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AMERICAN GOVERNMENT*

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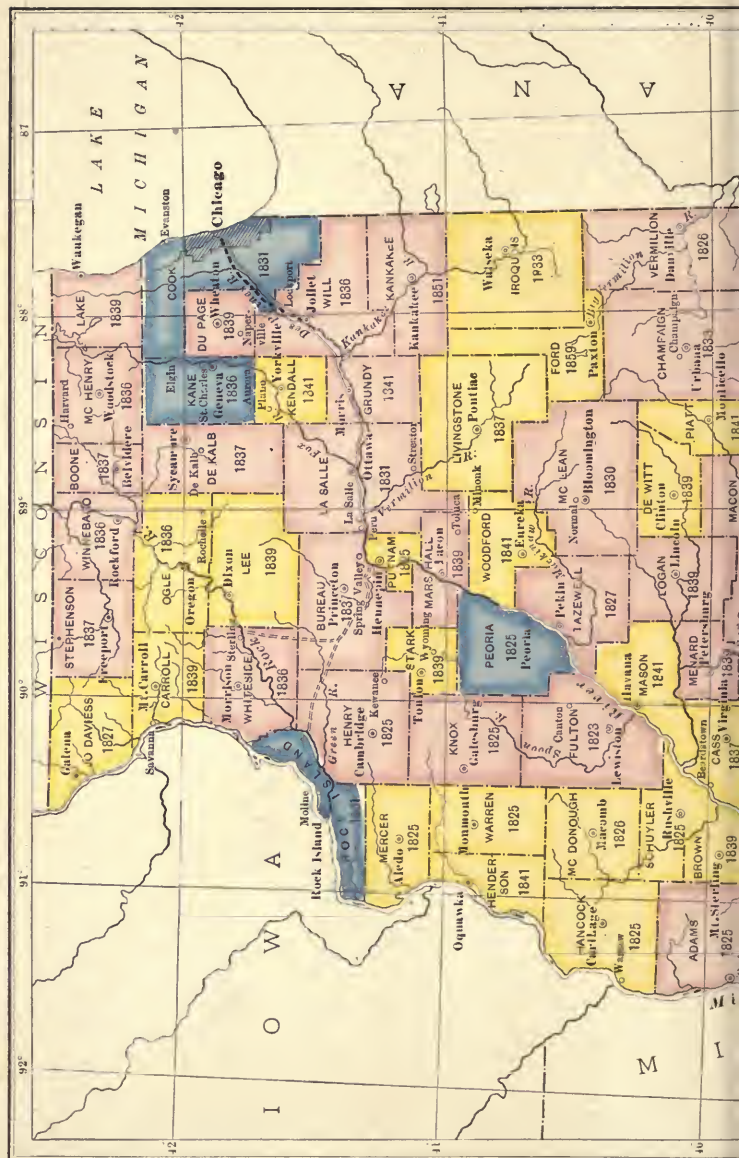
Lawrence B. Evans, Ph.D.

PROFESSOR OF HISTORY IN TUFTS COLLEGE

The Government of Illinois

•The M Co. •





HANDBOOKS OF AMERICAN GOVERNMENT

The
Government of Illinois

Its History and Administration

BY

EVARTS BOUTELL GREENE

PROFESSOR OF HISTORY IN THE
UNIVERSITY OF ILLINOIS

SECOND EDITION

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To
JEREMIAH EVARTS GREENE

IN GRATEFUL RECOGNITION
OF THE EXAMPLE WHICH HE GAVE
OF LOYAL SERVICE
TO THE COMMONWEALTH

PREFACE

This volume is one of a series of handbooks dealing with the constitutional development and present government of particular states of the American Union. It conforms, therefore, in its main outlines to the general plan of the series. As a text-book on American government, it assumes a complementary volume on the Federal system, which is here only incidentally considered.

In the first part, dealing with the history of the state, the emphasis is laid upon constitutional and political development, but the effort has been made to treat that development broadly in its natural relation to economic and social experience. This section, though necessarily brief, may perhaps serve as a convenient guide for more extended study based upon the references for collateral reading. The history of Illinois is full of interest, not only for its own citizens, but for all Americans who wish to understand the sectional forces at work in our national development. The second part is a study of the constitutional mechanism and of the financial system by which it is kept in operation. The last group of chapters describes the public services which the state performs and for which its complex mechanism was created.

This little book is not designed to meet the requirements of the specialist. It is hoped, however, that it may prove useful to the general reader and especially to young people beginning a serious study of American

government as illustrated in their own State. In dealing with so broad a field, there is ample room for misconceptions of every kind, but so far as possible, the author has sought to go beyond the formal terms of constitution and statute and to make clear the real working of institutions. For such measure of success as may have been achieved in this respect, the author is largely indebted to some of his colleagues, who have given him the benefit of their expert judgment by reading certain parts of the manuscript. Special acknowledgments for such service are due to Mr. William L. Pillsbury, Registrar of the University of Illinois, Professor James B. Scott of the Columbia University Law School, and Professor M. B. Hammond of the University of Ohio.

For the guidance of teachers and students, reference lists have been given at the beginning of each chapter. It is needless to say that these lists make no pretensions to completeness; and there will doubtless be differences of opinion as to certain selections. In addition to books dealing specifically with Illinois, a few general works have been listed which may suggest to the teacher some applications of the historical and comparative method which were not possible within the necessary limits of this volume. The following books will be found serviceable for general reference on the history and government of Illinois:

1. Moses, *Illinois Historical and Statistical*, 2 vols., Fergus Printing Company, Chicago, 1889-1892 (2nd ed. 1895).

2. Hurd, *Revised Statutes*, The Legal News Company, Chicago, 1903. This has been issued at intervals of two years by the Editor of the last official revision (1874).

3. Starr and Curtis, *Annotated Statutes of the State of Illinois*, 3 vols., Chicago, 1896. Useful as a guide to the decisions of the courts on disputed points of law.

4. *Blue Book of the State of Illinois*, Springfield, The Secretary of State, 1903, and other years. A register of state officials and a convenient manual of reference regarding the state and its government.

These special books on Illinois should of course be supplemented by general works on American government, such as Bryce, *American Commonwealth*, published in various editions (Macmillan); and Hart, *Actual Governments Applied Under American Conditions*, Revised edition, New York, Longman's, 1904. The latter contains elaborate bibliographies.

In conclusion, the author wishes to acknowledge his indebtedness for many useful suggestions received from the writers of previous volumes in this series and especially from the editor, Professor Lawrence B. Evans of Tufts College.

EVARTS B. GREENE.

University of Illinois, September, 1904.

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PART I

THE HISTORY OF ILLINOIS

CHAPTER I

THE ILLINOIS COUNTRY AND ITS PEOPLE—1673-1818

I. REFERENCES

Physiography: Moses, *Illinois Historical and Statistical*, I. ch. 1; Leverett, *The Illinois Glacial Lobe*, ch. 1 (*U. S. Geological Survey Monographs*); Worthen, *Geological Survey of Illinois*, I.; Leverett, "The Water Resources of Illinois" (*U. S. Geological Survey, 18th Annual Report, Pt. II.*); Palmer, *Waters of Illinois*.

Indians: Moses, *Illinois Historical and Statistical*, I. ch. 2; Beckwith, *The Illinois and Indiana Indians* (Fergus Historical Series). See also index and bibliography in Thwaites, *Jesuit Relations and Allied Documents*.

The French in Illinois: Parkman, *Works*, especially his *La Salle and the Discovery of the Great West*; Winsor, *Cartier to Frontenac* and *The Mississippi Basin*, passim; Winsor, *Narrative and Critical History of America*, IV. ch. 5; V. ch. 1 (important for bibliography); Shea, *Discovery and Exploration of the Mississippi Valley*; Shea, *Early Voyages up and down the Mississippi*; Shea, *The Catholic Church in Colonial Days*, Book III. ch. 5, and Book VI. ch. 1; Mason, *Chapters from Illinois History*, 1-249, and other articles by him in the *Fergus Historical Series*; Wallace, *Illinois and Louisiana under the French Rule*; Breese, *The Early History of Illinois*; Moses, *Illinois Historical and Statistical*, I. chs. 3-6. Among the most important printed sources for this period are the reports of the Jesuit Missionaries found in Thwaites, *The Jesuit Relations and Allied Documents*, 73 vols. (Originals with translations, good index and bibliography). Other sources are in Margry, *Découvertes et Etablissements*, 6 vols.; and in French, *Historical Collections of Louisiana*.

British Period: Winsor, *Narrative and Critical History of America*, VI. ch. 9 (important for bibliography of this and the succeeding period); Winsor, *The Westward Movement*, ch. 3; Moses, *Illinois Historical and Statistical*, I chs. 7, 8; Davidson and Stuvé, *A Complete History of Illinois*, chs. 14, 15; Parkman, *The Conspiracy of Pontiac*; Mason, *Chapters from Illinois History*, 232-249. Sources: Mason, *Philippe de Rocheblave and the Rocheblave Papers* (Fergus Historical Series); Pittman, *The Present State of the European Settlements on the Mississippi* (1770); Hutchins, *A Topographical Description of Virginia* (1778). For published papers from the Canadian Archives, see *Illinois Historical Collections*, I., and various volumes of the *Wisconsin Historical Society Collections*; the *Michigan Pioneer Collections*; the *Chicago Historical Society Collections*, and Brymner, *Reports on Canadian Archives*. See also *Documents relative to the Colonial History of New York*, VII., VIII.

Virginia Period, 1778-1784: Boyd, "The County of Illinois" (in *American Historical Review*, IV. 623-635); Hinsdale, *The Old Northwest*, ch. 9; Mason, *Chapters from Illinois History*, 250-292; Moses, *Illinois Historical and Statistical*, chs. 9, 10; Roosevelt, *The Winning of the West* (1889) II., chs. 1-4, 6; III., ch. 2; English, *Conquest of the Country Northwest of the River Ohio and Life of George Rogers Clark*; Thwaites, *Essays in Western History*, ch. 1. Sources: Henning, *Statutes at Large* (Virginia), IX.-XII.; *Calendar of Virginia State Papers*, I.-III.; George Rogers Clark's *Sketch of his Campaign in the Illinois in 1778-9*. See also "Clark Papers" in *American Historical Review*, I. 90-96; VIII. 491-506; W. W. Henry, *Patrick Henry, Life, Correspondence and Speeches*; "John Todd's Record Book" (in *Chicago Historical Society Collections*, IV.).

Illinois in the Northwest and Indiana Territories: Hinsdale, *The Old Northwest*, chs. 14-16, 18; Roosevelt, *The Winning of the West*, III., IV.; Moses, *Illinois Historical and Statistical*, I., chs. 11-14; Perkins and Peck, *Annals of the West*; Burnet, *Notes on the Early Settlement of the Northwest Territory*; Dunn, *Indiana* (American Commonwealth Series); Dillon, *History of Indiana*; Winsor, *Narrative and Critical History of America*, VII. Appendix I. (with bibliography). Sources: The Ordinance of 1787 and other important documents are conveniently collected in Hart and Channing, *Documents relating to Territorial Administration* (American History Leaflets), and in Hurd, *The Revised Statutes* (Illinois); Smith, *The St. Clair Papers*, 2 vols.; *American State Papers* (Volumes on Pub-

lic Lands, Indian Affairs, Military Affairs). For a bibliography of Territorial records, see Starr and Curtis, *Annotated Statutes*.

The Territory of Illinois. 1809-1818: Moses, *Illinois Historical and Statistical*, I., chs. 15-18 and Appendix; Davidson and Stuvé, *A Complete History of Illinois*, chs. 21-25. Sources: Reynolds, *Pioneer History of Illinois* (to be used with care); Reynolds, *My Own Times* (2nd ed.); Edwards, *History of Illinois from 1778-1833 and Life and Times of Ninian Edwards*, chs. 1-6, 15, 16; Washburne, *The Edwards Papers* (in *Chicago Historical Society's Collections*, III.); see also various numbers of the *Fergus Historical Series*; Forsyth, "Letter Book" (in Wisconsin Historical Society, *Collections*, XI. 316-355; James, "Information relating to the Territorial Laws of Illinois" (in *Publications of the Illinois State Historical Library*, No. 2); "The Territorial Records of Illinois" (in *Publications of the Illinois State Historical Library*, No. 3). For other information about Territorial Laws, see Starr and Curtis, *Annotated Statutes of Illinois*, I., Introduction, and Bowker, *State Publications*, Part II.; *American State Papers* (Public Lands, Indian Affairs, Military Affairs).

2. THE PHYSIOGRAPHY OF ILLINOIS

A practical and really living constitution must rest in the main upon the experience of the people who frame it, and must be so framed as to serve those wants which they have come to realize as the result of that experience. It is clear then that constitutional development can not be understood without knowing something of the economic and social facts and problems with which governments have to deal. Constitutional history can be most profitably studied not by itself, but in close connection with economic and social history.

Relation of constitutional, to economic and social, history.

The first great factor in the experience of any people is the land on which they live. The State of Illinois has within its limits to-day a total land area of over 56,000 square miles, and is therefore neither one of the largest, nor yet one of the smaller states of the American

Area and boundaries.

union.¹ This area is largely marked off by natural boundaries. Its southern and western limits are formed by two great rivers, the Ohio and the Mississippi. Its eastern boundary is also partly of this kind, being marked by the Ohio and the Wabash, and a line drawn due north from Vincennes. Since this line runs into Lake Michigan, that lake may for most purposes be regarded as a part of the State boundary. The northern boundary of $42^{\circ} 30'$ is, of course, an imaginary line so drawn as to give the State a frontage on Lake Michigan.²

Geographical
position.

One of the most important geographical facts about Illinois is its central position combined with its great extension from north to south. From the northern line of $42^{\circ} 30'$ to Cairo, which lies almost exactly on the parallel of 37° north latitude, is a distance of nearly four hundred miles. These parallels continued to the Atlantic coast include Boston on the north and nearly all of Virginia on the south. The great water highways of the State have also connected it almost equally with the north and the south. The first Europeans came to Illinois by way of the Great Lakes. Later the French settlements of this region were connected most closely with New Orleans and the lower Mississippi. The early American settlers came mainly by way of the Ohio river from the border southern States and, later still, the Erie canal and the lake steamboats brought to northern Illinois immigrants from New York and New

¹ Commissioner of the General Land Office, *Annual Report*, 1901, 318. The total land and water area, including a part of Lake Michigan, is 58,354 square miles.

² *Constitution of Illinois*, 1870, Art. I.; cf. *Constitution of Indiana*, 1851, Art. XIV. (both in Poore, *Charters and Constitutions*, I.).

England. These geographical facts have given to Illinois politics a sectional character somewhat like that of the country at large.

The physical characteristics of this territory are simple and may be summarized briefly. The first is a comparatively level surface. At the south, Cairo stands about three hundred feet above the ocean level. Between this and the highest points in the State, which are to be found in the northwestern counties, there is a difference of less than a thousand feet. The slope from north to south is gradual except in the southern part of the State, where one range of hills rises somewhat abruptly from the plains to the height of over one thousand feet.¹ A second characteristic, especially of the northern and central sections, is the absence of heavy forests, so that a large part of the surface is open prairie. Thirdly, the soil is well watered, rich, and adapted to the production of the great staple grains. Finally, the coal mines of the State have proved an important source of wealth.

Physical
character-
istics.

The even surface, wide areas of open prairie, abundance of water, and richness of soil made Illinois first a great *agricultural* State. Its central position in the Union, with convenient access to great interior waterways, laid the foundation of its *commercial* prosperity; and these advantages, taken together with the newly developed coal deposits, have made it also one of the chief *manufacturing* States of the Union. Out of this many-sided economic development have come many of the characteristic features of our social and political life.

Influence of
these
physical
character-
istics.

¹ Gannett, *A Dictionary of Altitudes in the United States*; *World Almanac*, 1901, 65; Leverett, *The Glacial Lobe of Illinois*, ch. 2.

3. THE INDIANS OF ILLINOIS

The Indians.
Their part in
the history
of the State.

Two hundred and fifty years ago the territory of the present State had been occupied only by a few thousand Indians. One of these tribes, the Winnebagoes, was related to the Sioux or Dakotas of the Northwest, but most of them belonged to the Algonquin family, which included nearly all of the Indians east of the Mississippi. The best known of these Algonquin tribes are those of the Illinois Confederacy. During the seventeenth and eighteenth centuries, they were settled along the Illinois and Mississippi rivers, and they have left their mark upon the map of the State in such names as Cahokia, Kaskaskia, and Peoria. It was among them that the first permanent white settlements were founded, and there are still in southern Illinois a few people of mixed race who are descended from this Indian stock. The Illinois suffered seriously from the invasions of the Iroquois and the efforts of the French missionaries to civilize and Christianize them met with little permanent success. In the eighteenth and nineteenth centuries the most stubborn opposition to white settlement came from the Sacs and Foxes of northern Illinois and southern Wisconsin. These Indian tribes scarcely occupied this country at all. Though they cultivated the soil, they depended largely upon hunting and fishing and were constantly changing the location of their villages. Their numbers were always insignificant as compared with the vast areas over which they roamed, and they had only the slightest political organization. They are important in the history of the State chiefly because of the obstacles which they placed in the progress of the white pioneers. This opposition continued for fifteen years after the State was admitted to the Union, until, soon

after the close of the Black Hawk War, the last tract of Indian lands in Illinois was surrendered to the whites.

4. THE FRENCH IN ILLINOIS. 1673-1675

The first European visitors to Illinois, of whom we have any certain knowledge, were Louis Joliet, who represented the French government at Quebec, and Father Marquette, the Jesuit missionary. They explored together in 1673 the Mississippi and Illinois rivers. Before Marquette died, in 1675, he had made a second visit to the Indians on the Illinois River and founded a Catholic mission, which was continued after his death by other Jesuit missionaries.¹

Joliet and
Marquette.

Meanwhile the Illinois country had also been entered by a number of French traders and adventurers. Of these the most important was the famous explorer, La Salle, who had been authorized by Louis XIV to make discoveries and establish posts in this western country.² By 1682 he had made his way from the Great Lakes down the Illinois and the Mississippi to the Gulf of Mexico. In 1680, he built Fort Crèvecoeur on the Illinois River near Peoria. This was soon abandoned, however, and in 1683 Fort St. Louis was built higher up the river between Ottawa and La Salle. This post La Salle proposed to make a great center of French influence in the West. He soon, however, left the Illinois country; and his post on the Illinois, though

La Salle.

¹ *Jesuit Relations* (Thwaites ed.) LVIII.-LXII, especially LIX., Doc. No. 86; cf. Shea, *Discovery and Exploration of the Mississippi Valley* and his *Catholic Church in Colonial Days*, 269, 327, 535.

² Patent in Margry, *Découvertes et Etablissements*, II. 337-338.

kept up for some years by his lieutenant, Tonty, was finally abandoned.¹

French
colonization
in Illinois.

Before 1700 the French had established a few missions and trading posts in Illinois, but there was hardly any real colonization. In or about the year 1700, however, the Kaskaskia Indians on the Illinois River near Peoria moved southward and established themselves near the junction of the Kaskaskia and Mississippi rivers. Here, as on the Illinois river, the Indian villages attracted the French traders and missionaries. Gradually the wandering traders began to make homes for themselves and there grew up the French village of Kaskaskia. Something like this took place about the same time at Cahokia, opposite the present city of St. Louis.² At first these settlements in Illinois were left very much to themselves, though subject in a general way to the authorities at Quebec. In 1717, however, they were definitely annexed to the new province of Louisiana. In 1718 a commandant was sent up to govern the Illinois country, which became one of the districts of Louisiana.³ By 1720 Fort Chartres was built on the Mississippi between Cahokia and Kaskaskia and three new villages soon grew up. These five villages lying between the Kaskaskia and Mississippi rivers and a few obscure settlers on the Illinois were

¹ Parkman, *La Salle*; Mason, *Chapters from Illinois History*, 1-211; Winsor, *Cartier to Frontenac*, ch. 15; Documents in Margry, V. 51, 55, 65.

² Mason, *Kaskaskia and her Parish Records* (in *Fergus Historical Series*, 12); Thwaites, ed., *Jesuit Relations*, LXV., No. 75.

³ Patent to Crozat in French, *Historical Collections of Louisiana*, III. 38-42; Patent to Company of the West, *ibid.*, 49-59; Hart and Channing, *American History Leaflets*, No. 16, p. 22; Gayarré, *Histoire de la Louisiane*, I. 184-185.

practically all that the French accomplished in the way of colonization in Illinois.¹

In 1750, the Jesuit Vivier estimated that in the five French villages there might be "eleven hundred white people, three hundred blacks and about sixty red slaves." These people were chiefly farmers and traders. They cultivated wheat and corn and bred some livestock, supplying the settlements on the lower Mississippi with flour, pork, and numerous other articles.² On the whole they were ignorant and unenterprising. They knew nothing of representative institutions as they existed in the English colonies, and their government was of the simplest kind. From 1717 to 1731, Illinois with the other districts of Louisiana was under the authority of the French *Company of the West*. In the latter year, the company ceded its rights to the king and Louisiana became a royal province, with a royal governor at its head. The chief officers of the Illinois district were a military commandant and a civil judge.³ A few French officers and missionaries had seen the possibilities of this region, but they were for the most part undeveloped when, at the close of a long and desperate war, France was compelled by the Treaty of Paris in 1763 to give up to England her claims to the territory between the Ohio and the Mississippi. The uprising of the western Indians under Pontiac prevented the

Character-
istics of the
French
colonists.

¹ Mason, *Old Fort Chartres*, in *Chapters from Illinois History*; (also in *Fergus Historical Series*, No. 12).

² Vivier in Thwaites, *Jesuit Relations*, LXIX., No. 220.

³ Gayarré, *Histoire de la Louisiane*, I. 184-185, 270, 271, 287-288; cf. Mason, *Chapters from Illinois History*, 217-226; Breese, *Early History of Illinois*, Appendix E, F, G; Pittman, *Present State of the European Settlements on the Mississippi*, 53-54.

British from taking possession for two years, but in 1765 a British commandant entered Fort Chartres.¹

5. BRITISH DOMINION AND ITS OVERTHROW. 1765-1783

British
dominion in
Illinois.

During the next thirteen years, the people of the Illinois country were subjects of the King of England. Though claims were made by different colonies, the King's proclamation of 1763 left Illinois, for a time at least, outside the limits of any of them.² In 1774, however, the whole Northwest was included in the Canadian Province of Quebec, much to the disgust of the other English colonies. In the meantime, the Illinois country was governed by British commandants supported by British garrisons. A court was organized on the English model, but the Quebec Act of 1774 recognized the old French civil law.³ Though under British sovereignty, the Illinois settlements kept their French character. There were few new settlers and many of the French inhabitants left Illinois and took refuge across the river in the new settlements of St. Louis and St. Genevieve, which France was just giving up to Spain. Two of the old villages were almost deserted in a few years. On the eve of the American Revolution there were in Kaskaskia and the neighboring villages nine hundred white people and about half as many negro slaves.⁴

¹ Documents rel. to Colonial History of New York, VII. 619, 685-690, 711, 765, 808, 816.

² Proclamation in *Annual Register*, 1763, 208-213.

³ Coffin, *The Quebec Act*, ch. 5 and Appendix I; Mason, *Chapters from Illinois History*, 232-242.

⁴ Hutchins, *Topographical Description of Virginia*, 36-40 and Appendix I; Pittman, *Present State of the European Settlements on the Mississippi*, 42-55.

On the outbreak of the American Revolution, the British withdrew their troops from the Illinois country, leaving a Frenchman by the name of Rocheblave in charge of British interests.¹ The frontiersmen of Virginia and Kentucky soon became convinced that the British agents were instigating the Indians to attack the American settlers. One of these frontiersmen, George Rogers Clark, secured from Governor Patrick Henry of Virginia a commission authorizing him to raise a force for the purpose of attacking the Illinois posts. Under this commission Clark captured Kaskaskia and the adjoining villages in the summer of 1778; and in 1779 he made a brave winter march across Illinois to Vincennes, where he captured Henry Hamilton, the British governor at Detroit.² Virginia then laid claim to the whole Northwest as granted by her colonial charter of 1609. In October, 1778, the legislature passed an act recognizing the French inhabitants of Illinois as citizens of Virginia, and organizing the whole country north of the Ohio into the "County of Illinois."³ In 1779 Captain John Todd was appointed commandant and organized a temporary government under the authority of Virginia. This Virginia government, however, soon went to pieces.⁴ In 1783 the treaty of peace with Great Britain gave the Northwest to the

Clark's conquest of Illinois. Illinois a part of Virginia.

¹ "Haldimand Papers" (in *Michigan Pioneer Collections*, IX. 349-351).

² See references for Virginia period, § 1.

³ Henning, *Statutes at Large*, IX. 552-555.

⁴ Henry, *Patrick Henry*, III. 212-216; John Todd, "Record Book and Papers" (in *Chicago Historical Society, Collections*, IV. 289-359); Boyd, "County of Illinois" (in *American Historical Review*, IV. 623-635).

thirteen United States and in the following year Virginia ceded her special claim to the Union.¹

6. THE NORTHWEST TERRITORY. 1784-1800

Ordinances
for the gov-
ernment of
the North-
west.

The first act passed by Congress for the government of the Northwest Territory, including Illinois, was the ordinance of 1784 which, however, never went into effect. Congress then passed the land ordinance of 1785, establishing the principles of the township survey system, under which the lands of the Northwest have been laid out in townships of thirty-six square miles. The first practical measure adopted by Congress for the government of Illinois was the famous ordinance of 1787, one of the last acts of the old Confederation.

The Ordi-
nance of
1787.

This ordinance provided, first, a temporary form of civil government for the whole Northwest. The chief officers of this first organized Territory of the United States were the governor, the judges, and a secretary, all to be appointed by Congress. After the adoption of the new constitution, it was provided that these appointments should be made by the President.² At the beginning there was to be no representative assembly, but the governor and judges were to adopt such laws of the original thirteen States as they thought desirable for the new Territory. When there were five thousand free male inhabitants in the territory, there was to be a representative assembly chosen by the freeholders and a legislative council of five members selected by the federal government from a list nominated by the representatives. This legislature of two houses could then

¹ Text of the deed in Hening, *Statutes at Large*, XI. 571-575. Claims made to other parts of the territory by Massachusetts and Connecticut were ceded in 1785 and 1786.

² *U. S. Statutes at Large*, I. 50-53.

choose a delegate to Congress who had a right to be heard, but not to vote. Finally, the people of the Northwest could look forward to membership in the Union on an equal footing with the original States. Out of the whole territory there were to be formed not less than three, nor more than five States, any one of which might be admitted to the Union whenever it had sixty thousand inhabitants, or even earlier, if Congress thought best. The *Articles of Compact* laid down a few general principles on which these governments should always rest. Their constitutions must be republican. They must respect religious liberty and secure to every man those rights of personal liberty and protection to property which Englishmen and Americans have long considered essential. Religion and education were to be encouraged. The Indians were to be fairly treated and their land was not to be taken from them without their consent.

Three clauses of the ordinance are especially important for Illinois. The first secured to the settlers of the old French villages "who have heretofore professed themselves citizens of Virginia" their existing laws and customs with regard to the transfer of property. The second had to do with boundaries. The western State of the Northwest Territory was to be bounded, as Illinois now is, by the Mississippi, the Ohio, and the Wabash; but its northern boundary might be pushed northward to the Canadian frontier. Congress might, however, form one or two States out of the region north of a line drawn through the southerly bend of Lake Michigan. If this line had been finally drawn between the northern and southern tiers of States, Chicago would have been a part of Wisconsin. The third clause of special interest to Illinois was the sixth article

Special provisions relating to Illinois. Prohibition of slavery.

of the *compact*, which provided that "there shall be neither slavery nor involuntary servitude in the said Territory otherwise than in punishment of crimes, whereof the party shall have been duly convicted." This clause, if literally enforced, would have deprived the people of the old French villages of a considerable number of slaves which they then held as property. It really helped to make Illinois ultimately a free State.

Organization
of county
governments
in Illinois.

Government under this ordinance was set up in 1788 by Governor St. Clair at Marietta in what is now Ohio, and in 1790 the Illinois country was organized as St. Clair County and received a regular local government. The county, however, included only the southwestern part of Illinois, and the eastern part was combined with the Vincennes settlements (now a part of Indiana) in the county of Knox. Five years later the southern part of St. Clair County was set apart as Randolph County with Kaskaskia as its county seat. The chief officers of each county were appointed by the governor of the Territory.¹

Early
problems.

The beginnings of American government in Illinois were unsatisfactory. The French settlers feared that their slaves would be taken from them, and many of them left Illinois for the Spanish territory across the river. In order to check this emigration Governor St. Clair declared that the ordinance was not intended to affect slaves already held in the Territory. There was also much confusion about land titles, which was not cleared up for many years.² Finally, the country was disturbed by the hostility of the Indians. In 1795 General Wayne compelled the Indians to negotiate the treaty of Greenville, opening up new territory for white

¹ Smith, *St. Clair Papers*, II. 137, 164-180.

² *Ibid.*, 117-120, 176, 396-403.

settlers, but still reserving nearly all of Illinois to the Indians.¹

In spite of these discouragements, a few American settlers had come from the seaboard States into Illinois, including a few of Clark's soldiers. Some of them settled in the old French villages, but others founded new American communities, almost all of them near the Mississippi between Kaskaskia and Cahokia. These American settlers, however, hardly more than made up for the French who had crossed the river. In 1800 there were scarcely three thousand people, not including Indians, within the present limits of Illinois. In the political life of these frontier villages Americans were already taking the lead. When, in 1798, the two Illinois counties chose each its representative to the first assembly of the Northwest Territory, neither sent a Frenchman.²

American
pioneers.

7. ILLINOIS IN THE INDIANA TERRITORY. 1800-1809

In 1800 the people of Ohio were anxious for admission to the Union as a State. The first step in this direction was the division of the Territory, the western part, including Illinois, being organized into the Territory of Indiana. This Indiana Territory, like the "Old Northwest," was at first governed by a governor and judges appointed by the President. In 1804, however, the freeholders voted in favor of a representative assembly, which was organized in 1805. The Illinois counties

The Indiana
Territory.

¹ Text of the treaty in *U. S. Statutes at Large*, VII. (Indian Treaties); also in Moses, *Illinois Historical and Statistical*, I., Appendix.

² Mason, *Lists of Early Illinois Citizens* (in *Chicago Historical Society's Collections*, IV.); Perkins and Peck, *Annals of the West*, Appendix, ch. 2, § 1; *Second U. S. Census*; Smith, *St. Clair Papers*, II. 438-439.

chose three of the seven members of the House of Representatives and had two of the five Councillors.¹

The
Louisiana
Purchase.

During this short period some important changes took place. One of these events was the purchase of Louisiana. For forty years the west bank of the Mississippi had belonged to Spain. When the Illinois settler crossed the river to do business in St. Louis, he entered a foreign country. When he sent his products to the Gulf of Mexico, his trade was liable to restrictions imposed by the same power which also held New Orleans. In 1803 the Province of Louisiana, after being first ceded to France, was then sold by the Emperor Napoleon to the United States and the Illinois country was for the first time in its history surrounded on every side by the territories of the American Union.

Indian
treaties.

A second important event of this period was the negotiation of several Indian treaties which opened to white settlement a large part of southern Illinois which Wayne's treaty of 1795 had reserved to the Indians.² William Henry Harrison, the governor of the Territory during the whole of this period, was very active in this work, which was probably the most important feature of his administration. These large land cessions, however, caused serious dissatisfaction among the Indians. Tecumseh and other far-seeing Indian chiefs tried to get combined action by the tribes, in order to prevent the piece-meal surrendering of their land to the United States, and the constant friction between the two races led in 1811 to another Indian war.³

Land titles.

Settlement in the Territory was still checked by the

¹ *U. S. Statutes at Large*, 6th Cong., 1st sess., ch. 41; Dillon, *History of Indiana*, 414-416.

² *U. S. Statutes at Large*, VII. 78-79.

³ Dillon, *History of Indiana*, ch. 33.

old confusion with regard to land titles. In 1804, however, Congress established land offices at Vincennes, on the Indiana side of the Wabash, and at Kaskaskia. Commissioners were appointed to examine the old land claims in order that future grants might be made in an orderly way. Several years passed, however, before they made their final report.¹

Many people in the Territory believed that more settlers would come in if slavery could be made legal. A number of efforts were made to repeal the famous "Sixth Article" of the ordinance, and in 1806 a committee of the federal House of Representatives reported in favor of the proposal. Congress refused to repeal the article prohibiting slavery, but there was no interference with the slaves already in the Territory, and the Territorial legislature passed indenture laws, which made possible the holding of negroes on terms little better than slavery, even if not technically in conflict with the ordinance.²

The slavery question.

The Indiana Territory had scarcely been organized when the people of the western counties began to think it inconvenient to transact legal and official business at Vincennes, then the seat of government. After several unsuccessful efforts, a bill was passed by Congress on February 3, 1809, dividing the Indiana Territory into two governments.³

The Indiana Territory divided.

¹ *U. S. Statutes at Large*, II., 337-338; *American State Papers, Public Lands*, I. 285, 590; II. 123-127.

² Hinsdale, *The Old Northwest*, ch. 18; Dillon, *History of Indiana*, chs. 31, 32; *American State Papers, Public Lands*, I. 160; *Annals of Congress*, 9th Cong., 1st session, 466-468.

³ *House Journals* (Reprints), V. 611; *Annals of Congress*, 9th Cong., *passim*; 10th Cong., 2nd session, 971, 1093-1095; *U. S. Statutes at Large*, II, 514.

8. THE ILLINOIS TERRITORY. 1809-1818

Area and
population.

The act of 1809 defined the new Territory of Illinois as "all that part of the Indiana Territory which lies west of the Wabash River, and a direct line drawn from the said Wabash River and Post Vincennes, due north to the territorial line between the United States and Canada." This meant that outside the present limits of the State, the Territory included all of Wisconsin except the northern end of the Green Bay peninsula, a large part of the northern peninsula of Michigan, and all of Minnesota east of the Mississippi. In this Territory there were, according to the census of 1810, 12,282 people, all but a few hundred of whom were in southern Illinois on or near the Ohio and Mississippi rivers. The majority of the settlers were now Americans from the older parts of the Union. They came chiefly from the slave holding States, but the number of slaves was small. There were, however, about six hundred other negroes, many of whom were probably held much like slaves under the so-called "indenture law."¹

The govern-
ment of the
Territory.

For the first three years of separate government, the people of Illinois went back to the first stage of Territorial government, conducted without a representative assembly, by a governor, a secretary, and judges, all appointed by the President, the governor being Ninian Edwards of Kentucky. In April, 1812, the people voted in favor of a representative assembly, which was granted to them by Congress in the same year. The new Territorial constitution of Illinois was more liberal than the Ordinance of 1787. All male taxpayers, who had lived in the Territory, could vote. The people could

¹ *Return of the Whole Number of Persons, 1810* (Third census), 87.

elect directly the Councillors as well as the members of the House of Representatives. The people also chose directly their Territorial delegate to Congress. The first representative legislature of the new Territory met at Kaskaskia on November 25, 1812.¹

During the early years of the Illinois Territory, its growth was checked by serious Indian troubles, which finally resulted in open war. In 1811 General Harrison defeated the Indians at Tippecanoe, but when the War of 1812 broke out the Indians generally took the British side. The most terrible affair of this war in Illinois was the Massacre of Fort Dearborn, on the present site of Chicago, in which not only soldiers but also women and children were killed or taken captive by the Indians.² The border warfare continued through the next two years, but after the treaty with England had been signed several Indian treaties were negotiated, restoring peace and opening the way for new settlements.³

The immigration which had been checked by the war increased rapidly after it was over and was encouraged by the action of the United States government with regard to the public lands. The claims of the settlers under the British, French, and Virginian governments were finally cleared up, so that the incoming settlers could have secure titles to their lands. A preëmption law was passed granting those who had already settled on the public lands a first right to buy, thus giving them an advantage over speculators. Lands could be bought

¹ *Executive Register* (in Illinois State Hist. Library, *Publications*, III. 23, 26, 27) ; *Journal of Legislative Council*, *ibid.*, 62.

² Wentworth, *Fort Dearborn* (Fergus Historical Series), Appendix.

³ *U. S. Statutes at Large*, VII. (Indian Treaties) 123-147.

at the low price of two dollars an acre and payments could be made in installments. Two new land offices were established in Illinois, one at Shawneetown on the Ohio, and another at Edwardsville on the Mississippi above Kaskaskia.¹ All these measures resulted in large sales of public lands. In the last year of the War of 1812 about eight thousand acres were sold at the Illinois land offices. Four years later the total amount sold for the year was more than half a million acres.²

New county
governments.

As the Territory grew new county governments were organized. In 1809 there were only two; in the next nine years thirteen new counties were organized, almost all of which were for the government of settlements in the southern third of the State near the great rivers.³ The growth of population shown in the organization of these new counties had also been preparing the Territory for another advance in self-government. When Congress met in the winter of 1817-1818, it was asked to pass a bill admitting Illinois to the Union as a State.

¹ *U. S. Statutes at Large*, II. 797; Illinois State Historical Library, *Publications*, III. 109-111; Donaldson, *Public Domain*, 203-204.

² *American State Papers, Finance*, II. 657, 852; III. 284, 285.

³ *Executive Register* (in Illinois State Historical Library, *Publications*, III. 3-4, 26); Moses, *Illinois Historical and Statistical*, I. 547; cf. map at I. 277.

CHAPTER II

THE OLD FRONTIER STATE—1818-1848

9. REFERENCES

Secondary Authorities: Harris, *Negro Servitude in Illinois*; Moses, *Illinois Historical and Statistical*, I., chs. 19-31 and Appendix; II., ch. 32 and Appendix; Davidson and Stuvé, *History of Illinois*, chs. XXVI.-XLV.; Blanchard, *Discovery and Conquests of the Northwest with the History of Chicago*; Anthony, *Constitutional History of Illinois*, chs. 12-21; Washburne, *Governor Coles and the Slavery Struggle in Illinois*; Edwards, *History of Illinois from 1778-1833 and Life of Ninian Edwards*.

Sources: (1) Contemporary writers: Ford, *History of Illinois*; Brown, *History of Illinois*; Reynolds, *Pioneer History of Illinois*; Reynolds, *My Own Times; Illinois in 1837*; Gerhard, *Illinois As It Is*; Washburne, ed., *The Edwards Papers*; Paterson, *Early Society in Southern Illinois (Fergus Historical Series, No. 14)*. See also various other numbers in the same series, especially on Chicago. (2) Documents: *Annals of Congress, 15th Congress; House Journal and Senate Journal* of the same Congress; Enabling act and first and second constitutions in Hurd, *Revised Statutes of Illinois; Journal of the Constitutional Convention (1847); Laws of the State of Illinois* (the "session laws") 1818-1848; *House Journals and Senate Journals* of the General Assembly; *Reports to the General Assembly*. For list of State documents, see Bowker, *State Publications*, Part II., 229-249.

10. THE ORGANIZATION OF THE STATE

On January 16, 1818, Mr. Nathaniel Pope, the Illinois delegate in Congress, presented to the House of Representatives a petition from the Territorial legislature asking for State government and admission to the Union, and this petition was referred to a committee,

The enabling
act in
Congress.

of which Mr. Pope was chairman. He soon reported a bill "to enable the people of the Illinois territory to form a constitution and state government and for the admission of such state into the Union on an equal footing with the original states."¹ Two important amendments were afterwards adopted on motion of Mr. Pope himself. The first fixed the northern boundary at 42° 30', thus disregarding the Ordinance of 1787 which proposed a line drawn through the southerly bend of Lake Michigan. This amendment gave to Illinois its present frontage on the lake with fourteen of the present northern counties, including Chicago. Mr. Pope argued that this would give Illinois a closer connection with the middle States and so "would afford additional security for the perpetuity of the Union." He also thought that in this way more attention would be drawn to the plans for a canal between Lake Michigan and the Illinois River and for improving the harbor of Chicago. A second important amendment provided that a part of the proceeds of the sales of public lands in Illinois should be given to the State for the support of education.² A few other amendments were made, but there was little opposition to the bill, which after being passed by both houses was signed by President Monroe April 18, 1818.

Provisions
of the
enabling act.

This *enabling act* gave to the people the right to form a State constitution on certain conditions laid

¹ *House Journal*, 15th Cong., 1st sess., 151, 174.

² *Ibid.*, 423-424, 428, 492; *Annals of Congress*, 15th Cong., II. 1677-1678; *Senate Journal*, 328, 342, 354, 357. For the Wisconsin view of this change from the ordinance of 1787, see Thwaites, *The Boundaries of Wisconsin* (in Wisconsin Historical Society, *Collections*, XI. 494-501). Efforts were made (1838-46) to restore the old boundary line.

down by Congress. There was to be a constitutional convention, the members of which were to be chosen by the white male citizens who had been six months in the Territory. The delegates must first decide whether they would have a State government at all. After that had been decided, they could either call a new convention to frame the constitution or they could do the work themselves. Nothing was said about giving the people a chance to vote on the constitution. The only conditions imposed by Congress with regard to the form of the government were that it must be republican in form and not in conflict with the Ordinance of 1787 except in the matter of boundaries. Congress did not, however, promise to recognize the new State unless a special census should show at least forty thousand inhabitants.¹

A rather doubtful census was taken which was made to show a little over the required number.² The convention was elected in July and assembled at Kaskaskia in August, 1818. Thirty-two members signed the finished constitution. Most of them were farmers, but among the very few lawyers, there was one young man, Elias Kent Kane, who probably had the most influence in forming the constitution. The journal of the convention has been lost, but the most exciting debate was probably on the subject of slavery. A compromise was finally adopted providing that "neither slavery nor involuntary servitude shall *hereafter be introduced* into this State." The old indentures of negroes were recognized, but future ones of a similar kind were forbid-

The convention of 1818.

¹ U. S. Statutes at Large, III. 428.

² Brown, *Early History of Illinois* (in *Fergus Historical Series*, XIV.) ; Moses, *Illinois Historical and Statistical*, I. 282.

den. Until 1825, negro slaves from other States might be employed in the salt works about Shawneetown.¹

The first
State consti-
tution.

There was little originality about the constitution. It was modeled on those of the neighboring States of Ohio, Indiana, and Kentucky, though one important provision was taken from New York.² The powers of government were to be distributed among three departments, executive, judicial and legislative, which were to be kept as distinct as possible from each other.³ The chief executive power was given to the governor, elected by the people for a four year term, with a lieutenant-governor to take his place, if necessary.⁴ The legislative power was given to the *general assembly* consisting of a house of representatives and a senate. Both the governor and the members of the general assembly were chosen on a very liberal suffrage. All white male inhabitants who had lived in the State six months were allowed to vote. Bills which had been passed by both houses of the general assembly were sent to a *Council of Revision* consisting of the governor and the judges. If the Council objected to the bill, it might still become law if passed again by a majority of all the members elected in each house.⁵ The judicial power was given to a supreme court and such inferior courts as the legislature might establish. The judges were elected by the general assembly, and like the Federal judges held

¹ Brown, *Early History of Illinois*, 86-88; Ford, *History of Illinois*, 24; Moses, *Illinois Historical and Statistical*, I. 282-283; *Constitution of Illinois, 1818*, Art. VI., in Hurd, *Revised Statutes*.

² Compare these constitutions in Poore, *Charters and Constitutions*.

³ *Constitution of Illinois, 1818*, Art. I.

⁴ *Ibid.*, Art. III.

⁵ *Ibid.*, Art. II., Art. III. § 19.

office during good behavior. They could be removed by impeachment or by an *address* agreed to by two-thirds of the members of each house.¹ The most important area of local government in the State as a whole was the county, which was governed by three elective county commissioners. The people of each county elected also a sheriff and a coroner.² On the whole, however, comparatively few officers were elected by the people. The governor's appointing power was also comparatively small under this constitution. The result was that most appointments came to be made by the general assembly, an experiment which does not seem to have worked well.³

The constitution was signed August 26 and the first election for State officers was held in September. Shadrach Bond, formerly a Territorial delegate, was elected governor, and Pierre Menard, the most prominent of the French settlers, lieutenant-governor. A representative in Congress was also chosen, and in October the newly elected legislature chose two United States senators. The governor and all three of the State's representatives in Congress were natives of slave-holding States.⁴

First State
elections.

The State now presented itself with its new constitution for final admission into the Union. Some anti-slavery congressmen objected because slavery was not altogether prohibited, but the joint resolution recognizing Illinois as a State of the Union was finally passed by large majorities in both houses, and on December 3,

The State
admitted to
the Union.

¹ *Constitution of Illinois, 1818*, Art. IV.

² *Ibid.*, Art. III. § 11; Schedule, § 4.

³ *Ibid.*; cf. Art. III. § 22 with the schedule § 10.

⁴ Ford, *History of Illinois*, 26-29; Moses, *Illinois Historical and Statistical*, I. ch. 20.

the resolution became a law by the signature of President Monroe. On the next day, the Illinois members were admitted to both houses of Congress and Illinois was at last in full possession of all the rights and privileges of Statehood in the American Union.¹

II. FRONTIER CONDITIONS

The
frontier.

The people of the new State lived on the border line between settled life and the wilderness. Beyond them to the northwest in what afterwards became the States of Iowa and Wisconsin there were for many years only a few hundred white people living in widely scattered garrisons or trading posts. In 1818, the northern half of Illinois was almost wholly unoccupied by white settlers, and even in the southern half the settlements were often separated by long stretches of wilderness. Communication with the seaboard was slow and difficult and was for many years carried on mainly by the Ohio and Mississippi rivers. Steamboats were just beginning to ply on the western waters.

The people
of the new
State.

The people of this frontier State were chiefly Americans from the older States. Governor Ford, who was then living in the State, estimated that in 1818, there were only about two thousand descendants of the original French settlers. They were kindly, social people, but unenterprising for the most part, and they exerted only a very slight influence on the subsequent development of the State. There were also comparatively few immigrants of foreign birth. The American settlers had come almost wholly from Pennsylvania, Ohio, and

¹ *Annals of Congress*, 15th Cong., 2nd sess., I. 296-298, 305-311; Resolution No. 1 in *U. S. Statutes at Large*, III. 536; *House Journal*, 60, 61, and *Senate Journal*, 52.

the South. The most important immigration came from the border slave-holding States, Maryland, Virginia, Kentucky and Tennessee. Few of these southern immigrants, however, belonged to the rich slave-holding class of the tide-water country. They were partly poor whites and partly of the "small-farmer" class. Some, at least, had felt the demoralizing influence of slavery upon free white labor and were glad to come to a country where slavery was prohibited. In 1820, there were only about fourteen hundred negroes in the State out of a total population of over fifty-five thousand. Of these fourteen hundred, 917 were counted as slaves.¹

The more restless part of the population could still devote themselves largely to hunting and fishing, but the great majority were farmers. There were no manufactures of any importance and little commerce either within the State or with places outside of it. The average family had to supply its own needs in large part; not only in food, but in clothing and furniture. Not a single town in the State had more than a few hundred inhabitants and the most important trading centre within easy reach of Illinois people was St. Louis. The political wants of such a people were naturally few and simple.²

Economic conditions.

12. PROGRESS. 1818-1848

One of the most important factors in the development of the State as well as of the Territory was the public

Public land policy of the United States.

¹ Ford, *History of Illinois*, 35-38; Patterson, *Early Society in Southern Illinois* (in *Fergus Historical Series*, XIV.), 104-105, 112-114; Reynolds, *My Own Times* (ed. 1855), 60-65; U. S. *Census for 1820*.

² Patterson, *Early Society in Southern Illinois*; Reynolds, *My Own Times*, ch. 35; Ford, *History*, 41-45.

land policy of the United States government. In 1818 there were two serious difficulties in the management of the public lands in Illinois. One was the inability of many settlers, who had bought their land partly on credit, to make their payments. These payments could hardly have been enforced without causing dangerous discontent in all the western States. Another was the occupation of public lands by "squatters" who had no intention of paying anything themselves and were likely to make it disagreeable for anyone who might afterwards buy the land from the United States. The government met these difficulties by a series of important measures. Those who were already in debt were given somewhat easier terms of payment, but for the future all public lands had to be paid for in full when they were bought. At the same time, the price was reduced from \$2.00 an acre to \$1.25. A few years later, Congress took another important step by adopting, as a general policy, the principle of *preëmption* or preference to existing settlers, which had already been applied to settlers who had come into Illinois before 1813. The result of all these measures was that the settlers who now came to Illinois could secure at low prices land which was surveyed according to a definite and convenient system and to which they could obtain safe titles.¹

The Indian
problem.

