



Map of Otisfield from *Atlas of Cumberland County, Maine* (New York: F.W. Beers, 1871). Collections of Maine Historical Society.

“EVERY TOWN SHALL MAINTAIN THEIR OWN POOR”: NEW ENGLAND’S SETTLEMENT LAWS

By JEAN F. HANKINS

New England’s settlement laws dictated which town or county was responsible for supporting individuals in cases of hardship. Until the settlement laws of Maine were repealed in 1973, Maine’s town officials and taxpayers were often legally obligated to support people whose connections with the town were largely historical. One such case involved members of the Walker family, some of whom collected poor relief from the town of Otisfield from 1865 to 1968 even though the individuals receiving aid lived in the town for a total of less than seven years. Maine’s archaic settlement laws persisted into the late twentieth century because of the need to balance the interests of the towns with the needs of the poor, the state’s economic situation, and the time-honored state-town relationship. Jean F. Hankins is an independent historian and archivist of the Otisfield Historical Society. Her earlier essay on the Otisfield poor, “A Cage for John Sawyer,” also published in Maine History, received the Maine Historical Society’s James Phinney Baxter Prize in 1994.

UNTIL the happy day that someone discovers a way to end poverty, Americans will continue to reform and re-reform their welfare system. One beguiling option that appears periodically is to eliminate the federal programs and return all responsibility for the poor to our towns and counties, along with such nineteenth-century institutions as orphanages and poor farms. Those attracted to the idea of returning poor relief to the local level would do well to study the historical record, especially the record pertaining to settlement laws which once defined eligibility for welfare. These laws were a major component of American colonial and state welfare systems well into the twentieth century—in the case of one New England state, until 1973. Although settlement laws are now largely forgotten, in their day they caused contention, expense, and distress for the towns involved. At the same time settlement laws provided a fairly secure safety net that guaranteed survival and con-

sistent treatment for most of the poor even when they moved from one town to another. This paper first explains the origin of New England's settlement laws and then demonstrates, with an extended example from one Maine town, just how, and how well, they worked.¹

I

The early colonists to New England brought with them most of England's laws relating to the poor. The two basic principles of Elizabethan poor law were embodied in a 1673 Connecticut statute, the first general statement of poor law in New England: "Every town shall maintain their own poor."² These two principles were that the town, not the state or church, was responsible for poor relief and that inhabitancy was a prerequisite for such town assistance. In order to define who was an inhabitant of a town, each state soon developed a complex set of settlement laws. These stipulated that in order to qualify for poor relief one must have lived in a given town for a stated period of time, during which he or she was self-supporting. The well-known warning-out system, whereby a town warned newcomers that the town would not be responsible for their welfare if they remained more than three weeks or three months, was simply a means by which New England towns attempted to restrict potential paupers from establishing settlement, that is, a legal right to public support.³

By 1800, the warning-out practice had been replaced by detailed state provisions for mitigating settlement conflicts. Now each state required its towns or counties to provide short-term relief to all needy persons even if they did not "belong" to that town. The town selectmen or overseers of the poor thereafter would notify the town where they believed each poor person had legal settlement and, theoretically, recover the money it had paid out. On its part, the town where the poor person belonged had the authority to move the poor person, forcibly if necessary, back home in order to cut its costs. New England's town archives contain many copies of the legal notification forms to other towns, forms contesting settlement, and receipts from sheriffs and others paid for moving poor families back to their town of settlement. An early example from the Maine town of Otisfield, then part of Massachusetts, may clarify the procedure. Writing to the Overseers of the Poor in the town of Topsham in 1806, the Otisfield selectmen said,

We received your Information respecting William Collingell and are sorry to hear that he is in Indigent circumstances [] [W] e think it is not our duty to do any thing towards [sic] his support as he never ob-

tained a settlement in this place. [T]is true he resided here when the Town of Otisfield was Incorporated, but at that time Mr. Collingell was a soldier in the army of the united states tho he was a deserter.

After refusing to pay Topsham's bill, the Otisfield selectmen added a postscript, "Mr. William Collingell was born in Wrentham and lived in that place till he was more than 21 and has not gained a settlement in any other place to our knowledge."⁴ The selectmen, while denying their legal responsibility to support Collingell, were also assuming that Collingell did have settlement somewhere. In effect, they were telling Topsham, "try Wrentham."

