

THE DOCTRINE OF NON-SUABILITY  
OF THE STATE IN THE  
UNITED STATES

by Karl Singewald, Ph.D.

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THE STATE IN THE UNITED STATES

BY

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## PREFACE.

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This paper is a study of the questions of public law involved in the doctrine of immunity of the state from suit, and especially of the relation of this doctrine to suits against public officers. It does not include a consideration of the extent to which suits against themselves are allowed by the United States and by the several States, nor of the principles of law governing cases brought under such permission. The determination of the philosophical basis of the responsibility of the state, also, does not fall within the scope of this paper.

The study is based mainly on the cases decided by the supreme court of the United States, both because of the greater importance of those cases, and because the supreme court is the only tribunal before which has come any considerable number or variety of suits of this class. If the criticism of some of the decisions seems too free, I trust it will be pardoned; for it is not inconsistent with the most profound respect for the court.

For convenience, the use of the word state in the generic sense, and the use of the word State as applied to the States of the United States, will be distinguished by capitalizing the latter. Wherever the term supreme court is used without other designation, reference is had to the supreme court of the United States.

I gladly embrace this opportunity of expressing my grateful obligation to Professor Willoughby, head of the department of political science at the Johns Hopkins University. It is to his broad grasp and clear exposition of constitutional law that I owe my great interest in the subject.

K. S.

June, 1910.

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