

# THE PALIMPSEST

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VOL. XX

ISSUED IN SEPTEMBER 1939

NO. 9

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## Public School Beginnings

In the evolution of local government, visions and realities are frequently at wide variance: things are not what they seem. The statute laws alone are not a reliable guide to the history of the growth of local institutions, for many political customs are not incorporated in formal legislation. Paradoxical as it may seem, the real social, religious, and educational usages of the early settlers were not always recorded in the statute books, and many of the institutions described in the statutes never came into being.

The pioneers of Iowa needed homestead protection; and presto, they organized claim associations and provided homestead regulations in each neighborhood. They needed roads, and built them without benefit of authority or engineers. When a crime was committed, the community administered such punishment as seemed just and wise. In the field of education, this mode of development was particularly prevalent. Private



schools were established before a public system was provided.

Yet the foundations of the public support of education were laid long before the first settlers came to Iowa. The Land Ordinance of 1785 stipulated that the sixteenth section in each township of the government-surveyed lands should be reserved "for the maintenance of public schools, within the said township." Two years later the Ordinance of 1787 declared that "Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Though the national government did not assume the function of education, a means of support was provided for local use and an obligation imposed to give every child an opportunity to obtain an elementary education.

Between 1827 and 1833 the Territory of Michigan, to which Iowa was later attached, provided for the organization of school districts, the employment of teachers, the levy of taxes for the erection of school buildings, and for "school trustees" to take care of school lands. These early laws apparently remained in effect while the Iowa country was included in Michigan and Wisconsin Territories (1834-1838) and even after the Territory of Iowa was established. Most of the



provisions, however, were not well adapted to conditions in Iowa, and so were not utilized for the establishment of the first schools. Nevertheless, as the government surveys progressed, the land granted by the United States for the support of public education had to be selected. For example, in December, 1839, the Federal land office at Dubuque published a notice in the *Iowa News* for school committees and trustees to select school lands and cautioned them to choose "good lands, as required by law".

Meanwhile, schools had been established, but they were private, neighborhood schools, not supported by land or taxes. The teacher usually "boarded round" and received his meager pay from the parents of the pupils. Like Berryman Jennings, who taught the first school in 1830, early schoolmasters incidentally instructed the children of a community while preparing themselves to practice medicine or law. A little later in the larger towns a few professional teachers opened private schools that were supported by tuition. These were usually at the residence of the teacher or in rented rooms, but in the villages and rural settlements a schoolhouse was commonly provided by the community. The pioneer schoolhouses were usually constructed of logs and equipped with only the rudest kind of furniture.



The building was erected and paid for not by means of local taxation, but by the coöperative efforts of interested neighbors.

Thomas H. Macbride described a typical establishment of a pioneer school in his book *In Cabins and Sod-Houses*. One Sunday after church Father Blew spoke to the men of the congregation about "a matter of great importance to the whole community."

"Friends and neighbors," he began, "I have as you know no children of my own, but I notice that all — or most all — of you are men of family; this is a most salubrious climate and God has given us many children. They are like prairie-chickens in a buckwheat patch in fall; and yet so far they are learning nothing. They are ignorant children. They know nothing except the wild freedom of these great meadows and the skill for the little daily tasks which you assign them. How shall these children become citizens of the great Republic unless they learn to know its history and can read its law? We must have a school. All of you who are in favor of a school for this community raise your hands!" Every hand went up, except that of Peter Mitchell, but he was deaf.

The next problem was to provide a schoolhouse. One of the neighbors donated a site, another furnished stone for the foundation, and all aided in



bringing logs to the site. On the following Saturday there was "a raising-bee", and by night a new log schoolhouse stood on the prairie.

Such a school was not the product of legislation. Schoolhouses were built and teachers hired according to the initiative of each community. Many settlements afforded no opportunities for elementary education. There were no public schools created by law, supported by taxation, and open to all children. Governor Robert Lucas perceived the need for stimulating a greater interest in education. In his first message to the Legislative Assembly in November, 1838, he advocated most emphatically the establishment of "a well digested system of common schools".

