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WEEKLY PEOPLE

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THE 10-HOUR LAW "UNCONSTITUTIONAL"

The Supreme Court of the United States decided on the 17th of this month that the New York State ten-hour law is unconstitutional. The case that gave rise to the decision was that of Lockner versus The State of New York. Lockner is an employing baker in the city of Utica, and was found guilty at a trial court, of permitting an employee to work in his bakery more than six hours in a week, and fined \$50. The case was appealed, and the Court of Appeals of the State upheld the law and affirmed the judgment of the trial court by siding Lockner guilty. The ground upon which the Court of Appeals upheld the law was that the measure was "within the police powers of the State for the protection of the public health from improper conditions surrounding the preparation of food." Being finally appealed to the Supreme Court of the United States, the decision is now reversed. The law is pronounced unconstitutional. Four judges—Holmes, Harlan, Day and White—dissented. Judge Harlan, who wrote the dissenting opinion, pronounced the Court's decision one of the most important in a century; to quote him literally, he said: "No more important decision has been rendered in the last century." The judge is right. This particular decision does mark an epoch. It does so because, as we shall show from the language of the decision itself, that which the Court did pass and plant its decision upon was not a matter of LAW, but a matter of FACT. It is in the finding of that particular fact that the decision marks an epoch.

In order to bring out this transcendent feature of the decision it will be necessary, first, to consider the law in the case, as handled by the Court itself. We shall do so in successive articles:

"FREEDOM OF CONTRACT"

More than once in the columns has the law of contract been considered. A contract is an agreement between two parties upon a certain subject, on which their minds meet. In order for there to be a contract, both contracting parties must be aware of what they are doing, neither must be deceived by the other, and both must be free—free to accept or reject. Where any one of these three essentials to a contract is missing, there is no contract: if the two contracting parties had different things in mind, there is no contract; and the contract is null, it is even a badge of fraud, if either party was either deceived by the other, or acted under duress. It is only with the last of these three junctures that we are concerned—the juncture of one of the contracting parties not being free, acting under duress. Such a juncture deprives the alleged contract of validity and takes it out of the category of a free contract—a requisite category for validity, as the term "freedom of contract" implies. The Court recognized this principle of law and equity. That it did so, appears from the following passage in the decision:

The right to purchase or to sell labor is part of the liberty protected by this amendment [the Fourth Amendment to the Federal Constitution], UNLESS THERE ARE CIRCUMSTANCES WHICH EXCLUDE THE RIGHT."

The circumstances in the instance of the workman in general, the employee of Lockner in particular, "exclude the right." No special economic theory is needed to understand that Lockner's employee was not free. Common sense will dictate the conclusion that no man will submit to more than ten hours steady work each day, from week to week in a bakery or confectionery establishment, leastways for the petty wage paid in those establishments, unless superior force compels him. No man will submit to such work, unless he is under duress. And if, on top of all, the wages are what they are, insufficient to restore even a normal more than ten-hours' expenditure of life-tissue, infinitely less sufficient to restore the tissue expended in such unsanitary establishments as capitalist-run bakeries,—if on top of all, such are the conditions of work, then, whatever else that man may be who "contracts" for more than ten hours' steady work each week, such a man is not FREE. He is no freer to contract than the wayfarer is whom a footpad covers with his pistol and orders to "stand and deliver." Lockner's employee was not free; the contract between the two falls outside of

the category of "freedom of contract"; the circumstances "exclude the right"; they are a violation of the equity that underlies the Fourth Amendment of the Federal Constitution guaranteeing the "freedom of contract."

And yet the Court decided that the contract was valid.

Why?

II. EQUITY TORN TO TATTERS.

There is a tenet of equity jurisprudence that decrees that none shall profit by his own wrong. The principle is one of high morality. It is intended to checkmate the spirit illustrated in Shylock's posture that the seal, on the document which he had, precluded all inquiry into its justice, or inhumanity. The tenet of equity that none shall profit by his own wrong cuts through all the red-tape of technicalities, that wrongdoers may set up in the pursuit of their crime. If the foundation of an act is a wrong, no pretext, however valid on its face, shall excuse the act, least of all uphold it. On the contrary, the foundation of an act being a wrong, the act itself becomes all the more heinous.

Instances of acts of this nature occur every day in capitalist society. Employers there are, for instance, who seek to justify their employing of little children on the plea that the parents need the money: the employment of little children is profitable to the capitalist class: the act is wrong, but, in order to justify it, the capitalist class brings about the conditions that drive parents to send their children to work when they should be at play or at school: thus the capitalist profits by his own wrong, even justifies a subsequent wrong with the grievous results of a previous one. Another instance is that of excessive hours of labor. The capitalist first commits the wrong of his social system that keeps the workman at wages too low to live.

Lockner employed a baker more than ten hours. He was profiting by his own wrong—the wrong of which the whole capitalist class is guilty—the wrong of keeping human beings at wages below the requirements of civilized man. Unable to earn at regular hours enough to live on, the employee was driven to work at longer hours, and the employer justified the act on the principle that if a man "desires to earn extra money from overtime he should be left free to do so." Lockner's conduct flew in the face of the principle of equity jurisprudence quoted above. Did the Court deny the principle when it upheld Lockner? No, the Court accepted the principle, as appears from the passages that refer to the duties of legislatures to protect morality.

This notwithstanding, notwithstanding Lockner sinned against the moral precept that none shall profit by his own wrong, the Court upheld him.

Why?

