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A Study of the Provisions for General Assistance in Illinois from 1790 to 1950

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A STUDY OF THE PROVISIONS FOR GENERAL ASSISTANCE
IN ILLINOIS FROM 1790 TO 1950

by
Margaret S. Dardwin

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of Loyola University in Partial Fulfillment of
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INTRODUCTION

The aim of this study is to trace the development of the original poor laws and their subsequent amendments in Illinois in relation to the administrative units, the officials in whom responsibility for administration was placed, the coverage, and the forms of care for the recipient of general assistance. It is intended to give an overall picture of the legislative provisions governing the general assistance program from the earliest laws to 1950.

No appraisal of the actual administration of the law in the various governmental units has been attempted. An effort has been made, however, to weave together the materials gained from the statutes and various other sources, so that the reader may judge for himself the progress, or lack of it, made in Illinois poor law legislation. He will also be able to judge the impact of the federal, state, and local aid upon the total Illinois general assistance program.

The study has necessarily been limited to library sources, the chief of which are the laws of Illinois governing...
the poor. In order to secure a more complete picture, however, the writer consulted the statutes of other jurisdictions from which Illinois borrowed legislation, opinions of the Illinois Attorney General, messages of the Illinois governors, reports of the state and federal agencies, and certain general historical sources.

Considerable difficulty has been encountered, however, in the attempt to assemble the material for this study. Some of the acts relating to the needy persons of the state were difficult to locate, as they were scattered throughout the statutes, and were found in sections devoted to Charities, Counties, Paupers, Township Organization, Cities and Villages, Revenue, and so forth. Then, too, laws relating to the program were enacted, and sometimes amended or repealed, in rapid succession. Frequently the language of the law was difficult for the lay person to comprehend.

It is hoped that this history will be of service toward the understanding of the legal development of general assistance in Illinois.
CHAPTER I

EARLY POOR RELIEF LEGISLATION--1790 TO 1929

General assistance legislation in Illinois traces its history to the early acts relating to the relief of the poor in the original thirteen colonies. These acts incorporated the principles of the Elizabethan Poor Law of 1601, namely, local responsibility, family responsibility, and legal residence.

When the first white settlers came to Illinois, the section was a part of the Virginia colony and, as such, it was recognized as a county. In 1783, Virginia ceded to the United States the land northwest of the Ohio River known as the Northwest Territory, of which Illinois was a part. Then, in 1800, the Territory of Illinois became a part of the Indiana Territory, only to be separated from the latter on February 9, 1809, when Congress set up the Territory of Illinois. Finally, on December 3, 1818, Illinois was formally admitted to the Union as a state.

In 1790, while Illinois was a part of the Northwest Territory, a law for the relief of the poor was adopted. The legislature governing the Territory met in Marietta, Ohio, which was then the only established settlement northwest of the Ohio River.
The poor law enacted by this legislature recognized public responsibility for the poor and adopted the principle of local administration of the law. In compliance with the law, the county justices were authorized to appoint township overseers as poor relief administrators.

In 1795 the governor and judges of the Territory revised the territorial laws. The legislature copied the majority of the statutes from the Pennsylvania laws, probably because the governor of the Territory and many of the settlers were originally from Pennsylvania. The origin of the first Territorial poor law could not be determined, but among the Northwest Territory statutes copied in 1795 was the Pennsylvania poor law of 1771.¹

The poor law of 1795, adopted from the Pennsylvania code, and published at Cincinnati on June 19, 1795, became effective October 1, 1795.² It was important as a starting point in Illinois since it provided an administrative pattern and introduced a number of features which are elements of the present day law governing general assistance. That is, the local unit was charged with providing care for the poor, and the latter were obliged to have acquired legal residence within their locality. Also, as now, it was expected that members of the family would contribute

¹ William Clinton Heffner, The History of Poor Relief Legislation in Pennsylvania, 1682-1913, Cleona, Pa., 1913, 89.
² Laws of the Northwest Territory, 1788-1800, Poor Relief, 1795, Springfield, Ill., 1925, 216-232.
care within the family unit.

Considering first the administration of general assistance during the period from 1795 to 1929, it was noted that the responsibility for administration and for providing care was on the local level, that is, by towns, townships, or counties. It seems important to note here what constitutes a town and a township. The territorial laws directed the justices of the peace to divide the counties into townships according to natural or imaginary boundaries, taking into consideration the extent of the land and the number of inhabitants. The township might later be subdivided whenever indicated for the interests and convenience of the residents. Later when questions arose regarding the definitions of "town" and "township," the Illinois Appellate and Supreme Courts rendered decisions regarding these terms, among which are the following:

A town, under the township organization system of the State of Illinois, is a civil subdivision of a county, being created as a subordinate agency in the administration of the general state and local government; the distinction between such a town and other chartered municipal corporations proper, sometime denominated 'towns' being that a chartered town or village is given corporate existence at the request or by the consent of the inhabitants thereof, for the interest, advantage, or convenience of the locality and its people, while a town under township organization is created almost exclusively with a view to the policy of the state at

3 Ibid., Chapter XVI, 37-38.
large, for purposes of political organization and as an agency of the state and county, to aid in the civil administration of the affairs pertaining to the general administration of the state and county government, and is imposed upon the territory included within it without consulting the wishes of the inhabitants thereof. 4

A township, nothing being shown to the contrary, is presumably six miles square, and a city within it can be no larger. 5

Administration of general assistance in 1795 was the responsibility of the township. The law specified that, "the Justices of the Peace of the respective counties of this Territory, or any three of them, at every first session of the Court of General Quarter-sessions of the peace, yearly and every year, after the first day of January, shall nominate and appoint two substantial inhabitants of every township." As these overseers left office they were directed to submit to the Justices of their county the names of two or more successors to be appointed by the Justices for the ensuing year. Each overseer was then required to give written notice to his successors six days in advance of the first session of the above mentioned court. If, for any reason, the overseer left office before the expiration of his term, two of the Justices were empowered to appoint another overseer in his place. Thus, the overseers merely carried out the orders of the

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4 People vs. Martin, 178 Ill. 611; 53 NE 309, 312, (1899); Phillips vs. Town of Scales Mound, 63 NE 180, 182, 195, Ill. 353 (1902), Illinois Appellate Court, Springfield, 1902.

5 Elgin Butter Co. vs. Elgin Creamery Co., 51 Ill.App. 231 (1893), rev. on other grounds Elgin Butter Co. vs. Sands, 155 Ill. 127, 40, NE 616 (1895), Illinois Appellate Court, Springfield, 1895.
Justices and had no real authority or power. When the overseer assumed his duties, he was required to take an oath administered by any justice in the county that he would discharge the office of overseer of the poor "truly, faithfully, and impartially to the best of his knowledge and ability." 6

The supervision of the poor continued under the township overseers appointed in this manner until 1827, when the county commissioners were vested with the entire and exclusive superintendence of the poor in their respective counties. 7 A change took place in 1839 at which time the Justices of the Peace in each Justices' district, together with a person appointed by the county commissioners' court, were made overseers. 8

It was not until the poor law amendment of 1845 was enacted that a division in the responsibility for administration of general assistance became apparent. In that year recognition was given to corporate cities and towns and they were granted superintendence and jurisdiction of the poor of their community. In counties not under township organization, however, the county board designated a Justice of the Peace or "some other suitable person in each precinct as overseer of the poor in such precinct." 9

6 Laws of the Northwest Territory, 216-232.
8 11th General Assembly, Laws of the State of Illinois Vandalia, 1839, 138-140.
This division of responsibility was further emphasized by the amendment of 1867 which provided that in counties under township organization, the supervisors of the respective towns were to be ex-officio overseers of the poor. Counties not under township organization continued to follow the same pattern set up in 1845 for appointment of overseer of the poor. A major change took place with the enactment of the poor law amendment of 1877, which provided that in towns of 4,000 or over the county boards were enabled to appoint an overseer who was a resident of such town.

