Eugenics and Malaga Island

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Eugenics and Malaga Island

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A Thesis in the Field of Legal Studies
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Abstract

In 1912, the state of Maine removed a multi-race community from Malaga, a tiny island off its coast. The state paid some islanders to leave their homes, and institutionalized others. Contemporary researchers cite eugenics as a factor in the eviction. In 1925, Maine passed a eugenic law that allowed forced sterilization, nearly 13 years after the Malaga eviction. What happened before 1925 that would give eugenics, manifested in this extreme policy, a foothold in the state?

My research focused on primary, historical sources in law, medicine, and media. Maine poverty law, carried over from Elizabethan Poor Law, emphasized local town responsibility for the poor through legal settlement, which directly affected the Malaga Island eviction. Maine law regarding people with developmental disabilities emphasized state responsibility and made provisions for expansion of institutional care at the state level. Maine joined the push to create institutions to contain the feeble-minded.

Maine Medical Association journals showed the arrival of hereditarian thought, including references to popular eugenic family studies. The journals also reflected the national trend toward state jurisdiction over public health. Newspaper articles described Malaga Island using eugenic language and pressed for state-level solutions. Government and institutional reports before and after the Malaga eviction used eugenic language and confirm eugenic goals of segregation. Therefore, based on this research, I concluded that legal, political, and social frameworks in Maine were hospitable to eugenic policy and actions by the time of the Malaga Island eviction.
Dedication

To my mother, Jo, who believed I would finish.
Acknowledgments

I would like to acknowledge the many people at Harvard University who, over the years, helped me complete this research project. I am grateful for the succinct and sage advice of my thesis director Professor John Stilgoe, who pushed me to think more clearly through my editing. I am grateful to Professor Don Ostrowski for his support and guidance, without which I would not have made it to or through the home stretch. Thank you and a shout out to my fellow students in Extension school classes over the years, for smart discussions and protips on balancing a job and a night degree. A critical component of this journey was the opportunity to share experiences at Proposal and Thesis Writers meetings led by professors Don Ostrowski, Douglas Bond, and Ariane Liazos. Thank you to the faculty and staff in the Legal Studies program at the Harvard Extension school, and to the librarians at the Harvard Law School Library.

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Chapter I.

The Malaga Island Story

Figure 1. Map of Malaga Island.

*Malaga Island showing town of Phippsburg. Map: Maine Coast Heritage Trust website.*

Malaga Island lies off the Maine coast, in the Casco Bay, at the mouth of the New Meadows River. The mile-long island was home to a multi-race community from the mid-1800s to 1912.¹ A series of sensationalized newspaper reports brought the community to local and national attention, during a period between 1893 and 1905 when

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the nearby town of Phippsburg contested its legal responsibility to provide pauper\textsuperscript{2} support for the island’s inhabitants. The rise of tourism and coastal property values increased the attention on Malaga Island in the press. Local newspapers portrayed the island colony as a blight on Maine’s pristine coast.

Maine Governor Frederick W. Plaisted toured the island on July 14, 1911 and ordered the eviction of all residents. Four months after the Governor’s visit, in December 1911, seven members of the Marks family and a woman named Annie Parker were committed to the Maine School for the Feeble Minded in Pownal. Six of the eight were never released and died in the institution. In November 1912, the Malaga cemetery was exhumed, and the remains were reburied in five combined graves in the cemetery of the School for the Feeble Minded. Malaga Island was never resettled and is currently owned by the Maine Coast Heritage Trust.

Many people have researched and written about Malaga Island. Some have done so respectfully, some less so. Unkind jokes about the race and mental capacity of descendants persisted for years in the local communities.\textsuperscript{3} The Malaga story is a complicated amalgamation of fact, legend, emotion, gossip, and contested details. Occasionally, quotes from islanders appeared in the press, but the Malaga narrative was dominated by politicians, doctors, institutional personnel, and the press.

The facts without context are shocking, no doubt, by contemporary standards. State government officials depopulated an island inhabited for several generations,

\textsuperscript{2} A pauper, for the purposes of this paper, is a person who receives “aid from funds designated for the poor” in accordance with Miriam Webster dictionary.

\textsuperscript{3} William Barry, personal interview, October 25, 2013. I wish to thank Mr. Barry, historian at the Maine Historical Society, for sharing his extensive knowledge about Malaga Island and Maine history with me, and his thoughts on eugenics on which I base this paper.
institutionalized a family of residents, and dug up the island cemetery. Details of interest may never be confirmed: dates of first settlement, original ownership of the island, and why Malaga was never developed after the eviction.

My research on the Malaga Island eviction began with an interview of historian William Barry, in 2013. Barry wrote the 1980 article “The Shameful Story of Malaga Island” that he said “lit the fuse” of subsequent interest in Malaga. The article is quoted or referenced in substantial works investigating the Malaga eviction. Barry described how Elizabethan Poor Law informed Maine’s care of the poor, as well as marginalized communities, hobos and tramps who lived on the fringes of acceptability of the time. In his opinion, eugenics fueled the events that led to the removal of the islanders.

Barry wrote that the rise in tourism in Maine increased interest in coastal vacation property. Malaga islanders’ shacks, visible from the mainland, were an “eyesore” to tourists and developers. His article cited “several widely read, even sensational, sociology studies of the time” that blamed “poverty, crime, and mental retardation” on “retrograde” families.” The removal of perceived “decaying stock” would improve the moral fiber of society.” Barry concluded that Maine School for the Feeble Minded, opened in 1908, was built to solve these problems of undesirables in the community.

Deborah Dubrule, in her 1999 article “Evicted: How the State of Maine Destroyed a “Different” Island Community,” quotes Barry: a genealogy that purported to show some married islanders were first cousins was “used for eugenics reasons.” Dubrule also interviewed anthropology professor Nathan Hamilton, who discussed “classic eugenics

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4 Barry, personal interview, October 25, 2013.

images” of the islanders that were circulated as postcards. Dubrule quotes Hamilton, “What happened on Malaga exemplifies pure essential eugenics of the United States.”

Katherine McBrien, curator of the 2012 exhibition Malaga Island, Fragmented Lives at the Maine State Museum, calls the islanders “victims of the international eugenics movement” in the exhibition’s accompanying catalog. McBrien identifies the typically targeted groups (poor, immigrant, criminal) who were “all deemed feebleminded.” She explicitly draws the connection: “Through eugenics, the press publicized a common belief that the only way to help Malaga Island’s residents, and improve tourism and property values on the Maine coast, was to dismantle the community.”

Maine’s House of Representatives acknowledged the state’s role in the “tragic expulsion” of Malaga Island in 2010, and its failure to uphold “the social and economic justice that is the right of all peoples…” The resolution cited eugenics:

WHEREAS, in that era, the now-disgraced Eugenics Movement claimed poverty and intemperance were genetic traits due to “impure blood,” using pseudoscience to reinforce racial and social stereotypes, holding Malaga and other isolated Maine communities up to ridicule in the national press, including the sensational “Queer Folk of the Maine Coast” in Harper’s magazine in 1909;

Eugenics did influence policy in Maine. The eugenics movement in the United States is associated with implementing laws that allowed forced sterilization. Maine
passed such a law in 1925,\textsuperscript{9} nearly 13 years after the Malaga eviction. What happened in the years before 1925 that would give this extreme policy a foothold in the state?

My interest in the Malaga eviction focused on the history of poverty law in Maine, the collision of rural and urban worldviews, and how eugenics influenced Maine institutional care. This thesis limits its scope to primary source documents, and Maine law and policy. Through the language in state law, professional journals, institutional reports of the time, and newspaper articles about the eviction, I track how the legal, political, and social landscape of Maine became hospitable to eugenics.

\textsuperscript{9} An Act Permitting Sterilizing Operations in Certain Cases of Mental Disease and Feeble-Mindedness, ch. 208, § 1–2, 1925 Me. Laws 198, 198.
Chapter II.
Early Poverty Law in Maine

An objectionable aspect of the Malaga community’s eviction to a contemporary reader is their apparent lack of legal rights. The islanders were at the mercy of decisions made by the state government. Although they were sometimes referred to as squatters, the islanders may not have had squatters’ rights. In Maine, squatters’ rights depend upon, among other conditions, 20 years of continuous occupancy, and payment of taxes on the occupied land.

The Marks family probably had no control over their institutionalization. They received pauper benefits which stripped them of certain rights. Malaga residents lost their legal town settlement and in effect became wards of the state. The eviction was informed by Maine’s laws that guided care of the poor and people with mental illness and developmental disabilities.

Elizabethan Poor Law

Poor laws in Maine law were informed by the Poor Relief Act of 1601, known as the Elizabethan Poor Law, under which provision for the poor by local government

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10 Holman Day in the 1909 article “The Queer Folk of the Maine Coast” describes the Shanks brothers of Little Spruce Island, permitted by a Boston landowner to remain as squatters if they did not cut down island trees.

11 Acquisition of Rights-of-Way and Easements by Adverse Possession; Notice to Prevent, ME R.S. T. 14, ch. 205, § 812.
formalized a religious duty of charitable giving.\textsuperscript{12} The poor were cared for by their parish, and distinctions were made between the “deserving” and “undeserving” poor. Children, the elderly, and the sick were considered deserving poor, along with those who wanted to work but circumstances, such as seasonal lack of work, prevented them from doing so. The idle poor, those who could work but chose not to, were frowned upon.\textsuperscript{13}

Under Elizabethan Poor Law of 1601, “outdoor” and “indoor” relief were provided. Outdoor relief meant the poor could remain in their home and receive money, clothes, or food. Indoor relief moved the poor to institutions: almshouses, or in the case of the idle poor, work houses where they would be forced to work.\textsuperscript{14} The Poor Law Amendment Act of 1834 prohibited outdoor relief for the able-bodied poor and emphasized sending them instead to work houses, as a deterrent to seeking support.\textsuperscript{15}

Legal residency was required to receive support. This condition remained part of colonial America’s poor law and was rooted in the English Law of Settlement and Removal (1662).\textsuperscript{16} Houses of corrections were established in 1607 in England to solve the growing problem of vagrancy. Beggars and the “wandering” poor could be committed to these houses of correction and forced to work.\textsuperscript{17}

\textsuperscript{12} Marjie Bloy, “The 1601 Elizabethan Poor Law,” \textit{The Victorian Web}, http://www.victorianweb.org/history/poorlaw/elizpl.html

\textsuperscript{13} Bloy, “The 1601 Elizabethan Poor Law.”

\textsuperscript{14} Bloy, “The 1601 Elizabethan Poor Law.”

\textsuperscript{15} Bloy, “The 1601 Elizabethan Poor Law.”


\textsuperscript{17} Bloy, “The 1601 Elizabethan Poor Law.”
Massachusetts Law Followed Elizabethan Poor Law

Elizabeth Knowles Morrison’s unfinished thesis\(^1\) from 1939 describes how Massachusetts poverty law was administered in Maine prior to it becoming a state. Morrison wrote, “Poor Law legislation in Massachusetts up to 1700 gives the principal provisions which Maine towns more or less faithfully followed in their administration of poor relief.”

The salient features of Massachusetts poor relief practice in 1652 were that public relief was given only to persons having an inhabitancy in the town, and that relief was the responsibility of the towns, not of the Colony…. Poor relief practice and legislation followed the English tradition very closely.\(^2\)

Morrison writes that Massachusetts law of 1793, Chapter 59, informed Maine’s poverty law.\(^3\) Like Elizabethan Poor Law,\(^4\) Chapter 59 guaranteed support for the poor as its foundational element. The law of settlement guaranteed the right to receive aid and guided the administration of poverty relief. Towns were required by law to “to relieve and support all poor and indigent persons lawfully settled therein, whenever they stand in need thereof…”\(^5\)

\(^1\) According to a note in the bound copy accessed in the Portland Room collection of the Portland Public Library, Morrison died before she finished her thesis.


\(^3\) Morrison, “The History of Poor relief in Maine,” 99.


\(^5\) An Act Providing for the Relief and Support, Employment and Removal of the Poor, and for Repealing all Former Laws Made for Those Purposes, ch. 59 [January session, ch. 32], 1793 Ma. Laws 479, 479.
Massachusetts Chapter 59 required towns to not only support their own poor but also extend relief to the poor in unincorporated adjoining towns if they requested it. Towns were required to provide immediate relief for strangers, if they fell into distress. However, towns could sue to recover those expenses from the person’s legal town of settlement and ship them home at the other town’s expense.

Towns established boards of overseers who were responsible for providing support and employment, at work houses or otherwise, for the poor under their jurisdiction. According to the law, overseers could apprentice or “bind out” the children of town paupers as apprentices or servants.

Judgement persisted within the Massachusetts law against the idle poor. Overseers could bind out for up to a year any town resident over 21, who was determined to be “able of body,” but who lived “idly” without employment… They could also bind out children on speculation that their parents could not provide for them, whether the parents were receiving pauper support or not.

Maine Adopted the Laws of Massachusetts

When it became a state in 1820, Maine adopted large portions of Massachusetts law. Originally part of Massachusetts, Maine was administered by Massachusetts as the

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24 An Act Providing for the Relief and Support, Employment and Removal of the Poor, and for Repealing all Former Laws Made for Those Purposes, ch. 59 [January session, ch. 32], 1793 Ma. Laws 479, 483.

25 Maine State Legislature’s website section on Old Massachusetts Law notes the following: “For almost two centuries, portions of Maine were governed by the acts and resolves of the Massachusetts
District of Maine from 1780 until 1820, when it became the 23rd state. The Massachusetts legislature enacted provisions in 1819 that kept District of Maine laws in force in the new state of Maine until the new government made changes.\textsuperscript{26} Maine’s constitution reiterated the Massachusetts agreement in Article X, Section 3, which remains:

\begin{quote}
All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation.\textsuperscript{27}
\end{quote}

From Massachusetts law, Maine law carried over critical points of intersection in the Malaga story: negative perceptions of the idle poor, and the concept of legal settlement. The laws of poor relief in Maine guaranteed pauper support but stripped paupers of their autonomy and created a framework for their legal dependency. The first Maine Constitution of 1820 made paupers second-class citizens: they could not vote.\textsuperscript{28} Language barring paupers from voting was not removed from the Maine constitution until 1965.\textsuperscript{29}


\textsuperscript{27} McMahon, \textit{Progress, Stability, and the Struggle for Equality}, 14 (footnote 18).

\textsuperscript{28} Me. Const. art. II, § 1, 1820.

Maine’s Foundational Laws Regarding the Poor

The first Maine laws of 1821 made provisions for institutions that would contain and segregate the criminal, the poor, the idle, and the vagrant. These earliest laws also maintained the right of the poor to request aid from their town, and the responsibility of the town to provide for their poor, that originated in Elizabethan Poor Law.

Early Laws of Containment

Chapter 110 of 1821 Maine law authorized each county to build and maintain prisons. Chapter 111 established county houses of correction to control minor offenders, particularly poor transients. “Rogues, vagabonds and idle persons” who were caught begging could be sent to the house of corrections by a Justice of the Peace, along with an expansive list of undesirables that included

- common pipers, fiddlers, runaways, common drunkards, common nightwalkers, pilferers, wanton and lascivious persons, in speech, conduct or behavior; common railers or brawlers, such as neglect their callings or employments, mispend [sic] what they earn, and do not provide for themselves or the support of their families…

The Massachusetts law quoted below contained nearly identical language as the Maine law though it included “stubborn servants or children”:

- common pipers, fidlers [sic], runaways, stubborn servants or children [italics are mine], common drunkards, common nightwalkers, pilferers, wanton and lascivious persons, either in speech or behavior, common railers or brawlers, such as neglect their callings, mispend [sic] what they

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30 An Act for Providing and Regulating Prisons, ch. 110, § 1, 1821 Me. Laws 445, 445.

Maine’s First Poor Law: Chapter 122

Chapter 122 of the 1821 Maine law consolidated Massachusetts poor laws into one statute, setting the foundation for poor relief for the new state. The law, titled An Act Ascertaining What Shall Constitute the Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, expressed the foundational rights of a person to receive pauper support and the obligation of a town to provide it, based on guidelines for a pauper’s legal settlement within the town.

Legal Settlement

It was the legal duty of each town to provide immediate relief for townsfolk, visitors, and unincorporated towns nearby. If a person fell “into distress” in a town they weren’t legally settled in, they could still request poor relief from that town. Towns could, and often would, seek reimbursement of expenses from other towns for paupers without legal settlement.\(^ {33}\) Towns could also petition for a pauper’s removal,\(^ {34}\) and

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\(^ {32}\) An Act for the Suppressing and Punishing of Rogues, Vagabonds, Common Beggars, and Other Lewd, Idle and Disorderly Persons; and Also for Setting the Poor to Work, ch. 0008, § 2, 1699–1700 Ma. Laws 378, 378. http://hdl.handle.net/2452/118887. Both Massachusetts (§ 3) and Maine law (§ 10) allowed shackling and withholding of food, but § 3 of the Massachusetts law also allowed “moderate whipping, not exceeding ten stripes at once.”

