

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 27.

HOUSE.

The Joint Standing Committee on the Judiciary to whom was referred the Bill entitled an "Act to provide for the employment and maintenance of the Poor," have had the same under consideration and ask leave to Report :

That in the opinion of your Committee there is no object of State legislation more important than that of Pauperism, whether considered in the relation it bears to the wealth or its operation on the morals of the community.

The wealth of a Country depends on the amount of the productive labor of its citizens, on the proportion that the producers bear to the consumers ; this is an axiom in political economy so well established that the truth of it is immediately acknowledged. The morals of a country depend on the proportion that the laboring, industrious and independent portion of the community, bear to those who are dependent on others for support. That in the sweat of his face man should eat his bread, was the fiat of the Almighty, an attempt to escape from which is productive of crime and misery. In support of this axiom, we refer with patriotic satisfaction to the contrast, between our happy country and the vitiated and corrupt governments of

Europe, where the extremes of wealth and poverty, luxury and want are associated, and are coadjutors in demoralizing the community.

The tendency therefore of the laws should be, to increase the number of the independent and happy, and to diminish the number of the dependent and miserable, for in the proportion that the one class bears to the other, so in proportion will virtue or vice, happiness or misery predominate.

By providing for the employment and maintenance of the Poor, the industrious will be relieved from a burthen; and the comfort and the happiness of the Poor will be increased by furnishing them with the means of self support, and thus relieving them in a measure from the misery resulting from a state of abject dependence.

To check the increase of the vicious or indolent Poor, and to provide for the comfortable support of the unfortunate, should be the object of the laws of Pauperism.— But the Pauper laws of this State are manifestly deficient in both these requisites; and as they bear a close resemblance to the Pauper Laws of England, your Committee will refer to their operation in that country, as well as in our own, to establish this assertion.

The amount raised in England and Wales in 1776 for the support of the Poor was \$7,639,364, in 1803 it had increased to \$18,966,836. By the census of England in 1800, 1,580,926 houses were returned; the amount raised for the support of the Poor would, therefore, average \$11 99 and a fraction on each house. The increase of the expense of supporting the Poor in England and Wales during a period of twenty-seven years preceding 1803 has been nearly 150 per cent.; since that period the increase has been still greater, and became so alarming that a Commission was appointed in 1832 to inquire into the operation

of the Poor Laws The following extracts are from the report of the Commissioners, being a part of the evidence of a Mr. Huish, Assistant Overseer of St. George's Southwark, examined before them. "The most injurious portion of the poor-law system is the out-door relief. I do not serve a day without seeing some new mischiefs arise from it. In the smaller parishes persons are liable to all sorts of influences. In such a parish as ours, where we administer relief to upwards of two thousand out-door poor, it is impossible to prevent considerable fraud, whatever vigilance is exercised." "I am every week astonished by seeing persons come, whom I never thought would have come. The greater number of our out-door paupers are worthless people ; but still the number of decent people who ought to have made provision for themselves, and who come, is very great and increasing—one brings another, one member of a family brings the rest of a family." "Not long since a very young woman, a widow, named Cope, who is not more than 20 years of age, applied for relief ; she had only one child. After she had obtained relief, I had some suspicion that there was something about this young woman not like many others. I spoke to her, and pressed her to tell me the real truth as to how so decent a young woman as herself came to us for relief. She replied that she was *gored* into it. That was her expression. I asked her what she meant by being *gored* into it. She stated, that where she was living there were only five cottages, and that the inhabitants of four out of five of these cottages, were receiving relief, two from St. Saviour's and two from Newington Parish. They had told her that she was not worthy of living in the same place unless she obtained relief too. I was perfectly satisfied of the truth of her statement by inquiry. Her candor induced me to give her five shillings, and I offered her a reception in the house

for herself and child. The consequence was we never heard any more of her." "The most experienced witnesses declare, that the only test of the merits of such cases is, by taking them wholly on the Parish. The Parish Officers of St. James' Westminster, state 'that on one occasion in the month of November last upwards of fifty paupers were offered admission into the work-house, and of that number only four accepted the offer ; and that since then the same system has been pursued in a number of instances and attended with a similar result.' "