For some years after the admission of the State, the Indian problem was still important. The United States government steadily carried out its policy of buying up the Indian claims and transferring the tribes to land

¹ *U. S. Statutes at Large*, III. 566, 612; Burnet, *Notes on the Early Settlement of the Northwest Territory*, 450-455; Patterson, *Early Society in Southern Illinois*, 107; Donaldson, *Public Domain*, ch. 10.

west of the Mississippi; but the final withdrawal of the Indians was not accomplished without some outbreaks. In 1827, there was a small outbreak of the Winnebagoes and a few other Indians in the northwestern part of the State, which was easily disposed of.¹ A more serious affair was the war with the Sacs and Foxes, which is best known as the Black Hawk War. The Sacs and Foxes who occupied territory in northern Illinois had ceded their lands in 1804 and the cession had been confirmed after the War of 1812. The Indians, however, were allowed to occupy these lands until they were sold by the United States government to private settlers.² As settlers began to come in, there was as usual trouble between them and the Indians. The Federal Government then tried to get the Indians to move across the Mississippi and most of them did so; but a warlike party among them led by Black Hawk, a Sac chief, refused to recognize the treaties or to give up their lands on the Illinois side. In 1831, Governor Reynolds called on the regular army and the militia to defend the State against what he called the invasion of Black Hawk and his followers. The Indians could not resist this force and agreed to leave the State. The next year, however, Black Hawk came back and a small war resulted in northern Illinois and Wisconsin. The final result was, of course, the crushing defeat of the Indians; many of them were killed and Black Hawk himself became a prisoner.³ The "Black Hawk War"

¹ Ford, *History of Illinois*, 66-69. War Department reports in *American State Papers, Military Affairs*, III. 617; IV. 1.

² *U. S. Statutes at Large*, VII. (*Indian Treaties*), 84-87, 134-136, 140-142.

³ Report of the Secretary of War (1832), in *American State Papers, Military Affairs*, V. 18, 23-25; reports of the Major-

is important chiefly because it was the last stand of the Indian against the white settler in Illinois. In his annual report for 1833, Lewis Cass, the Secretary of War under Jackson, was able to say that with a few exceptions, none of which were in Illinois, the States of the Northwest had been "cleared of the embarrassments of Indian relations, and the Indians themselves have either already emigrated, or have stipulated to do so within limited periods." This meant a clear field in Illinois for the white settler.¹

Not only was Illinois becoming more attractive to new settlers; it was also being brought nearer to the seaboard by improved means of travel. On the Ohio river, which had been the great highway between the East and West, steamboats were crowding out the old barges and flatboats. By 1836, a small part of the overland journey from the east could be made by steam railroads and these were being gradually extended. The Erie Canal and steamboats on the lakes made it possible to go by water from Albany to Chicago and so encouraged immigration into Illinois from New York and New England.²

As a result of these changes the population of Illinois increased from a little over 55,000 in 1820 to over 850,000 in 1850, or about fifteen times. This new population came largely from the free States of the Northeast and settled in the northern half of the State. There were, however, many foreign immigrants, chiefly

Improved
means of
travel.

Growth of
population.
Chicago.

General commanding the Army, *ibid.*, IV. 717; V. 29-31; Ford, *History*, chs. 4-5; Reynolds, *My Own Times*, chs. 72-93.

¹ *American State Papers, Military Affairs*, V. 172.

² Hall, *The West; Its Commerce and Navigation*, ch. 8; Peck, *A New Guide for Emigrants to the West*, ch. 15 (ed. 1837).

German and Irish. One of the most striking features of this development was the growth of Chicago. It was incorporated as a village in 1833 and as a city in 1837, but even in 1840, there were less than four thousand inhabitants. It was developing rapidly, however, as a lake port, and by 1850 had a population of nearly thirty thousand.¹

13. PROBLEMS OF GOVERNMENT. 1818-1847

Slavery had existed among the French settlers of Illinois long before it became American territory, and their right to this kind of property had been respected by the United States government in spite of the Ordinance of 1787. Still the "Sixth Article" remained on the statute books in spite of all attempts to repeal it. Slavery continued to exist, but its growth was effectually checked. The constitution of 1818 had been a compromise and so did not satisfy either party. A determined effort was soon made to break down the barrier against slavery in Illinois. In 1823, the legislature passed and submitted to the people a resolution calling for a convention to amend the constitution. It was understood that the constitution was to be made more favorable to slavery. Fortunately the anti-slavery party had a strong leader in Governor Edward Coles, a former Virginia slave owner who had freed his slaves.

The vote was not taken until 1824, and in the meantime there was a vigorous debate all over the State. The proslavery men claimed that while Illinois was suffering from "hard times," desirable immigrants were passing through to Missouri, which had just been ad-

Slavery.
The slavery controversy,
1823-1824.

¹ *Compendium of the Seventh Census*, 40; cf. Moses, *Illinois Historical and Statistical*, I., II., Appendices.

mitted as a slave State. The southern born settlers were not all, however, on the proslavery side. Next to Governor Coles, the most important politician of the anti-slavery party was probably Congressman Cook, who came from Kentucky. Two other important anti-slavery leaders were Morris Birkbeck, one of the founders of an English colony in Edwards County, and Rev. John M. Peck, a Baptist minister from Connecticut. The majority in the older southern counties of the State was in favor of the convention, but the new counties to the north gave so overwhelming a majority against it, that the pro-slavery party was decisively beaten.¹

Status of
the negro
after 1824.

The people of Illinois were not, however, radical abolitionists or believers in the equality of the races. Though the number of slaves gradually diminished, slavery was not absolutely abolished until 1848. The free negro could not vote, or give his testimony against a white man and he was treated in general as belonging to an inferior race. Yet after all, the great fact was that Illinois was to be a free State, where the labor of freemen would not have to come into degrading competition with the labor of slaves.

The Mor-
mons in
Illinois.

The anti-slavery victory in 1824 had prevented the immigration of one undesirable element, the negro slaves. Twenty years later, the people of the State by various means, lawful and unlawful, excluded another class of people who seemed to them objectionable. The Mormon Church founded by Joseph Smith in New York had been set up for a time in Missouri. This settlement, however, was soon broken up and they took refuge in Illinois. Thomas Ford, then governor, esti-

¹ Washburne, *Sketch of Edward Coles*.

mated that by 1843 there were 16,000 of these people in Hancock County, besides a large number in other counties. They secured liberal charters from the State legislature, and set up at Nauvoo on the Mississippi a peculiar and largely independent government of their own, with Joseph Smith at its head. Soon, however, they got into trouble with their neighbors and were charged with polygamy and other kinds of lawless conduct. By 1844, a small civil war had broken out in Hancock County between the Mormons and their enemies. The State government tried to settle the difficulties in an orderly way, but the spirit of mob violence was too strong. Joseph Smith and his brother, who had been arrested and put in jail, were taken out by a mob and murdered. After two years of confusion and bloodshed, the Mormons were finally forced out of the State in 1846.¹

During these early years, the State government made some unfortunate business experiments. One of these was State banking. In 1821, when money was scarce and people were suffering from hard times, the general assembly chartered a State bank, with several branches, which was intended to do business on the credit of the State. The bank was to issue notes and lend them on easy terms to private individuals. The experiment was an utter failure. The bank finally went to pieces, and in 1831 its affairs were cleared up by the State, which had to borrow what was then considered a large sum of money to redeem the depre-

Financial
experiments.

¹ Ford, *History of Illinois*, chs. 10, 11, 13; Moses, *Illinois Historical and Statistical*, I., ch. 30; *Illinois Senate Reports*, 1846-7, 5-11.

ciated notes.¹ In 1835, another State bank was chartered. This also was badly managed and during the great panic of 1837 had to suspend payment. Its notes depreciated in value until finally it went to pieces in 1842. This was the last attempt of the State to go into the banking business.²

Internal im-
provements.

The State also undertook to carry out great plans of internal improvement. One of these, the Illinois and Michigan Canal, was successful. The idea of a canal connecting Lake Michigan with the Illinois River and so with the Mississippi had been talked of for many years. Grants of land were made for this purpose by the United States, and in 1835 the legislature finally authorized a loan for the building of the canal. Work was begun in 1836; by April, 1848, the canal was ready for use along its whole length; and during the next twenty years it was an important highway of commerce.³ In other schemes, the State was much less successful. In 1837, the legislature appropriated ten millions of dollars for a great system of railroads and other internal improvements. Money was borrowed and some work was actually begun; but, after running up a heavy debt and bringing the State to the verge of bankruptcy, the great "system" was finally abandoned in 1840. About fifty miles of railroad had been finished and this was afterwards sold by the State at a heavy loss.⁴

¹ Ford, *History of Illinois*, 45-48; *Laws of Illinois*, 1821, 80-93; 1831, 178-185.

² Ford, *History of Illinois*, chs. 6, 7; *Laws of Illinois*, 1835, 7-22; 1843, 21-26.

³ Moses, *Illinois Historical and Statistical*, I., ch. 29; Ford, *History of Illinois*, 179-181, 370-395.

⁴ *Laws of the State of Illinois*, 1837, 121-151; *ibid.*, 1840, 166-168; Ford, *History of Illinois*, 182-198; Moses, *Illinois His-*

The State
debt.

As a result of these reckless experiments, the State had incurred a heavy debt, its credit was seriously injured and its bonds were selling below par. The fever for speculation and the depreciated currency had left the people so poor that they could hardly find ready money to pay the existing taxes, even without the new ones which were needed if the debt was to be paid. There was some talk of repudiating either the whole debt or a part of it. From this disgrace, the State was saved largely by the courage and intelligent leadership of Governor Thomas Ford, who came into office in December, 1842. Acting largely on his advice, the legislature adopted a plan by which the debt could be gradually reduced without imposing too heavy a burden of taxes upon the people at any one time. Illinois had passed through a trying crisis, but she had come out of it with honor.¹

Public
schools.

While the State was working at these financial and industrial problems, some progress had also been made with public education. At first the school lands which had been granted by the United States had brought in little or no revenue, and a law passed in 1825 authorizing the people of each locality to tax themselves for the support of schools was so unpopular that it was soon repealed. A little later, however, many of the towns sold their school lands and used the money for the support of free public schools. In the meantime a few colleges had been founded by people connected with

torical and Statistical, I., ch. 28; Davidson and Stuvé, *History of Illinois*, 442-448.

¹ *Senate Journal*, 1842-3, 33-34 (Governor Ford's message); *Session Laws*, 1843, 21-36, 287, 191-194; Ford, *History of Illinois*, 291-310; Moses, *Illinois Historical and Statistical*, I., ch. 29.

various religious denominations and the teachers in them took an active part in awakening public opinion in favor of a complete school system. At first, however, these colleges were looked upon with suspicion and had great difficulty in securing charters of incorporation.¹

14. EARLY POLITICS OF THE STATE

Formation
of political
parties.

At first political contests in Illinois were almost wholly personal. Prominent politicians had their followers but there were no organized parties as there are to-day. During the thirties, however, the two great national parties calling themselves Democrats and Whigs appeared in Illinois as in other parts of the country. The Democratic party was the first to adopt the policy of nominating conventions, which was afterwards taken up by the Whigs. The Democrats always had a much stronger organization and the Whigs were never able to elect a governor or more than a small minority of the congressmen.²

Illinois con-
servative on
the slavery
question.

For a quarter of a century, the political leaders of the State were mainly men of southern birth. Every one of the first six governors came to Illinois from the South and all but one were natives of slave-holding States. During the same period, Illinois elected eight men as senators and eight men as representatives in Congress. Of the eight senators one was born in Illinois and one in New York. The rest came from Maryland, North Carolina, and Kentucky. Of the eight representatives, all, with possibly one exception,

¹ Pillsbury, *Early Education in Illinois* (in *16th Biennial Report of the Superintendent of Public Instruction*), CIV.-CLXIV.

² Ford, *History of Illinois*, especially chs. 2, 3, 8; cf. Sheahan, *Douglas*, chs. 2, 3.

came to Illinois from Kentucky or Tennessee.¹ It was natural, therefore, that Illinois should have little sympathy with radical views on the slavery question. In 1837 both houses of the legislature passed resolutions condemning anti-slavery agitation. In the same year, Elijah P. Lovejoy was murdered by a mob at Alton and conservative men like the governor of the State, while condemning mob violence, thought Lovejoy himself largely responsible.² In Congress, the Illinois representatives voted solidly for the first of the so-called "gag rules" intended to prevent the consideration of abolitionist petitions, and when the last of these rules was repealed in 1844, only two of the seven Illinois representatives voted on the anti-slavery side.³ These two men, however, stood for a minority which was steadily gaining in strength, especially in northern Illinois, largely as the result of the increasing "Yankee" immigration.

15. THE CONVENTION OF 1847 AND THE NEW CONSTITUTION

After nearly thirty years of growth and experiment constitutional changes were naturally thought desirable, partly to correct mistakes and partly to meet the changed conditions. Under the first constitution, amendments could only be made by the calling of a convention. In 1841, the legislature voted in favor of such a conven-

The second
State
constitution
adopted.

¹ Moses, *Illinois Historical and Statistical*, *passim*; Bateman and Selby, *Historical Encyclopaedia of Illinois*.

² Kirby, *Biographical Sketch of Joseph Duncan* (*Fergus Hist. Series*, 29); Nicolay and Hay, *Lincoln*, I., ch. 8; *Lincoln, Works*, I. 15.

³ *Cong. Globe*, 24th Cong., 1st sess., 505; *ibid.*, 28th Cong., 2nd sess., 7.

tion, but the resolution was not ratified by the people. In 1846, however, another resolution was ratified by a large majority.¹ The convention met June 7, 1847, and finished its work August 31. Among its members, there was a considerable number of eminent lawyers. Two had served as judges of the State Supreme Court and one (David Davis) afterwards became a justice of the Supreme Court of the United States. The new constitution was submitted to a vote of the people at a special election held in March, 1848, and was ratified by a majority of nearly four to one. Two articles to which there had been opposition were submitted separately and these also were adopted by somewhat smaller majorities. The new constitution finally went into effect April 1, 1848.²

Democratic
tendencies
in the
constitution
of 1848.

The work of the convention of 1847 can be best understood by comparing the constitution which it adopted with that of 1818. In one respect, it was less democratic. The constitution of 1818 gave the right to vote to all free white male inhabitants and under this provision foreigners were allowed to vote before being naturalized. The new constitution allowed only citizens of the United States to vote.³ In general, however, the new constitution was much more democratic, because it provided for more direct action by the people themselves in the work of government. This is seen, first, in the provision that the new constitution should be submitted to the people for their approval. This

¹ *Laws of Illinois*, 1841, 359; *ibid.*, 1847, 33-36; *Senate Reports*, 1846-7, 73-76.

² *Journal of the Convention*, 1847; *Laws of the State of Illinois*, 1849, 3; Moses, *Illinois Historical and Statistical*, II., ch. 32; Davidson and Stuvé, *History of Illinois*, ch. 44.

³ *Constitution of Illinois*, 1848, Art. VI. § 1; cf. Sheahan, *Stephen A. Douglas*, 44-47.

had not been done in 1818.¹ Even in the making of laws, the legislature was required in certain cases to submit its action to a popular vote, or what would be called today a *referendum*.² The people also had much more to do with the choice of public officers. Under the constitution of 1818, some were appointed by the governor, a very large number by the legislature, and very few by the people. This system had worked badly and the legislature particularly had been demoralized by having so much patronage to distribute. Under the new constitution, nearly all important State and local officers were to be elected by the people. Even the judges who had previously been elected by the legislature for life and could be removed only by impeachment or by a two-thirds vote of both houses of the legislature, were now to be elected by the people directly for fixed terms, judges of the Supreme Court serving for nine years and others for shorter terms.³

Under the constitution of 1818, the legislature had been given large powers and almost complete freedom in the use of them. The new constitution was full of restrictions upon the power of the legislature. It was forbidden to charter State banks, to make appropriations in excess of revenue, to borrow more than \$50,000, unless authorized to do so by a special vote of the people, or to lend the credit of the State for private enterprises.⁴ These provisions show clearly how the mistakes of the early legislatures had made the people suspicious of

Power of
the legisla-
ture limited.

¹ *Constitution of Illinois, 1848, Preamble and Schedule, §§ 4, 10.*

² *Ibid.*, Art. III. § 37; Art. X. § 5.

³ *Ibid.*, Art. IV. § 12; Art. V.; cf. with *Constitution of 1818, Schedule, § 10, and Art. IV. §§ 4, 5.*

⁴ *Constitution of Illinois, 1848, Art. III. §§ 37, 38; Art. IV. §§ 5, 22-24; Art. V. § 10; Art. X. § 3.*

their representatives and disposed to tie their hands. Probably the most honorable thing in these constitutional restrictions was the determination shown to guard the financial honor of the State. This was also provided for by Article XV which established a special annual tax of two mills on the dollar to be used exclusively for the payment of the State debt.

Powers of
the governor.

The powers of the governor were not much changed, except that he was given, for the first time, an independent veto power, the old *council of revision* being abolished. This was, however, a very weak veto, for a majority in each of the houses could pass a bill after the governor had rejected it.¹

Legal dis-
crimination
against the
negro.

An important part of the constitution of 1848 was its treatment of the colored people. Slavery was now, for the first time, absolutely prohibited in the State, but the negro was not yet given the ordinary duties and privileges of citizenship. He was not liable to militia service or the payment of poll taxes and he could not vote. The strong feeling against free negroes was best shown by Article XIV of the constitution which required the legislature to adopt at once laws which would prevent the immigration of free negroes into the State and would also prevent slaveholders from bringing in their slaves, as Governor Coles had done, in order to set them free.²

Township
organization.

The constitution of 1848 is also noteworthy because it made possible a radical change in the system of local government. The early settlers of the State coming largely from the South had been accustomed to what is called the county system, in which the county was the

¹ *Constitution of Illinois*, 1848, Art. IV. § 21.

² *Ibid.*, Art. XIII. § 16; Art. VI. § 1; Art. VIII. § 1; Art. IX. § 1; Art. XIV.

unit of local government, without any *township* organization.¹ The new settlers from New York and New England were, however, accustomed to some form of township government and through their influence the constitution now provided that the legislature should pass a law authorizing the majority of the voters in any county to adopt the township system. Under this system the county board was to be made up of supervisors representing the various towns. During the next few years, the northern and central counties were generally organized on this plan, which has sometimes been called the county-township plan because it is a compromise between the Virginia and New England principles.²

The new constitution was much longer and more elaborate than that of 1818. There was, therefore, greater need for a comparatively simple way of correcting mistakes which might be found by experience. The new constitution made it somewhat easier to correct particular articles. One article at a time might be amended, if the amendment, after being recommended by two successive legislatures, the first time by a two-thirds vote, should be ratified by the people at a general election.³

Constitu-
tional
amendments.

¹ The word *town* was used before 1848 in nearly the same sense as the word *village* to-day. Thus the *town* government of Chicago in 1833 was what would now be called a *village* government. See below, ch. 7.

² *Constitution of Illinois*, 1848, Art. VII. § 6.

³ *Ibid.*, Art. XII.

CHAPTER III

THE NEW INDUSTRIAL STATE—1848-1901

16. REFERENCES

Secondary Authorities: Moses, *Illinois Historical and Statistical*, II.; Davidson and Stuvé, *Complete History of Illinois*; Dresbach, *Young People's History of Illinois*; Anthony, *Constitutional History of Illinois*, chs. 22-36; Lusk, *Politics and Politicians of Illinois*; Andreas, *History of Chicago*, 3 vols.; county and other local histories; Smith, *Liberty and Free Soil Parties in the Northwest*; Nicolay and Hay, *Abraham Lincoln, A History*, and the numerous other lives of Lincoln; Sheahan, *Stephen A. Douglas*; see also lives or memoirs of other public men, e. g., Wentworth, Palmer, Logan, Grant.

Sources: Lincoln, *Works* (ed. Nicolay and Hay); *The American Annual Cyclopaedia*, 1861-1903; General Assembly of Illinois, *Journals of the House and Senate*, and *Reports*; *The Laws of the State of Illinois*, 1849-1903 (session laws); Supreme Court of Illinois, *Reports*; Constitutional Convention (1862), *Proceedings*; Constitutional Convention (1869-70), *Proceedings and Debates*; *Report of the Adjutant-General of Illinois*, 1861-66, 8 vols., esp. I. (For bibliography of State publications, see Bowker, *State Publications*, Part II., 229-249); *U. S. Census Reports* (1850-1900); *Official Records of the Union and Confederate Armies*, Third Series, I., IV.

17. SECTIONAL CONTROVERSIES IN STATE AND NATIONAL POLITICS. 1848-1870

The anti-slavery movement.

During the next twenty years after the adoption of the second State constitution, the most prominent thing in Illinois politics is the conflict of parties in the State on great national issues of a sectional character, particularly those relating to slavery. During the early

years of Statehood, Illinois had been very conservative on these questions. There had been radical anti-slavery men and anti-slavery societies, but the general sentiment of the State was against them.¹ This was particularly true of the Democratic party. Already, however, there were indications of a change. The northern counties of the State grew much more rapidly than the southern and these northern counties were rapidly being filled by settlers from New York and New England who were strongly northern in their views of the slavery question. The German immigrants who were coming to Illinois in large numbers, had at first supported the Democratic party, but they did not like the pro-slavery and extreme States-rights views of the Southern Democrats. When the Kansas-Nebraska bill of 1854 repealed the Missouri Compromise prohibiting slavery in the old Louisiana Territory north of 36° 30', many of these German Democrats, together with other moderate anti-slavery men, joined the radical abolitionists in forming the new Republican party, which held its first State convention at Bloomington in 1856.²

During the next four years, the State was pretty evenly divided between the two parties, the most interesting single event being the great senatorial contest of 1858 between Stephen A. Douglas, the author of the Kansas-Nebraska bill, and Abraham Lincoln, the Republican candidate. Douglas was able to keep his place in the Senate of the United States, but the election showed that Illinois was becoming more and more northern in its political sympathies. These two Illinois men became in 1860 the leaders of the two

Lincoln and
Douglas.

¹ See on this subject Smith, *Liberty and Free Soil Parties in the Northwest*.

² Cf. Koerner, *Das Deutsche Element*, ch. 13.

great political parties of the North. The presidential election was hotly contested in this State, the northern counties generally going for Lincoln and those of the south for Douglas. Lincoln, however, gained many votes in the central counties and so was able to carry the State.

Illinois
in the
Civil War.

Though the State was divided on the question of slavery and though many Illinois people believed that the policy of the Republicans was unjust to the South, few of them were ready to accept secession. When in April, 1861, the southerners fired on Fort Sumter and Lincoln issued his famous call for troops, the Illinois Democrats generally followed their leader, Stephen A. Douglas, in pledging their support to the Union. During the Civil War, Illinois furnished to the Union armies the equivalent of 214,133 men enlisted for three years service, or about 238 three year enlistments for every thousand of the male population in 1860. Nearly 35,000 of these men were killed or died of disease in the service or died in southern prisons.¹

Dissatisfac-
tion with
Republican
policies.
The conven-
tion of 1862.

Though the State responded generously to the call for volunteers and its governor, Richard Yates, was an aggressive supporter of the national administration, there was during the war much dissatisfaction, especially in southern Illinois, with the policies of President Lincoln and his party. This feeling was first shown clearly in the constitutional convention of 1862. The people had voted in favor of this convention before the outbreak of the war, and there was real need of constitutional reforms. The convention, however, was

¹ War Department, *Official Records of the Union and Confederate Armies*, Third Series, IV. 1269; *Report of Provost Marshal General, 1866* (in *House Ex. Doc.* 39th Cong., 1st sess., IV); Moses, *Illinois Historical and Statistical* II. 731.

controlled largely by Democrats from the southern counties and much of its time was spent in discussing the conduct of the State and national governments. The Republicans believed also that the constitution which was formed by the convention was largely intended for the advantage of the Democratic party. The constitution as a whole was defeated by a large majority, but separate articles prohibiting the immigration of free negroes and limiting the suffrage to whites were carried.¹

Lincoln's emancipation proclamation of September, 1862, was at first very unpopular in Illinois and in the next elections the Republicans were badly beaten. The legislature of 1863 voted to ratify an amendment to the Constitution of the United States providing that no amendment should ever be made interfering with slavery in the States,² and the House of Representatives even passed resolutions calling for an armistice between the Union and Confederate armies. This legislature was finally *prorogued* or adjourned by Governor Yates. Some of the members of this opposition party were honest and patriotic men who were simply opposing what they considered to be unwise or unconstitutional measures of the Federal and State governments. There was, nevertheless, some real disloyalty as was shown, for example, in 1864 by what is known as the "Camp Douglas Conspiracy" to set free Confederate prisoners kept at Chicago.

The Legis-
lature of
1863.

¹ *Journal of the Convention*; Dickerson, *The Illinois Constitutional Convention of 1862* (Mss. thesis in library of the University of Illinois). The convention of 1862 is also notable because it claimed the right not only to frame a constitution, but to exercise all the powers of the State government.

² *Public Laws, 1863*, 41, 42.

Civil and
political
rights given
to the negro.

Anti-slavery feeling was steadily growing, however. In the presidential election of 1864, Illinois again gave its electoral votes to Lincoln. In 1865 the new legislature exactly reversed the policy of the last one and was the first in the Union to ratify the "thirteenth amendment," as we now know it, prohibiting slavery everywhere under the American flag.¹ The same legislature of 1865 repealed the so-called "black laws" which had refused the negro equal rights before the law. A little later, Illinois ratified the fourteenth and fifteenth amendments to the Federal Constitution which were particularly intended to give full civil and political rights to the negroes of the southern States. Thus Illinois accepted for itself and for the nation the principle of the political and legal equality of the races.²

18. ECONOMIC DEVELOPMENT. 1848-1870

Growth of
population.

This period of sectional conflict was also a period of rapid growth in population and wealth. The population of the State in 1870 was about two and a half millions, about three times that of 1850. Chicago grew out of all proportion to the rest of the State. During the war decade, Cook County increased at the rate of about 140 per cent. as against less than 40 per cent. for the rest of the State. About four-fifths of the people of this county were either foreign born themselves or the children of foreign fathers or mothers.³

Industrial
interests.

The occupations and interests of these people had

¹ *Documentary History of the Constitution*, II. 523; cf. pp. 522ff.

² *Public Laws*, 1865, 105, 135. Cf. *Senate Journal*, 319, 320; *House Journal*, 470, 490; *Documentary History of the Constitution*, II. 690, 808.

³ *Ninth Census*, I., xvii., 23, 110, 307, 308.

changed greatly since the frontier period. Then farming had been almost their only occupation. These farming interests continued to be very important and by 1860, Illinois had become the first grain producing State of the Union. Other interests, however, had developed, giving the State a broader industrial development. During the twenty years from 1850 to 1870, Illinois rose from the sixteenth to the sixth place among the States in the value of manufactured products.¹

One of the most important factors in this develop- Railroads.
ment was the building of railroads. The first great railroad enterprise which was successfully carried out in this State was the building of the Illinois Central. This was made possible by an act of Congress in 1850 granting large tracts of land to the States of Illinois, Mississippi, and Alabama, "in aid of the construction of a railroad from Chicago to Mobile."² In 1851, the State granted these lands to the Illinois Central Railroad Company, for the building of railroads which should connect Cairo on the south with Chicago and Galena on the north. By one of the conditions of this grant, the Company is still required to pay to the State not less than seven per cent. of its "gross receipts."³ During the next five years, these lines were actually built. The rich prairie lands of eastern and central Illinois were now for the first time made easily accessible to settlers, and something was done to break down the sectional division between the northern and southern coun-

¹ *Ninth Census*, III. 392, 451, 452, 458, 588.

² *U. S. Statutes at Large*, 31st Cong., 1st sess., ch. 61.

³ *Private Laws*, 1851, 61-74.

ties.¹ In the year of the Illinois Central land grant (1850), there were about one hundred miles of railroad in the State. During the next ten years, Illinois did more railroad building than any other State in the Union, and by 1870 had risen to the first place among the States in the total number of miles of railway. In the meantime water communication with the east had been supplemented by through railroad lines and the products of the State were brought within more convenient reach of eastern and European markets.²

Public
school law
of 1855.

With material progress, there came also higher standards of life. One of the best evidences of this is the passage of the school law of 1855 upon which our present school system is founded. This act provided for the first time a State tax for schools, gave the various districts the right to tax themselves for the same purpose, and provided also "for a free school in every district for six months of the year." The new law was, on the whole, very successful and "the free school made its way rapidly to every part of the State."³

19. THE CONSTITUTION OF 1870

Constitu-
tional
problems.

The immense industrial development of the State brought with it new problems of government, particularly those resulting from the growth of great

¹ Ackerman, *Early Illinois Railroads* (in *Fergus Historical Series*, No. 23) ; Sanborn, *Congressional Grants in Aid of Railways*, ch. 2 ; Gerhard, *Illinois As It Is*, 406-408.

² Poor, *Railroad Manual*, 1871-72, xxxiv. ; cf. *Eighth Census, Mortality and Miscellaneous Statistics*, 331.

³ Pillsbury, *Early Education in Illinois* (in *16th Biennial Report of the Superintendent of Public Instruction*), CXC.-CXCI. ; *Public Laws*, 1855, 51-91.

corporations. Many of them had secured from the legislature special privileges of various kinds, often, it was thought, without enough regard for the interests of the people. There was particularly strong feeling against the railroads which had received great privileges from the State and Federal governments and it was thought that they ought to be much more liberal in their charges. Some attempt was made to solve these problems through acts of the legislature, but it was generally agreed that the new conditions called for a new constitution.¹

The question of calling a constitutional convention had been submitted to the people in the election of 1868 and a majority voted in favor of the call. The legislature then provided that the members of the convention should begin their sessions at Springfield in December, 1869.² The new convention was smaller than that of 1847 and so was better fitted for practical discussion. A considerable majority of the members were lawyers, many of them of very high standing. This fact taken together with the experience of half a century in State government resulted in a new constitution much better than those which had gone before. The convention finished its work in May, 1870. The constitution which they had formed was ratified by the people in July and went into effect in August of the same year.³

Convention
of 1869-70.

Probably the most important new provisions of this constitution were those which had to do with

Special
legislation
prohibited.

¹ Governor Palmer's *Message* (in *House Journal*, 1869, I. 202-208); *Public Laws*, 1869, 308-312.

² *House Journal*, 1869, I. 642-643; *Public Laws*, 1869, 97.

³ *Journal of the Convention of 1870*; Hurd, *Revised Statutes*, 1903, 53.

the treatment of private corporations. In order to prevent the legislature from granting special privileges which might be obtained by corrupt methods and prove injurious to the public, the new constitution contained a very sweeping provision against special laws, requiring that all such matters should be regulated by general laws. New clauses were also introduced requiring the legislature to regulate railway rates.¹

Other constitutional limitations.

The constitution contained other careful provisions to protect the people against unwise or corrupt representatives. Hereafter no bill could be passed over the governor's veto without a two-thirds majority in each house of all the members elected.² Counties, cities, and other local governments were limited in the amount of taxes they could raise or the amount of money they could borrow.³

The courts.

The increasingly complicated needs of the State were also shown by the development of the judicial department. The legislature was given the right to organize new appellate courts, standing between the circuit courts and the supreme court. A special judicial system was provided for the great population and complicated business interests of Cook County. In other respects also the peculiar character of this county was recognized by special provisions for its government.⁴

Disappearance of the color line. Public education.

There were two other things in the constitution which show in a striking way the growth of public

¹ *Constitution of Illinois* (1870), Art. IV. § 22; Art. XI. (Corporations); Art. XIII. (Warehouses).

² *Ibid.*, Art. V. § 16.

³ *Ibid.*, Art. IX. §§ 8, 12.

⁴ *Ibid.*, Art. VI., §§ 11-20, 23-28; Art. X. § 7.

opinion away from old ideas. One of these is the complete disappearance of the color line. The right to vote and the duty of militia service were recognized as the same for blacks and whites.¹ The other was the recognition for the first time in the constitution that it was the duty of the State to provide a "*system of free schools, whereby all children of this State may receive a good, common-school education.*"²

20. THE PEOPLE AND THEIR GOVERNMENT. 1870-1901

During the closing decades of the nineteenth century, the population of Illinois was nearly doubled, and in that respect it is now the third State in the Union. This growth has been mainly in one county. In 1870, Cook County had about one-seventh of the population of the State; in 1900, the proportion was nearly two-fifths. In these thirty years, the State outside of Cook County gained only thirty-six per cent., but Chicago gained over five hundred per cent.³ Though Chicago is the only great city in Illinois, city or town life has increased throughout the State. In the year 1860, about one person in every eight lived in a town of four thousand or more people. By 1900, the ratio had increased to more than one-half.⁴ This tendency to city life has had an important influence in the con-

Growth in
population.

¹ *Constitution of Illinois* (1870), Art. VII. § 1; Art. XII. § 1.

² *Ibid.*, Art. VIII. § 1.

³ *Twelfth Census of the United States*, I., xxii., 16. A part of the increased population of Chicago was due to the annexation of adjoining territory.

⁴ *Ibid.*, I., lxxxiv.-xc. Cf. *The Eighth Census, Population*, 88-101.

stitutional development of the State. It has made the problems of municipal government infinitely more important than they were before the Civil War and it is making the task of passing general laws for the State, which shall also fit the special needs of Chicago, more and more difficult.

Influence of
foreign im-
migration.

The foreign elements in this population have also largely increased, until in 1900, more than one-half the people of Illinois and more than three-fourths of those in Chicago were either foreign born themselves or the children of foreign parents. The Germans and the Irish were at first the most important; then came a great wave of Scandinavian immigration; and, in recent years, the Italians and the Slavs have come in large numbers.¹ To a large extent, these newcomers have, with the help of our public school system, been trained in American political ideas, but many who do not understand or appreciate American institutions are easily influenced by dangerous or corrupt political leaders. In many ways, good or bad, the foreign population has influenced the law making of recent years. This influence has been felt particularly on such questions as the proper regulation of the liquor business, and the proper relation of church schools to our public school system. In both these matters the foreign-born voters have stood out strongly against what they have considered undue State interference with private business.

Broader
industrial
develop-
ment.

Even before 1870, it was clear that Illinois was no longer a wholly agricultural State, though the census of that year gave more people as engaged in

¹ *Twelfth Census of the United States*, I., clxxxv., clxxxvii., cxciv.

agriculture than in all other occupations put together.¹ Since that time there has been a constantly broadening industrial development. In 1900, the three great branches of industry, "agriculture," "manufacturing and mechanical pursuits," and "trade and transportation," stood on a nearly equal footing as measured by the number of people engaged in them.² Two great factors in this development have been the building of six thousand miles of railway, and the growth from very small beginnings in 1870 of the great coal mining industry.³ All these things, taken together with the prosperity of the whole northwest, have made Chicago one of the chief financial centres of the country. In the last year of the nineteenth century, the banking business of Chicago was greater than that of Boston or Philadelphia and second only to that of New York.⁴

Great industrial changes like these cannot take place without much friction, particularly between labor and capital. Among these unfortunate conflicts, there are a few which stand out more prominently than the rest. One of these is the great eight-hour strike of 1886, ending in the so-called anarchist riots.⁵ The year 1894 is also especially to be remembered, because of the coal mining strikes in central Illinois and the great railroad strikes centering in Chicago. In the last case, United States troops were called out by President Cleveland, though

Conflicts of
labor and
capital.

¹ *Ninth Census of the United States*, I. 670-674.

² *Twelfth Census of the United States*, II. 508-509

³ Poor, *Railroad Manual*, 1901; U.S. *Statistical Abstract*, 1900, 343.

⁴ *World Almanac*, 1901, 187.

⁵ *Annual Cyclopaedia*, 1886, 1887, 1893.

Governor Altgeld thought such interference by the Federal government unnecessary and unjustifiable. In several of these conflicts, the State militia has been called out by the governor to protect persons and property.¹

State control of commerce and industry.

These conflicts of labor and capital, taken together with the increasing power of the great industrial combinations, have made it more and more necessary for the general public to protect itself by using the authority of the State. Sometimes this has been done by general rules of law. Thus the State legislature has passed laws prohibiting child labor and regulating railway rates, and it has made some not very successful attempts to prevent certain kinds of industrial combinations, popularly known as "trusts." Sometimes executive boards have been established by law in order to supervise certain kinds of business and see that they are properly conducted. In 1871, the Board of Railroad and Warehouse Commissioners was organized which now has the power to fix *maximum* railway rates. A State insurance department has been created to supervise insurance companies and the State Board of Factory Inspectors is expected to enforce the laws regarding the employment of labor in factories. The State has also tried to prevent strikes and lockouts, in some cases at least, by establishing a State Board of Arbitration.² Thus the State government is constantly being given new work to do and organizing new offices or departments for that purpose. As population has increased and the in-

¹ *Annual Cyclopaedia*, 1893, 1894; Message of Governor Altgeld in *Reports to the General Assembly*, 1894.

² See on this subject Part III., ch. 14.

terests of the people have grown broader and more complex, they have been obliged to make more elaborate and complex the machinery of their government.

PART II

THE MACHINERY OF STATE GOVERNMENT

CHAPTER IV

UNDERLYING PRINCIPLES OF STATE GOVERNMENT

21. REFERENCES

Bryce, *American Commonwealth*, I. chs. 36-39, 44, 45; Hart, *Actual Government*, Part I.; Wilson, *The State*, §§ 1087-1115; Cooley, *The General Principles of Constitutional Law*, ed. 1898, ch. 18; Cooley, *Constitutional Limitations*, chs. 3, 4, 9-13; Black, *Handbook of American Constitutional Law*, chs. 18, 19; Hitchcock, *American State Constitutions*; Patterson, *The United States and the States under the Constitution*; Schouler, *Constitutional Studies*, Part III.; Borgeaud, *Adoption and Amendment of Constitutions*, Part III., Book I.; Jameson, *A Treatise on Constitutional Conventions*; Thorpe, *Constitutional History of the American People*; Oberholtzer, *The Referendum in America*. Documents: Starr and Curtis, *Annotated Statutes of the State of Illinois* (this gives the text of the constitution, with foot notes citing important cases in constitutional law); cf. Moore, *An Index-Digest of the Illinois Reports*, 2 vols.

22. THE FIELD OF STATE GOVERNMENT

State authority limited by the Federal Constitution.

In the study of any government it is important to understand clearly the foundation principles upon which it rests, the fundamental laws to which all lesser laws must conform. For Illinois, as for every other State of the Union, the Constitution of the United States and all Federal laws and treaties made in accordance with that Constitution are the "su-

preme law of the land;" and the judges are "bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Thus the people of Illinois are, strictly speaking, not sovereign. By this "supreme law" some of the most important departments of government action are taken from the State altogether and given to the United States. This is particularly true in such matters of general interest as our foreign policy and the regulation of foreign and interstate commerce, in which action by separate States would lead to great confusion. The Constitution, however, goes much farther than this and even in the general field of action reserved to the States insists that they shall observe certain general principles. Their government, for example, must be republican. They must not establish any order of nobility. They may charter corporations, but they can not, generally speaking, compel them to give up privileges once granted. One of the most important results of the Civil War was to limit still farther the freedom of the States in what were previously supposed to be purely State affairs. Thus no State may permit slavery within its limits, nor refuse the right to vote, even in State elections, on account of race, color, or previous condition of servitude. The Constitution of the United States now determines what shall make any person a citizen of a State, and to a considerable extent, places his rights as such a citizen under the protection of Federal law.

Though large powers within each State are thus given to the Federal government, yet those interests of the people which are left in the care of the State are more numerous and not less important. The State

Importance
of the State.

government as a whole is not sovereign because it is not independent, but in many departments it does exercise really sovereign power. It must be remembered, too, that the people of a State, through the choice of presidential electors and of senators and representatives in Congress, have a part in the exercise of sovereign authority, whether that authority is State or Federal.

23. THE STATE CONSTITUTION

The adoption
of the
constitution.

Next in authority to the Constitution and laws of the United States is the constitution of the State. This fundamental law was framed by a convention chosen by the people for that purpose and had finally to be submitted to them for their approval. In some States, constitutions have been finally adopted by conventions without being submitted to the people, but in Illinois the present constitution expressly forbids such action.¹ Thus the constitution is a part of the law of the State, made directly by the people themselves and so above any other law which may be enacted by their representatives.

Constitu-
tional
conventions.

The constitution may be amended in two ways. The first may be called the convention method. When two-thirds of the members of each house of the general assembly agree that it is necessary to revise the constitution, they may submit the question to a vote of the people at the next general election. If a majority of all those who vote in that general election vote in favor of a convention, the legislature must provide for it at its next meeting. When the members of the convention have done

¹ *Constitution of Illinois*, 1870, Art. XIV. § 1.

their work, they must submit their proposed constitution or amendments to the voters of the State for their approval at a special election called for that purpose. This somewhat slow and difficult method is intended to prevent hasty or partisan changes in the constitution.¹

Where there is no strong demand on the part of the people for a general revision, a simpler method may be used. Amendments may be proposed in either house of the general assembly and, if agreed to by a two-thirds vote of *all the members elected* in each house, they must be submitted to the people at the next general election. A majority of all who vote in that election must vote for the amendment. Thus an amendment may be lost though more people vote for it than vote against it. In order that such amendments may not be forgotten by the voter, the secretary of State is required to have published a careful explanation of their provisions.² In the first thirty years after the adoption of the constitution of 1870, five constitutional amendments have been adopted. A number of others proposed by the legislature were not ratified by the people. No comprehensive changes can be made in this way because amendments can not be proposed to more than one article at the same time.³

Amend-
ments pro-
posed by the
legislature.

24. THE DISTRIBUTION OF POWERS

Though the people are the source of authority,

Depart-
ments of
government.

¹ *Constitution of Illinois*, 1870, Art. XIV. § 1.

² *Ibid.*, Art. XIV. § 2; Hurd, *Revised Statutes*, ch. 7a.

³ An important amendment giving the legislature greater freedom in making laws for Chicago was agreed to by the legislature in 1903 and will be submitted to the voters in 1904. See below p. 253.

the only power which can make and change constitutions, the actual work of government must be done by their chosen representatives. One of the most important purposes of a constitution is, therefore, to organize the departments of the State and to distribute among their officers the various powers and duties of government. Following the example of the Federal government and of the older States, Illinois has provided for the distribution of constitutional powers in three departments: the legislative, the executive, and the judicial.¹ Roughly speaking, it is the duty of the legislative department to make the laws, of the executive to see that they are obeyed, and of the judiciary to interpret the law and apply it to special cases. It is the purpose of this distribution that these different departments shall check each other and so prevent unwise or dangerous action. Thus the governor can prevent the passage of laws by the use of his veto power. The judges may declare unconstitutional and therefore of no force the acts both of the executive and the legislature. Finally, the legislature may impeach and remove from office the governor and judges for misconduct in the performance of their duties.

All represent the people.

Though these great departments are more or less distinctly separated, they are not wholly so and they do not generally represent different interests, as they do, for example, in a strongly monarchical government where the higher executive officers and the judges derive their authority from the king, where there is an upper house to represent the nobility and

¹ *Constitution of Illinois*, 1870, esp. Art. III.

only the lower house represents the people. In Illinois, the higher officers in each one of the great departments are chosen directly by the people and are supposed to represent their interests.

Cutting across these dividing lines which separate the legislative, executive, and judicial departments of the State, there are what we may call latitudinal lines, which mark off the field of the central government from those of the local governments. The constitution provides for county, town, city and other local governments, partly to meet the local needs of each of these districts and partly to help the State in its work. Their field of authority is not always clearly marked out by the constitution; but they are in all things distinctly subordinate to the State government, and their jurisdiction is largely determined for them by the legislature. Yet they have some legal rights which not even the legislature can take away. Thus, the legislature can not give the right to build a street railway in any city or town without the consent of the local government.¹

Central and
local gov-
ernments.

25. RESERVED RIGHTS OF THE PEOPLE

This distribution of political powers among different sets of officers has sometimes been called a system of "checks and balances," in which every officer or department is checked in the exercise of his power by the natural jealousy of some other department or officer. But not even to all of these officers taken together have the people given unrestricted power. To protect the rights of individuals

Bill of
rights.

¹ *Constitution of Illinois*, 1870, Art. XI. § 4.

against the possible tyranny of their own representatives, even in the law-making body, they have placed in the constitution what is sometimes known as a "bill of rights." Many of these rights were recognized by the first colonists in America as a part of their old English inheritance. Others were either recognized for the first time or more clearly stated as a result of early American experience. With generally unimportant differences, they are to-day set forth in the constitution of every American State.

Rights of
individuals.

The most important of these rights are those which protect the personal liberty of the individual, his rights of property, his freedom in religious opinion and worship, and his liberty of speech and publication. To secure the personal liberty of the individual, it is provided that he shall not be deprived of life or liberty without due process of law, and the right of trial by jury is guaranteed. Private property also may not be taken except by due process of law, and when needed for public uses it must be paid for. Every man is guaranteed liberty of conscience and public worship. No one may be compelled to support any church and no preference can be given by law to any religious denomination. To protect free discussion of all public questions, it is provided that "every person may freely speak, write and publish on all subjects," though he is "responsible for the abuse of that liberty" and may be punished for libel.¹ Thus the old safeguards which protected subjects against arbitrary kings are

¹ *Constitution of Illinois, 1870, Art. II.*

still considered necessary even in a government of the people by the people.

Besides securing each individual in these personal and property rights, the constitution contains, as we shall see later, a number of provisions intended to protect the interests of the people as a whole against unwise or corrupt legislation by their chosen representatives. Certain general principles are laid down to which all future laws must conform, and even in some cases where no constitutional amendment is necessary, the legislature is required to submit its measures to the people for their approval.¹

Other constitutional limitations.

Thus, within the sphere of government left to the State, the people are the supreme power. They have made the constitution and they alone can change it. They have given large powers to their officers or agents, but these powers, large as they are, are jealously guarded to protect the rights of individual citizens and those of the people as a whole.

The people supreme.

¹ Under a recent act of the legislature, the voters of the State may express their opinion on public questions by means of what is called the "little ballot." This opinion has no *legal* force, but it may influence somewhat the action of the legislature. Three such questions were voted upon in the general elections of 1902.

CHAPTER V

ELECTIONS

26. REFERENCES

Bryce, *American Commonwealth*, I., ch. 46; II., Part III.; Hart, *Actual Government*, Part II.; Hinsdale, *American Government*, ch. 54; Cooley, *Constitutional Limitations*, ch. 17; Commons, *Proportional Representation*, esp. ch. 4; Dallinger, *Nominations for Elective Office*; Ostrogorsky, *Democracy and the Organization of Political Parties*, especially II., Part V.; *Political Science Quarterly* XIV. 224-233. For comparison with European political methods, see Lowell, *Governments and Parties in Continental Europe* (Vol. I. of Ostrogorsky describes English politics). Documents: *Constitution of Illinois*, 1870, Art. VII.; Hurd, *Revised Statutes*, 1903, ch. 46 (Elections); Starr and Curtis, *Annotated Statutes* (ed. 1896), 161-162 and Notes on ch. 46; the Secretary of State, *The Election Law*.

27. THE SUFFRAGE

Meaning of
the term,
people.

The word "people" as found in the constitution is often carelessly used without any definite knowledge of its real meaning. Just what is meant by saying that the "people" are the supreme authority in State affairs? The term does not include all persons who live in the State, but is practically limited to those who take part in the government as voters, and this class is clearly defined by the constitution.

Qualifica-
tions of
voters.

