

A2 Hon J. Furman

REPORT

OF THE

COMMITTEE

ON

ARTS AND SCIENCES AND SCHOOLS

OF THE

BOARD OF ASSISTANTS,

ON THE SUBJECT OF

APPROPRIATING A PORTION OF THE

SCHOOL MONEY

TO RELIGIOUS SOCIETIES, FOR THE SUPPORT OF SCHOOLS.

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New York

DOCUMENT No. 80.

NEW-YORK:

1840.

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*New York City of Board of
Assistants*

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BOARD OF

ASSISTANT ALDERMEN,

APRIL 27th, 1840.

Report of the Committee on Arts and Sciences and Schools, on the Petition of the Officers and Members of the Roman Catholic and other Churches, in the City of New-York, for an Apportionment of School Moneys, to the Schools attached to said Churches. Presented by Mr. Dodge. Adopted, and Two Thousand Copies ordered to be printed, with the accompanying Petitions and Remonstrances, under the direction of the Committee.

EDWARD PATTERSON, *Clerk.*

The Committee on Arts and Sciences and Schools of the Board of Assistants, to whom were referred the Petitions of the Trustees and Members of the several Roman Catholic Churches in the City of New-York, the Scotch Presbyterian

part of the argument, so far as the same relates to books or exercises of any kind in the Public Schools, reflecting on the Catholic Church, was, as is herein before stated, denied by the School Society.

On the part of the Public School Society it was contended that any appropriation of the School money, to any religious denomination for the purpose of educating the Children of that denomination was foreign to the design of the Common School system, as organized by law, hostile to the spirit of the Constitution, and at variance with the nature of our free institutions.

It may be proper here to state, that in the argument, it was admitted on the part of the Catholic petitioners, that in the schools attached to their churches, religious instruction in the doctrines of the Church would be given after the usual school hours, with the understanding, that no child would be required to attend at that time without the approval of the parents.

The preceding is a brief abstract of the views presented to your Committee by the petitioners and remonstrants. It is important that a statement of these views should be presented in this form to the Board, that they may fully understand the wishes of the parties, and through them, as far as they can be ascertained in this way, the feelings and opinions of the public.

Upon the facts presented to the Committee, two questions have arisen of great moment to the People of this City and State. These questions have received our most attentive examination, and the conclusions to which the Committee have arrived, are such, they trust, as will meet the concurrence of the Board and the approval of the public.

The questions to which the Committee have directed their attention, are as follows :

First—Have the Common Council of this City, under the existing Laws relative to Common Schools in the city of New

York, a legal right to appropriate any portion of the School Fund to Religious Corporations ?

Second—Would the exercise of such power be in accordance with the spirit of the Constitution, and the nature of our Government ?

It is undeniable, that the Common Council of the City of New-York, have, by statute, the power of designating the "Institutions and Schools" which shall participate in the benefits of the Common School Fund. Under the statute confirming this power the question naturally arises—What associations of individuals does the phrase "Institutions and Schools" include ? A brief review of the legislation of the State, upon the subject of Public Instruction in this City, will throw much light upon the subject.

The Common School System of the State of New-York was designed by the people, through whose representatives in the Legislature it was organized, to afford to every child the opportunity of acquiring a plain and practical education of that character which would fit him for the ordinary business of life. To afford to all citizens the privilege of educating their children, under the public care and at the public charge, the Legislature perceived the necessity of placing the Schools beyond the reach of those influences, which might render them obnoxious to the feelings of any citizen. To avoid the introduction of subjects of instruction, into the Schools, that might, by possibility, lead to the creation of angry and unpleasant feelings in the little neighbourhoods, which compose the School Districts of the State, the entire management and control of the Schools, in the first instance, was given by law to Commissioners, Inspectors and Trustees, elected immediately by the people of the several towns and districts. Private Associations and Religious Corporations were excluded from the management of the funds, and the government of the Schools. Private interest, under this system, could not appropriate the

public treasure to private purposes, and religious zeal could not divert them to the purposes of proselytism. The watchful eye of an interested community guarded the treasure of the Schools; and mutual jealousy prevented the introduction of any system of education into the school-room, which might, by possibility, be the the means of propagating the doctrines of any denomination, at the expense of others. It is evident, from the strictly popular character of the system of public instruction, as originally established, that the Legislature intended the Public School Fund to be employed for the purpose of communicating to the children of the state, instruction of a strictly secular character, altogether unconnected with either political or religious education. This system for the government of the Schools has existed in the state, excepting in the city of New-York, and some other cities, from the year 1812 to the present time, and has been productive of the happiest results.

The first general act for the establishment of Common Schools was passed in the year 1812. By that act the Common School System was organized, in the manner and with the design hereinbefore stated. All the provisions of the act in question did not extend to this city. The Officers charged with the expenditure of the School Money, and the Supervision of the Schools in the city of New-York were not intended to be elected by the people, nor were the people, through their immediate representatives, to exercise a direct control over the subject. A subsequent act was passed on the 12th of March, 1813, relative to Common Schools in this city, (and supplementary to the act of 1812), by which the Commissioners of School Moneys were directed to pay the moneys received by them to "the Trustees of the Free School Society in the city of New-York" (now known as the Public School Society) and to "the Trustees or Teachers of the Orphan Asylum Society, the Society of the Economical School

in the city of New-York, the African Free School, and of *such incorporated Religious Societies* in said city, as now support or hereafter shall establish Charity Schools within the said city who may apply for the same, &c." Revised Laws, vol. 1, p. 267.

It will be perceived that by this act "Incorporated Religious Societies" were expressly named as proper recipients of the public bounty, provided for the support of Common Schools; and it appears too, from the language of the act, that the Commissioners had no discretion as to the admission or exclusion of religious Societies from a participation in the fund. The law was imperative in its character, and the several Religious Societies of the city possessed a legal right to draw their respective portions of the fund, from the Public Treasury, subject only to the restriction, that the money so received should be appropriated to the purposes of free and common education. Under this law, many churches of different denominations participated in the benefits of the School Fund. At different periods, special acts of the Legislature were passed conferring portions of the same fund upon several charitable societies, other than those of a sectarian character. Another act, which eventually led to the change in the system, which your Committee are about to state, was passed in 1822, authorizing the Bethel Baptist Church, (then one of the participants in the School Fund), "to employ the surplus of School money in their hands, in the erection of School houses, and all other needful purposes of a common school education, but for no other purpose whatever." Under this act gross abuses occurred, and the funds received by the Church were applied to other purposes than those contemplated by the act. This misapplication of the public money, devoted to the sacred purposes of common education, induced the Legislature in the session of 1824—not to repeal the act passed for the benefit of the Bethel Church, and under which the abuses in ques-

tion had occurred, but to repeal that portion of the act of 1813; which included "Incorporated Religious Societies" among the recipients of the school fund. The Committee will proceed to state the extent and manner of the repeal, in detail.

On the 19th of November, 1824, the Legislature, in consequence of the abuses of the Bethel Church, and evidently with a view to guard against the recurrence of similar or any abuses thereafter, passed a general act, entering fully into details, for the better management of the School Fund in the city of New-York. By this act many important alterations in the system were effected; and among others, the whole power of selecting the recipients of the School Moneys was delegated to the Common Council. The act, to which your Committee refer, is entitled "An Act relating to Common Schools in the city of New-York." By the fifth section of this law it is provided as follows:—"The *Institutions* or *Schools* which shall be entitled to receive of said School Moneys, shall, from time to time, and at least once in three years, be designated by the Corporation of the City of New-York, in Common Council convened, who shall also have power to prescribe the limitations and restrictions under which said moneys shall be received by said institutions or schools, or any of them." Laws of 1824, p. 338. By the ninth section it is provided, that the act take effect on the 15th day of May, 1825, and that from and after that day, the act entitled "An Act supplementary to the Act, entitled 'An Act for the establishment of Common Schools,' passed the 12th of March, 1813, and all, each and every other act or section and sections of acts, heretofore passed, relating to Common Schools, to moneys arising from the School Fund of the State, or to *the distribution or apportionment thereof, to far as relates to, or in anywise concerns the City and County of New-York, and Societies supporting Charity Schools therein, and no further,* is and are hereby repealed. Laws of 1824, p. 339.

Previous to Eighteen Hundred and Twenty-four, the Legislature of the State designated the Societies or Schools, who were entitled to receive a portion of the School Fund, but by the act of that year, re-enacted in the Revised Statutes, that power is conferred upon the Common Council; and the question now presented to the Board, is, whether the Common Council have an unlimited discretion in the matter, or whether they are subject to any limitation, and if so, to what?

