

while the right to do local business within the State may not have been derived from the Federal Constitution, the right to resort to the Federal courts is a creation of the Constitution of the United States and the statutes passed in pursuance thereof.

It is enough now to say that within the principles decided at this term, in the cases cited above, the act of March 13, 1907, as applied to the complainant railroad company, in view of the admitted facts set out in the bill in this case, is unconstitutional and void. We find no error in the decree granted in the Circuit Court, and the same is affirmed.

Affirmed.

THE CHIEF JUSTICE concurs in the result.

ROACH, SECRETARY OF STATE OF THE STATE
OF MISSOURI, *v.* ATCHISON, TOPEKA AND
SANTA FE RAILWAY COMPANY.¹

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF MISSOURI.

No. 151. Argued April 14, 1910.—Decided May 31, 1910.

Decided on the authority of the preceding case.

THE facts are stated in the opinion.

Mr. James T. Blair, with whom *Mr. Elliott W. Major*,

¹ Original docket title Swanger, Secretary of State, etc., *v.* Atchison, Topeka & Santa Fe Railway Company; on December 9, 1909, Roach, Secretary of State, was substituted as plaintiff in error.

Attorney General of the State of Missouri, and *Mr. Charles G. Revelle* were on the brief, for appellants.¹

Mr. M. A. Low, with whom *Mr. E. C. Lindley* was on the brief, for appellees in No. 150.¹

Mr. Gardiner Lathrop, with whom *Mr. Robert Dunlap*, *Mr. Thomas R. Morrow* and *Mr. James P. Gilmore* were on the brief, for appellee in No. 151.¹

MR. JUSTICE DAY delivered the opinion of the court.

This case was argued at the same time with No. 150, and involves the validity of the statute of March 13, 1907. The case was also decided upon demurrer to the bill. The allegations of the bill and supplemental bill showed that the Atchison, Topeka and Santa Fe Railway Company was within the State of Missouri in compliance with its laws; that it had acquired a large amount of property therein; that, being a foreign corporation, it had removed suits from a State to the Federal court, and the company averred that for that reason its right to do business in the State of Missouri was about to be revoked by the action of the secretary of state. This case comes within the principles just laid down in No. 150, and the decree of the Circuit Court is affirmed.

Affirmed.

THE CHIEF JUSTICE concurs in the result.

¹ See abstracts of arguments in preceding case with which this was argued simultaneously.