, performance of the functions today served by residential associations justified treating private individuals as state actors. As the U.S. Supreme Court noted in the 1876 case of Munn v. Illinois , "Looking, then, to the common law... we find that when private property is "affected with a public interest, it ceases to be juris privati only." 156 **94 U.S. 113, 125-26 (1876)** (upholding Illinois legislature's regulation of charges for use of grain elevators). Seven ...

Content: Law Reviews | **Date:** December 1, 1995

1025 [BOOK REVIEW: The Cultural Crises of the Fuller Court.](#), 104 Yale L.J. 2309

... approval or disapproval for certain types of legislation by alluding to basic principles of the social contract. 47 In re Sinking-Fund Cases, 99 U.S. 700, 765 (1878) (Waite, J., dissenting) (finding modification akin to ex post facto law, which violates social compact); **Munn v. Illinois, 94 U.S. 113, 124-26 (1876)** (describing social contract foundation of government and upholding power of state to regulate rates of unincorporated business affected with public interest); West Wis. Ry. ...

Content: Law Reviews | **Date:** June 1, 1995

1026 [ARTICLE: USINGS](#), 102 Yale L.J. 1077

... manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, . . . society has the power to protect itself. . . . While power does not exist with the whole people to control rights that are purely and exclusively private, government may require "each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another." 126 Id. (quoting **Munn v. Illinois, 94 U.S. 113, 124 (1876)**). ...

Content: Law Reviews | **Date:** March 1, 1993

1027 [ARTICLE: Regulatory Conflict in the Gilded Age: Federalism and the Railroad Problem.](#), 97 Yale L.J. 1017

... the sovereign and the railroads during the late 19th century. The reasons for the controversy are clear. Both the economics and the politics of business regulation were going through a period of convulsive change, particularly in those businesses identified by the Supreme Court as "affected with a public interest." 1 These included common carriers and public utilities such as gas lighting, the

telegraph, and, later, electricity and the telephone. **Munn v. Illinois, 94 U.S. 113, 130 (1876).** ...

Content: Law Reviews | **Date:** May 1, 1988

1028 83 Yale L.J. 1553

Content: Law Reviews

1029 82 Yale L.J. 1575

Content: Law Reviews

1030 82 Yale L.J. 871

Content: Law Reviews

1031 [ARTICLE: BARGAINING FOR FREE SPEECH: COMMON CARRIAGE, NETWORK NEUTRALITY, AND SECTION 230](#), 22 Yale J. L. & Tech. 391

... In contrast, Burdick saw the distinction as broader to include all firms that that hold themselves out as being open to the public. 45 Burdick, supra note 40, at 518-25. The Supreme Court's decision in Munn v. Illinois 46 **Munn v. Illinois,94 U.S. 113(1876)** . reflects this confusion. Courts had to identify what constitutes industries affected with the public interest--of which common carriers were a species--because these industries were exempt ...

Content: Law Reviews | **Date:** 2020

1032 [ARTICLE: Rebuilding the Fourteenth Amendment: The Prospects and the Pitfalls](#), 12 NYU J.L. & Liberty 278

... Although a nascent rational basis theory can be found in cases predating 1934, it was in Nebbia v. New York, 291 U.S. 502 (1934) that the Court officially embraced it and discarded the earlier "affected with a public interest" test that it had adopted in **Munn v. Illinois,94 U.S. 113(1876)** . - that the test was only a rebuttable factual presumption, and that courts must not transform it into "a rule of law which makes legislative action invulnerable to constitutional ...

Content: Law Reviews | **Date:** 2019

1033 [ARTICLE: Compelled Consent: Wolff Packing and the Constitutionality of Compulsory Arbitration](#), 12 NYU J.L. & Liberty 14

... In Wolff I, the constitutionality of the Act was squarely presented. As it did before the Kansas Supreme Court , the state sought to justify compulsory arbitration and its infringements on individual liberty by reliance of Munn and Wilson v. New. 199 **Munn v. People of State of Illinois,94 U.S. 113(1876)** ; Wilson v. New, 243 U.S. 332 (1917) . The company's attorney framed the argument in

terms of the most arbitrary aspects of the orders. This proved effective: in his statement ...

Content: Law Reviews | **Date:** 2018

1034 [NOTE: The Rational-Basis Test Violates Due Process](#), 8 NYU J.L. & Liberty 714

... The origins of the rational-basis test are actually much older. In some sense it has existed since at least 1877. 13 See Clark Neily, No Such Thing: Litigating Under the Rational Basis Test, 1 N.Y.U. J. L. & Liberty 898, 898 (2005) (citing **Munn v. Illinois, 94 U.S. 113, 132 (1877)** ("If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the State. But if it could, we must presume it did.")). ...

Content: Law Reviews | **Date:** 2014

1035 [Article: Clarence Thomas's Jurisprudence Unexplained](#), 4 NYU J.L. & Liberty 535

... 13 87 U.S. (20 Wall.) 655 (1875). *Hurtado v. California*, 14 110 U.S. 516 (1884). nor Justice Stephen Field's dissent in *Munn v. Illinois*, 15 **94 U.S. 113(1877)** (Field, J., dissenting). generally considered the three gateway decisions to the theory that only much later came to be called "substantive due process." 16 See G. Edward White, *The Constitution And the New Deal* 241-48 (2000). Holzer instead starts his discussion with *Griswold v.* ...

Content: Law Reviews | **Date:** 2009

1036 [ARTICLE: NO SUCH THING: LITIGATING UNDER THE RATIONAL BASIS TEST](#), 1 NYU J.L. & Liberty 897

... The purpose of this essay is to help expose the rational basis test for the sham that it is and to show how application of the test in actual litigation perverts our system of justice. I. The History of the Rational Basis Test The rational basis test was invented in the Supreme Court more than 100 years ago, 3 See, e.g., **Munn v Illinois, 94 U S 113, 132 (1877)** ("If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the ...

Content: Law Reviews | **Date:** 2005

1037 [ARTICLE: THE "TRADITIONAL STATE FUNCTION" DOCTRINE: A COMPARATIVE INSTITUTIONAL PERSPECTIVE](#), 1 NYU J.L. & Liberty 856

... The Court first recognized the "affected with a public interest" doctrine in its 1876 *Munn v Illinois* decision, which upheld a state's price controls on grain storage against a Due Process Clause challenge on the ground that transactions in grain storage were affected with a public interest. See **Munn v Illinois, 94 US 113(1876)**. For a detailed description and history of this doctrine, see Robert C Post, *Defending the Lifeworld Substantive Due Process in the Taft Era*, 78 B U L. REV ...

Content: Law Reviews | **Date:** 2005

1038 [ARTICLE: FREEDOM OF CONTRACT AND THE "POLITICAL ECONOMY" OF LOCHNER V. NEW YORK](#), 1 NYU J.L. & Liberty 515

... Sutherland identified four categories of cases in which statutes interfering with liberty of contract had been upheld. (1) Statutes setting rates and charges for businesses impressed with a public interest, as most famously in the grain warehouse case, **Munn v. Illinois**, 144 **Munn v. Illinois, 94 U.S.**

113(1877) (upholding the setting of maximum rates for grain warehouses and elevators). Sutherland also cited a railroad case, *Louisville & Nashville R. R. Co. v. Mottley*, 219 U.S. 467 ...

Content: Law Reviews | **Date:** 2005

1039 [ARTICLE: LOCHNER, LIBERTY, PROPERTY, AND HUMAN RIGHTS](#), 1 NYU J.L. & Liberty 432

... upon the exercise of their trade by the butchers of New Orleans be held to be a deprivation of property within the meaning of that provision."). But increasing regulation soon forced the Court to articulate a response. The grain-elevator 51 **Munn v. Illinois, 94 U.S. 113(1877)**. and railroad-rate cases 52 *Chicago, Burlington & Quincy RR v. Jones*, 94 U.S. 155 (1877). held that government could regulate property used in a way that affected the public. 53 *Munn*, 94 U.S. at 126 ...

Content: Law Reviews | **Date:** 2005

1040 [ARTICLE: LOCHNER V. NEW YORK: TRADITION OR CHANGE IN CONSTITUTIONAL LAW?](#), 1 NYU J.L. & Liberty 404

... where the Waite majority followed an antebellum legal tradition of applying a legal presumption in favor of the state's power to protect the rights of the public. Waite stated that presumption near the beginning of the opinion. "Every statute is presumed to be constitutional," he wrote. 97 *Munn v. Illinois*, **94 U.S. 113**, 123 (1876). "The court ought not to declare one to be unconstitutional, unless it is clearly so. If there is doubt, the express will of the legislature should be sustained." ...

Content: Law Reviews | **Date:** 2005

1041 [ARTICLE: THE PROTECTION OF CONTRACTUAL RIGHTS: A TALE OF TWO CONSTITUTIONAL PROVISIONS](#), 1 NYU J.L. & Liberty 370

... *Slaughterhouse Cases* (1873), he urged recognition of the right of individuals to pursue common occupations without governmental interference. 105 *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 754-60 (1884) (Field, J., concurring); **Munn v. Illinois, 94 U.S. 113, 136-54 (1877)** (Field, J., dissenting); *Slaughterhouse Cases*, 83 U.S. 36, 83-111 (1873) (Field, J., dissenting). Although Field initially spoke in dissent on the Supreme Court, his views gained currency among state courts ...

Content: Law Reviews | **Date:** 2005

1042 [ARTICLE: A BIG YEAR FOR THE FIRST AMENDMENT: Church and State at the Crossroads: *Christian Legal Society v. Martinez*](#), 2009-10 *Cato Sup. Ct. Rev.* 105

... take-all-comers rules that prohibited them from engaging in certain forms of invidious discrimination in dealing with their customers. Yet, by the same token, the common-law rule always allowed those firms that did not have common carrier status, and the monopoly power that went along with it, to choose their trading partners free from these restraints. 26 See, e.g., *Allnut v. Inglis*, 104 Eng. Rep. 206 (K.B. 1810), which was carried over into American law in **Munn v. Illinois, 94 U.S. 113(1876)**; ...

Content: Law Reviews | **Date:** 2009

1043 [ENUMERATED POWERS AND UNENUMERATED RIGHTS: *Gonzales v. Raich*; *Wickard v. Filburn Displaced*](#), 2004 *Cato Sup. Ct. Rev.* 71

... . They are used as instruments by those engaged in State as well as those engaged in interstate commerce, but they are no more necessarily a part of commerce itself than the dray or cart by which, but

for them, grain would be transferred from one railroad station to another. Incidentally they may become connected with interstate commerce, but not necessarily so. 36 Id. at 566 (quoting **Munn v. Illinois, 94 U.S. 113, 135 (1876)**). The Interstate Commerce and Sherman Acts likewise did not depend ...

Content: Law Reviews | **Date:** 2004

- 1044 [ARTICLE: Justice John Marshall Harlan: Lectures on Constitutional Law, 1897-98](#), 81 Geo. Wash. L. Rev. Arguendo 12A

... The important question is that it may be suspended, and so in cases of invasion. The same principles apply in that case as in the case of rebellion, but with the exception of these two cases, the privilege may not be suspended. This is an authority of the states as well as of the United States. 252 The Suspension Clause is generally understood to limit only the United States. See, e.g., Gasquet v. Lapeyre, 242 U.S. 367, 369 (1917); **Munn v. Illinois, 94 U.S. 113, 135 (1876)**. We have got ...

Content: Law Reviews | **Date:** July 1, 2013

- 1045 [NOTE AND COMMENT: A STRUCTURAL APPROACH TO JUDICIAL TAKINGS](#), 16 Lewis & Clark L. Rev. 1381

... This squares with the notion that the common law is fundamentally uncertain. In that context (a legislature abrogating a rule of common law), "the law itself ... may be changed at the will ... of the legislature," though property rights may only be taken away by due process of law. 340 Second Emp'rs, 223 U.S. at 50 (second omission in original) (quoting **Munn v. Illinois, 94 U.S. 113, 134 (1876)**). This establishes that there can be no right to common-law rules. The law itself is distinct ...

Content: Law Reviews | **Date:** 2012

- 1046 [FEATURE ARTICLE: AN ARTICLE III RENAISSANCE IN ADMINISTRATIVE LAW: A RETURN TO THE JUDICIAL PAST?](#), 12 Elon L. Rev. 385

... Early signs of this development came in Supreme Court decisions in such cases as **Munn v. Illinois**, 94 U.S. 113 (1876), an 1876 case involving state regulation of grain storage elevators and alleged business corruption. In his majority ...

Content: Law Reviews | **Date:** 2020

- 1047 [ARTICLE: Regulating Greenhouse Gases Under the Clean Air Act: Is the Bubble About to Burst?](#), 6 Geo. Wash. J. Energy & Env'tl. L. 1

... As a result, states, not the federal government, are the repository of the general police power to protect the public. 154 See, e.g., JOHN E. NOWACK & RONALD D. ROTUNDA, CONSTITUTIONAL LAW 138 (7th ed. 2004). Among the police powers of the state is the regulation of public utilities. 155 **Munn v. Illinois, 94 U.S. 113, 124-25(1877)**; see also RICHARD J. PIERCE, JR. & ERNEST GELLHORN, REGULATED INDUSTRIES IN A NUTSHELL 78-83 (1999). Of course, Congress has power under the ...

Content: Law Reviews | **Date:** 2016

- 1048 [SYMPOSIUM: BANKRUPTCY CLAIMS TRADING AND SECURITIES REGULATION: ARTICLE: THE BANKRUPTCY EXCHANGE](#), 4 Brook. J. Corp. Fin. & Comm. L. 23

... claims trading in bankruptcy was a good or a bad thing. We should accept that it has become a

fundamental feature of bankruptcy. But it is naive to think that this new market, the bankruptcy exchange, should be unregulated. All markets are regulated. Whether one is a merchant who seeks to sell wool in the twelfth century or a farmer who wants to sell grain in the nineteenth, being subject to regulation is inevitable. 3 See, e.g., **Munn v. Illinois (In re Munn), 94 U.S. 113, 135-36 (1877)** ...

Content: Law Reviews | **Date:** 2009

Treatise Citations

1049 [1 Accounting for Public Utilities @ 1.02](#)

... The lack of direct regulation during the promotional stage, (discussed above) should not overshadow a very important U.S. Supreme Court decision rendered early in the development of the utility industry. In 1876, the United States Supreme Court decided in **Munn v. Illinois**, 3 **94 US 113(1876)**. that the Fourteenth Amendment did not prevent the State of Illinois from regulating charges for use of a business's grain elevators. **Munn** was considered to be an important milestone in U.S. ...

Content: Treatises

1050 [1 Accounting for Public Utilities @ 2.02](#)

... federal regulation. Each of these stages is discussed in the following sections. 1 Various reference materials were utilized in developing the historical evolution of utility regulation as presented in this chapter. See generally: E Clemens, **Economics and Public Utilities** at 38–45, 422–46 (1950); P Garfield and W Lovejoy, **Public Utility Economics** at 27–35, 269–282 (1964); and M Farris and R Sampson, **Public Utilities: Regulation, Management, and Ownership** at 60–66 (1973)

Content: Treatises

1051 [1 Accounting for Public Utilities @ 2.06](#)

... Wisconsin established very strong commissions with significant control over the rates charged by utilities. In 1876, the Supreme Court decided one of the most important cases regarding state regulation over public utilities. In **Munn v. Illinois**, 2 **94 US 113(1876)**. the Supreme Court upheld the constitutionality of state laws that provided for regulation of public utilities by means of state public utility commissions (see Chapter 1). This decision probably was the single most important factor ...

Content: Treatises

1052 [10 Agricultural Law @ 73.01](#)

... statute that established system of “grading, weighing and measuring” grain, principally wheat, held unconstitutional as “state statute which, by its necessary operation directly interferes with or burdens [interstate] commerce.”). The Court distinguished both **Munn v. Illinois**, **94 U.S. 113(1877)**, and **Merchants Exchange of St. Louis v. Missouri**, 248 U.S. 365 (1919), in which state statutes (regulating rates in the **Munn** case and weights in the **Merchants Exchange** case) had been held ...

Content: Treatises

1053 [16 Business Organizations with Tax Planning @ 240E.01](#)

... Traditionally these electric producers and suppliers, with the exception of federal facilities, have been regulated either by the governmental boards or agencies supervising their activities or as “public utilities,” private businesses that, are “affected with a public interest.” 9 **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** . Public utilities traditionally aggregate electrical energy generation, transmission, distribution and retail sales in one regulated enterprise. Some utilities ...

Content: Treatises

1054 **10 Damages in Tort Actions Scope**

... , 1 Cow. 494, 501 (N.Y. 1872) (Grover, J., dissenting). The deprivation of life that is prohibited by the Fourteenth Amendment includes “not only of life [itself], but of whatever God has given to everyone with life for its growth and enjoyment ...” **Munn v. Illinois, 94 U.S. 113, 142, 24 L. Ed. 77, 4 Otto 113, 142(1876)** (Field , J., dissenting). In other words, the loss of life means more than being deprived of the right to exist, or of the ability to earn a living; it includes deprivation ...

Content: Treatises

1055 **4 Doing Business in the United States @ 55.11**

... Public Utility Regulation Electric producers and suppliers have for decades been regulated as public utilities on the theory that their business, like that of railroads and grain elevators, is “affected with a public interest.” 55 **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** . Under a classic regulatory compromise, public utilities are granted the exclusive right to furnish service within their area of operations in exchange for state control of their rates. State statutes, in recognition ...

Content: Treatises

1056 **1 Energy Law and Transactions @ 2.01**

... A public use may, indeed, consist in the possession, occupation, and enjoyment of property by the public, or agents of the public, but it is not necessarily so While, then, it may be true that ownership of property may sometimes bear upon the question whether the uses of the property are public, it is not the test. 2 *Olcott v. The Supervisors*, 83 U.S. (16 Wall.) 678 , 695 , 697 , 21 L. Ed. 382 (1872) ; see also **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** . Because public ...

Content: Treatises

1057 **1 Energy Law and Transactions @ 2.03**

... Rodgers, *The NARUC Was There: A History of the National Association of Regulatory Utility Commissioners* 4 (1979). An 1877 Supreme Court case challenging an Illinois law authorizing the state to issue licenses and regulate rates set by public warehouses affirmed the power of states to regulate private businesses in the common interest. 3 **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** . Munn and Scott, who were managers of an Illinois grain warehouse, failed to procure the required license ...

Content: Treatises

1058 **2 Energy Law and Transactions @ 52.02**

... United States Supreme Court upheld constitutional challenges to an Illinois law regulating grain elevators, holding that government regulation of business was permissible when the business was “affected with a public interest.” 1 **Munn v. Illinois, 94 U.S. 113, 126, 24 L. Ed. 77(1876)** . In *Nebbia v. New York*, 291 U.S. 502 , 533 , 54 S. Ct. 505 , 78 L. Ed. 940 (1934) , the Court indicated that the term “affected with a public interest” equated to the idea of being subject to police ...

Content: Treatises

1059 **2 Environmental Law Practice Guide @ 10A.09**

... , J., dissenting); *id.* at 1068–1071 (Stevens, J., dissenting). Moreover, (3) traditionally, legislatures, not courts, have taken the leading role in adjusting economic principles of the law, including nuisance, to modern-day exigencies. 218 **Munn v. Illinois, 94 U.S. 113, 134(1877)** . See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 , 1035 (1992) (Kennedy, J., concurring) (“The State should not be prevented from enacting new regulatory initiatives in response to changing ...

Content: Treatises

1060 **1 The Law of Advertising @ 13.02**

... amended by , 315 U.S. 786 , reh’g denied , 315 U.S. 786 (1942); *Pennsylvania R.R. v. Public Serv. Comm’n*, 250 U.S. 566 , 569 , 40 S. Ct. 36 , 63 L. Ed. 1142 (1919); **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** . Moreover, the mere fact that Congress has enacted legislation in a certain field does not automatically mean that the states may not also regulate that field. 11 See, e.g. , *Itco Corp. v. Michelin Tire Corp., Commercial Div.*, ...

Content: Treatises

1061 **1 Managing the Florida Condominium @ 4.1**

... A corporation also is protected against deprivations of property without due process of law. 9 *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186 , 66 S. Ct. 494 , 90 L. Ed. 614 (1946) . And a corporation is entitled to the constitutional right of equal protection of the law. 10 **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1877)** ; *Wheeling Steel Corp. v. Glander*, 337 U.S. 562 , 69 S. Ct. 1291 , 93 L. Ed. 1544 , 40 Ohio Op. 101 (1949); *Savannah Condominium Ass’n v. Trans Management* ...

Content: Treatises

1062 **1 Maryland Motor Vehicle Insurance @ 25.5**

... existed before the advent of the motor vehicle. Indeed, the court of appeals has stated that “in England and America , regulations of hackmen and their charges was one of the oldest kinds of rate regulation.” 84 *Montgomery County, Maryland v. Bigelow*, 196 Md. 413 , 424–25 , 77 A.2d 164 , 168 (1950) (citing **Munn v. Illinois, 94 U.S. 113, 125(1876)**) . Regulation of hackmen often went beyond controlling rates. This regulation was, more of ten than not, left to local political entities. ...

Content: Treatises

1063 2015 NYU Review of Employee Benefits

Content: Treatises

1064 1 Nichols on Eminent Domain @ 1A.02

... This view, however, is unpersuasive in modern times: it is recognized not only generally that “the great office of statutes is to remedy defects in the common law as they are developed and to adapt it to changes of time and circumstances” 356 **Munn v. Illinois, 94 U.S. 113, 134** (1877). Contra, in early English law : “the common law will controul Acts of Parliament, and sometimes adjudge them to be utterly void ... when an Act of Parliament is against common right and reason ...” Dr. Bonham’s Case, ...

Content: Treatises

1065 1 Nichols on Eminent Domain @ 1.23

... When the people of the American colonies became independent of Great Britain , each colony became a sovereign state, and by the mere fact of sovereignty assumed absolute control over the persons and property within its jurisdiction. In *Munn v. Illinois* 34.2 **94 U.S. 113, 124, 24 L. Ed. 77** . the Supreme Court said: “When the people of the United Colonies separated from Great Britain, they changed the form but not the substance of their government. They retained for the purposes of government ...

Content: Treatises

1066 1 Nichols on Eminent Domain @ 1.4

... 1 Nichols on Eminent Domain § 1.4 § 1.4 Comparative Analysis It is now well settled that the provisions of the state constitutions are limitations upon an otherwise absolute legislative power and not grants of authority to the legislature. 62 United States : **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** . Arkansas : Taylor v. The Governor, 1 Ark. 21 . California : Smith v. Judge of the Twelfth District, 17 Cal. 547 . Connecticut : Starr v. Pease, 8 Conn. 541 . Florida : ...

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1067 1 Nichols on Eminent Domain @ 1.42

... held that air cargo storage and transfer facilities are integral parts of the airport and that the applicable Washington statutes evince a clear intent to confer upon the Port of Seattle the power to condemn land for the construction of such facilities. such as railroads, canals, turnpikes, grain elevators and the like. 13 United States : **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77** ; Southern Louisiana Area Rate Cases v. Federal Power Comm., 428 F.2d. 407 , 37 Oil & Gas Rep. 311 . (See ...

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1068 1A Nichols on Eminent Domain @ 3.04

... A private corporation that has been granted the privilege of exercising the power of eminent domain is not like a private individual or a corporation engaged in a strictly private business. All public service corporations which may condemn land 9 See 2A Nichols on Eminent Domain® Ch. 7. are subject to regulation as to rates and to their manner of doing business. 10 **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** . If corporations undertake to serve the public, they are bound to serve it ...

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1069 **1A Nichols on Eminent Domain @ 4.10**

... reversed, noting that “our cases have clearly established that a person has no property, no vested interest, in any rule of the common law.” (Second Employers' Liability Cases, 223 U.S. 1 , 50 , 32 S. Ct. 169 , 56 L. Ed. 327 (1912) , quoting **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** . The Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object (Silver v. Silver, 280 U.S. ...

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1070 **2 Nichols on Eminent Domain @ 5.06**

... In addition to the right of the public to make use of the highway easement at the crossing, railroad companies are subject to rigid enforcement of the police power. Because of their public nature as common carriers, and because they receive from the state the privilege of exercising the right of eminent domain, railroads are subject to significant regulation not only as to their rates, 30 **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** . However, in Chicago, M. & St. P. Ry. Co. v. Minnesota, ...

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1071 **2A Nichols on Eminent Domain @ 7.05**

... (holding that the power to prevent a public service corporation from devoting property taken by eminent domain to a private use is in the supervising and controlling power of the state). In many states, however, the courts do not impose this requirement but are satisfied that the mere designation of an entity as a public service corporation ensures that the public is to be served. 12 **Munn v. Illinois,94 U.S. (4 Otto) 113, 24 L. Ed. 77(1877)** . In these jurisdictions, a public service corporation ...

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1072 **Nichols on Eminent Domain @ 3.04**

... A private corporation that has been granted the privilege of exercising the power of eminent domain is not like a private individual or a corporation engaged in a strictly private business. All public service corporations which may condemn land 9 See 2A Nichols on Eminent Domain® Ch. 7. are subject to regulation as to rates and to their manner of doing business. 10 **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** . If corporations undertake to serve the public, they are bound to serve it ...

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1073 **Nichols on Eminent Domain @ 4.10**

... reversed, noting that “our cases have clearly established that a person has no property, no vested interest, in any rule of the common law.” (*Second Employers’ Liability Cases*, 223 U.S. 1 , 50 , 32 S. Ct. 169 , 56 L. Ed. 327 (1912) , quoting **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** . The Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object (*Silver v. Silver*, 280 U.S. ...

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1074 **Nichols on Eminent Domain @ 7.05**

... (holding that the power to prevent a public service corporation from devoting property taken by eminent domain to a private use is in the supervising and controlling power of the state). In many states, however, the courts do not impose this requirement but are satisfied that the mere designation of an entity as a public service corporation ensures that the public is to be served. 12 **Munn v. Illinois,94 U.S. (4 Otto) 113, 24 L. Ed. 77(1877)** . In these jurisdictions, a public service corporation ...

Content: Treatises

1075 **10 Powell on Real Property @ 70.05**

... inclusiveness of materials on this topic in a treatise dealing only with the law of land. Some cases cited herein talk in terms of “liberty,” instead of “property.” They are included, however, to the extent that they illumine the scope of the protected “liberty” to use land. The requirement of due process was considered in very early cases to demand only a fair procedure. 3 See *Slaughter House Cases*, 83 U.S. 36 , 21 L. Ed. 394 (1873) ; **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** ...

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1076 **1 Regulation of the Gas Industry @ 1.03**

... were feeble and most commissions merely made observations and recommendations. Public discontent with the negligible effects of regulation grew as the railroads expanded during the 1870s and as the first transcontinental rail service was placed in operation. The constitutionality of the states’ regulatory decisions was tested in six cases before the Supreme Court in 1876, in what were to become commonly known as the “Granger Cases.” The most famous decision, **Munn v. Illinois,94 U.S. 113(1877)** ...

Content: Treatises

1077 **1 Regulatory Takings @ 1-9**

... ; it was invalid only where the state moved beyond the sphere of its inherently limited authority by using its powers to held some citizens at the expense of others.” 574 Laurence H. Tribe, *American Constitutional Law* 305–311 (2d ed. 1988); John E. Nowak & Ronald D. Rotunda, *Constitutional Law* 564 (4th ed. 1991). The next jump in substantive due process jurisprudence occurred in *Munn v. Illinois* , 575 **94 U.S. 113(1877)** (upholding state regulation of grain elevator charges). where the Court ...

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1078 **1 Regulatory Takings @ 2-3**

... also insisted that the state regulation deprived the butchers of their property right without due process of law, in contravention of the Fourteenth Amendment. The Slaughterhouse Cases were quickly followed by two key decisions that began defining the contours of the police power. First, in *Munn v. Illinois*, 29 **94 U.S. (4 Otto) 113(1876)**. the Court deferred to state regulation of business activities “affected with a public interest”; then, in *Mugler v. Kansas*, 30 123 U.S. 623 (1887) ...

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1079 **1 Regulatory Takings @ 4-8**

... upheld a regulation limiting the permitted location of gasworks that had the effect of reducing competition. However, it rejected the assertion of the California Supreme Court 764 Id. at 225. that municipal exercise of state-granted powers to control business locations was not subject to judicial review. 765 Id. at 234–235 (relying on **Munn v. Illinois, 94 U.S. 113(1876)**, to the effect that the legislature is the exclusive judge of the propriety of police regulation when the matter is ...

Content: Treatises

1080 **1 Regulatory Takings @ 7-6**

... 503 U.S. 519 (1992) (asserting that landlord was free to leave business). Having failed to find the requisite lack of ambiguity, Justice Marshall then reiterated the constitutionality of rate regulation, 523 480 U.S. at 253 (citing **Munn v. Illinois, 94 U.S. (4 Otto) 113, 133–134(1877)**; *Permian Basin Area Rate Cases*, 390 U.S. 747, 768–769 (1968)). and determined that the rates here were constitutional since they were not confiscatory. 524 480 U.S. at 253. More recently, an important ...

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1081 **1 Regulatory Takings @ 7-13**

... rules of property law, each plays a role in defining the rights and restrictions contained in a property owner’s title. Therefore, in identifying the background rules of State property law that inhere in an owner’s title, a court should look to the law in force, whatever its source, when the owner acquired the property In this case, we find applicable rules in the common law and in New York City’s Charter. 1757 Id. at 315–316 & n.3 (quoting **Munn v. Illinois, 94 U.S. 113, 134(1876)**) ...

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1082 **1 Taxation of Public Utilities @ 2.02**

... considered affected with the public interest and, as such, could not operate on the same basis as other private enterprises. Entities serving the public interest were required by law to charge reasonable prices and provide adequate service and properly maintained facilities. 5 *Garfield, P and Lovejoy, W, Public Utility Economics*, 4 (Prentice-Hall, 1964). The principles set forth by Sir Matthew served as a foundation for the landmark Supreme Court decision in *Munn v. Illinois*. 6 **94 US 113(1877)** ...

