

LABOR NOT RESTRICTED. CONTRACTS INVIOLEABLE. Right of a State to Fix Hours of Work Denied by Supreme Court.

Washington, April 17.—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 sell labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the right.

This declaration was made by Justice Peckham today in delivering the opinion by which the Supreme Court of the United States held the New-York State law making ten hours a day's work and sixty hours a week's work in bakeries in that State unconstitutional. Justices Harlan, White, Day and Holmes dissented, Justice Harlan declaring that no more important decision had been rendered in the last century.

According to the decision no State can prescribe the hours of labor in any occupation within its boundaries, unless such occupation can be shown to be unhealthful. While the court was not called on to consider the question of federal legislation, it must, it is thought, follow that Congress is equally impotent under the Constitution. The decision appears to affirm in advance the unconstitutionality of the eight hour law which labor unions have long besought Congress to enact, and to invalidate all State laws which fix the hours of labor in healthful occupations.

From the opinions delivered by members of the court, it appeared that a law fixing the hours of labor in an occupation proved to be unhealthful would be held to be within the powers of a State, because it followed the right of a State to safeguard the health of its citizens, but it was made evident that in the judgment of the court no arbitrary limit would be placed on the working day in healthful occupations, because such limitation must violate the freedom of contract between individuals.

The justice referred to the exceptions coming under the head of the police powers of the State, and after considering that point at length held that the present case did not fall within the police power. He continued: "The question whether this act is valid as a labor law pure and simple may be dismissed as a mere question of fact. 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 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 in question has a more direct relation to the right of free contract than to the public health, 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 contract in relation to his own labor. We think the limit of the police power has been reached and passed in this case."

He 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, concluding as follows: "It seems to us that the real object and purpose was simply to regulate the hours of labor between the master and his employees, all being men sui juris, in a private business, not dangerous in any degree to the health of the community, and that the purpose was to regulate the hours of labor between the master and his employees, all being men sui juris, in a private business, not dangerous in any degree to the health of the community, and that the purpose was to regulate the hours of labor between the master and his employees, all being men sui juris, in a private business, not dangerous in any degree to the health of the community."

FOUR JUSTICES DISSENT. Justices 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 view of this economic question presents itself under the Constitution. 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, for limiting the hours of steady work each day, from week to week, in a bakery or confectionery establishment, may be said to be in the interest of the health and safety of the workmen."

Colon, April 17.—Four hundred West Indian contract laborers, mostly from Barbados, arrived here today and were sent to the Culebra district.

PANAMA COMPANY MEETS. ELECTION OF OFFICERS.

Harmony Between Railroad and Canal Commission Assured.

The annual meeting of the Panama Railroad Company was held yesterday in the offices of the company at No. 21 State-st. William H. Taft, Secretary of War, was present, representing the holdings of the United States government of the stock of the company. A complete reorganization was effected, by which perfect unity of action is assured in the operation of the road and the work of the Canal Commission. The purchase of the canal brought with it 68,800 of the 70,000 shares representing the entire issue, and as the remaining shares had since been secured Secretary Taft cast the only stockholder vote. The following directors were elected:

Theodore P. Shonts, president of the Canal Commission; John F. Wallace, chief engineer of the canal; Charles E. Magoon, Governor of the canal zone; Admiral Mordecai T. Endicott, General Peter C. Hains, Major B. M. Harrod, General Oswald H. Ernst, William Nelson Cromwell, William Barclay Parsons, Colonel Clarence R. Edwards, chief of the Bureau of Insular Affairs; J. R. de Obaldin, Panamanian Minister to the United States; Roger L. Farnham and Edward A. Drake. Of these named the only absentees were General Ernst and Minister de Obaldin.

