St. Louis, Brownsville and Mexico Ry. Co. Vs. Taylor

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Court : US Supreme Court

Decided On : Nov-17-1924

Appeal No. : 266 U.S. 200

Appellant : St. Louis, Brownsville and Mexico Ry. Co.

Respondent : Taylor

Judgement :

St. Louis, Brownsville & Mexico Ry. Co. v. Taylor - 266 U.S. 200 (1924)
U.S. Supreme Court St. Louis, Brownsville & Mexico Ry. Co. v. Taylor, 266 U.S. 200 (1924)

St. Louis, Brownsville & Mexico Railway Company v. Taylor

No. 89

Argued October 17, 1924

Decided November 17, 1924

266 U.S. 200

ERROR AND CERTIORARI TO THE SUPREME COURT

OF THE STATE OF MISSOURI

SYLLABUS

1. A judgment of a state supreme court denying an application for a writ of prohibition to prevent a lower court from entertaining jurisdiction by garnishment over an action against a foreign railroad corporation for damage to an interstate shipment *held* a final judgment, and reviewable in this Court by certiorari, but not by writ of error. P. 266 U. S. 200 .

2. A Delaware corporation, having a usual place of business in Missouri, brought an action in a Missouri court against a Texas corporation which operated a railroad in Texas only, and had no place of business, nor had consented to be sued, in Missouri, the cause of action being damage, done possibly in Missouri, to freight shipped to that state from Texas over defendant's line on a through bill of lading, and the basis of jurisdiction in Missouri

Page 266 U. S. 201

being the garnishment of traffic balance due the defendant from a connecting interstate carrier having a place of business there.

HELD

(a) That the Missouri attachment law, by requiring interstate carriers to submit to garnishment in such circumstances, did not unreasonably burden interstate commerce. P. 266 U. S. 207 .

(b) The fact that the cause of action arose under an act of Congress (the Carmack Amendment), and could not be entertained originally by a federal court in Missouri without personal service on the defendant, was not an obstacle to its enforcement in the state court by garnishment. P. 266 U. S. 207 .

3. When Congress creates a right of action and makes no provision concerning the remedy, the federal and state court have concurrent Jurisdiction, and the plaintiff choosing a state court is entitled to whatever remedial advantage inheres in the forum. P. 266 U. S. 208 .

4. No peculiarity of state procedure can enlarge or abridge a substantive federal right, but to enforce a federal claim by subjecting property within the state to its satisfaction through attachment does not enlarge the substantive right. P. 266 U. S. 209 .

298 Mo. 474 affirmed.

Error and certiorari to a judgment of the Supreme Court of Missouri denying an application for a writ of prohibition to stop proceedings in a lower court of the state.

Page 266 U. S. 206

MR. JUSTICE BRANDEIS delivered the opinion of the Court.

The American Fruit Growers, Inc., a Delaware corporation with the usual place of business in Missouri, brought an action against the St. Louis, Brownsville & Mexico Railway Company in an inferior court of Missouri. Jurisdiction was asserted solely by reason of the garnishment of traffic balances due from a connecting interstate carrier having a place of business in Missouri. The Brownsville Company is a Texas corporation, operates its railroad solely in that state, has no place of business in Missouri, and has not consented to be sued there. The cause of action sued on consisted of three claims of a consignee for damages to freight originating in Texas on lines of the Brownsville company and shipped on through bills of lading to points in other states.

The Brownsville company did not enter an appearance, general or special. Instead, it instituted in the Supreme Court of Missouri an application for a writ of prohibition -- the proceeding here under review -- praying that the judge of the inferior court be enjoined from taking cognizance of the pending action because he lacked jurisdiction. The highest court of the state denied relief. 298 Mo. 474. The case is here on writ of error, and also on certiorari. 263 U.S. 696. The suggestion was made at the argument that this Court is without jurisdiction because the judgment below was not final. The contrary is settled. The application for a writ of prohibition is an independent adversary suit which was finally determined by the

judgment under review. *Detroit & Mackinac Ry. Co. v. Michigan*

Page 266 U. S. 207

Railroad Commission, 240 U. S. 564 , 240 U. S. 570 . The writ of error must, however, be dismissed for another reason. *See Stadelman v. Miner,* 246 U. S. 544 .

