

SHELTON

School Legislation In Illinois

1818-1855

Political Science

A. B.

1903

Learning and Labor.

LIBRARY

OF THE

University of Illinois.

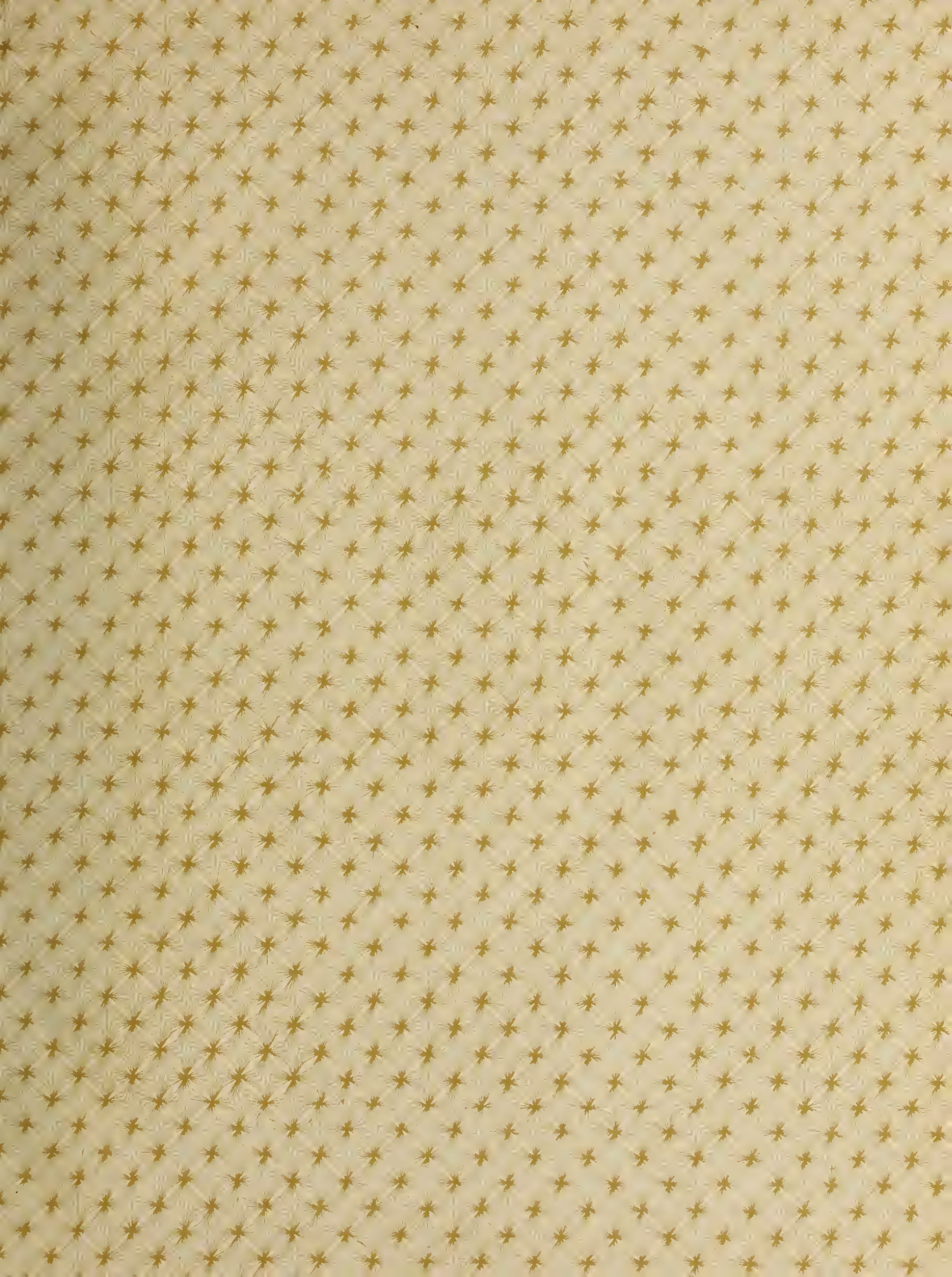
CLASS.

BOOK.

VOLUME.

1903 Sh41

Accession No. _____



18
25
(1893)

S C H O O L L E G I S L A T I O N I N I L L I N O I S

1818-1855

By

A D D I S O N M . S H E L T O N

Thesis for the Degree of Bachelor of Arts

in

Political Science

in the

College of Literature and Arts

of the

University of Illinois

May, 1903.

UNIVERSITY OF ILLINOIS

May 29

190 3

THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

Addison M. Shelton

ENTITLED

School Legislation in Illinois, 1818-1855

IS APPROVED BY ME AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE DEGREE

OF

Bachelor of Arts in Political Science.