The first important condition of the voting privilege is *citizenship*. All new voters must show that they are natural-born or naturalized citizens of the

United States. According to the Federal Constitution, "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." A second qualification is *residence*. A voter must have lived long enough in the place in which the election takes place to have a real interest in it and to be able to vote intelligently. So he must have lived in the State one year, in the county ninety days, and in the election district in which he votes at least thirty days before the election is held. There are also restrictions of *age* and *sex*. The constitution gives the right of voting only to men twenty-one years old. Consequently, women are not allowed to vote for any officer named in the constitution. They now have, however, the right to vote for certain school officers not mentioned in the constitution, including the members of local school boards and trustees of the University of Illinois. Finally, the right to vote may be forfeited for misconduct. Following the requirement of the constitution, the law now makes it a penal offense for any person to attempt to vote who has been convicted of bribery, felony, "or other infamous crime under the laws of any State," unless he has been duly pardoned.¹

28. THE CONDUCT OF ELECTIONS

Since the people control the government chiefly through their powers to choose officers, it is impor-

Election
laws.

¹ *Constitution of Illinois*, 1870, Art. VII.; Hurd, *Revised Statutes*, ch. 46, §§ 65-70, 83, 332; Starr and Curtis, *Annotated Statutes*, 161, 162, 1741, 1742; *Plummer v. Yost*, 144 *Illinois Reports*, 68-77.

tant that elections should be carried on freely and honestly, so that they may express the real will of the majority. For this purpose an elaborate code of election laws has been enacted.

Times of
elections.

Elections in Illinois are held at different times. The *general* elections for the choice of State executive officers, members of the legislature, and county officers are held on the first Tuesday after the first Monday in November in the even-numbered years. This means that they are always held in connection with the presidential or congressional elections, and that they are more influenced by national politics than they might be if held separately. For supreme and circuit court judges, elections are held, at intervals of nine and six years respectively, on the first Monday in June. Township, village, and city elections are held every year in April. When, as in Chicago, the city limits include one or more whole townships, all these elections are held on the first Tuesday in April. Other city or village elections are held on the third Tuesday, two weeks after the township elections. Township school trustees and members of district school boards are chosen, respectively, on the second and third Saturdays in April.¹

Rights of
voters on
election
days.

In order that the voter may not be prevented from casting his ballot, the law has made some special provisions for election days. On any general election day, a voter has a right to absent himself for two hours from any employment in which he may be engaged, without a deduction in his wages.² In Chicago and in any other city where the provisions

¹ Hurd, *Revised Statutes*, ch. 24, §§ 48, 190; ch. 122, §§ 34, 125; ch. 139, § 51.

² *Ibid.*, ch. 46, § 312.

of the *city election law* are in force, the day set for any general, State, county, or city election is a legal holiday.¹ The voter is also entitled to freedom from arrest in attending, in going to, and returning from, the place of election; and, except in case of war or public danger, he can not be compelled to perform military service on election day.²

The law governing the management of elections is not the same for all parts of the State. In Chicago and East St. Louis they are held under the so-called *city election law*, and any other city or village may by special vote adopt this system.³ In other parts of the State, the *general election law* is in force. Under the city law, all elections are under the supervision of three election commissioners appointed by the county court. Both of the two leading political parties must be represented on this board.⁴ Under the general law, this work of supervision is given to the county boards of supervisors or commissioners.

The general law and the city election law.

These supervising authorities must then divide the city or county into election precincts or districts, select the polling place in each precinct, and appoint the election judges. In choosing the judges and clerks, each of the two leading political parties must be given representation.

Electoral districts.

One of the first duties of these election officers is the registration of voters. Under the city law, voters must be registered on one of two days fixed by law a few days before each general election. No

Registration of voters.

¹ Hurd, *Revised Statutes*, ch. 46, § 190.

² *Constitution of Illinois*, 1870, Art. VII. § 3.

³ Hurd, *Revised Statutes*, ch. 46, §§ 155-287d, (esp. § 168).

⁴ *Ibid.*, ch. 46, §§ 170, 171.

one who is not registered is allowed to vote.¹ Under the general election law, voters need not register in person. The election officers must make up their registration lists three weeks before the election, including all persons still living in the precinct who voted at the last election, and any other persons who are "well-known" to be voters. The list must then be posted and an opportunity is given for any legal voter who is not registered to add his name to the list. Even if he fails to register before election day, he may still "swear in" his vote by swearing, or affirming, that he is a legal voter and having his statement corroborated on oath by some household-er who is already a registered voter.² The purpose of all registration is to make it certain that no one shall cast a vote unless he is entitled to do so. In a large city the danger of illegal voting is much greater and a more stringent law is therefore needed than in the country.

29. THE COUNTING OF VOTES

Legal safe-
guards.

Every precaution is also taken to ensure the legal voter a free and fairly counted vote. This is secured partly by choosing the judges and clerks from both the leading parties, so that no party can have the opportunity to control the election. Each party is also entitled to keep at least one "challenger" at the polling place while the votes are being cast and

¹ The first of these days is "the Saturday immediately preceding the Tuesday, four weeks before" the election. The second day is just three weeks before the election. There is also some provision made for correcting errors in registration and for the registration of new voters at the intervening local elections. Hurd. *Revised Statutes*, ch. 46, §§ 195-234.

² *Ibid.*, ch. 46, §§ 135-149.

counted, and under the city election law each party may also have two additional persons as "watchers."¹

One of the most important safeguards of free voting is the secret ballot. The constitution requires that the voting in all elections shall be by ballot.² Under the old method of voting, however, the ballot was not always secret. Ballots were then furnished to the voter by one or the other party in the election. It was then comparatively easy for any one who wished to intimidate or to bribe a voter to see how he voted. In order to lessen as much as possible the danger of such bribery or intimidation, the present "Australian ballot" law is intended to make voting absolutely secret.³

The Australian ballot.

All the ballots are now provided at public expense. Each voter having received his ballot goes to a booth where he can mark it without being observed. This official ballot contains the names of all candidates who have been regularly nominated. All the candidates of one party are arranged in a single column with the name of that party at its head. If the voter is a strong party man and wishes to vote a "straight ticket," he puts his cross before the name of his party, and his vote will be counted for all its candidates. If he wishes to vote for the party ticket as a whole with a few exceptions, he may mark the name of the party as in the first case, but he will also set his cross before the names of such individual candidates of other parties as he may wish to vote for. Finally, without paying any attention to the party names, he may mark simply the names of indi-

The official ballot.

¹ Hurd, *Revised Statutes*, ch. 46, §§ 64, 235.

² *Constitution of Illinois*, 1870, Art. VII. § 2.

³ This law does not apply to school elections.



DEMOCRATIC.

For President of the United States,
WILLIAM J. BRYAN
 For Vice-President of the United States,
ARTHUR SEWALL

For Electors of President and Vice-President
 of the United States,

☐ FRANCIS M. YOUNGBLOOD
☐ HOWARD S. TAYLOR
☐ WILLIAM H. RUSSELL
☐ LAWRENCE M. ENNIS
☐ HERMAN ALSCHULER
☐ THOMAS A. SMYTH
☐ MAURICE M. O'CONNOR
☐ MARTIN BECKER



REPUBLICAN.

For President of the United States,
WILLIAM MCKINLEY
 For Vice-President of the United States,
GARRETT A. HOBART

For Electors of President and Vice-President
 of the United States,

☐ EMIL G. HIRSCH
☐ HORACE S. CLARK
☐ NOBLE B. JUDAH
☐ DAYTON G. GRAY
☐ CHARLES L. SHERLOCK
☐ FREDERICK M. BLOUNT
☐ EPHRAIM BANNING
☐ CHESTER M. DAVES



ROAD.

id States,
YAN
 ited States,
ATSON
 Vice-President

☐ H
☐ A
☐ P
☐ V
☐ EL
☐ S
☐ EMAN
☐ T
☐ T

vidual candidates or even write in the name of some one who is not on the list. This choice of methods provides for the convenience both of the partisan and the independent voter. From the booth where the ballot is marked and folded, the voter goes to the ballot box, where he gives his name and deposits his vote. No electioneering of any kind is allowed in the polling place, and the voter who shows his ballot is guilty of a penal offense.¹

Great care is taken to secure the prompt and accurate counting of votes. It is conducted by the judges and clerks in the presence of the "challengers" of both parties. It must begin as soon as the polls close and must not be interrupted until it is finished. Under the general election law, the votes of all the precincts for all county and State officers are *canvassed* by the county clerk assisted by two justices of the peace. Under the city election law, all returns are *canvassed* by the county judge assisted by the city attorney and the board of election commissioners. In the case of members of the legislature, judges of the supreme and circuit courts, and State officers generally, all the returns are finally sent to the secretary of state. Within twenty days after the election they must be canvassed in the presence of the governor by a board consisting of the secre-

The canvass
of votes.

¹ The only exception to the rule that voters must mark their ballots alone is in the case of persons who are willing to swear that they can not read English or are physically unable to make the necessary marks. Even then the voter must be assisted by election officers of different political parties. Hurd, *Revised Statutes*, ch. 46, §§ 288-326. An act approved May 14, 1903, allows the use of voting machines in places where they may be adopted by popular vote. Hurd, *Revised Statutes*, ch. 46, §§ 430-451.

tary of state, the auditor, the treasurer, and the attorney general. The successful candidates then receive their commissions on certificates of election from the governor.¹

Penalties
for corrupt
practices.

Every step in the election process is thus carefully guarded by law, and there are heavy penalties for illegal interference with the freedom and honesty of elections. Under the general election law, the soliciting or receiving of bribes is punishable by imprisonment and disfranchisement. In the case of a second offense, the disfranchisement is for life. Under the city election law, the intimidation or bribery of a voter is punishable by imprisonment. There are other penalties for corrupt conduct or negligence on the part of election officers.²

Contested
elections.

Even with all these precautions, there is still danger of unfairness or carelessness. The constitution and laws, therefore, provide methods for the trial of contested elections. Contests in the elections for governor and other State executive officers are decided by a joint meeting of the two houses of the legislature. Each house of the legislature, acting separately, decides disputes regarding the election of its own members. Other contested elections are determined by the circuit and county courts.³

30. NOMINATIONS

History of
political
parties in
Illinois.

The right of the people to vote for public officers will mean little unless they are able also to control the nomination of candidates. In any large State with hundreds of thousands of voters, there can be

¹ Hurd, *Revised Statutes*, ch. 46, §§ 71-78, 248-254.

² *Ibid.*, ch. 46, §§ 81-93½, 255-280.

³ *Ibid.*, ch. 46, §§ 94-123.

no intelligent choice at the ballot box unless in some way a few names are brought before the people of the whole State as candidates. In the early days, candidates nominated themselves or were put forward in an informal way by their admirers. For many years there were no nominating conventions in Illinois and no really organized political parties. As the population increased, this informal way of making nominations became impossible, and political parties grew up with elaborate machinery for the purpose of nominating candidates for office. These parties in Illinois, as in other parts of the Union, are generally divisions of great national organizations. For about half a century, the great majority of the voters have cast their ballots for the candidates either of the Republican or Democratic parties.

The subdivisions of each party organization correspond closely with those of the government. The township convention nominates candidates for township offices, but it also appoints and sometimes instructs delegates to the county convention. The county convention in turn, besides nominating candidates for county offices, usually sends its delegates to the State convention. In Chicago, the delegates to the State convention are chosen directly by the voters in the "primary elections." The State convention is the highest authority in the State in matters of party policy. It prepares the party platform and nominates candidates for State offices. There are also city and ward conventions for the nomination of municipal officers; senatorial district conventions where candidates for the legislature are chosen; and congressional conventions where congressmen

Party conventions.

are nominated and delegates chosen to national conventions.

Party committees.

Only a small part, however, of the business of any party can be transacted by conventions of any kind. The real work of pushing candidates is done by comparatively few men organized in political committees. Each party has its township, city, county, and "State central" committees. At the head of each committee is a chairman, who may be the leader or "boss" of his party, though the real power is often in the hands of a stronger man behind the scenes.

"Primary elections" regulated by law.

It is now generally understood that political parties are an essential part of the system of choosing public officers. In some districts where one party has an overwhelming majority, the nomination of that party is said to be "equivalent to an election," and is practically more important than the election itself. Because of these facts, the "primary elections," in which the voters of each party nominate their local candidates for office and choose delegates to the higher conventions, are now partially regulated by law. The most thorough measure of this kind is that which is now in force in Chicago, and which may be adopted elsewhere if the voters desire it. Primary elections under this act may be held by any party which polled not less than ten per cent. of the total number of votes cast at the last general election. These "primary elections" are then placed under the supervision of the regular board of election commissioners and conducted under rules much like those prescribed by law for general elections, includ-

ing penalties for the bribery or intimidation of voters and any interference with an honest count.¹

Though the law recognizes political parties, it does not limit the voter wholly to party nominations. If he does not sympathize with the policy of any existing party, or if he is dissatisfied with any particular candidate, he may join with others in the making of independent nominations. In the case of a candidate for any State office, a nomination paper, signed by one thousand legal voters, is sufficient to place his name on the official ballot. A smaller number is, of course, allowed for local offices. This independent method of nomination, though of little importance in State elections, is sometimes successful in municipal elections and in the choice of members of the legislature. In any case, it is clear that the man who merely votes on election day will have little influence in the choice of his representatives. He must first do his part in seeing that the right kind of men are nominated for public office.²

Independent
nominations.

¹ Hurd, *Revised Statutes*, ch. 46, §§ 380-427.

² *Ibid.*, ch. 46, §§ 292-294.

CHAPTER VI

THE CENTRAL GOVERNMENT

31. REFERENCES

Bryce, *American Commonwealth*, I., chs. 40-42; Hart, *Actual Government*, Part III.; Wilson, *The State*, §§ 1126-1208; Hinsdale, *The American Government*, chs. 51-53; Goodnow, *Comparative Administrative Law*, especially Book I., ch. 4, Book II., Division I., ch. 3; Cooley, *Constitutional Limitations*, chs. 5-7; Black, *Handbook of American Constitutional Law*, chs. 11-13; Andrews, *American Law*, chs. 22, 23.

Documents: *Constitution of Illinois*, especially Arts. III.-VI.; Hurd, *Revised Statutes*; Starr and Curtis, *Annotated Statutes* and Supplements; cf. Moore, *An Index-Digest of the Illinois Reports*, and [Reed Adams], *The Citator* (a convenient guide to recent decisions of the Illinois Supreme and Appellate Courts); *Rules of the House and Senate* (in *House and Senate Journals*); the Secretary of State, *Blue-book of the State of Illinois*; Pickering, *Official Directory, 42nd General Assembly*.

32. THE ORGANIZATION OF THE LEGISLATURE

Distribution
of powers.

The officers of the State have been already divided into two main groups, those who act for the State as a whole and those who represent the various subdivisions of the State in the work of local government. The central government and, somewhat less clearly, the local governments are also divided into executive, legislative and judicial departments. This distinction is emphasized by the constitution, which declares that "no persons, or collection of persons, being one of these departments, shall exercise any

power properly belonging to either of the others.”¹ The highest power within the State, next to that of the people themselves, has been given to the law-making body. In Illinois, this is officially known as the *General Assembly* and, more popularly, as the *Legislature*. To it belongs “every power in State affairs not delegated to some other department, or expressly denied to it by the constitution.”²

The *general assembly*, like the Federal congress, consists of two houses, the Senate and the House of Representatives; but in the State legislature, both senators and representatives are chosen directly by the same people grouped in the same districts. In some respects, however, the two houses are quite different. Both senators and representatives must be citizens of the United States and must have lived in the State five years and in their districts two years before their election; but senators must be at least twenty-five years old, while the representatives need be only twenty-one. Again, the Senate with only fifty-one members is a small body as compared with the House, which has three times that number. The senators’ term is four years, while that of the representatives is only two. At the close of every biennial period, half of the senators retire, but the other half remain as “hold-over” members of the next general assembly. Hence senators are more likely than representatives to be experienced in public business.³

The general assembly.

For the election of the general assembly, the State

Senatorial districts.

¹ *Constitution of Illinois*, 1870, Art. III.

² *Winch v. Tobin*, 107 *Illinois Reports*, 215 (citing earlier decisions).

³ *Constitution of Illinois*, 1870, Art. IV. §§ 1-7.

is divided into fifty-one senatorial districts, marked out by the legislature every ten years and having as nearly as possible equal population.¹ The districts must, however, be bounded by county lines except when one county is entitled to more than one senator. Cook County now has eighteen senatorial districts, or a little more than one-third of the total for the State. No other county has more than one. Each senatorial district has one senator and three representatives. It is commonly charged that the apportionment is unequally made or "gerrymandered;" but the courts will not declare such an act unconstitutional except in very clear cases.²

Minority
repre-
sentation.

The three representatives are chosen according to the plan of "minority representation." Each voter may cast three votes for representatives and may cast them all for one candidate or give one and one-half votes to each of two candidates or one vote to each of three. Thus any party supported by more than one-fourth of the voters of a district can always, by uniting on one candidate, secure his election. Each party usually designates on the official ballot the precise way in which it wishes the votes divided and in close districts the party vote is usually divided equally between two candidates. Voters, however, frequently show their personal preferences by "plumping" their votes for a single candidate.

Disqualifi-
cations.

No one can be legally elected to either house who has been convicted of bribery, perjury, or any other "infamous crime," or who, having held public funds, has not satisfactorily accounted for them. The hold-

¹ As shown by the last Federal census.

² *Constitution of Illinois*, 1870, Art. IV. §§ 6-8; Starr and Curtis, *Annotated Statutes*, 123.

ing of lucrative State or Federal offices is also a disqualification. Each member must, before he can take his seat, declare on oath that he has not given any bribe to secure his election and that he will accept none during his term of service. Any member who refuses to take this oath or who swears falsely or violates his oath, forfeits his seat. All questions as to the right of any member to his seat are decided by each house for its own members.¹

The election of the general assembly takes place on the Tuesday after the first Monday in November in the even-numbered years. Their regular session begins on the first Wednesday after the first Monday in the following January. Other sessions can be held only when called by the governor on what the constitution calls "extraordinary occasions." The governor then in his proclamation states the business for which the session is called and no other business can be transacted.² The sessions of the legislature are held at Springfield which is also the seat of the chief executive offices and of the Supreme Court.

Sessions of
the general
assembly.

During the sessions, members of each house have a privileged character. Except for "treason, felony, or breach of the peace," they can not be arrested while in attendance or while going to or returning from any session. They can also not be held to account elsewhere for anything said by them in either house.³ Their salaries are fixed by law. At present each representative or senator is entitled to a fixed salary of \$1,000 for his attendance at a regu-

Privileges
of members.

¹ *Constitution of Illinois*, 1870, Art. IV. §§ 3, 4, 5, 9.

² *Ibid.*, Art. IV. § 9; Art. V. § 8.

³ *Ibid.*, Art. IV. § 14.

lar session. For special sessions, members receive five dollars a day. There is also an allowance for traveling expenses.¹

Officers of
the House
and Senate.

When the general assembly meets, its first work is to organize itself for the orderly transaction of business. The Senate is presided over by the lieutenant governor, but it also elects a president *pro tem.* to preside in his absence. The House of Representatives is called to order by the secretary of state, who presides until a temporary speaker is chosen. This temporary organization is, however, soon succeeded by the choice of a permanent speaker and other permanent officers of the House, of whom the most important is the clerk. Similar subordinate officers are appointed for the Senate.

Semi-judi-
cial powers.

Either house may by a two-thirds vote expel one of its members and may even impose small penalties for improper conduct in the house by persons who are not members. It may also compel the attendance of witnesses and punish by fine any one who refuses to obey. Thus the two houses of the general assembly have some of the powers of a court of law.²

33. THE MAKING OF LAWS

The making
of laws.

The chief purpose of the general assembly is to pass laws. This requires the consent of the majority of the members *elected* in each house. A bill so passed must be presented to the governor, who can either approve or veto it. If he does not act upon the bill within ten days after it is presented to him,

¹ *Constitution of Illinois*, 1870, § 21; Hurd, *Revised Statutes*, ch. 63, §§ 15, 16.

² *Constitution of Illinois*, 1870, Art. IV. § 9; Hurd, *Revised Statutes*, ch. 63, §§ 6-14; *Rules of the House in House Journal*, 1901.

it becomes a law without his approval. If he vetoes it, it may still become a law if passed over his veto by a vote of two-thirds of the members elected to each house.¹

These general principles are simple, but the real work of passing laws is difficult and is governed by elaborate rules laid down partly in the constitution and partly in rules of each house. These rules are adopted at the opening of every general assembly but are ordinarily continued with slight changes from year to year. In order to secure an accurate record, the constitution requires each house to keep a journal. Since the people are entitled to know what their representatives are doing, the journals must be published; the votes of individual members must always be recorded in the final passage of all bills and on any other occasion when called for by a sufficient number (five in the House and two in the Senate). The purpose of each bill must be stated in the title, the bill must be "read at large on three different days in each house, and before its final passage it must be printed with all of its amendments." In passing bills, the two houses have equal rights. A bill may be introduced in either house and after its passage there it may be amended or rejected by the other.²

Legislative
procedure.

An important feature of legislative business is the committee system. In 1901 the Senate had thirty-eight standing committees and the House fifty-eight.

The commit-
tee system.

¹ *Constitution of Illinois*, 1870, Art. IV. § 12; Art. V. § 16 (as amended, 1884).

² *Ibid.*, Art. IV. §§ 10-13. The constitutional provision that any five members may demand the *yeas* and *nays* has sometimes, however, been evaded by the speaker's refusing to recognize members for this purpose.

In the State, as in the Federal, Senate, committees are appointed by resolution of the Senate. In the House, this great power is given to the speaker. Among the most important committees are those of each house on the judiciary, appropriations, finance, revenue, and corporations. Each house has a comparatively small Committee on Rules, which has general oversight over methods of conducting business.¹ In some large committees much important work is done by sub-committees.

Party caucuses and committees.

The conduct of business is also influenced by party machinery. Most measures passed are non-partisan; that is, they are not made issues between the parties; but in some matters, such as the election of United States senators, party lines are always drawn. Even in matters naturally non-partisan, one party or the other sometimes thinks it desirable to have a definite party policy. A caucus of the members of that party may then be held. To carry out such party policies and to look after party interests generally, there are Republican and Democratic "steering committees" appointed in each house.²

The history of a bill.

These legislative methods may be illustrated by taking as an example an imaginary bill introduced in the House. It is first read by title and referred to a committee. Some bills never get farther than this. If the committee approves of the bill, it will be reported to the House with a recommendation that

¹ These committees vary greatly in size. In 1901 the important House committee on rules had only nine members, and the Senate committee, only seven. The committees on appropriations are always large. In 1901 the Senate committee had eighteen members and the House committee thirty-three. *House Journal*, 1901, 97-98; *Senate Journal*, 1901, 213, 206-208.

² Pickering, *Official Directory*, 42nd General Assembly.

it be passed. If the members of the committee approve of the bill as a whole, but not in all its details, they will either report the bill with their amendments or propose a substitute.

A bill reported favorably by the committee is usually read a first time in full and ordered to be read a second time on a subsequent day. On the second reading, amendments may be made, after which the bill with the amendments adopted is ordered to a third reading. After that, it can not be amended except by unanimous consent of the members present, or by sending it back to a committee. On some later day the bill is read a third time and the vote taken on its final passage.

Throughout these House proceedings, the speaker has great influence; not only because he appoints the committees, but because he may recognize or ignore members according as he approves or disapproves their motions. He also declares the result of the vote, and if he is an unscrupulous partisan, he may, except when the *yeas and nays* are taken, declare motions carried which on a fair vote would be defeated. In other cases, however, the speaker uses these large powers as the representative of the majority, in order to hasten the passage of measures desired by them.

Power of
the speaker.

After passing the House, the bill goes to the Senate, is again referred to a committee and is otherwise treated much as in the House. The Senate may then pass the bill as a whole or with amendments. If amendments are adopted, the House must agree to them. If it does not do so, a conference is held by committees of the two houses and they try to patch up their differences.

Senate pro-
ceedings.
Conference
committees.

Governor's
veto.

If they finally agree, the bill goes to the governor, who may still defeat it by veto. In most cases the governor must either veto or approve the bill as a whole. He may, however, veto objectionable items in an appropriation bill while approving the bill as a whole.¹ The number of bills vetoed is usually small as compared with those which are killed in the House or Senate. In 1901, out of more than twelve hundred bills introduced, only 187 passed both houses and were presented to the governor, and all but eight of these were signed by him and became law. These statistics do not, however, show fully the influence of the governor, which is often strongly used for or against bills in which he is interested.²

Law-making
power
limited.

Powerful as the legislature is, its law-making power is carefully defined and limited. One of the most important differences between the present constitution of Illinois and that of 1818 is the great increase in the number of these limitations. Thus the legislature is forbidden, in most cases, to pass *special laws*. It may not incorporate a particular railroad or pass a law referring specifically to a particular city. All such laws must be general, that is, they must apply to all persons, or places, or corporations in the State, or to all those of a given class.³

Prohibition
of special
legislation
evaded.

The needs of certain places, particularly those of

¹ *Constitution of Illinois*, 1870, Art. V. § 16, as amended in 1884.

² *Rules of the House* (in *House Journal*, 1901, 95-102; *Senate Rules* (in *Senate Journal*, 1901, 210-216). Trace also the history of House Bill 798 (primary election law), using the indexes of the House and Senate *Journals*. See also statistics in *House Journal*, 1069.

³ *Constitution of Illinois*, 1870, Art. IV. § 22; X; XI.

Chicago, are so different from those of others that this restriction has proved inconvenient and has sometimes been evaded. This may be done by passing a law which, though general in its language, can really apply only to one city or county. Thus the primary election law of 1901 provided that certain rules should apply unconditionally in any county with more than 125,000 inhabitants. This could only mean Cook County. Sometimes also it is provided that a particular act shall apply only in those counties which vote in favor of it.¹ Though in some respects this prohibition of special legislation is inconvenient, it has probably prevented much reckless and corrupt legislation in aid of private interests. Another important clause forbids the incurring of a large debt without a special vote of the people.² These restrictions seem to show that in Illinois as in other American States the people do not have unlimited confidence in the wisdom and integrity of their representatives.

34. THE EXECUTIVE POWER

The general assembly makes the laws, but it can not itself enforce them. For the purpose of seeing that the general rules of the law are actually carried into effect, the constitution has established the executive and judicial departments. Though the judges must be looked to to decide just what the law is in any particular case, it is the executive which in the long run has the force necessary to compel obedience.

The executive department.

¹ Hurd, *Revised Statutes*, ch. 46, §§ 287, 287a, 428; Starr and Curtis, *Annotated Statutes*, 781.

² *Constitution of Illinois*, 1870, Art. IV. § 18.

Federal and
State
executives
compared.

There is one great difference between the State executive and that of the Union. The constitution of the United States adopts the principle of a single executive head and says, "The executive power shall be vested in a president of the United States of America." Hence the other executive officers derive their authority, directly or indirectly, from the president, who is responsible for all executive policies. The constitution of Illinois says, indeed, that "the *supreme* executive power shall be vested in the governor," but it declares also that the "executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction and attorney general." Each of these additional officers is chosen directly by the people, quite independently of the governor. Nevertheless, the governor does have the duty of general oversight, and it is his peculiar duty "to take care that the laws be faithfully executed."¹

Qualifica-
tions and
tenure of
office. Im-
peachment.

The governor of Illinois must be at least thirty years old and must have been for five years a citizen of the State and of the United States. His term of four years is the same as that of the president and longer than those of most American governors. He may also be reëlected for one or more terms,² though few have actually been so reëlected. Like other State executive and judicial officers, he may be removed by impeachment. This requires, first, the votes of a majority of all the representatives. The impeachment is then tried by the Senate and in the trial of a governor the chief justice would preside.

¹ *Constitution of Illinois*, 1870, Art. V. §§ 1, 5, 6.

² *Ibid.*, Art. V. § 5.

Two-thirds of all the senators elected must consent in order to secure a conviction.¹ No governor of Illinois has yet been impeached.

The governor exercises a general supervision over the State government in order that the laws may be "faithfully executed." All executive officers and the governing boards of the State institutions must therefore report to him regularly and on such special occasions as he thinks necessary.² Closely connected with this duty is the governor's power of appointing and removing officers. Though some of the more important State officers are elected, a very large proportion of all the officers of the central government are appointed by the governor with the consent of the Senate, and may be removed by him. The number of officers appointed by the governor has steadily increased during recent years and he may justly be held responsible for their management of the public interests.³

Supervision of other executive officers. Appointments and removals.

If the authority of legal officers is anywhere resisted, the governor as commander-in-chief may call the State militia into service for the preservation of order and the enforcement of law. In the exercise of this authority as commander-in-chief, the governor is assisted by an officer appointed by him called the adjutant general.⁴

The governor as commander-in-chief.

The governor has also the power in individual

Pardoning power.

¹ *Constitution of Illinois*, 1870, Art. IV. § 24.

² *Ibid.*, Art. V. §§ 6, 21.

³ Even in the case of such State officers as the secretary of state and the treasurer, the governor may make temporary appointments to fill vacancies. *Ibid.*, Art. V §§ 10-12, 20.

⁴ *Ibid.*, Art. V. § 14; *The Military and Naval Code of Illinois* (Act approved May 14, 1903), especially §§ 2-32 (in Hurd, *Revised Statutes*, ch. 129).

cases to pardon offenses against the State. He may pardon a criminal outright, or delay his punishment by a reprieve, or commute (lessen) the penalty. The legislature, however, may lay down rules as to the method of applying for pardons and such applications must now be passed upon first by the State Board of Pardons. The report of the Board does not, however, bind the governor.¹

Relation
to the legis-
lature.

The governor has a considerable power over the general assembly through his right of veto. He can also fix the date of adjournment when the two houses can not agree. He calls special sessions of the legislature at his discretion and decides what subjects may then be acted upon. He may also recommend measures to the general assembly and his influence over it is often very great, especially with those members who belong to his own party. On the other hand, the general assembly is entitled to have from the governor at the opening of each session a general report on the condition of the State and a particular account of money spent by his order. He must also transmit to the general assembly the reports which he has received from other State officers.²

Extradition.

The governor is the usual representative of the State in its relation with the United States and with other State governments. One of his most important duties of this kind is that of delivering up fugitives from justice on the demand of other States, or himself issuing requisitions upon other governors

¹ *Constitution of Illinois*, 1870, Art. V. § 13; *Revised Statutes*, ch. 104a.

² *Constitution of Illinois*, 1870, Art. V. §§ 7-9, 16, 20, 21.

for fugitives charged with offenses against the laws of Illinois.¹

If the governor dies or resigns, or is removed from office by impeachment, his place is filled for the remainder of his term by the lieutenant governor, who also acts for him if he is unable, because of absence from the State or for any other reason, to perform his duties. At other times the lieutenant governor's only duty is that of presiding over the Senate. He does not appoint the committees, but may give the casting vote in case of a tie.² When there is neither a governor nor a lieutenant governor, the work and the authority of the governor pass in succession to the president *pro tem.* of the Senate and the speaker of the House of Representatives.³

Lieutenant
governor.

There are five other State executive officers elected by the people, all but one chosen for the term of four years.⁴ The secretary of state has charge of the records of the State and certifies the official proceedings of the governor and assembly. He also issues charters to corporations under the general State laws and is expected to exercise a certain supervision over them.⁵ The attorney general is the legal adviser of the other State officers and acts as counsel for the State in important cases. He may also be called upon to give legal advice to the general assembly.⁶ The State superintendent of public instruction, though classed as an executive officer, has little real

Other execu-
tive officers
elected by
the people.

¹ *Constitution of the United States*, Art. IV. § 2.

² *Constitution of Illinois*, 1870, Art. V. §§ 17-18.

³ *Ibid.*, § 19.

⁴ *Ibid.*, § 1.

⁵ Hurd, *Revised Statutes*, ch. 124; 32, § 2.

⁶ *Ibid.*, ch. 14.

executive power. His work is chiefly that of supervision and advice.¹

The treasurer and the auditor.

The two officers who are specially entrusted with the finances of the State are the State treasurer and the auditor of public accounts. The State treasurer receives the public money and pays it out in accordance with law, giving heavy bonds in order to insure the State against loss. Unlike the other elective State officers, his term is limited to two years and he can not serve two consecutive terms. The treasurer is checked by the auditor, who keeps the accounts of the State. No money can be received or paid out by the treasurer without the auditor's order or warrant.²

Other executive officers.

To these officers who do their work at the capital, we must add, as the only other officers who are elected by the people of the State as a whole, the trustees of the University of Illinois.³ Most of the other State officers are appointed either by the governor or by some other elective State officer.

35. THE JUDICIARY

Functions of the judiciary.

In the enforcement of the law, questions constantly arise either as to its meaning or as to the facts in any particular case to which that law is supposed to apply. Has an officer acted within his rights? Is John Smith guilty of theft? Does a particular piece of land belong to John Doe or Richard Roe? Such questions must be answered by the courts of law.

Organization of the judiciary.

There are now three kinds of courts whose au-

¹ Hurd, *Revised Statutes*, ch. 122, §§ 1-6. See below ch. 14.

² *Ibid.*, chs. 15, 130.

³ *Ibid.*, ch. 144.

thority extends over districts larger than a single county and which may therefore be considered as State rather than local courts. These are the circuit courts, the appellate courts, and the supreme court. Two general principles apply to them all. First, they are not appointed by the governor,¹ as the Federal judges are by the president, but are elected by the people. Secondly, instead of holding office for life or during good behavior like the Federal judges, they have definite terms of six or nine years. The State judges are thus more dependent upon the people. During their terms of office, however, they can not be removed except by impeachment, or by a three-fourths vote of all the members elected to each house of the general assembly. Their independence is also protected by the constitutional provision that their salaries can not be changed during the terms for which they are elected.²

For the organization of the circuit courts, the State is now divided into eighteen judicial circuits. Cook County makes a circuit by itself, but elsewhere three or more counties are combined. In each circuit except Cook County three judges are elected on a "general ticket" once in six years. The sessions of the circuit court are held in succession in each county of the circuit and at every such session or *term* one of the circuit judges, and one only, must preside. The distribution of this work is arranged by the judges among themselves.³ In Cook County, legal business is so much greater that the number of judges is made larger. Provision is also made for

Circuit
courts.

¹ Except to fill vacancies for short periods.

² *Constitution of Illinois*, 1870, Art. VI.

³ Hurd, *Revised Statutes*, ch. 37, §§ 73-81.

two special courts known as the *Superior Court of Cook County* and the *Criminal Court of Cook County*, each of which does some of the work which would elsewhere be done by the circuit judges.¹ The general rule of the constitution is that the circuit courts have "original jurisdiction of all causes in law and equity." This means that the trial of any case may be begun in these courts. The circuit judges may also hear appeals from decisions of the county and other local courts.²

Appellate
courts.

Next above the circuit courts are the *appellate courts*. The law now provides for four appellate court districts. Cook County again constitutes one district and there is one each for the northern, central, and southern sections of the State. No judges are specially elected for this service, but in each district three circuit judges are assigned by the supreme court for three years' work in the appellate court. These three judges then choose one of themselves as presiding justice. The appellate courts hear appeals, in certain cases, from the circuit and county courts.³ On account of the overcrowding of the appellate court of Cook County, the legislature in 1897 provided for a branch appellate court to be formed by the assignment of three more circuit judges.⁴

¹ *Constitution of Illinois*, 1870, Art. VI. §§ 23-28. In a few cities of the State, there are so-called "city courts," which have a jurisdiction like that of the circuit courts. *Blue Book*, 1903, 19.

² Hurd, *Revised Statutes*, ch. 37, §§ 36-82c. The circuit court also appoints in each county a judicial officer called the master in chancery. *Revised Statutes*, ch. 90.

³ *Ibid.*, ch. 37, §§ 18-35a. In Cook County superior court judges may be so assigned.

⁴ *Ibid.*, ch. 37, §§ 35b-35k.

The highest State court is the *supreme court*, consisting of seven judges, one from each of seven judicial districts. The elections in the different districts are held in different years, but each judge is elected for a term of nine years. Since judges are frequently reelected, the court is made up largely of men who have had long experience. Of the five judges elected in 1897, four had already been members. The office of chief justice is held in turn by different members and four judges must agree in order to decide any case. In a few cases, the supreme court may exercise original jurisdiction, that is, it may act upon a suit which has not been heard in the lower courts. In general, however, it is a court of appeals either from the appellate court, or directly from the circuit and county courts.¹

Supreme
court.

Though the work of the judges consists chiefly in the trial of individual cases, the constitution also requires them to give advice on general principles of law. Thus, the judges of the lower courts are required to report to the supreme court every year such defects in the law as they may have observed. The supreme court judges, besides pointing out such defects in the constitution and laws, are required to submit "forms of bills to cure such defects and omissions in the laws."²

Advice on
legislation.

For the assistance of the judges, certain clerical and administrative officers are provided. The supreme court has a clerk elected by the people of the

Clerks.

¹ *Constitution of Illinois*, 1870, Art. VI. §§ 2-10; *The Blue Book*, 1903, 263-264.

² *Ibid.*, Art. VI. § 31.

State for a term of six years and a reporter chosen by the court itself. The appellate and circuit court clerks are also elected by the people.¹

¹ *Constitution of Illinois*, 1870, §§ 9, 100; Hurd, *Revised Statutes*, ch. 25, § 5; ch. 37, §§ 3a, 20, 21.

CHAPTER VII

THE LOCAL GOVERNMENTS

36. REFERENCES

Bryce, *American Commonwealth*, I., chs. 48-52; Hinsdale, *The American Government*, ch. 55; Hart, *Actual Government*, Part IV.; Wilson, *The State*, §§ 1209-1259; Goodnow, *Comparative Administrative Law*, Book III.; Cooley, *Constitutional Limitations*, ch. 8; Black, *Handbook of American Constitutional Law*, ch. 17; Andrews, *American Law*, chs. 24, 25; Commons, *Proportional Representation*, ch. 8; Dillon, *Commentaries on the Law of Municipal Corporations*, especially I., ch. 5; How and Bemis, *Municipal Police Ordinances*; Brooks, "Bibliography of Municipal Administration and City Conditions" (in *Municipal Affairs*, I., with supplementary lists in later issues); Howard, *Local Constitutional History of the United States*, chs. 4, 10; Goodnow, *Municipal Home Rule*; Wilcox, *Study of City Government*; Shaw, "Local Government in Illinois" (in *Johns Hopkins University Studies in History and Political Science*, I., No. 10); Haines, *Township and County Organization*; James, *The Charters of the City of Chicago*, Part I., ch. 1. Compare for suggestions from European experience Shaw, *Municipal Government in Continental Europe and Municipal Government in Great Britain*, and Fairlie, *Municipal Administration*.

Documents: Hurd, *Revised Statutes*, ch. 24; Starr and Curtis, *Annotated Statutes*; revised ordinances of particular cities.

37. COUNTY GOVERNMENT

It is one of the most important principles of American politics that the people of any particular district or community ought, so far as possible, to manage their own affairs. On the other hand, the different parts of a State, being much more closely

Principles
of local
government.

related to each other than are the different States of the Union, must be largely governed by general laws adopted by and for the State as a whole. To a large extent, also, local officers have not only to manage local affairs, but must also act as agents of the State, as, for example, in laying taxes and keeping order.

The county.

The largest subdivision for purposes of local government is the county. There are now 102 counties in Illinois, differing greatly in area, one county (McLean) having about the same land area as Rhode Island. The differences in population are even greater. Cook County had in 1900 nearly 2,000,000 inhabitants, and a few of the smaller counties had less than 10,000.

County boards.

The chief authority in each county is the county board which has general charge of county property and has the right to lay a limited amount of taxes for county purposes.¹ There are now three distinct kinds of county boards in Illinois. The *county commissioner system* is in force in nineteen counties where no township governments have been organized. The board there consists of three commissioners elected by the people of the county.² Under the township-county system, the county is divided into townships and is governed by a board of supervisors, one or more supervisors being elected by the people of each township.³ Finally, Cook County, with its great city population and immense business

¹ Hurd, *Revised Statutes*, ch. 34, §§ 25-28; *Constitution of Illinois*, 1870, Art. IX. §§ 8, 12.

² *Constitution of Illinois*, 1870, Art. X. § 6; Hurd, *Revised Statutes*, ch. 34, §§ 42-48; *Blue Book*, 1903, 377-380.

³ *Constitution of Illinois*, 1870, Art. X. § 5; Hurd, *Revised Statutes*, ch. 34, §§ 50-58.

interests, is given a peculiar government of its own, which will be discussed later.

These different systems have had an interesting history. The early settlers, having come largely from the south, naturally adopted the southern policy of making the county the important unit of local government. On the other hand, the later settlers from New England and the Middle States were accustomed to some form of township government and they were finally able to secure in the constitution of 1848 a provision giving each county which desired it the right to adopt a township organization. This system was soon established in all the northern counties and finally in a majority even of the southern and central counties.¹

History of
township
organization.

Though the county board has general supervision over all county administration, it is primarily a legislative body and its orders must be carried out by executive officers. The most important of these is the sheriff, elected by the people for a term of four years. It is his duty to execute the orders of the county courts. The law also calls him a "conservator of the peace," and makes him chiefly responsible for preventing crime and seeing that peace and order are maintained. In counties without township organization he is also the collector of taxes for the county. The other county officers and their duties may be briefly summarized:²

The sheriff.

1. The *county clerk* has charge of the county

County
Clerk.

¹ See Shaw, "Local Government in Illinois" (in *Johns Hopkins University Studies*, I.) ; *Constitution of Illinois*, 1848, Art. VII. § 6.

² *Constitution of Illinois*, 1870, Art. X. § 8; Hurd, *Revised Statutes*, ch. 125.

records, sends out notices of election, issues marriage licenses, and has some important work in connection with the assessment and collection of taxes. He also serves as clerk of the county court.¹

County
treasurer.

2. The *county treasurer* holds the funds of the county. In counties without township organization, he assesses the taxes. In "township-counties" he supervises the work of the township assessors and acts as county collector.²

Coroner.

3. The *coroner* may sometimes acts as substitute for the sheriff, but his most important duty is that of holding, with a jury of six men, the *coroner's inquest* to determine in suspicious cases whether the death of any person is due to other than natural causes.³

State's
attorney

4. The *State's attorney* does for the county much the same kind of work which the attorney general does for the State. He prosecutes violators of law, acts as counsel for the county, and gives legal advice to county officers.⁴

Recorder of
deeds.

5. The *recorder of deeds*. In a few of the larger counties (having more than 60,000 inhabitants), a separate recorder of deeds is elected, but generally land titles are recorded by the clerk of the circuit court.⁵

County su-
perintendent,

6. The *county superintendent of schools* supervises the schools of the county and examines teachers.

Surveyor.

7. The *county surveyor*⁶ must mark out the lines

¹ Hurd, *Revised Statutes*, ch. 35; cf. ch. 25, § 2.

² *Ibid.*, ch. 36; cf. ch. 120, §§ 144, 296.

³ *Ibid.*, ch. 31.

⁴ *Ibid.*, ch. 14.

⁵ *Ibid.*, ch. 46, § 27; ch. 115.

⁶ *Ibid.*, ch. 133.

of any piece of land in the county when asked to do so.

All these officers are elected for terms of four years. As a special precaution sheriffs and treasurers, after serving one term, are made ineligible for the next four years.¹

Tenure of
office.

The judicial authority in the county government is chiefly exercised by the county court, held by a single judge who is elected for a term of four years. The county judge has original jurisdiction in some cases, but he also hears appeals from justices of the peace and police magistrates. Among the most important matters in which he has original jurisdiction are taxes, assessments, and inheritance cases. From the county court, appeals may be taken, according to the circumstances, to the circuit, appellate, or supreme courts of the State.² In some of the larger counties, the probate business is given to a separate court. The judge of this *probate* court is then elected for the same term as the county judge.³

County
courts.

38. TOWN GOVERNMENT

The great majority of all Illinois counties are now divided, for purposes of local government, into towns or townships, corresponding roughly, but not exactly, with the "congressional townships" into which the western public lands were subdivided by the Federal government, and which, before the organ-

The town
and the town
meeting.

¹ *Constitution of Illinois*, 1870, Art. X. § 8 (as amended).

² *Ibid.*, Art. VI. §§ 18, 19; Hurd, *Revised Statutes*, ch. 46, § 16.

³ *Ibid.*, Art. VI. § 20; Hurd, *Revised Statutes*, ch. 37, §§ 216-239e. Probate cases are those which have to do with the settlement of property after death.

ization of regular township governments, had already been organized for school purposes.¹ The chief authority in each town belongs to the voters in town meetings, the annual meeting being held on the first Tuesday in April. In the morning, the town officers for the year are elected, and in the afternoon other business is attended to, including the laying of taxes for local purposes.²

Town
officers.

The principal executive officers of the town are the *supervisor*, the *town clerk*, the *assessor*, the *collector*, and the *highway commissioners*. The *supervisor*, besides representing the town in the county board, has charge of township funds, and is also, except in the larger towns, *overseer of the poor*.³ The larger towns are entitled to more representatives on the county board, but these *assistant supervisors* have no authority in strictly town affairs. The town clerk has charge of all town records. He also serves with the supervisor and the justice of the peace on a board of auditors to examine the accounts of town officers. The highway commissioners have general charge of roads and bridges and have the right to lay a special tax for this purpose.⁴ The town assessor and collector have to do largely State and county work. The assessor determines the valuation of property according to which all State, county and local taxes are laid, and the town collector has to collect state and county as well as town taxes.⁵ All these officers are chosen by the voters of the town

¹ Hurd, *Revised Statutes*, ch. 139, §§ 1-20.

² *Ibid.*, §§ 38-83.

³ *Ibid.*, ch. 139, §§ 101-111; ch. 107, § 18.

⁴ *Ibid.*, ch. 139, §§ 112-126a. See also §§ 132-149, and ch. 121, §§ 1-11.

⁵ *Ibid.*, ch. 139, Art. XII., and ch. 120 *passim*.

at the annual meeting and serve for one year, except the three highway commissioners, of whom one is elected each year for a three year term.

The judicial business of the town is done by the justices of the peace, who, with or without a jury, try petty civil and criminal cases. The number of justices in each town varies from two to five. They are elected by the voters of each township and serve four years. The orders of the justices are enforced by the constables, who are elected in the same way. It is their duty also to keep the peace and bring offenders before the courts. In counties without township organization, justices and constables are chosen in each election precinct.¹

Justices and constables.

The purely local business of the town is on the whole not important. Town officers do their most important work as agents of the state and county governments, especially in the assessment and collection of taxes.

Character of town business.

39. MUNICIPAL GOVERNMENTS

Wherever there is a considerable gathering of people, the simple machinery of town and county governments needs to be supplemented by that of the village or city. These municipal governments unlike the towns are intended largely to serve the special local needs of the community for which they were organized. When a city becomes large enough to include one or more townships, a large part of the purely local town business is transferred to the city, and the town becomes more than ever a mere agency of the county government.

Reasons for municipal government.

¹ Hurd, *Revised Statutes*, ch. 79, especially §§ 16-33; cf. ch. 38, §§ 339-346.

Municipal
govern-
ments regu-
lated by
State laws.

The general principles of city and village government are laid down by acts of the legislature. Before the adoption of the present constitution, it was customary to grant special charters to particular villages and cities. The constitution now provides that all cities and villages must be incorporated under general laws. The special needs of different communities can, however, be met to a certain extent either by passing laws applying to cities of a certain population, or by allowing the people of any particular town to decide whether they will accept for themselves certain parts of a general law.¹ Thus Chicago has been able to get the benefit of certain laws without forcing them upon the cities where they are not necessary or desirable. It is not always easy, however, to frame these in such a way that they will be sustained by the courts.²

Village
government.

Though the general principles of city and village government are much alike, they are differently organized. The chief officers of the village are the president and the board of trustees. The board is composed of six members besides the president, all elected by the voters of the whole village for a term of two years. Three of the six trustees retire each

¹ *Constitution of Illinois*, 1870, Art. IV. § 22. This did not affect the government of cities which preferred to keep their former special charters. There are now nearly one thousand municipal governments in Illinois, of which only seventy-five are organized under special laws. *Blue Book*, 381-382. See notes on this article in Starr and Curtis, *Annotated Statutes*, I. 134-137. There are still a few municipal governments which are called *towns*, but which are really villages or cities in the sense in which these words are used in this section.

