
REPORT OF THOMAS H. BENTON.

THOS. H. BENTON'S REPORT.

OFFICE OF SECRETARY OF BOARD OF EDUCATION, }
DES MOINES, IOWA, DECEMBER 9TH, 1863. }

Gentlemen of the Senate and House of Representatives :

When I left the State a year since, I indulged the hope that the Rebellion would be so far suppressed by the present time, as to render it practicable for me to return home, and lay before you my Biennial Report. In this, however, I have been disappointed. For although our triumphs have been signal, the enemy's lines steadily contracted, his armies routed and driven back, and his means of supply greatly diminished, yet the struggle still lingers, and renders it imperatively necessary for every officer and soldier in the Union Army to remain at his post. I must, therefore, content myself by forwarding a few general remarks and suggestions, leaving details to Hon. Henry A. Wiltse and Hon. Oran Faville, to whom the management of the educational department has been respectively intrusted during my absence.

Immediately after the adjournment of the General Assembly in the spring of 1862, I had the School Law, as amended, published in pamphlet form, with copious explanatory notes, and distributed to the several counties and School Districts. It was generally received with favor, and removed many of the objections and quibbles that previously attended its administration. I think it may be safely asserted that it has given more general satisfaction than any law we have heretofore had. It is, however, by no means perfect. Yet it contains many excellent provisions, that must, regardless of the changes that may be made by different legislative bodies, constitute the basis of our school system for all time to come.

The chief impediment to the enactment of a harmonious law, has been the conflict of jurisdiction between the General Assem-

bly and the Board of Education. The peculiar provisions of the Constitution are such that neither body can legislate independent of the other, neither can they legislate jointly. Being in session at different periods, their acts approved by different officers, the legislation of either has necessarily been more or less ambiguous. This certainly was not the design of those who originally conceived the idea of a Board of Education with legislative powers. It is doubtless the result of an injudicious compromise, between the friends and opponents of the measure, in the formation of the Constitution.

But the time has arrived in our educational history when this impediment may be removed. With the close of the present year, full control over the whole subject of Public Instruction reverts to the General Assembly. Section 15, of Article IX of the Constitution provides, that,

“At any time after the year one thousand eight hundred and sixty-three, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational interests of the State *in any other manner that to them shall seem best and proper.*”

The authority conferred by this section, is of the most ample character, and hence it should be exercised with the utmost prudence. What your action will be, of course cannot now be determined; but the tendency of the public mind for the last three or four years, would naturally lead to the conclusion that the Board of Education will be abolished. Should this be done and additional legislation should be deemed necessary, the first question to decide is, whether the present District Township system shall be continued, or a system of districts formed regardless of the lines of civil townships shall be instituted in its stead. If the former, then a critical revision of the present law, with the view of rendering it more explicit without materially changing its features, is all that is required. If the latter, then a work of great responsibility and labor, will be involved. Great precaution will be necessary in making so radical a change, to prevent confusion. The rights of old districts, and the responsibilities of new ones, must be clearly defined, and some feasible plan must be devised by which an equitable distribution of property and assets may be made between the old and new corporations.

Should you determine to undertake this laborious task during

your present session, it would afford me the greatest pleasure to place at your disposal my personal services and limited experience, but as I cannot do so, for reasons already assigned, I beg leave to submit the following suggestions for your consideration:

I would recommend *first*, that the present laws be continued in force without change or modification for a given period, say until the time fixed for the election of School Directors in the spring of 1865; *second*, the enactment of a special law embracing all the details necessary for consummating the change from the old to the new system, to expire by limitation when the objects for which it was enacted shall have been accomplished; and *third*, the enactment of a general law, to be known as the future school law of the State, to take effect at such time in the spring of 1865 as the present law should cease to operate, and by which all laws previously in force for the establishment of schools should be repealed. This would give the people ample time to become familiar with the new law, and to perfect their arrangements for the transition from one system to the other, and would avoid the confusion that must necessarily attend all sudden and radical changes. Indeed the change cannot be effected in a shorter period than the one suggested.

