

RIGHT TO LABOR AND EMPLOY LABOR

They Are Inherent and Inalienable Rights of American Citizens.

THEY CANNOT BE TAKEN AWAY

New York Law Declared Invalid—State Atty.-Gen. Will Take An Appeal.

New York, Aug. 3.—The state law of New York restricting the labor of women and children to 10 hours a day and 60 hours a week in a factory was declared today by Justice Olmsted in a decision handed down in the court of special sessions to be an unwarranted invasion of constitutional rights. The ruling was concurred in by Justices McKean and Deuel. Justice Olmsted declared that the law was class legislation.

Justice Olmsted said in his decision: "To labor and employ labor are inherent and inalienable rights of American citizens and cannot be taken away in whole or in part unless upon the broad ground of public good, which must be apparent and cannot be predicated upon legislative dictum. It may be stated as a well settled legal proposition that the right to labor and contract for that labor is both a liberty and a property right; when, therefore, the legislature enacts a statute such as that under consideration, it must be admitted that it has infringed, in the enactment, the rights which are very clearly accorded by the constitution to the individual citizen. The people, therefore, are called upon to justify this invasion and there is but one plea in justification; that the statute was enacted to protect the comfort, welfare and safety of the whole people, and the individual must suffer this curtailment of his granted rights in the interest of the common good."

"The present constitution of the state of New York was adopted in 1894 and became effective Jan. 1, 1895. All of the rights which the female adult possessed at that time were confirmed by that document. One of those rights certainly was the right to contract for her labor and to work when and where she pleased without reference to the position of the hands upon the dial of the clock. It was not until four years after that the law making power sought to place the limitation under consideration upon them. What was the legislative intention in doing this? The attorney general finds and urges no other reason than that the general welfare of the state demands that the progeny of women of the factories shall have mothers with healthy bodies, to the end that the state may have sturdy citizens."

"Does the state look merely to the children of the factory women for its future good citizens? Why should the housewife, the woman who toils at home, in mercantile houses, in offices, or who toils not at all—the society woman—be exempt from legislative interference, inductive or mandatory, for the same reason? Some of them may be mothers of future citizens, and it would be of great interest to the state that their progeny should have proper birth and breeding to conserve its welfare. If this question of future citizenship is the only excuse for the assumption of the police power, but becomes of the rights of the non-child bearing woman, a considerable class."

Atty. Gen. Mayer announced tonight that he would appeal from the decision of the court.

"I will carry the case, if need be," he said, "to the supreme court of the United States so long as the question of the constitutionality of the statute has been raised."

ADRIET IN THE GULF.

New Orleans, Aug. 3.—News that two men are adrift in the Gulf of Mexico on a raft without food or water was received here today by agents of the gun-boat tug R. W. Wilcox. Four days ago their raft was cast adrift in a storm which broke the towing line between the Wilcox and four tugs.

The tug was then 60 miles out from shore, which port she left last Monday. When the sea broke the towing line those on the tug were forced to watch their comrades drift away, frantically signaling, but helpless before the storm.

CAPT. O. C. MERRIMAN DEAD.

Minneapolis, Aug. 3.—Capt. O. C. Merriman, formerly a referee in bankruptcy in the United States court, and one of the best known citizens of Minneapolis, is dead at his home in this city, aged 72 years. Capt. Merriman was at one time mayor and was for many years a leading attorney.

CONTAGIOUS BLOOD POISON THE WORST DISEASE IN THE WORLD

Contagious Blood Poison is the worst disease in the world; not only those who contract it suffer, but the awful taint is often transmitted to innocent offspring whose lives are blighted and bodies diseased because the virus of Contagious Blood Poison has been allowed to remain in the family blood. The first sign of this disease is usually a little pimple or blister, then a red rash breaks out, the mouth and throat ulcerate, the hair comes out, copper colored spots appear on the limbs, back and breast; and as the disease more thoroughly pollutes the blood, sores and ulcers form and if the trouble is not checked the finger nails drop off, and the soft bones of the nose and head are destroyed. S. S. S. goes down into the blood and forces out every particle of the poison and makes a complete and lasting cure. As soon as the system gets under the influence of the remedy the symptoms begin to pass away, and when the cure is complete the patient is left in perfect health. So thoroughly does S. S. S. rid the system of the virus that no signs of the disease are ever seen in 10 or 15 years, and posterity is born with a rich, pure blood supply. Book with complete instructions for home treatment and any medical advice desired will be given without charge.