Evarts B. Greene

HEAD OF DEPARTMENT OF

History

65888



Digitized by the Internet Archive
in 2013

<http://archive.org/details/schoollegislatio00shel>

School Legislation in Illinois, 1818-1855.

The enabling act,¹ passed by Congress April 18, 1818, and accepted the following August by a state convention convened at Kaskaskia, contains special provisions for the support of common schools and higher institutions of learning in this state. Since the gifts recited in this act forms a nucleus about which the early school legislation centered, it is necessary to understand them at the outset. Four grants in all were made; two of these to the common schools and two to the institutions of higher learning.

To aid in the support of the common schools, two independent grants were made; viz. one consisting of land, the other of money.

This first gift was local in its nature. To the inhabitants of each township, there was set aside for the support of their common schools. "Section numbered Sixteen" or when such sections had been disposed of, "other lands equivalent thereto...". In other words, one-thirty sixth part of the entire area of Illinois was permanently set aside, by this grant, to aid in the educa-

1. Laws of Illinois Volume I.



tion of the children of this state. Under no condition could the revenue derived from the school section in one township be appropriated to aid the schools of another township. Later, when the school sections were sold, the fund thus accumulated became known as the "Township Fund."¹

The second gift to the common schools was general in its nature in that it established one fund for the entire state. Two and one-half percent of the net proceeds of the sale of the public lands sold within the state after the first day of January 1819 was given to the aid of the common schools. This fund, as it increased from year to year, soon became known as the "State School Fund", or shorter still the "School Fund".²

For the encouragement of higher learning, two institutions- a college or university and a seminary of learning- were endowed.

The college or university was endowed with one-half of one percent derived from the net proceeds of the sale of public lands within the state after the first day of January 1819. This fund as it accrued from year to year, became known as the "College and University Fund".

The seminary of learning was endowed with the income derived from the rent of two entire townships

1. See page 23.

2. See pages 23-4.

(seventy-two square miles) which were given to the state for this purpose. Many years elapsed before the revenues from these gifts to higher learning were used¹ and still many years more, before they were applied to the original purpose.

Although the convention at Kaskaskia accepted all the gifts mentioned in the enabling act together with the conditions imposed by the same, it did not see fit to embody in the first constitution of the state, which it drew up, a single sentence concerning either the common schools or the higher institutions of learning which the gifts were intended to aid.²

Governor Bond, in his message to the first state legislature which met in Kaskaskia October 5, 1818, called attention to the above national educational grants.³ Not only did he recommend legislation looking forward to their preservation and enhancement in value, but he suggested a plan which was followed. Concerning these gifts, he said, "with proper arrangement (these gifts) will create a fund sufficiently large to educate the children of the state to the remotest period of time". Again, he said, "it is our imperious duty, for the faithful perfor-

1. See page

2. The second Constitution of Illinois also made the same omission.

3. For Governor Bond's message, see Illinois Laws Vol. I

ance of which we are answerable to God and our country, to watch over this interesting subject ".

During the second session of this assemble, two bills were prepared in complete harmony with the policy outlined in the Governor's message.

The first bill¹ became a law March 2, 1819. This law authorized the county commissioners court in each county to appoint three " good and substantial freeholders". in each township within their respective county, where the population was sufficiently large. These men were required to proceed at once to lay out the section into lots containing not less than forty acres and to lease the same, when possible , for a period of not more than ten years. These three men soon became known as "Trustees of the Township". Such trustees were guardians of the school sections. They were to appoint a treasurer, clerk, and surveyor. The duty of the clerk was to make annual reports to the county commissioners court of all the official meetings of the trustees. In 1827, this law was repealed² and a new law relating to the management of the school sections was passed. New powers were now given

1. " An act relating to the school lands reserved for school purposes ---- " Approved March 25,1819.

2. " An act relating to school lands " --- Approved February 17,1827.

to the trustees. When they deemed it expedient ,they could lay off the township into school districts. School administrative powers were also given to the trustees. Upon this basis, school sections were managed until 1829 when this law was repealed. In that year the policy of selling the school sections was begun so a new law had to be provided¹.

The second bill became a law March 25,1819². Just as the first law had been framed to protect and increase the value of the school sections, so this law applied, similarly, to the seminary lands. At this time only one of the two townships had been located, hence the law applied only to the township which had been granted in 1804. The law provided for the appointment of three men who were to act as guardians of the township. These men were to prevent further accupation of the township by settlers and to obtain rent from those now living on the same. It was not until 1821, that any further occupation of the township was permatted. In that year a law³ was passed authorizing the Auditor of Public Accounts to act as guardian of the township and to rent

2. " An act authorizing the leasing of college township"-
Approved March 25,1819.

