

Sup.

SYNOPSIS

OF *W. J.*

FACTS AND ARGUMENT

OF

HON. LINUS CHILD,

PRESENTED TO THE

Joint Standing Committee on Education,

IN BEHALF OF THE

REMONSTRANTS AGAINST THE PETITION OF I. J. WETHERBEE
AND OTHERS, FOR AN ACT TO INCORPORATE "THE
BOSTON DENTAL COLLEGE."

MAY 5, 1868.

BOSTON:

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1868.

FACTS AND ARGUMENT.

Mr. Chairman and Gentlemen.

I feel embarrassed from the fact that the question now to be discussed is one on which, under the circumstances of this case, the Committee have to some extent been obliged to form an opinion adverse to that which I now propose to urge upon their attention. The fact that you have already reported a bill for the incorporation of a dental college in Boston, and that that bill has received the sanction of both branches of the legislature, is somewhat embarrassing to me while I attempt to show that such an Act of incorporation ought not, at this time, to be granted.

I am however encouraged to address you from a consideration that it may often be the case that committees and members of the legislature, amid the multiplicity and variety of their duties, and upon various subjects, in which they are obliged to rely upon the statements of interested parties, are often led to adopt conclusions which, by fuller investigation and additional facts and statements, they may find ample occasion to change.

The propriety of this remark is, I think, fully vindicated by a reference to the history and progress of the Bill for the incorporation of the Boston Dental College, now before the Committee.

In the month of February last, a petition in behalf of thirty-one members of the dental profession in this city, asking for incorporation as the Boston Dental Institute, was presented to the legislature. In presenting this petition, it is admitted and proved that the petitioners, in signing and presenting their petition, had no thought or purpose of asking for the incorporation of a dental college. Their petition was presented and referred to the Committee, who reported that the petitioners

have liberty to withdraw their petition on account of their failure to give the notice required by the statute. The petition was recommitted, with instruction to hear the parties. After this, the petitioners concluded to ask for a dental college, with power to confer upon their students the usual degrees conferred by dental colleges. No petition was presented to the legislature for a dental college, nor any notice given to anybody of the intended application for a dental college. The number of practical dentists in the Commonwealth who would be supposed to be interested in such an application is about four hundred. On the 28th of February, the petitioners presented themselves before the Committee to urge their new-conceived scheme for incorporation as a dental college. Some fifteen or twenty of the dentists of Boston having incidentally heard that such a scheme was before this Committee, appeared, to object against it, and the petitioners and the objectors were informally heard before this Committee for and against the establishment of the Boston Dental College. No petition for a dental college had at this time been presented to the legislature, nor had the legislature in any way instructed the Committee to hear any parties or inquire and report upon the question of incorporating such a college. At this meeting, the objectors informed the Committee that they did not object to the incorporating of a dental institute, but that they did object to incorporation of a dental college with power to confer degrees. It was upon this subject that the parties at this meeting made their statements on the one side and the other. The Committee adjourned to a future day, and they caused a notice to be published that on that day they would hear the parties upon "*the petition of I. J. Wetherbee and others, for an incorporation of the Boston Dental Institute.*" At this meeting of the Committee, the same gentlemen again appeared, and were heard for and against a dental college. A bill for the incorporation of such college was reported, and passed both branches of the legislature, and was vetoed by the governor.* The bill was then rejected and a new bill introduced and referred to this Committee, with instructions to hear the parties. The Committee appointed Friday, May 1, and the parties appeared. And at that meeting, Mr. Child said he for the first time appeared in behalf of sundry

* See page 14.

remonstrants against said bill, who on that day presented to the legislature written remonstrances against said bill, and which were referred to this Committee. From this hearing the Committee adjourned to Monday evening. On Saturday a petition was presented by I. J. Wetherbee and 144 others, asking for the incorporation of the Boston Dental College. The petition was referred to the Committee. It was the first petition ever presented asking for the incorporation of the Boston Dental College. On Monday, May 4, remonstrances against said bill, signed by 141 dentists of Boston and various parts of the Commonwealth, were presented to the legislature. These remonstrances were also referred to this Committee.