\(^ {33}\) An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 9, § 11, 1821 Me. Laws 530, 536–537.

\(^ {34}\) An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 15, 1821 Me. Laws 530, 538.
remove them if there was no response or objection from the petitioned town.\textsuperscript{35} The 1821 law provided forms for towns to use to administer pauper support negotiations.\textsuperscript{36}

Married women and legitimate children took the settlement of the husband. Illegitimate children retained the settlement town of their mother, rather than gaining settlement in the town of their birth or the town of their father.\textsuperscript{37} This could have had the effect of increasing scrutiny on women: a woman who had illegitimate children by different men would increase the burden on a single town.\textsuperscript{38}

\begin{quote}
Paupers Lacked Personal Autonomy
\end{quote}

Maine law, like Massachusetts law, authorized a board of overseers of the poor or town selectmen with responsibility for paupers.\textsuperscript{39} The law obligated overseers to ensure the poor were “suitably relieved, supported and employed, either in the work house or other tenements belonging to such towns, or in such other way and manner as they at any legal meeting shall direct; or otherwise at [their] discretion…”\textsuperscript{40}

\begin{flushright}
\textsuperscript{35} An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 17, 1821 Me. Laws 530, 542–543.
\end{flushright}

\begin{flushright}
\textsuperscript{36} An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 15, 1821 Me. Laws 530, 538–541.
\end{flushright}

\begin{flushright}
\textsuperscript{37} An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 2, 1821 Me. Laws 530, 530.
\end{flushright}

\begin{flushright}
\textsuperscript{38} Reports of the Committees of the Council 1911–1912 (Waterville: ME: Waterville Sentinel Publishing Company, 1913), 12. The report describes female paupers, divorced, or widowed, “drifting from town to town, bearing illegitimate children, one of them having five by as many different men, all taking the settlement of their mother, and increasing the pauper population of the State.”
\end{flushright}

\begin{flushright}
\textsuperscript{39} An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 3, 1821 Me. Laws 530, 531–532.
\end{flushright}

\begin{flushright}
\textsuperscript{40} An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 4, 1821 Me. Laws 530, 532.
\end{flushright}
Maine law retained the Massachusetts provisions that allowed overseers to intervene in families and cast judgement on the idle poor. Overseers in Maine could “bind out” children of town paupers as apprentices or servants until they were of legal age or married, sending them to live with and work for a host family. They could bind out children on the speculation that their parents might fail to provide for them in the future, even if their parents were not currently on pauper roles. Overseers could also require able-bodied people to work if they had no job and lived “idly.”

The Idle and Immoral Could Be Assigned Guardians

Chapter 51 of 1821 Maine law allowed guardians to be appointed for “spendthrifts and idlers,” or anyone who “by excessive drinking, gaming, idleness, or debauchery of any kind, shall so spend, waste or lessen his or her estate.” If a person behaved in such a manner that put themselves, their families, or the town at risk, town selectmen could petition a probate judge to appoint a guardian for them.

The Poor Could be Committed to Work Houses

Chapter 124 of 1821 Maine law gave towns the right to build and operate work houses for the “employment of the idle and indigent,” also taken from the

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41 An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 6, 1821 Me. Laws 530, 533.

42 An Act Ascertaining What Shall Constitute Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 8, 1821 Me. Laws 530, 535.


Massachusetts law.\textsuperscript{45} Two or more overseers were authorized to send any town pauper who received support to the work house. They could also commit able-bodied people who refused to work, or who “lived a dissolute, vagrant life,” or who frequented “public houses, to the neglect of their proper business,” or who simply spent their money unwisely and were likely to end up on pauper rolls.\textsuperscript{46}

Town Responsibility for the Poor

Poor law was administered locally by parish in England, and as Elizabeth Knowles Morrison notes, locally by town in Massachusetts rather than by “the Colony.”\textsuperscript{47} Although Maine supported state-level, institutional care of the mentally ill, early calls for state-run institutions that cared for the poor were not successful.

A bill was proposed\textsuperscript{48} in 1834 that poor relief be administered at the county level. The committee looking into the matter wrote that Maine law was “manifestly deficient” in its goals of supporting the worthy “unfortunate” and limiting the number of “vicious and indolent.” The committee noted that Maine pauper law closely resembled “Pauper Laws of England” and referred to the report of an 1832 English commission\textsuperscript{49} that

\begin{itemize}
  \item \textsuperscript{45} McMahon, Progress, Stability, and the Struggle for Equality, 48–51. McMahon attributes Chapter 124 of Maine law to Laws and Resolves of Massachusetts, 1788–9, Chapter 30, at 42, enacted Jan 10, 1789), 48 (footnote).
  \item \textsuperscript{46} An Act for Erecting Work Houses for the Reception and Employment of the Idle and Indigent, ch. 124, § 6–7, 1821 Me. Laws 546, 549.
  \item \textsuperscript{47} Elizabeth Knowles Morrison, “The History of Poor Relief in Maine,” 35.
  \item \textsuperscript{49} Marjie Bloy, “The Poor Law Amendment Act: 14 August 1834,” The Victorian Web, http://www.victorianweb.org/history/poorlaw/plaatext.html. The “report” the Maine committee referred to
addressed “mischief” and fraud in the outdoor relief system. The English report concluded that outdoor relief led not only to pauper dependency but also encouraged a pauper’s entire family to apply for support.

The Maine committee criticized the state’s practice of auctioning off the poor:

The usual mode of supporting the Poor in our towns is, to put them up at Auction at the annual Town Meetings, in lots to suit purchasers; and they are struck off to the lowest bidder, without any regard to the disposition or capability of the purchaser to provide for their wants in a suitable manner; the poor wretches being denied even the privilege extended to the Negro of the South, that of selecting the one who shall in future be his master. Any comment upon this mode of support, would be superfluous, the bare mention of it is enough to excite the indignation of any one, who is not callous to the feelings of humanity; and yet it is the mode practised by a large proportion of the towns throughout the State.50

The committee recommended repealing town settlement laws, the litigation of which if “converted into an annuity would have been adequate to the support of a pauper forever.” It also recommended county settlement laws that would funnel the poor into a state-wide work house program. The poor favored remaining in their homes with outdoor relief, they were less likely to burden the state by accepting admission to work houses.

There are a few large towns which have adopted the Work House system, and the success which has uniformly attended these establishments, has been sufficient to show, that the system might be advantageously extended throughout the State, thereby relieving the industrious and provident from a burthen [sic] which is rapidly increasing, and furnishing the unfortunate and improvident with a place of refuge, where they will be provided for

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comfortably, and the means afforded them of contributing to their own support.”

The committee’s report was included in documents of the 1834 and 1835 legislatures, but no work house system was adopted at the state level at that time and relief of the poor continued to be administered at the town level.

Elizabeth Knowles Morrison noted that Maine essentially resisted state responsibility for paupers until 1869. Language that would require the state to reimburse towns for care of paupers with no legal settlement in any town in the state was not proposed until 1868. The language was changed a year later in 1869 to amend Maine’s Revised Statutes as follows:

And if such paupers have no legal settlement in any town in this state, then the state shall reimburse to the town affording relief the amount paid out and expended, or such portion thereof as the governor and council may adjudge to have been judiciously expended. And the state in like manner shall reimburse towns that may furnish relief to paupers that have no legal settlement in any town in this state and have removed from an unincorporated place.

Early poverty relief was administered locally at town meetings. The town meeting is a fundamental part of Maine government. Maine voters attend the annual town meetings.

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52 Fourteenth Legislature: House No. 27 in Documents printed by Order of the Legislature of the State of Maine during Its Session A.D. 1834, at 1–6 (1834). Also included under the title Report of the Judiciary Committee of 1834, on the subject of Pauperism, in Fifteenth Legislature: House No. 20, in Documents printed by order of the State of Maine during its Session A.D. 1835, at 1–6 (1835). The proposed bill in the same document, was titled An Act to Provide for the Employment and Maintenance of the Poor, at 8–20 (1835).

53 Morrison, “The History of Poor Relief in Maine,” 137.

54 An Act to Repeal the Twenty-Second Section of Chapter Twenty-Four of the Revised Statutes, ch. 219, § 1, 1868 Me. Laws 148, 148–149.

55 An Act to Amend Chapter Two Hundred and Nineteen of the Public Laws of Eighteen Hundred and Sixty-Eight, Relating to the Settlement of Paupers, ch. 47, § 1, 1869 Me. Laws 30, 30–31.
meeting, usually held in the spring, to pass town laws, set budgets, and elect town
officers, including selectmen.\textsuperscript{56} The tradition continues to this day in rural areas.

In early years of poverty relief, the identities of the poor and their circumstances
were discussed publicly at town meetings by voters and town officers.\textsuperscript{57} Recipients of
pauper support were listed in town records, including the Malaga Islanders in the town
reports of Phippsburg. Maine was a poor state. Local residents probably resented having
to allocate taxes for schools and town infrastructure to support for the poor.\textsuperscript{58}

Rights of Paupers Improve Only Gradually

Maine lawyer Hugh G. E. MacMahon identified three cases that showed how the
Maine Supreme Judicial Court’s views evolved between 1834 and 1876 on a pauper’s
constitutional right to due process. 1834 marked the beginning of pushback against the
legal right of overseers to commit individuals to a workhouse, without a hearing, on
speculation that they might become idle.\textsuperscript{59}

Early Pushback on Due Process

Adeline Nott was sent to a workhouse for refusing to work although “able of
body.” Two Portland overseers deemed that Nott lived a “dissolute vagrant life” and was

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\textsuperscript{56} Kenneth T. Palmer, et al., \textit{Maine Politics and Government} (Lincoln: University of Nebraska
Press, 2009), 198.

\textsuperscript{57} Jean F. Hankins, “A Cage for John Sawyer: The Poor of Otisfield, Maine,” \textit{Maine History:

\textsuperscript{58} Hankins, “A Cage for John Sawyer,” 101.

\textsuperscript{59} McMahon, \textit{Progress, Stability, and the Struggle for Equality}, 51.
\end{flushleft}
“liable to become chargeable to the city.” Her lawyer challenged the 1821 law that reduced a citizen’s right to life and liberty by allowing Nott to be “committed by two others, to a dungeon, without hearing, without a trial….”

In 1834, McMahon notes the court was unmoved, and equated the state’s removal of rights of the poor with removal of rights of the insane. Its ruling stated that legislative jurisdiction over the poor was a precedent since the settlement of the country. “Idiots and insane persons cannot, from their imbecility, exercise the rights of citizens.” Likewise, the poor had no rights due their own unwillingness to work.

The court’s reasoning seemed informed by Nott’s earned income by “unlawful means.” The court wrote that its intervention was “parental” and for her own good. MacMahon noted that the court’s decision was essentially a quarantine. Sending Nott to the workhouse, the court wrote, could be considered “a police regulation, to preserve the community from contamination.”

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64 An Act Ascertaining What Shall Constitute the Legal Settlement; and Providing for the Relief and Support, Employment and Removal of the Poor, ch. 122, § 10, 1821 Me. Laws 530, 536. Per the 1821 version of the law, anyone “keeping a house of ill fame, resorted to for the purposes of prostitution or lewdness” could be sent to a house of correction if a complaint was initiated by the overseers of the poor.


66 Fairfield, “Adeline G. Nott’s Case,” 211.
Pauper Auctions Made Illegal

Maine made it illegal to auction off paupers in 1847. However, the statute qualified that it did not prevent towns from “contracting for the support of their poor.”67 The Revised Statutes of 1857 allowed towns to contract for the support of their poor for up to five years.68 This referred to the practice of contracting out the labor of larger groups of paupers to a single individual.69

Limits on Overseers’ Powers

McMahon cited a second influential due process case of 1856, *Portland v. Bangor*, writing that Justice Richard D. Rice’s dissent was a landmark in Maine’s constitutional law case history.70

Pauperism works most important changes in the condition of the citizen. Through its influence, he is deprived of elective franchise, and of the control of his own person. The pauper may be transported from town to town, and place to place, against his will; he loses control of his family, his children may be taken from him without his consent; he may be himself sent to the work-house, or made the subject of a five years contract, without being personally consulted. In short, the adjudged pauper is subordinated to the will of others, and reduced to a condition but little removed from that of chattel slavery, and until recently, by statute of 1847, c. 12 like the slave, was liable to be sold on the block of the auctioneer, for service or support.”71

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67 An Act in Relation to the Support of Paupers, ch. 12, § 1, 1847 Me. Laws 8, 8.

68 Me. R.S. ch. 24, § 6 (1857).


71 *Inhabitants of Portland v. Inhabitants of Bangor*, 42 Me. 403 (1856).
McMahon calls attention to Rice’s influential passage on the blatant disparity within Maine law: criminals were afforded better due process than paupers.  

Thus, while rogues, vagabonds and beggars; night-walkers, brawlers, pilferers, common drunkards, fortune-tellers, common pipers, fiddlers and the like, may not be sent to the house of correction, except upon trial before a magistrate and on complaint on oath with a right of appeal, or before the Supreme Judicial Court, and then restrained only for a limited period of time; the persons described in the first section of the 28th chapter may be sent to the work-house, by the overseers thereof, for an indefinite period, without any complaint, trial, or right of appeal. And this unrestrained power is exercised over a class of persons not paupers, nor even quasi paupers, but who, it is supposed, are likely to become such.

The third case cited by McMahon regarding the right of paupers to due process was City of Portland vs. City of Bangor. The Maine Supreme Judicial Court ruled that commitment of a person based on subjective opinion, without a hearing, violated the recently ratified Fourteenth Amendment that prohibited states from depriving a person of life and liberty without due process.

If white men and women may be thus summarily disposed of at the north, of course black ones may be disposed of in the same way at the south; and thus the very evil which it was particularly the object of the fourteenth amendment to eradicate will still exist.

However, the court still allowed judgement to be cast on paupers and legal limitation of their personal autonomy because they were poor. McMahon notes that the

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72 McMahon, Progress, Stability, and the Struggle for Equality, 54.

73 Inhabitants of Portland vs. Inhabitants of Bangor, 42 Me. 403 (1856).

74 City of Portland vs. City of Bangor, 65 Me. 120 (1876).

75 City of Portland vs. City of Bangor, 65 Me. 120 (1876).
decision allowed procedural due process\textsuperscript{76} to limit due process.\textsuperscript{77} Justice Walton wrote in the opinion that the issue was not deprivation of liberty. The issue was the lack of a hearing before committing a pauper to a workhouse. If a judge determined that charges against a pauper were accurate, they could then be “restrained of their liberty.”\textsuperscript{78}

\textsuperscript{76} “Procedural due process refers to the constitutional requirement that when the federal government acts in such a way that denies a citizen of a life, liberty, or property interest, the person must be given notice, the opportunity to be heard, and a decision by a neutral decisionmaker. Procedural due process is one of two of the components of due process, with the other being substantive due process.” Procedural Due Process, Cornell Law School Legal Information Institute, www.law.cornell.edu/wex/procedural_due_process

\textsuperscript{77} McMahon, \textit{Progress, Stability, and the Struggle for Equality}, 56.

\textsuperscript{78} \textit{City of Portland vs. City of Bangor}, 65 Me. 120 (1876).
Chapter III.

Laws Regarding Care of the Mentally Ill and Developmentally Disabled

Maine made provisions to confine “the insane” in the first laws of the new state. Chapter 111, the same law that established county houses of corrections to contain the poor, idle, and disorderly and put them to work, also had language regarding the insane. Two justices could commit a person to a house of correction if they were “lunatic, and so furiously mad” that they were a threat to public safety, until they were “restored to their right mind.” They could be put to work during this time.79

Chapter 51 of 1821 Maine law contained guidelines to appoint guardians for the insane. Probate judges, at the request of friends, relatives, creditors, overseers of the poor or town selectmen, could appoint a guardian to an “idiot, non compos, or lunatic or distracted person.” A majority vote by the town selectmen determined whether a person could care for themselves or not.80 Guardians could also be appointed for the children of “lunatics, idiots, non compos, or distracted persons, in the same manner as though their parents were dead.”81


State Institutions Were Acceptable Care for the Insane

Maine was more willing to build state-level institutions for the insane than the poor. Maine’s first state-level institution for any kind of population confinement was the prison at Thomaston, established in 1824. Improved care for the insane became a legislative consideration. In 1830, an “insane or lunatic person” that had been contained in prison under 1821 law, could be removed into custody of a town’s overseers of the poor for more appropriate care.82

In his 1830 address, Governor Jonathan Hunton asked the legislature, which had voted to establish a home for the “Deaf and Dumb,” to consider similar state assistance for the “more numerous cases of Lunacy.” Treatment of these people was beyond the “ordinary ability of our citizens or towns.”