By the School Act of 1812, "Incorporated Religious Societies," supporting or establishing Charity Schools, were expressly named, as entitled to receive, with other Societies, their rateable proportions of the School Fund. One of the "Incorporated Religious Societies" participating in the fund, and authorized by law to employ it for a special purpose, misapplied the money and abused the trust reposed in it.—The Legislature, immediately thereafter, repealed the law of 1813, under which, religious societies were then recipients of the money, and authorized the Common Council to designate the "*Institutions*" and "*Schools*" which should be entitled to receive it.

There is something peculiar in the language of the repealing act of 1824, which fully satisfies your Committee, that the Legislature intended, ever after, to exclude Religious Corporations from the reception of the School monies. In the act of 1813, they are named as "Incorporated Religious Societies," and this is the only act, under which they ever received any portion of the fund. By the act of 1824, "*Institutions*" and "*Schools*" are to receive it. It would require much ingenuity to induce any person to believe, that the Legislature of the State would, in a solemn legal enactment, describe a church as an "institution" or "a school." The language employed, your Committee believe, should be construed in its plain and familiar meaning, and it must be evident to all, that if the Legislature, in 1824, intended to confer any portion of the School

fund upon religious societies, they would have used the words found in the act of 1813, or words of a similar import.

The attention of the Board is also called to that part of the ninth section of the act of 1824, which repeals the act of 1813, relative to Common Schools in this City. This section declares, in the most unequivocal and forcible manner, that "the act of 1813 and all and every other act or sections of acts relating to the distribution and apportionment of the school fund, *so far as the same relates to the City of New-York; and to societies supporting Charity Schools therein,* are repealed." No language can be more clear and explicit than this, and your Committee cannot hesitate, in expressing it to be their opinion, that the only authority under which religious societies participated in the School fund, was contained in the act of 1813; and that this act was repealed by the Legislature with the full intention that religious societies, as such, should no longer receive any portion of the School money from the Public Treasury, even for the purpose of supporting Common Schools. This opinion of your Committee is confirmed by the almost universal opinion of the People of this City, from 1824 to the present time.

It is undeniable that the Common Council have a general discretion as to the schools to be supported by the public money, but it appears to your Committee, that the intentions of the Legislature and the people, although not reduced to the form of a positive legal enactment, should, so far as they can be gathered from the proceedings of the Legislature, be respected by the Common Council. Believing that the act of 1824 was intended to prevent a participation in the School Monies by religious societies, your Committee suggest to the Board, that their power to apportion the fund among societies of that character is at the least very questionable; and that a prudent regard for the obligations of duty should prevent the exercise of so doubtful a power in any case whatever.

It may be proper here to observe, that the act of 1824, relative to the distribution of School Monies in the City of New-York, was re-enacted in the Revised Statutes (vol. 1, new ed. p. 483.) In the re-enactment of this statute, the words "Societies or Schools" are used in defining the recipients of the fund. It may be urged, that the alteration of the language of the act in question indicated an intention on the part of the Legislature to return to the system of distribution established by the act of 1813. But your Committee cannot entertain this view of the subject. The Revisors of the laws were appointed to digest and codify the then existing Statute Law of the State. In the performance of this duty, they in various instances adopted language, which they believed to be more clear, explicit, or appropriate than that of the original act. The language of the Revised Statutes, in relation to the subject under consideration, may perhaps be preferable, in some respects, to that of the original act of 1824, but it certainly cannot be construed as intended to alter the legal effect of that law. It relates to the same subject matter, and is virtually declared to be a re-enactment of the former act, by the reference contained in the accompanying note: and the Committee can therefore adopt no rule of construction that would defeat the object of that act, which it was evidently the design of the Revisors and the Legislature, to confirm and perpetuate.

The same remark may be made in relation to the provisions of the Revised Statutes, that was made in reference to the act of 1824. If the Revisors or the Legislature intended to include religious Corporations, among the recipients of the School Fund, they would have used the words "Incorporated religious societies," or words of a similar meaning and import.

There is another important view of the subject to which the Committee would call the attention of the Board. The Constitution of the State, in the following impressive lan-

guage, secures to every citizen the utmost liberty of conscience, "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed, in this State, to all mankind." Art. 7th, sec. 3d. There can be no constitutional guarantee more full and general than this; and it was certainly the object of the Convention which framed, and of the People who adopted the Constitution, to prevent the Legislature of the State, and all other branches of the Government, from creating any distinctions between citizens on account of religious faith; or giving to one sect any preference or advantage over another. That this is the object of the constitutional provision referred to, none can deny. The question then arises—how far will the appropriation of the School Moneys asked for by the Petitioners, conflict with the requirements and intentions of the Constitution? This branch of the subject has been attentively considered by your Committee, and they offer the following, as the results of their deliberations.

The people of the State of New-York are divided into almost innumerable religious sects and denominations. These different sects view the progress of each other, with watchful jealousy. The natural desire that all men possess, to make converts to the opinions which they have honestly formed and zealously maintain, ever has led, and ever will lead to exertions and struggles to extend those opinions to the utmost limit. This is true of all opinions, but the history of the world proves that it applies more justly to religious opinion, than to any other. The old world, and even our own country, has witnessed, not only religious zeal endeavoring to make proselytes to its own faith, by the means of persuasion, argument, and even denunciation; but persecution for opinion's sake is known to the history of every civilized government. Religious zeal, degenerating into fanaticism and bigotry, has covered many battle-fields with its victims; the stake, the

gibbet and the prison have fallen to the lot of countless martyrs ; exile from the land of their nativity, expulsion from the seats of civilization to the wilderness of the savage, have been experienced by hundreds, of almost every sect, who could not honestly subscribe to the religious opinions of the majority.— To prevent, in our day and country, the recurrence of scenes so abhorrent to every principle of justice, humanity and right, the Constitutions of the United States and of the several States, have declared in some form or other, that there should be no establishment of religion by law ; that the affairs of the State should be kept entirely distinct from, and unconnected with, those of the Church ; that every human being should worship God, according to the dictates of his own conscience ; that all Churches and religions should be supported by voluntary contribution ; and that no tax should ever be imposed for the benefit of any denomination of religion, for any cause, or under any pretence, whatever. These principles are either expressly declared in the several Constitutions, or arise by necessary implication from the nature of our Governments, and the character of our republican institutions.

In the cases before your Committee, the Petitioners ask for an appropriation of the Public Money to the support of Schools established by, and conducted under the control of certain Religious Corporations ; and those Schools, in the one case, are established principally for the instruction of the Children of indigent members of the Roman Catholic Church. The Teachers, if your Committee are correctly informed, are appointed by the Trustees of those Churches, and the plan of instruction pursued is adopted by the same officers. This plan includes religious instruction, at stated periods, to be communicated by means of the catechism of the Catholic Church. Your Committee are unable to say, positively, whether any devotional exercises are used, or required in the Schools, but they regard this, as immaterial to be considered, in this stage

of the question. They are also unable to state whether any religious instruction is given, or intended to be given, in the Schools of the other Petitioners, the Scotch Presbyterian Church, and the Hebrew Congregation. The Schools, sought to be supported from the Public Treasury, (being controlled by religious corporations) are to that extent, religious schools.

To a correct understanding of the relation this case bears to the Constitutional provisions and principles hereinbefore referred to, it will be necessary to refer briefly to the sources and present extent of the School Fund appropriated to the City of New-York. This fund arises in part from the annual income of the proceeds of lands sold by the State, which belonged to the People of the State in common, the interest of the United States' Deposit Fund; and also from annual taxation upon the People of this City.

The amount received from the State Treasury in the year 1838 was - - - - -	\$34,172 47
Amount of tax raised by Corporation for Com- mon Schools, under the general law relat- ing to Common Schools, for the same year - - - - -	34,172 47
Amount of tax raised in this city for Common School purposes, under special statutes, in the same year - - - - -	73,150 00
	\$141,494 94

The whole amount received from the School Fund of the State, the common property of the people is \$34,172 47. The amount raised by tax in the City of New-York, for the support of Common Schools, for 1838, was \$107,322 47, or nearly the one-twelfth part of the whole amount of taxes levied in this city.