By reference to the returns of the Poor in this State in 1820 the number appears to have been 513, but as there is some doubt whether the female paupers were included in this return, we may suppose the number to have been about 1000. By the returns in 1830 the number of Paupers, male and female, was 4090, showing an increase of three hundred per cent. in ten years, and on the same ratio, the present number of Paupers in this State may be estimated at between six and seven thousand—and the annual expense of supporting them at \$175,000. Your Committee are therefore warranted in the assertion, that our Poor Laws are deficient in the 'great requisite of checking the growth of Pauperism; they will now advert to the usual mode of providing for the support of the Poor, to show that the laws are equally defective in the other great requisite, that of providing for their comfortable support.

The usual mode of supporting the Poor in our towns is, to put them up at Auction at the annual Town Meetings in lots to suit purchasers ; and they are struck off to the lowest bidder, without any regard to the disposition or capability of the purchaser to provide for their wants in a suitable manner ; the poor wretches being denied even the privilege extended to the Negro of the South, that of selecting the one who shall in future be his master. Any

comment upon this mode of support would be superfluous, the bare mention of it is enough to excite the indignation of any one who is not callous to the feelings of humanity ;— and yet it is the mode practised by a large proportion of the towns throughout the State. There are a few large towns which have adopted the Work-House system, and the success which has uniformly attended these establishments has been sufficient to show that the system might be advantageously extended throughout the State, thereby relieving the industrious and provident from a burthen which is rapidly increasing, and furnishing the unfortunate and improvident with a place of refuge, where they will be provided for comfortably and the means afforded them of contributing to their own support.

The Bill submitted to the examination of your Committee, with slight alterations, is drafted from one of the Special Laws of Pennsylvania for the establishment of a County Work House, entitled, “ An Act to provide for the erection of a house for the employment and support of the Poor in the County of Washington,” and may be found in the Laws of 1829 and 1830, Fol. 257. The Bill proposes no new theory, the beneficial effects of which remain to be tested ; the system has been in operation in Pennsylvania from the year 1771, has been gradually extending itself since that time to the present day, and experience has now verified what might once have been considered as the benevolent dream of some enthusiast.

The only important change is in the repeal of the laws of settlement ; whereas, by the Pennsylvania law, the Pauper is to be supported in the County where he has obtained a settlement. In favor of supporting the Pauper where resident when he becomes a charge, it may be urged that the laws relating to the settlement of the Poor have been the most fruitful source of litigation between towns,

and the expenses often incurred in establishing the residence, if converted into an annuity, would have been adequate to the support of a pauper forever.

But though conscious of the importance of the object contemplated by this Bill, yet your Committee are aware that the efficacy of laws in a free country depends on their congeniality with public sentiment ; and therefore that no fundamental change should be adopted in a system so deeply interesting to the community but with the utmost circumspection. They therefore recommend that the Bill, together with this Report, be printed, and a copy transmitted by the Secretary of State to the Selectmen and Assessors of Towns and Plantations and also published in all the papers which print the Laws of this State ; and that the Bill now reported in a new draft, be referred to the next Legislature.

CHARLES JARVIS, *per order.*

STATE OF MAINE.

**IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT
HUNDRED AND THIRTY FOUR.**

AN ACT to provide for the employment and
maintenance of the poor.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled,* That there shall be chosen in each
4 County within this State on the second Mon-
5 day of September eighteen hundred and thirty
6 five, by the written votes of such persons as are
7 by the Constitution qualified to vote for Repre-
8 sentatives in the several towns and plantations
9 three persons being freeholders and resident in
10 the County, and no two resident in the same
11 Town, Agents for the purposes hereafter des-
12 cribed, the votes to be counted and sorted in
13 the town or plantation meeting by the Selectmen
14 or Assessors thereof and Town or Plantation
15 Clerk, the names of the persons voted for and
16 the number each person had shall be recorded

17 in the Town or Plantation Book, and an attest-
18 ed copy of such record shall be transmitted un-
19 der seal to the next Court of County Commis-
20 sioners to be held within and for the same Coun-
21 ty on the first day of the Court's sitting, there
22 to be opened and compared with the like returns
23 from the several towns and plantations in such
24 County, and the three persons having the great-
25 est number of votes shall be declared duly elect-
26 ed and immediate notice of their election shall
27 be given to them by the Clerk of said Court
28 and the one having the greatest number of votes
29 shall be Chairman of the Board.

