

IN THE
SUPREME COURT OF ILLINOIS.

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

Joseph E. Tilt,
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 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 county.

3, 4 Complaint of Florence Kelley, factory inspector; says that, February 23, 1894, Joseph E. Tilt was the manager of a boot and shoe factory in Chicago; that on said date, as such manager, defendant employed, in the manufacture

of boots and shoes in said factory, one Mary Collins Sherlock, an adult female, for more than eight hours of said day; that said Mary Collins Sherlock, on said date, worked in said factory for said Tilt more than eight hours; that such work consisted exclusively of putting eyelets into shoes for wages fixed and determined by the number of shoes into which eyelets were inserted.

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; objection and exception by defendant.

8 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.

11-29 Bill of exceptions.

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

12 MARY C. SHERLOCK, a witness for the people, testified:

13 I work in J. E. Tilt's shoe factory in this city; worked there February 23d, eyeletting shoes, ten hours, less half an hour for dinner; was paid so much for twelve pairs of men's shoes.

Cross-Examination.

14 Think the building is five stories and basement; believe
 three stories are used by Mr. Tilt for his business of man-
 ufacturing shoes; have worked for him two years in March;
 have been eyeletting only about a year; am paid at the
 15 end of each week; I keep an account of each case of
 twelve pairs of shoes I do, and it goes down to the book-
 keeper and she makes it up, and the amount is kept in a
 book each day and at the end of the week the work is
 added up; the more cases I eyelet, the higher my wages
 are; began work February 23, 1894, at half past seven,
 continued till noon, took half an hour for lunch, resumed
 at half past twelve and worked until half past five; work
 16 to support myself; generally average about \$2 a day, if
 work is busy; am twenty-five years old; was very anxious
 and willing to work more than eight hours on February
 23, 1894; I am paid by the piece, and the longer I work
 the more pieces I can finish; can earn more money by
 working longer, and therefore can get a better living; my
 employer did not prescribe the number of shoes I must
 eyelet on February 23d; if we have the work we do it,
 and if we haven't the work, we don't do it; the wages are
 17 less or more as we do more or less work; about sixty or
 sixty-five females are employed in that factory, usually;
 the place is well lighted; there were lots of us who worked
 by the piece on that day; am not forced to complete any
 number of cases and am not required to.

Q. Have you any written contract or understanding
 of any kind with Mr. Tilt other than that you shall be
 paid so much per case?

18 A. No, sir. Am hired for no particular period of
 time; could quit at twelve o'clock or four o'clock or any

time I wish; we are supposed to work the full time; I
 19 operate a machine to insert the eyelets; it is run by steam
 power; we have to count the number of pairs ourselves.

Re-direct Examination.

The factory is kept open from half past seven in the
 morning until half past five at night, with machinery go-
 ing, lighted up and the women are expected to work for
 that length of time; they don't get back there any more
 if they refuse to do it.

Re-cross Examination.

Have never objected or protested against working the
 21 hours that I do, and am not now; would work where I can
 earn the most money.

22 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 ap-
 pointment 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.

23 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.

24 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.

25 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.

26 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.

27 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:

28 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.

29 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.

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

31 Certificate of clerk.

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.

33 Joinder in error.

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