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Distinguished by [Southern Ry. Co. v. McNeill](#), C.C.E.D.N.C., August 25, 1907

17 S.Ct. 198

Supreme Court of the United States.

COVINGTON & L. TURNPIKE ROAD CO. et al.

v.

SANDFORD et al.

No. 50.

|

December 14, 1896.

Synopsis

In Error to the Court of Appeals of the State of Kentucky.

West Headnotes (7)

- [1] **Turnpikes and Toll Roads** Reorganization and consolidation of companies

Turnpikes and Toll Roads Statutory and municipal regulations

391 Turnpikes and Toll Roads

391II Establishment, Construction, and Maintenance

391k28 Reorganization and consolidation of companies

391 Turnpikes and Toll Roads

391III Regulation and Use for Travel

391k34 Statutory and municipal regulations

A statute dividing a turnpike company into two distinct corporations, controlling different portions of the road, and providing that each shall retain “all the powers, rights, and capacities” granted by the charter of the original company, does not pass to the new companies a right of exemption from legislative control of tolls which was reserved to the original company by its charter.

[10 Cases that cite this headnote](#)

- [2] **Constitutional Law** Right to charges and tolls

Turnpikes and Toll Roads Statutory and municipal regulations

92 Constitutional Law

92XXII Obligation of Contract

92XXII(B) Contracts with Governmental Entities

92XXII(B)2 Particular Issues and Applications

92k2716 Right to charges and tolls

(Formerly 92k135)

391 Turnpikes and Toll Roads

391II Regulation and Use for Travel

391k34 Statutory and municipal regulations

That a turnpike company, claiming, under its charter, exemption from legislation reducing its rates of toll below a certain limit, has collected tolls according to reduced rates fixed by a subsequent statute, is not a recognition by it of the right of the Legislature to amend or repeal its charter at will.

[13 Cases that cite this headnote](#)

- [3] **Turnpikes and Toll Roads** Statutory and municipal regulations

391 Turnpikes and Toll Roads

391II Regulation and Use for Travel

391k34 Statutory and municipal regulations

Statute reducing tolls charged by turnpike company below those prescribed by general statute for other turnpike companies is not necessarily unconstitutional.

- [4] **Constitutional Law** Other particular issues and applications

Turnpikes and Toll Roads Rate and amount

92 Constitutional Law

92XXVI Equal Protection

92XXVI(E) Particular Issues and Applications

92XXVI(E)12 Trade or Business

92k3711 Other particular issues and applications

(Formerly 92k242)

391 Turnpikes and Toll Roads

391II Regulation and Use for Travel

391k37 Tolls

391k41 Rate and amount

(Formerly 92k242)

A statute reducing the tolls charged by a turnpike company below those prescribed by general statute for other turnpike companies in the

state does not necessarily deny to it the equal protection of the laws.

[14 Cases that cite this headnote](#)

[5] **Constitutional Law** 🔑 Other particular carriers and utilities

92 Constitutional Law
 92XXVII Due Process
 92XXVII(G) Particular Issues and Applications
 92XXVII(G)17 Carriers and Public Utilities
 92k4374 Other particular carriers and utilities
 (Formerly 92k298(6))

A statute making such reduction in the rates of toll of a turnpike company as will prevent it, out of its receipts, from maintaining its road in proper condition, or from earning any dividend on its stock, deprives it of property without due process of law.

[52 Cases that cite this headnote](#)

[6] **Federal Courts** 🔑 Responsive pleadings; answer and counterclaim

170B Federal Courts
 170BIV Cases “Arising Under” Federal Law; Federal-Question Jurisdiction
 170BIV(E) Objections, Proceedings, and Determination
 170Bk2348 Pleadings and Motions
 170Bk2353 Responsive pleadings; answer and counterclaim
 (Formerly 170Bk243, 106k282.2(30), 106k299(3))

In an action to enjoin a turnpike company from charging tolls in excess of the rates fixed by a statute, the answer set out the average annual receipts and expenses for several years prior to the statute, and alleged that the net earnings for those years had not allowed dividends greater than 4 per cent.; that the statute reduced the rates 50 per cent. below those before allowed; and that such reduction would so diminish its income that it could not maintain its road, meet ordinary expenses, and earn any dividend. *Held*, that these allegations were sufficient assuming them to be true, to raise the question whether the statute deprived the defendant of its property without due process of law.

[53 Cases that cite this headnote](#)

[7] **Federal Courts** 🔑 Review of state courts

170B Federal Courts
 170BXVI Supreme Court
 170BXVI(D) Presentation of Questions Below or on Review; Record; Waiver
 170Bk3186 Review of state courts
 (Formerly 170Bk508, 106k396(7))

Where a party to an action in a state court specially claims a right under the constitution or laws of the United States, the decision of the state court as to the sufficiency of the allegations to present such claim is not conclusive upon the federal supreme court.

[4 Cases that cite this headnote](#)

Attorneys and Law Firms

****199 *579** J. W. Bryan and W. W. Mackoy, for plaintiffs in error.

William Goebel, for defendants in error.

Opinion

Mr. Justice HARLAN delivered the opinion of the court.

The general assembly of Kentucky, by an act approved May 24, 1890, made it unlawful to demand, charge, collect, or receive tolls in excess of the rates specified in that act for travel on that portion of the Covington & Lexington Turnpike Road which was then maintained.

***580** The company announced its purpose to disregard the provisions of the act and to charge such tolls as were prescribed by the prior statutes. Thereupon the appellees living on or near the line of the turnpike road, and accustomed to travel on it daily with animals and vehicles, brought this suit for an injunction restraining the appellant from exacting tolls in excess of those fixed by the act of 1890.

A temporary injunction, in accordance with the prayer of the petition, was granted, and the company filed its answer. A demurrer to the answer was sustained. An amended answer was then tendered by the defendant, but the court would not allow it to be filed, and by final order made the injunction

perpetual. That judgment was affirmed by the court of appeals of Kentucky. 20 S. W. 1031.

The principal questions are: (1) Whether the act of 1890 impairs the obligation of any contract that the turnpike company had with the state touching the matter of tolls. (2) Whether, independently of any question of contract, the act made such a reduction in tolls as to amount to a deprivation of the company's property without due process of law, in violation of the fourteenth amendment to the constitution of the United States. (3) Whether the act is repugnant to the clause of the federal constitution forbidding the denial by the state to any person within its jurisdiction of the equal protection of the law.

As these questions were properly raised by the pleadings, and were decided adversely to the company, the jurisdiction of this court to review the final judgment of the court of appeals of Kentucky cannot be doubted.

It is necessary to a clear understanding of the issues presented that reference be made to the enactments preceding the statute of 1890.

The Covington & Lexington Turnpike Road Company was incorporated by an act approved February 22, 1834, with authority to construct and permanently maintain a turnpike road from Covington, Ky., through Williamstown and Georgetown, to Lexington, in that state.

By the nineteenth section of that act the company was *581 authorized to collect certain specified tolls. It is contended that the twenty-sixth section is a part of the defendants' contract with the state. That section provided: 'That if at the expiration of five years after the said road has been completed, it shall appear that the annual net dividends for the two years next preceding of said company upon the capital stock expended upon said road and its repairs, shall have exceeded the average of fourteen per cent. per annum thereof, then and in that case, the legislature reserves to itself the right, upon the fact being made known, to reduce the rates of toll, so that it shall give that amount of dividends per annum, and no more.' Acts Ky. 1833, pp. 544, 548.

By an act approved February 23, 1839, amendatory of the act of 1834,—the road then having been constructed from Covington to Williamstown,—it was provided:

'Section 1. That the stockholders is the Covington and Lexington Turnpike Road Company, residing south of Williamstown, in Grant county, and anywhere between

that place and Georgetown, may elect a separate board of directors, to consist of the same number as authorized by the original charter; and the directors chosen by them shall have the control and shall superintend the construction of that part of the road to be located and constructed between Georgetown and Williamstown.

'Sec. 2. That the stockholders in said road, residing north of Williamstown, shall have power, also, to elect a separate board of directors, for the purpose of controlling and superintending that portion of the road extending from Williamstown to Covington; and each board so chosen shall exercise separate control over its own portion of the road; but nothing herein shall be construed to divide and separate the stock in said road, but the same shall continue joint and common to all the stockholders, after the completion of said road.' Acts Ky. 1838–1839, p. 371.

This amendment, it is admitted, was accepted by the turnpike company.

Subsequently, by the second section of an act approved March 22, 1851, it was provided:

'Sec. 2. That so much of the second section of said act to amend the charter of the Covington and Lexington Turnpike *582 Road Company **200 [meaning the act of 1839] as declares that the stock in said road shall continue joint and common to all the stockholders, after the completion of said road, is hereby repealed; and the stockholders whose stock is now under the control and management of the board of directors having control of the road north of Williamstown shall be and are hereby constituted a separate and independent company, under the name and style of the Covington and Lexington Turnpike Road Company, who shall be and forever remain separate and independent of that portion of said company owning the stock in the road now constructed south of Williamstown; and the stockholders whose stock is now under the control and management of the board of directors having the control and construction of the road south of Williamstown, shall be and are hereby constituted a separate and independent company, under the name and style of the Georgetown and Dry Ridge Turnpike Road Company, who shall be and forever remain separate and independent of that part of said company owning the stock in the road north of Williamstown; and that neither of said companies, thus formed, shall be held as in anywise responsible for the doings or actions of the other; but each shall have the exclusive ownership and control of that portion of road which they have respectively made, or, under the provisions of this act

shall make, and shall have full power and authority to elect its own president and directors, to declare its own dividends, and pay the same to its own stockholders, each company possessing and retaining all the powers, rights and capacities in severalty granted by the act of incorporation, and the amendments thereto, to the original company, and subject to all the restrictions to which said company is subject, not inconsistent with the provisions of this act; and that neither company shall be in any wise liable for the debts or contracts of the other now in existence, or which may be hereafter made or contracted.’ Acts Ky. 1850–51, p. 479.

It is claimed that the words in this section, ‘possessing and retaining all the powers, rights and capacities in severalty granted by the act of incorporation and the amendments *583 thereto, to the original company,’ embraced, or carried into the charters of the two corporations created by this act, the immunity or exemption, given by the twenty-sixth section of the above act of 1834, from legislation that would preclude the company from earning as much as 14 per cent. upon its capital stock.

The separate and independent company created by the last-named act as the Covington & Lexington Turnpike Road Company is the defendant in this suit. To it was committed the control of that portion of the road lying north of Williamstown. The act of 1851 further provided that it should be in force as soon as a majority of the stockholders of each company assented to its provisions. Such assent was duly given by the stockholders.

The next statute, in point of time, relating to the Covington & Lexington Turnpike Road Company was that of December 11, 1865, amending the charter of that company. That act provided that the company might charge tolls on their road as prescribed in that act, ‘instead of the rates now allowed by law.’ Priv. Acts Ky. 1865, p. 2. The rates so prescribed were, it is alleged, different from and lower than those prescribed by the original charter of 1834.

The petition alleged that the defendant submitted to the regulation of its tolls, as indicated by the act of 1865, ‘and consented to and accepted said act, and has ever since acted thereunder, and exacted the rates of toll therein specified.’ The answer, touching this point, avers: ‘It [the defendant] admits, also, the passage of the act by the general assembly of the commonwealth of Kentucky, mentioned in said petition as having been approved December 11, 1865, and entitled ‘An act to amend the charter of the Covington and Lexington Turnpike Road Company,’ which provided other and different

rates of toll from those authorized to be collected by the act of February 22, 1834, above mentioned, which act of December 11, 1865, this defendant accepted and has acted under; but it denies that it submitted to the regulation of its tolls by the general assembly of the commonwealth of Kentucky then or at any time, but says that it accepted said act and has acted *584 thereunder of its own volition, and that the acceptance of said act was voluntary on the part of said corporation, its stockholders, and directors.’

By the sixth section of an act of the general assembly of Kentucky, approved February 13, 1872, it was provided that the trustees of the Cincinnati Southern Railway, whose line extended across Kentucky, might ‘also, for the purpose of constructing and maintaining said line of railway, occupy of use any turnpike or plank road, street or other public way or ground, or any part thereof, upon such terms and conditions as may be agreed upon between said trustees and the municipal or other corporations, persons or public authorities owning or having charge thereof. * * * If no agreement can be made for the right to use or occupy and road, street or ground that may be necessary, the said trustees may take and appropriate said rights in the manner provided in the next section.’

The trustees of the last-mentioned company gave the defendant notice that they required that portion of its turnpike road extending from the line between Scott and Grant counties to within about a mile of Walton, in Boone county, Ky., a distance of about 30 miles. Thereupon the defendant sold to the Cincinnati Southern Railway its road between Williamstown and Walton, in length 22 miles, for the consideration of \$100,000, which sum was distributed among the stockholders of the turnpike company, each stockholder receiving \$22 on each share of stock, which was in excess of its real or market **201 value. Since the above sale the defendant has exercised and maintained control only over that portion of its road between Walton and Covington, a distance of 18 miles.

Then came the act of May 24, 1890, to which reference has heretofore been made.

In our consideration of the questions presented by the record we lay aside the statute of Kentucky, passed February 14, 1856, providing that ‘all charters and grants of or to corporations or amendments thereof, and all other statutes, shall be subject to amendment or repeal at the will of the legislature, *585 unless a contrary intent be therein plainly expressed: provided, that whilst privileges and franchises so granted may be changed or repealed, no amendment or repeal

shall impair other rights previously vested,'—and which also provided that that act 'shall only apply to charters and acts of incorporation to be granted hereafter.' 1 Acts Ky. 1855, p. 15, c. 148. The provision in the general statutes of Kentucky, which took effect on the 1st day of December 1873, is that 'all charters and grants of or to corporations or amendments thereof, enacted or granted since the 14th of February, 1856, and all other statutes shall be subject to amendment or repeal at the will of the legislature, unless a contrary intent be therein plainly expressed: provided, that, whilst privileges and franchises so granted may be changed or repealed, no amendment or repeal shall impair other rights previously vested.' Gen. St. Ky. 1888, p. 861, c. 68, § 8. It is clear that the statute of 1856 had no application to charters and grants of or to corporations, and amendments thereof, enacted or granted prior to February 14, 1856, but only to charters and acts of incorporation granted after that date. It therefore has no application to the act of 1851, granting to the Covington & Lexington Turnpike Road Company 'the powers, rights and capacities' given by the act of 1834. Nor is there any ground for holding that the turnpike company was brought by the act of 1865 under the operation of the general statute reserving to the legislature the right to amend or repeal charters of or grants to corporations. That act did nothing more than reduce the rates of toll to be charged. It did not create a new corporation, nor give any additional franchises or privileges to the company. The mere collecting of tolls in conformity with such rates does not show that the company assented to the exercise by the legislature, at will, of the power to amend or repeal its charter. Whatever authority, therefore, the general assembly had, by statute, to regulate the tolls of the plaintiff in error, arose from its general power to regulate the affairs of a corporation which came into existence by its authority, and which owned and controlled a highway established for public *586 use. *Ruggles v. Illinois*, 108 U. S. 526, 531, 2 Sup. Ct. 832; *Railroad Commission Cases*, 116 U. S. 307, 325, 6 Sup. Ct. 334, 348, 349, 388, 391, 1191; *Dow v. Beidelman*, 125 U. S. 680, 688, 8 Sup. Ct. 1028; *Covington & C. Bridge Co. v. Kentucky*, 154 U. S. 204, 215, 14 Sup. Ct. 1087.

Was the Covington & Lexington Turnpike Road Company entitled, under its charter, to be exempt from legislation that would prevent it from earning at least 14 per cent. 'upon the capital stock expended upon said road and its repairs,' as prescribed in the act of 1834?

The act of 1834 having given to the original corporation an exemption or immunity from legislation that would prevent it from earning as much as 14 per cent. upon the capital stock expended upon its road and for repairs, the contention

of the defendant is that this exemption or immunity passed to the two corporations created by the act of 1851, and which, by the terms of that act, succeeded 'to all the powers, rights, and capacities' granted by the act of 1834 to the original corporation. This view was properly rejected by the court of appeals of Kentucky. It was well said by Judge Pryor, speaking for that court, that 'the liability and duties owing the state and the public by the one corporation had been severed by the act of 1839, and by the act of 1851 two new corporations were created, with the rights and powers of the one entirely distinct from the other, and no means of ascertaining what per cent. the old corporation would have made upon its stock. In fact, the old corporation was extinct, and to hold that the new corporations were exempt from legislative interference would be to restrain the exercise of legislative power by implication, when a reasonable construction of the new grants must lead to a different conclusion.'

These principles are in entire accord with the settled doctrines of this court. When a corporation succeeds to the rights, powers, and capacities of another corporation, it does not thereby or necessarily become entitled to an exemption from taxation. An exemption or immunity from taxation so vitally affects the exercise of powers essential to the proper conduct of public affairs and to the support of government that immunity or exemption from taxation is never sustained *587 unless it has been given in language clearly and unmistakably evincing a purpose to grant such immunity or exemption. All doubts upon the question must be resolved in favor of the public. There are positive rights and privileges, this court said in *Morgan v. Louisiana*, 93 U. S. 217, without which the road of a corporation could not be successfully worked; but immunity from taxation is not one of them. In a recent case (*Railroad Co. v. Pendleton*, 156 U. S. 667, 673, 15 Sup. Ct. 413) we had occasion to say, in harmony with repeated decisions, that, 'in the absence of express statutory direction, or of an equivalent implication by necessary construction, provisions in restriction of the right of the state to tax the property or to regulate the affairs of its corporations do not pass to new **202 corporations succeeding, by consolidation or by purchase under foreclosure, to the property and ordinary franchises of the first grantee'; and that this was a 'salutary rule of interpretation, founded upon an obvious public policy, which regards such exemptions as in derogation of the sovereign authority and of common right, and therefore not to be extended beyond the exact and express requirements of the grant construed strictissimi juris. *Morgan v. Louisiana*, 93

U. S. 217; *Wilson v. Gaines*, 103 U. S. 417; *Railway Co. v. Miller*, 114 U. S. 176, 5 Sup. Ct. 813.’

The same principles should be recognized when the claim is of immunity or exemption from legislative control of tolls to be exacted by a corporation established by authority of law for the construction of a public highway. It is of the highest importance that such control should remain with the state, and it should never be implied that the legislative department intended to surrender it. Such an intention should not be imputed to the legislature if it be possible to avoid doing so by any reasonable interpretation of its statutes. It is as vital that the state should retain its control of tolls upon public highways as it is that it should not surrender or fetter its power of taxation. We admit there is some ground for the contention that, by the grant in the act of 1851 to each of the two corporations named in it of ‘the powers, rights, and capacities’ granted to the corporation of 1834, the legislature *588 intended to exempt the new corporations, as it did the original one, from all legislation that would prevent them from earning as much as 14 per cent. on the capital stock expended on their respective roads and for repairs. But, as the act of 1851 may not unreasonably be interpreted as intended only to pass to the new corporations such powers, rights, and capacities as were necessary to the successful working of the respective roads, and not an exemption from legitimate and ordinary legislative control of their affairs and business, it must, in the interest of the public, be so interpreted. It is settled law that in grants by the public nothing passes merely by implication, and if a contract with a state, relating to the exercise of the franchises, is susceptible of two meanings, ‘the one restricting and the other extending the powers of a corporation, that construction is to be adopted which works the least harm to the state.’ *The Binghampton Bridges*, 3 Wall. 51, 75; *Ruggles v. Illinois*, above cited; *Stein v. Supply Co.*, 141 U. S. 67, 80, 81, 11 Sup. Ct. 892.

The views we have expressed find some support in the fact that, by the act of 1865, the legislature prescribed rates of toll for the turnpike company, without any reference to the twenty-sixth section of the act of 1834, and the provisions of that statute were accepted, and have ever since been acted upon by that company. So far as the record shows, that acceptance was unconditional, and without any reservation of a right by the company, under the previous law, to earn as much as 14 per cent. on its capital stock. Touching this part of the case, the court of appeals of Kentucky said: ‘Nor ought this court, in the absence of express enactment, after the lapse of more than half a century, with legislation, not only severing the old corporation, but regulating the rate of

toll on these roads, hold that this immunity from legislative interference was a perpetual right, in the nature of a contract, that could not be disturbed. The stockholders have consented and asked an entire change of the original grant and submitted to legislation regulating their tolls, evidencing that, with their own contention, the immunities in the act of *589 1834 were not regarded as forming a part of the corporate grants subsequently made.’

For the reasons stated, we are of opinion that, when the act of 1890 was passed, the power of the general assembly over the subject of tolls to be exacted by the plaintiff in error was not impaired or restrained by any contract with the state in reference to the amount which the company might earn from the use of its road.

It is, however, contended that the act of 1890, by its necessary operation, deprives the company of its property without due process of law, in that, if tolls cannot be charged in excess of those prescribed by that act, the company cannot possibly maintain its road, or derive any profit whatever for stockholders. This is a more serious question than the one we have just examined, and is not so easy of solution.

In its original answer, filed in 1890, and to which a demurrer was sustained, the turnpike company referred to the section of the act of 1834 reserving to the legislature the right, in a certain contingency, to reduce rates of toll, and alleged that, ‘at the expiration of five years after said road had been completed, the annual net dividends for the two years next preceding of said defendant company upon the capital stock expended upon said road and its repairs had not exceeded and did not exceed the average of fourteen per centum per annum thereof, and that since the completion of this defendant’s road the annual net dividends of the defendant company upon the capital stock expended upon said road and its repairs have not averaged to exceed fourteen per centum per annum, but, upon the contrary, have averaged very much less, and for a number of years last past the average annual net dividends of said company have not exceeded four per centum upon the capital stock of said company.’

The company further alleged that ‘its receipts from tolls for a number of years last past under the rate of tolls prescribed by the act of December 11, 1865, mentioned in the petition, have averaged only about \$16,000 per annum, and that the ordinary annual expenses of operating and maintaining its road during the same time have averaged about **203 \$8,000 *590 per annum; that during this and the coming year it will be necessary for it to incur certain extraordinary expenses in

the purchase of ground for and building a new tollhouse for the second tollgate from Covington on its road, and in the purchase or condemnation of ground for straightening of its road, and laying out a side road along the portion of its road between that part of the city of Covington known as 'Lewisburg' and the first tollgate on its said turnpike road, which extraordinary expenses will amount to about \$4,000; that the act of May 24, 1890, attempts to reduce the tolls on this defendant's road about fifty per cent., and that, if the same were adopted, the income of the company from tolls would not be more than \$8,000 per annum, nor more than sufficient to enable defendant to meet the ordinary expenses of its road, and would leave nothing with which to meet said extraordinary expenses, and there would be no income out of which dividends could be paid to stockholders upon the money which they had invested in the stock of said road. This defendant also says that within the last few years the Louisville & Nashville Railroad, which has a station on the line of this company's turnpike, and the Cincinnati Southern Railway, which has several stations on the line of this defendant's turnpike, have diverted a large amount of travel from said turnpike, and have diminished this company's earning capacity very largely, and that other railroads and electric roads, touching defendant's road, and having stations thereon, have been chartered and are in contemplation, the effect and construction of which will be to still further impair the earning capacity of this defendant, and to diminish the dividends of this defendant under the rate of tolls in force by an act of December 11, 1865.

