

IN THE  
**SUPREME COURT OF ILLINOIS.**

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

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**William E. Ritchie,**  
*Plaintiff in Error,*  
vs.  
**People of the State of Illinois,**  
*Defendant in Error.*

} Error to  
Criminal Court,  
Cook County.

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**ABSTRACT OF RECORD.**

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Record.

I PLACITA.

2 Transcript from justice of the peace. February 26, 1894, warrant issued; February 26, 1894, defendant appears, waives process and also waives jury trial in writing; witnesses sworn and examined. February 28, 1894, court finds defendant guilty and imposes fine of \$5 and costs. March 2, 1894, appeal to Criminal court of Cook  
3-4 county. Complaint of Florence Kelley, factory inspector; says that February 23, 1894, defendant was the manager of a factory or workshop in Chicago, used exclusively for the purpose of manufacturing paper boxes; that on said date defendant, as such manager, employed in and about

the manufacture of paper boxes in said factory one Lizzie Furlong, an adult female of the age of more than eighteen years for more than eight hours of said day; that said Lizzie Furlong on said date worked in said factory for said Ritchie for more than eight hours; that such work consisted of finishing necktie boxes for wages measured at so much per hour, fixed and determined by the total number of hours worked.

5 Warrant for arrest of defendant.

6 Appeal bond.

7 April 20, 1894, appearance of parties in Criminal court; defendant waives jury. Defendant found guilty and fined five dollars; motion for new trial; motion overruled.

8 Objection and exception by defendant.

Motion in arrest of judgment; motion overruled; objection and exception by defendant.

Judgment on finding. Defendant fined five dollars and costs; objection and exception to judgment; appeal prayed and allowed to the Supreme court of Illinois, Southern  
9 Grand Division; bond and bill of exceptions in twenty days.

11-27 Bill of exceptions.

11 Defendant waives in writing his right to trial by jury.

12 LIZZIE FURLONG, a witness for the People, testified:

13 I live in Chicago; have been working lately for W. E. Ritchie in a paper box factory in this city; defendant is manager; was working by the week; made paper boxes in that factory February 23, 1894; worked that day nine and three-quarter hours for wages.

*Cross-Examination.*

Have worked for Mr. Ritchie six years next July.  
 14 The factory is six stories high; it is on a corner; occupies  
 125 feet frontage; has windows on three sides; no build-  
 ings near it. I began work February 23, 1894, at ten  
 minutes after seven in the morning; worked until twenty-  
 five minutes to six, with half an hour for lunch; I earn  
 15 \$8.50 per week; make small paper boxes in which neck-  
 ties are placed; the work is easy; I am accustomed to it  
 and work willingly the period of time specified; could  
 work there by the week at less hours; then my pay would  
 be less; was anxious to work February 23, 1894, more  
 than eight hours, so as to get more pay; want to earn as  
 much money as possible; if I only work eight hours I  
 can't support myself as well; am twenty-seven years old,  
 support myself and am unmarried. Made no request on  
 that day that my hours should be shortened; the factory  
 is clean, well lighted and ventilation is very good. Don't  
 16 know the exact number, but there must be between 150  
 and 175 females employed there.

17 *Re-direct Examination.*

Do not work over-time very often; the last time was a  
 year ago last Christmas; when business is brisk we all  
 work till nine o'clock; the hours are arranged by our em-  
 ployers; we have nothing to do with fixing them; it is a  
 rule of the factory that when the bell rings at twenty-five  
 minutes after five we stop work and must get out of the  
 factory in ten minutes, it is a rule of the factory made by  
 18 our employer that we shall work till twenty-five minutes  
 to six; a girl might get a scolding if she wouldn't work  
 up to those hours; she would not be allowed to stay  
 there if she made a habit of it; she would be dis-  
 charged.

19

*Re-cross Examination.*

I have agreed with the rule for six years, and it has agreed with me.

20 Defendant submitted propositions of law as follows:

1st. As a matter of law, the court holds that the act of the legislature of the State of Illinois, entitled, "An Act to regulate the manufacture of clothing, wearing apparel and other articles in this state, and to provide for the appointment of state inspectors to enforce the same, and to make an appropriation therefor," approved June 17, 1893, and each and every section thereof is illegal and void.

2d. That section 5 of said act is illegal and void.

3d. That section 6 of said act is illegal and void.

21 4th. That section 7 of said act is illegal and void.

5th. That section 8 of said act is illegal and void.

6th. That said act and each and every section thereof is contrary to and in violation of the constitution of the State of Illinois.

7th. That section 5 of said act is contrary to and in violation of said constitution.

22 8th. That section 6 of said act is contrary to and in violation of said constitution.

9th. That section 7 of said act is contrary to and in violation of said constitution.

10th. That section 8 of said act is contrary to and in violation of said constitution.

11th. That said act and each and every section thereof is contrary to and in violation of the constitution of the United States and the amendments thereto.

12th. That section 5 of said act is contrary to and in violation of said constitution and amendments.

13th. That section 8 of said act is contrary to and in violation of said constitution and amendments.

Court refused to find any of said propositions; objection and exception by defendant.

23 Motion for new trial.

1st. That said act, and each and every section thereof, is illegal and void.

2d. That section 5 of said act is illegal and void.

3d. That section 6 of said act is illegal and void.

4th. That section 7 of said act is illegal and void.

24 5th. That section 8 of said act is illegal and void.

6th. That said act and each and every section thereof is contrary to and in violation of the constitution of Illinois

7th. That section 5 of said act is contrary to said constitution.

8th. That section 6 of said act is contrary to said constitution.

9th. That section 7 of said act is contrary to said constitution.

10th. That section 8 of said act is contrary to said constitution.

11th. That said act and each and every section thereof is contrary to the constitution of the United States and the amendments thereto.

25 12th. That section 5 of said act is contrary to the United States constitution and amendments.

13th. That section 8 of said act is contrary to the United States constitution and amendments.

(Motion overruled; objection and exception by defendant.)

Motion in arrest of judgment on the grounds:

26 1st. The finding is contrary to the constitution of Illinois.

2d. The finding is contrary to the constitution of the United States and the amendments thereto.

(Motion denied; objection and exception; defendant found guilty and fined \$5 and costs,)

(Objection; exception by defendant.)

Appeal prayed by defendant.

27 Stipulation in writing that appeal should be taken to or writ of error sued out of the Supreme court of Illinois for the Southern Grand Division, May term, 1894.

Appeal allowed upon defendant giving bond.

Signature and seal of judge, April 20, 1894.

28 Stipulation that original bill of exceptions be made part of record.

29 Certificate of clerk.

30, 31

#### ASSIGNMENT OF ERRORS.

*First.* The court below erred in refusing to find as law the propositions of law asked by defendant.

*Second.* The court below erred in finding defendant guilty.

*Third.* The court below erred in overruling the motion for a new trial.

*Fourth.* The court below erred in denying the motion in arrest of judgment.

*Fifth.* The court below erred in rendering judgment upon the finding.

*Sixth.* The judgment is contrary to and in violation of the provisions of the constitution of the State of Illinois.

*Seventh.* The judgment is contrary to, and in violation of the provisions of the constitution of the United States and the amendments thereto.

By reason whereof the plaintiff in error prays that said judgment may be reversed.

31 Joinder in error.

MORAN, KRAUS & MAYER,  
*Attorneys for Plaintiff in Error.*