

# Origin of Free Public Schools

by William L. Stillman

**Proceedings of the New Jersey Historical Society**

Vol. XI, No. 1 (January 1926)

Digital Antiquaria

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Morristown, NJ

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THE FIRST LAW regulating schools in New Jersey is set out in "Leaming and Spicer's Grants and Concessions" (page 328), reciting a law passed in 1693 by the Assembly of West Jersey Province. It provided "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 for the salary and maintaining of a school-master within the said town, for so long a time as they think fit, and the consent and agreement of the major part of the Inhabitants shall bind the remaining part, to satisfy and pay their shares and proportions, and in case of refusal their goods shall be distrained and sold at auction," etc.

Note here that the money not voluntarily paid must be raised by distraint and not by taxation.

According to Hood's "Index of New Jersey Laws," no further statute was enacted until 1817, when an Act was passed "To Constitute and Appoint Trustees for the Security and Management of the Fund for the Support of Free Schools." Under this law the Governor of the State, the President of the Senate, the Speaker of the Assembly, the Attorney-General and the Secretary of State were constituted trustees of a fund for the support of free schools under the name of "Trustees for the support of Free Schools arising either from appropriations heretofore made, or which may be hereafter made by law, or which may arise, from the gifts, grant, bequest or devise of any person or persons whatsoever."

All these monies, however derived, were to be invested and only the interest used for the support of free schools. The monies were to be divided among the townships according to the amount of taxes paid. As late as 1829 the amount to be distributed equably among the whole State was only \$20,000, and by section four of the Act of 1829 power was given to the inhabitants of a township to vote at their town meeting for the full amount of their full share of the apportionment and draw upon the tax collector accordingly. This would indicate a stringency in the State School income, and, in any event, no really "free" schools could be established in New Jersey for any such sum as could be distributed.

This section four was repealed by the act of 1830, (page 119). In 1831 (Laws, page 145), \$20,000 was appropriated, and in case the "trust" did not produce that amount of income the State Treasury was to be drawn upon. This sum was to be distributed as before among the different townships, according to the number of scholars taught.

This section four of the Act of 1829 showed the first glimmer of a real free school. It provided that the township, if not satisfied with the amount of its part of the State appropriation, could at its town meeting vote not to exceed double such State appropriation and raise the same by taxation, for the purpose of paying for the

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schooling of "indigent and poor children, if they so elect to do."

The next law, of 1838, provided for the distribution of \$30,000 to be distributed among the counties in the ratio of taxation by the freeholders thereof. Section four of this Act also provided that the people at their town meeting could double the amount of the State appropriation, but in no case could such sum so raised exceed double the amount of the State appropriation.

Section four, Article II, Act of 1847, provided the same amount and used practically the same words, viz: "that such local appropriation should not exceed double the State appropriation." None but male white citizens who were taxable were entitled to vote at these town meetings. (*State v. Deshler, 1855*).

If any city or town in New Jersey had a real public school prior to this date it must have been through private charter or from the 1817 Act with its amendments, supplemented by private benevolences.

The Legislature was extremely conservative in giving up its hold on matters of education and the raising of money by taxation, therefore, was carefully guarded. Thus in 1845 it authorized the town of Orange to sell a school house and lot, provided the trustees of that district gave a bond to the Governor for \$2,000. It also appointed the different County Superintendents and in general took charge of all school matters. The results were disheartening for the rate of illiteracy ran very high and ignorance abounded.

In 1848 a citizen of Plainfield secured the passage of a Special Act that provided a free public school for all children of that town, the cost of which must be raised by taxation, and this law contains the basic principle of our present system, viz., that the people could vote school moneys, not controlled by the State.

This law permitted the then township of Plainfield, (it was not a city) at their annual town meeting to raise by tax the sum of two thousand dollars, provided the voters of the District by a majority vote approved. By hard work this majority was secured. With this \$2,000 Plainfield erected the first real public school in this State within a few months thereafter. So well did other localities in the State approve of this law that the next year, 1849, similar laws were passed for the benefit of Elizabeth, Salem and Millville; and, in 1850, for Newark, Camden, Trenton, Rahway, Bloomfield, Vernon, Hoboken, Bergen, and Van Voorst had similar laws passed for their benefit, based on the same principle, the sums to be raised by taxation, running from \$4.00 per head to \$6,000 for Trenton, and for Newark such sum as its Common Council might determine.

In 1867 came the General Education Act, under which our Public Schools have since been governed, as amended from time to time.