

nies to operate in this manner.¹⁵³⁸ A law that required private motor vehicle carriers to obtain certificates of convenience and necessity and to furnish security for the protection of the public was held invalid because of the exemption of carriers of fish, farm, and dairy products.¹⁵³⁹ The same result befell a statute that permitted mill

Property destruction: destruction of cedar trees to protect apple orchards from cedar rust, *Miller v. Schoene*, 276 U.S. 272 (1928).

Railroads: prohibition on operation on a certain street, *Railroad Co. v. Richmond*, 96 U.S. 521 (1878); requirement that fences and cattle guards and allow recovery of multiple damages for failure to comply, *Missouri Pacific Ry. v. Humes*, 115 U.S. 512 (1885); *Minneapolis & St. L. Ry. v. Beckwith*, 129 U.S. 26 (1889); *Minneapolis & St. L. Ry. v. Emmons*, 149 U.S. 364 (1893); assessing railroads with entire expense of altering a grade crossing, *New York & N.E. R.R. v. Bristol*, 151 U.S. 556 (1894); liability for fire communicated by locomotive engines, *St. Louis & S.F. Ry. v. Mathews*, 165 U.S. 1 (1897); required weed cutting, *Missouri, Kan., & Tex. Ry. v. May*, 194 U.S. 267 (1904); presumption against a railroad failing to give prescribed warning signals, *Atlantic Coast Line R.R. v. Ford*, 287 U.S. 502 (1933); required use of locomotive headlights of a specified form and power, *Atlantic Coast Line Ry. v. Georgia*, 234 U.S. 280 (1914); presumption that railroads are liable for damage caused by operation of their locomotives, *Seaboard Air Line Ry. v. Watson*, 287 U.S. 86 (1932); required sprinkling of streets between tracks to lay the dust, *Pacific Gas Co. v. Police Court*, 251 U.S. 22 (1919). State “full-crew” laws do not violate the Equal Protection Clause by singling out the railroads for regulation and by making no provision for minimum crews on any other segment of the transportation industry, *Firemen v. Chicago, R.I. & P. Ry.* 393 U.S. 129 (1968).

Sales in bulk: requirement of notice of bulk sales applicable only to retail dealers. *Lemieux v. Young*, 211 U.S. 489 (1909).

Secret societies: regulations applied only to one class of oath-bound associations, having a membership of 20 or more persons, where the class regulated has a tendency to make the secrecy of its purpose and membership a cloak for conduct inimical to the personal rights of others and to the public welfare. *New York ex rel. Bryant v. Zimmerman*, 278 U.S. 63 (1928).

Securities: a prohibition on the sale of capital stock on margin or for future delivery which is not applicable to other objects of speculation, *e.g.*, cotton, grain. *Otis v. Parker*, 187 U.S. 606 (1903).

Sunday closing law: notwithstanding that they prohibit the sale of certain commodities and services while permitting the vending of others not markedly different, and, even as to the latter, frequently restrict their distribution to small retailers as distinguished from large establishments handling salable as well as nonsalable items, such laws have been upheld. Despite the desirability of having a required day of rest, a certain measure of mercantile activity must necessarily continue on that day and in terms of requiring the smallest number of employees to forego their day of rest and minimizing traffic congestion, it is preferable to limit this activity to retailers employing the smallest number of workers; also, it curbs evasion to refuse to permit stores dealing in both salable and nonsalable items to be open at all. *McGowan v. Maryland*, 366 U.S. 420 (1961); *Two Guys from Harrison-Allentown v. McGinley*, 366 U.S. 582 (1961); *Braunfeld v. Brown*, 366 U.S. 599 (1961); *Gallagher v. Crown Koshier Super Market*, 366 U.S. 617 (1961). *See also* *Soon Hing v. Crowley*, 113 U.S. 703 (1885); *Petit v. Minnesota*, 177 U.S. 164 (1900).

Telegraph companies: a statute prohibiting stipulation against liability for negligence in the delivery of interstate messages, which did not forbid express companies and other common carriers to limit their liability by contract. *Western Union Telegraph Co. v. Milling Co.*, 218 U.S. 406 (1910).

¹⁵³⁸ *Hartford Ins. Co. v. Harrison*, 301 U.S. 459 (1937).

¹⁵³⁹ *Smith v. Cahoon*, 283 U.S. 553 (1931).