'This defendant further says that the grade of the first two and a half miles of its road leading out of the city of Covington is very steep; that for a portion of said two and a half miles its road is built along the side of a hill; that the entire said two and a half miles is expensive to maintain, especially that portion along the side of the hill, the portion of the road towards the slope of the hill having frequently given away, *591 and slipped, and entailed great expense upon the defendant in the repair of the same; and that, from the nature of the soil over and along which said portion of said road is built, said process of sliding and giving away is liable to continue in the future, and to entail still further expense upon the defendant. It says that the adoption of the rate of tolls fixed by the act of May 24, 1890, would disable and prevent this defendant from performing the duties that it owes to the public, and would prevent it from ever hereafter paying any dividends to its stockholders; and that the rate of tolls prescribed in said act of May 24, 1890, is unreasonable and unjust to defendant and its stockholders; and that to permit the same to be enforced would be to destroy entirely the value of the property of the

defendant, and the value of the shares of capital stock of the defendant held by its stockholders, and destroy entirely the dividend-earning capacity of this defendant; and that to permit said act of May 24, 1890, to be enforced, would be to exercise absolute arbitrary power over the property of the defendant and its stockholders, in violation of section 2 of the bill of rights of the constitution of Kentucky, and would be depriving the defendant and its stockholders of their property without due process of law, and the taking of the same for public use without the consent of the defendant and its stockholders, and without just compensation being previously made to them; and that to permit the enforcement of said act of May 24, 1890, is to violate [article 5 of the amendments to the constitution of the United States](#), and sections 3, 12, 14, and 15 of the bill of rights of the constitution of the United States, and the amendments thereto and to the constitution of the state of Kentucky.'

It was also alleged, in the original answer, that, under the act of 1890, sufficient income could not be earned 'to maintain the road and provide for its ordinary expenses, without taking into consideration any extraordinary expenses.'

We have, then, the case of a corporation invested by its charter with authority to construct and maintain a turnpike road, and to collect tolls 'agreeable' to certain named rates, and which is required by a subsequent legislative enactment *592 to conform to a tariff of rates that is unjust and unreasonable, and which also prevents it, out of its receipts, from maintaining its road in proper condition for public use, or from earning any dividends whatever for stockholders. These facts are admitted by the demurrer. Is such legislation forbidden by the clause of the constitution of the United States declaring that no state shall deprive any person of property without due process of law? We are of opinion that, taking, as we must do, the allegations of the answer to be true, this question must be answered in the affirmative.

It is now settled that corporations are persons, within the meaning of the constitutional provisions forbidding the deprivation of property without due process of law, as well as a denial of the equal protection of the laws. [Santa Clara Co. v. Southern Pac. Ry. Co.](#), 118 U. S. 394, 6 Sup. Ct. 1132; [Pembina Con. Silver Mining & Milling Co. v. Pennsylvania](#), 125 U. S. 181, 189, 8 Sup. Ct. 737; [Railroad Co. v. Beckwith](#), 129 U. S. 29, 9 Sup. Ct. 207; [Railroad Co. v. Gibbes](#). 142 U. S. 386, 391, 12 Sup. Ct. 255. And, as declared in [Railway Co. v. Gill](#), 156 U. S. 649, 657, 15 Sup. Ct. 484, upon the authority of previous decisions, 'there is a remedy in the courts for relief against legislation establishing a tariff of rates which

is so unreasonable as to practically destroy the value of the property of companies engaged in the carrying business, and that especially may the courts of the United States treat such a question as a judicial one, and hold such acts of legislation to be in conflict with the constitution of the United States, as depriving the companies of their property without due process of law, and as depriving them of the equal protection of the laws,'—citing [Railroad Commission Cases](#), 116 U. S. 307, 331, 6 Sup. Ct. 334, 348, 349, 388, 391, 1191; [Dow v. Beidelman](#), 125 U. S. 681, 8 Sup. Ct. 1028; [Chicago, M. & St. P. Ry. Co. v. Minnesota](#), 134 U. S. 418, 10 Sup. Ct. 462, 702; [Chicago & G. T. Ry. Co. v. Wellman](#), 143 U. S. 339, 12 Sup. Ct. 400; [Reagan v. Trust Co.](#), 154 U. S. 362, 14 Sup. Ct. 1047.

In the [Railroad Commission Cases](#), the court, speaking by Chief Justice Waite, recognized it as settled that 'a state has power to limit the amount of charges by railroad companies for the transportation of persons and property within its own jurisdiction, unless restrained by some contract in the charter, or unless what is done amounts to a regulation of foreign or interstate commerce.' But it took care, also, to announce that 'it is not to be inferred that this power of limitation or regulation is itself without limit. This power to regulate is not a power to destroy, and limitation is not the equivalent of confiscation. Under the pretense of regulating fares and freights, the state cannot require a railroad to carry persons and property without reward. Neither can it do that which, in law, amounts to a taking of private property for public use without just compensation. or without due process of law.'

So, in [Reagan v. Trust Co.](#), 154 U. S. 362, 397, 399, 410, 412, 14 Sup. Ct. 1047, in which previous decisions were referred to, the court said that, beyond doubt, it was within the power and duty of the courts 'to inquire whether a body of rates prescribed by a legislature or a commission is unjust and unreasonable, and such as to work a practical destruction to rights of property, and, if so found to be, to restrain its operation.' Again: 'These cases all support the proposition that, while it is not the province of the courts to enter upon the merely administrative duty of framing a tariff of rates for carriage, it is within the scope of judicial power, and a part of judicial duty, to restrain anything which, in the form of a regulation of rates, operates to deny to the owners of property invested in the business of transportation that equal protection which is the constitutional right of all owners of other property. There is nothing new or strange in this. It has always been a part of the judicial function to determine whether the act of one party (whether that party be a single individual, an

organized body, or the public as a whole) operates to divest the other of any rights of person or property. In every constitution is the guaranty against the taking of private property for public purposes without just compensation. The equal protection of the laws which, by the fourteenth amendment, no state can deny to the individual, forbids legislation, in whatever form it may be enacted, by which the property of one individual is, without compensation, wrested from him for the benefit of another, or of the public. This, as has been often observed, is a government of law, and not a government of men; and it must never be forgotten that, under such a government, with its constitutional limitations and guaranties, the forms of law and the machinery of government, with all their reach and power, must in their actual workings stop on the hither side of the unnecessary and uncompensated taking or destruction of any private property legally acquired and legally held. * * * If the state were to seek to acquire the title to these roads under its power of eminent domain, is there any doubt that constitutional provisions would require the payment to the corporation of just compensation, that compensation being the value of the property as it stood in the markets of the world, and not as prescribed by an act of the legislature? Is it any less a departure from the obligations of justice to seek to take, not the title, but the use, for the public benefit, at less than its market value? * * * It is unnecessary to decide, and we do not wish to be understood as laying down, as an absolute rule, that in every case a failure to produce some profit to those who have invested their money in the building of a road is conclusive that the tariff is unjust and unreasonable. And yet justice demands that every one should receive some compensation for the use of his money or property, if it be possible without prejudice to the rights of others.'

The cases to which we have referred related to the power of the legislature over rates to be collected by railroad corporations. But the principles announced in them are equally applicable, in like circumstances, to corporations engaged under legislative authority in maintaining turnpike roads for the use of which tolls are exacted. Turnpike roads established by a corporation, under authority of law, are public highways, and the right to exact tolls from those using them comes from the state creating the corporation. [California v. Central Pac. R. Co.](#), 127 U. S. 1, 40, 8 Sup. Ct. 1073. And the exercise of that right may be controlled by legislative authority to the same extent that similar rights, connected with the construction and management of railroads by corporations, may be controlled. A statute which, by its necessary operation, Compels a turnpike company, when charging only such tolls as are just to the public, to

submit to such further reduction of rates as will prevent it from keeping its road in proper repair, and from earning any dividends whatever for stockholders, is as obnoxious to the constitution of the United States as would be a similar statute relating to the business of a railroad corporation having authority, under its charter, to collect and receive tolls for passengers and freight.

It is suggested by counsel for the plaintiffs that neither the original nor the amended answer sufficiently disclosed the facts upon which the company rested its contention as ****205** to the invalidity of the act of 1890, and that, upon the showing made by the company, the court, under the established rule forbidding the annulment of a legislative enactment not clearly and palpably unconstitutional, was not obliged to hold that act to be repugnant to the constitution of the United States. We do not concur in this view. The answer disclosed what had been the average annual receipts of the company under the act of 1865 for a number of years immediately preceding the passage of the act of 1890, and what, during that period, had been the average annual expenses; alleged that the receipts for the several preceding years had not admitted of dividends greater than 4 per centum on the par value of the company's stock; that the act of 1890 reduced the tolls 50 per cent. below those allowed by the act of 1865; and that such reduction would so diminish the income of the company that it could not maintain its road, meet its ordinary expenses, and earn any dividends whatever for stockholders. These allegations were sufficiently full as to the facts necessary to be pleaded, and fairly raised for judicial determination the question—assuming the facts stated to be true—whether the act of 1890 was in derogation of the company's constitutional rights. It made a prima facie case of the invalidity of that statute. When a party specially sets up and claims a right or privilege under the constitution or laws of the United States, the question of the sufficiency of allegations to present that issue is not concluded by the view expressed by the state court. In *Mitchell v. Clark*, 110 U. S. 633, 645, 4 Sup. Ct. 170, 312, this court ***596** said: ‘The question whether a plea sets up a sufficient defense, when the defense relied on arises under an act of congress, does present, and that necessarily, a question of federal law; for the question is, and must be, does the plea state facts which, under the act of congress, constitute a good defense?’ This principle was approved in *Boyd v. Nebraska*, 143 U. S. 135, 180, 12 Sup. Ct. 375. We decide, however, nothing more on this hearing than that, upon the facts alleged, the demurrer to the answer should have been overruled; and upon the completion of the pleadings, unless the plaintiffs elected to stand by their demurrer, the parties

should be allowed to make their proofs touching the issues involved.

It is proper to say that if the answer had not alleged, in substance that the tolls prescribed by the act of 1890 were wholly inadequate for keeping the road in proper repair and for earning dividends, we could not say that the act was unconstitutional merely because the company (as was alleged, and as the demurrer admitted) could not earn more than 4 per cent. on its capital stock. It cannot be said that a corporation, operating a public highway, is entitled as of right, and without reference to the interests of the public, to realize a given per cent. upon its capital stock. When the question arises whether the legislature has exceeded its constitutional power in prescribing rates to be charged by a corporation controlling a public highway, stockholders are not the only persons whose rights or interests are to be considered. The rights of the public are not to be ignored. It is alleged here that the rates prescribed are unreasonable and unjust to the company and its stockholders. But that involves an inquiry as to what is reasonable and just for the public. If the establishing of new lines of transportation should cause a diminution in the number of those who need to use a turnpike road, and, consequently, a diminution in the tolls collected, that is not, in itself, a sufficient reason why the corporation operating the road should be allowed to maintain rates that would be unjust to those who must or do use its property. The public cannot properly be subjected to unreasonable rates in order simply that stockholders may earn dividends. The legislature ***597** has the authority, in every case where its power has not been restrained by contract, to proceed upon the ground that the public may not rightfully be required to submit to unreasonable exactions for the use of a public highway established and maintained under legislative authority. If a corporation cannot maintain such a highway and earn dividends for stockholders, it is a misfortune for it and them which the constitution does not require to be remedied by imposing unjust burdens upon the public. So that the right of the public to use the plaintiff's turnpike upon payment of such tolls as, in view of the nature and value of the service rendered by the company, are reasonable, is an element in the general inquiry whether the rates established by law are unjust and unreasonable. That inquiry also involves other considerations,—such, for instance, as the reasonable cost of maintaining the road in good condition for public use, and the amount that may have been really and necessarily invested in the enterprise. In short, each case must depend upon its special facts; and when a court, without assuming itself to prescribe rates, is required to determine whether the rates prescribed by the legislature for a corporation controlling a public highway

are, as an entirety, so unjust as to destroy the value of its property for all the purposes for which it was acquired, its duty is to take into consideration the interests both of the public and of the owner of the property, together with all other circumstances that are fairly to be considered in determining whether the legislature has, under the guise of regulating rates, exceeded its constitutional authority, and practically deprived the owner of property without due process of law. What those other circumstances may be, it is not necessary now to decide. That can be best done after the parties have made their proofs.

It is further insisted by the company that the rates prescribed for it by the act of 1890 are much less than those imposed by the ****206** General Statutes of Kentucky upon other turnpike companies of the state; consequently, that that act denies to it the equal protection of the laws. The proposition of the defendant is that the constitutional provision referred ***598** to requires all turnpike companies in the state to be placed by the legislature, when exercising its general power over the subject of rates to be charged upon highways of that character, upon substantially the same footing. Upon this point the court of appeals of Kentucky said: ‘A turnpike road leading into and connected with a populous city like that of the city of Covington could afford to charge less toll, by reason of the immense travel upon it, than turnpikes in thinly-settled portions of the county or state; and hence, under former constitutions, the legislature has seen proper to regulate the tolls as the turnpike road may happen to be located.’ The circumstances of each turnpike company must

determine the rates of toll to be properly allowed for its use. Justice to the public and to stockholders may require, in respect of one road, rates different from those prescribed for other roads. Rates on one road may be reasonable and just to all concerned, while the same rates would be exorbitant on another road. The utmost that any corporation operating a public highway can rightfully demand at the hands of the legislature when exerting its general powers is that it receive what, under all the circumstances, is such compensation for the use of its property as will be just both to it and to the public. If the rates prescribed for the defendant in this case were manifestly much lower, taking them as a whole, than the legislature has by general law prescribed for other corporations whose circumstances and location are not unlike those of the defendant, a different question would be presented. At any rate, no case of that kind is properly presented by the pleadings, and there is no ground for holding that the act of 1890 denies to the defendant the equal protection of the laws.

For the reasons we have given, the judgment of the court below is reversed, and the cause is remanded for further proceedings not inconsistent with this opinion.


Reversed.

All Citations

164 U.S. 578, 17 S.Ct. 198, 41 L.Ed. 560

Negative Treatment**Negative Citing References (1)**

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:


Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	1. Southern Ry. Co. v. McNeill MOST NEGATIVE 155 F. 756 , C.C.E.D.N.C. In Equity.	Aug. 25, 1907	Case		—

History (2)



Direct History (2)

 1. [Covington & L. Turnpike Road Co. v. Sandford](#)
14 Ky.L.Rptr. 689 , Ky. , Jan. 14, 1893

Reversed by

 2. [Covington & L. Turnpike Road Co. v. Sandford](#)
164 U.S. 578 , U.S.Ky. , Dec. 14, 1896