1. See page 23.

3. "An act authorizing the Auditor of Public Accounts to lease college township "- Approved January 31,1821.

the same for a period of not more than ten years. This law remained in force until a law was passed permitting the sale of the township.¹

Although these national educational grants to elementary and higher education are materially aiding in the educational development of Illinois today, they did not contribute any immediate aid to the schools for many years. As long as there was so much unoccupied land, available to every settler for a permanent home, the school lands were poor property to rent. As a matter of fact, it was not until 1825 that a law was passed looking toward the general distribution of either the revenue derived from the rent of the school sections or the interest accumulating from the school fund. No law was passed providing for the use of the interest derived from the accumulating college and university fund or from the rent of the seminary lands until 1835.² It was then loaned to the common school fund and distributed for the support of the common schools. From the above statements, it may be seen, that down to 1825, the common schools were maintained on the same voluntary basis as they were before the state was admitted into the union! There is one exception to the last statement. The school section in township 5, south of range 9, west of the 3rd principal meridian, could be rented out and the income

1. See page 23.

2. See page 24.

applied to the support of the common schools of the township. In 1821 a special act ¹ had been passed to this effect. The rent, according to the terms of the law, was distributed among the schools of the township in proportion to the number of pupils attending and the length of the school term. This was the first legal application of the revenue of a school section to the support of the common schools. This act preceded the general law nearly four years. ²

-
1. " An act authorizing the leasing of section sixteen in township 3, south of range 9, west of the 3rd principal meridian-" Approved February 2, 1821.
 2. See page 15.

Legislation Through the Demands of the People.

Prior to the enactment of any of the school laws thus far recited, the people of the state had taken steps, at various places, toward founding-what they termed -academies.¹ Wishing either to obtain legal sanction for what they had already done or seeking to obtain aid, they frequently turned toward the state legislature. Now, it was in reply to one of these demands, that the first law relating to education was placed on the statute books of Illinois.² According to the preamble of this law, the people of Edwardsville, Madison County, had "entered into arrangements to build, by subscription among themselves an academy for the education of youths". The general assemble in this act declared that such an undertaking was so "laudable and useful", as to deserve legislative sanction. Since this law is a fair type of many later laws, a somewhat detailed account is here given. The school was styled "Madison Academy". Seven men were made "a body politic and corporate, to be known by the name of the trustees of the Madison Academy...(and) to have perpetual succession and a common seal". The trustees were given exclusive power over the institution, with

the exception that they could make no laws contrary

1. For general account see Ford's History of Illinois

2. "An act authorizing the appointment of trustees to Madison Academy" .-. Approved February 23, 1819.

to those of the state or the United States. An important part of the law was that the trustees were "enjoined" to admit gratuitously the children of all the poor within the county. The school was to be non sectarian and closed to women.

After the general assembly has similarly incorporated "Bellevills Aaademy" it proceeded by an amendment¹ to confer unusual privileges upon the trustees. They were given power to appropriate for ten years one-half of the annual profits of the school section in the township in which Belleville was located. It was further provided, that should the "male inhabitants of the north end of the township agree", all the income of the school section could be appropriated to the support of the school. This law seems to have been in direct violation of the spirit of the agreement in the enabling act for the school sections were set aside exclusively for the benefit of the common schools. At least one-half, if not all, of the revenue from the school section was given^{by} this law, to a private institution.

Three days after permission had been granted to the trustees of the Belleville Academy to lease the

1. " An act giving certain powers to the trustees of the Belleville Academy"- Approved January 27, 1821.

school section and appropriate the revenues to their school, the legislature incorporated the town of Alton.¹ This act was also secured through a petition from the inhabitants of the town. The petitioners recited the conditions within their town and asked the legislature to pass an act suited to their conditions. In the petition, they claimed that the "original founders of the town had donated one hundred lots; fifty, for the use of the schools; and fifty, for the support of the gospel. They requested that their town be incorporated and trustees appointed to control such lots. In response to this request, the legislature passed the required law. One-half of the revenues of the above lots was to be distributed yearly to the support of education; the other one-half, to religion. The trustees were given power to erect school buildings, select teachers, and regulate the school. The law now proceeded to go a step further. Whether the petitioners wished this final step is doubted for it was soon repealed. This clause authorized the trustees of the town to lay a yearly tax on all town lots, excluding, of course, the one-hundred lots donated to education and religion. Such a tax was not to exceed seventy-five cents

1. " An act for the appointment of trustees to the town of Alton"- Approved January 30, 1821.

on each lot. The tax, when collected, was to be applied to the erection and repairing of school buildings and to the support of the teachers. This was the first school tax authorized by state authority on real estate in Illinois. Another portion of this clause related to school attendance. It provided that every child of suitable age, living in the town, should at all times have a right to attend the school and to receive instructions gratuitously. This act established a free school system for the town of Alton. Whether this law was ever put into operation I am unable to say.¹ The law remained in force only three years when it was so amended² that the tax on real estate was repealed. The amendment naturally invalidated the free school feature.