III. "POLICE POWERS"

The "police power" of the State is a technical term. It has no reference to policemen, it does not refer to any power that these may be clad with under the law. The "police power" of organized society is an unwritten, an implied law. It is a power intended to safeguard society against the hardships of the letter of the law. Under the clause "police power," the government may cut through all legal red-tape and annul "legal" relations if such relations are against public policy; if they are harmful to health. A man may have title, for instance, to a rickety house which emits pestilential exhalations; the "police powers" of the State may, however, step in and tear down that house. It may do so without compensation. It does so on the principle of the "police power" vested in it to protect the health of the community. Obviously, the questions that arise under the head of "police power" are not matters of LAW but of FACT. Is it a fact or is it not that a certain thing is injurious to

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WAGES AND CAPITAL

What They Are—How the Price of Labor Is Fixed.

(From the Sydney, Australia, "People.")

Wages is the portion of the value produced by labor which is returned to the worker in exchange for the expenditure of his labor power. When a man works a day for wages, he virtually sells to the capitalist who employs him one day's labor power. The product of the day's labor belongs to the capitalist; but he pays for the day's labor-power its market price, fixed by the competition of laborers and of employers in the labor market, exactly as the price of other commodities is fixed in their market. The price of a commodity tends always to be equal to the average necessary cost of reproducing it. So the price of a day's labor power tends always to be equal to the average necessary cost of reproducing it—that is, to the cost of a day's living for the average worker; this must include, of course, the living of those dependent upon him; and it will depend largely upon the standard of living generally prevailing in the locality at the time. But the average cost of the worker's living is never equal to the average product of his labor. The difference remains in the hands of the capitalist as profit, interest, or rent-surplus value.

When we say, conventionally, that Labor and Capital are necessary to each other, every well instructed person knows what we mean—that the laborer, mental and manual, must use or consume the product of their labor (which is the real substance of capital) in order to further produce. But capital, in the strictly scientific sense of the term, is unnecessary. "Capital is wealth used productively with a view to profit by sale of the product," therefore, if capitalist entirely wrong.

The above definition is that of the capitalist economists, not ours, although we fully agree with it, and that is the reason we advocate the abolition of the

capitalist system, and the substitution of the Socialist system, under which production will be carried on—not with a view to profit—but for use only. Seeing that capital is getting into larger aggregates and fewer hands every day, and causing starvation and misery to millions of the creators of capital, we think the correct meaning of this term should be kept well to the front of our propaganda, as a preventive to the spread of false notions.

Labor force, which all men possess in common with each other, is the one thing necessary. This applied to nature, mentally and physically, is all that is needed for the supply of all human needs, and there is no necessity why any human being should want, seeing that the sole cost of these things is the Labor embodied in them, and there is plenty of labor everywhere.

The Human Race—the workers, mental and manual—in its work of emancipation itself must reckon on the unswerving opposition of the clerical, as well as on the legal, literary, and pseudo-labor myrmidons of capitalism. We admit that with the exception of the last individuals of these classes who have risen morally above their environment, do good service to the great cause of the Social Revolution, but they are only exceptions, and do not alter the fact that the emancipation of the working class must be the work of the working class itself.

WHY, OH, WHY?!

The spouters, newspapers, leagues, etc., etc., who are advocating "municipal ownership" as a means of escaping capitalist domination and tyranny, have not explained to date why Andrew Carnegie, upon whom, next to Rockefeller, they delight in venting their venom, has praised Mayor Dunne of Chicago and spoken highly of municipal ownership in general. Nor have they told us why it is that Bird S. Coler, whose banking firm makes a speciality of municipal bonds, is said to be the titular head of the "municipal ownership" movement here in the East. A little light on the cause of capitalist interest in this capitalist destroying (sic) "crusade," will prove an eye-opener to deluded workmen.

MAY DAY

Its History and Significance—To Be Celebrated in Cooper Union.

The Socialist Labor Party will this year, as in the past, celebrate International Labor Day by holding a mass meeting at Cooper Union on Monday evening, May 1.

May Day was at first instituted by the proletariat of the world as a day of demonstration in favor of a universal eight-hour day. To-day it has assumed a far greater significance. Unlike the modern Saturnalia held by the labor lieutenants of the capitalist class on "Labor" day, May Day now stands for the international solidarity of labor in its efforts to overthrow the capitalist system and inaugurate Socialism in all lands, in accordance with the principles enunciated by Marx and Engels, and expounded in this country on the economic and political fields, by the Socialist Trade & Labor Alliance and the Socialist Labor Party.

Other organizations pretending to stand for the working class will also demonstrate on May Day in this city and country. For instance, the "Socialist," alias Social Democratic, alias Public Ownership party, whose representatives repudiated the principles of international Socialism by presenting a resolution against the unrestricted immigration of BACKWARD RACES, will celebrate May Day. So also will the so-called "progressive" labor organizations who, while proclaiming the solidarity of labor in all countries, support the Gompers' division of the working class on craft lines in this country. These organizations are bogus organizations, who desecrate May Day in order to secure votes and the plums at the bestowal of Gompers. Beware of them; shun their meetings!

The Socialist Trade & Labor Alliance and the Socialist Labor Party are urging their members to redouble their efforts and make the coming May Day demonstration one that will send a chill down the back of the misleaders and oppressors of labor. They expect great things between this May Day and the next in

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NEW ENGLAND TEXTILE

OUTLOOK

Fall River, Mass., April 22.—Dixie Land may be the "land of cotton, cinnamon seed and sandy bottom," and a few other things, such as child labor, poverty, and capitalist oppression, of which the minstrels fail to sing, but this is the town where we weave and spin the cotton, and old Dixie soon will not be in it, if we keep on winning "glorious victories" (as labor fakir, Matt Hart, of New Bedford, calls them), with our pure and simple American Federation of Labor form of trades union, and having our wages cut down and labor intensified in a progressive (cow's tail style) ratio to the number of "victories" won. A few more "labor leader" Bob Howards and Joe Jacksons, elected to the legislature on capitalist tickets, another "flying wedge" movement or two to help some ambitious millionaire shoe manufacturer advertise his \$3.50 shoes, and an "arbitrated" strike or so, to put the final kibosh on us, and our New England textile capitalists will have their Dixie confers skinned to death on the exploitation of wage slaves. The Southrons will have to see that their mills are organized and learn the trick of using the labor fakirs of the pure and simple trades unions to bamboozle their employees, if they do not wish to be beaten at the game.