From time to time the duties of this overseer varied. His most important duty, however, was always "the care and oversight" of all poor persons who applied to him for assistance. Another important duty was in regard to the financing of the assistance program. The act of 1795 proclaimed that the overseer, having received the approval of any two Justices of the Peace in the county, was empowered to assess taxes of a specified amount on the estimated value of all real and personal property within the township, and to make a charge on every person not taxed for his estate. These assessments might be repeated as often in one year as was necessary for the support of the poor. Severe penalties were provided for refusal to pay such taxes. Prior to this time

there had been in the Territory no taxes levied exclusively for the relief of the poor. 12

It was also the duty of the overseer to contract with any person for the maintenance and employment of the poor, as well as to dispose of their produce, keep accounts, and enter in the "Poor Book" the names of all poor within his township, the time when each became chargeable as a pauper, and all certificates delivered to him and by whom. He was also directed to accept all gifts and bequests for the poor and his accounts were audited by "freeholders" on appointed dates. 13

In accordance with the amendment of 1819, the overseer, in addition to carrying out these duties, was required to:

yearly and every year, to cause all poor persons who have, or shall become a public charge to be farmed out at public vendue, or out cry, to wit: On the first Monday in May, yearly and every year, at some public place in each township in the several counties in this state, respectively to the person or persons, who shall appear to be the lowest bidder or bidders, having given at least ten days previous notice of such sale, in at least three of the most public places in their respective townships; which notices shall set forth the name and age as near as may be, of each person to be farmed out as aforesaid. 14

Severe penalties, for those times, were placed upon the overseer who refused to perform, or neglected, his duties. According to the law of 1795, if the overseer failed to submit the names

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12 Laws of the Northwest Territory, 1788-1800, Poor Relief, 1795, 216-232.
13 Ibid.
14 First General Assembly, Laws of Illinois, 1819, Vandalia, 1819, 127-139.
of his possible successors, he was fined a sum not exceeding twenty-five dollars. If he failed to allow any inhabitant of the town to inspect the rates of the assessment list, he was fined three dollars, and if he entered a poor person's name in the poor book without having first received the required order from the two Justices of the Peace, he was compelled to forfeit all money or goods given to him. Then, too, if he refused to take office he was fined twelve dollars. When an overseer failed to deliver anything concerning his office to his successor, he was subject to imprisonment until such items were delivered to the proper person.

Turning attention to those eligible for assistance under the poor laws of 1790 to 1929, it was found that there was little change in the law. The act of 1795 specified that employable as well as unemployable poor persons, such as the old, the blind, the impotent, the lame, or other persons not able to work, were to be assisted. In addition to care for the adult poor in the above manner, the overseer, with the approval and consent of two Justices of the Peace of the county, was empowered to apprentice all poor children—boys to the age of twenty-one and girls to the age of eighteen, whose parents were either deceased or found unable to maintain them.15

The amendment of 1833 was more specific and included

15 Laws of the Northwest Territory, 1788-1800, Poor Relief, 1795, 216-232.
among those eligible for assistance, persons who were unable to earn a living due to "idiocy" and "lunacy" and whose relatives were unable to support them.16

As previously mentioned, in the earliest laws as well as the later amendments, legal residence in the locality where the person applied for assistance has been one of the principal prerequisites for public financial aid. To a considerable extent the changing residence requirements have reflected the economic conditions of the community. During periods when there was a lack of employment and a great deal of poverty, the period of time needed to establish legal residence was lengthened. Conversely, when employment was at a high level, residence requirements were shortened.

In the early poor laws, the terms "settlement," "settled," and "residence" appear to have been used interchangeably, and evidence of difficulty regarding the interpretation of these terms was apparent. It was not until 1857 that the term "residence" was defined in the law. Section 15 of the act of that year reads as follows:

The term 'residence' mentioned in this chapter, shall be taken and considered to mean the actual residence of the party, or the place where he or she was employed, or in case he or she was in no employment, then it shall be considered and held to be the place where he (or

16 8th General Assembly, Laws of Illinois, 1833, Vandalia, 1833, 480-481.
Prior to 1857, however, qualifications for legal settlement had been established. The early poor laws provided that an individual obtained "legal settlement" under any one of the following conditions: the execution of any public office for one year, the payment of public taxes for the support of the poor for two successive years, the lease of any lands or tenements in the township of a yearly value of not less than twenty-five dollars and living on this property, or in the tenement, and paying the rent for one year, or holding a "freehold estate" and living on it for one year, unmarried childless person employed as a servant for one year, or residence with a master as an apprentice in the township for one year. A married woman or widow acquired the legal residence of her husband, or, if he had no legal settlement, the place where she last legally settled before her marriage. Indentured servants who were legally brought into the Territory and who remained with their master for one year obtained settlement in the place where they last served. 18

Modifications in the law regarding the settlement or residence requirements were apparent as the period 1790 to 1929 progressed. The poor law amendment of 1835 definitely required


18 Laws of the Northwest Territory.
"satisfactory evidence" that the pauper had been a resident of the county for twelve months immediately preceding the day upon which the application for assistance was made. In 1839, the residence requirement in the county was reduced to six months and this period of residence continued until 1874, when it was reduced to thirty days. However, the following year, 1875, the residence requirement was increased to six months, and from 1889 to 1929 it remained at twelve months in the county.

As previously stated, family responsibility for poor relatives has always been one of the basic principles of the poor law, and the responsibility of relatives has always taken precedence over that of the community. In 1908 the Illinois Appellate Court held that: "the purpose of a Pauper Act is to put the burden of supporting paupers upon relatives, and to prevent as far as possible such burdens being cast upon the public."

In 1795 the father, grandfather, mother, grandmother, and children of any poor person unable to maintain himself were ordered to provide for such a person if they were able to do so.

If they were able to offer such support and care, and refused, they were to pay five dollars for every month they did not assume this responsibility.

The act of 1833 added the responsibility of the grandchildren, brothers, and sisters, if they, or any of them, were of "sufficient ability," whether or not they resided in the same county. This amendment also added the provision that when a person became a pauper from intemperance or other bad conduct, only the parent or child was responsible for his support. The 1845 act added that married daughters who had separate property or property in their own right out of which a contribution could be made were liable for the support of an indigent parent.

It was not until the act of 1856 that the order in which relatives would be called upon for the support of the poor was specified. The children were first called on for support, then the parents, brothers, sisters, grandchildren, and finally the grandparents. Married women whose husbands were living were not liable for support.


The statute of 1880 further defined the requirements for family support. It provided that when the closest relatives were unable totally to maintain a poor relative, but could contribute something toward his support, then two or more relatives might combine their contributions toward the poor person's support. The court was not only empowered to fix the time and amount of such payments, but also permitted to vary the amount of the payment in accordance with the relatives' ability to pay. In addition, provision was made for the State's Attorney to prosecute relatives who failed to meet their obligations with respect to the poor. It will be noted that nowhere in these specific laws was the spouse called upon for support.²⁵

There were few changes in the type of employment and care offered to the poor during the period 1790 to 1929. Originally provision was made for the employment of the poor by providing them with stocks of hemp, flax, and thread. As previously noted, in 1799 the poor were "farmed out" at public sale, and they worked at moderate labor for the various townspeople. The persons who "bought" the poor were known as "farmers of the poor" and they were charged with keeping poor persons in their charge at "moderate labor." They were instructed to give such persons

²⁵Revised Statutes of Illinois, 1880, Springfield, 1880, Chapter 107, 762-767.
the "common necessities of life."

In 1815, the county commissioners of any county in the state were permitted to build workhouses for the poor, and in 1838 the Justices of the Peace were ordered to send the poor to "discreet householders." In 1839 a change came about in the type of care for the poor and almshouses, or a plan of "indoor relief," were introduced. The 1839 amendment to the poor law empowered the county commissioners in each county to establish poorhouses in addition to the workhouses which were already in existence. Finally, in 1845, the overseer of the poor was given power to confine insane paupers to a separate institution. In June, 1949, feebleminded girls and women between the ages of fourteen and forty-five were to be confined to a separate institution. This same law provided that boys under seventeen years, and girls under eighteen years of age, should not be kept in the poorhouse for a period of more than thirty days.

Throughout the period of 1795 to 1929 provisions for medical care for the poor were incorporated in the law. It was noted, however, that the original poor law and its amendments permitted medical treatment and/or burial to be given to the non-resident poor, but made no specific provision for the resident poor.

26 Laws of Illinois, 1839, 138-140.
poor. Medical care for the non-resident poor was to be given at the expense of the county. In 1841 the overseer was empowered to sue and recover for medical or burial expenses from the county of the person's last residence. This provision continued until 1929.

Early in the 1900's the responsibility of the local units of government for certain needy persons was somewhat relieved by the introduction of two categorical types of assistance. These included the blind and the "worthy" widows with children.