The special act should set forth minutely the manner of dividing each county into new districts; should designate the officer who is to superintend it, with specific instructions for his government; should embrace an equitable plan for the division of school moneys and the assumption of liabilities among the new districts; should provide for the valuation of all school-house property, the investigation of the title to the same, and fix some general rule for determining which of the new corporations shall own such property and on what terms; in short, it should be full and explicit in every particular that may be necessary to enable the old corporations to make an equitable and final adjustment of all questions pertaining to liabilities and the rights of property, by the time they shall cease to exist. Thus all financial matters would be settled, and nothing left to create discord after we commence operations under the new law.

My reasons for making these items the subject of a special act are, that they will be of no utility after the change is perfected, and if incorporated into the general law would make it needlessly voluminous, and only lead to ambiguity and misconstruction in the

future. It is designed for a specific object, and when that is accomplished, we have no further use for it. We wish to close up the old record to a given point, and at that point let the new or general law commence, and contain all that may be needed for the efficient administration of the system thereafter.

Having settled these preliminaries through the agency of the special act, the general law should declare each school district, as formed under the provisions of the special act (naming it by title and date,) or that may hereafter be formed as herein (in the new law) provided, a body corporate, under the name and style of "School District number —, of the County of —, and State of Iowa;" should provide for a meeting of the electors and the election of directors at the time the present law ceases to operate and the new law takes effect, (naming the particular day), and annually thereafter; should point out the manner of changing the boundaries of districts and the formation of new ones (such changes only to take effect at the time designated for the annual district meeting, so as to avoid the necessity of *special* district organizations); and should make all other provisions necessary for the establishment and government of the public schools, including the election of all school officers for the State, county and district.

In the enactment of a new law, I would respectfully suggest, that much must be intrusted to the executive head of the system. Having tendered my resignation, I am at liberty to make this suggestion without rendering myself obnoxious to the charge of egotism. Various important measures will claim your attention, and hence but a small portion of your time can be devoted to the school system, and the limited consideration you will be enabled to give it will be based upon an indefinite knowledge of what is needed, and not upon actual experience and investigation. If I were called upon to draft a revenue law, I should apply to the head of that department for information, because his familiarity with the subject would make him perfectly conversant with existing defects and the proper remedies. I should not hesitate therefore to substitute his opinions for my own. The same rule should be observed in devising a school system. The officer now in charge of this department has devoted much of his time to the subject of education, and has been connected in various ways with this enactment and administration of our school laws. He has had occasion to exam-

ine the whole system thoroughly and critically, and is consequently prepared to point out its good and bad features. His opinion, on all essential points in the enactment of a new law, is therefore entitled to, and I trust will receive, due consideration.

There is a popular error in legislation that should be avoided in this particular case, namely, the practice of selecting certain sections from a variety of old laws, and associating them together in a new one. Two prominent reasons may be assigned why this is improper. First, a certain section may have been perfectly intelligible in the act of which it was originally a part, but when associated in a new law with other sections from different acts, it may lead to confusion and misconstruction. Second, by selecting items in this way we too frequently adopt clauses that contain superfluous or ambiguous phraseology. We act from the impulse of the moment, and adopt the clause because we think it expresses the idea, without stopping to inquire whether it expresses it *clearly and in as few words as possible*. Many of the imperfections of our school laws have originated in this way.

Coupled with this, is another practice equally pernicious—the mode of amending a law by the passage of a new act, which contains a variety of provisions in conflict with the old law, without specifying what particular clauses are changed. This may do very well for lawyers, whose profession it is to ferret out such changes, but it is too complicated for the large majority of district officers, upon whom the administration of the school law largely devolves. The better plan is to repeal the whole section, and then re-enact it with the amendment included—in other words, substitute a new section for an old one.

I must frankly confess, however, that I should consider any legislation on the subject at your present session, other than that which may be imperatively necessary, impolitic. The Board of Education may be abolished if that is deemed best, and the manner of selecting the successor of the Secretary of the Board designated; but anything additional, at this particular time, I think would not subserve the best interests of the system. The public mind is excited, and engrossed with the momentous struggle in which the country is now involved for the preservation of the Union, and the period is certainly not a propitious one for remodeling a school system that has weathered the storm so nobly, and

continues to work so successfully, as ours. When peace is restored, then we may concentrate our energies upon this and other kindred measures, which require more investigation and more deliberation than we can now give them.

