

It was held that a state, in the exercise of its police power, may regulate and control the taking of wild animals within its borders, their subsequent use, and the property rights that may be acquired therein.

The court further held that said act does not violate the commerce clause of the Federal Constitution, although no skins are sold for manufacture within the State; and that the levying a severance tax upon dealers in such skins, in addition to the license and property tax imposed on merchants generally, does not violate the equal protection clause of the Federal Constitution.

It also held that the powers conferred on the State department are not an improper delegation of legislative power, in violation of the due process clause of the Federal Constitution.

INTERSTATE COMMERCE—POWER TO REQUIRE ISSUE OF INTER-CHANGEABLE MILEAGE COUPON TICKETS.

U. S. v. New York Central Railroad, et al., U. S. Adv. Ops., page 227:

Bill in equity by the railroads to prevent enforcement of an order of the Interstate Commerce Commission, made in pursuance of Act of Congress of August 18, 1922, amending Sec. 22 of the Interstate Commerce Act by directing the Commission to require railroads subject to the act with such exemptions as the Commission holds justified, to issue interchangeable mileage scrip coupon tickets at just and reasonable rates, etc. After a hearing the Commission ordered Class I railroads to issue at designated offices, a non-transferrable interchangeable scrip coupon ticket in the denomination of \$90, to be sold at a reduction of 20 per cent from its face value. In its report upon which the order was based, the Commission pointed out that the net operating income of the roads for seven months ending July 31, 1922, was below the return fixed as reasonable and discarded several theories upon which it was urged the order could be justified. The bill alleged that the amendment of 1922, as construed by the Commission, violated the 5th Amendment and the Commerce Clause of the Constitution; and that the conclusion stated by the Commission that the reduced rates established by it for scrip coupon tickets would be just and reasonable for that class of travel, is contrary to the specific facts found by it.

The district court upheld the latter contention and issued a perpetual injunction. That decree was affirmed on appeal, the court saying:

"It seems to us plain that the Commission was not prepared to make its order on independent grounds apart from the deference naturally paid to the supposed wishes of Congress. But we think that it erred in reading the wishes that originated the statute as an effective term of that statute that was passed, and therefore that the present order cannot stand."