

IN THE SENATE, STATE OF NEW-YORK, FEB. 1, 1850.

REPORT OF THE COMMITTEE ON LITERATURE, IN RELATION TO PETITIONS FOR AMENDMENTS TO THE ACT ESTABLISHING FREE SCHOOLS THROUGHOUT THE STATE.

The committee on literature, to which was referred various petitions, praying for amendments to the act establishing free schools throughout the State, passed March 26, 1849,

REPORT,

That it is evident from the memorials submitted to them that the present laws require, in some particulars, a careful revision to make them accomplish fully the ends of their enactment.

The complaint of a meeting of citizens of Orange county "that the school laws of this State, by repeated alterations and amendments have become voluminous and complicated almost beyond comprehension, so much so as to require radically revising, simplifying and abridging," is by no means unjust; and as the first step towards the permanent establishment of the free school system, this committee recommend a revision and simplification of the school laws by the Secretary of State.

It has become apparent, however, that much of the opposition to the new school law has arisen from a reluctance on the part of the tax-payers to vote the necessary money for the due maintenance of the free schools. Some districts have even voted to diminish the number of months during which their schools shall be kept open from eight months to four, content to give their children half the teaching which the law intended, rather than submit to the smallest tax.

Rate bills are still regarded with favor, because they fall, not upon the property of a district, but upon the parents who have children to send to school. Many parents, however, under the old system, kept their children at home, because they could not afford to pay, and because they were not willing to confess the pauperism which alone entitled them to free schooling. *It should be the aim of the State to make admission to its schools the absolute right of the child of every citizen, a right which it shall be no meanness in the rich man to enjoy, nor degradation to the poor man to claim.*

By the ninth article of the constitution provision is made for the annual addition of \$25,000 to the capital of the Common School Fund. The revenues of the canals will soon allow a portion to be devoted to the support of schools, beyond what is required for interest, repairs and accumulation. The rate bills for 1847 amounted to \$499,696.63; and we have therefore to provide for raising a similar amount, which lessens every year until our School Fund becomes large enough to support the schools out of its incomes, without resort to taxation. *The Governor of this State again recommends the restoration of the office of County Superintendent, which he had advised in his message of last year.*

In his annual report for 1849, the State Superintendent presented strong testimony to show that the office of County Superintendent had been unwisely dispensed with. His predecessors, without exception, disapproved of the abolition of the office, and were right in insisting that such an officer is needed, as the medium of communication between the department and the 900 towns and 11,000 school districts under his care. "The territory is too large," says the State Superintendent, "its subdivisions too many, its relations too diverse, the local officers too numerous, and the interval between the department and them too wide to permit that actual and minute supervision which is necessary to an efficient administration of the school laws."

The chief objection in the minds of those unacquainted with the subject to the plan proposed by the State Superintendent, was probably the expense. By the present system, the nine hundred town superintendents, at a compensation averaging \$76 a year each, cost the State \$67,500; or to be accurate, as the number of towns in 1847 was 873, the cost was \$65,475. Deducting from the 128 Assembly districts those embraced within cities having Boards of Education or city superintendents in the way proposed by the Secretary of State, and set forth in the act herewith submitted to the Senate. At \$500 each, the cost would be put £50,000, a positive saving of more than \$15,000, while the system would give to the schools the constant supervision of competent men, paid for their whole time, and proud of an honorable office. The benefits of such a change cannot be easily overrated. The vast

array of school districts spread all over the State would be quickened into rivalry and good discipline. Reports would be more readily and correctly returned to the Department of State, and new energy everywhere infused. The present organization is like that of an army without officers between the corporal and the staff, its regiments without colonels, its companies without captains. This would be deemed but a sorry simplification of the art of war; yet almost such is the condition of our school system. *This Committee, therefore, recommend that the suggestions of the State Superintendent, confirmed by another year's experience, be favourably considered and acted upon.*

The objection to restoring the office of County Superintendent is simply that a county is often too large to permit the proper care of all its schools by one person. Assembly districts furnish more convenient divisions of territory.

The free school law has received a very large majority of the votes cast in this State in its favor. *Fifty-five counties have voted for the law, and only four against it.* Such an expression of the public will is not to be disregarded.

Thoroughly persuaded that free education is of the last importance to the welfare of the State, the committee on literature do not hesitate to recommend that the full provision by towns or districts according to law, for the maintenance of free schools, during at least eight months of the year, shall be the condition on which, and on which only they shall receive any portion of the public school fund.

The benefits of free education are not now for the first time to be doubted. Nothing valuable comes without toil and cost. Our hopes of political freedom, of personal security, of unforced conscience, all hold by the anchor of faith in the intelligence of the people. France has the opportunity of freedom, but not the people of which freemen are made; nor the schools which rear good citizens.

The day is coming, we already see its dawning in our own State, when education shall be by all held as necessary as food; and whenever the reign of peace on earth shall begin, with the sword will also be laid aside the shackles of the convict, and our prisons shall be turned into colleges and free schools. At present we have but the alternative between prisons and schools; between a people educated, self-respecting, self-restraining, or an unreasoning populace, ignorant of the history of the past or of the learning of the present, ever ready to become the tools of a demagogue and to set over again the massacre of St. Bartholemew, or the Reign of Terror.

Already the farmer is exposed to the midnight murderer, who, (as has just occurred in New Jersey,) climbs by an upper window into his house, and slaughters wife and husband in their bed-chamber. That murderer was an untaught stranger, who came, unblest by a free school, to our shores, and revenged himself upon a prosperity he envied, by robbery and outrage. Almost three hundred thousand strangers, like him untaught in such schools as ours, land every year at the single port of New-York. Shall we not protect ourselves against their children, if we cannot against them? Between the standing army of school-masters, and the armed police; between the spelling book and the bayonet, there is no difficulty now in choosing. Let us seize the opportunity; let us insist upon upholding our schools, and New-York will sustain as proud a reputation for the best free education, as she now does for the best system of prison discipline.

The committee submit to the Senate the following Act, prepared under the direction of the State Superintendent of Common Schools.

All which is respectfully submitted.

JAMES W. BEEKMAN,
SAMUEL MILLER.

AN ACT

FURTHER TO AMEND THE ACT ESTABLISHING FREE SCHOOLS THROUGHOUT THE STATE, PASSED MARCH 26, 1849.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:—

§ 1. The second section of the act entitled "An act establishing free schools throughout the State," is hereby amended so as to read as follows:

§ 2. It shall be the duty of the several boards of supervisors, at their annual meetings, or at any special meeting duly convened (in pursuance of law,) to cause to be levied and collected from their respective counties, in the same manner as county taxes, a sum equal to