Another instance similar to the one above mentioned was the act incorporating Mount Carmel.³ The legislature incorporated the town and reserved the lots, donated by the founders for education, to the management of the trustees of the town. However, neither the tax on town lots, nor provisions making the schools open to all alike, were provided for. Since this act was after the

1. See statement by W.L. Pillsbury in "Early Education in Illinois" in Illinois School Report 1885-6.

2. "An act to amend the act incorporating the town of Alton"- Approved February 14, 1823.

3. "An act to incorporate the town of Mount Carmel" Approved January 10, 1825.

amendment repealing these two features of the Alton act, the legislature may have feared the town did not wish these measures.

Aside from the instance quoted above where the revenue s from a school section were given to support a private school, an act was passed in 1823, by which a part of a school section was donated to a "religious sect".¹ This act required the county commissioners court of White County to lease five acres of a school section, to the Cumberland Presbyterians, on which they might build a church and establish a burial ground . The Presbyterians ,however, were required to permit the church to be used as a public school building. This act is also in violation of the spirit of the enabling act, for, according to it, the original grant could never be disposed of, only the income which was to be distributed solely to the aid of the common schools.

1. " An act for the encouragement of learning in White County"- Approved February 14. 1823.

Summary of the School Legislation to 1825.

Before taking up the discussion of the free school law of 1825, a short summary of the main acts of school legislation down to 1825 is here given. During the first session of the general assembly means were provided for the leasing and preservation of the seminary and school lands. With the single exception of the schools of one township, no common schools were receiving the rents accruing from the school sections. No distribution of the interest on either the school fund or the college and university fund had been made. Three academies had been incorporated, one of which had been authorized to receive at least one half of the income of a school section. Two townships had been incorporated in which land had been reserved for educational purposes. Such grants had been recognized by the state legislature. At Alton the legislature had permitted a tax of seventy-five cents on each town lot for school purposes, and had provided for the free education of all the children living in the town. After two years, the right to tax had been repealed and the schools were no longer free. Down to 1825, practically all schools were voluntary, without state aid or outside help of any kind.

The Free School Act of 1825.

In 1825, an act was passed embodying the idea of a free school system¹. This bill originated in the Senate, being introduced by Joseph Duncan, senator from Jackson County. Since the largest portion of the population was then in the southern portion of the state, the majority of the members voting for the bill could hardly have come from states maintaining a free school system.² The largest portion of the southern population of the state had come from eastern states south of New York. At this time, no state outside of New England maintained a free school system³. Not even the author⁴ of the bill nor the governor⁵ who approved it were from such states. The law was not secured by popular agitation and appeals to the legislature as was the one of today. The enthusiasm which secured its passage was not sufficient to withstand the opposition which soon be-

1. " An act providing for the establishment of free schools".

Approved January 15, 1825.

2. Ford's History of Illinois.

3. " Early Education in Illinois." by W.L. Pillsbury in
" Illinois School Report 1885-6".

4. " Life of Joseph Duncan " by Julia Duncan Kerby.

5. " Life of Governor Coles" by E.B. Washburne.

came manifest. Then, too, the fact that thirty years passed before such an idea was embodied in a general law is sufficient proof to show that the law was not an expression of the will of the people. The legislature expressed this feeling of opposition when they chose to obliterate the free school features instead of trying to remedy the evils of the law.

An examination of the law gives one the impression that it was neither copied from the laws of any other state nor the result of a growth to meet the conditions in Illinois. It shows theory and clumsiness. The law does not have the appearance of a workable one.

The preamble of the law justifies the act upon the ground that, "it is the peculiar duty of a free government, like ours, to encourage and extend the improvement and cultivation of the intellectual energies of the whole(people); that the mind of every citizen in a republic is the common property of society and constitutes the basis of its strength and happiness"; and that, " it is a well established fact that no nation has ever continued long in the enjoyment of civil and political freedom which was not both virtuous and enlightened".

The law provided that one or more common schools, " open and free to every class of white citizens" between the age of five and twenty-one years, " shall be established". No school district could be framed without

including at least fifteen families. Such districts were laid out by the county commissioners court, upon receiving a petition signed by a majority of the qualified voters within the contemplated district. The law gave the initiative to the people so that no school district could be formed without the consent of the majority. Such districts when formed were a body corporate and could sue and be sued in the name of the trustees of the district. The organization within these districts was democratic. The voters legally assembled, could elect all officers and make all rules for the management of the school. Practically, all powers which are now exercised by the school directors were under the direct control of the people, when they were lawfully assembled. The tax, which the people levied upon themselves, was paid either in cash or in merchantable goods. Such a tax was not to exceed one-half of one percent and under no circumstances could any one be required to pay more than ten dollars. The annual sum to be raised was also determined by the voters at the meeting.

The three trustees of each district, elected at the above meeting, performed the following duties:

1. Superintended the school of the district.
2. Examined and employed a teacher.
3. Leased all lands of the district.
4. Called the voters of the district together.