It is urged on the part of the Catholic petitioners, that they, as tax payers, contribute to the fund thus annually raised, and that they are therefore entitled to participate in its benefits. This is undoubtedly true, but it should be borne in mind, that they are taxed not as members of the Roman Catholic Church, but as citizens of the State of New-York; and not for the purposes of religion, but for the support of civil government. The Constitution acknowledges no distinctions among men on account of their religious faith; and your Committee would call the attention of the petitioners, to the fact, that our institutions are designed, not to create or perpetuate religious distinctions, but to place all mankind upon a common footing of equality. Any legal acknowledgment of any religious denomination, as a dependant upon the public bounty for any kind of pecuniary aid or support, would be an abandonment of the great Constitutional principle, that the end and aim of all just government is the equal protection of all men, in the free exercise and enjoyment of the rights derived from the written Constitution of the land, or the still higher authority of nature. The appropriation of any portion of the Public Treasure to the Roman Catholic, or any other churches in this city, must be regarded as violative of this great doctrine. Admit the correctness of the claim, that the Common Council of the City or the Legislature of the State may rightfully appropriate the public money to the purposes of religious instruction of any kind, in any school, and the consequence will be, that the People are taxed by law, for the support of some one or other of our numerous religious denominations. The amount of One Hundred and Seven Thousand Dollars and upwards, as hereinbefore stated, has been raised by annual tax, in this city, for purposes of a purely civil and secular character. An appropriation of any portion of that sum to the support of schools, in which the religious tenets of any sect are taught, to any extent, would be a legal establishment

of one denomination of religion over another, would conflict with all the principles and purposes of our free institutions, and would violate the very letter of that part of our Constitution which so emphatically declares, that "The free exercise and enjoyment of religious profession and worship, without *discrimination or preference*, shall forever be allowed, in this state, to all mankind." By granting a portion of the School Fund to one sect, to the exclusion of others, a "*preference*" is at once created, a "*discrimination*" is made, and the object of this great Constitutional guarantee is defeated; taxes are imposed for the support of religion; and freedom of conscience, if not directly trammelled and confined, is not left in the perfect and unshackled state which our systems of government were intended to establish and perpetuate. It requires no argument to prove that taxation of all sects for the benefit of one, is a violation of the rights of conscience. No difference can be perceived in principle between the taxing of the people of England for the support of a church establishment there, and the taxing of the people of New-York, for the support of schools in which the doctrines of religious denominations are taught, here—it is immaterial whether the amount of tax imposed is great or small; so long as a tax is imposed for the purposes of religious instruction, to the slightest possible extent, that tax is unauthorized by the Constitution, violates the rights of conscience, defeats to some extent the purposes, and conflicts with the spirit of our free institutions.

It may be said, in reply, to these observations, that all constitutional difficulties will be removed, by admitting all religious denominations to a participation in the fund. This, your Committee have no doubt, the petitioners would willingly assent to. The petitioners have no desire of securing a portion of the fund for themselves, and excluding others from the enjoyment of the same advantages. They are willing that other sects should establish schools on similar principles with

their own, and that those schools should receive equal encouragement from the public, with theirs. These remarks are made with a view to exonerate the petitioners from the suspicion of having been influenced by selfish or illiberal motives. The Committee are fully satisfied, that they have acted under a conviction of duty, but with an erroneous view of their rights, as religious societies, the provisions of the law and the powers of the Common Council, and not from a desire to advance the interests of the several churches to which they are attached, at the expense of the Constitution.

An extension to all other denominations of the bounty asked for by the petitioners, would be, not only impracticable—but would be, equally with the grant sought by the Roman Catholic Churches, and the Scotch Presbyterian and Hebrew Congregations, repugnant to the principles of our government. If the doctrines of all the religious denominations in the state, were taught, in the slightest degree, at the expense of the people, under the authority of law, there would still be a legal religious establishment, not confined to one or a few sects, it is true, but covering many. Taxes, under such a system, would still be raised for religious purposes; and those who professed no religion, or belonged to no sect, would be taxed for the benefit of those who did. It is immaterial, in the eye of the law, whether a citizen professes any or no religious faith; he is still a citizen, and as such, is entitled to the free enjoyment of whatever opinions he may entertain: and there is no difference, in legal principle, between taxing him for the purpose of educating the young in the doctrines of many churches, to which he does not belong, and taxing the Catholic for the benefit of Protestant Schools, or taxing the Protestant for the support of Catholic Seminaries. The rights of conscience are the same, in the one case as in the other; and the cases are identical in principle, although in the one instance, but few may deem themselves injured, and in the other, thousands may complain of

the violation of their rights, as free citizens. No government can rightfully deprive any, the humblest being, of the rights which he may derive from nature as a man, or of those which he possesses as a citizen, under the constitution of his country.

There are insuperable objections to dividing the School fund among Religious Societies, for the support of schools. The dependence upon the bounty of the civil government which it induces, is as foreign to the nature and character of the Christian religion, as it is hostile to the theory of our government. Religion needs not the support of secular power. Its appeals are to the judgments and hearts of men. Truth is its only weapon, and the only shield it requires, is that of broad and equal protection. Religious liberty is necessary to the free developement of religious truth. That liberty all sects possess in the fullest degree; and no sect can rightfully procure more. The purity of the Church, and the safety of the State, are more surely obtained, by a distinct and separate existence of the two, than by their union. The opinions of the American people are settled upon this subject, and they will observe with jealous anxiety, any approaches to a re-establishment of the exploded doctrine, that it is the duty of the State, to protect the religious interests of the people, or propagate at the public expense, the doctrines of any faith, however true they may be.

The division of the School Fund among the different religious denominations of the city, would lead to the most unfortunate results. If a division of this character should be made, it would be, doubtless, in proportion to the number of children taught in each school. The schools, although free to all that might desire to enter, would be mainly sectarian in their character. To increase the number of scholars in each school, and thus secure to themselves as large a share of the public bounty as possible, would be the natural desire of each denomination. The main object of the interested parties, would be, to make proselytes to their respective faiths, and thus to in-

crease the power and numerical strength of the several churches, and the number and extent of the several schools. The consequences of this state of things, it would be difficult to imagine. Jealousies, rivalries and dissensions would supplant those gentler feelings, which should guide and mark the conduct of men towards each other, in civil society. Bigotry, fanaticism and violence might assume the place of charity, meekness and love; and thus, a train of evils be induced, destructive to the true interests of religion, and dangerous to the harmony, the permanency, and the freedom of the State. The history of the world teems with examples of religious excitement, degenerating into wild and embittered fanaticism; jealousies converted into open dissensions, and dissensions ripening into wars, and those wars devastating whole nations, until the angry feelings of the partizans were satiated by the blood of their victims.

If the school money should be divided among the religious denominations generally, as some have proposed, there will be nothing left for the support of schools of a purely civil character; and if there should be, in such a state of things, any citizen who could not, according to his opinions of right and wrong, conscientiously send his child to the school of an existing sect, there would be no public school in which he could be educated. This might, and probably would be the case, with hundreds of our citizens. The committee would ask, if any individual could desire to see a fellow citizen, however humble he might be, deprived of the opportunity of procuring for his child, that education which as a citizen and a tax payer he has a right to demand?

An objection is urged by the Roman Catholic petitioners against the schools of the Public School Society, to the effect, that no religious instruction is there given, or if any is given, it is of a character which reflects upon the doctrines of the Catholic Church. The Committee are disposed to believe that there is some error in relation to this matter. They have

been informed by the officers of the Public School Society, that no books are used in their schools which reflect in any degree upon the Catholic Church. At the meeting of the Committee referred to, in the preceding part of this Report, several officers of the Public School Society, then present, offered to submit the text books of the schools, to the inspection of the highest clerical officers of that Church, for examination; and freely proffered to purge from the exercises and books of the schools, every thing (if any could be found) that exposed the Roman Catholic Church, or any thing connected with it, to ridicule or censure.

If any books are used in the public schools, relating in the slightest degree, to the doctrines or ceremonies of the Roman Catholic, or any other religious denomination, the Directors of the Schools or other proper officers, should cause them to be immediately removed. If religious instruction is communicated, it is foreign to the intentions of the school system, and should be instantly abandoned. Religious instruction is no part of a common school education. The Church and the fire-side are the proper seminaries, and parents and pastors are the proper teachers of religion. In their hands, the cause of religion is safe. Let the public schoolmaster confine his attention to the moral and intellectual education of the young committed to his charge, and he fully performs the duties of his profession, discharges the trust reposed in him as a public agent, and fulfils his obligations as a citizen.