² See *Devine v. Commissioners of Cook County*, 84 *Illinois Reports*, 590, and *Cummings et al. v. City of Chicago*, 144 *Illinois Reports*, 563.

year. This board passes the necessary ordinances for the regulation of local affairs. In the passage of ordinances, the president has the casting vote and also the right to veto, but four of the six trustees may pass ordinances over his veto. The president is the chief executive officer of the village.¹ The village clerk is elected by the people, but the treasurer and some minor officers are appointed by the president with the approval of the board. The judicial business of the village is done partly by justices of the peace and partly by a special village officer, the police magistrate, chosen by the people, and having an authority like that of a justice of the peace.²

The village government is intended for small communities. Any area not exceeding two square miles, not yet included in any incorporated place, and having not less than three hundred inhabitants, may be incorporated as a village, if a majority of the legal voters desire it.³ Such a government may be continued so long as the people desire it, but when the population is not less than one thousand, village organization may be changed for the more elaborate city government.⁴

The representative body in a city is called the city council or board of aldermen. For the purpose of electing aldermen, the city is divided into wards, which should be roughly equal in population. Each ward is usually allowed two aldermen, one of whom

Conditions under which village or city governments may be organized.

City government. The city council.

¹ Hurd, *Revised Statutes*, ch. 24, §§ 178-193h.

² *Ibid.*, §§ 191-192.

³ *Ibid.*, §§ 178-184.

⁴ *Ibid.*, §§ 1-13e.

is elected each year for a term of two years.¹ Subject to the veto of the mayor, the council makes the local laws or regulations of the city, which are commonly called ordinances.²

Powers of
the city
council.

The subjects upon which a city council may act are carefully defined by State law.³ A brief summary of these provisions will show what are the general purposes for which village and city governments are instituted. In the first place, the city council is responsible for good order. It therefore organizes the police and makes such other rules as are necessary to suppress disturbance. It also provides places of detention for petty offenders. In the second place, it has charge of the safety and health of the people. Under this head come provisions for the fire department and health regulations of various kinds. In the third place, the council makes provision for the proper care of streets, and regulates the use of them by gas companies, by railways, and by vehicles of all sorts. In the fourth place, the city regulates various kinds of business within its limits by requiring licenses from those engaged in them, as in the case of hackmen, pedlars, and liquor dealers. The proper management of all this business requires the spending of money. The council has therefore the right to lay taxes and to borrow money. These financial powers are, how-

¹ Except in cities where the plan of minority representation has been adopted.

² Hurd, *Revised Statutes*, ch. 24, §§ 29-61.

³ A municipal corporation has only those powers which have been clearly delegated to it by the State law. "Any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporations, and the power is denied." Dillon, *Municipal Corporations* (ed. 1890), I. 145.

ever, carefully limited and guarded by the constitution and laws of the State.¹

The chief executive officer of the city is the mayor, who is chosen for a term of two years, but may be indefinitely reëlected. In recent years the tendency has been to increase his power in order that he may be held accountable for the proper administration of city affairs. Though a few city officers are elected by the people, the majority of the important ones are appointed by the mayor with the approval of the council. He may also remove such officers but must give his reasons for doing so and the council may by a two-thirds vote of all its members restore the persons removed. The mayor can thus generally control the policy of the important city departments. He has also a general right to supervise other city officers not appointed by him and is bound to see that the laws and ordinances are faithfully executed. For the preservation of order within the city limits, he has powers somewhat like those of the sheriff.²

The mayor is also a part of the city legislature. He presides over the council and in case of a tie may give the casting vote. He may also veto ordinances, or particular items in them when they provide for the spending of money. The veto must, however, be sent to the council within five days and the ordinance may then be passed by a vote of two-thirds of all the members elected.³

To guard against abuse of powers, mayors and all

¹ Hurd, *Revised Statutes*, ch. 24, §§ 62-71. See also below, ch. 9.

² *Ibid.*, §§ 14-28.

³ *Ibid.*, §§ 46, 47.

The mayor.

His relation to the council.

His accountability to the courts.

other city officers who "may be guilty of a palpable omission of duty or shall willfully and corruptly be guilty of oppression" or other misconduct, may be tried in any court of law and if guilty may be removed by the court.¹

Minor officers. The city civil service law.

Besides the mayor, the people of each city elect a city clerk, a city treasurer, and a city attorney. The executive officers appointed by the mayor vary greatly in different cities. Among the most important are the city collector, the corporation counsel, who is the chief legal adviser of the city, the superintendent of streets, and the chiefs of the police and fire departments. Sometimes certain kinds of city business are entrusted to boards or commissions. Thus the law now allows the people of any city which desires it to appoint a Board of Fire and Police Commissioners.² Any city which desires it may adopt a system of competitive examinations for places in the city service under the supervision of a city civil service commission. This civil service law, however, has not yet been generally accepted in the cities of the State. It does not in any case affect the appointment of the important heads of departments.³

Police magistrates.

In most cities the only judicial officers who belong distinctly to the city government are the police magistrates, whose authority is substantially the same in a city as in a village.⁴

¹ Hurd, *Revised Statutes*, ch. 24, § 27.

² *Ibid.*, §§ 72-87, 434a-434t. See *Revised Ordinances* and official directory of any city.

³ *Ibid.*, §§ 446-485.

⁴ *Ibid.*, §§ 249, 250. The so-called *city courts* have a jurisdiction similar to that of the circuit courts and exist only in a few cities. See above, p. 92, note.

40. MINOR LOCAL GOVERNMENTS

The county, the town, and the village or city are the only local governments which have any general authority. There are, however, certain other subdivisions of the State for certain clearly specified purposes. For example, the State is divided into judicial districts and circuits for the election of judges and into congressional districts for the choice of congressmen. In connection with the system of taxation, the State is again divided into districts, each of which elects a member of the State board of equalization. All these, however, are merely conveniences for the administration of the central government, and not local governments at all.

Electoral
subdivi-
sions.

Other divisions have been made for distinctly local purposes. One of these is the drainage district, which is organized under a board of commissioners, having charge of the building of drains either as an agricultural improvement or in the interest of the public health.¹ Similarly also the laws allow the people of a given area to organize a park district and to elect park commissioners. These commissioners have authority to maintain parks and to lay taxes for that purpose.²

Drainage
and park
districts.

By far the most important governments organized for a specific local work are the school townships and the school districts. The history and present organization of this branch of local government will be considered in a later chapter; but it may be noted here that the school board of every district except Chicago has the important governmental power of laying taxes.

School dis-
tricts.

¹ Hurd, *Revised Statutes*, ch. 42.

² *Ibid.*, ch. 105.

CHAPTER VIII

THE LOCAL GOVERNMENTS OF COOK COUNTY

41. REFERENCES

(See also the general references under Sec. 36)

Secondary Authorities: Andreas, *History of Chicago*, 3 vols.; Sparling, *Municipal History and Present Organization of the City of Chicago* (University of Wisconsin, *Bulletin* No. 23); Gage, "Chicago and Its Administration" (in *Open Court*, XI. 193-213); James, *The Charters of the City of Chicago*; Gray, "Greater Chicago" (in *Annals of the American Academy of Political and Social Science*, XVII. 291); McVeagh, *City Government of Chicago* (in Municipal League Publications, Philadelphia, 1894). Much material on municipal government in Illinois and elsewhere is to be found in the periodical called *Municipal Affairs* and in the *Proceedings* of the National Municipal League. There is also a good working bibliography in Sparling, *Municipal History*.

Documents: *The Revised Code of Chicago* (1897); Hurd, *Revised Statutes*, ch. 24; Starr and Curtis, *Annotated Statutes*, ch. 24; Chicago, Department of Finance, *46th Annual Report* (1903); see also the *Reports* of other heads of city departments, especially those of the commissioner of public works which contain messages of the mayor.

42. THE GOVERNMENT OF COOK COUNTY

Though the constitution lays down the principle that legislation regarding local government should be the same throughout the State, it is generally understood that the great metropolitan district of Chicago requires legislation suited to its special needs. This is recognized to a certain extent even

in the constitution itself. Furthermore, laws really intended particularly for Chicago, may be so framed that they do not conflict with the constitutional prohibition of special legislation.

The result of these special needs may be seen first in the government of Cook County. Unlike other counties in which township organization has been adopted, Cook County is governed by a Board of Commissioners. Of these fifteen commissioners, each elected for a two year term, ten are chosen by the city of Chicago, and five by the country towns, which are thus given a representation far out of proportion to their population. Under the present law, the voters may select one of the candidates for commissioner as President of the County Board.¹

Cook County
Board of
Commis-
sioners.

Though the powers of these commissioners are like those of the supervisors elsewhere, they are much more exactly defined and limited, doubtless because they have to do business on a so much larger scale. This is seen particularly in money matters. Thus two-thirds of the commissioners must agree in order to appropriate more than \$500. During the first quarter of every financial year, the annual appropriation bill must be passed. This must specify the different items in detail, and no additional appropriations may be made except in a few clearly defined cases. On the passage of this bill the votes of the commissioners must be taken by yeas and nays.

Powers of
the commis-
sioners de-
fined.

The President of the Board of Commissioners is in some respects like an ordinary commissioner, and as such has the right to vote, but he has also impor-

The Presi-
dent of the
board.

¹ Hurd, *Revised Statutes*, ch. 34, §§ 42-63.

tant special powers. He may veto appropriation bills and other acts which incur financial obligations. He may also veto specific items in appropriation bills. Four-fifths of the commissioners must agree in order to overcome this veto. The President also, with the approval of the Board, appoints such important officers as the *county attorney* (not the *State's attorney*), the *superintendent of service* (who buys the county supplies) and the heads of some of the county institutions. He also appoints three county civil service commissioners who have charge of the system of competitive examinations established for the choice of subordinate officers. Not more than two of these commissioners, however, may be appointed from the same political party.

Other
county off-
icers.

The county executive officers chosen by the people elsewhere, the sheriff, county clerk, county treasurer, State's attorney, coroner, recorder of deeds, and surveyor, are similarly chosen by the people of Cook County. In general, they have similar work to do, but the clerk of Cook County has specially important financial duties and is given the additional title of *comptroller*. A few county officers not elected by the people elsewhere, are so elected in Cook County. These are the county *assessors*, five in number, and the County *Board of Review*, chosen for the purpose of securing a proper assessment of taxes, as will be explained in a later chapter.

Judicial of-
ficers. Jus-
tices of the
peace.

All the courts which do business within the limits of Cook County show clearly the influence of city conditions and it will, therefore, be convenient to treat them together, beginning with the lowest grade. The office of police magistrate still exists in the smaller cities and towns of the county, but it has

been abolished in Chicago where the work of that officer is done by the justices of the peace.¹ The Chicago justices instead of being elected by the people of each town, as they are elsewhere, are appointed by the governor on the recommendation of the Cook County judges (those of the circuit, superior, probate, and county courts) and with the approval of the Senate. There were in 1903 over fifty of these justices apportioned roughly in proportion to population among the various towns or parts of towns which make up the City of Chicago. A certain number of justices are assigned by the mayor to the trial of petty cases in the police courts of the various districts into which the city is divided. There has been much criticism of this part of the judicial system and some radical reforms have been proposed.²

As in the other larger counties of the State there is one county judge and one probate judge, each elected by the people. The State courts, however, have been much influenced by the great mass of business in Cook County. Cook County forms a circuit by itself and has instead of three circuit judges, fourteen of this class beside twelve judges of the Superior Court exercising a similar jurisdiction. Some of the Circuit and Superior Court judges are also assigned to duty in a special Criminal Court. Finally the Appellate Court of Cook County has been relieved of a part of its business by the creation of a *branch* appellate court.

Other courts
in the
county.

¹ Starr and Curtis, *Annotated Statutes*, I. 158 (note on Constitution, Art. VI. § 28).

² *The Revised Code of Chicago*, ch. 52. See list of Police Courts in 1903 in Department of Finance, *46th Annual Report*, 15, 16.

43. THE GOVERNMENT OF CHICAGO

Early gov-
ernment of
Chicago.

The constitutional history of Chicago begins with the year 1833. In that year, while still a small trading post, it was incorporated as a village under a general law passed by the State legislature in 1831. The needs of this little village were simple and it had a simple government under a board of trustees elected by the freeholders. The town grew fast during the next few years and in 1837, it received a city charter. Its needs, however, were still simple, and the change from village to city government meant little more than a change of name. The Board of Trustees became the City Council. There was also a mayor, elected by the freeholders, but he was hardly more than the chairman of the council.

Later
charters.

For nearly forty years, the growing needs of Chicago were largely provided for by special laws or charters. The powers of the council were increased in order that it might deal properly with new problems. The mayor gradually became an important executive officer and administrative departments were organized to manage particular interests of the city. Thus the simple government of a country village gradually gave way to the complicated and expensive machinery of a modern city.

Organiza-
tion under
the law of
1872.

The State constitution of 1870 forbade new charters to particular cities; in 1872, the legislature passed a general law for the organization of all cities which chose to accept it; and in 1875 this law was accepted by the people of Chicago.¹ Even under this general law, there is some recognition of the

¹ Sparling, *Municipal History of Chicago*, Part I.; James, *The Charters of the City of Chicago*, Part I.

special needs of a large city. The act of 1872 itself was largely based upon the experience of Chicago and since the general law does not prescribe all the details of government, these are left to be filled out by ordinances of the city council, which may be very different in different cities. Finally Chicago may get a kind of special legislation even under the present constitution. Laws may be passed which apply only in cities which choose to adopt them, or which apply only to cities of a certain population. It is always hard, however, to be certain that any particular law of this kind will not be declared unconstitutional and an amendment has therefore recently (1903) been submitted to the people which if adopted by them will give the legislature greater freedom.¹

Chicago like other cities is governed by a mayor and a city council. The council is made up of seventy aldermen, two from each of the thirty-five wards.² The average area of a ward is about six square miles and its average population in 1900 was about 50,000. Thus two aldermen represented more people than the two United States senators from Nevada. The Chicago city council like other representative bodies works largely through committees elected by the whole council every year. The committees on finance, judiciary, streets and alleys, licenses, and police are important examples.

The city council.

The mayor of Chicago is a powerful officer. He is elected by the voters of the city for a term of two years, but he may be indefinitely reelected. His salary is fixed by the city council and cannot be

The mayor.

¹ See the note at the close of this chapter.

² Hurd, *Revised Statutes*, ch. 24, Art. III.

changed during his term. He presides over the council and has the right to veto ordinances, including items in an appropriation bill. A two-thirds vote of all the aldermen elected is necessary to pass an ordinance over the veto.¹

His appoint-
ing power.

The superior power of the mayor of Chicago as compared with those of smaller cities is due not so much to any special constitutional or legal provisions, but rather to the immense interests placed under his care, and the large number of officers necessary to care for such interests. This is shown especially in his appointing power. The general State law provides for the election of a city treasurer, the city attorney, and the city clerk, but the manner of choosing other city officers is determined by the council. In Chicago, the important department officers are now appointed by the mayor with the approval of the city council. They may be removed by the mayor, but he must report his reasons to the council which may, by a two-thirds vote restore to office any one who has been removed. Usually the mayor's action both in appointing and removing officers is accepted by the council.² Thus the council, though having the power to restrict seriously the powers of the mayor has actually enabled him to become the real head of the city administration.³

Administra-
tive depart-
ments.

In organizing the various departments, the council has a great deal of freedom. City offices are

¹ Hurd, *Revised Statutes*, ch. 24, §§ 14-47, 72-87.

² *Ibid.*, ch. 24, §§ 14-28, 72-87. Cf. Sparling, *Municipal History*, Part II.

³ The mayor is somewhat less independent of the council in Chicago than in other large American cities. James, *The Charters of the City of Chicago*, Part I., 9.

therefore, with a few exceptions established by city ordinances which may be and are frequently changed. It was formerly customary to place the important departments in charge of boards of commissioners, but this system was gradually abandoned and now the departments are generally in charge each of a single commissioner. Since these commissioners are appointed and removed by the mayor, he may fairly be held responsible for their conduct.¹

Perhaps the most important of these departments is that of *Finance*. The chief of this department is the *comptroller*, appointed by the mayor with the approval of the council. Other important officers of the department are the *city treasurer* elected by the people and the *city collector* appointed by the mayor. The comptroller oversees all officers who have to do with the receiving and paying out of city funds, prepares the annual financial report of the city, and furnishes the council with estimates of the amount of money needed for the various departments. Closely associated with this department is that of *Supplies*, with the *Business Agent* at its head whose duty it is to buy the various kinds of supplies needed by the city.²

An important group of departments is that classed under the general head of *The Public Safety*. This includes the Police Department, with the General Superintendent at its head, whose duty it is, not only to protect the city against crime and disorder, but also to coöperate with other city departments in

Finance.

The public safety.

¹ Sparling, *Municipal History of Chicago*, Part I.

² Hurd, *Revised Statutes*, ch. 24, §§ 88-110; *Revised Code of Chicago*, ch. 4; Department of Finance, *46th Annual Report*.

their work.¹ The *Fire Department*, in charge of the *Fire Marshal*, protects the people against another kind of danger and has earned an excellent reputation.² The *Health Department* tries to guard the city against disease and unhealthful conditions of every kind. Its chief officer is the *Health Commissioner* and he has associated with him among others, the city physician and the smoke-inspector.³ The danger of improper buildings is especially guarded against by the *Department of Buildings*. The *Commissioner* is required to see that buildings of all kinds are safely constructed.⁴

Public
works.

The city is also engaged in various kinds of constructive work. It is expected to provide the people with water, light, sewerage, and proper streets. There are also public buildings to be built and kept in order. Most work of this kind falls under the jurisdiction of the *Commissioner of Public Works*. This is a very large department and is divided into several bureaux, including among others those of *Water*, *Sewers*, and *Streets* and the office of the *City Engineer*. The work of electric lighting for the streets and for city business generally is in the hands of the *City Electrician*, who is now at the head of an independent *Department of Electricity*.⁵

¹ *Revised Code*, ch. 51; list of officers in Department of Finance, *46th Annual Report*, 4, 5.

² *Revised Code*, ch. 26; list of officers in Department of Finance, *Annual Report*.

³ *Revised Code*, ch. 35, and list of officers as above.

⁴ Thus a commissioner of buildings was recently criticised because of alleged carelessness in allowing an unsafe grand-stand on an athletic field. There are also a few minor officers who have to do with the *Public Safety*, as, for example, the *oil inspector* and the *boiler inspector*. *Revised Code*, chs. 17, 45, 65; list of officers as above.

⁵ *Revised Code*, ch. 54; list of officers as above; Sparling, *Mu-*

A city, having these immense business interests needs the constant service of expert legal advisers. In Chicago, as in other cities, there is a city attorney elected by the people, but the real head of the *Department of Law* is the *Corporation Counsel*, appointed by the mayor with the consent of the council.¹

Department
of law.

In the management of the city schools, the board system is still in force. The Chicago Board of Education consists of twenty-one members appointed by the mayor, with the approval of the council. Though it does not have the power to levy a tax directly like other school boards of the State, it is in most respects independent of the general city administration. The Public Library is also managed by a Board of Directors appointed by the mayor.²

School and
library
boards.

In the various city departments, there is now a large body of subordinate employees, usually appointed by the heads of departments. To guard against partisan appointments, the city civil service law was passed by the legislature and accepted by the city of Chicago. Under this law, most subordinate officers are now included in the so-called "classified service" and are chosen by means of competitive examinations conducted by the *City Civil Service Commission*. The three members of this commission are appointed by the mayor, but it is provided that not more than two may be members of the same political party.³

City civil
service law.

municipal History, ch. 12; *Reports of the Commissioner of Public Works*.

¹ *Revised Code*, ch. 5.

² See below, ch. 14.

³ Hurd, *Revised Statutes*, ch. 24, §§ 446-485. This act was passed by the legislature in 1895 and adopted by the voters of Chicago at the city election of that year. See *People v. Kipley*, 171 *Illinois Reports*, 44-93.

44. MINOR LOCAL GOVERNMENTS

Variety of
local gov-
ernments.

The city and county are by far the most important local governments exercising authority within the city limits of Chicago; but they are by no means the only ones. In fact the great variety of different governments operating within the same territory is one of the most serious problems of the municipal reformer.

The towns
of Chicago.

Of these minor governments, the first in order of time is the town. Within the city of Chicago, there are now seven whole towns and parts of three others. In all of these towns forms of government have until very recently been kept up similar to those in other parts of the State. The system is not, however, well adapted to the needs of a large city and has for the most part been abandoned. In 1898 the new revenue law took the assessment of taxes within the city away from the town assessors and gave it to a board of five county assessors. In 1901, an act of the State legislature provided that in towns lying wholly within cities of more than 50,000 inhabitants, the powers of the town meeting might be exercised by the city Council; that the city clerk might be made *ex-officio* town clerk and town assessor; and the county treasurer, *ex-officio* collector and supervisor in each township. The offices of highway commissioners might also be abolished. This law was soon after accepted by the voters of the Chicago township and town government was thus practically abolished.¹

¹ Hurd, *Revised Statutes*, ch. 120, §§ 297-323; ch. 25, §§ 643-650; cf. pp. 407-408; Gray, "Greater Chicago" (in *Annals of the American Academy of Political and Social Science*, XVII. 291). One of the surviving evils of the system is the method of choosing constables. At a recent election, "there were elected in the

Two other kinds of local governments in Chicago have been created more recently. These are the park districts and the sanitary district. Some of the smaller parks are cared for by the city, but the most important ones are managed by separate park boards organized under special laws. These are the *Board of South Park Commissioners*, the *Board of Lincoln Park Commissioners*, and the *Board of West Park Commissioners*. Each of these Boards has charge of the parks within a particular district of the city and exercises some other governmental authority. It may levy taxes for park purposes and employ a special police force. Instead of being under the control of either the city government or the citizens, the commissioners are appointed either by the governor with the approval of the Senate, or, as in the case of the South Park Commissioners, by the circuit judges of Cook County.¹

Park
districts.

The sanitary district of Chicago was organized under an act of the legislature passed in 1889, in order to provide for the construction of a drainage canal to carry the sewage of the city from Lake Michigan and the Chicago river into the Illinois. The affairs of the district are managed by a board of nine trustees elected by the people of the district for a term of four years. This sanitary or drainage district includes large parts both of the city and of the county outside the city. Its board of trustees has the power to maintain a police

Sanitary
district.

town of West Chicago, on a single ballot, sixty-four constables." Gage, "Chicago and Its Administration" (in *The Open Court*, XI. 203). See also below, p. 270.

¹ Hurd, *Revised Statutes*, ch. 105, §§ 20-64; Sparling, *Municipal History of Chicago*, ch. 15; *Private Laws*, 1869, I., 342-376; South Park Commissioners, *Municipal Code* (1897), especially p. 111. Park districts have also been organized in Chicago under the general law. See above, p. 107.

force and to levy both special assessments and a general tax. It thus exercises real governmental authority.¹

Proposed
consolidation of local
governments.

Thus it will be seen that instead of having one compactly organized local government, the people of Chicago are subjected to a great variety of local governments organized for different purposes, acting independently of each other, and in many cases exercising an independent right of taxation. It is generally agreed that this system ought to be simplified, but the constitutional rule against special legislation makes it difficult to frame a law which will not be declared unconstitutional by the courts. It is difficult also to interest the people in other parts of the State sufficiently to secure such constitutional changes as may be thought necessary by the people of Chicago. The general assembly voted in 1903 to submit to the people a constitutional amendment authorizing the legislature, with the consent of the people of Chicago, to simplify somewhat this system of local governments. The proposed amendment does not, however, provide for the consolidation of the city and county governments which many reformers think desirable.²

¹ Hurd, *Revised Statutes*, ch. 24, §§ 337-369m. This district was considerably enlarged in 1903, and now includes the city of Evanston.

² See the text of this amendment below in Appendix B. It was to be submitted to a vote of the people at the general elections of 1904.

CHAPTER IX

THE FINANCES OF THE STATE

45. REFERENCES

Bryce, *American Commonwealth*, I., ch. 43; Hart, *Actual Government*, Part VII.; Black, *Handbook of American Constitutional Law*, ch. 15; Lalor, *Cyclopedia of Political Science* (article on *Taxation*, by D. A. Wells); Plehn, *Introduction to Public Finance*; Daniels, *Public Finance*; Adams, *Public Debts*; Adams, *Science of Finance*; Cooley, *A Treatise on Taxation*; Ely, *Taxation in American States and Cities*, especially Part II., ch. 8; Seligman, *Essays in Taxation*; Wells, *Report on Taxation* (50th Cong., 1st session, House Ex. Doc. No. 40); Tooke, *The "New Revenue Law" of Illinois* (in Proceedings of the National Conference on Taxation, 89-97, Buffalo, 1901); Whitten, "Assessment of Taxes in Chicago" (in *Journal of Political Economy*, V. 175).

Documents: [Illinois] Bureau of Labor Statistics, *Eighth Biennial Report* (1896); Hurd, *Revised Statutes*, ch. 120, with notes on the same chapter in Starr and Curtis, *Annotated Statutes*; Auditor of Public Accounts, *Biennial Reports*.

46. THE TAXING POWER

Just as a complicated machine cannot be worked without fuel, so government cannot long be carried on without money. Though some of this money may come from such minor sources as gifts or fines, and though it may sometimes be borrowed, modern governments must in the long run be supported by some kind of taxes.

The need
of money.

In Illinois the taxing power is exercised by a large number of bodies varying in importance from a village

Taxing
power
limited.

board of trustees to the general assembly and the Federal Congress. All of them, however, are subject to some important restrictions. Thus the Federal Constitution prevents any State from raising money by import or export duties, or taxing any property or other agency of the United States. The Federal taxes on tobacco and spirits deprive the State of another method of raising revenue of which they might otherwise make use. The State constitution also defines and limits the taxing power. Thus county boards may not, except by special vote of the people or for the payment of a debt incurred before the adoption of the present constitution, lay a tax of more than 75 cents for each 100 dollars of property. There are, furthermore, provisions of State law limiting the rate of taxation which may be required by various other local governments.¹

47. THE GENERAL PROPERTY TAX. ASSESSMENT

General
property
tax.

The various governments of Illinois are supported mainly by the *general property tax*. The theory of this tax as stated by the constitution is, "that every person or corporation shall pay a tax in proportion to the value of his, her or its property." For this purpose, all property is divided into two main classes, *real property* (including lands, buildings, and railroad tracks) and *personal property* (including money, stocks and bonds, and all other movable articles).

¹ Thus city governments are limited to two per cent. of the total value of property; park boards to four mills on the dollar; school boards to a total of five per cent. In Chicago, the total taxes for city, school (except school buildings), drainage district, park, and county purposes must not exceed five per cent. In other parts of the State, school taxes need not be counted within this limit. Hurd, *Revised Statutes*, ch. 24, § 111; ch. 105, § 183; ch. 120, §§ 343a, 343b; ch. 122, § 208; *Constitution of Illinois*, 1870, Arts. VIII., IX.

In order to tax any property, it is first necessary to determine as nearly as possible what its value is. This is called *assessment*. It was originally intended that property should be assessed at its "fair cash value," which in the case of real estate is interpreted to mean "the price it would bring at a fair voluntary sale." Practically, however, property was assessed far below its real value, partly because the local assessor tried to keep down the proportion of taxes paid by his own town or county and partly also because individual tax payers failed to pay their just share. The present law tries to establish a uniform proportion throughout the State by calling the "assessed value" upon which all taxes should be calculated one-fifth of the "full value." Even this attempt has only been partially successful.¹

Principles
of assess-
ment.

The work of assessment is done mainly by county and town officers. In counties under the general township organization law property is assessed first by the town assessors. They are, however, subject to the instructions of the county treasurer, who is called the *supervisor of assessments*. In Cook County, taxes are assessed by a board of five assessors elected by the people of the county. In those towns which are wholly within the city of Chicago the town assessors no longer assess property. In other Cook County towns, they still act subject to the authority of the county assessors. In counties without town governments, the county treasurer acts as assessor with the right of appointing deputies for the various districts.²

Assessors.

Between April 1 and June 1 of each year, the assessor

Methods
of assess-
ment.

¹ Hurd, *Revised Statutes*, ch. 120, §§ 1-4, 309-313; *8th Biennial Report of Bureau of Labor Statistics of Illinois*, passim. *Proceedings of Buffalo National Conference on Taxation*, 89-97.

² *Ibid.*, ch. 120, §§ 72-94, 295-320, 348.

must call upon every owner of taxable property and secure from him a sworn statement of the amount of his personal property. If the owner refuses to give such a statement, the assessor must estimate the value himself adding fifty per cent. to that valuation. The making of a false statement is punishable as perjury. Real estate is somewhat differently assessed. The county clerk first makes up every four years a list of all taxable lands in the county. The assessor takes this list and estimates the value of the real estate within his town or district. Though the regular assessment is made once in four years, some changes may be made in the interval, as in the case of improvements, or the destruction of property. Real estate, unlike personal property, is thus assessed not according to the statement of the tax payer, but simply according to the opinion of the assessor.¹

Revision
of assess-
ments.

Assessments are examined and revised by a higher authority in each county known as the Board of Review. In Cook County this board is composed of three citizens elected by the people, one being chosen every two years for a term of six years. In other counties, having township organization, the board consists of the chairman of the Board of Supervisors and two other citizens appointed by the county judge. In counties without township organization, this work is done by the county commissioners. Under the present law, the powers of the Board of Review are very great. They may increase or reduce the assessments either of

¹ Hurd, *Revised Statutes*, ch. 120, §§ 301-314. Certain kinds of property are exempted by law from the payment of taxes. This is the case with property used exclusively for educational, religious, charitable, or scientific purposes. Cemeteries and public grounds or buildings are also exempted. *Ibid.*, § 2.

individual persons or corporations, or of particular classes of property or of particular parts of the county. The law, however, provides for an appeal to the State Supreme Court, either by any person who considers that he has been treated unfairly or by the State auditor if he thinks the assessment is too low.¹

Just as the county Board of Review is intended to secure equal assessments within the county, so the State Board of Equalization is established for the purpose of distributing the State taxes fairly among the different counties. It consists of the State Auditor and one additional member from each congressional district of the State, elected by the people of that district. This Board examines the summary or "abstract of assessments" sent in by the clerk of each county and may increase or reduce the total assessment of different classes of property in any county. It cannot, however, reduce the assessment of the State as a whole nor increase it more than one per cent.² Besides this work of revision, the State Board also makes the original assessment on railroad tracks and rolling stock (locomotives, cars, etc.), and in certain other cases. In the case of railroad tracks and rolling stock, the State Board assesses the value of the property for the State as a whole and allows each county for purposes of taxation an assessed value in proportion to the number of miles of track in that county. There is a similar plan for telegraph lines.³

The State
board of
equalization.

48. COLLECTION OF TAXES

When this complicated process of assessment has

The tax
rate.

¹ Hurd, *Revised Statutes*, ch. 120, §§ 324-337.

² *Ibid.*, §§ 100-116.

³ *Ibid.*, §§ 40-52.

been finished, the governor, auditor, and treasurer must calculate the rate per cent. of the property assessed, which is necessary to raise the amount of taxes called for by the General Assembly. The auditor then notifies the clerk of each county who adds to the State tax the rates of taxation authorized by the county board and by other bodies having the power to levy taxes. The sum of these rates will then be the per cent. of his property required of each tax payer for the support of the State and local governments.¹ The practical working of this plan will be made clearer by taking as an example a particular tax paid in 1901 upon a piece of land in one of the smaller cities of the State. The "full value" of the land was estimated at \$200.00. The "assessed value" was one-fifth of that, or \$40.00. The total tax on that property was \$2.98, which was about $7\frac{1}{2}$ per cent. of the "assessed value" or about $1\frac{1}{2}$ per cent. of the "full value." The exact amounts required for each purpose are set down below:

State tax	\$.20
County tax .....	.40
Town tax .....	.04
Roads and bridges tax.....	.14
School district tax.....	.90
City tax	1.14
Registered bond tax.....	.16
<hr/>	
Total	\$ 2.98

Relative demands of State and local governments.

It will be seen that the State takes only about one-fifteenth of the total, that the city tax is the largest item, and that the school and city taxes taken together make up more than two-thirds.

¹ Hurd, *Revised Statutes*, ch. 120, §§ 117-132.

When the amount of taxes has thus been determined, the tax lists are made up by the county clerk, and the work of collection begins. In counties under township organization, including Cook County, this is done by town collectors. In counties without township organization, the sheriff is the collector. The collectors receive their lists in December of each year and are expected to finish their collections and settle their accounts by the end of March. If any person refuses to pay his taxes, so much of his property may be sold as is necessary to raise the amount. Having collected the tax, the town collector pays the State and county money over to the county treasurer, who in turn pays the State money over to the State treasurer. In counties without township organization, this payment is made by the sheriff. The various local governments or boards also receive from the collectors their proper share of the general tax.¹

Collection
of taxes.

Few parts of our system of government have worked so badly as this general property tax. Though each person is supposed to pay an equal percentage of his property, the assessments actually made are very unequal as between different places and different individuals. There is much unfairness even in the assessment of real estate, but the most serious evil is the undervaluation of personal property, which, especially in the case of stocks and bonds, can be easily concealed. Only a small fraction of this kind of property has really been taxed for the support of the government. While many people of wealth escape their just share of taxation, honest people of moderate means are often made to pay more than their just share. The evils of the system

Defects of
the system.

¹ Hurd, *Revised Statutes*, ch. 120, §§ 133-177.

have been most clearly seen in Chicago. In spite of the wonderful increase in population and wealth during the twenty-five years from 1869 to 1894, the assessed valuation of the city actually diminished. Notwithstanding some improvements made in recent years, the system is still unsatisfactory as a means of distributing equally the burdens of the State.¹

49. MINOR SOURCES OF REVENUE

Special
taxes.

Though the expenses of State and local governments have been largely paid by the general property tax, there are some other sources of income. The most important of these for the State government are the inheritance tax and the special tax on the Illinois Central Railroad.

Inheritance
tax.

The inheritance tax is laid upon property which at the death of its owner passed into the hands of others and it varies according to the relationship of those who inherit the property. Such near relatives as wives or children pay a comparatively small tax. The *rate* of taxation also increases with the amount of property and small amounts are not taxed at all. This tax is much less easily evaded than the ordinary personal property tax, because when anyone dies, the condition of his property generally becomes a matter of record.²

Illinois
Central tax.

The special tax on the Illinois Central is a part of the original bargain made between the company and the State. In return for the public lands made over by the State to the railroad, the company agreed to pay the State at least seven per cent. of its gross earnings

¹ *Eighth Biennial Report of Bureau of Labor Statistics of Illinois*, 22 and *passim*; C. W. Tooke in *Proceedings of the Buffalo National Conference on Taxation*. 89-97.

² Hurd, *Revised Statutes*, ch. 120, §§ 366-388.

or total income. This is, therefore, an income tax rather than a property tax, such as is paid by other railroad companies.¹

The State also secures some income from fees paid to State officers which are turned into the State treasury and amount practically to taxes. The most important are the corporation fees paid to the secretary of state and those paid by insurance companies to the State Commissioner of Insurance.² The local governments have some special methods of raising money for local purposes. A considerable part of the expenses of city government is paid by means of license fees. Of these the most important are those paid by liquor dealers for the privilege of carrying on their business.³

Fees.

Another tax used especially in cities and villages is the special assessment. This is a tax laid for the purpose of building sidewalks, or paving streets, or making other similar local improvements. Such assessments or taxes may be laid not upon all residents but only upon those whose property will be benefited by the improvement.⁴

Special assessments.

Many reformers favor separation between State and local taxation, setting apart certain taxes for State purposes and others for local purposes. This has been done to a certain extent in other States and a step has been taken in that direction here by the adoption of the

Proposed differentiation of State and local taxes.

¹ Hurd, *Revised Statutes*, ch. 120, §§ 364, 365. See above ch. 3.

² Auditor's *Biennial Report*, 1902, 1-3; Secretary of State, *Biennial Report*, 1902, 3.

³ In Chicago, nearly a third of the city's revenue comes from licenses. Department of Finance, *46th Annual Report*, 19, 88. There is also a poll tax levied in the towns for the maintenance of roads. See *Engineering Record*, 47:431.

⁴ See notes in Starr and Curtis, *Annotated Statutes* (1896), on Art. IX. of the Constitution.

State inheritance tax. In the main, however, State and local governments in Illinois are supported by the same kind of taxation.

Loans.

Any government may at times find it necessary and proper to borrow money. This is particularly true when unusual expense is required for some object of permanent importance to the welfare of the community. In this way, the additional burden of taxation may fairly be distributed over a considerable number of years. The experience of Illinois has shown, however, that there is danger of reckless borrowing both by State and local governments. A good example is the heavy expenditure for internal improvement, which, as was noted in a previous chapter, almost destroyed the credit of the State.¹

Borrowing
power
limited.

The constitution now limits carefully the borrowing powers of the State and local governments. The State legislature is forbidden to contract any debts of its own authority except in the following cases: (1) To meet merely temporary deficits in the revenues, the State may borrow not more than \$250,000.00. The legislature has provided by law that in such a case, the governor, treasurer, and auditor may borrow the money, but not for a longer time than two years. (2) For the purpose of "repelling invasion, or *defending the state* in war." In all other cases, where it seems necessary to borrow money, the law for this purpose must be submitted to the people at the next election for members of the general assembly. With this law there must be submitted a provision for some tax or other kind of revenue to pay the interest on the debt, and this tax cannot be repealed until the debt has been fully paid.

¹ Above, ch. 2.

The State is also forbidden to lend its credit to any person or corporation.¹

The local authorities are similarly restricted. No county or other local government may borrow money amounting to more than five per cent. of the assessed value of the taxable property under its jurisdiction. Moreover, when any debt is incurred, a direct tax must at once be laid large enough to pay not only the interest but the debt in full within a period of twenty years.² Under the actual working of the revenue laws, the assessed value can never be more than one-fifth of the real value of property and is generally much less than that. The local governments are, therefore, more restricted than the framers of the constitution intended. In fact, many people believe that the present rule frequently prevents reasonable and safe plans of public improvement.

Restrictions
on the local
govern-
ments.

50. REGULATION OF EXPENDITURE

The people who pay taxes have clearly the right to determine how they shall be spent and to make all necessary rules to prevent corrupt or careless use of public funds. One safeguard against extravagance is the restriction of the borrowing power which makes it necessary to raise money mainly by increasing taxes. Representatives generally dislike to risk their popularity by unnecessarily raising the tax rate.

Checks
upon ex-
penditure.

There are, however, other safeguards imposed by the constitution. No money may be drawn out of the State treasury except to meet appropriations made by law and no appropriations may be made to continue for

Constitu-
tional provi-
sions.

¹ *Constitution of Illinois*, 1870, Art. IV. §§ 18-20.

² *Ibid.*, Art. IX. § 12.

a longer time than the adjournment of the next general assembly, or, in other words, for more than about two years. All appropriation bills must be divided into distinct items, indicating in detail the purposes for which the money is to be spent, and the governor may veto any one of these items or the whole bill as he sees fit.¹

Statutory
provisions.

These general constitutional principles are enforced by more detailed provisions of statute law. The State treasurer and other financial officers must make frequent and regular reports and give heavy bonds to guard the State against any loss by carelessness or dishonesty. No money can be paid out of the State treasury unless the order is signed by the State auditor and countersigned by the treasurer. Violations of trust by such officers may be punished not only by impeachment, but through the ordinary courts and by the ordinary processes of law.²

Financial
safeguards
in the local
govern-
ments.

Similar restrictions are imposed by law upon the local governments. The mayor of a city or the president of a village board may, like the governor, veto particular items in appropriation ordinances. In Cook County, the president of the county board has a similar veto power.³ Local officers having charge of funds, such as, for example, county, city, and school treasurers, are required to give special bonds for the faithful keeping of public money, which must also be paid out in accordance with carefully prescribed rules. In cities, for example, money may usually be paid by the city treasurer only on a warrant, signed by the mayor and the city clerk or the comptroller, and stating the precise

¹ *Constitution of Illinois*, 1870, Art. IV. §§ 16-18; Art V. § 16.

² Hurd, *Revised Statutes*, chs. 15, 130.

³ *Ibid.*, ch. 24, §§ 29-47, 116-118r.

fund or appropriation from which the money is taken.¹

After this study of the forms of government and of the taxes, by which it is supported, it is natural to ask the familiar question put by Peterkin after hearing about the great victory at Blenheim, "But what good came of it at last?" It will be the purpose of the concluding chapters of this book to answer this question and to show as far as possible what are the real ends for which officers are elected and taxes paid.

The real ends of government to be considered.

¹ Hurd, *Revised Statutes*, ch. 24, §§ 88-89.

PART III

THE WORK OF THE STATE

CHAPTER X

THE POLICE POWER

51. REFERENCES

Hart, *Actual Government*, ch. 30; Cooley, *Constitutional Limitations*, ch. 16; Wilson, *The State*, chs. 15, 16; Willoughby, *Nature of the State*, ch. 12; Hare, *Constitutional Law*, passim, esp. Lecture 34; Black, *Handbook of American Constitutional Law*, ch. 14; Brannon, *The Fourteenth Amendment*, especially ch. 12; Lalor, *Cyclopedia of Political Science*; Woolsey, *Political Science*, I., Part II., chs. 4, 5; G. M. Price, *Handbook on Sanitation*; Fairlie, *Municipal Administration*, ch. 8.

Documents: McClain, *Cases on Constitutional Law*; Hurd, *Revised Statutes of Illinois*, especially chs. 24, 34, 38, with notes on the same chapters in Starr and Curtis, *Annotated Statutes*; *Reports of State Board of Health*.

52. STATE ACTION AND SELF-HELP

Extreme
views.

One of the most difficult problems of government is that of drawing the proper line between state action and private initiative or self-help.¹ Theories of almost every kind have been held on this subject. At the two extremes are the anarchists and the socialists. The anarchists believe that government is not only an evil but an unnecessary evil, that the individual man ought to be freed from all external authority. At the opposite extreme are the radical socialists who believe that

¹ The word state is here used in a broad sense to designate the community as organized for political purposes. The word *state action* as here used includes all government action, whether Federal, State, or local.

the work of the state ought to be greatly increased until it finally controls all commerce and industry. Between these two extremes, there are various shades of opinion. Roughly, however, men may be divided according to their opinions on this subject into two classes.

Some men believe that government is a "necessary evil" and ought to be limited as much as possible. One of the best American representatives of this class was Thomas Jefferson. In his first inaugural address as President, he declared that his ideal government was one "which shall restrain men from injuring one another, shall leave them free otherwise to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." This may be called the "police theory" of government. The other class of political thinkers believes that the state ought not merely to restrain men from injuring each other, but that it ought also to be a positive factor in the prosperous development of the people; that government exists not merely to prevent evil, but to do good and to promote in various ways the general welfare.

The police theory and its critics.

Our Federal and State governments have not followed strictly either of these theories, but have acted first on one theory and then on the other. A century ago the popular view was that of "laissez faire," that is, letting men alone as much as possible. Now the tendency is to give our governments more and more work to do. This is seen particularly in municipal governments, where the policy of municipal ownership of certain industries, such as water works, lighting, and even street railways, is becoming more and more popular.

Recent tendencies.

Classifica-
tion of gov-
ernmental
services.

In this study of the work of the State it will be convenient to consider first, those more negative services in protecting the people from disorder and danger, which nearly all men think necessary. Under this head will come the police work of the State, the administration of justice and much of the public service for the vicious and unfortunate classes. The more positive work of the State in promoting the material and the ideal interests of the community will then be considered, including first, the industrial work and influence of the government, and, secondly, its share in the education of the people. This classification must not be thought of as absolutely fixed and definite. Many things done by the State are done from various motives. Thus public schools may be and are maintained partly because the ignorant citizen and voter is a menace to our democratic government. Yet they are also thought of as organized for the more positive purpose of giving to all the children of the people equal opportunities of intellectual development.

53. THE POLICE POWER

Police
power de-
fined.

Whatever theories men may hold as to the proper work of the State, few will deny that it is its right and duty to exercise what is called the "police power." Though it is difficult, and indeed impossible to give an exact definition, it may be roughly described as the power necessary to protect the people from injury, whether that injury be to life, health, comfort, liberty, property, or other just right of the citizen. So far, also, as may be necessary to accomplish this protection, the rights and liberties of individuals may be justly limited by the State. *Every man must so use his own as not to injure others.*

Under the Federal Constitution, this power is mainly reserved to the individual States. The Federal government protects the States against external danger, and especially under the fourteenth amendment, guarantees to a certain extent the rights of citizens within the States; yet, in the main, these rights are left under the protection of the State governments.

Reserved
mainly to
the States.

Since the State cannot protect individuals unless it is strong enough to defend itself and to preserve public order, it imposes severe penalties for resistance to its authority. Thus, resistance to any officer serving a warrant of arrest is punishable by fine and imprisonment.¹ The law also prohibits and punishes riotous assemblages of any kind. If two or more persons combine to do even "a lawful act in a violent and tumultuous manner," they are liable to punishment for riot.² Riotous assemblages may be ordered to disperse by any magistrate and even killing is justifiable if necessary to enforce such an order. Finally, the highest offense against the State, that of "levying war" against its "government and people," or giving aid and comfort to its enemies is treason and is punishable by death.³

Power of
the State
to defend
itself.

Having maintained its own authority, the State protects the people at large and individuals against willful attacks upon their personal and property rights, whether these attacks consist of petty thefts or serious crimes, as burglary or murder. This protection is given, first, by defining such offenses in the criminal code and providing penalties for them; and, secondly, by direct prevention. Thus the citizen may not only secure the

Protection
of personal
and prop-
erty rights.

¹ Hurd, *Revised Statutes*, ch. 38, § 244.

² *Ibid.*, ch. 38, §§ 248-255.

³ *Ibid.*, ch. 38, §§ 263-265.

punishment of any attacks made upon him, but he may have the help of the State in defending himself. Criminal acts may also be negative as well as positive. Thus the law recognizes and punishes severely criminal carelessness on the part of persons who manage public conveyances, such as railway trains or steamboats.¹

Enforcement
of rights
and duties.

It is not enough, however, to defend men against criminal acts or criminal neglect. Individuals may suffer serious loss by acts which may, or may not, be recognized as distinctly criminal. Even when the act is clearly criminal, its punishment does not compensate the injured party for his loss. In such a case, he may claim a definite money compensation from the person responsible, and the claim will be enforced by the courts. Sometimes if there is no other way of preventing a threatened injury, the courts will issue certain writs for that purpose. Thus, the writ of injunction may, in certain cases, forbid the doing of certain specific acts. The courts may also be called on to compel the observance of contracts or agreements made by individuals according to the proper forms of law. It will also enforce rights and duties growing out of such personal relations as those of father and child, husband and wife, or master and servant.

Precaution-
ary meas-
ures.

Besides protecting men against direct violations or refusals of rights, the government tries to guard them against indirect and remote dangers. This *precautionary legislation* may be illustrated by the law regulating the storage, sale, and transportation of explosives. Because of the great danger of criminal or careless use, the law prescribes carefully the manner in which the business must be carried on.² Under this

¹ Hurd, *Revised Statutes*, ch. 38, § 49.

² *Ibid.*, ch. 38, §§ 54h-54n.

head also come the organization of city and village fire departments and the power of municipal governments to prevent the erection of wooden buildings within certain limits in order to lessen the chance of destructive fires. So also the public safety is protected by orders of city councils regulating the speed of railway trains within city limits.¹

54. PROTECTION OF HEALTH AND MORALS

Under the same police power, the State is doing more and more to protect the health of the people against contagion and unhealthful conditions of every kind. The legislature has provided for a State Board of Health, for local boards in cities and villages, and more recently for county boards exercising authority outside of cities and villages.² The State Board consists of seven persons appointed by the governor, with the consent of the senate. They are supposed to have general supervision "of the health and life of the citizens of the State," and have a liberal grant of power to make such regulations as they think best, "for the preservation or improvement of public health." This Board has charge of quarantine when that seems necessary to keep out contagious diseases. It also has a general supervision of the medical profession in the State and no person may now begin the practice of medicine in Illinois without a license from the Board, given either on examination or on the certificate of some reputable medical college. Thus the people are partially protected against ignorant or dishonest persons who claim to be physicians. The State Board is

The State
Board
of Health.

¹ Hurd, *Revised Statutes*, ch. 24, § 62; *Revised Code of Chicago*, 18, 26, 45.