After Maine became a state in 1820, it enacted a set of settlement laws based on those of Massachusetts. Two basic principles underlying these laws should be kept in mind: first, the state exempted itself from any responsibility for poor relief, and, second, once a person obtained settlement in a town, that settlement continued until a new one was obtained.⁵ This meant that you could not hold settlement in more than one town at once, but that you did not have to live in the town where you had settlement.

By the advent of the twentieth century, Maine's settlement law remained basically as enacted in 1821 but had been considerably refined, modified, and clarified, especially by court decisions. One summary of Maine's settlement law published in 1910 fills thirteen pages and still contains ambiguities.⁶ The main requirements for obtaining settlement remained fairly simple and can be summarized easily. Men, women, and children gained settlement differently. In no case was birthplace or economic status a factor. A man twenty-one years of age gained settlement in a Maine town by living there for five consecutive years without receiving town aid.⁷ Married women derived their settlement from their husbands.⁸ Legitimate children under twenty-one acquired the settlement of their father, illegitimate children that of their mother. A divorce decree did not affect the settlement of wife or children.⁹

Adam Smith attacked England's settlement law because it held back industrial development by impeding the free movement of labor.¹⁰ While it is not clear that New England's settlement laws also hampered mobility, it is obvious that improved transportation networks of the nineteenth and twentieth centuries created problems for town selectmen and city officials trying to limit their town or city's liability for supporting the poor. Thus officials in the small city of Augusta, Maine's capital, found themselves heavily burdened with poor people belonging to other towns. In one twelve-month period from 1857-58, for example, the city

sent form letters to thirty-eight other Maine municipalities requesting reimbursement for food, shelter, fuel, and medical aid the city had furnished to a total of ninety-five adults and eighty children.¹¹ It goes without saying that Augusta could never get full repayment from the other towns.

II

For individual poor families in Maine, the five-year rule for obtaining town settlement could be either a cross to bear or a crutch to lean on. In the first case, the requirement that one support him or herself for five consecutive years in a single town imposed a difficult burden on more mobile families who owned no property and whose members lacked employable skills. On the other hand, with the exception of recent immigrants, most individuals living in Maine did have settlement somewhere, even if not in the town where they lived.¹² And as long as the family remained within the boundaries of Maine, that settlement could not be rescinded. The needy, in other words, were assured of help from their town of settlement whenever necessary. Consequently, for the local officials providing poor relief, the five-year rule could also be either cross or crutch. While it kept newcomers off the welfare rolls, it also allowed the non-resident settlement families to stay on the rolls.

The Walker family, which, like William Collingell, lived in the town of Otisfield, provides a striking example of long-term rural poverty and demonstrates how Maine's settlement law worked from 1865 to 1968. Otisfield, a quiet, non-industrial town, is located amid the hills and lakes of western Maine. Between 1860 and 1940, as its young people moved to Midwest farms or to the cities, the town's population fell from 1200 to 488.¹³ From 1865 to 1968 the town was legally obligated to support various members of the Walker family, spread over several generations, even though, for all intents and purposes, the Walkers had left town in 1857.¹⁴

The Walkers were one of the early Anglo-American families who moved to Otisfield, which was first established in 1776 and incorporated as a town in 1798. In 1794 Robert Walker (1736-1836), a veteran of the French and Indian Wars and the American Revolution, moved with his second wife and children into town. They had previously lived in Exeter, New Hampshire, Waterboro, Maine, and, most recently, Gardiner, Maine, where, according to the town historian, Robert Walker owned a mill.

Robert's son Eugene (1771-1867) accompanied his father to town. He was less prosperous than his father and seems to have had difficulty sup-

porting his family. Eugene Walker and his first wife had eleven children before she died in 1822 at the age of forty-one. He soon married a widow with six children. The new couple had four children of their own. Known as Dr. Walker because of his skillful ways with animals, he was less successful with his twenty-one children and stepchildren.