At the meeting of the Committee on Monday evening, Mr. Child moved the Committee for a delay, stating that he appeared for 141 remonstrants, residing in different portions of the Commonwealth, whose remonstrances had been presented and referred to the Committee. But as neither the petition of Wetherbee and others nor any of the remonstrances had reached the Committee, and as there was important evidence which he desired to introduce in regard to said petition and remonstrance, he asked the Committee to grant a delay till the papers could reach the Committee.

The Committee said that the session was so near the close and they had so many other engagements, they could not grant any further delay, and suggested to Mr. Child that he might introduce any evidence in regard to the papers, though they were not in the hands of the Committee. To this Mr. Child replied that though it would be inconvenient to introduce the evidence he proposed in the absence of the papers, yet as he wished to make no unnecessary delay he would proceed, with that understanding.

Several witnesses were examined in behalf of the remonstrants upon the general subject of dental colleges, and other subjects.

Mr. Child then offered to show that of the 144 petitioners on the petition of Wetherbee and others, thirteen of the persons whose names were annexed to said petition had, since their signatures were annexed to papers attached to said petition, signed written remonstrances against the prayer of said petition, saying they had signed the papers under a misapprehension.

Mr. Child also offered to prove that some ten or twelve others, whose names were on said petition, had also declared that they had signed under a misapprehension, and that they too were opposed to granting said petition. He also offered to prove that every petitioner residing out of Boston, whose names were on the petition, whom the remonstrants had been able to see since said petition was presented, had all said that they had signed under a misapprehension. Mr. Child, on this account, asked a delay for the purpose of seeing others of said petitioners, as he believed a majority of the signers out of Boston were in like condition. The Committee declined to permit the remonstrants to introduce any evidence to show that said thirteen petitioners had remonstrated against said petition, and that said ten or twelve others had, since giving their names, stated that they were deceived in giving their names to said petition and that they signed under a misapprehension; the Committee saying there was not sufficient time to hear any further evidence or grant the delay asked for, as the session was too far advanced to permit it.

Mr. Child, after stating the facts as above enumerated, procured and read a copy of the first petition, which was presented on the fifth of February, and was referred to the Committee, which petition is as follows:—

“We, the undersigned, dental surgeons of Boston and vicinity, respectfully petition for an act of incorporation under *the name of the Boston Dental Institute*, giving them power to hold real and personal estate to an amount not exceeding *twenty thousand dollars*.” Signed by I. J. Wetherbee and thirty others.

He also read a copy of the following petition, presented Saturday, May 2d, and referred to this Committee:—

“The undersigned respectfully petition the legislature to grant an act of incorporation *to the Boston Dental College*, to be located in the city of Boston.” Signed by I. J. Wetherbee and 144 others.

Mr. Child then addressing the Committee, said that could he have been permitted to show the recantation statements of the petitioners it would appear that the number of *bona fide* petitioners signed to said petition would be 120 instead of

145. He also claimed that if the petition and remonstrances could have been before the Committee and the names examined, it would appear that the names of eleven of said petitioners were signed twice, and some of the eleven three times. And if he could have the names of all the petitioners and remonstrants before the Committee it would appear that the number of remonstrants exceeded those of the *bona fide* petitioners, if the names were counted, as could have been done if he had been permitted to introduce the testimony which the Committee had declined to receive.

Mr. Child then referred to the fact, which was fully proved and admitted by all parties, that a movement had been made by the Massachusetts Dental Society, to establish a dental college in Massachusetts, to be connected with Harvard University. That the matter was fully discussed, at a meeting of said dental society, on motion of Dr. Wetherbee, the first signer on the present petition; that several of the leading petitioners had co-operated in this movement; that all the members of said society were in favor of it; that it was fully discussed; that there was no division of sentiment on the subject; that all agreed to the expediency of connecting it with Harvard University, as three of the professors in the dental college, viz., the professor of anatomy and physiology, the professor of chemistry, and the professor of surgery,—three indispensable professorships in every dental college,—would be the same professors as are now connected with the Medical College, and thus the necessity of endowing at least three of the six professorships in the proposed dental college would be avoided, and a great saving of expense secured.