The common Prisons now assigned by law as the places of restraining the furious lunatic, are poorly adapted to the purpose, and afford no proper means for that restoration or relief, which the improved skill of the faculty of medicine, has taught us to consider as efficacious or highly beneficial in numerous cases of this disorder.83

In his January 2, 1834 address to the Legislature, Maine Governor Robert Dunlap repeated the call for a “Lunatic Hospital.”84 That same year, the Legislature resolved to build an insane asylum to address the “present state of society, and the deplorable

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condition of a large number of our fellow beings, within this State…” An 1834 committee report declared:

For a long time the confinement of the Insane either in Prisons or in Hospitals, was for the simple purpose of maintaining order in society, and for the preservation of property. But now the prospect of restoring the greater part to health and liberty is paramount to every other object.

In 1840, the Augusta Insane Hospital opened its doors.

Pre-Eugenic Maine Law Restricted Marriage

Pre-eugenic Maine law made the marriage contract unlawful not only for the insane, but also idiots beginning in 1840. Chapter 70 of 1821 Maine Law prohibited marriage between a white person and a “Negro, Indian or mulatto,” carried over from Massachusetts law. During my research for this paper, the librarians at the Maine State Law Library confirmed that the phrase “No insane person or idiot shall be capable of contracting marriage” was added to the existing miscegenation clause of the Revised Statutes of 1840, but the revision to the law was not included in the marginal notes. In


87 An Act for Regulating Marriage, and for the Orderly Solemnization Thereof, ch. 70, § 1, 1821 Me. Laws 340, 341.

88 I give sincere thanks to the Maine librarians who dug into this issue. Ryan Jones, associate law librarian at the Maine State Law and Legislative Reference Library, wrote in an October 19, 2019 email: “the appearance of “insane person or idiot” in R.S. 1840, c. 87 can be traced back to a decision of the Mass. Supreme Court. When Maine became a state, Me. Cons. Art. X, § 3 provided that ‘all laws now in force in this state and not repugnant to this Constitution, shall remain, and be in force until altered or repealed by the Legislature.’ Shortly thereafter, the Legislature created a Board of Jurisprudence tasked with compiling laws of Massachusetts in force. The earliest marriage law in Maine was not enacted by the first Legislature, so 1821, c. 70 would have derived from the Mass. Law at the time of statehood, Mass 1786, c. 3. This derivation can be found in the marginal note for Mass. R.S. 1836, c. 75, § 5, which evolved in much the
1883, Maine struck the clause that prohibited the marriage of a white person with a
“Negro, Indian or mulatto” from the law, but kept the phrase “No insane person or idiot
shall be capable of contracting marriage.”89

By 1914, thirty states regulated marriage of the mentally impaired.90 Maine added
its prohibition against the “feeble-minded” contracting marriage in 1917.91 Daniel Kevles
writes that an 1896 Connecticut law was the first to prohibit marriage to, or extramarital
sex with, the “eugenically unfit.”92 The Connecticut law prohibited marriage or
cohabitation between a man or a woman, either of who were “epileptic, imbecile, or
feebleminded,” if the woman was under forty-five years of age.93 Mark Haller called this
the first regulation for “breeding purposes.”94

The Connecticut law included paupers in its implied ban on procreation. Anyone
who facilitated a pauper marriage with a female under forty-five could be fined $1,000,

89 An Act to Amend Section Two of Chapter Fifty-Nine of the Revised Statutes, Relating to the
Intermarriage of White Persons with Negroes, Mulattoes and Indians, ch. 203, 1883 Me. Laws 167, 167.

90 Daniel J. Kevles, In the Name of Eugenics: Genetics and the Uses of Human Heredity (New

91 An Act to Amend Section Two of Chapter Sixty-Four of the Revised Statutes, Relating to

92 Kevles, In the Name of Eugenics, 99–100.

93 An Act Concerning Crimes and Punishments, HR 681, ch. 325, § 1–3, 1895 Conn. Public Acts

94 Mark H. Haller, Eugenics: Hereditary Attitudes in American Thought (New Brunswick, NJ:
sent to prison for a year, or both. The law not only banned sexual relations between the
feeble-minded and epileptic but also pauper men and women, if the woman was under
forty-five. Punishment was a minimum of three years in prison.95

95 An Act Concerning Crimes and Punishments, HR 681, ch. 325, § 1–3, 1895 Conn. Public Acts
667, 667.
Chapter IV.

Early Influences on Hereditarian Thought

Speculation began on whether undesirable traits were passed through generations of humans after Darwin proposed that species evolved through heredity in *Origin of the Species*, published in 1859. The appearance of discussions on the influence of heredity on populations also began to appear in Maine in the mid-nineteenth century.

Land Grant Universities

Maine was a rural state with a farming culture that changed from family farms to a more industrialized model after the Civil War.\(^{96}\) The spread of eugenics in the United States was aided by what Leland Glenna and colleagues call the “synergistic relationship” of eugenics and industrial agriculture. They write, “For farmers, agribusinessmen, and scientists…. agriculture provided the common sense that eugenicists could confirm with science.”\(^{97}\)

Land Grant Universities (LGUs) established by the Morrill Land-Grant Acts of 1862 and 1890, taught curriculums based on agriculture and science with a mission to bring that knowledge to the public. The University of Maine in Orono was established as an LGU in 1865, with its Agricultural Experiment Station established in 1885. According


to Glenna, the University of Maine at Orono was one of the first six LGUs to offer courses related to eugenics. In 1914–15, the University of Maine offered a philosophy class titled Evolution, that covered “principles of heredity, selection, survival of the fittest, eugenics.”

Meritt Fernald, affiliated with Harvard University, was the first faculty member at the Maine State College of Agriculture and Mechanical Arts, as the University of Maine was called when it opened its doors. Nathan Sorber argues that Fernald influenced the school toward scientific rather than practical agricultural training. Students were the children of wealthy farmers and businessmen and they pursued professional degrees rather than returning to farms.

Raymond Pearl, who spoke at the First Congress of Eugenics in 1912, was appointed head of the department of biology at the University of Maine, Orono in 1907. Pearl utilized the poultry plant at the Maine Agricultural Experiment Station to conduct research that included inbreeding and alcoholism in chickens. The rapid rate of reproduction of chickens was useful to track heredity through multiple generations. In 1912, the Boston Daily Globe reported “Congress on Eugenics. First International

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98 Glenna, Gollnack, and Jones, “Eugenic Opportunity Structures,” Figure 1: Timeline of eugenics courses offered at LUGs, 288.


101 H. S. Jennings, Biographical Memoir of Raymond Pearl, 1879–1940, 14th Memoir (National Academy of Sciences) 22: 298.
Gathering Opens in London with 400 Delegates—Maine Man to Speak.”

The Maine man was Raymond Pearl.

Early Publications of Influence

Between 1850 and 1877, influential international and national publications speculated on the connections between heredity and crime and mental defect. In 1857, Morel’s *Traite des Dégénérescences* blamed the appearance of idiocy in families on hereditary degeneration, resulting from immorality, alcoholism, and crime in prior generations. In 1876, Lombroso’s *L’uomo Delinquente* claimed that criminals inherited their propensity for crime, along with a variety of identifiable physical traits.

Francis Galton, cousin of Charles Darwin, is often cited as the father of eugenics. Galton first published his views on the biological inheritance of desirable traits in humans in 1865, in the book *Hereditary Genius*. In a compilation of his lectures, Galton notes that he first used the word “eugenics” in 1883 to mean, in his own words, “the science which deals with all influences that improve the inborn quality of a race.”

America: *The Jukes*, 1877

The “sociology studies” that William Barry referred to in his 1980 article became popular in the late nineteenth and early twentieth centuries. They combined scientific and

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sensational language, and were widely read by the public. Published in 1877, The Jukes: A Study in Crime, Pauperism, Disease and Heredity\textsuperscript{105} estimated a $1,308,000 loss to society due to generations of “the Jukes” family passing down undesirable traits.\textsuperscript{106} In the book, both heredity and environment shape the Jukes family. However, eugenicists would claim the story of the Jukes as proof of their theories, ignoring author Richard Dugdale’s repeated speculation in the book that environment might also affect a person’s development through generations.

\textit{The Jukes: Hereditary and Environment}

Any nuance in Dugdale’s musings on nature versus nurture may have been overlooked during interpretation. Dugdale wrote:

\begin{quote}
Heredity and environment, then, are the parallels between which the question of crime and public dependence and their judicious treatment extend: the objective point is to determine how much of each results from heredity, how much from environment.\textsuperscript{107}
\end{quote}

When Dugdale described the ‘environment’ of each family he described their social determinants of health, the modern public health mantra, in which place and resources can hugely impact an individual’s ability to thrive. Dugdale contrasted branches of the family that were industrious and employed with branches where mothers

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\textsuperscript{107} Dugdale, \textit{The Jukes}, 12.
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and sisters worked as prostitutes and children were born homeless, or into environments of neglect and crime.  

Dugdale’s use of the word heredity is confusing. He maintained that environment influenced moral conduct more than heredity, except in cases of idiocy or insanity, which was pre-natal. A “licentious” parent would negatively influence a child. In this way, family circumstances perpetuated a poor environment for children. This, he also called heredity.  

Dugdale divided pauperism into “induced” and “hereditary.” A man with syphilis who married his cousin produced a daughter who was a “congenital idiot” who lived for years in a poor house. Dugdale called this case “absolute hereditary pauperism.” Induced pauperism came from “bad administration of the law, or temporary weakness or disability in the recipient.” He suggested society should have a role in the mitigation of pauperism:

Pauperism, which depends on social and educational disabilities and not upon deep-seated constitutional disease, can and must be prevented by sound and felicitous measures of administration that will conform to modes of dealing with it spontaneously adopted by society and are therefore as generally acceptable as they will prove efficacious.

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109 Dugdale, *The Jukes*, 65
Animalistic, Amoral, and Filthy

Dugdale used language and framing to describe the Jukes family that would be used by eugenicists and echoed in newspaper descriptions of Malaga islanders. He described their “ancestral breeding spot” in the forest, “so rocky as to be in some parts inaccessible,” as a “nest” and a “crime cradle.” The words used to describe women and their children throughout the book included “harlotry,” “illegitimacy,” “chastity,” “bastardy,” “licentiousness,” “profligacy,” and “idle and disgustingly dirty.”

In so-called pedigree studies of that time, descriptions of substandard living conditions signified suspect behavior and perhaps titillated and entertained a reader. Dugdale described the Jukes as squatters, living in “slave-hovels, all ages, sexes, relations and strangers ‘‘bunking’ indiscriminately,” sleeping together with feet toward the hearth in an atmosphere “fatal to habits of chastity.” The families had remained in these living conditions for years, which in turn seemed to perpetuate their poor social habits.  

Consanguinity

In Dugdale’s list of questions used to examine prisoners, the first question was, Are the parents consanguineous? and the second, What degree?  

“[f]ornication, either consanguineous or not, is the backbone of their behavior.” In one family, a child was the product of incest between a 14-year-old and her uncle.  

\[\text{Sources:} \]

115 Dugdale, The Jukes, 75.
117 Dugdale, The Jukes, 23.
man contracted syphilis in the army and produced eight children with his cousin, all of whom bore “marked social effects” of both the disease and consanguinity.118

“Industrial Training” and Institutionalization

Dugdale maintained that components of successful reform were separation from the “contaminating example to control moral environment” and “industrial training.”119 Industrial training encouraged good morals and developed a person’s ability to do steady hard work. Dugdale claimed this type of intervention would show societal benefit within 15 years.120

The “log huts and hovels which now form hot-beds where human maggots are spawned, will disappear. In their stead will be erected houses that will admit separate sleeping apartments for the sexes, the mental attributes will gradually develop, aesthetic tastes take the place of debauchery, and a new social equilibrium be established.121

Dugdale seemed to draw inspiration for industrial training from the institutionalization of “certain idiots.” The goal, he wrote, was to fatigue them with labor, and distract them from their addiction to masturbation which “perpetuated their idiocy.”122

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118 Dugdale, The Jukes, 32.
119 Dugdale, The Jukes, 64.
120 Dugdale, The Jukes, 60–62.
121 Dugdale, The Jukes, 61.
122 Dugdale, The Jukes, 60.
The Jukes and Public Health

C.E.A. Winslow called the nineteenth century the “great sanitary awakening.” Early efforts in public health sought to control “filth diseases,” which were thought to flourish in unsanitary living conditions of the poor and working classes. Disease and illness became associated with the need for moral and spiritual reform. Improved sanitation for all became a public responsibility that the wealthy could not escape or ignore. Dugdale, in closing, made an impassioned plea for better sanitation and city infrastructure to improve community health and wellbeing. He wrote, the “first condition of social and moral regeneration is public health.”

Rhetoric and Hereditarian Thought

Marouf Arif Hasian, Jr., in The Rhetoric of Eugenics in Anglo-American Thought, wrote that eugenics was an “ambiguous term that allowed many self-respecting Anglo-Americans to voice their concerns on a number of social issues.” What Hasian described as the ambiguity of eugenics could be interpreted by the study of its “rhetorical fragments,” a layer of persuasion guided by individual agenda. Hasian identified journals, magazines, and the press as “key texts that influence the ways in which ordinary citizens

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124 Ibid.

125 Dugdale, The Jukes, 117.

frame controversial issues.”  

Language of hereditarian thought used within these texts identified long-existing concerns that were re-articulated by the eugenics movement: preservation or improvement of the race, nationalism, temperance movements, and removing support for the unfit and morally delinquent.  

Rhetoric in Family Studies

In White Trash: The Eugenic Family Studies, Nicole Hahn Rafter wrote that so-called “family studies” like The Jukes, “The Smoky Pilgrims, “The Tribe of Ishmael,” and The Kallikak Family gave eugenics “its central, conformational image: that of the degenerate hillbilly family, dwelling in filthy shacks and spawning endless generations of paupers, criminals, and imbeciles.”

Rafter proposed that popular appeal of the family studies was literary: they were full of prurient details that readers would find shocking and entertaining to read. Rafter called them melodramas, “replete with danger, sex, and salvation.” She detailed the preponderance of sensational and unflattering language throughout the studies that describe people as sexually immoral and subhuman: mating, migrating, broods, maggots, parasites, nests.

Rafter also explored how class divides were intrinsic to the family studies, which in some cases were funded by the very wealthy. The fieldworkers who interviewed rural

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130 Rafter, White Trash, 26–29.
subjects were often women who gained access to higher education for the first time at the turn of the century. Rafter wrote that fieldworkers and authors “habitually conflate[d] value judgements with evidence.” Although the studies used scientific language, the authors also used sarcasm and irony to describe “defectives,” rhetorical cues that reassured readers of their shared class identity with the author, not the subject.\textsuperscript{131}

Hereditarian Thought in Maine Medical Society Publications

Between 1867 to 1911 (the approximate duration of the Malaga Island settlement), it is possible to trace topics of this thesis in \textit{Transactions of the Maine Medical Association} (\textit{TMMA}), the official journal of the Maine Medical Association (MMA). The publications of the association’s annual meetings contain hereditarian rhetoric, historic views about the poor, discussion of institutional care for the “feeble-minded,” the push for state-level oversight of public health, and the appearance of the word “eugenics.”

The Maine Medical Association, formed in 1853 as an association for professional improvement and networking, convened practitioners throughout the state of Maine, and appointed delegates to the medical societies of neighboring states including New York, Connecticut, Massachusetts, New Hampshire, Rhode Island, New Jersey, Pennsylvania, Michigan, and Vermont, and also to Canada. The organization actively lobbied on behalf of legislation, and the publication arm of the association was active.\textsuperscript{132}

\textsuperscript{131} Rafter, \textit{White Trash}, 12–25.

\textsuperscript{132} According to “The Journal,” \textit{Journal of the Maine Medical Association} 2 (1911): 366–367, the Maine Medical Association’s meetings were documented annually in the \textit{Transactions of the Maine Medical Association}, published about a year after the society’s annual meeting. Beginning in December
The Maine medical community likely maintained a position of respect and influence in the late nineteenth and early twentieth century. In the words of the Maine Medical Association, “no autocrat exercises more absolute power than a good physician, in the line of his profession, among those with whom he lives and moves, and to him are we to look for the diffusion of correct views.”

The published articles in TMMA focused on medical practice. Presentations covered medical issues such as the use of obstetric forceps and abscess of the lung. When speakers presented on topics under the purview of public health such as poverty, hygiene, alcoholism, and venereal disease, these papers reflected political, cultural, and social bias. TMMJ published papers by members with eugenic views.

Transition To State-Level Responsibility for Health. The 1850 Report of the Sanitary Commission of Massachusetts, authored by Lemuel Shattuck, recommended that public health organizations be established at the state and town level. MMA President Oren Horr lamented in 1884 that 28 states had state-level sanitation legislation, but Maine, “the

1910, the annual Transactions of the Maine Medical Association transitioned to a monthly publication format, titled Journal of the Maine Medical Association.


