

Poverty and Citizenship in Rhode Island, 1780-1870

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Jacqueline Jones, Advisor

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy

By

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PREVIEW

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ABSTRACT

Poverty and Citizenship in Rhode Island, 1780-1870

A dissertation presented to the Faculty of the
Graduate School of Arts and Sciences of Brandeis
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by Gabriel J. Loiacono

This is a dissertation about paupers in Rhode Island between 1780 and 1870. In broad strokes, this dissertation can be summed up in two sentences. First, the day-to-day experiences of most paupers changed substantially between 1780 and 1870, but these experiences were always shaped by one great continuity: throughout this period, paupers inhabited a separate legal status from everyone else, a legal status which put them under the direct control of local or state government officials. Second, the archetypal figure of the pauper – an idea about what paupers represented in American society – was widespread and powerful in the public imagination, and was influential in shaping much of early national American society. Ideas about paupers played a significant part in ideologies of gender, dependence, race, ethnicity, and American national identity. Too, legislators, suffrage reformers, and others thought about the special legal status of paupers as they framed general laws to do with personal liberty, labor, voting, and the whole bundle of rights and privileges that would later become citizenship.

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Introduction

This is a dissertation about paupers, in the legal sense of that word. In the cultural sense of the word, a pauper can be loosely defined as someone who is very poor, like the character Tom from Mark Twain's *Prince and the Pauper* (1881). In British poor laws and their American descendents, however, a pauper was a person receiving support – whether in cash, food, housing, firewood, or another form – from his or her government.¹

¹ The Oxford English Dictionary documents the word pauper being used to mean destitute as early as 1516 in an English law prohibiting “infected paupers or poore” from entering a certain town. By 1631, English courts used the word pauper to describe persons allowed to sue or defend in court without paying court costs, as a result of their poverty. By 1779, Thomas Jefferson was using the term in a precise way to mean men who should be disqualified from voting because they receive government assistance (Entry for “pauper, *n.* and *adj.* in <dictionary.oed.com> accessed 16 May 2008). Interestingly, however, none of the landmark English poor laws used the word pauper in their language prior to 1782. “An Acte for the Reliefe of the Poore,” passed in 1601 and widely known as the Elizabethan Poor Law, referred to recipients of assistance only as ‘the Poor,’ as did major amendments of the law dated 1662, 1697, and 1723. It is in a 1782 English law, “An Act for the better Relief and Employment of the Poor,” also known as “Gilbert’s Act,” that I find the first use of the word ‘pauper’ in an English statute. In that act, it is used only in the title of a standard template form, “Form of Order for Admission of Paupers.” The word is used so casually here to mean “a poor Person belonging to the Parish,” that it seems clear that it is already widely seen as referring to a recipient of public assistance. A good source for the text of landmark English poor laws

This is both a social history of the experiences of individual paupers themselves, and also a cultural, political, and legal history, which documents the impact of ideas about paupers on many different aspects of the late eighteenth- and nineteenth-century United States. Ordinary taxpayers were likely to have thought about paupers every time they paid taxes, especially through the first of the half of the nineteenth century, when the costs of poor relief were routinely the single largest expense in a town's budget. And ideas about paupers played a significant part in ideologies of gender, dependence, race, ethnicity, and American national identity. Too, legislators, suffrage reformers, and others thought about the special legal status of paupers as they framed general laws to do with personal liberty, labor, voting, and the whole bundle of rights and privileges that would later become citizenship. This study focuses on the history of paupers and ideas about paupers in a particular place and time: the state of Rhode Island between independence in 1780 and the first major transfer of government responsibility for paupers from town governments to the state government, circa 1870.