S. S. S.
PURELY VEGETABLE.
THE SWIFT SPECIFIC CO., ATLANTA, GA.



Is in progress at present time in our store. Take advantage of this great opportunity to purchase furniture at bargain prices.

We have a large stock on hand of the most choice and artistic furniture. A car of dining chairs and rockers just arrived of the latest patterns and designs. Call and glance over our stock and if in need of furniture we can supply you.

NEBRASKA FURNITURE CO., 62 E. Second South Street.
C. E. Davey, Mgr. H. J. Smith, Jr., Secy. and Treas.

COAL INDUSTRY VERY HAZARDOUS

In Pennsylvania From 1881 to 1905, 4,425 Miners and 2,452 Miners' Laborers Killed.

HALF DUE TO NEGLIGENCE.

Nothing But Stringent Laws Rigidly Enforced Can Stop Sacrifice Of Life.

Harrisburg, Pa., Aug. 3.—The annual report of James E. Roderick, chief of the state department of mines, for the year 1905, shows that Pennsylvania continues to lead the mining industry of the country, producing practically all of the anthracite and 30 per cent of the bituminous coal.

The total coal output of Pennsylvania for 1905 represents a value at the mines of about \$359,000,000 and of distribution of about \$650,000,000. The anthracite production was 18,547,021 short tons and the bituminous 118,614 short tons. In producing the tonnage of the year the total loss of life in and about the anthracite mines was 444 and in and about the bituminous mines 479. The report states that from 1881 to 1905, inclusive, 4,425 miners and 2,452 miners' laborers were killed in Pennsylvania and that more than half of these fatalities are due to negligence, carelessness, recklessness and ignorance on the part of the victims. The report states that nothing but stringent laws that will reach both employer and employee, with penalty clause attached that can be enforced, will prevent the sacrifice of lives in the coal mines of Pennsylvania, and suggests that a commission of experts be appointed to prepare a mining law that will be comprehensive enough to cover the needs of both the anthracite and bituminous mines.

DEPUTY HOOVER ARRESTED.

Charged With Conspiring to Smuggle In Chinamen.

Helena, Aug. 3.—David Hoover, deputy collector of customs, who was arrested on the charge of being engaged in a conspiracy to bring Chinamen into the country, was today held by United States Commissioner Thompson for the grand jury. Hoover was released on \$3,000 bail. Wong Wing Guey, alleged to be implicated, was also held.

TAGGED FROM HELSINGFORS.

Three Little Girls Sent to Their Father In Portland Oregon.

Boston, Aug. 3.—Each of them wearing a tag marked "Portland, Or. U. S. A." three little girls, the eldest not more than 12 years, arrived here unaccompanied, today on the Cunard liner Ivernia, from Helsingfors, Finland, the present seat of serious revolutionary disturbances. The girls were given over to the railroad officials for their journey across the continent. They go to their father, Peter Westgard of Portland, Or.

HAMBURG CO. HARD HIT.

Lost in San Francisco Fire \$1,365,000; Reserves, \$2,500,000.

Hamburg, Aug. 3.—At an extraordinary meeting of the stockholders of the Hamburg-Bremen Fire Insurance company, held here today, the directors informed the stockholders that the total losses of the company as a result of the San Francisco disaster amounted to \$1,365,000. The reserves on hand amounted to \$2,500,000, and it would therefore be necessary for the stockholders to pay 50 per cent on the capital.

KILLED BY EXPLOSION.

Houston, Tex., Aug. 3.—W. I. Fletcher was instantly killed; Lee Brooks, a negro, was covered with burning alcohol and fatally injured, and the entire building was gutted by fire as a result of an explosion in the rectifying room of the wholesale liquor house of Joppert & Co., here today. Loss, \$75,000.

SECY. ROOT HOLDS RECEPTION.

Rio de Janeiro, Aug. 3.—Prefect Passos today took Secy. and Mrs. Root on an automobile trip to Tijuca, a mountain resort. Later Mr. Root paid his farewell visit to President Alves, after which he went on board the United States cruiser Charleston, where the secretary held a reception. Mr. Root's reception on the Charleston was well attended, and the utmost cordiality was displayed. President Alves boarded the American cruiser at 4 p. m., and was saluted by the Brazilian, Argentine and German warships in the harbor. He went ashore at 5:30.