The first of these programs was the Blind Relief Law passed in 1903, which was administered by the county boards and financed directly through the county treasury. Passage of this law inaugurated a new type of assistance planning in Illinois, as the aid was given in the form of cash grants to blind persons in their own homes. In 1927 the law was amended to enable the state to contribute to the counties one half of the cost of the program. This was the beginning of state grants-in-aid to localities meeting the cost of public assistance to needy persons in their own homes. Although the state contributed funds to the counties, it did not exercise any supervisory control over the expenditure of these funds.


The second program, passed in 1911, was known as the "Funds to Parents" law\(^{29}\) which later became known as "Aid to Mothers and Children." State funds up to one half of the county's expenditure for financing this program were added to county funds in 1929, but the county was required to meet the standards of administration set by the State Department of Public Welfare in order to qualify for the state funds.

Another precedent was set in 1925, when the first county bureau of public welfare in the state, the Cook County Bureau of Public Welfare, was established. This bureau brought together the administration of Pauper Relief, Blind Relief, court services, and many other related activities.

An indication of the attitude of the legislature toward those eligible for general assistance was somewhat indicated in the law. Until 1821, the legislature referred to "the poor" in the title and body of the acts when designating persons for whom relief was to be provided. In 1821, however, when temporary relief was introduced, the word "pauper" was used. In 1841, "pauper" became a part of the title of the act and continued in use. The famous "Pauper Act of 1874," although amended at various times, was the act which governed the general assistance program until 1949.

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Looking back over the period of early general assistance legislation, the most outstanding acts were those of 1795, which set the pattern for administration of this program in Illinois, and the act of 1874, which set forth the methods of general assistance upon which future policy was based. Administration of the program continued at the local level, and those eligible for assistance remained the same until 1833, when the coverage was expanded to include persons who were unable to earn a living due to "idiocy" and "lunacy." Both the early and more recent laws recognized the responsibility of relatives for the support of their poor relations. Residence laws varied from thirty days to one year in the locality where the person applied for and received assistance. The plan of indoor relief in the poorhouse was in vogue throughout most of the period under consideration in this chapter.
CHAPTER II

THE DEPRESSION YEARS--1929 TO 1943

The act of 1874 in relation to paupers continued to set the pattern for general assistance throughout the period of 1929 to 1943. With the depression years, however, modifications in the law took place and hurriedly written measures were enacted by the legislature in rapid succession to meet the needs of the moment, with little planning in regard to how the law should be carried out.

One of the major changes which took place in the law during this period involved the levels of government assigned with the responsibility for administering the laws. As noted in the previous chapter, it was the local units only that were charged with the responsibility for administering the general assistance program. During the period 1929 to 1943, however, responsibility for administration of the program involved each of the political subdivisions of the state as well as the state itself and the federal government.

The greatest single factor to have an effect on general assistance between 1929 and 1943 was the increase of unemployment. As a result of the economic conditions in the country following
the stock market crash in October, 1929, there was a substantial increase in the number of persons needing financial assistance by reason of unemployment. Thus, out of this great economic upheaval, by 1931 two distinct groups of needy persons became apparent: those in need due to unemployment; and those considered to be in need for reasons other than unemployment. The latter group were supported mainly by local funds, while the former group were maintained by state, federal, and local funds—either in the form of supplies, cash relief, or work relief. Both groups were covered by the provisions of general assistance.

Because of the urgency of the needs of the unemployed in Illinois and the increased demands on the local governments' finances, Governor Emmerson appointed the Governor's Commission on Unemployment and Relief in October, 1930. The members of this Commission served voluntarily and were particularly active in Cook County, where they conducted an emergency campaign for voluntary relief funds over and above the regular budgets of the private social agencies. The emergency funds thus raised were then to be allocated to and spent by those established private agencies upon which fell the overload of unemployment relief. The goal, set at $5,000,000, was raised, but by July 8, 1931, these funds, which the Governor's Commission had felt would be sufficient to meet the

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1 Frank Z. Glick, The Illinois Emergency Relief Commission, Chicago, 1940, 7.
relief needs for the year October, 1930, to October, 1931, had been exhausted.²

The work of the Governor's Commission outside Chicago and Cook County was developed by its Statewide Activities Committee. The latter urged the mayor of every municipality of five hundred or more population to appoint a local committee to raise funds, on a voluntary basis, and to coordinate relief activities within their jurisdictions.³ In spite of the efforts of the Commission and its Statewide Activities Committee, the funds they raised were insufficient to meet the financial needs of the steadily increasing numbers of unemployed. Because of these difficulties, two other organizations were brought into being in August, 1931. They were the Governor's Special Unemployment Relief Committee⁴ and the Joint Emergency Relief Fund of Cook County.⁵ The purpose of the Governor's Special Unemployment Relief Committee was to allocate donations made by state employees under the Governor in order to alleviate the suffering of the unemployed.

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3 Frank Z. Click, The Illinois Emergency Relief Commission, Chicago, 1940, 7.


5 Click, Illinois Emergency Relief Commission, 14.
Extremely limited funds went from this source to many counties and municipalities in the state.

The Joint Emergency Relief Fund of Cook County was organized in October, 1931, to raise voluntary funds and to provide assistance for the unemployed in Cook County for one year. It was a body promoted by, but independent of, the Governor's Commission. It supplemented the work of the Governor's Commission in Cook County and conducted a campaign to raise voluntary funds for the dependent unemployed. Although it raised more than $10,500,000, it became clear by November, 1931, that the fund would not meet the needs of the unemployed through the winter, much less for a whole year.

Thus, in November, 1931, the Joint Emergency Relief Fund of Cook County made an unsuccessful appeal for state aid. Later, on December 7, 1931, the matter of state aid was more forcibly brought to the attention of the legislature by the Governor's Commission on Unemployment and Relief. The Commission presented a very strong resolution to the General Assembly, pointing out that approximately 1,049,000 able bodied persons were unemployed in the state and estimated a need for $20,000,000 for the year 1932 from the state over and above that provided by local resources. It was not until two months later, however, on February 6, 1932, that

state aid was realized. It was at this time that the Illinois legislature first recognized that the total general assistance load was too great for the local units to support and that actually the only jurisdiction of sufficient size and resourcefulness to deal with the problem was the state itself. This step was consistent with the nationwide development. New York and New Jersey had previously assumed responsibility for general assistance to the needy citizens of their respective states.

This act of February 6, 1932, created the Illinois Emergency Relief Commission, which became the state's central agency to administer and dispense state funds to counties for the relief of their needy residents. Similar to action taken by other states which also felt the depression would be short lived, the legislature created this Commission as a "temporary unit" and it was planned that it would be in operation only until March 1, 1933. In order to meet the state's responsibilities with regard to the poor, however, it was extended several times. As a matter of fact throughout the period under consideration in this chapter the state always maintained financial and some administrative participation in the general assistance program. It was not until 1937, however, that a regular biennial session of the General Assembly

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8 Glick, Illinois Emergency Relief Commission, 2.
9 Appendix I.
made a relief appropriation calculated to last a full two years.

In order to carry out the program of state relief, the legislature levied a state-wide property tax and in addition a $20,000,000 state relief bond issue was authorized. The bond issue diverted funds from the motor fuel tax for the use of counties for relief purposes in proportion to future revenues from the tax.

In spite of the fact that the townships had been responsible for financing and administering relief under the Illinois Pauper Law, the Commission adopted the county as the administrative unit for state funds. This led to the creation of County Emergency Relief Committees appointed by the presidents of the county boards and approved by the Illinois Emergency Relief Commission in every county except Cook, where the Cook County Bureau of Public Welfare had been established in 1925.

The Illinois Emergency Relief Commission, which was the agency charged with putting the law into operation, originally consisted of a commission of seven members. It was later increased to ten members when federal funds became available for general assistance and work relief in July, 1932.

