

FINES IN TEST CASE.

IMPOSED UNDER EIGHT-HOUR LAW FOR WOMEN.

**Arguments Made Before Justice Kersten
In a Suit Brought Against Manufactur-
ers for Violations of the Statute Reg-
ulating the Treatment of Female Fac-
tory Help—The Constitutionality of the
Act Discussed by the Counsel—Case to
Be Taken at Once to Supreme Court.**

Justice Kersten yesterday afternoon de-
cided a number of cases brought against
manufacturers for violation of the factory
law by imposing fines ranging from \$3 to \$5
and costs upon eighteen of the defendants.
The cases, which it was agreed should consti-
tute a test of the law, will be immediately
transferred to the Criminal Court and thence
taken to the Supreme Court so as to be dock-
eted on the March term calendar.

The cases have been on hearing for several
days, upwards of 1,000 manufacturers being
represented in the defense, which was con-
ducted by Attorney Levy Mayer. John W.
Ela appeared for the State. The constitution-
ality of the law it was of course not within
the functions of a Justice of the Peace to de-
cide. Notwithstanding this in the lengthy ar-
guments made by counsel for both sides, the
legality of the law was the chief subject re-
viewed.

Mr. Ela made the closing argument yester-
day and outlined the position which the State
will take in its briefs before the Supreme
Court.

Belongs to Police Powers.

Replying to the contention of the defense
that the law was class legislation and there-
fore defective he said the law sprang out of
the powers conferred upon the State defined
as police powers. Under this power the State
might enact any law aimed to guard public
welfare, morality, and public policy. Numer-
ous laws on the statute books recog-
nized the right of women to labor,
but others restricted the field of
her work. Women, for instance, could
not be employed in mines. The law prohib-
iting this had never been questioned in this
State. The constitutionality of a similar law
made in Massachusetts, under a Constitution
similar to that of Illinois, had been passed
upon by the Supreme Court of that State.
The same points were made there as were
made here and the court sustained the law.
The lower courts in New York had also sus-
tained a similar law.

"Legislation in this State has recognized
that distinctions should be made in favor of
women," said Mr. Ela. "In the recent laws
opening all occupations to women they are ex-
empt from working on public roads and from
military and jury service. As in the case of the
factory law they are exempt from these occupa-
tions on account of their physical weakness
as compared to men. This difference is the
basis of the factory act. In these cases the
evidence shows that the women employed in
this class of factories are nearly all of tender
years. When the factory is busy they often
work from 8 o'clock in the morning until 8
o'clock at night, with a stoppage of thirty
minutes at noon and in the evening. They
are standing at machines all this time. No
better argument is needed than this fact to
prove that the State, under its police powers,
should enact laws to regulate the well-being
of those women. The fact that they are will-
ing to work overtime does not argue against
the need of the law."

Humane Motives Considered.

Mr. Ela cited many authorities and traced
the resemblance between the act and others
passed by other States, closing with a strong
plea for the humane motives which underlaid
it and an equally strong statement of the con-
ditions which led to its passage.

The cases in which the fines were imposed
cover every phase of the new law. The clause
prohibiting the employment of girls under 16
years without a certificate from their parents
or guardians setting forth their age and date
of birth, relating to the posting of the new
law in all factories where females are em-
ployed, and prohibiting the employment of
women more than eight hours per day were
all covered.

It was said by the attorneys that every ef-
fort would be made to expedite the cases to
the Supreme Court. They expected that this
could be done so as to secure a decision from
that tribunal within a few weeks.