

IN THE
SUPREME COURT OF ILLINOIS.

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

Joseph E. Tilt,
Plaintiff in Error,
v.s.

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 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 one Margaret Taylor, an adult female, for more than eight hours of said day; that said Margaret Taylor, on said date, worked in said factory for said Tilt for more than eight hours; that such work consisted of manufacturing boots and shoes for wages, fixed at so much per hour and determined by the total number hours worked.

5 Warrant for arrest of defendant.

7 Appeal bond.

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.

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.

11-24 Bill of exceptions.

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

12 MARGARET TAYLOR, a witness for the People, testified:

I live at 793 West Superior street; worked for Joseph E. Tilt, in Chicago in his shoe factory, on the 23d of February, at shoe-fitting, for wages, ten hours with the exception of half an hour at noon.

Cross-Examination.

Began at half-past 7; had lunch from 12 till half-past 12; resumed work and continued until half-past 5; was paid by the hour; am employed by my employer to work ten hours a day; it was my duty to work nine and a half

hours that day under the arrangement I had with Mr. Tilt; that arrangement was entered into voluntarily on my part; am twenty; am not married; am willing to work more than eight hours; earned \$3 on February 15 23d; by working more than eight hours per day I earn more wages and can thereby better support myself; this factory occupies three floors of the building; have been in the position I now hold four years; have been working more than eight hours per day for two years; have no written agreement with Mr. Tilt; am hired for no particular period of time; there is no agreement or understanding which would prohibit him from dismissing me at 16 any time.

Re-direct Examination.

My contract when I went to work was that I should work ten hours a day; had no written contract; it has always been the rule of the factory.

Re-cross Examination.

That factory is a well-kept, well-ventilated factory, between sixty and sixty-five females are employed there.

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.

27, 28

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.

28 Joinder in error.

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