CURRENT TOPICS

THE United States supreme court rendered an important decision April 17 with respect to the eight-hour law. The court had under the consideration the New York state law limiting the hours of labor, making ten hours a day's work and sixty hours a week's work in bakeries. The court's opinion was written by Justice Peckham. Justices Harlan, White, Day and Holmes dissented, Justice Harlan declaring that no more important decision had been rendered during the past century. It is interesting, if not significant, that this decision was rendered by a vote of five to four, a thing that has, in recent years, become quite noticeable in supreme court proceedings.

THE case under consideration was entitled Lockner vs. the State of New York. The New York state court had upheld the law affirming the judgment of the trial court and holding Lockner guilty of the charge that he had violated the law. Judge Alton B. Parker wrote the opinion of the New York court, in which opinion the law was upheld, the state court dividing by a vote of four to three. Lockner is a Utica baker and was charged with permitting one of his employes to work in his bakery more than sixty hours in one week. The lower court fined him $50 and the judgment was affirmed by the New York appelate court. The case was then appealed to the United States supreme court.

IN DELIVERING the opinion for the United States supreme court, Justice Peckham said that the law not only fixes the number of hours which shall constitute a legal day's work, but absolutely prohibited the employer from permitting under any circumstances more than ten hours' work to be done in his establishment. Justice Peckham said: "The employe may desire to earn the extra money which would arise from his 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 employes concerning the number of hours in which the latter may labor in the bakery of the employer. The general right to make a contract in relation to his business is part of the liberty of the individual protected by the fourteenth amendment to 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 labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the right."

REFERRING to the exceptions coming under the head of police powers of a state, Justice Peckham declared that the case in point did not fall within that power. He added: "The question whether this act is valid as a labor law pure and simple may be dismissed in a few words. There is no reasonable ground for interfering with the liberty of persons or the right of free contract by determining the hours of labor in the occupation of a baker. Bakers are in no sense wards of the state. Viewed in the light of a purely labor law, with no reference whatever to the question of health, we think that a law like the one before us involves neither the safety, the morals nor the welfare of the public, and that the interest of the public is not in the slightest degree affected by such an act. It is a question of which of two powers or rights shall prevail—the power of the state to legislate or the right of the individual to liberty of person and freedom of contract. The mere assertion that the subject relates to the public health does not necessarily render the enactment valid. The act must have a more direct relation as a means to an end and the end itself must be appropriate and legitimate before an act can be held to be valid which interferes with the general right of an individual to be free in his person and in his power to contract in relation to his own labor. We think the limit of the police power has been reached and passed in this case."

JUSTICE PECKHAM quoted statistics to show that the trade of a baker is not an unhealthful one. He said that men could not be prevented from earning a living for their families, and he concluded: "It seems to us that the real object and purpose was simply to regulate the hours of labor between the master and his employes, all being men sui generis, in a private business not dangerous in any degree to morals or in any real and substantial degree to the health of the employes. Under such circumstances the freedom of master and employe to contract with each other in relation to their employment and in defining the same can not be prohibited or interfered with without violating the federal constitution."

DISSENTING opinions were delivered by Justices Holmes and Harlan, Justice White and Justice Day concurring in Justice Harlan's opinion. Justice Harlan said: "I do not stop to consider whether any particular view 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."

JUSTICE HARLAN contended that if such reasons existed that ought to be the end of the case under consideration, explaining: "For the state is not amenable to the judiciary with respect to its legislative enactments unless such enactments are plainly, palpably, beyond all question inconsistent with the constitution of the United States." Justice Harlan further said: "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 can not 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 in conflict 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."

MAYOR DUNNE of Chicago has already received offers of financial assistance in his efforts to establish municipal ownership, so far as concerns the traction companies. The first offer came in a letter written by Bird S. Coler, formerly comptroller of the city of New York, and now of the firm of W. N. Coler and Company, brokers. In this letter Mr. Coler congratulated Mayor Dunne on his election and offering to invest in the certificates, said: "Several years ago I advocated practically the same proposition for the acquirement of the dock properties in the city of New York, and it will give me sincere pleasure to make a personal investigation in the city of Chicago and to aid, if necessary, in the organization of a syndicate to buy securities which I believe to be the safest that can be devised." The Coler letter has staggered some of those gentlemen who have contended that the municipality would find it difficult to obtain money with which to handle the municipal ownership enterprise.

