EDUCATION IN NEW YORK.

ANNUAL REPORT

OF THE

SUPERINTENDENT OF COMMON SCHOOLS.

SECRETARY'S OFFICE,
DEPARTMENT OF COMMON SCHOOLS,
ALBANY, January 7, 1851.

TO THE LEGISLATURE.

The Superintendent of Common Schools, in accordance with the requisitions of the law, has the honor to submit the following annual report:—

CONDITION OF THE COMMON SCHOOLS.

From the returns of the several town superintendents, made to the county clerks of the respective counties, and bearing date on the first day of July last, an abstract of which will be found in table A, annexed, it appears that the whole number of school districts in the State, duly organized, at that date, was 11,397, being an increase of 206 during the preceding year. Of this number, 8,391 are composed of territory wholly situated in the town where the school house of the district stands, and the remainder are joint districts, formed from two or more adjoining towns.

Reports, in accordance with law, have been received by the several town superintendents from the trustees of 11,173 of these districts, leaving 124 districts from which no returns were made. These reports bear date on the 1st day of January, 1850, and refer to the condition of the several schools during the year 1849. The average period during which the schools were taught, during that year, by duly qualified teachers, in accordance with law, was eight months. The whole number of children, between the ages of five and sixteen years, residing in the several districts of the State, on the 31st day of December, 1849, was 735,188; and the number of children taught during the preceding year was 794,500, being an excess of 59,312 over the number between the ages of five and sixteen, and 16,191 over the whole number taught in 1848. Of the number thus taught, 9,079 had been under instruction during the entire year; 18,455 for ten months and less than twelve; 59,315 for eight months and less than ten; 106,100 for six months and less than eight; 167,732 for four months and less than six; 198,022 for two months and less than four; and 200,128 for a period less than two months. The period for attendance of the remaining 35,669 is not included in the reports of the trustees, which have been found very defective in this respect, from the difficulty of ascertaining the requisite data upon which to base these returns.

ESTIMATES AND ACCOUNTS OF EXPENDITURES OF SCHOOL MONEYS.

During the year embraced in the report of the trustees, the whole amount of money paid for teachers' wages in the several districts from which reports were received, was $1,322,696 24, of which $767,889 20 was public money, $508,724 56 raised on rate bills from those sending to school, $31,834 27 raised by district tax to supply deficiencies in the collection of such rate bills, and $14,748 21 raised in like manner to defray the rate bills of indigent persons, exempted by the trustees in the mode prescribed by law. The number of children thus placed on the list of indigent exempts during the year 1849, was 18,686.

The aggregate amount of library money expended during the same year, in the purchase of books, and articles of school apparatus authorized by law, was $92,456 78, and the amount raised by district taxation for such apparatus, for book cases and other purposes connected with the several district libraries, was $2,628 73, making an aggregate of $95,085 51 for library expenditures and school apparatus.

The following sums were raised by the inhabitants of the several districts, during the year 1849, by district taxation, in addition to those above specified for the respective purposes enumerated, viz:—

For purchasing sites,	$23,490 62
" building school houses,	154,932 06
" renting houses or rooms for schools,	2,721 67
" repairing school houses,	52,090 75
" insurance on do.	3,721 97
" fuel for do.	62,334 29
" other purposes,	49,592 13
	$348,886 49
Amount, as above stated, raised for supplying deficiencies in rate bills,	31,834 27
do. do. for book cases and apparatus,	2,628 73
do. do. for exemptions of indigent children,	14,748 21
Showing an aggregate amount of raised by district taxation during the year.	$398,097 70
Add to this the amount raised by rate bill,	$508,724 56
And the whole amount contributed by the inhabitants of the several districts for the support of schools during the year, will be	$906,822 26
Amount of public money as above received and expended during the year for teachers' wages and libraries,	$859,845 98
Total expenditure for school purposes in 1849,	$1,766,668 24

The whole amount of public money received from all sources during the year ending on the first day of July last, by the several town superintendents, was $1,035,854 85, of which $730,798 12 have been apportioned among the several districts, in the mode prescribed by law, for teachers' wages, $91,363 90 for library purposes, and the residue for contingent expenses in the several cities and large towns, where special provisions of law exist.

The number of private unincorporated and select schools in the State is reported at 1,697, and the aggregate number of pupils in attendance upon such schools during the year 1849, at 70,606.

IMPROVEMENT AND MANAGEMENT OF THE COMMON SCHOOL FUND.

The accompanying table, marked B, contains a statement furnished by the Comptroller, showing the increase and diminution of the capital of the Common School Fund, during the year ending on the 30th of September last, and the present revenue of that fund, by which it will appear that the capital of this fund has been increased during the year by the sum of $47,109 87; and that the balance of revenue now in the treasury, applicable to common school purposes, in addition to the revenue accruing from the United States Deposite Fund, is $137,524 07. The amount of revenue annually contributed to this object from the avails of the Deposite Fund is $160,000, which, added to the amount above stated, accruing from the Common School Fund, gives an aggregate of $302,521 07, as the present revenue of the combined funds. As under the existing provisions of law, not only the capital, but the revenue of this fund, is constantly and steadily increasing, no good reason is perceived why the apportionment for the ensuing year, based upon the ratio of the population of the State, as ascertained by the census just completed, may not be increased from $285,000 to $300,000. This amount in connection with the sums required by the present law to be raised upon the several counties and towns, by the respective boards of supervisors, will contribute $900,000 to the support of schools and district libraries for the ensuing year, independently of any other provision; leaving only about $500,000 to be raised by district taxation in the entire State, including the several cities, where nearly one-half of this amount is already provided for by special laws. If, however, the system of district taxation shall be wholly dispensed with, a measure which it is earnestly hoped will be adopted, and an adequate system of State or county taxation substituted in its stead, this liberal increase of the State apportionment will materially lessen the amount thus required to be raised.

DISTRICT LIBRARIES.

The whole number of volumes in the several school district libraries of the State, on the 31st of December, 1849, was 1,449,950, being an increase of 40,796 volumes during the year reported, and comprising an average of 127 volumes to each school district.