In a letter on the situation during the strike last fall, the writer stated that: "The mill workers are reaping the fruits of capitalism, and wondering why the fruit turns to ashes in their mouths. The operatives have shown splendidly that they possess considerable solidarity, and are willing to fight hard against further degradation, but, if they are to allow themselves to continue to uphold capitalism and pin their faith to a pure and simple trades union which admits the 'right' of the boss to skin them as long as he doesn't skin them too much—on the economic field—while voting the governmental power into the hands of their masters on the political field, they will have gained nothing from this struggle but another bitter lesson in the school of experience."

That this is all that was gained as a result of the "settlement" by Governor Douglas, for whom they voted under the guidance of the pure and simple "labor leaders," is shown by the present low wages, the attempt to add to the number of looms operated by each weaver, and the reduction of the price paid per cut, on the ground that longer bobbins make weaving easier. Even from the mouths of the labor fakirs themselves comes the admission that things are worse than they were before our last "victory," as witness the statements of Gompers and Golden at Lawrence, where the latter declared:

"Unless there is a radical change in the schedule of wages paid the operatives at Fall River, there will be a re-opening of the strike there next summer."

Fall River is to the cotton manufacturing industry of New England what Providence is to the woolen. If conditions and wages go down here they drop everywhere else. The workers in the woolen portion of the textile industry are just now laying low. They have plenty of grievances but are biding their time and will later again revolt. The cotton workers, however, have been getting it "in the neck" so badly that they are perpetually on the anxious seat and the spirit of discontent is abroad among them—and with good reason.

Since the "settlement" of the great strike of last year, there have been strikes among the weavers at the Barnard, Davol, Stafford, Merchants, and other mills, where the twelve and one-half per cent reduction was made more unbearable by attempts at further reductions of the price per cut paid the weavers, ranging from ten to as high as twenty-six per cent. The weavers who were formerly running eight looms were told that they could, with the aid of the electric stop motion, or the longer bobbins, now run ten or twelve looms at the reduced price and make as much with but "little harder" work. Those who tried it found they couldn't. The result has been intermittent strikes, general discontent, and continuous dickering and parleying with the bosses, with the usual result—conditions growing worse all the time.

The fact that, after all they have gone through in the past nine months, so many of the operatives are still willing to vigorously protest, even to the point of striking, shows that they possess a

good spirit of resistance, which, if rightly directed, would lead to great results. This spirit of resistance makes all the more glaring the treachery of those misleaders who, having gained the weavers' confidence, deliberately help to keep them blindly groping along the same old disastrous course, instead of taking advantage of their position to teach the weavers to understand the real lessons of the economic struggle. These misleaders prefer to follow this course, instead of enabling the weavers to see through the capitalist cry of "fairness" to both sides, and the farce of arbitration, thereby helping them to catch onto the falseness of the pretended friendship of capitalists of the Governor Douglas type, as illustrated in the outcome of his famous "settlement," which gave the bosses a chance to get their m's going under any conditions they chose to impose, and failed to prevent discrimination against men who were not wanted. These misleaders prefer to follow this course, instead of helping the rank and file get wise to the game of sending a "labor" leader to the South, as was done with Mr. Tansy, in order to have him "report" on conditions in a way to convey the impression to the Fall River operatives that they ought to be highly satisfied, seeing that Georgia has conditions which Massachusetts wouldn't tolerate for a moment, and that consequently our conditions are so superior, as to rank with those of Paradise. Finally, these misleaders prefer this course to teaching the weavers to exercise their power in the political field, not in capitalist controlled "flying wedges," but in a class conscious movement of the workers, which would put the workers into possession of the law-making power and enable them to dictate terms, instead of having to beg for hearings and concessions from the representatives of their masters, whose material interest it is to fuse everything possible. These very "leaders" in whom the textile workers have placed confidence, hold language which, were it not so devilishly treacherous, as shown in its disastrous effects, would be ridiculously senseless, in view of the bitter experiences made every day by the very workers who are expected to swallow it, as though it were the wisdom of an oracle, not to be gainsaid.

The great strike is over—for a while—but the fight against oppression still goes on. The class struggle cannot be done by "settlements." As already hinted, we, particularly the weavers, are worse off than ever since our last "victory," a la Douglas. Our wages are lower, our work harder, and our cost of living higher. There are scores of weavers in this city who have not earned \$200 since January, 1904. This is an indication of how "prosperity" under capitalism strikes the cotton worker. The usual factors which work to our undoing in the capitalist robber system have been at work. These factors are improved high-speed machinery, the scramble of the army of unemployed for work (enabling the capitalists to intensify the labor of those employed), the consequent immense productiveness of industry, the rapid development of similar textile conditions in competing countries, the miserable pittance paid to the working class in the form of wages, preventing us from buying back and consuming any considerable portion of our products; all this, combined with the fact that stock-gamblers had forced up the price of raw cotton, led, first to a so-called over-production and next, to a desire on the part of our particular set of masters to put the screws a bit harder upon us and thereby reduce the cost of production, so as to be able to undersell their competitors in the markets of the world without lessening their own profits.