In broad strokes, this dissertation can be summed up in two sentences. First, the day-to-day experiences of most paupers changed substantially between 1780 and 1870, but these experiences were always shaped by one great continuity: throughout this period, paupers inhabited a separate legal status from everyone else, a legal status which put

is <www.workhouses.org.uk>. The most explicit definition of a pauper that I have seen is the 1843 Rhode Island statute that defines a pauper to be "any person who... received aid or assistance from any town or city for the support of himself or whose wife and child under lawful age shall have received such aid or assistance any time within" the previous year (Rhode Island, *Acts and Resolves passed by the General Assembly, June, 1843*, section 4, page 83). With the first exclusion of "paupers" from the franchise in 1843, it was necessary to define the term for the first time. Prior to this, a reasonable definition of the term pauper would be anyone to whom an overseer of the poor was giving aid or even just deemed to be needy.

them under the direct control of local or state government officials. Second, the archetypal figure of the pauper – an idea about what paupers represented in American society – was widespread and powerful in the public imagination, and was influential in shaping much of early national American society.

In this introduction, I will give a chapter outline, then discuss some of the choices I have made in framing this study, such as why Rhode Island, why this periodization, and why combine a social history with a cultural, political, and legal history. I will also provide a general discussion of the body of sources on which this study rests, and of the historiography to which this study contributes. Finally, I will briefly address the theoretical framework of this dissertation.

Chapter One, “Paupers and Other Dependents in the Aftermath of Independence” introduces the legal status of pauperdom, both as defined in law books and as lived in ordinary towns around Rhode Island between 1780 and the 1820s. This chapter also demonstrates the important roles that paupers played in the public imagination. It is in this period that Rhode Islanders began to mark off their independence from the British Empire. The British military departed from Rhode Island in October, 1779. In the decades to come, Rhode Islanders and other Americans developed an ideology of exceptionalism, emphasizing ways in which Americans were different from Britons and other Europeans. Paupers, as Chapter One demonstrates, played no small part in that ideology of exceptionalism.

Another marker of independence was new laws. In 1798, the General Assembly recodified and edited the old colonial laws. While many laws remained from the colonial period, these 1798 laws are the first complete set that would shape the government and

social world of Rhode Island the independent, quasi-democratic state, as opposed to colonial Rhode Island, the appendage of a European empire. In closely analyzing these laws, and searching out how they were exercised in practice, this chapter shows what life was like for ordinary paupers and for the overseers who exercised tremendous authority over them. As we shall see, these laws mandated assistance for townspeople, but also mandated no assistance for strangers. Moreover, these laws stripped the needy of independence in almost every conceivable way, by giving overseers authority over paupers' movement, labor, bodies, and even children. Finally, this legal regime highlights the legal and cultural identification of (dependent) women with (dependent) paupers. In analyzing the bonds that unmarried women's families gave to town authorities, it is clear that women were often assumed to be in need until proven otherwise. This assumption led to tremendous legal disabilities for such women and their families. In sum, this chapter lays out the legal status and experiences of paupers. This status, similar in many ways to that of women and slaves, nevertheless made paupers a distinct legal category, relatively unexamined by historians and very important to legal and social thought of the period.

Chapter Two, "Respectability and Race: Paupers and the Definition of 'Negro' in Early Republican Rhode Island," focuses very specifically on the relationships between the pauper legal status and Rhode Island's population of African descent from the 1780s to the 1830s. The American Revolution and its aftermath effected tremendous changes in the lives of Rhode Islanders of color. A 1784 gradual emancipation law hastened the end of race slavery in what had been New England's bastion of slavery. In coming to terms with this free population of color, Rhode Island's Anglo-American majority frequently

made use of the poor laws, either as ways to reaffix legal distinctions onto black residents, or in attempts to characterize black Rhode Islanders as dependent, transient, and threatening to communities. The 1784 emancipation law itself sketched out different rights for the freedpeople, tying the freedpeople still to their former masters and denying them the access to public funds that other longtime residents had. The legislature and town councils labeled children of color special wards of the state, no matter what their parents thought. Too, overseers of the poor openly and explicitly used their authority over the needy and potentially needy to police and control the black communities in their towns in ways that they targeted no other group.

