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EARLY SCHOOL LEGISLATION IN IOWA.

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EARLY two years before the organization of our National Government, the Continental Congress adopted, on the 13th of July, 1787, the famous Ordinance which is historically known as the "Ordinance of 1787." It was "for the government of the Territory of the United States Northwest of the River Ohio." A similar ordinance containing the essential features of this one had been introduced by Thomas Jefferson, who, ten years earlier, had drawn the great charter of our liberties. That act did not pass, and now Nathan Dane, a member of the Old Bay Colony, thoroughly imbued with the spirit of enlightened liberty, re-introduced the ordinances, which passed the Congress at the date mentioned. At that time there was

no organized government northwest (what a great term, and what a vast region it included) of the river Ohio. To-day the center of population of the United States is, according to the census of 1880, only six miles east of Cincinnati, and on that then boundary river.

The Centennial of the adoption of this great forerunner of an advanced civilization should be appropriately observed and celebrated on the 13th day of July, 1887.

When the three years have been added to the four already past, since the census was taken, the center of population will no doubt, like the "Star of Empire" of which the good Bishop Berkly says had "wended its way northwest of the river Ohio" and had secured a "local habitation and name" *within* the territory for whose government that ever-to-be remembered Ordinance was "ordained" by the fathers of the Republic. We have re-read it as on many an occasion before, since our youthful days, when as a student of history and of the law, we first read that ordinance. No where else in so short a space and in such concise and forcible language can so many grand truths and principles be found.

"There shall be neither slavery nor involuntary servitude in the said territory.

"No person * * * shall ever be molested on account of his mode of worship or religious sentiment in the said territory.

"The general assembly shall proceed from time to time to lay out the parts of the district, in which the Indian title shall have been extinguished, into counties and townships" etc. Here we have the basis of our Civil and our School government and system, so highly praised by DeTocqueville and other philosophical observers and writers of and upon our country, its people and government.

"The said territory and the states which may be formed therein shall forever remain a part of the confederacy of the United States." Here we have our spirit of loyal, loving lib-

erty legislated by statute into as well as born by natural course of events.

But the great point with which we now have to do, may be found in the words, following:

“Religion, morality and knowledge being necessary to good government and the happiness of mankind, *Schools and the means of Education shall ever be encouraged.*” Mark the trio of the words, the knowledge is the out-growth of morality and religion, as morality is the out-growth of religion. The duty to encourage the foundation and support of schools and the means of education, to the end that knowledge may be diffused among the people without distinction of age, sex or color is here most forcibly enjoined upon our people by the first organic act passed for their government.

The rights and privileges of this famous ordinance was limited on the west by the Mississippi River, as it was on the east by the river Ohio; because at that date all the greater territory northwest of the Mississippi belonged not to the United States but to a foreign power, viz; Spain. In 1803 Jefferson, the real author of the Ordinance, as President now of the United States in fact as well as name, secured by purchase this vast country from France, to which it had been recently transferred by Spain.

By the Organic law of Iowa, entitled “An Act to divide the territory of Wisconsin, and to establish the territorial government of Iowa” which passed Congress and was approved June 12, 1838, but to take effect “from and after the third day of July next,” that is, July 4th, 1838, (so our natal day in Iowa is the same as that of the nation). Iowa became detached from Wisconsin, but did not lose the privileges she possessed as a part of that territory.

By a wise provision of Congress “the rights, privileges and immunities specified in the Ordinance of July 13, 1787 were by this act of June 12, 1838 extended to the people of the new territory. “The inhabitants of said territory,” so it reads,

“shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the territory of Wisconsin and its inhabitants.”

By a reference to the Organic Act of Wisconsin, Approved April 20, 1836, we find, that, notwithstanding that part of the territory of Wisconsin which *lies east* of the Mississippi River formed and constituted an integral part of the “Territory of the United States northwest of the river Ohio” and was therefore included in that Ordinance, and because the boundaries of Wisconsin were made to extend far to the west of the Mississippi river and take in what was then known as “the Iowa district of Wisconsin,” Congress introduced this memorable clause to make “certainty doubly sure:” “The inhabitants of the said territory shall be entitled to enjoy, all and singular, the rights, privileges, and advantages, granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of the compact contained in the Ordinance for the government of the said territory, passed on the 13th day of July, 1787.”