Content: Treatises

1083 **1 Texas Administrative Practice and Procedure @ 1.2**

... as the ability of government to regulate the conduct of its citizens, one towards the other, and the manner in which each shall use her or his own property when such regulations become necessary for the public good. This power is predicated on the theory that when one becomes a member of society he or she necessarily parts with some privileges or rights which, as an individual not effected by his or her relations to others, one might retain. 49 **Munn v. Illinois,94 U.S. 113, 123–125(1887)** ...

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1084 **1 Texas Administrative Practice and Procedure @ 3.1**

... The legislature's general power is labeled as "police power" which is defined as the ability of government to regulate the conduct of its citizens, one towards the other, when such regulations become necessary for the public good. 13.43 **Munn v. Illinois, 94 U.S. 113, 123–25(1887)** . The legislature is able to delegate this police power in part to an agency as long as it sets forth the policy of the state and establishes the primary standards that must be adhered to by the agency. 13.44 Tex. ...

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1085 **9 Thompson on Real Property, Thomas Editons @ 81.02**

... regulating the harmful effects of both unrestrained capitalism and the industrial revolution, now in full bloom, legal representatives of those regulated continued to push the federal courts to recognize a due process limitation on state legislative authority. The breakthrough came in *Munn v. Illinois*, where the Court, while holding the particular rate regulations before it constitutional, did so because the grain elevators involved were "affected with a public interest." 30 **94 U.S. 113(1877)** ...

Content: Treatises

1086 **11 Warren's Weed New York Real Property @ 118.03**

... its focus was on the harm-preventing authority of the state pursuant to its police powers: "government may require 'each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another.'" 21 *Mugler* , 123 U.S. at 660 , 8 S. Ct. at 296 (quoting **Munn v. Illinois,94 U.S. 113, 124, 24 L. Ed. 77(1876)**) . Justice Harlan repeated this principle later in the case: "all property in this country is held under the implied obligation that the owner's use of it ...

Content: Treatises

1087 **15 Warren's Weed New York Real Property @ 155.07**

... 305 N.E.2d 754 (1973) . Although frequently invoked, the police power is nonetheless difficult to define. 5 *Berman v. Parker*, 348 U.S. 26 , 75 S. Ct. 98 , 99 L. Ed. 27 (1954) . In his dissenting opinion to the U.S. Supreme Court decision in **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** , Mr. Justice Feld said the following of the police power: It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their property, embraces ...

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1088 **7 M.L.P. 2d Constitutional Law @ 245**

... The state may regulate the rates of public service corporations. The state may regulate the rates of public service corporations; 1557 Railroad Com. Cases, 116 U.S. 307 , 6 S. Ct. 334 , 29 L. Ed. 636 , 1886 U.S. LEXIS 1764 (1886) . **Munn v. People of State of Illinois,94 U.S. 113, 24 L. Ed. 77(1876)** . Grand Rapids & I. R. Co. v. Osborn, 193 U.S. 17 , 24 S. Ct. 310 , 48 L. Ed. 598 (1904) . Attorney General v. Detroit United Ry., 210 Mich. 227 , 177 N.W. 726 , 177 N.W. 1023 , 1920 ...

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1089 **54 A.B.A.J. 570**

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1090 **50 A.B.A.J. 848**

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1091 **46 A.B.A.J. 597**

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1092 **43 A.B.A.J. 1085**

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1093 **41 A.B.A.J. 453**

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1094 **[GAMBLE v. UNITED STATES](#)**, 2018 U.S. S. Ct. Briefs LEXIS 4651

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1095 [FAUST v. ILLINOIS WORKERS COMPENSATION COMM'N & CADENCE HEALTH](#), 2018 U.S. S. Ct. Briefs LEXIS 3161

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1096 [MASTERPIECE CAKESHOP, LTD. v. COLORADO CIV. RIGHTS COMM'N](#), 2017 U.S. S. Ct. Briefs LEXIS 4113

... Lane v. Cotton, (1701) 88 Eng. Rep. 1458 (K.B.) Legal Servs. Corp. v. Velasquez, 531 U.S. 533 (2001) McCullen v. Coakley, 134 S. Ct. 2518 (2014) Miami Herald Publ'g Co. v. Tornillo, 418 U.S. 241 (1974) Minneapolis Star & Tribune Co. v. Minn. Comm'r of Revenue, 460 U.S. 575 (1983) **Munn v. Illinois, 94 U.S. 113(1876)** NAACP v. Button, 371 U.S. 415 (1963) Newman v. Piggie Park Enters., Inc., 390 U.S. 400 (1968) Newman v. Piggie Park Enters., Inc., 256 F. Supp. 941 (D.S.C. 1966) Norwood ...

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1097 [MASTERPIECE CAKESHOP, LTD. v. COLORADO CIV. RIGHTS COMM'N](#), 2017 U.S. S. Ct. Briefs LEXIS 4211

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1102 [EXPRESSIONS HAIR DESIGN v. SCHNEIDERMAN](#), 2016 U.S. S. Ct. Briefs LEXIS 4750

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1103 [EXPRESSIONS HAIR DESIGN v. SCHNEIDERMAN](#), 2016 U.S. S. Ct. Briefs LEXIS 4798

... It is well-settled that "[s]tates are accorded wide latitude in the regulation of their local economies under
 their police powers." City of New Orleans v. Dukes, 427 U.S. 297 , 303 (1976) . Regulations of
 economic conduct, specifically those regulating pricing activity, have existed in the United States "from its
 first colonization," **Munn v. Illinois,94 U.S. 113, 125(1876)** , and the Court has consistently upheld such
 laws under rational basis review. See, e.g., Mobile Oil Exploration ...
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1104 [EXPRESSIONS HAIR DESIGN v. SCHNEIDERMAN](#), 2016 U.S. S. Ct. Briefs LEXIS 4799

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1105 [EXPRESSIONS HAIR DESIGN v. SCHNEIDERMAN](#), 2016 U.S. S. Ct. Briefs LEXIS 4849

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1106 [EXPRESSIONS HAIR DESIGN v. SCHNEIDERMAN](#), 2016 U.S. S. Ct. Briefs LEXIS 4599

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1110 [BONDI v. DANA'S R.R. SUPPLY](#), 2016 U.S. S. Ct. Briefs LEXIS 4909

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1111 [FERC v. ELECTRIC POWER SUPPLY ASS'N](#), 2015 U.S. S. Ct. Briefs LEXIS 3094

... States") are state public utility commissions and regulatory agencies with a vital interest in preserving their historical jurisdiction over retail electricity transactions for the benefit of their citizens. The regulation of retail electricity transactions is a function of the state's police power. See **Munn v. Illinois, 94 U.S. 113(1877)**. Specifically, the essential nature of retail electricity makes the rates, services and operations of public utilities "affected with a public interest" ...

Content: Court Documents | **Date:** September 8, 2015

1112 [FERC v. ELECTRIC POWER SUPPLY ASS'N](#), 2014 U.S. S. Ct. Briefs LEXIS 4718

... . By not disturbing state authority over the retail markets, Congress preserved "one of the most important of the functions traditionally associated with the police power of the States." Arkansas Elec. Coop. v. Arkansas Pub. Serv. Comm'n, 461 U.S. 375 , 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113(1877)**) ; see also Panhandle E. Pipe Line Co. v. Public Serv. Comm'n of Ind., 332 U.S. 507 , 517-18 (1947) ("The Act was drawn with meticulous regard for the continued exercise of state ...

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1113 [OBERGEFELL v. HODGES](#), 2015 U.S. S. Ct. Briefs LEXIS 971

... Lawrence v. Texas, 539 U.S. 558 (2003) Loving v. Virginia, 388 U.S. 1 (1967) Malinda v. Gardner, 24 Ala. 719 (1854) McDonald v. City of Chicago, Ill., 561 U.S. 742 (2010) McReynolds v. State, 45 Tenn. 18 (1867) Meister v. Moore, 96 U.S. 76 (1877 **Munn v. Illinois, 94 U.S. 113(1876)** Planned Parenthood of Se. Pennsylvania v. Casey, 505 U.S. 833 (1992) Powell v. Pennsylvania, 127 U.S. 678 (1888) Rosenbrahn v. Daugaard, No. 4:14-CV-04081- KES, 2015 WL 144567 (D.S.D. Jan. 12, 2015) ...

Content: Court Documents | **Date:** March 6, 2015

1114 [Garcia v. VILSACK](#), 2015 U.S. S. Ct. Briefs LEXIS 2051

... reasonably can be conceived that would sustain it, the existence of state of facts at the time the law was enacted must be assumed. 4) One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. *Bachtel v. Wilson*, 204 U. S. 36 ; *Louisville & N. R. Co. v. Melton*, 218 U. S. 36 ; *Ozan Lumber Co. v. Union County Nat. Bank*, 207 U. S. 251 , 207 U.S. 256 ; **Munn v. Illinois,94 U.S. 113, 94 U. 132 ...**

Content: Court Documents | **Date:** February 17, 2015

1115 [CITY OF LOS ANGELES v. PATEL](#), 2014 U.S. S. Ct. Briefs LEXIS 4407

... . "No principle is better established than that when an owner devotes private property to the public use he so devotes it bound with notice that it will be subject to public regulation, both as to its use and as to the compensation to be paid for it. (**Minn v. Illinois,94 U.S. 113 .**)" *Id* . The provisions regulating the activity of hotels are extensive. As such, an operator of a hotel has a reduced expectation of privacy in this "closely regulated" business. B. There is a "Substantial" Government ...

Content: Court Documents | **Date:** December 15, 2014

1116 [SPRINT COMMUNS. CO. v. JACOBS](#), 2013 U.S. S. Ct. Briefs LEXIS 3828

... the IUB proceedings involve an important state interest. Regulation of utilities has long been recognized as "one of the most important functions traditionally associated with the police power of the State." *Arkansas Elec. Co-op. Corp. v. Arkansas Public Service Comm'n*, 461 U.S. 375 , 377 (1983) , citing **Munn v. Illinois,94 U.S. 113(1877)** . The IUB was engaged in reviewing the conduct of two telecommunications carriers with the specific goals of (a) enforcing state law and (b) protecting ...

Content: Court Documents | **Date:** August 27, 2013

1117 [EDOKOBI v. LITTON LOAN SERVICING](#), 2013 U.S. S. Ct. Briefs LEXIS 2756

... *Minneapolis & S.L.R. Co. v. Herrick*, 127 US 210 (1888) *Missouri P. R. Co. v Mackey*, 127 US 205 (1888) *Moncrieffe v. Holder*, No. 11-702, 133 S.Ct. 1678 (April 2013) *Morrissey v. Brewer*, 408 U.S. 471 (1972) *Mullane v. Central Hanover Trust Co.*, 339 U. S. 306 (1950) **Munn v. Illinois,94 U.S. 113(1876)** *Pennoyer v. Neff*, 95 U. S. 714 (1878) *Roth v. Board of Regents*, 408 US 564 (1970) *Schepers v. Commissioner, Indiana Dept. of Correction*, 691 F. 3d 909 (7th Cir. 2012) *Sparkman v. ...*

Content: Court Documents | **Date:** June 21, 2013

1118 [TARRANT REGIONAL WATER DIST. v. HERRMANN](#), 2013 U.S. S. Ct. Briefs LEXIS 1334

... Although discrimination continued to be used as a constitutional test, other tests were used as well. State statutes were unconstitutional if they had a "direct" impact on commerce, but not if the impact was "indirect or incidental." **Munn v. Illinois,94 U.S. 113(1876)** . States were only allowed to directly interfere with commerce if there was congressional consent. *Brennan v. Titusville*, 153 U.S. 289 (1894) . In time the "free flow" of commerce or "barriers" to commerce became additional ...

Content: Court Documents | **Date:** February 26, 2013

1119 [Matera v. Tennessee](#), 2012 U.S. S. Ct. Briefs LEXIS 4853

... Board of Elections, 383 U.S. 663 (1966) In Re: Devon W., et al, Tennessee Court of Appeals E2009-01326-COA-R3-JV In re: Gault 387 U.S. 1 (1967) Lassiter v. Department of Social Services, 452 U.S. 13 (1959) . Lochner v. New York, 198 U.S. 45 (1904) . Munn u. **Illinois,94 U.S. 113(1877)** . Rivera v. Marcus, 696 F. 2d 1016 ; 533 F. Supp. 203 (D. Conn. 1982) . West Coast Hotel Co. v. Parrish, 300 U.S. 397 , 402 (1937) (dissenting opinion). Williamson v. Lee Optical of Oklahoma, ...

Content: Court Documents | **Date:** November 7, 2012

1120 [PIERSON v. HEALTH](#), 2012 U.S. S. Ct. Briefs LEXIS 4767

... (3d Cir. 1996) Meyer v. Nebraska, 262 U.S. 390 (1923) Middleton v. Texas Power & Light Co., 249 U.S. 152 (1919) Missouri Pacific Railway Co. v. Humes, 115 U.S. 512 (1885) Mondou v. New York, New Haven & Hartford Railroad Co., 223 U.S. 1 (1912) **Munn v. Illinois,94 U.S. 113(1877)** National Federation of Independent Business v. Sebelius, 132 S.Ct. 2566 (2012) New York Central Railway Co. v. White, 243 U.S. 188 (1917) New York v. United States, 505 U.S. 144 (1992) Pacific Mutual ...

Content: Court Documents | **Date:** November 5, 2012

1121 [HALL v. SEBELIUS](#), 2012 U.S. S. Ct. Briefs LEXIS 3536

... 307 U.S. 496 (1939) Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, 565 U.S. , 132 S. Ct. 694 (2012) International Salt v. United States, 332 U.S. 392 (1947) Jefferson Parish Hospital District No. 2 v. Hyde, 466 U.S. 2 (1984) **Munn v. Illinois,94 U.S. 113(1876)** National Federation of Independent Business v. Sebelius, 567 U.S. , 132 S. Ct. 2566 (2012) Nollan v. California Coastal Commission, 483 U.S. 825 (1987) Pennhurst State School and Hospital v. Halderman, 451 ...

Content: Court Documents | **Date:** August 24, 2012

1122 [JACKSON v. MECOSTA COUNTY MED. CTR.](#), 2012 U.S. S. Ct. Briefs LEXIS 2275

... McDougall v. Schanz, 461 Mich. 15 , 597 N.W.2d 148 (1999) Meeker v. Lehigh Valley Railway Co., 236 U.S. 412 (1915) Mitchell v. National Broadcasting, 553 F.2d 265 (2d Cir. 1977) Moll v. Abbott Laboratories, 444 Mich. 1 , 506 N.W.2d 816 (1993) **Munn v. Illinois,94 U.S. 113(1876)** Neat v. Oakwood Hosp. Corp., 226 Mich. App. 701 , 575 N.W.2d 68 (1998) New York State Club Ass'n, Inc. v. City of New York, 487 U.S. 1 (1988) Nicholson v. Catholic Health Partners , No. 4:08-cv-2410, ...

Content: Court Documents | **Date:** May 24, 2012

1123 [BRUNER v. JOSEPHINE COUNTY](#), 2012 U.S. S. Ct. Briefs LEXIS 2257

... LUCAS v. SOUTH CAROLINA COASTAL COUNCIL, 505 U.S. 1003 (1992) LYNCH V. UNITED STATES, 292 U.S. 571 , 577-579 & N. 6(1934) MCPHAIL V. MILWAUKEE LUMBER CO., 999 P.2D 1144 , 1148 (OR. APP. 2000) MCPHERSON V. DEP'T OF ADMIN. SERVS., 130 P.3D 308 , 312 (OR. 2006) **MUNN V. ILLINOIS,94 U.S. 113, 134(1877)** PENN CENTRAL TRANSP. CO. V. NEW YORK CITY, 438 U.S. 104 , 130-131 (1978) PENNSYLVANIA COAL CO. V. MAHON, 260 U.S. 393 , 416 (1922) PRITCHARD, EX'X V. NORTON, 106 U.S. 124 , 132 ...

Content: Court Documents | **Date:** May 21, 2012

1124 [BRUNER v. WHITMAN](#), 2012 U.S. S. Ct. Briefs LEXIS 2256

... 252 F.3D 1078 , 1086 (9TH CIR. 2001) MCPHAIL V. MILWAUKEE LUMBER CO., 999 P.2D 1144 , 1148 (OR. APP. 2000) MCPHERSON V. DEP'T OF ADMIN. SERVS., 130 P.3D 308 , 312 (OR. 2006) MOORE V. EAST CLEVELAND, 431 U.S. 494 , 501 (1977) **MUNN V. ILLINOIS,94 U.S. 113, 134(1877)** ORTWEIN V. SCHWAB, 410 U.S. 656 , 660 (1973) PENN CENTRAL TRANSP. CO. V. NEW YORK CITY, 438 U.S. 104 , 130-131 (1978) PENNSYLVANIA COAL CO. V. MAHON, 260 U.S. 393 , 416 (1922) POE V. ULLMAN, 367 U.S. 497 ...

Content: Court Documents | **Date:** May 21, 2012

1125 [BARNARD v. VERIZON COMMUNS., INC.](#), 2012 U.S. S. Ct. Briefs LEXIS 1288

... PETITIONERS' SUPPLEMENTAL BRIEF 1 1. The Merits of the Case 1 2. The Societal Implications 4 CONCLUSION 6 TABLE OF AUTHORITIES Cases Mirant v. Southern Co., 337 B.R. 107 (N.D. Tex 2006) Mo. Ex rel. S.W. Bell Tel. Co. v. Publ. Serv. Comm., 262 U.S. 276 (1923) **Munn v. Illinois,94 U.S. 113(1876)** Statutes 18 U.S.C. § 157(1) 26 U.S.C. § 355(e) Rules Supreme Court Rule 15.2 Supreme Court Rule 15.8 Other Authorities Blackstone Cardozo, "The Paradoxes of Legal Science" (1927) PETITIONERS' SUPPLEMENTAL ...

Content: Court Documents | **Date:** March 29, 2012

1126 [HHS v. FLORIDA](#), 2012 U.S. S. Ct. Briefs LEXIS 653

... 466 U.S. 727 (1984) McCulloch v. Maryland, 17 U.S. 316 (1819) Mead v. Holder, 766 F. Supp. 2d 16 (D.D.C. 2011) Medtronic Inc. v. Lohr, 518 U.S. 470 (1996) Merrell v. Joe Bullard Oldsmobile, Inc., 529 So.2d 943 (Ala. 1988) **Munn v. People of State of Illinois,94 U.S. 113(1876)** National League of Cities v. Usery, 426 U.S. 833 (1976) New York v. U.S., 505 U.S. 144 (1992) Paul v. Virginia, 75 U.S. 168 (1869) Printz v. U.S., 521 U.S. 898 (1997) PruneYard Shopping ...

Content: Court Documents | **Date:** February 13, 2012

1127 [HHS v. FLORIDA](#), 2012 U.S. S. Ct. Briefs LEXIS 191

... , this Court recognized that some private industries were so "impressed with a public interest" that they were essentially public in nature - sufficiently so that they could be rate-regulated despite the then-robust freedom of contract doctrine. Adkins v. Children's Hosp. of D.C., 261 U.S. 525 , 546 (1923) (citing **Munn v. Illinois,94 U.S. 113(1876)**) , overruled in part by West Coast Hotel Co. v. Parrish, 300 U.S. 379 (1937) . The paradigmatic example of such quasi-public entities is ...

Content: Court Documents | **Date:** January 13, 2012

1128 [KURNS v. RAILROAD FRICTION PRODS. CORP.](#), 2011 U.S. S. Ct. Briefs LEXIS 1508

... the LIA, the U.S. Supreme Court consistently held that federal regulation of interstate transportation would render any state regulation on the same subject void. Contrary to Petitioners' assertion that the LIA "does not reflect a clear and manifest Congressional intent to displace state-law claims" (Pet. Br. at 31), the preemptive effect of federal regulation was settled law decades before the LIA's enactment. The so-

called "Granger cases," most notably **Munn v. Illinois, 94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** October 7, 2011

1129 [CHRISTIAN v. MARTINEZ](#), 2010 U.S. S. Ct. Briefs LEXIS 93

... Lemon v. Kurtzman, 403 U.S. 602 (1971) Lochner v. New York, 198 U.S. 45 (1905) Lynch v. Donnelly, 465 U.S. 668 (1984) Minneapolis Star & Tribune Co. v. Minn. Comm'r of Revenue, 460 U.S. 575 (1983) Moore v. City of E. Cleveland, 431 U.S. 494 (1977) **Munn v. Illinois, 94 U.S. 113(1876)** NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958) Opinion of the Justices, 147 N.E. 681 (Mass. 1925) Rex v. Ivens, (1835) 173 Eng. Rep. 94 (N.P.) Roberts v. United States Jaycees, 468 U.S. ...

Content: Court Documents | **Date:** February 3, 2010

1130 [MCDONALD v. CITY OF CHICAGO](#), 2010 U.S. S. Ct. Briefs LEXIS 38

... against the States would intrude upon the traditional prerogative of the States to make such determinations on behalf of the citizens in their local communities. A. The States Have a Paramount Interest in Protecting Their Citizens from Violence Arising from Armed Self-Defense. In **Munn v. Illinois, 94 U.S. 113(1877)**, this Court explained that the source of the police powers reserved to the States comes from the inherent authority of a sovereignty to establish laws requiring each citizen to ...

Content: Court Documents | **Date:** January 6, 2010

1131 [ILETO v. GLOCK, INC.](#), 2009 U.S. S. Ct. Briefs LEXIS 3374

... law unquestionably recognizes a fully accrued cause of action as a species of property. And this Court too has recognized that a cause of action is a "species of property protected by the * * * Due Process Clause." Logan, 455 U.S. at 428, 430-31. In **Munn v. Illinois, 94 U.S. 113(1876)**, this Court recognized that "[r]ights of property which have been created by the common law cannot be taken away without due process." Id. at 134. The Court carefully distinguished between a rule of the ...

Content: Court Documents | **Date:** December 24, 2009

1132 [RENOURISHMENT v. FLORIDA](#), 2009 U.S. S. Ct. Briefs LEXIS 1040

... Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992) Martin v. Bigelow, 2 Vt. 184 (1827) Memphis Light, Gas & Water Division v. Craft, 461 U.S. 1 (1978) Muhlker v. New York & Harlem R.R. Co., 197 U.S. 544 (1905) Mullany v. Wilbur, 421 U.S. 684 (1975) **Munn v. Illinois, 94 U.S. 113(1877)** Murdock v. City of Memphis, 87 U.S. 590 (1875) NAACP v. Ala. ex rel. Patterson, 357 U.S. 449 (1958) Penn Central Transp. Co. v. New York City, 438 U.S. 104 (1978) Pennsylvania Coal Co. ...

Content: Court Documents | **Date:** October 5, 2009

1133 [DIANA S. PARKER, Administrator of the Estate of Ryan W. Parker v. CHICAGO TRANSIT AUTH.](#), 2008 U.S. S. Ct. Briefs LEXIS 2925

... 781 N.E.2d 249 (Ill. 2002) Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982) Middleton v. McNeil, 541 U.S. 433 (2004) Mitchell v. Esparza, 540 U.S. 12 (2003) Mullane v. Central Hanover

Bank & Trust Co., 339 U.S. 306 (1950) **Munn v. Illinois,94 U.S. 113(1877)** People v. Lewis, 860 N.E.2d 299 (2006) Pritchard v. Norton, 106 U.S. 124 (1882) Richards v. Jefferson County, 517 U.S. 793 (1996) Richmond Screw Anchor Co. v. United States, 275 U.S. 331 (1928) Sanders v. ...

Content: Court Documents | **Date:** February 27, 2008

1134 [Dyno v. Village of Johnson City](#), 2008 U.S. S. Ct. Briefs LEXIS 1553

... Marine Insurance Co. of Alexandria v Hodgson 7 Cranch [11 US] 332, 336 Matter of Scherbyn v Wayne Finger-Lakes Brd. of Co-op Ed. Services, et al. 77 NY 2d 753 ; 573 NE 2d 562 Mayor v. Brady, 115 N.Y. 599 , 614 Monell, et al. v DSS of NYC 436 U.S. 658 , 56 L. Ed. 2d 611 , 98 S. Ct. 2018 **Munn v. Illinois94 U.S. 113** ; 24 L. ed. 77 Owens v City of Independence Missouri, et al. 445 U.S. 622 , 63 L. Ed 2d 673 ; 100 S. Ct. 1398 Pembauer v Cincinnati 475 U.S. 469 People v Village ...

Content: Court Documents | **Date:** January 4, 2008

1135 [CLINE v. ASHLAND, INC.](#), 2007 U.S. S. Ct. Briefs LEXIS 929

... (6th Cir. 1983) Matter of Anonymous, 515 So. 2d 1254 (Ala. Civ. App. 1987) Michigan v. Long, 463 U.S. 1032 (1983) Mobile Airport Auth. v. HealthStrategies, Inc., 886 So. 2d 773 (Ala. 2004) Moon v. Harco Drugs, Inc., 435 So. 2d 218 (Ala. 1983) **Munn v. Illinois,94 U.S. 113(1877)** Nat'l Comm'n on Egg Nutrition v. Federal Trade Comm'n, 570 F.2d 157 (7th Cir. 1977) , cert. denied, 439 U.S. 821 (1978) New York ex rel. Bryant v. Zimmerman, 278 U.S. 63 (1928) Norwest Bank ...

Content: Court Documents | **Date:** May 1, 2007

1136 [FEC v. WISCONSIN RIGHT TO LIFE, INC.](#), 2007 U.S. S. Ct. Briefs LEXIS 284

... FEC v. Beaumont, 539 U.S. 146 (2003) Gonzalez v. Raich, 545 U.S. 1 (2005) Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, 515 U.S. 557 (1995) McConnell v. FEC, 540 U.S. 93 (2003) Monitor Patriot Co. v. Roy, 401 U.S. 265 (1971) **Munn v. Illinois,94 U.S. 113(1877)** Riley v. National Fed'n of the Blind, 487 U.S. 781 (1988) Turner Broadcasting Sys., Inc. v. FCC, 512 U.S. 622 (1994) United States v. Carolene Products Co., 304 U.S. 144 (1938) United States v. O'Brien, ...

Content: Court Documents | **Date:** March 23, 2007

1137 [AMUNRUD v. BOARD OF APPEALS](#), 2006 U.S. S. Ct. Briefs LEXIS 2348

... business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought"); Ferguson v. Skrupa, 372 U.S. 726 , 730 , 83 S. Ct. 1028 , 10 L. Ed. 2d 93 (1963) (the Court announced it was returning "to the original constitutional proposition" enunciated in **Munn v. Illinois,94 U.S. (4 Otto) 113, 24 L. Ed. 77(1877)** , "that courts do not substitute their . . . economic beliefs for the judgment of legislative bodies"); W.Coast Hotel, ...

Content: Court Documents | **Date:** December 7, 2006

1138 [VERITY INT'L, LTD. v. FTC](#), 2006 U.S. S. Ct. Briefs LEXIS 2514

... and "note" by reference to their ordinary meaning to the 1933 Congress that used them). The concept of a common carrier dates from the English common law and can be traced back to at least 1670 and the writings of Lord Chief Justice Hale. See **Munn v. Illinois, 94 U.S. 113, 126, 4 Otto 113, 24 L.Ed. 77(1876)** (referencing Lord Hale's treatise). Early common-carrier law applied to "almost all workers and tradesmen," requiring them to "serve the public generally and to do so on just and ...

Content: Court Documents | **Date:** November 13, 2006

1139 [DAVENPORT v. WASHINGTON EDUC. ASS'N](#), 2006 U.S. S. Ct. Briefs LEXIS 1164

... (1978) Flast v. Cohen, 392 U.S. 83 (1968) Leer v. Wash. Educ. Ass'n, 172 F.R.D. 439 (W.D. Wash. 1997) McConnell v. FEC, 540 U.S. 93 (2003) McGowan v. Maryland, 346 U.S. 249 (1953) McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995) **Munn v. Illinois, 94 U.S. 113(1884)** Singleton v. Wulff, 428 U.S. 106 (1976) State ex rel. Public Disclosure Commission v. Washington Education Association, 130 P.3d 543 (Wash. 2006) Wagner v. Prof'l Eng'rs in Calif. Gov't, 354 F.3d 1036 (9th ...

Content: Court Documents | **Date:** November 8, 2006

1140 [COUNCIL OF INDEP. TOBACCO MFRS. OF AMERICA v. THE STATE OF MINNESOTA AND DAN SALOMONE](#), 2006 U.S. S. Ct. Briefs LEXIS 2479

... Daniel v. Family Sec. Life Ins. Co., 336 U.S. 220 , 69 S.Ct. 550 , 93 L.Ed. 632 ; Day-Brite Lighting, Inc. v. State of Missouri, 342 U.S. 421 , 72 S. Ct. 405 , 96 L.Ed. 469 . We emphasize again what Chief Justice Waite said in **Munn V. State of Illinois, 94 U.S. 113, 134, 24 L.Ed. 77** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' B. Equal Protection Scientific addressed violations of the Equal Protection clause as well ...

Content: Court Documents | **Date:** September 13, 2006

1141 [MOMAH v. STATE BD. OF PHYSICIANS](#), 2006 U.S. S. Ct. Briefs LEXIS 2835

... 1. the costs that the proposed regulation would impose on each class; and 2. the difficulty of compliance for each class c) Action after evaluation.- On the basis of the evaluation, the unit may adopt 1 or more regulations that apply differently to classes of businesses (**Munn v Illinois 94 U.S. 113, 24 LEd. 77 (1877)** The Preamble of the Constitution of Massachusetts defining: "a body politic" is a social compact by which the whole people covenants with each citizen, and each citizen ...