In accordance with the will of the Governor, the First Legislative Assembly promptly authorized the creation of public schools. This enactment was approved by the Governor on New Year's Day, 1839. It declared that there should be established in each county a common school or schools, which should "be open and free for every class of white citizens between the ages of four and twenty-one years". The county board was directed to form districts when petitioned to do so by a majority of the voters residing within a proposed district. Three trustees, a clerk, a treasurer, an assessor, and a collector were to be elected at



an annual meeting of the voters of the district. The annual meeting was also responsible for building a schoolhouse and levying a school tax.

Upon the trustees devolved the duties of superintending the district school, examining and hiring the teacher, leasing the land belonging to the district, and reporting the number of children in the district, the number sent to school, the "actual time" the school was in session, and the "probable expense of the same". The tax "to do all and every thing necessary to the establishment and support of schools" could not exceed five mills on the assessed value of the property in the district, or more than ten dollars a year for any one person, payable "either in cash, or good merchantable produce at cash price".

This legislation seemed to provide sufficient authority and means to develop a system of free public schools. Indeed, Governor Lucas expressed the opinion that the law "might appear to be in advance of the times". Perhaps it was. Few communities took advantage of the act. Edward Langworthy "as one of three school trustees was engaged in organizing our district schools" at Dubuque in 1839. No record of the establishment of similar public schools in other towns has been found, but two rural areas in Lee County, congressional townships seventy-six in



ranges five and six, were organized as school districts in February, 1840. Action in forming public school districts was probably retarded because the counties had not yet been subdivided into civil townships.

Whatever the reasons may have been, the first public school act did not result in much expansion of educational facilities. Even the legislators who made the law were skeptical of its efficacy. Two days after its approval by the Governor, the House of Representatives authorized the appointment of a special committee to study school legislation. Information was to be collected through correspondence with the Governors of the several States, as well as with presidents of colleges throughout the United States. The committee was instructed to consult with "literary gentlemen and others conversant with the subject" in order that full information might be presented at the next session of the Legislative Assembly.

Members appointed to this first Iowa School Commission were "the Governor and Secretary of the Territory, Charles Mason, Joseph Williams, T. S. Wilson, W. W. Chapman, and P. H. Engle, with the honorable J. B. Browne, President of the Council, and W. H. Wallace, Speaker of the House of Representatives". There is no evidence that this committee, as such, ever made a formal



report. But Governor Lucas as chairman of the committee seems to have studied carefully the existing laws on the subject. In his second annual message he declared that "the act passed at the last session, is too limited in its provisions to serve as a foundation for a well regulated system." Accordingly, he recommended a revision of the school law based upon the laws of Michigan, from which, he said, "much useful information may be obtained".

Acting in accordance with the Governor's recommendation the Legislative Assembly by an act approved on January 16, 1840, adopted the Michigan school law section for section. However desirable this legislation may have been in Michigan, it was not well adapted to frontier conditions in Iowa. Some provisions were far more elaborate than necessary. Moreover, the governmental structure of a State did not correspond to that of a Territory. For example, certain reports were to be filed with the "superintendent of public instruction", notwithstanding the fact that there was, at that time, no such officer in Iowa. Thus, if the law of 1839 was, as Governor Lucas had feared, ahead of the times, the act of 1840 was even more premature. It was designed for a complete educational system in a State with a relatively stable population.



Whereas, the first school law contemplated districts no smaller than a congressional township, for that was the smallest area that would have any school lands to lease, the act of 1840 authorized the division of townships into as many districts as necessary. Moreover, the new law made the township instead of the county responsible for creating school districts and further associated school and township government by providing for the election of three school inspectors in each township. Fortunately, a week before the school law was approved, the legislature had authorized the establishment of civil townships. The school inspectors were responsible for establishing the school districts, apportioning school funds among the districts, examining the "moral character, learning and ability" of teachers, and visiting the schools twice a year for the purpose of examining the pupils and advising the teachers.

Important policies were decided by the voters of the district at the annual meeting. They determined the location of the schoolhouse and authorized taxes to pay for it — though not more than \$500 a year. They could also levy taxes to repair the schoolhouse, to buy a bookcase and not more than ten dollars worth of books a year, and to raise as much as ninety dollars a year to pay the teacher if money apportioned to the district by the



county and township was insufficient for the salary promised. Parents were charged with the cost of supplying fuel in proportion to the number of children sent to school and the length of time they attended. The annual meeting also decided how long school should "be kept", though a minimum of three months was fixed by law.

