SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Davis Vs. Corona Coal Co.

Davis Vs. Corona Coal Co.

SooperKanoon Citation : sooperkanoon.com/94086

Court : US Supreme Court

Decided On : May-26-1924

Appeal No. : 265 U.S. 219

Appellant : Davis

Respondent : Corona Coal Co.

Judgement :

Davis v. Corona Coal Co. - 265 U.S. 219 (1924)
U.S. Supreme Court Davis v. Corona Coal Co., 265 U.S. 219 (1924)

Davis v. Corona Coal Company

No. 819

Argued May 5, 1924

Decided May 26, 1924

265 U.S. 219

CERTIORARI TO THE COURT OF APPEAL OF THE PARISH OF ORLEANS

OF THE STATE OF LOUISIANA

SYLLABUS

An action by the Director General of Railroads, in a state court, to recover for damage done to a railroad wharf while it was under federal control is not subject to the state statute of limitations. *Cf. Dupont De Nemours & Co. v. Davis,* 264 U. S. 456 . P. 265 U. S. 222 .

Reversed.

Certiorari to a judgment of the Court of Appeal of the Parish of Orleans, Louisiana (which the supreme court of the state declined to review) sustaining the defense of prescription in an action for damages brought by the Director General of Railroads.

Page 265 U. S. 221

MR. JUSTICE HOLMES delivered the opinion of the Court.

On March 3, 1923, the Director General of Railroads sued the respondent Coal Company in a City Court of New Orleans for damages done by it to a railroad wharf on January 9, 1920, while the wharf was under federal control. The Coal Company pleaded the prescription of one year under the statutes of Louisiana. Civil Code, Art. 3536. This defence was upheld by the city court and by the court of appeals, and a review was denied by the supreme court on the ground that the ruling below

Page 265 U. S. 222

was correct. A writ of certiorari was granted by this Court.

In *E. I. Dupont De Nemours & Co. v. Davis,* 264 U. S. 456 , it was held that the Director General was not barred by the statutes of the United States in an action on behalf of the United States in its governmental capacity to recover upon a liability arising out of his control. The familiar rule was repeated that the United States should not be held to have waived any sovereign right or privilege unless it was plainly so provided. The reasoning of that case excludes the notion that there

was any intentional waiver by the United States of its sovereign right to collect its claims, irrespective of any statute, "as soon as practicable." The provision of 10 of the Federal Control Act of March 21, 1918, c. 25, 40 Stat. 451, 456, subjecting carriers "to all laws and liabilities as common carriers, whether arising under state or Federal laws or at common law, except," etc., rightly was said by the counsel for the petitioner to do no more than subject operations of the carriers to existing laws, not to adopt from the states their several limitations to suits that this government might bring, while the United States applied no limitations of its own. The distinction in the statute between carriers and the government is pointed out in the above-cited case. Also it is established that a state statute of limitations cannot bar the United States, at least when a suit is brought in the United States courts. *United States v. Thompson,* 98 U. S. 486 ; *United States v. Nashville, Chattanooga & St. Louis Ry. Co.,* 118 U. S. 120 ; *Chesapeake & Delaware Canal Co. v. United States,* 250 U. S. 123 , 250 U. S. 125 . The only question that requires a further word is whether the Courts below were right in thinking that the *lex fori* imposed a different rule if the United States saw fit to sue in a state court.

Perhaps it was not quite fully remembered that the laws of the United States are a part of the *lex fori* of a

Page 265 U. S. 223

state. But, however that may be, it has been decided by a series of cases that, when the courts of a state are given general jurisdiction over a certain class of controversies, the power of the state over its own courts cannot be used to exclude a party from what otherwise is a constitutional right. *International Text Book Co. v. Pigg,* 217 U. S. 91 , 217 U. S. 111 ; *Kenney v. Supreme Lodge of the World,* 252 U. S. 411 , 252 U. S. 415 ; *Missouri ex rel. Burnes National Bank v. Duncan, ante,* 265 U. S. 17 . If the section of the Louisiana Code, after the limitation that it expresses, went on to say that the United States is forbidden to sue in the courts of the state upon such claims over a year old, although, but for this limitation, it might, the exception could not be maintained. But we hardly believe that, if the matter were baldly presented, the Code would be construed in

that way. The ruling below was based upon the belief, since shown to be mistaken, that the United States had waived its immunity from the state laws.

Judgment reversed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com