was replaced by the civil liberty which an individual enjoys by virtue of the restraints which government, in his behalf, imposes upon his neighbors.

Laws Regulating Working Conditions and Wages.—As noted, even during the *Lochner* era, the Due Process Clause was construed as permitting enactment by the states of maximum hours laws applicable to women workers[104] and to all workers in specified lines of work thought to be physically demanding or otherwise worthy of special protection.[105] Similarly, the regulation of how wages were to be paid was allowed, including the form of payment,[106] its frequency,[107] and how such payment was to be calculated.[108] And, because of the almost plenary powers of the state and its municipal subdivisions to determine the conditions for work on public projects, statutes limiting the hours of labor on public works were also upheld at a relatively early date.[109] Further, states could prohibit the employment of persons under 16 years of age in dangerous occupations and require employers to ascertain whether their employees were in fact below that age.[110]

The regulation of mines represented a further exception to the *Lochner* era's anti-discrimination tally. As such health and safety regulation was clearly within a state's police power, a state's laws providing for mining inspectors (paid for by mine owners),[111] licens-

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[104] Miller v. Wilson, 236 U.S. 373 (1915) (statute limiting work to 8 hours/day, 48 hours/week); Bosley v. McLaughlin, 236 U.S. 385 (1915) (same restrictions for women working as pharmacists or student nurses). *See also* Muller v. Oregon, 208 U.S. 412 (1908) (10 hours/day as applied to work in laundries); Riley v. Massachusetts, 232 U.S. 671 (1914) (violation of lunch hour required to be posted).

[105] *See*, *e.g.*, Holden v. Hardy, 169 U.S. 366 (1898) (statute limiting the hours of labor in mines and smelters to eight hours per day); Bunting v. Oregon, 243 U.S. 426 (1917) (statute limiting to ten hours per day, with the possibility of 3 hours per day of overtime at time-and-a-half pay, work in any mill, factory, or manufacturing establishment).

[106] Statute requiring redemption in cash of store orders or other evidences of indebtedness issued by employers in payment of wages did not violate liberty of contract. Knoxville Iron Co. v. Harbison, 183 U.S. 13 (1901); Dayton Coal and Iron Co. v. Barton, 183 U.S. 23 (1901); Keokee Coke Co. v. Taylor, 234 U.S. 224 (1914).

[107] Laws requiring railroads to pay their employees semimonthly, Erie R.R. v. Williams, 233 U.S. 685 (1914), or to pay them on the day of discharge, without abatement or reduction, any funds due them, St. Louis, I. Mt. & S.P. Ry. v. Paul, 173 U.S. 404 (1899), do not violate due process.

[108] Freedom of contract was held not to be infringed by an act requiring that miners, whose compensation was fixed on the basis of weight, be paid according to coal in the mine car rather than at a certain price per ton for coal screened after it has been brought to the surface, and conditioning such payment on the presence of no greater percentage of dirt or impurities than that ascertained as unavoidable by the State Industrial Commission. Rail Coal Co. v. Ohio Industrial Comm'n, 236 U.S. 338 (1915). *See also* McLean v. Arkansas, 211 U.S. 539 (1909).

[109] Atkin v. Kansas, 191 U.S. 207 (1903).

[110] Sturges & Burn v. Beauchamp, 231 U.S. 320 (1913).

[111] St. Louis Consol. Coal Co. v. Illinois, 185 U.S. 203 (1902).