

**Maguire Vs. Reardon**

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**Court :** US Supreme Court

**Decided On :** Feb-28-1921

**Appeal No. :** 255 U.S. 271

**Appellant :** Maguire

**Respondent :** Reardon

**Judgement :**

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U.S. Supreme Court Maguire v. Reardon, 255 U.S. 271 (1921)

**Maguire v. Reardon**

**No. 202**

**Argued January 28, 1921**

**Decided February 28, 1921**

**255 U.S. 271**

*ERROR TO THE DISTRICT COURT OF APPEAL OF THE STATE OF CALIFORNIA*

I N AND FOR THE FIRST APPELLATE DISTRICT, DIVISION ONE

## SYLLABUS

The Fourteenth Amendment does not prevent a city from demolishing and removing wooden building, built within defined fire limit in face of prohibitory regulation in force at the time. P. [255 U. S. 273](#) .

41 Cal.App. 596 affirmed. .

This was a writ of error to review a judgment of the district court of Appeal, California, affirming a judgment of the Superior Court of the City and County of San Francisco refusing injunctive relief sought by the present plaintiffs in error. The Supreme Court of California had denied an application for further review. The case is stated in the opinion.

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MR. JUSTICE Mc REYNOLDS delivered the opinion of the Court.

Defendants in error, officers and agents of the City of San Francisco, purporting to act under an ordinance approved May 8, 1917, gave notice of their intention to demolish and remove a wooden building on Van Ness Avenue, the property of plaintiffs in error. Thereupon, the latter instituted this proceeding for an injunction upon the ground, among others, that, as the building was lawfully erected, the ordinance violated the federal Constitution.

The court below, following *Bancroft v. Goldberg, Bowen & Co.*, 166 Cal. 416, held that the building was erected in 1906 within the fire limits theretofore prescribed in violation of valid local regulations duly enacted under the charter, and consequently there could be no reasonable doubt of the municipality's power to direct its removal.

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The meaning and effect of the charter and ordinances thereunder are questions of local law, determination of which by the state courts we commonly accept as conclusive. It is admitted that the building was constructed within defined fire limits, and the supreme court of the state has said this was contrary to valid regulations then in force. The challenged ordinance must therefore be treated as affecting an unlawful structure, and, as so applied we can find no plausible ground for holding it in conflict with the federal Constitution.

The judgment below is

*Affirmed.*

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