Walker's children by his first wife had a difficult home life. In 1826 Walker's relatives and neighbors began petitioning the Otisfield selectmen, in their capacity as Overseers of the Poor, to rectify the family situation. Walker's son Peter, they said, was "ill used." He had left home, they reported, asking that the selectmen put him in a place "where he may be treated humanely." This was followed by a similar petition a year later pleading with the selectmen to "do something for the relief" of Walker's young children who were "much neglected. . .[,] in a pittyfull situation, living at the houses of their neighbors, destitute of food, afraid of their parents." Shortly thereafter one of Eugene Walker's unmarried daughters, Urania, gave birth to a daughter while living at the home of a neighbor. In March 1828 the selectmen indentured Eben Walker as a servant to Timothy Hancock until he became sixteen, calling him "a poor child, the son of Eugene Walker." The next year nineteen-year old Ursula Walker died at the home of her brother-in-law despite his petition to the selectmen, two weeks earlier, that they order her removal because she had "become chargeable as a pauper." The Otisfield town archives contain one final document, written a few years later, concerning the children in the



Gravestone of Urania Walker (1806-1836) in the Upper Yard Cemetery, Scribner Hill, Otisfield. Urania was one of Eugene Walker's twenty-one children and stepchildren.

Photo Courtesy of Martha J. McNamara.

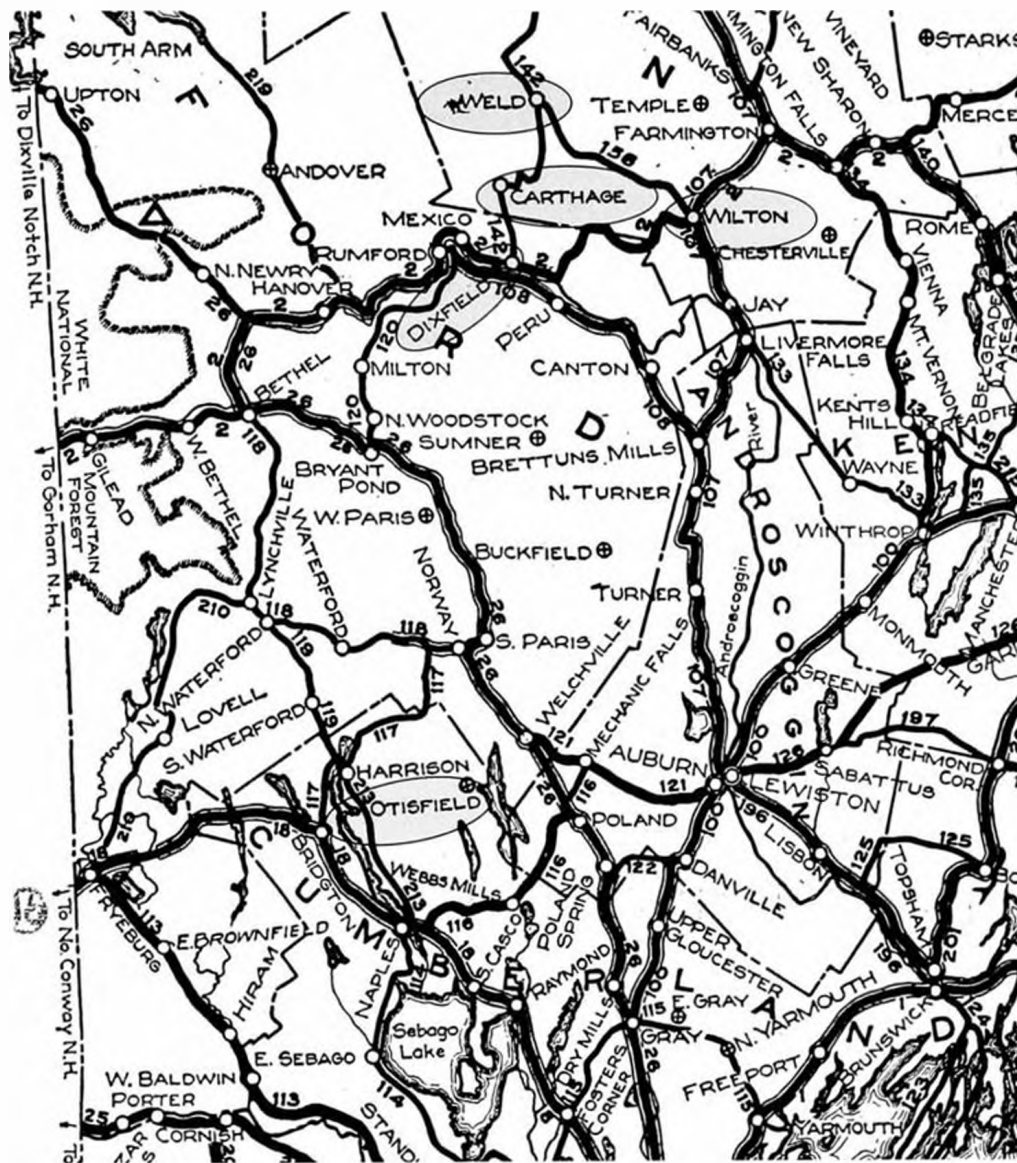
Walker family. A petition dated 7 May 1832 from a group of nine Otisfield citizens, including Eugene Walker and his wife Lydia, declares that Jane, Walker's fourteen-year-old stepdaughter, is "runing [sic] about from place to place, without doing any thing for her support, & is not in subjection to any person whatever." The petitioners ask the selectmen "to take the said Jane into your care & custody & provide her with a good home."