In the name of the nation, President Alves presented to Mrs. Root a large and beautiful Brazilian diamond, and the minister of finance, Senor de Bulhões, gave her a golden casket inset with a watch. Secy. Root was made an honorary member of the Institute of Brazilian Lawyers. The Brazilian cruiser Barroco and the Argentine cruiser Buenos Ayres conveyed the Charleston to Montevideo.

AERONAUT'S NARROW ESCAPE.

Los Angeles, Aug. 3.—A dispatch to the Times from San Bernardino says: M. A. W. Lee, a youthful aeronaut, narrowly escaped death this afternoon while attempting a descent in an airship. The machine first encountered a network of live wires, but Lee managed to prevent its destruction, and the ship was then blown 400 feet into a tree.

The gas bag was rent, but 25 feet in the air. Lee continued to steer his machine into a vacant lot, where it dropped, badly wrecked. The mishap was witnessed by several thousand people.

EARTHQUAKE IN MARTINIQUE.

New York, Aug. 4.—A cable dispatch to the Herald from Fort de France, Martinique, says: Four strong earthquake shocks were felt here Thursday night.

SPIRCKELS BUYS N. Y. HOME.

New York, Aug. 4.—Claus Sprickels, whose residence on Nob Hill, San Francisco, was damaged by the recent earthquake and fire, has bought the dwelling at 538 Fifth avenue, formerly belonging to Isaac Stern. It is an unusually large marble front house adjoining the residence of the late Charles T. Yerkes at Sixty-eighth street. The sugar man will have for neighbors Herman O. Armour and James Henry Smith.

BIG FIRE IN S. P. TUNNEL.

Redding, Cal., Aug. 3.—Tunnel No. 3 on the Southern Pacific, one mile south of Gregory, caught fire at noon and every stick of timber in it was burned. With the burning timbers the sup-

HAY'S Hair Health Keeps You Looking Young

Always restores youthful color to gray or faded hair. Stops hair falling out. Makes hair healthy, shining, and high-class hair-grower dressing, keeping hair soft and lustrous; does not stain skin or linen. Large size bottle, 50 cents. Smaller bottle, 25 cents. Free samples sent on request. Write to Hay's Hair Health, 100 West 4th St., New York, N. Y.

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For further particulars see D. & R. G. agent.

Salt Lake News Co. has removed second door south Keith-O'Brien's.

Cooked just right—just enough of the Tomato Sauce—that explains the savory quality of MOUNT'S pork and Beans.

BINGHAM AND RETURN \$1.00

Via D & R G R R Aug. 9th

For train leave Salt Lake at 3 p. m. Tickets good returning Aug. 8. Splendid opportunity to visit the mines. Boxing exhibition evening of Aug. 7.

G. A. R. EXCURSION.

Minneapolis and Return, \$35.90

On sale August 2nd and 10th. Long Limits. Stop-overs. G. A. R. Special Headquarters. Trains leave Salt Lake August 2nd via Seaside Colorado Midland. Make your berth reservations now with Commander R. G. Steiner, No. 161 So. West Temple. Call at Midland ticket office, 77 West 2nd St., for itinerary and illustrated books on the trip. Pullman observation cars. Through Dining cars. Finest scenery.

BIG FIRE IN DAYTON, OH.

Dayton, O., Aug. 3.—Nine leading business houses in the center of this town were destroyed by fire, which started in a hay mow of a livery stable, today. Loss, \$30,000.

TO LEAD G. A. R. PARADE.

Minneapolis, Aug. 3.—Ex-Gov. Samuel R. Van Sant has been appointed chief marshal of the big Grand Army parade in Minneapolis on Wednesday, Aug. 15, by Commander-in-Chief Tanner.

LUCKIEST MAN IN ARKANSAS.

"I'm the luckiest man in Arkansas," writes H. L. Stanley of Bruno, "since the restoration of my wife's health after five years of continuous coughing and bleeding from the lungs, and I owe my good fortune to the world's greatest medicine, Dr. King's New Discovery for Consumption, which I know from experience will cure consumption if taken in time. My wife improved with first bottle and twelve bottles completed the cure. Cures the worst coughs and colds or money refunded. At Z. C. M. I. drug store, 115-114 South Main St. 50c and \$1.00. Trial bottle free.

ONLY A DOLLAR

To Ogden and Return.

Sunday, August 26th, via O. S. L. This affords a chance for a trip up Ogden Canyon, a most pleasing outing. Take trains leaving Salt Lake at 7:10 or 10:30 a. m., and spend the day at the Hermitage and vicinity, returning leave Ogden on the special at 10:30 p. m. Trout and chicken dinner will be served.

