

INAUGURAL ADDRESS

OF

JOHN P. ALTGELD,

GOVERNOR OF ILLINOIS,

BEFORE THE

THIRTY-EIGHTH GENERAL ASSEMBLY.

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*January 10, 1893.*

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FELLOW CITIZENS:—It has become the custom for each incoming Executive to deliver an inaugural address defining his position on public measures, and, to a limited extent, outlining the policy of the new administration. I shall follow this custom, although I realize that in this busy age comparatively few people pay any attention to inaugural addresses, but that both men and parties are judged by what they actually do, rather than by what they profess or promise. In order to better understand the present, we will glance for a moment at the past.

The policy of the State of Illinois was directed almost wholly by one of the great existing political parties during the greater portion of the time from 1818, when it was admitted to the Union, until near the beginning of the civil war. This was the formative period, during which the foundations of our institutions were in great part laid, and those broad and liberal policies relating to education, internal improvements, the freedom of conscience and of speech, the rights of the citizens, the protection of property and the welfare of the masses were not only adopted, but became so firmly rooted that their subsequent growth, as

well as the development and greatness of the State, were assured. It was during this time that our common school system, the bulwark of free institutions, was founded and munificently endowed, in order that we might in time have the best schools in the world. During this time the State fostered a system of internal improvements, so as to encourage and hasten the development of our great natural resources. It not only caused the construction of a canal to connect the great lakes with the Mississippi system, but it encouraged the building of railroads so as to bring remote parts of the State close together. Notwithstanding its youth, Illinois then excelled almost every other state in that regard. At the same time the interests of the public were carefully guarded. It was during this period that an arrangement was made with the Illinois Central Railroad Company in pursuance of which it now pays annually nearly half a million of dollars into the state treasury. Then came a change of party control, and soon thereafter the civil war. The young state, which had led in the development of civil institutions, took an equally patriotic and aggressive stand in favor of upholding the Union, and gave a greater per cent. of its population to carry on the war than almost any other state; and we now have a home for the aged heroes who were disabled in war, which is supported by the liberality of the state, and it will be our duty to see that this worthy object of a state's bounty is fairly and liberally treated.

The richness of our soil has attracted husbandmen from all quarters of the globe. Our great mineral resources and central location have drawn the manufacturers of almost

every kind of goods; great railroads traverse nearly all parts of the State; while, owing to the push and enterprise of our people, our commercial interests are scarcely rivaled in the world. The present condition of our people, both in the State and in the Nation, is an illustration of the fact that in this country the people are greater than the government, and that they can attain a reasonable degree of prosperity and happiness in spite of unjust and injurious governmental policies. The recent action of our people at the polls is a warning that their patience has a limit, and that they cannot be long fed on empty and delusive promises. They demand of their servants that honesty and good faith which every employer has a right to expect at the hands of those who serve him.

Now, after an interval of more than thirty years, that political party which guided the councils of the State in its earlier history again assumes control of its destinies, and we are confronted by a number of important problems, which, for their proper solution, require painstaking investigation and deliberate judgment. These must all be treated by general laws, inasmuch as special legislation is not only prohibited by our constitution, but is antagonistic to democratic principles.

#### EDUCATION.

Our great educational system is so well grounded, that, with the exception of wasteful extravagance in some localities, it is working reasonably well. Its farther improvement will depend more upon the emulation of those who are laboring in that field, and their efforts to reach the high-

est degree of excellence than it will upon legislation. But we have a statute passed four years ago, known as the compulsory education act, which is no part of our common school system, and which violates the fundamental principles of free government. It will be our duty, not only to repeal this act at as early a day as practicable, but to provide in its place another law that shall be free from the objections that apply to this, and which shall make ample provisions for the care of neglected children. The State cannot permit children to grow up on the street learning nothing but the rudiments of crime, and learning nothing to fit them for the discharge of even the ordinary duties of American citizenship, even that of self-maintenance.