² Hurd, *Revised Statutes*, ch. 34, §§ 116-121. (Act approved May 10, 1901).

given special authority in Chicago, and is required, for instance, to inspect all hotels and lodging houses in the city to determine whether the sleeping rooms are of proper size and properly ventilated.¹

Local
boards.

The powers and duties of the municipal boards, appointed by city or village authorities are defined partly by law and partly by local ordinances. These local boards also have large powers which may in time of danger be expanded almost indefinitely. Similar powers are exercised in Chicago by a single Health Commissioner, assisted by the city physician and the superintendent of police.²

Other
health regu-
lations.

For the same general purpose of protecting the public health, the law provides for a State Board of Pharmacy and forbids any person to engage in the technical part of the druggist's business without having been properly registered.³ There is also a State Food Commissioner to protect the public from unhealthful and adulterated food.⁴ Under the same head also come State laws prohibiting the employment in factories of children under fourteen and regulating the labor of women, and of men engaged in certain unhealthful or dangerous occupations. Another State law regulates particularly places in which clothing of any kind is manufactured, the purpose being to prevent the possible spread in this

¹ Hurd, *Revised Statutes*, ch. 126a. See also Governor's Message, Jan. 7, 1903. The State Board also has general charge of the State system of registering births and deaths. Hurd, *Revised Statutes*, ch. 126a, §§ 19-33.

² Hurd, *Revised Statutes*, ch. 24, § 62; *Revised Ordinances of Urbana*, ch. 7; *Revised Code of Chicago*, ch. 35.

³ Hurd, *Revised Statutes*, ch. 91, §§ 19-34.

⁴ *Ibid.*, ch. 127b. Cf. Governor's Message, Jan. 7, 1903.

way of infectious diseases.¹ These are only a few examples of the various State and local regulations adopted for the protection of the public health.

Besides protecting life and property, the State also tries to guard the people, and especially the young, against immoral influences. This power is, however, limited. No government can make men virtuous by law, and the State will ordinarily punish only those wrong acts which do tangible and definite harm to innocent persons, or are clearly injurious to the whole moral tone of the community. Thus the State prohibits by law the circulation of indecent books and pictures, and the maintenance of gambling houses. Theatres and other places of entertainment may be regulated by city or village governments, and if considered to be indecent, may be suppressed.²

Protection
of public
morals.

One of the most difficult problems of government is the regulation of the manufacture and sale of intoxicating liquor. Some believe that its sale as a beverage is so harmful to public morals and good order that it ought to be prohibited altogether. Others consider that a moderate use is entirely proper. The attempt to prohibit liquor-selling altogether by State law has not been successful; but under the present laws city or village governments actually do prohibit saloons within their limits. It is generally agreed that the business even when permitted should be carefully regulated. The present law provides that no city, village, or county government may license any one to sell intoxicating liquors without the payment of a high license

Regulation
of the
liquor
business.

¹ Hurd, *Revised Statutes*, chs. 48, 93. See also the child-labor and factory inspection acts, approved May 15, 1903. *Ibid.*, ch. 48, §§ 20-20n, 29.

² *Ibid.*, ch. 24, § 1. Cf. *Revised Code of Chicago*, ch. 42.

fee. Those who sell only malt liquors (beer, etc.), must pay at least \$150 a year, but other saloon keepers must pay at least five hundred dollars. The license fee may be made still larger by any city which chooses to do so. Saloons are also forbidden to sell liquors to minors, or to habitual drunkards. Besides these State regulations, many others are made by city and other local governments, in order to guard against the evils of the traffic.¹

The relation of the State to religion.

The State does not attempt to regulate religion, but it guarantees to every man entire liberty to hold and express religious opinions of any kind and it will protect him from disturbance in his public worship. It also recognizes the value of religion, in general, by exempting church property from taxation.² The law does not enforce any religious observances on Sunday, but it does restrict public amusements and the doing of work in the interest of public health, morality, and good order.³

The relation of law to morality.

It is generally agreed that it is a mistake to depend much on the government for the promotion of morality and particularly dangerous to enact laws which are much in advance of public opinion; for such laws cannot be properly enforced and the failure to enforce them not only brings the particular measure into contempt but tends to produce disrespect for all law and hence a spirit of lawlessness or anarchy.

¹ Hurd, *Revised Statutes*, ch. 43. Cf. *Revised Code of Chicago*, ch. 39 (*Liquor*). See also the People *ex rel vs.* Cregier, 138 *Illinois Reports*, 401 (case of a prohibition district in Chicago).

² *Constitution of Illinois*, 1870, Art. II. § 3; Hurd, *Revised Statutes*, ch. 38, § 58; ch. 120, § 2. The exemption is limited to property "actually and exclusively used for public worship."

³ Hurd, *Revised Statutes*, ch. 38, §§ 259-262.

55. THE ENFORCEMENT OF LAW

For the most part men accept as a matter of course the restraints which the State imposes on their personal liberty. If they do not obey the law as a matter of conscience, they often do so because they wish to gain the good opinion of their neighbors. This power of public opinion is one of the most important factors in the enforcement of all law and without its support other agencies must in the long run prove useless.

Public
opinion.

Yet government cannot continue and laws be carried into effect without the use of force, or at least the knowledge that force may be used if necessary. Though some men will obey the law because it is right and some because they fear the reproach of their neighbors, there are always others who will do right only because they are forced to do so. This duty of compelling men to obey the law is entrusted first to the local governments—the town, the village, or the city. In the town, the special officer for this purpose is the constable.¹ In the cities and villages the work is done mainly by policemen or police officers, acting under the orders first of the chief of police and finally of the mayor or village president. In a great city, like Chicago, the police force would make a respectable army and is under something like military discipline. These police officers serve the community not only by preventing crime and arresting law breakers, but in numerous other ways, as for example, by protecting passers-by on crowded street crossings, or by giving assistance to other departments of the local government.²

Local offi-
cers for the
enforcement
of law.

¹ Hurd, *Revised Statutes*, ch. 38, §§ 339-346; *ibid.*, ch. 79.

² *Ibid.*, ch. 24, §§ 72-87. Cf. *Revised Code of Chicago*, ch. 51.

The sheriff
and the
governor.

At ordinary times, local officers furnish all the force necessary to maintain order. If, however, they fail to do so, then the responsibility falls on the sheriff of the county. If the sheriff with his usual subordinates cannot cope with the disturbance, he may call on the citizens to help him.¹ The Illinois statute provides that in any such time of disorder, the sheriff may compel as many persons as he thinks necessary to serve under his orders as deputy sheriffs.² When, as has frequently happened in recent years, the sheriff cannot or will not keep order, the remedy is an appeal to the governor who, as commander-in-chief, has the right to call out the militia whenever necessary to execute the laws, as well as "to suppress insurrection and repel invasion."

The militia.

In theory, all able-bodied male citizens of the State between the ages of sixteen and forty-five years, are liable to military duty and are said to belong to the *State militia*. In time of danger, all such persons may be called into the service of the State or of the Union. Under ordinary circumstances, however, militia duty is performed by men who voluntarily enroll themselves and receive training in the use of arms. Such volunteers are regularly organized on the model of the United States Army, and are known as the *Illinois National Guard*. The governor is commander-in-chief, but he acts ordinarily through the adjutant general. The higher officers are appointed by the governor; other commissioned officers are elected, but the choice must be approved by him. There is a similar

¹ Hurd, *Revised Statutes*, ch. 125. Cf. Hare, *American Constitutional Law*, Lecture XLI.

² Hurd, *Revised Statutes*, ch. 38, § 256h.

organization of volunteers for naval service known as the *Illinois Naval Reserve*.¹

Finally, if the civil and military power of the State cannot enforce the law, the general assembly, or, when that is not in session, the governor may call upon the President of the United States. It is then the duty of the President to use the armed forces of the Union for the defense of the State government.² Thus, although a few policemen may in most instances furnish all the force necessary to compel obedience, they have behind them, pledged to their support, if necessary, the full military power, not only of the State, but of the Union.

Federal
support.

¹ *Constitution of Illinois*, 1870, Art. V. § 14; *Military and Naval Code of Illinois* (Act approved May 14, 1903) in Hurd, *Revised Statutes*, ch. 129; *ibid.*, ch. 38, § 256e-256n.

² *Constitution of the United States*, Art. IV. § 4.

CHAPTER XI

THE ADMINISTRATION OF JUSTICE

56. REFERENCES

Cooley, *Constitutional Limitations*, chs. 10, 11; Black, *Handbook of American Constitutional Law*, §§ 134, 212-223, ch. 20; Hare, *American Constitutional Law*, especially Lecture 39; Holmes, *The Common Law*, especially Lectures 1-3; Robinson, *Elements of American Jurisprudence*; McKinney, *Encyclopædia of Pleading and Practice*; Bispham, *The Principles of Equity*; Eaton, *Handbook of Equity Jurisprudence*, especially ch. 1; Bigelow, *The Law of Torts*; Puterbaugh, *Common Law Pleading and Practice*, especially chs. 1-3, 25, 30-37.

Documents: Hurd, *Revised Statutes*, especially chs. 13, 22, 38, 78, 110, with notes on the same chapters and on the Constitution, Art. II., in Starr and Curtis, *Annotated Statutes*.

57. LAW AND EQUITY

The rules
of law.

Since the State, in protecting the community, exercise great power over the liberty, the property, and even the lives of individuals, it is clearly necessary to make sure that this power shall be justly used. For this purpose the constitution has established the courts of law, charged with the duty of determining what the right and the law are in each individual case. In the doing of this important business, the judges are not free to choose their own methods, but are bound by elaborate and well-established rules which, though sometimes criticised as useless technicalities, really serve in the main the great purpose for which they were intended, namely, to do justice "decently and in order."

The most important of these rules are those of the *common law*, made up of a great mass of legal customs and principles inherited by the American people from their English ancestors and applied by English courts for centuries before the founding of the American colonies. To a certain extent these principles of the common law have been formally stated in acts of parliament or congress or State legislatures. Many of them, however, are to be found, not in such acts of the law making body, but in the reported decisions of the courts. These decisions, in turn, have been constantly interpreting and applying to new conditions precedents set by many generations of judges on both sides of the Atlantic.

The com-
mon law.

The courts are bound also by acts of the law-making body. Although this *statute law* often merely restates the principles of the common law, it has other and more important purposes. Since the judges are expected to apply, not the law as it ought to be, but the law as it is, the law-making body must make such changes and additions as are required to meet the needs of different times and places. In Illinois this statute law includes acts of Congress and acts of the General Assembly. Even the Federal and State constitutions may be included as fundamental *statutes* enacted by the highest law-making authority, the people themselves.

Statute
law.

Besides following the rules of the common and the statute law, the courts of Illinois are also governed in certain cases by what are known as the rules of "equity." To understand what is meant by "equity" in distinction from "law" we must again go far back into English history. It was then found that the rules of the common law as applied by the ordinary courts were sometimes too narrow, or too hard and fast, to

Equity.

give justice. In such cases, men could go to a special court which came to be known as the High Court of Chancery, because it was presided over by the Lord Chancellor. This court, instead of abiding by the strict rules of the common law, was supposed to act more freely, according to the broad principles of justice or "equity." Gradually precedents were set and definite rules of procedure in "equity" cases were established by custom until "equity" became simply a particular branch of the law applied to certain kinds of cases. In the meantime, as many of the principles of "equity" have been applied to the administration of the common law there has been less need for separate courts of chancery or "equity." In England, they were abolished in 1873 and in Illinois, as in most States of the Union, equity and common law are administered in the same courts.

Examples
of equity
proceedings.

It is difficult to explain in a few words, the character of the cases to which these principles of "equity" are now applied. In general, however, it may be said that there are certain kinds of title or right which the common law does not recognize and certain other rights for which it does not provide a satisfactory remedy or means of enforcement. The first principle is illustrated by the case of property held by trustees for religious or other purposes. Though the legal title is in the trustees, the rules of *equity* may be applied to prevent them from diverting the property to their private uses. The second principle may be illustrated by the use of *injunctions*. In some cases in which the ordinary common law proceedings would not promptly prevent a threatened injury, the rules of equity allow the issue of an injunction *enjoining* or forbidding such injurious action. Disobedience to such an injunction may then

be summarily punished as contempt of court. The practice of the Illinois courts in equity proceedings is still largely the same as in the English Chancery "though modified in certain particulars by our statute."¹

All this elaborate machinery and these complicated rules of practice exist for the purpose of defining and protecting rights. It is important, however, to remember that courts do not concern themselves with these rights except when it is claimed that they are either actually infringed or are in danger of being infringed. In some cases, the courts will act to prevent the doing of a threatened injury, but for the most part they protect rights by providing punishments or remedies for wrongs already done.² It is one of the famous maxims of the law that wherever there is a right, there is also a remedy. Wherever a legal right is infringed, there is, or should be, some legal process by which an injured party may claim reparation from the person who has injured him. It is for the courts to decide whether a wrong has been done and what remedy may be applied.

Rights
and rem-
edies.

58. PROCEDURE IN CIVIL CASES

Most cases which the courts are thus required to pass upon may be divided into two main classes. These are (1) civil cases and (2) criminal cases. Civil cases have to do with private rights and the court is then called upon to decide disputes between two or more

Civil and
criminal
cases.

¹ Bispham, *Principles of Equity*, *passim*, especially chs. 1, 2; McKinney, *Encyclopaedia of Pleading and Practice*, VII., 813; *Supervisors of Fulton County v. Mississippi and Wabash Railroad Co.*, 21 *Illinois Reports*, 365.

² See Robinson, *Elements of American Jurisprudence*, §§ 156-161.

individuals or corporations. Criminal cases, on the other hand, are those in which "the people" or the State may be considered as the injured party. Sometimes the wrong has been committed against the State directly, as in the case of treason, but in the vast majority of cases, criminal acts are wilful wrongs done to individuals. In primitive times, such acts were thought of as simply private wrongs. The stealing of an ox, for example, was an offense against the person from whom it was stolen for which he was entitled to get satisfaction. Now it is recognized that murder and theft and all other crimes are not only wrongs against particular persons, but offenses against the authority of the State whose right and duty it is to preserve order. The fact, however, that a particular act is criminal, and therefore punished by the State, need not prevent the injured person from securing by civil proceedings the proper compensation for his own injury or loss.

Civil suits.
Attorneys.

In civil cases there are always two parties, the plaintiff and the defendant. The plaintiff has to show that through the action or neglect of the defendant he has been denied some right to which he is entitled. If he proves his case he is entitled to compensation for the loss which he has suffered. Since a suit of this kind must be carried on in accordance with carefully prescribed rules, which are not familiar to anyone except the specially trained student of law, the parties are generally represented by attorneys whose duty it is to see that their *clients* have the advantage of every right which the law allows them. On the other hand, the lawyer is also regarded as an officer of the court. He is bound to conduct his client's case in a lawful and orderly way. Since the lawyer has this important part in the administration of justice, it is necessary that high

standards of character and ability should be enforced. Anyone who wishes to begin the practice of law in Illinois must pass the bar examination carried on under rules prescribed by the State supreme court.¹

When a suit is to be begun, the plaintiff must apply to the clerk of the proper court for a writ summoning the defendant to appear in court and meet the charges made against him. This writ or *summons* must then be served on the defendant by the sheriff or the coroner. The clerk must also issue summons or *subpoenas* to all witnesses who may be desired by either party. Sometimes, in order to guard against prosecutions which are not serious, the plaintiff is required to give bond that he will pay the costs of the suit.²

Preliminary proceedings.

The next important step is to get before the court a proper statement of the exact points in controversy. The plaintiff acts first by filing with the court a statement in legal form of the ground of his suit. This is called his *declaration*. This may be answered in various ways by the defendant and subsequent statements may be made by the plaintiff. An exact understanding of these various *pleadings* back and forth is hardly necessary for anyone except the professional lawyer. It is enough to say that they are continued until an *issue* is reached, "that is some specific point of law or fact, affirmed on one side and denied on

Pleadings.

¹ Hurd, *Revised Statutes*, ch. 13; Cooley, *Constitutional Limitations*, ch. 10; Puterbaugh, *Common Law Pleading and Practice*, ch. 30; *Rules of the Supreme Court of Illinois*, No. 39, in 204 *Illinois Reports*, 20-23.

² Hurd, *Revised Statutes*, ch. 110, §§ 1-13; Puterbaugh, *Common Law Pleading and Practice*, ch. 2. In some cases, as when there has been a charge of fraudulent conduct, the defendant may be arrested and compelled to give security for his appearance at the proper time.

the other." This is then "the exact question for the court or jury to determine."¹

The jury
in civil
cases.

In general, either party in a civil case may demand a trial by jury. This is not, however, required in equity cases and any civil case may be tried by a judge without a jury, if both parties consent. Ordinarily a jury consists of twelve men, but in some cases the parties to the suit may agree upon a smaller number. The method of selecting the jury is carefully regulated by law and either party may secure the rejection of objectionable jurors by means of *challenges*. If jurors can be shown to be disqualified for intelligent and impartial service, they may be challenged for *cause*. The law also allows each party in a civil case three *peremptory challenges* for which no cause need be shown.²

The verdict.

After a jury has been selected, the final decision rests with it. The judge presides over the trial, decides what evidence may properly be presented to the jury, and sees that the rules of law are observed by each party in presenting its case. When the evidence has been given and the arguments made on both sides, the judge instructs the jury in writing on the points of law involved in the case. After receiving their instructions, the jury usually retires from the court room in charge of an officer of the court. The jurymen will usually be kept together so long as there is hope of their being able to agree upon a verdict, but if after a reasonable time they are still unable to agree, they may be discharged by the judge. If the decision of the court is in favor of the

¹ Hurd, *Revised Statutes*, ch. 110; Puterbaugh, *Common Law Pleading and Practice*, chs. 1-3.

² Puterbaugh, *Common Law Pleading and Practice*, ch. 25; *Constitution of Illinois*, 1870, Art. II. § 5; Hurd, *Revised Statutes*, ch. 110, §§ 41-42, 49.

plaintiff, the verdict is usually in one of two forms. In the first case, he may be put in possession of the particular property or right of which he has been unjustly deprived. This would be done, for example, in the case of disputed lands. In many cases, however, it will be impossible to put the plaintiff in precisely the position which he would have occupied if the wrong had never been done or the right been denied. In these cases, the defendant will be compelled to give him *damages*, that is, a definite money payment for his loss.¹

This decision is not, however, always accepted as final. Under certain conditions prescribed by law, the judge who tried the case will grant a new trial. The dissatisfied party may also appeal to a higher court. Thus cases tried before a circuit judge may be taken to the Appellate Court or to the Supreme Court of the State. The Court of Appeals may either give the final decision or it may send the case back to the lower court for a new trial. Cases involving rights guaranteed by the Constitution and the laws of the United States may of course be carried from State to Federal courts.²

New trials
and appeals.

59. PROCEDURE IN CRIMINAL CASES

In criminal cases, the State is seeking to punish private persons for offenses against its own authority. A crime may be either a positive illegal act, or a failure to do some act which the law requires, as for example, in cases of "criminal carelessness." In order to make any act criminal, it must be done intentionally and by

Crimes.

¹ Hurd, *Revised Statutes*, ch. 110; Puterbaugh, *Common Law Pleading and Practice*, chs. 34, 35, 37; Robinson, *Elements of American Jurisprudence*, §§ 148-155.

² Hurd, *Revised Statutes*, ch. 110, §§ 57-92; Puterbaugh, *Common Law Pleading and Practice*, ch. 32.

some one who has intelligence enough to understand what he is doing. Thus, young children and insane persons cannot be made to answer for criminal offenses. Drunkenness, however, is not a sufficient excuse. The law also recognizes two grades of crime. The more serious offenses, punishable by death or by imprisonment in the penitentiary, are called *felonies*. Less serious offenses are called *misdemeanors*.¹

Legal rights
of accused
persons.

In criminal cases, the State is the plaintiff and all proceedings are in the name of *The People of the State of Illinois*.² Nevertheless the State takes every possible care of the rights of the citizen as against unjust prosecution or conviction. The State will even provide an attorney for a defendant in a criminal case who is too poor to pay a lawyer. The constitution provides that "No person shall be deprived of life, liberty, or property without due process of law" and these words include a great variety of safeguards against injustice, from the first arrest until the final execution of sentence.³

Criminal
prosecution
and arrest.

A criminal prosecution may be begun in various ways. It may begin with the complaint of a private individual. The person bringing such a charge must declare on oath that he has good reason for believing that the person accused by him is guilty of the offense charged. The judge or justice before whom the charge is made will then issue a warrant ordering the arrest of the supposed offender. In the case of persons caught in the act of crime, any person present may make the arrest. An officer may make an arrest when he knows that a crime has been committed and has "reasonable

¹ Hurd, *Revised Statutes*, ch. 38 (Criminal Code), §§ 273-293.

² *Constitution of Illinois*, 1870, Art. VI. § 33.

³ *Ibid.*, Art. II. § 2.

ground for believing" that the person to be arrested has committed it.¹

The person arrested must be taken at once before a magistrate for examination. Witnesses must be heard for and against him and the magistrate may then either discharge him for lack of evidence, or, if there is good reason for thinking him guilty, he may be held for trial. When the accused person is thus held, the court must give him his freedom provided he can find anyone who will give sufficient *bail*, or security, for his appearance at the trial. The constitution guarantees this right of release on bail in all cases except capital offenses "where the proof is evident or the presumption great."

Examina-
tion and
bail.

Another constitutional safeguard against illegal interference with personal liberty is the *writ of habeas corpus*. Whenever anyone has been deprived of his liberty, a writ of *habeas corpus* may be issued by any judge of a court of record. The person so imprisoned must then be brought before the court which will set him free unless there is some legal ground for holding him.²

*Habeas
corpus.*

Special precautions are taken against unjust prosecution in the case of persons charged with felony. Such persons cannot be subjected to trial unless they have first been indicted by a grand jury of the county. The members of the grand jury are selected by the county board and it is their duty to *present* indictments for all criminal acts committed in the county. The full jury consists of twenty-three; but only sixteen are

Indictment.

¹ For a discussion of the legal principles involved, see Bigelow, *The Law of Torts*, Part 2, ch. 9. See also Hurd, *Revised Statutes*, ch. 38, §§ 339-371.

² *Constitution of Illinois*, 1870, Art. II. § 7; Hurd, *Revised Statutes*, ch. 38, §§ 339-371, 414-420.

necessary for the transaction of business and twelve must agree in order to present an indictment. Sometimes the persons indicted have already been arrested. In other cases, the arrest follows the indictment.¹

Counsel.

Having prevented the arrest of any person except for serious reasons, the law also promises the defendant an impartial trial and every possible means of making his defense against unjust charges. He has a right to know the exact charges made and the names of the witnesses who are to testify against him. In defending himself, he has a right to the services of a lawyer both before and during the trial. All statements made by him, privately, to his counsel are protected by the law and cannot be used against him. If a prisoner cannot secure counsel for himself, one or more lawyers will be appointed by the court to defend him.²

First steps
in the trial.

Trials for petty offenses are tried by justices of the peace, police magistrates, or county judges. Important criminal cases are tried in the circuit courts, except in Cook County, where a special *criminal court* is organized for that purpose.³ The first step in the trial proper is the *arraignment*, when the prisoner is formally brought before the court to answer to the charge against him. He may then plead either *guilty* or, *not guilty*. If he refuses to plead, the plea of *not guilty* will be entered for him. If the plea is *guilty*, sentence is imposed by the judge according to the provisions of the law. If the prisoner pleads *not guilty*, he must be

¹ *Constitution of Illinois*, 1870, Art. II. § 8; Hurd, *Revised Statutes*, ch. 38, §§ 403-420. The constitution, however, gives the legislature the right to abolish grand juries altogether.

² *Constitution of Illinois* 1870, Art. II., especially §§ 9, 19; Hurd, *Revised Statutes*, ch. 38, §§ 421-438.

³ Hurd, *Revised Statutes*, ch. 79, §§ 164-190; ch. 38, §§ 392-402.

tried by a *petit jury*, so-called to distinguish it from the *grand jury* which makes the indictment.¹

Service on juries is one of the duties of citizens, but many exceptions are allowed by law, as in the case of lawyers, teachers, ministers, physicians, and some public officers. Others not legally excepted often furnish more or less reasonable excuses and thus escape what they consider a serious burden. It is often difficult, therefore, to secure men of good character and intelligence for jury service. In Cook County, lists of jurors are made up by a board of three jury commissioners appointed by the judges of the higher courts of the county. From these lists, jurors are selected both for the grand jury and for the petit juries. Elsewhere, lists are made up by the county boards. When in any particular trial, twelve competent and impartial jurors cannot be found on the official lists, the judge may order the sheriff to bring in other men for service.²

Jury service.

Before a jury is selected in any particular case, the proposed jurors are carefully examined by the court and by the lawyers on both sides. In criminal, as in civil cases, either party may challenge a juror for cause, as for example, when it is shown that he is probably prejudiced for or against the prisoner. The number of peremptory challenges allowed in criminal cases is larger than in civil cases. Whenever the penalty in case of conviction would be death or imprisonment for life, both the defendant and the prosecuting attorney are allowed twenty peremptory challenges. In less serious cases, the number allowed is smaller. Every

Examination of jurors.

¹ *Constitution of Illinois*, 1870, Art. II. § 5; Hurd, *Revised Statutes*, ch. 38, §§ 421-438; Puterbaugh, *Common Law Pleading and Practice*, ch. 25; Starr and Curtis, *Annotated Statutes*, ch. 38, Division 13.

² Hurd, *Revised Statutes*, ch. 78.

possible care is taken to prevent the jurymen from being influenced in any way except by the regular proceedings in open court and secret or illegal communication with them is a penal offense.¹

The trial.

After the selection of a proper jury, the case is ready for trial. Usually the prosecuting attorney and the counsel for the prisoner make introductory speeches, stating what they expect to prove, and then the witnesses are heard on both sides. Each party has the right to cross-examine the witnesses of the other. The judge may refuse to allow evidence which he considers likely to influence the jury unfairly. When the witnesses have given their testimony, the lawyers sum up the evidence on each side. Finally, as in civil cases, the judge gives his instructions to the jury on the points of law.²

The verdict
and the
sentence.

When a criminal case has finally gone to the jury, they have the right to decide all questions both of law and fact, though they should ordinarily be guided by the judge's instructions on legal points.³ In considering their verdict, they have to decide first whether the prisoner is guilty or not guilty. The prisoner is always to be supposed innocent until his guilt is proved "beyond a reasonable doubt," and no verdict can be given unless the jury is unanimous. The jury may also in

¹ Hurd, *Revised Statutes*, ch. 38, §§ 421-438; ch. 78; Puterbaugh, *Common Law Pleading and Practice*, ch. 35.

² Puterbaugh, *Common Law Pleading and Practice*, chs. 34, 37; Hurd, *Revised Statutes*, ch. 110, §§ 52-54.

³ The Supreme Court has ruled that a judge may instruct a jury "that it is the duty of the jury to accept and act upon the law as laid down to you by the court, unless you can say upon your oaths that you are better judges of the law than the court." *Davison v. the People*, 90 *Illinois Reports*, 223.

certain cases fix the penalty.¹ When a verdict of guilty has been returned, sentence is pronounced by the court and this sentence or *judgment* is then usually carried out by the sheriff of the county.²

The constitution of Illinois provides that no person shall "be twice put in jeopardy for the same offense." New trials
and appeals. It follows that an acquittal by a jury is final and that there can be no new trial and no appeal to any higher court. On the other hand, if the prisoner is found guilty, the judge may allow a new trial or an appeal may be taken either to the Appellate Court or, in more serious cases to the Supreme Court of the State. This higher court will then, in case of unfairness or illegality in the proceedings, order a new trial.³ Finally, if the prisoner has been found guilty and the higher court has refused to interfere, he has still the privilege of appealing to the governor to exercise his power either of giving a full pardon or reducing the sentence.⁴

Throughout this criminal procedure, the State, "The techni-
calities of
the law." though itself the prosecuting party, gives the accused person every opportunity to defend himself, assuming that he is innocent until he is proved guilty. Doubtless this system prevents the punishment of many people who are really guilty and this fact often causes an outcry against the "technicalities" of the law. In the long run, however, most Americans believe that it is better to let a few guilty men escape than to punish one innocent man unjustly.

¹ Hurd, *Revised Statutes*, ch. 38, §§ 431, 439-457. Cf. Cooley, *Constitutional Limitations*, ch. 10.

² *Revised Statutes*, ch. 38, §§ 439-457.

³ *Constitution of Illinois*, 1870, Art. II. § 10, Art. VI.; Hurd, *Revised Statutes*, ch. 38, §§ 458-470; ch. 110.

⁴ *Constitution of Illinois*, 1870, Art. V. § 13.

CHAPTER XII

THE WARDS OF THE STATE

60. REFERENCES

Wines, "Prisons and Prison Discipline" (in Lalor, *Cyclopaedia of Political Science*, III. 352-360); Henderson, *Introduction to the Study of the Dependent, Defective, and Delinquent Classes* (full reference lists in Appendix); Holmes, *The Common Law*, Lecture 2; Wines, *Punishment and Reformation*; Boies, *The Science of Penology*; Warner, *American Charities*.

Documents: Board of State Commissioners of Public Charities of the State of Illinois, *Biennial Reports*, especially the *Reports* for 1876, 1903; Illinois Conference of Charities and Corrections, *Proceedings*; Hurd, *Revised Statutes*, chs. 23, 38, 85, 86, 107, 118, with notes on these chapters in Starr and Curtis, *Annotated Statutes*. See also reports of the various State penal and charitable institutions.

61. TREATMENT OF THE CRIMINAL CLASS

Freedom, responsibility, and self-reliance, are the marks of the good citizen. In every community, however, there are some who have forfeited their freedom because they have used it to the injury of their neighbors, or of the State. Others because of misfortune or weakness cannot be expected to care for themselves. For all these people, the State has to act as a kind of guardian. This guardianship of the State is necessary, first, for the criminal or *delinquent* class. Though murder may be punished by death and many minor offenses may be atoned for by the payment of fines without the loss of personal freedom, serious offenses

The guardianship of the State.

are generally punished by depriving the criminal of his freedom and placing him in the custody of the State, in other words by imprisonment.

The proper treatment of criminals is a difficult problem and the practical policy adopted will depend largely upon one's theories as to the real purpose for which men are imprisoned or otherwise punished. In old systems of punishment, two ideas were made most prominent. One was that of punishment as a retribution. In the earliest times the man who was injured could get retribution or vengeance by striking back. He was entitled to an eye for an eye and a tooth for a tooth. Under civilized governments, the State has taken the place of the individual and has claimed retribution for the wrong done to its own dignity and to the rights of its citizens. A second idea was intimidation. Men were to be deterred from crime by the fear of the penalty imposed by law. This idea of punishment as a *deterrent* is still an important element in our criminal law. A third purpose of imprisonment is particularly important in the case of "habitual criminals" who may be kept for longer terms not merely because of what they have done, but because, if set free, they would be a constant menace to the community. These various theories have one thing in common. They all regard imprisonment as something which is necessary to protect the dignity or the interest of the rest of the community. Recently, however, men have come to lay more stress upon *reformation*. Crimes are now regarded not only as offenses to be punished, but as symptoms of a moral disease which has to be cured. Though this principle is often neglected in our modern

Theories
of punish-
ment.

prisons, it is at least constantly held up as the ideal toward which all penal institutions should work.¹

Penal
institutions.

In Illinois there are several different kinds of places in which prisoners are confined by law. There is, first, the police station in which prisoners may be kept for a short interval before they have been formally examined in court. The county jail is used partly for prisoners charged with crime and awaiting trial, and partly as a place of imprisonment for persons convicted of minor offenses. These county jails are, probably, the most unsatisfactory part of our prison system. Young men and even children are sometimes associated here with old and hardened criminals. In some counties the prisoners are treated in a really cruel and barbarous way. A county work-house may be provided for the employment of prisoners in the county jail, but as a rule little is done for their training and reformation.² Any city also may establish a prison of its own, called the *house of correction*, and a similar institution for women called a "house of shelter." In these places prisoners may be kept at work and receive more careful supervision.³

State peni-
tentiaries.

The most important penal institutions of Illinois are those maintained by the State. Serious offenders are kept in the State penitentiaries at Joliet and Chester,

¹ Cf. Wines, *Punishment and Reformation*, especially chs. 3, 7, 14.

² See recent reports of the *State Board of Charities*, especially the *Fourth Biennial Report* (1876), Appendix II. Cf. Hurd, *Revised Statutes*, ch. 34, §§ 25-26. The Cook County jail is one of the best managed in the State. Here provision is made for separating older and younger offenders, and the younger prisoners are given elementary teaching. See *Chicago Tribune*, May 20, 1903.

³ Hurd, *Revised Statutes*, ch. 67; *Revised Code of Chicago*, ch. 36.

each of which is under the management of a board of commissioners appointed by the governor with the approval of the senate. The commissioners are expected to meet frequently at the prison and make the necessary rules for its management. They also appoint the warden, who is the chief executive officer.¹

The chief principles of prison management may be briefly stated: (1) The convicts are kept under a severe and semi-military discipline, partly in order to control them and partly for the purpose of moral training. (2) Hard labor is required of all convicts physically able to do it. This employment of prisoners relieves the State of a part of the heavy expenditure necessary for their support, but it is quite as much for the interest of the prisoners themselves. The work given will depend in part on the prisoner's previous experience, character, and ability. Formerly convict labor was let by contract to private individuals or companies, but this is now forbidden and it is a serious problem how to keep the prisoners properly employed without bringing them into unfair competition with free workmen.² (3) Great emphasis is laid upon moral training. Since the first thing necessary to a wise treatment of any individual prisoner is a thorough knowledge of his character, every convict is elaborately examined at the outset in order to bring out every possible fact about his physical constitution, mental habits, and moral character. These facts are carefully recorded, and

Principles
of prison
manage-
ment.

¹ Hurd, *Revised Statutes*, ch. 108.

² In 1903, the legislature passed an elaborate law regulating the labor of convicts in the penitentiaries and the State reformatory, and leaving their enforcement to the *Board of Prison Industries*, consisting of the governing boards of the three institutions. Act approved May 11, 1903. Hurd, *Revised Statutes*, ch. 108, §§ 75-102.

supplemented by a record of his conduct in the penitentiary. Religious services are provided and some provision is also made for education.¹

Indeterminate sentences and the parole system.

There are some important provisions intended to encourage good conduct in prison and if possible to prepare the prisoner for good citizenship in the future. Under the so-called *good time* rule, a prisoner may by good conduct reduce his term of imprisonment.² Under the *indeterminate sentence* law, a prisoner may be sentenced for a term which must be at least one year, but after that may be long or short according to his conduct in prison and the evidence which he gives of a purpose to live honestly when released. If his conduct is bad, he may be confined for the maximum term fixed by law for the offense for which he was convicted. On the other hand, a promising prisoner may be released on *parole*, with the understanding that he may at any time be brought back for misconduct.³

Habitual criminals

In spite of all efforts to reform them, a large number of the convicts are or become what are called *habitual criminals*. For this class, the law partly provides by imposing much longer terms of imprisonment for a second or third offense, so that the community may be protected, even though there may be little hope of reforming the criminal.⁴

¹ See on this subject Hurd, *Revised Statutes*, ch. 108 (Penitentiary); Wines, *Punishment and Reformation*; recent reports of Penitentiary Commissioners; Biennial Message of Governor Yates, 1903; Constitutional amendment adopted 1886; *Blue Book of Illinois*, 1903, 436-438.

² Hurd, *Revised Statutes*, ch. 108, §§ 45-49 (Act of 1872).

³ *Ibid.*, ch. 38, §§ 498-509. Cf. Wines, *Punishment and Reformation*. In 1903, a bill to repeal the indeterminate sentence law was vetoed by Governor Yates.

⁴ Hurd, *Revised Statutes*, ch. 38, §§ 473-479.

Since the hardened criminal is likely to have a demoralizing influence on younger and less hopelessly vicious men, prison authorities are giving more attention to the proper classification and separation of criminals. Two State institutions are now provided for the punishment and reformation of boys and girls convicted of crime. These are the State Reformatory for Boys at Pontiac and the State Training School for Girls at Geneva. Here young prisoners can receive the kind of training best adapted to them and are saved from the contaminating influence of hardened criminals.¹

Reformatories.

Students of crime and the criminal classes are agreed that the best way to deal with this problem is by preventive measures and particularly by saving the children before they become really criminals at all. Some important laws have recently been passed with this end in view. In 1899, the legislature passed the so-called *Juvenile Court Law*, which provides for the bringing into court of children who are neglected or vicious.² Such children may either be left with their own families under the care of a *probation officer* appointed by the judge or placed in some good home or in some State or private institution where they can be properly cared for. In Chicago, a judge of the Circuit Court is selected to hold the *Juvenile Court*. In other counties, such cases may be heard by the county judge.

Preventive measures.
Juvenile court law.

The purpose of the Juvenile Court Law is, if possible, to give every child the advantage of family life. Since this is not always practicable at once, the State has recently organized for boys who are showing criminal tendencies, the *State Home for Delinquent Boys* located

State Home for Delinquent Boys.

¹ Hurd, *Revised Statutes*, ch. 118; ch. 23, §§ 216-244.

² Hurd, *Revised Statutes*, ch. 23, §§ 169-190. (Act approved April 21, 1899.)

at St. Charles. There can be no doubt that this care of the children is the one method of dealing with crime which offers the best hope of substantial results.¹

62. POOR RELIEF

Pauperism.

The State has also to take under its special guardianship the pauper or dependent class. This includes all people who, for any reason, are not able to support themselves and have also no family or relatives to care for them. They may be orphans or neglected children, old people without the means of support, or widows who are unable to provide for themselves or their children. Sometimes they are good men and women, thrown out of employment because of illness and accident; but in other cases they have been brought to poverty by their own vices. Thus the problem of poverty, or pauperism, is closely connected with that of crime. The same personal habits, the same demoralizing surroundings which make men criminals may also make them paupers. In caring for the dependent classes, therefore, the State has two very different objects. One is to relieve the suffering of the poor themselves, and the other, hardly less important, is to protect the healthy part of the community, and especially the young, from the demoralizing influence of a pauper class.²

The organization of poor relief.

When any person is unable to support himself, the Illinois law requires his family to provide for him. If there are no relatives or friends able to support him, then the burden falls upon the whole community. In

¹ Hurd, *Revised Statutes*, ch. 23, §§ 191-215; *Blue Book of Illinois*, 432-433. See also ch. 14 below on parental schools.

² Warner, *American Charities; Biennial Report of State Board of Charities*, 1876, App. I., III.

some cases, the town government provides for the support of its own paupers; but, for the most part, the relief of the poor falls upon the counties. In looking after the poor, however, the county makes use of town officers. Thus in counties under township organization, the town supervisors act as *overseers* of the poor, except in the larger towns, where the county board may appoint a special overseer. In counties without township organization, the county board appoints a "justice of the peace or some other suitable person" in each precinct to serve as overseer.

It is the duty of the overseer, first, to provide "outdoor relief." That is, money or supplies of any sort may be given to relieve poor people whom it would not be desirable to send to the poorhouse. This kind of relief is most appropriate with honest and industrious people who are temporarily in need of help, but who would be humiliated, and, perhaps, demoralized by being sent to the poorhouse. There is so much danger, however, that this outdoor relief may be too freely given and so weaken the spirit of self-help, that many people believe that there ought to be no outdoor relief given by the public. They believe that whenever relief of this sort is absolutely necessary, it can be provided by private charity and that people who ask support from public money should be discouraged as much as possible by requiring them to go to the poorhouse.

Outdoor
relief.

"Indoor relief" is usually provided at the expense of the county at the county poorhouse or almshouse. These poorhouses vary greatly according to the size and wealth of the county and the intelligence and humanity of those in charge. In some counties, the honest poor and children are brought together with insane, diseased, and vicious paupers. Sometimes the

Indoor
relief.

insane are still treated according to the barbarous methods of former days. In the better county institutions special and separate provision is made for different classes, as for example in the Cook County establishment at Dunning. It is now generally recognized that children ought so far as possible to be saved from the unfortunate influence of life in the poorhouse and cared for in other ways.¹

The relief
of veterans
and their
families.

Although the State cares for those who have no claim except that they need help, it also recognizes the special claim of those who have come to poverty because of injuries received in the country's service. For the disabled soldiers and sailors who have served in the Mexican, Civil and Spanish-American Wars, the State has established the *Soldiers' and Sailors' Home* at Quincy. The families of old soldiers are also provided for in the *Soldiers' Widows' Home* at Wilmington and the *Soldiers' Orphans' Home*.² The law also provides a way in which veterans may receive special *outdoor relief* through the relief committees of the various Grand Army posts. These provisions for veterans and their families may be regarded not as charity in the ordinary sense but as the discharge of a public debt.³

63. CARE OF DEFECTIVES

Defectives.
The insane.

There is another class of State institutions, usually grouped with those for the poor as charitable institutions. They belong, however, only partly under that

¹ Hurd, *Revised Statutes*, ch. 107; *Report of the State Board of Charities for 1876* and for recent years. Cf. Warner, *American Charities*, chs. 6, 7; Henderson, *Dependents, Defectives, and Delinquents*, Part II., chs. 2-5.

² Hurd, *Revised Statutes*, ch. 23, §§ 104-121, 127-139; *Laws*, 1865, 16; *Laws*, 1869, 39.

³ Hurd, *Revised Statutes*, ch. 23, §§ 140-147.

head. These are the institutions for the *defective classes*, those who because of some mental or physical defect or disease, require special supervision or in some cases a special kind of education. Of these defective classes, one of the most important is that of the insane. An insane person cannot usually be trusted with freedom or be held responsible for his acts. The law, therefore, lays down careful rules for determining whether a particular person is insane and whether he should be kept under special supervision or restraint. In Illinois, the question must be passed upon by a court of law with the help of expert physicians. If the person supposed to be insane demands it, he may have a trial by jury. This is called an "inquest in lunacy" and is held by the judge of the county court with the help of six jurors of whom at least one must be a physician. If no jury is called for, the judge may appoint instead a commission of two physicians to examine the person claimed to be insane. If the jury or commission finds that he is insane, the judge may either leave him to the care of his relatives or commit him to an asylum, or send him to the insane department of the county poor-house. The court may also, if the patient has property which requires care, appoint a *conservator* who will act for him much as a guardian takes care of the property of children. Through these precautions, the State tries first to prevent any sane person from being deprived of his liberty,¹ and, secondly, to prevent improper advantage being taken of those who are really insane.²

Insane persons may be cared for in various ways.

Insane
asylums.

¹ It is worth noting that a person confined on the ground of insanity is entitled to the benefit of the writ of *habeas corpus*, precisely as if he had been imprisoned on any other ground.

² Hurd, *Revised Statutes*, chs. 85, 86.

Some go to the county poorhouse. In some cases, as in Cook County, there may be a county insane asylum connected with the poorhouse. Few counties, however, are able to provide proper care for the insane and the burden, therefore, falls largely upon the State. There are now six State hospitals for the insane besides one for insane criminals. The oldest of these was established at Jacksonville in 1847 and others have been provided for the northern, southern, eastern and western sections of the State. There is also at Bartonville, near Peoria, an *Asylum for the Incurable* (or better chronic) *Insane*.¹

Methods
of treat-
ment.

During the last century, there have been great improvements in the methods of caring for the insane. In former times they were treated almost like wild animals and often looked upon with superstitious horror. These cruel and barbarous methods have been rapidly disappearing, however, and insanity is now looked upon as a disease which should be carefully studied and which, if properly treated, may often be cured.

Medical
charities.

Though any citizen of the State may receive free treatment at these State hospitals, they cannot be regarded as necessarily public charities. If the insane patients or their families have property, they are of course taxed for the support of these institutions which may, therefore, be regarded as great coöperative enterprises undertaken by the State, because they cannot be so well managed in any other way. Somewhat similar in character to these insane hospitals are the *medical charities*. Thus the State maintains at Chicago the

¹ Hurd, *Revised Statutes*, ch. 23, §§ 60-91; cf. also note at end of ch. 23, *ibid.*; *Reports of State Board of Charities*, especially 1876; *Blue Book of Illinois*, 413-424.

Illinois Charitable Eye and Ear Infirmary, and poor people may also be given free care at city or county hospitals.¹

Other institutions for defective children are distinctly educational. The normal healthy child is provided for in the ordinary public school, but many children are prevented by physical defects from receiving their education in this way and require a special training in order to take their places as self-supporting members of society. For this purpose, there have been established several important State institutions. The first to be established in Illinois was the *Illinois Institution for the Education of the Deaf and Dumb*, founded at Jacksonville in 1839.² Ten years later the *Illinois Institution for the Education of the Blind* was founded at the same place, and there has since been organized at Chicago, an *Industrial Home for the Blind*. A less hopeful kind of institution is the *Illinois Asylum for Feeble Minded Children* in which these unfortunates are given such education as they are capable of receiving. The work that is done for children in these institutions, though generally spoken of as "charitable," may also be treated as a part of the public school system of the State.³

Schools for
defectives.

The State institutions for the care of the poor and defective classes are usually managed by boards of trustees appointed by the governor with the advice and consent of the senate. The governor also has the power to make removals for good cause. These trustees receive no pay except their expenses in the service,

State insti-
tutions.

¹ Hurd, *Revised Statutes*, ch. 23, §§ 148-165.

² The name of this institution has recently been changed to the *Illinois School for the Deaf*. Act approved May 16, 1903. *Laws, 1903* (*Legal News* ed.).

³ See ch. 14 below.

but each board has power to appoint the superintendent who does receive a salary and who is, subject to the authority of the trustees, the chief executive officer of the institution.

State Board
of Charities.

Nearly all of these institutions are subject to the supervision of the Board of State Commissioners of Public Charities. This Board consists of five members, all appointed by the governor for a term of five years, one member, however, retiring each year. Members serve without salary but have an allowance for their expenses. They have the right to visit and examine the various State charitable institutions. They also visit the county poorhouses and jails and describe the conditions which they find in the biennial reports which they are required to make to the governor. Though the State Board of Charities has under its care a large number of public and private charities, it has little or no real control over the management of the various institutions. It is believed by many that a board which should really control and which should be made up of salaried officers giving their whole time to the work would give the people of the State a much more systematic and businesslike administration of these important interests. This plan was recommended by the State Board itself in 1900 but has thus far not been carried out.¹

¹ Hurd, *Revised Statutes*, ch. 23, §§ 2-18; *Reports of the State Board of Charities*.

CHAPTER XIII

THE ECONOMIC SERVICES OF THE STATE

64. REFERENCES

Willoughby, *An Examination of the Nature of the State*, ch. 9; H. C. Adams, "Relation of the State to Industrial Action" (*Publications of the American Economic Association*, I., No. 6); "The Relation of Modern Municipalities to Quasi-Public Works" (*Ibid.*, II., No. 6); Hart, *Actual Government*, Part IX.; Bemis, *Municipal Monopolies*; Maltbie, "Municipal Functions," (*Municipal Affairs*, II.); American Academy of Political and Social Science, *Social Activities and Social Legislation* (various authors, 1902); Zeublin, *American Municipal Improvements*; Brooks, "Bibliography of Municipal Administration and City Conditions" (in *Municipal Affairs*, I., with supplementary lists in subsequent issues); Baker, M. N., *Municipal Year Book*; Dillon, *Commentaries on the Law of Municipal Corporations*, 2 vols. Compare for illustrations of industrial and social enterprises by European cities, Shaw, *Municipal Government in Europe* and *Municipal Government in England*, and Fairlie, *Municipal Administration*, chs. 11, 12.

Documents: *Constitution of Illinois*, Arts. XI., XIII.; Hurd, *Revised Statutes of Illinois*, especially chs. 16a, 24, 32, 47, 73, 114, 121, with notes on these chapters in Starr and Curtis, *Annotated Statutes*; Auditor of Public Accounts, *Biennial Reports*; Bureau of Labor Statistics, *Reports*; Board of Railroad and Warehouse Commissioners, *Reports*, especially 1872-1876 and recent issues; Secretary of State, *Biennial Reports*.

