

14. Act of June 22, 1874 (18 Stat. 187, § 5)

Provision authorizing federal courts, in suits for forfeitures under revenue and custom laws, to require production of documents, with allegations expected to be proved therein to be taken as proved on failure to produce such documents, was held to violate of the Search and Seizure Clause of the Fourth Amendment and the Self-Incrimination Clause of the Fifth Amendment.

Boyd v. United States, 116 U.S. 616 (1886).

Concurring: Bradley, Field, Harlan, Woods, Matthews, Gray, Blatchford

Concurring specially: Miller, Waite, C.J.

15. Revised Statutes 1977 (Act of May 31, 1870, § 16, 16 Stat. 144)

Provision that “all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts . . . as is enjoyed by white citizens . . .,” held invalid under the Thirteenth Amendment.

Hodges v. United States, 203 U.S. 1 (1906), overruled in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 441–43 (1968).

Concurring: Brewer, Brown, Fuller, Peckham, McKenna, Holmes, Moody, White, C.J.

Dissenting: Harlan, Day

16. Revised Statutes 4937–4947 (Act of July 8, 1870, 16 Stat. 210), and Act of August 14, 1876 (19 Stat. 141)

Original trademark law, applying to marks “for exclusive use within the United States,” and a penal act designed solely for the protection of rights defined in the earlier measure, held not supportable by Article I, § 8, clause 8 (Copyright Clause), nor Article I, § 8, clause 3, because of its application to intrastate as well as interstate commerce.

Trade-Mark Cases, 100 U.S. 82 (1879).

17. Revised Statutes 5132, subdivision 9 (Act of March 2, 1867, 14 Stat. 539)

Provision penalizing “any person respecting whom bankruptcy proceedings are commenced . . . who, within 3 months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtains on credit from any person any goods or chattels with intent to defraud . . .,” held a police regulation not within the bankruptcy power (Article I, § 4, clause 4).

United States v. Fox, 95 U.S. 670 (1878).

18. Revised Statutes 5507 (Act of May 31, 1870, § 5, 16 Stat. 141)

Provision penalizing “[e]very person who prevents, hinders, controls, or intimidates another from exercising, or in exercising the right