This movement was continued till an arrangement was perfected to establish a dental college, in connection with Harvard University. The corporation of the University had assented to the arrangement, and had appointed five of the six professors in the proposed dental college, and the Overseers of Harvard University had confirmed the doings of the corporation in the establishment of the dental college, in connection with their medical department, and in the appointment five of the six professors, including the present professors of chemistry, surgery and anatomy, of the medical department of the University. This arrangement and action of the corporation and overseers

was completed about the first of January last. Up to that time no objection had been made by any of the petitioners to that arrangement, but as far as was known they fully co-operated in it. It had been arranged that this dental department should commence operations next November, and that the number of lectures that would be given in each lecture season of four months would exceed the number proposed in the college which the petitioners ask for. The petitioners never took any action for their dental college till the latter part of February last.

Mr. Child then adverted to the fact that it was fully proved before the Committee that the dental department of Harvard would be located in Boston, in connection with the Harvard Medical School, and that only one dental college was needed in Boston ; that there would hardly be patronage enough to sustain one, and contended that as the arrangement had been fully made and perfected for the Harvard Dental Department, and with the full consent and co-operation of all the leading petitioners, before their scheme for a separate dental college was thought of, the legislature ought not at this time to grant another dental college in Boston ; that if two were to be established, one of them, for the convenience of those pursuing dental studies, ought to be located in the interior of the Commonwealth. He also alluded to the effect of two rival institutions in the same city, where only one was needed, as injurious rather than beneficial to a thorough dental education.

He also adverted to the benefit of the connection with Harvard, in addition to the saving of the endowment of at least three professorships ; to the advantage to the dental students to attend all the lectures of Harvard professors—the benefit of their laboratories, dispensaries and apparatus, which the new college, even under the most favorable circumstances, could not furnish them to the same extent for at least many years.

He fully admitted and advocated the immense importance of a complete and thorough education for those entering the dental profession, and that under the advantages of the proposed connection with Harvard, such a result could be more speedily attained than by a separate college. He also contended that the incorporation of any college with power to confer degrees, when, as in this case, the petitioners only ask for liberty to hold

real and personal estate to the amount of twenty thousand dollars, would be unusual. It is doubted whether a college was ever incorporated, certainly not in this Commonwealth, when the applicants had received no endowment, nor had any donations to sustain it been made.

Mr. Child also urged upon the Committee that the proposed dental college ought not to be incorporated unless it should appear that a majority at least of the dental profession desired it; that no such fact appeared; that there was a greater number of remonstrants of the dentists of the State than there were petitioners. That of names reckoned as petitioners, 87 were mere replies of "yes," to the question sent by mail, "Are you in favor of the incorporation of a dental college in Boston?" That it is evident from these replies it cannot be known whether these 87 of the petitioners meant to express a desire for the college asked for by the petitioners, or for the dental department already established in Boston in connection with Harvard University.

Mr. Child also said, that the 141 remonstrants from all parts of the State had not had a sufficient time nor opportunity to be fully heard. The petition was presented only on Saturday, and the final hearing was held on Monday evening, and continued on Tuesday morning. That many of the remonstrants had never known of the project of these petitioners but for a period of two days before the hearing was closed; and that under the circumstances of the case, it was utterly impossible, for want of time, to give anything like an approach to a fair investigation of the subject. He then asked the Committee to report a reference of the whole subject to the next legislature, when a full investigation may be had, such as the importance of the subject demands.

APPENDIX.

REMONSTRANCES.

The undersigned, practitioners of dentistry in Boston, ascertaining that a petition is before the legislature for a charter for a dental college, under the name of the Boston Dental Institute, respectfully remonstrate against the same;—such an institution being in their opinion unnecessary (as there is already one dental college in Boston,) and more likely to prove detrimental than beneficial to the cause of dental education and to the best interests of the community at large.