SECT. 2. *Be it further enacted,* That it
2 shall be the duty of the Chairman to notify by
3 written notice a meeting of the board within a
4 month after receiving notice of his election and
5 it shall be the duty of said Agents or a majority
6 of them on or before the first day of December
7 next succeeding their election to determine upon
8 and purchase a farm of not less than fifty acres,
9 and buildings or on which buildings shall be
10 erected for the reception and accommodation of
11 the poor of the County, and it shall be lawful
12 for said Agents or a majority of them to take

13 conveyances thereof in the name and for the use
14 of the Corporation mentioned in the seventh
15 section of this Act.

SECT. 3. *And be it further enacted, That*
2 the said Agents as soon as may be after the se-
3 lection of the farm as aforesaid shall make an
4 estimate of the probable expense of purchasing
5 the land and building or erecting the necessary
6 buildings and furnishing the same, and shall for-
7 ward the same to the Clerk of the Court of
8 County Commissioners, whereupon the County
9 Commissioners of the County, shall, and they
10 are hereby authorized and required to procure
11 on loan the sum necessary for the purpose afore-
12 said to be paid in instalments with interest out
13 of the County taxes. *Provided always, That*
14 if such loan cannot be procured the amount may
15 be added to the County tax to be paid by the
16 County Treasurer to the Agents aforesaid on
17 order drawn in their favor by the County Com-
18 missioners as the same may be found necessary.

SECT. 4. *And be it further enacted, That*
2 it shall be the duty of said Agents to cause to
3 be erected on contract such buildings as they
4 may deem necessary for the accommodation of

5 the poor of the County to be completed on or
6 before the first day of November eighteen hun-
7 dred and thirty six, the cost of said buildings
8 not to exceed five thousand dollars; and that
9 the sum of thirty dollars be allowed to each of
10 said Agents in full for their services as aforesaid.

SECT. 5. *And be it further enacted, That*
2 on the second Monday of September eighteen
3 hundred and thirty six there shall be elected in
4 each County in the State three persons for Di-
5 rectors of the poor in the same manner and un-
6 der the same restrictions as is provided in the
7 first section of this act for the election of Agents,
8 and the one having the highest number of votes
9 shall be elected for three years and be the Chair-
10 man of the Board of Directors, and the one
11 having the next highest number of votes shall
12 be elected for two years, and the one having the
13 next highest number of votes shall be elected
14 for one year; and if the number of the votes for
15 two or more of the Directors should be equal,
16 then they shall determine by lot which of them
17 shall hold the office for three and which for two
18 years, and on the second Monday of September
19 eighteen hundred and thirty seven, and after

20 that annually there shall be chosen one director
21 of the poor to serve for three years to fill the
22 vacancy in the board, so that after the first elec-
23 tion one third of the board shall be chosen an-
24 nually and the oldest member shall be Chairman.

SECT. 6. *And be it further enacted, That*
2 every director elected in manner aforesaid, or
3 appointed as is directed by the fourteenth sec-
4 tion of this act, shall within ten days after he
5 is notified of such election or appointment, and
6 before he enters on the duties of said office, take
7 an oath or affirmation, which any Justice of the
8 Peace of the County is hereby authorized to
9 administer, that he will discharge the duties of
10 the office of director of the poor for the County
11 truly, faithfully and impartially, to the best of
12 his knowledge and ability, and in case of neglect
13 or refusal to take the said oath or affirmation
14 within the time aforesaid he shall forfeit and pay
15 the sum of ten dollars for the use of the poor of
16 the County, which fine shall be recovered by
17 the Directors for the time being, as debts are or
18 shall be by law recoverable, and the Directors
19 qualified as aforesaid are hereby authorized to
20 administer an oath or affirmation in any case

21 when it shall be necessary in relation to the du-
22 ties of their Office.

