

THE ORIGIN OF THE FREE PUBLIC SCHOOL SYSTEM OF NEW JERSEY

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To understand the question properly, it is necessary to lay some foundation and try to see when the system might have originated in early times and the probable source from which Holland and the Dutch obtained their ideas on this subject.

The idea of a school supported by the State in which instruction should be imparted to everyone desirous of it, was common under the Roman Empire (see letters of the Younger Pliny IV, 14), and they were established in great numbers by the Moors in Spain.

When the Jesuits began their reformatory labors, they had before them the Moorish model. For they established all over Europe institutions in which the instruction was absolutely free. The Protestant Reformers, Calvin, Luther, and Knox, also urged the establishment of common schools.

In all this formative period we had no help from England. Queen Elizabeth did not believe in the education of the masses,

and her successors persisted in this idea. It was not until 1832, three centuries later, that Parliament made its first provision of £20000 which was the first recognition in England that the State owes any duty to its children; and by 1869, its appropriation was only one-fifth that of the State of New York. The settlers of Virginia who were not, nor had been, under any Dutch influence were no better off, for we find Governor Berkeley, in 1671, writing that he "thanked God that there are no free schools in the Province of Virginia, and he hoped there would not be for three hundred years to come."

From whence then did our New England forefathers obtain their ideas about education?

Even before their wars with Spain, all Holland (even its peasants) could read and write.

In 1574, I find the first resolution passed in that country looking to free schools. The Synod of Dort passed a resolution, or ordinance, directing the servants of the Church to obtain permission of the *magistrates* of every locality for the appointment of schoolmasters, and to provide for their compensation; and in 1582, the Estates of Friesland passed a law that the inhabitants of the towns and villages should within the space of six weeks provide good and able

schoolmasters or be compelled to accept instructors provided for them. This seems to have been the beginning of the supervision of education by the States, a system that soon spread all over the Republic.

In 1609, when the Pilgrim Fathers took up their residence in Leyden, the school had become the common property of the people and was paid for among other municipal expenses. See Motley's "United Netherlands," IV. 567. "It was a land of schools," says Motley, "supported by the State, where every child went to school, and every individual could read and write."

The settlers of Plymouth, who came directly from Holland, and thousands of other settlers who came from that Republic, therefore, derived their idea of schools directed and supported by the State straight from Holland. The first law governing education in New Jersey was passed in 1693 by the Assembly of East Jersey Province. See Leaming and Spicer's "Grants and Concessions," page 328.

It provides that the inhabitants of any town within this Province, by *warrant from, a Justice of the Peace*, may meet together and make choice of three men, to make a rate and fix the salary for a schoolmaster; and the consent and agreement of the majority shall bind the remaining part and if any refuse to pay their share, their goods

shall be taken by distraint and sold. Notice here the similarity to the first Dutch law which said that they must first obtain the permission of the *magistrue* before the servants of the Church could appoint their schoolmasters.

From the time of the passing of this law, New Jersey moved slowly toward a governmental control of the school and of public education. Many years were to pass before the doctrine was established that the State owes its children an education. In 1783 an act was passed providing for the promotion of literature, and in 1794 an act was passed providing for the incorporation of trustees (not exceeding seven) to organize societies for the advancement of learning. Under this last act a number of academies were organized in Hackensack, Paterson, Newark, and Trenton, some of which are still in operation. Newark was so pushed for funds for its building that the State authorized it to raise funds by lottery.

The colonial law educated but very few of the poorer children, while the wealthy and well-to-do used the academy and private school, and the amount of ignorance was appalling.

Prominent men of the State turned their attention to this subject, and much credit was given James Parker of Perth Amboy, a member of the State Assembly from 1806

to 1819, in securing the first statute ever passed by New Jersey since colonial times for free schools. This law known as the Act of 1817 (the so-called Pauper School Act) authorized a Board of Trustees composed of the Governor, the Speaker of the House, the Secretary of State, and the Attorney General, to be formed to create and hold a Trust Fund, the interest from which should be distributed among the different towns and localities of the State. This amount was increased by the amendments of 1838 to 1846, so that each township could raise by taxation a sum not to exceed double the amount of the State appropriation, but only for the purpose of paying for the schooling of indigent poor children; but at this time (1846) the total income for the entire State from the State Trust Fund was only \$30,000, and Plainfield's share was about \$300, which they could increase, if they so voted, to \$600 which, added to the State fund, made about \$900 yearly, but only for the indigent and poor. Much ignorance abounded, especially among the poor, as the wealthier classes educated their children in paid schools and academies. A committee appointed by the State, composed of some of New Jersey's best citizens, appraised the number of children at this time in this State who could neither read nor write at about 12,000.

Dr. Charles H. Stillman, whose name may be known to some of you, was born in the Dutch village of Schenectady, New York, and, after being graduated from Union College and from the College of Physicians and Surgeons of New York, he came here in 1842.