E. G. Leach, D. D. S., 91 Boylston Street.
 E. T. Wilson, M. D., 167 Tremont Street.
 E. G. Tucker, M. D., 11 Ashburton Place.
 J. L. Williams, M. D., 1 Mt. Vernon Street.
 D. M. Parker, M. D., 25 Summer Street.
 E. N. Harris, D. D. S., 760 Washington Street.
 Joshua Tucker, M. D., 4 Hamilton Place.
 Geo. T. Moffatt, M. D., 4 Hamilton Place.
 L. D. Shepard, D. D. S., 4 Hamilton Place.
 C. Whitechurch, 91 Boylston Street.
 T. B. Hitchcock, M. D., 169 Tremont Street.
 T. H. Chandler, 17 Tremont Street.
 S. F. Ham, 17 Tremont Street.
 I. A. Salmon, D. D. S., 670 Tremont Street.
 J. T. Codman, 74 Boylston Street.
 Thos. Cogswell, cor. Park and Tremont Streets.
 G. F. Waters, 54 Bowdoin Street.
 E. C. Rolfe, M. D., 612 Washington Street.
 D. G. Harrington, 205 Broadway.
 N. A. Glover, 760 Washington Street.
 D. K. Hitchcock, M. D., 169 Tremont Street.
 P. R. Ridgeway, M. D., 3 Hamilton Place.
 A. T. Emery, D. D. S., 1 Mt. Vernon Street.

H. F. Russell, 15 Summer Street.
 S. P. Bartlett, 158 Tremont Street.
 E. W. Fiske, 217 Tremont Street.
 N. C. Keep, M. D., 74 Boylston Street.
 Chas. H. Osgood, 2 Hamilton Place.
 Edmund Blake, 16 Eliot Street.
 W. W. Codman, M. D., 33 Boylston Street.
 W. L. McDonald, M. D., 41 Tremont Street.
 L. M. Fitch, M. D., 41 Tremont Street.
 U. K. Mayo, 2 Hamilton Place.
 C. Eastham, M. D., 25 Tremont Street.
 Flagg & Osgood, 25 Tremont Street.
 Webber & Twichell, 218 Washington Street.
 Samuel F. Stearns, 43 Hancock Street.
 Levi Parker, 18 Pemberton Square.
 James Shepherd, 3 Hamilton Place.
 R. E. Dixon, 10 Avon Place.
 A. F. Preston, 19 Bedford Street.
 J. W. Bartlett, Boston Highlands.
 A. H. Parker, 33 Boylston Street.

We, the undersigned, practitioners of dentistry, respectfully remon-
 strate against the granting of a charter to the Boston Dental College.
 We believe such an institution is unnecessary, (as there is already one
 dental college in Boston,) and that it will be more likely to prove
 detrimental than beneficial to the cause of dental education, and to the
 best interests of the community at large.

O. F. Harris,	.	.	.	.	.	.	Worcester.
J. F. Adams,	.	.	.	.	.	.	"
N. M. Snow,	.	.	.	.	.	.	"
D. K. Boutelle,	.	.	.	.	.	.	"
E. W. Estabrook,	.	.	.	.	.	.	"
Tourtellotte & Fuller,	.	.	.	.	.	.	"
A. O. Dickey, M. D.,	.	.	.	.	.	.	"
S. W. Cooke,	.	.	.	.	.	.	"
Chas. R. Moules,	.	.	.	.	.	.	"
J. W. Gould,	.	.	.	.	.	.	"
Green & Jenks,	.	.	.	.	.	.	"
Jacob Childs,	.	.	.	.	.	.	"
D. F. Estabrook,	.	.	.	.	.	.	"