SECT. 7. *And be it further enacted, That*
2 the said Directors shall hereafter, in name and
3 in fact, be one body corporate in law to all in-
4 tents and purposes whatsoever, relative to the
5 poor of the County and shall have perpetual
6 succession, and may sue and be sued, plead and
7 be impleaded by the name, style and title of
8 The Directors of the Poor, and of the House
9 of Employment for the County of
10 and by that name shall and may receive, take
11 and hold any lands, tenements and heredita-
12 ments, not exceeding the yearly value of ten
13 thousand dollars, and any goods and chattels
14 whatsoever, of the gift, alienation or bequest of
15 any person or persons whatsoever, to purchase,
16 take and hold any lands and tenements within
17 their County, in fee simple or otherwise, and
18 erect suitable buildings for the reception, use and
19 accommodation of the poor of that County, to
20 provide all things necessary for the reception,
21 lodging, maintenance and employment of said
22 poor, to appoint a Treasurer annually, who shall
23 give bond, with sufficient surety for the faithful

24 discharge of the duties of his office, and at the
25 expiration thereof, that he will well and truly
26 pay and deliver over to his successor in office,
27 all moneys, bonds, notes, book accounts, and
28 other papers, to the said corporation belonging,
29 which shall be then remaining in his hands, cus-
30 tody and possession, and said Directors shall
31 have power to employ and at pleasure remove a
32 steward or stewards, matron or matrons, physi-
33 cian or physicians, surgeon or surgeons, and all
34 other attendants that may be necessary for the
35 said poor, respectively, to bind out as appren-
36 tices, so that such apprenticeship may expire, if
37 males, at or before the age of twenty one years,
38 if females, at or before the age of eighteen years,
39 such poor children as shall come under their
40 care, or as may now be bound apprentices by
41 the overseers of the poor of Towns, and to ex-
42 ercise and enjoy all such other powers now vest-
43 ed in the overseers of the poor of Towns as are
44 not herein granted or supplied, and the said
45 Directors are hereby empowered to use one
46 common seal in all business relating to the said
47 corporation, and the same at their pleasure to
48 alter and renew.

SECT. 8. *And be it further enacted,* That
2 the said Directors as soon as may be after their
3 election and organization as aforesaid, shall make
4 an estimate of the probable expense of furnish-
5 ing the buildings, stocking the farm and the
6 maintaining the poor within the County for the
7 year ensuing, and shall forward the same to the
8 Clerk of the Court of County Commissioners,
9 whereupon the County Commissioners of the
10 County shall and they are hereby authorized to
11 add the same to the County Tax to be paid by
12 the County Treasurer to the Directors aforesaid
13 on orders drawn in their favor by the County
14 Commissioners as the same may be found ne-
15 cessary.

SECT. 9. *And be it further enacted,* That
2 it shall be the duty of the said Directors once in
3 every year, to render an account of all moneys by
4 them received and expended, to the County
5 Commissioners, and they shall at least once in
6 every year lay before the Court of County Com-
7 missioners a list of the number, ages and size, of
8 the persons maintained and employed in the said
9 house of employment, or supported or assisted
10 by them elsewhere, and of the children by them
11 bound out to apprenticeship, as aforesaid, with

12 the names of their masters or mistresses, and
13 their trade, occupation or calling ; and shall at
14 all times when thereunto required, submit to
15 the inspection and free examination of such vis-
16 itors as shall from time to time be appointed by
17 the Court of County Commissioners all their
18 books and accounts, together with the rents, in-
19 terests and moneys payable and receivable by
20 the said Corporation, and also an account of all
21 sales, purchases, donations, devises, and be-
22 quests, as shall have been made by or to them.

