

SENATE....No. 42.

Commonwealth of Massachusetts.

IN SENATE, January 12, 1849.

ORDERED, That so much of the Address of the Governor as relates to State Paupers be referred to Messrs. Giles and Bullock, with such as the House may join.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, January 12, 1849.

Concurred,

And Messrs. FORD, of Fall River,
COOLIDGE, of Boston,
MOORE, of Montague,
MARSH, of Adams, and
STONE, of Charlton,

are joined on the part of the House.

CHARLES W. STOREY, *Clerk.*

Commonwealth of Massachusetts.

SENATE, February 24, 1849.

The Joint Special Committee, to which was referred so much of the Address of the Governor as relates to State Paupers, have considered the same, and

R E P O R T :

Where the laws of property are not recognized, all are poor; where they are unequal, many are poor; where they are just, few only are poor. But the support of the poor, whether few or many, has ever been a difficult problem in political economy.

The State pauper accounts paid in 1848 amount to \$83,033 67. His excellency considers this large expense an evil which demands the serious consideration of the Legislature, and he suggests, as the most obvious remedy, the transfer of this charge from the State to the towns; but the committee, after much deliberation, and fully realizing the magnitude of the evil, are not satisfied that a transfer of it, from the State to the towns, would prove to be, in any just sense, a substantial remedy. Such a transfer would not diminish, to any considerable degree, the actual expense of supporting the alien and friendless poor, and it might be productive of a dangerous and disgusting vagrancy.

It is important, in deciding what fund shall support State paupers, to consider how such fund is raised. It appears, by the treasurer's report for 1848, that the amount received on account of ordinary revenue, was \$505,394 79,—made up almost entirely of the following items, to wit:—

The bank tax,	.	.	.	\$326,835	85
“ auction tax,	.	.	.	50,531	42
“ alien passenger tax,	.	.	.	26,884	66
“ Western Railroad dividends,	.	.	.	94,112	00
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				\$498,363	93

Such is the source of the fund which now supports State paupers. If they should be thrown upon the towns, they must be supported by a *direct tax upon the polls and property of the citizens.*

In the opinion of the committee, it would be unjust to make the cities and towns, in which alien paupers may happen to be, and fall into distress, chargeable with their entire support; for the influx of this class of paupers is owing, not so much to the industrial prosperity of a place, as to the selfish cupidity of shippers and railroad corporations, aided by the shameless desire to shirk the support of their own poor, which characterizes some of the wealthiest nations abroad,—to say nothing of our neighbors at home. That the State ought to support, in part at least, such paupers as have no more claim upon one town than upon another, is an old and fixed sentiment in the minds of the people of Massachusetts.

The principles of our pauper system date back more than two hundred years. The system itself is the slow growth of costly experience and frequent legislation. It embraces many kindred subjects, such as legal settlement, vagrancy, work-houses, houses of correction, lunatic asylums, State reform schools, and alien passengers. The outline of the system may be found in the following chronological abstract of laws and orders, upon this subject:—

1601. The poor law act of the 43d Elizabeth required that provision should be made for “the necessary relief of the lame, impotent, old, blind, and such other, being poor and not able to work;” and for “setting to work the children of all such whose parents shall not, by the church-wardens and overseers, or the greater part of them, be thought able to keep and maintain their children;” and also for “setting to work all such

persons, married or unmarried, having no means to maintain them, and using no ordinary and daily trade to get their living by."

1628. The charter, granted by Charles I. to the governor and company of the Massachusetts Bay in New England, authorized the "great and general court" of the company "to make laws and ordinances for the good and welfare of the said company, and for the government and ordering of the said lands and plantation, and the people inhabiting and to inhabit the same, as to them, from time to time, shall be thought meet, so as such laws and ordinances be not contrary or repugnant to the laws and statutes of this our realm of England."

1639. The said great and general court passed the following order in 1639:—"It is ordered by this court, and the authority thereof, that any shire court, or any two magistrates out of court, shall have power to determine all differences about lawful settling and providing for poor persons, and shall have power to dispose of all unsettled persons into such towns as they shall judge to be most fit for the maintenance and employment of such persons and families, for the ease of this country."

1659. In 1659, the court passed another order, providing, "that, where any person, with his family, or in case he hath no family, shall be resident in any town, or peculiar, of this jurisdiction, for more than three months, without notice given to such person, or persons, by the constable, or one of the selectmen of the said place, or their order, that the town is not willing that they should remain as an inhabitant amongst them; and the same prosecuted to effect, every such person, or persons, as the case may require, shall be provided for, and relieved, in case of necessity, by the inhabitants of said place, where he or she is so found, at a town charge. And when any person, or persons, cannot, according to this law, be settled in any town or peculiar, they shall then be placed in any town of that county wherein they are found, according as the county court shall appoint, and their charges satisfied unto them by the county treasurer."

