

Opinion of the Court.

road Company, 118 U. S. 394; *Pembina Consolidated Silver Mining and Milling Co. v. Pennsylvania*, 125 U. S. 187. But the hazardous character of the business of operating a railway would seem to call for special legislation with respect to railroad corporations, having for its object the protection of their employés as well as the safety of the public. The business of other corporations is not subject to similar dangers to their employés, and no objections, therefore, can be made to the legislation on the ground of its making an unjust discrimination. It meets a particular necessity, and all railroad corporations are, without distinction, made subject to the same liabilities. As said by the court below, it is simply a question of legislative discretion whether the same liabilities shall be applied to carriers by canal and stage coaches and to persons and corporations using steam in manufactories. See *Missouri Pacific Railway Co. v. Humes*, 115 U. S. 512, 523; *Barbier v. Connolly*, 113 U. S. 27; *Soon Hing v. Crowley*, 113 U. S. 703.

Judgment affirmed.

MINNEAPOLIS AND ST. LOUIS RAILWAY COMPANY *v.* HERRICK.

ERROR TO THE SUPREME COURT OF THE STATE OF MINNESOTA.

No. 202. Argued April 2, 3, 1888. — Decided April 23, 1888.

This case is affirmed on the authority of *Missouri Pacific Railway Co. v. Mackey*, *ante*, 205.

THE case is stated in the opinion.

Mr. C. K. Davis for plaintiff in error.

Mr. Edward J. Hill for defendant in error.

MR. JUSTICE FIELD delivered the opinion of the court.

The defendant is a corporation created under the laws of Minnesota, and in December, 1881, it operated a railroad ex-

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tending from Minneapolis, in that State, to Fort Dodge, in Iowa. A law of Iowa, then in force, provides that "every corporation operating a railway shall be liable for all damages sustained by any person, including employés of such corporation, in consequence of the neglect of agents, or by any mismanagement of the engineers or other employés of the corporation, and in consequence of the wilful wrongs, whether of commission or omission, of such agents, engineers, or other employés, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding."

On the 6th of December, 1881, the plaintiff was employed by the defendant as a brakeman on one of its cars, and on that day, in Webster, in Iowa, it became his duty to make a coupling of an engine and a freight car. The engine was in charge of one of its employés, an engineer, and whilst the plaintiff was making the coupling the engine was, by the negligence and mismanagement of the engineer, driven against the car, causing severe and permanent injuries to the plaintiff. To recover damages for the injuries thus sustained he brought this action in a District Court of Minnesota, relying upon the law of Iowa quoted above. The defendant in its answer alleged, and on the trial contended, that this law was abrogated by that provision of the Fourteenth Amendment to the Constitution of the United States, which declares that no State shall deprive any person of property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. The District Court held the law to be in full force, and that under it the railroad company was responsible to the plaintiff for the injuries sustained by him through the negligence of the engineer. The plaintiff accordingly recovered a verdict for two thousand dollars, upon which judgment was entered. Upon appeal to the State Supreme Court the judgment was affirmed, and to review that judgment the case is brought here.

We have just decided the case of *Missouri Pacific Railway Co. v. Mackey*, ante, 205, where similar objections were raised

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to a law of Kansas, which on the point here involved is not essentially different from the law of Iowa, namely, in imposing liabilities upon railroad companies for injuries to employes in its service, though caused by the negligence or incompetency of a fellow-servant, and we held that the law was not in conflict with the clauses referred to in the Fourteenth Amendment. On the authority of that case the judgment in the present one must be

Affirmed.

UNITED STATES *v.* BROADHEAD.

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ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
DISTRICT OF CALIFORNIA.

Nos. 233, 234. Argued April 18, 1888. — Decided April 30, 1888.

On the authority of *United States v. Hill*, 123 U. S. 681, it is *held*, that an action against sureties to recover on a bail bond conditioned for the appearance of the principal to answer to an indictment for making and forging checks against an assistant treasurer is not a case for the enforcement of a revenue law, within the intent of Rev. Stat. § 699.

No interest can be recovered in an action by the United States upon a bail bond conditioned for the appearance of a person to answer to an indictment for forgery.

THESE were actions against sureties on bail bonds. The case is stated in the opinion of the court.

Mr. Assistant Attorney General Maury for plaintiff in error.

No appearance for defendants in error.

MR. JUSTICE MILLER delivered the opinion of the court.

These cases are suits brought upon two bonds given by John F. Broadhead and his sureties, conditioned for his appearance in the District Court of the United States for the