There is no special cause for immediate action. Under existing circumstances the system is working well—more successfully, I am inclined to believe, than that of any of our sister States. We are now fairly out of the troubles in which we were involved by the legislation of 1857, and I think no good reason can be assigned why we may not continue a few years longer without any material change. Some may, and doubtless will, object to the feature of taxation. To such I would say, that the present rates are as low as they can be fixed without seriously impairing the efficiency of our schools.

Assuming that the youth of the country must be educated, (a point about which there is certainly no difference of opinion,) we have simply to determine what is the cheapest and most efficient method of educating them. It is evident that no system can be devised by which the expense can be avoided. The money must be raised, either by taxation, or private contribution. The educational history of this country, or of any other country, where a fair comparison may be instituted between a public and private system of instruction, will show that the former is not only the cheapest and most efficient, but by far the most equitable and general in the diffusion of its blessings. It places the burden where it properly belongs—upon those who hold the property of the country—and confers its benefits upon all classes alike. On the other hand, private instruction costs more, and reaches but a limited number, excluding many who have not the means to avail themselves of it. There is also another class who have the means, but are too niggardly to educate their children. In such cases, the law protects the rights of the child, and compels the parent to contribute for his education. I would like to pursue this topic further, and adduce facts and figures to substantiate the position assumed, but it is not practicable for me to do so at present.

I may add, however, for the benefit of the objector, that, if he will devise some plan by which to secure the payment of the revenue of the school fund, we can reduce our taxation for school purposes one half. Indeed, if the arrears are paid up, and the annual

income promptly paid when due, we can continue the schools for two years at least, without any aid from taxation, other than that which is required for school-house purposes. Some decisive steps should be taken for the collection of this heavy delinquency in the income of the school fund. It has been on the increase for a series of years, rendering a corresponding increase of taxation necessary to make up the deficiency.

The State University may possibly require some legislation. It has thus far been eminently successful, and with proper management, a bright future awaits it. It has already taken a position among kindred institutions that is a just source of State pride. It is hoped that you will extend to it every needed facility, and that no material changes will be made in its organization and government, without due consultation with those who have the immediate management of it. It is a State Institution, and should therefore be exempt from all local prejudices. It is part of our educational system, and we owe it to ourselves, and to the rising generation, to guard sacredly the funds set apart for its support, and to enlarge its sphere of usefulness by prudent and liberal legislation. Those who are annually trained within its halls, will soon be prepared to take an active part in advancing the great cause of popular education, and will thus more than repay the State for the liberal provisions it has made for their instruction.

Since the close of the last regular session of the General Assembly, by an agreement among the friends of education, the two School Journals previously published in the State have been consolidated into one, to be called "The Iowa Instructor and School Journal." It is published at the Capital, and is the organ of the Secretary of the Board of Education and of the State Teachers' Association. It is edited by the Secretary of the Board, and four members of the Teachers' Association. Prof. Leonard, of the State University, also has charge of the mathematical department. I consider it a valuable acquisition to our educational machinery. Much may be done incidentally by the General Assembly to increase its usefulness. For instance, all enactments on the subject of education should be published in it, at the expense of the State. Each sub-district should also be authorized to subscribe for a copy and to pay for it out of the funds annually received for school purposes. I trust it will receive your cordial co-operation.

In dissolving my official connection with the Department of Education, I beg to assure you that I shall ever be ready to do anything in my power for the promotion of its interests. Having devoted the vigor of early manhood to its development, at the sacrifice of health and personal comfort, I cannot in riper years be indifferent to any measure designed for its advancement. I have never so fully realized its importance as since my connection with the army. In the incipient stages of the rebellion, when gloom and sadness hung like a dark pall over our common country, one ray of hope loomed up, like a beacon star, amid the darkness of the night—it was the assurance that we had an educated people on whom to rely, who trusted in an overruling Providence for support and direction. That star of hope has increased in brilliancy, and to-day sends forth its rays of living light as far as civilization extends.

Twelve years ago, by some means unknown to myself, my report to the General Assembly reached the editor of one of the foreign reviews. After paying a just tribute to our then infant State, he made it the subject of an extended article on the system of popular education in the United States. Having alluded in glowing terms to our national prosperity and scientific achievements, he concluded by attributing our greatness to the general diffusion of knowledge through our system of popular instruction and admonished his own country (England) that if she desired to maintain her supremacy, she must imitate her descendants and educate her people.

