

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

## FIFTH LEGISLATURE

OF THE

# STATE OF MAINE,

### PASSED AT THE SESSION

WHICH COMMENCED ON THE FIFTH DAY OF JANUARY, AND ENDED ON THE  
TWENTY-EIGHTH DAY OF FEBRUARY, ONE THOUSAND  
EIGHT HUNDRED AND TWENTY-FIVE.

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PUBLISHED AGREEABLY TO THE RESOLVE OF THE 20TH OF JUNE, 1820.

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Portland :

PRINTED BY TODD AND SMITH.....PRINTERS TO THE STATE.

1825.

## CHAPTER XXI.

Resolve for the admission of Ephraim H. Lombard, to practice law in the Court of Common Pleas.

*Resolved*, on the petition of Ephraim H. Lombard, for reasons set forth in said Lombard's petition, That the Justices of the Court of Common Pleas, be, and they are hereby authorized to admit said Lombard to practice law, as an Attorney in said Court, in this State; he paying the duty required by law: *Provided*, The said Lombard shall continue the study of law, with some counsellor at law, until the first day of April next.

[*This Resolve passed February 19, 1825.*]

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 MESSAGE OF THE GOVERNOR.

*To the Senate and House of Representatives :*

Some important alterations having been made in the arrangement of the second and eighth Divisions of the Militia of this State, I have thought it proper that the same be communicated to the two branches of the Legislature for their information. The Secretary will, therefore, lay before you a copy of the doings of the Council, advising to the arrangement above mentioned.

ALBION K. PARRIS.

COUNCIL CHAMBER, }  
FEBRUARY 19, 1825. }

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 MESSAGE OF THE GOVERNOR.

*To the Senate and House of Representatives :*

I transmit for the information of the two branches of the Legislature, a Report this day received from the Commissioners appointed under the Resolve of the 13th ult. "to confer with the Directors of the American Asylum, and Commissioners of other States, respecting the education of the deaf and dumb."

ALBION K. PARRIS.

COUNCIL CHAMBER, }  
FEBRUARY 3, 1825. }

*To the Honorable the Senate, and the Honorable the House of Representatives of the State of Maine:*

WE, the undersigned, having been appointed, pursuant to a Resolve of the Legislature of the 13th January instant, Commissioners to confer with the Directors of the American Asylum at Hartford, and Commissioners of other States, on the subject of making provision for the education of the Deaf and Dumb at the Asylum, respectfully REPORT:

That on accepting our appointment, we immediately repaired to the City of Hartford, in the State of Connecticut, for the purposes expressed in said resolve. Pursuant to a previous arrangement, the Commissioners assembled on the 25th instant, consisting of the Hon. James Fowler and Hon. John Mills, from Massachusetts; the Rev. Jonathan Nye and Salina Hale, Esq. from New Hampshire; Horace Everett, Esq. from Vermont, and the undersigned from Maine. We were there met by a Committee of the Directors of the Asylum, who invited us to a conference on the interesting subjects connected with our mission. Our object, and that of the other Commissioners, was to obtain all useful information relating to the Institution; its funds, its government, the modes of instruction and employment adopted, the requisite term of instruction at the Asylum, and the conditions on which education could be obtained; and in fine, information on every particular which would throw light on the subject, and present to the Legislature the true character of the Institution, and the nature of the advantages to be there enjoyed by that unfortunate class of persons for whose benefit it was established. This information was to be obtained from two sources: 1st, Documentary statements and accounts of the officers of the Asylum. 2d. Our own *personal observation*, as to the mode of instruction and employment, accompanied with the necessary explanations of the Instructors, as to the progress of improvement, and numerous incidental circumstances.

It was early ascertained that the appointment of Commissioners by the several States was a source of satisfaction to the Directors, and when made known to the pupils excited among them a most lively and grateful sense of the kind attention paid to them, and the warm interest so extensively felt for their peculiar privations and misfortunes.

With these views on the part of the Commissioners, and with a most liberal disposition on the part of the Directors, we entered into a particular examination of facts, the result of which we now proceed to state to the Legislature.

The Institution was founded and the business of instruction commenced, in the year 1817. In aid of the establishment

twenty-two thousand seven hundred and sixty-seven dollars and eighty-three cents were raised by donations from individuals; and a further sum of two thousand seven hundred and thirty-seven dollars and fifty-three cents, by contributions in various churches in Connecticut. In March, 1819, a grant was made by Congress to the Asylum, then bearing the name of the Connecticut Asylum, of a tract of land to contain thirty-six sections, equal to twenty-three thousand and forty acres, which was afterwards located by an agent, in five different places in the State of Alabama, in a manner highly advantageous to the interests of the Institution.