5. Made annual report;

(a) To the county commissioners court.

(b) To the people when lawfully assembled.

Such reports stated:

(a) Number of children in the district.

(b) Number of children going to school.

(c) Length of the school term.

(d) Probable expense of the school.

6. Issued warrants on treasurer and the teacher.

7. Presided at meeting of the voters.

The reports received by the county court were condensed by the county clerk and forwarded to the secretary of state. This clause of the law anticipated that portion of the law of 1845 which made the secretary of state ex officio superintendent of the common schools of the state.

The income, necessary to run the schools formed under this act, were derived from four sources ;viz.

1. Direct Tax.

As stated above, the amount of this tax, and the manner in which it was to be obtained were to be determined by the legal voters when lawfully assembled. In no case could the sum be greater than ten dollars for any man; nor the rate, greater than one-half of one percent.

2. State Aid.

Two dollars were appropriated to aid in the support of the common schools from each one hundred dollars collected into the state treasury. Such fund was proportioned to the treasurers of the several counties according to the number of children between the age of five and twenty-one. No school, however, could receive this aid unless it held a session of at least three months.

3. School Fund.

Five-sixths of the interest arising from the school fund was distributed upon the same conditions as was the state aid.¹

4. Rent from the School Sections.

The rent from the sixteenth sections in each township was to be collected by the trustees of the school land and proportioned by them among the inhabitants of the township in proportion to the amount they had contributed by tax, subscription, or otherwise to the support of any school in or near their township. Undoubtedly it was the intention of the framers of this bill to have this rent go toward aiding the schools. It is for this reason that this aid has been so classed along with the other three. As can easily be seen, this law appropriated this revenue to the benefit of those individuals who were

1. See page 2.

contributing in one way or another, to the support of the schools. This article as will be seen later, was soon repealed and the aid given directly to the schools.¹ This clause of the law of 1825, is not in harmony with the purpose of the original grant.

Whatever may be said in the way of criticism, the free school act of 1825 had a worthy principle for its aim. It set an example worthy to be imitated. There are several reasons why it failed. It lacked friends, provided for too many officers, and was in advance of the demands of the people.

p

1. See page 22.

Amendments to the Free School Act.

The free school act of 1825 furnished the basis for further school legislation until 1833. In that year a new law was made to dispose of the interest derived from the accumulating principal produced by the sale of the school lands in the various townships. The first change made in the law was in 1827.¹ It repealed that portion of the law requiring at least fifteen families to constitute a school district. Now, small districts could be formed. Such a move would naturally increase the expense of education. The same amendment gave powers to the voters of a district to decide whether all or only one-half of the running expenses of the school should be raised by taxation. In case only one-half should be raised by direct tax, the other half had to be paid by subscription. Coupled with this change was the further provision that no one could be taxed unless his own free will and consent was first obtained in writing. These changes made it practically impossible to maintain free schools where there was much opposition. Aside from the

1. " An act to amend an act entitled ' an act to establish free schools ' Approved January 15, 1825. " - Approved February 17, 1827.

above changes, the law remedied the distribution of the rent from the sixteenth sections. Instead of proportioning it among those who contributed toward the support of the school, the amendment now provided for its distribution among the schools of the township.

The second amendment¹ to the free school act was passed in 1829. The legislature proceeded to take away from the support of the schools both the state aid and the distributable interest accruing from the school fund. The free school act had been on the statute books scarcely four years when all of the free school features had been taken away. These changes threw the responsibility of supporting the schools upon each community. Schools could be maintained only where the sentiment for education was good. Schools were again placed on a voluntary basis, receiving their support from subscription. The free school act of 1825 is to be regarded in the light of an example, rather than for any practical value it had.

1. "An act authorizing the Auditor to issue his warrant on the treasury for school purposes" Approved January 22, 1829.

The Sale of the School Lands.

In 1829 provisions were made for the sale of the seminary lands.¹ This act required the Auditor of public accounts to conduct the sale at the state house in Vandalia. All money received was to be placed in the state treasury, never to be disposed of. Only the interest was to be used. The commissioners of the fund were required to invest the fund in some productive channel. Later² a law was passed authorizing the committee to loan the fund, as fast as it accumulated, to the state at six percent. Such interest was added yearly to the principal until later³ it was loaned to the school fund and distributed to the support of the common schools.

The sale of the sixteenth sections was authorized in the same year.⁴ A law was passed providing for a method of sale. A new officer- county commissioner or agent- was created to conduct the sale of these lands.

1. "An act to provide for the sale of the seminary lands "-
Approved January 12, 1829.

2. See page 24.

3. See page 25.

4. " An act authorizing the sale of section numbered sixteen or such lands as may be granted, in lieu thereof, to the inhabitants of such townships, for the use of schools. " -Approved January 22, 1829.

