

HER SEX & LAW

Supreme Court Expresses Broad Views in Deciding Ten-Hour Day Case.

DIFFERENCE IS INHERENT

Full Text of Justice Brewer's Opinion Discussing Natural Laws Governing Employment of Women.

Oregon Law Constitutional.

The full text of the decision recently handed down by Justice Brewer, of the United States Supreme Court, sustaining the validity of the Oregon state law which holds that no female shall be compelled to work for more than ten hours during any one day, has been received in Portland...

Section 1.—That no female shall be employed in any mechanical establishment or factory or in any business, profession or occupation for more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time during the day, but shall not exceed ten hours during the 24 hours of any day.

A trial resulted in a verdict against the defendant, who was sentenced to pay a fine of \$10. On appeal, the Oregon state supreme court affirmed the conviction...

First—Because the statute attempts to invade the personal and domestic life of a woman, and thus violates the provisions of the Fourteenth Amendment...

Second—Because the statute does not apply equally to the male and female, and is in violation of the equal rights of the sexes...

Third—Because the statute is not a valid exercise of the police power, and the kinds of work prescribed are not unlawful nor are they declared to be immoral or dangerous to the public health...

Fourth—Because the statute is in violation of the equal rights of the sexes, and the kinds of work prescribed are not unlawful nor are they declared to be immoral or dangerous to the public health...

a permanence and stability to popular government which otherwise would be lacking. At the same time, when a question of fact is debated and debatable, and the extent to which a special constitutional limitation goes is affected by the truth in respect to that fact, a widespread and long-continued belief concerning it is worthy of consideration...

Without stopping to discuss at length the extent to which the state may act in this respect, we refer to the following cases in which the case has been considered: Plessy vs. Louisiana, 162 U. S. 97; Lochner vs. Hardy, 159 U. S. 586; Lochner vs. New York, Supra.

Must Consider Race. That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This especially is true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to induce injurious effects upon the body and as healthy mothers are essential to vigorous offspring, the physical debility of the mother becomes an object of public interest and care in order to preserve the strength and vigor of the race.

Still again, history discloses the fact that woman has always been dependent upon man, and that she has been protected by his superior physical strength, and this control in various forms, with diminished freedom, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as being the special ward of her rights may be preserved. Education was long denied her, and while now the doors of the schoolroom are open and her opportunities for acquiring knowledge are great, it is still true in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, the habits of her life which operate against a full assertion of those rights, she will still be dependent upon man, and in many respects it seems necessary to secure a real equality of rights there are individual exceptions, and there are many respects in which she has an advantage over him but looking at her from the viewpoint of the effort to maintain an independent position in life she is not upon an equality.

Even though all restrictions on political, personal and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolute equality plane with her brother, still it would be true that she is not constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not only her mere health, but the well-being of the race—require legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time and place of her labor, are not imposed solely for her benefit, but also largely for the benefit of all.

Two words cannot make this plainer. The two sexes differ in structure of body. In the functions to be performed by each, in the amount of physical strength, in the capacity for long continued labor, particularly when done standing, the influence of various health upon the future well-being of the race, the self-reliance which enables one to assert full rights and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate some of the burdens which rest upon her.

We have not referred in this discussion to the denial of the elective franchise in the State of Oregon for which that may disclose a lack of political equality in all things with her brother, that is not of itself decisive. The reason runs deeper, and rests in the inherent difference between the two sexes, and in the different functions in life which they perform.

For these reasons, and without question, in any respect the decision in Lochner vs. New York, we are of the opinion that it is in conflict with the Federal Constitution so far as it respects the work of a female in a laundry. The decision of the Supreme Court of Oregon is affirmed.

Hotel Wants to Use Sidewalk Space. A resolution, granting to the Perkins Hotel Company permission to use the sidewalk eight inches of space on the sidewalks in making exterior ornamentations to the structure at Fifth and Washington streets, was introduced into the Council yesterday afternoon by Councilman Menefee. Objection to suspension of the rules was entered by Councilman Kellogg, and the matter was referred to the committee on health and police. The hotel people desire to improve the appearance of some sidewalk, and wish a permit to use their sidewalk space in so doing.