The system of district libraries is one peculiar, it is believed, to our own State. Attempts have from time to time been made to introduce it into the school organizations of other States; but hitherto without permanent success. Its benefits are beyond the reach of computation. It places at the command of every inhabitant of every school district in the State, a collection of literary and scientific information, embracing every department of useful and practical knowledge, and well adapted to excite a taste in the minds of the young for reading and reflection. In the absence, however, of any efficient local supervision, there is too much reason to believe that many of these libraries are culpably neglected by those officers, whose special duty it is to take charge of them; and that a very large proportion of the benefits which might otherwise be derived from them, are thus lost to the inhabitants of the districts. Injudicious selections of books are also not unfrequently made by the trustees, and the library funds committed to their charge squandered upon worthless or worse than worthless publications. The attention of the Legislature is respectfully requested to the expediency of such a modification of the law in this respect, as shall more effectually secure the efficiency and utility of these institutions.

The Superintendent begs leave to renew the suggestion made in the last annual report from this department, in reference to the expediency of supplying each district library of the State with a copy of Webster's unabridged American Dictionary. It is in every respect quite desirable that our standards of orthography and orthoepy should be as far as possible uniform throughout the State; and public opinion seems to have concentrated itself with very general unanimity upon those comprised in this work. A portion of the library fund might not inappropriately be devoted to this important object.

SCHOOL HOUSES AND SITES.

Under the existing system of supervision, the department has no means of ascertaining the progress which has been made in the improvement of school house architecture, and in the location and suitable embellishment of sites. During the year reported, the sum of $23,490 60 was invested in the purchase of sites, and $154,932 06 in the erection of school houses. From the best means of information within reach of the department, it is believed that very great improvements in these structures have taken place; that an increased regard to the comfort, convenience and health, both of pupils and teachers, has been manifested; and that more enlightened principles of architecture, as well as a more refined taste and a better appreciation of the advantages resulting from their combination, are beginning to prevail.

The enlargement of sites for school houses, the introduction of tasteful shubbery, and the cultivation of useful and ornamental plants, should be encouraged and recommended. Ample grounds should be reserved by the inhabitants of districts for this purpose; and while every reasonable facility should be afforded for that bracing and invigorating exercise of the physical faculties, which is essential to the healthful development of the human system, provision should at the same time be afforded for the cultivation of those higher faculties of our nature which have reference to the beautiful, the tasteful and the ornamental. Trees, flowers, vines and evergreens, should find their appropriate places in the vicinity of every school house, demanding the care and repaying the attention of both teacher and pupils. The influence thus capable of being exerted on the expanding mind of childhood cannot be otherwise than beneficial; while the associations connected with the work of primary education will be divested of much of their present repulsiveness.

SCHOOLS FOR COLORED CHILDREN.

There are in the State, as appears from the reports of the several town superintendents, fifty-two schools for colored children, of which fifteen are located in the city of New York, six in the county of Dutchess, three in each of the counties of Kings, Queens, Schoharie, and Wayne, two in each of the counties of Columbia, Ontario, Rensselaer, Suffolk, and Warren, and one in each of the counties of Albany, Broome, Erie, Genesee, Monroe, Orange, Saratoga, Steuben, and Yates. In these schools 4,971 colored children have been taught during the year embraced in the reports, of which number 3,345 resided in the city of New York, 560 in the county of Kings, 164 in the county of Broome, 140 in Albany, 136 in Erie, 105 in Rensselaer, 90 in Ontario, 85 in Queens, 66 in Monroe, 59 in Yates, 55 in Columbia, 36 in Greene, 28 in each of the counties of Orange and Schoharie, 27 in Suffolk, 23 in Saratoga, and 16 in Steuben. For their support the sum of $11,480 44 has been apportioned from the public money of the several counties and towns in which they are located; and $776 85 contributed by rate bills by those sending to school.

The existing provisions of law for the establishment and support of this class of schools are quite inadequate to the increasing wants of those interested; and I respectfully recommend such further legislation in their behalf as an enlightened regard to the intellectual and moral welfare of this portion of our fellow-citizens may seem to require. Every reasonable facility should, in my judgment, be afforded for the organization of separate schools for their use, wherever sufficient numbers exist to warrant the establishment of such schools.

SUPERVISION OF THE SCHOOLS.

The Superintendent deems it his duty again to call the attention of the Legislature to the present defective system of local supervision. The experience of the last year has strengthened and confirmed the opinion heretofore expressed, that some other and more efficient agency should be interposed between the several school districts and this department, than that of the Town Superintendent. It is utterly impossible for this class of officers to fulfil the various important functions which appertain to an uniform, thorough, and well regulated supervision of the schools. This can be done effectually only by a county, or at lest by an assembly district officer, invested with the requisite powers, and subject to such restrictions and limitations as may be deemed expedient and necessary. Whether such officer be chosen by the people, elected by the Town Superintendents, or by the Board of Supervisors, the local legislature of the county, is of secondary importance. He should be charged with the general supervision of the schools of the district or county for which he may be appointed, invested with exclusive jurisdiction in the first instance, over all school district controversies of every name and nature, subject to review by this department, and required annually to report the condition of the several schools under his charge, with such general suggestions for their improvement and advancement as he may think requisite and proper. His compensation should be made a State and county charge, in equal proportions.

The want of such an immediate officer has been long and severely felt in the administration of the general system. It has been found wholly impracticable for the State Superintendent to keep up such a correspondence with the nine hundred town superintendents as is absolutely requisite to the efficiency and success of the system. There is, consequently, an entire absence of concert or co-operation between the school officers of any one county, to say nothing of the State at large. There are no means by which the various improvements of the age, in the art and science of education, can be generally made known and introduced into the great body of our schools; and it must be obvious to the most unreflecting that instead of progressing, our elementary institutions must continually, under such influences, retrograde in value and usefulness.