In the aftermath of slavery, then, many white Rhode Islanders invented a new legal regime and a new ideology to govern and characterize Rhode Islanders of color. This new ideology, identifying the Afro-American community with transient paupers, contributed to the outbreak of two anti-black riots in Providence in 1824 and 1831. In the aftermath of both riots, town officials used the poor laws to scrutinize and warn out many of the city's black inhabitants, whom they frequently characterized as poor and unrespectable. Throughout this period, Rhode Islanders of color, as well as their critics, drew upon a language of respectability and dependence to argue for or against the rights of blacks. Beginning in the 1830s, black Providencians made a concerted effort to overturn ideologies that suggested that blacks were like paupers. As Chapter Four shall show, their efforts were, in good part, successful.

Chapter Three, "Economy and Isolation: The Proliferation of the Poorhouse, 1820-1850," shifts the focus onto the institution of the poorhouse, and the everyday lives of paupers both outside and inside of poorhouses. Beginning around 1820, town

officials, taxpayers, and social reformers from many different parts of the state became convinced that poorhouses would revolutionize their support of the needy. As this chapter demonstrates, this reform trend was motivated chiefly by town governments' hopes to cut the poor tax for residents. Later, though, social reformers would argue that poorhouses were more humane than other methods of poor relief.

Towns that built poorhouses did not always achieve their goal of lower taxes. Nor were poorhouses always more humane. They did, however, drastically change the lives of the needy. Focusing on two microhistories, the experiences of two paupers from different generations named Lydia Bates and William Fales, this chapter illustrates how isolated paupers became when contained in out-of-the-way poorhouses. This chapter also analyzes the work of Rhode Island's foremost poor law reformer, Thomas Robinson Hazard, and extensively addresses historiography on the subject of poorhouses.

Chapter Four, "Paupers, the Dorr Rebellion, and the Boundaries of the Political Community," analyzes paupers as rhetorical figures in the public imagination. This chapter demonstrates the significance of the pauper figure in Rhode Island's contests over the right to vote, especially before, during, and after the 1840s political crisis in Rhode Island known as the Dorr Rebellion. The Dorr Rebellion was a momentous crisis in its day, in which reformers, mostly white and working-class, attempted to do away with Rhode Island's stiff property requirements for the franchise. The rebellion highlighted economic changes in the state as a result of the industrial revolution, and also showed how much Jacksonian democratic ideals had changed Americans' political ideologies. Although it briefly came to violence, most of the rebellion was carried out in political debates, in which both reformers and conservatives used the figure of the pauper to help

support their own vision of the political community or to denigrate that of their opponents. As I demonstrate, working-class white men and elite white men all attempted to smear each other with the label “pauper,” because almost everyone saw paupers as incontestably unsuitable to vote.

Throughout this period, conservatives focused their concerns on immigrants, arguing that immigrants were often paupers or convicts and were thus unworthy of the right to vote. The issue of black suffrage also emerged, with a small but active antislavery movement throwing its weight behind Rhode Islanders of color. The question of whether Afro-Americans and immigrants seemed to Rhode Island voters to be like paupers or unlike paupers would prove significant in the outcome of the crisis. After a long effort to demonstrate their respectability, black Rhode Islanders obtained political equality with white, native-born Rhode Islanders. Immigrants would be denied political equality for another two generations.

Chapter Five, “Paupers, Criminals, and Soldiers in Need: Cultural Change and Legal Continuity through the Civil War Era” traces shifting cultural conceptions of paupers, together with continuities in poor law administration from the 1850s to the late 1860s. A new idea crystallized in the 1850s. Government officials and public commentators increasingly characterized pauperdom as tantamount to crime in this period. They also began to advocate forced pauper labor not only as a cost-saving measure, but as a moral measure. By the early 1850s, Providence administrators were giving paupers make-work tasks, such as carrying wood back and forth for no reason other than to ensure that the pauper be working. In the late 1850s, Providence elites began calling for a “house of industry” to more effectively obtain labor from recipients of

assistance. In this period of industrialization, economic instability, and rapidly increasing immigration, government officials had become more and more suspicious of the people who turned to them for aid.