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10 56th General Assembly, Laws of Illinois, 1929, 625.
The duties of the Commission, set forth in the law, were as follows:

It shall be the duty of the commission until March 1, 1933 to provide relief to residents of the State of Illinois, who, by reason of unemployment or otherwise, are destitute and in necessitous circumstances. Such relief shall be provided by distributing funds or supplies and by any other means deemed desirable by the commission. For the purpose of carrying out the provisions of this Act, the commission may make use of and cooperate with counties, townships, and any other municipal corporations charged by law with the duty of poor relief and with other local relief agencies.\(^\text{13}\)

To fulfill its obligation, the Illinois Emergency Relief Commission reserved for itself rule and policy-making functions, allocation of funds, letting of contracts, adjudicating important complaints and controversies, and the power to act in an emergency.\(^\text{14}\) It delegated to a paid staff, the Field Service Division, the administrative duties. These duties consisted of investigating and reporting on each new county applying for funds and, when allocations were made to such counties, advising them on the standards and methods of administration. In addition the Field Service Division was charged with the duties of recommending to the Commission monthly allocations of funds for counties making applications for such financial assistance, helping the counties in making monthly reports, interpreting the policies and requirements of the Commission to the County Committees, reporting regularly to

\(^{13}\) 57th General Assembly, 3rd Special Session, Laws of Illinois, 1931, 191-192.

\(^{14}\) Glick, Illinois Emergency Relief Commission, 32.
the Commission on the general situation and special needs of each county, and carrying out special assignments from the central office.15

The Illinois Emergency Relief Commission continued to function in this manner until legislative action was taken in February, 1936, to abolish this agency effective as of May 1.16 At the same time it passed legislation to be effective July 1, 1936, making general assistance the total responsibility of the townships in all counties (excepting those not having township government). This included Cook County, where, for the first time, the City of Chicago was made responsible for general assistance within its own borders.17

The General Assembly in April, 1936, after realizing the mistake of not providing coverage during the period of May 1 to July 1, extended the life of the Commission to July 1 as an administrative agency, and from that date to March 1, 1937, as an allocating and certifying body.18 Later legislative action extended the Illinois Emergency Relief Commission to July 1, 1939, and finally to 1941, when it was renamed the Illinois Public Aid


17 Ibid.

18 Ibid., 27-29.
Commission and established as a permanent agency.19

Thus, beginning on July 1, 1936, the Illinois Emergency Relief Commission's responsibilities were reduced to certifying the amount of state funds to be allocated among the 1,454 local governmental units of the state, allocating federal surplus commodities, and certifying persons for federal work programs.

The administration of the general assistance program was thus returned to the townships, non-township counties, and the City of Chicago in July, 1936, where it had existed prior to the establishment of the Illinois Emergency Relief Commission, and where it remained throughout the rest of the period under consideration in this chapter.

Turning attention to the provisions for general assistance on the federal level, as it affected Illinois, it was found that the federal government passed the "Emergency Relief and Construction Act" on July 21, 1932.20 Thus, for the first time in America, federal funds for general assistance and work relief were made available to the states. Title I of this act authorized the Reconstruction Finance Corporation to make available to the states a total of $300,000,000 in loans "to be used in furnishing relief and work relief to needy and distressed people and

19 Appendix I.

in relieving the hardship resulting from unemployment."

Illinois was the first state to receive federal funds under this act, and a loan of $3,000,000 was advanced to the state as of July 27. 21 Since no formula had been given to the Reconstruction Finance Corporation for issuing funds, the states were forced to make application each month. The state continued to receive such aid monthly through May, 1933, when the Federal Emergency Relief Administration was created to provide outright grants to the states for general assistance and other programs. 22 These federal funds were intended to make up the difference between total needs and available state and local resources.

President Roosevelt approved a companion bill to the Federal Emergency Relief Act, known as the National Industrial Recovery Act, on June 16, 1933. 23 It authorized the appropriation of $3,300,000,000 "to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes." This legislation marked the beginning of many federally sponsored projects.

One of the earliest programs of the National Industrial Recovery Act was the Civil Works Administration, which was brought

23 Ibid., Part I, 195.
into being on November 9, 1933. It was totally a federal work relief program, and its purpose was to relieve the state and local units of their heavy financial burdens in meeting the needs of the unemployed. There was practically no planning in preparation for, or in carrying out the program, and because of its many weaknesses and costliness it was discontinued as of August, 1934. The Civil Works Administration had utilized the Illinois Emergency Relief Commission as the administrative agency for the program in Illinois.

Another of the related federal programs set up during this period was the Federal Surplus Commodity Corporation, the purpose of which was to bolster prices of producers. Surplus commodities bought by this federal agency were distributed by the Illinois Emergency Relief Commission in this state and were given to those in need in addition to, but not in lieu of, direct general assistance or work relief. This program continued in effect throughout the period under consideration in this chapter.

Some of the related federal programs included those designed for the youth of America. One of these was the Civilian Conservation Corps program (originally known as the Emergency Conservation Work), which was inaugurated March 1, 1933, for employment of boys from "marginal" or general assistance families for

24 United States President, Executive Orders No. 6484, Title II of the National Recovery Act, Washington, 1933.

work on public lands. This program continued until the onset of World War II.

In keeping with President Roosevelt's statement in his message to Congress on January 6, 1935, that "the federal government must and shall quit this business of relief" and in accordance with his proposal made at that time for the care of "Unemployables" by the states and localities, the Federal Emergency Relief Administration gradually withdrew its assistance to the state relief administrations by making final grants during November and December, 1935. At the same time, however, it stepped up its work programs. Thus Congress' answer to the President's demand for work relief rather than a work-for-relief program began with the creation of the Works Projects Administration (originally known as the Works Progress Administration), which started operation in the summer of 1935. The employees on the Works Projects Administration, with but few exceptions, were certified as being in need of general assistance by the local certifying agency, which in this state was the Illinois Emergency Relief Commission. The wages were based not on a budget deficiency but rather on a regular wage each month. From 1935 through 1941 the Works Projects Administration accounted for the country's largest employment of labor.

27 U.S. Congress, Congressional Record, 74th Congress, First Session, LXXIX, 89-92.
The Social Security Act was enacted on August 14, 1935. The financial help it offered to the states for the aged, the blind, and dependent children further helped to relieve the heavy financial burden carried by the state and local public assistance agencies.

In reviewing general assistance on the federal level, it was noted that as the federal government withdrew financial aid from the general assistance program it increased its participation in work relief. In addition it began to foster categorical assistance programs as well. Thus the state and local units were somewhat relieved of their heavy financial burden.

Turning attention to general assistance on the local level during the period 1929 to 1943, it was found that for several years the legislature enacted one emergency measure after the other to enable this unit of government to carry out its financial responsibilities.

In order to appraise the financial and administrative situation as it affected the local units of government during this period, a review of the types of governmental units of the state is given below.

Illinois is composed of 102 counties, which are grouped into three classifications, each according to its form of

Governmental organization:

(1) Class One consists of eighty-four counties having a township form of organization. Their governing body, known as the county board of supervisors, is constituted of representatives elected from the townships within each county.

(2) Class Two is made up of seventeen counties which have a commission form of organization. The governing body in these counties consists of three commissioners elected from each county.

(3) Class Three, actually a subdivision of Class Two, consists of Cook County, which is governed by a board of commissioners of fifteen members. These commissioners are elected respectively from Chicago and from the territory of the county outside of the city of Chicago.

With the enactment of the "Finn Bill", which permitted the taxing responsibility for general assistance to be transferred to the townships, the picture in 1931 changed. That is, in those counties in Classes Two and Three, according to the above classification, the county assumed responsibility for the support of its own needy residents, while in those counties in Class 1, and those having a population of less than 500,000, the towns were responsible for their own poor. Therefore, it was found that from the time of the enactment of this bill until 1935, when it was repealed, administration and financing of general assistance remained fundamentally the responsibility of the township in most of the counties of the state. There were only seventeen counties in the state, including Cook County, where the county was

charged with the financing and administrative responsibility of general assistance. With the repeal of the "Finn Bill," financial responsibility for general assistance was transferred back from the township to the counties.

After financial aid from the state and federal governments became effective in 1932, the Illinois Emergency Relief Commission allocated these funds monthly through the county to the local governmental units on a basis of "net needs." The policy placed all operations under the regulation and supervision of the Illinois Emergency Relief Commission.

The statute which created the Illinois Emergency Relief Commission and remained in effect until July 1, 1936, did not specify rules and regulations regarding the subject of apportioning the state funds to the local units. Thus the Illinois Emergency Relief Commission adopted the policy of requiring that application for state funds be made through the governing board of the local unit and allocation of state funds was made on a monthly basis. Issuance of state funds was also based on certain administrative and taxing standards set up by the Commission and on verification of the local unit's financial need and resources. State funds were to be used to supplement and not to supplant local resources.