The great increase of litigation which has grown out of the provisions of the late act of 1849, serves also to exhibit in a striking point of view the want of some adequate local tribunal for the adjustment and settlement, without costs to either party, of the various questions which are constantly presenting themselves for determination. Trustees, and other officers of school districts, with the exception of the collector, are required to perform the various, laborious, perplexing, and responsible duties devolved upon them by law, without compensation. They are compelled to give their services when called upon by the inhabitants of their district, and subjected to heavy fines in case of refusal to serve. Under such circumstances, it is both unjust and oppressive that they should be subjected to an expensive and harrassing process of litigation, in the performance of the various functions thus devolved upon them. It is true, the respective tribunals before which they may be cited, have power to exempt them from the payment of costs, where it appears on the trial that they have acted in good faith; but it is obvious that this exemption can reach only a small part of the expenses, and none of the vexation and trouble, incurred by them in their defence. Ultimately, too, these expenses may be made a charge against the district; but in the meantime they are subjected to all the embarrassments and burdens incident to an angry and protracted course of litigation, without any adequate protection. A local officer or tribunal, vested with exclusive jurisdiction in all cases of controversy arising out of the school laws, and authorized to make a final decision, subject to review by this department on appeal, and without costs to either party, would, seem to afford the most equitable and efficient mode for the settlement of this increasing class of questions.

In connection with this subject, the attention of the Legislature is respectfully requested to the propriety of a formal re-enactment of the provision conferring appellate jurisdiction upon this department. By a mere clerical error of the engrossing clerk, the section referred to was included in the repealing clause of chapter 382 of the laws of 1849, amendatory of the general school law. And although the attention of the Legislature, at its last session, was directed to the subject, no definitive action was had, in consequence of the failure of the bill introduced for the amendment of the free school law. The Superintendent has continued, up to the present period, to entertain appeals, as heretofore, without objection or complaint from any quarter.

NORMAL SCHOOL.

This institution is rapidly and steadily increasing in usefulness and popular favor. The report of the executive committee, which will be laid before the Legislature at an early day, will show the progress which has been made in its administration, its present condition and probable future prospects.

None of the instrumentalities provided by our common school system, are, in the judgment of the Superintendent, capable of accomplishing greater permanent improvement in our elementary institutions of learning than this. The annual thorough preparation of from one to two hundred qualified teachers, of both sexes, and their distribution throughout the different sections of the State, is well calculated to infuse an element of advancement, the benefits of which can scarcely be over estimated. The low standard of qualification heretofore so generally prevalent, attended as it has been, and under similar circumstances must continue to be, with a constantly decreasing standard of wages, has constituted the most serious impediment to the intellectual and moral progress of our schools. This impediment can be removed only by a systematic movement in the opposite direction—a movement which the normal school has thus far successfully accomplished.

It must be manifest to every enlightened mind that the utility and success of any system of elementary education, however theoretically perfect, are dependent almost exclusively upon the character, attainments and practical qualifications of the teachers placed in charge of the school. If the prevailing standard in this respect is low; if individuals of doubtful moral character, or slender intellectual acquirements, find their way into these institutions through the neglect or indifference of parents and employers, the injury thereby inflicted upon the future interests of those who are subjected to the influence of this class of teachers is irreparable. There is reason to believe that those officers upon whom the duty of examining and licensing teachers is devolved are far too generally remiss in that strict investigation, both of character and attainments, which should, in all cases precede the granting of certificates. In addition to the serious consequences which must necessarily be inflicted upon the highest interests of the schools, where such incompetent teachers are employed, indirect injustice is done to that large and increasing class of really qualified teachers, who have devoted themselves to their profession, and design to rely upon it for a livelihood. The standard of wages for this class, already far too low, when compared with those of every other liberal profession, becomes altogether inadequate when a ruinous competition must be entered into with mere pretenders, destitute of suitable qualifications, either moral or intellectual, and who resort to the business of teaching as a mere temporary resource in the prosecution of some other trade, calling, or profession. Every encouragement should be afforded to the thorough, scientific preparation of a body of teachers of both sexes, and every inducement should be held out to them to devote their entire time and energies to the faithful prosecution of their noble and useful profession. Let our schools be rigidly closed against all not thus qualified and devoted to their calling, and the demand for a higher order of instructors will speedily call forth a corresponding supply. No education is worthy of the name which does not include a full and faithful developement and direction of the whole moral, intellectual, and physical nature of every child subjected to its discipline; and this can be accomplished only by instructors themselves thoroughly disciplined and fitted for the task, and enthusiastically devoted to its duties and responsibilities.

An interesting feature in this institution, during the past year, has been the experiment of educating a number of Indian youth of both sexes, with the view of preparing them for teachers among their own people. These pupils have evinced a surprising aptitude for instruction; and at the expiration of their respective terms will undoubtedly possess all the requisite qualifications for communicating instruction, in all the ordinary branches of common school education, to the children of the various tribes with which they are connected. The obligations incumbent upon the State in its dealings with the scattered remnant of this interesting people, within our borders, cannot be more wisely and beneficially performed, than by thus placing them upon a footing of intellectual and moral equality with their white brethren, through the agency of an institution designed for the benefit of the entire rising generation.

TEACHERS' INSTITUTES.

In most of the counties of the State, so far as can be ascertained from the reports transmitted to this department, no institutes have been held during the past year; returns have been received from three or four counties only; and it is believed that no efforts have been made in the majority of the counties to assemble the teachers in accordance with the provisions of the existing law in this respect.

This state of things is much to be regretted. In conjunction with the State Normal school, the periodical assemblage of the several teachers of each county, for a few weeks prior to the commencement of their spring and fall terms, is calculated to produce the most beneficial results upon the improvement of the schools by elevating the qualifications of their instructors, and familiarizing them with the best and most improved modes of teaching. The law should, in the judgment of the Superintendent, be so amended as to secure these results, in the most efficient practicable mode. The appropriations to the respective institutes should be increased, and the duty of convening and organizing them devolved upon some officer officially connected with the common schools, instead of the county clerks.

SCHOOL JOURNAL.

The facilities afforded by this periodical for communicating with the inhabitants and officers of the several districts, throughout the State, and with the several town superintendents, are such as abundantly to justify the continuance of the appropriation heretofore made for its publication. In the absence of such an organ of communication, the department would be compelled to incur a heavy expenditure, far surpassing the amount of the appropriation, in the printing and postage of circulars. The experience of the last ten or twelve years, during which the journal has been published, has satisfactorily established its utility and importance, not only as the official channel of communication with the school districts, but as the repository of valuable information connected with the advancement and improvement of our system of public instruction.