J. Edward Simmons, the president of the company, opened the meeting with the annual report showing that the gross earnings of the road for 1904 were \$3,267,859.62, an increase over 1903 of \$603,808.33. The operating expenses for the year were \$2,024,180.81, an increase of \$277,482.82, showing the net earnings over operating expenses to be \$1,243,678.81. The net earnings above outlay for repairs, betterments and fixed charges were \$710,894.90, or more than 10 per cent on the capital stock. It was also shown that the increased business of the steamship line had compelled the chartering of both passenger and cargo steamers at a cost of \$200,000.

Following the annual meeting, a meeting of the directors was held, at which the following officers were chosen: Theodore P. Shonts, president; John F. Wallace, vice-president and general manager; Edward A. Drake, secretary and treasurer; Sylvester Deming, assistant treasurer; Thomas H. Rosseth, assistant secretary; R. L. Walker, traffic manager; John Adams, auditor, and H. G. Prescott, superintendent on the isthmus. The executive committee appointed consists of Theodore P. Shonts, chairman; John F. Wallace, Charles E. Magoon, William Nelson Cromwell and Clarence R. Edwards. William Nelson Cromwell was also designated as counsel of the company.

The directors immediately after completing an organization adopted a resolution under which the payment of salaries to the president and the vice-president and general manager will be discontinued and fees will no longer be paid to directors when attending the meetings of the board. Expenses will be allowed only to directors coming a distance to be present. The question of double tracking the road across the isthmus and providing some items of equipment, involving an outlay of \$1,250,000, which had been previously decided upon, was ratified by the vote of the board.

The composition of the executive committee indicates, it is declared, the care exercised in perfecting an organization that will be in complete harmony with the Canal Commission. The future policy of the Panama Railroad in its relation to transcontinental traffic is a subject that neither President Shonts nor other members of the executive committee would discuss. They point to the fact that notice has been given to the Pacific Mail Steamship Company terminating its exclusive control on July 12, and say that when that time arrives the matter of readjusting the rates over the Panama Railroad will be taken up. All announcements of the policy of the present management in advance of that time will therefore be unauthorized.

Secretary Taft said just before his departure for Washington yesterday afternoon: "The discontinuance of the exclusive control by the Pacific Mail Steamship Company points to the end of discrimination in carrying charges across the isthmus. Undoubtedly, the present commission will make a flat rate. It will study the problem and will take the necessary action. Discussing railroad construction in the Philippines, the Secretary said: "We shall have completed a prospectus within a month that will indicate the railroad needs of the country, and those who are interested will then have something definite upon which to base their proposals."

James Speyer and J. G. Milburn called on the Secretary, who said that it was in reference to Philippine railroad matters; that both in New-York and Washington he talked freely with all who manifested a disposition to help along the plan for railroads in the islands.

TO BUY 10,000 MULES FOR PANAMA. J. L. Bristow in New-Orleans to Make Government Purchases.

New-Orleans, April 17.—The mules for the work on the Panama Canal are to be purchased in Louisiana, and local dealers expect that fully ten thousand animals will be needed. They are already preparing to submit bids, and arrangements are being made to bring in as many as necessary from the plantations. J. L. Bristow, formerly Assistant Postmaster General, will be here next week to do the purchasing.

ALLEGED NEGRO QUILTS. Daniels Leaves Eastman College, in Poughkeepsie.

Poughkeepsie, N. Y., April 17.—C. V. Daniels, a student at Eastman Business College, for whose removal 120 southern students petitioned President Gaines, alleging that he has negro blood, today withdrew from the main college in this city. President Gaines accompanied him to New-York. Dr. Gaines, who was born in Virginia, today addressed the school, and accused those who had signed the petition of taking a very narrow minded view. Daniels comes from St. Thomas, and is seventeen years old. He says his father is an Englishman, his grandmother Danish and mother Porto Rican.

Henry V. Gaines, principal of the Eastman College in this city, said yesterday that his brother, C. C. Gaines, who is at the head of the college in Poughkeepsie, had brought Daniels here. Mr. Gaines said that, in view of the notoriety which Daniels had received because of the publication of the story that the white students in Poughkeepsie objected to him there, he would return to St. Thomas, much mortified, at his treatment. Mr. Gaines declared that Daniels had come to the New-York branch of the school, the students here would have objected to him. He said that Daniels would have been a negro, but that factuality was Moorish blood in his veins. Daniels had only been a student at the institution for a week. His father, it is said, is wealthy and has mining interests in the Argentine Republic.