136 To the 1866 Transactions of the Maine Medical Association, the disclaimer was added: “The Association, in publishing papers presented, does not thereby endorse the views contained in them.”

rib that was hewn from the sinewy side of Old Massachusetts, the birth place of sanitary reform on the American continent,” had no organization at this level.138

In 1902, newspapers articles complained about an epidemic of measles on Malaga Island and some suggested that the state board of health should step in. Maine passed a resolution to create a state board of health in 1885, but only after many years of lobbying. The Maine Medical Association had an active part in the formalization of state level health oversight. Presidents of the Maine Medical Association called for the establishment of State Board of Health at the 1875,139 1876,140 1878,141 and 1883142 annual meetings.

The MMA actively lobbied for a state board of health. An MMA committee sent letters to doctors across the state that contained a proposed act to establish, and arguments in favor of, a state board of health. The letter asked each doctor to persuade their local legislator of the importance of state-level oversight.143


139 Thomas H. Brown, “President’s Address [1875]” Transactions of the Maine Medical Association 1874–1876 5 (1876): 209.


142 Geo. E. Brickett, “President’s Address [1883],” Transactions of the Maine Medical Association 1883–1885 8 (1885): 32.

The act was approved February 27, 1885.\textsuperscript{144} After the resolution finally passed, the Maine Medical Association noted their success in positioning their organization as an authority on public health reform in the president’s address of 1887:

The public health is being gradually placed under the cognizance of the medical fraternity. The public have learned to look to it for whatever pertains to sanitary regulations and laws.\textsuperscript{145}

\textit{Language Used to Describe Conditions of Poverty}. Part of the nineteenth-century shift toward acceptance of government oversight of public health sprang from the belief that unsanitary conditions carried disease. Unsanitary conditions flourished in crowded urban areas populated by the poor and working class, and in some cases with the rural poor. The wealthy ignored public health at their peril. The 1838 English Poor Law Commission argued that the expense of disease prevention would be less than treatment.\textsuperscript{146}

In \textit{Transactions of the Maine Medical Association 1866–1868}, two essays on conditions in the large Maine cities of Portland and Bangor reflected differing views on pauper support and public hygiene. MMA President Foster used negative language to describe the poor that would be echoed forty years later in descriptions of conditions on Malaga. Foster wrote that Portland’s great fire of 1866 purged the city of the worst “pest

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\textsuperscript{144} An Act to Establish a State Board of Health, ch. 286, § 1, 1885 Me. Laws 237, 237–240. 
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holes” where “that class of its inhabitants formerly crowded together to form hot-beds of filth, vice and disease.”

Foster warned that “negligence, filth and extravagance, intemperance, profanity and licentiousness, are vices that naturally lead to the poor-house.” Almshouses were fine for the reviled “able-bodied” poor, who deserved, according to Foster, to be worked hard, fed the most basic food, and allowed to “sleep in filth if they choose.”

Dr. J. C. Weston’s essay on Bangor’s almshouse called for reform and better infrastructure. He noted that the welcome discontinuance of poor auctions in Maine had led to crowding the poor together in buildings under terrible conditions. He asked the association to turn its attention to the sanitary conditions of the poor for the sake of public health, as “… progress and reform are the characteristics of the present age.” Weston suggested the need for specialized institutions: the Bangor almshouse was also used as a house of correction while a county jail was being constructed.

*Increase in the Use of the Word “Heredity.”* The word “heredity” was not found in my text search of *Transactions of the Maine Medical Association* published between 1853

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151 Weston, “The Sanitary Conditions of the Alms-house and the Poor of the City of Bangor,” 220.
and 1873. However, use of the word increased between 1875 and 1901 and its context began to take a eugenic turn.

An 1876 presentation called “Hygiene of our Homes” by P.S. Haskell identified two defining elements of personal success: 1) to be well-born, and 2) to be raised in a safe and clean home. Haskell was indexical in his description of ideal home conditions: built on dry ground, wallpaper free of arsenic and mold, good ventilation with pure air, a good sewer system, subject to a system of inspection that would afford the poor the same hygienic conditions as the wealthy.

Haskell then turned his focus to heredity. Man must have a proper home, but also a “good start.” One year before The Jukes was published, Haskell wrote that scientific research had so far confirmed “the hygienic edict” of children inheriting the sins of the fathers, to be considered when getting married.

A careful study of the laws of generation in the lower animals, has enabled the stock raiser to produce some splendid results, both as to the disposition of animals and their physical development. With the stock man it seems to be a paying business, and he attends to it—makes it a study. But how much has been done to improve the qualities of the higher animal, man?

152 Searches in Transactions of the Maine Medical Association on the word “hereditary” between 1853 and 1873 show its use primarily in connection to medical conditions such as Velpeau’s disease in E. F. Sanger’s “Radical Treatment of Malignant Growths,” TMMA 1871–1873, 27–40, or myopia in James A. Spalding’s “Short-sight in Portland School Children” TMMA 1874–1876, 386. The word “hereditary” is used once in connection with “mental derangements and psychical diseases” in T. A. Foster, “Effects of Psychological Influence upon Disease,” TMMA 1871–1873, 81.

153 The first mention of heredity, in 1875, as the possible source of “imperfect glandular development of New England women,” occurred in Dr. Sarah Devoll’s “Dress Reform” in TMMA 1874–1876, 238. Devoll suggested in the article that this damage was more likely caused by corsets.


156 Haskell, “Hygiene of our Homes,” 376.

157 Haskell, “Hygiene of our Homes,” 376.
Indirectly, by way of general hygienic improvement and culture, much; directly, by way of learning and systematizing the laws of procreation, very little.\textsuperscript{158}

Haskell suggested “one-half the cases idiocy” were caused by parental alcoholism and lamented the lack of literature on “the laws of insanity and idiocy.” A child could not be well-born of a mother contaminated by “lead, zinc, arsenic and filth.”\textsuperscript{159} He admonished “surely our medical journals must be alive to these topics.”\textsuperscript{160}

\textit{Direct Influence of The Jukes.} At the Maine Medical Association’s annual meeting of 1878, two presentations on morality and heredity in the criminal class mentioned \textit{The Jukes}. In “Transmitted Tendencies,” L. W. Pendleton of Belfast wrote about the primacy of family and heredity. He argued that heredity was both law and destiny, therefore a man was “not only the son of his parents, but also the offspring of the race.”\textsuperscript{161} Pendleton noted that the account of the “famous” Jukes family had provoked speculation that some “dangerous classes” could not be reformed or their offspring morally improved.\textsuperscript{162}

A paper by Dr. George French of Portland, titled “The Eradication of Syphilis and Crime by the Extirpation, in that Class, of the Procreative Power,” suggested it should be a crime punished by sterilization for persons with syphilis to marry or have children. French cited the “justly celebrated little book” \textit{The Jukes} with its famous quantification of “social damage” that moral degeneracy could bring about, referring to the loss of “a

\textsuperscript{158} Haskell, “Hygiene of our Homes,” 378–379.
\textsuperscript{159} Haskell, “Hygiene of our Homes,” 378–379.
\textsuperscript{160} Haskell, “Hygiene of our Homes,” 378.
\textsuperscript{161} L. W. Pendleton, “Transmitted Tendencies,” \textit{Transactions of the Maine Medical Association} 1877–1879 6 (1879): 446.
million and a quarter.” He suggested that “…habitual criminals, like lepers, are a degenerate stock, morally and physically, which should be permitted to become extinct.” Sterilization and segregation for life would deter them.

His essay connected idiocy with immorality and lack of judgement. The sexual appetites of criminals led to the propagation of idiot progeny:

> [P]ropagated disease often appears as idiocy in the offspring, and there is no greater obstacle to ameliorating the condition of idiots than the difficulty of controlling their sexual instincts…. Bereft, as they often are, of moral responsibility, society should rescue them from the clutches of lust and ward off the multiplication of idiots and imbeciles. It is a duty which it owes alike to itself and the idiot.

French included prostitutes in his proposed initiative. “Supplementary to existing laws, a woman infected with syphilis convicted of prostitution should be spayed” to prevent her from becoming “the mother of harlots and criminals like “Margaret” in Dugdale’s *Jukes.*”

*Post-Jukes: Pedigree and Marriage.* In *TMMA 1887,* the word “heredity” was mentioned 14 times in a single article. Dr. Edwin M. Fuller of Bath, a town fourteen miles from Malaga Island, gave the annual oration titled “Pedigree in Health and Disease.” Using a theme similar to Francis Galton’s 1865 book *Hereditary Genius: Pedigrees of Outstanding Men,* Fuller listed talented literary men, philosophers, and painters and their

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equally talented families to illustrate that genius was inherited. Education was not enough.\textsuperscript{167} Likewise, “[d]iseased minds and bodies must follow in heredity line.”\textsuperscript{168}

Fuller made several references in the paper to horse breeding, foreshadowing an infamous conversation attributed to eugenicist Charles Davenport and donor Mrs. Edward Harriman.\textsuperscript{169} Fuller stated, “We know that the race can be improved, as is shown by analogies among the lower animals,”\textsuperscript{170} therefore a knowledgeable horse breeder would not breed a prized animal with an inferior one, nor could this same breeder let his “children marry into families where heredity taints were known to exist.”\textsuperscript{171}

Fuller praised the harsh New England climate as a Darwinian producer of hardy stock, which had fallen prey to foreigners and contaminations. He applauded the Maine Medical Association’s efforts to establish a state board of health to inform the public how they could “enhance their individual happiness and improve the race.”\textsuperscript{172}

Fuller warned opaquely that the “day is approaching when the philanthropist in medicine will advocate a line of action in which stronger grounds will be taken to check the hereditary tendencies of the day, as is now manifested in the line of thought under


\textsuperscript{168} Fuller, Annual Oration “Pedigree in Health and Disease,” 198.

\textsuperscript{169} Leading eugenicist Charles Davenport approached and received funding from Mary Williamson Harriman, wife of railroad owner Edward Harriman, for the Eugenics Records Office, established in 1910. Davenport wrote of Harriman “As she often said the fact that she was brought up among well bred race horses helped her to appreciate the importance of a project to study heredity and good breeding in man.” From Allen E. Garland, “The Eugenics Record Office at Cold Spring Harbor, 1910–1940: An Essay in Institutional History,” \textit{Osiris} 2 (1986): 236.

\textsuperscript{170} Fuller, Annual Oration “Pedigree in Health and Disease,” 209.

\textsuperscript{171} Fuller, Annual Oration “Pedigree in Health and Disease,” 209.

\textsuperscript{172} Fuller, Annual Oration “Pedigree in Health and Disease,” 204.
consideration.”\textsuperscript{173} He advocated for selective marriage. Those with hereditary diseases “should be taught how they may best serve as factors in propagating a pure race.”\textsuperscript{174}

\textsuperscript{173} Fuller, Annual Oration, “Pedigree in Health and Disease,” 198.

\textsuperscript{174} Fuller, Annual Oration “Pedigree in Health and Disease,” 209.
Katrina Nancy Jirik’s dissertation “American Institutions for the Feeble-minded, 1876–1916” delved into numerous factors that influenced the change in public perception toward the feeble-minded as an increasing menace to society. This change favored state-run institutional care. Factors included the rise of a professional class of superintendents, and the transition from rural economies, where children with developmental disabilities could be integrated into life on farms,\textsuperscript{175} to urban economies with state managed care. Jirik also noted the less-explored underpinning of compulsory school attendance on increased institutional attendance.\textsuperscript{176}

Daniel Kevles wrote that turn-of-the-century progressive reform called on testimony from scientific experts to support legislative reform, in accordance with the “Wisconsin Idea.” In this way, the eugenics movement in the United States was fueled by experts from academia and from institutions that dealt with the mentally ill and insane.\textsuperscript{177}

\section*{A Maine Influencer in the Profession}

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\textsuperscript{176} Jirik, “American Institutions for the Feeble-minded, 1876–1916,” 25–26. Although the possible correlation between Maine’s compulsory school attendance law on an increase in institutional need is not covered in this thesis, it is worth noting that Maine passed a law requiring children under 15 to attend public school in 1887 (An Act to Compel Children under Fifteen Years of Age to Attend Public Schools, 1887 Me. Laws 15, 15–17.)

\textsuperscript{177} Kevles, \textit{In the Name of Eugenics}, 101.
Dr. Bigelow Sanborn was one such institutional expert, described as a “progressive man, fully abreast with the best thought of the times” and a “leader among those who are working upon the problem of the best methods of care and treatment for the insane.”\textsuperscript{178} In Maine, institutions for the insane mapped the future of care for the feeble-minded. Sanborn would eventually present to the MMA on the need for the Maine School for the Feeble Minded.

Upon graduation from the Medical School of Maine, Bigelow Thatcher Sanborn began his career at the Maine Insane Hospital as assistant superintendent and was promoted to superintendent in 1883. He held that position until he died on April 1, 1910.\textsuperscript{179} According to his obituary in the \textit{Journal of the Maine Medical Association}, the Maine Insane Hospital flourished and modernized under his leadership.\textsuperscript{180}

Sanborn’s obituary described him as a “fluent and genial talker, smooth and agreeable” who took “great and untiring interest” in the “improvement of those of feeble mind” and was adroit at securing benefits from the state for his patients.\textsuperscript{181} In 1899, at its 47th annual meeting, the Maine Medical Association elected Bigelow Sanborn president for 1900 to usher in the new century.\textsuperscript{182} Sanborn was confident in his role. “To the


\textsuperscript{180} “Obituary of Dr. Bigelow Thatcher Sanborn,” \textit{Journal of the Maine Medical Association} 2, no. 2 (September 1, 1911): 415.

\textsuperscript{181} “Obituary of Dr. Bigelow Thatcher Sanborn,” 416.

medical profession of the state belongs the duty of shaping the policy which should
govern the disposition of the insane.”

Cure, Not Only Confinement

Sanborn was a proponent of rehabilitation, not just confinement, of patients. Sanborn’s presentation “Employment of the Insane” to the MMA advocated for improvements in institutional design and care. Sanborn described early institutions for the insane as “prisons for the custody of the maniac,” with no goal of patient rehabilitation. He cited Pinel’s reforms at the notorious Bicêtre, a “prison, almshouse, lunatic asylum and nursery” where patients were kept in “one common herd.” He made the case that work such as gardening, sewing, etc. and “judicious employment in the open air” were “potent factors in the moral treatment” and recovery of mentally ill patients.

Institutional Expansion

Maine law made provisions for care of persons with developmental disabilities as early as 1865. The governor was authorized by resolve to send “a limited number of idiotic” children out of state for care to give in-state priority to children of veterans.

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Governor Cony noted in the same year, in his address to the Senate and House, that the Asylum for the Insane was completely filled and wondered “how the State ever got on without it.”

In 1893, a resolve was passed by the Maine legislature stating that patients of “an idiotic and demented class” at Maine Insane Hospital who were deemed both harmless and incurable could be sent home. The resolve further directed the governor and council and trustees of the Maine Insane Hospital to count the number of these current patients, and to report on their cost of care and the cost of building additional housing for them.

Sanborn lobbied for institutional expansion. In 1898, he presented a paper titled “The Necessity of Additional Hospital Accommodations for the Insane” to the MMA. Sanborn noted that the 1880 Maine census reported 1,542 people categorized as insane and another 1,300 “idiots and imbeciles.” Because Maine’s Revised Statutes categorized idiots and the insane together, all were subject to commitment to the Maine Insane Hospital, which only had 583 beds. Sanborn suggested Maine look to Massachusetts for best practices to provide care for more patients in relation to state population.

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189 Me. R.S. ch. 143, § 7–9 (1871), under Duties of Superintendent, directed that patients should be accepted from each town according to its population reported by the most recent census.

190 Sanborn, “The Necessity of Additional Hospital Accommodations for the Insane,” 181.

The Term “Feeble-minded” Appears in MMA Journals

The term “feeble-minded” does not appear in presentations\(^\text{192}\) in the Transactions of the Maine Medical Association between 1853 and 1903. However, the term appears 24 times in TMMA 1904–1906, primarily in a paper presented on June 1, 1904 by Bigelow Sanborn titled “The Care of the Feeble Minded.” Sanborn argued that although Maine philanthropy and legislation had eased the plight of the insane, the state had not sufficiently addressed care of the feeble-minded, a “defective class” that was “equally dependent” and deserving of care.\(^\text{193}\)

Impact of Legislation on Institutional Capacity

According to Sanborn, Maine now had two hospitals that could house 800 insane patients, and both were at capacity. Sanborn referenced the 1890 census which counted 1,299 insane, and another 1,591 feeble-minded.\(^\text{194}\) This left Maine short 500 beds for the insane, and the state provided no options for the 1,591 feeble-minded. To make clear beds for the insane, “this defective class”\(^\text{195}\) was being returned into home care or almshouses that could not care for them appropriately.

\(^{192}\) In TMMA 1901–1903, the term feeble-minded appears in the names of member’s institutions of employment. The term “feeble” appears several times in TMMA 1898–1900 to describe weakness of the mind, rather than the body.


\(^{194}\) Jirik cites research by Tyor and Bell, Caring for the Retarded in America, noting that the 1890 census reported a “significant” increase in persons categorized as feeble-minded (Jirik, 21).