Citing References (446)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 1. Jersey Cent. Power & Light Co. v. F.E.R.C. ¶ 768 F.2d 1500, 1506+ , D.C.Cir. Electric utility petitioned for review of order of the Federal Energy Regulatory Commission modifying utility's rate schedule to exclude from rate base utility's investment in...	Aug. 02, 1985	Case		—
Discussed by	 2. City of Burlington v. Turner 336 F.Supp. 594, 600+ , S.D.Iowa Action for declaratory judgment and for injunctive relief brought under Administrative Procedure Act to review federal highway administrator's decision that toll structure set by...	Jan. 12, 1972	Case		—
Discussed by	3. Milwaukee Electric Railway & Light Co. v. City of Milwaukee ¶ 87 F. 577, 579+ , C.C.E.D.Wis. Final hearing in two actions,— one wherein the street railway company is complainant, and the other brought by the trustee for the bondholders,— each seeking a decree declaring...	May 31, 1898	Case		—
Distinguished by NEGATIVE	4. Southern Ry. Co. v. McNeill 155 F. 756, 785 , C.C.E.D.N.C. In Equity.	Aug. 25, 1907	Case		—
Cited by	 5. Duquesne Light Co. v. Barasch ¶ 109 S.Ct. 609, 615 , U.S.Pa. Pennsylvania Office of Consumer Advocate sought review of Pennsylvania Public Utilities Commission order in electric rate proceeding. The Pennsylvania Commonwealth Court, 90...	Jan. 11, 1989	Case		—
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Cited by	 7. Brown v. Western Ry. of Ala. 70 S.Ct. 105, 107+ , U.S.Ga. Richard J. Brown brought an action against the Western Railway of Alabama to recover damages for personal injuries under the Federal Employers' Liability Act. The Georgia Court of...	Nov. 21, 1949	Case		—
Cited by	 8. Federal Power Commission v. Natural Gas Pipeline Co. of America 62 S.Ct. 736, 753+ , U.S. On Writs of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Petition by the Natural Gas Pipeline Company of America and another against the...	Mar. 16, 1942	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	9. McCart v. Indianapolis Water Co. 58 S.Ct. 324, 330 , U.S.Ind. On Writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Suit by the Indianapolis Water Company against Perry McCart and others, members of and...	Jan. 03, 1938	Case		—
Cited by	10. Grosjean v. American Press Co. 56 S.Ct. 444, 447 , U.S.La. Suit by American Press Company, Incorporated, and others against Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana. From a decree for plaintiffs (10...	Feb. 10, 1936	Case		—
Cited by	11. State of Missouri ex rel. Southwestern Bell Telephone Co. v. Public Service Commission of Missouri 43 S.Ct. 544, 547 , U.S.Mo. In Error to the Supreme Court of the State of Missouri. Writ of review of the State of Missouri, on the relation of the Southwestern Bell Telephone Company, against the Public...	May 21, 1923	Case		—
Cited by	12. Darnell v. Edwards 37 S.Ct. 701, 703 , U.S.Miss. APPEAL from the District Court of the United States for the Southern District of Mississippi to review a decree dismissing the bill in a suit to enjoin the enforcement of railway...	June 11, 1917	Case		—
Cited by	13. Newark Natural Gas & Fuel Co. v. City of Newark, Ohio 37 S.Ct. 156, 157 , U.S.Ohio IN ERROR of the Supreme Court of the State of Ohio to review a decree which affirmed a decree of the Court of Appeals of Licking County, in that state, granting a mandatory...	Jan. 08, 1917	Case		—
Cited by	14. City of Knoxville v. Knoxville Water Co. 29 S.Ct. 148, 153 , U.S.Tenn. APPEAL from the Circuit Court of the United States for the Eastern District of Tennessee to review a decree enjoining the enforcement of a municipal ordinance fixing maximum water...	Jan. 04, 1909	Case		—
Cited by	15. Interstate Consol. St. Ry. Co. v. Commonwealth of Massachusetts 28 S.Ct. 26, 27 , U.S.Mass. IN ERROR to the Superior Court of the State of Massachusetts to review a conviction of a street railway company, on appeal from the First District Court of Bristol County, in that...	Nov. 04, 1907	Case		—
Cited by	16. Northern Securities Co. v. U.S. 24 S.Ct. 436, 444 , U.S.Minn. APPEAL from the Circuit Court of the United States for the District of Minnesota to review a decree enforcing, as against the defendants, the provisions of the antitrust act...	Mar. 14, 1904	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 17. Cotting v. Godard 22 S.Ct. 30, 33+ , U.S.Kan. APPEAL from a decree of the Circuit Court of the United States for the District of Kansas dismissing a complaint in a suit to restrain the enforcement of a statute. Reversed. See...	Nov. 25, 1901	Case		—
Cited by	18. San Diego Land & Town Co. v. City of National City 19 S.Ct. 804, 811 , U.S.Cal. Appeal from the Circuit Court of the United States for the Southern District of California.	May 22, 1899	Case		—
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Cited by	 21. Green Valley Special Utility District v. City of Schertz, Texas 969 F.3d 460, 496 , 5th Cir.(Tex.) ENERGY AND UTILITIES — Water and Sewer. For service to be “provided or made available,” utilities must have facilities to provide service within reasonable time and legal right to...	Aug. 07, 2020	Case		—
Cited by	22. Giles Lowery Stockyards, Inc. v. Department of Agriculture 565 F.2d 321, 324 , 5th Cir. Appeal was taken from order of Department of Agriculture establishing rates and charges for operator of livestock auction market. The Court of Appeals, Thornberry, Circuit Judge,...	Dec. 27, 1977	Case		—
Cited by	 23. Louisville & N.R. Co. v. McChord 103 F. 216, 220 , C.C.D.Ky. In Equity. On motions for preliminary injunctions.	July 16, 1900	Case		—
Cited by	 24. DiMa Corp. v. Town of Hallie ” 185 F.3d 823, 827 , 7th Cir.(Wis.) Operator of adult bookstore brought § 1983 action, seeking declaratory and injunctive relief as to ordinance restricting the hours of operation of adult establishments. Summary...	July 26, 1999	Case		—
Cited by	25. Quarles v. City of Appleton 45 F.2d 675, 677 , C.C.A.7 (Wis.) Appeal from the District Court of the United States for the Eastern District of Wisconsin. Action by Charles B. Quarles, as receiver of the Appleton Water Works Company, against...	Nov. 26, 1930	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 26. Central Arkansas Auction Sale, Inc. v. Bergland 570 F.2d 724, 729 , 8th Cir.</p> <p>Operators of auction markets appealed from order of Secretary of Agriculture establishing commission charges for selling livestock at the auction markets. The Court of Appeals,...</p>	Feb. 10, 1978	Case		—
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Cited by	<p> 28. Chicago, M. & St. P. Ry. Co. v. Tompkins 90 F. 363, 366+ , C.C.D.S.D.</p> <p>This is a suit in equity by the Chicago, Milwaukee & St. Paul Railway Company against William H. Tompkins, W. T. La Follette, and Alexander Kirkpatrick, constituting the board of...</p>	July 06, 1898	Case		—
Cited by	<p>29. Southern Pac. Co. v. Bartine 170 F. 725, 742+ , C.C.D.Nev.</p> <p>In Equity. With this case has been consolidated in this court the cases of the Nevada & California Railway Company, the San Pedro, Los Angeles & Salt Lake Railroad Company, the...</p>	Mar. 03, 1909	Case		—
Cited by	<p> 30. Skelly Oil Co. v. Federal Power Commission </p> <p>375 F.2d 6, 28 , 10th Cir.(N.M.)</p> <p>Petitions to review orders of Federal Power Commission relating to prices for jurisdictional sales of natural gas produced in one basin. The Court of Appeals, Breitenstein,...</p>	Jan. 20, 1967	Case		—
Cited by	<p>31. Cotting v. Kansas City Stock-Yards Co. 82 F. 839, 844+ , C.C.D.Kan.</p> <p>These cases are again before the court on the complainants' applications for a temporary injunction. In connection therewith, the demurrers to the bills, the master's report, and...</p>	Oct. 04, 1897	Case		—
Cited by	<p>32. Cotting v. Kansas City Stock-Yards Co. 79 F. 679, 683 , C.C.D.Kan.</p> <p>These were suits in equity, brought, the one by Charles U. Cotting, and the other by Francis Lee Higginson, against the Kansas City Stock-Yards Company, a corporation, and others,...</p>	Apr. 12, 1897	Case		—
Cited by	<p>33. South & N.A.R. Co. v. Railroad Commission of Alabama 171 F. 225, 230 , C.C.M.D.Ala.</p> <p>In Equity. These cases are submitted on exceptions for impertinence to the first and second supplemental bills. The nature of the exceptions will readily be gathered from the...</p>	June 30, 1909	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 34. Central of Georgia Ry. Co. v. Railroad Commission of Alabama 161 F. 925, 995 , C.C.M.D.Ala. In Equity.	Mar. 21, 1908	Case		—
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Cited by	 36. Metzenbaum v. Federal Energy Regulatory Commission ¶¶ 675 F.2d 1282, 1288 , D.C.Cir. Suit was brought challenging the validity of federal statute which waived certain provisions of federal law, notably certain sections of the Alaska Natural Gas Transportation Act,...	Apr. 20, 1982	Case		—
Cited by	37. Spiegel v. Public Utilities Commission of District of Columbia 226 F.2d 29, 31 , D.C.Cir. Appeal by a transit rider from a judgment of the United States District Court for the District of Columbia, Richmond B. Keech, J., affirming an order of the Public Utilities...	July 08, 1955	Case		—
Cited by	38. Metropolitan R. Co. v. Macfarland 20 App.D.C. 421, 432 , App.D.C. The COURT in the opinion stated the case as follows: This is an appeal from the decree of the court below sitting as a district court, confirming a special assessment against the...	Oct. 15, 1902	Case		—
Cited by	39. In re Arkansas Railroad Rates 168 F. 720, 732+ , C.C.E.D.Ark. On Motion for Modification of Preliminary Injunctions. See, also, 163 Fed. 141.	Apr. 19, 1909	Case		—
Cited by	 40. Metropolitan Water Dist. of Southern California v. U.S. 628 F.Supp. 1018, 1023 , S.D.Cal. Party holding water rights inferior to those of Indian tribes brought action against United States requesting that certain orders by the Secretary of the Interior purporting to...	Feb. 25, 1986	Case		—
Cited by	 41. Pacific Gas & Elec. Co. v. City and County of San Francisco 273 F. 937, 944 , N.D.Cal. Suit in Equity by the Pacific Gas & Electric Company against the City and County of San Francisco and others. On exceptions by complainant to report of master. Exceptions...	June 03, 1921	Case		—
Cited by	42. Spring Val. Waterworks v. City and County of San Francisco 192 F. 137, 145 , C.C.N.D.Cal. In Equity. Suits by the Spring Valley Waterworks and by the Spring Valley Water Company against the City and County of San Francisco, the Board of Supervisors of the City and...	Oct. 21, 1911	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
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Cited by	46. San Joaquin & King's River Canal & Irr. Co. v. Stanislaus County 90 F. 516, 521 , C.C.N.D.Cal. Bill in equity to enjoin the defendants from enforcing, or attempting to enforce, a certain order of the board of supervisors of Stanislaus county fixing the rates which the...	May 25, 1898	Case		—
Cited by	47. Beatrice Creamery Co. v. Cline 9 F.2d 176, 177 , D.Colo. Symes, District Judge, dissenting in part. In Equity. Separate actions by the Beatrice Creamery Company, a Delaware corporation, and by the Frink Dairy Company, a corporation,...	Nov. 14, 1925	Case		—
Cited by	48. A. & M. Brand Realty Corp. v. Woods 93 F.Supp. 715, 717 , D.D.C Suit by A. & M. Brand Realty Corp. against Tighe E. Woods, Housing Expediter, etc., involving the question whether an order of Housing Expediter fixing rent was subject to judicial...	Nov. 02, 1950	Case		—
Cited by	49. Palatka Waterworks v. City of Palatka 127 F. 161, 165+ , C.C.S.D.Fla In Equity.	Sep. 30, 1903	Case		—
Cited by	50. Interstate Commerce Commission v. Louisville & N.R. Co. 118 F. 613, 624 , C.C.S.D.Ga. In Equity. Suit to enforce orders of the interstate commerce commission.	July 01, 1902	Case		—
Cited by	51. Callahan v. City of Chicago 2012 WL 5989341, *2 , N.D.Ill. Melissa Callahan, representing a putative class of taxicab drivers, has sue the City of Chicago under 42 U.S.C. § 1983; the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 206...	Nov. 29, 2012	Case		—
Cited by	52. Yellow Cab Co. v. City of Chicago 938 F.Supp. 500, 503 , N.D.Ill. Taxicab company brought action against city and commissioner of consumer services, challenging commissioner's promulgation of final rules and regulations establishing maximum...	Sep. 10, 1996	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 53. Yellow Cab Co. v. City of Chicago ” 919 F.Supp. 1133, 1140 , N.D.Ill. Taxicab company brought action against city and commissioner of consumer services alleging that taxicab lease rate regulations violated constitutional rights to procedural due...	Mar. 11, 1996	Case		—
Cited by	54. Trust Co. of America v. Chicago, P. & St. L. Ry. Co. of Illinois 199 F. 593, 601 , S.D.Ill. In Equity. Suit by the Trust Company of America against the Chicago, Peoria & St. Louis Railway Company of Illinois. On intervening petition of John P. Ramsey and H. M....	Sep. 27, 1912	Case		—
Cited by	 55. Cumberland Telephone & Telegraph Co. v. City of Louisville 187 F. 637, 642 , C.C.W.D.Ky. In Equity. Suit by the Cumberland Telephone & Telegraph Company against the City of Louisville. Decree for complainant.	Apr. 25, 1911	Case		—
Cited by	56. Willowbrook Apartment Associates, LLC v. Mayor & City Council of Baltimore 563 F.Supp.3d 428, 441 , D.Md. REAL PROPERTY — Eminent Domain. Legislation restricting landlords from increasing rent during state of emergency related to COVID-19 pandemic did not effect per se regulatory...	Sep. 27, 2021	Case		—
Cited by	 57. US West Communications, Inc. v. Minnesota Public Utilities Com'n ” 55 F.Supp.2d 968, 989 , D.Minn. Incumbent local exchange carrier (ILEC) requested judicial review of interconnection agreement provision approved by Minnesota Public Utility Commission. The District Court,...	Mar. 30, 1999	Case		—
Cited by	58. Montana, W. & S.R. Co. v. Morley 198 F. 991, 1009 , D.Mont. Duties and liabilities of carriers as to furnishing facilities for transportation, see note to Harp v. Choctaw, O. & G.R. Co., 61 C.C.A. 414.) In Equity. Suit by the Montana,...	Mar. 30, 1912	Case		—
Cited by	59. Matthews v. Board of Corporation Com'rs of North Carolina 106 F. 7, 8+ , C.C.E.D.N.C. In Equity. For former report, see 97 Fed. 400.	Feb. 05, 1901	Case		—
Cited by	60. Matthews v. Board of Corporation Com'rs of North Carolina 97 F. 400, 403+ , C.C.E.D.N.C. In Equity. This was a suit by Virginia B. Matthews against the board of corporation commissioners of North Carolina, the Carolina Central Railroad Company, and others, to...	Oct. 31, 1899	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	61. Goldfield Consol. Water Co. v. Public Service Commission of Nevada 236 F. 979, 985 , D.Nev. In Equity. Suit by the Goldfield Consolidated Water Company against the Public Service Commission of Nevada, J. F. Shaughnessy, H. F. Bartine, and W. H. Simmons, as members of...	Oct. 09, 1916	Case		—
Cited by	62. Consolidated Gas Co. v. City of New York 157 F. 849, 869+ , C.C.S.D.N.Y. In Equity. Bill alleging the unconstitutionality of certain statutes of the state of New York, and of a certain order passed by the 'commission of Gas and Electricity' for the...	Dec. 20, 1907	Case		—
Cited by	63. Monongahela Power Co. v. Schriber 322 F.Supp.2d 902, 918 , S.D.Ohio ENERGY AND UTILITIES - Electricity. Rate-freeze provisions Ohio Restructuring Act were likely unconstitutional.	May 19, 2004	Case		—
Cited by	64. Leslie Tobin Imports, Inc. v. Rizzo 305 F.Supp. 1135, 1139 , E.D.Pa. Action against police officials seeking injunctive relief under Civil Rights Act. The District Court, Joseph S. Lord, III, J., held that corporate plaintiff had standing to invoke...	Nov. 24, 1969	Case		—
Cited by	65. South Carolina Electric & Gas Company v. Randall 333 F.Supp.3d 552, 565 , D.S.C. ENERGY AND UTILITIES — Injunction. Electric utility failed to demonstrate likelihood of success on takings claim, as required to support motion for preliminary injunction.	Aug. 06, 2018	Case		—
Cited by	66. Railroad & Telephone Companies v. Board of Equalizers of Tennessee 85 F. 302, 324 , C.C.M.D.Tenn. These are bills filed by various railroad and telephone companies against the board of equalizers of Tennessee, to restrain said board from certifying the assessed valuation of...	Dec. 23, 1897	Case		—
Cited by	67. AJ's Wrecker Service, Inc. v. City of Dallas 1998 WL 185521, *3+ , N.D.Tex. Plaintiff A.J. Wrecker Service of Dallas, Inc., Vehicle Removal Corp., Elite Towing, Inc., and North Texas Towing Service, Inc. sue defendants City of Dallas, Texas ("City") and...	Apr. 15, 1998	Case		—
Cited by	68. Galveston Electric Co. v. City of Galveston 272 F. 147, 151 , S.D.Tex. The finding of the master, therefore, that the prices obtaining at the time of the valuation in 1920 were transitory, and not likely to continue thereafter, and that a price level...	Feb. 10, 1921	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	69. Houston Electric Co. v. City of Houston 265 F. 360, 365 , S.D.Tex. In Equity. Suit by the Houston Electric Company against the City of Houston. Master's report, recommending decree for complainant, approved. The report of Otis K. Hamblen,...	Mar. 13, 1920	Case		—
Cited by	70. Houston & T.C.R. Co. v. Storey 149 F. 499, 501+ , C.C.W.D.Tex. In Equity. On demurrer to bills.	Dec. 03, 1906	Case		—
Cited by	71. Telluride Power Co. v. Public Utilities Commission of Utah 8 F.Supp. 341, 342 , D.Utah In Equity. Bill by the Telluride Power Company, a corporation;	Aug. 30, 1934	Case		—
Cited by	72. National Ass'n for Advancement of Colored People v. Patty 159 F.Supp. 503, 538 , E.D.Va. Action to have declared invalid, and to enjoin enforcement of, Virginia statutes enacted for express purpose of impeding integration of races in public schools of state. The...	Jan. 21, 1958	Case		—
Cited by	73. Ashland Water Co. v. Railroad Commission of Wisconsin 7 F.2d 924, 942 , W.D.Wis. Evans, Circuit Judge, dissenting. In Equity. Suit by the Ashland Water Company to enjoin the Railroad Commission of Wisconsin and others from interfering with plaintiff's...	June 09, 1925	Case		—
Cited by	74. Vaqueria Tres Monjitas, Inc. v. Laboy 2007 WL 7733665, *35 , D.Puerto Rico This matter came on to be heard on a complaint filed by plaintiffs on August 13, 2004. [Dkt. No. 1] Plaintiffs, fresh milk processors, attacked as unconstitutional certain...	July 13, 2007	Case		—
Cited by	75. Vaqueria Tres Monjitas, Inc. v. Fabre Laboy 2007 WL 9717645, *32 , D.Puerto Rico This matter came on to be heard on a complaint filed by plaintiffs on August 13, 2004. [Dkt. No. 1] Plaintiffs fresh milk processors attacked as unconstitutional certain critical...	July 11, 2007	Case		—
Cited by	76. Salt River Valley Canal Co. v. Nelssen	Mar. 30, 1906	Case		—
Cited by	77. McCarroll v. Gregory-Robinson-Speas, Inc.	Apr. 10, 1939	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	78. Pulaski Heights Sewerage Co. v. Loughborough 129 S.W. 536, 537 , Ark. Appeal from Pulaski Chancery Court; John E. Martineau, Chancellor. Action by J. F. Loughborough against the Pulaski Heights Sewerage Company and another. From a judgment for...	May 30, 1910	Case		—
Cited by	  79. Kavanau v. Santa Monica Rent Control Bd. ¶¶ 66 Cal.Rptr.2d 672, 691 , Cal. REAL ESTATE - Landlord and Tenant. Landlord could not maintain inverse condemnation action based on due process violations stemming from rent regulations.	Aug. 26, 1997	Case		—
Cited by	80. Market St. Ry. Co. v. Railroad Commission 150 P.2d 196, 210 , Cal. In Bank. Proceeding by the Market Street Railway Company against the Railroad Commission and others to review an order of the Commission reducing the rate of fare for...	July 03, 1944	Case		—
Cited by	81. American Toll Bridge Co. v. Railroad Commission 83 P.2d 1, 6+ , Cal. In Bank. Proceeding by the American Toll Bridge Company, petitioner, against the Railroad Commission of the State of California and others, as members of and constitution the...	Sep. 27, 1938	Case		—
Cited by	82. Redlands, L. & C. Domestic Water Co. v. City of Redlands ¶¶ 53 P. 843, 844+ , Cal. In bank. Appeal from superior court, San Bernardino county. Action by the Redlands, Lugonia & Crafton Domestic Water Company against the city of Redlands and another. From a...	July 01, 1898	Case		—
Cited by	83. Metro Nat. Bank v. District Court In and For City and County of Denver ¶¶ 676 P.2d 19, 25 , Colo. Bank filed an original proceeding contesting the district court's jurisdiction to issue a prejudgment order of possession. The Supreme Court, Neighbors, J., held that the...	Jan. 23, 1984	Case		—
Cited by	84. Board of Com'rs of Montezuma County v. Montezuma Water & Land Co. 89 P. 794, 796+ , Colo. En Banc. Appeal from District Court, Montezuma County; James L. Russel, Judge. Suit by the Montezuma Water & Land Company against the board of county commissioners of Montezuma...	Mar. 04, 1907	Case		—
Cited by	85. Robertson v. Pratt 1901 WL 1304, *5 , Hawai'i Terr. (Galbraith, J., dissenting.)	Aug. 26, 1901	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 86. State v. Illinois Cent. R. Co. 92 N.E. 814, 852 , Ill. Appeal from Circuit Court, La Salle County; Samuel C. Stough, Judge. Bill by the State of Illinois against the Illinois Central Railroad Company. From a decree sustaining demurrers...	Oct. 28, 1910	Case		—
Cited by	 87. City of Belleville v. St. Clair County Turnpike Co. 84 N.E. 1049, 1051 , Ill. Appeal from Circuit Court, St. Clair County; R. D. W. Holder, Judge. Suit by the city of Belleville against the St. Clair County Turnpike Company. From a decree for plaintiff,...	Apr. 23, 1908	Case		—
Cited by	 88. Chicago Union Traction Co. v. City of Chicago 65 N.E. 451, 465+ , Ill. Appeals from criminal court, Cook county; F. Q. Ball, Judge. Three actions by the city of Chicago against the Chicago Union Traction Company. From judgments for plaintiff in each...	Oct. 25, 1902	Case		—
Cited by	89. Winfield v. Public Service Commission of Indiana  118 N.E. 531, 533+ , Ind. Appeal from Circuit Court, Cass County; Henry H. Vinton, Judge. Suit by Maurice Winfield and others against the Public Service Commission of Indiana and the Logansport Home...	Jan. 11, 1911	Case		—
Cited by	90. Chicago, I. & L. Ry. Co. v. Railroad Commission of Ind. 90 N.E. 1011, 1013 , Ind. On rehearing. Overruled.	Feb. 23, 1910	Case		—
Cited by	91. Southern Indiana Ry. Co. v. Railroad Com'n of Indiana  87 N.E. 966, 972 , Ind. Appeal from Circuit Court, Lawrence County; James B. Wilson, Judge. Action by the State Railroad Commission against the Southern Indiana Railway Company and others. A demurrer to...	Apr. 02, 1909	Case		—
Cited by	92. City of Indianapolis v. Navin 47 N.E. 525, 526+ , Ind. Appeal from circuit court, Marion county; Henry Clay Allen, Judge. Action by the city of Indianapolis against John N. Navin. From a judgment for defendant, plaintiff appeals....	June 11, 1897	Case		—
Cited by	 93. Cedar Rapids Water Co. v. City of Cedar Rapids 91 N.W. 1081, 1090+ , Iowa Appeal from district court, Linn county; W. N. Treichler, Judge. Action in equity to restrain enforcement of a city ordinance. The district court entered a decree as prayed, and...	Oct. 27, 1902	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	94. Ratcliff v. Wichita Union Stockyards Co. 86 P. 150, 154+ , Kan. Error from District Court, Sedgwick County; Thos. C. Wilson, Judge. Action by J. W. Ratcliff against the Wichita Union Stockyards Company. Judgment for defendant, and plaintiff...	June 09, 1906	Case		—
Cited by	95. First Nat. Bank of Boston v. Attorney General 290 N.E.2d 526, 534 , Mass. Bill for declaratory relief. On reservation and report, without decision, by Reardon, J., in the Supreme Judicial Court for the County of Suffolk, the Supreme Judicial Court,...	Nov. 09, 1972	Case		—
Cited by	96. Niles v. Boston Rent Control Adm'r 374 N.E.2d 296, 303 , Mass.App.Ct. Tenants sought review of one decision of Boston rent control administrator and landlord sought review of a second determination. The Housing Court, City of Boston, Daher, J.,...	Mar. 23, 1978	Case		—
Cited by	97. West v. United Rys. & Electric Co. of Baltimore 142 A. 870, 874+ , Md. Appeal from Circuit Court No. 2 of Baltimore City; Joseph N. Ulman, Judge. Suit by the United Railways & Electric Company of Baltimore against Harold E. West and others. From the...	July 16, 1928	Case		—
Cited by	98. Patapsco Elec. Co. v. City of Baltimore ¶¶ 72 A. 1039, 1041 , Md. Appeal from Circuit Court No. 2 of Baltimore City; James P. Gorten, Judge. Suit by the Mayor and City Council of Baltimore against the Patapsco Electric Company. From a decree for...	Mar. 24, 1909	Case		—
Cited by	99. Kennebec Water Dist. v. City of Waterville ¶¶ 54 A. 6, 13+ , Me. Report from supreme judicial court, Kennebec county. Action by the Kennebec water district against the city of Waterville and others. Case reported. Instructions to appraisers...	Dec. 27, 1902	Case		—
Cited by	100. People v. Gansley 158 N.W. 195, 199+ , Mich. Exceptions from Circuit Court, Ingham County; Chas. B. Collingwood, Judge. Jacob Gansley was convicted of violation of corrupt practices act, and brings exceptions. Affirmed by...	June 01, 1916	Case		—
Cited by	101. Mississippi Public Service Com'n v. Dixie Land & Water Co., Inc. ¶¶ 707 So.2d 1086, 1092 , Miss. Public utility challenged determination of Public Service Commission (PSC) denying requested water and sewer rate increases. The Chancery Court, Lowndes County, Dorothy Winston...	Feb. 05, 1998	Case		—

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Cited by	102. McClung v. Pulitzer Pub. Co. 214 S.W. 193, 196 , Mo. Appeal from Circuit Court, Callaway County; David H. Harris, Judge. Action by Dickerson C. McClung against the Pulitzer Publishing Company. Judgment for plaintiff, and defendant...	July 07, 1919	Case		—
Cited by	103. State ex rel. Electric Co. of Missouri v. Atkinson ¶¶ 204 S.W. 897, 899 , Mo. Appeal from Circuit Court, Cole County; J. G. Slate, Judge. Certiorari by the Electric Company of Missouri against John M. Atkinson, to review an order of the Public Service...	June 28, 1918	Case		—
Cited by	104. State ex rel. Watts Engineering Co. v. Public Service Commission ¶¶ 191 S.W. 412, 415 , Mo. Appeal from Circuit Court, Cole County; J. G. Slate, Judge. Writ of review by the State, on the relation of the Watts Engineering Company, against the Public Service Commission of...	Dec. 30, 1916	Case		—
Cited by	 105. Julian v. Kansas City Star Co. 107 S.W. 496, 510 , Mo. Lamm and Graves, JJ., dissenting. In Banc. Appeal from Circuit Court, Ray County; J. W. Alexander, Judge. Action by Henry S. Julian against the Kansas City Star Company. From a...	Dec. 24, 1907	Case		—
Cited by	 106. Russell v. Croy 63 S.W. 849, 853 , Mo. In banc. Appeals from circuit court, Buchanan county; W. K. James, Judge. Actions by Mary S. Russell and others, and by Rufus E. Holmes and others, against James B. Croy and...	June 18, 1901	Case		—
Cited by	107. State ex rel. Utilities Commission v. General Tel. Co. of Southeast 208 S.E.2d 681, 688 , N.C. The Utilities Commission denied an application by a telephone company for a rate increase, and the company appealed. The Court of Appeals remanded, 204 S.E.2d 529, 21 N.C.App....	Oct. 10, 1974	Case		—
Cited by	 108. State v. Northern Pac. Ry. Co. 172 N.W. 324, 331 , N.D. Original proceeding in mandamus by the State of North Dakota, on relation of William Langer, Attorney General, against the Northern Pacific Railway Company and Walker D. Hines, as...	Apr. 01, 1919	Case		—
Cited by	109. New England Tel. & Tel. Co. v. State ¶¶ 64 A.2d 9, 15 , N.H. Appeal from Order of Public Service Commission. Proceeding on petition of the New England Telephone & Telegraph Company for emergency rates, consolidated with an investigation of...	Feb. 01, 1949	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	110. Hutton Park Gardens v. Town Council of Town of West Orange 350 A.2d 1, 15+ , N.J. Apartment owners brought action against town and against township challenging constitutionality of rent control ordinances which the town and the township had adopted. Following...	Dec. 11, 1975	Case		—
Cited by	111. Cold Indian Springs Corp. v. Ocean Tp. 380 A.2d 1178, 1195 , N.J.Super.L. Landlords and owners of apartment complexes brought action against Township of Ocean and Township of Freehold claiming that the Tenants' Property Tax Rebate Act was...	Oct. 21, 1977	Case		—
Cited by	112. Public Service Gas Co. v. Board of Public Utility Com'rs 87 A. 651, 655 , N.J.Sup. Certiorari by the Cities of Paterson and Passaic and the Public Service Gas Company to review an order of the Board of Public Utility Commissioners fixing a gas rate. Dismissed as...	July 07, 1913	Case		—
Cited by	113. Trustees of Village of Saratoga Springs v. Saratoga Gas, Electric Light & Power Co. ” 107 N.Y.S. 341, 352 , N.Y.A.D. 3 Dept. Appeal from Special Term. Proceedings by the trustees of the village of Saratoga Springs to require the commission of gas and electricity to fix the price to be charged by the...	Nov. 20, 1907	Case		—
Cited by	114. New York Sanitary Utilization Co. v. Department of Health of City of New York 70 N.Y.S. 510, 513 , N.Y.A.D. 1 Dept. Appeal from special term, New York county. Action by the New York Sanitary Utilization Company against the department of health of the city of New York. From a judgment (67...	May 10, 1901	Case		—
Cited by	115. Brooklyn Union Gas. Co. v. City of New York 100 N.Y.S. 570, 577 , N.Y.Sup. Action by the Brooklyn Union Gas Company against the city of New York. Application on behalf of defendant for an examination of the books and property of the plaintiff. Application...	May 1906	Case		—
Cited by	116. Dillon v. Erie R. Co. 43 N.Y.S. 320, 328 , N.Y.Sup.App.Term Appeal from Eleventh district court. Action by John J. Dillon against the Erie Railroad Company to recover the penalty prescribed by law for its refusal to sell him a mileage book....	Jan. 28, 1897	Case		—
Cited by	117. Dayton Power & Light Co. v. Public Utilities Com'n of Ohio 447 N.E.2d 733, 740+ , Ohio Electric utility appealed from an order of the Public Utilities Commission granting utility a rate increase. The Supreme Court, Sweeney, J., held that: (1) Commission did not...	Apr. 13, 1983	Case		—

