

INTERSTATE COMMERCE—GARNISHMENT OF ROLLING STOCK OF FOREIGN CORPORATION TO COMPEL IT TO SUBMIT TO JURISDICTION OF STATE COURT IS AN UNREASONABLE BURDEN THEREON.

*Atchison, Topeka & S. F. R. Co. v. Wells*, Adv. Opinions Supreme Court, page 533, June, 1924:

Wells, a citizen and resident of Colorado, sued the defendant in Texas for personal injuries sustained while in the employment of the defendant in New Mexico. Personal service on defendant could not be obtained in Texas, and Wells garnished a Texas railroad whose line connected with the Sante Fe, which had in its possession Sante Fe rolling stock and which owed to it large sums on traffic balances. Constructive service was made upon the Sante Fe by serving one of its officers in Kansas, and by publication in a Texas newspaper. The Sante Fe did not appear in the action and judgment was rendered against it by default. The garnishee's objection to the jurisdiction was overruled and judgment was rendered against it in satisfaction of the judgment entered against the Sante Fe.

The Sante Fe brought suit in a federal court in Texas to enjoin the enforcement of these judgments. The bill was dismissed, the decree dismissing it was affirmed by the Circuit Court of Appeals, and the case was brought to the Supreme Court on a writ of certiorari.

The Court held that the fact that rolling stock is being used in interstate commerce does not render it immune from seizure by attachment or garnishment.

That the writ of garnishment is void because it was used to give the courts of Texas jurisdiction over a foreign corporation which did not own or operate a railroad in that State, and which had not consented to be sued there. The seizure of the rolling stock and credits of the Sante Fe for the purpose of compelling it to submit to the jurisdiction of the courts of Texas constituted an unreasonable interference with interstate commerce.

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JUDGMENT—RES JUDICATA—DOES NOT APPLY TO SECOND WRIT OF HABEAS CORPUS BROUGHT ON GROUNDS SIMILAR TO THOSE SET UP IN FIRST WRIT.

*Wong Doo v. United States*, Advance Opinions, page 611, June, 1924:

This is a second petition for a writ of habeas corpus by a Chinese in custody under an order of deportation issued under Sec. 19 of the Immigration Act of February 5, 1917.

In the first petition the validity of the order was assailed on two grounds: First, that the Secretary of Labor issued it without lawful jurisdiction; and second, that the administrative hearing on which it rested was not adequate or