Content: Court Documents | **Date:** January 10, 2006

1142 [SMITH v. HON. MARY J. MULLARKEY](#), 2005 U.S. S. Ct. Briefs LEXIS 1810

... Leppel v. District Court, 78 P. 682 (Colo. 1904) Lucas v. District Court, 345 P.2d 1064 (Colo. 1959) Marbury v. Madison, 5 U.S. 137 (1803) Mondou v. New York, N.H. & H.R. Co., 223 U.S. 1 (1912) Moragne v. States Marine Lines, 398 U.S. 375 (1970) **Munn v. Illinois, 94 U.S. 113, 134(1876)** Murray v. Schooner Charming Betsy, 6 U.S. 64 , 118 (1804) Olmstead v. United States, 277 U.S. 438 (1928) People v. District Court, 560 P.2d 828 (Colo. 1977) People ex rel. City of Aurora v. Smith, ...

Content: Court Documents | **Date:** December 10, 2005

1143 [WISCONSIN RIGHT TO LIFE, INC. v. FEC](#), 2005 U.S. S. Ct. Briefs LEXIS 683

... (1985) *Gonzalez v. Raich*, U.S. , 125 S. Ct. 2195 (2005) *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557 (1995) *McConnell v. FEC*, 540 U.S. 93 (2003) *Monitor Patriot Co. v. Roy*, 401 U.S. 265 (1971) **Munn v. Illinois, 94 U.S. 113(1877)** *Peik v. Chicago and N.W. Ry. Co.*, 94 U.S. 164 (1876) *Riley v. National Fed'n of the Blind*, 487 U.S. 781 (1988) *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622 (1994) *United States v. Carolene Products Co.*, ...

Content: Court Documents | **Date:** November 15, 2005

1144 [KELO v. City of New London](#), 2005 U.S. S. Ct. Briefs LEXIS 43

... (1949) *Lochner v. New York*, 198 U.S. 45 (1905) *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992) *Mitchell v. Harmony*, 54 U.S. 115 (1852) *Mt. Vernon-Woodberry Cotton Duck Co. v. Alabama Interstate Power Co.*, 240 U.S. 30 (1916) **Munn v. Illinois, 94 U.S. 113(1876)** *National R.R. Passenger Corp. v. Boston & Maine Corp.*, 503 U.S. 407 (1992) *Nebbia v. New York*, 291 U.S. 502 (1934) *New York Cent. R. Co. v. White*, 243 U.S. 188 (1917) *New York City Bd. of Estimate v. Morris*, ...

Content: Court Documents | **Date:** January 21, 2005

1145 [LINGLE v. CHEVRON U.S.A., INC.](#), 2005 U.S. S. Ct. Briefs LEXIS 26

... to ever more infringement. Requiring property owners to submit to wealth redistributions which give rise to further financial demands is quintessential unconstitutional unfairness. The relationship between social ills and private property rights was described in **Munn v. Illinois, 94 U.S. 113(1877)**. Munn, the owner of a Chicago grain elevator, was convicted of charging rates higher than Illinois permitted. He claimed unconstitutional violation of his property rights. The Court disagreed. ...

Content: Court Documents | **Date:** January 14, 2005

1146 [AMERICAN INS. ASS'N, AMERICAN RE-INSURANCE CO. v. GARAMENDI](#), 2003 U.S. S. Ct. Briefs LEXIS 414

... *Hoffman v. United States*, 767 F.2d 1431 (9th Cir. 1985) *Home Ins. Co. v. Dick*, 281 U.S. 397 (1930) *Lincoln Fed. Labor Union v. Northwestern Iron & Metal Co.*, 335 U.S. 525 (1948) *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456 (1981) **Munn v. Illinois, 94 U.S. 113(1876)** *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797 (1985) *Scariano v. Justices of Sup. Ct. of Ind.*, 38 F.3d 920 (7th Cir. 1994) *United States v. Carolene Products Co.*, 304 U.S. 144 (1937) *Watson v. Employers Liability* ...

Content: Court Documents | **Date:** March 26, 2003

1147 [FMC v. SOUTH CAROLINA STATE PORTS AUTH.](#), 2001 U.S. S. Ct. Briefs LEXIS 52

... 492 U.S. 33 (1989) *Hans v. Louisiana*, 134 U.S. 1 (1890) *Howlett v. Rose*, 496 U.S. 356 (1990) *Idaho v. Coeur d' Alene Tribe*, 521 U.S. 261 (1997) *International Union v. Bagwell*, 512 U.S. 821 (1994) *McCulloch v. Maryland*, 4 Wheat. 316 (1819) **Munn v. Illinois, 94 U.S. 113(1876)** *Murray's Lessee v. Hoboken Land and Improvement Co.*, 18 How. 272 (1855) 337 U.S. 582 (1949) *National Insurance Co. v. Tidewater Co.*, 337 U.S. 582 (1949) *Nevada v. Hall*, 440 U.S. 410 (1979) *New York, Ex* ...

Content: Court Documents | **Date:** November 29, 2001

1148 [VERIZON COMMUNS. INC. v. FCC](#), 2001 U.S. S. Ct. Briefs LEXIS 780

... 523 N.Y.S.2d 615 (N.Y. App. Div. 1987) Louisville Bridge Co. v. United States, 242 U.S. 409 (1917) Market St. Ry. v. Railroad Comm'n, 324 U.S. 548 (1945) Mobil Oil Exploration & Producing S.E., Inc. v. United Distribution Cos., 498 U.S. 211 (1991) **Munn v. Illinois,94 U.S. 113(1876)** National Ass'n of Greeting Card Publishers v. United States Postal Serv., 462 U.S. 810 (1983) Nebbia v. New York, 291 U.S. 502 (1934) New Orleans v. FERC, 67 F.3d 947 (D.C. Cir. 1995) Olson v. United ...

Content: Court Documents | **Date:** June 8, 2001

1149 [VERIZON COMMUNS. INC. v. FCC](#), 2001 U.S. S. Ct. Briefs LEXIS 781

... Regan v. Farmer's Loan and Trust Co., 154 U.S. 362 (1894) . Regulation, of course, impedes the use of a company's property, but it is permissible, provided the company is paid "just and reasonable" rates for its service to the public. **Munn v. Illinois,94 U.S. 113, 126(1877)** . The constitutional floor for the "just and reasonable" standard has undergone several Supreme Court revisions. In 1894, the Court enunciated the "used and useful" doctrine, holding utilities were entitled, as a constitutional ...

Content: Court Documents | **Date:** June 8, 2001

1150 [MATHIAS v. WORLDCOM TECHS.](#), 2001 U.S. S. Ct. Briefs LEXIS 736

... (7th Cir. 1982) Ingalls Shipbuilding, Inc. v. Director, Office of Workers' Compensation Programs, 519 U.S. 248 (1997) Jones v. United States, 529 U.S. 848 (2000) Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375 (1994) **Munn v. People of State of Illinois,94 U.S. 113, 124(1876)** New York v. United States, 505 U.S. 142 (1992) Pennhurst State Sch. & Hosp. v. Halderman, 451 U.S. 1 (1981) Prudential Insurance Co. v. Benjamin, 328 U.S. 408 (1946) Seminole Tribe of Florida v. ...

Content: Court Documents | **Date:** May 29, 2001

1151 [PALAZZOLO v. RHODE ISLAND ex rel. TAVARES](#), 2001 U.S. S. Ct. Briefs LEXIS 268

... Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992) MacIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995) Milardo v. Coastal Resources Management Council, 434 Atl.2d 266 (R.I. 1981) Mugler v. Kansas, 123 U.S. 623 (1887) **Munn v. Illinois,94 U.S. 113(1877)** Payne & Butler v. Providence Gas Co., 31 R.I. 295 , 77 Atl. 145 (1910) Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922) Providence & Worcester Railroad Co. v. Pine, 729 Atl. 2d 202 (R.I. 1999) Pumpelly v. Green ...

Content: Court Documents | **Date:** January 3, 2001

1152 [PALAZZOLO v. RHODE ISLAND ex rel. TAVARES](#), 2001 U.S. S. Ct. Briefs LEXIS 271

... (1992) MacDonald, Sommer & Frates v. Yolo County, 477 U.S. 340 (1986) Mayhew v. Town of Sunnyvale, 964 S.W.2d 922 (Tex. 1998) Milardo v. Coastal Resource Management Council, 434 A.2d 266 (R.I. 1981) Mugler v. Kansas, 123 U.S. 623 (1887) **Munn v. Illinois,94 U.S. 113(1876)** NCAA v. Bd. of Regents of the University of Oklahoma, 468 U.S. 85 (1984) Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987) Payne & Butler v. Providence Gas Co., 77 A. 145 (R.I. 1910) Penn Cent. Transp. ...

Content: Court Documents | **Date:** January 3, 2001

1153 [AT&T CORP. v. IOWA UTILS. BD.](#), 1998 U.S. S. Ct. Briefs LEXIS 263

... (1977) . The regulation of utilities is one of the most important functions traditionally associated with the police power of the States. See *Arkansas Elec. Coop. Corp. v. Arkansas Pub. Serv. Comm'n*, 461 U.S. 375 , 377 (1983) , citing **Munn v. Illinois,94 U.S. 113(1877)** . Intrastate ratemaking lies at the heart of the local regulatory duties reserved to the State in section 152(b). *Louisiana*, 476 U.S. at 375-76 . In the Telecommunications Act of 1996, Congress is regulating local ...

Content: Court Documents | **Date:** May 18, 1998

1154 [GMC v. TRACY](#), 1996 U.S. S. Ct. Briefs LEXIS 396

... Brandeis ' observation that States can and do provide disparate treatment to the public utility franchises they create remains a fundamental premise of State regulation of energy and communications companies. Indeed, as first upheld in **Munn v. Illinois,94 U.S. 113(1877)** , the ability of States to single out private businesses that they find to be "affected by the public interest" and constitutionally regulate their prices and conditions of service is one of the three main legal doctrines underpinning ...

Content: Court Documents | **Date:** July 17, 1996

1155 [CHAPMAN v. UNITED STATES](#), 1990 U.S. S. Ct. Briefs LEXIS 758

... (1884) *Jackson v. Indiana*, 406 U.S. 715 (1972) *Kramer v. Union Free School District No. 15*, 395 U.S. 621 (1969) *Marshall v. United States*, 414 U.S. 417 (1974) *McLaughlin v. Florida*, 379 U.S. 184 (1964) *Mempa v. Rhay*, 389 U.S. 128 (1967) **Munn v. Illinois,94 U.S. 113(1877)** *Public Citizen v. U.S. Dept. of Justice*, U.S. , 109 S.Ct. 2558 , 105 L.Ed.2d 377 (1989) *Reed v. Reed*, 404 U.S. 71 (1971) *Rochin v. California*, 342 U.S. 165 (1952) *Schlesinger v. Ballard*, 419 U.S. 498 ...

Content: Court Documents | **Date:** September 11, 1990

1156 [KAISER ALUMINUM & CHEM. CORP. v. BONJORNO](#), 1989 U.S. S. Ct. Briefs LEXIS 1008

... *Merit Ins. Co. v. Leatherby Ins. Co.*, 728 F.2d 943 (7th Cir. 1984) *Missouri & Ark. Lumber & Mining Co. v. Sebastian County*, 249 U.S. 170 (1919) *Mitsubishi Motors v. Soler Chrysler-Plymouth, Inc.*, 473 U.S. 614 (1985) *Morley v. Lake Shore & M.S. Ry. Co.*, 146 U.S. 162 (1892) **Munn v. Illinois,94 U.S. 113(1876)** *Newman v. Piggy Park Enterprises, Inc.*, 390 U.S. 400 (1968) *Nissho-Iwai Co. v. Occidental Crude Sales, Inc.*, 848 F.2d 613 (5th Cir. 1988) *Northern Natural Gas Co. v. Hegler*, 818 ...

Content: Court Documents | **Date:** September 1, 1989

1157 [CRUZAN v. DIRECTOR OF MISSOURI DEP'T OF HEALTH](#), 1989 U.S. S. Ct. Briefs LEXIS 1105

... *Leach v. Akron General Medical Center*, 68 Ohio Misc. 1 , 426 N.E.2d 809 (1980) *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459 (1947) *Loving v. Virginia*, 388 U.S. 1 (1967) *Meyer v. Nebraska*, 262 U.S. 390 (1923) *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) **Munn v. Illinois,94 U.S. 113(1877)** *N.A.A.C.P. v. Alabama*, 357 U.S. 449 (1958) *Natanson v. Kline*, 186 Kan. 393 , 350 P.2d 1093 (1960) , clarified, 187 Kan. 186 , 354 P.2d 670 (1960) *National Treasury Employees* ...

Content: Court Documents | **Date:** September 1, 1989

1158 [WEBSTER v. REPRODUCTIVE HEALTH SERVS.](#), 1989 U.S. S. Ct. Briefs LEXIS 1479

... By the middle of the 20th Century, the Court had rejected the Lochner approach to substantive due process: "The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws . . . because they may be unwise, improvident, or out of harmony with a particular school of thought. . . . We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L.Ed. 77** , 'For protection against abuses by legislatures the ...

Content: Court Documents | **Date:** February 23, 1989

1159 [BURNLEY v. RAILWAY LABOR EXECUTIVES' ASS'N](#), 1988 U.S. S. Ct. Briefs LEXIS 1371

... 278 U.S. 24 (1928) Mackey v. Montrym, 443 U.S. 1 (1979) Marshall v. Barlow's, Inc., 436 U.S. 307 (1978) McDonell v. Hunter, 612 F. Supp. 1122 (S.D. Iowa 1985) , aff'd, 809 F.2d 1302 (8th Cir. 1987) Missouri P. Ry. v. Mackey, 127 U.S. 205 (1888) **Munn v. Illinois, 94 U.S. 113(1877)** National Treasury Employees Union v. von Raab, 816 F.2d 170 (5th Cir. 1987) , cert. granted, No. 86-1879 (Feb. 29, 1988) New Jersey v. T.L.O., 469 U.S. 325 (1985) New York v. Burger, No. 86-80 (June ...

Content: Court Documents | **Date:** July 27, 1988

1160 [DUQUESNE LIGHT CO. v. BARASCH](#), 1988 U.S. S. Ct. Briefs LEXIS 1395

... (1959) . States, acting through regulatory commissions created by their respective legislatures, employ their inherent police powers to protect their citizens under statutes similar in scope and purpose as federal regulatory enactments. **Munn v. Illinois, 94 U.S. 113(1877)** . Therefore, under decisions of this Court, the substance of a ratemaking methodology whether adopted, reconsidered, amended or abandoned by a regulatory commission does not rise to the level of constitutional significance. ...

Content: Court Documents | **Date:** June 30, 1988

1161 [DUQUESNE LIGHT CO. v. BARASCH](#), 1988 U.S. S. Ct. Briefs LEXIS 1402

... interpretation of the statute amounts to a taking of the utility's property in violation of the 5th Amendment of the United States Constitution. A review of the cases before this Court establishes that the denial of these costs does not rise to the level of a "taking." In 1877, in **Munn v. Illinois, 94 U.S. 113(1877)** , this Court upheld the right of the State of Illinois to regulate the prices charged to farmers for the storage of grain in grain elevators. The Court there recognized that ...

Content: Court Documents | **Date:** June 30, 1988

1162 [Duquesne Light Co. v. Barasch](#), 1988 U.S. S. Ct. Briefs LEXIS 1406

... (1913) Missouri ex rel. Southwestern Bell Telephone Co. v. Public Service Commission, 262 U.S. 276 (1923) Mobil Oil Corp. v. FPC, 417 U.S. 283 (1974) Montana-Dakota Utilities Co. v. North-western Public Service Co., 341 U.S. 246 (1951) **Munn v. Illinois, 94 U.S. 113(1876)** Natural Gas Pipeline Co. of America v. FERC, 765 F.2d 1155 (D.C. Cir. 1985) , cert. denied, 474 U.S. 1056 (1986) Nebbia v. New

York, 291 U.S. 502 (1934) NEPCO Municipal Rate Committee v. FERC, 668 F.2d 1327 (D.C. ...

Content: Court Documents | **Date:** June 30, 1988

1163 [DUQUESNE LIGHT CO. v. BARASCH](#), 1988 U.S. S. Ct. Briefs LEXIS 1407

... Market Street Railway Company v. Railway Commission, 324 U.S. 548 (1945) Metropolitan Edison Co. v. Pennsylvania Public Utility Commission, 476 U.S. 1137 (1986) Missouri ex rel. Southwestern Bell Telephone Company v. Public Service Commission, 262 U.S. 276 (1923) **Munn v. Illinois, 94 U.S. 113(1877)** National Wood Preservers, Inc. v. Commonwealth of Pennsylvania, etc., 489 Pa. 221 , 414 A.2d 37 (1980) , appeal dismissed, 449 U.S. 803 Nebbia v. New York, 291 U.S. 502 (1934) New Orleans ...

Content: Court Documents | **Date:** June 30, 1988

1164 [DUQUESNE LIGHT CO. v. BARASCH](#), 1988 U.S. S. Ct. Briefs LEXIS 1400

... case the Appellants add little to their argument by attacking the Pennsylvania General Assembly as "incoherent" and "manipulative" in their "tinkering" with the Public Utility Code. Jurisdictional Statement at 17, 20. No doubt, utilities would prefer to set their own rates, but because of their natural monopoly status, such legislative "tinkering" has been deemed to be an economic necessity in this country for at least the last 100 years. See, e.g., **Munn v. Illinois, 94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** February 11, 1988

1165 [MISSISSIPPI POWER & LIGHT CO. v. MISSISSIPPI ex rel. PITTMAN](#), 1988 U.S. S. Ct. Briefs LEXIS 806

... Louisiana Public Service Comm'n v. FCC, 106 S.Ct. 1890 (1986) Maryland v. Louisiana, 451 U.S. 725 (1981) Mississippi Industries v. FERC, 808 F.2d 1525 , modified on rehearing, 822 F.2d 1104 (D.C. Cir.) , cert. denied, Nos. 86-1380, 86-1424, and 87-469 (Dec. 14, 1987) **Munn v. Illinois, 94 U.S. 113(1877)** Nantahala Power & Light Co. v. Thornburg, 106 S.Ct. 2349 (1986) Narragansett Electric Co. v. Burke, 119 R.I. 559 , 381 A.2d 1358 (1977) , cert. denied, 435 U.S. 972 (1978) Pacific ...

Content: Court Documents | **Date:** January 22, 1988

1166 [NEW YORK STATE CLUB ASS'N, INC. v. CITY OF NEW YORK](#), 1988 U.S. S. Ct. Briefs LEXIS 1615

... 82 Mich. at 363 , 367-368 , 46 NW, at 720 , 721 . 'Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large.' Bell v. Maryland, 378 U.S. at 314 , n. 33 , quoting **Munn v. Illinois, 94 U.S. 113, 125-26** . The factors embodied in Local Law 63 are calculated to detect the degree of an organization's commercial, business and professional interests, and consequently the extent to which the state may proscribe ...

Content: Court Documents | **Date:** January 13, 1988

1167 [NEW YORK STATE CLUB ASS'N, INC. v. CITY OF NEW YORK](#), 1988 U.S. S. Ct. Briefs LEXIS 1619

... Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968) Louisville Gas Co. v. Coleman, 277 U.S. 32 (1928) Marsh v. Alabama, 326 U.S. 501 (1946) Members of the City Council v. Taxpayers for Vincent,

466 U.S. 789 (1984) Moore v. City of East Cleveland, 431 U.S. 494 (1977) **Munn v. Illinois,94 U.S. 113(1877)** NAACP v. Alabama, 357 U.S. 449 (1958) NAACP v. Button, 371 U.S. 415 (1963) New York v. Ferber, 458 U.S. 747 (1982) Norwood v. Harrison, 413 U.S. 455 (1973) Palmore v. Sidoti, 466 ...

Content: Court Documents | **Date:** January 13, 1988

1168 [PUERTO RICO DEP'T OF CONSUMER AFFAIRS v. ISLA PETROLEUM CORP.](#), 1987 U.S. S. Ct. Briefs LEXIS 1092

... , cert. denied, 452 U.S. 967 (1981) Mobil Oil Corp. v. Tully, 499 F. Supp. 888 (N.D. N.Y. 1980) , aff'd, 653 F.2d 497 (TECA 1981) , vacated, 455 U.S. 245 (1982) Mobil Oil Corp. v. Tully, 653 F.2d 497 (TECA 1981) , vacated, 455 U.S. 245 (1982) **Munn v. Illinois,94 U.S. 113(1877)** Napier v. Atlantic Coast Line Railroad Co., 272 U.S. 605 (1926) Nebbia v. New York, 291 U.S. 502 (1934) New York State Department of Social Services v. Dublino, 413 U.S. 405 (1973) Northern Natural Gas ...

Content: Court Documents | **Date:** November 19, 1987

1169 [PENNELL v. CITY OF SAN JOSE](#), 1987 U.S. S. Ct. Briefs LEXIS 459

... C. The tenant hardship provisions constitute an arbitrary, discriminatory and unwarranted interference with personal liberty Although the Supreme Court approved the imposition of price regulations in businesses "affected" with the public interest in the early case of **Munn v. People of Illinois,94 U.S. 113(1876)** , and approved state and federal rent control regulations imposed during emergency conditions arising out of World War I (Levy Leasing Co. v. Siegel, 258 U.S. 242 (1922) ; Marcus ...

Content: Court Documents | **Date:** May 19, 1987

1170 [PENNELL v. CITY OF SAN JOSE](#), 1987 U.S. S. Ct. Briefs LEXIS 458

... 472 U.S. 612 (1985) Kaiser Aetna v. United States, 444 U.S. 164 (1979) Korematsu v. United States, 323 U.S. 214 (1944) Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) Metropolitan Life Ins. Co. v. Ward, 470 U.S. 869 (1985) **Munn v. Illinois,94 U.S. 113(1877)** Penn Central Transp. Co. v. New York City, 438 U.S. 104 (1978) Pennell v. City of San Jose, 42 Cal. 3d 365 , 721 P.2d 1111 (1986) Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922) Plyer v. Doe, 457 U.S. ...

Content: Court Documents | **Date:** May 18, 1987

1171 [PUERTO RICO DEP'T OF CONSUMER AFFAIRS v. ISLA PETROLEUM CORP.](#), 1987 U.S. S. Ct. Briefs LEXIS 1079

... those subjects that are within the exclusive province of the national government. Thus, for example, Article 1, Section 10, outlines in detail those subjects in which "no State shall" interfere. U.S. Const. art. I, sec. 10. But it has long been recognized by this Court that the States share concurrent authority, by virtue of their police power, over economic regulation of commerce. Cooley v. Board of Wardens, 53 U.S. (12 How.) 299 (1851) . See also, **Munn v. Illinois,94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** April 10, 1987

1172 [PUERTO RICO DEP'T OF CONSUMER AFFAIRS v. ISLA PETROLEUM CORP.](#), 1987 U.S. S. Ct. Briefs LEXIS 1082

... Prior to 1973, there was no prohibition against state price controls such as those in effect in Puerto

Rico on local sales of petroleum products. 13 Regulation of the prices of essential commodities at the local level has long been recognized as within the traditional police powers of the states. See **Munn v. Illinois, 94 U.S. 113(1876)**; *Nebbia v. New York*, 291 U.S. 502 (1934). The situation changed, however, when in 1973 Congress enacted the EPAA as a temporary measure designed ...

Content: Court Documents | **Date:** March 2, 1987

1173 [**GROUP W CABLE v. FLORIDA POWER CORP.**](#), 1986 U.S. S. Ct. Briefs LEXIS 1219

... *Marcus Brown Holding Co. v. Feldman*, 256 U.S. 170 (1921) *Metropolitan Transit Authority v. ICC*, 792 F.2d 287 (2d Cir. 1986), petition for cert. filed, 55 U.S.L.W. 3185 (U.S. Sept. 2, 1986) (No. 86-409) *Missouri Pacific Ry. v. Nebraska*, 217 U.S. 196 (1910) **Munn v. Illinois, 94 U.S. 113(1877)** *Nash v. City of Santa Monica*, 37 Cal. 3d 97, 688 P.2d 894, 207 Cal. Rptr. 285 (1984), appeal dismissed, 470 U.S. 1046 (1985) *New York Telephone Co. v. Town of North Hempstead*, 41 N.Y. ...

Content: Court Documents | **Date:** November 10, 1986

1174 [**FCC v. FLORIDA POWER CORP.**](#), 1986 U.S. S. Ct. Briefs LEXIS 939

... *Louisiana Public Service Commission v. FCC*, U.S., 54 U.S.L.W. 4505 (1986) *MacDonald, Sommer & Frates v. Yolo County*, U.S., 106 S. Ct. 2561 (1986) *Midland Realty Co. v. Kansas City Power & Light Co.*, 300 U.S. 109 (1937) *Mills v. Rogers*, 457 U.S. 291 (1982) **Munn v. Illinois, 94 U.S. 113(1876)** *Pacific Gas and Electric Co. v. Public Utilities Commission of California*, U.S., 106 S. Ct. 903 (1986) *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922) *Quincy Cable TV, Inc.* ...

Content: Court Documents | **Date:** August 29, 1986

1175 [**FCC v. FLORIDA POWER CORP.**](#), 1986 U.S. S. Ct. Briefs LEXIS 936

... efforts to vindicate its fifth amendment property rights as simply "assert[ing] the 'right' to be free from regulation" of the rates it charges for attachment of cable television equipment and wires to its utility poles. Government Brief at 14-15. Appellants' arguments are based on the erroneous premise that this case involves only the regulation or restriction on the use of property, instead of an actual physical occupation. 28 Thus, **Munn v. Illinois, 94 U.S. 113(1877)**; *Nebbia v. New* ...

Content: Court Documents | **Date:** August 28, 1986

1176 [**FCC v. FLORIDA POWER CORP.**](#), 1986 U.S. S. Ct. Briefs LEXIS 1217

... *Kaiser Aetna v. United States*, 444 U.S. 164 *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 *McDonald, Sommers & Frates v. Yolo County*, No. 84-2015 (June 25, 1986) *Miller v. United States*, 620 F.2d 812 *Monongahela Navigation Co. v. United States*, 148 U.S. 312 **Munn v. Illinois, 94 U.S. 113** *National Railroad Passenger Corp. v. Atchison, T. & S.F. Ry.*, No. 83-1492 (Mar. 18, 1985) *Northern Transportation Co. v. Chicago*, 99 U.S. 635 *Panama Refining Co. v. Ryan*, 293 U.S. 388 *Permian* ...

Content: Court Documents | **Date:** July 29, 1986

1177 [**FCC v. FLORIDA POWER CORP.**](#), 1986 U.S. S. Ct. Briefs LEXIS 928

... Manatee Cablevision, Inc., 22 F.C.C.2d 841 (1970) , vacated as moot, 35 F.C.C.2d 639 (1972) MCI Telecommunications Corp. v. FCC, 580 F.2d 590 (D.C. Cir.) , cert. denied, 439 U.S. 980 (1978) Monongahela Navigation Co. v. United States, 148 U.S. 312 (1893) **Munn v. Illinois,94 U.S. 113(1877)** Nebbia v. New York, 291 U.S. 502 (1934) Radio Hanover, Inc. v. United Utils., Inc., 273 F. Supp. 709 (M.D. Pa. 1967) Regional Rail Reorganization Act Cases, 419 U.S. 102 (1974) Section 214 ...

Content: Court Documents | **Date:** July 28, 1986

1178 [GROUP W CABLE v. FLORIDA POWER CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 1218

... Midland Realty Co. v. Kansas City Power & Light Co., 300 U.S. 109 (1937) Miller v. United States, 620 F.2d 812 (Ct. Cl. 1980) Monongahela Navigation Co. v. United States, 148 U.S. 312 (1893) Monogahela Power Co. v. FCC, 655 F.2d 1254 (D.C. Cir. 1981) (per curiam) **Munn v. Illinois,94 U.S. 113(1877)** Nash v. City of Santa Monica, 37 Cal. 3d 97 , 688 P.2d 894 , 207 Cal. Rptr. 285 (1984) , appeal dismissed for want of substantial federal question, 105 S. Ct. 1740 (1985) National Association ...

Content: Court Documents | **Date:** July 28, 1986

1179 [FCC v. FLORIDA POWER CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 933

... Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) Loretto v. Teleprompter Manhattan CATV Corp., 18 N.Y.2d 143 , 446 N.E.2d 428 , 459 N.Y.S.2d 743 (1983) Manatee Cablevision, Inc., 22 F.C.C.2d 841 (1970) , vacated as moot, 35 F.C.C.2d 639 (1972) **Munn v. Illinois,94 U.S. 113(1977)** Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978) Permian Basin Area Rate Cases, 390 U.S. 747 (1968) PruneYard Shopping Center v. Robins, 447 U.S. 74 (1980) Radio ...

Content: Court Documents | **Date:** May 9, 1986

1180 [FCC v. FLORIDA POWER CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 941

... of compensation in a Fifth Amendment context. This Court has made clear that it is inappropriate to cite that case for the conclusion that the courts are the exclusive appropriate forums for the determination of just compensation. Regional Rail Reorganization Act Cases, 419 U.S. 102 , 151 n.39 (1974) . 31 See also, **Munn v. Illinois,94 U.S. 113(1877)** ; Bauman v. Ross, 167 U.S. 548 , 593 (1897) ; and other cases cited by the appellants in this case. The New York Court of Appeals ...

Content: Court Documents | **Date:** May 9, 1986

1181 [FCC v. FLORIDA POWER CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 929

... Loretto v. Teleprompter Manhattan CATV Corp., 58 N.Y.2d 143 , 446 N.E.2d 428 , 459 N.Y.S.2d 743 (1983) Manatee Cablevision, Inc., 22 F.C.C.2d 841 (1970) , vacated as moot, 35 F.C.C.2d 639 (1972) Monongahela Navigation Co. v. United States, 148 U.S. 312 (1893) **Munn v. Illinois,94 U.S. 113(1877)** Nebbia v. New York, 291 U.S. 502 (1934) Radio Hanover, Inc. v. United Utils., Inc., 273 F. Supp. 709 (M.D. Pa. 1967) Regional Rail Reorganization Act Cases, 419 U.S. 102 (1974) Section ...

