IN THE

SUPREME COURT OF ILLINOIS.

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

William E. Ritchie, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	Two Cases. Nos. 3 and 4.	Error to Criminal Court, Cook County.
Ferdinand Bunte, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	No. 5.	
Joseph E. Tilt, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	Two Cases. Nos. 6 and 7.	
Lee Drom, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	Two Cases. Nos. 8 and 9.	
Louis Eisendrath, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	No. 10.	
Emil Strouss, *Plaintiff in Error,* vs. The People of the State of Illinois, *Defendant in Error.*	No. 11.	

INVOLVING CONSTITUTIONALITY OF ACT OF LEGISLATURE OF ILLINOIS, OF JUNE 17TH, 1893, KNOWN AS "THE EIGHT HOUR LAW."

ABSTRACT OF RECORD.

MORAN, KRAUS & MAYER,

ATTORNEYS FOR PLAINTIFFS IN ERROR.

FILED.
MAY 2 1894

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1 — PLACITA.

2 Transcript from justice of the peace. February 26, 1893, 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 county.

3, 4 Complaint of Florence Kelley, factory inspector; says that February 23, 1894, William E. Ritchie was the manager of a factory or workshop in Chicago, used for manufacturing paper boxes exclusively; that on said date, as

such manager, defendant employed in said factory one Mollie Fach, an adult female, for more than eight hours of said day; that said Mollie Fach, on said date, worked in said factory for said Ritchie for more than eight hours; that such work consisted of making neck-tie boxes for wages, fixed and determined by the number of neck-tie boxes made.

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 8 exception by defendant.

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.

10–26 Bill of exceptions.

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

11 MOLLIE FACH, a witness for the people, testified:

I live at 39 Miller street; worked for defendant, Febru- 12 ary 23, 1894, for wages, in his paper box factory in Chicago, by the piece, nine and three quarter hours; was paid by the number of boxes I made; worked from ten minutes after seven to twelve, with half an hour for dinner, and from half-past twelve to twenty-five minutes

after five; had ten minutes to get ready to go home, and twenty-five minutes to six we left the shop; am twenty-seven years old; support myself, and am not married.

Cross-Examination.

Have worked for Mr. Ritchie about seven years; it is quite a clean factory; six stories and basement, very well lighted; windows on three sides; was working on 23d of February by the piece, so much a box; made neck-tie boxes, shirt boxes and fruit boxes, made of pasteboard; it is light work; was paid about $2.50 a hundred boxes; I try to make as many boxes as I can, because I want to earn more money; it was not stipulated or provided February 23, 1894, by my employer how many boxes I must make; the only thing he prescribes is the pay I get for the work I do; have never objected or been unwilling to work the hours indicated; don't know that I would work longer hours; was willing to work more than eight hours, because I was anxious to earn as much money as possible; the more money I can earn the better able I am to support myself; am twenty-seven years old; support myself and am not married.

Re-direct Examination.

The number of hours I work are prescribed by my employer, Mr. Ritchie; must work according to the hours prescribed in the factory.

Re-cross Examination.

It is not prescribed as to whether I shall work hard or not; have worked less hours than I have over-hours.

Q. And the days you have worked less than eight hours have not been because you were anxious to work less than eight hours?

A. No, sir; when I work less hours it is because there
17 is no work; have never had a day's work in that factory which was eight hours; the usual time is nine and three-quarter hours; when business is brisk I work more than nine and three-quarters; could quit at the end of nine and three-quarter hours if I would ask permission; have to work according to the rules and hours prescribed in the
18 factory; would have to work as much as the others did, week after week. Work lasted more than nine and three-quarter hours a day about a year ago last Christmas.

19 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.

20 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.

21 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.

22 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.

23 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.

24 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:

25 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.

26 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.

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

28 Certificate of clerk.

29, 30 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.

30 Joinder in error.

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