The Committee have given the subject referred to them a thorough consideration, and they feel bound to say, that, in their opinion, the petitioners, coming before the Common Council in the capacity of religious denominations, have not made out a valid claim, to a participation in the Common School Fund, in that capacity. The reasons that have led the Committee to this conclusion, are hereinbefore stated. The intentions of the Legislature, the will of the people as expressed through their representatives, and the imperative require-

ments of the Constitution, preclude the Common Council (in the opinion of the Committee,) from granting their petitions. In arriving at this opinion, the Committee have not had reference to one or a few, but to all denominations in religion ; and had such a petition been presented from the other denominations in this city, all would have received from the Committee, the answer that is given to these. No desire exists to include one sect in the benefits of the School Fund, and exclude others, but the object of the Committee, has been, to keep that fund sacredly appropriated to the purposes for which it was created—the purposes of free and common secular education. To this purpose all the provisions of our laws, and all the requirements of our Constitution invariably tend ; and the Committee can do nothing but suggest to the Board, that the obligations of the laws and the Constitution are such, that the appropriation of the School Fund, asked for in the several petitions before them, cannot be rightfully granted.

In this opinion your Committee hope the Board, the petitioners, and the public will concur. The question is one of that character which appeals to the liveliest feelings of our nature, and one which is too apt to create excitement and jealousy. That this may not be the case among any portion of our citizens, your Committee most earnestly desire. They conclude by expressing the hope, that the petitioners, upon a full examination of the question, will perceive that the granting of their petition would be at least of doubtful legality, foreign to the design of the School Fund, and at variance with the spirit of our public institutions.

The Committee ask to be discharged from the further consideration of the subject.

All which is respectfully submitted.

CHARLES J. DODGE,	} Committee	
DAVID GRAHAM, JR.		on Arts and
THOMAS CONNER,		Sciences, &c.

PETITIONS, REMONSTRANCES, &c.

ACCOMPANYING THE FOREGOING REPORT.

[No. 1.]

PETITION OF THE TRUSTEES OF THE SEVERAL ROMAN CATHOLIC CHURCHES IN THE CITY OF NEW-YORK.

At a meeting of the Trustees of the several Roman Catholic Churches in the City and County of New-York, held at St. Peter's Church, Barclay street, on Monday February 17th, 1840, George Pardow, Esq. was called to the Chair, and Daniel Major and Edmond S. Derry, were appointed Secretaries, it was, unanimously,

Resolved, That the following petition be submitted to the Mayor and Common Council of the City of New-York, and their speedy action thereon respectfully solicited.

To the Honorable the Common Council of the City of New-York :

The petition of the Trustees of St. Patrick's Cathedral in the City of New-York, the Trustees of St. Peter's Church in the City of New-York, the Trustees of St. James' Roman Catholic Church in the City of New-York, the Trustees of

St. Joseph Roman Catholic Church in the City of New-York, the Trustees of Transfiguration Church, the Trustees of St. Paul's Church, Harlaem, the Trustees of St. Mary's Roman Catholic Church in the City of New-York, and of the Trustees of St. Nicholas German Roman Catholic Church in the City of New-York, respectfully

SHEWETH :

That Free Schools are attached to the several Churches above specified, for the education of poor children of both sexes of the members of the Congregations attached to the above Churches, amounting in the aggregate to three thousand, or thereabouts. That your petitioners have heretofore supported the schools attached to their respective churches, and paid the salaries of teachers employed therein out of their respective funds.

Your petitioners further shew, that the pressure of the present times oblige your petitioners to ask from your Honorable Body such relief, as by law and in the judgment of your Honorable Body, they may be entitled to, on complying with the requirements of the Statutes of this State, and the Ordinances of your Body. Your petitioners therefore pray that your Honorable Body will be pleased to designate your petitioners as entitled to a share of the Common School Fund of this State.

(A Copy from the Minutes of the said Meeting.)

New-York, February 17, 1840.

GEORGE PARDOW, Chairman.

DANIEL MAJOR,
EDMOND S. DERRY, } Secretaries.

P E T I T I O N

OF THE

MEMBERS OF ST. PETER'S ROMAN CATHOLIC CHURCH,

IN BARCLAY-STREET

SIGNED BY GEORGE PARDOW, JOHN FOOTE, EDMOND S. DERRY,
AND 279 OTHERS.

[No. 2.]

*To the Honorable the Mayor and Common Council of the
City of New-York.*

The Memorial of the members of the Congregation of St.
Peter's Church (Barclay street,) in the City of New-York,
respectfully

REPRESENTS :

That deeply interested in, and anxious for the favorable action of your Honorable Body, upon the petition now before you, from the several Roman Catholic Churches in the City of New-York, asking for a participation in the Common School Fund, your memorialists have ventured to address you, and would impress upon your Honorable Body the propriety of granting the prayer of the said petition, so far as it relates to the Church to which your memorialists are attached.

Your memorialists are sensible that your Honorable Body do not entertain, and therefore will not allow, feelings of partiality towards, or of prejudice against, any portion of your fellow citizens, to warp your judgment in this matter.

Your memorialists believe that the request made upon your Honorable Body through the said petition will be, if granted, but that to which the petitioners are of RIGHT entitled to, and they well know that when only RIGHT is demanded, BY YOU it will be willingly and speedily accorded.

Your memorialists most respectfully show unto your Honorable Body, that for many years past, the Trustees of said St. Peter's Church have supported the free School attached to their church, employed, and paid the salaries of competent teachers therefor out of their own funds, and that the number of Children now receiving, and who have received their education in said School, averages, and has averaged from four to five hundred. That there not being any public School located on the Westerly Section of our City below Barclay street, the said School of St. Peter's Church has at all times been, and now is attended by Children whose parents are of other denominations than Catholic, that the said School, although intended for the education of the children of poor parents attached to that Church, and of the Congregation belonging thereto, has been always open (and still so continues) to the children of persons of every denomination and creed, who have been most cheerfully received and taught without reference to their religious belief.

Your memorialists show, that the Trustees of St. Peter's Church do not receive, nor have they for many years past, received any sum of money from the fund appropriated for the maintaining of Common Schools, or from any other source whatever, other than the Treasury of the said Church, and that they have thus long acquiesced in the present mode of distributing that fund, always considering themselves entitled to a portion of it, though they were satisfied to rely upon their own resources so long as they could do so, without causing positive injury to themselves.

Your memorialists feel that justice to themselves now demands that the application for their share of the fund should

be made. The success which will attend the application must necessarily depend upon the favorable light in which it shall be viewed by your Honorable Body ; to that your memorialists will, without doubt, properly submit.

Your memorialists pray the indulgence of your Honorable Body for thus, perhaps unnecessarily importuning you, but they hope that the solicitude which they feel for the result of the said application may offer some extenuation therefor.

Your memorialists will ever feel grateful for the attention which your Honorable Body may see fit to bestow upon the subject.

New-York, February 25, 1840.

P E T I T I O N

OF THE

MEMBERS OF ST. MARY'S ROMAN CATHOLIC CHURCH,

SIGNED BY JAMES KELLY AND 400 OTHERS.

[No. 3.]

*To the Honorable the Mayor and Common Council of the
City of New-York.*

The Memorial of the members of the Congregation of St.
Mary's Church in the City of New-York, respectfully

REPRESENTS :

That deeply interested in and anxious for the favorable ac-
tion of your Honorable Body, upon the petition now before

you from the several Roman Catholic Churches in the City of New-York, asking for a participation in the Common School Fund, your memorialists have ventured to address you, and would impress upon your Honorable Body the propriety of granting the prayer of the said petition so far as it relates to the Church to which your memorialists are attached.

Your memorialists are sensible that your Honorable Body do not entertain, and therefore will not allow, feelings of partiality towards, or of prejudice against, any portion of your fellow citizens to warp your judgment in this matter.

Your memorialists believe, that the request made upon your Honorable Body through the said petition will be, if granted, but that, to which the petitioners are of RIGHT entitled to, and they well know that when only RIGHT is demanded, BY YOU it will be willingly and speedily accorded.

Your memorialists most respectfully shew unto your Honorable Body, that for many years past, the Trustees of said St. Mary's Church have supported the free School attached to their Church, employed, and paid the salaries of competent teachers therefor out of their own funds, and that the number of children now receiving, and who have received their education in said School, averages, and has averaged from seven to eight hundred. That the said School of St. Mary's Church have at all times been, and now is attended by children whose parents are of other denominations than Catholic, that the said School, although intended for the education of the children of poor parents attached to that Church, and of the Congregation belonging thereto, has been always open (and still so continues) to the children of persons of every denomination and creed, who have been most cheerfully received and taught without reference to their religious belief.