#### PUBLIC FUNDS.

The question as to who shall have the interest on public funds calls for the attention of the legislature. While it may be true that the law does not contemplate that the funds shall be deposited at interest in banks, it is a notorious fact that all custodians of public funds actually draw interest on the balances of such funds. When the sums held were smaller, the matter attracted but little attention, but conditions have changed. The salary paid the custodians, whether of State, County, City, Park, School or other public funds, having been fixed when the amounts held were small, is now, in most cases, entirely disproportionate to the bond which has to be given and the responsibilities assumed; the custodian now obtaining, as a part of his compensation, the interest upon the public funds in his custody, but, as this is in most cases many times as great as a reason-

able compensation would be, the excess should belong to and be accounted for as part of the public funds; and, inasmuch as the Constitution will not permit the salary of an official to be changed during his term of office, and as the terms of most of the custodians of public moneys, whether State, County, City, School or other public funds, are brief, in my judgment the proper course will be to provide, by general law, that all such custodians that may hereafter be elected or appointed and qualified shall be paid a salary to be determined by a per cent. of the amount of money they handle, and that all interest or increment earned by the fund in their possession shall belong to the fund and be accounted for.

#### LIBERTY OF THE CITIZEN.

Practically, there is at present neither *Magna Charta* nor Bill of Rights for the poor of our great cities. They have to submit to insult, assault and false imprisonment, and have no remedy, except a suit at law, which takes from three to five years and requires time and money to prosecute; so they are practically without remedy. Any man, rich or poor, taken into our higher courts, no matter on what charge, can have a jury trial and a full and fair hearing before sentence can be pronounced against him, but in the magistrate's court they deprive him of a jury trial by requiring him to advance the jury fee, which, when poor, he cannot do, so that he is compelled to submit to anything the magistrate may do, which frequently means anything that a police officer may wish to have done. In the city of Chicago, where there are a number of magistrates

sitting at the same time, there are from thirty to fifty men and women tried by one magistrate in from one to two hours every day. The proceedings are not under the criminal laws as a rule, but fines are imposed, and when these are not promptly paid imprisonment follows, just as it would in a case of conviction for crime in the higher court. While a judge of a higher court could not imprison a man for an hour without a jury trial, a simple magistrate actually does imprison scores every day without a jury trial. During the year 1891 the police of Chicago alone arrested and carried to prison 70,550 people, including men, women and children. Of these, 32,500 were discharged by the magistrate, because, in most cases, no offense of any kind was proven, yet these people had been arrested, sometimes clubbed, taken through the streets in charge of officers, and sometimes kept in prison several days, just as if they were charged with murder; and all this not on any charge of crime, but generally at the mere discretion of some man wearing the uniform of law. When they finally got out they were practically without a remedy for the reason stated. Of the remaining 38,050, a little over 8,000 were sent to prison for various terms by the magistrate, because of their inability to pay the fines which had been imposed, and nearly all, except about 90 of these, were charged with trivial offenses, generally simply disorderly conduct. Yet their treatment was the same as if they had committed highway robbery, except that in the latter case they would have had something like a fair trial. The practice has long prevailed in Chicago and other cities of raids being made by the police in the night-time, and as many

as a hundred or more men and women, sometimes only women, arrested and carried to prison in one night, on no specific charge of crime, but simply at the caprice of a policeman. These cases have to be continued till the next morning. A bond is generally given, signed by a professional bailor. The justice charges a dollar for taking each bond, and the bailor all he can get for signing it, so that it is an exceedingly profitable business for those connected with the so-called police court. While the law at present provides that nearly all other officers shall pay what fees they collect into the public treasury, and shall receive a salary for the services they render, this does not seem to apply to the magistrates. The law should be made more strict, and prohibit every officer, whether judicial or executive, who is in any way connected with the administration of justice, from keeping any fees under any pretext, for, so long as he profits by the amount of business that is run in, there is a standing bribe to do injustice. The law should secure to all persons a fair jury trial before judgment can be pronounced by which they can be thrown into prison. These so-called raids neither prevent nor punish crime, but are simply irritants, and it is a notorious fact that real criminals frequently ply their vocation with great boldness at the very time that these raids are made, and they go uncaught and unpunished. On the other hand, there are many cases in which the police are rendered powerless to suppress crime by reason of political intrigue and interference. Our police system should be, so far as possible, placed beyond the reach of this character of interference.