Content: Court Documents | **Date:** April 9, 1986

1182 [GROUP W CABLE v. FLORIDA POWER CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 943

... (D.C. Cir.) , cert. denied, 439 U.S. 980 (1978) Miller v. United States, 620 F.2d 812 (Ct. Cl. 1980) Monongahela Navigation Co. v. United States, 148 U.S. 312 (1893) Monongahela Power Co. v. FCC, 655 F.2d 1254 (D.C. Cir. 1981) (per curiam) **Munn v. Illinois,94 U.S. 113(1877)** Nash v. City of Santa Monica, 37 Cal. 3d 97 , 688 P.2d 894 , 207 Cal. Rptr. 285 (1984) , appeal dismissed, 105 S. Ct. 1740 (1985) National Association of Greeting Card Publishers v. United States Postal Service, ...

Content: Court Documents | **Date:** April 9, 1986

1183 [CITY OF LOS ANGELES v. PREFERRED COMMUNS., INC.](#), 1986 U.S. S. Ct. Briefs LEXIS 309

... 343 U.S. 960 (1951) (per curiam Hallie v. Eau Claire, 105 S. Ct. 1713 (1985) Lovell v. Griffin, 303 U.S. 444 (1938) Miami Herald Pub. Co. v. Tornillo, 418 U.S. 241 (1974) Minneapolis Star & Tribune Co. v. Commissioner of Rev., 460 U.S. 575 (1983) . **Munn v. Illinois,94 U.S. 113(1877)** Northern Pacific Ry. Co. v. United States, 356 U.S. 1 (1958) Owen v. Independence, 455 U.S. 622 (1980) Perry Educ. Ass'n v. Perry Local Educ. Ass'n, 460 U.S. 37 (1983) Red Lion Broadcasting Co. v. ...

Content: Court Documents | **Date:** February 24, 1986

1184 [LORETTO v. TELEPROMPTER MANHATTAN CATV CORP.](#), 1982 U.S. S. Ct. Briefs LEXIS 983

... Loretto v. Teleprompter Manhattan CATV Corp., 53 N.Y.2d 124 , 440 N.Y.S.2d 843 , 423 , N.E.2d 320 (1981) Malrite T.V. of New York v. FCC, 652 F.2d 1140 (2d Cir. 1981) Marsh v. Alabama, 326 U.S. 501 (1946) Miller v. Schoene, 275 U.S. 272 (1928) **Munn v. Illinois,94 U.S. 113(1877)** Nebbia v. New York, 291 U.S. 502 (1934) Noble State Bank v. Haskell, 219 U.S. 104 (1911) Penn Central Transp. Co. v. New York City, 438 U.S. 104 (1978) Pennsylvania Coal Co. v. Mahon, 260 ...

Content: Court Documents | **Date:** January 21, 1982

1185 [LORETTO v. TELEPROMPTER MANHATTAN CATV CORP.](#), 1982 U.S. S. Ct. Briefs LEXIS 982

... (in upholding tenant's right under early rent control statute to remain in possession of premises after end of term of lease, this Court noted that common-law property rights are subject to "legislative modification"); Javins v. First National Realty Corp., supra ; see also Silver v. Silver, 280 U.S. 117 , 122 ; **Munn v. Illinois,94 U.S. 113, 134** . In view of this doctrine, even a per se rule such as that which appellant asserts could not determine the validity of the statute in this case. ...

Content: Court Documents | **Date:** January 18, 1982

1186 [LORETTO v. TELEPROMPTER MANHATTAN CATV, CORP.](#), 1982 U.S. S. Ct. Briefs LEXIS 985

... The police power of a state comfortably includes legislative action such as Section 828. "Police power" is an attribute of sovereignty which refers to the government's ability to impose restrictions and prohibitions on the use of private property without payment of compensation. 6 **Munn v. Illinois,94 U.S. 113(1876)** . The precise meaning and scope of this broadly defined term is dictated by the facts of each case. 7 Berman v. Parker, 348 U.S. 26 , 32 (1954) . The definition is essentially ...

Content: Court Documents | **Date:** January 18, 1982

1187 [FERC v. MISSISSIPPI](#), 1981 U.S. S. Ct. Briefs LEXIS 1710

... to order virtually anything to be done by a state and its elected officials and employees, which Congress deems appropriate for the times. II. SUMMARY OF ARGUMENT We are firm in the belief that the regulation of public utilities is a function of the state's general police power. **Munn v. Illinois,94 U.S. 113(1877)** . See also 73 C.J.S., Public Utilities § 11, p. 1006. Police power, in a modern sense, is the authority retained by the several states and confirmed in existence through the Tenth ...

Content: Court Documents | **Date:** October 27, 1981

1188 [LASSITER v. DEPARTMENT OF SOC. SERVS. OF DURHAM COUNTY](#), 1981 U.S. S. Ct. Briefs LEXIS 795

... 388 U.S. 1 (1967) Mathews v. Eldridge, 424 U.S. 319 (1976) Meyer v. Nebraska, 262 U.S. 390 (1923) Morrissey v. Brewer, 408 U.S. 471 (1972) Mullane v. Central Hanover Trust Co., 339 U.S. 306 (1950) **Munn v. State of Illinois,94 U.S. 113(1876)** Ortwein v. Schwab, 410 U.S. 656 (1973) Parham v. J.R., 442 U.S. 584 (1979) Pierce v. Society of Sisters, 268 U.S. 510 (1925) Powell v. Alabama, 287 U.S. 45 (1932) Prince v. Massachusetts, 321 U.S. 158 ...

Content: Court Documents | **Date:** January 2, 1981

1189 [UNITED STATES v. CLARKE](#), 1979 U.S. S. Ct. Briefs LEXIS 1588

... power to exercise eminent domain power is set forth in 1 Nichols on Eminent Domain § 1.23(1)(Rev.3rd Ed. 1976): When the people of the American colonies became independent of Great Britain , each colony became a sovereign state, and by the mere fact of sovereignty assumed absolute control over the property within its jurisdiction. In **Munn. v. Illinois,94 U.S. 113, 124, 24 L.Ed. 77** , the Supreme Court said: "When the people of the United Colonies separated from Great Britain, they changed ...

Content: Court Documents | **Date:** December 31, 1979

1190 [AETNA v. UNITED STATES](#), 1979 U.S. S. Ct. Briefs LEXIS 1773

... . Here, Petitioners and their predecessors have consistently and steadfastly excluded the public (App. 29-30; Pet. App. 16a-17a). Moreover, the two lines of cases upon which the Government relies for its dedication argument (Br. for U.S., 35-36) actually support Petitioners' position. One line stems from **Munn v. Illinois,94 U.S. (4 Otto) 113(1876)** , which involves regulation only of business activities affected with a public interest. While in Munn this Court held that rates for storage of ...

Content: Court Documents | **Date:** September 5, 1979

1191 [MARTINEZ v. CALIFORNIA](#), 1979 U.S. S. Ct. Briefs LEXIS 1705

... 365 U.S. 167 (1961) Moor v. County of Alameda, 411 U.S. 693 (1973) Morrissey v. Brewer, 408 U.S. 471 (1972) Morrow v. Ingleburger, 67 F.R.D. 675 , (S.D. Ohio 1974) Mt. Healthy City Board of Ed. v. Doyle, 429 U.S. 274 (1977) **Munn v. Illinois,94 U.S. 113(1876)** Murel v. Baltimore City

Criminal Court, 407 U.S. 355 (1972) Muskopf v. Corning Hospital Dist., 55 Cal.2d 211 , 11 Cal.Rptr. 89 , 359 P.2d 457 (1961) Myers v. Bendus, 343 F.Supp. 370 (E.D. Pa. 1972) New Orleans ...

Content: Court Documents | **Date:** August 20, 1979

1192 [FERRI v. ACKERMAN](#), 1979 U.S. S. Ct. Briefs LEXIS 1245

... 414 F. Supp. 180 (E.D. La.) , aff'd, 537 F.2d 1141 (5th Cir. 1976) Mondou v. New York, New Haven and Hartford Railroad Co., 223 U.S. 1 (1912) Moore v. United States, 432 F.2d 730 (3d Cir. 1970) Morrow v. Igleburger, 67 F.R.D. 675 (S.D. Ohio 1974) **Munn v. Illinois,94 U.S. 113(1876)** Munster v. Lamb, 11 Q.B.D. 588, [1881-85] All E.R. 791 (1883) New Orleans v. Dukes, 427 U.S. 297 (1976) O'Brien v. Colbath, 465 F.2d 358 (5th Cir. 1972) Ortwein v. Scwab, 410 U.S. 656 ...

Content: Court Documents | **Date:** June 8, 1979

1193 [AETNA v. UNITED STATES](#), 1979 U.S. S. Ct. Briefs LEXIS 1772

... Fast lands are not "taken" when the owner voluntarily dredges them to allow the navigable waters of the United States to flow in. The Court has long held that when an owner of property uses it in a way that affects the public interest, it is subject to regulation and that such regulation, even if it interferes with the full enjoyment of the property, is not a "taking." **Munn v. Illinois,94 U.S. 113** , 130-133 (1876) . Nebbia v. New York, 291 U.S. 502 , 531- 536 (1934) ; United States v. ...

Content: Court Documents | **Date:** June 8, 1979

1194 [GREGG v. GEORGIA](#), 1976 U.S. S. Ct. Briefs LEXIS 11

... , vacated on other grounds sub nom. Spomer v. Littleton, 414 U.S. 514 Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 McGautha v. California, 402 U.S. 183 Marshall v. United States, 414 U.S. 417 Martin v. United States, 317 F.2d 753 Miller v. Oregon, 273 U.S. 657 **Munn v. Illinois,94 U.S. 113** Nash v. United States, 229 U.S. 373 Newman v. Alabama, 503 F.2d 1320 Omaechevarria v. Idaho, 246 U.S. 343 Oyler v. Boles, 368 U.S. 448 Parker v. Levy, 417 U.S. 733 People ex rel. Rice v. Cunningham, ...

Content: Court Documents | **Date:** March 25, 1976

1195 [AP v. NLRB](#), 1937 U.S. S. Ct. Briefs LEXIS 5

... Missouri, Kansas & Texas Railway Co. v. United States, 231 U.S. 112 Mondou v. N. Y., N. H. & H. R. Co., 223 U.S. 1 Monongahela Bridge Co. v. United States, 216 U.S. 177 Morehead v. New York ex rel Tipaldo, 298 U.S. 587 Muller v. Oregon, 208 U.S. 412 **Munn v. Illinois,94 U.S. 113** Nathan v. Louisiana, 8 How. 73 National Labor Relations Board v. Associated Press, 85 F. (2) 56 National Labor Relations Board v. Friedman-Harry Marx Clothing Co., Inc. (C. C. A. 2d 1936) 85 F. (2) 1 National ...

Content: Court Documents | **Date:** January 22, 1937

1196 [McCurdy v. State](#), 2020 U.S. S. Ct. Briefs LEXIS 6700

... 242 (1980) ; Schweiker v. McClure, 456 U.S. 188 , 195 (1982) Marbury v. Madison 5 U.S. 137 (1803) Michigan v. Duke 266 U.S., 476 Led. At 449 **Munn v. Illinois,94 U.S. 113, 24 L. Ed.**

77(1877) Murdock v. Pennsylvania 319 U.S. 105 People v. Fielden, 162 Colo. 574 (Colo. 1967)
Restatement (Second) of Contracts § 175 , 176 Rochin v. California, 342 U.S. 165 ...

Content: Court Documents | **Date:** July 30, 2020

1197 [GUERIN v. FOWLER](#), 2019 U.S. S. Ct. Briefs LEXIS 2148

... Manufactured Hous. Cmty. of Washington v. State 142 Wash. 2d 347 , 13 P.3d 183 (2000)
McCleary v. State 173 Wash. 2d 477 , 269 P.3d 477 (2012) McGinty v. New York 251 F.3d 84 (2d Cir.
2001) Morris v. Wash. Metro. Area Transit Auth. 781 F.2d 218 (D.C. Cir. 1986) **Munn v. Illinois,94 U.S.
113(1876)** Pennhurst State Sch. & Hosp. v. Halderman 465 U.S. 89 (1984) Phillips v. Washington Legal
Found. 524 U.S. 156 (1998) Probst v. Dep't of Ret. Sys. No. 45128-0, 2014 WL 7462567 (Wash. Ct. ...

Content: Court Documents | **Date:** June 11, 2019

1198 [FREDERICK L. ALLEN & NAUTILUS PRODUCTIONS v. COOPER](#), 2019 U.S. S. Ct. Briefs LEXIS 69

... Jehnsen v. N.Y. State Martin Luther King, Jr., Institute for Nonviolence, 13 F. Supp. 2d 306 (N.D.N.Y.
1998) Kimel v. Fla. Bd. of Regents, 528 U.S. 62 (2000) Matal v. Tam, 137 S. Ct. 1744 (2017) Mazer v.
Stein, 347 U.S. 201 (1954) Mitchell v. Franchise Tax Bd. (In re Mitchell), 209 F.3d 1111 (9th Cir. 2000)
Munn v. Illinois,94 U.S. 113(1876) Nat'l Ass'n of Bds. of Pharmacy v. Bd. of Regents of the Univ. Sys. of
Ga., 633 F.3d 1297 (11th Cir. 2011) Nelson v. La Crosse Cnty. Dist. Att'y ...

Content: Court Documents | **Date:** January 4, 2019

1199 [BRANDT TRUST v. UNITED STATES](#), 2013 U.S. S. Ct. Briefs LEXIS 4830

... 2012 ND 148 , 818 N.W.2d 684 , cert. denied, 133 S.Ct. 847 (2013) Hash v. United States, 403 F.3d
1308 (Fed. Cir. 2005) Leo Sheep Co. v. United States, 440 U.S. 668 (1979) McDonald v. City of
Chicago, Ill., U.S. , 130 S.Ct. 3020 (2010) **Munn v. Illinois,94 U.S. 113(1877)** Palko v. Connecticut,
302 U.S. 319 (1937) Postema v. Snohomish County, 83 Wash.App. 574 , 922 P.2d 176 , Wash. App.
Div. 1 (1996) R/L Associates, Inc. v. City of Seattle, 113 Wash.2d 402 , 780 P.2d 838 ...

Content: Court Documents | **Date:** November 19, 2013

1200 [STIERHOFF](#), 2013 U.S. S. Ct. Briefs LEXIS 2570

... (1819) McCullough v. Virginia, 172 U.S. 102 , 112 (1898) Meese v. Keene, 481 U. S. 465 , 484-485
(1987) Morrison v. Olson, 487 U.S. 654 (1988) Morton v. Mancari et al., 417 U.S. 535 , 550 551 (1974)
Munn v. Illinois,94 U.S. 113, 123(1877) National Federation of Independent Business et al. v. Sebelius,
132 S.Ct. 2566 , 2578 (2012) New York Times Co. v. Sullivan, 376 U.S. 254 , 284 (1964) Nicol v.
Ames, 173 U.S. 509 (1899) Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 ...

Content: Court Documents | **Date:** June 4, 2013

1201 [PIERCE COUNTY v. GUILLEN](#), 2002 U.S. S. Ct. Briefs LEXIS 326

... any supposed constitutional right to court created rules--presumably because this Court has: . . .
clearly established that "[a] person has no property, no vested interest, in any rule of the common law."

Second Employers' Liability Cases, 223 U.S. 1, 50 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134(1877)**. The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," Silver ...

Content: Court Documents | **Date:** July 2, 2002

1202 [BSA v. DALE](#), 2000 U.S. S. Ct. Briefs LEXIS 537

... Little v. Wuerl, 929 F.2d 944 (3d Cir. 1991) Maguire v. Marquette Univ., 814 F.2d 1213 (7th Cir. 1987) Marsh v. Alabama, 326 U.S. 501 (1946) Meyer v. Nebraska, 262 U.S. 390 (1923) Miami Herald Publ'g Co. v. Tornillo, 418 U.S. 241 (1974) **Munn v. Illinois, 94 U.S. 113(1876)** Nebbia v. New York, 291 U.S. 502 (1934) New York State Club Ass'n v. City of New York, 487 U.S. 1 (1988) Norwood v. Harrison, 413 U.S. 455 (1973) Pacific Gas & Elec. Co. v. Public Util. Comm'n of Cal., 475 ...

Content: Court Documents | **Date:** March 29, 2000

1203 [BROWN](#), 1996 U.S. S. Ct. Briefs LEXIS 1146

... SC 19403, (803) 722-2100. Attorneys for Petitioner, Counsel of Record *. PETITION FOR WRIT OF CERTIORARI TABLE OF AUTHORITY CASES: Allgeyer v. Louisiana 165 U.S. 578 (1891) Fifke v. State of Kansas 27 U.S. 38 71 L.Ed 1108 47 S.CT 655 Munn v. Illinois **94 U.S. 113(1877)** STATUTES: 28 U.S.C. 1257(A) S.C. Code Ann. 20-30.3 RULES: Rule 501, Canon 5, (c)(1), SCARC Rule 502, SCARC Rule 503, SCARC QUESTIONS PRESENTED 1. Whether Due Process and Equal Protection of the law precludes a finding of ...

Content: Court Documents | **Date:** December 4, 1996

1204 [44 LIQUORMART, INC. v. RHODE ISLAND](#), 1995 U.S. S. Ct. Briefs LEXIS 373

... Use of Censorship to Impose De Facto Price Control Bypasses the Democratic Process and Suppresses Information Needed to Form an Important Political Judgment No economic issue has triggered more intense disagreement than government efforts to impose price control. 12 Eg. **Munn v. Illinois, 94 U.S. 113(1877)** (upholding railroad rate regulation); Houston E. & W. Texas Ry. Co. v. United States (the Shreveport Rate Case), 234 U.S. 342 (1914) (same); Williams v. Standard Oil Co., 278 U.S. ...

Content: Court Documents | **Date:** July 5, 1995

1205 [NEW YORK STATE CONF. OF BLUE CROSS & BLUE SHIELD PLANS](#), 1994 U.S. S. Ct. Briefs LEXIS 680

... segments of the population uniformly among the various types of private third-party payors. Like the other forms of state regulation of the provision of hospital care, the regulation of hospital charges here is a classic exercise of the police power to achieve a basic social good. See, e.g., Pennell v. City of San Jose, 485 U.S. 1, 11-14 (1988); Fisher v. City of Berkeley, 475 U.S. 260, 264 (1986); Nebbia v. New York, 291 U.S. 502 (1934); **Munn v. Illinois, 94 U.S. 113(1877)** ...

Content: Court Documents | **Date:** November 16, 1994

1206 [U.S. TERM LIMITS, INC. v. THORNTON](#), 1994 U.S. S. Ct. Briefs LEXIS 617

... Lassiter v. Northampton County Bd., 360 U.S. 45 (1959) Lubin v. Panish, 415 U.S. 709 (1974) Lukens v. Brown, 368 F. Supp. 1340 (S.D. Ohio 1974) Mandel v. Bradley, 432 U.S. 173 (1977) McPherson v. Blacker, 146 U.S. 1 (1892) Moore v. McCartney 425 U.S. 946 (1976) **Munn v .Illinois,94 U.S. 113(1877)** Munro v. Socialist Workers Party, 479 U.S. 189 (1986) New York v. United States, 112 S. Ct. 2408 (1992) New York State Club Ass'n v. City of New York, 487 U.S. 1 (1988) New York State

Content: Court Documents | **Date:** November 16, 1994

1207 [UNITED STATES v. BEACH COMMUNS., INC.](#), 1993 U.S. S. Ct. Briefs LEXIS 86

... 652 F.2d 1140 (2d Cir. 1981) , cert. denied, 454 U.S. 1143 (1982) Massachusetts Bd. of Retirement v. Murgia, 427 U.S. 307 (1976) McGowan v. Maryland, 366 U.S. 420 (1961) Memorandum Opinion & Order in Docket No. 20561, 67 F.C.C.2d 716 (1978) **Munn v. Illinois,94 U.S. 113(1877)** Nebbia v. New York, 291 U.S. 502 (1934) New York State Comm'n on Cable Television v. FCC, 749 F.2d 804 (D.C. Cir. 1984) Nordlinger v. Hahn, 112 S. Ct. 2326 (1992) North Dakota State Bd. of Pharmacy v. Snyder's

Content: Court Documents | **Date:** January 14, 1993

1208 [PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA v. CASEY](#), 1992 U.S. S. Ct. Briefs LEXIS 291

... Martin v. Struthers, 319 U.S. 141 (1943) McCollum v. Board of Education, 333 U.S. 203 (1948) McRae v. Califano, 491 F. Supp. 630 (E.D.N.Y. 1980) Mississippi University for Women v. Hogan, 458 U.S. 718 (1982) Moore v. East Cleveland, 431 U.S. 494 (1977) **Munn v. Illinois,94 U.S. 113(1877)** Olmstead v. U.S., 277 U.S. 438 (1928) Orr v. Orr, 440 U.S. 268 (1979) People v. Stanko, 402 Ill. 558 (1949) People v. Stanko, 407 Ill. 624 (1951) Planned Parenthood of Southeastern Pennsylvania ...

Content: Court Documents | **Date:** March 6, 1992

1209 [LUCAS v. SOUTH CAROLINA COASTAL COUNCIL](#), 1992 U.S. S. Ct. Briefs LEXIS 83

... (1954) Lummis v. Lilly, 429 N.E. 2d 1146 (1982) MacDonald, Sommer and Frates v. County of Yolo, 477 U.S. 340 (1986) McKart v. United States, 395 U.S. 185 (1969) Miller v. Schoene, 276 U.S. 272 (1928) Mugler v. Kansas, 123 U.S. 623 (1887) **Munn v. Illinois,94 U.S. 113(1876)** Nollan v. California Coastal Commission, 483 U.S. 825 (1987) North American Cold Storage Co. v. City of Chicago, 211 U.S. 306 (1908) Orion Corporation v. State, 747 P.2d 1062 (1987) Patterson v. Kentucky, 97 ...

Content: Court Documents | **Date:** January 31, 1992

1210 [YEE v. CITY OF ESCONDIDO](#), 1992 U.S. S. Ct. Briefs LEXIS 74

... . In each case, the Court recognized that, where the federal or state legislature had properly deemed rental conditions a matter of public concern, it could legitimately regulate the rents charged for rental property. See Block, 256 U.S. at 157 ("if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since [the 1877 decision in] **Munn v. Illinois,94 U.S. 113** "). 50 Petitioners attempt ...

Content: Court Documents | **Date:** January 3, 1992

1211 [YEE v. CITY OF ESCONDIDO](#), 1992 U.S. S. Ct. Briefs LEXIS 69

... It is plain that the Constitution does not forbid the imposition, in appropriate circumstances, of maximum prices upon commercial and other activities. A legislative power to create price ceilings has, in "countries where the common law prevails," been "customary from time immemorial. . . ." **Munn v. Illinois, 94 U.S. 113, 133** . [Permian Basin Area Rate Cases, 390 U.S. 747 , 769 (1968) .] And, as Justice Jackson explained in his separate opinion in Federal Power Comm'n v. Hope Gas Co., ...

Content: Court Documents | **Date:** January 3, 1992

1212 [YEE v. CITY OF ESCONDIDO](#), 1992 U.S. S. Ct. Briefs LEXIS 51

... of England, whose eighteenth century treatise stated that "when private property is affected with a public interest" it "ceases to be juris privati only." De Portibus Maris, 1 F. Hargrave Law Tracts 78 (1787). This Court adopted this principle in **Munn v. Illinois, 94 U.S. 113(1877)** , declaring that "when private property is devoted to a public use, it is subject to public regulation." Id. at 130 . The decision in Block reaffirms this, and notes that with rental housing, "[a]ll the elements ...

Content: Court Documents | **Date:** January 3, 1992

1213 [YEE v. CITY OF ESCONDIDO](#), 1992 U.S. S. Ct. Briefs LEXIS 298

... to promote public welfare. See Usery v. Turner Elkhorn Mining Co., 428 U.S. 1 (1976) . Price controls which limit the profits of producers or vendors for the benefit of consumers are permissible police power regulations. For example, in **Munn v. Illinois, 94 U.S. 113(1877)** , the Supreme Court upheld the constitutionality of state provisions which allowed the legislature to fix the maximum rate to be charged for the storage of grain in warehouses. Similarly, in Nebbia v. New York, 291 ...

Content: Court Documents | **Date:** January 2, 1992

1214 [LUCAS v. SOUTH CAROLINA COASTAL COUNCIL](#), 1992 U.S. S. Ct. Briefs LEXIS 91

... Such arguments prompted the Court to focus on the scope of the police power as well as the nature and use of property, when considering a possible due process violation. 21 The focus on the "use" of property supported the Court's conclusion in **Munn v. Illinois, 94 U.S. 113(1877)** , that businesses affected with the public interest could be regulated, and that such regulation did not deprive a company of property without due process of law. See generally Scheiber, The Road to Munn: Eminent ...

Content: Court Documents | **Date:** January 2, 1992

1215 [YEE v. CITY OF ESCONDIDO](#), 1992 U.S. S. Ct. Briefs LEXIS 65

... Kaiser Aetna v. United States, 444 U.S. 164 (1979) Laguna Royale Owners Association v. Darger, 119 Cal. App. 3d 670 (1981) Lancy v. Clifford, 54 Me. 487 (1867) Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) Marsh v. Alabama, 326 U.S. 501 (1946) **Munn v. Illinois, 94 U.S. 113(1877)** Nollan v. California Coastal Commission, 483 U.S. 825 (1987) Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co., 429 U.S. 363 (1977) Pennell v. City of San Jose, 485 U.S. ...

Content: Court Documents | **Date:** January 2, 1992

1216 [NORFOLK & WESTERN RY. CO. v. AMERICAN TRAIN DISPATCHERS ASS'N](#), 1990 U.S. S. Ct. Briefs LEXIS 1335

... Detroit & Toledo Shore Line R.R. v. United Transp. Union, 396 U.S. 142 (1969) Erie R.R. v. Tompkins, 304 U.S. 64 (1938) ICC v. Brotherhood of Locomotive Engineers, 482 U.S. 270 (1987) Missouri Pac. R.R. v. United Transp. Union, 782 F.2d 107 (8th Cir. 1986) , cert. denied, 482 U.S. 927 (1987) **Munn v. Illinois,94 U.S. 113(1877)** Nemitz v. Norfolk & Western Ry., 436 F.2d 841 (6th Cir.) , aff'd, 404 U.S. 37 (1971) Norman v. Baltimore & O.R.R., 294 U.S. 240 (1935) Pittsburgh & Lake ...

Content: Court Documents | **Date:** February 28, 1990

1217 [PUERTO RICO DEP'T OF CONSUMER AFFAIRS v. ISLA PETROLEUM CORP.](#), 1987 U.S. S. Ct. Briefs LEXIS 1081

... Oil Corp. v. Tully: 639 F.2d 912 (2d Cir.) , cert. denied, 452 U.S. 967 (1981) 499 F. Supp. 888 (N.D.N.Y. 1980) , aff'd, 653 F.2d 497 (Temp. Emer. Ct. App. 1981) , vacated and remanded, 455 U.S. 245 , on remand, 689 F.2d 186 (2d Cir. 1982) **Munn v. Illinois,94 U.S. 113(1876)** Northern Natural Gas Co. v. State Corporation Comm'n, 372 U.S. 84 (1963) Public Service Comm'n v. Mid-Louisiana Gas Co., 463 U.S. 319 (1983) R.J. Reynolds Tobacco Co. v. Durham County, No. 85-1021 (Dec. 9, ...

Content: Court Documents | **Date:** November 19, 1987

1218 [WEBSTER v. REPRODUCTIVE HEALTH SERVS.](#), 1987 U.S. S. Ct. Briefs LEXIS 33

... Harris v. McRae, 448 U.S. 297 (1980) House v. Mayes, 219 U.S. 270 (1911) Jacobson v. Massachusetts, 197 U.S. 11 (1904) Lawton v. Steele, 152 U.S. 133 (1894) Maher v. Roe, 432 U.S. 464 (1977) Missouri, K. & T. R. Co. v. May, 194 U.S. 267 (1904) **Munn v. Illinois,94 U.S. 113(1877)** Noble State Bank v. Haskell, 219 U.S. 104 (1911) Paris Adult Theatre I v. Slaton , 413 U.S. 49 (1973) Reproductive Health Services v. Webster, 662 F. Supp. 407 (W.D. Mo. 1987) Reproductive Health Service ...

Content: Court Documents | **Date:** February 23, 1987

1219 [KEYSTONE BITUMINOUS COAL ASS'N, HELVETIA COAL CO. v. DEBENEDICTIS](#), 1986 U.S. S. Ct. Briefs LEXIS 624

... Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) MacDonald, Sommer and Frates v. Yolo County, No. 84-2015 (June 25, 1986) Manigault v. Springs, 199 U.S. 473 (1905) Miller v. Schoene, 276 U.S. 272 (1928) Mugler v. Kansas, 123 U.S. 497 (1965) **Munn v. Illinois,94 U.S. 113(1876)** National Railroad Passenger Corp. v. Atchison, T. & S.F.RY. No. 83-1492 (March 18, 1985) Normal v. Baltimore & Ohio R. Co., 294 U.S. 240 (1935) Penn Central Transportation Co. v. New York City, ...

Content: Court Documents | **Date:** July 28, 1986

1220 [324 LIQUOR CORP.](#), 1986 U.S. S. Ct. Briefs LEXIS 549

... Monsanto Co. v. Spray-Rite Service Corp., 405 U.S. 752 (1984) Morgan v. Division of Liquor Control, 664 F.2d 353 (2d Cir.) aff'g, Serlin Wine & Spirits Merchants, Inc., 512 F. Supp. 936 (D. Conn. 1981)

Muller v. Oregon, 208 U.S. 412 (1908) **Munn v. Illinois,94 U.S. 113(1876)** National Elevator Industry, Inc. v. New York State Tax Comm'n, 49 N.Y.2d 538 , 404 N.E.2d 709 , 427 N.Y.S. 2d 586 (1980) Nebbia v. New York, 291 U.S. 502 (1934) New Motor Vehicle Board v. Orrin W. Fox Co., ...