31 Sophonisba Breckinridge, The Illinois Poor Law and Its Administration, Chicago, 1939, 46-47.
State funds therefore provided for the residue of general assistance needs over and above those being met by the local resources in the communities of the state. The local resources were those available from the local property levy for general assistance and were to be used for all cases of chronic dependence and beyond that for as many unemployment cases as the funds allowed. Private funds were also taken into consideration as a local resource, but as the depression wore on these funds were seldom available to any significant extent.

During 1934 it became possible to develop an allocating system calculated to put a premium on local financial effort. The Illinois Emergency Relief Commission set up a reward-and-penalty device whereby greater local effort was rewarded by a larger proportion of state and federal funds. Two factors were taken into consideration in the formula determining the relative proportions of state and federal money to go to each county: one, the average tax rates levied for general assistance by the townships or by the counties in the year 1934; two, the percentage of public unemployment relief expenditures actually being supplied from local public sources for the month covered by the allocation. This system of apportioning and supervising the funds continued until July 1, 1936, when responsibility for the spending of state relief

funds was transferred from the Illinois Emergency Relief Commission to the local governments. The amount of the allocation of state funds dispersed to the local unit and the formula by which it was issued changed from time to time in order to comply with the needs of the local units.

Since there arose question on the part of all the governmental units regarding the term "need," the Attorney General of Illinois interpreted "need" to mean the assistance requirements of the local unit in excess of available local funds. 35

Of all these modifications, probably the most important change in the method of allocating state funds came about in November, 1936. At that time the General Assembly, in an effort to secure substantial local sharing in assistance costs, gave the local units time to make special levies and then required that after November 1 only those units would be eligible for state aid which had levied the maximum amount of thirty cents per one hundred dollars of assessed valuation of taxable property. 36 The thirty cent local tax levy remained in effect from the date of its enactment to the end of the period under consideration in this chapter as a condition for participation in state aid.

The financial and administrative picture from July,
1936, to December, 1943, was that counties with the township form of government were provided with funds by a township property tax levy and the state, and the program was administered by a member of the county board elected from that township. In counties under the commission form of government, funds were provided by the general county property tax levy and the state, and administered by the county board of commissioners.

In Cook County, funds were provided by a special tax levy by the Chicago City Council, by each of the thirty townships in the county outside the city of Chicago, and by the state. These funds were administered in Chicago by the City Council through a Chicago relief administrator appointed by the mayor with the approval of the City Council. In the townships the program was administered by the overseer of the poor, elected by the people of each township.

With regard to officials charged with the responsibility of administering the general assistance program, the only changes during the period 1931 to 1943 were as follows. The 1931 amendment to the Illinois Pauper Law specified that in counties under township organization the supervisors of the towns were ex-officio overseers of the poor. This same amendment brought about a change and designated that in a town which had a population of 4,000 inhabitants and less than 200,000, the supervisor was permitted to submit a written request to the board of town auditors asking that
they appoint a resident of the town to act as overseer of the poor.\footnote{37} There was no further change throughout the period under consideration in this chapter.

From 1929 to 1943, the duties of the local overseer of the poor, or the appointed officer, continued to be the same as those set forth in the act of 1874.\footnote{38} The 1941 law added the duty of receiving and paying out all money raised by taxes or allocated by the state for the support of paupers.\footnote{39}

There was no change in relation to eligibility for general assistance or the responsible relative sections of the law. Governmental units of the state responsible for the general assistance program continued to be empowered to bring suit under the act against those close relatives previously enumerated and for recovery of sums expended in support of the poor.\footnote{40}

The "pauper's oath" was written into the law in 1933 for the first time in the history of Illinois.\footnote{41} From the date of its enactment until the conclusion of the period under consideration in this chapter, the general assistance applicant was

\footnotesize

\begin{itemize}
\item \footnote{37} \textit{Laws of Illinois, 1931}, 724-26.
\item \footnote{38} \textit{Idem.}, Chapter I, 6.
\item \footnote{39} 62nd General Assembly, \textit{Laws of Illinois, 1941}, Chicago, 1941, 1004-1008.
\item \footnote{40} \textit{Idem.}, Chapter I, 11-13.
\item \footnote{41} 58th General Assembly, \textit{Laws of Illinois, 1933}, Revised Statutes, Chicago, 1933, 776-777.
\end{itemize}
required to sign a formal notarized application and "to submit to a reasonable examination" regarding his inability to support himself. He was required to list all of his assets and the statement was to contain certain information in substantially the following form:

Name:
Address: _______________________________________
How long have you lived in this city? __________________________
This state? _____________________________________________
Occupation: _____________________________________________
Last employer: ___________________________________________
Are you married or single? _________________________________
If married, how many children: _____________________________
Do you own any real estate? _________________________________
Any jewelry? _____________________________________________
An automobile? ___________________________________________
What is the total fair market value of your real estate?
Of all your personal property?
Have you a bank account, or a safety deposit box anywhere under any name?
Or any money hoarded away?

Subscribed and sworn to by who is personally known to me, before me this
__________________________ day of _____________ A.D.

__________________________
Official Capacity

The law of 1933 also provided the following penalties:

Any such person who wilfully makes a false statement, in the sworn statement herein required, shall be denied any relief or help and shall be guilty of perjury and punished accordingly.

Any overseer of the poor or any officer or employee of any county bureau of public welfare or any applicant for relief who connives with any other person or with each other in obtaining relief or supplies than is required to maintain such applicant and his family or
dependents or who otherwise makes any unlawful disposition of any supplies furnished for relief purposes is guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred ($500) dollars or imprisoned in the county jail for not more than six (6) months or be both fined and imprisoned in the discretion of the court and in addition any such applicant for relief so convicted shall be denied further relief and support.

With regard to the sworn statement noted above, the 1941 pauper law liberalized one of the conditions of the "pauper oath." According to this amendment no person applying for relief was required to list among his assets insurance policies totaling a face value of five hundred dollars or less. In regard to the other provisions, however, the "pauper's oath" continued unchanged throughout the balance of the period.

The residence requirements in the laws became increasingly strict as the period of 1929 to 1943 progressed. With the shift of responsibility to the local units, twelve months residence in the county was required from 1931 to 1936. Further restrictions were effected in 1936 when twelve months residence in any incorporated town, city, or village of more than 500,000 was necessary. Finally the infamous three years residence requirement in the local unit of government of the state was enacted in

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42 Laws of Illinois, 1941, 1007-1008.
43 Ibid., 1931, 725-26.
44 Ibid., 1936, 73-78.
In this act the term "residence" was defined to mean the city, village, incorporated town, county, or town where the person made his permanent home for a continuous period of three years, preceding his becoming chargeable as a pauper. The 1941 amendment specified that six months residence in the township and three years in the state was required.

Two important fundamental changes in regard to the care of the poor were brought about by the 1935 amendment. First, the poor were still to be cared for in the county poorhouse wherever such care could be arranged. In those counties which did not have a poorhouse, provision was made by the 1935 act for the establishment of "joint county poor farms and poor houses for the care of indigent persons." In those counties which did not have a poorhouse and did not elect to have a "joint poorhouse," the poor could continue to be let out on contract to householders who were to provide them with proper care. The second change was that outdoor relief became more in vogue. Although there was no

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46 Ibid., 1941, 1004-1008.


48 Ibid.
specific wording in the law or any of its amendments, "cash relief" was issued in 1935.

The matter of "cash relief" was a subject that was questioned considerably during the period of the depression years. The Social Service Division of the Federal Emergency Relief Administration, as well as other agencies and individuals, had campaigned for "cash relief" throughout the country. Finally in 1935 the Illinois Emergency Relief Commission authorized Cook County to issue general assistance in cash.

From the time of the enactment of the earliest poor laws in the state to 1943, medical care was provided for the resident as well as the non-resident poor. In 1941 the act of 1874 was further amended so that recovery for the expense of medical care for the poor person might be secured from his relatives.

In looking back over the period 1929 to 1943, it was noted that the various amendments to the pauper law of 1874 and the emergency measures enacted reflected the confusion and unrest which was ever present. The local units bore heavy financial burdens. In an attempt to conserve their limited finances they


51 Illinois Revised Statutes, 1941, I, Springfield, 1941, 2385.
required lengthy residence periods and provided for a "pauper's path." Federal loans and grants-in-aid both from the Federal Emergency Relief Administration and the federal Social Security program helped Illinois both financially and from the administrative standpoint. Also the federal works programs were helpful in providing for a large number of persons who would otherwise have had to seek general assistance.