REVISION OF THE SCHOOL LAWS.

The numerous and important alterations and amendments which have been made in the school law, since the year 1847, when the various statutes in relation to common schools were consolidated and re-enacted, imperatively require a revision and republication of the entire act as amended, together with such expositions, instructions, and forms, as may be deemed necessary and proper to carry its various provisions into practical effect throughout the State. A full and complete digest of the existing provisions of law, with the necessary forms and instructions, embracing a concise statement of all the decisions of the several superintendents now in force under each head, a full abstract of the various local laws, and a brief history of the system from its origin to the present period, has been prepared under the direction of the department, and will be published as soon as may be after the Legislature shall have taken definitive action on the various amendments that may be submitted to its consideration during the present session. A copy of a similar work, published in 1844, was directed to be placed in each district library of the State, for the use of the inhabitants and officers of the several districts and towns, the expense of which was defrayed from the Library Fund; and I respectfully recommend a similar disposition of the present work.

FREE SCHOOLS.

The history of the past year, in reference to this great enterprise, has been one of mingled triumph and disaster. The principle incorporated in the "Act for the establishment of free schools throughout the State," has been again subjected to the test of public opinion. In their almost unanimous approval of that principle, in the canvass of 1849, the electors very generally overlooked the specific details of the bill submitted to their sanction, confiding in the disposition of the Legislature to modify such of its features as might be practically objectionable. Serious obstacles to the successful operation of the law presented themselves almost upon the threshold of its administration. The boards of supervisors in more than one-half the counties of the State, had adjourned their annual sessions before the act took effect, without making the appropriation required by its provisions, leaving the several school districts to sustain a most unequal and oppressive burden of taxation for the support of their schools.

Inequalities in the valuations of taxable property, contributed in many localities greatly to aggravate this burden, and a spirit of opposition to the new law, inflamed by its determined opponents, manifested itself at the primary district meetings, and too often resulted in the entire rejection of the estimates prepared by the trustees, and the limitation of the term of school to the lowest possible period authorized by law. Appeals were assiduously made to the cupidity of the heavy tax payers—their interests sought to be arrayed against that of their less favored brethren, and against the interests of their children; their passions stimulated by the real inequalities as well as fancied injustice of the burdens imposed by the new law, were readily enlisted against every attempt to carry it into operation. Numerous petitions were sent to the Legislature praying for its repeal or for such amendments as might render it more generally acceptable.

It was obvious that the law was liable to just and serious objections, and that it did not meet with that general approval which was necessary to ensure its success. Under these circumstances the friends of the new system were among the first to concede the defects of the bill, and while urging the preservation of the fundamental principle which it involved, were anxiously solicitous so to modify the details of the measure as to obviate all its obnoxious features. At their suggestion, and with their co-operation, bills were introduced into both branches of the Legislature, providing for a general and equitable system of State or county taxation, for the purpose of rendering the common schools free to all, dispensing with the necessity of a district assessment, out of which the principal embarassment had originated. In the Assembly the measures thus proposed were approved by a large majority; the Senate did not concur in the action of the House, but sent to the House a bill proposing a re-submission of the law to the people. At the close of the session, and when it became evident that no modification of the obnoxious law could be obtained, this bill received the assent of the House.

By the adoption of this measure, the friends of free schools found themselves in a very embarrassing position. They were compelled either to give their votes and influence in favor of the continuance of a law, some of the distinctive features of which were at variance both with their wishes and judgment, or, by sanctioning its repeal, hazard the principle which had been deliberately adopted by the Legislature, and approved by the emphatic expression of the public will. The issue thus presented could not fail of being greatly misapprehended. While the electors secured the renewed triumph of the principle involved, there can be no doubt that thousands of votes were cast for the repeal of the law, by citizens who desired only its amendment, and who would have recorded their suffrages in favor of a system of free schools properly guarded, had the form of the ballot permitted them to do so.

It remains, then, for the Legislature to give efficacy to this renewed expression of the popular will, by the enactment of a law which shall definitely engraft the free school principle upon our existing system of primary education, and, at the same time, remove all just cause of complaint as to the inequality of taxation. District taxation has been found to be unjust, unequal and oppressive. It should, therefore, at once be abandoned, so far as the ordinary support of the schools is concerned. The funds necessary for the payment of teachers' wages, in addition to the amount received from the State Treasury, should be provided either by a State tax, equitably levied on real and personal property, according to a fixed and uniform standard of valuation, by a county and town tax levied and assessed in the same manner, or by such a combination of these three modes as might be deemed most expedient and judicious.

The common schools of the State should be declared free to every resident of the respective districts, of the proper age to participate in their benefits; and their support should be made a charge upon the whole property either of the State at large, or of the respective counties and towns in which they are situated.

The bill which passed the Assembly at its last session, provided for the levying of an annual tax of $800,000 on the real and personal property of the State, according to the assessed valuation of such property, and for the distribution of the aggregate amount so to be raised, among the several counties and towns of the State, according to the number of children, of proper school age, residing in each. This sum, together with the amount annually apportioned from the revenue of the common school fund, would, it was supposed, be sufficient for the support of the several schools of the State during an average period of eight months in each year. The whole amount expended for teachers' wages, during the year 1849, was $1,322,696 24, to which is to be added an aggregate amount of $110,000 for library purposes, making in the whole $1,432,696 24. The Superintendent, however, entertains no doubt that the amount proposed to be raised by the bill referred to, in conjunction with the State appropriation, the revenue from which is rapidly and steadily increasing, will be amply adequate to the payment of teachers' wages for the average length of time during which the schools have heretofore been taught, and to the annual and adequate replenishment of the libraries and necessary apparatus in the schools.

Under the present defectively administered system of assessment, however, such a tax will operate very unequally in different sections of the State. The standard of valuation, both of real and personal property, varies, as is well known, in nearly every county of the State; while in some it is estimated at its fair and full market value; in others it is assessed at three-fourths, two-thirds, and sometimes as low as one-half its actual value. If, therefore, the existing standard of valuation is to be made the basis of the apportionment of the proposed tax, it is manifest that a very unjust and oppressive burden will be cast upon those counties where the assessment is in strict accordance with the provisions of law, for the benefit of those sections in which its requirements are evaded by an arbitrary standard of valuation.