Your memorialists shew that the Trustees of St. Mary's Church do not receive, nor have they for many years past, received any sum of money from the fund appropriated for the maintaining of Common Schools, or from any other source

whatever, other than the Treasury of the said Church, and that they have thus long acquiesced in the present mode of distributing that fund, always considering themselves entitled to a portion of it, though they were satisfied to rely upon their own resources so long as they could do so without causing positive injury to themselves.

Your memorialists feel that justice to themselves now demands that the application for their share of the fund should be made. The success which will attend the application must necessarily depend upon the favorable light in which it shall be viewed by your Honorable Body; to that your memorialists will, without doubt, properly submit.

Your memorialists pray the indulgence of your Honorable Body for thus, perhaps unnecessarily importuning you, but they hope that the solicitude which they feel for the result of the said application may offer some extenuation therefor.

Your memorialists will ever feel grateful for the attention which your Honorable Body may see fit to bestow upon the subject.

New-York, February 25, 1840.

Similar petitions to that of St. Mary's Church were presented from the Roman Catholic Churches of St. Patrick, Transfiguration, St. Joseph, St. James, and St. Nicholas, signed by a large number of the members of those Churches.

MEMORIAL AND PETITION

OF THE

SCOTCH PRESBYTERIAN CHURCH, IN THE CITY
OF NEW-YORK.

[No. 4.]

To the Honorable the Common Council of the City of New-York :

The memorial of the Trustees of the Scotch Presbyterian Church in said city, respectfully

REPRESENTS :

That the Church, on behalf of which your memorialists act, now has a Charity School of about One Hundred and Twenty children, which school might be greatly increased by an increase of means.

Your memorialists had not thought of asking that any portion of the "Common School Fund" might be diverted from its present channels of disbursement : but understanding that the "Trustees of the Catholic Schools" of this city, have asked for a part of said Fund, if your Honorable Body shall determine to grant their request, and thus establish the principle that this fund, though raised by *general tax*, may be appropriated to *church* or *sectarian* schools—then your memorialists respectfully but earnestly contend, that they are entitled to a rateable portion thereof—and accordingly pray that they

may, in that event, be authorized, by law, to draw on the above mentioned fund, for all children now taught, or who hereafter may be taught in any school or schools attached to said Scotch Presbyterian Church.

By order of the Trustees,

HENRY RANKIN, Chairman
of Trustees of S. P. C.

THOMAS H. FAILE, Secretary.

[L. s.]

Memorial and Petition

OF THE

HEBREW CONGREGATION, IN CROSBY STREET.

[No. 5.]

To the Honorable the Common Council of the City of New-York :

The memorial of the Congregations of the Hebrew Persuasion in the City of New-York, respectfully

REPRESENT :

That your Memorialists perceive that an application has been made, by other religious sects of this city, for a portion

of the money raised for the promotion of general education, and believing that the reasons urged in favor of said application will apply, with increased force, in favor of your memorialists, and as your memorialists contribute a full proportion towards the fund or tax referred to, they respectfully but earnestly contend, that they are entitled to a participation in its benefits, provided your Honorable Body determine to appropriate it with reference to religious faith.

Your memorialists therefore pray that a law may be passed authorizing your memorialists, and such other Hebrew Congregations as may establish and maintain schools in accordance with the requisitions of law, to draw for a rateable portion of the School Money belonging to this city, and your memorialists, as in duty bound will ever pray.

New-York, March, 1840.

M. L. MOSES, President
of the Congregation Shearith Israel, (Crosby street.)

MORELAND MICHOLL, President
of the Congregation Benai Jeshurim, (Elm street.)

REMONSTRANCE

OF THE

Trustees of the Public School Society,

SIGNED BY ROBERT C. CORNELL AND OTHERS, TRUSTEES &c.

[No. 6.]

To the Common Council :

The undersigned, in their associate capacity, as Trustees of the Public School Society, and in their individual character, as citizens, hereby respectfully, but urgently, Remonstrate against the granting of a request presented by the Trustees of the Catholic Schools, for a participation in the Common School Monies.

Your remonstrants are opposed to this proposition, as being unconstitutional and inexpedient.

Unconstitutional—because in our State Charter and in our Statute Book, the Common School Fund is appropriated to, and for the benefit and support of common schools only and exclusively—and we deem it self-evident that no school can be so called, unless open to all classes and descriptions of citizens, and conducted on a system to which none can reasonably object. Such is not the case with the Catholic schools—the peculiar sectarian tenets of that faith are part, and by them thought to be an essential part, of the course of instruction—and hence all unbelievers in Catholic doctrines are unwilling,

and may with good reason object to send their children to such schools.

Unconstitutional—because it is utterly at variance with the letter and spirit of our chartered rights, and with the genius of our political institutions, that the community should be taxed to support an establishment in which sectarian dogmas are inculcated, whether that establishment be a school or a church.

Inexpedient—because the Public Schools, open to all without discrimination, and so conducted that no reasonable objection can be made by any to sending their children to them—are now in a very flourishing and satisfactory condition, and are annually increasing in numbers and usefulness—and which schools would, by the admission of Church Schools to participate in the School Fund, be crippled and probably destroyed.

Inexpedient—because the question was fully examined by the Common Council, in 1822, and all the Church Schools, including the Catholic, which had previously drawn from the School Fund were cut off, and the great principle of non-sectarianism adopted as the basis for subsequent appropriations from this fund.

Inexpedient—because by the concentration of the fund in one channel, a much greater amount of good is produced, than could be the case were it divided and subdivided among many; for, in the Public Schools, the same expense for Teachers, &c. would be incurred in a school of one hundred or one hundred and fifty as in one of double the number.

Induced by these leading positions, which they consider fully tenable, and by others, which brevity induces the omission of, your remonstrants urgently protest against the admission of the Catholic, or any other sectarian schools, to a participation in the Public monies; and of so great importance do they consider the subject, that, unless the Common Council are prepared on a mere statement of these objections, to deny the ap-

plication, your remonstrants, respectfully request that they may be heard in defence of their positions, before a Joint Meeting of your two Boards.

Our Executive Committee will prepare and present a remonstrance more in detail.

New-York, February 24, 1840.

REMONSTRANCE

OF THE

PUBLIC SCHOOL SOCIETY,

BY THEIR EXECUTIVE COMMITTEE.

[No. 7.]

To the Honorable the Common Council of the City of New-York :

The Remonstrance of the Public School Society, by their Executive Committee, respectfully

SHEWETH :

That your Remonstrants learn with regret and surprise, that the Trustees of the Catholic Schools, have petitioned for a portion of the School Fund, to support the schools under their

care. Nearly twenty years have elapsed since sectarian schools were excluded from a participation in this fund, and your remonstrants had indulged a hope, that the question was forever at rest.

The injustice of taxing the whole community for the support of sectarian schools is so manifest, and it is so glaringly incompatible with the genius of our political institutions, that the naked proposition would seem to carry with it its own refutation. The Constitution of this State declares, "that the proceeds of certain lands belonging to the State, together with the Fund, denominated the Common School Fund, shall be, and remain a perpetual Fund, the interest of which shall be invariably appropriated to the support of Common Schools throughout the State."

So far as your memorialists are aware, there is not in any law regulating the *general* distribution of this Fund, nor in either of the numerous circulars issued by the Secretary of State, in his capacity as Superintendent of Common Schools, is there the most remote allusion to sectarian instruction in religion, except that on one occasion, after citing some ten or twelve class-books of a strictly literary and moral character, he refers to "Sampson's Beauties of the Bible," as a compilation well adapted to Common Schools; but as if aware of the delicate ground on which he was treading, the Secretary immediately remarks, "that the selection has been made without reference to any disputed points of doctrine; and it is entirely free from all sectarian spirit;" thus evincing his own view of the necessity of excluding sectarian instruction from the Common School system of education.

Owing to the impracticability of apportioning the school monies among the citizens of this city, in the manner adopted for the districts, the Legislature was induced in 1813, to pass a law authorizing "such incorporated religious societies in the City of New-York, as supported, or should establish Charity Schools," to participate in the income of the School Fund.

That income was then very small, and there was no direct tax on the city for school purposes, independent of the School Fund tax. The amount thus drawn was so inconsiderable, that the subject did not attract much attention, until 1822, when it was discovered that one congregation, or rather its pastor, had embarked in the business of school-keeping as matter of speculation, and had established three Charity Schools.

