

IN THE
SUPREME COURT OF ILLINOIS.

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

Emil Strouss,
Plaintiff in Error,
vs.
People of the State of Illinois,
Defendant in Error.

} Error to
Criminal Court,
Cook County.

ABSTRACT OF RECORD.

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Record.

- 1 PLACITA.
- 2 Transcript from justice of the peace.
- February 24, 1894, warrant issued against Emil Strouss, Louis Eisendrath and Lee Drom; defendants arrested.
- February 28, 1894, defendants appear and waive jury trial, in writing; witnesses sworn and examined.
- February 28, 1894, court finds defendant, Emil Strouss, guilty, and imposes fine of \$5 and costs; suit dismissed as to defendants, Louis Eisendrath and Lee Drom.
- 3, 4 Complaint of Florence Kelley, factory inspector; says that on February 22, 1894, Emil Strouss, Louis Eisendrath and Lee Drom composed firm of Strouss, Eisen-

drath and Drom; were owners of a factory or workshop located on said date in Chicago, used by defendants for the purpose exclusively of manufacturing wearing apparel for sale; that on said date defendants employed in the manufacture of wearing apparel in said factory one Rosie Koeneke, a female of the age of fourteen years, more than eight hours of said day; that said Rosie Koeneke on said date, worked in said factory for said defendants more than eight hours; that said work consisted of operating a sewing machine for wages fixed at so much per garment.

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 \$5; motion for new trial; motion overruled; objection and exception by defendant.

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Motion in arrest of judgment; 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.

9 Bond and bill of exceptions in twenty days.

11-25 Bill of Exceptions.

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

11 ROSA KOENEKE, a witness for the people, testified:

I live 1238 Paulina street; was working for Strouss, Eisendrath and Drom, February 22, 1894, in their factory in this city, for making ladies' waists; worked from eight o'clock in the morning till half-past five in the evening;

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then I had half an hour for my supper, and worked till half-past eight; I do hemming on a sewing machine for ladies' shirt waists, was paid by the piece.

Cross Examination.

Will be fifteen in June; I only know that Strouss, Eisendrath and Drom own the factory; I know Mr. Drom and I know Mr. Strouss; never saw Mr. Eisendrath; am
 13 only working there a month; have two sisters working there, one nineteen and the other twenty; one of my sisters has worked there six years and the other five; I earn three dollars a week by the piece; it is real easy work; machine is driven by steam; have worked three nights since I have been there; when I work overtime I get the same pay for piece work as during the day; guess I earned \$3.56 last week; am one of nine children; my father is an invalid and has been for ten years; five of us children work to support the family; there are eight children at home; the forelady, Miss Annie Shubert, asked me to work overtime February 22d, and I was willing to stay because my sisters stayed; if my sisters hadn't stayed I would not; don't know that Mr. Drom knew anything about it; he didn't ask me to stay; the forelady did not say I would be discharged if I didn't stay.

16 Stipulation that Lee Drom employed said Rosa Koenke on said date, in said factory for more than eight hours; that said factory was owned by Strouss, Eisendrath and Drom; that Lee Drom was manager of said factory and was authorized by said firm to employ the help in said factory.

17 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.

18 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.

19 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.

20 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.

21 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.

22 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:

23 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.

24 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.

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

26 Certificate of clerk.

28, 29 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.

29 Joinder in error.

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