Even while their ideas changed, though, poor law administrators generally provided the same sort of services with the same requirements of themselves and of paupers that they had been since the early nineteenth century. And paupers' experiences remained similar too, with the one exception of the changes brought by the poorhouse. Indeed, poor law administrators went far out of their ways to maintain paupers as a group with a separate legal status, barred from certain rights and carrying the stigma of pauperdom. State legislators also revived and reinforced laws intended to keep out poor migrants from other parts of the country and other parts of the world. When, during the Civil War, towns set up relief committees to help the families of Union soldiers, town governments set up parallel administrations, often with the same personnel, to provide similar relief to soldiers' families and to paupers. They took great pains to ensure that soldiers' families did not suffer the disabilities of paupers and that paupers not be relieved of the disabilities they had suffered, as a legal category, since the seventeenth century.

Chapter Six, "Old Problems, New Solutions: the Rise of the Postbellum State," brings this study to a close in the early 1870s. The early 1870s marked a new direction in Rhode Islanders' poor law administration. The General Assembly created a new, state-level organization called the Board of State Charities and Corrections, which was intended to augment and fill holes left by each town's poor law officials. The Board would usher in an era of professionalization in poor law administration, as well

cooperation between the old town officials and a new state agency. This town-state administration would oversee poor relief until the 1930s, when the Roosevelt Administration's Social Security Act and other efforts made the federal government a more important provider of poor relief, and led to an overhaul of the structures of the Elizabethan Poor Law in each state.

Although the Board of State Charities and Corrections did change poor law administration, what is striking about the early 1870s is how many aspects of poor relief and of the experiences of paupers remained the same as they were in the 1780s. The overwhelming authority that overseers of the poor, and after 1869, state administrators, exercised over the needy remained remarkable. Although the state did take responsibility for needy people from out of state, the basic unit of relief, the one to which needy people first turned, remained the towns' overseers of the poor. Rhode Island town officials remained suspicious of outsiders, especially immigrants from other countries. In fact, new state officials not only continued the centuries-old practice of warning out needy strangers, but did so on a scale that had been impossible before. Where, in previous decades, town administrators had only removed people from town boundaries, state officials removed hundreds of people from the state each year. Finally, in looking at the individual experiences of paupers, it is obvious that their day-to-day lives, the reasons for needing aid, and their interactions with poorhouse keepers and overseers remained very similar to those of their predecessors in the late eighteenth and early nineteenth centuries.

An epilogue addresses some of the loose ends of this story after 1870, in particular the legal rights and disabilities of paupers, as well as cultural characterizations of the poor. After 1873, the number of towns with poorhouses began to decline again,

and the revival of outdoor relief returned the experiences of many paupers to a sort of status quo ante, though the practice of auctioning off the poor did not revive. Immigrants in Rhode Island suffered exclusion from the franchise until 1888. The exclusion of paupers from the franchise in Rhode Island remained part of the state constitution until 1973. Concerns about the costs of poor relief and the possibility of immigrants and others taking advantage of poor relief programs, of course, are very much part of our politics today.

The fact that Rhode Island retained a prohibition on immigrant voting until 1888, far later than any other state, is one of a large number of historical peculiarities about the state. Rhode Island has a reputation for distinctiveness on a number of counts, including its early religious tolerance, its heavy involvement in the slave trade and plantation slavery, its connections to piracy, its extreme reluctance to ratify the United States Constitution of 1788, its early industrial development, and its late extension of suffrage to most male citizens. Peculiarities such as these raise the question of whether Rhode Island is a useful subject of study, and whether anything learned about Rhode Island can be extrapolated to other parts of the United States. As one historian wrote, Rhode Island has a “long history of contrariness.”² Another has quipped that Rhode Island is the “exception that proves the exception.”³ Admittedly, Rhode Island was exceptional in many ways. But it was representative of northeastern states in other ways. And even in its exceptional aspects, Rhode Island is very instructive about the politics and culture of the entire northeast, if not the whole nation.

