

(Last update: January 27, 2007)

### **SUPREME COURT JURISDICTION CASES:**

1. *Reily v. Lamar*, 2 Cranch 344 (1804):

Person living in Maryland at time of creation of Washington, D.C., became a D.C. resident by remaining there, and was no longer a state resident.

2. *United States v. Bevens*, 16 U.S. (3 Wheat.) 336 (1818):

Murder committed on U.S. warship in Boston harbor held to be within jurisdiction of the state and not that of the United States.

3. *New Orleans v. United States*, 35 U.S. (10 Pet.) 662 (1836):

Both parties claimed ownership to land; court held that city was owner.

4. *Pollard v. Hagan*, 44 U.S. (3 How.) 212 (1845):

Contest over title to real property adjacent Mobile Bay.

5. *United States v. Erie Ry. Co.*, 106 U.S. 327, 333, 1 S.Ct. 223 (1882):

Federal tax case, no important principle within majority opinion. However, Justice Field wrote in his dissent:

"The power of the United States to tax is limited to persons, property, and business within their jurisdiction, as much as that of a state is limited to the same subjects within its jurisdiction."

6. *Fort Leavenworth R. Co. v. Lowe*, 114 U.S. 525, 5 S.Ct. 995 (1885):

Court held that the state could tax railroad company's property inside Fort Leavenworth enclave due to fact that state reserved power to tax in cession act.

7. *Chicago, R. I. & P. Ry. Co. v. McGlinn*, 114 U.S. 542, 5 S.Ct. 1005 (1885):

Railroad company's train passing through Fort Leavenworth enclave struck and killed McGlinn's cow. State law at time of cession required railroads to fence rights-of-way. Court held state law in existence at time of cession applied to enclave.

8. [\*Benson v. United States\*](#), 146 U.S. 325, 13 S.Ct. 60 (1892): Benson convicted of murder committed at Fort Leavenworth; he contended that U.S. had no jurisdiction over fort for part not used for military purposes. But, court held that U.S. had jurisdiction over all property owned by the U.S.

9. [\*Palmer v. Barrett\*](#), 162 U.S. 399, 16 S.Ct. 837 (1896): The U.S. had jurisdiction over Brooklyn Navy Yard, but leased part thereof to New York City for a market. City subleased market spaces and this was state court action regarding dispute between two tenants. Court held state court had subject matter jurisdiction since act of cession applied only as long as the U.S. used property for government purposes, and the U.S. lease to city caused reversion of state jurisdiction.

10. *Camfield v. United States*, 167 U.S. 518, 17 S.Ct. 864 (1897): Railroad owned all odd sections and U.S. owned all even sections in two townships. Camfield fenced around outside of both townships, thus getting benefits of government lands. Court held that fences had to be torn down. It held that U.S., as proprietor of its own lands, could regulate use of its lands via police powers.

11. *Hamburg American Steamship Co. v. Grube*, 196 U.S. 407, 25 S.Ct. 352 (1905): Suit for wrongful death occurring in New York harbor as result of ship collision. In vicinity, the U.S. owned Sandy Hook, and ship company claimed that state law did not apply at place of collision. Court affirmed state court judgment, finding that Sandy Hook cession did not likewise include cession over waters.

12. [\*Battle v. United States\*](#), 209 U.S. 36, 28 S.Ct. 422 (1908): The U.S. bought land for site of post office and courthouse and state ceded jurisdiction. Battle was convicted of murder which occurred during construction, and he argued that the U.S. had no jurisdiction over this offense. Court held that the U.S. had jurisdiction.

13. [\*Western Union Telegraph Co. v. Chiles\*](#), 214 U.S. 274, 29 S.Ct. 613 (1909): Navy gunner at Norfolk Navy Yard sued telegraph company to recover penalty permitted by state law for failure to deliver

telegram. Court held that this state law had no application within U.S. jurisdiction.

14. *Holt v. United States*, 218 U.S. 245, 31 S.Ct. 2 (1910):  
Indictment charging murder within U.S. jurisdiction held sufficient.