Of course, the few of us who have been reading the literature of the Socialist Trade & Labor Alliance and the Socialist Labor Party, know how to interpret our experiences. We understand that the secret of our predicament lies in the private ownership by stock-holding capitalists, of the machinery of production, of the products of our labor, and, consequently, of our means of life. We are accordingly working toward the time when our class shall have attained sufficient knowledge and sense to join with the Socialist Labor Party on the political field and the Socialist Trade & Labor Alliance on the economic field, and abolish the capitalist system altogether.

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RED LETTER DAY

TO THE READERS OF THE WEEKLY PEOPLE

May 1st is INTERNATIONAL LABOR DAY.

Our readers of the East, West, North and South—of EVERYWHERE—are going to unite on that day for one great purpose, to send in subscriptions to THE WEEKLY PEOPLE.

THE PEOPLE is owned and controlled entirely by a working class organization, the Socialist Labor Party. In all its years of existence, The People has never been influenced by capital nor by graft, and it has never received favor or support from any false leader of labor; but it has always held up the beacon that threw a true light on labor's path. The WEEKLY PEOPLE certainly is worthy of labor's support.

No worthy man will shirk his duty, and when we call upon you of all our states and several other countries, we want to see all respond en masse on INTERNATIONAL LABOR DAY.

Every reader should be inspired to join in the greatest united effort our people have ever made, and let all the mails on Red Letter Day come laden with subscriptions from every quarter.

Only a few days are left until May 1st. It is time to hustle for Red Letter Day subscriptions. Let every one do his part in this work. Each should send in one subscription on Red Letter Day. If you are ever going to do something for the Weekly People, do it NOW. Let no one rest upon his laurels.

As a fitting reward for a little greater effort on your part, we offer you an opportunity to get one of the best books of the modern labor movement. These books are interesting, printed on good paper, in good clear type, and all are well bound in cloth.

To every one who will send in THREE YEARLY (or that equivalent in half yearly) Weekly People subscriptions, along with the below "Red Letter Day" blank, we will give his or her choice of the following books:

- The Gold Sickle. By Eugene Sue.
- The Silver Cross. By Eugene Sue.
- Socialism, Utopian and Scientific. By Engels.

- The Infant's Skull. By Eugene Sue.
- History of the Paris Commune. By Lis-sagaray.

"WEEKLY PEOPLE RED LETTER DAY." May 1, 1905

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WEEKLY PEOPLE
2, 4 and 6 New Road St., New York.
Published Every Saturday by the Socialist Labor Party.

Table with 2 columns: Year and Circulation. Rows include years from 1888 to 1904 with corresponding circulation numbers.

Sons of men, awake, arise!
With the morning in your eyes,
Show your days what you can do,
Labor, conquer and subdue—
All the world belongs to you;
Sons of men, awake, arise!

A DEVELOPMENT.
Under the above title we publish elsewhere in this issue an article that should be clipped and carefully preserved. It should be pasted in a scrap-book labeled "Sign-posts", and containing only articles of this nature.

In giving his antecedents to the capitalist press, Mr. Weissmann made certain misstatements and overlooked certain items which may not be of little importance to the understanding of his career as given by himself.

Mr. Weissmann did not learn the trade of bakery in Germany, as the article says. He learned the trade in a San Francisco penitentiary, where he was confined for complicity in a dynamite conspiracy.

Upon his arrival in New York, Mr. Weissmann sniffed around the Socialist Labor Party.

But Weissmann's name did not vanish from the subsequent chronicles of the Labor Movement. It appeared almost continuously as the subject of the wrath of the bakers whom he now employed.

State in 1898, a little lunch party was held by the candidate with two "leading representatives of Labor" as the reports had it.

The latest conspicuous appearance of Weissmann in print is now. He had become a lawyer. He tells us himself, in the article referred to, that when the boss-baker Lockner was convicted in this State for violating the ten-hour law, the State Association of Master Bakers "came to him" and placed the case in his hands on an appeal to the Supreme Court of the United States.

Mr. Weissmann does not state whether it was his reputation as a lawyer that, having reached the master-bakers' association, induced them to "come to him", or what was the reason and method by which they came together.

It was not as a lawyer but as an "expert on the bake-shop" that Mr. Weissmann helped the capitalist to stab the Working Class in the back—thus furnishing the latest justification for the attitude that the Socialist Labor Party took against him in 1892, when he and his set, with Gompers at their head, were branded and fought for what it was perfectly obvious that they were.

DOWN COMES HUMPTY-DUMPTY!
The latest fact brought out by the gas inquiry is that it makes competition impossible, not because of any legislative monopoly that it has secured, but because of—what? The discovery has caused the hue-and-cry against the Gas Company to increase a thousandfold, and the loudest in the cry are the people who should know better than to make so much noise.

The favorite answer of the mouthpieces of capitalism to the Socialist claim that "competition" under capitalism places the workingman so helplessly handicapped in the race that he can not possibly hold his own, let alone rise, is the favorite capitalist answer to this charge is: "Pooh! pooh! Whoever wishes to work can make himself independent!"

Why do not these capitalists start their own pipes and tanks and compete? There is no law to prevent them.—They do not because, even equal capital can not compete with an amount that is already in the field and thereby is rendered a thousandfold stronger.

As impossible as it is for other capitalists to set up their competing pipes and tanks, it is for the workingman to free himself, under capitalism, from the yoke of the employer. Competition exists in theory, it is dead from a practical point.

