

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON,.....PRINTER.

1835.

FIFTEENTH LEGISLATURE.

NO. 20.

HOUSE.

**REPORT of the Judiciary Committee of 1834,
on the subject of Pauperism.**

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 the 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 \$7,629,364, 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 twentyseven 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.
House of Representatives, February 17, 1834.

REPORT OF COMMITTEE—1835.

HOUSE OF REPRESENTATIVES, }
February 16, 1835. }

The Joint Committee to whom was referred so much of the Governor's Message as related to Pauperism, have had the same under consideration, and Report:

That at the last Session of the Legislature, a Bill was reported, entitled "An Act to provide for the employment and maintenance of the Poor." This Bill was ordered to be printed in all the papers which publish the Laws of this State, and referred to this Legislature. Your Committee have revised this Bill and Report the same, as amended. All which is respectfully submitted.

CHARLES JARVIS, per order.

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

AN ACT to provide for the employment and maintenance of the **Poor**.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives, in Legislature
3 assembled,* 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 cities, towns and plan-
9 tations, not exempted by the fifteenth Section
10 of this Act, and not having adopted the same
11 as therein provided for, three persons being free-
12 holders and resident in the County, and no two
13 resident in the same town, Agents for the pur-
14 poses hereafter described, the votes to be count-
15 ed and sorted in the town or plantation meeting

16 by the Selectmen or Assessors thereof and town
17 or plantation Clerk, the names of the persons
18 voted for, and the number each person had,
19 shall be recorded in the town or plantation Book,
20 and an attested copy of such record shall be
21 transmitted, under seal, to the next Court of
22 County Commissioners, to be held within and
23 for the same County, on the first day of the
24 Court's sitting, there to be opened and compar-
25 ed with the like returns from the several towns
26 and plantations in such County, and the three
27 persons having the greatest number of votes shall
28 be declared duly elected, and immediate notice
29 of their election shall be given to them by the
30 Clerk of said Court, and the one having the
31 greatest number of votes, shall be Chairman of
32 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 one or two farms of not less than

9 fifty acres each, and buildings, or on which
10 buildings shall be erected for the reception and
11 accommodation of the poor of the County, and
12 it shall be lawful for said Agents, or a majority
13 of them, to take conveyances thereof, in the
14 name and for the use of the Corporation men-
15 tioned in the seventh section of this Act.

SECT. 3. *And be it further enacted, That*
2 the said Agents as soon as may be after the
3 selection of the farm or farms as aforesaid, shall
4 make an estimate of the probable expense of
5 purchasing the land and building or erecting the
6 necessary buildings and furnishing the same,
7 and shall forward the same to the Clerk of the
8 Court of County Commissioners, whereupon
9 the County Commissioners of the County, shall,
10 and they are hereby authorized and required to
11 procure, on loan, the sum necessary for the pur-
12 pose aforesaid, to be paid in instalments with
13 interest, out of the County taxes. *Provided*
14 *always, That if such loan cannot be procured,*
15 *the amount may be added to the County tax to*
16 *be paid by the County Treasurer, to the Agents*
17 *aforesaid, on order drawn in their favor by the*
18 *County Commissioners, as the same may be*
19 *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 each farm;
 9 and that the sum of thirty dollars be allowed
 10 to each of said Agents in full for their services
 11 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
 5 Directors of the Poor, in the same manner, and
 6 under 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
 13 the next highest number of votes, shall be elect-

14 ed for one year; and if the number of the votes
15 for two or more of the Directors shall 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
23 election, one third of the board shall be chosen
24 annually, and the oldest member shall be Chair-
25 man.

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
15 pay the sum of ten dollars, for the use of the
16 poor of the County, which fine shall be recovered
17 by the Directors for the time being, as debts are
18 or 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
22 duties 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,
32 a steward or stewards, matron or matrons, phy-
33 sician or physicians, surgeon or surgeons, and
34 all other attendants that may be necessary for
35 the said poor, respectively, to provide for the
36 suitable education, to bind out as apprentices,
37 so that such apprenticeship may expire, if males,
38 at or before the age of twenty-one years, if fe-
39 males, at or before the age of eighteen years,
40 such poor children, as shall come under their
41 care, or as may now be bound apprentices by

42 the Overseers of the Poor of towns, and to ex-
43 ercise and enjoy all such other powers, now
44 vested in the Overseers of the Poor of towns,
45 as are not herein granted or supplied, and the
46 said Directors are hereby empowered to use
47 one common seal, in all business relating to the
48 said corporation, and the same at their pleasure
49 to 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
15 necessary.

SECT. 9. *And be it further enacted, That*
2 it shall be the duty of the said Directors, once

3 in every year, to render an account of all moneys
4 by 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
7 Commissioners, a list of the number, ages and
8 size, of the persons maintained and employed in
9 the said house of employment, or supported or
10 assisted by them elsewhere, and of the children
11 by them bound out to apprenticeship, as afore-
12 said, with the names of their masters or mis-
13 tresses, and their trade, occupation or calling;
14 and shall at all times, when thereunto required,
15 submit to the inspection and free examination
16 of such visitors as shall from time to time be
17 appointed by the Court of County Commission-
18 ers, all their books and accounts, together with
19 the rents, interests and moneys, payable and
20 receivable by the said Corporation, and also an
21 account of all sales, purchases, donations, de-
22 vises, and bequests, as shall have been made by
23 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
7 of said Directors, requiring them forthwith to
8 bring the poor of their respective towns and
9 plantations to said house of employment, which
10 orders the Overseers are hereby enjoined and
11 required to comply with, or otherwise to forfeit
12 the costs of all future maintenance, except in
13 cases when by sickness or any other sufficient
14 cause, any poor person cannot be removed, in
15 which case the said Overseers shall represent
16 the same to a Justice of the Peace, who being
17 satisfied of the truth thereof, shall certify the
18 same to the said Directors, and at the same
19 time issue an order under his hand and seal, to
20 the said overseers, directing them to maintain
21 such poor until such time as he or she may be
22 in a situation to be removed, and then convey
23 the said pauper, and deliver him or her to the
24 steward or keeper of said house of employment,
25 together with the said order, and the charge and
26 expense of such temporary relief and of such re-
27 moval shall be paid by the said Directors, at a
28 reasonable allowance. And the said Directors,
29 are hereby authorized, when they shall deem it

30 proper and convenient so to do, to permit any
 31 poor person to be maintained elsewhere. *Pro-*
 32 *vided*, The expense of their maintenance does
 33 not in any case, exceed that for which they
 34 could be maintained at the poor house of the
 35 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 any
 2 city, or town in this State, now having a work
 3 house, is exempted from the provisions of this
 4 act, excepting so far as it repeals the laws re-

5 lating to the settlement of the poor. *Provided,*
 6 *nevertheless,* That any city or town, by a vote
 7 of the citizens thereof, may hereafter adopt the
 8 same, as a part of the County, in which such
 9 city or town is situated, on assuming its due
 10 proportion of the expenses of the establishment,
 11 the same to be graduated by its proportion of
 12 the County Tax.

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 16, 1835. }

On motion of Mr. Dumont, of Hallowell, *Ordered,* that five hundred copies of the foregoing Report of Committee, and Bill accompanying the same, and also the Report of the Committee of 1834, be printed for the use of the members.

[Extract from the Journal.]

Attest, JAMES L. CHILD, Clerk.