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Cited by	118. City of Newark v. Newark Natural Gas & Fuel Co. 25 Ohio C.D. 94, 102 , Ohio App. 5 Dist. On March 6, 1911, the city council of the city of Newark, Ohio, duly passed a city ordinance fixing the maximum price of natural gas to be charged by the Newark Natural Gas & Fuel...	Sep. 26, 1914	Case		—
Cited by	119. Community Natural Gas Co. v. Corporation Com'n of Okl. 76 P.2d 393, 400 , Okla. Appeal from Corporation Commission. Proceedings instituted before the Corporation Commission of Oklahoma by citizens of the town of Walters, Okl., against the Community Natural Gas...	Jan. 25, 1938	Case		—
Cited by	120. Missouri, K. & T. Ry. Co. v. Town of Norfolk 107 P. 172, 177 , Okla. Appeal from the Corporation Commission. The Missouri, Kansas & Texas Railway Company was required by the Corporation Commission to stop certain trains at the town of Norfolk, and...	Dec. 07, 1909	Case		—
Cited by	121. Mitchell v. Tulsa Water, Light, Heat & Power Co. ” 95 P. 961, 965+ , Okla. Appeal from the United States Court of Appeals for the Western District of Indian Territory; Wm. R. Lawrence, Judge. Action by the Tulsa Water, Light, Heat & Power Company against...	May 15, 1908	Case		—
Cited by	122. Prudential Property and Cas. Ins. Co. v. Department of Ins. ” 595 A.2d 649, 662 , Pa.Cmwltth. Insurer petitioned for review from an order of the Insurance Commissioner, No. R90-07-34, which denied insurer's request for extraordinary circumstances relief from statutory...	July 10, 1991	Case		—
Cited by	123. Pennsylvania R. Co. v. Philadelphia County 16 Pa. D. 723, 728+ , Pa.Com.Pl. This case comes before the court for a hearing on bill, answer and proofs. On April 5, 1907, the Governor of this Commonwealth approved an act entitled "An act to regulate the...	1907	Case		—
Cited by	124. New England Tel. & Tel. Co. v. Kennelly 67 A.2d 705, 716 , R.I. Appeal from Superior Court, Providence and Bristol Counties; G. Frederick Frost, Judge. Bill in equity by New England Telephone & Telegraph Company against Thomas A. Kennelly,...	June 30, 1949	Case		—
Cited by	125. Harbison v. Knoxville Iron Co. 53 S.W. 955, 957 , Tenn. Appeal from chancery court, Knox county; Hugh G. Kyle, Chancellor. Action by Sam Harbison against the Knoxville Iron Company. From a decree of the court of chancery appeals...	Nov. 08, 1899	Case		—

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Cited by	126. Knoxville & O.R. Co. v. Harris 43 S.W. 115, 120+ , Tenn. Appeal from chancery court, Knox county; H. B. Lindsay, Chancellor. Bill by the Knoxville & Ohio Railroad Company against James A. Harris, state comptroller, to recover taxes paid...	Dec. 03, 1897	Case		—
Cited by	127. State v. Southwestern Bell Tel. Co. 526 S.W.2d 526, 530+ , Tex. Attorney General brought suit to enjoin telephone company from placing into effect announced rate increase on intrastate long distance telephone calls. The 167 Judicial District...	July 09, 1975	Case		—
Cited by	128. San Antonio Traction Co. v. Altgelt 81 S.W. 106, 108 , Tex.Civ.App. Appeal from District Court, Bexar County; John H. Clark, Judge. Proceeding in mandamus by George A. Altgelt against the San Antonio Traction Company. From a judgment granting the...	May 04, 1904	Case		—
Cited by	129. Puget Sound Elec. Ry. v. Railroad Com'n of Washington ¶ 117 P. 739, 743+ , Wash. En Banc. Appeal from Superior Court, Thurston County; John R. Mitchell, Judge. From final orders of the Railroad Commission of Washington, made on a petition filed with it by W....	Sep. 16, 1911	Case		—
Cited by	130. Stierle v. Rohmeyer 260 N.W. 647, 650 , Wis. Appeal from a judgment of the Circuit Court for Wood County; Byron B. Park, Circuit Judge. Reversed. FRITZ, FAIRCHILD, and WICKHEM, JJ., dissenting.	Apr. 30, 1935	Case		—
Cited by	131. Kiley v. Chicago, M. & St. P. Ry. Co. ¶ 119 N.W. 309, 312 , Wis. Appeal from Circuit Court, Brown County; Samuel D. Hastings, Judge. Action by Michael Kiley against the Chicago, Milwaukee & St. Paul Railway Company. From an order overruling a...	Jan. 05, 1909	Case		—
Cited by	132. Minneapolis, St. P. & S. S. M. Ry. Co. v. Railroad Commission of Wis. 116 N.W. 905, 913 , Wis. Appeal from Circuit Court, Dane County; E. Ray Stevens, Judge. Action by the Minneapolis, St. Paul & Sault Ste. Marie Railway Company against the Railroad Commission of Wisconsin,...	June 05, 1908	Case		—
Cited by	133. Huber v. Martin ¶ 105 N.W. 1031, 1038 , Wis. Appeal from Circuit Court, Washington County; James J. Dick, Judge. Action by Ulrich Huber against Andrew Martin and others. From a judgment sustaining demurrers to the complaint,...	Jan. 30, 1906	Case		—










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Cited by	134. Columbia Gas of West Virginia, Inc. v. Public Service Com'n of West Virginia 311 S.E.2d 137, 141 , W.Va. Natural gas company filed petition for review of an order of the Public Service Commission permitting rate increase less than that requested by company and suspending such increase...	Dec. 14, 1983	Case		—
Cited by	135. Compania Ferroviaria de Circunvalacion v. Secretario de Hacienda 80 D.P.R. 524, 534 , P.R. Sentencia de Antonio S. Romero, J. (San Juan), declarando sin lugar reclamación de reintegro. Confirmada.	June 25, 1958	Case		—
Cited by	136. IN THE MATTER OF TELEPHONE NUMBER PORTABILITY 13 FCC Rcd. 11,701, 11785 , F.C.C. 1. Section 251(e)(2) of the Communications Act of 1934 (1934 Act), as amended, requires that "[t]he cost of establishing telecommunications numbering administration arrangements...	May 12, 1998	Administrative Decision		—
Cited by	137. Commission Opinions, Orders and Notices California Independent System Operator Corporation 116 FERC P 61,274, 62311 , F.E.R.C. 1. In this order, the Commission conditionally accepts for filing, subject to further modification, the tariff the California Independent System Operator Corporation (CAISO) filed...	Sep. 21, 2006	Administrative Decision		—
Cited by	138. TENNESSEE GAS TRANSMISSION COMPANY 27 F.P.C. 202, 202 , F.E.R.C. FEDERAL ENERGY REGULATORY COMMISSION Office Director Orders 1. Since Tennessee operates a fully integrated transmission system providing essentially same type of pipeline service...	Feb. 06, 1962	Administrative Decision		—
Cited by	139. Technical Advice Memorandum 1996 WL 737708, *1+ , IRS TAM Chief, Appeals Office Taxpayer's Name: Taxpayer's Address: Taxpayer's ID No.: Years Involved: Conference Held: A = B = C = D = E = k = l = m = Is the income earned by an...	Dec. 27, 1996	Administrative Decision		—
Cited by	140. Technical Advice Memorandum 1996 WL 737709, *1+ , IRS TAM Chief, Appeals Office Taxpayer's Name: Taxpayer's Address: Taxpayer's ID No.: Years Involved: Conference Held: A = B = C = k = l = m = Is the income earned by an Agricultural...	Dec. 27, 1996	Administrative Decision		—
Cited by	141. Technical Advice Memorandum 1996 WL 584429, *1+ , IRS TAM District Director Taxpayer's Name: Taxpayer's Address: Taxpayer's ID No.: Year Involved: Conference Held: A = B = C = j = k = l = m = Is the income earned by an Agricultural Credit...	Oct. 11, 1996	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	142. Technical Advice Memorandum 1992 WL 364476, *1 , IRS TAM District Director *** Taxpayer: *** Address: *** E.I.N.: *** Tax Year: *** Conference Date: *** Year 1: *** Year 2: *** Plant A: *** Plant B: *** Utility X: * *...	Dec. 11, 1992	Administrative Decision		—
Cited by	143. Technical Advice Memorandum 1992 WL 801122, *1+, IRS TAM Address: *** TIN: *** Years Involved: *** Conference Date: *** The Taxpayer = *** 1. Whether the Taxpayer *** is exempt from paying the tax imposed by section 3111 of...	Mar. 06, 1992	Administrative Decision		—
Cited by	144. GOVERNMENTAL REGULATION OF RAILWAY RATES. 25 U.S. Op. Atty. Gen. 422, 434 I have the honor to acknowledge the receipt of your letter requesting, on behalf of the Senate Committee on Interstate Commerce, my opinion on certain questions of law. Your...	May 05, 1905	Administrative Decision		—
Cited by	145. Re Capital Transit Co. 1955 WL 83720, *1 , D.C. P.S.C. The authorization under Public Law 389 granted by the board of commissioners to Capital Transit Company for the furnishing of public transportation service until August 14, 1956,...	Sep. 02, 1955	Administrative Decision		—
Cited by	146. Georgia Public Service Commission v. Florida Power Corporation 1956 WL 93118, *2 , Ga.P.S.C. On June 2, 1955, the Georgia Public Service Commission filed a petition pursuant to §§306, 205, and 206 of the Federal Power Act, 16 USCA §§825e, 824d, 824e, complaining that the...	Feb. 27, 1956	Administrative Decision		—
Cited by	147. In re Access Charge Reform 1998 WL 991149, *1 , Ind. U.R.C. On February 24, 1998 a new phase of this investigation was commenced, which phase concerns Section 254 of the Telecommunications Act of 1996 (47 U.S.C. §151 et seq.) ("TA96"). As...	Oct. 28, 1998	Administrative Decision		—
Cited by	148. In the Matter of: THE PETITION OF GEORGE LUCAS, SR., ADDISON WATER AND SEWER FACILITIES, FOR APPROVAL OF CONSTRUCTION, FINANCING, RATES AND TRANSFER OF WATER AND SEWER FACILITIES 1996 WL 34588383, *2 , Ky.P.S.C. On October 3, 1995, George Lucas, Sr., d/b/a Addison Water and Sewer Facilities ("Lucas") applied for authority to construct new sewer facilities, to finance the construction, to...	Nov. 25, 1996	Administrative Decision		—
Cited by	149. Re Recovery by Local Distribution Companies of Pipeline/Producer Take-or-pay Costs and Charges 80 Md.P.S.C. 16, 16 , Md.P.S.C. On December 30, 1988, Maryland People's Counsel ("MPC" or "People's Counsel") and the Maryland Industrial Group ("MIG") (collectively "joint applicants") filed a joint motion for...	Jan. 27, 1989	Administrative Decision		—

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Cited by	<p>150. In the matter of the application of CONSUMERS POWER COMPANY for authority to increase its rates for the sale of electricity. 1984 WL 999631, *2 , Mich.P.S.C.</p> <p>At a session of the Michigan Public Service Commission held at its offices in the City of Lansing, Michigan, on the 2nd day of October, 1984. PRESENT: Hon. Eric J. Schneidewind,...</p>	Oct. 02, 1984	Administrative Decision		—
Cited by	<p>151. In the Matter of the Petition by Great Plains Natural Gas Co., a Division of Montana-Dakota Utilities, Co., for Authority to Increase Natural Gas Rates in Minnesota 2020 WL 3630564, *38+ , Minn.P.U.C.</p> <p>This matter came before Administrative Law Judge Ann O'Reilly for an evidentiary hearing on March 10, 2020, pursuant to a Notice and Order for Hearing issued by the Public...</p>	June 30, 2020	Administrative Decision		—
Cited by	<p>152. Re Continental Telephone Co. of Minnesota, Inc. 1976 WL 419221, *1+ , Minn.P.U.C.</p> <p>The above matter came on for hearing before the Minnesota Public Service Commission (hereinafter the 'commission') in August through September, 1975. The following appearances...</p>	Apr. 16, 1976	Administrative Decision		—
Cited by	<p>153. Matter of Private Passenger Auto. Rate Filings, o/b/o State Farm Mut. Ins. Co. Concerning Fair Act Surtaxes and Assessments]] 1992 WL 438360, *9 , N.J. Adm.</p> <p>This matter is a proceeding on remand from the Superior Court of New Jersey, Chancery Division, Mercer County, of two filings by State Farm Mutual Automobile Insurance Company...</p>	Nov. 17, 1992	Administrative Decision		—
Cited by	<p>154. IN THE MATTER OF THE APPLICATION OF SUBURBAN NATURAL GAS COMPANY FOR AN INCREASE IN GAS DISTRIBUTION RATES. IN THE MATTER OF THE APPLICATION OF SUBURBAN NATURAL GAS COMPANY FOR TARIFF APPROVAL. IN THE MATTER OF THE APPLICATION OF SUBURBAN NATURAL GAS COMPANY FOR APPROVAL OF CERTAIN ACCOUNTING AUTHORITY. 2022 WL 4236598, *7 , Ohio P.U.C.</p> <p>{¶ 1} The Commission denies the applications for rehearing filed by Suburban Natural Gas Company on November 5, 2021, November 19, 2021, and March 25, 2022. {¶ 2} Suburban Natural...</p>	Sep. 07, 2022	Administrative Decision		—
Cited by	<p>155. In re Monongahela Power Co. 2004 WL 3132307, *1 , Ohio P.U.C.</p> <p>The Commission, coming now to consider the application, testimony, and other evidence presented in this proceeding, hereby issues its opinion and order. On June 22, 1999, the Ohio...</p>	Dec. 08, 2004	Administrative Decision		—











Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	156. IN THE MATTER OF THE PETITION BY GREAT PLAINS NATURAL GAS CO., A DIVISION OF MONTANA-DAKOTA UTILITIES, CO., FOR AUTHORITY TO INCREASE NATURAL GAS RATES IN MINNESOTA 2020 WL 4287029 (Minn.Off.Admin.Hrgs.), *23+ This matter came before Administrative Law Judge Ann O'Reilly for an evidentiary hearing on March 10, 2020, pursuant to a Notice and Order for Hearing issued by the Public...	June 30, 2020	Administrative Decision		—
Cited by	157. The Honorable G. Murrell Smith, Jr. The Honorable J. Gary Simrill The Honorable Leon E. Stavrinakis The Honorable James E. Smith, Jr. 2017 WL 4464415 (S.C.A.G.), *50 You seek an opinion as to the constitutionality of the Base Load Review Act of 2007. Specifically, you state: The undersigned have been reviewing the Base Load Review Act of 2007...	Sep. 26, 2017	Administrative Decision		—
Cited by	158. APPLICATION OF CAROLINE WATER COMPANY, INC. D/B/A LADYSMITH WATER COMPANY ¶¶ 2010 WL 11205293 (VSCCHEXR), *44 This case has a long and involved procedural history which will not be repeated in this Report. However, on March 12, 2009, the State Corporation Commission ("Commission")...	Jan. 14, 2010	Administrative Decision		—
Cited by	159. SOCONY MOBIL OIL COMPANY, INC., 27 F.P.C. 347, 348 , F.P.C. This proceeding comes before us for reconsideration and redetermination in the light of Atlantic Refining Co. v. Public Service Commission, 360 U.S. 378 (Catco) by virtue of the...	Feb. 09, 1962	Administrative Decision		—
Cited by	160. Georgia Pub. Service Commission V Florida Power Corp. 15 F.P.C. 5, 5+ , F.P.C.	1956	Administrative Decision		—
Cited by	161. Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities 62 FR 12274-01 The Federal Energy Regulatory Commission (Commission) reaffirms its basic determinations in Order No. 888 and clarifies certain terms. Order No. 888 requires all public utilities...	Mar. 14, 1997	Federal Register		—
Mentioned by	162. Verizon Communications, Inc. v. F.C.C. 122 S.Ct. 1646, 1657 , U.S. ENERGY AND UTILITIES - Telecommunications. Rates charged for lease of network elements may be set on a forward-looking basis.	May 13, 2002	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 163. First Nat. Bank of Boston v. Bellotti 98 S.Ct. 1407, 1418 , U.S.Mass.</p> <p>National banking associations and business corporations brought action to challenge the constitutionality of a Massachusetts criminal statute that prohibited them and other...</p>	Apr. 26, 1978	Case		—
Mentioned by	<p> 164. Marsh v. State of Ala. 66 S.Ct. 276, 279 , U.S.Ala.</p> <p>Grace Marsh, a member of Jehovah's Witnesses, was convicted of violating Code Ala.1940, Tit. 14, s 426, making it a crime to enter or remain on the premises of another after being...</p>	Jan. 07, 1946	Case		—
Mentioned by	<p>165. Public Service Com'n of Montana v. Great Northern Utilities Co. 53 S.Ct. 546, 548 , U.S.Mont.</p> <p>Suit by the Great Northern Utilities Company against the Public Service Commission of Montana and others, members thereof. From a decree for plaintiff granting an injunction (1...</p>	Apr. 10, 1933	Case		—
Mentioned by	<p> 166. Arizona Grocery Co. v. Atchison, T. & S. F. Ry. Co. 52 S.Ct. 183, 185 , U.S.Ariz.</p> <p>Mr. Justice HOLMES and Mr. Justice BRANDEIS dissenting. On Writ of Certiorari to the Circuit Court of Appeals for the Ninth Circuit. Action by the Arizona Grocery Company against...</p>	Jan. 04, 1932	Case		—
Mentioned by	<p>167. First Nat. Bank of Guthrie Center v. Anderson 46 S.Ct. 135, 137 , U.S.Iowa</p> <p>In Error to the Supreme Court of the State of Iowa. Suit by the First National Bank of Guthrie Center against L. B. Anderson, County Auditor, and others. To review a judgment of...</p>	Jan. 04, 1926	Case		—
Mentioned by	<p> 168. Kentucky Finance Corp. v. Paramount Auto Exch. Corp. 43 S.Ct. 636, 638 , U.S.Wis.</p> <p>In Error to the Supreme Court of the State of Wisconsin. Replevin by the Kentucky Finance Corporation against the Paramount Auto Exchange Corporation. An order dismissing the...</p>	June 11, 1923	Case		—
Mentioned by	<p> 169. Northern Pac. Ry. Co. v. State of North Dakota ex rel. McCue 35 S.Ct. 429, 437 , U.S.N.D.</p> <p>TWO WRITS of error to the Supreme Court of the State of North Dakota to review judgments commanding railway carriers to keep in force the maximum intrastate rates fixed by the...</p>	Mar. 08, 1915	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 170. Simpson v. Shepard (U.S. Reports Title: Minnesota Rate Cases) 33 S.Ct. 729, 754 , U.S.Minn. THREE APPEALS from the Circuit Court of the United States for the District of Minnesota to review decrees enjoining the enforcement of intrastate rates of interstate carriers as...	June 09, 1913	Case		—
Mentioned by	171. Great Northern Ry. Co. v. State of Minnesota 30 S.Ct. 344, 348+ , U.S.Minn. IN ERROR to the Supreme Court of the State of Minnesota to review a judgment which, affirming in part and reversing in part a judgment of the District Court of Ramsey County, in...	Feb. 21, 1910	Case		—
Mentioned by	 172. Ex parte Young 28 S.Ct. 441, 447 , U.S.Minn. PETITION for writ of habeas corpus to secure release of petitioner from custody to which he had been committed by the Circuit Court of the United States of the District of...	Mar. 23, 1908	Case		—
Mentioned by	173. People's Gaslight & Coke Co. v. City of Chicago 24 S.Ct. 520, 524 , U.S.Ill. APPEAL from the Circuit Court of the United States for the Northern District of Illinois to review a decree dismissing a bill to enjoin the enforcement of a municipal ordinance...	Apr. 04, 1904	Case		—
Mentioned by	174. Chicago, M. & St. P. Ry. Co. v. Tompkins 20 S.Ct. 336, 338 , U.S.S.D. APPEAL from a decree of the Circuit Court of the United States for the District of South Dakota dismissing a bill to restrain the enforcement of a schedule of maximum charges for...	Jan. 22, 1900	Case		—
Mentioned by	 175. Atchison, T. & S.F.R. Co. v. Matthews 19 S.Ct. 609, 613 , U.S.Kan. In Error to the Supreme Court of the State of Kansas.	Apr. 17, 1899	Case		—
Mentioned by	 176. Territory of New Mexico v. U.S. Trust Co of New York 19 S.Ct. 128, 133 , U.S.N.M. Appeal from the Supreme Court of the Territory of New Mexico.	Dec. 05, 1898	Case		—
Mentioned by	 177. Gulf, C. & S.F. Ry. Co. v. Ellis 17 S.Ct. 255, 256 , U.S.Tex. In Error to the Supreme Court of the State of Texas. On April 5, 1889, the legislature of the state of Texas passed this act: 'Section 1. Be it enacted by the legislature of the...	Jan. 18, 1897	Case		—
Mentioned by	 178. Jack v. Williams 113 F. 823, 827 , C.C.D.S.C. In Equity. On cross bill of interveners.	Feb. 01, 1902	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	179. Trammell v. Dinsmore 102 F. 794, 799 , C.C.A.5 (Ga.) Appeal from the Circuit Court of the United States for the Southern District of Georgia.	June 07, 1900	Case		—
Mentioned by	180. Michigan Bell Telephone Co. v. Engler 257 F.3d 587, 593 , 6th Cir.(Mich.) ENERGY AND UTILITIES - Telecommunications. Telephone companies, challenging rate statute, were entitled to preliminary injunction.	July 13, 2001	Case		—
Mentioned by	181. City of Louisville v. Cumberland Telephone & Telegraph Co. 155 F. 725, 725 , C.C.A.6 (Ky.) Appeal from the Circuit Court of the United States for the Western District of Kentucky.	July 24, 1907	Case		—
Mentioned by	182. Korte v. Sebelius 735 F.3d 654, 681 , 7th Cir.(Ill.) CIVIL RIGHTS - Religion. Contraception coverage mandate imposed substantial burden on religious exercise.	Nov. 08, 2013	Case		—
Mentioned by	183. Kansas City, Mo. v. Fairfax Drainage Dist. of Wyandotte County, Kan. 34 F.2d 357, 363 , C.C.A.10 (Kan.) Phillips, Circuit Judge, dissenting. Appeal from the District Court of the United States for the First Division of the District of Kansas. Action by the Fairfax Drainage District...	July 29, 1929	Case		—
Mentioned by	184. Washington Gas Light Co. v. Baker 188 F.2d 11, 23 , D.C.Cir. Action by Vernon V. Baker against the Washington Gas Light Company to set aside a rate increase granted the Washington Gas Light Company by the Public Utilities Commission of the...	Dec. 21, 1950	Case		—
Mentioned by	185. Manning v. Chesapeake & Potomac Tel. Co. 18 App.D.C. 191, 200+ , App.D.C. The COURT in its opinion stated the case as follows: This suit was begun by the appellants J. Forrest Manning and Harry E. Rupprecht, trading as J. Forrest Manning & Co., in the...	May 21, 1901	Case		—
Mentioned by	186. Auburn Medical Center, Inc. v. Peters 953 F.Supp. 1518, 1520 , M.D.Ala. Medical center sued State Health Planning and Development Agency (SHPDA) officers for issuance of "show cause" letter as to why center's certificate of need should not be revoked....	Dec. 12, 1996	Case		—
Mentioned by	187. Alabama Power Co. v. Tennessee Valley Authority 948 F.Supp. 1010, 1025 , N.D.Ala. Power companies with exchange power arrangements with Tennessee Valley Authority (TVA) brought action against TVA, respecting statutory eligibility of electric utility's...	Aug. 28, 1996	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	188. Louisville & N.R. Co. v. Railroad Commission of Alabama 208 F. 35, 41 , M.D.Ala. In Equity. Suit by the Louisville & Nashville Railroad Company against the Railroad Commission of Alabama and others. On motion for preliminary injunction. Motion denied....	July 24, 1913	Case		—
Mentioned by	189. Merced Dredging Co. v. Merced County 67 F.Supp. 598, 604 , S.D.Cal. Action by Merced Dredging Company against County of Merced, Cal., and others, to enjoin the enforcement of a county ordinance. On plaintiff's motion for a preliminary injunction...	June 29, 1946	Case		—
Mentioned by	190. Hume v. Laurel Hill Cemetery 142 F. 552, 564 , C.C.N.D.Cal. In Equity. On demurrer to bill and amendments.	Oct. 09, 1905	Case		—
Mentioned by	191. Central of Georgia Ry. Co. v. McLendon 157 F. 961, 974+ , C.C.N.D.Ga. In Equity. On motions for preliminary injunction to amend the bill by making new parties and on demurrer to bill. For opinion of Circuit Judge Shelby in this case, see 155 Fed....	Nov. 30, 1907	Case		—
Mentioned by	 192. Dinsmore v. Southern Exp. Co. 92 F. 714, 720 , C.C.S.D.Ga. The parties actually contesting in this proceeding are nonresident stockholders of the Southern Express Company, on the one side, and the members of the railroad commission and the...	Mar. 07, 1899	Case		—
Mentioned by	 193. William R. Compton Co. v. Allen 216 F. 537, 549 , S.D.Iowa In Equity. Suit by the William R. Compton Company, Breed, Elliott & Harrison, and McCoy & Co. against W. S. Allen, Secretary of State, and George Cosson, Attorney General of...	July 06, 1914	Case		—
Mentioned by	194. Great Northern Utilities Co. v. Public Service Commission 52 F.2d 802, 809 , D.Mont. In Equity. Suit by the Great Northern Utilities Company against the Public Service Commission of Montana and others. Decree for plaintiff.	Aug. 18, 1931	Case		—
Mentioned by	 195. Swepi, LP v. Mora County, N.M. 81 F.Supp.3d 1075, 1098 , D.N.M. ENVIRONMENTAL LAW - Oil and Gas. County ordinance proscribing energy extraction activities by corporations was invalidated in its entirety.	Jan. 19, 2015	Case		—
Mentioned by	196. Society of the Sisters of the Holy Names of Jesus and Mary v. Pierce 296 F. 928, 931 , D.Or. In Equity. Suits by the Society of the Sisters of the Holy Names of Jesus and Mary, an educational corporation, and by the Hill Military Academy, a corporation, against Walter M....	Mar. 31, 1924	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 197. Nashville, C. & St. L. Ry. v. Taylor 86 F. 168, 185 , C.C.M.D.Tenn.</p> <p>This suit is brought against the defendants as the state board of equalizers, to enjoin the certification by them to the state comptroller of the assessed valuation on...</p>	Mar. 15, 1898	Case		—
Mentioned by	<p>198. Southern Cities Distributing Co. v. Carter 41 S.W.2d 1085, 1088 , Ark.</p> <p>Appeal from Circuit Court, Miller County; Dexter Bush, Judge. Mandamus proceeding by B. E. Carter against the Mayor and Members of the City Council of Texarkana, Ark., to compel...</p>	June 15, 1931	Case		—
Mentioned by	<p>199. Southern Cities Distributing Co. v. Carter 44 S.W.2d 362, 366 , Ark.</p> <p>Appeal from Circuit Court, Miller County; Dexter Bush, Judge. Mandamus proceeding by B. E. Carter against the Mayor and Members of the City Council of Texarkana, Ark., to compel...</p>	June 15, 1931	Case		—
Mentioned by	<p>200. Louisiana & A. Ry. Co. v. State 106 S.W. 960, 962 , Ark.</p> <p>Appeal from Circuit Court, Columbia County; Chas. W. Smith, Judge. The Louisiana & Arkansas Railway Company was convicted of an offense, and appeals. Reversed and remanded for...</p>	Dec. 23, 1907	Case		—
Mentioned by	<p> 201. 20th Century Ins. Co. v. Garamendi 32 Cal.Rptr.2d 807, 857 , Cal.</p> <p>Rates. Insurance Commissioner's rate regulations as to rollbacks were not invalid.</p>	Aug. 18, 1994	Case		—
Mentioned by	<p>202. Mayor and Council of Wilmington v. Riverview Cemetery Co. of Wilmington 190 A. 111, 113 , Del.Super.</p> <p>Action in debt by the Mayor and Council of Wilmington, a municipal corporation of the state of Delaware, against the Riverview Cemetery Company of Wilmington, Delaware, for sewer...</p>	Jan. 25, 1937	Case		—
Mentioned by	<p>203. In re Yerian 1941 WL 7954, *9 , Hawai'i Terr.</p> <p>The term "exemptions," as applied to taxation, presupposes a liability and is properly applied only to a grant of immunity to persons or property which otherwise would have been...</p>	Apr. 23, 1941	Case		—
Mentioned by	<p>204. City of Edwardsville v. Illinois Bell Telephone Co. 142 N.E. 197, 199 , Ill.</p> <p>Suit by the City of Edwardsville against the Illinois Bell Telephone Company. From a decree for complainant, defendant appeals. Reversed in part and remanded, with directions.</p>	Dec. 19, 1923	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 205. Mt. Carmel Public Utility & Service Co. v. Public Utilities Commission 130 N.E. 693, 695 , Ill.</p> <p>Proceeding instituted before the Public Utilities Commission by the Mt. Carmel Public Utility & Service Company. From an order of the circuit court, affirming an order of the...</p>	Apr. 21, 1921	Case		—
Mentioned by	<p> 206. Lake Forest Water Co. v. City of Lake Forest 154 Ill.App. 184, 194 , Ill.App. 2 Dist.</p> <p>The water company insists that the finding of the trial court, that the rates fixed by the ordinance were unjust and unreasonable, is a finding of fact that has the weight of a...</p>	Mar. 11, 1910	Case		—
Mentioned by	<p> 207. Terre Haute & I.R. Co. v. State ex rel. Ketcham 65 N.E. 401, 407 , Ind.</p> <p>Appeal from superior court, Marion county; Vinson Carter, Judge. Suit by the state, on the relation of W. A. Ketcham, attorney general, against the Terre Haute & Indianapolis...</p>	Nov. 25, 1902	Case		—
Mentioned by	<p> 208. Union Pac. R. Co. v. Public Utilities Commission of Kansas 148 P. 667, 672 , Kan.</p> <p>Appeal from District Court, Shawnee County. Actions by the Union Pacific Railroad Company and the Atchison, Topeka & Santa Fé Railway Company against the Public Utilities...</p>	May 08, 1915	Case		—
Mentioned by	<p>209. Potter Matlock Trust Co. v. Warren County 207 S.W. 709, 712 , Ky.</p> <p>Appeal from Circuit Court, Warren County. Suit by the Potter Matlock Trust Company, as trustee, against the Southern Traction Company, as successor of the Park City Railway...</p>	Jan. 21, 1919	Case		—
Mentioned by	<p> 210. Gulf States Utilities Co. v. Louisiana Public Service Com'n 578 So.2d 71, 107 , La.</p> <p>Public utility sought to enjoin order of Public Utility Commission limiting it to first year return on equity of 12% and finding restart of nuclear plant imprudent. The 19th...</p>	Apr. 05, 1991	Case		—
Mentioned by	<p>211. United Gas Corp. v. City of Monroe 109 So.2d 433, 439 , La.</p> <p>Suit to enjoin municipality from enforcing gas rate schedule contained in franchise. The 4th Judicial District Court, Ouachita Parish, Jesse S. Heard, J., rendered judgment for...</p>	Dec. 15, 1958	Case		—
Mentioned by	<p>212. Morgan's L. & T.R. & S.S. Co. v. Railroad Commission of Louisiana 53 So. 890, 901 , La.</p> <p>Appeal from Twenty-Second Judicial District Court, Parish of East Baton Rouge; E. F. Brunot, Judge. Action by Morgan's Louisiana & Texas Railroad & Steamship Company and others...</p>	Nov. 14, 1910	Case		—








Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 213. Morgan's Louisiana & T.R. & S.S. Co. v. Railroad Commission of Louisiana 33 So. 214, 217 , La.</p> <p>Appeal from judicial district court, parish of East Baton Rouge; H. F. Brunot, Judge. Action by Morgan's Louisiana & Texas Railroad & Steamship Company and the Southern Pacific...</p>	Dec. 15, 1902	Case		—
Mentioned by	<p>214. Donham v. Public Service Commission 122 N.E. 397, 401 , Mass.</p> <p>Case Reserved from Supreme Judicial Court, Suffolk County; Chas. A. De Courcy, Judge. Petition in equity by Wallace B. Donham, receiver of the Bay State Street Railway Company,...</p>	Mar. 03, 1919	Case		—
Mentioned by	<p>215. Com. v. Interstate Consol. St. Ry. Co. 73 N.E. 530, 531 , Mass.</p> <p>Exceptions from Superior Court, Bristol County. Action by the Commonwealth against the Interstate Consolidated Street Railway Company. There was judgment for plaintiff, and...</p>	Mar. 01, 1905	Case		—
Mentioned by	<p>216. Spencer v. Maryland Jockey Club of Baltimore City 4 A.2d 479, 481 , Md.</p> <p>Dissenting opinion. For majority opinion, see 4 A.2d 124.</p>	Feb. 22, 1939	Case		—
Mentioned by	<p> 217. State v. Leavitt 72 A. 875, 879 , Me.</p> <p>Exceptions from Supreme Judicial Court, Cumberland County. Almon B. Leavitt was convicted in a trial justice's court of digging clams in violation of Priv. & Sp. Laws 1903, p. 489,...</p>	Jan. 02, 1909	Case		—
Mentioned by	<p>218. Brunswick & T. Water Dist. v. Maine Water Co. 59 A. 537, 538 , Me.</p> <p>Action by the Brunswick & Topsham Water District against the Maine Water Company under Priv. & Sp. Laws 1903, p. 245, c. 158. After the appointment of appraisers the petitioner...</p>	Dec. 14, 1904	Case		—
Mentioned by	<p>219. Commissioner of Railroads v. Grand Rapids & I. Ry. Co. 89 N.W. 967, 967 , Mich.</p> <p>Certiorari to circuit court, Kent county; Alfred Wolcott, Judge. Mandamus, on the relation of the commissioner of railroads against the Grand Rapids & Indiana Railway Company. ...</p>	Apr. 08, 1902	Case		—
Mentioned by	<p> 220. In re Application of Minnesota Power for Authority to Increase Rates for Elec. Service in Minnesota 838 N.W.2d 747, 771 , Minn.</p> <p>ENERGY AND UTILITIES - Electricity. Substantial evidence supported decision to set interim rate increase at 60 percent of that requested by electric utility.</p>	Sep. 18, 2013	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 221. State v. Great Northern Ry. Co. 119 N.W. 202, 207 , Minn.</p> <p>Appeal from District Court, Ramsey County; Olin B. Lewis, Judge. Action by the State of Minnesota against the Great Northern Railway Company to recover the amount of the increased...</p>	Dec. 24, 1908	Case		—
Mentioned by	<p>222. Adams v. Yazoo & M.V.R. Co. 24 So. 200, 209 , Miss.</p> <p>Appeal from circuit court, Hinds county; Robert Powell, Judge. Suits by Wirt Adams, state revenue agent, against the Yazoo & Mississippi Valley Railroad Company and others, to...</p>	Nov. 22, 1898	Case		—
Mentioned by	<p> 223. McGrew v. Missouri Pac. Ry. Co. 132 S.W. 1076, 1086 , Mo.</p> <p>In Banc. Appeal from Circuit Court, Lafayette County; Sam Davis, Judge. Action by James C. McGrew against the Missouri Pacific Railway Company. Judgment for plaintiff, and...</p>	June 28, 1910	Case		—
Mentioned by	<p>224. Andrus v. Fidelity Mut. Life Ins. Ass'n 67 S.W. 582, 585 , Mo.</p> <p>In banc. Appeal from circuit court, Jackson county; John W. Beebe, Special Judge. Action by V. R. Andrus and others against the Fidelity Mutual Life Insurance Association. From a...</p>	Mar. 19, 1902	Case		—
Mentioned by	<p> 225. State ex rel. Utilities Com'n v. Nantahala Power and Light Co. 332 S.E.2d 397, 460 , N.C.</p> <p>Electric utility filed application to increase its retail electric rates. The North Carolina Utilities Commission issued an order permitting utility to put into effect revised...</p>	July 03, 1985	Case		—
Mentioned by	<p> 226. Griffin v. Goldsboro Water Co. 30 S.E. 319, 320 , N.C.</p> <p>Appeal from superior court, Wayne county; Timberlake, Judge. B.H. Griffin and others against the Goldsboro Water Company. From an order continuing a restraining order against...</p>	May 24, 1898	Case		—
Mentioned by	<p> 227. State v. Northern Pac. Ry. Co. 145 N.W. 135, 155 , N.D.</p> <p>Proceedings on application on behalf of the State, on the relation of T. F. McCue, Attorney General, against the Northern Pacific Railway Company and others for an original writ...</p>	Jan. 02, 1914	Case		—
Mentioned by	<p>228. State ex rel. Tyrrell v. Lincoln Traction Co. 134 N.W. 278, 282 , Neb.</p> <p>Appeal from District Court, Lancaster County; Cornish, Judge. Quo warranto proceedings by the State, on the relation of Frank M. Tyrrell, County Attorney for Lancaster County,...</p>	Jan. 03, 1912	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	229. State Farm Mut. Auto. Ins. Co. v. State 590 A.2d 191, 199 , N.J. Automobile insurer filed action in Superior Court, Chancery Division, challenging facial constitutionality of Fair Automobile Insurance Reform Act. The Superior Court, Chancery...	May 16, 1991	Case		—
Mentioned by	230. Troy Hills Village v. Township Council of Parsippany-Troy Hills Tp. 350 A.2d 34, 46+ , N.J. Apartment owner brought action challenging constitutionality of township's rent control ordinance. Following decision in favor of the township, the case was certified. The...	Dec. 11, 1975	Case		—
Mentioned by	231. Energy Ass'n of New York State v. Public Service Com'n of State of N.Y. 653 N.Y.S.2d 502, 514 , N.Y.Sup. ENERGY AND UTILITIES - Electricity. Public Service Commission had jurisdiction to require electric utilities to file plans on how they would restructure in competitive marketplace.	Nov. 25, 1996	Case		—
Mentioned by	232. Town of Mamaroneck v. New York Interurban Water Co. 212 N.Y.S. 639, 658 , N.Y.Sup. Action by the Town of Mamaroneck and others against the New York Interurban Water Company. Judgment directed for plaintiffs. See, also, 198 App. Div. 396, 190 N. Y. S. 580.	Aug. 06, 1925	Case		—
Mentioned by	233. New York Trust Co. v. Buffalo & Lake Erie Traction Co. 183 N.Y.S. 278, 281 , N.Y.Sup. Action by the New York Trust Company against the Buffalo & Lake Erie Traction Company and others, in which George Bullock was appointed receiver of the defendant Traction Company. ...	June 30, 1920	Case		—
Mentioned by	234. State ex rel. McGhee v. Black Diamond Co. 119 N.E. 195, 198 , Ohio Quo warranto by the State, on relation of Joseph McGhee, Attorney General, against the Black Diamond Company. Writ allowed. This proceeding in quo warranto is brought by the...	Nov. 13, 1917	Case		—
Mentioned by	235. Bowland v. Wolfe Bros. Shoe Co. 18 Ohio Dec. 126, 127 , Ohio Com.PI. This case is before the court upon the demurrer of the defendants to the petition. Very elaborate briefs have been filed by counsel, which include also the briefs of counsel in the...	May 03, 1907	Case		—
Mentioned by	236. Barasch v. Pennsylvania Public Utility Com'n 532 A.2d 325, 336 , Pa. Pennsylvania Office of Consumer Advocate appealed from final order of the Public Utility Commission, which permitted inclusion of costs of construction for cancelled nuclear plans...	Oct. 15, 1987	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	237. Nelson v. Garland 187 A. 316, 320 , Pa.Super. Appeal No. 196, April term, 1936, from judgment of Court of Common Pleas, Allegheny County, No. 2895, July term, 1935; A. B. Reid, President Judge. Mandamus by Olga Nelson to...	Sep. 30, 1936	Case		—
Mentioned by	238. Ben Avon Borough v. Ohio Valley Water Co., Appellant. 68 Pa.Super. 561, 575 , Pa.Super. The Ohio Valley Water Company was incorporated in 1903 and in 1904 it purchased the property and franchises of a number of water companies which had charter powers to operate in...	May 07, 1917	Case		—
Mentioned by	239. Dayton Coal & Iron Co. v. Barton 53 S.W. 970, 971 , Tenn. Appeal from circuit court, Rhea county; M. D. Smallman, Judge. Action by T. A. Barton against the Dayton Coal & Iron Company, Limited. Judgment for plaintiff. Defendant appeals....	Nov. 20, 1899	Case		—
Mentioned by	240. State Farm Lloyds v. Rathgeber 453 S.W.3d 87, 103 , Tex.App.-Austin INSURANCE — Industry Regulation. Single flat rate imposed for part of period of homeowners policies was arbitrary and capricious.	Nov. 26, 2014	Case		—
Mentioned by	241. Enid, O. & W. Ry. Co. v. State 181 S.W. 498, 501 , Tex.Civ.App.-Austin Appeal from District Court, Travis County; Chas. A. Wilcox, Judge. Action by the State of Texas against the Enid, Ochiltree & Western Railway Company and others. From a judgment...	Oct. 27, 1915	Case		—
Mentioned by	242. Waters-Pierce Oil Co. v. State 44 S.W. 936, 940 , Tex.Civ.App. Appeal from district court, Travis county; R. E. Brooks, Judge. Suit by the state against the Waters-Pierce Oil Company and others to enforce a forfeiture of its right to do...	Mar. 09, 1898	Case		—
Mentioned by	243. Stephens County v. J.N. McCammon, Inc. 40 S.W.2d 67, 69 , Tex.Com.App. Certified Questions from Court of Civil Appeals of Eleventh Supreme Judicial District. Suit by J. N. McCammon, Incorporated, against Stephens County. Judgment for plaintiff, and...	June 10, 1931	Case		—
Mentioned by	244. Federal Crude Oil Co. v. Yount-Lee Oil Co. 35 S.W.2d 111, 114 , Tex.Com.App. Certified Questions from Court of Civil Appeals of First Supreme Judicial District. Suit by the Federal Crude Oil Company against the Yount-Lee Oil Company and others. Judgement...	Feb. 04, 1931	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	245. Peru Turnpike Co. v. Town of Peru 100 A. 679, 680 , Vt. Exceptions from Bennington County Court Frank L. Fish, Judge. Petitions by the Peru Turnpike Company against the Town of Peru and against the Town of Winhall. On defendants'...	Apr. 05, 1917	Case		—
Mentioned by	246. Nekoosa-Edwards Paper Co. v. News Pub. Co. 182 N.W. 919, 921 , Wis. Appeal from Circuit Court, Wood County; Byron B. Park, Judge. Action by the Nekoosa-Edwards Paper Company against the News Publishing Company, in which it was sought to examine L....	May 03, 1921	Case		—
Mentioned by	247. City of Charleston v. Southeastern Const. Co. 64 S.E.2d 676, 683 , W.Va. Suit for injunction by the City of Charleston against Southeastern Construction Company, and others. The Circuit Court of Kanawha County overruled the demurrer to the complaint...	Aug. 07, 1950	Case		—
Mentioned by	248. Coal & Coke Ry. Co. v. Conley 67 S.E. 613, 639+ , W.Va. Appeal from Circuit Court, Kanawha County. Bill by the Coal & Coke Railway Company against William G. Conley and S. B. Avis. Decree for complainant, and defendants appeal. Reversed...	Mar. 08, 1910	Case		—
Mentioned by	249. Francis v. Tribunal de Contribuciones y Tesorero, Interventor 74 D.P.R. 19, 24 , P.R. Recurso de Revisión, mediante certiorari especial, contra Resolución del Tribunal de Contribuciones. Confirmada la Resolución recurrida.	Oct. 29, 1952	Case		—
Mentioned by	250. In the Matter of Direct Access to the INTELSAT System 14 FCC Rcd. 15,703, 15798 , F.C.C. 1. By this Report and Order, we adopt a policy to allow direct access to the International Telecommunications Satellite Organization ("INTELSAT") from earth stations located...	Sep. 16, 1999	Administrative Decision		—
Mentioned by	251. IN THE MATTER OF TELEPHONE NUMBER PORTABILITY 1999 WL 503613, *1 , F.C.C. 1. On June 27, 1996, the Commission adopted the First Report and Order and Further Notice of Proposed Rulemaking in this docket, which implemented the provisions of section 251 of...	July 16, 1999	Administrative Decision		—
Mentioned by	252. IN THE MATTER OF DIRECT ACCESS TO THE INTELSAT SYSTEM 13 FCC Rcd. 22,013, 22044 , F.C.C. 1. On April 24, 1998, we granted Comsat Corporation's (Comsat) petition for reclassification as a non-dominant carrier in competitive product markets and denied its petition for...	Oct. 28, 1998	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 253. In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 11 FCC Rcd. 15,499, 16181+ , F.C.C.</p> <p>1. The Telecommunications Act of 1996 fundamentally changes telecommunications regulation. In the old regulatory regime government encouraged monopolies. In the new regulatory...</p>	Aug. 08, 1996	Administrative Decision		—
Mentioned by	<p>254. Commission Opinions, Orders and Notices </p> <p>J.P. Morgan Ventures Energy Corporation 144 FERC P 61,187, 62040 , F.E.R.C.</p> <p>1. On May 28, 2013, J.P. Morgan Ventures Energy Corporation (JP Morgan) filed a motion for clarification or, in the alternative, request for rehearing (Motion for Clarification and...</p>	Sep. 04, 2013	Administrative Decision		—
Mentioned by	<p>255. Mobile Bay Pipeline Projects Florida Gas Transmission Company and Southern Natural Gas Company Tennessee Gas Pipeline Company Florida Gas Transmission Company, Southern Natural Gas Company, and Tennessee Gas Pipeline Company Texas Eastern Transmission Corporation and ANR Pipeline Company Texas Eastern Transmission Southern Natural Gas Company Transcontinental Gas Pipe Line Corporation, Florida Gas Transmission Company, Tennessee Gas Pipeline 57 FERC P 61,050, 61194 , F.E.R.C.</p> <p>On June 4, 1991, the Commission issued an order (June 4 order) accepting in part and modifying in part two settlements, one, in Docket No. CP89-523-001 et al., involves the...</p>	Oct. 15, 1991	Administrative Decision		—
Mentioned by	<p>256. IN THE MATTER OF THE APPLICATION OF AJO IMPROVEMENT COMPANY - WASTEWATER DIVISION, FOR AN INCREASE TO ITS AUTHORIZED RATES AND CHARGES, FOR A DETERMINATION OF THE FAIR VALUE OF ITS PROPERTY DEVOTED TO WASTEWATER UTILITY SERVICE IN THE STATE OF ARIZONA, AND FOR OTHER RELATED APPROVALS. IN THE MATTER OF THE APPLICATION OF AJO IMPROVEMENT COMPANY - ELECTRIC DIVISION, FOR AN INCREASE TO ITS AUTHORIZED RATES AND CHARGES, FOR A DETERMINATION OF THE FAIR VALUE OF ITS PROPERTY 2019 WL 3361206, *15 , Ariz.C.C.</p> <p>DATE OF HEARING: January 16, and April 17, 2018 (Procedural Conferences), June 5 and October 23, 2018, (Public Comment held in Ajo, Arizona), November 13, 2018 (Pre-hearing...</p>	July 19, 2019	Administrative Decision		—
Mentioned by	<p>257. Re Southern California Gas Co. 38 CPUC 2d 166, 166 , Cal.P.U.C.</p> <p>The Southern California Gas Company (SoCalGas) and Toward Utility Rate Normalization (TURN) have filed applications for rehearing of Decision 90-04-028 (the Decision). In the...</p>	Nov. 09, 1990	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p>258. In the Matter of: ELECTRONIC JOINT APPLICATION OF AMERICAN ELECTRIC POWER COMPANY, INC., KENTUCKY POWER COMPANY AND LIBERTY UTILITIES CO. FOR APPROVAL OF THE TRANSFER OF OWNERSHIP AND CONTROL OF KENTUCKY POWER COMPANY 2022 WL 1490453, *32 , Ky.P.S.C.</p> <p>On January 4, 2022, Liberty Utility Co. (Liberty), Kentucky Power Company (Kentucky Power), and Kentucky Power's parent entity, American Electric Power Company, Inc. (AEP)...</p>	May 04, 2022	Administrative Decision		—
Mentioned by	<p>259. In re New England Tel. & Tel. Co. 1995 WL 386802, *1 , Mass.D.P.U.</p> <p>On April 14, 1994, New England Telephone and Telegraph Company d/b/a NYNEX filed with the Department of Public Utilities ('Department') an Alternative Regulatory Plan ('Plan') for...</p>	May 12, 1995	Administrative Decision		—
Mentioned by	<p>260. IN RE: NOTICE OF INTENT OF MISSISSIPPI POWER COMPANY FOR A CHANGE IN RATES SUPPORTED BY A CONVENTIONAL RATE FILING OR, IN THE ALTERNATIVE, BY A RATE MITIGATION PLAN IN CONNECTION WITH THE KEMPER COUNTY IGCC PROJECT 2015 WL 7888394, *20 , Miss.P.S.C.</p> <p>THIS matter is before the Mississippi Public Service Commission ("Commission") on the Notice of Intent and First Supplemental Filing filed by Mississippi Power Company ("MPC" or...</p>	2015	Administrative Decision		—
Mentioned by	<p>261. To the Honorable A. B. Cummins 1902 WL 48632 (Iowa A.G.), *1</p> <p>INSURANCE COMPANIES—PLACE WHERE ACTION CAN BE COMMENCED UPON PROMISSORY NOTES—House File No. 78—Constitutionality of. It is held that the above bill is unconstitutional and invalid...</p>	May 07, 1902	Administrative Decision		—
Mentioned by	<p>262. Honorable W. W. Trent 45 W. Va. Op. Atty. Gen. 66, 66</p> <p>We have your letter of September 9, as follows: "I am requested to secure from you an opinion and answer to the following question: "May the City of Charleston legally collect a...</p>	Sep. 29, 1952	Administrative Decision		—
Mentioned by	<p> 263. Re Northern Nat. Gas Co. 33 F.P.C. 1163, 1186 , F.P.C.</p> <p>BLACK, Commissioner: This is a certificate case, arising under Section 7(c) of the Natural Gas Act, and coming before us on exceptions to the initial decision of Presiding Examiner...</p>	1965	Administrative Decision		—
Mentioned by	<p> 264. Shrewsbury Municipal Light Dept. V New England Power Co. 32 F.P.C. 373, 420 , F.P.C.</p> <p>Commissioners Ross and O'Connor concurring.</p>	1964	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>265. RIGHTS COME WITH RESPONSIBILITIES: PERSONAL JURISDICTION IN THE AGE OF CORPORATE PERSONHOOD 50 San Diego L. Rev. 125 , 189+</p> <p>I. Introduction. 126 II. The Rise of Corporations as Persons That Can Bear Rights and Responsibilities. 131 A. Corporations at the Founding. 133 B. The Corporation as an...</p>	2013	Law Review	—	—
—	<p>266. STANDING THEIR GROUND: CORPORATIONS' FIGHT FOR RELIGIOUS RIGHTS IN LIGHT OF THE ENACTMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT CONTRACEPTIVE COVERAGE MANDATE 45 Tex. Tech L. Rev. 1041 , 1071</p> <p>I. A Call to Arms: The PPACA Contraceptive Coverage Mandate Ignites a Battle over Corporate Religious Rights. 1042 II. Surveying the Field: Theories of Corporate Personhood. 1044...</p>	2013	Law Review	—	—
—	<p>267. Comment Note.--Tax exemptions and the contract clause 173 A.L.R. 15</p> <p>The reported cases for this annotation are Atlantic Coast Line R. Co. v. Phillips, 332 U.S. 168, 67 S. Ct. 1584, 91 L. Ed. 1977, 173 A.L.R. 1 (1947); and Grand Lodge Hall Ass'n, l....</p>	1948	ALR	—	—
—	<p>268. Condemnation of public utility property for public utility purposes 173 A.L.R. 1362</p> <p>The reported case for this annotation is State ex rel. Northwestern Elec. Co. v. Superior Court In and For Clark County, 28 Wash. 2d 476, 183 P.2d 802, 173 A.L.R. 1351 (1947).</p>	1948	ALR	—	—
—	<p>269. Federal Banking Law Reporter P 97410, P 97,410 NATIONAL BANK OF BOSTON ET AL. V. BELLOTTI ET AL. Federal Banking Law Reporter</p> <p>¶ 97,410. National Bank of Boston et al. v. Bellotti et al. United States Supreme Court. Dkt. No. 76-1172. April 26, 1978. Appeal from the Supreme Judicial Court of Massachusetts....</p>	1978	Other Secondary Source	—	—
—	<p>270. Fletcher Cyclopedia Law of Private Corporations s 3662, § 3662. Provisions or acts constituting impairment of charter obligations —Charters or contract obligations of public service corporations</p> <p>The charters of public service corporations, being private corporations, are protected by constitutional provisions. In the absence of reserved power, the legislature cannot revoke...</p>	2022	Other Secondary Source	—	—
—	<p>271. Fletcher Cyclopedia Law of Private Corporations s 3667, § 3667. Objections to impairment of charter contract and waiver thereof</p> <p>The corporation or other parties to the charter contract may consent to its alteration or repeal or otherwise waive objections to its alteration or repeal. The inviolability of the...</p>	2022	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	272. Fletcher Cyclopedia Law of Private Corporations s 6671, § 6671. What businesses are affected with a public interest—Particular industries Common carriers and public utilities are the primary businesses deemed to be "affected with a public interest." This class includes public service companies such as electric...	2022	Other Secondary Source	—	—
—	273. Fletcher Cyclopedia Law of Private Corporations s 6962, § 6962. Transfer of exemption In the absence of express statutory provision to the contrary, exemption of a corporation from taxation ordinarily is a personal privilege and is not transferable. Nor does it, of...	2022	Other Secondary Source	—	—
—	274. Fletcher Cyclopedia Law of Private Corporations s 7095, § 7095. Exemptions and immunities passing to new company As explained in another chapter of this treatise, when a corporation claims under its charter any exclusive right or privilege, or any right or privilege as against the state, or...	2022	Other Secondary Source	—	—
—	275. Fletcher Cyclopedia Law of Private Corporations s 7101, § 7101. Rate exemptions A provision in the charter of a railroad company giving it the right to fix the rate of fares on its road within certain limits is a term of the contract between the state and the...	2022	Other Secondary Source	—	—
—	276. McQuillin The Law of Municipal Corporations s 34:193, § 34:193. Patrons' versus company's interests The public has a right to demand that no more shall be exacted from them by a public utility than the services rendered are reasonably worth. The public cannot be subjected to...	2022	Other Secondary Source	—	—
—	277. Treatise on Constitutional Law s 15.12(b) (viii), § 15.12(b)(viii). Utility Rate Regulation Virtually all governmental entities that have conferred the right to be a legal monopoly on a utility company owned by private parties have regulated the utility's charges to its...	2022	Other Secondary Source	—	—
—	278. Wright & Miller: Federal Prac. & Proc. s 4023, § 4023. Independent and Adequate State Ground—Procedural Grounds—The Independence of State Procedure Wright & Miller: Federal Prac. & Proc. It has just been seen that federal matters ordinarily must be presented to state courts in accordance with the requirements of general state procedure. State law and practice "are...	2022	Other Secondary Source	—	—
—	279. Am. Jur. 2d Corporations s 74, § 74. Construction of charter Am. Jur. 2d Corporations The rights of a corporation under its charter are such only as are conferred explicitly by its terms; nothing passes by implication, and, as in the case of public grants generally,...	2022	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>280. Am. Jur. 2d Highways, Streets, and Bridges s 609, § 609. Amount, regulation, and collection of tolls, generally Am. Jur. 2d Highways, Streets, and Bridges</p> <p>Tolls are contractual in nature, either express or implied, and are compensation for the use of another's property; their amount is determined by the cost of the property or...</p>	2022	Other Secondary Source	—	—
—	<p>281. CJS Constitutional Law s 1497, § 1497. Prescription and regulation of rates, generally CJS Constitutional Law</p> <p>A state or political subdivision thereof may, without denial of the equal protection of the laws, prescribe and regulate the rates to be charged by persons and corporations...</p>	2022	Other Secondary Source	—	—
—	<p>282. CJS Federal Courts s 356, § 356. Determination whether federal claim was properly raised CJS Federal Courts</p> <p>Where a party to an action in a state court specially claims a right under the Constitution or laws of the United States, the decision of the state court whether the allegations...</p>	2022	Other Secondary Source	—	—
—	<p>283. CJS Turnpikes and Toll Roads s 13, § 13. Insolvency and reorganization of turnpike and toll road companies CJS Turnpikes and Toll Roads</p> <p>A receiver, directed to collect tolls on a part of a turnpike, has a duty to keep it in repair. By reorganizing, a turnpike company may prolong its right to collect tolls beyond...</p>	2022	Other Secondary Source	—	—
—	<p>284. CJS Turnpikes and Toll Roads s 32, § 32. Power to control and regulate turnpikes and toll roads CJS Turnpikes and Toll Roads</p> <p>In the absence of an express relinquishment of the power to regulate, the state retains or reserves the power to regulate and control toll road franchises. Because a toll road...</p>	2022	Other Secondary Source	—	—
—	<p>285. CJS Turnpikes and Toll Roads s 33, § 33. Statutory and municipal regulation of turnpikes and toll roads CJS Turnpikes and Toll Roads</p> <p>All state laws are applicable to a thruway and statutory regulations, when valid, must be complied with. Regulatory statutes are generally not retroactive in effect; the force of...</p>	2022	Other Secondary Source	—	—
—	<p>286. CJS Turnpikes and Toll Roads s 38, § 38. Rate and amount of tolls CJS Turnpikes and Toll Roads</p> <p>A determination of a measure adopted for exacting tolls for the use of highways is within the power of the legislature. Except as it may affect the rights of outstanding...</p>	2022	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>287. APPLICABILITY OF HUMAN RIGHTS STANDARDS TO PRIVATE CORPORATIONS: AN AMERICAN PERSPECTIVE 50 Am. J. Comp. L. 531 , 566</p> <p>This report is divided into three parts. Part I briefly examines the two fundamental concepts--human rights standards and private corporations - which are central to this report...</p>	2002	Law Review	—	—
—	<p>288. OCTOBER TERM, 1896-EMBRACING DUE PROCESS 45 Am. J. Legal Hist. 71 , 79+</p> <p>By the time the Supreme Court handed down its famous liberty-of-contract decision in Allgeyer v. Louisiana, the "Lochner era"—according to most accounts—was officially under way....</p>	2001	Law Review	—	—
—	<p>289. SITUATING THE CORPORATION WITHIN THE VULNERABILITY PARADIGM: WHAT IMPACT DOES CORPORATE PERSONHOOD HAVE ON VULNERABILITY, DEPENDENCY, AND RESILIENCE 25 Am. U.J. Gender Soc. Pol'y & L. 51 , 86</p> <p>I. Introduction. 52 II. Vulnerability, Dependency and Resilience. 55 III. Corporation as Legal Subject. 60 A. Corporate Entities and Their Related Rights. 60 B....</p>	2017	Law Review	—	—
—	<p>290. WERE CALIFORNIA'S ELECTRICITY PRICE SHOCKS NOTHING MORE THAN A NEW FORM OF STRANDED COSTS? 52 Am. U. L. Rev. 535 , 573</p> <p>Introduction. 536 I. Examining Historical Stranded Costs and Solutions. 544 A. Judicial Solutions to the Stranded Cost Problem. 545 B. Traditional Stranded Costs and...</p>	2002	Law Review	—	—
—	<p>291. 19 Barry L. Rev. 313, HAS SOCIETY BECOME TOLERANT OF FURTHER INFRINGEMENT ON FIRST AMENDMENT RIGHTS? 19 Barry L. Rev. 313 , 334</p> <p>In the past few years, society has become increasingly tolerant of the idea of curbing the First Amendment. This article explores the question that a free republic must continually...</p>	2014	Law Review	—	—
—	<p>292. BALANCING FREE SPEECH 96 B.U. L. Rev. 1 , 54</p> <p>Introduction. 2 I. Three Theories of Free Speech. 6 A. Acquisition of Truth. 8 B. Political Speech. 11 C. Self-Expression. 14 II. Free Speech and Community Good. 16 III....</p>	2016	Law Review	—	—
—	<p>293. SOME VARIETIES AND VICISSITUDES OF LOCHNERISM 85 B.U. L. Rev. 881 , 1000+</p> <p>Introduction. 881 I. Lochner Revisionism Besieged. 883 A. The Bernstein Critique. 883 1. The Neutrality Principle: Manifestations and Persistence. 885 2. Neutrality and...</p>	2005	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>294. THE LOCAL POLITICS OF ACID RAIN: PUBLIC VERSUS PRIVATE DECISIONMAKING AND THE DORMANT COMMERCE CLAUSE IN A NEW ERA OF ENVIRONMENTAL LAW 73 B.U. L. Rev. 689 , 758</p> <p>Introduction. 690 I. Federal Law and the State Politics of Pollution Compliance. 693 A. Sulfur Dioxide Emissions Under the Clean Air Act Amendments of 1990. 693 B. Local...</p>	1995	Law Review	—	—
—	<p>295. THE LOCAL POLITICS OF ACID RAIN: PUBLIC VERSUS PRIVATE DECISIONMAKING AND THE DORMANT COMMERCE CLAUSE IN A NEW ERA OF ENVIRONMENTAL LAW 75 B.U. L. Rev. 689 , 758</p> <p>Introduction . 690 I. Federal Law and the State Politics of Pollution Compliance . 693 A. Sulfur Dioxide Emissions Under the Clean Air Act Amendments of 1990 . 693 B. Local...</p>	1995	Law Review	—	—
—	<p>296. FROM TURNPIKE TO NUCLEAR POWER: THE CONSTITUTIONAL LIMITS ON UTILITY RATE REGULATION 65 B.U. L. Rev. 65 , 76+</p> <p>C1-4TABLE OF CONTENTS INTRODUCTION 65 I. THE FOUNDATION OF THE CONSTITUTIONAL LIMITS ON UTILITY RATE REGULATION: 1877-1898 70 II. THE MODERN LIMITS ON UTILITY RATE REGULATION 82 A....</p>	1985	Law Review	—	—
—	<p>297. AN ANSWER TO PROFESSOR PIERCE: HOW UTILITY REGULATION CAN BE REFORMED IN HARMONY WITH CONSTITUTIONAL PRINCIPLES 27 Cal. W. L. Rev. 81 , 105</p> <p>A thoughtful essay by Professor Richard Pierce of Columbia University addresses the role the federal judiciary should play with respect to public utility regulation. His essay...</p>	1991	Law Review	—	—
—	<p>298. THIS AIN'T THE TEXAS TWO STEP FOLKS: DISHARMONY, CONFUSION, AND THE UNFAIR NATURE OF PERSONAL JURISDICTION ANALYSIS IN THE FIFTH CIRCUIT 37 Cap. U. L. Rev. 681 , 727</p> <p>The state of the "stream of commerce" test is in flux. The Supreme Court's last pronouncement on the subject, Asahi Metal Industry Co. v. Superior Court of California, Solano...</p>	2009	Law Review	—	—
—	<p>299. FLAWED ASSUMPTIONS: A CORPORATE LAW ANALYSIS OF FREE SPEECH AND CORPORATE PERSONHOOD IN CITIZENS UNITED 61 Case W. Res. L. Rev. 497 , 550</p> <p>C1-3Contents I. Introduction: Unveiling the Corporate Law Myths Embedded in Citizens United. 498 II. Corporate Constitutional Rights: The Road to Citizens United. 500 A. Evolving...</p>	2010	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>300. SOME BASIC CONSTITUTIONAL RIGHTS OF ECONOMIC SIGNIFICANCE 51 Colum. L. Rev. 271 , 312+</p> <p>The Constitution cannot guarantee absolute liberty to every individual. We are all restricted in our actions by numerous legal obligations imposed upon us by law and enforced by...</p>	1951	Law Review	—	—
—	<p>301. NON-PROPHETS: WHY FOR-PROFIT, SECULAR CORPORATIONS CANNOT EXERCISE RELIGION WITHIN THE MEANING OF THE FIRST AMENDMENT 46 Conn. L. Rev. Online 39 , 66+</p> <p>Under the Patient Protection and Affordable Care Act, employers are required to provide their employees with insurance coverage for contraceptives. The regulations provide certain...</p>	2014	Law Review	—	—
—	<p>302. THE PUBLIC NETWORK 17 CommLaw Conspectus 67 , 139+</p> <p>Never has the regulation of the telecommunications industry been more widely and hotly contested than it is today. Communications markets have historically been subject to...</p>	2008	Law Review	—	—
—	<p>303. FORWARD-LOOKING COSTING METHODOLOGIES AND THE SUPREME COURT'S TAKINGS CLAUSE JURISPRUDENCE 7 CommLaw Conspectus 119 , 136+</p> <p>Much of the debate regarding the unbundled network element ("UNE") costing provisions of the Telecommunications Act of 1996 ("1996 Act") has thus far largely focused on two...</p>	1999	Law Review	—	—
—	<p>304. TAKING AIM AT THE TAKINGS ARGUMENT: USING FORWARD LOOKING PRICING METHODOLOGIES TO PRICE UNBUNDLED NETWORK ELEMENTS 5 CommLaw Conspectus 231 , 244</p> <p>I. L2-3,T3Introduction 231 II. L2-3,T3The Pro-Competition Purpose and Pricing Provisions of the Telecommunications Act of 1996 and FCC Implementation Constitute Permitted...</p>	1997	Law Review	—	—
—	<p>305. CORPORATE RELIGIOUS LIBERTY 30 Const. Comment. 277 , 308</p> <p>Do for-profit corporations have a right to religious liberty? That is, may a business that sells craft materials or manufactures wood cabinets be excused from obeying a law because...</p>	2015	Law Review	—	—
—	<p>306. THE PRICE OF EXPERIENCE: THE CONSTITUTION AFTER SEPTEMBER 11, 2001 19 Const. Comment. 37 , 61</p> <p>What is the price of experience? Do men buy it for a song? Or wisdom for a dance in the street? No, it is bought with the price Of all a man hath, his house, his wife, his...</p>	2002	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	307. ACCESS TO NETWORKS: ECONOMIC AND CONSTITUTIONAL CONNECTIONS 88 Cornell L. Rev. 885 , 1024+ A fundamental transformation is taking place in the basic approach to regulating network industries. Policy makers are in the process of abandoning their century-old commitment to...	2003	Law Review	—	—
—	308. THE PROGRESSIVENESS OF THE LOCHNER COURT 75 Denv. U. L. Rev. 453 , 505 In 1913, the legal historian Charles Warren published an article entitled "The Progressiveness of the United States Supreme Court." Contrary to charges that the Court was a...	1998	Law Review	—	—
—	309. CHECK YOUR RIGHTS AT THE DOOR: RETHINKING CONFISCATORY REGULATION 68 Drake L. Rev. 123 , 183 Traditionally, regulatory takings scholarship has focused myopically on real property. Instead, this Article explores an underappreciated side of the Takings Clause, offering a...	2020	Law Review	—	—
—	310. THE REQUIREMENTS OF THE "JUST AND REASONABLE" STANDARD: LEGAL BASES FOR REFORM OF ELECTRIC TRANSMISSION RATES 21 Energy L.J. 389 , 446 The return [on a public utility company's assets] should be reasonably sufficient to assure confidence in the financial soundness of the utility and should be adequate . . . to...	2000	Law Review	—	—
—	311. PROCEDURAL VERSUS SUBSTANTIVE ECONOMIC DUE PROCESS FOR PUBLIC UTILITIES 12 Energy L.J. 81 , 96+ The recent decision of the Court in Duquesne Light Co. v. Barasch (Duquesne), will be hailed by many as a significant reaffirmation of the continued relevance of the "end result"...	1991	Law Review	—	—
—	312. THE CONSTITUTIONAL LIMITS ON RATEMAKING: A REPLY TO FRANK DARR 12 Energy L.J. 111 , 116 Professor Darr's recent article, The Constitutional Limits On Ratemaking: A Response to William Pond, mounts a broad challenge to my 1989 essay addressing the fundamental...	1991	Law Review	—	—
—	313. THE CONSTITUTIONAL LIMITS ON RATEMAKING: A RESPONSE TO WILLIAM POND 11 Energy L.J. 53 , 64 The need to determine the constitutional limits of state action in setting utility rates has proved to be a difficult task. Since the 1944 decision in FPC v. Hope Natural Gas Co.,...	1990	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	314. UTILITY RATES AND "TAKINGS" 10 Energy L.J. 241 , 276+ During the 1960s, the nation's electric utilities embarked upon an ambitious program of expansion. In the belief that electricity sales would continue to double every decade, the...	1989	Law Review	—	—
—	315. "USED AND USEFUL': AUTOPSY OF A RATE MAKING POLICY 8 Energy L.J. 303 , 335 The 'used and useful' principle emerged from the primordial ooze of the public regulation of private enterprise and, in the epoch of 'fair value' ratemaking, entered common...	1987	Law Review	—	—
—	316. VERIZON COMMUNICATIONS, INC. V. FCC-TELECOMMUNICATIONS ACCESS PRICING AND REGULATOR ACCOUNTABILITY THROUGH ADMINISTRATIVE LAW AND TAKINGS JURISPRUDENCE 56 Fed. Comm. L.J. 563 , 585+ I. Introduction. 564 II. U.S. Telecommunications Regulation. 565 A. Deregulation Framework. 565 B. Access Pricing. 566 III. Administrative Law and Reviewing Telecommunications...	2004	Law Review	—	—
—	317. TELRIC VS. UNIVERSAL SERVICE: A TAKINGS VIOLATION? 56 Fed. Comm. L.J. 1 , 54+ I. Introduction. 2 II. TELRIC. 8 A. Unbundling under Federal Law. 8 B. The Definition of TELRIC. 11 III. Universal Service. 16 A. Federal and State Law. 16 B. The Federal...	2003	Law Review	—	—
—	318. RESPONSIBILITY, CAUSATION, AND THE HARM-BENEFIT LINE IN TAKINGS JURISPRUDENCE 6 Fordham Envtl. L.J. 433 , 521+ As one of the guarantees provided in the Bill of Rights, the Fifth Amendment's Compensation Clause restricts government's otherwise largely plenary power over privately-held...	1995	Law Review	—	—
—	319. CORPORATIONS ARE PEOPLE TOO: A MULTI-DIMENSIONAL APPROACH TO THE CORPORATE PERSONHOOD PUZZLE 15 Fordham J. Corp. & Fin. L. 97 , 177 I. Introduction. 98 II. Legal Theories of the Corporate Person. 106 A. Corporation as an Artificial and Dependent Person. 106 B. Corporation as an Aggregate Person. 109 C....	2009	Law Review	—	—
—	320. TAKINGS CLAUSE ANALYSIS OF UTILITY RATEMAKING DECISIONS: MEASURING HOPE'S INVESTOR INTEREST FACTOR 58 Fordham L. Rev. 427 , 432+ In its landmark 1944 decision, Federal Power Commission v. Hope Natural Gas Co., the Supreme Court established a deferential, end result standard for reviewing the...	1989	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>321. CONSTITUTIONAL PERSONHOOD 84 Geo. Wash. L. Rev. 605 , 667</p> <p>Over the past decade, in a variety of high-profile cases, the Supreme Court has grappled with difficult questions as to the constitutional personhood of a variety of claimants. Of...</p>	2016	Law Review	—	—
—	<p>322. SPLITTING THE ATOM OF PROPERTY: RIGHTS EXPERIMENTALISM AS OBLIGATION TO FUTURE GENERATIONS 77 Geo. Wash. L. Rev. 1411 , 1477+</p> <p>The Framers split the atom of sovereignty. It was the genius of their idea that our citizens would have two political capacities, one state and one federal, each protected from...</p>	2009	Law Review	—	—
—	<p>323. THE GILD THAT IS KILLING THE LILY: HOW CONFUSION OVER REGULATORY TAKINGS DOCTRINE IS UNDERMINING THE CORE PROTECTIONS OF THE TAKINGS CLAUSE 73 Geo. Wash. L. Rev. 429 , 520+</p> <p>Introduction. 430 I. The Constitutional Framework for Utility Compensation. 436 A. A Brief Introduction to Takings Law. 436 B. A Classic Utility Regime Inherently Involves a...</p>	2005	Law Review	—	—
