

UNFAIR COMPETITION—PLACING FALSE COVERS ON TELEPHONE DIRECTORIES AND SELLING ADVERTISING SPACE THEREON, CONSTITUTES UNFAIR COMPETITION.

National Telephone Directory Co. v. Dawson Mfg. Co. and Chase Hotel Co.,

263 S. W. 483, St. L. Ct. of App., June, 1924.

Plaintiff had through expenditure of time and money devolved certain local telephone directories into a very valuable advertising medium. The defendant manufacturing company by making false backs to be placed on these directories, and the defendant hotel company in its proposal to use and sell advertising space thereon, are held guilty of acts constituting unfair competition.

CONSTITUTIONAL LAW—LIMITING MEDICINAL PRESCRIPTIONS TO SPIRITUOUS AND VINOUS LIQUORS—DUE PROCESS—FORBIDDING DISPENSING OF MALT LIQUOR.

Everard's Breweries v. Day, U. S. Adv. Ops. 1923-24, page 655.

Plaintiff was charged with selling intoxicating malt liquors to druggists who dispensed it in prescriptions. Congress had passed the Supplemental Act, which limited prescriptions for medicinal purposes to spirituous and vinous liquors. Held, as the 18th Amendment gave Congress the power to enforce this amendment by appropriate legislation the Supplemental Act was not an arbitrary and unreasonable exercise of this power.

INJUNCTION—JURISDICTION—REMOVAL OF STATE OFFICER.

Walton v. Disney, U. S. Adv. Ops., 1923-24, page 673.

This was a suit in equity to enjoin an impeachment against a state officer. Plaintiff was found guilty and removed from office. Held, that a court of equity has no jurisdiction over the appointment and removal of public officers.

COVENANT BETWEEN PROPERTY OWNERS NOT TO SELL TO NEGROES HELD CONSTITUTIONAL—MAY BE ENFORCED AS BETWEEN THE PARTIES.

Corrigan et als. v. Buckley, 299 Fed. 899.

The plaintiff and defendant with twenty-eight other residents made a covenant not to sell to negroes for twenty-one years, binding on their heirs and assigns. This action was brought by Buckley to enjoin Corrigan from breaching the covenant, and to prevent the defendant, Cartes, from taking possession of the premises in question. There was a judgment for the plaintiff; the defendant took an appeal. The appellants contend that the agreement is unconstitutional in that it deprives negroes of the right to acquire and hold prop-

erty, as provided by the 14th Amendment.

Held, that the provision was constitutional, and enforceable against the parties. The right of negroes to acquire and hold property does not include the right to enforce a sale of certain property.

The equal protection clause refers to the state and not to binding agreements between individuals discriminating against negroes. The Court further held that the segregation of negroes, whether by public statute or private agreement was not unconstitutional or against public policy, unless the method denied some fundamental constitutional right. State statutes enacted to enforce the provisions of the constitution afford no more protection than the constitution itself.

BOUNDARIES — BETWEEN STATES — FOLLOWING DECREE ON RIVER—EFFECT OF ACCRETION.

Oklahoma v. Texas, U. S. Adv. Ops., 1923-24, page 675.

This case was a dispute over the boundary line along the Red River, between Texas and Oklahoma. Two commissioners were appointed to decide the issue. A short wing dam had been built on the disputed location. Due to weather conditions, sand and other material were deposited behind the dam. The river shortly thereafter washed away a large section of the opposite bank on the north and shifted the channel to that side. The south side channel soon filled with sand due to a gradual accretion. As a result the river moved northward, and thus the dispute over the boundary line arose.

The Court held, as the boundary between the two states is a river, and if due to the natural process of erosion and accretion the bank is changed, the boundary follows the change.

INTERSTATE COMMERCE—STRIKE AS CONSPIRACY AGAINST.

United Leather Workers' Union v. Herkert & Meisel Trunk Co., U. S. Adv. Ops., 1923-24, page 705.

Defendant, a leather workers' union, demanded that plaintiff's shops be unionized, and due to failure on part of plaintiff to comply with this request, they began a strike. They picketed, assaulted and threatened plaintiff's employees and as a result plaintiff's business was damaged, and they were unable to carry on interstate commerce. The Court held that the plaintiff failed to show that the defendants in their conspiracy to deprive them of their employees, were thus directing their schemes against interstate commerce, and thus it was no violation of the Sherman Act.