

includes gains, profits, and income derived from salaries, wages, or compensation for personal service (including in the case of . . . judges of the Supreme and inferior courts of the United States . . . the compensation received as such) . . . ” as applied to a judge in office when the act was passed, held a violation of the guaranty of judges’ salaries, in Article III, § 1.

Evans v. Gore, 253 U.S. 245 (1920). *Miles v. Graham*, 268 U.S. 501 (1925), held it invalid as applied to a judge taking office subsequent to the date of the act. Both cases were overruled by *O’Malley v. Woodrough*, 307 U.S. 277 (1939). Concurring: Van Devanter, McKenna, Day, Pitney, McReynolds, Clarke, White, C.J. Dissenting: Holmes, Brandeis

49. Act of February 24, 1919 (40 Stat. 1097, § 402(c))

That part of the estate tax law providing that the “gross estate” of a decedent should include value of all property “to the extent of any interest therein of which the decedent has at any time made a transfer or with respect to which he had at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment at or after his death (whether such transfer or trust is made or created before or after the passage of this act), except in case of a *bona fide* sale . . . ” as applied to a transfer of property made prior to the act and intended to take effect in possession or enjoyment at death of grantor, but not in fact testamentary or designed to evade taxation, held confiscatory, contrary to Fifth Amendment.

Nichols v. Coolidge, 274 U.S. 531 (1927).
Concurring: McReynolds, Van Devanter, Sutherland, Butler, Taft, C.J.
Concurring specially (only in the result): Holmes, Brandeis, Sanford, Stone

50. Act of February 24, 1919, title XII (40 Stat. 1138, entire title)

The Child Labor Tax Act, providing that “every person . . . operating . . . any . . . factory . . . in which children under the age of 14 years have been employed or permitted to work . . . shall pay . . . in addition to all other taxes imposed by law, an excise tax equivalent to 10 percent of the entire net profits received . . . for such year from the sale . . . of the product of such . . . factory . . . ,” held beyond the taxing power under Article I, § 8, clause 1, and an infringement of state authority.

Bailey v. Drexel Furniture Co. (Child Labor Tax Case), 259 U.S. 20 (1922).
Concurring: Taft, C.J., McKenna, Holmes, Day, Van Devanter, Pitney, McReynolds, Brandeis
Dissenting: Clarke

51. Act of October 22, 1919 (41 Stat. 298, § 2), amending Act of August 10, 1917 (40 Stat. 277, § 4)

(a) § 4 of the Lever Act, providing in part “that it is hereby made unlawful for any person willfully . . . to make any unjust or unreason-