This officer was appointed by the county commissioners court. In 1845, this officer was made elective instead of appointive and the officer was made ex officio county superintendent of schools. In 1855, this officer became the present officer of County Superintendent of Schools.¹ When this county agent or commissioner was petitioned by nine tenths of the freeholders of any township within the county, he immediately made arrangements for the sale of the sixteenth section in that township. No sale of such section could be made unless the township contained at least fifty inhabitants, and then the land had to bring at least \$1.25 per acre. The money received from each township was kept separate by the commissioners. This fund was loaned to the state at the same rate of interest as was the seminary fund. The interest was added yearly to the principal. As fast as the school sections were disposed of the schools were cut off from the income of the school sections. No law was passed, providing for the disposal of the interest on this fund until 1833.² The next legislature amended the above act³ making it

1. See the laws of 1845 and 1855.

2. See page 27.

3. "An act to amend an act entitled 'an act authorizing the sale of the sections numbered sixteen!..' Approved January 22, 1829" - Approved February 15, 1831.

easier to offer the school land for sale. Instead of requiring nine-tenths of the free holders only three-fourths of the legal voters were now required to sign the petition.

Although the state legislature had passed these acts in 1829, it was not until 1842 that a general law was passed by Congress giving its legal sanction to the sale of school lands. In that year Congress passed a law¹ permitting the legislature of Illinois "to provide by law for the sale.... of all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools...". The law provided, in a general way, the conditions upon which they were to be sold; and confirmed all previous sales "not inconsistent with any principles of this act".

1. " An act to authorize the legislatures of the states of Illinois, Arkansas, Louisiana, and Tennessee, to sell the lands, heretofore appropriated for the use of schools in those states.-" Approved February 15, 1842. " Land Laws of the United States" Vol. I.

When all or only a part of a school section had been sold five or more men could unite and borrow \$200.00 of the fund in order to build a school house. Instead of the law providing for the loan to be made to the district it provided that such loan should be made to private individuals. For several years following less and less stress was placed upon the district and gradually the township was regarded as the school unit instead of the district. In 1845, a partial return was made to the district system and as a result, we have today, a mixed system of the township and district system.¹

1. See page 33.

The School Law of 1833.

In 1833 a law¹ was passed establishing a school system with the township as the unit. The word district does not occur in the law. In its place we have such words or phrases as "neighborhood", "vicinity", "employers of teachers", and "association of individuals". At the annual meeting of the voters of any "vicinity", three trustees were appointed to visit the school and to see that all the children of poor parents received free tuition. Here again is the idea of a free school system creeping in; but no means for keeping up the schools, were provided for except the provision for the distribution of the interest accruing from the principal obtained from the sale of the school sections. This distribution was made by the county commissioners to the teachers who had sent in certificates properly certified. Such certificates showed the number of children attending school and the number of days school was held. This clause

1. " An act to provide for the application of interest of the fund arising from the sale of the school lands belonging to the several townships in this state"—Approved Mar. 1, 1833.
2. " An act to amend an act entitled 'an act to provide for the application of the interest of the fund arising from the sale of the school lands'—Approved March 1, 1833"—Approved February 7, 1835.

requiring the trustees to see that all the children of poor parents were admitted free, was repealed by the next legislature.¹

1. " An act to amend an act entitled, 'an act to provide for the application of the interest of the fund arising from the sale of the school land'. Approved March 1, 1833-" Approved February 7, 1835.

Distribution of the Surplus Revenue.

In 1837, when the United States distributed its surplus revenue, the state legislature of Illinois passed a law¹ applying the gift to aid in the support of the common schools. A part of the gift, however, had already been spent for internal improvements. This act also introduced a new plan into the school system. This new feature was a plan by which townships could become incorporated for school purposes. This provided for a township plan more complete than did the law of 1833. The general superintendence of all schools was given over to the township trustees; such as, the building of the school house, and the employing of the teachers. All school officers were elected by all the voter of the township. The township fund, previously held by the county commissioner was now transfered to the various boards of township trustees who were elected by each township.

1 " An act to amend the several acts in relation to the common schools".- Approved March 4, 1837.

The Codification of the School Laws.

Since 1833, several very important educational meetings have been held in Illinois¹. These meetings gradually exerted a strong influence upon legislation. At these meetings, the best educated and friends of education gathered. These members not only discussed methods of teaching but they framed memorials in which they set forth the educational conditions in Illinois and suggested a plan for legislation. The first of these series of conventions was held at Vandalia in 1833. No immediate effort was made at this time to influence legislation. At a similar meeting at Vandalia the following year an attempt was made to secure a better school law for Illinois. The association proceeded to draw up a memorial² and to send it to the legislature which was in session. The memorial set forth a demand for better school laws. A desire was manifest to return to the district system as was set forth in the free school act of 1825. While not asking for any law providing for a direct school tax it did demand the distributable

-
1. " Early Education in Illinois" by W.J.Pillsbury in Illinois School Reports 1885-6 .
 2. For a copy of the memorial see, Early Education in Illinois.

fund to be proportioned, upon certain conditions, among the teachers. The citizens of any township wishing to receive such benefits had to agree to pay one half of the teacher's salary. A bill, conforming to the memorial and going much further by providing that the schools should be free to all white children, was introduced by Hon. William J. Gatewood, senator from Gallatin County, in the senate February 1835. Although the bill was lost and nothing of importance was done that year, the matter of education was kept before the public.