There is not a capitalist concern—banking houses, and railroads, and insurance companies, and factories of any kind, down to the smallest—that, if investigated, would come out clearer than the Gas Company.

Down comes the double Humpty-Dumpty of capitalist "virtue" and "competition."

JINGOISM.

Such is the exuberance of the nonsense in the Ernest Untermann "arguments", in the debate that he recently had in Chicago with a member of the Socialist Labor Party, published last week in these columns for general edification and "size-up", that there is danger of the only important thing said by the gentleman being lost sight of.

"De Leon was born upon some island in South America and, SUBJECT TO THE NATURAL INSTINCTS OF HIS RACE, would either rule or ruin."

It matters not what race Mr. Untermann has in mind as De Leon's race; nor does the childishness of Mr. Untermann's conclusion, as to the racial foundation for a "rule or ruin" instinct require notice; nor yet is De Leon himself the subject of consideration in the consideration of the passage quoted.

There is no virtue and there is no vice that is peculiar to any one race, and that any other race could not, or does not indulge in. Indeed, even before natural science scorned race theorists as the "astrologers of sociology", the averagely informed man made the experience that virtues as well as vices are international.

We have seen the phenomenon in a bunch and in its collective hideousness in the New Yorker Volkszeitung Corporation—we saw its Herman Schlueter declare: "We Germans speak from above down!"

Provisionally, Marx, a German himself, castigated with the club-weight of his reasoning and the trenchant Toledo blade of his satire, the absurdity of German Jingo. In America, especially in the Socialist camp, the matter is worse than absurd.

The President is hunting bears, and the Federal officials are hunting trusts. So far the bears have got the worst of it.

"The Sun" of the 19th instant printed the following:
Without pretending that moral considerations affect their actions, the great transportation corporations of the United States are continually doing the most effective work in the cause of temperance and right living.

The St. Louis transportation companies have a similar rule. The Chicago and Alton Railway Company prohibits its men from visiting dance halls, saloons, race tracks, or 'questionable resorts.' Mr. Charlton, the general passenger agent of the road, says that the company makes such rules not because they are trying to control the morals of the men, but for the purpose of safer operation of trains.

"What the Murphy movement, Father Matthew associations and the W. C. T. U. have never been able to do for sobriety and total abstinence may be brought about by the demands of modern business, which requires in every branch clear eyes, unclouded minds and steady hands."

"A. M. Simons, Editor" has played us a scurvy trick. We knew he was exploding, fit to snap all his buttons. A birdy told us, and we made all arrangements in advance to publish his this month's explosion under another "Explosion—More to Come."

Nevertheless, we cannot forego the sport of taking "A. M. Simons, Editor's" head in chancery, and disporting our knuckles upon his nose for just a minute. The gentleman charges De Leon with the "falshood" of stating that "the German Social Democratic Unions have continuously fought the Hirsch-Dunker unions" etc.

The People never said that the fight against the Hirsch-Dunker concerns continues. What The People did say is that when the Hirsch-Dunker concerns started, more than a generation ago, they were attacked, often with clubs, by the Social Democrats, and their meetings smashed more than once.

As I understand it, the decision of the Supreme Court of the United States does not make unconstitutional the labor laws enacted for the restriction of the hours of employment on public works.

Mexico's trade is reported growing. Mexico's proletariat is growing, too. Trade and proletarians always grow together.

A 'DEVELOPMENT'

Henry Weissmann, Once an Officer of the Bakers' Union, Now is Instrumental in the Abolition by Judicial Decree of Ten-Hour Law.

The New York State law making ten hours a day's work and sixty hours a week's work in bakeries was declared unconstitutional by the Supreme Court of the United States as the result of arguments advanced by Henry Weissmann, counsel for the master bakers of the State of New York.

This same law was passed by reason of the labors of Henry Weissmann, International Secretary of the Journeymen Bakers' Union of America.

"When I was young—a journeyman baker and Secretary of their National organization—I thought labor was right in all things," said Mr. Weissmann yesterday afternoon. "I was fiery and full of ideals. Later I became a master baker, and, undergoing an intellectual revolution, saw where the law which I had succeeded as a journeyman baker in having passed was unjust to the employes.

The fight which the master bakers have won against an arbitrary ten-hour day does not mean that they are opposed to ten hours as a working day. It means that they wish to preserve inviolate the principle of the freedom of contract, and that they object to the criminal feature which was injected into the enforcement of the law when, in 1898, it was codified as a labor law.

Mr. Weissmann is a native of Germany. He was a German baker for several years before he came to this country. On landing in America he went to San Francisco, where he pursued his trade. While there he became an active labor worker, and was at last elected International Secretary.

He went about it with skill. Dr. Rainsford was interested by him. He secured the support of Bishop Potter and the Church Association for the Advancement of Labor. The measure became a law in 1895. Then he left the journeymen bakers' organization and became a master baker.

In November, 1901, Joseph Lochner was arrested for violating the ten-hour day law," said Mr. Weissmann yesterday. "The case went against him in Oneida County. The State Association of Master Bakers appealed, Lindsley & Mackie representing it.

"I had been admitted to the bar in the meantime, and the master bakers came to me. I took it to the Supreme Court of the United States, associating Frank Harvey Field with me.

"In that opinion the court maintained that a State or its subdivisions, when they were themselves employers, had a right to prescribe conditions under which said work should be done, and a contractor who undertook a job for the State was bound thereby.

In nullifying the ten-hour clause in the bakery law the Supreme Court does not undertake in any way to interfere with the police powers of the State of New York.

New York. With the exception of Section 110, which forbids any man to work more than ten hours, no matter whether he wants to or not or what he gets for overtime, the law is not changed.

