

tent not to perform such service, and providing further that failure to perform the service or to return the money, without good and sufficient cause, shall amount to presumptive evidence of intent, at the time of making the contract, not to perform such service, violates the Thirteenth Amendment.

440. *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942).

As applied to one convicted once of stealing chickens, and twice of robbery, an Oklahoma statute providing for the sterilization of habitual criminals, other than those convicted of embezzlement, or violation of prohibition and revenue laws, violates the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring specially: Stone, C.J., Jackson

441. *Pacific Coast Dairy v. Department of Agriculture*, 318 U.S. 285 (1943).

A provision of the California Agricultural Code provided that the selling and delivery of milk "at less than the minimum wholesale, retail prices effective in a marketing area" was an unfair practice warranting revocation of license or prosecution. Sales and deliveries of milk to the War Department on a federal enclave within a state over which the United States has acquired exclusive jurisdiction are not subject to regulation under a state milk stabilization law.

Justices concurring: Stone, C.J., Roberts, Black, Reed, Douglas, Jackson

Justices dissenting: Frankfurter, Murphy

442. *Mayo v. United States*, 319 U.S. 441 (1943).

The Florida Commercial Fertilizer Law, a comprehensive regulation of the sale or distribution of commercial fertilizer that required a label or stamp on each bag evidencing the payment of an inspection fee, could not constitutionally be applied to fertilizer that the United States owned and was distributing within the state pursuant to a provision of the Soil Conservation and Domestic Allotment Act. Federal instrumentalities are immune from state taxation and regulation unless Congress provides otherwise, and Congress had not done so.

443. *Taylor v. Mississippi*, 319 U.S. 583 (1943).

The General Laws of Mississippi, 1943, ch. 178, provided, in part, that the teaching and dissemination of printed matter designed to encourage disloyalty to the national and state governments, and the distribution of printed matter reasonably tending "to create an attitude of stubborn refusal to salute, honor, or respect the flag or Government of the United States, or of the State of Mississippi" was a felony. The Fourteenth Amendment of the Constitution prohibits the imposition of punishment for: (1) urging and advising on religious grounds that