1675. In 1675, the court passed the following order:—

“This court, considering the inconvenience and damage which may arise to particular towns, by such as, being forced from their habitations through the present calamity of the war, do repair unto them for succor, do order and declare, that such persons, being inhabitants of this jurisdiction, who are so forced from their habitations, and repair to other plantations for relief, shall not, by virtue of their residence in said plantations they repair unto, be accounted or reputed inhabitants thereof, or imposed upon them according to law, Zit. Poor; but in such case, and where necessity requires, by reason of inability of relations, &c., *they shall be supplied out of the public treasury*; and that the selectmen of each town inspect this matter, and do likewise carefully provide that such men or women may be so employed, and children disposed of, that, as much as may be, public charge may be avoided.”

1692. An act passed in 1692, under the province charter, granted by William and Mary, empowered the selectmen and overseers of the poor to bind out poor children, and to commit idle persons and vagabonds to the house of correction, to be there whipped on the bare back, not exceeding ten lashes, and kept to hard labor until duly discharged; and compelled the relations of the impotent poor, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, if of sufficient ability, to support them.

1720. An act, passed in 1720, under the same charter, explained and enlarged the preceding act.

1767. An act, passed in 1767, under the same charter, concerning the removal of poor persons, &c., provided that paupers, having no settlement in the province, might be sent out of it *at the expense of the province*, to the place where they last had a settlement, and that no residence, however long, should gain a settlement without the approbation of the town in town meeting.

1772. An act was passed in 1772, in addition to and explanatory of the preceding acts.

1788. An act of the Commonwealth, passed in 1788, provided that, in every county within the Commonwealth, a fit and convenient house of correction should be built or other-

wise provided, at the charge of such county, to be used and employed for the keeping, correcting, and setting to work, of rogues, vagabonds, common beggars, and other idle, disorderly, and lewd persons.

1789. An act, passed in 1789, authorized any town to erect or provide a workhouse for the employment of idle persons, and the poor and indigent that wanted means to employ themselves, at the expense of the town; and *foreign paupers at the expense of the State.*

1789. An act, passed in 1789, provided for the support of the poor, and forbade, under heavy penalties, the bringing into the Commonwealth, by land or sea, any pauper, infirm, or vicious persons, or foreign criminals.

1794. An act, passed in 1794, determined what should constitute a legal settlement, in regard to paupers; and an act, passed in the same year, provided for the support, employment, and removal, of the poor, and repealed all former laws made for those purposes.

1796. A resolve was passed in 1796, to establish the evidence which should accompany the accounts exhibited for the support of the State poor; and an act for the same purpose was passed in 1799.

1820. An act, passed in 1820, to prevent the introduction of paupers from foreign ports and places, provided that masters of vessels should give bonds, if required, with sureties, for not exceeding \$500 for each passenger, to save towns and the Commonwealth harmless for three years, from all expense on account of such alien passengers brought into the State by them.

1821. An act, passed in 1821, limited the allowance to towns for the support of paupers having no legal settlement within the Commonwealth, to ninety cents per week for adults, and fifty cent for children.

1823. An act, passed in 1823, provided that no male person over the age of twelve years, and under the age of sixty years, while of competent health to labor, should be considered a State pauper, and entitled to support as such.

1831. An act, passed in 1831, relating to the support of State paupers, prescribed the manner of making up the accounts for

their support, and the time within which such accounts should be presented or disallowed; and reduced the allowance to ten cents per day for paupers over twelve years of age, and six cents for paupers under twelve years of age; and allowed five dollars for the funeral expenses of paupers over twelve years of age, and two dollars and fifty cents for the funeral expenses of those under twelve years of age.

1835. An act passed in 1835, reduced the allowance to towns for the support of State paupers to seven cents per day for persons over twelve years of age, and four cents per day for persons under twelve years of age. And an act passed in the same year concerning the State Lunatic Hospital, provided that where the lunatic, supported in the hospital at the expense of any city, town, or county, had no legal settlement within this Commonwealth, *said city, town, or county should be indemnified by the State.*

1836. The Revised Statutes, passed in 1836, in ch. 46, provided for the support of paupers, and for a tax of five dollars, under certain circumstances, on each alien passenger by sea; and, in ch. 143, for the commitment of vagabonds, &c., to houses of correction.

1837. An act, passed in 1837, provided for an examination into the condition of alien passengers before they were permitted to land. And an act, passed the same year, provided for returns to be made by the overseers of the poor, consisting of answers to twenty-one questions. And another act relating to alien passengers, passed in 1837, increased the bond to \$1,000 for ten years, and reduced the tax to two dollars.