Content: Court Documents | **Date:** June 27, 1986

1221 [BURLINGTON NORTHERN R.R. CO. v. WOODS](#), 1986 U.S. S. Ct. Briefs LEXIS 518

... 456 So.2d 66 (Ala. 1984) McKane v. Durston , 153 U.S. 684 (1894) Montgomery Light & Power Co. v. Thombs, 204 Ala. 678 , 87 So. 205 (1920) Moore-McCormack Lines, Inc. v. Richardson, 295 F.2d 583 (2nd Cir. 1961) , cert. denied 368 U.S. 989 (1962) **Munn v. Illinois,94 U.S. 113(1876)** NAACP v. Button, 371 U.S. 415 (1966) National Airlines, Inc. v. Stiles, 268 F.2d 400 (5th Cir. 1959) Nationwide Mut. Ins. Co. v. Tuttle, 208 Va. 28 , 155 S.E.2d 358 (1967) Nebbia v. New York, 291 U.S. ...

Content: Court Documents | **Date:** June 23, 1986

1222 [DAVIDSON v. CANNON](#), 1985 U.S. S. Ct. Briefs LEXIS 1058

... Mathews v. Eldridge, 424 U.S. 319 Memphis Light ,Gas & Water Division v. Craft, 436 U.S. 1 Mills v. Smith, 656 F.2d 337 Mitchell v. Forsyth, No. 84-335 (June 19, 1985) Monroe v. Pape, 365 U.S. 167 Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 **Munn v. Illinois,94 U.S. 113** Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. (18 How.) 272 North American Cold Storage Co. v. Chicago, 211 U.S. 306 Olim v. Wakinekona, 461 U.S. 238 Owen v. City of Independence, 445 U.S. 622 ...

Content: Court Documents | **Date:** September 19, 1985

1223 [PACIFIC GAS & ELEC. CO. v. PUC OF CALIFORNIA](#), 1985 U.S. S. Ct. Briefs LEXIS 867

... Cantor v. Detroit Edison Co., 428 U.S. 579 (1976) Consolidated Edison Co. of New York v. Public Service Commission, 447 U.S. 530 (1980) Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974) Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974) **Munn v. Illinois,94 U.S. 113(1877)** Pacific Gas & Elec. Co. v. State Energy Resources Conserv. & Dev. Comm., U.S. , 103 S.Ct. 1713 (1983) PruneYard Shopping Center v. Robins, 447 U.S. 74 (1980) Regan v. Taxation With Representation, ...

Content: Court Documents | **Date:** July 20, 1985

1224 [PACIFIC GAS & ELEC. CO. v. PUC OF CALIFORNIA](#), 1985 U.S. S. Ct. Briefs LEXIS 862

... Harris v. McRae, 448 U.S. 297 (1980) In re R.M.J., 455 U.S. 191 (1982) Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974) Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974) **Munn v. Illinois,94 U.S. 113(1877)** Nebbia v. New York, 291 U.S. 502 (1934) New Orleans v. Dukes, 427 U.S. 297 (1976) New York Times Co. v. Sullivan, 376 U.S. 254 (1964) New York Trust Co. v. Eisner, 256 U.S. 345 (1921) Olmstead v. ...

Content: Court Documents | **Date:** July 20, 1985

1225 [PACIFIC GAS & ELEC. CO. v. PUC OF CALIFORNIA](#), 1985 U.S. S. Ct. Briefs LEXIS 856

... Cantor v. Detroit Edison Co., 428 U.S. 579 (1976) Consolidated Edison Co. of New York v. Public Service Commission, 447 U.S. 530 (1980) Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974) Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974) **Munn v. Illinois, 94 U.S. 113(1877)** Pacific Gas & Elec. Co. v. State Energy Resources Conserv. & Dev. Comm., U.S. , 103 S.Ct. 1713 (1983) PruneYard Shopping Center v. Robins, 447 U.S. 74 (1980) Regan v. Taxation With Representation, ...

Content: Court Documents | **Date:** July 20, 1985

1226 [TRANSCONTINENTAL GAS PIPE LINE CORP. v. STATE OIL & GAS BD. OF MISSISSIPPI](#), 1985 U.S. S. Ct. Briefs LEXIS 924

... The protection and preservation of natural resources is a state interest of the first magnitude, Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456 (1981) , as is the regulation of local actions of businesses affected with the public interest, **Munn v. Illinois, 94 U.S. 113(1876)** ; see also Railroad Comm'n Cases, 116 U.S. 307 (1886) . Furthermore, as the Mississippi Supreme Court pointed out, it is entirely appropriate for the State to address preventable inequities due to these issues. ...

Content: Court Documents | **Date:** May 30, 1985

1227 [PACIFIC GAS & ELEC. CO. v. PUC OF CALIFORNIA](#), 1985 U.S. S. Ct. Briefs LEXIS 868

... Chicago, Burlington and Quincy R.R. Co. v. Chicago, 166 U.S. 226 (1897) Consolidated Edison v. Public Service Commission, 447 U.S. 530 (1980) Kaiser Aetna v. United States, 444 U.S. 164 (1979) Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) **Munn v. Illinois, 94 U.S. 113(1876)** Pacific Telephone & Telegraph Co. v. Public Utility Commission, 34 Cal.2d 822 , 215 P.2d 441 (1950) Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922) PruneYard Shopping Center v. Robins, ...

Content: Court Documents | **Date:** May 30, 1985

1228 [PACIFIC GAS & ELEC. CO. v. PUC OF CALIFORNIA](#), 1985 U.S. S. Ct. Briefs LEXIS 863

... Kleindienst v. Mandel, 408 U.S. 753 (1972) Lamont v. Postmaster General, 381 U.S. 301 (1965) Martin v. Struthers, 319 U.S. 141 (1943) Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974) **Munn v. Illinois, 94 U.S. 113(1877)** Napa Valley Electric Co. v. Railroad Commission, 251 U.S. 366 (1920) Nebbia v. New York, 291 U.S. 502 (1934) New Orleans v. Dukes, 427 U.S. 297 (1976) Pacific Telephone & Telegraph Co. v. Public ...

Content: Court Documents | **Date:** March 4, 1985

1229 [SOUTHERN MOTOR CARRIERS RATE CONF. v. UNITED STATES](#), 1984 U.S. S. Ct. Briefs LEXIS 885

... (U.S. April 15, 1984) Litton Systems, Inc. v. American Tel. & Tel. Co., 700 F.2d 785 (2d Cir. 1983) , cert. denied, 104 S.Ct.984 (1984) Mobilfone of Northeastern Pennsylvania, Inc. v. Commonwealth Tel. Co., 571 F.2d 141 (3d Cir. 1978) **Munn v. Illinois, 94 U.S. 113(1877)** New Motor Vehicle Board v. Orrin W. Fox Co., 439 U.S. 96 (1978) Parker v. Brown, 317 U.S. 341 (1943) Town of Hallie v. City of Eau Claire , 700 F.2d 376 (7th Cir. 1983) , cert. granted, 52 U.S.L.W. 3885 (U.S. June ...

Content: Court Documents | **Date:** July 26, 1984

1230 [DONOVAN v. SAN ANTONIO METRO. TRANSIT AUTH.](#), 1983 U.S. S. Ct. Briefs LEXIS 1105

... BRIEF AMICUS CURIAE OF THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS IN SUPPORT OF APPELLEES TABLE OF AUTHORITIES Cases: EEOC v. Wyoming, 103 S.Ct. 1054 (1983) Federal Energy Regulatory Commission v. Mississippi, 456 U.S. 742 (1982) Hodel v. Virginia Surface Mining and Reclamation Association, 452 U.S. 264 (1981) **Munn v. Illinois,94 U.S. 113(1876)** National League of Cities v. Usery, 426 U.S. 833 (1976) United Transportation Union v. Long Island Railroad Company, 455 U.S. 678 (1982) ...

Content: Court Documents | **Date:** December 28, 1983

1231 [RUCKELSHAUS v. MONSANTO CO.](#), 1983 U.S. S. Ct. Briefs LEXIS 839

... Hodel v. Virginia Surface Mining & Recl. Assn., 452 U.S. 264 (1981) Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470 Martinez v. California, 444 U.S. 277 (1980) Morgan v. Louisiana, 118 U.S. 455 (1886) Mugler v. Kansas, 123 U.S. 623 (1887) **Munn v. Illinois,94 U.S. 113(1877)** National Fertilizer Assn. v. Bradley, 301 U.S. 178 (1937) Old Dominion Co. v. United States, 269 U.S. 55 (1925) Penn Central Transportation Company v. City of New York, 438 U.S. 104 (1978) Pennsylvania Coal Co. ...

Content: Court Documents | **Date:** December 2, 1983

1232 [MINNESOTA COMMUNITY COLLEGE FACULTY ASS'N v. KNIGHT](#), 1983 U.S. S. Ct. Briefs LEXIS 126

... Kramer v. Union Free School District, 395 U.S. 621 (1969) Lathrop v. Donohue, 367 U.S. 820 (1961) Lucas v. Forty-Fourth General Assembly, 377 U.S. 713 (1964) Mayflower Farms, Inc. v. Ten Eyck, 297 U.S. 266 (1936) McGautha v. California, 402 U.S. 183 (1971) **Munn v. Illinois,94 U.S. 113(1877)** National Cable Television Association, Inc. v. United States, 415 U.S. 336 (1973) NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937) National League of Cities v. Usery, 426 U.S. 833 (1976) ...

Content: Court Documents | **Date:** August 16, 1983

1233 [Arkansas Elec. Coop. Corp. v. Arkansas PSC](#), 1982 U.S. S. Ct. Briefs LEXIS 468

... 57 L.Ed. 1511 (1913) Minnesota v. Clover Leaf Creamery Company, et al., 449 U.S. 456 , 101 S.Ct. 715 , 66 L.Ed.2d 659 (1981) Missouri ex rel Barnett v. Kansas Natural Gas Company, 265 U.S. 298 , 44 S.Ct. 544 , 68 L.Ed. 1027 (1924) **Munn v. Illinois,94 U.S. 113, 24 L.Ed. 77(1877)** Nebbia v. New York, 291 U.S. 502 , 54 S.Ct. 505 , 78 L.Ed. 940 (1934) New England Power Company v. New Hampshire, U.S. , 102 S.Ct. , 71 L.Ed.2d 188 (1982) Panhandle Eastern Pipeline ...

Content: Court Documents | **Date:** September 23, 1982

1234 [ARKANSAS ELEC. COOP. CORP. v. ARKANSAS PSC](#), 1982 U.S. S. Ct. Briefs LEXIS 469

... rates effectuates a legitimate local public interest. It is beyond question that the subject matter of this controversy -- the regulation of an essential service such as electricity -- is a legitimate area for State regulation. In **Munn v. Illinois,94 U.S. 113(1877)** , which upheld State regulation of the rates charged by grain elevators, the Court recognized the inherent authority of a State to exercise its police power to regulate goods and services "affected with the public interest." See ...

Content: Court Documents | **Date:** September 22, 1982

1235 [ENERGY RESERVES GROUP v. KANSAS POWER & LIGHT CO.](#), 1982 U.S. S. Ct. Briefs LEXIS 1354

... "A legislative power to create price ceilings has, in 'countries where the common law prevails' been 'customary from time immemorial....' Its exercise has regularly been approved by this court." 85 In re Permian Basin Area Rate Cases, 390 U.S. 747 , 768-69 (1968) (quoting **Munn v. Illinois,94 U.S. 113(1876)**) . The existence of this state constitutional power to regulate prices "in the last half century made possible, within a selected field, a degree of experimentation in governmental ...

Content: Court Documents | **Date:** August 13, 1982

1236 [ENERGY RESERVES GROUP v. KANSAS POWER & LIGHT CO.](#), 1982 U.S. S. Ct. Briefs LEXIS 1350

... the Price Protection Act as illegitimate legislative favoritism, ERG cannot dispute that the price control legislation here addresses an admittedly legitimate governmental goal. "A legislative power to create price ceilings has, in 'countries where the common law prevails,' been 'customary from time immemorial....' Its exercise has regularly been approved by this court." In re Permian Basin Area Rate Cases, 390 U.S. 747 , 768-69 (1968) , quoting **Munn v. Illinois,94 U.S. 113(1876)** . Exercise ...

Content: Court Documents | **Date:** March 8, 1982

1237 [ENERGY RESERVES GROUP v. KANSAS POWER & LIGHT CO.](#), 1982 U.S. S. Ct. Briefs LEXIS 1346

... "Both the nature of the regulation provided by H.B. 2680, and the commodity regulated, are high on the list of priorities of governmental restrictions and regulations. I refer to price regulation and energy. There is an abundance of precedent for price control legislation much more stringent than H.B. 2680, beginning with **Munn v. Illinois, 94 U.S. 113 [, 24 L.Ed. 77] (1876)** , and continuing through the Permian Basin Area Rate Cases, 390 U.S. 747 [, 20 L.Ed.2d 312 , 88 S.Ct. 1344] (1968) ...

Content: Court Documents | **Date:** January 21, 1982

1238 [JACKSON TRANSIT AUTH. v. LOCAL 1285, AMALGAMATED TRANSIT UNION](#), 1982 U.S. S. Ct. Briefs LEXIS 1148

... Alewine v. City Council of Augusta, Ga., 505 F.Supp. 880 (S.D.Ga.) American Public Transit Association v. Lewis, 655 F.2d 1272 (D.C. Cir.) Local Division 589, ATU v. Commonwealth of Massachusetts , Nos. 81-1180 affd 81-1219 (1st Cir. Sept. 30, 1981) **Munn v. Illinois,94 U.S. 113** National League of Cities v. Usery, 426 U.S. 833 Constitution, statutes and regulations: Clean Air Act, 42 U.S.C. § 7401 et seq. 42 U.S.C. § 7506(c) National Labor Relations Act, 29 U.S.C. § 152(2) Rehabilitation ...

Content: Court Documents | **Date:** January 14, 1982

1239 [FERC v. MISSISSIPPI](#), 1981 U.S. S. Ct. Briefs LEXIS 1707

... State government administration of public law is even more clearly a traditional function where it provides "those governmental services which their citizens require." Id. at 847 . Regulation of electric utilities is the kind of administrative activity traditionally thought of as "required" because the "public

interest" is at stake. See **Munn v. Illinois, 94 U.S. 113(1876)** . As this Court itself noted, "[P]ublic utility regulation typically assumes that the private firm is a natural monopoly ...

Content: Court Documents | **Date:** November 2, 1981

1240 [**JACKSON TRANSIT AUTH. v. LOCAL 1285, AMALGAMATED TRANSIT UNION**](#), 1981 U.S. S. Ct. Briefs LEXIS 1289

... Alewine v. City Council of Augusta, Ga., 505 F.Supp. 880 (S.D.Ga.) American Public Transit Association v. Lewis, 655 F.2d 1272 (D.C. Cir.) Local Division 589, ATU v. Commonwealth of Massachusetts, Nos. 81-1180 and 81-1219 (1st Cir. Sept. 30, 1981) **Munn v. Illinois, 94 U.S. 113** National League of Cities v. Usery, 426 U.S. 833 Constitution, statutes and regulations: Clean Air Act, 42 U.S.C. § 7401 et seq 42 U.S.C. § 7506(c) National Labor Relations Act, 29 U.S.C. § 152(2) Rehabilitation ...

Content: Court Documents | **Date:** October 30, 1981

1241 [**UNITED TRANSP. UNION v. LONG ISLAND R.R. CO.**](#), 1981 U.S. S. Ct. Briefs LEXIS 2129

... MOTION FOR LEAVE TO FILE, AND BRIEF AMICUS CURIAE OF THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS IN SUPPORT OF RESPONDENTS, LONG ISLAND RAILROAD AND METROPOLITAN TRANSPORTATION AUTHORITY TABLE OF AUTHORITIES Cases American Public Transit Association v. Lewis, 655 F.2d 1272 (D.C. Cir.) Hodel v. Virginia Surface Mining and Reclamation Association, No. 79-1538 (June 15, 1981) **Munn v. Illinois, 94 U.S. 113** National League of Cities v. Usery, 426 U.S. 833 United States v. California, ...

Content: Court Documents | **Date:** October 29, 1981

1242 [**FERC v. MISSISSIPPI**](#), 1981 U.S. S. Ct. Briefs LEXIS 1723

... Although the courts have not yet directly ruled that regulation of retail utility rates and service practices is a traditional state function, the courts have long observed that regulation of utilities is a valid exercise of the state's police power. See, e.g., Great Northern R. Co. v. Washington, 300 U.S. 154, 159-160 (1936); **Munn v. Illinois, 94 U.S. 113(1876)**; Montana-Dakota Utilities Co. v. Johanneson, 153 N.W.2d 414, 470 (N.D. 1967); Kentucky Power & Light Co. v. City of Maysville, ...

Content: Court Documents | **Date:** October 28, 1981

1243 [**FERC v. MISSISSIPPI**](#), 1981 U.S. S. Ct. Briefs LEXIS 1715

... Mobil Oil Corp. v. DOE, 610 F.2d 796 (TECA 1979), cert. denied, 446 U.S. 937 (1980) Monell v. Dep't of Soc. Services, 436 U.S. 658 (1978) Montana-Dakota Utilities Co. v. Johanneson, 153 N.W. 2d 414 (N.D. 1967) Moore v. Sims, 442 U.S. 415 (1979) **Munn v. Illinois, 94 U.S. 113(1877)** NLRB v. Highview, Inc., 590 F.2d 174 (5th Cir. 1979) NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937) National League of Cities v. Usery, 426 U.S. 833 (1976) New State Ice Co. ...

Content: Court Documents | **Date:** October 28, 1981

1244 [**FERC v. MISSISSIPPI**](#), 1981 U.S. S. Ct. Briefs LEXIS 1703

... (4th Cir. 1975) , vacated and remanded sub nom. EPA v. Brown, 431 U.S. 99 (1977) Missouri ex rel. Barrett v. Kansas Natural Gas Company, 265 U.S. 298 (1924) Monell v. New York City Department of Social Services, 436 U.S. 658 (1978) **Munn v. Illinois,94 U.S. 113(1877)** National League of Cities v. Usery, 426 U.S. 833 (1976) Peel v. Florida Department of Transportation, 600 F.2d 1070 (5th Cir. 1979) Public Utilities Commission v. Attleboro Steam and Electric Company, 273 ...

Content: Court Documents | **Date:** October 28, 1981

1245 [FERC v. MISSISSIPPI](#), 1981 U.S. S. Ct. Briefs LEXIS 1722

... 366 So. 2d 656 (Miss. 1979) Miss. Public Serv. Comm'n v. Mississippi Power Co., 337 So. 2d 936 (Miss. 1976) Missouri v. Kansas Natural Gas Co., 265 U.S. 298 (1924) Monell v. New York City Department of Social Services, 436 U.S. 658 (1978) **Munn v. Illinois,94 U.S.113(1876)** National League of Cities v. Usery, 426 U.S. 833 (1976) New State Ice Co. v. Liebmann, 285 U.S. 262 (1932) Oklahoma v. FERC, Nos. 80-2748, 80-2824 (CA10, September 22, 1981) Oklahoma v. United States ...

Content: Court Documents | **Date:** October 27, 1981

1246 [RAILWAY LABOR EXECUTIVES' ASS'N v. GIBBONS](#), 1981 U.S. S. Ct. Briefs LEXIS 766

... Surface Mining & Reclamation Ass'n. No. 79-1538 (June 15, 1981) Hurley v. Kincaid, 285 U.S. 95 ICC v. Railway Labor Executives Ass'n, 315 U.S. 373 ICC v. United States ex rel. Los Angeles, 280 U.S. 52 Kaiser Aetna v. United States, 444 U.S. 164 McLucas v. DeChamplain, 421 U.S. 21 **Munn v. Illinois,94 U.S. 113** New Haven Inclusion Cases, 399 U.S. 392 New York Dock Ry. v. United States, 609 F.2d 83 Okmulgee Northern Ry. Abandonment, 320 I.C.C. 637 Penn Central Transportation ...

Content: Court Documents | **Date:** July 27, 1981

1247 [CITY OF MESQUITE v. ALADDIN'S CASTLE, INC.](#), 1981 U.S. S. Ct. Briefs LEXIS 2286

... legislature could not prove to a certainty that relatives of river pilots would be more qualified than non-relatives any more than the State of Maryland could prove that the selling of certain articles on Sunday would be harmful. This court quotes Chief Justice Waite from **Munn v. State of Illinois,94 U.S. 113** , in Williamson v. Lee Optical , Supra, "For protection against abuses by legislatures, the people must resort to the polls, not the courts." The Court further states in Williamson ...

Content: Court Documents | **Date:** July 8, 1981

1248 [FERC v. MISSISSIPPI](#), 1981 U.S. S. Ct. Briefs LEXIS 1716

... We think it common knowledge that few, if any, of the several states remain without a similar regulatory agency, albeit some are called Corporation Commissions and others Railroad Commissions. Some of these commissions are constitutionally created; others are statutory creations of the respective state governments. We are firm in the belief that the regulation of public utilities is a function of the state's police power. **Munn v. Illinois,94 U.S. 113(1876)** . The rationale of Munn is that because ...

Content: Court Documents | **Date:** May 18, 1981

1249 [CONSOLIDATED EDISON CO. OF NEW YORK v. PSC OF NEW YORK](#), 1979 U.S. S. Ct. Briefs LEXIS 1239

... Consolidated Edison Co. v. Public Service Commission, 47 N.Y. 2d 94 (1979) East Meadow Community Concerts Association v. Board of Education, 18 N.Y. 2d 129 (1966) First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978) Lehman v. City of Shaker Heights, 418 U.S. 298 (1974) **Munn v. Illinois, 94 U. S. 113(1876)** Nebbia v. New York, 291 U.S. 502 (1933) Police Department of Chicago v. Mosley, 408 U.S. 92 (1972) Rochester Gas and Electric Co. v. Public Service Commission, ...

Content: Court Documents | **Date:** December 14, 1979

1250 [EXPRESSIONS HAIR DESIGN](#), 2014 U.S. 2nd Cir. Briefs LEXIS 286

... ("[A] fee is a surcharge if it is in excess of a usual or normal amount."). As the legislative history explains, the law disallows the "procedure" of "levying a surcharge" on credit-card users. (J.A. 109.) The surcharge prohibition is thus a classic form of direct price regulation. Such price regulations have existed "from time immemorial, and in this country from its first colonization." **Munn v. Illinois, 94 U.S. 113, 125(1876)** . It is by now beyond dispute that the States' police powers ...

Content: Court Documents | **Date:** March 18, 2014

1251 [PPL ENERGYPLUS, LLC v. SOLOMON](#), 2014 U.S. 3rd Cir. Briefs LEXIS 21

... generally vertically integrated monopolies that built, owned, and operated power plants and distributed electricity to their customers subject to regulation by the States. JA-215-16 (Stip. P 1). As the Supreme Court has recognized, the regulation of utilities is "one of the most important of the functions traditionally associated with the police power of the States." Ark. Elec. Coop. Corp. v. Ark. Pub. Serv. Comm'n, 461 U.S. 375, 377 (1983) (citing **Munn v. Illinois, 94 U.S. 113(1877)**) ...

Content: Court Documents | **Date:** January 24, 2014

1252 [UNITED STATES v. BOLLINGER](#), 2014 U.S. 4th Cir. Briefs LEXIS 172

... legislative power would be limitless if this statute, which creates an offense that appears nowhere in and is not contemplated by the treaty in question, is upheld as somehow implementing that treaty. As the Government and the court below have now both repeated in this case, "[t]he courts ought not to declare [a statute] to be unconstitutional, unless it is clearly so." **Munn v. Illinois, 94 U.S. 113, 123(1876)** . Sections 2423(c) and (f)(l), however, is clearly unconstitutional. II. THE DISTRICT ...

Content: Court Documents | **Date:** July 7, 2014

1253 [UNITED STATES v. CANNON](#), 2012 U.S. 4th Cir. Briefs LEXIS 505

... Acts of Congress are presumed to be constitutional and "[t]he courts ought not to declare one to be unconstitutional, unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained." See, e.g., **Munn v. Illinois, 94 U.S. 113, 124(1876)** . Courts must exercise caution and reluctance before striking down a statute. See Parker v. Levy, 417 U.S. 733, 760 (1974) (holding that courts must be "reluctant[]" to strike down a statute on its face where there ...

Content: Court Documents | **Date:** April 13, 2012

1254 [BROWN v. HOVATTER](#), 2008 U.S. 4th Cir. Briefs LEXIS 588

... Miller v. State Board of Dental Examiners, 287 U.S. 563 (1932)) . Thus, the answer to the plaintiffs' complaint is to be found in the advice of the Supreme Court: "for protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois, 94 U.S. 113, 134(1876)** . 2. The Corporate Grandfather Clause Is Constitutional. Finally, the plaintiffs claim that the existence and permanency of the exception for corporations licensed before June 1, 1945 ...

Content: Court Documents | **Date:** June 23, 2008

1255 [MAYS v. BUCKEYE RURAL ELEC. COOP.](#), 2000 U.S. 6th Cir. Briefs LEXIS 141

... The District Court erred when it failed to deny defendants-appellees' motion based upon the common-law claims that plaintiff presented 29 E. Plaintiff's state-law claims should be reinstated and the District Court instructed to rule on plaintiff's class certification motion upon remand 34 CONCLUSION 35 TABLE OF AUTHORITIES CASES **Munn v. Illinois, 94 U.S. 113, 125-27(1876)** Price Waterhouse v. Hopkins, 490 U.S. 228 , 258 (1989) Silver v. New York Stock Exchange, 373 U.S. 341 , 367 (1963) ...

Content: Court Documents | **Date:** November 28, 2000

1256 [Charter Advanced Servs. MN v. Lange](#), 2018 U.S. 8th Cir. Briefs LEXIS 99

... arguments that deviating from precedent would place the ruling potentially in conflict with the Acts and render it contrary to public policy. Nothing in the 1996 Act or any other law has changed the system of joint federal-state regulation established in the 1934 Act. Despite all the technological changes in how a phone call is delivered, it has never lost its central feature as a provider of essential service, "affected by the public interest." See **Munn v. People of Illinois, 94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** September 28, 2018

1257 [Charter Advanced Servs. MN v. Lange](#), 2017 U.S. 8th Cir. Briefs LEXIS 65

... 1283 (11th Cir. 2002) . Precisely because local phone service is essential, service providers like Charter are - in the immortal and enduringly relevant doctrine of the Supreme Court - "affected with the public interest." **Munn v. People of State of Illinois, 94 U.S. 113(1876)** . Protection of that public interest must be a paramount consideration when removal of regulatory authority over such an "affected" industry is at issue. To ignore the public interest would do significant harm to ...

Content: Court Documents | **Date:** September 6, 2017

1258 [TCF Nat'l Bank v. Bernanke](#), 2011 U.S. 8th Cir. Briefs LEXIS 503

... Allnut v. Inglis, 104 E.R. 206 , 209 (Ct. King's Bench 1810) (Ellenborough, C.J.), see also 1810 WL 1544 , relying on the earlier work of Sir Matthew Hale, Treatise de Portibus Maris. Allnut enters American law in the famous case of **Munn v. Illinois, 94 U.S. 113, 127-29(1876)** . For a discussion of the history, see Richard A. Epstein, Principles for a Free Society: Reconciling Individual Liberty with the Common Good, ch. 10 (1998). b. The Confiscatory Rate Doctrine Has Been Applied ...

Content: Court Documents | **Date:** May 2, 2011

1259 [1568 Hwy. v. City of Hoover](#), 2008 AL S. Ct. Briefs LEXIS 865

... county for private consumption, noting that the power to determine questions as to whether public or private conduct will injuriously affect the public belongs to the legislative branch of government" . . . to exert what are known as the police powers of the state, and to determine, primarily, what measures are appropriate or needful for the protection of the public morals, the public health, or the public safety." 69 So. at 659 (quoting **Munn v. Illinois, 94 U.S. 113, 124, 24 L.Ed. 77(1976)** ...

Content: Court Documents | **Date:** June 12, 2008

1260 [1568 Hwy. v. City of Hoover](#), 2008 AL S. Ct. Briefs LEXIS 803

... county for private consumption, noting that the power to determine questions as to whether public or private conduct will injuriously affect the public belongs to the legislative branch of government" . . . to exert what are known as the police powers of the state, and to determine, primarily, what measures are appropriate or needful for the protection of the public morals, the public health, or the public safety." 69 So. at 659 (quoting **Munn v. Illinois, 94 U.S. 113, 124, 24 L.Ed. 77(1976)** ...

Content: Court Documents | **Date:** June 12, 2008

1261 [L D G., Inc. v. BROWN](#), 2007 AK S. Ct. Briefs LEXIS 50

... 592 So.2d 156 , 171 (Ala. 1991) Moragne v. States Marine Lines, Inc., 398 U.S. 375 , 90 S. Ct. 1772 (1970) Muller v. BP Exploration (Alaska) Inc., 923 P.2d 783 , 787 (Alaska 1996) **Munn v. Illinois, 94 U.S. 113, 134(1877)** Murphy v. Edmonds, 601 A.2d 102 , 115 , 117 (Ct. Of App. Maryland 1992) Norcon, Inc. v. Kotowski, 971 P.2d 158 , 174 , 175 (Alaska 1999) Owens-Corning v. Walatka, 725 A.2d 579 ...

