LAW CAN'T LIMIT A WORKING DAY.

Man May Labor More than 60 Hours a Week if He Chooses, Says the United States Supreme Court.

MAY MEAN BAKERY WAR.

Decision Affects New York Breadmakers, and 85,000 Threaten to Quit Work on May 1.

Washington, D. C., April 17.—[Special.]—A state law limiting the number of hours in a day and a week that a laboring man may work interferes with the free exercise of the right of contract between individuals and therefore is in violation of the United States constitution.

So decided the Supreme court today when it held that the New York state law making ten hours a day's work and sixty hours a week's work in bakeries in that state is unconstitutional.

The decision is declared by Justice Harlan to be one of the most important rendered by the United States Supreme court in a hundred years.

The immediate result may be a strike of 85,000 union bakers throughout the United States, if the employers of New York refuse the demands for a ten hour day on May 1.

Alton B. Parker Reversed.

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. A baker in the city of Utica named Lochner was found guilty of permitting an employé to work in his bakery more than sixty hours in a week and fined $50. The judgment was affirmed by the New York Appellate court, the opinion being written by Judge Alton B. Parker.

The Supreme court was far from being unanimous in today's opinion. Justices Holmes and Harlan both read dissenting opinions, and Justices White and Day concurred in Justice Harlan's view. The latter took the ground that the state law had not been shown to be inconsistent with the federal constitution, and that, therefore, the state should be left alone in its management of its purely domestic affairs.

Rights of Man Involved.

Today's opinion dealt entirely with the constitutional question involved. Justice Peckham, in the deciding opinion, 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 on the employer permitting under any circumstances more than ten hours' work to be done in his establishment. He continued:

"The employé 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 employé to earn it. It necessarily interferes with the right of contract between the employer and employé, 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 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."

Not Within Police Powers.

The justice referred to the exceptions coming under the head of the police powers of the state, and after considering that point at length concluded that the present case did not fall within the police power.

"The question whether this act is valid as a labor law pure and simple may," he said, "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."

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

"It seems to us that the real object and purpose was simply to regulate the hours of labor between the master and his employés, all being men sui juris, in a private business, not dangerous in any degree to morals or in any real and substantial degree to the health of the employés. Under such circumstances the freedom of master and employé 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 Harlan Dissents.

Justice Harlan in his dissenting opinion said, in part:

"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.

"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."