Stubbs Names Private Car After Oregon Town.

Harriman Traffic Director Pays High Compliment to Little City in the Southern Part of the State.

CITIZENS ARE APPRECIATIVE

Harriman Traffic Director Pays High Compliment to Little City in the Southern Part of the State.

That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This especially is true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to induce injurious effects upon the body and as healthy mothers are essential to vigorous offspring, the physical debility of the mother becomes an object of public interest and care in order to preserve the strength and vigor of the race.

Still again, history discloses the fact that woman has always been dependent upon man, and that she has been protected by his superior physical strength, and this control in various forms, with diminished freedom, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as being the special ward of her rights may be preserved. Education was long denied her, and while now the doors of the schoolroom are open and her opportunities for acquiring knowledge are great, it is still true in the struggle for subsistence she is not an equal competitor with her brother.

Even though all restrictions on political, personal and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolute equality plane with her brother, still it would be true that she is not constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not only her mere health, but the well-being of the race—require legislation to protect her from the greed as well as the passion of man.

Two words cannot make this plainer. The two sexes differ in structure of body. In the functions to be performed by each, in the amount of physical strength, in the capacity for long continued labor, particularly when done standing, the influence of various health upon the future well-being of the race, the self-reliance which enables one to assert full rights and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate some of the burdens which rest upon her.

We have not referred in this discussion to the denial of the elective franchise in the State of Oregon for which that may disclose a lack of political equality in all things with her brother, that is not of itself decisive. The reason runs deeper, and rests in the inherent difference between the two sexes, and in the different functions in life which they perform.

For these reasons, and without question, in any respect the decision in Lochner vs. New York, we are of the opinion that it is in conflict with the Federal Constitution so far as it respects the work of a female in a laundry. The decision of the Supreme Court of Oregon is affirmed.

Hotel Wants to Use Sidewalk Space. A resolution, granting to the Perkins Hotel Company permission to use the sidewalk eight inches of space on the sidewalks in making exterior ornamentations to the structure at Fifth and Washington streets, was introduced into the Council yesterday afternoon by Councilman Menefee.

St. John Parties Will Nominate Tickets by Petition. It is understood that no conventions will be held in St. John to place candidates in the field for the coming municipal election, April 7, and that all candidates will be nominated by petition. From all indications it appears that the Republicans will place a ticket in the field and that the Good Government League will also have a full ticket.

Glycemia Malt Extract, good for grandmothers and babies. Only 15¢ per bottle. Alcohol. Patented. Main St. A. 2467.

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

New York, March 9, 1908.

To Policyholders and Agents:

The total assets of the Society on December 31, 1907, taking the market quotations of that date for stocks and bonds, amounted to \$432,647,706.30. The liabilities (including policy reserves) were \$379,372,284.59, showing a surplus of \$53,275,421.71. The assets, taking the amortized book value of bonds, showed a valuation of \$453,928,775.06, with a surplus on this basis of \$74,556,490.47.

The payments to policyholders during 1907 amounted to \$45,305,831.30. Of this amount \$18,992,079.87 was paid in death benefits. 97% of all death claims in the United States and Canada were paid within one day after proofs of death were received by the Society, a record unparalleled by any other life insurance company in the world.

The new loans made during 1907 on first-class real estate mortgages, all well within the limit of safety, amounted to \$10,245,000, which was placed at an average rate of 5.17%. This rate of interest showed a most substantial gain as compared with an average rate on new loans of 4.93% in 1906, 4.55% in 1905 and 4.53% in 1904.

The Directors and Officers of the Society are co-operating with singleness of purpose to advance the best interests of the policyholders. The Society is complying with the spirit as well as with the letter of the new insurance laws of the State of New York.

Existing financial and commercial conditions make life insurance absolutely necessary to many men at the present time, the great prosperity and inflation of the past ten years having made them careless of the indispensable service which it performs.

The earnings of the Society from interest and rents was \$1,151,064.27 greater in 1907 than in 1906. The average rate of interest realized during 1907 amounted to 4.39% as against 4.26% in 1906, 4.03% in 1905, 3.90% in 1904.