ACCOMPANYING Mr. Dalrymple's letter to Mayor Dunne is a statement from a Glasgow justice of the peace giving the cost of the Glosgow system and other data, as follows:

Constructing track 75 miles at £16,000.	£1,200,000
Engines and buildings for electric power	500,000
Building and machinery for building and repair cars	200,000
Night sheds for cars	200,000
Seven hundred and fifty cars	450,000
Seventy-three miles cost	2,600,000
Written off in ten years	800,000
Stands in the books at	1,800,000
First cost per mile	35,000
Stands in the books at	26,000
Last Year's Working	
Wages and traffic expenses	£ 270,000
Renewals and depreciation	200,000
Repairs	70,000
Interest on capital invested	60,000
Sinking fund	45,000
Paid to common good	35,000
Cost of electric power	20,000
Parliamentary expense	10,000
Rent of branch line	5,000
Carried to next year	20,000
Total cost	£ 725,000
Total receipts	725,000
Charitable and entertaining fund—	
	Per cent.
Half-penny fares	16.70
Penny fares	66.60
Above	16.70
Total	100.00

Passengers carried, 200,000,000. Receipts per car mile, 10.60 pence. Average fare, .93; cost .80.

THE senate committee on interstate commerce is in session at Washington for the purpose of "investigating" the railroad rate question. Walter Wellman, Washington correspondent for the Chicago Record-Herald, says that members of the committee express the opinion that when congress meets next fall "a bill of some sort will be ready to be reported by the committee," but that "it will not be a drastic bill." Mr. Wellman says that this measure will probably be disappointing to the western people who have wanted congress to enact a real and effective measure of railway reform. He adds: "Members of the committee and outsiders who have been carefully following the course of the agitation do not hesitate to say that the demand for more radical action has to a large extent abated and that the present outlook is for exceedingly moderate legislation, if any. No one cares to predict what form this legislation will take, but there is a strong feeling that it will not go nearly as far as the bill which passed the house last winter by a wellnigh unanimous vote."

THE senate committee has decided to meet daily at 11 o'clock in the morning. Mr. Wellman says: "The plan of the committee is to hear the railway side of the case first and afterward those in favor of more drastic action. Although members of the committee have little idea how long their hearings are to continue, the general expectation is that they will run on five or six weeks. During May a large number of railway men are to be in Washington from all over the world to attend the International Railway congress, and it is desired to secure the testimony of a number of foreign railroad men of distinction as to methods pursued in their countries and on their lines. American railroads have made arrangements to have a complete report of the hearings on their side of the case made for the use of the press, this work being in charge of J. S. Maddy, formerly of the Baltimore and Ohio, now of the Erie, and well known for his energetic and skillful agitation against rate legislation."

A NEWSPAPER dispatch announces that Russel Sage has decided to quit the battle of business life and that he will formally retire from Wall street. A New York correspondent, referring to this report, says: "That a man should reach the age of eighty-eight with faculties unimpaired in spite of the wear and tear of Wall street life is little short of marvelous. A man is old at thirty, stale at forty and dead at fifty,' runs the Wall street adage. This is not the case with Mr. Sage, for from sixty to seventy he was the master of the 'street.' His life was so ingrained in the affairs of the 'street' that in his retirement it feels that it has lost part of itself—a most important and historic part. There is pathos in the passing of this master of finance from the arena. He always fought fairly, never asking for quarter, but often giving it without the asking. Mr. Sage is now in his eighty-ninth year. Up to a year ago he was most active. He managed his affairs himself and he has amassed many millions—more than a hundred. It is peculiar of the man that he has always thought in hundreds. He says that he will live to be 100."