The schools were under the direct supervision of a moderator, an assessor, and a director who constituted the district school board. They were elected by the voters at the annual meeting. Each had specific duties. The moderator acted as chairman of district meetings and signed all warrants for the payment of bills. The assessor listed the property subject to school taxation, posted the amount due from each person, and collected the taxes. The director hired the teacher with the advice of the moderator and assessor, took an annual census of the children of school age in the district, listed the number who attended school, kept the schoolhouse in repair, and made an annual report to the township school inspectors. Together the moderator, assessor, and director acted as a board to perform the functions authorized at the annual meeting, such as raising funds by taxation, buying a schoolhouse site, and building the schoolhouse.

Although this elaborate plan may have been far beyond the needs of pioneer Iowa, it did provide



an effective means of establishing public schools. As Governor Lucas explained to T. S. Parvin, he was anxious to "start out right and build up a good system as fast as the population and wealth of the territory would warrant." William Reynolds, the first Iowa Superintendent of Public Instruction, reported in December, 1841, that the progress under the new law was "highly gratifying" to those interested in education. "The flood of emigrants that is so rapidly settling our territory", he said, "seems to bring with it the right spirit, and there are very few neighborhoods where there are a dozen or twenty children that can be collected, in which there is not a school, and if it is not the best kind it is the best they can get, and consequently creditable to them."

As soon as civil townships were organized school inspectors were duly elected. The development of public education thus depended upon the local demand for township government. Within two years school inspectors had been elected in nine Des Moines County townships. Van Buren County complied with the law and the inspectors had established school districts in several townships. Four townships in Lee County reported to the Superintendent of Public Instruction in 1841. There was "no want of zeal" in Louisa County; while public school districts ap-



pear to have been organized in the larger towns of Dubuque, Bloomington, Burlington, Fort Madison, and Mount Pleasant. No doubt there were many school districts which were not reported to the Territorial Superintendent.

It is to be noted, however, that taxes for school purposes were still very meager. In Denmark Township, Lee County, there were five school districts. District Number One, which contained forty-five persons between the ages of five and twenty-one years, had voted to have school "four months during the summer and three during the winter", and had "voted a tax of \$103.21," of which \$90 was "for the support of schools, the balance for library purposes". Districts Number Two and Three made no report. In District Number Four sixty persons were of school age. There a tax of \$70 had been authorized "to defray the expense of building a school-house, and \$5.00 for library purposes". In District Number Five there were twenty-six persons of school age, but no reference was made to taxation.

A school district in Washington Township, Lee County, in which there were twenty-six persons of school age, had maintained a school for three months, and had "raised \$18 for support of schools". Another district in which there were eighteen persons of school age had "kept a school



three months", and had "raised \$15 for support of schools and \$5 for library purposes".

Notwithstanding these humble beginnings, the Superintendent was hopeful. He said there was a "natural repugnance against taxation" — inherited perhaps from our forefathers. Citizens, he declared, would pay five dollars for any other purpose rather than one in taxes. Nevertheless, taxes spent for school purposes would not "make us a whit poorer. It would be but putting our money out of our hands into our pockets for safer keeping", and he advocated the creation of a permanent school fund.

Nor were the Superintendent's hopes in vain. In September, 1841, Congress granted to each State in the Union, and to each State that should later enter the Union, 500,000 acres of public lands for "internal improvements". According to the Constitution of 1846 Iowa's share of this grant was appropriated "to the support of common schools throughout the State". Meanwhile, in 1845, Congress, in accordance with the Ordinance of 1785, had specifically ordered that section sixteen in each township in Iowa should be devoted to school purposes. These resources, however, were insufficient to support the schools. Some money was raised by taxation, but families directly benefited customarily aided in paying the



teacher as they did in supplying fuel. In 1853 this practice was legalized by adding a "rate bill" to the Iowa law, whereby parents were required to contribute to the cost of instruction in proportion to the number of children sent to school and the length of attendance. From that time forth the support of public schools was securely established.

With the passage of the century, while educational practice and school legislation have developed apace, the gap that once existed between the theoretical and the actual in school facilities is now virtually closed. For many years Iowa has ranked first among the States in literacy, a tribute to pioneer support of common schools open to every class of people.

J. A. SWISHER