On securities in which the Society may legally invest there was loaned \$11,412,000 during 1907, always with an ample margin of collateral, at an average interest rate of 5.44%.

The earnings of the Society from interest and rents was \$1,151,064.27 greater in 1907 than in 1906. The average rate of interest realized during 1907 amounted to 4.39% as against 4.26% in 1906, 4.03% in 1905, 3.90% in 1904.

POPCORN MENN QUANDARY

Cannot do business under city ordinance. Find it impossible to operate Roasting Machines While Keeping on the Move.

Peanut and popcorn vendors must forego the mark hereafter. The Corporation and individual criminals are no longer in the limelight, but the little fellows who do not stop to step lively, according to an edict issued by the City Council...

The particular offense of which the vendor is guilty is that of standing on one corner for a longer period than five minutes, as expressly prohibited by the city ordinance. These same ordinances provide that the peanut and popcorn vendor must not spend more than ten minutes on any one block.

Hotel Wants to Use Sidewalk Space. A resolution, granting to the Perkins Hotel Company permission to use the sidewalk eight inches of space on the sidewalks in making exterior ornamentations to the structure at Fifth and Washington streets, was introduced into the Council yesterday afternoon by Councilman Menefee.

COLONIST BUSINESS SMALLER

Harriman Lines Report Decrease in Travel for Past Week. Colonel figures compiled by the Harriman lines for the travel to points of the coast during the first week of March, the beginning of the Spring tourist movement, show that the closing of the Portland gateway to Puget Sound has resulted in a considerable falling off over the figures for the corresponding week of March, 1907.

The number of one-way home-seekers' tickets taken up during the first eight days of March amount to a total of 1244. Last year the figure for the same period was 1589. This shows a decrease of 345 in the total, but last year 562 colonists in the 1907 had Washington points their destination, the showing is favorable, and indicates an increase in colonist travel to Oregon points.

Passenger Agents' Convention. J. H. O'Neill, chairman of the executive committee of the American Association of Traveling Passenger Agents, has returned from Chicago, where he went to attend a meeting of the executive committee and arrange preliminaries for the annual convention of the association.

St. John Parties Will Nominate Tickets by Petition. It is understood that no conventions will be held in St. John to place candidates in the field for the coming municipal election, April 7, and that all candidates will be nominated by petition.

RUSHLIGHT FOR ASSESSOR

Councilman from Seventh Ward Seeks County Office. A. G. Rushlight, a Councilman from the Seventh Ward, has filed with County Clerk Field his declaration of intention to run for County Assessor on the Republican ticket.

Makes Record in Tank. Roy Deering promises to make his mark in the swimming world if he continues the career he began in the Y. M. C. A. swimming tank last night.

Are Ideal Life Insurance Contracts Issued by a Home Company. LOW NON-PARTICIPATING RATES. HIGH CASH VALUES. Superior inducements offered to reliable active Agents.

Apply to JESSE R. SHARP, Manager of Agents 214 Lumber Exchange Bldg. W. M. LADD, President THEO. B. WILCOX, Vice-Pres

THE NEW POLICIES OF THE COLUMBIA LIFE & TRUST CO.

Are Ideal Life Insurance Contracts Issued by a Home Company. LOW NON-PARTICIPATING RATES. HIGH CASH VALUES. Superior inducements offered to reliable active Agents.

Apply to JESSE R. SHARP, Manager of Agents 214 Lumber Exchange Bldg. W. M. LADD, President THEO. B. WILCOX, Vice-Pres

WELCOME ARCH RESOLUTION HELD UP

A resolution to appropriate \$250 for Metzger fits glasses for \$1.00.

Metzger fits glasses for \$1.00.

CHAMBERLAIN'S COUGH REMEDY. EVERY one desires to establish for himself a good name, but it takes time to win the confidence of your fellow men. Truth and perseverance are the alternate rungs on the ladder of success, and he who reaches the top must make no false step. Careful selection of the drugs, intelligent and skillful compounding, the entire absence of opium, chloroform, or any other harmful ingredient, and the absolute purity of every article that goes into its composition, has built up and sustained its good name.