

Mccoy Vs. Shaw

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Court : US Supreme Court

Decided On : May-21-1928

Appeal No. : 277 U.S. 302

Appellant : Mccoy

Respondent : Shaw

Judgement :

McCoy v. Shaw - 277 U.S. 302 (1928)

U.S. Supreme Court McCoy v. Shaw, 277 U.S. 302 (1928)

McCoy v. Shaw

Nos. 42, 473

Submitted April 13, 1928

Decided May 21, 1928

277 U.S. 302

CERTIORARI TO THE SUPREME COURT OF OKLAHOMA

SYLLABUS

A suit to enjoin collection of a tax as violative of treaties between the United States and the Chickasaw Indians and of certain Acts of Congress was dismissed by the state court upon the ground that there was a plain, adequate, and exclusive remedy at law by paying the tax under protest and suing for its recovery. *Held* that this Court had no jurisdiction to review, as the judgment was put upon an independent, non-federal ground adequate to sustain it. P. [277 U. S. 303](#) .

Certiorari to 124 Okla. 256 dismissed.

MR. JUSTICE SANFORD delivered the opinion of the Court.

McCoy, the petitioner, a Chickasaw Indian of one-fourth blood, brought this suit in equity in a state court

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of Oklahoma to enjoin the collection of a gross production tax on his one-eighth royalty interest in the oil produced under a lease of land patented to him as his homestead and surplus allotments from which all restrictions on alienation and incumbrance had been removed, claiming that this tax on his royalty share in the oil was in violation of the treaties between the United States and the Chickasaw Indians and the Acts of Congress relating thereto. The court dismissed the suit on motion for want of equity, and this was affirmed by the Supreme Court of Oklahoma, without consideration of the federal question, on the ground that, under 9971 and 9973 of the Compiled Oklahoma Statutes 1921, the petitioner had a plain, adequate, and exclusive remedy at law by paying the tax under protest and suing for its recovery. *McCoy v. Childers*, 124 Okl. 256.

It is settled law that a judgment of a state court which is put upon a nonfederal ground, independent of the federal question involved and broad enough to sustain the judgment, cannot be reviewed by this Court unless the nonfederal ground is so plainly unfounded that it may be regarded as essentially arbitrary, or a mere device to prevent the review of a decision upon the federal question. *Leathe v. Thomas*, [207 U. S. 93](#) , [207 U. S. 99](#) ; *Vandalia Railroad v. Indiana*, [207 U. S. 359](#) , [207 U. S. 367](#) ; *Enterprise Irrig. Dist. v. Canal Co.*, [243 U. S. 157](#) , [243](#)

[U. S. 164](#) ; *Ward v. Love County*, [253 U. S. 17](#) , [253 U. S. 22](#) , and cases therein cited.

Here, the nonfederal ground upon which the Oklahoma court based its decision -- namely, that, under the Oklahoma statutes, the petitioner had a plain, adequate, and exclusive remedy at law -- was based on its earlier decision in *Black v. Geissler*, 59 Okl. 335. It is in harmony with the decisions of this Court relating to similar statutes of other states. *Tennessee v. Sneed*, [96 U. S. 69](#) , [96 U. S. 75](#) ; *Shelton v. Platt*, [139 U. S. 591](#) , [139 U. S. 595](#) ; *Indiana Mfg.*

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Co. v. Koehne, [188 U. S. 681](#) , [188 U. S. 686](#) ; *Raymond v. Chicago Traction Co.*, [207 U. S. 20](#) , [207 U. S. 39](#) ; *Singer Sewing Mach. Co. v. Benedict*, [229 U. S. 481](#) , [229 U. S. 487](#) ; *Union P. R. Co. v. Board of Comm'rs of Weld County*, [247 U. S. 282](#) , [247 U. S. 285](#) . And no intent to evade the federal question is indicated.

We are without authority to determine the federal right claimed by the petitioner. And the writ of certiorari is

Dismissed for want of jurisdiction.

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