Summer Complaint

Blackberry Cordial cures summer complaint, cholera morbus, Diarrhoea and Cramps. During the hot weather every family should have a bottle in the medicine chest. Only—

25 cts.

FREE DELIVERY TO ALL PARTS OF THE CITY.

Willes-Horne Drug Co.,

By the Monument, Phones 247, Deseret News Bldg.

NURSES! Take Notice

In order to meet the frequent inquiries of physicians for nurses we have inaugurated a

Free Registration Bureau.

for the nurses of Salt Lake. Kindly stop and register and greatly oblige

HALLIDAY DRUG CO.,

S. W. Cor. 1st St. and State Sts.

New Anthracite

Delivered direct from the mine to the consumer at \$9.00 per ton until further notice.

BAMBERGER COAL COMP'Y

161 Meigh Street, Phone 2000.

Dr. D. Moore Lindsay has moved his office to 171 Keith-O'Brien block.

EXCURSION RATES EAST

Via D & R G R R Aug. 9th

To Chicago and return.....\$44.50
To Milwaukee and return.....46.50
To Minneapolis and return.....35.90
(Choice of routes; stopover privilege. Take the "Scenic Limited" and enjoy yourself.
For further particulars see D. & R. G. agent.

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161 Meigh Street, Phone 2000.

WANDAMERE, clean and attractive.

OGDEN CANYON

Sunday August 5th.

Excursion via O. S. L. Round trip to Ogden only \$1.00. Street cars Ogden Depot to mouth of canyon and carriages beyond. Trains leave Salt Lake 7:10 a. m., 10:30 a. m., 1:30 p. m., 4:05 or 6:05 p. m. Returning, leave Ogden 4:10 or 6:20, or special at 10:30 p. m. Fine trout and chicken dinner served at the Hermitage.

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SUMMER EXCURSIONS

Via Oregon Short Line

Daily June 1st, to September 15th, 1906, from Salt Lake City: Portland or Spokane and return (via Huntington).....\$12.50
San Francisco and return via Ogden and S. P. both ways.....50.00
San Francisco and return via Portland, one way.....45.50
Los Angeles and return via Ogden and S. P. both ways.....50.00
Los Angeles and return via Portland, one way.....45.50
Proportionately low rates from other points.
Final return limit of tickets October 31st.
SEE AGENTS FOR FURTHER PARTICULARS.
CITY TICKET OFFICE, 201 Main St.

THE NEW FACE POWDER IS NOT A POWDER AT ALL

—No Shake Label—
A natural, robust, invigorating effect, perfectly harmless, yet powerfully effective. Curious Complexion Creme, etc., at all druggists.

DOULL DRUG CO., Distributors.

The Owl Drug Corner, 338 Main Street, and the Postoffice is next door south.

PROVO CANYON EXCURSION

Via D & R G, Sunday, August 5th

Trains leave Salt Lake 8:00 a. m. Returning leaves Upper Falls at 2:10 p. m. and 7:00 p. m., arriving at Salt Lake 9:30 p. m. Trout and chicken dinners at Upper Falls Resort.



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The Owl Drug Corner, 338 Main Street, and the Postoffice is next door south.

INTRODUCTORY SALE OF McDOUGALL KITCHEN CABINET!

20 Per Cent Reduction for Next Week Just to Get You Introduced to the McDougall System of Doing Kitchen Work.



This is no clearance Sale.

No attempt to push out old goods but a desire on our part to have you get acquainted with these cabinets. We know you will like them if you see them

Here's a McDougall Kitchen Cabinet

Can you imagine a more useful addition to your home? Isn't the wonder that you've done so long without one? IT'S COMPACT—occupying no more floor space than the ordinary kitchen table. IT'S COMMODIOUS—accommodating stores of footstuffs and kitchen utensils in surprising quantities. IT'S CONVENIENT—what you want is always right at hand when you want it. It cuts down kitchen wastes; saves time, steps and worry; in fact, does much to lift home cooking from its ignoble status of kitchen drudgery to the dignity of household science. SEE THEM IN THE WINDOW—THEN COME IN AND LET US TELL YOU ALL ABOUT THEM.

H. Dinwoodey Furniture Co.

BARTON'S CLEARANCE SALE CONTINUES

33 1/3 to 50 Per Cent

Discount on all Spring and Summer Goods. . . . Your Gain our Loss.

45-47 Main Street. Clothiers to Men and Boys.