

IN THE  
**SUPREME COURT OF ILLINOIS.**

SOUTHERN GRAND DIVISION.

MAY TERM, A. D. 1894.

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Lee Drom,  
*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.**

Page of  
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; 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 22, 1894, Lee Drom employed in the  
manufacture of wearing apparel in a factory or workshop  
for the manufacture of wearing apparel for sale, in Chi-

Chicago, one Mamie Robinson, a female aged fourteen years, more than eight hours in said day; that said Mamie Robinson, on said date, worked in said factory for said Lee Drom more than eight hours; that such work consisted exclusively of working in the stock room of said factory or workshop and splitting garments for wages, fixed at so much per day and determined by the total number of days worked.

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;  
8 objection and exception by defendant.

Motion in arrest of judgment; 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.

11-26 Bill of exceptions.

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

12 Mamie Robinson, a witness for the people, testified:  
I was working at this same place the 8th of February;  
13 can't remember that I worked overtime that evening;  
can't remember that I told the lady that I worked all day  
and the night before.

14 Stipulation that Lee Drom employed said Mamie Robinson, on the day in question as charged in the complaint, in a factory located in Chicago, for more than eight hours.

15 ALZINA P. STEVENS, a witness for the people, testified:

I reside 671 West Monroe street; an assistant factory inspector for Illinois; began an inspection of this factory February 7th, which I finished on the 9th; it is a factory of two floors, the fourth and fifth floors, of a brick block on South Canal street, 171; there is a laundry room belonging to the establishment in front on the fourth floor and a factory room extending back 145 feet, and the fifth floor extends over both of the rooms of the lower floor; there were 206 women, including minor girls and three males, employed there at the time of our inspection; the light on  
 16 the fifth story is good; in the fourth story there are no windows except in the rear across the narrow forty-five feet width, it must be lighted by gas; have never been there when the gas was not burning in that room on the fourth floor; it was necessary in order for them to do their work; the cleanliness is very fair on the different floors; the air is very bad on account of the gas and the laundry; it is extremely hot; saw Mamie Robinson work-  
 17 ing there; spoke with her on the morning of the 9th; was not there on the 22d.

*Cross-Examination.*

Don't know who picked out this particular girl as a witness in this case; there were thirteen minors between fourteen and sixteen, one of whom was a boy and twelve were girls, on the day I inspected the affidavits; we re-  
 18 ported all the minor children that we found working overtime, as suffering by the violation of the law on the part of their employers, but why one was taken more than another I don't know.

Q. By overtime do you now refer to working from

eight to half-past five, or working as this little girl has testified to?

A. Both.

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.

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.

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.*