—	<p>324. GOVERNMENT CONTRACTS- NONRESPONSIBILITY DETERMINATIONS- THE FEDERAL GOVERNMENT VIOLATES A CONTRACTOR'S DUE PROCESS LIBERTY INTEREST BY FAILING TO PROVIDE PRIOR NOTICE AND AN OPPORTUNITY TO REBUT CHARGES CONTAINED IN NONRES 50 Geo. Wash. L. Rev. 90 , 110+</p> <p>Old Dominion Dairy Products, Inc. (ODDPI) manufactured and processed dairy products on an international scale. After 1970, it devoted almost its entire business to contracting...</p>	1981	Law Review	—	—
—	<p>325. PUBLIC UTILITY REGULATORY TAKINGS: SHOULD THE JUDICIARY ATTEMPT TO POLICE THE POLITICAL INSTITUTIONS? 77 Geo. L.J. 2031 , 2077</p> <p>'The Court sustains this order as reasonable, but what makes it so or what could possibly make it otherwise, I cannot learn.' This was Justice Jackson's criticism of the 'end...</p>	1989	Law Review	—	—
—	<p>326. DEREGULATORY TAKINGS: STRANDED INVESTMENTS AND THE REGULATORY COMPACT IN A DEREGULATED ELECTRIC UTILITY INDUSTRY 31 Ga. L. Rev. 1183 , 1221</p> <p>The electric utility industry is in a state of uncertainty: as the industry moves towards deregulation and a competitive marketplace, the only clear signal is that deregulation...</p>	1997	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>327. BUYING BACK THE FIRST AMENDMENT: REGULATION OF DISPROPORTIONATE CORPORATE SPENDING IN BALLOT ISSUE CAMPAIGNS 17 Ga. L. Rev. 675 , 758</p> <p>[W]hat happens to the democratic process when some speakers lose the ability to be heard[?] In a 1976 ballot issue campaign in Colorado concerning mandatory deposits on bottled and...</p>	1983	Law Review	—	—
—	<p>328. ACCOUNTING FOR EXTRAORDINARY OBSOLESCENCE. 65 Harv. L. Rev. 1431 , 1443</p> <p>Industrial equipment may become obsolete for reasons that are unforeseeable and which, as a result, have not been compensated for in the firm's accounting system. The retirement of...</p>	1952	Law Review	—	—
—	<p>329. AN "ENLIGHTENED JUDGMENT" APPROACH TO RATE OF RETURN 61 Harv. L. Rev. 1380 , 1405</p> <p>IN reading M. C. Otto's excellent little philosophic volume The Human Enterprise recently, I came across a Chronicle of an Ancient Monastery, dated 1432. It reported a lively...</p>	1948	Law Review	—	—
—	<p>330. RAILROAD REVENUE PROBLEMS AS AFFECTED BY THE DECLINE IN TRAFFIC 48 Harv. L. Rev. 1382 , 1400</p> <p>An unprecedented decline in traffic as a result of the business depression, the pressure of competitive transportation agencies, and technological changes which reduce reliance on...</p>	1935	Law Review	—	—
—	<p>331. CONSTITUTIONAL LAW - FREEDOM OF SPEECH - RIGHT OF A CORPORATION TO FREEDOM OF SPEECH 48 Harv. L. Rev. 507 , 508+</p> <p>The complainant corporation, a pro-Nazi organization, proposed to hold a meeting in a hired hall. At previous meetings it had encouraged Jew-baiting and had fomented boycotts on...</p>	1935	Law Review	—	—
—	<p>332. CONSTITUTIONAL LAW - DUE PROCESS OF LAW - VALIDITY OF MINIMUM PRICES FOR PURCHASE AND SALE OF MILK 48 Harv. L. Rev. 331 , 332</p> <p>The New York Milk Control Board, acting under a statute, fixed a minimum price to be paid producers for fluid milk at five cents a quart and a minimum wholesale price of nine cents...</p>	1934	Law Review	—	—
—	<p>333. REGULATION OF PUBLIC UTILITIES DURING THE DEPRESSION 46 Harv. L. Rev. 745 , 775</p> <p>NEVER before in the quarter century of modern regulation of public utilities have economic conditions and business practices been a more important consideration to the lawyer who...</p>	1933	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>334. MOVEMENT IN SUPREME COURT ADJUDICATION - A STUDY OF MODIFIED AND OVERRULED DECISIONS 46 Harv. L. Rev. 361 , 403</p> <p>THE industrial organization which may be emerging from the present depression will require social adjustments by the Supreme Court. Labor unions have been encouraged by recent...</p>	1933	Law Review	—	—
—	<p>335. VALUATION AS A REQUIREMENT OF DUE PROCESS OF LAW IN RATE CASES 43 Harv. L. Rev. 1249 , 1281+</p> <p>THE O'Fallon case has passed into history with the ultimate question of the proper methods to be used in the valuation of public utility property, and especially of railroads,...</p>	1930	Law Review	—	—
—	<p>336. THE FEDERAL COURTS AND STATE REGULATION OF PUBLIC UTILITIES 43 Harv. L. Rev. 379 , 425</p> <p>A LOCAL electric light and power company is operating under a rate schedule which its managers find fails to produce an adequate net income. A new schedule providing for increased...</p>	1930	Law Review	—	—
—	<p>337. CONSTITUTIONAL LAW - TRANSPORTATION ACT OF 1920 - RECAPTURE OF EXCESS EARNINGS IN INTERSTATE AND INTRASTATE COMMERCE 37 Harv. L. Rev. 152 , 152</p> <p>The Transportation Act of 1920 provides that one-half the net earnings of any railroad in excess of 6% of the value of its property shall be held in trust for the United States and...</p>	1923	Law Review	—	—
—	<p>338. RAILWAY VALUATION AND THE COURTS 33 Harv. L. Rev. 902 , 928</p> <p>THE railways of the country have now secured a statutory rule of rate-making, which requires the Interstate Commerce Commission to fix such rates as will bring five and a half per...</p>	1920	Law Review	—	—
—	<p>339. RIGHT OF PUBLIC SERVICE COMPANY OR STATE COMMISSION TO ALTER RATES FIXED BY CONTRACT 33 Harv. L. Rev. 97 , 102</p> <p>II. The recent unprecedented increase in the costs of labor, materials, and capital has brought before the public utilities of the country the difficult legal question whether they...</p>	1919	Law Review	—	—
—	<p>340. VALUE OF THE SERVICE AS A FACTOR IN RATE MAKING 32 Harv. L. Rev. 516 , 530+</p> <p>"THE reasonableness of the schedule as a whole depends as has been seen, upon whether it yields a fair return to the carrier;" yet "the requirement that no person may be charged...</p>	1919	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	341. DISCRIMINATION BY A NATURAL GAS COMPANY 31 Harv. L. Rev. 1025 , 1028 It is axiomatic that, ordinarily, a public service company must extend its facilities to meet reasonable demands. The interests of the public generally, rather than those of the...	1918	Law Review	—	—
—	342. TAXATION - EXEMPTIONS - ASSIGNABILITY OF EXEMPTION GRANTED TO CORPORATION 22 Harv. L. Rev. 457 , 457 The charter of the X railroad company exempted its property forever from all taxes, and provided that the company was to pay the state each year 3 per cent of its earnings. It was...	1909	Law Review	—	—
—	343. REASONABLENESS OF MAXIMUM RATES AS A CONSTITUTIONAL LIMITATION UPON RATE REGULATION 21 Harv. L. Rev. 175 , 194+ THOMAS JEFFERSON, urging the necessity of a Bill of Rights in the Constitution of the United States, wrote to James Madison from Paris, March 15, 1789, as follows: "This...	1908	Law Review	—	—
—	344. THE RIGHT OF BAILEES TO CONTRACT AGAINST LIABILITY FOR NEGLIGENCE 20 Harv. L. Rev. 297 , 312 BETWEEN the law of bailments as it stands today and as it stood at the ancient common law is fixed a wide and remarkable gulf, whose broad expanse is bridged only by the...	1907	Law Review	—	—
—	345. RAILWAY RATE REGULATION 19 Harv. L. Rev. 487 , 510 RAILWAY rate regulation is now the subject of a brilliant debate in the Senate, a debate largely confined to legal questions, chief of which is whether or not Congress can give a...	1906	Law Review	—	—
—	346. CONGRESS, AND THE REGULATION OF CORPORATIONS 19 Harv. L. Rev. 168 , 199 AMONG the powers which the Constitution vests in Congress, was one whose grant few opposed and from which no apprehensions were entertained. This was "the simple power of...	1906	Law Review	—	—
—	347. PUBLIC SERVICE COMPANY RATES AND THE FOURTEENTH AMENDMENT. II 15 Harv. L. Rev. 353 , 381+ IF the enforcement of any state law or administrative order establishing a schedule of rates or prices will violate the constitutional rights of any person or corporation secured...	1902	Law Review	—	—
—	348. PUBLIC SERVICE COMPANY RATES AND THE FOURTEENTH AMENDMENT 15 Harv. L. Rev. 249 , 270+ IN view of the number and importance of the cases in which the protection of the Fourteenth Amendment to the United States Constitution is invoked in the Federal Courts by...	1901	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>349. THE NEBRASKA MAXIMUM FREIGHT RATES 12 Harv. L. Rev. 50 , 50</p> <p>Of the questions that complicate the modern economic system none is more difficult than that of the regulation of rates charged by quasi-public corporations, and, in particular, by...</p>	1898	Law Review	—	—
—	<p>350. CONSTITUTIONALITY OF THE SHERMAN ANTI-TRUST ACT OF 1890 11 Harv. L. Rev. 80 , 94</p> <p>THE decision of the Supreme Court of the United States in the case of the Trans-Missouri Traffic Association for the first time authoritatively declares the intended scope of the...</p>	1897	Law Review	—	—
—	<p>351. CONSTITUTIONAL LAW - STATE REGULATION OF TOLLS ON TURNPIKE ROADS 10 Harv. L. Rev. 450 , 450</p> <p>In 1890, the Kentucky legislature passed a statute which provided that a certain turnpike corporation should charge no tolls in excess of those prescribed by the statute. This act...</p>	1897	Law Review	—	—
—	<p>352. TRANSATLANTIC INFLUENCES ON AMERICAN CORPORATE JURISPRUDENCE: THEORIZING THE CORPORATION IN THE UNITED STATES 23 Ind. J. Global Legal Stud. 383 , 423</p> <p>In interpreting and evaluating the history of the Supreme Court's corporate jurisprudence, legal scholars have deployed three broad theories of corporate legal personality: the...</p>	2016	Law Review	—	—
—	<p>353. DO CORPORATIONS HAVE RELIGIOUS BELIEFS? 90 Ind. L.J. 47 , 99</p> <p>Despite two hundred years of jurisprudence on the topic of corporate personhood, the Supreme Court has failed to endorse a philosophically defensible theory of the corporation. In...</p>	2015	Law Review	—	—
—	<p>354. THE CORPORATE DEFAMATION PLAINTIFF AS FIRST AMENDMENT "PUBLIC FIGURE": NAILING THE JELLYFISH 68 Iowa L. Rev. 35 , 86</p> <p>How and where do we draw a line between public figures and private individuals [in defamation suits]? They are nebulous concepts. Defining public figures is much like trying to...</p>	1982	Law Review	—	—
—	<p>355. CONFORMING TO THE RULE OF LAW: WHEN PERSON AND HUMAN BEING FINALLY MEAN THE SAME THING IN FOURTEENTH AMENDMENT JURISPRUDENCE 22 Issues L. & Med. 119 , 195+</p> <p>ABSTRACT: The Fourteenth Amendment was intended to protect people from discrimination and harm from other people. Racism is not the only thing people need protection from. As a...</p>	2007	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>356. WHEN DOES A NON-BANK FINANCIAL COMPANY POSE A "SYSTEMIC RISK"? A PROPOSAL FOR CLARIFYING DODD-FRANK 37 J. Corp. L. 815 , 848</p> <p>I. Introduction. 816 II. Defining "Systemic Risk" . 819 A. Regulating Risk: 1933-1982. 820 B. Regulating Risk: 1982-2010. 821 C. Regulating Risk: 2010-Present. 826 1....</p>	2012	Law Review	—	—
—	<p>357. ANIMAL LEGAL DEFENSE FUND V. OTTER: INDUSTRIAL FOOD PRODUCTION SIMPLY IS NOT A PRIVATE MATTER 12 J. Food L. & Pol'y 16 , 52+</p> <p>I. Introduction. 17 II. Background. 20 A. The Competing Interests at Stake. 20 1. Privacy Rights for Agricultural Business Entities. 20 2. The Right to Know About Matters...</p>	2016	Law Review	—	—
—	<p>358. HUMAN RIGHTS FOR TRANSNATIONAL CORPORATIONS 16 J. Transnat'l L. & Pol'y 197 , 249+</p> <p>Transnational corporations and human rights law have come into increasing contact with one another in recent years. The primary issue arising from this contact is whether...</p>	2007	Law Review	—	—
—	<p>359. JUDGMENT WITHOUT NOTICE: THE UNCONSTITUTIONALITY OF CONSTRUCTIVE NOTICE FOLLOWING CITIZENS UNITED 105 Ky. L.J. 49 , 61+</p> <p>Citizens United v. Federal Election Commission positions a corporation as an entity entitled to constitutional rights equal to the rights of natural persons. In many situations,...</p>	2017	Law Review	—	—
—	<p>360. PREVENTING FLAWED COMMUNICATION POLICIES BY ADDRESSING CONSTITUTIONAL PRINCIPLES 2000 L. Rev. Mich. St. U. Det. C.L. 55 , 105</p> <p>L1-4,T4Introduction 56 I. L2-4,T4Governance Structure Affects Political and Economic Sustainability of Policy Objectives 56 II. L2-4,T4Economic Constraints on Regulatory...</p>	2000	Law Review	—	—
—	<p>361. KEEPING THE FAITH: HOW COURTS SHOULD DETERMINE "SINCERELY-HELD RELIGIOUS BELIEF" IN FREE EXERCISE OF RELIGION CLAIMS BY FOR-PROFIT COMPANIES 59 Loy. L. Rev. 723 , 790</p> <p>I. INTRODUCTION. 724 II. FREE EXERCISE OF RELIGION: THE BASICS OF THE CLAIM AND LESSONS FROM RELATED CASE-LAW. 730 A. The Current State of Free Exercise Jurisprudence in...</p>	2013	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>362. THE CORPORATE "PERSON": A NEW ANALYTICAL APPROACH TO A FLAWED METHOD OF CONSTITUTIONAL INTERPRETATION 37 Loy. U. Chi. L.J. 61 , 109+</p> <p>Over the last two hundred years, the American business corporation has developed from a seldom-used method of doing business into the predominant economic actor in society. Modern...</p>	2005	Law Review	—	—
—	<p>363. ADVANCING POSITIVE WATER RIGHTS 81 Md. L. Rev. 449 , 502</p> <p>Despite its necessity to survival, the United States does not recognize a positive right to water. Instead, access is determined largely by the free market. Consequently, millions...</p>	2022	Law Review	—	—
—	<p>364. PROFESSIONALS, BUSINESS PRACTITIONERS, AND PRUDENTIAL JUSTICE 39 McGeorge L. Rev. 835 , 849+</p> <p>In its 2006 annual survey of the public's perception of various occupations, USA Today and Gallup Poll reported that only eighteen percent of those surveyed found the standards for...</p>	2008	Law Review	—	—
—	<p>365. TORTURED LANGUAGE: "INDIVIDUALS," CORPORATE LIABILITY, AND THE TORTURE VICTIM PROTECTION ACT 96 Minn. L. Rev. 675 , 710</p> <p>In late May of 1998, a group of approximately 120 Ilaje youths boarded the Parabe oil platform, a site operated by Chevron Nigeria Ltd., to protest the oil company's destruction of...</p>	2011	Law Review	—	—
—	<p>366. OF METAPHORS AND MAGIC WANDS: ARE CORPORATIONS REALLY PEOPLE? 89 Miss. L.J. 1 , 42+</p> <p>I. How Did We Get Here?. 10 A. How Corporations Became People. 10 B. How Money Became Speech. 13 II. "Corporations Are People" is Not a Proper Legal Fiction. 15 III....</p>	2019	Law Review	—	—
—	<p>367. SWORDS, SHIELDS, AND SHACKLES: HUMAN AND CORPORATE "PERSONS" UNDER THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005 83 Miss. L.J. 293 , 324</p> <p>Introduction 294 I. Disciplining Neoliberalism, New Constitutionalism and the Bankruptcy Code 296 II. The Category of "Person" 301 III. Bankruptcy, BAPCPA, and "Persons" 306...</p>	2014	Law Review	—	—
—	<p>368. CORPORATE PERSONHOOD AND CONSTITUTIONAL RIGHTS FOR CORPORATIONS 54 New Eng. L. Rev. 23 , 48</p>	2019	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>369. FULL COMPETITION COMES TO THE TELECOMMUNICATIONS MARKET IN NEW JERSEY 197-JUN N.J. Law. 29 , 32</p> <p>With the passage of the Federal Telecommunications Act of 1996 on February 8, 1996, the United States Congress had a significant impact on the restructuring of the...</p>	1999	Law Review	—	—
—	<p>370. IF CORPORATIONS ARE PEOPLE, WHY CAN'T THEY PLAY TAG? 46 N.M. L. Rev. 1 , 42</p> <p>The Supreme Court's decision in Burnham v. Superior Court--despite producing a splintered vote with no opinion garnering a majority of the Court--made one thing clear: an...</p>	2016	Law Review	—	—
—	<p>371. GUNS, INC.: CITIZENS UNITED, MCDONALD, AND THE FUTURE OF CORPORATE CONSTITUTIONAL RIGHTS 86 N.Y.U. L. Rev. 887 , 957</p> <p>The Supreme Court began its 2009 Term by addressing the constitutional rights of corporations. It ended the Term by addressing the incorporated rights of the Constitution. In...</p>	2011	Law Review	—	—
—	<p>372. DEREGULATORY TAKINGS, BREACH OF THE REGULATORY CONTRACT, AND THE TELECOMMUNICATIONS ACT OF 1996 72 N.Y.U. L. Rev. 1037 , 1067+</p> <p>Professors Baumol and Merrill reply to Deregulatory Takings and Breach of the Regulatory Contract, published last year in this Review, which argued that the price incumbents may...</p>	1997	Law Review	—	—
—	<p>373. DEREGULATORY TAKINGS AND BREACH OF THE REGULATORY CONTRACT 71 N.Y.U. L. Rev. 851 , 999+</p> <p>Over the past century, as the regulatory state steadily expanded its reach, courts frequently addressed claims that regulatory actions amounted to an unconstitutional taking. ...</p>	1996	Law Review	—	—
—	<p>374. PUTTING THE "CORPORATE" BACK INTO CORPORATE PERSONHOOD 35 Nw. J. Int'l L. & Bus. 591 , 653</p> <p>Abstract: The Supreme Court has been wrestling with the doctrinal premises of corporate personhood on several occasions in recent years. The Court follows a long history of...</p>	2015	Law Review	—	—
—	<p>375. ORIGINALIST OR ORIGINAL: THE DIFFICULTIES OF RECONCILING CITIZENS UNITED WITH CORPORATE LAW HISTORY 91 Notre Dame L. Rev. 877 , 934+</p> <p>Much has and will continue to be written about the United States Supreme Court's decision in Citizens United v. FEC. In that decision, the Court held that the part of the...</p>	2016	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	376. STATES ARE PEOPLE TOO 75 Notre Dame L. Rev. 1121 , 1131 There is a joke making the rounds that purports to explain the Supreme Court's 1998-1999 Term, especially the three federalism cases decided on the last day: The Y2K bug hit the...	2000	Law Review	—	—
—	377. THE DEATH OF THE REGULATORY COMPACT: ADJUSTING PRICES AND EXPECTATIONS IN THE LAW OF REGULATED INDUSTRIES 67 Ohio St. L.J. 1265 , 1338+ Telecommunications regulation should be viewed as an attempt to solve the problem of financing large-scale public infrastructure over a sufficiently long period of time to pose...	2006	Law Review	—	—
—	378. RECONCEPTUALIZING THE THEORY OF THE FIRM-FROM NATURE TO FUNCTION 118 Penn St. L. Rev. 1 , 53 What is the "firm"? This Article revisits and explores the theory of the firm and corporate personhood and shows how the century-old discourse in this area still firmly shapes...	2013	Law Review	—	—
—	379. DISABLING CORPORATE SOVEREIGNTY IN A TRANSNATIONAL LAWSUIT 29 PoLAR Pol. & Legal Anthropology Rev. 23 , 41 This article examines the opening proceedings of a lawsuit against ChevronTexaco filed on behalf of 30,000 Ecuadorians for industrial contamination in the country's Amazonian...	2006	Law Review	—	—
—	380. ELIMINATING A HOSTILE ENVIRONMENT TOWARDS COLLEGES AND UNIVERSITIES: AN EXAMINATION OF THE OFFICE FOR CIVIL RIGHTS' UNCONSTITUTIONAL PROCESS AND PRACTICES 28 Regent U. L. Rev. 225 , 252 One hundred and forty sexual assault investigations at 124 colleges and universities. The numbers are startling, but the handling of these investigations by the United States...	2016	Law Review	—	—
—	381. DEREGULATORY TAKINGS AND BREACH OF THE REGULATORY CONTRACT 4 Rich. J.L. & Tech. 2 , 57 I. Moderator: The Honorable Theodore V. Morrison, Jr. II. Lewis F. Powell, III III. Thomas W. Merrill The October 1996 issue of the New York University Law Review includes a work...	1997	Law Review	—	—
—	382. TRANSITIONAL LOSSES IN THE ELECTRIC POWER MARKET: A CHALLENGE TO THE PREMISES UNDERLYING THE ARGUMENTS FOR COMPENSATION 52 Rutgers L. Rev. 649 , 718 In this Article, Professor Lois R. Lupica examines whether the electric utility industry, currently in the midst of deregulation, ought to sustain the resulting transition losses....	2000	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>383. THE UNEASY RELATIONSHIP OF HOBBY LOBBY, CONESTOGA WOOD, THE AFFORDABLE CARE ACT, AND THE CORPORATE PERSON: HOW A HISTORICAL MYTH CONTINUES TO BEDEVIL THE LEGAL SYSTEM</p> <p>7 St. Louis U. J. Health L. & Pol'y 201 , 272+</p> <p>I. Introduction. 203 II. Background. 212 A. The Corporate Person in Historical Context. 212 B. The Supreme Court's Seminal Decisions: The Corporate Person and the Fourteenth...</p>	2014	Law Review	—	—
—	<p>384. CONSTITUTIONAL LIMITATIONS ON THE ABILITY OF STATES TO REHABILITATE THEIR FAILED ELECTRIC UTILITY RESTRUCTURING PLANS</p> <p>31 Seattle U. L. Rev. 593 , 643+</p> <p>In recent years, several states have struggled with the consequences of regulatory regimes they adopted in the late 1990s to restructure the electric utility industry. When they...</p>	2008	Law Review	—	—
—	<p>385. HISTORICIZING JUDICIAL SCRUTINY</p> <p>57 S.C. L. Rev. 1 , 83</p> <p>I. Introduction. 2 II. Republican Constitutional Theory and Judicial Review: The Traditional Regime. 7 A. Republican Constitutional Thought and the Principle of Departmental...</p>	2005	Law Review	—	—
—	<p>386. RANDONE REVISITED: DUE PROCESS PROTECTION FOR COMMERCIAL NECESSITIES</p> <p>26 Stan. L. Rev. 673 , 688</p> <p>Nearly 5 years have passed since Sniadach v. Family Finance Corp. left its indelible mark on debtor-creditor relations by invalidating a Wisconsin law permitting the prejudgment...</p>	1974	Law Review	—	—
—	<p>387. THE SECOND COMING OF SMYTH V. AMES</p> <p>77 Tex. L. Rev. 1535 , 1569+</p> <p>The last time a book on regulatory policy caused this great a stir, "Bork" was a proper noun rather than an impertinent verb. Deregulatory Takings and the Regulatory Contract:...</p>	1999	Law Review	—	—
—	<p>388. CONSTITUTIONAL LAW-GOVERNMENTAL PRICE FIXING IN COMPETITIVE INDUSTRY</p> <p>14 Tex. L. Rev. 65 , 71</p> <p>In governmental price fixing, there are two major questions to be considered. The first is one as to whether or not the particular business is sufficiently affected with a public...</p>	1935	Law Review	—	—
—	<p>389. CONSTITUTIONAL LAW-REGULATION OF BUSINESS AND THE FOURTEENTH AMENDMENT</p> <p>7 Tex. L. Rev. 474 , 475</p> <p>A Pennsylvania statute prohibited ownership of drug stores except by licensed pharmacists and, in the case of corporations, required all members to be so licensed, except that...</p>	1929	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	390. SOME PROS AND CONS OF JUDICIAL REVIEW OF LEGISLATION 3 Tex. L. Rev. 134 , 151 Dissatisfaction with the United States Supreme Court and its decisions is a phenomenon that has occurred at frequent and almost regular intervals in American history. It approached...	1925	Law Review	—	—
—	391. FETAL PERSONHOOD AND THE ORIGINAL MEANINGS OF "PERSON" 26 Tex. Rev. L. & Pol. 485 , 554+ Introduction. 487 I. Originalism. 491 II. The Equal-Protection Argument for Originalist Abolitionism. 495 III. The Ordinary-Meaning Argument for Fetal Personhood. 501 A. Roe's...	2022	Law Review	—	—
—	392. IF I WERE A CORPORATION, I'D BE A CONSTITUTIONAL PERSON, TOO 10 Tex. Rev. L. & Pol. 427 , 447 I. Introduction. 428 II. The Common Law. 428 III. The Fourteenth Amendment. 430 IV. Oppression. 432 V. Equality and Justice for Both the Rich and the Poor. 432 VI. The Supreme...	2006	Law Review	—	—
—	393. BLACK GOLD BENEATH THE LOBLOLLY PINES: THE TAKINGS CLAUSE AND HYDRAULIC FRACTURING IN ST. TAMMANY PARISH, LOUISIANA 28 Tul. Envtl. L.J. 409 , 431 I. Introduction. 409 II. St. Tammany Parish. 410 A. Parish Description. 410 B. Tuscaloosa Marine Shale and St. Tammany Land. 411 C. What Is a Wetland?. 413 D. Local...	2015	Law Review	—	—
—	394. THE BODY, INCORPORATED 87 Tul. L. Rev. 457 , 509 Legal personhood has become a contested issue for individuals of all political persuasions. Some activists seek to expand the boundaries of legal personhood to include fetuses,...	2013	Law Review	—	—
—	395. BEFORE LOCHNER-DIVERSITY JURISDICTION AND THE DEVELOPMENT OF GENERAL CONSTITUTIONAL LAW 74 Tul. L. Rev. 1263 , 1322+ Constitutional scholars have long sought to locate the roots of the "Lochner era" during which the United States Supreme Court actively enforced implied limits on governmental...	2000	Law Review	—	—
—	396. THE CORPORATION AS A "REAL" CONSTITUTIONAL PERSON 11 U.C. Davis Bus. L.J. 221 , 265+ Corporate scholars have argued over the doctrinal vision of a corporation for centuries. In 2010, the Supreme Court delivered its opinion in Citizens United v. FEC and, while...	2011	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	397. RENT CONTROL IN THE NEW LOCHNER ERA 23 UCLA J. Envtl. L. & Pol'y 211 , 271 I. Introduction. 212 II. Recent Developments. 214 III. The Takings Clause. 217 A. Fifth Amendment 'Property'. 219 1. Background Principles. 219 2. Fractional Property....	2005	Law Review	—	—
—	398. CAN A TAILOR MEND THE ANALYTICAL HOLE? A FRAMEWORK FOR UNDERSTANDING CORPORATE CONSTITUTIONAL RIGHTS 64 UCLA L. Rev. 452 , 507 The Supreme Court's decisions relating to corporate constitutional rights are a conceptual quagmire. While the Court has grappled with the proper scope of corporate rights for more...	2017	Law Review	—	—
—	399. THE SOLOMON AMENDMENT, EXPRESSIVE ASSOCIATIONS, AND PUBLIC EMPLOYMENT 54 UCLA L. Rev. 1767 , 1813 Employment law commentators have paid insufficient attention to the Solomon Amendment case of Rumsfeld v. Forum for Academic & Institutional Rights, Inc. (FAIR) and its discussion...	2007	Law Review	—	—
—	400. "LET ECONOMIC EQUALITY TAKE CARE OF ITSELF": THE NAACP, LABOR LITIGATION, AND THE MAKING OF CIVIL RIGHTS IN THE 1940S 52 UCLA L. Rev. 1393 , 1486 During World War II, the lawyers of the NAACP considered the problem of discrimination in employment as one of the two most pressing problems (along with voting) facing African...	2005	Law Review	—	—
—	401. TOWARD A GENERAL THEORY OF CONSTITUTIONAL PERSONHOOD: A THEORY OF CONSTITUTIONAL PERSONHOOD FOR TRANSGENIC HUMANOID SPECIES 39 UCLA L. Rev. 1425 , 1510+ L1-2Introduction 1428 I. The Genetic Engineering Controversy. 1433 A. Creating Transgenic Animals. 1434 B. Patenting Human Beings. 1437 C. The Patent Debate and Constitutional...	1992	Law Review	—	—
—	402. THE CONSTITUTION IN THE SUPREME COURT: THE PROTECTION OF ECONOMIC INTERESTS, 1889-1910 52 U. Chi. L. Rev. 324 , 388 The Supreme Court's first hundred years virtually ended with the death of Chief Justice Morrison R. Waite in March 1888. Five of Waite's brethren—Stanley Matthews, Samuel F....	1985	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>403. SEMANTIC HYGIENE FOR THE LAW OF REGULATORY TAKINGS, DUE PROCESS, AND UNCONSTITUTIONAL CONDITIONS- MAKING USE OF A MUDDY SUPREME COURT EXACTIONS CASE</p> <p>89 U. Colo. L. Rev. 741 , 807</p> <p>An unfortunate amount of semantic confusion currently burdens the constitutional process of balancing private property rights and governmental public welfare protections. The Fifth...</p>	2018	Law Review	—	—
—	<p>404. CONSTITUTIONAL CONTOURS FOR THE DESIGN AND IMPLEMENTATION OF MULTISTATE RENEWABLE ENERGY PROGRAMS AND PROJECTS</p> <p>81 U. Colo. L. Rev. 771 , 832</p> <p>States are increasingly considering multistate efforts to promote the production, sale, and use of renewable energy. For example, in August 2009, policymakers and stakeholders...</p>	2010	Law Review	—	—
—	<p>405. STANDING IN THE SHADOWS OF GIANTS: THE ROLE OF INTERGENERATIONAL EQUITY IN TELECOMMUNICATIONS REFORM</p> <p>71 U. Colo. L. Rev. 921 , 973</p> <p>I. In the Land of Mordor Where the Shadows Lie. 921 II. Telecommunications Law Across the Generations. 926 A. The Dead Hand: Stranded Cost Recovery. 927 B. The Open Hand:...</p>	2000	Law Review	—	—
—	<p>406. YOU CAN'T ALWAYS GET WHAT YOU WANT-WILL TWO RECENT STATE COURT DECISIONS TARNISH THE POLITICAL PROMISE OF ELECTRICITY INDUSTRY DEREGULATION?</p> <p>76 U. Det. Mercy L. Rev. 501 , 570</p> <p>As the nation prepares to enter the new century, the rules governing the sale and distribution of electricity within its borders are about to change. Like the airlines and...</p>	1999	Law Review	—	—
—	<p>407. A UNIFIED FRAMEWORK TO ADJUDICATE CORPORATE CONSTITUTIONAL RIGHTS</p> <p>39 U. Haw. L. Rev. 115 , 169+</p> <p>Since the early Nineteenth Century, the Supreme Court's conception of corporate constitutional rights has been subject to periodic movement. As a result of those movements, the...</p>	2016	Law Review	—	—
—	<p>408. PRICE CONTROLS IN PARADISE: FORESHADOWING THE LEGAL AND ECONOMIC CONSEQUENCES OF HAWAII'S GASOLINE PRICE CAP LAW</p> <p>27 U. Haw. L. Rev. 549 , 597</p> <p>The really challenging job is deciding not what the ultimate economically rational equilibrium should look like, but what is economically rational in an irrational world, and how...</p>	2005	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	409. THE CLAIM OF JUDICIAL FINALITY: THEORY UNDERCUT BY EXPERIENCE 16 U. N.H. L. Rev. 305 , 358 Justices of the Supreme Court, legal scholars, and reporters who cover judicial proceedings frequently claim that when the Court issues a constitutional decision it remains final...	2018	Law Review	—	—
—	410. CLIMBING BACK INTO THE CONUNDRUM CAULDRON: REVISITING THE SMLLC PRO SE PROHIBITION 23 U. Pa. J. Bus. L. 1018 , 1071 I. Introduction. 1019 II. Historical Perspective on the Pro Se Litigation Right. 1021 III. Applying Pro Se Principles to the SMLLC (vis-a-vis other Juridical Entities). 1026...	2021	Law Review	—	—
—	411. CORPORATE FIRST AMENDMENT RIGHTS AFTER CITIZENS UNITED: AN ANALYSIS OF THE POPULAR MOVEMENT TO END THE CONSTITUTIONAL PERSONHOOD OF CORPORATIONS 14 U. Pa. J. Bus. L. 209 , 259 One of the most controversial Supreme Court cases last year was Citizens United v. Federal Election Commission. In a sharply divided 5-4 decision, the Court invalidated strict...	2011	Law Review	—	—
—	412. PLUS CA CHANGE, PLUS C'EST LA MEME CHOSE: 1990 AMENDMENTS TO CLEAN AIR ACT AND THEIR IMPACT ON UTILITY REGULATION 55 U. Pitt. L. Rev. 171 , 206+ Congress enacted Title IV of the Clean Air Act Amendments of 1990 ("CAAA") in response to growing concern over the environmental damage caused by acid rain. The primary purpose...	1993	Law Review	—	—
—	413. ECONOMIC REGULATION IN THE UNITED STATES: THE CONSTITUTIONAL FRAMEWORK 40 U. Rich. L. Rev. 949 , 980 The United States of America is well-known (and occasionally well-liked or loathed) as the world's largest free-market capitalist nation. Indeed, many assume that since the United...	2006	Law Review	—	—
—	414. WHEN HARRY MET SALLIE MAE: MARRIAGE, CORPORATE PERSONHOOD, AND HYPERBOLE IN AN EVOLVING LANDSCAPE 49 U.S.F. L. Rev. 123 , 160 ON MAY 9, 2012, Robin Hansen stood at the altar. The groom, Bank of America, was nowhere to be found, presumably not from cold feet but rather suffering from certain ineluctable...	2015	Law Review	—	—
—	415. CITIZENS UNITED, CORPORATE PERSONHOOD, AND CORPORATE POWER: THE TENSION BETWEEN CONSTITUTIONAL LAW AND CORPORATE LAW 6 U. St. Thomas J. L. & Pub. Pol'y 285 , 316 In Citizens United v. Federal Election Commission, the Supreme Court invalidated strict federal campaign finance laws and upheld the First Amendment right of corporations to use...	2012	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	416. RUFUS W. PECKHAM AND ECONOMIC LIBERTY 62 Vand. L. Rev. 591 , 638 I. Background. 593 II. Court of Appeals. 594 III. Supreme Court Appointment. 604 IV. The Fuller Court. 605 V. Liberty of Contract. 606 VI. Takings Jurisprudence. 612 VII. Rate...	2009	Law Review	—	—
—	417. FRANKENSTEIN'S BABY: THE FORGOTTEN HISTORY OF CORPORATIONS, RACE, AND EQUAL PROTECTION 108 Va. L. Rev. 581 , 656 This Article highlights the crucial role corporations played in crafting an expansive interpretation of the Fourteenth Amendment. Exposing the role of race in the history of the...	2022	Law Review	—	—
—	418. HURRICANES AND WINDFALLS: TAKINGS AND PRICE CONTROLS IN EMERGENCIES 79 Va. L. Rev. 1235 , 1270 Most lawyers and law students know that if the state or federal government takes property by eminent domain, the government must compensate the owner by paying him the market value...	1993	Law Review	—	—
—	419. UNDERSTANDING THE LOCHNER ERA: LESSONS FROM THE CONTROVERSY OVER RAILROAD AND UTILITY RATE REGULATION 70 Va. L. Rev. 187 , 263 The Lochner era was a period of controversy and change in American constitutional law. During that period, economic forces challenged and ultimately overthrew traditionally...	1984	Law Review	—	—
—	420. TIME TO LIFT THE VEIL OF INEQUALITY IN HEALTH-CARE COVERAGE: USING CORPORATE LAW TO DEFEND THE AFFORDABLE CARE ACT 50 Wake Forest L. Rev. 137 , 185+ Under the Affordable Care Act ("ACA"), large employers, except for religious organizations, must provide employees with health insurance coverage, including health care related...	2015	Law Review	—	—
—	421. CORPORATE LAW, MISDIRECTION, AND THE OBESITY EPIDEMIC 60 Washburn L.J. 197 , 244 Soda is among the primary causes of the U.S. obesity epidemic, which kills approximately 300,000 Americans each year from heart disease, hypertension, stroke, and diabetes. ...	2021	Law Review	—	—
—	422. DODGING A BULLET: MCDONALD V. CITY OF CHICAGO AND THE LIMITS OF PROGRESSIVE ORIGINALISM 19 Wm. & Mary Bill Rts. J. 369 , 417 The Supreme Court's decision in last term's gun rights case, McDonald v. City of Chicago, punctured the conventional wisdom after District of Columbia v. Heller that "we are all..."	2010	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	423. ADMINISTRATIVE LAW IN ENGLAND: THE EMERGENCE OF A NEW REMEDY 27 Wm. & Mary L. Rev. 715 , 739 A new remedy, the "application for judicial review," came into operation in England and Wales early in 1978 through adoption of the new Order 53 of the Rules of the Supreme...	1986	Law Review	—	—
—	424. WHO PAYS FOR CARBON COSTS? UNCERTAINTY AND RISK IN RESPONSE TO THE CURRENT PATCHWORK OF CARBON REGULATION FOR PUBLIC UTILITIES 36 Wm. Mitchell L. Rev. 904 , 949 I. Introduction. 905 II. The IPCC States That Global Warming is "Unequivocal" . 907 III. Carbon Reduction Initiatives in all Branches of Government Create Unequivocal...	2010	Law Review	—	—
—	425. LAYING THE DORMANT COMMERCE CLAUSE TO REST 91 Yale L.J. 425 , 485 Judging from the numbers alone, the dormant commerce clause seems to be experiencing a renaissance. During the years 1953 through 1975, the United States Supreme Court issued only...	1982	Law Review	—	—
—	426. VITALITY OF THE COMPARABLE EARNINGS STANDARD FOR REGULATION OF UTILITIES IN A GROWTH ECONOMY 74 Yale L.J. 989 , 1018 Among the most complex and searching problems of modern government is the delineation of standards for determining the "fair return" to be accorded a privately owned company the...	1965	Law Review	—	—
—	427. THE JUDICIAL INTERPRETATION OF PUBLIC UTILITY FRANCHISES 39 Yale L.J. 957 , 979 The United States Supreme Court has recently added one more decision to the long list of cases on the contractual aspects of public utility franchises. The specific question...	1930	Law Review	—	—
—	428. CONFISCATORY RATES AND MODERN FINANCE 39 Yale L.J. 151 , 187+ What rate of return must be allowed before a publicly regulated rate is held to be confiscatory? May the regulatory body in fixing the rate consider the actual result flowing from...	1929	Law Review	—	—
—	429. THE RECAPTURE OF EARNINGS PROVISIONS OF THE TRANSPORTATION ACT 32 Yale L.J. 213 , 223 On the 28th of February, 1920, an act was passed by Congress called the "Transportation Act, 1920," which provided for termination of federal control of railroads, settlement of...	1923	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	430. A REVIEW OF THE FEDERAL VALUATION OF RAILROADS 32 Yale L.J. 37 , 52 In view of the extensive discussion of the various phases of the railroad situation, and the many angles from which it has been approached by current writers, it is somewhat...	1922	Law Review	—	—
—	431. WILL THE CALIFORNIA ALIEN LAND LAW STAND THE TEST OF THE FOURTEENTH AMENDMENT? 23 Yale L.J. 330 , 338 The Fourteenth Amendment has had the most intricate and the most interesting history of any part of our Constitution. Adopted through the pressure caused by a concrete social and...	1914	Law Review	—	—
—	432. FEDERAL INTERVENTION UNDER THE FOURTEENTH AMENDMENT 21 Yale L.J. 470 , 488 It is not the purpose of this article to enter into a discussion of the philosophy of the relation of the States to the Federal government, nor to give an exhaustive treatment of...	1912	Law Review	—	—
—	433. GOVERNMENTAL REGULATION OF RATES UNDER THE FOURTEENTH AMENDMENT 18 Yale L.J. 343 , 346+ Among the numerous decisions which have been rendered by the Supreme Court of the United States in regard to the regulation of rates to be charged by public-service corporations,...	1909	Law Review	—	—
—	434. CARRIERS-CONSTITUTIONAL LAW-REASONABLE RATES 17 Yale L.J. 191 , 193 The recent rate laws have been productive of much trouble between the State and United States authorities. In both Missouri and North Carolina, open conflict seems to have been...	1908	Law Review	—	—
—	435. THE CORPORATE ENTITY IN AN ERA OF MULTINATIONAL CORPORATIONS I. INTRODUCTION II. TRADITIONAL THEORIES OF THE NATURE OF THE CORPORATE PERSONALITY III. THE CORPORATE PERSONALITY IN THE COURTS A. Constitutional Applications 1. "Citizens"DD'...	1990	Other Secondary Source	—	—
—	436. P 31,048 PROMOTING WHOLESALE COMPETITION THROUGH OPEN ACCESS NON-DISCRIMINATORY TRANSMISSION SERVICES BY PUBLIC UTILITIES; RECOVERY OF STRANDED COSTS BY PUBLIC UTILITIES AND TRANSMITTING UTILITIES, ORDER NO. 888-A, MARC Federal Energy Regulatory Commission Reporter Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting...	2019	Other Secondary Source	—	—

