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Statement of the Case.

to come to this court from Arizona in other than the usual form. Therefore in any event this appeal would have to be dismissed. To meet this possibility a writ of error was allowed at the last moment. We have considered the record as if made up under the writ. But apart from technical objections that have been urged the only question that would be open is whether the judgment below was inconsistent with the opinion of this court, and as it very plainly is not, there is no reason for disturbing it. Our mandate was not concerned with the allowance of attorneys' fees and some other matters that were argued, and therefore they present no Federal question and need not be considered.

*Appeal dismissed.
Judgment affirmed.*

MANILA INVESTMENT COMPANY v. TRAMMELL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA.

No. 250. Motion to affirm or dismiss submitted October 12, 1915.—Decided November 1, 1915.

Mere breach of contract on the part of state officers does not amount to a taking of plaintiff's property without due process of law in violation of the Fourteenth Amendment.

Where the allegation of the bill relied on to give jurisdiction shows mere breach of contract on the part of state officers the case does not present a real and substantial controversy involving the construction or effect of the Federal Constitution and the District Court does not have jurisdiction on that ground.

THE facts, which involve the jurisdiction of the District Court of the United States in cases involving constitutional questions, are stated in the opinion.

Mr. N. B. K. Pettingill and *Mr. Arthur F. Odlin* for appellants in opposition to the motion.

Mr. Thomas F. West, Attorney General of the State of Florida, *Mr. E. J. L'Engle* and *Mr. P. H. Odom* for appellees in support of the motion.

Memorandum opinion by MR. JUSTICE DAY, by direction of the court.

This case was begun in the District Court of the United States for the Southern District of Florida, upon a bill praying to have the title to certain lands decreed to be held in trust for complainant by the Board of Trustees of the Internal Improvement Fund of Florida, and to recover lands deeded to others but likewise held in trust for complainants. The court below dismissed the bill for want of jurisdiction.

An examination of the bill shows that the ground of recovery rests upon the allegation that the trustees contracted to convey the lands in question to the complainants, and afterwards, by formal resolution, the Board repudiated its former action, and refused to recognize the alleged trust, and declared the complainants' title null and void. Complainants contend that this action by the trustees, as an agency of the State, in repudiation of its former action and the conveyance of part of the land to others in violation of the trust, constituted a taking of its property without due process of law, in violation of the provisions of the Fourteenth Amendment. This is the only ground of Federal jurisdiction insisted upon.

The case presented no real and substantial controversy involving the construction or effect of the Federal Constitution. The allegations relied upon to give jurisdiction show a breach of contract merely and bring the case within the principles decided by this court in *St. Paul Gas Light*

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Syllabus.

Co. v. St. Paul, 181 U. S. 142; *Dawson v. Columbia Avenue &c. Co.*, 197 U. S. 178; *Shawnee Sewerage Co. v. Stearns*, 220 U. S. 462; *McCormick v. Oklahoma City*, 236 U. S. 657.
Affirmed.

TRUAX AND THE ATTORNEY GENERAL OF
THE STATE OF ARIZONA v. RAICH.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF ARIZONA.

No. 361. Argued October 15, 1915.—Decided November 1, 1915.

A suit against officers of the State who are about to proceed wrongfully to complainant's injury in enforcing an unconstitutional statute is not a suit against the State within the meaning of the Eleventh Amendment.

While, generally speaking, a court of equity has no jurisdiction over prosecution, punishment or pardon of crimes or misdemeanors, equity may, when such action is essential to the safeguarding of property rights, restrain criminal prosecutions under unconstitutional statutes.

The right to earn a livelihood and to continue employment unmolested by efforts to enforce void enactments is entitled to protection in equity in the absence of an adequate remedy at law.

The fact that an employment is at the will of the employer and employé does not make it one at the will of others, and unjustified interference of third parties is actionable although the employment may be at will.

Although a statute may only render an employer liable to prosecution, if it operates directly upon the employment of the employé and its enforcement would compel the discharge of an employé, the latter is affected directly, has no adequate remedy at law, and if the statute is unconstitutional, is entitled to equitable relief.

An alien admitted to the United States under the Federal law has not only the privilege of entering and abiding in the United States but also of entering and abiding in any State, and being an inhabitant of any State entitles him, under the Fourteenth Amendment, to the equal protection of its laws.