Content: Court Documents | **Date:** August 22, 2007

1262 [BRUSH & NIB STUDIO v. CITY OF PHOENIX](#), 2018 AZ S. Ct. Briefs LEXIS 51

... antidiscrimination laws, common law judges held that all common carriers and public utilities-the two main classes of providers that held monopoly powers-were obligated to supply services to all comers at fair, reasonable, and nondiscriminatory rates. The doctrine was explicitly incorporated into English law in Allnut v. Inglis , 104 Eng. Rep. 206 (K.B. 1810) . It was carried into American constitutional law dealing with rate regulation in **Munn v. Illinois, 94 U.S. 113, 126-28(1876)** ...

Content: Court Documents | **Date:** December 17, 2018

1263 [ASSELIN-NORMAND v. HAYWARD](#), 2018 CA S. Ct. Briefs LEXIS 54

... . Since travel upon the highway at night was hazardous and there was little choice of lodging for the night, the common law approved restrictions upon innkeepers to insure a charge of 'reasonable value' for services to prevent them from extorting exorbitant rates. (See, e.g., **Munn v. Illinois (1877) 94 U.S. 113, 125, 134, 24 L.Ed. 77, 84, 87** .) Archibald v. Cinerama Hawaiian Hotels, Inc., supra, at 157 (Emph.

added) . Assuming Asselin-Normand intended to incorporate by reference the ...

Content: Court Documents | **Date:** March 8, 2018

1264 [BURD v. BARKLEY COURT REPORTERS, INC.](#), 2018 CA S. Ct. Briefs LEXIS 4

... No precedent exists for judicially inferring statewide price regulation on an entire class of private professionals, as the Court of Appeal did here, in the absence of clear legislative intent (e.g., a legislative finding, declaration, or statements in a committee analysis). Rate fixing of private actors, contractual impairment, and proscription of the right to contract are issues of substantial concern. (**Munn v. Illinois (1876)94 U.S. 113, 134** ["We know that [state price-fixing] is a power ...

Content: Court Documents | **Date:** January 8, 2018

1265 [FRIENDS OF THE EEL RIVER v. NORTH COAST R.R. AUTH.](#), 2015 CA S. Ct. Briefs LEXIS 682

... "The Railroad System Has Burst Through Gate Limits": Railroads and Interstate Commerce, 1830-1920 (2003) 55 Ark. L.Rev. 933 , 937 .) The power of the states to regulate rail rates was initially upheld by the Supreme Court, even where such regulations impacted interstate commerce. (See **Munn v. Ill. (1876)94 U.S. 113** .) The result was state-level rate legislation that favored local interests by requiring interstate carriers to charge higher rates than intrastate carriers. (Ely, The Railroad ...

Content: Court Documents | **Date:** June 11, 2015

1266 [LABORERS INT'L UNION, LOCAL UNION NO. 1184 v. ENERGY RESOURCES CONSERVATION & DEV. COMM'N](#), 2014 CA S. Ct. Briefs LEXIS 5306

... 40 Cal.3d 361, 368 .) Similarly: Every statute is presumed to be constitutional. The court sought not to declare one to be unconstitutional, unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained. (**Munn v. Illinois (1876)94 U.S. 113, 123** .) Therefore, the question is not, as LIUNA argues, whether section 25531 is authorized by the Constitution. (CEC 002655, 002839.) Rather, to overturn section 25531 this Court must find that the Constitution forbids ...

Content: Court Documents | **Date:** August 11, 2014

1267 [CALIFORNIA BLDG. INDUS. ASS'N v. CITY OF SAN JOSE & CITY COUNCIL & MAYOR OF SAN JOSE](#), 2014 CA S. Ct. Briefs LEXIS 718

... However, there are other interests at stake that the City is entitled to-and must-balance. The City must comply with affordable housing and other mandates imposed on it. Additionally, it seeks to provide for the welfare of all its citizens. Under the police power "the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good." (**Munn v. Illinois (1876)94 U.S. 113, 124-125** ...

Content: Court Documents | **Date:** April 28, 2014

1268 [EQUILON v. CALIFORNIA PUC](#), 2008 CA S. Ct. Briefs LEXIS 1603

... the Court ruled that the Commission can only regulate the portion of pipeline capacity dedicated to the public, if any: Where an owner dedicates his property to the public use, he "must submit to be controlled by the public ... to the extent of the interest he has thus created. " (176 Cal. at 526 , citing **Munn v.**

Illinois,94 U.S. 113). Here, it is undisputed that more than half (approximately 60%) of the Pipeline 's capacity is used by Equilon for the private purpose of serving its ...

Content: Court Documents | **Date:** July 7, 2008

1269 [WHITMAN v. CITY OF SAN BUENAVENTURA & JEFFREY LAMBERT](#), 2018 CA App. Ct. Briefs LEXIS 9003

... Constitution, "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." This is generally referred to as the "police power," a term which denotes the power of the sovereign to govern persons and things. **Munn v. Illinois (1877)94 U.S. 113, 125** . This power manifests itself in the ability to adopt regulations designed to promote public health, morals and safety. Chicago, B&Q Railway Co. v. Illinois ...

Content: Court Documents | **Date:** December 28, 2018

1270 [Appellant: CITY OF FORT COLLINS v. Appellee: COLORADO OIL & GAS ASS'N](#), 2015 CO S. Ct. Briefs LEXIS 80

... is well established in United States jurisprudence. As early as 1876, the U.S. Supreme Court expanded local governments "police power" to include the principle that "(w)hen one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munn v. Illinois,94 U.S. 113, 126(1876)** . The Supreme Court later upheld ...

Content: Court Documents | **Date:** February 6, 2015

1271 [Appellant: CITY OF FORT COLLINS v. Appellee: COLORADO OIL & GAS ASS'N](#), 2015 CO App. Ct. Briefs LEXIS 89

... land use is well established in United States jurisprudence. As early as 1876, the U.S. Supreme Court expanded local governments "police power" to include the principle that "(w)hen one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munn v. Illinois,94 U.S. 113, 126(1876)** . The Supreme Court ...

Content: Court Documents | **Date:** August 17, 2015

1272 [COLORADO v. HOWARD](#), 2015 CO App. Ct. Briefs LEXIS 589

... individual past his/her governing sentence. Inmate Howard must be released from custody. Inmate Howard has produced evidence in record. 1) six month account statement. 2) Parole board action. 3) Warrant of Commitment 4) Time Computation 5) Inmate Reclassification Custody and Rating. 4. THE RULE THAT THE MANDATE OF A HIGHER COURT IS "CONTROLLING AS TO MATTERS WITHIN ITS COMPASS" IS A FIRMLY ESTABLISHED LEGAL DOCTRINE. RATIONAL BASIS TEST - **Munn v. Illinois,94 U.S. 113, 134, 24 L.ed.77** ...

Content: Court Documents | **Date:** May 7, 2015

1273 [COLORADO v. HOWARD](#), 2015 CO App. Ct. Briefs LEXIS 584

... detaining an individual past his/her governing sentence. Inmate Howard must be released from

custody. Inmate Howard has produced evidence in record. 1) six month account statement. 2) Parole board action. 3) Warrant of Commitment 4) Time Computation 5) Inmate Reclassification Custody and Rating. 4. THE RULE THAT THE MANDATE OF A HIGHER COURT IS "CONTROLLING AS TO MATTERS WITHIN ITS COMPASS" IS A FIRMLY ESTABLISHED LEGAL DOCTRINE. RATIONAL BASIS TEST - **Munn v. Illinois, 94 U.S. 113, 134, 24 L.ed.77** ...

Content: Court Documents | **Date:** May 7, 2015

1274 [MARONDA HOMES, INC. v. LAKEVIEW RESERVE HOMEOWNERS ASS'N, INC.](#), 2012 FL S.Ct. Briefs LEXIS 474

... Lakeview Reserve Homeowners v. Maronda Homes, Inc., 48 So. 3d 902 (Fla. 5th DCA 2010) Landgraf v. USIFilm Products, 511 U.S. 244 (1994) Le Roy v. Reynolds, 193 So. 843 (Fla. 1940) Media Gen. Operation, Inc. v. Feeney, 849 So. 2d 3 (Fla. 1st DCA 2003) **Munn v. People of State of Illinois, 94 U.S. 113(1876)** Pardo v. State, 596 So. 2d 665 (Fla. 1992) Parker v. Parker, 50 So. 2d 388 (Fla. 2007) Port Sewall Harbor & Tennis Club Owners Ass'n Inc. v. First Fed. Sav. & Loan Ass'n of Martin ...

Content: Court Documents | **Date:** June 21, 2012

1275 [McCall v United States \(In re Estate of McCall\)](#), 2011 FL S.Ct. Briefs LEXIS 754

... 455 U.S. 422 (1982) Massey v. Charlotte County, 842 So. 2d 142 (Fla. 2d DCA 2003) M'Culloch v. Maryland, 17 U.S. (4 Wheat.) 316, 4 L.Ed 579 (1819) Mitchell v. Moore, 786 So. 2d 521 (Fla. 2001) Moore v. Thompson, 126 So. 2d 543 (Fla. 1960) **Munn v. People of State of Illinois, 94 U.S. 113(1876)** North Florida Women's Health and Counseling Service, Inc. v. State, 866 So. 2d 612 (Fla. 2003) Parham v. Florida Health Sciences Center, Inc., 35 So. 3d 920 (Fla. 2d DCA), review dismissed, ...

Content: Court Documents | **Date:** August 2, 2011

1276 [HENRY v. Florida Bar](#), 2020 FL App. Ct. Briefs LEXIS 13519

... supra, indisputably establish a lack of jurisdiction to deprive Henry's property, liberty and very life. 25 F.S. § 447.01(1) declares as the public policy of Florida that "the right to work is the right to live." In the case of **Munn v. State of Illinois, 94 U.S. 113(1876)** the referred the term "life" as something more than a mere physical existence but also the quality of life. On January 22, 2020, the Appellees, by and through their attorney, Karusha Sharpe, informed Judge ...

Content: Court Documents | **Date:** October 9, 2020

1277 [HENRY v. Florida Bar](#), 2020 FL App. Ct. Briefs LEXIS 12283

... Rather, state actors sworn evidence, indisputably prove intentional, unconstitutional conduct outside the scope of employment that deprived Henry of not only her property and liberty but her very life 3 F.S. § 447.01(1) declares as the public policy of Florida that "the right to work is the right to live." In the case of **Munn v. State of Illinois, 94 U.S. 113(1876)** the referred the term "life" as something more than a mere physical existence but also the quality of life. for speech ...

Content: Court Documents | **Date:** September 9, 2020

1278 [LEE MEM. HEALTH SYS. v. GEICO INS. CO.](#), 2017 FL App. Ct. Briefs LEXIS 1838

... Stafford v. Wallace, 258 U.S. 495 (1922) (stockyards); Block v. Hirsh, 256 U.S. 135 (1921) (housing interests); Noble State Bank v. Haskell, 219 U.S. 104 (1911) (banks); Strickley v. Highland Boy Gold Mining Co., 200 U.S. 527 (1906) (mines); **Munn v. Illinois, 94 U.S. 113(1876)** (grain elevators); Arkansas R.R. Comm'n v. Castetter, 22 S.W.2d 993 (Ark. 1929) (manufacture and sale of ice); Tallassee Oil & Fertilizer Co. v. Holloway, 76 So. 434 (Ala. 1917) (cotton gin). This ...

Content: Court Documents | **Date:** March 15, 2017

1279 [ATLANTA OCULOPLASTIC SURGERY P.C. v. NESTLEHUTT](#), 2009 GA S. Ct. Briefs LEXIS 204

... the Court held that the provision of the "no-fault" automobile insurance law which precluded recovery of exemplary damages by an accident victim who did not sustain serious injury did not unconstitutionally deny the victim's right to jury trial because "[t]he legislature ... may modify or abrogate common law rights of action ... as well as statutorily created rights." As stated in Georgia Lions Eye Bank, Inc. v. Lavant, 255 Ga. 60, 61 (1985), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 ...**

Content: Court Documents | **Date:** June 24, 2009

1280 [WORTHEN v. STATE](#), 2016 GA App. Ct. Briefs LEXIS 2223

... specifically altered and abrogated the prior judicial pronouncement of the penalty of dismissal. The legislature, however, may modify or abrogate common law rights of action (Silver v. Silver, 280 U.S. 117 (50 SC 57, 74 LE 221) (1929) ; Arizona Employers' Liability Cases, 250 U. S. 400 (39 SC 553, 63 LE 1058) (1918) ; **Munn v. Illinois, 94 U. S. 113 (24 LE 77) (1876)**), as well as statutorily created rights, Kelly v. Hall, supra. Teasley v. Mathis. 243 Ga. 561 (2), 255 S.E.2d ...

Content: Court Documents | **Date:** September 2, 2016

1281 [PATRICK MALLOY COMMUNITIES v. CMTY. & SOUTHERN BANK](#), 2012 GA App. Ct. Briefs LEXIS 1614

... 2011 HB 781, as introduced. as well as statutorily created rights. 35 See, e.g., Teasley v. Mathis, 243 Ga. 561, 563 (1979) (citing Silver v. Silver, 280 U.S. 117 (1929)) ; Arizona Copper Cases v. Hammer, 250 U.S. 400 (1918) ; **Munn v. Illinois, 94 U.S. 113(1876)** , Kelly v. Hall, 191 Ga. 470 (1941) . Accordingly, the trial court did not err in granting summary judgment on all of CSB's claims. CONCLUSION Appellee CSB respectfully requests that this Court affirm the trial court's ...

Content: Court Documents | **Date:** October 18, 2012

1282 [MCALLISTER v. ILLINOIS WORKERS COMPENSATION COMM'N](#), 2019 IL S. Ct. Briefs LEXIS 189

... The "life" and "liberty" terms both offer protections for bodily integrity, although the liberty term has attracted all the litigation. In an 1877 case from Illinois, Justice Steven Fields explained that life under the 14th Amendment means more than mere animal existence. See **Munn v. Illinois, 94 U.S. 113, 142(1877)** J. Fields dissent. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. Id. The provision equally prohibits ...

Content: Court Documents | **Date:** November 5, 2019

1283 [WEST BEND MUT. INS. CO. v. BERNARDINO](#), 2019 IL S. Ct. Briefs LEXIS 156

... The "life" and "liberty" terms both offer protections for bodily integrity, although the liberty term has attracted all the litigation. In an 1877 case from Illinois, Justice Steven Fields explained that life under the 14th Amendment means more than mere animal existence. See **Munn v. Illinois, 94 U.S. 113, 142(1877)** J. Fields dissent. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. Id. The provision equally prohibits ...

Content: Court Documents | **Date:** July 24, 2019

1284 [ILLINOIS LANDOWNERS ALLIANCE v. ILLINOIS COMMERCE COMM'N](#), 2017 IL S. Ct. Briefs LEXIS 150

... ("property becomes clothed with a public interest when used in a manner to make it a public consequence"). The PUA will only regulate a public utility while the owner of the public infrastructure maintains the use thereof in the public interest, and not after public use has ceased. **Munn v. Illinois, 94 U.S. 113(1876)**. Second, there is nothing stopping Rock Island from constructing this Project as a private project without seeking public utility status from the Commission. Petitioners' ...

Content: Court Documents | **Date:** April 12, 2017

1285 [GE v. GEYMAN](#), 2015 IN S. Ct. Briefs LEXIS 65

... , Section 12 does not limit the legislature's discretion to change or abrogate a remedy, even arbitrarily, notwithstanding the possibility that a cause of action may possibly accrue sometime in the future. Mcintosh, 729 N.E.2d at 978. The people's safeguard against arbitrary abrogation of a potential common law remedy for a future wrong is not the due process or due course of law clause; it is the ballot box. **Munn v. Illinois, 94 U.S. 113, 124(1877)**. Because Ms. Geyman does not possess ...

Content: Court Documents | **Date:** May 15, 2015

1286 [GOOD v. INDIANA TEACHERS RETIREMENT FUND](#), 2014 IN App. Ct. Briefs LEXIS 168

... department or agency of the State, this does not mean that it is not a public body or authority, that the general prohibition of estoppel does not apply to it, or that it is not entitled to other privileges and immunities reserved for governmental bodies. The term "body corporate and politic" is a venerable term generally reserved for independent public entities invested with powers and duties of government, including some local governments. See, e.g., **Munn v. Illinois, 94 U.S. 113, 124(1876)** ...

Content: Court Documents | **Date:** November 10, 2014

1287 [UNITED STATES STEEL CORP. v. NORTHERN INDIANA PUB. SERV. CO.](#), 2011 IN App. Ct. Briefs LEXIS 243

... . As NIPSCO admits, the law was settled in the United States by 1876 that when "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use," and hence is subject to regulation. See **Munn v. Illinois, 94 U.S. 113, 126(1876)**. That doctrine was firmly embedded in the law by 1913, when the Public Service Commission Act was enacted, and is fully consonant with the conclusion in Foltz that a "public" utility is one "impressed ...

Content: Court Documents | **Date:** January 18, 2011

1288 [UNITED STATES STEEL CORP. v. NORTHERN INDIANA PUB. SERV. CO.](#), 2010 IN App. Ct. Briefs LEXIS 735

... , which in turn is cited by other cases that USS/ArcelorMittal cite. Foltz said businesses are fundamentally divided into two classes: public and private, based on whether they are affected with a public interest. However, Foltz and the cases it cited point to and quote **Munn v. Illinois,94 U.S. 113(1876)** , wherein Chief Justice Waite attributed the proposition to Lord Hale. "Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private ...

Content: Court Documents | **Date:** December 10, 2010

1289 [HUGHES BROS. v. TOWN OF EDDINGTON](#), 2015 ME S. Ct. Briefs LEXIS 334

... of equitable estoppel has any applicability in the arena of proposed legislation, where citizens have little or no due process rights in that process. See Crispin v. Town of Scarborough, 1999 ME 112 , 736 A.2d 241 . There is no legally vested right or expectancy in future laws or legislation. **Munn v. Illinois,94 U.S. 113, 134(1876)** . Appellant's final argument is essentially based on two words in the moratorium statute, viz. , "immediate effect." (Appellant's Brief at page 32). In Appellant's ...

Content: Court Documents | **Date:** April 29, 2015

1290 [KUNGLER v. ANDERSON](#), 2012 MD Sp. App. Ct. Briefs LEXIS 1665

... proverb" @ 374: "One eye witness is worth ten who tell what they have heard. Plautus: Truculentus, Il.c.130 B. C." 5. a. Is it not in error in MD to deprive us of free speech & contra constitutions? In 1776 PA & NC started freedom of Speech, even ND & TX + dirty word - free. **Munn v. Illinois,94 U.S. 113, 123-124(1876)** "the Constitution gives no definition of the word deprive, as it is used in the 14th Amendmentit is old as a principle of civilized government. It is found in ...

Content: Court Documents | **Date:** November 9, 2012

1291 [TYLER v. CITY OF COLLEGE PARK](#), 2009 MD Sp. App. Ct. Briefs LEXIS 544

... 474 (Aspen Publ. 2001) (emphasis added). The Supreme Court reduces the modern view to one sentence: "For protection against abuses by legislatures the people must resort to the polls, not to the courts." Williamson v. Lee Optical of Okla. Inc., 348 U.S. 483 , 488 (1955) (quoting **Munn v. Illinois,94 U.S. 113, 134(1876)**) . In construing the constitutional rights established by Maryland 's Declaration of Rights, Maryland courts have similarly honored the boundaries separating the ...

Content: Court Documents | **Date:** December 2, 2009

1292 [ROMAN v. TRUSTEES OF TUFTS COLLEGE](#), 2010 MA S. Ct. Briefs LEXIS 63

... therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. Hudgens v. NLRB, 424 U.S. 507 , 543

(1976) (Marshall , dissent) (quoting **Munn v. Illinois,94 U.S. 113, 126(1876)**) ...

Content: Court Documents | **Date:** July 9, 2010

1293 [Granville v. Minneapolis Pub. Schs.](#), 2006 MN S. Ct. Briefs LEXIS 74

... when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought"); Ferguson v. Skrupa, 372 U.S. 726 , 730 , 83 S. Ct. 1028 , 10 L. Ed. 2d 93 (1963) (the Court announced it was returning "to the original constitutional proposition" enunciated in **Munn v. Illinois,94 U.S. 113, 4 Otto 113, 24 L. Ed. 77(1876)** ...

Content: Court Documents | **Date:** November 27, 2006

1294 [McWilliams v. Tappe Constr.](#), 2005 MN S. Ct. Briefs LEXIS 9

... Craftsman Builder's Supply, Inc. v. Butler Mfg. Co. , 974 P.2d 1194 (Utah 1999) Evans v. State of Alaska , 56 P.3d 1046 (Alaska 2002) Kohn v. Darlington Community Schools , 698 N.W.2d 794 (Wis. 2005) Lourdes High Sch. v. Sheffield Brick & Tile Co. , 870 F.2d 443 (8th Cir. 1989) **Munn v. Illinois, 94 U.S. 113(1896)** Smothers v. Gresham Transfer, Inc. , 23 P.3d 333 (Or. 2001) Trinity River Auth. v. U.R.S. Consultants, Inc. , 889 S.W.2d 259 (Tex. 1994) RULES : Minnesota Rules of Civil ...

Content: Court Documents | **Date:** September 12, 2005

1295 [DELANA v. CED SALES](#), 2015 MO S. Ct. Briefs LEXIS 53

... . The Supreme Court has likewise recognized that property interests are not implicated when a legislature changes a rule of law before a plaintiff's claim arises, explaining that "[a] person has no property, no vested interest, in any rule of the common law." Mondou v. New York, N.H. & Hartford R.R. Co., 223 U.S. 1 , 50 (1912) (quoting **Munn v. Illinois,94 U.S. 113, 134(1876)**) ; see also New York Cent. R.R. Co. v. White, 243 U.S. 188, 198 (1917) ("No person has a vested interest ...

Content: Court Documents | **Date:** November 16, 2015

1296 [WATTS v. LESTER E. COX MED. CTRS.](#), 2012 MO S. Ct. Briefs LEXIS 9

... State ex rel. Farmers' Elec. Coop., Inc. v. State Environmental Improvement Auth., 518 S.W.2d 68 , 72 (Mo. banc 1975) . This includes the power to create, modify, limit, and even abolish common law causes of action. See Fisher v. State Highway Comm'n of Mo., 948 S.W.2d 607 (Mo. banc 1997) ; see also **Munn v. Illinois,94 U.S. 113, 134(1876)** ("Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and ...

Content: Court Documents | **Date:** January 9, 2012

1297 [WATTS v. LESTER E. COX MED. CTRS.](#), 2011 MO S. Ct. Briefs LEXIS 202

... (1978) . The Duke court did state that "[o]ur cases have clearly established that '[a] person has no property, no vested interest, in any rule of the common law.'" In support of that proposition, the court cites a case that quotes **Munn v. Illinois,94 U.S. 113, 134(1877)** . In Munn, the United Supreme Court

considered the legislature's power to regulate rates at public grain warehouses, which is regulation that has nothing to do with a party's right to a jury trial. See also Weiss, ...

Content: Court Documents | **Date:** October 19, 2011

1298 [STATE ex rel. PRAXAIR v. PSC OF MISSOURI](#), 2011 MO S. Ct. Briefs LEXIS 31

... notion of protecting the public on the one hand from the monopoly utility on the other hand. The Public Service Commission frequently explains its role as balancing or aligning the interests of the regulated utilities with the interests of the public. As long ago as 1877, the United States Supreme Court recognized that the legitimate purpose of regulation is for "the protection of the people" from the self-interest of the regulated monopoly. 15 **Munn v. Illinois, 94 U.S. 113, 126(U.S. 1877)** ...

Content: Court Documents | **Date:** February 10, 2011

1299 [MISSOURI ALLIANCE FOR RETIRED AMS. v. DEP'T OF LABOR & INDUS. RELS.](#), 2007 MO S. Ct. Briefs LEXIS 71

... The police power of state legislatures is, of course, subject to the constitutional limits of due process. State ex rel. Carpenter v. City of St. Louis, 318 Mo. 870 , 897 (Mo. 1928) . 41 The broad, but not unbounded police power of the legislature is most often traced to the Court's statement in **Munn v. Illinois, 94 U.S. 113** , 134 (1877) , that specific common-law rules "may be changed at the will, or even at the whim of the legislature, unless prevented by constitutional limitations. ...

Content: Court Documents | **Date:** June 19, 2007

1300 [VELAZQUEZ v. REEVES](#), 2020 MO App. Ct. Briefs LEXIS 3773

... constitution is not a grant of legislative power, but, except for its restrictions, legislative power is unlimited and practically absolute." Saint Louis Univ. v. Masonic Temple Ass'n of St. Louis , 220 S.W.3d 721 , 725 (Mo. banc 2007) . This power includes the legislature's power to create, modify, or even abolish the common law. See **Munn v. Ill, 94 U.S. 113, 134(1876)** ("[T]he great office of statutes is to remedy defects in the common law as they are developed, and to adapt it ...

Content: Court Documents | **Date:** September 21, 2020

1301 [EASTERN MISSOURI LANDOWNERS ALLIANCE v. PSC OF MISSOURI](#), 2020 MO App. Ct. Briefs LEXIS 3211

... Supreme Court of Missouri read into the definition of "electrical corporation" a necessity that the sale of electricity be "for public use." State ex rel. M.O. Danciger & Co. v. Pub. Serv. Comm'n , 275 Mo. 483 , 205 S.W. 36 , 40 (Mo. 1918) (citing **Munn v. Illinois, 94 U.S. 113(1876)**) . Dedication to the public use can be explicit, or it can be implied. Id. at 40 . The Court in Danciger held that a company could not be subject to the "whole purview" of the Public Service Commission ...

Content: Court Documents | **Date:** February 5, 2020

1302 [MISSOURI LANDOWNERS ALLIANCE v. PSC OF MISSOURI](#), 2019 MO App. Ct. Briefs LEXIS 2058

... Supreme Court of Missouri read into the definition of "electrical corporation" a necessity that the sale of electricity be "for public use." State ex rel. M.O. Danciger & Co. v. Pub. Serv. Comm'n , 275 Mo. 483

Shepard's®: Munn v. Illinois, 94 U.S. 113

, 205 S.W. 36 , 40 (Mo. 1918) ; citing **Munn v. Illinois, 94 U.S. 113(1876)** . Property becomes clothed with a "public interest when used in a manner to make it of public consequence, and affect the community at large." Munn , 94 U.S. at 126 . Profession of public service ...

Content: Court Documents | **Date:** September 11, 2019

1303 [O'Boyle v. District I Ethics Comm.](#), 2010 NJ App. Div. Briefs LEXIS 3473

... the fallacy that due process claims arise only when there a Constitutional right is at stake. Due process claims arise from more than just rights enumerated in the Due Process Clause, the Constitution and the Bill of Rights. This clause provides both "a guarantee of fair procedure", referred to as procedural due process, and a substantive component that bars certain arbitrary, wrongful government actions, referred to as substantive due process. **Zimmerman v. Burch, 494 U.S. 113, 12 6, (1990)** ...

Content: Court Documents | **Date:** October 13, 2010

1304 [DYKEMAN v. DEPARTMENT OF CORRECTIONS](#), 2009 NJ App. Div. Briefs LEXIS 274

... the power to regulate exclusive taxing powers as outlined in section 8, paragraph 3. And as such, a State can not tax or impose a charge for the enjoyment of a right granted by the Federal Constitution. *Murdock v. Commonwealth of Pennsylvania*, 319 U.S. 105, 113 (1943); **Munn v. Illinois, 94 U.S. 113** (4 Otto) (1877). Section 8, paragraph 7 gave Congress the legislative power to have a Government monopoly on the Postal Service , and as such, Congress ' established the Postal Service as an ...

Content: Court Documents | **Date:** January 28, 2009

1305 [NIES v. TOWN OF EMERALD ISLE](#), 2016 NC S. Ct. Briefs LEXIS 109

... . This Court applied the principle that such private businesses are clothed with the public interest, which it traced "as far back as the history of the State extends." Gray, 181 N.C. at 171 , 106 S.E. at 660 . Looking back even further, this Court relied on the Supreme Court's opinion in **Munn v. Illinois, 94 U.S. 113, 24 L. Ed. 77(1876)** : In [Munn] . . . it was held that, in England from time immemorial and in this country from its colonization, it has been customary to regulate ...

Content: Court Documents | **Date:** July 27, 2016

1306 [REIDY v. WHITEHART](#), 2007 NC App. Ct. Briefs LEXIS 16

... was constitutional, the Court stated that "[t]he great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." Perry, 80 N.C. App. at 175-176 , 341 S.E.2d at 57-58 (quoting **Munn v. Illinois, 94 U.S. 113** , 134 , (1877)) . The North Carolina legislature, simply by virtue of their enactment of N.C. Gen. Stat. § 47F-3-102 and N.C. Gen. Stat. § 47F-3-107.1 , has not impaired a contractual right. Rather, ...

Content: Court Documents | **Date:** March 19, 2007

1307 [RETHERA v. HOFFMAN](#), 2006 NC App. Ct. Briefs LEXIS 350

... 86 S.E.2d 893 (1955) *Mingledorff v. Crum*, 388 So. 2d 632 (Fla. App. 1980) *Mitchell v. North*

Carolina Indus. Dev. Fin. Auth., 273 N.C. 137 , 159 S.E.2d 745 (1968) Mitchell v. Thorne, 32 N.E. 10 (N.Y. 1892) **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** Orange County v. Heath, 14 N.C. App. 44 , 187 S.E.2d 345 , aff'd, 282 N.C. 292 , 192 S.E.2d 308 (1972) Parker v. Quinn-McGowen Co., 262 N.C. 560 , 138 S.E.2d 214 (1964) Penn v. Coastal Corp., ...

Content: Court Documents | **Date:** December 1, 2006

1308 [STOWERS v. OHIO DEP'T OF AGRIC.](#), 2011 OH S. Ct. Briefs LEXIS 1033

... having shares that are available on an open market." 58 Decision, p. 4, This is consistent with constitutional understanding: "[t]o be subject to regulation by the police power, the business regulated must be clothed with a public interest, 59 **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77** . and * * * If * * * the common callings are clothed with a public interest by a mere legislative declaration, * * * this will be running the public interest argument into the ground * * *." 60 Wolff ...