In addition to demonstrating that instances of child neglect and abuse occurred well before the twentieth century, these petitions and other documents portend poorly for the Walker family's future. They sound a warning for their domestic and financial difficulties that continued well into the twentieth century. Yet we should not exaggerate the extent of the family's misery. While the chain of poverty and dependence linked Dr. Eugene Walker and his descendants down at least through his great-great grandson, the chain was only one strand wide. That is, Dr. Eugene produced fifteen children, including seven sons, but this study involves only one narrow line of descendants. Most members of the Walker family were somehow able to rise above their background, one which was poor even for a struggling new frontier town like Otisfield. The Otisfield selectmen repeatedly complained about the Walkers, but at any one time they were actually supporting, at the most, only one family in each generation.

Sam Walker (1827-1864), son of Eugene Walker and his second wife, was born in 1827 after many of the older children in the family had left home. He married at the age of twenty and seems to have stayed in Otisfield until he was about thirty, thus gaining settlement there in his own right. About 1857 he and his family moved to Lewiston where he worked in the Bates cotton mill. By this time nearly everyone else in the Walker family had also left Otisfield, with the exception Dr. Eugene, who lived in town until his death in 1867.

Sam Walker did not live long enough in Lewiston to acquire a new settlement there. In 1860 he enlisted in the Twenty-ninth Regiment of Maine Volunteers and died from disease, in Pittsburgh, Pennsylvania, about four years later. His death set the stage for his descendants' financial claim on Otisfield. Because at Sam's death his settlement was still in Otisfield, Sam's widow, Rachel, and her six living children, aged 1-13, automatically had settlement there. In 1865 the town voted to pay \$24.51 for support of "Mrs. Walker and Children." This constituted the first link in the chain of monetary payments the town would make.

Sam's widow soon moved with her children from Lewiston back to her home town of Weld, Maine, where, perhaps thanks to her widow's



OFFICIAL MAP OF
MAINE
 PREPARED BY
STATE HIGHWAY COMMISSION
 SHOWING
HIGHWAY ROUTE NUMBERS
 MARCH 24, 1929

SCALE IN MILES
 0 5 10 15 20

Although the Walker family lived as far away as Dixfield, Carthage, Weld, and Wilton they still received financial support from the town of Otisfield. *Route and Pictorial Map of Maine* (Augusta: State Highway Commission, 1934).

Collections of Maine Historical Society.

pension, she was able to support her family. She never returned to Otisfield. Her oldest son, Henry Walker (1857-after 1925) was less fortunate. Born in Lewiston, he was married at seventeen. His daughter Lucy was born a year later in Carthage, Maine. Henry Walker's family, which eventually included seven children, moved frequently around western Maine. This mobility may explain why Henry never fulfilled the five-year residency rule for acquiring a settlement somewhere other than Otisfield. His occupation was listed, at different times, as laborer or farmer. In 1885, when the family included three or four children, Otisfield began reimbursing the town of Carthage for supplies furnished to the Walkers. In the next few years, the Walkers moved in and out of Dixfield, Carthage, Weld, and Wilton, all of which billed Otisfield.

Then in 1898 the Otisfield selectmen, trying to reduce the amount they were paying out for food, rent, and medical aid for the Walkers, moved the family into Otisfield. The town had few other legal options. The early nineteenth-century practices of auctioning off the town poor to the lowest bidder and indenturing poor children had been abolished.



The George Bicknell farm, used by the town of Otisfield as a "poor farm" from 1917 to 1924, still stands on the Swampville Road. Because the town excluded families with children from the "poor farm," the selectmen had to go to the trouble and expense of finding housing for the Walker family elsewhere.

Photo Courtesy of Martha J. McNamara.