I will also, in this connection, direct your attention to the fact that our system of administering justice in this State does not command the entire confidence of the public. This is due to the fact that, with our present machinery, litigation is so prolonged, and rendered so uncertain, without regard to the merits of the case, that many prudent men feel they had better relinquish a claim and submit to an injustice than to venture into the courts. As a rule, the men who are directly occupied in the administration of justice in the higher courts of this State, are not only of the most able and learned, but of the highest character and unquestioned integrity. But the system is so defective that personal ability cannot overcome its deficiencies.

#### PUBLIC SERVICE.

It will be our duty to endeavor to reduce the expense of the civil service of the State. There has been a tendency to create unnecessary boards, and, while some of these do not draw a salary, they are paid their expenses and a per diem, and they manage to draw large sums out of the State treasury. Many of these should be abolished, and their duties, so far as they perform any necessary service, be assigned to some of the regular County or State officers, who could attend to them without increased expense to the public. Again, the public service is frequently crowded by placing many more persons on the pay roll than are necessary to do the work. This not only increases the expenditure, but destroys the efficiency of the service. Whenever four men are set to do one man's work, no one of

them will make an effort; all become careless, thoroughness will be lacking, and the result will be poor service. I desire to say a word in this connection in regard to the extraordinary demand for offices, both elective and appointive. While there are many men anxious to hold office for the honor of serving the people, and without reference to salary, there is no doubt that the demand is largely due to the fact that the applicants can get larger salaries while holding office than they can earn at the private employment for which they are qualified. The people of Illinois are willing to pay fair salaries for the service rendered, yet the question is worth considering, whether, if we were to reduce salaries we would not get rid of the persistent demand for official positions, and at the same time increase the efficiency of the service. As the matter now stands, many capable but modest men who would gladly serve for a moderate salary are deterred from applying. It is a mistake to suppose that high salaries secure a higher grade of service to the public; if anything, they have the opposite effect. They give the office the character of spoils, and simply increase the endeavor to obtain it by men who want it for the money there is in it. In some States the experiment has been made of paying officials high salaries, and in none of them has the service been improved. While we must pay such salaries as will enable poor men to hold office, yet we must not lose sight of the fact that we get the highest grade of service from those men who esteem it an honor to serve the public, and with whom salaries are a secondary consideration.

Nearly all the great institutions of the State have for years been conducted on a partisan basis, and some of them rather offensively so. This has created a feeling of bitterness, and there is a wide-spread demand that there shall be a change in the management. There is also a belief that many of these institutions are extravagant and that their expenses are unnecessarily increased to accommodate political favorites. Inasmuch as it will be our duty to have them run in as economical a manner as possible, it will be necessary that those in charge shall be in thorough sympathy with the administration. Such changes as may be necessary should be made, care being taken to bring the service to the highest degree of excellence possible. I wish, however, in this connection, to submit that the time has come in the development of our great State when its public service should be as far as possible divorced from partisan politics and when we should establish by law a classified civil service based upon honesty and capability, such as already prevails in some of the eastern states. In all cases where the head officer is not directly responsible for the acts of his subordinates, such a civil service system should be established. This would apply to attendants in our State charitable and reformatory institutions and in the government of our cities.

#### CLAIMS OF LABOR.

The State of Illinois already contains one of the greatest industrial communities in the world, and is rapidly growing. Not only are hundreds of millions of capital invested, but employment is given to hundreds of thousands of per-

sons. The State must do justice to both employer and employé, it must see to it that law and order are maintained, and that life and property are thoroughly protected. Any weakness in this regard would be pusillanimous and invite incalculable evils. On the other hand, the State must not pursue such a policy as to convince the masses of the laboring people that the authority of the State is simply a convenient club for the use of the employer. When the State follows such a policy it forfeits the confidence of its people and itself sows the seed of anarchy. We must not forget that the law contemplates that the civil officer shall protect life and property, and for this purpose may order out the *posse comitatus* when necessary, and that a too hasty ordering out of the military creates irritation and bitterness, which frequently results in unnecessary bloodshed. Many civil officers have shown a disposition to shirk their duty during a strike, and this has been followed by the introduction of an irresponsible armed force controlled by private individuals. The presence of these armed strangers always acts as an irritation and tends to provoke riot and disorder, and we should take warning by the experience of some of our sister states and absolutely prohibit the use of these armed mercenaries by private corporations or individuals. At the same time we should see to it that the civil officers do their duty.