He was troubled by the amount of ignorance he found, not only among the grown-ups, but with the children, and soon began a work of betterment.

The first thing was to have the Legislature cut off Plainfield township from the township of Westfield, which it did by the act of February 4, 1847.

On April 15, 1847, he called a meeting of the voters of the township at what was then called "Laing's Tavern," where the Babcock Building now stands, and again on May 24, 1847, another meeting was called at the same place to make arrangements for the opening of two small schools. The doctor's first School Board consisted of eight men, one from each church, and two teachers were engaged at \$26 per month each, they to furnish firewood, pens, and ink. The only money provided for this expense was Plainfield's share of the income coming from the trustees under the Act of 1817, of the State School Fund for pauper children, or about \$300 which, under the amendments last referred to, the town-

ship could double by \$600, or \$900 in all, but only for the pauper poor.

The doctor, assisted by his friend, James Wilson, a well-known lawyer of his day, drafted the law and placed the same in the hands of the Honorable Elston M. Marsh (a friend and patient of the doctor), the assemblyman from this district, who enthusiastically pushed it through the Legislature. See laws of 1848, pages 228, etc.

This law gave to the voters of Plainfield at their annual town meeting the right to raise by tax a sum not exceeding \$2,000 for school purposes without limiting it to the poor or without any limitation whatsoever. **If** a majority of the voters did not approve this amount or any amount under these conditions, then the township committee should decide as to the amount to be raised. It was not desired that the matter be left in the hands of the town committee, and in securing a majority of the voters the doctor found his hardest task, as many did not like to pay for educating others' children. By his persistent labor and intimate contact with his families the sum of \$1,200 was voted, and with this money and other money they built the frame schoolhouse that stood where the Franklin now stands, costing \$2,200, a two-story-high basement building, making it really three stories, with the entrance from the rear by a high stoop.

This law of 1848 is the first law establishing a free school open to all and supported by taxation that you will find in the New Jersey statutes.

So well did people of other communities like this law that they had similar ones passed for their benefit, but leaving out the clause giving the township committee any residuary power as contained in Plainfield's law. Thus, in 1849, Elizabeth, the townships of Salem and Millville, and (in 1850) Newark, Trenton, Rahway, Bloomfield, Hoboken, Bergen, and Camden had similar laws passed, the amounts to be raised by taxation varying from \$4 per head to \$6,000 for Trenton, and for Newark such sums as their Common Council should fix and determine.

It has been claimed that Newark had the first free schools, but I can not find but that these schools were pauper free schools, as laid down on the lines since colonial times. Professor W. E. Stearns of the Barringer High School of Newark has kindly furnished me with material on this subject.

He states that the original charter of Newark, given in 1836, authorized the Common Council to raise money by tax for the schooling of *poor* children.

In 1838 the School Committee upon careful examination was satisfied that the dis-

tribution of this money to private schools, over which it could exercise no sufficient control, was injudicious and improper, and proceeded to establish a public school in each of the four wards of the city.

Still there was no law in their city charter or by special charter or on the statute books permitting them to use any public moneys except for poor children.

In 1838 they established a central high school, and the famous schoolmaster, Nathan Hedges, was engaged to teach the pupils, using the second floor of his own school for the purpose.

The report made to the State Legislature under date of April 1, 1839, showed that this school had an enrollment of ninety-one pupils and an average attendance of seventy-five. At that period there was not a public schoolhouse in Newark belonging to the corporation. The schools thus established were in rented buildings and were largely attended, but to support them it became evident that further authority must be derived from the Legislature, which they secured by the Act of 1850. This act, which I have already referred to, was based upon Dr. Stillman's Act of 1848 and allowed Newark to raise by taxation, for free schools, such amount as its Common Council should determine. See act to establish public schools in Newark, Laws of 1850, page 60, section

3, which contains the same principle as that in Dr. Stillman's laws of two years before; viz., "And said Common Council are empowered to raise by tax such sums for the support of public schools as they may deem expedient and necessary." Thus we have definite proof that Plainfield had the first public school in this State, free to all, both rich and poor, and supported by taxation. Dr. Stillman may well be called the father of free schools of this State.

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The authorities consulted were Motley's "Rise and Fall of the Dutch Republic," Douglas Campbell's work on "The Puritan in England, Holland and America," and "New Jersey as a Colony and a State," by Lee, and Hood's "Index to the Laws of New Jersey," and "Index of Special Charters," which indexes every law and charter passed in New Jersey from colonial times to 1877.

In conclusion I might say that there was no *constitutional* provision for free schools until 1844, and this the court held in the case of Morgan vs. Rutgers College, 70 New Jersey Law, pages 469, 470, as referring to the law of 1817, or for pauper schools only.