Although Otisfield, like most other Maine towns, was operating a poor farm, the town did not send the Walkers there because they had always excluded families with children from the farm.¹⁵ As things worked out, this time the Walkers stayed in Otisfield only a few months. The outbreak of the Spanish–American War in 1898 provided Henry Walker with a temporary way out of poverty. At the age of forty-one, lying about his age, he joined the army. Walker's family returned to Carthage and Wilton where, despite the fact that Esther Walker soon divorced Henry, the various members of the family managed to support themselves.

The Otisfield selectmen were obviously relieved that, as of 1900, the Walker family was no longer on the town poor list. "We paid a small bill for the Walker family in May and have not heard from them since." Although the silence continued for eighteen years more, Otisfield had not heard the last from the Walkers. After his first army term was up, Henry Walker re-enlisted, a pattern that continued until 1918 when, after serving overseas, he received an honorable discharge with a certificate of disability and a rank of private first class. He was then two months shy of his sixty-first birthday.

Henry Walker apparently had saved little from his military pay, had no pension, and, once out of the army, was unable to support himself fully. Consequently, less than a year after his discharge, the town of Wilton billed Otisfield for \$119 spent on Henry Walker, whom they listed as "non-resident poor" despite the fact that he had lived in Wilton most of his adult life, when not serving in the army. Military service did not count toward settlement, and he had not supported himself otherwise for five consecutive years. However, in 1920 Otisfield made its last payment on his behalf. At that time Henry apparently moved in with his daughter Lucy and her husband John Bennett, both of whom were working in a woolen mill in or near Wilton.

The chain of dependence linking Walkers to Otisfield did not end with Henry Walker, who died sometime after 1925. Nevertheless, one generational link of the poor relief chain was missing. None of Henry and Esther's seven children ever received Otisfield aid. But, thanks to the intricacy of the settlement law, Otisfield's involvement continued. The next link in the chain was not Henry's son but his grandson. Henry's daughter Lucy had an illegitimate son, born in Wilton in 1904, three years before her marriage to John Bennett. The 1920 federal census shows John, Lucy, and Martin A. Bennett living together in Wilton, presumably joined for a few years by Lucy's father Henry before his remarriage.

For six or seven years the town of Otisfield enjoyed a respite from the

Walkers. Then about 1926, the town of Wilton requested that Otisfield repay aid given not to Henry Walker but to his grandson, Martin A. Bennett (1904-1968), then twenty-two years old. Martin had settlement in Otisfield because Maine's law stated that in the case of illegitimate births, the child's settlement followed his mother's. Because she was unmarried when Martin was born, Lucy Walker's settlement followed that of her father, Henry Walker.

Martin Bennett, who later used the name of Martin Walker, had five wives and fathered at least twelve children. He first married when eighteen. His first wife divorced him in 1928 after six years of marriage and four children. In this case Otisfield may have been more fortunate than its selectmen realized. Although the town bore a responsibility for Martin's first wife and children even after the divorce, there were no claims. Instead, two of the children, both boys, became wards of the state and were sent off on an "orphan train." One son ended up on a Virginia farm.¹⁶

Martin Bennett, still living in Wilton and still on the Otisfield poor list, remarried in 1931. His new wife, Margaret Paige Bennett, a recent divorcee, had also received town aid before her second marriage. It is worth remembering that Maine, like the rest of the nation, was now in the throes of the Great Depression which meant a substantial increase in every town's poor list. About 1933 Martin and Margaret Bennett moved from Wilton to Farmington, where their son Barry was born. Also living with them was Harold Paige, Margaret Bennett's son by her first marriage. Whether legally obliged to or not, the town of Otisfield paid bills for clothing and board for Martin's stepson, Harold, as well as for the rest of the family. In 1935 or 1936 Otisfield paid to move the family into Otisfield.

Except for the few months in 1898 when Martin's grandfather Henry and his family had lived in town, Martin Bennett was the first member of the Walker family to live in Otisfield since Dr. Eugene Walker's death in 1867. Doubtless the selectmen again felt that it would save money to have the family living in Otisfield where the town could control expenses. For the Bennetts it turned out to be an unlucky and only temporary move. In March 1936 Margaret Bennett, thirty-eight, died in Otisfield of "general peritonitis." Otisfield paid medical bills and funeral costs. Her son Barry soon went to live with relatives in Chesterville and Carthage, which charged Otisfield yearly sums for his maintenance until 1951, when he turned eighteen.