\(^{195}\) Sanborn, “The Care of the Feeble-minded,” 46.
Legislation, Sanborn explained, combined with increased demand for beds for the insane, had eliminated care for the feeble-minded. He noted the “implied interdiction”\textsuperscript{196} in Maine’s Revised Statutes, which classified idiots and the insane together for legal purposes but allowed them to be separately categorized in commitment procedures to Maine’s insane hospitals. A person diagnosed as feeble-minded could be removed from institutional care for the insane or,\textsuperscript{197} according to Sanborn’s reading of the law, refused admission. At his own institution, Sanborn had to prioritize the insane over the feeble-minded.\textsuperscript{198}

A New Category of Care

Sanborn explained that feeble-mindedness was hereditary and encompassed “a group of three classes, namely, the idiot, the imbecile and the feeble-minded.”\textsuperscript{199} Sanborn provided an arguably indistinct description of the “three distinct grades”:

…first, the idiot who is deprived of all higher mental power, and whose ability to acquire is exceedingly limited if not absolutely abolished; second, the imbecile, who is capable of acquiring to some extent, but whose grasp of mind is hedged in by quite serious limitations; and third,

\textsuperscript{196} Sanborn, “The Care of the Feeble-minded,” 46.

\textsuperscript{197} Me. R.S. ch. 8, § 1–8 (1840): “The words “insane person” shall be construed to include “every idiot, non compos, lunatic, or distracted person.” Me. R.S. ch. 1, § 4–8 (1857) softened the definition slightly: “The words “insane person” \textit{may include} [my italics] an idiotic, non compos, lunatic, or distracted person.” Me. R.S. ch. 6, § 4–8 (1883) stated “The words “insane person” may include an idiotic, non compos, lunatic, or distracted person: but in reference to idiotic or non compos persons this rule does not apply to chapter one-hundred and forty-three.” Me. R.S. ch. 143, § 9 (1883) contained language to allow superintendents to remove idiotic patients from institutions for the insane: “The superintendent, at each monthly visit of the trustees, shall also report to them the name of any inmate who was idiotic at the date of his commitment, or who has become so imbecile as, in his judgement, to be beyond cure, and if he thinks that such inmate may be discharged with safety to himself and to the public, the trustees shall order his discharge and cause him to be removed to the town by which he was committed.”

\textsuperscript{198} Sanborn, “The Care of the Feeble-minded,” 47.

\textsuperscript{199} Sanborn, “The Care of the Feeble-minded,” 48.
the feeble-minded whose judgment is defective and in whom these limitations are the result of the same degenerative processes which gave rise to the idiot and the imbecile.200

He continued,

The term feeble-minded is a relative phrase, and I think it quite generally construed to correspond to the definition which I have given the third grade of the group, but in its application to the subject under discussion it should receive the most liberal construction [emphasis mine], and the urgent necessities to provide proper care, which demand action of our legislative bodies, should apply not only to the feeble-minded but to the idiot and imbecile as well, and the strong arm of the State should extend its protection to the absolutely helpless as well as to those whose suffering from slight mental enfeeblement, that class whom it is reasonable to expect will receive such benefit which is the prerogative of a school for the feeble-minded to extend, as shall afford the patient an opportunity to return to a life of usefulness and productiveness.201

Sanborn rebutted taxpayer fears: institutionalizing the feeble-minded would help the state’s economy by removing the burden of care from regular families. He argued persuasively:

The Good Shepherd left the ninety and nine and sought the lost sheep. The same disposition is exemplified in the family, and one dependent member often commands the physical resources of the entire family.202

The state’s duty was to step in to assist with this “skeleton in the closet.”203

Sanborn made an impassioned eugenic plea for segregation in service of the greater good. An institution to care for the feeble-minded would prevent:

the propagation of this weakened and degenerative humanity, which if allowed to continue will stint and dwarf manhood, and physical and moral decline will be the inevitable result. Sentiments of philanthropy and the

201 Sanborn, “The Care of the Feeble–minded,” 49.
dictates of humanity call for radical changes. Christianity sanctions it. Our duty as citizens is plain.\(^{204}\)

He ended with the quote: “Salus populi suprema est lex,”\(^{205}\) invoking the police power of public health\(^{206}\) and the authority of the state to provide for the health of its people (critics of police power argue at the expense of individual rights). According to the minutes of the morning session, following Sanborn’s presentation, Addison Thayer of Portland presented two resolutions:

**Resolved,** that the members of the Maine Medical Association believe it to be for the interest of the people of Maine that children and young adults who are feeble-minded should be, so far as possible, segregated, instructed, and diverted by useful employment. For this end, the experience of other states has demonstrated the value of state schools for the feeble-minded. Therefore, it is further

**Resolved,** That the establishment of such a school in Maine is commended to the attention of our State legislature.\(^{207}\)

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\(^{204}\) Sanborn, “The Care of the Feeble-minded,” 52.

\(^{205}\) Sanborn, “The Care of the Feeble—minded,” 52.


Chapter VII.

Malaga in the Public Eye

Rumors that Malaga islanders descended from freed slaves are repeated in contemporary articles. The exact truth is unclear. John Mosher describes the legends that surrounded Benjamin Darling, a free Black man and ancestor of the Marks family, and also the history of the Darling/Marks family. According to Mosher’s research, Benjamin Darling’s son Isaac married a white woman named Patience Wallace. The couple had seven children, one of them a daughter named Hannah.\footnote{John P. Mosher, “No Greater Abomination: Ethnicity, Class and Power Relations on Malaga Island, Maine, 1880–1912,” (Master’s thesis, University of Southern Maine, 1991), 33.} Hannah was the mother of Jacob Marks, making Jacob the great-grandson of Benjamin Darling.

Malaga Islanders on the Census

The 1880 census showed a Hannah Marks, mulatto, age 68, living with Henry and “Pertima” Griffin\footnote{On the 1889 census, accessed through AncestryHeritageQuest.com, the translation added above the name is “Pertima.” The writing is unclear and could also be read as Fatima.} (both listed as black). Hannah’s relationship to head of household was listed as sister. Pertima Griffin was likely Fatima (Darling) Griffin, daughter of Isaac Darling and granddaughter of Benjamin Darling.\footnote{Mosher, “No Greater Abomination,” 37.} Hannah (Darling) Marks was her sister.\footnote{Mosher, “No Greater Abomination,” 33.}
On the 1880 census, Jacob Marks, 23, is listed as living with his sister Lucy (age 32), niece Rosella (age 15), and nephew George (age 7) in a separate dwelling. All were identified as mulatto. On the 1900 census, Hannah Marks is listed with the William Johnson household as mother-in-law (possibly William’s wife Lucy/Jacob’s sister). The 1900 census also lists the Jacob Marks household: Jacob, “about 50,” lives with his wife Abbie M. (28), daughters Lizzie F. (14), Lottie M. (7) and Laura E. (2), and son James H. (9). They are all listed as Black on the 1900 census.

The 1910 census lists the Marks household as Jake (age 55), wife Abbie M. (45), daughters Lizzie F. (24), Lottie M. (16), Lorra [sp] E. (23), sons James (21), and Willie A. Marks, 1 years old. The family is all listed as mulatto, and illiterate. Mosher writes that William (Willie A.) is Elizabeth’s (Lizzie F.) son with William Griffin, 38, who lived in the John and Rosilla Eason household. On the census, Willie A. is identified as the son of head of household Jake. On the 1920 census, Etta (22), Lottie (25), and Lizzie (33) Marks are listed as inmates of a public institution.

Racism was an undeniable part of the eugenics movement, and likely a strong motivator in the Malaga eviction. The fact that the islanders lived in mixed-race

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212 According to AncestryHeritageQuest.com, the 1890 Federal Census was destroyed in a fire in 1921 and only 1,233 pages survived. Maine records were destroyed.

213 On the 1900 census, all ages for the Marks household, as well as other Malaga households, are listed as “about” before the number.

214 On the 1910 census, AncestryHeritageQuest.com identifies the Marks household incorrectly as the Mietz household.


216 On the 1900 census, Laura E. Marks is listed as age 2. On the 1910 census, Lorra E. Marks is listed as age 23. On the 1920 census, Etta Marks [probably Laura] is listed as age 22. The 1910 census seems most inaccurate.
households may have been particularly objectionable. Mosher discussed the perception of
the “mulatto as the ultimate evil.” The title of Mosher’s thesis seems to refer to a quote
by journalist Jacob Riis: “this commingling of the utterly depraved of both sexes, white
and black… there can be no greater abomination.”217 Daniel Kevles and Mark Haller cite
various condemnations of “mongrelization”218 and miscegenation leading to “racial
degeneration.”219 Stephen J. Gould quoted biologist and polygenist Louis Agassiz: “The
production of halfbreeds is a much a sin against nature, as incest is a sin against purity of
character….”220

Publicly Poor: Phippsburg Town Reports

Paupers lacked privacy to a striking degree. Maine lawyer Hugh McMahon cites
an 1882 case in which a pauper sent to the insane hospital was identified by name, and
described in unflattering terms, as “a person of weak mind, of filthy and disgusting
habits, careless of his personal appearance, able to labor, but requiring for successful
labor, supervision.”221 McMahon speculated that general public consensus may have been
that a pauper forfeited their right to privacy if they requested public support.222

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218 Kevles, In the Name of Eugenics, 75. Kevles cites eugenicist Madison Grant’s views on
miscegenation.
219 Haller, Eugenics: Hereditarian Attitudes in American Thought, 52.
221 Joseph Whitman Spaulding. “Inhabitants of Strong vs. Inhabitants of Farmington,” Reports of
Cases in Law and Equity Determined by the Supreme Judicial Court of Maine (Portland, ME: C. C. Brown,
1883) 74: 47.
222 McMahon, Progress, Stability, and the Struggle for Equality, 57.
Who received poor relief was public knowledge. The annual town reports of Phippsburg listed the names of paupers along with the names of the people who supported them and how much money they donated.\textsuperscript{223} The names of Malaga islanders were on the pauper list and received poll tax \textsuperscript{224} abatements on Phippsburg town reports in 1896, 1897, 1898, 1904, 1905, and 1906.\textsuperscript{225}

John Mosher writes that Phippsburg would have considered the islanders “chronic paupers” and their “persistent poverty” an indication of moral failing.\textsuperscript{226} For example, in 1896, E. P. Bartlett paid $30.75 for Hannah Marks, Jacob Marks’ mother. The report also lists a poll tax abatement of $3.00 for Jacob Marks. In 1897, Phippsburg residents funded Jacob Marks $6.30 and Hannah Marks $85.12. In 1904, Malaga aid recipients were listed separately in the report.\textsuperscript{227}

The February 24, 1905 report presented this list:

\begin{center}
\textsuperscript{223} Phippsburg town reports also show influential civic roles of three individuals in the Malaga Island story between 1898 and 1904, important years in Malaga’s fiscal and political history. Dr. A.F. Williams was on the Governor’s executive council and the doctor required to commit the Marks family to the Maine School for the Feeble Minded. Malaga state agent George Pease recommended the Marks family be committed. Phippsburg selectman Charles V. Minott, Jr. worked to absolve Phippsburg of fiscal responsibility for the islanders, traveling to Boston to review property records in 1899 and 1903 (Mosher, 93).

\textsuperscript{224} “Maine Senate Votes Repeal of Poll Tax on Adult Males, New York Times, March 13, 1973. The 1845 poll tax of $3 was required to obtain a fishing license, among other documents.

\textsuperscript{225} Due to travel restrictions in Massachusetts during Covid 19, only online data from Phippsburg town reports issued 1897–1905 are presented in this document.

\textsuperscript{226} Mosher, “No Greater Abomination,” 91.

\textsuperscript{227} Malaga islanders were listed separately, followed by the text from the March 18, 1903 legislative act that annexed Malaga to Phippsburg. From Phippsburg, (Me.), “Ninetieth Annual Report of the Town Officers of the Town of Phippsburg, Maine, For the Year Ending February 20, 1904,” Maine Town Documents, 4048. Accessed at https://digitalcommons.library.umaine.edu/towndocs/4048.
Table 1. Phippsburg Pauper Support for Malaga Islanders, 1904

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<thead>
<tr>
<th>Name and Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>F.W. Ridley for Laura Darling</td>
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</tr>
<tr>
<td>C. P. Ice Co. for Laura Darling</td>
<td>$1.00</td>
</tr>
<tr>
<td><strong>F.W. Ridley for Jake Marks’ family</strong></td>
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<tr>
<td>J.W. Doughty for Jake Marks’ family</td>
<td>$16.00</td>
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<tr>
<td><strong>J.W. Doughty for Elizabeth (Griffin) or Darling</strong></td>
<td><strong>$55.28</strong></td>
</tr>
<tr>
<td>F. W. Ridley for Elizabeth (Griffin) or Darling</td>
<td>$42.00</td>
</tr>
<tr>
<td>J. W. Doughty for Elizabeth (Griffin) or Darling</td>
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<tr>
<td>F. W. Ridley for Rhoda Young or Darling</td>
<td>$49.00</td>
</tr>
<tr>
<td>A.F. Williams for Ellen Griffin</td>
<td>$8.00</td>
</tr>
<tr>
<td>Wm. N. Beal for Ellen Griffin</td>
<td>$3.00</td>
</tr>
<tr>
<td>Wm. F. York for Ellen Griffin</td>
<td>$3.00</td>
</tr>
<tr>
<td>Fred S. Curtis for Ellen Griffin</td>
<td>$14.00</td>
</tr>
<tr>
<td>W. G Webber for Ellen Griffin</td>
<td>$0.75</td>
</tr>
<tr>
<td>C.P. Ice Co. for Geo. Griffin</td>
<td>$65.40</td>
</tr>
<tr>
<td><strong>Total Malaga support</strong></td>
<td><strong>$286.43</strong></td>
</tr>
<tr>
<td><strong>Total support (Malaga and Phippsburg town)</strong></td>
<td><strong>$700.95</strong></td>
</tr>
</tbody>
</table>

Pilloried in the Press

The unflattering portrayal of the Malaga islanders in local press between 1893 and 1911 is described in contemporary articles as biased and inaccurate propaganda. Newspaper accounts of Malaga island were not the objective assessments that might be expected from contemporary reporting. The news of Malaga functioned as salacious entertainment, but also persuaded readers that the islanders were a problem in need of a solution. The press used language with religious and moral overtones to portray the

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229 According to the site Measuring worth.com, $286.43 in 1904 would equal $8,509.73 as of June 27, 2020, accessed at www.measuringworth.com/dollarvaluetoday/. Note that Phippsburg town reports were published in February of the following year: the 1905 report contained data for 1904.

230 The February 17, 1906 Bath Independent and Enterprise article “Strange Community on Malago Island” told the story of a Black man who courted a beautiful white woman, who initially rejected him. The woman ran away to Malaga Island with him after she mistakenly powdered her hair with lime and became bald.
islanders as the unworthy poor, a menace to respectable society, and a public health crisis that required action.

In 1893, Malaga Island became national and international news. In a December 22, 1893 Boston Herald article ran with the headlines:

STARVATION IN HUTS. Casco Bay Fisherman Without Food. Death Staring Hundreds of them In the Face. Terrible Suffering on Malaga Island. Some of the Women There Are Almost Nude. Several Children Have Died From Exposure.

The 35–40 islanders were described as living in three filthy huts built of logs and mud, “ignorant and improvident,” and the “descendants of negroes and Portuguese.”

On December 30, 1893 the Bath Enterprise, published in the town of Bath fifteen miles away from Malaga Island, printed a rebuttal defending Phippsburg. The claims made by the “sensational Boston newspaper” were a “libel on the town.” The islanders, “colored people mainly,” were poor and ignorant, but under the care of Phippsburg, and not starving. A quote from a “man that lives near the island” called the islanders “improvident, and if they had $20 today they would spend it the next for amusement.”

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231 The story was picked up in newspapers throughout the country, often under the headline “Suffering off the Maine Coast,” including the Ogden Standard (Utah) on January 27, 1894; San Diego Union on February 19, 1894; Evening News (San Jose, CA) on February 21, 1894; Los Angeles Herald on March 4, 1894; Breckenridge News (Kentucky) on April 18, 1894; the Pullman Herald (Washington) on May 4, 1895, and as far afield as Australia, on the front page of the Horsham Times in Victoria, on June 11, 1897.


233 “Little Foundation for a Story of Great Destitution in the Town of Phipsburg [sic] Which was Published by a Sensational Boston Paper,” Bath Enterprise, December 30, 1893. Reprinted in Steve Mitchell, The Shame of Maine, 2. Note: according to NewspaperArchive.com, the Bath Enterprise only published for one year in 1903. The Bath Independent published from 1880–1961, but NewspaperArchive.com did not list articles from 1893 for the Bath Independent. The Portland Public Library, Maine, contains microfiche of the newspaper but the library was closed due to Covid 19 at the writing of this thesis. However, the quote regarding the improvident nature of the islanders was repeated in the Portland Daily Press article “Destitution at the Islands,” December 23, 1893.
Three years later, Malaga was in the press once again as the site of a public health epidemic, and Jake Marks was mentioned by name. On February 22, 1902, the *Bath Independent* reported that there were more than 20 cases of measles on Malaga and the islanders were suffering, noting this was “the island that Phippsburg refused to call a part of herself and Harpswell people decline to have thrust upon them.”