The funds of the Institution have been principally derived from these lands, and from the accounts and statements submitted to us, appear now to consist of the following particulars, viz.

Lands unsold, 7,850 acres, estimated to be worth, at this time, four dollars per acre,	31,436 00
Furniture of the Asylum, as lately appraised,	2,002 00
Real estate in Hartford, occupied by the Asylum,	34,985 06
Bank Stock and Bonds considered perfectly safe and good,	85,423 87
Bonds secured by mortgage, nominal amount	82,116 46
Of which there will probably be a loss of	20,000 00
Leaving	62,116 46
Making the whole amount,	215,963 39

The present actual income from the above funds, is estimated to be five thousand two hundred dollars—derived from the bank stock and bonds considered safe, and bonds secured by mortgage. Of the latter, a portion does not bear interest, and another portion cannot be collected, but the amount thus situated cannot now be precisely ascertained, the bonds being in the hands of an Agent in Alabama. The furniture and the real estate in Hartford, amounting to thirty six thousand nine hundred and eighty seven dollars and six cents, being necessarily occupied by the Asylum, will never be a source of income. But it is presumed that the unsold lands will be disposed of, and the bonds and mortgages be converted into money, by payment or re-sale of the lands, and that the productive funds will, at a time not far distant, amount to about one hundred and seventy five thousand dollars—allowing something to be expended for additional furniture and real estate in Hartford, for the accommodation of an increased number of pupils. The present number of pupils is sixty five, and the average number for the last three years has been sixty four.

During the last three years, the annual average receipts for boarding, tuition, &c. of pupils has amounted to	7,586 16
And during said term the annual average expenditure for the support of the institution, has been	11,946 13
And during said term the price of tuition, bedding, washing and all kinds of expense, except for clothing and medical assistance has been annually for each pupil,	150 00
The salaries of the officers of the Asylum are established as follows, viz.	
Salary of Mr. Gallaudet, the Principal,	1,200 00
“ Mr. Clerc,	1,200 00
“ Mr. Turner,	1,000 00
“ Mr. Peet,	800 00
“ Mr. Brinsmade,	700 00
“ Overseer of shops,	400 00
“ Chairman of Directing Committee,	200 00
“ Commissioner of Funds,	50 00

The price of boarding is per week, \$1 75, which it is said would not be varied by the increase or diminution of the number of pupils. We were furnished by the Treasurer with a statement of the receipts and expenditures on account of the Asylum from its foundation in 1817, to January 1st 1825, which is herewith submitted.

Having thus presented to the view of the Legislature, a brief statement respecting the origin of the Institution, and of its funds; of the manner in which they have been managed, and their amount at the present time, both productive and unproductive; and also a view of the expenses of the Institution for the last three years; we now proceed to observe that at the request of the committee, the Commissioners repaired to the Asylum to view and examine the accommodations which have been provided. The building is spacious and airy—placed on an elevated and healthy situation, with a large dwelling house near it, which will furnish additional accommodations for the pupils when wanted, equally convenient with those in the main building. And from information, on which we can rely, we are satisfied that both buildings would easily accommodate one hundred and thirty pupils. There are also brick workshops in the rear of the main building, sufficient for the pupils when pursuing their mechanical employments, and several apartments for the purpose of bathing.

We were conducted in succession through the school rooms of the five instructors, and witnessed the mode of instruction, and the progressive improvement of the pupils, according to which

they are generally classed, and placed under different instructors. In each room we witnessed the most watchful attention of the pupils to the studies before them, and were extremely gratified to see the promptitude with which they receive ideas from the instructor, and communicate their own in writing. They all seemed eager to learn what the Preceptor was desirous to teach. In each class we saw nothing but contentment and cheerfulness ; perfect regularity and respectful deportment.

After witnessing these delightful scenes for some hours, the Committee and the Commissioners dined in company with the instructors and all the pupils in one common hall. Here we saw the same order and good conduct, and were presented with a dinner, plain, good, and neatly prepared, precisely such as would have been provided for them if no company had dined at the Asylum. This course was pursued for the express purpose of enabling us to form correct conclusions, as to this branch in the management of the Institution.