"The decision does not mean that it is unconstitutional to prescribe the hours of labor in other spheres. On railroads, for instance, the State can dictate the hours of labor on the grounds of public safety.

"The truth of the matter is I have never been in sympathy with the radicals in the labor movement. Even when I was secretary of the international association I was in favor of law which would deal with conditions as they were, and was never an advocate of measures which seemed destined to apply to the ultima thule of the ephemeral co-operative commonwealth.

"This did not concern me then any more than it does now. I did my duty as I saw it. I confess that there is a difference in the point of view, as I saw when I became a master baker, but, even though I have succeeded in knocking out the ten-hour day for bakers, I am not against a ten-hour day. The only principle for which I contend is the right of a man to work an hour or so overtime for extra compensation if necessity arises and he needs the money and is willing to do the work."

One of the features of "municipal ownership," upon which its advocates say very little, is the investment advantages it offers to the capitalist class. Robert P. Porter recently estimated that over three thousand millions of dollars are invested by English capitalists in English municipal undertakings.

"The battle of ideas" is continually being waged in the capitalist press. It consists of a continuous discussion on a wide variety of topics, mainly of a trivial nature, or when really important, from a thoroughly conventional and superficial standpoint.

The failure of profit-sharing as a means of lulling the conflicting interests of capital and labor to sleep, as recorded in Harper's Weekly by Professor Clark, recalls the Socialist prophecies of a decade or two ago, when this narcotizing panacea was the subject of much discussion.



UNCLE SAM AND BROTHER JONATHAN.

BROTHER JONATHAN.—Those ridiculous "anti-trust," "anti-octopus" shouters!

UNCLE SAM.—They are ridiculous. B. J.—Why, think of the increased productive powers of a trust; it is just like an improved machine. Who would go back to the hand loom or the stage coach? No one!

U. S.—You got that straight, none but idiots, or schemers who try to dupe the idiots, shout "Smash the Trust!" B. J.—And think of the un-Americanism—

U. S.—The what? B. J.—The un-Americanism of such an idea as the anti-trust notion! U. S.—"Un-Americanism!" B. J. (fistily)—Yes; un-Americanism; did you understand that?

U. S.—Inasmuch as to which? B. J.—Why? Just think of such a question! Don't you see, it is "un-American"? Why, of course, you do. U. S.—I don't see it. B. J.—The devil you don't? Why, man, trust-smashing simply flies in the face of the founders of this country.

U. S.—Now, at least, you have given a reason; it may be a bad one, but still a reason it is. Let's see. The founders of this country were the typical Americans, and their ways were typically "American"?

B. J.—That's it. U. S.—I say so, too. B. J. (smileful)—You do? U. S.—Certainly. But preserve your smiles. Now, then, tell me, did those founders of our country work with little capital or big capital? B. J. (beginning to look sober)—Hem! They worked with little capital.

B. J.—Each for himself? U. S.—Y-e-s— U. S.—And did they produce large quantities of wealth? B. J.—N-o— U. S.—Such a thing as a single concern operating thousands of men did not exist? B. J.—N-o— U. S.—Or a big farm covering thousands of acres all under cultivation? B. J.—N-o— U. S.—And they worked with very small machinery— B. J.—The devil take you! I see what you are driving at now.

OFFICIAL

NATIONAL EXECUTIVE COMMITTEE... SOCIALIST LABOR PARTY OF CANADA...

N. E. C. SUB COMMITTEE... A meeting of the N. E. C. sub committee was held on Friday, April 21 at 2-6 New Reade street.

The General Executive Board, S. T. & L. A., requested permission to issue subscription lists to the Sections of the S. L. P.

The committees on Party press and agitation reported progress... Communications: From Vancouver, B. C.

Communications: From Vancouver, B. C., containing information about a former member of that Section who had been expelled some years ago.

From Organizer F. Bohn several letters reporting his work in Arizona and enclosing applications for membership at large from the following:

FOREST CITY ALLIANCE... Regular meeting of above Local will take place Wednesday, May 3, at 8 p. m., at office of German party organ,

S. L. P. LECTURES... Buffalo—Sunday, April 30, 3 p. m., at Florence Parlors, 627 Main street, near Genesee street.

S. T. & L. A. LECTURES... Buffalo—Monday, May 1, 8 p. m., at Socialist Labor Party Headquarters, Room 510, 19 West Mohawk street.

BOSTON'S GREAT S. T. & L. A. MEETING... Section Boston is about to arrange for the greatest public demonstration ever held in Boston for socialism.

Letter received from Grand Junction, Colo., urging that another organizer be sent to follow up the work of Comrade Bohn and suggesting Comrade Corrgan;

where at present, conditions are favorable. Letter received from Hutchison, Kans., reporting peculiar make-up and conduct of local S. P.

GENERAL AGITATION FUND... During the week ending with Saturday, April 22, the following amounts were received for the above fund:

Table with 2 columns: Name and Amount. Includes N. N., New York; Thos. Reedy, Lowell, Mass.; 23d A. D., New York; A. G. Dehly, Seattle, Wash.; P. Driscoll, Paradise, Ariz.; J. Howard, Brooklyn, N. Y.

Grand total \$547.68. Henry Kuhn, Nat. Sec.

MAY DAY IN CLEVELAND... Section Cleveland S. L. P. will pay their respect to Labor's international May Day celebration by holding a public mass meeting at Section Hall, 356 Ontario street, top floor (German American Bank Building), on Sunday, May 7th, at 3 p. m. sharp.

MAY DAY IN MILWAUKEE... Section Milwaukee, S. L. P. will hold a grand May Day demonstration on Sunday, April 30, at the Freie Gemeinde Hall. Admission will be free.