The distribution of money when raised, serves likewise to render this disproportion still more manifest, that being based upon the population according to the last preceding census of the respective counties. To exhibit the practical operation of this system, a table has been constructed under the direction of the department, and is appended to the present report, (see appendix,) by which it will be seen that the city of New York, with a population of 371,223, according to the last census, and a valuation of real and personal property amounting in the aggregate to $254,192,527, contributes $305,295 33 annually as her proportion of the State tax, while she will be entitled to receive only $114,025 33 as her share of its proceeds; the county of Dutchess, with a population of 65,124, and a valuation of $19,390,632, contributes $23,288 92, and receives only $16,931 96; the county of Kings, with a population of 78,691, and a valuation of about $40,000,000, contributes $47,940 21, and receives only $24,170 83, a diminution of nearly one-half; the county of Westchester, with a population of 47,578, and a valuation of $20,018,964, contributes $24,043 57 and receives only $14,613 12; and the counties of Livingston, Ontario and Queens, each receive a considerably less amount than they contribute. On the other hand, every other county in the State receives an equal or a greater amount than it is called upon to contribute. The county of Allegany, with a population of 40,000, and a valuation of $3,797,486, raises $4,569 93, and receives nearly three times that amount, or $12,312 25; the county of Chenango, with a population nearly the same, and a valuation of $10,786,131, raises $5,159 22, and receives $12,255 73; the county of Delaware, with a population of 37,000, and a valuation of $3,737,810, raises $4,489 26, and receives $11,361 89; the county of Greene, with a population of 32,000, and a valuation of $2,746,933, raises $3,300, and receives $9,815 95; the county of Jefferson with a population of 65,000 and a valuation of $7,200,881, raises $8,648 54, and receives $19,965 17; the county of St. Lawrence with a population of 62,354, and a valuation of $3,587,629, raises $4,308 88, and receives $19,152 73, between four and five times more than she contributes; the county of Schoharie with a population of 32,488, and a valuation of $1,817,804, raises $2,183 25, and receives $9,979 06, an excess of nearly five times the amount contributed; and the counties of Steuben, Tompkins and Ulster, receive from twice to three times the amount contributed by each. These discrepancies, it is obvious, in a great measure, grow out of the existing inequalities in the respective standards of valuation adopted in the several counties, and should the Legislature deem it expedient to charge the annual support of the schools, over and above the revenue of the school fund, upon the taxable property of the State, and to retain the existing mode of distribution, the necessity of devising some mode by which the standard of valuation should be as nearly as practicable uniform throughout the State, will be apparent. If this can be accomplished, or if the distribution of the funds raised were directed to be made upon the same basis with the apportionment of the tax, there can be no doubt, in the judgment of the Superintendent, that a State tax for the support of our common schools will prove the simplest, most efficient and beneficial mode of providing for the object in view: the establishment and maintenance of a system of free school education, in accordance with expressed wishes of the inhabitants of the State.

If, however, this were found impracticable, the same result may be obtained by requiring the Board of Supervisors of each county of the State to raise twice the amount apportioned to the county, as a county tax, and levy an equal amount as a town tax, in the mode prescribed by the existing law, which requires only an equal amount to be levied as a county and town tax respectively. This provision would simply increase the amount of school money, now by law required to be raised, one-third, while it would entirely dispense with district taxation, for the current support of the schools. Inequalities in the standard of valuation adopted by the respective counties would, in this case, prove unjust and burdensome to none, as the existing law has made complete provision for the adjustment of such inequalities in the case of joint districts formed from parts of two or more counties or towns. The whole amount of taxable property of each county would contribute, in equal and fair proportions, to the support of the schools located within its territory; and the angry dissensions growing out of the necessity of district taxation, the fruitful source of nearly all the opposition which has been made to the existing law, would be averted.

In apportioning the public money, and the money raised by a county or State tax among the several school districts, the Superintendent is of opinion that some more effectual provision than now exists, should be made for the smaller and weaker districts, upon whom the burden of supporting a school for any considerable length of time during the year, is peculiarly oppressive. If a specified amount—say, for instance, fifty dollars—were required to be apportioned to every duly organized district whose report for the preceding year shall be found in accordance with law, leaving the balance to be apportioned according to the number of children between the ages of four and twenty-one years residing in the district, the necessary encouragement would be afforded to every district, however limited its means, or however spare its population, while ample resources would be left for the larger and more populous districts. The several districts being thus furnished with adequate funds for the maintenance of efficient schools during an average period of eight months in each year, the trustees should be peremptorily required to expend the moneys thus placed at their disposal in the employment of suitably qualified teachers, for such a length of time as those means may justify.

Such an arrangement would, it is believed, prove almost universally acceptable to the people of the State. The principle involved has repeatedly received the sanction of public sentiment. It is in accordance with the enlightened spirit of the age. It is the only system compatible with the genius and spirit of our republican institutions. It is not a novelty, now for the first time sought to be engrafted upon our legislation, but a principle recognized and carried into practical operation in our sister State of Massachusetts, from the earliest period of its colonial history—identified with her greatness and prosperity, her influence and her wealth, and transplanted from her soil to that of some of the youngest States of the Union.

In each of our own cities, and in many of our larger villages, it has been established and successfully sustained by the general approval of their citizens; and wherever it has obtained a foothold, it has never been abandoned. It is only requisite to adjust the details of the system, equitably and fairly, to commend it to the approbation of every good citizen as the noblest palladium and most effectual support of our free institutions.

The existing law has excited a degree of opposition which was not anticipated, but it is believed that it has grown out of the defects of the law, rather than from any prevailing hostility to the principle of free schools.

No law can be successfully and prosperously administered under our government, which does not receive the general approval of the people. It is the earnest desire, therefore, of the Superintendent, that the present law should be so amended as to produce greater equality—to remove all reasonable ground of complaint, and to render our great system of education more efficient and useful.