If we are to prosper, we must make all of our people feel that the flag which floats over them is an emblem of justice. Our laboring people must either advance or retrograde. There is no such thing as standing still. If they are to advance, it must be by their own conservative and

intelligent standing together—only those forces survive which can take care of themselves. the moment individuals or classes become dependent they are objects of charity, and their case is then hopeless. If the laboring classes cannot thus stand together, they will be reduced to the condition of the laboring classes in the poorer countries of the old world. Such a condition would destroy the purchasing power of the American laborer, and with it destroy also the great American market. If ever the American laborer is reduced to that condition where he can buy only a little coarse clothing and a little amount of coarse food, the entire character of our institutions will be transformed, and the value of much of our manufacturing and railroad property depreciated.

#### STRIKES AND LOCKOUTS.

The question of the protection of non-combatants—the great public—in the event of a strike or lockout must not be overlooked in this connection. Conditions have so changed that it can no longer be said that it is nobody's business what other people do. All the elements of American society have become so interdependent, each class or interest has so adjusted itself to the other classes or interests, as to be in a measure dependent on them, and a suspension of the operation of one must injure the whole. For example, a strike on a railroad is not limited to a contention between employer and employé, but it affects all people along the line of the road who have adjusted their affairs to the operation of the road, and who are entitled to protection at the hands of the State. Not only this, but when a large number of men are suddenly thrown out of employ-

ment, conditions are created which beget pauperism and crime and increase the burdens of the public. Especially is this true when an employer, who has so far interfered with the natural distribution of population as to cause a large number of men to settle where they would not otherwise have settled, suddenly attempts to discharge them all at once and to fill their places with others.

The reign of law has so broadened in this century as to cover almost every other controversy between man and man, and in the development of society some way must be found to subject the so-called "labor controversies" to law. This suggests the practicability of arbitration, and raises the question of the powers of the State in that regard. There seems to be no doubt about the right of the State to make a thorough investigation and render a decision, but the difficulty arises in enforcing the decision. The State cannot compel an unwilling employer to run his shop, nor can it compel unwilling employés to go to work. The State might compel an employer who disregarded its decision and persisted in operating his works to pay the expense of any special protection he received. On the other hand, if employés should refuse to go to work in accordance with the terms of a decision, the State can give its entire power in protecting the employer in hiring new men; but the moral influence alone of a State decision would in many cases be sufficient to end a strike, and some of the States have adopted laws creating Boards of Arbitration with this end in view, while others have gone further and attempted in certain cases to enforce the decisions of Boards of Arbitration. The constant increase in the use of labor-saving

machinery tends to throw more and more men out of employment every year. This suggests the necessity of shortening the hours of labor wherever this can be done by legislation, in order that all may still be able to get employment, and also that the working classes may derive some benefit from the great inventions of the age.

#### INSANE.

While we already have erected four very large hospitals for the insane, still only about two-thirds of the insane of the State are properly cared for. Nearly one-third are in the poor-houses of the State, where they can not be cared for, and exist in a horrible condition.

#### CHILD LABOR AND SANITATION.

The increasing density of population in our large cities, and the establishment of what has been called "the sweating system," whereby many people are made to work amid sanitary conditions which constantly imperil the health of the community, and the employment of children in factories and shops, where they become stunted in both body and mind, and unfit for citizenship, call for more thorough legislation. Steps should also be taken to facilitate the work of furnishing proper homes in private families for dependent and neglected children.

#### MUNICIPAL POWERS.

A number of large cities, both in this country and in Europe, have made the experiment of supplying their inhabitants with water, gas, electric light, and even operating

the street railways, with very satisfactory results. I commend this subject to your careful consideration.

#### ROADS.

While our State has developed in every other respect, we have made no progress in the matter of roads. We are, in this regard, almost where we were half a century ago, so that for a number of months in a year our roads are almost impassable. The loss and inconvenience of this falls most heavily on our agricultural communities. Not only is the farmer subjected to a heavy loss in the wear and tear of his team, but he is frequently prevented from availing himself of favorable markets by the impassibility of the roads. The State should again take up the subject of internal improvements, and adopt a policy that will tend to the building of good roads in every county in the State—roads that can be traveled every day in the year. As the railroads do all the carrying for long distances, wagon roads are, to a great extent, a local matter in each county. This being so, the roads will not need to be so wide, and can, therefore, be more cheaply built than would otherwise be possible. It is also probable that some of the convicts in our penitentiaries could be used to prepare material for the building of roads.