Now using the surname of Walker, Martin soon moved, with Alice, his third wife, to the nearby town of Norway where, according to information on the birth certificates of their three sons born between 1938

and 1941, he found work in a shoe factory. He also worked, off and on, as a day laborer and in a woolen mill in the town of Oxford. However, he was still unable to support his family fully. For several years Otisfield paid substantial sums to the towns of Norway and Paris, including rising medical bills. By 1944 the Walkers were apparently back in Otisfield. At a town meeting that year Otisfield citizens voted to sell a piece of town-owned property and use the proceeds "to buy a place for Martin Walker." But the Walker family's problems were far from over. Five years later, Martin's wife, Alice, died in a Lewiston hospital of acute alcoholism, leaving three small sons. Once again Otisfield paid a large bill for child care, medical, and funeral expenses.

The Walkers' dreary story continues. In 1950, six months after the death of his wife, Martin moved out of Otisfield for the last time and married wife number four, a twenty-eight-year-old divorcee from Lewiston. At the time he listed his occupation as painter and declared it was his second marriage. The couple produced at least three children before 1957 when Ellen Walker divorced Martin for non-support. Once



In order to reduce expenses, the Otisfield selectmen paid to move members of the Walker family from Farmington to Otisfield in 1935. Martin and Margaret Bennet and their children lived in the Thomas Roby house on Route 121. They were the first members of the Walker family to live in Otisfield since the 1860s.

Photo Courtesy of Martha J. McNamara.

again Otisfield was fortunate that this divorce did not lead to support payments for this set of Martin's children. The town did have to continue to assist Martin himself, off and on. Judging from where the bills came from, it appears that Martin moved from the city of Lewiston to the towns of Albany, Bethel, Auburn, and back to Lewiston. On 3 January 1968 Martin A. Walker, aged sixty-four, died in Lewiston of natural causes. Pauline Walker, his fifth wife, survived him. Born in Wilton, where he lived longer than anywhere else, he was also buried in Wilton. With his death the long chain connecting the Walker family with the town of Otisfield was finally broken. The chain spanned 103 years. It linked twelve Maine towns to Otisfield, and, beginning with the small payments made to Sam Walker's widow and ending with Martin's children, extended for five generations. During this hundred years members of the Walker family receiving help had lived in town for a total of less than seven years.

III

During the century that Otisfield supplied aid to Walker family members, they were also providing relief to a small number of other poor people. Nevertheless, this one family established an unofficial Otisfield longevity record for poor relief. Aside from the persistence of their family problems, the Walkers are unusual because this family, especially Martin Walker, seemed far less hesitant than most people living in rural Maine to ask for town help. Perhaps the explanation is that their long familiarity with the process led to a kind of imperviousness. They had asked for help so many times, beginning back in 1865, that they had become immune from the personal shame and stigma most welfare recipients feel, then and now, when requesting charity. It is also possible that, because the aid was coming from Otisfield, a town where few of them had ever lived, the Walkers could, literally, maintain their distance from the source of charity.

Unfortunately for towns like Otisfield, the state of Maine was slow to reform its welfare laws. Yet in the period between 1935 and 1965, a number of new federal and state programs, beginning with the Social Security Act of 1935, brought benefit to certain categories of the population, most notably the elderly, physically handicapped, and children. These programs meant that fewer and fewer individuals relied on the towns for poor relief, now called general assistance.

Into the 1960s Maine's poor laws remained basically as enacted in 1821. Towns could still place needy people on town farms; those who re-

ceived town help were still prohibited from voting. And the complicated laws concerning settlement remained intact. Maine's Governor Hildreth raised the first official call for their abolition in 1947. The call was renewed in 1956 when a commission recommending administrative changes in the state government suggested that Maine repeal its "archaic application" of settlement laws, something which most states had discarded as "wasteful, useless, and punitive."¹⁷ In 1957 and 1959 two separate legislative committees charged with studying the settlement laws concluded that they should be drastically changed but stopped short of recommending their outright repeal. The main reason for the legislature's hesitance seems to have been the fear of added costs to the state if settlement rules were abolished. A second reason seems to have been legislators' worry about increasing the state bureaucracy while taking away local control of poor relief.¹⁸

The momentum for state welfare reform continued to build. The federal government was now paying eighty-two percent of the costs of Aid to Families with Dependent Children (AFDC); the towns where the children had legal settlement were liable for the remaining eighteen percent. This meant, in Maine at least, that the state social workers spent much of their time determining settlement. In 1965, when President Lyndon



The advent of county, state, and, ultimately, federal social services signaled changing attitudes toward the poor in the early twentieth century. This photograph shows a Cumberland County health care worker making her rounds in the 1920s.