² Alexander Keyssar, *The Right to Vote: the Contested History of Democracy in the United States* (New York: Basic Books, 2000), page 272.

³ I heard this joke second-hand, from Professor Jane Kamensky of Brandeis University, who credited it to Professor Gordon Wood, of Brown University.

Rhode Island was exceptional in at least three ways that have significant implications for this study. First, Rhode Islanders did not approve a new constitution – or liberalize suffrage requirements – until the 1840s, later than any other state. Immigration and nativism were big issues in that period throughout the northeast, but only in Rhode Island did these new issues coincide with the expansion of the franchise. As a result, Rhode Island's constitutional crisis over suffrage – the Dorr Rebellion – illuminated American thought concerning paupers, immigrants, African Americans, and the right to vote more than any other state's constitutional history. These issues probably would have come up in Massachusetts and New York if those states had not already liberalized suffrage. As it happened, only in Rhode Island was there a full discussion of these issues. In this way, Rhode Island's exceptionalism makes its history uniquely insightful into American political thought in the antebellum period.

A second peculiarity of Rhode Island in the late eighteenth and early nineteenth centuries was the relatively large size of its population of color, compared to other northeastern states. Colonial Rhode Islanders' involvement in the slave trade and importation of enslaved Africans was unparalleled in New England.⁴ As a result of early Rhode Islanders' development of a slave society, especially in urban Newport and in the rural south of the colony, there remained a sizable group of African-Americans in Rhode Island after the General Assembly enacted gradual emancipation in 1784. What is more,

⁴ In 1756, 4,697 people of African descent, mostly enslaved, lived in Rhode Island in the midst of a total population of about 40,000. Most of these African Americans either worked on plantations in the southern part of the state, or as house servants or craftsmen in Newport and Providence. It should be noted, though, that the first enslaved Rhode Islanders were Indians, probably Pequots. See Robert J. Cottrol, *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (Westport, Conn: Greenwood Press, 1982), page 16.

two trends increased the numbers of “black” Rhode Islanders: for one, some enslaved Africans had intermarried with Narragansett Indians in the colonial and Revolutionary periods; for another, Rhode Island officials increasingly erased Narragansett Indians from their records during the Revolutionary War by describing them only as “Negro” or “black.”⁵ In the antebellum period, the reportedly “black” population was proportionately the largest of any free state but New Jersey.⁶

Rhode Island, then, is a fruitful place to study the interplay of Northern racial ideologies with ideas about poverty and paupers. There were, in fact, many connections between ideas about race and about paupers. As Chapter Two shows, state legislators and town officials used the poor law to police the black community and to assign blacks a separate legal status. From emancipation through the 1830s, white Rhode Islanders conflated black residents with paupers, blaming blacks for housing transient paupers and tearing down black-owned property in anti-black riots in 1824 and 1831. In the special application of the poor laws to African Americans, and in newspaper editors’ justifications for these riots, it is clear that racial ideologies in Rhode Island had much to do with ideas about paupers. Officials and public voices identified the poor (whether white or black) with people of color (whether poor or not). Ideas about paupers helped to make racial ideologies in the early nineteenth century.

A third way in which Rhode Island was exceptional – in its industrialization and immigration – is not quite so dramatic. In fact, Rhode Island was typical of the northeast

⁵ See Ruth Wallis Herndon and Ella Wilcox Sekatau, “The Right to a Name: The Narragansett People and Rhode Island Officials in the Revolutionary Era,” in Colin G. Calloway, Ed, *After King Phillip’s War: Presence and Persistence in Indian New England* (Hanover, N.H.: University Press of New England, 1997), page 118.