Flavius Searle, D. D. S.,	.	.	.	.	Springfield.
C. S. Hurlbut, D. D. S.,	.	.	.	.	"
P. H. Derby,	.	.	.	.	"
J. S. Hurlbut, D. D. S.,	.	.	.	.	"
J. A. Dodge,	.	.	.	.	"
J. J. Anderson, D. D. S.,	.	.	.	.	"
M. B. Renslow,	.	.	.	.	"
Newton Morgan,	.	.	.	.	"
C. Perkins,	.	.	.	.	"
A. T. Johnson,	.	.	.	.	Lowell.
Wm G. Ward,	.	.	.	.	"
G. A. W. Vinal,	.	.	.	.	"
G. A. Gerry,	.	.	.	.	"
D. I. Boston,	.	.	.	.	"
Sam'l Lawrence,	.	.	.	.	"
S. F. Gladwin,	.	.	.	.	"
S. L. Ward,	.	.	.	.	"
A. W. Burnham,	.	.	.	.	"
Joseph E. Fisk,	.	.	.	.	Salem.
W. A. Chapman,	.	.	.	.	"
C. B. Swasey,	.	.	.	.	"
W. M. Bates,	.	.	.	.	"
W. L. Bowdoin,	.	.	.	.	"
James C. Mara,	.	.	.	.	Dental Society, New Bedford.
Edw. Stetson,	.	.	.	.
W. H. Channing,	.	.	.	.
D. P. Ward,	.	.	.	.
Frank E. Ward,	.	.	.	.
A. H. Tobey,	.	.	.	.
E. G. Ward,	.	.	.	.
Geo. A. Taber,	.	.	.	.
Fred. B. Nesbitt,	.	.	.	.	Taunton.
Julius Thompson,	.	.	.	.
T. W. Meekins, M. D.,	.	.	.	.	Northampton.
W. A. North,	.	.	.	.	"
Lewis Rust,	.	.	.	.	"
W. H. Jones,	.	.	.	.	"
J. N. Davenport,	.	.	.	.	"
H. S. Bascom,	.	.	.	.	"
Joseph Beals,	.	.	.	.	Greenfield.
Samuel Leonard,	.	.	.	.	"
Ralph Morgan,	.	.	.	.	"

E. M. Goodrich, M. D.,	.	.	.	.	.	Westfield.
H. M. Miller,	.	.	.	.	.	"
H. W. Clapp,	.	.	.	.	.	"
J. J. Vincent,	.	.	.	.	.	Amherst.
B. F. Leach,	.	.	.	.	.	"
O. C. White, D. D. S.,	.	.	.	.	.	Hopkinton.
A. A. Howland,	.	.	.	.	.	Barre.
A. B. Cowan,	.	.	.	.	.	Palmer.
R. Clark,	.	.	.	.	.	Conway.
Lester Noble, D. D. S.,	.	.	.	.	.	Longmeadow.
Chas. E. Parsons,	.	.	.	.	.	Easthampton.
Samuel F. Howland,	.	.	.	.	.	Adams.
A. F. Davenport, D. D. S.,	.	.	.	.	.	North Adams.
E. F. Barnes,	.	.	.	.	.	"
Jesse Porter,	.	.	.	.	.	Chicopee.
S. G. Henry,	.	.	.	.	.	Westborough.
W. W. Rice,	.	.	.	.	.	Gt Barringt'n.
Arthur M. Rice,	.	.	.	.	.	"
D. W. Leach,	.	.	.	.	.	Randolph.
Francis Bourne,	.	.	.	.	.	Abington.
Samuel E. Ring,	.	.	.	.	.	"
T. D. Shumway,	.	.	.	.	.	Plymouth.
James H. Webber,	.	.	.	.	.	Charlestown.
Edward Page,	.	.	.	.	.	"
N. Sherman,	.	.	.	.	.	Waltham.
J. M. Sherman,	.	.	.	.	.	"
John Clough, M. D.,	.	.	.	.	.	Woburn.
C. T. Lang,	.	.	.	.	.	"
J. H. Kidder,	.	.	.	.	.	Lawrence.
Joseph Austin,	.	.	.	.	.	"
David T. Porter,	.	.	.	.	.	"
W. E. Riggs,	.	.	.	.	.	"
J. T. Lord,	.	.	.	.	.	"
C. W. Goddard, D. D. S.,	.	.	.	.	.	Newburyport.
H. J. Stevens,	.	.	.	.	.	Haverhill.
S. H. Elliott,	.	.	.	.	.	"
William Sellers,	.	.	.	.	.	"
Judson Riley,	.	.	.	.	.	"
J. A. Perkins,	.	.	.	.	.	Amesbury.

AN ACT to incorporate the Boston Dental College.

Be it enacted, &c., as follows:

SECT. 1. I. J. Wetherbee, Joseph Story, R. L. Robbins, E. N. Kirk, H. F. Bishop, A. A. Frazar, J. M. Daly, E. B. Perry, Isaac Ayling, G. W. Copeland, J. B. Coolidge, J. T. Follett, A. Brown, their associates and successors, are hereby made a corporation by the name of the Boston Dental College, for the purpose of giving a thorough education in the science and art of dentistry, by means of lectures, clinical instruction, a library and museum, with the right to confer the degree of doctor of dental surgery, and with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

SECT. 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding fifty thousand dollars.