General assistance in Illinois to 1943 was administered under the local poor law machinery, much as it had been before the advent of the Federal Emergency Relief Administration, except that the state issued grants to the localities.

Administration of the program was confusing and many official and unofficial bodies reviewed it in an effort to develop a sound program for the future. The efforts of these committees and their suggestions, however, largely went unheeded. These organizations included the Chandler Commission appointed by the governor in 1931, the Doering Commission appointed by the governor in September, 1934, and the Gregory Commission, appointed by the governor in 1938.52

52 The Chandler Commission was named for its chairman, Henry P. Chandler. The Doering Commission was also known as the "Governor's Commission on the Relief Problem" and was named for its chairman, Otto Doering. The Gregory Commission, also known as the "Illinois Council on Public Assistance and Unemployment," was named for its chairman, Walter L. Gregory.
Despite the activities of these bodies and the vast amount of experience offered during this period, the administration of general assistance in Illinois, after the exit of the Federal Emergency Relief Administration, was a retreat to the Pauper Law.
CHAPTER III

CURRENT LEGISLATION—1943 TO 1950

As was mentioned in Chapter II, the period 1929 to 1943 was marked by considerable confusion in the administration as well as the financing of general assistance. It was during the years 1943 to 1950, however, that great strides were made to modernize, to consolidate, and to bring order to the legislation and administration governing the public assistance program in the state.

For many years the need for revising, simplifying, and codifying the Illinois public assistance and related welfare laws had been obvious to the legislators and persons who were responsible for carrying out the various public assistance programs of the state. The content and language of some of these laws dated back to the time when Illinois was a territory. In addition, public assistance and closely related laws were difficult to find as they were scattered through many chapters of the statutes.

Thus, in light of the above, the Illinois Public Assistance Laws Commission, created by the Sixty-fourth General Assembly and approved by Governor Dwight H. Green on July 24, 1945, was
brought into existence to prepare a codification and revision of all laws pertaining to public aid in the state. As a result of this Commission's study, the basic laws governing the Illinois public assistance programs and their administration were solidified into a single modern statute known as the Public Assistance Code of Illinois. This Code was enacted by the Sixty-sixth General Assembly and approved by Governor Adlai Stevenson on August 4, 1949.

The substantive changes included in the Public Assistance Code represented no radical innovation but rather an adjustment of the law to correspond with present day practices and concepts. In addition, the Public Assistance Code substituted simple and modern language for confusing and archaic terms. The harsh attitude of the 1874 act characterizing recipients of assistance as paupers and requiring them to take a "pauper's oath" was discarded. The term "General Assistance" was substituted for such terms as "pauper relief," "poor relief," and "relief and support for poor and indigent persons." Actually, the Code, as Governor Adlai E. Stevenson said in his statement of August 4, 1949, accompanying his approval of the act, set forth "a twentieth century concept of the duty of the state to its citizens. The code

1 64th General Assembly, Laws of Illinois, 1945, Chicago, 1945, 235.
accepts as a principle of government that public health and welfare require provision for assistance and services to people who are unable to provide themselves with a minimum standard of living compatible with decency and health."

Considering first general assistance on the state level during the period 1943 to 1950, it was found that the Illinois Public Aid Commission, successor to the Illinois Emergency Relief Commission, continued to allocate money to local governmental units qualifying for such funds. They also continued to supervise the administration of general assistance, as well as other public assistance programs, throughout the state.

A fundamental change in supervision was brought into effect by the "Consolidation" bills enacted by the 1943 General Assembly. This legislation brought together under one state administrative agency, the Illinois Public Aid Commission, the state's responsibilities with respect to all the assistance programs. County Departments were renamed County Departments of Public Assistance and brought under the direct supervision of the Commission. Administration of general assistance continued, as previously, to be the responsibility of the local governmental units

under the supervision of the Commission if state aid was received.

The Illinois Public Aid Commission officials, their term of office, and the manner in which they were appointed continued to be the same as previously described until 1949. Legislation enacted in that year made only one change, which was to increase the term of office of appointee members from a two year period to a four year term, and to provide for the staggering of such terms to ensure the continuity of administration.

With regard to duties and powers, the Illinois Public Aid Commission carried over some of those originally delegated to the old Illinois Emergency Relief Commission, and others were added as the period progressed. The following is a summary of the duties and powers of the Illinois Public Aid Commission as they appear in the 1949 Public Assistance Code which authorized the Commission:

(a) To supervise the administration of general assistance and to allocate money to governmental units qualifying for such funds; (b) To supervise and direct the administration of Old Age Pension, Blind Assistance, and Aid to Dependent Children by county departments of public welfare; (c) To prescribe and print forms and records required in the administration of all types of public assistance; (d) To make rules and regulations necessary for carrying out the provisions of the Code so that all public assistance programs would be administered efficiently throughout the state; (e) To

7 Laws of Illinois, 1949, 404-442, Sec. 2-1.
cooperate with the Federal Security Agency or any successor federal agency in any manner necessary to qualify for current categorical forms of public assistance and such other forms of public assistance for which federal aid might be provided; (f) To make periodic surveys of cost-of-living factors in relation to the needs of recipients; (g) To investigate the causes of dependency and economic distress, to develop plans and programs for the elimination and prevention of such causes, and to recommend the execution of such programs to appropriate agencies; (h) To appoint county welfare service committees of not less than four nor more than twelve members in each county from names nominated by the County Board, the members of which committee were to serve staggered terms and to perform the duties set forth by the Code; (i) To make use of, aid, and cooperate with state and local governmental agencies and to cooperate with and assist other governmental and private agencies and organizations engaged in welfare functions; (j) To appoint statewide advisory committees to provide professional or technical consultation, and to perform such further duties, and to exercise such further powers as are conferred upon it by law.

Sections (a) through (e) are a consolidation of comparable duties which had been originally assigned to the former Illinois Emergency Relief Commission and later to the Commission by the former Old Age Pension Act. Section (f) was a part of the former Old Age Pension Act, and made applicable in the Code also to Aid to Dependent Children, Blind Assistance, and General Assistance. Section (g) was not formerly an express part of the law but was a matter of administrative policy. Section (h) formalizes and gives a clear statutory basis to the public aid advisory committees which were organized by administrative action in the bill creating the Illinois Emergency Relief Commission and the former Downstate County Department Act which established the Advisory Board to the County Departments of Public Assistance. The Code provisions for staggered terms and for nomination by the County Board are new and are intended to give the County Board an increased measure of participation in the activities of the county departments. The former advisory board to the county department, consisting of the County Judge and two persons appointed by the County Board, continued to have responsibility for recommending the appointment of personnel from Merit System eligible lists, but in addition,
the members of this board are made ex-officio members of the County Welfare Services Committee and are thus given also broader powers of advising the county department and the Commission on all matters connected with the administration of public assistance and related welfare functions within the county. Section (1) is based on former Relief of Needy Persons Act.

Section (j) provides a statutory basis for the appointment of statewide advisory committees to provide professional or technical consultation, which statewide committees have been formed by administrative action during the past several years. The last part of Section (j) was carried over from the former Relief of Needy Persons Act.

In an effort to achieve uniformity in the granting of general assistance throughout the state, the Illinois Public Aid Commission was directed, according to the 1949 Code, to require that general assistance be granted according to a uniform budget standard within each governmental unit receiving state or federal funds. In addition the Commission was to supervise the setting of these standards and to take steps to see that they were enforced.

Each governmental unit was required to submit to the Commission an itemized statement showing estimates of the amounts needed for general assistance and for administrative costs prior to the first day of each month. The 1949 Code restated the penalty of imprisonment of not less than one year nor more than five years for any state or local official charged with misappropriation or misuse of


public funds for general assistance.

