

# Barron v baltimore

Government



Among the original decisions handed down by the United States Supreme Court, some gave limitations to the power of the Federal government, others expanded upon the rights of the Federal government, and still others differentiated between the powers granted to the Federal government versus the powers granted to the individual states.

It is among this final group that the decision in Barron v. Baltimore belongs, as it was a decisive moment for the court to very clearly comment on the separation of regulations reserved for the states as well as the regulations more appropriately assigned the Federal government. Decided in 1833, the decision is far-reaching and continues to impact American law and society in the present day.

Although the decision in Barron v. Baltimore impacts primarily the Fifth Amendment, the passage of the Fourteenth Amendment expands on both the interpretation of the Fifth Amendment as well as the holding in Barron v.

Baltimore. The major player in this case, John Barron, was a wharf owner in the state of Maryland. Barron enjoyed a profitable enterprise utilizing the deepest waters on the coast of Baltimore, until activities by the city began to impact his business. In 1815, Barron alleged that the City of Baltimore “diverted the flow of streams while engaging in street construction”, creating “mounds of sand and earth near his wharf, making the water too shallow for most vessels”.

(Wikipedia, 2007) Because it was the activities of the city of Baltimore that impacted his trade and not natural erosion, Barron felt legally wrong and brought suit against the city seeking damages for loss of business due to his

ships not being able to flow freely into and out of his wharf due to decreased depth of water. The City of Baltimore disagreed with the allegations of John Barron, and instead stated in court that they were simply conducting the activities necessary to maintain their city as was their right.

According to the first volume of the American Law Encyclopedia, Baltimore, as a city, was modernizing in 1815, and their updates included “ building embankments, grading roads, and paving streets”. (American Law Encyclopedia, 2007) Because those modernization activities included diverting small waterways, and because a series of natural rainstorms filled those diverted waterways with dirt, the flow of water led to the buildup of silt at the emptying location of the waterways, which was the wharf owned by John Barron.

A local court, upon hearing the case, found that Barron had indeed been wronged by the City of Baltimore, and awarded damages in the amount of \$4500, to compensate for business lost. The City of Baltimore was greatly displeased by this decision, in that it indicated that they had purposefully taken use of the land (water) owned by Barron and used without compensation, when, in fact, the filling of his wharf with silt was an unfortunate by product of modernization activities being conducted inland.

Upon appeal, “ a Maryland appellate court reversed” and thus the pendulum swung back to Barron to move the case forward. (American Law Encyclopedia, 2007) Barron did so by appealing to the United States Supreme Court, who heard the case on a writ of error. The decision handed down by the United States Supreme Court in the case of Barron v. Baltimore represented one of the first occasions of review for the Fifth Amendment to <https://assignbuster.com/barron-v-baltimore/>

the United States Constitution. According to the website entitled Common Sense Americanism, “ the primary question before the Court was whether the Fifth Amendment to the U.

S. Constitution could be made to apply to the states”. When written and ratified shortly after the Constitution was itself written and ratified, the Amendments were widely understood to apply to the Federal government and its actions and reach, as the actions and reach of the State governments were provided for by the Tenth Amendment as well as state legislation. However, in the case of Barron v. Baltimore, Barron sought to have the Fifth Amendment cross applied to have a local entity held accountable to the same standards.

The portion of the Fifth Amendment so highly relevant to this case states “ nor shall private property be taken for public use, without just compensation”. (U. S. Const. , Amend. V) The decision by the local court clearly thought that by assigning compensation, the Fifth Amendment was thereby satisfied; the state court disagreed in stating that the Fifth Amendment did not apply. The United States Supreme Court held simply that “ Barron had no claim against the state under the Bill of Rights because the Bill of Rights does not apply to the states”.

(McBride, 2006) The rationale used by the court in coming to this blunt conclusion was explained by McBride, saying that the tenants of the Constitution applied only to the government the Constitution creates – that is, the Federal government. Because state governments had been afforded the right to create individual state Constitutions, they need instead be held to the standards created within those documents. In a decision written by <https://assignbuster.com/barron-v-baltimore/>

Chief Justice Marshall, the case is dismissed for want of jurisdiction, because the same limitations and responsibilities assigned the Federal Government are “ not applicable to the legislation of the States”.

(Barron v. Baltimore, 1833) The holding of Barron v. Baltimore remains applicable to the present day because of the precedent set in separating the responsibilities of the state and Federal governments. In McCulloch v. Maryland, the precedent set limited the ability of a state government to impose restrictions on the Federal government. In Gibbons v. Ogden, the precedent set limited the role played by state governments in interstate commerce, reserving those powers instead to the Federal government. But in Barron v.

Baltimore, a decision written by the same Chief Justice as the two prior cases, the precedent seemed to differ, in that instead of imposing a Federal standard and Federal actions upon local communities, the Court instead distinguished between state and Federal powers and stated that the actions of a local entity could not be held to the same standards set for a Federal entity. Thirty-five years after the decision rendered in Barron v. Baltimore, the Fourteenth Amendment to the United States Constitution was passed.

The first provision of this amendment very closely mimicked the Fifth Amendment, but notably leaving off the final wording regarding compensation for use of land. Whereas the Fifth Amendment states “ no person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”, the Fourteenth Amendment states “ No State shall...deprive any person of life, liberty, or property, without due process of law; nor deny

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to any person within its jurisdiction the equal protection of the laws". So while the holding in Barron v.

Baltimore eventually influenced the creation of the Fourteenth Amendment, compensation for the use of land is notably left silent. Despite that, the long-lasting legacy of Barron v. Baltimore is that despite an initial holding of the inapplicability of Federal regulations on state or local entities, it led to the laying of groundwork for currently followed precedents that the states are now held to similar standards as the Federal government, due to the passage of the Fourteenth Amendment. References Barron v. Baltimore. 32 U. S. 243 (1833). Barron v. Baltimore. (2007). American Law Encyclopedia, Vol 1.

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