SECT. 3. This act shall take effect when ten thousand dollars shall have been paid into the treasury.

VETO MESSAGE.

COUNCIL CHAMBER, BOSTON, April 18, 1868.

To the Honorable Senate.

I respectfully return to the Senate, in which it originated, the Bill entitled, "An Act to incorporate the Boston Dental College."

In cordial sympathy with every measure looking to the diffusion of knowledge among the people, I can freely concur in the general purposes of this bill, so far as it tends to developing and perfecting a useful and honorable profession. But in examining its details, I notice a remarkable omission, which does not occur in any similar Act in the legislation of this Commonwealth, so far as I have been able to discover. Its first section grants the "right to confer the degree of doctor of dental surgery," without any of the qualifications or conditions which hitherto, by an unbroken line of precedents, have been, by the General Court, attached to analogous grants. It appears upon investigation that the New England Homœopathic Medical College, established in eighteen hundred and sixty-seven, is only permitted "to confer the

degree of doctor of medicine, subject to the restrictions and regulations which are adopted and required in conferring the same degrees" by like corporations previously chartered. Also, that the same restrictions, in conferring degrees, are applied to the Worcester Medical Institution, the school of eclectic medicine, chartered in eighteen hundred and forty-nine, and invested with the power of giving degrees in eighteen hundred and fifty-one. And that the Berkshire Medical College, founded in eighteen hundred and twenty-three, is empowered to confer its degrees only "under the same rules and restrictions as are adopted and recognized in conferring degrees of the same nature" by the only medical corporation then existing in the Commonwealth.

But in the bill now before me, this rule of just impartiality, enforced or maintained by successive legislatures for nearly fifty years, in the interest of sound learning and professional competency, and for the protection of all the people of Massachusetts, would seem, perhaps inadvertently, to be entirely ignored. The diploma of the schools is understood to imply that its recipient has completed a prescribed course of study, and has passed an examination deemed to be a suitable test of his fitness to enter upon the duties of his chosen profession. This is recognized by our people as an indorsement of that competency by the men most experienced and most reliable in such departments of professional pursuit. It is a safeguard to the people; too valuable to be trifled with; so indispensable that we cannot afford to attempt to overthrow it. And yet, in the bill which is now returned, this indorsement of professional skill and capacity may, at the mere caprice of the corporation, be conferred upon the student of a day, or be withheld from the patient toiler for years. The reasonable and equal standard adopted in all our schools of medical science is, as it seems to me, inadvertently thrust aside; and uncertain methods are to usurp the place of that steady persistence in professional study which has hitherto been necessary to secure the approbation of experts and the confidence of the intelligent public. I cannot consent by any act of mine to sanction a departure from that thorough training which has given to the scholars of Massachusetts pre-eminence in the land, and to her statesmen, her jurists, and her men of science a reputation not bounded by either ocean, and scarcely dimmed by the lapse of time.

I am happy to believe that the sentiments I have expressed will not only commend themselves to the older and more conservative of our people, but will receive the cordial approval of the young men who have been drilled in our public schools and seminaries of learning, trained to thoroughness and accuracy in our counting-rooms, and inured to skilled labor in our workshops and factories. I therefore deeply regret that a school of science, which may prove so useful to those

pursuing its specialty, should include in its organic act a germ of distrust and a certain source of the loss of dignity and prestige. And I can but hope that a reconsideration of the subject will induce its friends to consent to such changes as will tend to elevate it to that position of commanding respect already attained by other schools of medical science.

Because then this bill is not, in my judgment, in the interest of good learning and thorough education; because it will form a precedent which will expose a confiding public to the impositions of partially taught and irresponsible practitioners; because it is unequal in its operation, and will necessitate the conferring upon all similar existing medical corporations of the unrestricted power to grant degrees; and because I believe that the usefulness and standing of the proposed corporation will be greatly impaired by the omission of the usual restrictions, which might, however, be so modified as to meet its peculiar needs;—I am constrained to withhold my approval therefrom in its present form.

ALEXANDER H. BULLOCK.