The claim that the inferior court of Missouri lacked jurisdiction of the action for damages is rested on two grounds. One contention is that the Missouri attachment law, as construed and applied, is void under the rule of *Davis v. Farmers' Cooperative Equity Co.,* 262 U. S. 312 , and *Atchison, Topeka & Santa Fe Ry. Co. v. Wells,* 265 U. S. 101 . The facts of this case differ vitally from those involved there. Here, the plaintiff consignee is a resident of Missouri -- that is, has a usual place of business within the state; the shipment out of which the cause of action arose was of goods deliverable in Missouri, * and, for aught that appears, the negligence complained of occurred within Missouri. To require that, under such circumstances, the foreign carrier shall submit to suit within a state to whose jurisdiction it would otherwise be amenable by process of attachment does not unreasonably burden interstate commerce.

The other contention is more strenuously urged. It is argued that the cause of action on which the consignee sues is the liability of the initial carrier for a loss occurring through the negligence of a connecting carrier; that this liability arises out of a federal law. Carmack Amendment, June 29, 1906, c. 3591, 7, pars. 11, 12, 34 Stat. 584 595; that the conditions under which the federal right may be enforced are the same whether the plaintiff proceeds in the state court or the federal court; that original jurisdiction could not have been obtained by attachment in a federal court for Missouri, because personal service could not be made upon the Brownsville company, *Ex*

Page 266 U. S. 208

parte Railway Co., 103 U. S. 794 ; *Big Vein Coal Co. v. Read,* 229 U. S. 31 , and that therefore no court of the state could entertain a suit to enforce the claim.

The argument is unsound. Congress created the right of action. It might have provided that the right shall be enforceable only in a federal court. It might have provided that state courts shall have concurrent jurisdiction only of those cases which, by the applicable federal law, could, under the same circumstances, have been commenced in a federal court for the particular state. But Congress did neither of these things. It dealt solely with the substantive law. As it made no provision concerning the remedy, the federal and the state courts have concurrent jurisdiction. *Galveston, etc., Ry. Co. v. Wallace,* 223 U. S. 481 , 223 U. S. 490 . The federal right is enforceable in a state court whenever its ordinary jurisdiction is prescribed by local laws is appropriate to the occasion and is invoked in conformity with those laws. *Second Employers' Liability Cases,* 223 U. S. 1 , 223 U. S. 56 -57; *Claflin v. Houseman,* 93 U. S. 130 , 93 U. S. 136 -137.

Missouri conferred jurisdiction over claims of this nature upon the court in which the consignee sued. Under its law, this jurisdiction may be exercised, to the extent of applying property attached to the satisfaction of a claim, even though personal service cannot be made upon the defendant. That remedy is one which was not available to the consignee in the federal court for Missouri. But this fact is not of legal significance. *Compare Red Cross Line v. Atlantic Fruit Co.,* 264 U. S. 109 . The origin of the right does not affect the manner of administering the remedy. The grant of concurrent jurisdiction implies that, in the first instance, the plaintiff shall have the choice of the court. As an incident, he is entitled to whatever remedial advantage inheres in the particular forum. *Minneapolis & St. Louis R. Co. v. Bombolis,* 241 U.S.

Page 266 U. S. 209

211, 241 U. S. 221 . No peculiarity of state procedure will be permitted to enlarge or to abridge a substantive federal right. *Central Vermont Ry. Co. v. White,* 238 U. S. 507 , 238 U. S. 511 ; *Atlantic Coast Line R. Co. v. Burnette,* 239 U. S. 199 ; *New Orleans & Northeastern R. Co. v. Harris,* 247 U. S. 367 , 247 U. S. 371 ; *Yazoo & Mississippi Valley R. Co. v. Mullins,* 249 U. S. 531 . But to enforce a claim by subjecting property within the state to its satisfaction through attachment proceeding does not enlarge the substantive right.

The practice of obtaining in this way satisfaction of a claim *in personam* against an absent defendant is not one abhorrent to, or uncommon in, federal courts. In admiralty, district courts take original jurisdiction under such circumstances. *Atkins v. Disintegrating Co.,* 18 Wall. 272. At law, they do so on removal. When the case is removed, it proceeds to judgment in the federal court and the judgment is enforced there as against the attached property with the same effect as if the cause had remained in the state court. *Clark v. Wells,* 203 U. S. 164 .

Writ of error dismissed.

Judgment affirmed.

* This is true only of one of the three shipments on account of which the action was brought. But if the inferior court had jurisdiction as to any one, it was obviously proper to deny the writ of prohibition.