

REVERSES BAKERS

The United States Supreme Court Annuls Ten-Hour Law.

Majority Opinion Holds That It Violates the Fourteenth Amendment.

In an opinion handed down last Monday by Justice Peckham, the Supreme Court of the United States held to be unconstitutional the New York state law making ten hours a day's work and 60 hours a week's work in bakeries in that state. Justice Harlan, White, Day and Holmes dissented and Justice Harlan declared that no more important decision had been rendered in the last century.

The opinion was rendered in the case of Lockner vs the State of New York, and was based on the ground that the law interferes with the free exercise of the rights of contract between individuals. The Court of Appeals of the state upheld the law and affirmed the judgment of the trial court, holding Lockner guilty. Judge Parker wrote the opinion of the New York Court of Appeals supporting the law and the court divided four to three on the question of validity.

The law involved in the case is section 110 of the New York State labor law, prescribing the hours of labor in bakeries in the state. Lockner is a baker in the city of Utica and was found guilty of permitting an employe to work in his bakery more than 60 hours in a week, and fined \$50. The judgment was affirmed by the New York Appellate Courts.

Today's opinion dealt entirely with the Constitutional question involved. Justice Peckham said that the law is not an act merely fixing the number of hours which shall constitute a legal day's work, but an absolute prohibition upon the employer permitting, under any circumstances, more than ten hours' work to be done in his establishment. He continued:

"The employe any desire to earn the extra money which would arise from the working more than the prescribed time, but this statute forbids the employer from permitting the employe to earn it. It necessarily interferes with the right of contract between the employer and employe concerning the number of hours in which the latter may labor in the bakery of the employer.

"The general rights to make a contract in relation to his business is part of the liberty of the individual protected by the 14th amendment of the Federal Constitution. Under that provision no state can deprive any person of life, liberty or property without due process of law. The right to purchase or to sell the labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the rights."

The Justice quoted statistics to show that the trade of a baker is not an especially unhealthy one, and said men could not be prevented from earning a living for their families. He concluded:

"It seems to us that the real object and purpose was simply to regulate the hours between the master and his employes, all being men sui generis, in a private business not dangerous in an degree to the morals or in any real and substantial degree to the health of employe. Under such circumstances the freedom of master and employe to contract with each other in relation to their employment and in defining the same cannot be prohibited or interfered with without violating the Federal Constitution."

Justice Holmes and Harlan both delivered dissenting opinions and Justices White and Day concurred in Justice Harlan's views. He said in part:

"I do not stop to consider whether any particular views of this economic question presents the sounder theory. The question is one about which there is room for debate and for an honest difference of opinion. No one can doubt that there are many reasons, based upon the experience of mankind, in support of the theory that, all things considered, more than ten hours' steady work each day, from week to week, in a bakery or confectionery establishment may endanger the health, impair the usefulness and shorten the lives of the workmen.

"If such reason exists, that ought to be the end of this case, for the state is not amenable to the judiciary, in respect of its legislative enactments, unless such enactments are plainly, palpably, beyond all question, inconsistent with the Constitution of the United States. We are not to presume that the State of New York has acted in bad faith.

"Nor can we assume that its Legislature acted without due deliberation or that it did not determine this question upon the fullest attainable information, and for the common good. We cannot say that the state has acted without reason or that its action is a mere sham.

"Our duty, then, is to sustain the statute as not being inconsistent with the Federal Constitution, for the reason—and such is an all-sufficient reason—it is not shown to be plainly and palpably inconsistent with that instrument. Let the state alone in the management of its purely domestic affairs so long as it does not appear beyond all question that it has violated the Federal Constitution.

"This view necessarily results from the principle that the health and safety of the people of a state are primarily for the state to guard and protect and is not a matter ordinarily of concern to the National Government."

Gov. Chamberlain Dissents.
Governor Chamberlain sides with the minority of the United States Supreme Court in the election upon the ten hour labor law, and thinks that the law should not have been held unconstitutional. After reading the synopsis of the opinion written by Justice Holmes, Governor Chamberlain said:

"I do not think there is any escape from the opinion of Judge Holmes. It has always seemed to me that the regulation of the hours of labor is a question which involved the health of the state and its several municipalities, and the question of the adoption of laws for the regulation of the hours of labor is one over which the Legislature had entire power and authority.

"It ought to be assumed that the members elected to the Legislature have a more intimate knowledge upon questions involving the health of those engaged in every vocation, and that, with such knowledge, they are in a position to act with more intelligence upon the subject, than are the courts, state or Federal. To my mind, it seems clear that the question is one for the Legislature, and not for the courts."

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SUNDAY.

Baggage and Transfer Drivers.—Meets Sunday afternoons at 12:30 in room over harness room at B & O. T. barn, Fifth street, between Hoyt and Irving.

Photo Engravers, Local 31 Meets every first Sunday in month at 11 A. M. at room 214 Goodnough bldg.

Railway Freight Handlers, 334 Meets every second and fourth Sunday 230 1/2 Yamhill street.

Typographical Union, 58—Meets every first Sunday in the month in the Auditorium bldg.

MONDAY.

Building Laborers' International Protective Union of America, Local No. 1 Meets every Monday evening at 8 P. M. at 264 1/2 Alder.

Federal Labor Union, No. 11822—Meets Monday evening at 228 1/2 Yamhill street.

Journemen Barbers, Local 75 Meets first and third Monday evening at 230 1/2 Yamhill street.

Journemen Tailors, Local 74 Meets every second and fourth Monday evening in Union Hall, corner Second and Stark streets, third floor.