15. *United States v. Grimaud*, 220 U.S. 506, 31 S.Ct. 480 (1911):  
The U.S. owned grazing lands in public domain; grazing was regulated via requirement to obtain permit. Grimaud grazed without permit and was indicted. Court held regulations applying to federal property valid. See also *Light v. United States*, 220 U.S. 523, 31 S.Ct. 485 (1911).

16. [\*Western Union Telegraph Co. v. Brown\*](#), 234 U.S. 542, 34 S.Ct. 955 (1914):  
Brown, in D.C., did not receive telegram informing of sister's death; he sued in state to recover damages for non-delivery in D.C. Court held suit could not be based on state law for tort committed in U.S. jurisdiction.

17. *Omaechevarria v. State of Idaho*, 246 U.S. 343, 346, 38 S.Ct. 323 (1918):  
Idaho law with penal provisions regulating grazing held applicable to federal rangelands.

"[T]he police power of the state extends over the federal public domain, at least when there is no legislation by Congress on the subject."

18. [\*Rodman v. Pothier\*](#), 264 U.S. 399, 44 S.Ct. 360 (1924):  
The U.S. indicted Pothier for murder committed in Washington State at Camp Lewis; he was arrested in Rhode Island and instituted a habe arguing that Camp Lewis, at the time of offense, was only within state's jurisdiction. Court held that only district court in Washington could make such determination, not court in Rhode Island.

19. [\*Colorado v. Toll\*](#), 268 U.S. 228, 45 S.Ct. 505 (1925):  
State complained in federal court that superintendent of Rocky Mountain National Park was, pursuant to regulations, seeking to enforce the same in derogation of rights of state within the park,

especially over roads in the park. State contended that it had never ceded jurisdiction of lands in Park to the U.S. The district court dismissed complaint, but Supreme Court reversed; at issue was state cession of jurisdiction.

20. [\*Arlington Hotel Co. v. Fant\*](#), 278 U.S. 439, 49 S.Ct. 227 (1929):

The U.S. owned lands at Hot Springs National Park and hotel was built there. In 1903, state law provided that in event of fire an innkeeper was insurer of guest's property; the state ceded jurisdiction of park to U.S. in 1903. Here, there was a fire and property loss at hotel for which injured parties recovered judgment. Court affirmed, holding that law in existence at time of cession, and not law enacted thereafter, applied.

21. [\*United States v. Unzeuta\*](#), 281 U.S. 138, 50 S.Ct. 284 (1930):  
Unzeuta was indicted for murder committed on freight car, event occurring at Fort Robinson in Nebraska. He was successful in district court on his challenge to federal jurisdiction. But, the court reversed, holding that the railroad right-of-way was within U.S. jurisdiction, the state having ceded complete jurisdiction of fort to the U.S.

22. [\*Surplus Trading Co. v. Cook\*](#), 281 U.S. 647, 50 S.Ct. 455 (1930):

Arkansas county sought to impose tax on personal property of company located within Camp Pike, in U.S. jurisdiction. Court reversed state supreme court decision permitting the tax; court held that the state had no jurisdiction to tax this property within U.S. jurisdiction.

23. [\*Standard Oil Co. v. California\*](#), 291 U.S. 242, 54 S.Ct. 381 (1934):

Oil company sold and delivered oil to Presidio, within U.S. jurisdiction. Court held that the state had no jurisdiction to lay this tax.

24. [\*Murray v. Joe Gerrick & Co.\*](#), 291 U.S. 315, 54 S.Ct. 432 (1934):

Puget Sound Navy Yard owned by U.S. was ceded by state to U.S. in 1891. State adopted workmen's comp. law in 1911. Here,

estate of decedent killed at Navy Yard sought remedy under comp. law. Held, comp. law didn't apply in U.S. jurisdiction.

25. [\*James v. Dravo Contracting Co.\*](#), 302 U.S. 134, 58 S.Ct. 208 (1937):

Dravo obtained contract from U.S. to build dams on rivers in West Virginia. State sought tax on gross amounts of contracts and company sued in federal court to restrain collection, and obtained injunction. Court reversed and held that tax could be imposed for work performed in the state because the state statute reserved "concurrent jurisdiction" over federally owned lands.