From the table, the male pupils retired to the several workshops, and were immediately employed in the trades they were respectively learning. Some were engaged in cabinet work ; some in carpenters and joiners work ; some in coopering ; some in shoe making ; some in making chairs, and some in making various articles in cutlery. The specimens of work exhibited to us indicated much ingenuity and advancement in the particular branch pursued. The articles thus made, are disposed of for the benefit of the Institution ; but it is well ascertained that the product of the labour is not sufficient to defray the incidental expenses in pursuing it ; still it is regularly pursued for five hours each day, (with certain intervals,) and it forms not only a healthy exercise, but a very useful part of education ; qualifying them, when they go into the world, to gain a livelihood by their ingenuity and industry. While the male pupils were thus employed, the females, when they retired from table, repaired to their sitting room, and we saw them, under the superintendance of a Matron, occupied in needle work of various kinds, both useful and ornamental. In the intervals allowed for relaxation, both males and females have their own healthy and amusing exercises ; but they are never together except in the school rooms and dining hall. Near the close of the day we were invited by the Principal to his room, and there found all the pupils assembled to attend the devotions of the evening. He wrote a text on a slate in full view of them ; and then by signs explained it, and urged on them the performance of the duties it inculcated. He then by signs addressed the throne of Grace, and continued in prayer for some minutes ; during which all were fixed in profound attention and seriousness. In this manner we closed the day.

At present there are five instructors, including the Principal ; but it is evident that as the number of pupils shall increase, an additional number of Instructors will be required. It is admitted that *six* could instruct an *hundred*. There are now in the Asylum sixty-five pupils, and one hundred and twenty-eight have been admitted since its establishment. Not more than *twenty-eight* of that number, have been able through their parents, guardians or friends, to defray the expenses of their education ; the States to which they belong having defrayed them. By the rules of the Institution, pupils are not admissible under *ten years* of age, nor after *thirty years* of age. But notwithstanding the limits above mentioned, it is the decided opinion of the Principal, and others most capable of judging, that it can seldom, if ever, be advisable to send a pupil for instruction under fourteen years of age ; although *peculiar circumstances* may form an exception.

There are two vacations in each year ; one of four weeks in the Spring : and one of four weeks in the Fall. But the sum annually paid at the Asylum is not affected by these vacations ; it is not *increased* by the residence of the pupil there during the *vacation*, nor *lessened* by his absences during *term time*.

It is the opinion of the Principal, and one which seems to be well founded, that a pupil must reside at the Asylum *at least* four years, to render his education of any essential service to him as a mechanic, or in the articles of reading and writing ; and in a religious and moral point of view ; and that a residence and continued instruction there, for one or two years more, would amply repay the additional expense. The objections which have often been made to so long a term, seem not to be supported by good and solid reasons. For although a student completes his course of study at a College in four years, yet it should be remembered that he has, for years before his admission, been receiving those instructions necessary to qualify him for such admission ; has been the object of constant care and attention, and blessed with a thousand facilities for acquiring knowledge and enriching his mind, which are denied to the poor unfortunate deaf and dumb pupil. He enters the Asylum in perfect ignorance ; his mind is a blank ; he has every thing to learn, and the avenues to learning are *few* and *narrow*, and are only gradually discernable by the glimmerings of mental twilight.—This striking difference between the two cases should never be forgotten. It may be proper also in this place to remark, that although the salaries of the Instructors may appear to be higher than necessary, yet the fact seems clearly to be otherwise ; there is in this particular, also, a striking difference between the Instructors in the Asylum and those of a similar grade in our Colleges. For



the *latter* situation, a good scholar, learned in the branch he is employed to teach, is sufficiently qualified; but for the *former* situation the instructor must be *specialy* educated, at no small expense, and for some years; and this species of education is superadded to his *general* education as a scholar.