In 1840, another educational meeting assembled in Springfield. A memorial was also sent by this convention to the legislature. This memorial urged:

The revision of the school laws relating to the distribution of the interest on the school fund.

That a school tax could be levied when requested by a three-fourths majority of the voters.

That all schools must be kept at least three months.

That teachers must be examined.

Many other points were also demanded. The memorial also requested that a superintendent of schools for the entire state should be appointed. As a result of this memorial which expressed the dissatisfaction with so many laws upon the statute books and requested additional legislation, a new law, very comprehensive in its nature, was passed. The law repealed fifteen school acts previously

passed, and attempted to collect the good portions of each of these acts into this law.¹ For example the law provided for the protection and preservation of the school sections in each township; the sale of these lands; the management of the school fund and application of the interest; the incorporation of townships; the examination and certification of teachers ; and the management of the common school fund of the state. The county commissioner who had previously been appointed by the county court was now made elective for a term of two years. The trustees of the township were given power to examine the teachers. No tax was permitted nor was the office of state superintendent provided for. This act was the first step taken toward codifying the school laws. Each succeeding legislature , down to 1855, proceeded to repeal the act of the former legislature and to make a new and comprehensive law. Nothing additional of any very great importance was added by any of the legislatures except in the act of 1845.

In 1844, another educational meeting was held in Peoria. A memorial was prepared at this meeting and sent to the legislature. Much argument² was made in favor

1" An act making provisions for the organization and maintainance of common schools"-Approved February 26,1841.

2. "Early Education in Illinois, by W.L. Pillsbury.

of a law providing for a school tax. The office of state superintendent was also requested.

The school act¹ passed by the following legislature of 1845, incorporates several of the suggestions made in the memorial. The office of state superintendent of common schools was provided for, not however, as a separate office. The secretary of state was made ex officio state superintendent.

The law provided for the incorporation of townships and the election of trustees for the same. Such trustees were given power to lay off the townships into school sections. Within these districts, the voters were empowered to elect three directors of the school and to manage the school affairs within their district. As has been said before, this act was a partial return to the district system of 1825. From 1845 down to the present day we have a dual school system consisting of both the township and district system.

The law also permitted the special tax which so many memorials had requested, It provided a special school tax of fifteen cents on each one hundred dollars collected in those districts where three fourths of the voters demanded such a tax.

1. " An act to establish and maintain common schools"-
Approved February 26, 1845.

The county commissioner who had been made elective in 1841 was now given power to examine all teachers who contemplated teaching in the county. He was also made superintendent of the schools within his county. With a state and county superintendent a means had been provided by which fairly accurate data could be collected concerning the conditions of the schools within the state. Such statistics could be made of much use in producing argument to bring about the introduction of a free school system.

The first report made by the secretary of state while acting as state superintendent was in 1847¹. In this report, the secretary of state advised the separation of the two offices. This separation was not made until 1855. The report shows that but little income had been derived from the tax as provided by the previous law. The report recommended that a school tax be permitted by a majority vote instead of a two-thirds. This recommendation, as will be shown, became a law in 1849. The legislature of 1847, instead of following the recommendation, provided² for an additional tax of fifty cents on each one hundred dollars for building purposes.

1. "An act to establish and maintain common schools".-
Approved March 1, 1847.

2. "Early Education in Illinois", by W.L.Pillsbury in
Illinois school law 1885-6.

Such additional tax could not be levied without a three fourths majority of the voters of the district.

In 1848, several forces united to obtain better legislation for the schools.¹

Hon. Horace S. Cooley, ex officio state superintendent, issued a circular entitled, "An appeal in behalf of the common schools in Illinois.". In this paper he expressed his desire to see a free school system for every child in Illinois- as "Free as the genial showers and sunshine of heaven". He opposed the union of the office of secretary of state and state superintendent of schools. In his report to the legislature¹ again he appealed for better laws. He advised a state appropriation for each school district to help in building a school house.

In December, 1848 the "Illinois State Educational Society" met at Springfield. The society urged¹ the passage of a law permitting a school tax on property.

Two memorials¹ were circulated among the people of Illinois discussing the question of school taxation.

The next legislature of 1849 proceeded to revise the school law but the only practical gain was the reduction of the required majority of votes to obtain

1. "Early Education in Illinois" by W.L.Pillsbury.

the previous tax. This law ¹ permitted a school tax of twenty-five cents on each one hundred dollars for all school purposes. No additional tax was permitted. No other changes of importance were made in the school laws of Illinois until 1855 when the free school system of to day was inaugurated.