Governor Robert Lucas, the first governor of Iowa, had been previously twice governor of Ohio, the first territory organized in the country northwest of the river Ohio, and it was eminently fitting that so good and well meaning a man should be appointed to inaugurate the first government in Iowa, the last offspring of the great territory.

Gov. Lucas in his first message, which like the first two Presidents, he personally read to the two branches of the legislature in joint session for this purpose, on the 12th day of November, 1838, distinctly refers to these provisions of the ordinance of 1787, and the organic acts of Wisconsin and Iowa.

The State of Ohio had but a couple of years preceding remodeled its School Laws, and provided for a State Superintendent of Public Instruction at its head. Gov. Lucas, fresh from these changes sought to see his chosen Iowa like his famed Ohio, promptly and liberally embark in the cause of Educa-

tion. We well remember when he read his message to us before handing it to us to copy and (for he wrote worse hieroglyphics than the Pharoahs of Egypt) his remarking to us, "We must show to our friends east that we mean to have Schools'as soon as we get the children, and we will soon have them, so we must now provide for a good system of Public Schools." The good old Governor! We fancy we can now see his tall and manly form standing before us as he uttered the words which became the corner-stone upon which the School System of Iowa was laid and has been so securely built. He forcibly called the attention of that our first legislative assembly to the necessity of at once organizing the townships as the basis of our government and essential to a well organized system of Public Schools. Then he urged the subject so dear to his heart in these words, "There is no subject to which I wish to call your attention more emphatically than the subject of establishing, a well digested System of Common Schools, etc."

The Assembly only partially heeded his recommendation. It passed:

"An Act *providing* for the establishment of Common Schools" and declaring that "there shall be established a common school or schools, in each of the counties of this territory etc." It did not, however, make the township the school district, but left this wise and essential feature to be engrafted upon the system at a later day. This act was passed and promptly approved January 1, 1839, a happy inauguration of the New Year, of which a future generation were to enjoy the benefits.

This act was repealed by the passage of "An Act *to establish* a system of common schools, approved January 16, 1840. Note the progression, the first was "to provide for" while this is "to establish a system." The *district* rather than the "township" continued the unit of measurement of the territory for school boundaries.

On the 13th day of January, 1841, the legislature passed

"An act to create the office of Superintendent of Public Instruction" and the Governor (Lucas) "by and with the advice and consent of the Council" as our Senate was then called, appointed Dr. Wm. Reynolds, of Burlington, afterwards, Columbus City, Louisa Co., and then of Iowa City, where he deceased some years ago. The Dr. was an educated gentleman and had but recently come to the territory. When the consideration of his nomination was pending, we well remember that "Old Red," as S. Clint. Hastings, the councilman from Muscatine was ever known, (later Chief Justice of Iowa and of California, where he now resides,) rose and opposed the appointment of "the stranger with the magic lantern of whom nothing was known." The Dr. had a few evenings before delivered a public lecture on education apparently for the enlightenment of the legislature and had introduced his magic lantern for the amusement rather than instruction of that learned body. His nomination was, however, confirmed. He had no duties however to perform except draw his small salary, as the system of common schools existed in name while the money was wholly, and the children largely wanting to make it a living vital thing. Accordingly the law was repealed and the office abolished at the next Session by an act approved February 17, 1842.

The Governor and his successor in office persevered and the legislature continued with varying fortunes to legislate upon the subject of common schools, and by keeping the system before the public prepare the people, coming from every state and not yet amalgamated into a harmonious body politic, for a better system at an early day. So when we became a State in 1846, Iowa entered upon and has continued in the good work, and now our schools and school system are not only the pride of our people, but of the people of every land.

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