DR. RAINSFORD BETTER. TO OUST INSPECTORS.

Parishioners Deny that He Will Resign from St. George's Church. Hopper Finds Them Guilty of Negligence in Recent Collapses.



Right—CHARLES E. MAGOON, Governor of the Canal Zone. Left—THEODORE PERRY SHONTS, president Panama Railroad Company and president Panama Canal Commission.

Vestrymen of St. George's Protestant Episcopal Church, who include such men as Seth Low, J. Pierpont Morgan, R. Fulton Cutting, H. H. Pike, William Jay Schieffelin, William Foulke and J. Noble Stearns, took occasion to deny yesterday rumors that continued ill health would bring about the early resignation of the Rev. Dr. W. S. Rainsford. It was said last fall that this popular pastor's health suddenly broke down, and on the advice of his physician, Dr. J. W. Markoe, of No. 12 West 55th-st., he hastened to Europe. He has been there ever since, and is not expected to return to New-York until fall. For several weeks rumors have been current among the parishioners of St. George's that Dr. Rainsford would probably never be strong enough to take up the active work of so large and active a parish as the one in which wealthy men and Stuyvesant Square tenement dwellers are adjoining pews. There were many who said that his resignation would be forthcoming in a few weeks.

Speaking for the vestrymen yesterday R. Fulton Cutting said to a Tribune reporter: "I do not believe that there is any truth in the reports of Dr. Rainsford's condition becoming worse. I have heard from him within a week. He is at Rome with Mrs. Rainsford and one of his sons, and his health is improving as rapidly as could be expected under the circumstances. His powers of concentration are returning fully, and with a little more rest he will be able to return to us well and strong again."

When Dr. Rainsford went to Europe no one would say much about his physical troubles. His sickness was generally described as a breakdown due to hard work. When Mr. Cutting was asked about this yesterday, he said: "Some years ago Dr. Rainsford broke a blood vessel in his brain. He was compelled to take a year's vacation and absolute rest. He was told then that he would have to be careful or there would be a return of the trouble. While he went to Europe last year for his usual vacation period, then, instead of taking a rest as he should have done, he hurried back to New-York and threw himself into the work. It was not long before the breakdown came and he was compelled to give up."

Another of the vestrymen said that Dr. Rainsford would be back at work in St. George's by the end of summer. He declared that there was nothing in the rumor of a resignation. This official thought that one of the strongest assurances that Dr. Rainsford would soon return strong and well was that he had Mrs. Rainsford with him. She is a most devoted wife, and in every way a capable woman. She came into the public eye in New-York in February, 1895, when she was elected a school trustee. In January, 1903, St. George's celebrated the twentieth anniversary of Dr. Rainsford's services as rector. There were a reception by the vestrymen and an impressive service in the church, to which admission was by ticket, owing to the crowds which wished to go. The work at St. George's is distinctive in many ways. Most wealthy churches have chapels and mission houses on the East Side, and the rich and poor do not worship together to any extent. At St. George's it is different; the seats are free, and fully one-half of the congregation walk to the church from the East Side tenement houses which they call home.

The success of the church has been largely due to Dr. Rainsford's skill and executive ability. When he took charge the congregation represented only fourteen families. At the present time nineteen hundred are represented. The other activities of the church are a memorial house, a trade school, a deaconesses' house and a summer home on Long Island for the poorer members of the congregation.

DIVE OF FIRE HORSES. Crash Through Show Window to Save Terror Stricken Boys.