The idea of universal education is the grand central idea of the age. Upon this broad and comprehensive basis, all the experience of the past, all the crowding phenomena of the present, and all our hopes and aspirations for the future, must rest. Our forefathers have transmitted to us a noble inheritance of national, intellectual, moral, and religious freedom. They have confided our destiny as a people to our own hands. Upon our individual and combined intelligence, virtue and patriotism, rests the solution of the great problem of self-government. We should be untrue to ourselves, untrue to the memory of our statesmen and patriots, untrue to the cause of liberty, of civilization and humanity, if we neglected the assiduous cultivation of those means by which alone we can secure the realization of the hopes we have excited. Those means are the universal education of our future citizens, without discrimination or distinction. Wherever in our midst a human being exists, with capacities and faculties to be developed, improved, cultivated, and directed, the avenues of knowledge should be freely opened, and every facility afforded to their unrestricted entrance. Ignorance should no more be countenanced than vice and crime. The one leads almost inevitably to the other. Banish ignorance, and in its stead introduce intelligence, science, knowledge, and increasing wisdom and enlightenment, and you remove, in most cases, all those incentives to idleness, vice, and crime, which now produce such a frightful harvest of retribution, misery, and wretchedness. Educate every child "to the top of his faculties," and you not only secure the community against the depredation of the ignorant and the criminal, but you bestow upon it, instead, productive artizans, good citizens, upright jurors and magistrates, enlightened statesmen, scientific discoverers and inventors, and the dispensers of a pervading influence in favor of honesty, virtue, and true goodness. Educate every child physically, morally, and intellectually, from the age of four to twenty-one, and many of your prisons, penitentiaries, and alms houses will be converted into schools of industry and temples of science; and the immense amount now contributed for their maintenance and support will be diverted into far more profitable channels. Educate every child—not superficially—not partially—but thoroughly; develope equally and healthfully every faculty of his nature, every capability of his being, and you infuse a new and invigorating element into the very life blood of civilization—an element which will diffuse itself throughout every vein and artery of the social and political system, purifying, strengthening, and regenerating all its impulses, elevating its aspirations, and clothing it with a power equal to every demand upon its vast energies and resources.

These are some of the results which must follow in the train of a wisely matured and judiciously organized system of universal education. They are not imaginary, but sober inductions from well authenticated facts—deliberate conclusions from established principles, sanctioned by the concurrent testimony of experienced educators and eminent statesmen and philanthropists. If names are needed to enforce the lesson they teach, those of Washington, and Franklin, and Hamilton, and Jefferson, and Clinton, with a long array of patriots and statesmen, may be cited. If facts are required to illustrate the connection between ignorance and crime, let the official returns of convictions in the several courts of the State for the last ten years be examined, and the instructive lesson be heeded. Out of nearly 28,000 persons convicted of crime, but 128 had enjoyed the benefits of a good common school education; 414 only had what the returning officers characterize as a "tolerable" share of learning; and of the residue, about one-half only could either read or write. Let similar statistics be gathered from the wretched inmates of our poor-house establishments, and similar results would undoubtedly be developed. Is it not, therefore, incomparably better, as a mere prudential question of political economy, to provide ample means for the education of the whole community, and to bring those means within the reach of every child, than to impose a much larger tax for the protection of that community against the depredations of the ignorant, the idle, and the vicious, and for the support of the imbecile, the thoughtless, and intemperate?

Every consideration connected with the present and future welfare of the community—every dictate of an enlightened humanity—every impulse of an enlarged and comprehensive spirit of philanthropy, combine in favor of the adoption of this great principle. Public sentiment has declared in its favor. The new States, which, within the past few years, have been added to the confederacy, have adopted it as the basis of their system of public instruction; and the older States, as one by one they are re-constructing their fundamental laws and constitutions, are engrafting the same principle upon their institutions. Shall New York, in this noble enterprise of education, retrace her steps? Shall she disappoint the high hopes and expectations she has excited, by receding from the advanced position she now occupies in the van of educational improvement? Her past career, in all those elements which go to make up the essential wealth and greatness of a people, has been one of progress and uninterrupted expansion. Her far seeing legislators and statesmen, uninfluenced by the skepticism of the timid, the ignorant, and the faithless, and unawed by the denunciations of the hostile, prosecuted that great work of internal improvement which will forever illustrate the pride and glory of her political history. The rich results of the experiment thus boldly ventured upon have vindicated their wisdom. Is the developement of the intellectual and moral resources of her millions of future citizens an object of less interest, demanding a less devoted consecration of the energies of her people, and worthy of a less firm and uncompromising perseverance?

Disregarding the feeling of the present hour, and looking only to the future, will the consciousness of having laid the foundation for the universal education of our people be a less pleasing subject of contemplation than that of having aided in replenishing the coffers of their wealth?

In conclusion, the Superintendent cannot feel that he has fully met the responsibility devolved upon him by his official relations to the schools of the State, were he to fail in again urging upon the Legislature the definite adoption of this beneficent measure. Let its details be so adjusted as to bear equally upon all, oppressively upon none. Let every discordant element of strife and passion be removed from the councils of the districts, let the necessary assessment for the great object in view be diffused over the vast aggregate of the wealth and property of the State. Then let teachers, worthy of the name, teachers intellectually and morally qualified for the discharge of their high and responsible duties, dispense the benefits and riches of education, equally and impartially, to the eight hundred thousand children who annually congregate within the district school room.

The children of the rich and the poor, the high and the low, the native and the foreigner, will then participate alike in the inexhaustible treasures of intellect; they will commence their career upon a footing of equality, under the fostering guardianship of the State, and will gradually ripen into enlightened and useful citizens, prepared for all the varied duties of life, and for the full enjoyment of all the blessings incident to humanity.

CHRISTOPHER MORGAN,
Superintendent of Common Schools

New Publications Received at the Herald Office During the Past Week.

BIRD'S EYE VIEW OF NEW YORK AND BROOKLYN: John Bachman, 218 William street. One of the most beautiful views of New York and Brooklyn that ever came under our notice.

TRANSACTIONS OF THE AMERICAN INSTITUTE FOR THE YEAR 1849.

ST. LEDGER, OR THE THREADS OF LIFE, by Richard B. Kimball: G. P. Putnam, 155 Broadway. It is unnecessary for us to speak of the excellence of this work, for this is the third edition—a fact which carries commentary with it. The present edition is very handsomely got up.