⁶ On numbers of black population, see Cottrol, *The Afro-Yankees*, page xiv.

in the fact that it industrialized and experienced substantial immigration in the mid and late nineteenth century. It is different from its neighbors only in that industrialization came earlier and was even more significant in Rhode Island's economy than in other states. And, although it was by no means the first state to experience heavy immigration, it came to have one of the highest proportions of immigrants in the region.

The American industrial revolution began in Rhode Island when Englishman Samuel Slater designed a copy of an English cotton textile factory on the Blackstone River in 1790.⁷ In addition to the cotton industry, Rhode Island entrepreneurs branched out into four other major industries in the period before the Civil War: production of woolen goods; iron and steel manufacturing; machinery for the mills; and jewelry-making.⁸ After the 1790s, factories would spread to neighboring states but, because it had such a small area, industry would dominate Rhode Island's economy more than that of other states. By 1850, manufacturers employed a larger proportion of the state's residents than in any other state in the Union, with the exception of tiny Washington,

⁷ In 1790, with money from the one-time slave-trading Brown family, English immigrant Samuel Slater oversaw the fitting-out of the first water-powered cotton mill in the United States on the Blackstone River in Pawtucket. By 1806, he and his brother had founded Slaterville, Rhode Island, the first planned mill village in the United States. The collaboration of Slater's English experience, Brown's merchant money, and the laboring men, women, and children from nearby farms, set a pattern. In the decades after 1800, Massachusetts entrepreneurs would further develop the Brown-Slater pattern in the much larger mills of Waltham, Lowell, and other places. See Peter J. Coleman, *The Transformation of Rhode Island, 1790-1860* (Providence: Brown Univ. Press, 1963), pages 77-80 and Douglas M. Reynolds & Marjory Myers, "Introduction" in Douglas M. Reynolds & Marjory Myers, Eds. *Working in the Blackstone Valley: Exploring the Heritage of Industrialization* (Woonsocket, R.I.: Sheahan Printing, 1990), vii.

⁸ Coleman, *The Transformation of Rhode Island, 1790-1860*, pages 95-100.

D.C. That year's census showed 51% of men and women who reported an occupation to be working in "Manufactures."⁹

In attempting to find laborers to work in their expansive and diversified interests, Rhode Island industrialists first turned to men, women, and children from the surrounding countryside, and then to immigrants. Early nineteenth-century immigrants, like Samuel Slater, were overwhelmingly English or Scottish and Protestant. By the 1840s, there were many more immigrants coming and, in Rhode Island, they were overwhelmingly Irish and Catholic. These new immigrants seemed, at first, to come mostly to New York and Massachusetts, but then came in large numbers to Rhode Island. By 1850, 16% of the state's population was foreign-born.¹⁰ Beginning in the 1850s, Portuguese Islanders, including "whites" from the Azores and "blacks" from Cape Verde, came to participate in the Rhode Island whaling industry.¹¹ By the post-war period, immigrants from British America, most of whom were French-speaking and Catholic, had arrived in such numbers that they became the second largest immigrant population in the state after the Irish. Called the "Chinese of the East" for their reputed willingness to work in poorly-paid, unskilled jobs, the Canadiens worked in great numbers in textile factories, the managers of which sent recruiting agents to Quebec.¹² By 1870, 25% of Rhode Islanders were foreign-born, which was the fifth largest proportion in the United States. On the east

⁹ J.D.B. DeBow, *Statistical View of the United States... Being a Compendium of the Seventh Census* (Washington: Beverly Tucker, 1854), page 125.

¹⁰ J.D.B. DeBow, *Statistical View of the United States... Being a Compendium of the Seventh Census* (Washington: Beverly Tucker, 1854), page 114.

¹¹ Elmer Cornwell, "History of Rhode Island," in *State of Rhode Island and Providence Plantations Manual: The Ocean State 1985-1986* (Providence: State of Rhode Island, 1985), page 158.

¹² See Evelyn Savidge Sterne, *Ballots and Bibles: Ethnic Politics and the Catholic Church in Providence* (Ithaca: Cornell Univ. Press, 2004), pages 43-44.