65. STATE REGULATION OF PRIVATE ENTERPRISE

In the exercise of the police power, in the administration of justice, and even to a certain extent in the care of the abnormal and degenerate classes, the purpose of the government is to protect the ordinary citizen in the

The State
as a factor
in social
progress.

free and safe enjoyment of his rights. In all modern countries, however, the government actually does much more than this. It is not content with merely protecting right private enterprises and prohibiting injurious ones, but has become an important positive factor in the progress of the people. It renders important services of an economic or material kind, and it tries also by means of public education to serve the higher interests of the community.

Economic
services
classified.

The positive services performed by the State in the economic life of the people are, roughly, of three kinds: (1) *State regulation of private enterprise*; (2) *State aid to private enterprise*; and (3) *public ownership or management of industrial enterprises*.

State regu-
lation of
private en-
terprises.

As business interests have grown constantly larger and more complicated, it has become more important that they should be made to work in harmony. Men are coming to have higher ideas of industrial and social organization and since these ideas are often in conflict with private interests, it is desirable that the strength of the State should be used to bring about more just and reasonable conditions. Acting on this theory, the government has come more and more to regulate certain kinds of business in order to promote their development along those lines which shall be best for the interests of the whole community. Some of this work is given to the Federal government, particularly under its power to regulate inter-state and foreign commerce, but much is still left to the States. This is clearly shown by the clauses of the Illinois constitution which have to do with corporations in general, and with such specific kinds of business as railroads, banks, and warehouses.

Corpora-
tions.

Since the important business of the community, and particularly its commerce and manufactures are largely

in the hands of corporations rather than of individuals, it is important to understand something of the general principles of law which apply to these organizations. It is not easy to state accurately and yet without technical language just what a corporation is, but it is commonly defined in law as an artificial person. Thus a corporation may consist of one person and his successors in some particular office or trust; or it may be, as is usually the case, an association of several persons. In any case, the law regards it as a sort of person, having rights and duties similar to those of a natural person, and quite distinct from those of the individuals who compose it. Thus a corporation may buy and sell property, and it may sue and be sued in the courts like any individual person. It may also have debts which are quite distinct from those of its individual members. It is important to note, however, that these privileges, which seem almost necessary for the conduct of any great enterprise at the present time, are not enjoyed as a matter of course but are given by the State and limited by law. In Illinois corporations might formerly be chartered by special acts of the legislature, and many such charters were issued just before the adoption of the present constitution.¹ They are now forbidden by the constitution and all new corporations must be organized under general laws. These general laws need not be the same for all corporations, but may be only for those of a particular class. Some of these classes are recognized by the constitution itself and others are provided for by statute.²

¹ See the session laws, 1865-1869, and note the marked reduction in the size of the volumes after the adoption of the present constitution.

² *Constitution of Illinois*, 1870, Art. XI.

Public corporations and corporations "not for profit."

Some corporations are not organized for the purpose of making profits for their members and therefore do not concern us here. Thus there are *public corporations* doing a part of the work of government. A city is a corporation and as such can sue and be sued in the courts. So is the State University, maintained by the people as a part of the public school system. There are also many private associations having corporate privileges, but not organized for strictly business purposes. Under this head come churches, literary societies, political clubs, and many other societies.¹

The general law.

Among the private corporations organized for purely business purposes, the law recognizes several distinct classes. Many of them are organized under a general law regulating "corporations for pecuniary profit," but other corporations such as railroads, banks, and insurance companies are chartered in accordance with laws specially adapted to each of these particular kinds of business. The general law requires, first, that all persons who wish to organize themselves into a corporation must secure a license from the secretary of state and must choose their officers according to rules prescribed by law. Corporations are also required to make regular reports to the secretary of state and are expressly declared to be bound by such regulations as the State legislature may from time to time think necessary.²

Banking laws.

Of the laws relating to special classes of business corporations, the most important are those on banking, insurance and railroads. In the early history of Illinois, the State itself attempted to engage in the banking business, but this policy was unsuccessful and is now forbidden by the constitution. Banks are now organ-

¹ Hurd, *Revised Statutes*, ch. 32, especially §§ 29-49.

² *Ibid.*, ch. 32, §§ 1-28.

ized under general laws which must be submitted to the people for their approval.¹ The present law regulates the manner in which bank directors are to be elected, the minimum amount of capital stock which they must hold, and the ways in which they may lend money. For the purpose of enforcing these regulations and protecting the rights of stockholders and depositors, banks must be examined at least once a year by a bank examiner appointed by the State Auditor of Public Accounts.²

Somewhat similar regulations are made for companies carrying on various kinds of insurance business such as life, accident, and fire insurance. Insurance companies are now under the Supervision of the State Insurance Department. The superintendent of this department has the right to examine insurance companies, to receive reports from them, and in some cases to deprive them of their privilege of doing business in the State.³

Regulation
of insurance
companies.

The proper regulation of railroad companies is a most difficult problem, and it has been especially important for Illinois because of the great railroad interests which center in the city of Chicago. Until the adoption of the present constitution, the State had failed to work out any satisfactory policy. The unsuccessful improvement scheme of 1837 had provided for the building of railroads by the State. Later aid was given to railroad companies in various ways by the Federal, State, county, and town governments. When the railroads had

State regu-
lation of
railroads.

¹ *Constitution of Illinois*, 1870, Art. XI. §§ 5-8.

² Hurd, *Revised Statutes*, ch. 16a. It must, however, be remembered that a large proportion of the important banks are organized not under State law, but under the authority of the national bank act.

³ *Ibid.*, ch. 73. Cf. Act approved May 14, 1903, §§ 272a-272g.

been built, however, the people and particularly the farmers felt that they were not being fairly treated in the matter of charges; that the great corporations which had received so many privileges from the State should be brought more thoroughly under its control. The Constitution of 1870, therefore, defines carefully the mutual rights and duties of the railroad companies and the people, and these constitutional principles have been worked out in detail by acts of the State legislature.

Principles
of State
regulation.

One important principle of this State regulation is publicity. Every railroad company doing business in Illinois must have a public office in the State where its records must be kept, and make an annual report to the State Auditor and to the Board of Railroad and Warehouse Commissioners.¹ In the second place, investors as well as the general public are protected by rules restricting the increase of capital stock.² A third principle is the preserving of competition by prohibiting the consolidation of companies which own parallel or competing lines.³ The most important principle, however, laid down by the constitution is in the statement that the railroads are not purely private property, but "public highways" "free to all persons for the transportation of their persons and property." Because the railroads are "public highways" the State has a right to prevent unjust discrimination among their patrons and even to establish "reasonable maximum rates of charges" both for freight and for passengers.⁴ Acting under these

¹ *Constitution of Illinois*, 1870, Art. XI. § 9; Hurd, *Revised Statutes*, ch. 114, § 24.

² *Constitution of Illinois*, 1870, Art. XI, § 13; Hurd, *Revised Statutes*, ch. 114, §§ 15, 22.

³ *Constitution of Illinois*, 1870, Art. XI. § 11; *Revised Statutes*, ch. 114, § 23.

⁴ *Constitution of Illinois*, 1870, Art. XI. §§ 12, 15.

clauses the legislature passed a law prohibiting "extortion and unjust discrimination." It also attempted to fix definite maximum rates which might be charged for freight and passengers. This law was objected to as unconstitutional, and in 1873 a new law was passed which left the duty of publishing such rates to the *Board of Railroad and Warehouse Commissioners*. These rates are enforced by the courts unless shown to be unreasonable.¹

This Board consists of three commissioners appointed by the governor and the senate to serve for a term of two years. No one can hold this office who has any money interest in any railroad. The commissioners are entitled to receive every year from the railroads, a sworn statement giving information of almost every kind about their property and business. It is the duty of the Board to enforce various acts of the legislature regulating railroads, but their most important work is the publication from time to time of schedules fixing the maximum rates which may be charged for freight and passengers. In the case of passengers a uniform maximum rate of three cents a mile has been fixed. In the case of freight, the maximum rates which may be charged vary according to the character of the business. At first, the railroads resisted this principle of State regulation of railway rates, but it has since been sustained by the State Supreme Court and finally by the Supreme Court of the United States.²

Railroad
and Ware-
house Com-
missioners.
Regulation
of rates.

¹ J. H. Gordon, *Illinois Railway Legislation and Commission Control* (in University of Illinois, *University Studies*); Hurd, *Revised Statutes*, ch. 114, §§ 124-133.

² Hurd, *Revised Statutes*, ch. 114; *Reports of Railroad and Warehouse Commissioners*; Ill. Central Railroad Company v.

Regulation
of street
railways.

Somewhat different from the problem of the steam railroads is that of the street railways which, especially since the development of electricity, have spread rapidly in all the large cities and many of the smaller towns of the State. Since they use the public streets it is generally recognized that the people, who own the streets, have a right to determine the conditions under which such use may be allowed. The State constitution, therefore, provides that no law shall be passed giving the right to establish a street railway through the streets of a city or town without the consent of the local authorities.¹ In the past, this valuable privilege of using the streets has been given away without any sufficient return to the people, but the tendency now is to require greater concessions from the street railway companies and to subject them to municipal regulations of various kinds. Within recent years, city street railways have been developed in many places into what are sometimes called inter-urban railways, carrying not only passengers, but sometimes freight also for long distances and thus coming into competition with steam railroads. These inter-urban companies probably will require regulations similar to those already adopted for steam railroads.²

Regulation
of ware-
houses.

Much the same principles which have been applied to railroad freight-rates have also been thought necessary in the case of the great warehouses, particularly those for the storing of grain. The law provides certain maximum rates for the storage of grain, requires the People, 95 *Illinois Reports*, 313, and *Ruggles v. Illinois*, and *Ill. Central R. R. Co. v. Illinois*, 108 *U. S. Reports*, 526-543; cf. *Munn v. Illinois*, 94 *U. S.*, 113.

¹ *Constitution of Illinois*, 1870, Art. XI. § 4.

² See on this subject the *Message* of Governor Yates, Jan. 7, 1903.

that rates shall be published and that there shall be no unjust discrimination in favor of or against particular customers. The enforcement of these regulations is entrusted to the Railroad and Warehouse Commissioners.¹

There are many other examples of State control of private enterprises. There is special legislation regulating building and loan associations, gas companies, and trust and surety companies.² Coal mining is another kind of business which is subjected to many special regulations. It is supervised by a State mining board which appoints inspectors and holds examinations to determine who may be employed as managers or engineers.³

Other examples of State control.

66. INDUSTRIAL COMBINATIONS AND LABOR LEGISLATION

Within recent years two objects of State regulation have seemed particularly important. The first is the protection of the people from abuse of power by the so-called "trusts," great combinations of capital having a partial control or even a complete monopoly of certain lines of business. It is not clear just how much can be done in this field by the Federal government and how much should be left to the States. The Illinois legislature, however, has attempted to prevent by law combinations made for the purpose of securing a monopoly in particular lines of business or for limiting the quantity or fixing the price at which articles shall be sold.⁴

Regulation of industrial combinations.

¹ *Constitution of Illinois*, 1870, Art. XIII.; Hurd, *Revised Statutes*, ch. 114, §§ 134-160.

² Hurd, *Revised Statutes*, ch. 32 passim.

³ *Ibid.*, ch. 93.

⁴ *Ibid.*, ch. 38 (Criminal Code), §§ 269a-269t.

These laws have not overcome the tendency toward great industrial combinations, and there is great difference of opinion as to how far this tendency ought to be checked.

Labor
legislation.

Another important object of State intervention is to secure better conditions for the employment of labor and to prevent, so far as possible, strikes or lock-outs. Thus the law makes eight hours a legal day's work, where there is no specific contract. Factory laws have been passed to secure better conditions in manufacturing establishments and factory inspectors have been appointed to enforce these regulations. To help men who are out of work, State free employment agencies have been provided for. The courts of Illinois are, however, somewhat conservative about measures which seem to restrict individual liberty and some important acts of this kind have been declared unconstitutional.¹

State Board
of Arbitra-
tion.

One of the most important measures of this class was the establishment of the State Board of Arbitration, consisting of three members appointed by the governor. One of them must be an employer, another an employee and the third, some one who is neither employer or employee. The Board may investigate a dispute between employers and workmen when one or both of the parties ask for it. When both have applied for arbitration, the failure of either to accept the decision may be punished by the courts. The board may also, when the interests of the public seem to be endangered by a strike or lock-out, investigate the case of its own

¹ Hurd, *Revised Statutes*, ch. 48, §§ 53-67. One act for this purpose was declared unconstitutional by the State Supreme Court, but a substitute measure was passed in 1903. Act approved May 11, 1903. Cf. Starr and Curtis, *Annotated Statutes*, ch. 38, § 442 note, and *Frorer et al v. the People*, 141 *Illinois Reports*, 171.

motion and make recommendations to the parties. It cannot compel either party to accept arbitration, but has doubtless done something to prevent undesirable conflicts between labor and capital.¹

Many of the provisions just spoken of may, in so far as they are intended to protect the community from a harmful use of individual liberty, be considered as a part of the police work of the State. Yet, taken as a whole, they show in a positive way how the State to-day tries to guide private enterprise along safe and wise lines of progress.

Negative and positive aspects of this legislation.

67. STATE AID TO PRIVATE ENTERPRISE

Besides controlling or regulating private enterprise, the State does much to encourage and aid certain kinds of private activity which are considered especially useful to the whole community. Since Illinois is an important agricultural State, some effort is naturally made to help the farming industry. This is done partly by State appropriations to various agricultural organizations which are intended to develop improved methods of farming. Thus appropriations are made by the State to the State Board of Agriculture, to the State Horticultural Society, and to State and county *farmer's institutes*. Much is also appropriated for scientific investigations in the interests of the farmers. Thus the *State entomologist* is employed to investigate insect enemies of vegetation.² The State also coöperates with the Federal government in supporting the State Agricultural College, where investigations are carried on which throw light on many practical problems. The

State aid to agriculture.

¹ Hurd, *Revised Statutes*, ch. 10.

² *Revised Statutes*, chs. 5, 127a; biennial appropriation acts in *Laws*, 1903.

State further helps the farming interests of Illinois by the passage of suitable drainage laws. In order to carry out drainage plans, private individuals must sometimes be compelled to allow the use of their lands and all persons who will receive any direct benefit must be compelled to contribute their share of the expense. Through acts of the legislature and through the courts the State gives its compulsory power for this purpose.¹

Bureau of
Labor Sta-
tistics.

There has not been so much direct legislation by the State in aid of manufactures, but in 1879 the legislature established the State Board of Commissioners of Labor, better known as the Bureau of Labor Statistics. It is the duty of this Board to collect statistics "relating to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes, and to the permanent prosperity of the mechanical, manufacturing, and productive industry of the State." The published reports have given special attention to the coal mining industry.²

Aid to
commerce.

Both agriculture and manufactures are, however, largely dependent for their prosperity upon the commerce and transportation which bring the farm and factory products from the producer to the consumer. In this field the positive help of the State to private enterprise has always been very important. Without good roads, there can be little commerce between different communities, but the building and improvement of roads is largely the work of county and town governments. In order to facilitate commerce, the State has spent a large sum of money on the Illinois and

¹ *Revised Statutes*, ch. 42, and *Constitution of Illinois*, 1870, Art. IV. § 31 (amendment).

² *Revised Statutes*, ch. 17b. See also *Reports of the Bureau of Labor Statistics*.

Michigan Canal, and has from time to time either through the central or the local governments given help in the building of railroads.

Perhaps the most important help which the State gives in the building of a railroad is by allowing the railroad company to exercise the right of "eminent domain." It is one of the fundamental principles of any government, that private property is subject to the public welfare and may be taken over by the State, if necessary, with the understanding, however, that the owner must receive compensation for property so taken or *condemned*. Thus if the government desires to build a public road, it may *condemn* the land of any private owner over which the road must pass, and the courts will decide what is a reasonable compensation.¹ Through the grant of the State, railroad corporations also may exercise this power under the same condition that they must pay a reasonable price to be fixed by the courts.² A similar right to take property under the principle of eminent domain is given to telegraph companies.³

Eminent domain.

68. PUBLIC OWNERSHIP

There are some kinds of business carried on for the purpose of satisfying the material needs or convenience of the people, which the State takes out of private hands altogether and entrusts to the government. The line between public and private business has been differently drawn in different governments and at different times. In a general way, however, it may be said that certain services which are needed by all or nearly

Government enterprises.

¹ Hurd, *Revised Statutes*, ch. 47.

² *Ibid.*, ch. 114, esp. §§ 18, 19.

³ *Ibid.*, ch. 134, § 19.

all the people, and which are of such a kind that real competition is either impracticable or undesirable, are being more and more treated as government business. Thus the national governments of all civilized countries undertake the business of delivering letters for the convenience of their citizens, and many governments have taken over the telegraph lines and the business of sending goods by express. Thus also a State government may own and operate a canal, and a county or town government may build and maintain roads. A city may undertake the business of furnishing water for the people who live within the city limits, or it may even own and operate a street railway system.

State ownership and socialism.

All the forms of business just mentioned have at some times and in some places been left to private enterprise, but each of them is now being somewhere carried on as government business. It is quite possible that many other kinds of business now managed by private individuals for private profit may be hereafter taken over by the government, acting as a sort of co-operative society for all the people of the community. If all industrial enterprises should thus be taken over by the state, we should have what is called socialism.

The experience of Illinois.

In the early history of this State, the legislature proposed, as has been seen, to undertake on a large scale the business of building canals and railroads. Though large sums were appropriated for this purpose, the only substantial result accomplished was the building of the Illinois and Michigan Canal, now in charge of a Board of Canal Commissioners appointed by the governor. This is probably the best example in Illinois of an industrial enterprise carried on by the central government of the State, but there is great difference of

opinion as to the real value of this canal under present conditions.¹

One of the most important industrial enterprises undertaken by any government is the building and maintaining of public highways, including roads and bridges. Roads have often been in the past private enterprises, carried on for profit and collecting tolls from travelers. A few such toll roads still exist, but in Illinois the practically universal rule is that roads and bridges are made and repaired by the local governments and are free to all who wish to pass over them. In counties under town government, this work is in the charge of commissioners of highways elected by the people of each town. Counties not under township organization may either be divided into road districts in charge of elected commissioners, or they may leave the general management of the roads in the hands of the county board.²

Public
roads.

The cities, however, furnish the best examples of government ownership of the so-called "public utilities." Much which might elsewhere be safely left to private enterprise cannot be so left in these crowded places without serious inconvenience and danger. Thus, a city family cannot well have its own separate arrangements for sewerage or water or street lighting. Sometimes these *public utilities* are furnished by private companies. In that case, there is usually a monopoly, because, as in the case of water or street railway service, there is not room for several companies on the same

Public
utilities.

¹ Hurd, *Revised Statutes*, ch. 19; *Message of Governor Yates*, 1903. See above, ch. 2.

² Hurd, *Revised Statutes*, ch. 121. An excellent account of the road laws of Illinois is given by I. O. Baker in the *Engineering Record*, XLVII. 431-432.

streets. If there is a monopoly, there is always a chance that the citizen who needs these services will not be treated fairly by the company. Sometimes a strong corporation may, through corrupt methods or otherwise, prevent proper regulations by the city authorities in the interest of the people. For these and other reasons, city governments in Illinois, as elsewhere, have taken up new lines of business, formerly left to private enterprise.¹

Examples of
municipal
ownership.

The *public utilities* managed by the municipal governments may be divided roughly into two classes. Of the first class are those which, being considered generally useful, are furnished free and paid for by public taxation. In this way, nearly all the city governments of Illinois manage their sewerage systems, maintain public parks, and care for the cleaning and lighting of streets. In the second class are those services for which the city is paid by those who make use of them. Thus a large majority of the city governments of Illinois own water works, but the private consumer usually pays for what he uses. It is also proposed that city governments should be given the right to furnish electric lights to private consumers who are willing to pay for them. Under the so-called Müller law of 1903, a city government may even under certain conditions own and operate a street railway system.²

Municipal
ownership
as a prac-
tical issue.

The question of private or public ownership of *public utilities* will certainly be much discussed in future years. If in any given case, people are convinced that a particular kind of business will be better managed, in

¹ Maltbie, "Municipal Functions" (in *Municipal Affairs*, II.).

² M. N. Baker, *Municipal Year Book*; Bemis, *Municipal Monopolies*, especially chs. 1, 7 and pp. 281-285; Hurd, *Revised Statutes*, ch. 24, esp. §§ 254-270q, 280-282, 655-660.

the interest of the whole community, by public rather than by private ownership, they will probably not hesitate to have their city governments undertake it, even though such a measure may be called socialistic. Conservative people, however, have the right to demand substantial reasons for believing that there will be a real improvement of the service. One of the great objections now made to public ownership is that city affairs are so much in the hands of professional politicians that they are not likely to be managed on sound business principles. *Civil service reform* or the *merit system* in city appointments is therefore necessary if municipal governments are to undertake these new and difficult responsibilities.

CHAPTER XIV

PUBLIC EDUCATION

69. REFERENCES

Hart, *Actual Government*, ch. 28 (gives a good bibliography of public education in the United States); Boone, *Education in the United States*; Dexter, *History of Education in the United States*; Willard, "A Brief History of Education in Illinois" (in *Report of Superintendent of Public Instruction, 1883-1884*); Pillsbury, articles in *Biennial Reports of the Superintendent of Public Instruction* as follows: "Sketch of the Permanent School Funds of Illinois" (14th Report); "Early Education in Illinois" (16th Report); and "Historical Sketch of the State Normal Universities and the University of Illinois" (17th Report); Clark, *The Public Schools of Chicago*.

Documents: U. S. Commissioner of Education, *Reports*; Hurd, *Revised Statutes of Illinois*, ch. 122; [Illinois] Department of Public Instruction, *The Illinois School Law, 1889-1901*; Bateman and Pillsbury, *School Laws and Common School Decisions of the State of Illinois* (ed. 1889); Superintendent of Public Instruction, *Biennial Reports*; Chicago Educational Commission, *Report, 1899*; Chicago Board of Education, *Annual Reports*, especially 1902.

70. REASONS FOR PUBLIC EDUCATION

Education
as the safe-
guard of
popular
government.

Though the duty of the State to provide free public schools is now generally recognized, it has not always been so. Even to-day some men consider that the education of children should be a purely private affair, that no man ought to be taxed in order to help educate the children of his neighbors. It is therefore desirable to understand, at the outset, why it is that education is

regarded as a public rather than a purely private interest. One of the best answers to this question was given in the well-known Ordinance of 1787. "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."¹ The first reason implied in this statement is that education is necessary to make men good citizens. In an absolute monarchy, it may be less necessary that men should be generally educated, but in a republic, where the people instead of being subjects have the sovereign power in their own hands, government cannot be safe without a large body of citizens who are intelligent as well as patriotic. This principle was recognized even when, as in 1787, the right to vote and hold office was given only to that part of the population which had special advantages of property and education. It is more than ever important to-day in a State like Illinois where the government is purely democratic.

There is, however, another reason why the State should undertake this work of education. It is reasonable to educate children for better service of the State, but after all the State is only an agency for promoting the welfare of the people. So it may be said that children should be educated not only that they may be good citizens, but also that as men and women they may make the most of all their powers. This work may be done by individuals, by churches, and by other private institutions, but in Illinois it is largely done by the State, because that is the agency through which the great mass of the people can best coöperate for the benefit of their children.

Public education as a coöperative enterprise.

¹ *Ordinance of 1787*, Art. III. of the Compact.

71. GROWTH OF THE SCHOOL SYSTEM

Early
Federal
legislation.

The history of the public school system of Illinois begins more than thirty years before the State was admitted to the Union. In 1785, the Congress of the old Confederation passed an ordinance establishing for the Northwest Territory the present system of land surveys by townships six miles square. This ordinance provided that section 16, or one thirty-sixth part of each township, should always be set apart for maintaining public schools within that township.¹ In 1818, Congress gave these lands to the new State for the same purpose, and also promised three per cent. of the net proceeds of all public lands sold in Illinois after January 1, 1819, to be appropriated by the legislature of the State for the encouragement of learning. Thus Illinois owes the beginning of its public school system to the generous action of the Federal Congress.²

Early State
legislation.

Many years passed before much practical use was made of these provisions. A very liberal law of 1825 provided for a system of free schools which might be supported partly by public taxation, but the people were not yet ready to be taxed for this purpose and this provision was soon repealed.³ A few years later, however, the school lands of various townships began to be sold for the purpose of maintaining public schools. The first free public school in Illinois was probably founded in Chicago about 1834. As a result of constant agitation by those who believed in public education, some

¹ Text of the ordinance in Hart and Channing, *American History Leaflets*, No. 32.

² Text of the enabling act in Appendix B, § 81.

³ *Laws of Illinois, 1825*, 121-128; Pillsbury, *Early Education in Illinois* (16th Biennial Report of Superintendent of Public Instruction).

important progress was made during the next few years. Provision was made for school township and school district officers. County superintendents of schools were also provided for and the secretary of state was made *ex-officio* State superintendent. The school districts were again given the right to lay school taxes, though at first only in a very limited way.

In 1854, the office of Superintendent of Public Instruction was separated from that of secretary of state and in 1855 a general school law was passed which is generally regarded as the foundation of our present system. The new law provided for free schools in every district, supported by local taxation, but aided also by the State school funds. So far, the school system of the State was provided for only by acts of the legislature; but in 1870, the new constitution recognized the responsibility of the State by requiring the general assembly to "provide a thorough and efficient system of public schools whereby the children of this State may receive a good common school education."¹

The School law of 1855 and the constitution of 1870.

72. PRINCIPLES OF THE SCHOOL SYSTEM

In studying the school system of to-day, a few fundamental principles ought to be kept constantly in mind:

Education regulated by law.

I. Since education is one of the most important functions of government, it must be regulated by law. Those who have in charge the teaching and management of the public schools are public officers and their powers and duties are prescribed for them by the law, sometimes in great detail. The State does not, however, take the work of education exclusively into its

¹ Pillsbury, *Early Education in Illinois; Laws, 1854, 13-15; 1855, 51-91; Constitution of Illinois, 1870, Art. VIII.*

own hand. Side by side with the public school system, there are private schools of every grade from the kindergarten to the university. The churches have been particularly active in this work. Thus the Catholic and Lutheran churches have established parochial schools, and universities and colleges have been founded by the efforts of various religious denominations. There is some dispute as to just how far the State may regulate such private institutions; but the more important private schools and colleges are required to make formal reports to the State Superintendent.¹

Free education offered to all.

2. The constitution requires a school system "whereby *all* children of this State may receive a good common school education."² The school board in every district must keep a sufficient number of *free* schools to accommodate all the children in the district and "secure to all such children the right and opportunity to an equal education in such schools." In the country districts, schools must be kept open for at least 110 days in each year and in the more populous districts for at least six months.³ In 1900, there were only 32 districts out of nearly twelve thousand in the State in which there were no free schools, and about a hundred more in which a school was not kept for at least six months.⁴

Compulsory education.

3. The *compulsory education* law provides that those who are given this opportunity of free education shall

¹ Hurd, *Revised Statutes*, ch. 122, § 5; *Biennial Reports of Superintendent of Public Instruction*.

² *Constitution of Illinois*, 1870, Art. VIII. § 1.

³ Hurd, *Revised Statutes*, ch. 122, §§ 146, 166.

⁴ *Biennial Report of State Superintendent*, 1902, 271. In the crowded districts of Chicago and in the sparsely settled rural districts, there is often difficulty in providing suitable and equal accommodations. *Ibid.*, 50-53; *Report of the Educational Commission* (Chicago), Art. XVIII.

be required to make use of it. All children between the ages of seven and fourteen years, who are not physically or mentally unfitted, must now be kept in school at least 110 days in each year. Penalties are imposed upon parents who fail to see that this is done and truant officers may be appointed by school boards to see that the law is enforced.¹ There is a close connection between this rule of compulsory education and the law which prohibits the employment in factories of children between these same ages of seven and fourteen. Both of these laws have been found difficult to enforce, partly because it is not easy to prevent false statements by parents as to children's ages. The *Chicago School Report* for 1901 showed that the proportion of children actually in school to the total number of children of school age was considerably less in 1900 than in 1892. There has recently been established, however, in Chicago, a *Compulsory Education Department* with a superintendent and a number of truant officers. This department, coöperating with the State factory inspectors, has done a good service by placing in school children who had been kept out either by their own willfulness or the neglect of their parents. For children who cannot be properly managed in the ordinary day school, the city has established a *Parental School*, where they can have special training to prevent their drifting into the criminal or vicious class. Similar parental or truant schools may be established in other cities of twenty-five thousand or more inhabitants.²

¹ Hurd, *Revised Statutes*, ch. 122, §§ 313-318.

² *Chicago School Report*, 1900; 1901, 45-52, 113-114; *Report of the Educational Commission* (Chicago), Art. XIV.; Hurd, *Revised Statutes*, ch. 122, §§ 433-444. Cf. message of Governor Yates, Jan. 7, 1903.

Public
schools sup-
ported by
public
taxation.

4. Since education is a public business, the cost must be met by taxes, paid by all who are tax-payers at all, whether they have children in the public schools or not. These taxes now make up by far the larger part of the income of the public schools and are of two kinds, the district tax and the State tax. The school board in each district has the right to levy taxes for school purposes which are included with other State and local charges in the total annual payment which each tax-payer has to make. Nearly nine-tenths of the public money spent by the school districts is raised by this district tax. The State also levies an annual school tax of one million dollars, which is finally distributed to the districts in proportion to population under twenty-one years of age. Thus the richer districts contribute something toward the needs of the more backward parts of the State.¹ Besides this special tax for the local schools, the general assembly also makes large appropriations for the support of State educational institutions including the normal schools and the State University.

73. THE SCHOOL FUNDS

School
funds clas-
sified.

Though the present needs of the schools must be met mainly by the tax-payers of to-day, there are some permanent funds which have had an important influence on the development of the school system. These funds are of two classes, those for the support of common schools and those for higher education.

Township
fund.

Of the permanent funds for the support of common schools, by far the largest is the township fund. This fund was provided for by Congress when it set apart the sixteenth section of every township for the support

¹ Hurd, *Revised Statutes*, ch. 122, §§ 232-241; Bateman and Pillsbury, *School Laws and Decisions*, 234.

of schools in that township. The law requires that only the income of this fund shall be spent from year to year. Some of these lands are still held by the school authorities and rents are received for them. Chicago has *sixteenth-section* lands worth several millions of dollars and producing a large income for school purposes. Outside of Chicago, however, nearly all of these lands have been sold and the principal invested in various ways. These funds are held by the school township treasurers (in Chicago by the city treasurer), and the income is distributed every year to the various districts in proportion to the number of children. The total value of this fund was estimated in 1900 at over fifteen millions of dollars, much the larger part of this amount being in Cook county.¹

Next in importance to the township fund is the State school fund, which goes back to the enabling act of 1818. Congress then granted to the new State three per cent. of the proceeds of all public lands sold in Illinois. One-sixth of this amount was to be given to a college or university, but the rest has been reserved for the common schools.² In 1837, this fund was increased by adding a part of the money received by the State under the congressional act of 1836, distributing the surplus revenue among the States. The whole fund now amounts to about one million dollars. The principal has been borrowed by the State and spent for other objects, but in return the State has pledged itself

¹ Pillsbury, *Sketch of the Permanent Public School Funds of Illinois* (14th Biennial Report of Superintendent of Public Instruction); Bateman and Pillsbury, *School Laws and Decisions*, 24; *Biennial Report of the Superintendent of Public Instruction*, 1900, 24, 250-252.

² Text of Enabling Act in Appendix; Pillsbury, *Sketch of the Permanent Public School Funds*.

to pay interest at six per cent. for the use of schools. This annual interest is then distributed to the various counties and finally through the township treasurers to the school boards to help maintain the local schools.¹

County
funds.

Besides the State and township funds, a majority of the counties have *County School Funds*. These, however, are of comparatively slight importance.²

Federal
grants for
higher
education.

The State also holds three funds for the support of higher education, all received originally from the United States government. The *Seminary fund* comes from the sale of two townships granted by Congress in 1804 and 1818 for "a seminary of learning." The *College fund* was founded by the congressional grant made in 1818 of one-half of one per cent. of the proceeds of public land sales within the State. The interest on these funds, which were also borrowed by the State, is now divided between the two older normal schools.³ The most important State fund for higher education is that of the University of Illinois, which originated in an act of Congress passed July 2, 1862, making large grants of land to Illinois and the other loyal States of the Union, for the purpose of founding colleges in which the "leading object" should be "to teach such branches of education as are related to agriculture and the mechanic arts." The principal of this fund now amounts to over six hundred thousand dollars and though much of it was afterwards lost, the State has

¹ Hurd, *Revised Statutes*, ch. 122, §§ 232-241; *Biennial Report of the Superintendent of Public Instruction*, 1900, 24.

² *Biennial Report of the State Superintendent of Public Instruction*, 1900, 24; Bateman and Pillsbury, *School Laws and Decisions*, 201. The schools also receive a small amount of money each year from fines and forfeitures. *Illinois School Report*, 1900, 16

³ Pillsbury, *Sketch of the Permanent School Funds*.

complied with the conditions of the original grant by agreeing to pay interest on the fund regularly at five per cent. This endowment was increased by an act of congress in 1890.¹

Thus it will be seen that though the later development of the school system has been mainly the result of taxes voluntarily imposed by the people of the State upon themselves, much is also due to the encouragement given, especially in the earlier years, by the Federal government.

74. LOCAL SCHOOL ADMINISTRATION

The most convenient starting point for studying the organization of the present school system is the school township. This local authority was first provided for in order to secure the proper use of the school lands and the money which came from their sale and it is still kept up in all of the State except Chicago and a few other districts organized under special laws. In each school township, there are three trustees chosen by the people and these in turn choose a township treasurer. The legal title of all school property in the township is in the hands of these trustees, and all school funds expended within the township pass through the hands of the township treasurer.²

School
townships.

For the actual management of schools, the township is subdivided into *school districts*. In each district there is a school board, whose duty it is to provide school houses, employ teachers, and do whatever else is necessary to maintain public schools. For these purposes, each district receives from the township treasurer its

School
districts.

¹ Pillsbury, *Sketch of the Permanent School Funds*; University of Illinois, *Catalog*, 1902-3; *U. S. Statutes at Large*, XII. 503-505; XXVI. 417-419.

² Hurd, *Revised Statutes*, ch. 122, §§ 30-98.

share of the school fund and the board has also the right to levy the district school tax. The organization of these boards varies somewhat in different districts. Leaving out some districts organized before 1870 under special laws, the general law now recognizes three kinds of school boards. In districts, having less than a thousand people there are three *directors* chosen by the people.¹ When the district has a thousand or more inhabitants, there is a Board of Education, consisting of a President and six or more other members also elected by the people. This Board of Education has somewhat larger powers than the school directors and may appoint a school superintendent. Chicago has a Board of Education consisting of twenty-one members appointed by the mayor. The Chicago school board does not have the power to levy school taxes like the other district boards. School expenses there are paid partly from the permanent funds and partly from school taxes levied by the city council. All school funds are held by the city treasurer.²

The range
of public
school
work.

The character of the schools maintained by these various school districts depends very much upon their population, their wealth, and their public spirit. In the small country schools, only very elementary subjects can be taught; pupils cannot be divided into classes or grades and it is hard to keep good teachers. In larger places, pupils are grouped in grades and high schools are added, though at first the right of the school board to spend money for high schools was considered doubtful.³ When the people of a single district cannot

¹ Hurd, *Revised Statutes*, ch. 122, §§ 121-156.

² *Ibid.*, §§ 157-184b. Cf. *The Illinois School Law*, 137 ("Interpretations").

³ Bateman and Pillsbury, *School Laws and Decisions*, 9.

establish a satisfactory high school, a township high school may be organized.¹ In Chicago and some other cities the school boards have gone farther and organized schools for the training of teachers.

The work of the public schools is being almost constantly extended. The people of any school district may now establish public kindergartens and this has actually been done, as for example, in Chicago. In Chicago there are also night schools for those who have not had the advantage of ordinary day schools, and special arrangements for the deaf and blind and for crippled children. For otherwise unmanageable children there is a *Parental School*; and in the House of Correction, there is a school for the younger prisoners. All of these special schools in Chicago are under the direction of the Board of Education.²

Recent
extensions.

In the larger cities and towns, the school business is so important that a strong executive officer is needed to supervise the whole. This power is generally given to the superintendent of schools. There is some difference of opinion about the powers which the school board ought to keep to itself and those which ought to be trusted to the superintendent. This has been a particularly important question in Chicago and the tendency recently has been to strengthen the power of the superintendent.³

The superin-
tendent of
schools.

Though the success of the schools depends mainly on the public spirit of the people in each district, these local authorities are not wholly independent. Local

The county
superintend-
ents.

¹ Hurd, *Revised Statutes*, ch. 122, §§ 67-69; Superintendent of Public Instruction, *24th Biennial Report*, 18.

² *Chicago School Reports*, esp. *Report for 1901*, and *Revised Statutes*, ch. 122, §§ 414, 415.

³ *Chicago School Report, 1901*, 11; *Report of the Educational Commission*, Arts. I., III.

officers must not only conform to the general school law, but they are also subject to some supervision by higher authorities. Next above the district and township officers stands the county superintendent. This officer is elected by the people of each county once every four years. He may be removed by the county board for clear neglect of duty and in small counties the board may limit the number of days' service for which he may be paid. In general, however, he may act independently of them.¹ The county superintendent has, first, important financial duties. He examines the accounts of the school township treasurer and distributes State and county funds among the townships. He also supervises district officers and teachers and may even, in case of extreme neglect of duty, remove a school director. He is the official adviser of all school officers within the county and must inspect all the schools at least once a year. Finally, he holds examinations for teachers' certificates and no one may teach in the public schools without a certificate either from him or from the State superintendent. This office of county superintendent has been in the past and is still one of the most important agencies for the improvement of the public schools.

75. STATE EDUCATIONAL INSTITUTIONS. THE STATE SUPERINTENDENT

State normal
schools.

Above all these local school authorities stands the State government, which also has an important part in the work of education. It undertakes, first, to complete the school system by adding to the local schools institutions for advanced education. In order to train

¹ Hurd, *Revised Statutes*, ch. 122, §§ 7-29; Bateman and Pillsbury, *School Laws and Decisions*, 30, 198.

teachers for service in the public schools, five normal schools have been established. The oldest of these was founded at Normal in 1857 and four others have since been established in different parts of the State.¹

At the head of the State school system is the University of Illinois at Urbana. Though the movement for a State college or university began very early, the first important step toward the actual founding of a State university was taken in 1862. Congress then made large grants of public lands to the States for the purpose of founding colleges which should give special attention to agriculture and the "mechanic arts," though other subjects might also be taught. Illinois accepted this grant and in 1867 chartered the *Illinois Industrial University*. The State has since made generous provision for liberal as well as technical education and in 1885 the name was changed to the *University of Illinois*. Various professional schools have since been added. The University Board of Trustees consists of the Governor, the President of the State Board of Agriculture, the State Superintendent of Public Instruction, and nine other members elected by the people.²

The State
University.

The supervision of all the varied educational interests of Illinois is now entrusted to the *State Superintendent of Public Instruction*. He does not have as much

The State
superintendent.
ent.

¹ Pillsbury, *Historical Sketch in Biennial Report of the Superintendent of Public Instruction, 1888*. The later schools are located at Carbondale, Charleston, DeKalb, and Macomb.

² *U. S. Statutes at Large*, XII. 503-505; Pillsbury, *Historical Sketch in Biennial Report of the Superintendent of Public Instruction, 1888*; *Laws, 1867*, 123-129; *University of Illinois, Reports and Annual Catalog*. In order to appreciate the variety of these educational institutions, the State schools for defectives should not be forgotten. See ch. 12.

power as similar officers in some other States, but still enough to give him real influence on the growth of the school system. The county superintendents are required to present to him every year elaborate financial and statistical reports and those who fail to do so may be punished by losing their share of the State school fund. He may also do something to stimulate good teachers by holding examinations for State teachers' certificates. Finally, the superintendent makes general rules for the better enforcement of the school law and is the official adviser, especially on questions of school law, of the local school officers.¹

76. PUBLIC LIBRARIES

State and
municipal
libraries.

Probably the most useful educational institutions of Illinois, next to the public schools, are its public libraries. Two important libraries, the State Library and the State Historical Library are maintained by the State in the Capitol² at Springfield. Still more important are

¹ Hurd, *Revised Statutes*, ch. 122, §§ 1-6, 186; Bateman and Pillsbury, *School Laws and Decisions*, 16. The State Superintendent is also trustee of some State educational institutions, as, for example, the University of Illinois; and is required to visit and report upon those charitable institutions which have an educational character.

Besides maintaining schools of various grades, the State exercises an important educational influence by establishing examining boards of various kinds and making their certificates necessary for those who wish to engage in certain occupations. Thus young lawyers must take the bar examinations and there are similar examinations and certificates required of physicians, druggists, dentists, architects, and engineers. Though the examinations may not always be hard enough to have much value, they are required on the principle that special training of some sort is necessary to protect the interests of the public. Hurd, *Revised Statutes*, chs. 10a, 13, 66, 91, 93.

² Hurd, *Revised Statutes*, chs. 127c and 128.

the city and village libraries to be found in nearly every part of the State.¹ The council of any incorporated city may establish a public library and support it by means of a tax, which must not, however, be more than two mills on every dollar of the property. Villages may also establish libraries by vote of the people. These libraries are managed by boards of directors which in cities are appointed by the mayors, but in the villages are elected by the people.²

Libraries are constantly being made more accessible to the people and the librarian is doing more and more the work of a public teacher.³ Even books not used by the general reader, really serve his interest indirectly when they are worked over by students and reproduced in more or less popular form. Thus the library coöperates with the public school in training men for intelligent citizenship.⁴

The coöpera-
tion of the
library
with the
school.

¹ Hurd, *Revised Statutes*, ch. 81.

² One interesting feature of public library development in America is the voluntary coöperation of private individuals with the public authorities. Thus city libraries, which are supported by taxes which everyone must pay, also receive many voluntary gifts in the form of buildings, or money, or the books themselves.

³ It is now understood that a librarian requires expert training and this is provided by the State at the University of Illinois.

⁴ Educational work somewhat similar to that of public libraries is done by the State in encouraging scientific investigation and providing museums and laboratories where such work can be done. Thus there have been State appropriations for an Agricultural Experiment Station, for the State Laboratory of Natural History, and for the State Museum of Natural History. Hurd, *Revised Statutes*, ch. 127c. See the appropriation acts in *Laws*, 1903.

APPENDIX A

CHRONOLOGICAL TABLES

77. IMPORTANT HISTORICAL EVENTS

(1) FRENCH PERIOD—1673-1763 (1765)

1673. Joliet and Marquette explore the Mississippi and Illinois rivers. Beginning of Jesuit missionary work in Illinois.
- 1679-1680. La Salle on the Illinois River. Fort Crèvecoeur built (1680).
1683. Fort St. Louis built by La Salle.
1700. Kaskaskia Mission on the Mississippi founded. This mission and that of Cahokia, founded about the same time, developed into the French villages of the same name.
1717. Illinois annexed to Louisiana under the jurisdiction of the Company of the West.
1718. Boisbriant becomes commandant of the District of Illinois.
1720. Fort Chartres on the Mississippi completed.
1732. Illinois, with the rest of Louisiana, placed under royal government.
1754. French and Indian War begins.

(2) BRITISH PERIOD—1763 (1765)-1778

1763. Treaty of Paris. France cedes the Illinois country to the British.
- 1763-1764. Pontiac's conspiracy prevents British occupation.
1765. Fort Chartres surrendered to the British. The Illinois country governed by a British commandant.
1775. American Revolution begins.

(3) ILLINOIS A COUNTY OF VIRGINIA—1778-1784

1778. George Rogers Clark conquers the Illinois country for Virginia. The Virginia legislature creates the County of Illinois.

- 1779. Clark's expedition against Vincennes. John Todd, commandant of the Illinois county, organizes government under the authority of Virginia.
- 1783. Treaty of Paris. Great Britain recognizes the title of the United States to the Illinois country.
- 1784. Virginia claim to the Northwest, including Illinois, ceded to the United States.

(4) ILLINOIS UNDER TERRITORIAL GOVERNMENT—1784-1818

- 1784. First Congressional ordinance for the Northwest Territory.
- 1785. Massachusetts claim to the Northwest surrendered. Congress passes Grayson's "Land Ordinance" (township survey system).
- 1786. Connecticut cession.
- 1787. The ordinance for the government of the Northwest Territory passed. General Arthur St. Clair appointed governor.
- 1788. The government of the Northwest Territory organized at Marietta.
- 1790. St. Clair county organized for the Illinois settlements.
- 1795. Wayne's treaty with the Indians at Greenville.
- 1799. First representative assembly of the Northwest Territory (includes representatives from Illinois).
- 1800. The Northwest Territory divided. Illinois included in the new Territory of Indiana. William Henry Harrison appointed governor.
- 1803. Louisiana Purchase. Location of Fort Dearborn at Chicago.
- 1804. United States land office established at Kaskaskia.
- 1805. Representative government organized in the Indiana Territory.
- 1806. The Burr conspiracy.
- 1809. The Illinois Territory (extending northward to Canada) organized. Ninian Edwards appointed governor.
- 1811. Battle of Tippecanoe.
- 1812. Representative government organized for Illinois Territory. First session of the Territorial Legislature at Kaskaskia. War of 1812 begins. Massacre of Fort Dearborn (Chicago).
- 1812-1815. The War of 1812.
- 1813. Preëemption Act for Illinois.
- 1816. Fort Dearborn rebuilt.

(5) ILLINOIS A FRONTIER STATE—1818-1848

- 1818. Enabling Act passed by Congress (April). First State constitution adopted (August). State of Illinois admitted to the Union (December).
- 1820. State capital transferred to Vandalia.
- 1822-1824. The slavery controversy in Illinois. Pro-slavery resolution for a constitutional convention passed by Legislature, but defeated by popular vote (1824).
- 1825. First general school law.
- 1831-1832. Indian troubles in Northern Illinois. Black Hawk War.
- 1833. Town of Chicago incorporated.
- 1836-1848. Building of the Illinois and Michigan Canal.
- 1837. Elijah P. Lovejoy murdered at Alton for publishing an anti-slavery newspaper. Internal improvement scheme passed by the Legislature (Lincoln and Douglas members). Springfield made the State capital. Chicago incorporated as a city. Financial panic of 1837. First State nominating convention in Illinois held by the Democratic party.
- 1844-1846. Mormon troubles in Hancock county. Expulsion of the Mormons.
- 1846-1848. Mexican War. Illinois regiments engaged.
- 1847. Second State constitutional convention.
- 1848. Second State constitution ratified by the people.

(6) ILLINOIS UNDER THE SECOND CONSTITUTION—1848-1870

- 1849. Township organization law passed by the Legislature.
- 1850. Congressional land grant for the Illinois Central Railroad.
- 1851. Illinois Central Railroad Company incorporated by the State (road built by 1856).
- 1855. General education law.
- 1856. First Republican State convention in Illinois.
- 1858. The Lincoln-Douglas debates.
- 1860. Abraham Lincoln of Illinois elected President of the United States.
- 1861. Civil War begins. First calls for volunteers by President Lincoln and Governor Yates. Illinois Democrats and Republicans unite in support of the Union.
- 1862. Third State constitutional convention. Proposed constitution rejected by the people. Reaction against Republican policies. Republicans defeated in elections for Congress and the Legislature.

- 1863. State Legislature ratifies the proposed thirteenth amendment prohibiting any interference by the Federal government with slavery in the States.
- 1864. Camp Douglas conspiracy. Abraham Lincoln of Illinois reelected President of the United States.
- 1865. Illinois the first State to ratify the *Thirteenth Amendment* abolishing slavery. Repeal of the *Black Code*.
- 1867. Illinois ratifies the *Fourteenth Amendment*. The State University incorporated.
- 1868. Ulysses S. Grant of Illinois elected President of the United States.
- 1869. Illinois ratifies the *Fifteenth Amendment*. Fourth State constitutional convention.
- 1870. Third State constitution ratified by the people.

