

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1850.

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1850.

THIRTIETH LEGISLATURE.

No. 2.]

[SENATE.

MESSAGE OF GOVERNOR DANA.

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*To the Senate and House of Representatives :*

ON the morning of the final adjournment of the last legislature, a bill entitled "an act to amend the eighty-third chapter of the laws of eighteen hundred and forty-eight" received its final passage, and was presented for my approval. That chapter contains section two, which is as follows: "No minor under the age of sixteen years shall be employed in any labor for any manufacturing or other corporation for more than ten hours in any one day; and if any manufacturer, or agent, or other officer of any corporation, shall employ any such minor in violation of the provisions of this section, he or they shall be punished by a fine not exceeding one hundred dollars; and all fines and forfeitures accruing by virtue of this act shall be paid, one half to the city, town or plantation, where the offense is committed, the other half to the person so held to labor or to their parent or guardian, on complaint to any court competent to try the same." The bill in question repeals that section. Entertaining doubts of the expediency of repealing this provision, and being deprived of an opportunity for deliberation upon the subject, by the immediate adjournment of the legislature, I retained the bill for further advisement. The consideration since given it, has not removed, but confirmed, those doubts.

The dependence, degradation and want, of the operatives in other countries—the mental and physical imbecility to which a large portion of them are reduced, have excited the fears of many patriotic minds, that the large and increasing employment of capital and labor, in like pursuits, in our own country, must produce like results. While on the other hand, the present condition of *our* operatives, well fed, clothed and paid, healthy and intelligent, is presented as undeniable evidence that those fears are unfounded. But it should be remembered, that our manufacturing interest is, comparatively, in its infancy, and that consequently, its effects upon our population are but slightly developed.

In other countries, the occupation has descended from father to son, from mother to daughter, generation after generation; the child is taken from the cradle to the factory; the only atmosphere he breathes, is that of the mill; the only education he receives, is perfection in his art; impure air, and stunted mental food, forbid development of mind or body. By such a process, gradual, though sure in its effects, the foreign operative has been divested, in a great degree, of the most desirable attributes of humanity. But in this country, even around our most extensive manufacturing establishments, we have not within the strict meaning of the expression, a manufacturing population. A large proportion of our operatives, are those who have been reared in the free air and healthful exercise of the farmer's home, participating in all the varied enjoyments, cares and duties, of ordinary domestic life, and in all the opportunities, which our institutions afford, for a good practical education. With health, habits and characters, thus formed, and fitted for usefulness in any sphere, they resort to the factory for *temporary* employment, and soon return again to other pursuits. A small portion however, adopt this as a permanent occupation, and fix their homes in the vicinity of manufacturing establishments. Of these the number is annually increasing and rapidly forming a permanent manufacturing population, which before another generation has passed, will be sufficiently numerous to perform a large proportion of all the requisite labor. And the question arises, shall *they* be

required to give to their children, a full opportunity, such as they received, for physical, moral, and mental development, to fit them for usefulness and success, in any sphere of action, which they may afterwards select? or shall they be allowed to limit, from childhood, their mental, as well as natural vision, by the walls of a cotton mill, and thus make them, for life, the mere appendages of the loom and spindle?

It may, perhaps, be assumed, that this is a subject, which may be safely left to the discretion of parents, and that therefore, legislative regulations are unnecessary. In other countries, it has been thus left to the discretion of parents, and a numerous, degraded population are now reaping the consequences, in misery and wretchedness. Again, it may be asked, why may not a manufacturing, as well as any other population, regulate the labor and education of their children? The answer is obvious, that we have no other industrial pursuit in which large numbers of children can be constantly and profitably employed. It is a fact when known, that thousands of children in our state are absent from our public schools, merely from thoughtlessness and indifference on the part of parents. If the well being of these children can be thus overlooked, from mere indolent neglect, how greatly must the evil increase, when to this cause is added, a constant pecuniary reward for disregarding their true interests. In our manufacturing towns, this reward is offered; the operative, who is a parent, can make an important addition to his earnings, by taking his children with him to his labor, and thus the temptation is daily before him. Hence the necessity for legislative interference, which does not exist in relation to any other industrial pursuit.

Here may be found the hidden cause, that has undermined and deteriorated the manufacturing population, in every other country. It is not, that this employment tends less than many others to health of body or activity of mind, but because the earnings of the child constitute an ever present temptation to the parent, to impose upon him, toil and confinement, inconsistent with a full development, which can only be acquired under the discipline of home, and the

school room, and in the enjoyment of the free air of Heaven. The cause which has gradually produced such results elsewhere, must, in time, produce the same results here, unless counteracted. And to this end, legal restraint should be given, in aid of parental judgment and affection, in their unceasing struggle with parental cupidity and necessity.

We are destined to be a great manufacturing people ; and it depends upon wise legislation whether that destiny shall be to us, a blessing or a curse. The interest is now in its infancy, and if properly regulated, the anticipations of evil, which many entertain, may never be realized. We may continue to exhibit the present favorable contrast between the operatives of *this*, and all other countries. Maine has no laws regulating manufacturing labor or education, except the one proposed to be repealed, by this bill, which prohibits the employment of minors less than sixteen years of age, more than ten hours in a day. No one will pretend, that persons under that age can, with impunity, be employed daily, for a greater length of time. But it is said, that mills must be in operation more than ten hours in a day, and that it is consequently necessary to employ only such as can labor more than that time, and that therefore, many a child is deprived of the privilege of affording, by his earnings, pecuniary relief and comfort to indigent parents or friends. If the prohibition was only to operate upon a few isolated cases of this nature, now or hereafter, it would be unwise to continue it. A child might, perhaps, relieve by its earnings, the necessities of a poor widowed mother, and derive much happiness, with but little perceptible injury, from the effort ; but if for the purpose of affording such relief, the state permit that child, and with it, others, and their descendants, for three or four generations, to engage thus in premature toil, it permits the mother to be relieved, at the incalculable cost, of entailing upon thousands of offspring, mental and bodily imbecility, poverty and wretchedness. The descent to such a condition, from such a cause, is imperceptible but sure, and more to be feared, because its silent progress awakens no effort for its arrest. Our legislation should be directed to the prevention of this wholesale dilu-

tion of the race, even though it produce in some instances inconvenience and suffering.

I would not, from these remarks, be understood, as advocating a system of legislation, for the purpose of protection of labor against capital; for this should not be regarded as a question of labor, but of education. And by education, I mean, not merely the instruction which the school affords, but the full growth—the harmonious expansion of both the inner and the outer man. Let the legislature discharge the duty, which the constitution imposes, of exercising a watchful care, in providing such an education for our youth, and it never will be required to act, in protection of the laborer, from the oppression of the capitalist. Under our free government, if honestly and equally administered, for the good of all, enterprising, intelligent labor, must ever be as independent of capital, as capital can be of such labor; the one can never fall a prey, to the unreasonable demands of the other, until it becomes enfeebled, ignorant, and degraded.

Instead of repealing the present prohibition, I would recommend, that it be retained, until an opportunity is had for a careful examination of the whole subject, and the adoption of such regulations as will for long succeeding years, command the gratitude of a class of healthful, intelligent and independent operatives.

Entertaining these views, I am under the necessity of withholding my approval, and returning the bill, with these my objections, to the house where it originated.

JOHN W. DANA.

COUNCIL CHAMBER, }  
MAY 7, 1850. }

## STATE OF MAINE.

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IN SENATE, May 9, 1850.

ORDERED, That 1,000 copies of the foregoing message, be printed for the use of the Legislature.

ALBERT H. SMALL, *Secretary.*