To save two boys standing paralyzed with fear in his path, "Bill" Leonard, driver of Engine No. 53's tender, sent the old gray horse, Tom, and his young mate, the black horse, crashing through the plate glass show window of Boetzel's druggery, at the northeast corner of Lexington-ave. and 108th-st., last evening. Both boys escaped injury, and none of the firemen were hurt, with the exception of Leonard, who was strapped in the seat and received a few contusions. It is doubtful if either of the horses will ever run with the tender again.

NEW-YORKER A SUICIDE IN DENVER. Herbert Gorham, Said to Be Member of Wealthy Family, Took Poison.

Denver, April 17.—The bodies of Herbert Gorham and William A. Fagen were found in their room in a hotel in Clarkson-st. early this morning. They had evidently died by poison some five days ago. Herbert Gorham was a member of a wealthy New-York family. Fagen was a member of a rich family of Philadelphia.

NEGROES CONTRIBUTE \$800 TO WILLIAM H. BALDWIN FUND.

Jacob H. Schiff, treasurer of the William H. Baldwin Memorial Fund, received a letter yesterday enclosing a check for \$800 from the students, graduates and teachers of Booker T. Washington's school at Tuskegee, Ala. The amount is a large sum of money in the Tuskegee community, representing as it does hard manual labor and much sacrifice, yet the subscribers, in their letter to the treasurer, call it a privilege to have had some part in the movement, and they feel that they have recorded their appreciation of and admiration for the work of a man who did so much for the uplifting of their race.

EASTER AT OLD POINT COMFORT.

Six day tour via Pennsylvania Railroad to Old Point Comfort, Richmond and Washington April 22. Includes covering necessary expenses \$2. Special tickets to Old Point Comfort, \$7. See ticket agents.

NEW MORTGAGE TAX PLAN TO RETURN BILL PASSED.

Governor and Senator Raines Arrange for Another Measure.

Albany, April 17.—A new mortgage tax bill is to be drafted to take the place of that which has already passed the legislature and is awaiting the signature of the Governor. The first step will be taken to-morrow, when a joint resolution will be passed by both branches of the legislature asking the Governor to return the Mortgage Tax bill. When this has been returned to the legislature, both Senators Raines and Malby agree that a new bill, exempting building and loan associations and changed in certain material ways to make a mortgage tax more easily enforceable, will be introduced. The new bill will then be passed. If it passes it will go to the Governor, who will sign it. If it fails the present measure will be sent to him again, and he will sign that and leave to the next legislature the work of doctoring up the weak points of the existing bill.

This plan was decided on after a consultation between Governor Higgins and Senator Raines to-day. The theory is that the changes will, of the whole, be in the line of lightening rather than strengthening the effect of the bill, and therefore will not be opposed by the influences and interests which have criticized and objected to the present bill, particularly as the legislature has always in hand as a club the present bill. It is presumed that the Stock Transfer bill, now in the Governor's hands, will be signed either to-morrow or Wednesday, when the time limit expires and the bill would become a law automatically.

JEFFERSON "VERY LOW." Report That Members of Family Have Been Sent For.

West Palm Beach, Fla., April 17.—The condition of Joseph Jefferson has undergone a change for the worse, and to-night the outlook for his recovery is not so hopeful. Physicians have been in constant attendance at his bedside today and report him as weak. In response to an inquiry to-night as to Mr. Jefferson's condition, Dr. Porter said: "Mr. Jefferson is very low."

It is reported that the members of his family who are not already with him have been telegraphed to come. Mr. Jefferson was still alive at midnight, and seemed to have rallied somewhat. Dr. Potter, his physician, and some members of his family have retired. It is thought he will at least live through the night.

MRS. A. M. COATES HURT. Has Wild Ride in Runaway Automobile in Broadway.

Mrs. Alfred M. Coats, whose husband is a member of the big thread making firm of that name, whose mills are in Providence, R. I., was severely injured yesterday while in the automobile hansom which went on the rampage in Broadway. Mrs. Coats, whose home is in Providence, is staying at the hall. Her friend, Mrs. Charles Hall, who lives at the Strathmore, No. 11 East 32d-st., called on Mrs. Coats in the automobile and they went shopping.

