

counting is required. In *Richmond v. Irons*, 121 U. S. 27, 7 Sup. Ct. 788, a creditors' bill was sustained to enforce the liability of stockholders in a national bank, but there an accounting of the debts of the bank was required, and the question of jurisdiction does not seem to have been raised. In *Tube-Works Co. v. Ballou*, 146 U. S. 517, 13 Sup. Ct. 165, a bill akin to this was dismissed, and that case was substantially so much like the one at bar as to guide us to the same result. Nothing herein concludes us as to any bill based on general equitable rules instead of a statute. The decree of the circuit court is affirmed, with costs.

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In re LADD.

(Circuit Court, D. Nebraska. May 7, 1896.)

1. JURISDICTION—EFFECT OF CESSION BY STATE—NEW RESTRICTIONS.

An act of the legislature of a state ceding to the United States the jurisdiction of the state over a tract of land used as a military reservation, upon condition that such jurisdiction shall continue only so long as the United States shall own and occupy such reservation; that the state shall have the right, within the reservation, to serve civil process, and to execute criminal process against persons charged with crime committed within the state; and that roads may be opened and kept in repair within such reservation,—cedes to the United States the entire political jurisdiction of the state over the place in question, including judicial and legislative jurisdiction, except as to service of process and opening roads, and the same cannot be affected or further limited, without the consent of the United States, by a subsequent act of the state legislature attempting to impose additional restrictions on the jurisdiction ceded.

2. SAME—JUDICIAL OFFICERS.

After such cession a justice of the peace, acting under authority of the state, has no jurisdiction over the ceded territory in matters of alleged criminal violation of the laws of the state committed on such territory.

3. SAME—CIVIL AND CRIMINAL LAWS.

While after such cession the municipal laws of the state governing property and property rights continue in force in the ceded territory, except so far as in conflict with the laws and regulations of the United States applying thereto, the criminal laws of the state cease to be of force within the ceded territory, and laws regulating the sale of intoxicating liquors, requiring a license therefor, and punishing unlicensed sales, cease to be operative, both as in conflict with the regulations of the United States governing military reservations, and as penal in character.

Submitted on petition for writ of habeas corpus, and the return of Arthur M. Bartlett, sheriff of Dawes county, Neb., to the writ, showing the process under which the applicant was arrested, and the grounds for the issuance thereof.

A. J. Sawyer, U. S. Dist. Atty., and E. H. Crowder, Major and Judge Advocate U. S. Army, for petitioner.

Arthur M. Bartlett, pro se.

SHIRAS, District Judge. The facts of this case, as gathered from the record submitted to the court, appear to be as follows:

The petitioner, Eugene F. Ladd, is an officer of the United States army, holding the position of first lieutenant in the ninth cavalry,

now stationed at Ft. Robinson, which is situated in Dawes county, state of Nebraska. By a special order issued under date of January 4, 1896, by Col. Biddle, then in command at said fort, Lieut. Ladd was detailed on special duty as officer in charge of the post exchange established at the named fort, which since November 14, 1876, has been a military post of the United States. That post exchanges are established and maintained in pursuance of special regulations issued by the war department. That since the 25th of July, 1895, the following, among other, regulations have been, and continue to be, in force, and to be applicable to the post exchange at Ft. Robinson as well as to other posts throughout the country:

"(1) Purpose. The post exchange will combine the features of reading and recreation rooms, a co-operative store, and a restaurant. Its primary purpose is to supply the troops, at reasonable price, with the articles of ordinary use, wear, and consumption not supplied by the government, and to afford them means of rational recreation and amusement. Its secondary purpose is, through exchange profits, to provide, the means for improving the messes.

"(2) Building. At every post, where practicable, the post commander will institute a post exchange. For this purpose he will set apart any suitable public building or rooms that are available, or will authorize the renting of any private building, or part thereof, on the reservation (the rental to be paid from the funds of the exchange), or, when sufficient exchange funds are available, may cause a suitable building to be erected for the purpose; and if a temporary building, or if constructed wholly or in part by the labor of troops, use of the necessary teams, and such tools, window sash, doors, and other material as can be spared by the quartermaster's department, is authorized. But no permanent structure will be erected on a reservation without first obtaining the authority of the secretary of war. Expenses of repairs or alterations of public buildings for the use of the exchange will be borne by the exchange, when they cannot be provided for by the quartermaster's department.

"(3) Management of Business. The management of the affairs of the exchange will be conducted by an officer designated 'Officer in Charge,' selected and detailed by the commanding officer. This officer should be fully in sympathy with the purposes of the exchange, and possess the business qualifications necessary to its success. He will be assisted by a steward, and such other attendants as the business may warrant. In establishing a new exchange, and at posts where the business is small, the steward and attendants may be enlisted men; but, when practicable, civilians will be employed, instead, in all exchanges whose financial condition will justify the expense, and, in selecting them, preference will be given to retired enlisted men and honorably discharged soldiers.

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"(5) The Exchange Council. The superintendence of the affairs of the exchange will be vested in a council, to consist of three officers, one of whom shall be the officer in charge; the others, the two company commanders longest off this duty at the post.

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"(9) Exchange Features. An exchange doing its full work should embrace the following sections: (a) A well-stocked general store, in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify. (b) A well-kept lunch counter, supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soups, fish, cooked and canned meats, sandwiches, pasties, etc. (c) A canteen, at which, under the conditions hereinafter set forth, beer and light wines, by the drink, and tobaccos, may be sold. (d) Reading and recreation rooms, supplied with books, periodicals, and other reading matter; billiard and pool tables, bowling alleys, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the