Photo-Engravers Meets first Monday in each month in the engraving department, Oregonian bldg., ninth floor.

Plumbers—Meets every Monday evening at 228 1/2 Yamhill street.

Sailors' Union of Pacific—Meets every Monday night at 23 North Front street.

Webb Pressmen—Meets first Monday in month, room 214 Goodnough building.

Mailers' Union, No. 21—Meets last Monday in month at room 214 Goodnough bldg.

TUESDAY.

Bartenders' Local 339—Meets every first and third Tuesday evening, and second and fourth Tuesday afternoons at Bartenders' Hall, 264 1/2 Alder street.

Bindery Women's Union, No. 113—Meets first Tuesday evening of each month at 162 Second street.

Bookbinders, No. 90—Meets third Tuesday in month at 162 Second street, room 200.

Broom Makers' Local No. 91 Meets first and third Tuesday in month, room 214 Goodnough building.

Cabinet-Makers' Union, Amalgamated Woodworkers, 252—Meets every fourth Tuesday evening at Plasterers' Hall, 127 1/2 First street.

Cigar Makers, 202 Meets every first and third Tuesday evening of each month at Arion Hall, 228 1/2 Yamhill street.

Cooks and Waiters, Local 189—Meets every Tuesday evening at 187 Salmon street.

Horseshoers, 41 Meets the first and third Tuesday evening of each month at the Plasterers' Hall, 127 1/2 First street.

Musicians—Meets first Tuesday afternoon of each month, room 227 Chamber of Commerce.

Riggers, Liners, Ship Painters and Cleaners Meets second Tuesday of each month at 29 North Front.

WEDNESDAY.

Allied Printing Trades Council—Meets second Wednesday evening in each month at 214 Goodnough building.

Bricklayers' Union—Meets every Wednesday evening in Arion Hall, 228 1/2 Yamhill street.

Grainhandlers, No. 263—Meets every Wednesday evening at Davis Hall, Russell street and Albina Ave.

Ice Drivers' and Helpers' Union, No. 316—Meets first and third Wednesday evenings at Bartenders' Hall, 264 1/2 Alder street.

Leatherworkers—Meets every Wednesday evening, 162 Second street, third floor.

Plasterers' Union, 821 Meets every Wednesday evening at Plasterers' Hall, 127 First street.

Stereotypers and Electrotypers, 48 Meets first Wednesday, room 214 Goodnough building.

Travelers' Goods and Leather Novelty Workers Meets every second and fourth Wednesday at 264 1/2 Alder street.

Woman's Label League—Meets every first and third Wednesday afternoon and every second and fourth Wednesday evening of each month at Hall 300, Alisky building.

THURSDAY.

Amalgamated Sheet Metal Workers, Local 15 Meets every second and fourth Thursday evenings in the month, Engineers' Hall, 47 1/2 First.

Boiler Makers' Union Meets every second and fourth Thursday evening at Arion Hall, 228 1/2 Yamhill.

Brotherhood Painters, Decorators and Paper Hangers of America, Local 10 Meets every Thursday evening in Painters' Hall, 234 1/2 Morrison.

Coopers' Union—Meets first and third Thursday evenings at Bartenders' Hall, 264 1/2 Alder street.

Electrical Workers, No. 317—Meets every Thursday evening at Cooks and Waiters' hall, 289 Salmon street.

Garment Workers—Meets first and third Thursday evening at No. 162 Second street.

Longshoremen's Association, 265—Meets first and third Thursday evening in Union Hall, Second and Stark streets, third floor.

Printing Pressmen, No. 43 Meets first Thursday evening in Mulkey building, corner Second and Morrison streets.

Steam Engineers, Local 87—Meets every Thursday evening in Engineers' Hall, 49 1/2 First street.

Theatrical Employes, Local 28—Meets every second and fourth Thursday at 228 1/2 Yamhill street.

Wood and Wire and Metal Lathers, Local 54 Meets every Thursday evening at 230 1/2 Yamhill street.

FRIDAY.

Brotherhood of Electrical Workers, No. 125 Meets every Friday evening at Engineers' Hall, 49 1/2 First.

Carpenters and Joiners, Local 50—Meets every Friday evening at 66 North Sixth street.

Carpet Workers and Drapers, Local 110—Meets every Friday evening at 230 1/2 Yamhill street.

Federated Trades Council Meets every Friday evening at Union building, Second and Stark streets.

Laundry Workers, Local 90 Meets every Friday evening in Plasterers' Hall, 127 1/2 First street.

Machinists, Willamette Lodge No. 63—Meets every Friday evening at 162 Second street.

SATURDAY.

Bakery and Confectionery Workers, Local 114—Meets every first and third Saturdays, 6 o'clock P. M., at 228 1/2 Yamhill street.

Beer Drivers' and Bottlers', Local 201—Meets every first and third Saturday evening at Bartenders' Hall, 264 1/2 Alder street.

Brewers' Union—Meets every second and fourth Saturday evening in the month at 228 1/2 Yamhill street, Arion Hall.

Bridge and Structural Iron Workers—Meets every Saturday evening at 230 1/2 Yamhill street.

Longshoremen, Local 264 Meets at call of president at hall in Union block, third floor, corner Second and Stark streets.

Stationery Firemen Meets every first and third Saturday evenings in Musicians' Hall, 227 Chamber of Commerce.

Shipwrights, Joiners and Caulkers, No. 12—Meets first and third Tuesday evenings in Engineers' Hall, 49 1/2 First street.

Team Drivers' Union, No. 162 Meets every Saturday evening at Carpenters' Hall, 66 N. Sixth street.

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