His conclusions have been fully verified during the progress of the present war. The careful, reflecting reader of our present history cannot fail to discover that the germ of our national greatness is to be found in our system of popular education. The stability of our institutions; our progress in the arts and sciences; the extraordinary development of inventive genius; the improvements in agriculture and the implements of husbandry; the substitution of machinery for manual labor, accomplishing with a single agent that which previously required a thousand human hands; our vast system of railroads and inland navigation; our extended lines of telegraphic communication, spanning the continent itself, and annihilating space between oceans hitherto widely separated by almost impenetrable barriers; our numberless avenues of trade and commerce; the success of our manufactories; our wonderful attain-

ments in naval and military defences, compelling the most powerful and highly cultivated nations to consult our artists and secure our models; in short, our unprecedented advancement in every department of civilization and refinement, can be traced directly to our facilities for the development of the popular mind. Whatever may be the opinions of others, for myself I can not resist the conclusion, that under the direction of Him "with whom there is no variableness, neither shadow of turning," our system of public instruction has been made the Moses and Joshua to save our people from destruction.

An *educated* army, with minds to conceive and hearts to approve and maintain the right, as well as hands to execute, is a tower of strength which the enemy can not resist. Such is the character of our army. Iowa has acquired a name, in the present struggle for the maintenance of the Constitution and laws, that will occupy no secondary place on the pages of history. On nearly every battlefield in the great western valley she has been represented, and nobly have her sons sustained her reputation. Wherever a forlorn hope has been presented, Iowa troops have been ready to lead it, and to seal their devotion to the Union with their blood. In every sanguinary conflict in which they have borne a part, their gallant conduct has elicited universal admiration. Were I asked to assign a reason for this superiority, my answer would be, *they have been educated in the public schools.*

Amid the privations and sufferings of the campaign, some pleasant incidents occur. After a wearisome march, under a scorching sun, without water, when the day is far spent, the column is halted for the night. The camp fires begin to glow, and the rude repast of the soldier is soon ready and quickly dispatched. Writing utensils are next in order, and in a few minutes hundreds of pens are in motion, narrating the events of the campaign to friends at home. An express arrives, and with it the news-boy. Hundreds gather around him, eager to pay fifteen, or even twenty-five cents, for a newspaper. The news is read, and thoroughly discussed. The position of France and England, the attitude of Russia, the Mexican question, the Administration and the next Presidency, are among the leading topics. Thus the hours are pleasantly whiled away, and the privations and hardships of the day are forgotten. Taps announce the hour for repose, and suddenly lights are extin-

guished and all is silent, until reveille breaks the stillness and arouses the slumberer from his pleasant dreams. All is again life and animation, and soon the heavy tread of infantry, the rattle of artillery, the crude joke and the merry laugh, admonish us that the column is advancing.

These are some of the results of popular education, as manifested in the army. It is not strange that such an army is victorious. For forty years the Nation, through its system of public instruction, has been raising up and preparing (unconsciously, however,) *a great people, for a great emergency*; and but for this preparation, how different would have been our situation at the present time. Instead of penetrating far into the heart of the enemy's country, and driving him at every point from his strongholds, the foot-steps of his advancing columns would have been heard at our own thresholds, and we would have fallen an easy prey to his victorious cohorts. Mexico, prostrate, mangled and bleeding, is the counterpart of what we should have been.

I have extended my remarks beyond the limits originally intended. Having been so long identified with the cause of public instruction, I find it difficult to restrict myself when contemplating any topic illustrative of its utility. While Iowa has reason to feel proud of her soldiery, she also has just cause to feel proud of her school system—the brightest gem in her diadem—and never before were its claims on her for support more imperative. I cannot believe that you will sanction any legislation which may be calculated to circumscribe or impair its usefulness. Could the children speak for themselves, could they assert and maintain their own rights, then we would be absolved from our obligations. But they cannot do so, until they have arrived at that period of life when they are excluded from the benefits of the school system. By the provisions of the Constitution, you are made their *guardians*. The funds set apart for their benefit are committed to your hands, and upon you devolves the responsibility of providing for their education. May the Righteous Judge of heaven and earth, who will yet deliver us out of our troubles and bring order out of confusion, enable you faithfully to discharge the sacred trust.

I am, very respectfully,

Your Obedient Servant,

THOMAS H. BENTON, JR.,

Secretary of the Board of Education.