RUSSIAN REVOLUTIONISTS FUND... The following contributions were received for the above fund during the week ending with April 22:

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BUSINESS DEPARTMENT NOTES

Two hundred and thirty-four subscriptions to The Weekly People were secured during the week ending Saturday, April 22.

Five or more were sent in as follows: Fred Brown, Cleveland, Ohio, twelve; Fred Fellerman, Hartford, Conn., ten; Chas. Chaster, Newport News, Va., ten; J. J. Ernst, St. Louis, Mo., ten; Frank Bohn, Tucson, Ariz., nine; Dr. C. W. Ensign, Rotterdam Junction, N. Y., nine; Fourth and Tenth Assembly Districts, Brooklyn, N. Y., eight; Chas. Hawkins, New Bedford, Mass., five; Rudolph Katz, Westchester County, N. Y., five; Frank P. Young, Cincinnati, Ohio, five; C. L. Stone, Hughes, Indian Territory, five.

Don't forget Red Letter Day. Monday, May first, is International Labor Day. We have designated it as Red Letter Day for the Weekly People and have sent a printed circular to every reader of the Weekly People urging him or her to get one subscription.

LABOR NEWS NOTES... Some of our readers were a little anxious for the book prizes offered for subscriptions and they sent in their three yearly Weekly People subs during the week.

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CASSON NEARLY MOBBED

Insults Cooper Union Audience by Laughing at Them—Lights Turned Out to Prevent Riot.

Cooper Union was nearly the scene of a riot Monday caused by the speaker of the evening, Herbert Casson, a graduate of the Social Democratic party, insulting his audience.

Casson said that German Socialists had a right to have a political party because they educated the workers, but that in the United States a political party of Socialism was not necessary because those here are boss ridden and didn't educate.

He declared municipal ownership and the fire department to be Socialism. Casson asserted that La Follette, Tom Johnson and "Golden Rule" Jones were good Socialists and denounced the Socialist Labor Party for running men against them.

The speaker held up "Willie" Hearst as "the greatest man," and abused the Socialists for exposing him.

Casson further declared that Marx never intended that there should be a Socialist political party. In concluding the speaker said that none of the leaders of the International Socialist Movement were ever workmen.

10-HOUR LAW UNCONSTITUTIONAL

(Continued from page 1)

health? If it is, the State may stop it; if, however, it finds the facts otherwise, the thing complained about is allowed, to continue.

In the decision on the 10-hour law case, that the Supreme Court of the United States just reversed, the Court expressly recognized the "police power" of the State. When, accordingly, the Court decided against the law and called it unconstitutional the Court's decision turned upon a fact—such as the fact appeared to the Court. The fact that the Court announced was that it is not harmful to health to work steadily over ten hours each week in a bakery or confectionery shop—and the implied fact that the miserable wages paid to bakers are all right.

The Supreme Court of the United States, the supreme tribunal of the capitalist class, has thereby made pronouncement that the life and the health of the working class are matters of no account! Upon this robust "fact"—certainly a FACT to the capitalist class—the decision declaring the 10-hour law unconstitutional has been raised.

Branch Pleasantville... Branch Pleasantville, of Section Westchester County, S. L. P., held its first meeting Monday, April 17, and a permanent organization was effected.

ILLINOIS AGITATION... East St. Louis, Ill., April 13—Comrades:—Don't think that because reports are not regularly made that no agitation is going on in Southern Illinois, for meetings are being held two and three times a week.

Socialism is possible when a majority of the Working Class become conscious that therein lies the salvation of their present and future economic existence. The work of the Socialist today is to work to obtain that majority.

LABOR'S BLACK-EYE

Decision Knocking Out Bakers' Ten-Hour Law.

Washington, April 18.—The decision by the United States Supreme Court that the New York law prohibiting an employe of a bakery from working more than ten hours a day or sixty hours a week is void as in violation of the freedom of contract guaranteed by the Constitution, has attracted wide attention.

The appeal was brought by Joseph Lockner, a Utica baker, who was convicted by the Oneida County Court of violating the law, and the Appellate Division of the New York Supreme Court affirmed the judgment by a court divided 2 to 1.

Judge Peckham further says that both majority opinion yesterday, said the mandate of the statute that "no employe shall be required or permitted to work" was the substantial equivalent of an enactment that no employe shall contract or agree to work more than ten hours per day, and as there was no provision for special emergencies the statute was mandatory in all cases.

The decision goes on to say that the statute necessarily interfered with the right of contract between employer and employe, which was part of the liberty guaranteed by the fourteenth amendment, which included the right to purchase or sell labor unless there were circumstances which excluded the right.

Judge Beckham further says that both property and liberty were held on such reasonable conditions as might be imposed by the governing power of the State in the exercise of these powers, and with such conditions the fourteenth amendment was not designated to interfere.

Continuing the decision states that the court had recognized the existence and upheld the exercise of the police power of the States in many cases which might fairly be considered as border ones, among them being the affirmand of the Utah law limiting to eight the number of hours for mine laborers and smelters, and the Kansas eight-hour law, in both of which there was provision made for emergencies.

The question, therefore, said Judge Peckham, was whether the New York law was fair, reasonable and appropriate exercise of the police power, or an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into these contracts in relation to labor which might seem to him appropriate or necessary for the support of himself and his family.

simple it was invalid. There was no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker.

There was no contention that bakers, Judge Peckham asserts, as a class, were not equal in intelligence and capacity to men of other trades or manual occupations, or that they were not able to assert their rights and care for themselves without the protecting arm of the State interfering with their independence of judgment and of action.