Content: Court Documents | **Date:** July 21, 2011

1309 [Stolz v. J & B Steel Erectors](#), 2018 OH S. Ct. Briefs LEXIS 202

... Leis v. Cleveland Ry. Co., 101 Ohio St. 162 (1920) paragraph one of the syllabus ("there is no property or vested right in any of the rules of the common law, as guides of conduct, and they may be added to or repealed by legislative authority.") and **Munn v. Illinois,94 U.S. 113, 134(1876)** (there is no vested interest in any rule of the common law; alteration of the common law is permissible unless prohibited by specific constitutional limitations)). Stolz argues that his "right" to bring ...

Content: Court Documents | **Date:** January 16, 2018

1310 [RUMPKE SANITARY LANDFILL, INC. v. COLERAIN TWP.](#), 2011 OH S. Ct. Briefs LEXIS 1732

... **Munn v. Illinois,94 U.S. 113, 24 L. Ed. 77(1877)** , had resulted in an unworkable doctrine that occasionally led to absurd results. The criteria utilized by the U.S. Supreme Court were essentially the same as those set forth in A&B Refuse: has the company devoted its business to the public?; are the company's goods or services essential or a matter of public concern?; does the company provide services to the general public?; and does the company occupy a monopoly or oligopoly position in ...

Content: Court Documents | **Date:** December 20, 2011

1311 [DOUGLAS GROCH v. GENERAL MOTORS CORP.](#), 2007 OH S. Ct. Briefs LEXIS 216

... No one has a vested right in the rules of the common law. Rights of property vested under the common law cannot be taken away without due process, but the law itself as a rule of conduct may be changed at the will of the legislature . . . Fassig v. State ex rel. Turner (1917), 95 Ohio St. 232 , 248 ; see also **Munn v. Illinois(1876),94 U.S. 113** , 134 . Indeed, the primary role of the legislature is "to remedy defects in the common law as they are developed, and to adopt it to new circumstances ...

Content: Court Documents | **Date:** May 15, 2007

1312 [GROCH v. GMC, CORP.](#), 2007 OH S. Ct. Briefs LEXIS 157

... Constitution, completely abolish the centuries-old amatory offenses, the Court stated: "Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances." *Id.* (quoting **Munn v. Illinois(1876),94 U.S. 113** , 134). Thus, the legislature has considerable latitude in defining the scope of a cause of action, such as a products liability claim, and in establishing the available remedies. Contrary to Petitioner's ...

Content: Court Documents | **Date:** May 15, 2007

1313 [STATE v. MOORE](#), 2009 OH App. Ct. Briefs LEXIS 1224

... Ohio Revised Code Section 2905.02(A)(2) means the power of the will to follow the dictates of its unrestricted choice and to direct the external acts of individual without restraint, coercion, or control from other persons. *Booth v. Illinois* (1902), 184 U.S. 425 ; **Munn v. Illinois (1877),94 U.S. 113** . Ohio Revised Code Section 2905.02(A)(2) prohibits conduct whereby the actor knowingly restrains the liberty of another person. The term "restrain" implies a limitation in some form on progress ...

Content: Court Documents | **Date:** January 2, 2009

1314 [WHIPKEY v. GMC](#), 2008 OH App. Ct. Briefs LEXIS 1809

... United States Supreme Court has also recognized that, "A person has no property, no vested interest, in any rule of the common law." *Duke Power Co. v. Carolina Env'tl. Study Group, Inc.* (1976), 438 U.S. 59 , 88 n.32, 98 S.Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L.Ed. 77**). Even if the trial court were right that Plaintiffs-Appellees have a vested right to the common-law meaning of the terms "competent medical authority" and "substantial contributing factor", its holding ...

Content: Court Documents | **Date:** July 14, 2008

1315 [Barry v. A.E. Steel Erectors](#), 2007 OH App. Ct. Briefs LEXIS 3253

... vested interest, in any rule of the common law. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. **Munn v. Illinios (1876),94 U.S. 113** ...

Content: Court Documents | **Date:** November 30, 2007

1316 [HOME BUILDERS ASS'N OF DAYTON v. CITY OF LEBANON](#), 2005 OH App. Ct. Briefs LEXIS 842

... prohibiting restraints of trade and unfair competition in commercial dealings, including municipalities acting in a proprietary capacity. Chapter 1349 regulates unfair consumer practices. Chapter 1333 regulates a variety of trade practices, protecting consumers and competitors from unfair practices and unfair competition. Each Chapter is an appropriate exercise of the state police power to regulate commerce to protect the public welfare. See, e.g., **Munn v. Illinois (1876),94 U.S. 113, 145** ...

Content: Court Documents | **Date:** April 25, 2005

1317 [Public Serv. Co. v. Duncan Pub. Utils. Auth.](#), 2010 OK Civ. App. Ct. Briefs LEXIS 279

... own use as a roadbed, seeking to charge the public a profit for a service to be rendered over the public highways, there is no merit in the contention that the state, within the sphere of its police power, cannot exercise a reasonable control over such business. "It is laid down as a fundamental principle that persons or corporations engaged in occupations in which the public have an interest or use may be regulated by statute." 6 R.C. L. § 217, p. 224; **Munn v. Ill.,94 U.S. 113, 24 L. Ed. 77 ...**

Content: Court Documents | **Date:** March 16, 2010

1318 [MACPHERSON v. DEPARTMENT OF ADMIN. SERVS.](#), 2005 OR S. Ct. Briefs LEXIS 98

... [t]he day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought...We emphasize again what Chief Justice Waite said in **Munn v. Illinois,94 U.S. 113** , 134 , "For protection against abuses by legislatures the people must resort to the polls, not to the courts," a profession that has been used to ...

Content: Court Documents | **Date:** December 30, 2005

1319 [STATE v. PICO](#), 2016 OR App. Ct. Briefs LEXIS 1567

... The 6th Amend, provides, "In all criminal prosecutions the accused shall enjoy the right***to have the assistance of Counsel." The 5th and 14th Amend, provide, "No State***shall deprive any person of life, liberty, or property without Due Process of Law, nor deny to any person within it's jurisdiction the equal protections of the laws." See, **Munn v. Illinois,94 US 113, 142** . PRESERVATION OF ERROR The objection that the JUdge ruled on was stated on the record as, "So I would ask the Court not ...

Content: Court Documents | **Date:** March 15, 2016

1320 [BLACHANA v. OREGON BUR. OF LABOR & INDUS.](#), 2014 OR App. Ct. Briefs LEXIS 1866

... Willamette Transportation & Locks Co., 6 Or 219 , 230 (1877) (internal quotations omitted). Such regulation necessarily affected speech to some degree, and it consistently withstood constitutional challenge. See *id.*, quoting **Munn v. People of State of Illinois,94 US 113(1876)** (When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common ...

Content: Court Documents | **Date:** August 11, 2014

1321 [CITY OF BEND v. JUNIPER UTIL. CO.](#), 2009 OR App. Ct. Briefs LEXIS 182

... "[W]hen an owner devotes his property to a use in which the public has an interest, he must submit to be regulated and controlled by the public for the common good." "The right to regulate the rates to be charged by a public utility inheres in the power to govern." *Woodburn v. Public Service Commission*, 82 Or 114 , 120 , 121 , 161 P 391 (1916) ; **Munn v. Illinois,94 U.S. 113, 125-26(1876)** . The owners of the Juniper system property devoted their property to a use in which the public ...

Content: Court Documents | **Date:** May 12, 2009

1322 [KANE v. CITY OF BEAVERTON](#), 2005 OR App. Ct. Briefs LEXIS 1804

... state laws, regulatory of business and industrial conditions. because they may be unwise, improvident, or out of harmony with a particular school of thought (citations omitted) * * * (no paragraph) We emphasize again what Chief Justice Waite said in **Munn v. Illinois,94 U.S. 113, 134** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' (emphasis added) Neither the Board nor the city has cited any appellate court decision rejecting ...

Content: Court Documents | **Date:** August 2, 2005

1323 [KANE v. CITY OF BEAVERTON](#), 2005 OR App. Ct. Briefs LEXIS 141

... state laws, regulatory of business and industrial conditions. because they may be unwise, improvident, or out of harmony with a particular school of thought. (citations omitted) * * * (no paragraph) We emphasize again what Chief Justice Waite said in **Munn v. Illinois,94 U.S. 113, 134** , 'For protection against abuses by legislatures the people must resort to the polls, not to the courts.' (emphasis added) Neither the Board nor the city has cited any appellate court decision rejecting a ...

Content: Court Documents | **Date:** August 2, 2005

1324 [PENNSYLVANIA ENVTL. DEFENSE FOUND. v. COMMONWEALTH](#), 2016 PA S. Ct. Briefs LEXIS 4

... rights. But, as in prior cases involving Section 27, this Court should refrain from disturbing the rational decisions of the legislature in balancing the considerations required to protect the environment and promote growth. See Nat'l Solid Wastes, 600 A.2d at 265 ; c.f. Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483 , 488 (1955) ("For protection against abuses by legislatures the people must resort to the polls, not to the courts." (quoting **Munn v. Ill,94 U.S. 113, 134(1876))**) ...

Content: Court Documents | **Date:** February 24, 2016

1325 [ROBINSON TWP. v. COMMONWEALTH](#), 2015 PA S. Ct. Briefs LEXIS 220

... in balancing the considerations required to protect the environment and promote growth, even if the Court may have believed a different outcome was more rational. Nat'l Solid Wastes, 600 A.2d at 265 ; c.f. Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483 , 488 (1955) ("For protection against abuses by legislatures the people must resort to the polls, not to the courts." (quoting **Munn v. Ill.,94 U.S. 113, 134(1876))**) . C. The Commonwealth Court correctly rejected the Municipalities' ...

Content: Court Documents | **Date:** April 22, 2015

1326 [ABRAMS v. PNEUMO](#), 2008 PA S. Ct. Briefs LEXIS 38

... here would not be "retroactive" as, contrary to the Superior Court's concern about Crane's interest in "repose," Crane has no vested right that has been impaired: "A person has no property, no vested interest, in any rule of common law." Singer v. Sheppard, 464 Pa. 387 , 399 , 346 A.2d 897 , 902 (1975) , quoting **Munn v. Illinois,94 U.S. 113, 134(1876)** . Thus, in a case with facts directly analogous to those instantly, Creighan v. City of Pittsburgh, 389 Pa. 569 , 132 A.2d 867 (1957) ...

Content: Court Documents | **Date:** August 20, 2008

1327 [PADULA v. COMMONWEALTH DOT](#), 2011 PA CW. Ct. Briefs LEXIS 3044

... the taking of property by means other than the formal appropriation authorized by the Eminent Domain Code, which is a Declaration of Taking . The basic premise has always been derived from the Common Law declaration All that is beneficial in property arises from its use, and the fruits of that use, and whatever deprives a person of them, deprives him of all that is desirable or valuable in the title or possession. **Munn v. Illinois,94 U.S. 113, 141(U.S. Supreme Court, October Term, 1876) ...**

Content: Court Documents | **Date:** October 18, 2011

1328 [Szabo v. Upper Dublin Twp. Zoning Hearing Bd.](#), 2011 PA CW. Ct. Briefs LEXIS 666

... , the Appellant was operating a commercial activity and had applied to the authority and jurisdiction of the township and the zoning hearing board by applying for and then violating a variance. The decision in Britt was, in part, erroneously based on **Munn v. Illinois,94 U.S. 113(1877)** ; a case involving a monopoly. There is no similarity in either of these court cases to the case at bar. Appellant's Right to a Trial by Jury is guaranteed by Chapter 1. Section XI. of the first Constitution ...

Content: Court Documents | **Date:** April 29, 2011

1329 [PADULA v. COMMONWEALTH DOT](#), 2010 PA CW. Ct. Briefs LEXIS 1426

... the taking of property by means other than the formal appropriation authorized by the Eminent Domain Code, which is a "Declaration of Taking". The basic premise has always been derived from the Common Law declaration "All that is beneficial in property arises from its use, and the fruits of that use, and whatever deprives a person of them, deprives him of all that is desirable or valuable in the title or possession." **Munn v. Dlinois,94 U.S. 113, 141(U.S. Supreme Court, October Term, 1876) ...**

Content: Court Documents | **Date:** October 15, 2010

1330 [Angino v. Middle Paxton Twp.](#), 2006 PA CW. Ct. Briefs LEXIS 1662

... One who undertakes to demonstrate the unconstitutionality of a regulatory enactment has a heavy burden of persuasion to discharge."* * * [W]e can declare an Act of Assembly void, only when it violates the constitution clearly, palpably, plainly ; and in such manner as to leave no doubt or hesitation on our minds." Sharpless v. Mayor, etc., of City of Philadelphia, 1853, 21 Pa. 147 , 164 . See **Munn v. State of Illinois, 1876,4 Otto 113, 123, 94 U.S. 113, 123, 24 L.Ed. 77** ; Union ...

Content: Court Documents | **Date:** October 16, 2006

1331 [PATEL v. TEXAS DEPT' OF LICENSING & REGULATION](#), 2014 TX S. Ct. Briefs LEXIS 729

... . The objecting delegates presumably lost because the provision was limited to certain corporations devoted to a public use - price regulations of such corporations were both common at the time and not viewed as violating principles of due process. See **Munn v. Illinois,94 U.S. 113, 125(1877)** (upholding state law fixing maximum grain storage charges against due process challenge in part because such a law had never been invalidated despite the fact that "it has been customary in England ...

Content: Court Documents | **Date:** May 19, 2014

1332 [CITY OF SAN ANTONIO v. POLLOCK](#), 2006 TX S. Ct. Briefs LEXIS 77

... ("The provision as to the right of eminent domain, enters into every act granting land to an individual, and he takes it with the tacit understanding that the state may resume it at any time by making compensation."). Indeed, the power is inherent in the creation of the State governments, as are all the inherent sovereign powers. See **Munn v. Illinois, 94 U.S. 113**, 124 (1876) (In separating from Great Britain, the founders "retained for the purposes of government all the powers of the British ...

Content: Court Documents | **Date:** August 25, 2006

1333 [LUCY v. STATE](#), 2018 TX App. Ct. Briefs LEXIS 2919

... 14th Amendment to the U.S. Constitution, finding its roots in English common law, and incorporated therein into constitutional law. 4 "Due Process" appears on the 1354 Magna Carta. The US Constitution includes principles of due process at English common law. **Munn v. Illinois 94 U.S. 113(1876)** According to Lord Blackstone's "Commentaries on the Laws of England" 5 Lord Blackstone (b. 10 July 1723 - d. 14 February 1780) has been cited as an authority on the English common law principles underlying ...

Content: Court Documents | **Date:** November 26, 2018

1334 [Fort Worth Transp. v. Oncor Elec. Delivery Co.](#), 2010 TX App. Ct. Briefs LEXIS 1177

... has said that 'the regulation of utilities is one of the most important of the functions traditionally associated with the police power of the States.' ") (quoting Arkansas Elec. Coop. Corp. v. Arkansas Pub. Serv. Comm'n, 461 U.S. 375, 377, 103 S.Ct. 1905, 76 L.Ed.2d 1 (1983); **Munn v. Illinois, 94 U.S. 113, 125, 24 L.Ed. 77(1877)**). One commentator has concluded that there is no power in the municipality to supervise and regulate utilities where the purpose of the state law creating ...

Content: Court Documents | **Date:** March 9, 2010

1335 [SIVLEY v. COMPREHENSIVE HEALTH SERVS.](#), 2008 TX App. Ct. Briefs LEXIS 1909

... mind that the business of insurance is a highly regulated activity falling within the state's police powers. It is well settled that when a business, otherwise private in nature, becomes affected with a public interest it may be regulated by the state under its police power, so long as such regulation is reasonable and in the interests of the public. Commercial Standard Ins. Co. v. Board of Ins. Com'rs of Texas, 34 S.W.2d 343 Tex. Civ.App. 1930; **Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77** ...

Content: Court Documents | **Date:** July 21, 2008

1336 [VESTIN v. FIRST AMERICAN TITLE INS. CO.](#), 2005 UT App. Ct. Briefs LEXIS 24

... liens or encumbrances"; it insures against loss occasioned by the governmental exercise of police power when notice of its exercise may be found in a public record. The adoption of a local improvement ordinance is an exercise of the police power, conferred upon municipalities by the state legislature.

Munn v. Illinois, 94 U.S. 113, 145-46, 24 L. Ed. 77(1876) . The exercise of that right did appear in the public records of the municipality at the time the title insurance policy was issued. ...

Content: Court Documents | **Date:** June 6, 2005

1337 [OPCO v. MEEKS](#), 2013 VA S. Ct. Briefs LEXIS 50

... 603 (1922) . A public utility is a public service company. Va. Code § 56-1 . Turnpikes and toll roads have long been considered public service companies. E.g., Boulevard Bridge Corp., 203 Va. at 213-14 , 123 S.E.2d at 637-38 ; see **Munn v. Illinois, 94 U.S. 113, 126, 129(1876)** (cited as support in Jeter) . The General Assembly had consistently treated toll road operators as public service companies from 1902 until the PPTA amended the Qualifying Transportation Facilities Act. 1995 ...

Content: Court Documents | **Date:** August 13, 2013

1338 [McCABE v. COMMONWEALTH](#), 2007 VA S. Ct. Briefs LEXIS 294

... the plaintiffs invoked the Due Process Clause to challenge a statute of repose. The statute of repose, the plaintiffs asserted, impermissibly altered existing common law rules. 240 Va. at 52 , 392 S.E.2d at 819 . The Court rejected this challenge, noting "nobody has a vested right in the continuance of the rules of the common law." Id. at 54, 392 S.E.2d at 821 . See also **Munn v. Illinois, 94 U.S. 113, 134(1877)** . The Court further stated that "the fourteenth amendment does not forbid ...

Content: Court Documents | **Date:** February 16, 2007

1339 [OLD DOMINION COMM. FOR FAIR UTIL. RATES v. STATE CORP. COMM'N](#), 2017 VA S. Ct. Briefs LEXIS 993

... While utilities are allowed to function as monopolies, they are always regulated to ensure the protection of consumers. Regulation is intended - and is necessary - to simulate competition in industries where none exists. The U.S. Supreme Court has long recognized that public utilities operating as natural monopolies must be regulated to protect the interests of consumers. See **Munn v. Illinois, 94 U.S. 113, 127-28(1877)** . The regulation of public utility rates is particularly important ...

Content: Court Documents | **Date:** January 19, 2017

1340 [OLD DOMINION COMM. FOR FAIR UTIL. RATES v. STATE CORP. COMM'N](#), 2017 VA S. Ct. Briefs LEXIS 944

... While utilities are allowed to function as monopolies, they are always regulated to ensure the protection of consumers. Regulation is intended - and is necessary - to simulate competition in industries where none exists. The U.S. Supreme Court has long recognized that public utilities operating as natural monopolies must be regulated to protect the interests of consumers. See **Munn v. Illinois, 94 U.S. 113, 127-28(1877)** . The regulation of public utility rates is particularly important ...

Content: Court Documents | **Date:** January 19, 2017

1341 [PALMER v. ATLANTIC](#), 2016 VA S. Ct. Briefs LEXIS 891

... (recognizing that cases should be decided on the "narrowest grounds available" and that "unnecessary adjudication of a constitutional issue should be avoided") (internal quotation marks

omitted). 1. The common law did not grant a property right to exclude authorized surveyors . All property rights, including the right to exclude, are creatures of the common law. See **Munn v. Illinois, 94 U.S. 113, 134(1876)** ; Tvardek v. Powhatan Village Homeowners Ass'n , 291 Va. 269 , 274 ...

Content: Court Documents | **Date:** November 21, 2016

1342 [CHONG v. CITY OF SEATTLE](#), 2019 WA S. Ct. Briefs LEXIS 93

... 42 F.3d 1257 , 1262 (9th Cir. 1994) . The analysis stems from the belief that, unless a plaintiff can show a law lacks a rational foundation, "the people must resort to the polls not the courts." 33 Williamson, 348 U.S. at 488 (quoting **Munn v. State of Illinois,94 U.S. 113, 134(1876)**) . Under this "most relaxed form of judicial scrutiny," 34 Amunrud v. Board of Appeals, 158 Wn.2d 208 , 223 , 143 P.3d 571 (2006) . a plaintiff faces the exceedingly high burden of proving the challenged ...

Content: Court Documents | **Date:** March 7, 2019

1343 [CHONG v. CITY OF SEATTLE](#), 2018 WA S. Ct. Briefs LEXIS 436

... "Rational basis" stems from the long-held belief that, unless a plaintiff can show a law lacks a rational foundation in the public welfare, "the people must resort to the polls not the courts." 8 Williamson, 348 U.S. at 488 (quoting **Munn v. State of Illinois,94 U.S. 113, 134(1876)**) . "Substantially advances" is less deferential. Under it, the law must be more than merely rational; it must also be effective in achieving a "legitimate" public purpose. 9 Lingle, 544 U.S. at 542 . See ...

Content: Court Documents | **Date:** October 23, 2018

1344 [SVITAK v. STATE](#), 2012 WA S. Ct. Briefs LEXIS 283

... (holding that "it [is] well within the power of the legislature to change the common law," and that the common law "may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations.") quoting **Munn v. Illinois,94 U.S. 113** . 134, 24 L. Ed. 77 (1876)) . Thus, the constitutional framers were free to reject entirely the English common law concept of riparian rights to wharf out, which they did in article XVII, section § 1 of the Washington ...

Content: Court Documents | **Date:** October 26, 2012

1345 [CITY OF PORT ANGELES v. OUR WATER-OUR CHOICE](#), 2010 WA S. Ct. Briefs LEXIS 560

... , which was simply a mistake. No apology can be offered for it in any school of thought. but there never has been any reason to reject or overrule it altogether.67. *Nebbia v. New York*, 291 U.S. 502 (1934) , is sometimes cited as the beginning of the end of natural law jurisprudence in the field of economic regulation, but the case is better understood as a just extension of **Mimn v. Illinois,94 U.S. 113(1877)** , in light of pressing economic circumstances not existing at the time of Fairmont ...

Content: Court Documents | **Date:** February 12, 2010

1346 [BARTZ v. BURLINGTON NORTHERN SANTA FE](#), 2018 WA App. Ct. Briefs LEXIS 5705

... United States Supreme Court explained as early as 1912, "[a] person has no property, no vested

interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1 , 50 , 32 C. Ct. 169, 175, 56 L. Ed. 327 (1912) (quoting **Munn v. Illinois, 94 U.S. 113, 134(1877)**) . Thus, the "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object, despite the fact that otherwise ...

Content: Court Documents | **Date:** November 9, 2018

1347 [Erickson v. Port of Port Angeles](#), 2017 WA App. Ct. Briefs LEXIS 4837

... affirmed that a log boom company could not divest themselves of their public duty by amending their articles of incorporation to claim becoming a private boom company. A single act of a corporation, whether private or municipal, must not dissolve a prior public duty. Silverlake cited to Munn v Illinois 60 **Munn v Ill., 94 U.S. 113 , 126 , 24 L. Ed. 77 (4 Otto 1877)** [decided 1876] [A-50]. to affirm the necessity of submission to the common good. If a PU&TC statutory lien does exist it ...

Content: Court Documents | **Date:** November 28, 2017

1348 [v. ON v. CRAWFORD](#), 2010 WA App. Ct. Briefs LEXIS 1107

... the validity of the enactment, even though no legislative finding of fact appears in the statute. It is also axiomatic that no person has a vested interest in any rule of the common law... As the supreme court of the United States said, in the opinion of **Mr. Justice Waite, in Munn v. State of Illinois, 94 U.S. 113, 24 L.Ed. 77** , * * * A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. ...

Content: Court Documents | **Date:** August 23, 2010

1349 [Booker v. Foose](#), 2004 WV S. Ct. Briefs LEXIS 74

... 53, 85, 1853). After incorporation of the 14th Amendment in the Constitution the Court in numerous cases pricked out the line between the prohibition of state action denying "due process of law" or "equal protection of the laws" to individuals and corporations, and the police power of the states to make laws for the protection of public safety, health, and morals (Slaughterhouse cases, 83, U.S. 36, 1873; Bartemeyer v. Iowa, 18, Wallace 129, 1873: **Munn v. Illinois, 94 U.S. 113, 1876**)

Content: Court Documents | **Date:** July 26, 2004

1350 [BARRY v. EMPLOYERS MUT. CAS. CO.](#), 2001 WI S. Ct. Briefs LEXIS 2

...), the common law is the source of Barry's "right" to assert joint and several liability. Wisconsin Natural Gas v. Ford, Bacon & Davis Constr., 96 Wis.2d 314 , 331 , 291 N.W.2d 825 (1980) . "A person has no property, no vested interest, in any rule of the common law." **Munn v. Illinois, 94 U.S. 113(1876)** ; Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 , 88 n.32 (1978) . Because Barry has no constitutionally protected property interest in joint and several liability ...

Content: Court Documents | **Date:** January 3, 2001

1351 [Watson v. Rural Masonry Inc.](#), 2018 WI App. Ct. Briefs LEXIS 3314

... A. L R 2d 1048, notwithstanding that, the rule (due Process) is founded on the principles of Natural Justice, *Horsman Dolls v. Unemployment Comp. Comm.*, 72 S Q. 201, 342 U.S 890 , 96 L Ed. 667 , and is the foundation of the Constitutional guaranties of due process of law, **Munn v. Illinois,94 U.S 113, 24 L.Ed. 77** . Wherein, the liberty so guaranteed is the liberty of Natural Not Artificial Persons See *Oney v. Oklahoma City, (C C A. OKI.)* 120 F. 2d 861 . For the foregoing reasons ...

Content: Court Documents | **Date:** January 4, 2018

1352 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 381

... cows for private use is beyond the reach of the government's police powers because this use of the milk does not impact the public's health, safety or welfare. None of the milk is sold, offered for sale, or otherwise distributed to any member of the public. Instead, all of the milk produced by the privately owned animals is consumed by the private owners of the animals. *Zinnikers' Br.* at 24. In support of this proposition *Zinnikers* cite **Munn v. People of State of Illinois,94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** May 11, 2012

1353 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 130

... of cows for private use is beyond the reach of the government's police powers because this use of the milk does not impact the public's health, safety or welfare. None of the milk is sold, offered for sale, or otherwise distributed to any member of the public. Instead, all of the milk produced by the privately owned animals is consumed by the private owners of the animals. *Zinnikers Br.* at 24. In support of this proposition *Zinnikers* cite **Munn v. People of State of Illinois,94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** February 15, 2012

1354 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 1994

... of cows for private use is beyond the reach of the government's police powers because this use of the milk does not impact the public's health, safety or welfare. None of the milk is sold, offered for sale, or otherwise distributed to any member of the public. Instead, all of the milk produced by the privately owned animals is consumed by the private owners of the animals. *Zinnikers Br.* at 24. In support of this proposition *Zinnikers* cite **Munn v. People of State of Illinois,94 U.S. 113(1876)** ...

Content: Court Documents | **Date:** February 14, 2012

1355 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 85

... Private contracts and private property are beyond the reach of the State's police powers when such contracts and property interests are private in nature and do not impact the public's health, safety or welfare. As the United States Supreme Court stated in **Munn v. People of State of Illinois,94 U.S. 113(1876)** , the only way that private property can "become clothed with a public interest" is when it is "used in a manner to make it of public consequence" or when it "affect[s] the community ...

Content: Court Documents | **Date:** January 30, 2012

1356 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct.

Briefs LEXIS 84

... Private contracts and private property are beyond the reach of the State's police powers when such contracts and property interests are private in nature and do not impact the public's health, safety or welfare. As the United States Supreme Court stated in **Munn v. People of State of Illinois, 94 U.S. 113(1876)**, the only way that private property can "become clothed with a public interest" is when it is "used in a manner to make it of public consequence" or when it "affect[s] the community ...

Content: Court Documents | **Date:** January 30, 2012

1357 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 1993

... Private contracts and private property are beyond the reach of the State's police powers when such contracts and property interests are private in nature and do not impact the public's health, safety or welfare. As the United States Supreme Court stated in **Munn v. People of State of Illinois, 94 U.S. 113(1876)**, the only way that private property can "become clothed with a public interest" is when it is "used in a manner to make it of public consequence" or when it "affect[s] the community ...

Content: Court Documents | **Date:** January 11, 2012

1358 [FARM-TO-CONSUMER LEGAL DEFENSE FUND v. WISCONSIN DEPT' OF AGRIC.](#), 2012 WI App. Ct. Briefs LEXIS 1992

... Private contracts and private property are beyond the reach of the State's police powers when such contracts and property interests are private in nature and do not impact the public's health, safety or welfare. As the United States Supreme Court stated in **Munn v. People of State of Illinois, 94 U.S. 113(1876)**, the only way that private property can "become clothed with a public interest" is when it is "used in a manner to make it of public consequence" or when it "affect[s] the community ...

Content: Court Documents | **Date:** January 11, 2012

Motions

1359 [AMERICAN EXPRESS TRAVEL RELATED SERVS. CO. v. HOLLENBACH](#), 2008 U.S. Dist. Ct. Motions 91773, 2009 U.S. Dist. Ct. Motions LEXIS 24726

... The day is gone when this Court uses the Due Process Clause of the 14th Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. We emphasize again what Chief Justice Waite said in **Munn v. State of Illinois, 94 U.S. 113, 134, 24 L.Ed. 77**, 'for protection against abuses by legislatures the people must resort to the polls, not to the courts.' Lee Optical at 488 (citations ...