Collections of the Maine Historical Society.

Johnson's War on Poverty was in full gear, the state made its first tentative move to reimburse towns for general assistance expenses. In 1968, the year Martin Walker died, a task force created to study the state's welfare system called for replacing Maine's "17th century poor relief machine" with a "20th century social welfare model." It made two major recommendations. First, to replace Maine's town-run system of general assistance with a program administered and supervised by the state; second, to abolish the antiquated settlement laws.¹⁹ Five years later, in 1973, the Maine legislature passed, with no recorded opposition, An Act Revising the Pauper Laws (L. D. 381).²⁰ The legislators chose not to follow the task force's first recommendation to turn back to the state one of the oldest powers granted to the towns, their right and responsibility to maintain their own poor. Nevertheless, the 1973 act did abolish the settlement laws, to the general applause of social workers and selectmen throughout the state, and it gave the state the power to regulate and standardize the towns' welfare programs. One elated municipal official said that the new Maine law represented "the first significant change in General Assistance law since Maine achieved Statehood."²¹

In the years since then Maine's Department of Human Resources has gradually increased the amount it reimburses towns for general assistance. While Maine law still states that "Municipalities shall relieve persons present therein, when on account of poverty, they need relief," the town has become "the source of last resort for assistance."²² Moreover, once settlement rules were eliminated, one became a resident of a Maine city or town simply by moving into that municipality and declaring one's intent to remain.²³ Had these reforms been in place earlier, most of the bills Otisfield paid for the Walkers and other non-resident poor people would have been incurred by the towns in which they actually lived.

In Otisfield today the name Walker still evokes a strong response from the town's older citizens. They remember the Walkers as opportunists, though not manipulators, who, by taking full advantage of the state's archaic settlement laws, severely and unfairly penalized Otisfield's taxpayers. Like every other New England town, over the years Otisfield was involved in a number of civil suits regarding settlement which, because they dragged on and on, turned into costly exercises. The Walker case was not one of them. However exasperated they may have been, the Otisfield selectmen never questioned the legal right of the Walkers to receive town assistance. They acknowledged, in the words of one selectman, that "the Walkers know pauper law better than any lawyer in the state of Maine," and they paid up.²⁴

Towns like Otisfield may still feel a moral imperative to “maintain their own poor,” but they have been relieved of much of the financial burden that poor relief involves. The Walker case may be an extreme example. Nevertheless, it shows that the New England settlement laws did provide a safety net sturdy enough to ensure that the poor—at least the poor who had settlement—did not fall through loopholes and cracks. But the safety net also sometimes exerted an inordinate pressure on towns like Otisfield, which, while its population and tax base were dropping at an alarming rate, was still legally obligated to support a family which had left town nearly a century earlier. Indeed, the Otisfield selectmen must have felt that one Biblical verse was written expressly for them: “For ye have the poor always with you” (Matthew 26:11).

The Walker family are a striking demonstration of the fact that domestic problems and intergenerational poverty existed in small New England towns long before the inauguration of new federal and state programs which many Americans now believe only prolong the poverty cycle. For Martin Bennett Walker, the family member who collected town welfare benefits throughout the town’s transition from place of first resort to place of last resort, the shift probably made little personal difference.

This essay has been primarily concerned with New England town officials’ problem of determining where a person belonged. The case of the Walkers highlights as well the additional problem of family mobility which obviously complicated the question of settlement. Americans living at the end of the twentieth century assume they have a natural right to live and move where they please. But the history of settlement indicates that the individual’s freedom to live where he or she wants ultimately involves another responsibility—of federal, state, or local government—for that person’s welfare. The history of settlement law and the case of the Walkers suggest that turning the clock back to the olden days when each town maintained its own poor, with no help from state or national governments, would not solve our welfare problems. If history teaches us anything, it is that the solutions of the past were never as simple, or as good, as we would like to believe.

NOTES

1. A shorter version of this paper was presented at a meeting of the New England Historical Association, Burlington, Vermont, in April 1998. For their helpful comments I thank Ruth Shackelford, Peter Holloran, Martin Bloom, Ruth Leacock, Madge Manfred, and Douglas Hall.