1839. An act, passed in 1839, provided that no allowance should be made by the Commonwealth for the support of any prisoner in any jail or house of correction, and having no legal settlement in the Commonwealth.

1844. A resolve, passed in 1844, provided that the accounts for the support of State paupers should include only charges for actual and entire day's support, and should be certified in due form, under oath, by a majority of the overseers of the poor.

1845. A resolve passed in 1845, concerning the support of

State lunatic paupers, limited the sum to be allowed to any county, city, or town, for the support of any State lunatic pauper to the amount actually expended, and not to exceed two dollars and fifty cents a week.

1848. An act passed in 1848 increased the liability of ship-masters, owners, consignees, &c., for the support of alien paupers, brought into the Commonwealth by them.

See also the Report of the Pauper Commissioners, in 1821, and in 1832, and in 1847.

From the Report of 1847, the following clear and concise statement of the law now in force relating to State paupers, is extracted:—

“*First.*—All poor persons having no legal settlement in any city or town in this Commonwealth, or kindred chargeable, by law, for their support, are State paupers.

“*Second.*—Overseers of the poor are bound to relieve and support all such poor persons, residing or found in their respective towns.

“*Third.*—Towns shall be entitled to draw from the treasury of the Commonwealth, seven cents a day for all such persons over twelve years of age, and four cents a day for all such persons under twelve years of age: provided such town or city has *actually* and *entirely* supported such person the whole number of days charged in their account.

“*Fourth.*—No town or city shall draw any money from the treasury of the Commonwealth for the support of any person over twelve years of age, while of competent health to labor.”

All accounts for the support of State paupers are certified and sworn to in the following form:—

“We, the subscribers, overseers of the poor for the town of _____, hereby certify, that neither of the aforesaid persons has a legal settlement in this State, and also that neither of them has any kindred, within this Commonwealth, by law obliged to support them; and we further certify, that the whole amount, charged in the foregoing account, has been expended for the persons borne on said list, for the time therein specified, and in conformity with the laws of the Commonwealth relating to the support of State paupers; and that every person, for

whose support payment is claimed, has been actually and entirely supported by the town of _____, the whole number of days specified in the above account, and that no part of the account is for the support of any person over the age of twelve years, while of competent health to labor, and that this certificate is made upon the best evidence we have been able to obtain.

Dated at _____

} *Overseers of the Poor.*

_____, ss.

On this _____ day of _____, personally appeared the above named _____, of the town of _____, being a majority of the _____ of said town, and made oath that the above certificate, by them subscribed, is true. Before me,

_____, *Justice of the Peace.*

From reports made to the Legislature, during the present session, the following facts appear, viz:—

Number of State paupers in 1848,	9,431
Foreigners,	7,413
Children, under fourteen years of age, supported at the public charge,	2,361
Insane persons in the State,	1,500
Foreign lunatics in the State asylum at Worcester,	150
Foreign lunatics in the county lunatic hospital at South Boston, about	100

Traces of a great variety of projects, for the support of the poor, are to be found in the legislative documents of past years, such as the following:—

1. The State to provide places and means of hard labor for all foreign paupers, and require the towns to reject them.
2. The State to support all paupers in poor-houses, and repeal all settlement laws.
3. The towns to support the poor where they fall into distress, and repeal all settlement laws.

4. The State to be divided into pauper districts, with work-houses and boards of directors, and repeal all settlement laws, and abolish State paupers.

5. Throw State paupers upon the counties, to be supported in county work-houses, separate from town paupers.

6. Repeal all pauper laws, and leave the poor to the tender mercies of the charitable.

The committee do not assent to such plans. They do not think it expedient to organize any new institutions for the support of the poor. Our county houses of correction, and town work-houses, and houses of industry, are economical and sufficient. And, in regard to State paupers, if the committee were to recommend any change, it would be to pass a law in the following words:—"No person, who shall have resided within the Commonwealth one year, shall be considered a State pauper, and entitled to support as such." It is often said that our State pauper system is wasteful; that the towns expend the money, and the State pays the bills; and that economy cannot be secured by such an arrangement. But it must not be forgotten, that the towns, being burdened with the entire support of their own poor, and the partial support of State paupers, act under the strongest motives to economy, notwithstanding the pittance received from the Commonwealth.

It is also said, that the towns cannot be made to present correct and honest accounts. The answer is, the State may refuse to allow them; and cases of evident fraud and perjury, if any such occur, may be laid before the grand jury.

This whole matter has been repeatedly considered upon executive recommendation, and, after full deliberation, the proposition to abolish State paupers has uniformly been rejected by the Legislature.

We have often changed our laws, but have always kept our paupers. Regulation is all that can be accomplished. Our present system is reasonably good; the committee do not recommend any change; and they ask to be discharged from the further consideration of the subject.

For the committee,

J. GILES, *Chairman.*