

New York Bakershop Act of 1895.

- Minimum drainage and plumbing standards
- Banned live animals in bakershops
- 10 hours per day/60 hours a week

CHAP. 518.] ONE HUNDRED AND EIGHTEENTH SESSION.

Chap. 518.

AN ACT to regulate the manufacture of flour and meal food products.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No employe shall be required, permitted or suffered and conto work in a biscult, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than working 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 whole number of days in which such person shall so work during such week.

Joseph Lochner

\$50 fine for violation of Bakershop Act

- ~\$2,000 in today's money

Employed Aman Schmitter not as an employee, but a co-owner

- Signed a contract that gave Schmitter
 2% of the bakery's profits
 - Therefore eligible to work more hours.



Section 1: No state may abridge the privileges and immunities of any of its citizens, or deny them due process of law or equal protection of the laws.

Section 2: When any state denies the right to vote at any election to any of its male citizens of voting age, its representation in elections for national offices will be reduced in the same proportion.

"The 'Liberty' mentioned in [the 14th Amendment] means not only the right of the citizen to be free from the mere physical restraint of his person, [but also] to live and work where he will, to earn his livelihood by any lawful calling, to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential." - Justice Rufus Peckham

The Case

- The State of New York argued that it had the power to regulate the sanitary and health conditions of workers under the powers reserved to the state under the 10th amendment of the Constitution

- Lochner argued that his right to contract under the 14th amendment had been violated by the New York legislation.

What do you think?

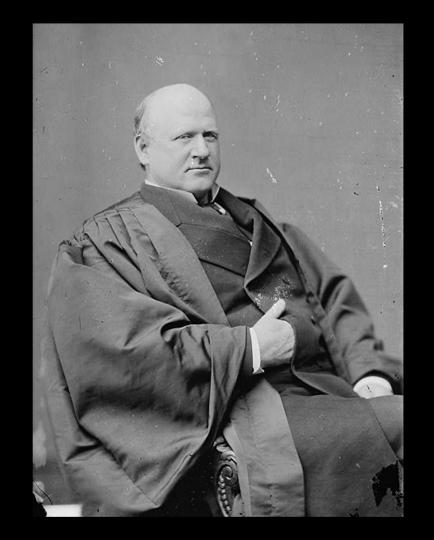
Lochner Wins

"The general right to make a contract in relation to his business is part of the liberty of the individual protected by the 14th Amendment of the 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 . . ."

- Majority Opinion of the Fuller Court.

Harlan Dissents

"It is plain that the statute was enacted in order to protect the physical well-being of those who work ... the [Bakershop Act] had its origin, in part, in the belief that employers and employees in [Bakeries] were not upon an equal footing, and that the necessities of the latter often compelled them to submit to such exactions as unduly taxed their strength."



Significance

Harlan's Dissent Eventually Prevailed during the Great Depression *West Coast Hotel* Case, 1936

40 years without State level labor legislation