(7) ILLINOIS UNDER THE THIRD STATE CONSTITUTION—1870

- 1871. Great Chicago fire. Governor Palmer protests against the use of United States troops to preserve order in Chicago.
- 1871-1873. State railway legislation. Board of Railroad and Warehouse Commissioners created (1871). State regulation of railway rates.
- 1872. General incorporation law for cities and villages under which most of the cities of the State, including Chicago are now (1904) organized. Ulysses S. Grant of Illinois reelected President of the United States.
- 1873. "The Panic of 1873." State Farmers' Convention at Springfield. The "Farmers' Movement" for political action restraining corporate interests (1873-1876).
- 1877. Decisions of the United States Supreme Court (*Munn v. Illinois* and other cases) asserting the right of the State Legislature to regulate railroad and warehouse charges. The State Board of Health established. Appellate Courts established.
- 1880. The Supreme Court of Illinois affirms the constitutionality of the railroad law of 1873. (*Illinois Central Railroad v. The People of the State of Illinois*, 95 *Illinois Reports*, 313.)
- 1883. Harper high license law passed.
- 1884. Constitutional amendment adopted authorizing the governor to veto items in appropriation bills.
- 1886. Anarchist riots at Chicago. Anarchist leaders tried for murder and convicted.

- 1889. Revision of the school law. Compulsory education law (subsequently amended).
- 1891. Australian ballot system adopted.
- 1892. New University of Chicago opened.
- 1893. Columbian Exposition at Chicago.
- 1894. Pullman and American Railway union strikes at Chicago. Governor Altgeld's protest against President Cleveland's use of United States troops at Chicago.
- 1895. Municipal civil service law passed by the Legislature and adopted in Chicago.
- 1896. Democratic National Convention in Chicago adopts the *Chicago Platform* (free silver).
- 1900. Chicago Drainage Canal opened.
- 1903. Müller law passed allowing city ownership of street railways. Constitutional amendment submitted by the Legislature authorizing the consolidation of local governments in Chicago (to be voted on by the people in 1904).

78. GOVERNORS OF ILLINOIS, WITH PLACES OF BIRTH, DATES OF ACCESSION, AND PARTY AFFILIATIONS

[See *Blue Book of the State of Illinois*, 195, 207-227.]

1. TERRITORIAL GOVERNMENT, 1809-1818.

Ninian Edwards.....	Maryland	{ Democratic Republican }	1809- 1818
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2. STATE GOVERNMENT SINCE 1818.

Name	Place of Birth	Party	Date of Accession
Shadrach Bond	Maryland	{ Democratic Republican }	1818
Edward Coles.....	Virginia.....	{ Democratic Republican }	1822
Ninian Edwards.....	Maryland	{ Democratic Republican }	1826
John Reynolds ¹	Pennsylvania.....	{ Democratic Republican }	1830
William L. D. Ewing ²	Kentucky	Democrat.....	1834
Joseph Duncan	Kentucky	Democrat.....	1834
Thomas Carlin	Kentucky	Democrat.....	1838
Thomas Ford.....	Pennsylvania.....	Democrat.....	1842
Augustus C. French	New Hampshire...	Democrat.....	1846
Joel A. Matteson	New York.....	Democrat.....	1853
William H. Bissell ³	New York.....	Republican....	1857
John Wood ⁴	New York.....	Republican....	1860
Richard Yates.....	Kentucky	Republican....	1861
Richard J. Oglesby.....	Kentucky	Republican....	1865
John M. Palmer.....	Kentucky	Republican....	1869
Richard J. Oglesby ⁵	Kentucky	Republican....	1873
John L. Beveridge ⁶	New York.....	Republican....	1873
Shelby M. Cullom ⁷	Kentucky	Republican....	1877
John M. Hamilton ⁸	Ohio.....	Republican....	1883
Richard J. Oglesby.....	Kentucky	Republican....	1885
Joseph W. Fifer.....	Virginia.....	Republican....	1889
John P. Altgeld.....	Prussia.....	Democrat.....	1893
John R. Tanner.....	Indiana.....	Republican....	1897
Richard Yates	Illinois	Republican....	1901

¹Resigned November 17, 1834. ²Acting Governor. ³Died March 15, 1860. ⁴Elected as Lieutenant Governor. ⁵Resigned January 23, 1873. ⁶Elected as Lieutenant Governor. ⁷Resigned February 6, 1883. ⁸Elected Lieutenant Governor.

APPENDIX B

HISTORICAL DOCUMENTS

79. THE NORTHWEST ORDINANCE, JULY 13, 1787

An Ordinance for the government of the territory of the United States Northwest of the River Ohio.

Be it ordained by the United States in Congress Assembled that the said territory for the purposes of temporary government be one district, subject however to be divided into two districts as future circumstances may in the opinion of Congress make it expedient.

The territory to constitute a district.

Be it ordained by the authority aforesaid that the estates both of resident and non resident proprietors in the said territory dying intestate shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants then in equal parts to the next of kin in equal degree; and among collaterals the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share & there shall in no case be a distinction between kindred of the whole & half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor & judges shall adopt laws as herein after mentioned estates in the said territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, being of full age, and attested by three witnesses, and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person, being of full age in whom the estate may be and attested by two witnesses provided such wills be duly proved and such conveyances be acknowl-

Rules regarding the inheritance and transfer of property.

edged or the execution there of duly proved and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose and personal property may be transferred by delivery saving, however to the french and canadian inhabitants & other settlers of the Kaskaskies, St. Vincents and the neighboring villages who have hereto fore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent & conveyance of property

Officers of
the district.

Be it ordained by the authority aforesaid that there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land while in the exercise of his office. There shall be appointed, from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land while in the exercise of his office; It shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district and the proceedings of the governor in his executive department, and transmit authentic copies of such acts & proceedings every six months to the Secretary of Congress. There shall also be appointed a court to consist of three judges any two of whom to form a court, who shall have a common law jurisdiction and reside in the district and have each therein a freehold estate in five hundred acres of land while in the exercise of their offices, and their commissions shall continue in force during good behaviour.

Adoption
of laws.

The governor, and judges or a majority of them, shall adopt and publish in the district such laws of the original states criminal and civil as may be necessary and best suited to the circumstances of the district and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Militia
officers.

The governor for the time being shall be commander in chief of the militia, appoint and commission all officers in the same below the rank of general Officers. All general officers shall be appointed & commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed shall during the continuance of this temporary government be appointed by the governor.

Appointment
of civil
officers.

For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time as circumstances may require to lay out the parts of the District in which the indian titles shall have been extinguished into counties and townships subject however to such alterations as may thereafter be made by the legislature

Subdivi-
sions of the
district.

So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the general Assembly, provided that for every five hundred free male inhabitants there shall be one representative and so on progressively with the number of free male inhabitants shall the right of representation encrease until the number of representatives shall amount to twenty-five after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years and be a resident in the district or unless he shall have resided in the district three years and, in either case shall likewise hold in his own right in fee simple two hundred acres of land within the same; provided also that a freehold in fifty acres of land in the district having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

Institution
of represent-
ative gov-
ernment.

The representatives thus elected shall serve for the term of two years and in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member to elect another in his stead to serve for the residue of the term

Tenure of
representa-
tives.

Composition
and powers
of the gen-
eral as-
sembly.

The general Assembly or legislature shall consist of the governor, legislative council and a house of representatives. The legislative council shall consist of five members to continue in Office five years unless sooner removed by Congress, any three of whom to be a quorum and the members of the council shall be nominated and appointed in the following manner, to wit; As soon as representatives shall be elected, the governor shall appoint a time & place for them to meet together, and when met they shall nominate ten persons residents in the district and each possessed of a freehold in five hundred acres of Land, and return their names to Congress; five of whom Congress shall appoint & commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from office, the house of Representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and Commission for the residue of the term; and every five years, four Months at least before the expiration of the time of service of the Members of Council, the said House shall nominate ten Persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and Commission to serve as Members of the Council five years, unless sooner removed. And the governor, legislative Council, and House of Representatives, shall have authority to make laws in all Cases for the good government of the district, not repugnant to the principles and Articles in this Ordinance established and declared. And all bills having passed by a majority in the House, and by a Majority in the Council, shall be referred to the Governor for his assent; but no bill, or legislative Act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion, it shall be expedient—

Oath of
office. Del-
egate in
Congress.

The Governor, Judges, Legislative Council, Secretary, and such other Officers as Congress shall appoint in the District, shall take an Oath or Affirmation of fidelity, and of Office, the Governor before the President of Congress, and all other Officers before the Governor. As soon as a legislature shall be formed in the District, the Council and house assembled in one Room, shall have authority by joint ballot to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government—

Fundament-
al principles.

And for extending the fundamental principles of Civil and religious liberty, which form the basis whereon these republics,

their laws and Constitutions are erected; to fix and establish those principles as the basis of all laws, Constitutions and Governments, which forever hereafter shall be formed in the said territory;—to provide also for the establishment of States, and permanent Government therein, and for their admission to a Share in the federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest—

It is hereby Ordained and declared by the authority aforesaid, That the following Articles shall be considered as Articles of compact between the Original States and the People and States in the said territory, and forever remain unalterable, unless by common consent, *to wit*,

Articles of compact.

Article the First. No Person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory—

Religious liberty.

Article the Second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of Habeas Corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law; all Persons shall be bailable unless for capital offences, where the proof shall be evident or the presumption great; all Fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his Peers, or the law of the land; and should the Public exigencies make it necessary for the common preservation, to take any person's property, or to demand his particular Services, full compensation shall be made for the same,—and, in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with or affect private Contracts or engagements, bona fide and without fraud previously formed

Guarantee of personal and property rights.

Article the Third. Religion, Morality and knowledge being necessary to good Government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for pre-

Education. Humanity to the Indians.

venting wrongs being done to them, and for preserving peace and friendship with them—

Future relations of the Territory with the Union.

Article the Fourth. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes, for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the District or Districts or new States, as in the original States, within the time agreed upon by the United States in Congress Assembled. The legislatures of those Districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress Assembled, nor with any regulations Congress may find necessary for securing the title in such Soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall nonResident proprietors be taxed higher than Residents. The navigable Waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost or duty therefor—

Formation of new States.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of Cession and Consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due North from the mouth of the great Miami to the said territorial line, and by the

said territorial line—The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the Southerly bend or extreme of Lake Michigan: and whenever any of the said States shall have sixty thousand free Inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent Constitution and State Government; Provided the Constitution and Government so to be formed, shall be republican, and in conformity to the principles contained in these Articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free Inhabitants in the State than sixty thousand.

Article the Sixth. There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of Crimes, whereof the Party shall have been duly Convicted: Provided always that any Person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the Person claiming his or her labor or service as aforesaid.—

Slavery prohibited.

Be it Ordained by the Authority aforesaid, that the Resolutions of the 23d of April 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.—

Resolutions of 1784 repealed.

[This text of the Ordinance of 1787 is reprinted from that in Hart and Channing, *American History Leaflets*, No. 32, the latter text being taken from the manuscript journals of Congress.]

80. ILLINOIS TERRITORIAL ORGANIZATION ACT.

FEBRUARY 3, 1809

[U. S. Statutes at Large, II. 514-516.]

An Act for dividing the Indiana Territory into two separate governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from

Illinois
Territory
defined.

and after the first day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

Government
to be like
that of the
Northwest
Territory.

SEC. 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, intituled "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, and privileges, and advantages, granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

Appointment
and func-
tions of
territorial
officers.

SEC. 3. *And be it further enacted*, That the officers for the said territory who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as, by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana territory. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

Organiza-
tion of a
general
assembly.

SEC. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Illinois territory, whenever satisfactory evidence shall be given to the governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upward: *Provided*, that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of

representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

SEC. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

Not to affect the government of the Indiana territory

SEC. 6. *And be it further enacted*, That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Provision for continuance of legal proceedings.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the collection of taxes, which may, on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

Taxes.

SEC. 8. *And be it further enacted*, That until it shall be otherwise ordered by the Legislature of the said Illinois territory, Kaskaskia, on the Mississippi river, shall be the seat of government for the said Illinois territory.

Kaskaskia the seat of government.

APPROVED, February 3, 1809.

81. THE ENABLING ACT. APRIL 18, 1818

[U. S. Statutes at Large, III. 428-431.]

An Act to enable the people of the Illinois territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the territory of Illinois be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper;

Authorized to form a State government.

and the said State, when formed, shall be admitted into the Union upon the same footing with the original states, in all respects whatever.

Boundaries
of the State.

SEC. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit; Beginning at the mouth of the Wabash river; thence, up the same, and with the line of Indiana, to the north-west corner of said state; thence, east with the line of the same state, to the middle of Lake Michigan; thence, north along the middle of said lake, to north latitude forty-two degrees thirty minutes; thence, west to the middle of the Mississippi river; and thence, down along the middle of that river to its confluence with the Ohio river; and thence, up the latter river along its north-western shore, to the beginning: *Provided*, That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory north-west of the river Ohio: *Provided also*, That the said state shall have concurrent jurisdiction with the state of Indiana on the Wabash river, so far as said river shall form a common boundary to both, and also concurrent jurisdiction on the Mississippi river, with any state or states to be formed west thereof, so far as said river shall form a common boundary to both.

Choice of
delegates
to the
convention.

SEC. 3. *And be it further enacted*, That all white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory six months previous to the day of election, and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the said territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties as follows:

[Here follows a list of the counties of the State with the number of representatives assigned to each.]

And the election for the representatives aforesaid shall be holden on the first Monday of July next, and the two following days, throughout the several counties in the said territory, and shall be conducted in the same manner, and under the same regulations, as prescribed by the laws of the said territory regulating elections therein, for members of the House of Representatives.

Powers
of the
convention.

SEC. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they are hereby, authorized to meet at the seat of government of the said territory, on

the first Monday of the month of August next, which convention, when met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, and, if it be expedient, the convention shall be and hereby is authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form for the people of said territory a constitution and state government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to the ordinance of the thirteenth of July, seventeen hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the states therein to be formed: *And provided also*, That it shall appear, from the enumeration directed to be made by the Legislature of the said territory, that there are, within the proposed state, not less than forty thousand inhabitants.

SEC. 5. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States. Representa-
tion in
Congress.

SEC. 6. *And be it further enacted*, That the following propositions be and the same are hereby, offered to the convention of the said territory of Illinois, when formed, for their free acceptance or rejection, which if accepted by the convention, shall be obligatory upon the United States and the said state. Propositions
offered.

First. That section numbered sixteen in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state, for the use of the inhabitants of such township, for the use of schools. Section 16
for the use
of the
schools.

Second. That all salt springs within such state, and the land reserved for the use of the same, shall be granted to the said state, for the use of the said state, and the same to be used under such terms, and conditions, and regulations, as the legislature of the said state shall direct: *Provided*, The legislature shall never sell nor lease the same for a longer period than ten years, at any one time. Salt springs
reserved to
the State.

Land grants
for roads
and
education.

Third. That five per cent. of the net proceeds of the lands lying within such state, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz.: Two-fifths to be disbursed, under the direction of Congress, in making roads leading to the state; the residue to be appropriated, by the legislature of the state, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

A seminary
of learning.
Grants con-
ditional.

Fourth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary by the said legislature. *Provided always*, That the four foregoing propositions, herein offered, are on the conditions that the convention of the said state shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, one thousand eight hundred and nineteen, shall remain exempt from any tax laid by order, or under any authority of, the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein.

Northern
parts of
Illinois and
Indiana
added to
Michigan.

SEC. 7. *And be it further enacted*, That all that part of the territory of the United States lying north of the state of Indiana, and which was included in the former Indiana territory, together with that part of the Illinois territory which is situated north of and not included within the boundaries prescribed by this act, to the state thereby authorized to be formed, shall be, and hereby is, attached to, and made a part of the Michigan territory, from and after the formation of the said state, subject, nevertheless, to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same

privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of the Michigan territory.

APPROVED, April 18, 1818.

82. JOINT RESOLUTION FOR THE ADMISSION OF ILLINOIS INTO THE UNION. DECEMBER 3, 1818

[*U. S. Statutes at Large*, III. 536.]

RESOLUTION declaring the admission of the state of Illinois into the Union.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whereas, in pursuance of an act of Congress, passed on the eighteenth day of April, one thousand eight hundred and eighteen, entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," the people of said territory did, on the twenty-sixth day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and state government, which constitution and state government, so formed, is republican, and in conformity to the principles of the articles of compact between the original states and the people and states in the territory north-west of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven. *Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, that the state of Illinois shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states, in all respect whatever.

APPROVED, December 3, 1818.

83. THE CONSTITUTION OF ILLINOIS, 1870

[Excerpts]

[Taken from that published by the secretary of state. The complete text is published and certified to by him in *The Blue Book of the State of Illinois*, 1903.]

PREAMBLE

We, the People of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing

Preamble.

upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois.

ARTICLE I.—BOUNDARIES

Boundaries.

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the north-west corner of said State; thence east with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake to north latitude forty-two degrees and thirty minutes, thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.—BILL OF RIGHTS

Inalienable rights.

Section 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

Due process of law.

§ 2. No person shall be deprived of life, liberty or property without due process of law.

Religious liberty.

§ 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

- § 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. Freedom of speech and the press.
- § 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law. Jury trials.
- § 6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized. Searches and seizures.
- § 7. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. Bail and *habeas corpus*.
- § 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases. Indictments.
- § 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. Rights of defendants.
- § 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.
- § 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same. Penalties limited.

Imprisonment for debt prohibited.

§ 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

Compensation for property taken.

§ 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

Legislative power limited.

§ 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

The military power.

§ 15. The military shall be in strict subordination to the civil power.

Quartering of soldiers.

§ 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

Right of petition.

§ 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

Elections.

§ 18. All elections shall be free and equal.

Justice must be certain, free, speedy.

§ 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property, or reputation; he ought to obtain by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

Fundamental principles.

§ 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.—DISTRIBUTION OF POWERS

Departments.

The powers of the government of this State are divided into three distinct departments—the Legislative, Executive and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.—LEGISLATIVE DEPARTMENT

General assembly.

Section 1. The legislative power shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

ELECTION

§ 2. An election for members of the general assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the powers of governor, shall issue write of election to fill such vacancies. Election.

ELIGIBILITY AND OATH

§ 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or a representative who shall not be a citizen of the United States and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff, or collector of public revenue, members of either house of congress, or persons holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the general assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of three hundred dollars) hold any office of honor or profit under the authority of this State. Eligibility.

§ 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this State. Disqualifications.

§ 5. [Member's oath.]

APPORTIONMENT—SENATORIAL

§ 6. The general assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and Senatorial districts.

the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants: but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two Senators, and to one additional Senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

MINORITY REPRESENTATION¹

Minority
representa-
tion.

§§ 7 and 8. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES

Organiza-
tion and
rules.

§ 9. The sessions of the general assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers;

¹ By a separate vote taken at the time of the adoption of the constitution, this paragraph on minority representation was substituted for the original sections 7 and 8.

and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§ 10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the senate, at the request of two members, and in the house, at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals. Publicity.

STYLE OF LAWS AND PASSAGE OF BILLS

§ 11. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*" Enacting style.

§ 12. Bills may originate in either house, but may be altered, amended or rejected by the other; and, on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house. Votes on bills.

§ 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the Speakers thereof. No act hereafter passed shall embrace more than one Restrictions on passage of bills.

subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

PRIVILEGES AND DISABILITIES

Members'
privileges.

§ 14. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Disabilities.

§ 15. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS

Appropriations.

§ 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

Payments
from the
treasury.

§ 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the general assembly, prepare and publish a full statement of all money expended at such session,

specifying the amount of each item, and to whom and for what paid.

§ 18. Each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars, and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid: *And, provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

Appropriation bills.

§ 19. [Certain extra compensations forbidden.]

§ 20. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual.

State not to lend its credit.

§ 21. [Salary and allowances of members.]

SPECIAL LEGISLATION PROHIBITED

§ 22. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for—

Local or special laws prohibited.

Granting divorces;

- Changing the names of persons or places ;
- Laying out, opening, altering and working roads or highways ;
- Vacating roads, town plats, streets, alleys, and public grounds ;
- Locating or changing county seats ;
- Regulating county and township affairs ;
- Regulating the practice in courts of justice ;
- Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables ;
- Providing for changes of venue in civil and criminal cases ;
- Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village ;
- Providing for the election of members of the board of supervisors in townships, incorporated towns or cities ;
- Summoning and impaneling grand or petit juries ;
- Providing for the management of common schools ;
- Regulating the rate of interest on money ;
- The opening and conducting of any election, or designating the place of voting ;
- The sale or mortgage of real estate belonging to minors or others under disability ;
- The protection of game or fish ;
- Chartering or licensing ferries or toll bridges ;
- Remitting fines, penalties or forfeitures ;
- Creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed ;
- Changing the law of descent ;
- Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purposes.
- Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever ;
- In all other cases where a general law can be made applicable, no special law shall be enacted.
- § 23. [Liabilities to State and municipal governments not to be released.]

IMPEACHMENT

**Trial of
impeach-
ments.**

§ 24. The house of representatives shall have the sole power of impeachment ; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate ; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor of the State is tried, the chief justice shall preside. No person shall be convicted without the concurrence

of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

§§ 25-33. [Miscellaneous limitations of legislative power.]

ARTICLE V.—EXECUTIVE DEPARTMENT

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

Executive officers.

§ 2. The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

Treasurer.

ELECTION

§ 3. An election for governor, lieutenant governor, secretary of state, auditor of public accounts and attorney general shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November in the year one thousand eight hundred and seventy, and every four years thereafter; and for treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

Election of executive officers.

§ 4. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state directed to the "Speaker of the house of representatives," who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of

Returns canvassed.

the general assembly, who shall, for that purpose, assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the general assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the general assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY

Qualifications of executive officers.

§ 5. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney general shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR

Supreme executive power.

§ 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

Reports to the general assembly.

§ 7. The governor shall, at the commencement of each session, and at the close of his term of office, give to the general assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the general assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

Special sessions.

§ 8. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened, and the General Assembly shall enter upon no business except that for which they were called together.

Adjournment by the governor.

§ 9. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§ 10. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all the Senators elected concurring by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

Appoint-
ments.

§ 11. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

Temporary
appoint-
ments.

§ 12. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

Removals.

§ 13. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

Pardons.

§ 14. The Governor shall be Commander-in-Chief of the military and naval forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

Military
powers.

§ 15. The Governor and all civil officers of the State shall be liable to impeachment for any misdemeanor in office.

Impeach-
ment.

VETO

§ 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objec-

Veto power.

tions, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor; but in all such cases the vote of each House shall be determined by yeas and nays, to be entered *upon* the journal. *Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. And if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law, as to the residue, in like manner as if he had signed it. The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the House in which the bill shall have originated, which House shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both Houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two Houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the Governor. *Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law. [As amended, Nov. 4, 1884; the substance of the amendment is included between the two asterisks.]

LIEUTENANT GOVERNOR

When the lieutenant governor may act.

§ 17. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

President of the senate.

§ 18. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the lieutenant governor, or when he shall hold the office of governor.

§ 19. If there be no lieutenant governor, or if the lieutenant governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

Other provisions for the succession.

§ 20. [Temporary appointments by governor to fill vacancies in elective offices. Financial reports.]

§ 21. The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports to the general assembly, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition management and expenses of their respective offices.

Executive and administrative officers report to the governor.

§ 22. [The State seal.]

FEES AND SALARIES

§ 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

Pay of State officers.

§§ 24-25. [Office defined. Oath of office.]

ARTICLE VI.—JUDICIAL DEPARTMENT

Section 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

Courts.

SUPREME COURT

Organization
and juris-
diction.

§ 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus* and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

Qualifica-
tions of
judges.

§ 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

§ 4. [Provisions regarding "grand divisions" now consolidated by statute.]

Election dis-
tricts.

§ 5. . . . The State shall be divided into seven districts for the election of judges, and, until otherwise provided by law, they shall be as follows: [Here follows a list of districts with the names of the counties included in each.]

Tenure of
office.

§ 6. . . . The term of office of judges of the Supreme Court, elected after the adoption of this constitution, shall be nine years, and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this constitution or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The Chief Justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number Chief Justice.

Salaries.

§ 7. From and after the adoption of this constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

APPELLATE COURTS

Legislature
may organ-
ize appel-
late courts.

§ 11. After the year of our Lord one thousand eight hundred and seventy-four inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the general assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error

shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS

§ 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

Jurisdiction
of circuit
courts.

[§§ 13 and 15 provide alternative methods, either of which may be adopted by the general assembly, for the organization of judicial circuits and the election of judges by the qualified voters.]

§ 14. The general assembly shall provide for the times of holding court in each county; which shall not be changed, except by the general assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

Sessions.
Election of
judges.

§ 16. From and after the adoption of this constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law, and after their salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this constitution, no judge of the Supreme or circuit court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

Salaries.

§ 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his

Qualifica-
tions of
judges.

election, and be a resident of the circuit, county, city, cities or incorporated town in which he shall be elected.

COUNTY COURTS

County courts and their jurisdiction.

§ 18. There shall be elected in and for each county one county judge and one clerk of the county court, whose term of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlements of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

Appeals.

§ 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS

Probate courts may be organized.

§ 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlement of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES

Justices and constables.

§ 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS

State's attorneys.

§ 22. At the election for members of the general assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's

attorneys now provided by law, whose terms of office shall be four years.

COURTS OF COOK COUNTY

§ 23. The County of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the City of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the "Superior Court of Cook County." The general assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

Circuit and
Superior
courts.

§§ 24, 25. [Miscellaneous provisions about these courts.]

§ 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases, shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex officio* judges of said court.

"Criminal
Court
of Cook
County."

§ 27. [Clerks of these courts.]

§ 28. All justices of the peace in the city of Chicago shall be appointed by the Governor, by and with the advice and consent of the Senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of

Justices of
the peace in
Chicago.

the peace and police magistrates may hold their offices until the expiration of their respective terms.

§ 29. [Judges commissioned by the governor. Laws regulating courts must be uniform.]

Removal of
judges.

§ 30. The general assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office.

§ 31. [Judges to report defects in laws.]

§ 32. [Miscellaneous provisions relating to the judiciary.]

§ 33. [Legal formulas.]

ARTICLE VII.—SUFFRAGE

Qualifica-
tions of
voters.

§ 1. Every person having resided in this State one year, in the county ninety days and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

The ballot.

§ 2. All votes shall be by ballot.

§ 3. [Privileges of electors.]

§§ 4, 5. [Legal residence and military service.]

§ 6. [Officeholders must be citizens and residents.]

Disqualifica-
tions.

§ 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.—EDUCATION

Free
schools.

§ 1. The General Assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.

§ 2. [Faithful application of school funds.]

No grants
to sectarian
institutions.

§ 3. Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by

any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

§ 4. [School officers not to be interested in text-books, etc.]

§ 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation and time and manner of election and term of office shall be prescribed by law.

County superintendent.

ARTICLE IX.—REVENUE

§ 1. The general assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property—such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates.

General property tax.
Special taxes.

§ 2. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

Other taxes permissible.

§ 3. [Exemptions.]

§§ 4, 5. [Rules regarding unpaid taxes.]

§ 6. [No exemption of particular localities.]

§ 7. All taxes levied for State purposes shall be paid into the State treasury.

State taxes.

§ 8. County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

County taxes limited.

§ 9. The General Assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate pur-

Municipal taxation.

poses, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Local in-
debtedness
limited.

§ 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

§ 13. [Chicago World's Fair bonds. Amendment. 1890.]

ARTICLE X.—COUNTIES

§§ 1-4. [Rules regarding organization and division of counties and removal of county seats.]

Township
organization.

§ 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

County com-
missioners.

§ 6. At the first election of county judges under this constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled, "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer

shall be elected in each of said counties for the term of three years.

§ 7. The county affairs of Cook county shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law.

Commissioners of Cook county.

COUNTY OFFICERS AND THEIR COMPENSATION

§ 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882: A county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer, shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

Election of county officers.

§§ 9-13. [Miscellaneous provisions regarding fees and other compensation of State and local officers.]

ARTICLE XI.—CORPORATIONS

§ 1. No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

Corporations to be organized under general laws.

§ 2. [Legal effect of previous special legislation.]

§ 3. [Election of directors of corporations.]

§ 4. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Street railways.

Banking
laws.

§ 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes now created, or to be hereafter created. No act of the general assembly authorizing or creating corporations or associations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

§ 6. [Individual liability of stock-holders.]

§ 7. [Suspension of specie payments forbidden. Quarterly reports required.]

§ 8. [Necessary provisions of a general banking law.]

Railroad
corpora-
tions.

§ 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock, the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§ 10. [Taxation of railroad property.]

§ 11. [Consolidation of competing lines forbidden.]

Regulation
of railway
rates.

§ 12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

§ 13. [Limitation of stock and bond issues.]

§ 14. [Eminent domain. Jury trial in condemnation cases.]

§ 15. The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Unfair rates
to be pro-
hibited
by law.

ARTICLE XII.—MILITIA

§ 1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State..

Members of
the militia.

§ 2. The general assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Conformity
to Federal
regulations.

§ 3. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the general assembly may provide.

Commissions.

§ 4. [Militiamen privileged from arrest.]

§ 5. [Military memorials.]

§ 6. [Exemptions.]

ARTICLE XIII.—WAREHOUSES

§ 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

Public ware-
houses.

[§§ 2, 3 and 6 of this article provide for the regulation of public warehouses. §§ 4-5 contain regulations regarding railroads and other common carriers engaged in the transportation of grain.]

§ 7. The general assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

Inspection
laws.

ARTICLE XIV. AMENDMENTS TO CONSTITUTION

§ 1. Whenever two-thirds of the members of each house of the general assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted

Constitu-
tional con-
ventions.

to the electors at the next general election. If a majority voting at the election vote for a convention, the general assembly shall, at the next session, provide for a convention, to consist of double the number of members of the senate, to be elected in the same manner, at the same places, and in the same districts. The general assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted, and approved by a majority of the electors voting at the election, no such revision, alteration or amendments shall take effect.

Amend-
ments pro-
posed by the
legislature.

§ 2. Amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the General Assembly shall have no power to propose amendments to more than one article of this constitution at the same session nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED

ILLINOIS CENTRAL RAILROAD

No contract, obligation or liability whatever, of the Illinois Central railroad company to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

Liabilities
of the Illi-
nois Central
not to be
released.

MINORITY REPRESENTATION

[See sections 7 and 8, Article IV.]

MUNICIPAL SUBSCRIPTIONS TO RAILROAD OR PRIVATE CORPORATIONS

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however*, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

Local
governments
not to sub-
scribe to
stock of
private
corporations.

CANAL

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The general assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided*, that any surplus earnings of any canal may be appropriated for its enlargement or extension.

The Illinois
and Michi-
gan Canal.

[Then follows the *Schedule*, the provisions of which relate for the most part to the method of voting on the new constitution and the manner in which its various provisions are to be put into operation.]

Amendment
proposed
1903,
authorizing
consolidation
of local
governments
in Chicago
and other
special
legislation.

The following constitutional amendment was submitted by the General Assembly of 1903 to a vote of the people at the general election of November, 1904:

Resolved, That Article IV. of the Constitution of this State be amended by adding thereto a section to be numbered and known as Section 34 and reading as follows, to wit:

SECTION 34. The General Assembly shall have power, subject to the conditions and limitations hereinafter contained to pass any law (local, special or general) providing a scheme or charter of local municipal government for the territory now or hereafter embraced within the limits of the city of Chicago. The law or laws so passed may provide for consolidating (in whole or in part) in the municipal government of the city of Chicago, the powers now vested in the city, board of education, township, park and other local governments and authorities having jurisdiction confined to or within said territory, or any part thereof, and for the assumption by the city of Chicago of the debts and liabilities (in whole or in part) of the governments or corporate authorities whose functions within its territory shall be vested in said city of Chicago, and may authorize said city, in the event of its becoming liable for the indebtedness of two or more of the existing municipal corporations lying wholly within said city of Chicago, to become indebted to an amount (including its existing indebtedness and the indebtedness of all municipal corporations lying wholly within the limits of said city, and said city's proportionate share of the indebtedness of said county and sanitary district, which share shall be determined in such manner as the General Assembly shall prescribe) in the aggregate not exceeding five per centum of the full value of the taxable property within its limits, as ascertained by the last assessment either for State or municipal purposes previous to the incurring of such indebtedness, (but no new bonded indebtedness, other than for refunding purposes, shall be incurred until the proposition therefor shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special) ; and may provide for the assessment of property and the levy and collection of taxes within said city for corporate purposes in accordance with the principles of equality and uniformity prescribed by this Constitution; and may abolish all offices, the functions of which shall be otherwise provided for; and may provide for the annexation of territory to or disconnection of territory from said city of Chicago by the consent of a majority of the legal voters (voting on the question at any election, gen-

eral, municipal or special) of the said city and of a majority of the voters of such territory, voting on the question at any election, general, municipal or special; and in case the General Assembly shall create municipal courts in the city of Chicago it may abolish the offices of Justices of the Peace, Police Magistrates and Constables in and for the territory within said city, and may limit the jurisdiction of Justices of the Peace in the territory of said county of Cook outside of said city to that territory, and in such case the jurisdiction and practice of said municipal courts shall be such as the General Assembly shall prescribe; and the General Assembly may pass all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago.

No law based upon this amendment to the Constitution, affecting the municipal government of the city of Chicago, shall take effect until such law shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special; and no local or special law based upon this amendment affecting specially any part of the city of Chicago shall take effect until consented to by a majority of the legal voters of such part of said city voting on the question at any election, general, municipal or special. Nothing in this section contained shall be construed to repeal, amend or affect section four (4) of Article XI. of the Constitution of this State.

Such legislation must be submitted to the voters of the district affected.

APPENDIX C

POLITICAL DIVISIONS OF THE STATE

84. COUNTIES IN THE ORDER OF THEIR ERECTION

[Counties whose present areas lie wholly south of Springfield, or practically so, are indicated by italics. The fourteen northern counties are indicated by asterisks. The counties without township organization are marked thus † See *Blue Book of the State of Illinois, 1903, pp. 379-380.*]

Name	Date of Organ- ization	Area, Square Miles	Name	Date of Organ- ization	Area, Square Miles
1 <i>St. Clair</i>	1790	680	43 Warren.....	1825	540
†2 <i>Randolph</i>	1795	560	44 Vermilion	1826	882
†3 <i>Johnson</i>	1812	340	45 McDonough	1826	576
4 <i>Gallatin</i>	1812	340	46 <i>Shelby</i>	1827	760
5 <i>Madison</i>	1812	740	†47 <i>Perry</i>	1827	432
†6 <i>Edwards</i>	1814	220	48 Tazewell.....	1827	650
7 <i>White</i>	1815	500	*49 Jo Daviess.....	1827	650
†8 <i>Monroe</i>	1816	380	50 <i>Macoupin</i>	1829	864
9 <i>Jackson</i>	1816	580	51 Macon.....	1829	580
†10 <i>Pope</i>	1816	360	52 Coles.....	1830	520
11 <i>Crawford</i>	1816	470	53 McLean.....	1830	1161
12 <i>Bond</i>	1817	380	*54 Cook.....	1831	890
13 <i>Franklin</i>	1818	430	55 LaSalle.....	1831	1152
†14 <i>Union</i>	1818	400	56 Rock Island	1831	420
15 <i>Washington</i>	1818	557	57 <i>Effingham</i>	1831	486
†16 <i>Alexander</i>	1819	220	58 <i>Jasper</i>	1831	484
17 <i>Clark</i>	1819	513	59 Champaign	1833	1008
18 <i>Jefferson</i>	1819	466	60 Iroquois.....	1833	1100
19 <i>Wayne</i>	1819	720	61 Will.....	1836	850
20 <i>Lawrence</i>	1821	362	*62 Kane.....	1836	540
21 <i>Greene</i>	1821	540	*63 McHenry.....	1836	612
22 Sangamon.....	1821	875	*64 Ogle.....	1836	773
23 Pike.....	1821	756	*65 Whiteside.....	1836	676
24 <i>Hamilton</i>	1821	440	*66 Winnebago.....	1836	540
25 <i>Montgomery</i>	1821	740	67 Livingstone.....	1837	1026
26 <i>Fayette</i>	1821	720	68 Bureau.....	1837	846
27 <i>Marion</i>	1823	576	†69 Cass.....	1837	460
28 <i>Fulton</i>	1823	864	*70 Boone.....	1837	288
29 <i>Edgar</i>	1823	640	*71 DeKalb.....	1837	650
†30 <i>Morgan</i>	1823	563	*72 Stephenson.....	1837	573
31 <i>Clay</i>	1824	466	73 Marshall.....	1839	350
32 <i>Clinton</i>	1824	487	74 Brown.....	1839	306
†33 <i>Wabash</i>	1824	220	*75 DuPage.....	1839	340
†34 <i>Calhoun</i>	1825	251	76 <i>Christian</i>	1839	702
35 <i>Adams</i>	1825	830	77 Logan.....	1839	620
36 <i>Hancock</i>	1825	780	†78 Menard.....	1839	311
37 <i>Henry</i>	1825	825	†79 <i>Scott</i>	1839	252
38 <i>Knox</i>	1825	720	*80 Carroll.....	1839	450
39 <i>Mercer</i>	1825	550	*81 Lee.....	1839	728
40 <i>Peoria</i>	1825	630	82 <i>Jersey</i>	1839	360
41 <i>Putnam</i>	1825	170	†83 <i>Williamson</i>	1839	440
42 <i>Schuyler</i>	1825	414	84 <i>DeWitt</i>	1839	440

Appendix C

84. COUNTIES IN THE ORDER OF THEIR ERECTION (*Cont'd*)

Name	Date of Organ- ization	Area, Square Miles	Name	Date of Organ- ization	Area, Square Miles
*85 Lake.....	1839	394	94 Woodford.....	1841	556
†86 Hardin.....	1839	180	†95 Massac.....	1843	240
87 Stark.....	1839	290	96 Moultrie.....	1843	340
†88 Henderson.....	1841	380	†97 Pulaski.....	1843	190
89 Piatt.....	1841	440	98 Cumberland.....	1843	350
90 Mason.....	1841	518	99 Saline.....	1847	396
91 Grundy.....	1841	440	100 Kankakee.....	1851	680
92 Kendall.....	1841	321	101 Douglas.....	1857	410
93 Richland.....	1841	380	102 Ford.....	1859	580

85. SENATORIAL DISTRICTS

[Each district is entitled to one senator and three representatives in the general assembly. See *Blue Book of the State of Illinois, 1903*, p. 289-291, and Hurd, *Revised Statutes, 1903*, ch. 46, § 152.]

Senatorial Districts	Counties	Senatorial Districts	Counties
I-VII, IX, XI, XIII, XV, XVII, XIX, XXI, XXIII, XXV, XXVII, XXIX, XXXI	Cook	XXXVI . . .	Scott Calhoun Pike Adams
VIII	Lake McHenry Boone	XXXVII . . .	Henry Bureau Stark
X	Ogle Winnebago	XXXVIII . .	Greene Montgomery Jersey Macoupin
XII	Stephenson Jo Daviess Carroll	XXXIX . . .	LaSalle
XIV	Kane Kendall	XL	Christian Shelby Fayette Cumberland
XVI	Marshall Putnam Livingston Woodford	XLI	Du Page Will
XVIII	Peoria	XLII	Clinton Marion Clay Effingham
XX	Kankakee Grundy Iroquois	XLIII	Knox Fulton
XXII	Vermillion Edgar	XLIV	Washington Randolph Perry Monroe Jackson
XXIV	Champaign Piatt Moultrie	XLV	Morgan Sangamon
XXVI	McLean Ford	XLVI	Jefferson Wayne Richland Jasper
XXVIII	Logan DeWitt Macon	XLVII	Madison Bond
XXX	Tazewell Mason Menard Cass Brown Schuyler	XLVIII . . .	Hardin Gallatin White Edwards Wabash Lawrence Crawford
XXXII	McDonough Hancock Warren	XLIX	St. Clair
XXXIII	Rock Island Mercer Henderson	L	Franklin Williamson Union Alexander Pulaski
XXXIV	Douglas Coles Clark	LI	Hamilton Saline Pope Johnson Massac
XXXV	Whiteside Lee DeKalb		

86. JUDICIAL DISTRICTS AND CIRCUITS

[See *Blue Book of the State of Illinois*, 1903, pp. 7-17.]

A. JUDICIAL DISTRICTS. SUPREME COURT

First District.—Counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski, and Massac.

Second District.—Counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun, Christian, Pike, and Scott.

Third District.—Counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie, and Tazewell.

Fourth District.—Counties of Rock Island, Mercer, Warren, Henderson, Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Mason, Menard, Morgan, and Cass.

Fifth District.—Counties of Knox, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy, and Woodford.

Sixth District.—Counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, and Ogle.

Seventh District.—Counties of Lake, Cook, Will, Kankakee, and DuPage.

B. JUDICIAL DISTRICTS. APPELLATE COURTS

First District.—County of Cook.

Second District.—Counties of Boone, Bureau, Carroll, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago, and Woodford.

Third District.—Counties of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, and Vermilion.

Fourth District.—Counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson.

C. JUDICIAL CIRCUITS

First Circuit.—Counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson, and Saline.

Second Circuit.—Counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence, and Crawford.

Third Circuit.—Counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington, and Perry.

Fourth Circuit.—Counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby, and Christian.

Fifth Circuit.—Counties of Vermilion, Edgar, Clark, Cumberland, and Coles.

Sixth Circuit.—Counties of Champaign, Douglas, Moultrie, Macon, De Witt, and Piatt.

Seventh Circuit.—Counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.

Eighth Circuit.—Counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun, and Menard.

Ninth Circuit.—Counties of Knox, Warren, Henderson, Hancock, McDonough, and Fulton.

Tenth Circuit.—Counties of Peoria, Marshall, Putnam, Stark, and Tazewell.

Eleventh Circuit.—Counties of McLean, Livingston, Logan, Ford, and Woodford.

Twelfth Circuit.—Counties of Will, Kankakee, and Iroquois.

Thirteenth Circuit.—Counties of Bureau, La Salle, and Grundy.

Fourteenth Circuit.—Counties of Rock Island, Mercer, Whiteside, and Henry.

Fifteenth Circuit.—Counties of Jo Daviess, Stephenson, Carroll, Ogle, and Lee.

Sixteenth Circuit.—Counties of Kane, DuPage, De Kalb, and Kendall.

Seventeenth Circuit.—Counties of Winnebago, Boone, McHenry, and Lake.

Cook County constitutes a distinct judicial circuit, in addition to those above named.

APPENDIX D

SYNOPTICAL REVIEW OF THE STATE GOVERNMENT

87. THE CENTRAL GOVERNMENT OF THE STATE

I. Legislative Department.

1. *Senate*,—fifty-one (51) members, one elected from each senatorial district for a term of four years, one-half the membership retiring every two years. (*Const.*, iv. § 6.)
2. *House of Representatives*,—one hundred and fifty-three (153) members, three elected from each senatorial district for two years on the plan of minority representation. (*Const.*, iv. §§ 7-8.)

II. Executive Department.

1. *Principal Executive Officers*,—elected by the people. (*Const.*, v.)
Elected for four years:
 - (1). Governor.
 - (2). Lieutenant Governor.
 - (3). Secretary of State.
 - (4). Auditor of Public Accounts.
 - (5). Superintendent of Public Instruction.
 - (6). Attorney General.Elected for two years and ineligible for two years following:
 - (7). Treasurer.
2. *Administrative Officers, Boards, and Commissions.*

FINANCE

- (1). Commissioners of State Contracts,—four *ex officio* members, viz., attorney general, secretary of state, auditor of public accounts, treasurer. (Hurd, *Revised Statutes*, ch. 127.)

- (2). State Board of Equalization,—twenty-six members in 1905, the auditor of public accounts *ex officio*, and twenty-five members elected by the people, one from each Congressional district, for four years. (Hurd, *Revised Statutes*, ch. 120, §§ 100, 101.)

MILITARY AFFAIRS

- (3). Adjutant General,—appointed by the governor. (*Military and Naval Code*, approved May 14, 1903, Art. III.; Hurd, *Revised Statutes*, ch. 129, §§ 33-41.)
- (4). Inspector General and other minor staff officers,—appointed by the governor. (*Military and Naval Code*, Art. II.; Hurd, *Revised Statutes*, ch. 129, §§ 4-32.)

PUBLIC SAFETY

[Some administrative officers listed under *Commercial and Industrial Interests* belong, partly at least, also under this head.]

- (5). State Board of Health,—seven members appointed for seven years, one retiring each year. (Hurd, *Revised Statutes*, ch. 126a.)
- (6). State Board of Pharmacy,—five members appointed for five years, one retiring each year. (Hurd, *Revised Statutes*, ch. 91, §§ 19-34.)
- (7). State Food Commission,—one commissioner (with assistant commissioners) appointed for four years. (Hurd, *Revised Statutes*, ch. 127b.)
- (8). State Board of Dental Examiners,—five members appointed for five years, one retiring each year. (Hurd, *Revised Statutes*, ch. 91, §§ 35-44.)
- (9). State Board of Examiners of Architects,—five members appointed for four years. (Hurd, *Revised Statutes*, ch. 10a.)

PROTECTION OF ANIMAL LIFE

- (10). Board of Fish Commissioners,—three commissioners appointed for three years, one retiring each year. (Hurd, *Revised Statutes*, ch. 56.)

- (11). State Game Commissioner,—appointed by the governor and holds office during the term of that governor or until his successor is appointed. (Hurd, *Revised Statutes*, ch. 61.)
- (12). Officers to enforce the law for the prevention of cruelty to animals,—three officers appointed for two years, one each for Chicago, Peoria, and East St. Louis. (Hurd, *Revised Statutes*, ch. 8.)

CHARITIES AND CORRECTIONS

- (13). Board of State Commissioners of Public Charities,—five commissioners appointed for five years, one retiring each year. (Hurd, *Revised Statutes*, ch. 23.)

The following charitable institutions, (14)-(25), are each under the supervision of a distinct *board of trustees*, each composed of three trustees appointed for six years, one trustee retiring every two years. (Hurd, *Revised Statutes*, ch. 23.)

- (14). The Illinois Central Hospital for the Insane, at Jacksonville.
- (15). The Illinois Northern Hospital for the Insane, at Elgin.
- (16). The Illinois Southern Hospital for the Insane, at Anna.
- (17). The Illinois Western Hospital for the Insane, at Watertown.
- (18). The Illinois Eastern Hospital for the Insane, at Kankakee.
- (19). The Illinois Asylum for the Incurable Insane, at Bartonville.
- (20). Illinois School for the Deaf, at Jacksonville.
- (21). The Illinois Institution for the Education of the Blind, at Jacksonville.
- (22). The Illinois Asylum for the Feeble-Minded Children, at Lincoln.
- (23). The Illinois Charitable Eye and Ear Infirmary, at Chicago.
- (24). The Illinois Soldiers' Orphans' Home, at Normal.
- (25). Soldiers' and Sailors' Home.

- (26). Trustees of the Illinois Industrial Home for the Blind, at Chicago,—five trustees appointed for two years. (Hurd, *Revised Statutes*, ch. 23, §§ 92-103.)
- (27). Trustees of the Soldiers' Widows' Home, at Wilmington,—five trustees appointed for four years. (Hurd, *Revised Statutes*, ch. 23, §§ 127-139.)
- (28). Commissioners of the Illinois State Penitentiary, at Joliet,—three commissioners appointed for six years, one commissioner retiring every two years. (Hurd, *Revised Statutes*, ch. 108.)
- (29). The Commissioners of the Southern Illinois Penitentiary, at Chester,—three commissioners appointed for six years, one commissioner retiring every two years. (Hurd, *Revised Statutes*, ch. 108.)
- (30). Board of Managers of the Illinois State Reformatory, at Pontiac,—five managers appointed for ten years, one manager retiring every two years. (Hurd, *Revised Statutes*, ch. 118.)
- (31). Trustees of the State Home for Juvenile Female Offenders, at Geneva,—five trustees appointed for three years. (Hurd, *Revised Statutes*, ch. 23, §§ 216-244.)
- (32). Trustees of the State Home for Delinquent Boys, at St. Charles,—seven trustees appointed for three years. (Hurd, *Revised Statutes*, ch. 23, §§ 191-215.)
- (33). Board of Pardons,—three members appointed for three years. (Hurd, *Revised Statutes*, ch. 104a.)

