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Editorial Notes

The Editors

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RALPH R. NEUHOFF, LL.B., Washington University, 1916,
who submits *Retrospective Tax Laws* is a frequent contribu-
tor of articles concerning taxation. For some years he has
lectured on this subject as a member of the faculty of the
Washington University Law School. He is a member of the
St. Louis, Missouri Bar.

WILLIAM CLARK SCHMIDT, LL.B., Washington University, 1935, submits an analysis of the *Constitutional Limitations Upon Legislative Power to Alter Incidents of the Shareholder's Status in Private Corporations*. For this article Mr. Schmidt was awarded the Mary Hitchcock Thesis Prize of 1935. He is now a member of the St. Louis, Missouri Bar.

Notes

"LEGAL INTEREST" FOR THE PURPOSE OF SUITS TO ANNUL ORDERS OF THE INTERSTATE COMMERCE COMMISSION

The federal district courts have been invested with jurisdiction over suits to enjoin, set aside, or annul orders of the Interstate Commerce Commission.¹ There is no provision, however, as to the proper parties to maintain the suit.² "The determination of the question . . . is left by the Interstate Commerce Act

¹ Sec. 16 of the Hepburn Act (34 Stat. 584, 592, 1906) provided for review of orders of the Interstate Commerce Commission. That section provided in part, "The venue of suits brought in any of the Circuit Courts of the United States against the Commission to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office, and may be brought at any time after such order is promulgated." See *B. & O. R. R. v. I. C. C.* (1909) 215 U. S. 216, 219. In 1910 Congress created the Commerce Court with exclusive jurisdiction to hear "cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission." (1910) 36 Stat. 539, (1911) 36 Stat. 1148, (1916) U. S. Comp. Stat. sec. 993. In 1913 Congress abolished the Commerce Court and transferred its jurisdiction to the District Courts. (1913) 38 Stat. 219, 28 U. S. C. A. sec. 41 (28). But the District Courts are specially constituted if an interlocutory injunction is sought. (1913) 38 Stat. 220, 28 U. S. C. A. sec. 47. State courts are without jurisdiction to entertain suits seeking to enjoin, set aside or annul an order of the Commission. *Lambert Run Coal Co. v. B. & O. R. R. Co.* (1922) 258 U. S. 377; *St. Louis Connecting R. Co. v. Blumberg* (1927) 325 Ill. 387, 156 N. E. 298.

² *Supra*, note 1. Congress has provided, however, for the party defendant, providing that the suits "shall be brought against the United States." (1910) 36 Stat. 542, (1911) 36 Stat. 1149, 28 U. S. C. A. sec. 46. See also (1911) 36 Stat. 1150, (1913) 38 Stat. 219, 28 U. S. C. A. sec. 48. See *Lambert Run Coal Co. v. B. & O. R. R. Co.*, *supra*, note 1; *State of North Dakota ex rel. Lemke v. Chicago N. W. Ry. Co.* (1922) 257 U. S. 485; *Venner v. Michigan Cent'l R. R. Co.* (1926) 271 U. S. 127, 130.