Having become acquainted with the foregoing facts, in the manner before mentioned, the Commissioners informed the Committee of the Directors, that they were prepared to receive such proposals from them, as they should be inclined to offer. We were soon after furnished with a written communication under the signature of the President of the Institution, which is annexed to this Report, and to which we would refer as constituting a part of it. The Commissioners, with a view of ascertaining how far the proposals contained in the communication, might be considered as favorable, and founded on such principles as would probably meet the expectations and acceptance of the States they respectively represented, made the following statements: Thus—

65 pupils, at \$1 75 cts. each per week,	\$5,915 00
Salaries for one year,	5,550 00
Contingencies,	800 00
	<hr/>
	12,265 00
Funds which pay in part said expense,	5,200 00
	<hr/>
	7,065 00

The above balance of \$7,065, being divided by 65, the number of Students, will leave to be paid by each pupil annually, (allowing a very small fraction,) the sum of \$108 70 cents. Again—supposing the number of pupils to be one hundred:

100 pupils at \$1 75 cts. each per week,	\$9,100 00
Salaries,	6,350 00
Contingencies,	1,200 00
	<hr/>
	16,650 00
Funds paying part of said sum, viz.	5,200 00
	<hr/>
	11,450 00

The above balance of \$11,450, being divided by the number of pupils, each would be required to pay annually the sum of \$114 50 cents.

From the facts thus disclosed, the Legislature may readily estimate the fairness of the proposals, and decide on the course most proper to be pursued in relation to the subject. On our part we have it in our power to state most explicitly, and we do

it with sincerity and cheerfulness ; that we are fully of the opinion, the Institution, under the Board of Directors, and the excellent Principal and other Instructors, has been, and now is governed with wisdom and integrity ; and an unceasing regard to the education of the pupils ; and a humane attention to the circumstances in which Providence has placed them. We have also the most perfect confidence in the statements and explanations which have been given us :—And in the assurances that every facility will be readily furnished for information to the States, when requested, in relation to the funds and accounts of the Institution. It will be remembered that the Asylum was founded by charitable and benevolent Individuals ; by whose care and attention only it was for a time fostered, until the grant before mentioned was made by Congress.

It was incorporated by the Legislature of Connecticut in 1816—and the next year commenced the business of instruction. It is a private Institution, and not under the care or visitatorial power of any other body.

Considering the mass of evidence which is before the public respecting the effects of Education upon the minds of the Deaf and Dumb ; the developement of their powers, and the blessings thus conferred upon them ; blessings precious in themselves ; and *to them* precious in a degree of which we can form no adequate conception : Considering these important and interesting facts, it cannot be necessary for us to expatiate on this subject, or present it in any other light, on this occasion, than as one demanding the *gratitude*, not merely of the Deaf and Dumb, but of all mankind ; and demanding also the best, and most judicious exertions for extending the blessings of this species of education as far as possible ; thus leading thousands of our fellow-creatures from darkness into day—from the gloom of ignorance to the light and joy of knowledge, and the countless comforts and charms of social life. And although, by the terms of the Resolve, under which we were appointed, we are not directed to report *any opinion* ; but to collect and report *facts* ; yet we trust we shall not be considered as disrespectful in expressing a *strong hope* that the Legislature will in the mode proposed, or in some other mode, adopt and pursue such measures as may be proper to insure the general bestowment of this heavenly charity upon the Deaf and Dumb in Maine.

PRENTISS MELLEN,  
PELEG SPRAGUE.

JANUARY 31, 1825.

At a meeting of the Directors of the American Asylum, at Hartford, for the education and instruction of the Deaf and Dumb, held at Bennett's Hotel, on Thursday, Jan. 27, 1825—a quorum present—Hon. Nathaniel Terry in the chair :—

The committee appointed to confer with commissioners from the States of Massachusetts, New-Hampshire, Vermont, and Maine, made a report, as on file ; whereupon the following preamble and resolutions were adopted :—

WHEREAS the States of Massachusetts, New-Hampshire, Vermont, and Maine, have sent commissioners to examine into the state and condition of this Institution, as it respects its funds, and the instruction, treatment and employment, of the pupils ; and to ascertain the terms and conditions upon which the Deaf and Dumb who may be sent to the Asylum by those States will be received ; now, therefore, it is hereby

*Resolved*, That we will receive the Deaf and Dumb who may be sent to the Asylum by the States aforesaid respectively, or such of them as shall agree to our proposals, for the sum of one hundred and fifteen dollars per annum for each pupil, and for that sum to furnish such pupils with instruction, board, washing and lodging, and stationary for the school rooms, and to teach them mechanic trades, as is hereinafter specified ; and that the sum aforesaid shall be varied from year to year, as the state of the funds shall warrant—such sum to be fixed by the Directors at the commencement of each year, and to continue for one year ; the year to commence on the last Wednesday of May ; the money to be paid in advance semi-annually. And further