AGRICULTURAL INTERESTS

- (34). State Board of Agriculture,—a president, a vice-president at large, and twenty-five other vice-presidents, one from each congressional district, elected annually by delegates of the county agricultural societies. (Hurd, *Revised Statutes*, ch. 5, §§ 1-16a.)
- (35). Board of Directors of the Illinois Farmers' Institute,—thirty members, one elected from each congressional district and five *ex officio*, viz., the State Superintendent of Public Instruction,

the professor of agriculture in the University of Illinois, the presidents of the State Board of Agriculture, the State Horticultural Society, and the State Dairymen's Association, the two latter organizations being also given a certain measure of state authority. (Hurd, *Revised Statutes*, ch. 5, §§ 43-51.)

- (36). Board of Live Stock Commissioners,—three commissioners appointed for three years, one retiring each year. (Hurd, *Revised Statutes*, ch. 8, §§ 47-61.)
- (37). State Veterinarian,—appointed with indefinite tenure. (Hurd, *Revised Statutes*, ch. 8, § 49.)
- (38). State Entomologist,—appointed for two years "and until his successor shall be appointed." The State Entomologist is also (1904) Director of the State Laboratory of Natural History. (Hurd, *Revised Statutes*, ch. 127a.)
- (39). Director of the Agricultural Experiment Station. This office is combined with that of Dean of the College of Agriculture of the University of Illinois.

COMMERCIAL AND INDUSTRIAL INTERESTS

- (40). Railroad and Warehouse Commission,—three commissioners appointed for two years. (Hurd, *Revised Statutes*, ch. 144, §§ 167-191.)
- (41). Chief Inspectors of Grain,—seven inspectors in 1903, appointed for two years. (Hurd, *Revised Statutes*, ch. 114, § 146.)
- (42). Board of Commissioners of Labor,—five commissioners appointed for two years. (Hurd, *Revised Statutes*, ch. 17b.)
- (43). State Mining Board,—five examiners appointed by the Commissioners of Labor for two years. (Hurd, *Revised Statutes*, ch. 93.)
- (44). State Board of Arbitration and Conciliation,—three members appointed for three years. (Hurd, *Revised Statutes*, ch. 10.)
- (45). Factory Inspector (with assistant and deputies), —appointed to hold office during good behavior. (Hurd, *Revised Statutes*, ch. 48.)

- (46). Illinois Free Employment Offices,—four superintendents, three in Chicago and one in Peoria, appointed for two years. (Hurd, *Revised Statutes*, ch. 48, §§ 53-67.)
- (47). The Canal Commissioners,—three commissioners appointed for two years. (Hurd, *Revised Statutes*, ch. 19.)
- (48). Insurance Department,—insurance superintendent appointed for four years. (Hurd, *Revised Statutes*, ch. 73.)

PUBLIC BUILDINGS AND PARKS

- (48). Lincoln Homestead Trustees,—five trustees *ex officio* as follows: the governor, secretary of state, auditor, treasurer, and superintendent of public instruction. (Hurd, *Revised Statutes*, ch. 82a.)
- (49). Board of Commissioners of the Lincoln Monument Grounds,—three commissioners *ex officio*, viz., the governor, superintendent of public instruction, and treasurer. (Hurd, *Revised Statutes*, ch. 82a.)
- (50). Fort Massac Trustees,—six trustees as follows: the governor, secretary of state, and auditor, *ex officio*; the State Regent of Illinois of the Daughters of the American Revolution and two Illinois daughters appointed by the State Regent. (Hurd, *Revised Statutes*, ch. 105a.)
- (51). State Supervising Architect,—appointed for four years. (Hurd, *Revised Statutes*, ch. 10a.)
- (52). Board of Commissioners of Lincoln Park,—seven commissioners appointed for five years. (*Blue Book of Illinois*, 1903, 56, 478.)
- (53). Board of West Chicago Park Commissioners,—seven commissioners appointed by the governor. (*Blue Book of Illinois*, 1903, 56, 479.)

EDUCATIONAL, LITERARY, AND SCIENTIFIC INTERESTS

- (54). Trustees of the University of Illinois,—three trustees *ex officio*, viz., the governor, the president of the State Board of Agriculture, and superintendent of public instruction; and nine

elected by the people for six years, three retiring every two years. (Hurd, *Revised Statutes*, ch. 144.)

- (55). State Board of Education (Trustees of the "State Normal University"),—the superintendent of public instruction *ex officio* and fourteen others appointed for six years. (*Blue Book of Illinois*, 57, 406.)
- (56). Board of Trustees of the "Southern Illinois Normal University,"—the superintendent of public instruction *ex officio* and five others appointed for four years. (*Blue Book of Illinois*, 46.)
- (57). Board of Trustees of the Northern Illinois Normal School,—the superintendent of public instruction *ex officio* and five others appointed for four years. (Hurd, *Revised Statutes*, ch. 122, §§ 381-397.)
- (58). Board of Trustees of the Eastern Illinois State Normal School,—the superintendent of public instruction *ex officio* and five others appointed for four years. (Hurd, *Revised Statutes*, ch. 122, §§ 364-380.)
- (59). Board of Trustees of the Western Illinois State Normal School,—the superintendent of public instruction *ex officio* and five others appointed for four years. (Hurd, *Revised Statutes*, ch. 122, §§ 398-413.)
- (60). Board of Commissioners of the State Library,—three *ex officio* members, viz., the governor, secretary of state, and superintendent of public instruction. (Hurd, *Revised Statutes*, ch. 128.)
- (61). Trustees of the Illinois State Historical Library,—three trustees appointed for two years. (Hurd, *Revised Statutes*, ch. 127c.)
- (62). Trustees of the Natural History Museum,—three trustees *ex officio*, viz., the governor, secretary of state, and superintendent of public instruction. The trustees appoint a curator, who also performs the duties of State Geologist. (Hurd, *Revised Statutes*, ch. 127c.)

III. Judicial Department.

1. *Court for the Trial of Impeachments*,—the senate. In case of the impeachment of the governor, the chief justice must preside. (*Const.*, IV. § 24.)
2. *The Supreme Court*,—consisting of seven judges, one judge being elected by the people of each judicial district for a term of nine years. (*Const.*, VI. §§ 2-10.)
3. *Appellate Courts*,—consisting, in each of the four appellate districts, of three judges of the circuit court assigned by the supreme court for this service. In Cook County, three additional judges are similarly assigned to a branch appellate court. (*Const.*, VI., § 11; Hurd, *Revised Statutes*, ch. 37, §§ 18-35i.)
4. *Circuit Courts*,—consisting of three judges in each of the seventeen judicial circuits outside of Cook County, and of fourteen judges in the Circuit Court of Cook County. The Superior Court of Cook County exercising similar jurisdiction consists of twelve judges. Certain judges of the circuit and superior courts of Cook County are assigned to service in the Criminal Court. All of these judges are elected by the people of their respective circuits for terms of six years each. (*Const.*, VI., §§ 12-17, 23; Hurd, *Revised Statutes*, ch. 37, §§ 36-82c; Act approved April 17, 1903.)
5. *Court of Claims*—consisting of three judges appointed for four years. (Hurd, *Revised Statutes*, ch. 37, §§ 264-274.)

88. THE LOCAL GOVERNMENTS OF THE STATE OUTSIDE OF COOK COUNTY

A. THE GOVERNMENT OF THE COUNTY

[*Const.*, VI., §§ 18-20, 22, X.; Hurd, *Revised Statutes*, chs. 34, 37, 46.]

I. Legislative Branch.

- a. In counties with township organization: Board of Supervisors,—one supervisor elected from each town, with one or more assistant supervisors elected from the larger towns.

- b. In nineteen counties without township organization: Board of County Commissioners,—three commissioners elected by the people of the county for three years, one retiring each year.

II. Executive Branch.

1. Sheriff. 2. State's Attorney. 3. County Treasurer. 4. County Clerk. 5. Recorder of Deeds (in counties having more than 60,000 inhabitants). 6. Clerk of the Circuit Court, who is *ex officio* Recorder of Deeds in the smaller counties. 7. Coroner. 8. County Superintendent of Schools. 9. County Surveyor.—All of these officers are elected by the people of each county for terms of four years each.

III. Judicial Branch.

1. *County Court*, with civil and criminal jurisdiction. 2. *Probate Court* (only in counties of 70,000 or more inhabitants).—Each of these courts is held by a single judge elected by the people of the county for four years.

B. TOWN GOVERNMENT

[*Const.*, X., § 5; Hurd, *Revised Statutes*, ch. 139.]

I. Legislative Branch.

Town meeting, consisting of all qualified voters.

II. Executive Branch.

1. Supervisor. 2. Town Clerk. 3. Three Highway Commissioners. 4. Assessors. 5. Collector. 6. Two or more Constables.—All these officers are elected at the annual meeting to serve for one year, except the highway commissioners, who are elected for three years, one commissioner retiring each year. There is also a town *Board of Auditors* consisting of the supervisor, the town clerk, and the justices of the peace, *ex-officio*.

III. Judicial Branch.

Justices of the Peace,—two or more, elected for four years.

In the nineteen counties without town government, two constables and two or more justices of the peace

are elected in each *election precinct*. Such counties may also be divided into road districts for the election of commissioners of highways.

C. VILLAGE GOVERNMENTS

[Hurd, *Revised Statutes*, ch. 24, §§ 178-193h.]

I. Legislative Branch.

Board of Trustees,—a president and six trustees elected for two years.

II. Executive and Administrative Officers.

1. President,—elected for two years.
2. Village Clerk,—elected for one year.
3. Treasurer, Street Commissioners, Board of Health, Chief of Police, and other administrative officers appointed by the President and Board of Trustees.

III. Judicial Branch.

Police Magistrate,—one only unless more are authorized by special acts.

D. THE GOVERNMENT OF CITIES. GENERAL LAW

[Hurd, *Revised Statutes*, ch. 24.]

I. Legislative Branch.

The City Council,—consisting of the mayor and six or more aldermen, elected for two years.

II. Executive and Administrative Officers.

Elective Officers: 1. Mayor. 2. City Clerk. 3. City Treasurer. 4. City Attorney.

Administrative Officers: These vary in different cities, but the following are authorized specifically by statute: City Collector, City Marshal, Superintendent of Streets, Corporation Counsel, City Comptroller, City Marshal or Chief of Police, Board of Fire and Police Commissioners, Board of Health.

III. Judicial Branch.

1. Police Magistrate,—one or more, elected for four years.
2. City Courts,—each held by one judge, elected for four years. (These city courts exist only in a few cities (Alton, Aurora, Canton, East St. Louis, Elgin, Litchfield, Mattoon) and have a jurisdiction similar to that of the circuit courts.)

E. SCHOOL ADMINISTRATION

[Hurd, *Revised Statutes*, ch. 122.]

a. *School Townships.*

1. Trustees of Schools,—three trustees elected for three years, one trustee retiring each year.
2. Township Treasurer,—appointed for two years by the trustees.
3. Township Board of Education in townships which have township high schools,—elected for three years.

b. *School Districts.*

1. School Directors in districts of less than 1,000 inhabitants,—three directors elected for three years, one retiring each year.
2. Board of Education in districts of more than 1,000 inhabitants,—the president of the board elected annually, and from six to fifteen other members elected for three years, one-third retiring each year.

F. MINOR AREAS OF LOCAL ADMINISTRATION

- a. Park Districts in charge of Park Commissioners elected by the people.
- b. Drainage Districts in charge of Drainage Commissioners appointed by the county court. (Hurd, *Revised Statutes*, ch. 42.)

89. THE LOCAL GOVERNMENTS OF COOK COUNTY

A. THE GOVERNMENT OF COOK COUNTY

[Hurd, *Revised Statutes*, ch. 24; see also *Chicago Daily News Almanac*.]

I. Legislative Branch.

Board of County Commissioners,—a president and fourteen other commissioners, ten commissioners to be elected from the city of Chicago and five from the towns outside of the city, all elected for two years.

II. Executive and Administrative Officers.

1. President of the County Board,—elected for two years.
2. Sheriff. 3. County Treasurer. 4. County Clerk who is *ex officio* Comptroller. 5. County Surveyor. 6. State's Attorney. 7. Coroner. 8. County Superintendent of schools. 9. Recorder of Deeds.—All of these officers are elected for four years.

10. Board of Assessors,—five assessors elected for six years.
11. Board of Review,—three members elected for six years, one retiring each year.
12. Jury Commission,—three commissioners chosen for three years by the judges of the courts of record of the county. (Hurd, *Revised Statutes*, ch. 78, §§ 26-31.)
13. Civil Service Commission,—three commissioners appointed for three years by the president of the county board.

Administrative officers appointed by the president of the county board with the advice and consent of the board, as follows:

14. The Superintendent of Public Service.
15. County Agent.
16. Warden of the County Hospital.
17. Superintendent of the Insane Asylum and Poor House.
18. County Attorney.
19. County Architect.
20. County Physician.

Subordinate administrative positions are included in the classified civil service and appointments are based upon examinations conducted by the County Civil Service Commission.

III. Judicial Branch.

County and Probate Courts as in other counties. [See above § 88, III. See also § 87, III., 4.]

B. TOWN GOVERNMENTS OF COOK COUNTY

The town governments of Cook County outside of Chicago are like those in other parts of the state, but the town governments of Chicago have almost wholly disappeared. Under the act of 1901, accepted by the people of Chicago in 1902, the powers of town meetings and boards of auditors are vested in the city council; the city clerk of Chicago is *ex officio* town clerk and town assessor; the county treasurer is *ex officio* supervisor and collector; and the offices of highway commissioners are abolished. Constables are, however, still required by law to be elected in each of the various towns, each of which is also entitled to a certain number of justices of the peace. The justices for the Chicago towns are appointed, on the nomination of the Cook County judges, by the governor with the approval of the senate. (Hurd, *Revised Statutes*, ch. 24, §§ 643-650; ch. 79; see also *Chicago Daily News Almanac*, 1903, 364.)

C. THE CITY GOVERNMENT OF CHICAGO

[See Hurd, *Revised Statutes*, ch. 24; *Revised Code of Chicago*, 1897; *Department of Finance, Forty-sixth Annual Report*.]

I. Legislative Branch.

The City Council,—consisting of the mayor and two aldermen from each ward.

II. Executive Branch.

Elective officers,—elected by the people for two years.

1. Mayor. 2. City Clerk. 3. City Treasurer. 4. City Attorney.

Administrative Departments,—the heads of which are appointed by the mayor and removable by him, unless otherwise stated.

- (1). Department of Finance,—under the Comptroller, and including also the offices of City Treasurer (elective), City Collector, and Paymaster.
- (2). Department of Supplies,—under the Business Agent.
- (3). Police Department,—under the General Superintendent of Police.
- (4). House of Correction,—under the supervision the mayor as *chairman*, the Superintendent, and Inspectors.
- (5). Fire Department,—under the Fire Marshal.
- (6). Department of Health,—under the Health Commissioners, and including also the City Physician, the Smoke Inspector, and the Board of Examining Plumbers. and various other bureaux.
- (7). Department of Buildings,—under the Commissioner of Buildings.
- (8). Other offices classed by the Comptroller as "Other Public Safety," including the offices of Oil Inspector, City Sealer, Boiler Inspector, Board of Examining Engineers.
- (9). Department of Public Works, under the Commissioner of Public Works, and including, among others, the Bureaux of Streets, Water, Sewers, Maps, the City Engineer's office, and the Board of Local Improvements.

- (10). Department of Electricity,—under the City Electrician.
- (11). Civil Service Commission,—three commissioners appointed by the mayor for three years, and having in charge the examinations for positions in the classified civil service in which most subordinate city offices are included.
- (12). Board of Election Commissioners,—three commissioners appointed, under the city election law, by the County Court, for three years. (Hurd, *Revised Statutes*, ch. 46, §§ 170-194.)
- (13). Board of Education,—consisting of twenty-one members appointed by the mayor, with the approval of the City Council, for three years, one-third of the members retiring every year.
- (14). Public Library,—under nine directors appointed by the mayor with the approval of the council for three years.
- (15). Board of Trustees of the Police Pension Fund,—consisting of the comptroller and city officers *ex officio*.
- (16). Board of Trustees of the Firemen's Pension Fund,—consisting of the Comptroller and other city officers *ex officio*.

The list of city administrative officers is subject to frequent changes and additions.

III. Judicial Branch.

Police Courts,—eighteen courts in twelve districts (1903), each conducted by a justice of the peace appointed by the governor but assigned to this service by the mayor.

D. THE SANITARY DISTRICT OF CHICAGO

[Hurd, *Revised Statutes*, ch. 24, §§ 343-369m.; see also above, ch. 8.]

Board of Trustees,—nine trustees elected for five years by the people of the district.

E. THE PARK DISTRICTS OF CHICAGO

- 1. South Park Commissioners,—five commissioners appointed for five years by the judges of the Circuit Court of Cook County. (See *Municipal Code of the South Park Commissioners*, 110-111.)

2. West Chicago Park Commissioners,—seven commissioners appointed by the governor with the approval of the senate. (See *Private Laws, 1869*, I. 342-376; Hurd, *Revised Statutes*, ch. 105.)
3. Lincoln Park Commissioners,—seven commissioners appointed by the governor with the approval of the senate. (*Ibid.*)
4. There are also park districts organized under the general law. See above, p. 107. An *Outer Parks Commission* has recently been organized to provide a park system extending beyond the city limits.

APPENDIX E STATISTICAL TABLES

90. POPULATION BY COUNTIES

[See Compendium of Eleventh Census and Twelfth Census, Population.]

Counties	1820	1830	1840	1850	1860	1870	1880	1890	1900
Adams.....	2,186	14,476	26,508	41,323	56,362	59,135	61,888	67,058
Alexander.....	3,313	2,484	4,707	10,504	14,808	16,563	19,384
Bond.....	626	1,390	5,060	6,144	9,815	13,152	14,866	14,550	16,078
Boone.....	2,931	3,124	1,705	7,624	11,678	12,942	11,508	12,203	15,791
Brown.....	4,183	7,198	9,938	12,205	13,041	11,951	11,557
Bureau.....	3,067	8,841	20,426	32,415	33,172	35,014	41,112
Calhoun.....	1,090	1,741	3,231	5,144	6,562	7,467	7,652	8,917
Carroll.....	1,023	4,586	11,733	16,795	16,976	18,320	18,963
Cass.....	2,981	7,233	11,325	11,580	14,493	15,963	17,222
Champaign.....	1,475	2,649	14,029	32,737	40,863	42,159	47,022
Christian.....	1,878	3,203	10,492	20,363	28,227	30,531	32,790
Clark.....	931	3,940	7,453	9,532	14,987	18,719	21,894	21,899	24,033
Clay.....	755	3,228	4,289	9,336	15,875	16,192	16,772	19,553
Clinton.....	2,330	3,718	5,139	10,941	16,285	18,714	17,411	19,824
Coles.....	9,616	9,335	14,203	25,235	27,042	30,093	34,146
Cook.....	10,201	43,385	144,954	349,966	607,524	1,191,922	1,838,735
Crawford.....	3,022	3,117	4,422	7,133	11,551	13,889	16,197	17,283	19,240
Cumberland.....	3,718	8,311	12,223	13,759	15,443	16,124
DeKalb.....	1,697	7,540	19,086	23,295	26,768	27,066	31,756
DeWitt.....	3,247	5,002	10,820	14,768	17,010	17,011	18,972
Douglas.....	7,140	13,484	15,853	17,669	19,097
DuPage.....	3,535	9,200	14,701	16,685	19,161	22,581	28,196
Edgar.....	8,225	10,692	16,925	21,450	25,499	26,787	28,273
Edwards.....	4,071	.....	.....	3,524	5,454	7,595	8,597	9,444	10,345
Effingham.....	1,649	3,070	3,799	7,816	15,653	18,920	19,358	20,465
Fayette.....	2,704	6,328	8,075	11,189	19,638	23,241	23,367	28,065
Ford.....	1,979	9,103	15,099	17,035	18,359
Franklin.....	1,763	4,083	3,682	5,661	9,393	12,652	16,129	17,138	19,075
Fulton.....	13,142	22,598	33,338	38,291	41,240	43,110	46,201
Gallatin.....	7,495	10,760	5,448	8,055	11,134	12,862	14,935	15,836
Greene.....	7,674	11,951	12,420	16,093	20,277	23,010	23,791	23,402
Grundy.....	3,023	10,379	14,938	16,732	21,024	24,136
Hamilton.....	2,616	3,945	6,302	9,915	13,014	16,712	17,800	20,197
Hancock.....	483	9,946	14,652	29,061	35,935	35,337	31,907	32,215

90. POPULATION BY COUNTIES (Continued)

Statistical Tables

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Counties	1820	1830	1840	1850	1860	1870	1880	1890	1900
Hardin.....	1,378	2,887	3,759	5,113	6,024	7,234	7,448
Henderson.....	4,612	9,501	12,582	10,722	9,876	10,836
Henry.....	41	1,266	3,867	20,666	35,506	36,597	33,338	40,049
Iroquois.....	1,695	4,149	12,325	35,451	35,167	38,014
Jackson.....	1,828	3,566	5,862	9,589	19,634	22,595	27,809	33,871
Jasper.....	1,542	.....	1,472	3,220	8,394	11,234	14,515	18,188	20,166
Jefferson.....	691	2,555	5,762	8,109	12,905	17,864	20,686	22,590	28,133
Jersey.....	4,535	7,354	12,051	15,054	15,542	14,810	14,612
JoDavies.....	2,111	6,180	18,604	27,325	27,820	27,528	25,101	24,533
Johnson.....	843	1,596	3,626	4,114	9,342	11,248	13,078	15,013	15,667
Kane.....	6,501	16,703	30,062	39,091	44,939	65,061	78,792
Kankakee.....	15,412	24,352	25,047	28,732	37,154
Kendall.....	13,074	12,399	13,083	12,106	11,467
Knox.....	274	.....	7,730	28,663	39,522	38,344	38,752	43,612
Lake.....	7,060	13,279	18,237	21,014	21,296	24,235	34,594
LaSalle.....	2,634	14,226	18,237	21,014	21,296	24,235	34,594
Lawrence.....	3,668	9,348	17,815	48,332	66,792	70,403	86,798	87,776
Lee.....	7,092	6,121	9,214	12,533	13,663	14,693	16,523
Livingston.....	2,035	5,292	17,651	27,171	27,491	26,187	29,894
Logan.....	759	1,552	11,637	31,471	38,450	38,455	42,035
Macon.....	1,122	2,333	5,128	14,272	33,053	25,037	25,489	28,686
Macoupin.....	3,039	3,988	13,738	26,481	30,605	38,083	44,003
Madison.....	1,990	7,826	12,355	24,602	32,726	37,692	40,380	42,256
Marion.....	13,550	6,221	14,433	20,441	31,251	44,131	50,126	51,535	64,694
Marshall.....	2,125	4,742	6,730	12,739	20,622	23,686	24,341	30,446
Mason.....	1,849	5,180	13,437	16,956	15,055	13,053	16,370
Massac.....	5,921	10,931	16,184	16,242	16,067	17,491
McDonough.....	4,092	6,213	9,581	10,443	11,313	13,110
McHenry.....	5,398	7,616	20,069	26,509	27,970	27,467	28,412
McLean.....	2,578	14,978	22,089	23,762	24,908	26,114	29,759
Menard.....	6,595	10,163	28,772	53,988	60,106	63,036	67,843
Mercer.....	4,431	6,349	9,554	11,735	13,024	13,120	14,336
Monroe.....	26	2,352	5,246	15,042	18,769	19,502	18,545	20,945
Montgomery.....	1,537	2,000	4,481	7,679	12,832	12,982	13,682	12,948	13,847
Morgan.....	2,953	4,490	6,277	13,979	25,314	28,078	30,003	30,830
.....	12,714	19,547	16,064	22,112	28,463	31,514	32,636	35,006

90. POPULATION BY COUNTIES (Continued)

Counties	1820	1830	1840	1850	1860	1870	1880	1890	1900
Moultrie.....	3,234	6,385	10,385	13,609	14,481	15,224
Ogle.....	3,479	10,020	22,888	27,492	29,937	28,710	20,120
Peoria.....	6,153	17,547	36,601	47,540	55,355	70,378	88,608
Perry.....	1,215	3,222	5,278	9,552	13,723	16,007	17,529	19,830
Piatt.....	1,666	6,127	10,953	15,583	17,062	17,796
Pike.....	2,396	11,728	18,819	27,249	30,768	33,751	31,000	31,595
Pope.....	3,316	4,094	3,975	6,742	11,437	13,256	14,016	13,585
Pulaski.....	2,205	3,943	8,752	9,507	11,355	14,554
Putnam.....	1,310	2,131	3,924	5,587	6,280	5,554	4,730	4,746
Randolph.....	4,429	7,944	11,079	17,205	20,859	25,690	25,049	28,001
Richland.....	4,012	9,711	12,893	15,545	15,019	16,391
Rock Island.....	2,610	6,397	21,005	29,783	38,302	41,917	55,249
Saline.....	5,588	9,331	12,714	15,940	19,342	21,685
Sangamon.....	12,960	14,716	19,228	32,274	46,352	52,894	16,195	71,593
Schuyler.....	2,959	6,072	10,573	14,684	17,419	16,249	16,013	16,129
Scott.....	6,215	7,014	9,069	10,530	10,741	10,304	10,455
Shelby.....	2,972	6,059	7,807	14,613	25,476	30,270	31,191	32,126
Stark.....	1,573	3,710	9,004	10,751	11,207	9,982	10,186
St. Clair.....	7,078	13,631	20,180	37,694	51,068	61,806	66,571	86,685
Stephenson.....	2,800	11,666	25,112	30,608	31,063	31,338	34,933
Tazewell.....	4,716	7,221	12,052	21,470	27,903	29,666	29,556	33,221
Union.....	3,239	5,524	7,615	11,181	16,518	18,102	21,549	22,610
Vermilion.....	5,836	9,303	11,492	19,800	30,388	41,588	49,905	65,635
Wabash.....	2,710	4,240	4,690	7,313	8,841	9,945	11,866	12,583
Warren.....	308	6,739	8,176	18,336	23,174	22,933	21,281	23,163
Washington.....	1,517	1,675	4,810	6,953	13,731	17,599	21,112	19,262	19,526
Wayne.....	1,114	2,553	5,133	6,825	12,223	19,758	21,291	23,806	27,626
White.....	4,828	6,091	7,919	8,925	12,403	16,846	23,087	25,005	25,386
Whiteside.....	2,514	5,361	18,737	27,503	30,885	30,854	34,710
Will.....	10,167	16,793	29,321	43,013	53,422	62,007	74,704
Williamson.....	2,457	7,216	12,205	17,329	19,324	22,796	27,796
Winnebago.....	11,773	24,491	29,301	30,505	30,505	39,938	47,845
Woodford.....	4,415	13,282	18,956	21,620	21,429	21,822
Total.....	55,211	157,445	476,183	851,470	1,711,951	2,539,891	3,077,871	3,826,351	4,821,550

91 CITIES OF 10,000 OR MORE INHABITANTS.
1850--1900

[See various volumes of the U. S. *Census*. This list does not include for 1880 and 1890 cities or towns subsequently annexed to Chicago.]

	1850	1860	1870	1880	1890	1900
Alton.....	10,294	14,210
Aurora.....	11,162	11,873	19,688	24,147
Belleville.....	10,683	15,361	17,484
Bloomington.....	14,590	17,180	20,484	23,286
Cairo.....	10,324	12,566
Chicago.....	29,963	109,260	298,977	503,185	1,099,850	1,698,575
Danville.....	11,491	16,354
Decatur.....	16,841	20,754
East St. Louis.....	15,169	29,655
Elgin.....	17,823	22,433
Evanston.....	19,259
Freeport.....	10,189	13,258
Galesburg.....	10,158	11,437	15,264	18,607
Jacksonville.....	10,927	12,935	15,078
Joliet.....	11,657	23,264	23,353
Kankakee.....	13,595
LaSalle.....	10,446
Moline.....	12,000	17,248
Ottawa.....	10,588
Peoria.....	14,045	22,849	29,259	41,024	56,100
Quincy.....	13,718	24,052	27,268	31,494	36,252
Rockford.....	11,049	13,129	23,584	31,051
Rock Island.....	11,659	13,634	19,493
Springfield.....	17,364	19,743	24,963	34,159
Streator.....	11,414	14,079

92. THE POPULATION OF ILLINOIS AND CHICAGO CLASSIFIED ACCORDING TO NATIVITY

Based on the Twelfth Census of the United States, (1900)

	Total	Native-born	Foreign-born
Population of Illinois..	4,821,550	3,854,803	966,747
" " Chicago.	1,698,575	1,111,463	587,112

Place of Birth	Illinois		Chicago	
NATIVE BORN				
Illinois.....	2,893,857		769,882	
Other parts of U. S.....	960,946	3,854,803	341,581	1,111,463
FOREIGN-BORN				
Germany.....		332,169		170,738
<i>United Kingdom</i>				
England.....	64,390		29,308	
Scotland.....	20,021		10,347	
Wales.....	4,364		1,818	
Ireland.....	114,563	203,338	73,912	115,385
<i>Canada</i>				
English.....	41,466		29,472	
French.....	9,129	50,595	5,307	34,779
<i>Scandinavian Countries</i>				
Sweden.....	99,147		48,836	
Norway.....	29,979		22,011	
Denmark.....	15,686	144,812	10,166	81,013
Poland, (Russian, Austrian and German).....		67,949		59,713
Bohemia.....		38,570		36,362
Russia.....		28,707		24,178
Italy.....		23,523		16,008
Holland.....		21,916		18,555
Austria.....		18,212		11,815
Switzerland.....		9,033		3,251
France.....		7,787		2,989
Hungary.....		6,734		4,946
Belgium.....		4,394		1,160
Greece.....		1,570		1,493
China.....		1,462		1,179
Scattering.....		5,976		3,548

93. THE PRESIDENTIAL VOTE OF ILLINOIS

[The successful candidates are indicated by asterisks (*). The State law in force in 1820 and 1824 provided for the choice of electors by districts, there being one elector chosen in each of three electoral districts. Since 1824 the electors have been chosen by the people of the State on a "general ticket". The statement given below is based on the official figures in the office of the Secretary of State at Springfield, but after 1840 no candidate is mentioned who received less than one thousand votes. The author is indebted for this work of verification to Mr. Mason H. Newell of Springfield.]

ELECTORAL VOTE IN 1820 AND 1824

1820		1824	
*Monroe, Dem.-Rep.	3	Jackson, Dem.	2
J. Q. Adams, Nat. Rep.	0	*J. Q. Adams, Nat. Rep.	1
		Henry Clay, Whig	0
		Crawford, Dem.	0

POPULAR VOTE SINCE 1828

1828		1852	
*Jackson, Dem. Rep.	9,582	*Pierce, Dem.	80,368
J. Q. Adams, Nat. Rep.	4,662	Scott, Whig	64,733
		Hale, Free Soil	9,863
1832		1856	
*Jackson, Dem.	14,617	*Buchanan, Dem.	105,528
Clay, Nat. Rep.	6,745	Fremont, Rep.	96,278
1836		Fillmore, Amer.	37,531
*VanBuren, Dem.	18,412	1860	
Harrison, Whig	15,220	*Lincoln, Rep.	172,171
1840		Douglas, Dem	160,205
Van Buren, Dem.	47,631	Bell, Const. Un.	4,913
*Harrison, Whig	45,574	Breckenridge, }	2,332
Birney, Liberty	149	South Dem. }	
1844		1864	
*Polk, Dem.	58,795	*Lincoln, Rep.	189,519
Clay, Whig	45,854	McClellan, Dem.	158,724
Birney, Liberty	3,469	1868	
1848		*Grant, Rep.,	250,293
Cass, Dem.	55,952	Seymour, Dem.	199,143
*Taylor, Whig	52,853		
VanBuren, Free Soil	15,702		

POPULAR VOTE SINCE 1828 (*Continued*)

1872		1892	
*Grant, Rep.	241,237	*Cleveland, Dem.	426,281
Greeley,	} 184,772	Harrison, Rep.	399,288
Lib. Rep. & Dem.		Bidwell, Pro.	25,871
O'Connor, Dem.	3,138	Weaver, People's	22,207
1876		1896	
*Hayes, Rep.	278,232	*McKinley, Rep.	607,130
Tilden, Dem.	258,601	Bryan, Dem.-Pop.	464,523
Cooper, Greenback	17,207	Lovering, Pro.	9,796
1880		Palmer, Nat. Dem.	6,307
*Garfield, Rep.	318,037	Matchett, Soc. Labor	1,147
Hancock, Dem.	277,321	Bryan, People's	1,030
Weaver, Greenback	26,358	1900	
1884		*McKinley, Rep.	597,985
Blaine, Rep.	337,469	Bryan, Dem.-Pop.	503,061
*Cleveland, Dem.	312,351	Debs, Soc. Dem.	9,687
St. John, Pro.	12,074	Maloney, Soc. Lab.	1,373
Butler, Anti-Monop.	10,776	Woolley, Pro.	1,141
1888		1904	
*Harrison, Rep.	370,475	Roosevelt, Rep.	
Cleveland, Dem.,	348,371	Parker, Dem.	
Fisk, Pro.	21,703	Swallow, Pro.	
Streeter, Union Labor	7,534	Watson, Pop.	
		Debs, Soc. Dem.	

94. STATE FINANCES, OCTOBER 1, 1900, TO SEPTEMBER 30, 1902¹

¹ For the preparation of these financial tables, §§ 96, 97, the author is indebted to Mr. L. W. Zartman, Fellow in Economics at the University of Illinois. The arrangement is mainly his, though modified at a few points by the author. It is intended to conform, in general, with that adopted in the New York volume of this series.

[See *Biennial Report, 1902*, of the Auditor of Public Accounts.]

A. STATE REVENUE

1. FROM THE GENERAL PROPERTY TAX.

General State tax . . .	\$6,467,544.52	
State school tax . . .	2,083,619.02	
	<hr/>	\$8,551,153.54

2. SPECIAL TAXES AND FEES.

Tax on Illinois Central Railroad . . .	\$1,695,773.85	
Inheritance tax . . .	987,545.59	
Insurance companies (taxes and fees) . . .	622,759.87	
Fees of secretary of state's office (mainly corporation fees) . . .	532,877.90	
Fees of auditor's office . . .	1,718.60	
Mining Board fees . . .	1,948.75	
	<hr/>	3,842,624.56

3. MISCELLANEOUS SOURCES OF INCOME.

From United States Government (including the following items: Soldiers' and Sailors' Home, payment of expenses incurred by the State in Civil and Spanish wars, and payment for University of Illinois) . . .	1,435,616.51	
From public lands . . .	99,438.30	
From unexpended appropriations . . .	237,944.32	
Various items in addition to amounts above stated . . .	78,690.54	
	<hr/>	1,851,536.12

¹ Total State receipts . . . \$14,245,467.77

¹ This does not include receipts on account of the local bond funds. See below, C, *State Funds Account*.

B. STATE EXPENDITURES

I. GENERAL GOVERNMENT EXPENSES

(1). *For Executive Departments.*

Office of governor . . .	\$19,471.38	
Office of secretary of state . . .	90,248.76	
Office of auditor . . .	33,592.25	
Office of treasurer . . .	42,196.13	
Office of attorney general . . .	54,435.55	
Office of superintendent of public instruction . . .	9,743.92	
Office of adjutant general . . .	20,723.23	
Salaries of executive officers named above . . .	60,976.94	
Board of Equalization . . .	34,355.25	
		<hr/>
		365,743.41

(2). *For Legislative Department.*

General Assembly . . .	\$330,297.95	
Printing . . .	69,342.81	
Public binding . . .	31,460.27	
Committees . . .	200.00	
		<hr/>
		431,301.03

(3). *For Miscellaneous Items.*

Public buildings . . .	\$119,679.76	
Executive mansion . . .	16,584.23	
Heating and lighting . . .	29,303.46	
State architect . . .	10,000.00	
Expert printer . . .	8,248.00	
Inheritance tax attorney . . .	3,000.00	
Governor's contingent fund . . .	5,211.15	
Care of State House . . .	93,186.22	
		<hr/>
		285,212.82

Total general government expenses . \$1,082,257.26

2. EXPENSES OF SPECIAL DEPARTMENTS OF ADMINISTRATION

(1). *For Administration of Justice.*

Reporters and reports . . .	\$24,651.98	
State Practice Commission . . .	2,470.00	
Appellate courts . . .	86,956.52	
Supreme court . . .	141,309.05	
State's attorneys . . .	83,152.45	
Superior court, Cook County . . .	86,625.00	
Circuit court, Cook County . . .	99,750.00	
Circuit courts . . .	352,885.77	
		<hr/>
		877,800.77

(2). *For Protection of the Community.*

Slaughter of cattle . . .	\$9,827.05
Inspection of convict labor . .	2,550.00
National guard . . .	657,147.51
Board of Health . . .	54,431.14
Live stock commission . .	75,832.80
Food commissioners . . .	41,388.08
Prevention cruelty to animals	7,000.00
Game commission . . .	5,000.00

853,176.58

(3). *For Charities and Corrections.*

Commissioners of public charities . . .	\$21,407.50
Conveying convicts . . .	58,891.14
Apprehending fugitives . .	30,051.09
Rewards for criminals . . .	1,000.00
Asylum for Feeble-Minded . .	557,011.01
Asylum for Incurable Insane	370,840.23
Asylum for Insane Criminals	78,216.71
Eye and Ear Infirmary . . .	73,469.41
Juvenile Female Offenders . .	124,279.62
Soldiers' Orphans' Home . .	132,227.90
Soldiers' and Sailors' Home . .	408,301.44
Soldiers' Widows' Home . . .	57,150.98
Insane asylums . . .	2,206,775.40
Home for Blind . . .	61,193.00
Education of blind . . .	112,309.05
Education of deaf and dumb	247,671.04
State penitentiaries . . .	655,643.88
State Reformatory . . .	562,525.00
Parole agents . . .	6,000.00
Board of pardons . . .	31,040.00

5,796,004.40

(4). *For Promotion of Agricultural Interests.*

Farmers' institutes . . .	\$35,307.66
Dairymen's Association . .	3,000.00
State Horticultural Society . .	9,000.00
Poultry and Pet Stock Association . . .	3,000.00
Stock Breeders' Association	500.00
State entomologist's office . .	42,803.57
State board of agriculture . .	153,240.00

246,851.23

(5). *For Promotion and Control of Industrial and Commercial Interests*

Illinois and Michigan canal . .	\$169,348.75	
Canal commissioners	12,330.00	
Factory and workshop inspection	31,734.40	
Fish commission	32,688.49	
Commissioners of labor statistics	24,208.53	
Employment agencies	44,650.99	
Mine inspection	31,688.85	
Board of mine examiners . .	13,995.19	
Railroad and warehouse commission	46,499.78	
Insurance department	75,744.83	
Board of arbitration	19,005.76	
Miscellaneous items	8,712.96	
	<hr/>	510,608.53

(6). *For Public Education.*

State Historical Library	\$8,967.16	
State Library	7,263.40	
Museum of Natural History . .	8,928.19	
Firemen's Association	1,000.00	
Interest of school fund	56,937.31	
Normal schools	658,600.36	
State University	919,429.96	
Proceeds of State school tax distributed to counties	2,066,215.06	
	<hr/>	3,727,341.44
Total expense of special departments of administration		\$11,918,692.05

3. UNCLASSIFIED EXPENDITURES

Monuments	\$28,076.23
Portrait	1,000.00
Presidential electors	1,074.00
Inter-State Exposition	24,294.34
Louisiana Exposition	8,974.45
Pan-American Exposition . . .	56,867.33

Incidentals	65,180.42	
Lincoln homestead and monument	35,069.03	
Miscellaneous	71,655.06	
		<u>292,190.86</u>

Total disbursements at State treasury, not
including *Local Bond Funds* \$13,386,231.07

C. STATE FUNDS ACCOUNT

1. RECEIPTS AND EXPENDITURES

<i>Name of Fund.</i>	<i>Receipts.</i>	<i>Expenditures.</i>
General revenue	\$12,151,242.17	\$11,310,687.50
State school	2,083,619.02	2,066,456.18
Unknown and minor heirs fund		750.00
Commission merchants' license		1,876.19
State game protection	10,606.58	6,460.70
		<u></u>
Aggregate	\$14,245,467.77	\$13,386,231.07
Local bond funds ¹	2,136,552.57	2,235,421.12
		<u></u>
Totals	\$16,382,020.34	\$15,621,652.19

2. GENERAL BALANCE SUMMARY

Balance Oct. 1, 1900	\$2,617,955.88	
Receipts for two years	16,382,020.34	
Expenditures for two years		
ending Sept. 30, 1902		\$15,621,652.19
Balance Sept. 30, 1902		3,378,324.03
		<u></u>
Totals	\$18,999,976.22	\$18,999,976.22

¹ This term refers to bonds issued by counties, townships, and municipal governments and registered in the office of the auditor of public accounts. The *local bond funds* are derived from local taxation and held by the State for the payment of principal and interest on such bonds.

D. AGGREGATE AMOUNT OF TAXES, STATE AND LOCAL,¹ CHARGED ON THE TAX BOOKS
FOR THE YEARS 1900 AND 1901

	1900.	1901.
State taxes	\$4,102,180.96	\$5,209,765.20
County taxes	6,179,195.22	6,939,515.45
City taxes	10,972,543.08	11,258,556.88
District and city school taxes .	19,226,721.22	19,053,561.44
Road and bridge taxes . .	2,780,890.84	3,245,800.49
Registered bond fund taxes .	984,411.59	859,600.81
Town, district, etc., taxes .	5,994,988.50	6,446,135.01
	<hr/>	<hr/>
Totals	\$50,240,931.41	\$53,012,935.28

95. FINANCES OF THE CITY OF CHICAGO, 1902

[See Department of Finance (Chicago), *Forty-sixth Annual Report*.]

A. REVENUE

(1). *For Corporate Purposes.*

From taxes	\$5,770,876.97
From licenses	3,770,735.37
Police justice courts . .	110,334.33
House of correction . .	111,105.96
Police department . .	15,740.42
Public pounds	2,519.46
Department of buildings .	75,265.30
Department of electricity .	51,904.51
Department of public works	127,564.64
Insurance tax	158,702.18
Franchise tax	422,346.21
Other sources	438,296.43
	<hr/>
	\$11,055,391.78

(2). *For Water Department.*

Assessed rates	\$1,850,837.16
Miscellaneous sales . .	7,183.28
Meter service	1,330,805.29
Permits	17,107.71
Rent of Rookery	35,000.04
Miscellaneous	264,539.68
	<hr/>
	3,505,473.16

¹This statement includes only the amounts raised for the State and local governments by the general property tax. It does not include such special State taxes as those on the Illinois Central Railroad and on inheritances. Nor does it include such revenues of city governments as are derived from other sources than taxation. See § 98 on the *Finances of the City of Chicago*.

(3). *For Schools.*

From taxes	\$7,397,860.50	
From school funds . . .	997,930.56	
	<hr/>	8,395,791.06

(4). *For Public Library.*

From taxes	\$273,696.69	
Miscellaneous	10,392.39	
	<hr/>	284,089.08

(5). *Miscellaneous.*

General taxes undistributed	181,647.95	
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Grand total (not including receipts for trusts)	<hr/> <hr/>	\$23,422,393.03
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B. EXPENDITURES.—I. FOR CORPORATE PURPOSES

I. GENERAL GOVERNMENT

(1). *Executive.*

.	\$16,299.99	
-----------	-------------	--

(2). *Legislative.*

City council	\$126,265.30	
City Clerk	59,514.24	
	<hr/>	185,779.64

(3). *Law Department.*

Corporation counsel	66,187.17	
Prosecuting attorney	21,564.10	
City attorney	67,500.00	
	<hr/>	155,251.27

(4). *Finance Department.*

Comptroller's office	\$66,934.12	
City collector's office	48,848.25	
	<hr/>	115,782.37

(5). *Miscellaneous.*

City Hall	\$58,290.54	
Board of election commis- sioners	342,067.60	
Civil service commission	29,878.71	
Department of supplies	15,704.89	
Interest on bonded debt	454,111.06	
Miscellaneous interest	184,290.58	
Miscellaneous	84,086.35	
	<hr/>	1,168,429.73

Total general government expenditures . . \$1,641,542.90

2. EXPENSES OF SPECIAL DEPARTMENTS OF ADMINISTRATION

(1). *Public Safety.*

Police department . . .	\$3,333,128.68	
Police and justice courts . .	115,954.17	
House of Correction . . .	188,619.30	
Public pounds . . .	10,734.25	
Fire department . . .	1,617,340.76	
Department of building . .	48,277.58	
Health department . . .	213,156.71	
City physician . . .	4,201.06	
Track elevation . . .	5,564.29	
Department of inspection . .	37,574.00	
Other public safety . . .	10,524.80	
Hospitals . . .	12,000.00	
Lodging houses . . .	4,641.92	
	<hr/>	\$5,601,717.52

(2). *For Public Recreation and Art.*

Small parks commission . .	\$2,070.29	
Play grounds . . .	12,929.67	
	<hr/>	14,999.96

(3). *For Public Works.*

Department of public works, general administration . .	\$1,878.11	
Bureau of maps . . .	4,110.87	
City architect . . .	259.28	
Bureau of engineering . . .	258,028.41	
Bureau of streets . . .	1,194,361.15	
Bureau of sewers . . .	247,372.75	
Board of local improvements	307,422.75	
Department of electricity . .	719,956.66	
	<hr/>	2,733,392.98

(4). *Miscellaneous Expenses.*

City real estate and buildings	\$13,287.81	
Markets . . .	3,045.00	
Loss and cost of collection of taxes . . .	148,040.54	
	<hr/>	164,373.35

Grand total ordinary expenditures for
corporate purposes \$10,156,026.71

EXTRAORDINARY EXPENSE FOR CORPORATE PURPOSES, 1902

Police department	\$1,537.67	
Fire department	104,912.50	
Health department	40,000.00	
Public works	404,612.37	
Local improvement	63,936.83	
Department of electricity	34,797.72	
Bureau of water	2,894,979.02	
	<hr/>	649,797.09
Total expenditures for corporate purposes .		\$10,987,267.28

II. FOR PUBLIC EDUCATION. (Through School and Library Boards.)

(1). *For Schools.*

Educational account . . .	\$1,444,772.84	
Building account . . .	1,687,343.49	
Indebtedness . . .	126,228.12	
Fund income . . .	4,961,559.06	
Fund principal . . .	45,350.00	
Special fund, income . .	1,999.71	
Special fund, principal .	17,650.00	
Building Parental School .	51,276.50	
Loss and cost of collection of taxes, 1902	344,079.34	
	<hr/>	\$8,680,259.06

(2). *For Public Library.*

Salaries, books, etc.	217,164.17	
	<hr/>	\$8,897,423.23

III. BUREAU OF WATER

Ordinary expenses . . .	\$1,512,772.34	
Extraordinary expenses . .	2,894,979.04	
	<hr/>	\$4,407,751.38

Grand total expenditures for corporate purposes, etc. (not including trusts¹) . . . \$24,292,441.89

¹ See C. below, *City Funds Account* and Department of Finance, *Forty-sixth Annual Report*, 184-185.

C. CITY FUNDS ACCOUNT

1. RECEIPTS AND EXPENDITURES

<i>Name of Fund</i>	<i>Receipts</i>	<i>Expenditures</i>
Corporate purposes	\$14,654,553.01	\$15,341,830.28
Trusts	2,895,561.81	2,695,091.33
Water fund	3,371,942.16	4,365,662.80
Schools	13,519,359.46	13,003,870.95
Library	414,530.07	402,355.12
Miscellaneous	181,647.95	
	<hr/>	<hr/>
Totals	\$35,037,594.46	\$35,808,810.48

2. GENERAL BALANCE SUMMARY

Balance Jan. 1, 1902	\$7,173,981.39	
Receipts for year ending Dec. 31, 1902	35,037,594.46	
Expenditures for year ending Dec. 31, 1902		\$35,808,810.48
Balance Dec. 31, 1902		6,402,765.37
	<hr/>	<hr/>
Totals	\$42,211,575.85	\$42,211,575.85

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