26. [\*Silas Mason Co. v. Tax Commission of State of Washington\*](#), 302 U.S. 186, 58 S.Ct. 233 (1937):

Mason had contract to build parts of Grand Coulee Dam on Columbia River and sued in state court to enjoin state's effort to collect income tax, the argument being based upon an alleged lack of state jurisdiction. Court agreed with state supreme court that state cession statute was in this situation inapplicable to confer jurisdiction to U.S. for lands acquired for project; further, court found that evidence disclosed that U.S. did not accept jurisdiction over lands. Finding state jurisdiction, the tax was upheld.

27. [\*Atkinson v. State Tax Commission of Oregon\*](#), 303 U.S. 20, 58 S.Ct. 419 (1938):

Atkinson had contract to build part of Bonneville Dam on Columbia River in Oregon and challenged state income tax on jurisdictional grounds. Court upheld tax, finding that contractor's work was performed on property not owned by U.S., and on property owned by U.S., but for which the U.S. had not adequately demonstrated acceptance of jurisdiction, this being based on construction of state cession statute.

28. [\*Collins v. Yosemite Park & Curry Co.\*](#), 304 U.S. 518, 58 S.Ct. 1009 (1938):

State had ceded jurisdiction of park to U.S., but one act reserved right to tax. The park company sued to enjoin state's effort to collect tax on alcoholic beverages, alleging that state had no tax jurisdiction. The district court granted injunction and state appealed. Court reversed, holding that state in its cession act reserved right to tax and state taxes could be collected from park

company; but, regulatory provisions of tax acts could not be enforced inside the park.

29. *Bowen v. Johnston*, 306 U.S. 19, 59 S.Ct. 442 (1939):  
Bowen was convicted of murder at Chickamauga and Chattanooga National Park in Georgia, with park being in U.S. jurisdiction. He was incarcerated at Alcatraz and brought a habeas seeking his release on grounds that the U.S. had no jurisdiction at the park. The court, however, denied his release, finding both U.S. ownership and state cession for park.

30. *James Stewart & Co. v. Sadrakula*, 309 U.S. 94, 60 S.Ct. 431 (1940):  
Decedent was working on federal post office site, and state law required certain things regarding construction. This law was not followed at this site and as a result, his death occurred. Suit for wrongful death based on negligence via violating state law was instituted and recovery obtained. Court held that this state labor law, in existence at the time of state cession for post office, applied within enclave.

31. *Penn Dairies v. Milk Control Comm. of Pennsylvania*, 318 U.S. 261, 63 S.Ct. 617 (1943):  
State law regulated sales of milk and provided penalties; Penn Dairies sold milk at below lawful price to Army camp built on lands leased from state. Court upheld imposition of state penalty, there being no federal jurisdiction.

32. *Pacific Coast Dairy v. Dept. of Agriculture of California*, 318 U.S. 285, 63 S.Ct. 628 (1943):  
State law regulated sales price for milk and imposed penalties. Pacific Coast sold milk to Moffett Field at price below regulated price and state sought to impose penalty. Court held that since Moffett Field was in U.S. jurisdiction, penalty could not be imposed.

33. *Adams v. United States*, 319 U.S. 312, 63 S.Ct. 1122 (1943):  
Court held that since U.S. had not accepted jurisdiction over Camp Claiborne, the U.S. could not prosecute for rape committed there.

34. [\*Johnson v. Yellow Cab Transit Co.\*](#), 321 U.S. 383, 64 S.Ct. 622 (1944):

Liquor in transit to Fort Sill was seized by state officials, and carrier sued to recover the liquor; district court granted relief and state appealed. Court held state law making it illegal to transport liquor into state without a permit had no application to shipment destined for Fort Sill, a place in U.S. jurisdiction.

35. [\*Wilson v. Cook\*](#), 327 U.S. 474, 66 S.Ct. 663 (1946):

Wilson's partnership had contract to cut timber off U.S. lands and state sought to impose a severance or license tax. Some of federal lands had no cession of state jurisdiction; other lands were subject of state cession of "concurrent jurisdiction". Court upheld the tax, stating the state had territorial jurisdiction to impose it.