Mrs. Hall went into the store of W. & J. Sloane, No. 882 Broadway, leaving Mrs. Coats in the hansom. It belonged to the New-York Transportation Company, and was in charge of James Dorris, of No. 721 West 86th-st. While she was awaiting Mrs. Hall's return the vehicle got out of order and Dorris bent under it to find out the trouble.

There was a burr and a buzz, and the machine started down Broadway at a furious clip. It careened around the front of a southbound car on two wheels, stopped within a couple of inches of the west sidewalk, and then reeled back to the other side of the street. There it swung to the left and ran straight down Broadway as far as 17th-st., scraping close to wagons and streetcars.

At 17th-st. the running gear got reversed by some jar and the machine started back up Broadway, playing tag with everything in the road. Between 18th-st. and 19th-st. it stopped for a moment of itself and Dorris made a dive half way across the street. But before he could jump aboard or Mrs. Coats could jump out the Frankenstein started across the street, driving two cabs up on the sidewalk to escape. In its crabwise slide black from the sidewalk it struck a southbound car, smashing nearly every window in it. Thrown to one side by the car, the machine then drove back onto the sidewalk, leaping the curbstone as a hunter takes the hurdles and running up the three marble steps to the entrance of a store. It dodged around a marble pillar and crashed into the heavy metal door, smashed the heavy plate glass windows, slid back into the street and stopped.

In the rush to dodge the machine, Joseph Strong, a fifteen-year-old errand boy, was knocked down and cut and bruised, and a woman slightly injured. Mrs. Coats had fainted and was taken into a store, where a severe scalp wound was dressed. The boy and the woman were attended by an ambulance surgeon from New-York Hospital and sent home.

The police placed Dorris under arrest while he was trying to find words to give his opinion of the machine. The latter was not scratched and had only a broken rear spring to show for his wild adventures. Mrs. Hall called later at the Tenderloin station to bail Dorris, but did not do it. Later a representative of the cab company said his company would bail the man out.

"AUTO" HITS BROUGHAM. Mrs. M. Goodwin Injured in 5th-ave. Accident.

An automobile belonging to the New-York Transportation Company ran into a brougham in which were Mrs. M. Goodwin, of No. 308 West 80th-st., and her daughter, Mrs. G. W. Danzberger, of No. 439 5th-ave., at 5th-ave. and 30th-st., yesterday. Frank S. Hiscock, of No. 2,208 Broadway, the driver of the brougham, was thrown from his seat, and Mrs. Goodwin was thrown forward on her face in the brougham.

Mrs. Goodwin's nose and lips were cut and bruised. Patrolman Keefe, of the mounted squad, arrested Joseph Fitzsimmons, of No. 121 West 60th-st., the driver of the "auto," on a charge of careless driving.

Magistrate Whitman, in the Jefferson Market Police Court dismissed the complaint, stating that the injured person had a civil suit against the New-York Transportation Company, and not a criminal action.

TOGO SEIZES COLLIERIES. RUSSIANS MAKE A HALT.

Reps's of Location Conflicting—Question of Neutrality.

Saigon, April 17.—The Japanese recently captured a large number of colliers off the coast of Cochinchina.

Six men, supposed to be Japanese, landed some days ago at Cape St. James near here from an Anamese junk, and, after a brief stay, re-embarked.

A number of Russian warships are anchored in Kamranh Bay, where they are taking on provisions.

The steamer Eridan, which was purchased by a local French firm, sailed yesterday evening with a full cargo of provisions for the Russian squadron.

The health of the Russians is remarkably good. Only eight deaths from disease have occurred since their departure from Europe out of a force of 18,000 men.

A Russian officer, suffering from beri-beri, is in the hospital here. The other sick men who were brought here by the Russian hospital ship Orel include Prince Cantacuzene, but the reports that the Orel had wounded men on board are unfounded, as there had been no fighting up to the time of her arrival.

Admiral de Jenquiere has rejoined the French cruiser Descares in Kamranh Bay.

