

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 412

STATE OF MAINE.

RESOLVE in favor of Kingman in the county of Penobscot
and Frenchville in the County of Aroostook.

Resolved, That the sum of two hundred dollars be and
2 hereby is appropriated for the purpose of reimbursing the
3 town of Frenchville in Aroostook County, for the pauper
4 supplies furnished by said town to one William Frazier, now
5 deceased, who was at all times prior to his death an alien and
6 a citizen of Canada and a British subject, but for a number
7 of years prior to the passage of chapter 142 of the Public
8 laws of 1905 had been commorant in Kingman, in the coun-
9 ty of Penobscot. Provided that the suits now pending in
10 the Supreme Judicial Court within and for Aroostook Coun-
11 ty, in which recovery is sought for said supplies by said
12 Frenchville against said Kingman, are to be entered "Neither
13 party; no further action for the same cause," upon the pay-
14 ment of said sum to the treasurer of said Frenchville.

FIRST SUIT.

Inhabitants of Kingman			
To Inhabitants of Frenchville			Dr.
1907			
May 22 to July 21	To 60 days' board of William Frazier at \$1.00 per day	\$60 00	
	To railroad fare and team for said Frazier to Kingman,	10 00	
		<hr/>	
	Amount due,	\$70 00	\$70 00
Costs of this suit estimated now to be about	\$30 00,		30 00

SECOND SUIT.

Town of Kingman			
Debtor to Town of Frenchville			
Support of William Frezer			
1907			
Aug. 15.	Pd. Donat Frazer 15 days board at \$1.00 per day	\$15 00	
Aug. 16.	2 lbs. tobacco, \$1.00; 1 shirt, .50; 1 undershirt, .50	2 00	
Sept. 25.	Pd. St. Agatha Hospital 7 days at .35	2 45	
Sept. 25.	Pd. St. Agatha Hospital 8 days at \$1.00	8 00	
Sept. 25.	1 Pr. Pants, \$1.10; 1 Pr. drawers, .50	1 50	
Oct. 21.	Paid Antoine Gagnon 50 days board at \$1.00 per day	50 00	
Oct. 21.	Paid Maxime Derosier 8 days board, \$1.00 per day	8 00	
Oct. 21.	Paid 1 Pr. suspenders, .35; tobacco, .40	75	
Oct. 21.	Paid William Rossignol 1½ days board, \$1.00	1 50	
Oct. 21.	Paid Dr. Isidor Cote medical attendance	5 00	
Oct. 21.	Paid Rev. Charles Sweron funeral		

	services	6 00	
Oct. 21.	Paid William Rossignol expenses during death	7 25	
Oct. 21.	Paid Michel Michaud for clothing \$6.90, casket \$4.66	11 56	
		<hr/>	
		\$117 01	117 01
Costs of this suit estimated now to be about			
\$12 00			12 00
			<hr/>
			\$229 01
	(Frenchville is willing to settle for \$200)		

STATEMENT OF FACTS

William Frazer (or Frazier), who died about October, 1907, was an alien, a subject of Great Britain, and a native of Canada. He had labored in different parts of northern and eastern Maine and had been commorant at one time for five years or more in the town of Kingman, where he had worked in a saw-mill, or tannery, or some similar occupation.

Frazer, the pauper in question, had gone to Canada in the early part of the year 1907. He came back across the line in May, 1907, and fell into distress in Frenchville in Aroostook County, about May 22, 1907. Assistance, or pauper supplies, were furnished by Frenchville from time to time, and these pauper supplies are the subjects of two lawsuits now pending in the Supreme Judicial Court for Aroostook County. Frenchville has a claim of \$200 which they are seeking to recover in these suits from the town of Kingman, in Penobscot County.

Kingman defends these suits and claims that the character of Frazer's stay in that town was not of a nature to give him a pauper settlement, even if an alien could acquire one. Kingman claims that Frazer never intended to permanently reside in the United States, and also claims that he never intended to make his home in Kingman.

The immigration laws of the United States prohibit the admission of alien paupers, or others without visible means of support. When Frazer went out of the jurisdiction of the United States into Canada, he should not have been readmitted, and his admittance was illegal.

This case of an alien pauper is one which falls squarely under Chapter 142, page 154, of the Public Laws of Maine of 1905, but the Governor and Council think that this statute is not retroactive, and they write to Kingman's attorney that the Governor and Council cannot settle for these pauper supplies in question. It was less than a month between the time Frazer came back into the United States from Canada and the com-

mencement of the furnishing of the pauper supplies in question.

There may be a question as to whether Chapter 142 of the Laws of 1905 will apply to this case. The Governor and Council have ruled that it does not. All the principles, however, which led up to the enactment of that statute seem to apply to this case. While there is some authority to the contrary, it seems from the case of *Calais v. Marshfield*, 30 Maine, 511, at pages 516 and 517, that there is some ground to think from what is implied that the court held to the opinion that an alien could not gain a pauper settlement in this State.