On March 1, 1902, the *Bath Enterprise* ran “Not Fit For Dogs Life on Malaga,” with the sensational sub-headlines:


The article stated that Jake Marks and his wife and children had all had the measles. It blasted Phippsburg for evading their responsibility in order to reduce pauper bills and allowing conditions to flourish on Malaga that were a “disgrace to the town and to the state of Maine.” The islanders were “a degraded class, black and white, all mixed up with the lowest kind of moral ideas.” The island was waiting “to be redeemed from poverty, filth, and immorality.” A local doctor had alerted the state board of health to no avail.

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236 The measles story was also carried nationally. The May 19, 1902 *Los Angeles Herald* announced in a single sentence: “The Entire Population of Malaga Island, off the Mouth of the New Meadow River, Me., is Suffering from the Measles.” The January–March 1902 *Chateaugay Record* ran the story “All Have the Measles. Inhabitants of Malaga Island Found Destitute and Starving.”

No worse heathenism we imagine could be found in far off heathen countries than can be found on this godless island, scarcely more than a dozen miles from Bath’s city hall and Sagadahoc county courthouse.  

On February 17, 1906 the *Bath Independent and Enterprise* described Malaga islanders as a “strange mixture of black and white, white men living with black negresses and white women with colored men” who have “married and intermarried.” The “miserable huts” were once again described. The islanders were improvident and spent their money on liquor and sweets. The article noted that the island was a tourist attraction and snapshots were taken for souvenirs.  

The *Bar Harbor Record*, May 22, 1907, described Malaga in the column Maine Sea Coast Missionary Notes. The article called specifically for state oversight and identified the islanders as state paupers who should receive state care. “Some have defective eyesight and others are doubtless insane.” The article recommended that “some of the hovels should be burned to the ground and the inmates taken to the insane asylum” while others needed medical treatment. The able-bodied islanders should support themselves. The article closed by noting another island colony that also had racial intermarrying.

Legal Settlement Dispute

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239 “Strange Community on Malago Island,” *Bath Independent and Enterprise*, February 17, 1906. (Malaga Island was sometimes referred to as Malago in the press.)

240 “Maine Sea Coast Missionary Notes,” *Bar Harbor Record*, May 22, 1907.
The Malaga Island eviction was fueled by the legal settlement dispute over pauper support that played out for years in the local press. The dispute left Malaga residents legally vulnerable and kept them in the public eye. Maine lawyer Hugh McMahon identified this type of litigation as an unfortunate result of the legal settlement requirement in Maine poverty law. Litigation between towns over legal settlement of paupers continued for years, consuming significant judicial effort.\textsuperscript{241}

The town of Phippsburg apparently sought to rid itself of responsibility for the Malaga islanders as early as 1899. The 1899 attempt to disown Malaga was withdrawn,\textsuperscript{242} or rejected by the legislature according to the \textit{Bath Independent} on March 4, 1899:

\begin{quote}
We are glad to note that the town of Phippsburg failed to cast its burden of poverty stricken people of the island of Malago upon the town of Harpswell. So we credit the Legislature with one good act.\textsuperscript{243}
\end{quote}

The Revised Statutes of 1883 and 1903 would have guided decisions regarding Malaga Island pauper support. Towns were still required by law to provide for the poor based on legal settlement, but the Revised Statutes of 1883 contained a provision for state


\textsuperscript{242} \textit{Journal of the House of Representatives of the State of Maine, Sixty-Ninth Legislature, 1899} 68 (Augusta: Kennebec Journal Print, 1899), 188 & 379. Friday, February 3, 1899: “Petition of the selectmen of the town of Phippsburg relating to certain islands in Casco Bay was referred to the Committee on Towns in concurrence (p. 188).” Monday, February 27, 1899: “Report on the Committee on the Judiciary, reporting “leave to withdraw” on petition of the selectmen of Phippsburg relating to certain islands in Casco Bay (p. 379).”

\textsuperscript{243} “Malago Didn’t Go” \textit{Bath Independent}, March 4, 1899.
reimbursement to towns who paid for paupers with no official settlement. A new section in the 1903 statute stated:

Whenever persons who have no legal settlement within the state, and needing immediate relief, are found in any town, or in unincorporated places and are brought into an adjoining town obliged by law to care for and furnish relief to such persons, and relief is so furnished, the state shall reimburse said towns for relief so furnished, in the same manner and under the same restrictions as provided in section thirty although the overseers of the poor of said town have no permit in writing from the governor and council to remove the same into their town.

According to a March 12, 1902 editorial in the Bath Enterprise, the state would reimburse Phippsburg for support of Malaga during the legal settlement dispute. The author hoped that if Phippsburg were found responsible for the island, the town might provide the islanders with a civilizing influence:

There are too many of these ignorant, dirty, poor and immoral places in our land, and we hope to see the time when it will be recognized as a legitimate matter of public policy that such communities are cleaned up and purified [italics mine], schooling among them be made compulsory and decency and good citizenship created. Such contaminations have no right to exist, and the work might well be made to come within the province of the State Board of Health and the State Board of Education.

In April, the Bath Independent ran “Getting State Aid,” with the sub-headline “The Malaga Islanders have received $100 a Month.” The article noted that the state “did not wish to make professional paupers of the islanders by undue generosity.”

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244 Me. R.S. ch. 24, § 29 (1883).

245 Me. R.S. ch. 27, § 33 (1903). Marginal notes indicate “State shall reimburse for relief furnished to person having no legal settlement. 1887, c. 101. 1903, c. 148.”


247 Reports of Committees of the Council 1911–1912, Maine State Executive Council, (Maine: Waterville Sentinel Publishing Company, 1913), 13. The report notes that the state provided $118.27 during March and April 1902 “by reason of the extreme destitution of the inhabitants of these Islands, it not
Regarding the jurisdiction battle and search for the island’s title, “nothing short of a decision by the courts” would persuade any of the towns they were responsible.248

The Maine legislature officially annexed Malaga Island to Phippsburg in March of 1903, along with other nearby coastal islands.249 The act annexing Malaga to Phippsburg was reprinted in Phippsburg’s annual town report of 1904, underneath the list of Malaga islanders who received relief.250 This decision was reversed two years later in 1905.251 The residents of Malaga island were no longer under jurisdiction of a town, and state paupers according to the Revised Statues.

The “Maine Gossip” column in the August 12, 1907 Daily Kennebec Journal, reported: “Malaga Island, with its colony of 40 or 50 colored degenerates, is again getting written up in the newspapers” and “something should be done” for them. “Moreover, there is an ancient controversy as to whether the island belongs to Sagadahoc or Cumberland county.”252

Rural and Urban Intersectionality

being possible to fix the liability for their support on any town, the State furnishing the relief as a matter of humanity.”

248 “Getting State Aid,” Bath Independent, April 26, 1902.


“The Smoky Pilgrims,” a family study published in the *American Journal of Sociology* in 1897, refuted the idea that cities were the primary centers of corruption, making the case that immorality and “social degeneration” also flourished in rural areas. Blackmar proposed that rural people suffered from “under vitalization” (a term present in *The Jukes*), poor sanitation, and in their state of isolation, lacked government and societal restraint.

The crowd that gathers at the corner grocery store may be of a different type than the city hoodlum, and less dangerous in some ways, but as a type of social degeneration it is little above imbecility itself.²⁵³

In the story of Malaga, the interests of urbanized professionals are often at odds with those of the rural, isolated Malaga islanders. Barry notes, and Mosher writes at length about the change in Maine economy at the turn of the century. Industries such as shipbuilding and lumbering were in decline, and the summer tourist trade, fed by middle- and upper-class families from New England, New York, Philadelphia and New Jersey, was ascendant.²⁵⁴

Real Estate Interests for Summer Tourists

In his self-published book, Steven Mitchell tracked the Malaga settlement dispute as it played out in the papers and the courts over the years, publishing reprints from local newspapers. Mitchell also included articles that showed the increasing interest in coastal

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real estate for tourism and development, noting that clearing Malaga Island would suit those interested building a hotel or summer homes on it, or the adjacent Bear Island.255

A March 1902 “Maine Gossip” column in the Daily Kennebec Journal asked: “What is the status of Malaga Island? The matter looks like a hopeless tangle which the courts will have to unravel.” It noted, “[t]he suggestion is made that Malaga would make a beautiful place for a summer colony. It would first have to be given an everlasting cleaning and fumigation.”256

The Bath Independent wrote in November 1902:

Residents among the lower New Meadows are wondering if the much talked of Malago Island will not someday become a summer resort now that a hotel is going to be built on Bear Island close by. If it should what would become of its strange colony of natives.257

In 1905, the society paper Casco Bay Breeze258 published an article by local writer Lauris Percy259 about Malaga Island that is cited in many contemporary accounts. The Breeze catered to an audience of tourists who summered in Maine at the grand hotels and built coastal ‘cottages’ to escape city heat. In stark contrast with details of wealthy tourist pursuits260 typically found in the Breeze, Percy told of the “queerly-populated,
much-talked-about, possession-disputed isle” of Malaga, visible from Phippsburg on the mainland.

The headline ran “Strange Scenes on a Strange Island.” The subhead ran “Malago, the Home of Southern Negro Blood—Inhabitants Almost Isolated from Civilization—Incongruous Scenes on a Spot of Natural Beauty in Casco Bay.”

Percy presented a sensationalized account of the islanders: “genealogy that is like unto the man” and their consumption of “Tea, spelled with a capital, if you please.” She described impoverished single-room homes occupied by many: in one an invalid lay uncovered on the floor and another emitted a foul smell of “brimstone and onion.” Percy concluded that the island would be a beautiful spot for summer homes and mentioned the proposed hotel on adjacent Bear Island.

1908—MMA Presentation on Rural and Island Insanity

At the Maine Medical Association meeting on June 10, 1908, Bigelow Sanborn presented an extract from an earlier presentation to the American Medico-Psychological Association in Cincinnati, on the increased occurrence of insanity in rural

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W. Smith of Orange N.J. and daughter Miss Smith arrived here August 15 for an outing of two or three weeks duration. Mr. Smith is a member of the New York Bar…. Guests enjoyed a marshmallow roast on Saturday evening.” The Hill Crest reported that guests enjoyed Chicken Alarene, Baked Blue Fish with Maitre-d-hotel sauce and relishes, and Boiled Leg of South Down mutton with caper sauce.

261 Lauris Percy, “Strange Scenes on a Strange Island,” *Casco Bay Breeze* 5, no. 16 (Thursday, August 24, 1905).

262 In the Bible, brimstone (sulfur) was associated with a judgement against the wicked and sulfur with the smell of hell. The smell of onion was offensive to the “better class,” according to an essay in Richard Brook’s *A New Family Herbal*, 100.

areas. Sanborn described the “deplorable and physical mental environments” of hermits
found in the remote areas of Maine, living by choice or due to unfortunate circumstance
on the fringes of society in extreme poverty, who were often institutionalized due to the
conditions in which they were found.264

Sanborn noted similarities with Maine’s island recluses: the coast had many such
small, sparsely settled islands, often unincorporated for purposes of taxation, under the
jurisdiction of the nearest town on the mainland.265

Statistics show that inter-marriages have occurred frequently, and as a
consequence it may be shown that marital relations have resulted in
neuroses of such a character that a larger per cent of insanity, necessitating
institutional treatment, has existed than elsewhere through the State.266

He suggested that traveling libraries, telephones, and the increasing number of summer
tourists available for “the interchange of ideas” could help the mental well-being of
islanders, subject to “intellectual and moral degeneration.”267

The discussion among the MMA membership that followed Sanborn’s
presentation touched on eugenic points. Dr. H. W. Mitchell noted that rural isolation
occurred in pockets in Maine but also worldwide: “in the mountain valleys of
Switzerland and Italy there are “practically factories where these poor defectives are
turned out simply as a result of inter-marriage and promiscuous relations.”268

264 Sanborn, “Some Data in Reference to Insanity in Rural Districts,” 268.

265 Sanborn, “Some Data in Reference to Insanity in Rural Districts,” 269.

266 Sanborn, “Some Data in Reference to Insanity in Rural Districts,” 269.

267 Sanborn, “Some Data in Reference to Insanity in Rural Districts,” 271.

268 This could refer to hyperthyroidism discovered in the nineteenth century in the Alps. The
physical manifestations it produced were called “cretinism.” Cretinism at that time was suspected to be
hereditary and caused by “dirty habits,” (quote attributed to William Brockedon) and not known to be a
condition of iodine deficiency. David. C. Hanson, ed., “Hyperthyroidism in the Alps,” The Early Ruskin
One of the most widely-mentioned\textsuperscript{269} historic articles in contemporary accounts of Malaga was “The Queer Folk of the Maine Coast,” published in 1909 in \textit{Harper’s Magazine}. The article appeared a year after Sanborn’s presentation to the Maine Medical Association; the issue of \textit{TMMA} that contained Sanborn’s paper was published in 1908. Author Holman Day\textsuperscript{270} wrote about subsistence dwellers who lived on the fringes of society on Maine’s smallest coastal islands, where “solitariness and the sea breed strange thoughts.”\textsuperscript{271} The article included photos with captions identifying islanders outside a home with missionaries and a portrait of Jacob Marks.\textsuperscript{272}

Day described Malaga as a “no man’s land”\textsuperscript{273} that was “set off” by act of the Legislature so that nearby towns could avoid pauper support. These “queer folk” did not vote or pay taxes.\textsuperscript{274}

\begin{quote}
\textsuperscript{269} Joint Resolution Recognizing the Tragic Expulsion of the Residents of Malaga Island, Maine in 1912 and Rededicating Ourselves to the Maine Ideals of Tolerance, Independence and Equality for all Peoples, Me. HP 1327, 124 Leg., 2nd. Sess. (2010). The resolution referred to Day’s article by name.
\end{quote}

\begin{quote}
\textsuperscript{270} Holman Francis Day, “The Queer Folk of the Maine Coast,” \textit{Harper’s New Monthly Magazine} 119 no. 712 (September 1909): 521–530. According to biographies in Wikipedia, the \textit{Kennebec Current}, and the \textit{United States Brewer’s Association}, Day was born in Vassalboro, Maine. He was a poet, author, filmmaker, and a newspaperman. From 1901–1904, he served as military secretary for Maine Governor John Hill, whose administration received a report on Malaga from Charles. V. Minott, Jr. in 1902. In 1898, Day began covering the Maine legislature for the \textit{Lewiston Journal}. He also wrote for the \textit{Boston Herald} and the \textit{New York Tribune}.
\end{quote}

\begin{quote}
\textsuperscript{271} Day, “The Queer Folk of the Maine Coast,” 522.
\end{quote}

\begin{quote}
\textsuperscript{272} Day, “The Queer Folk of the Maine Coast,” 528. The photo is captioned: Jake, great-grandson of the pioneer of Malaga.
\end{quote}

\begin{quote}
\textsuperscript{273} Day, “The Queer Folk of the Maine Coast,” 529.
\end{quote}

\begin{quote}
\textsuperscript{274} Day, “The Queer Folk of the Maine Coast,” 521.
population: “a strange clan” of “all grades of negro blood” that had “married and intermarried until the trespass on consanguinity has produced its usual lamentable effects.” Day portrayed the islanders as the idle poor: “children of nature” who “lack entirely the spirit of thrift and of providing for future emergencies.”

Day also described class disparity and its impact on land ownership which has been repeated as a root cause of the eviction in contemporary articles. “Resorters” from out of state were buying large amounts of property along the coast. Ironically, Day wrote that the island hermits “find little relish in being stared at as human curiosities.” He provided a rare glimpse into their humanity:

> With the exception that their ideas of the social code of morals are primitive, they are blameless so far as their relations with the world go; they are not vicious, they show none of that sullenness that marks similar strata of society, and they extend rude hospitality of their island with touching warmth and sincerity.

However, efforts at charity and fiscal education by outsiders had failed. One island family, urged by a missionary to work and save for a summer, spent their earnings on “sweets, pickles, jellies, and fancy groceries.” They burned for firewood the shingles that the missionary had given to them to repair their home. Day noted presciently,

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“Certain amateur sociologists have been wondering and planning what to do with Malaga and the Malagaites.”280

The Eviction

On July 14, 1911, Maine Governor Frederick Plaisted281 and his wife visited Malaga Island with Secretary of State Cyrus Davis, also accompanied by his wife, and members of the governor’s executive council. Details of visit are often quoted in contemporary articles. Articles of the time that reported on the visit echoed the governor’s language, reminiscent of that in pedigree studies.