By deceptive returns, he managed to draw from the Fund a greater sum than was required for the payment of teachers, (to which its application was restricted by law.) He then procured an enactment, authorizing him to apply the surplus to the erection of school houses and all other purposes of education. Under a *liberal* construction of this clause, he ventured to build a church, with miserable accommodations for a school on the basement floor. These proceedings alarmed not only your memorialists, but the citizens generally, as well as several of the churches who had received and applied the public money in good faith, and they united in asking of the Legislature a remedy for these abuses. So important was the subject deemed, that the Corporation of the City, without a negative vote, joined in the application, which finally brought the whole question before the State government.

The Committee charged with its consideration, after a patient investigation, during which, gross fraud and peculation were proved to have been practiced by the clergyman referred to, made a report in which the following language occurs :

“ There is, however, one general principle, of no ordinary magnitude, to which the Committee would beg leave to call the attention of the house.”

“ It appears that the City of New-York is the only part of the state, where the School Fund is at all subject to the control of religious societies. This fund is considered by your Committee purely of a civil character, and therefore it never ought, in their opinion to pass into the hands of any corporation, or sect of men, who are not directly amenable to the con-

stituted civil authorities of the government, and bound to report their proceedings to the Public. Your Committee forbear, in this place, to enter fully into this branch of the subject, but they respectfully submit whether it is not a violation of a fundamental principle of our legislation to allow the funds of the State, raised by a tax on the citizens, and designed for civil purposes, to be subject to the control of any religious corporation.”

The report was approved, and the only law of this State which ever authorized an ecclesiastical or religious association to use the “Common School Fund,” was stricken from the statute book, and the right conferred on the Corporation of this City, of designating the “Societies and Schools” to which the money should be given.

The conflict was thus transferred from Albany to New-York, and the whole question was brought by the parties interested, before the Municipal Government, and by them referred to a Committee, whose report, after a patient and laborious investigation, is, perhaps, among the most impartial, able and conclusive document that was ever presented to your Honorable Body.

After a merited compliment to the respectable churches, and religious societies, who participated in the fund, and whose delegates had been fully heard, the committee concluded their report as follows*—“but the weight of the argument, as urged before them, and which they have endeavored to condense in this report, and the established constitutional and political doctrines, which have a bearing on this question, and the habits and modes of thinking of the constituents at large of this Board, require, in the opinion of your committee, that the Common School Fund should be distributed for civil purposes only, as contra-distinguished from those of a religious or sec-

* See Document—dated April 11, 1825, signed S. COWDREY, (Chairman) THOMAS BOLTON, E. W. KING.

tarian description." The recommendation of the committee was approved by the Common Council, and all church schools were, and continue to be, excluded from participating in the fund.

Your memorialists were thus induced to prosecute the cause of general education with renewed vigor, but finding the sum derived from the School Fund, and its equivalent local tax, very inadequate to the pressing wants of a rapidly increasing population, they procured the signatures of several thousands of our *largest tax-paying citizens*, to a petition to the Common Council, requesting that an application might be made to the Legislature, for authority to lay "an annual tax of not less than half a mill on the dollar, upon the amount of assessed property in the city, for the purpose of *free and common education*; the funds thus to be raised, to be kept separate from all others, and sacred to the purposes for which it is designated."

The whole tenor of this petition clearly shews, that it was in aid of "the Common Schools of the City," and of "free and common education," that the petitioners asked to be taxed. They declare that their object is "to provide for the security and permanency of our republican institutions by the general diffusion of knowledge."

Does any person believe that a sectarian education is necessary to the attainment of these objects? Or, that a diversion of the fund to ecclesiastical uses would not be a violation of the "purposes for which it was designed?"

Your memorialists dwell with stress on this petition, because from it arose the present tax of four-eightieths of one per cent., which is something more than three-fifths of the entire sum devoted to common school education in this city.

It is, perhaps, the only petition that ever was presented to a legislative body soliciting the *privilege* of being taxed. It was signed understandingly and on mature reflection, by thousands whose *immediate* pecuniary interest was adverse to the prayer; and hence, your memorialists respectfully urge, that

a strict and sacred regard, in the distribution of its avails, should be had to the motives which influenced the petitioners.

With the greatly augmented means, afforded by the proceeds of this tax, your memorialists were enabled not only largely to increase the number, but greatly to improve the quality of the Public Schools. At this time there are ninety-seven schools of the various grades, in the benefits of which upwards of twenty thousand children participated during the past year. The quality of these schools, it is believed, may safely challenge a comparison with those of the same grade, in this or any other country. The question is now submitted to the guardians of the city whether these schools shall be sustained or abandoned; and the funds created for their support, diverted to the support of ecclesiastical establishments.

Your memorialists feel warranted in presenting this issue, because the income of the "Public School Society" is scarcely sufficient to sustain the present Public Schools; and it cannot be doubted, that if the petition of the "Trustees of the Catholic Schools," is successful, similar applications will immediately be made by the numerous sects into which the Christian church is divided. And it is not perceived upon what ground they could under such circumstances be denied, nor why associations of unbelievers, (of which there are a number in this city,) may not with equal, and in some respects greater propriety, demand and receive a portion of the fund.

The amount annually paid to Teachers in the "Public Schools," is about Sixty Thousand Dollars. And it is a well known feature of the system of education practised in the Public Schools, that a reduction of one half the number of pupils in each school, (which is a probable consequence of the contingency referred to,) would not materially lessen the expense of tuition, without serious detriment to those remaining.

Should the school money be divided and subdivided among church schools, some of which would necessarily be very small, your memorialists entertain a confident belief, that the

important cause of general education would receive a fatal check ; for, besides the loss sustained in frittering away the fund among small schools, too numerous and diversified to undergo the healthy supervision of the Commissioners and Managers of those schools, having what they might deem, higher and more important objects in view, in the inculcation of religious creeds or dogmas, could scarcely fail to neglect the literary for the religious culture of the children's minds.

If it be urged that the Catholic Schools are open to all without distinction as to religious sect ; your remonstrants reply, that this fact only enhances the objection to granting the prayer of their petition ; which then virtually is, that they may be enabled to gain proselytes at the public expense ; and that too in the most effectual way, by an influence exerted on the tender and susceptible minds of youth. Such an application of public money is not, perhaps, inconsistent with purity of motive ; but can it be done with justice to those who, with at least equal sincerity, entertain directly opposite views ?

It is not understood that the Catholic clergy object to the Public Schools, on account of any religious doctrines taught in them, but because the peculiar doctrines of the Church of Rome are not taught therein : and they now ask for a portion of the public money in order that these doctrines may be taught, in connection with the kind of instruction for which alone these monies were raised. And here it may be proper to state, that several interviews were formerly had with the Catholic Bishop, for the purpose of removing any reasonable objections he might have to the system of instruction in the Public Schools, or to the books used in them ; and it was proposed to submit the books to his inspection, in order that they might, if found objectionable, undergo expurgation.

In selecting Teachers for the Public Schools, no regard is had to the sectarian views of the candidates ; and since the application now under consideration, it has been ascertained

that at least six of the Teachers belong to the Roman Catholic Church.

Your memorialists disclaim all feeling of hostility to the respectable body against whose petition they remonstrate. Nor are they conscious of a want of sympathy for the oppressed of other lands, who seek an asylum in this ; on the contrary, they act under a firm conviction that the sooner such persons abandon any unfavorable prejudices with which they may arrive among us, and become familiar with our language, and reconciled to our institutions and habits, the better it will be for them, and for the country of their adoption. If this be true, the best interests of all will be alike promoted by having their children mingle with ours in the public seminaries of learning.

The theory and practice of our happy and equal form of government is, to protect every religious persuasion, and support none. It was supposed for ages, that religion could not flourish without aid from the strong arm of secular power ; and even now this delusion prevails extensively in the old world. The political compact by which these United States are governed, divorced the unholy alliance between Church and State. Yet, until within a recent period, the lingering remains of prejudice derived from pious but bigoted ancestors, retained one feature of the exploded system, in the code of a neighboring State ; but even there, those laws which taxed the people at large for the support of sectarian schools, have been abrogated ; and it remains to be seen whether the City of New-York will take the first step in a retrograde course.

Your memorialists have no interest in the pending question, other than in common with the great mass of their fellow citizens. But having devoted much time and gratuitous labor in building up the present unrivalled Public School system, their feelings are more ardently embarked in the cause ; and they have greatly erred in estimating the tone of the public

mind, if the views here expressed are not fully sustained by public opinion.

Powerful and pervading as the influence of party politics is known to be, it is believed that there are principles so dear, and so deeply rooted, that honest men of every party will lose sight of inferior objects, and unite in their support.