The Russian sailor who fell overboard in the Strait of Malacca and was rescued after floating twelve hours on a plank was brought to Saigon, and has rejoined the squadron.

Prince Michael Cantacuzene, who married Miss Julia Dent Grant in 1890, is the head of the house. He is an officer of the Imperial Guard. The Prince Cantacuzene in the hospital at Saigon is apparently a naval officer.

RUSSIANS CONFIDENT. An Admiral Expects Decisive Action Near Japan's Coast.

St. Petersburg, April 17.—An admiral expressed to-day the firm conviction that Admiral Togo would not give battle near the Pescadores. He said: "It would be a great tactical error to concentrate his squadron 800 miles from Japan and run the risk of having Rojostevsky slip by, when by remaining in home waters Rojostevsky must come to him in order to reach his only base, Vladivostok."

All the Tokio dispatches about the proclamation of martial law in the Pescadores and the probable presence of a Japanese squadron in Formosan waters are sent as bluffs. We do not know Rojostevsky's plans, but we have complete confidence in his resourcefulness. He labors under a disadvantage as far as the speed of his vessels is concerned, but the reports of the condition of his ships and crews and their target practice are better than we considered possible. We firmly believe he has more than a chance of whipping Togo in an open fight.

The news that vessels of the Russian squadron have put into Kamranh Bay, north of Cape Fadaran, bears out previous reports that Admiral Rojostevsky probably would seek shelter off that part of the Cochinchina coast and there coal and make his final preparations before starting on the final stage of his journey. No definite information is obtainable as to the length of the squadron's stay at Kamranh Bay. Among naval men the idea that Admiral Rojostevsky has divided his squadron is not entertained.

FIRE FIGHTERS QUARREL. Three Companies Want Water—House Burns in Meantime.

Orange, N. J., April 17 (Special).—While rival firemen from South Orange Village and South Orange Township quarrelled as to which was entitled to the exclusive use of a hydrant, the home of Byron B. Bacon, of South Prospect-st., South Orange, burned to the ground last night. The family was away from home and the fire was discovered after it had gained considerable headway. Benjamin L. Jones, former Speaker of the Assembly, whose place adjoining that of Mr. Bacon, sent in a call for the village fire department.

The firemen had the fire under control when a hose company of the township volunteer fire department came along and connected to the same hydrant. The pressure fell so low that the streams were not effective. An argument ensued, and while it was going on another volunteer company came up and connected with a hydrant further down the street, with the result that the water failed altogether. After a while the third company suit off and the two feeble streams started again, but the fire had in the mean time entirely enveloped the building, and it was burned to the ground, causing a loss of more than \$20,000. The house was burned a few years ago while the Bacons were away.

SIGHTED IN TURAN BAY. Part of Russian Fleet Reported Near Anamese Coast.

London, April 17.—A dispatch from Hong Kong says that a part of the Russian fleet was seen yesterday at Turan Bay, about 250 miles north of Kamranh Bay.

Turan Bay is between latitude 16 and latitude 17 north. According to advices from Haifong to a Paris newspaper, forty Russian vessels were recently sighted in that latitude, steaming north.

MAY PROTEST TO FRANCE. No Action, However, Yet Taken by Japan—Anam's Status.

Tokio, April 17.—It is calculated here that the Russian squadron arrived at Kamranh Bay at noon on April 12, and therefore had been occupying the port forty-eight hours when seen at noon on April 14.

The news was a surprise, because it was generally doubted that France would permit the use of her ports to a belligerent squadron. The Japanese government is silent on the subject of its intentions, but it is expected that it will make immediate representations to France. France denied that the Russian fleet was within territorial waters when off Madagascar. If she denies it in this instance, it will give Japan an opportunity to attack the Russian vessels without violating French neutrality. Many people believe that the Russian squadron will speedily leave Kamranh Bay and continue its voyage northward.

Paris, April 17.—Neither the French government nor the Japanese Legation has yet been advised that Japan expects to make representations to France.