"We think," says the opinion, "that the limit of the police power has been reached and passed in this case. There is, in our judgement, no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health or the health of the individuals who are following the trade of baker."

Labor in any department of life might possibly carry with it seeds of unhealthiness, but pursuing that principle would put every occupation under the power of the Legislature, and no trade, occupation or mode of earning one's living could escape.

On the same line, the decision declares, it was contended that it was to the interest of the State that its population should be strong and robust, and any legislation to that end would be valid as health laws, enacted under the police power.

Justice Peckham said he had referred to these contentions that it was a health law because they were so slim as to give rise to "the suspicion that there was some other motive dominating the Legislature than the purpose to serve the public health or welfare."

"It is impossible for us to shut our eyes to the fact that many of the laws of this character, while passed under what is claimed to be the police power for the purpose of protecting public health or welfare are in reality passed from other motives. We are justified in saying so when, from the character of the law and the subject upon which it legislates, it is apparent that the public health or welfare bears but the most remote relation to the law.

"It is manifest to us that the limitation of the hours of labor as provided for in this section of the statute under which the indictment was found and the plaintiff in error convicted has no such direct relation to, and no such substantial effect upon, the health of the employe as to justify us in regarding the section as a health law. It seems to us that the real object and purpose was simply to regulate the hours of labor between the master and his employe in a private business, not dangerous in any degree to morals or in any real and substantial degree to the health of the employe. Under such circumstances the freedom of master and employe to contract with each other in relation to their employment and defining the same, cannot be prohibited or interfered with without violating the Federal Constitution."

Justices Harlan, White, Day and Holmes dissented. Justice Harlan, in an opinion, said that no more important and far reaching judgment had been handed down by the court in the last hundred years. It worked a revolution in the relationship between the court and the States in what had heretofore been considered purely domestic affairs of the States. He denounced the new doctrine as far reaching and dangerous, which would surely cripple the powers of the State.

Joseph Lockner was convicted in the Oneida County Court in 1902 of a misdemeanor, in having violated section 110, article 8, of the labor law passed in 1897. That section reads: "No employe shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such week in which such employe shall work."

Lockner was a boss baker, and compelled his employes to work over ten hours a day. William S. Mackie and Smith M. Lindsley appeared before the Court of Appeals in October, 1903, to argue Lockner's Appeal from the decision from the Appellate Division Fourth Department, which court has affirmed Lockner's conviction.

Assistant District Attorney Timothy Curtin argued the case in behalf of the people, and the Court of Appeals, Judge Parker writing the opinion, upheld the lower courts, on the broad ground that the section in question was an exercise of the general police power of the Legislature relating to the public health, and therefore violated no provision of the State or Federal Constitution. The United States Supreme Court has now reversed that judgment, holding that the section violates the freedom of contract guaranteed to citizens by the Federal Constitution.

Section Calendar

(Under this head we shall publish standing advertisements of Section headquarters, or other permanent announcements, at a nominal rate. The charge will be one dollar per line per year.)

New York County Committee—Second and fourth Saturdays, 8 p. m., at 2-6 New Reade street, Manhattan.

Kings County Committee—Second and fourth Saturdays, 8 p. m., at headquarters, 813 Park avenue, Brooklyn.

General Committee—First Saturday in the month, at Daily People building, 2-6 New Reade street, Manhattan.

Offices of Section New York, at Daily People building, 2-6 New Reade street, Manhattan.

Los Angeles, California. Section headquarters and public reading room at 205 1/2 South Main street. Public educational meetings every Sunday evening. People readers are invited to our rooms and meetings.

San Francisco, Calif., S. L. P. headquarters and free reading room, No. 006 Market street, Room 15. Open day and evening. All wage workers cordially invited.

Section Chicago, S. L. P. meet every 2nd and 4th Monday at Exchange Hall corner of Sangamon and Monroe street.

All communications to Section Toronto to be sent to C. A. V. Kemp, organizer Section Toronto, Bracondale P. O. Ont. Canada.

Sec. St. Louis, Mo., S. L. P. meets every Thursday, 8 p. m. at 307 1/2 Pine Street Room 6.

Sec. Cleveland, Ohio, S. L. P. meets every first and third Sunday of month at 356 Ontario Street (Ger. Am. Bank Bldg.) top floor, at 2.30 P. M.

Tacoma, Wash., Section headquarters and public reading room corner 12th and A street, room 304, over Post Office. Open every evening. All workmen invited. Business meetings every Tuesday.

Section Providence, R. I., meets at 77 Dyer street, room 8. Something going on every Tuesday night at 8.00 p. m. 2nd and 4th regular business, others devoted to lectures and discussions. During the winter a Science Class every Wednesday night.

Section Indianapolis. Meetings first and third Tuesdays of each month, at 29 1/2 South Delaware street, third floor.

Detroit, Mich., "Socialist Labor Auxiliary Reading Room, room 10 avenue Theatre Bldg., Woodward avenue. Open every evening. Sunday all day. Discussion upon interesting topics every Sunday evening. All are welcome.

ARBETAREN

Swedish Weekly Organ of the Socialist Labor Party.

ISSUED EVERY THURSDAY. SUBSCRIPTION:—One year, \$1.50; Six months, 75 cents; Three months, 40 cents. Sample Copy Free. Liberal Commission to Agents.

ARBETAREN,

2-6 New Reade street, New York City. P. O. Box 341.

FOR OVER SIXTY YEARS. An Old and Well-Tried Remedy. MRS. WINSLOW'S SOOTHING SYRUP. Sold by Druggists in every part of the world. MRS. WINSLOW'S SOOTHING SYRUP, 45 CENT BOTTLES.