In conclusion, your remonstrants refer to the annexed communication and resolutions of the "Commissioners of School money," who derive their appointment from your Honorable Body, and whose duty it is to visit all Schools that participate in the School Fund, and report their condition to the Corporation of this City, and to the Superintendent of Common Schools at Albany. This document, it will be seen, fully sustains the reasoning and conclusions of your remonstrants.

All of which is respectfully submitted.

ROBERT C. CORNELL, President.

A. P. HALEY, Secretary.

New-York. March 2, 1840.

At a Meeting of the Commissioners of School Money, held at the City Hall of New-York, on the 29th day of February, 1840.

A communication having been received at a former meeting, from the Trustees of the Public School Society, of New-York, referring to an application now pending before the Common Council, which prays, that the schools in this City established and governed by one of the denominations of Christians, be admitted to a participation of the Common School Monies; and this Board deeming it their duty to consider and answer

any communication connected with the interests of the schools subject to their visitation :

It is, therefore, unanimously **RESOLVED**, as the opinion of this Board. that schools created and directed by any particular religious society, should derive no aid from a fund designed for the common benefit of *all* the youth of this City, without religious distinction or preference.

That an appropriation of the School Monies to establishments controlled by any individual sect, would be unjust to all other denominations not similarly favored, and constitute a partiality irreconcilable with the spirit of our political institutions ; would narrow the liberal and expanded scheme of public education, for which the community at large, without religious discrimination, is taxed ; would make the Common School money a source of intrigue, cupidity, and contention, among the various portions of our citizens who are divided in tenets of faith ; and would, in its progressive results, render useless many of the commodious structures, erected in this City at the general expense, which are now the thronged seats of public instruction ; and injure, perhaps fatally, the noble system of Common School Education that distinguishes our City and State.

RESOLVED, That a copy of these proceedings, signed by the Chairman and Secretary, in behalf of the Commissioners of School Money, be forwarded to the Trustees of the Public School Society of New-York, with permission to make such use of it, in sustaining the Common School System, unfettered by sectarian connexions, as in their opinion may best promote that object.

SAMUEL GILFORD, Jun.,
Chairman of Common School Money.

M. B. EDGAR, Secretary.

REMONSTRANCE

OF THE

MEMBERS OF THE METHODIST EPISCOPAL CHURCH,

SIGNED BY GILBERT COUTANT AND 1076 OTHERS.

[No. 8.]

To the Honorable the Common Council of the City of New-York.

The Memorial of the undersigned, members of the Methodist Episcopal Church, and of the several Congregations of said Church in the City of New-York, respectfully

SHEWETH :

That your memorialists have learned with regret that the Trustees of the Catholic Schools have petitioned your Honorable Body to appropriate a portion of the Public School Fund for the support of schools under their particular superintendence and control, thereby diverting said fund from its proper use.

It is known to your Honorable Body, that the question of employing the public money for the support of schools under the direction of a particular denomination of Christians, has heretofore been thoroughly investigated, and, it was hoped, finally settled.

The Church with which your memorialists have the honor to be connected, witnessing, at an early period of its existence in the City, the necessity of some provision to extend the benefits of education to the poor, established a free school, which was supported for many years by contributions in the several congregations, and accomplished an incalculable amount of good, before the State moved in this matter at all.

After Public Schools were established, the institution of which we speak, with others of a similar description, was allowed to receive a portion of the public funds, and thus continue its operations unitedly with the public institutions, to carry forward the benevolent purpose in which all were engaged.

Circumstances, which we need not mention, but over which the friends and patrons of the charity schools of long continuance in the city had no control, caused them to be excluded from a participation in the public funds. At that time, the patrons of the school we have described, applied to the Common Council to have the benefit of which it had been deprived, restored. The reasons they urged in support of their appeal, they considered strong and conclusive. They were among the first, if not the very first in the City, engaged in the benevolent work of providing the means of instruction for the poor. The institution was endeared to those who had been long devoted to its interests; and they could not, without pain, witness its discontinuance. It could not be discontinued without great pecuniary loss. Many poor persons, particularly widows, who had children to be educated, had placed themselves in situations to enjoy its benefits, and would be the greatest sufferers by its discontinuance. These, and other similar considerations, induced its friends to desire that it might be continued, and they were urged before the Committee of the Common Council appointed to consider the subject in favor of their petition to that effect. But when the subject was thoroughly investigated, and the advantages of having

the entire system of Common School instruction in the City carried out on one general plan, sufficiently broad and liberal to meet the reasonable wants and claims of all, were successfully urged in support of the policy which had been adopted for the appropriation of the public funds, that policy was heartily concurred in, and the institution which had been for so long a time sustained by the Church, was given up.

Your memorialists wish to be understood distinctly to declare their increased confidence in, and approval of, the policy of appropriating the Public School Money to the Public Schools only, and therefore remonstrate most decidedly against granting the petition of the Trustees of the Roman Catholic Schools, which, in their estimation, would be a perversion of the Public School Fund.

But if their petition be granted, then we, your memorialists, representing the Methodist Episcopal Church, in the City of New-York, consisting of more than Seven Thousand church members, with perhaps twice that number connected with the congregations thereof, and more than twenty large and flourishing Sabath Schools, ask and claim that an equitable proportion of said Public School Fund be appropriated to the Methodist Episcopal Church, to enable them to resuscitate their former school, and erect others, to be managed and conducted by them as they, in their discretion, may judge proper.

And your Memorialists will, as in duty bound, ever pray.

New-York, March 6, 1840.

DEMONSTRANCE

OF

**WILLIAM HOLMES, AND SIXTY-ONE OTHER
CITIZENS.**

[No. 9.]

To the Honorable the Common Council of the City of New-York :

The undersigned, citizens of the City and County of New-York, having learned that a petition has been presented to your Honorable Body, from the Trustees of the Roman Catholic Churches of this city, praying for an appropriation from the Public Funds, to aid them in educating their children according to their religious faith—do, respectfully but firmly protest against such a measure, as subversive of every principle of right and justice, and one which would be a palpable violation of that provision of the Constitution which forbids the extension of preference to any particular creed. We hesitate not to express it as our full conviction that the ultimate result of such proceedings must be the entire overthrow of our republican institutions.

REMONSTRANCE

OF THE

“EAST BROOME STREET BAPTIST CHURCH,”

SIGNED BY P. BOYCE AND THIRTY-NINE OTHERS.

[No. 10.]

To the Honorable the Common Council of the City of New-York :

The undersigned, comprising, in part, the “East Broome Street Baptist Church,” in the City of New-York, remonstrate against the appropriation of any portion of the School Fund to the Roman Catholic or any other religious sect, believing that a distribution of any part of said fund in such a manner will be injurious to the best interest of the community, and destructive of the present popular and highly efficient Public Schools, which are in our opinion better calculated to promote the education of the rising generation, than it could be done if entrusted to the great diversity of religious sects, into which the people are divided.

New-York, March 25, 1840.

REMONSTRANCE

OF

**LOCKWOOD SMITH AND TWO HUNDRED AND
NINE OTHER CITIZENS.**

[No. 11.]

To the Common Council of the City of New-York :

The undersigned, citizens of the City of New-York, having learned that a petition has been presented to your Honorable Body, by the Trustees of the Roman Catholic Churches in said city, praying for an appropriation from the Public Monies, to aid them in educating children according to their religious faith—do respectfully, but firmly Remonstrate against the granting of the prayer of the said petition, on the ground that such a measure would be subversive of every principle of equal justice and equal right, and a palpable violation of that provision of the Constitution which forbids the extension of preferences to any particular creed. We hesitate not to avow our full conviction that should the application be acceded to, a state of things must inevitably ensue disastrous to the peace of the country :—a blow will have been struck at the foundation of our religious and political liberties, the ultimate result of which would be the entire overthrow of our republican institutions.

Respectfully submitted.

REMONSTRANCE

OF THE

MINISTERS, ELDERS AND DEACONS OF THE RE-
FORMED PROTESTANT DUTCH CHURCH,
IN THE CITY OF NEW-YORK.

[No. 12.]

*To the Honorable the Common Council of the City of New-
York :*

This Remonstrance of the Ministers, Elders and Deacons of the Reformed Protestant Dutch Church, of the City of New-York, respectfully

SHEWETH :

That we have heard that a petition is now pending before your Honorable Body, from "the Trustees of the Catholic Schools," praying that a portion of the public monies, appropriated by law to the maintenance of the common schools of our City, may be diverted from that object, and applied to the support of their private schools, in which the peculiar tenets of their religious faith are inculcated, and which are exclusively under Roman Catholic supervision and control.