THE INTERNATIONAL MAGAZINE FOR JANUARY: Stringer & Townsend. An excellent number.

MEMORANDA OF THE LIFE OF JENNY LIND, by N. P. Willis: R. E. Peterson, Philadelphia. A very interesting account of Jenny Lind, from her birth to the present time.

LA MUERTE, a Spanish novel: Parts 1 and 2. This promises to be a very interesting work, and we have no doubt it will meet with an extensive circulation.

THE SACRED SONGSTER, by Peter Ruttan, a graduate of the New York Institution for the Blind. We commend this little work to the public. It is a collection of sacred songs, set to music, and adapted to all denominations of Christians. It contains a great deal of merit. The style of the songs is strictly sacred, and the harmony is pleasing.

THE PILGRIMS AND THE PURITANS—a discourse delivered by the Rev. George B. Cheever, D. D., on last Thanksgiving day.

THE PERILS AND SECURITY OF OUR COUNTRY—a sermon delivered by Rev. E. S. Porter, in Williamsburgh: Joseph C. Gandar, 89 Grand street, Williamsburgh. An excellent discourse, which should be in the hands of every person. Too many of such sermons could not be published.

DE BOW'S REVIEW FOR JANUARY: Berford & Co., New York. A very valuable number of a very valuable work.

BROWNSON'S REVIEW FOR JANUARY: Benjamin H. Greene, Boston.

SPEECH OF THE HON. A. W. BURT ON THE CONSTITUTION AND THE UNION: Thomas Ritchie, Washington.

THE HISTORY, AUTHORITY, AND INFLUENCE OF SLAVERY—a lecture delivered by J. B. Ferguson, A. M., in the First Presbyterian Church, Nashville.

THE LAW ABIDING CONSCIENCE AND THE HIGHER LAW CONSCIENCE, (a discourse,) by Rev. S. T. Spear, of Brooklyn.

ALL HAIL TO THE LAND (music,) written by Major Richardson. "Since thou has robbed me of my heart," (music,) by the same author: J. E. Gould & Co., 297 Broadway.

THE REINDEER POLKA, (music): Jaques & Brother, 383 Broadway.

AN ODE, addressed to the American Nation, by an Adopted Citizen, (music): Firth & Pond, Franklin Square.

CHILDHOOD, (music): Jaques & Brother, 383 Broadway.

THE PIOUS CHRISTIAN'S FAITH AND HOPE, is the title of a book which will be published in a few days by John S. Taylor, of Nassau street. We believe this remarkable book will cause not a little sensation in the religious world.

The Cuba Invasion Trials at New Orleans in the U. S. Circuit Court.

[From the New Orleans Delta, Jan. 4.]

UNITED STATES VS. JOHN HENDERSON.

At the opening of the court, yesterday, Judge McCaleb rendered his decision on the motion of Mr. Henderson, that the assistant prosecutor (Mr. Benjamin) should retire from the case.

He said that the question had been fully and ably argued. He fully concurred in the elementary principles cited by the defendant, in relation to the independence of the judiciary of the other departments of the government; but there was no proof that any executive interference had been brought to bear on this case. The District Attorney would conduct this case under the supervision of the court, who would see that the accused had a fair trial—that there was no oppression in the prosecution. There had been no correspondence between the executive and this court, on this subject. He could not, however, deny the right of the District Attorney to call other counsel to his aid, in a case which would involve an amount of physical and intellectual labor beyond the capacity of one man. The District Attorney would be responsible for this assistant counsel. This Court would not have anything to do with the fee of this counsel, and only looked to him as part of the prosecution—an auxiliary employed by the District Attorney to aid him. Of course, the Court would not allow the District Attorney to employ too many counsel, or to oppress the accused in any manner. Judge McCaleb then referred to the authorities, and commented on them. The case of Mr. Webster, in the prosecution of Knapp, did not involve the point raised in this case. Mr. Webster was permitted to appear in the prosecution at the request of the Attorney General, on his assurance that he received no fee as private prosecutor, which would be a violation of a special statute of Massachusetts. He then referred to the case of Mr. Wirt, on the trial of Aaron Burr, which, he said, had been entirely misunderstood; there was no fact or statement showing that Mr. Wirt considered that he appeared in that prosecution as *amicus curiæ*, or that his right to appear in aid of the prosecution had been questioned by the accused. This case was contested with great vehemence, and it may be taken for granted that the authority of assistant counsel to appear in the prosecution would have been denied if there had been any legal objection to it. Besides, there were other parties possessing rights as well as the accused. The people have an interest in the execution of the laws. The executive, too, is under an obligation to see that the laws are executed, and to aid the District Attorneys in the same. There were many matters in which it was necessary for the District Attorney to consult the executive department, and act by its directions. Judge McCaleb referred to many cases in which, in this and the State courts, assistant counsel had been employed to aid the prosecutor. He referred to Mr. Moise's appearance in several prosecutions in this Court, in aid of General Downs; to the case of Gayarre, tried for murder, in the Criminal Court of this city; the case of Judge Wilkinson, in Kentucky, where Mr. Hardin appeared for the prosecution, and where his right to do so was strongly commented on. He should therefore rule in favor of Mr. Benjamin's right to assist the District Attorney.

Mr. Henderson stated that the Court might mention a great many other cases, but they were cases in which the assistant counsel was employed by the District Attorney; but he defied the court or any body else to show a single case in which such employment had ever been made at the instance of the government.

Judge McCaleb stated that he knew of no such case.

Mr. Henderson desired the statement of Mr. Hunton, that he was authorized by the Executive to employ Mr. Benjamin, to be entered on the minutes, and that his motion against the right of Mr. Benjamin so to appear, should be entered on the minutes as overruled.

The following is a copy of Mr. Henderson's motion, and the ruling of the court:—

The United States vs. John Henderson—Indicted for violating the Neutrality Laws.—On the opening of this case, J. P. Benjamin, Esq., appeared to aid in the prosecution of the case, to which the defendant, Henderson, objected; when it was stated by Logan Hunton, Esq., the District Attorney of the United States, that Mr. Benjamin was employed by him on the authority of the Executive Department of the Government of the United States.