The Brunswick Record reported that the Governor “personally inspected every one of the shacks….”282 Plaisted found one family of five including three children huddled into a single room “hardly large enough for an office and certainly not large enough for a decent bedroom.” The ladies of the party “were struck with the evidence of a lack of thrift and poverty to be seen on every hand.”

Certainly…the conditions there are not credible to our state, and we ought not to have such things near our front door, and I do not think that like conditions can be found in Maine, although there are some pretty bad localities elsewhere.283

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281 Reprinted in the Republican Journal, July 27, 1911: “Not So Sure About That. It is not thought likely that Governor Plaisted made any votes for himself at the last three places at which he spoke. They were Malaga Island, the Home for the Feeble Minded at Pownal and the State Prison at Thomaston.— Portland Press.”


The Governor was quoted directly: “the best plan would be to burn down the shacks with all their filth.”

Malaga State Agent George C. Pease presented a detailed report to the Governor and his Council recommending what should be done about the island. Pease describes Jacob Marks and his family:

He and his wife are octorooms [sic]. He is fifty five years old; his wife forty-five. One boy, James, thirty years old, feeble minded, sore on face has eaten away most of one cheek and into his eye, nearly blind, remains indoors most of the time. Lizzie Marks, twenty eight years old, has a child two and a half years old; father of child supposed to [be] William Griffin. Lottie Marks, eighteen years old, courted by William Griffin, who assists in supporting her. Cost of this family to the state for the first nine months of 1911, $185.07.

Pease recommended that the state own the island. “It could then prevent people from settling there, and turn off the undesirable ones.” He wrote that the state should:

[Commit] Lottie, Lizzie and James Marks to the Home for Feeble Minded, fit subjects….

Send Lizzie Marks [sic] child, 2 ½ years old, to Mrs. Hunt, at Portland, [sic] She wants the child….

If this plan were carried out Jake Mark’s Wife [sic] would probably leave. Jake is in poor health and probably won’t live long…. If conditions remain

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285 Pease had held the position of State Agent for Malaga for five years according to “How Much It Costs to “Run” Malaga Island,” Portland Press Herald, August 8, 1912. According to Phippsburg town reports, George Pease served as Phippsburg ballot clerk in 1896, constable in 1898 and 1899, town auditor in 1902 and 1903, and town officer in 1904. In 1900 and 1905, he held the position of Phippsburg selectmen, assessor, and overseer of the poor.


287 George C. Pease, “Conditions at Malaga Island.”
as they are now, in five years there would be a large increase over the present population for the State to care for. 288

Agent Please says that the State could purchase the island from the Perry heirs and receive a good title for the sum of $400. 289

On Tuesday, December 12, 1911, Judge James S. Lowell of the Sagadahoc probate court committed the Marks family and Annie Parker to the Maine School for the Feeble Minded. 290 The Bath Independent reported that on Monday, December 10, Judge Lowell, State Agent George C. Pease, and Dr. A. F. Williams 291 of Phippsburg had visited Malaga. The article’s sub-headline read “Judge Lowell Orders Several Committed to the Home for Feeble Minded and Calls Malaga a Colony of the State.” Because Phippsburg (in Sagadahoc county) denied any jurisdicitional responsibility for Malaga, Judge Lowell had initially declined to act. 292

288 According to Phippsburg annual reports, there were three births on the island in years of scrutiny preceding the eviction: Homer F. D. Murphy born to John Murphy and Louise D. McKenney in 1908, William A. Griffin to George Griffin and Elizabeth Marks in 1909, and James L. McKenney to Nelson McKenney and Addie McKenney in 1910. George Pease writes in the conditions report that William A. Griffin is “supposed to be” the son of William Griffin. The 1900 census lists George Griffin, 82, living with granddaughter Eliza Griffin, 42. The 1910 census lists George Griffin, 35, living with sister Eliza Griffin, 41.

289 George C. Pease, “Conditions at Malaga Island.”

290 “Malaga Island (headline not legible),” Daily Kennebec Journal, Wednesday, December 13, 1911.

291 Maine law stated that a certificate from two physicians must accompany an order of commitment to MSFM. See: An Act to Provide for the Care and Education of the Feeble Minded, ch. 44, § 5, 1907 Me. Laws 43. Dr. A. F. Williams was on the Governor’s executive committee for Malaga Island. He was a member of the Maine Medical Association for at least nine years and a Phippsburg resident when that town contested their responsibility for Malaga’s paupers. Williams was elected to membership in the Maine Medical Society in 1900 (TMMA 1898–1900, p. 536). He represented Sagadhoc County from 1901–1909. Williams is listed as attending the 1909 MMA meeting at which Bigelow Sanborn presented a paper on island insanity with references to the Malaga Islanders. In Phippsburg town reports, he is listed as the Phippsburg Board of Health in 1897, reported births and deaths from 1898–1900, and contributed pauper support for Hannah Marks and other Malaga Island residents between the years 1897 and 1904.

292 “State Makes a Move,” Bath Independent, Saturday, December 16, 1911.
However, State Attorney General William R. Pattangall reassured the judge of his jurisdiction in a December 8 letter:

From such research as I made, I was satisfied that Malaga lay within the borders of Sagadahoc county. If you take jurisdiction of these cases, you will be assisting in the accomplishment of a humane act without any possibility of liability of any kind on your part, and I do not believe that there can be any serious question but that the inhabitants of Malaga Island are living within the jurisdiction of your court.293

The news appeared in the *Boston Daily Globe*, under the headline “BID HOME FAREWELL. Jake Marks’ Family Leaves Malaga Island.” State Agent Pease, Captain Charles T. Wallace of the Bath Police, and Dr. A. F. Williams of Phippsburg woke the family in the early hours of morning, gave them new clothing, and took them to the institution,294 described as a “good deed in the cause of humanity.”

A *Bath Independent* headline read “Marks Family at Pownal. Agent Pease Took Seven of them to State School Thursday Morning.” The article said both Jake and his son James would get the food and daily medical care they both needed at the Maine School for the Feeble Minded.

They left the island peaceably but with much regret as it has been the only home they have ever known. It is generally believed however that both Judge Lowell and State Agent Pease have done these people a favor in looking out for their care at an institution such as that at Pownal. It is also believed that it will prove more satisfactory to the State.”295

On February 10, 1912, the *Bath Independent* reported that there were still 35 people on the island when Pease made another visit do the final “work of breaking up the

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293 “Malaga Island (headline not legible),” *Daily Kennebec Journal*, Wednesday, December 13, 1911.


colony.” The article also said that Jake Marks had died of Bright’s disease at Pownal.296

The Bath Independent reported that the residents of Malaga were officially ordered to vacate by July 1, 1912. According to the article, the state purchased all of the homes297, but islanders could take them with them if they were able. If not removed, homes would be burned.298 On November 2, 1912, the Boston Globe reported that the cemetery on Malaga was dug up. Five caskets containing the remains of 18 deceased were reburied at the Maine School for the Feeble Minded, the “last chapter…of the famous island colony.”299

According to state records, Malaga Island was sold on December 31, 1912 at a sealed-bid auction to the highest bidder, Everard A. Wilson, for $1,650.300 Wilson was a colleague of Gustavus Kilgore.301 Gustavus Kilgore was one of three members of the Governor’s executive committee responsible for clearing the island. Wilson never developed the island. He described his purchase in the Bath Independent in an article in which he spoke of Gustavus Kilgore:

296 “Happenings of the Week in Phippsburg,” Bath Independent, February 10, 1912.

297 Amounts paid for each home were listed in “Orders of the Council 1909-1914,” Maine State Executive Council, 319. From a group of photocopies at the Maine State Archives, Augusta, ME, that the Archive referred to as “the Malaga folder.

298 “Will Burn the Houses,” Bath Independent, July 1, 1912.

299 “Cemetery Dismantled,” Boston Globe, November 2, 1912.


[Kilgore] went with the Governor’s party to see for himself in what state the inhabitants were living and as a doctor was very much interested in their condition…his advice and knowledge of the mental condition in which he found many of the squatters had much to do with the actions of Governor Plaisted and the Council. Intermarriage had caused many of them to be far below the average mentality and Dr. Kilgore was much interested in having them properly cared for. He talked it over with me on many occasions and I also became very much interested. One day he came into my office, across the corridor from my own, and told me Malaga was for sale.\footnote{“Once Famous Isle of Malaga Again in Public’s Eyes,” \textit{Bath Independent}, August 12, 1926.}

Maine School for the Feeble-minded

A Committee was tasked in 1903 to evaluate the need for an institution that cared for the feeble-minded and review similar institutions in other states. The committee distributed a questionnaire to the overseers of the poor in each town asking them to identify their feeble-minded, how much they cost the town, how they might be supported if they were committed, and also “How many generations are embraced in the lives of the feeble-minded in your town?”\footnote{\textit{Seventy-Second Legislature: Senate No. 6}, “Report of Committee on Home for Feeble Minded,” 2. Accessed at http://lldc.mainelegislature.org/Open/LDs/72/072-SD-0006.pdf.} The committee found that there were 2,000 “incapables” in Maine who would be eligible for commitment\footnote{Sagadahoc County, where Phippsburg was located, reported the highest number of feeble-minded at 33, costing the town $2,598.00. According to Measuringworth.com, this sum has a relative inflated worth of $78,090.46 as of June 24, 2020. Accessed at URL: www.measuringworth.com/dollarvaluetoday/} and would be partially paid for by their families.

The report did not dwell on hereditarian aspects of feeble-mindedness. It focused on persuasion. The feeble-minded child was the greatest possible burden both financially and emotionally on a home, “a silent, yet awful skeleton in the closet” and a “cause of an
agony of grief to maternal hearts.” It pointed out that a feeble-minded child could occur in families with no “mental, moral, or physical taint for generations back and where no cause can be assigned,” without regard for a family’s wealth or greatness.\footnote{70-S Second Legislature: Senate No. 6, “Report of Committee on Home for Feeble Minded,” 5. Accessed at http://lldc.mainelegislature.org/Open/LDs/72/072-SD-0006.pdf.}

An institute for the feeble-minded is in the nature of an insurance organization. The taxes paid by any individual for its support are only small premiums which insure training and life care to any member of the family who may need it in the future. No family is absolutely secure against such need during its period of growth.

However, the Committee clearly stated a eugenic goal of segregation:

The great benefit to be derived in the future by an institution of this kind is to place this class of feeble-minded so that there will be no fear of reproduction.

The higher grade of imbecile, girls, form a floating element that hang around the outskirts of society, marrying, divorcing, deserting and re-marrying, and often doing worse by not marrying at all, having no moral sense of right or wrong, and turning their children over to the State for care, that they may be free and continue their career and by their large and generally blank increase are continually adding to the public burdens to what extent no one but town officers are generally aware.\footnote{70-S Second Legislature: Senate No. 6, “Report of Committee on Home for Feeble Minded,” 3. Accessed at http://lldc.mainelegislature.org/Open/LDs/72/072-SD-0006.pdf.}

And later:

the adult males become the town loafers and incapables; the irresponsible pests of the neighborhood; petty thieves, purposeless destroyers of property, incendiaries, and very frequently violators of women and little girls….

It is well known that feeble-minded women and girls are very liable to become sources of unspeakable debauchery and licentiousness which pollute the whole life of the young boys and youth of the community. Almost every town has one or more of these defective women, each having from one to four or more illegitimate children, every one of whom is predestined to be defective mentally, criminal or an outcast of some
sort. There is a widespread and insistent demand that these women be put under control….

The report described a visit to the Massachusetts School for Idiotic and Feeble-minded Youth run by Superintendent Walter E. Fernald, “a Maine man by birth and education…doing wonderful work in bettering the condition of this class of people….” Dr. Fernald was quoted, “A feeble-minded child is a foreign body in a family or a modern American community.”

The report also included a letter from Bigelow Sanborn to the Maine legislature dated April 20, 1904. It contained many points that he repeated in his June 1, 1904 address to the Maine Medical Association. Of the insane and the feeble-minded, Sanborn stressed that “domiciling the two classes is incompatible and one is frequently a menace to the other.”

The Maine School for the Feeble Minded (MSFM) was created by public law in 1907 and opened in the fall of 1908. The institution was supported by the labor of its inmates. Boys worked in the garden and girls did sewing and washing. Town officers

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310 An Act to Provide for the Care and Education of the Feeble Minded, ch. 44, 1907 Me. Laws 42, 42–44.

311 Stephen T. Murphy, Voices of Pineland: Eugenics, Social Reform, and the Legacy of “Feeblemindedness” in Maine (Charlotte, NC: Information Age, 2011), 57

could recommend that a person be committed. Two physicians who had practiced for
three years in the state and were graduates of “some legally organized medical college”
needed to approve a person’s commitment. If a person could not pay, the state would. 313

At the time of the Malaga eviction in 1911, MSFM had been open for several
years. A report by the Governor’s standing committee recommended that MSFM realign
with its original mission as a school, release its current population of elderly patients, and
give preference to younger persons, especially girls “so that the communities would be
better safeguarded, by lessening the likelihood of a new generation of imbeciles.” The
committee endorsed the creation of a law compelling cities and towns to commit feeble-
minded girls, 12 years old or over, who had “become dangerous sexually or otherwise,
and are not properly cared for at their homes.” Women added to pauper rolls by “drifting
from town to town, bearing illegitimate children, one of them having five by as many
different men.” 314

The State Pauper section concluded that “certain pauper colonies…have been for
years a disgrace to the adjacent communities and a blot upon the State.” Of Malaga it
said:

the good of the State and the cause of humanity demanded that the colony
be broken up and the people segregated. The inhabitants then numbered
about 56, a large part of whom were State paupers. It was decided that to
rid the Island of its population, and to prevent further squatting that the
State should hold a title to the property. 315

313 An Act to Provide for the Care and Education of the Feeble Minded, ch. 44, § 3, 1907 Me.
Laws 42, 42.

314 Reports of Committees of the Council, 1911–1912, Maine State Executive Council, (Waterville,

Consanguinity and Genealogies

Genealogies are an uncomfortable component of the Malaga story. Eugenicists used pedigree charts to prove consanguinity and the transmission of feeble-mindedness, alcoholism, and sexual deviance through generations. Rumors of consanguinity circulated about Malaga Island, and were repeated in articles by Holman Day, Lauris Percy, and various local newspapers. In March 1902 Charles V. Minott, Jr., resident of Phippsburg and member of the Maine House of Representatives at that time, presented “a genealogy” to Governor John Hill.

According to John Mosher, a “letter” written by Charles V. Minott, Jr. to Governor John F. Hill characterizes one of the islanders as “morally bankrupt,” leader of a “pauper settlement,” and father of an illegitimate child that he abandoned to the care of the town of West Bath. Another islander is described as a “trouble-making outlaw.”

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316 Reports of Committees of the Council, 1911–1912, 14. The report itemizes the financial support for Malaga Island provided by the state between 1905–1911. It states: “Probably on account of their destitution, and the fact of the State helping them as a matter of charity, a genealogy was compiled, as a report to Governor John F. Hill, March 17, 1902, by C. V Minot [sic], Jr. of Phippsburg, Maine.”

317 Charles V. Minott, Jr., according to the Maine Maritime Manuscript Collection Online Catalog, was the son of a Bath shipyard owner, an officer at the Bath Trust Co. bank, a member of the Maine House of Representatives from 1901–09, and of the Maine Senate from 1909–1910. According to Phippsburg town reports, Charles V. Minott, Jr. held positions of selectman, assessor and overseer of the poor in 1898, 1899, 1902, and 1903. In 1901 he was listed as selectman, and town treasurer in 1904 and 1905.

318 Reports of Committees of the Council, 1911–1912 and the Mosher thesis both call this document a genealogy. Only the Mosher thesis says the document discusses employability of the islanders. Per Mosher, this document is located in the records of the former Maine School for the Feeble Minded (name changed to Pownal State School in 1925, to Pineland Hospital and Training School in 1957, and finally to Pineland Center in 1973). The Pineland records at the Maine State Archives are sealed.

319 Mosher’s thesis refers to a report (pp. 52 and 75) and a letter (p. 59) by Minott. Mosher’s footnote on page 59 cites “Official Report as made to Gov. John F. Hill, March 17, 1902. Collections of Pineland Center, New Gloucester, Maine.” The Maine Law Library did not have this document in their archives.
Reverend Charles N. Sinnett created an early genealogy of the Darling family. Two additional genealogies were reviewed for this thesis. A pedigree chart visually similar to diagrams of Vineland school residents was possibly created at MSFM. Only the Marks family are named. Jacob Marks, his wife and children, and also grandparents on both sides are indicated by dark circles and squares with the letter F for feeble-minded. The second genealogy has notes about the parentage of Lizzie Marks’ son William A. Griffin and is attributed to Major John Gould. Both genealogies are dated after the Malaga eviction, but show that eugenic tools were used shortly after the event.