2. Josephine C. Brown, *Public Relief, 1929-1939* (New York: Holt and Company, 1940), 5.
3. For an excellent summary of the poor laws of Massachusetts and Maine, see Elizabeth K. Morrison, "The History of Poor Relief in Maine" (Ph.D. diss., University of Chicago, 1937).
4. Selectmen of Otisfield to Overseers of the Poor, Topsham, 26 Dec. 1806 (Otisfield Town Records, coll. 1, Otisfield Historical Society).
5. Morrison, "Poor Relief in Maine," esp. chap. 5.
6. *The Maine Townsman: Containing the Statutory Laws of Maine Respecting the Duties of Town Offices* (Portland: Loring, Short & Harmon, 1910), 501-513.
7. The Massachusetts law at the time required ten years' residence and five years of tax-paying (Morrison, "Poor Relief in Maine," 135). By 1910 Massachusetts's residence requirement was one year. Each state also had a law regarding loss of settlement when one left the state. The time required to lose settlement was usually, as in Maine's case, the same as that needed to acquire it. For a summary of each state's laws, see Federal Emergency Relief Administration, *Monthly Report*, August 1935 (Washington, 1936), 33-40.
8. This was known as "derivative settlement." In some cases it led to hardship for women who, though they had settlement in their own right, lost it when they married a man with no settlement.
9. Brown, *Public Relief*, 134, 135, 157; she cites *Laws of the State of Maine*, 1821, Chap. 121. The provision concerning divorce may be found under Title 22 of Maine's laws.
10. FERA, *Monthly Report*, 27.
11. Overseers of the Poor, Augusta, Maine, bound volume of settlement forms, 1857-1858, coll. 702, Maine Historical Society, Portland.
12. The French Canadians moving to mill towns like Rumford lacked any town settlement for their first five years of residence in Maine. The state reluctantly but gradually accepted its responsibility for poor relief for such immigrants who became known as "state paupers." A second category of citizens lacking settlement were those residing in any of the state's unincorporated towns, usually called plantations. The state belatedly accepted responsibility for this category.
13. William S. Spurr, ed., *Vital Records of Otisfield* ([Portland]: Maine Historical Society, 1948), n.p.
14. Walker is not the actual family name. I have changed the names of every member of this family. All other information is factual. General sources of information for the study of this family are: Spurr, ed., *Vital Records of Otisfield*; William Spurr, *History of Otisfield* (Oxford, ME: the author, c. 1953); Otisfield Papers, Maine Historical Society; Jean F. Hankins, "A Cage for John Sawyer," *Maine History* 34 (1994): 96-115; Otisfield Town Records, coll. 1, no. 75, Otisfield Historical Society; *Lewiston and Auburn*

City Directory for 1864; Town Reports of the Maine towns of Otisfield, Farmington, Wilton, Carthage, Weld, Norway, Dixfield, and Chesterville, various years. For more precise sources, contact the author.

15. See Hankins "A Cage for John Sawyer." Otisfield ran a town farm from 1865 to 1927, when it was closed for lack of use.

16. Telephone interview, June 1998, with the oldest son of Martin Bennett. On the institution of orphan trains, which "placed out" orphans to rural areas as late as 1929, see Marilyn I. Holt, *The Orphan Trains: Placing Out in America* (Lincoln: Univ. of Nebraska Press, 1992).

17. Public Administration Service, *Organization and Administration of the Government of the State of Maine: A Survey Report* (Chicago, 1956), 108.

18. State of Maine, Committee to Study the Settlement Laws, *Report*, February 10, 1959, Maine State Law and Legislative Reference Library, Augusta, Maine.

19. Citizens' Task Force on Intergovernmental Welfare Programs, *Study and Report*, September 1968, Maine State Law and Legislative Reference Library.

20. Personal communication with Douglas M. Smith, 19 August 1998. Mr. Smith was the sponsor of L. D. 381.

21. Paul Levecque, "Welfare," *Maine Townsman* 35 (Nov. 1973): 9-10.

22. *Laws of Maine*, 1973, Chap. 470; *Laws of Maine*, 1965, Chap. 434; *Laws of Maine*, 1978, Chap. 717; Maine Legislature, Special Select Commission on the Financing and Administration of General Assistance, *Final Report* [May 1987], 4, Maine State Law and Legislative Reference Library.

23. Maine Department of Human Services, "Effect of Legislation on General Assistance" (1985), Maine State Law and Legislative Reference Library.

24. John K. Pottle, Otisfield selectman to Ellis Stone and David Hankins, personal communications made several times before Pottle's death in 1979.