

ATTACKING THE LAW.

MANUFACTURERS TEST THE EIGHT-HOUR LABOR STATUTE.

One Thousand of Them League Together and Employ Counsel—They Will Push the Question of the Length of Time for Female Work into the Supreme Court at Once—Levy Mayer Defends Several Cases Before Justice Kersten—He Presents His Arguments Against the Bill.

One thousand of the largest manufacturers in Illinois have combined to defeat in the courts the eight-hour law in reference to the employment of female labor. They have organized under the name of the Illinois Manufacturers' Association. The law in question, which was hailed with great delight on its passage by the last Legislature, reads as follows: "No female shall be employed in any factory or workshop more than eight hours in one day or forty-eight hours in one week."

In connection with the passage of this law so as to make it operative provision was made for the appointment of a Chief Factory Inspector at a salary of \$1,500 a year, for a term of four years; a Chief Inspector, at a salary of \$1,000 a year, and ten assistant inspectors, five of them to be women, at a salary of \$750 each a year, to serve during good behavior. They were given police visitatorial powers, so that they can visit at all times factories and workshops where female labor is employed. Under this law factory inspectors were appointed by Gov. Altgeld.

The largest manufacturers in Chicago, in the lighter industries, began a month ago to agitate the project of uniting to fight the eight-hour law for female labor. This quickly developed into the organization of the Illinois Manufacturers' Association. The membership grew quickly to 1,000, and now includes the largest employers of female labor in the State. The most of the membership is in Chicago, though all the industrial centers of the State are represented. The employers are incorporated under the State law for "mutual protection." Their Executive committee of five is composed of five of the largest manufacturers of Chicago. In Cook County alone it is estimated that there are 50,000 women who are affected directly by this eight-hour law. The Executive committee was empowered to secure legal counsel and begin the fight. The members called on Attorney Levy Mayer. After looking over the case he said:

"I believe the law can be shown to be unconstitutional."

He was employed as the association attorney and the fight is now on. It will be watched with great interest.

First Brush in Justice Court.

The first brush in the fight was had yesterday in Justice Kersten's court. The factory inspectors had sworn out thirty warrants against W. C. Ritchie & Co., paper box manufacturers, for as many alleged violations of the law. Ritchie is a member of the Manufacturers' Association and Levy Mayer defended him. Five of the cases were tried and the defendant was discharged. Then Attorney Mayer said to the factory inspectors and their attorneys:

"Now you probably have out 1,000 warrants against various members of the manufacturers' association. We do not want to be fighting forever. My people are law-abiding. If this law is constitutional we will obey it; if not you do not want to be losing your time trying to enforce it. Let us make up a test case. Let the facts be agreed upon and the matter of constitutionality decided once for all, for I can assure you if you bring 10,000 cases one at a time we will be here to defend in all of them."

It was agreed to make up a test case and the factory inspectors and their attorneys took until a week from yesterday, when, at 3 p. m. in Justice Kersten's Court the test case will be begun that will decide ultimately the fate of the eight-hour law for female labor. The inspectors and their attorneys in the meantime will take counsel with Gov. Altgeld, who has ever been a warm friend of this eight-hour law.

Fight Will Be Pushed.

Levy Mayer was seen last night and said: "Yes, it means a legal fight to a finish as to the constitutionality of that eight-hour female labor law. I shall represent 1,000 manufacturers and the other side stands for the law as it was made by the last Legislature. There are two ways of taking up the question: First a person may be fined. He appeals to the Circuit Court. We then can have the Circuit Court affirm it by consent and then go direct to the Supreme Court, not by way of the Appellate Court, for the constitutionality of a law is involved. The second way of taking it up would be to fine a person. He would refuse to pay. Have him technically arrested. Then sue out a writ of habeas corpus direct from the Supreme Court.

"There are two vital objections to this eight-hour law. In the first place, it is special legislation, because it applies merely to the factories and workshops. To all the scores of other places of employment of women, such as retail stores, wholesale stores, households, etc., it does not apply. Second, it denies to both employer and employé freedom of contract. The Supreme Court of this State has held somewhat similar legislation unconstitutional. It declared the truck law illegal, also the mining statute, which provided that miners should be paid by actual weight, equally invalid. My idea of that law is about this: that every one has a right to demand that he be governed by general rules. A statute that singles his case out as one to be regulated by a different law from that which is applied in similar cases would not be legitimate legislation, but an arbitrary mandate not to be recognized in a free government. A regulation made for any one class of citizens, entirely arbitrary in its character and restricting their rights or legal capacities in a manner before unknown to the law, cannot be sustained. Such in my judgment will be the view taken of it by our Supreme Court.