This request has filled us with surprise and pain—we believe it is the only instance in which any society of professed christians has ventured to invite the public authorities in so open a manner to forget or disregard that fundamental princi-

ple of our civil compact, “*Free toleration of all religious denominations, special and exclusive privilege to none,*” and has boldly solicited that their private and sectarian interests may be taken under the fostering care of the State. Such a measure could be regarded in no other light, than preferring one religious creed to the disparagement and injury of all others; clothing it with peculiar advantages for the work of proselytism, and in effect creating an odious union between Church and State: an union, not less repugnant to the sentiments and wishes of the Protestant portion of this community, than it is forbidden by the genius of our republican institutions.

The present School Fund, as we understand, is collected from our citizens at large, without respect to religious belief; and it is applied in such a way that all are at liberty to enjoy its benefits, and the rights of none are invaded. But the petitioners unwilling to place themselves on the common level, in substance ask, that a tax may be imposed on all others, for *their* benefit:—that from the monies contributed by the entire community, they may draw a large proportion for sectarian uses. So long as no disabilities are imposed upon Catholics, but the door is opened just as readily and as widely to them, as to every other class among us,—and so long as their own sectarianism and exclusiveness alone, deprive them of the common privilege, we need not ask if their petition is reasonable; if it is just.

The existing law superseded a former law allowing aid out of the Public Funds to the private schools of religious societies: and was introduced in consequence of the gross abuses and evils which were discovered to have arisen under the previous arrangement. It enacts that the public monies shall be appropriated *exclusively* to the PUBLIC Common Schools, for civil education, and not for any sectarian purposes whatever. Since it has been in operation, great efforts have been made to

widen the sphere, and improve the mode of common school education, and with admirable success. And assuredly we have reason to rejoice in the noble structure that has been reared, and may well deprecate any action that would tend to weaken or overthrow it. It needs, however, no special foresight to perceive, that should the prayer of the petitioners be granted by your Honorable Body, the result must be confusion and jealousy, and strife; that various societies, religious and irreligious, will seek their proper share: that the present system must be completely deranged, if not ere long abandoned, and that we must revert to the mode which experience has proved to be imperfect, and liable to great and painful abuses.

Against the prayer of said petitioners, therefore, we, the Ministers, Elders, and Deacons, of the Reformed Protestant Dutch Church, of the City of New-York, in Consistory assembled, do hereby, in the most solemn and earnest manner, *remonstrate* and *PROTEST*. It would inflict deep wrong upon the whole Protestant community: its principle, we deem to be indirect opposition to a great principle of our government, and destructive of the present admirable and efficient mode of general instruction.

We do not indeed, for one moment, imagine it possible, that such a grant can be made to the Roman Catholics, and any Protestant denomination be excluded from a full participation. But, though we should ourselves reap some pecuniary advantage, in the increased means it would afford to our own Charity School, one of the oldest in the city, which has been for many years sustained by the private munificence of our own members, yet, we respectfully remonstrate against all interference with the existing arrangement: believing it to be admirably adapted to secure a great public good, and that by the proposed change, especially, the interests of common school education must grievously suffer.

Done in Consistory, this fifteenth day of March, Eighteen Hundred and Forty.

THOMAS E. VERMILYE, President.

[L. S.]

Attested,

CORNELIUS BOGERT, Clerk.

REMONSTRANCE

OF THE

MINISTERS, ELDERS, AND DEACONS OF THE
REFORMED DUTCH CHURCH,
IN BROOME STREET.

[No. 13.]

To the Honorable the Common Council of the City of New-York :

The Consistory of the Reformed Dutch Church of Broome street, in this city, beg leave respectfully, yet earnestly to remonstrate against the appropriation to private schools, and for the promotion of sectarian interests, of any portion of the funds appropriated by law to the support of the Common Schools of our city.

The application recently made by the Trustees of the Catholic Schools, for a portion of said funds for the support of

the private schools connected with the Catholic Church, calls for an act, alike repugnant to common justice, the genius of our institutions, and the design for which the fund was created.

If the Catholics will not avail themselves of the right to send their children to the common schools of the city, they must choose to waive their right, from considerations with which the public authorities can have nothing to do, unless they would make sectárian dogmas the ground of civil legislation.

So far as religion is concerned, we believe that the precise point aimed at by the founders of our institutions, was to prevent all such legislation, with all its results. The law contemplates our citizens only in their civil capacity. Religion itself is a civil right in our Constitution, and they who are protected in its exercise, can have nothing to ask. If there be any sect in our country, so utterly dissocial in its principles, as to refuse to participate with us in a portion of our common liberty, the thought is not to be entertained for a moment, that our institutions are to be altered, and our citizens taxed to foster and perpetuate peculiarities; which must forever prevent the union of all on the basis of common right and equal privileges.

Should your Honorable Body appropriate a portion of the funds raised from the whole mass of our citizens, to the support of the primary schools of the Roman Catholics; why should not the Legislature appropriate another portion of the public funds for the support of higher schools and colleges, with all their monastic appendages, to be devoted to the same sectarian interests.

These things done, and we have before us two of the most odious features of a religion established by the State—the government showing special favor to a particular sect—and the *whole body taxed*, for the support of a *part*.

While we most earnestly *protest* against all this, we trust your Honorable Body will accept the assurance, that it is from

no desire to step aside from our appropriate sphere of action, as a Council of the Church, that we use so much freedom; but that we are impelled by a strong desire, both as Christians and citizens, to bear our testimony against, and if possible, to prevent a course of action, the necessary tendency of which must be to disturb the beautiful harmony of the institutions under which we live, and in the preservation of which, we see the surest pledge of political happiness to ourselves and our children.

By order of the Consistory, and in behalf of the whole congregation.

SAMUEL A. VAN VRANKEN, Pastor.

New-York, March, 1840.

REMONSTRANCE

OF THE

CONSISTORY OF THE REFORMED PRESBYTERIAN
CHURCH, NEW-YORK.

[No. 14.]

To the Common Council of the City of New-York.

Remonstrance of the Consistory of the Reformed Presbyterian
Church, New-York.

The Minister, Elders, and Deacons of the Reformed Presbyterian Church, New-York, in Consistory met, do hereby

address the Common Council of said City, in the language of respectful remonstrance, as follows :

Your remonstrants, in common with their fellow citizens of other religious persuasions, have heard that application has been made to you by the Directors of the Roman Catholic schools in this City, for an appropriation from the Common School Fund, under your control, to aid in the support of their self-established and sectarian schools.

Against the granting of their petition in the premises, we respectfully remonstrate for the following reasons :

1. The Roman Catholics object to the Common School system, as established by law, because they profess to find in it, as reduced to practice, something that contravenes their peculiar religious tenets. They are unwilling to send their children to mingle in the common schools with those of their fellow citizens of other religious persuasions, because, as they imagine, the religious opinions and preferences in which they are educated, will be offended and opposed.

They therefore establish schools of their own, in which their *peculiar faith* is taught, and to aid in the support of these, they ask a share of the school fund under your control.

Should the Common Council grant their petition, they would, in our estimation, be directly contributing to the support and perpetuation of the *faith and practice* of a particular religious sect ; an act which would be at variance with the whole spirit of our civil institutions, involving a prostitution of the school fund itself, and tending to create a privileged class in society, to the detriment of others entitled to equal rights.

2. Should the principle on which the application of the Roman Catholics proceed, be sanctioned by the Common Council, and reduced to practice, it would either lead to injustice to other denominations, or to an abandonment of the present system of Common School education entirely.

Should other denominations apply for a share, and *be de-*

nied, they would have good reason to complain of injustice. Should such application be *granted*, a very large proportion of the school monies would necessarily pass into the hands of the representatives of the different religious communities of our City and State, and thus the business of *general education* would be mainly directed by *religious bodies* as such.

Whether or not this might be the most efficient and valuable system of education, we now give no opinion. It is quite evident that such is not the object of the system, as by law now established. Would not the granting of the petition against which we remonstrate be a virtual, if not a literal violation, of the law for the direction of this matter made and provided ?

For these and other reasons which might be urged, we most respectfully remonstrate against the granting of the application above referred to.

Signed by order of Consistory.

JOHN N. McLEOD, Moderator.

WM. AGNEW, Secretary.

Done at the Consistory room, April 7th, 1840. City of New-York.

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