Content: Court Documents | **Date:** June 24, 2009

1360 [UNITED STATES v. CRUM](#), 2008 U.S. Dist. Ct. Motions 12192, 2008 U.S. Dist. Ct. Motions LEXIS 82404

... of 2000 authorizing the FBI to establish a national index of DNA samples from convicted federal offenders addressing a problem the states were not capable of addressing on their own). Like the collection of DNA samples, the undocumented interstate movement of convicted sex offenders is a problem that individual states cannot fully address. More importantly, Courts have long held that Acts of Congress are presumed to be constitutional. See, e.g., **Munn v. Illinois, 94 U.S. 113, 124(1876)** ...

Content: Court Documents | **Date:** September 10, 2008

1361 [WHITE v. GERARDOT](#), 2005 U.S. Dist. Ct. Motions 267981, 2008 U.S. Dist. Ct. Motions LEXIS 21588

... " Black's Law Dictionary (6th ed. 1990). The deprivation of life that is prohibited by the Fourteenth Amendment includes "not only of life [itself], but of whatever God has given to everyone with life for its growth and enjoyment. . . ." **Munn v. Illinois,94 U.S. 113, 142(1876)** (Field, J., dissenting). The loss of life means more than being deprived of the right to exist, or of the ability to earn a living; it includes deprivation of the pleasures of life. Sherrod v. Berry, 629 F. Supp. ...

Content: Court Documents | **Date:** April 21, 2008

1362 [UNIVERSAL IMPORTS v. FEDERAL EXPRESS CORP.](#), 2008 U.S. Dist. Ct. Motions 30930, 2008 U.S. Dist. Ct. Motions LEXIS 26700

... federal question jurisdiction exists, an explanation of the legal background of air cargo shipments is necessary. Historically, federal law has governed claims for loss of cargo. The federal common law that governs air cargo shipments is rooted deep in the history of transportation law, predating even the formation of the Republic. See **Munn v. Illinois,94 U.S. 113, 125(1876)** ("it has been customary in England from time immemorial and in this country from its first colonization to regulate ...

Content: Court Documents | **Date:** March 31, 2008

1363 [WHITE v. GERARDOT](#), 2005 U.S. Dist. Ct. Motions 267981, 2008 U.S. Dist. Ct. Motions LEXIS 21586

... (citations omitted) (emphasis added).] The deprivation of life that is prohibited by the Fourteenth Amendment includes "not only of life [itself], but of whatever God has given to everyone with life for its growth and enjoyment. . . ." **Munn v. Illinois,94 U.S. 113(1876)** (Field, J., dissenting). The loss of life means more than being deprived of the right to exist, or of the ability to earn a living; it includes deprivation of the pleasures of life. Sherrod v. Berry, 629 F. Supp. 159 , ...

Content: Court Documents | **Date:** March 20, 2008

1364 [FELDMAN v. UPS](#), 2006 U.S. Dist. Ct. Motions 62490, 2007 U.S. Dist. Ct. Motions LEXIS 74723

... (1995) is misplaced. A. Deregulation Has Not Abrogated Federal Common Law The federal common law that governs air cargo shipments is rooted deep in the history of transportation law, predating even the formation of the Republic. See **Munn v. Illinois,94 U.S. 113, 125(1876)** ("it has been customary in England from time immemorial, and in this country from its first colonization to regulate ... common carriers....") Accordingly, in 1938, the first comprehensive federal aviation, the Civil ...

Content: Court Documents | **Date:** February 2, 2007

1365 [LANGDON v. GOOGLE](#), 2006 U.S. Dist. Ct. Motions 319C, 2006 U.S. Dist. Ct. Motions LEXIS 34031

... . It did not address what conduct would amount to dedication of private property to public use such that the property would become the functional equivalent of public property. Similarly, *Niemotko v. Maryland*, 340 U.S. 268 , 273 (1951) , and *Hague v. Comm. for Indus. Org.*, 307 U.S. 496 , 515 (1939) , addressed free speech rights on public property. **Munn v. Illinois,94 U.S. 113(1876)** , addressed the constitutionality of an Illinois statute that fixed the maximum charge for the storage ...

Content: Court Documents | **Date:** October 16, 2006

1366 [LAUREL SAND & GRAVEL, INC. v. PHILBRICK](#), 2006 U.S. Dist. Ct. Motions 615B, 2006 U.S. Dist. Ct. Motions LEXIS 37962

... and is no more sacred than any other. Rights of property which have been created by the common law cannot be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. **Munn v. Illinois,94 U.S. 113, 134(1876)** ...

Content: Court Documents | **Date:** October 12, 2006

1367 [Covenant Training Sch. Ministry v. City of Prospect Hts.](#), 2005 U.S. Dist. Ct. Motions 5715, 2006 U.S. Dist. Ct. Motions LEXIS 33172

... , and the United States Supreme Court both have held numerous times over the past 130 years that unless a property is open to the public or devoted to a public use it is not within the regulation, authority, public interest, or police powers of the state. See **Munn v. Illinois,94 U.S. 113, (1876)** ; Illinois Cent. R. Co. v. Willenborg, 117 Ill. 203 , 208-209 (1886) ; People v. Steele, 231 Ill. 340 , 347 (1907) ; Tyson & Brother v. Banton, 273 U.S. 418 , 433-434 , (1927) ; ...

Content: Court Documents | **Date:** October 11, 2006

1368 [BROWN v. HOVATTER](#), 2006 U.S. Dist. Ct. Motions 262249, 2006 U.S. Dist. Ct. Motions LEXIS 112409

... Lee Optical, 348 U.S. at 487 . Thus, the answer to the plaintiffs' complaint is to be found in the advice of the Supreme Court: "for protection against abuses by legislatures the people must resort to the polls, not to the courts." **Munn v. Illinois,94 U.S. 113, 134, (1876)** . 2 See also Marusic Liquors, Inc. v. Daley, 55 F.3d 258 , 262 ("Indirect democracy is the ordinary form of governance in the United States. Assemblies of elected representatives decide. One premise of this method ...

Content: Court Documents | **Date:** June 5, 2006

1369 [SMITH v. CORUM](#), 2006 U.S. Dist. Ct. Motions 133, 2006 U.S. Dist. Ct. Motions LEXIS 59599

... an explanation of the legal background of air cargo shipments is necessary. Historically, federal law has governed claims for loss of cargo. The federal common law that governs air cargo shipments is rooted deep in the history of transportation law, predating even the formation of the Republic. See **Munn v. Illinois,94 U.S. 113, 125(1876)** ("it has been customary in England from time immemorial, and in this country from its first colonization to regulate . . . common carriers . . ."). ...

Content: Court Documents | **Date:** May 10, 2006

1370 [UNITED STATES OF AMERICA, vs. KENT FRANK, Defendant.](#), 2004 U.S. Dist. Ct. Motions 429127, 2005 U.S. Dist. Ct. Motions LEXIS 57144

... in this case to regulate the conduct of our own citizens overseas. In doing so, we may be able to reduce the number of United States citizens who use their American passports and considerable relative wealth to travel to poor, troubled countries such as Cambodia and fuel the growing market in which children are bought and sold for sex. IV. ARGUMENT A. Section 2423(c) is Constitutional Acts of Congress are presumed to be constitutional. See, e.g., **Munn v. Illinois,94 U.S. 113, 124(1876)** ...

Content: Court Documents | **Date:** November 30, 2005

1371 [CITY OF NEW YORK v. BERETTA U.S.A. CORP.](#), 2000 U.S. Dist. Ct. Motions 993717, 2005 U.S. Dist. Ct. Motions LEXIS 56832

... . In a footnote, the Court explained: Our cases have clearly established that "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1, 50, 32 S.Ct. 169, 175, 56 L.Ed. 327 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L.Ed. 77(1876)**. The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," ...

Content: Court Documents | **Date:** November 18, 2005

1372 [HARRIS v. CITY OF CLEARLAKE](#), 2017 U.S. Dist. Ct. Motions LEXIS 103897

... of marijuana outdoors, is a valid exercise of the City's police power. Any city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Cal. Const. art. XI, § 7. The term "police power," in its original and most comprehensive meaning, denotes the power of government in every sovereignty, the power to govern persons and things. **Munn v. Illinois, 94 U.S. 113, 125(1877)**. The police power of a state is its ...

Content: Court Documents | **Date:** November 7, 2017

1373 [UNITED STATES v. BLUE](#), 2013 U.S. Dist. Ct. Motions LEXIS 23077

... does not depend on any showing that the regulated activity substantially affects interstate commerce. Finally, the statute's regulation of sex trafficking, to the extent it is considered an intrastate activity, nevertheless passes muster under a "substantial effects" analysis, and is a valid exercise of Congress's Commerce Clause power. See, *Gonzales v. Raich*, 545 U.S. 1 (2005). Acts of Congress are presumed to be constitutional. See, e.g., **Munn v. Illinois, 94 U.S. 113, 124(1876)** ...

Content: Court Documents | **Date:** June 19, 2013

1374 [UNITED STATES v. BOLLINGER](#), 2013 U.S. Dist. Ct. Motions LEXIS 30494

... the United States criminalizes the unchecked sexual victimization of the children of a foreign sovereign nation by United States citizens, where a defendant relies on the channels of foreign commerce to implement the offense, and § 2423(c) does not violate the due process clause of the Fifth Amendment to the United States Constitution. ARGUMENT A. Section 2423(c) is Constitutional. Acts of Congress are presumed to be constitutional. See, e.g., **Munn v. Illinois, 94 U.S. 113, 123(1876)** ...

Content: Court Documents | **Date:** January 15, 2013

1375 [TCF Nat'l Bank v. Bernanke](#), 2011 U.S. Dist. Ct. Motions LEXIS 1152

... *Allnut v. Inglis*, 104 Eng. Rep. 206, 209 (Ct. King's Bench 1810) (Ellenborough, C.J.), see also 1810 WL 1544, relying on the earlier work of Sir Matthew Hale, *Treatise de Portis Maris*. *Allnut* works itself into the fabric of American law in the famous case of **Munn v. People of State of Illinois, 94 U.S. 113(1876)**. For a discussion of the history, see Richard A. Epstein, *PRINCIPLES FOR A FREE*

SOCIETY: RECONCILING INDIVIDUAL LIBERTY WITH THE COMMON GOOD, ch. 10(1998). But at the same ...

Content: Court Documents | **Date:** March 4, 2011

1376 [UNITED STATES v. THOMAS](#), 2009 U.S. Dist. Ct. Motions LEXIS 21116

... Defendant moves for dismissal in the third paragraph of his motion on the grounds that he has not consented to be governed by the United States. This argument is without merit. By living in the United States and receiving the benefits of its laws, Defendant has impliedly consented to be governed by those same laws. See **Munn v. People of State of Illinois, 94 U.S. 113, 124(1876)** ("When one becomes a member of a society, he necessarily parts with some rights or privileges which, as an individual ...

Content: Court Documents | **Date:** July 20, 2009

1377 [ARBINO v. JOHNSON & JOHNSON](#), 2006 U.S. Dist. Ct. Motions LEXIS 5719

... Constitution do not forbid the imposition of such caps: Our cases have clearly established that "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1, 50, 32 S. Ct. 169, 175, 56 L. Ed. 327 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1877)**. The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible ...

Content: Court Documents | **Date:** March 24, 2006

1378 [CITY OF NEW YORK v. BERETTA U.S.A. CORP.](#), 2005 U.S. Dist. Ct. Motions LEXIS 16841

... . In a footnote, the Court explained: Our cases have clearly established that "[a] person has no property, no vested interest, in any rule of the common law." Second Employers' Liability Cases, 223 U.S. 1, 50, 32 S. Ct. 169, 175, 56 L. Ed. 327 (1912), quoting **Munn v. Illinois, 94 U.S. 113, 134, 24 L. Ed. 77(1876)**. The "Constitution does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object," ...

Content: Court Documents | **Date:** November 18, 2005

1379 [CROWDER](#), 2006 U.S. Bankr. Ct. Motions LEXIS 7579

... Long ago, the U.S. Supreme Court held that when one devotes his property to a use in which the public has an interest, the property owner, in effect, grants to the public an interest in that use, and must submit to regulation for the common good. **Munn v. Illinois, 94 U.S. 113, 126(1876)**. As a publicly regulated utility, STSC received both the authority and the obligation to serve all members of the public within its service area. The New Mexico Public Utility Act, 62-13-1 et seq. NMSA ...

Content: Court Documents | **Date:** November 3, 2006

1380 [LIVESTOCK v. UNITED STATES](#), 2009 Fed. Cl. Ct. Motions LEXIS 177

... The words 'life, liberty, and property' are constitutional terms, and are to be taken in their broadest sense. They indicate the three great subdivisions of all civil rights. The term 'property' in this clause

embraces all valuable interests which a man may possess outside of himself. That is to say, outside of his life and property. It is not confined to mere technical property, but extends to every species of vested right ." Camp v. Holt, 115 U.S. 620 . See **Munn v. Illinois,94 U.S. 113** ...

Content: Court Documents | **Date:** April 6, 2009

1381 [DELMARVA POWER & LIGHT CO. v. UNITED STATES](#), 2005 Fed. Cl. Ct. Motions LEXIS 79

... To the extent that a statute or regulation provided that the Government would accept SNF from nuclear reactors absent a contract, no entity would have had a property right in that rule of law. "[T]he law itself, as a rule of conduct, may be changed at the will or even the whim, of the legislature, unless prevented by constitutional limitations." Fern v. United States, 908 F.2d 955 , 959 (Fed. Cir. 1990) (quoting **Munn v. Illinois,94 U.S. 113(1876)**) ; see Branch, 69 F.3d at 1577-78 ("[i]f ...

Content: Court Documents | **Date:** April 28, 2005

1382 [ADAMS v. AEROJET](#), 2004 CA Sup. Ct. Motions LEXIS 778

... court's determination to limit plaintiffs' ability to seek Superior Court damages is consistent with the fundamental concept underlying modern public utility regulation. This "regulatory compact" is rooted in a long line of common law precedent recognizing that business enterprises "affected with a public interest" are subject to government oversight under the state's police power. See, e.g., **Munn v. Illinois (1877)94 U.S. 113, 125-130** ; Gay Law Students Assn. v. Pacific Tel. & Tel. Co. ...

Content: Court Documents | **Date:** August 25, 2004

1383 [ASSELIN-NORMAND v. HAYWARD](#), 2017 CA Sup. Ct. Motions LEXIS 26659

... The Court Sustained without Leave To Amend the Demurrer to the Second Count, Determining the Appellant Alleged No Facts To Support a Breach of the Common Law Duty of Innkeepers. Relying upon Archibald v. Cinerama Hawaiian Hotels, Inc. [(1977) 73 Cal.App.3d 152 , 157 , a decision from the Third Appellate District which cited the United States Supreme Court decision of **Munn v. Illinois [(1877)94 U.S. 113, 125, 24 L.Ed 77** , and which was disapproved of on other grounds in Koire v. Metro ...

Content: Court Documents | **Date:** November 22, 2017

1384 [ASSELIN-NORMAND v. PACIFIC EURO HOTEL](#), 2017 CA Sup. Ct. Motions LEXIS 27421

... As @ 5: 9 - 11) does not correct the technical deficiency of his second cause of action; namely, that he failed to actually incorporate necessary charging allegations in his second count. On this basis, his claim for breach of the common law innkeeper's duty is demurrable under C.C.P. § 430.10(f). On substantive grounds, Plaintiff fares no better. Based on the United States Supreme Court case of **Munn v. Illinois [(1877)94 U.S. 113, 125, 134, 24 L.Ed 77, 84, 87]** , the Court in Archibald ...

Content: Court Documents | **Date:** March 23, 2017

1385 [ASSELIN-NORMAND v. PACIFIC EURO HOTEL](#), 2017 CA Sup. Ct. Motions LEXIS 20122

... Since travel upon the highway at night was hazardous and there was little choice of lodging for the

night, the common law . approved restrictions upon innkeepers to insure a charge of 'reasonable value' for services to prevent them from extorting exorbitant rates.: (See, e.g., **Munn v. Illinois (1877)94 U.S. 113, 125, 134, 24 L.Ed. 77, 84, 87** .) Archibald v. Cinerama Hawaiian Hotels, Inc.. supra , at 157 (Emph. added) . Assuming ASSELIN-NORMAND intended to incorporate by reference ...

Content: Court Documents | **Date:** March 12, 2017

1386 [E.I. du PONT de NEMOURS & CO. v. ADMIRAL INS. CO.](#), 1995 DE Sup. Ct. Motions LEXIS 430

... Del. Super., C.A. No. 88C-JA-118 , Ridgely , P.J. (December 9, 1993) (" Monsanto I ") Monsanto v. Aetna Casualty and Surety Co. , Del. Super., C.A. No. 88C-JA-118 , Ridgely , P.J. (April 15, 1994) (" Monsanto II ") **Munn v. Illinois, 94 U.S. 113(1877)** Nebbia v. New York , 291 U.S. 502 (1934) City of Newark v. Department of Health of State of New Jersey , N.J. Super., 262 A.2d 718 (1970) New Castle County v. Hartford Accident and Indemnity Co. , 3d Cir., 933 F.2d 1162 (1991) New York ...

Content: Court Documents | **Date:** March 15, 1995

1387 [E.I. du PONT de NEMOURS & CO. v. ADMIRAL INS. CO.](#), 1994 DE Sup. Ct. Motions LEXIS 750

... private property, including land itself, is subject to the supervening power of the State to regulate for the public good. See, e.g., Penn Cent. Transp. Co. v. New York City, 438 U.S. 104 (1978) ; Nebbia v. New York, 291 U.S. 502 , 523 (1934) ; **Munn v. Illinois,94 U.S. 113, 125(1877)** . It is not surprising, then, that the United States Supreme Court has rejected DuPont's State-sovereignty argument in no uncertain terms. In Sporhase, supra, 458 U.S. at 951 , the Court dismissed ...

Content: Court Documents | **Date:** December 19, 1994

1388 [E.I. DU PONT DE NEMOURS & CO. v. ADMIRAL INS. CO.](#), 1994 DE Sup. Ct. Motions LEXIS 702

... health, safety, morals, or general welfare' would be promoted by prohibiting particular contemplated uses of land, this Court has upheld land-use regulations that destroyed or adversely affected recognized real property interests"); Nebbia v. New York, 291 U.S. 502 , 523 (1934) ("[N]either property rights nor contract rights are absolute Equally fundamental with the private right is that of the public to regulate it in the common interest ... "); **Munn v. Illinois,94 U.S. 113, 125(1876)** ...

Content: Court Documents | **Date:** November 17, 1994

1389 [SALVIANO v. A.W. CHESTERTON, INC.](#), 2006 OH C.P. Ct. Motions LEXIS 1161

... Mondou v. New York, New Haven & Hartford Co. (1912), 223 U.S. 1 , 50) . " A person has no property, no vested interest, in any rule of the common law." Duke Power Co. v. Carolina Env'tl. Study Group, Inc. (1976), 438 U.S. 59 , 88 n.32, 98 S. Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L. Ed. 77**). Not only is there no vested right to the common law and no impediment to the General Assembly correcting defects in the common law, the Ohio Supreme Court has "consistently ...

Content: Court Documents | **Date:** December 13, 2006

1390 [SALVIANO v. A.W. CHESTERTON, INC.](#), 2006 OH C.P. Ct. Motions LEXIS 1180

... Mondou v. New York, New Haven & Hartford Co. (1912), 223 U.S. 1 , 50) . " A person has no property, no vested interest, in any rule of the common law." Duke Power Co. v. Carolina Env'tl. Study Group, Inc. (1976), 438 U.S. 59 , 88 n.32, 98 S. Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L. Ed. 77**). Not only is there no vested right to the common law and no impediment to the General Assembly correcting defects in the common law, the Ohio Supreme Court has "consistently ...

Content: Court Documents | **Date:** December 13, 2006

1391 [Holman v. A.W. Chesterton, Inc.](#), 2007 OH C.P. Ct. Motions LEXIS 1918

... United States Supreme Court explained, "[a] person has no property, no vested interest, in any rule of the common law." Duke Power Co. v. Carolina Env'tl. Study Group, Inc. (1976), 438 U.S. 59 , 88 n.32, 98 S. Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L.Ed. 77**). Plaintiff has no property interest in seeing the common law remain ossified and the General Assembly did not violate the Due Process Clause by enacting legislation that changed the common law. D. C. 2307.92 ...

Content: Court Documents | **Date:** October 30, 2007

1392 [Holman v. A.W. Chesterton, Inc.](#), 2007 OH C.P. Ct. Motions LEXIS 1916

... United States Supreme Court explained, "[a] person has no property, no vested interest, in any rule of the common law." Duke Power Co. v. Carolina Env'tl. Study Group, Inc. (1976), 438 U.S. 59 , 88 n.32, 98 S. Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L.Ed. 77**). Plaintiff has no property interest in seeing the common law remain ossified and the General Assembly did not violate the Due Process Clause by enacting legislation that changed the common law. D. C. 2307.92 ...

Content: Court Documents | **Date:** October 30, 2007

1393 [ANDERSON v. A.W. CHESTERTON, INC.](#), 2007 OH C.P. Ct. Motions LEXIS 1924

... United States Supreme Court explained, "[a] person has no property, no vested interest, in any rule of the common law." Duke Power Co. v. Carolina Env'tl. Study Group, Inc. (1976), 438 U.S. 59 , 88 n.32, 98 S. Ct. 2620 (quoting **Munn v. Ill. (1877),94 U.S. 113, 134, 24 L.Ed. 77**). Plaintiff had no property interest in seeing the common law remain ossified and the General Assembly did not violate the Due Process Clause by enacting legislation that changed the common law. D. C. 2307.92 ...

Content: Court Documents | **Date:** October 17, 2007

1394 [HUDSON v. FARMERS INS. EXCH. & FARMERS INS. CO.](#), 2017 OK Dist. Ct. Motions LEXIS 6323

... (1914) . In German Alliance, the United States Supreme Court restated the esteemed words of Lord Chief Justice Hale from his seventeenth-century treatise entitled De Portibus Maris (1 Harg. Law Tracts 78), previously quoted in **Munn v. Illinois,94 U.S. 113, 126, 24 L. Ed. 77, 84(1876)** : "when private property is 'affected with a public interest, it ceases to be juris privati [of private right] only'" and it becomes " clothed with a public interest when used in a manner to make ...

Content: Court Documents | **Date:** August 28, 2017

Pleadings

1395 [SMITH v. KRIEGER](#), 2008 U.S. Dist. Ct. Pleadings LEXIS 21452

... d. Courts may not "pause to consider" whether a better statute might have been written, but are compelled to "take the statute as we find it." *Anderson v. Wilson*, 289 U.S. 20 , 27 (1933) (Cardozo , J.). e. Congress wrote laws to remedy "defects" in the common law. **Munn v. Illinois,94 U.S. 113, 134(1876)** f. No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest ...

Content: Court Documents | **Date:** June 27, 2008

1396 [LANGDON v. GOOGLE](#), 2006 U.S. Dist. Ct. Pleadings LEXIS 5352

... "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munn v. Illinois,94 U.S. 113, 126(1877)** . In *Niemetko v. State of Maryland*, 340 ...

Content: Court Documents | **Date:** September 21, 2006

1397 [LANGDON v. GOOGLE](#), 2006 U.S. Dist. Ct. Pleadings LEXIS 25164

... it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created." **Munn v. Illinois.94 U.S. 113, 126(1877)** . In *Niemetko v. State of Maryland*, 340 U.S. 268 , 71 S.Ct. 325 , the Court held that the Jehova's Witnesses should be allowed ...

Content: Court Documents | **Date:** May 17, 2006

1398 [Covenant Training Sch. Ministry v. City of Prospect Hts.](#), 2005 U.S. Dist. Ct. Pleadings LEXIS 10408

... 105. Accordingly, the May 27, 2005 Order has now reinterpreted Section 11-30-4 in such a way as to put it squarely in violation of the Fourth, Fifth, Ninth, and Fourteenth Amendments, and in conflict with the long standing constitutional rule that unless a property is open to the public or devoted to a public use it is not within the public interest or the police powers. See **Munn v. Illinois,94 U.S. 113, (1876)** ; *Illinois Cent. R. Co. v. Willenborg*, 117 Ill. 203 , 208-209 (1886) ; *People* ...

Content: Court Documents | **Date:** October 4, 2005

1399 [Altstatt v. CITY OF SACRAMENTO](#), 2018 U.S. Dist. Ct. Pleadings LEXIS 18912

... the attached Affidavits in Support (Exhibits A and B), Ex Parte Motion for Temporary Restraining Order and Order to Show Cause and the Declaration in Support, as though fully contained herein by reference. 136. But so long as he uses his property for private use, and in the absence of devoting it to public use, the public has no interest therein which entitles it to a voice in its control." **Munn v. Illinois,94 U.S. 113(1876)** . 137. Participation in society does not confer power upon the whole ...

Content: Court Documents | **Date:** January 23, 2018

1400 [Holl v. UPS](#), 2016 U.S. Dist. Ct. Pleadings LEXIS 37327

... 75. In the 1870s, states, concerned about the growing power and influence of railroads, sought to assert greater regulation and control of the rail industry. See, e.g., Frank Norris, *The Octopus* (1901); Ida M Tarbell, *The History of the Standard Oil Company* (1904). For a period of time, the Supreme Court permitted states to continue regulating common carriers. See, e.g., **Munn v. Illinois, 94 U.S. 113, 135-36(1877)**. But by 1886, the Supreme Court reversed course. In *Wabash, St. L. ...*

Content: Court Documents | **Date:** October 11, 2016

1401 [Holl v. UPS](#), 2016 U.S. Dist. Ct. Pleadings LEXIS 30724

... 75. In the 1870s, states, concerned about the growing power and influence of railroads, sought to assert greater regulation and control of the rail industry. See, e.g., Frank Norris, *The Octopus* (1901); Ida M Tarbell, *The History of the Standard Oil Company* (1904). For a period of time, the Supreme Court permitted states to continue regulating common carriers. See, e.g., **Munn v. Illinois, 94 U.S. 113, 135-36(1877)**. But by 1886, the Supreme Court reversed course. In *Wabash, St. L. ...*

Content: Court Documents | **Date:** October 11, 2016

1402 [Zone v. Warden](#), 2012 U.S. Dist. Ct. Pleadings LEXIS 8958


... natural person. These protected private rights of the petitioner cannot be deprived or infringed upon except by due process of law, as necessary for the common good in the protection of the health, safety, and welfare of people in the community under the police powers of the state, or as conceded to the federal government according to Article 1 Section 8 Clause 17, or under the authority of Article 1 Section 8 Clauses 6 and 10 of the Federal Constitution. In the case **Munn v. Illinois 24 Led 77 ...**

Content: Court Documents | **Date:** April 20, 2012


Table Of Authorities (11)

Analysis:Parallels (1), Dissenting opinion citing (5), "Citing" (5)


U.S. Supreme Court

1. [Thurlow v. Massachusetts](#), 46 U.S. 504, 5 How. 504, 12 L. Ed. 256, 1847 U.S. LEXIS 322 


LB Citing
First Ref:94 U.S. 113 at p.125
Court: U.S. | **Date:** March 6, 1847

2. [New Jersey Steam Navigation Co. v. Merchants' Bank of Boston](#), 47 U.S. 344, 6 How. 344, 12 L. Ed. 465, 1848 U.S. LEXIS 319 


LB Citing
First Ref:94 U.S. 113 at p.130
Court: U.S. | **Date:** March 7, 1848

3. [State Tax on Railway Gross Receipts](#), 82 U.S. 284, 15 Wall. 284, 21 L. Ed. 164, 1872 U.S. LEXIS 1254, 4 Brewster's Reports 222 

LB Citing
First Ref:94 U.S. 113 at p.135
Court: U.S. | **Date:** March 3, 1873

4. [Bronson v. Kinzie](#), 42 U.S. 311, 1 How. 311, 11 L. Ed. 143, 1843 U.S. LEXIS 314 

B Dissenting opinion citing
First Ref:94 U.S. 113 at p.143
Court: U.S. | **Date:** February 23, 1843

5. [Pumpelly v. Green Bay Co.](#), 80 U.S. 166, 13 Wall. 166, 20 L. Ed. 557, 1871 U.S. LEXIS 1325 

B Dissenting opinion citing
First Ref:94 U.S. 113 at p.144
Court: U.S. | **Date:** February 19, 1872

6. [Wilkinson v. Leland](#), 27 U.S. 627, 2 Peters 627, 7 L. Ed. 542, 1829 U.S. LEXIS 426 

B Dissenting opinion citing

First Ref:94 U.S. 113 at p.148

Court: U.S. | Date: February 23, 1829

U.S. Circuit Court of Appeals


7. [Spring Valley Water-Works v. Bartlett](#), 8 Sawy. 555, 16 F. 615, 1883 U.S. App. LEXIS 1847 

G Parallels

First Ref:94 U.S. 113 at p.113

Court: Cir. Ct. Dist. Cal. | Date: March 9, 1883

Alabama Supreme Court


8. [Mobile v. Yuille](#), 3 Ala. 137, 1841 Ala. LEXIS 255, 36 Am. Dec. 441 

B Dissenting opinion citing

First Ref:94 U.S. 113 at p.129

Discussion:  | Court: Ala. | Date: June 1, 1841

Massachusetts Supreme Judicial Court


9. [Commonwealth v. Alger](#), 61 Mass. 53, 7 Cush. 53, 1851 Mass. LEXIS 7 

LB Citing

First Ref:94 U.S. 113 at p.147

Court: Mass. | Date: March 1, 1851

New York Miscellaneous Courts


10. [JENNINGS](#), 6 Cow. 518, 1826 N.Y. LEXIS 129, 16 Am. Dec. 447 

LB Citing

First Ref:94 U.S. 113 at p.129

Court: N.Y. Sup. Ct. | Date: October 1, 1826

Vermont Supreme Court

11. [Thorpe v. Rutland & B. R. Co.](#), 27 Vt. 140, 1854 Vt. LEXIS 111, 62 Am. Dec. 625 














B Dissenting opinion citing

First Ref:94 U.S. 113 at p.124

Court: Vt. | Date: December 1, 1854

Legend

Shepard's®: Munn v. Illinois, 94 U.S. 113

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