36. [\*S.R.A. v. Minnesota\*](#), 327 U.S. 558, 66 S.Ct. 749 (1946):

The U.S. owned post office and had jurisdiction over it; U.S. sold it in 1939 by conditional sale contract. Buyer objected to 1940 real property tax and argued that property was outside state's taxing jurisdiction. Court held, however, that when U.S. sold the property, state obtained jurisdiction and tax could be imposed.

37. [\*Howard v. Commissioners of Sinking Fund of City of Louisville\*](#), 344 U.S. 624, 73 S.Ct. 465 (1953):

The U.S. bought property for ordnance plant in 1940 and state ceded jurisdiction to U.S. Louisville then annexed property to city and sought to impose license tax on employees at the plant, who then sued in state court to enjoin collection of tax on jurisdictional grounds. Here, the court sustained the tax as valid on basis of Buck Act.

38. [\*Offutt Housing Co. v. County of Sarpy\*](#), 351 U.S. 253, 76 S.Ct. 814 (1956):

State housing corporation built apartments on property of U.S. located at Offutt A.F.B. in Nebraska, which was in U.S. jurisdiction. County sought to tax leasehold interest of corporation, who objected on jurisdiction grounds. The court found the tax valid pursuant to Congressional legislation permitting state taxation of these facilities on federal land.

39. [\*Paul v. United States\*](#), 371 U.S. 245, 83 S.Ct. 426 (1963):

California's milk control law set minimum price for milk and

penalized sales below official price. The U.S. sued to enjoin enforcement of state law insofar as the same applied to three military bases, the U.S. contending state law didn't apply in areas of its exclusive jurisdiction. Court held that federal regulations required competitive bidding for U.S. purchases from appropriated funds, thus the regulations overrode state law. But, regarding purchases of milk from non-appropriated funds, in cases of clubs and post exchanges, state law could apply if it were in effect at time the U.S. acquired lands in question.

40. [\*Humble Pipe Line Co. v. Waggonner\*](#), 376 U.S. 369, 84 S.Ct. 857 (1964):

The U.S. acquired in 1930 lands for Barksdale A.F.B. in Louisiana, and state ceded jurisdiction without reservation to tax. Thereafter, lands at base were leased to produce oil and gas and state sought to impose tax. Court held, however, the state had no jurisdiction to tax this property outside its jurisdiction.

41. [\*United States v. State Tax Commission of Mississippi\*](#), 412 U.S. 363, 93 S.Ct. 2183 (1973):

Mississippi commission had regulation requiring foreign liquor distillers and others to collect and send to state a markup on liquor sold to officers' clubs and other places on U.S. bases in Mississippi. The U.S. brought suit to challenge validity of regulation's application to two bases in exclusive jurisdiction of U.S. and another two only in concurrent jurisdiction. Court held the state regulation inapplicable to the two bases in exclusive jurisdiction of the U.S.; as to the two subject to concurrent jurisdiction, the issue was sent back to district court.

42. [\*McClanahan v. State Tax Comm. of Arizona\*](#), 411 U.S. 164, 93 S.Ct. 1257 (1973):

Arizona sought to impose income tax on Indian living on reservation even though source of income was within reservation. Court held tax could not be imposed. Interesting comments are:

"Arizona courts can exercise neither civil nor criminal jurisdiction over reservation Indians... But the appellee nowhere explains how, without such jurisdiction, the State's tax may either be imposed or collected... The admitted absence of either civil or

criminal jurisdiction would seem to dispose of the case.

"The tax is resisted because the state is totally lacking in jurisdiction over both the people and the lands it seeks to tax. In such a situation, the state has no more jurisdiction to reach income generated on reservation lands than to tax the land itself."

43. [\*California Coastal Comm. v. Granite Rock Company\*](#), 480 U.S. 572, 107 S.Ct. 1419 (1987):

Question of where federal mining regulations applied and who had authority to require permit. State held to have authority over federal lands.