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—	437. P 61,187 J.P. MORGAN VENTURES ENERGY CORPORATION, DOCKET NOS. ER13-830-003 AND ER13-830-004 Federal Energy Regulatory Commission Reporter J.P. Morgan Ventures Energy Corporation, Docket Nos. ER13-830-003 and ER13-830-004 [62,036] J.P. Morgan Ventures Energy Corporation, Docket Nos. ER13-830-003 and ER13-830-004 Order...	2013	Other Secondary Source	—	—
—	438. P 61,274 CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION, DOCKET NOS. ER06-615-000, ER02-1656-027, ER02-1656-029, ER02-1656-030 AND ER02-1656-031 Federal Energy Regulatory Commission Reporter California Independent System Operator Corporation, Docket Nos. ER06-615-000, ER02-1656-027, ER02-1656-029, ER02-1656-030 and ER02-1656-031 [62,119] California Independent System...	2006	Other Secondary Source	—	—
—	439. 57 FERC P 61,050, MOBILE BAY PIPELINE , PROJECTS, DOCKET NO. CP88-570-006, FLORIDA GAS TRANSMISSION COMPANY AND SOUTHERN NATURAL GAS COMPANY, DOCKET NO. CP87-415-004, TENNESSEE GAS PIPELINE COMPANY, DOCKET NO. CP88-437-0 Federal Energy Regulatory Commission Reporter 57 FERC ¶ 61,050, Mobile Bay Pipeline , Projects, Docket No. CP88-570-006, Florida Gas Transmission Company and Southern Natural Gas Company, Docket No. CP87-415-004, Tennessee Gas...	1991	Other Secondary Source	—	—
—	440. P 199,546 CYRIL B. KORTE, JANE E. KORTE, AND KORTE & LUITJOHAN CONTRACTORS, INC., PLAINTIFFS-APPELLANTS, V. KATHLEEN SEBELIUS, SECRETARY OF HEALTH & HUMAN SERVICES, ET AL., DEFENDANTS-APPELLEES. WILLIAM D. GROTE, III; W Labor & Employment Law CYRIL B. KORTE, JANE E. KORTE, and KORTE & LUITJOHAN CONTRACTORS, INC., Plaintiffs-Appellants, v. KATHLEEN SEBELIUS, Secretary of Health & Human Services, et al.,...	2013	Other Secondary Source	—	—
—	441. MARSH V. ALABAMA. Labor & Employment Law 326 U.S. 501 MARSH v. ALABAMA. MARSH v. ALABAMA, 326 U.S. 501 (1946) APPEAL FROM THE COURT OF APPEALS OF ALABAMA. No. 114. Argued December 6, 1945. Decided January 7, 1946. APPEAL...	1946	Other Secondary Source	—	—
—	442. EX PARTE YOUNG. Labor & Employment Law 209 U.S. 123 Ex parte YOUNG. EX PARTE YOUNG, 209 U.S. 123 (1908) PETITION FOR WRITS OF HABEAS CORPUS AND CERTIORARI. No. 10, Original. Argued December 2, 3, 1907. Decided March 23,...	1908	Other Secondary Source	—	—