#### PENITENTIARIES.

An amendment to the Constitution was adopted by the people in 1886, which prohibits the hiring of convict labor. This provision has been evaded and disregarded, and the affairs of the penitentiary have been so managed in the



granting of space to the contractors as to make it difficult for the State to work prisoners on its own account. After the amendment was proposed, and in anticipation of its adoption, some contracts running for eight years were made. Although many other contracts had run out, these contracts have been presented as an excuse for the failure to enforce the command of the Constitution, but it has not been accepted as a valid one by the people. At the present time nearly all contracts have by their terms expired. The duty of the Legislature is plain. The convicts must be kept at work. A few of them could be set to preparing material for the making of roads, but other employment must be furnished for the remainder. Immediate action should be taken for the adoption of a plan for working convict labor consistent with the fundamental law. I suggest that many industries be established, so as to interfere as little as possible with the markets and outside labor and industries. While this will require some considerable outlay for machinery and tools, there is no doubt that the penitentiaries can then, by proper management, be run without violating the law, without becoming a burden on the State, and without coming into ruinous competition with outside free labor.

#### PENAL LEGISLATION.

In this connection I wish to call attention to the fact that, in the matter of penal legislation, our State is not abreast of the times. We still adhere to the old system of fixed sentences, under which the greatest inequality results; the vicious and hardened are frequently given short terms

by a jury, while the comparatively innocent are given long terms by another jury. At best, first offenders and old criminals go in and out of prison together, while, as a rule, all classes come out without such training as will enable the individual to make a living, and utterly unable to find employment. Naturally these drift into a career of crime, and either prey upon the community or are returned to prison. Instead of this method, some of the states have adopted a system of indeterminate sentences, under which a prisoner is sentenced generally to the penitentiary, the law fixing the minimum and maximum time of imprisonment, and the actual length of confinement between these two points depends upon the general characteristics and personal conduct of the prisoner. Under this system the vicious and hardened can be restrained, while those who are comparatively innocent are released on parol, that is to say, on good behavior, but only after having been secured employment by the prison officials that will enable them to make an honest living. Under such a system the number of convicts in our penitentiaries would be greatly reduced, and all problems involved in the treatment of criminals and the conduct of our penitentiaries more easily solved.

#### REDISTRICTING.

The redistricting of the State will be one of the most important duties devolving upon this General Assembly. It will be difficult to so redistrict the State as to do exact justice to all interests and parties. Nevertheless, every

effort should be made to come as near doing so as possible. As a rule, injustice benefits nobody, and almost invariably comes home to plague its authors.

#### TAXATION.

Some of the States have tried the experiment of a heavy graduated succession tax on the estates of deceased persons. This has been followed with very satisfactory results. I commend this fact to your consideration, likewise the advisability of providing for a heavy corporation fee to be paid at the organization of a corporation as well as by all outside corporations coming here to do business. The practice of forming corporations to carry on the simple business affairs of life is becoming so common that a tax of this kind would be proper. Then, there is a widespread conviction that the present revenue system of our State results in the greatest inequalities and injustice in the matter of taxation. The subject is too great to be considered at present. Various measures in relation to it will no doubt be presented to your consideration, the most important of which is, perhaps, the question whether any comprehensive change can be made without a revision of our Constitution. In the past, our State has revised its Constitution at intervals of thirty and twenty-two years. A number of questions have arisen in the development of recent years relating to various subjects on which legislation is needed, but where there seem to be constitutional difficulties in the way. This is especially true of the revenue system and of the question of enlarging the elective franchise, on which latter subject the law is left in a con-

dition of uncertainty that is not creditable to the intelligence of our people. But I am aware that, as a rule, where so much is promised little is accomplished. I will, therefore, not go further into details. If I may be permitted to do so, I would like to suggest, for the consideration of the General Assembly, the propriety of making the sittings of the Legislature a little more continuous. A practice has grown up of working only a few days in the week. This not only tends to prolong the session, but necessitates constant interruption in the matter of considering any measure, and where this is the case, there cannot be that thorough examination of a subject that would otherwise be possible, and which is of the greatest importance as the preliminary of intelligent legislation.