

Keokee Consolidated Coke Co. Vs. Taylor

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Court : US Supreme Court

Decided On : Jun-08-1914

Appeal No. : 234 U.S. 224

Appellant : Keokee Consolidated Coke Co.

Respondent : Taylor

Judgement :

Keokee Consolidated Coke Co. v. Taylor - 234 U.S. 224 (1914)

U.S. Supreme Court Keokee Consolidated Coke Co. v. Taylor, 234 U.S. 224 (1914)

Keokee Consolidated Coke Company v. Taylor

Nos. 372, 373

Submitted May 7, 1914

Decided June 8, 1914

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ERROR TO THE SUPREME COURT OF APPEALS

OF THE STATE OF VIRINIA

SYLLABUS

This Court does not go behind the construction given to a state statute by the state courts.

A state statute aimed at an evil and hitting it presumably where experience shows it to be most felt is not unconstitutional under the equal protection provision of the Fourteenth Amendment because there might be other instances to which it might be equally well applied.

It is for the legislature to determine to what classes a police statute shall apply, and unless there is a clear case of discrimination, the courts will not interfere.

Section 3 of Chapter 391, Virginia Laws of 1888, reenacting the Act of 1887 aimed at the evil of payment of labor in orders redeemable only at the employers' shops and forbidding certain classes of employers of labor to issue any order for payment thereto unless purporting

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to be redeemable for its face value in lawful money of the United States, is not an unconstitutional denial of equal protection of the law because it does not apply to other classes of employers who also own shops and pay with orders redeemable in merchandise.

The facts, which involve the constitutionality of a statute of Virginia providing for method of payment of employees of certain industries, are stated in the opinion.

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MR. JUSTICE HOLMES delivered the opinion of the Court.

These are actions of assumpsit brought by the defendants in error upon orders signed by employees of the plaintiff in error and addressed to it, directing it to pay to bearer "in merchandise only from your store," to the value specified. These

orders were upon scrip issued by the plaintiff in error as an advance of monthly wages in payment for labor performed, and the only controversy between the parties arises from the refusal of the plaintiff in error to pay the indicated amounts in money. The facts were agreed, the circuit court gave judgment for the plaintiffs, and a writ of error was refused by the Supreme Court of Appeals. The ground of the judgment was an Act of February 13, 1888, amending and reenacting an Act of 1887, c. 391, 3, forbidding any person, firm, or corporation engaged in mining coal or ore, or manufacturing iron or steel or any other kind of manufacturing, to issue for the payment of labor any order unless the same purported to be redeemable for its face value in lawful money of the United States. The plaintiff in error saved its rights under the Fourteenth Amendment, and, when the court of appeals refused to hear the cases, brought them here. The writ of error was allowed on September 25, 1912. *Norfolk & Suburban Turnpike Co. v. Virginia*, [225 U. S. 264](#) , [225 U. S. 269](#) .

Of course, we do not go behind the construction given to the state law by the state courts. The objections that are urged here are that the statute interferes with freedom of contract, and, more especially, that it is class legislation

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of a kind supposed to be inconsistent with the Fourteenth Amendment, a West Virginia decision upon a similar statute being cited to that effect. *State v. Goodwill*, 33 W.Va. 179. The former of these objections, however, is disposed of by *Knoxville Iron Co. v. Harbison*, [183 U. S. 13](#) , and *Dayton Coal & Iron Co. v. Barton*, [183 U. S. 23](#) .

It is more pressed that the act discriminates unconstitutionally against certain classes. But, while there are differences of opinion as to the degree and kind of discrimination permitted by the Fourteenth Amendment, it is established by repeated decisions that a statute aimed at what is deemed an evil, and hitting it presumably where experience shows it to be most felt, is not to be upset by thinking up and enumerating other instances to which it might have been applied equally well, so far as the court can see. That is for the legislature to judge unless

the case is very clear. *Lindsley v. Natural Carbonic Gas Co.*, [220 U. S. 61](#) , [220 U. S. 81](#) ; *Central Lumber Co. v. South Dakota*, [226 U. S. 157](#) , [226 U. S. 160](#) ; *Patsone v. Pennsylvania*, [232 U. S. 138](#) , [232 U. S. 144](#) . The suggestion that others besides mining and manufacturing companies may keep shops and pay their workmen with orders on themselves for merchandise is not enough to overthrow a law that must be presumed to be deemed by the legislature coextensive with the practical need.

Judgments affirmed.

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