SUPREME COURT OF UNITED STATES

Keokee Consolidated Coke Company, Plff. in Err.,

Vs.

W. W. Taylor, Isaac Taylor, James Taylor, and S. T. Witt, Partners under the Firm Name of W. W. Taylor, Sons & Witt.

No. 372.

Submitted May 7, 1914.

Decided June 8, 1914.

Messrs, J. T. Bullitt and R. T. Irvine for plaintiff in error.

[Argument of Counsel from page 225 intentionally omitted]

Messrs. J. C. Noel and C. T. Duncan for defendants in error.

Mr. Justice Holmes delivered the opinion of the court:

These are actions of assumpsit brought by the defendants in error upon orders signed by employees of the plaintiff in error and addressed to it, directing it to pay to bearer 'in merchandise only from your store,' to the value specified. These orders were upon scrip issued by the plaintiff in error as an advance of monthly wages in payment for labor performed, and the only controversy between the parties arises from the refusal of the plaintiff in error to pay the indicated amounts in money. The facts were agreed, the circuit court gave judgment for the plaintiffs, and a writ of error was refused by the supreme court of appeals. The ground of the judgment was an act of February 13, 1888, amending and re-enacting an act of 1887, chap. 391, § 3, forbidding any person, firm, or corporation engaged in mining coal or ore, or manufacturing iron or steel or any other kind of manufacturing, to issue for the payment of labor any order unless the same purported to be redeemable for its face value in lawful money of the United States. The plaintiff in error saved its rights under the 14th Amendment, and, when the court of appeals refused to hear the cases, brought

them here. The writ of error was allowed on September 25, 1912. Norfolk & S. Turnp. Co. v. Virginia, [1912] USSC 181; 225 U. S. 264, 269, 56 L. ed. 1082, 1086[1912] USSC 181; , 32 Sup. Ct. Rep. 828.

Of course we do not go behind the construction given to the state law by the state courts. The objections that are urged here are that the statute interferes with freedom of contract, and, more especially, that it is class legislation of a kind supposed to be inconsistent with the 14th Amendment; a West Virginia decision upon a similar statute being cited to that effect. State v. Goodwill, 33 W. Va. 179, 6 L.R.A. 621, 25 Am. St. Rep. 863, 10 S. E. 285. The former of these objections, however, is disposed of by Knoxville Iron Co. v. Harbison, [1901] USSC 147; 183 U. S. 13, 46 L. ed. 55[1901] USSC 147; , 22 Sup. Ct. Rep. 1, and Dayton Coal & I. Co. v. Barton, [1901] USSC 145; 183 U. S. 23, 46 L. ed. 61[1901] USSC 145; , 22 Sup. Ct. Rep. 5.

It is more pressed that the act discriminates unconstitutionally against certain classes. But while there are differences of opinion as to the degree and kind of discrimination permitted by the 14th Amendment, it is established by repeated decisions that a statute aimed at what is deemed an evil, and hitting it presumably where experience shows it to be most felt, is not to be upset by thinking up and enumerating other instances to which it might have been applied equally well, so far as the court can see. That is for the legislature to judge unless the case is very clear. Lindsley v. Natural Carbonic Gas Co. [1911] USSC 42; 220 U. S. 61, 81, 55 L. ed. 369, 378[1911] USSC 42; , 31 Sup. Ct. Rep. 337, Ann. Cas. 1912C, 160; Central Lumber Co. v. South Dakota, [1912] USSC 193; 226 U. S. 157, 160, 57 L. ed. 164, 169[1912] USSC 193; , 33 Sup. Ct. Rep. 66; Patsone v. Pennsylvania, [1914] USSC 37; 232 U. S. 138, 144, 58 L. ed. ——[1914] USSC 37; , 34 Sup. Ct. Rep. 281. The suggestion that others besides mining and manufacturing companies may keep shops and pay their workmen with orders on themselves for merchandise is not enough to overthrow a law that must be presumed to be deemed by the legislature coextensive with the practical need.

Judgments affirmed.