

recover the property without compensation: 1/

[The United States] cannot legislate back to themselves, without making compensation, the lands they have given this corporation to aid in the construction of its railroad. Neither can they by legislation compel the corporation to discharge its obligations in respect to the subsidy bonds otherwise than according to the terms of the contract already made in that connection. The United States are as much bound by their contracts as are individuals. If they repudiate their obligations, it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State or a municipality or a citizen. No change can be made in the title created by the grant of the lands, or in the contract for the subsidy bonds, without the consent of the corporation. All this is indisputable.

And a similar view has prevailed against actions by the states to impair interests in land acquired from the government. 2/ It is important to note, however, that in the course of one of our most protracted and contentious constitutional disputes, the Supreme Court has appreciably narrowed the prohibition against impairment of obligations and the related due process right. The

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1/ Sinking-Fund Cases, 99 U.S. 700, 719 (1878); see also Reichart v. Felps, 73 U.S. (6 Wall.) 160 (1867).

2/ Fletcher v. Peck, *supra*; Terrett v. Taylor, 13 U.S. (9 Cranch) 43 (1815); Board of Trustees v. Indiana, 55 U.S. (14 How.) 268 (1852); Pennoyer v. McConnaughy, 140 U.S. 1 (1891); Choate v. Trapp, 224 U.S. 665 (1912); Appleby v. City of New York, 271 U.S. 364 (1926); Wood v. Lovett, 313 U.S. 362 (1941).