

employed or permitted to work more than 8 hours in any day or more than 6 days in any week . . . ,” held not within the commerce power of Congress.

*Hammer v. Dagenhart*, 247 U.S. 251 (1918).

Concurring: Day, Van Devanter, Pitney, McReynolds, White, C.J.

Dissenting: Holmes, McKenna, Brandeis, Clarke

45. Act of September 8, 1916 (39 Stat. 757, § 2(a), in part)

Provision of the income tax law of 1916, that a “stock dividend shall be considered income, to the amount of its cash value,” held invalid (in spite of the Sixteenth Amendment) as an attempt to tax something not actually income, without regard to apportionment under Article I, § 2, clause 3.

*Eisner v. Macomber*, 252 U.S. 189 (1920)

Concurring: Pitney, McKenna, Van Devanter, McReynolds, White, C.J.

Dissenting: Holmes, Day, Brandeis, Clarke

46. Act of October 6, 1917 (40 Stat. 395)

The amendment of §§ 24 and 256 of the Judicial Code (which prescribe jurisdiction of district courts) “saving . . . to claimants the rights and remedies under the workmen’s compensation law of any State,” held an attempt to transfer federal legislative powers to the states—the Constitution, by Article III, § 2, and Article I, § 8, having adopted rules of general maritime law.

*Knickerbocker Ice Co. v. Stewart*, 253 U.S. 149 (1920).

Concurring: McReynolds, McKenna, Day, Van Devanter, White, C.J.

Dissenting: Holmes, Pitney, Brandeis, Clarke

47. Act of September 19, 1918 (40 Stat. 960)

That part of the Minimum Wage Law of the District of Columbia which authorized the Wage Board “to ascertain and declare . . . (a) Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals . . . ,” held to interfere with freedom of contract under the Fifth Amendment.

*Adkins v. Children’s Hospital*, 261 U.S. 525 (1923), overruled in *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937).

Concurring: Sutherland, McKenna, Van Devanter, McReynolds, Butler

Dissenting: Taft, C.J., Sanford, Holmes

48. Act of February 24, 1919 (40 Stat. 1065, § 213, in part)

That part of § 213 of the of Revenue Act of 1919 which provided that “. . . for the purposes of the title . . . the term ‘gross income’ . . .