For the first time in Illinois, authority by law was given in the 1949 Code to destroy obsolete assistance records which had been "concluded" (inactive) at any time subsequent to the expiration of a five year period. There was one exception, however, which was that records required by the Public Aid Commission were not to be destroyed or otherwise disposed of except upon the approval of the Commission. The Code also provided the Commission access to all books, records, accounts, and other documents of the local unit. 10

With regard to the state's participation in financing, legislation was enacted which specified that the resources of the local unit would be supplemented by state funds when the prescribed local property taxes were insufficient to meet the costs of general assistance. 11 The 1949 Code reemphasized that state funds appropriated for general assistance should be used, with the consent of the governor, to cooperate with federal, state, and local agencies in the development of work projects designed to provide suitable work for recipients of general assistance. 12

In the first year of the period 1943 to 1950, the general assistance load in the state was further reduced by the

10 Ibid., Sections 4-16.
11 Idem., Chapter II, 32-34.
addition of the federal-state financed Blind Assistance program. Following this, a new category of needy persons was created by a 1945 amendment to include individuals who were carriers of typhoid or paratyphoid germs and thus were restricted in employment opportunities. These persons, moreover, were to be supported entirely by state funds. A third category of public assistance was added by the 1949 Code which provided for indigent war veterans. The Commission was empowered to permit the Auditor of Public Accounts to take from state funds appropriated for general assistance, amounts to be paid to counties for indigent war veterans and their families. This section, however, applied only to counties of less than 150,000 population which had established county Veterans' Assistance Commissions under the "Bogardus Act" and which had insufficient funds after having levied the tax authorized for this purpose. The "Bogardus Act" was not amended by the 1949 General Assembly, although it contained some terminology made obsolete by the Code.

For the first time in Illinois, a new legislative advisory committee was created by the 1949 Code, the purpose of which was to promote a closer coordination between those who were responsible for the appropriation of public assistance. The

14 Laws of Illinois, 1945, 1136-1144.
committee, which consisted of five members of the House, appointed by the Speaker of the House, and five members of the Senate, appointed by the President pro tempore of the Senate, was charged with the duty of advising the Illinois Public Aid Commission and the Executive Secretary on all matters relating to policy and the administration of public assistance and welfare services. It was also their duty to report to each regular session of the General Assembly, their recommendations for remedial legislation in the field of public assistance and welfare services.15

Turning attention to general assistance on the local level, it was found that administration and financing of the program followed the same general pattern as previously described in Chapter II.16 That is, the local governmental units which qualified for receipt of state funds continued to be charged with the responsibility of administering the general assistance program in their respective areas under the supervision of the state as represented by the Illinois Public Aid Commission. In those local units which did not qualify for state funds, the program was administered by the local supervisor of general assistance under the supervision of the township or county board.

16 *Idem., Chapter II, 38.*
In counties not under township organization, the county continued to be responsible for its "needy residents," with the following exception—a city, village, or incorporated town which had superseded a civil township (Cicero) or a city having a population of more than 500,000 (Chicago) was charged with the support of its own poor. In counties under township organization, the towns having a population of less than 500,000 were to support their needy residents. 17

In order to qualify for state funds, the local units were first required to levy a tax of three mills on each dollar of property valuation. This tax levy remained in effect until January 1, 1946, when the levy was reduced to one mill for governmental units other than the City of Chicago, where, instead of making a specified levy, a lump sum of four million dollars was set. 18 When the local unit exhausted its taxable resources it was permitted to apply for state funds. In 1949 revisions were made which were designed to enable governmental units to base their tax upon known valuations, and also to give local taxpayers the benefits of unobligated balances of local funds made available as a result of good management or because need for general assistance did not equal estimates made at the time the levy was made. In

17 Laws of Illinois, 1949, 404-442, Sect. 4-3.
18 Illinois Revised Statutes, 1945, Chapter 24, Chi-

gano, 1945.
the event that the state requirements were not carried out state funds could be withheld.19

With reference to the officials administering the general assistance program, the pattern remained as previously described, with two exceptions. First, the 1949 Code designated these officials as "supervisors of general assistance" rather than "overseers of the poor" as they had been previously known. Second, the Code deleted the reference made in previous legislation for the appointment of Justices of the Peace within each precinct as supervisors. Provision was made, however, for the designation of one supervisor of general assistance in each county or in each town in counties under township organization.20

Although it had been implied in previous laws regarding those applying for or receiving general assistance, the Code definitely set forth the principle that there would be no discrimination, or denial, of assistance to needy persons on account of the race, religion, color, national origin, or political affiliation of any applicant or recipient.21

With regard to those persons eligible for general assistance, the 1949 Public Assistance Code was expanded to include

20 Ibid., Sect. 4-10.
21 Ibid., Sect. 1-11.
certain needy children, as well as those persons previously listed as being eligible for general assistance. This section of the law reads in part as follows:

Persons who for unavoidable causes are unable to maintain a decent and healthful standard of living, or whose families are unable to provide them a reasonable subsistence, are entitled to general assistance. Needy persons eligible for general assistance shall include children who require care outside their own home where no other sources of funds are available. The assistance granted to such children shall be provided through duly licensed child welfare associations, agencies, institutions, or duly licensed foster homes, with due regard to the religious belief and the individual needs of each child. No public official, agent, or representative in carrying out the provisions of this section shall take charge of any child except pursuant to order of a court of competent jurisdiction or pursuant to the consent of the parents, provided, however, the execution of such parental consent is approved by a court of competent jurisdiction.22

For some time the local governmental units had been using general assistance funds to provide care for needy children in foster homes or in institutions where no other resources or insufficient resources were available. This action had been taken on the basis of an opinion of the Attorney General of Illinois. To rectify this, the Code gave authority by statute to the supervisors of general assistance for support of this group of needy children who did not qualify for assistance under the Aid to Dependent Children Act.

The sworn affidavit for those applying for general

22 Ibid., Sect. 4-1.
assistance, or the "pauper's oath," originally stated in the 1933 amendment, was restated in the 1943 act. However, the provision which forbade the giving of assistance to anyone convicted of obtaining financial assistance by fraud, or through falsification of his affidavit, was deleted from the law. Further, the applicant for general assistance was not required to list insurance policies, the face value of which totaled five hundred dollars or less. Nor was relief to be denied to any person or member of his family who was the holder of insurance policies of such value. 23

Although the 1949 Illinois Public Assistance Code deleted the requirement of a sworn affidavit, it still provided that the applicant for general assistance must submit a signed application for financial aid. The application was to be filed with the supervisor of general assistance and was to contain such information as was best designed to determine the eligibility of the applicant for such assistance. 24 Further, need was to be determined according to local budget standards, and the amount of assistance was to be granted in accordance with the conditions existing in each case. The Code also required that the amount of general assistance, when added to the applicant's income and resources, should be sufficient to provide a reasonable subsistence

24 _Ibid., 1949_, 404-442, Sect. 4-4.
compatible with health and well being. Further, for the first
time in Illinois, the 1949 Code defined assistance to cover money
payments and also care and service provided by other means.

During the period 1943 to 1950 further consideration
was given to the matter of residence. The 1945 amendment provided
that the state residence requirement should be reduced from three
years to one year in the state and six months in the local unit.

From 1945 to 1950 there was no further change in the length of
time specified to qualify for residence in the state or local unit.

Clarification regarding the recipient's residence status
when he left the state, was made by the 1945 amendment. This
amendment specified that absence from the state for a twelve
months period, when the recipient did not intend to make his per­
manent home outside of the state, did not involve loss of resi­
dence, providing it was not his intention to change his place of
residence. Further, this same amendment ruled that the particular
local governmental unit in which a needy person last made his per­
manent home for a continuous period of six months was charged with
the duty of providing him with general assistance until he

25 Ibid., Sect. 4-4.
26 Ibid., Sect. 1-8.
27 Ibid., 1945, 1136-1144.
established his residence in another state.28

The 1949 Code continued the provision of the former Pauper Act providing for temporary assistance pending transportation to persons who had not acquired state residence and added the specific provision for emergency assistance in order to prevent "great hardship and privation" to persons who were non-residents of the state.29

It was interesting to note that it was not until 1943 that the legislature amended the Pauper Act to delete the penalty for bringing needy persons into the state.30

Family responsibility continued as previously described until 1949, when the Code deleted grandparents and grandchildren from the list of responsible relatives but added "the persons in loco parentis to a child." The 1949 Code also continued and strengthened the provision for the enforcement of the family's responsibility for the support of their needy relatives through the county court.31 To date the phrase regarding relatives "of sufficient ability" continues to remain a part of the law, although

28 Ibid.
29 Ibid., 1949, 404-442, sect. 4-6.
30 Ibid., 1943, 981-985.
31 Ibid., 1949, 404-442, sect. 4-2.
it has not been defined in the original or subsequent acts of the new Code. It may be interpreted as liberally, or as closely, as the court in each governmental unit wishes.