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—	443. P 304,681 GROTE V. SEBELIUS, KORTE V. SEBELIUS Medicare and Medicaid Guide Grote v. Sebelius, Korte v. Sebelius ¶ 304,681. U.S. Court of Appeals, Seventh Circuit, No. 12-3841, 735 F.3d 654, November 8, 2013. CYRIL B. KORTE, JANE E. KORTE, and KORTE &...	2013	Other Secondary Source	—	—
—	444. P 271,390 CYRIL B. KORTE, JANE E. KORTE, AND KORTE & LUITJOHAN CONTRACTORS, INC., PLAINTIFFS-APPELLANTS, V. KATHLEEN SEBELIUS, SECRETARY OF HEALTH & HUMAN SERVICES, ET AL., DEFENDANTS-APPELLEES. WILLIAM D. GROTE, III; W Pension Plan Guide (CCH) CYRIL B. KORTE, JANE E. KORTE, and KORTE & LUITJOHAN CONTRACTORS, INC., Plaintiffs-Appellants, v. KATHLEEN SEBELIUS, Secretary of Health & Human Services, et al.,...	2013	Other Secondary Source	—	—
—	445. P 9348 AUBURN MEDICAL CENTER, INC. V. J. ELBERT PETERS, ETC., ET AL. RICO Business Disputes Guide Auburn Medical Center, Inc. v. J. Elbert Peters, etc., et al. ¶ 9348. 953 FSupp 1518. U.S. District Court, Middle District of Alabama, Northern Division. Civil Action No....	1997	Other Secondary Source	—	—
—	446. Constitutional Law of Canada, 5th Edition s 37:2, § 37:2. Everyone, anyone, any person Sections 2, 7, 8, 9, 10, 12 and 17 of the Charter open with the phrase, "Everyone has the right". In ss. 11 and 19 "any person" replaces "everyone"; s. 20 uses "any member..."	2022	Other Secondary Source	—	—