1. " An act to establish and maintain common schools".
Approved April 13, 1849.

SUMMARY.

Although the enabling act of 1818 had enumerated large national educational grants , no general state law was enacted , during the first seven years of statehood, to distribute among the schools, the income derived from these sources. A special act had permitted the schools in only one township to receive the rent from its school section.

Frequently the first settlers in a locality, suitable for the site of a town , set aside a few acres for the supportn of local education and religion. Such grants, the legislature had frequently confirmed. In one instance of this kind, the legislature went so far as to authorize the tax on town lots for the support of the schools. This portion of the act was repealed by the next legislature.

Here and there , where school sentiment was sufficiently good and the means for providing for the support of the schools was sufficient, education was not neglected. But, unfortunately not all communities were so situated. Whatever acts the state legislature had passed, aside from those relating to the protection of the school sections, were either too limited in their scope or too short lived to do much good towards furthering the school interests of the state.

The free school act of 1825, although filled with rather complicated details, contains the main idea of a free school system for the state. The law provided for free schools when the majority wished them. Such schools were supported from four sources; viz. direct tax, state aid, interest from school fund, and rent from the school sections. But the law was too far in advance of the demands of the people so the two succeeding legislatures made the free school clause practically a dead letter.

In 1829, laws were provided for the sale of both the seminary land and the school sections. These sales were effected by a new officer—the county commissioner—who finally became the present county superintendent of schools. The law provided that the money received from such lands and sales was to be put out on interest. It was not till 1833 that a law was passed providing for the distribution of such interest. This law also did away with the school district and made the township the smallest school unit.

In 1841 began the movement toward the codification of the school laws. This effort continued almost unbroken down to the free school law of 1855. During this period several important changes were made in the general status of school legislation. In 1845 the office of state superintendent of schools was created with the secretary of state ex officio state superintendent.

A partial return was made to the district system of 1825. The law provided for school districts in which the voters elected their school officers and managed their school affairs in much the same manner as they do today. The law provided for a direct tax of fifteen cents on each one hundred dollars where two thirds of the voters desired such a tax. Later this tax was raised to twenty-five cents on the one hundred dollars. This tax required a vote of only a majority.

When the legislature of 1855 determined to make a free school system for Illinois, and appointed Ninian W. Edwards¹ to draw up the act, Illinois had passed through all the stages necessary to the adoption of such a law. The foundation for a free school system has been laid. All the necessary school officers had been created and even a free school system had been tried thirty years earlier. By reestablishing these offices, conferring additional powers upon them, and by reviving the aim of the free school act of 1825 in a new light, a free school act was made in 1855, which the people had long demanded.

1. " Early Education in Illinois" by W.L.Pillsbury in Illinois School Report ,1885-6.

Bibliography.

Sources:

Laws of Illinois, Springfield, 1818-1855. The early volumes of these laws were printed at Vandalia.

Senate Journals of the Senate of Illinois, Springfield, 1818-1855.

Journals of the House of Representatives of Illinois, 1818-1855.

Illinois' Reports from State Officers to the Legislature, Springfield, 1818-1855.

Laws of the United States of a local or temporary character and exhibiting the entire legislation of Congress upon which the public land titles in each state and territory have depended. Washington, 1880.

Annals of the Congress of the United States. The debates and proceedings of Congress. Washington, 1818-1855.

Illinois School Reports . Superintendent of Public Instructions. Springfield, 1857-1886.

The Edwards' Papers. Being a portion of the collection of the letters, papers, and manuscripts of Ninian Edwards. Chicago, 1884.

Secondary authorities:

Thomas Ford.

History of Illinois from its commencement as a state in 1818 to 1847. Chicago, 1854.

W.L.Pillsbury.

" Early Education in Illinois" in the " Sixteenth Biennial Report of the Superintendent of Public Instructions of the state of Illinois". - 1884-6.

Niles Weekly Register. A journal of general information. Baltimore, Md. 1811-1855.

John Moses,

Illinois Historical and Statistical. Chicago, 1892.

Newton Bateman and Paul Selby,

Historical Encyclopedia of Illinois. Chicago, 1901.

History of Madison County, Illinois. Edwardsville, Illinois, 1882.

Illinois in 1837. A sketch descriptive of the situation, boundaries, face of the country, prominent districts... Philadelphia, 1837.

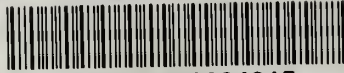
D.W. Lusk.

Eighty years of Illinois. Politics and Politicians. Anecdotes and Incidents. A succinct history of the state... Springfield, Illinois, 1889.





UNIVERSITY OF ILLINOIS-URBANA



3 0112 086824015