Turning attention to the care of the recipient, it was noted that as the period 1943 to 1950 progressed, the trend was away from the care of the recipient in the county poorhouse and toward provisions for care of these persons in their own homes. Some of the governmental units did, however, continue to operate, establish, and maintain county poorhouses and to set the charge per day, or week, that other local units should pay for the support and maintenance of their needy residents. The county agent, however, was not permitted to accept any pauper except upon the order of the overseer of the poor.\textsuperscript{32} The 1943 amendment also provided that if any governmental unit failed to pay for the support of the pauper, the county agent might return the pauper to that local unit, or the county might sue for the amount expended in caring for the person.\textsuperscript{33}

The county departments were enabled to convert the "poorhouse" into institutions for the infirm and chronically ill according to the 1945 amendment.\textsuperscript{34} This act provided that in

\begin{itemize}
\item \textsuperscript{32} Ibid., 1943, 981-982.
\item \textsuperscript{33} Ibid.
\item \textsuperscript{34} Ibid., 1945, 981-985.
\end{itemize}
such of these institutions as met with the standards prescribed by the Public Aid Commission, Old Age Pension and Blind Assistance grants could be given to eligible persons voluntarily seeking to purchase care in these county homes.\textsuperscript{35} Previously Old Age Pension and Blind Assistance recipients could enter these county institutions only on penalty of losing their assistance grants. This act also provided for the admission of private pay patients to these county homes. The provision forbidding acceptance in any county home for any period of time whatsoever of any feebleminded girl or woman of any age under forty-five years or boy under seventeen years of age was emphatically restated in the 1949 Code.\textsuperscript{36}

Even at this late date, the 1943 amendment to the Pauper Law specified that paupers might be committed to the care of some "moral and discreet householder" where the county did not have a poorhouse.\textsuperscript{37} This provision was deleted in the 1949 Code.

With regard to employment of needy persons receiving general assistance, references to this matter had been made in the statutes previous to 1949. These, however, were only in regard to forced employment on roads to enable the recipient "to

\textsuperscript{35} Ibid.
\textsuperscript{36} Ibid., 1949, 404-442, Sect. 4-18.
\textsuperscript{37} Ibid., 1943, 981-985.
earn his monthly relief budget allowance due from the overseer of the poor."\(^{38}\) The 1949 Code, however, provided that the supervisor of general assistance, with the approval of the Illinois Public Assistance Commission, might initiate, promote, and develop local programs and projects for the purpose of providing employment for the recipients of general assistance who were suited to such employment.\(^{39}\)

Medical care continued to be provided for general assistance recipients as previously described.\(^{40}\) Provision for burial of the recipient had been included in the original poor law and its subsequent amendments. The 1949 Code added that a "ceiling," or an amount up to $150.00, should be provided to take care of the cost of the funeral and burial expenses of the general assistance recipient.\(^{41}\)

Noteworthy in the 1949 legislation was the fact that for the first time in the history of general assistance in this state, the law provided that it was unlawful to reveal the names of those


\(^{39}\) Ibid., 1949, 404-442, Sect. 4-13.

\(^{40}\) Idem., Chapter II, 40.

\(^{41}\) Laws of Illinois, 1949, 404-442, Sect. 4-14.
persons who were recipients of general assistance to anyone except those individuals connected with the administration of the program. Violation of this provision was regarded as a misdemeanor.42

Although the Code did not include major substantive changes, it did include a number of provisions which would expedite, and make more effective, the administration of public assistance. The provision for relatives' responsibility for assisting their needy relatives was strengthened and made uniform for all types of assistance, the duties and responsibilities of supervisors of general assistance were clarified, and eligibility and residence requirements were simplified. The Code enabled the supervisors of public assistance to give temporary relief in cases of hardship and privation to persons who could not satisfy the state residence requirement of one year.

As Governor Stevenson said in his statement accompanying his approval of the Public Code, "the code recognizes that the principal aim in providing assistance and services shall be to aid those persons who can be so helped to become self supporting to maintain a decent and healthful standard of living. It also keeps foremost as a goal the maintenance and strengthening of the family unit."43

42 Ibid., Sect. 4-15.
CONCLUSION

The purpose of this investigation has been to present, through analysis of legislation, an historical study of the general assistance program in Illinois from 1790 through 1949. The study was focused primarily on the law in relation to units of administration, officials in charge of the program, coverage, and the types of care offered to the general assistance recipients.

The poor laws enacted during the period before Illinois became a state were significant inasmuch as they provided an administrative pattern for subsequent and present day legislation governing general assistance in Illinois. In 1819, the year following Illinois' admission to statehood, the state legislature enacted a poor law which has since been subject to many amendments as to procedure, but has not changed essentially in content. This early legislation set forth the following divisions: (1) who shall be supported; (2) who may be called on to meet the responsibility; (3) the officials responsible for carrying out the provisions of the act; (4) the procedures to be followed; and (5) the penalty for failure of relatives to support their needy kinsmen.

During the years 1790 through 1949, general assistance
in Illinois was administered by and was primarily the responsibility of the local units of government, usually the county. Since 1932, when state and federal funds became available to the local units, the state has supervised the administration of these funds.

In order to carry out the general assistance program in the state as directed by the legislature, state officials, appointed by the governor, delegated administrative duties to a paid staff. Local officials, usually appointed by the county court, the county or township boards, or the city council, were known as overseers of the poor until 1949, when their title was changed to supervisor of general assistance.

In addition to the supervision of the administration of general assistance by the local units, the most important duty of the state officials in charge of the program has been the responsibility for allocating state and federal funds to the local units that qualified for such aid. The local official's principal duty has always been "the care and oversight" of persons receiving general assistance.

Persons considered eligible for general assistance during the period 1790 through 1949 were originally designated as the old, the blind, the impotent, the lame, and other persons unable to work. Coverage was expanded in 1833 to include persons unable to earn a living due to "idiocy" and "lunacy." Children whose parents were deceased or unable to maintain them were apprenticed. This classification continued until 1949, when the
newly enacted Code deleted "idiocy" and "lunacy" and a more inclusive term was composed which also included certain needy children. The Code also deleted the "pauper's oath," which had been introduced into the law in 1933.

Legal residence in the locality where the needy person resided, as well as family support of indigent relatives, have always been two of the prerequisites for the granting, and the receiving, of general assistance. The term of residence has varied from thirty days in the local unit to three years within the state and local unit. Relatives of a certain degree are liable for the support of their needy kinsmen and penalties are provided for failure to assume such responsibility. The order in which such relatives would be called upon for support was specified by the 1856 amendment to the law and remained unchanged until 1949, when the Code deleted grandparents and grandchildren from the list but added "the persons in loco parentis" to a child.

With regard to the care of the recipient, the early poor laws provided for indoor relief. That is, needy persons were to be "sold," "farmed out," sent to "discreet householders," or confined to workhouses or poorhouses. Since 1931, however, when workhouses and poorhouses found they were unable to accommodate the ever increasing number of needy persons, outdoor relief has been adopted, and assistance in kind or cash has been given.

Since the enactment of the earliest poor laws, the major role of illness as a cause of dependency has been recognized.
Provisions for payment of medical and burial care for the resident and non-resident needy person have been provided and expanded to meet the needs of the recipient.

In spite of the fact that the 1949 Public Assistance Code has not materially changed the content of the law in regard to general assistance, it has modernized the language of the law, repealed some of the overlapping laws, and brought together into one section the provisions governing general assistance and other public assistance programs of the state, so that modifications in the law may be facilitated with greater ease at some future date.
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B. ARTICLES


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APPENDIX I

Under the original creative statute the Illinois Emergency Relief Commission was to exist only from February, 1932, until March 1, 1933; in October, 1932, it was extended to July 1, 1933; in June, 1933, it was further extended to August 1, 1935; in July, 1935, it was further extended to March 1, 1937; in February, 1936, with the intention of abolishing the Illinois Emergency Relief Commission, its end was set for May 1, 1936, instead of March 1, 1937; in April, 1936, it was extended again to July 1, 1936, and with its function curtailed beyond that to March 1, 1937; in December, 1936, it was further extended to June 1, 1937; in June, 1937, it was further extended to July 1, 1939, and then to 1941, when it was renamed the Illinois Public Aid Commission.