And on this special cause did the said defendant then object, that said attorney Benjamin should not appear to prosecute. Whereupon, and on argument heard, the court did adjudge that said Benjamin had right to appear on employment, as authorized, and did overrule defendant's objection in that behalf.

The jurors were then called:—

W. L. Cockrill was sworn.

F. Evans being proposed, was sworn on his *voir dire*, and asked, by Mr. Henderson, if he had formed any opinion on the matter now before the court.

Mr. Evans stated that he had read the proceedings cursorily in the papers, but he never formed opinions upon mere newspaper statements.

Mr. Henderson—Then you may be sworn. Mr. Evans was sworn.

P. H. Fell was then called.

Mr. Henderson objected that the jurors were not called in the order of the list given to him.

Mr. Hunton stated that there was no rule requiring the accused to be served with a copy of the panel. He did not care in what order they were called.

Judge McCaleb thought they should be called in the order of the panel as served.

The Marshal then proceeded to call the panel. A great many of the jurors were absent; a good many were firemen, and some were foreigners.

Judge McCaleb—It will be impossible to have juries, after awhile, under these fire and other exemptions.

N. H. Brigham being called, appeared. Questioned on his *voir dire* by Mr. Henderson—Have you heard much of the alleged violation of the neutrality law, in relation to the so called Cuban expedition?

Mr. Brigham—I have read something about the matter in the papers.

Mr. Henderson—Have you conversed with any of the witnesses about this case?

Mr. Brigham—I have not.

Mr. Henderson—Have you formed or expressed an opinion in relation to the guilt of the accused?

Mr. Brigham—I never form opinions, except when the facts are presented in a reliable shape. I should decide the case according to the testimony presented.

Mr. Henderson—I have no objection to Mr. Brigham.

Mr. Brigham was sworn.

Mr. Henderson then stated that, by consent of the District Attorney, he would recall Mr. Cockrill, who had already been sworn, and who, it was intimated, had expressed an opinion on the subject. Mr. Henderson stated, that in order so ascertain the entire fairness and impartiality of the juror, some latitude must be allowed in interrogating him. He, therefore, proposed to propound to him the query, whether he had formed an opinion upon the fact of an expedition to Cuba, and upon the guilt of the parties implicated in that expedition.

The District Attorney objected. There was no authority or precedent for such a query. He objected to it as a bad precedent. His affirmative answer to the question, whether a crime had been committed, would not disqualify him as a juror. It was mere pumping a juror to support a theory, and went to no practical object. The only proper question was whether he had formed an opinion as to the guilt or innocence of the accused.

Mr. Benjamin had anticipated this point, and brought a decision, exactly in point, of Chief Justice Marshall in the trial of Burr.

Mr. Henderson replied. The question was misunderstood by Mr. Benjamin.

Finally, it was agreed that the following question should be propounded to Mr. Cockrill:—

Have you heard that there was a military expedition that went from this city to the island of Cuba last spring?

Mr. Cockrill—I read it in the newspapers, and in the examination before the court. That opinion would yield, of course, to evidence upon which I could decide the case.

Mr. Henderson—Have you expressed the opinion that John Henderson was guilty, if connected with such expedition?

Mr. Cockrill—I did say so to a gentleman now in court, but added that, if acting as a juror, I should decide the case according to testimony.

Mr. Henderson—Is it your belief that I was complicated in said expedition?

Mr. Cockrill—I believed it on newspaper statement, and because it was not contradicted.

Mr. Benjamin—Have you formed an opinion on the guilt or innocence of the accused, so that your mind is not open to evidence and argument?

Mr. Cockrill—I have nothing against Mr. Henderson. I thought the expedition a violation of law.

Mr. Henderson—Would you require evidence to remove from your mind the impressions already existing?

Mr. Cockrill—I should require evidence; but something more than newspaper evidence.

Mr. Henderson—Wouldn't it require more evidence to make you disbelieve the opinion already formed?

Mr. Cockrill—Of course, it would.

Mr. Henderson thought the juror could not be sworn.

Judge McCaleb decided that, though the general tenor of the juror's answer would imply that his mind was open to evidence, there was a bias and impression on his mind which had to be removed. Mr. Cockrill was set aside.

B. M. Norman was called, and in answer to queries, stated that he had both formed and expressed an opinion on the guilt or innocence of the accused. He was rejected.

P. R. Fell was then called, and being interrogated, answered that he had formed an opinion on newspaper statements. Mr. Fell was set aside.

Charles Slaughter called, and in answer to the inquiry if he had formed or expressed an opinion, said that he had fully and conclusively made up his mind, so that it could not be changed, in all the points involved in the case. Rejected.

George C. Taylor had formed an opinion in relation to the whole body engaged in the expedition to Cuba, including Mr. Henderson. Rejected.

C. M. Simpson had formed an opinion against all the parties engaged in the expedition—not Mr. Henderson more than the rest. Rejected.

The same answers were substantially given by D. P. Sampson, J. H. Felt, T. S. Winston, Charles Diamond, W. F. Vrederburg, E. H. Dix, H. M. Hansell, W. W. Cook—all of whom were rejected as jurors.

H. D. McLean being interrogated, stated that he had not formed or expressed an opinion in regard to Mr Henderson's guilt or innocence. Sworn.

H. E. Lawrence gave pretty much the same answer and was sworn.

W. C. Lacy rejected.

Here the Marshal stated that the *venire* was exhausted.

Mr. J. J. Conlon then appeared, and being interrogated, announced that he had formed and expressed no opinion on the case. He was sworn.

There were then six jurors sworn, to wit, Messrs. F. F. Evans, H. E. Lawrence, N. H. Brigham, H. D. McLean, J. S. Conlon.

Mr. Henderson stated that he should not object to the District Attorney drawing another *venire* from the box, though he thought the mode of drawing a jury in the court was not a proper one. It was ordered that another *venire* be drawn and resummoned for to-morrow.

The jurors empanelled were then cautioned to have no conversation with any one respecting the case, and then the court adjourned.

There was a fight in the German Evangelical Church, at Chillicothe, Ohio, on the 5th inst., in which the wife of the pastor, and several others were severely wounded.