

IN THE  
**SUPREME COURT OF ILLINOIS.**

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

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**Louis Eisendrath,**  
*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; returned executed; February 28,  
1894, parties appear, defendant waives jury trial, in writ-  
ing; witnesses sworn and examined; court finds defend-  
ant 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 8, 1894, Emil Strouss, Louis Eisendrath  
and Lee Drom composed the firm of Strouss, Eisendrath  
& Drom; that on said date said firm owned a factory in  
Chicago; used exclusively for the purpose of manufactur-

ing wearing apparel for sale; that on said date said Louis Eisendrath employed in said factory in the manufacture of wearing apparel Mamie Robinson, a female of the age of fourteen years, more than eight hours in said day; that said Mamie Robinson, on said date, worked in said factory for said Eisendrath more than eight hours; that such work consisted exclusively of working in the stock-room of said factory for wages fixed at so much per day, determined by the total number of days worked.

5 Warrant for arrest of defendant.

7 Appeal bond.

8 April 20, 1894, appearance of parties in Criminal court; defendant waives jury; defendant found guilty and fined \$5; motion for new trial; motion overruled; objection and exception by defendant.

Judgment on finding.

Defendant fined \$5 and costs; objection and exception to judgment; appeal prayed and allowed to the Supreme court of Illinois, Southern Grand division.

10 Bond and bill of exceptions in twenty days.

12-36 Bill of exceptions.

13 MAMIE ROBINSON, a witness for the people, testified:

14 I live 397 Washtenaw avenue; work for Strouss, Eisendrath and Drom in their factory in Chicago; they make ladies, and boys, waists; worked there the 22d of February, Washington's birthday, from eight until twelve, and then half an hour for dinner, and worked after that until half past five; we worked overtime that evening, and had half an hour for supper, and worked until half past eight; I was helping the splitters; they put ladies, and boys, waists

15 in bundles; Mr. Drom is in the factory most of the time  
 now; I worked for wages at a fixed amount every week;  
 was fourteen the 22d of December; Emil Strouss, Lee  
 Drom and Louis Eisendrath own the factory.

*Cross-Examination.*

My father is dead; I work to pay for my clothes;  
 16 board at home; have a step-father; help support the fam-  
 17 ily with my wages; the cutters cut out of the cloth the pat-  
 terns that go to make the waists of linen or calico, and then  
 we split them and put them in bundles; by splitting them,  
 I mean putting such an amount in one bundle and tying  
 them up; we get half a day's pay for overtime from six to  
 half past eight; one night we worked until half past seven,  
 19 and got half a day's time for it; for all work after regular  
 hours we get half a day's pay; was asked to work that day,  
 and I worked; have worked there a year, and have worked  
 overtime three times; half past eight was the latest hour  
 I ever worked; the foreman asked me at half past five,  
 20 on the 22d of February, to work overtime, and I said,  
 yes, sir; have no written contract with the firm; might  
 have said no, if I wanted to; I earned \$3.65 last week;  
 am fourteen years old; average \$3.00 by the week;  
 21 wanted to work more than eight hours to make as much  
 money as I could; have furnished the firm with a certifi-  
 cate from my mother showing that I had her permission  
 to work; more than 150 girls and women work there, I  
 think; it occupies two floors; it is deep, well kept and  
 well lighted, and clean.

22

*Re-direct Examination.*

My mother went with me to sign the affidavit when I  
 was employed there; have worked every day I have

23 been there over eight hours; these three times overtime were when I worked in the evening after I had completed my nine hours work. I tied up in bundles on the evening of the 22d; that is not my right work; it is taking charge of a stock room; can sit down when there isn't any girls there for thread or anything; I sit down more than I stand up; this work at night is standing up all the time; that time I worked nearly twelve hours and stopped  
 24 twice a half hour each time; this work had to be put into bundles at night for the purpose of having the girls get it in the morning; never refused to work overtime; it is the custom to work from eight in the morning until half past five at night with half an hour for dinner; the  
 25 factory is lighted by sunlight; when it is a real dark day they have to have gas; between half past ten and twelve they wouldn't have to have gas; from half past one or so, if it was a real dreary day outside.

*Re-cross Examination.*

I have thread, needles, buttons, trimmings in a little  
 26 department; there is a chair there, and a desk; when the people who work in the factory want thread or buttons they must come to me for it—it is easy work; am allowed to sit down just as much as I please; some girls have piece work and they are in an awful hurry, and we have  
 27 to hurry up and give them the thread; when I am not handing out the thread I can read if I want to; nobody has ever stopped me from doing it.

*Re-direct Examination.*

Didn't read any books on the night of the 22d of February.

28 Stipulation that Lee Drom employed said Mamie Rob-

inson on the day in question in the factory in question located in Chicago, for more than eight hours; that said factory was owned by Strouss, Eisendrath and Drom, a copartnership, composed of Emil Strouss, Louis Eisendrath and Lee Drom; that said Lee Drom was the manager of said factory and authorized by said firm to employ the help in said factory.

29 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.

30 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.

31 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 there-

of 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.

32 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.

33 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.

34 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:

35 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.

36 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.

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

38 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.

40 Joinder in error.

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