However it may have been about the right of an alien to acquire a pauper settlement prior to the passage of Chapter 142 of the Laws of 1905, since that time an alien cannot gain a pauper settlement in Maine. And it seems fair that the State should pay for these pauper supplies.

Chapter 142 of the Laws of 1905 is as follows:

“Section 1. The revised statutes shall not be construed to make any town liable for relief furnished to an alien or his family since said statutes went into effect, but relief furnished any such person shall be within the provisions of section thirty-three of chapter twenty-seven.”

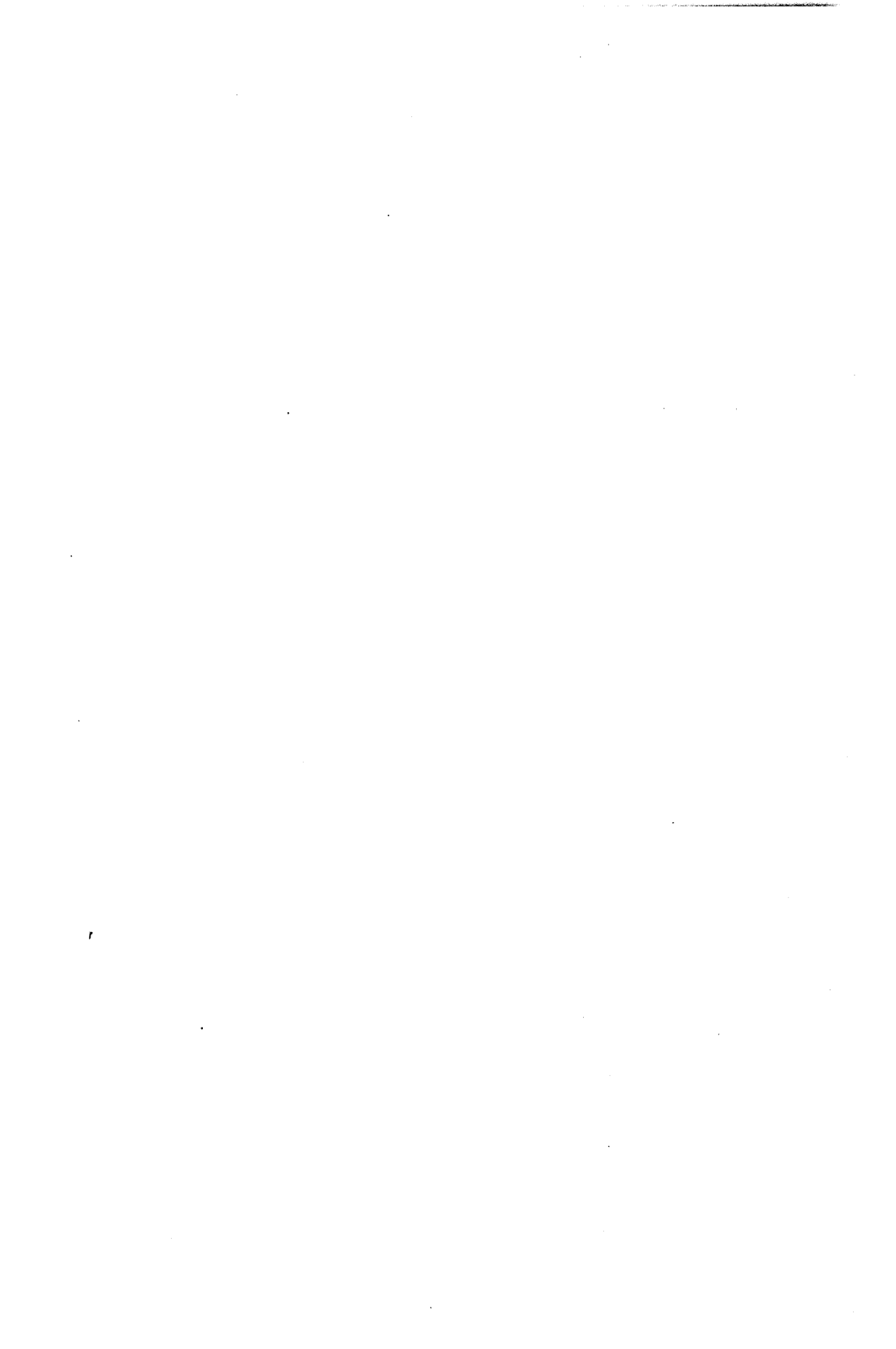
Sect. 2. This act shall take effect when approved.

Approved March 23, 1905.

Section 33 of Chapter 27 provides that the State shall reimburse towns for relief furnished persons having no legal settlement.

Chapter 142 of the Laws of 1905 thus, Kingman claims, makes it impossible for an alien to acquire or have any benefits from a pauper settlement.

In either event, whether these pauper supplies are paid for by this resolve or by the Governor's Council, the money comes out of the State treasury, but in case paid for by the Governor's Council the expense of a mandamus suit or other appropriate proceeding for compelling payment will be added.



STATE OF MAINE.

IN SENATE,

March 12, 1909.

Reported by Mr. Boynton from Committee on Claims and
laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*