

IN THE
SUPREME COURT OF ILLINOIS.

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

Lee Drom, 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.

1 PLACITA.

2 Transcript from justice of the peace; February 24, 1894, warrant issued; February 24, 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 county.

3, 4 Complaint of Florence Kelley, factory inspector, says: that February 9, 1894, Lee Drom employed in and about the manufacture of wearing apparel in a factory, in Chicago, one Hattie Renfranz, a female of the age of fourteen years, more than eight hours; that said Hattie

Renfranz, on said date, worked in said factory for said Lee Drom, more than eight hours; that said work consisted exclusively of pressing and ironing ladies' waists for wages fixed at so much per waist.

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.)

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 Grand Division.

9 Bond and bill of exceptions in twenty days.

11-39 Bill of exceptions.

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

12 ALZINA P. STEVENS, a witness for the People, testified:

13 I am assistant factory inspector for Illinois. I saw Hattie Renfranz working in Lee Drom's factory in Chicago, on the 9th day of February, 1894; the factory occupies the fourth and fifth floors of the building; on the fourth floor is a laundry in front; the rest of the floor is the factory proper; it is clean, but crowded and badly ventilated, because of the constant use of gas. Was told the back room was 145 by 45 feet; as the laundry is in front there are no windows in front and none on the long side of the room, making it necessary to use gas; there

14 are windows across the west end; the gas and the heat
of the laundry also, probably make the air very bad.

HATTIE RENFRANZ, a witness for the People, testified:

15 Worked in Mr. Lee Drom's factory, Chicago, Febru-
ary 9, 1894, pressing and folding ladies' waists; began at
half-past 7 in the morning and worked till 12, and had
half an hour for dinner, and worked all the rest of the
time till half-past 8, ironing and pressing, for wages; had
to stand up all the time; was paid by the piece; will be
16 fifteen the 27th of July.

Cross-Examination.

16 Will be working for Mr. Lee Drom a year next month,
but I wasn't working from July to November; they asked
me to work on the 9th of February, 1894, and I worked;
the regular hours are till half-past 5; there was no par-
ticular reason for working that day until half-past 8; don't
remember whether I worked the day before or the day
after, or any day since; know I worked the 9th, Friday,
17 until half-past 8.

(Witness becomes confused.)

19 The COURT: I guess we can't go on with this witness
any further.

Mr. MAYER: Apparently not.

(Witness dismissed.)

20 MINNIE KEEFE, a witness for the People, testified:

Have charge of the finishers in Mr. Lee Drom's factory;
in Chicago; know the little girl who was on the stand just
now, Hattie Renfranz; was working in the factory the night

of February 9th; saw her working all the time; she doesn't
 21 stand very far from where I do; saw her between five
 and nine; don't remember her not being there the day
 previous; she had worked all day the 9th, from eight
 o'clock; we take half an hour at noon, and stop in the
 evening again at half-past five; didn't notice whether she
 did, but we do; she was pressing until twenty minutes
 past eight.

22 *Cross-Examination.*

I have charge of the button girls and give and receive
 the work of those pressers and the button girls; I worked
 overtime that day and got extra pay for it; I suppose
 Mr. Van asked us and we stayed; if one department
 works it is necessary for all the others, in order to keep
 up; don't believe I objected to working overtime that
 day; we are paid a half a day's pay for overtime; we
 23 don't generally work over two or two and one-half hours
 overtime; this young girl pressed and folded ladies' waists
 and plaits; it is not easy work; should think there are 200
 girls employed there; probably about a dozen of the 200
 are under fifteen years of age; a couple press, and the
 24 balance sew on buttons by hand; have worked there three
 months the 4th of December; the place is kept as the
 usual run of factories are; in a cold day we haven't very
 good ventilation; on a warm day we open the windows
 and ventilate it all right; just where I stand the place is
 25 lit with gas; where the pressers are we have light of the
 windows; have been engaged in similar work about nine
 years in Chicago; the employes didn't all work overtime
 on February 9th, but most of them worked that day; it is
 not unusual to work there until half-past eight; we have
 26 been working overtime lately; they may not always be

willing to work; have never seen them compelled to work; they have been expected to work when asked.

Q. Now, suppose that this young girl had said that day that she didn't want to work overtime, what would you, as her forelady, have said?

A. Well, I would have ordered her to work if she possibly could; if she had said she was not strong enough she might and might not have been discharged; the foreman would have had the say; I count her work; she averages \$3 to \$5 a week; don't know whether she is helping support her family; don't think any there are
 27 working for pleasure; have had positions where I have been better satisfied with the wages; believe there has been a general reduction of wages all around during the last six months.

Re-direct Examination.

When business is good there is a general demand in that factory that these girls shall work in the evening;
 28 none of them have been discharged for not working overtime that I know of; during the time that business is brisk we work probably two or three evenings a week;
 29 we have half an hour after half past five for lunch; the girls don't pretend to go home and get a meal and come back; they eat in the factory.

ALZINA P. STEVENS, recalled:

30 Have talked to Hattie Renfrenz about working in that factory on the 9th of February, at her house on the 21st of February, and again in the court room here this afternoon, before the trial; I visited the child to ask her if she worked overtime and she told me she did, and told me

when and fixed the time herself by the big snow storm, she having got sick and gone home on the day of the snow storm, which followed the night she worked; my intention in speaking here was to remind her that the date was the 9th, because children don't remember the date, although they remember the days of the week and what they did on those days.

31 Stipulation that Lee Drom employed said Hattie Renfrenz on the day in question as charged in complaint, in a factory in Chicago, for more than eight hours.

32 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.

33 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.

34 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.

35 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.

36 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.

37 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:

38 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.

39 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.

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

41 Certificate of clerk.

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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.

43 Joinder in error.

MORAN, KRAUS & MAYER,
Attorney for Plaintiff in Error.