*Resolved*, That the Board of Directors will act in future, as they have done heretofore, upon the principle of making the charity with which they are intrusted as extensively useful as possible ; and for that purpose to expend all that they have a right by law to expend, (the product of their fund,) and to distribute it with an impartial hand, extending its benefits equally, not only to the States aforesaid, but to all other States in the Union, who may send their Deaf and Dumb to the Asylum, upon the terms and conditions contained in this resolution—also to indigent individuals ; so that as our fund increases, (as we may reasonably expect will be the case,) the sum to be received as aforesaid, for instruction, &c. will be lessened, from time to time, always calculating to expend, during the year, the income of the year, after reserving such sum as the Directors shall deem meet, for contingent and unforeseen expenses. And further

*Resolved*, That whereas it is considered important that the Deaf and Dumb should be instructed in some useful art or trade, whereby they may be enabled to support themselves by their labour, after having received their education, and therefore they

will be considered subject to the direction of the Institution, who are to use their discretion in this respect, unless directions shall otherwise be given by the State, parent or guardian who shall have sent them; and they will be taught such arts or trades as shall be taught at the Asylum, and such as shall be deemed suitable and proper for them respectively.

And whereas it is necessary, not only for the good of the pupils, but for the convenience of the Asylum, that every pupil should continue at least four years, that being the least time in which they can acquire, even an ordinary education :

*Resolved*, That it is expected, as a general rule, that no one will be placed here for a less term than four years.

It is understood that the privilege of participating in the funds, in common with other States, accepting these propositions, and of indigent individuals, is to be considered as permanent.

Passed, NATHANIEL TERREY, *President*.

A true copy,

Attest, DANIEL S. HOPKINS, *Clerk*.

## STATE OF MAINE.

IN SENATE, February 17, 1825.

The Committee to whom was referred the Governor's Messages respecting the Deaf and Dumb, and also the report of the Commissioners on the same subject, ask leave to Report :

That the information communicated to the Legislature by the Governor, is substantially confirmed by the report of the Commissioners. The Directors of the American Asylum are unquestionably solicitous that the Institution should flourish, and disposed to receive into it, pupils from this State and from others.

The Committee are fully satisfied, that considering the small number of the Deaf and Dumb, the founding of an Institution for their reception in this State would not be discreet; and that the public charity which may be here bestowed for their benefit, may be more profitably employed in educating them at some institution already established; they therefore wholly approve of the decision of the Governor and Council in the exercise of the discretion entrusted to them respecting the commencement of an Asylum in Maine. The Committee have no evidence that any other similar institution affords, at present, equal advantages with those offered by the American Asylum as respects instruction in discipline, science, and the mechanic arts. The citizens of this State have cherished the liberal policy to extend, with all practicable equality the means of knowl-

edge and happiness, and the course of measures on which your Committee are now called to report, evinces the disposition to extend a due share in these means, to the indigent deaf and dumb. The Committee therefore, recommend that a suitable sum for this object be placed at the disposal of the Supreme Executive; for which purpose a Resolve is herewith submitted.

The Committee further report, that there be printed under the direction of the Secretary of State, seven hundred copies of the Report of the Commissioners, and of the Resolve above recommended; and that a copy thereof be distributed to the Selectmen of each town, and the Assessors of each plantation; also a copy to each of the members of the Legislature, and the residue as the Governor shall direct.

By order,

JOSIAH STEBBINS.

## CHAPTER XXII.

Resolve for the assistance of the Deaf and Dumb.

*Resolved*, That a sum not exceeding one thousand dollars, in each year, for the term of four years, including the appropriation of fifteen hundred dollars, made by a resolve of the twenty-fifth of February last, be appropriated for the instruction and education of the indigent Deaf and Dumb in the State of Maine: to be expended by the Governor and Council, at their discretion, in defraying, in whole or in part, according to the needs of such as may make application, the expense of placing at the American Asylum, or such other similar institution as they may prefer, such Deaf and Dumb persons as may appear the most proper subjects for education at such institution.

[*This Resolve passed February 22, 1825.*]

## CHAPTER XXIII.

Resolve in favor of China Academy.

*Resolved*, That there be and hereby is granted one half township of land, (the whole township being six miles square,) to be assigned and laid out, from any unappropriated lands belonging to this State, the same to be vested in the Trustees of China Academy, established in the town of China, and county of Kennebec, and their successors forever, for the use, benefit and pur-