SECT. 10. *And be it further enacted,* That
2 as soon as the said buildings shall be erected or
3 purchased and all necessary accommodations
4 provided therein, notices shall be sent to the
5 overseers of the poor of the several towns and
6 plantations of the County signed by any two of
7 said Directors, requiring them forthwith to bring
8 the poor of their respective towns and planta-
9 tions to said house of employment, which orders
10 the overseers are hereby enjoined and required
11 to comply with or otherwise to forfeit the costs
12 of all future maintenance, except in cases when
13 by sickness or any other sufficient cause any poor
14 person cannot be removed, in which case the
15 said overseers shall represent the same to a Jus-

16 tice of the Peace, who being satisfied of the
17 truth thereof, shall certify the same to the said
18 Directors, and at the same time issue an order
19 under his hand and seal to the said overseers,
20 directing them to maintain such poor until such
21 time as he or she may be in a situation to be re-
22 moved, and then convey the said pauper and
23 deliver him or her to the steward or keeper of
24 the said house of employment together with the
25 said order, and the charge and expense of such
26 temporary relief and of such removal shall be
27 paid by the said Directors, at a reasonable al-
28 lowance. And the said Directors are hereby
29 authorized, when they shall deem it proper and
30 convenient so to do, to permit any poor persons
31 to be maintained elsewhere. *Provided*, The
32 expense of their maintenance does not in any
33 case exceed that for which they could be main-
34 tained at the poor house of the County.

SECT. 11. *And be it further enacted*, That
2 the said Directors, or any two of them who
3 shall be a quorum in all cases to do business,
4 shall have full power to make and ordain all
5 such ordinances, rules and regulations as they
6 shall think proper, convenient and necessary for
7 the direction, government and support of the

8 poor and house of employment aforesaid, and
9 of the revenues thereunto belonging, and of all
10 such persons as shall come under their cogniz-
11 ance. *Provided*, The same be not repugnant
12 to this law or any of the other laws of this State
13 or of the United States. *And provided also*,
14 That the same shall not have any force or effect
15 until they have been submitted to the Court of
16 Common Pleas of the County, and shall have
17 received the approbation of the same.

SECT. 12. *And be it further enacted*, That
2 a quorum of said Directors shall and they are
3 hereby enjoined and required to meet at the
4 said house of employment at least once in every
5 three months, and visit the apartments, and see
6 that the poor are comfortably supported, and
7 hear all complaints, and redress or cause to be
8 redressed all grievances, that may happen by the
9 neglect or misconduct of any person or persons
10 in their employment or otherwise.

SECT. 13. *And be it further enacted*, That
2 the said Directors shall each of them receive
3 for their services annually the sum of fifty dol-
4 lars to defray the expenses of their necessary
5 attendance on the duties of their office.

SECT. 14. *And be it further enacted,* That
 2 in case of any vacancy, by death, resignation or
 3 otherwise, of any of the said Directors, the re-
 4 maining Directors shall fill such vacancy by the
 5 appointment of a citizen of their county, under
 6 the same penalty as is provided by the sixth
 7 section of this act, to serve until the next gene-
 8 ral election, when another Director shall be
 9 elected to serve as if no such vacancy had hap-
 10 pened.

SECT. 15. *Be it further enacted,* That the
 2 city of Portland is hereby exempted from the
 3 provisions of this act excepting so far as it repeals
 4 the laws relating to the settlement of the poor.
 5 *Provided nevertheless,* That the City of Port-
 6 land may by a vote of the citizens thereof adopt
 7 the same as a part of the County of Cumber-
 8 land.

SECT. 16. *Be it further enacted,* That so
 2 much of the laws of this State which relate to
 3 the poor, as are by this Act altered, or supplied,
 4 and all the laws relating to the settlement of the
 5 poor, be and the same are hereby repealed, from
 6 and after the first day of November eighteen
 7 hundred and thirty six, and that from and after
 8 that date the poor of the County shall be pro-

9 vided for, wherever they may be at the time
10 being, according to the provisions of this Act,
11 and according to the Municipal regulations of
12 the City of Portland.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 17, 1834. }

ORDERED, That eight hundred copies of the foregoing Report
and Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest, ASAPH R. NICHOLS, *Clerk.*