Maine and Massachusetts allow marriage between first cousins. Charles Darwin married his first cousin. Eugenicist Charles Davenport wrote about marriage between first cousins and the difficulty of enforcing prohibition against it. He mentioned island communities where “four-fifth of the cases” were first cousin marriages. Rural communities might not even bother with official ceremonies, and in “any fairly stable,

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321 Photocopy of a pedigree chart, collection of William Barry. “Marks Family” is noted at the top. Mulatto Family from Malaga Island is written at lower left. A notation on the right under the key lists Etta, Lottie and William’s diagnoses at MSFM (moron, l.g. for lower grade, moron m.g, for middle grade). MCB 1925 is written on the lower right of the document.


323 “Genealogy of the Marks children in the Pownal Home,” photocopy from the collection of William Barry. A note at the top says “[Prepared by John Mead Gould, 15 Sept. 1917].” A photocopy of a letter to MSFM Superintendent Hedin in Barry’s collection confirms Gould’s receipt of the pedigree chart. Major John Gould was a member of a Malaga Island Settlement Association, a charitable organization involved in establishing a school on the island.
semi-rural community, where “all matings tend to become consanguineous in some degree,” enforcement was a problem. Davenport’s intent was to advocate for sterilization or segregation, “to prevent the reproduction of the socially inadequate,” who were unlikely to adhere to marriage laws.  

Moron

Stephen J. Gould writes, “The hereditary theory of IQ is a home-grown American product.” The terms idiot and imbecile were common, but the term “moron” had direct links to eugenics. The word “moron” was coined by Henry H. Goddard, perhaps “the must unsubtle hereditarian of all” according to Gould. Goddard was born in Vassalboro, Maine. While director of research at the Vineland Training School for Feeble-minded Girls and Boys in New Jersey, Goddard studied pedigrees to prove that feeble-mindedness was genetically inherited, in accordance with Mendel’s laws of heredity discovered through research on pea plants.

In 1909, Dr. Walter Fernald, of the school for the feeble-minded in Waverly, Massachusetts, and Henry H. Goddard participated in a committee formed to clarify the classification of feeble-minded patients. Their discussion is recorded in the Journal of

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Psycho-Asthenics. It defined the term feeble-minded, when used generally, to include “all degrees of mental defect” that would not allow a person to compete “on equal terms with his normal fellows or manage his affairs with ordinary prudence.”

In a letter to the committee dated April 29, 1910, Goddard suggested that use of the term feeble-minded both generally and specifically was confusing. Goddard expressed preference for the Greek word “moron” meaning “one who is lacking in intelligence, one who is deficient in judgement or sense.” At that time, Goddard noted, the word moron was not in use in English. The addition of the term would indicate a progression from high to low intelligence: morons, imbeciles, idiots.

According to Goddard, the term feeble-minded would be divided into three classes to assist with specific diagnosis: idiots (mental development equivalent to a child of 0–2 years), imbeciles (mental development equivalent to a child of 3–7 years), and morons (mental equivalent of a child of 8–12 years). The IQ test recently introduced by Alfred Binet would be used in these diagnoses. Each category would be subdivided into high grade, middle grade, and low grade assigned within the age range in each category.

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328 The Journal of Psycho-Asthenics described itself as a “quarterly journal devoted to the education and care of the feeble-minded and treatment of epileptics. Published under the auspices of the American Association for the Study of the Feeble-minded. W. E. Fernald, MD of Waverly, Mass and H. H. Goddard, MD of Vineland, NJ, were associates.


Later, Goddard expanded on his views on the moron in his book *The Kallikak Family*. He warned that morons often could not be recognized by the “untrained observer” but were generally dependent in various ways on a community that “deplored their vices and their inefficiency.” The moron, or “high grade” feeble-minded, was the greatest threat to society. The girls in this category were often prostitutes. They had desire for sex but lacked the will and the morals to abstain.

My interest in patients’ records from the Maine School of the Feeble-minded was to see whether hereditarian thought was present in the language, in particular, the use of the eugenic term “moron.” If the word moron was proposed to the professional community for diagnostic use in 1910, it might have been in use in 1911 by the Maine School for the Feeble-minded when the Marks family was committed.

Four of the seven committed Marks family members were diagnosed as Low Moron or Moron (Low Grade). Binet tests are listed on two records. Under the category “Heredity (feeble-mindedness, nervous diseases, insanity)” on two records, both sets of grandparents were noted as “probably defective” or “doubtful mentality,” and family members were feeble-minded or “mentally defective.” In “Family History,” one record noted that the paternal grandparents were “sexually immoral.”

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334 At the time of my research, records for the Marks family at the Maine School for the Feeble Minded were sealed. William Barry’s personal collection at the Maine Historical society contained photocopies of documents on letterhead from the Maine School for the Feebleminded and Pownal State School, listing the names and case numbers of the Marks family member who were committed. I visited the Maine State Archive in Augusta in 2013 and was told that the records of the Marks family were sealed at the request of families of former residents of the island.

335 Kevles writes of eugenic tests given to the U.S. Army during World War I, “[intelligence] tests were biased in favor of scholastic skills, and the outcome was dependent upon the educational and cultural
However, the photocopies of intake documents that I reviewed included the 1911 date of admission, but also information from later years, such as a date of death.336 Therefore, it is not possible to prove from these documents alone whether the Marks family were given the eugenic diagnosis of moron in 1911 when they entered the facility, within the timeframe covered in this thesis.

Use of the Term Eugenics in Maine

Eugenics by name was present in the Journal of the Maine Medical Association before the December 12, 1911 commitment of the Marks family.337 Within the year after, on October 17, 1912, the new superintendent of the Maine Insane Hospital in Augusta presented “Eugenics” at the open meeting of the Portland Medical Club. The paper cited the work of Francis Galton and Mendel and explained the “restrictive eugenics” goals of

background of the person tested.” In the Name of Eugenics: Genetics and the Uses of Human Heredity, 1985, 80–81. Some of the Maine School for the Feeble Minded forms are vague: “no sense of right and wrong,” having a “none too favorable appearance,” “will not advance,” “not capable mentally of doing any valuable work.” Details indicate implicit bias regarding class and education. A person who first attended school at age 12 and lived on a rural island had “a poor idea about ordinary things” including name of the state, the name of Maine governors, and the name of the President of the United States. “The Binet test showed that ___ is very ignorant, whether it is due to mental defect or lack of training is very difficult to determine.” The person struggled to read the phrase, “The duties of attendants in the various relations with the patients constitute the most important feature of the service.” When asked if they liked being at MSFM, they said “Yes, but I had rather be out and earn some money. That is what I had rather be doing. I always found myself before I came here and everything.” One person was classified as a Middle Imbecile but noted to be “a fairly bright” and “probably possesses more intelligence than the Binet standard would indicate.”

336 The records presumably were typed, and therefore could have been added to each year, but this seems unlikely. One contains the note “Data from Application and other Records,” which could mean that it was a summary of the initial intake document and later records.

337 H. L. Putnam, “School Hygiene and Medical Inspection of Schools,” Journal of the Maine Medical Association 2, no. 10 (May 1912): 798. In the discussion following the June 1911 presentation of the paper to the 59th annual meeting, presented by to the Maine Medical Association in June 1911, a Dr. Holt of Portland commented that “the work of the school physician will eventually make such changes to our educational system as to amount to a complete revolution. It will contribute to those changes of mind and body which are so essential for the greatest social efficiency, and naturally lead to the establishment of eugenics.”
segregation and sterilization. “To aim to produce the best type of men and women, to
purify, better and advance the race is the object of eugenics or race culture.”

The Malaga story was disseminated through eugenic circles out of state by those
who were familiar with it. W. H. Howell, professor of physiology at Johns Hopkins
University who summered on the Maine coast, mentioned Malaga in a February 27,
1913 lecture that endorsed “colonisation and segregation” of the feeble-minded:

It is perfectly clear also that if any action is taken it should be in the
direction of mitigating the evil rather than merely concealing it. I recall
that a few years ago on one of the small islands off the coast of Maine the
population by much inbreeding, and probably because of an initial mixture
of intrinsically poor stock, had reached such a condition of dependency
and incapacity that the matter was forced upon the attention of the general
public. The neighboring townships were unwilling to charge themselves
with the care of these people and therefore the authority of the State was
invoked. The State acted, but its action, as I understand it, consisted in
depopulating the island and scattering the inhabitants among adjoining
communities. Adequate provision was made for compensation of property
and the principles of justice were observed, but from a eugenic standpoint
it was a very doubtful policy to follow. It was much like getting rid of a
pest-house by scattering the patients through the community. With the
history of the Kallikak family before us we may fear that the State has
favoured the propagation of degeneracy among its inhabitants and has
done evil where it intended to do good. What action should we take in
such cases and indeed in regard to this whole matter of feeble-

338 Henry W. Miller, “Eugenics,” Journal of the Maine Medical Association 3, no. 6 (Portland,
ME, January 1913): 1128.

339 Dr. W. H. Howell, Ph.D., M.D., ScD, LL.D., (1860–1945) was a member of the National
Academy of Sciences and a prominent physiologist. He summered on Great Chebeague Island in Maine.
The front page of the Casco Bay Breeze of July 19, 1917 reported that Mrs. W. H. Howell, had given a
“very delightful tea” at her home in Chebeague’s West End on July 11. The Breeze also described the
Howells’ daughter’s recent wedding in Portland, “of interest to every summer resident.”

340 Lucy James Wilson’s “Explanatory Note” in Morton Arnold Aldrich, Eugenics: Twelve
University Lectures, (New York: Dodd, Mead and Company, 1914), v. The compilation was selected from
academic lectures given in 1912–1913, “in the belief that the most necessary step to be taken towards the
end of awakening a eugenic conscience, and thus paving the way to an effective operation of public
opinion and to wise legislation along eugenical lines, must be that of education.” The roster included a
lecture by Charles Davenport.
mindedness? Opinions differ upon this point, but it would seem that the right direction for us to follow is the plan advocated by Dr. Goddard.  

Guy G. Fernald, “native of Maine” and secretary of the National Committee for Mental Hygiene, prepared a report on the care and management of the feeble-minded in Maine for the governor and the executive council, a culmination of sorts of early eugenics propaganda and methodology. The report, published seven years after the Malaga eviction, advised that for the purposes of a state survey, the definition of feeble-mindedness be “short, definitive, and non-technical, so as to be easily grasped and retained and should be sociologic rather than scientific” in order to better communicate the goals of the project to the widest constituency within the State.

The report outlined methods of classification and costs to the state of supporting “this parasitic group.” It showed photographs of ramshackle homes (“All dwellings reproduced are occupied.”) and rural people (“A degenerate community idiot.”). Undesirables were more prevalent in rural areas where the cost of living was lower, and once there, they tended to “perpetuate their kind and to cling to their own communities,”

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343 Report of the Maine Commission for the Feebleminded and of the Survey by The National Committee for Mental Hygiene, Sept. 1, 1917 to Sept 1, 1918, 4. According to the document, the report was prepared by a commission appointed by Legislative Order, Resolution in favor of the appointment of a Commission for the Study of the Feebleminded, in 1917 to determine future state policy.


and of course, the “unsupervised feeble-minded girl is a very grave menace, potential or actual, in any community.”

The report described Malaga:

One of the largest of the State's degenerate communities, that on Malaga Island, has been ingeniously dispersed by the State's taking over this unorganized and unclaimed island and annexing it to an adjoining town. Three consignments of feebleminded children were sent to the State School for Feebleminded and the squatters notified to remove their shacks. In the course of time this was done and little hardship resulted. Before this step was taken, however, dwellers on the nearby mainland were often startled at night by the weird shouts, howls, profanity, obscenity and reports of firearms from the island. The colony contained many with an admixture of African blood.

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Chapter VIII.

Conclusion

At the heart of this thesis lies the question: to what degree are individuals responsible for the community, and how is this responsibility of care delegated through society’s laws? Maine law sprang forth fully formed to a large extent. The state rolled over portions of the laws of Massachusetts, largely intact, when it became a state in 1820. Maine laws that guided relief to the poor and laws that provided care for people with mental illness and intellectual disabilities were instrumental to the eviction of Malaga island’s inhabitants. The purpose of these laws was similar: to care for those in need. However, the evolution and implementation of the two sets of laws created an environment hospitable to eugenics in Maine.

The fundamental framework of poverty law in Maine changed little between 1820 and 1911. Town-level administration of poverty law removed the autonomy of the poor. The courts did not find Maine law to be in violation of due process rights of the poor until 1876, and even then, that right was conditional on official judgement. The noble purpose of Elizabethan Poor Law was to ensure that the poor received benefits. However, for the purposes of administration, the law allowed public judgement of their values and character. This moral underpinning of poverty relief remained intact in Maine law through the time of the Malaga eviction.

The laws of poor relief adopted by Maine in 1821 required towns to provide for their own poor residents. Administration of poverty law was based on the concept of legal settlement. Elizabethan Poor Law reforms of 1834 punished the able-bodied poor
by placing them in work houses as a deterrent from seeking aid. Maine resisted creating a state-wide workhouse system. The resulting legal disputes between towns over pauper support were protracted and contentious. Revisions to poverty relief law that allowed paupers without legal settlement to become wards of the state did not occur until later in the nineteenth century. That change occurred in the same time span that Malaga islanders requested pauper support from a town that rejected them.

The state assumed care of the insane many years earlier than care for the poor. Maine’s earliest body of law only made provisions for confinement of the insane in prisons or houses of correction as a matter of public safety. But the laws quickly evolved. As early as 1830, legislation was passed to release the insane from prisons to the care of town overseers. The resolve to establish the first state asylum passed in 1834. The first laws used the words insane, non compos, lunatic, furiously mad, distracted person, and idiot sometimes within the same statutes. By the late nineteenth century, the laws and this language evolved. The idiot was classified as a separate category from the insane, for the purpose of reducing the number of patients in the state’s overcrowded insane asylums. This tacit acknowledgement of the different needs of this vulnerable population paved the way for a new type of facility.

The need for separate care for persons with developmental disabilities was concurrent with the rise of hereditarian thought in Maine. Eugenic concepts were promoted by respected institutional professionals. These individuals were already adept at lobbying Maine state government for institutional expansion. Language in the journals of the Maine Medical Association show the influence of publications such as *The Jukes*. 

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A causality occurred in hereditarian thought: pauperism was hereditary along with idiocy and insanity, evident in the living conditions of the rural poor.

Eugenics seeped into the state legal structure through these efforts to reduce the burden on the state system of care for the insane. The first undeniable evidence of eugenics in Maine was the use of the word feeble-minded as a new diagnostic category that was separate from the idiot or the insane. Professionals responsible for institutional care for the insane adopted this new diagnosis. Similar to the state’s earliest laws, Maine looked to the Massachusetts model for the classification and segregation of the feeble minded. In 1907, a new institution opened for the developmentally disabled.

Eugenics turned prejudice against the poor and persons with mental disabilities into legal initiatives. In a poor frontier state, as Maine is sometimes described, care for people who were poor, mentally ill and developmentally disabled would have certainly burdened families with limited resources. State institutional care for the insane was portrayed by middle- and upper-class professionals as a relief to families and a boon to the economic health of the state. This argument was also applied to institutions for the proposed institution for the feeble-minded. It ostensibly relieved a family burden for the developmentally disabled, but also achieved eugenic goals of segregation of a certain class of people so they would not procreate.

And finally, the turn of the century also marked a shift in focus in the United States on whether a connection existed between sanitation and public health. With this shift came the idea that the state should bear responsibility for public health oversight and could restrict certain rights of citizens for the public good. The Maine Medical Association lobbied for years for a state board of health which would regulate conditions
of health throughout the state and work in tandem with local boards of health. A state board of health was established by law in 1885, a culmination in the acceptance of state-level solutions to promote public health and address community problems.

The eviction of Malaga Island was influenced both by poverty law in its stubborn insistence on local administration, and by laws caring for the mentally ill that embraced of state support. Malaga islanders were viewed as the idle poor by urban professionals and perhaps by their rural neighbors as well. When Malaga islanders suffered an outbreak of measles, the press echoed calls for the state board of health to step in and take responsibility for them. The plight of this rural community was the subject of discussion by institutional professionals, politicians, state reports, and alluded to in presentations at the Maine Medical Association. The language used to discuss them became the language of eugenics nationally. In the end, the recently-coined diagnosis of feeble-minded was applied to the Malaga islanders by an agent of the state.

Many who have written about the Malaga eviction believe it was a property acquisition justified by eugenics. Profiteering and politics were prioritized over human welfare. Their removal served a vital state interest of tourism during difficult economic times. When the Malaga islanders became wards of the state, any link to people who knew the original island settlers and their circumstances was severed. What happened on Malaga Island may have been rooted in a real estate transaction, but it was made possible by years of prejudice informed by the administration of Maine’s poverty relief laws, and the gradual rise of increasingly specialized institutional care. The eviction, culminating in the commitment of an entire family to the Maine School for the Feeble-minded, was
informed by a veneer of eugenics, and facilitated by a hospitable framework of laws that guided public health systems of poverty relief and institutional care in Maine.
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